APRIL 24, 2019 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 24, 2019. 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

4/12/19
Date

for Elizabeth Reich
Chief Financial Officer

4/12/19
Date

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2019 APR 12 PM 3:36
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

COUNCIL AGENDA

April 24, 2019

(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 Governmental 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 pistol oculta), una persona con licencia según el subcapítulo h, capítulo 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 subcapítulo h, capítulo 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 24, 2019
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 - 42
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 43 - 46
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 47 - 63

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

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. 19-524 Approval of Minutes of the April 10, 2019 City Council Meeting

CONSENT AGENDA

Building Services Department

2. 19-336 Authorize **(1)** an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. to increase the scope of work for construction modifications and corrective actions for hidden conditions discovered during the construction phase for the Dallas City News Studio in Fair Park located at 1620 First Avenue; and **(2)** an increase in appropriations in an amount not to exceed $379,692.00 in the Public Educational and Governmental Access Fund - Not to exceed $347,828.01, from $6,027,471.36 to $6,375,299.37 - Financing: Public Educational and Governmental Access Fund

City Attorney's Office

3. 19-485 Authorize settlement of the lawsuit styled Angelina Tinnion v. City of Dallas, Cause No. DC-18-06974 - Not to exceed $50,000.00 - Financing: Risk Management Funds

4. 19-477 Authorize a professional services contract with Gilbert Wilburn, PLLC, to provide legal services and representation to the City of Dallas in connection with matters involving future and ongoing water utility matters before the Public Utility Commission of Texas, the Texas Commission on Environmental Quality, the State Office of Administrative Hearings, and other water utility-related matters - Not to exceed $200,000.00 - Financing: Dallas Water Utilities Fund

5. 19-503 Authorize Supplemental Agreement No. 1 to the professional services contract with Carter Arnett PLLC, for additional legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325 - Not to exceed $50,000.00, from $50,000.00 to $100,000.00 - Financing: Risk Management Funds

Department of Aviation

6. 18-1086 Authorize a five-year service contract for the purchase of the X5-2500 Acuity system to include the installation, systems application setup and training with onsite support to support the Closed-Circuit Television camera system at Dallas Love Field - Pivot3, Inc., sole source - Not to exceed $2,558,435.80 - Financing: Aviation Fund (subject to annual appropriations)

Department of Communication and Information Services

7. 19-527 Authorize a subscription contract for additional specialized municipal-related services with Gartner, Inc. - Not to exceed $86,232.25 - Financing: Data Services Fund

Department of Public Works

8. 19-278 Authorize the City Manager or their designee(s) to execute Landscape Maintenance Agreements with the Texas Department of Transportation (TxDOT) on behalf of the City to maintain landscape improvements installed under TxDOT's Green Ribbon Program on roadway facilities within the city limits of Dallas currently managed by TxDOT, including the currently proposed project along Interstate Highway 30 between White Rock Creek and Buckner Boulevard - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

9. 19-159 Authorize a professional services contract with IEA, Inc. for the engineering design of Special Project Group 17-1107 (list attached to the Agenda Information Sheet) - Not to exceed $503,532.18 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

10. 19-234 Authorize a professional services contract with Aztec Engineering Group, Inc. for the engineering design of Street Reconstruction Group 17-4009 (list attached to the Agenda Information Sheet) - Not to exceed $140,385.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($122,611.00) and Water Utilities Capital Construction Funds ($17,774.00)

11. 18-1240 Authorize a professional services contract with Khafra Engineering Consultants, Inc. for the engineering design of Alley Reconstruction Group 17-8003 (list attached to the Agenda Information Sheet) - Not to exceed $90,640.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

Department of Sustainable Development and Construction

12. 19-226 A resolution **(1)** declaring approximately 19,356 square feet of improved land unwanted and unneeded, located near the intersection of Frank and Lagow Streets, and authorizing its advertisement for sale by public auction; **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waiving the minimum reserve amount - Estimated Revenue: $33,340.00

13. 19-424 An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of approximately 470 square feet of aerial space to occupy, maintain, and utilize a canopy without premise sign over a portion of 9th Street right-of-way, near its intersection with Bishop Avenue - Revenue: $100.00 one-time fee, plus the $20.00 ordinance publication fee

14. 19-511 An ordinance granting a revocable license to AT&T Services, Inc. for the use of a total of approximately 83,976 square feet to occupy, maintain, and utilize six aerial and land portions for six aerial uplights, nineteen benches, thirty light poles, one hundred thirty-eight tree lights, fifty-seven flush-in grade lights, seventy-eight bollards, twelve lighted bollards, fifteen retractable bollards, five canopies without premise signs, a balcony, four fountains, sixty-nine trees, twenty-seven tree wells, planters, landscaping and irrigation systems over and on portions of Field, Browder, Commerce, Jackson, Akard and Wood Streets near its intersection with Jackson and Akard Streets - Revenue: $4,361.00 annually and a $4,700.00 one-time fee, plus the $20.00 ordinance publication fee

15. 18-1012 An ordinance abandoning a portion of an alley to Hickory CDR, LLC, the abutting owner, containing approximately 9,380 square feet of land, located near the intersection of Park Avenue and Hickory Street; and authorizing the quitclaim; and providing for the dedication of approximately 6,000 square feet of land needed for a wastewater easement - Revenue: $115,609.00, plus the $20.00 ordinance publication fee

16. 18-1068 An ordinance abandoning a portion of Hawkins Street (formerly known as Leonard Street) to Epic Dallas Phase 2, LP, the abutting owner, containing approximately 13,429 square feet of land, located near the intersection of Hawkins Street and Pacific Avenue; and authorizing the quitclaim; and providing for the dedication of a total of approximately 19,784 square feet of land needed for street right-of-way - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

Department of Transportation

17. 19-478 Authorize **(1)** an Interlocal Agreement with Dallas Area Rapid Transit (DART) to fund and implement the Street Repair Program for eligible street repair projects; **(2)** the receipt and deposit of DART funds in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund; and **(3)** the establishment of appropriations in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund - Not to exceed $9,619,105.00 - Financing: DART Transportation Projects Fund

18. 19-362 Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 1 at the following five locations: Maple-Routh Connection at Thomas Avenue; Cockrell Hill Road at Adler Drive; Lemmon Avenue at Oak Grove Avenue; Great Trinity Forest Way at Murdock Road; and Fort Worth Avenue at Westmount Avenue - Durable Specialties, Inc., lowest responsible bidder of three - Not to exceed $1,150,000.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

19. 19-365 Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 2 at the following five locations: Cockrell Hill Road at Pinnacle Point Drive; Coombs Creek at West Illinois Avenue; West Illinois Avenue at Keats Drive; Camp Wisdom Road at Chaucer Place; Rosser Road at Royal Lane - Durable Specialties, Inc., lowest responsible bidder of three - Not to exceed $1,082,520.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

20. 19-366 Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 3 at the following six locations: Greentree Lane at Mockingbird Lane; Abbott Avenue at Fitzhugh Avenue; Boll Street at McKinney Avenue; Apex Avenue at Ferguson Road; Cox Lane at Royal Lane; and Garland Road at Emerald Isle Drive - Durable Specialties, Inc., only bidder - Not to exceed $1,274,283.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

21. 19-368 Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 4 at the following seven locations: Kiest Boulevard at Ramona Avenue; Hampton Road at Cliff Creek Crossing Drive; Illinois Avenue at Mountain View College; Cole Avenue at Lemmon Avenue; Denley Drive at 8th Street; Elam Road at Holcomb Road; and Harry Hines Boulevard at Oak Lawn Avenue - Durable Specialties, Inc., lowest responsible bidder of two - Not to exceed $1,364,640.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

Housing & Neighborhood Revitalization

22. 19-515 Authorize **(1)** approval of the development plan as described in Exhibit A for the construction of 30 affordable houses by Confia Homes, L.L.C.; **(2)** the sale of 30 vacant lots as described in Exhibit A from the Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C., subject to restrictive covenants and a right of reverter and execution of all necessary documents; and **(3)** execution of a release of lien for any non-tax liens on the 30 vacant lots that may have been filed by the City - Financing: No cost consideration to the City (see Fiscal Information)

Office of Budget

23. 19-442 Authorize a public hearing to be held on May 8, 2019 to receive comments on the FY 2019-20 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

24. 19-516 An ordinance amending Ordinance No. 30991, previously approved on September 18, 2018, as amended by Ordinance No. 31035, previously approved on November 14, 2018, authorizing certain transfers and appropriation adjustments for FY 2018-19 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

Office of Cultural Affairs

25. 19-557 Authorize a one-year Interlocal Agreement, with two one-year renewal options, with the City of Irving to provide for radio station air time on WRR-FM for the Irving Arts Center - Revenue: $67,600.00 (annually)

Office of Procurement Services

26. 19-412 Authorize a service contract for the purchase and installation of one generator for the Water Utilities Department - LJ Power, Inc., lowest responsible bidder of two - Not to exceed $72,057 - Financing: Water Construction Fund

27. 19-418 Authorize a five-year service contract to expand and enhance the enterprise capital project management system - eCIFM Solutions, Inc. - Not to exceed $2,169,090 - Financing: Bond Program Administration Fund ($276,960), Sewer Construction Fund ($946,066), and Water Construction Fund ($946,064) (subject to annual appropriations)

28. 19-437 Authorize a five-year service contract for maintenance, support, parts, and hardware for Dallas Executive Airport control tower operation equipment for the Department of Aviation - Robinson Aviation (RVA), Inc., most advantageous proposer of two - Not to exceed $308,123.80 - Financing: Aviation Fund (subject to annual appropriations)

29. 19-333 Authorize a three-year master agreement for swimming pool, fountain and disinfecting chemicals and supplies - Leslie's Poolmart, Inc. in the amount of $233,189.81, Sunbelt Pools, Inc. in the amount of $191,809.14, and Chemrite, Incorporated in the amount of $71,175.00, lowest responsible bidders of five - Total not to exceed $496,173.95 - Financing: General Fund ($479,058.74), Aviation Fund ($9,324.56), Dallas Water Utilities Fund ($6,975.00), and Convention and Event Services Fund ($815.65)

Park & Recreation Department

30. 19-491 Authorize a professional services contract with Freese and Nichols, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Coombs Creek Trail Improvements Project located from the 800 block of North Plymouth Road to the 2600 block of Sunset Avenue at Moss Park - Not to exceed $244,907.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

31. 19-494 Authorize a professional services contract with CP&Y, Inc. for hydrologic modeling, schematic design, design development, construction documents, procurement and construction observation phases for the Emerald Lake Dam Safety and Erosion Control Improvements Project at Emerald Lake Park located at 6102 Mountain Creek Parkway - Not to exceed $314,289.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

32. 19-505 Authorize **(1)** a professional services contract with Conley Group, Inc. for building condition and site drainage assessments, schematic design, design development, construction documents, procurement and construction administration phases for roof replacement and repairs at the Automobile Building located at 1010 First Avenue and the Embarcadero Building located at 1121 First Avenue in Fair Park; **(2)** the receipt and deposit of funds in an amount not to exceed $284,050.00 from the State Fair of Texas in the Capital Projects Reimbursement Fund; and **(3)** an increase in appropriations in an amount not to exceed $284,050.00 in the Capital Projects Reimbursement Fund - Not to exceed $284,050.00 - Financing: Capital Projects Reimbursement Fund

33. 19-507 Authorize **(1)** a development and funding agreement with The Trust for Public Land for property located at 405 East Overton Road for a proposed new park; and **(2)** acquisition from The Trust for Public Land of approximately 81,183 square feet of land located at 405 East Overton Road - Not to exceed $166,400.00 ($162,400.00, plus closing costs and title expenses not to exceed $4,000.00) - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

34. 19-508 Authorize **(1)** a development and funding agreement with The Trust for Public Land for property located at 3200 Simpson Stuart Road for a proposed new park; and **(2)** acquisition from The Trust for Public Land of approximately 1,760,971 square feet of land located at 3200 Simpson Stuart Road - Not to exceed $1,870,000.00 ($1,850,000.00, plus closing costs and title expenses not to exceed $20,000.00) - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

Water Utilities Department

Note: Agenda Item Nos. 35 and 36 must be considered collectively.

35. 19-497 Authorize adoption of the 2019 Water Conservation Plan for the City of Dallas - Financing: No cost consideration to the City

36. 19-523 Authorize adoption of the 2019 Drought Contingency Plan for the City of Dallas - Financing: No cost consideration to the City

37. 19-380 Authorize a professional services contract with Dannenbaum Engineering Company-Dallas, LLC for the engineering design of Storm Drainage Contract No. 4 (list attached to the Agenda Information Sheet) - Not to exceed $340,199.00 - Financing: Storm Drainage Management Capital Construction Fund

38. 19-381 Authorize a professional services contract with HDR Engineering, Inc. for the engineering design of Storm Drainage Contract No. B (list attached to the Agenda Information Sheet) - Not to exceed $611,465.80 - Financing: Flood Control (D) Fund (2017 Bond Funds)

39. 19-382 Authorize a professional services contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design of Erosion Control Contract No. 2 (list attached to the Agenda Information Sheet) - Not to exceed $136,505.50 - Financing: Storm Drainage Management Capital Construction Fund

40. 19-499 Ratify the emergency purchase of electrical drive equipment to retrofit the medium voltage variable frequency drives at the Bachman Water Treatment Plant with Rockwell Automation - Not to exceed $563,480.49 - Financing: Water Utilities Capital Construction Funds

41. 19-488 Authorize the **(1)** rejection of the bids received for Dallas Water Utilities heating, ventilation, air conditioning and refrigeration maintenance, repairs, and minor replacements; and **(2)** re-advertisement for new bids - Financing: No cost consideration to the City

42. 19-378 Authorize Supplemental Agreement No. 5 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the East Side Water Treatment Plant and improvements at the Walcrest Pump Station located at Hillcrest Road and Walnut Hill Lane - Not to exceed $1,750,000.00, from $15,910,397.00 to $17,660,397.00 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

43. 19-525 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)

Department of Sustainable Development and Construction

44. 19-474 Authorize **(1)** the second step of acquisition for condemnation by eminent domain; and **(2)** increase purchase price for the acquisition from Farmers Electric Cooperative, Inc. of approximately 8,411 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $23,457.00, increased from $8,538.00 to $31,995.00 ($28,995.00, plus closing costs and title expenses not to exceed $3,000.00) - Financing: Water Construction Fund

Note: Agenda Item Nos. 45 and 63 must be considered collectively.

45. 19-518 An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 336 square feet of aerial space to occupy, maintain, and utilize a media panel over a portion of Jackson and Akard Streets rights-of-way, near its intersection with Akard Street - Revenue: $1,894.00 annual fee, plus the $20.00 ordinance publication fee

Mayor and City Council Office

46. 19-479 An ordinance amending the Dallas City Code by adding a new Chapter 20, "Earned Paid Sick Time," requiring private employers to establish and administer earned paid sick time policies that employees who work in the City of Dallas may use if an employee or an employee's family member experiences physical or mental illness, injury, stalking, domestic abuse, sexual assault, or needs preventative care; **(1)** providing definitions; **(2)** providing that employers must provide one hour of earned paid sick time for every 30 hours of time worked with a yearly cap 64 hours of paid sick time per employee for medium or large employers and a yearly cap of 48 hours of paid sick time per employee for small employers; **(3)** providing that employees must be able to carry over unused paid sick time to the following year; **(4)** providing procedures for an employee to request earned paid sick time off; **(5)** providing that an employer may not retaliate against an employee for using earned paid sick time or for making a complaint to the director; **(6)** providing a complaint process for employees to the director; **(7)** providing an investigation process; **(8)** providing a civil penalty not to exceed $500.00; **(9)** providing for an appeal of a city penalty; **(10)** providing a savings clause; **(11)** providing a severability clause; and **(12)** providing an effective date - Financing: No cost consideration to the City (via Councilmembers Kingston, Narvaez, Griggs, Deputy Mayor Pro Tem Medrano, and Felder)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

47. 19-530 A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Planned Development District for GO(A) General Office District and certain nonresidential uses; **(2)** a resolution terminating the existing deed restrictions [Z845-227]; and **(3)** an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway)

Recommendation of Staff: Approval, subject to a development plan and conditions; approval of the termination of existing deed restrictions [Z845-227]; and, approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, landscape plan, elevation plan, and conditions

Recommendation of CPC: Approval, subject to a development plan and conditions; approval of the termination of existing deed restrictions [Z845-227]; and, approval of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for an automatic renewal for one additional fifteen-year period, subject to a site plan, landscape plan, elevation plan, and conditions

Z167-180(JM)

48. 19-532 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard

Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions

Z178-261(PD)

49. 19-263 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2215 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-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the southwest corner of North Jim Miller Road and East R.L. Thornton Freeway
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z178-303(SM)

50. 19-533 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) limited to a bingo parlor on property zoned a CR Community Retail District, on the north line of Oates Drive and the east line of Ferguson Road
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z189-112(SM)

51. 19-534 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1837 for a commercial amusement (inside) use limited to a dance hall on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the northeast side of C.F. Hawn Freeway, southeast of Edd Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z189-152(PD)

52. 19-535 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for mixed uses on property zoned a GR General Retail Subdistrict and a P Parking Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of North Fitzhugh Avenue and Buena Vista Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions
Z189-155(SM)

53. 19-536 A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, at the terminus of Mohawk Drive, southeast of Empire Central
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z189-166(JM)

54. 19-537 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned a CR Community Retail District with existing deed restrictions [Z045-125], on the northwest side of Dixon Avenue, at the terminus of Wullschleger Lane
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions
Z189-169(CY)

55. 19-538 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1746 for a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District, on the southeast corner of Westmoreland Road and Angelina Drive
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to conditions
Z189-174(JM)

56. 19-539 A public hearing to receive comments regarding an application for and an ordinance granting 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 a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the northeast corner of South Belt Line Road and C.F. Hawn Freeway
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z189-175(CY)

ZONING CASES - INDIVIDUAL

57. 19-540 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District, on the northwest corner of Greenville Avenue and Bell Avenue
Recommendation of Staff: Approval for a five-year period, subject to a revised site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions
Z189-170(JM)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

58. 19-310 A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45
Recommendation of Staff and CPC: Denial without prejudice
Z178-104(PD)
Note: This item was deferred by the City Council before opening the public hearing on February 13, 2019, and is scheduled for consideration on April 24, 2019

59. 19-393 A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned a P(A) Parking Subdistrict within Planned Development No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest side of Cleveland Street, north of South Lamar Street
Recommendation of Staff and CPC: Approval
Z178-256(CY)
Note: This item was deferred by the City Council before opening the public hearings on December 12, 2018 and February 27, 2019, and is scheduled for consideration on April 24, 2019

60. 19-309 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z178-345(SM)

Note: This item was deferred by the City Council before opening the public hearing on February 13, 2019, and is scheduled for consideration on April 24, 2019

61. 19-510 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street

Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions

Z178-361(CT)

Note: This item was deferred by the City Council before opening the public hearings on January 23, 2019 and March 27, 2019, and is scheduled for consideration on April 24, 2019

62. 19-392 A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northeast corner of Great Trinity Forest Way and North Jim Miller Road

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Denial without prejudice

Z178-377(PD)

Note: This item was deferred by the City Council before opening the public hearing on February 27, 2019, and is scheduled for consideration on April 24, 2019

SPECIAL PROVISION SIGN DISTRICT

63. 19-541 A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within the Retail A Subdistrict within the Downtown Special Provision Sign District on property zoned a CA-1(A) Central Area District, in an area generally bounded by Jackson Street, Browder Street, Wood Street, and South Akard Street
Recommendation of Staff: Approval of staff's recommended amendments
Recommendation of CPC: Approval
SPSD189-002

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]

7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

Agenda Date: April 24, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the April 10, 2019 City Council Meeting
2.	7	C	BSD	$347,828.01	Authorize (1) an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. to increase the scope of work for construction modifications and corrective actions for hidden conditions discovered during the construction phase for the Dallas City News Studio in Fair Park located at 1620 First Avenue; and (2) an increase in appropriations in an amount not to exceed $379,692.00 in the Public Educational and Governmental Access Fund - Not to exceed $347,828.01, from $6,027,471.36 to $6,375,299.37 - Financing: Public Educational and Governmental Access Fund
3.	N/A	C	ATT	$50,000.00	Authorize settlement of the lawsuit styled Angelina Tinnion v. City of Dallas, Cause No. DC-18-06974 - Not to exceed $50,000.00 - Financing: Risk Management Funds
4.	N/A	C	ATT	$200,000.00	Authorize a professional services contract with Gilbert Wilburn, PLLC, to provide legal services and representation to the City of Dallas in connection with matters involving future and ongoing water utility matters before the Public Utility Commission of Texas, the Texas Commission on Environmental Quality, the State Office of Administrative Hearings, and other water utility-related matters - Not to exceed $200,000.00 - Financing: Dallas Water Utilities Fund
5.	N/A	C	ATT	$50,000.00	Authorize Supplemental Agreement No. 1 to the professional services contract with Carter Arnett PLLC, for additional legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325 - Not to exceed $50,000.00, from $50,000.00 to $100,000.00 - Financing: Risk Management Funds
6.	2	C	AVI	$2,558,435.80	Authorize a five-year service contract for the purchase of the X5-2500 Acuity system to include the installation, systems application setup and training with onsite support to support the Closed-Circuit Television camera system at Dallas Love Field - Pivot3, Inc., sole source - Not to exceed $2,558,435.80 - Financing: Aviation Fund (subject to annual appropriations)
7.	N/A	C	DSV	$86,232.25	Authorize a subscription contract for additional specialized municipal-related services with Gartner, Inc. - Not to exceed $86,232.25 - Financing: Data Services Fund
8.	All	C	PBW	NC	Authorize the City Manager or their designee(s) to execute Landscape

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Maintenance Agreements with the Texas Department of Transportation (TxDOT) on behalf of the City to maintain landscape improvements installed under TxDOT's Green Ribbon Program on roadway facilities within the city limits of Dallas currently managed by TxDOT, including the currently proposed project along Interstate Highway 30 between White Rock Creek and Buckner Boulevard - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)
9.	11	C	PBW	$503,532.18	Authorize a professional services contract with IEA, Inc. for the engineering design of Special Project Group 17-1107 (list attached to the Agenda Information Sheet) - Not to exceed $503,532.18 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
10.	4	C	PBW	$140,385.00	Authorize a professional services contract with Aztec Engineering Group, Inc. for the engineering design of Street Reconstruction Group 17-4009 (list attached to the Agenda Information Sheet) - Not to exceed $140,385.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($122,611.00) and Water Utilities Capital Construction Funds ($17,774.00)
11.	7, 8	C	PBW	$90,640.00	Authorize a professional services contract with Khafra Engineering Consultants, Inc. for the engineering design of Alley Reconstruction Group 17-8003 (list attached to the Agenda Information Sheet) - Not to exceed $90,640.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
12.	7	C	DEV	REV $33,340.00	A resolution (1) declaring approximately 19,356 square feet of improved land unwanted and unneeded, located near the intersection of Frank and Lagow Streets, and authorizing its advertisement for sale by public auction; (2) authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute; and (3) waiving the minimum reserve amount - Estimated Revenue: $33,340.00
13.	1	C	DEV	REV $100.00	An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of approximately 470 square feet of aerial space to occupy, maintain, and utilize a canopy without premise sign over a portion of 9th Street right-of-way, near its intersection with Bishop Avenue - Revenue: $100.00 one-time fee, plus the $20.00 ordinance publication fee
14.	14	C	DEV	REV $9,061.00	An ordinance granting a revocable license to AT&T Services, Inc. for the use of a total of approximately 83,976 square feet to occupy, maintain, and utilize six aerial and land portions for six aerial uplights, nineteen benches, thirty light poles, one hundred thirty-eight tree lights, fifty-seven flush-in grade lights, seventy-eight bollards, twelve lighted bollards, fifteen retractable bollards, five

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					canopies without premise signs, a balcony, four fountains, sixty-nine trees, twenty-seven tree wells, planters, landscaping and irrigation systems over and on portions of Field, Browder, Commerce, Jackson, Akard and Wood Streets near its intersection with Jackson and Akard Streets - Revenue: $4,361.00 annually and a $4,700.00 one-time fee, plus the $20.00 ordinance publication fee
15.	2	C	DEV	REV $115,609.00	An ordinance abandoning a portion of an alley to Hickory CDR, LLC, the abutting owner, containing approximately 9,380 square feet of land, located near the intersection of Park Avenue and Hickory Street; and authorizing the quitclaim; and providing for the dedication of approximately 6,000 square feet of land needed for a wastewater easement - Revenue: $115,609.00, plus the $20.00 ordinance publication fee
16.	2	C	DEV	REV $5,400.00	An ordinance abandoning a portion of Hawkins Street (formerly known as Leonard Street) to Epic Dallas Phase 2, LP, the abutting owner, containing approximately 13,429 square feet of land, located near the intersection of Hawkins Street and Pacific Avenue; and authorizing the quitclaim; and providing for the dedication of a total of approximately 19,784 square feet of land needed for street right-of-way - Revenue: $5,400.00, plus the $20.00 ordinance publication fee
17.	2, 4, 6, 7, 8, 9, 10, 11	C	TRN	$9,619,105.00	Authorize (1) an Interlocal Agreement with Dallas Area Rapid Transit (DART) to fund and implement the Street Repair Program for eligible street repair projects; (2) the receipt and deposit of DART funds in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund; and (3) the establishment of appropriations in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund - Not to exceed $9,619,105.00 - Financing: DART Transportation Projects Fund
18.	1, 3, 6, 8, 14	C	TRN	$1,150,000.00	Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 1 at the following five locations: Maple-Routh Connection at Thomas Avenue; Cockrell Hill Road at Adler Drive; Lemmon Avenue at Oak Grove Avenue; Great Trinity Forest Way at Murdock Road; and Fort Worth Avenue at Westmount Avenue - Durable Specialties, Inc., lowest responsible bidder of three - Not to exceed $1,150,000.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
19.	1, 3, 6, 8, 13	C	TRN	$1,082,520.00	Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 2 at the following five locations: Cockrell Hill Road at Pinnacle Point Drive; Coombs Creek at West Illinois Avenue; West Illinois Avenue at Keats Drive; Camp Wisdom Road at Chaucer Place; Rosser Road at Royal Lane - Durable Specialties, Inc., lowest responsible

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					bidder of three - Not to exceed $1,082,520.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
20.	9, 13, 14	C	TRN	$1,274,283.00	Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 3 at the following six locations: Greentree Lane at Mockingbird Lane; Abbott Avenue at Fitzhugh Avenue; Boll Street at McKinney Avenue; Apex Avenue at Ferguson Road; Cox Lane at Royal Lane; and Garland Road at Emerald Isle Drive - Durable Specialties, Inc., only bidder - Not to exceed $1,274,283.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
21.	2, 3, 4, 5, 8, 14	C	TRN	$1,364,640.00	Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 4 at the following seven locations: Kiest Boulevard at Ramona Avenue; Hampton Road at Cliff Creek Crossing Drive; Illinois Avenue at Mountain View College; Cole Avenue at Lemmon Avenue; Denley Drive at 8th Street; Elam Road at Holcomb Road; and Harry Hines Boulevard at Oak Lawn Avenue - Durable Specialties, Inc., lowest responsible bidder of two - Not to exceed $1,364,640.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
22.	4, 6, 7, 8	C	HOU	NC	Authorize (1) approval of the development plan as described in Exhibit A for the construction of 30 affordable houses by Confia Homes, L.L.C.; (2) the sale of 30 vacant lots as described in Exhibit A from the Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C., subject to restrictive covenants and a right of reverter and execution of all necessary documents; and (3) execution of a release of lien for any non-tax liens on the 30 vacant lots that may have been filed by the City - Financing: No cost consideration to the City (see Fiscal Information)
23.	N/A	C	BMS	NC	Authorize a public hearing to be held on May 8, 2019 to receive comments on the FY 2019-20 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City
24.	N/A	C	BMS	NC	An ordinance amending Ordinance No. 30991, previously approved on September 18, 2018, as amended by Ordinance No. 31035, previously approved on November 14, 2018, authorizing certain transfers and appropriation adjustments for FY 2018-19 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City
25.	N/A	C	OCA	REV $67,600.00	Authorize a one-year Interlocal Agreement, with two one-year renewal options, with the City of Irving to provide for radio station air time on WRR-FM

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					for the Irving Arts Center - Revenue: $67,600.00 (annually)
26.	9	C	POM	$72,057.00	Authorize a service contract for the purchase and installation of one generator for the Water Utilities Department - LJ Power, Inc., lowest responsible bidder of two - Not to exceed $72,057 - Financing: Water Construction Fund
27.	All	C	POM	$2,169,090.00	Authorize a five-year service contract to expand and enhance the enterprise capital project management system - eCIFM Solutions, Inc. - Not to exceed $2,169,090 - Financing: Bond Program Administration Fund ($276,960), Sewer Construction Fund ($946,066), and Water Construction Fund ($946,064) (subject to annual appropriations)
28.	3	C	POM	$308,123.80	Authorize a five-year service contract for maintenance, support, parts, and hardware for Dallas Executive Airport control tower operation equipment for the Department of Aviation - Robinson Aviation (RVA), Inc., most advantageous proposer of two - Not to exceed $308,123.80 - Financing: Aviation Fund (subject to annual appropriations)
29.	All	C	POM	$496,173.95	Authorize a three-year master agreement for swimming pool, fountain and disinfecting chemicals and supplies - Leslie's Poolmart, Inc. in the amount of $233,189.81, Sunbelt Pools, Inc. in the amount of $191,809.14, and Chemrite, Incorporated in the amount of $71,175.00, lowest responsible bidders of five - Total not to exceed $496,173.95 - Financing: General Fund ($479,058.74), Aviation Fund ($9,324.56), Dallas Water Utilities Fund ($6,975.00), and Convention and Event Services Fund ($815.65)
30.	1	C	PKR	$244,907.00	Authorize a professional services contract with Freese and Nichols, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Coombs Creek Trail Improvements Project located from the 800 block of North Plymouth Road to the 2600 block of Sunset Avenue at Moss Park - Not to exceed $244,907.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
31.	3	C	PKR	$314,289.00	Authorize a professional services contract with CP&Y, Inc. for hydrologic modeling, schematic design, design development, construction documents, procurement and construction observation phases for the Emerald Lake Dam Safety and Erosion Control Improvements Project at Emerald Lake Park located at 6102 Mountain Creek Parkway - Not to exceed $314,289.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
32.	7	C	PKR	$284,050.00	Authorize (1) a professional services contract with Conley Group, Inc. for building condition and site drainage assessments, schematic design, design development, construction documents, procurement and construction

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					administration phases for roof replacement and repairs at the Automobile Building located at 1010 First Avenue and the Embarcadero Building located at 1121 First Avenue in Fair Park; (2) the receipt and deposit of funds in an amount not to exceed $284,050.00 from the State Fair of Texas in the Capital Projects Reimbursement Fund; and (3) an increase in appropriations in an amount not to exceed $284,050.00 in the Capital Projects Reimbursement Fund - Not to exceed $284,050.00 - Financing: Capital Projects Reimbursement Fund
33.	4	C	PKR	$166,400.00	Authorize (1) a development and funding agreement with The Trust for Public Land for property located at 405 East Overton Road for a proposed new park; and (2) acquisition from The Trust for Public Land of approximately 81,183 square feet of land located at 405 East Overton Road - Not to exceed $166,400.00 ($162,400.00, plus closing costs and title expenses not to exceed $4,000.00) - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
34.	8	C	PKR	$1,870,000.00	Authorize (1) a development and funding agreement with The Trust for Public Land for property located at 3200 Simpson Stuart Road for a proposed new park; and (2) acquisition from The Trust for Public Land of approximately 1,760,971 square feet of land located at 3200 Simpson Stuart Road - Not to exceed $1,870,000.00 ($1,850,000.00, plus closing costs and title expenses not to exceed $20,000.00) - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
35.	All	C	DWU	NC	Authorize adoption of the 2019 Water Conservation Plan for the City of Dallas - Financing: No cost consideration to the City
36.	All	C	DWU	NC	Authorize adoption of the 2019 Drought Contingency Plan for the City of Dallas - Financing: No cost consideration to the City
37.	2, 14	C	DWU	$340,199.00	Authorize a professional services contract with Dannenbaum Engineering Company-Dallas, LLC for the engineering design of Storm Drainage Contract No. 4 (list attached to the Agenda Information Sheet) - Not to exceed $340,199.00 - Financing: Storm Drainage Management Capital Construction Fund
38.	4, 7, 8	C	DWU	$611,465.80	Authorize a professional services contract with HDR Engineering, Inc. for the engineering design of Storm Drainage Contract No. B (list attached to the Agenda Information Sheet) - Not to exceed $611,465.80 - Financing: Flood Control (D) Fund (2017 Bond Funds)
39.	7, 8	C	DWU	$136,505.50	Authorize a professional services contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design of Erosion Control Contract No.

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					2 (list attached to the Agenda Information Sheet) - Not to exceed $136,505.50 - Financing: Storm Drainage Management Capital Construction Fund
40.	6	C	DWU	$563,480.49	Ratify the emergency purchase of electrical drive equipment to retrofit the medium voltage variable frequency drives at the Bachman Water Treatment Plant with Rockwell Automation - Not to exceed $563,480.49 - Financing: Water Utilities Capital Construction Funds
41.	All	C	DWU	NC	Authorize the (1) rejection of the bids received for Dallas Water Utilities heating, ventilation, air conditioning and refrigeration maintenance, repairs, and minor replacements; and (2) re-advertisement for new bids - Financing: No cost consideration to the City
42.	11, Outside	C	DWU	$1,750,000.00	Authorize Supplemental Agreement No. 5 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the East Side Water Treatment Plant and improvements at the Walcrest Pump Station located at Hillcrest Road and Walnut Hill Lane - Not to exceed $1,750,000.00, from $15,910,397.00 to $17,660,397.00 - Financing: Water Utilities Capital Improvement Funds
43.	N/A	I	SEC	NC	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)
44.	Outside	I	DEV	$31,995.00	Authorize (1) the second step of acquisition for condemnation by eminent domain; and (2) increase purchase price for the acquisition from Farmers Electric Cooperative, Inc. of approximately 8,411 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $23,457.00, increased from $8,538.00 to $31,995.00 ($28,995.00, plus closing costs and title expenses not to exceed $3,000.00) - Financing: Water Construction Fund
45.	14	I	DEV	REV $1,894.00	An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 336 square feet of aerial space to occupy, maintain, and utilize a media panel over a portion of Jackson and Akard Streets rights-of-way, near its intersection with Akard Street - Revenue: $1,894.00 annual fee, plus the $20.00 ordinance publication fee
46.	N/A	I	MCC	NC	An ordinance amending the Dallas City Code by adding a new Chapter 20, "Earned Paid Sick Time," requiring private employers to establish and administer earned paid sick time policies that employees who work in the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					City of Dallas may use if an employee or an employee's family member experiences physical or mental illness, injury, stalking, domestic abuse, sexual assault, or needs preventative care; (1) providing definitions; (2) providing that employers must provide one hour of earned paid sick time for every 30 hours of time worked with a yearly cap 64 hours of paid sick time per employee for medium or large employers and a yearly cap of 48 hours of paid sick time per employee for small employers; (3) providing that employees must be able to carry over unused paid sick time to the following year; (4) providing procedures for an employee to request earned paid sick time off; (5) providing that an employer may not retaliate against an employee for using earned paid sick time or for making a complaint to the director; (6) providing a complaint process for employees to the director; (7) providing an investigation process; (8) providing a civil penalty not to exceed $500.00; (9) providing for an appeal of a city penalty; (10) providing a savings clause; (11) providing a severability clause; and (12) providing an effective date - Financing: No cost consideration to the City (via Councilmembers Kingston, Narvaez, Griggs, Deputy Mayor Pro Tem Medrano, and Felder)
47.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting a Planned Development District for GO(A) General Office District and certain nonresidential uses; (2) a resolution terminating the existing deed restrictions [Z845-227]; and (3) an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway) Recommendation of Staff: Approval, subject to a development plan and conditions; approval of the termination of existing deed restrictions [Z845-227]; and, approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, landscape plan, elevation plan, and conditions Recommendation of CPC: Approval, subject to a development plan and conditions; approval of the termination of existing deed restrictions [Z845-227]; and, approval of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for an automatic renewal for one additional fifteen-year period, subject to a site plan, landscape plan, elevation plan, and conditions Z167-180(JM)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
48.	4	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions Z178-261(PD)
49.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2215 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-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the southwest corner of North Jim Miller Road and East R.L. Thornton Freeway Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions Z178-303(SM)
50.	9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) limited to a bingo parlor on property zoned a CR Community Retail District, on the north line of Oates Drive and the east line of Ferguson Road Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions Z189-112(SM)
51.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1837 for a commercial amusement (inside) use limited to a dance hall on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the northeast side of C.F. Hawn Freeway, southeast of Edd Road Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions Z189-152(PD)
52.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for mixed uses on property zoned a GR General Retail Subdistrict and a P Parking Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					District, on the northwest corner of North Fitzhugh Avenue and Buena Vista Street Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions Z189-155(SM)
53.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, at the terminus of Mohawk Drive, southeast of Empire Central Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant Z189-166(JM)
54.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned a CR Community Retail District with existing deed restrictions [Z045-125], on the northwest side of Dixon Avenue, at the terminus of Wullschleger Lane Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions Z189-169(CY)
55.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1746 for a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District, on the southeast corner of Westmoreland Road and Angelina Drive Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to conditions Z189-174(JM)
56.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting 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 a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the northeast corner of South Belt Line Road and C.F. Hawn Freeway Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					site plan and conditions Z189-175(CY)
57.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District, on the northwest corner of Greenville Avenue and Bell Avenue Recommendation of Staff: Approval for a five-year period, subject to a revised site plan and conditions Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions Z189-170(JM)
58.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45 Recommendation of Staff and CPC: Denial without prejudice Z178-104(PD) Note: This item was deferred by the City Council before opening the public hearing on February 13, 2019, and is scheduled for consideration on April 24, 2019
59.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned a P(A) Parking Subdistrict within Planned Development No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest side of Cleveland Street, north of South Lamar Street Recommendation of Staff and CPC: Approval Z178-256(CY) Note: This item was deferred by the City Council before opening the public hearings on December 12, 2018 and February 27, 2019, and is scheduled for consideration on April 24, 2019
60.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions Z178-345(SM) Note: This item was deferred by the City Council before opening the public hearing on February 13, 2019, and is scheduled for consideration on April 24, 2019
61.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions Z178-361(CT) Note: This item was deferred by the City Council before opening the public hearings on January 23, 2019 and March 27, 2019, and is scheduled for consideration on April 24, 2019
62.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northeast corner of Great Trinity Forest Way and North Jim Miller Road Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions Recommendation of CPC: Denial without prejudice Z178-377(PD) Note: This item was deferred by the City Council before opening the public hearing on February 27, 2019, and is scheduled for consideration on April 24, 2019
63.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within the Retail A Subdistrict within the Downtown Special Provision Sign District on property zoned a CA-1(A) Central Area District, in an area generally bounded by Jackson Street, Browder Street, Wood Street, and South Akard Street Recommendation of Staff: Approval of staff's recommended amendments Recommendation of CPC: Approval

TOTAL $27,876,337.78

Agenda Information Sheet

File #: 19-524 **Item #:** 1.

SUBJECT

Approval of Minutes of the April 10, 2019 City Council Meeting

Agenda Information Sheet

File #: 19-336 **Item #:** 2.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Building Services Department

EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. to increase the scope of work for construction modifications and corrective actions for hidden conditions discovered during the construction phase for the Dallas City News Studio in Fair Park located at 1620 First Avenue; and **(2)** an increase in appropriations in an amount not to exceed $379,692.00 in the Public Educational and Governmental Access Fund - Not to exceed $347,828.01, from $6,027,471.36 to $6,375,299.37 - Financing: Public Educational and Governmental Access Fund

BACKGROUND

This action authorizes an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. to increase the scope of work for construction modifications and corrective actions for hidden conditions discovered during the construction phase for the Dallas City News Studio in Fair Park located at 1620 First Avenue. This is the final change order to closeout this construction contract. Construction is complete with the exception of the installation of four phone lines and final inspection.

The construction services contract was awarded in the amount of $5,146,800.00 and included a contingency line in the amount of $490,000.00. Change Order No. 1 was authorized for program changes and design improvements, which were funded by the contingency line, in the amount of $400,756.00, leaving a contingency balance of $89,244.00.

Change Order No. 2 was authorized for deficiencies and unforeseen conditions discovered during construction, for modifications, repairs, and/or replacement to items such as countertops, mechanical system ducts and conduit, electrical, plumbing, wooden wall paneling, and structural steel modifications.

Final modifications and corrective actions in Change Order No. 3 include:

Construction Modifications

- Door changes
- Aluminum door hardware changes
- Miscellaneous interior modifications: revise second floor ceilings, relocate and add fixtures, interior walls, electrical, plumbing and duct work
- Acoustical wall liner
- Add acoustical ceiling

Deficiencies

- Correct exterior expansion joints
- Add fence at generator
- Add operable windows
- Add special threshold door
- Emergency generator shared by the news studio and WRR
- Security system with cameras and card readers

Unforeseen Conditions

- Utility items for Fire Line
- Repairs to WRR Cable
- Install ONCOR transformer and switch pads
- Floor leveling
- Replace original wooden wall paneling due to termite damage
- Replace riser and stair wood trim
- Add vents in elevator rooms

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2015
Completed Design	October 2016
Began Construction	January 2017
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 17, 2015, City Council authorized a professional services contract with Russ Berger Design Group, Inc. for renovation of the Science Place II Building at Fair Park for the Dallas City News Network by Resolution No. 15-1159.

On November 2, 2016, City Council was briefed on the Communications and Policy Institute.

On December 14, 2016, City Council authorized a construction services contract with Phoenix 1 Restoration and Construction, Ltd. for the Dallas City News Studio in Fair Park by Resolution No. 16-1985.

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On November 8, 2017, City Council authorized Change Order No. 1 for the additional scope of work to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for program changes, design improvements and corrective actions for concealed conditions discovered during demolition for the Dallas City News Studio by Resolution No. 17-1729.

On June 13, 2018, City Council authorized Change Order No. 2 for construction modifications and an increase in appropriations to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for the Dallas City News Studio by Resolution No. 18-0813.

City Council will be briefed by memorandum regarding this matter on April 19, 2019.

Information about this item will be provided to the Government Performance and Financial Management Committee on April 15, 2019.

FISCAL INFORMATION

Public Educational and Governmental Access Fund - $347,828.01

Construction Amount	$5,146,800.00
Change Order No. 1	$ 0.00
Change Order No. 2	$ 880,671.36
Change Order No. 3 (this action)	$ 347,828.01
Total	$6,375,299.37

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$347,828.01	Construction	25.00%	26.64%	$92,671.92
• This contract exceeds the M/WBE goal.				
• Change Order No. 3 - 30.77% Overall M/WBE participation				

OWNER

Phoenix 1 Restoration and Construction, Ltd.

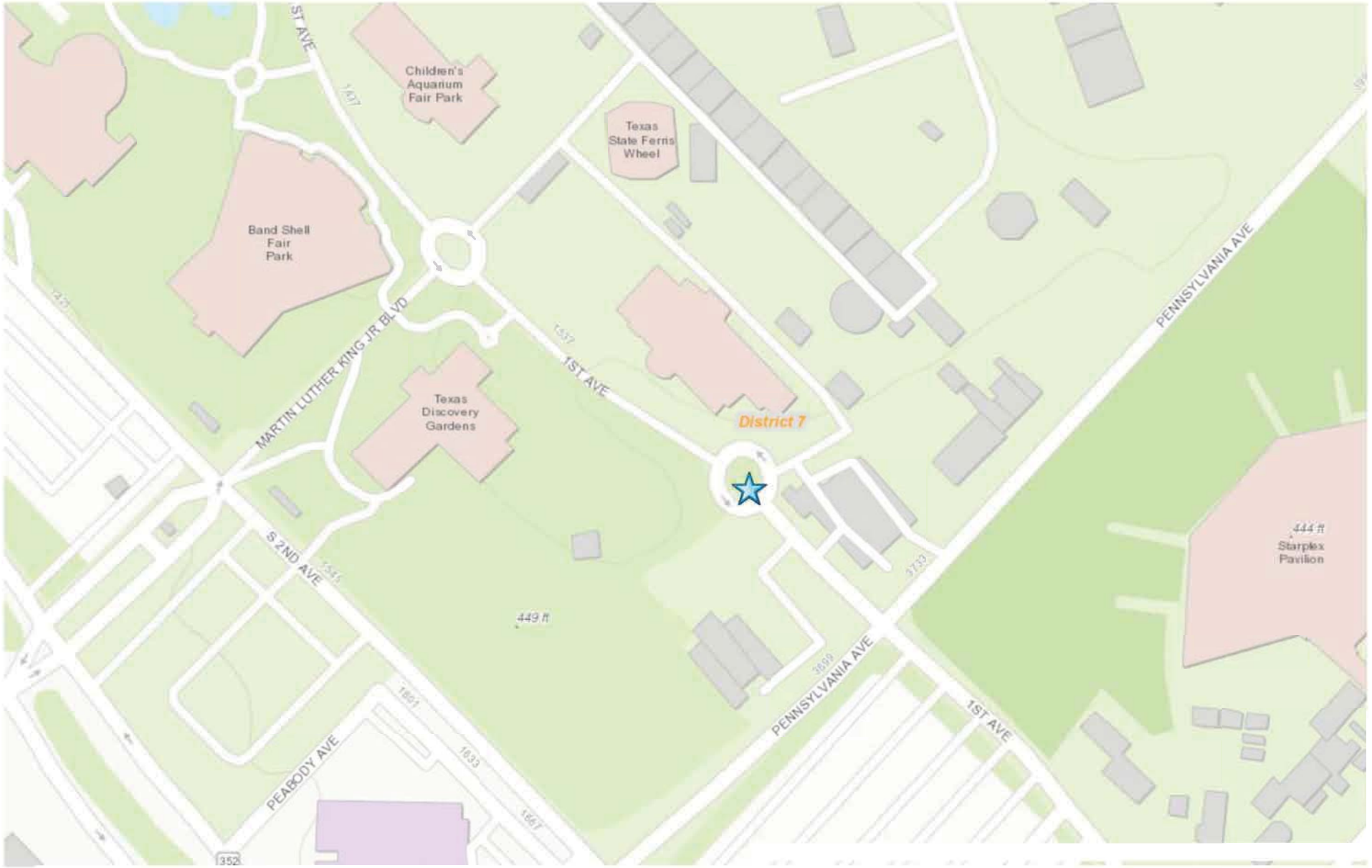
Dale Sellers, President

MAP

Attached

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Dallas City News Studio in Fair Park
1620 First Avenue



WHEREAS, on June 17, 2015, City Council authorized a professional services contract with Russ Berger Design Group, Inc. for renovation of the Science Place II Building at Fair Park for the Dallas City News Network, in an amount not to exceed $301,000.00, by Resolution No. 15-1159; and

WHEREAS, on December 14, 2016, City Council authorized a construction services contract with Phoenix 1 Restoration and Construction, Ltd. for the Dallas City News Studio located at 1620 First Avenue in Fair Park, in an amount not to exceed $5,146,800.00, by Resolution No. 16-1985; and

WHEREAS, on February 16, 2017, Administrative Action No. 17-0316 authorized Supplemental Agreement No. 1 to the professional services contract with Russ Berger Design Group, Inc. for special services for interior design services to add exterior renovation, in an amount not to exceed $39,000.00, from $301,000.00 to $340,000.00; and

WHEREAS, on July 24, 2017, Administrative Action No. 17-0894 authorized Supplemental Agreement No. 2 to the professional services contract with Russ Berger Design Group, Inc. for design of the new emergency generator system, in an amount not to exceed $34,380.00, from $340,000.00 to $374,380.00; and

WHEREAS, on November 8, 2017, City Council authorized Change Order No. 1 to increase the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for program changes, design improvements and corrective actions for concealed conditions discovered during demolition for the Dallas City News Studio, with no cost consideration to the City; and

WHEREAS, on June 13, 2018, City Council authorized Change Order No. 2 to increase the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during the construction phase for the Dallas City News Studio, in an amount not to exceed $880,671.36, from $5,146,800.00 to $6,027,471.36, by Resolution No. 18-0813; and

WHEREAS, it is now necessary to authorize Change Order No. 3 to increase the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for hidden conditions discovered during the construction phase for the Dallas City News Studio, in an amount not to exceed $347,828.01, increasing the contract amount from $6,027,471.36 to $6,375,299.37.

Now, Therefore,

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

SECTION 1. That an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. (Change Order No. 3) is authorized for construction modifications and corrective actions for hidden conditions discovered during the construction phase for the Dallas City News Studio in Fair Park located at 1620 First Avenue, in an amount of $347,828.01, increasing the contract amount from $6,027,471.36 to $6,375,299.37.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $347,828.01 to Phoenix 1 Restoration and Construction, Ltd., in accordance with the terms and conditions of the contract from Public Educational and Governmental Access Fund, Fund 0560, Department DSV, Unit 4817, Object 4310, Program PBWCNNS, Major Program DSVMJR, Encumbrance EBSCNNSSG002, Vendor VC0000003594.

SECTION 3. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $379,692.00 in the Public Educational and Governmental Access Fund, Fund 0560, Department DSV, Unit 4817, Object 4310.

SECTION 4. That this contract is designated as Contract No. EBS-2016-00001487.

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.

1500 Marilla Street
Dallas, Texas 75201

City of Dallas

Agenda Information Sheet

File #: 19-485 **Item #:** 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled Angelina Tinnion v. City of Dallas, Cause No. DC-18-06974 - Not to exceed $50,000.00 - Financing: Risk Management Funds

BACKGROUND

Plaintiff Angelina Tinnion filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on May 18, 2017, involving a Dallas Fire-Rescue vehicle. The City and Ms. Tinnion have reached a proposed settlement subject to Council approval. Plaintiff is represented by Neely R. Fortinberry of Godsey Martin, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on April 19, 2019.

FISCAL INFORMATION

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

Risk Management Funds - $50,000.00

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April 24, 2019

WHEREAS, a lawsuit styled Angelina Tinnion v. City of Dallas, Cause No. DC-18-06974, was filed by the plaintiff, Angelina Tinnion, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on May 18, 2017, involving a Dallas Fire-Rescue vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Angelina Tinnion, Godsey Martin, P.C., and all other persons having an interest in the settlement proceeds, the total amount of $50,000.00; 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 Angelina Tinnion v. City of Dallas, Cause No. DC-18-06974, in an amount not to exceed $50,000.00, is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Angelina Tinnion, Godsey Martin, P.C., and all other persons having an interest in the settlement proceeds, the amount of $50,000.00, 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 Information Sheet

File #: 19-477 **Item #:** 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize a professional services contract with Gilbert Wilburn, PLLC, to provide legal services and representation to the City of Dallas in connection with matters involving future and ongoing water utility matters before the Public Utility Commission of Texas, the Texas Commission on Environmental Quality, the State Office of Administrative Hearings, and other water utility-related matters - Not to exceed $200,000.00 - Financing: Dallas Water Utilities Fund

BACKGROUND

The City of Dallas Water Utilities, as a regional water provider, has water rights in several water supply reservoirs. The next few years will be important years for Dallas Water Utilities and other water suppliers as statewide issues are addressed at the Public Utility Commission of Texas, the Texas Commission on Environmental Quality, the Texas Water Development Board, and the State Legislature and/or court system related to the development of additional water supplies to meet anticipated growth, conservation, drought planning and contingencies, environmental and instream flows, appropriation of return flows, and interbasin transfers. Gilbert Wilburn, PLLC, will represent the City of Dallas in water rights matters and other water resource management and utility issues.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on April 19, 2019.

FISCAL INFORMATION

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

Dallas Water Utilities Fund - $200,000.00

OWNER

Gilbert Wilburn, PLLC

Helen Gilbert, Partner
Randall Wilburn, Partner

April 24, 2019

WHEREAS, the City of Dallas has engaged Gilbert Wilburn, PLLC, to provide legal services and representation to the City of Dallas in connection with matters involving future and ongoing water utility matters before the Public Utility Commission of Texas, the Texas Commission on Environmental Quality, the State Office of Administrative Hearings, and other water utility-related matters; and

WHEREAS, the legal services and representation of Gilbert Wilburn, PLLC, are necessary to the City of Dallas.

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 Gilbert Wilburn, PLLC, approved as to form by the City Attorney, to provide legal services and representation to the City of Dallas in connection with matters involving future and ongoing water utility matters before the Public Utility Commission of Texas, the Texas Commission on Environmental Quality, the State Office of Administrative Hearings, and other water utility-related matters, in an amount not to exceed $200,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $200,000.00, in periodic payments to Gilbert Wilburn, PLLC, from Fund 0100, Department DWU, Unit 7015, Object 3033, Vendor VC19950.

SECTION 3. That this contract is designated as Contract No. DWU-2019-00009875.

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 Information Sheet

File #: 19-503 **Item #:** 5.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Carter Arnett PLLC, for additional legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325 - Not to exceed $50,000.00, from $50,000.00 to $100,000.00 - Financing: Risk Management Funds

BACKGROUND

Supplemental Agreement No. 1 with Carter Arnett PLLC, will provide additional legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on April 19, 2019.

FISCAL INFORMATION

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

Risk Management Funds - $50,000.00

Original Contract	$ 50,000.00
Supplemental Agreement No. 1 (this action)	$ 50,000.00
Total	$100,000.00

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April 24, 2019

WHEREAS, the City of Dallas has engaged Carter Arnett PLLC, to provide legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325; and

WHEREAS, on July 19, 2018, Administrative Action No. 18-6232, authorized a professional services contract with Carter Arnett PLLC, to provide legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325, in an amount not to exceed $50,000.00; and

WHEREAS, the professional legal services of Carter Arnett PLLC, continue to be necessary.

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. 1 to the professional services contract with Carter Arnett PLLC, approved as to form by the City Attorney, for additional legal services in connection with the lawsuit styled Michael J. Bostic v. City of Dallas, Cause No. DC-18-08325, in an amount not to exceed $50,000.00, increasing the contract amount from $50,000.00 to $100,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $50,000.00, in periodic payments to Carter Arnett PLLC, from Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance/Contract No. ATT-2018-00007074, 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 Information Sheet

File #: 18-1086 **Item #:** 6.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize a five-year service contract for the purchase of the X5-2500 Acuity system to include the installation, systems application setup and training with onsite support to support the Closed-Circuit Television camera system at Dallas Love Field - Pivot3, Inc., sole source - Not to exceed $2,558,435.80 - Financing: Aviation Fund (subject to annual appropriations)

BACKGROUND

This action will authorize a five-year service contract with Pivot3, Inc. for the purchase, installation, and warranty of an automatic Pivot3 X5-2500 Acuity system. This system will give Dallas Love Field the ability to replicate between three data centers located in the airport. This allows for redundancy, and the ability to move data from one to the other without powering down any hardware. The term of the contract is a five-year hardware replacement and upgrade and five-years of software, eight petabytes of storage capacity, 24-hour support and next day parts.

This system will meet the information technology data center needs as well as the video surveillance infrastructure in a common platform that is already in use and well understood by the City of Dallas - Department of Aviation. The continued use of Pivot3, Inc. will continue to provide operational efficiency and will only improve as more applications are migrated to the system. Because of the expertise and familiarity that the company possesses with the current Closed-Circuit Television camera system at Dallas Love Field, the Department of Aviation obtained the concurrence of the City Manager's Office for the utilization of the Special Need Justification procurement process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Aviation Fund - $2,558,435.80 (subject to annual appropriations)

FY 2018-19 $1,826,853.35
FY 2019-20 $ 334,874.45 (subject to annual appropriations)
FY 2020-21 $ 125,672.10 (subject to annual appropriations)
FY 2021-22 $ 102,416.50 (subject to annual appropriations)
FY 2022-23 $ 168,619.40 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,558,435.80	Other Services	N/A	N/A	N/A
• M/WBE Goal Waived				
• Pivot3, Inc. is providing X5-2500 Acuity system, which includes the installation, system application setup and training with onsite support to the Closed-Circuit Television camera system at Dallas Love Field, using proprietary software. No sub-contracting opportunities are available.				

OWNER

Pivot3, Inc.

Ron Nash, Chief Executive Officer
Bill Stover, Chief Financial Officer

April 24, 2019

WHEREAS, the Department of Aviation has been notified that effective February 28, 2018 the current Closed-Circuit Television (CCTV) camera system will not be supported by the current provider; and

WHEREAS, to prevent any possible interruption in the CCTV functionality at the airport, and because of the expertise and familiarity Pivot3, Inc. possesses, the Department of Aviation obtained the concurrence of the City Manager's Office for the utilization of the Special Need Justification procurement process; and

WHEREAS, it is now desirable to authorize a five-year service contract with Pivot3, Inc. for the purchase of the X5-2500 Acuity system to include the installation, systems application setup and training with onsite support to support the CCTV camera system at Dallas Love Field, in an amount not to exceed $2,558,435.80.

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 five-year service contract with Pivot3, Inc., approved as to form by the City Attorney, for the purchase of the X5-2500 Acuity system to include the installation, systems application setup and training with onsite support to support the Closed-Circuit Television camera system at Dallas Love Field, in an amount not to exceed $2,558,435.80.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,558,435.80 (subject to annual appropriations) to Pivot3, Inc. in accordance with the terms and conditions of the contract from the Aviation Fund, Fund 0130, Department AVI, Unit 7725, Object 4731, Activity AAIP, Encumbrance/Contract No. MASC AVI-2019-00008243, Commodity 92000, Vendor VS98228.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-527 **Item #:** 7.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Department of Communication and Information Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a subscription contract for additional specialized municipal-related services with Gartner, Inc. - Not to exceed $86,232.25 - Financing: Data Services Fund

BACKGROUND

This agreement is for a subscription to Gartner, Inc.'s Executive Program, an executive assistance and mentoring program that provides access to leading technology analysts and research providing insight and interpretation into continuous improvement strategies for information technology (IT) organizations. This subscription provides an experienced advisor that will work with City management on various initiatives including best practices, latest industry trends, emerging technologies, and support with strategic planning. This subscription also includes unlimited access to published research data, peer connections, and IT planning briefings.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 26, 2018, City Council authorized payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to Gartner, Inc. by Resolution No. 18-1367.

The Government Performance & Financial Management Committee will receive this item for consideration on April 15, 2019.

FISCAL INFORMATION

Data Services Fund - $86,232.25

OWNER

Gartner, Inc.

Eugene A Hall, Chief Executive Officer

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April 24, 2019

WHEREAS, on September 26, 2018, City Council authorized payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to Gartner, Inc. by Resolution No. 18-1367.

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 subscription contract with Gartner, Inc. (VS0000018090), approved as to form by the City Attorney, for additional specialized municipal-related services, in an amount not to exceed $86,232.25.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $86,232.25 to Gartner, Inc. from Data Services Fund, Fund 0198, Department DSV, Unit 1664, Object 3340, Encumbrance/Contract No. CX-DSV-2018-00007904, Vendor VS0000018090.

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 Information Sheet

File #: 19-278 **Item #:** 8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the City Manager or their designee(s) to execute Landscape Maintenance Agreements with the Texas Department of Transportation (TxDOT) on behalf of the City to maintain landscape improvements installed under TxDOT's Green Ribbon Program on roadway facilities within the city limits of Dallas currently managed by TxDOT, including the currently proposed project along Interstate Highway 30 between White Rock Creek and Buckner Boulevard - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

This item will authorize the City Manager or their designee(s) to execute any future Landscape Maintenance Agreements (LMA's) with the Texas Department of Transportation (TxDOT) to allow the City to maintain landscape improvements installed under the Green Ribbon Program, including the currently proposed project on Interstate Highway (IH)-30 between White Rock Creek and Buckner Boulevard. TxDOT requires an executed LMA from the City before they will fund landscape installation projects under the Green Ribbon Program.

TxDOT is proposing installation of shade and ornamental tree plantings at several locations along IH-30 between White Rock Creek and Buckner Boulevard. TxDOT will fund approximately $425,000.00 for the tree and irrigation system installation, as well as provide a one-year maintenance period following the installation.

In turn, the City will agree to be responsible for all required landscape maintenance, including but not limited to, plant maintenance, plant replacement, weeding, trimming, and irrigation system maintenance, as required. The annualized maintenance cost to the City for this specification would be $16,500.00 annually.

This action will authorize the City Manager to execute LMA's with TxDOT for the City to maintain landscape improvements installed under the Green Ribbon Program, including shade and ornamental tree plantings along IH-30 from White Rock Creek to Buckner Boulevard within TxDOT right-of-way. City Council approval is required to move forward with the LMA's with TxDOT.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 13, 2006, City Council authorized a Municipal Maintenance Interlocal Agreement with TxDOT to formally define the duties of each agency related to all aspects of roadway maintenance on state highways within the city limits by Resolution No. 06-3471.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

No cost consideration to the City. Future estimated annual cost of approximately $16,500.00 for this specific location between Fiscal Year 2021-2022 and Fiscal Year 2026-2027 includes operation and maintenance based on project design.

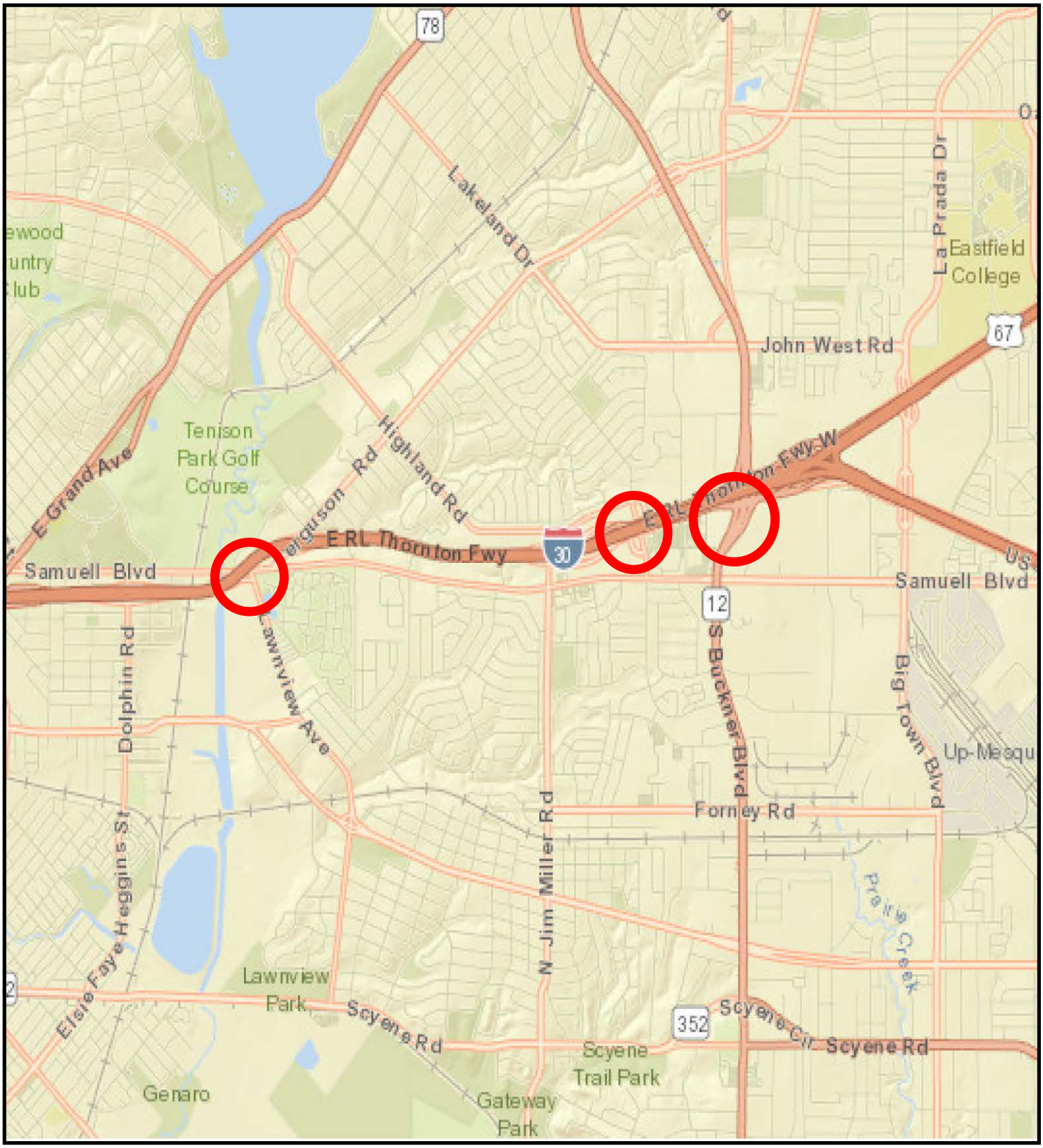
Estimated Future Cost - $16,500.00 annually (subject to appropriations)

MAP

Attached

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LANDSCAPE MAINTENANCE AGREEMENT
IH-30 BETWEEN WHITE ROCK CREEK AND BUCKNER BOULEVARD



COUNCIL DISTRICT 7

April 24, 2019

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, supervision, and regulation of State highways within those cities; and

WHEREAS, the Executive Director, acting for and on behalf of the Texas Transportation Commission, has made it known that the State will assist the City in the maintenance and operation of State highways, conditioned that the City will enter into agreements with the State for the purpose of determining responsibilities; and

WHEREAS, on December 13, 2006, City Council authorized a Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to define duties of each agency related to all aspects for roadway maintenance on state highways within the city limits by Resolution No. 06-3471; and

WHEREAS, the City and TxDOT desire landscape improvements available through TxDOT's Green Ribbon Program within the various rights-of-way of TxDOT roadway facilities within the city limits of Dallas that are currently owned by and maintained by TxDOT, including the currently proposed project along Interstate Highway 30 (IH-30) between White Rock Creek and Buckner Boulevard, and other future Green Ribbon Program landscape improvement locations; and

WHEREAS, the Department of Public Works will contract the maintenance of these landscape improvements along IH-30 between White Rock Creek and Buckner Boulevard, and their annual operating budget will need to be supplemented by an estimated $16,500.00 beginning in FY 2021-2022; and

WHEREAS, it is now necessary to authorize Landscape Maintenance Agreements with TxDOT for the City to maintain landscape improvements installed under TxDOT's Green Ribbon Program on roadway facilities within the city limits of Dallas currently managed by TxDOT, including the currently proposed project along IH-30 between White Rock Creek and Buckner Boulevard.

Now, Therefore,

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

April 24, 2019

SECTION 1. That the City Manager or their designee(s) is hereby authorized to execute Landscape Maintenance Agreements with the Texas Department of Transportation (TxDOT), approved as to form by the City Attorney, on behalf of the City to maintain landscape improvements installed under TxDOT's Green Ribbon Program on roadway facilities within the city limits of Dallas currently managed by TxDOT, including the currently proposed project along IH- 30 between White Rock Creek and Buckner Boulevard.

SECTION 2. That this contract is designated as Contract No. PBW-2019-00009435.

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 Information Sheet

File #: 19-159 **Item #:** 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 11

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with IEA, Inc. for the engineering design of Special Project Group 17-1107 (list attached to the Agenda Information Sheet) - Not to exceed $503,532.18 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1744) was issued on June 21, 2018 for the 2017 Bond Projects. The consulting firm, IEA, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with IEA, Inc. for the engineering design of two street reconstruction of thoroughfare projects as Special Project Group 17-1107. The street reconstruction projects will include upgrading the existing four-lane concrete street with reinforced concrete pavement, curb, gutters, sidewalk, driveway approaches, paving marking, street lights, hardscape, landscape and possible replacement of the drainage system.

Following are the locations and design costs for each project:

Street Reconstruction - Thoroughfares - Improvements

Project	Council District	Amount
Merit Drive from Churchill Way to Lyndon B. Johnson Freeway	11	$271,907.37
Merit Drive from Clodus Fields Drive to Churchill Way	11	$231,624.81

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	October 2020
Complete Construction	January 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $503,532.18

Estimated Future Cost - Construction - $4,421,600.15

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$503,532.18	Architectural & Engineering	25.66%	100.00%	$503,532.18
• This contract exceeds the M/WBE goal.				

OWNER

IEA, Inc.

Larry G. Reddin, P.E., Vice President
Shakeel Ahmed, P.E., Principal

MAPS

Attached

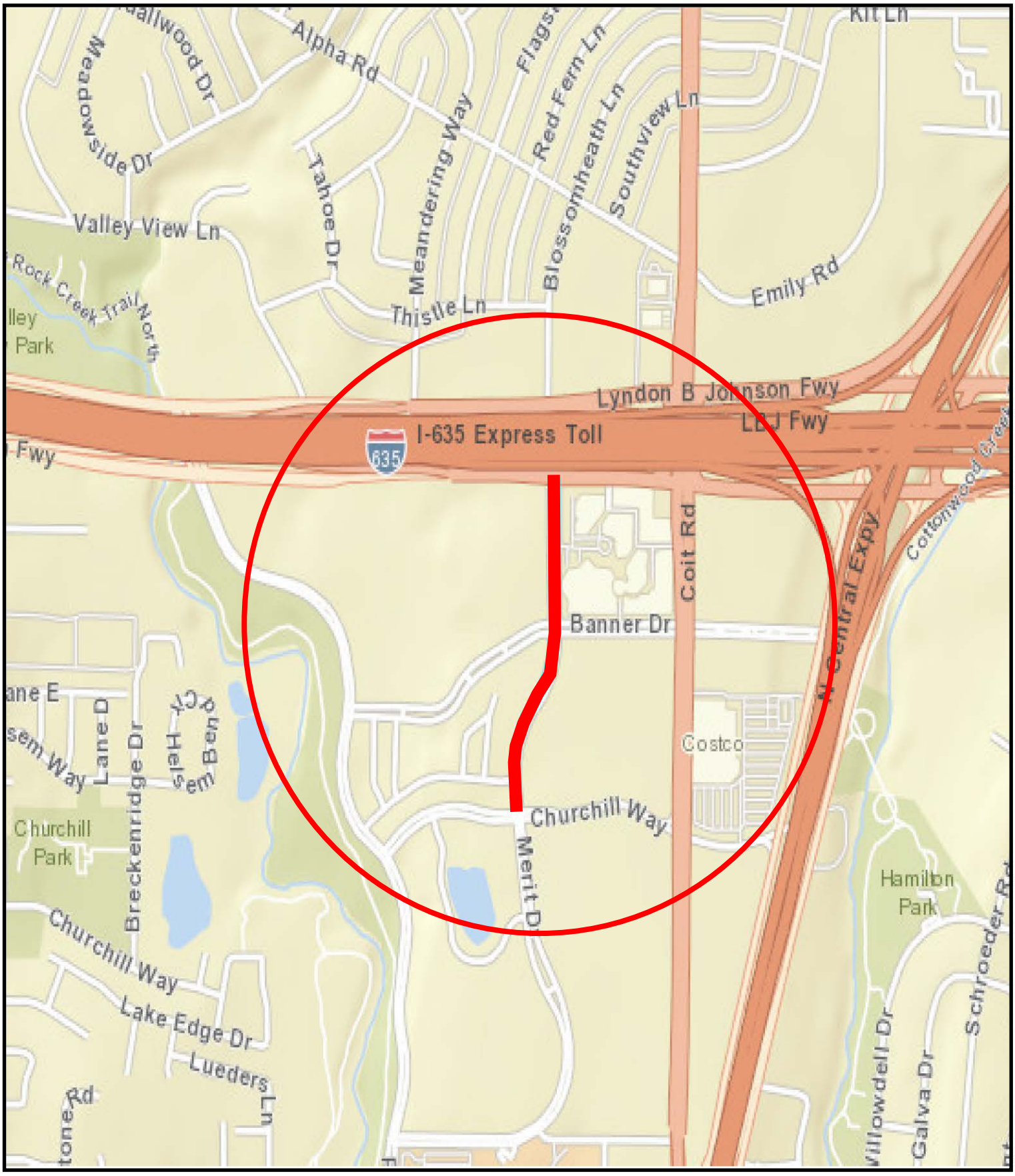
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Special Project Group 17-1107

Street Reconstruction - Thoroughfares - Improvements

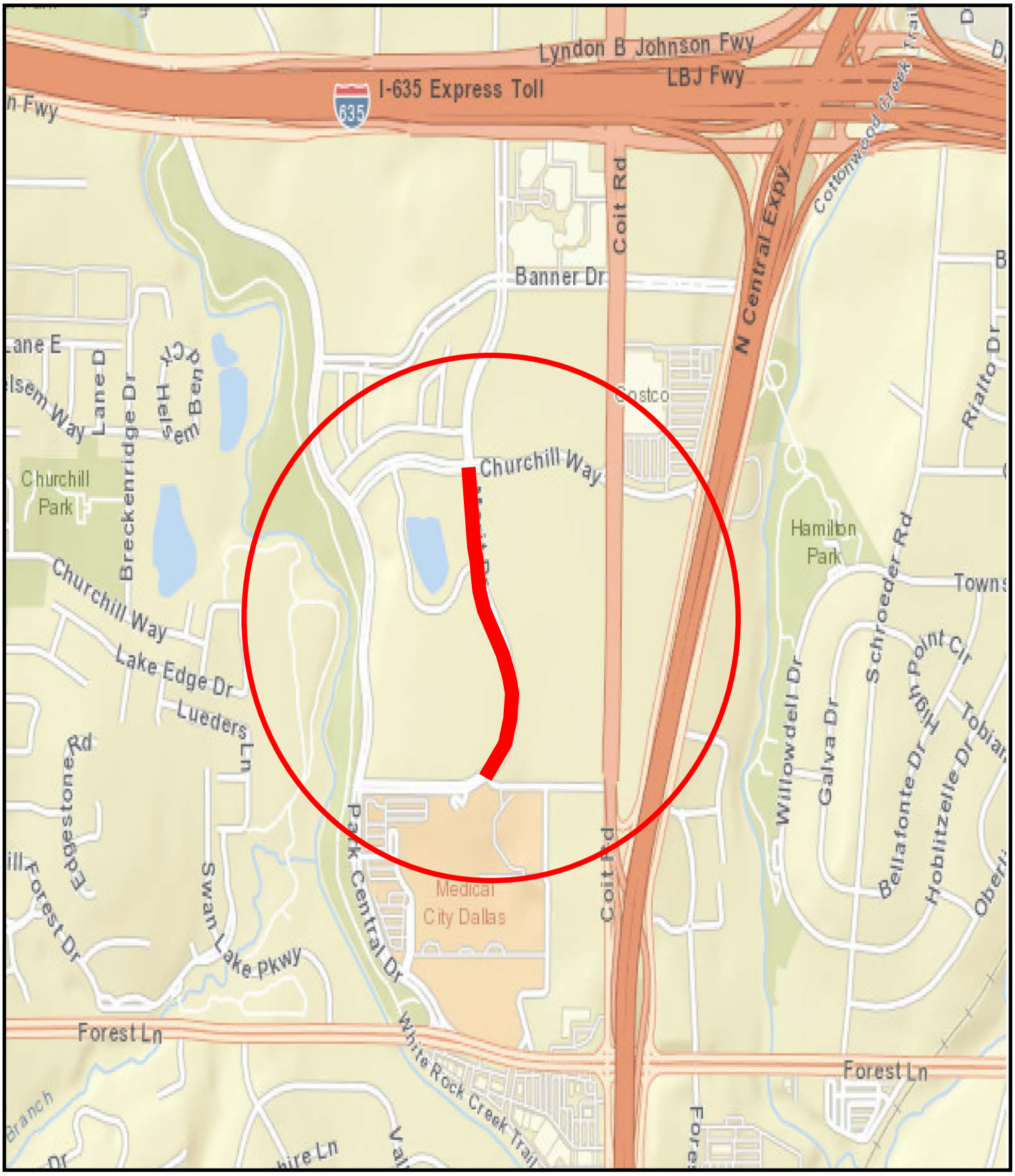
Project	Council District
Merit Drive from Churchill Way to Lyndon B. Johnson Freeway	11
Merit Drive from Clodus Fields Drive to Churchill Way	11

STREET RECONSTRUCTION
MERIT DRIVE FROM CHURCHILL WAY
TO LYNDON B. JOHNSON FREEWAY



COUNCIL DISTRICT 11

STREET RECONSTRUCTION
MERIT DRIVE FROM CLODUS FIELDS DRIVE TO CHURCHILL WAY



COUNCIL DISTRICT 11

April 24, 2019

WHEREAS, IEA, Inc. was selected to provide engineering design for Special Project Group 17-1107.

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 IEA, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $503,532.18.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $503,532.18 in accordance with the terms and conditions of the contract:

IEA, Inc. for the engineering design of street reconstruction of thoroughfare projects on: Merit Drive from Churchill Way to Lyndon B. Johnson Freeway; and Merit Drive from Clodus Fields Drive to Churchill Way:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V302, Activity SREC Object 4111, Program PB17V302 Encumbrance/Contract No. CX-PBW-2019-00009787 Vendor VS0000030431	$271,907.37
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V311, Activity SREC Object 4111, Program PB17V311 Encumbrance/Contract No. CX-PBW-2019-00009787 Vendor VS0000030431	$231,624.81
Total amount not to exceed	$503,532.18

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 Information Sheet

File #: 19-234 **Item #:** 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Aztec Engineering Group, Inc. for the engineering design of Street Reconstruction Group 17-4009 (list attached to the Agenda Information Sheet) - Not to exceed $140,385.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($122,611.00) and Water Utilities Capital Construction Funds ($17,774.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Aztec Engineering Group, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Aztec Engineering Group, Inc. for the engineering design of two local street reconstruction projects as Street Reconstruction Group 17-4009. The scope will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, drainage system and water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Montague Avenue from Yewpon Avenue to Ramona Avenue	4	$77,143.50
Vanette Lane from Fitzsimmons Street to South Marsalis Avenue	4	$63,241.50

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	January 2021
Complete Construction	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $122,611.00
Water Utilities Capital Construction Funds - $17,774.00

Estimated Future Cost - Construction - $1,311,492.34

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$140,385.00	Architectural & Engineering	25.66%	25.68%	$36,053.00
• This contract exceeds the M/WBE goal.				

OWNER

Aztec Engineering Group, Inc.

Mike Riggs, P.E., Vice President

MAPS

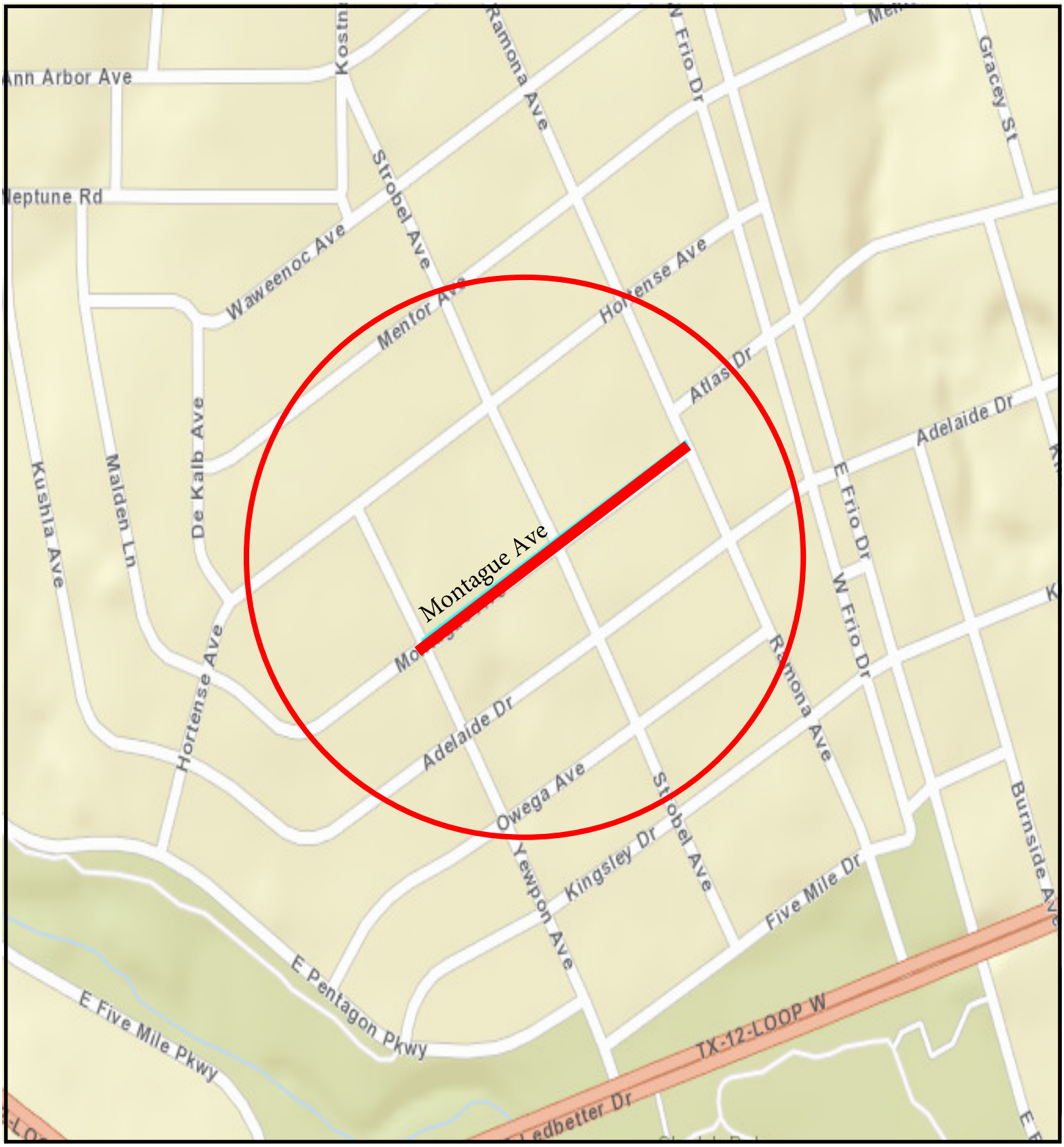
Attached

Street Reconstruction Group 17-4009

Street Reconstruction - Local Streets - Improvements

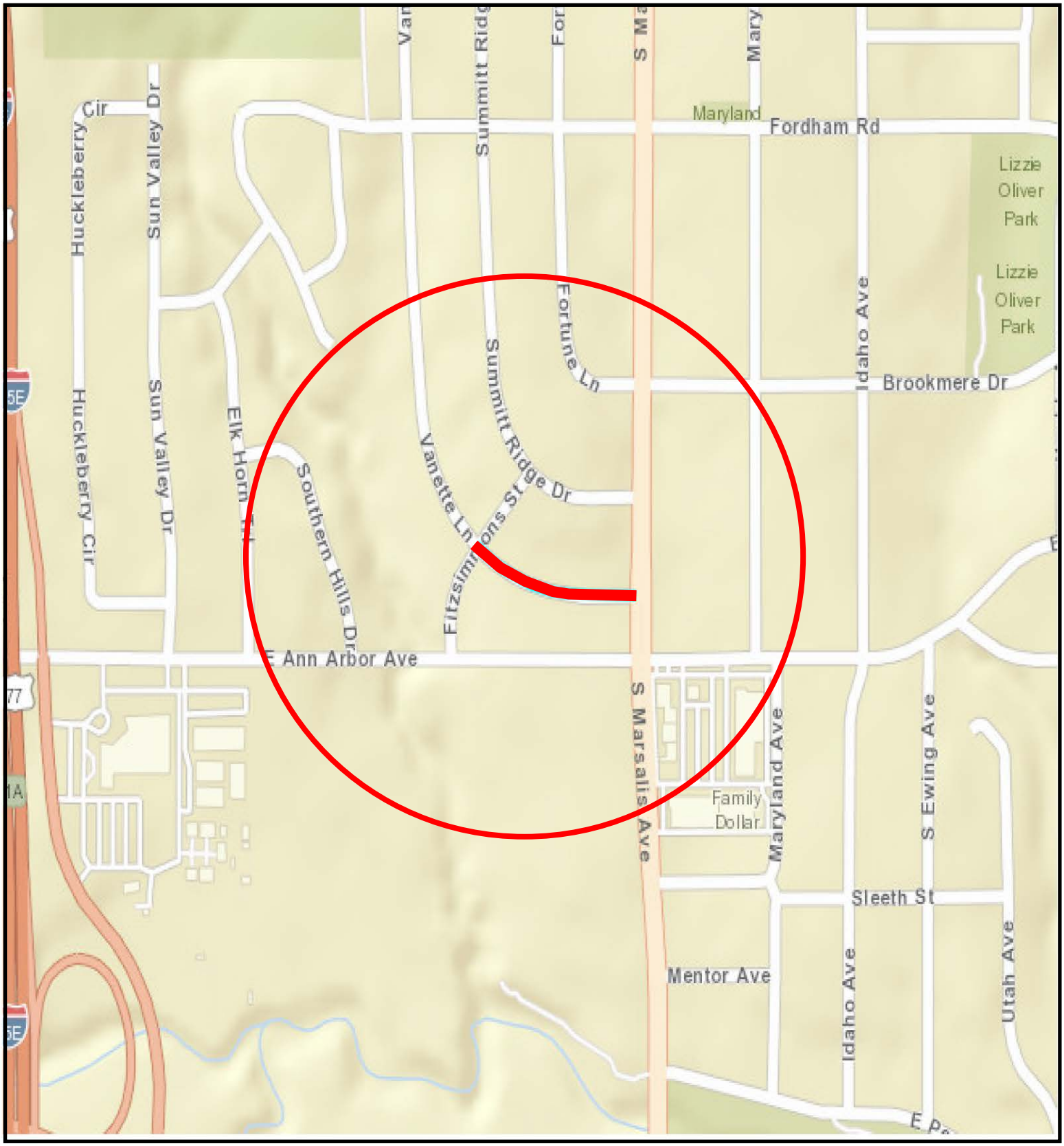
Project	Council District
Montague Avenue from Yewpon Avenue to Ramona Avenue	4
Vanette Lane from Fitzsimmons Street to South Marsalis Avenue	4

STREET RECONSTRUCTION
MONTAGUE AVENUE FROM YEWPON AVENUE TO RAMONA AVENUE



COUNCIL DISTRICT 4

STREET RECONSTRUCTION
VANETTE LANE FROM FITZSIMMONS STREET TO SOUTH MARSALIS AVENUE



COUNCIL DISTRICT 4

April 24, 2019

WHEREAS, Aztec Engineering Group, Inc., was selected to provide engineering design for Street Reconstruction Group 17-4009.

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 Aztec Engineering Group, Inc., approved as to form by the City Attorney, for engineering design for the indicated projects, in an amount not to exceed $140,385.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $140,385.00 in accordance with the terms and conditions of the contract:

Aztec Engineering Group, Inc. for the engineering design of street reconstruction projects of local streets on: Montague Avenue from Yewpon Avenue to Ramona Avenue; and Vanette Lane from Fitzsimmons Street to South Marsalis Avenue:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V203, Activity SREC Object 4111, Program PB17V203 Encumbrance/Contract No. CX-PBW-2019-00009477 Vendor VS96683	$ 77,143.50
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V253, Activity SREC Object 4111, Program PB17V253 Encumbrance/Contract No. CX-PBW-2019-00009477 Vendor VS96683	$ 45,467.50
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 4111, Program 719355 Encumbrance/Contract No. CX-PBW-2019-00009477 Vendor VS96683	$ 10,038.50

SECTION 2. (continued)

Wastewater Construction Fund	
Fund 0103, Department DWU, Unit CS42	
Object 4111, Program 719356	
Encumbrance/Contract No. CX-PBW-2019-00009477	
Vendor VS96683	$ 7,735.50
Total amount not to exceed	$140,385.00

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 Information Sheet

File #: 18-1240 **Item #:** 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Khafra Engineering Consultants, Inc. for the engineering design of Alley Reconstruction Group 17-8003 (list attached to the Agenda Information Sheet) - Not to exceed $90,640.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Khafra Engineering Consultants, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Khafra Engineering Consultants, Inc. for the engineering design of three alley reconstruction projects as Alley Reconstruction Group 17-8003. The scope will include replacing the existing deteriorating concrete alleys with new reinforced concrete pavement, and storm drainage improvements.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

Project	Council District	Amount
Freeland Way (2205-2341) and Homeway Circle (2336-2328) and Babalos Lane (2204-2340)	7	$34,845.00
Groveridge Drive (2711-2733), Briggs Street (9606-9674), Altacrest Drive (9605-9621), and North Saint Augustine Drive (2712-2768)	7	$39,450.00

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Olusta Drive (7905-7933) and 7932 Great Trinity Forest Way	8	$16,345.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	January 2021
Complete Construction	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $90,640.00

Estimated Future Cost - Construction - $688,435.00

Council District	Amount
7	$74,295.00
8	$16,345.00
Total	$90,640.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$90,640.00	Architectural & Engineering	25.66%	55.87%	$50,640.00
• This contract exceeds the M/WBE goal.				

OWNER

Khafra Engineering Consultants, Inc.

Dietrich Bankhead, P.E., Project Management Professional, Associate Principal

MAPS

Attached

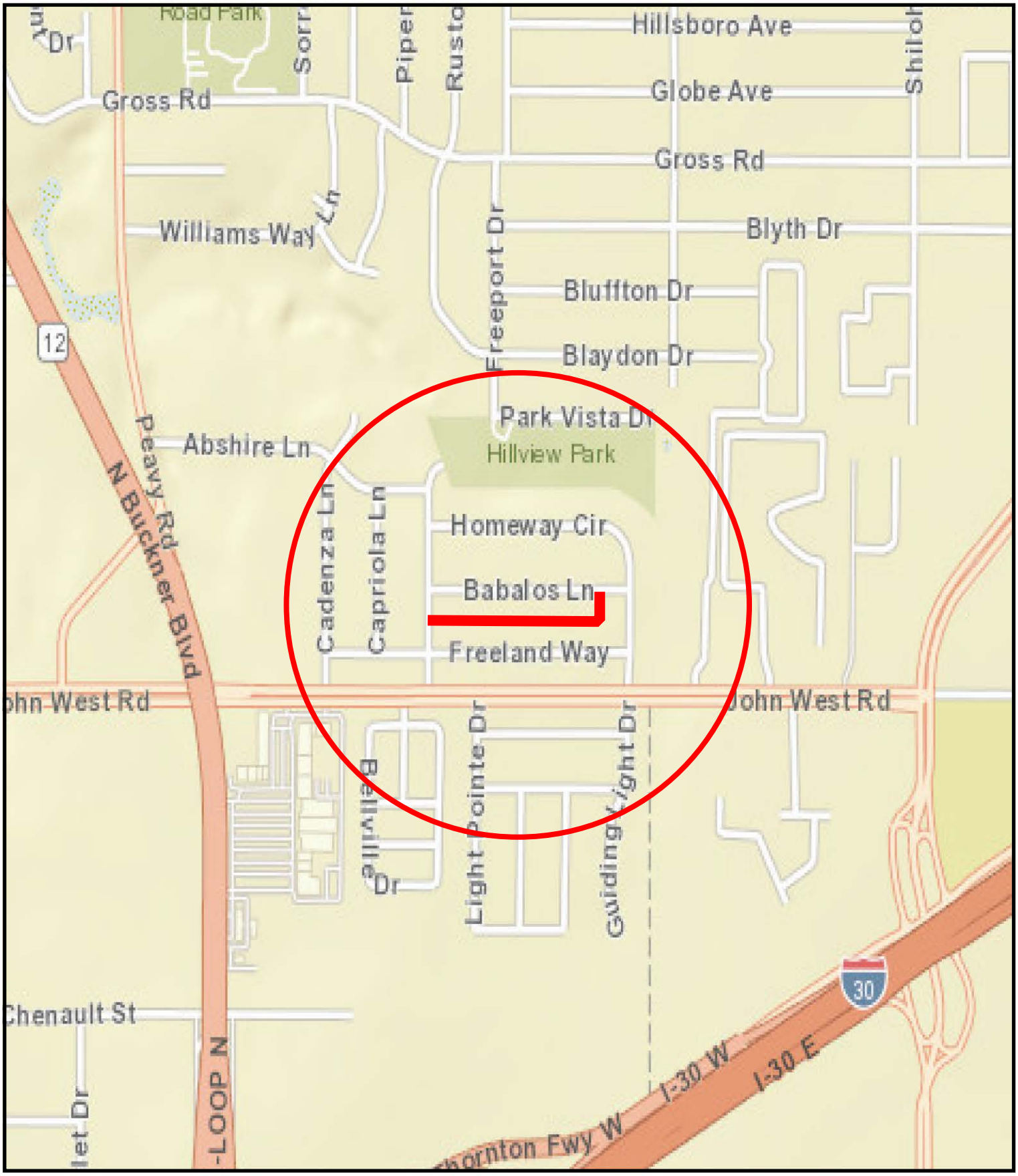
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Alley Reconstruction Group 17-8003

Alley Reconstruction Improvements

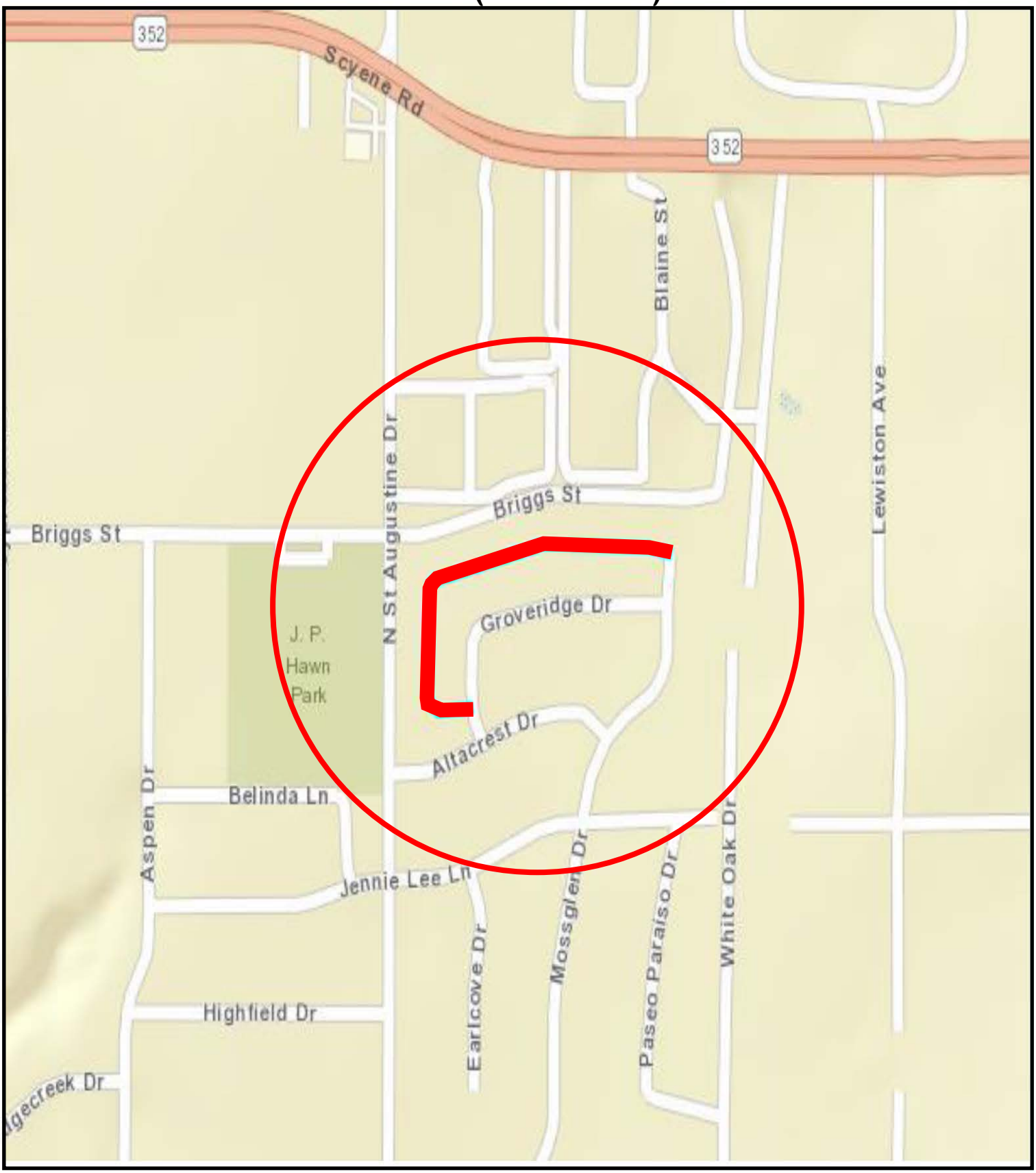
Project	Council District
Freeland Way (2205-2341) and Homeway Circle (2336-2328) and Babalos Lane (2204-2340)	7
Groveridge Drive (2711-2733), Briggs Street (9606-9674), Altacrest Drive (9605-9621), and North Saint Augustine Drive (2712-2768)	7
Olusta Drive (7905-7933) and 7932 Great Trinity Forest Way	8

ALLEY RECONSTRUCTION
FREELAND WAY (2205-2341) & HOMEWAY CIRCLE (2336-2328) & BABALOS LANE (2204-2340)



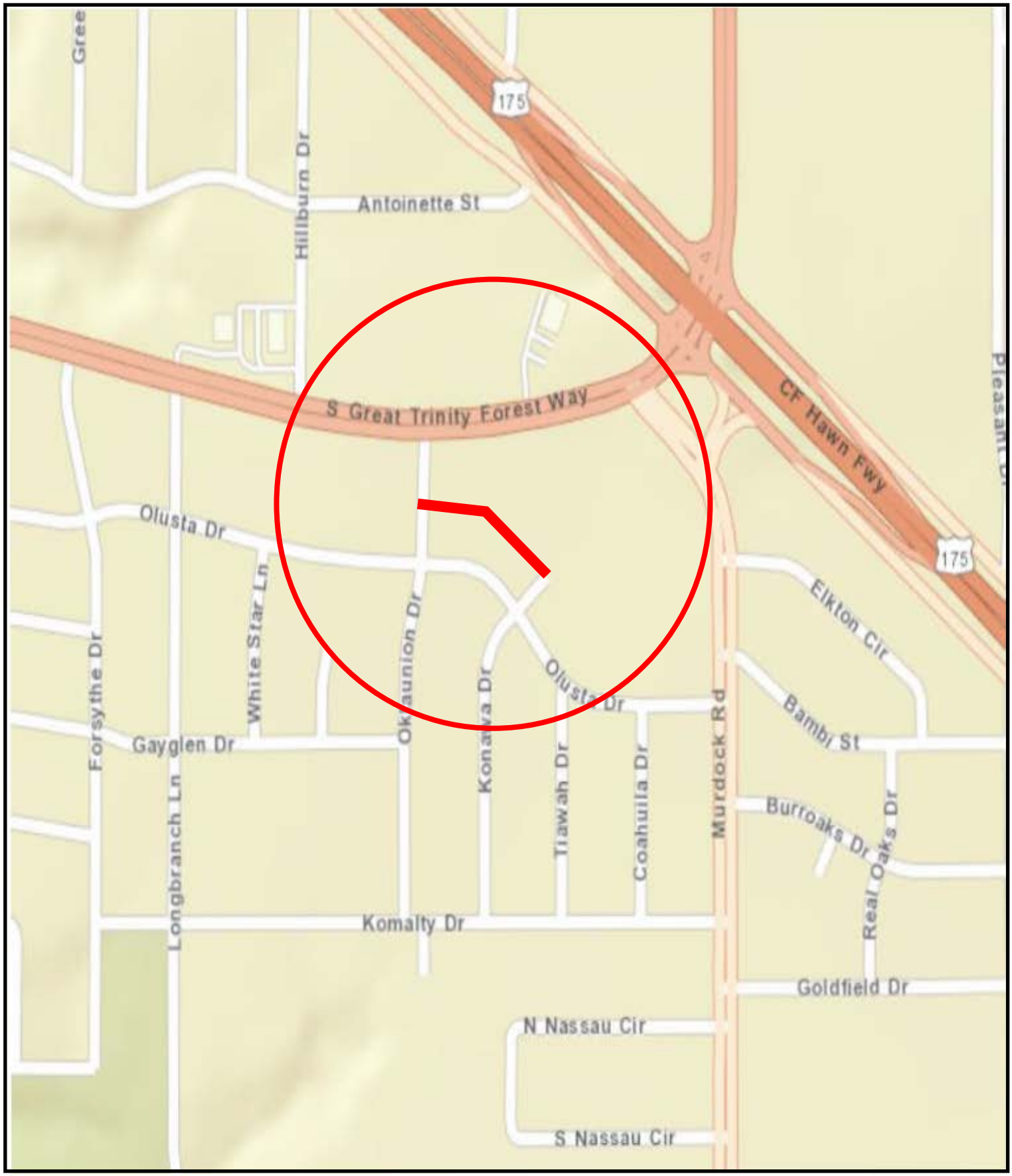
COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION
GROVERIDGE DRIVE (2711-2733), BRIGGS STREET (9606-9674) ALTACREST DRIVE (9605-9621) & NORTH SAINT AUGUSTINE DRIVE (2712-2768)



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION
OLUSTA DRIVE (7905-7933) &
7932 GREAT TRINITY FOREST WAY



COUNCIL DISTRICT 8

April 24, 2019

WHEREAS, Khafra Engineering Consultants, Inc. was selected to provide engineering design for Alley Reconstruction Group 17-8003.

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 Khafra Engineering Consultants, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $90,640.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $90,640.00 in accordance with the terms and conditions of the contract:

Khafra Engineering Consultants, Inc. for the engineering design of alley reconstruction projects on: Freeland Way (2205-2341) and Homeway Circle (2336-2328) and Babalos Lane (2204-2340); Groveridge Drive (2711-2733), Briggs Street (9606-9674), Altacrest Drive (9605-9621), and North Saint Augustine Drive (2712-2768); and Olusta Drive (7905-7933) and 7932 Great Trinity Forest Way:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V060, Activity AREC Object 4111, Program PB17V060 Encumbrance/Contract No. CX-PBW-2019-00009752 Vendor VS0000019399	$34,845.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V061, Activity AREC Object 4111, Program PB17V061 Encumbrance/Contract No. CX-PBW-2019-00009752 Vendor VS0000019399	$39,450.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V067 Activity AREC Object 4111, Program PB17V067 Encumbrance/Contract No. CX-PBW-2019-00009752 Vendor VS0000019399	$16,345.00
Total amount not to exceed	$90,640.00

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 Information Sheet

File #: 19-226 **Item #:** 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A resolution **(1)** declaring approximately 19,356 square feet of improved land unwanted and unneeded, located near the intersection of Frank and Lagow Streets, and authorizing its advertisement for sale by public auction; **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waiving the minimum reserve amount - Estimated Revenue: $33,340.00

BACKGROUND

This item will declare approximately 19,356 square feet of improved land unwanted and unneeded, located near the intersection of Frank and Lagow Streets, 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.

The property will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Estimated Revenue: $33,340.00

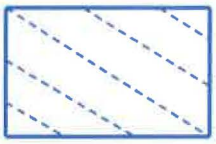
MAP

Attached

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SURPLUS PROPERTY: 4114 Frank Street Old Fire Station No. 44





April 24, 2019

WHEREAS, the City of Dallas ("City") is the owner of a tract of unwanted and unneeded land containing approximately 19,356 square feet, located in 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 improved 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 to 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 Sections 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, 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 October 24, 2018, City Council approved Resolution No. 18-1513 authorizing a three-year contract with Hudson & Marshall, a Real Estate auction firm.

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 the property, and the property is to be advertised for sale and sold by public auction pursuant to State law and applicable provisions of Section 2-24.1 of the Dallas City Code, without minimum reserve amount 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 properties shall state:

(a) that the sale shall be by a Deed 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 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

SECTION 3. (continued)

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 the 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, 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 legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011and any remaining proceeds shall be transferred to the General Capital Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8118.

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:
CHRISTOPHER J. CASO, Interim City Attorney

BY _____
Assistant City Attorney

AR/45133

Exhibit A

Field Notes Describing Land To Be Sold by the City of Dallas in Block 1/1842

Being situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas, and being all of the property conveyed to the City of Dallas by Warranty Deed dated August 5, 1956 and recorded in Volume 4562, Page 244, of the Deed Records of Dallas County, Texas, and being all of Lots 8 and 9 of Block 1, (Block 1/1842 Official City of Dallas Block Numbers) of the N.A. Comb's Addition, an addition to the City of Dallas dated June 1, 1907 and recorded in Volume 1, Page 144 of the Map Records of Dallas County, Texas, *save and except* that portion of Lot 9 conveyed to the City of Dallas for the widening of Lagow Street, by Deed dated October 25, 1935 and recorded in Volume 2023, Page 591 of the Deed Records of Dallas County, Texas, and containing 19,356 Square Feet, or 0.414 Acres of land, according to the map or plat thereof.

This description is approved as to form.

Scott Holt

Scott Holt, RPLS
Survey Program Manager
City of Dallas

9/18/2017
Date:

Agenda Information Sheet

File #: 19-424 **Item #:** 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

An ordinance granting a private license to Bishop Arts Phase 1A LLC, for the use of approximately 470 square feet of aerial space to occupy, maintain, and utilize a canopy without premise sign over a portion of 9th Street right-of-way, near its intersection with Bishop Avenue - Revenue: $100.00 one-time fee, plus the $20.00 ordinance publication fee

BACKGROUND

This item grants a private license to Bishop Arts Phase 1A LLC, for the use of approximately 470 square feet of aerial space to occupy, maintain, and utilize a canopy without premise sign over a portion of 9th Street right-of-way, near its intersection with Bishop Avenue. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is 40 years.

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 will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Revenue: $100.00 one-time fee, plus the $20.00 ordinance publication fee

OWNER

Bishop Arts Phase 1A LLC

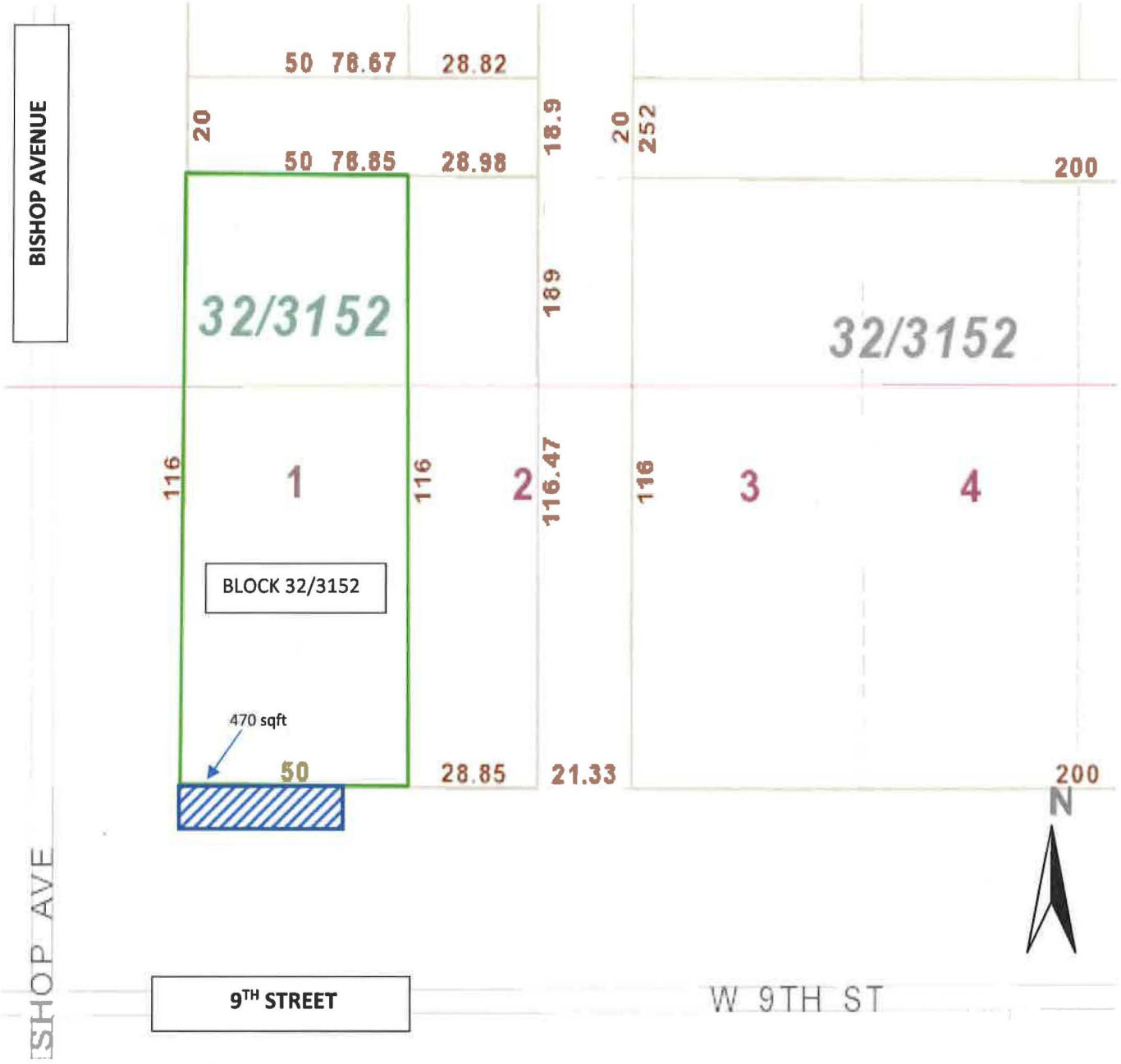
Exxir LLC

Farrokh Nazerian, Managing Member

MAP

Attached

powered by Legistar™



LICENSE AREA

Canopy - 470 sqft

ORDINANCE NO. _____

An ordinance granting a private license to Bishop Arts Phase 1A LLC to occupy, maintain and utilize a portion of 9th Street right-of-way located near the intersection of Bishop Avenue and 9th Street adjacent to City Block 32/3152 within the limits hereinafter more fully described, for the purpose of occupying, maintaining, and utilizing a canopy without premise sign; 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.

ooo0ooo

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 Bishop Arts Phase 1A LLC, a Texas limited liability company, 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 **ONE HUNDRED AND NO/100 DOLLARS ($100.00)**, 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 the 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 General Fund, 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 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: occupy, maintain and utilize a canopy without premise sign.

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 area 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 maintain a minimum of ten feet of unobstructed sidewalk at all times.

(b) **GRANTEE** shall obtain a Right-Of-Way Permit.

(c) **GRANTEE** shall show the required clearance as per the City of Dallas visibility triangle regulation.

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; 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 is also designated for City purposes as Contract No. DEV-2019-00009372.

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:
CHRISTOPHER J. CASO,
Interim City Attorney

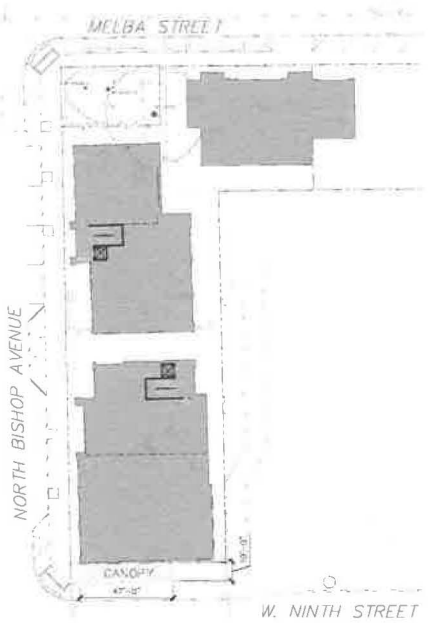
BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

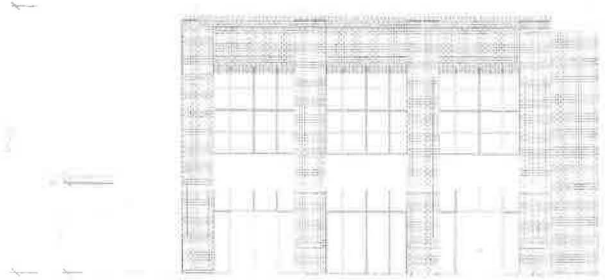
BY: _____
Assistant Director

Passed _____.

Exhibit A



SITE PLAN



PARTIAL SOUTH ELEVATION



Exhibit A

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 Information Sheet

File #: 19-511 **Item #:** 14.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 24, 2019
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Michael Mendoza

SUBJECT

An ordinance granting a revocable license to AT&T Services, Inc. for the use of a total of approximately 83,976 square feet to occupy, maintain, and utilize six aerial and land portions for six aerial uplights, nineteen benches, thirty light poles, one hundred thirty-eight tree lights, fifty-seven flush-in grade lights, seventy-eight bollards, twelve lighted bollards, fifteen retractable bollards, five canopies without premise signs, a balcony, four fountains, sixty-nine trees, twenty-seven tree wells, planters, landscaping and irrigation systems over and on portions of Field, Browder, Commerce, Jackson, Akard and Wood Streets near its intersection with Jackson and Akard Streets - Revenue: $4,361.00 annually and a $4,700.00 one-time fee, plus the $20.00 ordinance publication fee

BACKGROUND

This item grants a revocable license to AT&T Services, Inc., for the use of a total of approximately 83,976 square feet to occupy, maintain, and utilize aerial and land portions for six aerial uplights, nineteen benches, thirty light poles, one hundred thirty-eight tree lights, fifty-seven flush-in grade lights, seventy-eight bollards, twelve lighted bollards, fifteen retractable bollards, five canopies without premise signs, a balcony, four fountains, sixty-nine trees, twenty-seven tree wells, planters, landscaping and irrigation systems over and on portions of Field, Browder, Commerce, Jackson, Akard and Wood Streets.

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 will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Revenue: $4,361.00 annually and a $4,700.00 one-time fee, plus the $20.00 ordinance publication fee

OWNER

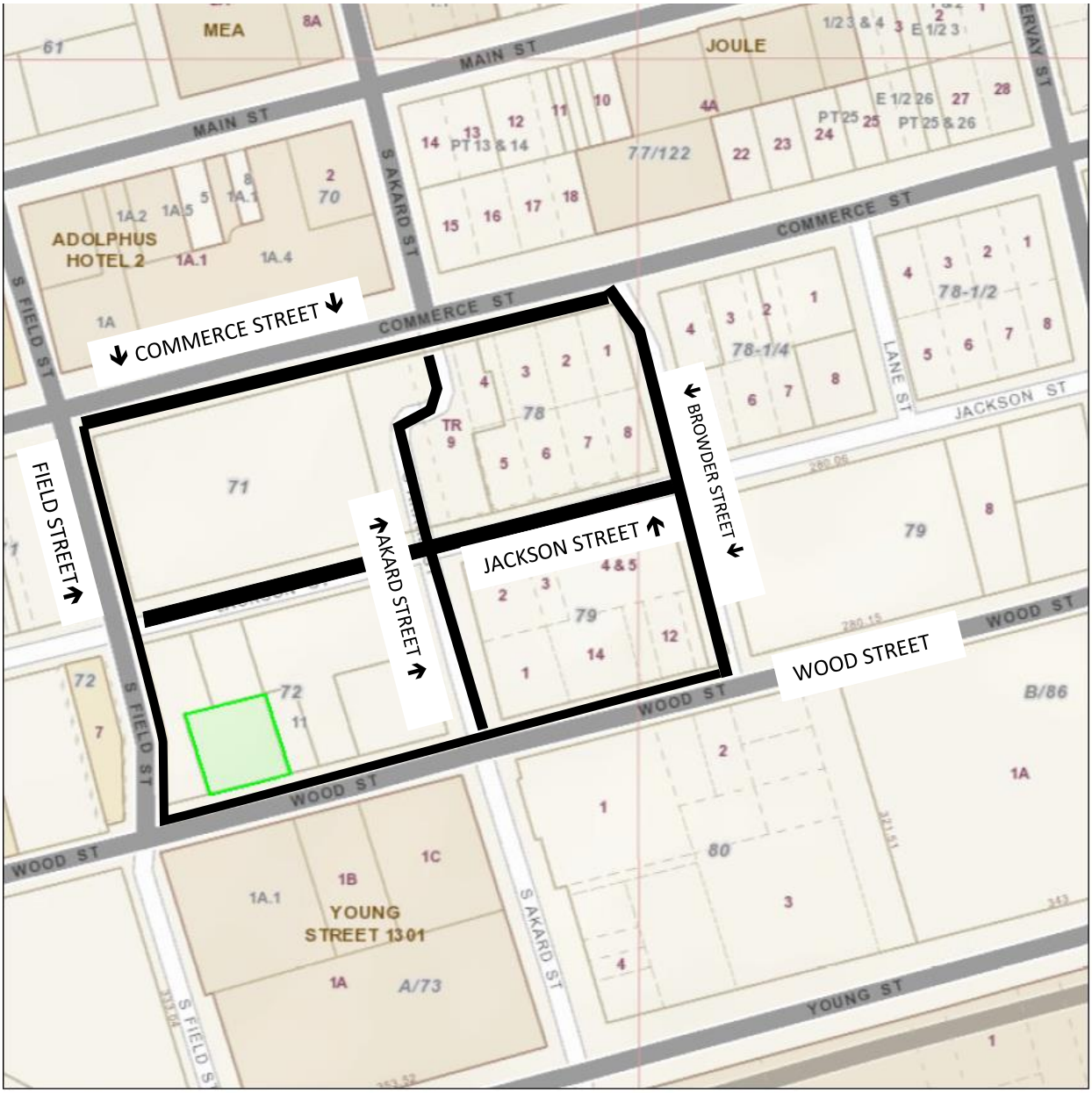
AT&T Services, Inc.

John Donovan, President

MAP

Attached

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LICENSE AREAS ▬

ORDINANCE NO. _____

An ordinance granting a revocable license to AT&T Services, Inc. (formerly Southwestern Bell Telephone Company) to occupy, maintain and utilize aerial and land portions of Field, Browder, Commerce, Jackson, Akard and Wood Streets rights-of-way located near the intersection of Jackson and Akard Streets in City Blocks 117/72, 124/79, 123/78, 116/71, and 129/78-1/4 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing (6) aerial uplights, nineteen (19) benches, thirty (30) light poles, one hundred thirty-eight (138) tree lights, fifty-seven (57) flush in grade lights, seventy-eight (78) bollards, twelve (12) lighted bollards, fifteen (15) retractable bollards, five (5) canopies without premise signs, a balcony, four (4) fountains, sixty-nine (69) trees, twenty-seven (27) tree wells, planters, landscaping and irrigation systems; providing for the terms and conditions of this license; providing for the annual and 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.

ooo0ooo

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

SECTION 1. That a revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to AT&T Services, Inc. (formerly Southwestern Bell Telephone Company), 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 area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of ten (10) 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 **FOUR THOUSAND THREE HUNDRED SIXTY-ONE AND 00/100 DOLLARS ($4,361.00)** annually for the license herein granted for six (6) aerial uplights and balcony, 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

SECTION 3. (continued)

due hereunder in the sum of **FOUR THOUSAND THREE HUNDRED SIXTY-ONE AND 00/100 DOLLARS ($4,361.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2019. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **FOUR THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS ($4,700.00)**, for the license herein granted for nineteen (19) benches, thirty (30) light poles, one hundred thirty-eight (138) tree lights, fifty-seven (57) flush in grade lights, seventy-eight (78) bollards, twelve (12) lighted bollards, fifteen (15) retractable bollards, five (5) canopies without premise signs, four (4) fountains, sixty-nine (69) trees, twenty-seven (27) tree wells, planters, landscaping and irrigation systems, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the license term. Such annual and one-time fee consideration, collectively, 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 (60) 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 General Fund, 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 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: to occupy, maintain and utilize aerial and land portions of Field, Browder, Commerce, Jackson, Akard and Wood Streets for six (6) aerial lights, nineteen (19) benches, thirty (30) light poles, one hundred thirty-eight (138) tree lights,

SECTION 4. (continued)

fifty-seven (57) flush in grade lights, seventy-eight (78) fixed bollards, twelve (12) lighted bollards, fifteen (15) retractable bollards, five (5) canopies without premise signs, a balcony, four (4) fountains, sixty-nine (69) trees, twenty-seven (27) tree wells, planters, and landscaping and irrigation systems.

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 to terminate and cancel this license, at will, by resolution passed by said Governing Body. 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 adhere to the license agreement and license agreement may not be assigned to any party other than the party named herein as Licensee without written approval from the Director of Sustainable Development and Construction, or designee.

SECTION 7. (continued)

(b) **GRANTEE** shall adhere to the rights of all utilities protected per the proceeding Exhibit B.

(c) **GRANTEE** shall ensure there is a minimum six feet (6'), preferred eight feet (8') to fifteen feet (15'), unconstructive continuous sidewalk.

(d) **GRANTEE** shall be aware of water/wastewater mains and rights-of-ways and any related easements are maintained through the provisions of Exhibit B. Planted trees and fixed bollards are not to be installed no less than 10 inches (10") from a water or wastewater main.

(e) **GRANTEE** shall ensure that the canopies will be at least two feet (2') off the face of the curb per site drawing illustrations and approved by Director of Department of Sustainable Development and Construction.

(f) **GRANTEE** shall obtain required Right-Of-Way Permits from the Public Works Department, in addition to obtaining any required building permits, and ensure all installations for proposed uses clear visibility triangles and sidewalk clearance per ADA/TDLR requirements per Americans with Disabilities Act/Texas Department of Licensing and Regulation (ADA/TDLR) requirements.

(g) **GRANTEE** shall be aware there is an existing wastewater main near the proposed Aerial License Areas. Per Dallas Water Utilities Water and Wastewater Procedures and Design Manual Section 1.8.4, the minimum vertical clearance required is twenty-five feet (25') over water and wastewater mains for equipment in the event of service/repairs. **GRANTEE** shall provide drawings of the proposed canopies and balcony and clearly show each meet a twenty-five feet (25') vertical clearance requirement when extended over/encroach within three feet (3') (horizontal) of existing mains. These drawings must be included as an exhibit in the recorded license ordinance, as further described in Exhibit A, Tract 18.

SECTION 7. (continued)

(h) **GRANTEE** shall allow a minimum of four feet (4') sidewalk if buffered from the roadway or five feet (5') if adjacent to the right-of-way, must be unobstructed and available to the public at all times.

(i) **GRANTEE** shall be aware that the City of Dallas must reserve the right to install traffic control devices and the ability to allow Dallas Area Rapid Transit (DART) bus stops and amenities to be installed if the City of Dallas or DART desires.

(j) **GRANTEE** shall ensure there is no special conflict with the modern streetcar catenary system requirements.

(k) **GRANTEE** shall ensure that any balcony shall not function for pedestrian access and shall function only as an architectural feature to the building's facade.

(l) **GRANTEE** shall ensure no improvements are less than eight feet (8') above the surface at any location.

(m) **GRANTEE** shall ensure full access to all existing utility easements and **GRANTEE** agree to pay the expense of any removal or relocation of interfering structures.

(n) **GRANTEE** shall be aware that the license for any canopies does not grant surface use of any public right-of-way.

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; 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 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 12. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009950.

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:

CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: Laura Williams
FOR
Assistant Director

Passed _____.

Exhibit A Tract 1

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 827.6 FEET
AND 828.0 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 394.2 FEET AND 394.6 FEET
ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 293 square foot (0.0067 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133) between Field Street (variable width right-of-way, created by City Ordinance Book 1-A, Pages 131-146 and created by Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas) and Browder Street (variable width right-of-way, created by said Smith, Murphy & Martin's Addition), being adjacent to Block 123/78 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

COMMENCING at a brass disk found at the intersection of easterly right-of-way line of said Field Street and the northerly right-of-way line of said Jackson Street, said disk being the southwesterly corner of a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE North 76° 00' 00" East, along the northerly right-of-way line of said Jackson Street and the southerly line of said Southwestern Bell tract (Volume 79195, Page 63), passing at a distance of 131.90 feet the southerly common corner of said Southwest Bell tract (Volume 79195, Page 63) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the southerly common corner between said Southwestern Bell tract (Volume 79195, Page 51) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79209, Page 2929, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the southerly common corner of said Southwestern Bell tract (Volume 79209, Page 2929) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 349.90 feet the southerly common corner of said Southwestern Bell tract and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 435.44 feet the southerly common corner of said Southwestern Bell tract (Volume 79173, Page 1932) and a tract of land described in a deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a total distance of 436.90 feet to a chiseled "X" in concrete set at the **POINT OF BEGINNING**;

THENCE North 76° 00' 00" East, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a distance of 45.00 feet to a 60D nail set, from which a found chiseled "X" in concrete at the intersection of the northerly right-of-way line of said Jackson Street and the westerly right-of-way line of said Browder Street bears North 76° 00' 00" East, a distance of 153.00 feet;

THENCE over and across said Jackson Street, the following courses and distances;

(For SPRG use only)
Reviewed By:
Date: 04.10.2019
SPRG NO.: 4288

Exhibit A Tract 1

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 827.6 FEET
AND 828.0 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 394.2 FEET AND 394.6 FEET
ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 14° 00' 00" East, a distance of 6.50 feet to a chiseled "X" in concrete set;

South 76° 00' 00" West, a distance of 45.00 feet to a chiseled "X" in concrete set;

North 14° 00' 00" West, a distance of 6.50 feet to the **POINT OF BEGINNING** and containing 293 square feet or 0.0067 acres, more or less.

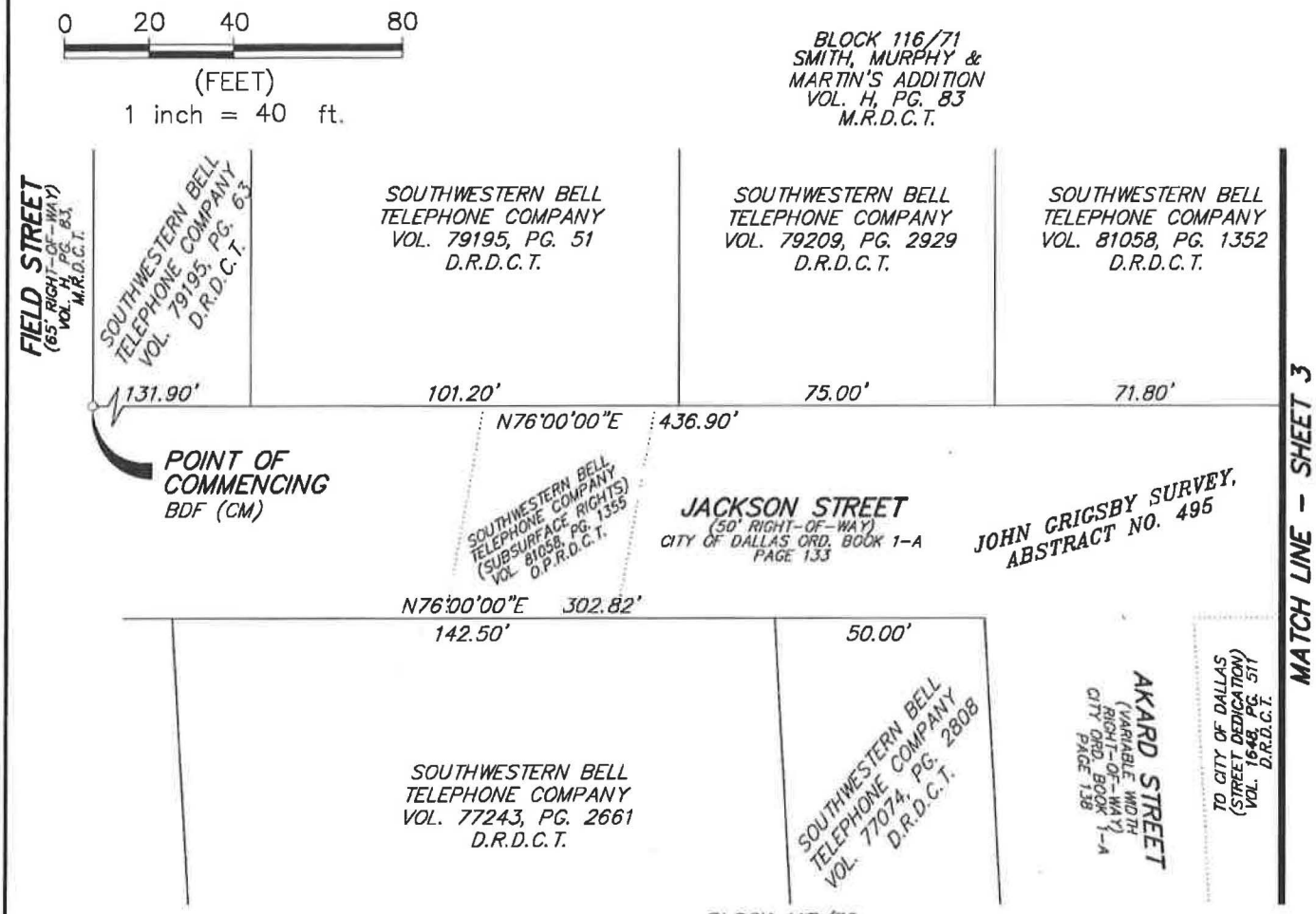
Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
07/24/2017
REVISED: 04/08/2019

(For SPRG use only)
Reviewed By:
Date: 04.10.2019
SPRG NO.: 4288

Exhibit A Tract 1



LEGEND

———	..... LICENSE AGREEMENT
———	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
60DNS	..... 60D NAIL SET
(CM)	..... CONTROLLING MONUMENT
M.R.	..... MAP RECORDS
D.R.	..... DEED RECORDS
O.P.R.	..... OFFICIAL PUBLIC RECORDS
D.C.T.	..... DALLAS COUNTY, TEXAS
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE
ORD.	..... ORDINANCE

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
07/24/2017
REVISED: 04/08/2019

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

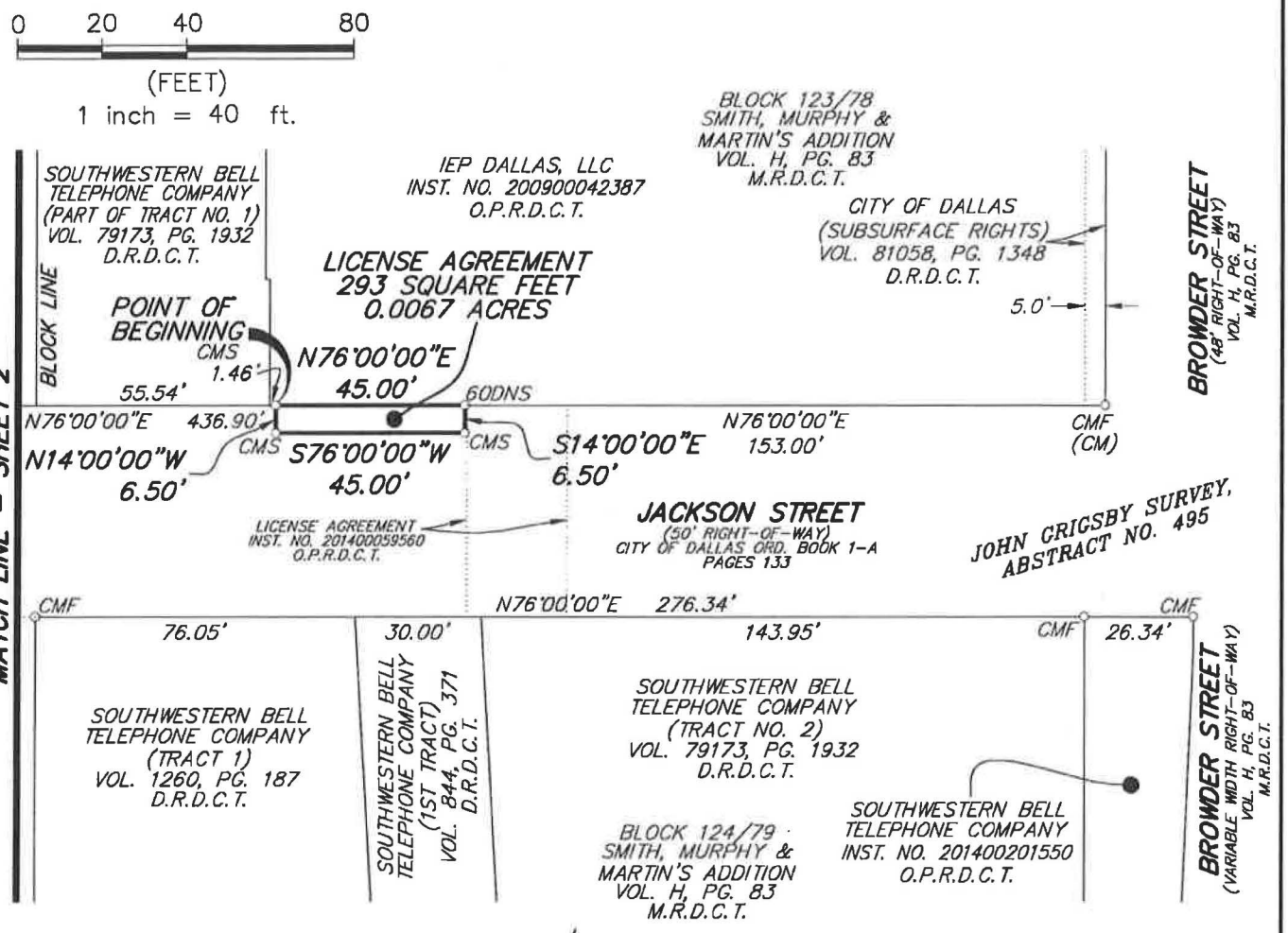
RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 827.6 FEET AND 828.0 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 394.2 FEET AND 394.6 FEET ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JR
Date: 04.10.2019
SPRG NO.: 4288

SCALE 1" = 40'		DATE 09/13/2017		SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA8	DWG NO.	266,34X

Exhibit A Tract 1



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
(CM)	CONTROLLING MONUMENT
M.R.	MAP RECORDS
D.R.	DEED RECORDS
O.P.R.	OFFICIAL PUBLIC RECORDS
D.C.T.	DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
ORD.	ORDINANCE

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78

BETWEEN THE ELEVATIONS OF 827.6 FEET AND 828.0 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 394.2 FEET AND 394.6 FEET ABOVE TOP OF CURB

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JL
Date: 04.10.2019
SPRG NO.: 4288

SCALE	1" = 40'	DATE	09/13/2017	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA8	DWG NO.	266,34X

Exhibit A Tract 2

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 463.0 FEET
AND 463.4 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 29.8 FEET AND 30.2 FEET
ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 423 square foot (0.0097 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133) between Field Street (variable width right-of-way, created by City Ordinance Book 1-A, Pages 131-146 and created by Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas) and Browder Street (variable width right-of-way, created by said Smith, Murphy & Martin's Addition), being adjacent to Block 123/78 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

COMMENCING at a brass disk found at the intersection of easterly right-of-way line of said Field Street and the northerly right-of-way line of said Jackson Street, said disk being the southwesterly corner of a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE North 76° 00' 00" East, along the northerly right-of-way line of said Jackson Street and the southerly line of said Southwestern Bell tract (Volume 79195, Page 63), passing at a distance of 131.90 feet the southerly common corner of said Southwest Bell tract (Volume 79195, Page 63) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the southerly common corner between said Southwestern Bell tract (Volume 79195, Page 51) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79209, Page 2929, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the southerly common corner of said Southwestern Bell tract (Volume 79209, Page 2929) and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 349.90 feet the southerly common corner of said Southwestern Bell tract and a tract of land described in a deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 435.44 feet the southerly common corner of said Southwestern Bell tract (Volume 79173, Page 1932) and a tract of land described in a deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a total distance of 491.90 feet to a MAG nail set at the **POINT OF BEGINNING;**

THENCE North 76° 00' 00" East, continuing along the northerly right-of-way line of said Jackson Street and the southerly line of said IEP Dallas tract, a distance of 65.00 feet to a 60D nail set, from which a found chiseled "X" in concrete at the intersection of the northerly right-of-way line of said Jackson Street and the westerly right-of-way line of said Browder Street bears North 76° 00' 00" East, a distance of 78.00 feet;

(For SPRG use only)
Reviewed By: JB
Date: 04.10.2019
SPRG NO.: 4289

Exhibit A

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 463.0 FEET
AND 463.4 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 29.8 FEET AND 30.2 FEET
ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE over and across said Jackson Street, the following courses and distances;

South 14° 00' 00" East, a distance of 6.50 feet to a chiseled "X" in concrete set;

South 76° 00' 00" West, a distance of 65.00 feet to a chiseled "X" in concrete set;

North 14° 00' 00" West, a distance of 6.50 feet to the **POINT OF BEGINNING** and containing 423 square feet or 0.0097 acres, more or less.

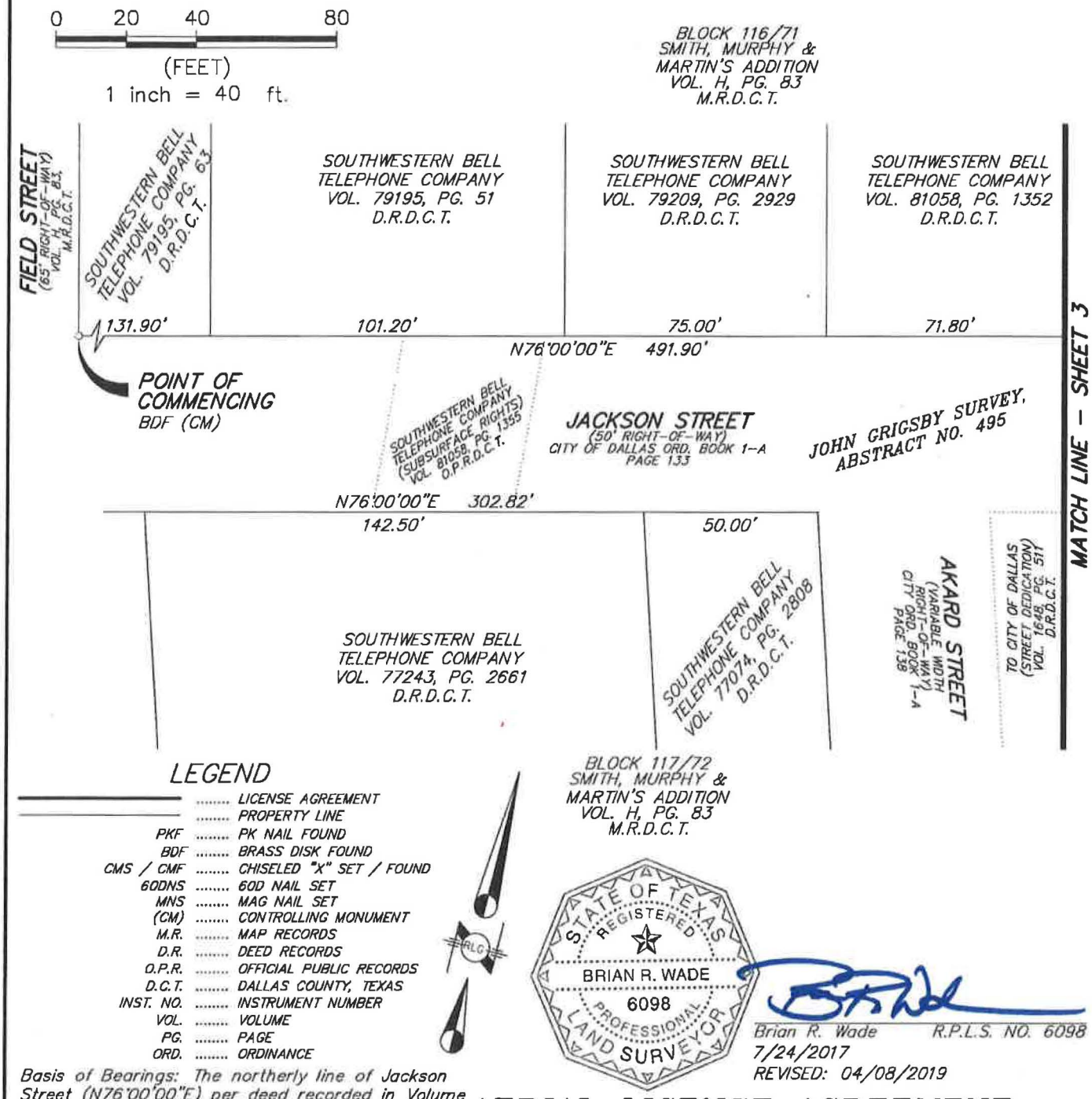
Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
07/24/2017
REVISED: 04/08/2019

(For SPRG use only)
Reviewed By: JR
Date: 04.10.2019
SPRG NO.: 4289

Exhibit A - Tract 2



LEGEND

	..... LICENSE AGREEMENT
	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
60DNS	..... 60D NAIL SET
MNS	..... MAG NAIL SET
(CM)	..... CONTROLLING MONUMENT
M.R.	..... MAP RECORDS
D.R.	..... DEED RECORDS
O.P.R.	..... OFFICIAL PUBLIC RECORDS
D.C.T.	..... DALLAS COUNTY, TEXAS
INST. NO.	..... INSTRUMENT NUMBER
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STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
7/24/2017
REVISED: 04/08/2019

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

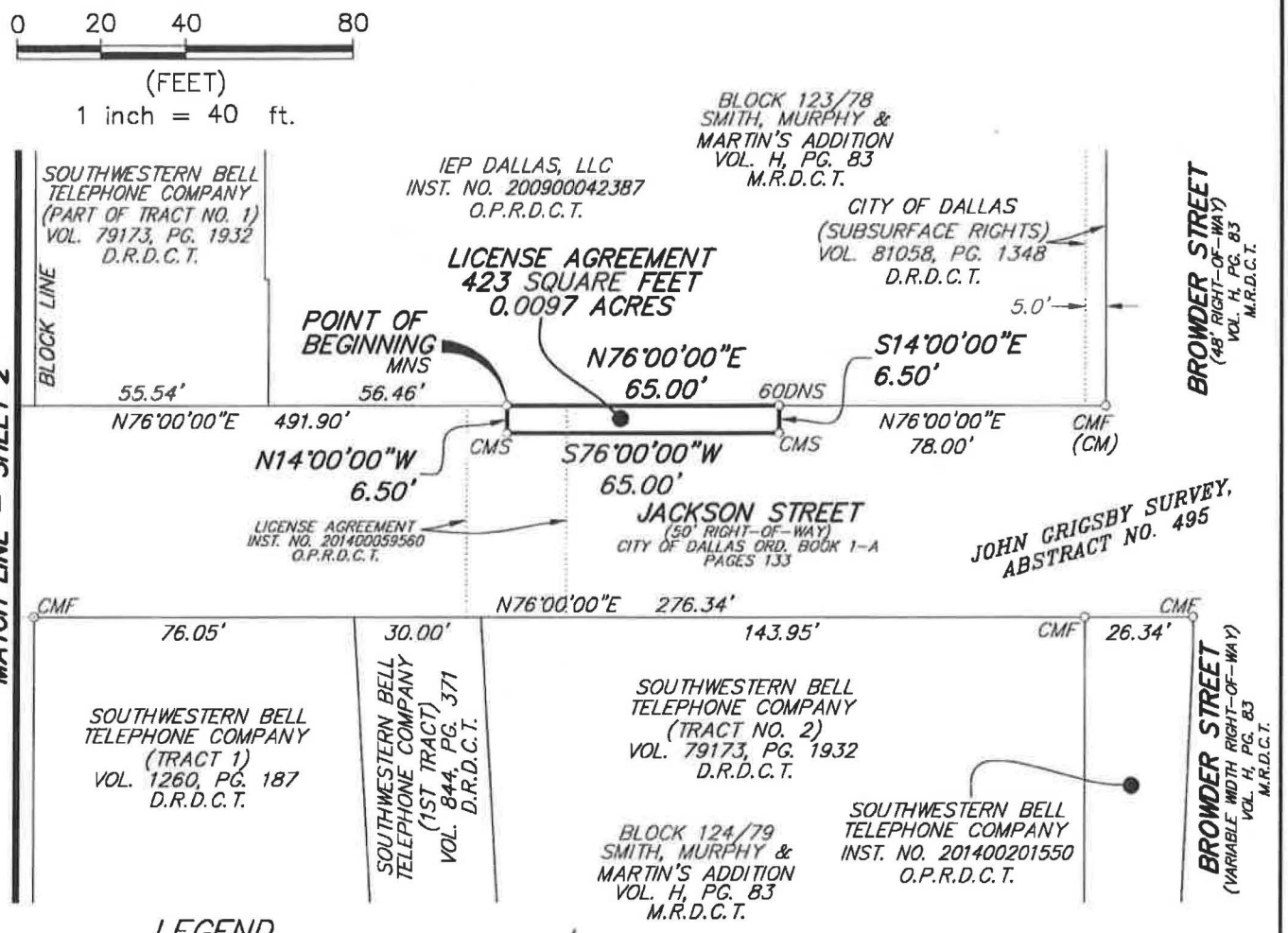
AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 463.0 FEET AND 463.4 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 29.8 FEET AND 30.2 FEET ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

RAYMOND L. GOODSON JR., INC.
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TEXAS PE REG #F-493
TBPLS REC #100341-00

(For SPRG use only)
Reviewed By: JR
Date: 04.10.2019
SPRG NO.: 4289

SCALE 1" = 40'		DATE 09/13/2017		SHEET 3 OF 4	
JOB NO.	16119	E-FILE	16119LA7	DWG NO.	266,33X

Exhibit A Tract 2



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS	MAG NAIL SET
(CM)	CONTROLLING MONUMENT
M.R.	MAP RECORDS
D.R.	DEED RECORDS
O.P.R.	OFFICIAL PUBLIC RECORDS
D.C.T.	DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
ORD.	ORDINANCE

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
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TEXAS PE REG #F-493
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AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 463.0 FEET AND 463.4 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 29.8 FEET AND 30.2 FEET ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JR
Date: 04.10.2019
SPRG NO.: 4289

SCALE 1" = 40'		DATE 09/13/2017		SHEET 4 OF 4	
JOB NO.	16119	E-FILE	16119LA7	DWG NO.	266,33X

Exhibit A Tract 3

LICENSE AGREEMENT
FIELD STREET
ADJACENT TO BLOCK 116/71
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 2,967 square foot (0.0681 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being part of Field Street (a 65 foot right-of-way, created by Volume 26, Page 262, Volume 26, Page 350 and Volume 26, Page 505 from Minutes of County Court No. 2), being between Jackson Street (a 50 foot right-of-way, created by City Ordinance Book 1-A, Page 133) and Commerce Street (a 78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being adjacent to Block 116/71 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

BEGINNING at a brass disk found for the southwest corner of a tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas at the intersection of the north right-of-way line of said Jackson Street and the east right-of-way line of said Field Street;

THENCE over and across said Field Street the following courses and distances:

South 76° 00' 00" West, a distance of 12.34 feet to a chiseled "X" in concrete set;

North 15° 25' 41" West, a distance of 200.06 feet to a chiseled "X" in concrete set;

North 76° 00' 00" East, a distance of 17.33 feet to a brass disk found for the northwest corner of said Southwestern Bell Telephone Company tract at the intersection of the south right-of-way line of said Commerce Street and the east right-of-way line of said Field Street;

THENCE South 14° 00' 00" East, along the east right-of-way line of said Field Street, a distance of 200.00 feet to the **POINT OF BEGINNING** and containing 2,967 square feet or 0.0681 acres, more or less

Basis of Bearings: The east right-of-way line of Field Street (S14°00'00"E) per deed recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas.

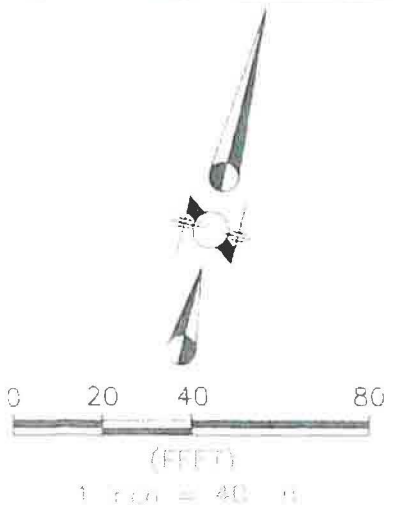
STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R Wade R.P.L S No. 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4466

Exhibit A

Tract 3



COMMERCE STREET
(78.7' RIGHT-OF-WAY)
CITY OF DALLAS ORD.
BOOK 1-A, PAGE 133

N76°00'00"E 17.33'

N76°00'00"E 629.90'

BDF (CM)

JOHN GRIGSBY SURVEY, 23
ABSTRACT NO. 495

SOUTHWESTERN BELL TELEPHONE COMPANY
VOL. 79195, PG. 63
D.R.D.C.T.

LICENSE AGREEMENT
2,967 SQ. FT.
0.0681 ACRES

BLOCK 116/71
SMITH, MURPHY & MARTIN'S ADDITION
VOL. H, PG. 83
M.R.D.C.T.

TRANSFORMER VAULT
LICENSE AGREEMENT
ORDINANCE NO. 20864
VOL. 99172, PG. 4028
D.R.D.C.T.

POINT OF BEGINNING
BDF (CM)

131.90'

N76°00'00"E 634.90'

S76°00'00"W 12.34'

JACKSON STREET
(50' RIGHT-OF-WAY)
CITY OF DALLAS ORD.
BOOK 1-A, PAGE 133

FIELD STREET
(65' RIGHT-OF-WAY)

N15°25'41"W 200.06'

S14°00'00"E 200.00'

TO CITY OF DALLAS VOL. 26, PG. 350 MIN C.C. NO. 2

TO CITY OF DALLAS VOL. 26, PG. 505 MIN C.C. NO. 2

TO CITY OF DALLAS VOL. 26, PG. 262 MIN C.C. NO. 2

TO CITY OF DALLAS VOL. 330, PG. 384 D.R.D.C.T.

BRAMA COMMERCE STREET INST. NO. [illegible] O.P.R.D.C.T.

LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

Basis of Bearings. The east right-of-way line of Field Street (S14°00'00"E) per deed recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas

Controlling Monuments. As shown.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
3/29/2018

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY. STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO: 4466

LICENSE AGREEMENT
FIELD STREET
ADJACENT TO BLOCK 116/71
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE	1" = 40'	DATE	3/29/2018	SHEET	2 OF 2
JOB NO.	16119	E-FILE	16119LA10	DWG NO.	26,676X

Exhibit A Tract 4

LICENSE AGREEMENT
FIELD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 2,872 square foot (0.0659 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a part of Field Street (a variable width right-of-way, created by minutes of County Court No. 2 recorded in Volume 27, Page 23 and Volume 26, Page 478), between Jackson Street (a 50 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133) and Wood Street (a 50 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133), being adjacent to Block 117/72 of Smith, Murphy's & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found at the intersection of south right-of-way line of said Jackson Street and the east right-of-way line of Akard Street (a variable width right-of-way, created by City Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2), from which a chiseled "X" in concrete found bears South 14° 00' 00" East, a distance of 149.49 feet;

THENCE South 76° 00' 00" West, passing at a distance of 74.03 feet the east corner of a 0.1083 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas at the intersection of the south right-of-way line of said Jackson Street and the west right-of-way line of said Akard Street, continuing along the south right-of-way line of said Jackson Street, passing at a distance of 124.04 feet the north common corner of said 0.1083 acre tract and a 0.3086 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77243, Page 2661, Deed Records, Dallas County, Texas, passing at a distance of 266.54 feet the north common corner of said 0.3086 acre tract and a 0.1343 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas, passing at a distance of 328.54 feet the north common corner of a 9264 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77146, Page 563, Deed Records, Dallas County, Texas, continuing for a total distance of 376.85 feet to a chiseled "X" in concrete set for the northeast corner a 1523 square foot tract of land described in deed to the City of Dallas recorded in Volume 81058, Page 1345, Deed Records, Dallas County, Texas and the **POINT OF BEGINNING** at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Field Street;

THENCE along the east right-of-way line of said Field Street and the east line of said 1523 square foot tract the following courses and distances:

South 14° 00' 00" East, a distance of 46.95 feet to a chiseled "X" in concrete set at the beginning of a tangent curve to the right;

In a southeasterly direction along said tangent curve to the right whose chord bears South 07° 29' 10" East, a distance of 107.09 feet, having a radius of 472.00 feet, a central angle of 13° 01' 39" and an arc length of 107.32 feet to a chiseled "X" in concrete set at the end of said tangent curve to the right;

South 00° 58' 21" East, a distance of 40.41 feet to a chiseled "X" in concrete set for the southeast corner of said 1523 square foot tract at the intersection of the north right-of-way line of said Wood Street and the east right-of-way line of said Field Street;

THENCE over and across said Field Street the following courses and distances;

South 75° 52' 20" West, passing at a distance of 7.20 feet the southwest corner of said 1523 square foot tract, continuing for a total distance of 13.63 feet to a chiseled "X" in concrete set at the beginning of a non-tangent curve to the right;

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4467

Exhibit A Tract 4

LICENSE AGREEMENT
FIELD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

In a northwesterly direction along said non-tangent curve to the right whose chord bears North 14° 41' 56" West, a distance of 4.49 feet, having a radius of 9.81 feet, a central angle of 26° 29' 17" and an arc length of 4.53 feet to a chiseled "X" in concrete set at the end of said non-tangent curve to the right;

North 00° 58' 21" West, a distance of 65.11 feet to a chiseled "X" in concrete set at the beginning of a tangent curve to the left;

In a northwesterly direction along said tangent curve to the left whose chord bears North 07° 29' 10" West, a distance of 37.64 feet, having a radius of 165.91 feet, a central angle of 13° 01' 39" and an arc length of 37.72 feet to a chiseled "X" in concrete set at the end of said tangent curve to the left;

North 14° 00' 00" West, a distance of 87.43 feet to a chiseled "X" in concrete set;

North 76° 00' 00" East, passing a distance of 6.47 feet the northwest corner of said 1523 square foot tract, continuing for a total distance of 16.00 feet to the **POINT OF BEGINNING** and containing 2,872 square feet or 0.0659 acres, more or less.

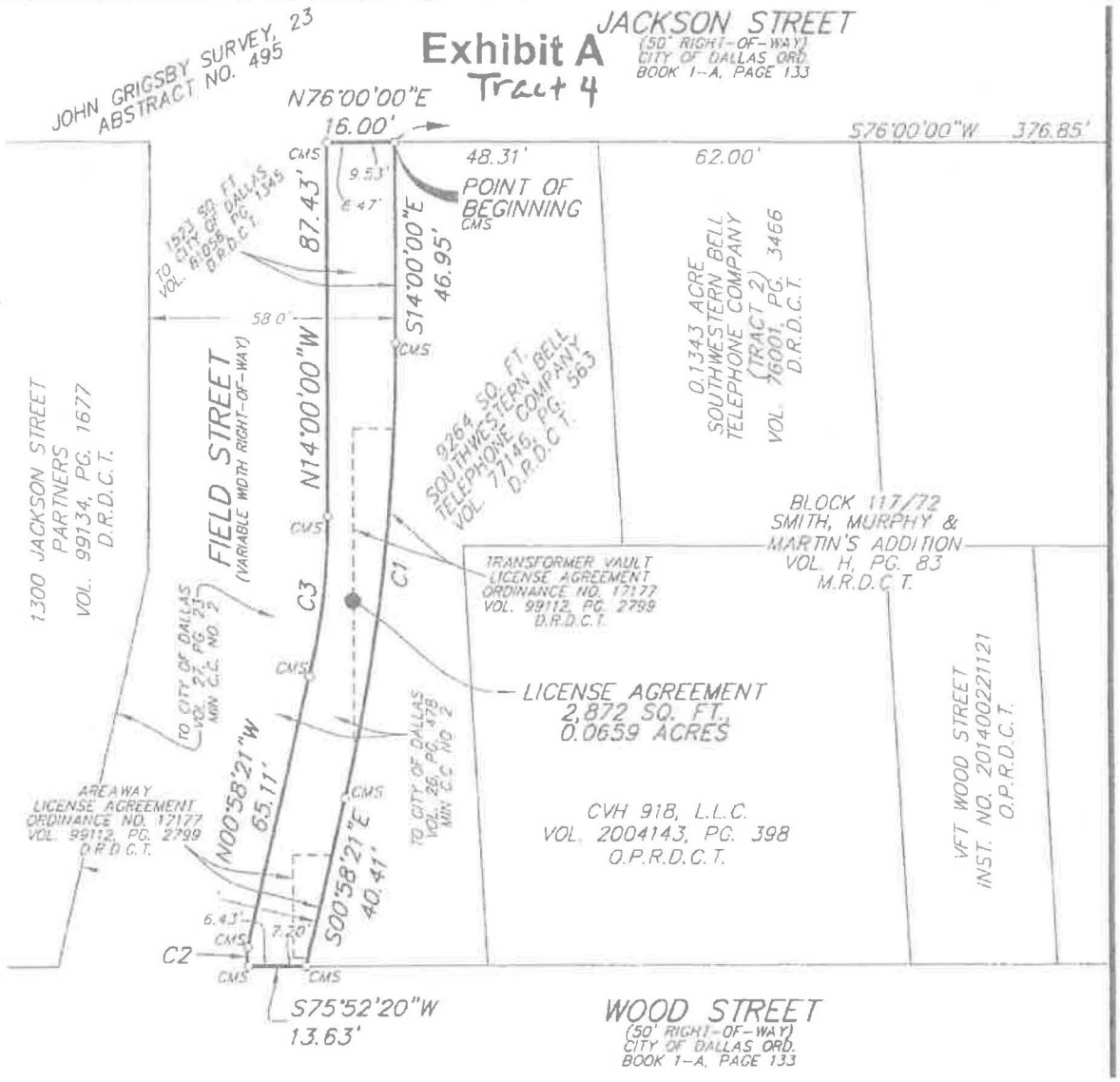
Basis of Bearings: The south right-of-way line of Jackson Street (S76°00'00"W) per deed recorded in Volume 77243, Page 2661, Deed Records, Dallas County, Texas.



Brian R Wade R.P.L.S. No. 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO: 4467

Exhibit A
Tract 4



CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CH. BRG.	CHORD
C1	13°01'39"	472.00'	53.89'	107.32'	S07°29'10"E	107.09'
C2	26°29'17"	9.81'	2.31'	4.53'	N14°41'56"W	4.49'
C3	13°01'39"	165.91'	18.94'	37.72'	N07°29'10"W	37.64'

Basis of Bearings: The south right-of-way line of Jackson Street (S76°00'00"W) per deed recorded in Volume 77243, Page 2661, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

0 20 40 80

(FEET)

1 inch = 40 ft.

LEGEND

	..... LICENSE AGREEMENT
	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
MNS	..... MAG NAIL SET
(CM)	..... CONTROLLING 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
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE
MIN CC. NO. 2	..... MINUTES OF COUNTY COURT NUMBER 2

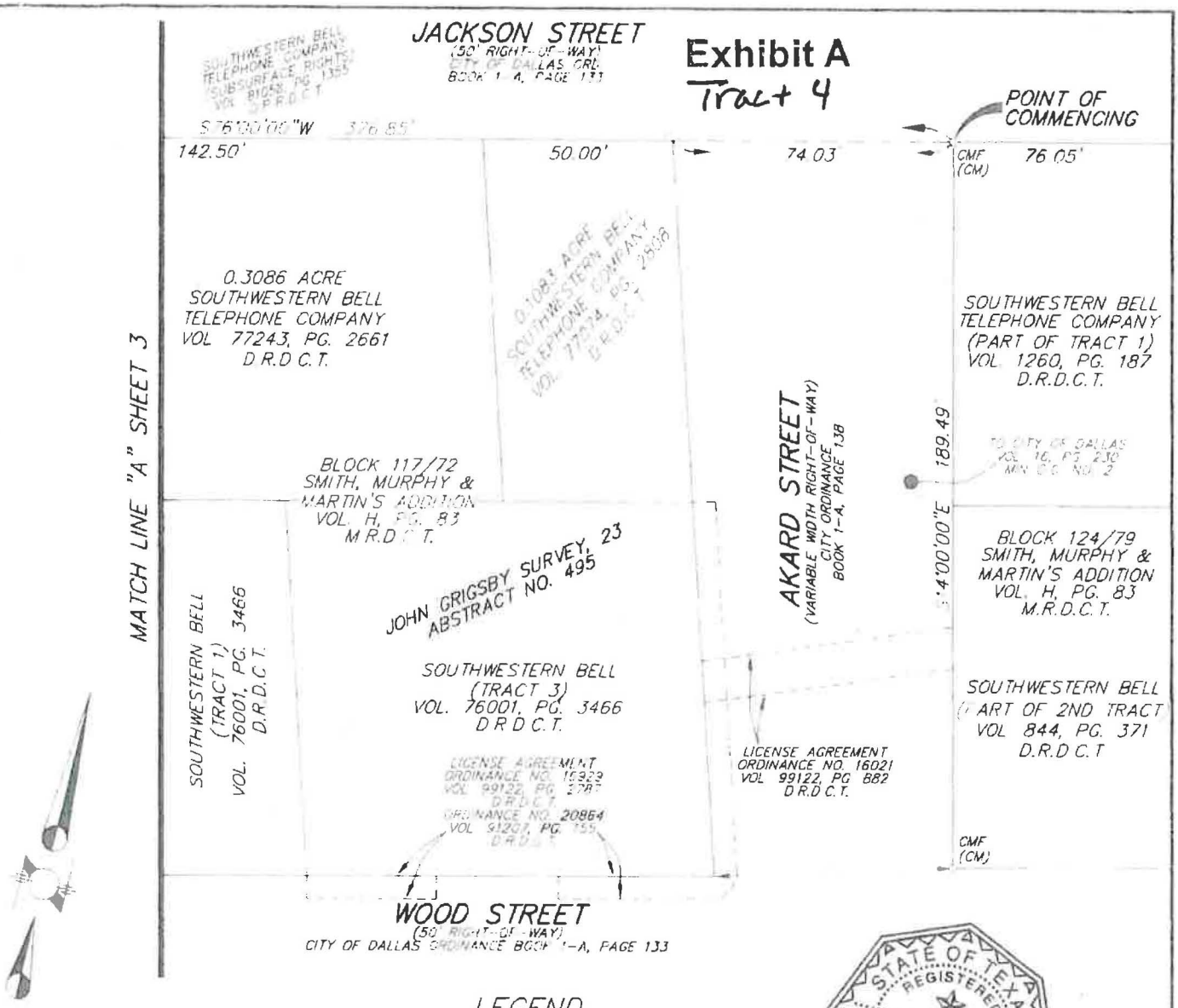
RAYMOND L. COODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
FIELD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4467

SCALE	1" = 40'	DATE	03/29/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA11	DWG NO.	26,677X

Exhibit A
Tract 4



0 20 40 80

(FEET)

1 inch = 40 ft

Basis of Bearings: The south right-of-way line of Jackson Street (S76°00'00"W) per deed recorded in Volume 77243, Page 2661, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL	VOLUME
PG	PAGE
MIN CC. NO 2	MINUTES OF COUNTY COURT NUMBER 2

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO 6098

3/29/2018

RAYMOND L. GOODSON JR., INC.
12001 N CENTRAL EXPY, STE 300
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TEXAS PE REC #F-493
TBPLS REC #100341-00

LICENSE AGREEMENT
FIELD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4467

SCALE	1" = 40'	DATE	03/29/2018	SHEET	4 OF 4
JOB NO	16119	E-FILE	16119LA11	DWG NO	26,677X

Exhibit A Tract 5

LICENSE AGREEMENT
WOOD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 2,479 square foot (0.0569 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a part of Wood Street (a 50 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133), being between Field Street (a variable width right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 478, Volume 27, Page 23) and Akard Street (a variable width right-of-way, created by City Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2), being adjacent to Block 117/72 of Smith Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, page 83, Map Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found at the intersection of the east right-of-way line of said Akard Street and the north right-of-way line of said Wood Street, from which a found chiseled "X" in concrete bears North 14° 00' 00" West, a distance of 189.49 feet;

THENCE South 73° 44' 41" West, over and across said Akard Street, a distance of 63.03 feet to a chiseled "X" in concrete set for the southwest corner of a 0.2409 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas and the **POINT OF BEGINNING** at the intersection of the west right-of-way line of said Akard Street and the north right-of-way line of said Wood Street;

THENCE over and across said Wood Street the following courses and distances:

South 17° 17' 40" East, a distance of 6.06 feet to a chiseled "X" in concrete set;

South 64° 47' 40" West, a distance of 5.03 feet to a chiseled "X" in concrete set;

South 75° 49' 27" West, a distance of 334.82 feet to a chiseled "X" in concrete set at the beginning of a tangent curve to the right;

In a northwesterly direction along said tangent curve to the right whose chord bears North 66° 07' 30" West, a distance of 11.85 feet, having a radius of 9.62 feet, a central angle of 76° 06' 05" and an arc length of 12 77 feet to a chiseled "X" in concrete set at the end of said tangent curve to the right;

North 75° 52' 20" East, passing at a distance of 6.43 feet the southwest corner of a tract of land described to the City of Dallas recorded in Volume 81058, Page 1345, Deed Records, Dallas County, Texas, passing at a distance of 13.63 feet the southeast corner of said City of Dallas tract at the intersection of the north right-of-way line of said Wood Street and the east right-of-way line of said Field Street, passing at a distance of 56.12 feet the south common corner of a 9264 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77146, Page 563, Deed Records, Dallas County, Texas and a tract of land described in deed to CVH 918, L.L.C. recorded in Volume 2004143, Page 398, Official Public Records, Dallas County, Texas, passing at a distance of 156.44 feet the south common corner of said CVH 918 tract and a tract of land described in deed to VFT Wood Street recorded in Instrument Number 201400221121, Official Public Records, Dallas County, Texas, passing at a distance of 191.44 feet the south common corner of said VFT Wood Street tract and a 0.1124 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas, passing at a distance of 241.44 feet the south common corner of said 0.1124 acre tract and said 0.2409 acre tract, continuing for a total distance of 348.76 feet to the **POINT OF BEGINNING** and containing 2,479 square feet or 0.0569 acres, more or less.

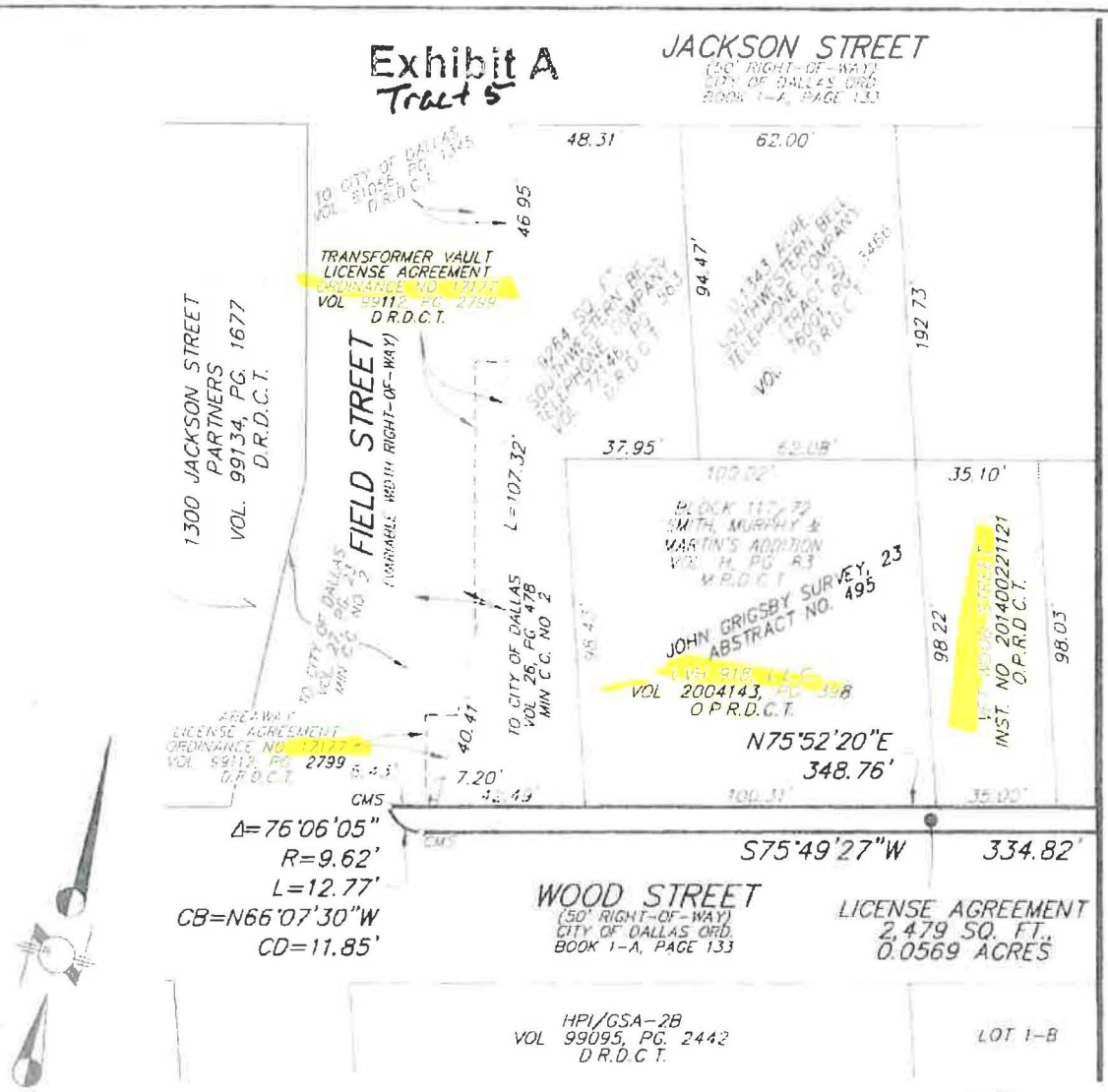
Basis of Bearings: The north right-of-way line of Wood Street (N75°52'20"E) per deed recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG No.: 4468

Exhibit A
Tract 5



0 25 50 100

(FEET)

1 inch = 50 ft.

LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN CC. NO 2	MINUTES OF COUNTY COURT NUMBER 2

Basis of Bearings. The north right-of-way line of Wood Street (N75°52'20"E) per deed recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
01/05/2018

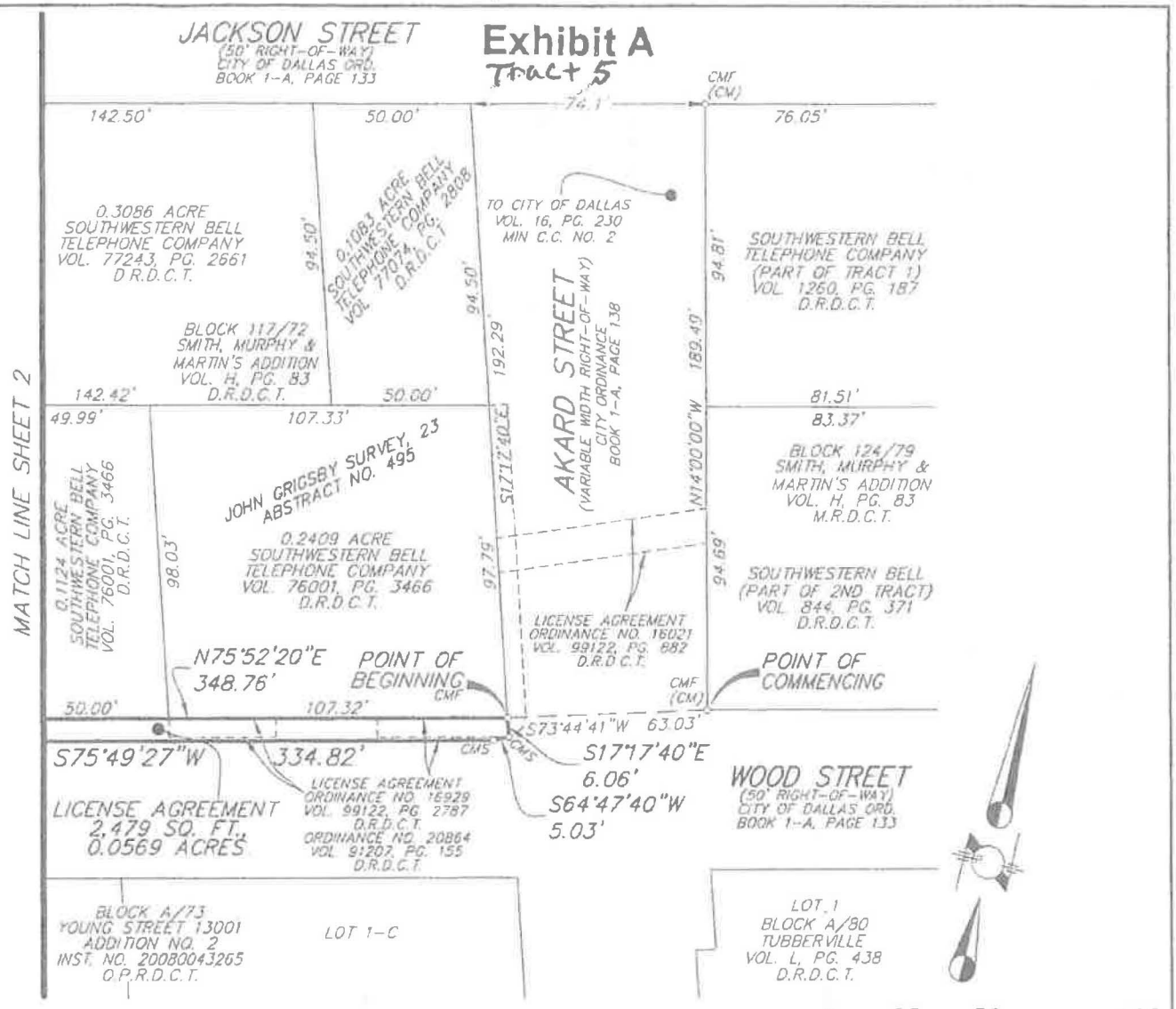
RAYMOND L. GOODSON JR., INC.
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TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
WOOD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4468

SCALE	1" = 50'	DATE	3/29/2018	SHEET	2 OF 3
JOB NO.	16119	E-FILE	16119LA12	DWG NO.	26,678X

Exhibit A
Tract 5



0 25 50 100

(FEET)

1 inch = 50 ft.

LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN CC. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

Basis of Bearings: The north line of Wood Street (N75°52'20"E) per deed recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
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TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
WOOD STREET
ADJACENT TO BLOCK 117/72
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4468

SCALE	1" = 50'	DATE	3/29/2018	SHEET	3 OF 3
JOB NO.	16119	E-FILE	16119LA12	DWG NO.	26,678X

Exhibit A Tract 6

LICENSE AGREEMENT
WOOD STREET
ADJACENT TO BLOCK 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 1,908 square feet (0.0438 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a part of Wood Street (a 50 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133), being between Akard Street (a 50 foot right-of-way, created by City Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2) and Browder Street (a variable width right-of-way, created by Volume H, Page 53, and being adjacent to Block 124/79 of Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas), and being more particularly described as follows:

BEGINNING at a chiseled "X" in concrete found at the intersection of the north right-of-way line of said Wood Street and the east right-of-way line of said Akard Street, from which a found chiseled "X" in concrete bears North 14° 00' 00" West, a distance of 189.49 feet at the intersection of the east right-of-way line of said Akard Street and the south right-of-way line of Jackson Street (a 50 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133);

THENCE North 75° 52' 20" East, along the north right-of-way line of said Wood Street, passing at a distance of 83.58 feet the south common corner of a tract of land described in deed to Southwestern Bell Company recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas and a tract of land described as tract 18 in deed to Southwestern Bell Telephone Company recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, passing at a distance of 168.58 feet the south common corner of said tract 18 and a tract of land described as tract 17 in deed to Southwestern Bell Telephone Company recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, passing at a distance of 193.58 feet the south common corner of said tract 17 and a 0.4561 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, continuing for a total distance of 250.00 feet to a chiseled "V" in concrete set for the southwest corner of a 0.1023 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Instrument No. 201400201550, Official Public Records, Dallas County, Texas and the beginning of a non-tangent curve to the right, from which a found chiseled "X" in concrete bears North 14° 00' 00" West, a distance of 188.93 feet;

THENCE over and across said Wood Street the following courses and distances:

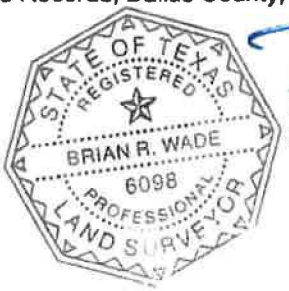
In a southwesterly direction along said non-tangent curve to the right whose chord bears South 38° 34' 10" West, a distance of 13.18 feet, having a radius of 10.85 feet, a central angle of 74° 51' 17" and an arc length of 14.17 feet to a chiseled "X" in concrete set at the end of said non-tangent curve to the right;

South 75° 59' 49" West, a distance of 230.18 feet to a MAG nail set;

South 82° 40' 28" West, a distance of 9.42 feet to a chiseled "X" in concrete set;

North 14° 00' 00" West, a distance of 6.37 feet to the **POINT OF BEGINNING** and containing 1,908 square feet or 0.0438 acres, more or less.

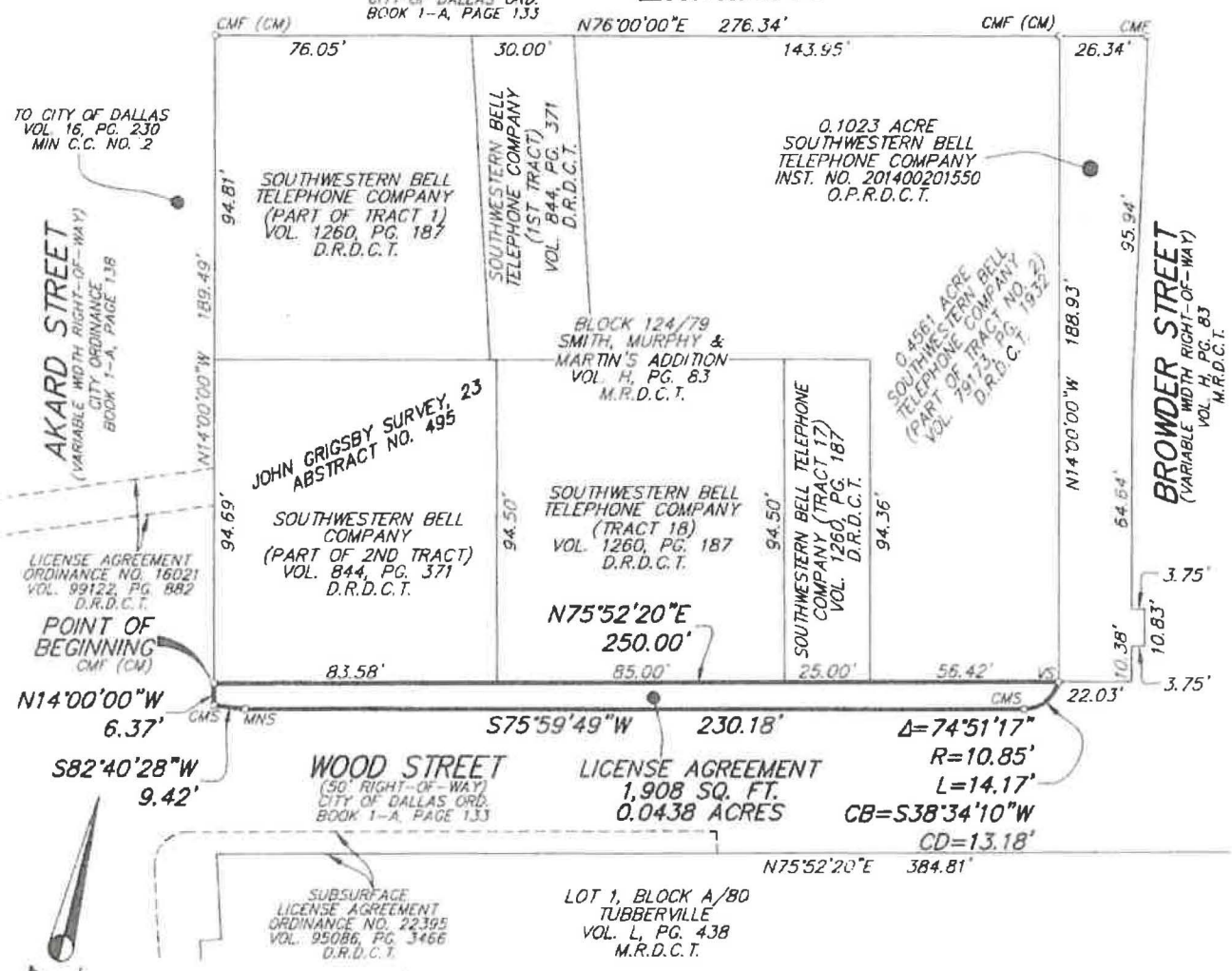
Basis of Bearings: The south right-of-way line of Commerce Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4469

Exhibit A Tract 6



LEGEND

	..... LICENSE AGREEMENT
	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
MNS	..... MAG NAIL SET
(CM)	..... CONTROLLING MONUMENT
M.R.D.C.T.	..... MAP RECORDS, DALLAS COUNTY, TX
D.R.D.C.T.	..... DEED RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	..... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	..... INSTRUMENT NUMBER
VOL	..... VOLUME
PG.	..... PAGE
VS	..... CHISELED "V" SET
MIN C.C. NO. 2	..... MINUTES OF COUNTY COURT NUMBER 2

0 20 40 80

(FEET)

1 inch = 40 ft.

Basis of Bearings: The south right-of-way line of Commerce Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
3/29/2018

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REG #100341-00

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4469

LICENSE AGREEMENT
WOOD STREET
ADJACENT TO BLOCK 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE	1" = 40'	DATE	3/29/2018	SHEET	2 OF 2
JOB NO.	16119	E-FILE	16119LA13	DWG NO.	26,679X

Exhibit A
Tract 9

LICENSE AGREEMENT
AKARD STREET

ADJACENT TO BLOCKS 117/72 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 13,058 square foot (0.300 acres) tract of land situated in the John Grigsby Survey, 23, Abstract No. 495, City of Dallas, Dallas County, Texas, and being all of Akard Street (variable width right-of-way, created by City Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2), between Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133), and Wood Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being adjacent to Blocks 117/72 and 124/79, Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a chiseled "X" in concrete found for corner at the intersection of the easterly right-of-way line of said Akard Street and the northerly right-of-way line of said Wood Street, said "X" being the southeasterly corner of said street dedication conveyed to the City of Dallas by deed recorded in Volume 648, Page 187, Deed Records, Dallas County, Texas and the southwesterly corner of a tract of land conveyed to Southwestern Bell Telephone Company (2nd Tract) by deed recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas;

THENCE South 75° 52' 20" West, departing the easterly right-of-way line of said Akard Street a distance of 13.04 feet to a MAG nail set for corner at the southwesterly corner of said City of Dallas tract;

THENCE South 73° 11' 24" West a distance of 50.00 feet to a chiseled "X" in concrete set for corner at the intersection of the westerly right-of-way line of said Akard Street and the northerly right-of-way line of said Wood Street, said "X" being the southeasterly corner of a tract of land conveyed to Southwestern Bell Telephone Company (Tract 3) by deed recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas;

THENCE North 17° 17' 40" West along the westerly right-of-way line of said Akard Street and the easterly line of said Southwestern Bell tract (Tract 3), passing at a distance of 97.79 feet the easterly common corner of said Southwestern Bell tract (Tract 3) and a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas, continuing along the westerly right-of-way line of said Akard Street and the easterly line of said Southwestern Bell tract (Vol. 77074, Page 2808) a total distance of 192.29 feet to a chiseled "X" in concrete set for corner at the intersection of the westerly right-of-way line of said Akard Street and the southerly right-of-way line of said Jackson Street, said "X" being the northeasterly corner of said Southwestern Bell tract (Volume 77074, Page 2808);

THENCE North 76° 00' 00" East, departing the westerly right-of-way line of said Akard Street a distance of 74.03 feet to a chiseled "X" in concrete found for corner at the intersection of the easterly right-of-way line of said Akard Street and the southerly right-of-way line of said Jackson Street, said "X" being the northerly common corner between said City of Dallas tract and a tract of land conveyed to Southwestern Bell Telephone Company (Tract 1) by deed recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas;

THENCE South 14° 00' 00" East along the easterly right-of-way line of said Akard Street, the easterly line of said City of Dallas tract and the westerly lines of said Southwestern Bell tracts (Tract 1 & 2nd Tract) a distance of 189.49 feet to the **POINT OF BEGINNING** and containing 13,058 square feet or 0.300 acres, more or less.

Basis of Bearings: The westerly right-of-way line of Akard Street (N17°17'40") per deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas.

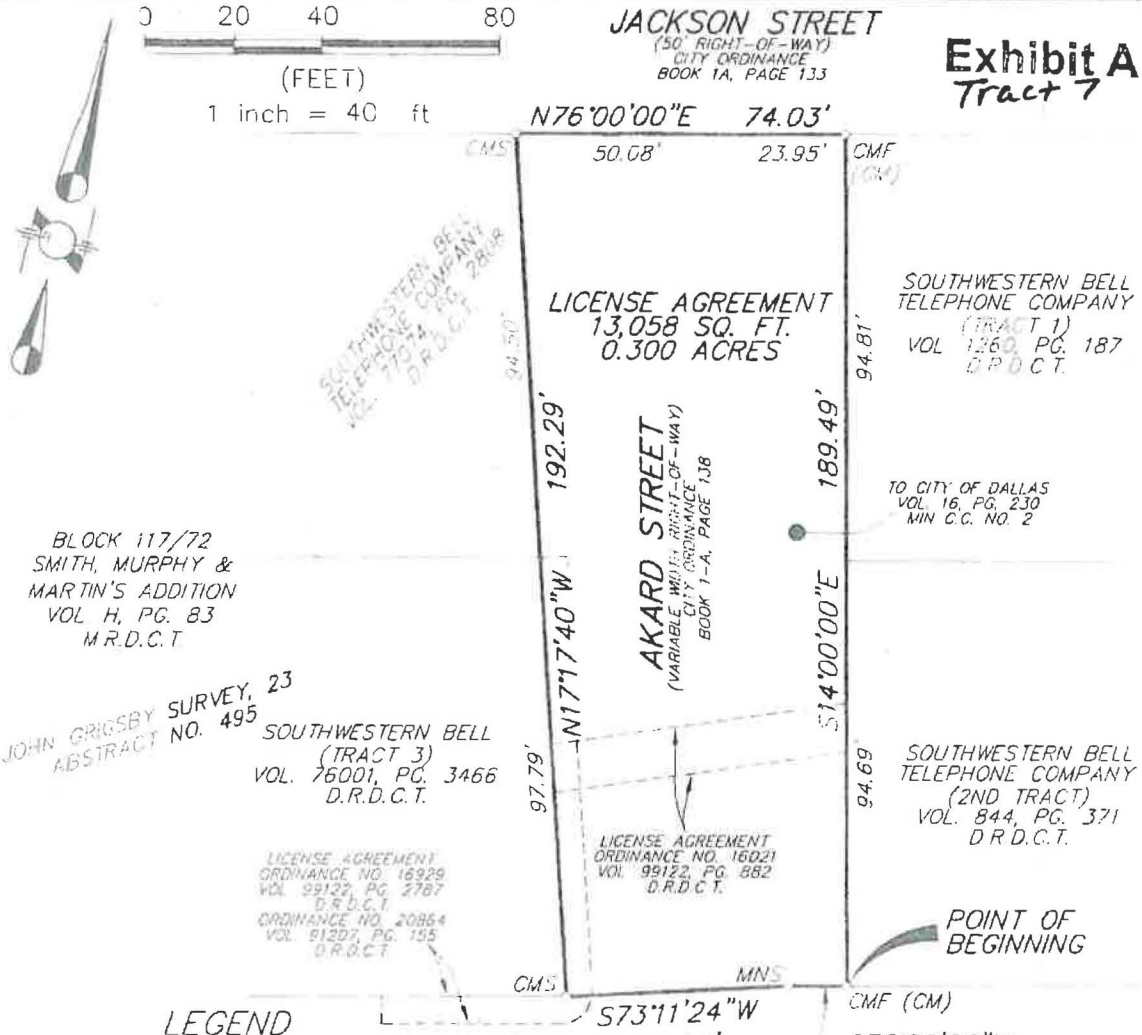
STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4470

SHEET 1 OF 2
26,488X

Exhibit A
Tract 7



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING MONUMENT
M.R.D.C.T	MAP RECORDS DALLAS COUNTY, TEXAS
L.R.D.C.T	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
INST. NO	INSTRUMENT NUMBER
VOL.	VOLUME
PG	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

Basis of Bearings: The westerly right-of-way line of Akard Street (N17°17'40") per deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas.

Controlling Monuments As shown.

STATE OF TEXAS REGISTERED BRIAN R. WADE 6098 PROFESSIONAL LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
3/29/2018

RAYMOND L. GOODSON JR., INC
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCKS 117/72 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/14/18
SPRG NO.: 4470

SCALE	1" = 40'	DATE	3/29/2018	SHEET	2 OF 2
JOB NO.	16119	E-FILE	16119LA4	DWG NO.	26,488X

Exhibit A Tract 8

LICENSE AGREEMENT
BROWDER STREET
ADJACENT TO BLOCK 123/78
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 2,221 square foot (0.0510 acre) tract of land situated in the John Grigsby Survey, 23, Abstract No. 495, City of Dallas, Dallas County, Texas, being a part of Browder Street (a 48 foot right-of-way, created by plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas), being between Commerce Street (a 78.7 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133) and Jackson Street (a 50 foot right-of-way, created by City of Dallas Ordinance Book 1-A, Page 133), being adjacent to Block 123/78 of Smith, Murphy, Martin's Addition an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a brass disk found for the northeast corner of a tract of land described in deed to IEP Dallas, LLC recorded in Instrument No. 20090042387, Official Public Records, Dallas County, Texas at the intersection of the south right-of-way line of said Commerce Street and the west right-of-way line of said Browder Street;

THENCE over and across said Browder Street the following courses and distances:

North 76° 00' 00" East, a distance of 2.44 feet to a chiseled "X" in concrete;

South 18° 57' 18" East, a distance of 200.75 feet to a chiseled "X" in concrete;

South 76° 00' 00" West, a distance of 19.78 feet to a chiseled "X" in concrete found for the southeast corner of said IEP Dallas tract at the intersection of the north right-of-way line of said Jackson Street and the west right-of-way line of said Browder Street;

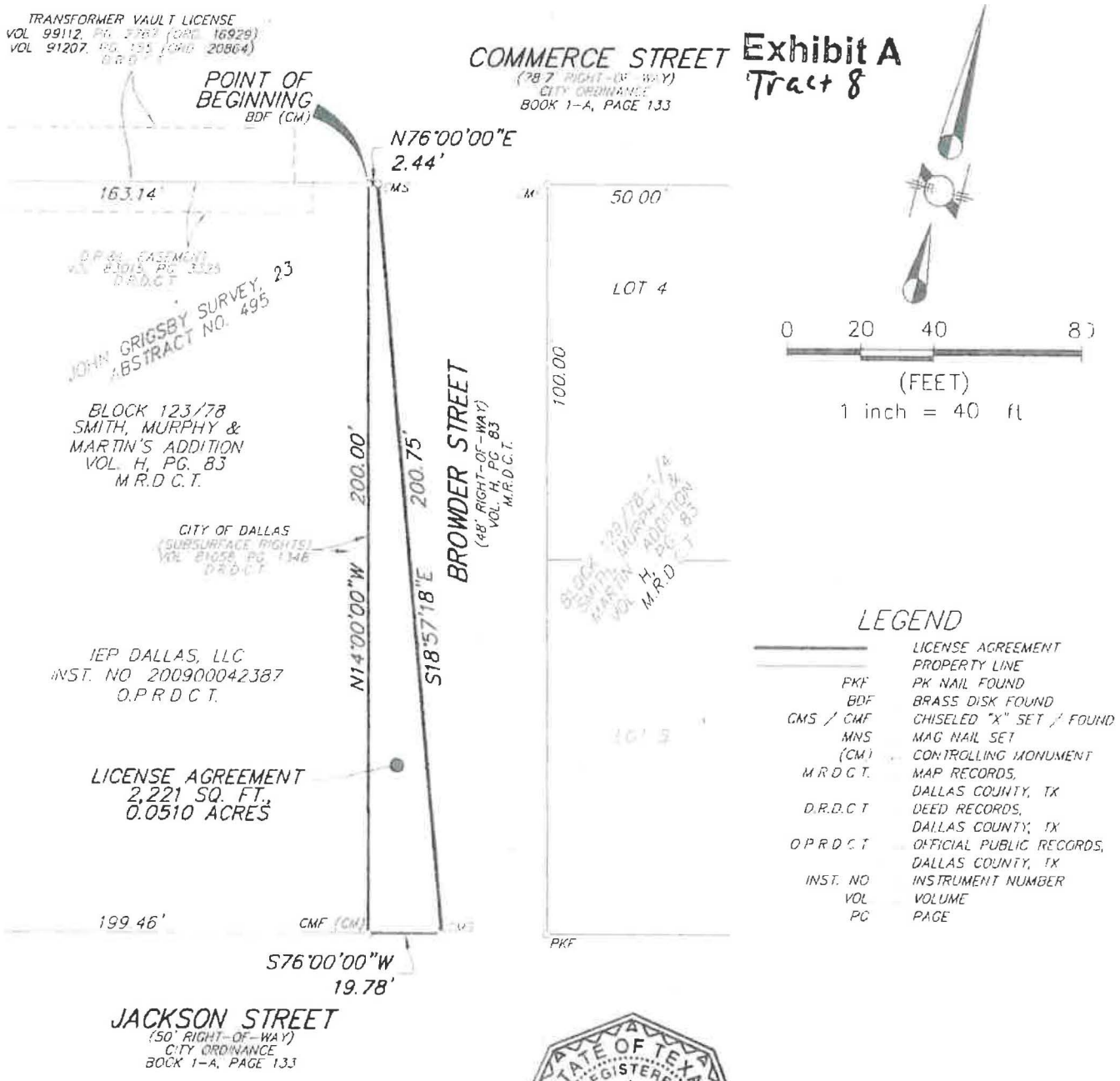
THENCE North 14° 00' 00" West, along the east line of said IEP Dallas tract and the west right-of-way line of said Browder Street, a distance of 200.00 feet to the **POINT OF BEGINNING** and containing 2,221 square feet or 0.0510 acres, more or less.

Basis of Bearings: The west right-of-way line of Browder Street (N14°00'00"W) per deed recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas.



Brian R. Wade R P.L.S. No. 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4471



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TX
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE

Basis of Bearings: The west right-of-way line of Browder Street (N14°00'00"W) per deed recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas

Controlling Monuments: As shown.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

BRIAN R. WADE R.P.L.S. NO. 6098
3/29/2018

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
BROWDER STREET
ADJACENT TO BLOCKS 123/78
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO: 4471

SCALE	1" = 40'	DATE	3/29/2018	SHEET	2 OF 2
JOB NO.	16119	E-FILE	16119LA14	DWG NO.	26,680X

Exhibit A
Tract 9

LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS
116/71, 117/72, 123/78 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 34,537 square foot (0.793 acres) tract of land situated in the John Grigsby Survey, 23, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way created by Ordinance Book 1-A, Page 133), between Field Street (a variable width right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505, Volume 27, Page 23, Volume 26, Page 478 and Volume 81058, Page 1345 of the Deed Records, Dallas County, Texas), and Browder Street (variable width right-of-way, created by Smith, Murphy & Martin's Addition recorded in Volume H, Page 83, Map Records, Dallas County, Texas), and being adjacent to Blocks 116/71, 117/72, 123/78 and 124/79 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

BEGINNING at a brass disk found for the southwest corner of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas at the intersection of east right-of-way line of said Field Street and the north right-of-way line of said Jackson Street;

THENCE North 76° 00' 00" East, along the north right-of-way line of said Jackson Street and the south line of said 0.6061 acre tract, passing at a distance of 131.90 feet the south common corner of said 0.6061 acre tract and a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the south common corner of said 0.3499 acre tract and a 0.1722 acre tract of land described in deed to Southwestern bell Telephone company recorded in Volume 79209, Page 2929, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the south common corner of said 0.1722 acre tract and a 14,360 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 379.90 feet the south common corner of said 14,360 square foot tract and the southwest corner of a tract of land described as Tract No. 1 to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 435.44 feet the southwest corner of a tract of land described to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, passing at a distance of 634.90 feet the a chiseled "X" in concrete found at the intersection of the west right-of-way line of said Browder Street and the north right-of-way line of said Jackson Street for the southeast corner of said IEP Dallas tract, continuing a total distance of 682.90 feet to a PK nail found at the intersection of the east right-of-way line of said Browder Street and the north right-of-way line of said Jackson Street for the southwest corner of a tract of land described in deed to DPL Loan Holdings LLC recorded in Instrument No. 201200289337, Official Public Records, Dallas County, Texas;

THENCE South 14° 00' 00" East, departing the north right-of-way line of said Jackson Street and the south line of said DPL Loans tract, a distance of 50.00 feet to a PK nail found for corner at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Browder Street for the northwest corner of a tract of land described in deed to FPG International LLC recorded in Instrument No. 201400290288, Official Public Records, Dallas County, Texas

THENCE South 76° 00' 00" West along the south right-of-way line of said Jackson Street, passing at a distance of 26.66 feet the northeast corner of a 0.1023 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Instrument No. 201400201550, Official Public Records, Dallas County, Texas, passing at a distance of 53.00 feet the north common corner of said 0.1023 acre tract and a 0.4561 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 196.95 feet the north common corner of said 0.4561 acre tract and a 30 foot by 94-3/4 foot

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4472

LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS
116/71, 117/72, 123/78 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A
Tract 9

tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 844, page 371, Deed Records, Dallas County, Texas, passing at a distance of 226.95 feet the north common corner of said 30 foot by 94-3/4 foot tract of land and a tract of land described as Tract 1 in deed to Southwestern Bell Telephone Company recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, passing at a distance of 303.00 feet a chiseled "X" in concrete found at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of Akard Street (a variable width right-of-way, created by Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2), passing at a distance of 377.03 feet the northeast corner of a 0.1083 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas at the intersection of the south right-of-way line of said Jackson Street and the west right-of-way line of said Akard Street, passing at a distance of 427.04 feet the north common corner of said 0.1083 acre tract and a 0.3086 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77243, Page 2661, Deed Records, Dallas County, Texas, passing at a distance of 569.54 feet the north common corner of said 0.3086 acre tract and a 0.1343 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas, passing at a distance of 631.54 the north common corner of said 0.1343 acre tract of land and a 9,264 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77146, Page 563, Deed Records, Dallas County, Texas, passing at a distance of 679.85 feet the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Field Street, continuing a total distance of 695.85 feet to a chiseled "X" in concrete set for corner at the beginning of a non-tangent curve to the right;

THENCE in a northeasterly direction along said non-tangent curve to the right whose chord bears North 17° 28' 08" East a distance of 12.92 feet, having a radius of 15.25 feet, a central angle of 50° 07' 58" and an arc length of 13 34 feet to chiseled "X" in concrete set for corner at the end of said non-tangent curve to the right;

THENCE North 13° 56' 12" West, a distance of 30.47 feet to a MAG nail with washer set for corner at the beginning of a non-tangent curve to the right;

THENCE in a northwesterly direction along said non-tangent curve to the right whose chord bears North 49° 57' 19" West, a distance of 10.51 feet, having a radius of 15.49 feet, a central angle of 39° 40' 37" and an arc length of 10.72 feet to a chiseled "X" in concrete set for corner at the end of said non-tangent curve to the right;

THENCE North 76° 00' 00" East, a distance of 12.34 feet to the **POINT OF BEGINNING** and containing 34,537 square feet or 0.793 acres, more or less.

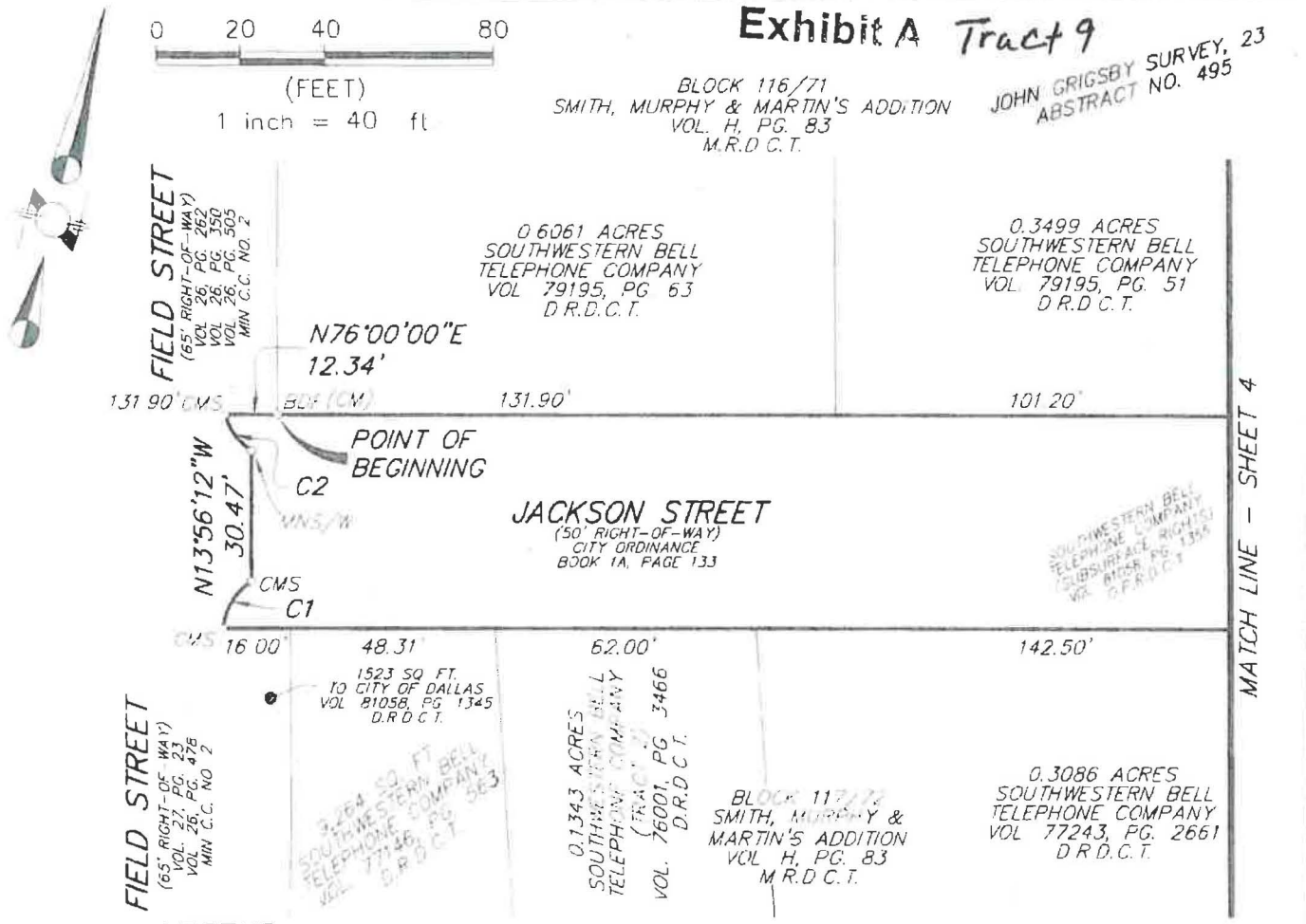
Basis of Bearings: The north line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
3/29/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO. 4472

Exhibit A Tract 9



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO	INSTRUMENT NUMBER
VOL	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CH. BRG.	CHORD
C1	50°07'58"	15.25'	7.13'	13.34'	N17°28'09"E	12.92'
C2	39°40'37"	15.49'	5.59'	10.72'	N49°57'19"W	10.51'

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments. As shown.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO 6098
3/29/2018

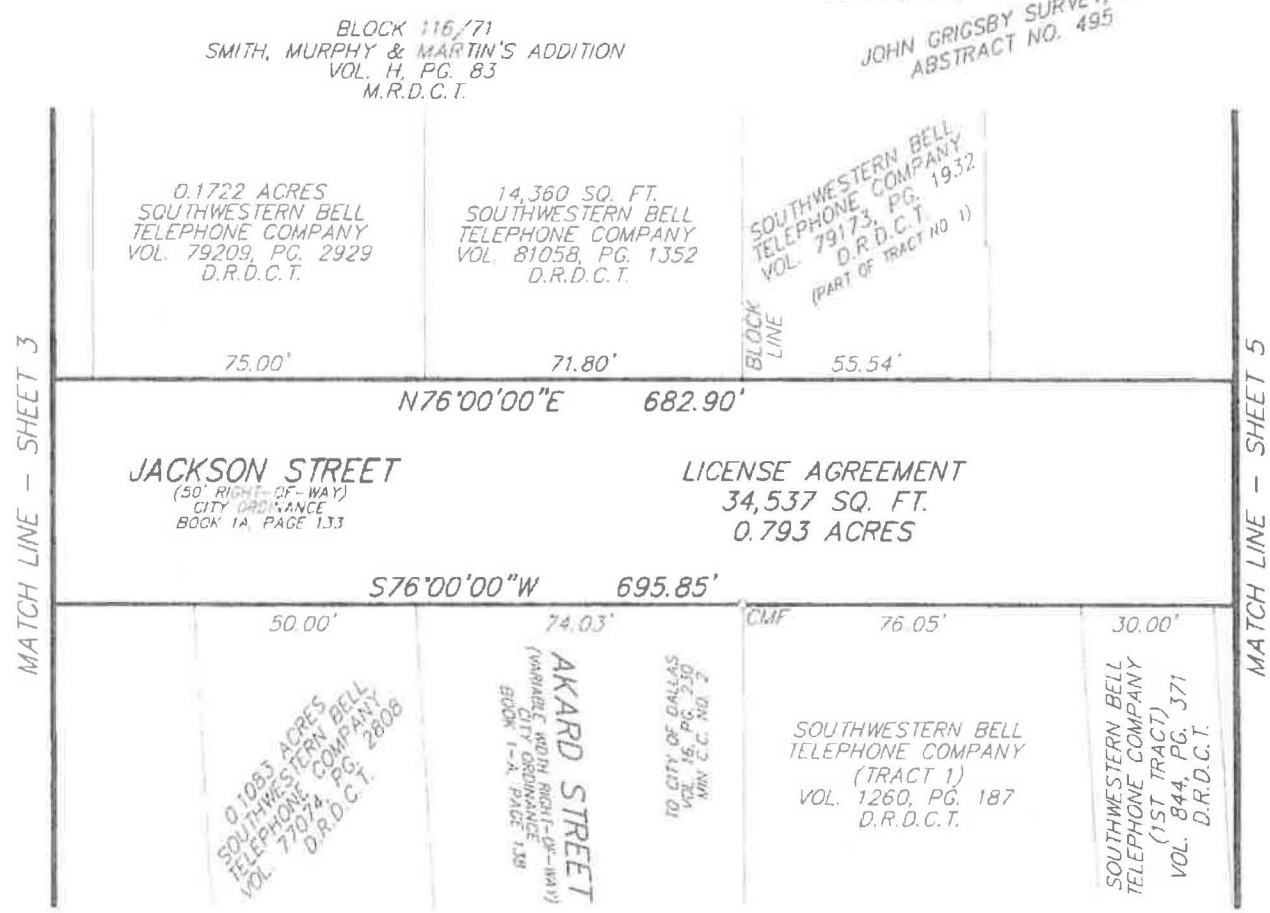
RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS
116/71, 117/72, 123/78 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4472

SCALE	1" = 40'	DATE	3/29/2018	SHEET	3 OF 5
JOB NO	16119	E-FILE	16119LA2	DWG NO	26,486X

Exhibit A Tract 9



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

0 20 40 80

(FEET)

1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

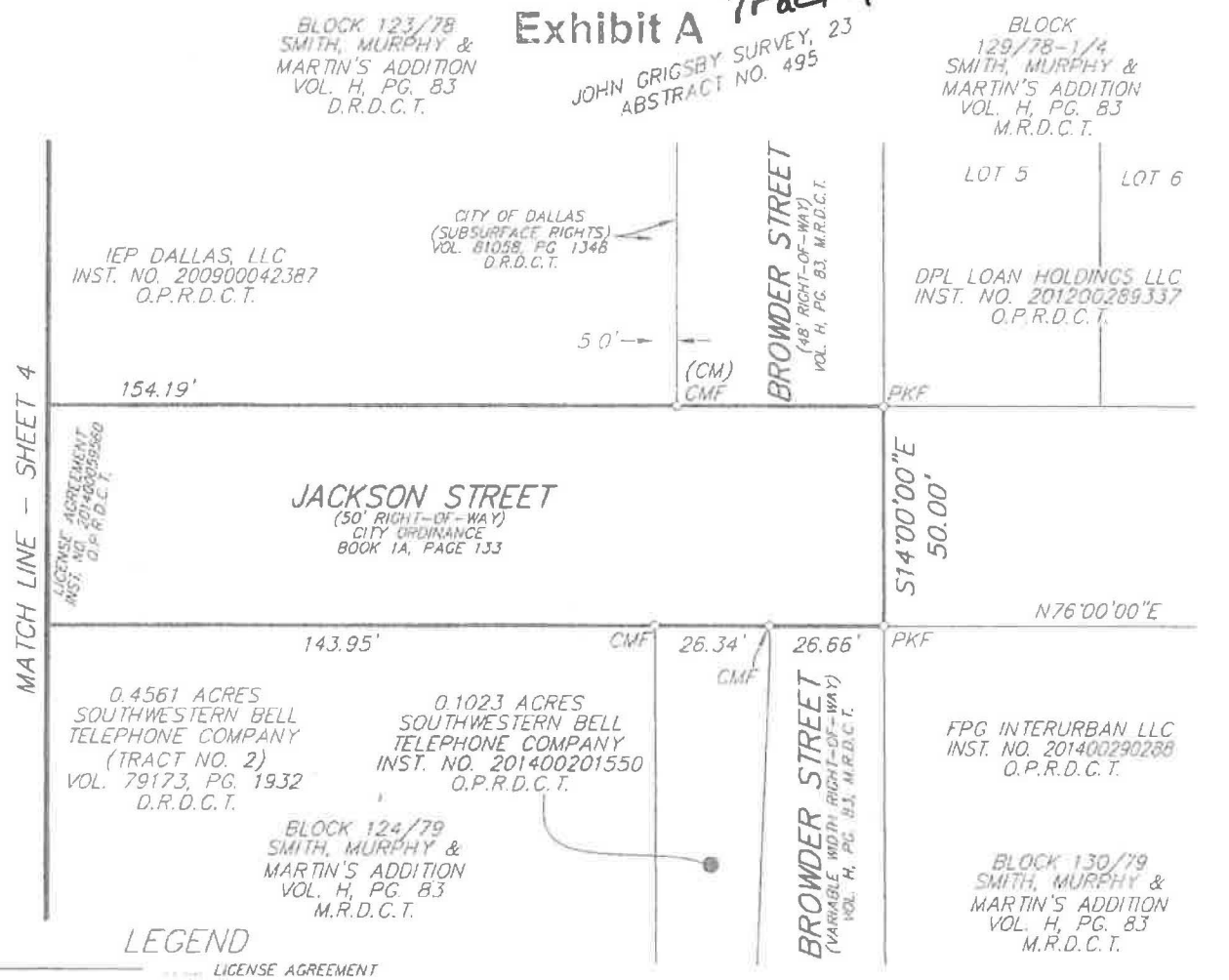
RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS
116/71, 117/72, 123/78 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/14/18
SPRG NO.: 4472

SCALE 1" = 40'		DATE 3/29/2018		SHEET	4 OF 5
JOB NO.	16119	E-FILE	16119LA2	DWG NO.	26,486X

Exhibit A Tract 9



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

0 20 40 80

(FEET)

1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS
116/71, 117/72, 123/78 & 124/79
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4472

SCALE	1" = 40'	DATE	3/29/2018	SHEET	5 OF 5
JOB NO.	16119	E-FILE	16119LA2	DWG NO.	26,486X

Exhibit A Tract 10

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71, 123/78 & 129/78-1/4
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 16,454 square foot (0.3777 acres) tract of land situated in the John Grigsby Survey, 23, Abstract No. 495, City of Dallas, Dallas County, Texas, being the south 24.25 feet of Commerce Street (78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being between Field Street (65 foot right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505) and Browder Street (48 foot width right-of-way, created by the plat of Smith, Murphy & Martin's Addition), being adjacent to Blocks 116/71, 123/78 and 129/78-1/4 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

BEGINNING at a chiseled "X" in concrete found for the northwest corner of Lot 4 of said Block 129/78-1/4 at the intersection of the south right-of-way line of said Commerce Street;

THENCE South 76° 00' 00" West, along the south right-of-way line of said Commerce Street, passing at a distance of 48.00 feet a brass disk found for the northeast corner of a tract of land described in deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas at the intersection of the south right-of-way line of said Commerce Street and the west right-of-way line of said Browder Street, passing at a distance of 211.14 feet the northwest corner of said IEP Dallas tract, passing at a distance of 303.00 feet the north common corner of a tract of land described as Tract No. 1 in deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas and a 14,360 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 374.80 feet the north common corner of said 14,360 square foot tract and a 0.1722 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79153, Page 709, Deed Records, Dallas County, passing at a distance of 449.80 feet the north common corner of said 0.1722 acre tract and a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, continuing for a total distance of 495.39 feet to a chiseled "V" in concrete set on the south right-of-way line said Commerce Street and the north line of said 0.3499 acre tract;

THENCE over and across said Commerce Street the following courses and distances:

North 14° 00' 00" West, a distance of 5.00 feet to a chiseled "X" in concrete set;

South 76° 00' 00" West, 5.00 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 109.91 feet to a chiseled "X" in concrete set

South 14° 00' 00" East, a distance of 5.00 feet to a chiseled "V" in concrete set on the south right-of-way line of said Commerce Street and the north line of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume, 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE South 76° 00' 00" West, along the south right-of-way line of said Commerce Street, passing at a distance of 77.61 feet a brass disk found for the northwest corner of said 0.6061 acre tract at the intersection of the south right-of-way line of said Commerce Street and the east right-of-way line of said Field Street, continuing for a total distance of 95.72 feet to a MAG nail with washer set;

THENCE over and across Commerce Street the following courses and distances:

North 14° 00' 00" West, a distance of 4.29 feet to a chiseled "X" in concrete set at the beginning of a tangent curve to the right;

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4522

Exhibit A Tract 10

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71, 123/78 & 129/78-1/4
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

In a northeasterly along said tangent curve to the right whose chord bears North 31° 00' 00" East, a distance of 30.41 feet having a central angle of 90° 00' 00", a radius of 21.50 feet and an arc length of 33.77 feet to a MAG nail with washer set at the end of said tangent curve to the right;

North 76° 00' 00" East, 25.79 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 157.06 feet to a MAG nail with washer set;

South 74° 00' 00" East, a distance of 19.39 feet to a MAG nail with washer set;

North 76° 00' 00" East, 16.09 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 98.92 feet to a MAG nail with washer set;

North 46° 00' 00" East, a distance of 19.39 feet to a MAG nail with washer set;

North 76° 00' 00" East, 25.79 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 395.92 feet to a MAG nail with washer set;

South 59° 00' 00" East, a distance of 13.93 feet to a MAG nail set;

South 14° 00' 00" East, a distance of 2.62 feet to a chiseled "X" in concrete set;

South 76° 00' 00" West, a distance of 15.81 feet to chiseled "X" in concrete set;

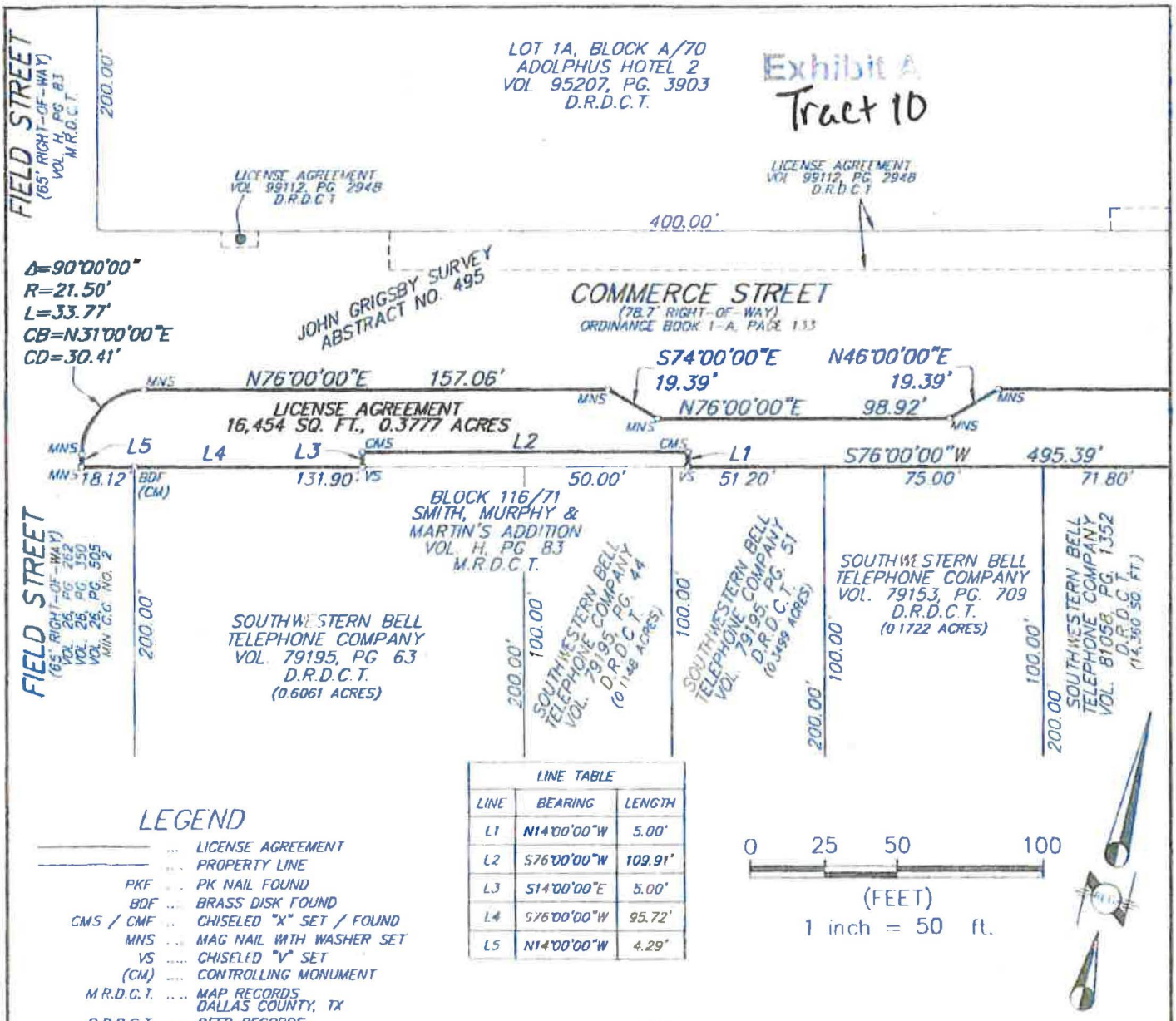
South 14° 00' 00" East, a distance of 13.31 feet to the **POINT OF BEGINNING** and containing 16,454 square feet or 0.3777 acres, more or less.

Basis of Bearings: The south line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
02/22/2018

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4522



LINE TABLE		
LINE	BEARING	LENGTH
L1	N14°00'00"W	5.00'
L2	S76°00'00"W	109.91'
L3	S14°00'00"E	5.00'
L4	S76°00'00"W	95.72'
L5	N14°00'00"W	4.29'

LEGEND

———	LICENSE AGREEMENT
———	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL WITH WASHER SET
VS	CHISELED "V" SET
(CM)	CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TX
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE

0 25 50 100

(FEET)

1 inch = 50 ft.

Basis of Bearings: The south right-of-way line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

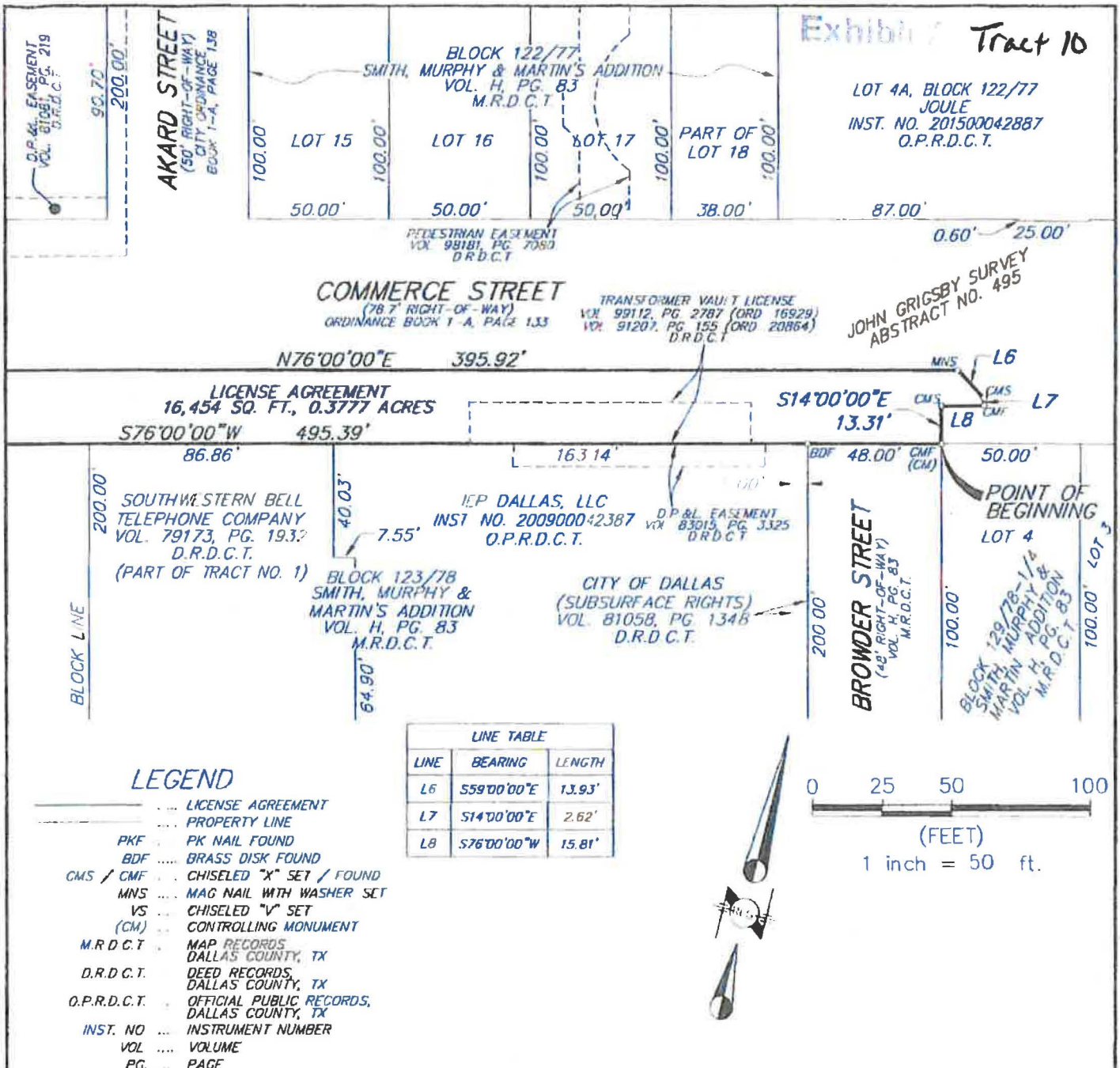
BRIAN R. WADE R.P.L.S. NO. 6098
02/26/2018

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REC #100341-00

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71, 123/78 & 129/78-1/4
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 5/4/18
SPRG NO.: 4522

SCALE	1" = 50'	DATE	02/26/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA9	DWG NO.	26,691X



LINE TABLE		
LINE	BEARING	LENGTH
L6	S59°00'00"E	13.93'
L7	S14°00'00"E	2.62'
L8	S76°00'00"W	15.81'

LEGEND

- ... LICENSE AGREEMENT
- ... PROPERTY LINE
- PKF ... PK NAIL FOUND
- BDF ... BRASS DISK FOUND
- CMS / CMF ... CHISELED "X" SET / FOUND
- MNS ... MAG NAIL WITH WASHER SET
- VS ... CHISELED "V" SET
- (CM) ... CONTROLLING MONUMENT
- M.R.D.C.T. ... MAP RECORDS, DALLAS COUNTY, TX
- D.R.D.C.T. ... DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. ... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- INST. NO ... INSTRUMENT NUMBER
- VOL ... VOLUME
- PG. ... PAGE

Basis of Bearings: The south right-of-way line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REC #100341-00

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71, 123/78 & 129/78-1/4
JOHN GRIGSBY SURVEY, 23, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A.Rodriguez
Date: 5/14/18
SPRG NO.: 4522

SCALE	1" = 50'	DATE	02/26/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA9	DWG NO.	26,691X

Exhibit "A" Tract II

AERIAL SPACE LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 123/78
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELEVATIONS OF 446.0 FEET
AND 453.9 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 14.5 FEET AND 22.5 FEET
ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 964 square foot (0.0221 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being part of Commerce Street (78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), between Field Street (65 foot right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505), and Browder Street (48 foot width right-of-way, created by plat of Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Deed Records, Dallas County, Texas), and being adjacent to Block 123/78 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

COMMENCING at a brass disk found for corner at the intersection of the east right-of-way line of said Field Street and the south right-of-way line of said Commerce Street, said disk being the northwest corner of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE North 76° 00' 00" East, along the south right-of-way line of said Commerce, passing at a distance of 131.90 feet the north common corner of said 0.6061 acre tract and a 0.1148 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 44, Deed Records, Dallas County, Texas, passing at a distance of 181.90 feet the north common corner of said 0.1148 acre tract and a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the north common corner of said 0.3499 acre tract and a 0.1722 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79153, Page 709, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the north common corner of said 0.1722 acre tract and a 14,360 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 379.90 feet the north common corner of said 14,360 square foot tract and a tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, passing at a distance of 466.76 feet the northwest corner of a tract of land described in deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, continuing a total distance of 488.90 feet to a point (unable to monument due to construction activity) for the **POINT OF BEGINNING**;

THENCE North 14° 00' 00" West, departing the south right-of-way line of said Commerce Street and the north line of said IEP Dallas tract, a distance of 23.50 feet to a MAG nail with washer set for corner;

(For SPRG use only)
Reviewed By: JD
Date: 10/2/2018
SPRG NO.: 46552

Exhibit A Tract 1

AERIAL SPACE LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 123/78
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELEVATIONS OF 446.0 FEET
AND 453.9 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 14.5 FEET AND 22.5 FEET
ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE North 76° 00' 00" East, 23.50 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 41.00 feet to a MAG nail with washer set for corner;

THENCE South 14° 00' 00" East, a distance of 23.50 feet to a point (unable to monument due to construction activity) on the south right-of-way line of said Commerce Street and the north line of said IEP Dallas tract, from which a brass disk found at the northeast corner of said IEP Dallas tract bears North 76° 00' 00" East, a distance of 105.00 feet;

THENCE South 76° 00' 00" West, along the south line of said Commerce Street and the north line of said IEP Dallas tract, a distance of 41.00 feet to the **POINT OF BEGINNING** and containing 964 square feet or 0.0221 acres, more or less.

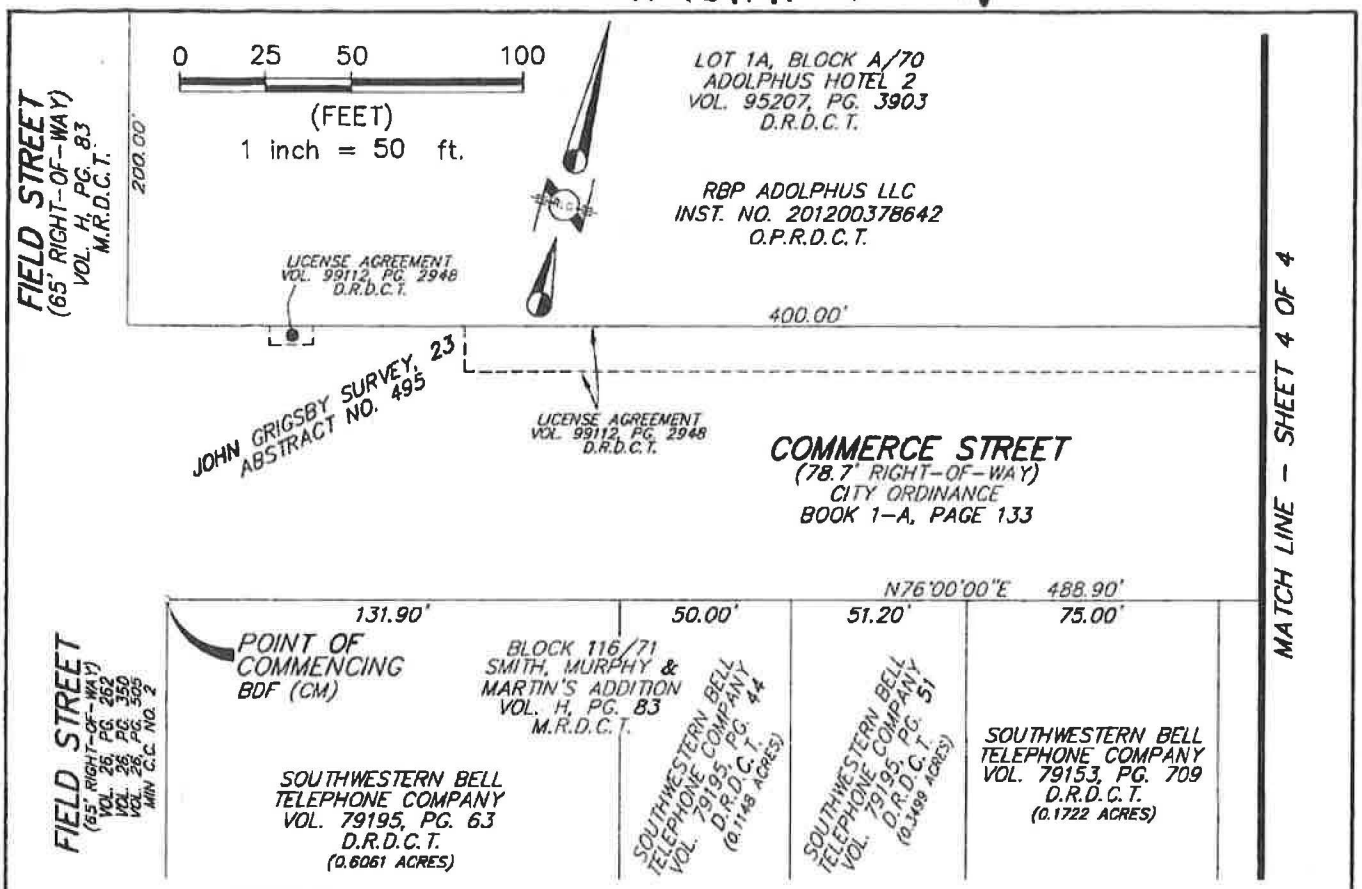
Basis of Bearings: The south line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
1/11/2018
5/16/2018 Revised
7/12/2018 Revised
8/28/2018 Revised

(For SPRG use only)
Reviewed By: JD
Date: 10/2/2018
SPRG NO.: 4652

Exhibit A Tract 1



LEGEND

	..... LICENSE AGREEMENT FOR CANOPY
	..... PROPERTY LINE
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
(CM)	..... CONTROLLING MONUMENT
M.R.	..... MAP RECORDS
D.R.	..... DEED RECORDS
O.P.R.	..... OFFICIAL PUBLIC RECORDS
D.C.T.	..... DALLAS COUNTY, TEXAS
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE
MNS/W	..... MAG NAIL WITH WASHER SET
SQ. FT.	..... SQUARE FEET
ORD.	..... ORDINANCE
(UTM)	..... UNABLE TO MONUMENT DUE TO CONSTRUCTION ACTIVITY
MIN C.C. NO. 2	..... MINUTES OF COUNTY CLERK NO. 2

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

BRIAN R. WADE R.P.L.S. NO. 6098
1/11/2018
5/16/2018 Revised
7/12/2018 Revised

Basis of Bearings: The southerly line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

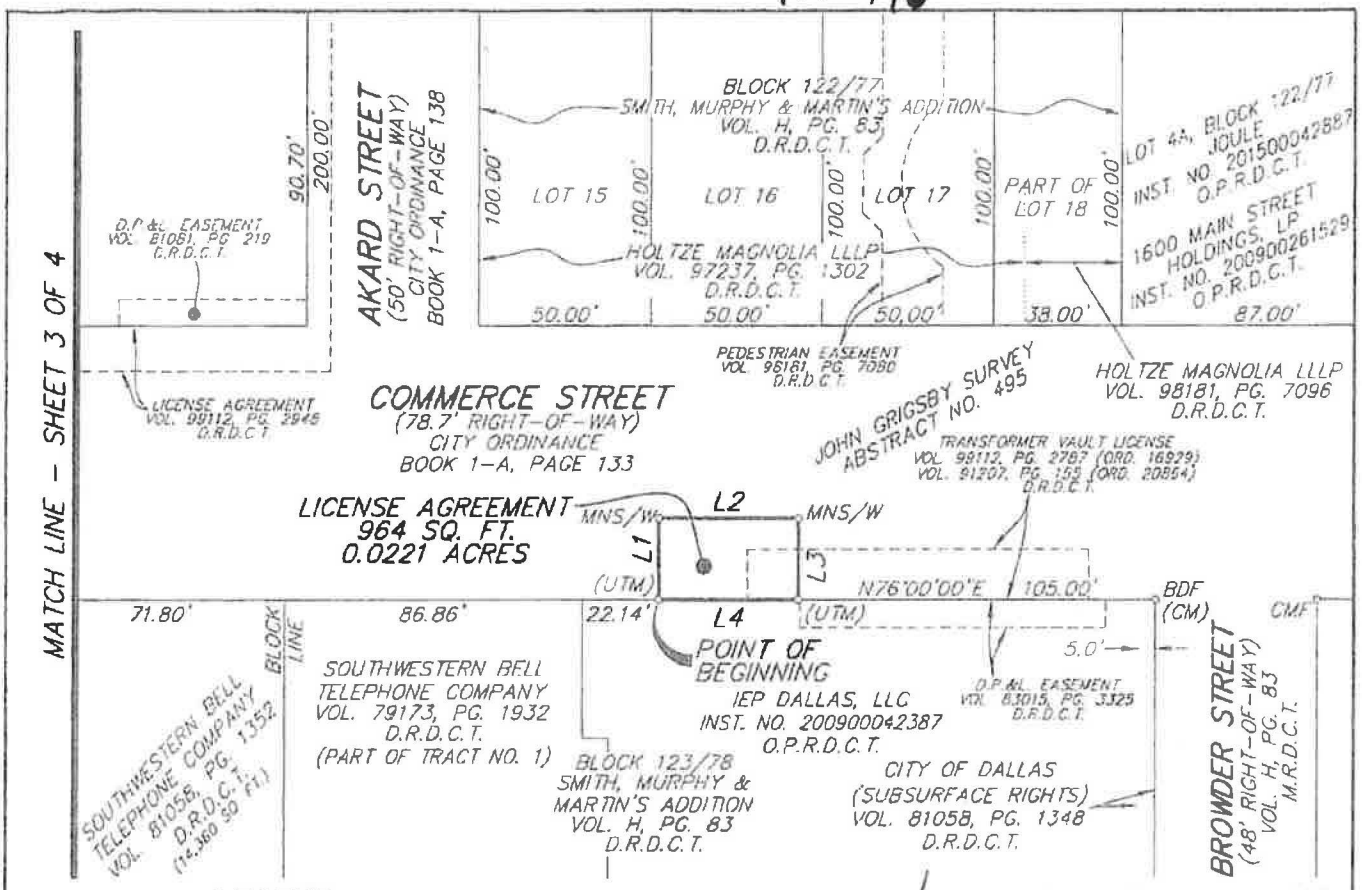
RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

AERIAL SPACE LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 123/78
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELVATIONS OF 446.0 FEET AND 453.9 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 14.5 FEET AND 22.5 FEET ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JD
Date: 10/2/2018
SPRG NO.: 4652

SCALE	1" = 50'	DATE	1/11/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA16	DWG NO.	26,745X

Exhibit A Tract 1



LEGEND

	LICENSE AGREEMENT FOR CANOPY
	PROPERTY LINE
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
(CM)	CONTROLLING MONUMENT
M.R.	MAP RECORDS
D.R.	DEED RECORDS
O.P.R.	OFFICIAL PUBLIC RECORDS
D.C.T.	DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MNS/W	MAG NAIL WITH WASHER SET
SQ. FT.	SQUARE FEET
ORD.	ORDINANCE
(UTM)	UNABLE TO MONUMENT DUE TO CONSTRUCTION ACTIVITY
MIN C.C. NO. 2	MINUTES OF COUNTY CLERK NO. 2

0 25 50 100

(FEET)

1 inch = 50 ft.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N14°00'00"W	23.50'
L2	N76°00'00"E	41.00'
L3	S14°00'00"E	23.50'
L4	S76°00'00"W	41.00'

Basis of Bearings: The southerly line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

AERIAL SPACE LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 123/78
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELVATIONS OF 446.0 FEET AND 453.9 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 14.5 FEET AND 22.5 FEET ABOVE TOP OF CURB
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

(For SPRG use only)
Reviewed By: JD
Date: 10/2/2018
SPRG NO.: 4652

SCALE	1" = 50'	DATE	1/11/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA16	DWG NO.	26,745X

Exhibit A Tract 12

Exhibit A

AERIAL LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72
BETWEEN THE ELEVATIONS OF 462.50 FEET
AND 463.00 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 27.16 FEET AND 27.66 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 203 square foot (0.0047 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Akard Street (variable width right-of-way, created by City Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2), between Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133), and Wood Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being adjacent to Block 117/72, Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being between the elevations of 462.50 feet and 463.00 feet above mean sea level or between 27.16 feet and 27.66 feet above sidewalk, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found for the northwest corner of a tract of land conveyed to Southwestern Bell Telephone Company (Tract 1) by deed recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Akard Street, from which a found chiseled "X" in concrete for the southwest corner of a tract of land conveyed to Southwestern Bell Telephone Company by warranty deed recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas at the intersection of the east right-of-way line of said Akard Street and the north right-of-way line of said Wood Street bears South 14° 00' 00" East a distance of 189.49 feet;

THENCE South 76° 00' 00" West, departing the east right-of-way line of said Akard Street and along the south right-of-way line of said Jackson Street, a distance of 74.03 feet to point for the northeast corner of a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas at the intersection of the south right-of-way line of Jackson Street and the west right-of-way line of said Akard Street;

THENCE South 17° 17' 40" East, along the west right-of-way line of said Akard Street and the east line of said Southwestern Bell Telephone Company tract (Volume 77074, Page 2808), a distance of 61.45 feet a chiseled "X" in concrete set for the POINT OF BEGINNING;

THENCE, departing the west right-of-way line of said Akard Street, the following bearings and distances:

North 76° 00' 00" East, a distance of 7.52 feet to a chiseled "X" in concrete set for corner;

South 14° 00' 00" East, a distance of 30.62 feet to a chiseled "X" in concrete set for corner;

South 76° 00' 00" West, a distance of 5.76 feet to a chiseled "X" in concrete set on the west right-of-way line of said Akard Street and the east line of said Southwestern Bell Telephone Company tract (Volume 77074, Page 2808);

THENCE North 17° 17' 40" West, along the west right-of-way line of said Akard Street and the east line of said Southwestern Bell Telephone Company tract (Volume 77074, Page 2808), a distance of 30.67 feet to the **POINT OF BEGINNING**, containing 203 square feet or 0.0047 acres, more or less,

Basis of Bearings: The westerly right-of-way line of Akard Street (N17°17'40") per deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
5/16/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 7-3-18
SPRG NO.: 4538

Exhibit A Tract 12

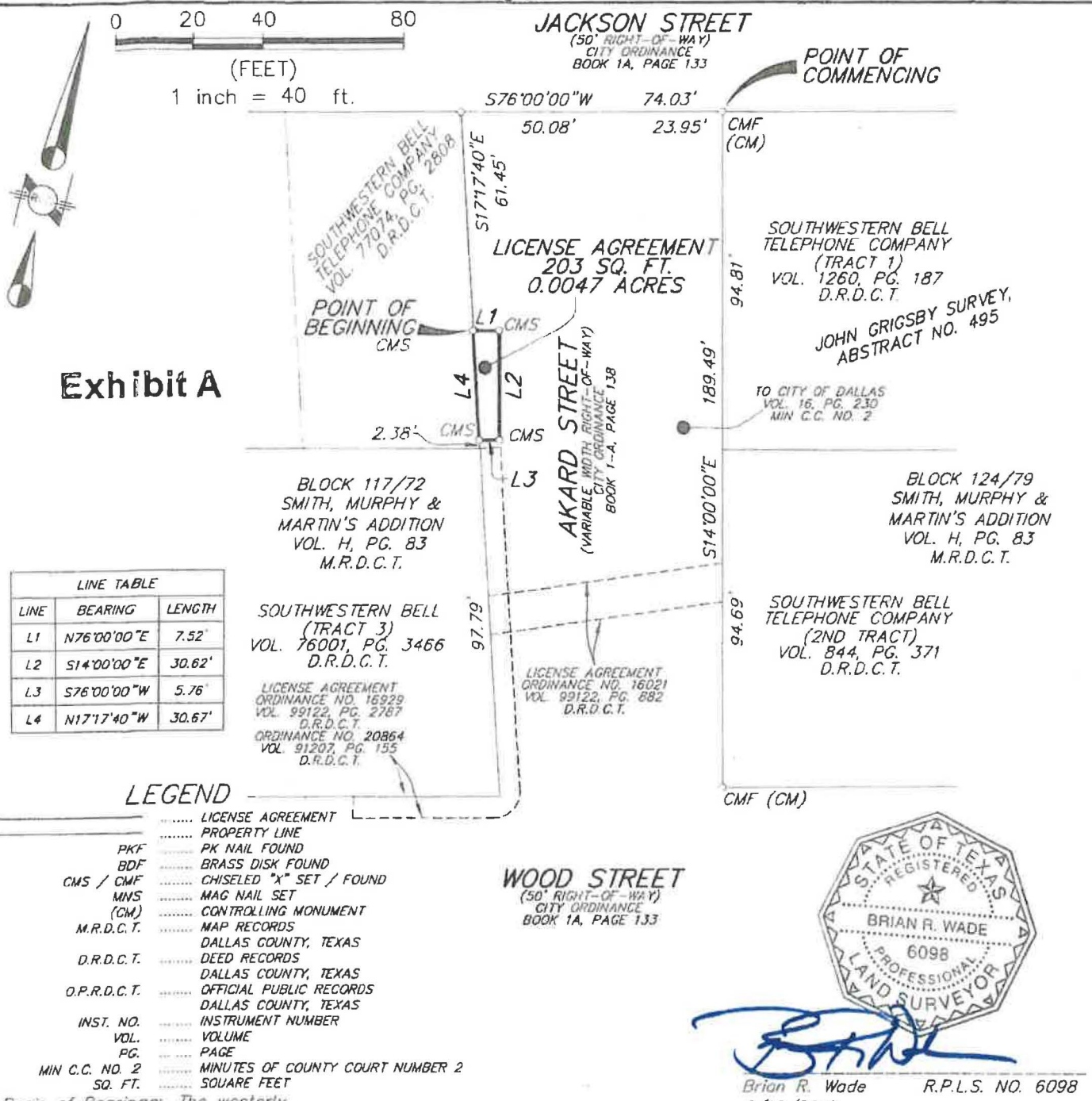


Exhibit A

LINE TABLE		
LINE	BEARING	LENGTH
L1	N76°00'00"E	7.52'
L2	S14°00'00"E	30.62'
L3	S76°00'00"W	5.76'
L4	N17°17'40"W	30.67'

LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2
SQ. FT.	SQUARE FEET

STATE OF TEXAS REGISTERED BRIAN R. WADE 6098 PROFESSIONAL LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
5/16/2018

Basis of Bearings: The westerly right-of-way line of Akard Street (N17°17'40") per deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

AERIAL LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72

BETWEEN THE ELEVATIONS OF 462.50 FEET AND 463.00 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 27.16 FEET AND 27.66 FEET ABOVE SIDEWALK

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-3-18
SPRG NO.: 4538

SCALE	1" = 40'	DATE	5/10/2018	SHEET	2 OF 2
JOB NO.	16119	E-FILE	16119LA25	DWG NO.	26,837X

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 428.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -3.10 FEET BELOW THE
CENTER OF THE EXISTING SIDEWALK
AND 32.5 FEET ABOVE THE
CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A
Tract 13

Being a 918 square foot (0.0211 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being part of Commerce Street (78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), between Field Street (65 foot right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505), and Browder Street (48 foot width right-of-way, created by plat of Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas), and being adjacent to Block 123/78 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

COMMENCING at a brass disk found for corner at the intersection of the east right-of-way line of said Field Street and the south right-of-way line of said Commerce Street, said disk being the northwest corner of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE North 76° 00' 00" East, along the south right-of-way line of said Commerce, passing at a distance of 131.90 feet the north common corner of said 0.6061 acre tract and a 0.1148 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 44, Deed Records, Dallas County, Texas, passing at a distance of 181.90 feet the north common corner of said 0.1148 acre tract and a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the north common corner of said 0.3499 acre tract and a 0.1722 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79153, Page 709, Deed Records, Dallas County, Texas, passing at a distance of 308.10 feet the north common corner of said 0.1722 acre tract and a 14,360 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, passing at a distance of 379.90 feet the north common corner of said 14,360 square foot tract and a tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas, continuing a total distance of 426.05 feet to a point (unable to monument due to construction activity) for the **POINT OF BEGINNING**;

THENCE North 14° 00' 00" West, departing the south right-of-way line of said Commerce Street and the north line of said Southwestern Bell Telephone Company tract (Volume 79173, Page 1932), a distance of 18.00 feet to a MAG nail with washer set for corner;

(For SPRG use only)
Reviewed By: G.S.
Date: 2-17-18
SPRG NO.: 45606

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 123/78
BETWEEN THE ELEVATIONS OF 428.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -3.10 FEET BELOW THE
CENTER OF THE EXISTING SIDEWALK
AND 32.5 FEET ABOVE THE
CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A
Tract 13

THENCE North 76° 00' 00" East, 18 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 51.00 feet to a MAG nail with washer set for corner;

THENCE South 14° 00' 00" East, a distance of 18.00 feet to a point (unable to monument due to construction activity) on the south right-of-way line of said Commerce Street and the north line of a tract of land described in deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas, from which a brass disk found at the northeast corner of said IEP Dallas tract bears North 76° 00' 00" East, a distance of 157.85 feet;

THENCE South 76° 00' 00" West, along the south line of said Commerce Street and the north line of said IEP Dallas tract, passing at a distance of 10.29 feet the northwest corner of said IEP Dallas tract and the northeast corner of said Southwestern Bell Telephone Company tract (Volume 79173, Page 1932), continuing along the south line of said Commerce Street and the north line of said Southwestern Bell Telephone Company tract (Volume 79173, Page 1932), a total distance of 51.00 feet to the **POINT OF BEGINNING** and containing 918 square feet or 0.0211 acres, more or less.

Basis of Bearings: The south line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
5/16/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4560

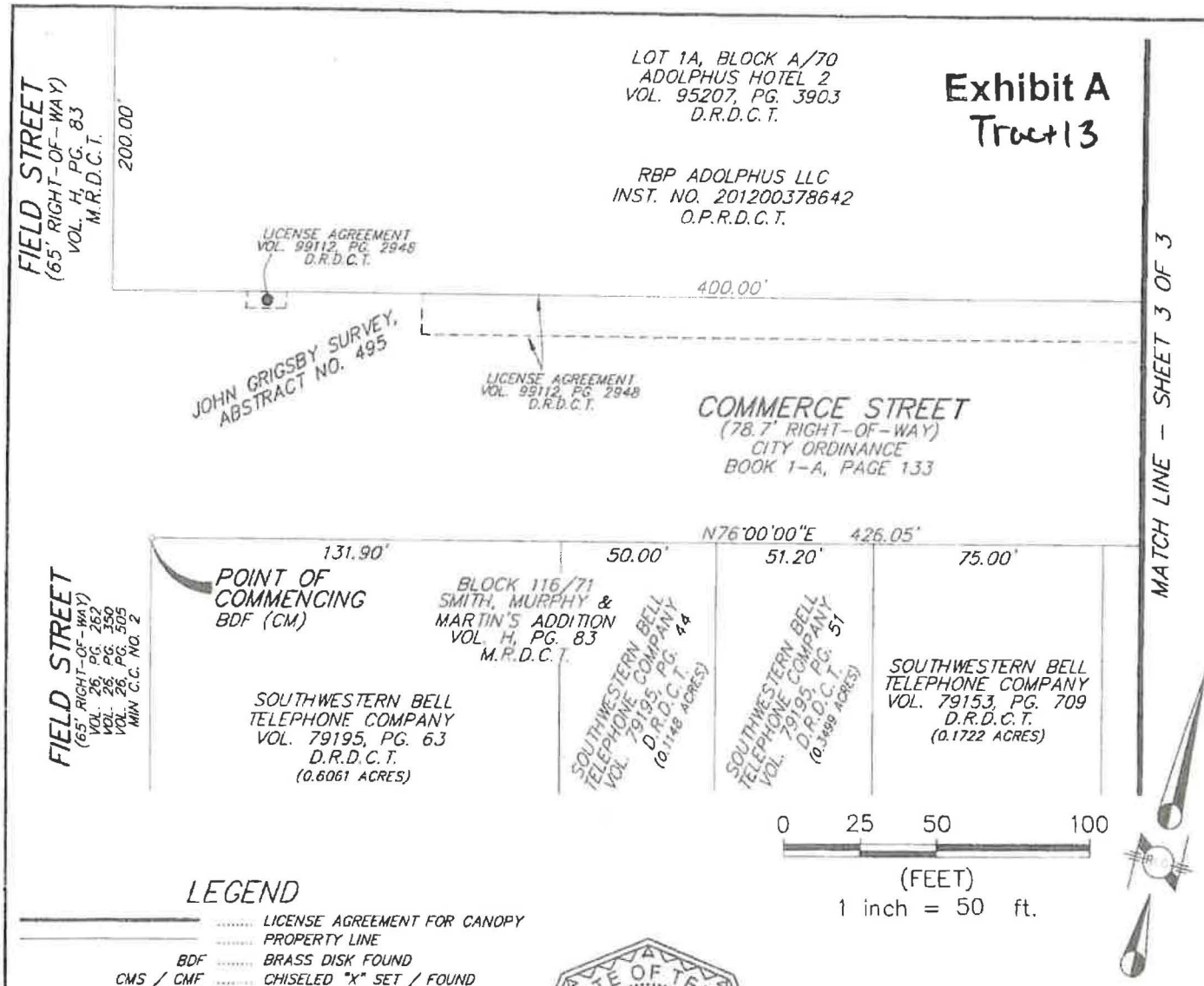


Exhibit A
Tract 13

LEGEND

	LICENSE AGREEMENT FOR CANOPY
	PROPERTY LINE
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
(CM)	CONTROLLING MONUMENT
M.R.	MAP RECORDS
D.R.	DEED RECORDS
O.P.R.	OFFICIAL PUBLIC RECORDS
D.C.T.	DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MNS/W	MAG NAIL WITH WASHER SET
SQ. FT.	SQUARE FEET
ORD.	ORDINANCE

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

BRIAN R. WADE R.P.L.S. NO. 6098
5/16/2018

Basis of Bearings: The southerly line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

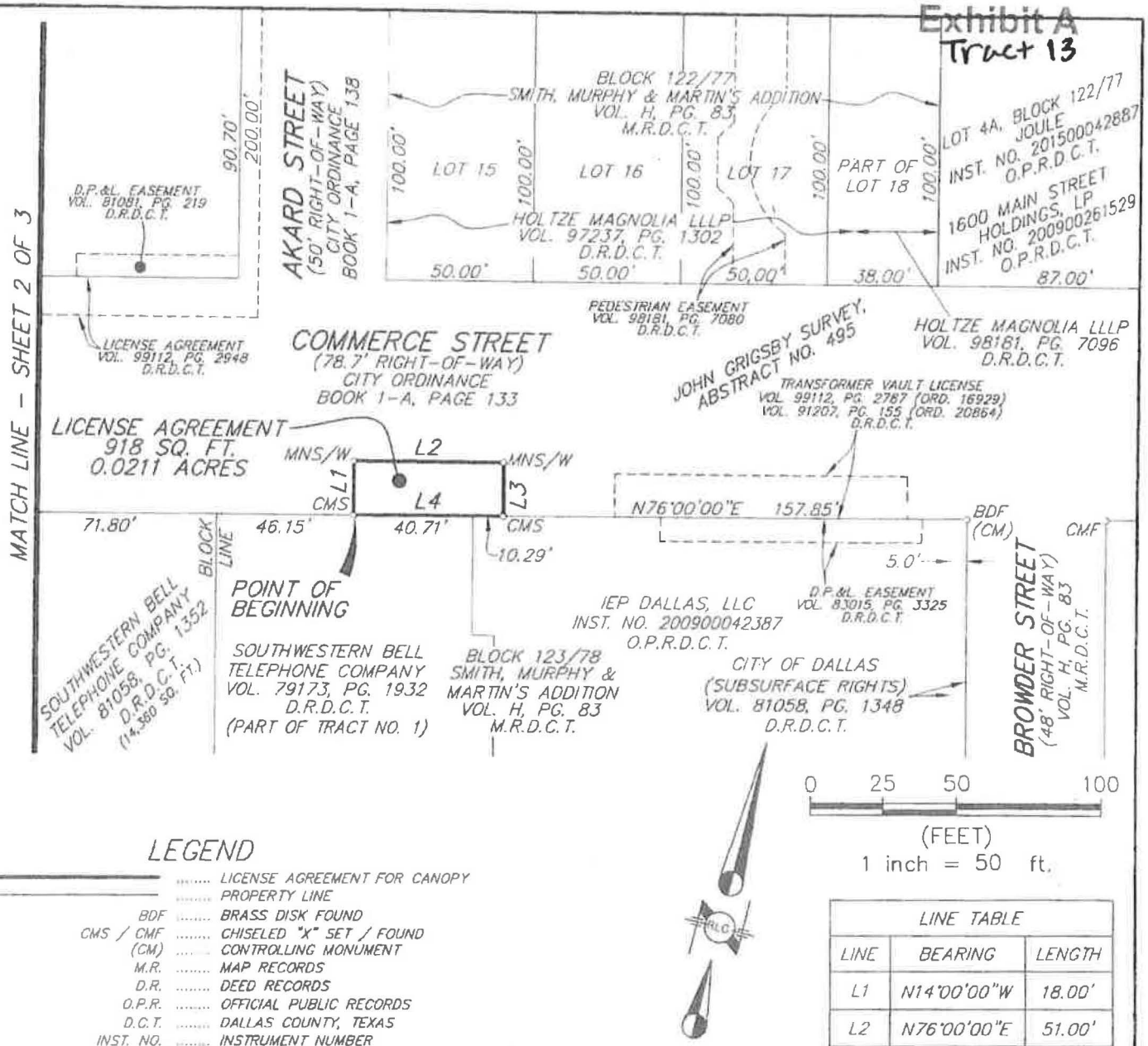
RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 123/78
BETWEEN THE ELEVATIONS OF 428.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -3.10 FEET BELOW THE CENTER OF THE EXISTING SIDEWALK AND 32.5 FEET ABOVE THE CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4560

SCALE	1" = 50'	DATE	5/4/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA17	DWG NO.	26,827X

Exhibit A
Tract 13



LEGEND

———	LICENSE AGREEMENT FOR CANOPY
———	PROPERTY LINE
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
(CM)	CONTROLLING MONUMENT
M.R.	MAP RECORDS
D.R.	DEED RECORDS
O.P.R.	OFFICIAL PUBLIC RECORDS
D.C.T.	DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MNS/W	MAG NAIL WITH WASHER SET
SQ. FT.	SQUARE FEET
ORD.	ORDINANCE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N14°00'00"W	18.00'
L2	N76°00'00"E	51.00'
L3	S14°00'00"E	18.00'
L4	S76°00'00"W	51.00'

Basis of Bearings: The southerly line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 123/78
BETWEEN THE ELEVATIONS OF 428.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -3.10 FEET BELOW THE CENTER OF THE EXISTING SIDEWALK AND 32.5 FEET ABOVE THE CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4560

SCALE	1" = 50'	DATE	5/4/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA17	DWG NO.	26,827X

EXHIBIT A-TRACT 14

AERIAL LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72
BETWEEN THE ELEVATIONS OF 427.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -6.50 FEET BELOW SIDEWALK
AND 30.10 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 33 square foot (0.0008 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Akard Street (variable width right-of-way created by Ordinance Book 1-A, Page 138), between Jackson Street (a 50 foot right-of-way, created by Ordinance Book 1-A, Page 133), and Wood Street (a 50 foot right-of-way, created by Ordinance Book 1-A, Pages 131-146), and being adjacent to Block 117/72 Smith, Murphy & Martin's Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being between the elevations of 427.50 feet and 464.10 feet mean sea level or between -6.50 feet below sidewalk and 30.1 feet above sidewalk, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found for the northeast corner of a 0.4561 acre tract of land described in warranty deed to Southwestern Bell Telephone Company (Tract No. 2) recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas on the south right-of-way line of said Jackson Street, from which a found chiseled "X" in concrete bears North 76° 00' 00" East a distance of 26.34 feet for the northeast corner of a 0.1023 acre tract described in quitclaim deed to Southwestern Bell Telephone Company recorded in Instrument Number 201400201550, Official Public Records, Dallas County, Texas;

THENCE South 76° 00' 00" West, along the south right-of-way line of said Jackson Street, passing at a distance of 143.95 feet the north common corner of said 0.4561 acre tract and a tract of land described in warranty deed to Southwestern Bell Telephone Company tract (1st Tract) recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas, passing at a distance of 173.95 feet the north common corner of said Southwestern Bell Telephone Company Tract (Volume 844, Page 371) and a tract of land to Southwestern Bell Telephone Company tract (Tract 1) recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, passing at a distance of 250.00 feet a chiseled "X" in concrete found for the northeast corner of said Southwestern Bell Telephone Company tract (Volume 1260, Page 187) at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Akard Street, continuing along the south right-of-way line of said Jackson Street and the north right-of-way line of said Akard Street, a total distance of 313.00 feet to a chiseled "X" in concrete set for corner and the **POINT OF BEGINNING**;

THENCE, departing the south right-of-way line of said Jackson Street, over and across said Akard Street, the following bearings and distances:

South 14° 00' 00" East, a distance of 3.00 feet to a chiseled "X" in concrete set for corner;

South 76° 00' 00" West, 3 feet south and parallel to the south right-of-way line of said Jackson Street, a distance of 10.86 feet to a chiseled "X" in concrete set on the east line of a 0.1083 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas and on the west right-of-way line of said Akard Street;

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4535

EXHIBIT A-TRACT 14

AERIAL LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72
BETWEEN THE ELEVATIONS OF 427.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -6.50 FEET BELOW SIDEWALK
AND 30.10 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE North 17° 17' 40" West, along the east line of said 0.1083 acre tract and the west right-of-way line of said Akard Street, a distance of 3.00 feet to a chiseled "X" in concrete set at the northeast corner of said 0.1083 acre tract and the intersection of the west right-of-way line of said Akard Street and the south right-of-way line of said Jackson Street;

THENCE North 76° 00' 00" East, along the south right-of-way line of said Jackson Street and the north right-of-way line of said Akard Street, a distance of 11.03 feet to the **POINT OF BEGINNING**, containing 33 square feet or 0.0008 acres, more or less.

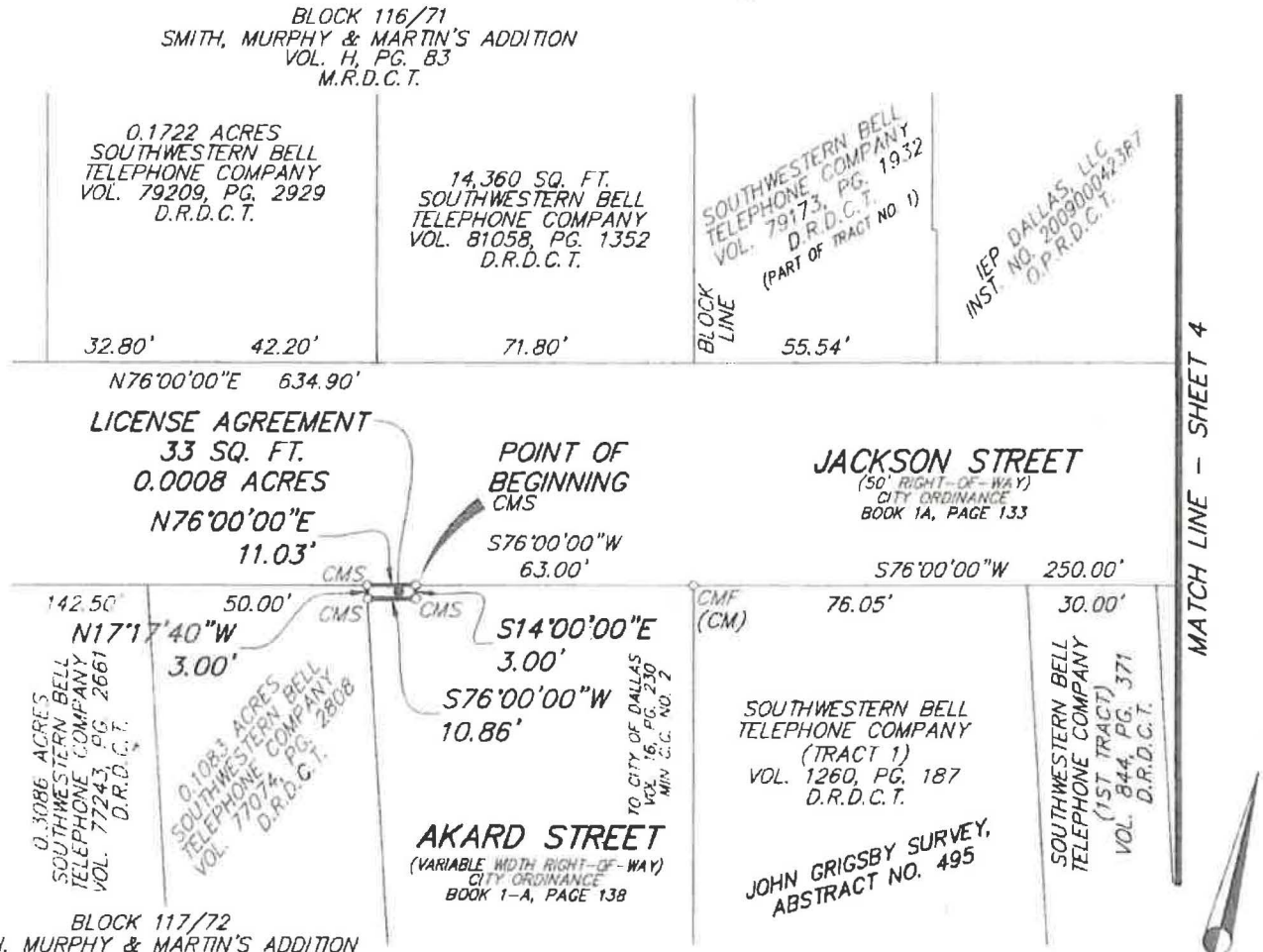
Basis of Bearings: The north line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
5/16/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4535

EXHIBIT A-TRACT 14



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
SQ. FT.	SQUARE FEET
MIN C.C. NO. 2	MINUTES OF COUNTY CLERK NO. 2

0 20 40 80
(FEET)
1 inch = 40 ft.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
5/16/2018

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

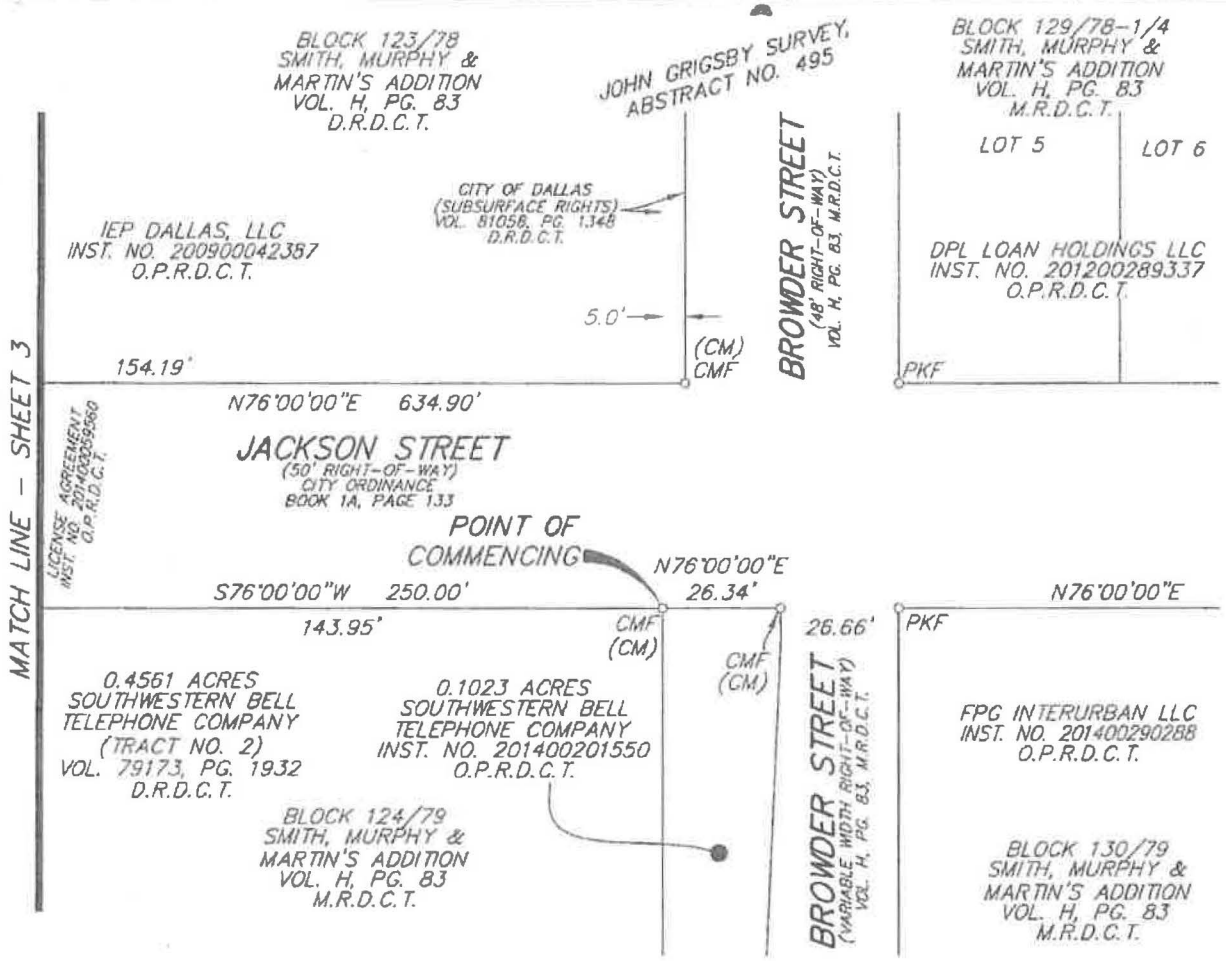
RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

AERIAL LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCKS 116/71
BETWEEN THE ELEVATIONS OF 427.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -6.50 FEET BELOW SIDEWALK AND 30.10 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: E.S
Date: 7-17-18
SPRG NO.: 4535

SCALE	1" = 40'	DATE	5/8/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA20	DWG NO.	26,831X

EXHIBIT A-TRACT 14



LEGEND

———	..... LICENSE AGREEMENT
———	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
(CM)	..... CONTROLLING 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
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE
SQ. FT.	..... SQUARE FEET
MIN C.C. NO. 2	..... MINUTES OF COUNTY CLERK NO. 2

0 20 40 80

(FEET)

1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

AERIAL LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCKS 116/71
BETWEEN THE ELEVATIONS OF 427.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -6.50 FEET BELOW SIDEWALK AND 30.10 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G-S
Date: 7-17-18
SPRG NO.: 4535

SCALE	1" = 40'	DATE	5/8/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA20	DWG NO.	26,831X

EXHIBIT A-TRACT 15

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71
BETWEEN THE ELEVATIONS OF 427.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -3.10 FEET BELOW THE CENTER OF
THE EXISTING SIDEWALK AND 33.5 FEET ABOVE
THE CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 918 square foot (0.0211 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being part of Commerce Street (78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), between Field Street (65 foot right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505), and Browder Street (48 foot width right-of-way, created by plat of Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas), and being adjacent to Block 116/71 of said Smith, Murphy & Martin's Addition, and being between the elevations of 427.50 feet and 464.10 feet mean sea level or between -3.10 feet below the center of the existing sidewalk and 33.5 feet above the center of the existing sidewalk, and being more particularly described as follows:

COMMENCING at a brass disk found for corner at the intersection of the east right-of-way line of said Field Street and the south right-of-way line of said Commerce Street, said disk being the northwest corner of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE North 76° 00' 00" East, along the south right-of-way line of said Commerce, passing at a distance of 131.90 feet the north common corner of said 0.6061 acre tract and a 0.1148 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 44, Deed Records, Dallas County, Texas, passing at a distance of 181.90 feet the north common corner of said 0.1148 acre tract and a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the north common corner of said 0.3499 acre tract and a 0.1722 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79153, Page 709, Deed Records, Dallas County, Texas, continuing a total distance of 266.03 feet to a point (unable to monument due to construction activity) for the **POINT OF BEGINNING**;

THENCE North 14° 00' 00" West, departing the south right-of-way line of said Commerce Street and the north line of said 0.1722 acre tract, a distance of 18.00 feet to a MAG nail with washer set for corner;

THENCE North 76° 00' 00" East, 18 feet north of and parallel with the south right-of-way line of said Commerce Street, a distance of 51.00 feet to a MAG nail with washer set for corner;

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4533

EXHIBIT A-TRACT 15

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71
BETWEEN THE ELEVATIONS OF 427.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -3.10 FEET BELOW THE CENTER OF
THE EXISTING SIDEWALK AND 33.5 FEET ABOVE
THE CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 14° 00' 00" East, a distance of 18.00 feet to a point (unable to monument due to construction activity) on the south right-of-way line of said Commerce Street and the north line of a 14,360 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, from which a brass disk found at the northeast corner of a tract of land described by corrective warranty deed to IEP Dallas, LLC recorded in Instrument Number 200900042387, Official Public Records, Dallas County, Texas bears North 76° 00' 00" East, a distance of 317.87 feet;

THENCE South 76° 00' 00" West, along the south line of said Commerce Street and the north line of said 14,360 square foot tract, passing at a distance of 8.93 feet the northwest corner of said 14,360 square foot tract and the northeast corner of said 0.1722 acre tract, continuing along the south line of said Commerce Street and the north line of said 0.1722 acre tract, a total distance of 51.00 feet to the **POINT OF BEGINNING** and containing 918 square feet or 0.0211 acres, more or less.

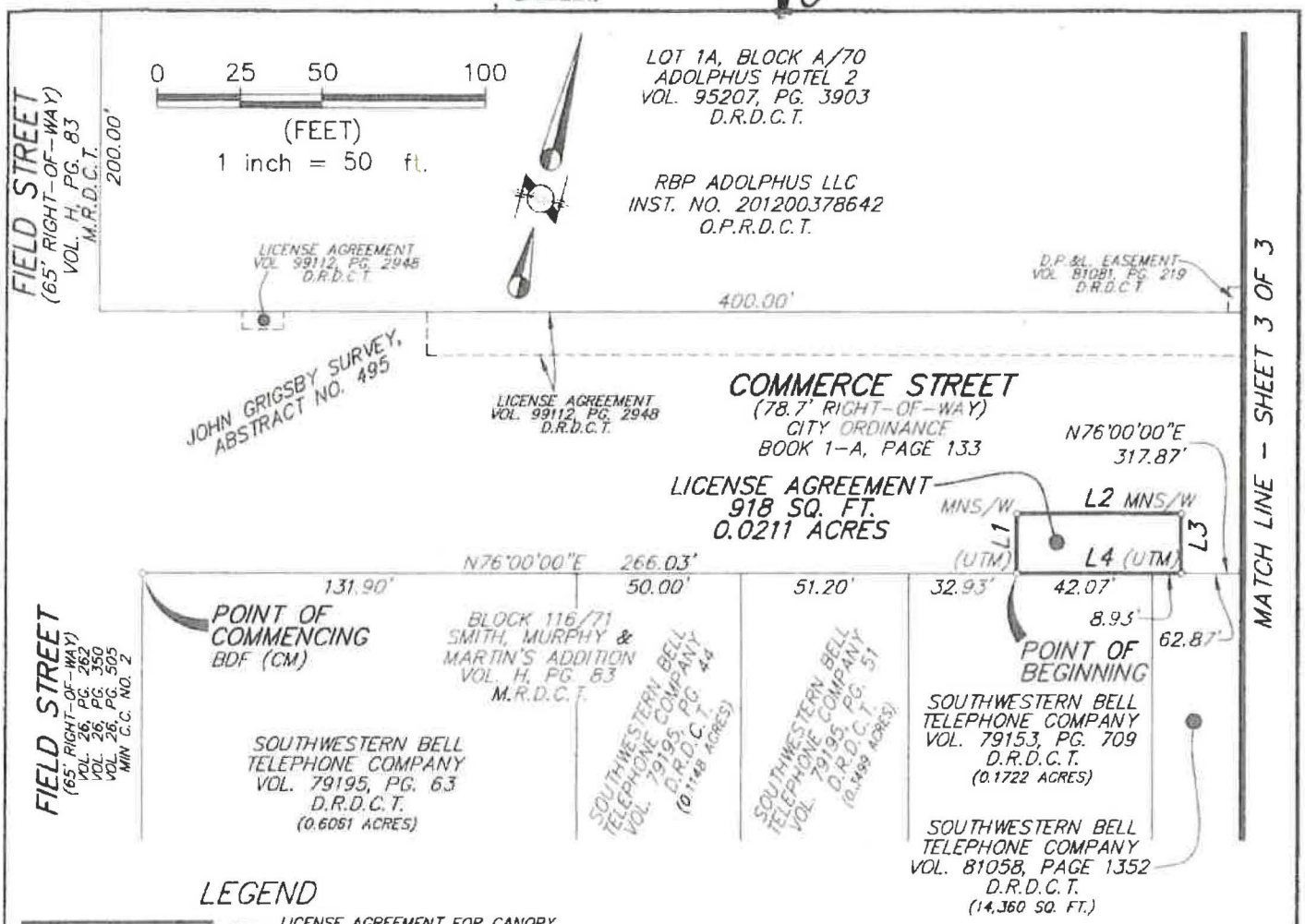
Basis of Bearings: The south line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
5/16/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4533

EXHIBIT A-TRACT 15



LEGEND

———	LICENSE AGREEMENT FOR CANOPY
———	PROPERTY LINE
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
(CM)	CONTROLLING MONUMENT
M.R.	MAP RECORDS
D.R.	DEED RECORDS
O.P.R.	OFFICIAL PUBLIC RECORDS
D.C.T.	DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MNS/W	MAG NAIL WITH WASHER SET
SQ. FT.	SQUARE FEET
ORD.	ORDINANCE
(UTM)	UNABLE TO MONUMENT DUE TO CONSTRUCTION ACTIVITY
MIN C.C.	MINUTES OF COUNTY CLERK

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

BRIAN R. WADE R.P.L.S. NO. 6098
5/16/2018

Basis of Bearings: The southerly line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REC #100341-00

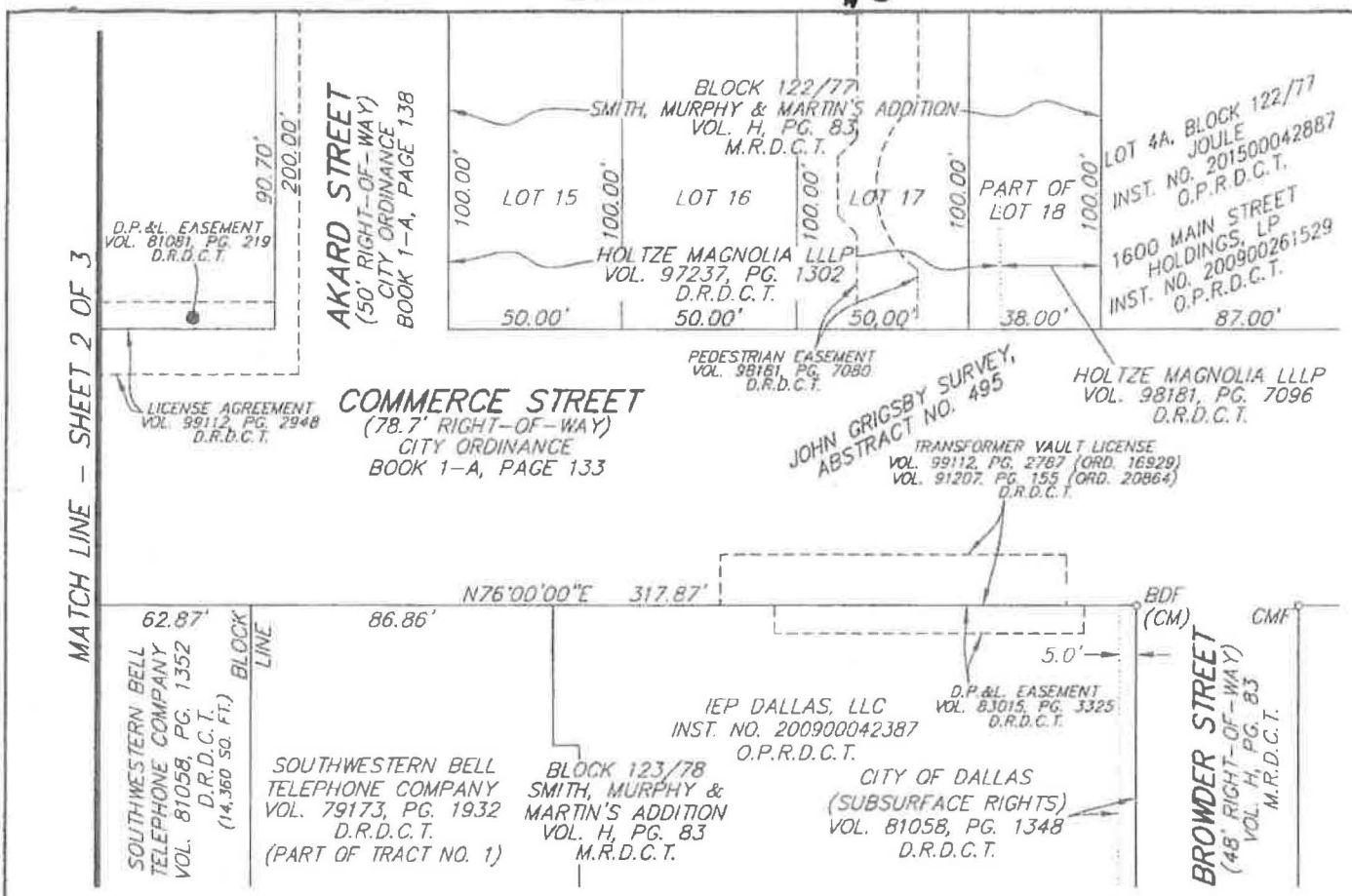
AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71

BETWEEN THE ELEVATIONS OF 427.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -3.10 FEET BELOW THE CENTER OF THE EXISTING SIDEWALK AND 33.5 FEET ABOVE THE CENTER OF THE EXISTING SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4533

SCALE	1" = 50'	DATE	5/4/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA18	DWG NO.	26,828X

EXHIBIT A-TRACT 15



LEGEND

———	..... LICENSE AGREEMENT FOR CANOPY
———	... ... PROPERTY LINE
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
(CM)	..... CONTROLLING MONUMENT
M.R.	..... MAP RECORDS
D.R.	..... DEED RECORDS
O.P.R.	..... OFFICIAL PUBLIC RECORDS
D.C.T.	..... DALLAS COUNTY, TEXAS
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE
MNS/W	..... MAG NAIL WITH WASHER SET
SQ. FT.	..... SQUARE FEET
ORD.	..... ORDINANCE
(UTM)	..... UNABLE TO MONUMENT DUE TO CONSTRUCTION ACTIVITY
MIN C.C.	..... MINUTES OF COUNTY CLERK

0 25 50 100

(FEET)

1 inch = 50 ft.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N14°00'00"W	18.00'
L2	N76°00'00"E	51.00'
L3	S14°00'00"E	18.00'
L4	S76°00'00"W	51.00'

Basis of Bearings: The southerly line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
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214-739-8100
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TEXAS PE REG #F-493
TBPLS REC #100341-00

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71

BETWEEN THE ELEVATIONS OF 427.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -3.10 FEET BELOW THE CENTER OF THE EXISTING SIDEWALK AND 33.5 FEET ABOVE THE CENTER OF THE EXISTING SIDEWALK

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4533

SCALE	1" = 50'	DATE	5/4/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA18	DWG NO.	26,828X

EXHIBIT A-TRACT 16

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 116/71 &117/72
BETWEEN THE ELEVATIONS OF 427.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -6.00 FEET BELOW THE CROWN OF THE ROAD
AND 30.60 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 2,550 square foot (0.0585 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way created by Ordinance Book 1-A, Page 133), between Field Street (a variable width right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505, Volume 27, Page 23, Volume 26, Page 478 and Volume 81058, Page 1345 of the Deed Records, Dallas County, Texas), and Browder Street (variable width right-of-way, created by Smith, Murphy & Martin's Addition recorded in Volume H, Page 83, Map Records, Dallas County, Texas), and being adjacent to Blocks 116/71 and 117/72 of said Smith, Murphy & Martin's Addition, and being between the elevations of 427.50 feet and 464.10 feet mean sea level or between -6.00 feet below the crown of the road and 30.60 feet above the crown of the road, and being more particularly described as follows:

COMMENCING at a brass disk found for the southwest corner of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 63, Deed Records, Dallas County, Texas at the intersection of east right-of-way line of said Field Street and the north right-of-way line of said Jackson Street;

THENCE North 76° 00' 00" East, along the north right-of-way line of said Jackson Street and the south line of said 0.6061 acre tract, passing at a distance of 131.90 feet the south common corner of said 0.6061 acre tract and a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, passing at a distance of 233.10 feet the south common corner of said 0.3499 acre tract and a 0.1722 acre tract of land described in deed to Southwestern bell Telephone company recorded in Volume 79209, Page 2929, Deed Records, Dallas County, Texas, continuing a total distance of 265.90 feet to a chiseled "X" in concrete set for the **POINT OF BEGINNING**;

THENCE North 76° 00' 00" East, continuing along the north right-of-way line of said Jackson Street and the south line of said 0.1722 acre tract, passing at a distance of 42.20 feet the south common corner of said 0.1722 acre tract and a 14,360 square foot tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 81058, Page 1352, Deed Records, Dallas County, Texas, continuing a total distance of 51.00 feet to a chiseled "X" in concrete set for corner, from which a found chiseled "X" in concrete at the intersection of the west right-of-way line of said Browder Street and the north right-of-way line of said Jackson Street for the southeast corner of corner of a tract of land described to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas bears North 76° 00' 00" East a distance of 318.00 feet;

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4534

EXHIBIT A-TRACT 14

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 116/71 &117/72
BETWEEN THE ELEVATIONS OF 427.50 FEET
AND 464.10 FEET MEAN SEA LEVEL
OR BETWEEN -6.00 FEET BELOW THE CROWN OF THE ROAD
AND 30.60 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 14° 00' 00" East, departing the north right-of-way line of Jackson Street and the south line of said 14,360 square foot tract, a distance of 50.00 feet to a chiseled "X" in concrete set on the south right-of-way line of said Jackson Street and the right-of-way line of Akard Street (a variable width right-of-way, created by Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2);

THENCE South 76° 00' 00" West, along the south right-of-way line of said Jackson Street and the north right-of-way line of said Akard Street. passing at a distance of 11.03 feet the northeast corner of a 0.1083 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas at the intersection of the south right-of-way line of said Jackson Street and the west right-of-way line of said Akard Street, continuing a total distance of 51.00 feet to a chiseled "X" in concrete set for corner;

THENCE North 14° 00' 00" West, departing the south right-of-way line of said Jackson Street and the north line of said 0.1083 acre tract, a distance of 50.00 feet to the **POINT OF BEGINNING**, containing 2,550 square feet or 0.0585 acres, more or less.

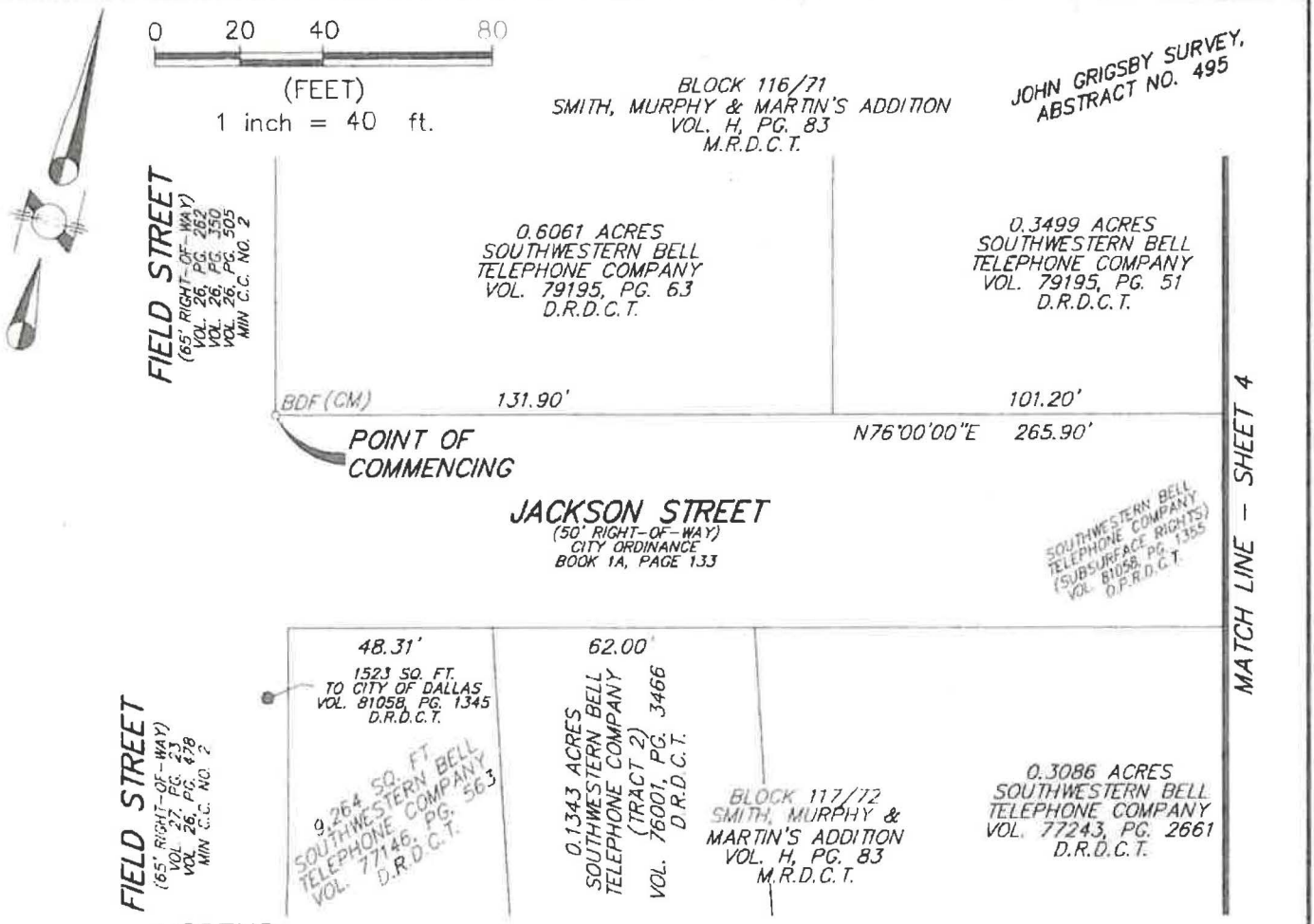
Basis of Bearings: The north line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
5/16/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4534

EXHIBIT "A" 16



LEGEND

_____	LICENSE AGREEMENT
_____	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2
SQ. FT.	SQUARE FEET

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
5/16/2018

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

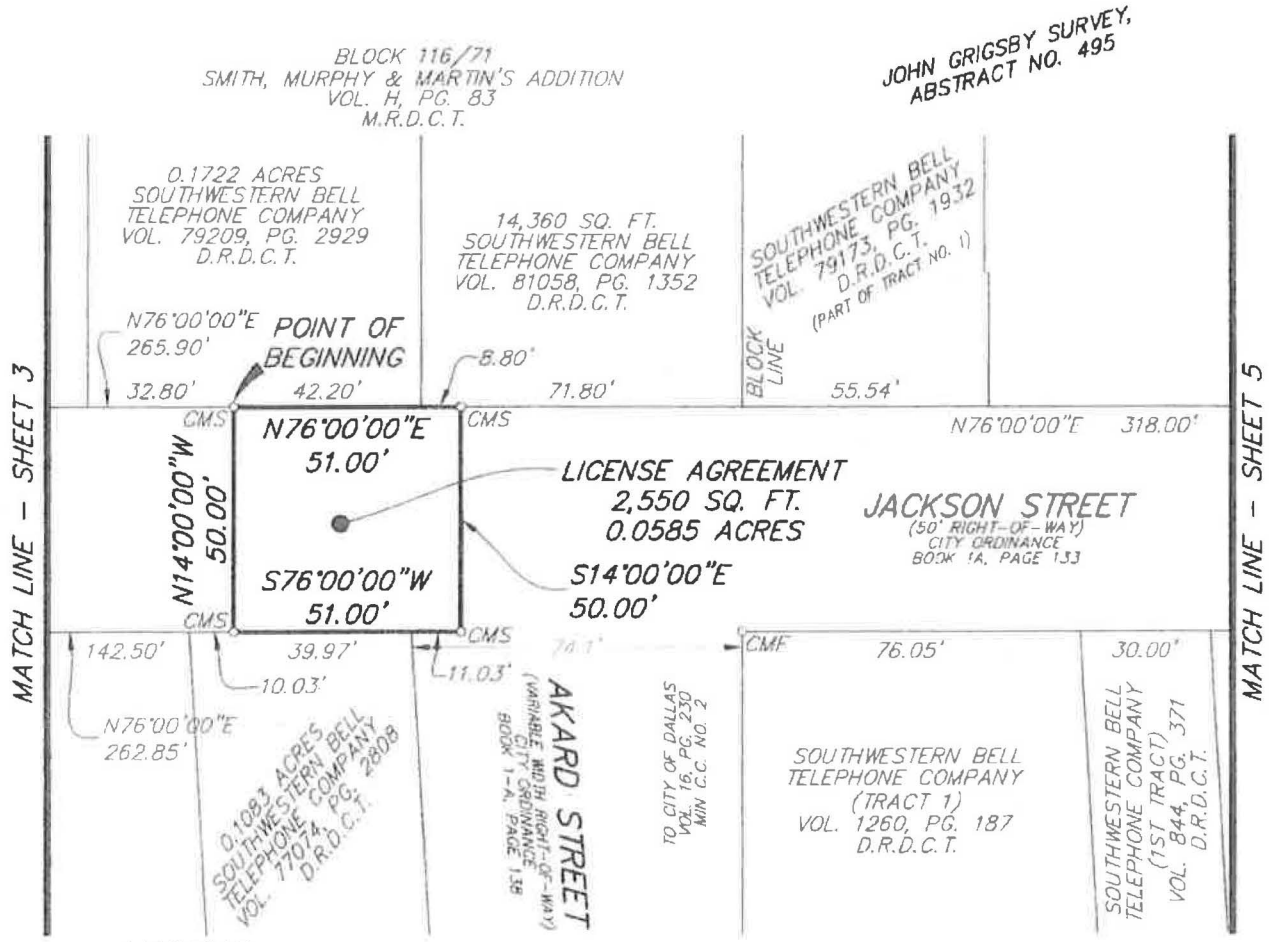
RAYMOND L. GOODSON JR., INC.
12001 N CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 116/71 &117/72
BETWEEN THE ELEVATIONS OF 472.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -6.00 FEET BELOW THE CROWN OF THE ROAD AND 30.60 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4534

SCALE	1" = 40'	DATE	5/7/2018	SHEET	3 OF 5
JOB NO.	16119	E-FILE	16119LA19	DWG NO.	26,830X

EXHIBIT A-TRACT 16



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2
SQ. FT.	SQUARE FEET

0 20 40 80
(FEET)
1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

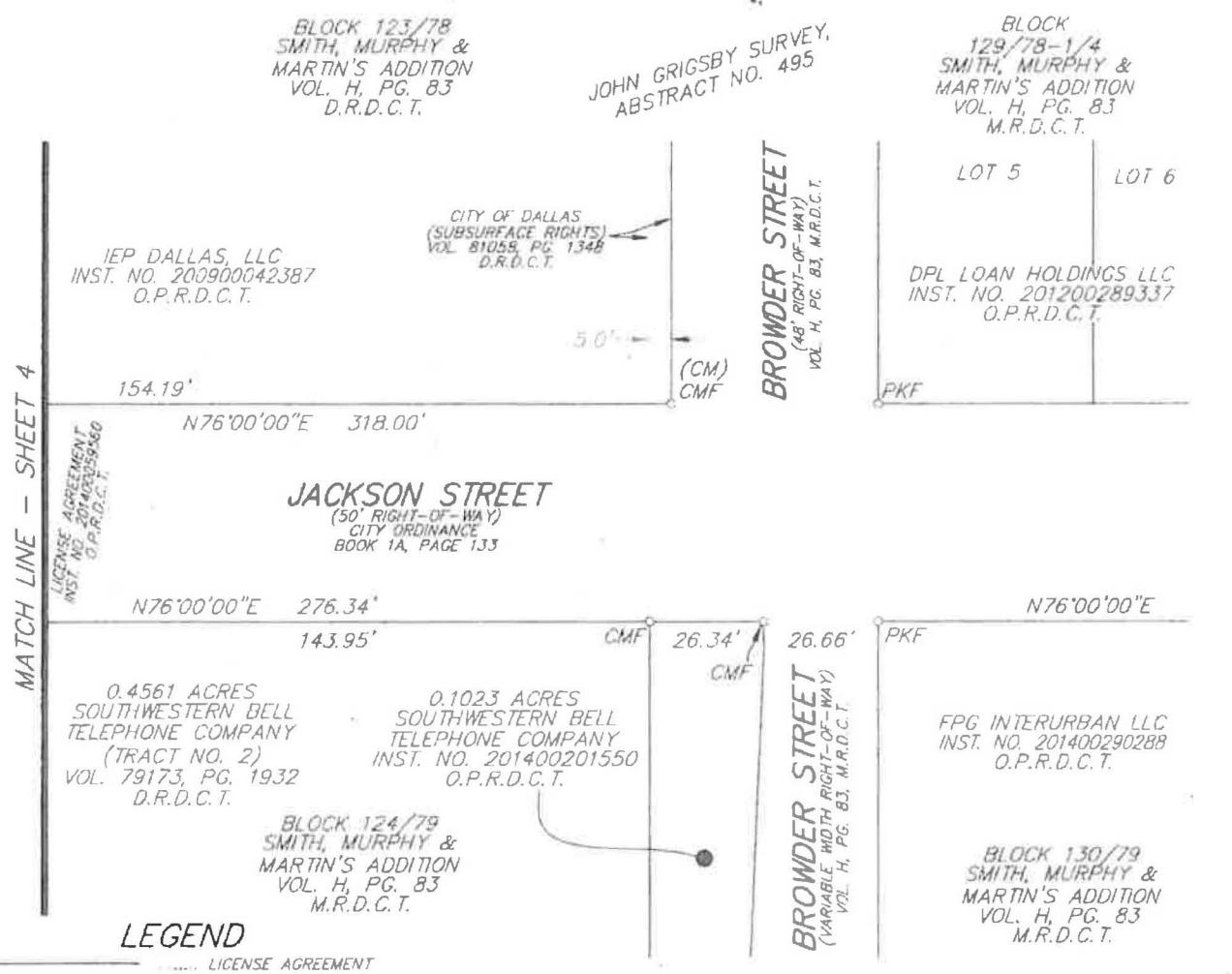
RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REC #100341-00

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 116/71 &117/72
BETWEEN THE ELEVATIONS OF 472.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -6.00 FEET BELOW THE CROWN OF THE ROAD AND 30.60 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4534

SCALE 1" = 40'		DATE 5/7/2018		SHEET	4 OF 5
JOB NO.	16119	E-FILE	16119LA19	DWG NO.	26,830X

EXHIBIT A-TRACT 16



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2
SQ. FT.	SQUARE FEET

0 20 40 80
(FEET)
1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

AERIAL LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 116/71 &117/72
BETWEEN THE ELEVATIONS OF 472.50 FEET AND 464.10 FEET MEAN SEA LEVEL OR BETWEEN -6.00 FEET BELOW THE CROWN OF THE ROAD AND 30.60 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4534

SCALE	1" = 40'	DATE	5/7/2018	SHEET	5 OF 5
JOB NO.	16119	E-FILE	16119LA19	DWG NO.	26,830X

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71
BETWEEN THE ELEVATIONS OF 443.2 FEET
AND 443.8 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 15.37 FEET AND 15.97 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A
Tract 17

Being a 437 square foot (0.0100 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being part of Commerce Street (78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being between Field Street (65 foot right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505) and Browder Street (48 foot width right-of-way, created by the plat of Smith, Murphy & Martin's Addition), being adjacent to Block 116/71 of Smith, Murphy & Martin's Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being between the elevations of 443.2 feet and 443.8 feet above mean sea level or between 15.37 feet and 15.97 feet above sidewalk, and being more particularly described as follows:

COMMENCING at a brass disk found for the northwest corner of a 0.6061 acre tract of land described in warranty deed to Southwestern Bell Telephone Company in Volume 79195, Page 63, Deed Records, Dallas County, Texas at the intersection of the south right-of-way line of said Commerce Street and the east right-of-way line of said Field Street;

THENCE North 76° 00' 00" East, along the south right-of-way line of said Commerce Street and the north line of said 0.6061 acre tract, a distance of 70.00 feet to a point (unable to monument due to construction activity) for the POINT OF BEGINNING;

THENCE, departing the south right-of-way line of said Commerce Street and the north line of said 0.6061 acre tract, over and across said Commerce Street, the following bearings and distances:

North 14° 00' 00" West, a distance of 3.50 feet to a point (unable to monument);

North 76° 00' 00" East, 3.00 feet from and parallel to the south right-of-way line of said Commerce Street, a distance of 125.00 feet to a point (unable to monument);

South 14° 00' 00" East, a distance of 3.50 feet to a point (unable to monument) on the south right-of-way line of said Commerce Street and the north line of a 0.3499 acre tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, from which a found brass disk for the northeast corner of a tract of land described in deed to IEP Dallas, LLC recorded in Instrument No. 200900042387, Official Public Records, Dallas County, Texas at the intersection of the south right-of-way line of said Commerce Street and the west right-of-way line of said Browder Street bears North 76° 00' 00" East a distance of 439.90 feet;

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4537

Exhibit A
Tract 17

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71
BETWEEN THE ELEVATIONS OF 443.2 FEET
AND 443.8 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 15.37 FEET AND 15.97 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 76° 00' 00" West, along the south right-of-way line of said Commerce Street, passing at a distance of 13.10 feet the north common corner of said 0.3499 acre tract and a 0.1148 acre tract of land conveyed to Southwestern Bell Telephone Company by warranty deed recorded in Volume 79195, Page 44, Deed Records, Dallas County, Texas, passing at a distance of 63.10 feet the north common corner of said 0.1148 acre tract and said 0.6061 acre tract, continuing for a total distance of 125.00 feet to the **POINT OF BEGINNING**, containing 437 square feet or 0.0100 acres, more or less.

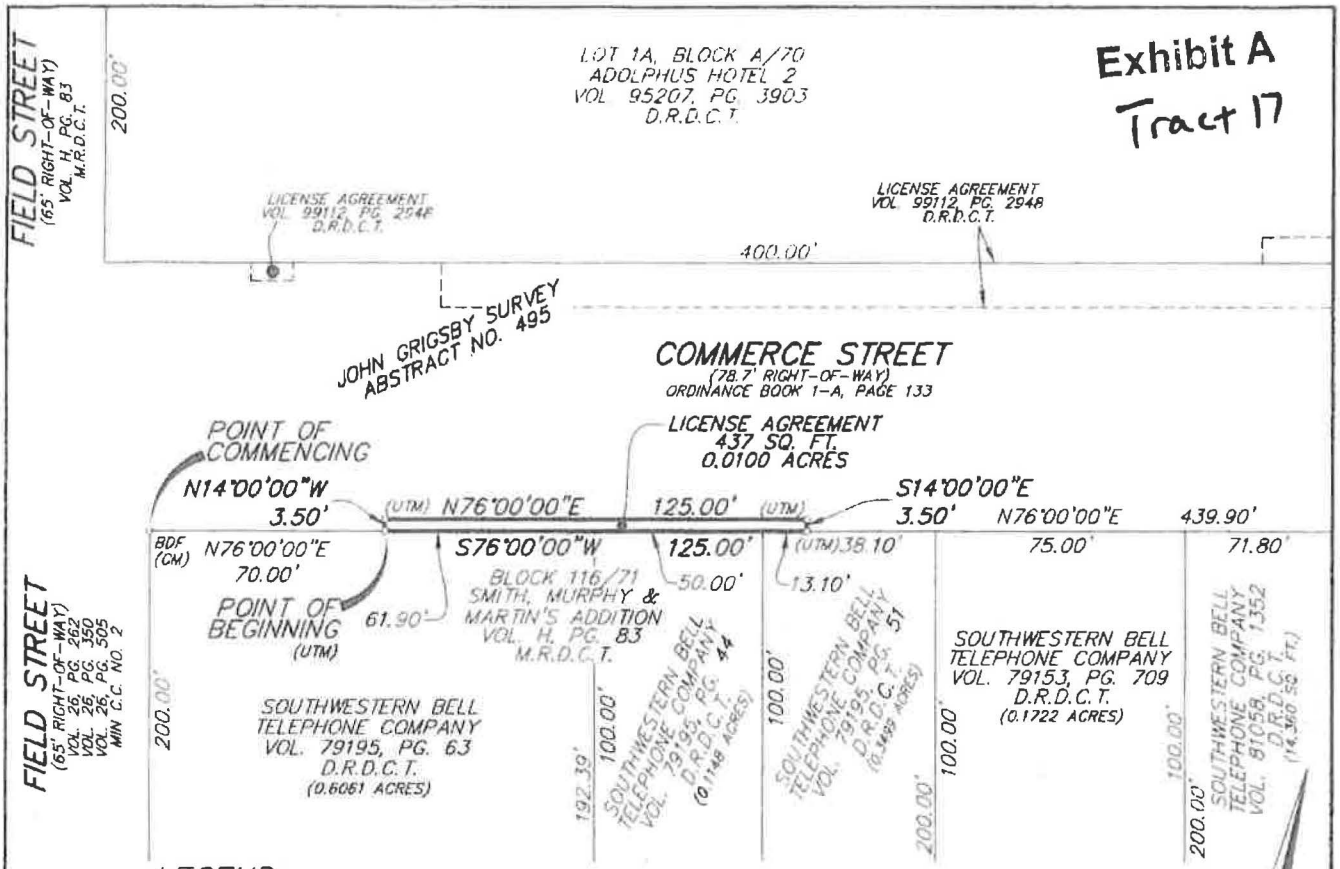
Basis of Bearings: The south line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
05/16/2018

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO: 4537

Exhibit A
Tract 17



LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL WITH WASHER SET
VS	CHISELED "V" SET
(CM)	CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TX
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(UTM)	UNABLE TO MONUMENT DUE TO CONSTRUCTION ACTIVITY
SQ. FT.	SQUARE FEET
MIN C.C. NO. 2	MINUTES OF COUNTY CLERK NUMBER 2

0 25 50 100
(FEET)
1 inch = 50 ft

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

BRIAN R. WADE R.P.L.S. NO. 6098
05/16/2018

Basis of Bearings: The south right-of-way line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

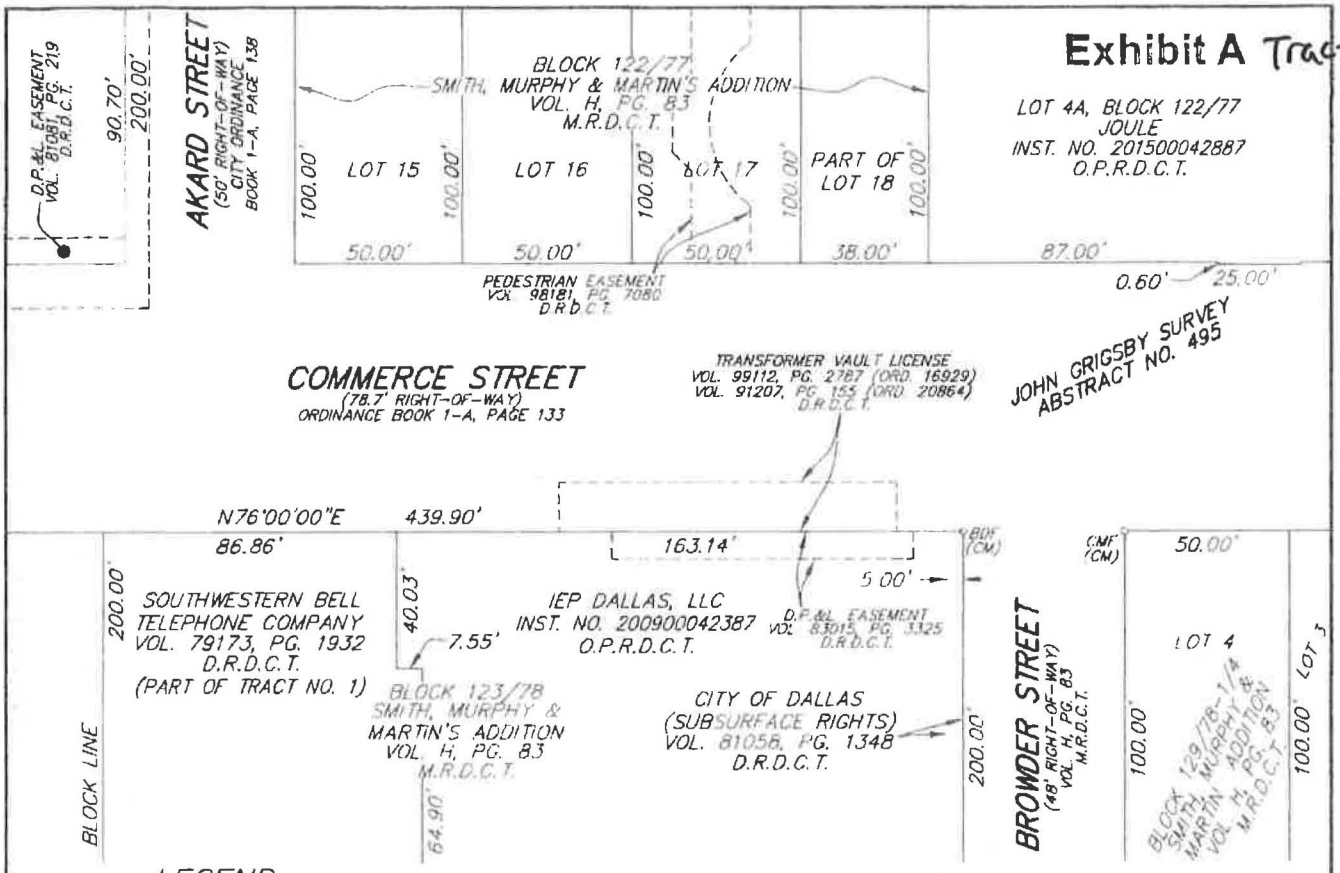
RAYMOND L. GOODSON JR., INC
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71
BETWEEN THE ELEVATIONS OF 443.2 FEET AND 443.8 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 15.37 FEET AND 15.97 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: B.S.
Date: 7-17-18
SPRG NO.: 4537

SCALE	1" = 50'	DATE	05/10/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA23	DWG NO.	26,835X

Exhibit A Tract 17



LEGEND

———	LICENSE AGREEMENT
———	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL WITH WASHER SET
VS	CHISELED "V" SET
(CM)	CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TX
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TX
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
(UTM)	UNABLE TO MONUMENT DUE TO CONSTRUCTION ACTIVITY
SQ. FT.	SQUARE FEET
MIN C.C. NO. 2	MINUTES OF COUNTY CLERK NUMBER 2

Basis of Bearings: The south right-of-way line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

AERIAL LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71
BETWEEN THE ELEVATIONS OF 443.2 FEET AND 443.8 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 15.37 FEET AND 15.97 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 7-17-18
SPRG NO.: 4537

SCALE	1" = 50'	DATE	05/10/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA23	DWG NO.	26,835X

Exhibit A
Tract 18

AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELEVATIONS OF 451.50 FEET
AND 463.20 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 15.30 FEET AND 27.00 FEET
ABOVE CONCRETE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 191 square foot (0.0044 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Akard Street (variable width right-of-way, created by City Ordinance Book 1-A, Page 138 and Volume 16, Page 230 from Minutes of County Court Number 2), between Jackson Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133), and Wood Street (50 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being adjacent to Blocks 117/72, Smith, Murphy & Martin's Addition, an addition to the City of Dallas according to the plat recorded in Volume H, Page 83, Deed Records, Dallas County, Texas, and between the elevations of 451.50 feet and 463.20 feet above mean sea level or between 15.30 feet and 27.00 feet above concrete sidewalk, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Akard Street for the northwest corner of a tract of land described in a Deed to Southwestern Bell Telephone Company (Tract 1), recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, from which a found chiseled "X" in concrete at the intersection of the east right-of-way line of said Akard Street and the north right-of-way line of said Wood Street for the southwest corner of a tract of land described in a Warranty Deed to Southwestern Bell Telephone Company, recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas bears South 14° 00' 00" East a distance of 189.49 feet;

THENCE South 76° 00' 00" West, departing the east right-of-way line of said Akard Street and along the south right-of-way line of said Jackson Street, a distance of 74.03 feet to point at the intersection of the south right-of-way line of Jackson Street and the west right-of-way line of said Akard Street for the northeast corner of a tract of land described in a Deed to Southwestern Bell Telephone Company, recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas;

THENCE South 17° 17' 40" East, along the west right-of-way line of said Akard Street and the east line of said Southwestern Bell Telephone Company tract (Volume 77074, Page 2808), a distance of 92.12 feet a chiseled "X" in concrete set for the **POINT OF BEGINNING**;

THENCE, departing the west right-of-way line of said Akard Street, the following bearings and distances:

North 76° 00' 00" East, a distance of 5.76 feet to a chiseled "X" in concrete set for corner;

South 14° 00' 00" East, a distance of 42.02 feet to a chiseled "X" in concrete set for corner;

South 72° 42' 20" West, a distance of 3.33 feet to a chiseled "X" in concrete set on the west right-of-way line of said Akard Street and the east line of a tract of land to Southwestern Bell Telephone Company (Tract 3) by Deed recorded in Volume 76001, Page 3466, Deed Records, Dallas County, Texas;

(For SPR use only)
Reviewed By: JD
Date: 8/30/2018
SPRG NO: 4620

AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELEVATIONS OF 451.50 FEET
AND 463.20 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 15.30 FEET AND 27.00 FEET
ABOVE CONCRETE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Tract 18

THENCE North 17° 17' 40" West, along the west right-of-way line of said Akard Street and the east line of said Southwestern Bell Telephone Company tract (Volume 76001, Page 3466), passing at a distance of 39.90 feet the common east corner of said Southwestern Bell Telephone Company tract (Volume 77074, Page 2808) and said Southwestern Bell Telephone Company tract (Volume 76001, Page 3466), continuing a total distance of 42.28 feet to the **POINT OF BEGINNING**, containing 191 square feet or 0.0044 acres, more or less,

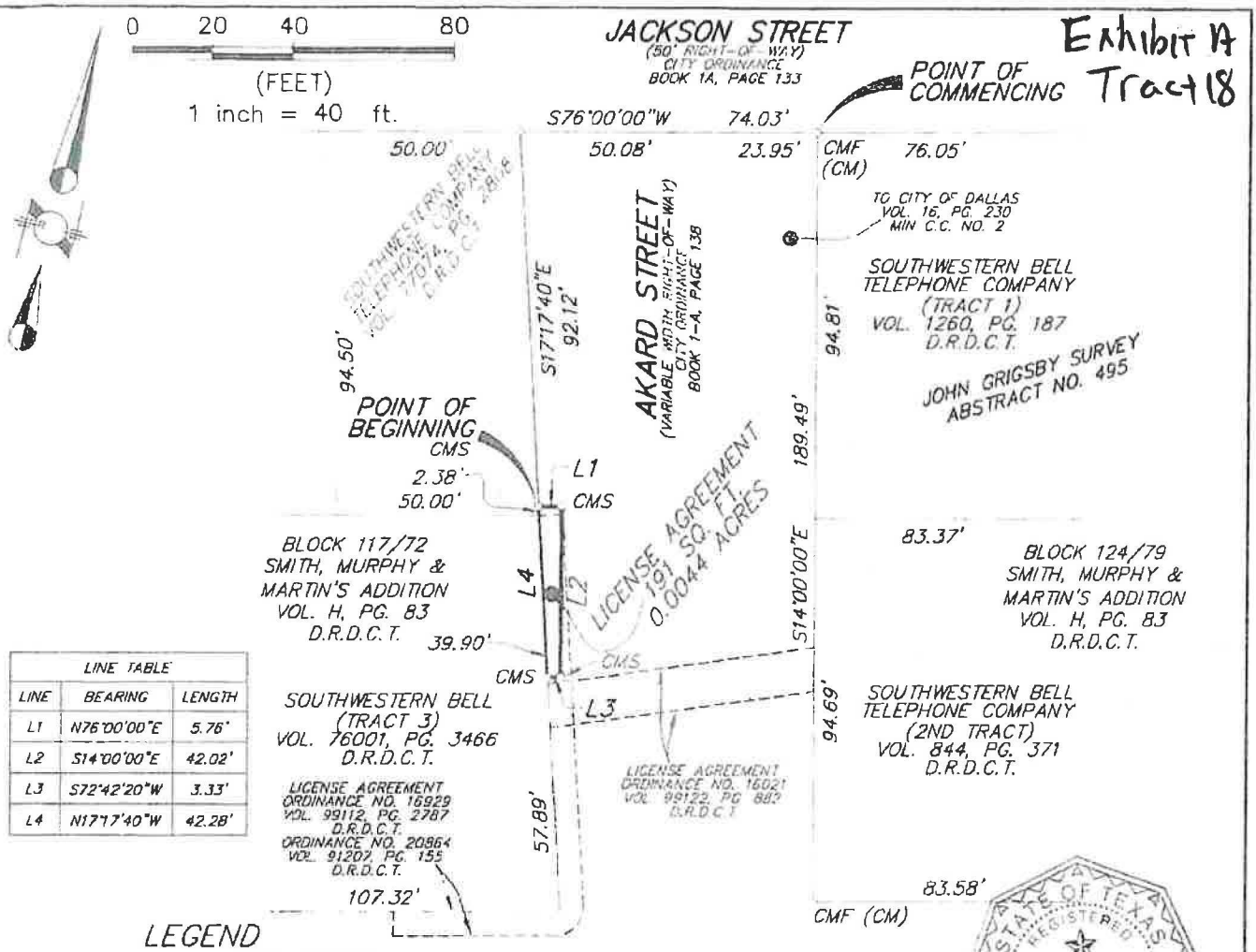
Basis of Bearings: The westerly right-of-way line of Akard Street (S17°17'40"E) per deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
7/31/2018
8/28/2018 Revised

(For SPRG use only)
Reviewed By: JD
Date: 8/30/2018
SPRG NO.: 4620

Exhibit A
Tract 18



LINE TABLE		
LINE	BEARING	LENGTH
L1	N76°00'00"E	5.76'
L2	S14°00'00"E	42.02'
L3	S72°42'20"W	3.33'
L4	N17°17'40"W	42.28'

LEGEND

	LICENSE AGREEMENT
	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

STATE OF TEXAS
REGISTERED
BRIAN R WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
7/31/2018
8/28/2018 Revised

Basis of Bearings: The westerly right-of-way line of Akard Street (S17°17'40"E) per deed recorded in Volume 77074, Page 2808, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REC #100341-00

AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 117/72
SMITH, MURPHY & MARTIN'S ADDITION
BETWEEN THE ELVATIONS OF 451.50 FEET AND 463.20 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 15.30 FEET AND 27.00 FEET ABOVE CONCRETE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By:
Date:
SPRG NO.: 4620

SCALE	1" = 40'	DATE	7/31/2018	SHEET	3 OF 3
JOB NO.	16119	E-FILE	16119LA26	DWG NO.	26,838X

Exhibit A Tract 19

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCKS 116/71
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 550 square foot (0.0126 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a portion of Commerce Street (78.7 foot right-of-way, created by City Ordinance Book 1-A, Page 133), being between Field Street (65 foot right-of-way, created by minutes of County Clerk No. 2 recorded in Volume 26, Page 262, Volume 26, Page 350, Volume 26, Page 505) and Browder Street (48 foot width right-of-way, created by the plat of Smith, Murphy & Martin's Addition), being adjacent to Blocks 116/71 of said Smith, Murphy & Martin's Addition, and being more particularly described as follows:

COMMENCING at a brass disk found at the intersection of the south right-of-way line of said Commerce Street and the east right-of-way line of said Field Street for the northwest corner of a 0.6061 acre tract of land described in deed to Southwestern Bell Telephone Company, recorded in Volume, 79195, Page 63, Deed Records, Dallas County, Texas;

THENCE North 76° 00' 00" East, along the south right-of-way line of said Commerce Street, a distance of 77.61 feet to chiseled "V" set in concrete for the **POINT OF BEGINNING**;

THENCE over and across said Commerce Street, the following bearings and distances:

North 14° 00' 00" West, a distance of 5.00 feet to a chiseled "X" in concrete set for corner;

North 76° 00' 00" East, 5 feet from and parallel to the south right-of-way line of said Commerce Street, a distance of 109.91 feet to a chiseled "X" in concrete set for corner;

South 14° 00' 00" East, a distance of 5.00 feet to a chiseled "V" set in concrete on the south right-of-way line of said Commerce Street and the north line of a 0.3499 acre tract of land described in deed to Southwestern Bell Telephone Company recorded in Volume 79195, Page 51, Deed Records, Dallas County, Texas, from which a brass disk found bears North 76° 00' 00" East, a distance of 447.39 feet at the intersection of said Commerce Street with the west line of Browder Street, (48 foot right-of-way) according to said Smith, Murphy & Martin's Addition;

THENCE South 76° 00' 00" West, passing at a distance of 5.61 feet the north common corner of said 0.3499 acre tract and a 0.1148 acre tract of land described in deed to Southwestern Bell Telephone Company, recorded in Volume 79195, Page 44, Deed Records, Dallas County, Texas, passing a distance of 55.61 feet the north common corner of said 0.1148 acre tract and said 0.6061 acre tract, continuing a total distance of 109.91 feet to the **POINT OF BEGINNING**, containing 550 square feet or 0.0126 acres, more or less.

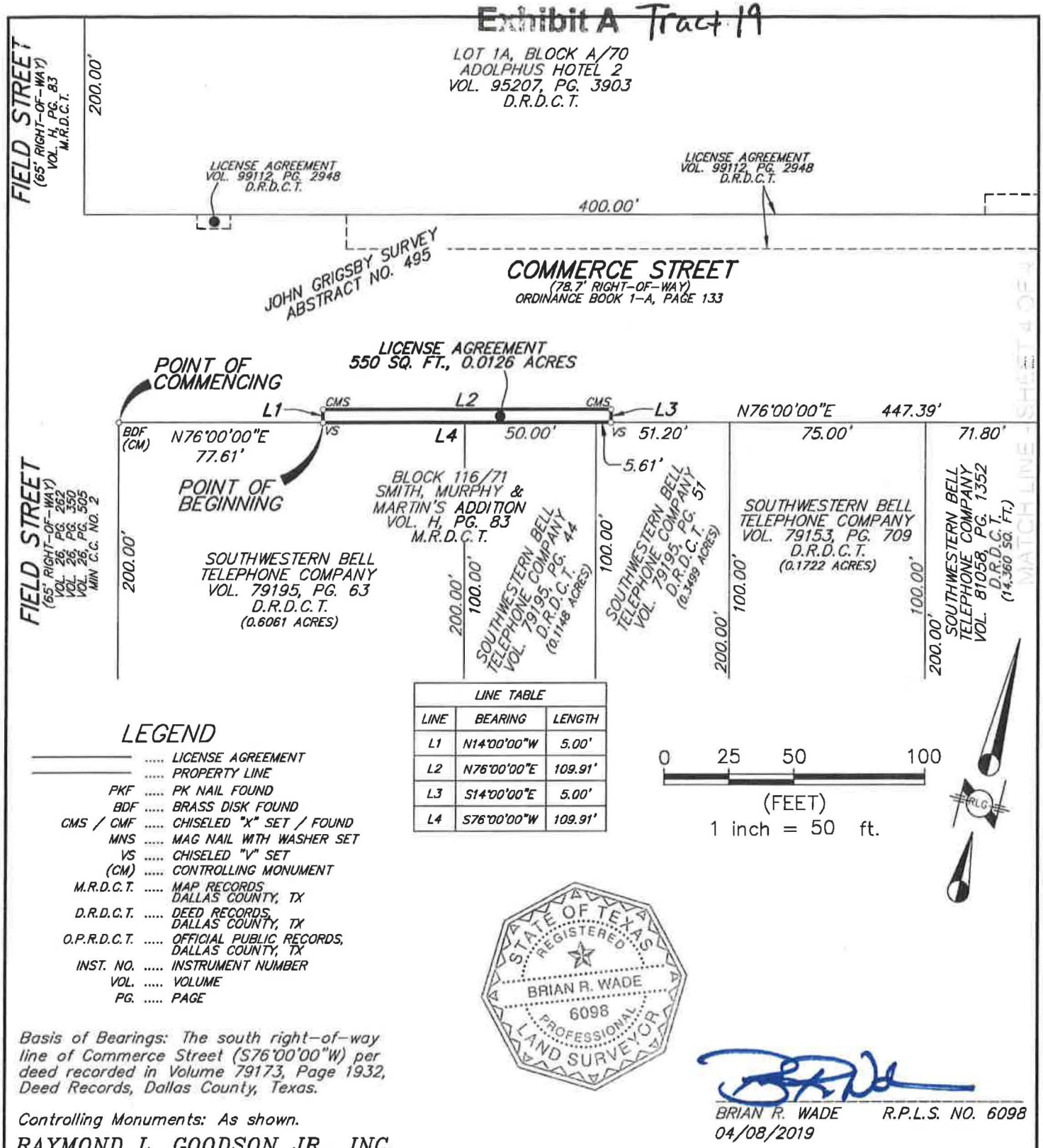
Basis of Bearings: The south line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
04/08/2019

(For SPRG use only)
Reviewed By: JM
Date: 04.10.2019
SPRG NO.: 4839

Exhibit A Tract 19



LINE TABLE		
LINE	BEARING	LENGTH
L1	N14°00'00"W	5.00'
L2	N76°00'00"E	109.91'
L3	S14°00'00"E	5.00'
L4	S76°00'00"W	109.91'

LEGEND

———	LICENSE AGREEMENT
———	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
MNS	MAG NAIL WITH WASHER SET
VS	CHISELED "V" SET
(CM)	CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TX
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE

0 25 50 100

(FEET)

1 inch = 50 ft.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Basis of Bearings: The south right-of-way line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

BRIAN R. WADE R.P.L.S. NO. 6098
04/08/2019

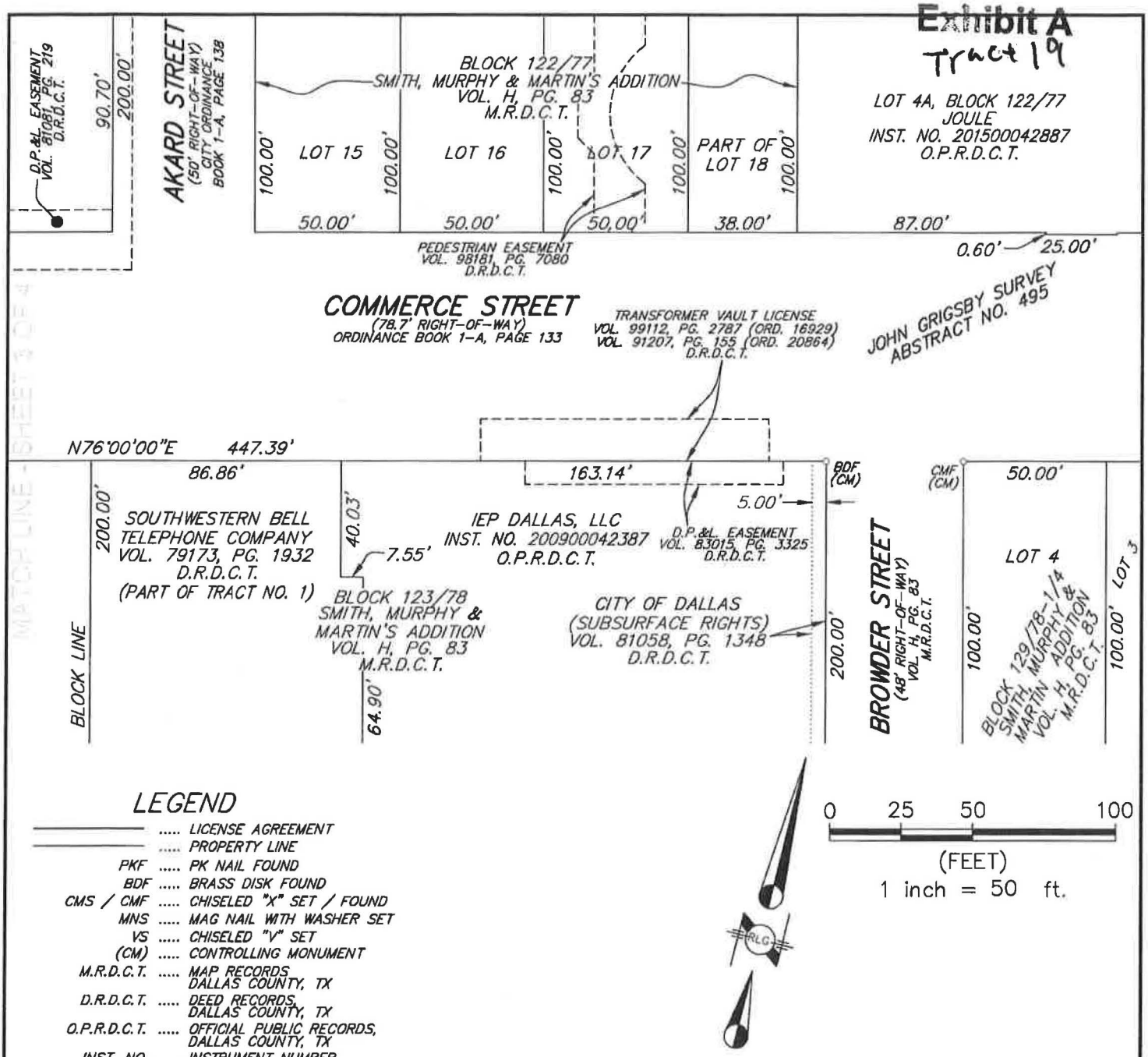
RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By:
Date: 04.10.2019
SPRG NO.: 4839

SCALE	1" = 50'	DATE	04/08/2019	SHEET	2 OF 3
JOB NO.	16119	E-FILE	16119LA36	DWG NO.	27,065X

Exhibit A
Tract 19



LEGEND

———	..... LICENSE AGREEMENT
———	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
MNS	..... MAG NAIL WITH WASHER SET
VS	..... CHISELED "V" SET
(CM)	..... CONTROLLING MONUMENT
M.R.D.C.T.	..... MAP RECORDS, DALLAS COUNTY, TX
D.R.D.C.T.	..... DEED RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	..... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE

Basis of Bearings: The south right-of-way line of Commerce Street (S76°00'00"W) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

LICENSE AGREEMENT
COMMERCE STREET
ADJACENT TO BLOCK 116/71
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: JR
Date: 04.10.2019
SPRG NO.: 4839

SCALE 1" = 50'		DATE 04/08/2019		SHEET	3 OF 3
JOB NO.	16119	E-FILE	16119LA36	DWG NO.	27,065X

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 Information Sheet

File #: 18-1012 **Item #:** 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

An ordinance abandoning a portion of an alley to Hickory CDR, LLC, the abutting owner, containing approximately 9,380 square feet of land, located near the intersection of Park Avenue and Hickory Street; and authorizing the quitclaim; and providing for the dedication of approximately 6,000 square feet of land needed for a wastewater easement - Revenue: $115,609.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Hickory CDR, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The owner will dedicate approximately 6,000 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 15 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 will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Revenue: $115,609.00, plus the $20.00 ordinance publication fee

OWNER

Hickory CDR, LLC

Matrix Associates, LLC

Steven A. Jennings, Manager

MAP

Attached

powered by Legistar™



Abandonment area:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Blocks B/916 and D/456 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Hickory CDR, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; 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 Hickory CDR, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said is 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, 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 tract 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 reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **ONE HUNDRED FIFTEEN THOUSAND SIX HUNDRED NINE AND NO/100 DOLLARS ($115,609.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 12, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, 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 tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; 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, future effective date 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, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, 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, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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 area described in Exhibit A by **GRANTEE**, its heir 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 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 tract 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 convey a wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block B/916, containing approximately 6,000 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A 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 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 13. 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, and completion of the dedication set forth in Section 10, 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, 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 14. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00006846.

SECTION 15. 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:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

ALLEY ABANDONMENT
R.A. MANSFIELD'S ADDITION (CORRECTED PLAT)
A PORTION OF AN EXISTING 20' ALLEY
ADJACENT TO CITY OF DALLAS BLOCKS B/916, AND D/456
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

Being a 9,380 square foot tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, same being a portion of an existing 20 foot Alley created in R.A. Mansfield's Addition (corrected plat), an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 74, Page 366, Map Records, Dallas County, Texas, adjacent to Block B/916, and adjacent to Block D/456, Guild's Park Avenue Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 82, Page 152, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner, said corner being the East corner of that tract of land conveyed to Majestic Cast, Inc., by deed recorded in Instrument No. 201500091847, Deed Records, Dallas County, Texas, the North corner of Tract 5 of that tract of land conveyed to Hickory CDR, LLC, a Texas Limited Liability Company, by deed recorded in Instrument No. 201600305893, Official Public Records, Dallas County, Texas, and being in the Southwest Right-of-Way line of Park Avenue (50 foot Right-of-Way);

THENCE South 37 degrees 40 minutes 41 seconds West, along the Southeast line of said Majestic Cast, Inc. tract, a distance of 155.57 feet to a 1/2 inch iron rod found for corner, said corner being the South corner of said Majestic Cast, Inc. tract, the West corner of Tract 5 of said Hickory CDR, LLC tract, and in the Northeast line of Lot 17, Block B/916, of said R.A. Mansfield's Addition;

THENCE South 51 degrees 59 minutes 43 seconds East, along the Northeast line of said Lot 17, a distance of 65.00 feet to a 1/2 inch iron rod set with plastic yellow cap Stamped "CBG Surveying" for corner, said corner being the East corner of said Lot 17, and the North corner of said 20 foot Alley, said corner being the POINT OF BEGINNING;

THENCE South 51 degrees 59 minutes 43 seconds East, along the Northeast Right-of-Way line of said Alley, a distance of 20.00 feet to a 1/2 inch iron rod set with plastic yellow cap Stamped "CBG Surveying" for corner, said corner being the East corner of said Alley, and the North corner of Lot 18, Block B/916, of said R.A. Mansfield's Addition;

CONTINUED ON SHEET 2 OF 4

(For SPRG use only)
Reviewed By: JD
Date: 11/7/2018
SPRG No.: 4411

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATED SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

CBG Surveying Texas, LLC
PLANNING SURVEYING
12025 Shiloh Road • Suite 230 Dallas, Texas 75228
P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbginctx.com

JOB NO. 1706426
DRAWN BY: WTH
DATE: 11/01/18

ALLEY ABANDONMENT
R.A. MANSFIELD'S ADDITION (CORRECTED PLAT)
A PORTION OF AN EXISTING 20' ALLEY
ADJACENT TO CITY OF DALLAS BLOCKS B/916, AND D/456
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

CONTINUED FROM SHEET 1 OF 4

THENCE South 37 degrees 33 minutes 41 seconds West, along the Southeast Right-of-Way line of said Alley, a distance of 469.00 feet to a 1/2 inch iron rod set with plastic yellow cap Stamped "CBG Surveying" for corner, said corner being on the West line of Lot 26, Block B/916, of said R.A. Mansfield Addition;

THENCE North 51 degrees 59 minutes 43 seconds West, departing the Southeast Right-of-Way line of said Alley, a distance of 20.00 feet to a 1/2 inch iron rod set with plastic yellow cap Stamped "CBG Surveying" for corner, said corner being on the East line of Lot 9, Block B/916, of said R.A. Mansfield's Addition;

THENCE North 37 degrees 33 minutes 41 seconds East, along the Northwest Right-of-Way line of said Alley, a distance of 469.00 feet to the POINT OF BEGINNING, and containing 9,380 square feet or 0.215 of an acres of land.

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5513
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed By: JP
Date: 11/7/2018
SPRG No.: 4411

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATED SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

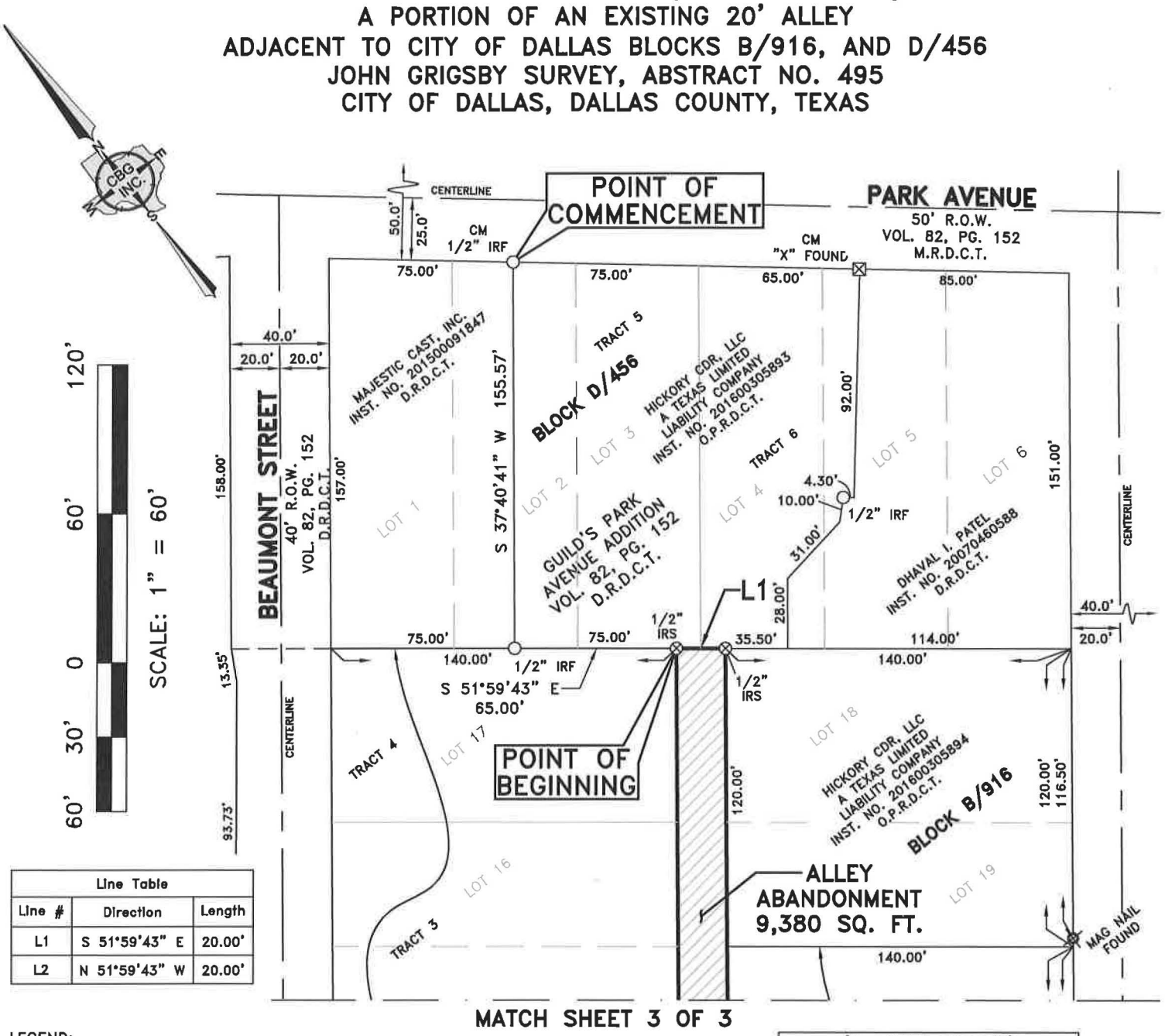
BRYAN CONNALLY
R.P.L.S. NO. 5513

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JOB NO. 1706426
DRAWN BY: WTH
DATE: 11/01/18

ALLEY ABANDONMENT
R.A. MANSFIELD'S ADDITION (CORRECTED PLAT)
A PORTION OF AN EXISTING 20' ALLEY
ADJACENT TO CITY OF DALLAS BLOCKS B/916, AND D/456
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A



Line Table		
Line #	Direction	Length
L1	S 51°59'43" E	20.00'
L2	N 51°59'43" W	20.00'

MATCH SHEET 3 OF 3

LEGEND:
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDSM DALLAS COUNTY, TEXAS
INST. NO. = INSTRUMENT NUMBER
VOL., PG.= VOLUME, PAGE
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
1/2" IRF = 1/2 INCH IRON ROD FOUND
1/2" IRS = 1/2 INCH IRON ROD SET WITH PLASTIC YELLOW CAP STAMPED "CBG SURVEYING" FOR CORNER
SQ. FT. = SQUARE FEET

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATED SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

(For SPRG use only)
Reviewed By: JD
Date: 11/7/2018
SPRG No.: 4411

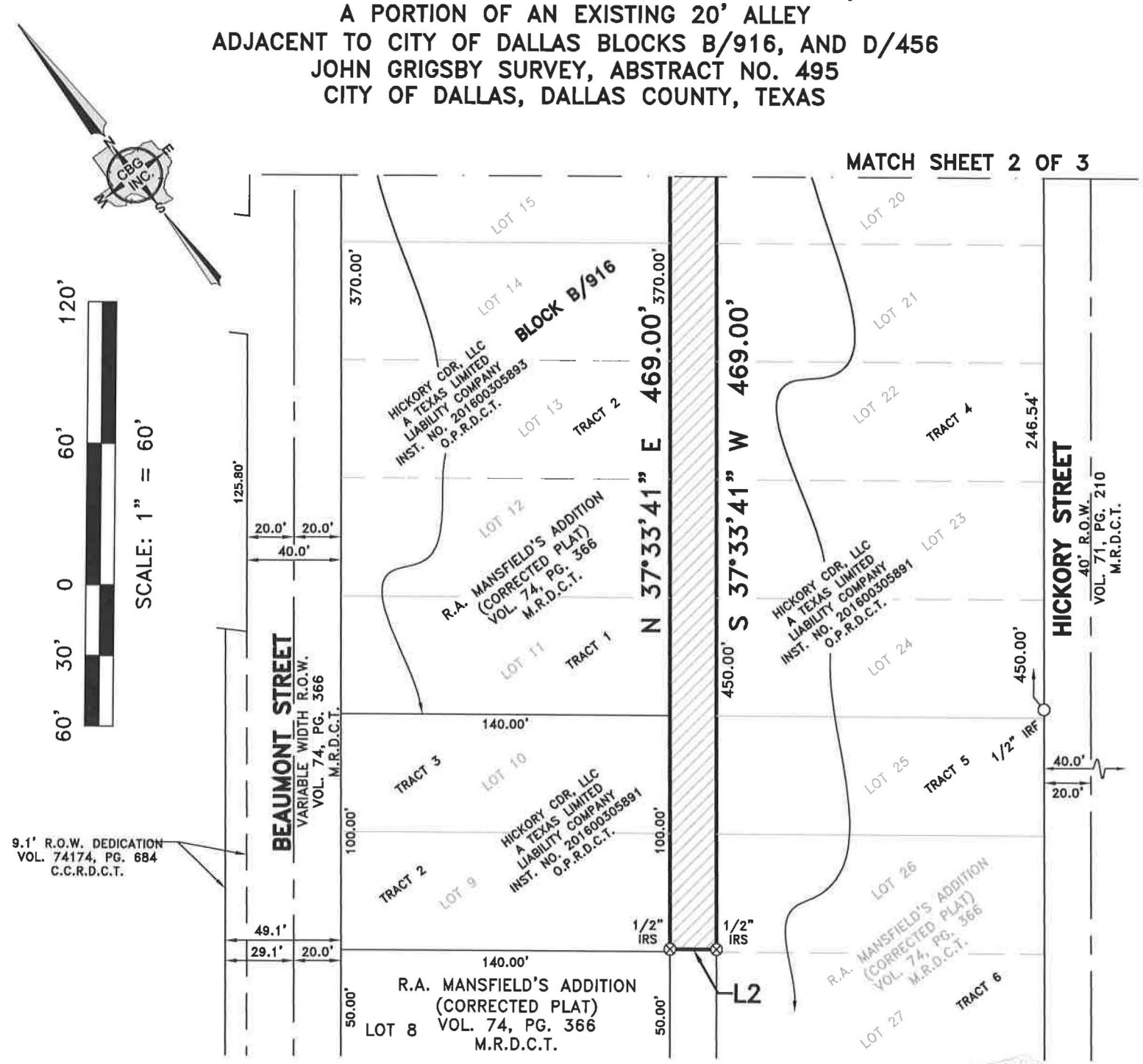
STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 PROFESSIONAL LAND SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513

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SHEET 3 OF 4
JOB NO. 1706426
DRAWN BY: WTH
DATE: 11/01/18

ALLEY ABANDONMENT
R.A. MANSFIELD'S ADDITION (CORRECTED PLAT) Exhibit A
A PORTION OF AN EXISTING 20' ALLEY
ADJACENT TO CITY OF DALLAS BLOCKS B/916, AND D/456
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)	
Reviewed By:	JD
Date:	11/7/2018
SPRG No.:	4411

Line Table		
Line #	Direction	Length
L1	S 51°59'43" E	20.00'
L2	N 51°59'43" W	20.00'

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATED SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

STATE OF TEXAS
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SHEET 4 OF 4
JOB NO. 1706426
DRAWN BY: WTH
DATE: 11/01/18

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.

20' WASTEWATER EASEMENT
R.A. MANSFIELD'S ADDITION (CORRECTED PLAT)
LOTS 17 AND 18, BLOCK B/916
SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit C

Being a 6,000 square feet tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being a portion of Tract 4 conveyed to Hickory CDR, LLC, a Texas Limited Liability Company, by Special Warranty Deed with Vendor's Lien recorded in Instrument No. 201600305893, Official Public Records, Dallas County, Texas, a portion of Tract 1 of the land also conveyed to said Hickory CDR, LLC, by Special Warranty Deed with Vendor's Lien recorded in Instrument No. 201600305894, Official Public Records, Dallas County, Texas, same being part of Lots 17 and 18, Block B/916, R.A. Mansfield's Addition (Corrected Plat), an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 74, Page 366, Deed Records, Dallas County, Texas, and a portion of an existing 20 foot Alley, and being more particularly described as follows:

COMMENCING from an "X" found in concrete for corner, said corner being the East corner of Tract 6 of the land conveyed to Hickory CDR, LLC, by Special Warranty Deed with Vendor's Lien recorded in Instrument No. 201600305893, Official Public Records, Dallas County, Texas, and the North corner of that tract of land conveyed to Dhaval I. Patel, by Warranty Deed recorded in Instrument No. 20070460588, Official Public Records, Dallas County, Texas, said corner being in the Southwest Right-of-Way line of Park Avenue (50 foot Right-of-Way);

THENCE South 50 degrees 49 minutes 49 seconds East, along the Southwest Right-of-Way line of said Park Avenue, a distance of 85.00 feet to a point for corner, said corner being the East corner of said Patel tract, and the intersection of the Southwest Right-of-Way line of said Park Avenue, and the Northwest Right-of-Way line of Hickory Street (40 foot Right-of-Way);

THENCE South 37 degrees 33 minutes 41 seconds West, along the Northwest Right-of-Way line of said Hickory Street, a distance of 151.00 feet to a 1/2 inch iron rod with plastic yellow cap stamped "CBG Surveying" set for corner, said corner being the South corner of said Patel tract, and the East corner of the aforesaid Lot 18, Block B/916, R.A. Mansfield's Addition, and being the POINT OF BEGINNING;

THENCE South 37 degrees 33 minutes 41 seconds West, along the Northwest Right-of-Way line of said Hickory Street, a distance of 20.00 feet to a 1/2 inch iron rod with plastic yellow cap stamped "CBG Surveying" set for corner;

THENCE North 51 degrees 59 minutes 43 seconds West, departing the Northwest Right-of-Way line of said Hickory Street, a distance of 300.00 feet to a 1/2 inch iron rod with plastic yellow cap stamped "CBG Surveying" set for corner, said corner being in the Southeast Right-of-Way line of Beaumont Street (variable width Right-of-Way);

THENCE North 37 degrees 33 minutes 41 seconds East, along the Southeast Right-of-Way line of said Beaumont Street, a distance of 20.00 feet to a 1/2 inch iron rod with plastic yellow cap stamped "CBG Surveying" set for corner, said corner being the North corner of the aforesaid Lot 17, Block B/916, R.A. Mansfield's Addition, and the West corner of Lot 1, Block D/456, C.W. Guild's Park Avenue Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 82, Page 152, Deed Records, Dallas County, Texas, from which a 1/2 inch iron rod found for witness bears South 54 degrees 25 minutes 59 seconds East, a distance of 4.93 feet;

THENCE South 51 degrees 59 minutes 43 seconds East, along the Northeast line of said Lot 17, Lot 18, Block B/916, and said 20 foot Alley, and along the Southwest line of said Block D/456, a distance of 300.00 feet to the POINT OF BEGINNING, and containing 6,000 square feet or 0.138 of an acre of land.

(For SPRG use only)
Reviewed By: [illegible]
Date: 05.22.2018
SPRG No.: 4527

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATED SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5513
PROFESSIONAL
LAND SURVEYOR

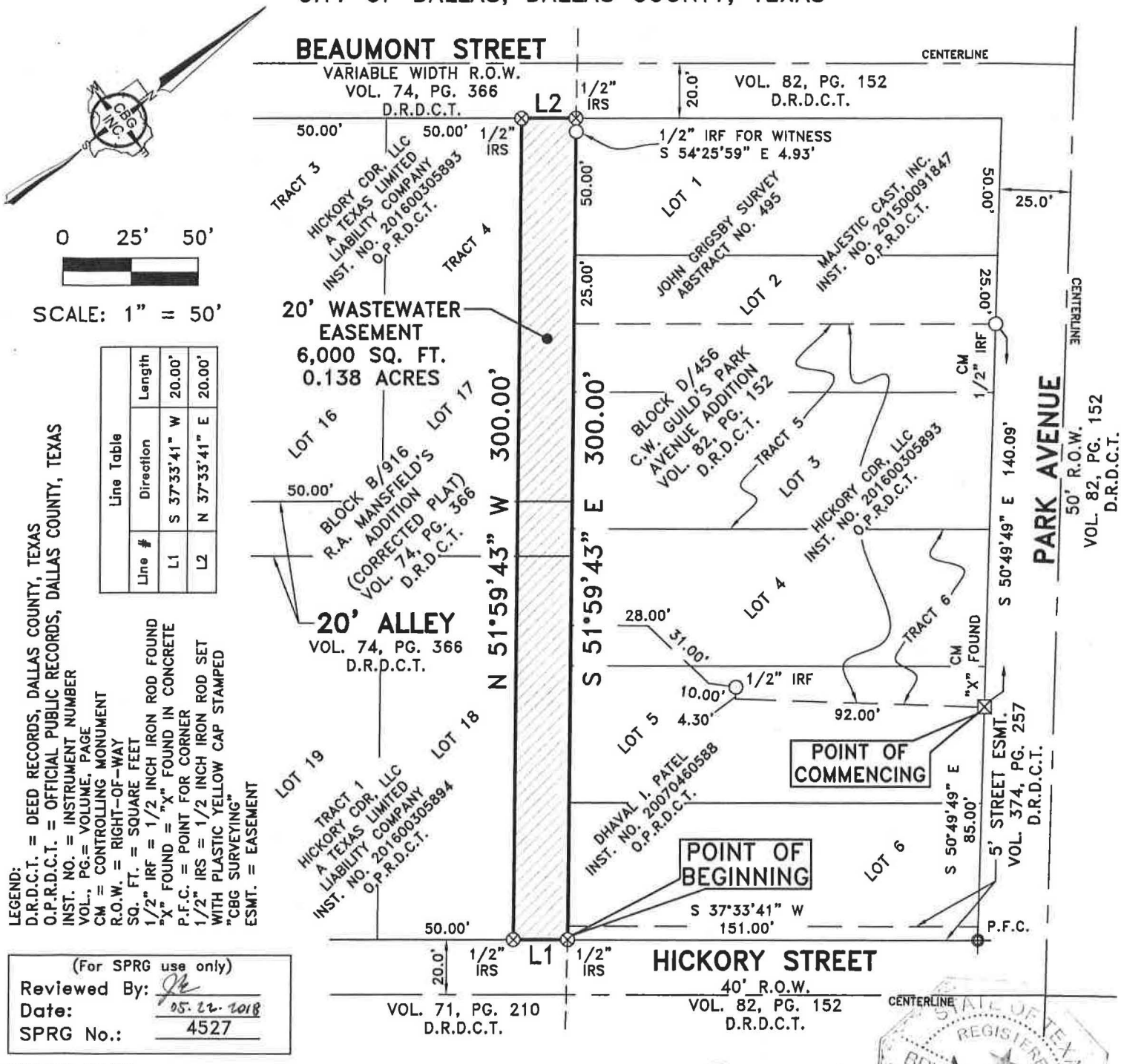
BRYAN CONNALLY
R.P.L.S. NO. 5513

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Firm No. 10168800
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SHEET 1 OF 2
JOB NO. 1706426-1
DRAWN BY: WTH
DATE: 05/04/18

Exhibit C

20' WASTEWATER EASEMENT
R.A. MANSFIELD'S ADDITION (CORRECTED PLAT)
LOTS 17 AND 18, BLOCK B/916
SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



0 25' 50'

SCALE: 1" = 50'

Line Table		
Line #	Direction	Length
L1	S 37°33'41" W	20.00'
L2	N 37°33'41" E	20.00'

LEGEND:
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO. = INSTRUMENT NUMBER
VOL., PG.= VOLUME, PAGE
CM = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
SQ. FT. = SQUARE FEET
1/2" IRF = 1/2 INCH IRON ROD FOUND
"X" FOUND = "X" FOUND IN CONCRETE
P.F.C. = POINT FOR CORNER
1/2" IRS = 1/2 INCH IRON ROD SET
WITH PLASTIC YELLOW CAP STAMPED
"CBG SURVEYING"
ESMT. = EASEMENT

(For SPRG use only)	
Reviewed By:	JK
Date:	05.22.2018
SPRG No.:	4527

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).

STATE OF TEXAS
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BRYAN CONNALLY
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SHEET 2 OF 2
JOB NO. 1706426-1
DRAWN BY: WTH
DATE: 05/04/18

Agenda Information Sheet

File #: 18-1068 **Item #:** 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

An ordinance abandoning a portion of Hawkins Street (formerly known as Leonard Street) to Epic Dallas Phase 2, LP, the abutting owner, containing approximately 13,429 square feet of land, located near the intersection of Hawkins Street and Pacific Avenue; and authorizing the quitclaim; and providing for the dedication of a total of approximately 19,784 square feet of land needed for street right-of-way - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Hawkins Street (formerly known as Leonard Street) to Epic Dallas Phase 2, LP, the abutting owner. The area will be included with the property of the abutting owner for a mixed-use development. The owner will dedicate a total of approximately 19,784 square feet of land needed for street right-of-way. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

Notices were sent to 16 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

OWNER

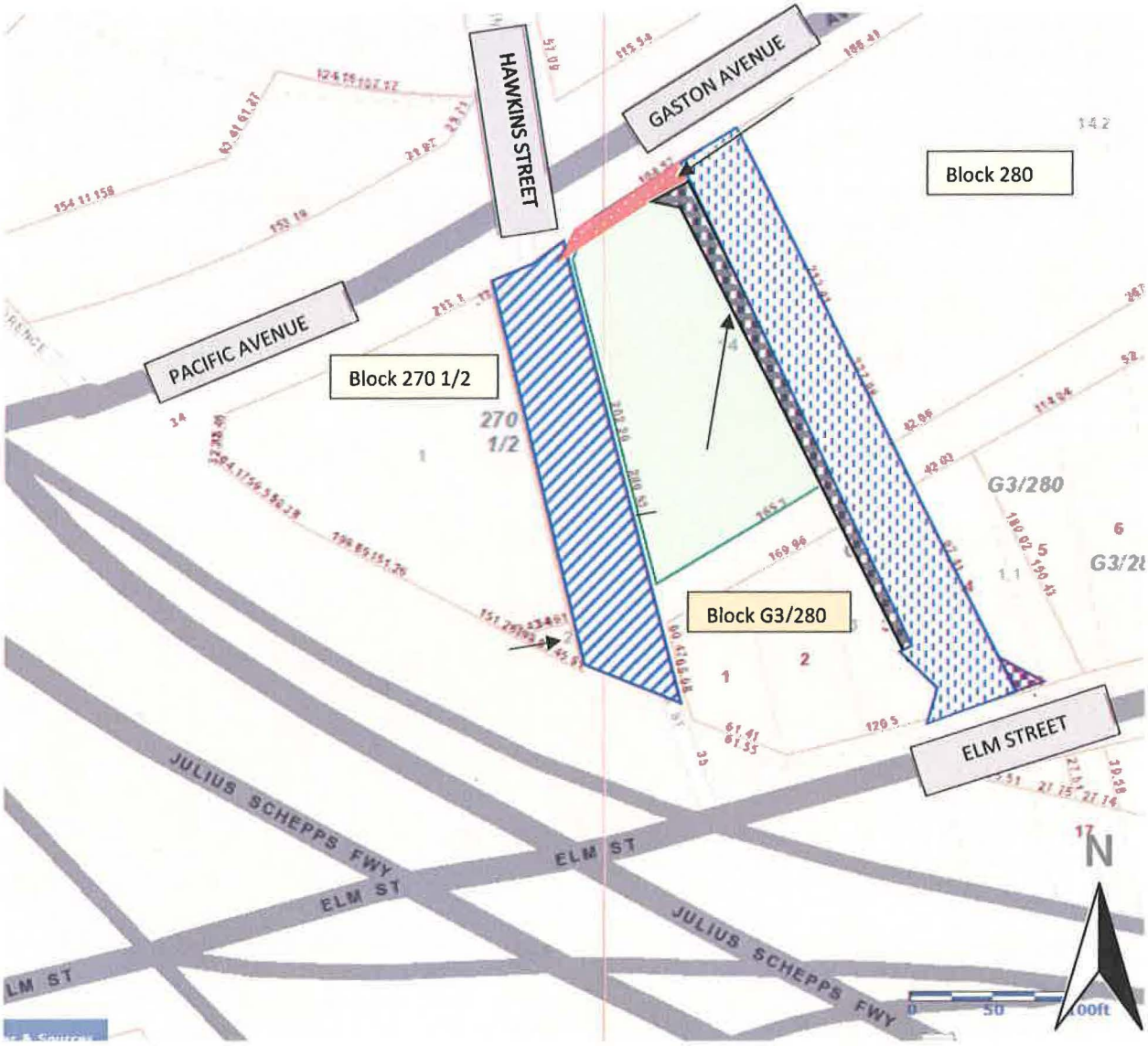
Epic Dallas Phase 2, LP

Epic Dallas Phase 2 GP, Inc.

Joseph G. Beard, President

MAP

Attached



ABANDONMENT AREA:

DEDICATION AREAS:

Tract 1

Tract 2

Tract 3

Tract 4

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Hawkins Street (formerly known as Leonard Street) located adjacent to City Blocks 270 ½, 280 and G3/280 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Epic Dallas Phase 2, LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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; providing a future effective date for this abandonment; 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 Epic Dallas Phase 2, LP, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Hawkins Street (formerly known as Leonard Street) is 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, 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 tract 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 reverter and 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 DOLLARS ($5,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11, 14 and 15 the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, 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 tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 9 of this ordinance, but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; 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, future effective date 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, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, 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, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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 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 and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within one year of the effective date of this ordinance showing dedication of a ten-foot pedestrian access easement east of Hawkins Street in City Block 280. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property

records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

(a) ensure parking spaces on the new Hawkins Street shall remain open to the public at all times and there shall be no unauthorized valet stands at any time in these spaces.

(b) complete construction of street improvements of the dedication area conveyed in Section 11 of this ordinance and described as Exhibit C - Tract 4. Street build-out shall comply with the City of Dallas street construction standards and be approved by Director of Sustainable Development and Construction.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** and/or Gaston & Good Latimer, LP, a Texas limited partnership, Westdale Properties America I, Ltd., a Texas limited partnership, Epic Dallas Office, LP, a Texas limited partnership, acting by and through Epic Dallas Phase 2, LP, shall convey by Street Easements to the City of Dallas, within 90 days of the effective date of this ordinance, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Blocks 280 and G3/280 containing a total of approximately 19,784 square feet of land a description of which is attached hereto and made a part hereof as follows: (i) from Gaston & Good Latimer LP, a Street Easement in property, a description of which is attached hereto and made a part hereof as Exhibit C – Tract 1; (ii) from Westdale Properties America I, Ltd, a Street Easement in property, a description of which is attached hereto and made a part hereof as Exhibit C – Tract 2; (iii) from Epic Dallas Phase 2, LP, a Street Easement in property, a description of which is attached hereto and made a part hereof as Exhibit C – Tract 3; and (iv) from Epic Dallas Office LP, a Street Easement in property, a description of which is attached hereto and made a part hereof as Exhibit C – Tract 4; This abandonment shall not be effective unless and until all of the aforementioned dedications are completed as herein provided and failure to convey the above described properties as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instruments described in Section 11 above are executed and delivered to the City of Dallas and have been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject properties are located; and the recorded instruments shall be forwarded to the City Secretary for permanent record.

SECTION 13. That this ordinance and properly executed Street Easements, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the properties described in Section 11 above.

SECTION 15. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A 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 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 16. 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 Sections 2 and 14, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9 and completion of the dedications set forth in Section 11, 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, 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 17. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00008109.

SECTION 18. 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:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
SOR Assistant Director

Passed _____.

Exhibit A

LEGAL DESCRIPTION

BEING a 13,429 square feet or 0.3083 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being adjacent to City of Dallas Block Nos. 270 1/2, 280 & G3/280 and being part of Hawkins Street (a 50-foot wide right-of-way, formerly Leonard Street) dedicated in Ordinance Book 1A, Page 140 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with "SUDDS. ASSOC." cap found at the intersection of the east right-of-way line of said Hawkins Street with the southeast right-of-way line of Pacific Avenue (a variable width right-of-way) described in said Ordinance Book 1A, Page 140 and in Ordinance Book 27, Page 171 of said Deed Records and being the northwest line of a 1.295 acre tract of land described in Deed to Westdale Properties America I, Ltd. recorded in Instrument No. 201600085773 of the Official Public Records of Dallas County, Texas;

THENCE with said east right-of-way line of Hawkins Street, South 14°57'00" East, passing the northwest corner of a tract of land described in Deed to Epic Dallas Phase 2, LP recorded in Instrument No. 201700027377 of said Official Public Records at a distance of 15.00 feet and continuing in all a total distance of 301.53 feet to a "X" cut in concrete found at the intersection of the northeast right-of-way line of Interstate Highway No. 345 (a variable width right-of-way) dedicated in Agreed Judgement recorded in Volume 70086, Page 2002 of said Deed Records with said east right-of-way line of Hawkins Street;

THENCE North 71°14'09" West, a distance of 60.11 feet to a "X" cut in concrete found at the intersection of the west right-of-way line of said Hawkins Street with said northeast right-of-way line of Interstate Highway No. 345 described in Deed to State of Texas, recorded in Volume 68060, Pages 1834, 1840 & 1848 of said Deed Records and in the east line of a 0.012 acre tract of land described in Deed to Epic Dallas Phase 2, LP, recorded in Instrument No. 201800058900 of said Official Public Records;

THENCE with said west line of Hawkins Street and the east line of said 0.012 acre tract, North 14°57'00" West, passing a 5/8-inch iron rod with "City of Dallas" cap found for the northeast corner of said 0.012 acre tract and the southeast corner of a called 0.568 acre tract of land described in Deed to Epic Dallas Phase 2, LP, recorded in Instrument No. 201800071892 of said Official Public Records at a distance of 30.14 feet and continuing with said west right-of-way line and the east line of said 0.568 acre tract a total distance of 240.30 feet to a "X" cut in concrete found at the intersection of said west right-of-way line of Hawkins Street and said south right-of-way line of Pacific Avenue for the northeast corner of said 0.568 acre tract and being at the beginning of a non-tangent curve to the left having a central angle of 1°15'33", a radius of 1185.90 feet, a chord bearing and distance of North 58°38'25" East, 26.06 feet;

THENCE in a northeasterly direction, with said curve to the left, an arc distance of 26.06 feet to a MAG nail set for corner in the centerline of said Hawkins Street;

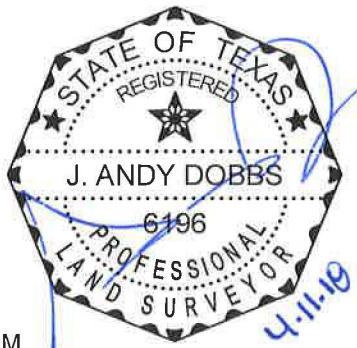
THENCE with said centerline of Hawkins Street, North 14°57'00" West, a distance of 3.92 feet to a MAG nail set for corner;

THENCE departing said centerline of Hawkins Street, North 41°29'33" East, a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 13,429 square feet or 0.3083 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/13/18
SPRG NO: 4511

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
ANDY.DOBBS@KIMLEY-HORN.COM



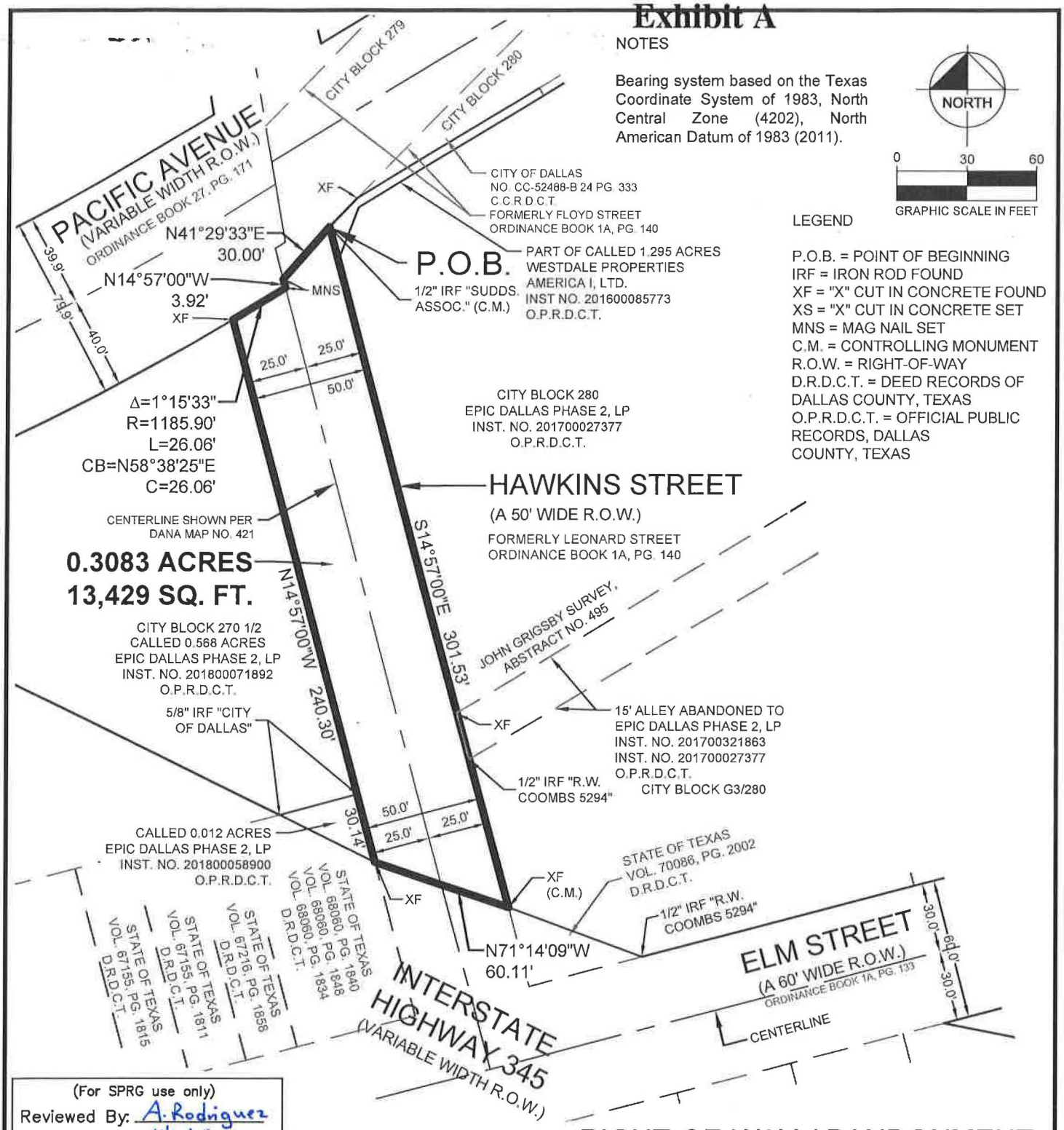
RIGHT-OF-WAY ABANDONMENT

HAWKINS STREET
ADJACENT TO BLOCKS 270 1/2, 280 & G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	MAR. 2018	064405602	1 OF 2

Exhibit A



NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

NORTH

0 30 60

GRAPHIC SCALE IN FEET

LEGEND

P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
XF = "X" CUT IN CONCRETE FOUND
XS = "X" CUT IN CONCRETE SET
MNS = MAG NAIL SET
C.M. = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/13/18
SPRG NO: 4511

RIGHT-OF-WAY ABANDONMENT

HAWKINS STREET

ADJACENT TO BLOCKS 270 1/2, 280 & G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
4-11-18

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MTC	JAD	MAR. 2018	064405602	2 OF 2

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.

Exhibit C – Tract 1

LEGAL DESCRIPTION

BEING a 49 square feet or 0.0011 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of City of Dallas Block Nos. 280 and G3/280 and being part of a called 1.260 acre tract of land described in Special Warranty Deed to Gaston & Good Latimer, LP recorded in Instrument No. 201800014281, Official Public Records of Dallas County, Texas and being part of Lot 5 of Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with orange plastic cap stamped "R. W. Coombs 5294" found in the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Book 1A, Page 140, being at the northeast corner of a tract of land described in Agreed Judgment to The State of Texas, recorded in Volume 70086, Page 2002 of said Deed Records and being in the south line of a called 1.232 acre tract of land described in Special Warranty Deed to Epic Dallas Phase 2, LP recorded in Instrument No. 201700027377 of said Official Public Records; from said point a "X" cut in concrete found at the northwest corner of said State of Texas tract and in the east right-of-way line of N. Hawkins Street (a 50 foot wide right-of-way) described in said Ordinance Book 1A, Page 140 bears North 69°56'39" West, a distance of 61.41 feet;

THENCE with said north right-of-way line of Elm Street and said south line of the Epic Dallas Phase 2 tract, North 75°24'25" East, passing the southeast corner of said Epic Dallas Phase 2 tract and the southwest corner of a called 2.332 acre tract of land described in Special Warranty Deed to Epic Dallas Office, LP recorded in Instrument No. 201700027376 of said Official Public Records at a distance of 120.50 feet and continuing with the south line of said Epic Dallas Office tract, in all a total distance of 187.30 feet to a "X" cut in concrete found for the southwest corner of said Gaston & Good Latimer tract and being the **POINT OF BEGINNING**;

THENCE departing said north right-of-way line of Elm Street and with the common line between said Epic Dallas Office and said Gaston & Good Latimer tracts, North 27°05'45" West, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner from which a 5/8" iron rod with plastic cap stamped "KHA" found bears North 27°05'45" West, a distance of 170.02 feet;

THENCE departing said common line between the Epic Dallas Office and Gaston & Good Latimer tracts, over and across said Gaston & Good Latimer tract, South 65°50'40" East, a distance of 15.60 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in said north right-of-way line of Elm Street and being in the south line of said Gaston & Good Latimer tract from which a "X" cut in concrete found bears North 75°24'25" East, a distance of 282.89 feet;

THENCE with said north right-of-way line of Elm Street and said south line of the Gaston & Good Latimer tract, South 75°24'25" West, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 49 square feet or 0.0011 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4622

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
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DALLAS, TEXAS 75240
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ANDY.DOBBS@KIMLEY-HORN.COM

STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
9.14.18

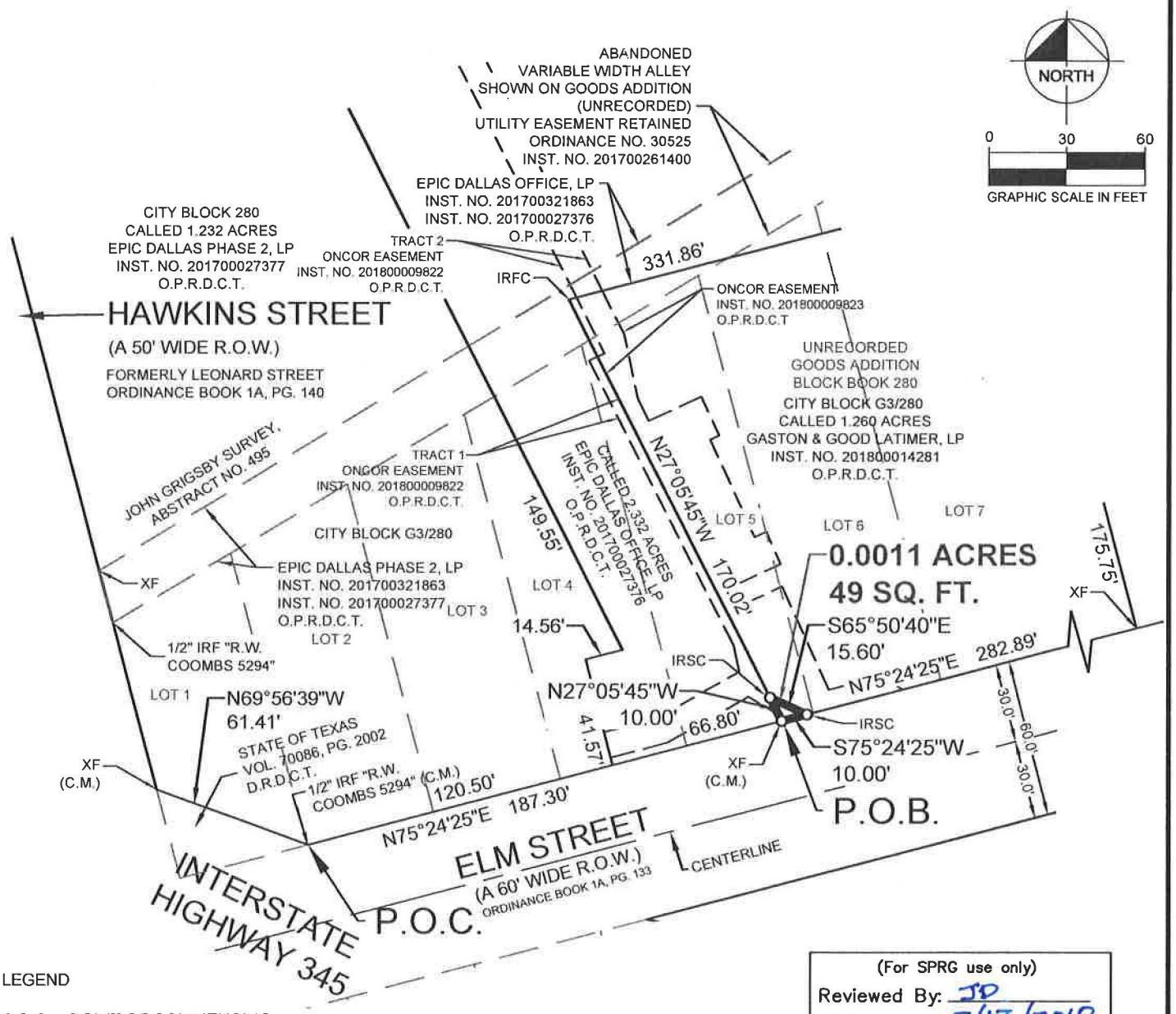
STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.260 ACRES
PART OF CITY OF DALLAS BLOCK G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	JULY 2018	064405602	1 OF 2

~~Exhibit C Tract 1~~



(For SPRG use only)	
Reviewed By:	JD
Date:	9/17/2018
SPRG NO:	4622

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
XF = "X" CUT IN CONCRETE FOUND
IRFC = 5/8" IRON ROD W/ "KHA" CAP FOUND
C.M. = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.260 ACRES
PART OF CITY OF DALLAS BLOCK G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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REGISTERED
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LAND SURVEYOR
9.14.18

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MTC	JAD	JULY 2018	064405602	2 OF 2

Exhibit C – Tract 2

LEGAL DESCRIPTION

BEING a 367 square feet or 0.0084 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of City of Dallas Block 280 and being part of a called 1.295 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd. recorded in Instrument No. 201600085773 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with "SUDDS. ASSOC." cap found at the intersection of the east right-of-way line of Hawkins Street (a 50-foot wide right-of-way, formerly Leonard Street) dedicated in Ordinance Book 1A, Page 140 of the Deed Records of Dallas County, Texas with the southeast right-of-way line of Pacific Avenue (a variable width right-of-way) described in said Ordinance Book 1A, Page 140 and in Ordinance Book 27, Page 171 of said Deed Records and in Special Warranty Deed to the City of Dallas recorded in Instrument No. 201700258704 of said Official Public Records;

THENCE with said southeast right-of-way line of Pacific Avenue and the north line of said 1.295 acre tract, North 44°07'30" East, a distance of 2.10 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**;

THENCE continuing with said southeast right-of-way line of Pacific Avenue and said north line of the 1.295 acre tract, the following courses and distances:

North 44°07'30" East, a distance of 15.01 feet to a "X" cut in concrete found for corner;
North 58°35'30" East, a distance of 90.73 feet to a "X" cut in concrete set for the northwest corner of said City of Dallas tract;

THENCE continuing with said southeast right-of-way line of Pacific Avenue and with the southwest line of said City of Dallas tract, South 31°24'30" East, a distance of 3.75 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the southwest corner of said City of Dallas tract in the north line of a called 1.232 acre tract of land described in Special Warranty Deed to Epic Dallas Phase 2, LP recorded in Instrument No. 201700027377 of said Official Public Records;

THENCE departing said south right-of-way line of Pacific Avenue and with said north line of the 1.232 acre tract, South 58°35'30" West, passing at a distance of 92.30 feet a point for a northwest corner of said 1.232 acre tract and departing said north line of the 1.232 acre tract, continuing in all a total distance of 105.26 feet to the **POINT OF BEGINNING** and containing 367 square feet or 0.0084 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: JD
Date: 10/8/2018
SPRG NO: 4623

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STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.295 ACRES
PART OF CITY OF DALLAS BLOCK 280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	AUG. 2018	064405602	1 OF 2

Exhibit C – Tract 2

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).



LINE TABLE		
NO.	BEARING	LENGTH
L1	N44°07'30"E	15.01'
L2	N58°35'30"E	90.73'
L3	S31°24'30"E	3.75'
L4	S58°35'30"W	105.26'

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
XF = "X" CUT IN CONCRETE FOUND
XS = "X" CUT IN CONCRETE SET
C.M. = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
C.C.R.D.C.T. = COUNTY COURT RECORDS OF DALLAS COUNTY, TEXAS
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STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.295 ACRES
PART OF CITY OF DALLAS BLOCK 280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	MTC	JAD	AUG. 2018	064405602	2 OF 2

Exhibit C = Tract 3

LEGAL DESCRIPTION

BEING a 2,714 square feet or 0.0623 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of City of Dallas Block Nos. 280 and G3/280 and part of the abandoned variable width alley across said Blocks 280 and G3/280 shown on Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas and abandoned by Ordinance No. 30525, recorded in Instrument No. 201700261400, Official Public Records of Dallas County, Texas and being part of a called 1.232 acre tract of land described in Special Warranty Deed to Epic Dallas Phase 2, LP recorded in Instrument No. 201700027377 of said Official Public Records and being part of a tract of land described in Corrected Quitclaim Deed to Epic Dallas Phase 2, LP recorded in Instrument No. 201700321863 of said Official Public Records and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with orange plastic cap stamped "R. W. Coombs 5294" found in the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Book 1A, Page 140, being at the northeast corner of a tract of land described in Agreed Judgment to The State of Texas, recorded in Volume 70086, Page 2002 of said Deed Records and being in the south line of said Epic Dallas Phase 2 tract; from said point a "X" cut in concrete found at the northwest corner of said State of Texas tract and in the east right-of-way line of N. Hawkins Street (a 50 foot wide right-of-way) described in said Ordinance Book 1A, Page 140 bears North 69°56'39" West, a distance of 61.41 feet;

THENCE with said north right-of-way line of Elm Street and said south line of the Epic Dallas Phase 2 tract, North 75°24'25" East, a distance of 120.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the southwest corner of a called 2.332 acre tract of land described in Special Warranty Deed to Epic Dallas Office, LP recorded in Instrument No. 201700027376 of said Official Public Records;

THENCE departing said north right-of-way line of Elm Street and with the common line between said Epic Dallas Office and said Epic Dallas Phase 2 tracts, the following courses and distances:

North 14°35'35" West, a distance of 41.57 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 75°24'25" East, a distance of 6.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**;

CONTINUED ON SHEET 2

(For SPRG use only)
Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4624

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STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.232 ACRES
PART OF CITY OF DALLAS BLOCKS 280 & G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	JULY 2018	064405602	1 OF 3

THENCE departing said common line between the Epic Dallas Office and Epic Dallas Phase 2 tracts, over and across said Epic Dallas Phase 2 tract, the following courses and distances:

North 27°05'45" West, a distance of 329.36 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 74°15'07" West, a distance of 8.49 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the north line of said Epic Dallas Phase 2 tract from which a 5/8" iron rod with plastic cap stamped "KHA" set bears South 58°35'30" West, a distance of 90.31 feet;

THENCE with said north line of the Epic Dallas Phase 2 tract, North 58°35'30" East, a distance of 14.26 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the south right-of-way line of Pacific Avenue (a variable width right-of-way) described in NO.CC 52488-B24, Page 333 of the County Court Records, Dallas County, Texas and in Special Warranty Deed to the City of Dallas recorded in Instrument No. 201700258704 of said Official Public Records for the northwest corner of said Epic Dallas Office tract and being the northeast corner of said Epic Dallas Phase 2 tract;

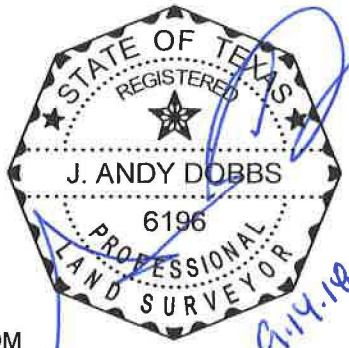
THENCE departing said southeast right-of-way line of Pacific Avenue and with said common line between the Epic Dallas Office and Epic Dallas Phase 2 tracts, the following courses and distances:

South 27°05'45" East, a distance of 337.98 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
South 75°24'25" West, a distance of 8.19 feet to the **POINT OF BEGINNING** and containing 2,714 square feet or 0.0623 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4624

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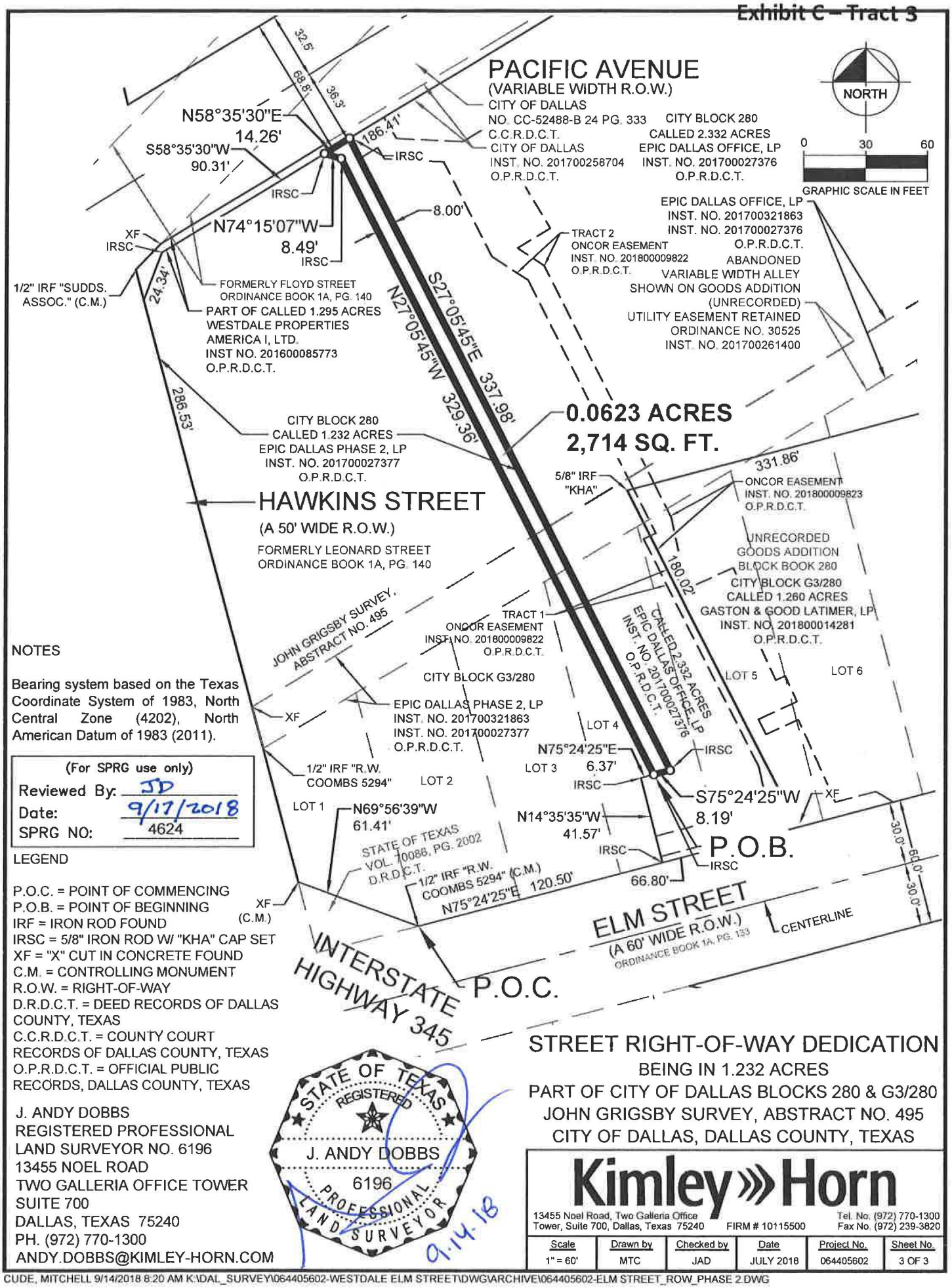
STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.232 ACRES
PART OF CITY OF DALLAS BLOCKS 280 & G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	JULY 2018	064405602	2 OF 3

Exhibit C – Tract 3



NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4624

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
XF = "X" CUT IN CONCRETE FOUND
C.M. = CONTROLLING MONUMENT
R.O.W. = RIGHT-OF-WAY
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
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STREET RIGHT-OF-WAY DEDICATION

BEING IN 1.232 ACRES
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MTC	JAD	JULY 2018	064405602	3 OF 3

LEGAL DESCRIPTION

BEING a 16,654 square feet or 0.3823 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of City of Dallas Block Nos. 280 and G3/280 and part of the abandoned variable width alley across said Blocks 280 and G3/280 shown on Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas and abandoned by Ordinance No. 30525, recorded in Instrument No. 201700261400, Official Public Records of Dallas County, Texas and being part of a called 2.332 acre tract of land described in Special Warranty Deed to Epic Dallas Office, LP recorded in Instrument No. 201700027376 of said Official Public Records and being part of a tract of land described in Corrected Quitclaim Deed to Epic Dallas Office, LP recorded in Instrument No. 201700321863 of said Official Public Records and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with orange plastic cap stamped "R. W. Coombs 5294" found in the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Book 1A, Page 140, being at the northeast corner of a tract of land described in Agreed Judgment to The State of Texas, recorded in Volume 70086, Page 2002 of said Deed Records and being in the south line of a called 1.232 acre tract of land described in Special Warranty Deed to Epic Dallas Phase 2, LP recorded in Instrument No. 201700027377 of said Official Public Records; from said point a "X" cut in concrete found at the northwest corner of said State of Texas tract and in the east right-of-way line of N. Hawkins Street (a 50 foot wide right-of-way) described in said Ordinance Book 1A, Page 140 bears North 69°56'39" West, a distance of 61.41 feet;

THENCE with said north right-of-way line of Elm Street and said south line of the Epic Dallas Phase 2 tract, North 75°24'25" East, passing the southeast corner of said Epic Dallas Phase 2 tract at a distance of 120.50 feet and continuing with the south line of said Epic Dallas Office tract, in all a total distance of 126.09 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**;

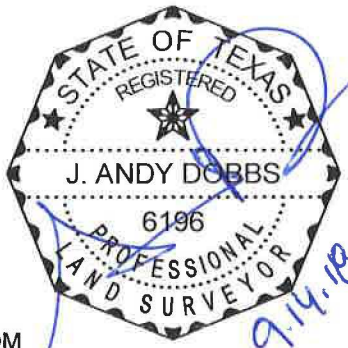
THENCE departing said south line of the Epic Dallas Office Tract and said north right-of-way line of Elm Street, over and across said Epic Dallas Office Tract, the following courses and distances:

North 24°09'20" East, a distance of 12.52 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 27°05'45" West, a distance of 32.58 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the common line of said Epic Dallas Office Tract and said Epic Dallas Phase 2 tract;

CONTINUED ON SHEET 2

(For SPRG use only)
Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4625

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STREET RIGHT-OF-WAY DEDICATION

BEING IN 2.332 ACRES
PART OF CITY OF DALLAS BLOCKS 280 & G3/280
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	JULY 2018	064405602	1 OF 3

THENCE with said common line between the Epic Dallas Office and Epic Dallas Phase 2 tracts, the following courses and distances:

North 75°24'25" East, a distance of 8.19 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 27°05'45" West, a distance of 337.98 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the south right-of-way line of Pacific Avenue (a variable width right-of-way) described in NO.CC 52488-B24, Page 333 of the County Court Records, Dallas County, Texas and in Special Warranty Deed to the City of Dallas recorded in Instrument No. 201700258704 of said Official Public Records for the northwest corner of said Epic Dallas Office Tract and being the northeast corner of said Epic Dallas Phase 2 tract from which a 5/8" iron rod with plastic cap stamped "KHA" set bears South 58°35'30" West, a distance of 104.57 feet;

THENCE with said southeast right-of-way line of Pacific Avenue and the north line of said Epic Dallas Office Tract, North 58°35'30" East, a distance of 48.36 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing said southeast right-of-way line of Pacific Avenue and said north line of the Epic Dallas Office Tract, over and across said Epic Dallas Office tract, the following courses and distances:

South 15°44'53" West, a distance of 9.15 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
South 27°05'45" East, passing a 5/8" iron rod with plastic cap stamped "KHA" found for the northwest corner of a called 1.260 acre tract of land described in Special Warranty Deed to Gaston & Good Latimer, LP recorded in Instrument No. 201800014281 of said Official Public Records at a distance of 206.78 feet and continuing with the west line of said Gaston & Good Latimer tract in all a total distance of 386.80 feet to a "X" cut in concrete found in said north right-of-way line of Elm Street for the southwest corner of said Gaston & Good Latimer tract and being a southeast corner of said Epic Dallas Office tract from which a "X" cut in concrete found bears North 75°24'25" East, a distance of 282.89 feet;

THENCE with said north right-of-way line of Elm Street and the south line of said Epic Dallas Office tract, South 75°24'25" West, a distance of 61.21 feet to the **POINT OF BEGINNING** and containing 16,654 square feet or 0.3823 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

(For SPRG use only)
Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4625

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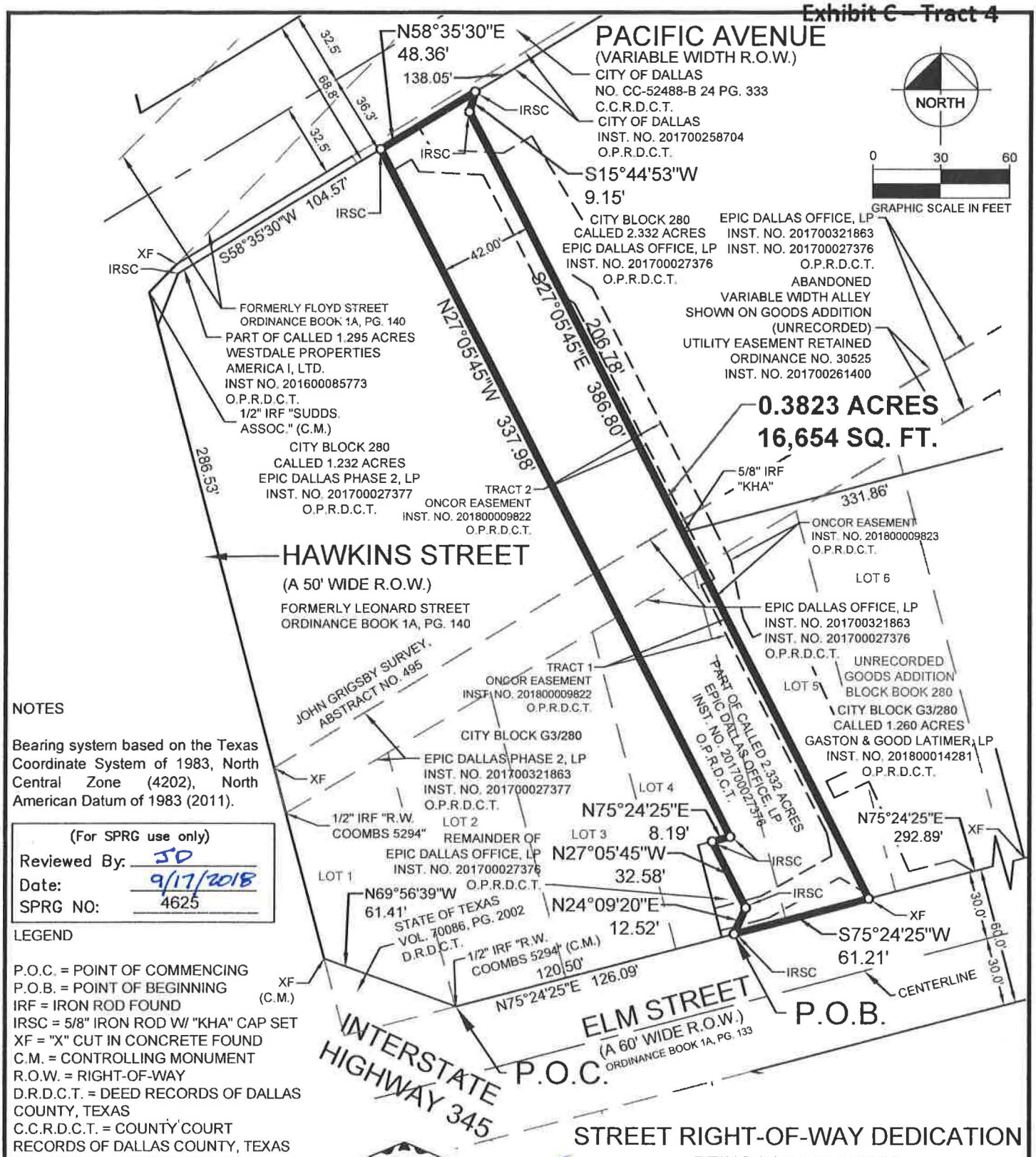
STREET RIGHT-OF-WAY DEDICATION

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N/A	MTC	JAD	JULY 2018	064405602	2 OF 3

Exhibit C – Tract 4



NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

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Reviewed By: JD
Date: 9/17/2018
SPRG NO: 4625

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
XF = "X" CUT IN CONCRETE FOUND
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STREET RIGHT-OF-WAY DEDICATION

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	MTC	JAD	JULY 2018	064405602	3 OF 3

Agenda Information Sheet

File #: 19-478 **Item #:** 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2, 4, 6, 7, 8, 9, 10, 11

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** an Interlocal Agreement with Dallas Area Rapid Transit (DART) to fund and implement the Street Repair Program for eligible street repair projects; **(2)** the receipt and deposit of DART funds in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund; and **(3)** the establishment of appropriations in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund - Not to exceed $9,619,105.00 - Financing: DART Transportation Projects Fund

BACKGROUND

On January 6, 2017, the DART Board authorized a Street Repair Program by Board Resolution No. 970192. The Street Repair Program will maintain reliable pavement structure for public use, especially the public service transportation vehicles which given their axle loads tend to have a detrimental effect on the structural pavement. DART originally planned to implement the street repair projects with their staff managing the design, construction and all financial matters.

City staff recommended, and DART agreed, that the City has greater expertise with street design and construction. The City is capable to deliver repairs at lower costs to award and construct the projects. The DART Board has approved an Interlocal Agreement to allow the City to manage the Street Repair Program with the remaining DART funding. DART will transfer the remaining funds in the Street Repair Program. DART desires for the City to take the lead to complete design, construction and all financial matters to implement the Dallas Street Repair Program.

DART's project selection criteria include streets located on bus routes or in high commercial traffic areas that need repairs. City staff identified 13 streets in the agreement as shown in Exhibit A. All projects covered by this agreement require DART Board approval and the DART Board has approved the 13 projects. The scope of work for this agreement is limited to only those street repair projects identified in Exhibit A.

DART shall pay a fixed amount of funding, not to exceed $9,619,105.00. DART understands that the funding provided in this agreement may be insufficient to complete all the projects as currently estimated. Project cost, if any, exceeding the fixed amount shall be paid by the City. Utilizing the City's expertise and improved repair delivery processes, a funding surplus is possible. All project funds spent by the City must equal or exceed the fixed amount. The funds will be deposited in ten monthly payments.

City staff recommends this action to authorize an Interlocal Agreement with DART to fund and implement the approved 13 projects in the Dallas Street Repair Program, as funding allows.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	May 2019
Complete Construction	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

DART Transportation Projects Fund - $9,619,105.00

Council District	**Amount** (DART estimate)
2	$1,708,046.00
4	$ 845,354.00
6	$1,442,755.00
7	$1,700,282.00
8	$1,105,083.00
9	$1,154,762.00
10	$ 523,026.00
11	$1,139,797.00
Total	$9,619,105.00

MAPS

Attached

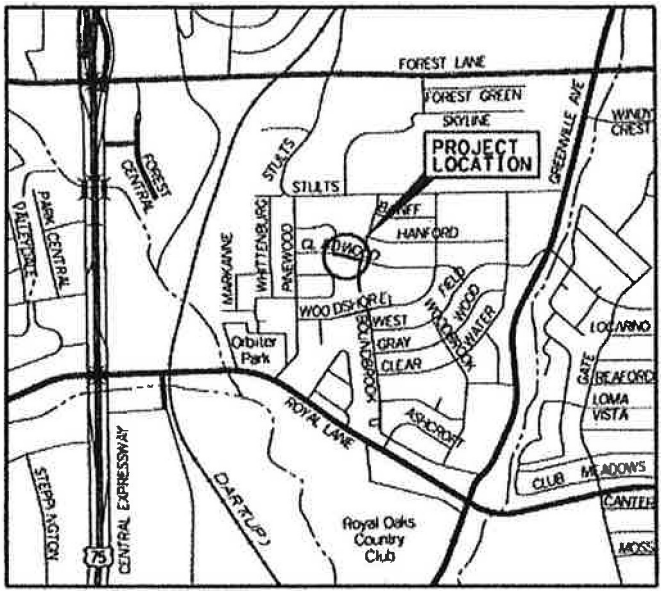
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Exhibit A
Thirteen Approved Projects

Line	Project Limits	Council District	Mapsco
1.	Gladwood Lane (from Greenstone Drive to Boundbrook Avenue)	10	26C
2.	Boundbrook Avenue (from Westfield Drive to Gladwood Lane)	10	26C
3.	Coit Road South Bound (from Kit Lane to Brookgreen Drive)	11	16P
4.	Round Table Drive (from King Arthur Drive to King James Drive)	6	33K
5.	Garrison Drive (from Volga Avenue to Fordham Avenue)	4	55Z
6.	Morgan Drive (from San Jose Avenue to Palo Alto Drive)	8	66W & 66X
7.	Nandina Drive (from Morgan Drive to Palo Alto Drive	8	66X
8.	Bonnie View Road (from St. Mary Avenue to Graham Avenue)	4	66B
9.	Lindsley Avenue (from St. Mary Avenue to Graham Avenue)	2	46G &46H
10.	Materhorn Drive (from Shiloh Road to Gus Thomasson Road)	9	39N & 39J
11.	Senate Street (from St. Francis Avenue to Dilido Road)	7	48B
12.	Dilido Road (from Senate Street to Chenault Street)	7	48B
13.	Lemmon Avenue at Bluffview Boulevard Intersection Improvement	2	34B

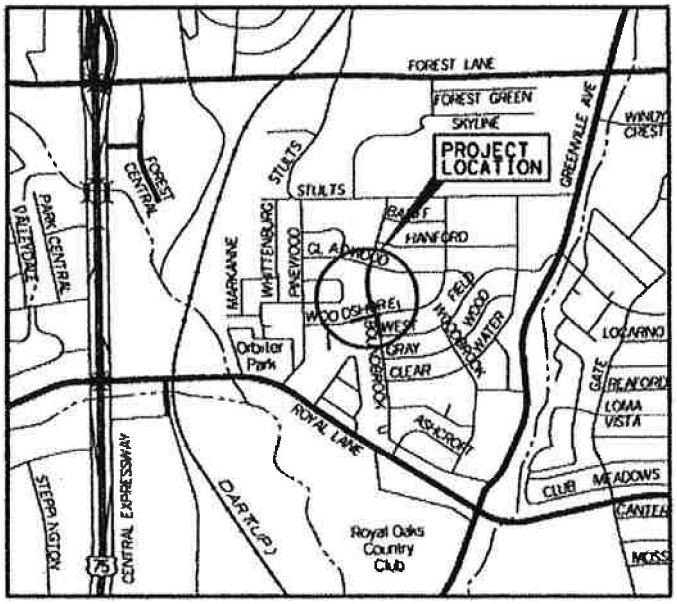
Thirteen DART Board Approved Projects

Project #1 Gladwood Lane (from Greenstone Drive to Boundbrook Avenue)



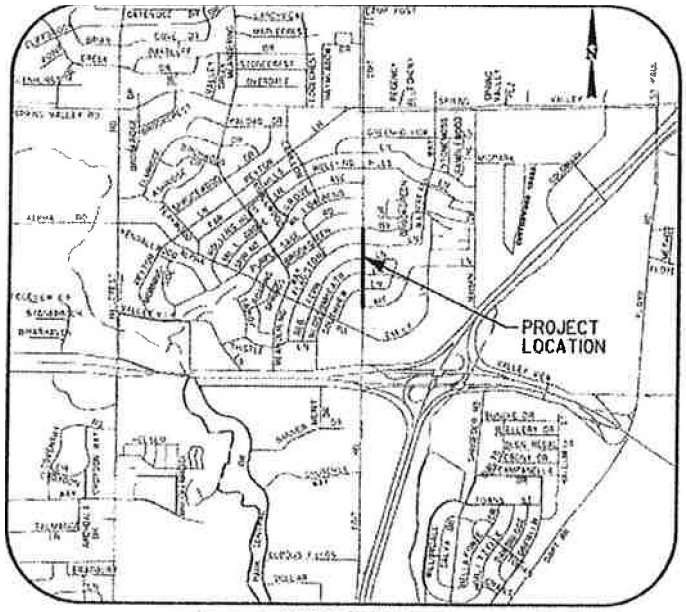
GLADWOOD LANE
LOCATION MAP (MAPSCO 26C)
LENGTH OF PROJECT 413.83 LF

Project #2 Boundbrook Avenue (from Westfield Drive to Gladwood Lane)



BOUNDBROOK AVENUE
LOCATION MAP (MAPSCO 26C)
LENGTH OF PROJECT 1318.21 LF

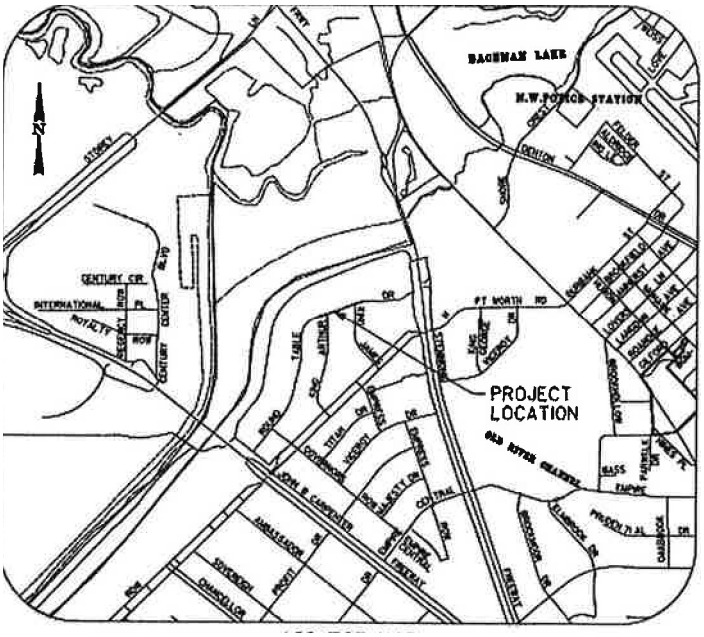
Project #3 Coit Road South Bound (from Kit Lane to Brookgreen Drive)



LOCATOR MAP
N.T.S.

MAPSCO 16P
LENGTH OF PROJECT 1659 LF.

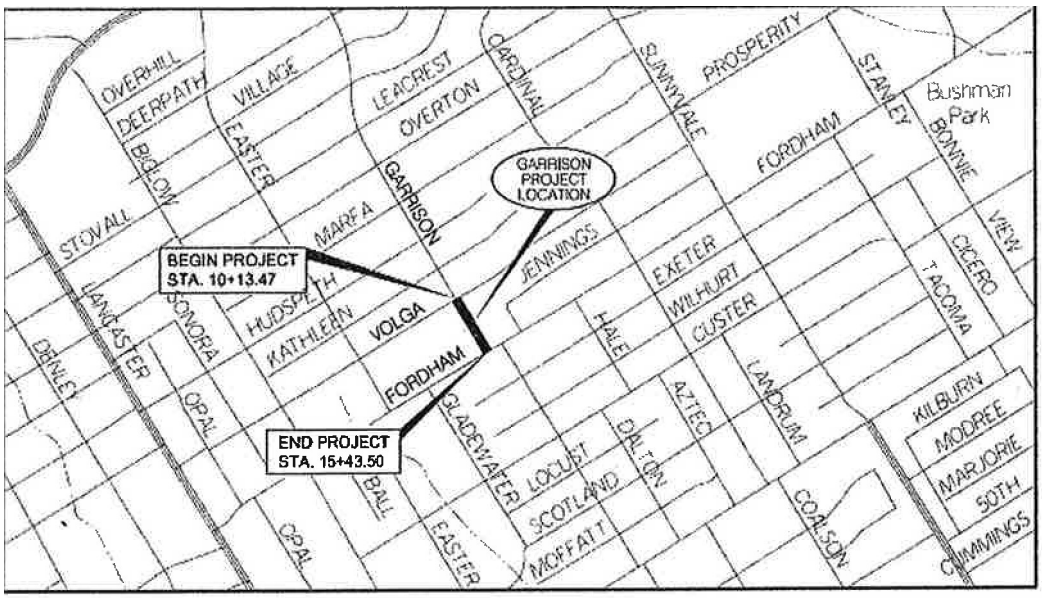
Project #4 Round Table Drive (from King Arthur Drive to King James Drive)



LOCATOR MAP
N.T.S.

MAPSCO 33K
LENGTH OF PROJECT 1125 LF

Project #5 Garrison Drive (from Volga Avenue to Fordham Avenue)



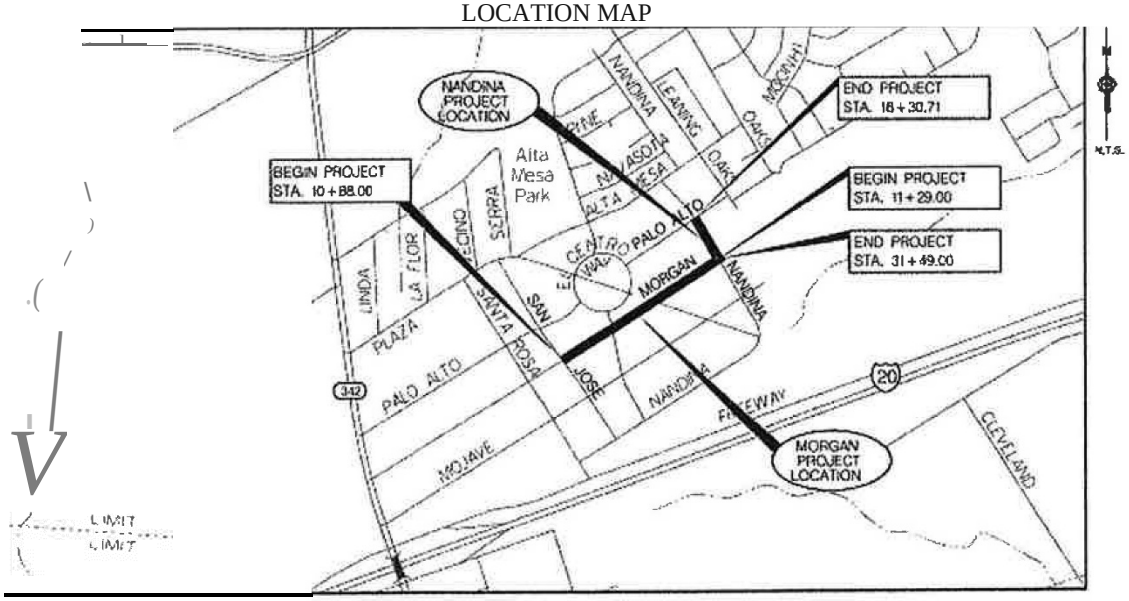
LOCATION MAP

GARRISON DRIVE
MAPSCO 55Z
APPROX, LENGTH = 530 LF

Project #6 Morgan Drive (from San Jose Avenue. to Palo Alto Drive)

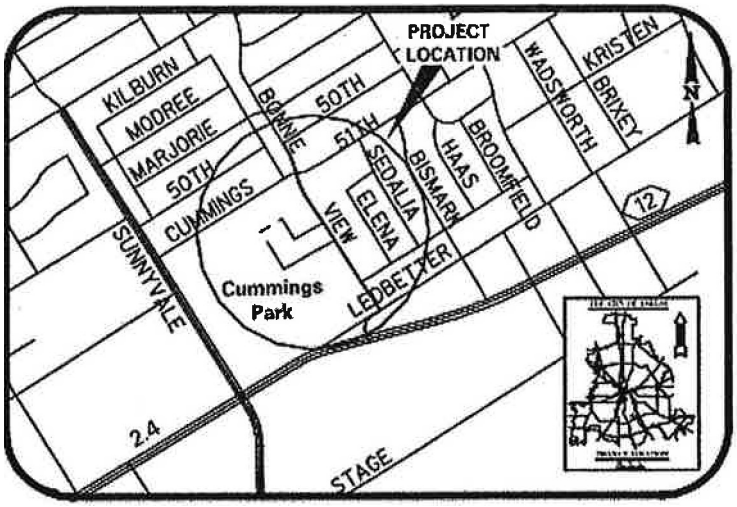
Project #7 Nandina Drive (from Morgan Drive to Palo Alto Drive)

LOCATION MAP



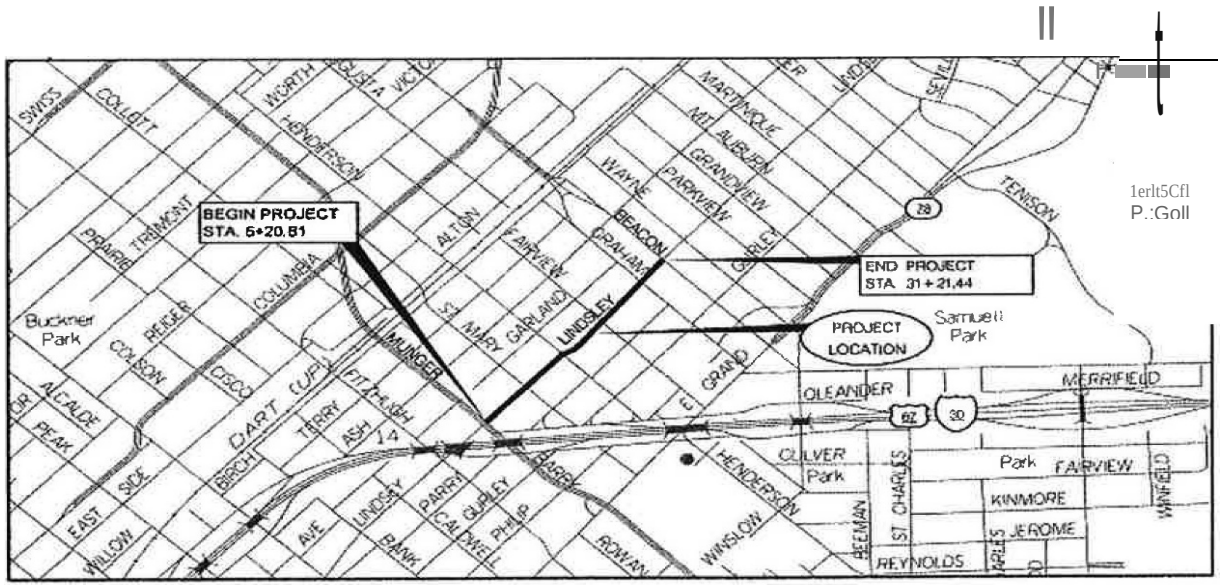
MAPSCO 66W & 66X
MORGAN DRIVE·- LENGTH = 2,061 LF
NANDINA DRIVE - LENGTH = 518 LF

Project #8 Bonnie View Road (from St. Mary Avenue to Graham Avenue)



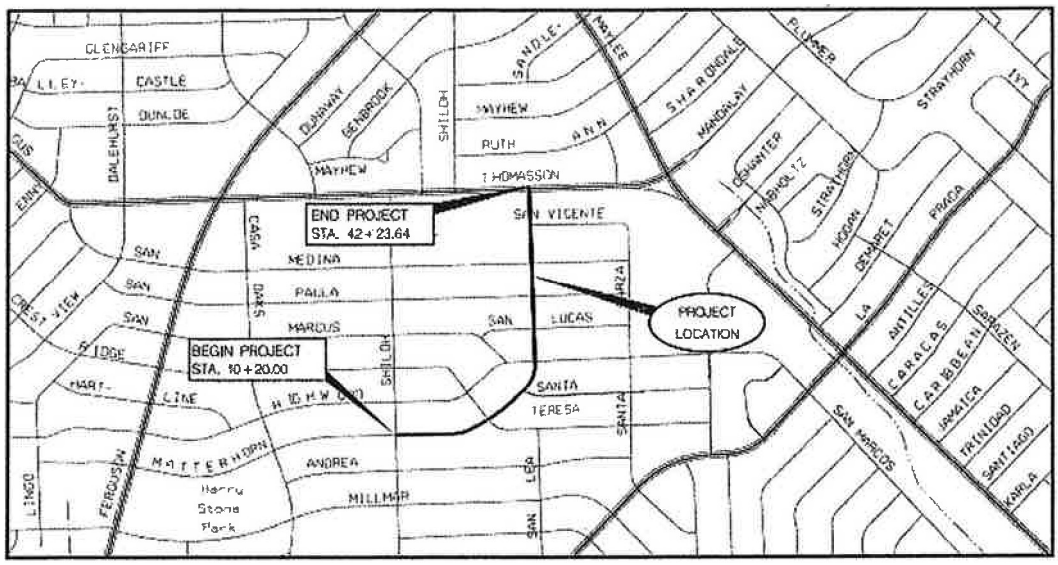
LOCATION MAP
MAPSCO 66B
BONNIE VIEW RD. - LENGTH OF PROJECT 1660 LF.

Project #9 Lindsley Avenue (from St. Mary Avenue to Graham Avenue)



LOCATION MAP
MAPSCO 46G & 46H
LENGTH 2600 LF

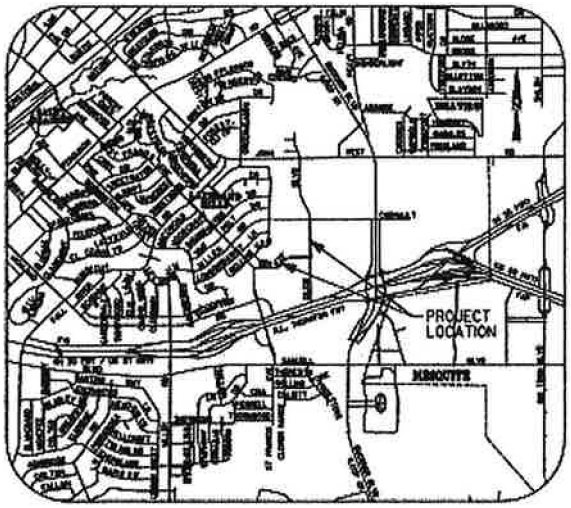
Project # 10 Materhorn Drive (from Shiloh Road to Gus Thomasson Road)



LOCATION MAP
MAPSCO 39N & 39J
MATERHORN DRIVE·LENGTH 3204 LF

Project #11 Senate Street (from St. Francis Avenue to Dilido Road)

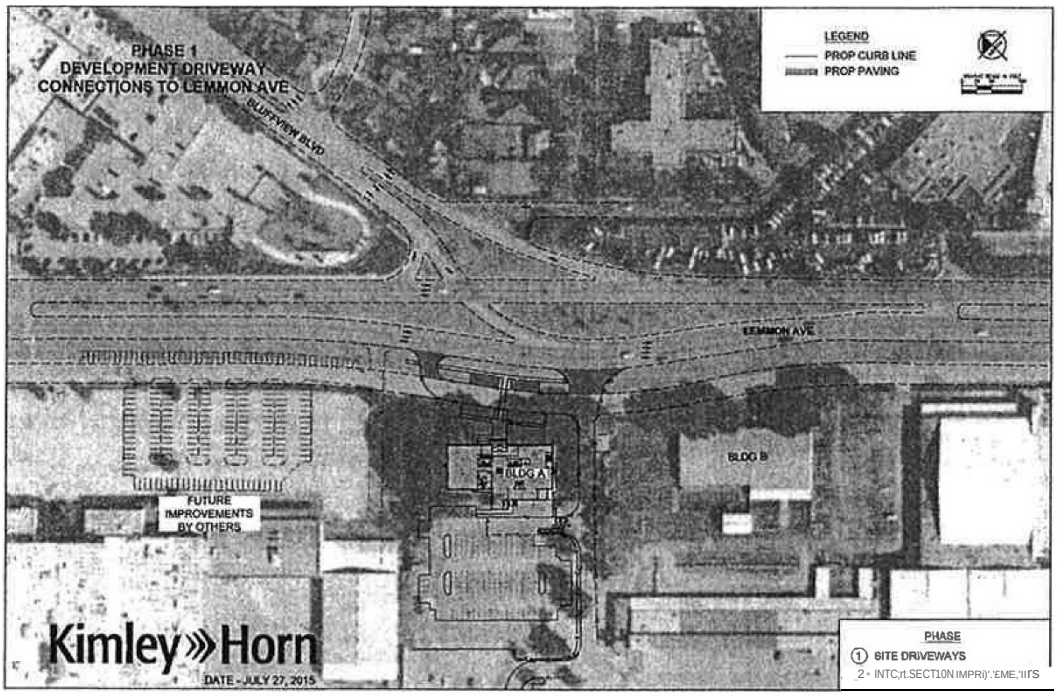
Project #12 Dilido Road (from Senate Street to Chenault Street)



LOCATO RMAP
US.

MAPSCO 48B
SENATE PROJECT LENGTH = 1383 LF.
DILIDO PROJECT LENGTH = 971 LF.

Project #13 Lemmon Avenue at Bluffview Boulevard Intersection Improvement



MAPSCO 34B

April 24, 2019

WHEREAS, Dallas Area Rapid Transit (DART) buses exert unusual wheel loads which result in additional street repairs on the City streets during routine operating; and

WHEREAS, on January 6, 2017, the DART Board of Directors authorized a Street Repair Program as stipulated in Board Resolution No. 970192; and

WHEREAS, Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provide authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of road or street improvements; and

WHEREAS, the City will implement the Street Repair Program projects using DART Transportation System Management/Principal Arterial Street System (TSM/PASS) funds in the name of the City of Dallas; and

WHEREAS, it is the desire of the City to enter into an Interlocal Agreement with DART for funding and implementation of the approved Street Repair Program 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 an Interlocal Agreement with Dallas Area Rapid Transit, approved as to form by the City Attorney, to fund and implement the Street Repair Program for eligible street repair projects, as shown in Exhibit A, as funding allows, in an amount not to exceed $9,619,105.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit the DART TSM/PASS Funds in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund, Fund TN19, Department TRN, Unit W337, Revenue Code 6512.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $9,619,105.00 in the DART Transportation Projects Fund, Fund TN19, Department TRN, Unit W337, Object 3210.

SECTION 4. That this contract is designated as Contract No. TRN-2018-00008422.

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 Information Sheet

File #: 19-362 **Item #:** 18.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 1, 3, 6, 8, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 1 at the following five locations: Maple-Routh Connection at Thomas Avenue; Cockrell Hill Road at Adler Drive; Lemmon Avenue at Oak Grove Avenue; Great Trinity Forest Way at Murdock Road; and Fort Worth Avenue at Westmount Avenue - Durable Specialties, Inc., lowest responsible bidder of three - Not to exceed $1,150,000.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a construction contract with Durable Specialties, Inc. for traffic signal construction of Warranted Traffic Signal Installation Group 1 at the following five locations: Maple-Routh Connection at Thomas Avenue; Cockrell Hill Road at Adler Drive; Lemmon Avenue at Oak Grove Avenue; Great Trinity Forest Way at Murdock Road; and Fort Worth Avenue at Westmount Avenue, in an amount not to exceed $1,150,000.00.

Durable Specialties, Inc. has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Let for Construction	April 2019
Complete Construction	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $1,150,000.00

Council District	Amount
1	$ 230,000.00
3	$ 115,000.00
6	$ 115,000.00
8	$ 230,000.00
14	$ 460,000.00
Total	$1,150,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,150,000.00	Construction	25.00%	19.69%	$226,473.75
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The following three bids were received and opened on January 18, 2019:

*Denotes successful bidder

Bidders	Bid Amount
*Durable Specialties, Inc. 2302 Paddock Way Drive Grand Prairie, TX 75050	$1,150,000.00
Texas Standard Construction	$1,275,444.35
Highway Intelligent Traffic Solutions, Inc.	$1,499,565.76

OWNER

Durable Specialties, Inc.

Patrick Bryan, President

MAP

Attached

powered by Legistar™

Warranted Traffic Signal Installations Group 1

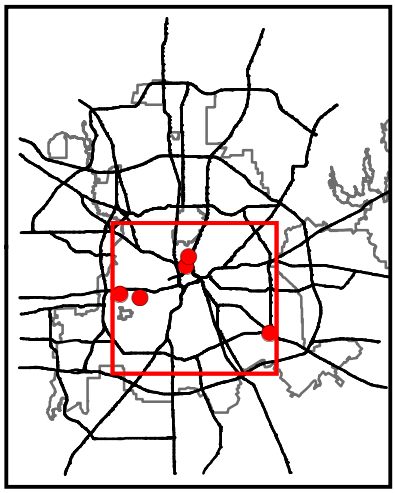
Council Districts 1,3,6,8,14

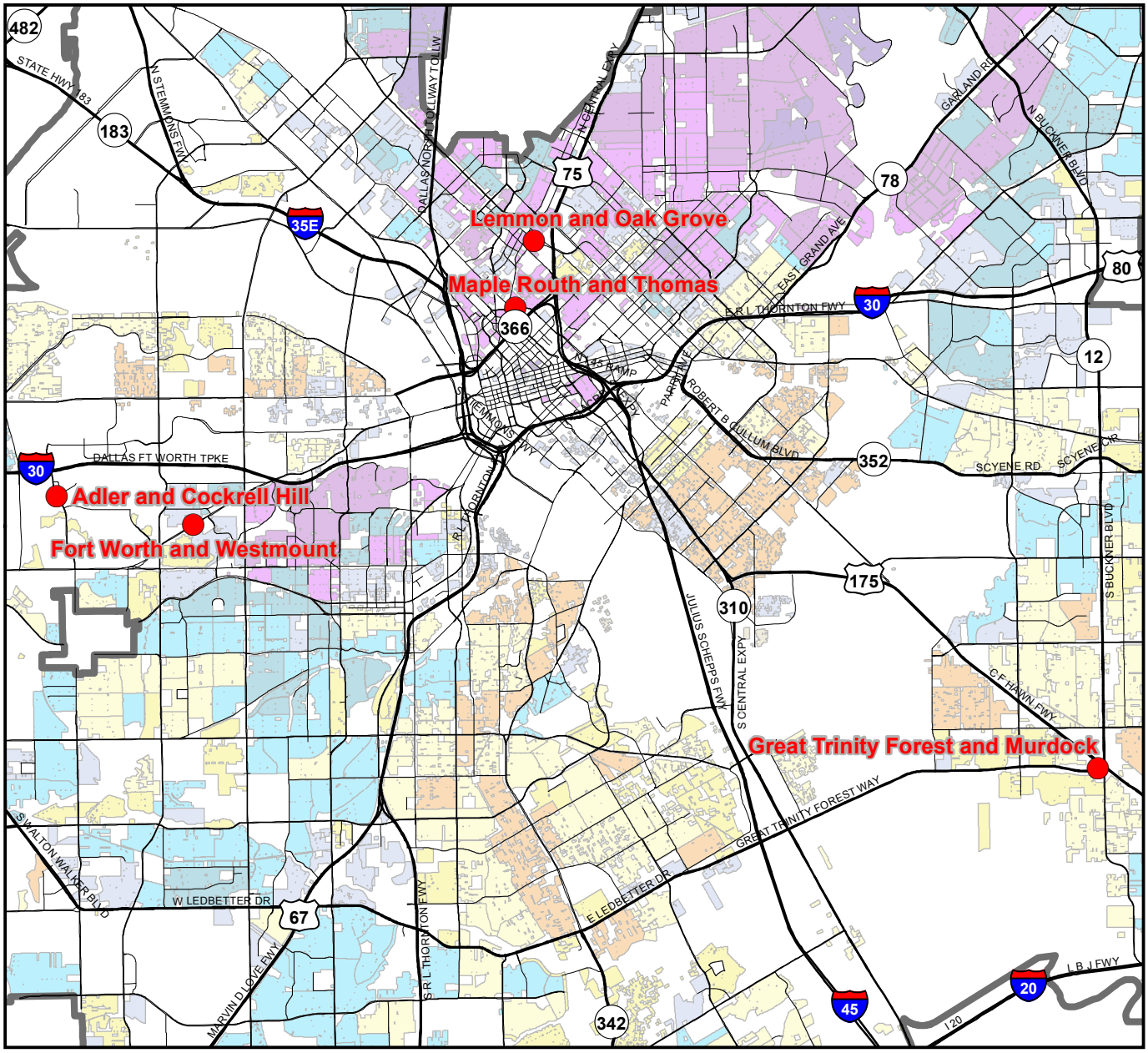
1:120,000

Traffic Signal

Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA





Map by Transportation GIS, February 2019

April 24, 2019

WHEREAS, on January 18, 2019, three bids were received and opened for traffic signal construction of Warranted Traffic Signal Installation Group 1 at the following five locations: Maple-Routh Connection at Thomas Avenue; Cockrell Hill Road at Adler Drive; Lemmon Avenue at Oak Grove Avenue; Great Trinity Forest Way at Murdock Road; and Fort Worth Avenue at Westmount Avenue, listed as follows:

Bidders	**Bid Amount**
Durable Specialties, Inc.	$1,150,000.00
Texas Standard Construction	$1,275,444.35
Highway Intelligent Traffic Solutions, Inc.	$1,499,565.76

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 construction contract with Durable Specialties, Inc., approved as to form by the City Attorney, for traffic signal construction of Warranted Traffic Signal Installation Group 1 at the following five locations: Maple-Routh Connection at Thomas Avenue; Cockrell Hill Road at Adler Drive; Lemmon Avenue at Oak Grove Avenue; Great Trinity Forest Way at Murdock Road; and Fort Worth Avenue at Westmount Avenue, in an amount not to exceed $1,150,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,150,000.00 to Durable Specialties, Inc., in accordance with the terms and conditions of the contract from the Street and Transportation (A) Fund, Fund 1V22, Department TRN, Unit VA28, Object 4820, Activity THRG, Program PB17VA28, Encumbrance/Contract No. CX-2019-00009502, Vendor 254727.

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 Information Sheet

File #: 19-365 **Item #:** 19.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 1, 3, 6, 8, 13

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 2 at the following five locations: Cockrell Hill Road at Pinnacle Point Drive; Coombs Creek at West Illinois Avenue; West Illinois Avenue at Keats Drive; Camp Wisdom Road at Chaucer Place; Rosser Road at Royal Lane - Durable Specialties, Inc., lowest responsible bidder of three - Not to exceed $1,082,520.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a construction contract with Durable Specialties, Inc. for traffic signal construction of Warranted Traffic Signal Installation Group 2 at the following five locations: Cockrell Hill Road at Pinnacle Point Drive; Coombs Creek at West Illinois Avenue; West Illinois Avenue at Keats Drive; Camp Wisdom Road at Chaucer Place; Rosser Road at Royal Lane, in an amount not to exceed $1,082,520.00.

Durable Specialties, Inc. has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Let for Construction	April 2019
Complete Construction	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $1,082,520.00

Council District	Amount
1	$ 216,504.00
3	$ 433,008.00
6	$ 108,252.00
8	$ 108,252.00
13	$ 216,504.00
Total	$1,082,520.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,082,520.00	Construction	25.00%	18.99%	$205,550.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The following three bids were received and opened on January 18, 2019:

*Denotes successful bidder

Bidders	Bid Amount
*Durable Specialties, Inc. 2303 Paddock Way Drive Grand Prairie, TX 75050	$1,082,520.00
Texas Standard Construction	$1,264,931.76
Highway Intelligent Traffic Solutions, Inc.	$1,499,526.39

OWNER

Durable Specialties, Inc.

Patrick Bryan, President

MAP

Attached

powered by Legistar™

Warranted Traffic Signal Installations Group 2

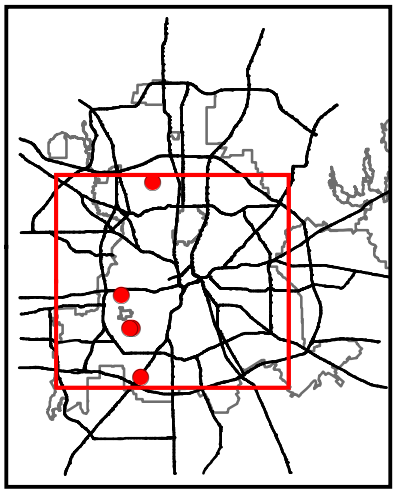
Council Districts 1,3,6,8,13

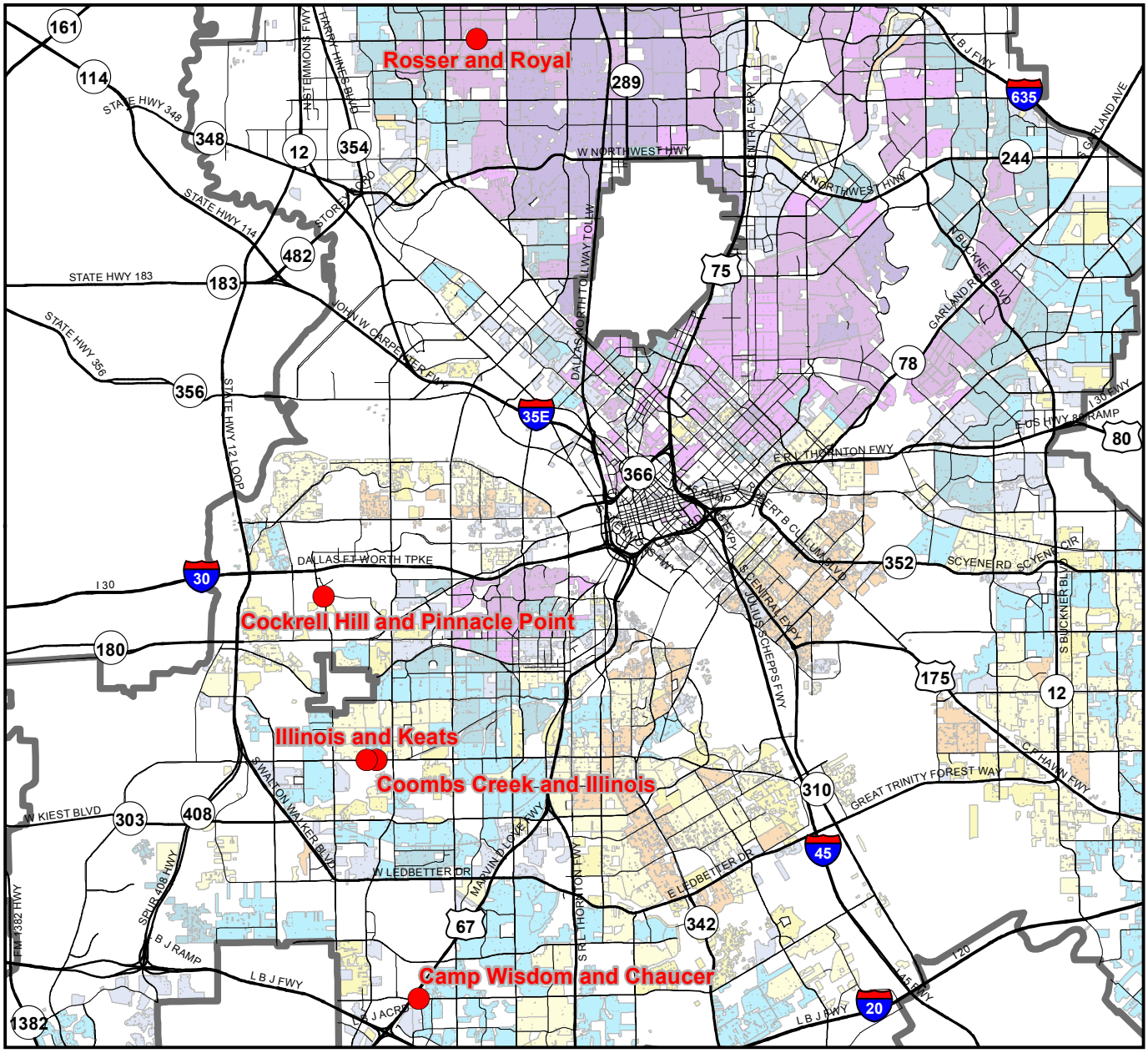
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Traffic Signal

Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA





Map by Transportation GIS, February 2019

April 24, 2019

WHEREAS, on January 18, 2019, three bids were received and opened for traffic signal construction of Warranted Traffic Signal Installation Group 2 at the following five locations: Cockrell Hill Road at Pinnacle Point Drive; Coombs Creek at West Illinois Avenue; West Illinois Avenue at Keats Drive; Camp Wisdom Road at Chaucer Place; Rosser Road at Royal Lane, listed as follows:

Bidders	**Bid Amount**
Durable Specialties, Inc.	$1,082,520.00
Texas Standard Construction	$1,264,931.76
Highway Intelligent Traffic Solutions, Inc.	$1,499,526.39

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 construction contract with Durable Specialties, Inc., approved as to form by the City Attorney, for traffic signal construction of Warranted Traffic Signal Installation Group 2 at the following five locations: Cockrell Hill Road at Pinnacle Point Drive; Coombs Creek at West Illinois Avenue; West Illinois Avenue at Keats Drive; Camp Wisdom Road at Chaucer Place; Rosser Road at Royal Lane, in an amount not to exceed $1,082,520.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,082,520.00 to Durable Specialties, Inc., in accordance with the terms and conditions of the contract from the Street and Transportation (A) Fund, Fund 1V22, Department TRN, Unit VA28, Object 4820, Activity THRG, Program PB17VA28, Encumbrance/Contract No. CX-TRN-2019-00009503, Vendor 254727.

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 Information Sheet

File #: 19-366 **Item #:** 20.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 9, 13, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 3 at the following six locations: Greentree Lane at Mockingbird Lane; Abbott Avenue at Fitzhugh Avenue; Boll Street at McKinney Avenue; Apex Avenue at Ferguson Road; Cox Lane at Royal Lane; and Garland Road at Emerald Isle Drive - Durable Specialties, Inc., only bidder - Not to exceed $1,274,283.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a construction contract with Durable Specialties, Inc. for traffic signal construction of Warranted Traffic Signal Installation Group 3 at the following six locations: Greentree Lane at Mockingbird Lane; Abbott Avenue at Fitzhugh Avenue; Boll Street at McKinney Avenue; Apex Avenue at Ferguson Road; Cox Lane at Royal Lane; and Garland Road at Emerald Isle Drive, in an amount not to exceed $1,274,283.00.

Durable Specialties, Inc. has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Let for Construction	April 2019
Complete Construction	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $1,274,283.00

Council District	Amount
9	$ 637,141.50
13	$ 212,380.50
14	$ 424,761.00
Total	$1,274,283.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,274,283.00	Construction	25.00%	20.20%	$257,421.75
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The following single bid was received and opened on January 18, 2019:

*Denotes successful bidder

Bidder	Bid Amount
*Durable Specialties, Inc. 2302 Paddock Way Drive Grand Prairie, TX 75050	$1,274,283.00

OWNER

Durable Specialties, Inc.

Patrick Bryan, President

MAP

Attached

powered by Legistar™

Warranted Traffic Signal Installations Group 3

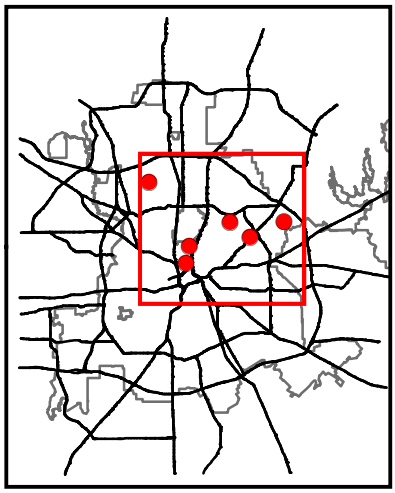
Council Districts 9,13,14

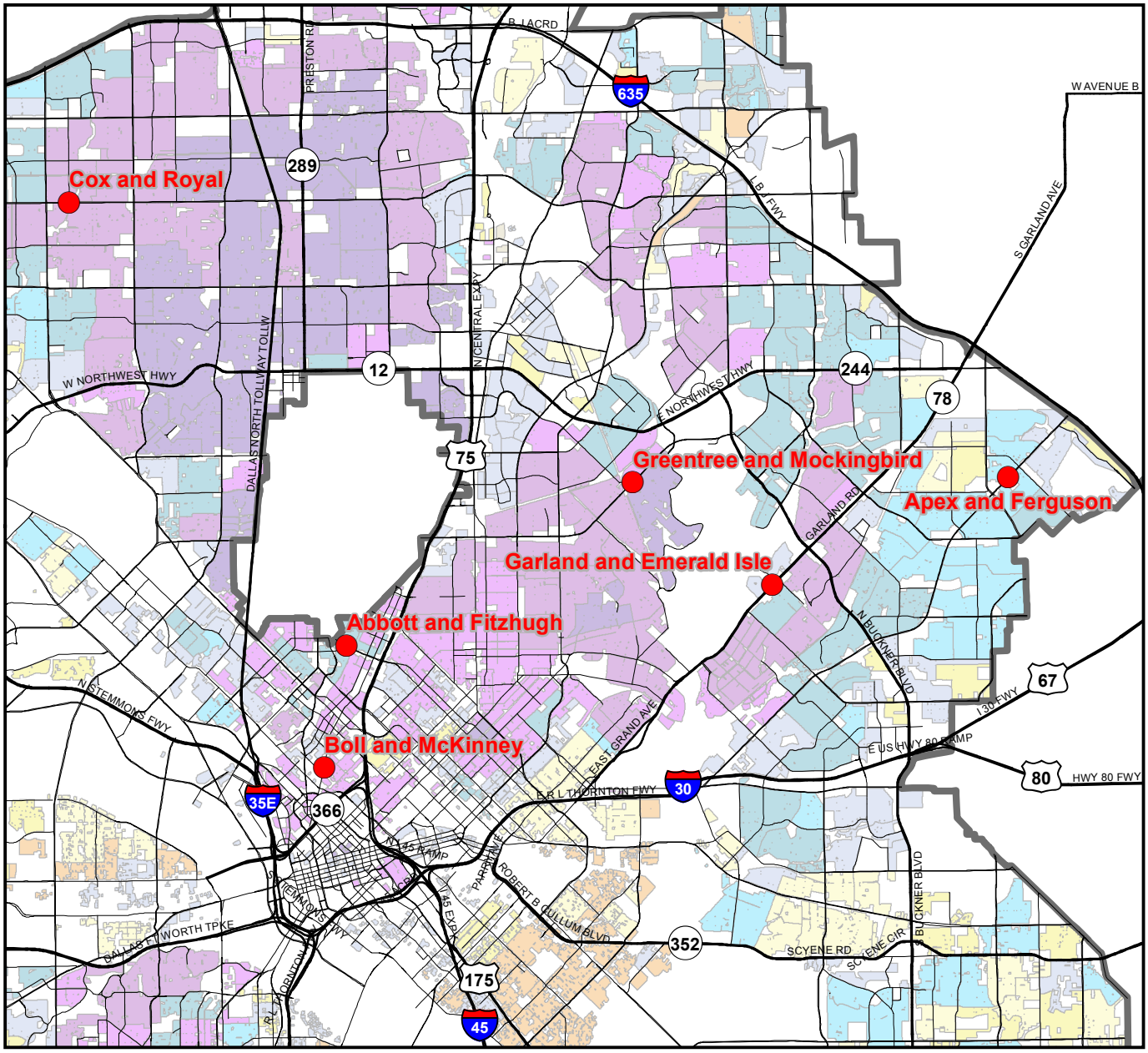
1:120,000

Traffic Signal

Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA





Map by Transportation GIS, February 2019

April 24, 2019

WHEREAS, on January 18, 2019, one bid was received and opened for traffic signal construction of Warranted Traffic Signal Installation Group 3, at the following six locations: Greentree Lane at Mockingbird Lane; Abbott Avenue at Fitzhugh Avenue; Boll Street at McKinney Avenue; Apex Avenue at Ferguson Road; Cox Lane at Royal Lane; and Garland Road at Emerald Isle Drive.

Bidder	**Bid Amount**
Durable Specialties, Inc.	$1,274,283.00

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 construction contract with Durable Specialties, Inc., approved as to form by the City Attorney, for traffic signal construction of Warranted Traffic Signal Installation Group 3 at the following six locations: Greentree Lane at Mockingbird Lane; Abbott Avenue at Fitzhugh Avenue; Boll Street at McKinney Avenue; Apex Avenue at Ferguson Road; Cox Lane at Royal Lane; Garland Road at Emerald Isle Drive, in an amount not to exceed $1,274,283.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,274,283.00 to Durable Specialties, Inc., in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund Fund 1V22, Department TRN, Unit VA28, Activity THRG Object 4820, Program PB17VA28 Encumbrance/Contract No. CX-TRN-2019-00009504 Vendor 254727	$1,009,283.00
Street and Transportation Fund Fund 1V22, Department TRN, Unit VA29, Activity THRG Object 4820, Program PB17VA29 Encumbrance/Contract No. CX-TRN-2019-00009504 Vendor 254727	$ 265,000.00
Total amount not to exceed	$1,274,283.00

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 Information Sheet

File #: 19-368 **Item #:** 21.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2, 3, 4, 5, 8, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for traffic signal construction of Warranted Traffic Signal Installation Group 4 at the following seven locations: Kiest Boulevard at Ramona Avenue; Hampton Road at Cliff Creek Crossing Drive; Illinois Avenue at Mountain View College; Cole Avenue at Lemmon Avenue; Denley Drive at 8th Street; Elam Road at Holcomb Road; and Harry Hines Boulevard at Oak Lawn Avenue - Durable Specialties, Inc., lowest responsible bidder of two - Not to exceed $1,364,640.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a construction contract with Durable Specialties, Inc. for traffic signal construction of Warranted Traffic Signal Installation Group 4 at the following seven locations: Kiest Boulevard at Ramona Avenue; Hampton Road at Cliff Creek Crossing Drive; Illinois Avenue at Mountain View College; Cole Avenue at Lemmon Avenue; Denley Drive at 8th Street; Elam Road at Holcomb Road; and Harry Hines Boulevard at Oak Lawn Avenue, in an amount not to exceed $1,364,640.00.

Durable Specialties, Inc. has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Let for Construction	April 2019
Complete Construction	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $1,364,640.00

Council District	Amount
2	$ 194,948.57
3	$ 194,948.57
4	$ 389,897.15
5	$ 194,948.57
8	$ 194,948.57
14	$ 194,948.57
Total	$1,364,640.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,364,640.00	Construction	25.00%	18.36%	$250,539.25
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The following two bids were received and opened on January 18, 2019:

*Denotes successful bidder

Bidders	Bid Amount
*Durable Specialties, Inc. 2302 Paddock Way Drive Grand Prairie, TX 75050	$1,364,640.00
Texas Standard Construction	$1,387,470.28

OWNER

Durable Specialties, Inc.

Patrick Bryan, President

MAP

Attached

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Warranted Traffic Signal Installations Group 4

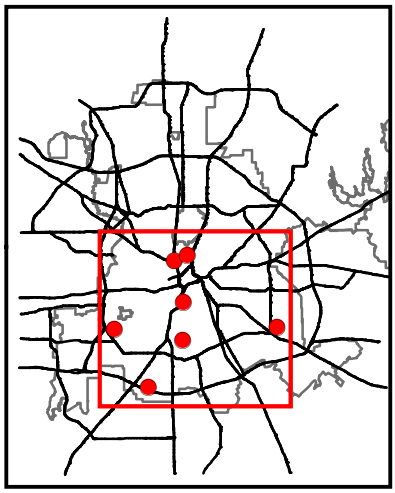
Council Districts 2,3,4,5,8,14

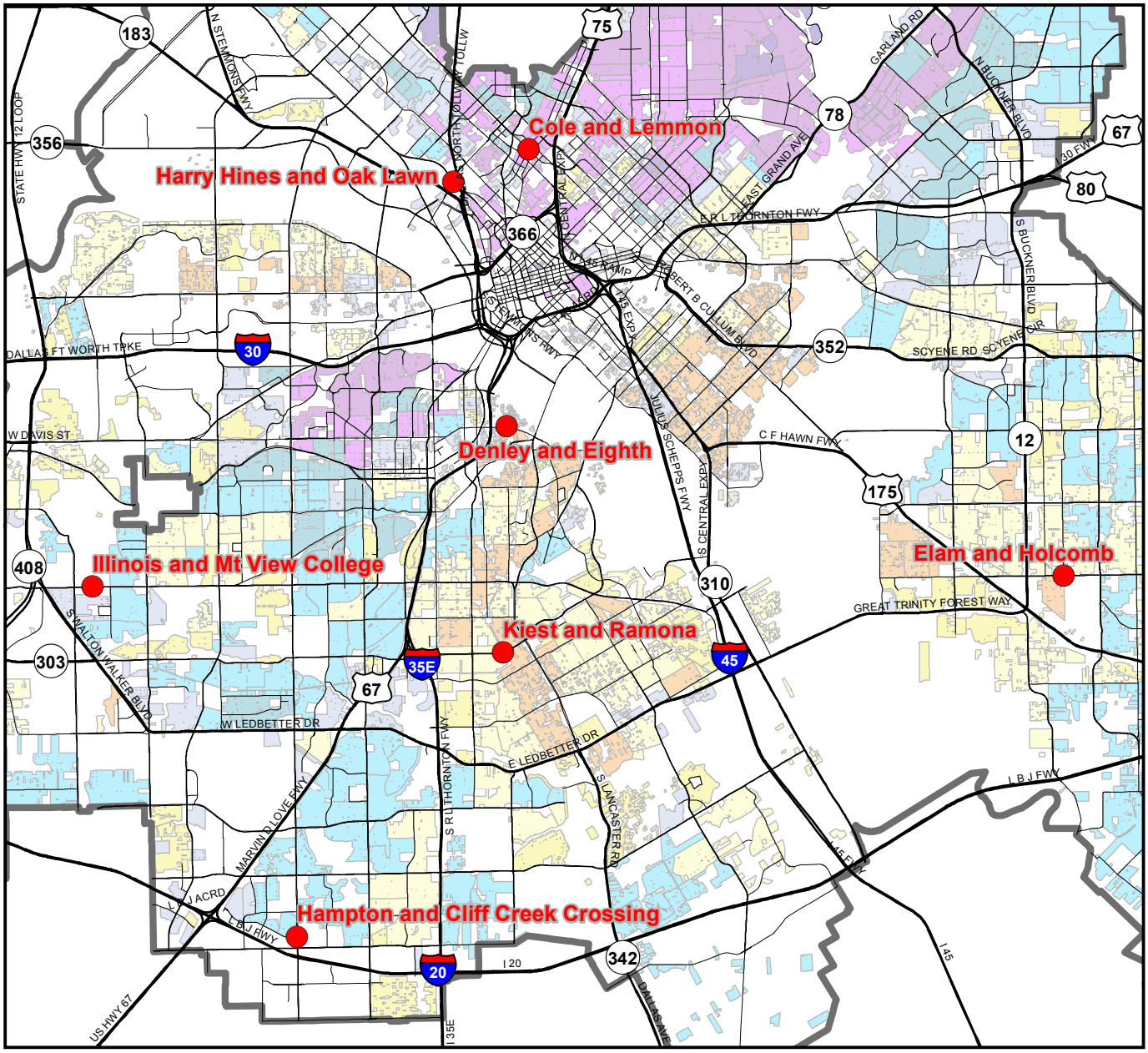
1:140,000

Traffic Signal

Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA





Map by Transportation GIS, February 2019

April 24, 2019

WHEREAS, on January 18, 2019, two bids were received and opened for traffic signal construction of Warranted Traffic Signal Installation Group 4 at the following seven locations: Kiest Boulevard at Ramona Avenue; Hampton Road at Cliff Creek Crossing Drive; Illinois Avenue at Mountain View College; Cole Avenue at Lemmon Avenue; Denley Drive at 8th Street; Elam Road at Holcomb Road; and Harry Hines Boulevard at Oak Lawn Avenue, listed as follows:

Bidders	**Bid Amount**
Durable Specialties, Inc.	$1,364,640.00
Texas Standard Construction	$1,387,470.28

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 construction contract with Durable Specialties, Inc., approved as to form by the City Attorney, for traffic signal construction of Warranted Traffic Signal Installation Group 4 at the following seven locations: Kiest Boulevard at Ramona Avenue; Hampton Road at Cliff Creek Crossing Drive; Illinois Avenue at Mountain View College; Cole Avenue at Lemmon Avenue; Denley Drive at 8th Street; Elam Road at Holcomb Road; and Harry Hines Boulevard at Oak Lawn Avenue, in an amount not to exceed $1,364,640.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,364,640.00 to Durable Specialties, Inc., in accordance with the terms and conditions of the contract from the Street and Transportation (A) Fund, Fund 1V22, Department TRN, Unit VA28, Object 4820, Activity THRG, Program PB17VA28, Encumbrance/Contract No. CX-TRN-2019-00009509, Vendor 254727.

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 Information Sheet

File #: 19-515 **Item #:** 22.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 4, 6, 7, 8

DEPARTMENT: Housing & Neighborhood Revitalization

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize **(1)** approval of the development plan as described in Exhibit A for the construction of 30 affordable houses by Confia Homes, L.L.C.; **(2)** the sale of 30 vacant lots as described in Exhibit A from the Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C., subject to restrictive covenants and a right of reverter and execution of all necessary documents; and **(3)** execution of a release of lien for any non-tax liens on the 30 vacant lots that may have been filed by the City - Financing: No cost consideration to the City (see Fiscal Information)

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 affordable housing development. On January 28, 2004, City Council designated 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.

In February 2019, Confia Homes, L.L.C. (Developer) submitted a proposal to purchase 30 vacant lots from the DHADC. City staff evaluated the proposal pursuant to the standards set forth in the land bank application, which included determining whether Developer met the eligibility standards to be deemed a “Qualified Participating Developer” under Chapter 379C and underwriting the proposal. City staff scored the proposal and compared it with the scores assigned to any other proposals submitted for the same lots and determined that Developer’s proposal received the highest score. City staff has negotiated with Developer regarding the terms of sale of the vacant lots as well as the terms related to the construction and subsequent sale of single-family housing on the vacant lots.

Confia Homes, L.L.C. is a Texas limited liability corporation formed in 2015. The chief financial officer of the company is Ricardo Alonso-Carrillo and the president of the company is Kenneth Roberts. The

Developer builds single-family homes in the Dallas area and has previously built homes in West Dallas and Pleasant Grove. The Developer has previously participated in the City's Land Bank Program and successfully completed the lot acquisition, development, and sale of 17 homes to income-qualified homebuyers on land bank lots from 2016 to 2018. Past performance strongly suggests that the Developer will continue to construct quality affordable housing units on the lots while meeting the requirements of the Land Bank Program.

On February 21, 2019, the DHADC Board of Directors approved the terms of sale and development, subject to City Council approval, for the 30 lots proposed to be sold to Developer. This item will authorize the DHADC to enter into a contract with Developer with the following terms:

- **Vacant Lot Sales Price:** Listed per lot in Exhibit A.
- **Targeted Income of Homebuyer:** Listed per lot in Exhibit A.
- **Construction Timeframe:** Developer must apply for a construction permit and close on any construction financing within three years of purchase from the Land Bank.
- **Restrictive Covenants:** Developer must: (1) sell each lot to a low-income household as specified in Exhibit A; and (2) prior to the sale, Developer must provide to DHADC written documentation of the income of the proposed purchaser and the sales price. After sale of the home, the property must be occupied as a low-income household's principal residence during the entire term of the five-year affordability period.
- **Affordability Period:** Once the property is sold to a low-income household, it must be occupied as the household's principal place of residence for five years. If the original purchaser re-sells the property during the affordability period, the property must be sold to another qualified low-income household. Developer or subsequent owners must inform prospective purchaser of the five-year affordability period.
- **Right of Reverter:** Title to the property may revert to the DHADC if Developer does not: (1) apply for a construction permit within eighteen months from the date the Deed without Warranty is filed; (2) close on any construction financing within three years from the date the Deed without Warranty is filed; and (3) complete construction within four years from the date the Deed without Warranty is filed.
- **Single-Family Home Sales Price:** The sales price of the home cannot exceed the 2018 U.S. Department of Housing and Urban Development (HUD) HOME homeownership sales price for the Dallas, TX HUD Metro Fair Market Rent Area and must be affordable based on the income of the targeted homebuyer.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

On January 9, 2019, City Council approved the FY 2018-19 Urban Land Bank Demonstration Program Plan by Resolution No. 19-0117.

On February 21, 2019, the DHADC Board of Directors approved the terms of sale and development for the 30 vacant lots proposed to be sold to Developer, subject to City Council approval.

The Economic Development and Housing Committee was briefed regarding this item on April 1, 2019.

FISCAL INFORMATION

No cost consideration to the City. See attached Exhibit A for estimated foregone revenues from the release of non-tax liens.

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WHEREAS, the City has an interest in preserving and increasing the tax base and creating affordable housing for low-income households to provide necessary decent, safe, and sanitary housing for such households; and

WHEREAS, on January 28, 2004, City Council designated 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, on January 9, 2019, City Council approved the FY 2018-19 Urban Land Bank Demonstration Program Plan by Resolution No. 19-0117; and

WHEREAS, Confia Homes, L.L.C. (Developer) submitted a proposal to purchase from DHADC 30 vacant lots and develop single-family homes; and

WHEREAS, on February 21, 2019, the DHADC Board of Directors approved the terms of sale and development for the 30 lots proposed to be sold to Developer as further described on Exhibit A; and

WHEREAS, the City Council desires to approve the sale of 30 vacant lots owned by DHADC to Developer along with the terms of development as further described on Exhibit A.

Now, Therefore,

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

SECTION 1. That the development plan and the sale of 30 lots shown on Exhibit A from DHADC to Developer is approved.

SECTION 2. That the DHADC is hereby authorized to execute all documents, including, but not limited to sales contract, deed of trust, and deed restrictions necessary to effectuate the sale of 30 vacant lots owned by DHADC to Developer pursuant to the terms of development as described on Exhibit A, approved as to form by the City Attorney.

SECTION 3. That the City Manager is hereby authorized to release any non-tax liens that may have been filed by the City on the lots shown on Exhibit A, approved as to form by the City Attorney.

SECTION 4. That this resolution does not constitute a binding agreement upon the City or DHADC or subject the City or DHADC to any liability or obligation with respect to this transaction, until such time as the documents are duly approved by all parties and executed.

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.

Exhibit A

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	COUNCIL DISTRICT	QUALIFIED PURCHASER	SALE AMOUNT	AMI Target	BED/BATH	AMOUNT OF NON-TAX LIENS
	2222 Moffatt						
1	NE Part of Lot 4B, Oak Cliff Gardens Addition	4	Confia Homes, LLC	$1,700.00	81% - 115%	3/2	$8,124.20
	Blk 8/5850						
	335 Leads						
2	SE Part of Lot 5, Original Town of Oak Cliff Addition	4	Confia Homes, LLC	$2,000.00	Not greater than 60%	4/2	$9,910.69
	Blk 119/3102						
	4322 Cicero						
3	Lot 15, R M Hurts Addition	4	Confia Homes, LLC	$1,700.00	81% - 115%	3/2	$17,774.39
	Blk 1/6084						
	516 Ave H						
4	Lot 45, Skyline Heights Addition	4	Confia Homes, LLC	$1,700.00	61% - 80%	3/2	$13,106.22
	Blk 5/4655						
	1503 Iowa						
5	Lot 34, Trinity Heights Addition	4	Confia Homes, LLC	$2,000.00	61% - 80%	4/2	$7,512.54
	Blk 50/3724						
	1514 Alaska						
6	Lot 1, Trinity Heights Addition	4	Confia Homes, LLC	$2,000.00	61% - 80%	4/2	$22,213.21
	Blk C/3759						
	1915 Duluth						
7	Lot A, Duluth & Harston Addition	6	Confia Homes, LLC	$2,000.00	Not greater than 60%	4/2.5	$12,482.84
	Blk 7238						
	1819 Leath						
8	Lot 24, Roosevelt Manor 1st Inst., Addition	6	Confia Homes, LLC	$2,000.00	61% - 80%	4/2	$12,959.47
	Blk 13/7130						
	2021 Nomas						
9	Lot 4, Victory Gardens No. 5 Addition	6	Confia Homes, LLC	$2,000.00	61% - 80%	4/2	$10,756.70
	Blk 20/7127						
	3626 Pueblo						
10	Lot 7, Westmoreland Park Addition	6	Confia Homes, LLC	$2,000.00	61% - 80%	4/2	$11,529.20
	Blk 7/7144						
TOTAL				**$19,100.00**			**$ 126,369.46**

Exhibit A

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	COUNCIL DISTRICT	QUALIFIED PURCHASER	SALE AMOUNT	AMI Target	BED/BATH	AMOUNT OF NON-TAX LIENS
	4010 Furey						
11	Lot 3, Westmoreland Park No. 3 Addition	6	Confia Homes, LLC	$2,000.00	81% - 115%	4/2	$15,473.47
	Blk 20/7146						
	6205 Carlton Garrett						
12	Lot 4, Bon Ton Addition	7	Confia Homes, LLC	$1,700.00	61% - 80%	3/2	$849.71
	Blk 1/7077						
	6207 Carlton Garrett						
13	Lot 3, Bon Ton Addition	7	Confia Homes, LLC	$1,700.00	61% - 80%	3/2	$12,106.98
	Blk 1/7077						
	3006 Carpenter						
14	Part of Lot 20A, R.O. Phipps Additon	7	Confia Homes, LLC	$2,000.00	81% - 115%	4/2	$13,075.88
	Blk 1771						
	2823 Troy						
16	Lot 1, Crosby Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$3,903.09
	Blk 2424						
	2743 Bethurum						
16	Lot 23, Ideal Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$9,798.79
	Blk 1/2505						
	2441 Starks						
17	Lots 19 & 20, Lincoln Manor Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$8,506.60
	Blk 1/2538						
	2527 Wells						
18	Lot 35 & Part of Lot 36, Lincoln Manor2 Addition	7	Confia Homes, LLC	$2,000.00	61% - 80%	3/2	$6,312.40
	Blk 25/2567						
	2723 Choice						
19	Lot 20, Lincoln Manor No. 3 Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$9,255.28
	Blk 3/7075						
	4002 Marshall						
20	Lot 10, Parish Addition	7	Confia Homes, LLC	$1,700.00	61% - 80%	3/2	$19,355.28
	Blk B/2385						
TOTAL				**$17,900.00**			**$98,637.48**

Exhibit A

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION		QUALIFIED PURCHASER	SALE AMOUNT	AMI Target	BED/BATH	AMOUNT OF NON-TAX LIENS
	4103 Marshall						
21	Lot 5, Calhoun J. I. Addition	7	Confia Homes, LLC	$2,000.00	61% - 80%	3/2	$24,760.05
	Blk 2/1839						
	2711 Rochester						
22	Lot 25, Rochester Park Addition	7	Confia Homes, LLC	$1,700.00	61% - 80%	3/2	$6,268.01
	Blk 2/7072						
	2726 Valentine						
23	Lot 14, O. E. Taylor Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$4,850.60
	Blk C/7071						
	2926 Valentine						
24	Lot 14, Rochester Park Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$6,045.28
	Blk 6/7072						
	4727 Baldwin						
25	Lot 6, W.G. Bowlings Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$12,335.23
	Blk 2436						
	4807 Silver						
26	Lot 12, White Rock Heights No. 2 Addition	7	Confia Homes, LLC	$2,000.00	81% - 115%	4/2.5	$7,495.75
	Blk A/2622						
	2521 Birmingham						
27	Lots 29 & 30, South Park Addition	7	Confia Homes, LLC	$1,700.00	Not greater than 60%	3/2	$1,969.17
	Blk 31/1307						
	2700 Birmingham						
28	Lots 1 & 2, South Park Addition	7	Confia Homes, LLC	$1,700.00	61% - 80%	3/2	$19,309.00
	Blk 25/2567						
	2931 Birmingham						
29	Lots 33 & 34, Winchester Place Addition	7	Confia Homes, LLC	$1,700.00	81% - 115%	3/2	$12,618.81
	Blk 17/1370						
	2630 Camel						
30	Lot 27, Carver Heights Addition	8	Confia Homes, LLC	$2,000.00	81% - 115%	4/2	$5,693.68
	Blk 7/3889						
TOTAL				**$17,900.00**			**$101,345.58**
GRAND TOTAL				**$54,900.00**			**$326,352.52**

1500 Marilla Street
Dallas, Texas 75201

City of Dallas

Agenda Information Sheet

File #: 19-442 **Item #:** 23.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a public hearing to be held on May 8, 2019 to receive comments on the FY 2019-20 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds public hearings to provide the residents of Dallas the opportunity to speak on the upcoming year's budget. This public hearing is one of three to be held. Two will be at Dallas City Hall, on March 27, 2019 and August 28, 2019, and one will be at the Kleberg-Rylie Recreation Center on May 8, 2019. Resident input is an important part of the budget development process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

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April 24, 2019

WHEREAS, the City Council is committed to providing the residents of Dallas with the opportunity to speak on the City's FY 2019-20 budget.

Now, Therefore,

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

SECTION 1. That a public hearing on the City's FY 2019-20 Operating, Capital, and Grant & Trust Budgets will be held on May 8, 2019 at Kleberg-Rylie Recreation Center.

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 Information Sheet

File #: 19-516 **Item #:** 24.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance amending Ordinance No. 30991, previously approved on September 18, 2018, as amended by Ordinance No. 31035, previously approved on November 14, 2018, authorizing certain transfers and appropriation adjustments for FY 2018-19 for the maintenance and operation of various departments, activities, and amending the capital budget; and authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

BACKGROUND

On September 18, 2018, City Council adopted the Operating, Grants/Trust, and Capital Budgets for FY 2018-19, by Ordinance No. 30991.

On November 14, 2018, City Council adopted Ordinance No. 31035 amending Ordinance No. 30991, to adjust appropriation for Management Services.

City Charter does not allow for expenditure of City funds without sufficient appropriation (City Charter, Chapter XI, Section 6). Management has closely monitored revenues and expenses throughout the fiscal year to ensure compliance with City Charter. The amendments requested reflect: (1) appropriation adjustments previously approved by City Council; (2) adjustments to ensure adequate departmental appropriations in the General Fund; (3) Enterprise, Other, Grant, and Trust funds revenue and expenditure increases; (4) capital appropriation adjustments; and (5) General Fund contingency to fund a portion of the staffing study for the Dallas Police Department and funding to expand youth programs in the Park & Recreation Department.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 18, 2018, City Council adopted the FY 2018-19 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 18-1337; Ordinance No. 30991.

On November 14, 2018, City Council amended Ordinance No. 30991, previously approved on September 18, 2018, to authorize appropriation adjustments to the FY 2018-19 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 18-1613; Ordinance No. 31035.

The Government Performance and Financial Management Committee will be briefed regarding this item on April 15, 2019.

FISCAL INFORMATION

No cost consideration to the City.

4-12-19

ORDINANCE NO. _____

AMENDING THE OPERATING AND CAPITAL BUDGETS' APPROPRIATIONS ORDINANCE

An ordinance amending Ordinance No. 30991 (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), as amended by Ordinance No. 31035, to make adjustments for the fiscal year 2018-19 for the maintenance and operation of various departments and activities, amending capital budgets; authorizing the city manager to make certain adjustments; appropriating funds for public improvements to be financed from bond funds and other revenues of the city of Dallas for fiscal year 2018-19; providing a saving clause; and providing an effective date.

WHEREAS, on September 18, 2018, the city council passed Ordinance No. 30991, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2018-19; and

WHEREAS, on November 14, 2018, the city council passed Ordinance No. 31035, which amended Ordinance No. 30991 by adding capital funds to fund appropriations for fiscal year 2018-19; and

WHEREAS, shortages and excesses in various departments and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council authorizes in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, Therefore,

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

SECTION 2. That Section 1 of Ordinance No. 30991 (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), passed by the city council on September 18, 2018, is amended by making adjustments to fund appropriations for fiscal year 2017-18 for maintenance and operation of various departments and activities, to read as follows:

"SECTION 1. That for the purpose of providing the fuds to be expended in the budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

DEPARTMENTS AND ACTIVITIES	**PROPOSED 2018-19**
Building Services	22,729,907
City Attorney's Office	18,348,876
City Auditor's Office	3,367,314
City Manager's Office	2,787,305
City Secretary's Office	2,873,978
Civil Service	3,316,621[~~3,241,621~~]
Code Compliance	31,635,395
City Controller's Office	6,849,599 [~~6,768,899~~]
Court and Detention Services	23,164,074[~~23,314,074~~]
Dallas Animal Services	14,878,667
Elections	*1,631,698 [~~1,476,556~~]
Fire	294,483,209
Human Resources	7,005,071
Independent Audit	917,892
Jail Contract – Lew Sterrett	8,908,016
Judiciary	3,446,356
Library	34,038,717 [~~34,138,717~~]
Mayor and Council	4,989,530
Non-Departmental	92,653,775 [~~92,727,295~~]

Office of Cultural Affairs	**20,453,188 [~~19,973,188~~]
Office of Budget	3,796,050
Office of Economic Development	4,972,909
Office of Housing and Neighborhood Revitalization	4,213,724
Office of Management Services	31,688,439 [~~31,520,619~~]
Park and Recreation	99,042,371 [~~98,542,371~~]
Planning and Urban Design	3,171,871
Police	487,002,691 [~~486,752,691~~]
Procurement Services	2,443,038
Public Works	75,856,653
Sustainable Development and Construction	2,194,525
Transportation	47,219,419
Trinity Watershed Management	1,302,754
Contingency Reserve	2,319,383
Salary and Benefits Reserve	2,200,000
Liability/Claims Fund	2,751,145

** An increase to$1,631,698 was previously approved by Resolution No. 18-1641.*
*** An increase to $20,453,188 was previously approved by Resolution No. 19-0296.*

GENERAL FUND TOTAL **$1,367,351,406 [~~1,365,966,274~~]**

GRANT FUNDS	**PROPOSED 2018-19**
Court and Detention Services	
Law Enforcement Officer Standards and Education (S104)	1,685
Management Services	
Fair Housing FHAP Award 14-15 (F439)	6,126
Fair Housing FHAP Award 15-16 (F471)	22,671
GRANT FUNDS TOTAL	**$30,518**

TRUST AND OTHER FUNDS	**PROPOSED 2018-19**
Communication and Information Services	
Information Technology Equipment Fund (0897)	5,450,000 [~~1,450,000~~]
Court and Detention Services	
Employee Morale Fund (0902)	11
Technology Fund (0401)	343,587

Dallas Animal Services	
Animal Control Enhancement (0898)	46,597
Animal Control Enhancement 87D (0878)	842
Animal Services Operation Supp (0883)	137
Dallas Animal Services Online Donations (0714)	56
Dallas Animal Welfare Fund (0711)	566 [~~393~~]
Fire	
Smoke Detector Program Donation (0230)	19,541
Paramedic Activity (0302)	10,238
Library	
Edmond and Louise Kahn E. Trust (0208)	262,567
Central Library Gift and Donations (0214)	42,668
Hamon Trust (0458)	14,794
Genealogy Fund (0687)	19,550
Donations and Interest Fund (0734)	59,313
Management Services	
Carryout Bag Regulation Fund (0989)	126,953
Office of Budget	
Rate Case Reimbursement Reserve Fund (0007)	4,000,000
Fair Park First Reserve Fund (0444)	***3,500,000
Office of Cultural Affairs	
OCA Hotel Occupancy Tax (0435)	2,670,482
Office of Economic Development	
Economic Development Sales Tax Rebate Program (0680)	467,562
New Market Tax Credit (0065)	114,225
Property Assessed Clean Energy Fund (0750)	4,511
South Dallas/Fair Park Trust Fund (0351)	1,298,031
Dallas Housing Trust Fund (9P16)	****7,000,000
Deep Ellum Public Improvement District (9P01)	628,778
Dallas Downtown Improvement District (9P02)	7,566,520
Klyde Warren Park/ Dallas Arts District Public Improvement District (9P03)	1,273,513
Knox Street Public Improvement District (9P04)	366,712
Lake Highlands Public Improvement District (9P05)	695,989
North Lake Highlands Public Improvement District (9P06)	385,089
Oak Lawn-Hi Line Public Improvement District (9P07)	362,020
Prestonwood Public Improvement District (9P08)	427,621
South Side Public Improvement District (9P10)	260,676
University Crossing Public Improvement District (9P12)	773,814
Uptown Public Improvement District (9P13)	2,723,533
Vickery Meadow Public Improvement District (9P15)	900,464

Office of Housing and Neighborhood Revitalization	
Mayfair Gifts and Donation (0471)	2,518
Dallas Tomorrow Fund (0476)	530,705
Park and Recreation	
Craddock Park Expense Trust (0340)	6,022
Fair Park Marketing (0G43)	42,626
Fair Park Naming Sponsorship (0426)	1,632,004
Fair Park Special Maintenance (0329)	108,492
Ford Found Innovative Program (0T14)	1,089
Golf Improvement Trust (0332)	1,481,189
Grauwyler Memorial E Trust (0331)	54
Junior Golf Program (0359)	5,116
Meadows-Fair Park Security 64E (0643)	130
Mowmentum Park Improvement (0T80)	41,752
Outdoor Programs (0469)	82,566
P & R Athletic Field Maintenance (0349)	163,825
Park and Rec Beautification (0641)	199,520
PKR Program Fund Tracking (0395)	2,197,698
Recreation Program (0341)	475,402
Southern Skates (0327)	81,009
White Rock Endowment (0354)	1,996
W.W. Samuell Park Trust (0330)	647,205
Planning and Urban Design	
Neighborhood Vitality Project Fund (0297)	70,770
Police	
Confiscated Monies - Federal (0436)	245,896
Confiscated Monies – State (0411)	3,343,712
Law Enforcement Officer Standard Education (0S1N)	595,859 [~~516,536~~]
Police Gifts and Donations	1,544
Procurement Services	
DABD 2003 South Fair Fund (0245)	4,668

*** *An increase to $3,500,000 was previously approved by Resolution No. 18-1531.*

**** *An increase of $4,575,000 was previously approved by Resolution No. 18-1789 on December 12, 2018. An increase of $424,528 was previously approved by Resolution No. 18-1791 on December 12, 2018. An increase of $828,129 was previously approved by Resoulution No. 18-1792 on December 12, 2018. An increase of $523,246 was previously approved by Resolution No. 18-1793 on December 12, 2018. An increase of $649,097 was previously approved by Resolution No. 18-1795 on December 12, 2018.*

TRUST AND OTHER FUNDS TOTAL **$53,780,327 [~~33,492,451~~]**

GRANT, TRUST AND OTHER FUNDS GRAND TOTAL **$53,810,845 [~~33,522,969~~]**

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS	**PROPOSED 2018-19**
Aviation	
Airport Operations	154,585,549 [~~143,726,945~~]
Transportation Regulation	405,874
Communication and Information Services	
Information Technology	77,011,403
Radio Services	8,651,413
Convention and Event Services	108,647,915
Employee Benefits	
Benefits Administration	1,049,538
Wellness Program	358,858
Equipment and Fleet Management	56,162,517 [~~54,912,850~~]
Express Business Center	2,137,496
Management Services	6,385,239
[~~Office of the Bond Program~~	~~****10,079,445~~]
Park and Recreation	3,694,206
Public Works	*****7,167,340
Risk Management	4,579,552
Sanitation Services	114,157,465 [~~112,653,465~~]
Storm Water Drainage Management	58,436,837
Sustainable Development and Construction	34,571,119
Water Utilities	665,491,395
WRR - Municipal Radio	2,076,728
911 System Operations	15,176,553

****** A decrease to $10,079,445 was previously approved by Resolution No. 18-1613.*
****** An increase to $7,167,340 was previously approved by Resolution No. 18-1613.*

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL **$1,320,746,997 [~~1,307,134,726~~]"**

SECTION 2. That Section 4 of Ordinance No. 30991 (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), is amended by making adjustments to fund appropriations for fiscal year 2018-19 for maintenance and operation of various departments and activities, to read as follows:

"SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(2) Transfer funds, not to exceed $23,484,663, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870, to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219, for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.

(3) Transfer funds, not to exceed $2,751,145, from the General Fund 0001, Department BMS, Unit 1997, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525, for payment of small and large claims against the city.

(4) Transfer funds, not to exceed $3,366,284 to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9229, from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690, to support general fund operations.

(5) Transfer funds, not to exceed $25,313,609, from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690, in the amounts not to exceed $8,300,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 9201 and $17,013,609 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(6) Transfer funds, not to exceed $68,280, from the General Fund 0001, Department PNV, Unit 1581, Object 3690, to the Neighborhood Vitality Project Fund 0297, Department PNV, Unit 1728, Revenue Source 9201, for GrowSouth Neighborhood Challenge grants.

(7) Transfer funds, not to exceed $1,450,000, from the Information Technology Operating Fund 0198, Department DSV, Unit 1667 and 1622, Object 3690, to the Information Technology Equipment Fund 0897, Department DSV, Unit 3717,3718, and 3719, Revenue Source 9201, for information technology servers, computers, storage, network and other IT equipment including related software, hardware, and implementation services.

(8) Transfer funds, not to exceed $2,670,482, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201, for the promotion of cultural arts.

(9) Transfer funds, not to exceed $467,562, from the General Fund 0001 Department BMS, Unit 1991, Object 3690, to the Economic Development Sales Tax Rebate Program Fund 0680 Department ECO, Unit 6696, Revenue Source 9201, for sales tax rebates in accordance with the terms of the e-commerce sales tax grant agreement pursuant to Chapter 380 of the Texas Local Government Code.

(10) Transfer funds, not to exceed $635,310, from City of Dallas Regional Center Fund 0067, Department ECO, Unit P682, Object 3090, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(11) Transfer funds, not to exceed $216,305, from New Markets Tax Credit Fund 0065, Unit P607, Object 3899, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.

(12) Transfer funds, not to exceed $800,000, from the General Fund 0001 Unit 1165, Object Code 3690, to South Dallas Fair Park Opportunity Fund 0351, Unit 0448, Revenue Source 9201, for Special Grant/Loan Program for catalyst economic development initiatives.

(13) Transfer funds, not to exceed $4,000,000, from the Rate Case Reimbursement Reserve Fund 0007, Unit P155, Object 3690, to the Information Technology Equipment Fund 0897, unit 3719, Revenue Source 9201 for information technology servers, computers, storage, network and other IT equipment including related software, hardware, and implementation services.

(14) Transfer funds, not to exceed $250,000, from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Dept. DPD, Appropriation Unit 0001DPD, Unit 2181, Revenue Source 9229; and a clearing entry, in the same amount, to Fund 0001, Department BMS, Balance Sheet Account 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

(15) Transfer funds, not to exceed $500,000, from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Dept. PKR, Appropriation Unit 0001PKR, Unit 5071, Revenue Source 9229; and a clearing entry, in the same amount, to Fund 0001, Department BMS, Balance Sheet Account 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

(16) Transfer funds, not to exceed $101,480, from the General Fund 0001, Unit 1987, Object 3070, to the Capital Construction Fund 0671, Unit W221, Revenue Source 9201 for maintenance of city facilities.

(17) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.

(18) Transfer positions from Management Services, Fund 0294, Unit 3856 and Unit 3857, to Park and Recreation, Fund 0294, Unit 3856 and Unit 3857, to facilitate implementation of the General Obligation Bond Program."

SECTION 3. That Section 9 of Ordinance No. 30991 (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), passed by the city council on September 18, 2018, as amended by Ordinance No. 31035, passed by city council on November 14, 2018, is amended by adding capital funds to fund appropriations for fiscal year 2018-19 to read as follows:

"SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for projects listed in the FY 2018-19 capital budget:

CAPITAL FUNDS

From the Aviation Capital Construction Fund (0131)	20,154,155 [~~17,804,155~~]
From the Aviation Passenger Facility Charge Near Term Projects Fund (A477)	40,350,000
From the Capital Assessment 2003BP Fund (L003)	540,233
From Capital Assessment 2006BP Fund (L006)	169,987
From Capital Assessment 2012BP Fund (L012)	121,487

From Capital Assessment Fund-85 Fund (L085)	90,017
From Capital Assessment Fund-98 Fund(L098)	1,711,842
From Capital Assessment Funds Fund (L095)	59,574
From the Capital Construction Fund for City and Cultural Facilities (0671)	7,101,480 [~~7,000,000~~]
From the Capital Projects Reimbursement Fund (0556)	*4,989,639
From the Cedars Tax Increment Finance District Fund (0033)	691,440
From the City Center Tax Increment Finance District Fund (0035)	**7,019,640 [~~6,595,112~~]
From the City Hall, City Service and Maintenance Facilities Fund (6T60)	100,000
From the City Services Facility Fund (3R60)	5,689,200
From the Cityplace Area TIF District Fund (0030)	***2,540,080
From the Convention Center Capital Construction Fund (0082)	13,467,033
From the Cultural Affairs Fund (2017 GO Bonds) (1V49)	9,985,000
From the Cypress Waters Tax Increment Finance District Fund (0066)	3,832,442 [~~1,979,799~~]
From the Davis Garden Tax Increment Finance District Fund (0060)	1,440,492
From the Deep Ellum Tax Increment Finance District Fund (0056)	2,246,610

From the Design District Tax Increment Finance District Fund (0050)	9,650,000
From the Downtown Connection Tax Increment Finance District Fund (0044)	26,828,371 [~~17,820,617~~]
From the Dallas Water Utilities Public Art Fund (0121)	82,500
From the Economic & Southern Area of City Transit-Oriented Development Fund (9T52)	6,000
From the Economic Development Fund (2017 GO Bonds) (1V52)	****1,450,000
From the City Facilities Fund (2017 GO Bonds) (1V60)	11,662,600
From the Fair Park Improvement Fund (2017 GO Bonds) (1V02)	18,970,000
From the Farmers Market Tax Increment Finance District Fund (0036)	2,593,126
From the Flood Control Fund (2017 GO Bonds) (1V23)	16,195,600
From the Fort Worth Avenue Tax Increment Finance District Fund (0058)	1,005,594
From the Homeless Assistance Facilities Fund (2017 GO Bonds) (1V43)	1,500,000
From the Library Facilities Fund (2017 GO Bonds) (1V42)	6,589,000
From the Maple/Mockingbird Tax Increment Finance District Fund (0064)	3,358,665
From the Master Lease-Equipment Fund (ML19)	34,000,000
From the Oak Cliff Gateway Tax Increment Finance District Fund (0034)	4,075,556
From the Parks and Recreation Facilities Fund (2017 GO Bonds) (1V00)	84,724,345

From the Public/Private Partnership Fund (0352)	*****17,892,140 [~~11,192,140~~]
From the Public Safety Facilities Fund (2017 GO Bonds) (1V33)	27,455,000
From the Public Safety Facilities Fund (6T33)	60,000
From the Resurfacing and Reconstruction Improvements Fund (0717)	4,100,000
From the Sanitation Capital Improvement Fund (0593)	******14,837,495 [~~13,600,000~~]
From the Sewer Construction Fund (0103)	23,250,000
From the Skillman Corridor Tax Increment Finance District Fund (0052)	4,417,600 [~~1,915,426~~]
From the Sports Arena Tax Increment Finance District Fund (0038)	12,812,528
From the State Thomas TIF District Fund (0032)	*******1,003,651
From the Street and Alley Improvement Fund (0715)	20,400,373
From the Street and Transportation Fund (2017 GO Bonds) (1V22)	75,055,583
From the Transit Oriented Development Tax Increment Financing Fund (0062)	2,662,865 [~~753,206~~]
From the Storm Water Drainage Management Capital Construction Fund (0063)	10,708,653 [~~6,024,848~~]
From the Vickery Meadow Tax Increment Finance District Fund (0048)	********3,110,097 [~~2,461,000~~]
From the Water (Drinking Water) TWDB Fund (1150)	44,000,000

From the Wastewater (Clean Water) - TWDB Fund (1151)	22,000,000
From the Water Capital Improvement Series D Fund (2116)	29,817,500
From the Wastewater Capital Improvement Fund (3116)	70,700,000
From the Water Capital Construction Fund (0102)	30,700,000
From the Water Capital Improvement Fund (2115)	29,000,000
From the Water Capital Improvement Fund (3115)	50,450,000

*An increase of $1,900,000 was previously approved by Resolution No. 18-1847.
*An increase of $21,482 was previously approved by Resolution No. 18-1610.
*An increase of $249,000 was previously approved by Resolution No. 18-1590.
*An increase of $832,258 was previously approved by Resolution No. 18-0197.
*An increase of $1,800,000 was previously approved by Resolution No. 19-0169.
*An increase of $165,217 was previously approved by Resolution No. 19-0264.
*An increase of $21,681 was previously approved by Resolution No. 19-0236.
**An increase of $424,528 was previously approved by Resolution No. 18-1791.
***An increase of $2,540,080 was previously approved by Resolution No. 18-1792.
****An increase of $1,450,000 was previously approved by Resolution No. 18-1556.
*****An increase of $6,700,000 was previously approved by Resolution No. 18-1789.
******An increase of $335,722 was previously approved by Resolution No. 18-1614.
******An increase of $345,000 was previously approved by Resolution No. 18-1671.
******An increase of $556,773 was previously approved by Resolution No. 19-0419.
*******An increase of $1,003,651 was previously approved by Resolution No. 18-1793.
********An increase of $649,097 was previously approved by Resolution No. 18-1795.

CAPITAL FUNDS TOTAL **$839,425,193[~~798,023,188~~]**

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2018-19 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)	296,200,044

DEBT SERVICE FUNDS TOTAL **$296,200,044**

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by the city council upon the recommendation of the city manager."

SECTION 4. That That Section 11 of Ordinance No. 30991 (2018-19 FY Operating and Capital Budgets' Appropriation Ordinance), passed by the city council on September 18, 2018, as amended by Ordinance No. 31035, passed by city council on November 14, 2018, is amended by adding capital funds to fund appropriations for fiscal year 2018-19 to read as follows:

"SECTION 11. That the city manager is authorized to make the following adjustments:

(1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.

(2) Decrease appropriation of any fund described in Section 9 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

(3) Transfer funds, not to exceed $830,400 to the Debt Service Fund 0981, in the amount not to exceed $63,000 from Street System Improvements Fund 0522; $20,000 from Street System Improvements Fund 0E22; $200 from Central Expressway-Land Acquisition Fund 0HLC; $14,000 from Major Park, Rec & Community Fund 0N00; $200 from Neighborhood Park, Play & Rec Fund 0N05; $24,000 from City Facilities Repair & Imp Fund 0L60; $22,000 from City Facilities Repairs Fund 0M60; $26,000 from City Facilities Repairs & Imp Fund 0N60; $100 from Fire Protection Facilities Fund 0M41; $15,000 from 01 Park Play Ground Rec Fund 0P00; $7,000

from 02 Park Play Ground Rec Fund 1P00; $26,000 from Police Headquarters Fac Fund 0P44; $20,000 from Fire Protection Facilities Fund 0P41; $1,600 from Fire Protection Facilities Fund 9P41; $16,000 from Cultural Arts Facilities Fund 9P49; $300 from City Animal Control Facilities Fund 0P46; $6,000 from City Animal Control Facilities Fund 1P46; $17,000 from Arts Theater Fund 3R07; $4,000 Arts Theater Fund 5R07; $83,000 from 06 Arts Theater Fund 6R07; $140,000 from City Services Facility Fund 3R60; $115,000 from Animal Shelter Fund 3R46; $21,000 from Fire Station Fund 3R41; $42,000 from Fire Station 04-05 Fund 4R41; $6,000 from Fire Station Facilities Fund 5R41; $24,000 from Fire Station Facilities Fund 6R41; $6,000 from Farmers Market Fund 3R40; $38,000 from Farmers Market 04-05 Fund 4R40; $5,000 from Farmers Market Improvement Fund 5R40; and $68,000 from Homeless Assistance Facilities Fund 6S43 to close-out inactive general obligation bond funds.

(4) Upon written notice to the city controller, to transfer expenses, appropriations, or both between funds in the 1985 General Obligation Bond Program series of funds, the 1998 General Obligation Bond Program series of funds, the 2003 General Obligation Bond Program series of funds, and the 2005 General Obligation Bond Program series of funds, and to transfer residual cash amounts to the General Obligation Debt Service Fund to facilitate the close out of prior bond programs."

SECTION 5. That it is the intent of the city council, by passage of this ordinance, to appropriate funds for the city departments and activities. No office or position is created by the appropriations.

SECTION 6. That Ordinance Nos. 30991 and 31035 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That this ordinance will take effect immediately from its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly ordered.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Agenda Information Sheet

File #: 19-557 **Item #:** 25.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Cultural Affairs

EXECUTIVE: Joey Zapata

SUBJECT

Authorize a one-year Interlocal Agreement, with two one-year renewal options, with the City of Irving to provide for radio station air time on WRR-FM for the Irving Arts Center - Revenue: $67,600.00 (annually)

BACKGROUND

WRR-FM, which is owned and operated by the City of Dallas through the Office of Cultural Affairs (OCA), is the only commercial radio station in Texas that plays classical music 24 hours a day, and is the oldest same-owner station in the United States. With a tower in Cedar Hill, the 100,000 watt station's listening area spans 100 miles in every direction. WRR does not operate at the expense to taxpayers, but as an enterprise fund, generating revenue through the sale of on-air advertising to cover its expenses. Revenue exceeding expenses has been invested in capital needs of the station, and a small portion has been transferred through the years to the OCA's Arts Endowment, to support small and mid-size arts organizations.

Dallas City Code provides authorization for the station manager to sign contracts for air time (Sec 2-79(a)): however, Texas state law requires that interlocal agreements be authorized by the governing body of each party to the contract (Tex Govt Code Sec. 791.011(d)(1)). The Irving Arts Center, which is owned and operated by the City of Irving, seeks to purchase commercial air time for the period May 1, 2019 through April 30, 2020. The agreement will also provide for two one-year renewal options.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 22, 2019.

FISCAL INFORMATION

Revenue: $67,600.00 (annually)

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April 24, 2019

WHEREAS, WRR-FM is owned and operated by the City of Dallas through the Office of Cultural Affairs; and

WHEREAS, WRR-FM operates as an enterprise fund of the City, generating revenue through the sale of on-air advertising to cover its expenses; and

WHEREAS, the City of Irving seeks to purchase air time on WRR-FM for the purpose of promoting the Irving Arts Center; and

WHEREAS, the Texas Government Code Section 791.011(d)(1) requires that interlocal agreements be authorized by the governing body of each party to the contract unless the governing body establishes procedures for entering into interlocal contracts that do not exceed $100,000.00 without requiring the approval of the governing body; and

WHEREAS, Dallas City Code Section 2-30(d)(8) provides that interlocal agreements that generate less than $50,000.00 of revenue may be approved by the City Manager by administrative action; and

WHEREAS, the proposed air time agreement will generate revenue in excess of $50,000.00.

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 an Interlocal Agreement with the City of Irving, approved as to form by the City Attorney, to provide for radio station air time on WRR-FM for the purpose of promoting the Irving Arts Center for a term of one year, with two one-year renewal options, for an estimated annual revenue amount of $67,600.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds from the City of Irving in the Municipal Radio Fund, Fund 0140, Department OCA, Unit 1066, Revenue Code 7826.

SECTION 3. That this contract is designated as Contract No. OCA-2019-00009324.

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 Information Sheet

File #: 19-412 **Item #:** 26.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 9

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a service contract for the purchase and installation of one generator for the Water Utilities Department - LJ Power, Inc., lowest responsible bidder of two - Not to exceed $72,057 - Financing: Water Construction Fund

BACKGROUND

This service contract will provide for the purchase and installation of one generator for the Water Utilities Department.

This generator will provide emergency back-up power for the White Rock Operations Control Center. The current generator is an older, obsolete model of questionable reliability that has reached the end of its useful life. The White Rock Operations Control Center utilizes a secured Supervisory Control and Data Acquisition (SCADA) operating system which provides control of the transmission, storage, and delivery of potable water for the City and many surrounding cities. Replacement of this generator will ensure continuous operational control in the event of a loss of electrical power.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 3,921 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on April 15, 2019.

FISCAL INFORMATION

Water Construction Fund - $72,057.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$72,057.00	Other Services	23.80%	13.18%	$9,500.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BN1904. We opened them on January 10, 2019. We recommend the City Council award this purchase in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	Address	Amount
*LJ Power, Inc.	2009 108th St. Suite 902 Grand Prairie, TX 75050	$72,057.00
Acumen Enterprises, Inc.	1504 Falcon Dr. DeSoto, TX 75115	$92,595.00

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OWNER

LJ Power, Inc.

Norman Larry Davis III, President
James P. Davis, Vice President

powered by Legistar™

April 24, 2019

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

SECTION 1. That the purchase and installation of one generator for the Water Utilities Department is authorized with LJ Power, Inc. (VS90040), in an amount not to exceed $72,057.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for the purchase and installation of one generator for the Water Utilities Department. If a formal contract is required for this purchase instead of a purchase order, the City Manager is hereby authorized to execute the contract, approved 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 $72,057 to LJ Power, Inc. from Water Construction Fund, Fund 0102, Department DWU, Unit CW50, Object 4720, Master Agreement Service Contract No. DWU-2019-00009547.

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 Information Sheet

File #: 19-418 **Item #:** 27.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service contract to expand and enhance the enterprise capital project management system - eCIFM Solutions, Inc. - Not to exceed $2,169,090 - Financing: Bond Program Administration Fund ($276,960), Sewer Construction Fund ($946,066), and Water Construction Fund ($946,064) (subject to annual appropriations)

BACKGROUND

We anticipate the following City departments will use this agreement:

- Water Utilities Department
- Department of Public Works
- Park and Recreation Department
- Building Services Department
- Department of Transportation
- Department of Communication and Information Services

This service contract will allow for the expansion and enhancement of the existing enterprise capital project management system (ECPMS). This contract is the second phase of a multiphase approach to implementing an enterprise capital project management system. The current capital project management system was implemented in 2018 and has proven to be a valuable tool in tracking capital projects for various departments. This new contract will allow for the expansion of the system to allow Dallas Water Utilities (DWU) to gain the same level of efficiencies. Expanding the current ECPMS will provide additional improvements for DWU by eliminating multiple legacy systems, manual processes and redundancies into one enterprise system. By expanding the current ECPMS to DWU. This contract will also provide certain enhancements to the current system to further improve functionality. Some examples of these enhancements include but are not limited to:

- Enhance interface capabilities with Geographic Information System, the financial system, the Bond Program web, and insurance tracking system

- Improved workflow to align and standardize capital management processes throughout the City
- Improve capital management planning, collaboration and coordination between multiple departments and projects
- Additional software improvements to provide customized reporting

Additionally, this contract will provide additional systems administration and technical training support to meet all requirements and provide a foundation for City self-administration to support the system going forward.

In accordance with Administrative Directive 4-5, Paragraph 9.3.5, Special Needs Justification was approved to contract with eCIFM Solution, Inc.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2016, City Council authorized one-year service contract for cloud services subscription for the IBM Tririga software for a citywide capital management system with IBM Corporation, through the Department of Information Resources, State of Texas Cooperative by Resolution No. 16-1046.

On June 22, 2016, City Council authorized three-year service contract for the implementation of IBM Tririga software for a citywide capital management system with eCIFM Solution, Inc. by Resolution No. 16-1047.

The Government Performance & Financial Management Committee will receive this item for consideration on April 15, 2019.

FISCAL INFORMATION

Bond Program Administration Fund - $276,960.00 (subject to annual appropriations)
Sewer Construction Fund - $946,066.00 (subject to annual appropriations)
Water Construction Fund - $946,064.00 (subject to annual appropriations)

Fund	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Bond Program Administration Fund	$0	$69,240.00	$69,240.00	$69,240.00	$69,240.00
Sewer Construction Fund	$273,628.00	$513,890.00	$34,620.00	$89,308.00	$34,620.00
Water Construction Fund	$273,627.00	$513,890.00	$34,620.00	$89,307.00	$34,620.00
Total	$547,255.00	$1,097,020.00	$138,480.00	$247,855.00	$138,480.00

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M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,169,090.00	Other Services	23.80%	100.00%	$2,169,090.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

Proposer	Address	Amount
eCIFM Solutions, Inc.	3160 Crow Canyon Rd. Suite 240 San Ramon, CA 94583	$2,169,090.00

OWNER

eCIFM Solutions, Inc.

Vimal Uberoi, President
Sanjiv Paul Singh, Vice President

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WHEREAS, on June 22, 2016, City Council authorized a one-year service contract for cloud services subscription for the IBM Tririga software for a citywide capital management system with IBM Corporation, through the Department of Information Resources, State of Texas Cooperative, in an amount not to exceed $298,800, by Resolution No. 16-1046; and

WHEREAS, on June 22, 2016, City Council authorized three-year service contract for the implementation of IBM Tririga software for a citywide capital management system with eCIFM Solution, Inc, in an amount not to exceed $549,125, by Resolution No. 16-1047.

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 eCIFM Solutions, Inc. (VS0000084199), approved as to form by the City Attorney, to expand and enhance the enterprise capital project management system for a term of five years, in an amount not to exceed $2,169,090. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to eCIFM Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by eCIFM Solutions, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,169,090 (subject to annual appropriations) to eCIFM Solutions, Inc. from Master Agreement Service Contract No. DSV-2019-00009573.

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 Information Sheet

File #: 19-437 **Item #:** 28.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service contract for maintenance, support, parts, and hardware for Dallas Executive Airport control tower operation equipment for the Department of Aviation - Robinson Aviation (RVA), Inc., most advantageous proposer of two - Not to exceed $308,123.80 - Financing: Aviation Fund (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 as needed maintenance, support, parts, and hardware for Dallas Executive Airport control tower operation equipment for the Department of Aviation. This service contract will provide maintenance stipulated by Federal Aviation Administration Contract Tower Program and the City of Dallas to preform monthly and annual calibrations, inspections, and repairs of control tower equipment.

The inspections and equipment calibrations of all tower equipment, including radio technology, Automatic Terminal Information Service digital voice recorder, voice switch, headset/handsets operations, rotating beacon remote controller, and runway lighting remote controller that allow the tower to facilitate over 42,000 aircraft operations per year. Each incoming and outgoing aircraft that touches the runway must use pivotal tower radio communications to ensure safe and efficient flights in the Dallas Executive Airport airspace.

A seven member committee from the following departments reviewed and evaluated the qualifications:

- Police Department (1)
- Department of Communication and Information Services (1)
- Department of Aviation (2)

- Department of Public Works (1)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)**

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated 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
- Approach 25 points
- Experience and qualifications 15 points
- Technical capability 15 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,259 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County, by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Aviation Fund - $308,123.80 (subject to annual appropriations)

FY 2019-20 $61,624.76
FY 2020-21 $61,624.76 (subject to annual appropriations)
FY 2021-22 $61,624.76 (subject to annual appropriations)
FY 2022-23 $61,624.76 (subject to annual appropriations)
FY 2023-24 $61,624.76 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$308,123.80	Other Services	23.80%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	• Utilized for high technology procurements, insurance procurements, and other goods and services • Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications • Always involves a team evaluation • Allows for negotiation on contract terms, including price

The Office of Procurement Services received the following proposals from solicitation number BUZ1817. We opened them on September 6, 2018. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*Robinson Aviation (RVA), Inc.	1601 N.W. Expressway Suite 850 Oklahoma City, OK 73118	85.40	$308,123.80
Airport Electronics, LLP	4531 Wildwood Circle Granbury, TX 76049	56.61	$420,005.00

OWNER

Robinson Aviation (RVA), Inc.

Keren Williams McLendon, President
Chris Dias, Secretary

April 24, 2019

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 Robinson Aviation (RVA), Inc. (VS97488), approved as to form by the City Attorney, for maintenance, support, parts, and hardware for Dallas Executive Airport control tower operation equipment for the Department of Aviation for a term of five years, in an amount not to exceed $308,123.80. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Robinson Aviation (RVA), Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Robinson Aviation (RVA), Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $308,123.80 (subject to annual appropriations) to Robinson Aviation (RVA), Inc. from Master Agreement Contract No. AVI-2019-00008933.

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 Information Sheet

File #: 19-333 **Item #:** 29.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for swimming pool, fountain and disinfecting chemicals and supplies - Leslie's Poolmart, Inc. in the amount of $233,189.81, Sunbelt Pools, Inc. in the amount of $191,809.14, and Chemrite, Incorporated in the amount of $71,175.00, lowest responsible bidders of five - Total not to exceed $496,173.95 - Financing: General Fund ($479,058.74), Aviation Fund ($9,324.56), Dallas Water Utilities Fund ($6,975.00), and Convention and Event Services Fund ($815.65)

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. We anticipate the following City departments will use this agreement:

- Department of Aviation
- Park and Recreation Department
- Department of Code Compliance
- Department of Convention and Event Services
- Building Services Department
- Water Utilities Department

This master agreement will facilitate the purchase of chemicals to treat City swimming pools, fountains, and spraygrounds for the Park and Recreation Department as well as disinfecting chemicals for the Water Utilities Department (DWU). Swimming pool chemicals are applied by licensed staff during scheduled cycles or as required to stabilize the water chemistry. The master agreement will also facilitate the purchase of maintenance and testing supplies necessary to monitor water chemistry and maintain water and facility cleanliness.

The City utilizes these chemicals to maintain areas such as:

- Fountains: Dallas Museum of Art, Morton H. Meyerson Symphony Center, City Hall, and other City facilities
- Bahama Beach Waterpark
- Bachman Therapeutic Pool
- Spraygrounds
- Community swimming pools

The City's community swimming pools, spraygrounds and fountains are visited by thousands of residents and visitors yearly. Proper filtration and chemical application ensure water is kept clear, sanitary and safe.

Additionally, DWU utilizes chemicals from this master agreement to disinfect piping, flumes and filters as part of the water treatment process at the Elm Fork, Bachman and Eastside water treatment plants.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 657 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on April 15, 2019.

FISCAL INFORMATION

General Fund - $479,058.74
Aviation Fund - $9,324.56
Dallas Water Utilities Fund - $6,975.00
Convention and Event Services Fund - $815.65

Fund	FY 2018-19	FY 2019-20	FY 2020-21
General Fund	$115,364.50	$181,846.52	$181,847.72
Aviation Fund	$9,324.56	$0	$0
Dallas Water Utilities Fund	$2,325.00	$2,325.00	$2,325.00
Convention and Event Services Fund	$300	$300	$215.65
Total	$127,314.06	$184,471.52	$184,388.37

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22,

2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$496,173.95	Other Services	23.80%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BW1805. We opened them on April 6, 2018. 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
*Leslie's Poolmart, Inc.	2005 E. Indian School Rd. Phoenix, AZ 85016	Multiple Lines
*Sunbelt Pools, Inc.	10555 Plano Rd. Dallas, TX 75238	Multiple Lines
*Chemrite, Incorporated	5202 Belle Wood Ct. Ste. 104 Buford, GA 30518	Multiple Lines
Petra Chemical Company	2929 Storey Ln. Dallas, TX 75220	Multiple Lines
The Bargain Source	2516 Morningside Dr. Garland, TX 75041	Multiple Lines

OWNERS

Leslie's Poolmart, Inc.

Steven L. Ortega, President
Steven Weddell, Chief Financial Officer

Sunbelt Pools, Inc.

Rob Morgan, President
Jon Collins, Vice President

Chemrite, Incorporated

Joe Opp, President
Aaron Opp, Vice President

April 24, 2019

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

SECTION 1. That a master agreement for the purchase of swimming pool, fountain and disinfecting chemicals and supplies is authorized with Leslie's Poolmart, Inc. (346311) in the amount of $233,189.81, Sunbelt Pools, Inc. (255049) in the amount of $191,809.14, and Chemrite, Incorporated (VS0000023439) in the amount of $71,175.00, approved as to form by the City Attorney, for a term of three years in a total amount not to exceed $496,173.95.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for swimming pool, fountain and disinfecting chemicals and supplies. If a written contract is required or requested for any or all purchases for swimming pool, fountain and disinfecting chemicals and supplies under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved 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 $496,173.95 to Leslie's Poolmart, Inc., Sunbelt Pools, Inc., and Chemrite, Incorporated from Master Agreement Contract No. POM-2019-00009536.

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 Information Sheet

File #: 19-491 **Item #:** 30.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a professional services contract with Freese and Nichols, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Coombs Creek Trail Improvements Project located from the 800 block of North Plymouth Road to the 2600 block of Sunset Avenue at Moss Park - Not to exceed $244,907.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

On May 9, 2018, a Request for Qualifications (RFQ) was issued for Engineering and Landscape Architecture Consulting Services for Park Site Development Projects in the 2017 Bond Program. The projects included in this RFQ were considered “Simple Projects” which utilize the RFQ only selection process.

This action will authorize a professional services contract with Freese and Nichols, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the Coombs Creek Trail Improvements Project. The 2017 Bond Program included funding for this project, which includes trail improvements located from the 800 block of North Plymouth Road to the 2600 block of Sunset Avenue at Moss Park, accessible ramps, pavement striping, pedestrian crossing improvements, trailhead, and landscaping improvements.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2019
Complete Design	June 2020
Begin Construction	September 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 21, 2019, the Park and Recreation Board authorized a professional services contract with Freese and Nichols, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 22, 2019.

FISCAL INFORMATION

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $244,907.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$244,907.00	Architectural & Engineering	25.66%	30.48%	$74,652.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines, Freese and Nichols, Inc. was selected as the most qualified consultant for this project.

OWNER

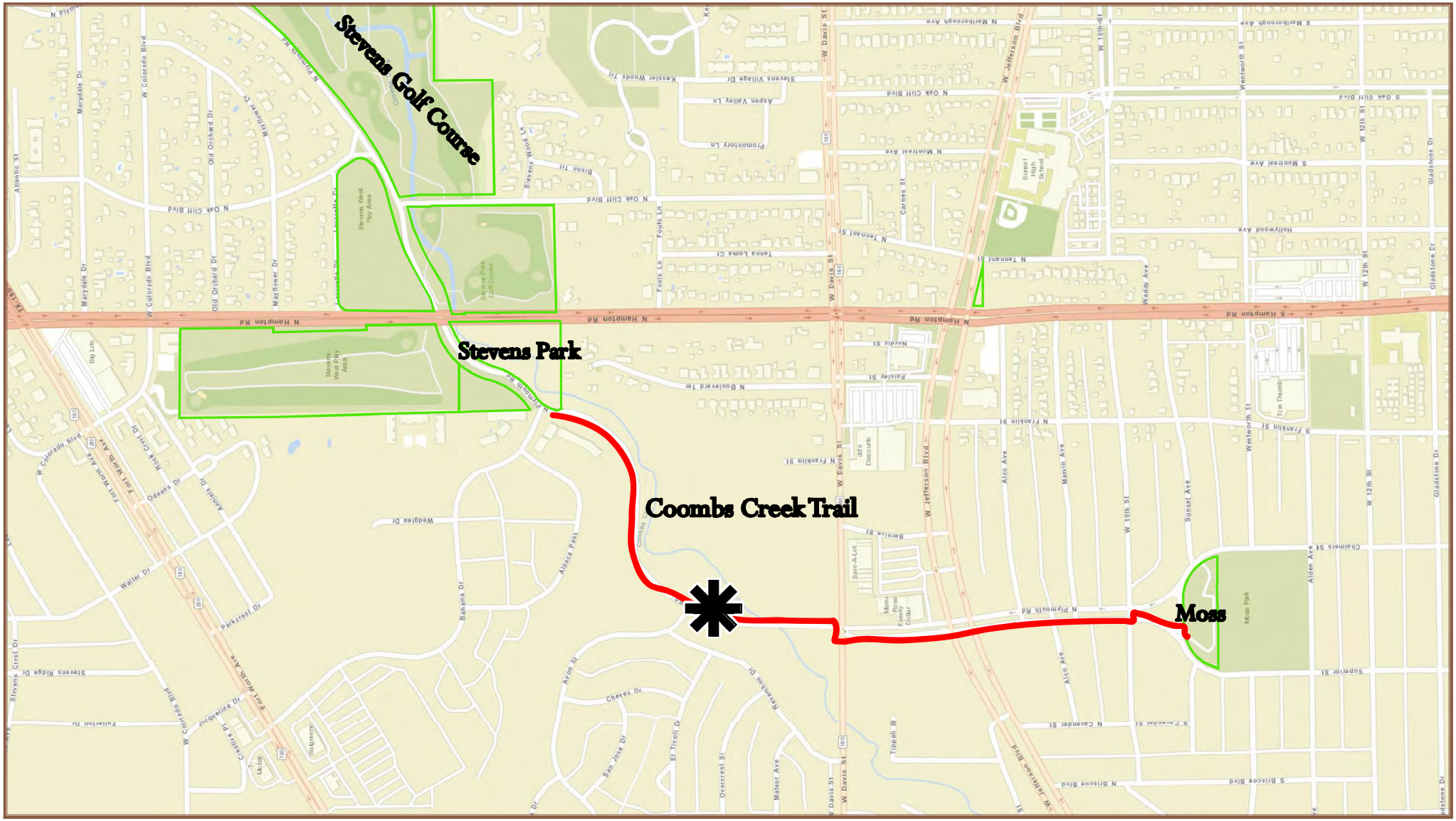
Freese and Nichols, Inc.

Brian Coltharp, President

MAP

Attached

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0 255 510 1,020 1,530 Feet

1 in = 500 ft

Dallas Park & Recreation

Coombs Creek Trail
(N Plymouth Rd to Sunset Av)

District 1

April 24, 2019

WHEREAS, on May 9, 2018, a Request for Qualifications was issued for Engineering and Landscape Architecture Consulting Services for Park Site Development Projects in the 2017 Bond Program; and

WHEREAS, in accordance with Administrative Directive 4-5, Freese and Nichols, Inc. was selected as the most qualified consultant for the Coombs Creek Trail Improvements Project; and

WHEREAS, it is now desirable to authorize a professional services contract with Freese and Nichols, Inc. for schematic design, design development, construction documents, procurement and construction observation phases for the the Coombs Creek Trail Improvements Project located from the 800 block of North Plymouth Road to the 2600 block of Sunset Avenue at Moss Park, in an amount not to exceed $244,907.00.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a professional services contract with Freese and Nichols, Inc., approved as to form by the City Attorney, for schematic design, design development, construction documents, procurement and construction observation phases for the Coombs Creek Trail Improvements Project located from the 800 block of North Plymouth Road to the 2600 block of Sunset Avenue at Moss Park, in an amount not to exceed $244,907.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $244,907.00 to Freese and Nichols, Inc. from Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB36, Object 4112, Activity HIBT, Program PK17VB36, Encumbrance/Contract No. PKR-2019-00009332, Commodity 92500, Vendor 347200.

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 Information Sheet

File #: 19-494 **Item #:** 31.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a professional services contract with CP&Y, Inc. for hydrologic modeling, schematic design, design development, construction documents, procurement and construction observation phases for the Emerald Lake Dam Safety and Erosion Control Improvements Project at Emerald Lake Park located at 6102 Mountain Creek Parkway - Not to exceed $314,289.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

On May 9, 2018, a Request for Qualifications (RFQ) was issued for Engineering and Landscape Architecture Consulting Services for Park Site Development Projects in the 2017 Bond Program. The projects included in this RFQ were considered “Simple Projects” which utilize the RFQ only selection process.

This action will authorize a professional services contract with CP&Y, Inc. for hydrologic modeling, schematic design, design development, construction documents, procurement and construction observation phases for the Emerald Lake Dam Safety and Erosion Control Improvements Project. The 2017 Bond Program included funding for this project, which includes dam improvements including a new emergency spillway and erosion control improvements at Emerald Lake Park located at 6102 Mountain Creek Parkway.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2019
Complete Design	June 2020
Begin Construction	September 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 21, 2019, the Park and Recreation Board authorized a professional services contract with CP&Y, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 22, 2019.

FISCAL INFORMATION

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $314,289.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$314,289.00	Architectural & Engineering	25.66%	27.73%	$87,163.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines, CP&Y, Inc. was selected as the most qualified consultant for this project.

OWNER

CP&Y, Inc.

Pete Patel, President

MAP

Attached

powered by Legistar™



Emerald Lake Park
(6102 Mountain Creek Parkway)

District 3

April 24, 2019

WHEREAS, on May 9, 2018, a Request for Qualifications was issued for Engineering and Landscape Architecture Consulting Services for Park Site Development Projects in the 2017 Bond Program; and

WHEREAS, in accordance with Administrative Directive 4-5, CP&Y, Inc. was selected as the most qualified consultant for the Emerald Lake Dam Safety and Erosion Control Improvements Project; and

WHEREAS, it is now desirable to authorize a professional services contract with CP&Y, Inc. for hydrologic modeling, schematic design, design development, construction documents, procurement and construction observation phases for the Emerald Lake Dam Safety and Erosion Control Improvements Project at Emerald Lake Park located at 6102 Mountain Creek Parkway, in an amount not to exceed $314,289.00.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a professional services contract with CP&Y, Inc., approved as to form by the City Attorney, for hydrologic modeling, schematic design, design development, construction documents, procurement and construction observation phases for the Emerald Lake Dam Safety and Erosion Control Improvements Project at Emerald Lake Park located at 6102 Mountain Creek Parkway, in an amount not to exceed $314,289.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $314,289.00 to CP&Y, Inc. from Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB49, Object 4112, Activity ERCT, Program PK17VB49, Encumbrance/Contract No. PKR-2019-00007400, Commodity 90600, Vendor 080659.

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 Information Sheet

File #: 19-505 **Item #:** 32.

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 24, 2019
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Park & Recreation Department
EXECUTIVE:	Willis C. Winters

SUBJECT

Authorize **(1)** a professional services contract with Conley Group, Inc. for building condition and site drainage assessments, schematic design, design development, construction documents, procurement and construction administration phases for roof replacement and repairs at the Automobile Building located at 1010 First Avenue and the Embarcadero Building located at 1121 First Avenue in Fair Park; **(2)** the receipt and deposit of funds in an amount not to exceed $284,050.00 from the State Fair of Texas in the Capital Projects Reimbursement Fund; and **(3)** an increase in appropriations in an amount not to exceed $284,050.00 in the Capital Projects Reimbursement Fund - Not to exceed $284,050.00 - Financing: Capital Projects Reimbursement Fund

BACKGROUND

On May 3, 2018, a Request for Qualifications was issued for consultant services for roof replacement and repairs for Fair Park and Recreation Centers. The goal was to select one firm for the Fair Park roofing repairs and an alternate one or more firm for the recreation centers roof repairs. Five firms submitted Statements of Qualifications and Conley Group, Inc. was selected as the most qualified consultant for the roof replacement and repairs in Fair Park.

The scope of work for the Automobile Building includes, roof assessment and roof design, as well as the assessments of the building envelope, site drainage, and the heating, ventilation and air conditioning. The scope of work for the Embarcadero Building includes, assessment of the roof, building envelope and site drainage.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2019
Complete Design	June 2019
Begin Construction	October 2019
Complete Construction	February 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 4, 2019, the Park and Recreation Board authorized a professional services contract with Conley Group, Inc.

Information about this item will be provided to Quality of Life, Arts and Culture Committee on April 22, 2019.

FISCAL INFORMATION

Capital Projects Reimbursement Fund - $284,050.00

Estimated Future Cost - Construction - $1,020,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$284,050.00	Architectural & Engineering	25.66%	37.04%	$105,200.00
• This contract exceeds the M/WBE goal.				

PROPOSAL INFORMATION

In accordance with the City of Dallas Administrative Directive 4-5 procurement, Conley Group, Inc. was selected as the most qualified consultant for this project.

OWNER

Conley Group, Inc.

Bill Conley, President

MAP

Attached

powered by Legistar™



LOCATION MAP

WHEREAS, on May 3, 2018, a Request for Qualifications was issued for consultant services for roof replacement and repairs for Fair Park and Recreation Centers; and

WHEREAS, on June 1, 2018, five firms submitted Statements of Qualifications; and

WHEREAS, on July 13, 2018, Conley Group, Inc. was selected as the most qualified consultant for this project; and

WHEREAS, it is now desirable and in the best interest of the City of Dallas to authorize a professional services contract with Conley Group, Inc. for building condition and site drainage assessments, schematic design, design development, construction documents, procurement and construction administration phases for the roof replacement and repairs at the Automobile Building located at 1010 First Avenue and the Embarcadero Building located at 1121 First Avenue in Fair Park, in an amount not to exceed $284,050.00.

Now, Therefore,

BE IT RESOLVED BY 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 execute a professional services contract with Conley Group, Inc., approved as to form by the City Attorney, for building condition and site drainage assessments, schematic design, design development, construction documents, procurement and construction administration phases for roof replacement and repairs at the Automobile Building located at 1010 First Avenue and the Embarcadero Building located at 1121 First Avenue in Fair Park, in an amount not to exceed $284,050.00.

SECTION 2. That the Chief Financial Officer is authorized to receive and deposit funds in an amount not to exceed $284,050.00 from the State Fair of Texas in the Capital Projects Reimbursement Fund, Fund 0556, Department PKR, Unit W370, Revenue Code 8492.

SECTION 3. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $284,050.00 in the Capital Projects Reimbursement Fund, Fund 0556, Department PKR, Unit W370, Object 4112.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $284,050.00 to Conley Group, Inc. in accordance with the terms and conditions of the contract from Capital Projects Reimbursement Fund, Fund 0556, Department PKR, Unit W370, Object 4112, Activity FPRK, Program PKFPCAP, Encumbrance/Contract No. PKR-2019-00009648, Commodity 92500, Vendor 259339.

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 Information Sheet

File #: 19-507 **Item #:** 33.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 4

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize **(1)** a development and funding agreement with The Trust for Public Land for property located at 405 East Overton Road for a proposed new park; and **(2)** acquisition from The Trust for Public Land of approximately 81,183 square feet of land located at 405 East Overton Road - Not to exceed $166,400.00 ($162,400.00, plus closing costs and title expenses not to exceed $4,000.00) - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

This item authorizes the acquisition from The Trust for Public Land (TPL) of approximately 81,183 square feet of land (1.86 acres) for a proposed new community park after TPL develops the property as a park. The proposed park could be developed for active and passive recreational uses such as trails and playgrounds. This property was included in Phase 1 Implementation for the Five Mile Creek Urban Greenbelt Master Plan for a future park.

The purchase price for this acquisition is $162,400.00, plus closing cost and title expenses not to exceed $4,000.00. City will pay for the title insurance and one-half of the closing costs upon acquisition of the property after it is developed. The consideration for this acquisition is based on an independent appraisal and equals TPL's acquisition price for the property.

Staff recommends approval of this acquisition with the condition that this property is not officially dedicated as municipal parkland until such time the property is developed for its intended use.

This item also authorizes a development and funding agreement with TPL. Following are the deal points of the agreement:

Land Acquisition

- TPL will purchase the Overton property at fair market value, estimated at $162,400.00
- TPL will secure, fund and provide site surveys, environmental reports, appraisal and other due

diligence documents to the City prior to the City's acquisition

- City will acquire Overton property from TPL at TPL's purchase price, plus title insurance and closing costs, after TPL has developed the site as a park
    - Land Acquisition is $162,400.00, plus title insurance and one-half of the closing costs estimated at $4,000.00, for a total not to exceed amount of $166,400.00
    - Funding for City's land acquisition proposed from 2017 Bond Program, Council District 4 Land Acquisition ($400,000.00 total allocation)
- City's acquisition to be subject to the results of the Office of Environmental Quality and Sustainability's recommendations
- Property to be dedicated as Parkland after development as a park and the City's acquisition from TPL

Development

- TPL will develop the property prior to the City's purchase from TPL
- The following terms for development will be included in the Development Agreement:

Design Phase

- TPL will be responsible for the funding, public input process and design of the Overton property
- TPL will coordinate public input meetings with the Park and Recreation Department (PARD)
- City will assist, as needed with the public input process, including providing addresses for mailers and assistance in scheduling the meetings
- TPL will seek community input for the design of the park, including meetings with stakeholder representatives
- TPL will consider long-term maintenance and security in the design
- Design will meet all codes, ordinances, and Americans with Disabilities Act/ Texas Accessibility Standards compliance
- City has the ability to review the Design Plans prepared by TPL at each phase
- City will approve the plans prior to TPL's commencing construction

Construction Phase

- TPL will fund and manage the construction of the park
- TPL will comply with the City's Business Inclusion and Development Plan
- City will have the right, but not the obligation to observe construction
- City will have the right to participate in the final punch lists

Naming Rights

- TPL will have the right to name the park, subject to the approval of the PARD Director
- Until a permanent name is approved, the placeholder name will be "Overton Park", based on the property's frontage on Overton Road

Maintenance

- City will be responsible for maintenance after acquisition of the property
    - Future cost for operation and maintenance cost is estimated at $14,837.00 annually

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 28, 2019, the Park and Recreation Board authorized the Five Mile Creek Urban Greenbelt Master Plan.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 22, 2019.

FISCAL INFORMATION

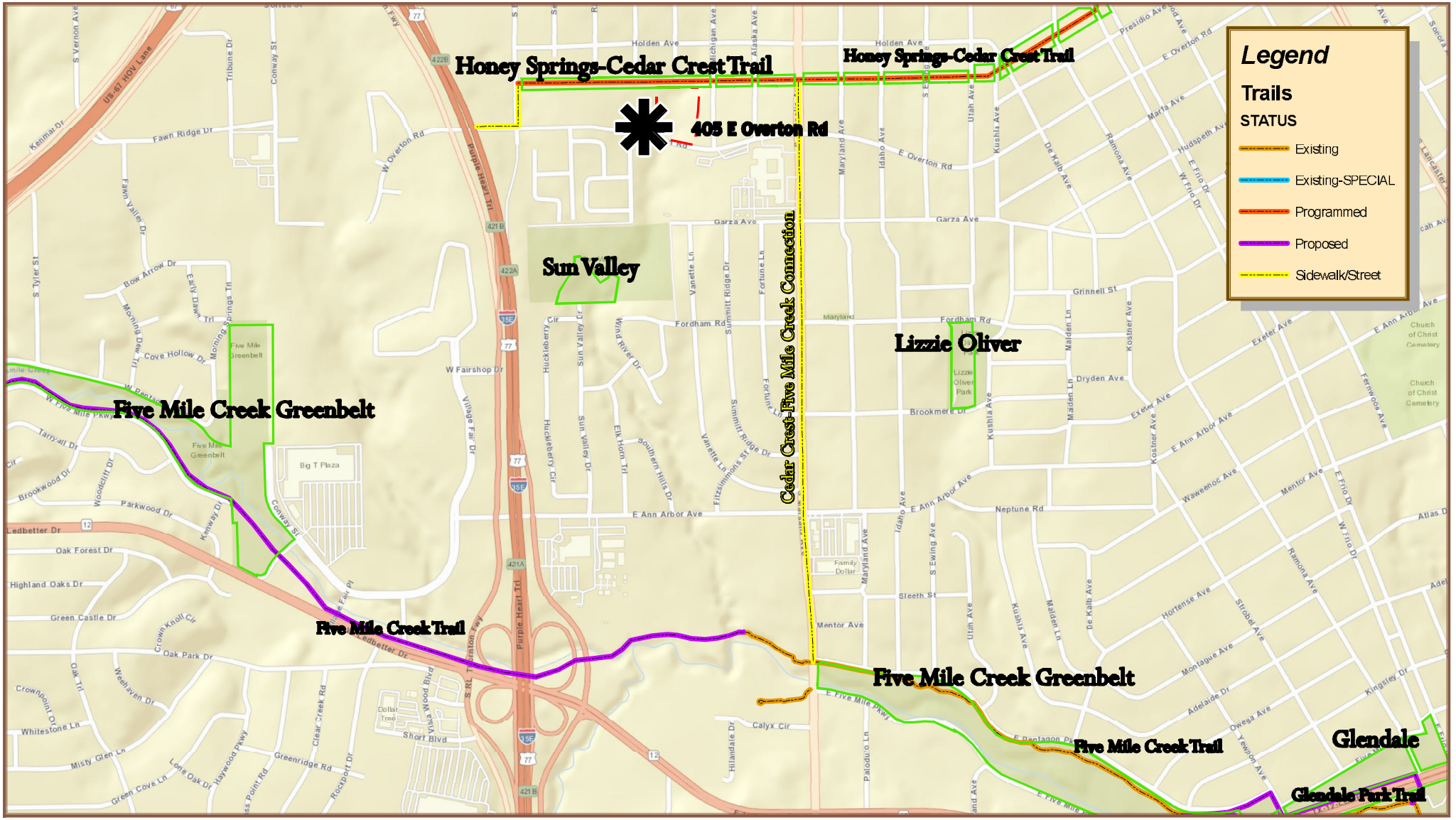
Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $166,400.00

Future cost for operation and maintenance is estimated at $14,837.00 annually.

MAP

Attached

powered by Legistar™



0 400 800 1,600 2,400 Feet

1 in = 800 ft

Dallas Park & Recreation

Acquisition: 405 East Overton Road

District 4

April 24, 2019

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 81,183 square feet of land located in Dallas County, Texas, and being a portion of the property, more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": New park located at 405 East Overton Road.

"USE": To be developed for park purposes, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided. The property will be dedicated as municipal parkland upon the City's acquisition.

"PROPERTY INTEREST": Fee Simple Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"OWNER": The Trust for Public Land ("TPL"), provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $162,400.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $4,000.00

"AUTHORIZED AMOUNT": Not to exceed $166,400.00

"DEVELOPER": The Trust for Public Land ("TPL")

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

WHEREAS, the CITY and The Trust for Public Land (TPL) desire to enter into a development and funding agreement for the design and construction of new park to be located at 405 East Overton Road (the agreement hereinafter the "Overton Agreement"); and

WHEREAS, CITY and TPL agree to consummate the necessary sale transaction to transfer title to PROPERTY from OWNER to CITY for PROJECT, for the PURCHASE AMOUNT, plus $4,000.00 closing costs and title expenses for a total not to exceed the AUTHORIZED AMOUNT; and

WHEREAS, upon the final development of the park by TPL, and final acceptance of the park and acquisition of PROPERTY by the City, to the extent allowed by law the park and its use shall be deemed to be a dedicated park under applicable law.

Now, Therefore,

BE IT RESOLVED BY 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 execute a development and funding agreement with TPL, approved as to form by the City Attorney, for the design and construction of a new park to be located at 405 East Overton Road ("Overton Agreement").

SECTION 2. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 3. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for PROJECT.

SECTION 4. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 5. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 6. That in the event the PROPERTY acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB57, Activity PKLA, Program PK17VB57, Object 4210 ($162,400.00), Object 4320 ($4,000.00) Encumbrance/Contract No. PKR-2019-00009825. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and in accordance with the Overton Agreement, City will pay any title expenses; and, both City and Owner will pay equal share of the closing costs.

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.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

EXHIBIT A

BEING situated in the John Narboe Survey, Abstract No. 1078, in the City of Dallas, Dallas County, Texas, and being a part of city of Dallas Block No. 5997, and being a resurvey of a tract of land described in a Deed to Turner Corporation, of record under County Clerk's File Number 200900249774, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron rod found for corner at the Northwest corner of said Turner Corporation Tract, in the South line of a 100 foot Dallas Power and Light Company easement and being the Northeast corner of Lot 1, Block A, Community Oriented Primary Care Clinic, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 90023, Page 3291, Map Records, Dallas County, Texas;

THENCE North 89 degrees 47 minutes 00 seconds East along the North line of said Turner Corporation Tract, a distance of 395.08 feet to a 5/8 inch iron rod found for corner at the Northeast corner thereof, in the West line of Plaza Parks, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 16, Page 281, Map Records, Dallas County, Texas;

THENCE South 05 degrees 31 minutes 45 seconds West along the common lines of said Turner Corporation tract and said Plaza Parks Addition, a distance of 527.80 feet to a point for corner at the Southeast corner of said Turner Corporation, in the Northeasterly right-of-way line E. Overton Road (variable width right-of-way), from which a "nail" found for reference at the Southwest corner of Lot 9, Block 1, of said Plaza Parks Addition, bears North 05 degrees 31 minutes 45 seconds East, a distance of 1.49 feet;

THENCE North 77 degrees 17 minutes 35 seconds West along the Northeasterly right-of-way line of said E. Overton Road, a distance of 352.39 feet to an "x" set for corner at the Southwest corner of said Turner Corporation Tract, from which the Southeast corner of said Lot 1, Block A, Community Oriented Primary Care Clinic Addition, bears North 00 degrees 03 minutes 37 seconds West, a distance of 5.10 feet;

THENCE North 00 degrees 03 minutes 37 seconds West along the West line of said Turner Corporation Tract and mostly with the East line of said Lot 1, Block A, Community Oriented Primary Care Clinic, a distance of 446.34 feet to the PLACE OF BEGGINNING and Containing 180,437 square feet or 4.142 acres of land.

EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That THE TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation, authorized to conduct business in the State of Texas as TPL-Texas, Inc. (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED SIXTY-TWO FOUR HUNDRED AND NO/100 DOLLARS ($162,400.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: None

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXECUTED this _____ day of _____, _____.

THE TRUST FOR PUBLIC LAND,
a nonprofit California public benefit corporation, authorized to conduct business in the State of Texas as TPL-Texas, Inc.

By: _____
Michael C. Zander, Regional Counsel

EXHIBIT B

* * * * * * * * * * * * * * * * * * * *

STATE OF _____ '
COUNTY OF _____ '

This instrument was acknowledged before me on _____ by Michael C. Zander, as Regional Counsel of **THE TRUST FOR PUBLIC LAND**, a nonprofit California public benefit corporation, authorized to conduct business in the State of Texas as TPL-Texas, Inc., on behalf of said nonprofit corporation.

—

_____
Notary Public, State of _____

* * * * * * * * * * * * * * * * * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Mark Proctor

Special Warranty Deed Log No. 47154

EXHIBIT A

BEING situated in the John Narboe Survey, Abstract No. 1078, in the City of Dallas, Dallas County, Texas, and being a part of city of Dallas Block No. 5997, and being a resurvey of a tract of land described in a Deed to Turner Corporation, of record under County Clerk's File Number 200900249774, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron rod found for corner at the Northwest corner of said Turner Corporation Tract, in the South line of a 100 foot Dallas Power and Light Company easement and being the Northeast corner of Lot 1, Block A, Community Oriented Primary Care Clinic, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 90023, Page 3291, Map Records, Dallas County, Texas;

THENCE North 89 degrees 47 minutes 00 seconds East along the North line of said Turner Corporation Tract, a distance of 395.08 feet to a 5/8 inch iron rod found for corner at the Northeast corner thereof, in the West line of Plaza Parks, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 16, Page 281, Map Records, Dallas County, Texas;

THENCE South 05 degrees 31 minutes 45 seconds West along the common lines of said Turner Corporation tract and said Plaza Parks Addition, a distance of 527.80 feet to a point for corner at the Southeast corner of said Turner Corporation, in the Northeasterly right-of-way line E. Overton Road (variable width right-of-way), from which a "nail" found for reference at the Southwest corner of Lot 9, Block 1, of said Plaza Parks Addition, bears North 05 degrees 31 minutes 45 seconds East, a distance of 1.49 feet;

THENCE North 77 degrees 17 minutes 35 seconds West along the Northeasterly right-of-way line of said E. Overton Road, a distance of 352.39 feet to an "x" set for corner at the Southwest corner of said Turner Corporation Tract, from which the Southeast corner of said Lot 1, Block A, Community Oriented Primary Care Clinic Addition, bears North 00 degrees 03 minutes 37 seconds West, a distance of 5.10 feet;

THENCE North 00 degrees 03 minutes 37 seconds West along the West line of said Turner Corporation Tract and mostly with the East line of said Lot 1, Block A, Community Oriented Primary Care Clinic, a distance of 446.34 feet to the PLACE OF BEGGINNING and Containing a 81,183 square foot portion of the said 180,437 square feet or 4.142 acres of land.

File #: 19-508 **Item #:** 34.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize **(1)** a development and funding agreement with The Trust for Public Land for property located at 3200 Simpson Stuart Road for a proposed new park; and **(2)** acquisition from The Trust for Public Land of approximately 1,760,971 square feet of land located at 3200 Simpson Stuart Road - Not to exceed $1,870,000.00 ($1,850,000.00, plus closing costs and title expenses not to exceed $20,000.00) - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

This item authorizes the acquisition from The Trust for Public Land (TPL) of approximately 1,760,971 square feet (40.43 acres) of land located at 3200 Simpson Stuart Road for a proposed new community park. The purchase price for this acquisition is $1,850,000.00, plus closing costs and title expenses not to exceed $20,000.00. The consideration for this acquisition is based on an independent appraisal.

This acquisition is a collaboration with the City and TPL which has the land under contract to purchase for its appraised value of $3,700,000.00. TPL is offering the land to the City for half its appraised value at $1,850,000.00. City will be responsible for the title insurance and one-half of the closing costs upon acquisition from TPL.

Staff recommends approval of this acquisition with the condition that to the extent allowed by law, upon acquisition this property is officially dedicated as municipal parkland.

This action also includes the authorization of a development and funding agreement with TPL. Following are the deal points:

Land Acquisition

- TPL will purchase the Simpson Stuart property at fair market value, estimated at $3,700,000.00, and pay all closing costs associated with their acquisition

- TPL will secure, fund and provide site surveys, environmental reports, appraisals and other due diligence documents to the City
- City will acquire Simpson Stuart property from TPL at 50 percent of TPL's land acquisition price
    - City to pay 50 percent of the total $3,700,000.00 land acquisition cost ($1,850,000.00) at closing
    - City will pay for the title insurance and 50 percent of the closing costs, estimated at $20,000.00, for an amount not to exceed $1,870,000.00
- Funding proposed from 2017 Bond Program, City-Wide Land Acquisition ($2,200,000.00 total allowance)
- Property to be dedicated as parkland upon City's acquisition

Development

- TPL will have a period of 24 months after execution of the agreement to fund and develop the site, plus one 12-month extension option
    - If another opportunity for development becomes available within the 36 months, TPL may relinquish their rights
- In the event TPL develops the property, the following development terms will be included in the agreement:

Design Phase

- TPL will be responsible for the funding, public input process and design of the property
- TPL's consultant will provide Professional Liability insurance
    - City to be named as an additional insured
- TPL will coordinate public input meetings with the Park and Recreation Department
- TPL will seek community input for the design of the park
- TPL will consider long-term maintenance and security in the design
- Design will meet all codes, ordinances, and Americans with Disabilities Act/ Texas Accessibility Standards compliance
- City has the ability to review the Design Plans prepared by TPL at each phase
- City will assist, as needed with the public input process, including providing addresses for mailers and assistance in scheduling the meetings
- City will approve the plans prior to TPL's commencement of construction

Construction Phase

- TPL will fund and manage the construction of the park
- City will have the right, but not the obligation to observe construction
- City will have the right to participate in the final punch lists

Naming Rights

- TPL will have the right to name the park, subject to the approval of the Park and Recreation Department Director
- Until a permanent name is approved, the placeholder name will be “Simpson Stuart Park”, based on the property’s frontage on Simpson Stuart Road

Maintenance

- City will be responsible for maintenance after acquisition of the property

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 28, 2019, the Park and Recreation Board authorized the Five Mile Creek Urban Greenbelt Master Plan.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 22, 2019.

FISCAL INFORMATION

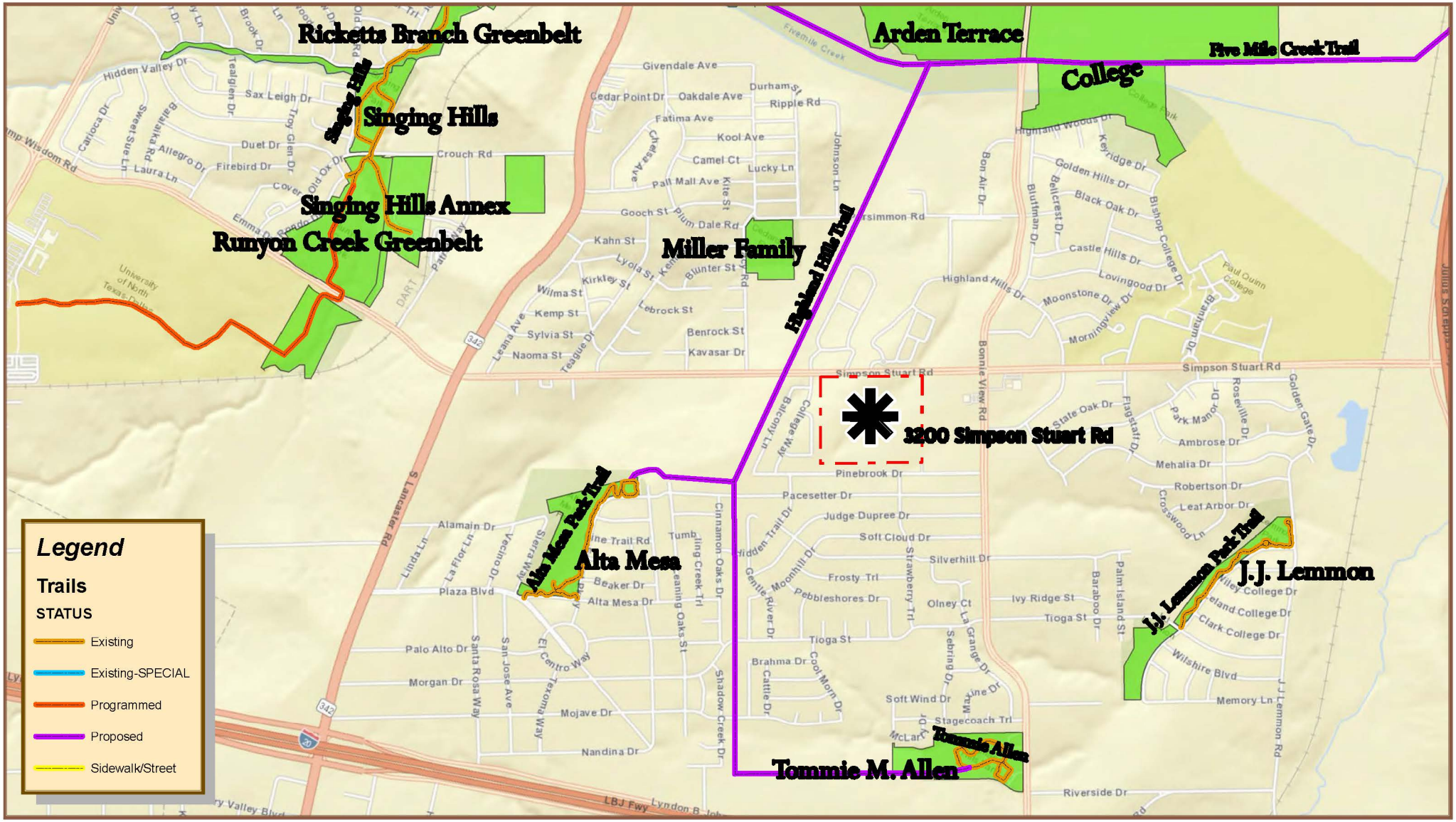
Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $1,870,000.00

Future cost for operation and maintenance is estimated at $38,172.00 annually.

MAP

Attached

powered by Legistar™



Acquisition: 3200 Simpson Stuart Road

District 8

April 24, 2019

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 1,760,971 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": New park located at 3200 Simpson Stuart Road

"USE": To be developed for park purposes, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided. The property is not officially dedicated as municipal parkland and shall be dedicated as such time the property is developed for park purposes.

"PROPERTY INTEREST": Fee Simple Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"OWNER": The Trust for Public Land ("TPL"), provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $ 1,850,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $20,000.00

"AUTHORIZED AMOUNT": Not to exceed $1,870,000.00

"DEVELOPER": The Trust for Public Land ("TPL")

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

WHEREAS, the CITY and The Trust for Public Land ("TPL") desire to enter into a development and funding agreement for the design and construction of a new park to be located at 3200 Simpson Stuart Road (the agreement hereinafter the "Simpson Stuart Agreement"); and

WHEREAS, CITY and TPL agree to consummate the necessary sale transaction to transfer title to PROPERTY from OWNER to CITY for PROJECT, for the PURCHASE AMOUNT, plus $20,000.00 closing costs and title expenses for a total not to exceed the AUTHORIZED AMOUNT; and

WHEREAS, the PURCHASE AMOUNT, as agreed to by the parties represents half the purchase price TPL shall have paid for the PROPERTY based on two independent appraisals; and

WHEREAS, in consideration of the PURCHASE AMOUNT, upon acquisition of the PROPERTY by the CITY, to the extent allowed by law, the PROPERTY and its use shall be deemed to be a dedicated park under applicable law.

Now, Therefore,

BE IT RESOLVED BY 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 execute a development and funding agreement with The Trust for Public Land, approved as to form by the City Attorney, for the design and construction of a new park to be located at 3200 Simpson Stuart Road ("Simpson Stuart Agreement").

SECTION 2. That the duration of the development and funding agreement shall commence on execution and terminate twenty-four (24) months thereafter, subject to a twelve (12) month extension at the election of the Park and Recreation Board.

SECTION 3. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 4. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for PROJECT.

SECTION 5. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 6. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 7. That in the event the PROPERTY acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2017 Bond Funds as follows:

Park and Recreation Facilities (B) Fund Fund 1V00, Department PKR, Unit VB27 Object 4210, Activity PKLA, Program PK17VB27 Commodity 57863, Vendor 342843 Encumbrance/Contract No. PKR-2019-00009681	$ 920,000.00
Park and Recreation Facilities (B) Fund Fund 1V00, Department PKR, Unit VB04 Object 4210, Activity PKLA, Program PK17VB04 Commodity 57863, Vendor 342843 Encumbrance/Contract No. PKR-2019-00009681	$ 930,000.00
Park and Recreation Facilities (B) Fund Fund 1V00, Department PKR, Unit VB04 Object 4230, Activity PKLA, Program PK17VB04 Commodity 57863, Vendor 342843 Encumbrance/Contract No. PKR-2019-00009681	$ 20,000.00
Total amount not to exceed	$1,870,000.00

SECTION 8. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and in accordance with the Simpson Stuart Agreement, City will pay any title expenses; and both City and Owner will pay equal share of the closing costs.

SECTION 9. 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:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

FIELD NOTES DESCRIBING 1,760,971 SQ. FT. [40.426 ACRE] LAND TO BE ACQUIRED IN CITY BLOCK 6882 FROM WP LEGACY, LTD.

Exhibit A

Being part of the LEVI DIXON SURVEY, ABSTRACT NO. 380 and located in City Block 6882, City of Dallas, Dallas County, Texas, and being all of that certain tract of land from Clyde L. Hargrove to WP Legacy, Ltd., a Texas limited partnership, by Special Warranty Deed recorded in Instrument Number 200900162846, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the southeast line of Simpson Stuart Road (a called 100 foot road), same being the west corner of said WP Legacy tract, said point being 481.56 feet North 60 degrees 28 minutes 20 seconds East of the northeast corner of a tract of land conveyed to Dallas Power & Light Company, same being the north corner of Block 2/6882, College Terrace Phase I, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 2004096, Page 88, Deed Records, Dallas County, Texas, from which a 1/2 inch iron rod found bears South 29 degrees 55 minutes East, 0.57 foot;

THENCE North 60 degrees 28 minutes 20 seconds East, along the common line of said WP Legacy tract, and southeast line of said Simpson Stuart Road, a distance of 1436.32 feet to a 1/2 inch iron rod found for the north corner of said WP Legacy tract, same being the west corner of that certain tract of land to Margaret Ann Hauteman, by deed recorded in Volume 90104, Page 3759, said Deed Records;

THENCE South 28 degrees 40 minutes 10 seconds East, along the common line of said WP Legacy tract, and said Hauteman tract, passing the south corner of said Hauteman tract, same being the west corner of that certain tract of land to Faith Missionary Baptist Church, by deed recorded in Volume 97097, Page 1294, said Deed Records, and continuing along the common line of said WP Legacy tract, and said Faith Missionary Baptist Church tract, a total distance of 1228.78 feet to a 1/2 inch iron rod found for the east corner of said WP Legacy tract, same being the south corner of said Faith Missionary Baptist Church tract, same being in the northwest line of a 10 foot alley, as shown on the Plat of Highland Hills No. 19, an Addition to the City of Dallas, Texas, according to the Plat thereof recorded in Volume 72081, Page 3429, said Deed Records;

THENCE South 60 degrees 40 minutes 50 seconds West, along the common line of said WP Legacy tract, and the northwest line of said 10 foot alley, a distance of 1436.25 feet to a 5/8 inch iron rod found for the south corner of said WP Legacy tract, same being the most easterly southeast corner of aforesaid Block 2/6882, College Terrace Phase 1;

THENCE North 28 degrees 40 minutes 10 seconds West, along the common line of said WP Legacy tract, and said Block 2/6882, a distance of 1223.56 feet to the PLACE OF BEGINNING and containing 1,760,971 square feet or 40.4263 acres of computed land, more or less.

Basis of Bearing – Based on the Southwest line (North 28 deg. 40 min. 10 sec. West) of that certain tract of land from Clyde L. Hargrove to WP Legacy, Ltd., a Texas limited partnership, by Special Warranty Deed recorded in Instrument Number 200900162846, Official Public Records, Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

02/21/2019

TIMOTHY R. MANKIN
Registered Professional Land Surveyor No. 6122

SHEET 1 OF 2

JOB NO.:	18–1014
DATE:	2/21/2019
REVISION	
DRAWN:	T.R.M.

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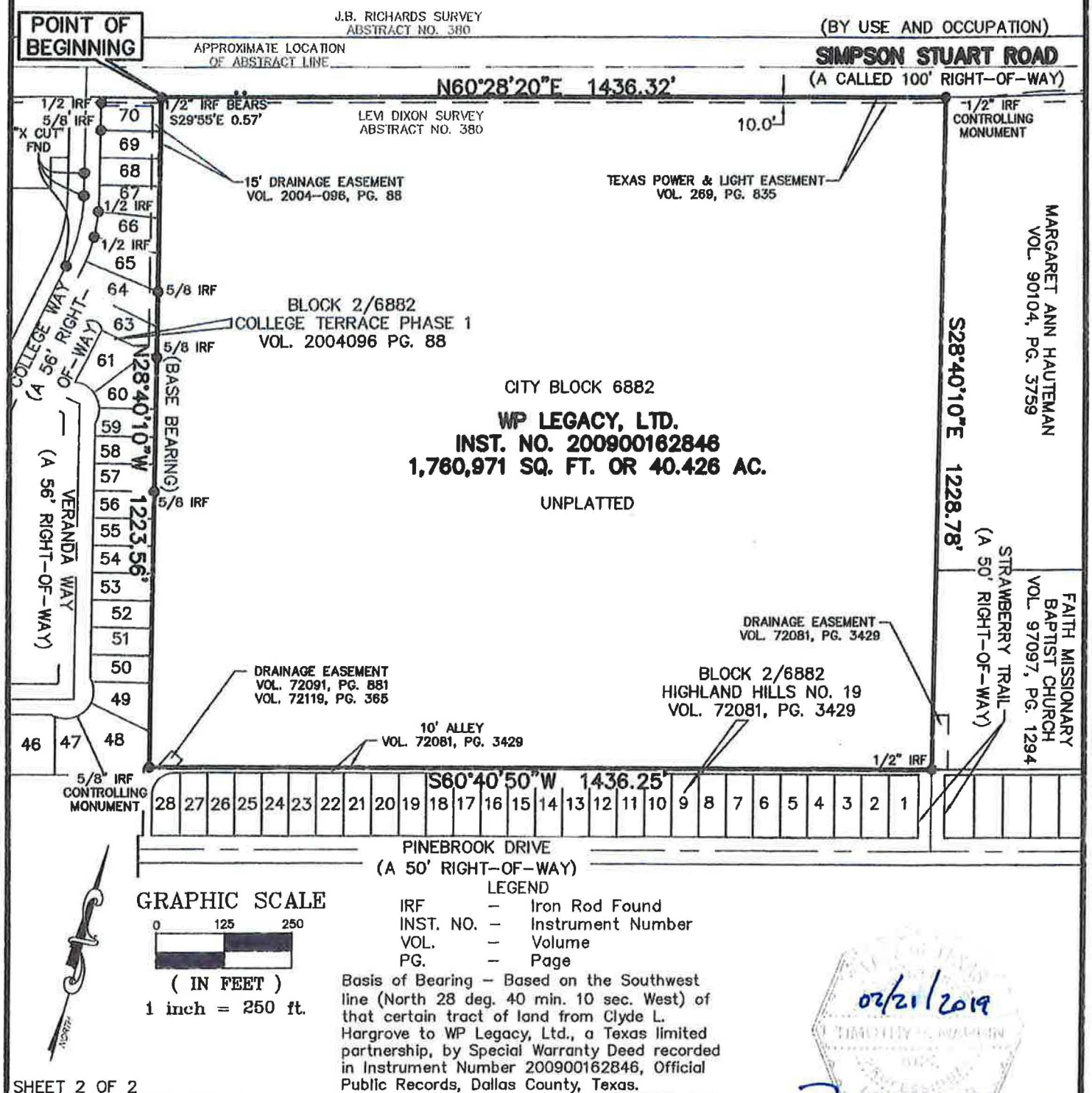
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FIELD NOTES DESCRIBING 1,760,971 SQ. FT. [40.426 ACRE] LAND TO BE ACQUIRED IN CITY BLOCK 6882 FROM WP LEGACY, LTD.

Exhibit A



GRAPHIC SCALE

0 125 250

(IN FEET)

1 inch = 250 ft.

LEGEND

IRF	–	Iron Rod Found
INST. NO.	–	Instrument Number
VOL.	–	Volume
PG.	–	Page

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02/21/2019

TIMOTHY R. MANKIN
Registered Professional Land Surveyor No. 6122

SHEET 2 OF 2

JOB NO.:	18-1014
DATE:	2/21/2019
FIELD DATE:	
SCALE:	1" = 250'
FIELD:	J.K.
DRAWN:	T.R.M.
CHECKED:	J.B.W.

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EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That THE TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation, authorized to conduct business in the State of Texas as TPL-Texas, Inc. (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE MILLION EIGHT HUNDRED FIFTY AND NO/100 DOLLARS ($1,850,000.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: None

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXECUTED this _____ day of _____, _____.

THE TRUST FOR PUBLIC LAND,
a nonprofit California public benefit corporation, authorized to conduct business in the State of Texas as TPL-Texas, Inc.

By: _____
Michael C. Zander, Regional Counsel

EXHIBIT B

* * * * * * * * * * * * * * * * * * * *

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____ by Michael C. Zander, as Regional Counsel of **THE TRUST FOR PUBLIC LAND**, a nonprofit California public benefit corporation, authorized to conduct business in the State of Texas as TPL-Texas, Inc., on behalf of said nonprofit corporation.

_____

Notary Public, State of _____

* * * * * * * * * * * * * * * * * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Mark Proctor

Special Warranty Deed Log No. 47154

FIELD NOTES DESCRIBING 1,760,971 SQ. FT. [40.426 ACRE] LAND TO BE ACQUIRED IN CITY BLOCK 6882 FROM WP LEGACY, LTD.

Exhibit A

Being part of the LEVI DIXON SURVEY, ABSTRACT NO. 380 and located in City Block 6882, City of Dallas, Dallas County, Texas, and being all of that certain tract of land from Clyde L. Hargrove to WP Legacy, Ltd., a Texas limited partnership, by Special Warranty Deed recorded in Instrument Number 200900162846, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the southeast line of Simpson Stuart Road (a called 100 foot road), same being the west corner of said WP Legacy tract, said point being 481.56 feet North 60 degrees 28 minutes 20 seconds East of the northeast corner of a tract of land conveyed to Dallas Power & Light Company, same being the north corner of Block 2/6882, College Terrace Phase I, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 2004096, Page 88, Deed Records, Dallas County, Texas, from which a 1/2 inch iron rod found bears South 29 degrees 55 minutes East, 0.57 foot;

THENCE North 60 degrees 28 minutes 20 seconds East, along the common line of said WP Legacy tract, and southeast line of said Simpson Stuart Road, a distance of 1436.32 feet to a 1/2 inch iron rod found for the north corner of said WP Legacy tract, same being the west corner of that certain tract of land to Margaret Ann Hauteman, by deed recorded in Volume 90104, Page 3759, said Deed Records;

THENCE South 28 degrees 40 minutes 10 seconds East, along the common line of said WP Legacy tract, and said Hauteman tract, passing the south corner of said Hauteman tract, same being the west corner of that certain tract of land to Faith Missionary Baptist Church, by deed recorded in Volume 97097, Page 1294, said Deed Records, and continuing along the common line of said WP Legacy tract, and said Faith Missionary Baptist Church tract, a total distance of 1228.78 feet to a 1/2 inch iron rod found for the east corner of said WP Legacy tract, same being the south corner of said Faith Missionary Baptist Church tract, same being in the northwest line of a 10 foot alley, as shown on the Plat of Highland Hills No. 19, an Addition to the City of Dallas, Texas, according to the Plat thereof recorded in Volume 72081, Page 3429, said Deed Records;

THENCE South 60 degrees 40 minutes 50 seconds West, along the common line of said WP Legacy tract, and the northwest line of said 10 foot alley, a distance of 1436.25 feet to a 5/8 inch iron rod found for the south corner of said WP Legacy tract, same being the most easterly southeast corner of aforesaid Block 2/6882, College Terrace Phase 1;

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SHEET 1 OF 2

JOB NO.:	18-1014
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REVISION	
DRAWN:	T.R.M.

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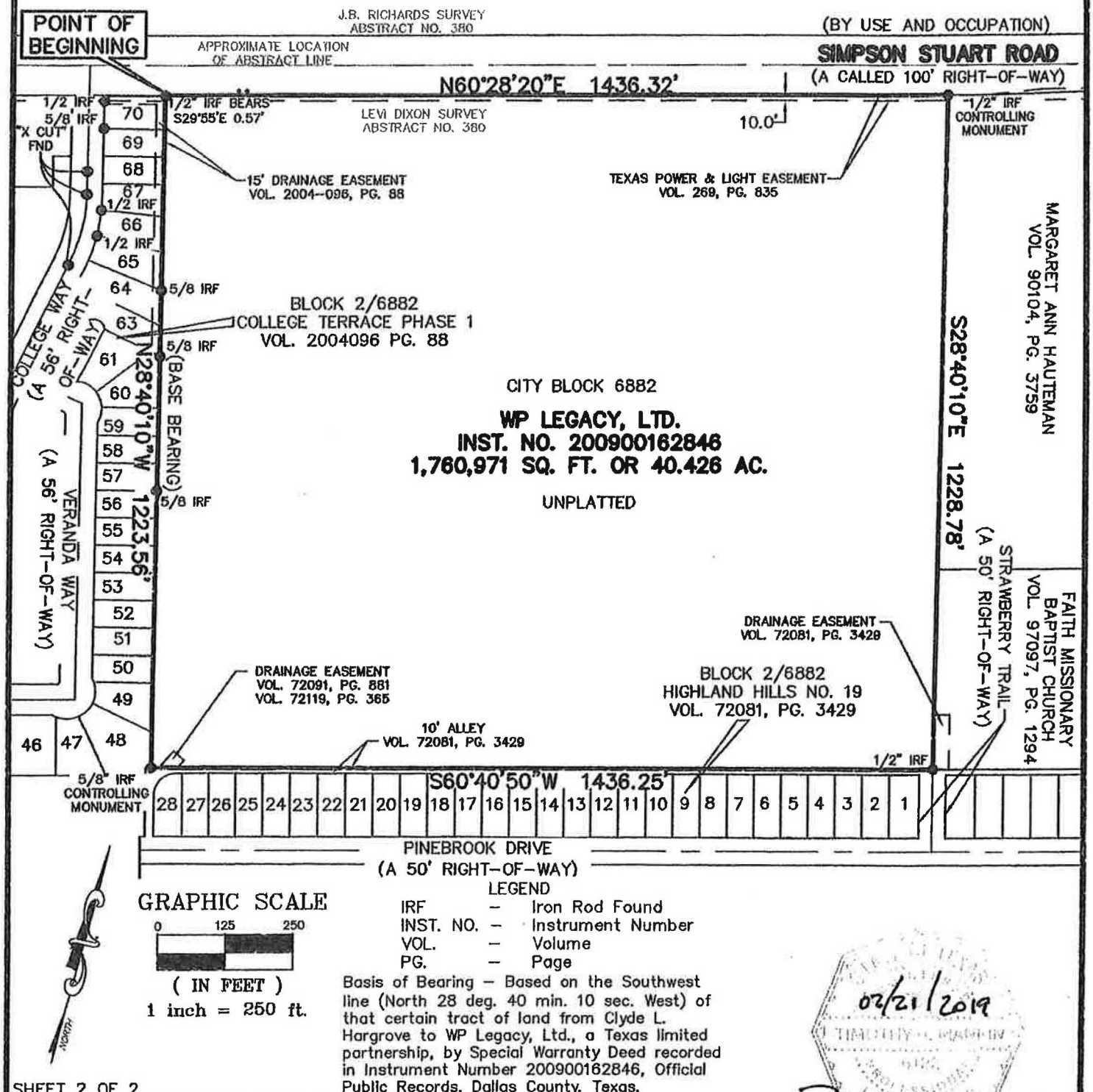
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Exhibit A



GRAPHIC SCALE

0 125 250

(IN FEET)

1 inch = 250 ft.

LEGEND

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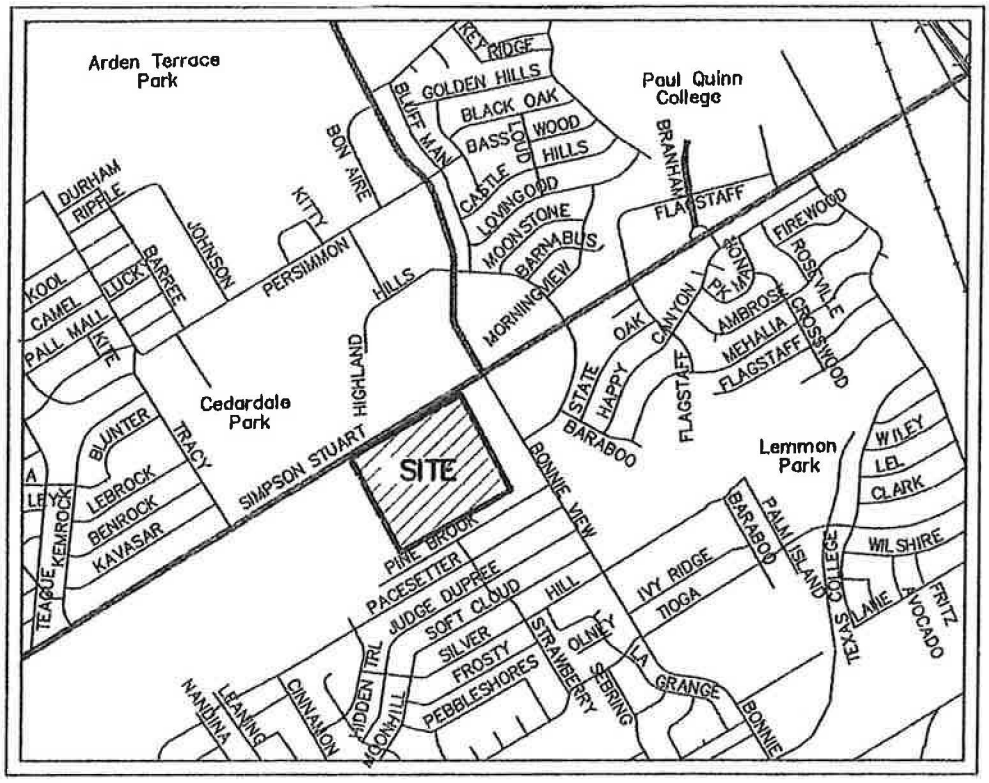
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LOCATOR MAP

LOCATOR MAP
N.T.S.



JOB NO.:	18–1014
DATE:	2/21/2019
REVISION	
NOT TO SCALE	
DRAWN:	T.R.M.

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City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-497 **Item #:** 35.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize adoption of the 2019 Water Conservation Plan for the City of Dallas - Financing: No cost consideration to the City

BACKGROUND

This item will adopt the 2019 Water Conservation Plan for the City of Dallas which is required by the Texas Commission on Environmental Quality (TCEQ) to be updated every five years. The updated proposed plan meets the mandated requirements including specific and quantified five and ten year targets for water savings. The updated plan includes revised guidelines for the Industrial, Commercial, Institutional (ICI) Rebate Program, an updated SaveDallasWater.com website that reflects a fresh approach to interfacing with the public, and a proactive social media presence across all platforms. The Water Conservation Plan sets forth a program of long-term measures by which the City of Dallas can improve efficiency of water use and conserve its water resources. The plan requires City Council adoption prior to final submission to the TCEQ.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2014, City Council authorized adoption of the 2014 Water Conservation Plan for the City of Dallas by Resolution No. 14-0417.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed regarding this item on April 22, 2019.

FISCAL INFORMATION

No cost consideration to the City.

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April 24, 2019

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires municipal and wholesale water suppliers to submit an updated Water Conservation Plan approved by the City Council every five years; and

WHEREAS, Section 49.20 of the Dallas City Code requires the Director of Dallas Water Utilities to promulgate and submit a Water Conservation Plan to the City Council for approval; and

WHEREAS, the updates for the Water Conservation Plan have been completed and meet all the requirements of the TCEQ.

Now, Therefore,

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

SECTION 1. That the 2019 Water Conservation Plan is hereby approved and adopted.

SECTION 2. That the City Manager is hereby authorized to submit the 2019 Water Conservation Plan to the TCEQ as required by state law.

SECTION 3. That the City Manager is hereby authorized to undertake necessary actions to implement the adopted 2019 Water Conservation Plan.

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.



City of Dallas

2019 Water Conservation Plan

Adopted by Resolution of the
Dallas City Council on April 24, 2019

Dallas Water Utilities
1500 Marilla, Room 2AN
Dallas, Texas 75201

Table of Contents

1.0 Introduction 1
1.1 State of Texas Requirements 1
1.2 The Water Conservation Planning Process 3
1.3 Organization of the Water Conservation Plan 4
2.0 Water Conservation Planning Goals 4
2.1 Benefits of Water Conservation 4
2.2 DWU's Water Conservation Planning Goals 5
2.3 Quantified Five- and Ten-Year Goals for Water Savings 5
3.0 Population Forecasts and Per Capita Water Use 6
3.1 DWU's Customer and Population Forecast 6
3.2 Long-Range Water Planning Efforts 6
3.3 Impact of Wholesale Water Customers on Water Demand 8
4.0 Description of the DWU Water System 8
4.1 Water Supply Sources 8
4.1.1 Western System 9
4.1.2 Eastern System 9
4.1.3 Others 9
4.2 Water Treatment Plants 9
4.3 Treated Water Storage and Distribution Systems 11
4.4 Wastewater Treatment Plants 11
5.0 DWU's Water Conservation Program 12
5.1 Accurate Supply Source Metering 12
5.2 Universal Metering, Meter Testing and Repair, and Periodic Meter Replacement 12
5.3 Leak Detection, Repair, and Control of Unaccounted-for Water 13
5.4 Monitoring and Record Management of Water Deliveries, Sales and Losses 13
5.5 Continuing Public Education Program 13
5.5.1 Public Awareness Campaign 13
5.5.2 Environmental Education Initiative K-12 14
5.5.3 Water Conservation Mascot 14
5.5.4 Free Irrigation System Evaluations 14
5.5.5 Water Wise Landscape Events 14
5.5.6 Other Public Education 15
5.5.7 Industrial, Commercial, and Institutional (ICI) Free Water Efficiency Surveys 15

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5.5.8 ICI Hospitality Program 16
5.5.9 Planned Public Education Measures....16
5.6 City Leadership and Commitment Measures 16
5.6.1 Water Conservation Division Staff....16
5.6.2 Retrofit of City Owned Facilities 16
5.6.3 Planned City Leadership and Commitment Measures....17
5.7 Rebate and Incentive Programs 18
5.7.1 Toilet Voucher Program 18
5.7.2 Minor Plumbing Repair Program 18
5.7.3 Industrial, Commercial and Institutional Rebate Program (Currently Undergoing Restructuring FY 2019) 18
5.7.4 Planned Rebate and Incentive Measures 18
5.8 Non-promotional Water Rate Structure....19
5.9 Water Conservation Provisions in Wholesale Water Supply Contracts 19
5.10 Reservoir Systems Operations Plan....19
5.11 Means to Implement and Enforce the Water Conservation Plan....20
5.12 Coordination with Regional Water Planning Groups....20
5.13 Desegregation of Water Sales by Customer Class 20
5.14 Plumbing Code Ordinances....21
5.15 Water Waste Prohibition 21
5.16 Wastewater Reuse and Recycling....22
5.16.1 Direct Reuse Projects 22
5.16.2 Indirect Reuse Projects....22
5.16.3 Return Flow Permits....23
5.17 Method to Monitor the Effectiveness of the Plan....23

APPENDIX A UTILITY PROFILES FOR MUNICIPAL AND WHOLESALE SUPPLIERS
WATER SUPPLY SYSTEM DATA
STANDARD RATE SCHEDULE

APPENDIX B IMPLEMENTATION SCHEDULE
CITY COUNCIL RESOLUTION
COORDINATION WITH REGION C PLANNING GROUP

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Water Conservation Plan for the City of Dallas Water Utilities

1.0 Introduction

Dallas Water Utilities (DWU) is a major retail and wholesale provider of water in North Texas, currently serving over 2.5 million people within a 699 square mile service area. This includes all of the City of Dallas, 23 wholesale treated water customers, and five wholesale raw water customers located in the metropolitan area surrounding Dallas.

Dallas has actively procured water supplies, constructed reservoirs, and developed water treatment facilities which make it possible for DWU to provide water to its customers. In Fiscal Year (FY) 2017-2018, DWU delivered over 142 billion gallons of treated water and over 62 billion gallons of treated wastewater. As the regional population grows, so grows water demand. To meet that demand, DWU must plan to increase the available water supply and expand. its transmission, treatment, and distribution facilities. DWU considers water conservation an integral part of this planning process. The 2014 Dallas Long Range Water Supply Plan (2014 LRWSP) identified and recommended conservation as a water management strategy. Of the recommended strategies, water conservation represents approximately 12% of Dallas' recommended future water supply.

The City of Dallas has had a water conservation program since the early 1980s. In 2001, Dallas increased its conservation efforts with the amendment of CHAPTER 49, "WATER AND WASTEWATER," of the Dallas City Code to include, CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION.

In 2016, DWU developed its *Water Conservation Five-Year Work Plan* (2016 Work Plan) an update to tis *2010 Water Conservation Five-Year Strategic Plan*. The 2016 Work Plan includes phased implementation of best management practices (BMPs). This Water Conservation Plan incorporates data and strategies from the 2016 Work Plan.

1.1 State of Texas Requirements

The Texas Administrative Code Title 30, Chapter 288 (30 TAC § 288) requires holders of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses to develop, submit, and implement a water conservation plan and to update it according to a specified schedule. As such, DWU is subject to this requirement. Since DWU provides water as a municipal public and wholesale water supplier, DWU's Water Conservation Plan must include information necessary to comply with Texas Commission on Environmental Quality (TCEQ) requirements for each of these designations.

The requirements of Subchapter A that must be included in the City of Dallas Water Conservation Plan are summarized below.

- ***Minimum Requirements for Municipal Public and Wholesale Water Suppliers***

  - Utility Profile: Includes information regarding population and customer data, water use data (including total gallons per capita per day (GPCD) and residential GPCD), water supply system data, and wastewater system data. (Sections 3 and 4; Appendix A)

  - Description of the Wholesaler's Service Area: Includes population and customer data, water use data, water supply system data, and wastewater data. (Figure 3-1)

  - Goals: Specific quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal and residential use, in GPCD. The goals

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established by a public water supplier are not enforceable under this subparagraph. (Sections 2.2 and 2.3)

- Accurate Metering Devices: The TCEQ requires metering devices with an accuracy of plus or minus 5 percent for measuring water diverted from source supply. (Section 5.1)

- Universal Metering, Testing, Repair, and Replacement: The TCEQ requires that there be a program for universal metering of both customer and public uses of water for meter testing and repair, and for periodic meter replacement. (Section 5.2)

- Leak Detection, Repair, and Control of Unaccounted for Water: The regulations require measures to determine and control unaccounted-for water. Measures may include periodic visual inspections along distribution lines and periodic audits of the water system for illegal connections or abandoned services. (Sections 5.3 and 5.4)

- Continuing Public Education Program: TCEQ requires a continuing public education and information program regarding water conservation. (Section 5.5)

- Non-Promotional Rate Structure: Chapter 288 requires a water rate structure that is cost-based and which does not encourage the excessive use of water. (Section 5.8 and Appendix A)

- Reservoir Systems Operational Plan: This requirement is to provide a coordinated operational structure for operation of reservoirs owned by the water supply entity within a common watershed or river basin in order to optimize available water supplies. (Section 5.10)

- Wholesale Customer Requirements: The water conservation plan must include a requirement in every water supply contract entered into or renewed after official adoption of the Water Conservation Plan, and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288. (Section 5.9)

- A Means of Implementation and Enforcement: The regulations require a means to implement and enforce the Water Conservation Plan, as evidenced by an ordinance, resolution, or tariff, and a description of the authority by which the conservation plan is enforced. (Sections 5.0 through 5.17)

- Coordination with Regional Water Planning Groups: The water conservation plan should document the coordination with the Regional Water Planning Group for the service area of the public water supplier to demonstrate consistency with the appropriate approved regional water plan. (Section 5.12) and Appendix B.

➢ ***Additional Requirements for Cities of More than 5,000 People***

- Program for Leak Detection, Repair, and Water Loss Accounting: The plan must include a description of the program of leak detection, repair, and water loss accounting for the water transmission, storage, delivery, and distribution system. (Sections 5.3 and 5.4)

- Record Management System: The plan must include a record management system to record water pumped, water deliveries, water sales and water losses which allows for the desegregation of water sales and uses into the following user classes (residential; commercial; public and institutional and industrial). (Sections 5.4 and 5.14)

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- Requirements for Wholesale Customers: The plan must include a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in 30 TAC § 288. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of 30 TAC § 288. (Section 5.9)

- Additional Conservation Strategies: TCEQ Rules also list additional optional but not required conservation strategies which may be adopted by suppliers. The following optional strategies are included in this plan:

    - Conservation-Oriented Water Rates. (Section 5.8 and Appendix A) and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
    - Ordinances, Plumbing Codes and/or Rules on Water Conservation Fixtures. (Section 5.14)
    - Fixture Replacement Incentive Programs. (Sections 5.7.1 through 5.7.3)
    - Reuse and/or Recycling of Wastewater and/or Gray Water. (Sections 5.16 through 5.16.3)
    - Ordinance and/or Programs for Landscape Water Management (Sections 5.5.4 and 5.14).
    - Method for Monitoring the Effectiveness of the Plan.

This Water Conservation Plan sets forth a program of long-term measures under which the City of Dallas can improve the overall efficiency of water use and conserve its water resources. Short-term measures which respond to specific water management conditions (i.e., periods of drought, unusually high water demands, unforeseen equipment or system failure, or contamination of a water supply source) on the other hand, are described in the City of Dallas Drought Contingency Plan.

1.2 The Water Conservation Planning Process

Water conservation has increasingly been an important element of Dallas's long-range water supply strategy. Since adoption of the water conservation ordinance relating to lawn and landscape irrigation in October of 2001, Dallas has dramatically increased its efforts to promote water conservation. Since 2002, Dallas has had a broad-based media campaign to increase public awareness on water efficiency, particularly relating to outdoor use. This ongoing campaign has expanded to a regional campaign, shared with the Tarrant Regional Water District. Since the 2016 Water Conservation Five-Year Work Plan (Work Plan), DWU has continued to improve upon its diverse menu of programs with an ongoing, dynamic approach to conservation whereby programs are continually measured and evaluated systematically for effectiveness and efficiency.

This Water Conservation Plan is heavily based on the data and information gathered in the 2016 Work Plan. This included review of numerous water conservation programs, initiatives, data and literature, as well as input from industry personnel. The process for development of the 2016 Work Plan can be outlined as follows:

- Analyzed Dallas Water Utilities data;
- Reviewed water conservation programs in other large cities;
- Reviewed Texas Regulations pertaining to Water Conservation;

- Reviewed City of Dallas water system and associated master plans;
- Developed potential water conservation strategies;
- Evaluated water conservation strategies; and
- Sought input from stakeholder groups.

1.3 Organization of the Water Conservation Plan

The following information and procedures are provided in this plan:

- **Section 2.0, Water Conservation Planning Goals**, describes the benefits of water conservation, DWU's water conservation planning goals, and the specific, water demand reduction goals established by DWU for this Water Conservation Plan, including quantified five- and ten-year water loss and GPCD reduction goals.
- **Section 3.0, Population and Per Capita Water Demand Forecasts**, identifies DWU's wholesale customers, provides populations and per capita water demand projections, and discusses the impact wholesale customers will have on future water demand.
- **Section 4.0, Description of the DWU Water System**, describes DWU's water supply sources, water treatment plants, treated water storage and distribution systems, and wastewater treatment plants.
- **Section 5.0, DWU's Water Conservation Program**, describes DWU's existing water conservation program and enhancements as well as new conservation measures that are likely to be implemented.
- **Appendix A** provides the completed TCEQ Utility Profiles for Municipal Public Water Suppliers and Wholesale Public Water Suppliers, an implementation schedule, and Dallas' Standard Water Rates.

2.0 Water Conservation Planning Goals

The objective of this Water Conservation Plan is to achieve efficient use of water through practices and measures that reduce water consumption and water losses and increase water reuse. Meeting this objective will allow available water supplies and existing infrastructure to be extended into the future.

2.1 Benefits of Water Conservation

A well-designed Water Conservation Plan will provide a blueprint for efficient water use. The benefits of water conservation not only include avoided costs, but include others benefits that hold significant importance in terms of value. Benefits of water conservation include:

- Delaying the need to develop expensive future water supplies. Costs associated with developing new water supplies (or purchasing new water) are numerous. These can include capital costs for construction of reservoirs, pumping facilities, pipelines, treatment plants, water storage, and related facilities; costs of obtaining water rights and permits; and operational costs such as labor, energy, and chemicals. To illustrate this fact the water demand projection in the 2014 LRWSP was on average, over the planning horizon (2020 to 2060), 19.3% lower primarily due to Dallas' conservation efforts
- Extending the life of existing water supplies and infrastructure. When water demands are maintained or reduced through conservation, higher system pressure is avoided. Without conservation, pressures within the water system will increase in localized areas to meet increasing

customer demands. Increased pressures within an aging infrastructure will mean more leaks from the system.

- Reduced peak requirements. A water system is sized to meet its customers' peak demands. When peak demands are reduced through water conservation, part of the system's capacity is available for other water customers. This, in effect, increases the base capacity of the system.
- Lowered capital and operating costs of the existing system. The need for expanding the water treatment and distribution system is delayed or avoided. Operational costs, such as power and chemicals, are also reduced.

Other benefits include positive environmental effects, improving customer good will and promoting a positive image for the City of Dallas.

2.2 DWU's Water Conservation Planning Goals

Listed below are many of the planning goals considered important to DWU during the water conservation planning process:

- Reduce seasonal peak demands
- Reduce water loss and waste
- Decrease consumption measured as gallons per capita per day (GPCD)
- Maintain quality of life
- Allow continued economic growth and development
- Maintain public education for a heightened public awareness of water conservation in Dallas and the surrounding region
- "Lead by example" by continuing to upgrade city facilities with water efficient fixtures, landscapes, and irrigation systems wherever possible
- Facilitate regional conservation efforts among DWU wholesale customer cities and neighboring municipalities, districts and agencies
- Establish the foundation for continuation of water savings targets for the following five-year period
- Remain consistent with the Region C Water Plan
- Incorporate, to the extent practicable, measures identified in the Texas Water Development Board's (TWDB's) best management practices (BMP) Guide.

2.3 Quantified Five- and Ten-Year Goals for Water Savings

Specific elements of the Water Conservation Plan, including planned initiatives, are described in Section 5.0. The development of the planned initiatives involved the identification and examination of numerous conservation strategies. These strategies were derived from several sources, including state agency directives, regional water planning groups, water conservation literature, water conservation programs used by other municipalities, and the City's existing Work Plan.

Targeted water savings are based on the planned BMPs, historical water use patterns, literature values, and experience with other utilities. Savings include the combined efforts of all program elements and components.

Table 2-1: City of Dallas Five- and Ten-Year Goals for Water Savings

	Historic 5-yr Average	Baseline	5-yr Goal for Year 2019	10-yr Goal for Year 2024
Total GPCD	181.8	181.8	172.89	164.41
Residential GPCD	67.8	67.8	64.48	61.31
Water Loss GPCD	31.8	31.8	30.24	8.76
Water Loss (Percentage)	18.11%	18.11%	10%	10%

The "Total" GPCD five- and ten-year targets (Table 2-1) include water use by DWU industrial customers. However, Dallas also uses other metrics to track the effectiveness of its water conservation efforts, including:

- Non-industrial per capita water use. Exclusive of water use by industrial customers, the five-year rolling average per capita water use in fiscal year 2017-18 was 169 GPCD.
- Residential per capita water use. Including single-family and multi-family residential uses, the five-year rolling average per capita water use in fiscal year 2017-18 was 67.8 GPCD.

3.0 Population Forecasts and Per Capita Water Use

3.1 DWU's Customer and Population Forecast

DWU supplies retail treated municipal water to the City of Dallas. The 2018 estimated population of the City of Dallas was 1,286,380, according to the North Central Texas Council of Governments (NCTCOG). DWU supplies wholesale treated municipal water to 23 customer cities or entities and serves five wholesale raw water customers (one customer receives both treated and raw water). These wholesale customers are primarily located in Dallas, Denton, and Tarrant counties; however, portions extend into Collin, Ellis, and Kaufman counties. A map of the DWU service area, along with a list of wholesale customers, is shown in Figure 3-1. The 2018 estimated total population of the wholesale customers was approximately 1,174,110, according to NCTCOG. The total treated water population served for the past five years, based on NCTCOG population estimates, is illustrated in Table 3-1.

3.2 Long-Range Water Planning Efforts

The City of Dallas conducts long-range water planning efforts on a regular basis in order to maintain a reliable supply that meets the demand of the service area. 2014 LRWSP, includes revised population, per capita consumption, and total demand projections for Dallas and its wholesale customers. The updated population projections are presented in Table 3-2.

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Figure 3-1: Dallas Water Utilities Service Area

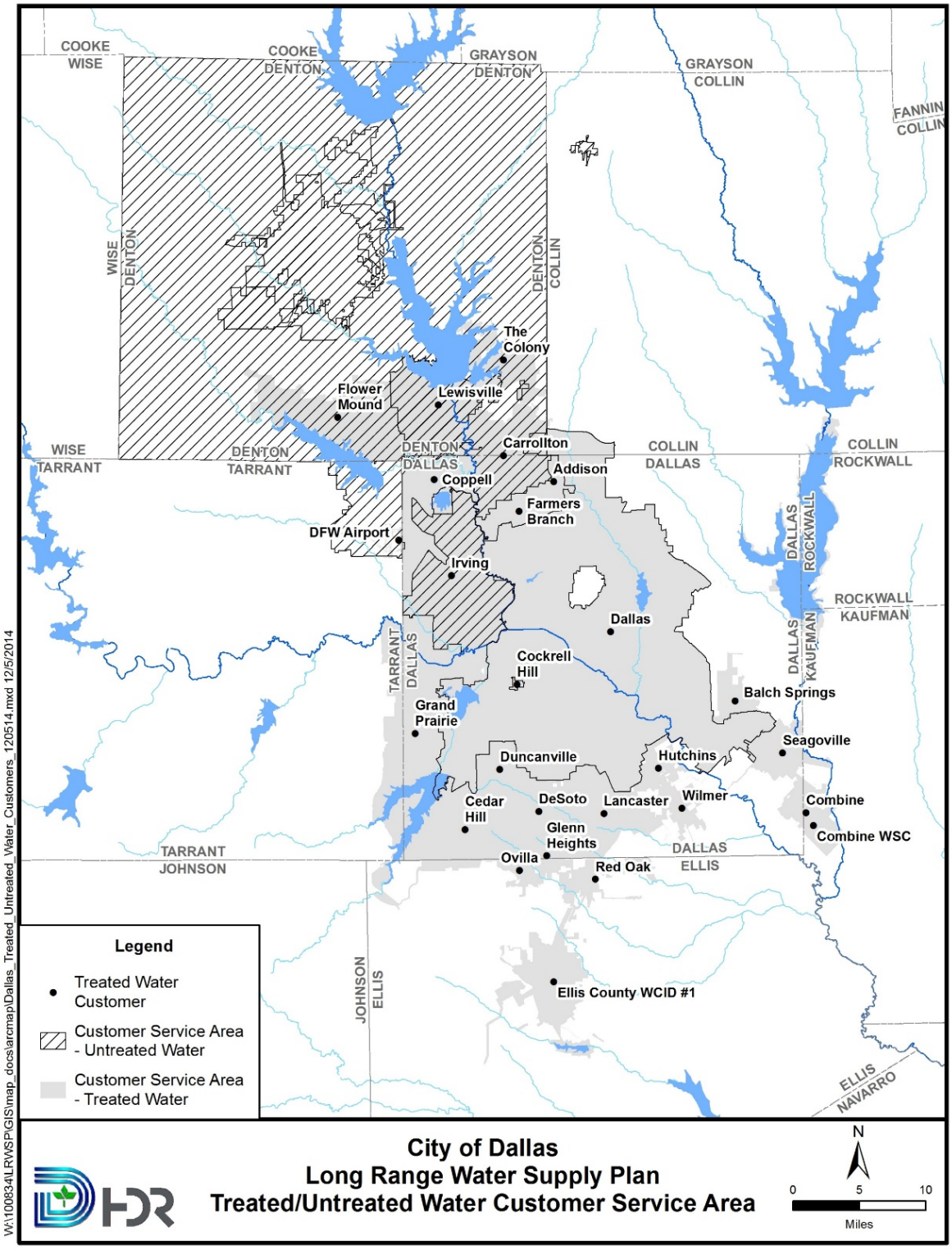


Table 3-1: Population Served (Retail and Wholesale Customers)

Year	2014	2015	2016	2017	2018
Total Population	**2,469,220**	**2,493,030**	**2,345,170**	**2,431,140**	**2,460,490**

Table 3-2: Population Projections for City of Dallas and Customer Cities

City/Region	2020	2030	2040	2050	2060	2070
City of Dallas	**1,242,135**	**1,347,717**	**1,531,681**	**1,707,057**	**1,841,064**	**1,905,498**
Current Wholesale Customer Cities	**1,820,739**	**2,179,474**	**2,464,242**	**2,781,101**	**3,100,019**	**3,430,458**
Total	**3,062,874**	**3,527,194**	**3,995,923**	**4,488,158**	**4,941,083**	**5,335,956**

3.3 Impact of Wholesale Water Customers on Water Demand

Wholesale water customers account for a significant portion of DWU's water demand. These customers currently use approximately 40 percent of all water (treated and untreated) and 33 percent of treated water supplied by DWU. By year 2070, use by DWU's current wholesale water customers could increase to approximately 50 percent of all water and 62 percent of treated water. Therefore, water demand reductions by DWU's wholesale customers are considered essential if DWU is to achieve its long-range water supply objectives.

Strategies to address this challenge are discussed in Section 5.5 *(Continuing Public Education Program) and Section 5.9 (Water Conservation Provisions in Wholesale Water Supply Contracts)*.

4.0 Description of the DWU Water System

DWU has supplied water to meet the needs of the City of Dallas since 1881. Additionally, DWU currently supplies treated water to 23 wholesale customers and untreated water to an additional five wholesale customers. Dallas meets these needs through a system of surface water reservoirs and through its transmission, treatment, and distribution facilities. Recycled water projects, existing and proposed, are also components of the DWU water system.

4.1 Water Supply Sources

DWU has seven surface water reservoirs, located in three geographically diverse river basins. Of the seven surface water reservoirs, six are currently connected to DWU's system with the seventh being scheduled for connection by 2027. DWU can balance the level of use in each connected reservoir to ensure that the supply of any single reservoir will not be prematurely exhausted.

The reservoirs comprising DWU's system are subdivided into western reservoirs and eastern reservoirs. This designation corresponds to DWU's overall water treatment system infrastructure, which includes the two western water treatment plants, Bachman Water Treatment Plant (WTP) and Elm Fork WTP, and one eastern water treatment plant, East Side WTP. DWU's distribution system is one integrated system which

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the three water treatment plants feed into. A detailed list of City of Dallas Water Rights is included in Appendix A.

4.1.1 Western System

The reservoirs in the western system in which DWU holds water rights include:

- Ray Roberts Lake
- Lewisville Lake
- Grapevine Lake
- Elm Fork Channel of the Trinity River (above Frazier Dam)

DWU also holds water rights for uncontrolled portions of the Elm Fork of the Trinity River watershed (i.e., areas located downstream of Lewisville Lake and Grapevine Lake which contribute stream flow to DWU's water supply diversion points on the Elm Fork).

Additionally, DWU holds water rights in Lake Palestine, but this reservoir is not presently connected to the DWU Water System. Lake Palestine, which is physically located southeast of Dallas, will be connected to the Western System through the Bachman WTP. This connection is scheduled for 2027.

4.1.2 Eastern System

The reservoirs in the eastern system in which Dallas holds water rights and/or supply contracts include:

- Lake Ray Hubbard
- Lake Tawakoni
- Lake Fork
- Lake Palestine (unconnected)

DWU holds water rights and a water supply contract in Lake Palestine, but this reservoir is not presently connected to the DWU water system. In addition, DWU treats raw water from Lake Jim Chapman for the City of Irving and delivers treated water to the City of Irving.

4.1.3 Others

DWU holds storage and diversion rights for White Rock Lake, located on White Rock Creek, in northeastern Dallas. The City of Dallas also has permitted reuse of return flows from the City of Lewisville Wastewater Treatment Plant (WWTP) and Town of Flower Mound WWTP in the Elm Fork of the Trinity River and from Dallas' Southside and Central WWTPs in the Trinity River.

Table 4-1 presents a summary of the current water rights associated with each of the reservoirs comprising DWU's raw water sources. A listing of DWU reservoirs is located in Appendix A.

4.2 Water Treatment Plants

DWU maintains three water treatment plants (Elm Fork, Bachman, and East Side) serving both retail and wholesale customers. The treatment plants have a combined treatment capacity of 900 million gallons per day (MGD) and a current total firm pumping capacity of 905 MGD.

The Elm Fork Water Treatment Plant (WTP) is located in Carrollton near the intersection of I-35 East and Whitlock Lane. The plant has a rated treatment capacity of 310 MGD with a high-service pumping capacity of 324 MGD. The plant receives gravity flow through the Elm Fork of the Trinity River from Ray Roberts Lake, Lewisville Lake, and Grapevine Lake. The intake structure, located north of the Carrollton Dam, diverts water by gravity flow to two low-service pump stations. One pump

station is off-site and the other is on the plant site. The raw water is then pumped to the ozone application facility located at the plant.

Table 4-1: Summary of Available Water Supply Sources

	Source	Amount Authorized (MGD)	Firm Yield Available to DWU (MGD)
Surface Water	Lake Ray Hubbard	8.0	53.9
	Lewisville Lake	490.0	171.1
	Ray Roberts Lake	5.3	
	Elm Fork Run-of River	17.3	
	Grapevine Lake	75.8	6.5
	Reuse	220.5	153.2 [a,b]
Groundwater	NA	--	--
Contracts	Sabine River Authority – Lake Tawakoni	169.9	170
	Sabine River Authority – Lake Fork	107	107[b]
	Upper Neches River Municipal Water Authority – Lake Palestine	102.0	102[c]
Other	NA	--	--

[a] Yield is based on 2020 annual wastewater discharges with Water Reuse Permit 12468B conditions and restrictions. This number will vary annually depending upon discharge.
[b] Not fully connected
[c] Not connected

The Bachman WTP is located in Dallas, Texas, north of Love Field Airport and adjacent to Bachman Lake. Bachman WTP is Dallas' oldest operating water treatment plant with a rated treatment capacity of 150 MGD, a storage capacity of 9.5 million gallons (MG), and a high-service pumping capacity of 180 MGD. Raw water is diverted from the Elm Fork of the Trinity River through Fishing Hole Lake to a raw water pump station located off-site of the water treatment plant. The raw water is then pumped to the ozone application facility located at the plant.

The East Side WTP is located in Sunnyvale, Texas. The plant is Dallas' largest water treatment plant with a rated treatment capacity of 440 MGD and a firm raw water pumping capacity of 500 MGD. The plant receives raw water from three reservoirs- Lake Ray Hubbard, Lake Tawakoni and Lake Fork via

three raw water pump stations and one balancing reservoir. From the east, the Iron Bridge Pump Station, located at Lake Tawakoni, and the Lake Fork Pump Station transport raw water to the Tawakoni Balancing Reservoir (TBR). From TBR, raw water flows by gravity through two water lines to the ozone application facility at the plant. The Forney Raw Water Pump Station transports raw water from Lake Ray Hubbard directly to the ozone application facility utilizing two pressurized lines.

Several improvements are currently under consideration to increase the overall capacity of the eastern system including the construction of new 144" raw water pipelines from Lake Tawakoni to the TBR and from TBR to the East Side WTP as well as treatment capacity improvements at the East Side WTP to increase the plant's rated capacity to 540 MGD.

4.3 Treated Water Storage and Distribution Systems

The DWU distribution system is divided into nine major pressure zones (Central Low, North High, South High, East High, Pleasant Grove, Red Bird High, Renner High, Trinity Heights and Cedar Dale) with several intermediate areas of service supplied via inline boosters and pressure reducing valves. Each pressure zone includes one or more ground/elevated storage tanks that are designed to act both as pressure equalizer and fire protection storage within the area.

Once water has been treated at one of the three DWU treatment plants (Bachman; Elm Fork; East Side), the finished water is then pumped into the distribution system. Transfers from treatment plants are accomplished by means of "high service" pumps that are located at the plant sites and throughout the system. These "high service" stations are supplied directly from the plant clear wells. There are 30 pump stations, 11 clear wells, 12 ground storage reservoirs, and nine elevated storage tanks in the Dallas distribution system.

The treatment plant clear wells have a combined storage capacity of 90 MG; the ground storage reservoirs and elevated storage tanks have a total 178.4 MG and 15.5 MG, respectively. The total combined storage capacity of the system is approximately 260.4 MG.

DWU's treated water distribution system consists of approximately 4,982 linear miles of pipe. The capacity of the treated water distribution system is constantly being upgraded and re-assessed to improve the ability of the distribution system to meet customers' needs and to replace aging infrastructure.

4.4 Wastewater Treatment Plants

DWU operates two wastewater treatment plants (WWTPs) - Central and Southside - that serve the City of Dallas as well as 11 wholesale wastewater customer cities. The WWTPs have a combined annual average flow permitted capacity of 280 MGD with 545 MGD 2-hour peak. A general description of the plants is as follows:

- Central WWTP is currently rated at 170 MGD and is located four miles south of downtown Dallas. The Central WWTP permit includes a future capacity of 200 MGD. The annual average flow for FY 2017-18 was 88.47 MGD. The Central WWTP consists of two parallel treatment trains known as the Dallas Plant and White Rock Plant. Each has influent pump stations, preliminary treatment facilities, primary clarification, trickling filters, and secondary clarifiers. The combined flow from the Dallas and White Rock plants is then pumped to common aeration basins, final clarifiers, chlorination, filtration, and de-chlorination facilities. Sludge from the Central WWTP is pumped approximately 13 miles to the Southside WWTP for additional treatment.

- Southside WWTP is currently permitted at 110 MGD and is located 18 miles southeast of downtown Dallas. The annual average flow for FY 2017-18 was 52 MGD. The Southside WWTP consists of an influent pump station, preliminary treatment facilities, primary clarification, aeration basins, secondary clarifiers, chlorination, filtration, and dechlorination facilities. The sludge handling facilities at the Southside WWTP include solids thickening, anaerobic digestion, solids dewatering, and dedicated land disposal.

A small portion of the city's wastewater is transported to the Trinity River Authority (TRA) Central Regional Wastewater Treatment Facility and to the City of Garland Duck Creek WWTP. Additional DWU wastewater system data is presented in the TCEQ's Utility Profiles for Municipal and Wholesale Suppliers provided in Appendix A.

5.0 DWU's Water Conservation Program

DWU continues to be a leader in water conservation efforts in the North Texas Region. DWU was the first in North Texas to implement mandatory Time of Day and Maximum Twice-Weekly watering requirements, and the first to have a public awareness campaign. Additionally, DWU continues to expand its diverse menu of incentive-based programs, public education and outreach strategies. Most recently, DWU revamped its SaveDallasWater.com website to reflect a fresh approach to interfacing with the public and a proactive social media presence.

This section provides a description of DWU's existing water conservation program and the enhancements or new conservation measures that are planned to achieve or exceed DWU's stated water conservation goal.

5.1 Accurate Supply Source Metering

DWU has a comprehensive program to meter water diverted from supply sources within the DWU water system. All untreated water diversions or conveyances to the City of Dallas's Water Treatment Plants (WTPs) are metered. In the Eastern System, DWU has flow metering cap

at each of the raw water pump stations and at the outlet of the Tawakoni Balancing Reservoir. The East Side WTP utilizes raw water flow meters. In the Western System, water flows to the Bachman and Elm Fork WTPs by gravity, from the intake to the plants' respective low lift pump stations. Raw water is metered entering each plant. DWU contracts require that wholesale customers (treated and untreated water) use a meter that conforms to American Water Works Association (AWWA) standards with review and approval by DWU. The meters are calibrated in accordance with those standards to an accuracy of plus or minus 1.5 percent. This is well within the TCEQ requirement of 5 percent accuracy. All untreated water diverted from supply sources is compiled in an annual Surface Water Report, which shows diversions on a monthly basis.

5.2 Universal Metering, Meter Testing and Repair, and Periodic Meter Replacement

Universal Metering **–** The current City of Dallas ordinance requires metering of all connections, except closed fire systems with alarms. Individual metering is required at all single-family residential locations. Most multifamily residential locations, such as apartments and condominiums, have master meters for each building. However, multifamily units are individually metered at the discretion of the owner or management company. Most commercial businesses are individually metered, although some are combined on a master meter. Irrigation metering is provided to some customers based on the individual needs of the user. All treated water pumped from the WTPs is compiled in an annual Pumped Water Report, which shows water pumped on a monthly basis.

Most of the treated water used by wholesale customers is metered by DWU using Venturi meters with rate-of-flow controllers (ROFCs). The remaining treated water usage by wholesale customers is metered by volumetric meters. All treated water pumped from the WTPs to treated water wholesale customers is included in the Annual Pumped Water Report.

Meter Testing and Repair **–** All production meters are tested and calibrated in accordance with Dallas Water Utilities ISO standards. The city maintains a program to pull, test, and replace any meters determined to be functioning outside of these parameters.

Periodic Meter Replacement **–** Most residential meters in the City of Dallas are replaced at 10- or 15-year intervals depending on meter size and accuracy life of the meter. Most large and high capacity general

service meters are tested on an annual basis. DWU will also repair or replace any meter reported as inaccurate by a water customer.

5.3 Leak Detection, Repair, and Control of Unaccounted-for Water

DWU has an extensive leak detection and repair program and is committed to maintaining a rate of less than 10 percent for unaccounted-for water losses in its water system. Annual unaccounted-for water, based on the difference between treated water pumped and sold, averaged 5.21 percent in 2018.

Currently, DWU has an annual budget of $34 million for maintenance and upkeep of the distribution system. The majority of the budget is used for personnel, equipment, and materials. DWU operates 23 four-person repair crews. Most leaks, illegal connections, or abandoned services are discovered through the visual observation of field crews or are reported by the public.

DWU also has fourteen staff members to detect hard-to-find leaks. The Leak Detection Program has the goal of surveying the entire water system and improving the integrity of the water system by identifying weaknesses in water pipelines before breaks develop. The goal is to survey all pipelines every 2.5 years. Leak detection staff members utilize state-of-the-art leak detection equipment, including leak listening devices, leak noise loggers, and a leak noise correlator. The DWU leak detection program continues to meet and exceed its annual goal and in FY 2018 surveyed approximately 3,300 miles of the water system.

5.4 Monitoring and Record Management of Water Deliveries, Sales and Losses

DWU regularly monitors all water deliveries and sales to both treated and untreated water customers. All critical data, such as raw water conveyances to WTPs or wholesale customers, treated water pumped, and unaccounted-for water losses are available on a regular basis, as needed. All water sources and service connection accounts are individually metered and read on a regular basis to facilitate accurate comparisons and analysis.

5.5 Continuing Public Education Program

The City of Dallas' public education program is considered one of the best information and education programs in the State of Texas. DWU's program has received recognition from the Texas Water Development Board, the Texas Section of the American Water Works Association (TAWWA), the Texas Water Conservation Association, the American Advertising Federation, the U.S. Environmental Protection Agency (EPA), and the Obama Administration’s 2011 Clean Water Framework Report. Specifically, the school program has received awards from the TAWWA, Keep Texas Beautiful, and the Oak Cliff Chamber of Commerce.

DWU has implemented a number of public education and outreach strategies, including an expanded public awareness campaign that incorporates both local and regional conservation messaging; the Environmental Education Initiative, focusing on K-12 students; a water conservation mascot; a revamped SaveDallasWater.com website; free irrigation system evaluations; free Industrial, Commercial and Institutional (ICI) Water Efficiency Assessments and Rebates; year-round water-wise landscape seminars and events, and a robust social media presence.

5.5.1 Public Awareness Campaign

Launched in the summer of 2002, the now regional public awareness campaign promotes water conservation using a well-diversified approach that includes broadcast and digital television ads, broadcast and digital radio ads, and social media advertising. The regional campaign is also featured on billboards on heavily traveled thoroughfares, in messaging placed both inside and outside Dallas Area Rapid Transit (DART) buses and trains, and in print ads in a variety of community publications. The SaveDallasWater.com website contains information about water conservation programs for Dallas ratepayers, City of Dallas water conservation ordinance restrictions, and various sustainability events year-round. On August 1, 2018, a revamped version of the SaveDallasWater.com website was launched. The new website offers a curated selection of informative tiles and images focused around the many facets of

conservation and programs available, providing the public with a more user-friendly, interactive experience. In addition, City of Dallas Water Conservation is active across all social media platforms including Facebook, Twitter and Instagram, pushing out new content to the public several times each week.

Although the Dallas-Fort Worth area has four primary water providers, it is a single media market. As a result, the broadcast portion of the DWU public awareness media buy c delivers messages to customer of other water service providers, and any broadcast media purchase made by other water providers would reach DWU customers. In 2009, DWU formed a partnership with the Tarrant Regional Water District (TRWD) to minimize the potential for customer confusion by providing uniform regional water conservation messaging. This also resulted in campaign development savings and leveraged the media buy budget for both entities.

Since 2002, Dallas has spent nearly $20 million on its public awareness campaign, thus demonstrating its continuing commitment to water conservation for the entire North Texas region.

5.5.2 Environmental Education Initiative K-12

In FY 2006, DWU expanded its existing school education programs with an Environmental Education Initiative (EEI) to provide programs for grades kindergarten through twelve in the Dallas school district and in other area schools and private schools that serve City of Dallas residents. The EEI web site[1] is an online resource for teachers with links to videos on outdoor water use, indoor water use, watersheds, the power of many conserving, and surface-groundwater interactions. The web site also has a description of water lessons for kindergarten through fifth grade children. Teachers can register for a free in-class presentation through this web site. To date, the EEI program has reached more than 140,000 students, 376,000 City of Dallas citizens and trained more than 12,000 teachers, in a total of 272 public schools.

5.5.3 Water Conservation Mascot

In 2005, DISD students elected Dallas' official water conservation mascot "Dew". Through frequent public appearances and community outreach, Dew helps to educate kids and adults alike about the importance of using water wisely. Dew has reached thousands of Dallas residents and businesses since his 2006 inauguration. More information on Dew's efforts can be accessed through the "Conservation for Kids" link on the city's water conservation webpage, www.savedallaswater.com.

5.5.4 Free Irrigation System Evaluations

In 2007 DWU added two TCEQ-licensed irrigators to its water conservation staff and began providing free irrigation system evaluations. These inspectors serve residential and commercial retail customers and assist City of Dallas departments with proper irrigation system maintenance and operations. The evaluations include identification of potential system leaks, diagnosis of equipment malfunctions, recommended irrigation controller scheduling and recommendations for equipment upgrades to enhance efficiency. More than 7,000 inspections have been performed since the program was launched. Projected water savings based on implemented recommendations for FY 2018 is 16 MG/year. The irrigators also respond to high-bill concerns from DWU customers by evaluating their automatic irrigation systems for potential water loss and suggesting other areas of potential water savings.

DWU's licensed irrigators also work with Dallas departments on proper maintenance, operation of city irrigation systems and new system design. Over 200 irrigation system evaluations have been performed at Dallas parks facilities to date.

5.5.5 Water Wise Landscape Events

FY 2018 marked the 24th anniversary of the city's Water-wise Landscape Tour of Homes and Public Gardens program. This initiative is designed to raise public awareness and save water by publicizing

[1] URL: http://dallaseei.org/.

demonstration gardens, recognizing water-wise award winners, and promoting the replacement of water-thirsty yards with landscaping that requires minimal water and maintenance.

The City of Dallas has "water-wise" demonstration gardens at the historic White Rock Lake Pump Station and Texas Discovery Gardens at Fair Park. The use of water-wise landscaping is also promoted through year-round water-wise seminars and the city's water conservation (savedallaswater.com) web site which includes a list of water-wise landscape locations, photos and virtual tours.

It is difficult to quantify water savings achieved specifically from water-wise events. However, these programs heighten awareness of the beauty and reduced need for water and maintenance in the use of native and adapted plantings, as well as providing tools for landscape conversion and proper maintenance.

5.5.6 Other Public Education

The City of Dallas also uses other approaches to public outreach, including water bill inserts, brochures, speaking engagements, special events and promotions, and conservation-oriented signage in City facilities. Since its inception in 2001, Dallas Water Conservation has hosted hundreds of free water-wise seminars, workshops and events year-round, promoting a variety of relevant conservation topics.

The City of Dallas has partnered with regional North Texas water providers Tarrant Regional Water District and North Texas Municipal Water District for the past several years, to host the Annual North Texas Regional Water Conservation Symposium. This collaborative event provides an opportunity for water conservation experts to present best management practices on a number of related topics. In 2018, the 12th Annual Regional Water Conservation Symposium hosted 130 water professionals from across the state. Other regions of the state, including the Central and Gulf Coast regions, host similar symposiums.

The City also recognizes that an important component of public education includes educating City of Dallas employees on the value of water. To that end, City of Dallas Water Conservation hosts a 'Conservation on the Plaza' event each Spring, in coordination with National Drinking Water Week. This event is an opportunity to provide in-reach to city employees in a fun, interactive way while collaborating with other City departments such as Dallas Fire and Rescue and Dallas Animal Services. Nearly 500 city employees attended the 2nd Annual Conservation on the Plaza event in 2018.

5.5.7 Industrial, Commercial, and Institutional (ICI) Free Water Efficiency Surveys

In 2012, the Dallas City Council authorized an ICI Water Efficiency Survey Program to help ICI customers save water and money by identifying opportunities to increase water use efficiency and to reduce water, wastewater and energy costs. Those free assessments continue and include a full examination of:

- Cooling Towers, Boilers & Other Thermodynamic Operations
- Plumbing Fixtures, Fittings & Equipment
- Landscape Irrigation
- Food Service Operations
- Laundry Operations
- Laboratory & Medical Facilities
- Swimming Pools, Spas & Fountains
- Vehicle Washes
- Alternate Sources of Water

Over 400 water efficiency assessments have been performed since the program was launched, with an estimated water savings of over 400 million gallons per year if recommended process and equipment improvements are implemented.

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5.5.8 ICI Hospitality Program

In 2011, the Dallas City Council authorized a program to encourage hotels/motels and restaurants to expand their efforts to save water by participating in the city's Water Conservation Hospitality Program. The initiative was voluntary. Participating hotels and motels urged guests to embrace fewer linen and towel changes, as well as serving water on request only in their dining areas. In support, the City provided free public service announcements to participating lodging facilities to educate their guests about the program. Dallas area restaurants were also encouraged to serve water on request only. This simple measure not only saves our water resources but also provides energy savings through less frequent dishwasher and heated water use. Free marketing and promotional materials were provided for participating establishments. In total, 79 hotels and restaurants participated in the ICI Hospitality Program. In FY 2016/17, it was determined that the ICI Hospitality Program would merge with the Industrial, Commercial, and Institutional (ICI) Free Water Efficiency Assessments, where it remains as of FY 2017-18.

5.5.9 Planned Public Education Measures

ICI Training Programs (FY 2020)

DWU plans to develop, lead, and manage ongoing water efficiency training programs for ICI facility managers and irrigators, with a focus on the EPA WaterSense programs. Topics will include industrial cooling and process, food processing, irrigation management, and leakage control. Bi-monthly or quarterly training programs will be conducted. As facility managers and irrigators become more aware of available water-efficient technologies and methods, they will begin to implement these measures. DWU will work with local businesses, green building organizations, and energy utilities to seek their input on the curriculum development and certification process.

ICI Business Partnership Program (FY 2020)

DWU plans to establish an ongoing Business Partnership Task Force or work group for the purpose of engaging the ICI community in DWU's water conservation program, particularly business leaders who represent companies that are top water users. The Task Force will meet four to six times per year for the purpose of discussing water conservation practices, sharing conservation success stories, and discussing DWU ICI water conservation programs.

5.6 City Leadership and Commitment Measures

City leadership and commitment strategies are intended to demonstrate a strong commitment to water conservation, with the city "leading by example." To that goal, the City has expanded its water conservation staff, expanded its leak detection program, revised its water conservation ordinance, and conducted retrofits at City-owned facilities. In addition, the City uses its web site to publicize its leadership, commitment, and conservation practices. Moreover, in 2012 Dallas was the first municipality in North Texas to adopt a permanent ordinance limiting outdoor landscape watering to a maximum of twice weekly by implementation of a mandatory schedule. The ordinance served as a model for many cities across the region, the state and the nation.

5.6.1 Water Conservation Division Staff

DWU currently maintains 12 staff positions in the Water Conservation Division, up from 7 fulltime employees in 2005. Staff members are tasked with analyzing and tracking Best Management Practices (BMPs), providing customer water assessments, administering education programs, and facilitating retrofit programs. It is anticipated that additional staff may be added in the years to come, as new Conservation programs are introduced and current programs expanded further.

5.6.2 Retrofit of City Owned Facilities

Retrofits of city facilities have included replacement of plumbing fixtures and irrigation audits and corresponding irrigation system improvements. Between the years 2016-2018, DWU partnered with the

City departments of Economic Development, Housing/ Community Service, Planning and Urban Design and Park and Recreation to implement a water conservation and beautification project concentrated on the South Dallas/ Fair Park Community in Dallas. The project focused on the local area fire stations and the Martin Luther King Jr. Center and Library. Over a three-year period the project achieved the following:

- 103 new trees and 2,150 native plants planted
- Traditional turf landscapes replaced with water-wise landscapes created, incorporating more than 30 tons of stone
- Retention basins added for the capture and re-use of storm water
- Plumbing upgrades in all buildings including:
    - Replacement and/ or retrofit of 65 toilets
    - Replacement of 67 lavatory sinks
    - Installation or retrofit of 75 lavatory faucets
    - Replacement of 67 urinals
    - Replacement of 6 water fountains
    - Replacement of 12 kitchen faucets

In all, the project resulted in an estimated water savings of 1.39 MG/Y. These improvements were made possible through the City Leadership and Commitment Grant Program which provides funding to City departments for water conservation activities. Grants are awarded on a competitive basis annually. Since FY 2009, grants totaling more than $1.3M have been awarded, with a total estimated water savings of 3.95 MG/Y. For FY2019-20, grant funds have been awarded to the Office of Cultural Affairs and the Dallas Park and Recreation Department. The office of Cultural Affairs will use awarded grant funds to make indoor plumbing upgrades and retrofits to The Majestic Theater and The Kalita Humphreys Theater. Dallas Park and Recreation Department will use awarded grant funds to continue the Dallas City Hall median renovation design project, focusing on the Akard and Ervay medians, to demonstrate regionally suitable low water usage landscape design around Dallas City Hall.

5.6.3 Planned City Leadership and Commitment Measures

Water-Wise Landscape Design Requirements (Under Review FY 2020)

DWU will collaborate with the city's Building Inspection Office to revise, upon City Council approval and adoption, its landscape ordinance to limit turf areas in all new landscapes and require low-water-use landscaping in other areas. Other requirements could include minimum soil depths, soil amendments, and turf grass dormancy capability. Turf grass requires more water than native grasses and low-water-use plants. Reducing the turf grass area in new landscapes will reduce irrigation water use.

ICI Commercial Equipment Rule

With the adoption of the International Green Building Construction Code (Section 5.14), the city has put into place requirements for certain water efficiency standards for newly constructed and newly-occupied ICI establishments.

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5.7 Rebate and Incentive Programs

DWU has implemented the following rebate and incentive programs: residential and multi-family toilet vouchers (*New Throne for Your Home)*; Minor Plumbing Repair program; and the ICI rebate program. Each of these programs is described below.

5.7.1 Toilet Voucher Program

The *New Throne for Your Home* program, initiated in July 2007, offers vouchers and rebates of up to $90 for replacement of older, inefficient toilets with high efficiency (HET) models. Applicants must be DWU customers whose toilets were installed prior to January 1, 1994 and who do not already have water-efficient toilets. Single-family vouchers are limited to two per household. A rebate option is also available for $90 per toilet. Multi-family requests are handled on a first-come, first-served basis, as funding is limited. The program is promoted in print, social media and on the savedallswater.com website.

To date, more than 110,000 toilets have been replaced through the *New Throne for Your Home* program. These efficient toilets are projected to save over 392 MG annually.

5.7.2 Minor Plumbing Repair Program

In 2005, the Minor Plumbing Repair (MPR) program began with the goal of assisting low-to-moderate income water customers reduce water waste and increase water efficiency. The program replaces inefficient water use fixtures such as toilets (up to 2 per household), faucet aerators, and showerheads with efficient water use fixtures for qualified homeowners. The program also includes minor repairs to leaking faucets, hose bib leaks, easily accessible pipe joint leaks, and water heaters. To date, over 4,300 families have participated. Measures implemented through the MPR program are projected to save over 26 MG annually.

5.7.3 Industrial, Commercial and Institutional Rebate Program (Currently Undergoing Restructuring FY 2019)

In FY 2011/12, the Dallas City Council authorized funding for ICI rebates in an effort to help industrial, commercial and institutional customers defray the costs for large water conservation projects. Up to $100,000 (per project) in site-specific rebates are available to ICI customers towards the cost of new equipment and processes that conserve water at existing facilities. All ICI water users served by the City of Dallas Water Utilities, in good-standing, are eligible to apply. Five customers have received rebates to date, resulting in savings of 17.50 MG annually.

5.7.4 Planned Rebate and Incentive Measures

Residential Irrigation System Incentive (FY 2021)

DWU plans to offer a rebate or other incentive to all single- and multi-family residential customers that retrofit their existing irrigation systems with water-conserving equipment. Qualifying equipment may include:

- Drip irrigation equipment
- Spray heads with greater distribution uniformity
- Smart irrigation controllers
- Other devices

Residential Clothes Washer Incentive (FY 2021)

DWU plans to offer a rebate to single- and multi-family residential customers for replacing older, inefficient clothes washers with water-efficient models (modified energy factor of at least 1.8 and water factor of no more than 7.5). Efficient clothes washers use up to sixty percent less energy and up to forty percent less water than conventional machines.

5.8 Non-promotional Water Rate Structure

DWU has a conservation-oriented rate structure for customers within the City of Dallas. Under the increasing block rate structure, customers are billed a water meter service charge which increases with the size of their meters. Customers are also billed for water usage and increasing usage results in a higher unit cost for water. To that end, DWU has incorporated conservation tiered rates into its structure since 2001. In 2018, DWU added its highest rate in a new fifth tier. Connecting higher rates to increased consumption discourages customers from wasting water. A copy of DWU's rates is provided in Appendix A.

Wholesale Customer Water Rates – The rate structure for 98 percent of wholesale treated water customers is two-part, based on demand and volume. The remaining two percent is charged at a flat volume rate. Current wholesale customer contracts include a clause that promotes water conservation by discouraging high one-year water use and then returning to lower demand levels.

Under this provision, wholesale customers pay annual demand charges based on the current water year demand or the highest demand established during the five preceding water years, whichever is greater. Wholesale untreated water customers are charged either a non-interruptible rate or an interruptible rate.

5.9 Water Conservation Provisions in Wholesale Water Supply Contracts

Current contracts between the City of Dallas and wholesale customers contain the following typical provisions related to water conservation: (1) the customer agrees to develop a water conservation plan which incorporates loss-reduction measures and demand management practices designed to ensure that the available supply is used in an economically efficient and environmentally sensitive manner, and (2) if Dallas grants authorization for the customer to sell water purchased from Dallas, then Dallas may establish the terms and conditions of the conveyance.

In accordance with 30 TAC § 288, the City of Dallas will include a requirement in every wholesale water supply contract entered into, including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Chapter 288. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of Chapter 288.

5.10 Reservoir Systems Operations Plan

DWU operates the water supply system foremost to assure adequate, good quality available water throughout a drought as severe as the worst drought of record. Secondly, DWU considers operational economy. The Dallas water supply system consists of several surface water reservoirs, transmission facilities, water treatment plants and related infrastructure. Infrastructure maintenance and expansion to meet future water requirements are essential to system operations.

Reservoir water withdrawal procedures are prepared to assure that water supplies are conserved in the event of severe drought conditions. These procedures are periodically reviewed and revised as conditions change.

These operational procedures are tested using computer simulations maintained and operated by DWU staff. These models simulate lake operations over time periods of historical hydrologic records. The modeling includes projected water demands and the constraints of the transmission, water treatment and distribution systems. Program utilization normally involves the trial operation of a set of lake operation procedures, assuming that the critical drought of record begins at the start time of the simulations.

DWU's computer program chooses monthly drafts from each lake based primarily on lake levels. When lakes are near full, less expensive western sources are drafted heavily. When these lakes drop to defined levels, their drafts are reduced and drafts are switched to more remote sources. Each potential operating rule is tested over the hydrological period of record to ensure the operation would not cause the supply in any reservoir to be exhausted should a drought equal in severity to the worst drought of record recur. The

potential operating rules are compared, and from the results a set of operating guidelines for the upcoming year is developed. These guidelines are then modified if conditions warrant.

5.11 Means to Implement and Enforce the Water Conservation Plan

DWU administers and implements various components of the Water Conservation Program within the City of Dallas as authorized by the Dallas City Code, Chapter 49, Water and Wastewater. The enforcement of the water rate structure and metering is automatic. Water conservation lawn and landscape restrictions are enforced by the Department of Code Compliance. The DWU budget includes funding for enforcement activities by the Department of Code Compliance equivalent to two full-time personnel. For wholesale customers, clauses within their water supply contracts require development of water conservation plans to ensure that available supplies are used efficiently.

5.12 Coordination with Regional Water Planning Groups

DWU will provide a copy of this Water Conservation Plan to the Region C Water Planning Group. As the largest water supplier in the region, DWU will provide leadership and work with the Regional Water Planning Group to improve efficient utilization of existing water resources and/or develop new resources which meet the needs of the entire region.

5.13 Desegregation of Water Sales by Customer Class

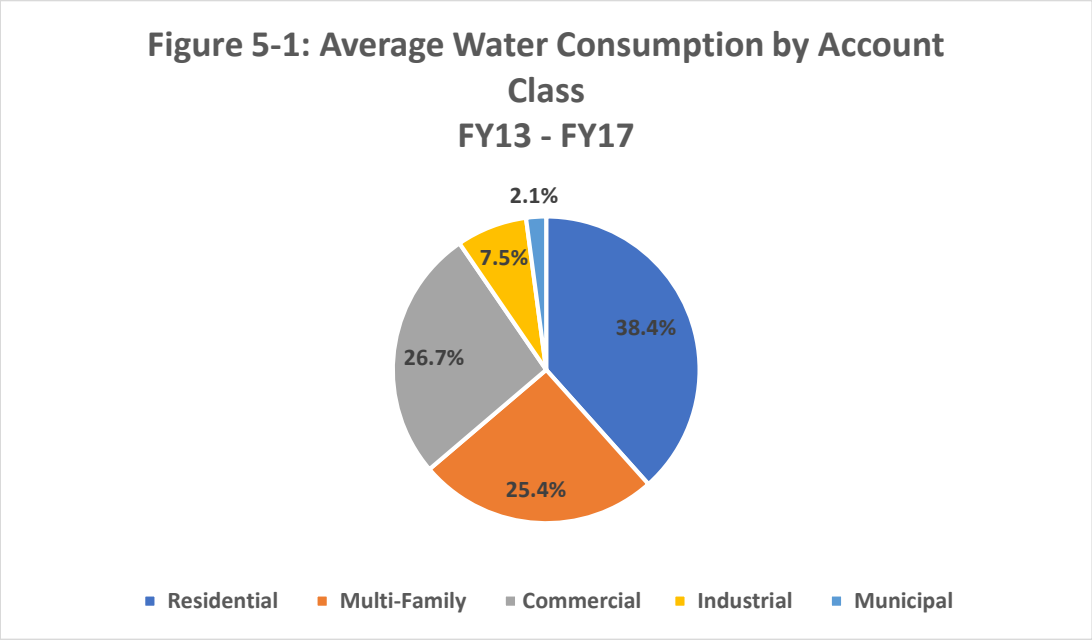
DWU separates City of Dallas water customers into four general account classes:

- Residential – The Residential class includes single-family residences, individually and master metered duplexes, individually metered apartments, and individually metered mobile homes.
- General Services – The General Service class includes master metered multi-family housing, master metered apartments, and master metered mobile homes, office buildings, restaurants, hotels, churches, and other commercial and light industrial customers.
- Optional General Service – The Optional General Service class mainly consists of large industrial customers, but the data shown also include some master metered apartment complexes.
- Municipal – The Municipal class consists of city buildings, parks, fire stations, libraries, and some hospitals.

Based on the average retail water sold within the City of Dallas from FY 2012-13 through FY 2016-17, General Service and Residential customers account for most of the City's treated water consumption (Figure 5-1). To better illustrate actual water use in Figure 5-1, consumption within the General Service account class has been divided into two categories:

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- GS Multi-Family, consisting of master metered multi-family housing, master metered apartments, and master metered mobile homes, and
- GS Commercial, consisting of the remainder of General Service accounts



5.14 Plumbing Code Ordinances

The State of Texas has placed maximum flow rate requirements on plumbing fixtures. As of January 1, 2014, the law requires maximum average flow rates of 1.28 gallons per flush (gpf) for toilets and 0.5 gpf for urinals. Effective October 12, 2013, the City of Dallas amended the plumbing code by adopting the 2012 Edition of the International Green Construction Code of the International Code Council, Inc. with specified exceptions. Dallas's code at a minimum complies with State of Texas requirements.

5.15 Water Waste Prohibition

Dallas's water and wastewater ordinance prohibits the following wasteful practices:

- Runoff from irrigation onto a street or other drainage area
- Irrigation of impervious areas
- Operation of an irrigation system with broken or missing sprinkler heads
- Irrigation during a precipitation event
- Irrigation between the hours of 10:00 a.m. and 6:00 p.m. from April 1 through October
- 31 of any year (except irrigation by hand and the use of soaker hoses)

In addition, the water and wastewater ordinance require all irrigation systems to be equipped with rain-sensing devices and freeze sensors.

Beginning in April of 2012, additional changes were made to the ordinance allowing a maximum of twice-weekly lawn and landscape watering based on property street address. Provisions were included to allow temporary variances for specific situations that may require more than twice weekly watering.

5.16 Wastewater Reuse and Recycling

DWU has developed water recycling projects and plans for additional projects, as described in the following sections: direct reuse projects, indirect reuse projects, and contracts for return flows into Dallas reservoirs. Table 5-1 presents a summary of direct and indirect recycled water projects for DWU along with the projected water supply.

Table 5-1: Summary of DWU Recycled Water Projects

Project	Projected 2020 Average Supply (MGD)	Projected 2070 Average Supply (MGD)
Direct Recycle Projects		
Cedar Crest/ Stevens Park Pipeline	1.0	1.0
White Rock Pipeline Alternate/ Cedar Crest Pipeline Extension	2.2	2.2
Indirect Recycle Augmentation		
NTMWD/ DWU Exchange	23.0	31.1
Main Stem Balancing Reservoir	0.0	102
Total	**26.2**	**136.3**

5.16.1 Direct Reuse Projects

DWU provides recycled water from the Central WWTP to the Cedar Crest and Stevens Park golf courses for irrigation. The golf courses currently use up to 1.0 MGD. DWU plans to add additional customers on this line in the future for non-potable applications, such as irrigation and industrial uses.

DWU also plans to develop the White Rock Pipeline Alternative to provide recycled water for non-potable applications, such as irrigation and industrial uses.

5.16.2 Indirect Reuse Projects

DWU has agreed in principle with the North Texas Municipal Water District (NTMWD) to an exchange of recycled water. This planned exchange includes the following elements:

- DWU will use a portion of the recycled water discharged to Lewisville Lake from NTMWD-operated WWTPs in Frisco.
- Upon completion of a Main Stem Pump Station in approximately 2018, recycled water that originates from DWU WWTPs will be diverted from the main stem of the Trinity River to the NTMWD's East Fork Wetlands.
- Upon completion of the Main Stem Pump Station, DWU will use all recycled water discharged to Lake Ray Hubbard from NTMWD-operated WWTPs.

DWU identified in the 2014 Dallas Long Range Water Supply Plan (LRWSP) a Main Stem Balancing Reservoir. The Main Stem Balancing Reservoir is an off-channel reservoir that will store Dallas' permitted

reuse. The Main Stem Balancing Reservoir is anticipated to be constructed and connected by 2050 and has a project yield of 102 MGD.

5.16.3 Return Flow Permits

Dallas has received a State water right permit for the return flows from its Southside and Central wastewater treatment plants as well as the City of Lewisville and Town of Flower Mound wastewater treatment plants.

5.17 Method to Monitor the Effectiveness of the Plan

The effectiveness and efficiency of the water conservation program will be monitored on an ongoing basis by DWU staff. DWU determines the extent of water conservation by compiling implementation data, monitoring water consumption, modeling water demand, and tracking water conservation costs.

Annual Report on Water Conservation Activities – 30 TAC § 288 requires that each entity that is required to submit a water conservation plan to the TWDB or the TCEQ shall file an annual report to the TWDB on the entity's progress in implementing each of the minimum requirements in their water conservation plan. The 2019 report will be submitted May 1, 2019, in accordance with the requirement, provided in Appendix C.

Quantified Marketing Analysis **–** DWU conducts surveys at the conclusion of each year's local and regional public awareness campaigns to evaluate and improve their effectiveness. Results are analyzed and used in planning for the subsequent year.

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Agenda Information Sheet

File #: 19-523 **Item #:** 36.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize adoption of the 2019 Drought Contingency Plan for the City of Dallas - Financing: No cost consideration to the City

BACKGROUND

This item will adopt the 2019 Drought Contingency Plan for the City of Dallas which is required by the Texas Commission on Environmental Quality (TCEQ) to be updated every five years. The updated drought plan meets state requirements by including drought stage triggers, responses and quantified targets for each stage of the drought plan. The plan's purpose is to manage Dallas' water resources during emergency conditions such as drought, delivery capacity limitations and natural and man-made contamination of water supply sources. The plan requires City Council adoption prior to final submission to the TCEQ.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2014, City Council authorized adoption of the 2014 Drought Contingency Plan for the City of Dallas by Resolution No. 14-0418.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed regarding this item on April 22, 2019.

FISCAL INFORMATION

No cost consideration to the City.

April 24, 2019

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires municipal and wholesale water suppliers to submit an updated Drought Contingency Plan approved by the City Council every five years; and

WHEREAS, Section 49.20 of the Dallas City Code requires the Director of Dallas Water Utilities to promulgate and submit a Drought Contingency Plan to the City Council for approval; and

WHEREAS, the updates for the Drought Contingency Plan have been completed and meet all of the requirements of the TCEQ.

Now, Therefore,

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

SECTION 1. That the 2019 Drought Contingency Plan is hereby approved and adopted.

SECTION 2. That the City Manager is hereby authorized to submit the 2019 Drought Contingency Plan to the TCEQ as required by state law.

SECTION 3. That the City Manager is hereby authorized to undertake the necessary actions to implement the adopted 2019 Drought Contingency Plan.

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.

dallas water utilities
city of dallas

City of Dallas, Texas
2019 Drought Contingency Plan

Dallas Water Utilities
1500 Marilla, 4AN
Dallas, Texas 75201

Table of Contents

Section I: Declaration of Policy, Purpose, and Intent 2

Section II: Public Involvement....2

Section III: Public Education 3

Section IV: Coordination with Regional Water Planning Groups....3

Section V: Authorization....3

Section VI: Application 4

Section VII: Definitions....4

Section VIII: Triggering Criteria and Rationale for Initiation & Termination of Drought Response Stages 7

Section IX: Drought Response Stages 9

Section X: Enforcement 15

Section XI: Variances....16

Section XII: Wholesale Water Contracts 18

Section XIII: Severability 18

Section XIV: Review and Update of the Drought Contingency Plan....18

APPENDIX A: Documentation of Adoption of the Drought Contingency Plan by the City of Dallas City Council....1

APPENDIX B: Title 30 Chapter 288, Subchapter B of the Texas Administrative Code 1

RULE §288.20: Drought Contingency Plans for Municipal Uses by Public Water Suppliers.... 2

RULE §288.21: Drought Contingency Plans for Irrigation Use.... 4

RULE §288.22: Drought Contingency Plans for Wholesale Water Suppliers 6

APPENDIX C: Transmittal Letter to the Regional Planning Group....1

APPENDIX D: Dallas City Code, Chapter 49, Water and Wastewater Section 49-20, Emergency Authority 1

APPENDIX E: Dallas City Code, Chapter 49, Water and Wastewater Section 49-21.1, Lawn & Landscape Irrigation 1

2019 DRAFT

2019 DROUGHT CONTINGENCY PLAN

FOR THE CITY OF DALLAS
and the
DALLAS WATER UTILITIES

Section I: Declaration of Policy, Purpose, and Intent

This Drought Contingency Plan describes the conditions that require short-term water demand management in the City of Dallas and establishes policies and procedures that offer strategies for a timely and effective response. In general, such a response would be needed when water use in the area served by Dallas Water Utilities (DWU) approaches the system's supply, treatment, or delivery capacity. Examples include drought conditions, unusually high-water demands, unforeseen equipment or system failure, or contamination of a water supply source.

To conserve the available water supply and protect the integrity of water supply facilities, with regard to domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Dallas City Council adopted this Drought Contingency Plan (the Plan), by City Council resolution No. XXX as presented in Appendix A.

The strategies offered in the Plan are based on current projected water availability. It should be noted that the effectiveness of the Plan is impacted by the availability and allocation of the raw water supply during drought conditions and the level of customer compliance with the strategies offered in the Plan. The raw water supply availability is dependent upon the water usage by current and future users of the raw water in the reservoirs. These factors are dynamic and, if circumstances warrant, modifications to the strategies offered in the Plan may be necessary. Therefore, this plan as approved by the City Council on XX/XX/2019, gives the Director of the Water Department the authority to modify the strategies in the Plan as conditions warrant.

Water uses regulated or prohibited under this Drought Contingency Plan are non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

This Drought Contingency Plan meets Texas Commission on Environmental Quality (TCEQ) rules of development and minimum requirements for the drought contingency plans for municipal water suppliers and wholesale water suppliers contained in Texas Administrative Code (TAC) Title 30, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, respectively. Refer to Appendix B for the TAC, Title 30, Chapter 288, Subchapter B.

Section II: Public Involvement

Opportunity for the public and the wholesale water customers to provide input into the preparation of the Plan was provided by the City of Dallas by means of:

- Providing written public notice that a drought contingency plan is being prepared.
- Notifying all wholesale customers of the proposed plan.
- Providing a copy of the draft version of this plan to any person who requested it, making the Draft Plan available for download on the Dallas Water Utilities webpage.
- Convening a public meeting to accept input on the Plan.

2019 DRAFT

The valuable contributions of the participants helped to create a Drought Contingency Plan that is fair and equitable to all citizens of Dallas and its wholesale customer cities.

Section III: Public Education

The City of Dallas will periodically provide the public with bilingual information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information may be provided by means of, but not limited to, an appropriate combination of the following items:

- Public service announcements on radio, television, and City of Dallas on-line News Channels
- Newspaper and magazine articles and announcements
- Interviews on radio and television programs
- Press releases, media alerts and social media
- Billboards
- Dallas 311 Customer Service Center
- Water Conservation / SaveDallasWater.com Website
- Water Conservation / Drought Contingency Hotline
- Email and telephone notifications to customers
- Mailed water bill inserts
- Distribution of fact sheets, brochures, and pamphlets
- Mass mailings of notification letters
- DWU customer service representatives
- Public meetings and hearings
- Public education seminars
- Stakeholder Advisory Committee Meetings
- Commercial, industrial and institutional employee education seminars

Effective communication will be maintained with all wholesale water customers or entities through periodic wholesale water customer meetings and mailings.

Section IV: Coordination with Regional Water Planning Groups

The service area of Dallas Water Utilities is located within Region C Water Planning Group and the City of Dallas will provide a copy of this Plan to the Region C Water Planning Group. Refer to Appendix C for a copy of the transmittal letter to the Region C Water Planning Group.

Section V: Authorization

The City Manager, or the properly appointed designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or the properly appointed designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The authority to implement and enforce the Drought Contingency Plan is established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-20, EMERGENCY AUTHORITY available in Appendix D.

2019 DRAFT

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Dallas. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

(1) ***Aesthetic water use:*** water use for ornamental or decorative purposes, including but not limited to fountains, reflecting pools, and water gardens.

(2) ***Allowed watering hours:*** as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-21.1 (Available in Appendix E).

(3) ***Automatic Irrigation System:*** means a site-specific system of delivering water, generally for landscape irrigation, via a system of pipes or other conduits installed below ground that will automatically cycle water using landscape sprinklers according to a preset program, whether on a designated timer or through manual operation.

(4) ***Aquatic Life:*** a vertebrate organism dependent upon an aquatic environment to sustain its life.

(5) ***City Manager:*** The City Manager for the City of Dallas.

(6) ***Commercial water use:*** the use of water by a place of business such as retail establishments, hotels and motels, restaurants, and office buildings.

(7) ***Conservation:*** those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

(8) ***Contamination:*** a naturally occurring or man-made element which compromises the safety of the water supply.

(9) ***Customer:*** any person, company, entity or organization using water supplied by the City of Dallas.

(10) ***Delivery capacity:*** refers to the maximum amount of water that can be delivered to customers when considering the limitation of the system components such as sources, treatment, storage, transmission, or distribution, individually and in combination with each other when operating at their designed capacity.

(11) ***The Director:*** Director of the Water Department for City of Dallas Water Utilities.

(12) ***Domestic water use:*** water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

(13) ***Drip Irrigation:*** micro irrigation with low volume and low-pressure release of water through point source emitters or pressure compensating in-line drip emitters.

(14) ***Drought Contingency Plan:*** a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. This document is the Drought Contingency Plan for the City of Dallas.

2019 DRAFT

(15) **Drought of Record:** the worst drought recorded in the north central/north-east Texas area.

(16) **Eastern Lakes:** The Eastern Lakes for the City of Dallas consist of Lake Ray Hubbard, Lake Tawakoni, and Lake Fork.

(17) ***Even number address:*** street addresses (e.g. 120 Magnolia St.), box numbers, or rural postal route numbers (e.g. RR 2 Box 9802) ending in 0, 2, 4, 6, or 8 and locations without addresses.

(18) ***Foundation Watering:*** the application of water using a hand-held hose, soaker hose or drip irrigation system placed within 24 inches of the foundation, which does not produce a spray above ground or result in water run-off.

(19) ***Golf Course:*** a commercial or governmental property made up of greens, tees, fairways and related areas which are irrigated and landscaped for the purposes of playing golf

(20) ***Hand watering:*** the application of water for irrigation purposes through a hand-held water hose, watering can or bucket.

(21) ***Hose-end Sprinkler:*** a device through which water flows from a hose to a sprinkler to water any lawn or landscape.

(22) ***Industrial water use:*** the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value.

(23) ***Institutional use:*** the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

(24) ***Interruptible Customer:*** a customer with an interruptible service contract, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-1.

(25) ***Landscape irrigation use:*** water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(26) ***Non-essential water use:*** water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

a. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;

b. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

c. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

d. use of water to wash down buildings or structures for purposes other than immediate fire protection;

e. flushing street gutters or permitting water to run or accumulate in any gutter or street;

f. use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, hot tubs or Jacuzzi-type pools;

2019 DRAFT

g. use of water in a human made water feature, including but not limited to a fountain or pond for aesthetic or scenic purposes except as necessary to support aquatic life;

h. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

i. use of water from hydrants for construction purposes or any other purposes other than firefighting and flushing of lines for regulatory required testing and/or to maintain a potable water supply.

(27) ***Non-Potable Water:*** water that is not intended or suitable for drinking and has not been approved for human consumption.

(28) ***Ornamental Fountain:*** an artificially created structure from which a jet, stream, valves and emission devices or flow of water emanates and is not typically utilized for the preservation of aquatic life.

(29) ***Odd Numbered Address:*** street addresses (e.g. 121 Magnolia St.), box numbers, or rural postal route numbers (e.g. RR 2 Box 9803) ending in 1, 3, 5, 7, or 9.

(30) ***Potable Water:*** water that is suitable for drinking by the public.

(31) ***Recreational Water Use:*** water used for leisure and entertainment purposes. Examples include but are not limited to swimming pools, Jacuzzi-type pools, water theme parks, wading pools and water toys.

(32) ***Reduced Delivery Capacity:*** refers to the maximum amount of water that can be delivered to customers when considering reductions of delivery capacity based on scheduled shutdowns of infrastructure and/or unforeseen shutdowns of infrastructure, such as line breaks, equipment failure, etc.

(33) ***Retail Customers:*** non-wholesale customers.

(34) ***Run-off:*** a stream of water which overflows from a lawn or landscape onto a street, sidewalk, parking lot or other impervious area for a distance of more than 50 feet; or forms a puddle or pond to a depth greater than one-quarter of an inch.

(35) ***Soaker Hose:*** a permeable garden-type hose that is laid above ground that provides irrigation at a slow and constant rate.

(36) ***Swimming Pool:*** a structure that is used for swimming, bathing, or water play, including all equipment and appurtenant facilities.

(37) ***TCEQ:*** The Texas Commission of Environmental Quality

(38) ***Vehicle Wash Facility:*** a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory.

(39) **Water Supply System:** DWU water supply sources (lakes) and all infrastructure related to the delivery of water to customers.

(40) **Water Supply Sub-system:** DWU water supply sources (lakes) and all related infrastructure required for delivery of water to a specific section of the service area.

(41) **Western Lakes:** The Western Lakes for the City of Dallas consist of Lake Ray Roberts, Lake Lewisville, and Lake Grapevine. (In the future, Lake Palestine may be connected to the City of Dallas' Western Lakes via the Integrated Pipeline.)

2019 DRAFT

(42) ***Wholesale Treated Water Customer:*** any water supplier that receives all or a portion of its treated water supply directly or indirectly from DWU.

(43) ***Untreated water customer:*** any person, company, organization or water supplier buying non-potable water from DWU.

Section VIII: Triggering Criteria and Rationale for Initiation & Termination of Drought Response Stages

The Director of the Water Department or authorized designee shall monitor water supply and/or demand conditions, at a minimum, on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached. The Director of the Water Department reserves the authority to recommend that a Stage be or not be initiated based on:

- weather conditions;
- total water supply availability, or water sub-system supply availability;
- rate of water supply decline or replenishment; or
- anticipation of change in water supply/treatment/distribution capacity.

Upon recommendation of the Director of the Water Department, the City Manager may initiate, upgrade or downgrade a stage when the conditions triggering that stage occur. Retail customer notification of the initiation or termination of drought response stages will be made by the Director of the Water Department or the Director of the Water Department's designee, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-20, EMERGENCY AUTHORITY available in Appendix D.

Wholesale water customer notification of the initiation or termination of drought response stages will be made by the Director of the Water Department or Director of the Water Department's designee directly by fax, mail, email or telephone, followed up by certified mail.

- **Additional Notification:**

The Director of the Water Department or authorized designee shall notify directly, or cause to be notified directly by fax, mail, email, or telephone, the following individuals and entities as appropriate to the respective drought stages:

A. Mayor and members of the City Council

B. City and/or County Emergency Management Coordinator(s)

C. County Judge & Commissioner(s)

D. State Disaster District / Department of Public Safety

E. Executive Director of the TCEQ (required within five (5) business days of the implementation of any mandatory restrictions)

F. Critical water users (e.g., hospitals)

G. Parks/street superintendents & public facilities managers

The triggering criteria described below are based on the ability of the City to deliver treated water to the customers. Modeling of the reservoir system shows how supplies would be diminished during a drought equal to the drought of record. Each water supply sub-system was modelled separately. To set trigger conditions, DWU also examined water demand and the system's delivery capacity. The trigger levels were selected to provide adequate supply for each critical sub-system throughout the

2019 DRAFT

drought of record. The trigger conditions for short-term deficiencies limiting water supply capability are based on how much water supply or delivery capacity remains available relative to water demand, for all or part of the system.

❁ **Stage 1 Triggers**

A. Requirements for Initiation:

Customers shall be requested to adhere to voluntary measures and shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either: (1) the total raw water supply in connected lakes (east and west); or, (2) the western lakes; or, (3) the eastern lakes have dropped below 65% (35% depleted) of DWU's share of the total conservation storage of the lakes; or
- Water demand has reached or exceeded 85% of delivery capacity for 4 consecutive days; or
- Water demand approaches a reduced delivery capacity for all or part of the system, as determined by DWU; or
- Water line breaks or pump or system failures, which impact the ability of DWU to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs.

B. Requirements for Termination:

- Stage 1 may be terminated when Stage 1 conditions no longer exist and would be unlikely to recur upon termination.

❁ **Stage 2 Triggers**

A. Requirements for Initiation:

Customers shall be requested to adhere to voluntary measures and shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either: (1) the total raw water supply in connected lakes (east and west); or, (2) the western lakes; or, (3) the eastern lakes have dropped below 50% (50% depleted) of DWU's share of the total conservation storage of the lakes; or
- Water demand has reached or exceeded 90% of delivery capacity for 3 consecutive days; or
- Water demand **equals** a reduced delivery capacity for all or part of the system, as determined by DWU; or
- Water line breaks or pump or system failures occur, which impact the ability of DWU to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs.

B. Requirements for Termination

2019 DRAFT

- Stage 2 may be terminated when Stage 2 conditions no longer exist and would be unlikely to recur upon termination.

❁ Stage 3 Triggers

A. Requirements for Initiation

Customers shall be required to comply with the requirements and mandatory restrictions on certain non-essential water uses provided in Section IX of this Plan when:

- Either (1) the total raw water supply in connected lakes (east and west) or (2) the western lakes or (3) the eastern lakes have dropped below 35% (65% depleted) of DWU's share of the total conservation storage; or
- Water demand has reached or exceeded 95% of delivery capacity for 2 consecutive days; or
- Water demand exceeds a reduced delivery capacity for all or part of the system, as determined by DWU; or
- Water line breaks or pump or system failures occur, which impact the ability of DWU to provide treated water service; or
- Natural or man-made contamination of the water supply source(s) occurs

B. Requirements for Termination

- Stage 3 of the Plan may be terminated when the Stage 3 conditions no longer exist and would be unlikely to recur upon termination.

Section IX: Drought Response Stages

The Director of the Water Department, or appointed designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine if conditions exist that would trigger any of the designated drought stages, and if so, shall implement the following actions:

❁ Stage 1 Response

Target: Achieve a 5 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of the Water Department. The Director of the Water Department may also take other actions not listed, if deemed necessary.

All Water Users

Landscape Uses:

A. All water customers are reminded to observe all requirements of the Water Conservation Ordinance, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-21, which includes a **mandatory** maximum 2-days-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section VII. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems is limited to Sundays

2019 DRAFT

and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and for locations without addresses and limited to Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Apartments, office building complexes or other properties containing multiple addresses may be identified by the lowest address number.

B. Encourage reduction of water use through **voluntary** maximum 1-day-per-week landscape watering schedule.

C. Discourage planting of new landscapes, including lawns, hydro-seeding and sod.

Swimming Pools and Other Recreational Uses:

A. Encourage reduction in frequency in draining and refilling of swimming pools.

B. Prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

Foundations:

Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle.

Vehicle Washing:

Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

City Government:

A. Initiate public education campaign teaching and encouraging reduced water use practices.

B. Intensify normal leak detection and repair activities on water pipes and mains.

C. Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for city parks and golf courses.

D. Encourage reduction of water use in city-owned ornamental fountains.

E. Encourage additional reduction in landscape uses for parks.

F. Encourage 25 percent reduction in frequency of wet street sweeping and city vehicle washing and rinsing.

G. Increase enforcement efforts through proactive code enforcement.

Commercial Customers:

A. Identify and encourage voluntary reduction measures by high-volume water users through water use audits.

B. Require reduction of water use through mandatory maximum twice weekly landscape watering schedule for private parks and golf courses.

C. Encourage additional reduction in landscape uses for parks.

D. Encourage reduction in water use for landscape nursery stock.

2019 DRAFT

E. Encourage area restaurants to serve customers water by request only.

F. Encourage hotel/motels to request multiple day patrons to reuse linens instead of changing every day.

Wholesale Untreated Water Customers:

Require implementation of like procedures by wholesale water customers in accordance with their water contracts, state mandated drought and conservation plans, State law and TCEQ regulations.

Wholesale Water Customer:

Require implementation of like procedures by wholesale water customers in accordance with their water contracts, state mandated drought and conservation plans, state law and TCEQ regulations.

Interruptible Water Customers:

Reduce usage for interruptible customers per contract terms.

❄ Stage 2 Response

Target: Achieve a 15 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Demand Reduction:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of the Water Department. The Director of the Water Department may also take other actions not listed, if deemed necessary. All requirements of Stage 1 shall remain in effect during Stage 2, and the following additional measures will be required:

All Water Users:

Landscape Uses:

A. All water customers are reminded to observe all requirements of the Water Conservation Ordinance, as established in the Dallas City Code, Chapter 49, Water and Wastewater, Section 49-21. Additionally, require reduction of water use through **mandatory** maximum 1-day-per-week landscape watering schedule and require watering only during allowed watering hours as defined in Section VII. Irrigation of landscaped areas with hose-end sprinklers and automatic irrigation systems will be limited to trash pick-up days for residential customers and Wednesdays for commercial customers. Strongly discourage planting of new landscapes, including lawns, hydro-seeding and sod.

Swimming Pools and Other Recreational Uses:

A. Encourage further reduction in frequency in draining and refilling of swimming pools.

B. Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

Foundations:

2019 DRAFT

Foundations may be watered on any day of the week and at any time. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shut-off nozzle.

Vehicle Washing:

Restrict washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial vehicle wash facility or commercial service station. Companies with an automated on-site vehicle washing facility may wash vehicles at any time.

High Demand Surcharge:

A. Residential Customers
A 25 percent rate increase for high water demand users (greater than 15,000 gallons per month per account) shall be initiated to discourage non-essential use.

B. Commercial Customers
A 25 percent rate increase for high water demand users (greater than 10,000 gallons and 1.4 times annual average monthly usage per account) shall be initiated to discourage non-essential use.

City Government:

A. Initiate engineering studies to evaluate alternatives to mitigate drought conditions should conditions worsen.

B. Accelerate public education campaign teaching and encouraging reduced water use practices.

C. Continue intensified leak detection and repair activities on water pipes and mains.

D. Prohibit flushing of new mains not immediately required to provide service.

E. City government restricted to mandatory maximum once weekly landscape watering schedule.

F. Require reduction of water use through mandatory once weekly landscape watering schedule for city parks and golf courses.

G. Prohibit operation of city-owned ornamental fountains and water features.

H. Reduce frequency of wet street sweeping and city vehicle washing or rinsing by 50 percent.

I. Increase enforcement efforts through proactive code enforcement.

Commercial Customers:

Require reduction of water use through mandatory maximum once weekly landscape watering schedule for private parks and golf courses.

2019 DRAFT

Wholesale Water Customer

Require water demand reductions in accordance with contract obligations for wholesale water customers.

Wholesale Water Contracts:

Every offer for a new wholesale contract shall be reviewed. An assessment of the current and future water delivery capacity of DWU for the contract terms will be performed to ensure the sustainability of DWU's commitments to current customers.

❁ Stage 3 Response

Target: Achieve a 20 percent reduction in total gallons per capita per day (GPCD).

Water Use Restrictions for Reducing Demand:

Following is a menu of possible actions. Specific actions taken during any drought situation will be determined by the Director of the Water Department. The Director of the Water Department may also take other actions not listed, if deemed necessary. All requirements of Stages 1 and 2 shall remain in effect during Stage 3, and the following additional measures will be required:

All Water Users

Landscape Uses:

A. Irrigation of turf, shrubs, perennials, annuals, ground covers and any other landscaped area by any method is absolutely prohibited. Trees may be irrigated with drip irrigation system, soaker hoses or with a hand-held hose one day per week on the Stage 2 watering schedule and within the permitted watering hours.

B. Installation of new landscapes or turf areas is prohibited.

C. Operation of any water feature, ornamental fountain or pond that uses potable water is prohibited except where supporting aquatic life or water quality.

Swimming Pools and Other Recreational Uses:

A. Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation.

B. Permitting of new swimming pools, wading pools, water features, Jacuzzi and hot tubs is prohibited.

C. Continue to prohibit recreational water usage, including the use of faucets, hoses or hydrants, which results in water run-off or other prohibited waste of water.

Foundations:

Foundations may be watered one day per week on the Stage 2 watering schedule within the permitted watering hours. Foundations may be watered with a drip irrigation system, soaker hose or a hand-held hose equipped with a positive shutoff nozzle. Water run-off is absolutely prohibited.

2019 DRAFT

Vehicle washing:

Use of water to wash any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial vehicle wash facility or commercial service stations is prohibited. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and commercial vehicles used to transport food and perishables.

Impervious surface cleaning:

Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.

High Demand Surcharge:

A. Residential Customers
A 50 percent rate increase for high water demand users (greater than 15,000 gallons per month per account) shall be initiated to discourage non-essential use.

B. Commercial Customers
A 50 percent rate increase for high water demand users (greater than 10,000 gallons and 1.4 times annual average monthly usage per account) shall be initiated to discourage non-essential use.

New Service:

No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

City Government:

A. Wet street sweeping and city vehicle washing or rinsing is prohibited except for reasons of public health, safety and welfare.

B. Municipal landscape watering prohibited except golf courses (see below).

C. Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas and parks is prohibited.

Commercial Customers:

Watering of golf course greens and tee boxes are restricted to the allowed watering hours as defined in Section VII; watering of other golf course areas or parks is prohibited unless the golf course uses a water source other than that provided by the City of Dallas.

Wholesale Water Contracts:

No new wholesale contracts shall be entertained unless there is an emergency situation. Every request for a new wholesale contract shall be reviewed. An assessment of the current and future water delivery capacity of DWU for the contract terms will be performed to ensure the sustainability of DWU's commitments to current customers.

Water Allocation

2019 DRAFT

Wholesale Water Customers- In the event that the triggering criteria specified in Section VIII of the Plan for Stage 3 have been met, the Director of the Water Department is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with the latest revision of Texas Water Code Section 11.039, which states:

§11.039. Distribution of Water During Shortage:

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Commission on Environmental Quality or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) the amount of water to which each customer may be entitled; or

(2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

DWU may curtail water deliveries or reduce diversions in accordance with the terms and conditions of its wholesale water supply contracts. If necessary, or if specific contract provisions are not provided for, DWU may curtail water deliveries or reduce diversions in accordance with Texas Water Code Section 11.039. DWU will have authority to restrict flow to its wholesale water customers through the rate-of-flow controllers.

Pro rata water allocations, determined as a percentage reduction of the wholesale customer's water usage, will be established by the Director of the Water Department at the time of implementation. The total volume reduction for each wholesale customer will be calculated on a monthly basis, based on average water usage for the previous three years. The Director of the Water Department will establish the percentage reduction based on an assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries, and the percentage reduction may be adjusted periodically by the Director of the Water Department. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale water customer will be limited to the allocation established for each month.

Section X: Enforcement

No person shall knowingly or intentionally allow the use of water from the City of Dallas for residential, commercial, industrial, agricultural, governmental, or any other purposes in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Director of the Water Department, or his/her designee, in accordance with provisions of this Plan.

Fines and Fees:

2019 DRAFT

Any person who violates this Plan is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than $250 and not more than $2,000. Violations of this Plan may also be enforced as an administrative offense using the alternative administrative adjudication procedure set forth in the City of Dallas Code of Ordinances, as amended. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of two or more distinct violations of this Plan, upon due notice to the customer, DWU may: (1) install a flow restrictor in the line to limit the amount of water that will pass through the meter in a 24-hour period; or (2) discontinue water served to the premises. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at an amount not to exceed $135.00 (or as adjusted by City ordinance), and any other costs incurred by the Dallas Water Utilities in discontinuing service. In addition, suitable assurance must be given to the Director of the Water Department that the same action will not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

Violators:

Any person, including a person classified as a water customer of the Dallas Water Utilities, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Enforcement Officers:

Any employee of the Dallas Water Utilities, police officer, or other employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 15 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Director of the Water Department, or the Director of the Water Department's designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, safety or welfare for the public or the person requesting such variance and if all of the following conditions are met:

2019 DRAFT

- Granting of a variance must not cause an immediate significant reduction in the city's water supply.
- The health, safety, or welfare of other persons will not be adversely affected by granting of the variance.
- The applicant must demonstrate that the extreme hardship or need is related to the health, safety, or welfare of the person requesting it.
- Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- Alternative methods can be implemented which will achieve the same level of reduction in water use.
- All variances are only in effect during the Drought Plan Stage for which the variance was issued.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the Director of the Water Department. All petitions for variances shall be reviewed by the Director of the Water Department, or the Director of the Water Department's designee, and shall include the following:

- Name and address of the petitioner(s).
- Purpose of water use.
- Specific provision(s) of the Plan from which the petitioner is requesting relief.
- Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- Description of the relief requested.
- Period of time for which the variance is sought.
- Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- Other pertinent information.

Variances granted by the City of Dallas shall be subject to the following conditions, unless waived or modified by the City of Dallas or its designee:

- Variances granted shall include a timetable for compliance.
- Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

- The Director of the Water Department may revoke a variance granted when the Director of the Water Department determines that the conditions are not being met or are no longer applicable.

2019 DRAFT

Section XII: Wholesale Water Contracts

Every wholesale water contract, (treated and untreated water) entered into or renewed after the adoption of this Plan, including any contract extensions, will contain language notifying parties to the contract, that in a case of shortage of water resulting from a drought, the water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.

Section XIII: Severability

It is hereby declared to be the intention of the City of Dallas that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would have been enacted by the City of Dallas without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section XIV: Review and Update of the Drought Contingency Plan

DWU will review and update the Plan consistent with State law requirements. If the plan is implemented during a water shortage, data obtained during the plan implementation will be used to make any necessary modifications to the plan. Additionally, the plan will be updated as appropriate based on new or updated information regarding the system's delivery capacity.

2019 DRAFT

APPENDIX A
Documentation of Adoption of the Drought Contingency Plan
by the City of Dallas City Council

2019 DRAFT

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2019 Council Resolution Document

2019 DRAFT

APPENDIX B
Title 30 Chapter 288, Subchapter B of the Texas Administrative Code

2019 DRAFT

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.20[1]	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

2019 DRAFT

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;

(ii) water production or distribution system limitations;

(iii) supply source contamination; or

[1] http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&rl=20; **Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

2019 DRAFT

Texas Administrative Code

Next Rule>>

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.21[2]	Drought Contingency Plans for Irrigation Use

2019 DRAFT

(a) A drought contingency plan for an irrigation use, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans for irrigation water suppliers must include policies and procedures for the equitable and efficient allocation of water on a pro rata basis during times of shortage in accordance with Texas Water Code, §11.039. Such plans shall include the following elements as a minimum.

(A) Preparation of the plan shall include provisions to actively inform and to affirmatively provide opportunity for users of water from the irrigation system to provide input into the preparation of the plan and to remain informed of the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the water users and providing written notice to the water users concerning the proposed plan and meeting.

(B) The drought contingency plan must document coordination with the regional water planning groups to ensure consistency with the appropriate approved regional water plans.

(C) The drought contingency plan must include water supply criteria and other considerations for determining when to initiate or terminate water allocation procedures, accompanied by an explanation of the rationale or basis for such triggering criteria.

(D) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(E) The drought contingency plan must include methods for determining the allocation of irrigation supplies to individual users.

(F) The drought contingency plan must include a description of the information to be monitored by the water supplier and the procedures to be followed for the initiation or termination of water allocation policies.

[2] http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&rl=20; **Source Note:** The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

(G) The drought contingency plan must include procedures for use accounting during the implementation of water allocation policies.

(H) The drought contingency plan must include policies and procedures, if any, for the transfer of water allocations among individual users within the water supply system or to users outside the water supply system.

(I) The drought contingency plan must include procedures for the enforcement of water allocation policies, including specification of penalties for violations of such policies and for wasteful or excessive use of water.

(2) Wholesale water customers. Any irrigation water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan, appropriate provisions for responding to reductions in that water supply.

(3) Protection of public water supplies. Any irrigation water supplier that also provides or delivers water to a public water supplier(s) shall consult with that public water supplier(s) and shall include in the plan, mutually agreeable and appropriate provisions to ensure an uninterrupted supply of water necessary for essential uses relating to public health and safety. Nothing in this provision shall be construed as requiring the irrigation water supplier to transfer irrigation water supplies to non-irrigation use on a compulsory basis or without just compensation.

(b) Irrigation water users shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

2019 DRAFT

Texas Administrative Code

Next Rule>>

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.22[3]	Drought Contingency Plans for Wholesale Water Suppliers

2019 DRAFT

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

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3 http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&rl=22; **Source Note:** The provisions of this §288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(8) The drought contingency plan must include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

2019 DRAFT

APPENDIX C
Transmittal Letter to the Regional Planning Group

2019 DRAFT

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2019 Letter to Region C Water Planning Group

2019 DRAFT

APPENDIX D
Dallas City Code, Chapter 49, Water and Wastewater Section 49-20, Emergency Authority

2019 DRAFT

SEC. 49-20. EMERGENCY AUTHORITY[4].

(a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of shortages or delivery limitations in the city's water supply. This section applies to:

(1) all persons and premises within the city using water from the water system;

(2) all retail customers who live in unincorporated areas within the city's extraterritorial jurisdiction and are served by the water system; and

(3) all wholesale service customers outside the city to the extent provided in Subsection (i).

(b) Emergency water management plan. The director shall promulgate and submit an emergency water management plan to the city council for approval, the guidelines of which should include:

(1) the conditions under which a particular stage of emergency will be implemented or terminated; and

(2) provisions defining specific events that will trigger an emergency.

(c) Authority. The city manager is authorized to implement measures prescribed when required by this section and by the emergency water management plan approved by the city council. The director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

(d) Implementation of emergency order. The director, upon determination that the conditions of a water emergency exist, shall advise the city manager. The city manager may order that the appropriate stage of emergency response, as detailed in the emergency water management plan, be implemented. To be effective, the order must be:

(1) made by public announcement; and

(2) published in a newspaper of general circulation in the city within 24 hours after the public announcement, which order becomes immediately effective upon publication.

(e) Duration of order; change; extension. The order can be made effective for up to, but not more than, 60 days from the date of publication. Upon recommendation of the director, the city manager may upgrade or downgrade the stage of emergency when the conditions triggering that stage occur. Any change in the order must be made in the same manner prescribed in Subsection (d) for implementing an emergency order. The city council may, upon the recommendation of the city manager and the director, extend the duration of the emergency order for additional time periods, not to exceed 120 days each. The city manager shall terminate the order in the manner prescribed in Subsection (d) for implementing an emergency order when the director determines that the conditions creating the emergency no longer exist.

(f) Violation of section. A person commits an offense if he knowingly makes, causes or permits a use of water contrary to the measures implemented by the city manager as prescribed in the emergency water management plan. For purposes of this subsection, it is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of Subsection (d) and:

(1) the manner of use has been prohibited by the emergency water management plan;

2019 DRAFT

[4] http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx

(2) the amount of water used exceeds that allowed by the emergency water management plan; or

(3) the manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the director under Subsection (g).

(g) Variances. During the times the emergency order is operative, the director may grant variances in special cases to persons demonstrating extreme hardship and need. The director may grant variances only under the following circumstances and conditions:

(1) the applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to use the water only in the amount and manner permitted by the variance;

(2) granting of a variance must not cause an immediate significant reduction in the city's water supply;

(3) the extreme hardship or need requiring the variance must relate to the health, safety or welfare of the person requesting it; and

(4) the health, safety and welfare of other persons must not be adversely affected by granting of the variance.

(h) Revocation of variances. The director may revoke a variance granted when he determines that:

(1) the conditions of Subsection (g) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety or welfare of other persons requires revocation.

(i) Wholesale service to customers outside the city. The director shall advise customers receiving wholesale water service from the city of actions taken under the emergency water management plan. The director may restrict service to customers outside the city as permitted under the contract and state law.

(j) Authority under other laws. Nothing in this section shall be construed to limit the authority of the mayor, the city council or the city manager to seek emergency relief under the provisions of any state or federal disaster relief act. (Ord. 19201)

2019 DRAFT

APPENDIX E
Dallas City Code, Chapter 49, Water and Wastewater
Section 49-21.1, Conservation Measures Relating to Lawn & Landscape Irrigation

2019 DRAFT

SEC. 49-21.1[5]. CONSERVATION MEASURES RELATING TO LAWN AND LANDSCAPE IRRIGATION.

(a) Purpose. Lawn and landscape irrigation practices within the city, especially during the summer months, can cause a waste of valuable water resources. The purpose of this section is to mandate that water be used for lawn and landscape irrigation in a manner that prevents waste, conserves water resources for their most beneficial and vital uses and protects the public health.

(b) Lawn and landscape irrigation restrictions.

(1) A person commits an offense if, during the period from April 1 through October 31 of any year and between the hours of 10:00 a.m. and 6:00 p.m. on any day during that period, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person. It is a defense to prosecution under this paragraph that the person was only using water from a source other the city's water or wastewater system.

(2) A person commits an offense if, at any time during the year, the person irrigates, waters, or causes or permits the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by the person with a hose-end sprinkler or automatic irrigation system on a day other than a designated outdoor water use day for the property address. It is a defense to prosecution under this paragraph that the person was:

(A) using a hand-held hose, drip irrigation device, soaker hose, or hand-held bucket;

(B) irrigating during the repair or testing of a new or existing automatic irrigation system;

(C) irrigating nursery stock at a commercial plant nursery; or

(D) only using water from a source other than the city's water or wastewater system.

(3) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

(A) a substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(B) an automatic irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(4) A person commits an offense if, on premises owned, leased, or managed by the person, the person operates a lawn or landscape automatic irrigation system or device that:

(A) has any broken or missing sprinkler head; or

(B) has not been properly maintained in a manner that prevents the waste of water.

(c) Rain and freeze sensing devices.

2019 DRAFT

[5] http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx

(1) Any automatic irrigation system installed or operated within the city must be equipped with a working rain and freeze sensing device.

(2) A person commits an offense if, on premises owned, leased, or managed by the person, the person:

(A) installs, or causes or permits the installation of, an automatic irrigation system in violation of Subsection (c)(1); or

(B) operates, or causes or permits the operation of, an automatic irrigation system that does not comply with Subsection (c)(1).

(d) Variances. The director may, in special cases, grant variances from the provisions of Subsections (b)(1), (b)(2), or (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

(1) The applicant must sign a compliance agreement on forms provided by the director, and approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.

(2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.

(3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.

(4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.

(e) Revocation of variances. The director may revoke a variance granted when the director determines that:

(1) the conditions of Subsection (d) are not being met or are no longer applicable;

(2) the terms of the compliance agreement are being violated; or

(3) the health, safety, or welfare of other persons requires revocation. (Ord. Nos. 24745; 26518; 28622)

2019 DRAFT

Agenda Information Sheet

File #: 19-380 **Item #:** 37.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Dannenbaum Engineering Company-Dallas, LLC for the engineering design of Storm Drainage Contract No. 4 (list attached to the Agenda Information Sheet) - Not to exceed $340,199.00 - Financing: Storm Drainage Management Capital Construction Fund

BACKGROUND

This action will authorize a professional services contract with Dannenbaum Engineering Company-Dallas, LLC for the engineering design of two storm drainage relief system projects. This item will provide design for the Throckmorton-Reagan Drainage Improvements and the Rawlins-Douglas to Knight Drainage Relief systems.

The City has identified two locations that require improvements to the stormwater drainage systems to provide adequate capacity to convey storm water flows and address localized flooding during storm events. The first location, Throckmorton-Reagan Drainage Improvements, includes an area generally bounded by Knight Street to the west, Dallas North Tollway to the north, Reagan Street to the east and Harry Hines Boulevard to the south. The second location, Rawlins-Douglas to Knight Drainage Relief, is generally bounded by Douglas Avenue to the west, Lemmon Avenue to the north, Throckmorton Street to the east and Rawlins Street to the south.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	December 2020
Complete Construction	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Storm Drainage Management Capital Construction Fund - $340,199.00

Estimated Future Cost - Construction - $2,191,094.00

Council District	Amount
2	$115,986.00
14	$224,213.00
Total	$340,199.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$340,199.00	Architectural & Engineering	25.66%	32.53%	$110,678.00
• This contract exceeds the M/WBE goal.				

OWNER

Dannenbaum Engineering Company-Dallas, LLC

Johan C. Petterson, P.E., Vice President

MAPS

Attached

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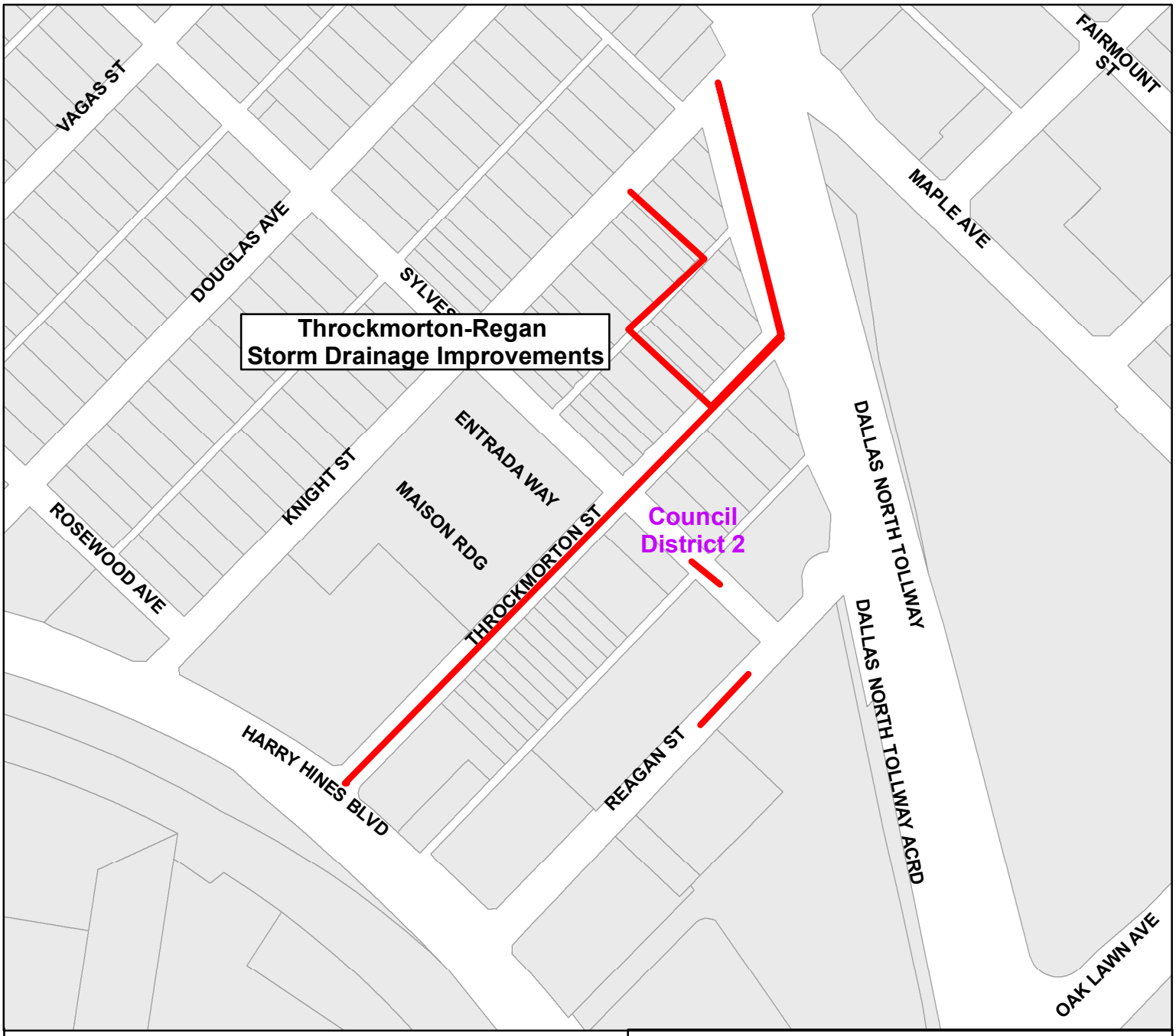
Segment List
Contract No. 19-081E
Storm Drainage Contract No. 4
Stormwater Project Management

District 2

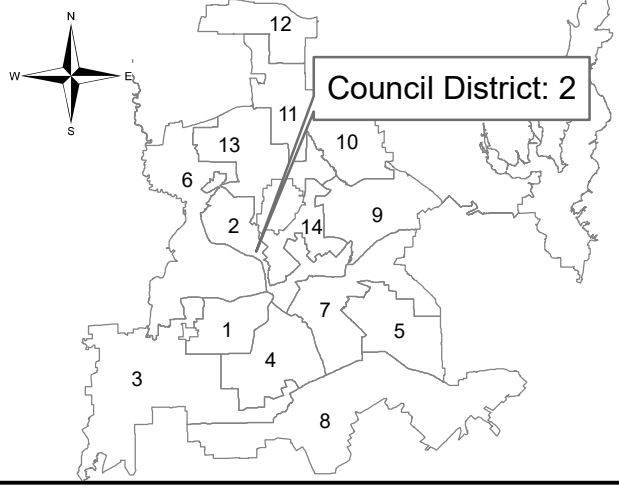
Throckmorton-Reagan Drainage Improvements

District 14

Rawlins-Douglas to Knight Drainage Relief



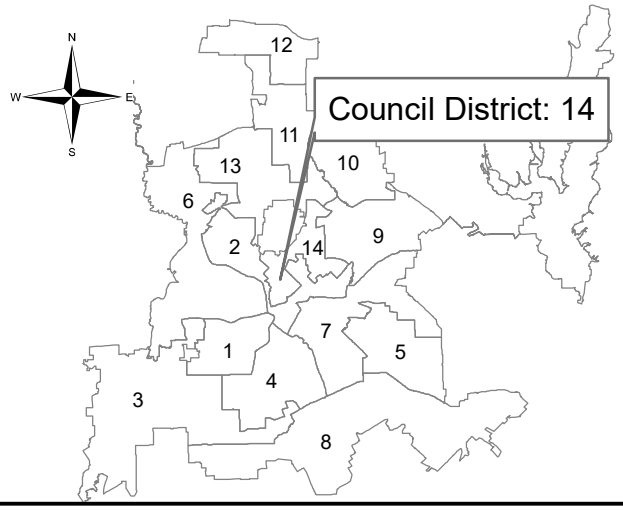
Throckmorton-Reagan
Drainage Improvements



Dallas Water Utilities
Contract No. 19-081E
Storm Drainage Contract No. 4
Stormwater Project Management



Rawlins-Douglas to
Knight Drainage Relief



Dallas Water Utilities
Contract No. 19-081E
Storm Drainage Contract No. 4
Stormwater Project Management

April 24, 2019

WHEREAS, the City of Dallas has identified a need to address drainage problems occurring at various locations within the City; and

WHEREAS, engineering services are required to design and construct storm sewer infrastructure improvements at two locations, Throckmorton-Reagan and Rawlins-Douglas to Knight Drainage Systems; and

WHEREAS, engineering services will include preliminary investigation, surveying, geotechnical investigation, preliminary design, and development of construction plans and specifications; and

WHEREAS, Dannenbaum Engineering Company-Dallas, LLC, 3030 Lyndon B. Jonhson Freeway, Suite 910, Dallas, Texas, 75234, has submitted an acceptable proposal to provide these engineering services.

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 Dannenbaum Engineering Company-Dallas, LLC, approved as to form by the City Attorney, for the engineering design of Storm Drainage Contract No. 4, in an amount not to exceed $340,199.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $340,199.00 to Dannenbaum Engineering Company-Dallas, LLC in accordance with the terms and conditions of the contract, as follows:

Storm Drainage Management Capital Construction Fund Fund 0063, Department SDM, Unit W198, Activity SD01 Object 4111, Program TW17W198 Encumbrance/Contract No. CX-DWU-2019-00009210 Vendor VS0000024822	$115,986.00
Storm Drainage Management Capital Construction Fund Fund 0063, Department SDM, Unit W197, Activity SD01 Object 4111, Program TW17W197 Encumbrance/Contract No. CX-DWU-2019-00009210 Vendor VS0000024822	$224,213.00
Total amount not to exceed	$340,199.00

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 Information Sheet

File #: 19-381 **Item #:** 38.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 24, 2019
COUNCIL DISTRICT(S):	4, 7, 8
DEPARTMENT:	Water Utilities Department
EXECUTIVE:	Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with HDR Engineering, Inc. for the engineering design of Storm Drainage Contract No. B (list attached to the Agenda Information Sheet) - Not to exceed $611,465.80 - Financing: Flood Control (D) Fund (2017 Bond Funds)

BACKGROUND

This action will authorize a professional services contract with HDR Engineering, Inc. for the engineering design of flood protection and storm drainage relief projects at twelve locations. The City of Dallas has determined that these locations require improvements to provide adequate capacity for the conveyance of storm water flows and address localized flooding during storm events. The proposed projects are part of the 2017 Bond Program, Proposition D for Flood Protection and Storm Drainage.

Each location has distinct challenges that require engineering analysis and design services. The scope of work includes design services for eight culvert improvement projects at Kings Branch and Pruitt Branch Tributary, three drainage system and inlet improvement projects to protect structures from flooding, and one drainage outfall improvement project for flood protection.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

Following are the locations and design costs for each project:

Storm Drainage Projects

Project	Council District	Amount
Kings Branch Culvert at Denley Drive	4	$ 62,175.49
Kings Branch Culvert at Edgemont Avenue	4	$ 22,895.83
Kings Branch Culvert at Genoa Avenue	4	$ 34,374.53
Kings Branch Culvert at Georgia Avenue	4	$ 26,568.03
Kings Branch Culvert at Louisiana Avenue	4	$ 48,960.15
Kings Branch Culvert at Stella Avenue	4	$ 25,148.01
Kings Branch Culvert at Woodin Boulevard	4	$ 27,982.13
Morning Dew Circle	4	$ 17,800.00
Abshire Lane	7	$116,971.73
Nandina - Pine Trail Storm Drain	8	$103,706.53
Pruitt Branch Tributary Culvert Improvements at Kingsfield Road	8	$ 55,685.45
Greenspan Avenue at Kirnwood Drive	8	$ 69,197.92

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	December 2020
Complete Construction	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Flood Control (D) Fund (2017 Bond Funds) - $611,465.80

Estimated Future Cost - Construction - $3,976,500.00

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Council District	Amount
4	$265,904.17
7	$116,971.73
8	$228,589.90
Total	$611,465.80

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$611,465.80	Architectural & Engineering	25.66%	30.15%	$184,387.00
• This contract exceeds the M/WBE goal.				

OWNER

HDR Engineering, Inc.

Eric Keen, Chief Executive Officer

MAPS

Attached

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Segment List
Contract No. 19-057E
Storm Drainage Contract No. B
Stormwater Project Management

District 4

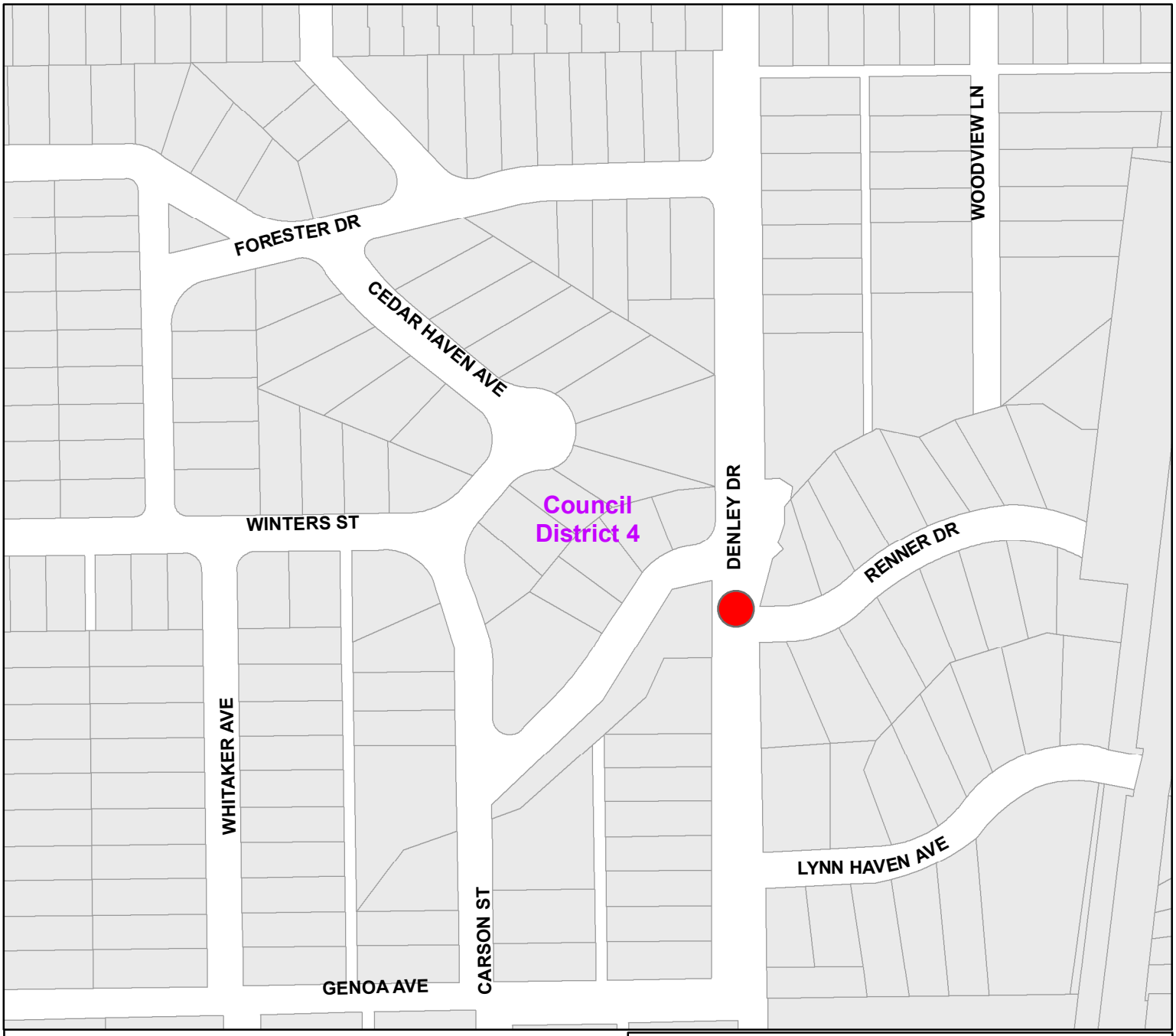
Kings Branch Culvert at Denley Drive
Kings Branch Culvert at Edgemont Avenue
Kings Branch Culvert at Genoa Avenue
Kings Branch Culvert at Georgia Avenue
Kings Branch Culvert at Louisiana Avenue
Kings Branch Culvert at Stella Avenue
Kings Branch Culvert at Woodin Boulevard
Morning Dew Circle

District 7

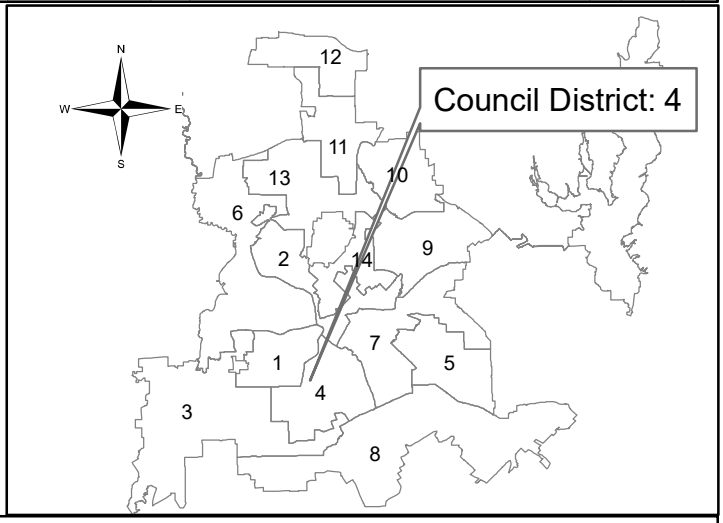
Abshire Lane

District 8

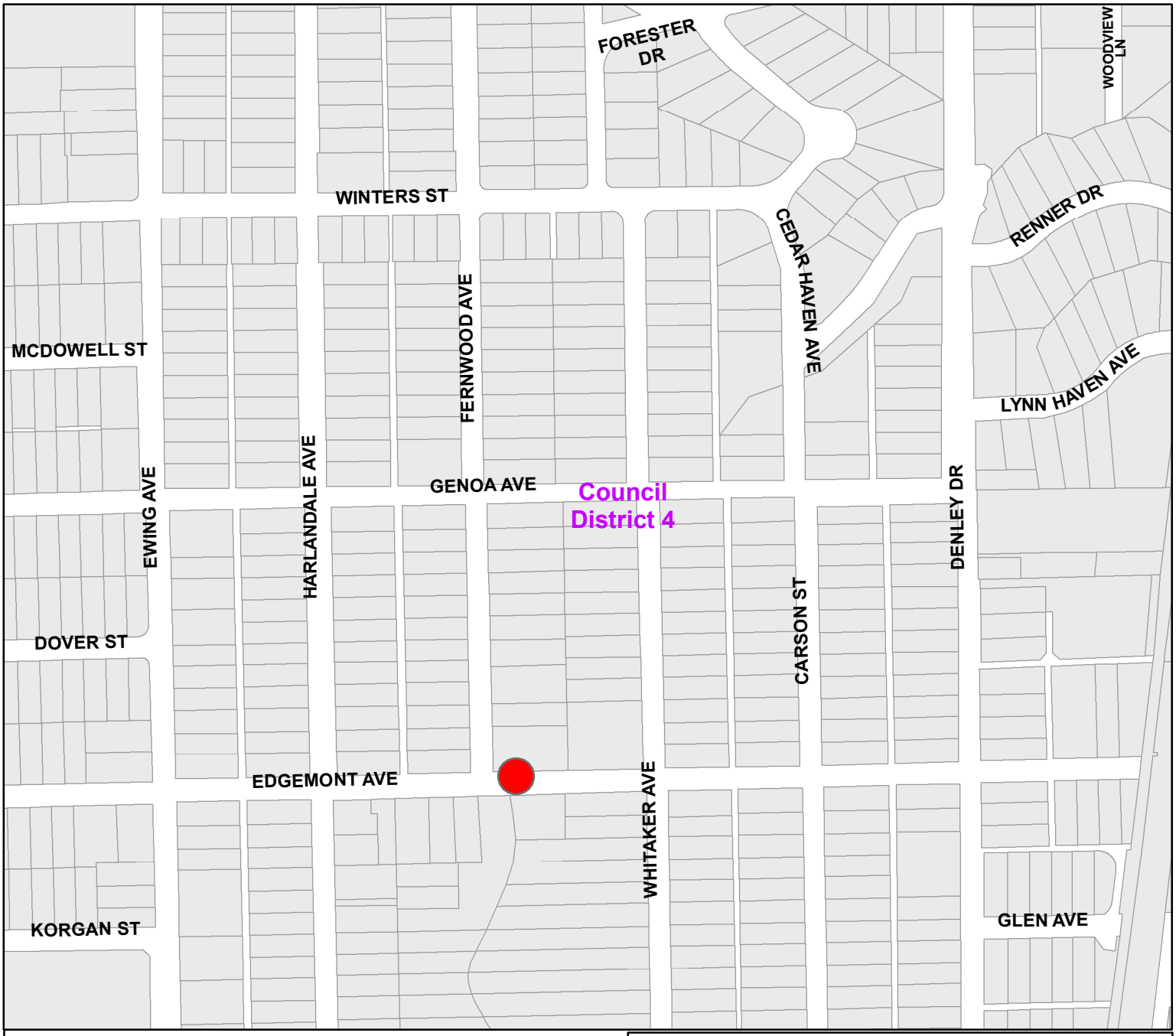
Nandina - Pine Trail Storm Drain
Pruitt Branch Tributary Culvert Improvements at Kingsfield Road
Greenspan Avenue at Kirnwood Drive



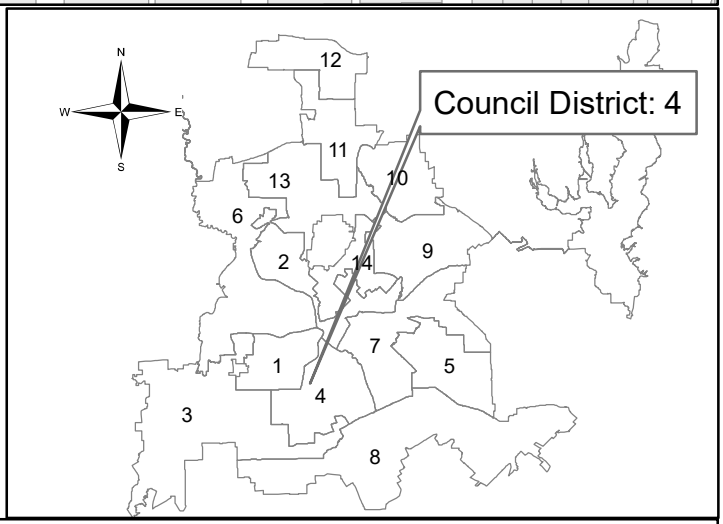
Kings Branch Culvert
at Denley Drive



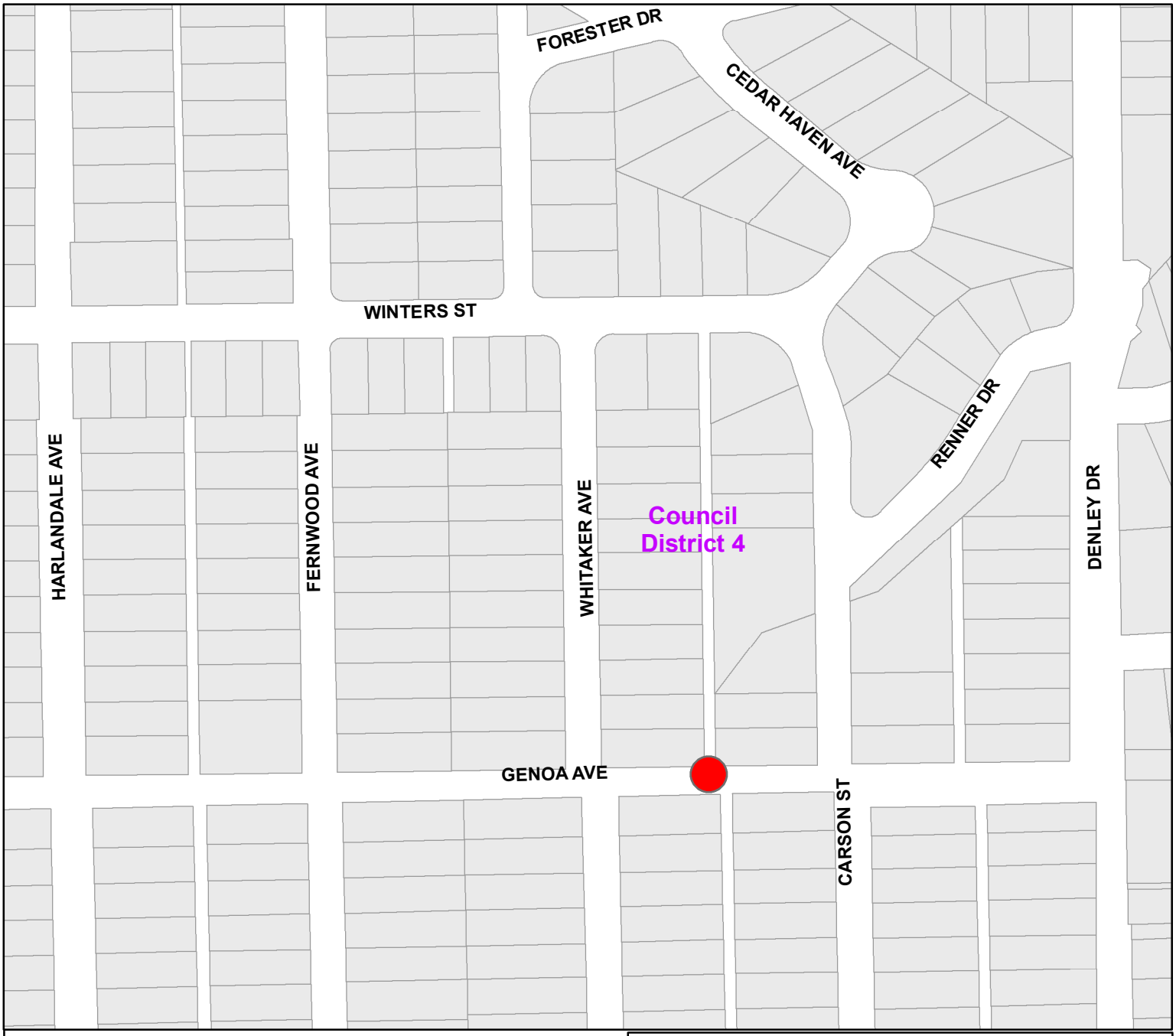
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



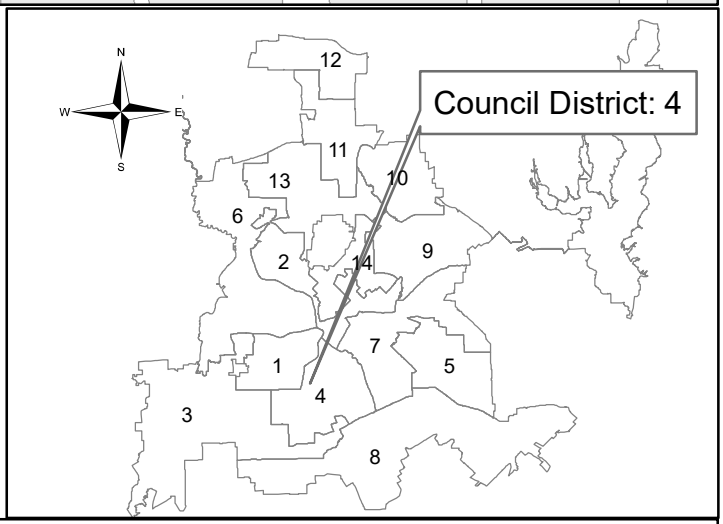
Kings Branch Culvert
at Edgemont Avenue



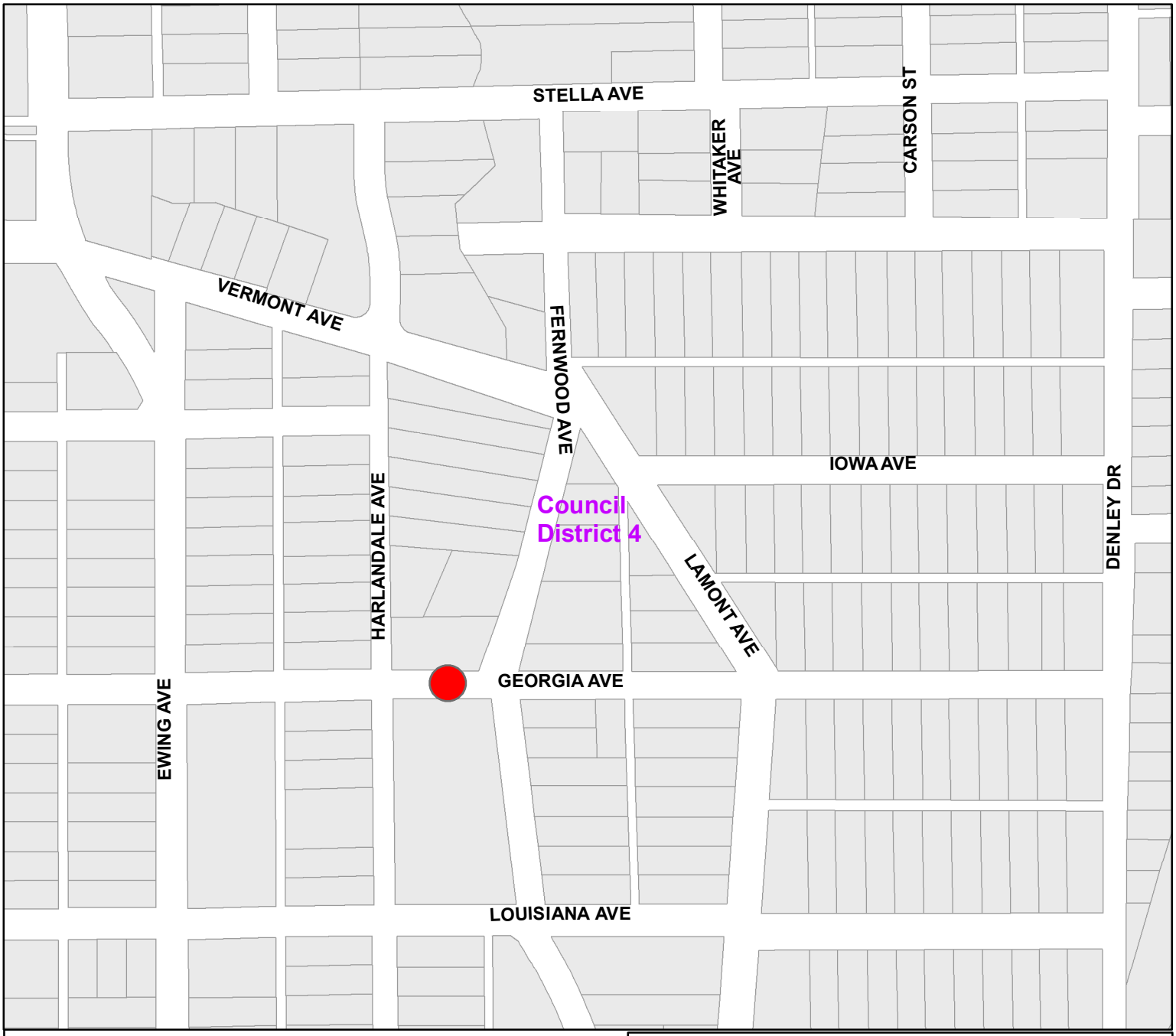
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



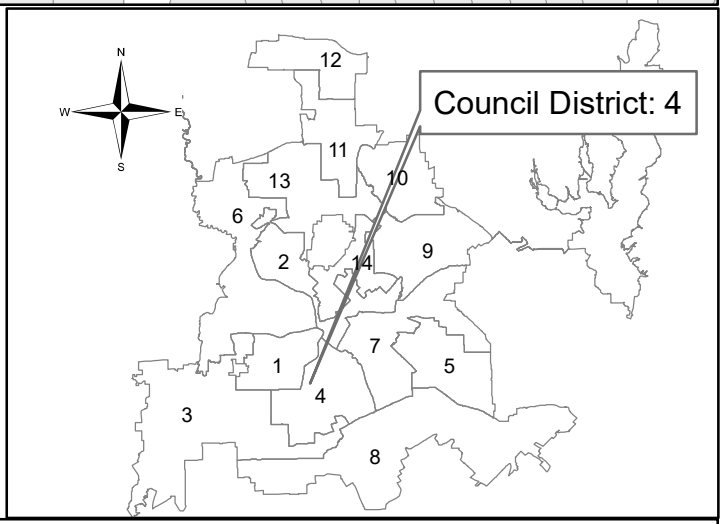
Kings Branch Culvert
at Genoa Avenue



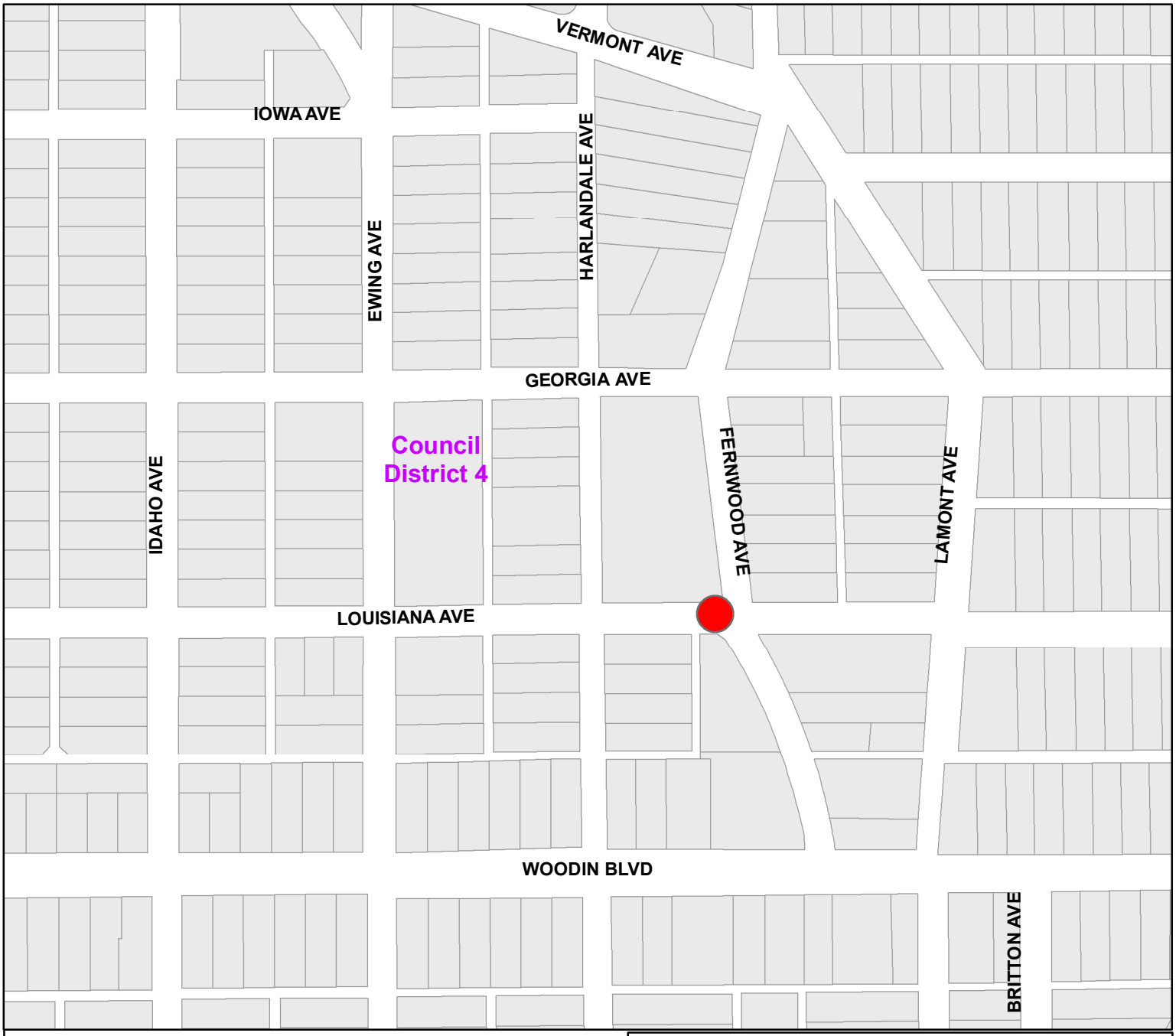
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



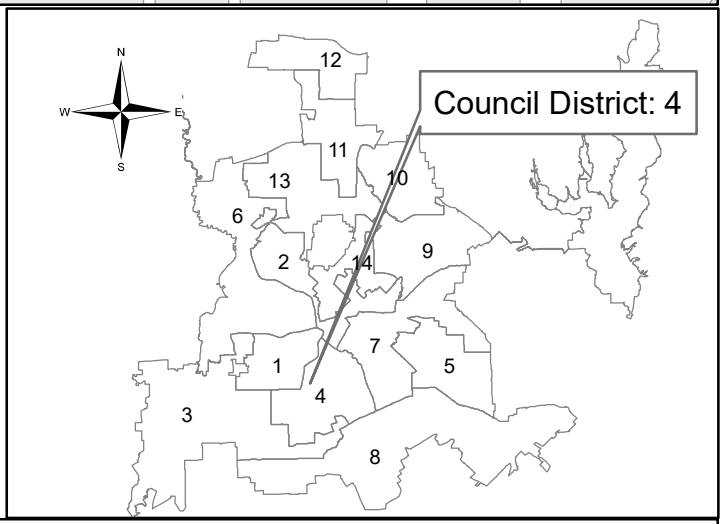
Kings Branch Culvert
at Georgia Avenue



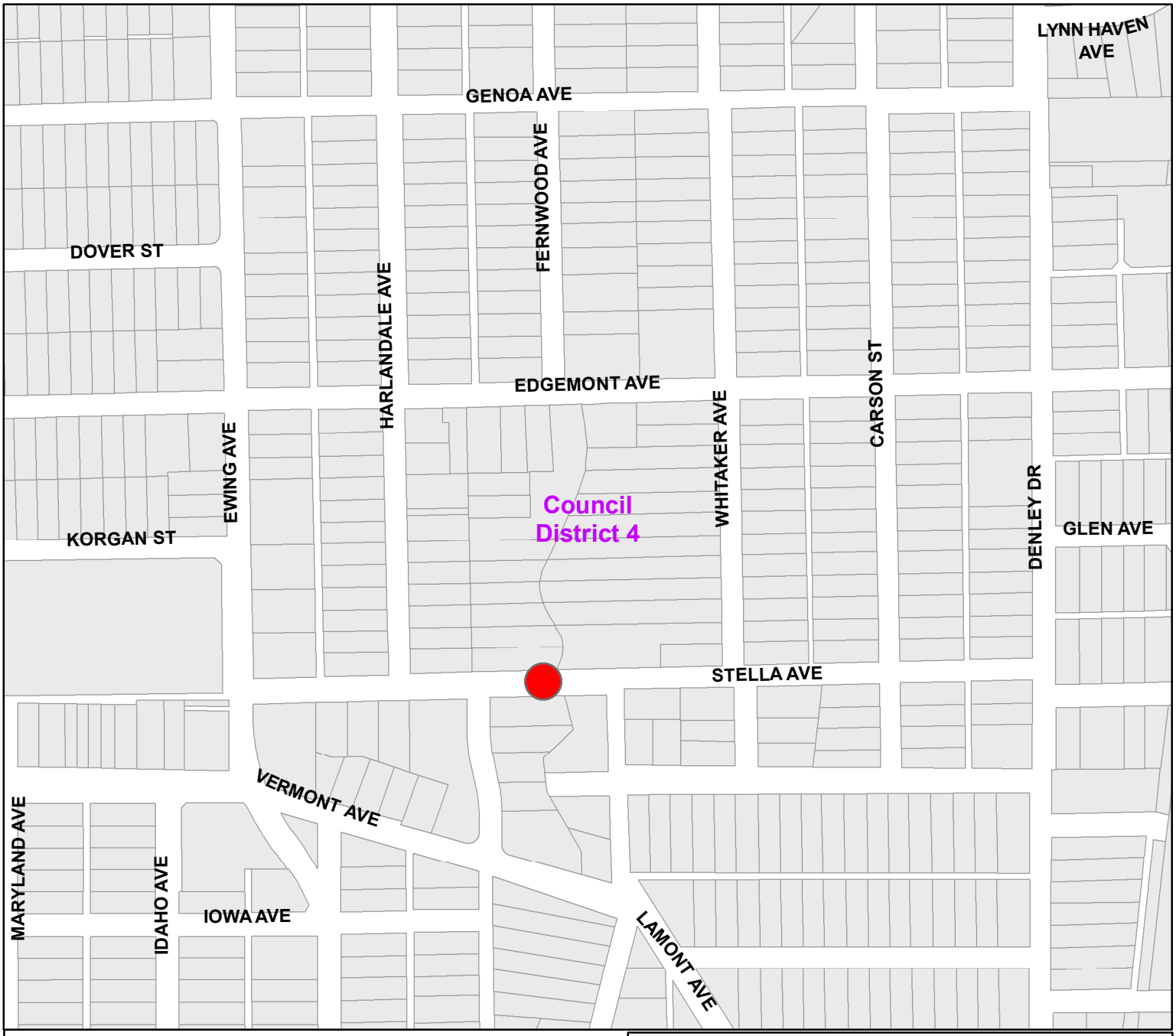
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



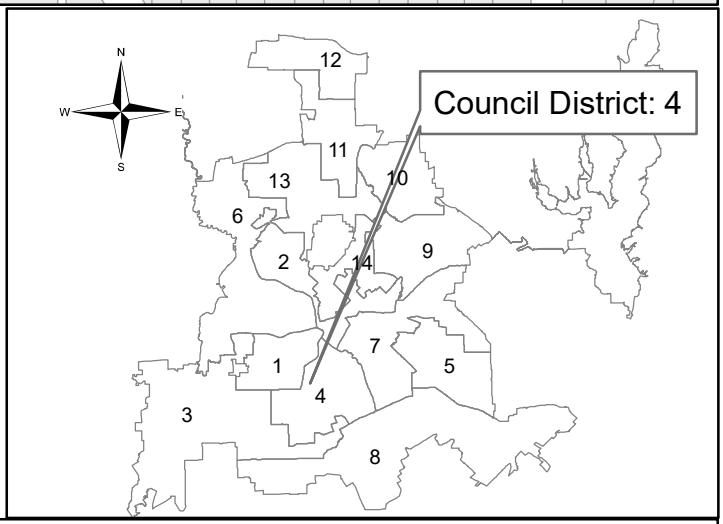
Kings Branch Culvert
at Louisiana Avenue



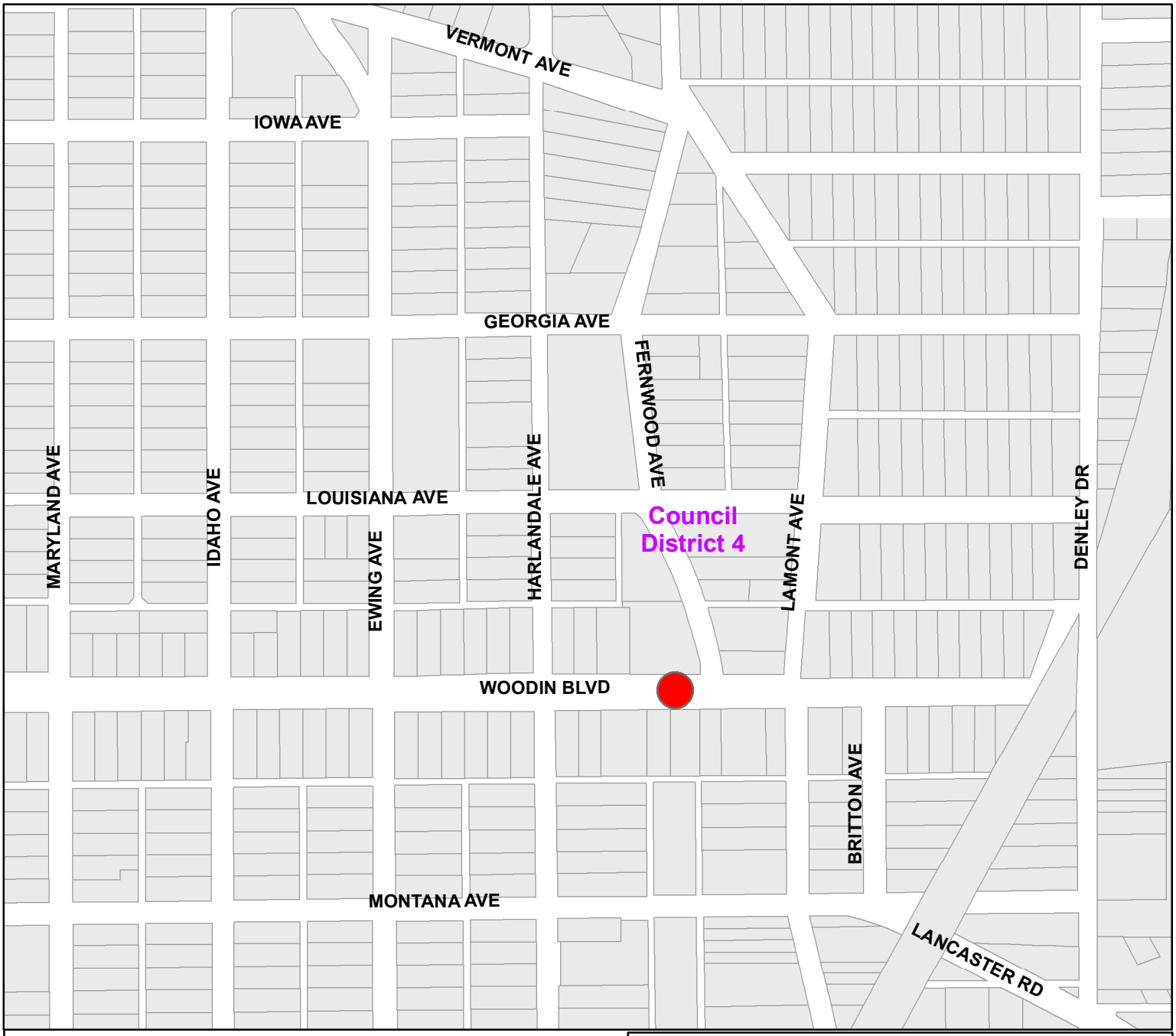
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



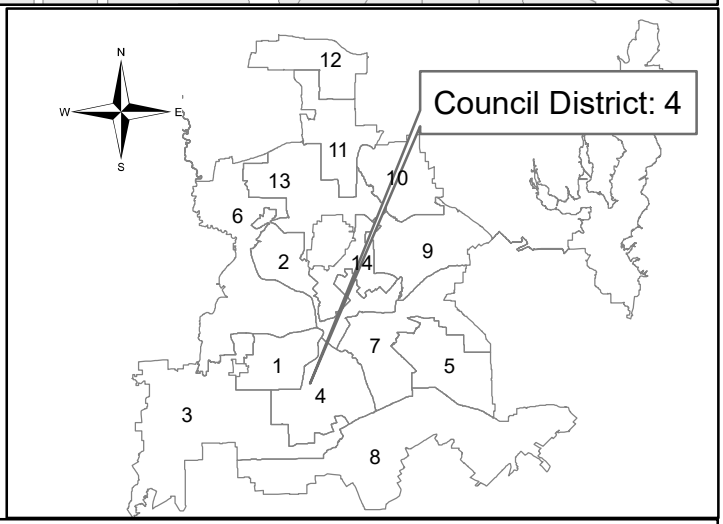
Kings Branch Culvert
at Stella Avenue



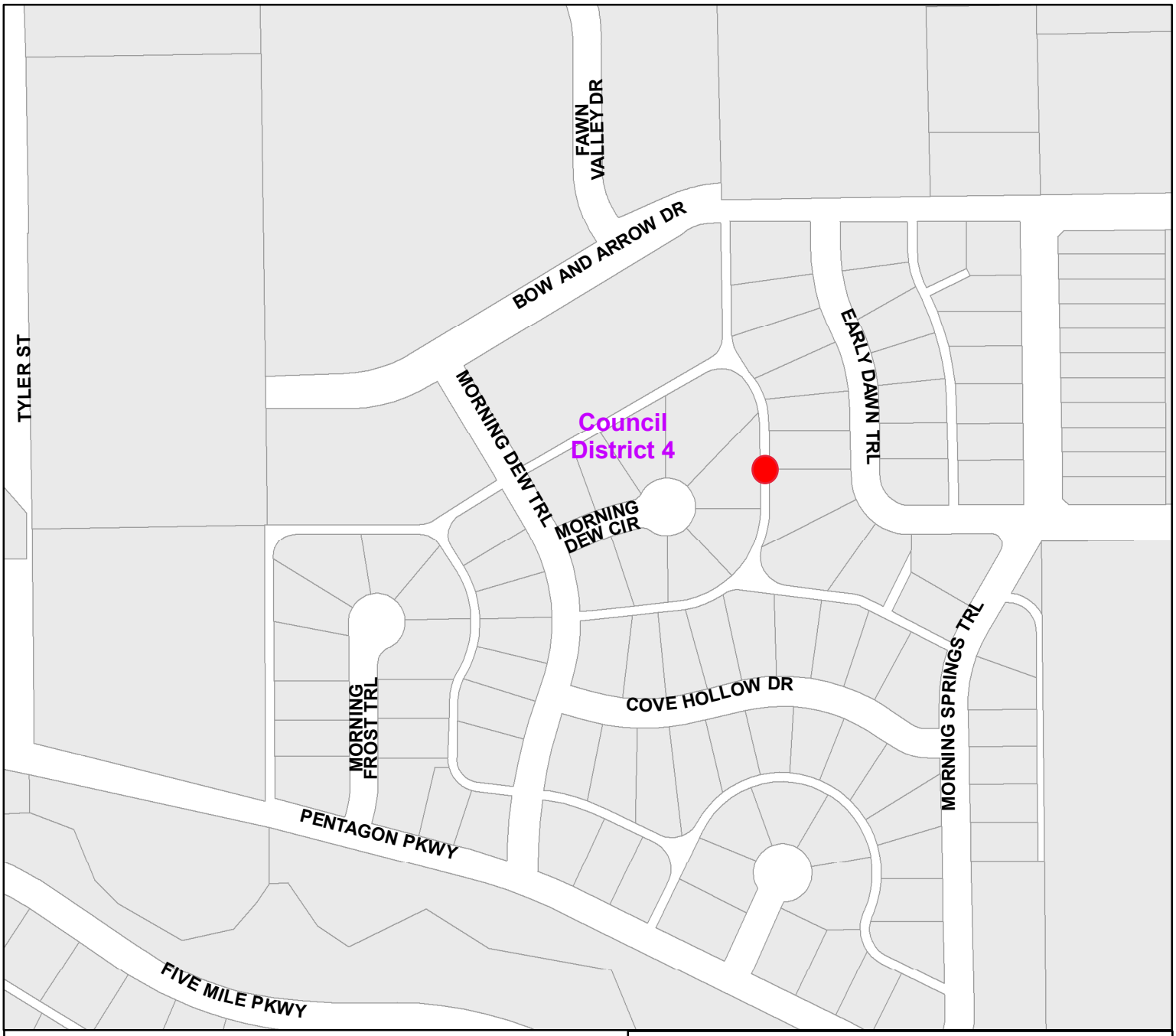
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



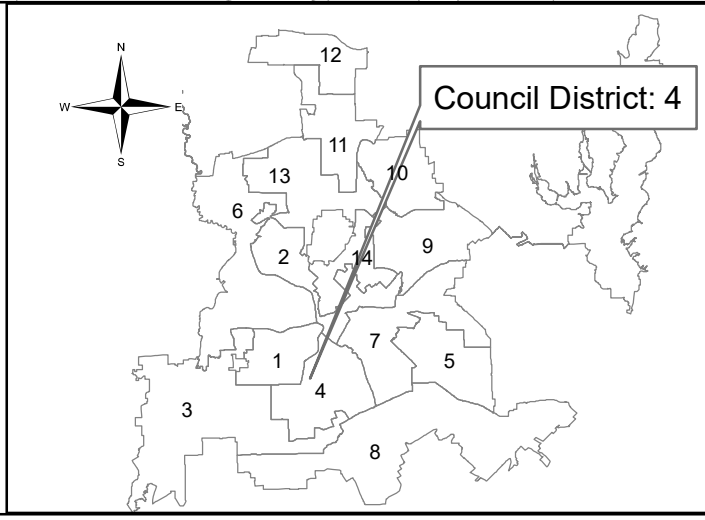
Kings Branch Culvert
at Woodin Boulevard



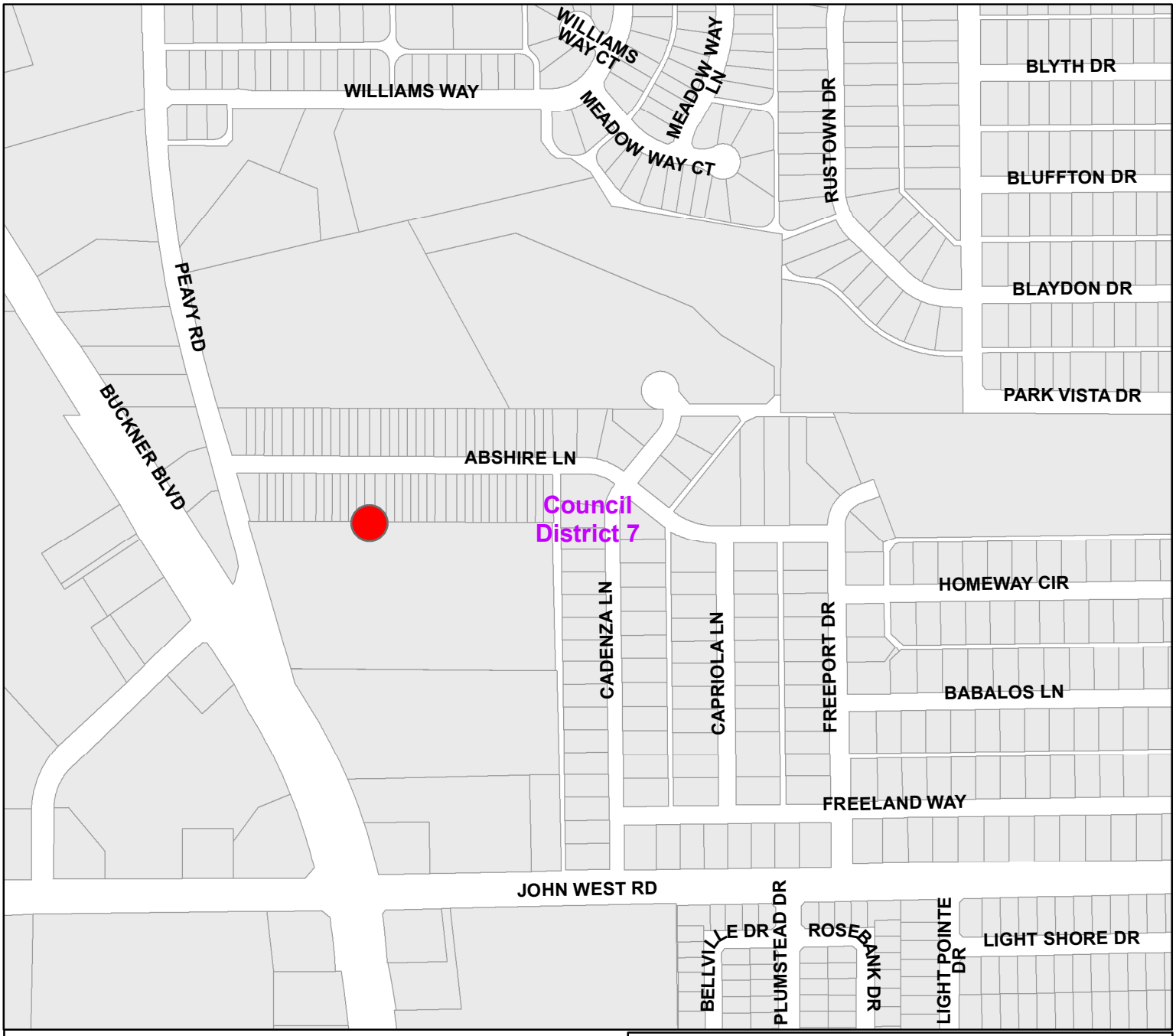
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



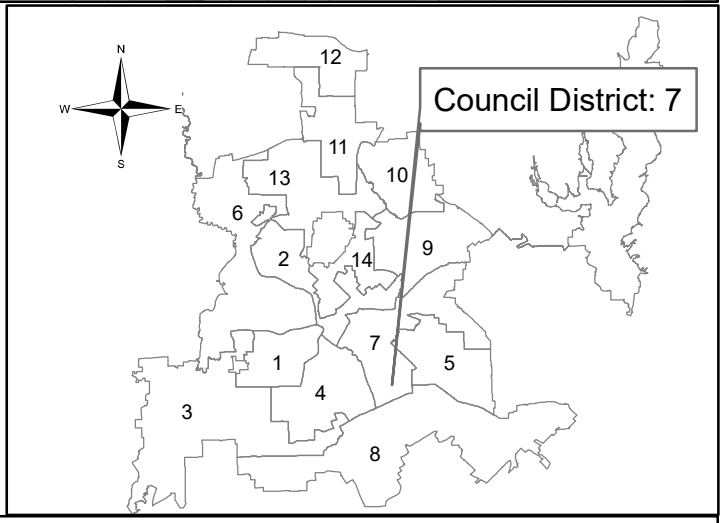
Morning Dew Circle



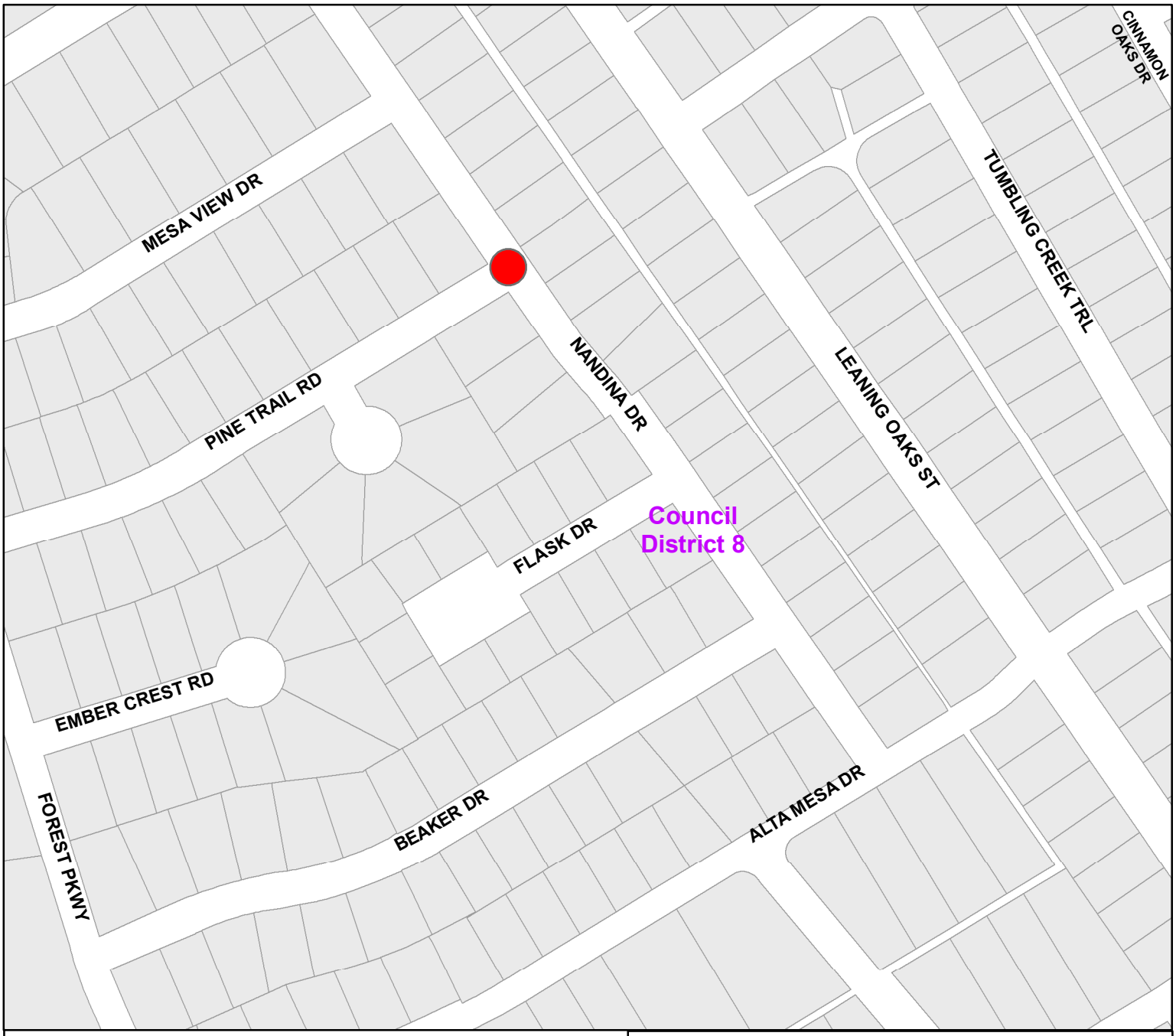
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



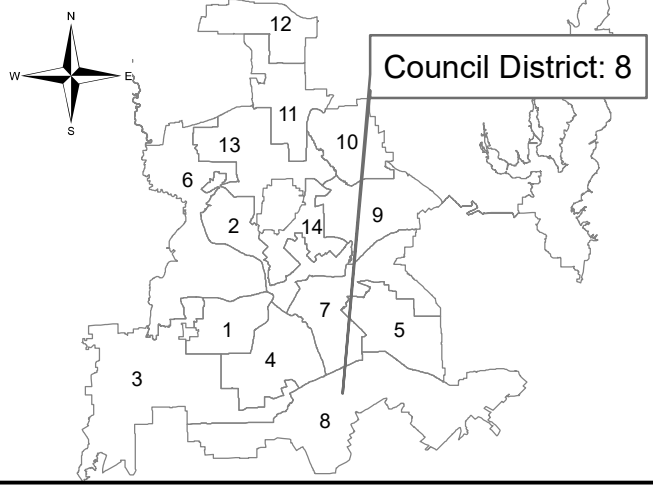
Abshire Lane



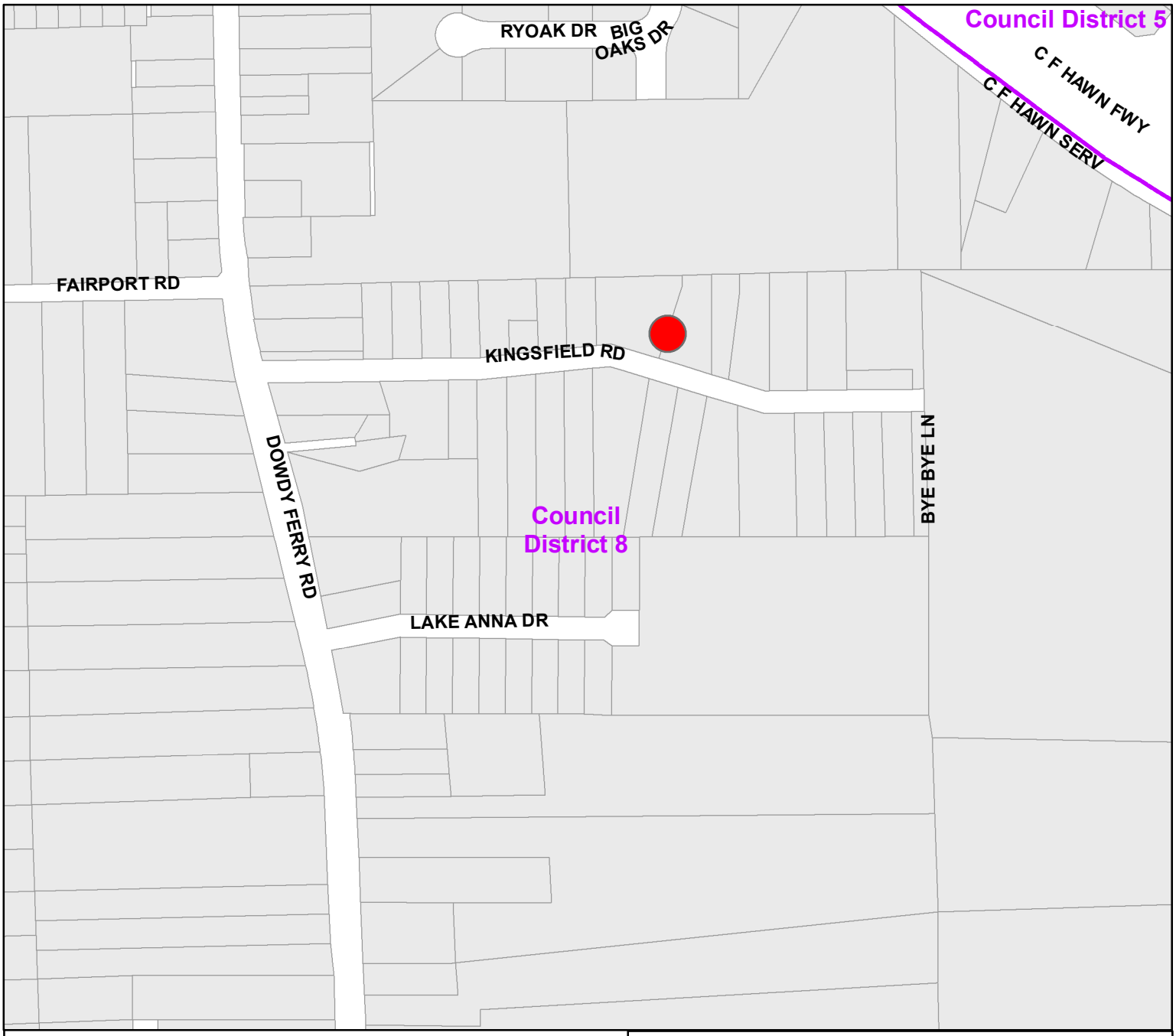
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



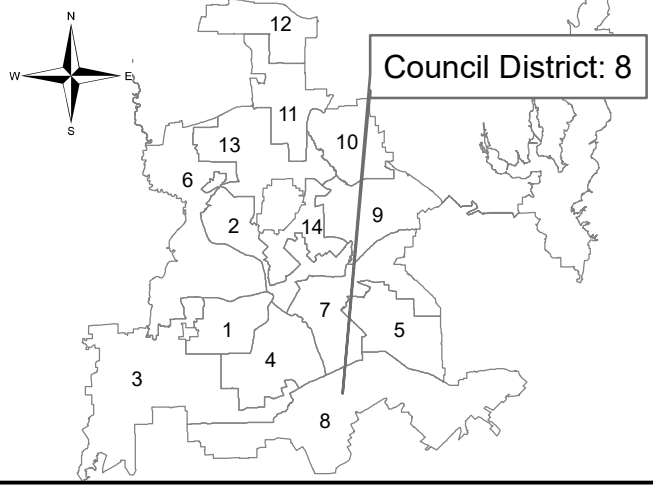
Nandina - Pine Trail
Storm Drain



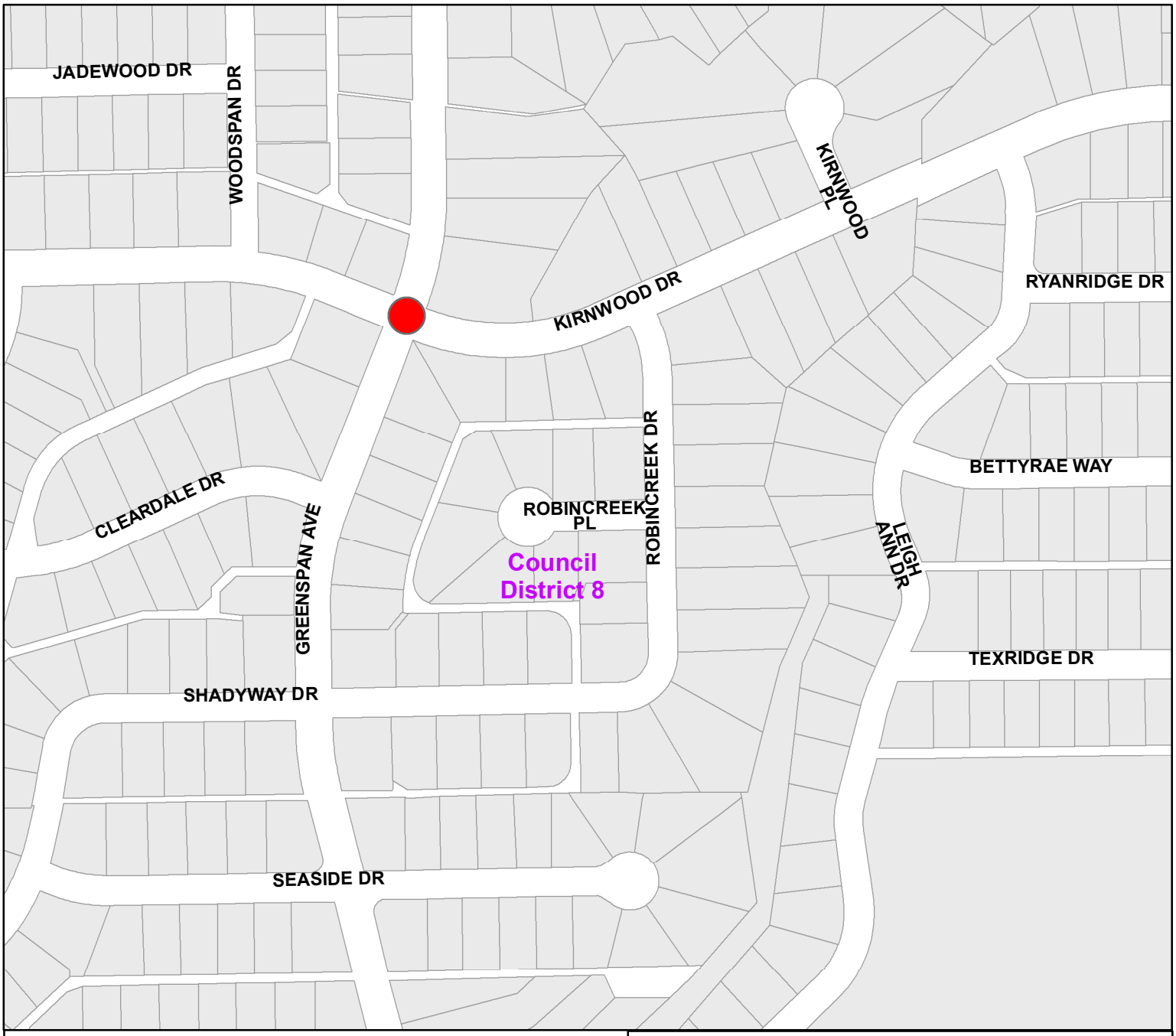
Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



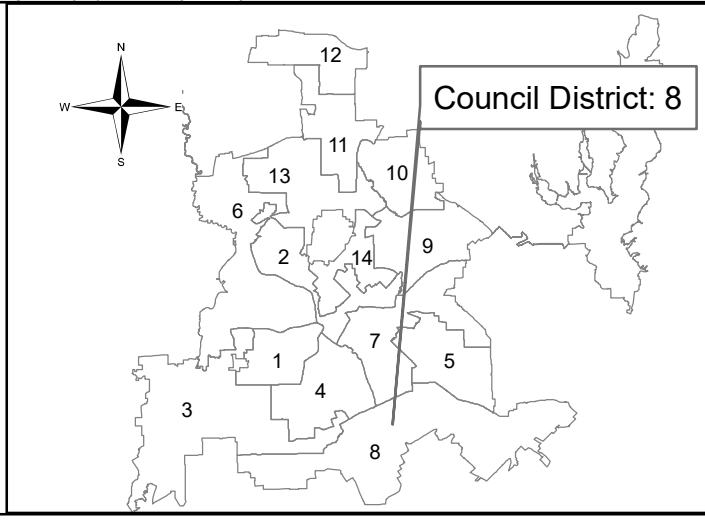
Pruitt Branch Tributary Culvert
Improvements at Kingsfield Road



Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management



Greenspan Avenue
at Kirnwood Drive



Dallas Water Utilities
Contract No. 19-057E
Storm Water Drainage Group B
Stormwater Project Management

WHEREAS, the City of Dallas has identified a need to address drainage problems occurring at various locations within the City; and

WHEREAS, engineering services are required to design and construct storm sewer infrastructure improvements at twelve locations for flood protection and storm drainage relief; and

WHEREAS, engineering services will include preliminary investigation, surveying, geotechnical investigation, preliminary design, and development of construction plans and specifications; and

WHEREAS, HDR Engineering, Inc., 17111 Preston Road, Suite 300, Dallas, Texas 75248, has submitted an acceptable proposal to provide these engineering services.

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 HDR Engineering, Inc., approved as to form by the City Attorney, for the engineering design of Storm Drainage Contract No. B, in an amount not to exceed $611,465.80.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $611,465.80 to HDR Engineering, Inc. in accordance with the terms and conditions of the contract, as follows:

Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD60, Activity ERCT Object 4111, Program TW17VD60 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 62,175.49
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD56, Activity ERCT Object 4111, Program TW17VD56 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 22,895.83
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD61, Activity ERCT Object 4111, Program TW17VD61 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 34,374.53

SECTION 2. (continued)

Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD54, Activity ERCT Object 4111, Program TW17VD54 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 26,568.03
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD59, Activity ERCT Object 4111, Program TW17VD59 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 48,960.15
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD58, Activity ERCT Object 4111, Program TW17VD58 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 25,148.01
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD57, Activity ERCT Object 4111, Program TW17VD57 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 27,982.13
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD55, Activity ERCT Object 4111, Program TW17VD55 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 17,800.00
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD62, Activity ERCT Object 4111, Program TW17VD62 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$116,971.73
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD63, Activity ERCT Object 4111, Program TW17VD63 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$103,706.53

SECTION 2. (continued)

Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD64, Activity ERCT Object 4111, Program TW17VD64 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 55,685.45
Flood Control (D) Fund Fund 1V23, Department DWU, Unit VD65, Activity ERCT Object 4111, Program TW17VD65 Encumbrance/Contract No. CX-DWU-2019-00009198 Vendor 181219	$ 69,197.92
Total amount not to exceed	$611,465.80

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 Information Sheet

File #: 19-382 **Item #:** 39.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design of Erosion Control Contract No. 2 (list attached to the Agenda Information Sheet) - Not to exceed $136,505.50 - Financing: Storm Drainage Management Capital Construction Fund

BACKGROUND

This action will authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. for the engineering design of three erosion control projects. Erosion control improvements will be evaluated and designed for 8208 Coolgreene Drive, 8223 Hunnicut Road and 3837 Simpson Stuart Road.

The stream banks located along various property boundaries are experiencing severe erosion. This project will evaluate options to address erosion and develop construction documents to stabilize eroded stream banks utilizing gabion walls or other approved erosion control structures. The proposed improvements will stabilize the existing stream banks while staying within the existing property boundary and floodway or erosion control easements.

The services provided include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of pre-final and final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	December 2020
Complete Construction	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Storm Drainage Management Capital Construction Fund - $136,505.50

Estimated Future Cost - Construction - $817,162.50

Council District	Amount
7	$ 78,871.50
8	$ 57,634.00
Total	$136,505.50

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$136,505.50	Architectural & Engineering	25.66%	100.00%	$136,505.50
• This contract exceeds the M/WBE goal.				

OWNER

Pacheco Koch Consulting Engineering, Inc.

Mark A. Pacheco, P.E., R.P.L.S., President

MAPS

Attached

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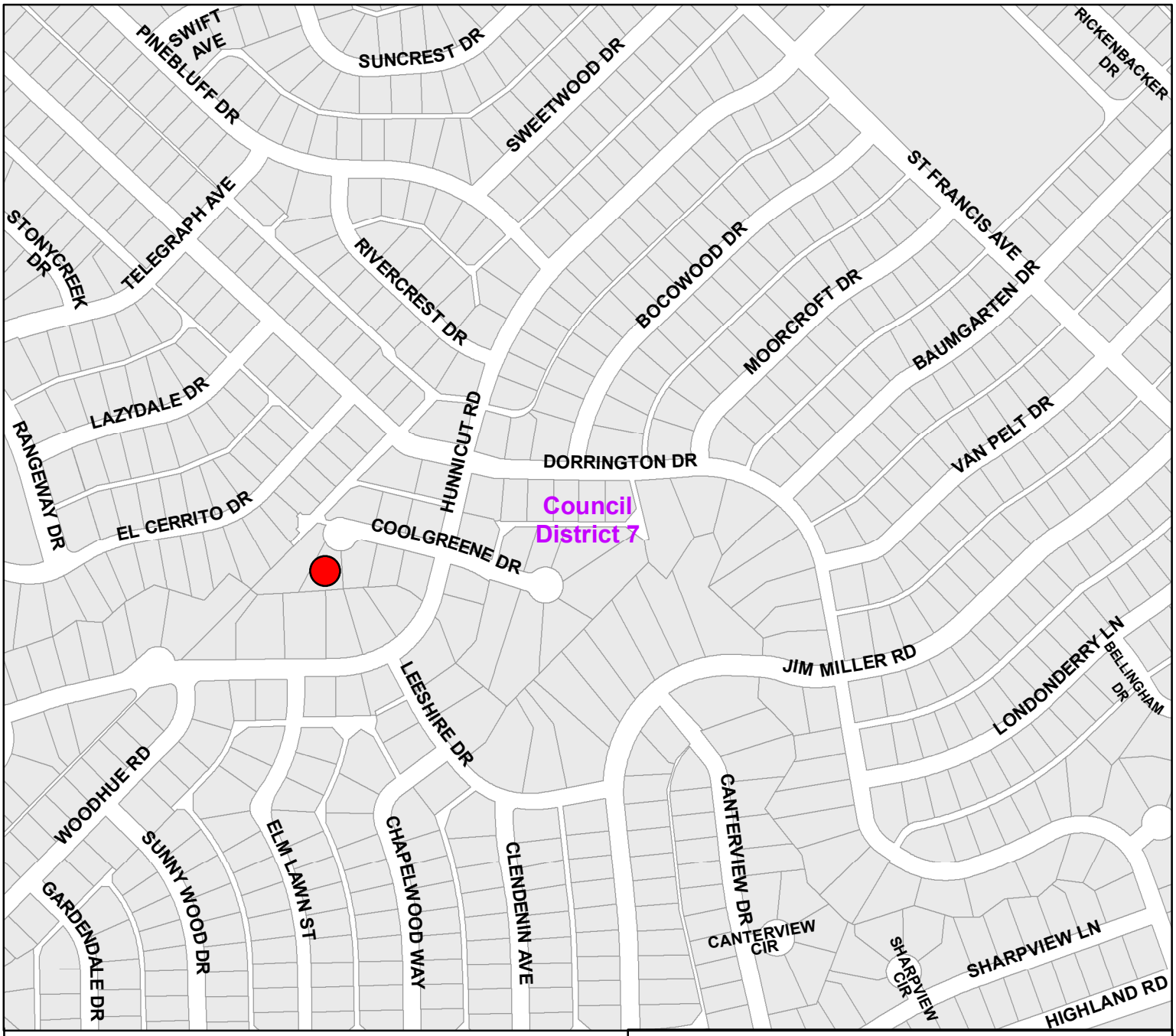
Segment List
Contract No. 19-085E
Erosion Control Contract No. 2
Stormwater Project Management

District 7

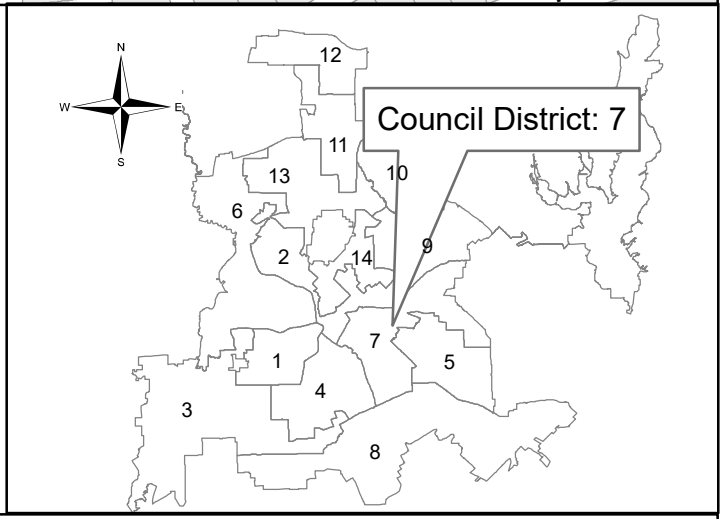
8208 Coolgreene Drive
8223 Hunnicut Road

District 8

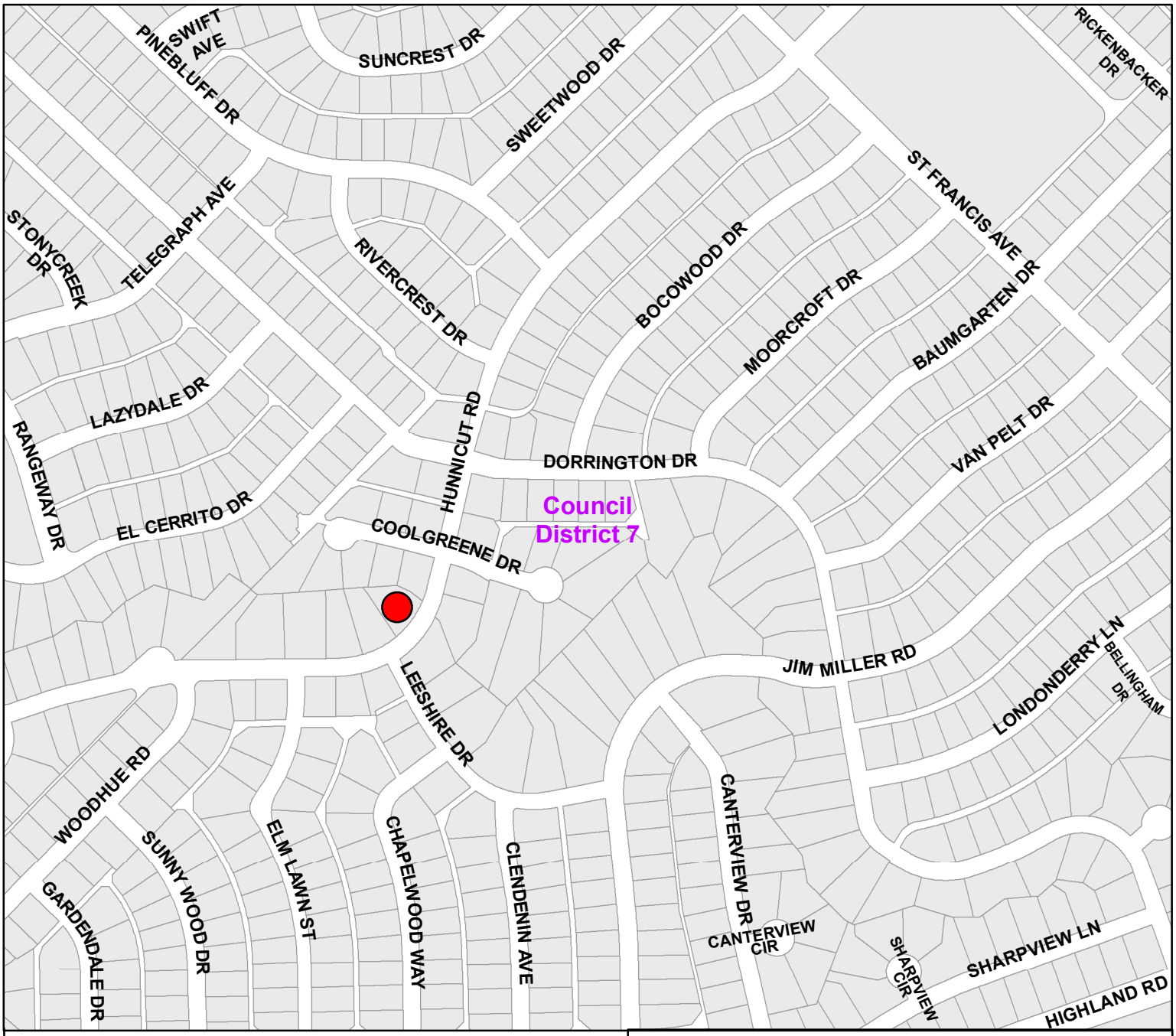
3837 Simpson Stuart Road



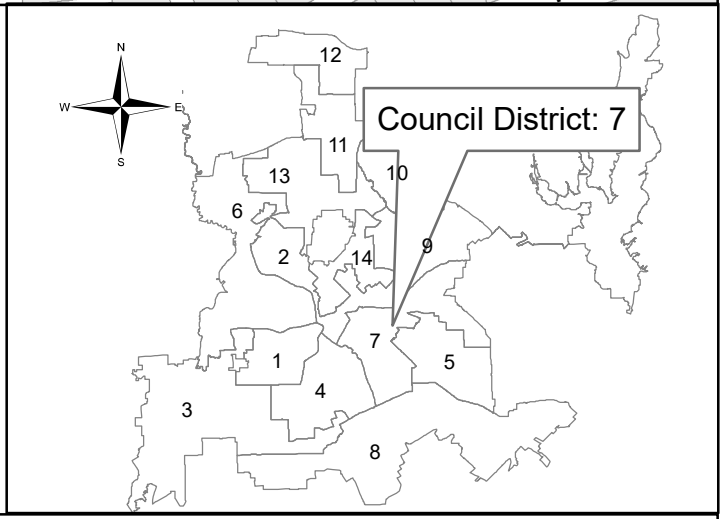
8208 Coolgreene Drive



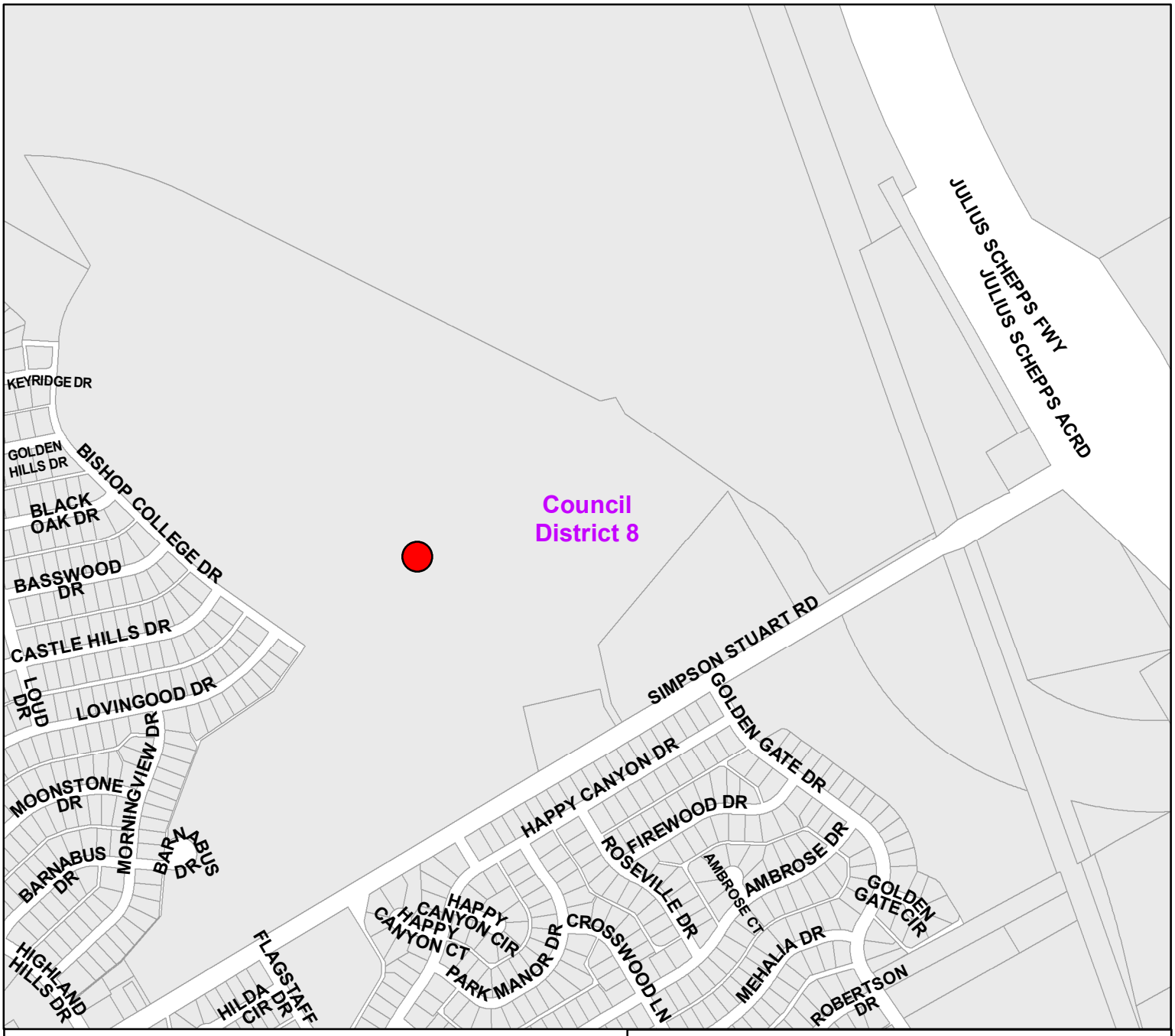
Dallas Water Utilities
Contract No. 19-085E
Erosion Control Contract No. 2
Stormwater Project Management



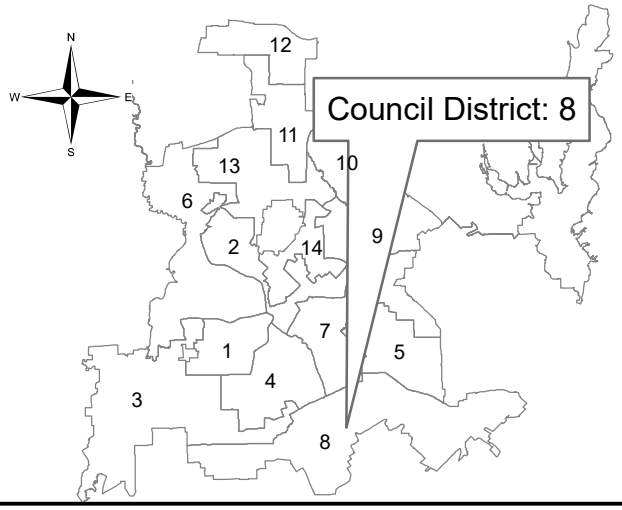
8223 Hunnicut Road



Dallas Water Utilities
Contract No. 19-085E
Erosion Control Contract No. 2
Stormwater Project Management



3837 Simpson Stuart Road



Dallas Water Utilities
Contract No. 19-085E
Erosion Control Contract No. 2
Stormwater Project Management

WHEREAS, stream banks along various property boundaries are experiencing severe erosion; and

WHEREAS, engineering services are required for the evaluation and design of improvements to address erosion at three locations; and

WHEREAS, Pacheco Koch Consulting Engineers, Inc., 7557 Rambler Road, Suite 1400, Dallas, Texas 75231, has submitted an acceptable proposal to provide these engineering services.

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 Pacheco Koch Consulting Engineers, Inc., approved as to form by the City Attorney, for the engineering design of Erosion Control Contract No. 2, in an amount not to exceed $136,505.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $136,505.50 Pacheco Koch Consulting Engineers, Inc. in accordance with the terms and conditions of the contract, as follows:

Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W233, Activity SD01 Object 4111, Program TW17W233 Encumbrance/Contract No. CX-DWU-2019-00009212 Vendor 342980	$ 35,887.90
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W231, Activity SD01 Object 4111, Program TW17W231 Encumbrance/Contract No. CX-DWU-2019-00009212 Vendor 342980	$ 42,983.60
Storm Drainage Management Capital Construction Fund Fund 0063, Department DWU, Unit W238, Activity SD01 Object 4111, Program TW17W238 Encumbrance/Contract No. CX-DWU-2019-00009212 Vendor 342980	$ 57,634.00
Total amount not to exceed	$136,505.50

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 Information Sheet

File #: 19-499 **Item #:** 40.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Ratify the emergency purchase of electrical drive equipment to retrofit the medium voltage variable frequency drives at the Bachman Water Treatment Plant with Rockwell Automation - Not to exceed $563,480.49 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This action consists of the emergency retrofit of medium voltage variable frequency drive (VFD) equipment within the Bachman Water Treatment Plant Pump Station. Bachman Water Treatment Plant is a 150 million gallon per day (MGD) treatment plant that provides water service delivery to central and southern Dallas, including various customer cities.

Over the past few months, Dallas Water Utilities (DWU) has unpredictably experienced failures with electrical drives. Assessment of the electrical switchgear revealed that many of the components have been phased out by the manufacturer and are no longer available on the market, nor supported by industry suppliers. For the past few months, DWU has been able to sustain water service delivery by salvaging various electrical parts from existing failed pump controls at the pump station. The current equipment contains proprietary parts and software, owned by Rockwell Automation, which is unavailable from any other source.

A retrofit of the existing equipment has been proposed that would replace multiple operating circuit boards, adapters for new communications software, alternating current/direct current power supply kits and rectifiers to power the retrofit equipment, and other components to ensure another 10 years of useful life with manufacturer's support. The retrofit has been designed to restore full operational control.

Failure of these high-capacity, 45 MGD pumps would restrict the utility's ability to deliver treated water from the Bachman Plant to meet the water demands and fire suppression needs within the service delivery area.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $563,480.49

OWNER

Rockwell Automation

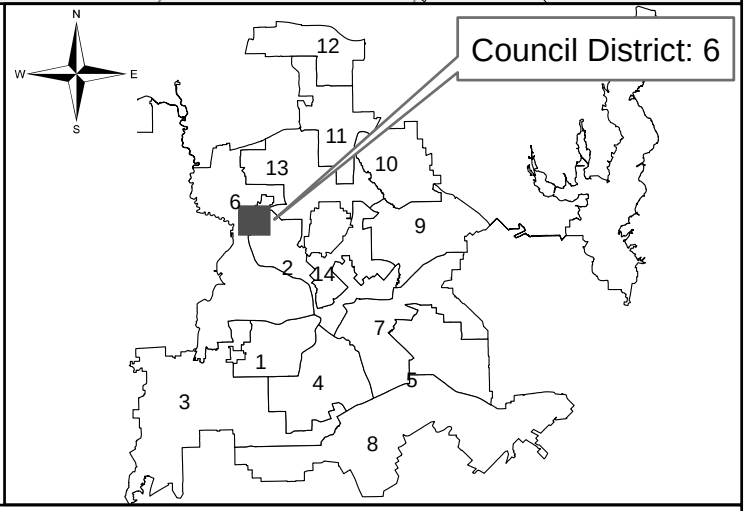
Blake D. Moret, Chairman and Chief Executive Officer

MAP

Attached



Mapsco: 33 C, G



Dallas Water Utilities
Emergency Retrofit of Variable Frequency Drives at
Bachman Water Treatment Plant

WHEREAS, the variable frequency drive equipment has reached the end of its useful life and is beginning to fail at Bachman Water Treatment Plant Pump Station; and

WHEREAS, emergency purchase of equipment to retrofit these drives is required to insure the reliable delivery of potable water to the citizens of Dallas and other cities; and

WHEREAS, the current equipment contains proprietary parts and software, owned by Rockwell Automation, who has designed the retrofit to restore full operational control of the frequency drives.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to make an emergency purchase for electrical drive equipment to retrofit the variable frequency drives at Bachman Water Treatment Plant with Rockwell Automation, in an amount not to exceed $563,480.49.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $563,480.49 to Rockwell Automation from the Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW50, Object 4720, Program 7A1415, Encumbrance/Contract No. DWU-2019-00009877, Vendor 357035.

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 Information Sheet

File #: 19-488 **Item #:** 41.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the **(1)** rejection of the bids received for Dallas Water Utilities heating, ventilation, air conditioning and refrigeration maintenance, repairs, and minor replacements; and **(2)** re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

This project consists of heating, ventilation, air conditioning and refrigeration maintenance, repairs, minor replacements, and on-call repair services to approximately 3,000 pieces of equipment at Dallas Water Utilities (DWU) facilities located in Dallas, Carrollton, Sunnyvale and at DWU lake properties.

On March 15, 2019, one bid was received. Bid proposal received was deemed incorrect and considered non-responsive. In the best interest of the City of Dallas, the Water Utilities Department is recommending rejection of bids received and the re-advertisement of this project at a later date. The project will be repackaged in an effort to receive more bids and better proposals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

No cost consideration to the City.

April 24, 2019

WHEREAS, on March 15, 2019, one bid was received for Dallas Water Utilities heating, ventilation, air conditioning and refrigeration maintenance, repairs, and minor replacements; and

WHEREAS, the bid proposal was deemed incorrect and considered non-responsive; and

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the bid received and re-advertise for new bids at a later date.

Now, Therefore,

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

SECTION 1. That all bids received for the Dallas Water Utilities heating, ventilation, air conditioning and refrigeration maintenance, repairs, and minor replacements, Contract No. 19-019/020, be rejected; and that the City re-advertise for new bids.

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 Information Sheet

File #: 19-378 **Item #:** 42.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 11, Outside City Limits

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the East Side Water Treatment Plant and improvements at the Walcrest Pump Station located at Hillcrest Road and Walnut Hill Lane - Not to exceed $1,750,000.00, from $15,910,397.00 to $17,660,397.00 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing construction management services for year six of the water quality improvement construction contracts at the Elm Fork Water Treatment Plant and East Side Water Treatment Plant. Construction management services are also being provided for the Walcrest Pump Station and Reservoir Improvements Project located at Hillcrest Road and Walnut Hill Lane. This supplemental agreement will provide construction management services necessary to manage and coordinate approximately $266 million of construction at these three sites. This construction management contract was planned as a phased approach to match each fiscal year's construction projects with construction management needs. The intent of the annual authorization is to assure continuity in management and review of services. This is the final supplemental agreement for this contract and will ensure continuity of construction management services until the next contract is executed and there is a complete transition of services.

Construction management services under this contract consist of the planning and coordination of construction projects as the City's representative. This contract both partners with and augments current City staff assigned to these projects. The construction management firm is responsible for ensuring that all work is accomplished in accordance with the project plans and specifications and in a manner that meets the operational objectives, negotiating change orders, and aiding in resolution of any construction conflicts.

Construction management services are necessary to efficiently schedule and stage complex, simultaneous construction activities with multiple contractors. Additional construction management services include schedule and budget evaluations, value engineering, constructability reviews, accuracy checks on cost estimates, monitoring the quality of the construction work, and documenting the materials, labor, and equipment used.

ESTIMATED SCHEDULE OF PROJECT

Begin Services	May 2019
Complete Services	May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 28, 2013, City Council authorized a professional services contract with CH2M HILL Engineers, Inc. to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and relocation of a 48-inch wastewater main along Bachman Lake by Resolution No. 13-1462.

On October 22, 2014, City Council authorized Supplemental Agreement No. 1 to the engineering contract with CH2M HILL Engineers, Inc. for additional engineering services to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant; and relocation of a 48-inch wastewater main just north of the Bachman Lake Dam by Resolution No. 14-1825.

On November 10, 2015, City Council authorized Supplemental Agreement No. 2 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and the Walcrest Pump Station Improvements by Resolution No. 15-2097.

On February 8, 2017, City Council authorized Supplemental Agreement No. 3 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and improvements at the Walcrest Pump Station by Resolution No. 17-0275.

On December 13, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the East Side Water Treatment Plant and improvements at the Walcrest Pump Station located at Hillcrest Road and Walnut Hill Lane by Resolution No. 17-1900.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 22, 2019.

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FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $1,750,000.00

Construction Management Services	$ 3,611,650.00
Supplemental Agreement No. 1	$ 3,963,775.00
Supplemental Agreement No. 2	$ 3,111,029.00
Supplemental Agreement No. 3	$ 2,397,035.00
Supplemental Agreement No. 4	$ 2,826,908.00
Supplemental Agreement No. 5 (this action)	$ 1,750,000.00
Total Project Cost	$17,660,397.00

Council District	Amount
11	$ 500,000.00
Outside City Limits	$1,250,000.00
Total	$1,750,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,750,000.00	Architectural & Engineering	25.66%	25.67%	$449,225.00
• This contract exceeds the M/WBE goal.				
• Supplement Agreement No. 5 - 25.83% Overall M/WBE participation				

OWNER

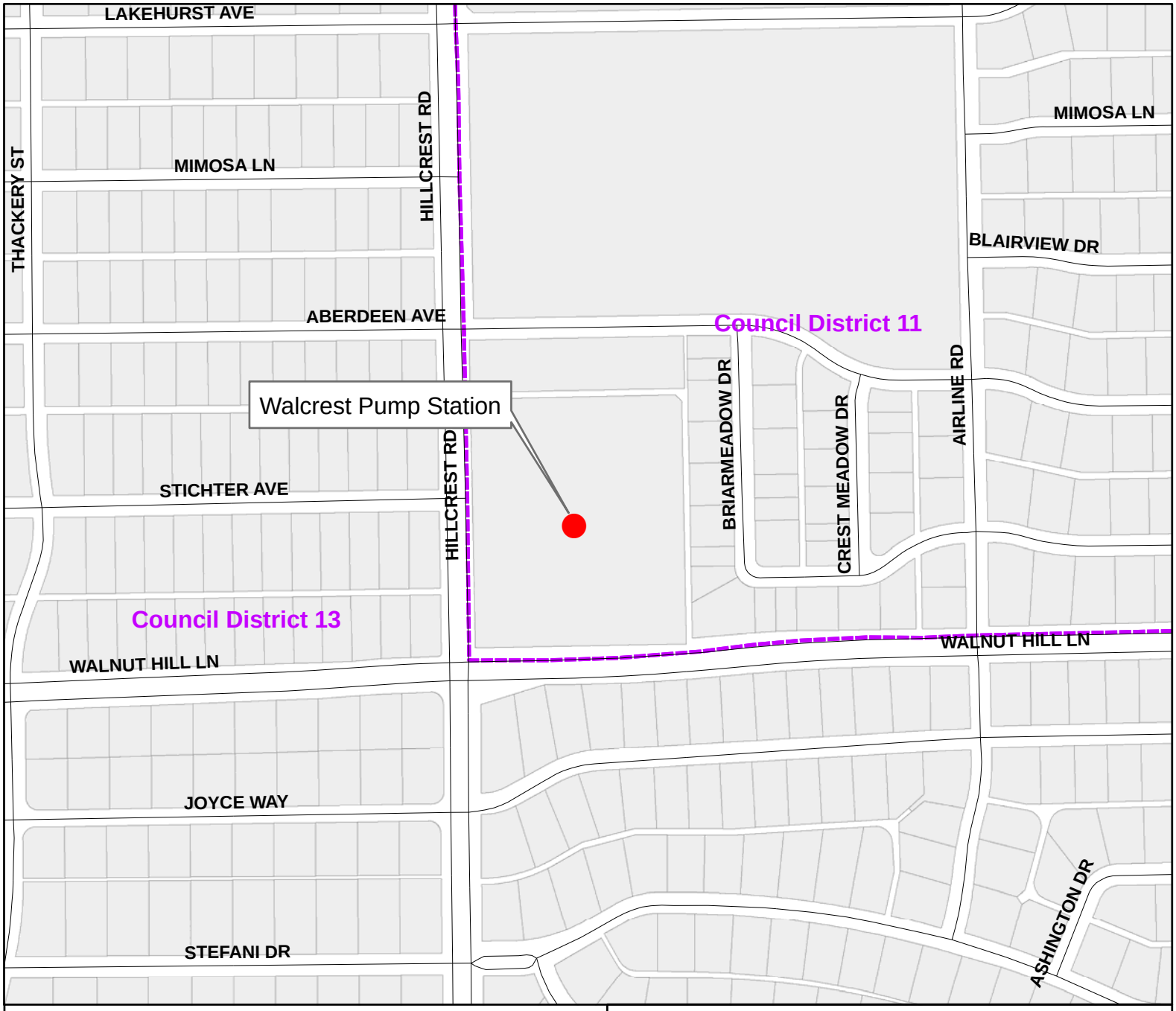
CH2M HILL Engineers, Inc.

C. Raajan Mehta, P.E., Vice President

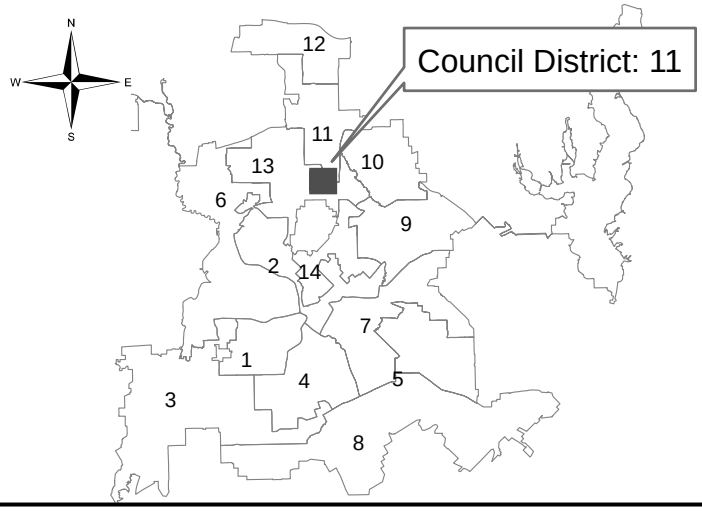
MAPS

Attached

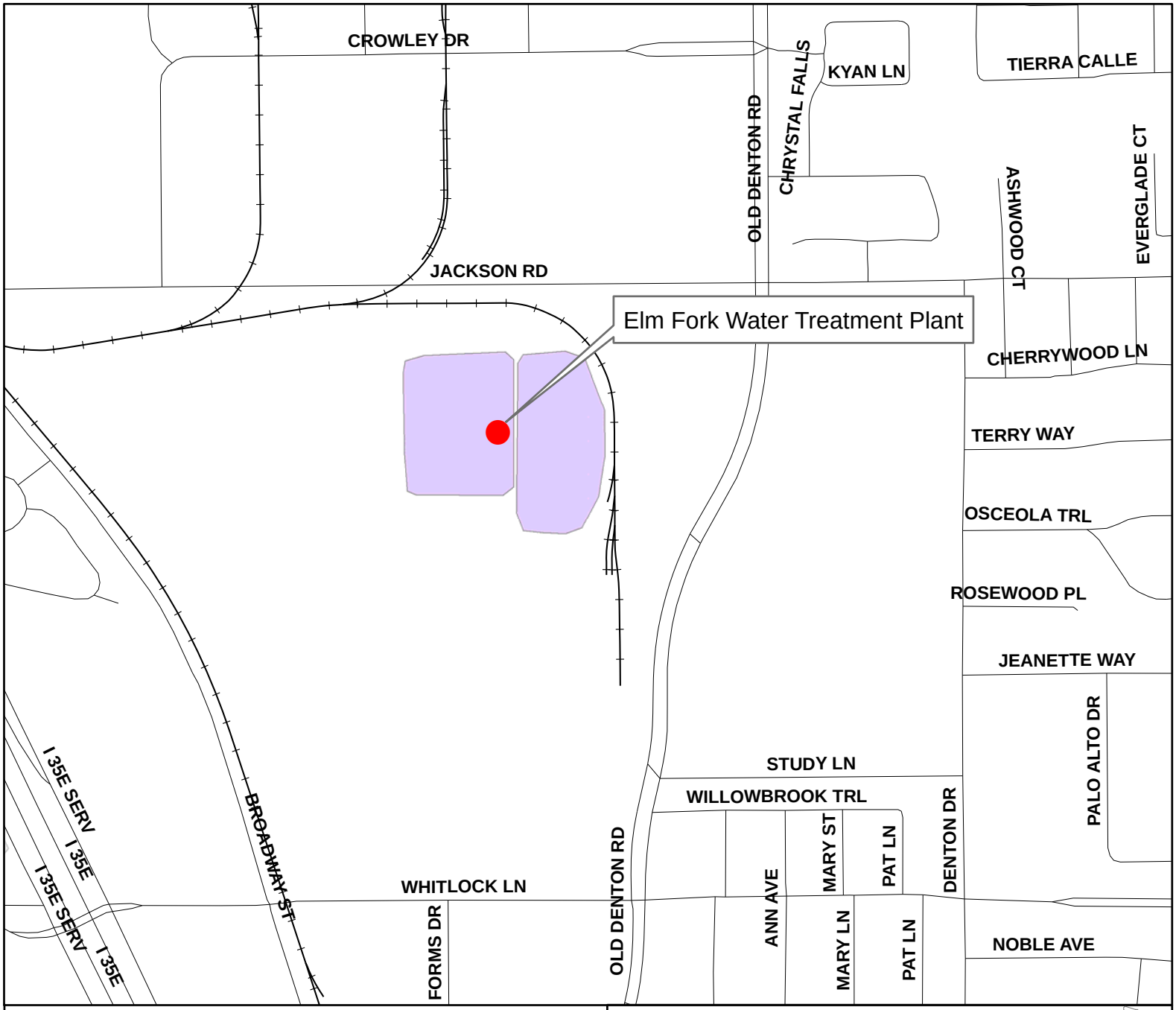
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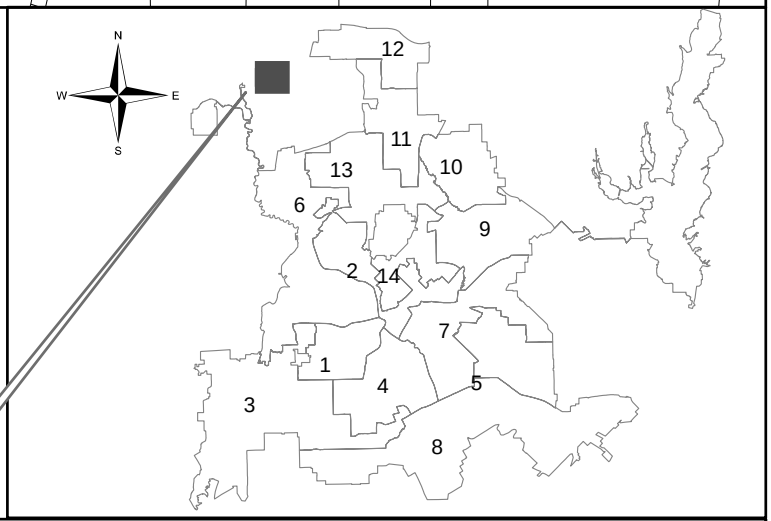
Mapsco: 25 R



Dallas Water Utilities
Contract No. 12-079E, Supplemental Agreement No. 5
Walcrest Pump Station
Construction Management Services for Water Quality Improvements

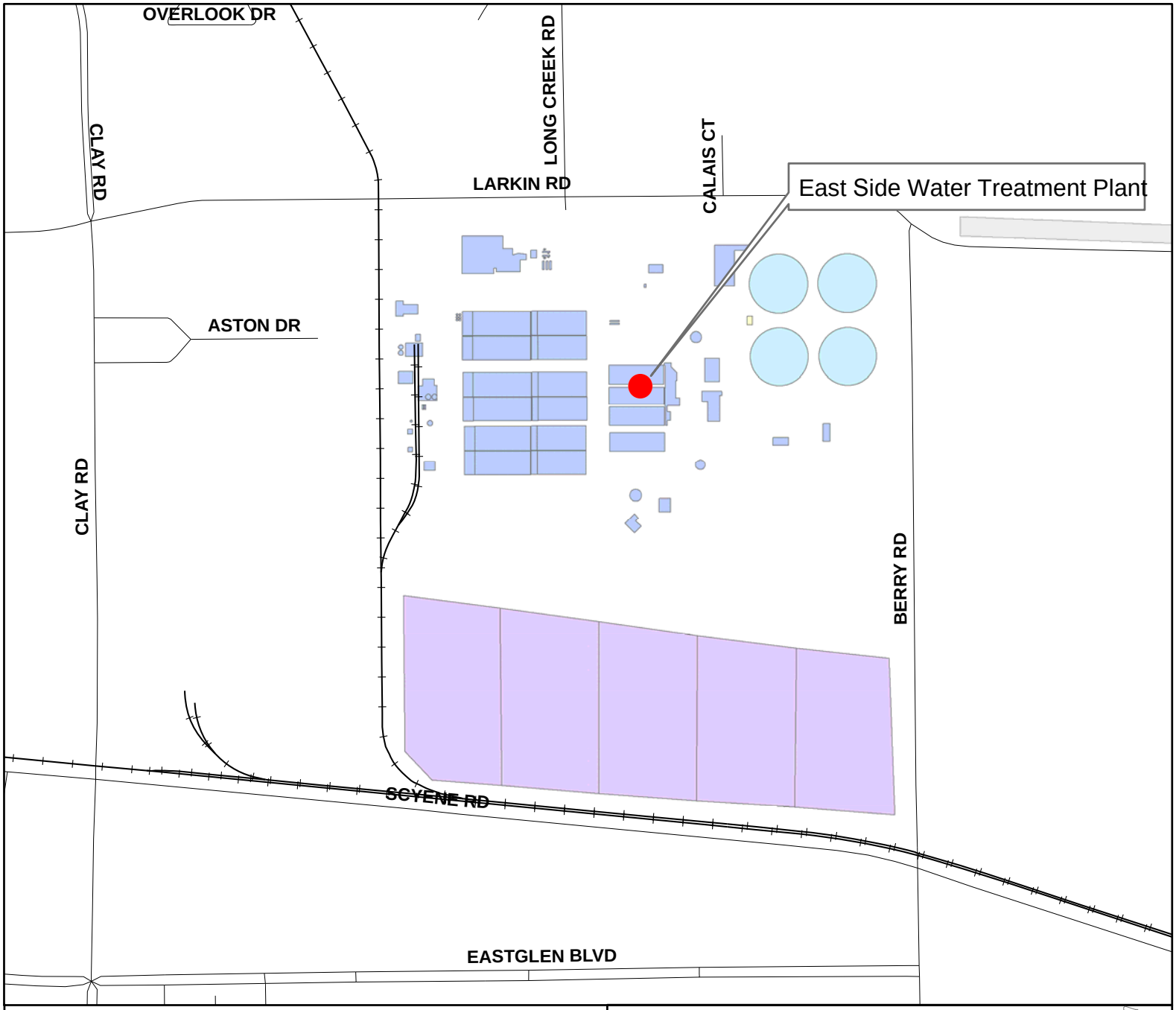


Mapsco: 2 T



Council District: Outside City Limits

Dallas Water Utilities
Contract No. 12-079E, Supplemental Agreement No. 5
Elm Fork Water Treatment Plant
Construction Management Services for Water Quality Improvements



Mapsco: 50A N S T



Council District: Outside City Limits

Dallas Water Utilities
Contract No. 12-079E, Supplemental Agreement No. 5
East Side Water Treatment Plant
Construction Management Services for Water Quality Improvements

WHEREAS, on August 28, 2013, City Council authorized a professional services contract with CH2M HILL Engineers, Inc., to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and relocation of a 48-inch wastewater main along Bachman Lake, in an amount not to exceed $3,611,650.00, by Resolution No. 13-1462; and

WHEREAS, on October 22, 2014, City Council authorized Supplemental Agreement No. 1 to the engineering contract with CH2M HILL Engineers, Inc., for additional engineering services to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant; and relocation of a 48-inch wastewater main just north of the Bachman Lake Dam, in an amount not to exceed $3,963,775.00, from $3,611,650.00 to $7,575,425.00, by Resolution No. 14-1825; and

WHEREAS, on November 10, 2015, City Council authorized Supplemental Agreement No. 2 to the professional services contract with CH2M HILL Engineers, Inc., to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and the Walcrest Pump Station Improvements, in an amount not to exceed $3,111,029.00, from $7,575,425.00 to $10,686,454.00, by Resolution No. 15-2097; and

WHEREAS, on February 8, 2017, City Council authorized Supplemental Agreement No. 3 to the professional services contract with CH2M HILL Engineers, Inc., to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant and improvements at the Walcrest Pump Station, in an amount not to exceed $2,397,035.00, from $10,686,454.00 to $13,083,489.00, by Resolution No. 17-0275; and

WHEREAS, on December 13, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the East Side Water Treatment Plant and improvements at the Walcrest Pump Station located at Hillcrest Road and Walnut Hill Lane, in an amount not to exceed $2,826,908.00, from $13,083,489.00 to $15,910,397.00, by Resolution No. 17-1900; and

WHEREAS, ongoing and new construction activities at the Elm Fork Water Treatment Plant, the East Side Water Treatment Plant, and the Walcrest Pump Station and Reservoir total $266 million of new and ongoing construction at these sites; and

WHEREAS, additional construction management services are required to closely supervise, coordinate, and manage the day-to-day activities of multiple contractors; and

WHEREAS, CH2M HILL Engineers, Inc., 1999 Bryan Street, Suite 1200, Dallas, Texas 75201, has submitted an acceptable proposal to provide these engineering services; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 12-079E be increased by $1,750,000.00, from $15,910,397.00 to $17,660,397.00.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 5 to the professional services contract be accepted and that Contract No. 12-079E with CH2M HILL Engineers, Inc., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with CH2M HILL Engineers, Inc., approved as to form by the City Attorney, to provide additional construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the East Side Water Treatment Plant and improvements at the Walcrest Pump Station located at Hillcrest Road and Walnut Hill Lane, in an amount not to exceed $1,750,000.00, increasing the contract amount from $15,910,397.00 to $17,660,397.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,750,000.00 to CH2M HILL Engineers, Inc. from the Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW31, Object 4116, Program 712079, Encumbrance CT-DWU-712079CP, Vendor VS0000065954.

SECTION 4. That this contract is designated as Contract No. DWU-2016-00001458.

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 Information Sheet

File #: 19-525 **Item #:** 43.

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary’s Office

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 Information Sheet

File #: 19-474 **Item #:** 44.

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 24, 2019
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction
EXECUTIVE:	Michael Mendoza

SUBJECT

Authorize **(1)** the second step of acquisition for condemnation by eminent domain; and **(2)** increase purchase price for the acquisition from Farmers Electric Cooperative, Inc. of approximately 8,411 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $23,457.00, increased from $8,538.00 to $31,995.00 ($28,995.00, plus closing costs and title expenses not to exceed $3,000.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes **(1)** the second step of acquisition for condemnation by eminent domain; and **(2)** increase purchase price for the acquisition from Farmers Electric Cooperative, Inc. of approximately 8,411 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project. An offer was presented to the property owners on September 27, 2018 reflecting the appraised value of $28,995.00. The two parties were unable to reach an agreement to facilitate an amicable transaction.

The first resolution approved on August 13, 2008, by Resolution No. 08-2028, authorized the purchase in the amount of $8,538.00.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current City needs and future water demands. No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2008, City Council authorized acquisition, including the exercise of the right of eminent

domain, if such becomes necessary, of six tracts of land containing a total of approximately 418,154 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline by Resolution No. 08 -2028.

FISCAL INFORMATION

Water Construction Fund - $31,995.00 ($28,995.00, plus closing costs and title expenses not to exceed $3,000.00)

Resolution No. 08-2028	$ 8,538.00
Additional Amount (this action)	$23,457.00
Total	$31,995.00

OWNER

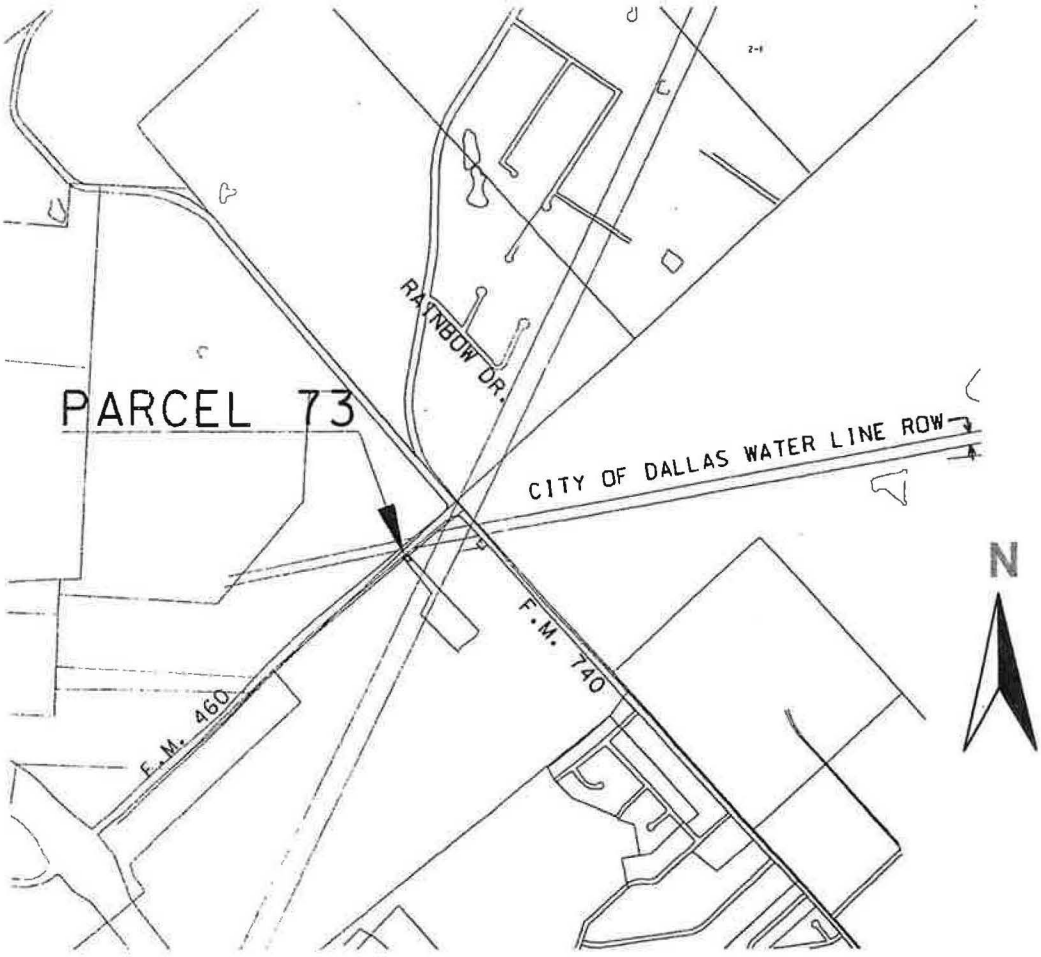
Farmers Electric Cooperative, Inc.

Mark Stubbs, General Manager

MAP

Attached

powered by Legistar™


PARCEL 73
RAINBOW DR.
CITY OF DALLAS WATER LINE ROW
F.M. 740
F.M. 460
N

April 24, 2019

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

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, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the 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 desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

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. 08-2028 approved by the Dallas City Council on August 13, 2008, authorized the appropriation and/or condemnation for a municipal purpose and public use of six tracts of land for an OFFER AMOUNT of $7,338.00 plus CLOSING COSTS NOT TO EXCEED $1,200.00.

"PROPERTY": Approximately 8,411 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Fee Simple

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"OWNER": Farmers Electric Cooperative Inc., provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"FIRST RESOLUTION OFFER AMOUNT": $8,538.00

"OFFICIAL OFFER AMOUNT": $28,995.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,000.00

"AUTHORIZED AMOUNT": $31,995.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

$8,538.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008630.

$23,457.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008630.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. 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 an amount not to exceed the Special Commissioners' Award 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 Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. 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 Special Commissioners' Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: Christopher C. Bunton
Assistant City Attorney

EXHIBIT A

FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 73

BEING a 8,411 square foot tract of land in the John Gregg Survey, Abstract No. 171, and being located in Kaufman County, Texas, and being a portion of a tract of land described in General Warranty Deed to Farmers Electric Cooperative, Inc., a Texas Non-Profit Corporation., dated April 14, 2003, as recorded in Volume 2182, Page 367, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and part of a Final Plat of the Forney Station Addition, an Addition to the ETJ of the City of Forney, Texas, as recorded in Cabinet 2, Envelope 492, D.R.K.C.T., and being more particularly described as follows:

COMMENCING at a concrete monument with brass cap stamped, "City of Dallas" found at the intersection of the northwest line of a City of Dallas Water Line Right-of-Way (130 feet wide) as recorded in Volume 508, Page 500, D.R.K.C.T., with the southwest right-of-way line of F.M. 740 (60 feet wide);

THENCE South 44 degrees 45 minutes 16 seconds East, departing the northwest line of said City of Dallas Water Line Right-of-Way, and along the southwest right-of-way line of said F.M. 740, a distance of 152.26 feet to a concrete monument with brass cap stamped, "City of Dallas" found for the north corner of a tract of land described in Warranty Deed (With Vendor's Lien) to John E. Gibson and wife, A.M. Gibson, dated December 30, 1981, as recorded in Volume 710, Page 68, D.R.K.C.T., said point being on the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE South 76 degrees 37 minutes 43 seconds West, departing the southwest right-of-way line of said F.M. 740, along the common line between the southeast line of said City of Dallas Water Line Right-of-Way and the northwest line of said John E. Gibson and wife, A.M. Gibson tract, a distance of 535.18 feet to a 1/2-inch iron rod with a red plastic cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set for a west corner of said John E. Gibson and wife, A.M. Gibson tract and the north corner of a tract of land described in Quitclaim Deed to Loretta L. Gibson, Trustee of the Gibson Family Trust, dated August 19, 1992, as recorded in Volume 1064, Page 54, D.R.K.C.T.;

THENCE South 76 degrees 37 minutes 43 seconds West, along the common line between the southeast line of said City of Dallas Water Line Right-of-Way and the northwest line of said Loretta L. Gibson tract, a distance of 224.79 feet to a 1/2-inch iron rod with cap set for the POINT OF BEGINNING on the northeast line of said Farmers Electric Cooperative, Inc. tract, and the west corner of said Loretta L. Gibson tract, said point being South 42 degrees 50 minutes 27 seconds East, a distance of 14.23 feet from a 1/2-inch iron rod found for the north corner of said Forney Station Addition, said point also being on the southeast right-of-way line of F.M. 460 (90 feet wide);

THENCE South 42 degrees 50 minutes 27 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, and along the common line between the northeast line of said Farmers Electric Cooperative, Inc. tract, and the southwest line of said Loretta L. Gibson tract, a distance of 149.32 feet to a 1/2-inch iron rod with cap set for corner; T.O.K.

FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 73

THENCE South 76 degrees 37 minutes 43 seconds West, departing said common line and crossing said Farmers Electric Cooperative, Inc. tract, along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 68.92 feet to a 1/2-inch iron rod with cap set on the common line between the southwest line of said Farmers Electric Cooperative, Inc. tract, and the northeast line of a tract of land described in Affidavit of Heirship to J.D. Briscoe, dated April 5, 1977, as recorded in Volume 625, Page 864, D.R.K.C.T., and as amended in Agreement to Convert Separate Property to Community Property between J.D. Briscoe and Marilyn LaFern Briscoe, dated February 1, 2007, as recorded in Volume 3103, Page 397, D.R.K.C.T.;

THENCE North 42 degrees 50 minutes 27 seconds West, along said common line, a distance of 124.29 feet to a 1/2-inch iron rod with cap set for the common line between the northwest line of said Farmers Electric Cooperative, Inc. tract, and the southeast right-of-way line of a 5 feet wide right-of-way dedication by said Forney Station Addition to F.M. 460 (95 feet wide at this point), said point being South 42 degrees 50 minutes 27 seconds East, a distance of 5.00 feet from a 1/2-inch iron rod found for the northwest corner of said Forney Station Addition;

THENCE North 46 degrees 49 minutes 02 seconds East, departing said common line and along the common line between the northwest line of said Farmers Electric Cooperative, Inc. tract, and the southeast right-of-way line of said F.M. 460 (95 feet wide at this point), a distance of 43.83 feet to a 1/2-inch set iron rod with cap set for the intersection of said common line with the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 76 degrees 37 minutes 43 seconds East, along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 18.57 feet to the POINT OF BEGINNING AND CONTAINING 8,411 square feet or 0.1931 acres of land, more or less. T.D.K.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

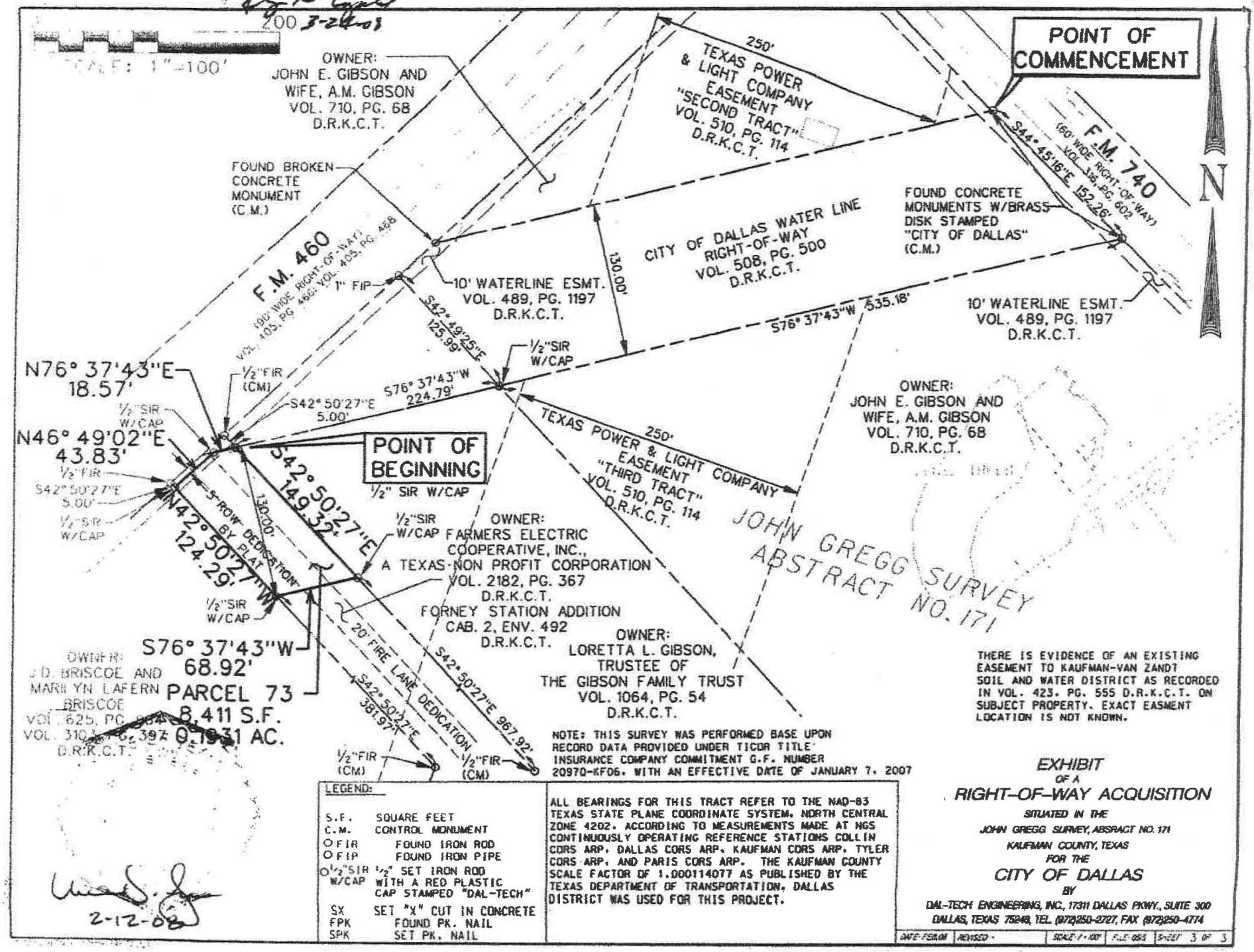
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.

By: _____ Date: 2-12-08

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975




SCALE: 1"=100'
OWNER:
JOHN E. GIBSON AND
WIFE, A.M. GIBSON
VOL. 710, PG. 68
D.R.K.C.T.
250'
TEXAS POWER
& LIGHT COMPANY
EASEMENT
"SECOND TRACT"
VOL. 510, PG. 114
D.R.K.C.T.
POINT OF
COMMENCEMENT
F.M. 740
(80' WIDE RIGHT-OF-WAY)
VOL. 336, PG. 602
S44°45'16"E 152.26'
N
FOUND BROKEN
CONCRETE
MONUMENT
(C.M.)
F.M. 460
(80' WIDE RIGHT-OF-WAY)
VOL. 405, PG. 468
VOL. 405, PG. 468
1" FIP
10' WATERLINE ESMT.
VOL. 489, PG. 1197
D.R.K.C.T.
130.00'
CITY OF DALLAS WATER LINE
RIGHT-OF-WAY
VOL. 508, PG. 500
D.R.K.C.T.
FOUND CONCRETE
MONUMENTS W/BRASS
DISK STAMPED
"CITY OF DALLAS"
(C.M.)
S42°49'25"E
125.99'
S76°37'43"W 535.18'
10' WATERLINE ESMT.
VOL. 489, PG. 1197
D.R.K.C.T.
½"SIR
W/CAP
N76°37'43"E
18.57'
½"FIR
(CM)
S76°37'43"W
224.79'
S42°50'27"E
5.00'
½"SIR
W/CAP
OWNER:
JOHN E. GIBSON AND
WIFE, A.M. GIBSON
VOL. 710, PG. 68
D.R.K.C.T.
N46°49'02"E
43.83'
POINT OF
BEGINNING
½" SIR W/CAP
TEXAS POWER & LIGHT COMPANY
EASEMENT
"THIRD TRACT"
VOL. 510, PG. 114
D.R.K.C.T.
250'
½"FIR
S42°50'27"E
5.00'
½"SIR
W/CAP
S42°50'27"E
149.32'
JOHN GREGG SURVEY
ABSTRACT NO. 171
5' ROW BY PLAT DEDICATION
130.00'
N42°50'27"W
124.29'
½"SIR
W/CAP
½"SIR
W/CAP
OWNER:
FARMERS ELECTRIC
COOPERATIVE, INC.,
A TEXAS-NON PROFIT CORPORATION
VOL. 2182, PG. 367
D.R.K.C.T.
FORNEY STATION ADDITION
CAB. 2, ENV. 492
D.R.K.C.T.
20' FIRE LANE DEDICATION
S42°50'27"E 967.92'
S76°37'43"W
68.92'
PARCEL 73
8,411 S.F.
0.1931 AC.
OWNER:
J.D. BRISCOE AND
MARILYN LAFERN
BRISCOE
VOL. 625, PG. 884
VOL. 310, PG. 397
D.R.K.C.T.
S42°50'27"E
381.97'
½"FIR
(CM)
½"FIR
(CM)
OWNER:
LORETTA L. GIBSON,
TRUSTEE OF
THE GIBSON FAMILY TRUST
VOL. 1064, PG. 54
D.R.K.C.T.
THERE IS EVIDENCE OF AN EXISTING
EASEMENT TO KAUFMAN-VAN ZANDT
SOIL AND WATER DISTRICT AS RECORDED
IN VOL. 423, PG. 555 D.R.K.C.T. ON
SUBJECT PROPERTY. EXACT EASMENT
LOCATION IS NOT KNOWN.
NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER TICOR TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
20970-KF06, WITH AN EFFECTIVE DATE OF JANUARY 7, 2007
LEGEND:
S.F. SQUARE FEET
C.M. CONTROL MONUMENT
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
½"SIR W/CAP ½" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SX SET "X" CUT IN CONCRETE
FPK FOUND PK. NAIL
SPK SET PK. NAIL
ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.
EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
JOHN GREGG SURVEY, ABSTRACT NO. 171
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17311 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL. (972)250-2727, FAX (972)250-4774
DATE: FEB.08
REVISED -
SCALE: 1"=100'
FILE: 055
SHEET 3 OF 3
2-12-08

Agenda Information Sheet

File #: 19-518 **Item #:** 45.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

An ordinance granting a revocable license to AT&T Services, Inc., for the use of a total of approximately 336 square feet of aerial space to occupy, maintain, and utilize a media panel over a portion of Jackson and Akard Streets rights-of-way, near its intersection with Akard Street - Revenue: $1,894.00 annual fee, plus the $20.00 ordinance publication fee

BACKGROUND

This item grants a revocable license to AT&T Services, Inc., for the use of aerial space to occupy, maintain, and utilize a media panel over a portion of Jackson and Akard Streets rights-of-way, near its 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)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 22, 2019.

FISCAL INFORMATION

Revenue: $1,894.00 annually, plus the $20.00 ordinance publication fee

OWNER

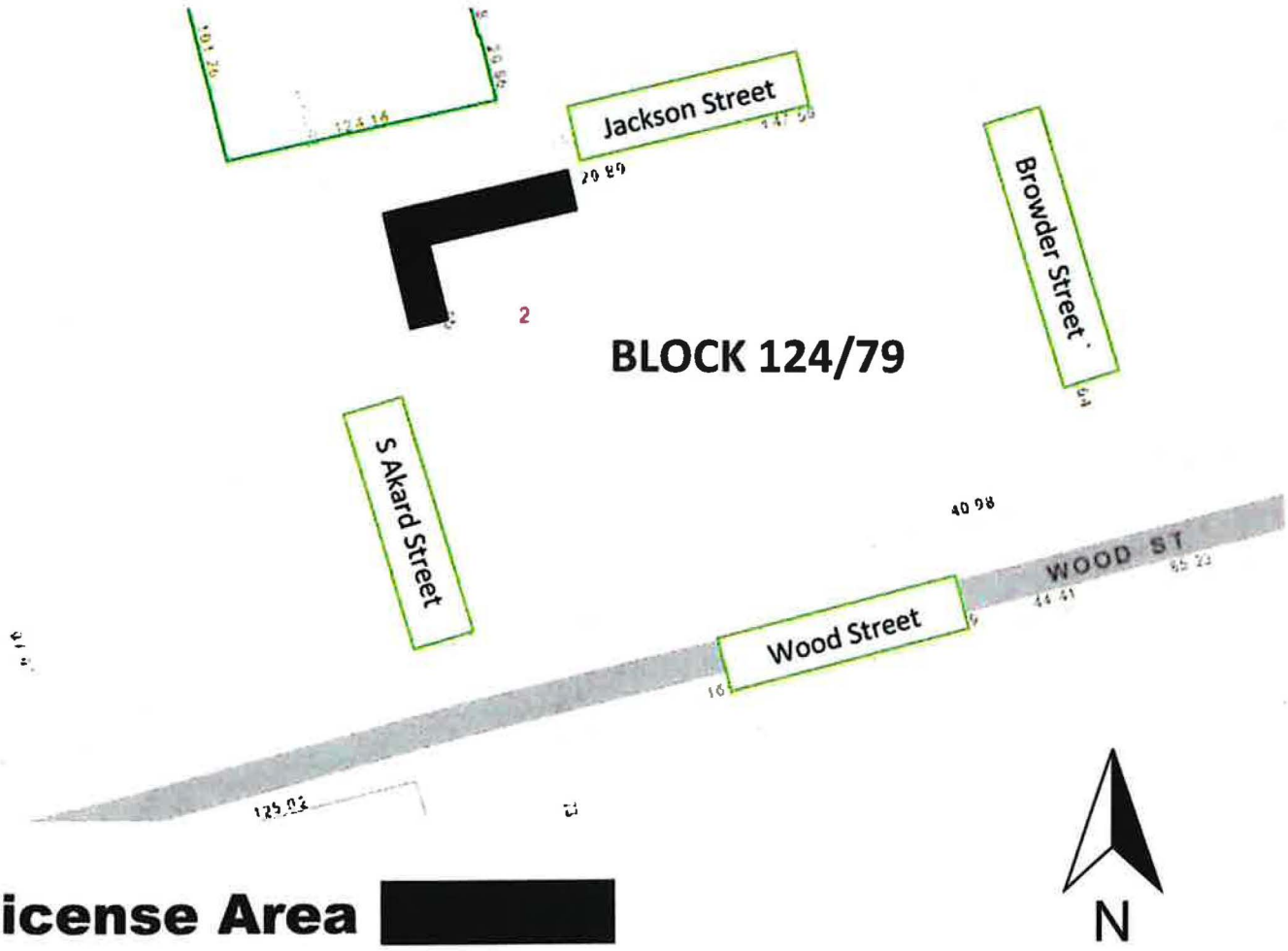
AT&T Services, Inc.

John Donovan, President

MAP

Attached

powered by Legistar™



License Area [redacted]

ORDINANCE NO. _____

An ordinance granting a revocable license to AT&T Services, Inc., (formerly Southwestern Bell Telephone Company) to occupy, maintain and utilize a portion of Jackson and Akard Streets rights-of-way located near the intersection of Jackson and Akard Streets in City Block 124/79 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a media panel; providing for the terms and conditions of this license; providing for the annual 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.

ooo0ooo

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS

SECTION 1. That a revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to AT&T Services, Inc., (formerly Southwestern Bell Telephone Company), a Delaware corporation, 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 ten (10) 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 **ONE THOUSAND EIGHT HUNDRED NINETY-FOUR DOLLARS ($1,894.00)** 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 **ONE THOUSAND EIGHT HUNDRED NINETY-FOUR DOLLARS ($1,894.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2019. 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 (60) days of the due date, the Director of the Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to

SECTION 3. (continued)

the Chief Financial Officer of the City of Dallas and deposited in General Fund, 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 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: occupying, maintaining and utilizing a media panel.

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 to terminate and cancel this license, at will, by Resolution duly passed by said Governing Body. 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 area 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, **GRANTEE** shall:

(a) obtain a Right-Of-Way Permit from the Public Works Department and provide the clearance per Americans with Disabilities Act and Texas Department of Licensing and Regulation (ADA/TDLR) requirements.

(b) obtain an amendment from the Special Provision Sign District (SPSD) allowing approval of the proposed media wall sign.

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; 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

SECTION 11. (continued)

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 is also designated for City purposes as Contract No. DEV-2018-00007749.

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:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

AERIAL SPACE LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 124/79
BETWEEN THE ELEVATIONS OF 450.13 FEET
AND 554.63 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 16.08 FEET AND 120.58 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 252 square foot (0.0058 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Jackson Street (50 foot right-of-way, created by Ordinance Book 1-A, Page 133), and adjacent to Akard Street (a variable width right-of-way, created by Ordinance Book 1-A, Page 133, Volume 16, Page 230, Minutes of County Clerk Number 2), and being adjacent to Block 124/79 of the Smith, Murphy & Martin's Addition recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being adjacent to a tract of land described in Deed and Bill of Sale to Southwestern Bell Telephone Company (Tract 1) recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, and being between the elevations of 450.13 feet and 554.63 feet above mean sea level or between 16.08 feet and 120.58 feet above sidewalk, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found on the south right-of-way line of said Jackson Street for the northeast corner of a 0.4561 acre tract of land described in Warranty Deed to Southwestern Bell Telephone Company (Tract No. 2) recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas and the northwest corner of a 0.1023 acre tract described in Quitclaim Deed to Southwestern Bell Telephone Company recorded in Instrument Number 201400201550, Official Public Records, Dallas County, Texas, from which a found chiseled "X" in concrete bears North 76° 00' 00" East a distance of 26.34 feet for the northeast corner of said 0.1023 acre tract;

THENCE South 76° 00' 00" West, along the south right-of-way line of said Jackson Street, passing at a distance of 143.95 feet the north common corner of said 0.4561 acre tract and a tract of land described in Warranty Deed to Southwestern Bell Telephone Company (1st Tract) recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas, passing at a distance of 173.95 feet the north common corner of said Southwestern Bell Telephone Company (Volume 844, Page 371) and said Southwestern Bell Telephone Company (Volume 1260, Page 187), and continuing for a total distance of 191.80 feet to a chiseled "X" in concrete set for corner and the **POINT OF BEGINNING**;

THENCE South 76° 00' 00" West, continuing along the south right-of-way line of Jackson Street and the north line of said Southwestern Bell Telephone Company tract (Volume 1260, Page 187), passing at a distance of 58.20 feet a chiseled "X" in concrete found for the northwest corner of said Southwestern Bell Telephone Company tract (Volume 1260, Page 187) at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of Akard Street (variable width right-of-way, created by Ordinance Book 1-A, Page 138), and continuing for a total distance of 63.00 feet to a chiseled "X" in concrete set for corner;

THENCE, over and across said Jackson Street, the following bearings and distances:

North 14° 00' 00" West, a distance of 4.00 feet to a chiseled "X" in concrete set for corner;

(For SPRG use only)
Reviewed By: G.S.
Date: 11-27-18
SPRG NO.: 4583

EXHIBIT A-TRACT 1

AERIAL SPACE LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCK 124/79
BETWEEN THE ELEVATIONS OF 450.13 FEET
AND 554.63 FEET ABOVE MEAN SEA LEVEL
OR BETWEEN 16.08 FEET AND 120.58 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

North 76° 00' 00" East, 4.00 feet north and parallel to the south line of said Jackson Street, a distance of 63.00 feet to a chiseled "X" in concrete set for corner;

South 14° 00' 00" East, a distance of 4.00 feet to the **POINT OF BEGINNING** and containing 252 square feet or 0.0058 acres, more or less.

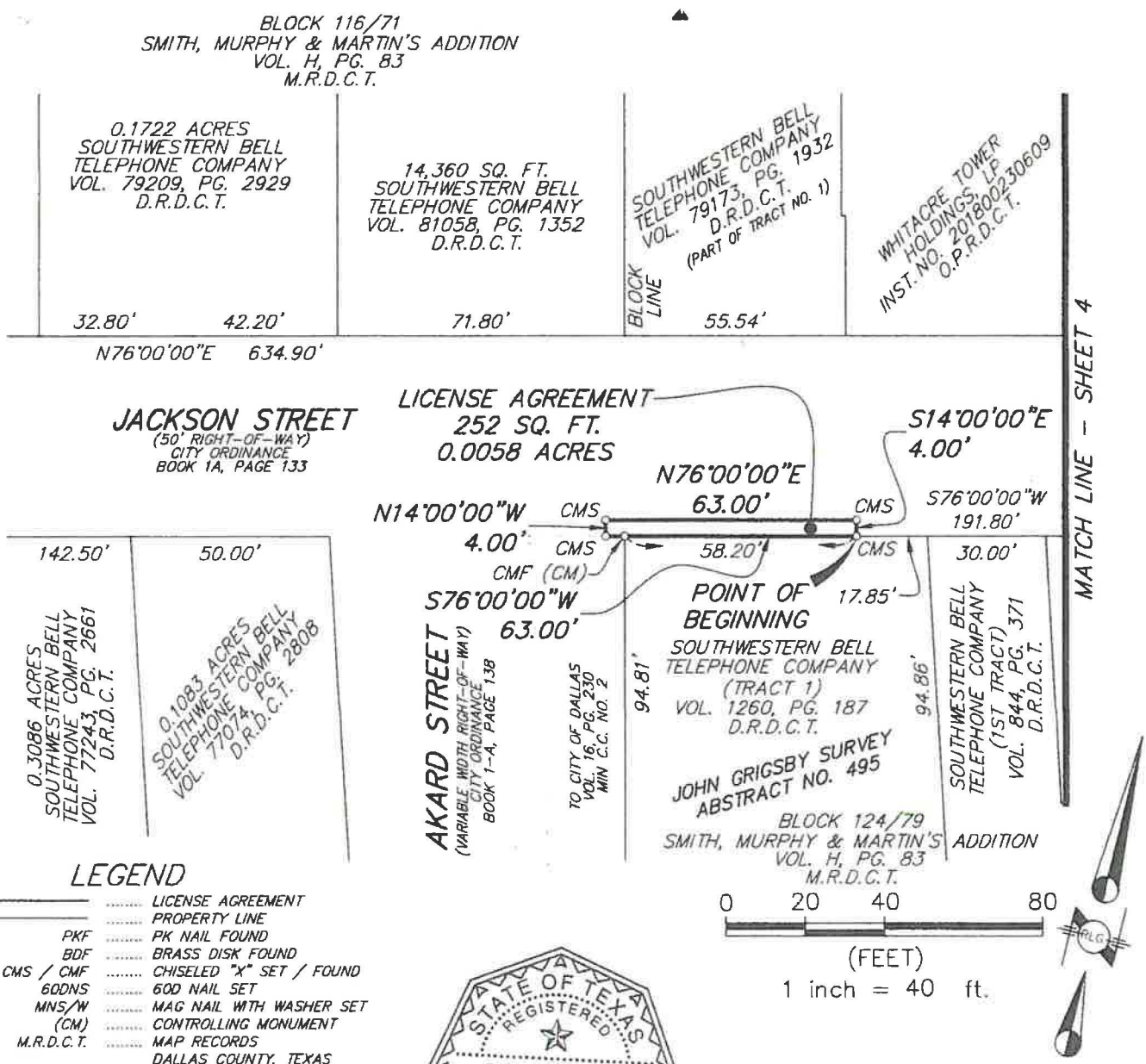
Basis of Bearings: The north line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
5/8/2018
10/30/2018 Revised

(For SPRG use only)
Reviewed By: G.S.
Date: 11-27-18
SPRG NO.: 4593

EXHIBIT A-1 (Rev1)



LEGEND

———	LICENSE AGREEMENT
———	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REC #F-493
TBPLS REC #100341-00

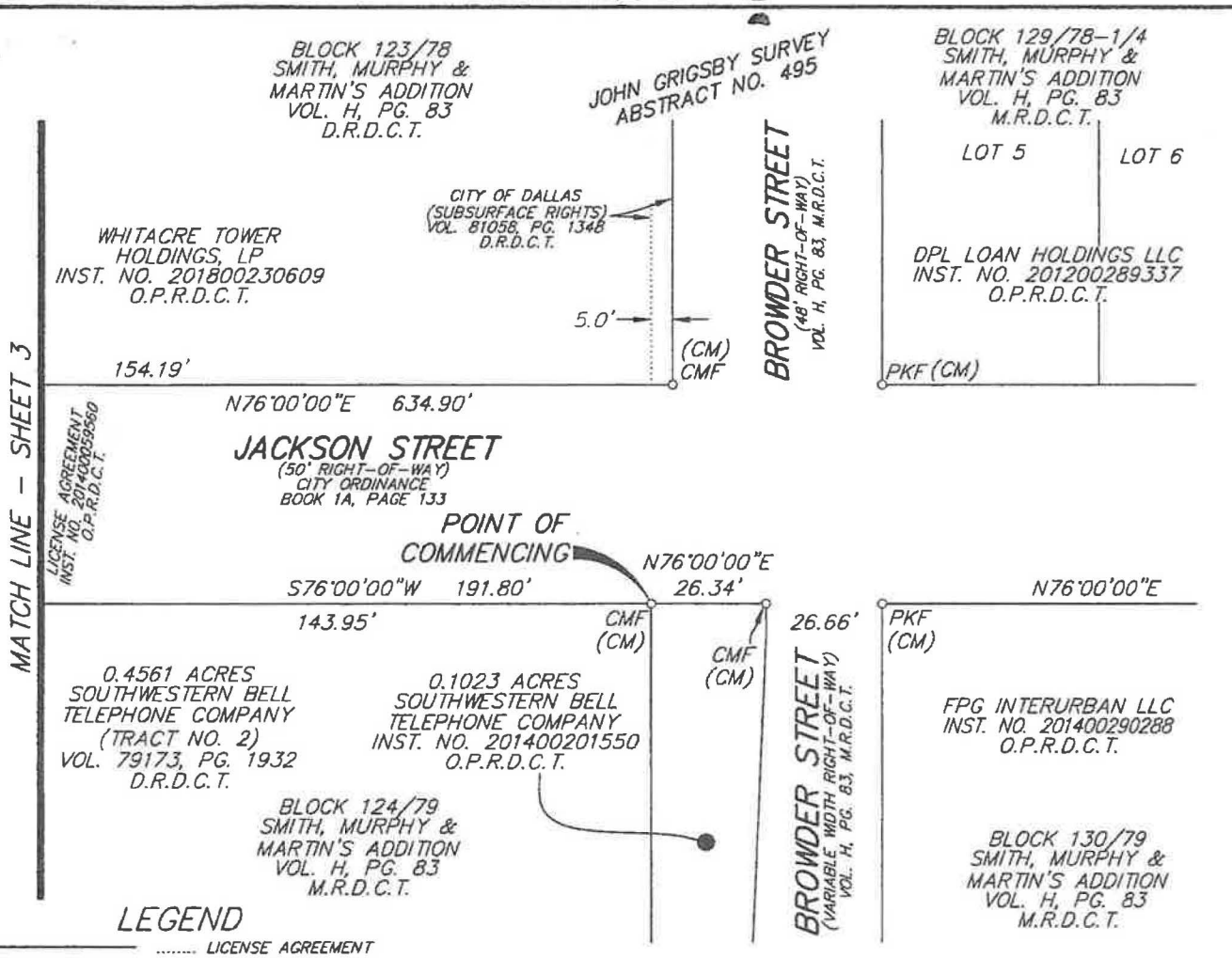
STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
5/8/2018
10/30/2018 Revised

AERIAL SPACE LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 124/79
BETWEEN THE ELEVATIONS OF 450.13 FEET AND 554.63 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 16.08 FEET AND 120.58 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 11-27-18
SPRG NO.: 4583

SCALE	1" = 40'	DATE	10/26/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA21	DWG NO.	26,832X



LEGEND

———	..... LICENSE AGREEMENT
———	..... PROPERTY LINE
PKF	..... PK NAIL FOUND
BDF	..... BRASS DISK FOUND
CMS / CMF	..... CHISELED "X" SET / FOUND
60DNS	..... 60D NAIL SET
MNS/W	..... MAG NAIL WITH WASHER SET
(CM)	..... CONTROLLING 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
INST. NO.	..... INSTRUMENT NUMBER
VOL.	..... VOLUME
PG.	..... PAGE
MIN C.C. NO. 2	..... MINUTES OF COUNTY COURT NUMBER 2

0 20 40 80

(FEET)

1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

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AERIAL SPACE LICENSE AGREEMENT
JACKSON STREET
ADJACENT TO BLOCKS 124/79
BETWEEN THE ELEVATIONS OF 450.13 FEET AND 554.63 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 16.08 FEET AND 120.58 FEET ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S
Date: 11-27-18
SPRG NO.: 4583

SCALE	1" = 40'	DATE	10/26/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA21	DWG NO.	26,832X

EXHIBIT A-TRACT 2

AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 124/79
BETWEEN THE ELEVATIONS OF 450.13 FEET
AND 554.63 FEET ABOVE MAIN SEA LEVEL
OR BETWEEN 16.08 FEET AND 120.58 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 84 square foot (0.0019 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being part of Akard Street (variable width right-of-way created by Ordinance Book 1-A, Page 138, Volume 16, Page 230, Minutes of County Clerk Number 2), and adjacent to Jackson Street (a 50 foot right-of-way, created by Ordinance Book 1-A, Page 133), and being adjacent to Block 124/79 Smith, Murphy & Martin's Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume H, Page 83, Map Records, Dallas County, Texas, and being adjacent to a tract of land described in Deed and Bill of Sale to Southwestern Bell Telephone Company (Tract 1) recorded in Volume 1260, Page 187, Deed Records, Dallas County, Texas, and being between the elevations of 450.13 feet and 554.63 feet above mean sea level or between 16.08 feet and 120.58 feet above sidewalk, and being more particularly described as follows:

COMMENCING at a chiseled "X" in concrete found on the south right-of-way line of said Jackson Street for the northeast corner of a 0.4561 acre tract of land described in Warranty Deed to Southwestern Bell Telephone Company (Tract No. 2) recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas and the northwest corner of a 0.1023 acre tract of land described in Quitclaim Deed recorded in Instrument Number 201400201550, Official Public Records, Dallas County, Texas, from which a found chiseled "X" in concrete bears North 76° 00' 00" East a distance of 26.34 feet for the northeast corner of said 0.1023 acre tract;

THENCE South 76° 00' 00" West, along the south right-of-way line of said Jackson Street, passing at a distance of 143.95 feet the north common corner of said 0.4561 acre tract and a tract of land described in Warranty Deed to Southwestern Bell Telephone Company (1st Tract) recorded in Volume 844, Page 371, Deed Records, Dallas County, Texas, passing at a distance of 173.95 feet the north common corner of said Southwestern Bell Telephone Company tract (Volume 844, Page 371) and said Southwestern Bell Telephone Company tract (Volume 1260, Page 187), continuing along the south right-of-way line of said Jackson Street and the north line of said Southwestern Bell Telephone company tract (Volume 1260, Page 187, a total distance of 250.00 feet to a chiseled "X" in concrete found for the northwest corner of said Southwestern Bell Telephone Company tract (Volume 1260, Page 187) at the intersection of the south right-of-way line of said Jackson Street and the east right-of-way line of said Akard Street for the **POINT OF BEGINNING**;

THENCE South 14° 00' 00" East, along the west line of said Southwestern Bell Telephone Company tract (Volume 1260, Page 187 and the east right-of-way line of said Akard Street, a distance of 21.00 feet to a chiseled "X' in concrete set for corner;

THENCE, over and across said Akard Street, the following bearings and distances:

South 76° 00' 00" West, a distance of 4.00 feet to a chiseled "X" in concrete set for corner;

(For SPRG use only)
Reviewed By: G.S.
Date: 11-27-18
SPRG NO.: 4584

EXHIBIT A-TRACT 2

AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCK 124/79
BETWEEN THE ELEVATIONS OF 450.13 FEET
AND 554.63 FEET ABOVE MAIN SEA LEVEL
OR BETWEEN 16.08 FEET AND 120.58 FEET
ABOVE SIDEWALK
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

North 14° 00' 00" West, a distance of 21.00 feet to a chiseled "X" in concrete set on the north right-of-way line of said Akard Street and the south right-of-way line of said Jackson Street;

THENCE North 76° 00' 00" East, along the north right-of-way of said Akard Street and the south right-of-way line of said Jackson Street, a distance of 4.00 feet to the **POINT OF BEGINNING**, containing 84 square feet or 0.0019 acres, more or less.

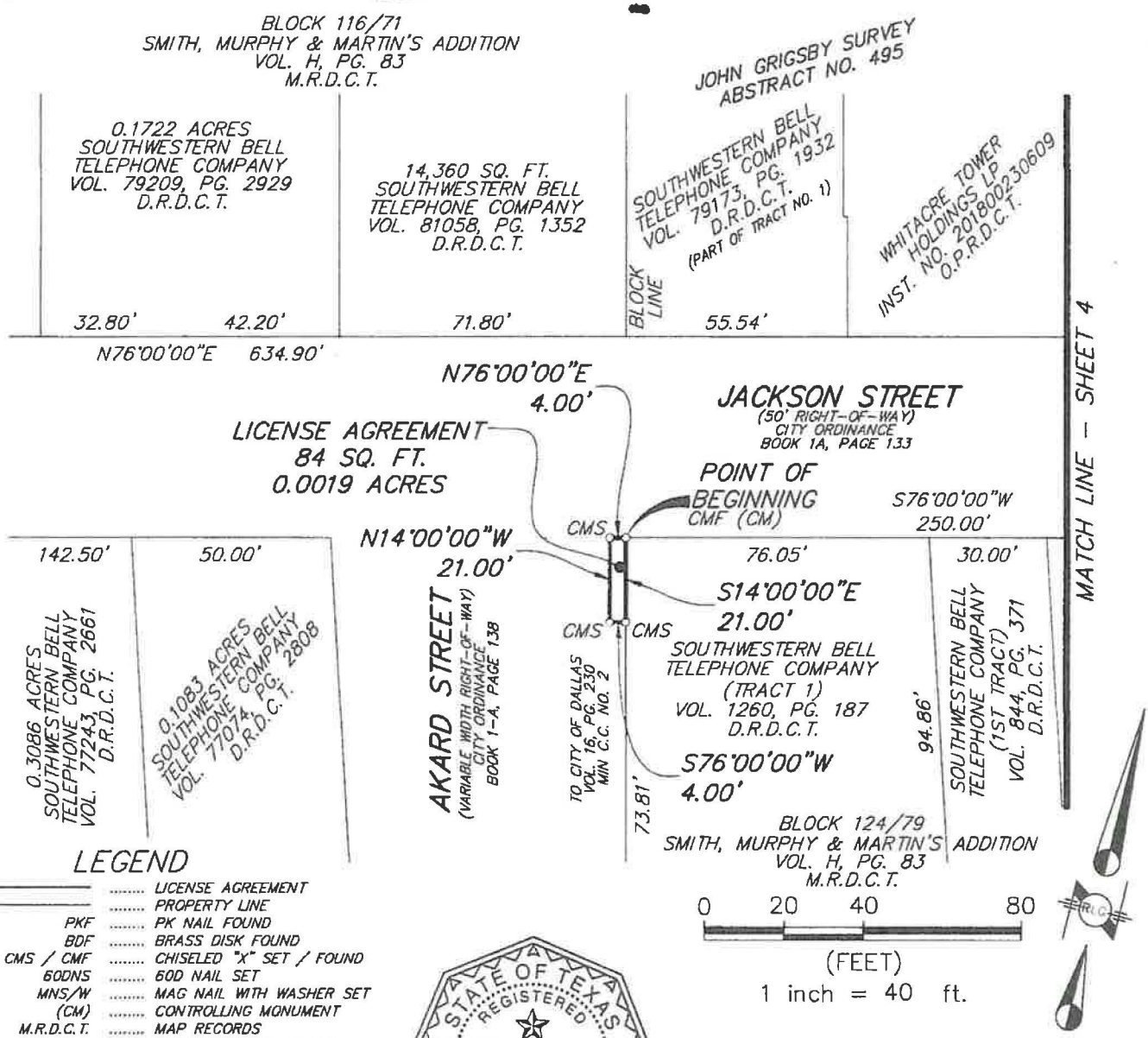
Basis of Bearings: The north line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.



Brian R. Wade R.P.L.S. No. 6098
5/8/2018
10/30/2018 Revised

(For SPRG use only)
Reviewed By: G.S
Date: 11-27-18
SPRG NO.: 4584

EXHIBIT A-1 RAV1 C



0 20 40 80

(FEET)

1 inch = 40 ft.

LEGEND

———	LICENSE AGREEMENT
———	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. NO. 6098
5/8/2018
10/30/2018 Revised

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

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TEXAS PE REC #F-493
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AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCKS 124/79

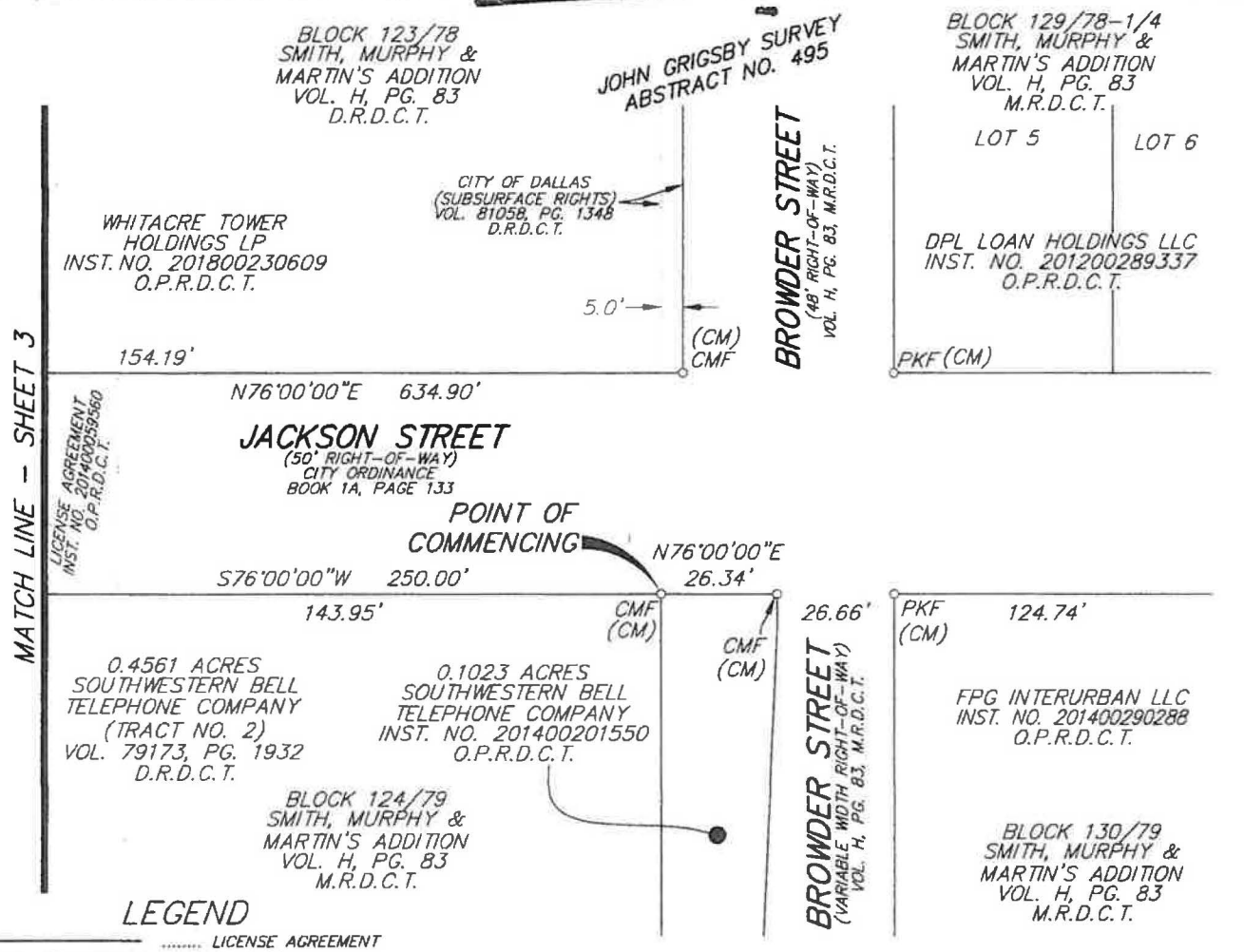
BETWEEN THE ELEVATIONS OF 450.13 FEET AND 554.63 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 16.08 FEET AND 120.58 FEET ABOVE SIDEWALK

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 11-27-18
SPRG NO.: 4584

SCALE	1" = 40'	DATE	10/26/2018	SHEET	3 OF 4
JOB NO.	16119	E-FILE	16119LA22	DWG NO.	26,833X

EXHIBIT A-TRACT 2



LEGEND

———	LICENSE AGREEMENT
———	PROPERTY LINE
PKF	PK NAIL FOUND
BDF	BRASS DISK FOUND
CMS / CMF	CHISELED "X" SET / FOUND
60DNS	60D NAIL SET
MNS/W	MAG NAIL WITH WASHER SET
(CM)	CONTROLLING 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
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
MIN C.C. NO. 2	MINUTES OF COUNTY COURT NUMBER 2

0 20 40 80

(FEET)

1 inch = 40 ft.

Basis of Bearings: The northerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

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AERIAL SPACE LICENSE AGREEMENT
AKARD STREET
ADJACENT TO BLOCKS 124/79

BETWEEN THE ELEVATIONS OF 450.13 FEET AND 554.63 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 16.08 FEET AND 120.58 FEET ABOVE SIDEWALK

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 11-27-18
SPRG NO.: 4584

SCALE	1" = 40'	DATE	10/26/2018	SHEET	4 OF 4
JOB NO.	16119	E-FILE	16119LA22	DWG NO.	26,833X

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 Information Sheet

File #: 19-479 **Item #:** 46.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

An ordinance amending the Dallas City Code by adding a new Chapter 20, "Earned Paid Sick Time," requiring private employers to establish and administer earned paid sick time policies that employees who work in the City of Dallas may use if an employee or an employee's family member experiences physical or mental illness, injury, stalking, domestic abuse, sexual assault, or needs preventative care; **(1)** providing definitions; **(2)** providing that employers must provide one hour of earned paid sick time for every 30 hours of time worked with a yearly cap 64 hours of paid sick time per employee for medium or large employers and a yearly cap of 48 hours of paid sick time per employee for small employers; **(3)** providing that employees must be able to carry over unused paid sick time to the following year; **(4)** providing procedures for an employee to request earned paid sick time off; **(5)** providing that an employer may not retaliate against an employee for using earned paid sick time or for making a complaint to the director; **(6)** providing a complaint process for employees to the director; **(7)** providing an investigation process; **(8)** providing a civil penalty not to exceed $500.00; **(9)** providing for an appeal of a city penalty; **(10)** providing a savings clause; **(11)** providing a severability clause; and **(12)** providing an effective date - Financing: No cost consideration to the City (via Councilmembers Kingston, Narvaez, Griggs, Deputy Mayor Pro Tem Medrano, and Felder)

BACKGROUND

Employees in Texas do not have the guarantee of earned paid sick time. This ordinance would require employers to permit employees to earn paid sick time based on the time that they work.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

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Memorandum

RECEIVED
2019 MAR 18 PM 2:30
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

DATE March 6, 2019

TO The Honorable Michael S. Rawlings

FROM Philip T. Kingston, Councilmember, District 14

SUBJECT **Request for Placement of Agenda Item – Council Member(s)**

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 6.2 of the City Council Rules of Procedure, please post the following item on the first [**VOTING**] agenda scheduled at least 30 calendar days after receipt of this request:

An ordinance amending the Dallas City Code by adding a new Chapter 20, "Earned Paid Sick Time," requiring private employers to establish and administer earned paid sick time policies that employees who work in the City of Dallas may use if an employee or an employee's family member experiences r ysical or mental illness, injury, stalking, domestic abuse, sexual assault, or needs ventative care; (1) providing definitions; (2) providing that employers must provide c hour of earned paid sick time for every 30 hours of time worked with a yearly cap 34 hours of paid sick time per employee for medium or large employers and a yearly cap of 48 hours of paid sick time per employee for small employers; (3) providing that employees must be able to carry over unused paid sick time to the following year; (4) providing procedures for an employee to request earned paid sick time off; (5) providing that an employer may not retaliate against an employee for using earned paid sick time or for making a complaint to the director; (6) providing a complaint process for employees to the director; (7) providing an investigation process; (8) providing a civil penalty not to exceed $500; and (9) providing for an appeal of a city penalty; (10) providing a savings clause; (11) providing a severability clause; and (12) providing an effective date.

BRIEF BACKGROUND:

Employees in Texas do not have the guarantee of earned paid sick time. This ordinance would reqire employers to permit employees to earn paid sick time based on the time that they work.

Submitted for consideration by:

Philip T. Kingston, District 14 — Signature
Printed Name, District #

Supporting Council Member Signatures (4 Signatures Only):

Omar Narvaez, District 6 — Signature
Printed Name, District #

Scott Griggs, District 1

Printed Name, District #

Signature

Adam Medrano

Printed Name, District #

Signature

Kevin Felder #7

Printed Name, District #

Signature

Attachment: Draft Ordinance

c: Honorable Council Members
T.C. Broadnax, City Manager
Christopher J. Caso, Interim City Attorney
Carol A. Smith, Interim City Auditor
Bilierae Johnson, City Secretary
Scott Goldstein, Chief of Policy and Communications, Office of the Mayor

3-6-19

ORDINANCE NO. _____

An ordinance amending the Dallas City Code by adding a new Chapter 20, "Earned Paid Sick Time," requiring private employers to establish and administer earned paid sick time policies that employees who work in the City of Dallas may use if an employee or an employee's family member experiences physical or mental illness, injury, stalking, domestic abuse, sexual assault or needs preventative care; providing definitions; providing that employers must provide one hour of earned paid sick time for every 30 hours of time worked; providing a yearly cap of 64 hours of paid sick time per employee for medium or large employers; providing a yearly cap of 48 hours of paid sick time per employee for small employers; providing that employees must generally be able to carry over unused paid sick time to the following year; providing procedures for an employee to request earned paid sick time off; providing that an employer may not retaliate against an employee for using earned paid sick time or for making a complaint to the director; providing a process for employees to complain to the director; providing an investigation process for the director; providing a civil penalty not to exceed $500; providing the right to appeal the assessment of a civil penalty; providing for a multilingual education campaign to educate the public about this ordinance; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, most workers in the City of Dallas will at some time during each year need limited time off from work to care for their own health and safety needs or the health and safety needs of a close family member; and

WHEREAS, denying earned paid sick time to employees is detrimental to the health, safety, and welfare of the residents of the City of Dallas; and

WHEREAS, the lack of earned paid sick time for employees contributes to employee turnover and unemployment, and harms the local economy; and

WHEREAS, the City of Dallas, as a home-rule municipality, has the ability to address matters of public health and safety, and now finds that establishing earned paid sick time requirements is a matter of public health and safety; Now, therefore,

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

SECTION 1. That the Dallas City Code is amended by adding a new Chapter 20, "Earned Paid Sick Time," to read as follows:

"CHAPTER 20

EARNED PAID SICK TIME [~~RESERVED~~]

ARTICLE I.
GENERAL PROVISIONS.

SEC. 20-1. PURPOSE.

(a) The purpose of this chapter is to protect the health, safety, and welfare of the people of the City of Dallas by providing employees with the ability to accrue and use earned paid sick time when they need to be absent from work because the employee or the employee's family member suffers illness, injury, stalking, domestic abuse, sexual assault, or otherwise requires medical or health care, including preventative care and mental health care.

(b) The denial or deprivation of earned paid sick time to employees is detrimental to the health, safety, and welfare of the residents of Dallas and is within the power and responsibility of the city to prevent.

SEC. 20-2. DEFINITIONS.

In this chapter:

(1) CITY means the City of Dallas, Texas.

(2) DEPARTMENT means the department designated by the city manager to implement, administer, and enforce this chapter.

(3) DIRECTOR means the director of the department designated by the city manager to implement, administer, and enforce this chapter and includes representatives, agents, or department employees designated by the director.

(4) EARNED PAID SICK TIME means a period of paid leave from work accrued by an employee in accord with this chapter.

(5) EMPLOYEE means an individual who performs at least 80 hours of work for pay within the City of Dallas, Texas in a year for an employer, including work performed through the services of a temporary or employment agency. Employee does not mean an individual who is an independent contractor according to Title 40, Section 821.5 of the Texas Administrative Code. Employee does not mean an unpaid intern.

(6) EMPLOYER means any person, company, corporation, firm, partnership, labor organization, non-profit organization or association that pays an employee to perform work for an employer and exercise control over the employee's wages, hours, and working conditions. The term does not include:

(A) the United States government, any of its departments or agencies, or any corporation wholly owned by it;

(B) the government of the State of Texas or any of its departments, agencies, or political subdivisions;

(C) the City of Dallas, Texas; or

(D) any other agency that cannot be regulated by city ordinance.

(7) FAMILY MEMBER means a spouse, child, parent, any other individual related by blood, or any other individual whose close association to an employee is the equivalent of a family relationship.

(8) MEDIUM OR LARGE EMPLOYER means an employer with more than 15 employees at any time in the preceding 12 months, excluding the employer's family members.

(9) PREDECESSOR means an employer that employs at least one individual covered in this chapter, and for which a controlling interest in such employer or a recognized division of such employer is acquired by a successor.

(10) RELEVANT INFORMATION AND TESTIMONY means only materials, documents, testimony or information necessary to determine whether a violation of this chapter has occurred.

(11) SMALL EMPLOYER means any employer that is not a medium or large employer.

(12) SUBPOENA means a subpoena or a subpoena duces tecum.

(13) SUCCESSOR means an employer that acquires a controlling interest in a predecessor or a controlling interest in a recognized division of a predecessor.

SEC. 20-3. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR.

The director shall implement, administer, and enforce the provisions of this chapter. The director has the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as the director deems necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the purpose of this chapter.

ARTICLE II.

EARNED PAID SICK TIME REQUIREMENTS.

SEC. 20-4. ACCRUAL REQUIREMENTS AND YEARLY CAP.

(a) An employer shall grant an employee one hour of earned paid sick time for every 30 hours worked for the employer in the City of Dallas. Earned paid sick time shall accrue in one hour unit increments, unless an employer's written policies establish the accrual of earned paid sick time to be in fraction of an hour increments.

(b) Earned paid sick time shall accrue starting at the commencement of employment or the effective date provided in Section 20-13, whichever is later.

(c) This chapter does not require an employer to provide an employee with more earned paid sick time in a year than the yearly cap provided in this section. This chapter does not require an employer to allow an employee to accrue more than the yearly cap of earned paid sick time in a year. An employer may inform an employee that leave requested in excess of the employee's available earned paid sick time will not be paid. The yearly cap for earned paid sick time under this chapter is:

(1) Sixty-four hours per employee per year for medium or large employers, unless the employer chooses a higher limit; and

(2) Forty-eight hours per employee per year for small employers, unless the employer chooses a higher limit;

(d) All available earned paid sick time up to the yearly cap provided in this section shall be carried over to the following year. Provided, that an employer that makes at least the yearly cap of earned paid sick time available to employees at the beginning of the year under the purpose

and usage requirements of this chapter is not required to carry over earned paid sick time for that year.

(e) A written contract made pursuant to Title 29, Section 158(d) of the United States Code between an employer and a labor organization representing employees may modify the yearly cap requirement established in this section for employees covered by the contract if the modification is expressly stated in the contract.

(f) A successor must provide to an employee who was employed by a predecessor at the time of the acquisition and hired by the successor at the time of acquisition all earned paid sick time available to the employee immediately before the acquisition.

SEC. 20-5. USAGE REQUIREMENTS.

(a) An employer shall provide an employee with earned paid sick time that meets the requirements of this chapter in an amount up to the employee's available earned paid sick time. The employer shall pay earned paid sick time in an amount equal to what the employee would have earned if the employee had worked the scheduled work time, exclusive of any overtime premium, tips, or commissions, but no less than the state minimum wage.

(b) Earned paid sick time shall be available for an employee to use in accord with this chapter as soon as it is accrued, provided, that an employer may restrict an employee from using earned paid sick time during the employee's first 60 days of employment if the employer establishes that the employee's term of employment is at least one year.

(c) An employee may request earned paid sick time from an employer for an absence from the employee's scheduled work time caused by:

(1) The employee's physical or mental illness, physical injury, preventative medical or health care or health condition; or

(2) The employee's need to care for their family member's physical or mental illness, physical injury, preventative medical or health care or health condition; or

(3) The employee's or their family member's need to seek medical attention, seek relocation, obtain services of a victim services organization, or participate in legal or court ordered action related to an incident of victimization from domestic abuse, sexual assault, or stalking involving the employee or the employee's family member.

(d) An employer may adopt reasonable verification procedures to establish that an employee's request for earned paid sick time meets the requirements of this section if an employee requests to use earned paid sick time for more than three consecutive work days. An employer may not adopt verification procedures that would require an employee to explain the nature of the domestic abuse, sexual assault, stalking, illness, injury, health condition, or other health need when making a request for earned paid sick time under this section.

(e) An employer shall provide earned paid sick time for an employee's absence from the employee's scheduled work time if the employee has available earned paid sick time and makes a timely request for the use of earned paid sick time before their scheduled work time. An employer may not prevent an employee from using earned paid sick time for an unforeseen qualified absence that meets the requirements of this section.

(f) This section does not require any employer to allow an employee to use earned paid sick time on more than eight days in a year.

(g) An employee who is rehired by an employer within six months following separation from employment from that employer may use any earned paid sick time available to the employee at the time of the separation.

(h) An employer shall not require an employee to find a replacement to cover the hours of earned paid sick time as a condition of using earned paid sick time. This chapter does not prohibit an employer from allowing an employee to voluntarily exchange hours or voluntarily trade shifts with another employee, or prohibit an employer from establishing incentives for employees to voluntarily exchange hours or voluntarily trade shifts. This chapter does not prohibit an employer from permitting an employee to donate available earned paid sick time to another employee.

(i) Neither the amount of available earned paid sick time nor the right to use earned paid sick time shall be affected by an employee's transfer to a different facility, location, division or job position with the same employer.

SEC. 20-6. NO CHANGE TO MORE GENEROUS LEAVE POLICIES.

(a) An employer may provide paid leave benefits to its employees that exceed the requirements of this chapter. This chapter does not require an employer who makes paid time off available to an employee under conditions that meet the purpose, accrual, yearly cap, and usage requirements of this chapter to provide additional earned paid sick time to that employee. This chapter does not require an employer to provide additional earned paid sick time to an employee if the employee has used paid time off that meets the requirements of this chapter for a purpose not specified in Section 20-5.

(b) This chapter does not prohibit an employer from granting earned paid sick time to an employee prior to accrual by the employee.

SEC. 20-7. NOTICE AND OTHER REQUIREMENTS.

(a) On no less than a monthly basis, an employer shall provide electronically or in writing to each employee a statement showing the amount of the employee's available earned paid sick time. This section does not create a new requirement for certified payroll.

(b) An employer who provides an employee handbook to its employees must include a notice of an employee's rights and remedies under this chapter in that handbook.

(c) An employer who, as a matter of company policy, uses a 12-consecutive-month period other than a calendar year for the purpose of determining an employee's eligibility for and accrual of earned paid sick time shall provide its employees with written notice of such policy at the commencement of employment or by the effective date provided in Section 20-13, whichever is later.

(d) For the period required for maintenance of records under Title 29, Section 516(a) of the Code of Federal Regulations, an employer shall maintain records establishing the amount of earned paid sick time accrued by, used by, and available to each employee.

(e) An employer shall display a sign describing the requirements of this chapter in a conspicuous place or places where notices to employees are customarily posted. The director shall prescribe the size, content, and posting location of signs required under this section. The signs displayed under this section shall be in English and other languages, as determined by the director. An employer is not required to post such signage until the director makes such signage publicly available on the city's website.

SEC. 20-8. RETALIATION PROHIBITED.

An employer may not transfer, demote, discharge, suspend, reduce hours, or directly threaten such actions against an employee because that employee requests or uses earned paid sick time, reports or attempts to report a violation of this chapter, participates or attempts to participate in an investigation or proceeding under this chapter, or otherwise exercises any rights afforded by this chapter.

ARTICLE III.

ENFORCEMENT.

SEC. 20-9. PROCEDURES FOR FILING COMPLAINTS.

Any employee alleging a violation of this chapter or their representative may file a complaint with the director. The director shall receive and investigate complaints, including anonymous complaints, alleging a violation of this chapter. A complaint alleging a violation of this chapter must be filed with the director by or on behalf of an aggrieved employee within two years from the date of the violation.

SEC. 20-10. INVESTIGATION.

(a) Upon filing of a complaint, the director shall commence a prompt and full investigation to determine the facts behind the complaint and whether there is sufficient cause to believe that a violation of this chapter has occurred, except that no investigation may commence if, after reviewing the allegations of the aggrieved employee, the director determines that the complaint does not come within the scope of this chapter. Unless the complaint is filed anonymously, within 15 days after determining that a particular complaint does not come within

the scope of this chapter, the director shall give an employee or their representative a clear and concise explanation of the reasons why it does not and take no further action on the complaint.

(b) The director may issue subpoenas to compel the attendance of a witness or the production of materials or documents in order to obtain relevant information and testimony. Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter and subject to sanctions as described in Section 2-9 of the Dallas City Code. Before issuing a subpoena, the director shall seek the voluntary cooperation of any employer to timely obtain relevant information and testimony in connection with any investigation of a complaint filed under this chapter.

(c) The director may inform employees at a worksite of any investigation of a complaint at that worksite alleging a violation of this chapter.

SEC. 20-11. VOLUNTARY COMPLIANCE; VIOLATIONS; PENALTIES; APPEALS.

(a) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a civil fine not to exceed $500. Each violation of a particular section or subsection of this chapter constitutes a separate offense. If the director finds after investigation of a timely complaint that a violation of this chapter has occurred, an employer shall receive written notice of the violation and the civil penalty assessed.

(b) The director shall seek voluntary compliance from the employer to remedy any violation of this chapter before any civil penalty is collected. If voluntary compliance is not achieved within 10 business days following the employer's receipt of the written violation notice, the employer shall be liable to the city for the amount of the civil penalty assessed.

(c) No penalties shall be assessed under this chapter until April 1, 2020, except that civil penalties for a violation of Section 20-8, "Retaliation Prohibited," may be assessed at any time after the effective date provided in Section 20-13. For a violation of this chapter that occurs before April 1, 2020, the director may issue a notice to the employer that a civil penalty may be assessed for a violation that occurs after April 1, 2020.

(d) Employers may appeal any civil penalty assessed under this chapter. The director shall establish and enforce additional rules and regulations and adopt necessary procedures regarding the filing and adjudication of appeals submitted under this section.

(e) This section does not create a criminal offense.

SEC. 20-12. ANNUAL REPORT.

The director may publish an annual report regarding implementation and enforcement of this chapter."

SECTION 2. That the city manager or his designee shall design and oversee a multilingual public education campaign to inform employers, employees, and city residents of the requirements of this ordinance.

SECTION 3. 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.

SECTION 4. 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 5. That Sections 20-1 through 20-12 shall take effect on August 1, 2019, except that Sections 20-1 through 20-12 shall take effect on August 1, 2021 for employers having not more than five employees at any time in the preceding 12 months.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

Each councilmember signing the five-person request to place an item on the agenda must review and confirm that they have read and agree with the draft ordinance by dating, initialing, and placing their district number below.

3/6/19	3/6/19	3/7/19	3/7/19	3/18/19
DATE	DATE	DATE	DATE	DATE
PK	ON	SG	AM	KF
CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL
14	6	1	2	7
DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.

4/24/2019

ORDINANCE NO. _____

An ordinance amending the Dallas City Code by adding a new Chapter 20, "Earned Paid Sick Time," requiring private employers to establish and administer earned paid sick time policies that employees who work in the City of Dallas may use if an employee or an employee's family member experiences physical or mental illness, injury, stalking, domestic abuse, sexual assault or needs preventative care; providing definitions; providing that employers must provide one hour of earned paid sick time for every 30 hours of time worked; providing a yearly cap of 64 hours of paid sick time per employee for medium or large employers; providing a yearly cap of 48 hours of paid sick time per employee for small employers; providing that employees must generally be able to carry over unused paid sick time to the following year; providing procedures for an employee to request earned paid sick time off; providing that an employer may not retaliate against an employee for using earned paid sick time or for making a complaint to the director; providing a process for employees to complain to the director; providing an investigation process for the director; providing a civil penalty not to exceed $500; providing the right to appeal the assessment of a civil penalty; providing for a multilingual education campaign to educate the public about this ordinance; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, most workers in the City of Dallas will at some time during each year need limited time off from work to care for their own health and safety needs or the health and safety needs of a close family member; and

WHEREAS, denying earned paid sick time to employees is detrimental to the health, safety, and welfare of the residents of the City of Dallas; and

WHEREAS, the lack of earned paid sick time for employees contributes to employee turnover and unemployment, and harms the local economy; and

WHEREAS, the City of Dallas, as a home-rule municipality, has the ability to address matters of public health and safety, and now finds that establishing earned paid sick time requirements is a matter of public health and safety; Now, therefore,

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

SECTION 1. That the Dallas City Code is amended by adding a new Chapter 20, "Earned Paid Sick Time," to read as follows:

"**CHAPTER 20**

EARNED PAID SICK TIME [~~RESERVED~~]

ARTICLE I.
GENERAL PROVISIONS.

SEC. 20-1. PURPOSE.

(a) The purpose of this chapter is to protect the health, safety, and welfare of the people of the City of Dallas by providing employees with the ability to accrue and use earned paid sick time when they need to be absent from work because the employee or the employee's family member suffers illness, injury, stalking, domestic abuse, sexual assault, or otherwise requires medical or health care, including preventative care and mental health care.

(b) The denial or deprivation of earned paid sick time to employees is detrimental to the health, safety, and welfare of the residents of Dallas and is within the power and responsibility of the city to prevent.

SEC. 20-2. DEFINITIONS.

In this chapter:

(1) CITY means the City of Dallas, Texas.

(2) DEPARTMENT means the department designated by the city manager to implement, administer, and enforce this chapter.

(3) DIRECTOR means the director of the department designated by the city manager to implement, administer, and enforce this chapter and includes representatives, agents, or department employees designated by the director.

(4) EARNED PAID SICK TIME means a period of paid leave from work accrued by an employee in accord with this chapter.

(5) EMPLOYEE means an individual who performs at least 80 hours of work for pay within the City of Dallas, Texas in a year for an employer, including work performed through the services of a temporary or employment agency. Employee does not mean an individual who is an independent contractor according to Title 40, Section 821.5 of the Texas Administrative Code. Employee does not mean an unpaid intern.

(6) EMPLOYER means any person, company, corporation, firm, partnership, labor organization, non-profit organization or association that pays an employee to perform work for an employer and exercise control over the employee's wages, hours, and working conditions. The term does not include:

(A) the United States government, any of its departments or agencies, or any corporation wholly owned by it;

(B) the government of the State of Texas or any of its departments, agencies, or political subdivisions;

(C) the City of Dallas, Texas; or

(D) any other agency that cannot be regulated by city ordinance.

(7) FAMILY MEMBER means a spouse, child, parent, any other individual related by blood, or any other individual whose close association to an employee is the equivalent of a family relationship.

(8) MEDIUM OR LARGE EMPLOYER means an employer with more than 15 employees at any time in the preceding 12 months, excluding the employer's family members.

(9) PREDECESSOR means an employer that employs at least one individual covered in this chapter, and for which a controlling interest in such employer or a recognized division of such employer is acquired by a successor.

(10) RELEVANT INFORMATION AND TESTIMONY means only materials, documents, testimony or information necessary to determine whether a violation of this chapter has occurred.

(11) SMALL EMPLOYER means any employer that is not a medium or large employer.

(12) SUBPOENA means a subpoena or a subpoena duces tecum.

(13) SUCCESSOR means an employer that acquires a controlling interest in a predecessor or a controlling interest in a recognized division of a predecessor.

SEC. 20-3. GENERAL AUTHORITY AND DUTY OF THE DIRECTOR.

The director shall implement, administer, and enforce the provisions of this chapter. The director has the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as the director deems necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the purpose of this chapter.

ARTICLE II.

EARNED PAID SICK TIME REQUIREMENTS.

SEC. 20-4. ACCRUAL REQUIREMENTS AND YEARLY CAP.

(a) An employer shall grant an employee one hour of earned paid sick time for every 30 hours worked for the employer in the City of Dallas. Earned paid sick time shall accrue in one hour unit increments, unless an employer's written policies establish the accrual of earned paid sick time to be in fraction of an hour increments.

(b) Earned paid sick time shall accrue starting at the commencement of employment or the effective date provided in Section 20-13, whichever is later.

(c) This chapter does not require an employer to provide an employee with more earned paid sick time in a year than the yearly cap provided in this section. This chapter does not require an employer to allow an employee to accrue more than the yearly cap of earned paid sick time in a year. An employer may inform an employee that leave requested in excess of the employee's available earned paid sick time will not be paid. The yearly cap for earned paid sick time under this chapter is:

(1) Sixty-four hours per employee per year for medium or large employers, unless the employer chooses a higher limit; and

(2) Forty-eight hours per employee per year for small employers, unless the employer chooses a higher limit;

(d) All available earned paid sick time up to the yearly cap provided in this section shall be carried over to the following year. Provided, that an employer that makes at least the yearly cap of earned paid sick time available to employees at the beginning of the year under the purpose

and usage requirements of this chapter is not required to carry over earned paid sick time for that year.

(e) A written contract made pursuant to Title 29, Section 158(d) of the United States Code between an employer and a labor organization representing employees may modify the yearly cap requirement established in this section for employees covered by the contract if the modification is expressly stated in the contract.

(f) A successor must provide to an employee who was employed by a predecessor at the time of the acquisition and hired by the successor at the time of acquisition all earned paid sick time available to the employee immediately before the acquisition.

SEC. 20-5. USAGE REQUIREMENTS.

(a) An employer shall provide an employee with earned paid sick time that meets the requirements of this chapter in an amount up to the employee's available earned paid sick time. The employer shall pay earned paid sick time in an amount equal to what the employee would have earned if the employee had worked the scheduled work time, exclusive of any overtime premium, tips, or commissions, but no less than the state minimum wage.

(b) Earned paid sick time shall be available for an employee to use in accord with this chapter as soon as it is accrued, provided, that an employer may restrict an employee from using earned paid sick time during the employee's first 60 days of employment if the employer establishes that the employee's term of employment is at least one year.

(c) An employee may request earned paid sick time from an employer for an absence from the employee's scheduled work time caused by:

(1) The employee's physical or mental illness, physical injury, preventative medical or health care or health condition; or

(2) The employee's need to care for their family member's physical or mental illness, physical injury, preventative medical or health care or health condition; or

(3) The employee's or their family member's need to seek medical attention, seek relocation, obtain services of a victim services organization, or participate in legal or court ordered action related to an incident of victimization from domestic abuse, sexual assault, or stalking involving the employee or the employee's family member.

(d) An employer may adopt reasonable verification procedures to establish that an employee's request for earned paid sick time meets the requirements of this section if an employee requests to use earned paid sick time for more than three consecutive work days. An employer may not adopt verification procedures that would require an employee to explain the nature of the domestic abuse, sexual assault, stalking, illness, injury, health condition, or other health need when making a request for earned paid sick time under this section.

(e) An employer shall provide earned paid sick time for an employee's absence from the employee's scheduled work time if the employee has available earned paid sick time and makes a timely request for the use of earned paid sick time before their scheduled work time. An employer may not prevent an employee from using earned paid sick time for an unforeseen qualified absence that meets the requirements of this section.

(f) This section does not require any employer to allow an employee to use earned paid sick time on more than eight days in a year.

(g) An employee who is rehired by an employer within six months following separation from employment from that employer may use any earned paid sick time available to the employee at the time of the separation.

(h) An employer shall not require an employee to find a replacement to cover the hours of earned paid sick time as a condition of using earned paid sick time. This chapter does not prohibit an employer from allowing an employee to voluntarily exchange hours or voluntarily trade shifts with another employee or prohibit an employer from establishing incentives for employees to voluntarily exchange hours or voluntarily trade shifts. This chapter does not prohibit an employer from permitting an employee to donate available earned paid sick time to another employee.

(i) Neither the amount of available earned paid sick time nor the right to use earned paid sick time shall be affected by an employee's transfer to a different facility, location, division or job position with the same employer.

SEC. 20-6. NO CHANGE TO MORE GENEROUS LEAVE POLICIES.

(a) An employer may provide paid leave benefits to its employees that exceed the requirements of this chapter. This chapter does not require an employer who makes paid time off available to an employee under conditions that meet the purpose, accrual, yearly cap, and usage requirements of this chapter to provide additional earned paid sick time to that employee. This chapter does not require an employer to provide additional earned paid sick time to an employee if the employee has used paid time off that meets the requirements of this chapter for a purpose not specified in Section 20-5.

(b) This chapter does not prohibit an employer from granting earned paid sick time to an employee prior to accrual by the employee.

SEC. 20-7. NOTICE AND OTHER REQUIREMENTS.

(a) On no less than a monthly basis, an employer shall provide electronically or in writing to each employee a statement showing the amount of the employee's available earned paid sick time. This section does not create a new requirement for certified payroll.

(b) An employer who provides an employee handbook to its employees must include a notice of an employee's rights and remedies under this chapter in that handbook.

(c) An employer who, as a matter of company policy, uses a 12-consecutive-month period other than a calendar year for the purpose of determining an employee's eligibility for and accrual of earned paid sick time shall provide its employees with written notice of such policy at the commencement of employment or by the effective date provided in Section 20-13, whichever is later.

(d) For the period required for maintenance of records under Title 29, Section 516(a) of the Code of Federal Regulations, an employer shall maintain records establishing the amount of earned paid sick time accrued by, used by, and available to each employee.

(e) An employer shall display a sign describing the requirements of this chapter in a conspicuous place or places where notices to employees are customarily posted. The director shall prescribe the size, content, and posting location of signs required under this section. The signs displayed under this section shall be in English and other languages, as determined by the director. An employer is not required to post such signage until the director makes such signage publicly available on the city's website.

SEC. 20-8. RETALIATION PROHIBITED.

An employer may not transfer, demote, discharge, suspend, reduce hours, or directly threaten such actions against an employee because that employee requests or uses earned paid sick time, reports or attempts to report a violation of this chapter, participates or attempts to participate in an investigation or proceeding under this chapter, or otherwise exercises any rights afforded by this chapter.

ARTICLE III.

ENFORCEMENT.

SEC. 20-9. PROCEDURES FOR FILING COMPLAINTS.

Any employee alleging a violation of this chapter or their representative may file a complaint with the director. The director shall receive and investigate complaints, including anonymous complaints, alleging a violation of this chapter. A complaint alleging a violation of this chapter must be filed with the director by or on behalf of an aggrieved employee within two years from the date of the violation.

SEC. 20-10. INVESTIGATION.

(a) Upon filing of a complaint, the director shall commence a prompt and full investigation to determine the facts behind the complaint and whether there is sufficient cause to believe that a violation of this chapter has occurred, except that no investigation may commence if, after reviewing the allegations of the aggrieved employee, the director determines that the complaint does not come within the scope of this chapter. Unless the complaint is filed anonymously, within 15 days after determining that a particular complaint does not come within

the scope of this chapter, the director shall give an employee or their representative a clear and concise explanation of the reasons why it does not and take no further action on the complaint.

(b) The director may issue subpoenas to compel the attendance of a witness or the production of materials or documents in order to obtain relevant information and testimony. Refusal to appear or to produce any document or other evidence after receiving a subpoena pursuant to this section is a violation of this chapter and subject to sanctions as described in Section 2-9 of the Dallas City Code. Before issuing a subpoena, the director shall seek the voluntary cooperation of any employer to timely obtain relevant information and testimony in connection with any investigation of a complaint filed under this chapter.

(c) The director may inform employees at a worksite of any investigation of a complaint at that worksite alleging a violation of this chapter.

SEC. 20-11. VOLUNTARY COMPLIANCE; VIOLATIONS; PENALTIES; APPEALS.

(a) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a civil fine not to exceed $500. Each violation of a particular section or subsection of this chapter constitutes a separate offense. If the director finds after investigation of a timely complaint that a violation of this chapter has occurred, an employer shall receive written notice of the violation and the civil penalty assessed.

(b) The director shall seek voluntary compliance from the employer to remedy any violation of this chapter before any civil penalty is collected. If voluntary compliance is not achieved within 10 business days following the employer's receipt of the written violation notice, the employer shall be liable to the city for the amount of the civil penalty assessed.

(c) No penalties shall be assessed under this chapter until April 1, 2020, except that civil penalties for a violation of Section 20-8, "Retaliation Prohibited," may be assessed at any time after the effective date provided in Section 20-13. For a violation of this chapter that occurs before April 1, 2020, the director may issue a notice to the employer that a civil penalty may be assessed for a violation that occurs after April 1, 2020.

(d) Employers may appeal any civil penalty assessed under this chapter. The director shall establish and enforce additional rules and regulations and adopt necessary procedures regarding the filing and adjudication of appeals submitted under this section.

(e) This section does not create a criminal offense.

SEC. 20-12. ANNUAL REPORT.

The director may publish an annual report regarding implementation and enforcement of this chapter."

SECTION 2. That the city manager or his designee shall design and oversee a multilingual public education campaign to inform employers, employees, and city residents of the requirements of this ordinance.

SECTION 3. 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.

SECTION 4. 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 5. That Sections 20-1 through 20-12 shall take effect on August 1, 2019, except that Sections 20-1 through 20-12 shall take effect on August 1, 2021 for employers having not more than five employees at any time in the preceding 12 months.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

Agenda Information Sheet

File #: 19-530 **Item #:** 47.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Planned Development District for GO(A) General Office District and certain nonresidential uses; **(2)** a resolution terminating the existing deed restrictions [Z845-227]; and **(3)** an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway)
Recommendation of Staff: Approval, subject to a development plan and conditions; approval of the termination of existing deed restrictions [Z845-227]; and, approval of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, landscape plan, elevation plan, and conditions
Recommendation of CPC: Approval, subject to a development plan and conditions; approval of the termination of existing deed restrictions [Z845-227]; and, approval of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for an automatic renewal for one additional fifteen-year period, subject to a site plan, landscape plan, elevation plan, and conditions
Z167-180(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: Z167-180(JM) **DATE FILED:** January 12, 2017

LOCATION: North line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway)

COUNCIL DISTRICT: 6 **MAPSCO:** 13 X

SIZE OF REQUEST: 4.17 acres **CENSUS TRACT:** 96.05

APPLICANT/OWNER: LBJ Metroplex LP/Howard L. Lawson

REPRESENTATIVE: William S. Dahlstrom, Jackson Walker, LP

REQUEST: An application for **(1)** a Planned Development District for GO(A) General Office District and certain nonresidential uses; **(2)** termination of the existing deed restrictions [Z845-227]; and, **(3)** a Specific Use Permit for a mini-warehouse use on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard).

SUMMARY: The applicant proposes to redevelop the property to allow for a mini-warehouse and retail project in the existing two buildings at the site, with the addition of a third, two-story building. Termination of existing deed restrictions on the property would remove: **1)** the required landscape plan; **2)** height limitations stipulating a maximum of 221 feet in height along LBJ Freeway and 120 feet in height along Forest Lane; and, **3)** floor area maximum of 432,694 square feet. The SUP would allow for the proposed mini-warehouse to operate with a maximum floor area of 179,032 square feet.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions; **approval** of the termination of existing deed restrictions [Z845-227]; and, **approval** of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for an automatic renewal for one additional fifteen-year period, subject to a site plan, landscape plan, elevation plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions; **approval** of the termination of existing deed restrictions [Z845-227]; and, **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, landscape plan, elevation plan, and conditions.

BACKGROUND INFORMATION:

- The subject site was rezoned from GR General Retail to O-2 Office with deed restrictions volunteered by the applicant in 1985. The property is currently developed with two 55-foot tall, four-story office buildings with 128,962 square feet of floor area.
- At the time of this application, the site is noncompliant with the landscape plan from the deed restrictions. This is due to the expansion of Interstate 635.
- The current request is to:
    - Terminate the existing deed restrictions which would remove **1)** the required landscape plan; **2)** height limitations stipulating a maximum of 221 feet in height along LBJ Freeway and 120 feet in height along Forest Lane; and, **3)** floor area maximum of 432,694 square feet.
    - Allow a PD for GO(A) General Office and certain nonresidential uses to allow for a mixed-use development.
    - Reduce the minimum front yard will be reduced from 15 feet to 10 feet, but all other yard, lot, and space regulations for the GO(A) District still apply.
    - Provide a parking reduction for certain personal service uses.
    - Allow the use of a shared parking table.
    - Grant an SUP for a mini-warehouse use with a maximum floor area of 179,032 square feet, subject to a landscape plan and elevations with design criteria.

Zoning History: There have been four zoning requests in the area in the past five years.

1. **Z178-322:** On October 16, 2018, SUP No. 1925 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned MU-2 Mixed Use District with a D-1 Liquor Control Overlay generally located on the northwest corner of Forest Lane and Josey Lane was auto-renewed for a five-year period. *Not shown on the map.*
2. **Z167-208:** An application for a planned development district for CR Community Retail District, multifamily, retirement housing, and permanent supportive housing uses on property zoned MU-1(SAH) Mixed Use District, located on the northeast corner of Forest Lane and Dennis Road. *Withdrawn on June 8, 2017.*
3. **Z156-284:** On December 14, 2016, the City Council approved PD No. 978 for MF-1(A) Multifamily District uses on property zoned an R-10(A) Single Family District, located on the north side of Modella Avenue, east of Dennis Road.
4. **Z156-177:** On May 11, 2016, the City Council approved SUP No. 2194 for a hotel or motel use on property zoned a CR Community Retail District, on property located along the south line of Forest Lane, east of Dennis Road.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Interstate 635 (LBJ Freeway)	Principal Arterial	Variable
Bankway Lane	Local	60 feet
Forest Lane	Principal Arterial	90 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

Surrounding Land Uses:

Area	Zone	Use
Site	GO(A) and SUP No. 2071 with Deed restrictions	Office and Non-premise (billboard) sign
North	City of Farmer's Branch	Interstate 635 and commercial parking lot
East	PD No. 140 and CR with Deed restrictions	Office
South	CR with SUP Nos. 2194, 1369 and MU-1(SAH) with Deed restrictions	General merchandise or food store 3,500 square feet or less, hotel, and retirement housing
West	MU-2 with a D Liquor Control Overlay	Retail and personal service

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 request complies with land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT:

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.

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 site is currently developed with two 55-foot tall, four-story office buildings with 128,962 square feet of floor area. The current proposal is to convert the structure identified as Building 1 on the development plan, into a mixed-use building or possibly a mini-warehouse use. The remaining Building 2 would have an existing level of parking converted into usable floor area for a total increase of 22,420 square feet. The entirety of Building 2 is identified as being for the mini-warehouse use. Finally, there may be an addition with the proposed Building 3, a two-story structure with up to 27,650 square feet of mini-warehouse floor area. The total combined floor area for the three structures is 179,032 square feet, of which all could be used for the mini-warehouse use. Per the PD provisions, a mini-warehouse use requires a Specific Use Permit. An SUP is requested with this zoning application.

Surrounding land uses include the City of Farmer's Branch and Interstate 635 (LBJ Freeway) to the north; office to the east; general merchandise or food store 3,500 square feet or less, hotel, and retirement housing to the south; and, retail and personal service uses to the west.

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 mini-warehouse use will have requirements to enhance the quality of the project. For example, architectural standards proposed in the SUP conditions include building articulation and exterior material requirements for all new buildings. A minimum of 80 percent of the exterior facades must be composed of masonry (stone, pre-cast concrete, poured-in place concrete, cementitious siding, split-faced concrete masonry unit, three-coat cement plaster system, or brick) excluding doors and windows. Masonry

screening walls must be eight feet in height to block dumpsters, loading zones, and false overhead display doors from the view of public streets as shown on the SUP Site Plan. Only access gates may be of tubular steel. Finally, the screening walls also have articulation requirements to limit the monotony of blank walls on the street frontages.

The mini-warehouse office may only operate between 9:00 a.m. and 6:00 p.m., Monday through Friday; and between 8:00 a.m. and 6:00 p.m. on Saturday. Finally, outside storage of vehicles, and parking for vehicles for rent, boats, and/or equipment is prohibited.

While staff supports the proposed mini-warehouse use as regulated by the provisions of the proposed SUP; however, we propose a ten-year time period with eligibility for automatic renewals for additional ten-year periods. The applicant has elected to request a 15-year time period with 15-year autorenewals. Staff cannot support the extended time period for the new use being introduced into the area. The initial ten-year is already a long term, yet standard for this use.

The proposed mini-warehouse use is compatible with the surrounding uses. This use will not be a detriment to the public health, safety or general welfare of the community.

Development Standards:

DISTRICT	SETBACKS Front	SETBACKS Side/Rear	Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
Existing:							
GO(A), deed restrictions	14'-15'	20' adj.res. 0' Others	4.0 432,694 SF	221' on LBJ Fwy 120' on Forest Ln.	80%.	RPS, Urban Form, Tower Spacing Landscape Plan	Office
Base Zoning:							
GO(A)	15'	20' adj.res. 0' Others	4.0	270'	80%	RPS, Urban Form, Tower Spacing	Office
Proposed:							
PD for GO(A) and other nonresidential uses	10'	20' adj.res. 0' Others	4.0	270'	80%	Urban Form, Tower Spacing	Office and other nonresidential uses

Existing deed restrictions which the applicant seeks to terminate regulate the setbacks, total floor area, height of structures, and provide for a landscape plan. Overall, the request is to return the site to the GO(A) base zoning district with only one change being made to allow a reduced minimum front yard setback of 10 feet rather than 15 feet. This reduction in the minimum required front yard setback is to make the existing building conform, due to the expansion of Interstate 635 from 2012-2014 which removed 0.79 acres from the street frontage. This made the site noncompliant for landscaping as required per the deed restrictions, setbacks, and parking. The removal of the deed restrictions from 1985 will allow the site to be fully utilized, especially in light of the expansion of Interstate 635 and subsequent compliance with the deed restriction

landscape plan no longer feasible. The proposed floor area ratio (0.98) and maximum height (55 feet) per the proposed development plan are still significantly less than the existing zoning with the deed restrictions which allow up to 120 feet on Forest Lane and up to 221 feet on Interstate 635.

The most significant change is to allow 11 new uses as main uses. This is due to the restrictive nature of retail and personal service uses (limited uses) in an office district. In this district, a retail and personal service use: (1) must be contained entirely within a building; and (2) may not have a floor area that, in combination with the floor areas of other retail and personal service uses in the building, exceeds 10 percent of the total floor area of the building. The addition of the following uses is requested without limited restrictions: (1) alcohol beverage establishments; (2) broadcasting or recording studio; (3) commercial amusement (inside); (4) convenience store; (5) custom business service; (6) general merchandise or food store 3,500 square feet or less; (7) handcrafted art work studio; (8) instructional arts studio; (9) restaurant without drive-in or drive-through service; (10) theater; and, (11) mini-warehouse by SUP only.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not within a designated MVA cluster, surrounding properties southward are categorized as being within a “E” MVA cluster.

Parking:

Parking will be in accordance with the parking regulations of Chapter 51A, proposed reductions per specific land uses established in the PD, a shared parking table in the PD, and by using delta credits from the expansion of Interstate 635. A parking study was provided and approved by the Engineering Division. The following table identifies uses with proposed reductions in parking:

Land Use per PD	Land Use per 51A	Sec. 51A	PD
Art gallery	Library, art gallery, or museum	1/600 SF	1/500 SF
Broadcasting or recording studio	Personal service	1/300 SF	1/500 SF
Handcrafted art work studio	Personal service	1/200 SF	1/500 SF
Instructional arts studio	Personal service	1/200 SF	1/500 SF

Additionally, shared parking is permitted for all non-residential uses on the lot. The shared parking concept was originally developed by the Urban Land Institute (ULI). The concept of shared parking acknowledges the efficiencies of observed, net parking demand within a common parking facility that is generated by multiple land uses. Efficiency is realized due to the time-of-day compatibility among individual tenants in mixed-use developments given that different uses peak at specific times during a typical day. In general, the calculation of shared parking demand applies an hourly profile obtained from reliable resources, such as published manuals or actual observed data.

After calculating hourly parking demand for each used based on its respective hourly adjustment, totals are tabulated to identify the overall parking demand by hour on a typical day. The utilization rates in the following table provide the basis for calculation of parking spaces required with shared parking. The adjusted standard off-street parking requirement for the development is the largest of the five "time-of-day" column sums.

Shared Parking Table
(for calculating adjusted parking requirement)

Use Category	Morning	Noon	Afternoon	Late Afternoon	Evening
Office-related uses	100%	80%	100%	85%	35%
Retail related uses	60%	75%	70%	65%	70%
Bar and restaurant uses	20%	100%	30%	30%	100%
All other uses	100%	100%	100%	100%	100%

Finally, due to the expansion of Interstate 635, the site carries a delta credit of 73 parking spaces for the two existing office buildings. The current request is to convert the land uses to generally less intensive uses. The mini-warehouse use which may cover all of the floor area, up to 179,032 square feet, would only require six parking spaces regardless of the size. Through the use of delta theory, the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded; however, when a nonconforming use is converted to a less intensive use, the rights to any portion of the delta credits not needed, are lost.

The last parking request is to allow for a reduced parking ratio for office uses. The Dallas Development Code requires a ratio of one space per 333 square feet of floor are; the original office area which obtained deltas had 128,962 square feet of floor area and required 387 parking spaces. The difference after the credit of 73 spaces is applied equals 314 parking spaces. This is a ratio of one space per 410 square feet of floor area for an office use. A parking analysis was provided supporting a reduced ratio of one space per 418 square feet of floor area for an office use and found appropriate by the Engineering Division.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended. If operation of the site occurs solely within the two existing buildings, no additional landscape will be required. However, the SUP conditions state that along Forest Lane and Bankway Lane, sod must be planted within six months of approval of this specific use permit in the area between the back of parking lot pavement and back of curb of said streets, save and except sidewalks, utility facilities, and other impervious surfaces.

CPC Action
February 21, 2019

Motion: It was moved to recommend: 1) **approval** of a Planned Development District for GO(A) General Office District and certain nonresidential uses, subject to a revised development plan, and revised conditions to include a revised parking ratio for office uses of one space per 411 square feet; 2) **approval** of the termination of the existing deed restrictions Z845-227; and, 3) **approval** of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for an automatic renewal for one additional fifteen-year period, subject to a revised site plan, landscape plan, elevation plan, and conditions on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway).

Friendly Amendment: Commissioner Ridley offered a friendly amendment to limit the automatic renewals to one additional fifteen-year period. Commissioner Carpenter, the maker of the motion, and Commissioner Housewright, the seconder of the motion, accept the friendly amendment.

Maker: Carpenter
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Ridley, Tarpley

Against: 0
Absent: 1 - Murphy
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 9
Replies: For: 1 Against: 0

Speakers: For: Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
Against: None

CPC Action
March 21, 2019

Motion to Reconsider: It was moved to **reconsider** the action taken on March 7, 2019, which was to move to recommend 1) approval of a Planned Development District for GO(A) General Office District and certain nonresidential uses, subject to a revised development plan and revised conditions to include a revised parking ratio for office uses of one space per

411 square feet; 2) approval of the termination of the existing deed restrictions Z845-227; and, 3) approval of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for one automatic renewal for an additional fifteen-year period, subject to a revised site plan, landscape plan, elevation plan, and conditions on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway).

Maker: Carpenter
Second: Lewis
Result: Carried: 10 to 0

For: 10 - MacGregor, Schulte, Criss, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Shidid, Schultz
Vacancy: 3 - District 4, District 7, District 12

Motion: In considering an application for **1)** a Planned Development District for GO(A) General Office District and certain nonresidential uses; **2)** termination of the existing deed restrictions [Z845-227]; and, **3)** a Specific Use Permit for a mini-warehouse use on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway), it was moved to **hold** this case under advisement until April 4, 2019, and to instruct staff to re-notify the case at the correct notification area of 500 feet.

Maker: Carpenter
Second: Housewright
Result: Carried: 10 to 0

For: 10 - MacGregor, Schulte, Criss, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Shidid, Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 9
Replies: For: 1 Against: 0

Speakers: None

CPC Action
April 4, 2019

Motion: It was moved to recommend: 1) **approval** of a Planned Development District for GO(A) General Office District and certain nonresidential uses, subject to a development plan and conditions; 2) **approval** of the termination of existing deed restrictions [Z845-227]; and 3) **approval** of a Specific Use Permit for a mini-warehouse use for a fifteen-year period with eligibility for an automatic renewal for one additional fifteen-year period, subject to a site plan, landscape plan, elevation plan, and conditions on property zoned a GO(A) General Office District with Specific Use Permit No. 2071 for a detached non-premise sign (billboard), on the north line of Forest Lane, west of Bankway Lane, and south of Interstate Highway 635 (Lyndon B. Johnson Freeway).

Maker: Carpenter
Second: Shidid
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 7, District 12

Notices: Area: 500 Mailed: 27
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
Against: None

List of Officers

LBJ METROPLEX LP

LBJ Metroplex GP, LLC,
General Partner

Howard L Lawson,
Member

Z167180

Existing Deed Restrictions
Z845-227

For purposes of these restrictions, all definitions of the Dallas Development Code, as amended, are incorporated into this document, as if recited verbatim herein.

(1) The height of any structure on the northern half of the property, along the LBJ frontage road, may not exceed 221 feet as shown on the site plan attached hereto as Exhibit A.

(2) The height of any structure on the southern half of the property may not exceed 120 feet as shown on the site plan attached hereto as Exhibit A.

(3) The total floor area of uses permitted in an Office-2 zoning classification (Office-2 uses) located within the boundaries of the property, may not exceed 432,694 square feet with the following allocation: a total of 122,000 square feet for the existing four story buildings and no more than 310,694 square feet for the proposed sixteen story building as shown on Exhibit B.

(4) Developer shall provide a ten foot wide easement for street purposes along the Forest Lane frontage.

(5) Developer shall provide an eleven foot wide reservation for future dedication of right-of-way to the State Highway Department at no cost to the State or the City for an additional westbound service lane on LBJ, should the service lane be required by the State or the City.

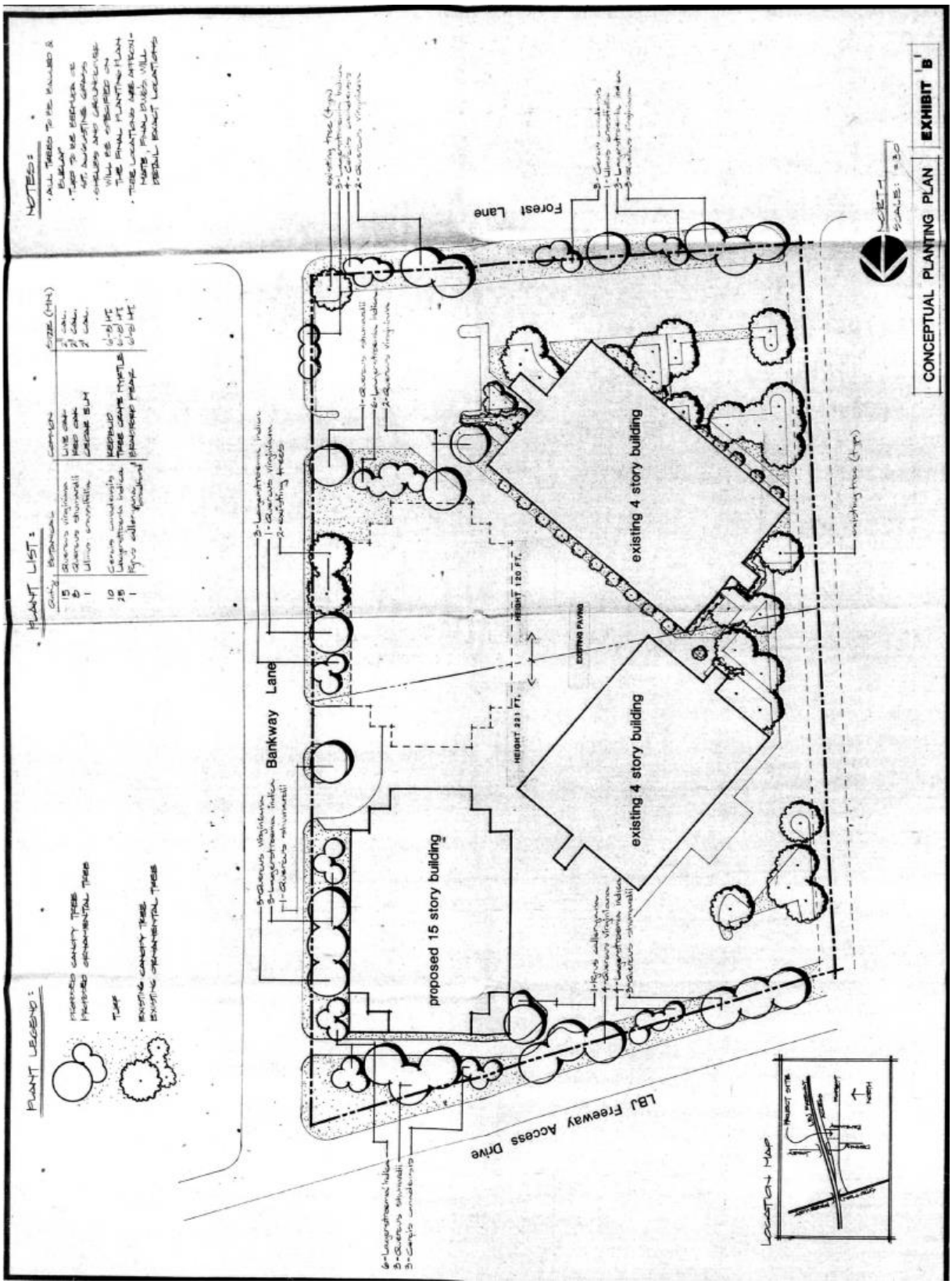
(6) The building setback lines, as shown on the site plan attached hereto as Exhibit A, shall be as follows: (a) Twenty-five feet from the existing right-of-way line on the LBJ frontage. After dedication of right-of-way as reserved in paragraph (5) above, the building setback line shall become fourteen feet. Notwithstanding the foregoing, no parking above grade or underground structure is permitted within 25 feet of any right-of-way after any required dedications.(b) Twenty-five feet from the existing right-of-way line on the Forest Lane frontage. After dedication of an easement for street purposes as required in paragraph (4) above, the building set back line shall become fifteen feet.

(7) Landscaping must be provided as shown on the landscape plan attached hereto as Exhibit B, prior to the issuance of a Certificate of Occupancy for any Office-2 use on the property. Landscaping as shown on the landscape plan attached hereto as Exhibit B must be maintained in a healthy and growing condition at all times.

Deed Restrictions: Exhibit A



Deed Restrictions: Exhibit B



CPC Recommended PD Conditions

"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 Bankway Lane and Forest Lane. The size of PD _____ is approximately 4.17 acres.

SEC. 51P- ____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this division, BROADCASTING OR RECORDING STUDIO means a facility for broadcasting live or prerecorded programs by radio or television;

(1) recording records, tapes, or video tapes by digital, electronic, or other suitable media; and

(2) recording, programming, and receiving radio or television signals.

(a) A broadcasting or recording studio use is considered a retail and personal service use.

(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 exhibits are incorporated into this article:

(1) 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 the GO(A) General Office District, subject to the same conditions applicable in the GO(A) General Office District, as set out in Chapter 51A. For example, a use permitted in the GO(A) General Office 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 GO(A) General Office District is subject to DIR in this district; etc.

(b) The following additional uses are permitted by right:

-- Alcohol beverage establishments.
-- Broadcasting or recording studio.
-- Commercial amusement (inside).
-- Convenience store.
-- Custom business service.
-- General merchandise or food store 3,500 square feet or less.
-- Handcrafted art work studio.
-- Instructional arts studio.
-- Restaurant without drive-in or drive-through service.
-- Theater.

(c) The following use is permitted by specific use permit (SUP) only:

-- Mini-warehouse.

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 GO(A) General Office District apply.

(b) Front yard. Minimum front yard is 10 feet.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulation in Division 51A-4.200 for the specific off-street-parking and loading requirements for each use.

(b) The entire property is considered one lot for parking purposes.

(c) An art gallery, broadcasting or recording studio, handcrafted art work studio, or instructional arts studio require a minimum of one space per 500 square feet.

(d) Shared parking is permitted for all nonresidential uses on the lot. The utilization rates in the following table provide the basis for calculation of parking spaces required with shared parking. The adjusted standard off street parking requirement for the development is the largest of the five "time-of-day" column sums.

Shared Parking Table (for calculating adjusted parking requirement)					
Use Category	**Morning**	**Noon**	**Afternoon**	**Late Afternoon**	**Evening**
Office-related uses	100%	80%	100%	85%	35%
Retail related uses	60%	75%	70%	65%	70%
Bar and restaurant uses	20%	100%	30%	30%	100%
All other uses	100%	100%	100%	100%	100%

(d) For an office use, the required parking shall be provided at a ratio of one space per 418 square feet of floor area.

SEC. 51P- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

Landscaping must be provided in accordance with Article X.

SEC. 51P- ____.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P- ____.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

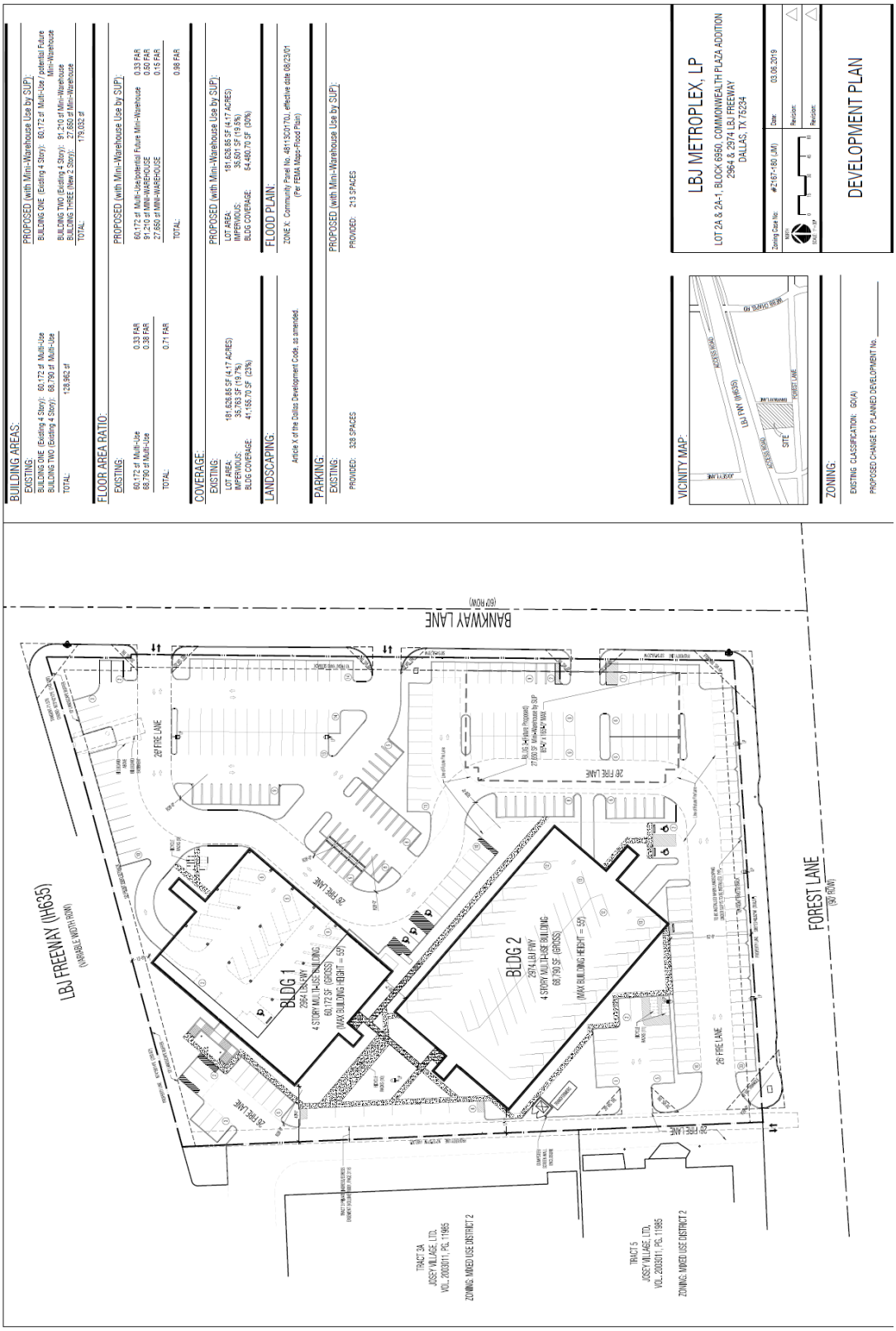
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

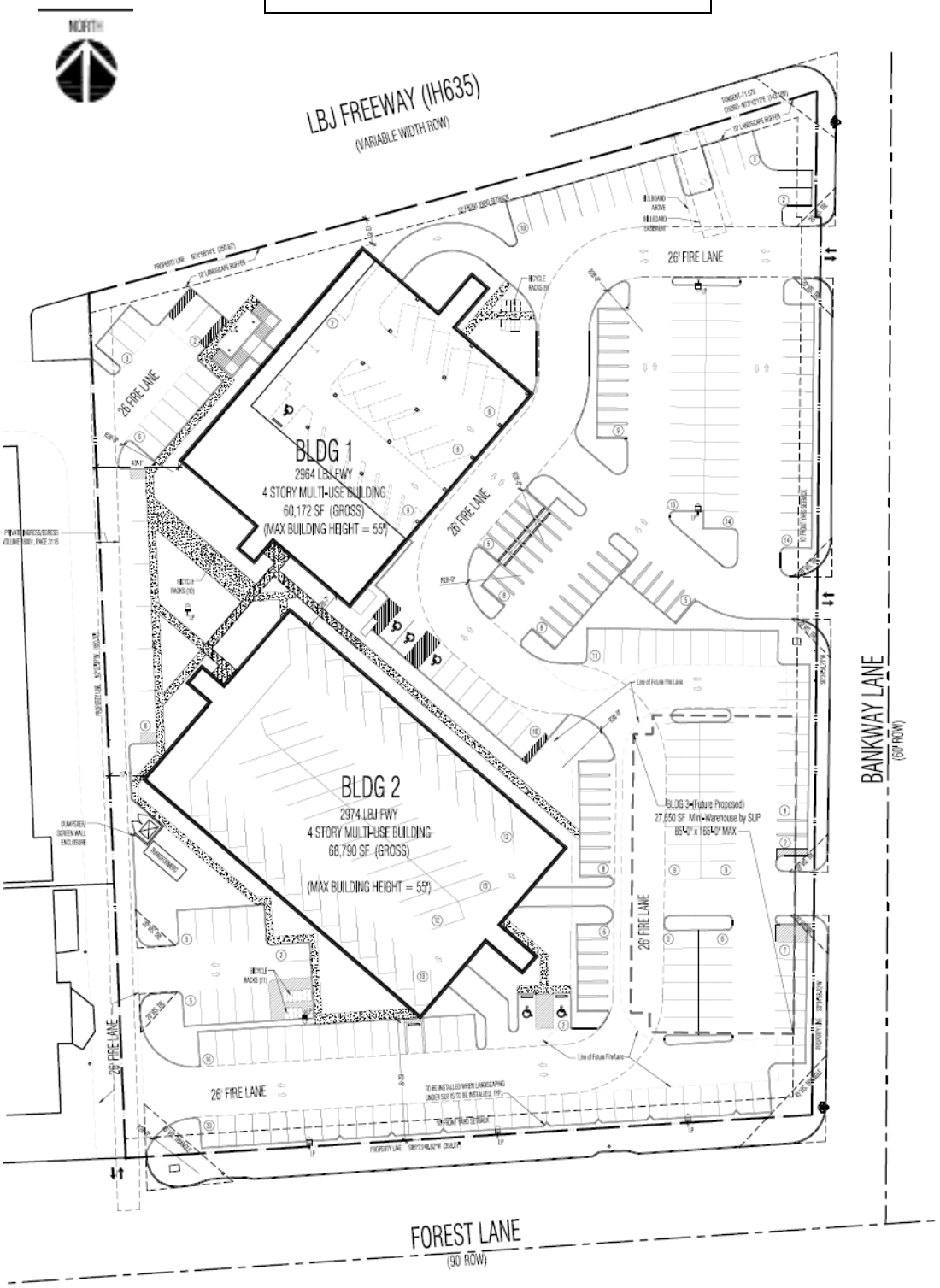
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(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, 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



Enlarged Development Plan



CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is a mini-warehouse.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevations.

CPC Recommendation and Applicant's Request:

3. TIME LIMIT: This specific use permit expires on_____, (fifteen-year period from the passage of this ordinance, but is eligible for one automatic renewal for an additional fifteen-year period 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_____, (ten-year period from the passage of this ordinance, but is eligible for automatic renewal for additional ten-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. LANDSCAPING: Except as otherwise provided on the landscape plan attached hereto as Exhibit "_", landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

   A. Landscaping shown on the landscape plan must be installed prior to the issuance of a certificate of occupancy for a mini-warehouse use in Building 3 as shown on the Site Plan. Street trees along Bankway Lane that are within ten feet of a building shall be medium or small trees.

   B. Along Forest Lane and Bankway Lane, sod must be planted within six months of approval of this specific use permit in the area between the back of parking lot pavement and back of curb of said streets, save and except sidewalks, utility facilities, and other impervious surfaces.

5. ELEVATIONS: Construction of Building 3 as shown on the Site Plan must generally comply with the elevations attached hereto as Exhibit"_".

6. ARCHITECTURAL STANDARDS: Building 3, as identified on the Site Plan, shall conform to the following architectural standards:

   A. Building Articulation:

      1. The exterior facades of new buildings shall have a minimum of one horizontal articulation no lower than ten feet above finished floor that extends a minimum of seventy-five percent around the perimeter of the building to create a lower "base" and upper "top" around the building.
      2. No façade shall extend longer than forty-five continuous feet along the lower base without a depth articulation of at least one foot deep that is a minimum of two feet wide.
      3. No façade shall extend longer than seventy-five continuous feet without a minimum depth articulation of three feet deep that is a minimum of ten feet wide. The three-foot depth articulation shall extend vertically the full height of the building.
      4. No parapet or roof length shall extend longer than seventy-five continuous feet in the same direction without a minimum height articulation of three feet that is a minimum of ten feet wide.
      5. Display windows or glass shall be utilized on facades facing public streets and roadways as shown on the SUP Elevation Plan.
      6. Offsets, projections, and reveals are required for material transitions.

   B. Exterior Material Requirements

      1. The exterior facades of a new building shall be constructed of eighty percent masonry, exclusive of doors and windows.
      2. Masonry shall be defined as stone, pre-cast concrete, poured-in-place concrete with a similar appearance to stone, cementitious siding, split-faced concrete masonry unit, three-coat cement plaster system, or brick.
      3. No single material shall cover more than sixty percent of each façade.
      4. The use of architectural metal panels shall be limited to twenty percent of the total exterior façade.

7. SCREENING WALL REQUIREMENTS:

   A. Masonry screen walls to a height of eight feet are required to block dumpsters, loading zones, and false overhead display doors from the view of public streets as shown on the SUP Site Plan.

B. All screen walls shall be constructed of stone, pre-cast concrete, poured-in-place concrete with a similar appearance to stone, cementitious siding, split-faced concrete masonry unit, three-coat cement plaster system, or brick.

1. All walls shall be constructed with the same materials and masonry percentages as the new buildings.
2. The decorative, patterned, or split-faced side of the wall must face out toward the public streets.
3. Gates may be constructed of tubular steel.
4. Tubular steel or painted steel may be used for operable gates, but are required to be infilled with metal panels of the same color.

C. No wall shall extend longer than four continuous feet without a depth articulation of twelve inches that is a minimum of sixteen inches wide.

8. INGRESS/EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

9. PARKING: Off-street parking must be located as shown on the attached site plan and provided in accordance with PD No. XXX.

10. FLOOR AREA: Total maximum floor area for the mini-warehouse buildings is 179,032 square feet inclusive of 400 square feet of office space for the storage buildings.

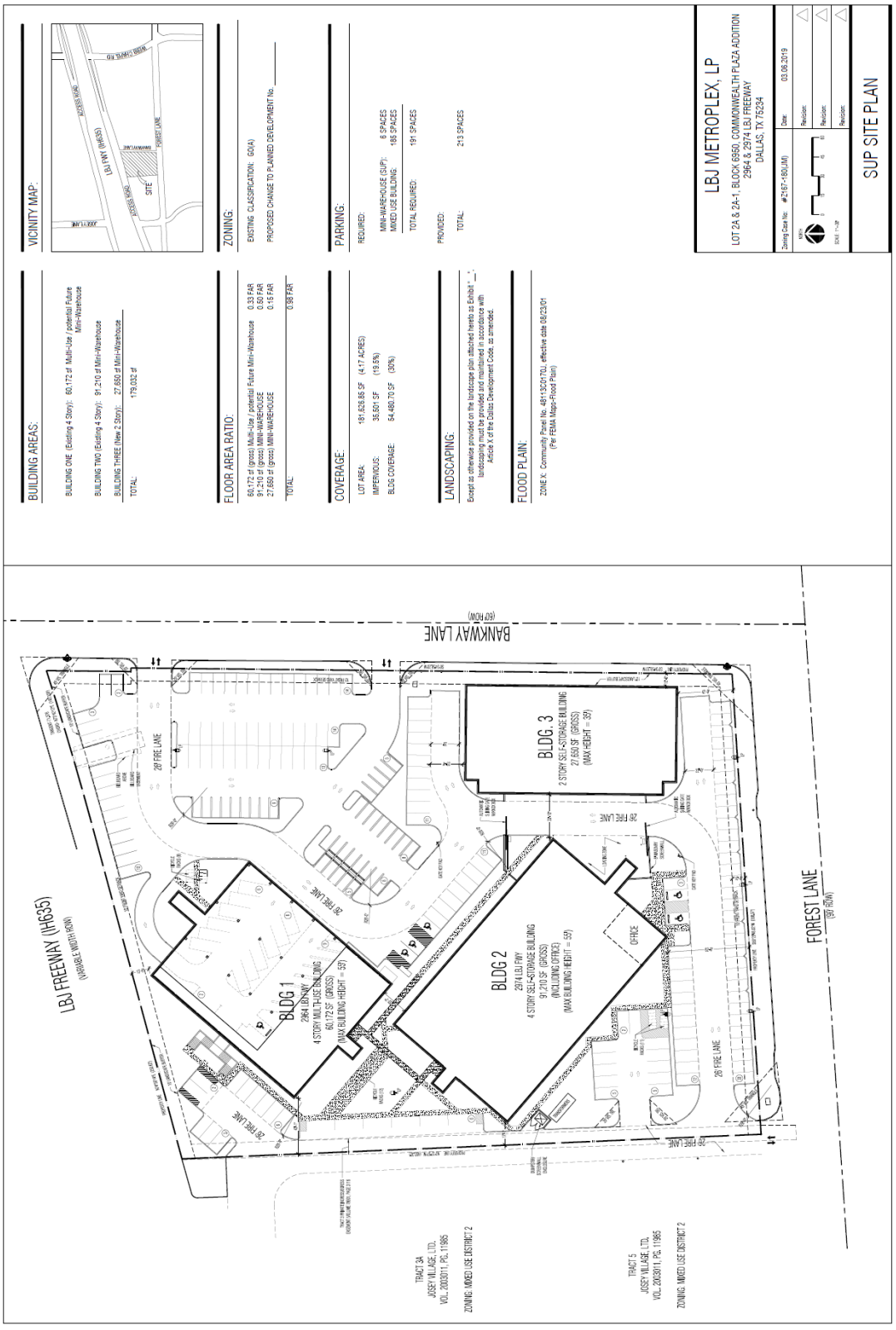
11. HOURS OF OPERATION: The mini-warehouse office may only operate between 9:00 a.m. and 6:00 p.m., Monday through Friday; and between 8:00 a.m. and 6:00 p.m. on Saturday.

12. OUTSIDE STORAGE: Outside storage of vehicles, parking for vehicles for rent, boats, and /or equipment is prohibited.

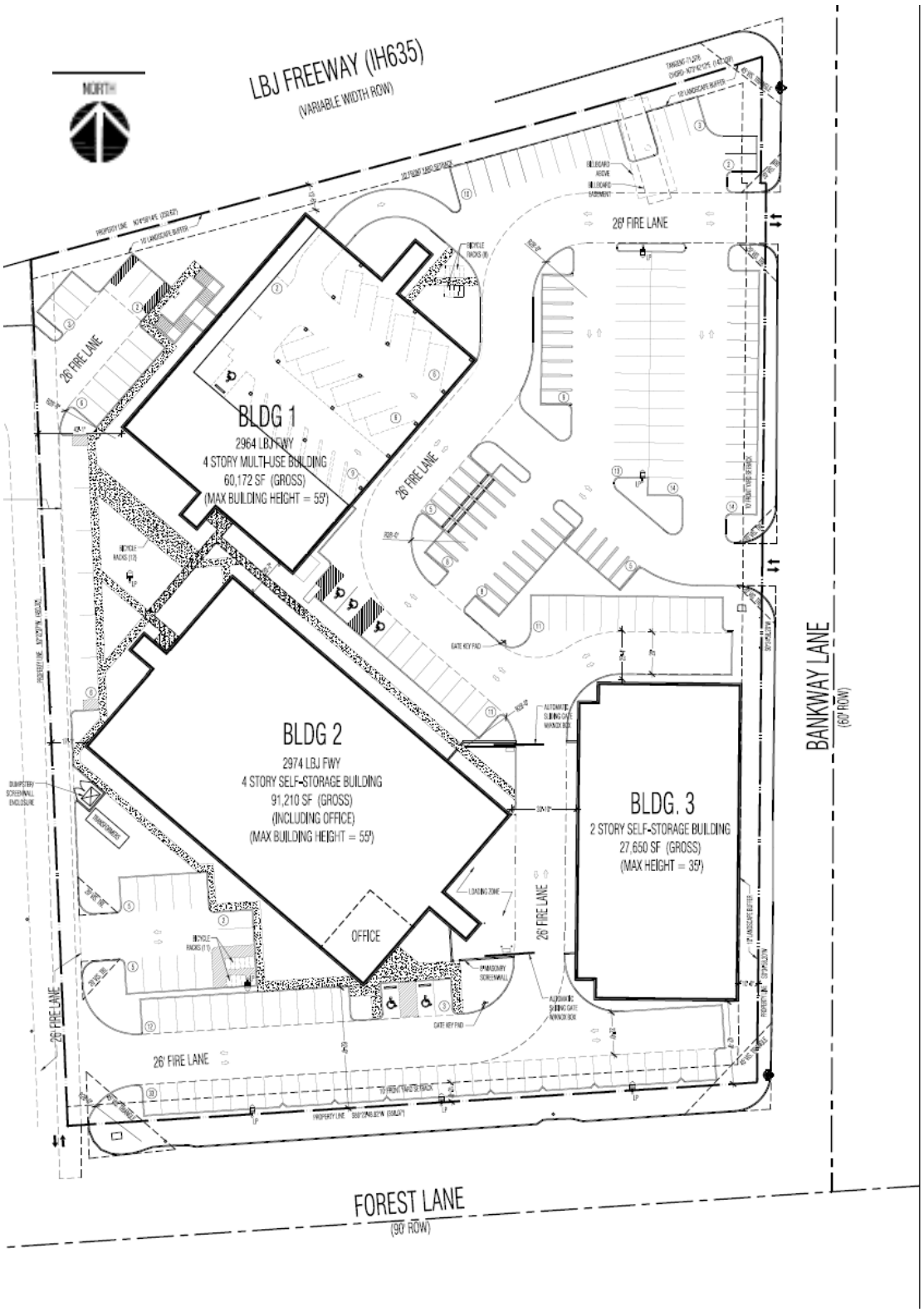
13. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

14. 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.

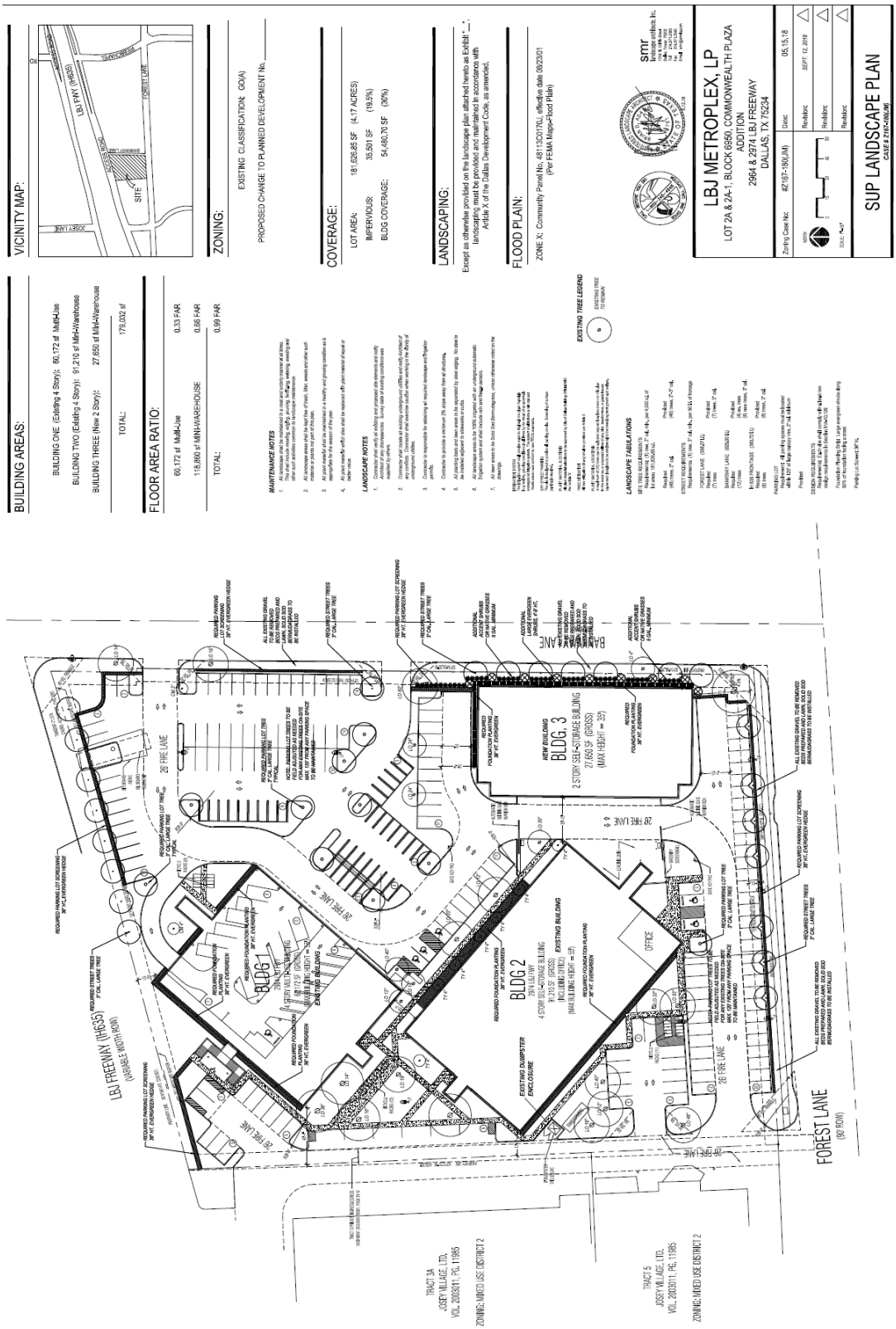
Proposed SUP Site Plan



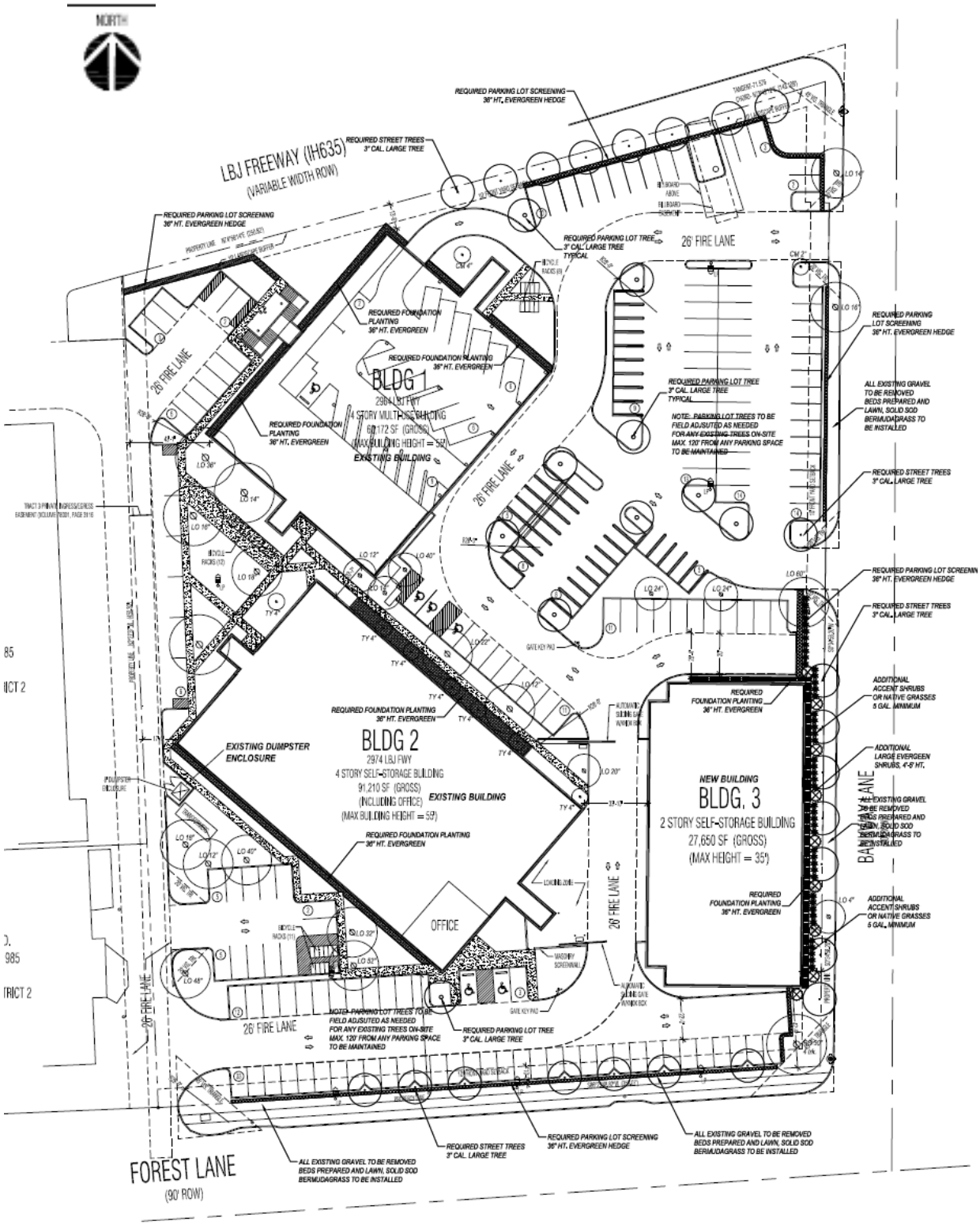
Enlarged SUP Site Plan



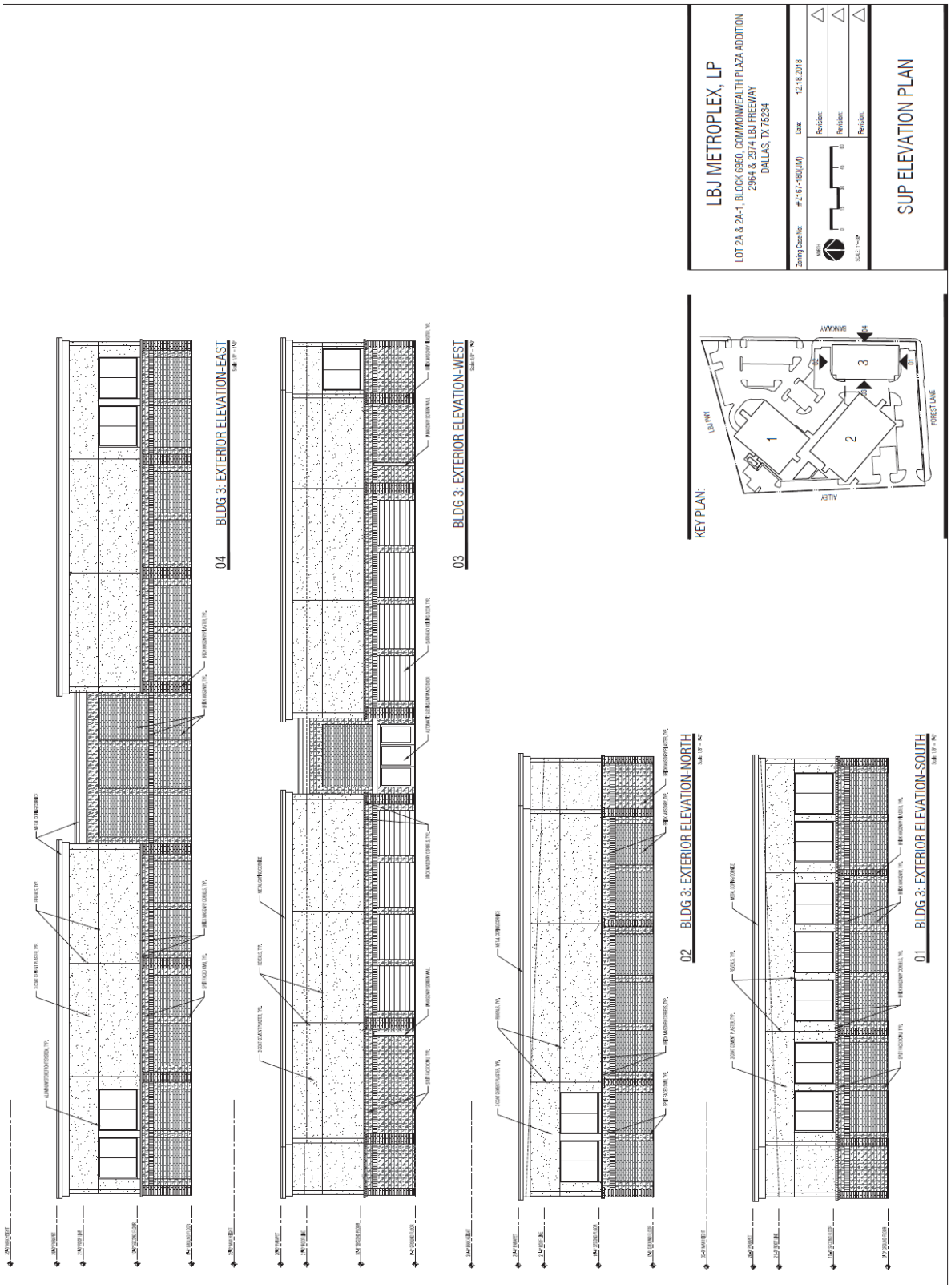
Proposed SUP Landscape Plan

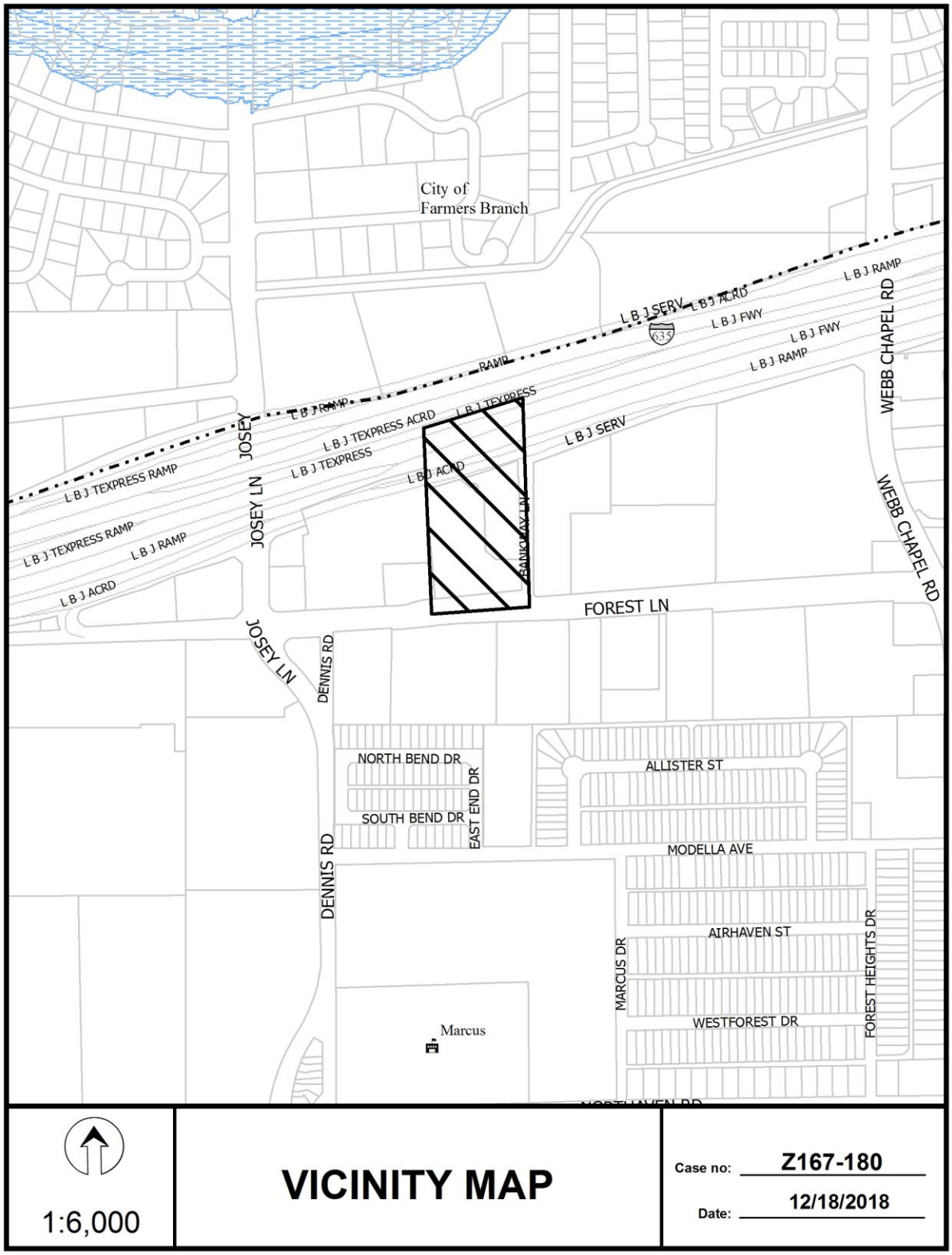


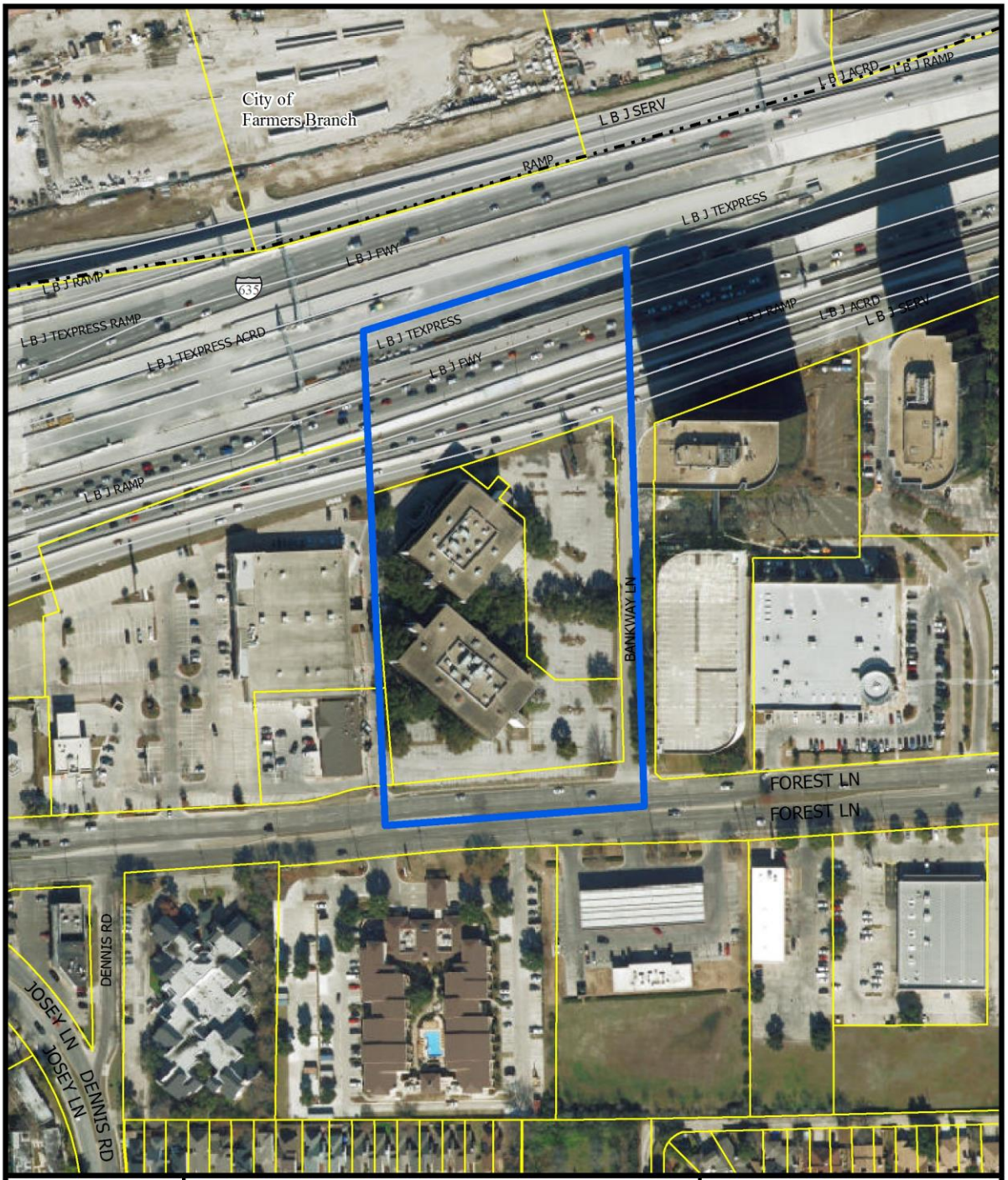
Enlarged SUP Landscape Plan



Proposed SUP Elevation Plan




City of
Farmers Branch
L B J SERV
L B J ACRD
L B J FWY
L B J RAMP
635
L B J TEXPRESS RAMP
L B J TEXPRESS ACRD
L B J TEXPRESS
L B J ACRD
JOSEY LN
WEBB CHAPEL RD
FRANKLIN LN
FOREST LN
DENNIS RD
NORTH BEND DR
SOUTH BEND DR
EAST END DR
ALLISTER ST
MODELLA AVE
AIRHAVEN ST
MARCUS DR
FOREST HEIGHTS DR
WESTFOREST DR
Marcus
1:6,000
VICINITY MAP
Case no: Z167-180
Date: 12/18/2018

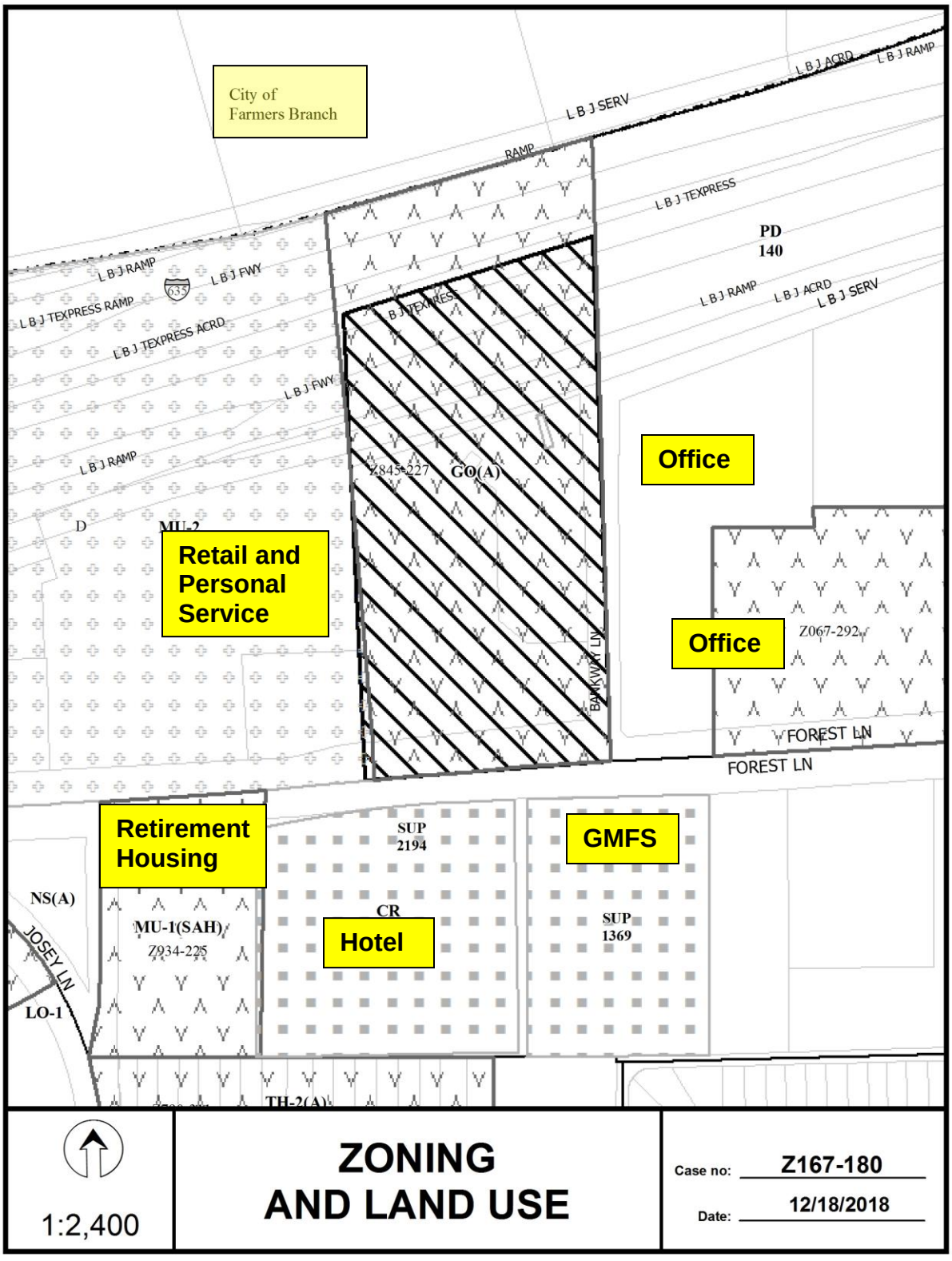


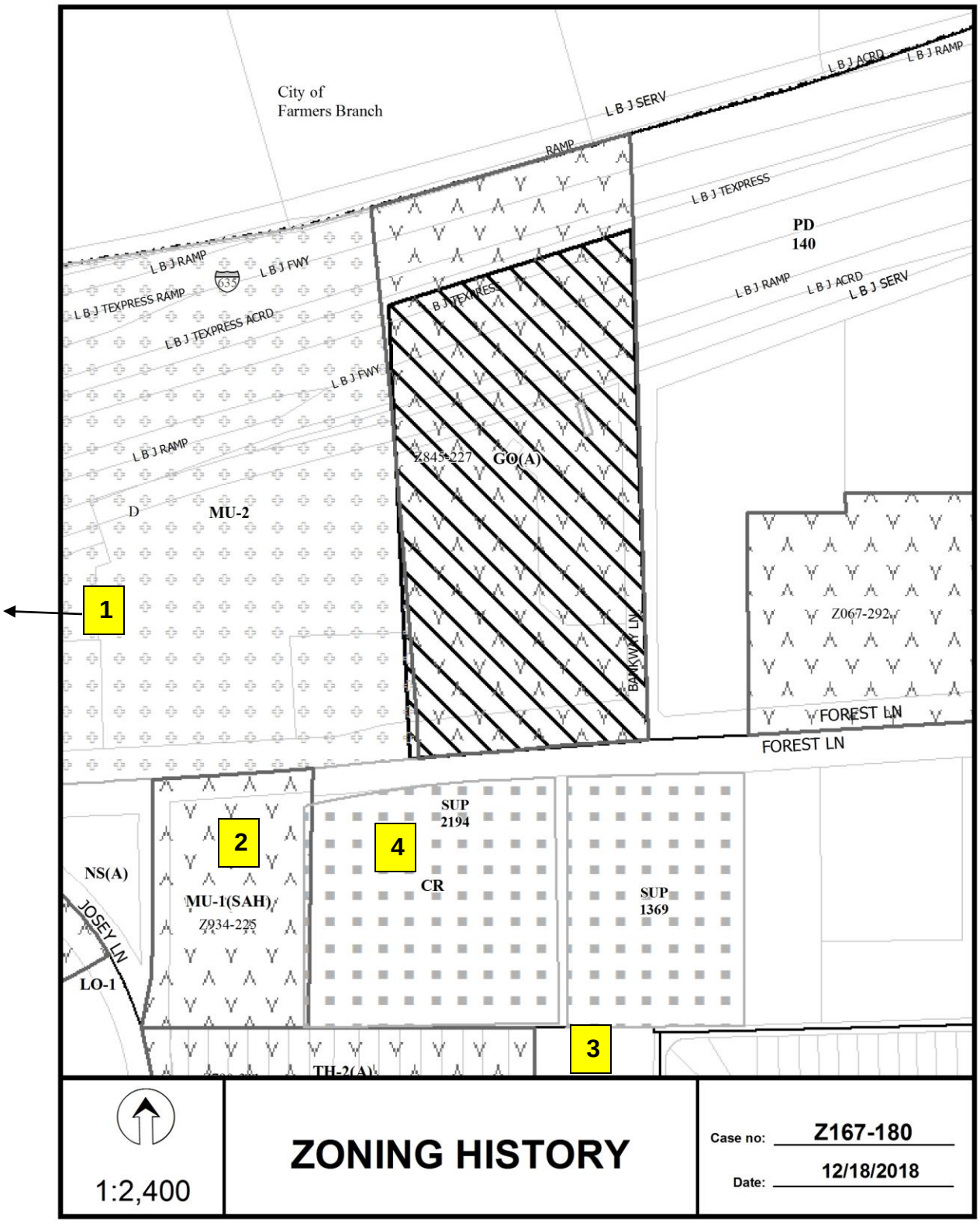
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AERIAL MAP

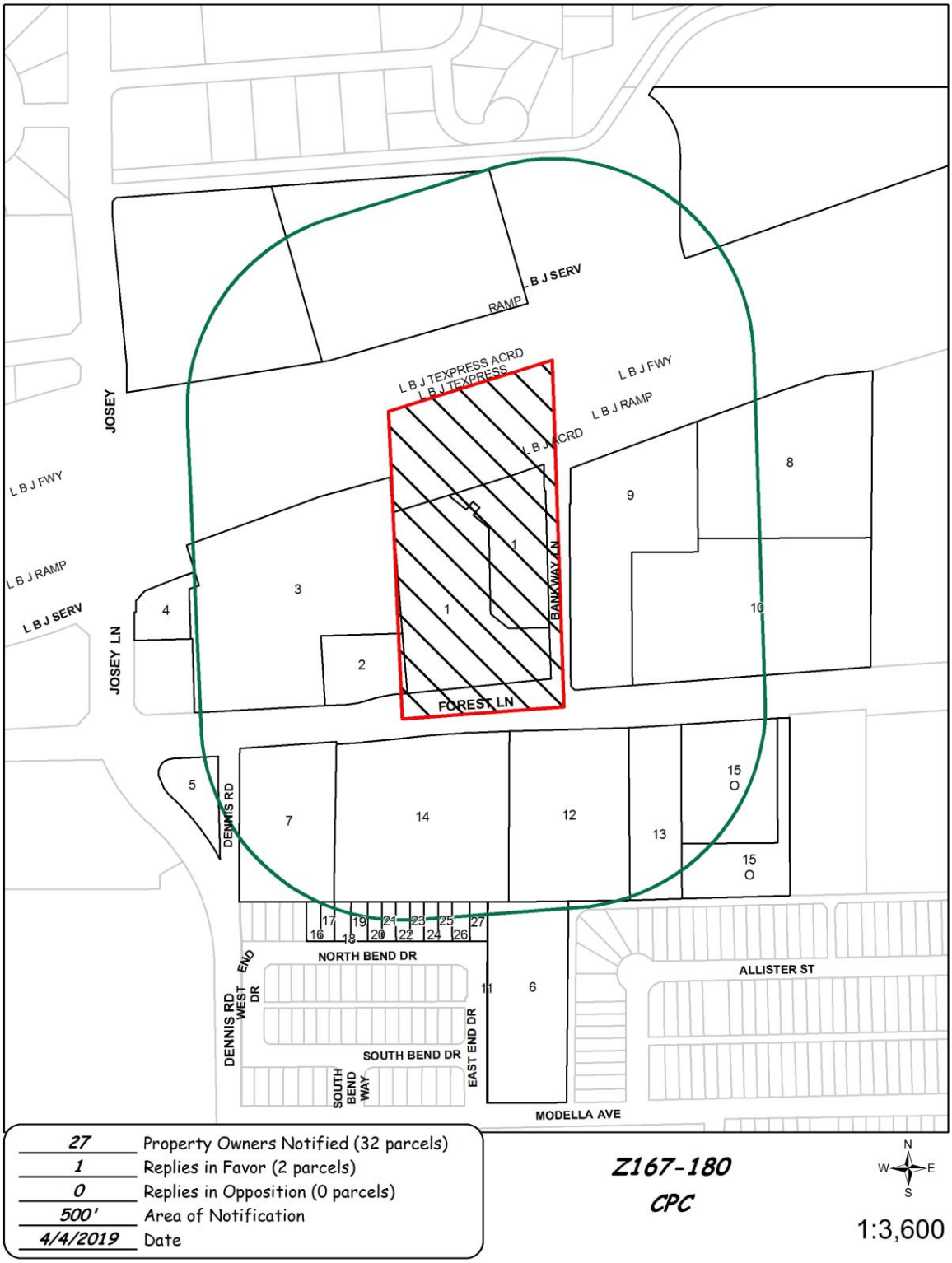
Case no: Z167-180

Date: 12/18/2018


City of Farmers Branch
L B J SERV
L B J ACRD
L B J RAMP
RAMP
L B J TEXPRESS
PD 140
L B J RAMP
L B J ACRD
L B J SERV
L B J RAMP
L B J FWY
635
L B J TEXPRESS RAMP
L B J TEXPRESS ACRD
L B J FWY
L B J RAMP
Z845-227
GO(A)
Office
D
MU-2
Retail and Personal Service
Office
Z067-292
BANKWAY LN
FOREST LN
FOREST LN
Retirement Housing
SUP 2194
GMFS
NS(A)
CR
Hotel
SUP 1369
MU-1(SAH)
Z934-225
JOSEY LN
LO-1
TH-2(A)
1:2,400
ZONING AND LAND USE
Case no: Z167-180
Date: 12/18/2018


City of
Farmers Branch
L B J SERV
RAMP
L B J ACRD
L B J RAMP
L B J TEXPRESS
PD
140
L B J RAMP
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635
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GO(A)
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MU-2
1
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BAMKWAY LN
FOREST LN
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NS(A)
CR
SUP
1369
MU-1(SAH)
Z934-225
JOSEY LN
LO-1
3
TH-2(A)
1:2,400
ZONING HISTORY
Case no: Z167-180
Date: 12/18/2018

CPC RESPONSES



04/03/2019

Reply List of Property Owners

Z167-180

27 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2964	LBJ FWY	LBJ METROPLEX LP
	2	2919	FOREST LN	JOSEY VILLAGE LTD
	3	2909	FOREST LN	JOSEY VILLAGE LTD
	4	11838	JOSEY LN	JOSEY VILLAGE LTD
	5	2880	FOREST LN	KNB ENTERPRISES INC
	6	2963	MODELLA AVE	OLERIO HOMES LLC
	7	2920	FOREST LN	ST JUDE INC
	8	3030	LBJ FWY	TRIWEST GREEN LP
	9	3010	LBJ FWY	GRAYSTONE GREEN LP
	10	3029	FOREST LN	COLE LA DALLAS TX LLC
	11	11600	DENNIS RD	NORTH TOWN SQUARE
	12	2968	FOREST LN	QUIKTRIP CORPORATION
	13	2976	FOREST LN	HALLE PROPERTIES LLC
	14	2930	FOREST LN	COVENTRY HOSPITALITY LLC
O	15	2992	FOREST LN	RUBINFELD SAMUEL LIVING TR &
	16	2925	NORTH BEND DR	GARCIA RICARDO ANTONIO & ALEJANDRA
	17	2929	NORTH BEND DR	SLOAN JAMIE L &
	18	2933	NORTH BEND DR	HARRISON SANDRA A
	19	2937	NORTH BEND DR	MCGEE FRANK HARDIN &
	20	2941	NORTH BEND DR	KAILEY BARBARA
	21	2945	NORTH BEND DR	ETIENNE PHILIPPE JEAN &
	22	2949	NORTH BEND DR	WEBB JEFFREY S
	23	2953	NORTH BEND DR	ROMERO MARCUS JOSHUA
	24	2957	NORTH BEND DR	MEDINA WAYNE R
	25	2961	NORTH BEND DR	RICE DAWN P
	26	2965	NORTH BEND DR	GILSON DAVID E &
	27	2969	NORTH BEND DR	FRAELICH EDWARD K JR

Agenda Information Sheet

File #: 19-532 **Item #:** 48.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions
Z178-261(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: Z178-261(PD) **DATE FILED:** March 22, 2018

LOCATION: Northeast line of South Lancaster Road, north of East Kiest Boulevard

COUNCIL DISTRICT: 4 **MAPSCO:** 55 X

SIZE OF REQUEST: ±9.89 acres **CENSUS TRACT:** 88.01

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT: KIPP Truth Academy, KIPP DFW

OWNER: Routh Group

REQUEST: An application for an amendment to and a renewal of Specific Use Permit No. 1774 for an open enrollment charter school on property zoned a CR Community Retail District.

SUMMARY: The applicant proposes to continue the operation of the open enrollment charter school (KIPP Truth Academy) but change the distribution of grade levels from 10 elementary and eight middle school classrooms to 18 high school classrooms.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The ±9.89-acre request site is developed as a shopping center, of which ±28,650 square feet is comprised of the open enrollment charter school use, operating under SUP No. 1774.

- SUP No. 1520, for an open enrollment charter school, was approved on June 25, 2003, for a five-year time period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions. However, an application for the SUP was not submitted for automatic renewal in 2008 and the SUP expired as a result.

- SUP No. 1774, for an open enrollment charter school was approved by City Council on October 28, 2009, for a ten-year time period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions with an expiration date of October 28, 2019.

- Additionally, the approval of SUP No. 1774, not only expanded the floor area of the open enrollment charter school to 28,650 square feet from 14,125 square feet but also increased the number of classrooms from 12 to 18.

- While the SUP No. 1774 allows 18 10 elementary classrooms and 8 middle school classrooms, the proposed amendment will now allow 18 high school classrooms for 9th and 10th grade students. The amendment proposes to continue to operate between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday.

- The representative has stated that the proposed request to amend SUP No. 1774 to accommodate high school students will only be in effect for one-year due to proposed relocation efforts. Enrollment is proposed to decrease from a maximum of 450 students to 300 students.

Zoning History: There has been one zoning request within the vicinity in the past five years.

1. **Z123-217:** On January 8, 2014, the City Council approved an ordinance for a Planned Development District for mixed uses on property zoned a CR Community Retail District, an NO(A) Neighborhood Office District and an R-7.5(A) Single Family District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Lancaster Road	Principal Arterial	90 feet
Kiest Boulevard	Principal Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the requested amendment and determined that while the proposed use will not significantly impact the surrounding roadway system, the proposed use may discourage walkability and adversely affect pedestrian safety.

Land Use:

	Zoning	Land Use
Site	CR	Shopping Center; Open enrollment charter school
North	R-7.5(A)	Single Family
East	CS; PD 235	Shopping Center; Post office
South	CR with SUP No. 1571; CS; PDD No. 426	Shopping center; DART station; Cell tower
West	CR	Food store; Retail

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts 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 Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal to continue the operation of an open enrollment charter school at this location is consistent with the following goal and policy 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.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

In general, the applicant's proposal to amend the operation of an open enrollment charter school at this location is consistent with the following goals and policies of the Comprehensive Plan.

TRANSPORTATION ELEMENT

GOAL 4.2 Promote a variety of transportation options

Policy 4.2.2 Promote the network of on-street and off street walking and biking Paths.

Implementation Measure 4.2.2.3 Use "Context Sensitive Design" standards for public street improvements to ensure safe and convenient bike and pedestrian movement.

Implementation Measure 4.2.2.6 Create new zoning districts and amend existing districts to encourage new projects to provide enhanced pedestrian and bike amenities such as wider sidewalks, trees, pedestrian lighting, safe bike routes and bike racks.

URBAN DESIGN

GOAL 5.3 Establish walk-to convenience

Policy 5.3.2 Direct pedestrian routes to home, school or work.

Implementation Measure 5.3.2.3 Collaborate with the school districts to identify neighborhoods served by elementary schools. Ensure that safe, accessible and direct routes are available for schoolchildren and their parents. Minimize walking distances and conflicts with traffic. Adopt measures to reduce traffic speed and volume.

Policy 5.3.3 Encourage transit oriented developments and transit centers.

Implementation Measure 5.3.3.3 Establish standards for public improvements in transit-oriented development areas that foster a quality pedestrian environment.

Land Use Compatibility:

The ±9.89-acre request site is developed as an approximately 295,959-square-foot shopping center, of which ±28,650 square feet are devoted to an open enrollment charter school use [KIPP High School]. While the applicant proposes to continue operation of the school, the request seeks to amend the grade levels from 10 elementary and eight middle school classrooms to 18 high school classrooms.

The request site is surrounded by single family to the north, a shopping center and post office to the east, a shopping center, DART station, and cell tower to the south; and a food store and retail to the west.

While the existing Traffic Management Plan, (TMP) was noncompliant with the loading bay requirement, the proposed TMP provides for bays to be painted with white paint to mark each bay for a minimum of four bays required.

Additionally, the TMP states that due to the school site's adjacency to the Kiest Station of the DART Blue Line and the Lancaster at Corning DART Bus stop, the school expects 10 percent of the students to arrive at school by utilization of public transit or walking. The vehicular drop-off and pick-up circulation have enough surplus queuing distance to accommodate use by all students if actual transit or walking is as forecasted.

A high school requires a larger off-street parking ratio at 9.5 spaces per classroom. For 18 classrooms, 171 off-street parking spaces are required; however, the request has a deficit of 121 off-street parking spaces. Staff does not envision any concerns with the proposed off-street parking due to the site being located within a larger shopping center that provides 520 off-street parking spaces inclusive of the spaces reserved for the proposed open enrollment charter school with only 425 spaces required. This ensures a surplus of 95 off-street spaces remain.

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 applicant's request, subject to a revised site plan, a revised traffic management plan and conditions, complies with the general provisions for consideration of an SUP. Additionally, staff is supportive of a two-year time period because the representative maintains that the open enrollment charter school will only operate in a high school capacity for one to two years.

Parking:

The requirement for off-street parking for the school is derived by two criterions: 1) the number of classrooms and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The requirements for off-street parking are as follows:

- one and one-half spaces for each elementary school classroom,
- three and one-half spaces for each middle school classroom; and
- nine and one-half spaces for each senior high school classroom

The total number of proposed classrooms will determine the number of required parking spaces and the school is proposing 18 classrooms on site. Therefore, the number of required off-street parking spaces for the campus is 171 spaces with 50 off-street parking spaces proposed by the applicant.

Landscaping:

Landscaping is required per Article X, as amended of the Dallas Development Code. The applicant is not proposing any new construction or paving therefore landscape requirements will not be triggered.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund.

Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from

purple representing the strongest markets to orange, representing the weakest markets. The area of request is while not in an MVA category is surrounded by an MVA “F” category to the north and “I” to the southeast.

List of Officers

KIPP DFW Schools

Dr. Michawl A. Horne,	Superintendent
Laura Farber,	Chief Academic Officer
Dominick DiFalco,	Chief Strategy Officer
Chris Smith,	Chief Operating Officer
Cara Eng,	Managing Director of Regional Operations
Amanda Wyatt,	Managing Director of KIPP Finance
Ariana Moore,	Managing Director of KIPP Through College
Joy Crosby,	Managing Director of Development
Ellen Prueitt,	KIPP Truth Academy School Leader
Katie Hill,	KIPP Truth Elementary School Leader
Esmeralda Cardoso,	KIPP Destiny Middle School Leader
Tori Lee,	KIPP Destiny Elementary School Leader
Delshon Henry,	KIPP Pleasant Grove Middle School Leader
Dexter Chaney II,	KIPP Pleasant Grove Primary School Leader
Aaron Aguirre-Castillo,	School Leader

CPC ACTION:
March 21, 2019

Motion: It was moved to recommend **approval** of an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard.

Maker: Shidid
Second: Criss
Result: Carried: 9 to 0

For: 9 - Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12
Abstain: 2 - MacGregor***, Schulte***

***abstained due to absence from bus tour

Notices: Area: 400 Mailed: 76
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC RECOMMENDED 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.

~~1.~~ 3. TIME LIMIT: This specific use permit expires on ~~October 28, 2019~~ (two-years) (from the passage of the ordinance), ~~but is eligible for automatic renewal for additional ten-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. CLASSROOMS: The maximum number of classrooms is ~~10 elementary and eight middle school~~ 18 high school classrooms.

5. DROP-OFF/PICK-UP: A student pick-up and drop-off area must be provided as shown on the attached site plan.

6. ENROLLMENT: Enrollment in the open-enrollment charter school may not exceed ~~450~~ 300.

7. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 5:00 p.m., Monday through Saturday.

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:

a. In general. The open-enrollment charter school must comply with the attached 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.

i. 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 November 1, 2020. 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.

ii. The traffic study must be in writing, performed by a licensed engineer, 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.

iii. 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.

d. Amendment process.

i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section

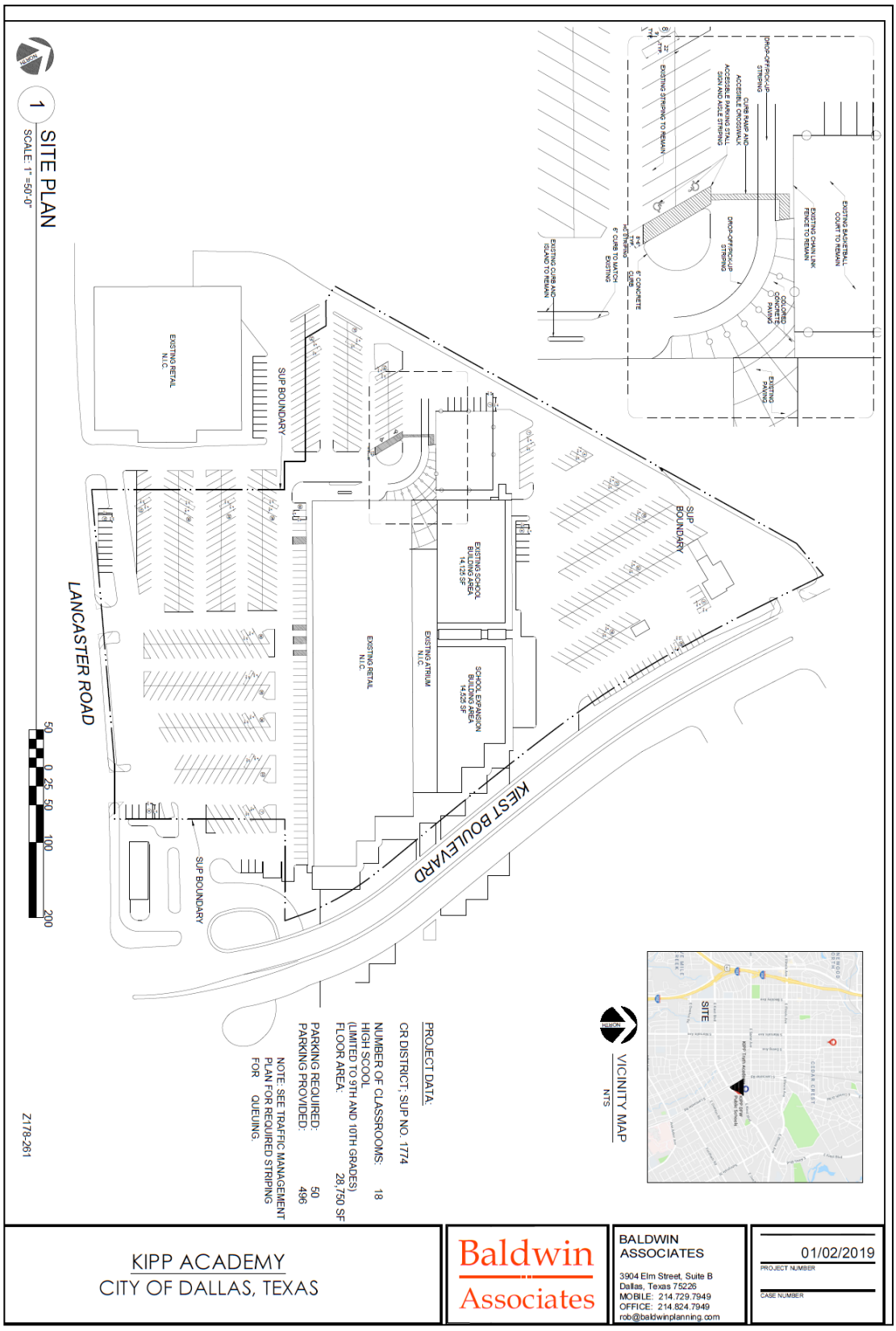
51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

ii. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

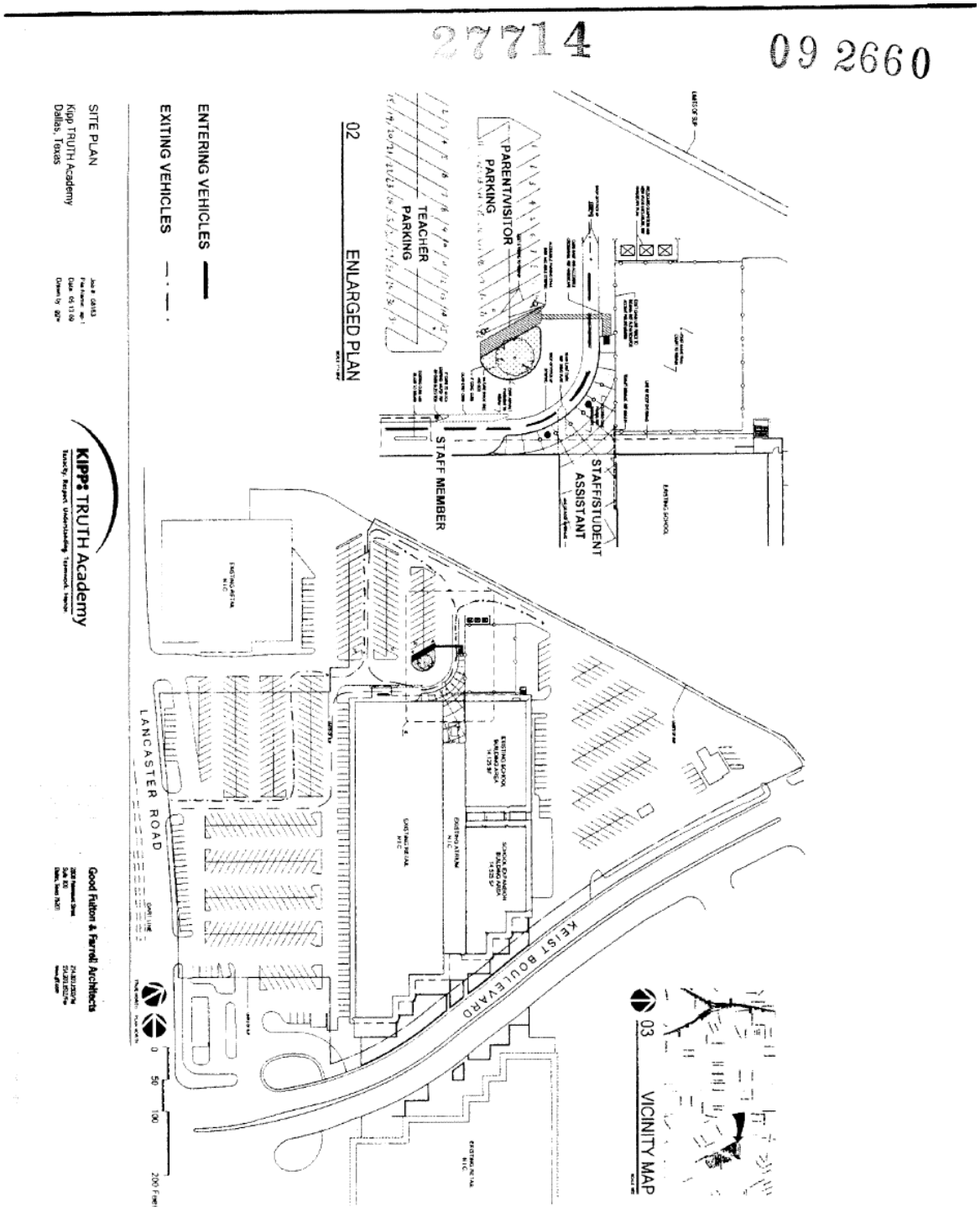
11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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.

Proposed Site Plan



Existing Site Plan



Proposed Traffic Management Plan

Traffic Management Plan and Queuing Analysis
KIPP High School
3200 S. Lancaster Road, Dallas, TX
November 12, 2018

Introduction:

This TMP and queuing analysis examines conditions on the KIPP High School campus, which will load from the eastern, Kiest Boulevard side of the campus. This TMP would be in effect once the High School begins operation. In recent years, the 3200 S Lancaster KIPP campus has been unused. From 2003-2015 it operated as a middle school with an enrollment of 380 students.

The KIPP high school campus is located on the northeast corner of the intersection of Lancaster Road, a four-lane divided roadway with the DART Blue light-rail line running along its median, and Kiest Boulevard, a six-lane divided roadway.

The high school will have approximately 300 students at buildout. The school will begin with only 150 9th graders the first year, and will grow to include 10th graders the next year. **Table 1** shows the projected distribution of students for the 2019-2020 school year, after the school reaches its intended capacity. The school does not expect to grow past 10th grade in this location. Traffic conditions for further could be accommodated by the site, with the TMP needing to be updated for the additional grades.

Table 1 – 2019-2020 Student Grade and Arrival/Dismissal Time Distribution

Grade	Approx. Number of 2019-2020 Students	Drop-Off Time	Dismissal Time
9th Grade	150	8:15 AM	4:30 PM
10th Grade	150	8:15 AM	4:30 PM
KIPP High School Total:	**300**		

Morning drop-off is from before 8:15 AM. Afternoon dismissal is at 4:30 PM. The pick-up and drop-off times can be modified to match the school operations. The pick-up time periods can be modified, or multiple dismissal groups used, as long as pick-ups are divided into groups that are separated by at least 15 minutes.

Proposed TMP Operations:

The circulation pattern for the school can be found in the attached **TMP-1** plan sheet. The proposed TMP has two loading areas which will operate the same in both the drop-off and pick-up time periods.

The school seeks to be good neighbors and separate most of the school traffic from the existing busy retail areas fronting Lancaster Road. The eastern parking area is very lightly used, so school activity there will not affect any other tenants or users. The eastern parking area has driveway access to a full median opening on Kiest Boulevard, approximately 1,100' east of the Kiest Boulevard intersection with Lancaster Road. For both arrival and departure, the drivers enter from the eastern Kiest Boulevard entrance and queue along the north side of the parking lot, where there is enough width to store two side-by-side queues if necessary. The route goes to the eastern loading area of the site before returning to the eastern exit through the parking lot. Drivers exit back to Kiest Boulevard.

With the proposed queuing path, the stacking capacity of the school queue is 900' (38 vehicles). The drive aisle along the west boundary of the site is 30' wide, so it can support two inbound stacking lanes with a single outbound lane. Striping should be installed or cones should be used to assist drivers in staying within their lanes.

The eastern loading area is located at a lower elevation than the school, so students will use the existing stairwell to move between levels. At least one school staffer will administer the loading area during drop-off and pick-up. High-school students load and unload themselves from vehicles, so there is no need for staffers at each loading position. All loading and unloading is performed on the passenger side of the vehicles.

All normal drop-off and pick-up operations will use the eastern loading area. The only exception would be students covered under the ADA. Vehicles for these students may use the western loading area, which is at grade with the entrance. Vehicular access to the western loading area is from Lancaster Road or Kiest Boulevard. Staff and visitor parking will also be accommodated in the parking near the western loading area.

Due to the school site's adjacency to the Kiest Station of the DART Blue Line and the Lancaster @ Corning DART Bus stop, the school expects 10% of the students to arrive at school by either using public transit or walking. The vehicular drop-off and pick-up circulation has enough surplus queuing distance to accommodate use by all students if actual transit or walking is less than forecast.

Pedestrians to and from the Kiest Station and bus stops will walk on the City sidewalks along Lancaster Road, then use the commercial center's sidewalks to reach the western loading area. Although some of these sidewalks are narrow or rough, and students are apt to take shortcuts, there is considerable existing pedestrian activity within the commercial center and drivers expect to see pedestrians in all areas. Due to the existing pedestrian activity and the numerous available routes, no specific signage or crosswalk modifications are necessary to support the pedestrian demand.

There are no busses being operated by the KIPP organization at this location, and by policy students will not be allowed to drive themselves to school.

Queue Analysis:

Based on observations of other high school TMP operations, a ratio of 1 vehicle per 20 arriving students was used to calculate the maximum drop-off queues for the analysis, and the vehicle spacing used is 23.5' per vehicle. **Table 2** shows the comparison between the calculated maximum queue and the available stacking space in the eastern loading area. The drop-off queue of 330' (14 vehicles) is able to be contained in the 900' (38 vehicle) queue capacity, leaving an excess of 570' of queue capacity for the AM drop-off period. The maximum morning queue can be contained even if the double stacking along the northern edge of the site is not employed.

During the PM pick-up period, the maximum queue was calculated using a rate of 1 vehicle per 10 dismissed students. **Table 3** shows the pick-up queueing summary for the eastern loading area. The maximum queue is 660' (28 vehicles), which leaves a surplus of 240' (10 vehicles) of queueing space. The traffic plan as proposed has the capacity to handle both the AM and PM maximum queues.

Based on the ADA standards for requiring accessible parking spaces, 7 out of the 300 students would be expected to load or unload in the western loading area. These activities are spread across the

drop-off and pick-up times and would not have all the vehicles present at one time. The western loading area can accommodate at least 4 vehicles at one time for loading/unloading, and the queue would not be expected to extend out of the loading area proper. However, the drive aisle on the western face of the building has additional space for at least 4 more vehicles before it touches the area with retail parking activity, so there is ample extra space available for the western loading area.

Tables 2 and 3 shows the calculated AM drop-off and PM pick-up queue summaries for the eastern loading area.

Table 2 – AM Drop-Off Queuing Summary

Drop-Off Queuing Summary							
Group	**Arrival Time**	**Students Arriving**	**Walking or Transit**	**Maximum Queue Calculated**		**Available Queue**	**Surplus (Deficiency)**
9th Grade	8:15 AM	150	15	7 Vehicles 165'	14 Vehicles 330'	38 Vehicles 900'	24 Vehicles 570'
10th Grade	8:15 AM	150	15	7 Vehicles 165'			

Maximum Queues were calculated using a ratio of 1 vehicle per 20 arriving students.
Maximum Queue within the Western ADA Loading/Unloading Zone will be less than 4 vehicles, contained within the loading area

Table 3 – PM Pick-Up Queuing Summary

Pick-Up Queuing Summary							
Group	**Dismissal Time**	**Students Dismissed**	**Walking or Transit**	**Maximum Queue Calculated**		**Available Queue**	**Surplus (Deficiency)**
9th Grade	4:30 PM	150	15	14 Vehicles 330'	28 Vehicles 660'	38 Vehicles 900'	10 Vehicles 240'
10th Grade	4:30 PM	150	15	14 Vehicles 330'			

Maximum Queues were calculated using a ratio of 1 vehicle per 10 dismissed students.
Maximum Queue within the Western ADA Loading/Unloading Zone will be less than 4 vehicles, contained within the loading area

The available queue distance is in line with the high school queue distance recommendations found in the FHWA & TTI report #4286-2 *Operations and Safety Around Schools*.

Summary:

This TMP shows the drop-off and pick-up procedures which will be applied by the KIPP High School. With the proposed TMP operating, the school traffic will not need to queue vehicles in the ROW of any City street. Inbound vehicles will always have an open receiving space on the campus. There may be reasonable delays from opposing traffic when making the entering or exiting maneuver, but this will not form static queues of waiting vehicles within City ROWs. The property owner/school administrator is responsible for the administration of the TMP and minimizing the impact of the vehicle traffic on the City streets.

In order to ensure that all queuing of vehicles is completely accommodated on school property, KIPP high school administrative officials should implement the Traffic Management Plan, monitor the operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it.

Prepared by:
Kimley-Horn and Associates, Inc.
Scot A. Johnson, P.E., PTOE
13455 Noel Road
Two Galleria Office Tower
Suite 700
Dallas, TX 75240
(972) 770-1300



SCHOOL TMP REVIEW AND COMMITMENT

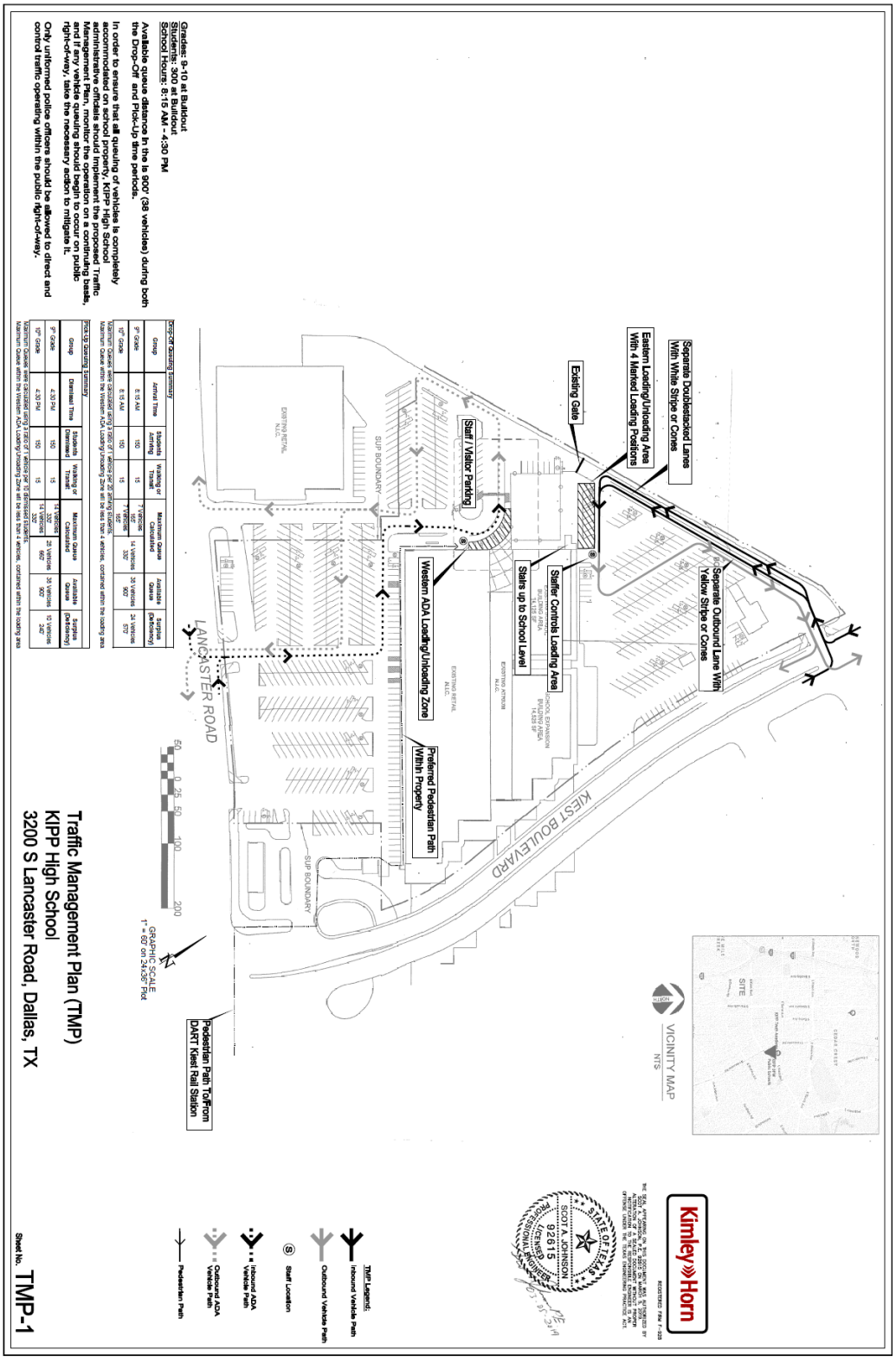
The school traffic management plan (TMP) for KIPP Oak Cliff Academy School was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate.

Aaron Aguirre - Castillo — Signature
11/16/18 — Date

Name: Aaron Aguirre- Castillo
Title: Principal

Proposed Traffic Management Plan



Grades: 9-10 at Buildout
Students: 300 at Buildout
School Hours: 8:15 AM - 4:30 PM

Available queue distance in the is 900' (38 vehicles) during both the Drop-Off and Pick-Up time periods.

In order to ensure that all queuing of vehicles is completely accommodated on school property, KIPP High School administrative officials should implement the proposed Traffic Management Plan, monitor the operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it.

Only uniformed police officers should be allowed to direct and control traffic operating within the public right-of-way.

Drop-Off Queuing Summary

Group	Arrival Time	Students Arriving	Walking or Transit	Maximum Queue Calculated	Available Queue	Surplus (Deficiency)
9th Grade	8:15 AM	150	15	135 Vehicles 675'	38 Vehicles 900'	3 Vehicles 225'
10th Grade	8:15 AM	150	15	135 Vehicles 675'	38 Vehicles 900'	3 Vehicles 225'
11th Grade	8:15 AM	150	15	135 Vehicles 675'	38 Vehicles 900'	3 Vehicles 225'
12th Grade	8:15 AM	150	15	135 Vehicles 675'	38 Vehicles 900'	3 Vehicles 225'

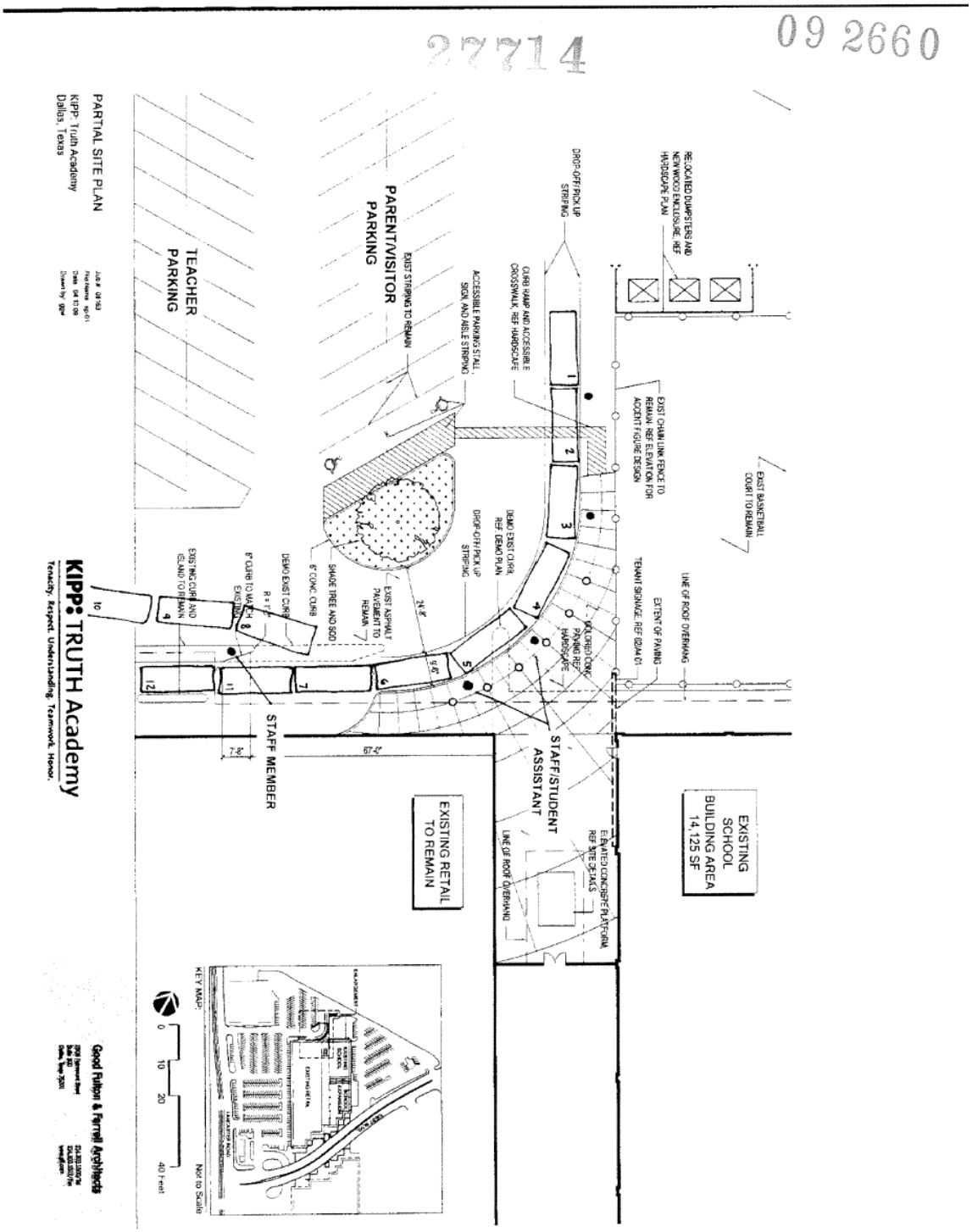
Maximum Queues were calculated using 5 cars (1 vehicle per 30 arriving students).
Maximum Queue within the Western ADA Loading/Unloading Zone will be less than 4 vehicles, contained within the loading area.

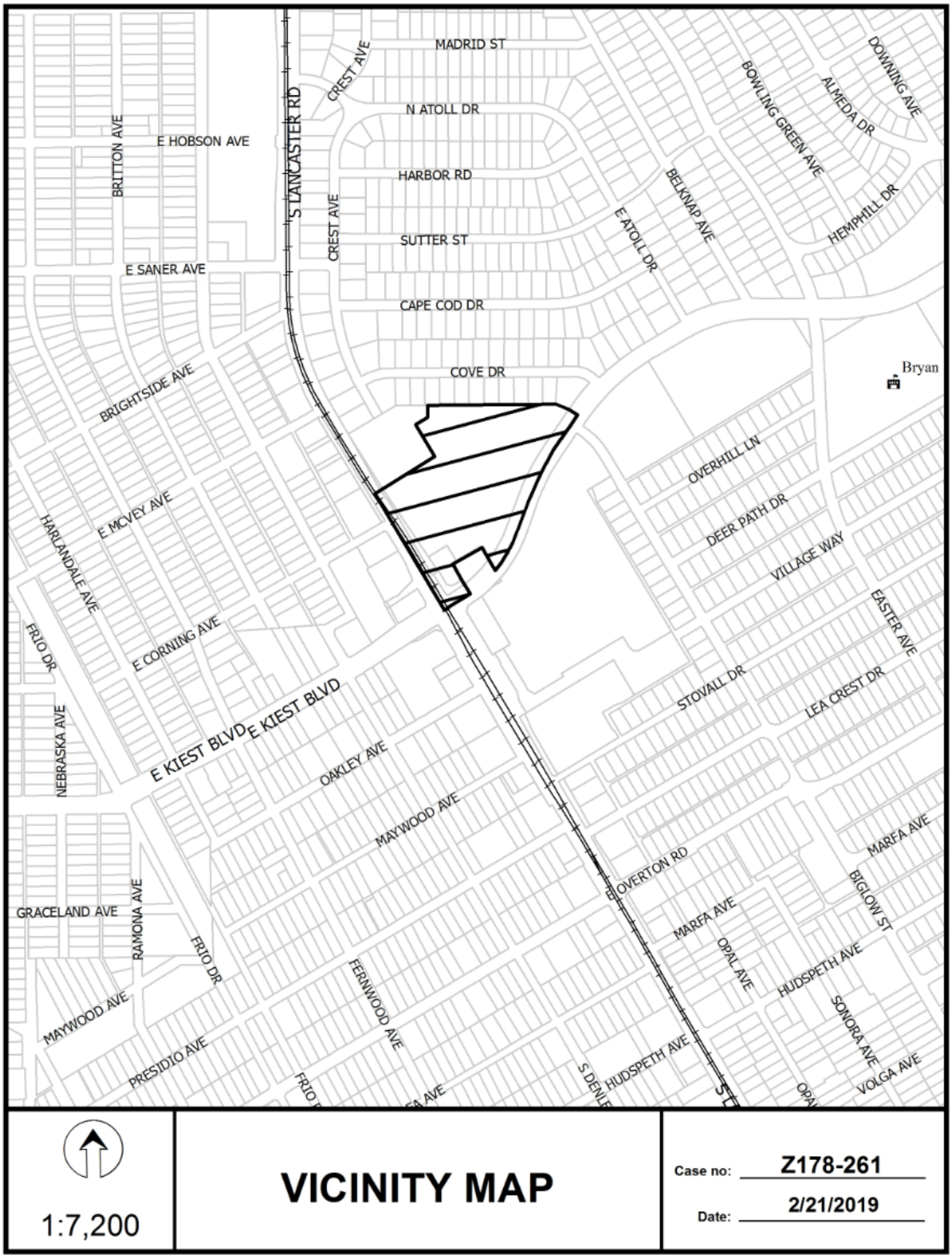
Pick-Up Queuing Summary

Group	Dismissal Time	Students Dismissed	Walking or Transit	Maximum Queue Calculated	Available Queue	Surplus (Deficiency)
9th Grade	4:30 PM	150	15	14 Vehicles 330'	38 Vehicles 900'	24 Vehicles 570'
10th Grade	4:30 PM	150	15	14 Vehicles 330'	38 Vehicles 900'	24 Vehicles 570'
11th Grade	4:30 PM	150	15	14 Vehicles 330'	38 Vehicles 900'	24 Vehicles 570'
12th Grade	4:30 PM	150	15	14 Vehicles 330'	38 Vehicles 900'	24 Vehicles 570'

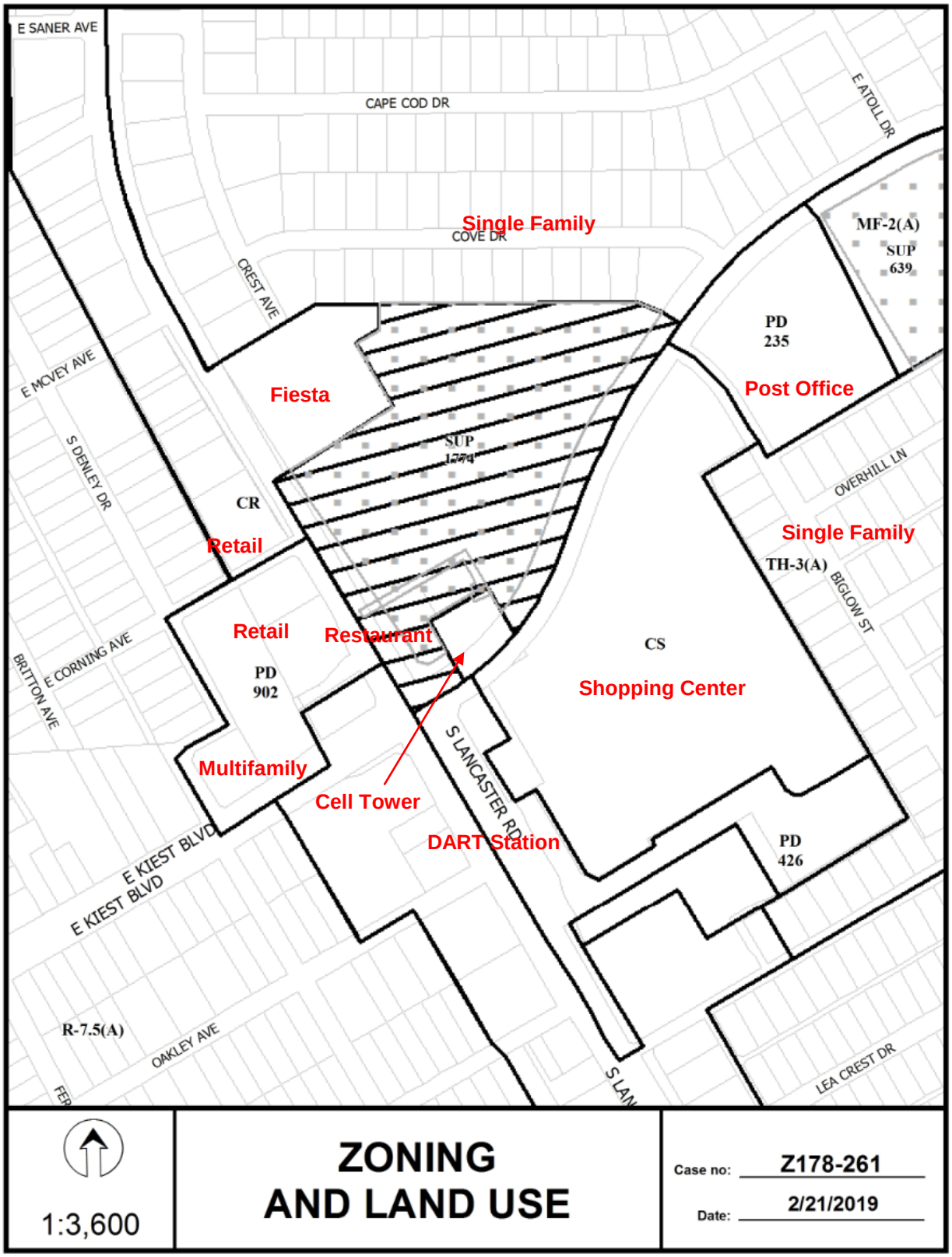
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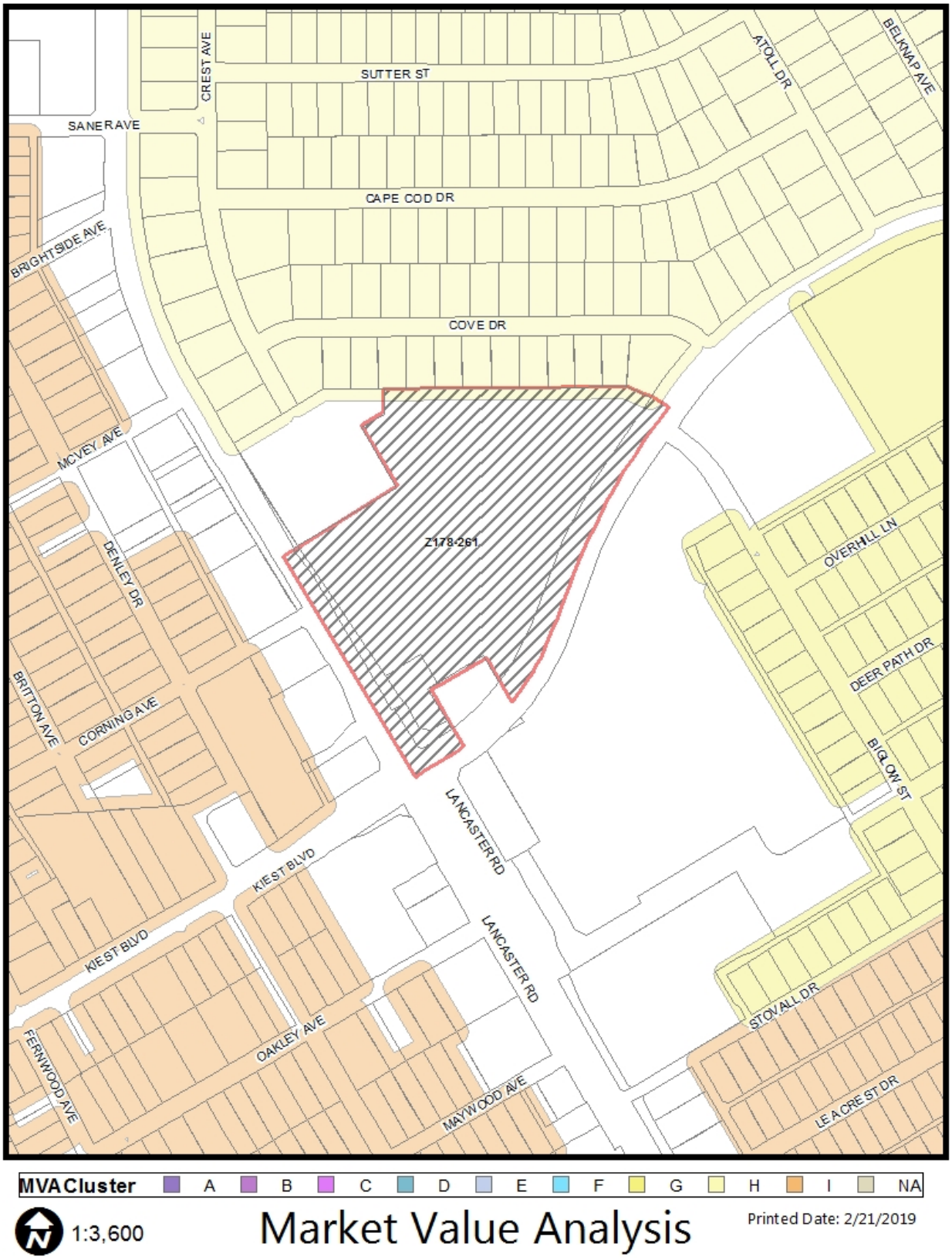
Existing Traffic Management Plan




MADRID ST
CREST AVE
N ATOLL DR
HARBOR RD
SUTTER ST
CAPE COD DR
COVE DR
S LANCASTER RD
CREST AVE
E HOBSON AVE
BRITTON AVE
E SANER AVE
BRIGHTSIDE AVE
E MCVEY AVE
HARLANDALE AVE
E CORNING AVE
FRIO DR
NEBRASKA AVE
E KIEST BLVD
E KIEST BLVD
OAKLEY AVE
MAYWOOD AVE
GRACELAND AVE
RAMONA AVE
FRIO DR
MAYWOOD AVE
PRESIDIO AVE
FERNWOOD AVE
OVERTON RD
MARFA AVE
OPAL AVE
HUDSPETH AVE
S DENLEY DR
HUDSPETH AVE
SONORA AVE
VOLGA AVE
BIGLOW ST
MARFA AVE
E ATOLL DR
BELKNAP AVE
BOWLING GREEN AVE
ALMEDA DR
DOWNING AVE
HEMPHILL DR
OVERHILL LN
DEER PATH DR
VILLAGE WAY
EASTER AVE
LEA CREST DR
STOVALL DR
Bryan
1:7,200
VICINITY MAP
Case no: Z178-261
Date: 2/21/2019


E SAINER AVE
CAPE COD DR
COVE DR
CREST AVE
E MCVEY AVE
S DENLEY DR
E CORNING AVE
BRITTON AVE
E KIEST BLVD
S LANCASTER RD
OVERHILL LN
BIGLOW ST
VILLAGE WAY
STOWELL DR
OAKLEY AVE
1:3,600
AERIAL MAP
Case no: Z178-261
Date: 2/21/2019


E SANER AVE
CAPE COD DR
E ATOLL DR
Single Family
COVE DR
MF-2(A)
SUP
639
CREST AVE
PD
235
Post Office
Fiesta
E MCVEY AVE
S DENLEY DR
SUP
1774
OVERHILL LN
CR
Retail
Single Family
TH-3(A)
BIGLOW ST
Retail
Restaurant
CS
Shopping Center
E CORNING AVE
BRITTON AVE
PD
902
Multifamily
Cell Tower
S LANCASTER RD
DART Station
PD
426
E KIEST BLVD
E KIEST BLVD
R-7.5(A)
OAKLEY AVE
LEA CREST DR
1:3,600
ZONING
AND LAND USE
Case no: Z178-261
Date: 2/21/2019


CREST AVE
SUTTER ST
ATOLL DR
BELKNAP AVE
SANE AVE
CAPE COD DR
BRIGHTSIDE AVE
COVE DR
MCVEY AVE
Z178-261
DENLEY DR
OVERHILL LN
DEER PATH DR
BRITTON AVE
CORNING AVE
BIGLOW ST
LANCASTER RD
KIEST BLVD
KIEST BLVD
LANCASTER RD
STOVALL DR
OAKLEY AVE
FERNWOOD AVE
MAYWOOD AVE
LEACREST DR
MVACluster A B C D E F G H I NA
1:3,600
Market Value Analysis
Printed Date: 2/21/2019

CPC RESPONSES



03/20/2019

Reply List of Property Owners

Z178-261

76 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3050	S LANCASTER RD	WEATHERFORD PLAZA LLC
	2	3030	S LANCASTER RD	FIESTA MART INC &
	3	1507	E KIEST BLVD	WENDYS PROPERTIES LLC
	4	1526	COVE DR	DABBS ROY LEE &
	5	1507	E KIEST BLVD	DART
	6	1515	E KIEST BLVD	DENTON ESTA
	7	3304	S LANCASTER RD	DALLAS AREA RAPID TRANSIT
	8	3018	S DENLEY DR	GREATER SOUTH CENTRAL
	9	3026	S DENLEY DR	WORKS GEORGE W JR ET AL
	10	3034	S DENLEY DR	GUZMAN SARA &
	11	3038	S DENLEY DR	TORRES LEONEL CANTU
	12	3042	S DENLEY DR	MACHADO RIGOBERTO
	13	3046	S DENLEY DR	BROWN GLADYS EST OF
	14	3005	S LANCASTER RD	IRVING BERNARD C & BETTY
	15	1435	E KIEST BLVD	DOJO LP
	16	3231	S LANCASTER RD	REALTY INCOME PROPERTIES 25 LLC
	17	1500	E KIEST BLVD	U S POSTAL SERVICE
	18	2931	CREST AVE	JAMES ZACHARY
	19	3007	CREST AVE	VILCHIS CARLOS
	20	3011	CREST AVE	HERNANDEZ LUIS DANIEL
	21	1422	CAPE COD DR	ELSTON RUSSELL JR
	22	1426	CAPE COD DR	SHEPHARD BOBBIE
	23	1432	CAPE COD DR	WILLIAMS JACQUELINE
	24	1438	CAPE COD DR	JOHNSON JIMMY
	25	1444	CAPE COD DR	JOHNSON AARON B
	26	1450	CAPE COD DR	RENDON ANA JANETT

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	27	1456	CAPE COD DR	GUY VELMA JEAN
	28	1462	CAPE COD DR	TODD MICHAEL J &
	29	1502	CAPE COD DR	ARDIZZONI DENNIS
	30	1510	CAPE COD DR	DCS BUILDERS
	31	1514	CAPE COD DR	MARTINEZ DAVID
	32	1520	CAPE COD DR	TURNER MURLENE
	33	1526	CAPE COD DR	LACY HERMAN & HETTIE
	34	1532	CAPE COD DR	RAND BUFORD M
	35	1585	E KIEST BLVD	ARNOLD C M
	36	1581	E KIEST BLVD	MCGRIFF CHARLES E
	37	1531	COVE DR	STEELE JONATHAN DWAIN
	38	1527	COVE DR	HENDERSON CHESTER R &
	39	1523	COVE DR	JOHNSON DOROTHY L
	40	1517	COVE DR	GRACE BEVERLY LYNN &
	41	1511	COVE DR	LOREDO MARTIN
	42	1505	COVE DR	BAKER JAMES
	43	1455	COVE DR	GUEL ENRIQUE ESQUIVEL
	44	1451	COVE DR	LOPEZ OVIDIO &
	45	1445	COVE DR	FOSTER UTAH
	46	1439	COVE DR	LOPEZ OVIDIO G & AIDE I
	47	1433	COVE DR	NELSON CARRIE
	48	1427	COVE DR	BOLDEN MARY HOLLAND
	49	1421	COVE DR	BRYANT DON WINSTON &
	50	1415	COVE DR	HICKS SONDRA G
	51	1407	COVE DR	MILLER MARY L
	52	1410	COVE DR	ALVELAIS BILLIE J
	53	1416	COVE DR	CAVADIAN PROPERTIES LLC
	54	1422	COVE DR	CASTANEDA SORAYA
	55	1428	COVE DR	HOLT OWEDA
	56	1434	COVE DR	PUMPHREY KENNETH
	57	1440	COVE DR	MCMILLAN TRACI BALDWIN &

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	58	1446	COVE DR	LOPEZ OVIDIO G & AIDE IVON
	59	1450	COVE DR	ALVELAIS VICTOR TELLO
	60	1504	COVE DR	WHITE CLARENCE EST OF
	61	1516	COVE DR	GARDNER JULIUS
	62	1522	COVE DR	HENDERSON CHESTER R &
	63	3117	BIGLOW ST	MALAGON AZUSENA & ERIC MAY CHAN
	64	3113	BIGLOW ST	KING HOME BUILDERS LLC
	65	3107	BIGLOW ST	WEST TOMMY JR
	66	1701	OVERHILL LN	MCNEELY RODNEY
O	67	3107	S LANCASTER RD	CITY WIDE COMMUNITY DEVELOPMENT CORPORATION
	68	3124	S DENLEY DR	CITY WIDE SERENITY PLACE APARTMENTS LP
	69	3107	S LANCASTER RD	EDWARDS RUDOLPH
	70	3115	S LANCASTER RD	CITY WIDE COMMUNITY DEVELOPMENT CORP
	71	3211	LANCASTER RD	GOTTLIEB DALLAS DRUGSTORE LLC
	72	3200	S LANCASTER RD	CITIBANK TEXAS NA
	73	3202	S LANCASTER RD	WEATHERFORD PLAZA LLC
	74	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	75	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	76	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT

Agenda Information Sheet

File #: 19-263 **Item #:** 49.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2215 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-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the southwest corner of North Jim Miller Road and East R.L. Thornton Freeway
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z178-303(SM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z178-303(SM)	**DATE FILED:**	July 20, 2018
LOCATION:	Southwest corner of North Jim Miller Road and East R.L. Thornton Freeway		
COUNCIL DISTRICT:	7	**MAPSCO:**	48 E
SIZE OF REQUEST:	Approx. 1.5379 acres	**CENSUS TRACT:**	122.06

APPLICANT/OWNER: RaceTrac Petroleum, Inc.

REPRESENTATIVE: Laura Hoffman, Winstead P. C.

REQUEST: An application for the renewal of Specific Use Permit No. 2215 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-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant requests to continue to sell alcohol for off-premise consumption in conjunction with the existing convenience store [Race Way].

CPC RECOMMENDATION: **Approval** for a two-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to conditions.

BACKGROUND INFORMATION:

- The existing 2,436-square-foot convenience store was constructed in 2005, according to Dallas Central Appraisal District. The existing gas canopy was originally constructed in 1985.

- On November 9, 2016, City Council approved SUP No. 2215 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period.

- On October 3, 2018, the store passed inspections and is in compliance with Chapter 12B of the Dallas City Code for Convenience Stores.

Zoning History: There have been two zoning changes requested in the area in the past five years.

1. **Z156-314:** On November 9, 2016, City Council approved the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller Road for a five-year period, with eligibility for automatic renewals for additional five-year periods, subject to conditions.

2. **Z156-114:** On January 27, 2016, City Council approved an application for a D-1 Liquor Control Overlay and Specific Use Permit No. 2179 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 Retail District with a D Liquor Control Overlay located on the south side of Samuell Boulevard, east of North Jim Miller Road for a two-year period, subject to a site plan and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed ROW
East R.L. Thornton Freeway	Variable width ROW	Variable
North Jim Miller Road	Major Arterial	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 *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *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.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	RR-D-1	General merchandise or food store with a motor vehicle fueling station
North	RR	Freeway, Restaurant with drive-through service
South	RR-D-1	Restaurant with drive-through service
East	RR-D-1	General merchandise or food store with a motor vehicle fueling station
West	RR-D-1	Restaurant with drive-through service

Land Use Compatibility:

The site is zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The applicant's request for the renewal of a Specific Use Permit will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less. Although the general merchandise use is permitted by right, the sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a drive-through restaurant north of the highway to the north, to the south, and to the west. A general merchandise or food store with fueling station is located east of the property, opposite North Jim Miller Road.

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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant passed inspections on October 3, 2018, and is compliant with Chapter 12B. Although automatic renewals are staff's customary recommendation for renewals of SUPs for the sale of alcoholic beverages in conjunction with general merchandise or food stores, staff supports the applicant's request to not have automatic renewals.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RR-D-1 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

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA category; however, it is in proximity to the three mid-range MVA markets to the north and south.

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less at one space for each 200 square feet of floor area. The development requires 14 spaces with 15 being provided per the attached site plan.

Crime Report:

Since November 9, 2016, to August 1, 2018, the subject site has experienced 232 phone calls to the Dallas Police Department (DPD), of which 114 calls were coded either a general service, non-critical, or unit initiated and 118 calls were coded either an emergency, urgent, or expediter. DPD also reported the following 17 incidents and 22 arrest charges as detailed below within the same time period since the previous SUP approval action.

Incidents:

Incident No.	Date	Time	Offense	Premise	MO
145078-2018	7/3/2018	23:50	Public Intox		AP was arrested for possession of meth
096363-2018	5/7/2018	0:52	Robbery-Individual		Susp(s) took comp's vehicle without consent.
087668-2018	4/26/2018	3:00	UUMV	Gas or Service Station	Susp took comp veh without consent
083024-2018	4/20/2018	11:25	UUMV	Outdoor Area Public/Private	Unk suspect took victims truck
083986-2018	4/15/2018	14:00	Robbery-Business	Convenience Store	Unknown suspect took property and hit rp
077791-2018	4/14/2018	0:27	Others	Gas or Service Station	Ap impersonated a us marshall on official duty
031352-2018	2/12/2018	0:01	Theft/BMV	Outdoor Area Public/Private	Unk susp broke veh window, enter,took property without permission
003079-2018	1/5/2018	6:00	UUMV	Gas or Service Station	Unk susp took comps veh w/o consent
291604-2017	12/25/2017	1:30	UUMV	Gas or Service Station	AP took comps vehicle w/o consent
291604-2017	12/25/2017	1:30	Evading	Highway, Street, Alley ETC	AP attempted to evade arrest detention on foot
291604-2017	12/25/2017	1:30	Kidnapping	Gas or Service Station	AP abducted complainant w/o consent
001168-2018	12/25/2017	1:25	Offense Against Child	Gas or Service Station	Abandon/endanger child with intent to return
279973-2017	12/9/2017	23:35	Drunk & Disorderly	Convenience Store	Intoxicated on an alcohol beverage & marijuana in public
279885-2017	12/9/2017	21:33	UUMV	Gas or Service Station	Unk susp took comp's vehicle without consent.
266975-2017	11/23/2017	12:25	Vandalism & Crim Mischief	Gas or Service Station	Sus pushed door causing damage
267548-2017	11/23/2017	10:30	Assault	Gas or Service Station	Sus threw comp and struck her in the face w closed fist
256817-2017	11/10/2017	11:20	UUMV	Convenience Store	Susp took comp vehicle without consent

Arrest Charges:

Charge Description	Arrest No.	Arrest Date	Arrest Date	Arrest Charge	Offense
Poss cont sub pen grp 1 <1g *drug free zone*	18-023062	7/4/2018	12:05:00 AM	Not Coded	Not Coded
Public intoxication	18-023062	7/4/2018	12:05:00 AM	Not Coded	Not Coded
APOWW (social services referral)	18-009591	3/23/2018	11:00:00 AM	APOWW	Not Coded
Warrant hold (outside agency)	18-008289	3/13/2018	2:00:00 AM	Holds DSO	Not Coded
Warrant hold (outside agency)	18-008289	3/13/2018	2:00:00 AM	Holds DSO	Not Coded
Public intoxication	17-049385	12/9/2017	11:50:00 PM	Public Intoxication	Drunk & Disorderly
Warrant-Dallas PD (ALIAS)	17-049012	12/7/2017	6:19:00 AM	ALIAS/CAPIAS	Not Coded
APOWW (social services referral)	17-048749	12/5/2017	1:17:00 AM	APOWW	Not Coded
APOWW (social services referral)	17-047340	11/24/2017	4:25:00 PM	APOWW	Not Coded
Warrant hold (outside agency)	17-041480	10/10/2017	4:30:00 PM	Holds DSO	Not Coded
APOWW (social services referral)	17-039774	9/28/2017	5:26:00 AM	APOWW	Not Coded
Warrant-Dallas PD (ALIAS)	17-038913	9/22/2017	2:50:00 PM	ALIAS/CAPIAS	Not Coded
Unauthorized use of motor veh - truck or bus	17-036719	9/6/2017	8:38:00 PM	Auto Theft	UUMV
Apoww (social services referral)	17-030355	7/24/2017	2:50:00 AM	APOWW	Not Coded
Warrant hold (outside agency)	17-029896	7/21/2017	12:04:00 AM	Holds DSO	Not Coded
APOWW (social services referral)	17-018662	5/7/2017	2:55:00 PM	APOWW	Not Coded
Fail to id -fugitive intent give false info	17-013055	3/31/2017	9:30:00 PM	Other	Fail To Id
Warrant hold (outside agency)	17-013055	3/31/2017	9:30:00 PM	Holds DSO	Not Coded
Other offense - misdemeanor	16-054429	12/31/2016	7:49:00 PM	Other	Others
Poss cont sub pen grp 1 <1g	16-054429	12/31/2016	7:49:00 PM	Narcotic Charges	Narcotics & Drugs
Warrant hold (outside agency)	16-054429	12/31/2016	7:49:00 PM	Holds DSO	Not Coded
Warrant hold (outside agency)	16-048743	11/17/2016	2:21:00 AM	Holds DSO	Not Coded

PRIOR CPC ACTION – October 18, 2018:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2215 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the southwest corner of North Jim Miller Road and East R.L. Thornton Freeway.

Maker: Davis
Second: Carpenter
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid*, Carpenter, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 1 - Lewis
Absent: 0
Vacancy: 2 - District 3, District 7

*out of the room, shown voting in favor

Notices: Area: Mailed:
Replies: For: Against:

Speakers: None

LIST OF OFFICERS

LIST OF DIRECTORS

CARL BOLCH, JR.
SUSAN BASS BOLCH
MAX LENKER
ROBERT J. DUMBACHER
ALLISON BOLCH MORAN
NATALIE BOLCH MORHOUS
MELANIE BOLCH ISBILL
JORDAN BASS BOLCH

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

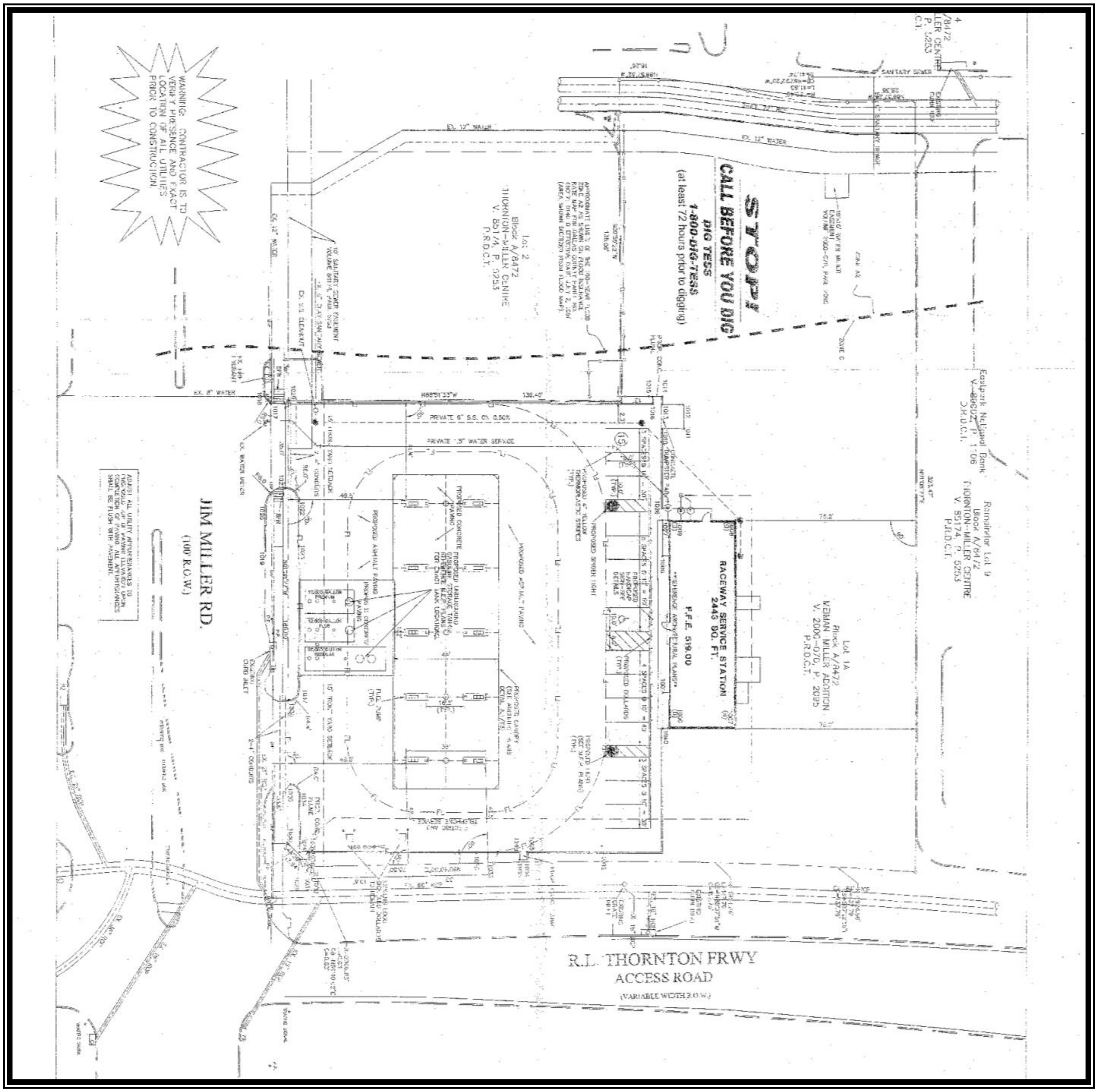
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

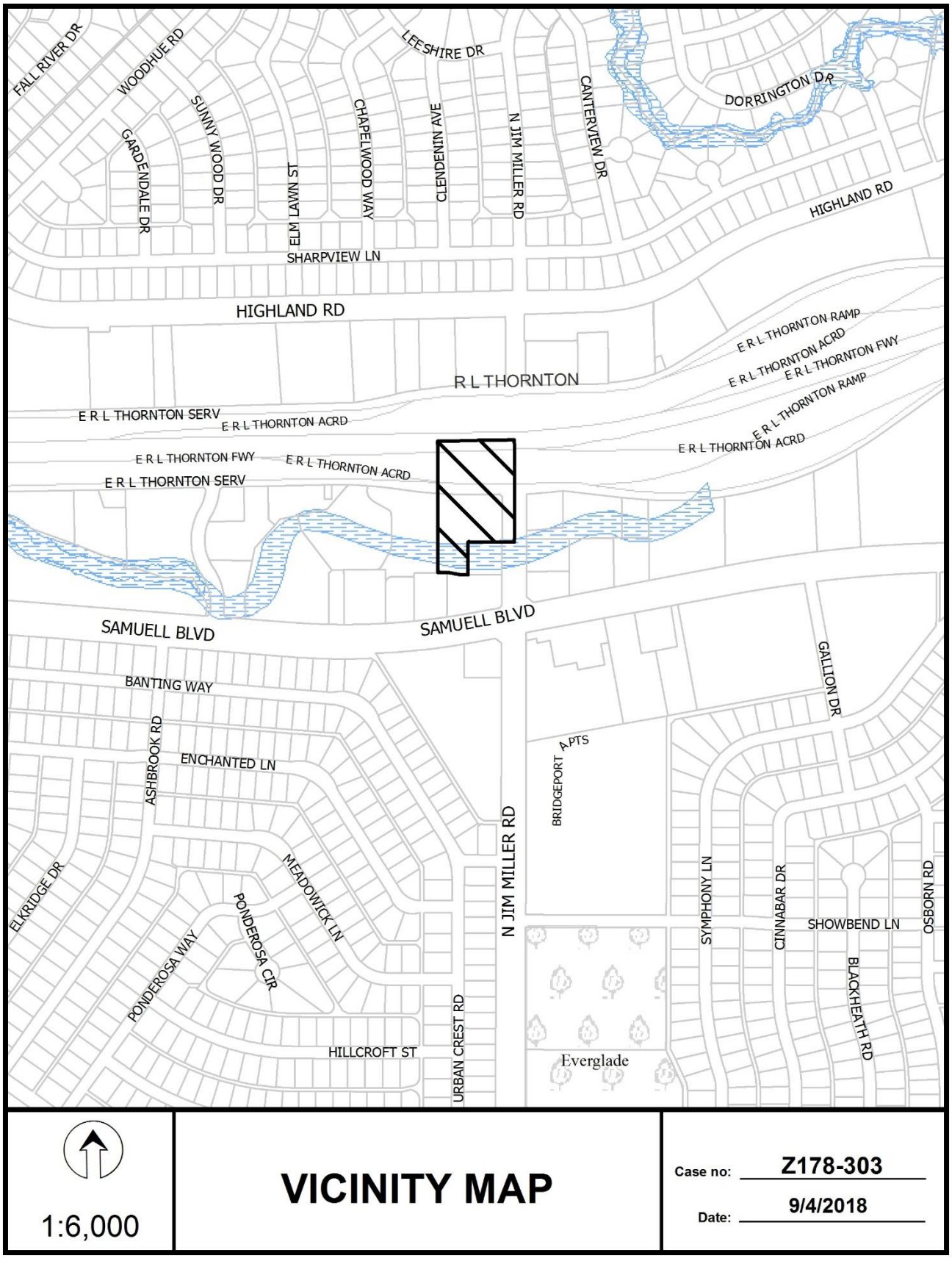
3. TIME LIMIT: This specific use permit expires on [two-years from the passage of this ordinance]. [~~December 14, 2018.~~]

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.

EXISTING SITE PLAN
(no changes)



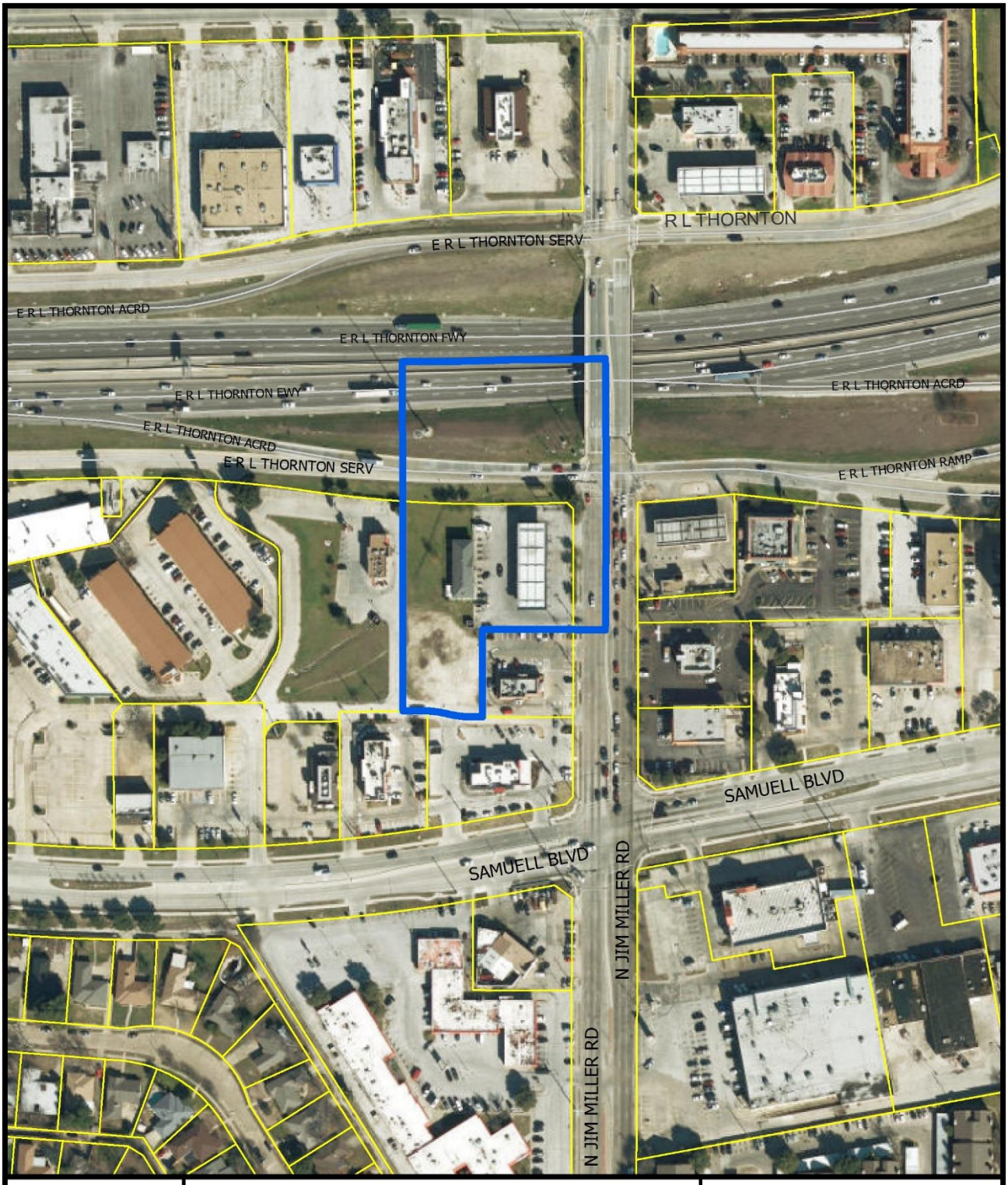


1:6,000

VICINITY MAP

Case no: Z178-303

Date: 9/4/2018

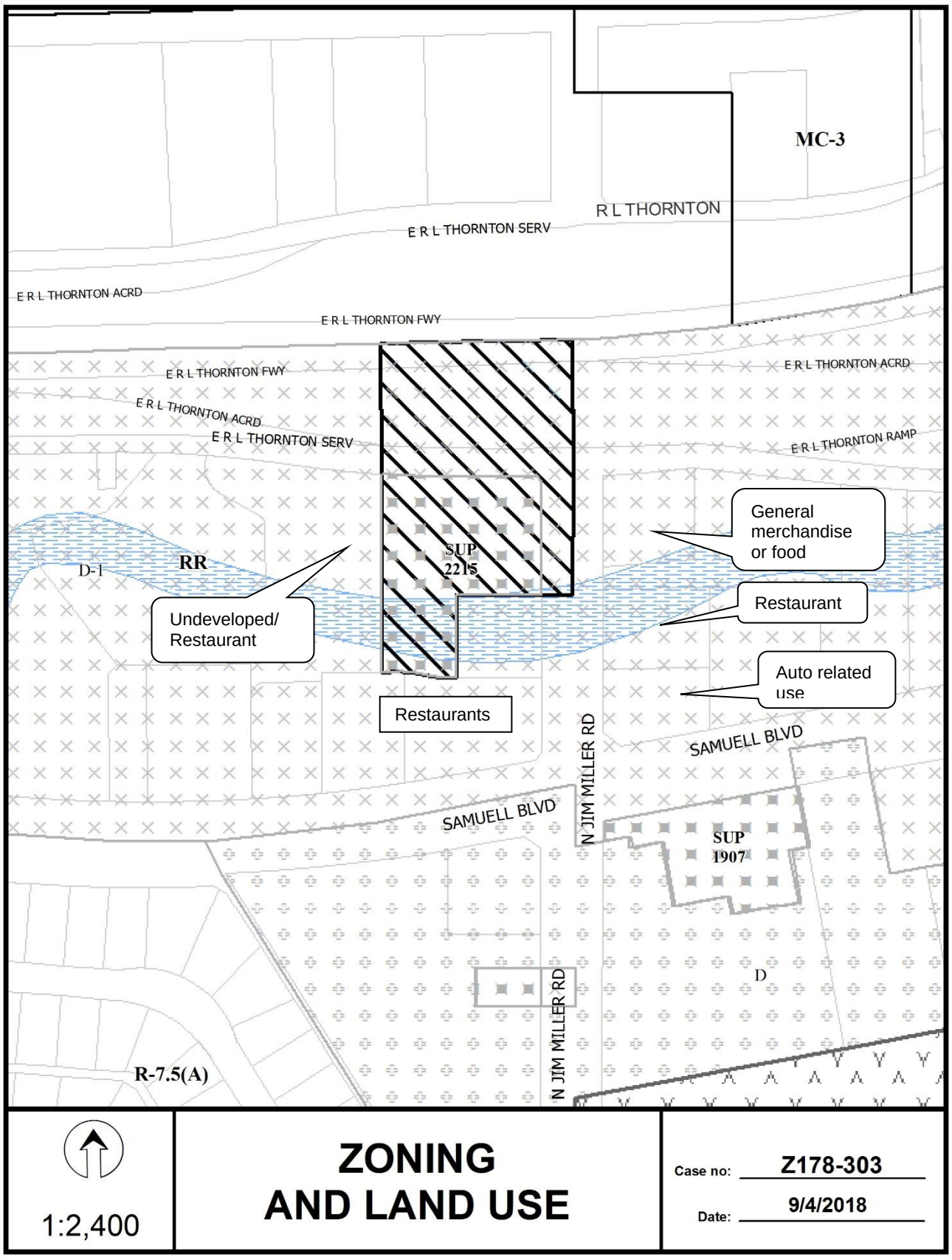


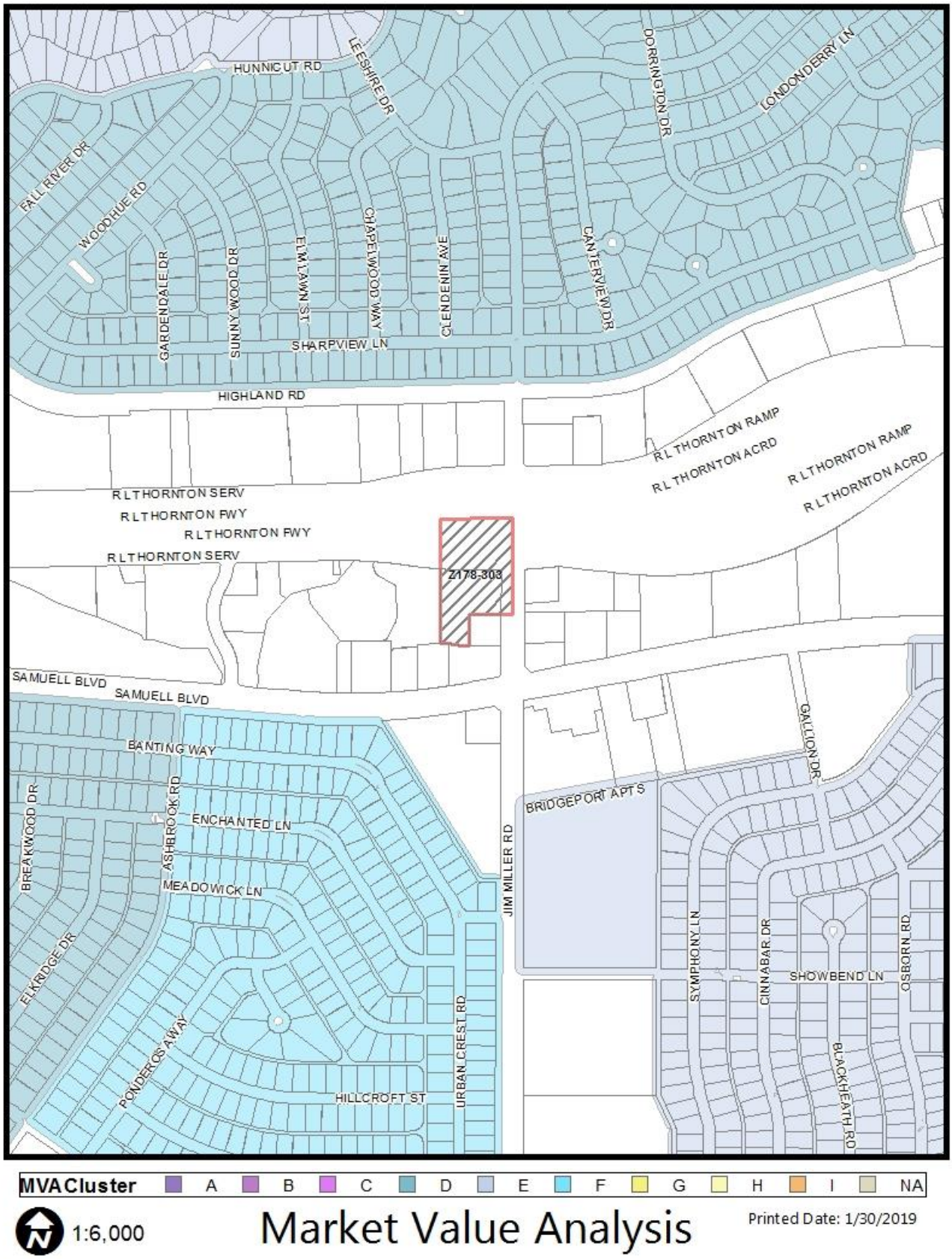
1:2,400

AERIAL MAP

Case no: Z178-303

Date: 9/4/2018


MC-3
R L THORNTON
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
E R L THORNTON SERV
E R L THORNTON ACRD
E R L THORNTON RAMP
SUP 2215
RR
D-1
General merchandise or food
Restaurant
Auto related use
Undeveloped/ Restaurant
Restaurants
SAMUELL BLVD
SAMUELL BLVD
N JIM MILLER RD
N JIM MILLER RD
SUP 1907
D
R-7.5(A)
1:2,400
ZONING AND LAND USE
Case no: Z178-303
Date: 9/4/2018


HUNNICUT RD
LEESHIRE DR
DORRINGTON DR
LONDONDERRY LN
FALLRIVER DR
WOODHUE RD
GARDENDALE DR
SUNNYWOOD DR
ELMLAWN ST
CHAPELWOOD WAY
CLENDENIN AVE
CANTERVIEW DR
SHARPVIEW LN
HIGHLAND RD
R L THORNTON RAMP
R L THORNTON ACRD
R L THORNTON RAMP
R L THORNTON ACRD
R L THORNTON SERV
R L THORNTON FWY
R L THORNTON FWY
R L THORNTON SERV
Z178-303
SAMUELL BLVD
SAMUELL BLVD
BANTING WAY
BREAKWOOD DR
ASHBROOK RD
ENCHANTED LN
MEADOWICK LN
ELKRIDGE DR
PONDERGS AWAY
HILLCROFT ST
URBAN CREST RD
JIM MILLER RD
BRIDGEPORT APTS
GALLION DR
SYMPHONY LN
CINNABAR DR
SHOWBEND LN
OSBORN RD
BLACKHEATH RD
MVA Cluster A B C D E F G H I NA
1:6,000
Market Value Analysis
Printed Date: 1/30/2019

CPC Responses



10/17/2018

Reply List of Property Owners

Z178-303

20 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	8130	E R L THORNTON FWY	RACETRAC PETROLEUM INC
	2	5409	N JIM MILLER RD	JIM MILLER SHOPPING CENTER LP
	3	5475	N JIM MILLER RD	ISSA DAVID
	4	5757	N JIM MILLER RD	HIGHLAND GROVE HOLDINGS LLC
	5	8117	E R L THORNTON FWY	MCDONALDS REAL ESTATE CO
	6	8105	E R L THORNTON FWY	WILBANKS FRANCES YVONNE
	7	8111	E R L THORNTON FWY	WAFFLE HOUSE INC
	8	5514	N JIM MILLER RD	INTERSTATE VENTURES LLC
	9	5510	N JIM MILLER RD	DAY MARIE L
	10	6885	SAMUELL BLVD	FIREBRAND PROPERTIES LP
	11	5757	SAMUELL BLVD	OREILY AUTO ENTERPRISES LLC
	12	5575	N JIM MILLER RD	SIDERIS BASIL K ET AL
	13	5555	N JIM MILLER RD	SIDERIS BASIL K ET AL
	14	5877	SAMUELL BLVD	KENTUCKY FRIED CHICKEN
	15	8108	E R L THORNTON FWY	JIM MILLER HOSPITALITY LP
	16	5859	SAMUELL BLVD	SAMUELLLIANG LLC
	17	8120	E R L THORNTON FWY	POP HOLDINGS LP
	18	8201	E R L THORNTON FWY	SEJ ASST MGMT & INVESTMENT COMPANY
	19	8228	E R L THORNTON FWY	CANSPAN LLC
	20	8200	E R L THORNTON FWY	QUIK WAY RETAIL AS II LTD

Agenda Information Sheet

File #: 19-533 **Item #:** 50.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) limited to a bingo parlor on property zoned a CR Community Retail District, on the north line of Oates Drive and the east line of Ferguson Road
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z189-112(SM)

powered by Legistar™

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z189-112(SM)	**DATE FILED:**	October 23, 2018
LOCATION:	North line of Oates Drive and the east line of Ferguson Road		
COUNCIL DISTRICT:	9	**MAPSCO:**	10 H
SIZE OF REQUEST:	Approx. 5.0 acres	**CENSUS TRACT:**	125.00

OWNER/APPLICANT: J. Trevor Heaney, Managing Director, Ferguson Oates Partners, LLC

REPRESENTATIVE: Karl Crawley and Lindsay Kramer, Masterplan

REQUEST: An application for a Specific Use Permit for a commercial amusement (inside) limited to a bingo parlor on property zoned a CR Community Retail District.

SUMMARY: The applicant requests to operate a bingo parlor from a 6,200-square-foot suite within the existing shopping center.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The five-acre site is developed with two one-story retail buildings and a surface parking lot.

- The proposed location of the 6,200-square-foot bingo parlor is within the southernmost building closest to Oates Drive.

Zoning History: There has been one zoning case in the area over the past five years.

1. **Z145-134**: On May 22, 2015, the City Plan Commission recommended denial of an application for a Specific Use Permit for a convenience store with drive-through on property zoned a CR Community Retail District, generally located south of Oates Drive, east of Rustown Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Plan Dimension and ROW
Ferguson Road	Principal Arterial	Minimum-6 lanes-divided; 100 ft.
Oates Drive	Principal Arterial	Minimum-6 lanes-divided; 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. The request does not support or obstruct the Plan's goals or policies.

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.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	CR	Shopping center
North	R-7.5(A)	Single family
East	CR	Child-care facility, auto repair
South	CR	Shopping center
West	CR, R-7.5(A) SUP No. 42	Retail, Single family Undeveloped

Land Use Compatibility:

The site is developed with two one-story retail buildings and a surface parking lot. The proposed location of the 6,200-square-foot bingo parlor is within the southernmost building closest to Oates Drive and is separated from the single family uses to the north with a one-story multi-tenant retail building. Other surrounding uses to the proposed bingo parlor is a child-care facility to the northeast, an auto repair use to the east, another shopping center to the south, across Oates Drive, and additional retail abuts the site to the east. Across Ferguson Road to the west, is additional single family uses and an undeveloped site that was previously developed with a private school, kindergarten and day nursery (SUP No. 42).

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.

Staff supports the request for a five-year period because the applicant has agreed to comply with hours of operation restrictions, the request complies with all other zoning regulations, and it is not foreseen to be detrimental to surrounding properties. Additionally, a five-year period would require it to be re-evaluated in a short period of time.

Landscaping:

Landscaping will in accordance to the landscaping requirements in Article X, as amended.

Parking:

The off-street parking requirement for a bingo parlor is one parking space per each 50 square feet of floor area. The applicant has proposed a floor area of 6,200 square feet for the bingo parlor resulting in a minimum of 124 parking spaces required for the proposed use. The applicant also reports that the cumulative parking requirement for the entire shopping center site is 302 spaces and 367 parking spaces are provided.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, the nearest MVA cluster is located to the north, east, and south and is identified as an “F” MVA cluster and the area to the west of Ferguson Road is identified as an “E” MVA cluster.

CPC Action
March 21, 2019

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) limited to a bingo parlor for a five-year period, subject to a site plan and revised conditions (as briefed) on property zoned a CR Community Retail District, on the north line of Oates Drive and the east line of Ferguson Road.

Maker: Lewis
Second: Housewright
Result: Carried: 11 to 0

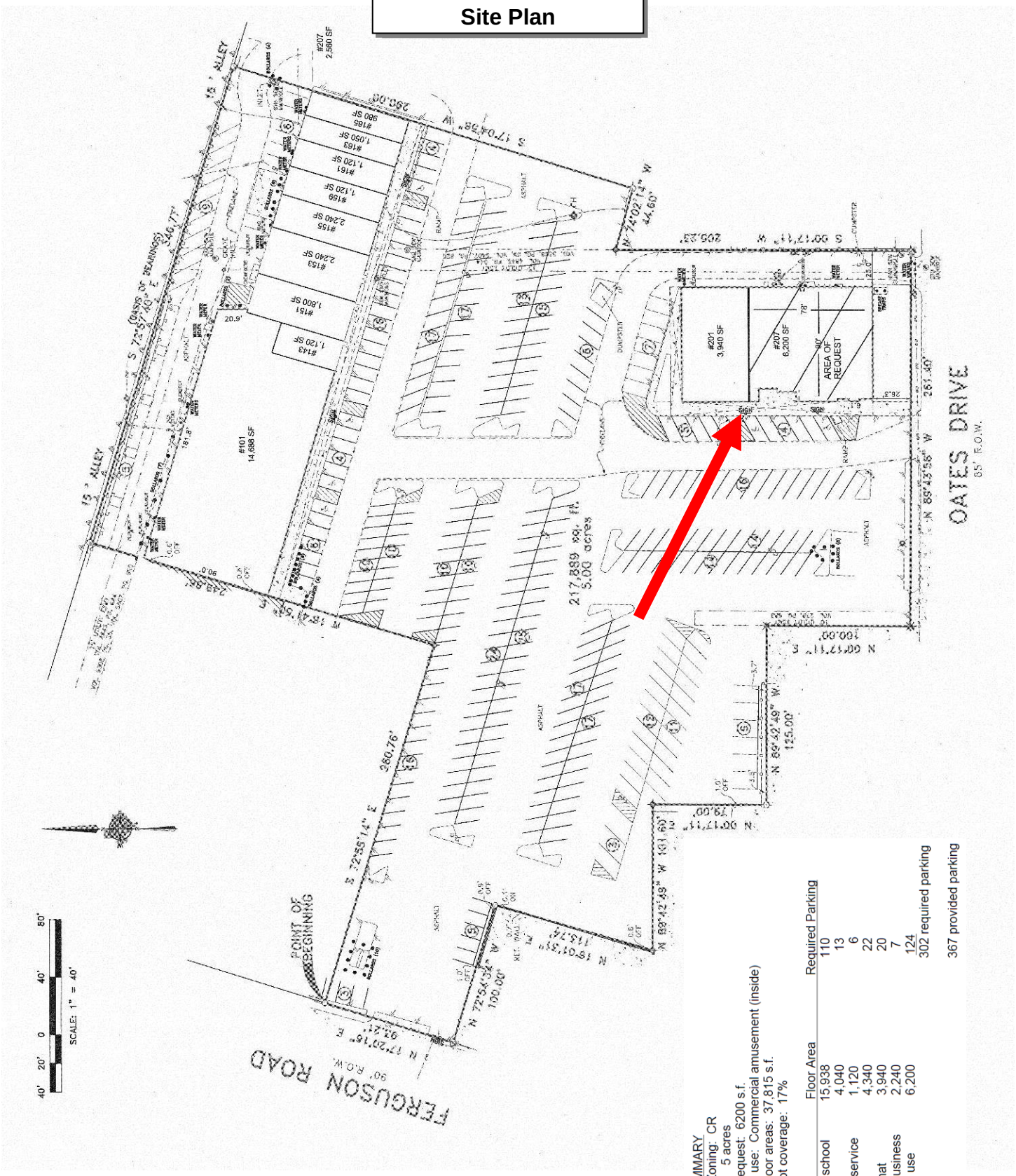
For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 120
Replies: For: 0 Against: 3

Speakers: None

CPC Recommended Site Plan



SITE SUMMARY
Existing Zoning: CR
Lot Size: 5 acres
Area of Request: 6200 s.f.
Proposed use: Commercial amusement (inside)
Existing floor areas: 37,815 s.f.
Existing lot coverage: 17%

Uses	Floor Area	Required Parking
Business school	15,938	110
Church	4,040	13
Personal service	1,120	6
Retail	4,340	22
Laundromat	3,940	20
Custom business	2,240	7
Proposed use	6,200	124
		302 required parking
		367 provided parking

1. USE: The only use authorized by this specific use permit is a commercial amusement (inside) limited to a bingo parlor.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

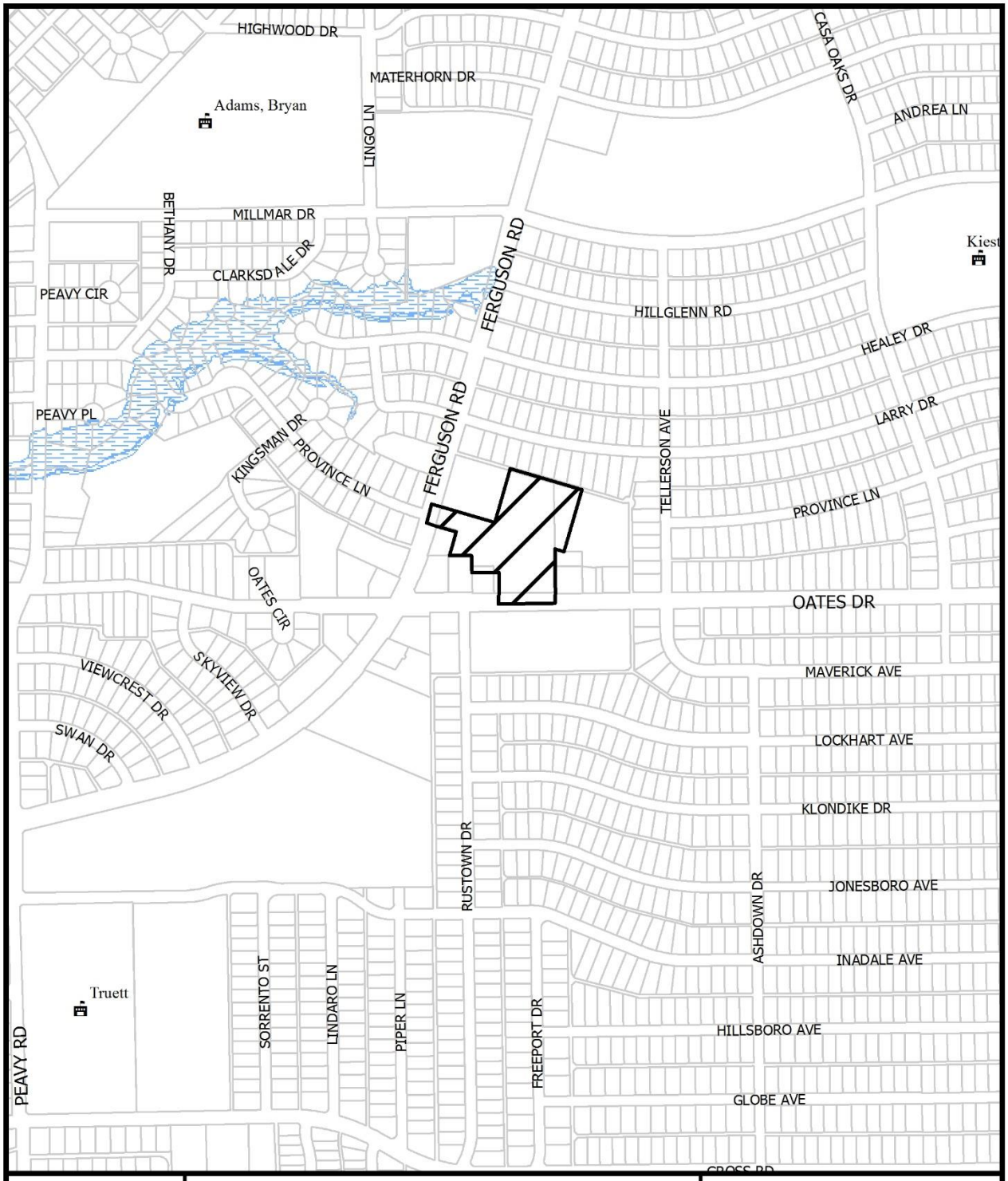
3. TIME LIMIT: This specific use permit expires on_____(five-year period from the passage of this ordinance).

4. FLOOR AREA: The maximum floor area for the bingo parlor is 6,200 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION: The bingo parlor may only operate between 10:00 a.m. and 2:15 p.m., Monday through Saturday, and 9:00 p.m. through 1:30 a.m. (the next day), Saturday.

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.



1:7,200

VICINITY MAP

Case no: Z189-112

Date: 2/25/2019

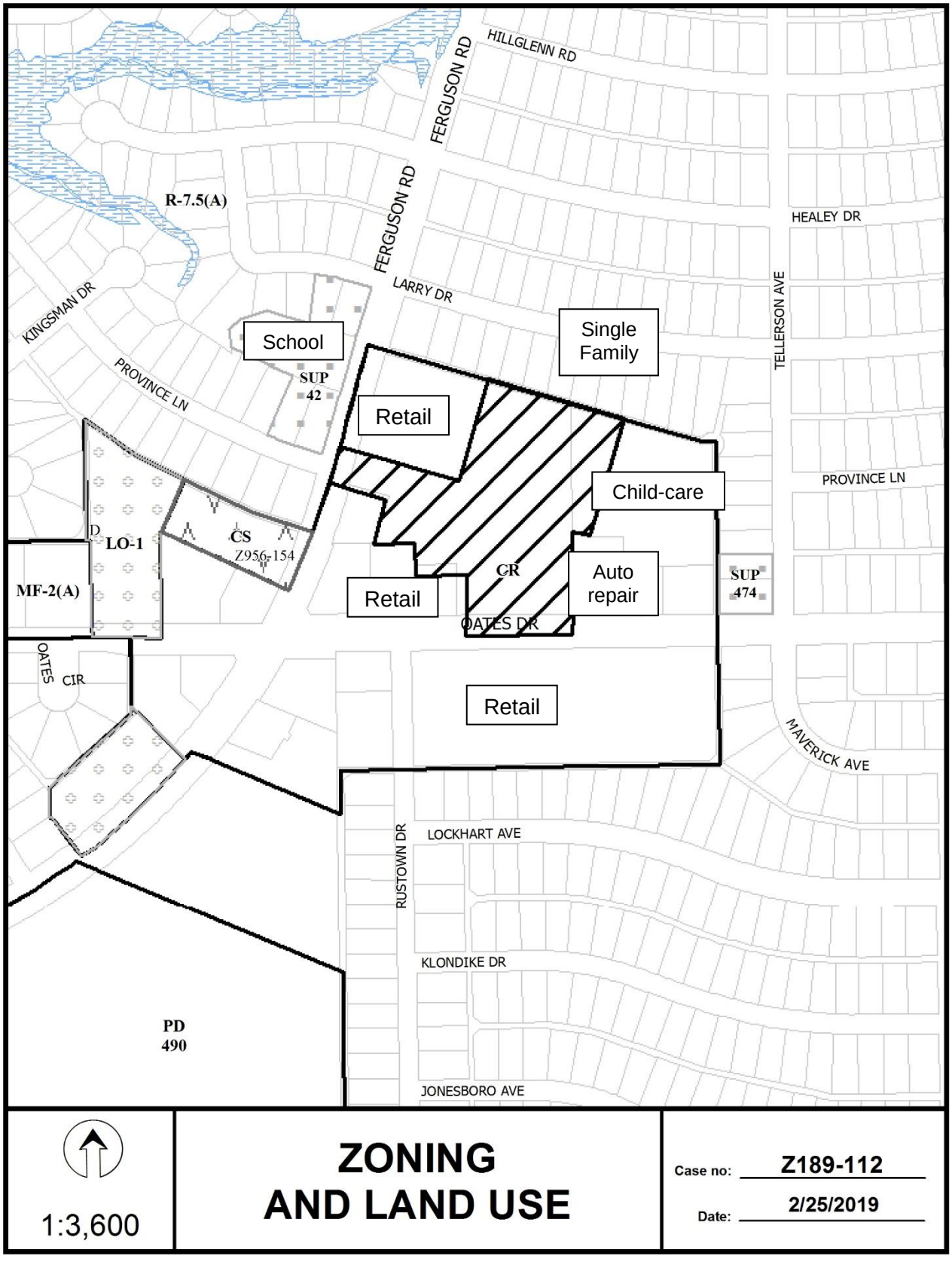


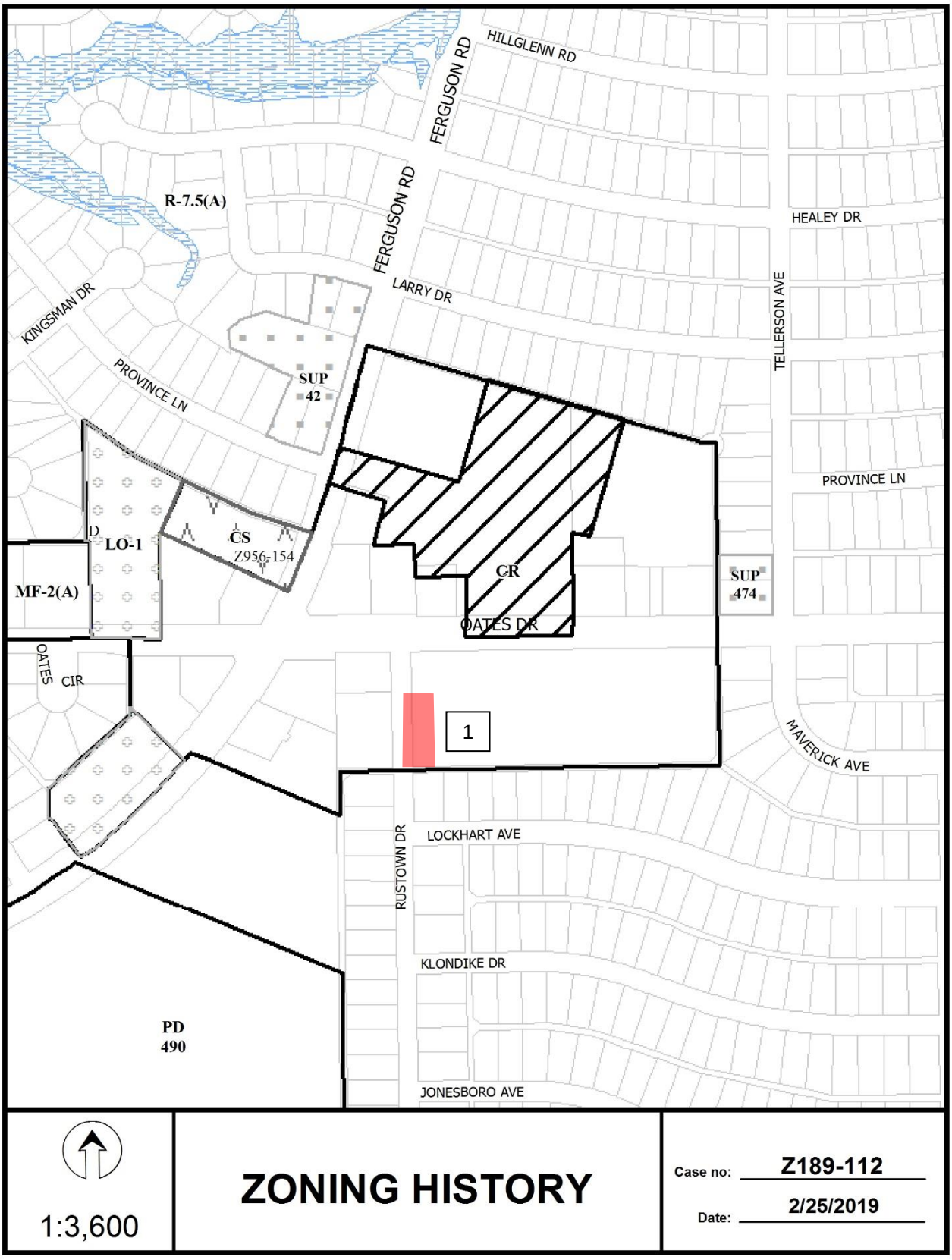
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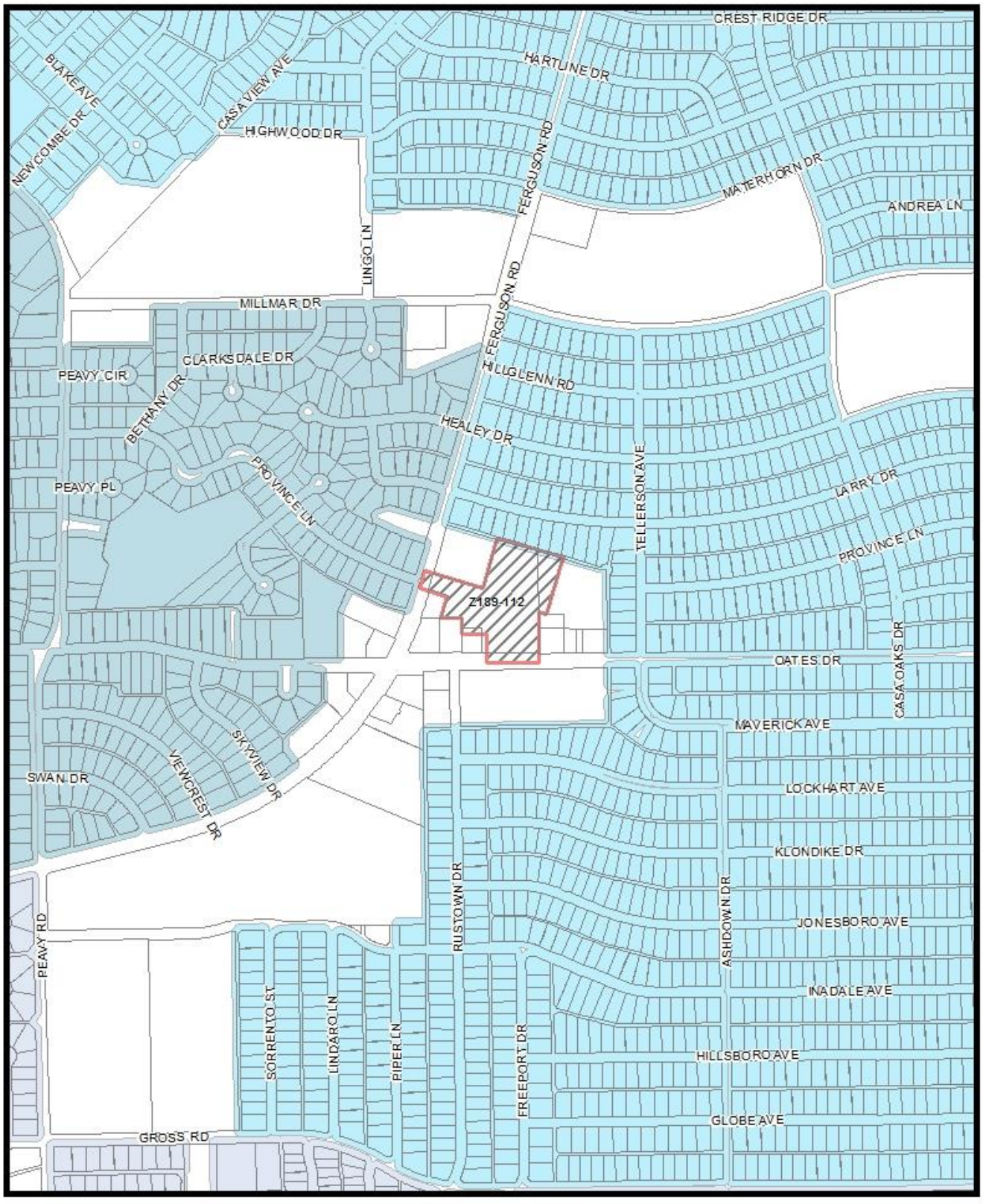
AERIAL MAP

Case no: Z189-112

Date: 2/25/2019


HILLGLENN RD
FERGUSON RD
FERGUSON RD
R-7.5(A)
HEALEY DR
KINGSMAN DR
LARRY DR
TELLERSON AVE
School
SUP 42
Single Family
PROVINCE LN
Retail
Child-care
PROVINCE LN
D
LO-1
CS
Z956-154
MF-2(A)
Retail
GR
Auto repair
SUP 474
OATES DR
OATES CIR
Retail
MAVERICK AVE
RUSTOWN DR
LOCKHART AVE
KLONDIKE DR
PD 490
JONESBORO AVE
1:3,600
ZONING AND LAND USE
Case no: Z189-112
Date: 2/25/2019


HILLGLENN RD
FERGUSON RD
FERGUSON RD
R-7.5(A)
HEALEY DR
KINGSMAN DR
LARRY DR
TELLERSON AVE
PROVINCE LN
SUP 42
PROVINCE LN
D
LO-1
CS Z956-154
MF-2(A)
CR
SUP 474
OATES DR
OATES CIR
1
MAVERICK AVE
RUSTOWN DR
LOCKHART AVE
KLONDIKE DR
PD 490
JONESBORO AVE
1:3,600
ZONING HISTORY
Case no: Z189-112
Date: 2/25/2019

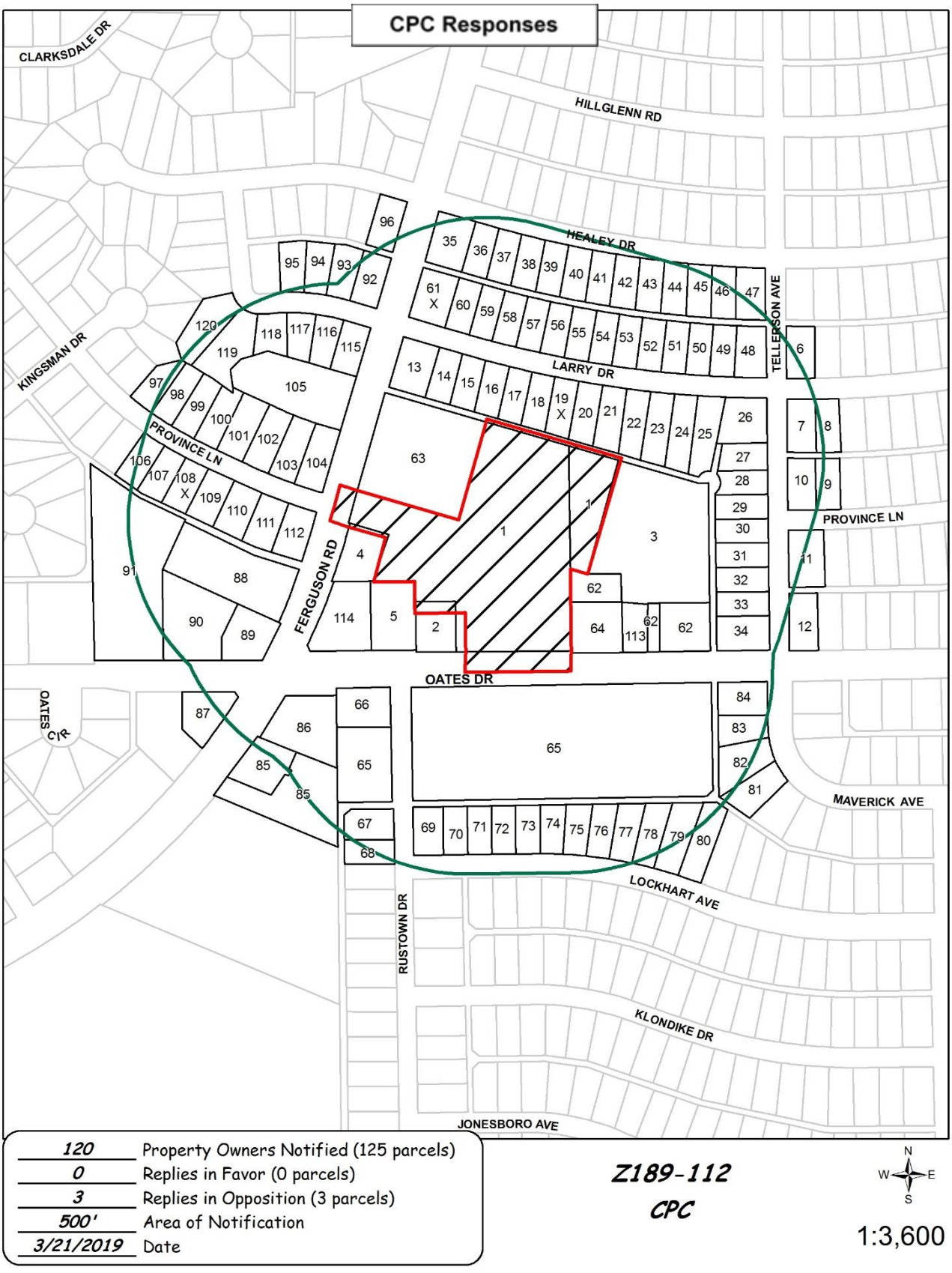


MVACluster A B C D E F G H I NA

1:7,200

Market Value Analysis

Printed Date: 2/25/2019


CPC Responses
CLARKSDALE DR
HILLGLENN RD
HEALEY DR
LARRY DR
TELLEPSON AVE
KINGSMAN DR
PROVINCE LN
FERGUSON RD
OATES DR
OATES CIR
MAVERICK AVE
LOCKHART AVE
RUSTOWN DR
KLONDIKE DR
JONESBORO AVE
120 Property Owners Notified (125 parcels)
0 Replies in Favor (0 parcels)
3 Replies in Opposition (3 parcels)
500' Area of Notification
3/21/2019 Date
Z189-112
CPC
N
W
E
S
1:3,600

03/20/2019

Reply List of Property Owners

Z189-112

120 Property Owners Notified ***0 Property Owners in Favor*** ***3 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	9888	FERGUSON RD	FERGUSONOATES PARTNERS LLC
	2	2309	OATES DR	LY & FAMILY LLC
	3	2345	OATES DR	HEAD START OF GREATER
	4	9830	FERGUSON RD	124T1 LLC
	5	2215	OATES DR	OATES 81 LLC
	6	2405	LARRY DR	ROSALES ROLANDO &
	7	2404	LARRY DR	MIZDAIL ALLEN B
	8	2408	LARRY DR	SOTO DEMETRIO &
	9	2409	PROVINCE LN	RUIZ SANTANA MIRANDA
	10	2403	PROVINCE LN	TRUJILLO MAURICIO
	11	2404	PROVINCE LN	AGUIRRE MARIO CESAR &
	12	2405	OATES DR	HERNANDEZ ADRIAN
	13	2306	LARRY DR	BROADWAY JOYCE
	14	2310	LARRY DR	CANO VIRGINIA
	15	2314	LARRY DR	CABALLERO MARIA DURAN
	16	2320	LARRY DR	GUTIERREZ ROBERTO VARGAS
	17	2324	LARRY DR	PEREZ ANTONIO & MARY E
	18	2328	LARRY DR	DELACRUZ MARINA
X	19	2334	LARRY DR	HALL LEONARD
	20	2338	LARRY DR	MARKET HOMES LTD
	21	2342	LARRY DR	FLORES OSCAR
	22	2348	LARRY DR	GUTIERREZ ROGELIO
	23	2352	LARRY DR	NAJERA JUAN P &
	24	2356	LARRY DR	BADILLO RUBEN
	25	2360	LARRY DR	MARTINEZ JORGE FLORES &
	26	9845	TELLERSON AVE	HERNANDEZ MARCIAL R & EVA

Reply	*Label #*	*Address*		*Owner*
	27	9839	TELLERSON AVE	BRADLEY ERIC SHANE &
	28	9833	TELLERSON AVE	ROLDAN MARIBEL
	29	9829	TELLERSON AVE	BRAVO JOSE &
	30	9825	TELLERSON AVE	BACON MARTHA
	31	9819	TELLERSON AVE	RIVERA WILMAN A &
	32	9815	TELLERSON AVE	RODARTE JULIAN & MARIA G
	33	9811	TELLERSON AVE	PEREZ AUDELIZ
	34	9805	TELLERSON AVE	RW FINANCIAL GROUP LLC
	35	2306	HEALEY DR	MORAN OSCAR DANIEL
	36	2310	HEALEY DR	NORTH 40 PARTNERS LLC
	37	2314	HEALEY DR	FLORES SHARLENE
	38	2320	HEALEY DR	ESPARZA VERONICA
	39	2324	HEALEY DR	PERRY ROMA D
	40	2328	HEALEY DR	WILSON JOHN R
	41	2334	HEALEY DR	TOMPKINS JEFFREY D &
	42	2338	HEALEY DR	SELPH VOHNNY
	43	2342	HEALEY DR	KOSTER PROPERTIES LTD
	44	2346	HEALEY DR	SUMROW KEVIN
	45	2352	HEALEY DR	FAZ RUBEN
	46	2356	HEALEY DR	GANTZ & SCODELLER LLC
	47	2360	HEALEY DR	SALAS TIRSO & RAMONA
	48	2367	LARRY DR	ZAMORA MARIA ANTONIA
	49	2361	LARRY DR	CASTRO ALBERTO LOPEZ &
	50	2357	LARRY DR	BROWN LARRY D &
	51	2353	LARRY DR	CORTEZ LINDA J
	52	2349	LARRY DR	MONTOYA JESSE V
	53	2343	LARRY DR	HERNANDEZ HONORIA
	54	2339	LARRY DR	CASTRO ENRIQUE &
	55	2335	LARRY DR	RODRIGUEZ PABLO &
	56	2329	LARRY DR	DELUNA EVA
	57	2325	LARRY DR	HERNANDEZ AURELIO

Reply	*Label #*	*Address*		*Owner*
	58	2321	LARRY DR	NIETO RICARDO
	59	2315	LARRY DR	CHAVERS MELVIN D
	60	2311	LARRY DR	CABRERA ARACELI COLMENERO
X	61	2307	LARRY DR	HAMMETT ARTIS B MRS
	62	2347	OATES DR	ORR JAMES
	63	9840	FERGUSON RD	SHOPS AT FERGUSON VILLAGE LP
	64	2343	OATES DR	NIETO JESUS & MARIA S
	65	2308	OATES DR	LEGENDARY INVESTMENTS
	66	2222	OATES DR	SUPER GOLDEN EAGLE INC
	67	9709	RUSTOWN DR	RODRIGUEZ FABIAN
	68	9703	RUSTOWN DR	CRUZ JORGE
	69	2305	LOCKHART AVE	LATIMER WENDELL
	70	2309	LOCKHART AVE	UDSTUEN DIANNE
	71	2315	LOCKHART AVE	AGUILAR AURELIO & NOEMI
	72	2319	LOCKHART AVE	JENSEN RAYMOND L & MARY REVOCABLE TRUST
	73	2323	LOCKHART AVE	PONCERAMIREZ NAYELI G &
	74	2329	LOCKHART AVE	ESCALANTE JOSE MATILDE
	75	2333	LOCKHART AVE	DFW2015 1 HOMES LLC
	76	2337	LOCKHART AVE	AGUILAR ANTONIA A
	77	2341	LOCKHART AVE	AGUILAR SUSANO & ANTONIA
	78	2345	LOCKHART AVE	MALDONADO YOLANDA
	79	2349	LOCKHART AVE	LOPEZ IGNACIO &
	80	2353	LOCKHART AVE	CERVANTES SALVADOR
	81	2418	MAVERICK AVE	GARCIA VICTOR L
	82	2414	MAVERICK AVE	AUSTIN RHONDA C & MARK L
	83	2408	MAVERICK AVE	GARCIA MARCO A
	84	2404	MAVERICK AVE	CERVANTES ARACELY A &
	85	9784	FERGUSON RD	GOFORTH SLOAN P
	86	9796	FERGUSON RD	9796 FERGUSON PARTNERS LP
	87	9791	FERGUSON RD	SKINNER ALAN INC
	88	9811	FERGUSON RD	TRUONG THANH V

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	89	9803	FERGUSON RD	JESUS TORRES
	90	2131	OATES DR	MOSEY THOMAS R J DBA
	91	2125	OATES DR	CVA PTNRS
	92	2249	LARRY DR	EVANS LARRY & CHRISTINE
	93	2243	LARRY DR	MACKEY CHARLES
	94	2239	LARRY DR	COUNTS DUSTIN E
	95	2233	LARRY DR	BUTLER DEBBIE R
	96	2230	HEALEY DR	CRUZ EDEYSI &
	97	2115	PROVINCE LN	KORNDER JUNE
	98	2119	PROVINCE LN	CHAMBERS JAMES GREGORY
	99	2125	PROVINCE LN	DUNCAN CHELSEA
	100	2129	PROVINCE LN	LILLY CARA A
	101	2133	PROVINCE LN	2133 PROVINCE SERIES
	102	2137	PROVINCE LN	SALAZAR JOSE H & YOLANDA
	103	2141	PROVINCE LN	MONTERREY FINANICAL EDUCATION
	104	2145	PROVINCE LN	HERNANDEZ MARGARITO
	105	9889	FERGUSON RD	SAPIENZA LLC
	106	2120	PROVINCE LN	CLOUGH AMY C
	107	2124	PROVINCE LN	PETRISKY HELEN
X	108	2130	PROVINCE LN	WILLINGHAM DIANE PATRICE
	109	2134	PROVINCE LN	LEESON JAME &
	110	2138	PROVINCE LN	FLORES JAVIER SR & MARIA
	111	2142	PROVINCE LN	FLORES JAVIER SR &
	112	2146	PROVINCE LN	EQUITY TRUST COMPANY CUSTODIAN
	113	2343	OATES DR	DELAPAZ MARTIN & LAURA
	114	9802	FERGUSON RD	SEJ ASSET MGMT & INVESTMENT COMPANY
	115	2248	LARRY DR	ARELLANO MIGUEL
	116	2242	LARRY DR	SEGURA ATANACIO
	117	2236	LARRY DR	RIVERA RENEE
	118	2230	LARRY DR	JER REALTY LLC
	119	2224	LARRY DR	FULTON JARED D
	120	2220	LARRY DR	BUNKER CAROL A

Agenda Information Sheet

File #: 19-534 **Item #:** 51.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1837 for a commercial amusement (inside) use limited to a dance hall on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the northeast side of C.F. Hawn Freeway, southeast of Edd Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z189-152(PD)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: Z189-152(PD) **DATE FILED:** December 12, 2018

LOCATION: Northeast side of C.F. Hawn Freeway, southeast Edd Road

COUNCIL DISTRICT: 8 **MAPSCO:** 69A M; Q; R

SIZE OF REQUEST: Approx. 1.48 acres **CENSUS TRACT:** 171.01

APPLICANT/OWNER: Abraham Quintanilla

REQUEST: An application for an amendment to and a renewal of Specific Use Permit No. 1837 for a commercial amusement (inside) use limited to a dance hall on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay.

SUMMARY: The amendment is proposed to (1) expand the footprint of the structure by 2,055 square feet, and (2) reconfigure the parking layout for the continued operation of the commercial amusement (inside) use limited to a dance hall [Sante Fe Ballroom]. The maximum size of the dance floor will remain 400 square feet.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a 10,025-square-foot commercial amusement (inside) use. [Sante Fe Ballroom]

- The City Council approved the SUP No. 1837 on April 13, 2011, for a three-year period with eligibility of automatic renewals for additional five-year periods.

- While the 2,055 addition was legally permitted, staff reviewed SUP No. 1837 on April 8, 2014, and automatically renewed the SUP for a five-year period without considering the additional 2,055 square foot addition or the parking reconfiguration.

- The addition of 2,055 square feet will increase the maximum square footage to 10,033 square feet.

Zoning History: There has been two recent zoning requests within the vicinity in the past five years.

1. **Z167-170** On September 27, 2017, the City Council approved Specific Use Permit No. 2262 for a commercial amusement (inside) use limited to a dance hall for a two-year period with eligibility of automatic renewals.

1. **Z167-108** On February 8, 2017, the City Council approved an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Edd Road	Residential Collector	60 ft.

Traffic:

The Engineering Division of the Sustainable and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

STAFF ANALYSIS:

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 use is consistent with the following land use policy:

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	CS - D-1, SUP No. 1837	Commercial amusement (inside)
North	CS - D-1	Nursery, garden shop or plant sales
South	CS – D-1	C.F. Hawn Freeway, Manufactured Home Park
West	CS – D-1, SUP No. 2262	Commercial amusement (inside)
East	CS – D-1	Auto storage warehouse

Land Use Compatibility:

The approximately 1.48-acre request site is zoned a CS-D-1 Commercial Service District with a D-1 Dry Liquor Control Overlay and SUP No. 1837 for a commercial amusement (inside) use limited to a dance hall. The request site is currently developed with a commercial building housing a banquet hall [Santa Fe Ballroom]. The applicant is proposing to continue the operation of the structure as a commercial amusement (inside) use with a dance hall. The dance hall requires a Specific Use Permit by the existing zoning. The applicant proposes to continue the use of the building as a ballroom/banquet hall to be rented for special events.

Currently the use contains 10,033 square feet. Although the 2,055 square foot addition was permitted on October 27, 2010, staff inadvertently neglected to amend the SUP to reflect the 2,055 square feet addition. Therefore, the amendment is sought to

accurately depict the added square footage as well as to reconfigure the parking layout. There a no changes requested for the 400 square foot dance floor.

The request site is adjacent to a commercial amusement (inside) use to the west; a nursery to the north; and a commercial amusement (inside) use to the east. Directly south, across C.F. Hawn Freeway, is a manufactured home park. No incompatible uses were identified in the immediate area. The surrounding land uses would support the commercial amusement (inside) use due to the location of the general property. The request site is easily accessible because of its adjacency to a freeway. The site is immediately adjacent to uses that are nonresidential with a residential use located to the south. However, the residential use is separated by an approximately 160-foot wide state freeway (C.F. Hawn) and would not be adversely impacted by the request.

Therefore, staff recommends approval of the request as the specific use permit is foreseen to be compatible with the surrounding land uses.

In the CS District, a general commercial amusement (inside) use is allowed by right. However, a dance hall, or dance floor area, within a commercial amusement (inside) use requires a specific use permit. 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.

Parking:

The Dallas Development Code requires off-street parking to be provided for a commercial amusement (inside) use at one space for each 100 square feet of floor area and a dance hall requires one space for each 25 square feet of dance floor. The commercial amusement contains 10,033 square feet inclusive of a 400 square foot dance floor. Pursuant to the Dallas Development Code, the proposed addition will require 16 spaces for the 400 square feet of dance floor, 96 spaces for the remaining 9,633 square feet of floor area and for a total of 112 parking spaces required; with 116 parking spaces provided.

Landscaping:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not in an MVA category, it is adjacent to an MVA "E" category to the west.

CPC ACTION:
March 21, 2019

Motion: It was moved to recommend **approval** of an amendment to and renewal of Specific Use Permit No. 1837 for a commercial amusement (inside) use limited to a dance hall for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the northeast side of C.F. Hawn Freeway, southeast of Edd Road.

Maker: Lewis
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 300 Mailed: 55
Replies: For: 0 Against: 0

Speakers: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is for a commercial amusement (inside) for a dance hall.

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 ~~April 13, 2019~~ (five-year), 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.)

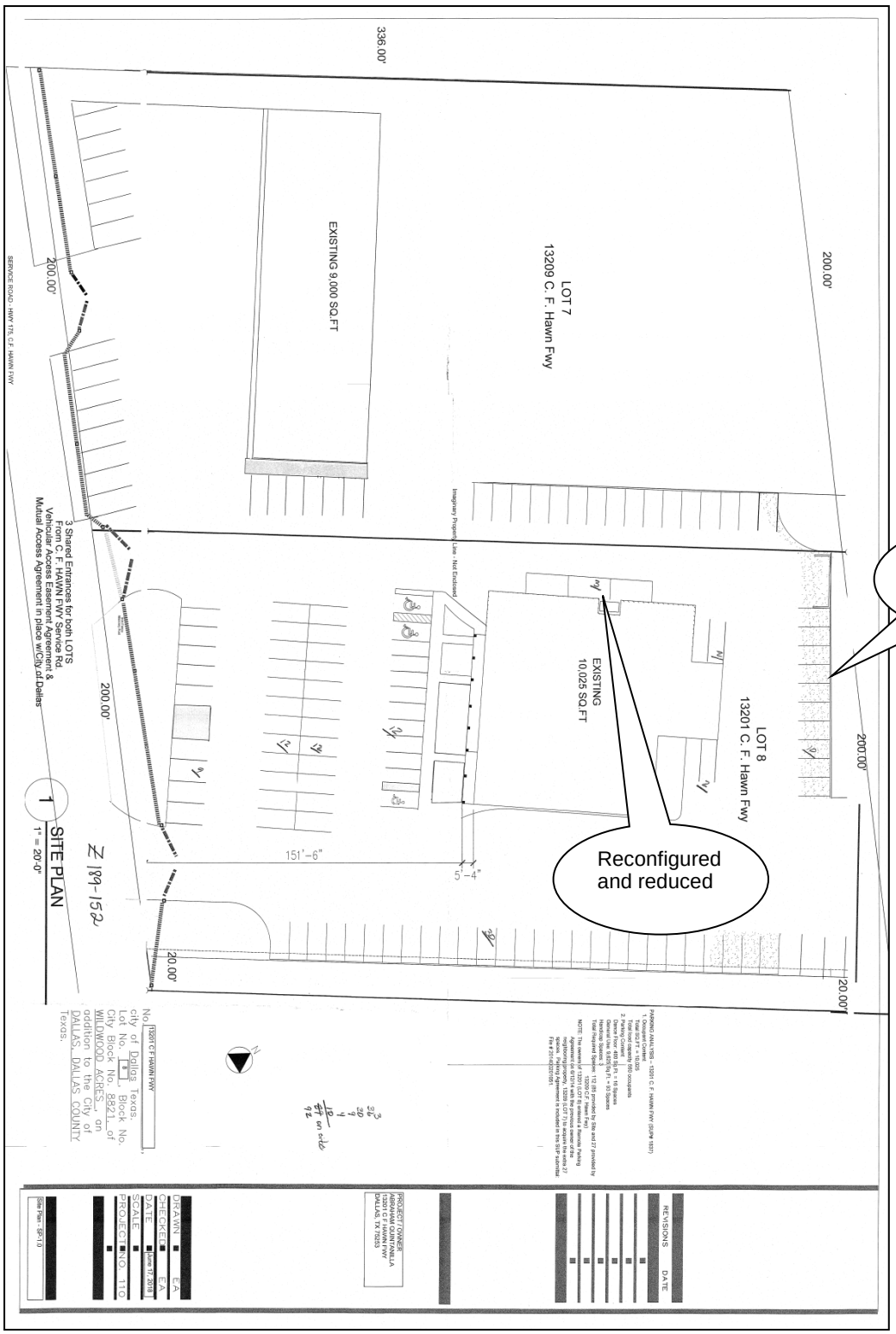
4. MAXIMUM FLOOR AREA: The dance floor may not exceed 400 square feet in area.

5. PARKING: Parking must be located as shown on the attached site plan. Delta credits may not be used to meet the off-street parking requirement

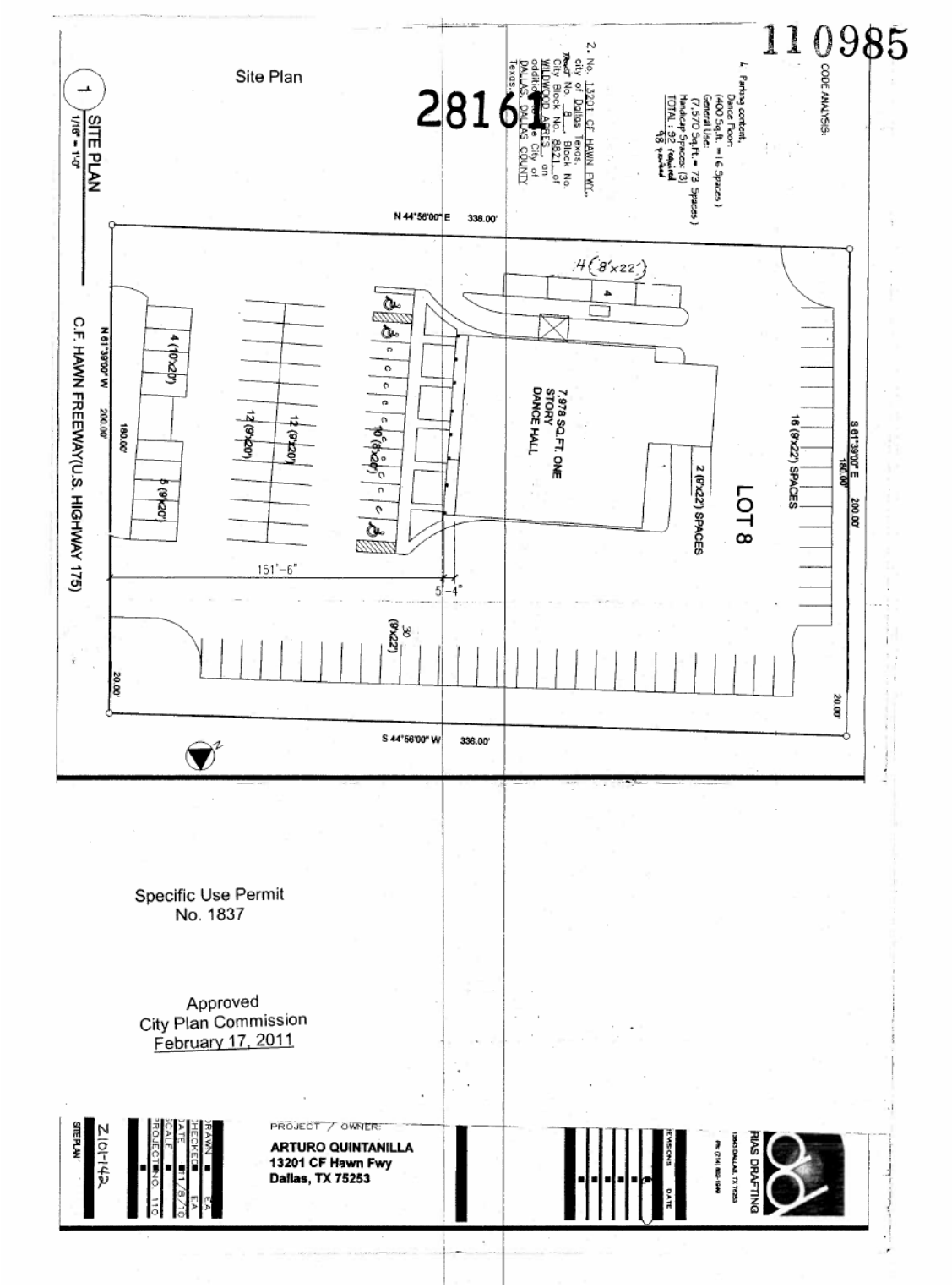
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

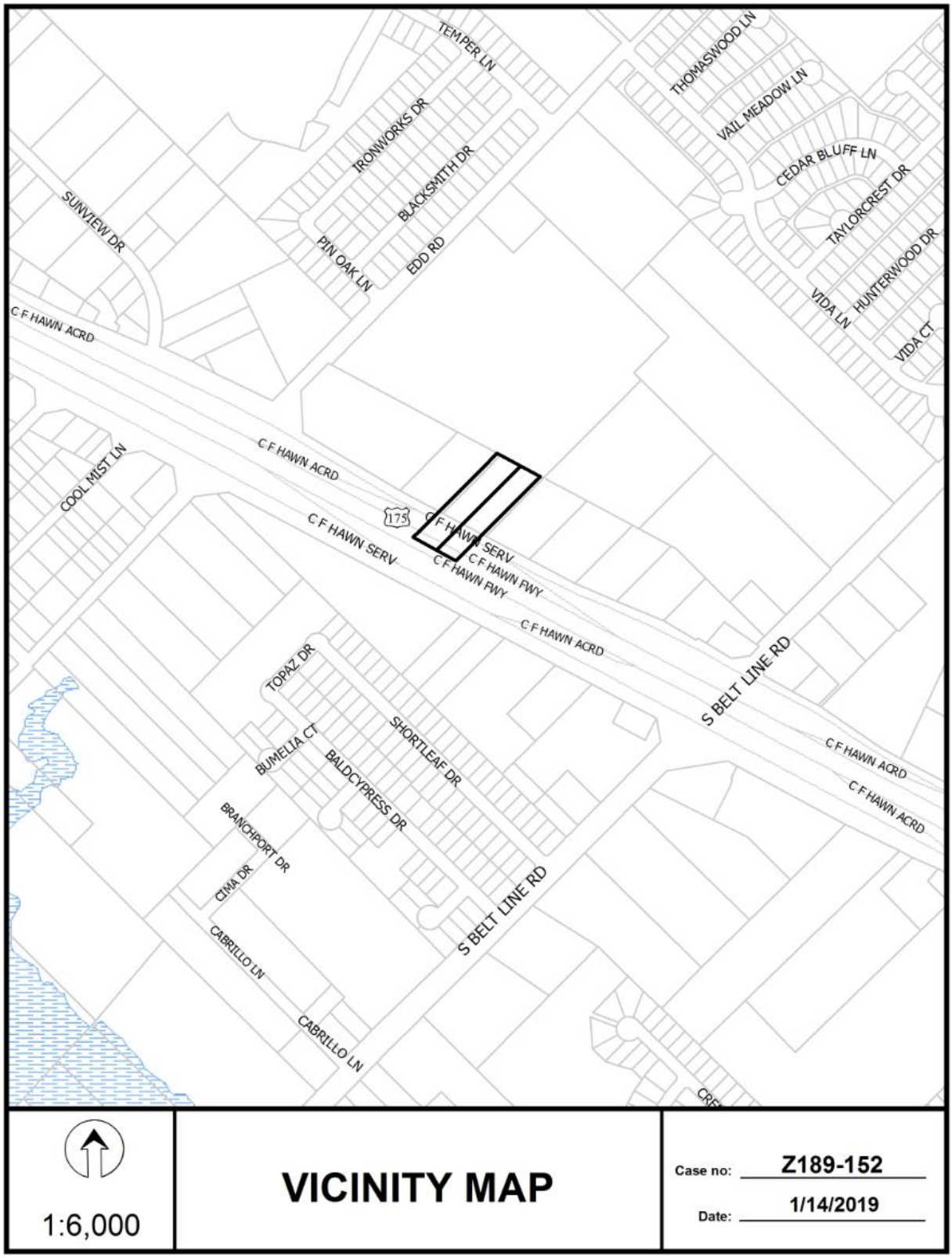
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

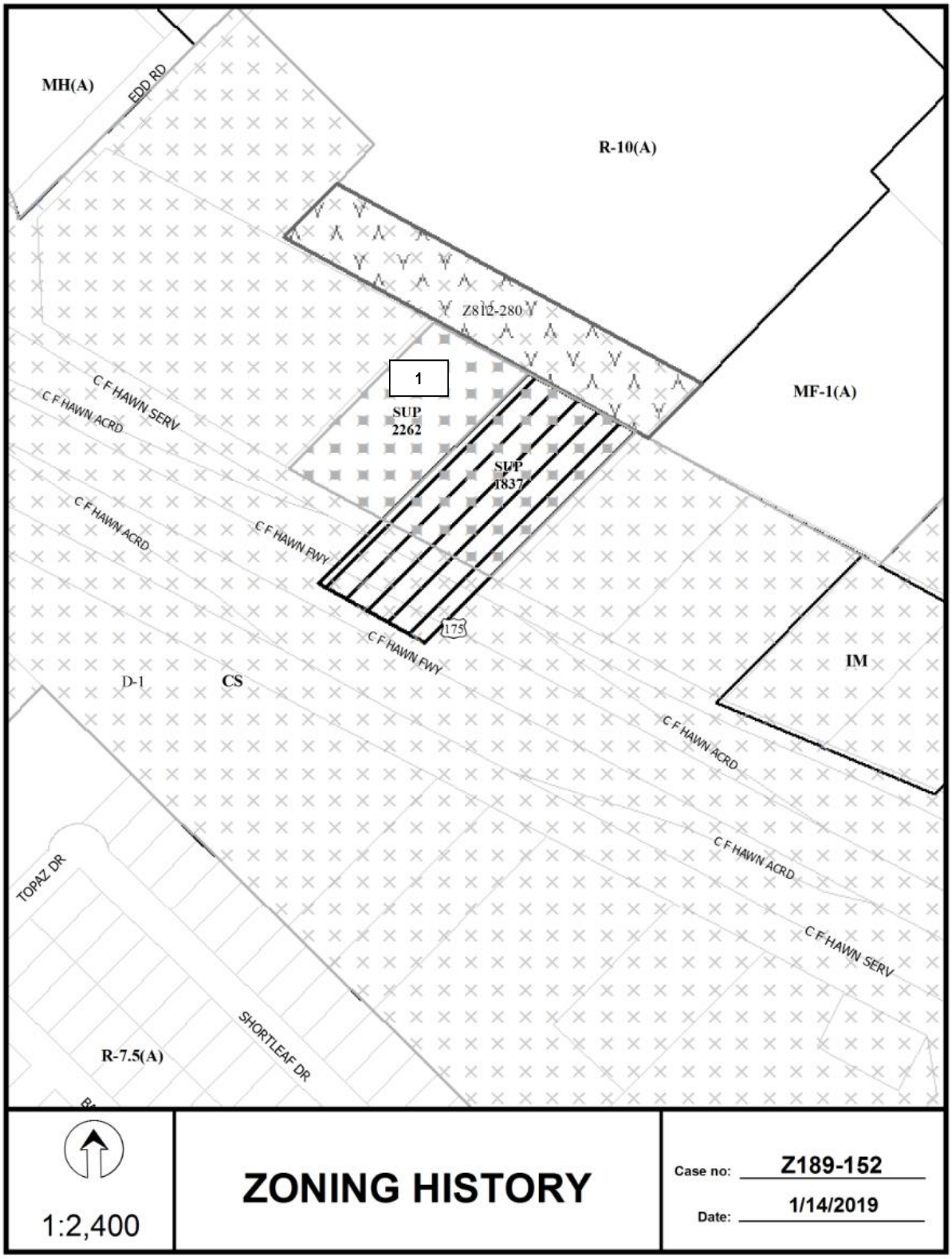


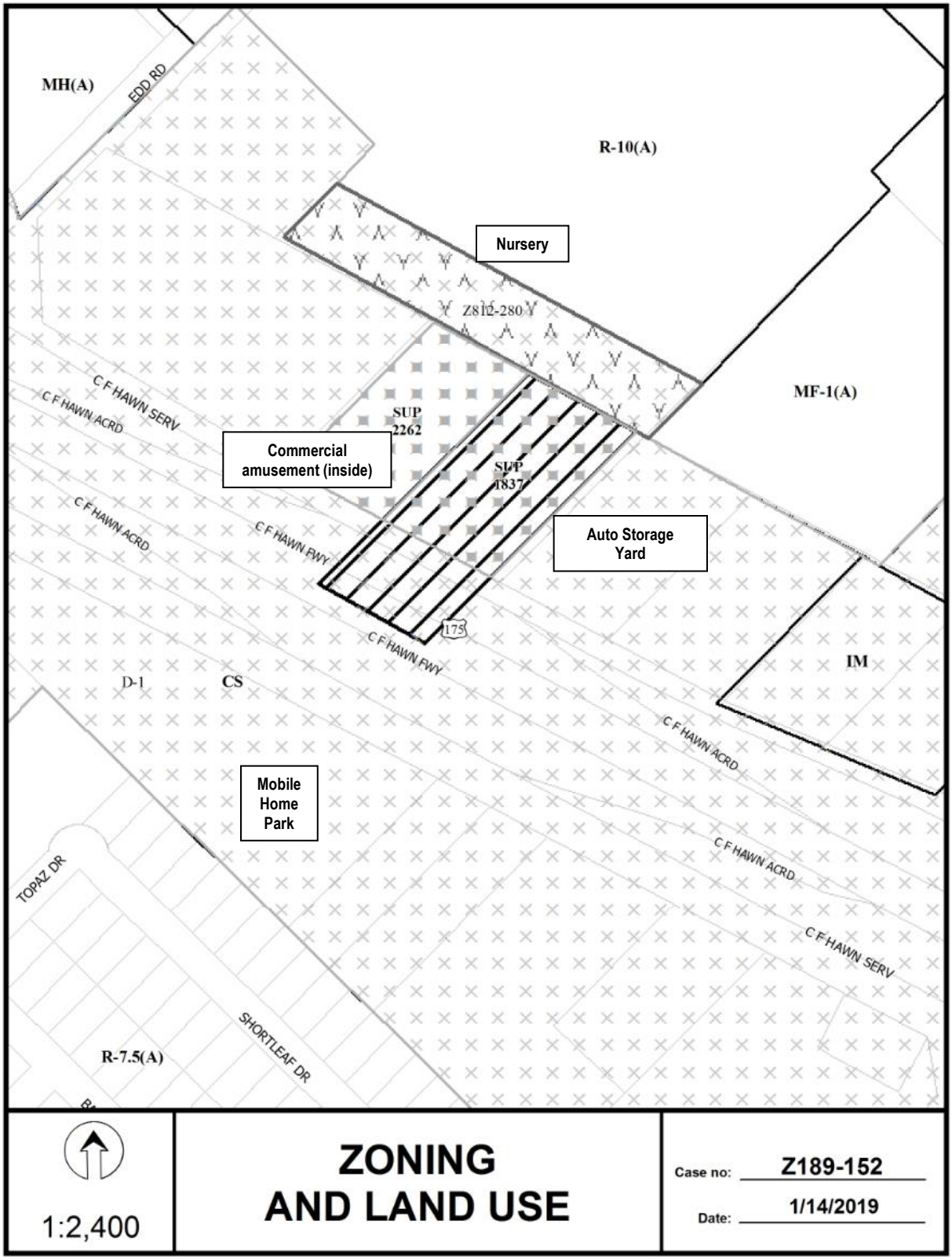
EXISTING SITE PLAN

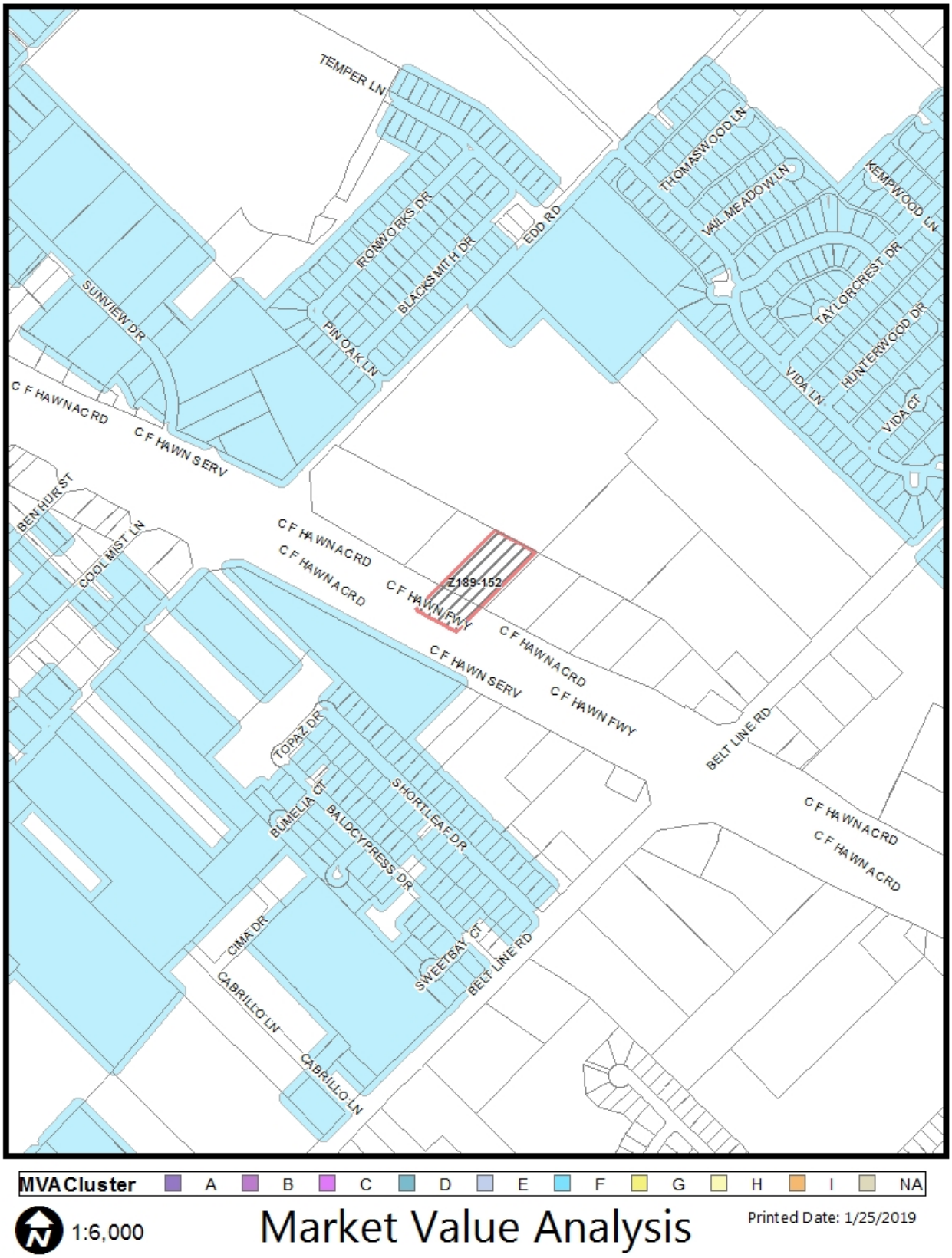



TEMPER LN
IRONWORKS DR
BLACKSMITH DR
EDD RD
PIN OAK LN
SUNVIEW DR
THOMASWOOD LN
VAIL MEADOW LN
CEDAR BLUFF LN
TAYLORCREST DR
HUNTERWOOD DR
VIDA LN
VIDA CT
C F HAWN ACRD
COOL MIST LN
175
C F HAWN SERV
C F HAWN FWY
S BELT LINE RD
TOPAZ DR
BUMELIA CT
SHORTLEAF DR
BALDCYPRESS DR
BRANCHPORT DR
CIMA DR
CABRILLO LN
1:6,000
VICINITY MAP
Case no: Z189-152
Date: 1/14/2019


EDD RD
C F HAWN SERV
C F HAWN ACRD
C F HAWN ACRD
C F HAWN FWY
175
C F HAWN FWY
C F HAWN ACRD
C F HAWN ACRD
C F HAWN SERV
TOPAZ DR
SHORTLEAF DR
1:2,400
AERIAL MAP
Case no: Z189-152
Date: 1/14/2019


MH(A)
EDD RD
R-10(A)
Z812-280
1
SUP
2262
SUP
1837
MF-1(A)
C F HAWN SERV
C F HAWN ACRD
C F HAWN ACRD
C F HAWN FWY
C F HAWN FWY
175
IM
D-1
CS
C F HAWN ACRD
C F HAWN ACRD
C F HAWN SERV
TOPAZ DR
SHORTLEAF DR
R-7.5(A)
1:2,400
ZONING HISTORY
Case no: Z189-152
Date: 1/14/2019


MH(A)
EDD RD
R-10(A)
Nursery
Z812-280
MF-1(A)
SUP 2262
Commercial amusement (inside)
SUP 1837
Auto Storage Yard
C F HAWN SERV
C F HAWN ACRD
C F HAWN FWY
I 175
IM
D-1
CS
Mobile Home Park
TOPAZ DR
SHORTLEAF DR
R-7.5(A)
1:2,400
ZONING AND LAND USE
Case no: Z189-152
Date: 1/14/2019


TEMPER LN
IRONWORKS DR
BLACKSMITH DR
EDD RD
THOMASWOOD LN
VAIL MEADOW LN
KEMPWOOD LN
TAYLORCREST DR
HUNTERWOOD DR
VIDA LN
VIDA CT
SUNVIEW DR
PIN OAK LN
C F HAWN ACRD
C F HAWN SERV
BEN HURST
COOL MIST LN
C F HAWN ACRD
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Z189-152
C F HAWN FWY
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BELT LINE RD
TOPAZ DR
BUMELIA CT
BALDCYPRESS DR
SHORTLEAF DR
C F HAWN ACRD
C F HAWN ACRD
CIMA DR
CABRILLO LN
SWEETBAY CT
BELT LINE RD
CABRILLO LN
MVACluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 1/25/2019

CPC RESPONSES



03/20/2019

Reply List of Property Owners

Z189-152

55 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*	*Owner*
	1	13209 C F HAWN FWY	QUINTANILLA ABRAHAM &
	2	13201 C F HAWN FWY	SANTA FE BALLROOM LLC
	3	13122 C F HAWN FWY	WILDWOOD VENTURES LLC
	4	13122 C F HAWN FWY	MORENO YOLANDA ORTIZ
	5	13122 C F HAWN FWY	METRA PROPERTIES
	6	13122 C F HAWN FWY	WILDWOOD ACRES
	7	13122 C F HAWN FWY	MORA DULCE
	8	13122 C F HAWN FWY	VALENCIA STEPHANIE
	9	13122 C F HAWN FWY	MORENO GUADALUPE
	10	13122 C F HAWN FWY	NOE ROMERO
	11	13122 C F HAWN FWY	HERNANDEZ ADRIAN
	12	13122 C F HAWN FWY	DISHEROON MARIE
	13	13122 C F HAWN FWY	OLIVIA ALEXIS
	14	13122 C F HAWN FWY	SCOTT JAMES
	15	13122 C F HAWN FWY	REGALADO JUANA
	16	13122 C F HAWN FWY	FULLER JEAN
	17	13122 C F HAWN FWY	RAMIREZ JOSE ENRIQUE
	18	13122 C F HAWN FWY	VILLAREAL BRENDA
	19	13122 C F HAWN FWY	CRUZ TULIA
	20	13122 C F HAWN FWY	SANTOYO AMPARO E
	21	13122 C F HAWN FWY	VEGA SONIA
	22	13122 C F HAWN FWY	CORNEJO ROBERTO
	23	13122 C F HAWN FWY	VALDES BEATRIZ ARIAN
	24	13122 C F HAWN FWY	CRESTOBAL ABREGO
	25	13122 C F HAWN FWY	MARTINEZ SANDRA
	26	13122 C F HAWN FWY	OLGUIN BUENO ESPERANZA

03/20/2019

Reply	*Label #*	*Address*	*Owner*
	27	13122 C F HAWN FWY	MENTRA PROPERTIES
	28	13122 C F HAWN FWY	RODRIGUEZ HERLINDO
	29	13122 C F HAWN FWY	DIAZ MIGUEL ALEJANDRO
	30	13122 C F HAWN FWY	DISHEROON ROBERTO
	31	13122 C F HAWN FWY	MAYNARD TESSA
	32	13122 C F HAWN FWY	RICO LAZARA
	33	13122 C F HAWN FWY	DIAZ JORGE
	34	13122 C F HAWN FWY	SALAZAR JESUS
	35	13122 C F HAWN FWY	GUILLEN JOEL
	36	13122 C F HAWN FWY	CROOK ED
	37	13122 C F HAWN FWY	NOE JOHN
	38	13122 C F HAWN FWY	YOUNGBLOOD NIKI
	39	13122 C F HAWN FWY	FRANKLIN ANA MARIE
	40	13122 C F HAWN FWY	MEJIA JORGE
	41	13122 C F HAWN FWY	SCOTT ANITA
	42	13122 C F HAWN FWY	SHELTON TAMMY
	43	13122 C F HAWN FWY	MARTIN ANZUIANO
	44	13122 C F HAWN FWY	ZOUZALIK BERNICE
	45	13122 C F HAWN FWY	ROBLES VERONICA
	46	13122 C F HAWN FWY	MEDINA FRANCISCO
	47	13122 C F HAWN FWY	VIRIDIANA GOMEZ
	48	13122 C F HAWN FWY	MARTINEZ FRANCISO
	49	13122 C F HAWN FWY	CABRERA ROSA
	50	13122 C F HAWN FWY	TIJERINA MARIA
	51	13320 C F HAWN FWY	BANDA MIGUEL BELTRAN
	52	13209 C F HAWN FWY	ARMSTRONG JERRY DALE SR
	53	1830 EDD RD	EDD ROAD PROPERTIES LLC
	54	13121 C F HAWN FWY	THOMPSON VAUGHN LEE
	55	13310 C F HAWN FWY	PATEL KALIDAS NARANJI &

Agenda Information Sheet

File #: 19-535 **Item #:** 52.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for mixed uses on property zoned a GR General Retail Subdistrict and a P Parking Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of North Fitzhugh Avenue and Buena Vista Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions
Z189-155(SM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z189-155(SM)	**DATE FILED:**	December 14, 2018
LOCATION:	Northwest corner of North Fitzhugh Avenue and Buena Vista Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	35 U
SIZE OF REQUEST:	Approx. 0.677 acres	**CENSUS TRACT:**	7.02

APPLICANT: LBS Realty Partners, LLC

OWNER: Westdale Buena Vista LP and City of Dallas

REPRESENTATIVE: William S. Dahlstrom, Jackson Walker, LLP

REQUEST: An application for a Planned Development Subdistrict for mixed uses on property zoned a GR General Retail Subdistrict and a P Parking Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant proposes to develop the request site with an underground parking garage, street-level restaurant or retail uses, second floor office uses, and multiple family uses above. The applicant requests to modify setback requirements, increase maximum floor area ratio from 2.0:1 to 3.6:1, and will provide two direct public pedestrian connections from the Katy Trail on the west, traversing through the site, to Buena Vista Street to the east.

CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, and conditions.

BACKGROUND INFORMATION:

- On February 8, 1985, Planned Development District No. 193, the Oak Lawn Special Purpose District, was approved by the City Council. The PD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the PD.

- The request site consists of three parcels: a City-owned undeveloped property that abuts North Fitzhugh Avenue, a two-story vacant office building with approximately 4,602 square feet of floor area, and a surface parking lot. The surface parking lot is zoned a P Parking Subdistrict, which only allows surface parking, and the remaining two parcels are located within a GR General Retail Subdistrict.

- The applicant proposes to raze the existing improvements, excavate the site to provide underground parking, construct up to an eight-story mixed use building, and has agreed to construct and maintain public open space on the northernmost portion of the site. The proposed public open space will improve bicycle and pedestrian connectivity with the Katy Trail by eliminating the narrow, unimproved existing connection that contains a severe grade change and replacing it with a wide, gentle sloping and landscaped public pathway to Buena Vista Street.

Zoning History: There has been one recent zoning case in the vicinity in the last five years.

1. **Z178-186:** On April 25, 2018, the City Council approved a City Plan Commission authorized hearing for a historic building demolition delay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Plan Dimension; ROW
N Fitzhugh Avenue	Minor Arterial	6 lanes divided; 90 ft.
Buena Vista Street	Local	50 ft.

Traffic:

A Traffic Impact Analysis (TIA) was submitted and reviewed by the Engineering Division of the Sustainable Development and Construction Department who determined that it will not significantly impact the surrounding street system for the proposed development. The TIA was prepared for a mixed use development that would contain approximately 8,175 square feet of ground-floor commercial uses, 10,000 square feet of office uses, and 34 dwelling units. The TIA found that the proposed development did not meet the warrant criteria required to install a traffic signal and that the projected increase in traffic generated by the proposed development did not appreciably change traffic operational conditions that are otherwise expected to occur.

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

The applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

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.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

> Policy 5.1.1 Promote pedestrian-friendly streetscapes.
>
> > Implementation Measure 5.1.1.3 Apply urban design tools in pedestrian or transit-oriented districts when approving zoning cases and when developing Area Plans.

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 PDS meets all the above objectives. Since the request sets a base that primarily conforms to the existing GR development standards, modifies setbacks that are sensitive to the context of the surrounding areas, and provides an increase in FAR if both pedestrian connectivity with the Katy Trail and the additional urban standards are provided, staff considers all the objectives met.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 193 (GR and P Subdistricts)	Undeveloped, vacant office, parking
North	PDD No. 193 (PDS No. 42)	Multiple Family
East	PDD No. 193 (GR and MF-2 Subdistricts)	Multiple Family and Bar, lounge, or tavern
South	PDD No. 193 (GR Subdistrict)	Vacant Office
West	PDD No. 131	Single Family

Land Use Compatibility:

The site has three right-of-way boundaries: Buena Vista Street, North Fitzhugh Avenue, and the Katy Trail (originally railroad right-of-way). Opposite of the northeastern boundary of the property a townhouse-style multiple family development exists with 13 individual condominium property owners. Similar multiple family developments exist to the east, across Buena Vista Street and a bar, lounge, or tavern is located on the northeast corner of North Fitzhugh Avenue and Buena Vista Street. A vacant office building lies to the south of the site, across North Fitzhugh Avenue, and single family uses are developed to the west, across the Katy Trail.

The request site is zoned both a GR General Retail Subdistrict and a P Parking Subdistrict within PDD No. 193, the Oak Lawn Special Purpose District, and is currently developed with an unimproved narrow trail that connects the Katy Trail to the street intersection, a vacant two-story office building, and surface parking lot. The applicant proposes to develop the request site with an underground parking garage, street-level restaurant or retail uses, second floor office uses, and multiple family uses above. Staff supports the proposed land uses because they are more restrictive than the land uses in the exiting GR Subdistrict.

Development Standards:

The applicant requests reductions to the setbacks and additional Floor Area Ratio (FAR). Staff supports the applicant's requests because the proposed improved open space, underground parking commitment, and the variated vertical facade will produce an urban and pedestrian friendly transition at a location which is a confluence of streets, a hike and bike trail, and a multiple family neighborhood.

Staff supports the applicant's request for a range of articulated set of setbacks in order to create a narrowed gateway into Buena Vista Street and pedestrian overhangs that are more urban in form.

SUBDISTRICT	SETBACKS		FAR	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
GR - Existing General Retail	10 feet for 1st 36 feet 25 feet above 36 feet	10' adjacent to residential* OTHER: No Min.	2.0:1 2.5:1**	120'	80%	Retail, restaurant, office, multiple family
PDS - Proposed	10' for first 36 ft 0-20 ft above 36 ft	KATY TRAIL: 15' for first 36 ft 15-35 ft min above 36 ft NE BOUNDARY: 35-45 feet	2.0:1 Up to 3.6:1** with open space	120' plus 12' for mechanical	80%	Retail, restaurant, office, multiple family

*An additional setback required for portions of a structure over 36 feet in height.

**When the floor area for residential uses is equal to or greater than lot area.

Front yards

For front yards on North Fitzhugh Avenue, the portion of the building above 36 feet is proposed to overhang the lower portions by five feet to create overhangs. Staff supports this portion of the request because North Fitzhugh Avenue has a 90-foot wide right-of-way and relief from additional setbacks is not expected to create a "canyon affect" along the North Fitzhugh Avenue corridor.

For front yards above 36 feet in height along Buena Vista Street, staff supports the applicant's request to variate the setback for portions of the building facade for the following reasons:

1) The applicant requests to decrease the additional setback from 25 to 20 feet generally. Staff supports this because the site was required to dedicate 7.7 feet to the street, therefore, the additional setback is generally aligned with the remainder of Buena Vista Street.

2) The applicant requests that 60 percent of the total facade area above 36 feet in height has a minimum 10-foot front yard setback. Notwithstanding the rationale in the preceding paragraph, staff supports this request because it extends the 10-foot setback from the lower portions to 60 percent of the upper of the building.

3) The applicant also requests that 20 percent of the total facade area above 36 feet in height has no minimum front yard setback. This portion of the request is delineated less than 50 feet of North Fitzhugh Avenue, which is shown on the proposed development

plan. Staff supports this portion of the request because it enhances the intersection by creating a visual affect to signal the gateway to Buena Vista Street and to create a corner facade that both frame the pedestrian and bicyclists' realms and scale down the realm for cars.

Katy Trail setback:

Since the Katy Trail is a right-of-way[1] but not a street[2], the site has two front yards (Buena Vista Street and North Fitzhugh Avenue) and the other two boundaries of the area of request are considered side yards. Additionally, since the Katy Trail is a right-of-way and not a street, it separates the request site from the single family and duplex zoning on the other side of the Katy Trail and therefore, the PDD No. 193 provisions that require additional setbacks for buildings that exceed 36 feet in height and are either perpendicularly contiguous to or perpendicularly across an adjoining street or alley from single-family, duplex, TH, MF-1, and MF-2 subdistricts do not apply. Therefore, the side yard setback in the GR Subdistrict for the request site would have required a 10-foot setback for the entire building facade adjacent to the Katy Trail.

The applicant proposes to also have variated setbacks, much like the proposed front yard setbacks in order to treat the Katy Trail like a front yard, although zoning considers it a side yard setback. Since the applicant proposes a greater setback than prescribed by the GR Subdistrict, which also offsets the requested front yard reductions, staff recommends approval.

Northeast Boundary setback:

The remaining boundary of the request site is the northeast property line, which is opposite the only abutting property to the site which is zoned PDS No. 42 and has an MF-2 Multiple Family Subdistrict as its underlying zoning. The GR Subdistrict would require a setback for this area that is 10 feet for the first 36 feet of building and, for an 80-foot tall or taller building, a maximum 50-foot setback for portions of a building that exceeded 36 feet. Although the applicant requests a slight reduction from GR Subdistrict side yard setback for portions of the building above 36 feet in height, staff recommends approval because the side yard setback for the first 36 in height is almost the width of the existing P Parking Subdistrict, the urban designs standards offered will require building facade treatments, and the proposed open space and trail easement will provide a buffer between the proposed building and adjacent property.

[1] RIGHT-OF-WAY means an area dedicated to public use for pedestrian and vehicular movement.
[2] STREET means a right-of-way which provides primary access to adjacent property.

Floor Area Ratio:

The Dallas Development Code has two pertinent definitions for this section. First, *floor area ratio (FAR)* means the ratio of floor area to lot area. Second, *floor area* means the total square feet of floor space in a building excluding area used solely for off-street parking.

The purpose of FAR is to uniformly limit the amount of building mass within the building envelope prescribed by setbacks, height, and lot coverage. However, since above ground parking structures contribute to building mass but are not included in the calculation of floor area, developments that contain above-ground parking structures have more building mass without increasing floor area ratio.

Therefore, staff supports the additional floor area ratio increase by 1.1 FAR, for a total of 3.6:1, when the floor area for residential uses is equal to or greater than lot area because the applicant has committed to 1) a prohibition of above-ground parking structures, 2) a mixture of uses which is a factor in achieving additional FAR in the GR Subdistrict and 2) the proposed design standards will ensure that the development is urban in form.

Parking:

Off-street parking will be provided for each use in accordance with Part I of PD No. 193. The applicant proposes a mixed use development with a mix of office, retail, restaurant, and multiple family uses. Office uses require one space per 366 square feet of floor area. Retail related uses generally require one space per 220 square feet of floor area. Restaurant uses require one space per 100 square feet of floor area. Finally, multifamily uses require one space per 500 square feet of floor area, with a minimum of one space and a maximum of one and one-half spaces are required for each dwelling in a multiple-family structure over 36 feet in height. Multiple-family uses also require one unassigned space per every four dwelling units for use by visitors and residents.

The applicant proposes to provide the off-street parking and loading spaces in underground structures which is encouraged in the Oak Lawn Special Purpose District and the Oak Lawn Plan.

Landscaping:

Utility conflicts exist on North Fitzhugh Avenue, Buena Vista Street, and along the Katy Trail that prevent the site from being in compliance with PDD No. 193 landscape

regulations. Therefore, landscaping will be provided per the proposed landscape plan. Staff supports the proposed landscape plan because it provides complementary landscaping that meets the spirit and intent of PDD No. 193 landscaping while accommodating the utility conflicts that exist on the site.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, a “D” MVA cluster abuts the site to the west, north, and east and a “C” MVA cluster is located farther to the south, across North Fitzhugh Avenue.

CPC Action
March 21, 2019

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for mixed uses, subject to a development plan, landscape plan, and conditions on property zoned a GR General Retail Subdistrict and a P Parking Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of North Fitzhugh Avenue and Buena Vista Street.

Maker: Ridley
Second: Murphy
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 500 Mailed: 289
Replies: For: 8 Against: 6

Speakers: For: Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
Eric Bing, 4116 Stonebridge Dr., Dallas, TX, 75204
Randy Kender, 4116 Stonebridge Dr., Dallas, TX, 75204
For (Did not speak): Blake Shipp, 2305 Cedar Springs Rd., Dallas, TX, 75201
Gerald Colombo, 4910 Burnet Rd., Austin, TX, 78756
Vera Wall, 4143 Travis St., Dallas, TX, 75204
James Hughes, 4143 Buena Vista St., Dallas, TX, 75204
Against: Michael Scott Pyle, 4137 Buena Vista St., Dallas, TX, 75204

LISTS OF OFFICERS

LBS Realty Partners, LLC
Blake R Shipp - Managing Principal
Lindsay B Shipp – Managing Member

Westdale Buena Vista LP
Laurie S Harrison – Manager
John M Dziminski – Authorized Agent

CPC Recommended PDS Conditions

Division S-___. PD Subdistrict ___.

SEC. S-___.101. 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 north of Fitzhugh Avenue, west of Buena Vista Street. The size of PD Subdistrict _____ is 0.677 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,

(1) BASEMENT means any level of a building where more than forty percent of the vertical distance between floor and ceiling is below grade.

(2) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building, or an open-air passageway through a building that is unenclosed on two sides.

(3) OPEN SPACE means the portion of a building site that is accessible to the general public. Open space is principally open to the sky but allows for architectural elements such as trellises, colonnades, pergolas, building overhangs above 30 feet, and gazebos. The open space must be a contiguous open area of not less than 10 feet in width or length.

(4) SUBDISTRICT means a subdistrict of PD 193.

(e) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(f) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-___.104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit S-___A: development plan.

(2) Exhibit S-___B: landscape plan.

SEC. S-___.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-___A). If there is a conflict between the text of this division and the development plan, text of this division controls.

SEC. S-___.106. MAIN USES PERMITTED.

(a) In general. The following uses are the only main uses permitted:

(1) Residential Uses.

-- Multiple family.

(2) Utility and Service Uses.

-- Local utilities

(3) Transportation Uses.

-- None Permitted

(4) Community Service Uses.

-- Post Office

(5) Medical Uses

-- Medical or scientific laboratory
-- Optical shop.
-- Medical appliance fitting and sales.

(6) Religious Uses

-- None permitted

(7) Educational uses.

-- Library, art gallery, or museum.

(8) Recreation and entertainment uses.

-- Public park or playground.
-- Game court center.
-- Private recreation club or area.

(9) Bar and restaurant uses.

-- Bar, lounge, or tavern.
-- Restaurant without drive-in service.
-- Private club
-- Catering service.

(10) Professional, personal service, and custom crafts uses.

-- Office.
-- Temporary construction or sales office.
-- Bank or savings and loan office. *[RAR]*
-- Barber and beauty shop.
-- Health studio.
-- Laundry or cleaning pickup and receiving station.
-- Key shop.
-- Shoe repair.
-- Tailor, custom sewing, and millinery.
-- Travel bureau.
-- Broadcasting or recording studio.
-- Instructional arts studio.
-- Handcrafted art work studio.
-- Handcrafted bookbinding.
-- Photography studio.
-- Safe deposit boxes.

(11) Retail uses.

-- Retail stores other than listed.
-- Antique shop.
-- Retail food store.
-- Bakery or confectionery shop.
-- Book and stationery store.
-- Camera shop.
-- Clothing store.

-- Florist store.
-- Feed store.
-- Pet shop.
-- Furniture store.
-- Hardware or sporting goods store.

(12) Motor vehicle related uses.

-- Commercial parking lot or garage

(13) Commercial uses.

-- Garden shop, plant sales, or greenhouse.
-- Diamond and precious stone sales.

(14) Storage and waste disposal uses.

-- Recycling drop-off container.

(15) Animal related uses.

-- Veterinarian's office.
-- Animal clinic without outside runs.

(b) Nonresidential uses are not permitted above the second story.

SEC. S-___.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) Except as provided in subsection (a), the following accessory uses are the only accessory uses permitted:

-- Swimming pool (private).
-- Home occupation
-- Occasional sales (garage sales).
-- Community center (private).

SEC. S-___.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.

(1) Except as provided in this section, the yard, lot, and space regulations for the GR Subdistrict apply.

(2) For purposes of yard, lot, and space regulations, the subdistrict is considered one lot.

(b) Front yard.

(1) Fitzhugh Avenue.

(A) Except as provided in this subsection, the minimum front yard setback is 10 feet.

(B) For a maximum of 15 percent of the total facade area above 36 feet in height, the minimum front yard setback is five feet.

(C) For a maximum of five percent of the total facade area, there is no minimum front yard setback.

(2) Buena Vista Street.

(A) Except as provided in this paragraph, for portions of a building 36 feet or less in height, the minimum front yard setback is 10 feet. No minimum front yard setback is required within 50 feet of Fitzhugh Avenue.

(B) For portions of the building above 36 feet in height, the following setbacks apply:

(i) Except as provided in this subsection, the minimum front yard setback is 20 feet.

(ii) For a maximum of 60 percent the total facade area above 36 feet in height, the minimum front yard setback is 10 feet.

(iii) For a maximum of 20 percent of the total facade area above 36 feet in height, there is no minimum front yard setback.

(3) Corner clip. No setback is required from the corner clip at the intersection of Fitzhugh Avenue and Buena Vista Street.

(4) Encroachments.

(A) When less than 12 feet in height above average grade, bollards, stairs, hand rails, ramps, utility equipment, retaining/landscape walls, bicycle racks, guardrails,

fountains, raised patio/seating areas, raised patio areas, fixed raised planters, and seat walls are permitted in a front yard.

(B) Benches, tables, chairs, and patio furniture are permitted in a front yard.

(c) Side and rear yard.

(1) Katy Trail.

(A) For portions of a building 36 feet or less in height, the minimum side yard setback is 15 feet.

(B) Except as provided in this subsection, for portions of a building above 36 feet height, the minimum side yard setback is 35 feet.

(i) For a maximum of 10 percent of the total facade area above 36 feet in height, the minimum side yard setback is 15 feet.

(ii) For a maximum of 60 percent of the total facade area above 36 feet in height, the minimum side yard setback is 25 feet.

(2) Northeast Boundary.

(A) The minimum side yard setback for portions of a building 36 feet or less in height is 45 feet.

(B) For portions of a building that exceed 36 feet in height, the minimum side yard setback is 35 feet.

(3) Encroachments.

(A) When less than 12 feet in height above average grade, fixed raised planters, seat walls, stairs ramps, bicycle racks, retaining walls, steps, handrails, safety railings, utility equipment, landscape planters, tree planters, sculptures, guardrails, fountains, raised patio/seating areas, raised patio areas, and other decorative landscape features are permitted in a required side yard.

(B) Benches, tables, chairs, and patio furniture are permitted in a required side yard.

(C) When less than 22 feet in height above grade, landscape trellises that are 50 percent or more open are permitted in a required side or rear yard.

(d) Floor area ratio.

(1) Except as provided in this section, maximum floor area ratio is 2.0:1.

(2) When a minimum of 6,200 square feet is reserved for open space as shown on the development plan and the provisions of Section S-___.113 are met, maximum floor area ratio is 3.1:1.

(3) An additional 0.5:1 floor area ratio bonus applies when the total floor area of residential uses exceeds the lot area.

(4) Private residential balconies and breezeways are excluded as floor area for the purpose of calculating floor area ratio.

(e) Height.

(1) Except as provided in this section, maximum structure height is 120 feet.

(2) Elevator penthouse, roof-mounted mechanical equipment, and screening may exceed the maximum height by up to 12 feet.

SEC. S-___.109. OFF-STREET PARKING AND LOADING.

(a) 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) Off-street loading spaces within this subdistrict may be shared by uses located anywhere within the subdistrict.

(c) All required off-street loading spaces must be enclosed within a building.

(d) Section 51A-4.314 regarding reductions for providing bicycle parking apply to this subdistrict.

(e) Division 51A-4.330 regarding bicycle parking regulations apply to this subdistrict.

SEC. S-___.110. SIGNS.

Signs must comply with the provisions for business zoning districts in accordance with Article VII.

SEC. S-_____.112. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit S-_____B).

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. S-___.114. URBAN DESIGN STANDARDS.

(a) Pedestrian amenities. Frontages on Buena Vista Avenue and Fitzhugh Avenue must provide the following pedestrian amenities:

(A) A minimum of one bench, bicycle rack, and trash receptacle per 300 feet of frontage.

(B) Sidewalks that cross vehicular driveways must be constructed with a material, pattern, or color that contrasts with the driveway.

(2) Except for visibility triangles, vehicular drives, and restrictions due to existing utilities, a minimum of one freestanding pedestrian street lamp, bollard, or sidewalk light must be provided for every 60 feet of street frontage.

(b) Building entrances. A minimum of one of the following must be provided on building facades at all pedestrian street entry points:

(A) Architecturally prominent public entrance.

(B) Architecturally prominent open staircase with five-foot minimum clearance.

(C) Enhanced landscape feature, such as a raised planter.

(D) Landscape trellis or overhang.

(c) Building facades. At least one of the following elements must be provided on each facade of the building:

(A) Architecturally prominent features, such as arches, on the ground floor.

(B) A minimum of 40 percent of the building cladding materials must be natural materials, such as masonry/brick, stone, or wood.

(C) Deep set windows of a minimum four-inch depth.

(d) Open space.

(1) ADA and bike-friendly public access to Katy Trail from Buena Vista Street must be provided and maintained through the open space area with a minimum width of 10 feet, as shown on the development plan.

(2) A minimum of 6,200 square feet of open space must be provided.

(3) A minimum of two of the following pedestrian amenities must be provided within the open space area:

(A) Benches.

(B) Bicycle racks.

(C) Water fountains.

(D) Trash receptacles.

(e) Breezeway. A breezeway must be provided as shown on the development plan to connect Buena Vista Street to Katy Trail for pedestrian access. A minimum of one of the following pedestrian amenities must be provided within the breezeway area:

(A) Benches.

(B) Enhanced paving material, such as brick/masonry, stone, decorative concrete, or tile.

(C) Architecturally prominent public entrances.

(f) Structured parking. Above-ground structured parking is prohibited.

SEC. S-___.114. ADDITIONAL PROVISIONS.

(a) The hours of operation for bar, lounge, or tavern use are limited to 6:00 a.m. to 11:00 p.m. Monday through Sunday.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

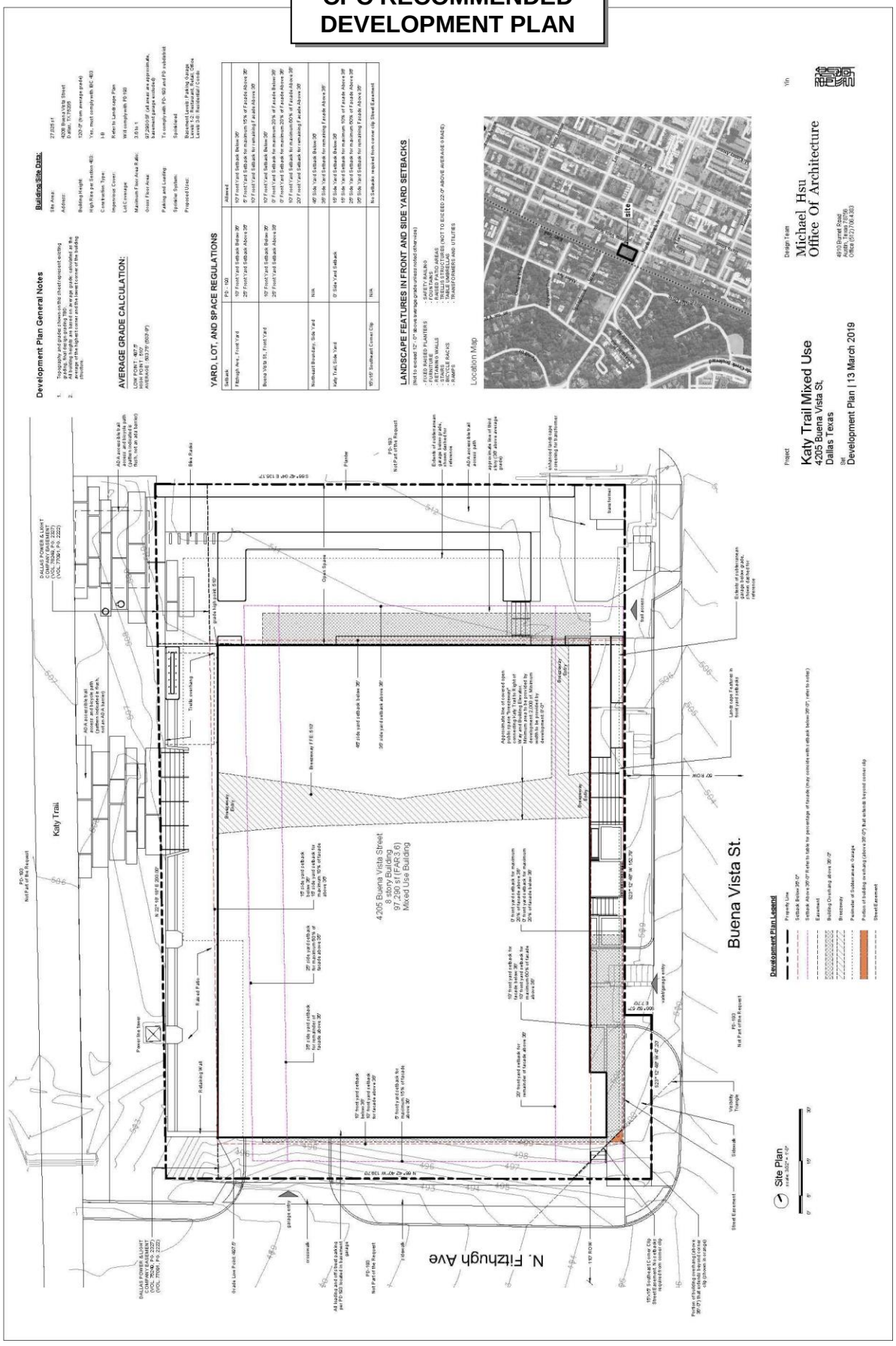
(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. S-___.114. COMPLIANCE WITH CONDITIONS.

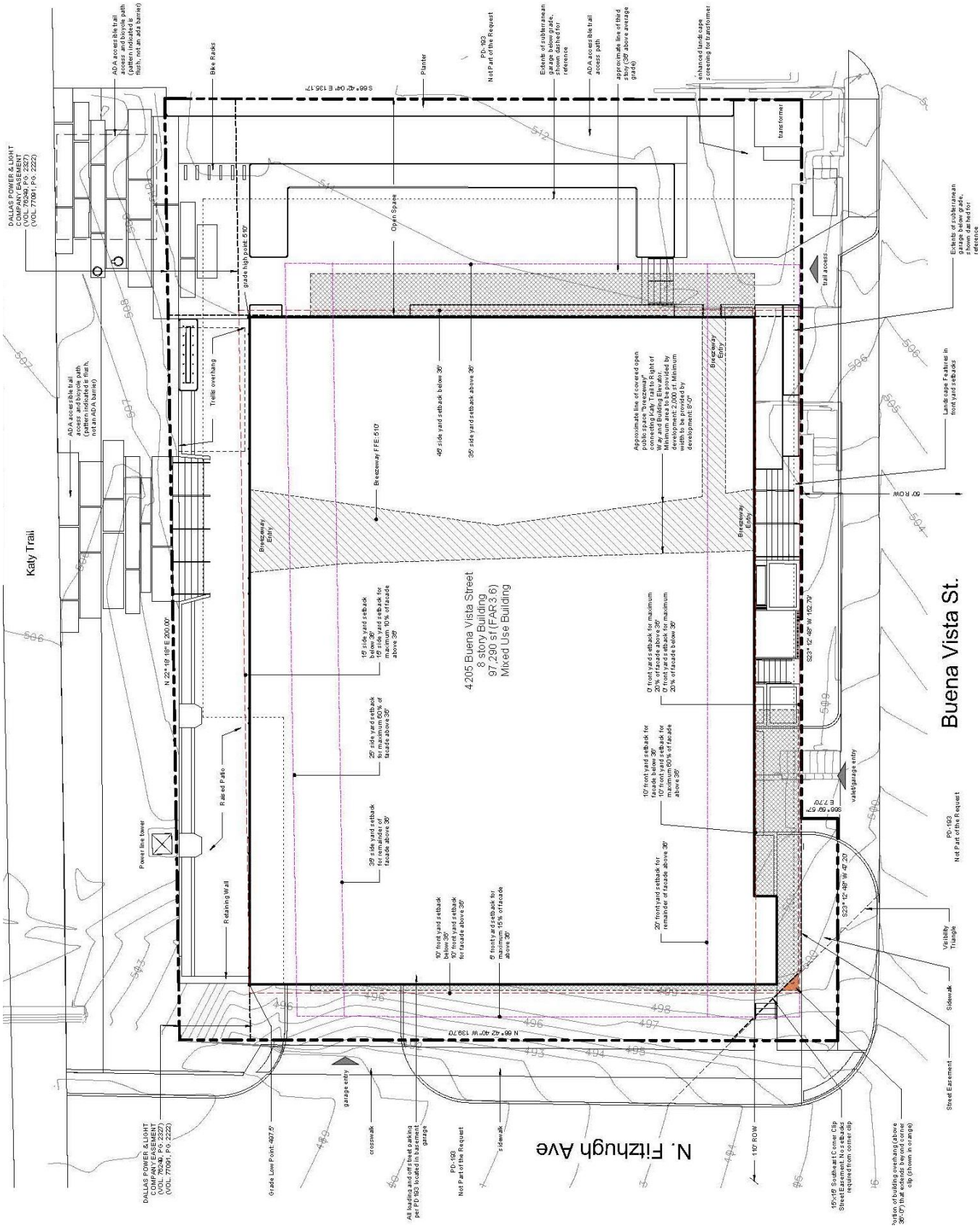
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(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.

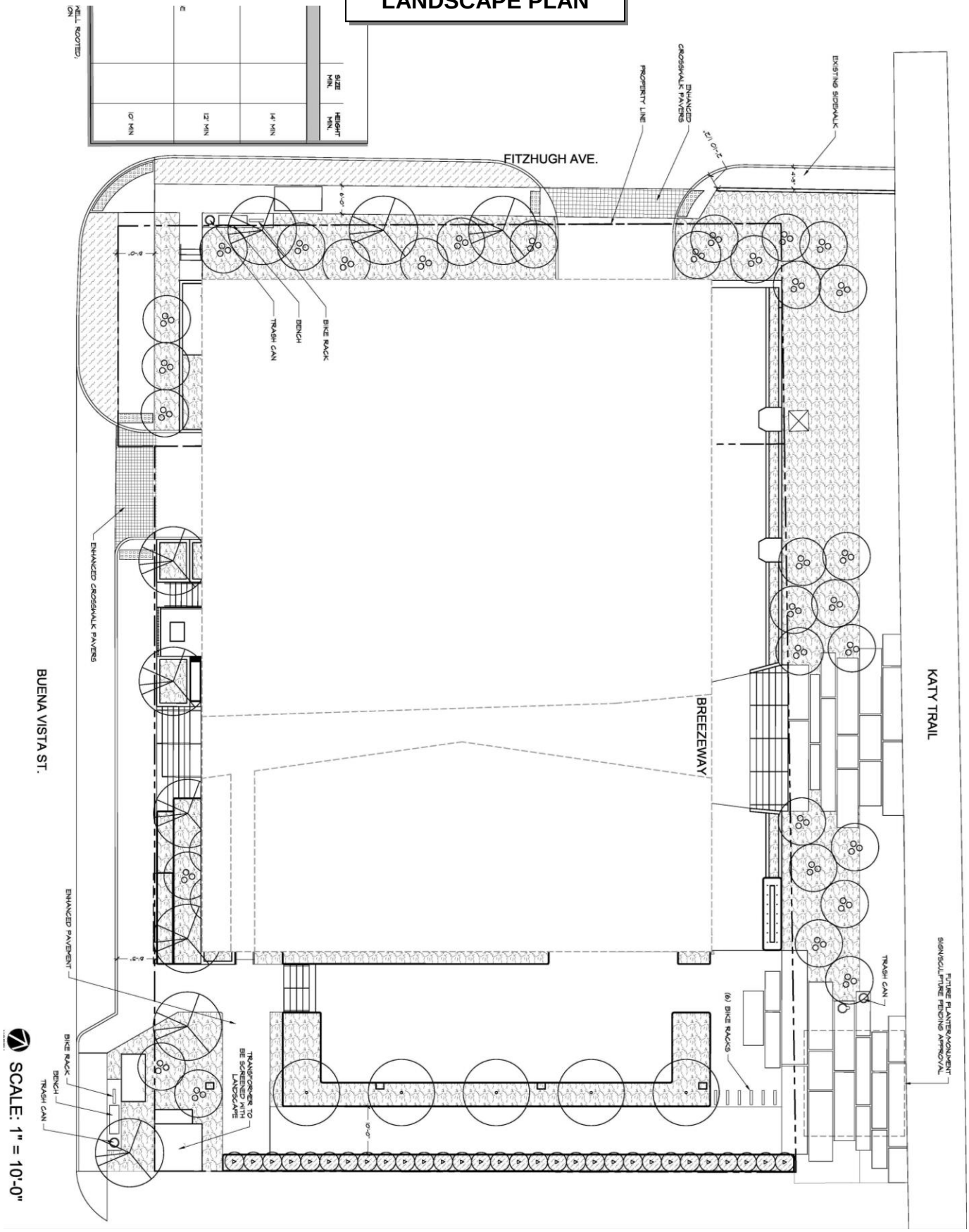
CPC RECOMMENDED DEVELOPMENT PLAN

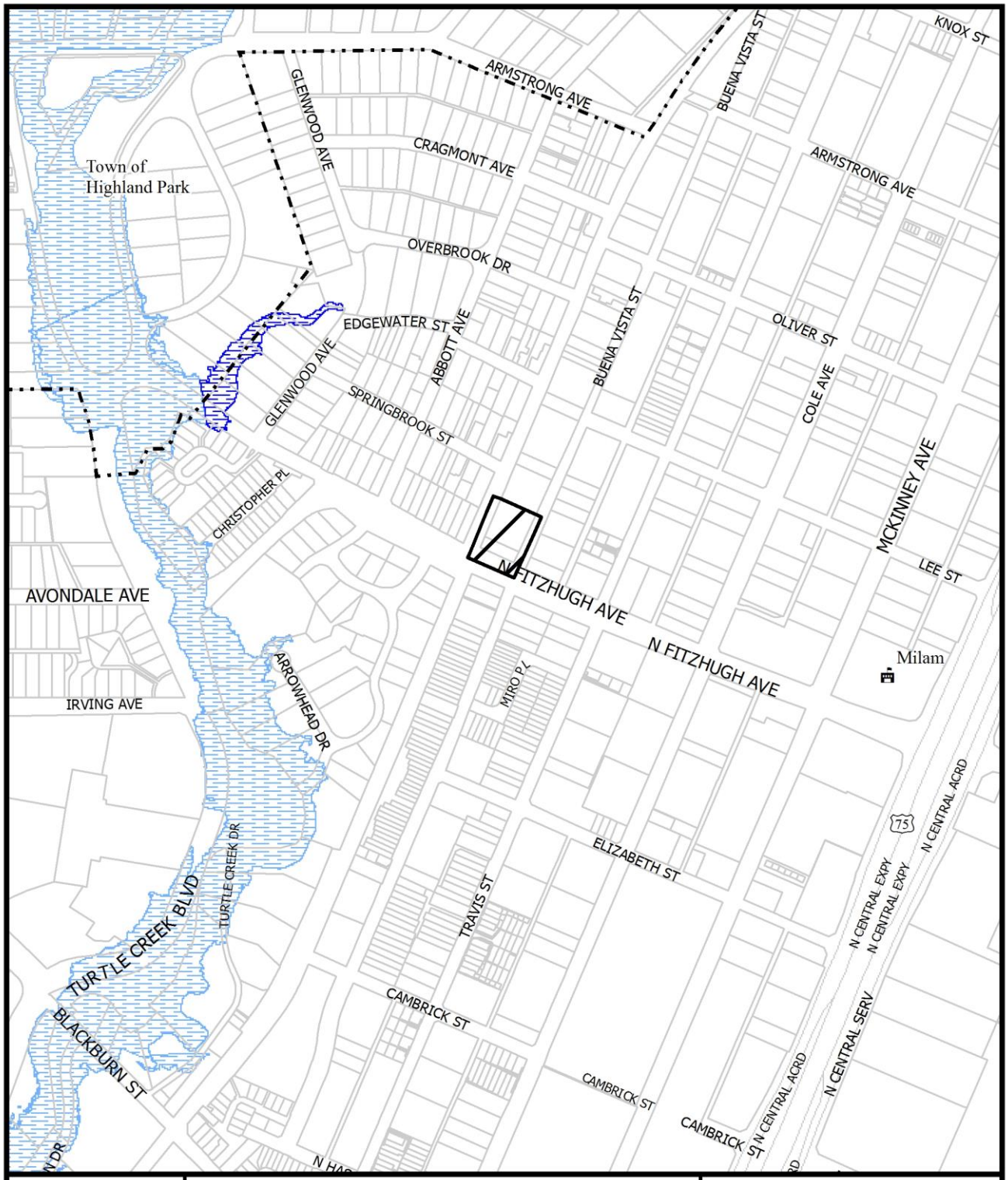


ENLARGED CPC RECOMMENDED DEVELOPMENT PLAN



CPC RECOMMENDED LANDSCAPE PLAN



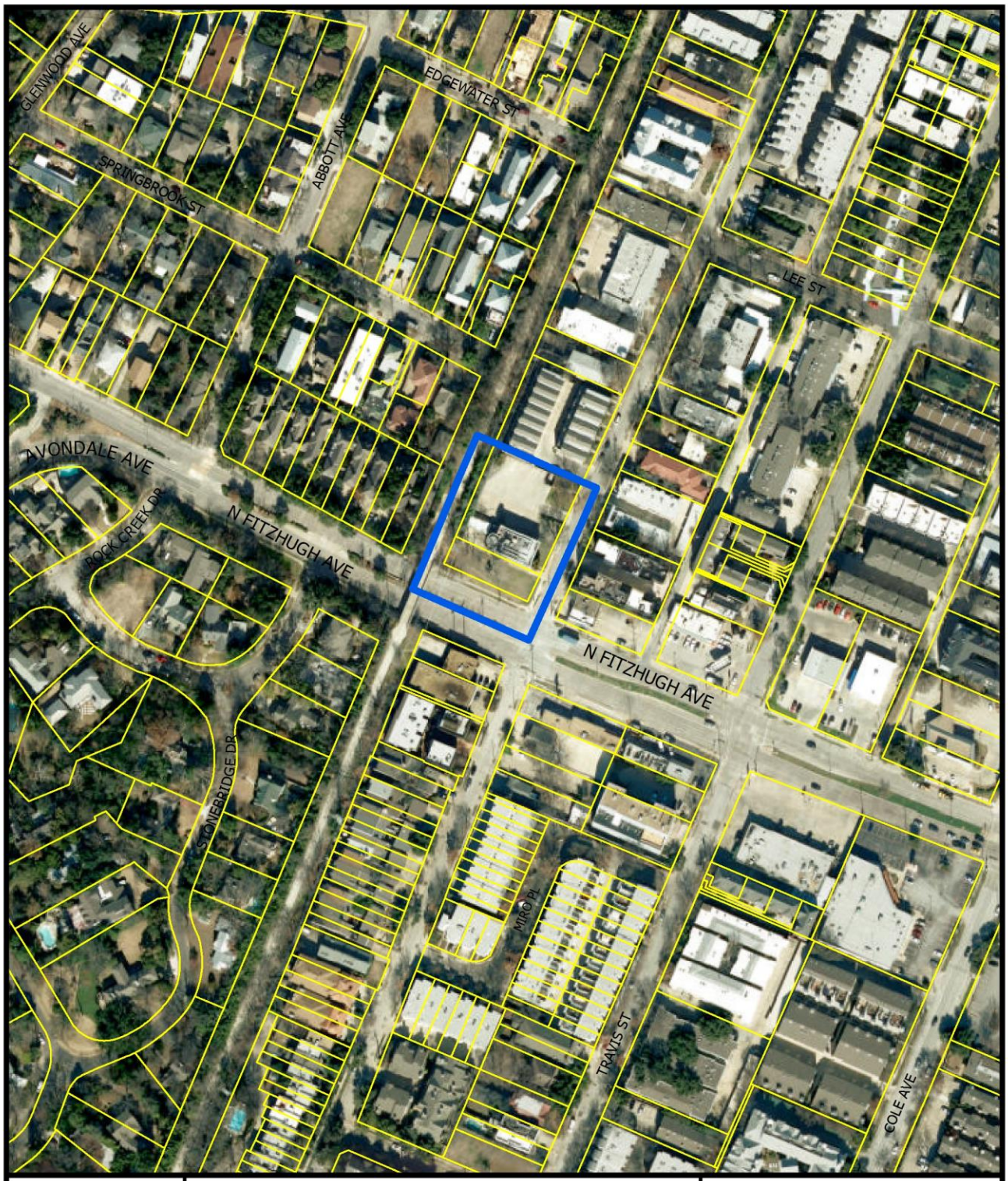


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VICINITY MAP

Case no: Z189-155

Date: 2/15/2019

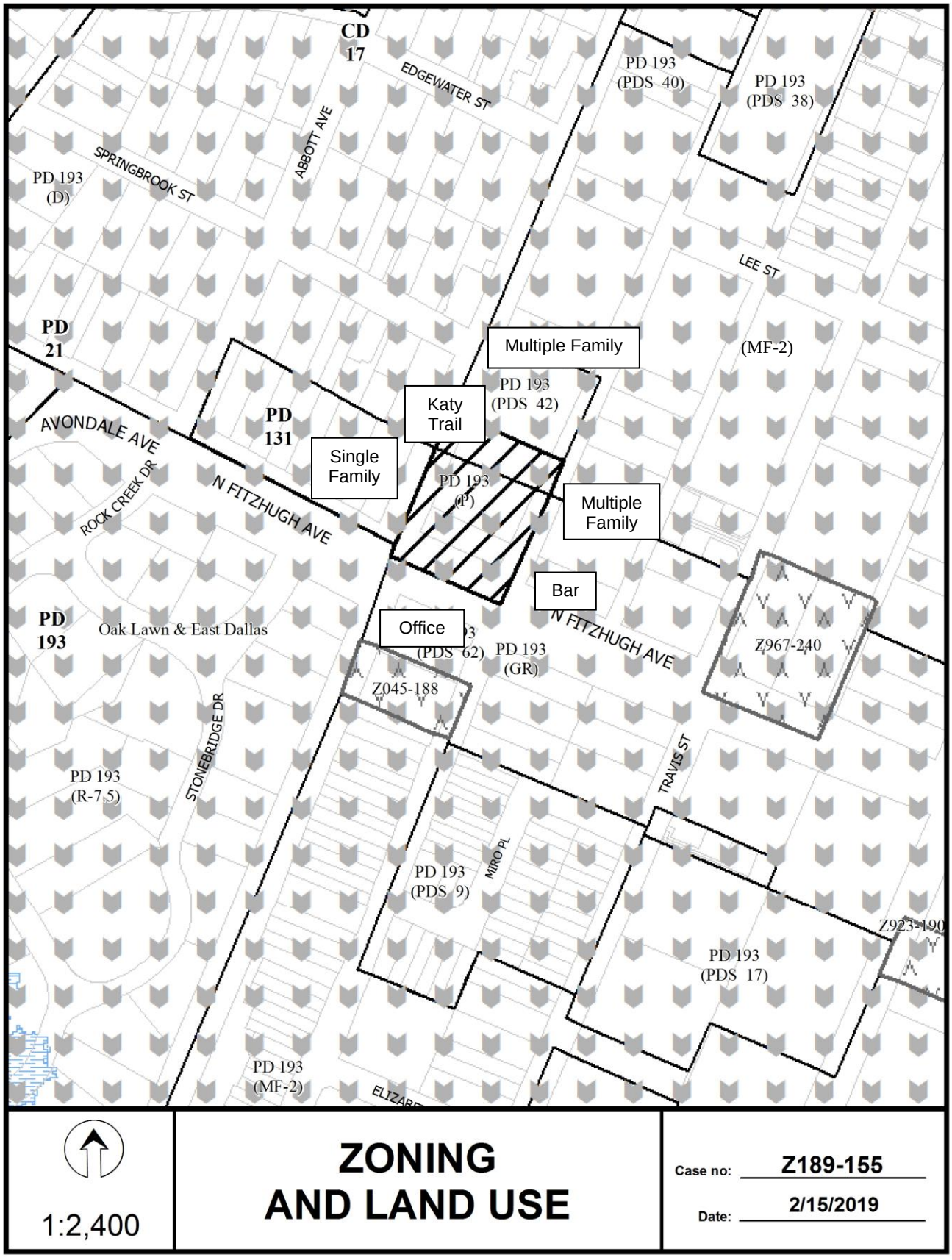


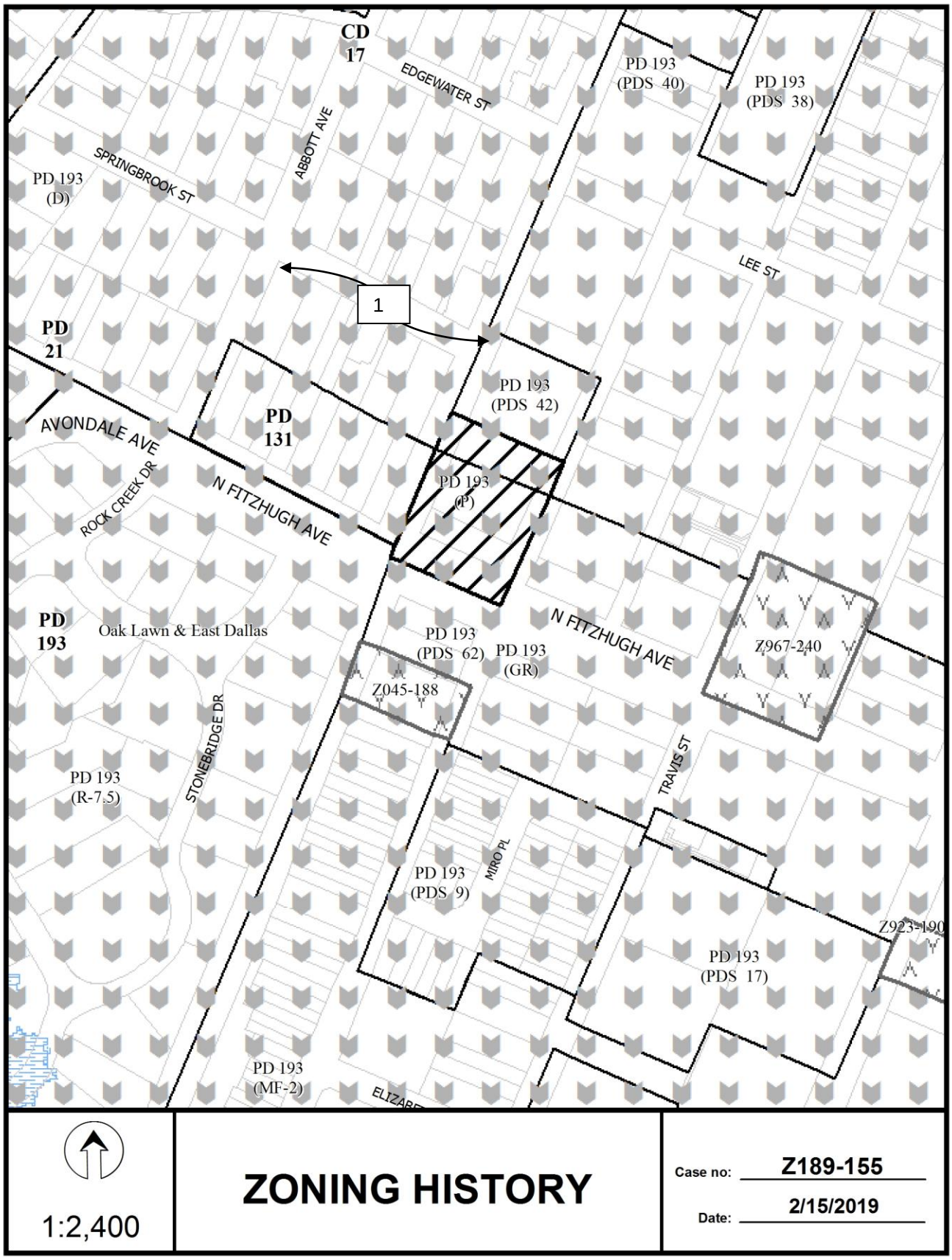
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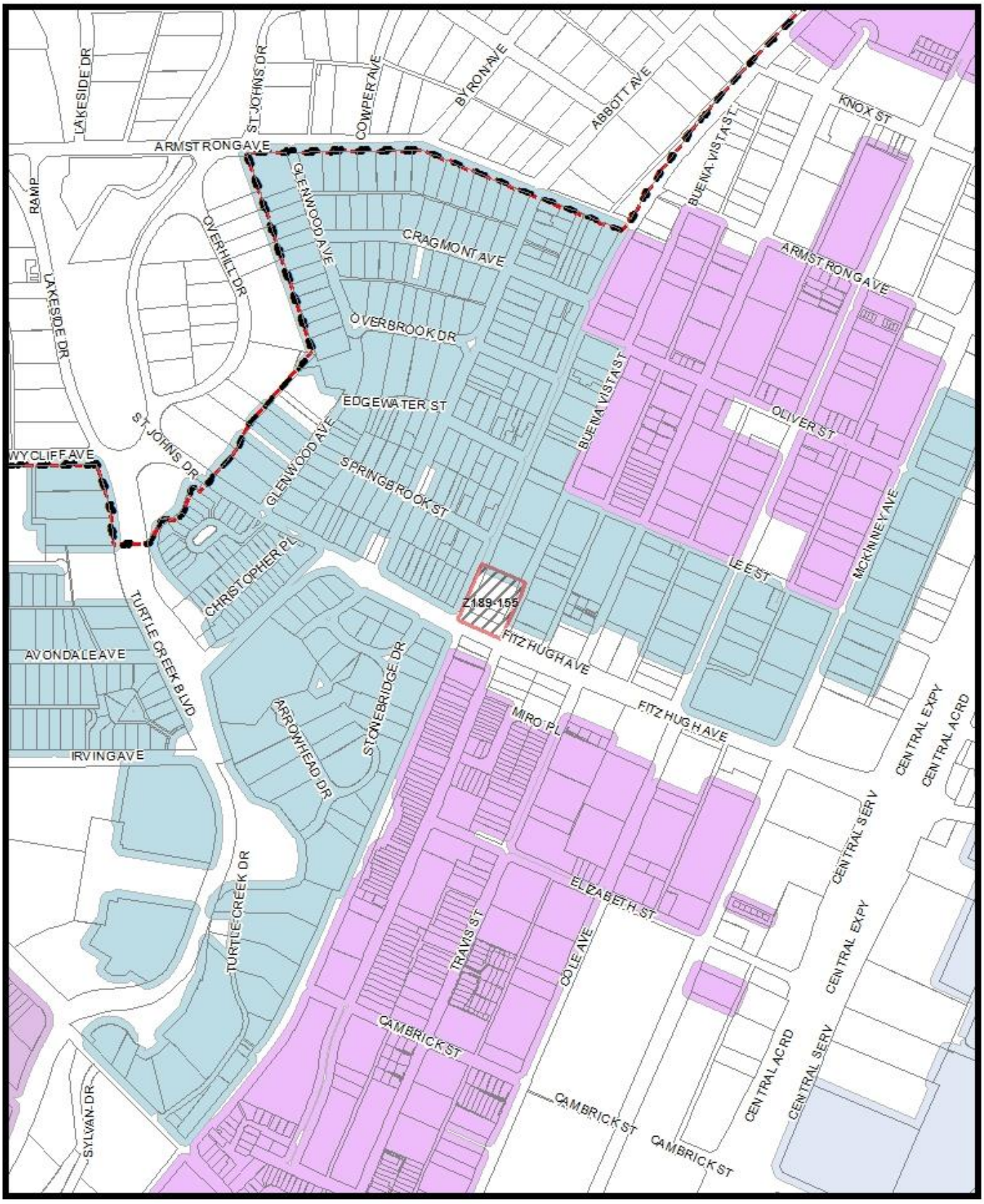
AERIAL MAP

Case no: Z189-155

Date: 2/15/2019


CD 17
EDGEWATER ST
PD 193 (PDS 40)
PD 193 (PDS 38)
SPRINGBROOK ST
ABBOTT AVE
PD 193 (D)
LEE ST
PD 21
Multiple Family
(MF-2)
PD 193 (PDS 42)
Katy Trail
PD 131
AVONDALE AVE
Single Family
PD 193 (P)
Multiple Family
ROCK CREEK DR
N FITZHUGH AVE
Bar
PD 193
Oak Lawn & East Dallas
Office
N FITZHUGH AVE
(PDS 62)
PD 193 (GR)
Z967-240
Z045-188
STONEBRIDGE DR
TRAVIS ST
PD 193 (R-7.5)
MIRO PL
PD 193 (PDS 9)
Z923-190
PD 193 (PDS 17)
PD 193 (MF-2)
1:2,400
ZONING AND LAND USE
Case no: Z189-155
Date: 2/15/2019


CD 17
EDGEWATER ST
ABBOTT AVE
SPRINGBROOK ST
PD 193 (D)
PD 193 (PDS 40)
PD 193 (PDS 38)
LEE ST
1
PD 21
PD 193 (PDS 42)
PD 131
AVONDALE AVE
ROCK CREEK DR
N FITZHUGH AVE
PD 193 (P)
PD 193
Oak Lawn & East Dallas
PD 193 (PDS 62)
PD 193 (GR)
Z967-240
Z045-188
STONEBRIDGE DR
TRAVIS ST
PD 193 (R-7.5)
MIRO PL
PD 193 (PDS 9)
Z923-190
PD 193 (PDS 17)
PD 193 (MF-2)
ELIZABE
1:2,400
ZONING HISTORY
Case no: Z189-155
Date: 2/15/2019



MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 2/15/2019



289	Property Owners Notified (150 parcels)
8	Replies in Favor (8 parcels)
6	Replies in Opposition (6 parcels)
500'	Area of Notification
3/21/2019	Date

Z189-155
CPC

N
W E
S

1:2,400

03/20/2019

Reply List of Property Owners

Z189-155

289 Property Owners Notified ***8 Property Owners in Favor*** ***6 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4205	BUENA VISTA ST	WESTDALE BUENA VISTA LP
	2	3215	N FITZHUGH AVE	3215 FITZHUGH PARTNERS LLC
	3	4145	TRAVIS ST	GREENWAY TRAVIS LP
	4	4153	TRAVIS ST	GREENWAY TRAVIS LP
	5	3333	N FITZHUGH AVE	LEVY MAURICE
	6	3337	N FITZHUGH AVE	RENFRO PROP MGMT LLC
	7	4152	BUENA VISTA ST	GREENWAY FITZHUGH LP
	8	4123	BUENA VISTA ST	TRAISTER JENNIFER
	9	4125	BUENA VISTA ST	ALLUMS JAMES L & CLAUDIA
	10	4127	BUENA VISTA ST	SWIGGART JEFFERY M
	11	4129	BUENA VISTA ST	ESTERLINE BRUCE & DIANA
	12	4131	BUENA VISTA ST	WARREN RANDY
	13	4133	BUENA VISTA ST	BROWN RON L &
	14	4135	BUENA VISTA ST	RUSCHHAUPT REED
X	15	4137	BUENA VISTA ST	PYLE MICHAEL SCOTT
O	16	4139	BUENA VISTA ST	TREADGOLD GALEN E
	17	4141	BUENA VISTA ST	RUCKMAN THOMAS FOLLMER
	18	4141	BUENA VISTA ST	HAYES PATRICK J
	19	4141	BUENA VISTA ST	MITCHELL PROPERTIES LLC
	20	4141	BUENA VISTA ST	COLEMAN JAMES W S
O	21	4155	BUENA VISTA ST	WOLTER DALE ROBERT
	22	3403	N FITZHUGH AVE	GREENWAYFITZHUGH LP
O	23	3314	N FITZHUGH AVE	4333 MAPLE AVE LTD &
	24	4211	TRAVIS ST	BELCHER DONALD S
	25	4224	BUENA VISTA ST	4224 BUENA VISTA LLC
	26	4220	BUENA VISTA ST	CLAYCOMB EDDY & TERRI

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	27	3326	N FITZHUGH AVE	3326 NORTH FITZHUGH LP
	28	4231	BUENA VISTA ST	GLASER BRIAN D
	29	4232	TRAVIS ST	IPENEMA INVESTMENTS LTD
O	30	4301	TRAVIS ST	BROWN JULIE A & THOMAS L
X	31	4244	ABBOTT AVE	HAMILTON EANN
	32	3518	EDGEWATER DR	RAGGIO PROPERTY LTD
	33	3510	EDGEWATER DR	KAISER FRAN E
	34	3508	EDGEWATER DR	GALLOWAY WILLIAM DOUGLAS
	35	3506	EDGEWATER DR	MONK JAMES M
	36	3502	EDGEWATER DR	MURPHY TERENCE A &
	37	3503	SPRINGBROOK ST	BOLKE BRIAN
O	38	3505	SPRINGBROOK ST	EVANS DOUGLAS R & LAURA B
	39	3511	SPRINGBROOK ST	REID EVE MURPHY
	40	3509	SPRINGBROOK ST	EVANS STEVEN ANDREW &
	41	3513	SPRINGBROOK ST	MULINDER DAVID A & SALLY
	42	3515	SPRINGBROOK ST	BRESSLER ROBERT KLOEB & MAY BOONPATTRAWONG
	43	3517	SPRINGBROOK ST	SAUREZ RICHARD J
	44	3525	SPRINGBROOK ST	BODZY ALLEN & REBECCA SANKARY
	45	4222	ABBOTT AVE	OHNMEIS KEITH B
O	46	3518	SPRINGBROOK ST	STEVENS ROBYN
	47	3514	SPRINGBROOK ST	PARCHMAN SAVANNAH FAY
X	48	3512	SPRINGBROOK ST	TUDHOPE BARBARA A 2001
	49	3510	SPRINGBROOK ST	ULLMANN KENNETH &
	50	3508	SPRINGBROOK ST	FISHBANE PHILIP
	51	3504	SPRINGBROOK ST	DERRIEN THIERRY & SYLVIE
X	52	3506	SPRINGBROOK ST	BROCK PAMELA M
	53	3502	SPRINGBROOK ST	LOSEY NICK JR
	54	3603	SPRINGBROOK ST	MASTERS MICHAEL E &
	55	3601	SPRINGBROOK ST	PHILIPOVITCH KERRY & DIMITRY
	56	3607	SPRINGBROOK ST	LUTER KAREN L
	57	3606	SPRINGBROOK ST	DAUTERMAN PETER FAMILY TRUST

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	58	3600	SPRINGBROOK ST	COX MARTHA H
	59	4203	ABBOTT AVE	FITZHUGH ABBOTT LP
X	60	4119	ROCK CREEK DR	BORISKIE ROBERT J &
X	61	4115	ROCK CREEK DR	BOND JAMES R JR
	62	4111	STONEBRIDGE DR	COLLINS JOHN E
	63	3515	ROCK CREEK DR	TUNNELL WESLEY ANDREW &
	64	4118	ROCK CREEK DR	LOMBARDI ALBERTO & VIVIAN
	65	3525	ROCK CREEK DR	TUNNELL FORREST TRUMAN & JONI ELIZABETH
	66	3529	ROCK CREEK DR	KOONSMAN MARTIN L JR &
	67	3500	ROCK CREEK DR	NDMI CREEKVIEW LLC
	68	3514	ROCK CREEK DR	WALKER CHARLES DAVID & KAY
	69	3510	ROCK CREEK DR	ARROW CREEK LLC
	70	4014	STONEBRIDGE DR	PETERSON GORDON L
	71	4018	STONEBRIDGE DR	DOUBLEDAY JOHN E
	72	4022	STONEBRIDGE DR	LEATHERWOOD MIKE
	73	4108	STONEBRIDGE DR	SHARMA AMIT &
	74	4116	STONEBRIDGE DR	KENDER RANDALL F &
	75	4120	STONEBRIDGE DR	MILLER FRANK H
	76	4144	TRAVIS AVE	MINER ROBERT H
	77	4142	TRAVIS AVE	ECOB LEAH & ECOB PHILLIP
	78	4140	TRAVIS AVE	BEER SARA MARIE
	79	4138	TRAVIS AVE	AN JADHAVJI INV LLC
	80	3300	MIRO PL	PARKWOOD TOWNHOMES HOMEOWNERS ASSOCIATION
	81	3300	MIRO PL	PARKWOOD TOWNHOMES HOMEOWNERS ASSOCIATION
	82	3311	MIRO PL	BROWN JOHN F & AMY C
	83	3315	MIRO PL	MCPIKE ANGELA MARIE &
O	84	3319	MIRO PL	WEINFURTHER DAN &
	85	4120	BUENA VISTA ST	KOORS ROBERT E
	86	4122	BUENA VISTA ST	TIPTON DANIEL DAVID
	87	4124	BUENA VISTA ST	VILLASENOR JUAN
	88	4126	BUENA VISTA ST	FIELD BEVERLY EST OF

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	89	4128	BUENA VISTA ST	AYODELE JESSICA T
	90	4130	BUENA VISTA ST	FARUQUI RON A
	91	4132	BUENA VISTA ST	RUSSELL BRIAN
	92	4134	BUENA VISTA ST	PATE PERRY G
	93	4136	BUENA VISTA ST	KNAPP PATRICK
	94	4138	BUENA VISTA ST	DO TUAN A & THUY LAM
	95	4143	TRAVIS ST	WALL JOHN P
	96	4141	TRAVIS ST	ALAZMA MANAR
	97	4139	TRAVIS ST	CLAY MICHAEL &
	98	4137	TRAVIS ST	HICKS JEREMY ROBINSON &
	99	4135	TRAVIS ST	HARE JASPAL S &
	100	4133	TRAVIS ST	ATTANASIO MASSIMO
	101	4131	TRAVIS ST	GURMAN SINAN
	102	3372	MIRO PL	BERRY MONICA R
	103	3368	MIRO PL	LEE NANETTE C
	104	3364	MIRO PL	CAIN MARK ALAN
	105	3360	MIRO PL	GARCIA JORGE
	106	3356	MIRO PL	DECK KIRBY BRUCE REVOCABLE TRUST
	107	3352	MIRO PL	BASSETT BLAKE ANDREW
	108	3348	MIRO PL	STRASIUS JOHN
	109	3344	MIRO PL	SCHREIBER WILLIAM S &
	110	3340	MIRO PL	TRAN FRANCIS V & CAREN UTINO
	111	4215	TRAVIS ST	HILLIARD CHELSEA LEIGH
	112	4217	TRAVIS ST	EAKIN JOHN
	113	4219	TRAVIS ST	HAJEE OMAR NAVROZ
	114	4225	TRAVIS ST	HILL ISABEL &
	115	4223	TRAVIS ST	NARAT ROXANA
	116	4221	TRAVIS ST	BYWATERS ASHBURN JR
	117	3224	N FITZHUGH AVE	R&M I ENTERPRISES LLC
	118	3220	N FITZHUGH AVE	O SAE MUN & IN YE
	119	4242	TRAVIS ST	4242 TRAVIS OWNERS ASSO

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	120	3502	N FITZHUGH AVE	BENNETT BENJAMIN J IV &
	121	3504	N FITZHUGH AVE	MULLICAN MARY ANN
	122	3506	N FITZHUGH AVE	LOWERY MARY SEWARD
	123	3508	N FITZHUGH AVE	BATES WILLIAM SCOTT
	124	3510	N FITZHUGH AVE	FRY JOHN F
	125	3512	N FITZHUGH AVE	MCKINNEY ALMA L
	126	3514	N FITZHUGH AVE	DARROW JOHN W
O	127	3516	N FITZHUGH AVE	BYRD TERESA L TRUST THE
	128	3518	N FITZHUGH AVE	WESTHEIMER JEROME M JR TRUST
	129	4015	STONEBRIDGE DR	CROW TRAMMELL S
	130	4206	BUENA VISTA ST	CARVALHO ALEXANDRE B & MARIA ELISA GALLO
	131	4206	BUENA VISTA ST	MOSHER ALEXANDER D
	132	4206	BUENA VISTA ST	AMIN RAVI
	133	4241	BUENA VISTA ST	BASS DANA MARIE
	134	4241	BUENA VISTA ST	COOK CLAYTON D
	135	4241	BUENA VISTA ST	MILLER ROBERT W
	136	4241	BUENA VISTA ST	MALEK NATALIA
	137	4241	BUENA VISTA ST	SPANN VINCENT E
	138	4241	BUENA VISTA ST	BYARS OIL COMPANY INC
	139	4241	BUENA VISTA ST	HICKS JEREMY R
	140	4241	BUENA VISTA ST	AGUIRRE ADRIAN A
	141	4241	BUENA VISTA ST	BOBADILLA ANDREA
	142	4241	BUENA VISTA ST	DAI JUREN
	143	4241	BUENA VISTA ST	MACATEE ALLYSON C
	144	4241	BUENA VISTA ST	ARBEL AMIR
	145	4241	BUENA VISTA ST	ANDERSON EDMUND THEODORE V
	146	4241	BUENA VISTA ST	REVERUZZI ALEJANDRO
	147	4241	BUENA VISTA ST	RASMUSSEN NATALIE J
	148	4241	BUENA VISTA ST	REED MORIAH
	149	4241	BUENA VISTA ST	TRAW J BRET
	150	4241	BUENA VISTA ST	TREU JASON

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	151	4241	BUENA VISTA ST	CARROLL MICHAEL THOMAS
	152	4241	BUENA VISTA ST	NORRIS JENNA
	153	4241	BUENA VISTA ST	CAMPBELL ALEXANDER
	154	4241	BUENA VISTA ST	STENSRUD JUSTIN W
	155	4251	BUENA VISTA ST	WONG WESLEY
	156	4251	BUENA VISTA ST	JIGGETTS MELODY
	157	4251	BUENA VISTA ST	COKER RAYMOND J III
	158	4251	BUENA VISTA ST	ANTEBI RACHEL
	159	4251	BUENA VISTA ST	LAKE MARC &
	160	4242	BUENA VISTA ST	BRETCHES MICHAEL JOHN
	161	4242	BUENA VISTA ST	GRAY SHIRLEY
	162	4242	BUENA VISTA ST	GOKHALE SHAILESH & SUCHETA
	163	4242	BUENA VISTA ST	CHAMISAL CASA LTD
	164	4242	BUENA VISTA ST	QUINLAN KRISTINA
	165	4242	BUENA VISTA ST	HOWARD BRIAN J
	166	4242	BUENA VISTA ST	MACKIN CYNTHIA E
	167	4242	BUENA VISTA ST	SWEENEY BRITTANY A
	168	4242	BUENA VISTA ST	BATSON PAMELA
	169	4242	BUENA VISTA ST	SHANE MARIO M & RACHELLE
	170	4242	BUENA VISTA ST	NAGY SAMUEL JACOB
	171	4242	BUENA VISTA ST	WAITES SETH E
	172	4242	BUENA VISTA ST	STRATTON ARG E
	173	4242	BUENA VISTA ST	CHUNG PAUL
	174	4242	BUENA VISTA ST	ROMANIELLO MICHAEL V
	175	4242	BUENA VISTA ST	ROSSI ANGELO &
	176	4242	BUENA VISTA ST	GUERRIERI RUSSELL
	177	4242	BUENA VISTA ST	EATON DEVIN
	178	4242	BUENA VISTA ST	FORTENBERRY TIMOTHY W
	179	4242	BUENA VISTA ST	BETTY YOUNG FAMILY LTD
	180	4242	BUENA VISTA ST	JOHNSON KATIANA A
	181	4242	BUENA VISTA ST	RAKOVCHIK IGOR

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	182	4242	BUENA VISTA ST	PITTS FAMILY REVOCABLE TRUST
	183	4143	BUENA VISTA ST	HUGHES JAMES RUSH
	184	4143	BUENA VISTA ST	FRANCO MARIA A LIFE ESTATE
	185	4143	BUENA VISTA ST	MCLAUGHLIN HOWARD MARK &
	186	4143	BUENA VISTA ST	DAYIAN VAHE ROBERT & NORA ARPI
	187	4143	BUENA VISTA ST	PARKS CHARLES DAVIS
	188	4306	BUENA VISTA ST	PULEO CHRISTINA
	189	4306	BUENA VISTA ST	NEWMAN CLINT
	190	4306	BUENA VISTA ST	MERWE IZAK VAN DER
	191	4306	BUENA VISTA ST	JADBAVJI AU INVESTMENTS
	192	4306	BUENA VISTA ST	COOPER JEREMY R
	193	4306	BUENA VISTA ST	HANKS DORA LYNN & KEVIN M
	194	4306	BUENA VISTA ST	ROBERSON ANGELA M &
	195	4306	BUENA VISTA ST	LVM PROPERTIES LLC
	196	4303	BUENA VISTA ST	SIMS TREY M
	197	4303	BUENA VISTA ST	BROOKS JOE ANN
	198	4303	BUENA VISTA ST	CARPENTER STANLEY A
	199	4303	BUENA VISTA ST	DUFF MCALESTER RUTH
	200	4303	BUENA VISTA ST	DAVIS CHAD
	201	4303	BUENA VISTA ST	KILPATRICK MORGAN
	202	4303	BUENA VISTA ST	VOSS EDWIN P JR & SUZANNA T
	203	4303	BUENA VISTA ST	WICK SARA B
	204	4303	BUENA VISTA ST	LILES MARILYN A
	205	4303	BUENA VISTA ST	ZHANG HANNING
	206	4303	BUENA VISTA ST	CAPEHEART TED C
	207	4303	BUENA VISTA ST	MESHKINIAN FOAD
	208	4303	BUENA VISTA ST	MESSMER MICHAEL R
	209	4303	BUENA VISTA ST	YOUNG ELLE J
	210	4303	BUENA VISTA ST	LAM CAROLYN TRUC NGOC
	211	4303	BUENA VISTA ST	ABDULWAHAB TAMARA
	212	4303	BUENA VISTA ST	KHROMACHOU TAMIM

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	213	4303	BUENA VISTA ST	HUDSON ELIZABETH GRACE
	214	4303	BUENA VISTA ST	DE VASCONCELLOS RAFAEL
	215	4303	BUENA VISTA ST	STEINBRECHER KRISTEN E
	216	4303	BUENA VISTA ST	KING JENNIFER A
	217	4303	BUENA VISTA ST	JONES JAMIE JANELL
	218	4303	BUENA VISTA ST	CAO KUN & YUNDUAN BAO
	219	4303	BUENA VISTA ST	NAKAMURA BRITTNEY LEE WAILIN
	220	4230	TRAVIS ST	HOCK MATTHEW H
	221	4230	TRAVIS ST	KATZ MICHAEL W
	222	4230	TRAVIS ST	GARZA VICTOR M
	223	4230	TRAVIS ST	JEN MICHELE & ROBERT YANG
	224	4230	TRAVIS ST	ANDRADE CLAUDIA E
	225	4230	TRAVIS ST	HUI MEI & YEE KEUNG
	226	4230	TRAVIS ST	GOODMAN JEFFREY & LAUREN PRITCHARD
	227	4230	TRAVIS ST	LUHR CHANTAL
	228	4230	TRAVIS ST	FRAZEE SARAH ELISABETH
	229	4230	TRAVIS ST	CAPALBO ANTHONY A &
	230	4230	TRAVIS ST	NUCKOLLS KATHERINE D &
	231	4230	TRAVIS ST	SILVA JOSE & KERRY LYNNE
	232	4230	TRAVIS ST	LAWRENCE DAVID
	233	4230	TRAVIS ST	DP & I LLC
	234	4230	TRAVIS ST	MUSSELMAN WILL
	235	4230	TRAVIS ST	MCINTOSH CHAUNCEY
	236	4230	TRAVIS ST	PURDY JONATHAN
	237	4230	TRAVIS ST	SMITH MICHAEL R
	238	4223	BUENA VISTA ST	LEE DONG H
	239	4223	BUENA VISTA ST	DUFFY JAMES PAUL
	240	4223	BUENA VISTA ST	YEH RICHARD
	241	4223	BUENA VISTA ST	ZWEBER MICHAEL
	242	4223	BUENA VISTA ST	VU BRIAN &
	243	4223	BUENA VISTA ST	SPRAGUE ROBERT

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	244	4223	BUENA VISTA ST	FLANAGAN MARK J
	245	4223	BUENA VISTA ST	SIMO GISELLE HAYDEE BABA
	246	4223	BUENA VISTA ST	GREENE SAMANTHA
	247	4223	BUENA VISTA ST	CONNAR CHRISTOPHER J &
	248	4223	BUENA VISTA ST	KRITSER MARY ELAINE
	249	4223	BUENA VISTA ST	MCDEVITT MARY
	250	4223	BUENA VISTA ST	SLY ABBYGAIL L
	251	4214	BUENA VISTA ST	MILLER JENNIFER
	252	4214	BUENA VISTA ST	HAYNIE ERICA
	253	4214	BUENA VISTA ST	VANDEVEERDONK ANTOINE H &
	254	4214	BUENA VISTA ST	MCLEAN MARY E
	255	4214	BUENA VISTA ST	WALKER CHRISTIAN B
	256	4214	BUENA VISTA ST	SOLIS MARISA
	257	4214	BUENA VISTA ST	LIBARIDIAN CARLO
	258	4231	TRAVIS ST	BIEHUNKO JACK TAYLOR
	259	4231	TRAVIS ST	YOH AMANDA
	260	4231	TRAVIS ST	WHEATCROFT GRIFFIN
	261	4231	TRAVIS ST	DICKIE JORDAN M
	262	4231	TRAVIS ST	STANKO VINCENT &
	263	4231	TRAVIS ST	KENDALL ASHLEY
	264	4231	TRAVIS ST	PHILLIPS BETHANY LOUISE
	265	4231	TRAVIS ST	HORTON PATRICIA
	266	4231	TRAVIS ST	OMAN MARY JEAN REVOCABLE TRUST
	267	4231	TRAVIS ST	MCKENZIE CURTIS &
	268	4231	TRAVIS ST	ANDERSEN CLAUDIA
	269	4231	TRAVIS ST	MARMADUKE JEANNINE L
	270	4231	TRAVIS ST	LOTTER COLLIN &
	271	4231	TRAVIS ST	PATERSON JOHN WILSON
	272	4231	TRAVIS ST	AGUIAR MARIA ADDOBBATI
	273	4231	TRAVIS ST	STRONG BRIANNE
	274	4231	TRAVIS ST	ESPINOZA FRANCES A

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	275	4231	TRAVIS ST	STEGEMOELLER MARTIN F
	276	4231	TRAVIS ST	WILMOTH BENJAMIN J
	277	4231	TRAVIS ST	STONE WILTON
	278	4231	TRAVIS ST	DENHOLM BRIAN
	279	4231	TRAVIS ST	TAI KATIE RUEYLAN
	280	4231	TRAVIS ST	BURKE SHARON L
	281	4231	TRAVIS ST	SIMONTON DANA ELIZABETH
	282	4231	TRAVIS ST	LOVEGREEN SCOTT KENNETH
	283	4231	TRAVIS ST	SAVAGE ANITA
	284	4231	TRAVIS ST	KING WALTON RYAN SCOT &
	285	4231	TRAVIS ST	WALKER EDWARD
	286	4231	TRAVIS ST	ZU YUE &
	287	4231	TRAVIS ST	VILLEGAS SERGIO A
	288	4231	TRAVIS ST	SHIDID DANIEL
	289	4231	TRAVIS ST	PATERSON JOHN WILSON

Agenda Information Sheet

File #: 19-536 **Item #:** 53.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, at the terminus of Mohawk Drive, southeast of Empire Central
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z189-166(JM)

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z189-166(JM)	**DATE FILED:**	January 4, 2019
LOCATION:	At the terminus of Mohawk Drive, southeast of Empire Central		
COUNCIL DISTRICT:	2	**MAPSCO:**	34 N
SIZE OF REQUEST:	± 0.17 acres	**CENSUS TRACT:**	4.06

APPLICANT/OWNER: Jennifer Sugermeyer

REQUEST: An application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

SUMMARY: The applicant requests to allow single family uses on the subject property. The existing zoning prohibits single family uses and therefore, the existing residence is nonconforming and cannot be reconstructed or enlarged. The deed restrictions prohibit certain uses and limit height to a maximum of 36 feet and three stories.

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 subject site contains 0.17 acres of land currently developed with a nonconforming single family house erected in 1953, per DCAD records. The property was sold in 2018 with the intent to demolish and redevelop a single family structure; however, the current IR Industrial Research District zoning does not allow residential uses. The site was zoned an MU-3 District before the 1989 Transition to Chapter 51A.
- An MU-1 Mixed Use District is proposed to limit the impact on surrounding properties zoned PD No. 759 to the south, and an IR Industrial Research District further to the northeast.
- The proposed MU-1 District highly restricts uses currently allowed in the IR District while primarily adding residential uses. Furthermore, deed restrictions have been offered further limiting allowable uses to ensure compatibility with other single family uses on Mohawk Drive.

Zoning History: There has been one zoning request within the last five years.

1. **Z156-279:** On November 9, 2016, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses in the location generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Mohawk Drive	Local	50 ft.	--

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

Surrounding Land Uses:

Area	Zone	Use
Site	IR Industrial Research	Single family
Northwest	IR Industrial Research	Single family
Northeast	IR Industrial Research	Undeveloped
Southeast	IR Industrial Research and Subdistrict 2B within PD No. 759	Multifamily
Southwest	Subdistrict 2B within PD No. 759	Undeveloped

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 request complies with land use goals and policies of the Comprehensive Plan.

NEIGHBORHOOD PLUS PLAN

GOAL 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

GOAL 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

Land Use Compatibility:

The subject site contains 0.17 acres of land currently developed with a nonconforming single family house erected in 1953. The property was sold in 2018 with the intent to demolish and redevelop a single family structure; however, the current IR Industrial Research District zoning does not allow residential uses.

Surrounding properties contain single family and undeveloped uses to the northwest and northeast; multifamily to the southeast; and, undeveloped to the southwest.

An MU-1 Mixed Use District is proposed to limit the impact on surrounding properties zoned PD No. 759 to the south, and an IR Industrial Research District further to the northeast. Typically, a residential zoning district adjacent to an IR District would require compliance with a 30-foot additional setback requirement. Additionally, while the IR District allows up to 200 feet in height, this is subject to residential proximity slope requirements for residential adjacency which originates in surrounding residential zoning districts. An existing structure visible on the aerial map, constructed to the northeast in an IR District, appears to be built to the lot line (as allowed). Rezoning the subject site to an MU-1 District allows for the proposed single family house to be constructed while allowing surrounding properties zoned an IR District to maintain existing development rights.

The proposed MU-1 District highly restricts uses currently allowed in the IR District while primarily adding residential uses. Furthermore, deed restrictions have been offered further limiting allowable uses to ensure compatibility with other single family uses on Mohawk Drive. This measure is being added in anticipation that the remainder of the nonconforming single family uses along Mohawk Drive may rezone for compliance in the future.

Development Standards:

DISTRICT	SETBACKS		Density	Lot Size	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear					
Existing: IR Industrial Research District	15'	0' 30' w/Res Adj.	None	None	200' 15 Stories RPS	80%	Research and development, light industrial, office, and supporting commercial uses.
Proposed: MU-1 Mixed Use District with deed restrictions volunteered by the applicant (in ~~strikethroughs~~)	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	None	36' 3 stories ~~120' 9 stories with retail~~	80%	Office, retail & personal service, lodging, residential
Adjacent: PD No. 759 Tract 2B	5'	5'	75 Units per acre	MF—per lot size	65'	80%	Multifamily and RR Regional Retail District uses.

The front yard setback and lot coverage requirements are being maintained. The proposed deed restrictions are limiting the maximum height to 36 feet and three stories, which is a middle ground between the multifamily base for PD No. 759 and single family uses across Empire Central. Proposed deed restrictions will leave the following as allowable uses:

- Crop production;
- Catering service;
- Adult daycare facility;
- Child-care facility;
- Church;
- Community service center (SUP);
- Library, art gallery, or museum;
- Office;
- Duplex;
- Group residential facility;
- Handicapped group dwelling unit;
- Multifamily;
- Retirement housing; and,
- Single family.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is categorized as being within a "E" MVA cluster, as well as all surrounding properties to the northwest, northeast, and southeast. Properties located across Empire Central to the west are designated a Categories "F" and "H".

Parking:

Parking will be in accordance with the parking regulations of Chapter 51A. A single family use in an MU-1 Mixed Use District is required to provide a minimum of two parking spaces.

Landscaping:

Landscaping will be in accordance with the landscape regulations of Article X, as amended. A lot containing 7,500 square feet in area or greater is required a minimum of three large or medium nursery stock trees per lot with a minimum of two nursery stock trees in the front yard. Nursery stock trees must be a species listed in the approved tree list maintained by the director. Trees must have a minimum caliper of two inches.

CPC Action
March 21, 2019

Motion: It was moved to recommend **approval** of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, at the terminus of Mohawk Drive, southeast of Empire Central.

Maker: Lewis
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 11
Replies: For: 0 Against: 2

Speakers: For: None
For (Did not speak): Jennifer Sugermeyer, 310 S. Waverly Dr., Dallas, TX, 75208
Against: None

Proposed Deed Restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS)

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS)

I.

~~The undersigned~~, Jennifer Sugermeyer, an individual ("the Owner"), is the owner of the following described property ("the Property"), being in particular at tract of land out of the City Block B/2367, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Jennifer Sugermeyer, by deed dated December 17, 2018, and recorded in Instrument No. 201800331095, in the Deed Records of Dallas County, Texas, and being more particularly described as Lot 4, Block B/2367.

II.

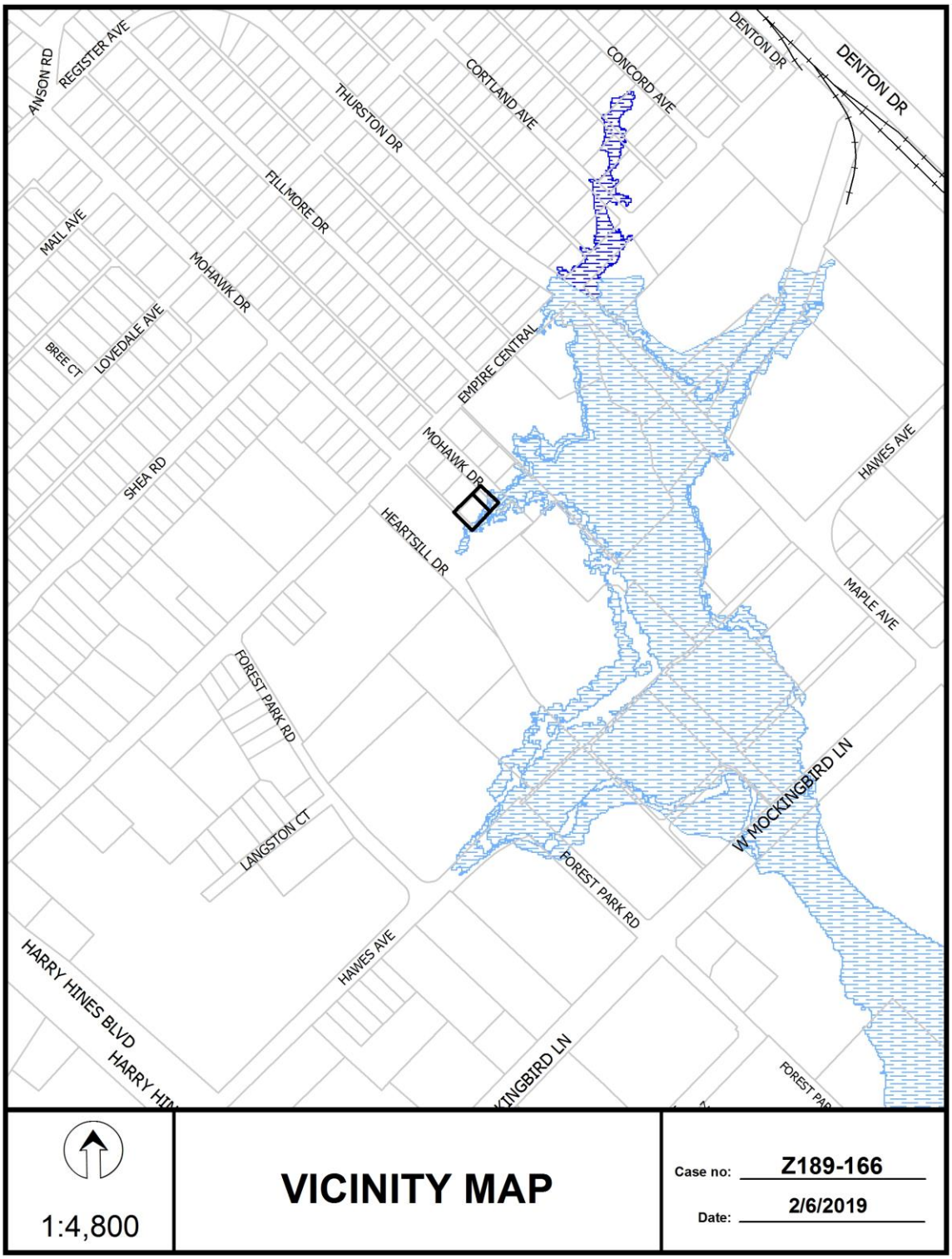
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. The following uses are prohibited:

- Custom business services.
- Electronics service center.
- Labor hall.
- Medical or scientific laboratory.
- Gas drilling and production.
- Temporary concrete or asphalt batching plant.
- Cemetery or mausoleum.
- College, university or seminary.
- Convent or monastery.
- Foster home.
- Hospital.
- Open enrollment charter school or private school.
- Public school other than an open enrollment charter school.
- College dormitory, fraternity, or sorority house.
- Convalescent and nursing homes, hospice care, and related institutions.
- Extended stay hotel or motel.
- Hotel or motel.
- Financial institution without drive-in window.
- Financial institution with drive-in window.
- Medical clinic or ambulatory surgical center.
- Country club with private membership.

- Private recreation center, club, or area.
- Public park, playground, or golf course.
- Residential hotel.
- Alcoholic beverage establishments.
- Animal shelter or clinic without outside runs.
- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside).
- Commercial amusement (outside).
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Temporary retail use.
- Theater.
- Transit passenger shelter.
- Transit passenger station or transfer center.
- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.
- Mini-warehouse.
- Recycling buy-back center
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off for special occasion collection.

2. No structure may exceed three stories or 36 feet in height.


ANSON RD
REGISTER AVE
THURSTON DR
CORTLAND AVE
CONCORD AVE
DENTON DR
DENTON DR
FILLMORE DR
MAIL AVE
MOHAWK DR
BREE CT
LOVEDALE AVE
EMPIRE CENTRAL
MOHAWK DR
SHEA RD
HEARTSILL DR
HAWES AVE
MAPLE AVE
FOREST PARK RD
LANGSTON CT
W MOCKINGBIRD LN
FOREST PARK RD
HAWES AVE
HARRY HINES BLVD
1:4,800
VICINITY MAP
Case no: Z189-166
Date: 2/6/2019

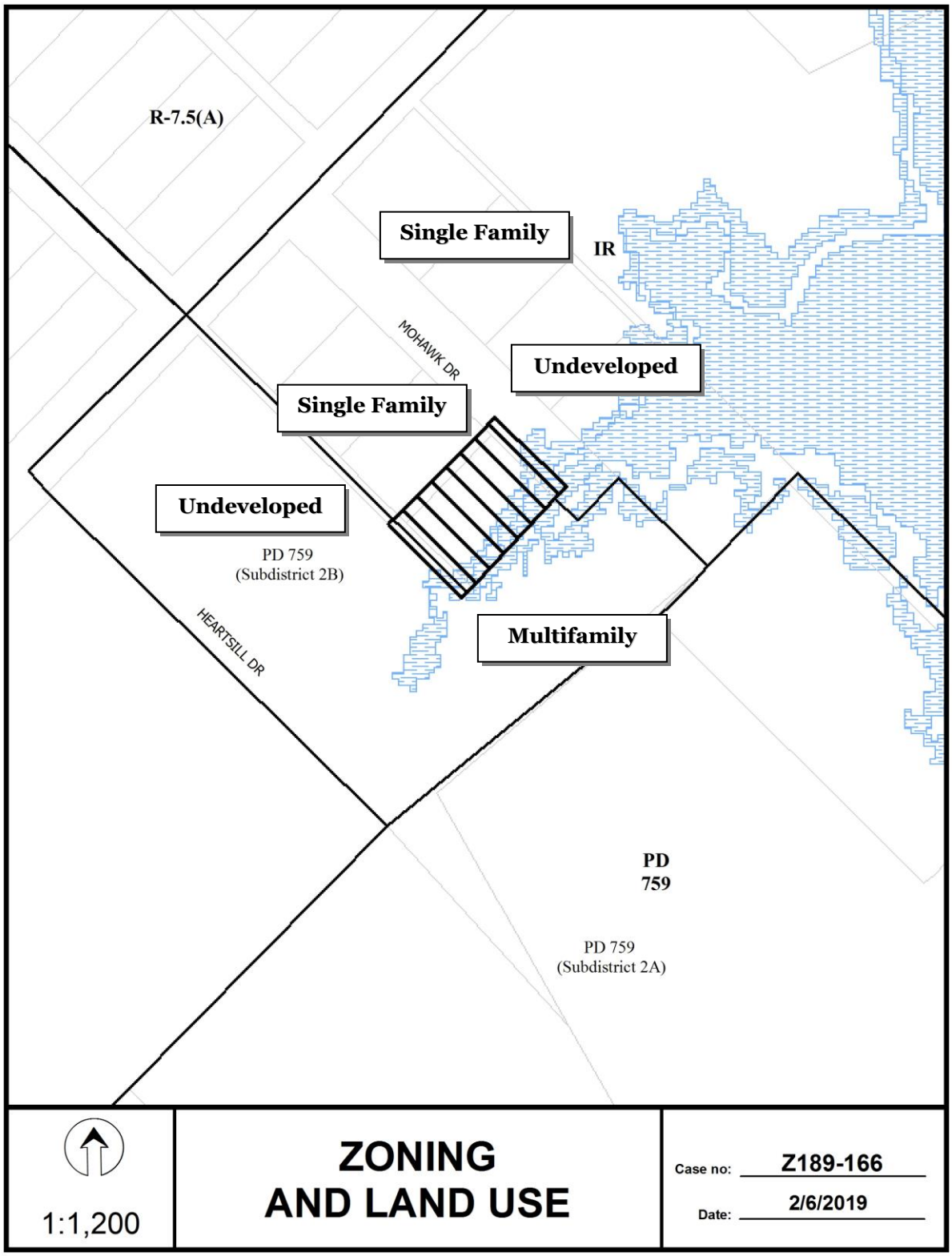


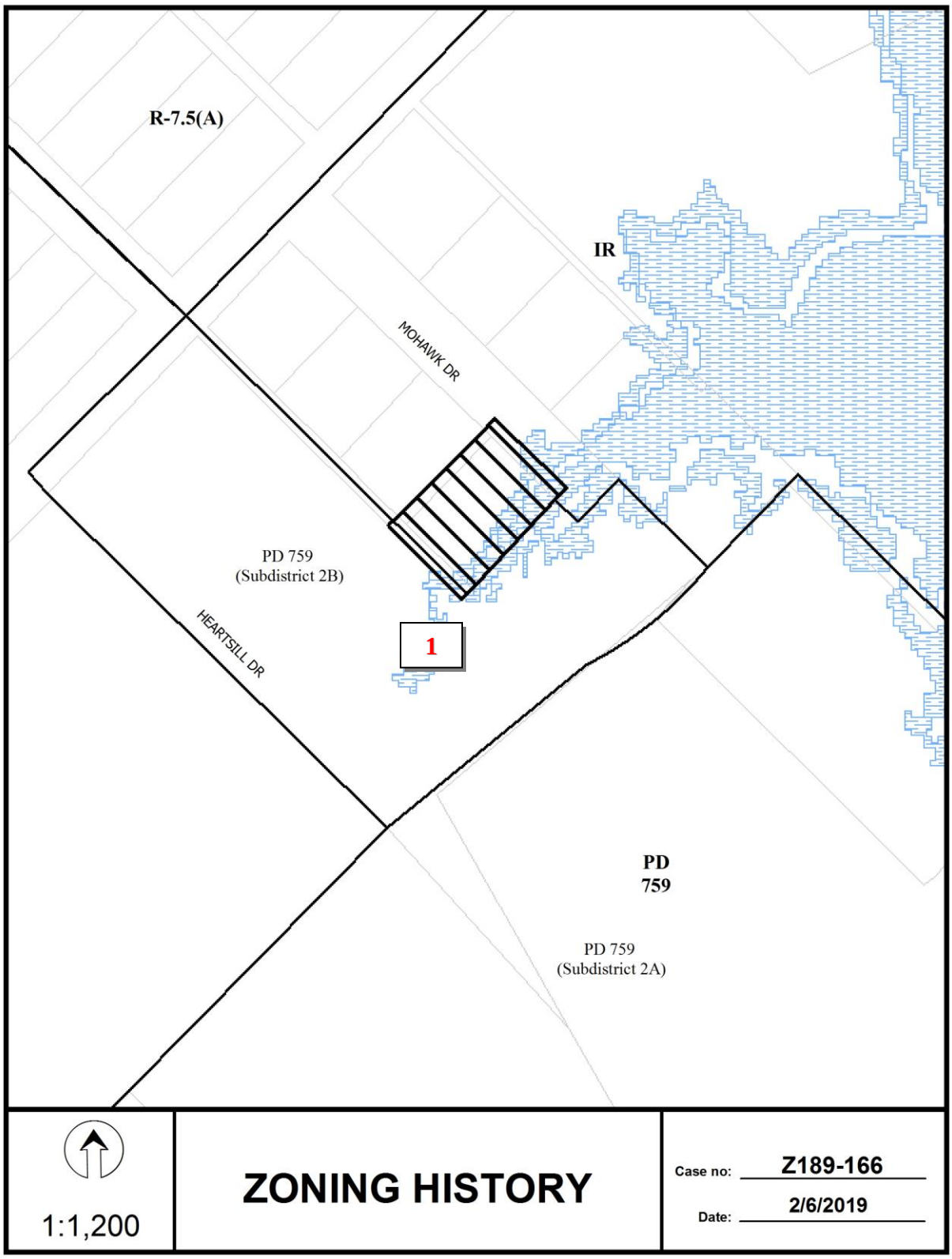
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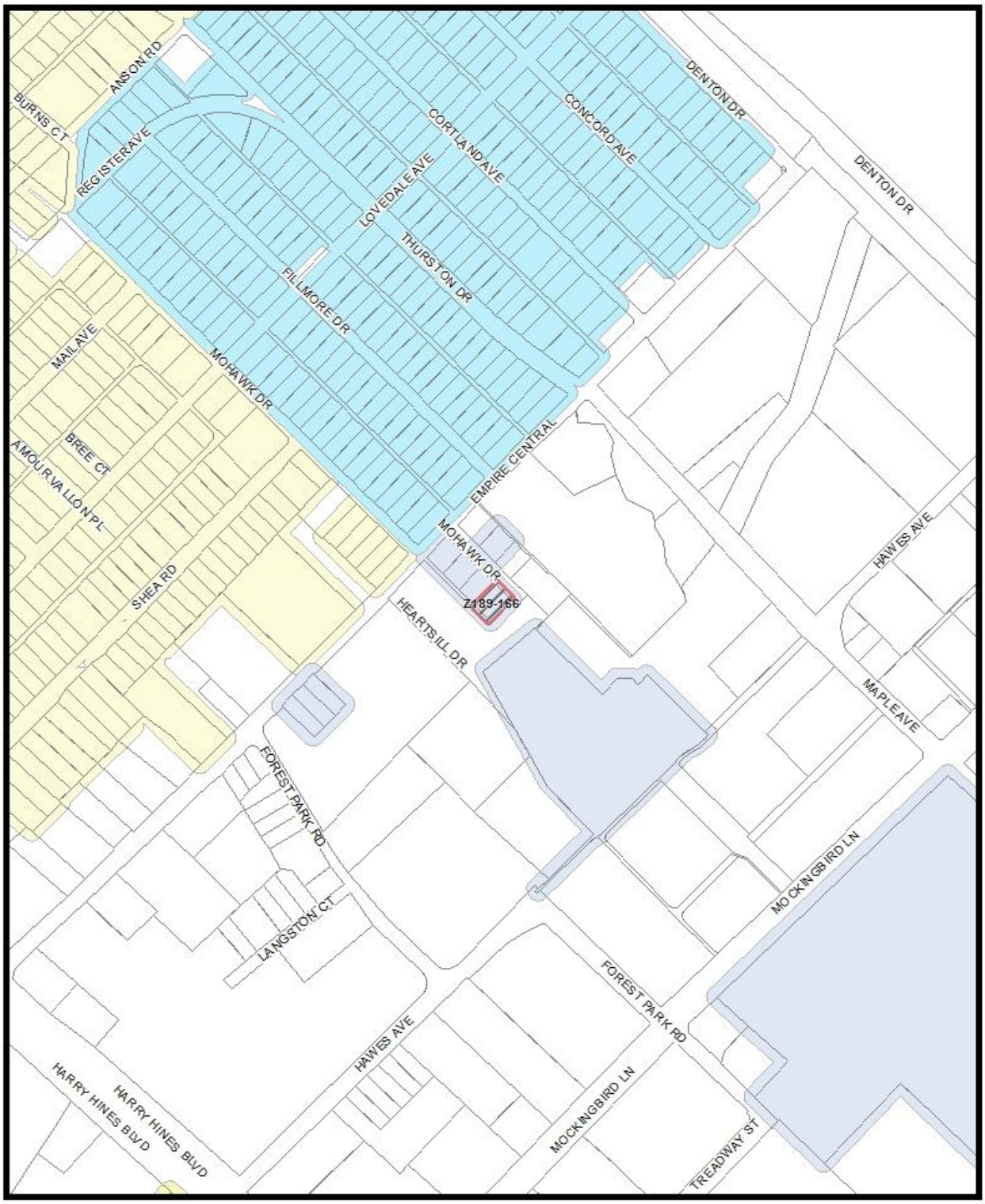
AERIAL MAP

Case no: Z189-166

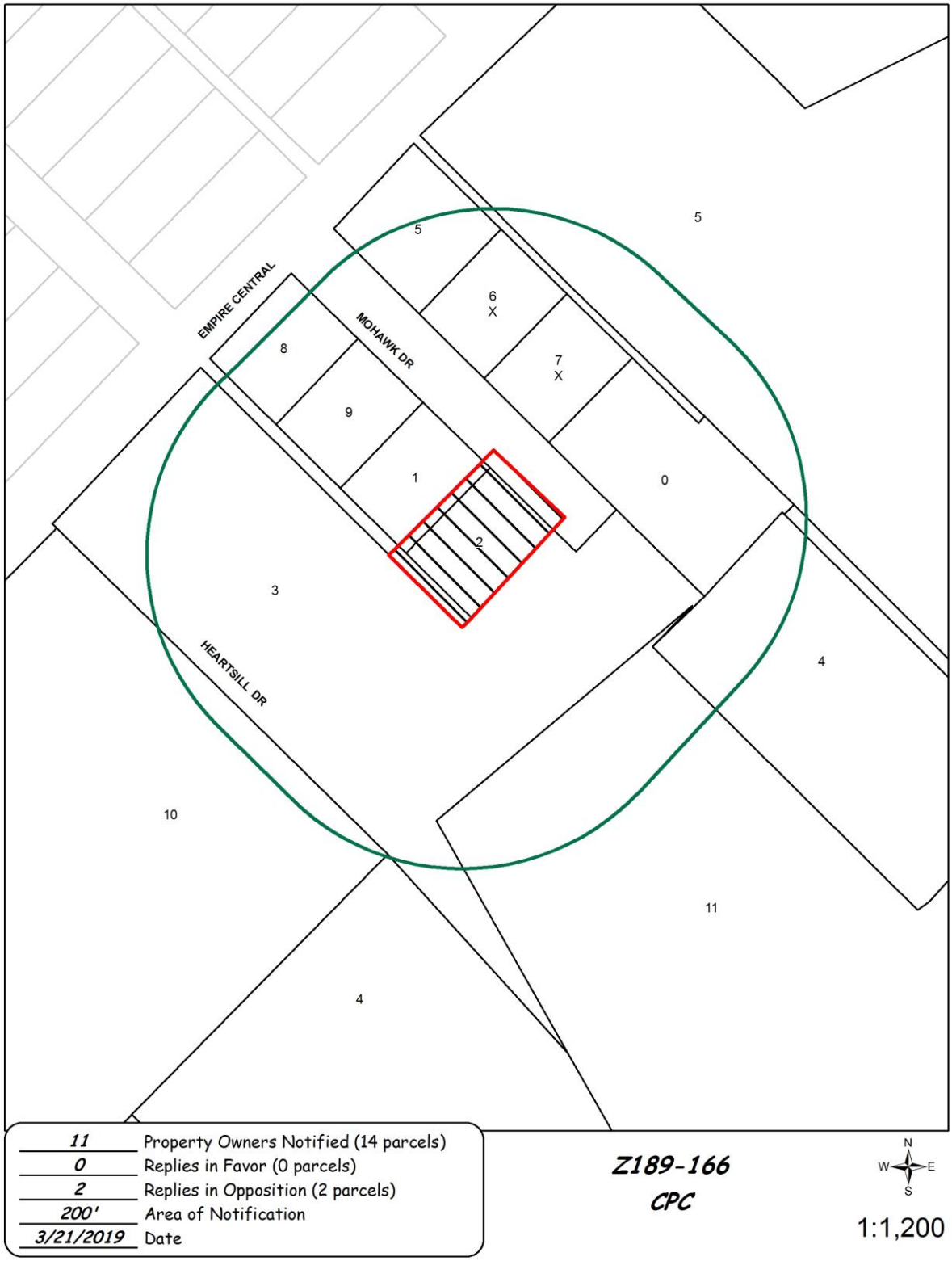
Date: 2/6/2019


R-7.5(A)
Single Family
IR
MOHAWK DR
Undeveloped
Single Family
Undeveloped
PD 759
(Subdistrict 2B)
HEARTSILL DR
Multifamily
PD
759
PD 759
(Subdistrict 2A)
1:1,200
ZONING
AND LAND USE
Case no: Z189-166
Date: 2/6/2019


R-7.5(A)
IR
MOHAWK DR
PD 759
(Subdistrict 2B)
HEARTSILL DR
1
PD
759
PD 759
(Subdistrict 2A)
1:1,200
ZONING HISTORY
Case no: Z189-166
Date: 2/6/2019


ANSON RD
BURNS CT
REGISTER AVE
CORTLAND AVE
CONCORD AVE
DENTON DR
DENTON DR
LOVEDALE AVE
THURSTON DR
FILLMORE DR
MAIL AVE
MOHAWK DR
BREE CT
AMOURVALLON PL
EMPIRE CENTRAL
SHEA RD
MOHAWK DR
Z189-166
HEARTSILL DR
HAWES AVE
MAPLE AVE
FOREST PARK RD
LANGSTON CT
MOCKINGBIRD LN
FOREST PARK RD
HAWES AVE
HARRY HINES BLVD
HARRY HINES BLVD
MOCKINGBIRD LN
TREADWAY ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 2/6/2019

CPC Responses



03/20/2019

Reply List of Property Owners

Z189-166

11 Property Owners Notified ***0 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	6911	MOHAWK DR	VALLES JOSE V
	2	6907	MOHAWK DR	QUINN DENISE MARIE
	3	2232	EMPIRE CENTRAL	MOCKINGBIRD VENTURE PARTNERS LLC
	4	2328	EMPIRE CENTRAL	MOCKINGBIRD VENTURE PARTNERS
	5	6926	MOHAWK DR	MAPLE EMPIRE LLC
X	6	6922	MOHAWK DR	WATTACHERIL JOSEPH J
X	7	6910	MOHAWK DR	JACOB JOSEPH W
	8	6925	MOHAWK DR	TINSLEY CLAUDIA ANNE M
	9	6919	MOHAWK DR	ABAUNZA DENIS E & A OMEGA
	10	6930	FOREST PARK RD	BFH LTD
	11	2293	HAWES AVE	JEFFERSON WEST LOVE OWNER LLC

Agenda Information Sheet

File #: 19-537 **Item #:** 54.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school use on property zoned a CR Community Retail District with existing deed restrictions [Z045-125], on the northwest side of Dixon Avenue, at the terminus of Wullschleger Lane
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, traffic management plan, and conditions
Z189-169(CY)

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: Z189-169(CY) **DATE FILED:** January 14, 2019

LOCATION: Northwest side of Dixon Avenue, at the terminus of Wullschleger Lane

COUNCIL DISTRICT: 7 **MAPSCO:** 47 W

SIZE OF REQUEST: Approx. 4.02 acres **CENSUS TRACT:** 115.00

OWNER: Redeemed Christian Church of God.

APPLICANT: Texans Can Academy

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for a Specific Use Permit for an open-enrollment charter school use on property zoned a CR Community Retail District with existing deed restrictions [Z045-125].

SUMMARY: The applicant [Texans Can Academy] requests to occupy an existing one-story building with an open-enrollment charter school consisting of a maximum of ten high school classrooms.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The area of request is zoned CR Community Retail District with existing deed restrictions [Z045-125] and is developed with a vacant one-story, approximately 8,909-square-foot building and a covered frame structure.

- The deed restrictions limit the uses allowed on the property to those allowed in the NS(A) Neighborhood Service District, plus the following additional uses:
  - Car Wash (limited to a full service, full enclosed detail shop),
  - Private Recreation Center, Club or Area, and
  - Retail 3,500 square feet and greater

- The deed restrictions also require a wood fence along the property, specifically on the southwest side of the property and adjacent to the railroad line. The applicant proposes to maintain the deed restrictions.

- The proposed charter school will have 10 *homeroom* classrooms operating two sessions per day [morning 7:45am to 12:00pm, and afternoon 12:30pm to 4:45pm]. Students attend either session but may attend both.

- The school will have an enrollment of up to 200 students and 20 staff members.

Zoning History: There have been no recent zoning changes requested in the vicinity within the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Dixon Avenue	Minor Arterial	60 feet

Traffic:

Because the proposed school is not yet in operations, the Traffic Management Plan (TMP) indicates that the trip generation for the school is based on observations conducted at existing campuses in the Dallas area. From existing campus data, the morning peak generates 0.40 vehicle trips per student, split between 70 percent in and 30 percent out. Midday trip generation is 0.32 vehicle trips per student, with 40 percent in and 60 percent out. Afternoon trip generation is approximately 0.10 vehicle trips per student, with 27 percent in and 73 percent out. Overall daily vehicle trip generation is approximately 1.10 trips per student.

Based upon the proposed site layout for the Dixon Avenue campus, the projected student enrollment, and observations from existing Texas Can Academy campuses; it is anticipated that the proposed school will generate approximately 220 vehicle trips per day.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and the proposed Traffic Management Plan and determined that the proposed development will not have a negative 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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation measure 1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 SUPPORT AND LEVERAGE EMERGING SCHOOL QUALITY AND SCHOOL CHOICE PROGRAMS.

Action 4.2.2 Engage DISD and charter school organizations in the super-neighborhood structure to support neighborhood based education improvement efforts through school choice programs.

Land Use:

	Zoning	Land Use
Site	CR Community Retail with deed restrictions [Z045-125]	Vacant building
North	Subdistrict R-5(A) Within PD No. 595	Single family
Northeast	MF-1(A) Multifamily District	Multifamily
East	MF-1(A) Multifamily District	Recreation center
Southeast	MF-1(A) Multifamily District	Multifamily
South	MF-1(A) Multifamily District	Multifamily, undeveloped land
West	Subdistrict R-5(A) Within PD No. 595	Undeveloped land, single family
Northwest	Subdistrict R-5(A) Within PD No. 595	Undeveloped land, single family

Land Use Compatibility:

The area of request is zoned a CR Community Retail District with existing deed restrictions [Z045-125] and currently developed with a vacant, one-story building and a frame structure with roof only.

The existing deed restrictions limit the uses allowed on the property to those allowed in the NS(A) Neighborhood Service District with car wash (limited to a full service, full enclosed detail shop), private recreation center, club or area, and retail 3,500 square feet and greater as allowed uses by right. The deed restrictions also provide for fencing requirements specifically along the southwest side of the property and adjacent to the railroad line. The applicant proposes to retain the existing deed restrictions.

The applicant proposes to occupy the one-story building with an open-enrollment charter school that provides a unique approach to educating students who have had difficulty in traditional school settings.

The proposed high school will have a maximum enrollment of 200 students and a total of 20 staff members. The proposed number of classrooms is ten.

Surrounding land uses include multifamily to the northeast, a recreation center is to the east, and additional multifamily to the southeast across Dixon Avenue. Running along the northwest boundary of the area of request is a railroad, and across to the north, northwest and to the west there is undeveloped land, and single family uses.

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 applicant's request is consistent with the provisions for the Specific Use Permit and is not foreseen to have a negative impact in the surrounding areas. Furthermore, staff finds the request will provide the residents of the area with educational alternatives. The closest school is located approximately 2,700 feet northwest from the area of request [Joseph J Rhoads Learning Center] on 2nd Avenue. However, this is an elementary school including grades Pre-K through fifth grade.

Staff recommends approval of the request for a five-year approval period without automatic renewal because 1) the school is a new use to the location which will take a few years to reach capacity and 2) the five-year period without automatic renewal will allow the City Plan Commission to reevaluate and reconsider the use, with the opportunity to improve land use compatibility if additional or modified conditions are needed.

Parking:

Parking will be provided pursuant to the Dallas Development Code, as amended. For the for the proposed open-enrollment charter school with ten high school classrooms, a total of 95 off-street parking spaces will be provided.

As depicted on the proposed site plan, a total of 105 off-street parking spaces will be provided. It is important to note that if the future expansion will include additional classrooms, an amendment of the SUP will be required, and additional off-street parking will have to be provided.

Landscaping:

Landscaping will be provided in accordance with Article X of the Dallas Development Code, as amended.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to

orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an “E” MVA Cluster to the northeast and to an “I” MVA Cluster to the southeast across Dixon Avenue.

CPC ACTION
March 21, 2019

Motion: It was moved to recommend **approval** of a Specific Use Permit for an open-enrollment charter school use for a five-year period, subject to a site plan, traffic management plan, and conditions on property zoned a CR Community Retail District with existing deed restrictions [Z045-125] on the northwest side of Dixon Avenue, at the terminus of Wullschleger Lane.

Maker: Lewis
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 300 Mailed: 22
Replies: For: 0 Against: 0

Speakers: None

List of Partners/Principals/Officers

Texans Can Academy

Richard Marquez, President
James Ponce, Chief of Schools
Lew Blackburn, Chief Business Officer
Dan Cahalen, Chief Development Director
Pamela R. Carroll, Chief Director of Human Resources
Marian P. Hamlett, Chief Financial Officer
Malcolm Wentworth, Chief Operations Officer
Fernando Marino, Director
Richard Pena, Director

Board of Trustees

Rudy Oeftering, Chairman
Regina M. Thompson, Vice Chairman
Felix A. Zamora, Secretary
Michael T. Casey, Treasurer
Fred Ertz, Member
Robert L. Garza, Member
Michelle A. Rankine, Member
Anna M. Torres, Member
Dale Young, Member

Redeemed Christian Church of God

Adebola Ajagunna, Director
Franklin Omoaghe, Pastor

CPC RECOMMENDED SUP 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 (five years from the passage of this Ordinance)

4. CLASSROOMS: The maximum number of classrooms is 10, limited to high school classrooms.

5. HOURS OF OPERATION: The open-enrollment charter school may only operate between 6:30 a.m. and 7:00 p.m., Monday through Friday and 7:30 a.m. and 12:30 p.m. on Saturday.

6. TRAFFIC MANAGEMENT PLAN:

A. In general. The operation of the open-enrollment charter school must comply with the attached 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.

i. 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 **March 1, 2021.** After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by **March 1**of each **odd**-numbered year.

ii. The traffic study must be in writing, performed by a licensed engineer, 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.

iii. 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.

D. Amendment process.

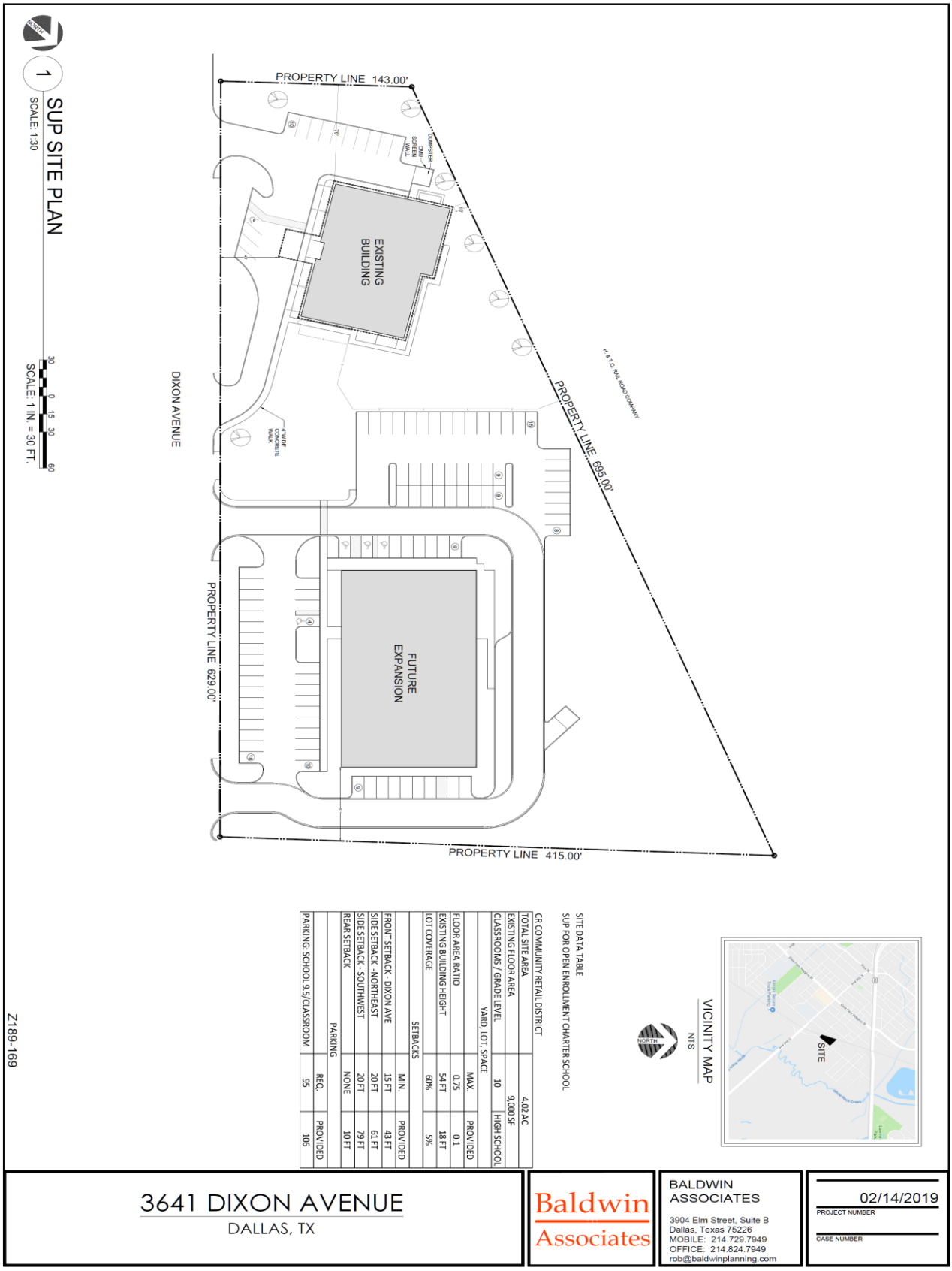
1. A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

2. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

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 SUP SITE PLAN



PROPOSED TRAFFIC MANAGEMENT PLAN

LJA ENGINEERING

6060 N Central Expressway, Suite 440, Dallas, Texas 75206
t 469.621.0710 LJA.com TBPE F-1386

Technical Memorandum

To: Malcolm Wentworth

From: Scott Booth, PE, PTOE

Date: January 11, 2019

Re: TMP for Texans Can Academy – Dixon Avenue Campus
LJA Job No. 2692-1901



Introduction

LJA Engineering, Inc. (LJA) was retained by Texans Can Academies (TCA) to prepare a Traffic Management Plan (TMP) for the proposed TCA – Dixon Avenue campus located in Dallas, Texas. The proposed school is located on the north side of Dixon Avenue, approximately 1000 feet east of 2nd Avenue. Figure 1 below is an aerial detailing the site location.



Figure 1 – Site Location Map

The proposed school will initially be housed in an existing building on the approximately 4-acre site and will have an enrollment up to 200 students (split over morning and afternoon classes) and 20 staff members (many of which work both morning and afternoon classes).

Current and Future Roadway Conditions

The proposed campus is located on a triangle shaped parcel and is bordered by Dixon Avenue along the southern edge of the site. Dixon Avenue is a two-lane roadway, 39-feet in width between curb faces and has a posted speed limit of 30 miles per hour. To the north of the site is the Union Pacific (UP) rail line and there is no access along the east edge of the parcel. There are no known proposed improvements to Dixon Avenue at this time.

Traffic Management Plan

The purpose of the TMP is have established procedures for traffic flow and circulation around the charter school related to student drop-off and pick-up operations. Use of a TMP helps improve traffic/student safety and helps maximize the efficiency of drop-off and pick-up operations. The analysis summarized in this report identifies critical elements of the TMP such as the available space (both on and off site), circulation patterns for the charter school facilities, and the projected trip generation (and estimated queuing) during the morning, midday and afternoon peaks.

Operational Characteristics

Based on information from the client, the school is projected to have:

- An enrollment of 200 students, with morning and afternoon sessions
- 20 staff members

The high school will be open from 7:00 am until 7:00 pm. As stated, classes are split between morning (7:45 am to 12:00 pm) and afternoon (12:30 pm to 4:45 pm) sessions. The actual start and end times for class sessions could vary slightly from those listed above and structured around the DART bus schedule. This is due to the large number of students that utilize transit.

For schools, peak traffic flow occurs at the start and end of classes and is usually around 30 minutes in duration. For this campus, there are two class sessions for students, one in the morning and one in the afternoon. Most students are enrolled in either the morning or afternoon session, but a few may be enrolled in both.

Based on estimated class times and observations conducted at other campuses, the morning peak hour is between 7:00 and 8:00 am, the midday peak is between 11:30 am and 12:30 pm, and the afternoon peak is between 4:30 and 5:30 pm.

Campus Trip Generation

Trip generation for the school is based on observations conducted at existing campuses in the Dallas area. From existing campus data, the morning peak generates 0.40 vehicle trips per student, split between 70 percent in and 30 percent out. Midday trip generation is 0.32 vehicle trips per student, with 40 percent in and 60 percent out. Afternoon trip generation is approximately 0.10 vehicle trips per student, with 27 percent in and 73 percent out. Overall daily vehicle trip

generation is approximately 1.10 trips per student. Table 1 below summarizes the projected trip generation based on the anticipated 200 student enrollment.

Table 1 – Projected Vehicle Trip Generation Summary

Land Use	Independent Variable	Units	AM-Peak Hour			Midday-Peak Hour			PM-Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
High School	Students	200	56	24	80	26	38	64	6	14	20
		Total Trips	**56**	**24**	**80**	**26**	**38**	**64**	**6**	**14**	**20**

The above table shows that the highest period of vehicle trip generation will occur in the morning peak hour with a total of 80 trips, primarily due to the arrival of both students and staff. Observations of existing campuses show the arrival of vehicles during the morning peak hour to be spread out more evenly across the hour with staff arriving before students.

The midday peak hour is considered the critical time period for traffic activity. Although it has fewer trips compared to the morning peak hour, both drop-off and pick-up activity occur during the midday peak. Additionally, vehicular activity is concentrated into a peak 30-minute period between 11:45 am and 12:15 pm.

There is minimal vehicular activity on campuses during the afternoon peak hour. This is due to the split morning and afternoon classes with more students attending class during the morning session.

Projected School Operations and Vehicle Circulation

All students will enter and exit the school through the main entrance of the existing building. (Refer to the attached TMP exhibit). This main entrance is located on the south side of the existing building adjacent to the existing loop driveway.

As with other TCA campuses, the majority of students attending this campus will utilize transit services (TCA provides students with a DART pass to facilitate/encourage transit use). There are two DART bus stops on Dixon Avenue within 425 feet of the campus (the locations are shown on the TMP exhibit). There are existing sidewalks on both sides of Dixon Avenue between the bus stops and the entrance to the school.

For students that are dropped off and/or picked up by family, there will be two drop-off/pick-up loops for vehicles, the front loop adjacent to the existing building, and secondary loop to the east of the school. It is recommended that the front loop be utilized for the drop-off of students and that traffic flow one-way in a counter-clockwise direction. Thus, the east driveway of the front loop would be inbound only, but the west drive would be two-way to serve the existing parking west of the existing building.

The secondary loop would be utilized for student pick-up and would also operate in a one-way counter-clockwise direction. Although the loop would be one-way in operation for pickups of

students, it is recommended that both drives serving the secondary loop be two-way to serve the parking.

On-Street Pick-Up/Drop-Off

Although the school is in a residential area and there is sufficient width on Dixon Avenue for vehicles to park, staff will instruct parents to utilize the campus driveways to drop-off/pick-up students.

On-Site Queues and Projected Queue Lengths

Based on observations at TCA campuses, vehicular queuing is minimal compared to typical school. For TCA campuses with 350 students, maximum observed queue lengths vary between four and eight vehicles. Shorter queues occur at campuses surrounded by residential streets that have on-street parking versus campuses adjacent to major arterials. For this campus, an enrollment of 200 students will result in maximum queue between two and five vehicles, or between 50 and 125 feet.

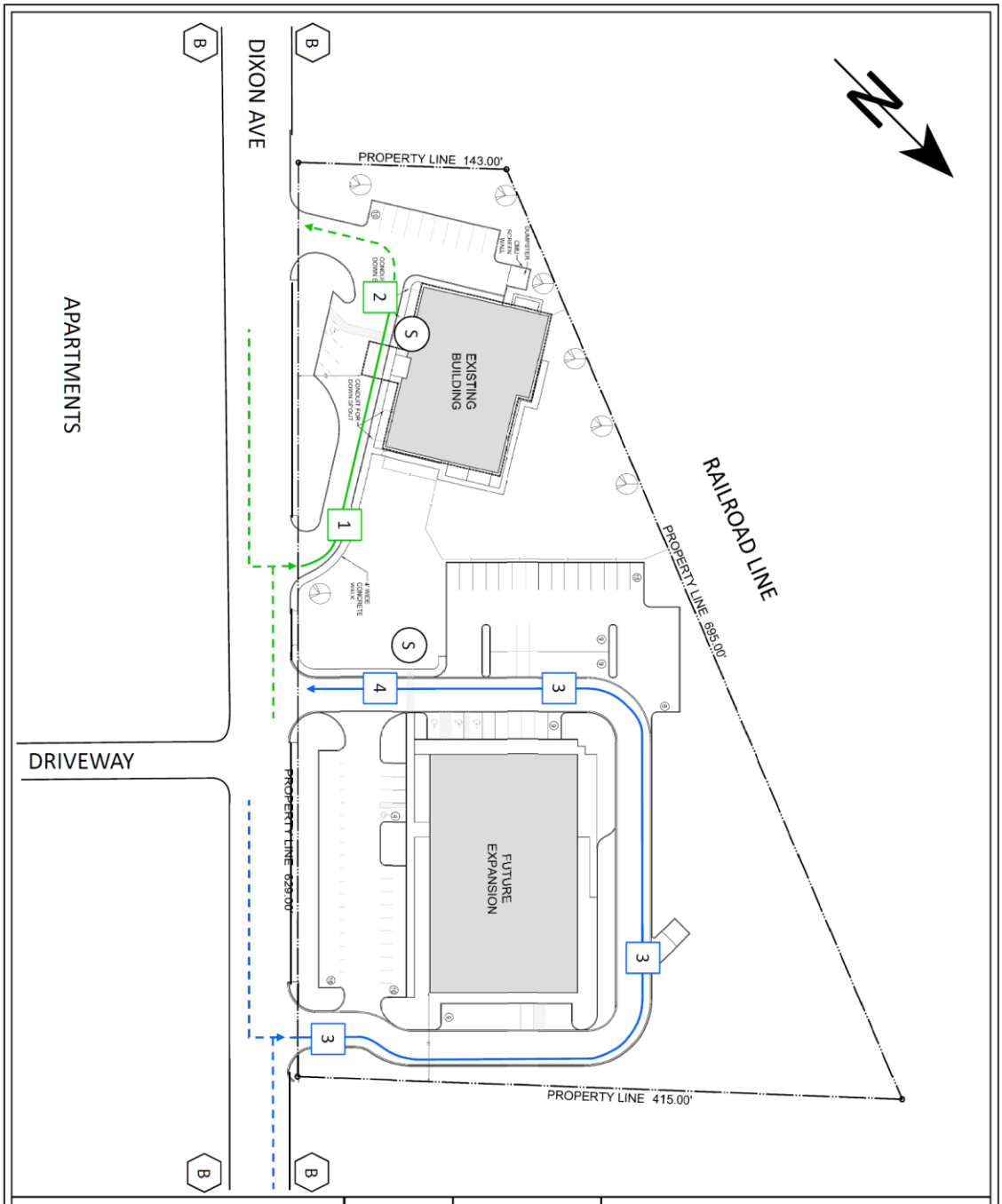
The front loop is approximately 250 feet in total length, with approximately 150 feet between the east drive (of the front loop) and the main entrance to the building. This section alone is adequate to hold the anticipated maximum queue of five vehicles. But given that this drive is recommend for drop-off only, the queue will likely be much shorter.

The proposed secondary loop is between 550 and 600 feet in total length, which is between 22 to 24 vehicles of queuing space.

Summary

Based upon the proposed site layout for the Dixon Avenue campus, the projected student enrollment, and observations from existing TCA campuses; it is anticipated that the proposed school will not have a significant impact on the traffic operations of Dixon Avenue or adjacent roadways. The proposed school is projected to generate around 220 vehicle trips per day.

Overall access to the site is good and there is sufficient on-site storage for projected queues related to daily school operations.



LEGEND

- Student Drop-off Circulation Path
- Student Pick-up Circulation Path
- B — DART Bus Stop
- S — Staff Assistant
- 1 — Drop-off Travel Path
- 2 — Drop-off Area
- 3 — Pick-up Travel Path
- 4 — Pick-up Area

Campus Information

Enrollment: 200 Students*
Academic: Grades 9-12
Hours: 8:00 am to 5:00 pm
*Students split over two sessions

Queueing Information

Projected Queue: 125 ft (5 veh.)
On-site Storage: 550 ft (22 veh.)
Net Surplus: 425 ft (17 veh.)

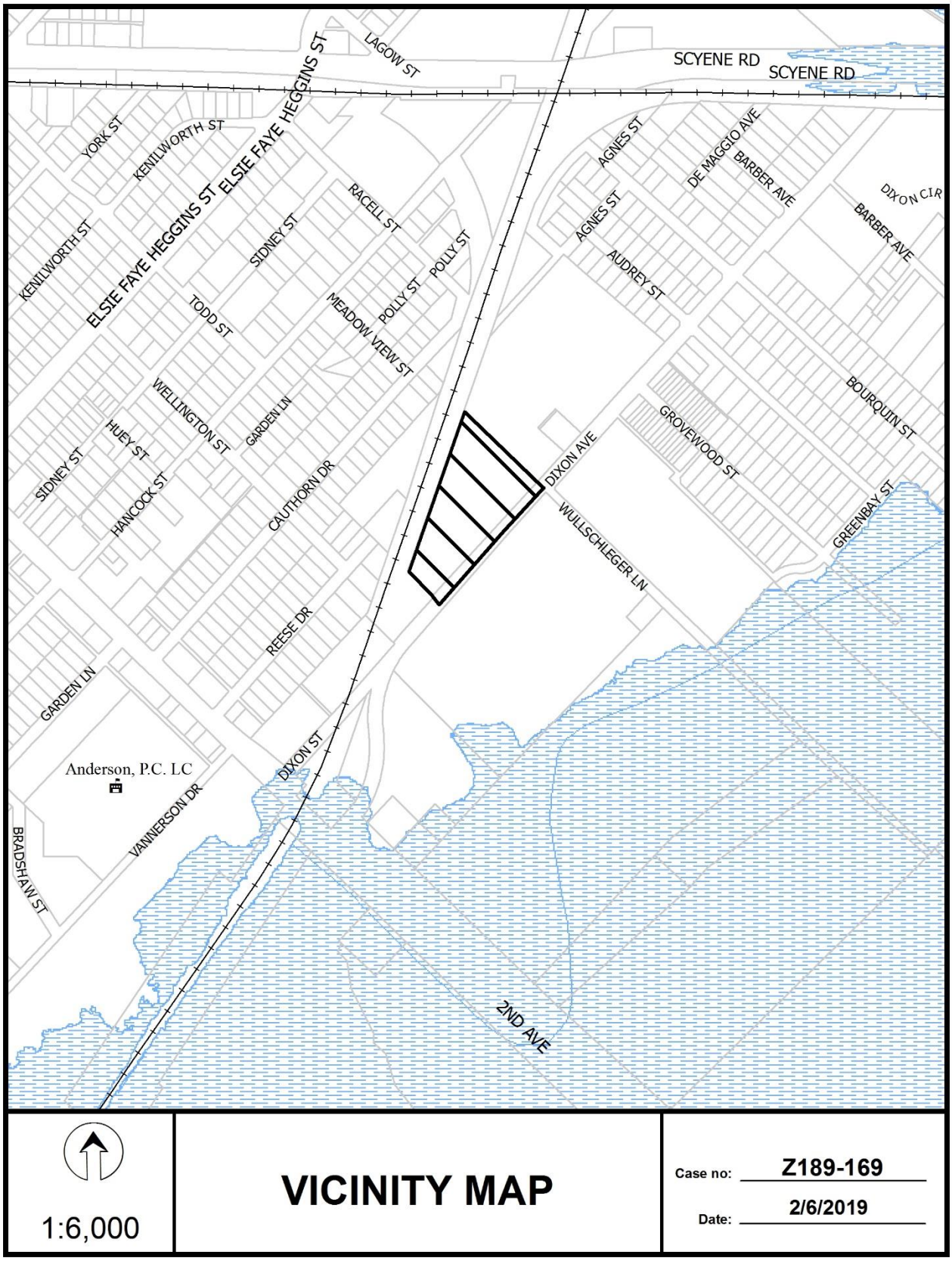
Note:
This Traffic Management Plan was developed to prevent the queuing of drop-off/pick-up vehicles within the city right-of-way. The school administration should adhere to the TMP and any deficiency due to spill over of queuing into the undesignated areas of city right-of-way, including roadway travel lanes, should be corrected by the school immediately.

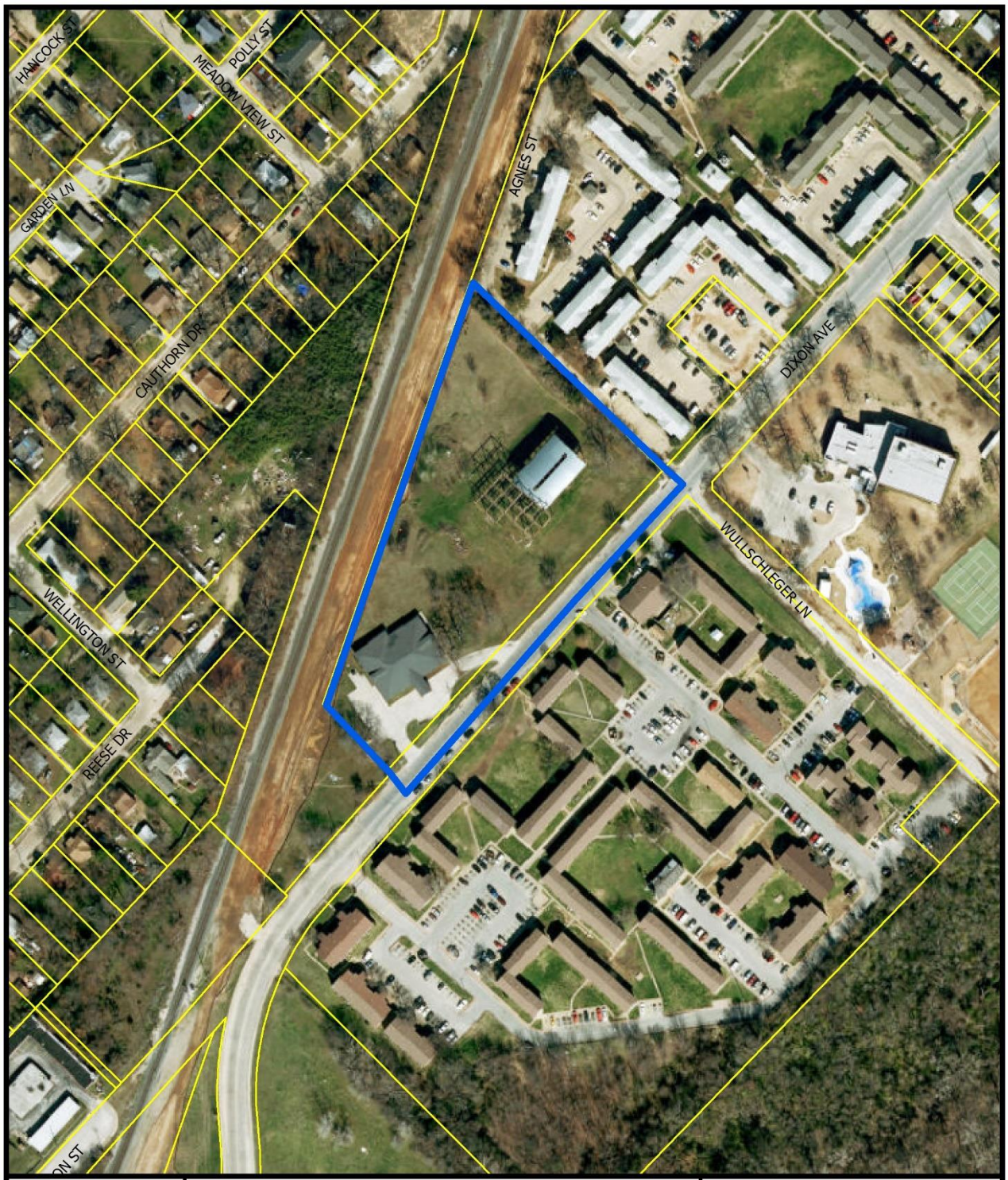
LJA ENGINEERING
6060 N Central Expressway, Suite 440
Dallas, Texas 75206 TBPE F-1386

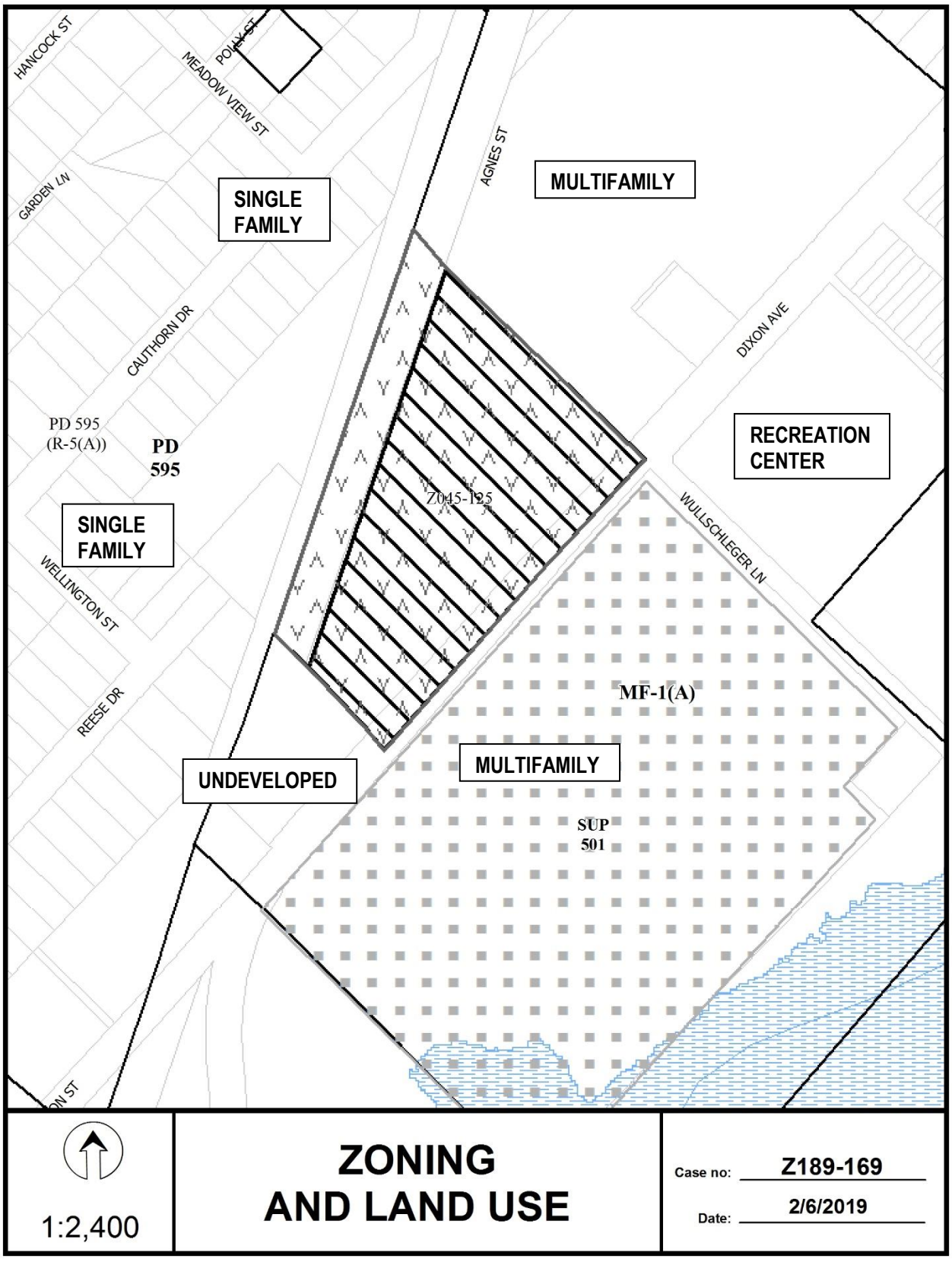
TEXANS CAN ACADEMIES

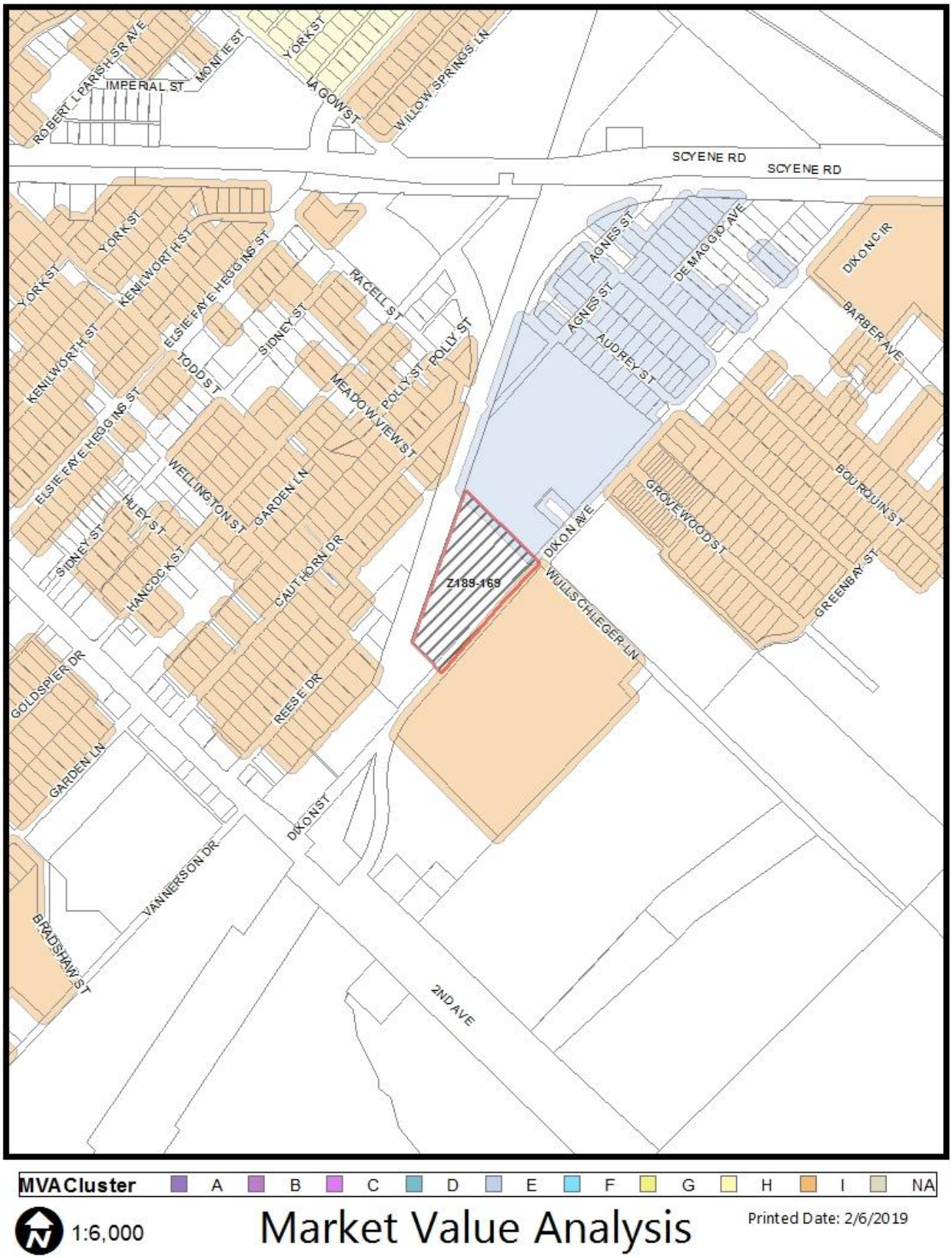
DIXON AVENUE CAMPUS
TRAFFCI MANAGEMENT PLAN

TMP EXHIBIT


SCYENE RD
SCYENE RD
LAGOW ST
ELSIE FAYE HEGGINS ST
ELSIE FAYE HEGGINS ST
YORK ST
KENILWORTH ST
KENILWORTH ST
RACELL ST
SIDNEY ST
TODD ST
POLLY ST
POLLY ST
MEADOW VIEW ST
AGNES ST
AGNES ST
DE MAGGIO AVE
BARBER AVE
DIXON CIR
BARBER AVE
AUDREY ST
BOURQUIN ST
GROVEWOOD ST
GREENBAY ST
WELLINGTON ST
GARDEN LN
HUEY ST
SIDNEY ST
HANCOCK ST
CAUTHORN DR
DIXON AVE
WULLSCHLEGER LN
REESE DR
GARDEN LN
Anderson, P.C. LC
DIXON ST
VANNERSON DR
BRADSHAW ST
2ND AVE
1:6,000
VICINITY MAP
Case no: Z189-169
Date: 2/6/2019


HANCOCK ST
POLLY ST
MEADOW VIEW ST
GARDEN LN
CAUTHORN DR
AGNES ST
DIXON AVE
WULLSCHLEGER LN
WELLINGTON ST
REESE DR
1:2,400
AERIAL MAP
Case no: Z189-169
Date: 2/6/2019


HANCOCK ST
POLK ST
MEADOW VIEW ST
GARDEN LN
SINGLE FAMILY
AGNES ST
MULTIFAMILY
CAUTHORN DR
DIXON AVE
PD 595 (R-5(A))
PD 595
RECREATION CENTER
Z045-125
WULLSCHLEGER LN
SINGLE FAMILY
WELLINGTON ST
REESE DR
MF-1(A)
MULTIFAMILY
UNDEVELOPED
SUP 501
1:2,400
ZONING AND LAND USE
Case no: Z189-169
Date: 2/6/2019


ROBERT L PARISH SR AVE
IMPERIAL ST
MONTIE ST
YORK ST
LAGOW ST
WILLOW SPRINGS LN
SCYENE RD
SCYENE RD
YORK ST
KENILWORTH ST
ELSIE FAYE HEGGINS ST
RACELL ST
SIDNEY ST
TODD ST
POLLY ST
MEADOW VIEW ST
WELLINGTON ST
GARDEN LN
HUEY ST
HANCOCK ST
CAUTHORN DR
REESE DR
GOLDSPIER DR
DIXON ST
VANNERSON DR
BRADSHAW ST
2ND AVE
AGNES ST
DE MAGGIO AVE
AUDREY ST
DIXON CIR
BARBER AVE
DIXON AVE
WULLSCHLEGER LN
GROVEWOOD ST
BOURQUIN ST
GREENBAY ST
Z189-169
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 2/6/2019

CPC RESPONSES



03/20/2019

Reply List of Property Owners

Z189-169

22 Property Owners Notified ***0 Property Owners in Favor*** ***0 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	3604	AGNES ST	SOUTHDALE APARTMENTS
	4	3641	DIXON AVE	REDEEMED CHRISTIAN CHURCH OF GOD
	5	3720	REESE DR	JBIII INV INC
	6	3700	REESE DR	SHINN POE & MARY ELIZABETH
	7	3706	REESE DR	ALEXANDER CECIL
	8	3714	REESE DR	JBIII INVESTMENT INC
	9	3627	REESE DR	WORKS R V TR
	10	3618	REESE DR	WEST CLARA
	11	3902	CAUTHORN DR	HARRIS DORIS
	12	3906	CAUTHORN DR	S D HOME DESIGNS LLC SERIES C
	13	3910	CAUTHORN DR	ESPARZA ENRIQUE
	14	3824	CAUTHORN DR	FREEMAN TOM C
	15	3814	CAUTHORN DR	INGRAM RHENETT LYNN
	16	3816	CAUTHORN DR	JONES LOWAYNE
	17	3827	CAUTHORN DR	LEVELS JAMES
	18	3726	CAUTHORN DR	HOLLINGSWORTH JEANETTE
	19	3802	CAUTHORN DR	JONES LOWAYNE &
	20	3808	CAUTHORN DR	SNEED JEROME
	21	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	22	3650	DIXON AVE	DALLAS PRINCE HALL LTD

Agenda Information Sheet

File #: 19-538 **Item #:** 55.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1746 for a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District, on the southeast corner of Westmoreland Road and Angelina Drive
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to conditions
Z189-174(JM)

powered by Legistar™

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z189-174(JM)	**DATE FILED:**	January 22, 2019
LOCATION:	Southeast corner of Westmoreland Road and Angelina Drive		
COUNCIL DISTRICT:	6	**MAPSCO:**	43 F
SIZE OF REQUEST:	±1.044 Acres	**CENSUS TRACT:**	205

REPRESENTATIVE: Victor Toledo

APPLICANT/OWNER: Brother Bill's Helping Hand

REQUEST: An application for the renewal of Specific Use Permit No. 1746 for a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District.

SUMMARY: The applicant is requesting continue the operation of a community service center [Brother Bill's Helping Hand].

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to conditions.

BACKGROUND INFORMATION:

- On February 11, 2009, the City Council approved Specific Use Permit No. 1746 for a community service center, providing for the construction of an 11,000-square-foot facility and surface parking area for the undeveloped parcel.

- On November 18, 2010, the City Plan Commission approved an application for the waiver of the two-year waiting period in order to permit the applicant the opportunity to submit a zoning request to accommodate the increase in development rights.

- On April 27, 2011, the City Council approved an amendment to SUP No. 1746 to allow for the addition of a mezzanine and small storage area.

- A Certificate of Occupancy was issued on May 9, 2012.

- The application was submitted on January 22, 2019. The applicant missed the autorenewal deadline (120th day) on October 15, 2018, so full renewal is now required. There are no changes proposed to the existing site plan.

Zoning History: There has been one recent zoning change request in the area in the last five years.

1. **Z145-268:** An application for a CS Commercial Service District on property zoned a CR Community Retail District on the northwest corner of Angelina Drive and North Westmoreland Road. *This application was withdrawn.*

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Westmoreland Road	Principal Arterial	100 feet	100 feet
Angelina Drive	Local	60 feet	--

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.

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 applicant's request is consistent with the following goals and policies of the comprehensive plan.

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 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:

Area	Zone	Use
Site	CR Community Retail and R-5(A) Single Family w/SUP No. 1746	Community service center
North	CR Community Retail and R-5(A) Single Family	Single family, undeveloped, and auto service center
East	R-5(A) Single Family	Single family
South	CR Community Retail and R-5(A) Single Family	Single family, undeveloped, and auto service center
West	CR Community Retail and LO-1 Limited Office	Single family, undeveloped, and church

Land Use Compatibility:

On February 11, 2009, the City Council approved Specific Use Permit No. 1746 for a community service center, providing for the construction of an 11,000 square foot facility and surface parking area. On November 18, 2010, the City Plan Commission approved an application for the waiver of the two-year waiting period in order to permit the inclusion of a mezzanine area not shown on the original site plan. The floor area was greater than allowed for a minor amendment. On April 27, 2011, the City Council approved an amendment to SUP No. 1746 to allow for the addition of a mezzanine and small storage area. The approval was for a ten-year period with eligibility for automatic renewals for additional ten-year periods. The application was submitted on January 22, 2019. The applicant missed the autorenewal deadline (120th day) on October 15, 2018, so full renewal is now required. The SUP expired on February 11, 2019, but since the

application was submitted before expiration, renewal of the SUP is allowed. There are no changes proposed to the existing site plan.

The predominate land use to the immediate north and east of the site is low density residential uses. The remaining development consists of scattered retail and office uses along both sides of Westmoreland Road, with an auto service center abutting the site's southern property line.

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.

Staff is not aware of any violations of the existing site plan or conditions. Additionally, staff is not apprised of any complaints from the neighborhood. As a result, staff maintains support for the requested renewal subject to the existing site plan and conditions.

Landscaping:

The site must maintain landscaping per Article X, as amended.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is not located within a designated market type, Category G can be found throughout the neighborhood to the east, and Categories H and I are found west of North Westmoreland Road.

Parking:

The community service center is required to provide one parking space per 200 square feet of floor area. According to the site plan and conditions, the property contains a structure with 13,047 square feet of floor area, thereby requiring 65 parking spaces. The site is in compliance.

CPC Action
March 21, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1746 for a community service center for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to revised conditions (as briefed) with the following change: Hours of Operation: Monday through Saturday, 8:00 a.m. to 10:00 p.m., Sunday, 12:00 p.m. to 6:00 p.m., on property zoned a CR Community Retail District and an R-5(A) Single Family District, on the southeast corner of Westmoreland Road and Angelina Drive.

Maker: Carpenter
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley*

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 53
Replies: For: 0 Against: 0

Speakers: For: Wes Keyes, Address not given
Against: None

List of Officers

12. List of partners/principals/officers :

Board of Trustees

a. Dr. LeAnn Kridelbaugh
b. Dr. Mike Milner
c. Felicia Powell
d. Bill Sims

e. Lisa Thiebaud
f. Kelly Trabold
g. Rich Morrin
h. Bill McCann
i. Janie Peña
j. Matt Garcia
k. Gail Capps

Executive Director: Wesley Keyes
3906 N. Westmoreland
Dallas TX 75212

CPC Recommended
SUP Conditions

1. USE: The only use authorized by this specific use permit is a community service center.

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 ~~February 11, 2019~~ [ten-years from the passage of this 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 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 I20th 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. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

5. HOURS OF OPERATION: The community service center may only operate between 8:00 a.m. and ~~4:00~~ 10:00 p.m., Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sundays.

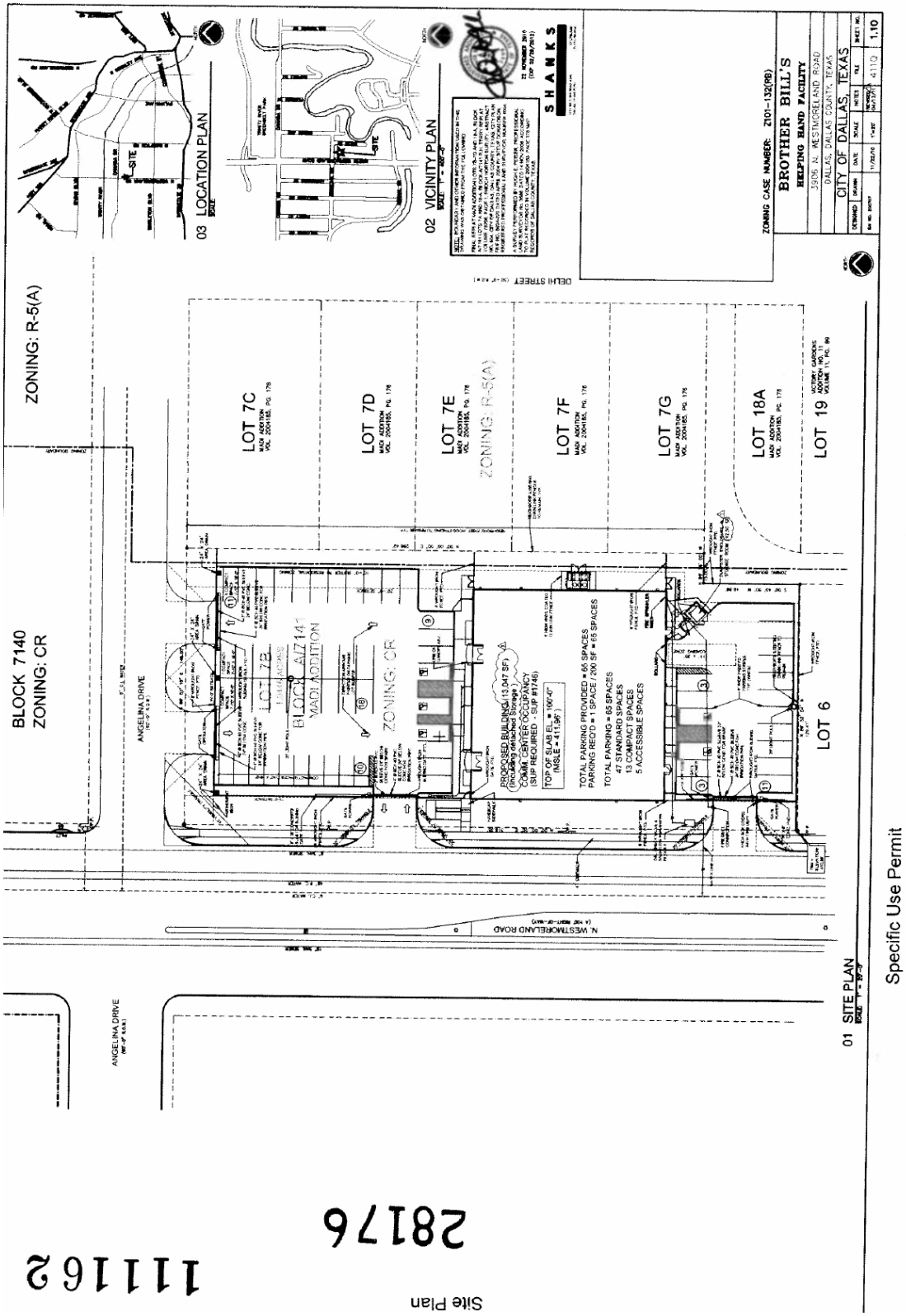
6. INGRESS/EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

7. PARKING: A minimum of 65 off-street parking spaces must be provided in the location shown on the attached site plan.

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.

Existing SUP Site Plan

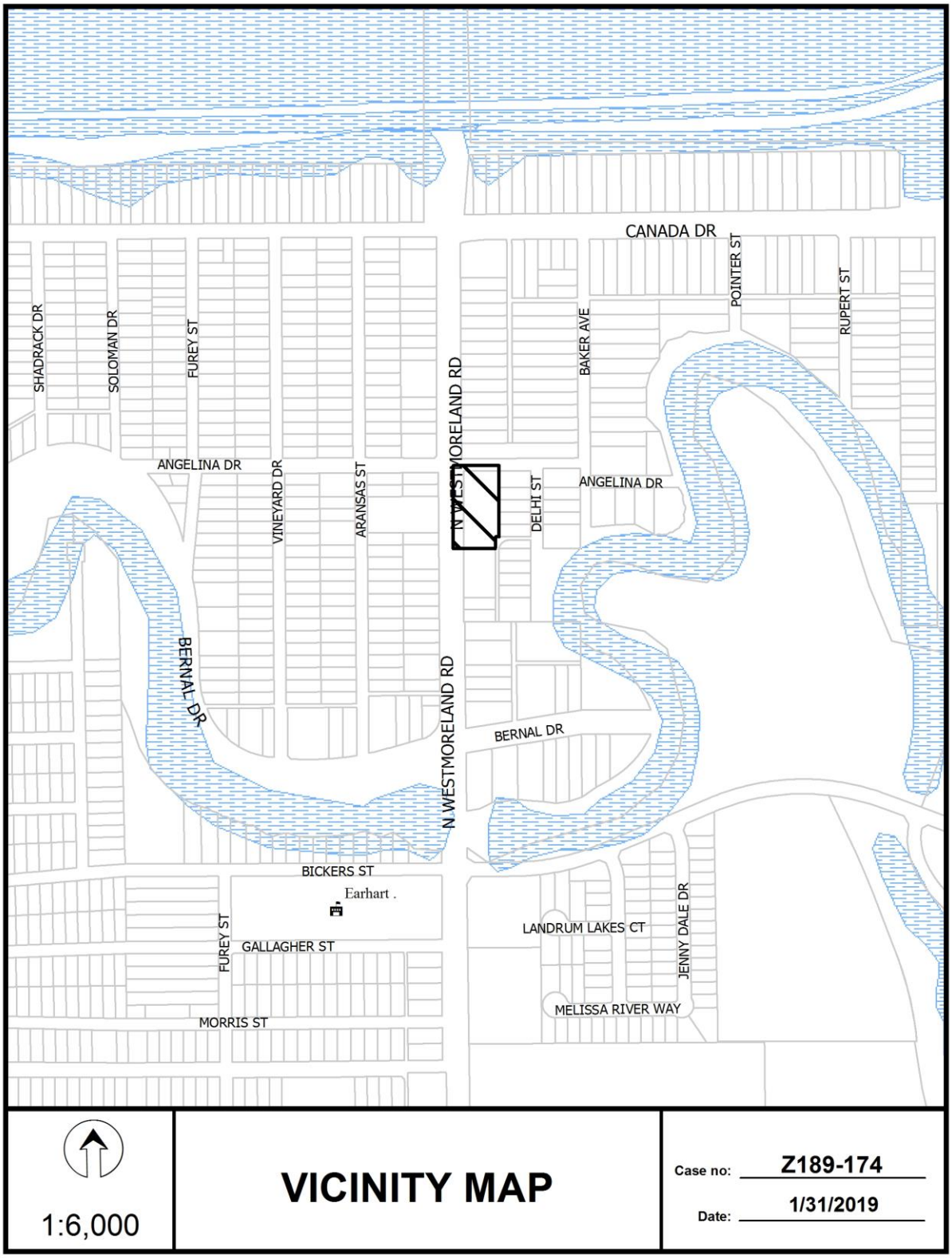


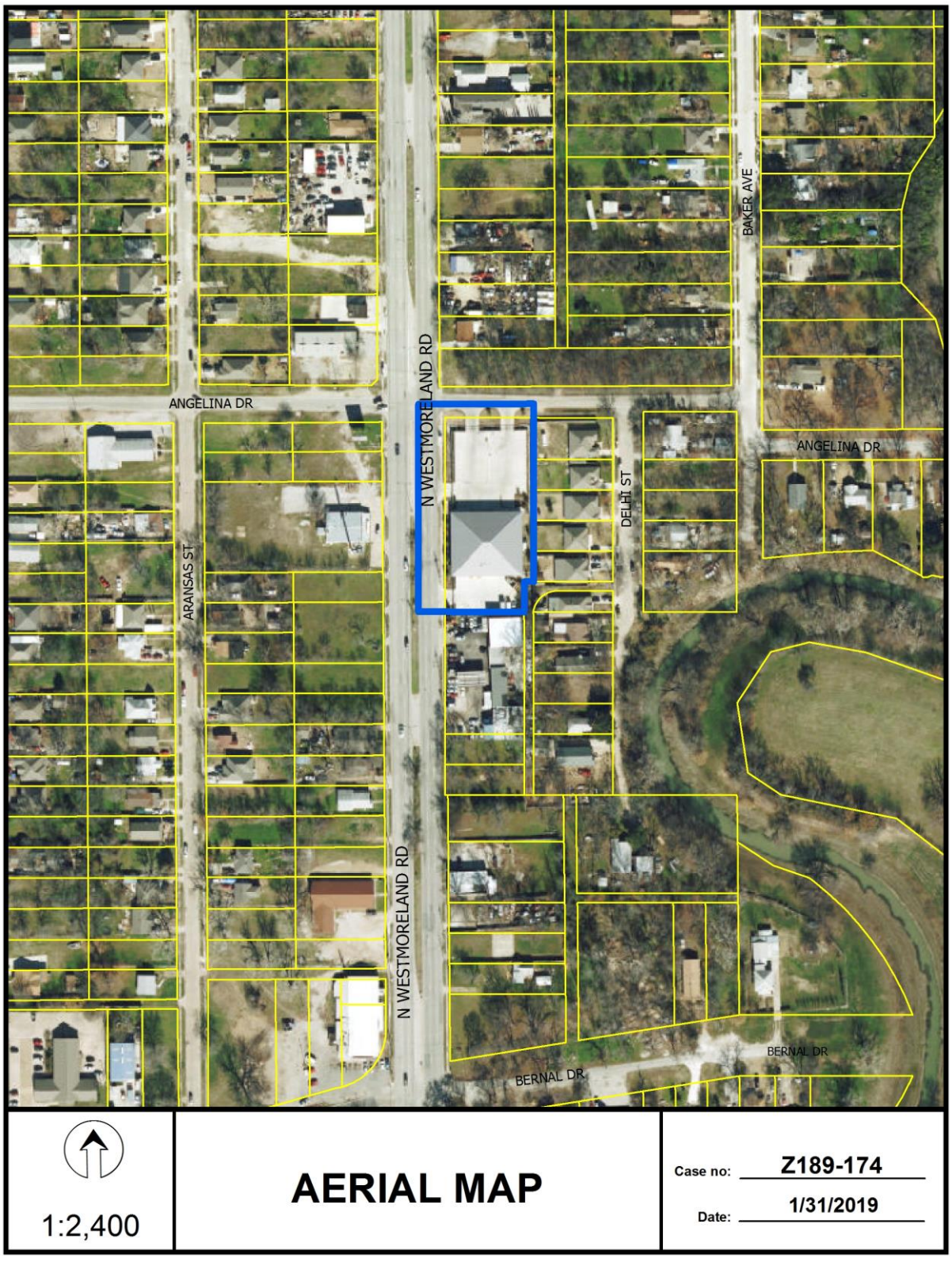
Specific Use Permit
No. 1746

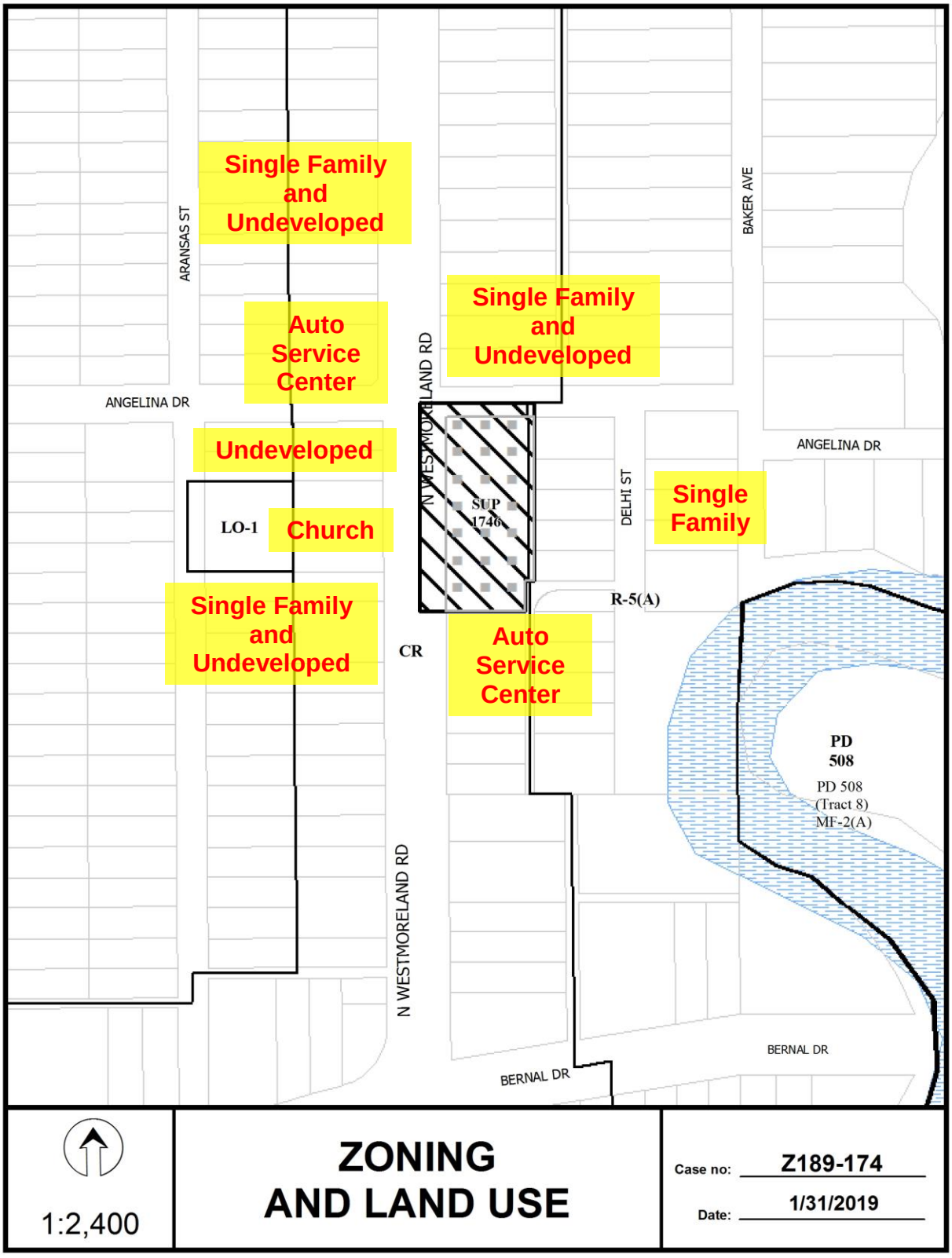
Site Plan

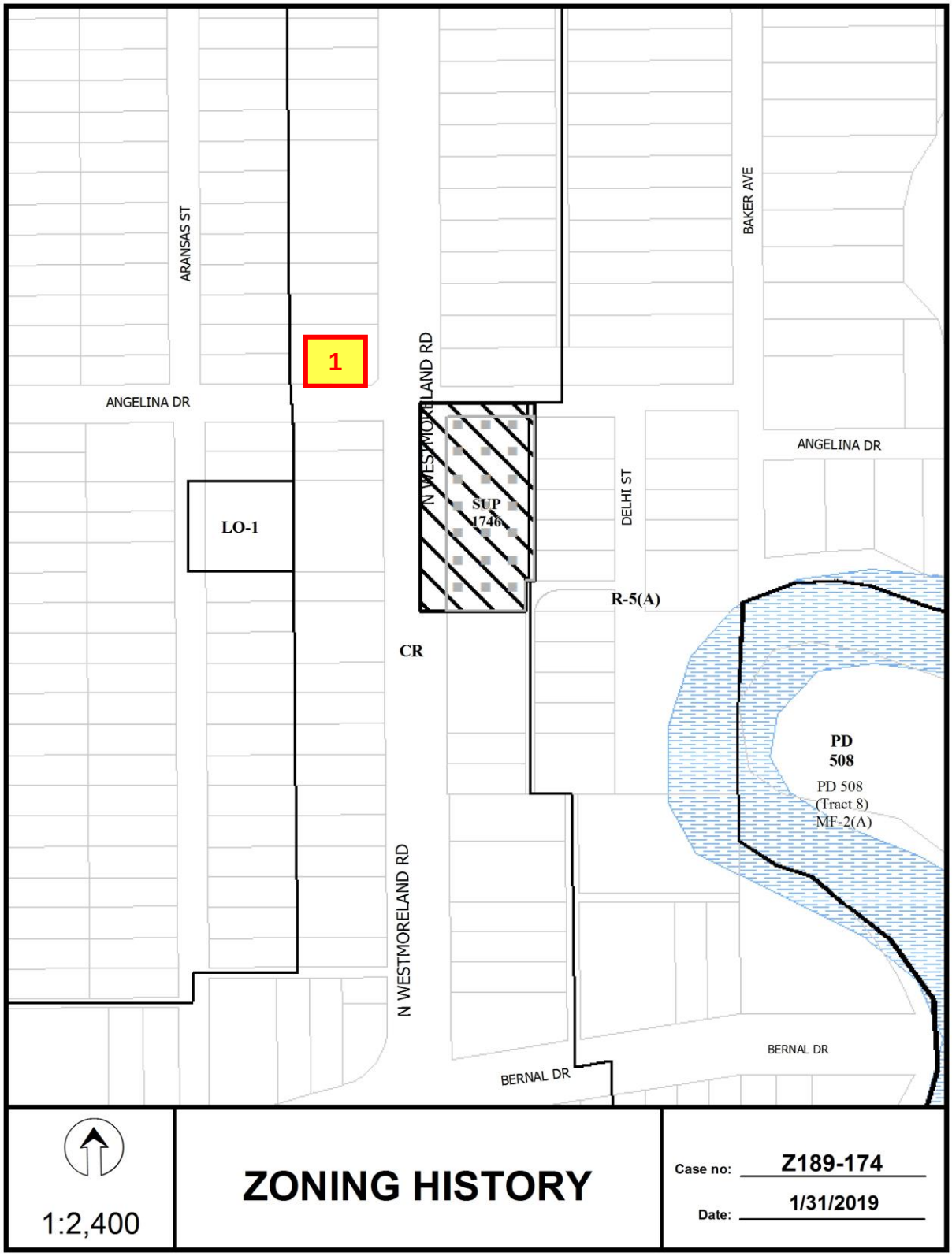
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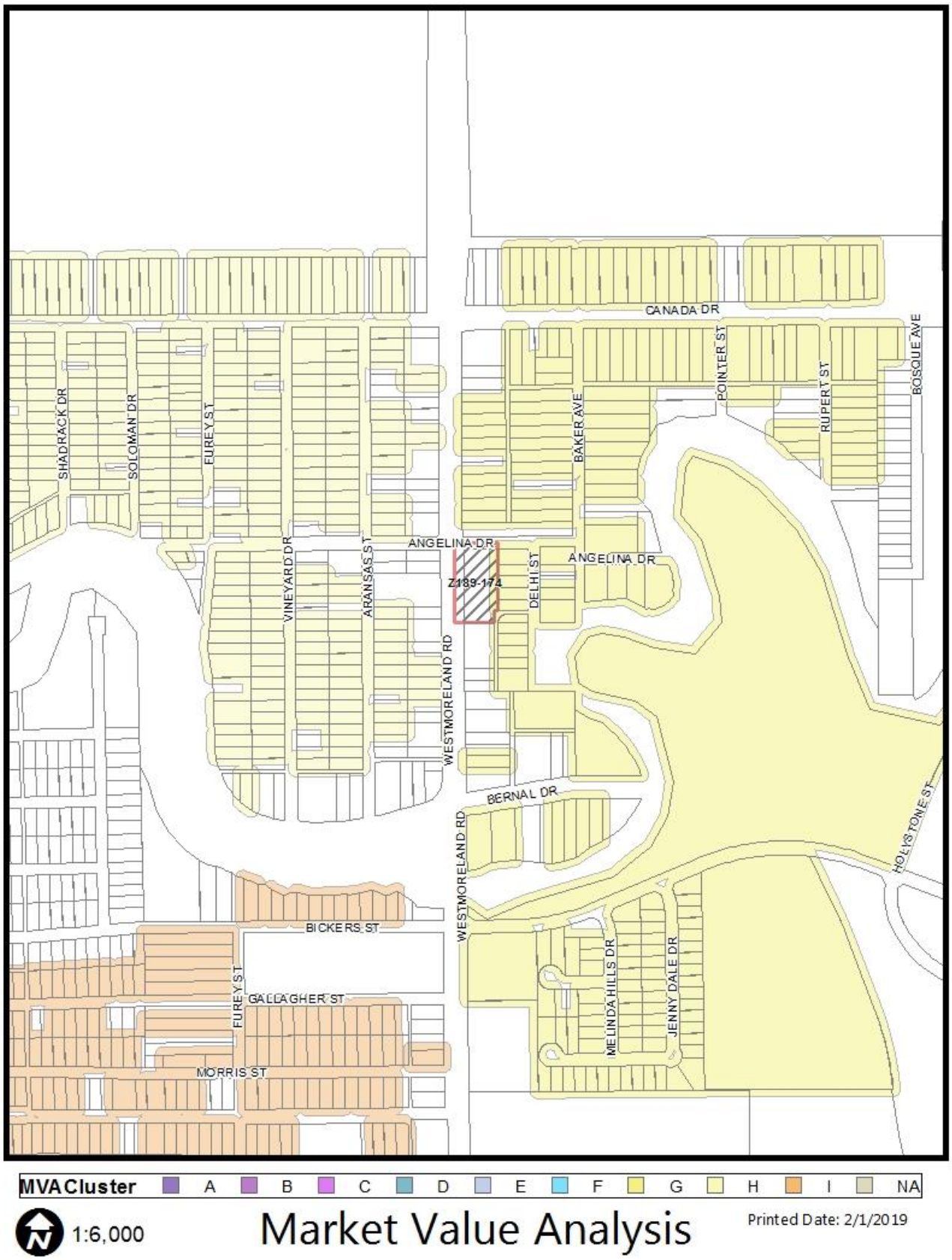
28176


CANADA DR
POINTER ST
RUPERT ST
SHADRACK DR
SOLOMAN DR
FUREY ST
BAKER AVE
N WESTMORELAND RD
ANGELINA DR
VINEYARD DR
ARANSAS ST
DELHI ST
ANGELINA DR
BERNAL DR
N WESTMORELAND RD
BERNAL DR
BICKERS ST
Earhart .
FUREY ST
GALLAGHER ST
LANDRUM LAKES CT
JENNY DALE DR
MELISSA RIVER WAY
MORRIS ST
1:6,000
VICINITY MAP
Case no: Z189-174
Date: 1/31/2019

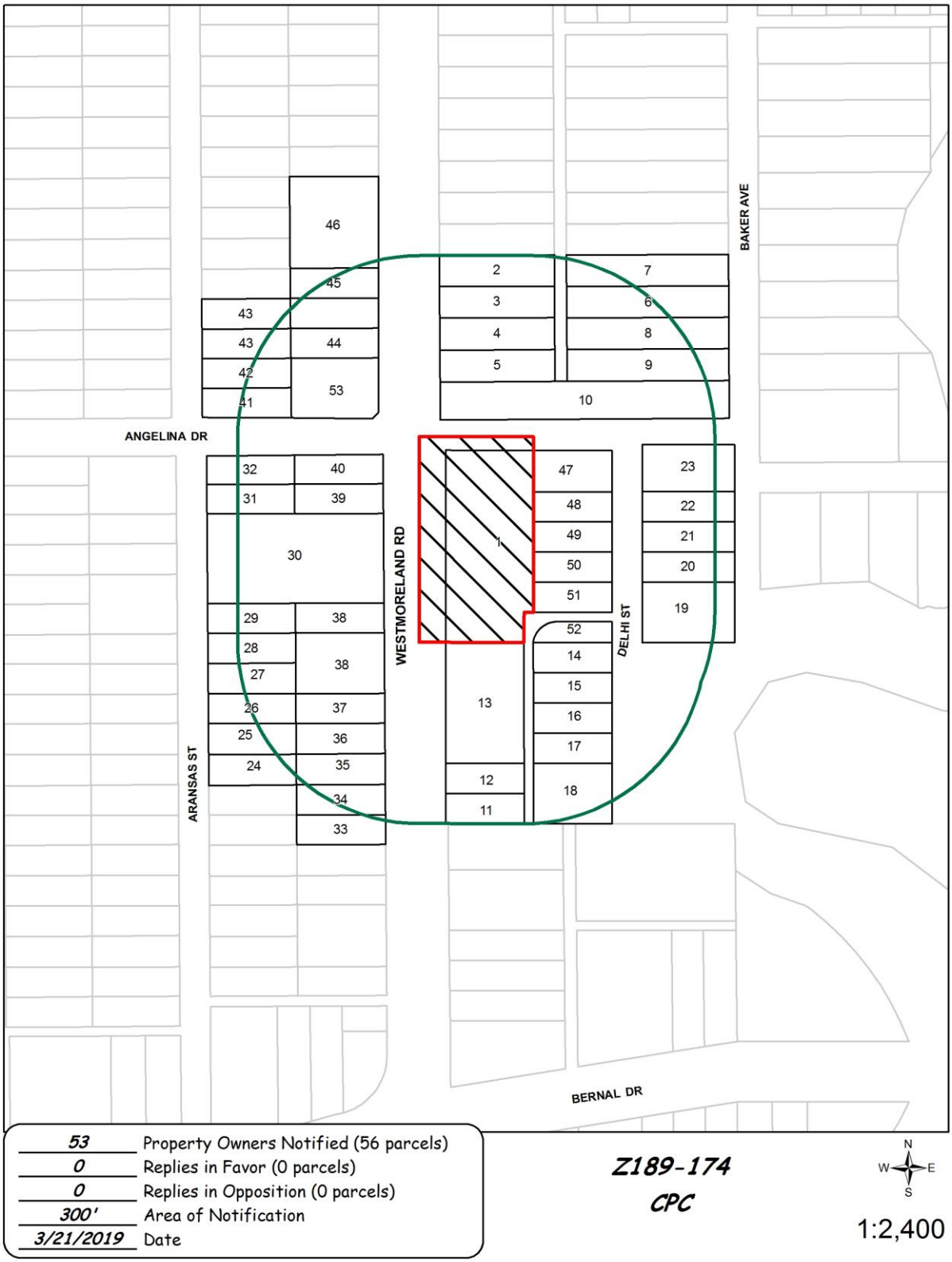

ANGELINA DR
N WESTMORELAND RD
BAKER AVE
ANGELINA DR
DELHI ST
ARANSAS ST
N WESTMORELAND RD
BERNAL DR
BERNAL DR
1:2,400
AERIAL MAP
Case no: Z189-174
Date: 1/31/2019


Single Family and Undeveloped
Auto Service Center
Undeveloped
Church
Single Family and Undeveloped
Single Family and Undeveloped
Auto Service Center
Single Family
ARANSAS ST
ANGELINA DR
N WESTMORELAND RD
SUP 1746
LO-1
CR
R-5(A)
DELHI ST
BAKER AVE
ANGELINA DR
PD 508
PD 508 (Tract 8) MF-2(A)
N WESTMORELAND RD
BERNAL DR
BERNAL DR
1:2,400
ZONING AND LAND USE
Case no: Z189-174
Date: 1/31/2019


ARANSAS ST
BAKER AVE
1
ANGELINA DR
N WESTMORELAND RD
ANGELINA DR
SUP
1746
DELHI ST
LO-1
R-5(A)
CR
PD
508
PD 508
(Tract 8)
MF-2(A)
N WESTMORELAND RD
BERNAL DR
BERNAL DR
1:2,400
ZONING HISTORY
Case no: Z189-174
Date: 1/31/2019


CANADA DR
POINTER ST
RUPERT ST
BOSQUE AVE
BAKER AVE
SHADRACK DR
SOLOMAN DR
FUREY ST
VINEYARD DR
ARANSAS ST
ANGELINA DR
Z189-174
DELHI ST
ANGELINA DR
WESTMORELAND RD
BERNAL DR
WESTMORELAND RD
HOLYSTONE ST
BICKERS ST
FUREY ST
GALLAGHER ST
MORRIS ST
MELINDA HILLS DR
JENNY DALE DR
MVA Cluster
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NA
1:6,000
Market Value Analysis
Printed Date: 2/1/2019

CPC Responses



03/20/2019

Reply List of Property Owners

Z189-174

53 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3906	N WESTMORELAND RD	BROTHER BILLS HELPING HAND
	2	4014	N WESTMORELAND RD	BARRON JUANITA
	3	4012	N WESTMORELAND RD	RAUDALEZ THOMAS
	4	4010	N WESTMORELAND RD	RAUDALEZ LISA M
	5	4006	N WESTMORELAND RD	MARTINEZ REYNALDO
	6	4019	BAKER AVE	MARTIN DALLAS INC
	7	4021	BAKER AVE	ORTIZ RAYMOND Z & MARIA P
	8	4015	BAKER AVE	MAREZ MARTIN
	9	4007	BAKER AVE	CHAVEZ ALEJANDRO & SAN JUANITA ISABEL
	10	3200	ANGELINA DR	BROTHER BILL'S HELPING HAND
	11	3810	N WESTMORELAND RD	CAMPBELL DAVID
	12	3814	N WESTMORELAND RD	LOPEZ JAVIER JR
	13	3822	N WESTMORELAND RD	LOPEZ MARTHA A
	14	3903	DELHI ST	REED EUGENE & TRESSIE
	15	3827	DELHI ST	TAYLOR ROSE &
	16	3805	DELHI ST	PATRICK D J ESTATE OF
	17	3819	DELHI ST	JACOB DORETHA & GIRRY
	18	3815	DELHI ST	GUERRA RUTH GOMEZ
	19	3910	DELHI ST	GARCIA MANUELA EST OF
	20	3918	DELHI ST	GARCIA EVA
	21	3922	DELHI ST	DIAZ MARY ANN
	22	3924	DELHI ST	GARCIA MELINDA J
	23	3928	DELHI ST	REYNA ERLINDA O
	24	3818	ARANSAS ST	RODRIGUEZ RAMIRO
	25	3822	ARANSAS ST	HALTOM DEBRA A
	26	3826	ARANSAS ST	HUERTA WALTER & MAYRA

03/20/2019

Reply	*Label #*	*Address*		*Owner*
	27	3830	ARANSAS ST	HUERTA MAYRA
	28	3902	ARANSAS ST	OSORIO ISIDRO &
	29	3906	ARANSAS ST	DIAZ MIGUEL
	30	3915	N WESTMORELAND RD	TESTAMENT OF PRAISE CHURCH
	31	3922	ARANSAS ST	FIGUEROA ALEJANDRO
	32	3926	ARANSAS ST	HILL JERRY LYNN
	33	3811	N WESTMORELAND RD	MITCHELL EDDIE MARIE
	34	3815	N WESTMORELAND RD	MITCHELL ROY D
	35	3819	N WESTMORELAND RD	BADILLO MARGARITO
	36	3823	N WESTMORELAND RD	WASHINGTON CLIFTON DWIGHT &
	37	3827	N WESTMORELAND RD	REYNOLDS CHRISTOPHER C &
	38	3831	N WESTMORELAND RD	GIPSON JOSEPH LEE &
	39	3923	N WESTMORELAND RD	SANCHEZ CARLOS
	40	3927	N WESTMORELAND RD	ELLER MEDIA COMPANY
	41	4002	ARANSAS ST	LOPEZ HECTOR
	42	4006	ARANSAS ST	PEGRAM JOHN W &
	43	4010	ARANSAS ST	POLK MARIAN L
	44	4011	N WESTMORELAND RD	MARTINEZ HUGO & NADIA
	45	4019	N WESTMORELAND RD	HMK LTD
	46	4027	N WESTMORELAND RD	IBARRA JUAN MANUEL
	47	3927	DELHI ST	CHAVEZCAMACHO MARIO &
	48	3923	DELHI ST	CAMPOS JUAN ANTONIO
	49	3919	DELHI ST	REYES GONZALO &
	50	3915	DELHI ST	RODRIGUEZ LUIS
	51	3911	DELHI ST	LERMA EDY & CARMEN
	52	3907	DELHI ST	DE LA LUZ RAMOS MARIA
	53	4001	N WESTMORELAND RD	MARTINES HUGO

Agenda Information Sheet

File #: 19-539 **Item #:** 56.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting 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 a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the northeast corner of South Belt Line Road and C.F. Hawn Freeway

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z189-175(CY)

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HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**
ACM: Michael Mendoza

FILE NUMBER:	Z189-175(CY)	**DATE FILED:**	January 22, 2019
LOCATION:	Northeast corner of South Belt Line Road and C.F. Hawn Freeway		
COUNCIL DISTRICT:	8	**MAPSCO:**	69A R
SIZE OF REQUEST:	Approx. 1.52 acres	**CENSUS TRACT:**	171.01

OWNER: Nancy Powers/OM Shanti Arp. LLC

APPLICANT: Quick Trip Corporation

REPRESENTATIVE: Lauren Montgomery, JGH Consultants, LLC

REQUEST: An application for 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 a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to redevelop the site and construct a 4,977-square-foot convenience store and a 6,650-square-foot canopy for fueling station. The purpose of the request is to sell alcohol for off-premise consumption in conjunction with the general merchandise store greater than 3,500 square feet.

CPC RECOMMENDATION: **Approval** 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** 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 area of request is zoned CS-D-1 Commercial Service District with D-1 Liquor Control Overlay and is currently developed with two one-story structures containing a motel use and an auto service center use (tire shop).

- The applicant proposes to demolish the existing structures and redevelop the site with a 4,977-square-foot convenience store with a 6,650-square-foot canopy for fueling station.

- The purpose of the request is to sell alcohol for off-premise consumption in conjunction with the general merchandise store greater than 3,500 square feet.

Zoning History: There have been two zoning changes in the surrounding area in the past five years including the area of request.

1. **Z134-269** On August 1, 2016 an automatic renewal for Specific Use Permit No. 1883 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less was approved for an additional three-year period on property located at the northeast corner of South Belt Line Road and CF Hawn Freeway, southeast of the area of request.

2. **Z167-165** On June 14, 2017, the City Council approved Specific Use Permit No. 2242 for a tower/antenna for cellular communication limited to a monopole cellular tower on property located on the south side of C. F. Hawn Freeway, southeast of South Belt Line Road, south of the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Belt Line Road	Principal Arterial	100’	107’
CF Hawn Freeway	Interstate Highway	variable	variable

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has 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 request complies with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

> **Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

Land Use Area Plan:

West Kleberg Land Use Study.

On April 25, 2007, City Council approved the West Kleberg Area Plan to guide future development in the area generally located south of Interstate 20 and bounded on the east by Stark Road and the Dallas city limit, on the south by Dallas County and on the west by Saint Augustine and Haymarket Roads. The area of request is in what the area plan identifies as Subarea 1 of the study. Sub-area 1 is comprised of approximately 2,047 acres of which 46% is presently vacant or undeveloped, and 33% is comprised of Single Family (SF) uses.

Commercial service and retail uses in sub-area 1 are dominant along US Highway 175, with a concentration of these uses between Edd and Belt Line Roads. The area of request is located on the northeast corner of South Belt Line Road and CF Hawn Freeway. This area is identified in the West Kleberg Community Plan as a Commercial Corridor.

The study concludes that the community's vision of the area is to preserve it as a "bedroom community" with neighborhood-serving businesses mainly along the Highway 175 freeway and where residential development of low and medium density occurs in such manner that it complements the existing low-density residential neighborhoods. It is clear that, area residents treasure the uniqueness of their community with its suburban/rural character.

The request is consistent with the land use study as it relates to maintaining the commercial corridor along South Belt Line and CF Hawn Freeway.

Land Use:

	Zoning	Land Use
Site	CS Commercial Service District with D-1 Liquor Control Overlay	Motel, auto service center
North	CS Commercial Service District with D-1 Liquor Control Overlay	Undeveloped Land
Northeast	CS Commercial Service District with D-1 Liquor Control Overlay	Restaurant w/o drive thru window
East	CS Commercial Service District with D-1 Liquor Control Overlay, SUP No.1883	Restaurant with drive thru window, General merchandise with fueling station.
South	CS Commercial Service District with D-1 Liquor Control Overlay with SUP No. 1911	General merchandise with fueling station
Northwest	IM Industrial Manufacturing with D-1 Liquor Control Overlay	Undeveloped Land, machinery, heavy equip. or truck sales & service

Land Use Compatibility:

The approximate 0.3696-acre site is zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay and is currently developed with two one-story structures containing a motel use and an auto service center use.

The applicant proposes to demolish the existing structures and redevelop the site with a 4,977-square-foot convenience store with a 6,650-square-foot canopy for fueling station. The general merchandise and fueling station uses are allowed by right in the existing zoning district. The D-1 Liquor Control Overlay District however, requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premise.

The purpose of the request is to obtain an SUP to allow for the sale of alcoholic beverages in conjunction with the general merchandise or food store greater than 3,500 square feet. The applicant will seek to obtain a liquor license under Chapter 26 of the Texas Alcoholic Beverage Commission Code, wine and beer retailer's off-premise permit.

Generally located to the northwest, north and northeast of the site is a mix of undeveloped tracts of land, machinery, heavy equipment or truck sales and service, outside salvage and reclamation, and restaurant uses.

Across South Belt Line Road to the east of the subject site, there are general merchandise with fueling station, and restaurant with drive-in or drive-thru window uses.

A general merchandise or food store with fueling station is also located to the south across C. F. Hawn Freeway.

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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

In general, the applicant's request is consistent with the existing zoning and the general provisions for a Specific Use Permit, and is not foreseen to have a negative impact on the surrounding properties. Staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods because the proposed sale of alcoholic beverages is new to the site. This has been the standard for the proposed use because it allows for the review of the use after the initial two-year period.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request site is not within an identifiable MVA Category; however, it is in proximity to an "F" MVA Cluster to the northeast and southwest along South Belt Line Road.

Parking:

Off-street parking and loading requirements must comply with the Dallas Development Code as amended. A total of 27 off-street parking spaces are required for the general merchandise or food store with fueling station. This total is derived from calculating 25 spaces required for the convenience store at a ratio of 1 space for every 200 square feet of floor area (4,977/200= 24.8 ~ 25), and two additional spaces required for the fueling station use. The proposed site plan depicts 45 parking spaces will be provided on site.

Landscaping:

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

Dallas Police Department: The proposed site is currently developed with a motel use, and an auto service center, therefore the police report received is not related either to the proposed general merchandise or food store use nor the sales of alcohol for off-premise consumption.

The report staff obtained includes calls, offenses and arrests within a three-year period. For the motel use, a total of 28 calls, nine offenses and one arrest were reported. A total of four calls with zero offences and zero arrests were reported for the auto service center use.

CPC Action
March 21, 2019

Motion: It was moved to recommend **approval** of 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 for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and revised conditions (as briefed) on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the northeast corner of South Belt Line Road and C. F. Hawn Freeway.

Maker: Lewis
Second: Housewright
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 300 Mailed: 14
Replies: For: 1 Against: 0

Speakers: None

List of Officers

QuikTrip Corporation

- Chester Cadieux III — President/ Chief Executive Officer
- James Marchesano — Vice President of Store Development
- Stuart C. Sullivan — Vice President of Finance (CFO)
- Marvin C. O'Dell III — Vice President of Sales
- Jeffrey T. Thoene — Vice President of Real Estate
- Chad M. Standford — Corporate Director of Real Estate
- Kelly P. Vaugh — Regional Director of Real Estate
- Craig D. Williams — Regional Director of Real Estate.

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

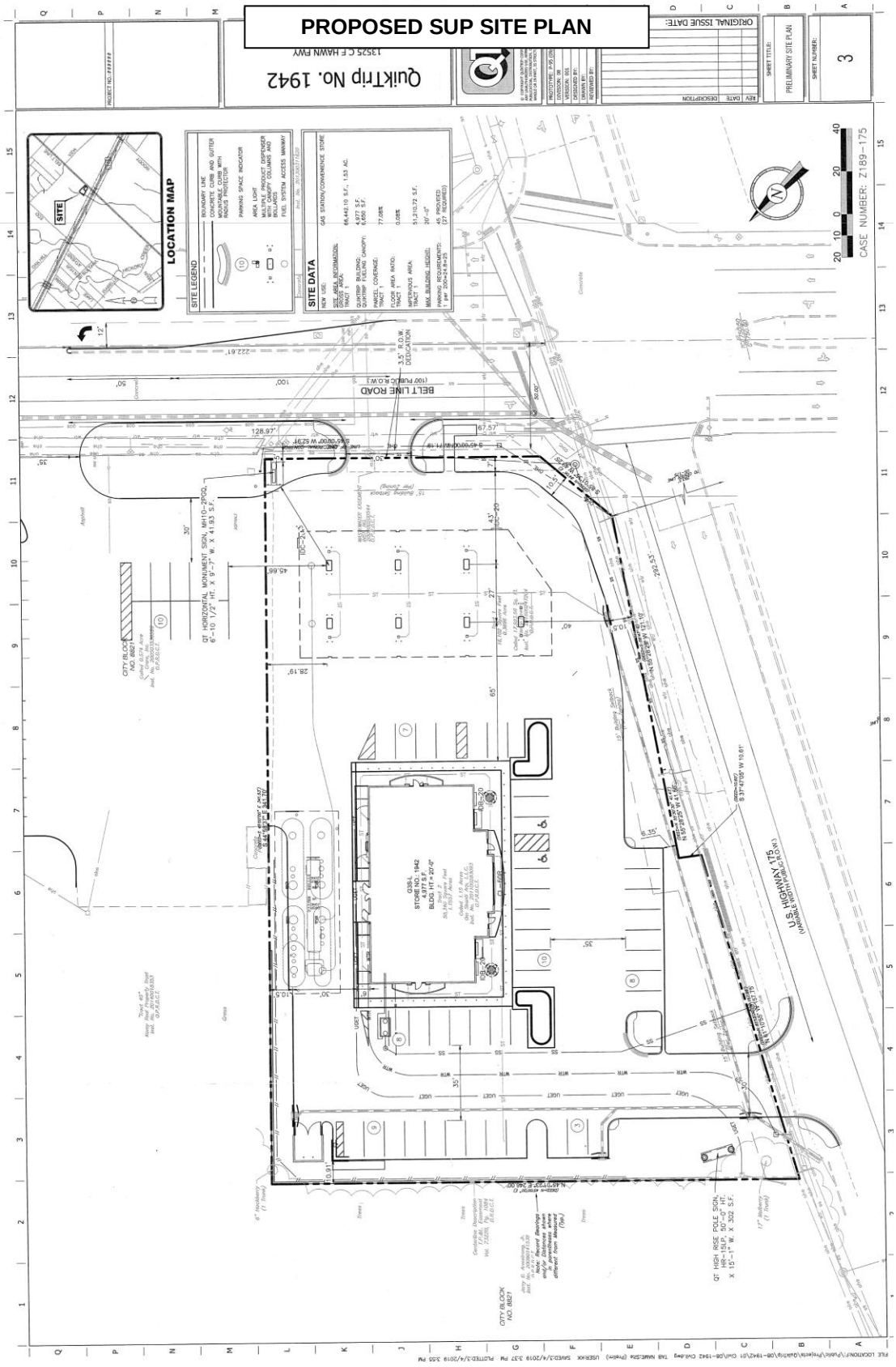
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance) but is eligible for automatic renewals for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the 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).

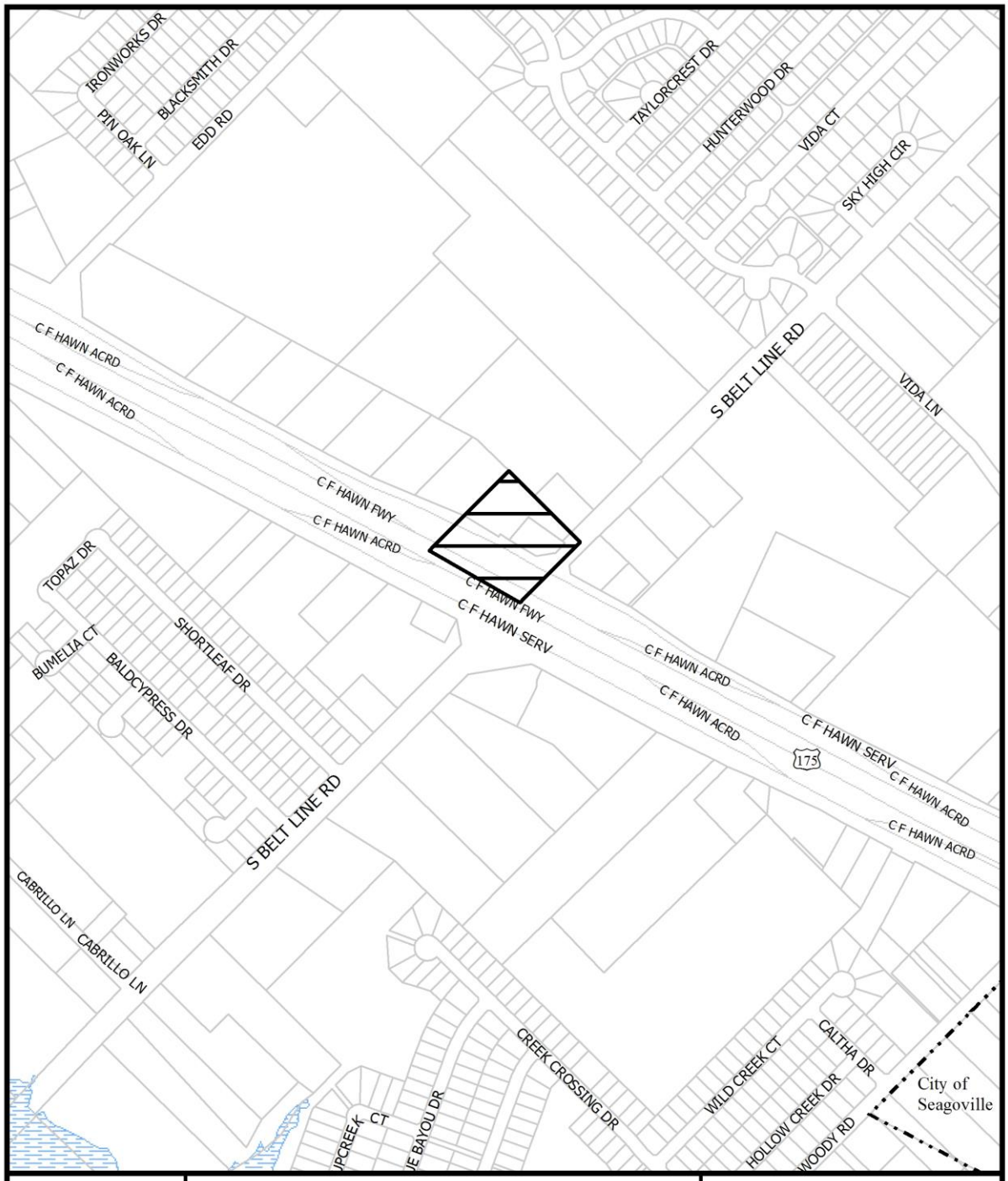
5. FLOOR AREA: The maximum floor area is 4,977 square feet in the location shown on the attached site plan

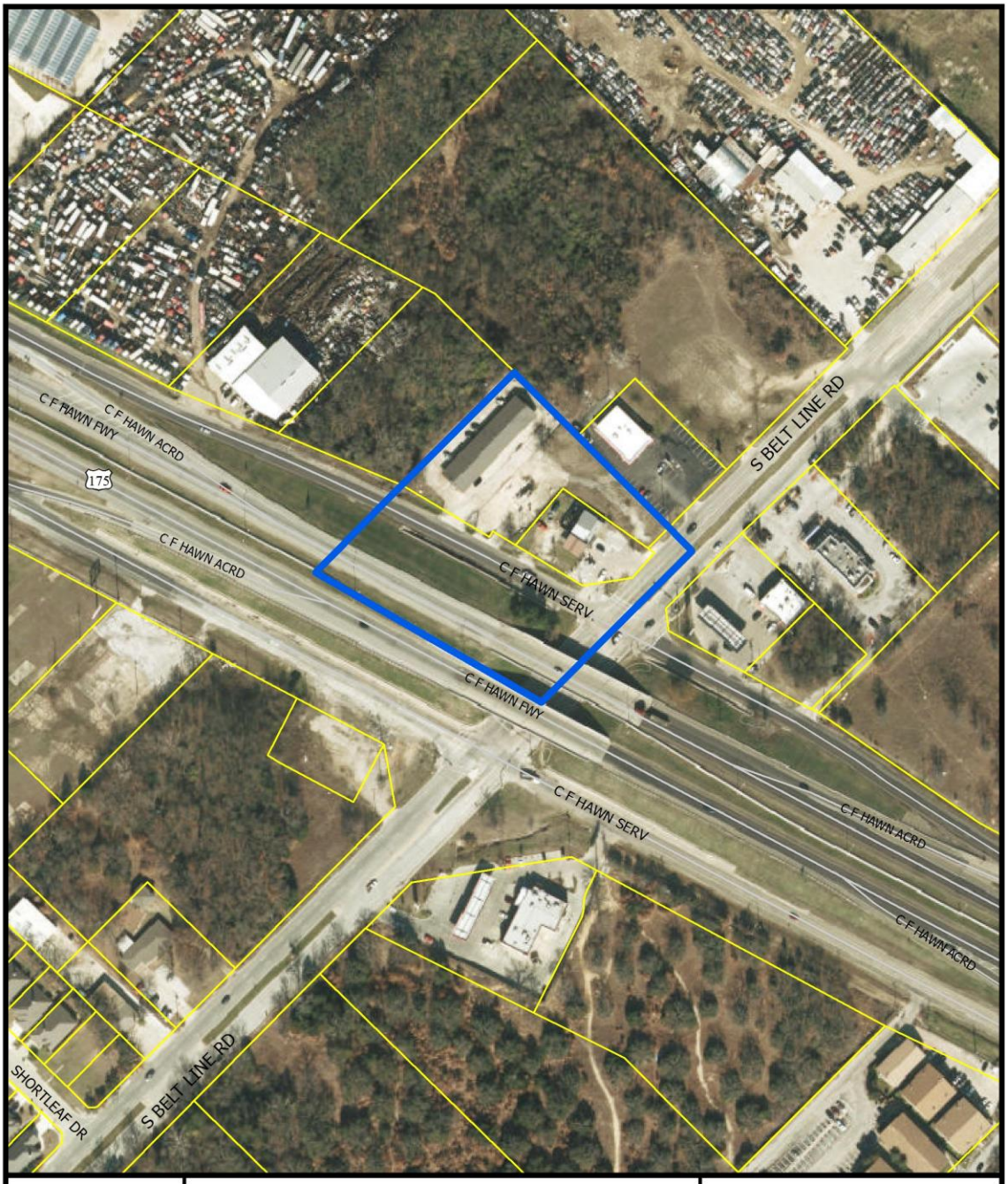
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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 SUP SITE PLAN




IRONWORKS DR
BLACKSMITH DR
PIN OAK LN
EDD RD
TAYLORCREST DR
HUNTERWOOD DR
VIDA CT
SKY HIGH CIR
C F HAWN ACRD
C F HAWN ACRD
S BELT LINE RD
VIDA LN
C F HAWN FWY
C F HAWN ACRD
C F HAWN FWY
C F HAWN SERV
TOPAZ DR
BUMELIA CT
SHORTLEAF DR
BALDCYPRESS DR
C F HAWN ACRD
C F HAWN ACRD
C F HAWN SERV
C F HAWN ACRD
C F HAWN ACRD
175
S BELT LINE RD
CABRILLO LN
CABRILLO LN
CREEK CROSSING DR
WILD CREEK CT
CALTHA DR
HOLLOW CREEK DR
WOODY RD
City of Seagoville
1:6,000
VICINITY MAP
Case no: Z189-175
Date: 3/1/2019

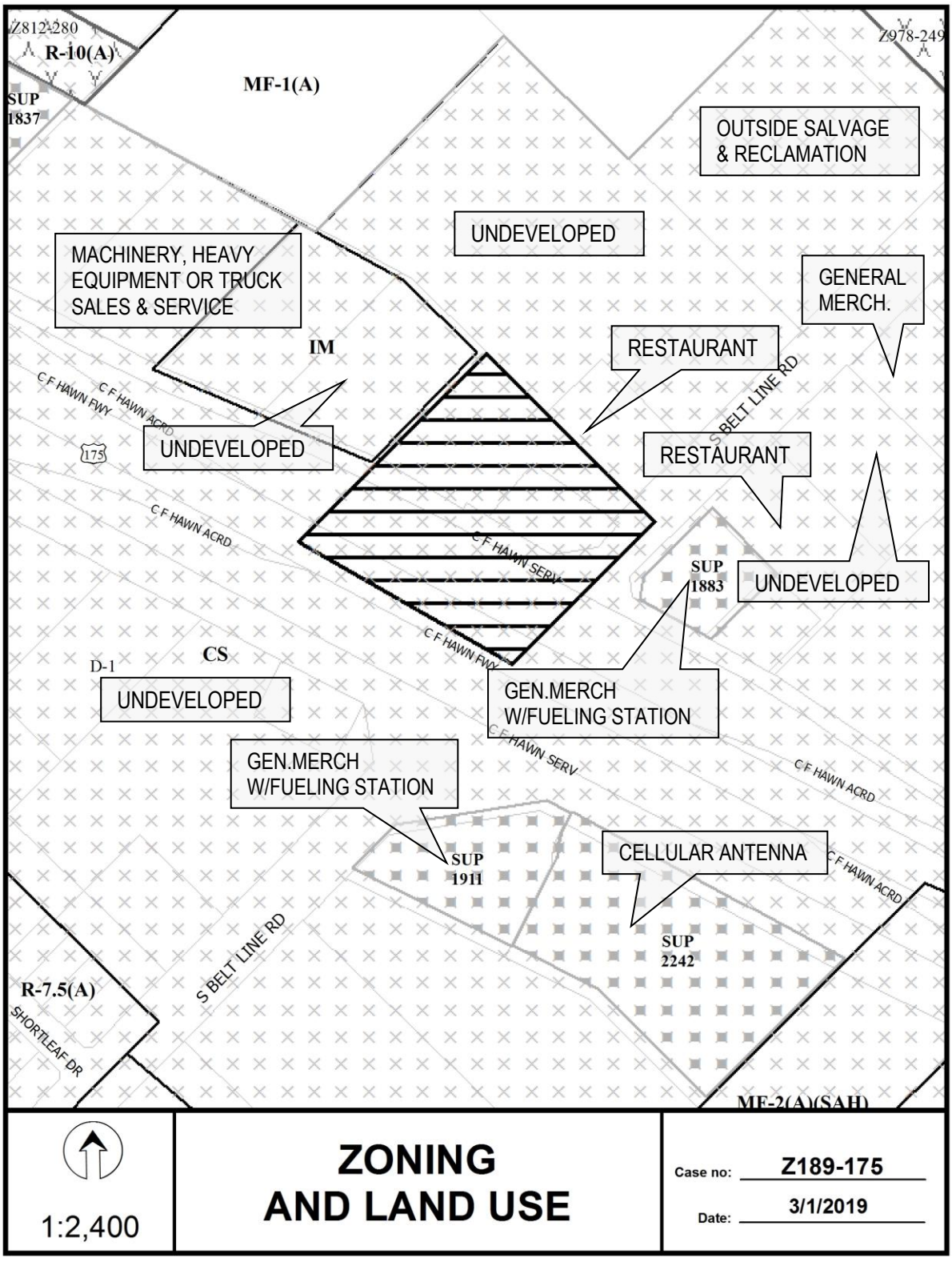


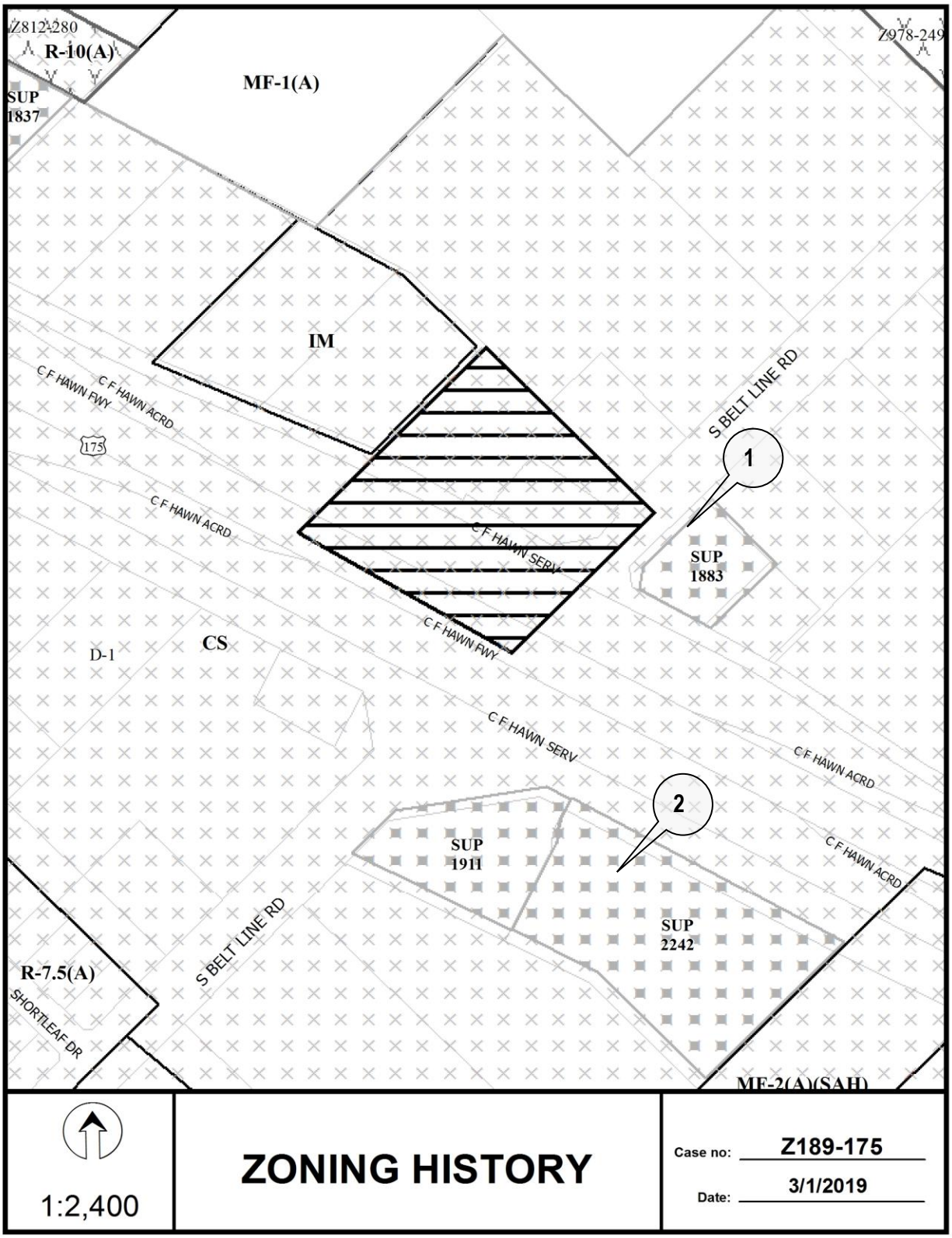
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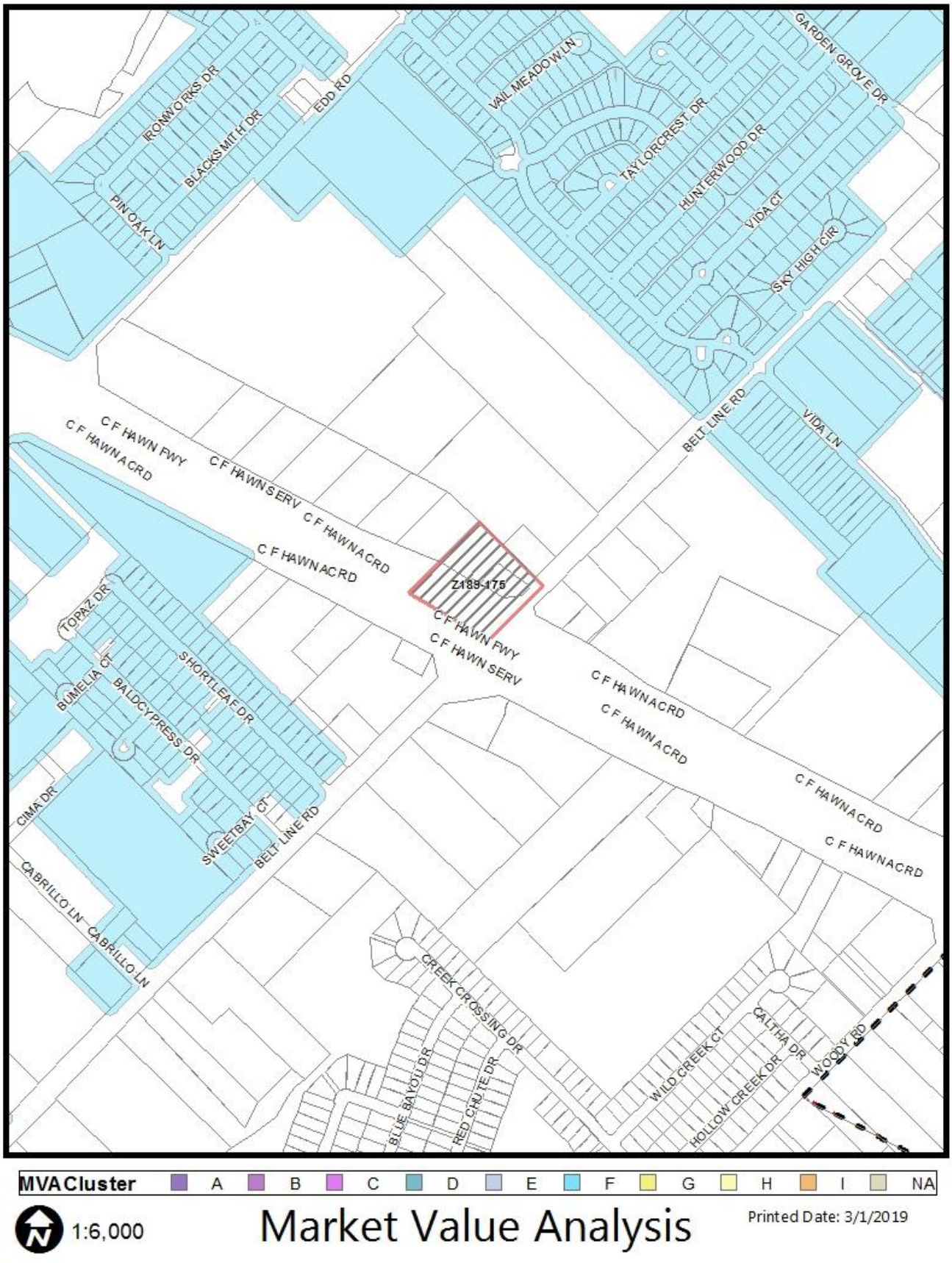
AERIAL MAP

Case no: Z189-175

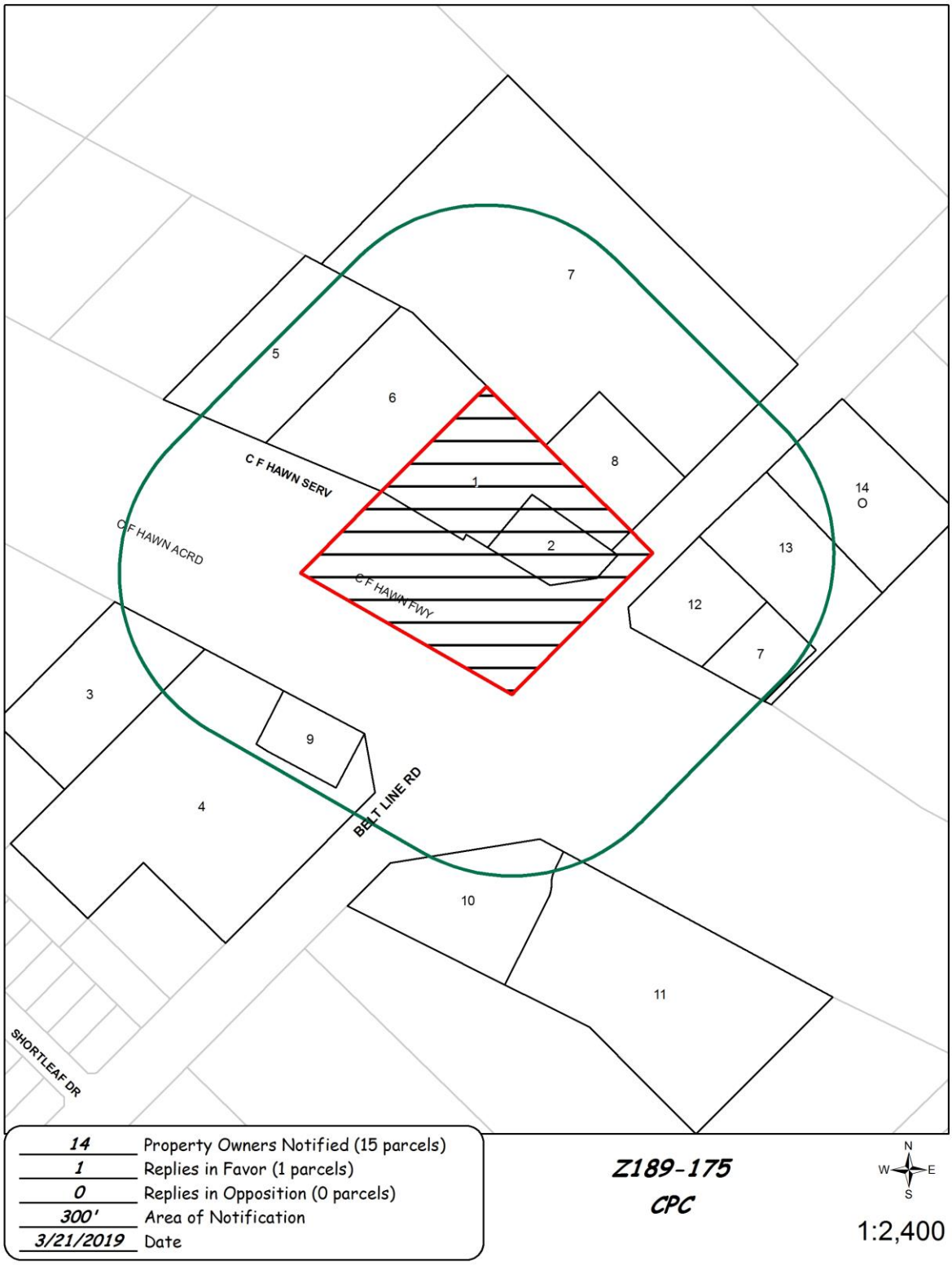
Date: 3/1/2019


Z812-280
R-10(A)
SUP 1837
MF-1(A)
Z978-249
OUTSIDE SALVAGE & RECLAMATION
UNDEVELOPED
MACHINERY, HEAVY EQUIPMENT OR TRUCK SALES & SERVICE
GENERAL MERCH.
IM
RESTAURANT
C F HAWN FWY
C F HAWN ACRD
S BELT LINE RD
175
UNDEVELOPED
RESTAURANT
C F HAWN ACRD
C F HAWN SERV
SUP 1883
UNDEVELOPED
C F HAWN FWY
D-1
CS
UNDEVELOPED
GEN.MERCH W/FUELING STATION
C F HAWN SERV
GEN.MERCH W/FUELING STATION
C F HAWN ACRD
SUP 1911
CELLULAR ANTENNA
C F HAWN ACRD
SUP 2242
S BELT LINE RD
R-7.5(A)
SHORTLEAF DR
MF-2(A)(SAH)
1:2,400
ZONING AND LAND USE
Case no: Z189-175
Date: 3/1/2019


Z812-280
R-10(A)
SUP 1837
MF-1(A)
Z978-249
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C F HAWN FWY
C F HAWN ACRD
175
S BELT LINE RD
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C F HAWN ACRD
C F HAWN SERV
SUP 1883
C F HAWN FWY
D-1
CS
C F HAWN SERV
C F HAWN ACRD
2
SUP 1911
C F HAWN ACRD
SUP 2242
S BELT LINE RD
R-7.5(A)
SHORTLEAF DR
MF-2(A)(SAH)
1:2,400
ZONING HISTORY
Case no: Z189-175
Date: 3/1/2019


IRONWORKS DR
BLACKSMITH DR
EDD RD
PIN OAK LN
VAIL MEADOW LN
TAYLORCREST DR
HUNTERWOOD DR
VIDA CT
SKY HIGH CIR
GARDEN GROVE DR
VIDA LN
BELT LINE RD
C F HAWN FWY
C F HAWN ACRD
C F HAWN SERV
Z189-175
TOPAZ DR
BUMELIA CT
SHORTLEAF DR
BALDCYPRESS DR
CIMA DR
SWEETBAY CT
CABRILLO LN
CREEK CROSSING DR
BLUE BAYOU DR
RED CHUTE DR
WILD CREEK CT
HOLLOW CREEK DR
CALTHA DR
WOODY RD
MVACluster
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NA
1:6,000
Market Value Analysis
Printed Date: 3/1/2019

CPC RESPONSES



03/20/2019

Reply List of Property Owners

Z189-175

14 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	13415	C F HAWN FWY	OM SHANTI ARP LLC
	2	13525	C F HAWN FWY	POWERS NANCY
	3	13440	C F HAWN FWY	DJK INC
	4	13508	C F HAWN FWY	ALMO INVESTMENT II LTD
	5	13331	C F HAWN FWY	ARMSTRONG JERRY DALE SR
	6	13400	C F HAWN FWY	ARMSTONG JERRY D JR
	7	1811	S BELTLINE RD	KAMY REAL PPTY TRUST
	8	1800	S BELTLINE RD	CRARE INC
	9	13510	C F HAWN FWY	MASRI ABDELRAZAK
	10	1920	S BELTLINE RD	ALMO INVESTMENTS LTD
	11	13558	C F HAWN FWY	RIM INVESTMENTS LLC
	12	13601	C F HAWN FWY	SEJ ASSET MANAGEMENT & INVESTMENT COMPANY
	13	1808	S BELTLINE RD	MCDONALDS CORP 42 524
O	14	1790	S BELTLINE RD	SEAGOVILLE ONE LP

Agenda Information Sheet

File #: 19-540 **Item #:** 57.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District, on the northwest corner of Greenville Avenue and Bell Avenue

Recommendation of Staff: Approval for a five-year period, subject to a revised site plan and conditions

Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions

Z189-170(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z189-170(JM)	**DATE FILED:**	January 16, 2019
LOCATION:	Northwest corner of Greenville Avenue and Bell Avenue		
COUNCIL DISTRICT:	14	**MAPSCO:**	36 T
SIZE OF REQUEST:	±22,000 square feet	**CENSUS TRACT:**	10.02

APPLICANT/OWNER: Simon McDonald

OWNER: 2001 Greenville Venture, LTD-Laurence B. Vineyard, Manager

REQUEST: An application for an amendment to and a renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District.

SUMMARY: The applicant is proposing to continue the operation of an existing restaurant [The Libertine Bar] during late hours between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. The existing uncovered patio area has already been increased from 750 square feet to approximately 1,000 square feet.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- On January 26, 2011, the City Council approved Planned Development District No. 842 for Community Retail District uses.

- The Libertine restaurant has operated at this location since 2006. The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight.

- On August 10, 2011, the City Council granted Specific Use Permit No. for a late-hours establishment limited to a restaurant without drive-in or drive-through service, for a four-year time period. On June 10, 2015, the SUP was renewed for a four-year time period. The SUP will expire on June 10, 2019.

- The late hours granted allows the restaurant to operate from 12:00 a.m. (Midnight) and 2:00 a.m. (the next day), Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.

- The site contains an approximately 2,200 square-foot, one-story building erected in 1939 with a 750-square-foot uncovered patio on the street level along the eastern frontage of Greenville Avenue. The current request is to expand the uncovered patio to approximately 1,000 square feet. This expansion has already occurred and the applicant is seeking to keep this enlarged patio.

Zoning History: There have been approximately eight zoning cases at seven locations in the area over the past five years.

1. **Z156-217:** On June 22, 2016, the City Council approved the renewal of Specific Use Permit No. 1889 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern use on property within Planned Development District No. 842 for CR Community Retail District Uses with a MD-1 Modified Delta Overlay, on the east line of Greenville Avenue, north of Prospect Avenue.
2. **Z156-300:** On October 26, 2016, the City Council approved a renewal of Specific Use Permit No. 1905 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay.
3. **Z178-304 & Z167-367:** On December 13, 2017, the City Council approved Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through use on property within Planned Development District No. 842 for CR Community Retail District use with a MD-1 Modified Delta Overlay. This request was renewed on November 14, 2018.

4. **Z156-318:** On October 11, 2016, Specific Use Permit No. 1898 for a late hours establishment limited to a general merchandise or food store 3,500 or less, was automatically renewed.
5. **Z178-186:** On April 25, 2018, the City Council approved the Oak Lawn/East Dallas Demolition Delay Overlay District in an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas North Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from Haskell Avenue to Carroll Avenue, Main Place, Prairie Avenue, Columbia Avenue, and Fitzhugh Avenue; and containing approximately 3,277.30 acres.
6. **Z189-150:** On February 21, 2019, the City Plan Commission recommended approval of an application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District with Specific Use Permit No. 2272 for a late-hours establishment limited to a restaurant without drive-in or drive-through service, located on the east side of Greenville Avenue, south of Prospect Avenue. *Pending City Council on April 10, 2019.*
7. **Z189-185:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 with a MD-1 Modified Delta Overlay, located on the south line of Sears Street, between Summit Avenue and Greenville Avenue. *Pending CPC.*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Bell Avenue	Local	40 feet	--
Greenville Avenue	Collector	60 feet	--

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.

Land Use:

Area	Zone	Use
Site	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay and SUP No. 1881	Late hours restaurant without drive-through

North	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Restaurant without drive-through and personal service (dry cleaners)
East	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay and SUP No. 1898	Late hours general merchandise or food store and fueling station
South	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay and SUP No. 1889	Late hours bar, lounge or tavern, restaurant without drive-through, and surface parking
West	PD No. 842, MD Modified Delta Overlay, DDO Demolition Delay Overlay	Office and retail

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 applicant's request is consistent with the following goals and policies of the comprehensive plan.

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 ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the

Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Land Use Compatibility:

The property contains a one-story building with approximately 2,200 square feet of floor area erected in 1939 per DCAD records. The restaurant also has a 750-square-foot uncovered patio on the street level along the eastern frontage of Greenville Avenue. The purpose of this request is to continue to operate a restaurant without drive-in or drive-through service [The Libertine] past midnight and amend the existing site plan and conditions to expand the uncovered patio to approximately 1,000 square feet. The expansion of the patio already occurred and the amendment to the site plan and conditions would make the site compliant.

The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PD No. 842, a Specific Use Permit for late hours is required for the establishment to operate after midnight. According to City records, a Certificate of Occupancy was issued for the existing restaurant on August 25, 2006. On September 23, 2011, the CO was updated to include late hours.

Surrounding land uses include: restaurant without drive-in or drive-through service and personal service (dry cleaners) to the north; late hours general merchandise or food store 3,500 square feet or less and fueling station to the east; late hours bar, lounge, or tavern, restaurant without drive-in or drive-through service, and surface parking to the south; and, office and retail uses to the west.

The main uses permitted in PD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. In order to operate certain uses between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. The owner or operator must obtain a certificate of occupancy for a late-hours establishment, in order to operate after 12:00 a.m. (midnight).

The PD gives additional criteria for evaluating a request for a specific use permit:

> (e) Factors to be considered for a specific use permit for a late-hours establishment. The City Plan Commission and City Council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment;

(2) the number of citations issued by police for noise ordinance violations by the establishment;

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The Dallas Police Department has provided responses to these criteria for the period since the renewal in June 2015 to present. There have been eight arrests; seven for public intoxication and one for resisting arrest, search, or transport. Six citations were issued to patrons of the establishment, all for public intoxication. There have not been any noise ordinance citations or violent offenses.

Additionally, a search on the TABC database shows that The Libertine has operated under license #MB632196 since June 30, 2006. There had not been any violations at the time of this report.

License #:	MB632196		
Trade Name:	THE LIBERTINE BAR		
Owner:	METRO BARS LLC		
Location Address:	2101 GREENVILLE AVENUE DALLAS , TX 752067125	**Mailing Address:**	2101 GREENVILLE AVE DALLAS , TX 75206-7125
County:	Dallas	**Orig. Issue Date:**	6/30/2006
Status:	Current	**Exp. Date:**	6/29/2019
		Wine Percent:	
Location Phone No.:	214-824-7900		
Subordinates:	LB		
Related To:		**Gun Sign:**	RED

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.

Additional provisions within the SUP conditions will limit the floor area, uncovered patio area, and hours of operation. The restaurant must cease operation by 2:00 a.m., Monday through Sunday and all patrons must vacate the property by 2:15 a.m. Outdoor speakers are prohibited. Staff believes this use will continue to serve the neighborhood and contribute to the overall character along Greenville Avenue.

Landscaping:

The request will not trigger any Article X requirements, as no new construction is proposed on the site.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is not located within a designated market type, Category C can be found surrounding the site in every direction, including immediately south on Greenville Avenue.

Parking:

SUP 1881 was previously approved for a 2,200-square-foot building and a parking agreement for 22 off-site parking spaces on two lots (5630 and 5642 Bell) southwest of the site. Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±2,000-square-foot restaurant requires 20 spaces. Uncovered patios do not require parking; therefore, the patio area inclusive of the expansion has not increased the parking required. According to City records, parking agreements have been made to satisfy the required parking for the site. The building does not have any delta credits.

CPC Action
March 21, 2019

Motion: It was moved to recommend **approval** of an amendment to and a renewal of Specific Use Permit No. 1881 for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a three-year period, subject to a revised site plan and revised conditions (as briefed) to include a modification to close the patio at midnight on property zoned Planned Development District No. 842 with an MD-1 Modified Delta Overlay District, on the northwest corner of Greenville Avenue and Bell Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12

Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

Speakers: None

LIST OF OFFICERS

2001 GREENVILLE VENTURE, LTD.
2622 Commerce Street
Dallas, Texas 75226

January 14, 2019

To Whom It May Concern:

2001 Greenville Venture, Ltd. and its general partner, GP 2001 Greenville Venture, LLC, hereby approve and authorize Metro Bars, LLC to apply for a SUP for the property located at 2101 Greenville Avenue, Dallas, Texas 75206.

The officers of the General Partner are as follows:

Laurence B. Vineyard, President
Susan B. Reese, Sole & Managing Member

CPC Recommended
AMENDING CONDITIONS FOR SPECIFIC USE PERMIT NO. 1881

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to 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.

CPC Recommendation:

3. TIME LIMIT: This specific use permit expires on (three years).

Staff Recommendation and Applicant's Request:

3. TIME LIMIT: This specific use permit expires on (five years).

4. FLOOR AREA: Maximum floor area is 2,200 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION:

   A. The late-hours establishment limited to a restaurant without drive-in or drive-through service may only operate between 12:00 a.m. (Midnight) and 2:00a.m. (the next day), Monday through Sunday.

   B. All customers must be removed from the Property by 2:15a.m.

6. OUTDOOR PATIO AREA:

   A. Maximum land area for the outdoor patio area is ~~750~~ 1,000 square feet in the location shown on the attached site plan.
   B. The outdoor patio must be uncovered
   C. Before the outdoor patio may be used by customers, the owner or operator of the late-hours establishment must:
      (1) obtain a license for the use of public right-of-way in accordance with Chapter 43 of the Dallas City Code; and
      (2) provide a copy of the license to the building official.
   C. The outdoor patio area may not operate during late-hours.

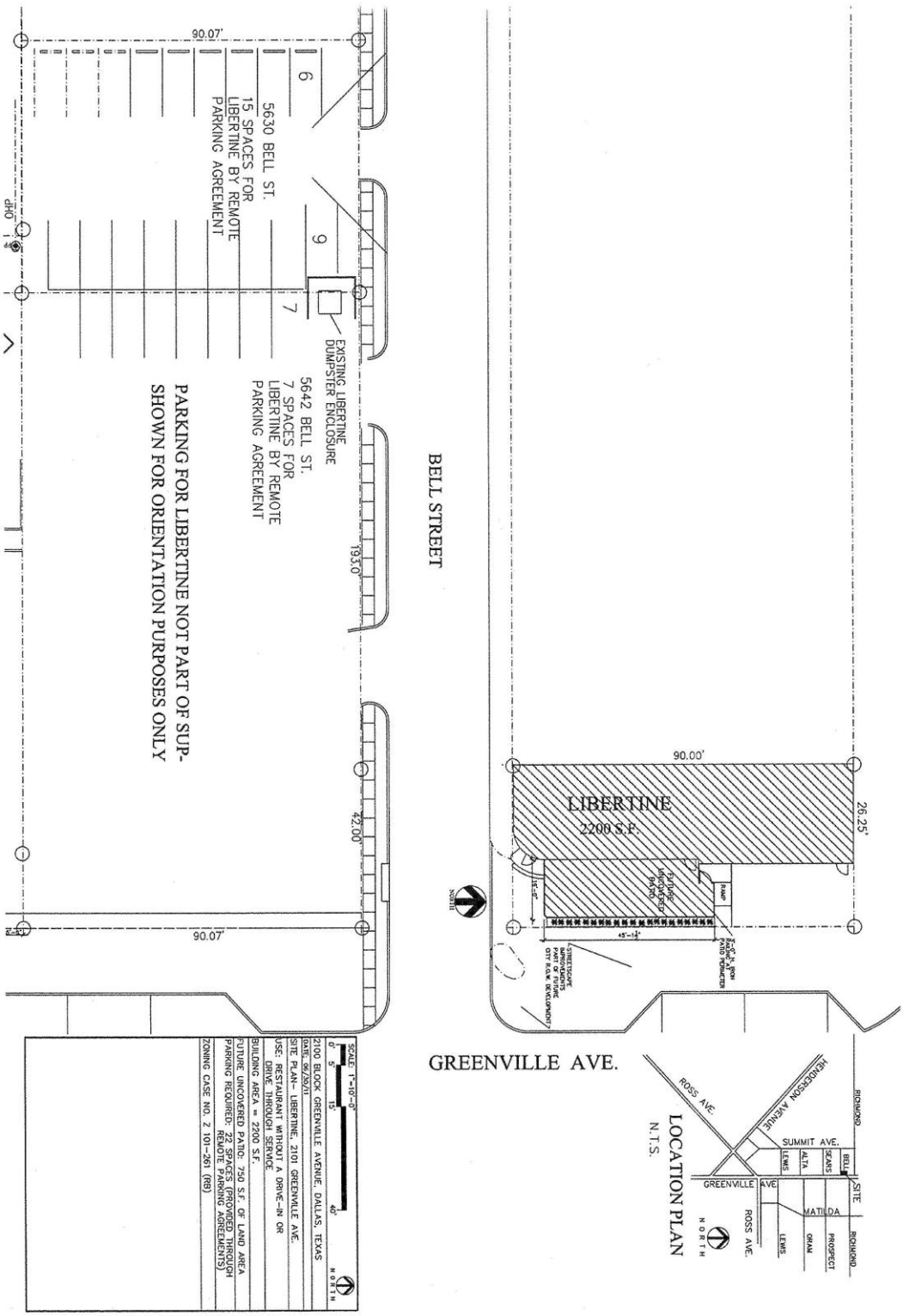
8. OUTDOOR SPEAKERS: Use of loudspeakers outdoors is prohibited.

9. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.

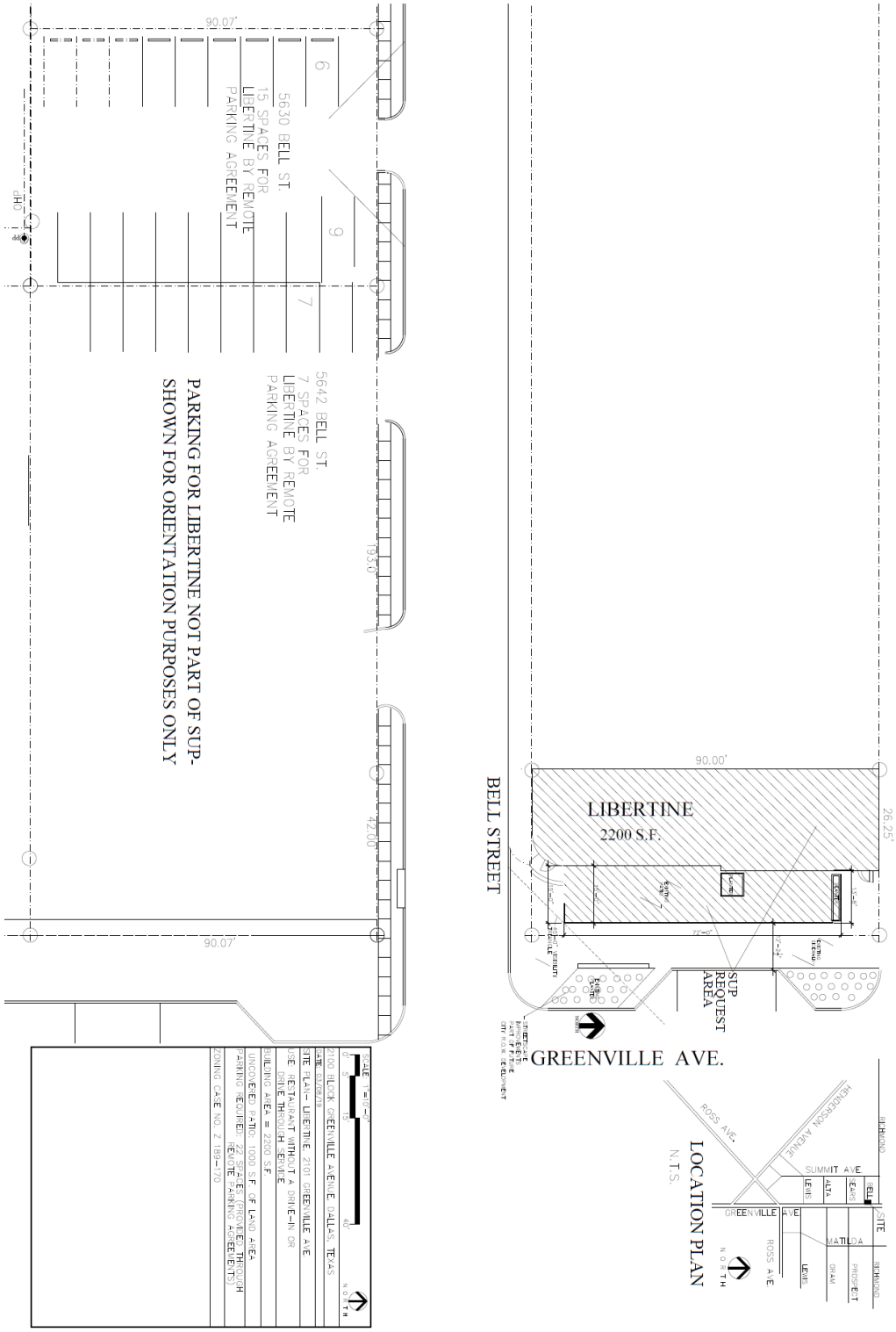
10. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

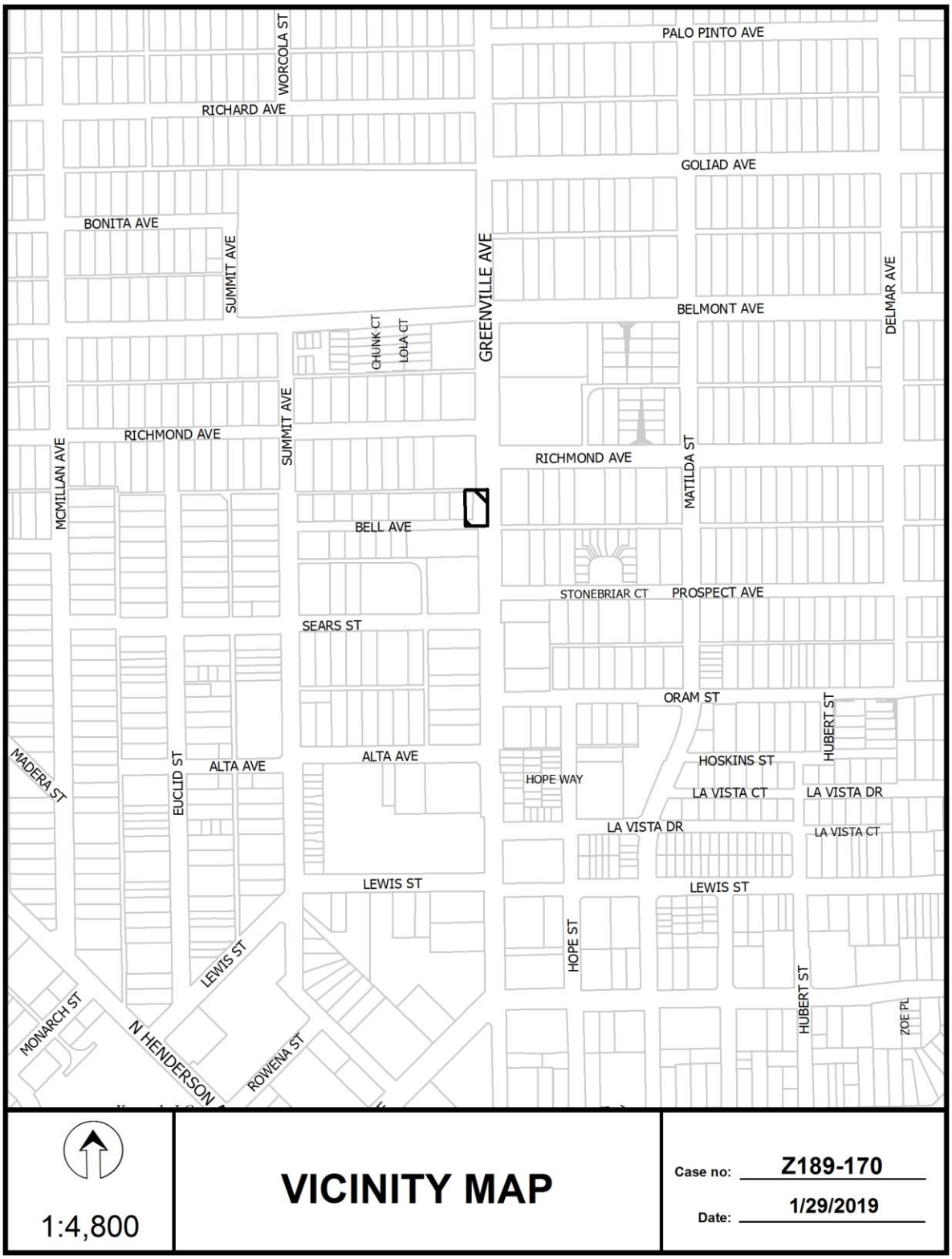
11. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Existing SUP Site Plan

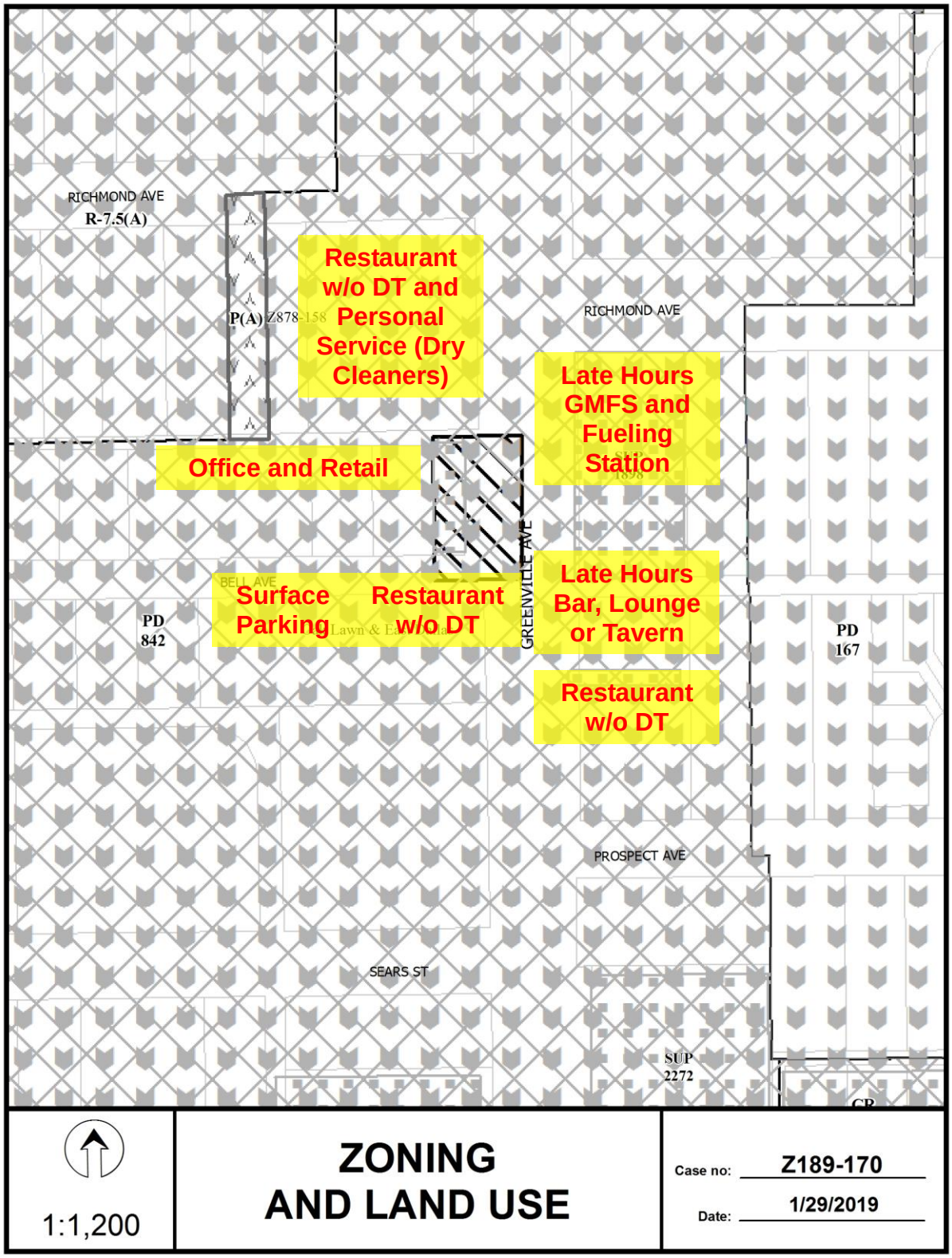


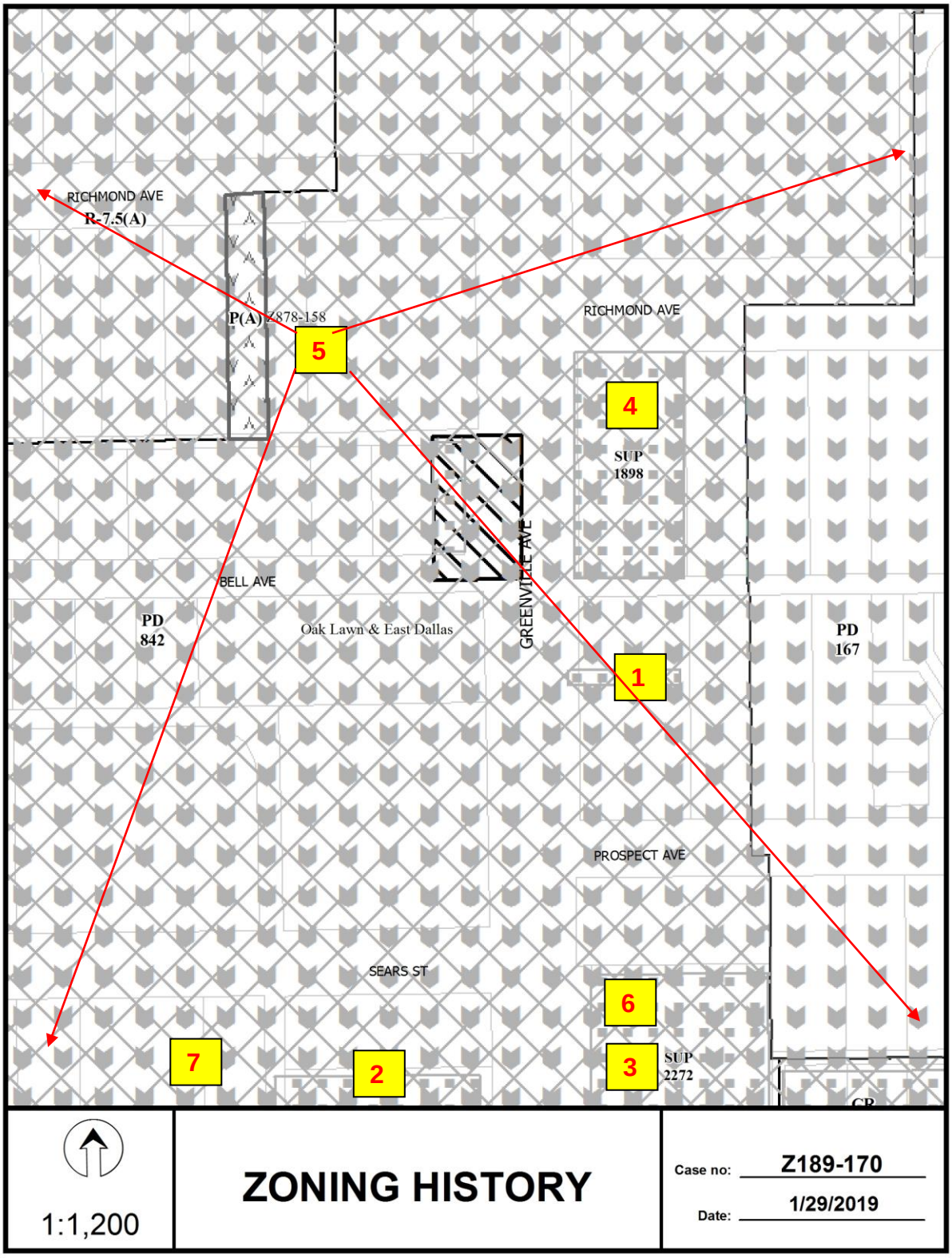
Proposed SUP Site Plan

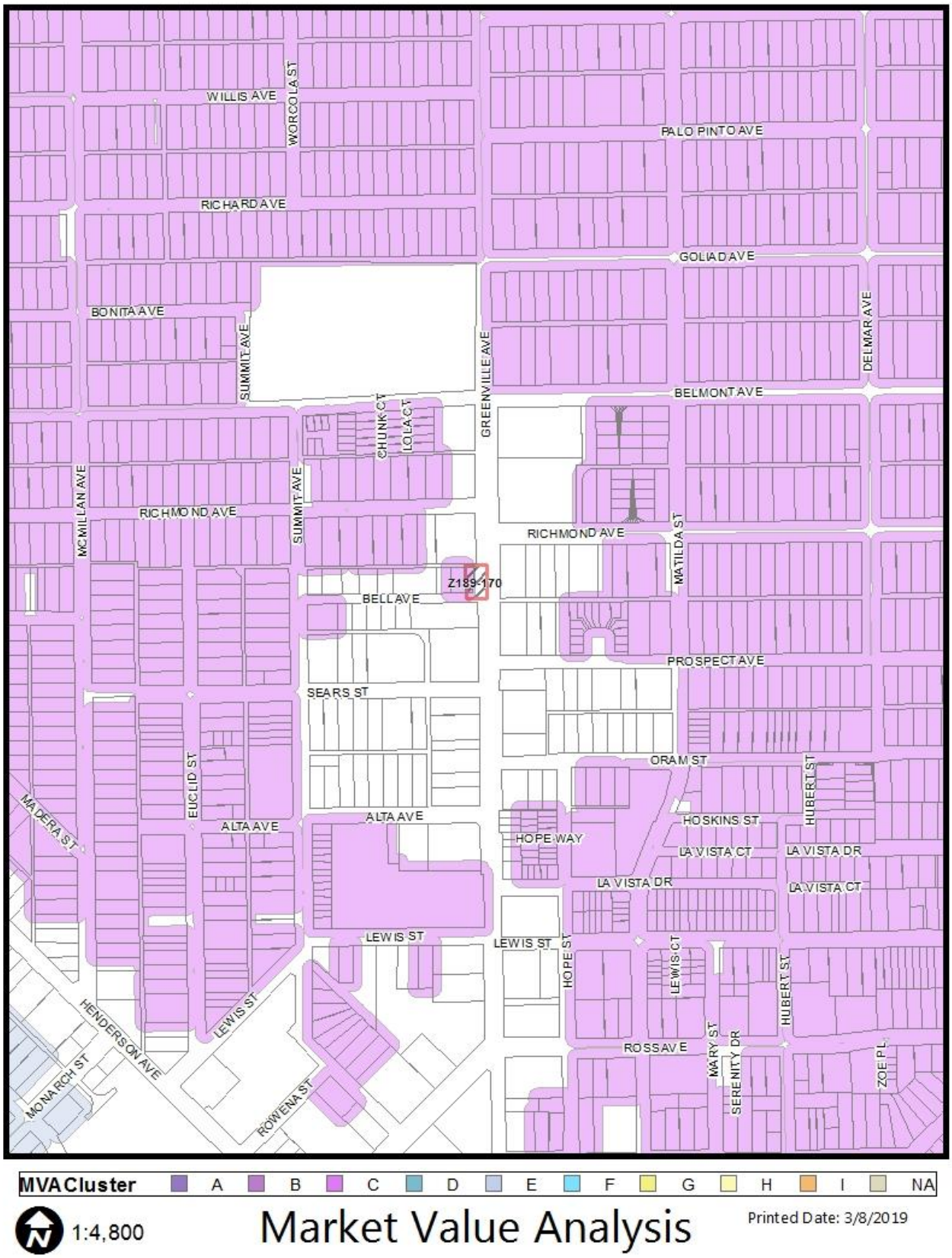



PALO PINTO AVE
WORCOLA ST
RICHARD AVE
GOLIAD AVE
BONITA AVE
SUMMIT AVE
GREENVILLE AVE
DELMAR AVE
BELMONT AVE
CHUNK CT
LOLA CT
SUMMIT AVE
RICHMOND AVE
MCMILLAN AVE
RICHMOND AVE
MATILDA ST
BELL AVE
STONEBRIAR CT
PROSPECT AVE
SEARS ST
ORAM ST
HUBERT ST
HOSKINS ST
MADERA ST
EUCLID ST
ALTA AVE
ALTA AVE
HOPE WAY
LA VISTA CT
LA VISTA DR
LA VISTA DR
LA VISTA CT
LEWIS ST
LEWIS ST
HOPE ST
LEWIS ST
MONARCH ST
N HENDERSON
ROWENA ST
HUBERT ST
ZOE PL
1:4,800
VICINITY MAP
Case no: Z189-170
Date: 1/29/2019

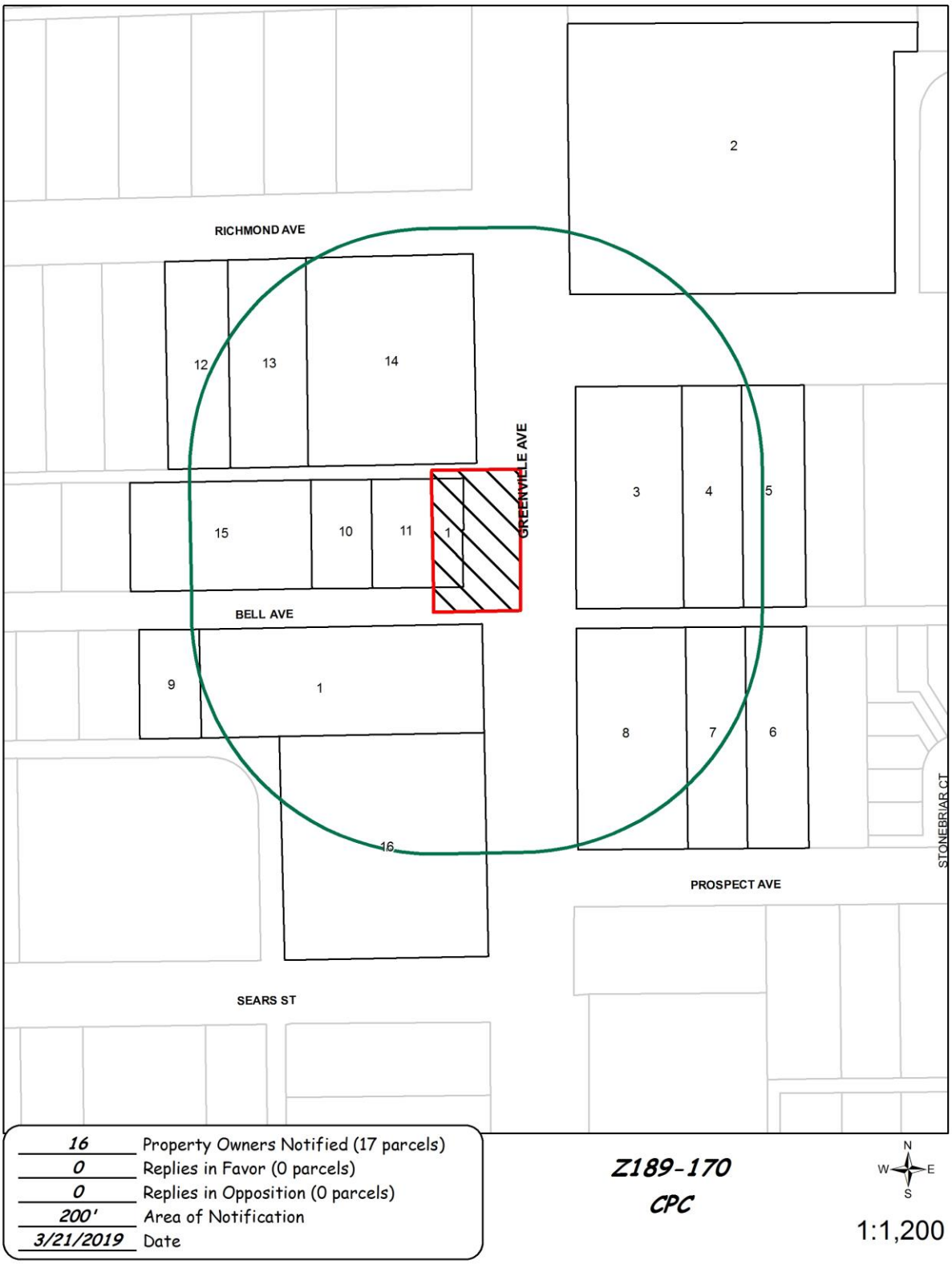

RICHMOND AVE
RICHMOND AVE
BELL AVE
GREENVILLE AVE
PROSPECT AVE
SEARS ST
1:1,200
AERIAL MAP
Case no: Z189-170
Date: 1/29/2019


RICHMOND AVE
R-7.5(A)
P(A) Z878-158
Restaurant w/o DT and Personal Service (Dry Cleaners)
RICHMOND AVE
Late Hours GMFS and Fueling Station
Office and Retail
BELL AVE
Surface Parking
Restaurant w/o DT
GREENVILLE AVE
Late Hours Bar, Lounge or Tavern
PD 842
PD 167
Restaurant w/o DT
PROSPECT AVE
SEARS ST
SUP 2272
CR
1:1,200
ZONING AND LAND USE
Case no: Z189-170
Date: 1/29/2019


RICHMOND AVE
R-7.5(A)
P(A)
Z878-158
5
RICHMOND AVE
4
SUP
1898
BELL AVE
PD
842
Oak Lawn & East Dallas
GREENVILLE AVE
PD
167
1
PROSPECT AVE
SEARS ST
6
7
2
3
SUP
2272
CR
1:1,200
ZONING HISTORY
Case no: Z189-170
Date: 1/29/2019


WILLIS AVE
WORCOLA ST
PALO PINTO AVE
RICHARD AVE
GOLIAD AVE
BONITA AVE
SUMMIT AVE
GREENVILLE AVE
DELMAR AVE
BELMONT AVE
CHUNK CT
LOLA CT
MCMILLAN AVE
RICHMOND AVE
SUMMIT AVE
RICHMOND AVE
MATILDA ST
Z189-170
BELL AVE
PROSPECT AVE
SEARS ST
ORAM ST
EUCLID ST
HUBERT ST
MADERA ST
ALTA AVE
ALTA AVE
HOSKINS ST
HOPE WAY
LA VISTA CT
LA VISTA DR
LA VISTA DR
LA VISTA CT
LEWIS ST
LEWIS ST
HOPE ST
LEWIS CT
HUBERT ST
HENDERSON AVE
LEWIS ST
ROSS AVE
MARY ST
SERENITY DR
ZOE PL
MONARCH ST
ROWENA ST
MVA Cluster
A
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I
NA
1:4,800
Market Value Analysis
Printed Date: 3/8/2019

CPC Responses



03/20/2019

Reply List of Property Owners

Z189-170

16 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2101	GREENVILLE AVE	2001 GREENVILLE VENTURE
	2	2218	GREENVILLE AVE	R&F INVESTMENTS II LTD
	3	5702	RICHMOND AVE	GREENVILLE ROSS PTNR LTD
	4	5710	RICHMOND AVE	SANCHEZ FIDENCIO
	5	5714	RICHMOND AVE	REESE GRANDCHILDRENS &
	6	5715	PROSPECT AVE	REESE GRANDCHILDRENS
	7	5711	PROSPECT AVE	ANDRES FAMILY TRUST
	8	2100	GREENVILLE AVE	GREENVILLE 2100 LTD
	9	5626	BELL ST	FOREMOST PROPERTY HOLDINGS LLC
	10	5639	BELL ST	BELL AVENUE HOLDINGS LLC
	11	5643	BELL ST	BELL AVENUE HOLDINGS LLC
	12	5628	RICHMOND AVE	HABASHY JONATHAN L &
	13	5632	RICHMOND AVE	RICHMAN TRUSTS
	14	2121	GREENVILLE AVE	RICHMAN HARVEY A &
	15	5627	BELL ST	LEFEBVRE DALE
	16	2001	GREENVILLE AVE	2001 GREENVILLE VENTURE LTD

Agenda Information Sheet

File #: 19-310 **Item #:** 58.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45
Recommendation of Staff and CPC: Denial without prejudice
Z178-104(PD)
Note: This item was deferred by the City Council before opening the public hearing on February 13, 2019, and is scheduled for consideration on April 24, 2019

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z178-104(PD)	**DATE FILED:**	October 9, 2017
LOCATION:	Southwest corner of Great Trinity Forest Way and Interstate Highway 45		
COUNCIL DISTRICT:	8	**MAPSCO:**	66 C; G
SIZE OF REQUEST:	±142.86 acres	**CENSUS TRACT:**	114.01, 87.01

APPLICANT/OWNER: Flowerdale LLC

REPRESENTATIVE: Haben Tewelde, Tailim Song Law Firm

REQUEST: An application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District.

SUMMARY: The purpose of the request is to allow for the construction of an approximately 2,000,000-square-foot warehouse and distribution center.

CPC RECOMMENDATION: **Denial without prejudice**.

STAFF RECOMMENDATION: **Denial without prejudice**.

BACKGROUND INFORMATION:

- The area of request is approximately 142.86 acres of undeveloped land that possesses a significant inventory of native trees.

- The applicant proposes to develop 46 acres with a 2,000,000-square-foot warehouse and distribution center.

- While residential districts surround the area of request on all sides, the properties to the east, south and west lie undeveloped.

- The properties to the north are developed with low and medium density residential uses and church uses.

- Because floodplain traverses more than 50 percent of the request site along the southern portion, the proposed 2,000,000-square-foot warehouse and distribution center will be developed in close proximity to the northern portion of the site.

Zoning History: There has been one zoning change requested in the vicinity within the past five years.

1. **Z134-186:** On October 22, 2014, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit No. 2112 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Function	ROW
Great Trinity Forest Way	Principal Arterial	107 feet
Wadsworth Drive	Community Collector	60 feet
Haas Drive	Community Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that while the proposed development will not have a negative impact on the surrounding street system, concerns of access will be addressed during the permitting phase through review of the development's civil plans. Additionally, the plans will require construction of a deceleration lane and design of any acceleration lane will need to be coordinated with TxDOT.

Land Use:

	Zoning	Land Use
Site	R-7.5(A), MF-2(A)	Undeveloped; Heavily Wooded
North	R-7.5(A), MF-2(A)	Single Family, Church, Vacant
East	R-7.5(A)	Undeveloped, Wooded, Railroad
South	R-7.5(A)	Undeveloped, Heavily Wooded
West	R-7.5(A)	Undeveloped, Heavily Wooded

STAFF ANALYSIS:

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 request does not comply 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.

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.

GOAL 5.2 Strengthen community and neighborhood identity.

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

GOAL 5.2 Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

Policy 5.2.2 Partner with Dallas Homebuilders Association and others to pilot an Affordable Street of Dreams program to develop well designed affordable infill housing options in target neighborhoods, using city-owned or land bank lots.

Land Use Compatibility:

The request site is undeveloped with designated flood plain traversing the southern portion of the site. The applicant is proposing to develop the site with a 2,000,000-square-foot warehouse and distribution center.

The site is located in an area generally providing for residential zoning. The request is surrounded by low density and medium density residential development to the north with scattered undeveloped parcels, the parcels to the east, south and west are heavily wooded and mostly lies within the 100-year floodplain. Additionally, the parcel to the east contains a railroad corridor.

With a sensitivity towards ensuring these residential uses are recognized and protected as the area begins to develop/redevelop, below are items of concern related to the applicant's proposed zoning request and intent of developing a 2,000,000-square-foot warehouse and distribution center:

1) Potential truck access and traffic through Cranfill Drive and Wadsworth Drive;

2) No regulation of days/hours of operation;

3) Potential mechanical service on trucks and equipment associated with the development within proximity to existing residential development to the north;

4) Incompatible yard, lot, and space regulations (setbacks, height, massing of floor area); and,

5) No defined location and orientation of open dock and service areas.

Regardless of the applicant's intended development (warehouse/distribution) or other permitted uses afforded by the requested LI District, the following development standards would permit an encroachment of improvements on these residential uses with:

1) A minimum 15-foot front yard setback and no minimum side and rear yard setback;

2) residential proximity slope regulations (structure height greater than 26 feet) not applicable;

3) A maximum structure height of 70 feet;

4) The lack of solid screening for certain outside components of permitted uses; and,

5) Permitting by right many uses incompatible with the existing residential uses.

Additionally, the applicant has not demonstrated that they are willing to provide protective measures to help mitigate against any potential adverse impacts as related to the request, thus part of the basis for staff's denial. In summary, staff has concluded that the requested LI District will ultimately permit development of incompatible uses and development standards, and will potentially possess negative operational characteristics that would not be appropriate in close proximity to these residential uses, thus negatively affecting residential quality of life.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Existing Single Family	25'	5'	Min lot 7,500 sq. ft.	30'	45%	Proximity Slope	Single Family
MF-2(A) Existing Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
LI Proposed use	15'	30' adjacent to residential OTHER: No Min.	No max 0.5 FAR, retail and personal srvc, 0.75 FAR, combo of logding, office, retail & personal srvc 1.0 FAR for all uses combined	RPS 70'; 5 stories	80%	Proximity Slope Development Impact Review Visual Intrusion	Office, retail & personal service, lodging, residential

Parking:

Required off-street parking must be provided in accordance with the Dallas Development Code. If the applicant develops the site with the proposed warehouse and distribution center the following parking ratios are required: one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. Additionally, if more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

Landscaping:

A tree survey to determine the extent of tree mitigation will be required. An earlier tree mitigation plan submitted to the Arborist did not include the southern half of the property which is in a heavily forested floodplain. If this request is approved, a revised landscape plan must be submitted for review and approval. Additionally, the site will be required to comply with Article X requirements, as amended and urban forest conservation.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an MVA cluster, however the site is adjacent to category “E” to the north.

Comparison Use Chart

	Proposed	Existing	Existing
Use	**LI**	**MF-2(A)**	**R-7.5(A)**
Crop production.	X	X	X
Gas Drilling.		SUP	SUP
Temporary Concrete or asphalt batch plant.		L	L
Adult day care facility.	X	SUP	SUP
Cemetery or mausoleum.	SUP	SUP	SUP
Child-care facility.	X	SUP	SUP
Church.	X	X	X
College, university, or seminary.	X	SUP	SUP
Community service center.	SUP	SUP	SUP
Convent or monastery.		X	SUP
Convalescent and nursing homes, hospice care, and related institutions.		RAR	
Foster home.		X	SUP
Library, art gallery, or museum.		SUP	SUP
Public or private school.		SUP	SUP
Lodging or boarding	X	X	
Carnival or circus (temporary).	L	L	L
Temporary construction or sales office.	X	X	X
County club with private membership.	X	RAR	SUP
Private recreation center, club, or area.	X	SUP	SUP
Public park, playground, or golf course.	X	X	X
Handicapped group dwelling.		L	L
College, dormitory, fraternity, or sorority house.		X	
Duplex.		X	
Group Residential Facility.		L	
Handicapped group dwelling.		L	
Single Family.			X
Multifamily.		X	

Residential hotel.		**X**	
Retirement housing.		**X**	
Private street or alley.			**SUP**
Transit passenger shelter.	**X**	**X**	**L**
Transit passenger station or transfer center.	**SUP**	**SUP**	**SUP**
Electrical substation.	**X**	**SUP**	**SUP**
Local Utilities.	**SUP/RAR**	**SUP/RAR**	**SUP/RAR**
Police or fire station.	**X**	**SUP**	**SUP**
Radio, television, or microwave tower.	**RAR**	**SUP**	**SUP**
Tower/antenna for cellular communication.	**L**	**L**	**L**
Utility or government installation other than listed.	**SUP**	**SUP**	**SUP**
Recycling drop-off container.	**L**	**L**	**Ln**
Recycling drop-off for special occasion collection.	**L**	**L**	**L**
Accessory helistop.	**SUP**	**SUP**	
Accessory medical/infectious waste incinerator.	**L**	**L**	
Building repair and maintenance shop.	**RAR**		
Bus or rail transit vehicle maintenance or storage facility.	**RAR**		
Catering service.	**X**		
Commercial bus station and terminal.	**X**		
Commercial cleaning or laundry plant.	**RAR**		
Custom business services.	**X**		
Custom woodworking, furniture construction, or repair	**X**		
Electronics service center.	**X**		
Job or lithographic printing.	**RAR**		
Labor hall.	**SUP**		
Machine or welding shop.	**RAR**		
Machinery, heavy equipment, or truck sales and services.	**RAR**		
Medical or scientific laboratory	**X**		
Technical school.	**X**		
Tool or equipment rental.	**X**		
Vehicle or engine repair or maintenance.	**X**		

Alcoholic beverage manufacturing.	**RAR**		
Gas drilling and production.	**SUP**		
Industrial (inside) for light manufacturing.	**X**		
Inside industrial.	**RAR**		
Temporary concrete or asphalt batching plant.	**L**		
Halfway house.	**SUP**		
Hospital.	**SUP**		
Open-enrollment charter school or private school.	**SUP**		
Public school other than an open-enrollment charter school.	**RAR**		
Extended stay hotel or motel.	**SUP**		
Hotel or motel.	**RAR or SUP**		
Overnight general purpose.	**L**		
Attached non-premise sign.	**SUP**		
Alternative financial establishment.	**SUP**		
Financial institution without drive-in window.	**X**		
Financial institution with drive-in window.	**RAR**		
Medical clinic or ambulatory surgical center.	**X**		
Office.	**X**		
Alcoholic beverage establishments.	**L**		
Animal shelter or clinic without outside runs.	**X**		
Animal shelter or clinic with outside runs.	**SUP**		
Auto service center.	**RAR**		
Business school.	**X**		
Carwash.	**RAR**		
Commercial amusement (inside).	**SUP**		
Commercial motor vehicle parking.	**SUP, if 500'**		
Commercial parking lot or garage.	**RAR**		
Dry cleaning or laundry store.	**X**		
Furniture store.	**X**		
General merchandise or food store 3,500 sqft or less.	**X**		
General merchandise or food store 100,000 sqft or more.	**SUP**		

Home improvement center, lumber, brick or building materials sales yard.	**RAR**		
Household equipment and appliance	**X**		
Liquefied natural gas fueling station.	**SUP**		
Motor vehicle fueling station.	**X**		
Personal service uses.	**X**		
Restaurant without drive-in or drive-through service.	**RAR**		
Restaurant with drive-in or drive-through service.	**DIR**		
Taxidermist.	**X**		
Temporary retail use.	**X**		
Truck stop.	**SUP**		
Vehicle display, sales, and service.	**RAR**		
Commercial bus station and terminal.	**RAR**		
Heliport.	**SUP**		
Helistop.	**SUP**		
Railroad passenger station.	**SUP**		
Commercial radio or television transmitting station.	**SUP**		
Electrical Substation.	**X**		
Post office.	**X**		
Freight terminal.	**RAR**		
Manufacturing building sales lot.	**RAR**		
Mini-warehouse	**X**		
Office showroom/warehouse	**X**		
Outside storage (visual screening).	**RAR**		
Recycling buy-back center.	**L**		
Recycling collection center.	**L**		
Trade center.	**X**		
Warehouse	**RAR**		
X *indicates permitted by right.* ***SUP*** *indicates permitted with a Specific Use Permit.* ***L*** *indicates use permitted by right as limited use, special authorization or additional use regulations*			

CPC Action
December 13, 2018

Motion: It was moved to recommend **denial without prejudice** of an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45.

Maker: Lewis
Second: Davis
Result: Carried: 12 to 0

For: 12 - MacGregor, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 2 - District 3, District 7

Notices: Area: 500 Mailed: 54
Replies: For: 0 Against: 0

Speakers: For: Tailim Song, 8111 LBJ Fwy., Dallas, TX, 75251
Lonnie Ruffo, 1 Dupont St., Plainview, NY, 11803
Haben Tewelde, 8111 LBJ Fwy., Dallas, TX, 75251
Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216
Sandra Crenshaw, 1431 Quartet Dr., Dallas, TX, 75241
For (Did not speak): Eshwur Kosuri, 1 Dupont St., Plainview, NY, 11803
Against: Connie Buford, 1416 Hudspeth Ave., Dallas, TX, 75216
Gail Terrell, 1445 Firebird Dr., Dallas, TX, 75241
Neutral (Did not speak): Henrietta Roby, 5018 Cranfill Dr., Dallas, TX, 75241

Texas Department of Transportation

MEMO

January 11, 2018

To: Jason Mashell, P.E.
Dallas County Area Engineer
Attn. James Brummett

From: Andrew R. Oberlander, P.E.
District Transportation Operations Engineer

Subject: TIA/Deviation Request – Warehouse Facility
C-S: 0581-01
HWY: Loop 12
County: Dallas

Our office has reviewed the deviation request for Warehouse Facility at the southwest corner of Loop 12 and IH 45 in the City of Dallas, Dallas County. We have the following response to the deviation request:

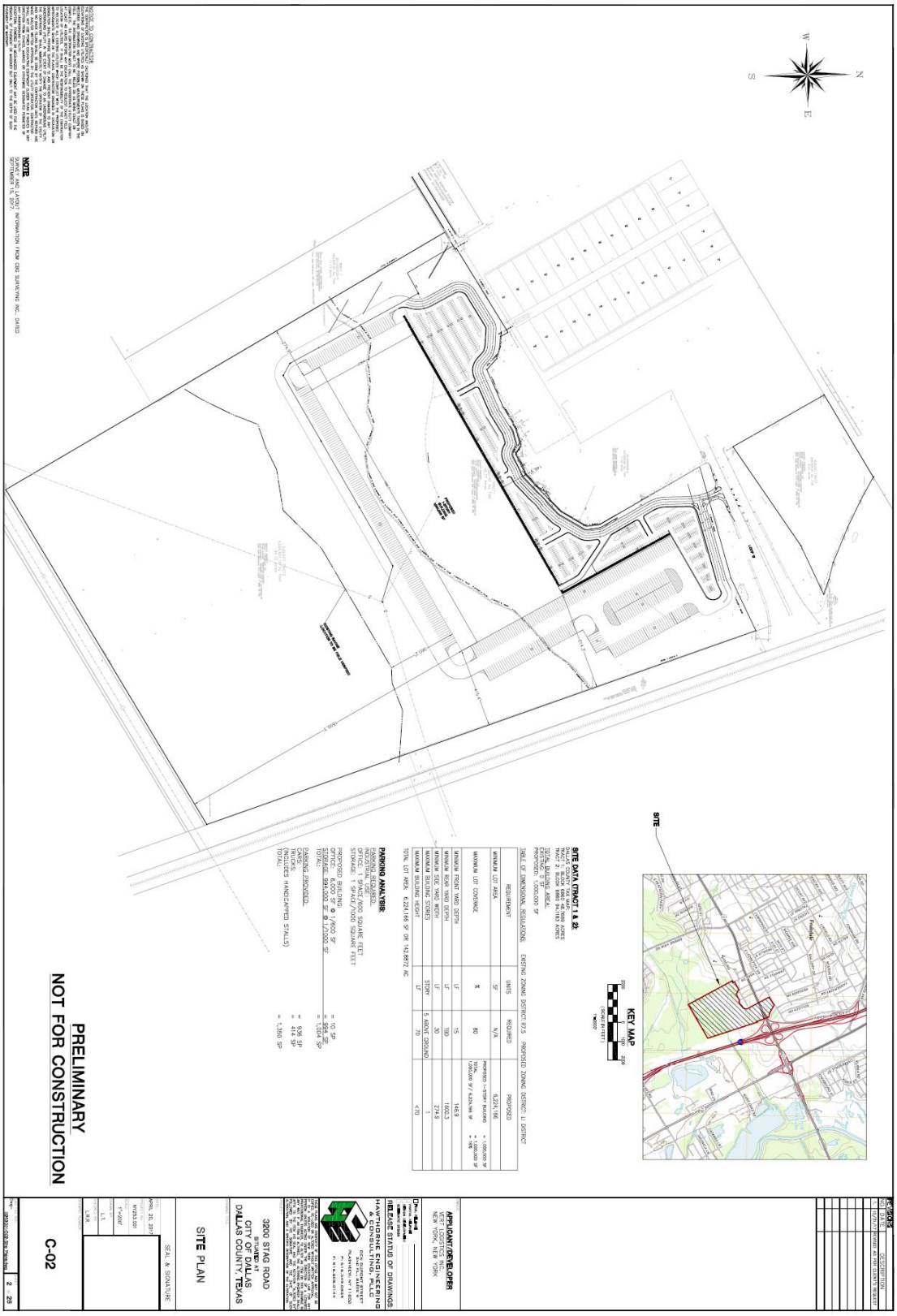
- Considering the location of the proposed Warehouse Facility and the existing restrictions to access the property, we approve the proposed access from Loop 12 with right-turn and left-turn deceleration lanes, however we don't agree with right-turn acceleration lane to Loop 12 as shown on the plans.

For any additional information, please contact Bahman Afsheen, P.E. at 214-320-6229.

CC: Traffic –Dallas County TIA
Hudspeth
Oberlander/Cortez
TF

Site Plan

For Illustrative Purposes Only



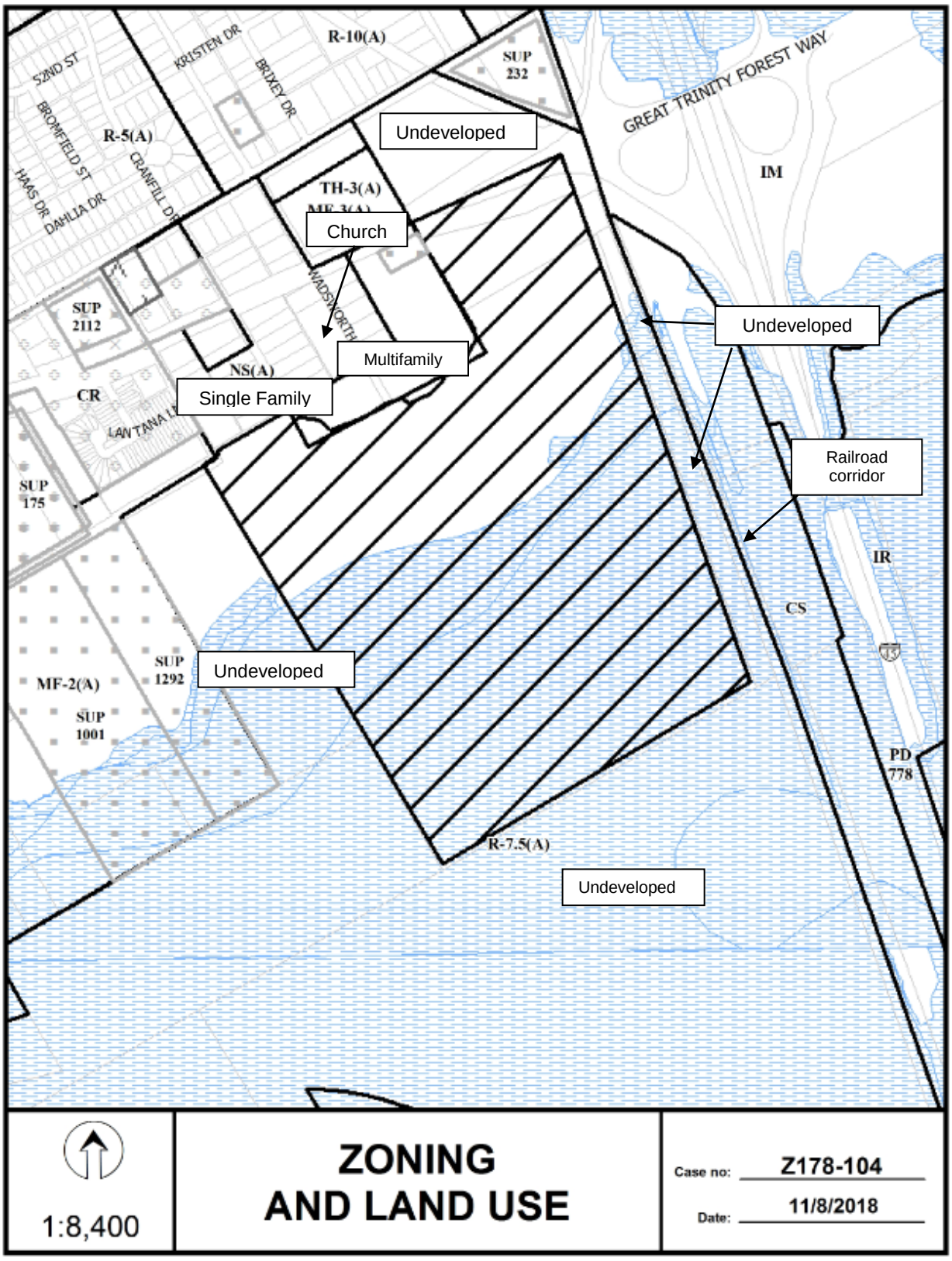
List of Officers/Partners/Principals

Flowerdale, LLC

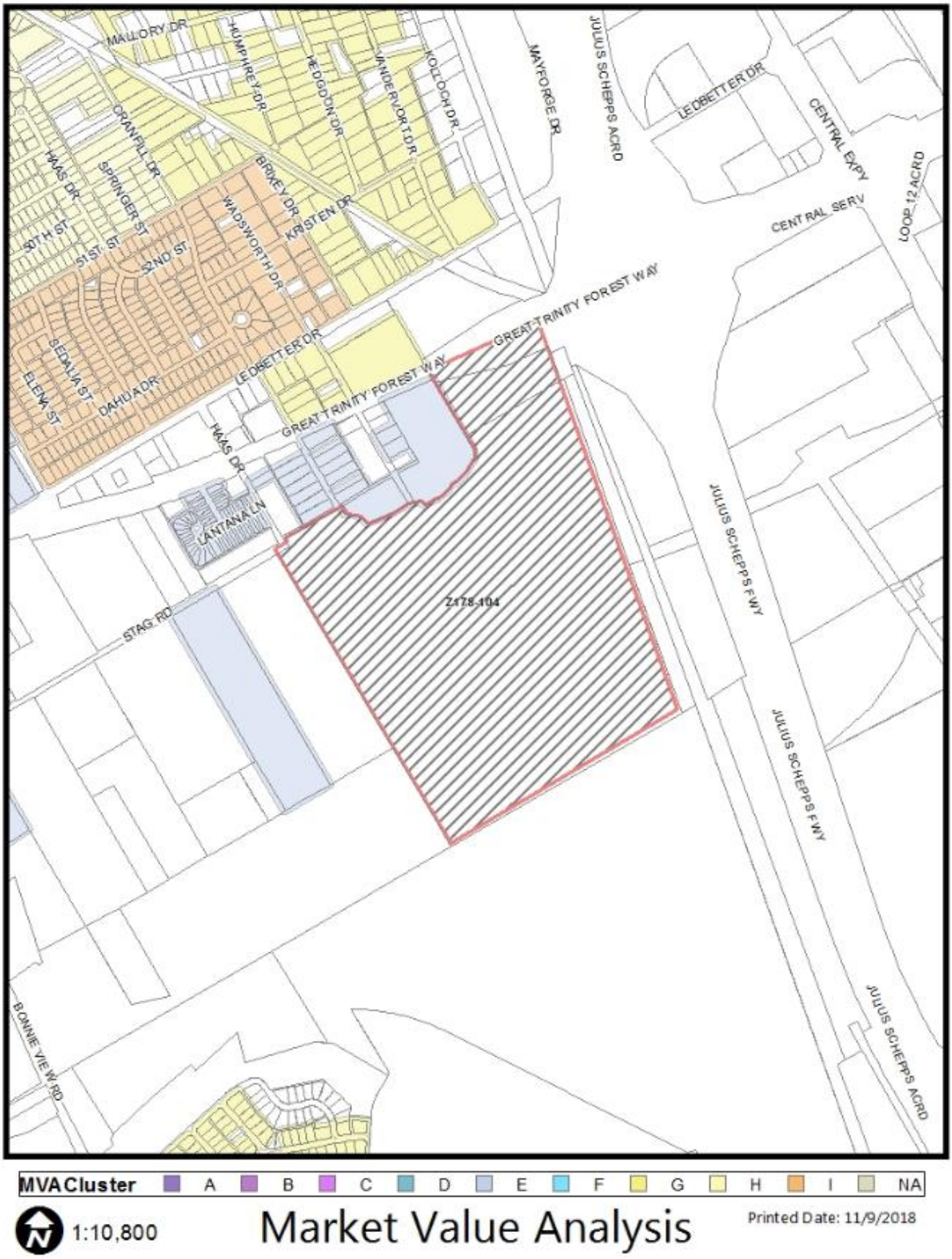
Moshe Zuchaer, sole owner


MARJORIE AVE
CRAWFILL DR
SPRINGER ST
HAAS DR
SOUTH ST
51ST ST
52ND ST
BROMFIELD ST
WADSWORTH DR
KRISTEN DR
HEDGDON DR
VANDERVORT DR
KOLLOCH DR
BRIXEY DR
E LEDBETTER DR
GREAT TRINITY FOREST WAY
SEDALIA ST
ELENA ST
BISMARK DR
DAHLIA DR
HAAS DR
LANTANA LN
Jackson, M.
STAG RD
Smith
WOODS DR
KEYRIDGE DR
1:10,800
VICINITY MAP
Case no: Z178-104
Date: 11/8/2018

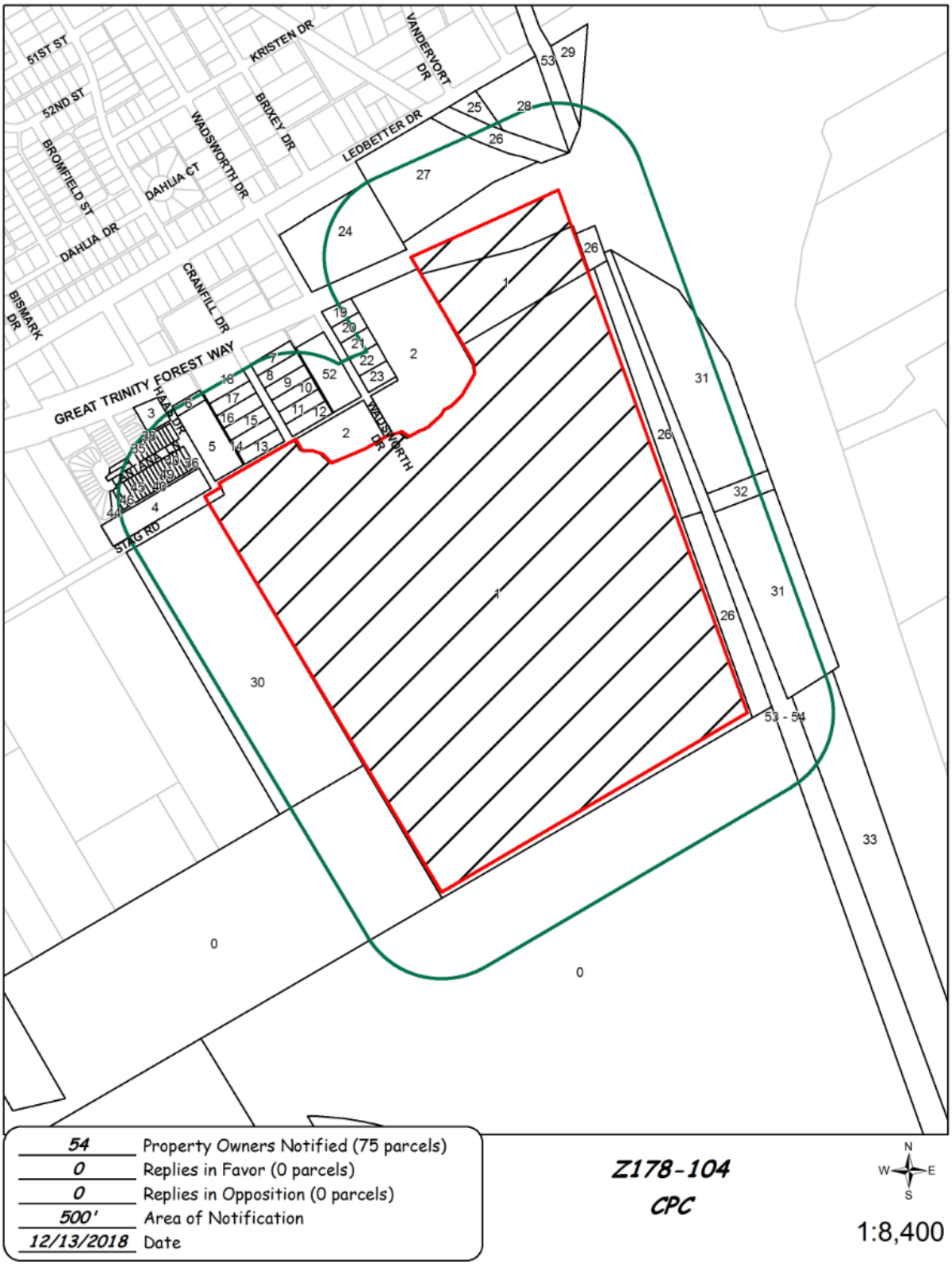

GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
DAHLIA DR
DAHLIA DR
DAHLIA DR
KIESTER BLVD
PRYOR DR
HAMILTON PARK DR
CLEDDEN DR
ORANGE DR
WADSWORTH DR
HAAS DR
LAVITANA TR
TAG RD
1:8,400
AERIAL MAP
Case no: Z178-104
Date: 11/8/2018


R-10(A)
SUP 232
KRISTEN DR
SZND ST
BROMFIELD ST
BRIXEY DR
R-5(A)
CRANFILL DR
HAAS DR
DAHLIA DR
TH-3(A)
Undeveloped
GREAT TRINITY FOREST WAY
IM
Church
WADSWORTH
SUP 2112
Undeveloped
Multifamily
NS(A)
Single Family
CR
LANTANA
Railroad corridor
SUP 175
IR
CS
SUP 1292
Undeveloped
MF-2(A)
SUP 1001
PD 778
R-7.5(A)
Undeveloped
1:8,400
ZONING AND LAND USE
Case no: Z178-104
Date: 11/8/2018


R-10(A)
SUP 232
GREAT TRINITY FOREST WAY
IM
SZND ST
KRISTEN DR
BRIXEY DR
BROMFIELD ST
R-5(A)
CRANFILL DR
HAAS DR
DAHLIA DR
TH-3(A)
MF-3(A)
WADSWORTH DR
SUP 2112
1
NS(A)
CR
LANTANA LN
SUP 175
IR
CS
SUP 1292
MF-2(A)
SUP 1001
PD 778
R-7.5(A)
1:8,400
ZONING HISTORY
Case no: Z178-104
Date: 11/8/2018


MALLORY DR
HUMPHREY DR
HEGGON DR
WANDERVORT DR
KOLLOCH DR
MAYFORGE DR
JULIUS SCHEPPS ACRD
LEDBETTER DR
CENTRAL EXPY
LOOP 12 ACRD
CENTRAL SERV
CRANFILL DR
SPRINGER ST
HAAS DR
50TH ST
51ST ST
52ND ST
WADSWORTH DR
BIRKEY DR
KRISTEN DR
GREAT TRINITY FOREST WAY
SEDALIA ST
ELENA ST
DAHLIA DR
LANTANA LN
Z178-104
STAG RD
JULIUS SCHEPPS FWY
BONNIE VIEW RD
MVACluster A B C D E F G H I NA
1:10,800
Market Value Analysis
Printed Date: 11/9/2018

CPC RESPONSES



12/12/2018

Reply List of Property Owners

Z178-104

54 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3500	GREAT TRINITY FOREST WAY	FLOWERDALE LLC
	2	3432	GREAT TRINITY FOREST WAY	AEMEILL PROPERTIES LLC
	3	3192	GREAT TRINITY FOREST WAY	HAMM JAMES &
	4	3141	STAG RD	NEW BIRTH WORSHIP CENTER
	5	5018	HAAS DR	CHURCH OF THE BLOOD
	6	5014	HAAS DR	DAVIS KENNETH CARLTON ESTATE OF
	7	5012	CRANFILL DR	CARL KAREN LEE &
	8	5018	CRANFILL DR	ROBY HENRIETTA
	9	5024	CRANFILL DR	REED KENTOINETTE L WRIGHT
	10	5030	CRANFILL DR	RODRIGUEZ FROILAN
	11	5036	CRANFILL DR	PROMISE LAND MISSIONARY BAPTIST CH
	12	5044	CRANFILL DR	RODRIGUEZ JOSE & IGNACIA
	13	5045	CRANFILL DR	RODRIGUEZ ELIAZAR &
	14	5037	CRANFILL DR	RANSOM MARGARITA P
	15	5029	CRANFILL DR	LEON SILVANO & ETELVINA
	16	5025	CRANFILL DR	MONTESFLORES JUAN M &
	17	5015	CRANFILL DR	MITCHELL VERA
	18	5011	CRANFILL DR	CLARK RAQUELL &
	19	5006	WADSWORTH DR	HERROD MARY MARTIN
	20	5018	WADSWORTH DR	ENNIS DON E
	21	5022	WADSWORTH DR	LOPEZ ANTONIO
	22	5030	WADSWORTH DR	WAGNON RICHARD N JR
	23	5040	WADSWORTH DR	ARMSTEAD CECIL
	24	4950	WADSWORTH DR	WADSWORTH APTS LLC
	25	3528	S LEDBETTER DR	ORTEGA JOSE
	26	3532	S LEDBETTER DR	TEXAS UTILITIES ELEC CO

12/12/2018

Reply	*Label #*	*Address*		*Owner*
	27	3500	S LEDBETTER DR	TJ MANAGEMENT GROUP LLC
	28	3590	S LEDBETTER DR	MDA KHAFAF LLC
	29	4000	E LEDBETTER DR	RKCJ LLC
	30	3160	STAG RD	ROAL GLOBAL CORPORATION
	31	8601	S JULIUS SCHEPPS FWY	ACKELS HENRY J
	32	8689	S CENTRAL EXPY	TEXAS UTILITIES ELEC CO
	33	8901	S JULIUS SCHEPPS FWY	ACKELS HENRY J
	34	3103	LANTANA LN	ARCHILLA RUBEN
	35	3107	LANTANA LN	JJW PPTIES LLC
	36	3111	LANTANA LN	JJW PROPERTIES LLC
	37	3115	LANTANA LN	BIGA INC
	38	3119	LANTANA LN	MINOR VINCENT
	39	3123	LANTANA LN	ARCE NOEL
	40	3127	LANTANA LN	MATTHEWS EDWARD L
	41	3135	LANTANA LN	MATTHEWS EDWARD
	42	3139	LANTANA LN	BROWN GLORIA D
	43	5043	GREENCREST DR	HILL JOHNNY R
	44	3006	LANTANA LN	BOND FLORA J & FREEDIE B
	45	3010	LANTANA LN	WARE JEFFREY & KENYA
	46	3018	LANTANA LN	J J W PROPERTIES LLC
	47	3038	LANTANA LN	KING ROYLE & MARY
	48	3102	LANTANA LN	OWENS SHIRLEY
	49	3110	LANTANA LN	JJW PROP LLC
	50	3126	LANTANA LN	COUCH MTG CO
	51	3130	LANTANA LN	TURNEY WILLIAM O JR TR
	52	5023	WADSWORTH DR	GOLDEN CHAIN MISSIONARY
	53	2300	AL LIPSCOMB WAY	BNSF RAILWAY
	54	2300	AL LIPSCOMB WAY	BNSF RAILWAY

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-393 **Item #:** 59.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily Subdistrict on property zoned a P(A) Parking Subdistrict within Planned Development No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest side of Cleveland Street, north of South Lamar Street
Recommendation of Staff and CPC: Approval
Z178-256(CY)
Note: This item was deferred by the City Council before opening the public hearings on December 12, 2018 and February 27, 2019, and is scheduled for consideration on April 24, 2019

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HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: Z178-256(CY) **DATE FILED:** May 24, 2018

LOCATION: Southwest side of Cleveland Street, north of South Lamar Street

COUNCIL DISTRICT: 7 **MAPSCO:** 56 A

SIZE OF REQUEST: Approx. 1.0789 acres **CENSUS TRACT:** 40.00

OWNER/APPLICANT: BMH Asbuilt of Texas, USA

REPRESENTATIVE: Brad Friedman/Michael Przekwas

REQUEST: An application for an MF-2(A) Multifamily Subdistrict on property zoned a P(A) Parking Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The applicant proposes to change the zoning to redevelop the site with 19 townhomes.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- The approximate 1.08–acre site is zoned a P(A) Parking District within Planned Development District No. 595 and it is currently developed with surface parking.

- Staff was unable to determine when the P(A) District was established. The 1971 zoning maps indicate the site was zoned a Parking District at that time and historical aerial images indicate the area of request was developed with a parking lot as early as 1956.

- The Dallas Development Code, as amended establishes that a P(A) Parking District must be either contiguous to or perpendicularly across an adjoining street or alley from a main use.

- No records of parking agreements, were found at Building Inspections nor the Dallas County that could indicate what main use the P(A) District could be serving.

- Research of surrounding properties resulted in no indication that there is a parking agreement with the subject site to provide required parking for any of the uses.

Zoning History: There have been three zoning changes in the vicinity during the last five years.

1. **Z134-196**. On August 13, 2014, City Council approved an RS-MU(E) Regional Service Mixed Use Enhanced Subdistrict within PD No, 595 on property located on the south side of South Lamar Street between Lenway Street and McDonald Street, south of the area of request.

2. **Z145-182** On Thursday, April 2, 2015, the City Plan Commission recommended denial of an application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement inside limited to a dance hall on property zoned Tract 9, CC Community Commercial Subdistrict within PD No. 595 on property located on the west side of Julius Schepps Freeway at the terminus of Hamburg Street, northeast of the area of request.

3. **Z178-144** On February 15, 2018, City Plan Commission recommended denial without prejudice of an application for a Specific Use Permit for an auto service center on property zoned a CC Community Commercial Subdistrict within PD No. 595 located on the east corner of South Lamar Street and Loomis Avenue, southeast of the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Required ROW
South Lamar Street	Principal Arterial	100’
Cleveland Street	Minor Arterial	48’

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

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 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.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

AREA PLAN:

Trinity River Corridor Land Use Plan

The subject site is located within the North Trinity Forest planning district of the Trinity River Corridor Land Use Plan adopted in March 2005 and revised in December 2009. The plan establishes Preferred Land Use Plans that apply to each one of the seven planning districts in which the study area was divided. The area plan also created Land Use Opportunity Plans that reflect specific opportunities that can be expected in the Trinity River Corridor based upon a market response to the capital improvements in the Trinity River Corridor Project. These maps also express the land uses desired for the corridor by stakeholders who participated in the study.

The Preferred Land Use Plan for the North Trinity Forest District identifies the area of request within a Residential Traditional corridor module that would support existing neighborhoods such as Skyline Heights, Magna Vista and Rochester Park among others.

The area of request is located in the South Lamar Study Area within the North Trinity Forest Planning District. The Land Use Opportunity Plan for the South Lamar study area focuses mainly on the east side of I-45, proposing non-residential uses that could benefit from good transportation offering the potential for economic development and revitalization.

For the west side of I-45, where the subject site is located, the Urban Design Framework Plan for South Lamar provides new roadways and streetscape improvements in the Lamar Center, a prototype site located to the southeast of the area of request that was developed to propose the transformation of an area along South Lamar Street known for its scrap metal yards and obsolete uses and provide for a desirable community. In addition, a major gateway is planned at the interchange of IH-45 and South Lamar Street, also southeast of the area of request.

Land Use:

	Subdistrict within PD No. 595	Land Use
Site	P(A) Parking	Parking Lot
North	MF-2(A) Multifamily	Church, Single Family, Undeveloped land
East	CC (Tr.7) Community Commercial, MF-2(A) Multifamily	General Merchandise, Undeveloped land, Single-Family.
South	RS-MU(E) Regional Service Mixed-Use Enhanced	Office/Warehouse
West	CC (Tr.5) Community Commercial, MF-2(A) Multifamily	Commercial Amusement Inside, Undeveloped Land, Retirement Housing.

Land Use Compatibility:

The approximate 1.08-acre site is zoned subdistrict P(A) Parking within Planned Development No. 595, the South Dallas/Fair Park Special Purpose District and is developed with a parking lot.

Surrounding uses include single-family dwelling, duplex and a church to the north and northeast across Cleveland Street; additional single-family dwelling uses, scattered undeveloped tracts of land, a retirement housing use and a commercial amusement inside establishment are found to the northwest and to the west; directly adjacent to east of the area of request is a general merchandise store, followed by an auto service center further east and more single-family dwelling and undeveloped land. To the south of the site, across South Lamar Street, is a former manufacturing facility, now operating as an office warehouse by the Dallas Independent School District.

Sec. 51A-4.302 of the Dallas Development Code, as amended, states that a parking district must be contiguous to or perpendicularly across an adjoining street or alley from a main use. The certificate of occupancies issued to those non-residential uses contiguous and perpendicularly across the area of request, do not indicate that there are any parking agreements with the subject site to provide required off-street parking through the existing P(A) District.

The owner proposes to change the zoning from a P(A) Parking subdistrict to an MF-2(A) Multifamily subdistrict and redevelop the site with 19 townhome units. The current zoning does not allow for any residential uses.

The request for the zoning change to develop the site with residential uses is consistent with the surrounding zoning that includes MF-2(A) subdistrict that expands for several blocks to the west and to the north with potential to develop more residential uses in the currently undeveloped tracts of land scattered in the area: a CH(A) district to the northeast that has been fully developed with detached single-family structures and an MF-2(A) subdistrict directly to the east. The proposed zoning change is foreseen to contribute to the creation of a well-defined block of residential subdistricts by integrating the existing residential subdistricts surrounding the subject site and providing additional housing opportunities for the area.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is

not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the north, across Cleveland Street and to the west.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Size	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear						
Existing: P(A)	10' when contiguous to residential subdistrict	-	-	-		-	Screening from adjoining residential properties	Parking
Proposed :MF-2(A)	15'	No min. for SFD, 5' for Duplex, 10' for other structures	No maximum	36'	Min.Lot: 1,000sf 800sf-E 1,000sf- 1BR 1,200sf- 2BR =150sf each add BR	60% for residential uses, 50% for non-residential uses	Proximity Slope (1:3 slope)	Single Family, Duplex and Multifamily

Parking:

At the time of development, off-street parking requirements must be provided in accordance with the Dallas Development Code, as amended

Landscaping:

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

Prior CPC Action – October 18, 2018

Z178-256(CY) Planner: Carolina Yumet

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily Subdistrict on property zoned a P(A) Parking Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the southwest side of Cleveland Street, north of South Lamar Street.

Maker: Davis
Second: Carpenter
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid*, Carpenter, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lewis
Vacancy: 2 - District 3, District 7

*out of the room, shown voting in favor

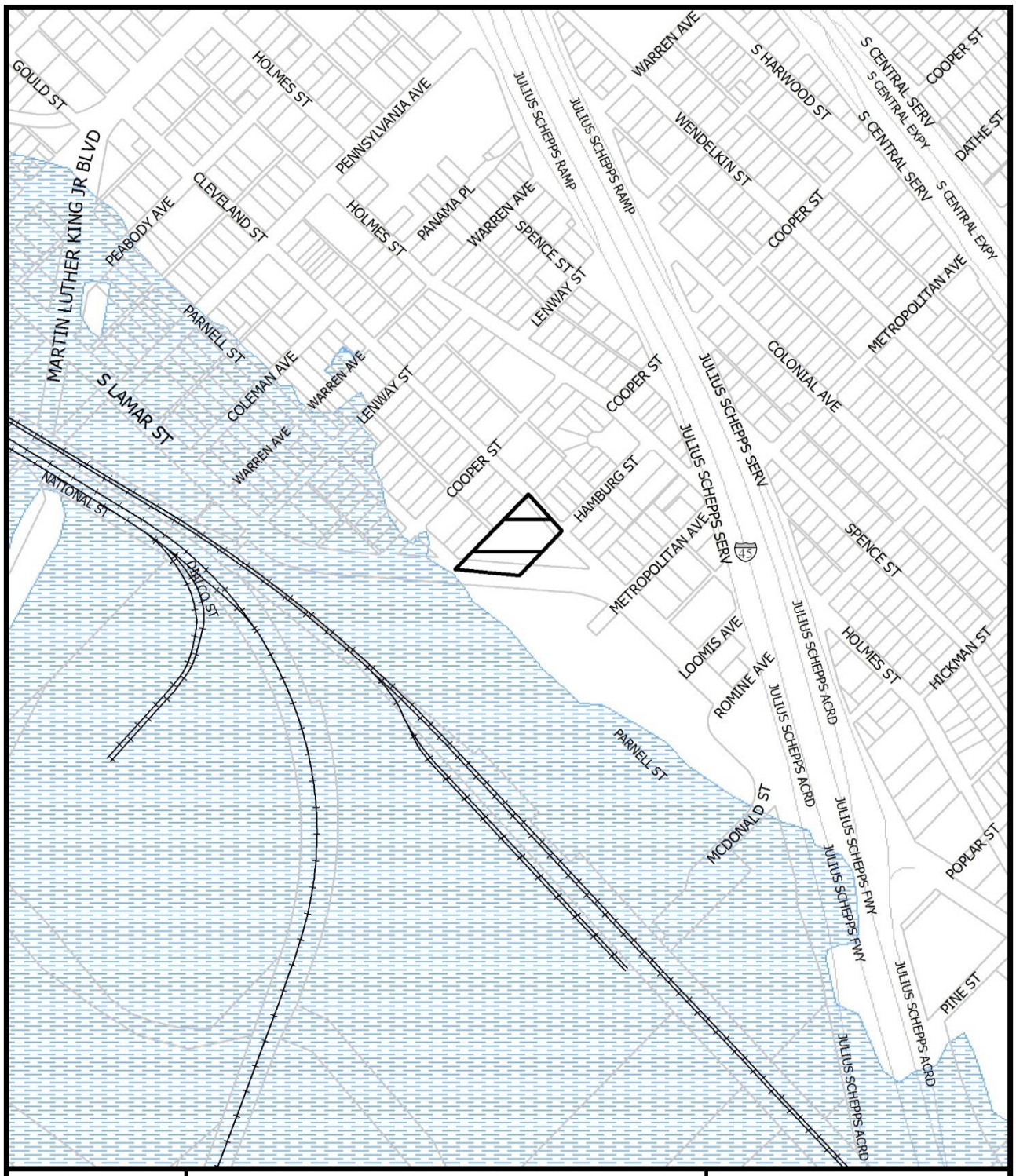
Notices: Area: 300 Mailed: 45
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Brad Friedman, 3621 Cleveland St., Dallas, TX, 75215
Aria Mahboubi, 11812 Flamingo Ln., Dallas, TX, 75218
Against: None

List of Officers

BMH AS BUILT USA

- Saeed Mahboubi — President
- Mohammed Rahel Zafar — VP Residential Construction
- Rick Karlos — VP Commercial Construction
- Christina Vera — VP Administration.



1:6,000

VICINITY MAP

Case no: Z178-256

Date: 10/3/2018

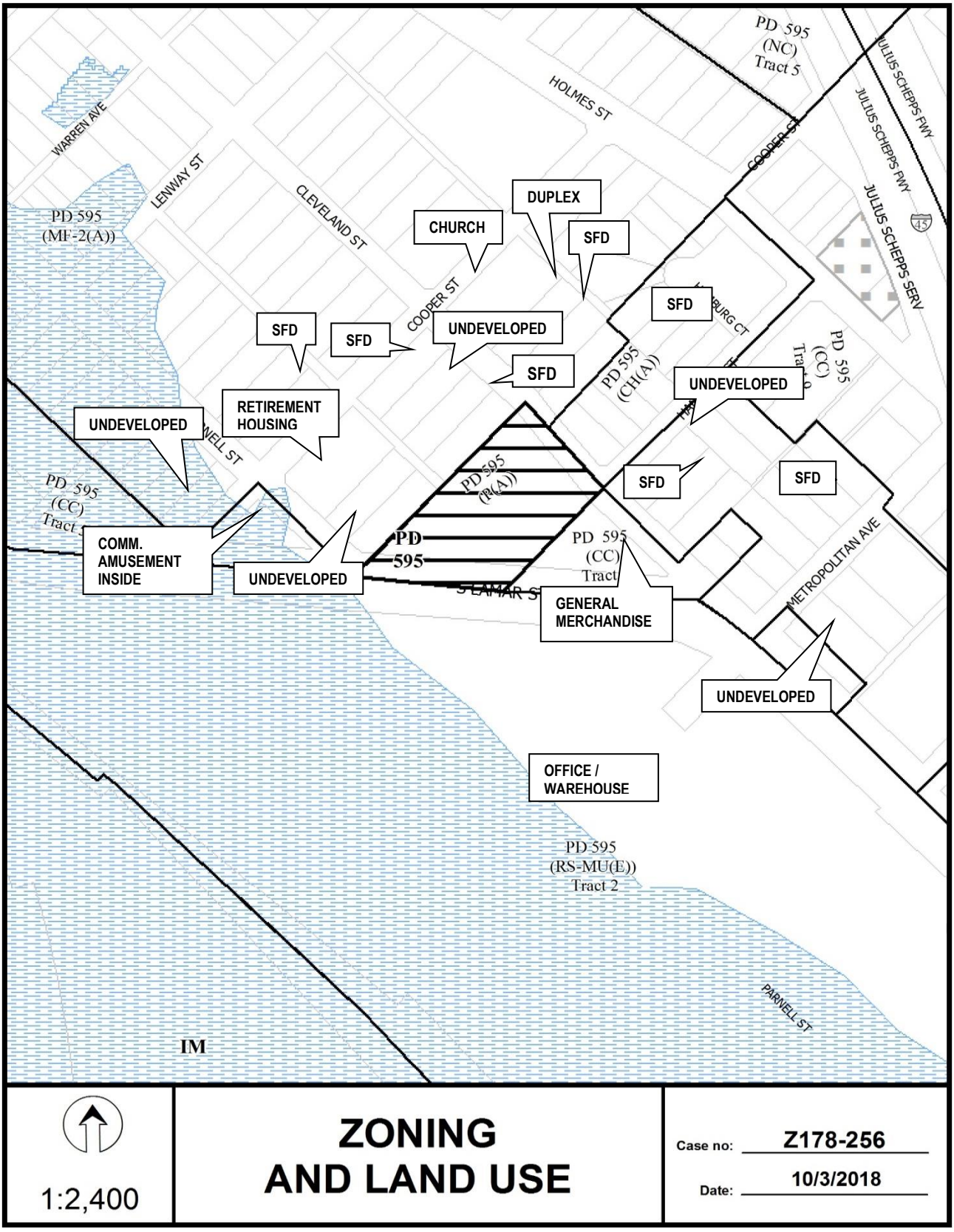


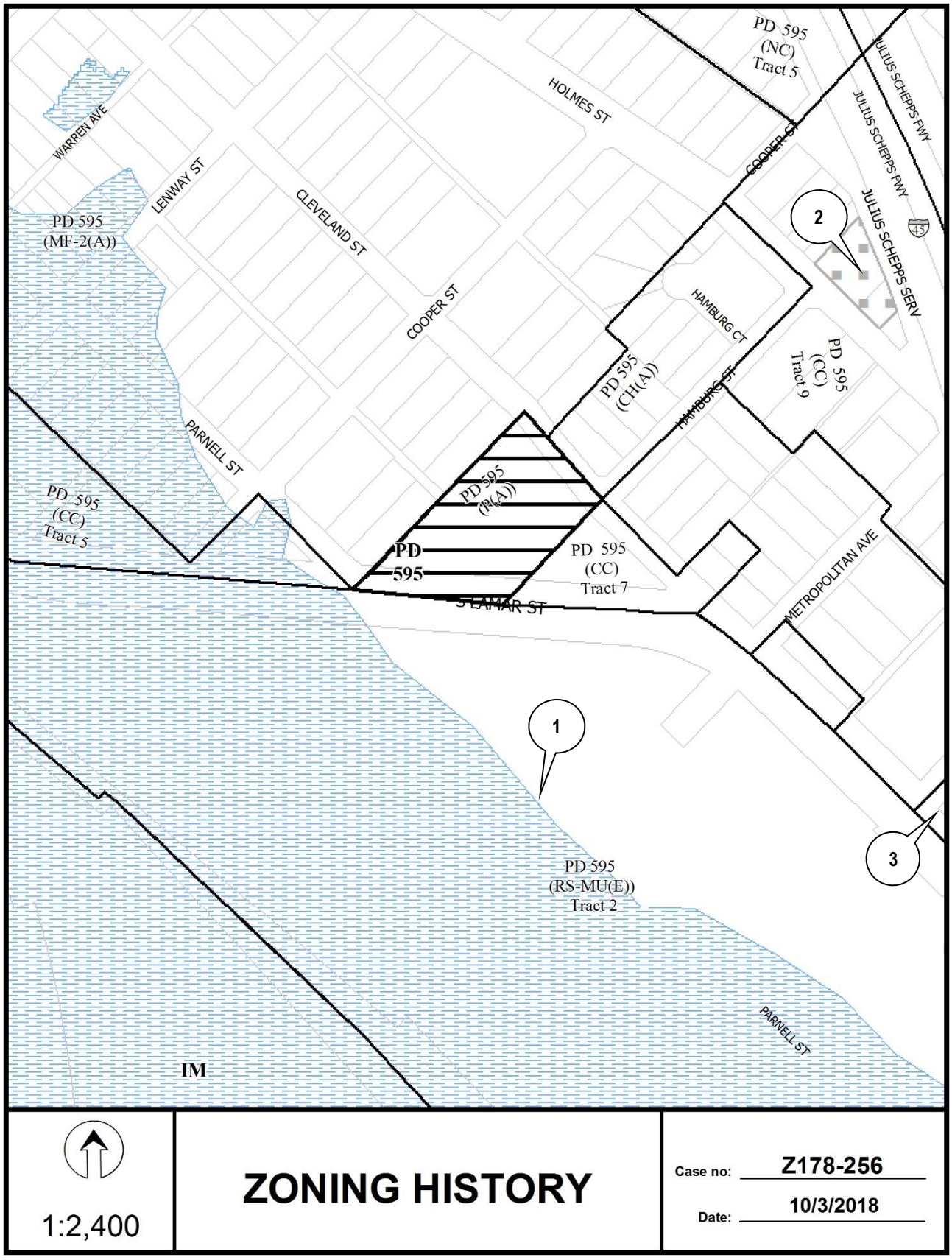
1:2,400

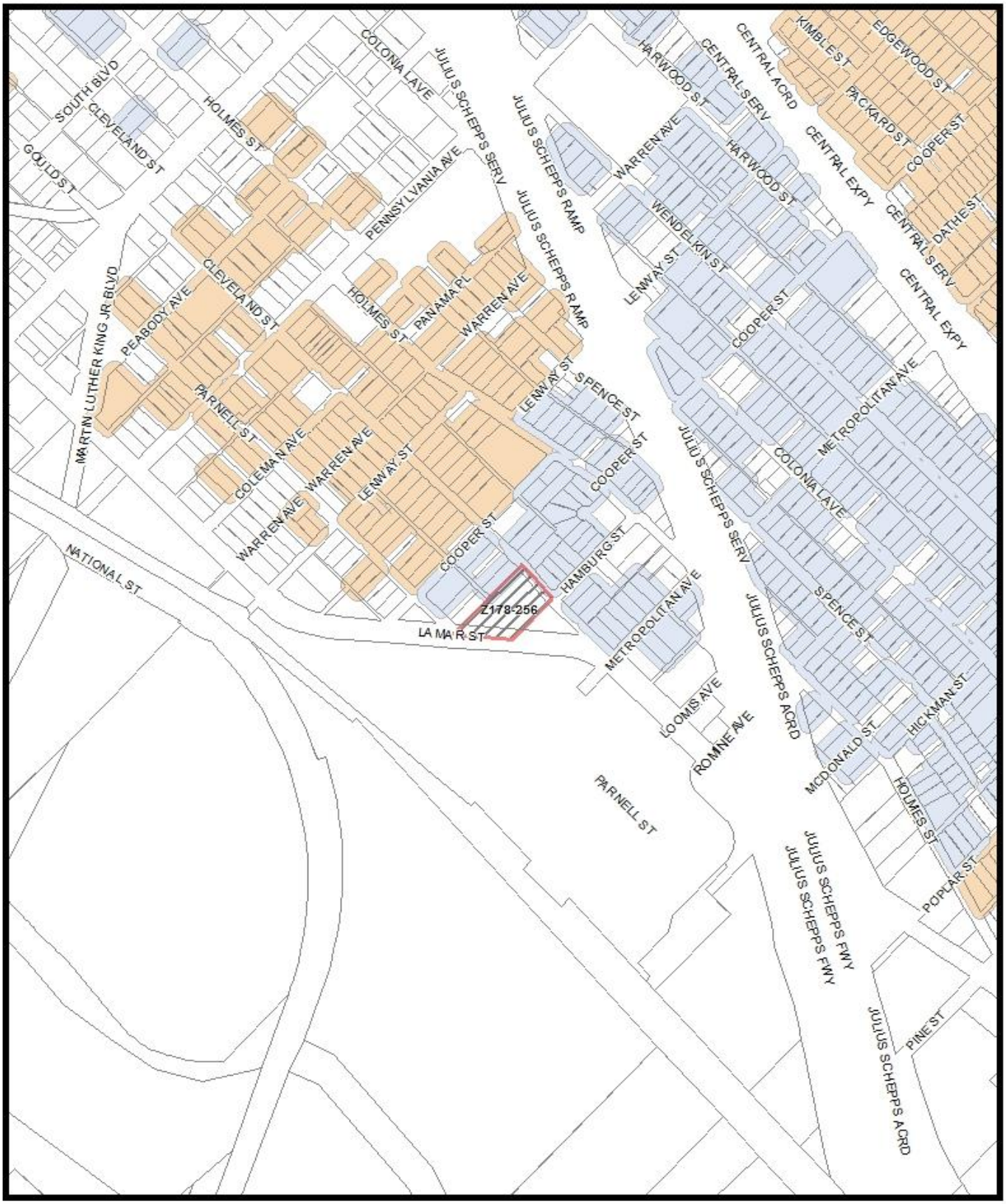
AERIAL MAP

Case no: Z178-256

Date: 10/3/2018


PD 595 (NC) Tract 5
HOLMES ST
WARREN AVE
LENWAY ST
CLEVELAND ST
COOPER ST
JULIUS SCHEPPS FWY
JULIUS SCHEPPS SERV
PD 595 (MF-2(A))
CHURCH
DUPLEX
SFD
SFD
SFD
SFD
SFD
UNDEVELOPED
UNDEVELOPED
RETIREMENT HOUSING
PD 595 (CH(A))
PD 595 (CC) Tract
PD 595 (P(A))
PD 595
PD 595 (CC) Tract
COMM. AMUSEMENT INSIDE
UNDEVELOPED
S LAMAR ST
GENERAL MERCHANDISE
METROPOLITAN AVE
UNDEVELOPED
OFFICE / WAREHOUSE
PD 595 (RS-MU(E)) Tract 2
PARNELL ST
IM
1:2,400
ZONING AND LAND USE
Case no: Z178-256
Date: 10/3/2018


PD 595 (NC) Tract 5
JULIUS SCHEPPS FWY
HOLMES ST
WARREN AVE
LENWAY ST
CLEVELAND ST
COOPER ST
JULIUS SCHEPPS SERV
PD 595 (MF-2(A))
HAMBURG CT
PD 595 (CH(A))
HAMBURG ST
PD 595 (CC) Tract 9
PARNELL ST
PD 595 (PD(A))
PD 595 (CC) Tract 5
PD 595
PD 595 (CC) Tract 7
S LAMAR ST
METROPOLITAN AVE
1
2
3
PD 595 (RS-MU(E)) Tract 2
IM
1:2,400
ZONING HISTORY
Case no: Z178-256
Date: 10/3/2018



MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 10/4/2018


CPC RESPONSES
COLEMAN AVE
WARREN AVE
LENWAY ST
CLEVELAND ST
SPENCE ST
HOLMES ST
JULIUS SCHEPPS FWY
JULIUS SCHEPPS SERV
HAMBURG CT
HAMBURG ST
PARNELL ST
COOPER ST
LAMAR ST
METROPOLITAN AVE
LOOMIS AVE
45 Property Owners Notified (48 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
300' Area of Notification
10/18/2018 Date
Z178-256
CPC
N
W
E
S
1:2,400

10/17/2018

Reply List of Property Owners

Z178-256

45 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3701	S LAMAR ST	Dallas ISD
	2	3527	PARNELL ST	FOREST HEIGHT NEIGHBORHOOD
	3	3531	PARNELL ST	ST PHILIPS SCHOOL &
	4	3520	S LAMAR ST	HANEY GEORGE C
	5	3525	CLEVELAND ST	D&D PROPERTIES
	6	3526	PARNELL ST	SMITH RUBY
	7	3530	PARNELL ST	SELMA VENTURES LTD
	8	3606	S LAMAR ST	HALL JAMES &
	9	3601	CLEVELAND ST	CRUZ DELMI
	10	3605	CLEVELAND ST	FOREST HEIGHTS NEIGHBORHOOD
	11	3609	CLEVELAND ST	DAMASCUS MISSIONARY
	12	3615	CLEVELAND ST	KING MARY FERRELL
	13	3614	PARNELL ST	WESS WILLIE
	14	3612	PARNELL ST	FOREST HEIGHTS NEIGHBORHOOD DEV CORP
	15	3607	HOLMES ST	MALONE JOSEPH L TRUSTEE &
	16	3600	CLEVELAND ST	DAMASCUS BAPT CHURCH
	17	3650	S LAMAR ST	MARIGOS MIKE
	18	3618	CLEVELAND ST	ELIJAH & ASSOC ENT INC
	19	1407	METROPOLITAN AVE	COLEMAN ALTON & BARBARA
	20	1409	METROPOLITAN AVE	WOODS GARY
	21	3634	CLEVELAND ST	EARLE DEVAN &
	22	3642	CLEVELAND ST	BATES DEBORAH
	23	3645	HOLMES ST	HIRSCH LINDA R ET AL
	24	3639	HOLMES ST	HIRSCH LINDA R ET AL
	25	3639	HOLMES ST	REISBERG HEDY M TRUST
	26	1412	HAMBURG ST	BUTNER IVALEE

10/17/2018

Reply	*Label #*	*Address*		*Owner*
	27	3638	CLEVELAND ST	HILL WILBUR JR
	28	1401	METROPOLITAN AVE	GARRETT VERONICA &
	29	1416	HAMBURG ST	BUTNER IVA LEE
	30	1417	METROPOLITAN AVE	PLINDSEY PROPERTIES LLC
	31	1415	METROPOLITAN AVE	W&G INVESTMENT GROUP LLC
	32	1407	COOPER ST	FOREST HEIGHTS NEIGHBORHOOD
	33	3616	CLEVELAND ST	HARRIS & HARRIS PPTIES LLC
	34	1418	COOPER ST	HAWKINS SHIRLEY
	35	1600	HAMBURG ST	HANA & EUGENE INVS CORP
	36	3611	HAMBURG CT	EMPY CLIFTON JR &
	37	3615	HAMBURG CT	CASTILLO AURELIO
	38	3619	HAMBURG CT	MADDOX ALISIA L
	39	3623	HAMBURG CT	WU YIWEI
	40	3627	HAMBURG CT	BAKER ELIZABETH
	41	3631	HAMBURG CT	GIPSON MICHAEL W
	42	1417	HAMBURG ST	NDAYIRORERE CONSILLIE &
	43	1413	HAMBURG ST	SAY GONZALO & MARTHA
	44	1409	HAMBURG ST	BONAT & KINO PROPERTIES LLC
	45	1405	HAMBURG ST	1405 HAMBURG TRUST

Agenda Information Sheet

File #: 19-309 **Item #:** 60.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z178-345(SM)

Note: This item was deferred by the City Council before opening the public hearing on February 13, 2019, and is scheduled for consideration on April 24, 2019

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z178-345(SM)	**DATE FILED:**	August 22, 2018
LOCATION:	South corner of Lawnview Avenue and Forney Road		
COUNCIL DISTRICT:	7	**MAPSCO:**	47 L
SIZE OF REQUEST:	Approx. 17,859.6 sq. ft.	**CENSUS TRACT:**	84

APPLICANT/ REPRESENTATIVE: BKPR Corporation, Bharat Rana

OWNER: Limjung Company, LP

REQUEST: An application for the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store [M & J Food Store].

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less use within a multi-tenant retail development.
- The proposed request is to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- On January 25, 2012, City Council approved SUP No. 1935 for a two-year period.
- On January 8, 2014, City Council renewed of SUP No. 1935 for a five-year period.

Zoning History: There has been one recent zoning change in the area.

1. **Z145-313:** On November 10, 2015, the City Council denied an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue.

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.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
Lawnview Avenue	Collector	60 ft.
Forney Road	Collector	60 ft.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *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.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	CR-D-1	Retail uses
North	CR-D-1	Undeveloped
Northeast	CR-D-1	Office
Southeast	CR-D-1	Personal Service
Southwest	PDD 323 (Area 1) w/ DR No. Z834-239	Machinery, heavy equip. or truck sales & service
Northwest	CR-D-1	Auto Service

Land Use Compatibility: The approximately 1,800-square-foot store is currently developed with a general merchandise or food store within a multi-tenant retail development. The applicant's request for a renewal of Specific Use Permit No. 1935 for the continued sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less will allow for the continued sale of the alcoholic beverages in an existing general merchandise store or food store.

The surrounding land uses consist of offices to the northeast, across Lawnview Avenue; personal services abutting the site to the southeast; a machinery, heavy equip. or truck sales & service use abutting the site to the southwest; and an auto service center across Forney Road to the northwest.

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, or setups for 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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police has determined that the request site is in compliance with the requirements in Chapter 12B.

Because this is the third renewal of the site and it is in compliance with Chapter 12B, staff supports the applicant's request for a five-year time period with eligibility for five-year automatic renewals.

Market Value Analysis: Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is within an "H" MVA cluster.

Police:

Staff obtained a report from the Dallas Police Department containing the incidents, calls, and arrests for the site's address since the SUP was last renewed in January of 2013. Since the site's address contains multiple tenants, the report received by staff includes uses that are not associated with this application. The report lists 12 out of 23 incidents identified with the food store; 42 out of 75 calls were associated with the food store, and 19 calls not associated with a particular premise on the site. The report showed zero arrests for the site's address. The above incidents and calls are provided in the table below.

Incidents:

Incident No.	Date	Time	UCR Offense	UCR Offense Description	MO
20140036201	2/13/2014	14:12	Robbery-business	Robbery | comm hse, x-3,4,6 | firearms (handgun only) | 0600-1800	Suspect hit rp w/gun and took money.
229008-2015	10/2/2015	23:11	Alarm incident	Alarm incident	Alarm call
190760-2015	8/17/2015	10:15	Assault	Assault	Suspect got upset and threw a cup of coffee on comp
164031-2015	7/17/2015	16:10	Miscellaneous	Miscellaneous	M.I.R.
125925-2015	6/3/2015	8:00	Criminal trespass	Miscellaneous	Criminal trespass affidavit on file
158736-2017	7/13/2017	6:30	Assault	Assault	The unknown suspect threatened the comp by saying im going to kill you.
222172-2017	9/28/2017	14:00	Vandalism & crim mischief	Criminal mischief/vandalism	Unknown suspects damaged comp's window
098949-2018	5/10/2018	9:45	Miscellaneous	Miscellaneous	Criminal trespass warning
002169-2018	1/3/2018	23:00	Injured public	Accidental injury	Injured person
281878-2017	12/12/2017	10:00	Criminal trespass	Miscellaneous	Criminal trespass affidavit
278667-2017	12/8/2017	9:00	Lost	Lost property	Loss of the wallet
207603-2017	9/10/2017	18:20	Alarm incident	Alarm incident	Alarm was set off by rp by accident

Calls:

Master Incident No.	Date	Time	Problem	Priority Description
13-0250540	2/8/2013	0:16	12b - Business Alarm	3 - General Service
13-0344645	2/21/2013	23:24	12b - Business Alarm	3 - General Service
13-1807530	9/13/2013	22:09	41/09 - Theft - In Progress	1 - Emergency
13-1865646	9/22/2013	7:41	12b - Business Alarm	3 - General Service
13-1913549	9/29/2013	9:26	12b - Business Alarm	3 - General Service
13-2459038	12/20/2013	19:52	09 - Theft	4 - Non Critical
14-0162857	1/25/2014	17:52	43 - Road Rage	2 - Urgent
14-0165820	1/26/2014	1:32	12b - Business Alarm	3 - General Service
14-0285786	2/13/2014	14:18	20 - Robbery	2 - Urgent
14-0405091	3/2/2014	23:35	12b - Business Alarm	3 - General Service
14-0433841	3/7/2014	14:45	07 - Minor Accident	3 - General Service
14-1430966	7/24/2014	21:53	6x - Major Dist (Violence)	2 - Urgent
14-1469035	7/30/2014	8:50	24 - Abandoned Property	4 - Non Critical
15-0068943	1/11/2015	15:50	6x - Major Dist (Violence)	2 - Urgent
15-0440070	3/8/2015	19:08	Daef - Dist Armed Encounter Foot	1 - Emergency
15-1426390	7/17/2015	16:08	6xe - Disturbance Emergency	1 - Emergency
15-1662216	8/17/2015	10:27	16 - Injured Person	3 - General Service
15-2007872	10/2/2015	23:10	12b - Business Alarm	3 - General Service
16-2482301	12/17/2016	13:03	7x - Major Accident	2 - Urgent
17-0077269	1/12/2017	19:30	11v - Burg Motor Veh	3 - General Service
17-0106167	1/17/2017	11:19	Ph - Panhandler	4 - Non Critical
17-0877509	5/9/2017	19:13	Ph - Panhandler	4 - Non Critical
17-0965691	5/22/2017	9:56	40 - Other	3 - General Service
17-1127413	6/14/2017	9:13	40/01 - Other	2 - Urgent
17-1161569	6/19/2017	7:11	Ph - Panhandler	4 - Non Critical
17-1191691	6/23/2017	16:17	Ph - Panhandler	4 - Non Critical
17-1330866	7/13/2017	6:33	40 - Other	3 - General Service
17-1594949	8/21/2017	12:55	40 - Other	3 - General Service
17-1728981	9/10/2017	18:02	21b - Business Hold Up	2 - Urgent
17-1847860	9/28/2017	14:03	6x - Major Dist (Violence)	2 - Urgent
17-2228275	11/24/2017	16:04	46 - CIT	2 - Urgent
17-2273487	12/1/2017	19:16	6x - Major Dist (Violence)	2 - Urgent
18-0019340	1/3/2018	22:15	40/01 - Other	2 - Urgent
18-0037427	1/6/2018	19:03	40 - Other	3 - General Service
18-0059579	1/10/2018	11:18	Ph - Panhandler	4 - Non Critical
18-0081095	1/13/2018	19:41	6x - Major Dist (Violence)	2 - Urgent
18-0709131	4/23/2018	12:43	Ph - Panhandler	4 - Non Critical
18-0766695	5/2/2018	10:42	Ph - Panhandler	4 - Non Critical
18-0794051	5/6/2018	8:44	Ph - Panhandler	4 - Non Critical
18-0801101	5/7/2018	11:51	Ph - Panhandler	4 - Non Critical
18-0820398	5/10/2018	9:57	6x - Major Dist (Violence)	2 - Urgent
18-1027949	6/9/2018	8:07	40 - Other	3 - General Service

PRIOR CPC ACTION – January 3, 2019:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road.

Maker: Schultz
Second: Housewright
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter, Jung, Housewright, Schultz, Murphy, Ridley

Against: 0
Absent: 2 - Lewis, Tarpley
Vacancy: 3 - District 3, District 7, District 12

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Bharat Rana, 4441 Lawnview Ave., Dallas, TX, 75227
Against: None

CPC Recommended SUP Conditions

1. USE. The only use authorized by this specific use permit Is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

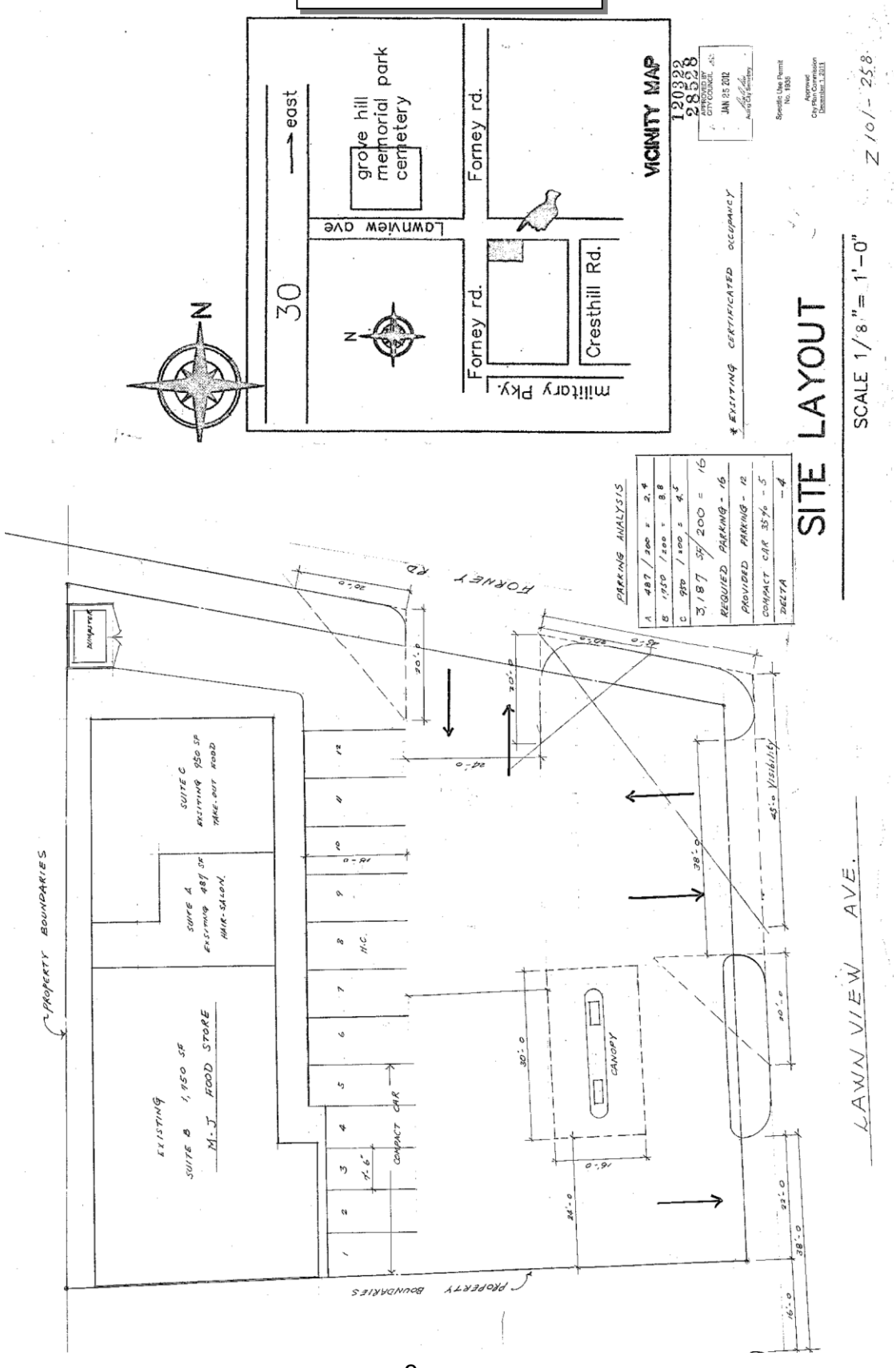
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

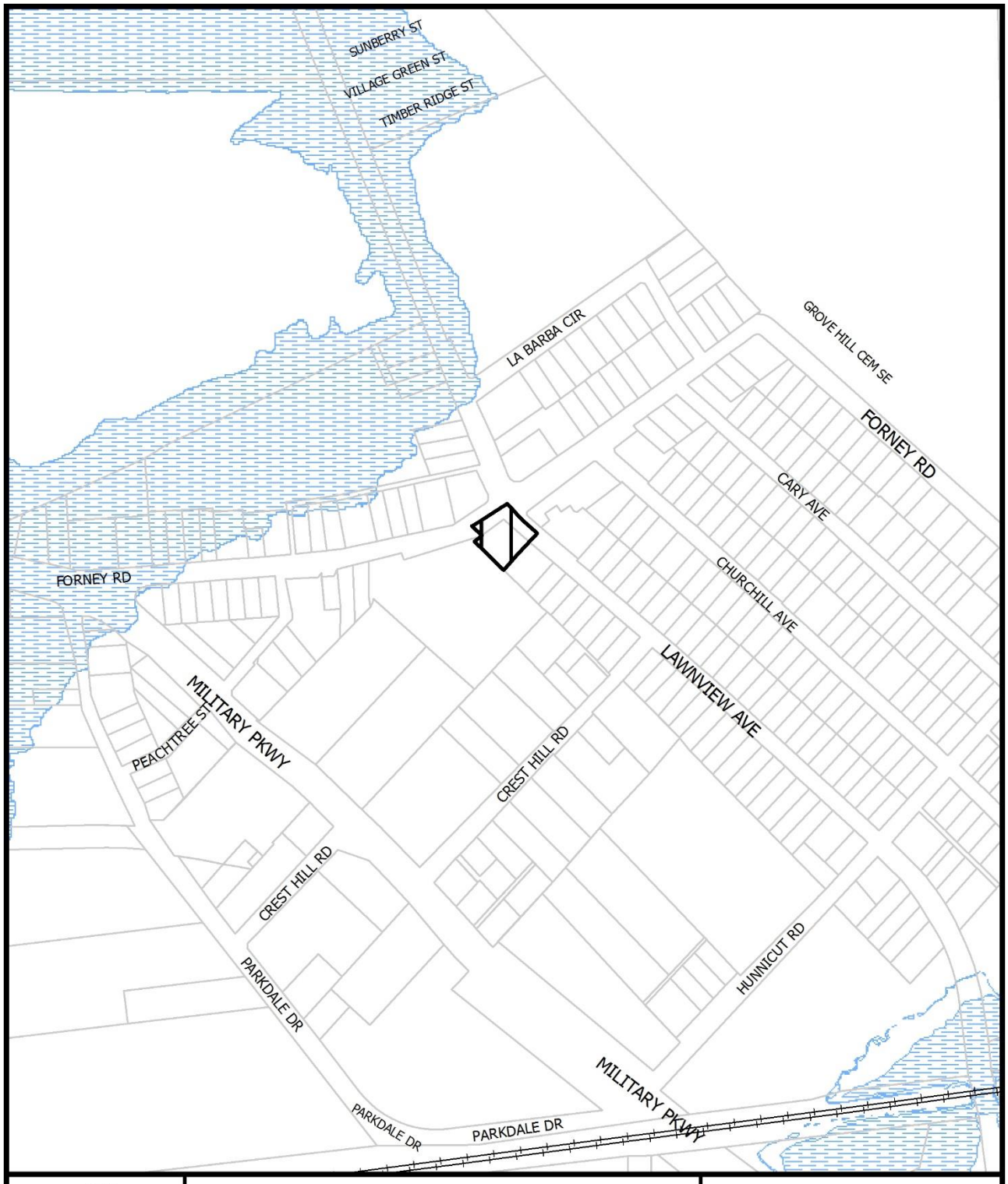
3. TIME LIMIT: This specific use permit expires on [five years from the passage of this ordinance] but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner 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.) [~~January 8, 2019~~].

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.

EXISTING SITE PLAN
(no changes)





1:4,800

VICINITY MAP

Case no: Z178-345

Date: 11/8/2018

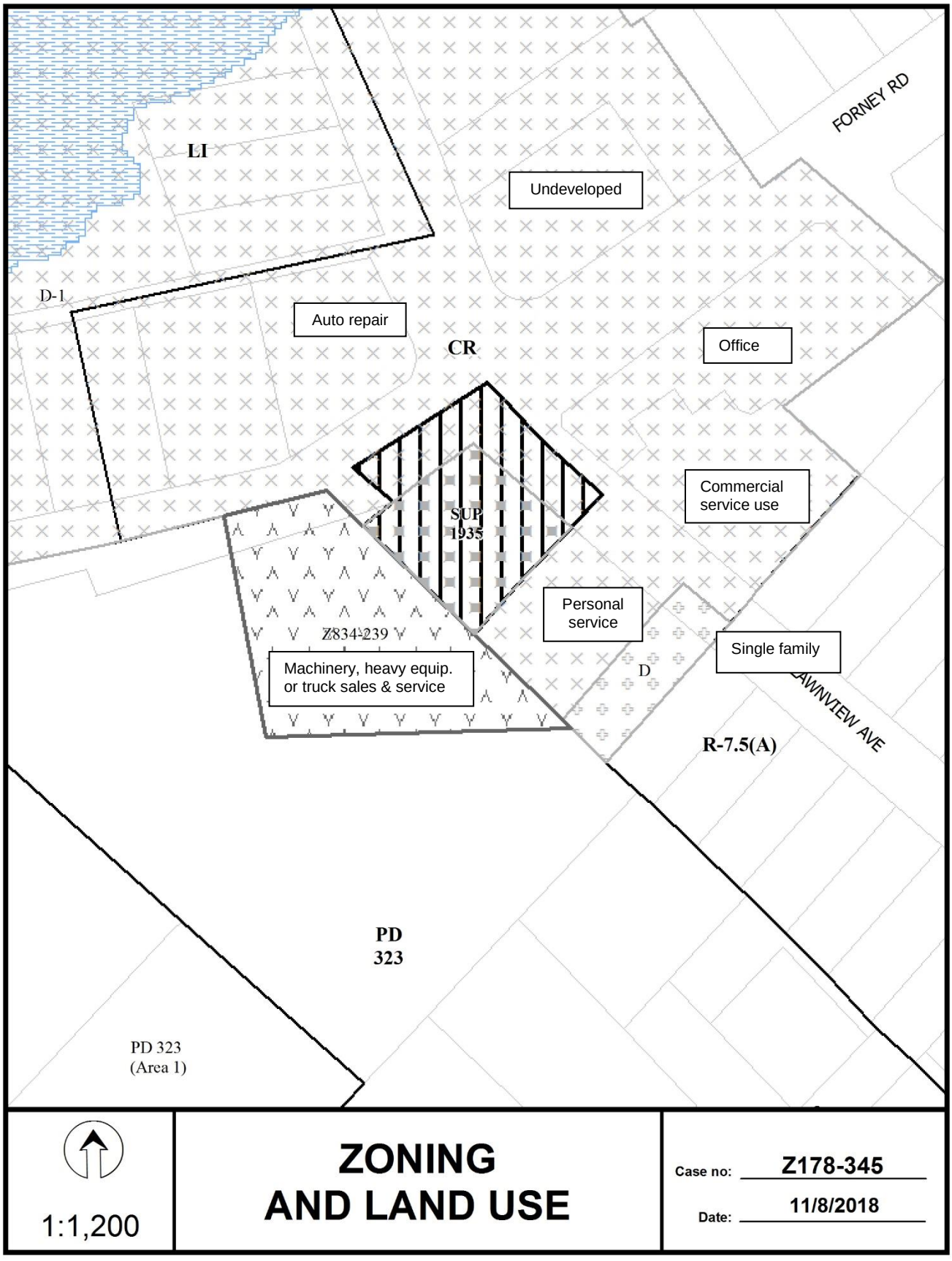


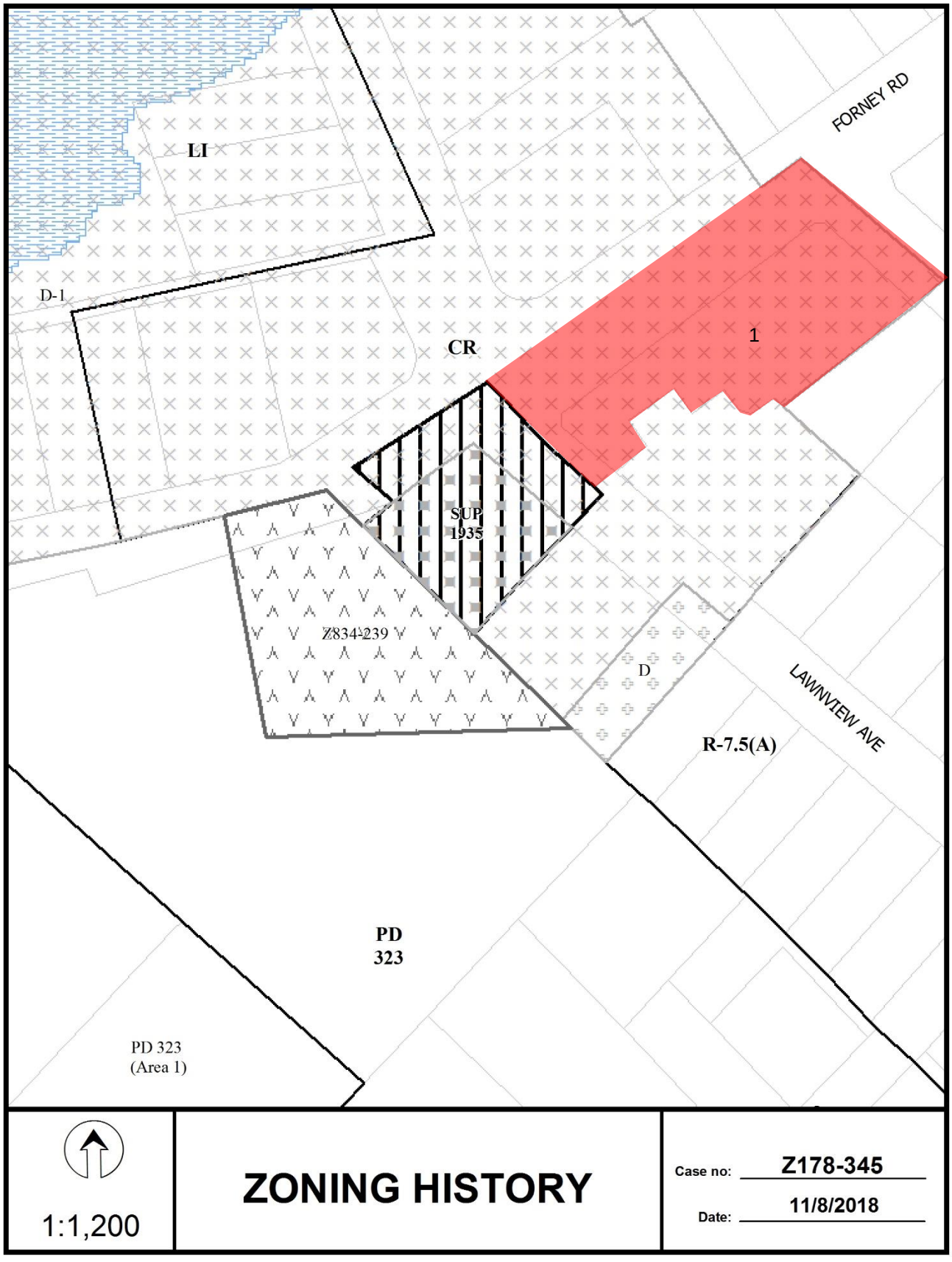
1:1,200

AERIAL MAP

Case no: Z178-345

Date: 11/8/2018


LI
FORNEY RD
Undeveloped
D-1
Auto repair
CR
Office
SUP
1935
Commercial
service use
Personal
service
Z834-239
Machinery, heavy equip.
or truck sales & service
Single family
D
DAWNVIEW AVE
R-7.5(A)
PD
323
PD 323
(Area 1)
1:1,200
ZONING
AND LAND USE
Case no: Z178-345
Date: 11/8/2018


LI
D-1
CR
1
FORNEY RD
SUP
1935
Z834-239
D
LAWNVIEW AVE
R-7.5(A)
PD
323
PD 323
(Area 1)
1:1,200
ZONING HISTORY
Case no: Z178-345
Date: 11/8/2018

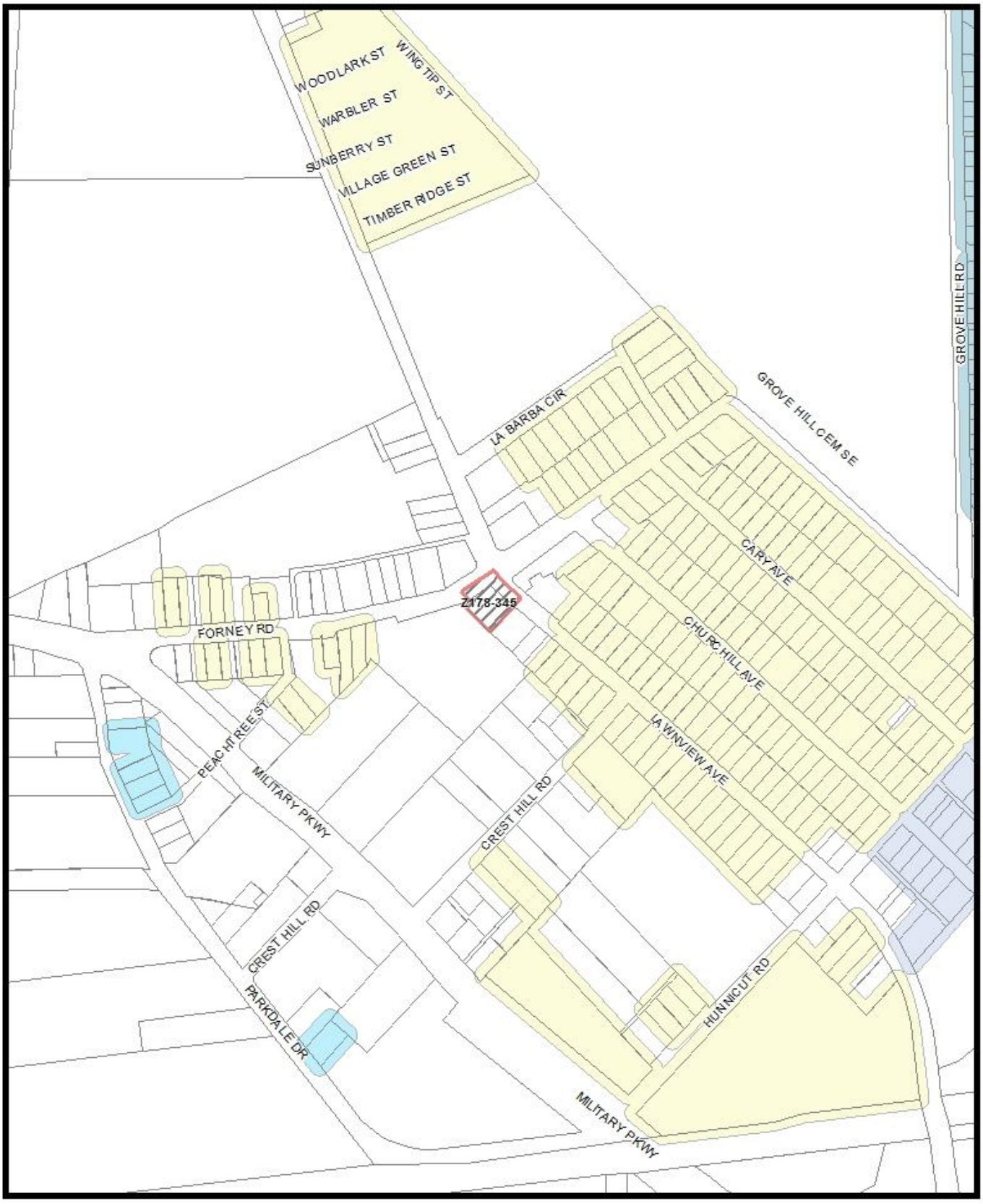


1:1,200

AERIAL MAP

Case no: Z178-345

Date: 11/8/2018



MVACluster A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 11/9/2018


CPC Responses
12
11
11
5
4
FORNEY RD
CHURCHILL AVE
14
10
3
2
2
2
15
1
9
LAWNVIEW AVE
7
8
8
13
6
CREST HILL RD
15 Property Owners Notified (19 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
1/3/2019 Date
Z178-345
CPC
N
W
E
S
1:1,200

01/02/2019

Reply List of Property Owners

Z178-345

15 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4441	LAWNVIEW AVE	LIMJUNG CONPANY LP
	2	5431	FORNEY RD	ESCOBAR J ALEJANDRO &
	3	4511	LAWNVIEW AVE	VARGAS GUILLERMO
	4	4515	LAWNVIEW AVE	BLACK RICHARD &
	5	4525	LAWNVIEW AVE	BURRESCIA FAMILY REVO TRUST
	6	4045	CREST HILL RD	CRESTHILL ROAD COMPLEX LLC
	7	4431	LAWNVIEW AVE	OTTO IRIS
	8	4427	LAWNVIEW AVE	TVS210 INVESTMENTS LLC
	9	4424	LAWNVIEW AVE	PEREZ-GUARDADO OLGA L
	10	5610	CHURCHILL AVE	FAZ HECTOR &
	11	5511	FORNEY RD	MANTZURANIS TONY
	12	4540	LAWNVIEW AVE	SAM SURAJ LLC
	13	5420	FORNEY RD	HAUS PROPERTIES LLC
	14	4442	LAWNVIEW AVE	ESCOBAR J ALEJANDRO & GLORIA M ESCOBAR
	15	4440	LAWNVIEW AVE	CLMTEXAS HOLDINGS LLC

Agenda Information Sheet

File #: 19-510 **Item #:** 61.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z178-361(CT)
Note: This item was deferred by the City Council before opening the public hearings on January 23, 2019 and March 27, 2019, and is scheduled for consideration on April 24, 2019

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HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER:	Z178-361(CT)	**DATE FILED:**	September 7, 2018
LOCATION:	Southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street		
COUNCIL DISTRICT:	7	**MAPSCO:**	46 W
SIZE OF REQUEST:	Approx. 3.1887 acres	**CENSUS TRACT:**	34.00

APPLICANT: Gold Auto Parts Recyclers

OWNER: Recycling Properties L.P.

REPRESENTATIVE: Milos Cinclair, PLLC

REQUEST: An application for the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District.

SUMMARY: The purpose of this request is to continue the operation of the recycling buy-back center of household metals and industrial metals within a portion of an existing facility [Gold Auto Parts Recycling Center].

CPC RECOMMENDATION: **Approval** for a two-year period, subject to conditions

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to conditions

BACKGROUND:

- The existing SUP for a recycling buy-back center for the collection of household metals and industrial metals was approved on September 9, 2015, for a two-year period. On December 13, 2017, the City Council renewed the SUP for a two-year period.

- The applicant is seeking renewal, with no proposed changes to the existing conditions of the SUP.

- The Dallas Police Department finds the facility in compliance with Chapter 40B for operation of a recycling buy-back center.

- The Dallas Development Code states the time period for an SUP for a recycling buy back center for the collection of household metals and industrial metals may not exceed a two-year period.

Zoning History: There have not been any zoning cases in the area over the past five years.

Traffic:

The Engineering Division of Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Lamar Street	Principal Arterial	100 feet	100 feet

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 6.6 Increase Recycling and Conservation of Renewable Resources

Policy 6.6.1 Increase recycling and composting

Surrounding Land Uses:

	Zoning	Land Use
Site	IM, SUP No. 2155	Industrial, warehouse, and recycling buy-back center
North	PD 595 (FWMU-3)	Undeveloped/Single family
East	PD 595 (CC)	Restaurant/Undeveloped
South	IM	Industrial
West	IM	Industrial

Land Use Compatibility:

The Development Code requires a Specific Use Permit for a recycling buy-back center for the collection of household and industrial metals; but does not require a Specific Use Permit for recyclable materials such as clothing, aluminum cans, steel cans, glass, paper, and plastic products in the IM District. In addition, the code limits a recycle buy-back center to a maximum of 10,000 square feet of floor area and does not allow other recycling facilities within 1,000 feet. The Code also limits the time period to no more than two years.

The request site is located within an industrial area and is adjacent to several industrial uses. Properties that are generally located southwest of South Lamar Street, are located within heavily industrial and commercial zoning districts. This area has been zoned for industrial and light commercial uses since the 1970s. The properties to the northeast of South Lamar Avenue are undeveloped and single family uses. The existing use is located in an industrial area and is located on a property that has had industrial uses for over 20 years.

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 use is compatible with the surrounding industrial uses and is separated from nearby residential uses by a major roadway. The use provides a service throughout the area as a place to bring materials that may otherwise not be recycled. The short initial time allowed staff to review the use and determined it was in compliance with the conditions and site plan. As such, staff is recommending approval for an additional two-year period.

Landscaping:

The request does not trigger landscape requirements.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is not located within an identified market type category, it is closest to Category "I" and Category "E" northeast of South Lamar Street.

Parking:

The parking regulations require one space per 500 square feet of floor area for a recycling buy-back center. The building where the use is located is a 2,000 square-feet building. The applicant is providing the required 20 off-street parking spaces for the use.

Police Department:

The Dallas Police Department monitors the facility for compliance with Chapter 40B for operation of a recycling buy-back center. The Dallas Police Department also requires a license for a recycling buy-back center. According to DPD, the applicant is in compliance with Dallas City Ord. 40-B.

List of Partners, Principals, or Officers

Gold Auto Parts Recycling Center

Jerome Amman – Managing Partner on Site

Neil Goldberg - Partner

Proposed Conditions
SUP No. 2155

1. USE: The use authorized by this specific use permit is a recycling buy-back center for the collection of household and industrial metals.

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 [~~September 13, 2018~~] (two years from the passage of this ordinance).

4. FLOOR AREA: A maximum of 4,270 square feet.

5. GATE: Both double swing gates abutting to Lamar Street and shown on the attached site plan must remain open during hours of operation.

6. HOURS OF OPERATION: The recycling buy-back center for the collection of household and industrial metals may only operate between 7:00 a.m. and 7:00 p.m., Monday through Sunday.

7. INGRESS/ EGRESS: Ingress and egress must be provided in the location on the attached site plan. No other ingress or egress is permitted.

8. LICENSE: The Operator must obtain a secondary metal recyclers license in accordance with Chapter 40B of the Dallas City Code.

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.

DECEMBER 13, 2018 - CITY PLAN COMMISSION MINUTES

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals for a two-year period, subject to conditions on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street, between Martin Luther King Jr. Boulevard and Lenway Street.

Maker: Davis
Second: Rieves
Result: Carried: 13 to 0

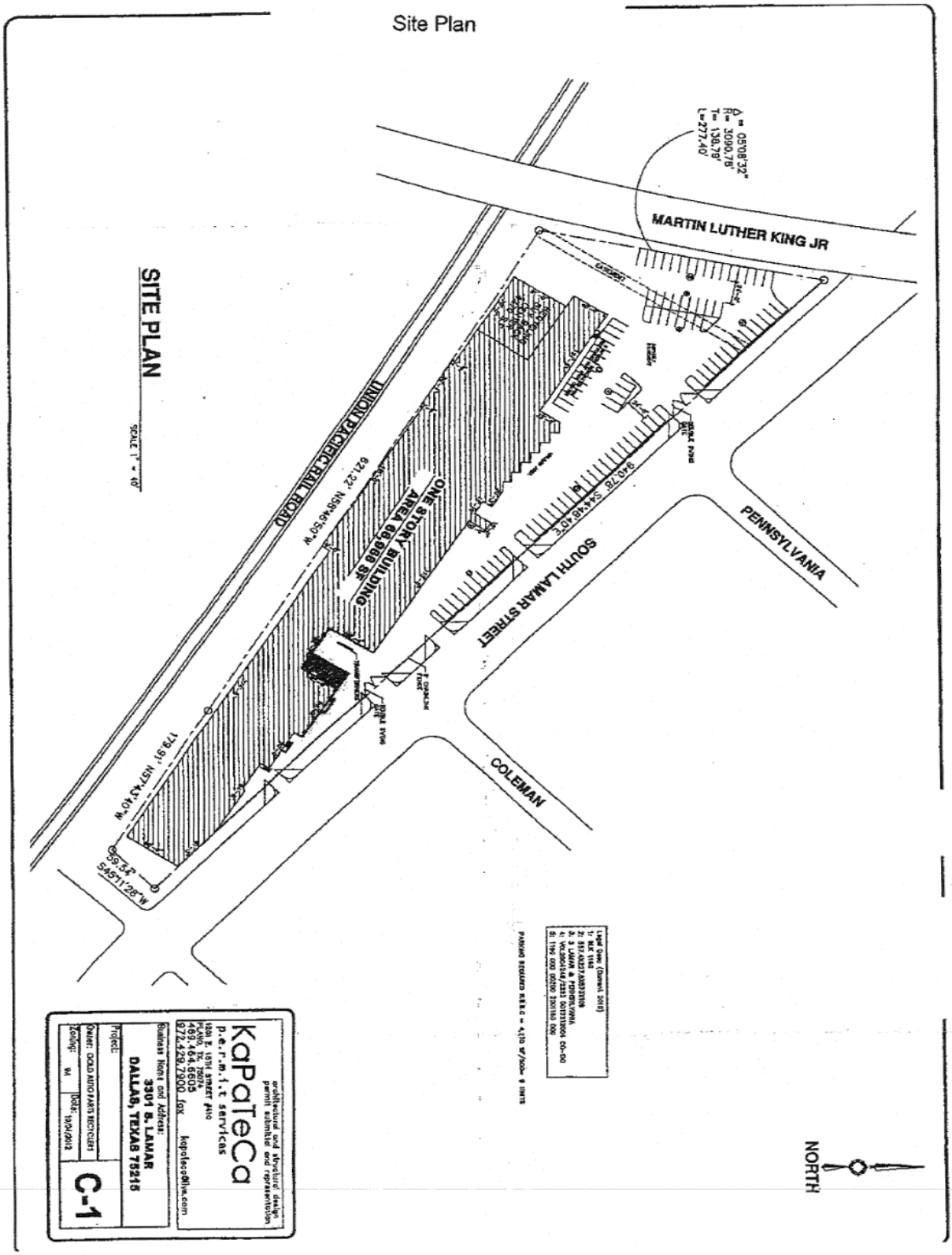
For: 13 - MacGregor, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

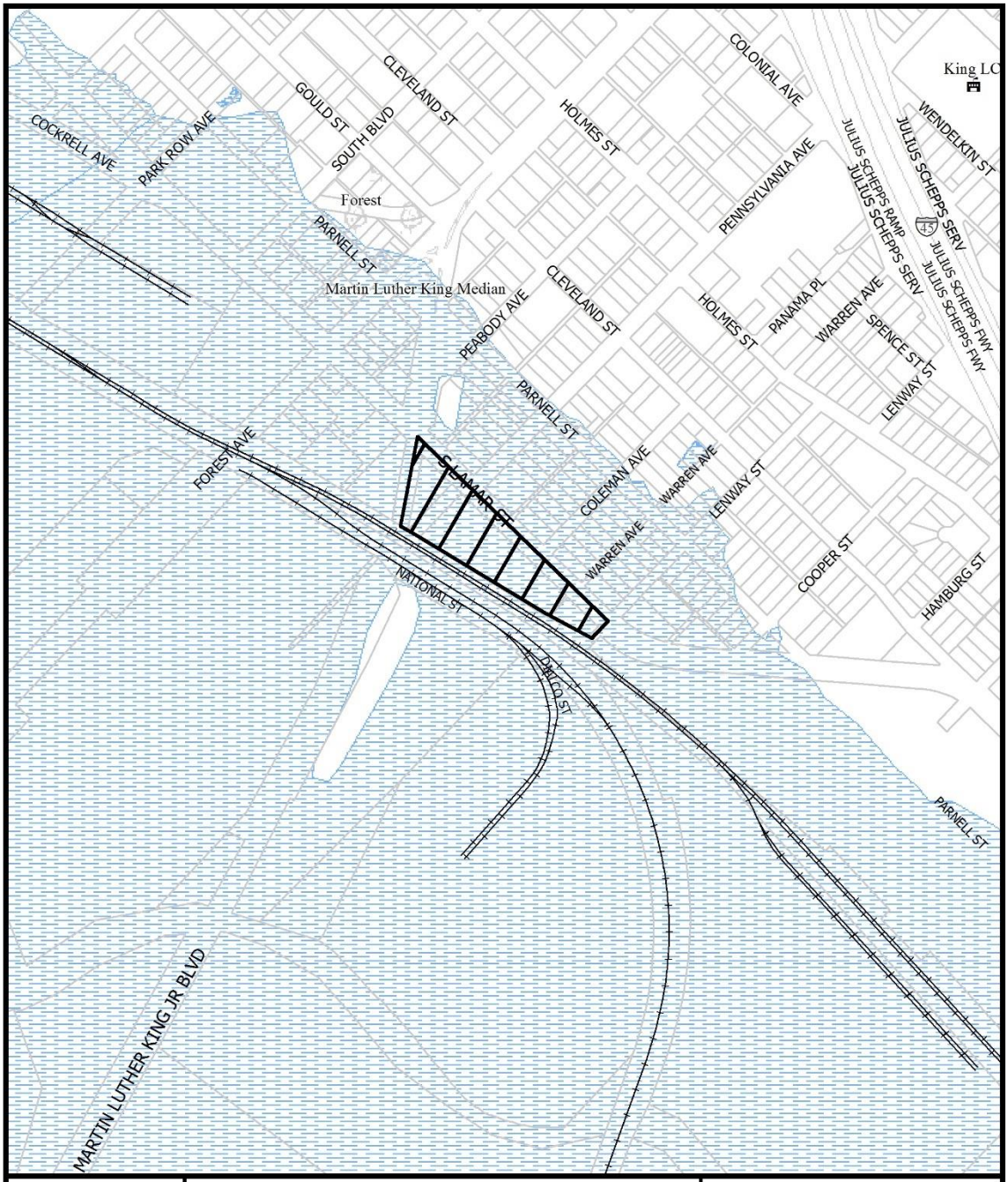
Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 300 Mailed: 33
Replies: For: 0 Against: 0

Speakers: For: Robert Miklos, 180 Valley View Ln., Farmers Branch, TX, 75234
Jerry Amman, 2004 Willow Bend, Oakley, TX
Against: None

EXISTING SITE PLAN
(no changes)





1:6,000

VICINITY MAP

Case no: Z178-361

Date: 10/17/2018

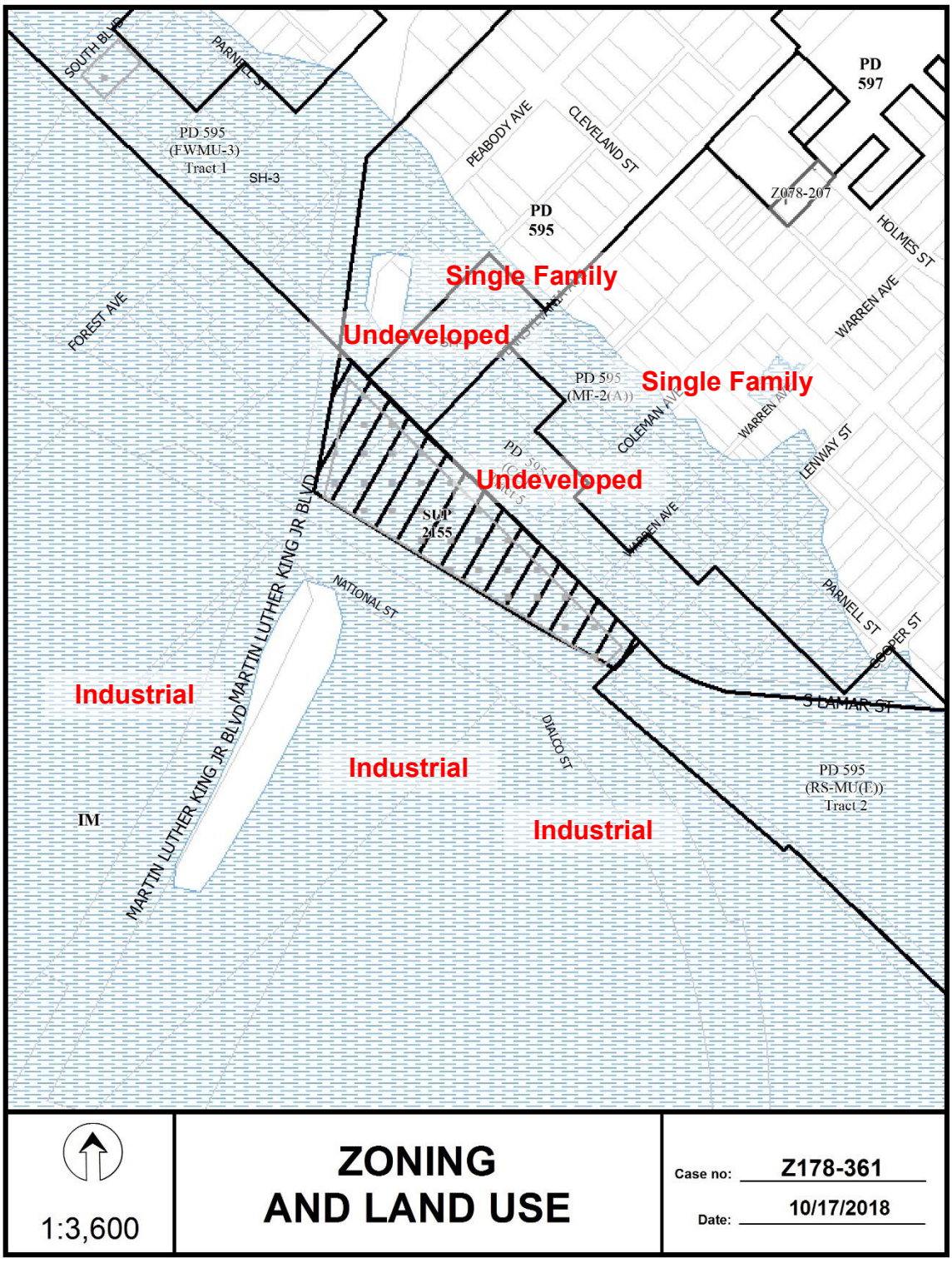


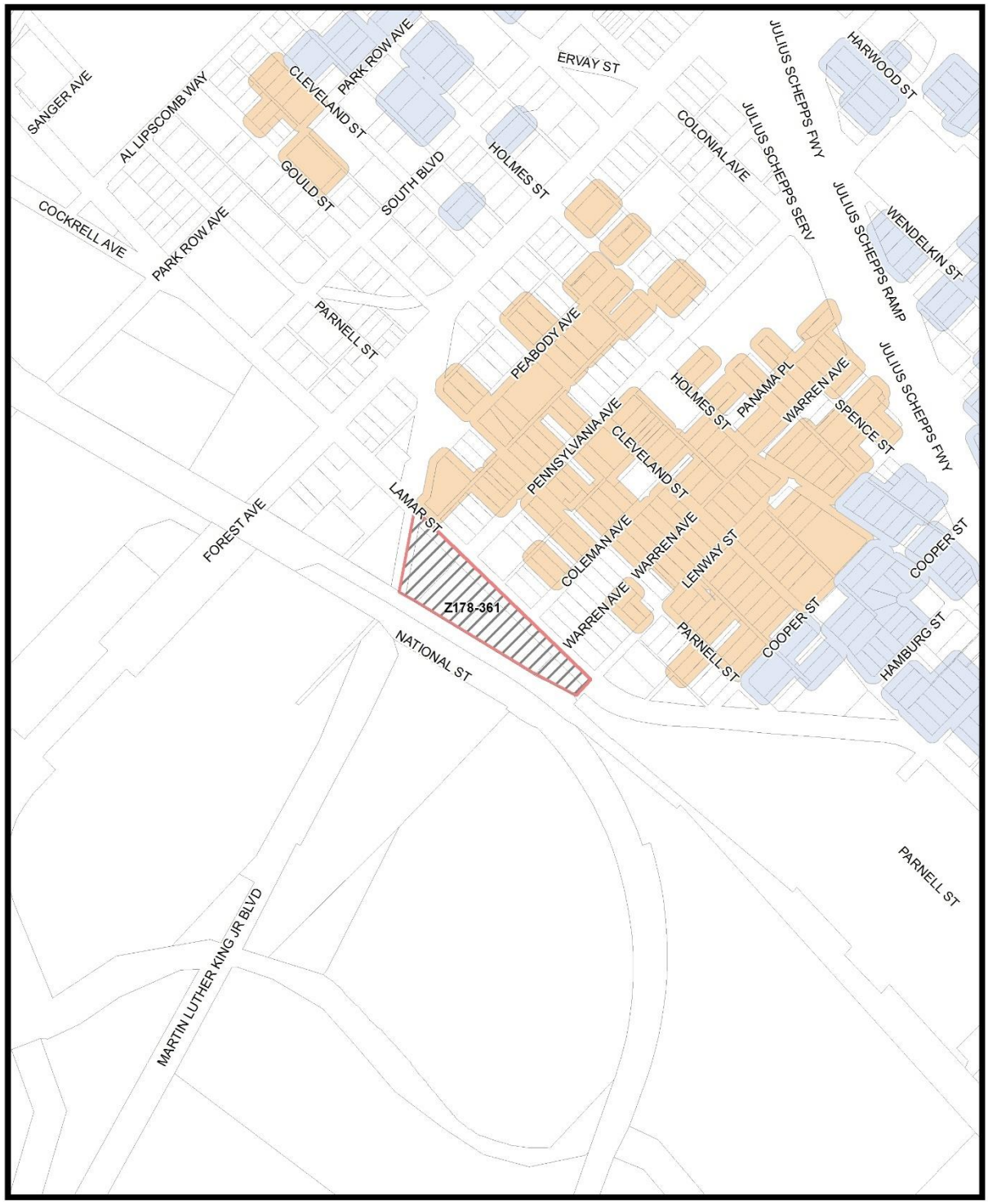
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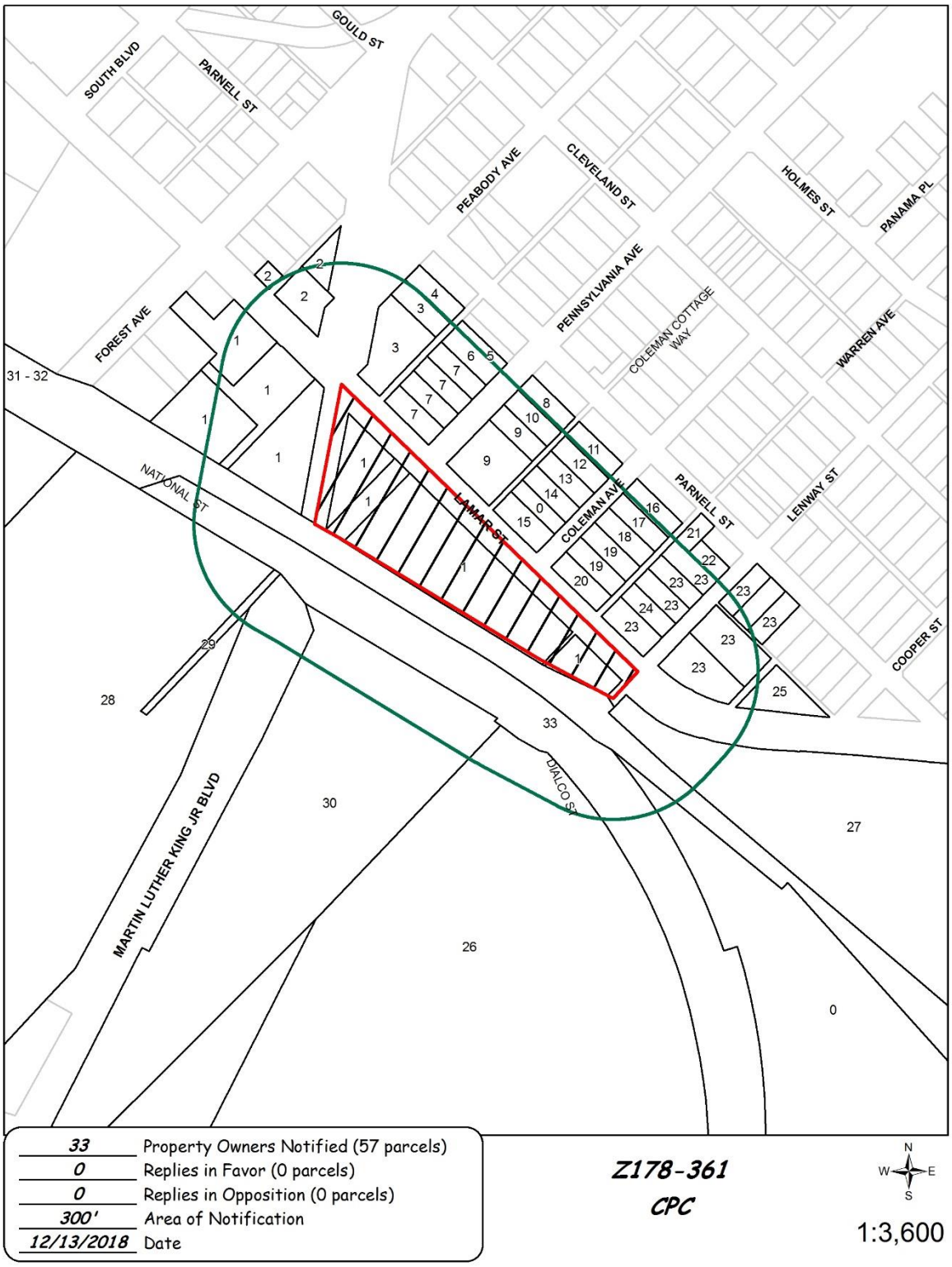
AERIAL MAP

Case no: Z178-361

Date: 10/17/2018


SOUTH BLVD
PARNELL ST
PD 595
(FWMU-3)
Tract 1
SH-3
PEABODY AVE
CLEVELAND ST
PD
597
Z078-207
HOLMES ST
PD
595
Single Family
FOREST AVE
Undeveloped
WARREN AVE
PD 595
(MF-2(A))
Single Family
COLEMAN AVE
WARREN AVE
LENWAY ST
PD 595
(CA-1(A))
Undeveloped
SUP
2055
WARREN AVE
MARTIN LUTHER KING JR BLVD
NATIONAL ST
PARNELL ST
COOPER ST
Industrial
S LAMAR ST
DIALCO ST
Industrial
PD 595
(RS-MU(E))
Tract 2
IM
Industrial
MARTIN LUTHER KING JR BLVD
1:3,600
ZONING
AND LAND USE
Case no: Z178-361
Date: 10/17/2018


SANGER AVE
AL LIPSCOMB WAY
CLEVELAND ST
PARK ROW AVE
ERVAY ST
JULIUS SCHEPPS FWY
HARWOOD ST
COLONIAL AVE
JULIUS SCHEPPS SERV
GOULD ST
SOUTH BLVD
HOLMES ST
JULIUS SCHEPPS RAMP
WENDELKIN ST
COCKRELL AVE
PARK ROW AVE
PARNELL ST
PEABODY AVE
HOLMES ST
PANAMA PL
WARREN AVE
SPENCE ST
JULIUS SCHEPPS FWY
PENNSYLVANIA AVE
CLEVELAND ST
LAMAR ST
FOREST AVE
COLEMAN AVE
WARREN AVE
LENWAY ST
COOPER ST
Z178-361
WARREN AVE
PARNELL ST
COOPER ST
HAMBURG ST
NATIONAL ST
PARNELL ST
MARTIN LUTHER KING JR BLVD
MVACluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 10/17/2018


GOULD ST
SOUTH BLVD
PARNELL ST
PEABODY AVE
CLEVELAND ST
HOLMES ST
PANAMA PL
FOREST AVE
PENNSYLVANIA AVE
COLEMAN COTTAGE WAY
WARREN AVE
31 - 32
NATIONAL ST
LAMAR ST
COLEMAN AVE
PARNELL ST
LENWAY ST
COOPER ST
29
28
33
DALCO ST
30
27
MARTIN LUTHER KING JR BLVD
26
0
33 Property Owners Notified (57 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
300' Area of Notification
12/13/2018 Date
Z178-361
CPC
N
W
E
S
1:3,600

12/12/2018

Reply List of Property Owners

Z178-361

33 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	3113	S LAMAR ST	RECYCLING PROP LP
	2	3008	S LAMAR ST	FOREST HEIGHTS NEIGHBORHOOD
	3	3100	S LAMAR ST	FITZHUGH DEVELOPMENT GROUP LLC
	4	1216	PEABODY AVE	DELGADO ORLANDO
	5	1219	PENNSYLVANIA AVE	RATCLIFF KACHARRA
	6	1217	PENNSYLVANIA AVE	FOSTER EDDIE D
	7	1211	PENNSYLVANIA AVE	AMERICAN TRANSPORT XPRESS
	8	1222	PENNSYLVANIA AVE	FOXX BETTY ESTATE OF
	9	1214	PENNSYLVANIA AVE	BROWN DAVID A
	10	1216	PENNSYLVANIA AVE	BROWN DAVID A
	11	1221	COLEMAN AVE	JONES JESSE
	12	1217	COLEMAN AVE	LEONARD LARRY
	13	1213	COLEMAN AVE	PORTILLO JOSE JAIME
	14	1209	COLEMAN AVE	SHAH GIRISH V
	15	3216	S LAMAR ST	FRANK HERBERT A JR
	16	1226	COLEMAN AVE	CARMEN GRINSTEIN INC
	17	1220	COLEMAN AVE	MCMILLIAM ETHEL MAE
	18	1216	COLEMAN AVE	FELTON HENRY &
	19	1212	COLEMAN AVE	GRINSTEIN CARMEN
	20	1206	COLEMAN AVE	WARREN WARD & G WILLIAMS
	21	3303	PARNELL ST	LOVE RODERICK
	22	1227	LENWAY ST	GRIFFIN LOIS K
	23	1223	LENWAY ST	G & A CORPORATION
	24	1209	LENWAY ST	G & A CORPORATION
	25	3520	S LAMAR ST	HANEY GEORGE C
	26	1100	LENWAY ST	OCCIDENTAL CHEMICAL CORP

12/12/2018

Reply	*Label #*	*Address*		*Owner*
	27	3701	S LAMAR ST	Dallas ISD
	28	1000	FOREST AVE	FAUBION LEO
	29	1000	FOREST LN	FAUBION ASSOCIATES INC
	30	3301	NATIONAL ST	BEALL CONCRETE INC
	31	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	32	9999	NO NAME ST	UNION PACIFIC RR CO
	33	2300	AL LIPSCOMB WAY	BNSF RAILWAY

Agenda Information Sheet

File #: 19-392 **Item #:** 62.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northeast corner of Great Trinity Forest Way and North Jim Miller Road

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Denial without prejudice

Z178-377(PD)

Note: This item was deferred by the City Council before opening the public hearing on February 27, 2019, and is scheduled for consideration on April 24, 2019

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: Z178-377(PD) **DATE FILED:** September 20, 2018

LOCATION: Northeast corner of Great Trinity Forest Way and North Jim Miller Road

COUNCIL DISTRICT: 8 **MAPSCO:** 58 S

SIZE OF REQUEST: ± 2.959 acres **CENSUS TRACT:** 93.04

APPLICANT/OWNER: Sanabel Investment, L.P.

REPRESENTATIVE: Nancy Kennedy

REQUEST: An application for the renewal of Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store [Tiger Mart 86, Go Loco Street Tacos & Burritos].

CPC RECOMMENDATION: **Denial without prejudice**

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a 4,549-square-foot general merchandise or food store greater than 3,500 square feet use and a 1,500 square foot restaurant with drive-in or drive through service with a motor vehicle fueling station [Tiger Mart 86, Go Loco Street Tacos & Burritos].

- A Certificate of Occupancy was originally issued on January 13, 2017.

- The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption requires a Specific Use Permit in the D-1 Liquor Control Overlay.

- On December 11, 2013, the City Council approved Specific Permit No. 2063 for the sale of alcoholic beverages in conjunction with a general merchandise or food store for a two-year period with eligibility for automatic renewal for additional five-year periods [Z123-337].

- The applicant did not renew SUP No. 2063 prior to the deadline and as a result the SUP expired on December 15, 2015.

- On March 22, 2017, the City Council approved Specific Use Permit No. 2229 for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store for a two-year period [Z167-104].

- During the initial request, a measurement survey was submitted by the applicant which demonstrated that the proposed use is beyond the 300-foot distance requirement from a church and school. A church use is measured from front door to front door along right-of-way lines and a school is measured from property line to property line in a straight line.

- Since the public hearing before the City Plan Commission on November 15, 2018, the c-store has passed the c-store reinspection. The reinspection was passed on December 20, 2018.

Zoning History: There have been two zoning changes requested in the area within the past five years.

1. **Z167-104:** On March 22, 2017, the City Council approved a Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way and Jim Miller Road [subject site].

2. **Z123-337:** On December 11, 2013, the City Council approved a Specific Use Permit No. 2063 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way and Jim Miller Road [subject site].

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Jim Miller Road	Minor Arterial	100 ft.	100 ft.
Great Trinity Forest Way	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	CR-D-1	General merchandise or food store & Restaurant w/drive-in
North	R-7.5(A) SUP No. 1008, CR-D-1	Church, School, Undeveloped
South	CR-D-1	Undeveloped
East	MF-2(A)	Undeveloped, Multifamily
West	CR-D-1	Auto Related use

STAFF ANALYSIS:

Land Use Compatibility:
The approximately 2.959-acre site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is developed with a 4,549-square-foot structure consisting of a general merchandise or food store, drive through restaurant use and a motor vehicle fueling station. The applicant's request for the renewal of SUP No. 2229 will allow the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store greater than 3,500 square feet.

The surrounding land uses consist primarily of single family residential uses and a public school to the north; undeveloped parcels and multifamily development to the east; undeveloped parcels, residential, and a general merchandise store to the south; and a church, personal service and auto related uses to the west. A church use is located north of the subject site and is located beyond the 300-foot distance from the general merchandise or food store. The distance is measured from the front door of the store to the front door of the church, along the right-of-way lines.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit to sell or serve alcoholic beverages, or setups for 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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The request site failed their 2018 site inspection on May 29, 2018. To date there has not been a re-inspection.

The request is compatible with the mix of uses in the area. A general merchandise or food store greater than 3,500 square feet is a permitted use in the CR District. The second two-year time period for the SUP allowed staff an opportunity to evaluate the impact of the use on the surrounding area to ensure the ongoing compatibility of the use. Staff believes the use is compatible with the surrounding area and therefore staff recommends a time period consist with the time period approved by City Council in 2013.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA category; however, it is near the "H" MVA cluster.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended.

Parking:

The off-street parking requirement for a general merchandise or food store greater than

3,500 square feet is one space for each 200 square feet of floor area and one space per 100 square feet of floor area for a restaurant use. Based on the total floor area of the 4,549-square-foot general merchandise or food store and the 1,769-square-foot restaurant use, the use requires 41 off-street parking spaces. The applicant is exceeding the requirement and providing 58 spaces per the attached site plan.

Dallas Police Department:

The crime statistics cover the period of January 1, 2017 through August 24, 2018. The data shows that there have been 262 calls, 33 incidents of crime and 28 arrests at or near the area of request.

Arrests:

ChargeDesc	ArrestNumber	ArrestDate	ArrestTime	ArBkDay	UCRArrestChg	UCROffense	PClass	ArLAddress
WARRANT HOLD (OUTSIDE AGENCY)	18-037601	10/20/2018	7:15:00 AM	Saturday	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)	NA	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	18-037191	10/16/2018	6:15:00 AM	Tuesday	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)	MB	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	18-033129	9/12/2018	8:05:00 PM	Wednesday	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)	NA	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	18-029895	8/20/2018	4:00:00 PM	Monday	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)	MC	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	18-021373	6/22/2018	10:50:00 AM	Friday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD
PUBLIC INTOXICATION	18-017721	5/26/2018	9:48:00 PM	Saturday	PUBLIC INTOXICATION	DRUNK & DISORDERLY	MC	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	18-017726	5/26/2018	9:20:00 PM	Saturday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD
APOWW (SOCIAL SERVICES REFERRAL)	18-017426	5/24/2018	9:30:00 PM	Thursday	APOWW	NOT CODED	NA	116 N JIM MILLER RD
PUBLIC INTOXICATION	18-013022	4/20/2018	2:15:00 AM	Friday	PUBLIC INTOXICATION	DRUNK & DISORDERLY	MC	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	18-008629	3/16/2018	3:30:00 AM	Friday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD
PUBLIC INTOXICATION	18-005837	2/23/2018	6:44:00 PM	Friday	PUBLIC INTOXICATION	DRUNK & DISORDERLY	MC	116 N JIM MILLER RD
CRIMINAL TRESPASS	18-002174	1/19/2018	7:57:00 PM	Friday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-046717	11/19/2017	2:15:00 AM	Sunday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-041939	10/14/2017	12:15:00 AM	Saturday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-033103	8/12/2017	4:00:00 AM	Saturday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-040056	9/30/2017	6:45:00 AM	Saturday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	17-034777	8/23/2017	6:45:00 PM	Wednesday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-041939	10/14/2017	12:15:00 AM	Saturday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-033103	8/12/2017	4:00:00 AM	Saturday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
CRIMINAL TRESPASS	17-029802	7/20/2017	7:15:00 AM	Thursday	OTHER /CRIMINAL TRESPASS	CRIMINAL TRESPASS	MB	116 N JIM MILLER RD
ASSAULT -BODILY INJURY ONLY	17-029362	7/16/2017	11:12:00 PM	Sunday	OTHER /ASSAULT	ASSAULT	MA	116 N JIM MILLER RD
WARRANT-DALLAS PD (ALIAS)	17-029362	7/16/2017	11:12:00 PM	Sunday	ALIAS/CAPIAS	NOT CODED	NA	116 N JIM MILLER RD
APOWW (SOCIAL SERVICES REFERRAL)	17-025362	6/20/2017	3:30:00 AM	Tuesday	APOWW	NOT CODED	NA	116 N JIM MILLER RD
APOWW (SOCIAL SERVICES REFERRAL)	17-022786	6/3/2017	1:05:00 PM	Saturday	APOWW	NOT CODED	NA	116 N JIM MILLER RD
WARRANT-DALLAS PD (ALIAS)	17-014398	4/9/2017	7:55:00 PM	Sunday	ALIAS/CAPIAS	NOT CODED	NA	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	17-014398	4/9/2017	7:55:00 PM	Sunday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	17-014398	4/9/2017	7:55:00 PM	Sunday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD
WARRANT HOLD (OUTSIDE AGENCY)	17-014398	4/9/2017	7:55:00 PM	Sunday	HOLDS DSO	NOT CODED	NA	116 N JIM MILLER RD

Incidents:

Date1	Time1	UCR_Offense	Address	ZipCode	Premise	RA	Beat	Division	Sector	District	New_Distr	TAAG_Nar	Communit	MO
2/2/2017	14:00	OTHER THEFTS	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNKNOWN SUSPECT PICKED UP DROPPED WALLET AND KEPT IT
3/10/2017	16:00	OTHER THEFTS	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP TOOK COMP'S WALLET FROM COUNTER
4/23/2017	11:30	AGG ASSAULT - FV	116 N JIM MILLER RD	75217	Parking Lo	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		A/P SHOT HANDGUN AT COMP INSIDE VEHICLE WHILE IN PARKING LOT
5/4/2017	19:00	ASSAULT	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		COMP STATED SUSP STRUCK HER IN HEAD CAUSING PAIN
6/4/2017	9:30	ROBBERY-INDIVIDUAL	116 N JIM MILLER RD	75217	Apartmen	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP POINTED GUN AT COMP AND DEMANDED PROPERTY
6/6/2017	9:52	ROBBERY-BUSINESS	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP POINTED PISTOL AT RP AND TOOK CASH FROM REGISTER
6/6/2017	9:52	ROBBERY-BUSINESS	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP POINTED PISTOL AT RP AND TOOK CASH FROM REGISTER
6/12/2017	12:30	ASSAULT	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP THREW PLASTIC DISPLAY AT COMP CAUSING BODILY INJURY
7/7/2017	14:00	ASSAULT	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSPECT HIT THE COMP WITH A BAG OF TACOS. BREAKING COMPS GLASSES
7/14/2017	7:05	ASSAULT	116 N JIM MILLER RD	75217	Business C	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSPECT SLAPPED COMP
7/16/2017	22:45	ASSAULT	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP PUNCHED COMP IN FACE CAUSING INJURY AND PAIN.
7/29/2017	2:35	AGG ASSAULT - NFV	116 N JIM MILLER RD	75217	Parking Lo	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP USED HANDGUN TO SHOOT COMP IN NECK
7/30/2017	13:55	ROBBERY-INDIVIDUAL	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP DISPLAYED GUN AND TOOK COMPS PHONE FROM HIS HAND W/O CONSENT
8/3/2017	11:45	ASSAULT	116 N JIM MILLER RD	75217	Apartmen	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		THE SUSP PUSHED COMP IN THE CHEST AND GRABBED HAIR. NFI..
8/14/2017	15:00	THEFT/BMV	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP ENTERED COMPS VEHICLE W/O HIS CONSENT AND TOOK PROP
9/6/2017	21:55	ASSAULT	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP PUNCHED AND BIT COMP
10/4/2017	8:06	FRAUD	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP EXPLOITED DISABLED COMP FOR MONEY
2/8/2018	23:38	ASSAULT	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP SHOVED COMP AND HIT HIM IN FACE WITH CLOSED FIST
2/8/2018	23:38	AGG ASSAULT - NFV	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP SHOWED POCKET KNIFE AND THREATENED TO KILL COMP
4/3/2018	10:00	VANDALISM & CRIM MISCHIEF	116 N JIM MILLER RD	75217	Highway, S	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP KICKED DENT INTO COMP'S VEHICLE
4/16/2018	14:03	ASSAULT	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		KNOWN SUSPECT STRUCK COMP IN FACE WITH CLOSED FIST
5/27/2018	21:00	AGG ASSAULT - NFV	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP HIT COMP W/ UNK OBJECT CAUSING INJURY
5/31/2018	9:00	AGG ASSAULT - NFV	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		COMP ASSAULT BY SUSP 1 WHILE SUSP 2 HELD A KNIFE
5/31/2018	4:20	ASSAULT	116 N JIM MILLER RD	75217	Outdoor A	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP HIT COMP IN FACE AND CAUSED PAIN
6/2/2018	19:00	ROBBERY-INDIVIDUAL	116 N JIM MILLER RD	75217	Parking (B	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSPECTS TOOK COMP'S PROPERTY AT GUN POINT
6/4/2018	21:54	OTHER THEFTS	116 N JIM MILLER RD	75217	Business C	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSPECT TOOK PROPERTY FROM BUSINESS W/O PERMISSION
6/9/2018	23:50	ROBBERY-INDIVIDUAL	116 N JIM MILLER RD	75217	Highway, S	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP POINTED HANDGUN AT COMP AND TOOK PROPERTY
7/8/2018	22:30	AGG ASSAULT - NFV	116 N JIM MILLER RD	75217	Parking (B	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP POINTED HANDGUN AT COMP, TOOK PROPERTY
7/8/2018	17:19	TERRORISTIC THREAT	117 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		TERRORISTIC THREAT
7/8/2018	17:19	VANDALISM & CRIM MISCHIEF	116 N JIM MILLER RD	75217	Gas or Ser	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP DAMAGED COMPS WINDSHIELD
8/2/2018	22:30	AGG ASSAULT - NFV	116 N JIM MILLER RD	75217	Parking (B	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		SUSP POINTED GUN AT COMP'S VEHICLE AND THREATENED TO SHOOT HER
8/13/2018	8:45	Assault	116 N JIM MILLER RD	75217	Convenier	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		THE SUSPECT STRUCK THE COMP IN THE FACE WITH HIS CLOSED FIST
8/24/2018	9:00	UUMV	116 N JIM MILLER RD	75217	Parking (B	2209	353	SOUTHEAS	350	5	D8	Loop12 Jir		UNK SUSP ENTERED UNLOCKED CAR AND TOOK PROPERTY

Z178-377(PD)

Calls:

Master_Incident_Number	Response_Date	Response_Time	Watch	MDivision	MSector	MBeat	Problem	Priority_Description	Location_Name	Address	Apartment	City	State	Postal_Code
18-1978968	10/30/2018	14:39	2	Southeast	350	353	40 - Other	3 - General Service	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-1973521	10/29/2018	17:36	3	Southeast	350	353	36 - Abandoned Child	3 - General Service	EXXON GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-1963982	10/28/2018	8:10	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1963619	10/28/2018	5:52	1	Southeast	350	353	40 - Other	3 - General Service	exxon	116 N Jim Miller Rd		Dallas	TX	75217
18-1961768	10/28/2018	0:01	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1911620	10/20/2018	5:10	1	Southeast	350	353	40 - Other	3 - General Service	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
18-1907361	10/19/2018	14:45	2	Southeast	350	353	40 - Other	3 - General Service	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-1902110	10/18/2018	17:46	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-1887448	10/16/2018	5:31	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1874160	10/13/2018	22:14	3	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
18-1871293	10/13/2018	13:22	2	Southeast	350	353	20 - Robbery	2 - Urgent	CORNERSTORE	116 N Jim Miller Rd		Dallas	TX	75217
18-1867537	10/12/2018	21:37	3	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1848419	10/9/2018	21:30	3	Southeast	350	353	16 - Injured Person	3 - General Service	exxon	116 N Jim Miller Rd		Dallas	TX	75217
18-1846965	10/9/2018	17:02	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1846158	10/9/2018	14:32	2	Southeast	350	353	38 - Meet Complainant	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-1823702	10/6/2018	7:40	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGERMART/EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1806934	10/3/2018	20:25	3	Southeast	350	353	40 - Other	3 - General Service	exxon	116 N Jim Miller Rd		Dallas	TX	75217
18-1778111	9/29/2018	12:56	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1775670	9/29/2018	1:22	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-1735742	9/22/2018	20:46	3	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1735224	9/22/2018	19:03	3	Southeast	350	353	08 - Intoxicated Person	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1731128	9/22/2018	4:05	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-1695921	9/16/2018	20:46	3	Southeast	350	353	04 - 911 Hang Up	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
18-1691980	9/16/2018	5:45	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
18-1685713	9/15/2018	9:40	2	Southeast	350	353	40 - Other	3 - General Service	GO LOCO	116 N Jim Miller Rd		Dallas	TX	75217
18-1668724	9/12/2018	19:36	3	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1664360	9/12/2018	6:19	1	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1661179	9/11/2018	16:34	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1660477	9/11/2018	14:35	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N JIM MILLER RD		Dallas	TX	75217
18-1657009	9/10/2018	23:02	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	GO LOCO STORE - EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1630065	9/6/2018	17:44	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1627766	9/6/2018	11:42	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd	116	Dallas	TX	75217
18-1589060	8/31/2018	10:00	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1582357	8/30/2018	9:28	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	go loco store	116 N Jim Miller Rd		Dallas	TX	75217
18-1565052	8/27/2018	14:59	2	Southeast	350	353	15 - Assist Officer	1 - Emergency	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1565052	8/27/2018	14:59	2	Southeast	350	353	15 - Assist Officer	1 - Emergency	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1544948	8/24/2018	16:07	3	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
18-1518403	8/20/2018	15:24	2	Southeast	350	353	46 - CIT	2 - Urgent	GO LOCO	116 N Jim Miller Rd		Dallas	TX	75217
18-1493553	8/16/2018	22:37	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1468711	8/13/2018	8:51	2	Southeast	350	353	6XEA - Disturbance Emerg Amb	1 - Emergency	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1467601	8/13/2018	1:19	1	Southeast	350	353	58 - Routine Investigation	7 - Unit Initiated	NULL	116 N JIM MILLER RD	NULL	Dallas	TX	75217
18-1435658	8/8/2018	0:03	1	Southeast	350	353	40 - Other	3 - General Service	EXXON -TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
18-1435403	8/7/2018	23:03	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1422356	8/5/2018	22:50	3	Southeast	350	353	OADS - Open Air Drug Sales	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1390362	8/1/2018	9:37	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	exxon gas station	116 N Jim Miller Rd		Dallas	TX	75217
18-1230227	7/7/2018	23:47	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-1188259	7/2/2018	17:58	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1185811	7/2/2018	11:40	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1154292	6/27/2018	22:32	3	Southeast	350	353	40 - Other	3 - General Service	EXXON GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-1149172	6/27/2018	6:50	1	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1146716	6/26/2018	19:52	3	Southeast	350	353	04 - 911 Hang Up	2 - Urgent	SOUTHEAST; HOLDING INC	116 N Jim Miller Rd		Dallas	TX	75217
18-1137036	6/25/2018	11:54	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-1115995	6/22/2018	10:12	2	Southeast	350	353	09/01 - Theft	3 - General Service	tiger mart/exxon	116 N Jim Miller Rd		Dallas	TX	75217
18-1097368	6/19/2018	15:20	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	GO LOCO RESTAURANT	116 N Jim Miller Rd		Dallas	TX	75217
18-1082032	6/17/2018	3:34	1	Southeast	350	353	32 - Suspicious Person	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1068112	6/15/2018	8:12	2	Southeast	350	353	40 - Other	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
18-1041353	6/11/2018	8:48	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1039098	6/10/2018	21:48	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1038450	6/10/2018	19:49	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-1033314	6/10/2018	0:05	1	Southeast	350	353	20 - Robbery	2 - Urgent	EXXON GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-1024506	6/8/2018	19:50	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0997757	6/4/2018	22:06	3	Southeast	350	353	20 - Robbery	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0984129	6/2/2018	22:49	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0975164	6/1/2018	18:48	3	Southeast	350	353	40 - Other	3 - General Service	Exxon	116 N Jim Miller Rd		Dallas	TX	75217
18-0963548	5/31/2018	4:34	1	Southeast	350	353	6XA - Major Dist Ambulance	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0943065	5/28/2018	1:44	1	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0941253	5/27/2018	20:54	3	Southeast	350	353	6XA - Major Dist Ambulance	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0934572	5/26/2018	20:57	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	GO LOCO TACOS & BURRITOS	116 N Jim Miller Rd		Dallas	TX	75217
18-0934572	5/26/2018	20:57	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	GO LOCO TACOS & BURRITOS	116 N Jim Miller Rd		Dallas	TX	75217
18-0934572	5/26/2018	20:57	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	GO LOCO TACOS & BURRITOS	116 N Jim Miller Rd		Dallas	TX	75217
18-0920327	5/24/2018	20:49	3	Southeast	350	353	46 - CIT	2 - Urgent	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
18-0895221	5/21/2018	7:17	1	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0892103	5/20/2018	17:35	3	Southeast	350	353	OADS - Open Air Drug Sales	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
18-0866278	5/17/2018	3:28	1	Southeast	350	353	32 - Suspicious Person	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0857242	5/15/2018	18:25	3	Southeast	350	353	24 - Abandoned Property	4 - Non Critical	TIGER MART GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-0851036	5/14/2018	19:42	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0814572	5/9/2018	12:30	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0784738	5/4/2018	23:03	3	Southeast	350	353	40 - Other	3 - General Service	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0751861	4/29/2018	23:36	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
18-0687738	4/20/2018	1:06	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0680264	4/18/2018	21:37	3	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON/Tiger Mart	116 N Jim Miller Rd		Dallas	TX	75217
18-0635275	4/12/2018	5:55	1	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
18-0635214	4/12/2018	5:26	1	Southeast	350	353	12B - Business Alarm	3 - General Service	Southeast Holding	116 N Jim Miller Rd	110	Dallas	TX	75217
18-0604809	4/7/2018	7:30	1	Southeast	350	353	12B - Business Alarm	3 - General Service	GO LOCO TACOS & BURRITOS	116 N Jim Miller Rd	B	Dallas	TX	75217
18-0590624	4/5/2018	5:20	1	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0579188	4/3/2018	10:49	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	tiger mart	116 N JIM MILLER RD		Dallas	TX	75217
18-0561054	3/31/2018	11:29	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0464409	3/16/2018	21:20	3	Southeast	350	353	DAEF-Dist Armed Encounter Foot	1 - Emergency		116 N JIM MILLER RD		Dallas	TX	75217
18-0458878	3/16/2018	3:00	1	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0458588	3/16/2018	1:20	1	Southeast	350	353	24 - Abandoned Property	4 - Non Critical		116 N Jim Miller Rd		Dallas	TX	75217
18-0395023	3/5/2018	23:26	3	Southeast	350	353	40 - Other	3 - General Service	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
18-0386298	3/4/2018	15:52	2	Southeast	350	353	PH - Panhandler	4 - Non Critical		116 N Jim Miller Rd		Dallas	TX	75217
18-0342999	2/25/2018	20:27	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0329912	2/23/2018	18:23	3	Southeast	350	353	40 - Other	3 - General Service	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0297749	2/18/2018	10:47	2	Southeast	350	353	PH - Panhandler	4 - Non Critical	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
18-0292798	2/17/2018	15:53	2	Southeast	350	353	PH - Panhandler	4 - Non Critical	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0270517	2/14/2018	2:14	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
18-0265299	2/13/2018	5:29	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0241041	2/8/2018	22:45	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0144708	1/24/2018	7:03	1	Southeast	350	353	40/01 - Other	2 - Urgent	Tiger Mart Gas Station	116 N Jim Miller Rd		Dallas	TX	75217
18-0117473	1/19/2018	19:51	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
18-0117302	1/19/2018	19:24	3	Southeast	350	353	DAEF-Dist Armed Encounter Foot	1 - Emergency	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0102032	1/17/2018	12:33	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0091022	1/15/2018	13:48	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
18-0069949	1/11/2018	23:54	3	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217

18-0065251	1/11/2018	9:31	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
18-0052673	1/9/2018	8:09	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
18-0026273	1/5/2018	1:41	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-2453888	12/30/2017	20:04	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-2419780	12/24/2017	17:04	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-2399884	12/21/2017	12:03	2	Southeast	350	353	PH - Panhandler	4 - Non Critical	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-2391625	12/20/2017	6:08	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-2333636	12/11/2017	3:55	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-2195413	11/19/2017	1:35	1	Southeast	350	353	58 - Routine Investigation	7 - Unit Initiated	NULL	116 N JIM MILLER RD	NULL	Dallas	TX	75217
17-2188348	11/18/2017	1:56	1	Southeast	350	353	20 - Robbery	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
17-2173194	11/15/2017	20:54	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-2127629	11/8/2017	22:05	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	exxon	116 N Jim Miller Rd		Dallas	TX	75217
17-2121339	11/7/2017	22:12	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-2109709	11/6/2017	6:03	1	Southeast	350	353	40 - Other	3 - General Service	tigermart gas station	116 N Jim Miller Rd		Dallas	TX	75217
17-2096194	11/4/2017	6:22	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
17-2093099	11/3/2017	20:02	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	PLATINUM BARBER SHOP	116 N Jim Miller Rd		Dallas	TX	75217
17-2090074	11/3/2017	11:56	2	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-2080086	11/1/2017	22:51	3	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
17-2022369	10/24/2017	1:47	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1998408	10/20/2017	16:35	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON/TACO PLACE	116 N Jim Miller Rd		Dallas	TX	75217
17-1968835	10/16/2017	6:40	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1965631	10/15/2017	16:51	3	Southeast	350	353	40 - Other	3 - General Service	SOUTHEAST HOLDING INC	116 N Jim Miller Rd		Dallas	TX	75217
17-1964962	10/15/2017	14:51	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1962423	10/15/2017	3:26	1	Southeast	350	353	40 - Other	3 - General Service	AT TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1961967	10/15/2017	1:58	1	Southeast	350	353	40/01 - Other	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1953478	10/13/2017	23:52	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	exxon tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1948316	10/13/2017	10:22	2	Southeast	350	353	40 - Other	3 - General Service	exxon	116 N Jim Miller Rd		Dallas	TX	75217
17-1890278	10/4/2017	19:11	3	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1859538	9/30/2017	6:27	1	Southeast	350	353	40/01 - Other	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1810102	9/22/2017	19:07	3	Southeast	350	353	34 - Suicide	2 - Urgent	exxon	116 N Jim Miller Rd		Dallas	TX	75217
17-1796157	9/20/2017	18:43	3	Southeast	350	353	09V-01 UUMV Just Ocrd	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1782515	9/18/2017	17:38	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1751384	9/14/2017	8:48	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1713442	9/8/2017	11:47	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1709370	9/7/2017	18:43	3	Southeast	350	353	40 - Other	3 - General Service	EXXON-TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1704191	9/6/2017	21:56	3	Southeast	350	353	6XA - Major Dist Ambulance	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1681568	9/3/2017	11:24	2	Southeast	350	353	40 - Other	3 - General Service	EXXON/TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1659007	8/31/2017	5:54	1	Southeast	350	353	PH - Panhandler	4 - Non Critical		116 N Jim Miller Rd		Dallas	TX	75217
17-1651700	8/30/2017	0:55	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1651409	8/29/2017	23:31	3	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
17-1648156	8/29/2017	13:30	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1644058	8/28/2017	20:12	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1639777	8/28/2017	7:21	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1639583	8/28/2017	5:55	1	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
17-1638900	8/28/2017	0:53	1	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
17-1626391	8/26/2017	4:08	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1622491	8/25/2017	15:43	2	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1621879	8/25/2017	14:06	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1619699	8/25/2017	5:58	1	Southeast	350	353	40 - Other	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1618217	8/24/2017	22:34	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1611150	8/23/2017	21:38	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	GO LOCO TACO SHOP	116 N Jim Miller Rd		Dallas	TX	75217
17-1593076	8/21/2017	6:49	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1587729	8/20/2017	9:36	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1570673	8/17/2017	20:19	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1548510	8/14/2017	15:01	2	Southeast	350	353	11V/01 - Burg Motor Veh	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1548510	8/14/2017	15:01	2	Southeast	350	353	11V/01 - Burg Motor Veh	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1528680	8/11/2017	15:09	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1522736	8/10/2017	17:21	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1474588	8/3/2017	12:50	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1448781	7/30/2017	13:58	2	Southeast	350	353	20 - Robbery	2 - Urgent	GO LOCO TACO SHOP	116 N JIM MILLER RD		Dallas	TX	75217
17-1417516	7/25/2017	21:09	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1383387	7/20/2017	19:48	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
17-1379037	7/20/2017	6:03	1	Southeast	350	353	40 - Other	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1377024	7/19/2017	20:47	3	Southeast	330	336	6X - Major Dist (Violence)	2 - Urgent	11-Jul	1116 N Jim Miller Rd		Dallas	TX	75217
17-1356703	7/16/2017	22:48	3	Southeast	350	353	15 - Assist Officer	1 - Emergency	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1352639	7/16/2017	9:28	2	Southeast	350	353	32 - Suspicious Person	2 - Urgent	TIGERMART EXXON	116 N Jim Miller Rd	LOBBY	Dallas	TX	75217
17-1343058	7/14/2017	21:56	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	EXXON/TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1337889	7/14/2017	7:17	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217

17-1336186	7/13/2017	22:49	3	Southeast	350	353	**PD Requested by Fire	2 - Urgent	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
17-1331100	7/13/2017	7:53	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGERMART 83	116 N Jim Miller Rd		Dallas	TX	75217
17-1328127	7/12/2017	18:55	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1315918	7/10/2017	22:22	3	Southeast	350	353	40/01 - Other	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1311864	7/10/2017	11:04	2	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1310304	7/10/2017	3:24	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1305008	7/9/2017	7:33	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
17-1301571	7/8/2017	19:21	3	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1300990	7/8/2017	17:38	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1300687	7/8/2017	16:52	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1299291	7/8/2017	12:56	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1292753	7/7/2017	14:13	2	Southeast	350	353	58 - Routine Investigation	7 - Unit Initiated		116 N Jim Miller Rd		Dallas	TX	75217
17-1280339	7/5/2017	17:19	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1279333	7/5/2017	14:39	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1261284	7/3/2017	16:06	3	Southeast	350	353	40 - Other	3 - General Service	GO LOCO / EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1258389	7/3/2017	6:39	1	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1255159	7/2/2017	19:18	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	GO LOCO	116 N Jim Miller Rd		Dallas	TX	75217
17-1254629	7/2/2017	17:44	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1252925	7/2/2017	12:39	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1252812	7/2/2017	12:21	2	Southeast	350	353	40 - Other	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1248195	7/1/2017	20:06	3	Southeast	350	353	40 - Other	3 - General Service		116 N Jim Miller Rd		Dallas	TX	75217
17-1247544	7/1/2017	18:04	3	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1247071	7/1/2017	16:31	3	Southeast	350	353	58 - Routine Investigation	7 - Unit Initiated		116 N Jim Miller Rd		Dallas	TX	75217
17-1234446	6/29/2017	21:28	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	TIGER MART EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1209052	6/26/2017	6:33	1	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1189315	6/23/2017	9:32	2	Southeast	350	353	40/01 - Other	2 - Urgent	TIGER MART	116 N Jim Miller Rd	100	Dallas	TX	75217
17-1176189	6/21/2017	11:22	2	Southeast	350	353	PH - Panhandler	4 - Non Critical	Tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1175751	6/21/2017	10:04	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1170333	6/20/2017	14:08	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1168421	6/20/2017	8:04	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1166782	6/19/2017	23:06	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MARKET	116 N Jim Miller Rd		Dallas	TX	75217
17-1161318	6/19/2017	5:26	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART GAS STATION	116 N Jim Miller Rd		Dallas	TX	75217
17-1156049	6/18/2017	10:32	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1127178	6/14/2017	8:21	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217

17-1122565	6/13/2017	15:31	2	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MARKET	116 N Jim Miller Rd		Dallas	TX	75217
17-1114901	6/12/2017	12:49	2	Southeast	350	353	6XA - Major Dist Ambulance	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1114901	6/12/2017	12:49	2	Southeast	350	353	6XA - Major Dist Ambulance	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1085804	6/8/2017	7:01	1	Southeast	350	353	40 - Other	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1072200	6/6/2017	9:53	2	Southeast	350	353	20 - Robbery	2 - Urgent	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1058873	6/4/2017	9:44	2	Southeast	350	353	20 - Robbery	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-1052560	6/3/2017	13:06	2	Southeast	350	353	46A - CIT w/Ambulance	1 - Emergency	EXXON / TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1035251	6/1/2017	6:21	1	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1033228	5/31/2017	20:59	3	Southeast	350	353	40 - Other	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-1021372	5/30/2017	9:02	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-1019702	5/30/2017	0:15	1	Southeast	350	353	38 - Meet Complainant	4 - Non Critical	TIGER MARKET	116 N Jim Miller Rd		Dallas	TX	75217
17-1019118	5/29/2017	22:27	3	Southeast	350	353	19 - Shooting	1 - Emergency		116 N Jim Miller Rd		Dallas	TX	75217
17-1004932	5/27/2017	19:47	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0984090	5/24/2017	22:04	3	Southeast	350	353	40 - Other	3 - General Service	go loco	116 N Jim Miller Rd		Dallas	TX	75217
17-0979641	5/24/2017	10:12	2	Southeast	350	353	24 - Abandoned Property	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0932452	5/17/2017	15:56	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0918285	5/15/2017	15:55	2	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0915700	5/15/2017	8:33	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0901371	5/13/2017	6:38	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
17-0887841	5/11/2017	9:51	2	Southeast	350	353	06 - Minor Disturbance	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0886957	5/11/2017	6:27	1	Southeast	350	353	04 - 911 Hang Up	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
17-0880434	5/10/2017	8:17	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0873353	5/9/2017	7:19	1	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0840318	5/4/2017	14:13	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-0825858	5/2/2017	13:26	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
17-0821344	5/1/2017	17:27	3	Southeast	350	353	40 - Other	3 - General Service	GO LOCO	116 N Jim Miller Rd		Dallas	TX	75217
17-0818933	5/1/2017	11:25	2	Southeast	350	353	40 - Other	3 - General Service	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
17-0818131	5/1/2017	8:46	2	Southeast	350	353	40/01 - Other	2 - Urgent	EXXON AND TARGET MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0805490	4/29/2017	8:45	2	Southeast	350	353	40/01 - Other	2 - Urgent		116 N Jim Miller Rd		Dallas	TX	75217
17-0790019	4/27/2017	1:59	1	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-0766060	4/23/2017	11:32	2	Southeast	350	353	DASF-Dist Active Shooter Foot	1 - Emergency	exxon	116 N JIM MILLER RD		Dallas	TX	75217
17-0766060	4/23/2017	11:32	2	Southeast	350	353	DASF-Dist Active Shooter Foot	1 - Emergency	exxon	116 N JIM MILLER RD		Dallas	TX	75217
17-0718332	4/16/2017	7:18	1	Southeast	350	353	12B - Business Alarm	3 - General Service	GO LOCO TACO & BURRITOS	116 N Jim Miller Rd	B	Dallas	TX	75217
17-0704653	4/14/2017	10:48	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217

17-0698472	4/13/2017	13:27	2	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0673253	4/9/2017	19:35	3	Southeast	350	353	40/01 - Other	2 - Urgent	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-0673253	4/9/2017	19:35	3	Southeast	350	353	40/01 - Other	2 - Urgent	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-0626914	4/3/2017	16:27	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	go loco	116 N Jim Miller Rd		Dallas	TX	75217
17-0621688	4/2/2017	20:28	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-0586705	3/28/2017	21:08	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	LOCO TACO	116 N Jim Miller Rd		Dallas	TX	75217
17-0585600	3/28/2017	17:52	3	Southeast	350	353	40 - Other	3 - General Service	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0578484	3/27/2017	16:40	3	Southeast	350	353	09 - Theft	4 - Non Critical	EXXON TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0569880	3/26/2017	7:53	1	Southeast	350	353	40 - Other	3 - General Service	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-0560372	3/24/2017	21:34	3	Southeast	350	353	31/01 - Crim Mis/Prog/Non Felo	3 - General Service	tiger mart	116 N Jim Miller Rd		Dallas	TX	75217
17-0560363	3/24/2017	21:33	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-0463449	3/10/2017	16:00	3	Southeast	350	353	09 - Theft	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0451050	3/8/2017	18:13	3	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	TIGERMART	116 N Jim Miller Rd		Dallas	TX	75217
17-0412579	3/3/2017	12:21	2	Southeast	350	353	6X - Major Dist (Violence)	2 - Urgent	EXXON	116 N Jim Miller Rd		Dallas	TX	75217
17-0363424	2/24/2017	9:45	2	Southeast	350	353	32 - Suspicious Person	2 - Urgent	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0320122	2/17/2017	22:18	3	Southeast	350	353	58 - Routine Investigation	7 - Unit Initiated	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0306351	2/15/2017	22:09	3	Southeast	350	353	04 - 911 Hang Up	2 - Urgent	SOUTHEAST; HOLDING INC	116 N Jim Miller Rd		Dallas	TX	75217
17-0263269	2/9/2017	19:20	3	Southeast	350	353	PH - Panhandler	4 - Non Critical	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0216718	2/3/2017	10:59	2	Southeast	350	353	PSE/09 - Theft	5 - Expediter	TIGER MART	116 N Jim Miller Rd		Dallas	TX	75217
17-0102172	1/16/2017	18:18	3	Southeast	350	353	13 - Prowler	2 - Urgent	CONSTRUCTION SITE	116 N Jim Miller Rd		Dallas	TX	75217
17-0006465	1/1/2017	18:47	3	Southeast	350	353	32 - Suspicious Person	2 - Urgent	stovall construction	116 N Jim Miller Rd		Dallas	TX	75217

CPC Action
November 15, 2018

Motion: It was moved to recommend **denial without prejudice** of the renewal of Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northeast corner of Great Trinity Forest Way and North Jim Miller Road.

Maker: Lewis
Second: Rieves
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 300 Mailed: 15
Replies: For: 0 Against: 0

Speakers: None

LIST OF OFFICERS
Sanabel Investments, LP

- Guhaina Almakdad President
- Guhaina Almakdad Secretary

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

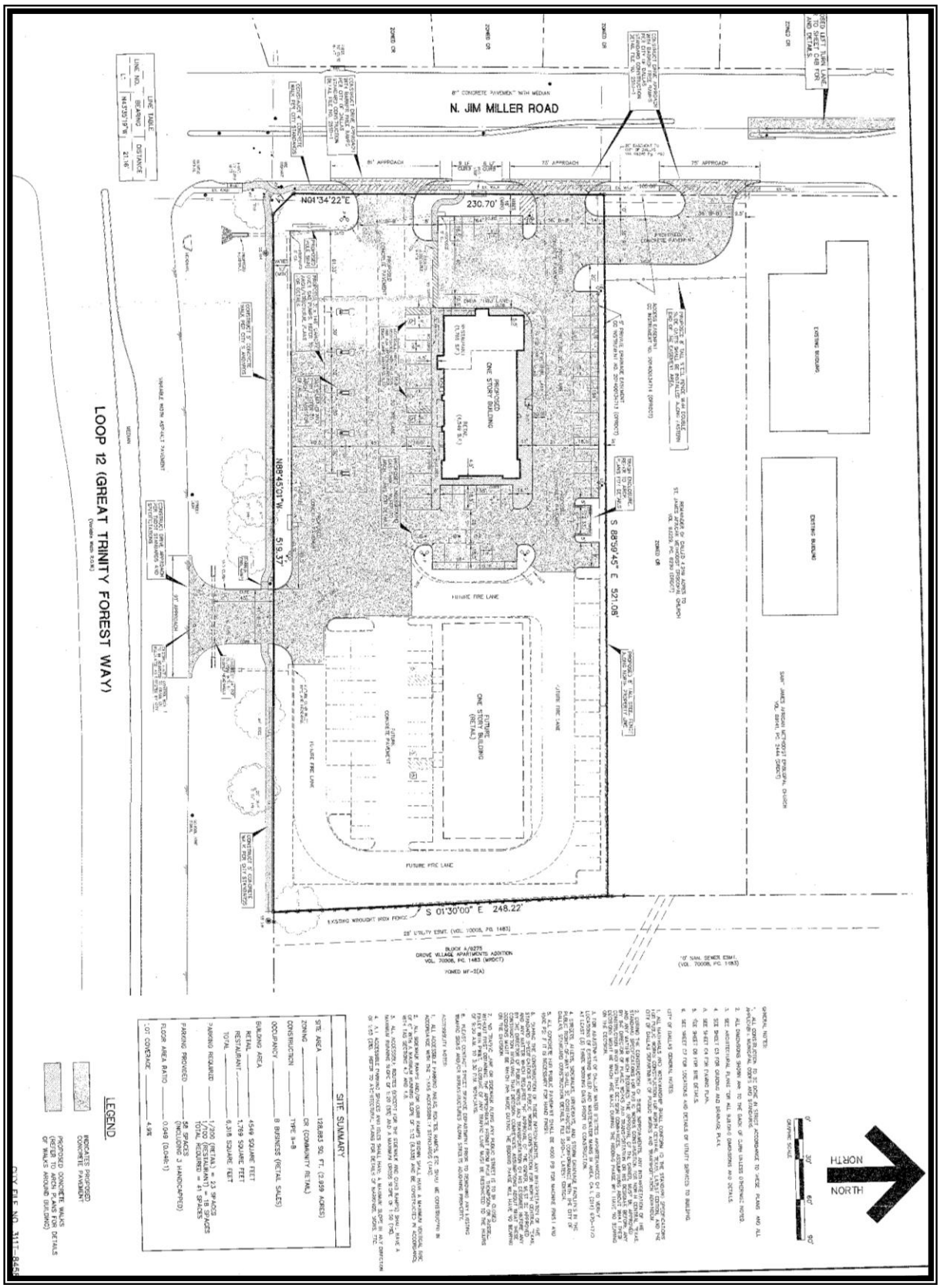
3. TIME LIMIT: This specific use permit expires on_____, (five-year period from the passage of this ordinance), but is eligible for automatic renewals for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the 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). ~~March 22, 2019~~

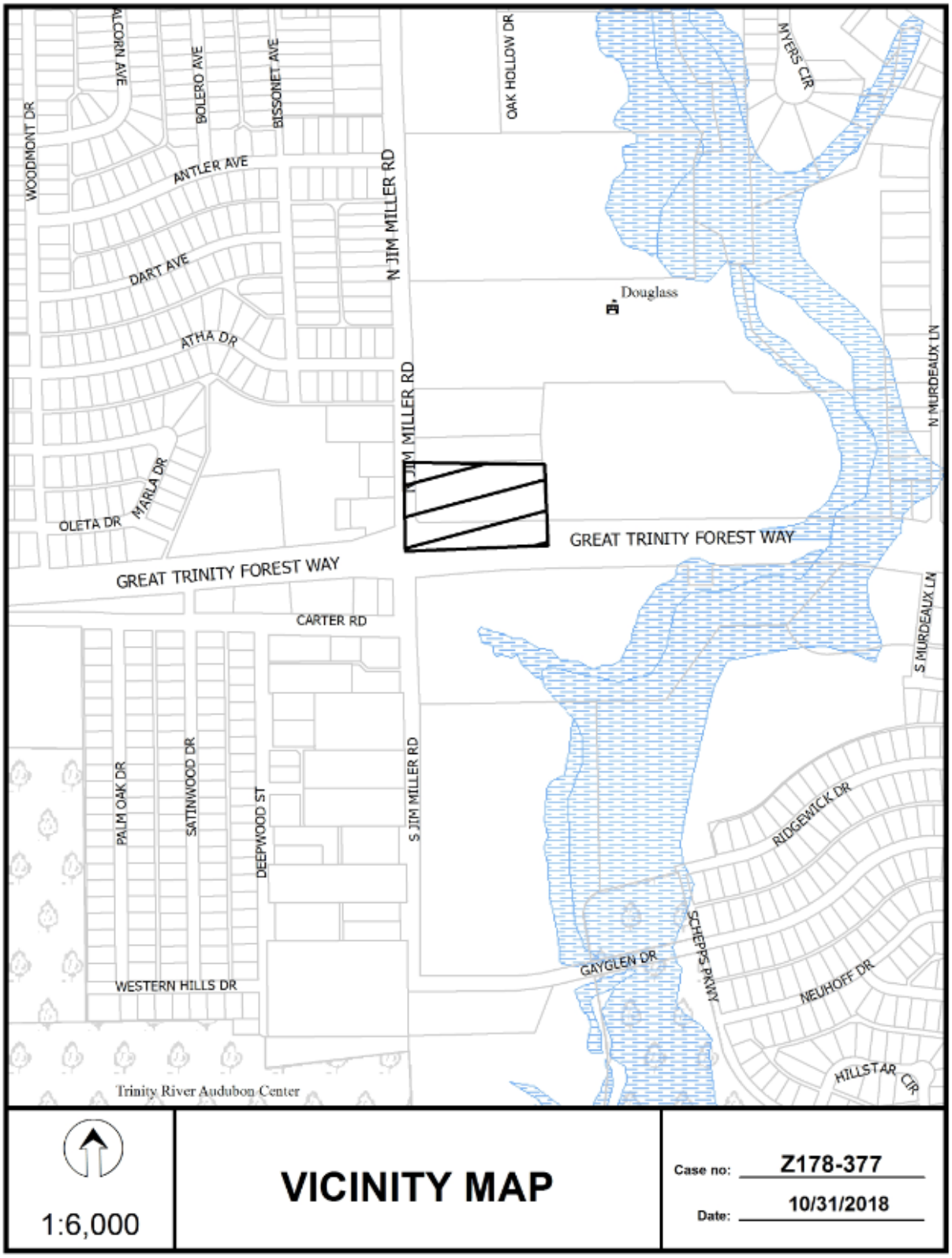
4. DRIVE-THROUGH-WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

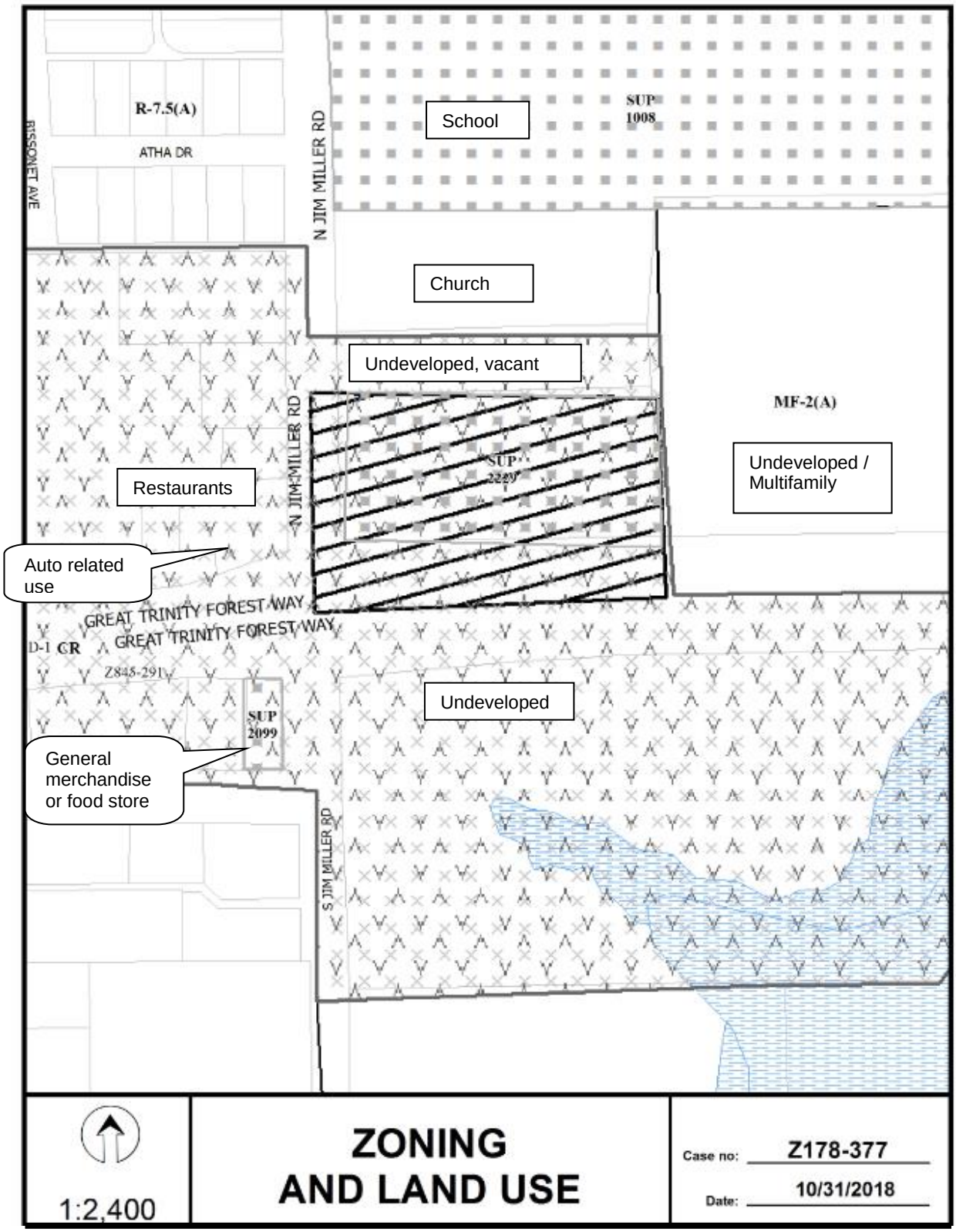
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

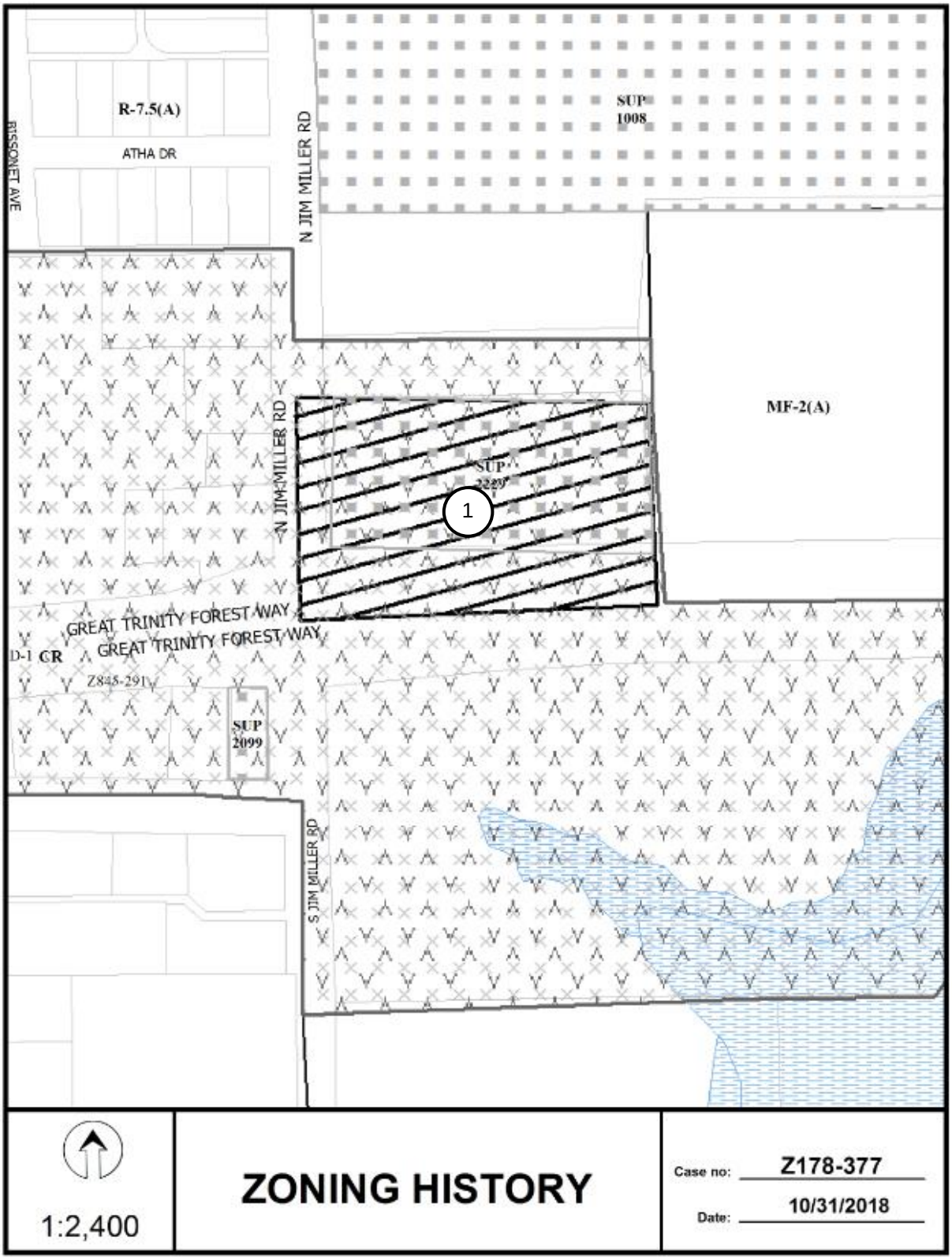
EXISTING SITE PLAN

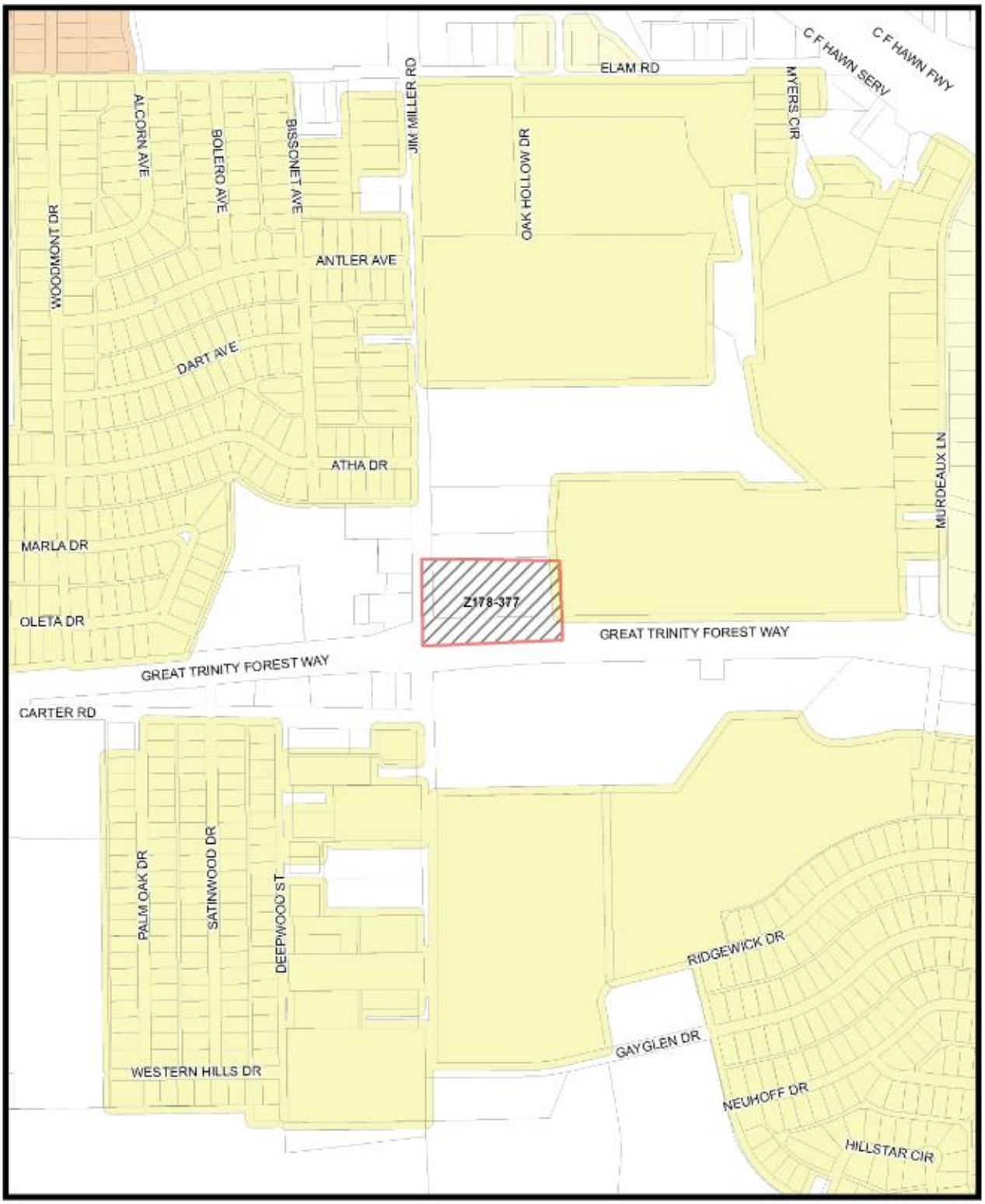



WOODMONT DR
ALCORN AVE
BOLERO AVE
BISSONET AVE
ANTLER AVE
DART AVE
ATHA DR
OLETA DR
MARLA DR
N JIM MILLER RD
OAK HOLLOW DR
MYERS CIR
Douglass
N MURDEAUX LN
GREAT TRINITY FOREST WAY
CARTER RD
S MURDEAUX LN
PALM OAK DR
SATINWOOD DR
DEEPWOOD ST
S JIM MILLER RD
RIDGEWICK DR
SCHEPPS PKWY
GAYGLEN DR
NEUHOFF DR
WESTERN HILLS DR
HILLSTAR CIR
Trinity River Audubon Center
1:6,000
VICINITY MAP
Case no: Z178-377
Date: 10/31/2018

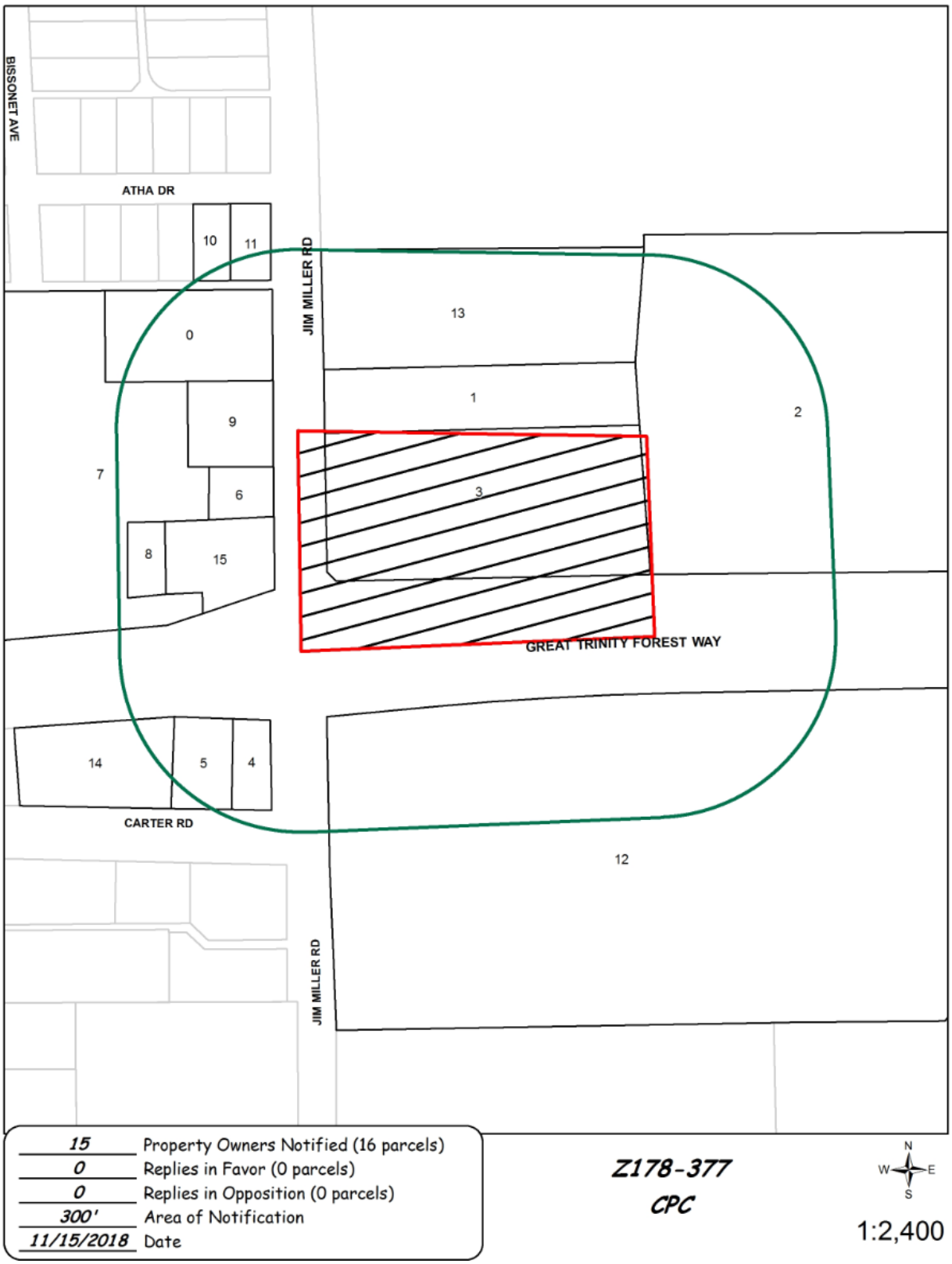

RISSONEL AVE
N JIM MILLER RD
N JIM MILLER RD
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
CARTER RD
S JIM MILLER RD
1:2,400
AERIAL MAP
Case no: Z178-377
Date: 10/31/2018


R-7.5(A)
ATHA DR
BISSONET AVE
N JIM MILLER RD
School
SUP 1008
Church
Undeveloped, vacant
MF-2(A)
SUP 2229
Undeveloped / Multifamily
Restaurants
Auto related use
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
D-1 CR
Z848-291
SUP 2099
General merchandise or food store
Undeveloped
S JIM MILLER RD
1:2,400
ZONING AND LAND USE
Case no: Z178-377
Date: 10/31/2018


R-7.5(A)
ATHA DR
RISSONET AVE
N JIM MILLER RD
SUP 1008
MF-2(A)
SUP 2229
1
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
D-1 CR
Z845-291
SUP 2099
S JIM MILLER RD
1:2,400
ZONING HISTORY
Case no: Z178-377
Date: 10/31/2018


ELAM RD
C F HAWN SERV
C F HAWN FWY
JIM MILLER RD
MYERS CIR
OAK HOLLOW DR
ALCORN AVE
BOLERO AVE
BISSONET AVE
WOODMONT DR
ANTLER AVE
DART AVE
ATHA DR
MARLA DR
OLETA DR
MURDEAUX LN
Z178-377
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
CARTER RD
PALM OAK DR
SATINWOOD DR
DEEPWOOD ST
WESTERN HILLS DR
RIDGEWICK DR
GAYGLEN DR
NEUHOFF DR
HILLSTAR CIR
MVACluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 10/31/2018

CPC RESPONSES



11/14/2018

Reply List of Property Owners

Z178-377

15 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	124	N JIM MILLER RD	ST JAMES AFRICAN METHODIST EPISCOPAL CHURCH
	2	7203	GREAT TRINITY FOREST WAY	LOOP 12 TRAILS LTD
	3	116	N JIM MILLER RD	SANABEL INVESTMENT LP
	4	7036	GREAT TRINITY FOREST WAY	JUNEJA PROPERTY HOLDINGS INC
	5	7028	GREAT TRINITY FOREST WAY	PHILLIPS LEO &
	6	115	N JIM MILLER RD	RONA SABUR CORPORATION
	7	6901	GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
	8	7015	GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
	9	129	S JIM MILLER RD	M BAIG 1407 LLC
	10	7026	ATHA DR	REDDTROW PPTY MGMT LLC
	11	7032	ATHA DR	LEWIS LISA M &
	12	7100	GREAT TRINITY FOREST WAY	VSB INVESTMENTS LLC
	13	200	N JIM MILLER RD	ST JAMES AFRICAN METHODST
	14	7020	GREAT TRINITY FOREST WAY	JUNEJA HOSPITALITY HOLDINGS LLC
	15	7071	GREAT TRINITY FOREST WAY	ALEJANDRE ARCANGEL

Agenda Information Sheet

File #: 19-541 **Item #:** 63.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 24, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within the Retail A Subdistrict within the Downtown Special Provision Sign District on property zoned a CA-1(A) Central Area District, in an area generally bounded by Jackson Street, Browder Street, Wood Street, and South Akard Street
Recommendation of Staff: Approval of staff's recommended amendments
Recommendation of CPC: Approval
SPSD189-002

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HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 24, 2019**

ACM: Michael Mendoza

FILE NUMBER: SPSD189-002 **DATE FILED:** January 11, 2019

LOCATION: An area generally bounded by Jackson Street, Browder Street, Wood Street, and South Akard Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 Q

SIZE OF REQUEST: Approximately 1.2 acres **CENSUS TRACT:** 31.01

REPRESENTATIVE: Suzan Kedron

APPLICANT: Jackson Walker, LLP

OWNER: Southwestern Bell

REQUEST: An application to create a new subdistrict within the Retail A Subdistrict within the Downtown Special Provision Sign District on property zoned a CA-1(A) Central Area District, in an area generally bounded by Jackson Street, Browder Street, Wood Street, and South Akard Street.

SUMMARY: The purpose of this request is to create a new subdistrict that would permit a media wall sign, which would be an attached sign wrapping around the northwest corner of the building on the subject site.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval** of staff's recommended amendments

BACKGROUND INFORMATION:

The purpose of this application is to create a new subdistrict within the Downtown Special Provision Sign District for the sole purpose of creating a new type of sign – a media wall sign. The applicant indicates the sign would "serve as the cornerstone of the new AT&T Discovery Zone, an urban technological campus geared toward engaging the public and creating a pedestrian-friendly destination for downtown workers, residents, and visitors."

The proposed subdistrict is part of a larger AT&T "campus." AT&T is undertaking many projects including closure of streets, replacing and enhancing sidewalks, adding a number of retail and restaurant uses and pedestrian amenities, all of which will culminate into an enhanced public outdoor pedestrian space in conjunction with their international headquarters.

The media wall sign is proposed to have a maximum 9,300 square foot effective area and is wrapped on two facades of the building within the new subdistrict. The existing building is a 23-story office building. The proposed conditions limit the media wall in conjunction with a publicly accessible, 120,000 square foot plaza that is bordered by buildings containing ground floor retail and restaurant uses.

The proposed media wall sign will have limited visibility to motorists, given recent street closures. The distance between the sign and the termination of southbound Akard Street at Commerce Street is 300 feet. The conditions provide limits on the brightness of the display and the requirement to make adjustments if necessary. The conditions proposed are the same as videoboard signs.

The applicant is requesting both premise and non-premise advertising as well as livestreaming of entertainment and sporting events and pre-recorded content of these events.

STAFF ANALYSIS:

Staff generally supports the request because the proposal meets the purpose of the Downtown Special Provision Sign District, and most provisions set forth as the purpose of Article VII.

The City Plan Commission supports the applicant's proposal that the sign be located no lower than 15 feet from grade and no higher than 125 feet from grade. Staff recommends that the sign may be located no lower than 36 feet from grade which would prohibit the sign from being located in the "Lower Level Sign Area" provisions in the Downtown SPSD. Staff believes having the sign begin higher on the building allows a more open feeling at the street level and would be more welcoming to the pedestrians moving throughout the plaza area.

The City Plan Commission does not support the applicant's proposal to have non-premise messages permitted at all times. The City Plan Commission supports the staff's recommendation that non-premise messages are permitted only when streaming live or pre-recorded content that is not simply an advertisement or commercial. Staff believes that with no limits on when non-premise messages may be displayed results in essentially having a large billboard.

The City Plan Commission supports the applicant proposal of a new definition of premise sign in this subdistrict and the Media Center Plaza abutting this subdistrict. The applicant's proposal for a premise sign would add the word media to the definition of premise sign to capture certain aspects of the content of what be permitted on the sign including but not limited to trade names or logos of the occupant, services or activities, and products to be sold on the premises. The definition was also expanded to include products or media content owned by the owner or its affiliates, or by the occupant of the premises. While staff supports allowing messages on the medial wall sign and the uses and events not only on the building site but on the adjacent plaza, staff does not support creating a new definition of premise sign since determining what products or services are owned by the owner or occupant of the building who have contracts with the owner would be an everchanging list of products or services that would be difficult for staff to obtain and maintain.

The applicant submitted a report from a professional traffic engineer. The report, included in the case report, concludes that the proposed media wall sign will not interfere with the effectiveness of traffic control devices with 300 feet of the sign. The report also concludes that the proposed media wall location is acceptable based on line of site, spacing/proximity, and visual "competition". The Department of Sustainable and Development senior engineer has commented that he reviewed this revised report and has no further comments.

The proposed sign will have a maximum of 6,650 square feet effective area on the Jackson Street façade and a maximum 2,560 square feet effective area on the Akard Street façade. Staff supports this proposal because specifying the location of the sign ensures that the sign is seen in the plaza as has been indicated in the applicant's request.

The applicant's proposal limits the brightness of the sign during certain time periods, more specifically, that the sign must display at no more than 300 nits between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday. Staff recommended that the sign must display at no more than 300 nits or 5 percent of the total brightness of the sign capabilities, whichever is less with a maximum of 30 percent of the sign's total diodes, and no text during the same hours. While staff had originally recommended the sign be turned off during these time periods as is required as an operational requirement for attached videoboard signs. Staff's recommendation of a maximum of 30 percent of the signs diodes is more reflective of the applicant's submitted artist's renderings/representations of the media wall. The City Plan Commission followed staff's recommendation with an increase to a maximum of 50 percent of the sign's total diodes

City Plan Commission Action:
March 21, 2019

Motion: It was moved to recommend **approval** of the creation of a new subdistrict called the Discovery Subdistrict within the Downtown Special Provision Sign District, Retail Subdistrict A, subject to staff's recommended amendments with the following modifications: 1) Page 7, revise (21.1) MEDIA WALL SIGN to read as follows: "(21.1) MEDIA WALL SIGN means an attached sign projecting no more than five feet from a building, the face of which is parallel to the building façade, and which may wrap around the corner of a building. A media wall sign must be located adjacent to Media Center Plaza. A media wall sign must be a changeable message sign, and must incorporate changeable messages, including streaming.", 2) Page 8, under (h) Media wall signs., (2), follow SSDAC's recommendation to read as follows: "(2) A media wall sign can be located no lower than 15 feet from grade and may not be located higher than 125 feet from grade.", 3) Page 8, under Media wall signs., (3) insert applicant proposed premise definition to read as follows: "For purposes of the Discovery Subdistrict, PREMISE means the property in the Discovery Subdistrict, or the Media Center Plaza abutting the Discovery Subdistrict. For purposes of the Discovery Subdistrict, PREMISE SIGN means any sign the content of which relates to the premises on which it is located referring exclusively to the following: (A) the name, trade name, or logo of the owner or occupant of the premises, or the identification of the premises; (B) accommodations, services, or activities offered or conducted on the premises; (C) products or media content sold, other than incidentally, on the premises, the intent of which is not to promote third-party advertising but to allow the products and media content of the premises, and which will not include monetization from third-party advertising; (D) the sale, lease, or construction of the premises; (E) products or media content owned by the owner or its affiliates, or by the occupant of the premises; (F) public service or sponsorship announcements; or (G) the streaming of live or pre-recorded content." and 4) Page 9, under (6), All media wall signs:, (C), follow SSDAC's recommendation to read as follows: "(C) must display at no more than 300 nits or 5 percent of the total brightness of the sign capabilities, whichever is less with a maximum of 50 percent of the sign's total diodes, and no text between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and" on property zoned a CA-1(A) (Central Area District), in an area generally bounded by Jackson Street, Browder Street, Wood Street, and South Akard Street.

Maker: Ridley
Second: Shidid
Result: Carried: 9 to 1

For: 9 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Housewright, Ridley, Tarpley

Against: 1 - Murphy
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices: Area: 200 Mailed: 18
Replies: For: 4 Against: 0

Speakers: For: Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Joe Trampel, 4314 Deere St., Dallas, TX, 75204
Kourtney Garrett, 901 Main St., Dallas, TX, 75202
Mitch Leathers, 2326 Laci Ln., Royse City, TX, 75189
Against: None

Officers

Directors/Officers Report

As of December 03, 2018

Southwestern Bell Telephone Company

Directors

David C. Nichols	Director
David Tate	Director

Officers

David C. Nichols	President and Chief Executive Officer
Steve Hahn	President - Oklahoma
David C. Nichols	President - Texas
Michael R. Scott	President - Kansas
John Sondag	President - Missouri
Veronica Bloodworth	Senior Vice President - Construction and Engineering
Juan Flores	Senior Vice President - Technology Management and Operations
William C. Huber	Senior Vice President - Technical Field Services
Marachel L. Knight	Senior Vice President - Technology Planning and Engineering
Keith Korte	Senior Vice President - Internet and Entertainment Field Services
Brian Paperny	Vice President - Tax
Deborah Peoples	Vice President - Consumer Sales and Service
David Tate	Vice President and Secretary
Leslie Ward	Vice President - Legislative and External Affairs
George B. Goeke	Treasurer
Mike McGuire	Assistant Vice President - Billing Operations
Don Harris	Assistant Secretary - EH&S
Wayne K. Johnson	Assistant Treasurer
Stacy W. Roth	Assistant Treasurer
Sherri L. Bazan	Assistant Treasurer
Leo J Bub	Assistant Secretary
Jason Bunch	Executive Director - Payroll
Kenneth H. Gitter	Assistant Secretary
Darryl W Howard	Assistant Secretary
Gary E. Johnson	Assistant Vice President - Tax

CPC's Recommended Conditions

DOWNTOWN SPECIAL PROVISION SIGN DISTRICT

That Subsection (a) of Section 51A-7.901.1, "Designation of Subdistricts," is amended to read as follows:

"(a) This district is divided into nine ~~eight~~ subdistricts: Retail Subdistrict A, Retail Subdistrict B, the General CBD Subdistrict, the Downtown Perimeter Subdistrict, the Main Street Subdistrict, the Convention Center Subdistrict, the Akard Station Subdistrict, ~~and~~ the Whitacre Tower Subdistrict, and the Discovery Subdistrict.

That a new Subsection (j) is added to Section 51A-7.901.1, "Designation of Subdistricts," and shall read as follows:

"(j) The Discovery Subdistrict is that area of downtown within the boundaries described in the Exhibit A attached to Ordinance No. _____, passed by the Dallas City Council on _____."

That a new Subsection (11.1) is added to Section 51A-7.903, "Definitions," and shall read as follows:

"(11.1) MEDIA CENTER PLAZA means any outdoor area (whether publicly or privately owned), that is accessible to the public, and includes: (A) a plaza that is at least 120,000 square feet in size; and (B) structures containing ground-floor retail and restaurant uses."

That a new Subsection (21.1) is added to Section 51A-7.903, "Definitions," and shall read as follows:

"(21.1) MEDIA WALL SIGN means an attached sign projecting no more than five feet from a building, the face of which is parallel to the building façade, and which may wrap around the corner of a building. A media wall sign must be located adjacent to a Media Center Plaza. A media wall sign must be a changeable message sign, and must incorporate changeable messages, including streaming."

That the section title preceding Section 51A-7.907, "General Provisions," is amended to read as follows:

"Special Provisions for Signs within the General CBD, Main Street, Convention Center~~, and~~ Retail, and Discovery Subdistricts."

That Paragraph (3) of Subsection (a), "Attached signs in general," of Section 51A-7.911, "Attached Premise Signs," is amended to read as follows:

"(3) The total effective area for all signs on a façade, excluding media wall signs in the Discovery Subdistrict, may not exceed:

(A) 30 percent of the area in the lower level sign area;

(B) 20 percent of the area in the middle level sign area; and

(C) 30 percent of the area in the upper level sign area."

That a new Subsection (h) is added to Section 51A-7.911, "Attached Premise Signs," and shall read as follows:

"(h) Media wall signs.

(1) One media wall sign is permitted and must be located in the Discovery Subdistrict.

CPC recommendation:

(2) A media wall sign can be located no lower than 15 feet from grade and may not be located higher than 125 feet from grade.

Staff recommendation:

(2) A media wall sign can be located no lower than 36 feet from grade and may not be located higher than 125 feet from grade.

CPC recommendation:

(3) Non-premise messages are permitted only when streaming live or pre-recorded media content that is not simply an advertisement or commercial.

Applicant's request:

(3) Non-premise messages are permitted.

CPC recommendation:

(4) For purposes of the Discovery Subdistrict, PREMISE means the property in the Discovery Subdistrict, or the Media Center Plaza abutting the Discovery Subdistrict.

(5) For purposes of the Discovery Subdistrict, PREMISE SIGN means any sign the content of which relates to the premises on which it is located referring exclusively to the following:

(A) the name, trade name, or logo of the owner or occupant of the premises, or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premises;

(C) products or media content sold, other than incidentally, on the premises, the intent of which is not to promote third-party advertising but to allow the products and media content of the premises, and which will not include monetization from third-party advertising;

(D) the sale, lease, or construction of the premises;

(E) products or media content owned by the owner or its affiliates, or by the occupant of the premises;

(F) public service or sponsorship announcements; or

(G) the streaming of live or pre-recorded content."

(6) For purposes of a media wall sign, the premise includes the adjacent media center plaza.

(7) Media wall signs may have a maximum 9,300 square feet in effective area. For a media wall sign that wraps around the side of a building, a maximum of 6,650 square feet in effective area is permitted on the north/Jackson Street side of the building, and a maximum of 2,650 square feet in effective area is permitted on the west/Akard Street side of the building.

(8) All media wall signs:

(A) must contain a default mechanism that freezes the image in one position in case of a malfunction.

(B) must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:

(i) the ambient light level measured in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then

(ii) the dimming level, multiplied by .0039 equals the brightness level; then

(iii) the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed sign brightness, measured in nits. For example:

32768 = ambient light in luxes

÷ 256

128 = dimming level

x .0039

.4992 = brightness level

X 9000 = (maximum brightness of the example sign)

4492.8 = allowed brightness in nits;

CPC recommendation:

(C) must display at no more than 300 nits or 5 percent of the total brightness of the sign capabilities, whichever is less with a maximum of 50 percent of the sign's total diodes, and no text between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

Staff recommendation:

(C) must display at no more than 300 nits or 5 percent of the total brightness of the sign capabilities, whichever is less with a maximum of 30 percent of the sign's total diodes, and no text between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

Applicant's request:

(C) must display at no more than 300 nits between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

(D) may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

(7) Media wall signs:

(A) must have a color display able to display a minimum of 281 trillion color shades; and

(B) Must be able to display a high quality image with a minimum pixel pitch of 6 mm.

(8) Light intensity. Before the issuance of a media wall sign permit, the applicant shall provide written certification from the sign manufacturer or vendor providing the sign that:

(A) the light intensity has been programmed to comply with the maximum brightness and dimming standards in the table in Subparagraph (h)(6)(B); and

(B) the light intensity is protected from end-user manipulation by password-protected software, or other method satisfactory to the building official.

(9) Malfunction. Media wall sign operators must respond to a malfunction or safety issue within one hour after notification."

Kimley»Horn

TECHNICAL MEMORANDUM

To:	Judy D. Laube AT&T Corporate Real Estate
From:	Nathan New, P.E.
Date:	January 11, 2019
Subject:	Traffic Analysis for Proposed Media Wall on Three AT&T Plaza building at 308 South Akard Street, AT&T Discovery District, Downtown Dallas

BACKGROUND

This analysis is provided to support the request of a media wall sign (a.k.a., electronic message board, etc.), or "sign", to be located at 308 South Akard Street in the AT&T Discovery District in Downtown Dallas, Texas.

The scope of the study, similar to the study for a videoboard sign as outlined in the City of Dallas Development Code, Section 51A-7.909(d)(2), is to review of potential conflict created by the digital media wall sign with traffic control devices within 300 feet of the proposed location. The City of Dallas videoboard regulations state the following: *"All applications for non-premise district activity videoboard signs must include a report from a traffic engineer stating that the placement of the sign will not interfere with the effectiveness of traffic control devices within 300 ft of the sign."*

An illustration of the proposed sign installation location considered in this analysis is provided in **Exhibits 1 and 2**. [NOTE: This analysis is specifically intended for this proposed sign location as illustrated and does not apply to any other sign location. It is also assumed that the sign installation and operational parameters outlined in the respective City of Dallas Sign ordinance and any other applicable regulations shall be in effect.]

STUDY SCOPE

The conditions set forth by the Ordinance for the proposed sign location are that the sign will not interfere with the effectiveness of traffic control devices within 300 feet of the sign.

As shown in **Exhibit 1**, the following vehicular approaches were identified as being located within 300' of the proposed sign and could be impacted:

1. Southbound Akard Street @ Commerce Street
    a. The proposed Media Wall location is directly south and in-line with Akard Street and approximately 275' from the southbound traffic signal heads.
2. Eastbound Commerce Street @ Akard Street
    a. The proposed Media Wall location is approximately 285' to the right (south) of Commerce Street.
3. Jackson Street @ Akard Street
    a. Street closed
4. Westbound Jackson Street @ Browder Street
    The proposed Media Wall location is approximately 260' west of Browder Street.
5. Eastbound Wood Street @ Akard Street
    a. The proposed Media Wall location is approximately 200' to the left (north) of Wood Street.
6. Westbound Wood Street @ Akard Street
    a. The proposed Media Wall location is approximately 200' to the right (north) of Wood Street.
7. Northbound Akard Street @ Wood Street
    a. The proposed Media Wall location is approximately 200' north of Wood Street.

ANALYSIS

Media signs have become more common along roads and highways over the last several years. Despite this, there is limited guidelines and standards as to their location and impact to traffic control devices. For this analysis, engineering judgment and discretion are the primary resources available to perform the evaluation.

In evaluating the Media Wall location and its impact to traffic control devices, the following considerations were evaluated. Each of these analysis parameters are subjective and require field inspection:

- **line of site conflicts with traffic control devices** – this evaluation considered whether the proposed location of the Media Wall is aligned with the line of site of a motorist and the traffic control devices to a degree that obscures or diminishes the effectiveness of the traffic control device. Items such as landscaping (16'-18' tall trees) located directly between the Media Wall and Commerce Street traffic control devices were also considered in this evaluation.

- **spacing/proximity with traffic control devices** – this evaluation considered whether the proposed location of the Media Wall is in such close proximity to a traffic control device that it diminishes the effectiveness of the traffic control devices.

- **visual "competition" with proposed traffic control devices** – this evaluation considered whether the proposed location of the sign is otherwise situated in such a manner to distract a motorist from becoming cognizant of the traffic control devices.

Other evaluation assumptions:

- This analysis only focused on the motorists travelling on the aforementioned streets (i.e., the closed section of Jackson Street and no streets further than 300 feet from the media wall were considered).

- Although the emphasis of this study relates to passenger and commercial vehicles, the results of this analysis also apply to bicyclists and other vehicles traveling on the public street(s) and sidewalk(s).

The following findings, summarized in Table 1, reflect Kimley-Horn's evaluation.

CONCLUSION

The proposed Media Wall that will be located on Three AT&T Plaza building at 308 South Akard Street will not interfere with the effectiveness of traffic control devices located within 300' of the proposed Media Wall. Based on line of site, spacing/proximity, and visual "competition", the Media Wall location as illustrated in **Exhibits 1 and 2** is acceptable.

END OF MEMO

Attachments:

Table 1: Proposed Sign Location Evaluation
Exhibit 1: Proposed Media Wall Location
Exhibit 2: Proposed Media Wall from the Point of View of a southbound motorist

Kimley»Horn

TABLE 1. Proposed Media Wall Evaluation

PARAMETER	SUMMARY OF EVALUATION	RECOMMENDATION
Line of Site	The proposed Media Wall will not directly obstruct the view of the traffic control devices with 300'. The Media Wall will be located far enough horizontally as to not interfere with the traffic signals at Commerce Street & Akard Street and Wood Street & Akard Street.	Acceptable
Spacing/Proximity	The proposed Media Wall will be at a clear height of approximately 16-17 feet from the top of sidewalk and is within 300 feet of the traffic signal heads located in the intersections of Commerce Street & Akard Street and Wood Street & Akard Street. However, due to the horizontal offset spacing to the traffic control devices, the proximity of the proposed Media Wall will not be a conflict.	Acceptable
Visual "Competition"	The proposed Media Wall will not visually compete with any traffic control devices within 300'	Acceptable

General Recommendations:

- The sign shall not display images that intentionally or unintentionally depict or resemble an image of a traffic control device or the content of a traffic control device, including but not limited to showing red/yellow/green circles at the same level as normal traffic signals or in the same configuration.

Kimley»Horn

EXHIBIT 1. Proposed Media Wall Location

Proposed Media Wall
Three AT&T Plaza
308 South Akard

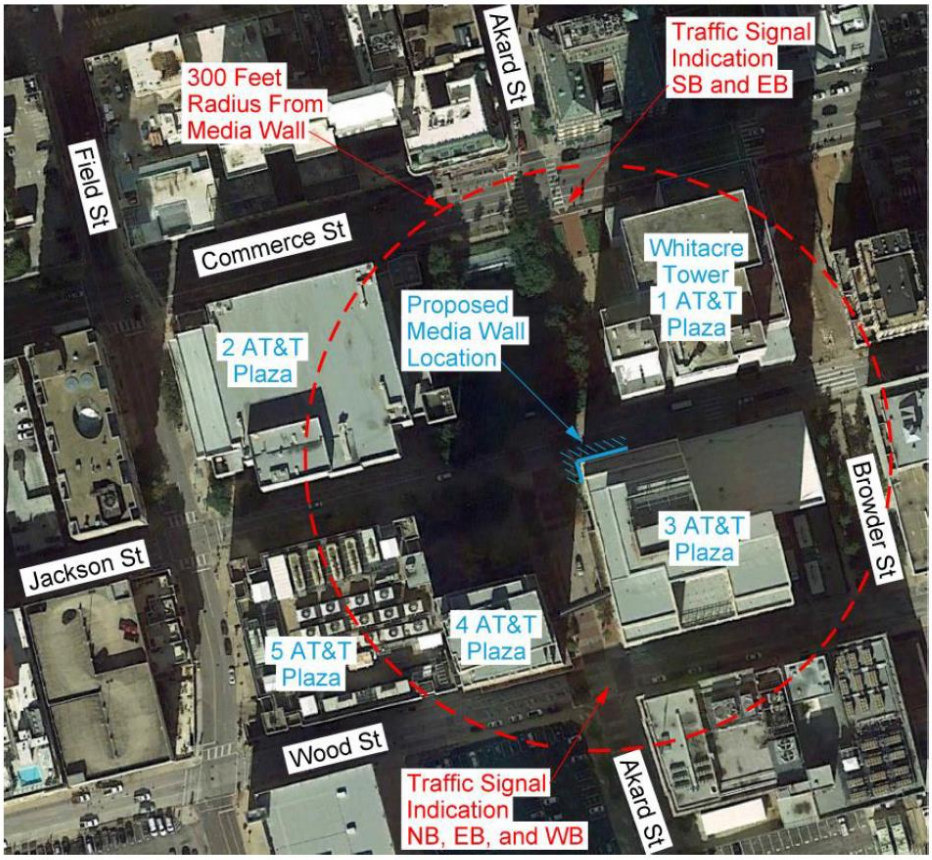
Traffic Control Devices within 300' of the Proposed Media Wall

<u>Commerce St at Akard St</u>
Southbound Akard St
Eastbound Commerce St

<u>Wood St at Akard St</u>
Northbound Akard St
Eastbound Wood St
Westbound Wood St

<u>Jackson St at Akard St</u>
Streets Closed Permanently and Existing Traffic Signal Removed

<u>Jackson St at Browder St</u>
Westbound Jackson St
No Traffic Signal
Pedestrian Crosswalk Signed



Kimley»Horn

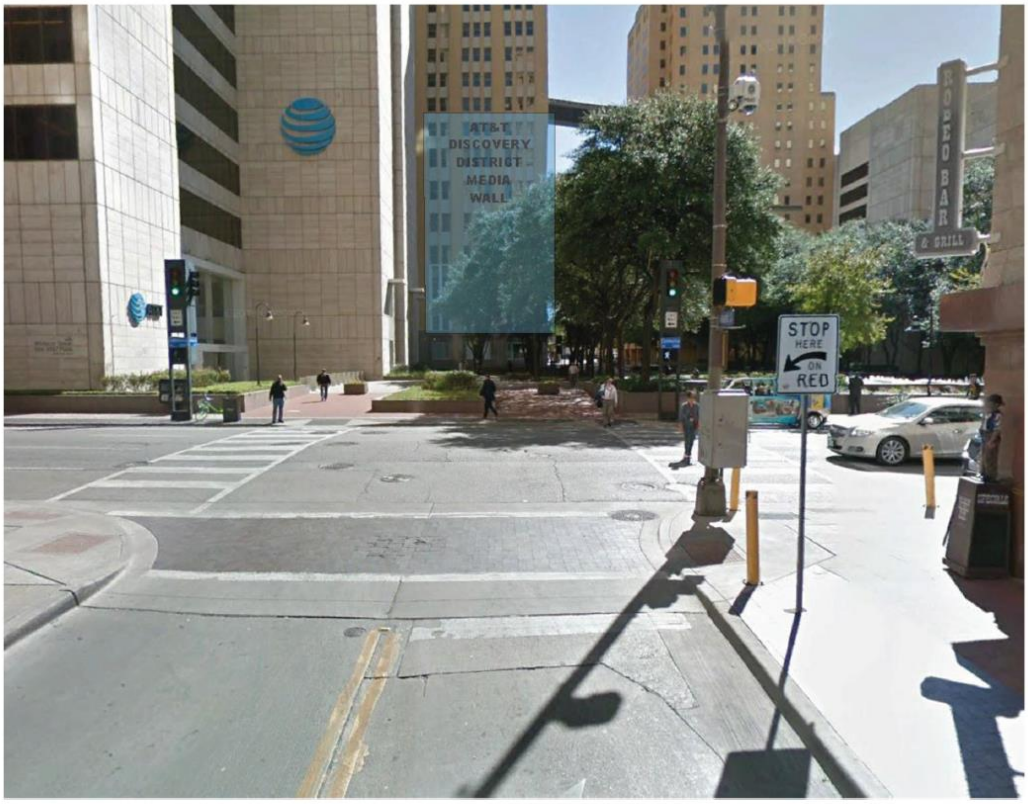
EXHIBIT 2. Proposed Media Wall from the Point of View of a Southbound Motorist on Akard

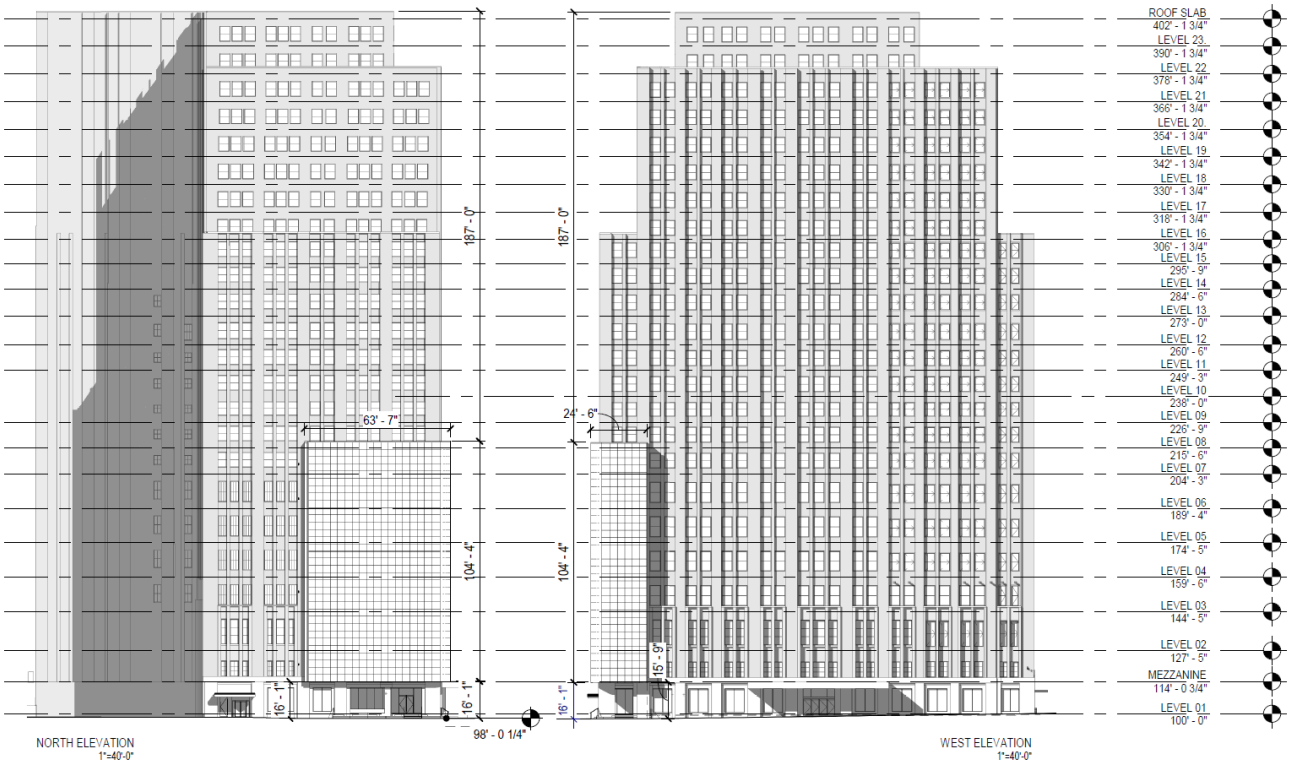
Proposed Media Wall
Three AT&T Plaza
308 South Akard

Southbound View
Akard St Vehicular Approach Shown

Vertical Traffic Signal Heads Located Left and Right of Proposed Media Wall

A Grove of Trees will be located between the signals and the Media Wall, creating a backdrop to screen the bottom portion of the Media Wall from vehicular view





Gensler **3 AT&T**

308 S AKARD ST
DALLAS, TEXAS 75202 | FEBRUARY 7, 2019 |

Applicant's renderings



Applicant's renderings

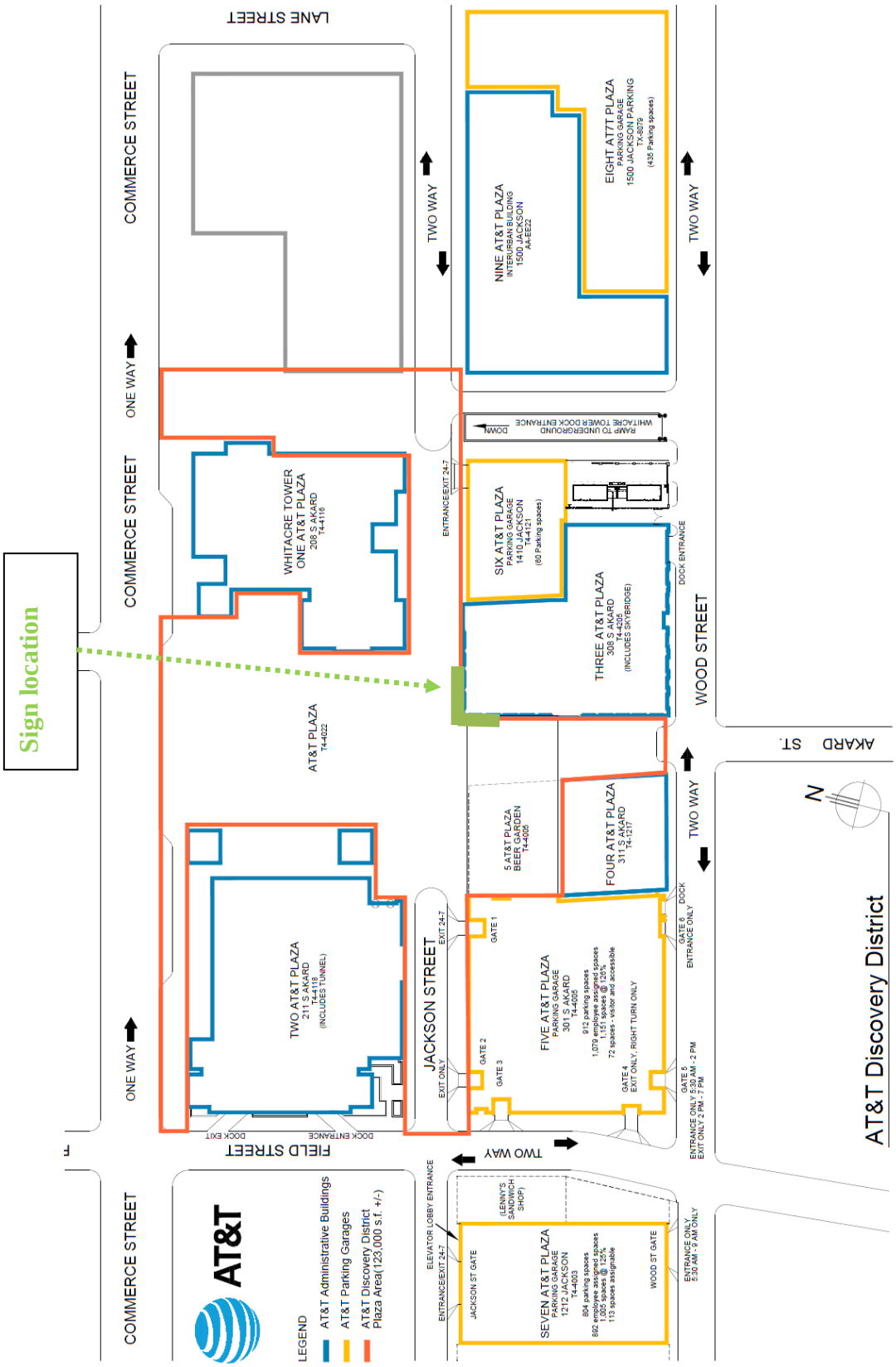


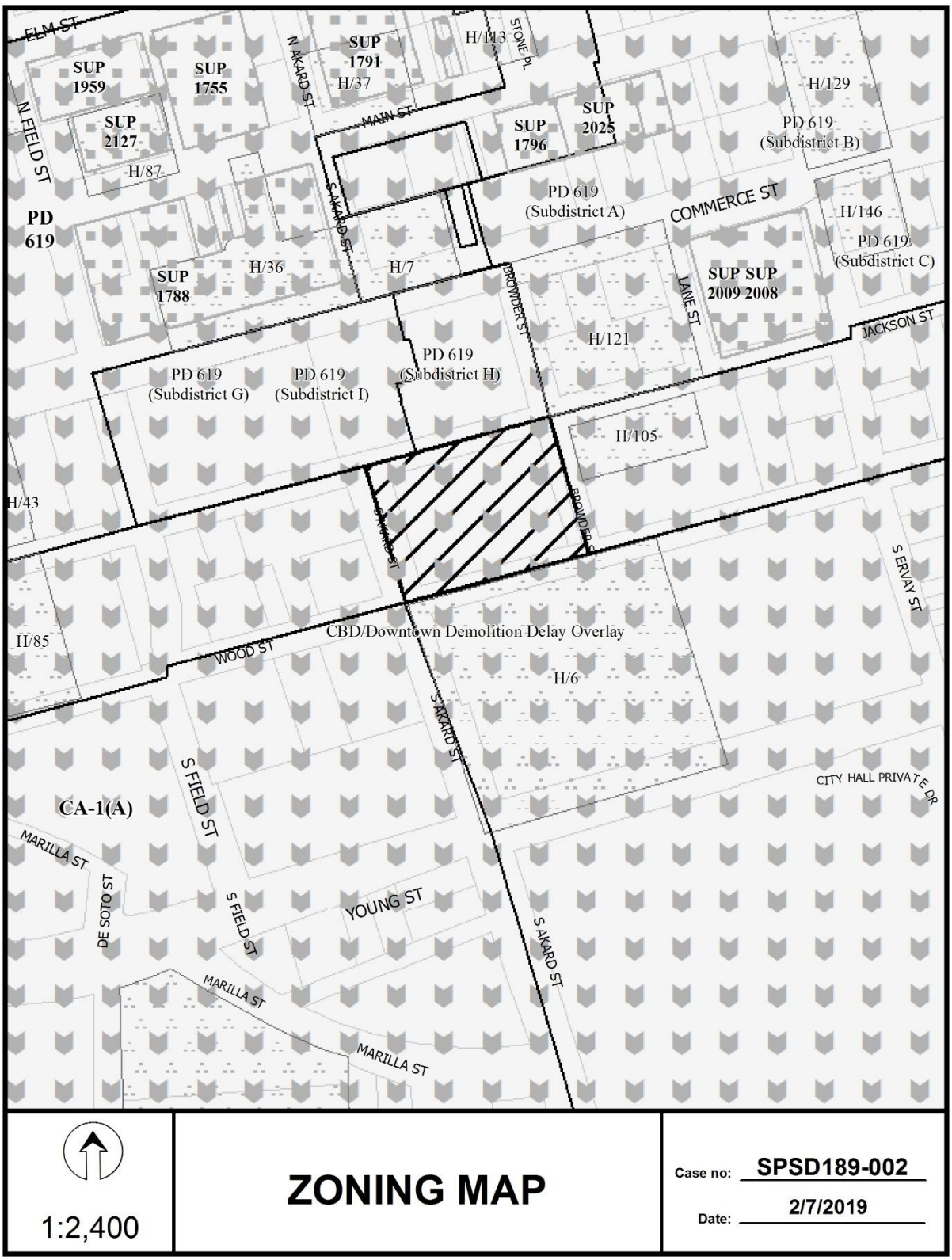
Applicant's renderings

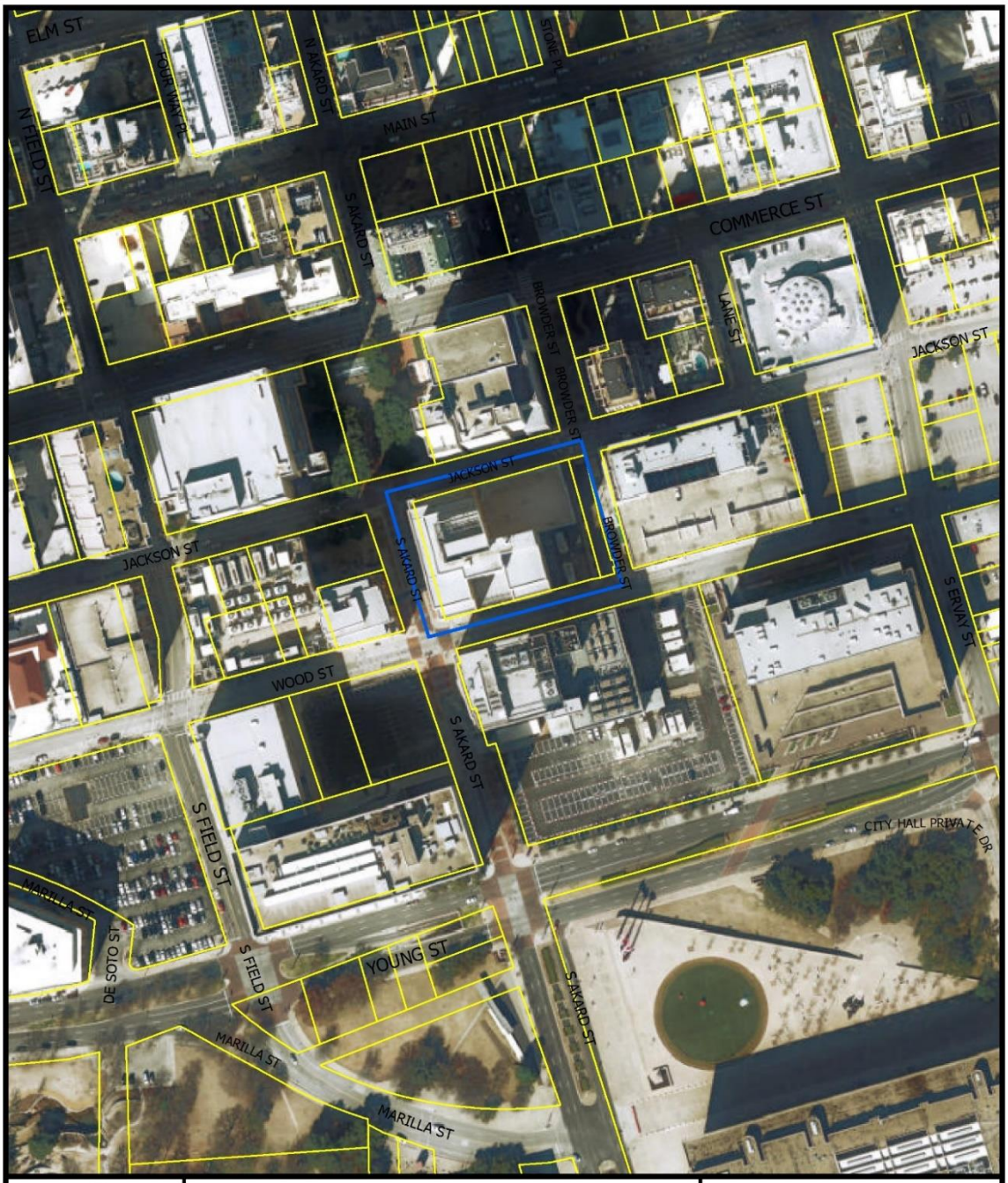


Applicant's renderings




Sign location
COMMERCE STREET
ONE WAY
COMMERCE STREET
ONE WAY
LANE STREET
TWO WAY
NINE AT&T PLAZA
INTERURBAN BUILDING
1500 JACKSON
AA-EE22
EIGHT AT/T PLAZA
PARKING GARAGE
1500 JACKSON PARKING
TX-8079
(435 Parking spaces)
TWO WAY
WHITACRE TOWER
ONE AT&T PLAZA
208 S AKARD
T4-4116
RAMP TO UNDERGROUND
WHITACRE TOWER DOCK ENTRANCE
DOWN
ENTRANCE/EXIT 24-7
SIX AT&T PLAZA
PARKING GARAGE
1410 JACKSON
T4-4121
(60 Parking spaces)
THREE AT&T PLAZA
308 S AKARD
T4-4005
(INCLUDES SKYBRIDGE)
DOCK ENTRANCE
WOOD STREET
AT&T PLAZA
T4-4022
5 AT&T PLAZA
BEER GARDEN
T4-4006
FOUR AT&T PLAZA
311 S AKARD
T4-1217
TWO AT&T PLAZA
211 S AKARD
T4-1116
(INCLUDES TUNNEL)
DOCK EXIT
DOCK ENTRANCE
JACKSON STREET
EXIT 24-7
EXIT ONLY
GATE 1
GATE 2
GATE 3
FIVE AT&T PLAZA
PARKING GARAGE
301 S AKARD
T4-4005
912 parking spaces
1,079 employee assigned spaces
115 loading docks @ DOCK
72 spaces - visitor and accessible
GATE 4
EXIT ONLY, RIGHT TURN ONLY
GATE 6
ENTRANCE ONLY
DOCK
TWO WAY
GATE 5
ENTRANCE ONLY 5:30 AM - 2 PM
EXIT ONLY 2 PM - 7 PM
AKARD ST.
N
AT&T Discovery District
FIELD STREET
TWO WAY
ELEVATOR LOBBY ENTRANCE
ENTRANCE/EXIT 24-7
LENNY'S SANDWICH SHOP)
JACKSON ST GATE
SEVEN AT&T PLAZA
PARKING GARAGE
1212 JACKSON
T4-4003
804 parking spaces
992 employee assigned spaces
100 loading docks @ DOCK
113 spaces assignable
WOOD ST GATE
ENTRANCE ONLY
5:30 AM - 2 PM ONLY
COMMERCE STREET
AT&T
LEGEND
AT&T Administrative Buildings
AT&T Parking Garages
AT&T Discovery District
Plaza Area(123,000 s.f. +/-)


ELM ST
N FIELD ST
SUP 1959
SUP 1755
SUP 1791
H/37
N AKARD ST
H/113
STONE PL
SUP 2127
H/87
MAIN ST
SUP 1796
SUP 2025
H/129
PD 619 (Subdistrict B)
PD 619
S AKARD ST
PD 619 (Subdistrict A)
COMMERCE ST
H/146
PD 619 (Subdistrict C)
SUP 1788
H/36
H/7
BROWDER ST
LANE ST
SUP SUP 2009 2008
JACKSON ST
H/121
PD 619 (Subdistrict H)
PD 619 (Subdistrict G)
PD 619 (Subdistrict I)
H/105
H/43
S ERVAY ST
CBD/Downtown Demolition Delay Overlay
H/85
WOOD ST
H/6
S AKARD ST
CITY HALL PRIVATE DR
CA-1(A)
S FIELD ST
MARILLA ST
DE SOTO ST
YOUNG ST
S FIELD ST
S AKARD ST
MARILLA ST
MARILLA ST
1:2,400
ZONING MAP
Case no: SPSD189-002
Date: 2/7/2019



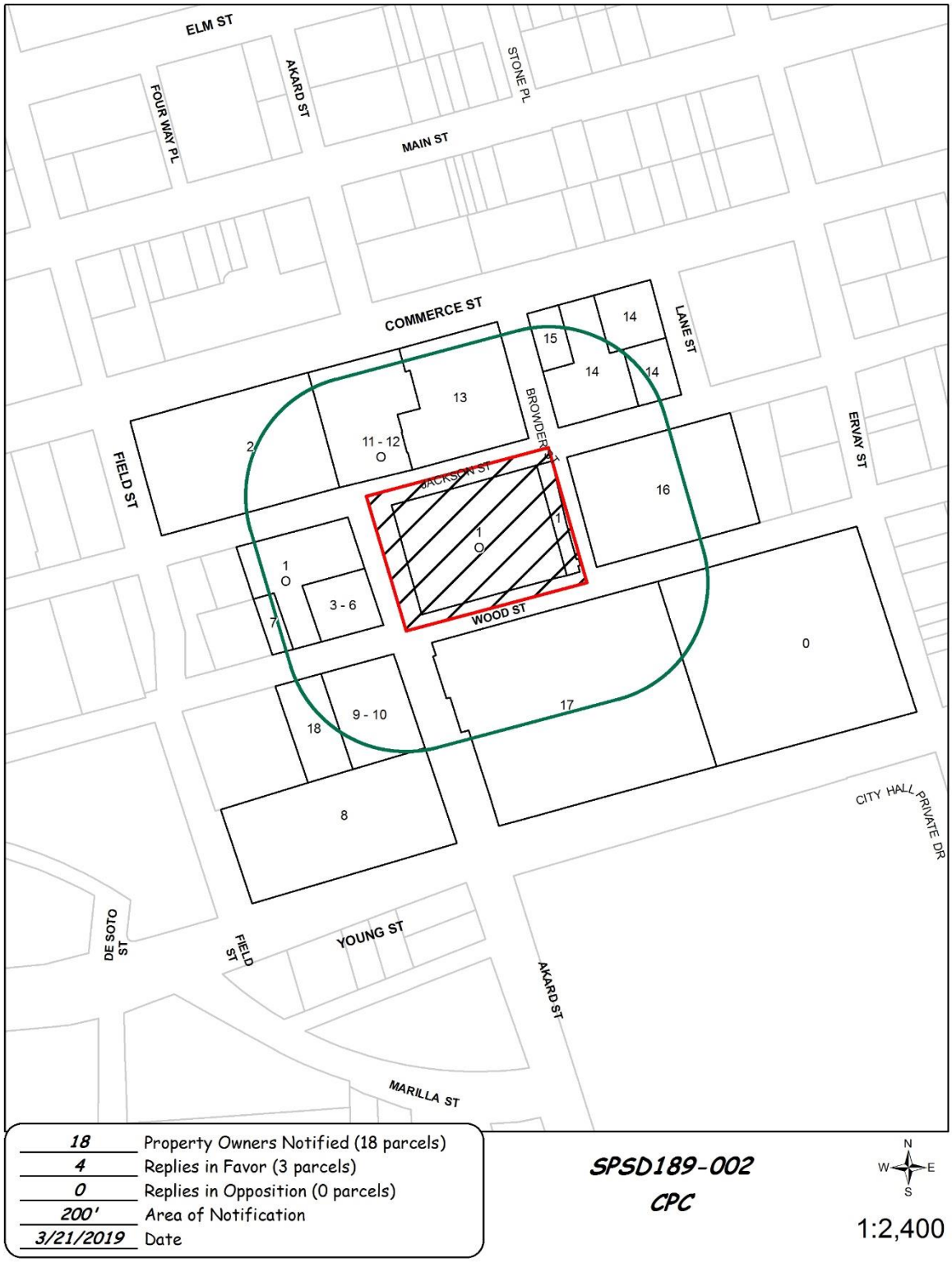
1:2,400

AERIAL MAP

Case no: SPSD189-002

Date: 2/7/2019

CPC responses



03/20/2019

Reply List of Property Owners

SPSD189-002

18 Property Owners Notified ***4 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1	S BROWDER ST	SOUTHWESTERN BELL
	2	211	S AKARD ST	SOUTHWESTERN BELL
	3	311	S AKARD ST	BONDURANT WRIGHT ELIZABETH &
	5	308	S AKARD ST	SOUTHWESTERN BELL
	6	308	S AKARD ST	SOUTHWESTERN BELL
	7	1321	WOOD ST	VFT WOOD STREET LLC
	8	400	FIELD ST	HPIGSA 2B LLC
	9	403	S AKARD ST	HPI GSA 2B LP
	10	1	S AKARD ST	HPI GSA 2D LLC
	13	208	S AKARD ST	IEP DALLAS LLC
	14	1512	COMMERCE ST	DPL LOAN HOLDINGS LLC
	15	1500	COMMERCE ST	DPL LAND LLC
	16	1500	JACKSON ST	FPG INTERURBAN LLC
	17	400	S AKARD ST	DIGITAL AKARD LLC
	18	1314	WOOD ST	HPI GAS 2C LLC
O	A1	301	S AKARD ST	SOUTHWESTERN BELL
	A2	211	S AKARD ST	SOUTHWESTERN BELL
	A3	311	S AKARD ST	SOUTHWESTERN BELL
O	A4	308	S AKARD ST	SOUTHWESTERN BELL
O	A5	208	S AKARD ST	SOUTHWESTERN BELL TELEPHONE
O	A6	1400	JACKSON ST	SOUTHWESTERN BELL