

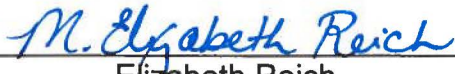
**JUNE 13, 2018 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated June 13, 2018. 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

6/1/2018  
Date



Elizabeth Reich  
Chief Financial Officer

6-1-18  
Date

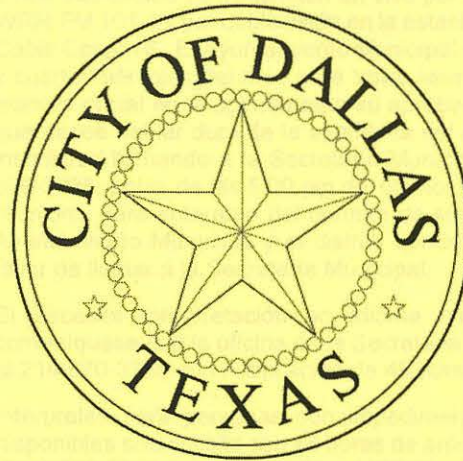




RECEIVED

2018 JUN -1 PM 6:34

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

June 13, 2018

Date

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

## **General Information**

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

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

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

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

## **Rules of Courtesy**

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

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

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

## **Información General**

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

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría 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 Disabilities 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 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 (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben 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, JUNE 13, 2018  
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 - 52

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 53 - 72

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



**AGENDA**  
**CITY COUNCIL MEETING**  
**JUNE 13, 2018**  
**CITY OF DALLAS**  
**1500 MARILLA STREET**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A.M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

**VOTING AGENDA**

1. Approval of Minutes of the May 23, 2018 City Council Meeting

**CONSENT AGENDA**

**City Attorney's Office**

2. Authorize settlement of the lawsuit styled Craig Dixon v. City of Dallas, Cause No. CC-17-00771-D - Not to exceed \$75,000 - Financing: Current Funds
3. Authorize an Interlocal Agreement between the City of Dallas ("City") and Dallas County ("County") to permit the City to provide Security and a Lead Planner to the County's Second Chance Community Improvement Program Court by providing support, resources and tools to non-violent offenders between the ages of 17 and 25 in the Southeast Division of the city of Dallas within the zip codes of 75215 and 75210 - Revenue: \$14,320

CONSENT AGENDA (continued)

**City Attorney's Office** (continued)

4. Authorize **(1)** acceptance of the 2018-19 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2018 through June 30, 2019; **(2)** the establishment of appropriations in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund; **(3)** the receipt and deposit of funds in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund; and **(4)** execution of the grant agreement - Not to exceed \$75,000 - Financing: Texas Veterans Commission Grant Funds
5. Authorize Supplemental Agreement No. 1 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services necessary in connection with the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-cv-03330-C - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

**City Auditor's Office**

6. Authorize a budget estimate of the needs and requirements of the City Auditor's Office for Fiscal Year 2018-19 in the amount of \$3,362,063 (subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services chargebacks, and other items that may affect all City departmental budgets) - Financing: No cost consideration to the City

**City Controller's Office**

7. Authorize the issuance of tax-exempt bonds by the Greater Texas Cultural Education Facilities Finance Corporation in an aggregate principal amount not to exceed \$25,000,000 for the benefit of Southwest Transplant Alliance, Inc. to build a new headquarters facility - Financing: No cost consideration to the City

**Department of Communication and Information Services**

8. Authorize a twelve-month service contract for the continuous use of software and support of the Socrata Open Data Portal - Carahsoft Technology Corp, through the General Services Administration cooperative agreement - Not to exceed \$199,797 - Financing: Communication and Information Services Current Funds



CONSENT AGENDA (continued)**Department of Equipment and Building Services**

9. Authorize a professional services contract with Simmons Design Associates, LLC to provide graphic design services for the design and development of a new wayfinding system at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed \$449,750 - Financing: Convention Center Capital Construction Funds
10. Authorize **(1)** the rejection of the proposal received for the construction of Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street; and **(2)** the re-advertisement for new proposals - Financing: No cost consideration to the City
11. Authorize **(1)** an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during construction 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 to \$222,395 in the Public Educational and Governmental Access Fund - Not to exceed \$880,672, from \$5,146,800 to \$6,027,472 - Financing: Public Educational and Governmental Access Funds (\$711,507) and WRR Capital Construction Funds (\$169,165)
12. Authorize Supplemental Agreement No. 1 to the service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction extending the contract term for an additional six months - Not to exceed \$1,578,675, from \$6,314,700 to \$7,893,375 - Financing: Various Funds (subject to annual appropriations)
13. Authorize Supplemental Agreement No. 4 to exercise the second, and final five-year renewal option to extend the Compressed Natural Gas (CNG) Facilities Agreement with TranStar Energy Company, L.P., for five years to maintain and operate two public-access CNG fueling sites on city properties located at 1616 Baylor Street and 8000 Denton Drive, adjacent to Love Field - Estimated Revenue: \$10,000 over the five-year extension

**Department of Public Works**

14. Authorize a contract for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Spring Grove Avenue from Alpha Road to Coit Road - Jeske Construction Company, lowest responsible bidder of ten - Not to exceed \$2,698,710 - Financing: 2012 Bond Funds (\$2,006,560), Water Utilities Capital Improvement Funds (\$624,510) and Water Utilities Capital Construction Funds (\$67,640)

CONSENT AGENDA (continued)**Department of Sanitation Services**

15. Authorize **(1)** a contract for the construction of a 52 acre waste cell, cell 6B2 and 7 at the McCommas Bluff Landfill; and site improvements that include upgraded drain pumps, control panels, electric service and discharge systems - Hammett Excavation, Inc., lowest responsible bidder of three; and **(2)** an increase in appropriations in an amount not to exceed \$5,126,867 in the Sanitation Capital Improvement Fund - Not to exceed \$5,126,867 - Financing: Sanitation Capital Improvement Funds

**Department of Sustainable Development and Construction**

16. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 46,684 square feet from Casey Owen Averitt and Robin Eliene Averitt located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$12,661, increased from \$32,075 (\$29,075, plus closing costs and title expenses not to exceed \$3,000) to \$44,736 (\$41,736, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds
17. Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Hwy. 205 Farm, Ltd., et al., pending in Kaufman County Court at Law, Cause No. 84262-CC, for acquisition from Hwy. 205 Farm, Ltd., et al., of approximately 33 acres of land for right-of-way located in Kaufman County, Texas for the Lake Tawakoni 144-inch Pipeline Project; and **(2)** the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$64,841, increased from \$460,159 to \$525,000 (\$515,000 being the settlement amount, plus closing costs and title expenses not to exceed \$10,000) - Financing: Water Utilities Capital Improvement Funds
18. Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. 635-I20 Joint Venture, et al., pending in County Court at Law No. 5, Cause No. CC-13-01705-E, for acquisition from 635-I20 Joint Venture, et al., of approximately 495,065 square feet of land for right-of-way located in Dallas County, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$857,786, increased from \$953,214 (\$943,214 being the award, plus closing costs and title expenses not to exceed \$10,000) to \$1,811,000 (\$1,800,000 being the settlement amount, plus closing costs and title expenses not to exceed \$11,000) - Financing: Water Utilities Capital Improvement Funds
19. Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 262,824 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project, from Freddie Kasper - Not to exceed \$49,000 (\$45,900, plus closing costs and title expenses not to exceed \$3,100) - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction** (continued)

20. Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 5,379 square feet from Harold J. Baber located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$29,700 (\$27,750, plus closing costs and title expenses not to exceed \$1,950) - Financing: Water Utilities Capital Construction Funds
21. Authorize moving expense and replacement housing payments for Sandra Witt as a result of an official written offer of just compensation to purchase real property at 369 VZ CR 3843 for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$55,639 - Financing: Water Utilities Capital Improvement Funds
22. An ordinance granting a private license to the Board of Regents of The University of Texas System, for the use of approximately 1,001 square feet of subsurface land to occupy, maintain and utilize a subsurface portion of Inwood Road right-of-way located near the intersection of Forest Park Road and Inwood Road - Revenue: \$1,297 annually, plus the \$20 ordinance publication fee
23. An ordinance abandoning Lariat Drive to LGI Homes-Texas, LLC, the abutting owner, containing approximately 4,674 square feet of land, located near the intersection of Greenhaw Lane and Woody Road; and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
24. An ordinance abandoning a portion of a sanitary sewer easement to Daniel Brothers, L.L.P., the abutting owner, containing approximately 2,010 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: \$5,400, plus the \$20 ordinance publication fee
25. An ordinance abandoning six sanitary sewer easements, two utility easements, and two utility and fire lane easements to Daniel Brothers, L.L.P., the abutting owner, containing a total of approximately 296,609 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: \$10,400, plus the \$20 ordinance publication fee

**Department of Transportation**

26. Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$36,043 from the University of Texas (UT) Southwestern Medical Center for certain material and labor costs associated with the upgrade of the traffic signal, signage and roadway striping at the UT Southwestern private driveway in the 1900 block of Inwood Road; and **(2)** an increase in appropriations in an amount not to exceed \$36,043 in the Capital Projects Reimbursement Fund - Not to exceed \$36,043 - Financing: Capital Projects Reimbursement Funds

CONSENT AGENDA (continued)**Department of Transportation** (continued)

27. Authorize payment to the Texas Department of Transportation for cost overruns related to the intersection and traffic signal improvements at the following five off-system locations: Royal Lane and Abrams Road; Skillman Street and Walnut Hill Lane; Skillman Street and Lovers Lane; Walnut Hill Lane and Abrams Road; and Webb Chapel Road and Larga Drive - Not to exceed \$82,696 - Financing: General Funds

**Fire-Rescue Department**

28. Authorize a revision to Rule XXIV of the Civil Service Code of Rules and Regulations to allow military experience to be used in lieu of college credit for Dallas Fire-Rescue Department applicants - Financing: No cost consideration to the City

**Housing & Neighborhood Revitalization**

29. Authorize the first amendment to the conditional grant agreement for 27 single-family homes on Chariot Drive, previously approved by Resolution No. 15-0861 on May 13, 2015, with Dallas Area Habitat for Humanity, Inc., who assumed the obligations of Greenleaf Ventures, LLC to **(1)** extend the agreement completion date from October 30, 2017 to December 31, 2019; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City
30. Authorize the first amendment to the conditional grant agreement for the development of 58 single-family homes in West Dallas located on Singleton Boulevard, previously approved by Resolution No. 15-0862 on May 13, 2015, with Greenleaf Ventures, LLC to **(1)** extend the agreement completion date from October 30, 2017 to December 30, 2020; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
31. Authorize the first amendment to the conditional grant agreement for the development of 36 single-family homes on North Prairie Creek Road, previously approved by Resolution No. 16-0842 on May 25, 2016, with Greenleaf Ventures, LLC to **(1)** extend the agreement completion date from May 25, 2018 to May 31, 2020; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
32. Authorize the first amendment to the loan agreement for the development of 10 single-family homes for the Scattered Sites Project located in the Jubilee and Dolphin Heights neighborhoods, previously approved by Resolution No. 16-0848 on May 25, 2016, with East Dallas Community Organization to **(1)** extend the loan agreement completion date from May 25, 2018 to November 30, 2019; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

CONSENT AGENDA (continued)**Office of Cultural Affairs**

33. A resolution to ratify emergency work performed by van Enter Studio, Ltd. to remove and relocate ten bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, due to the unstable foundations compromising the stability of the sculptures - Not to exceed \$42,000 - Financing: Convention and Event Services Current Funds

**Office of Procurement Services**

34. Authorize a one-year service contract to administer a teen pregnancy prevention program - North Texas Alliance to Reduce Unintended Pregnancy in Teens, most advantageous proposer of two - Not to exceed \$300,000 - Financing: General Funds (subject to appropriations)
35. Authorize a one-year service contract for the rental of vehicles and equipment - CLS Sewer Equipment Co., Inc. in the amount of \$1,742,750, Herc Rentals, Inc. in the amount of \$476,603, Holt Texas, LTD in the amount of \$465,515, Accent/Johnston Limousine, Inc. dba AJL International in the amount of \$302,813, Kirby-Smith Machinery, Inc. in the amount of \$262,630, Enterprise Rent-A-Car dba EAN Holdings, LLC in the amount of \$75,780, Crafc0, Inc. in the amount of \$32,667, and Bane Machinery, Inc. in the amount of \$21,050, lowest responsible bidders of nine - Total not to exceed \$3,379,808 - Financing: Equipment Services Current Funds (subject to annual appropriations)
36. Authorize a consultant contract for a comprehensive economic development strategic plan for the Office of Economic Development - Angelou Economic Advisors, Inc., most advantageous proposer of three - Not to exceed \$195,000 - Financing: General Funds
37. Authorize a three-year master agreement for binocular night vision devices for the Dallas Police Department - Defense Solutions Group, Inc. dba DSG Arms, lowest responsible bidder of two - Not to exceed \$443,560 - Financing: General Funds (\$221,780) and U.S. Department of Homeland Security Grant Funds (\$221,780)
38. Authorize a three-year master agreement for the purchase of steel drum trash receptacles, lids, and bases for the Park & Recreation Department - Tamra Group, Inc. dba Engage Industrial Solutions, lowest responsible bidder of four - Not to exceed \$405,889 - Financing: General Funds
39. Authorize a three-year master agreement for printed goods - AC Printing in the amount of \$1,973,870, Janus Signs dba FastSigns Skillman in the amount of \$454,347, and Visual Communications in the amount of \$322,551, most advantageous proposers of four - Total not to exceed \$2,750,768 - Financing: General Funds (\$2,261,138), Water Utilities Current Funds (\$171,255), Sanitation Current Funds (\$120,500), Convention and Event Services Current Funds (\$74,975), Stormwater Drainage Management Current Funds (\$69,450), and Aviation Current Funds (\$53,450)

CONSENT AGENDA (continued)

**Park & Recreation Department**

40. Authorize a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation for the implementation of a community outreach outdoor program - Financing: No cost consideration to the City

**Water Utilities Department**

41. Authorize **(1)** an 18-month master agreement for water and wastewater small services installations in the amount of \$7,966,845; **(2)** a contract for the installation of water and wastewater mains at 14 locations in the amount of \$3,687,465 (list attached); and **(3)** an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations in the amount of \$3,097,492 with Omega Contracting, Inc., only bidder - Total not to exceed \$14,751,802 - Financing: Water Utilities Capital Construction Funds (\$11,064,337) and Water Utilities Capital Improvement Funds (\$3,687,465)
42. Authorize an increase in the construction services contract with Quest Civil Constructors, Inc. for additional work associated with the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant - Not to exceed \$741,065, from \$48,242,006 to \$48,983,071 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

43. 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)

**City Attorney's Office**

44. An ordinance **(1)** appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2020; **(2)** appointing an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2020; and **(3)** establishing the annual salary for the full-time and associate (part-time) municipal judges and the administrative municipal judge - Financing: This action has no cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (continued)**Department of Sanitation Services**

45. An ordinance amending Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, by amending Sections 18-2 and 18-12.1; adding Article IV-a; **(1)** clarifying and adding definitions; **(2)** providing regulations for owners of multifamily sites regarding collection and removal of recyclable materials from multifamily sites; **(3)** adding a new article regarding multifamily site recycling collection and removal services; **(4)** providing permit and reporting requirements for multifamily site recycling collection service businesses; **(5)** provide guidelines regarding inspections of vehicles of multifamily site recycling collection service businesses and provisions regarding suspensions and revocations of recycling permits; and **(6)** providing a penalty not to exceed \$500 - Financing: No cost consideration to the City

**Department of Sustainable Development and Construction**

46. An ordinance amending Ordinance No. 30111, previously approved on June 15, 2016, which abandoned a portion of Montwood Lane and a garbage collection and utility easement, located near the intersection of Merrell and Midway Roads to The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc., to extend the deadline to complete alley improvements from two years to thirty-three months and provide for the requirement of a new condition - Revenue: \$5,400, plus the \$20 ordinance publication fee

**Mayor and City Council Office**

47. A resolution amending City Council Rules of Procedure Section 6.1(c)(1) to begin the second Wednesday city council voting agenda meeting at 2:00 p.m., with the public hearings to begin not earlier than 6:00 p.m. - Financing: Future cost consideration to the City (Medrano, Narvaez, Kingston, Felder, Griggs)

**Office of Economic Development**

48. Authorize the following agreements in consideration of the renovation and redevelopment of the shopping mall located at 3662 West Camp Wisdom Road known as Red Bird Mall to authorize: **(1)** a conditional grant agreement with 3662 Investors LP or an affiliate thereof in an amount not to exceed \$10,000,000; **(2)** a 15-year interest only loan in an amount not to exceed \$12,000,000 with 3662 Investors LP or an affiliate thereof; **(3)** a development agreement awarding an amount not to exceed \$15,600,000 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District with 3662 Investors LP or an affiliate thereof; **(4)** an assignment of all increment payable under the development agreement to the City of Dallas; **(5)** an amendment to the existing Chapter 380 grant agreement with WCWRD Inc. to extend all dates in the agreement by 18 months; **(6)** a loan payment guarantee agreement with 3662 Investors LP; and **(7)** an increase in appropriations in an amount not to exceed \$8,012,200 in ECO (I) Fund - Total not to exceed \$37,600,000 - Financing: 2006 Bond Funds (\$244,518), 2012 Bond Funds (\$1,743,282), 2017 Bond Funds (\$8,012,200), Mall Area Redevelopment TIF District Funds (\$15,600,000) and Public/Private Partnership Funds (\$12,000,000)

ITEMS FOR INDIVIDUAL CONSIDERATION (continued)**Office of Economic Development** (continued)**Project Apollo**

**\*Note:** Item Nos. 49, 50 and 51 must be considered collectively.

- 49. \* Authorize a real property tax abatement agreement with Becknell Industrial Operating Partnership, L.P. for the purpose of granting a ten-year abatement of 50 percent of the taxes on added value to the real property for the proposed development of a build-to-suit manufacturing facility situated on approximately 31 acres of property located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$734,259 over ten years
- 50. \* Authorize a business personal property tax abatement agreement with Vistaprint Manufacturing Texas LLC for the purpose of granting a five-year abatement of 50 percent of the taxes on added value to the business personal property for the proposed development of a build-to-suit manufacturing facility situated on approximately 31 acres of property located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$612,210 over five years
- 51. \* Authorize a Chapter 380 economic development grant agreement with Vistaprint Manufacturing Texas LLC for cost assistance with workforce development programs for residents of the city of Dallas associated with the proposed development of a build-to-suit manufacturing facility located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private partnership Program - Not to exceed \$300,000 - Financing: Public/Private Partnership Funds

## ITEMS FOR FURTHER CONSIDERATION

**Department of Sustainable Development and Construction**

- 52. Authorize an historic preservation tax exemption for Knights of Pythias/Union Bankers Bank located at 2557 Elm Street for a ten-year period on 100 percent of the land and structure value - Revenue Foregone: First year of tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition (Estimated revenue foregone over ten years is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414) (This item was deferred on May 23, 2018)



PUBLIC HEARINGS AND RELATED ACTIONS**Department of Sustainable Development and Construction**ZONING CASES - CONSENT

53. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1957 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 in an area bound by Pacific Avenue, St. Paul Street, Elm Street and South Ervay Street  
Recommendation of Staff and CPC: Approval for a ten-year period, subject to conditions  
Z178-123(PD)
54. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District uses and a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District with Neighborhood Stabilization Overlay No. 13, on the west side of Topeka Avenue, south of Pueblo Street  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions  
Z178-154(PD)
55. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the northeast corner of West Camp Wisdom Road and Marvin D Love Frontage Road, east of Marvin D Love Freeway (US 67)  
Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Z178-181(CY)
56. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1702 for a tower/antenna for cellular communication on property zoned a CR Community Retail District, east of Preston Road and south of Campbell Road  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions  
Z178-195(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction (continued)**ZONING CASES - CONSENT (continued)

57. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use and an ordinance terminating a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike  
Recommendation of Staff and CPC: Approval of an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and approval of the termination of a portion of Specific Use Permit No. 98  
Z178-205(CY)
58. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club or area use on property zoned D(A) Duplex District, on the south line of West 10<sup>th</sup> Street, east of South Tyler Street  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions  
Z178-212(PD)

ZONING CASES - INDIVIDUAL

59. A public hearing to receive comments regarding an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street  
Recommendation of Staff: Denial  
Recommendation of CPC: Denial without prejudice  
Z178-115(WE/SM)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

60. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z156-323(JM)  
Note: This item was deferred by the City Council before opening the public hearings on April 12, 2017, May 24, 2017, June 28, 2017, August 23, 2017, October 11, 2017, December 13, 2017, February 14, 2018 and April 25, 2018, and is scheduled for consideration on June 13, 2018.

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (continued)

61. A public hearing to receive comments regarding an application for and an ordinance granting an IR Industrial Research District and an ordinance granting a Specific Use Permit for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an A(A) Agricultural District, on the south line of Simpson Stuart Road, west of South Central Service Expressway  
Recommendation of Staff: Approval of an IR Industrial Research District; and approval of a Specific Use Permit for a three-year period, subject to a site plan, a landscape plan, and staff's recommended conditions  
Recommendation of CPC: Approval of an IR Industrial Research District; and approval of a Specific Use Permit for a four-year period, subject to a site plan, a landscape plan, and conditions  
Z167-303(JM)  
Note: This item was deferred by the City Council before opening the public hearings on October 11, 2017, December 13, 2017, February 14, 2018 and April 25, 2018, and is scheduled for consideration on June 13, 2018.
62. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane  
Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions  
Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions  
Z167-362(WE/SH)  
Note: This item was deferred by the City Council before opening the public hearings on March 28, 2018 and May 9, 2018, and is scheduled for consideration on June 13, 2018.
63. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions  
Z167-390(SM)  
Note: This item was deferred by the City Council before opening the public hearings on January 10, 2018, March 28, 2018 and April 25, 2018, and is scheduled for consideration on June 13, 2018.

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction (continued)**ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (continued)

64. A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west side of Beaumont Street, north of Gould Street  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval  
Z178-131(JM)  
Note: This item was deferred by the City Council before opening the public hearing on April 25, 2018, and is scheduled for consideration on June 13, 2018.
65. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road  
Recommendation of Staff and CPC: Approval, subject to the deed restrictions volunteered by the applicant  
Z178-135(SM)  
Note: This item was deferred by the City Council before opening the public hearing on April 11, 2018, and is scheduled for consideration on June 13, 2018.

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

66. A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas Development Code, Article XIII, "Form Districts," to amend regulations pertaining to access to transit, self-service storage uses, administrative waivers, story height, stoops and front porches, structured parking, single family districts, street frontage, landscaping, and off-street loading and an ordinance granting the amendments  
Recommendation of Staff and CPC: Approval  
DCA 178-002
67. A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code: **(1)** Article IX to create regulations to allow ceremonial street naming; and **(2)** Article I to establish fees for ceremonial street naming and amend fees for street name change and an ordinance granting the amendments  
Recommendation of Staff and CPC: Approval  
DCA 178-004

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction** (continued)DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL (continued)

68. A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code and consideration given to: **(1)** an ordinance granting amendments to clarify language regarding handicapped parking regulations; **(2)** an ordinance granting amendments to clarify language regarding board of adjustment same matter back to same panel; **(3)** an ordinance granting amendments to clarify language regarding number of duplicate applications required for remote parking procedures and sign permits; **(4)** an ordinance granting amendments to clarify language regarding instances where “director of parks and recreation” should be amended to “building official”; **(5)** an ordinance granting amendments to clarify language regarding pedestrian skybridges; **(6)** an ordinance granting amendments to clarify language regarding light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards; and **(7)** an ordinance granting amendments to clarify language regarding remote parking for church use  
Recommendation of Staff and CPC: Approval  
DCA 178-006

## BENEFIT ASSESSMENT HEARINGS

**Department of Public Works**

69. A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for Gardenview Drive from Alto Garden Drive to Loma Garden Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

## MISCELLANEOUS HEARINGS

**Department of Sustainable Development and Construction**

70. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Texans Can Academy [DBA Dallas Can Academy] as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Slam Tilt, Inc.] on the south line of Jefferson Boulevard, east of Bishop Avenue - AV178-002 - Financing: This action has no cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

MISCELLANEOUS HEARINGS (continued)

**Office of Budget**

71. A public hearing to receive comments on **(1)** the Proposed FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds; **(2)** the Proposed FY 2017-18 Reprogramming Budget; and **(3)** an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

**Department of Sustainable Development and Construction**

72. An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street - W178-005 - Financing: This action has no cost consideration to the City  
Note: This item was considered by the City Council at a public hearing on May 23, 2018, and was held under advisement until June 13, 2018 with the public hearing open

**Renewal of Water and Wastewater Mains**  
Agenda Item #41

**District 4**

Alex Street from Childers Street to Nolen Street

Alley between Utah Avenue and South Ewing Avenue from Holden Avenue to Frio Drive

Easement between Idaho Avenue and South Ewing Avenue from East Saner Avenue north

Frio Drive from south of East Brownlee Avenue southeast

Nolen Street from Alex Street to McGowan Street

**District 7**

Alley between South Central Expressway and Wendelkin Street from Cooper Street southeast

Cooper Street from Cleveland Street to Holmes Street

Cooper Street from Wendelkin Street to South Harwood Street

Hamburg Street from Cleveland Street to Holmes Street

Holmes Street from Peabody Avenue to Pennsylvania Avenue

Holmes Street from Warren Avenue to Julius Schepps Freeway (Service Road)

Panama Place from Holmes Street to Julius Schepps Freeway (Service Road)

Pennsylvania Avenue from Cleveland Street to Holmes Street

Wendelkin Street from Lenway Street to Metropolitan Avenue

## **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 June 13, 2018

| ITEM | IND |     |          |      |                    |                | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------|-----|-----|----------|------|--------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF | DISTRICT | TYPE | DEPT.              | DOLLARS        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1    |     |     | All      | V    | NA                 | NA             | Approval of Minutes of the May 23, 2018 City Council Meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2    |     |     | N/A      | C    | ATT, PKR           | \$75,000.00    | Authorize settlement of the lawsuit styled Craig Dixon v. City of Dallas, Cause No. CC-17-00771-D - Not to exceed \$75,000 - Financing: Current Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3    |     |     | N/A      | C    | ATT                | REV \$14,320   | Authorize an Interlocal Agreement between the City of Dallas ("City") and Dallas County ("County") to permit the City to provide Security and a Lead Planner to the County's Second Chance Community Improvement Program Court by providing support, resources and tools to non-violent offenders between the ages of 17 and 25 in the Southeast Division of the city of Dallas within the zip codes of 75215 and 75210 - Revenue: \$14,320                                                                                                                                                                                                                                                          |
| 4    |     |     | N/A      | C    | ATT                | GT             | Authorize (1) acceptance of the 2018-19 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2018 through June 30, 2019; (2) the establishment of appropriations in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund; (3) the receipt and deposit of funds in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund; and (4) execution of the grant agreement - Not to exceed \$75,000 - Financing: Texas Veterans Commission Grant Funds |
| 5    |     |     | N/A      | C    | ATT                | \$50,000.00    | Authorize Supplemental Agreement No. 1 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services necessary in connection with the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-cv-03330-C - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds                                                                                                                                                                                                                                                                                                                            |
| 6    |     |     | N/A      | C    | AUD                | NC             | Authorize a budget estimate of the needs and requirements of the City Auditor's Office for Fiscal Year 2018-19 in the amount of \$3,362,063 (subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services chargebacks, and other items that may affect all City departmental budgets) - Financing: No cost consideration to the City                                                                                                                                                                                                                                        |
| 7    |     |     | N/A      | C    | CON                | NC             | Authorize the issuance of tax-exempt bonds by the Greater Texas Cultural Education Facilities Finance Corporation in an aggregate principal amount not to exceed \$25,000,000 for the benefit of Southwest Transplant Alliance, Inc. to build a new headquarters facility - Financing: No cost consideration to the City                                                                                                                                                                                                                                                                                                                                                                             |
| 8    |     |     | All      | C    | CIS                | \$199,796.64   | Authorize a twelve-month service contract for the continuous use of software and support of the Socrata Open Data Portal - Carahsoft Technology Corp, through the General Services Administration cooperative agreement - Not to exceed \$199,797 - Financing: Communication and Information Services Current Funds                                                                                                                                                                                                                                                                                                                                                                                  |
| 9    |     |     | 2        | C    | EBS, CES           | \$449,750.00   | Authorize a professional services contract with Simmons Design Associates, LLC to provide graphic design services for the design and development of a new wayfinding system at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed \$449,750 - Financing: Convention Center Capital Construction Funds                                                                                                                                                                                                                                                                                                                                             |
| 10   |     |     | 2        | C    | EBS, CES           | NC             | Authorize (1) the rejection of the proposal received for the construction of Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street; and (2) the re-advertisement for new proposals - Financing: No cost consideration to the City                                                                                                                                                                                                                                                                                                                                                                                                |
| 11   |     |     | 7        | C    | EBS, OPI, CIS, OCA | \$880,672.00   | Authorize (1) an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during construction 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 \$222,395 in the Public Educational and Governmental Access Fund - Not to exceed \$880,672, from \$5,146,800 to \$6,027,472 - Financing: Public Educational and Governmental Access Funds (\$711,507) and WRR Capital Construction Funds (\$169,165)                                                                     |
| 12   |     |     | All      | C    | EBS                | \$1,578,675.00 | Authorize Supplemental Agreement No. 1 to the service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction extending the contract term for an additional six months - Not to exceed \$1,578,675, from \$6,314,700 to \$7,893,375 - Financing: Various Funds (subject to annual appropriations)                                                                                                                                                                                                                                                                                                                                |
| 13   |     |     | 2        | C    | EBS                | REV \$10,000   | Authorize Supplemental Agreement No. 4 to exercise the second, and final five-year renewal option to extend the Compressed Natural Gas (CNG) Facilities Agreement with TranStar Energy Company, L.P., for five years to maintain and operate two public-access CNG fueling sites on city properties located at 1616 Baylor Street and 8000 Denton Drive, adjacent to Love Field - Estimated Revenue: \$10,000 over the five-year extension                                                                                                                                                                                                                                                           |

# AGENDA DATE June 13, 2018

| ITEM | IND |     | DISTRICT | TYPE | DEPT.         | DOLLARS        | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------|-----|-----|----------|------|---------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF |          |      |               |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 14   |     |     | 11       | C    | PBW, WTR      | \$2,698,710.00 | Authorize a contract for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Spring Grove Avenue from Alpha Road to Coit Road - Jeske Construction Company, lowest responsible bidder of ten - Not to exceed \$2,698,710 - Financing: 2012 Bond Funds (\$2,006,560), Water Utilities Capital Improvement Funds (\$624,510) and Water Utilities Capital Construction Funds (\$67,640)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 15   |     |     | 8        | C    | SAN           | \$5,126,866.33 | Authorize (1) a contract for the construction of a 52 acre waste cell, cell 6B2 and 7 at the McCommas Bluff Landfill; and site improvements that include upgraded drain pumps, control panels, electric service and discharge systems - Hammett Excavation, Inc., lowest responsible bidder of three; and (2) an increase in appropriations in an amount not to exceed \$5,126,867 in the Sanitation Capital Improvement Fund - Not to exceed \$5,126,867 - Financing: Sanitation Capital Improvement Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 16   |     |     | Outside  | C    | DEV, WTR      | \$12,661.00    | Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 46,684 square feet from Casey Owen Averitt and Robin Eliene Averitt located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$12,661, increased from \$32,075 (\$29,075, plus closing costs and title expenses not to exceed \$3,000) to \$44,736 (\$41,736, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 17   |     |     | Outside  | C    | DEV, ATT      | \$64,841.00    | Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Hwy. 205 Farm, Ltd., et al., pending in Kaufman County Court at Law, Cause No. 84262-CC, for acquisition from Hwy. 205 Farm, Ltd., et al., of approximately 33 acres of land for right-of-way located in Kaufman County, Texas for the Lake Tawakoni 144-inch Pipeline Project; and (2) the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$64,841, increased from \$460,159 to \$525,000 (\$515,000 being the settlement amount, plus closing costs and title expenses not to exceed \$10,000) - Financing: Water Utilities Capital Improvement Funds                                                                                                                                   |
| 18   |     |     | Outside  | C    | DEV, ATT, WTR | \$857,786.00   | Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. 635-120 Joint Venture, et al., pending in County Court at Law No. 5, Cause No. CC-13-01705-E, for acquisition from 635-120 Joint Venture, et al., of approximately 495,065 square feet of land for right-of-way located in Dallas County, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and (2) the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$857,786, increased from \$953,214 (\$943,214 being the award, plus closing costs and title expenses not to exceed \$10,000) to \$1,811,000 (\$1,800,000 being the settlement amount, plus closing costs and title expenses not to exceed \$11,000) - Financing: Water Utilities Capital Improvement Funds |
| 19   |     |     | Outside  | C    | DEV, ATT, WTR | \$49,000.00    | Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 262,824 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project, from Freddie Kasper - Not to exceed \$49,000 (\$45,900, plus closing costs and title expenses not to exceed \$3,100) - Financing: Water Utilities Capital Improvement Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 20   |     |     | Outside  | C    | DEV, WTR, ATT | \$29,700.00    | Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 5,379 square feet from Harold J. Baber located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$29,700 (\$27,750, plus closing costs and title expenses not to exceed \$1,950) - Financing: Water Utilities Capital Construction Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 21   |     |     | Outside  | C    | DEV, WTR      | \$55,639.00    | Authorize moving expense and replacement housing payments for Sandra Witt as a result of an official written offer of just compensation to purchase real property at 369 VZ CR 3843 for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$55,639 - Financing: Water Utilities Capital Improvement Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 22   |     |     | 2        | C    | DEV           | REV \$1,297    | An ordinance granting a private license to the Board of Regents of The University of Texas System, for the use of approximately 1,001 square feet of subsurface land to occupy, maintain and utilize a subsurface portion of Inwood Road right-of-way located near the intersection of Forest Park Road and Inwood Road - Revenue: \$1,297 annually, plus the \$20 ordinance publication fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 23   |     |     | 8        | C    | DEV           | REV \$5,400    | An ordinance abandoning Lariat Drive to LGI Homes-Texas, LLC, the abutting owner, containing approximately 4,674 square feet of land, located near the intersection of Greenhaw Lane and Woody Road; and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

# AGENDA DATE June 13, 2018

| ITEM | IND |     |                 |      |          |              | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------|-----|-----|-----------------|------|----------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF | DISTRICT        | TYPE | DEPT.    | DOLLARS      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 24   |     |     | 13              | C    | DEV      | REV \$5,400  | An ordinance abandoning a portion of a sanitary sewer easement to Daniel Brothers, L.L.P., the abutting owner, containing approximately 2,010 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: \$5,400, plus the \$20 ordinance publication fee                                                                                                                                                                                                                                                     |
| 25   |     |     | 13              | C    | DEV      | REV \$10,400 | An ordinance abandoning six sanitary sewer easements, two utility easements, and two utility and fire lane easements to Daniel Brothers, L.L.P., the abutting owner, containing a total of approximately 296,609 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: \$10,400, plus the \$20 ordinance publication fee                                                                                                                                                                                 |
| 26   |     |     | 2               | C    | TRN      | \$36,042.11  | Authorize (1) the receipt and deposit of funds in an amount not to exceed \$36,043 from the University of Texas (UT) Southwestern Medical Center for certain material and labor costs associated with the upgrade of the traffic signal, signage and roadway striping at the UT Southwestern private driveway in the 1900 block of Inwood Road; and (2) an increase in appropriations in an amount not to exceed \$36,043 in the Capital Projects Reimbursement Fund - Not to exceed \$36,043 - Financing: Capital Projects Reimbursement Funds |
| 27   |     |     | 2, 6, 9, 10, 14 | C    | TRN      | \$82,695.28  | Authorize payment to the Texas Department of Transportation for cost overruns related to the intersection and traffic signal improvements at the following five off-system locations: Royal Lane and Abrams Road; Skillman Street and Walnut Hill Lane; Skillman Street and Lovers Lane; Walnut Hill Lane and Abrams Road; and Webb Chapel Road and Larga Drive - Not to exceed \$82,696 - Financing: General Funds                                                                                                                             |
| 28   |     |     | All             | C    | FIR      | NC           | Authorize a revision to Rule XXIV of the Civil Service Code of Rules and Regulations to allow military experience to be used in lieu of college credit for Dallas Fire-Rescue Department applicants - Financing: No cost consideration to the City                                                                                                                                                                                                                                                                                              |
| 29   |     |     | 7               | C    | HOU      | NC           | Authorize the first amendment to the conditional grant agreement for 27 single-family homes on Chariot Drive, previously approved by Resolution No. 15-0861 on May 13, 2015, with Dallas Area Habitat for Humanity, Inc., who assumed the obligations of Greenleaf Ventures, LLC to (1) extend the agreement completion date from October 30, 2017 to December 31, 2019; and (2) amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City                                          |
| 30   |     |     | 6               | C    | HOU      | NC           | Authorize the first amendment to the conditional grant agreement for the development of 58 single-family homes in West Dallas located on Singleton Boulevard, previously approved by Resolution No. 15-0862 on May 13, 2015, with Greenleaf Ventures, LLC to (1) extend the agreement completion date from October 30, 2017 to December 30, 2020; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City                                                                  |
| 31   |     |     | 7               | C    | HOU      | NC           | Authorize the first amendment to the conditional grant agreement for the development of 36 single-family homes on North Prairie Creek Road, previously approved by Resolution No. 16-0842 on May 25, 2016, with Greenleaf Ventures, LLC to (1) extend the agreement completion date from May 25, 2018 to May 31, 2020; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City                                                                                             |
| 32   |     |     | 2, 4, 7         | C    | HOU      | NC           | Authorize the first amendment to the loan agreement for the development of 10 single-family homes for the Scattered Sites Project located in the Jubilee and Dolphin Heights neighborhoods, previously approved by Resolution No. 16-0848 on May 25, 2016, with East Dallas Community Organization to (1) extend the loan agreement completion date from May 25, 2018 to November 30, 2019; and (2) amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City                       |
| 33   |     |     | 2               | C    | OCA, CES | \$42,000.00  | A resolution to ratify emergency work performed by van Enter Studio, Ltd. to remove and relocate ten bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, due to the unstable foundations compromising the stability of the sculptures - Not to exceed \$42,000 - Financing: Convention and Event Services Current Funds                                                                                                                                                                                         |
| 34   |     |     | All             | C    | PBD, OCC | \$300,000.00 | Authorize a one-year service contract to administer a teen pregnancy prevention program - North Texas Alliance to Reduce Unintended Pregnancy in Teens, most advantageous proposer of two - Not to exceed \$300,000 - Financing: General Funds (subject to appropriations)                                                                                                                                                                                                                                                                      |

# AGENDA DATE June 13, 2018

| ITEM | IND |     | DISTRICT | TYPE | DEPT.                             | DOLLARS         | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|-----|-----|----------|------|-----------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF |          |      |                                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 35   |     |     | All      | C    | PBD, EBS                          | \$3,379,807.50  | Authorize a one-year service contract for the rental of vehicles and equipment - CLS Sewer Equipment Co., Inc. in the amount of \$1,742,750, Herc Rentals, Inc. in the amount of \$476,603, Holt Texas, LTD in the amount of \$465,515, Accent/Johnston Limousine, Inc. dba AJL International in the amount of \$302,813, Kirby-Smith Machinery, Inc. in the amount of \$262,630, Enterprise Rent-A-Car dba EAN Holdings, LLC in the amount of \$75,780, Crafcro, Inc. in the amount of \$32,667, and Bane Machinery, Inc. in the amount of \$21,050, lowest responsible bidders of nine - Total not to exceed \$3,379,808 - Financing: Equipment Services Current Funds (subject to annual appropriations)                                                                                                                                    |
| 36   |     |     | All      | C    | PBD, ECO                          | \$195,000.00    | Authorize a consultant contract for a comprehensive economic development strategic plan for the Office of Economic Development - Angelou Economic Advisors, Inc., most advantageous proposer of three - Not to exceed \$195,000 - Financing: General Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 37   |     |     | All      | C    | PBD, POL, OEM                     | \$221,780.00    | Authorize a three-year master agreement for binocular night vision devices for the Dallas Police Department - Defense Solutions Group, Inc. dba DSG Arms, lowest responsible bidder of two - Not to exceed \$443,560 - Financing: General Funds (\$221,780) and U.S. Department of Homeland Security Grant Funds (\$221,780)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 38   |     |     | All      | C    | PBD, PKR                          | \$405,888.75    | Authorize a three-year master agreement for the purchase of steel drum trash receptacles, lids, and bases for the Park & Recreation Department - Tamra Group, Inc. dba Engage Industrial Solutions, lowest responsible bidder of four - Not to exceed \$405,889 - Financing: General Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 39   |     |     | All      | C    | PBD, CES, PKR, WTR, AVI, SAN, TWM | \$2,750,768.00  | Authorize a three-year master agreement for printed goods - AC Printing in the amount of \$1,973,870, Janus Signs dba FastSigns Skillman in the amount of \$454,347, and Visual Communications in the amount of \$322,551, most advantageous proposers of four - Total not to exceed \$2,750,768 - Financing: General Funds (\$2,261,138), Water Utilities Current Funds (\$171,255), Sanitation Current Funds (\$120,500), Convention and Event Services Current Funds (\$74,975), Stormwater Drainage Management Current Funds (\$69,450), and Aviation Current Funds (\$53,450)                                                                                                                                                                                                                                                             |
| 40   |     |     | All      | C    | PKR                               | NC              | Authorize a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation for the implementation of a community outreach outdoor program - Financing: No cost consideration to the City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 41   |     |     | All      | C    | WTR                               | \$14,751,802.00 | Authorize (1) an 18-month master agreement for water and wastewater small services installations in the amount of \$7,966,845; (2) a contract for the installation of water and wastewater mains at 14 locations in the amount of \$3,687,465 (list attached); and (3) an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations in the amount of \$3,097,492 with Omega Contracting, Inc., only bidder - Total not to exceed \$14,751,802 - Financing: Water Utilities Capital Construction Funds (\$11,064,337) and Water Utilities Capital Improvement Funds (\$3,687,465)                                                                                                                                                                        |
| 42   |     |     | Outside  | C    | WTR                               | \$741,064.15    | Authorize an increase in the construction services contract with Quest Civil Constructors, Inc. for additional work associated with the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant - Not to exceed \$741,065, from \$48,242,006 to \$48,983,071 - 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   |     |     | N/A      | I    | ATT                               | NC              | An ordinance (1) appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2020; (2) appointing an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2020; and (3) establishing the annual salary for the full-time and associate (part-time) municipal judges and the administrative municipal judge - Financing: This action has no cost consideration to the City                                                                                                                                                                                                                                                                                      |
| 45   |     |     | All      | I    | SAN                               | NC              | An ordinance amending Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, by amending Sections 18-2 and 18-12.1; adding Article IV-a; (1) clarifying and adding definitions; (2) providing regulations for owners of multifamily sites regarding collection and removal of recyclable materials from multifamily sites; (3) adding a new article regarding multifamily site recycling collection and removal services; (4) providing permit and reporting requirements for multifamily site recycling collection service businesses; (5) provide guidelines regarding inspections of vehicles of multifamily site recycling collection service businesses and provisions regarding suspensions and revocations of recycling permits; and (6) providing a penalty not to exceed \$500 - Financing: No cost consideration to the City |

# AGENDA DATE June 13, 2018

| ITEM | IND |     |          |      |          |                     | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------|-----|-----|----------|------|----------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF | DISTRICT | TYPE | DEPT.    | DOLLARS             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 46   |     |     | 13       | I    | DEV      | REV \$5,400         | An ordinance amending Ordinance No. 30111, previously approved on June 15, 2016, which abandoned a portion of Montwood Lane and a garbage collection and utility easement, located near the intersection of Merrell and Midway Roads to The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc., to extend the deadline to complete alley improvements from two years to thirty-three months and provide for the requirement of a new condition - Revenue: \$5,400, plus the \$20 ordinance publication fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 47   |     |     | All      | I    | MCC      | FC                  | A resolution amending City Council Rules of Procedure Section 6.1(c)(1) to begin the second Wednesday city council voting agenda meeting at 2:00 p.m., with the public hearings to begin not earlier than 6:00 p.m. - Financing: Future cost consideration to the City (Medrano, Narvaez, Kingston, Felder, Griggs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 48   |     |     | 8        | I    | ECO, PBW | \$37,600,000.00     | Authorize the following agreements in consideration of the renovation and redevelopment of the shopping mall located at 3662 West Camp Wisdom Road known as Red Bird Mall to authorize: (1) a conditional grant agreement with 3662 Investors LP or an affiliate thereof in an amount not to exceed \$10,000,000; (2) a 15-year interest only loan in an amount not to exceed \$12,000,000 with 3662 Investors LP or an affiliate thereof; (3) a development agreement awarding an amount not to exceed \$15,600,000 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District with 3662 Investors LP or an affiliate thereof; (4) an assignment of all increment payable under the development agreement to the City of Dallas; (5) an amendment to the existing Chapter 380 grant agreement with WCWRD Inc. to extend all dates in the agreement by 18 months; (6) a loan payment guarantee agreement with 3662 Investors LP; and (7) an increase in appropriations in an amount not to exceed \$8,012,200 in ECO (I) Fund - Total not to exceed \$37,600,000 - Financing: 2006 Bond Funds (\$244,518), 2012 Bond Funds (\$1,743,282), 2017 Bond Funds (\$8,012,200), Mall Area Redevelopment TIF District Funds (\$15,600,000) and Public/Private Partnership Funds (\$12,000,000) |
| 49   |     |     | 8        | I    | ECO      | REV \$734,259       | Project Apollo: Authorize a real property tax abatement agreement with Becknell Industrial Operating Partnership, L.P. for the purpose of granting a ten-year abatement of 50 percent of the taxes on added value to the real property for the proposed development of a build-to-suit manufacturing facility situated on approximately 31 acres of property located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$734,259 over ten years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 50   |     |     | 8        | I    | ECO      | REV \$612,210       | Project Apollo: Authorize a business personal property tax abatement agreement with Vistaprint Manufacturing Texas LLC for the purpose of granting a five-year abatement of 50 percent of the taxes on added value to the business personal property for the proposed development of a build-to-suit manufacturing facility situated on approximately 31 acres of property located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$612,210 over five years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 51   |     |     | 8        | I    | ECO      | \$300,000.00        | Project Apollo: Authorize a Chapter 380 economic development grant agreement with Vistaprint Manufacturing Texas LLC for cost assistance with workforce development programs for residents of the city of Dallas associated with the proposed development of a build-to-suit manufacturing facility located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private partnership Program - Not to exceed \$300,000 - Financing: Public/Private Partnership Funds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 52   |     |     | 2        | I    | DEV      | REV<br>\$-1,930,414 | Authorize an historic preservation tax exemption for Knights of Pythias/Union Bankers Bank located at 2557 Elm Street for a ten-year period on 100 percent of the land and structure value - Revenue Foregone: First year of tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition (Estimated revenue foregone over ten years is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414) (This item was deferred on May 23, 2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 53   |     |     | 14       | PH   | DEV      | NC                  | A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1957 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 in an area bound by Pacific Avenue, St. Paul Street, Elm Street and South Ervay Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

# AGENDA DATE June 13, 2018

| ITEM | IND |     | DISTRICT | TYPE | DEPT. | DOLLARS | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------|-----|-----|----------|------|-------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF |          |      |       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 54   |     |     | 6        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District uses and a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District with Neighborhood Stabilization Overlay No. 13, on the west side of Topeka Avenue, south of Pueblo Street                                                                                                           |
| 55   |     |     | 3        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the northeast corner of West Camp Wisdom Road and Marvin D Love Frontage Road, east of Marvin D Love Freeway (US 67) |
| 56   |     |     | 12       | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1702 for a tower/antenna for cellular communication on property zoned a CR Community Retail District, east of Preston Road and south of Campbell Road                                                                                                                                                                                                                  |
| 57   |     |     | 6        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use and an ordinance terminating a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike                                                                    |
| 58   |     |     | 1        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club or area use on property zoned D(A) Duplex District, on the south line of West 10th Street, east of South Tyler Street                                                                                                                                                                                                                             |
| 59   |     |     | 1        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street                                                                                                                                                                                                                                |
| 60   |     |     | 8        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road                                                                                                                                                                                                                             |
| 61   |     |     | 8        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting an IR Industrial Research District and an ordinance granting a Specific Use Permit for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an A(A) Agricultural District, on the south line of Simpson Stuart Road, west of South Central Service Expressway                                                                                         |
| 62   |     |     | 8        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane                                                                                                                  |
| 63   |     |     | 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. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street                            |
| 64   |     |     | 2        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west side of Beaumont Street, north of Gould Street                                                                                                                         |
| 65   |     |     | 8        | PH   | DEV   | NC      | A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road                                                                                                                                                                        |
| 66   |     |     | All      | PH   | DEV   | NC      | A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas Development Code, Article XIII, "Form Districts," to amend regulations pertaining to access to transit, self-service storage uses, administrative waivers, story height, stoops and front porches, structured parking, single family districts, street frontage, landscaping, and off-street loading and an ordinance granting the amendments                                                     |

**AGENDA DATE**      June 13, 2018

| ITEM | IND |     |          |      |          |         | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|-----|-----|----------|------|----------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #    | OK  | DEF | DISTRICT | TYPE | DEPT.    | DOLLARS |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 67   |     |     | All      | PH   | DEV      | NC      | A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code: (1) Article IX to create regulations to allow ceremonial street naming; and (2) Article I to establish fees for ceremonial street naming and amend fees for street name change and an ordinance granting the amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 68   |     |     | All      | PH   | DEV      | NC      | A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code and consideration given to: (1) an ordinance granting amendments to clarify language regarding handicapped parking regulations; (2) an ordinance granting amendments to clarify language regarding board of adjustment same matter back to same panel; (3) an ordinance granting amendments to clarify language regarding number of duplicate applications required for remote parking procedures and sign permits; (4) an ordinance granting amendments to clarify language regarding instances where "director of parks and recreation" should be amended to "building official"; (5) an ordinance granting amendments to clarify language regarding pedestrian skybridges; (6) an ordinance granting amendments to clarify language regarding light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards; and (7) an ordinance granting amendments to clarify language regarding remote parking for church use |
| 69   |     |     | 5        | PH   | PBW, WTR | NC      | A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for Gardenview Drive from Alto Garden Drive to Loma Garden Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 70   |     |     | 1        | PH   | DEV      | NC      | A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Texans Can Academy [DBA Dallas Can Academy] as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Slam Tilt, Inc.] on the south line of Jefferson Boulevard, east of Bishop Avenue - AV178-002 - Financing: This action has no cost consideration to the City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 71   |     |     | N/A      | PH   | OFS      | NC      | A public hearing to receive comments on (1) the Proposed FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds; (2) the Proposed FY 2017-18 Reprogramming Budget; and (3) an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019 - Financing: No cost consideration to the City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 72   |     |     | 14       | PH   | DEV      | NC      | An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street - W178-005 - Financing: This action has no cost consideration to the City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**TOTAL    \$72,935,944.76**









**AGENDA ITEM # 2**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Attorney's Office  
Park & Recreation Department

**CMO:**

Larry Casto, 670-1333  
Willis Winters, 670-4071

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize settlement of the lawsuit styled Craig Dixon v. City of Dallas, Cause No. CC-17-00771-D – Not to exceed \$75,000 - Financing: Current Funds

**BACKGROUND**

Plaintiff Craig Dixon filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile collision on April 7, 2015, involving a Dallas Park & Recreation Department vehicle. The City and Mr. Dixon have reached a proposed settlement subject to City Council approval. Mr. Dixon is represented by the Law Office of Ben C. Martin.

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

City Council will be briefed by memorandum on June 8, 2018.

**FISCAL INFORMATION**

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

Current Funds - \$75,000

June 13, 2018

**WHEREAS,** a lawsuit styled Craig Dixon v. City of Dallas, Cause No. CC-17-00771-D, was filed by the plaintiff, Craig Dixon, seeking compensation from the City of Dallas, for bodily injuries and other damages sustained in an automobile collision on April 7, 2015, involving a Dallas Park & Recreation Department vehicle; and

**WHEREAS,** the plaintiff has agreed to a settlement of the case whereby the City will pay Craig Dixon, the Law Office of Ben C. Martin, and all other persons having an interest in the settlement proceeds, the total amount of \$75,000; and

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

**Now, Therefore,**

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

**SECTION 1.** That the proposed settlement of the lawsuit, styled Craig Dixon v. City of Dallas, Cause No. CC-17-00771-D, in an amount not to exceed \$75,000 is hereby approved.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to pay Craig Dixon, the Law Office of Ben C. Martin, and all other persons having an interest in the settlement proceeds, the amount of \$75,000, from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## AGENDA ITEM # 3

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office

**CMO:** Larry Casto, 670-1333

**MAPSCO:** N/A

---

### **SUBJECT**

Authorize an Interlocal Agreement between the City of Dallas ("City") and Dallas County ("County") to permit the City to provide Security and a Lead Planner to the County's Second Chance Community Improvement Program Court by providing support, resources and tools to non-violent offenders between the ages of 17 and 25 in the Southeast Division of the city of Dallas within the zip codes of 75215 and 75210 - Revenue: \$14,320

### **BACKGROUND**

On July 5, 2016, Dallas County approved the acceptance of a Bureau of Justice Assistance grant in the amount of \$200,000 from the United States Department of Justice (USDOJ) for the Dallas County Public Defender's Office South Dallas Second Chance Community Improvement Program (SCCIP) for the period of July 1, 2016, through June 30, 2018; and execution of the grant agreement by Court Order 2016-0860.

Though its partnership with South Dallas Community Court and Dallas Police Department, SCCIP Court will improve offender's lives through particularized strategies of building support systems and coping skills, and providing services that aid the offender in making better choices; forge and strengthen partnerships between law enforcement and the community; increase public trust in the court system; and improve the quality of life and public safety in the 75215 and 75210 zip codes through community service by offenders, and reducing recidivism among persons ages 17-25.

City shall provide Security for each court hearing held at the South Dallas Community Court and coordination and management of the program by the Lead Planner.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

City Council will be briefed by memorandum on June 8, 2018.

## **FISCAL INFORMATION**

Revenue - \$14,320

June 13, 2018

**WHEREAS,** Dallas County ("County") received a grant in the amount of \$200,000 from the United States Department of Justice (USDOJ). Though its partnership with South Dallas Community Court and Dallas Police Department, Second Chance Community Improvement Program (SCCIP) Court will improve offender's lives through particularized strategies of building support systems and coping skills, and providing services that aid the offender in making better choices; forge and strengthen partnerships between law enforcement and the community; increase public trust in the court system; and improve the quality of life and public safety in the 75215 and 75210 zip codes through community service by offenders, and reducing recidivism among persons ages 17-25; and

**WHEREAS,** City shall provide Security for each court hearing held at the South Dallas Community Court and coordination and management of the program by the Lead Planner; and

**WHEREAS,** on July 5, 2016, the County approved the acceptance of a Bureau of Justice Assistance grant from the USDOJ for Dallas County Public Defender's Office South Dallas SCCIP for the period of July 1, 2016, through June 30, 2018; and execution of the grant agreement by Court Order 2016-0860; and

**WHEREAS,** under this Interlocal Agreement, the County will recompense revenue to the City for providing Security and a Lead Planner to the County's SCCIP Court, in the amount of \$14,320.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign an Interlocal Agreement with Dallas County, approved as to form by the City Attorney, to permit the City to provide Security and a Lead Planner to the County's Second Chance Community Improvement Program Court by providing support, resources and tools to non-violent offenders between the ages of 17 and 25 in the Southeast Division of the city of Dallas within the zip codes of 75215 and 75210.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit all revenues in an amount not to exceed \$14,320 from Dallas County in the General Fund, Fund 0001, Department ATT, Unit 1363, Revenue Code 7456, and Fund 0001, Department EBS, Unit TBD, Revenue Code 7456.

**SECTION 3.** That the Interlocal Agreement between the City of Dallas and Dallas County is designated as Contract No. ATT-2018-00006616.

June 13, 2018

**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.



**STRATEGIC  
PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office

**CMO:** Larry Casto, 670-1333

**MAPSCO:** N/A

---

**SUBJECT**

Authorize **(1)** acceptance of the 2018-19 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2018 through June 30, 2019; **(2)** the establishment of appropriations in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund; **(3)** the receipt and deposit of funds in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund; and **(4)** execution of the grant agreement - Not to exceed \$75,000 - Financing: Texas Veterans Commission Grant Funds

**BACKGROUND**

This item will authorize the acceptance and execution of the Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance. The Commission awarded the City a one-year grant with the project period from July 1, 2018 to June 30, 2019. The Veterans Treatment Court (VTC) seeks to identify veterans with chemical dependency who have at least one unadjudicated City of Dallas criminal citation. Eligible veterans will be offered an opportunity to participate in the VTC Program where their criminal citations will be adjudicated and they will be assessed and assigned a case manager and referred to services such as alcohol/drug treatment and recovery support services. The VTC docket will be held at the South Oak Cliff Community Court, which is located inside the Dallas Area Rapid Transit Police Headquarters at 2111 South Corinth Street.

The Texas Veterans Commission has awarded the City \$75,000 in support of the VTC program.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 22, 2016, City Council authorized acceptance of the 2016-17 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for expansion of the South Oak Cliff Community Court to include South Oak Cliff Veterans Treatment Court Project for the period July 1, 2016 through June 30, 2017; approval to create two new new full-time positions to execute the proposed project; and execution of the grant agreement by Resolution No. 16-1118.

### **FISCAL INFORMATION**

Texas Veterans Commission Grant Funds - \$75,000

June 13, 2018

**WHEREAS**, On June 22, 2016, City Council authorized acceptance of the 2016-17 Veterans Treatment Court Grant from the Texas Veterans Commission for Expansion of the South Oak Cliff Community Court to include South Oak Cliff Veterans Treatment Court project for the period July 1, 2016 through June 30, 2017; approval to create two new full-time positions to execute the proposed project; and execution of the grant agreement by Resolution No. 16-1118.

**WHEREAS**, the City of Dallas seeks to continue the Veterans Treatment Court docket at the South Oak Cliff Community Court that will incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination specifically for veterans; and

**WHEREAS**, the Fund for Veterans Assistance of the Texas Veterans Commission has awarded the City a one-year grant with the project period from July 1, 2018 to June 30, 2019; and

**WHEREAS**, the Texas Veterans Commission's Fund for Veterans Assistance has made grant funds available during the 2017-18 fiscal year and partially during the 2018-19 fiscal year to offer veterans facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

**WHEREAS**, the grant funding would benefit the City in its endeavor to reduce crime and help affected veterans become drug free and self-sufficient; and

**WHEREAS**, the City finds it in the best interest of the City's residents that the grant funds be accepted for the 2017-18 fiscal year and partially during the 2018-19 fiscal year; and

**WHEREAS**, the City agrees that in the event of loss or misuse of the grant funds, the City will return the funds identified as ineligible to the Texas Veterans Commission; and

**WHEREAS**, the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** That the City Manager is hereby authorized to accept the 2018-19 Veterans Treatment Court Grant from the Texas Veterans Commission for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2018 through June 30, 2019, in an amount not to exceed \$75,000; and sign the grant agreement with the Texas Veterans Commission, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund, Fund S326, Department ATT, Unit 3633, various Object Codes per the attached Schedule.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount not to exceed \$75,000 in the 2018-19 Veterans Treatment Court Grant Fund, Fund S326, Department ATT, Unit 3633, and Revenue Code 6516.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$75,000 from the 2018-19 Veterans Treatment Court Grant Fund, Fund S326, Department ATT, Unit 3633, per the attached Schedule.

**SECTION 5.** That the City Manager is hereby authorized to reimburse the Texas Veterans Commission Fund for Veterans' Assistance of any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final Texas Veterans Commission Fund for Veterans' Assistance monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. ATT-2018-00006617.

**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.

**Texas Veterans Commision - Veterans Treatment Court Grant**

| <b>ATT</b>  | <b>BUDGET (July 1, 2018 - June 30, 2019)</b> |                  |
|-------------|----------------------------------------------|------------------|
| <i>Obj.</i> |                                              |                  |
| 1101        | Salaries                                     | \$ 26,500        |
| 1301        | Pension                                      | \$ 3,816         |
| 1304        | Health Insurance                             | \$ 3,108         |
| 1306        | FICA                                         | \$ 384           |
| 2110        | Office Supplies                              | \$ 1,154         |
| 2232        | Food Supplies                                | \$ 425           |
| 2252        | Metered Postage                              | \$ 300           |
| 2280        | Other Supplies                               | \$ 2,550         |
| 3070        | Professional Services                        | \$ 16,775        |
| 3090        | City Forces                                  | \$ 10,580        |
| 3092        | Security Services                            | \$ 8,658         |
| 3361        | Professional Development                     | \$ 750           |
|             | <b>Total</b>                                 | <b>\$ 75,000</b> |



**AGENDA ITEM # 5**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Attorney's Office

**CMO:**

Larry Casto, 670-1333

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for additional legal services necessary in connection with the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-cv-03330-C - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

**BACKGROUND**

Supplemental Agreement No. 1 will authorize Ogletree, Deakins, Nash, Smoak & Stewart, P.C., to continue providing legal services in connection with the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-cv-03330-C.

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

City Council will be briefed in Executive Session on June 6, 2018.

**FISCAL INFORMATION**

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

Current Funds - \$50,000

June 13, 2018

**WHEREAS**, on January 12, 2018, Administrative Action No. 18-5130, authorized a professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., for legal services necessary in connection with the representation of the City of Dallas in the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-cv-03330-C, in an amount not to exceed \$50,000; and

**WHEREAS**, the professional legal services of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 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 sign Supplemental Agreement No. 1 to the professional services contract with Ogletree, Deakins, Nash, Smoak & Stewart, P.C., approved as to form by the City Attorney, for additional legal services necessary in the lawsuit styled Terrance Bass, et al. v. City of Dallas, Civil Action No. 3:17-cv-03330-C, in an amount not to exceed \$50,000, increasing the original contract amount from \$50,000 to \$100,000.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$50,000, in periodic payments to Ogletree, Deakins, Nash, Smoak & Stewart, P.C., from Fund 0192, Department ORM, Unit 3890, Object 3033, Contract No. ATT-2018-00005161, Vendor VC0000010490.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 6****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Auditor

**CMO:**

Craig Kinton, 670-3222

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a budget estimate of the needs and requirements of the City Auditor's Office for Fiscal Year 2018-19 in the amount of \$3,362,063 (subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services chargebacks, and other items that may affect all City departmental budgets) - Financing: No cost consideration to the City

**BACKGROUND**

The Dallas City Charter, Chapter IX establishes the City Auditor's Office as an independent audit function with the primary responsibility of serving at the direction of the City Council.

Proposition 5 (Approved on 11-4-2014) amended the Dallas City Charter Chapter XI, Sec. 2 to require the City Auditor to furnish a budget estimate of the needs and requirements of the City Auditor's Office for the coming year directly to the City Council, to be approved by the City Council, and then consolidated with the City Manager's annual budget estimate. (Amendment of 11-8-2005, Proposition Number 13; Amendment of 11-4-2014, Proposition Number 5)

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

Information about this item was provided to the Government Performance & Financial Management Committee on May 21, 2018. Motion made by Councilmember Kleinman and seconded by Councilmember Griggs that the Government Performance & Financial Management Committee approve the budget estimate, subject to final citywide adjustments, and recommend full City Council approval for inclusion in the City Manager's annual budget estimate for Fiscal Year 2018-19. The motion was passed unanimously.

## **FISCAL INFORMATION**

No cost consideration to the City.

June 13, 2018

**WHEREAS**, on May 21, 2018, the Government Performance & Financial Management Committee unanimously voted to recommend approval by the full City Council the City Auditor's Office budget estimate of \$3,362,063, subject to final citywide adjustments, for inclusion in the City Manager's annual budget estimate for Fiscal Year 2018-19.

**Now, Therefore,**

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

**SECTION 1.** That the City Auditor's Office budget estimate of \$3,362,063, subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services chargebacks, and other items that may affect all City departmental budgets be included in the City Manager's annual budget estimate for Fiscal Year 2018-19.

**SECTION 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 7****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Controller's Office

**CMO:**

Elizabeth Reich, 670-7804

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize the issuance of tax-exempt bonds by the Greater Texas Cultural Education Facilities Finance Corporation in an aggregate principal amount not to exceed \$25,000,000 for the benefit of Southwest Transplant Alliance, Inc. to build a new headquarters facility - Financing: No cost consideration to the City

**BACKGROUND**

Greater Texas Cultural Education Facilities Finance Corporation (the "Issuer") intends to issue tax-exempt bonds (the "Bonds") in an aggregate principal amount not to exceed \$25,000,000 whereby the Issuer would borrow money from bond holders and loan the proceeds to Southwest Transplant Alliance, Inc. (the "Borrower") to build a new headquarters facility in the City of Dallas. The Borrower will move from its current headquarters facility at 5489 Blair Road, Dallas, Texas 75231, less than one mile away, to a new headquarters facility at 8190 Midtown Boulevard, Dallas, Texas 75231. The Borrower is a Texas non-profit corporation that serves over 280 hospitals in the region. Its staff work in hospitals to guide grieving families through the organ donation process and to provide the clinical services needed to recover, prepare, and transport organs to those awaiting a life-saving transplant. As the Project is located within the City of Dallas, Section 147(f) of the Internal Revenue Code of 1986, and the Treasury regulations promulgated thereunder, require that in order for interest paid on the Bonds to be exempt from United States federal income taxation, an "applicable elected representative" of the City of Dallas must approve the issuance of the bonds after a public hearing following reasonable notice.

The City of Dallas is not being asked to make a loan to the Borrower, to guarantee the credit of the Borrower, or to provide funds or credit support for the financing in any manner. The bonds will not be a debt or liability of the City, and the City's name will not appear on the bonds. This request is being made solely to meet the requirements for tax-exempt bonds imposed by the Internal Revenue Code.

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

The Government Performance and Financial Management Committee will be briefed on June 4, 2018.

**FISCAL INFORMATION**

No cost consideration to the City.

June 13, 2018

**WHEREAS**, the Greater Texas Cultural Education Facilities Finance Corporation (the "Issuer") was created pursuant to and in accordance with Chapter 337 of the Texas Local Government Code and Chapter 22 of the Texas Business Organizations Code for the purpose of acquiring, constructing, providing, improving, and financing education, cultural, public health, medical, and other facilities; and

**WHEREAS**, Southwest Transplant Alliance, Inc., a Texas non-profit corporation (the "Borrower"), is undertaking the following project (the "Project"):

(a) the acquisition of approximately 3.265 acres of land located at 8190 Midtown Boulevard, Dallas, Texas 75231; and

(b) the construction, acquisition, equipping, and furnishing on the land described in (a) above of a building and other facilities containing approximately 60,000 square feet (but not expected to exceed 80,000 square feet), to be used for medical transplant services and related purposes; and

**WHEREAS**, the Borrower has requested that the Issuer issue bonds to finance the Project in an aggregate principal amount not to exceed \$25,000,000 (the "Bonds"); and

**WHEREAS**, pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer has caused to be published a notice of public hearing with respect to the issuance of the Bonds for the Project, and held such a hearing after reasonable notice, at 9:30 a.m. on May 29, 2018, at 4381 W. Green Oaks Boulevard, Suite 200, Arlington, Texas 76016 (the "TEFRA Hearing"); and

**WHEREAS**, pursuant to the provisions of section 147(f)(2)(A)(ii) of the Code, the City Council of the City of Dallas, Texas (the "City") after the TEFRA Hearing, following reasonable notice, must approve issuance of the Bonds by the Issuer to enable the Bonds to qualify as tax-exempt obligations under the Code.

**Now, Therefore,**

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

**SECTION 1.** That the City Council, solely for the purposes of section 147(f)(2)(A)(ii) of the Code, hereby approves the proposed issuance of the Bonds by the Issuer for the benefit of the Borrower, in an amount not to exceed \$25,000,000.

June 13, 2018

**SECTION 2.** That the foregoing approval is given in accordance with the provisions of section 147(f)(2)(A)(ii) of the Code and for no other purposes and is not to be construed as an undertaking by the City. The Bonds shall not constitute a liability, indebtedness, or an obligation of the City nor shall any of the assets, revenues, or taxing power of the City be pledged to the payment of the Bonds.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



## AGENDA ITEM # 8

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Department of Communication and Information Services

**CMO:**

Jody Puckett, 670-3390

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a twelve-month service contract for the continuous use of software and support of the Socrata Open Data Portal - Carahsoft Technology Corp, through the General Services Administration cooperative agreement - Not to exceed \$199,797 - Financing: Communication and Information Services Current Funds

**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 continued use and support of the Socrata Open Data Portal, which is utilized by various City departments. This solution is related to data transparency initiatives which allows for publishing City data to the web. The software empowers end users with tools for sharing of information and delivery of a fully branded data portal that allows users to:

- Perform robust searches for City data and information based on categories, tags, popularity and other common browsing methods
- Generate reports, dash boards and published data
- Offer citizens better access to City data, which creates opportunities for greater transparency

This service contract will also include annual software upgrades, 24/7 professional support, access to annual technology conference, access to demonstrations and workshops on new software releases.

## **BACKGROUND** (continued)

The General Services Administration is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Quality of Life and Environment Committee was briefed by memorandum on March 23, 2015.

On March 25, 2015, City Council authorized a twelve-month renewal service agreement for software use and support of the Socrata Open Data Portal with Alamo City Engineering Services, Inc. through the U.S. General Services Administration by Resolution No. 15-0483.

Information about this item was provided to the Budget, Finance, and Audit Committee on March 21, 2016.

On March 23, 2016, City Council authorized a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal with Carahsoft Technology Corp, through the U.S. General Services Administration procurement price list by Resolution No. 16-0428.

City Council was briefed by memorandum regarding this matter on June 16, 2017.

On June 28, 2017, City Council authorized a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal with Carahsoft Technology Corp, through the U.S. General Services Administration procurement price list by Resolution No. 17-1047.

The Government Performance & Financial Management Committee will receive this item for consideration on June 4, 2018.

## **FISCAL INFORMATION**

Communication and Information Services Current Funds - \$199,796.64

## **M/WBE INFORMATION**

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$199,796.64                  | CO-OP                  | N/A                      | N/A                   | N/A                    |

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

## **OWNER**

### **Carahsoft Technology Corp**

Craig P. Abod, President  
Robert Moore, Vice President

June 13, 2018

**WHEREAS**, on May 29, 2013, Administrative Action No. 13-5666 authorized a pilot subscription for a Socrata Open Data Portal Pilot Plan; and

**WHEREAS**, on March 25, 2015, City Council authorized a twelve-month renewal service agreement for software use and support of the Socrata Open Data Portal with Alamo City Engineering Services, Inc., through the U.S. General Services Administration by Resolution No. 15-0483; and

**WHEREAS**, on March 23, 2016, City Council authorized a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal with Carahsoft Technology Corp, through the U.S. General Services Administration procurement price list by Resolution No. 16-0428; and

**WHEREAS**, on June 28, 2017, City Council authorized a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal with Carahsoft Technology Corp, through the U.S. General Services Administration procurement price list by Resolution No. 17-1047.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a twelve-month service contract with Carahsoft Technology Corp (VS0000009713) through the General Services Administration cooperative agreement, approved as to form by the City Attorney, for the continuous use of software and support of the Socrata Open Data Portal, in an amount not to exceed \$199,796.64.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not exceed \$199,796.64 to Carahsoft Technology Corp from Fund 0198, Department DSV, Unit 1749, Object 3099, FY 2018, Encumbrance/Contract No. DSV-2018-00005988.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## AGENDA ITEM # 9

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**

Department of Equipment and Building Services  
Department of Convention and Event Services

**CMO:**

Jody Puckett, 670-3390  
Joey Zapata, 670-3009

**MAPSCO:**

45P

---

**SUBJECT**

Authorize a professional services contract with Simmons Design Associates, LLC to provide graphic design services for the design and development of a new wayfinding system at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed \$449,750 - Financing: Convention Center Capital Construction Funds

**BACKGROUND**

This action will authorize a professional services contract with Simmons Design Associates, LLC to provide graphic design services for the design and development of a new wayfinding system at the Kay Bailey Hutchison Convention Center Dallas. The services will consist of analysis and programming, masterplan, design, construction documentation, bidding, and construction administration for the developed improvements to implement the new wayfinding system. A separate future construction contract will be authorized for the performance of the actual wayfinding activities to be performed.

The Convention Center was built in 1957 and has seen major expansions in 1974, 1984, 1994 and 2002 to include exhibition space, parking garage, meeting rooms, ballrooms and pre-function lobbies. The center encompasses two million square feet, was constructed over the course of over 60 years, and has had multiple additions. The design and development of a new wayfinding strategy and experiential graphic design masterplan, consisting of a mix of static and digital/electronic signage, will bring cohesiveness to the Convention Center.

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Begin Design          | June 2018     |
| Complete Design       | December 2018 |
| Begin Construction    | March 2019    |
| Complete Construction | November 2019 |

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

## **FISCAL INFORMATION**

Convention Center Capital Construction Funds - \$449,750.00

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$449,750.00                  | Professional           | 36.30%                   | 37.80%                | \$170,000.00           |

- This contract exceeds the M/WBE Goal of 36.30%

## **PROPOSAL INFORMATION**

In July 2017, the Department of Equipment and Building Services began the first of a two-step (Request for Qualifications (RFQ)/Request for Proposals) process to procure professional graphic design services from firms who submitted qualifications to develop a dynamic wayfinding system. The respondent firms were evaluated and short-listed based on their qualifications listed in their Statement of Qualifications for RFQ CIZ1678.

On September 25, 2017 the Department of Equipment and Building Services notified the following short-listed firms and issued a Request for Proposals for the Wayfinding Project at Kay Bailey Hutchison Convention Center Dallas to the following firms: Corgan Associates, Inc., FD2S Inc., and Simmons Design Associates, LLC.

## **PROPOSAL INFORMATION** (continued)

On October 9, 2017, the Department of Equipment and Building Services received three proposals from short-listed firms and ranked as follows:

| <b><u>Proposers</u></b>        | <b><u>Rank</u></b> |
|--------------------------------|--------------------|
| Simmons Design Associates, LLC | 1                  |
| Corgan Associates, Inc.        | 2                  |
| FD2S Inc.                      | 3                  |

The proposals were evaluated according to the criteria published in the Request for Qualifications and the Request for Proposals. These criteria, with respective weights, were as follows:

|                                                                            |           |
|----------------------------------------------------------------------------|-----------|
| Criteria 1 - Qualification & Experience                                    | 25 points |
| Criteria 2 - Key Personnel                                                 | 30 points |
| Criteria 3 - Understanding and Approach                                    | 15 points |
| Criteria 4 - Schedules and Budgets                                         | 15 points |
| Criteria 5 - Past performance and history<br>of complying with M/WBE goals | 15 points |

## **OWNER**

### **Simmons Design Associates, LLC**

Armando D. Simmons, Managing Partner, Creative Director

## **MAP**

Attached





June 13, 2018

**WHEREAS**, the Kay Bailey Hutchison Convention Center Dallas has developed a continuation of the Capital Improvement Program; and

**WHEREAS**, the need to design a wayfinding strategy and experiential graphic design masterplan which will bring a cohesiveness to the two million square feet that is the Convention Center today was identified and requires professional graphic design services for analysis and programming, masterplan, design, construction documents, bidding and construction administration at the Kay Bailey Hutchison Convention Center Dallas; and

**WHEREAS**, a solicitation for professional graphic design services was developed and publicly advertised by the Department of Equipment and Building Services; and

**WHEREAS**, a proposal request was issued to the short-listed firms; and

**WHEREAS**, the short-listed firms submitted proposals to provide professional graphic design services for the Kay Bailey Hutchison Convention Center Dallas Wayfinding System; and

**WHEREAS**, Simmons Design Associates, LLC was scored and ranked by the selection committee as the most qualified proposer as a result of a qualifications based selection process in accordance with City of Dallas procurement guidelines; and

**WHEREAS**, it is now desirable to authorize a professional services contract with Simmons Design Associates, LLC to provide graphic design services for the design and development of a new wayfinding system at the Kay Bailey Hutchison Convention Center Dallas, in an amount not to exceed \$449,750.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a professional services contract with Simmons Design Associates, LLC, approved as to form by the City Attorney, to provide graphic design services for the design and development of a new wayfinding system at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street, in an amount not to exceed \$449,750.

June 13, 2018

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$449,750 to Simmons Design Associates, LLC, in accordance with the terms and conditions of the contract from Convention Center Capital Construction Fund, Fund 0082, Department CCT, Unit W102, Object 4112, Program EB18085, Encumbrance/Contract No. CX-EBS-2018-00006073, Vendor 333559.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## AGENDA ITEM # 10

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**

Department of Equipment and Building Services  
Department of Convention and Event Services

**CMO:**

Jody Puckett, 670-3390  
Joey Zapata, 670-3009

**MAPSCO:**

45P

---

**SUBJECT**

Authorize **(1)** the rejection of the proposal received for the construction of Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street; and **(2)** the re-advertisement for new proposals - Financing: No cost consideration to the City

**BACKGROUND**

This action will authorize the rejection of the proposal received for the construction of the Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas. On November 7, 2017, only one Competitive Sealed Proposal for the construction of this project was received. The Department of Equipment and Building Services recommends that it is in the best interest of the City of Dallas to reject the current proposal for lack of competitiveness and re-advertise for proposals at a later date.

**FISCAL INFORMATION**

No cost consideration to the City.

June 13, 2018

**WHEREAS**, on October 26, 2017 and November 1, 2017 the Department of Equipment and Building Services advertised in the Dallas Morning News for Competitive Sealed Proposals for Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas; and

**WHEREAS**, on November 7, 2017, one Competitive Sealed Proposal was received for the construction of Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas; and

**WHEREAS**, the single proposal does not provide for competitive pricing; and

**WHEREAS**, it has been determined that it is in the best interest of the City of Dallas to reject the proposal received for the construction of Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas for lack of competitiveness and re-advertise for proposals at a later date.

**Now, Therefore,**

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

**SECTION 1.** That the proposal received for the construction of Exhibit Hall F Roof Truss Repair at the Kay Bailey Hutchison Convention Center Dallas is hereby rejected and authorization to solicit new proposals is granted.

**SECTION 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**AGENDA ITEM # 11**

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

7

**DEPARTMENT:**

Department of Equipment and Building Services  
Public Affairs and Outreach  
Department of Communication and Information Services  
Office of Cultural Affairs

**CMO:**

Jody Puckett, 670-3390  
Kimberly Bizor Tolbert, 670-3302  
Joey Zapata, 670-3009

**MAPSCO:**

46Q

---

**SUBJECT**

Authorize **(1)** an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during construction 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 to \$222,395 in the Public Educational and Governmental Access Fund - Not to exceed \$880,672, from \$5,146,800 to \$6,027,472 - Financing: Public Educational and Governmental Access Funds (\$711,507) and WRR Capital Construction Funds (\$169,165)

**BACKGROUND**

On December 14, 2016, City Council authorized a construction services contract with Phoenix 1 Restoration and Construction, Ltd. for the Dallas City News Studio by Resolution No. 16-1985, which included a contingency line in the amount of \$490,000. The funds for this contingency were encumbered to be utilized for deficiencies, unknown, and unforeseen conditions that may be discovered during the interior demolition phase of the 80 year-old building. Encumbering this contingency assured that funding would be available and designated for necessary construction, and would not be reallocated to equipment or furniture; the contract amount was not affected.

## **BACKGROUND** (continued)

On November 8, 2017, City Council authorized Change Order No. 1 for 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 in Fair Park, which was funded by that contingency line in the amount of \$400,755.96, leaving a balance of \$89,244.04, by Resolution No. 17-1729. The total amount of Change Order No. 2 is \$969,915.40. The remaining contingency balance of \$89,244.04, is being utilized to partially fund this change order, resulting in the construction services contract being increased \$880,671.36, to complete the funding for Change Order No. 2.

This action will authorize Change Order No. 2 to increase the scope and amount of the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during construction for the Dallas City News Studio in Fair Park located at 1620 First Avenue.

Since Change Order No. 1, there have been construction modifications and construction has revealed additional deficiencies and concealed conditions which have required corrective actions:

### Construction modifications:

- Modifications to door hardware
- Miscellaneous interior modifications: countertops, storefronts, mechanical system ducts and conduit, electrical, plumbing, interior walls, blocking
- Increased cost of fabric for walls
- Upgrade markerboards to Glassboards
- Modify cyclorama wall in the studio
- Electrical credit for reducing scope

### Deficiencies:

- Install taller exterior double doors at delivery entrance
- Floor leveling compound in studio
- New exterior entry door at alley
- Emergency generator shared by the news studio and WRR
- Security system with cameras and card readers
- New glazing and security film on exterior windows

## **BACKGROUND** (continued)

Unforeseen conditions:

- Concrete curb at deteriorated exterior wall
- Clean, prime and paint original metal windows
- Replace original wooden wall paneling due to termite damage
- Repair original stained glass windows
- Replace missing original wainscot and chair rail
- Structural steel modifications
- Replace missing original plaster grills
- Re-caulk coping stones

## **ESTIMATED SCHEDULE OF PROJECTS**

|                       |              |
|-----------------------|--------------|
| Began Design          | June 2015    |
| Completed Design      | October 2016 |
| Began Construction    | January 2017 |
| Complete Construction | July 2018    |

## **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 by Resolution No. 16-1985.

On November 8, 2017, City Council authorized Change Order No. 1 for 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 in Fair Park by Resolution No. 17-1729.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

## **FISCAL INFORMATION**

Public Educational and Governmental Access Fund - \$711,506.36  
WRR Capital Construction Funds - \$169,165.00

|                                  |                      |
|----------------------------------|----------------------|
| Construction Award               | \$5,146,800.00       |
| Change Order No. 1               | \$ 0.00              |
| Change Order No. 2 (this action) | <u>\$ 880,671.36</u> |
| Total                            | \$6,027,471.36       |

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$880,671.36                  | Construction           | 25.00%                   | 33.53%                | \$298,045.73           |

- Change Order No. 2 has a 33.53% M/WBE participation
- This contract exceeds the M/WBE Goal of 25.00% and has a 30.34% Overall M/WBE participation

## **OWNER**

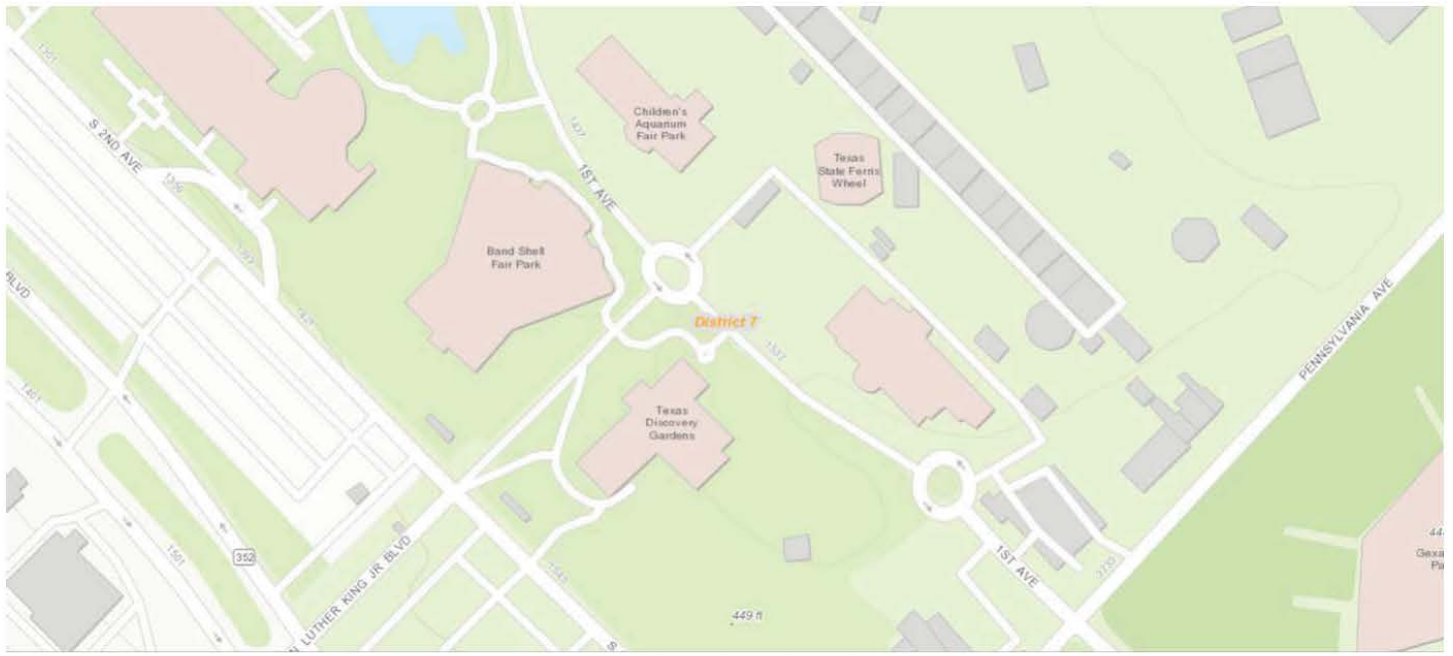
**Phoenix 1 Restoration and Construction, Ltd.**

Dale Sellers, President

## **MAP**

Attached







June 13, 2018

**WHEREAS**, on June 17, 2015, City Council authorized a professional services contract with the 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 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 increase the professional services contract with the Russ Berger Design Group, Inc. for special services to the architect's contract 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 the Russ Berger Design Group, Inc. to provide design of the new outdoor equipment pads, design of the new emergency generator system and support services of exterior electrical and building modifications, in an amount not to exceed \$34,380.00, increasing the contract amount from \$340,000.00 to \$374,380.00; and

**WHEREAS**, on November 8, 2017, City Council authorized Change Order No. 1 for 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, with no cost consideration to the City; and

**WHEREAS**, it is now necessary to authorize 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 construction for the Dallas City News Studio in Fair Park located at 1620 First Avenue, in an amount not to exceed \$880,671.36, increasing the contract amount from \$5,146,800.00 to \$6,027,471.36.

June 13, 2018

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Phoenix 1 Restoration and Construction, Ltd. (Change Order No. 2) is authorized for construction modifications and corrective actions for concealed conditions discovered during construction for the Dallas News Studio in Fair Park located at 1620 First Avenue, in an amount not to exceed \$880,671.36, increasing the contract amount from \$5,146,800.00 to \$6,027,471.36.

**SECTION 2.** That the construction services contract with Phoenix 1 Restoration and Construction, Ltd., construction contingency balance amount of \$89,244.04 is utilized to fund a portion of Change Order No. 2, in the amount of \$969,915.40, reducing the new funding required for Change Order No. 2 from \$969,915.40 to \$880,671.36.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$222,395.00 in the Public Education and Governmental Access Fund, Fund 0560, Department DSV, Unit 4817, Object 4310.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$880,671.36 to Phoenix 1 Restoration and Construction, Ltd., as follows:

|                                                     |                     |
|-----------------------------------------------------|---------------------|
| Public Education and Governmental Access Fund       |                     |
| Fund 0560, Department DSV, Unit 4817, Activity OF01 |                     |
| Object 4310, Program PBWCNNS, Major Program DSVMJR  |                     |
| Encumbrance CTEBSCNNSSG002, Vendor VC0000003594     | \$711,506.36        |
| <br>WRR Capital Construction Fund                   |                     |
| Fund 0152, Department OCA, Unit 6125, Activity WRR1 |                     |
| Object 4720, Program WRR61257, Major Program WRR7   |                     |
| Encumbrance CTEBSCNNSSG002, Vendor VC0000003594     | <u>\$169,165.00</u> |
| <br>Total amount not to exceed                      | <br>\$880,671.36    |

**SECTION 5.** That this contract is designated as Contract No. EBS-2016-00001487.

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## AGENDA ITEM # 12

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

June 13, 2018

### COUNCIL DISTRICT(S):

All

### DEPARTMENT:

Department of Equipment and Building Services

### CMO:

Jody Puckett, 670-3390

### MAPSCO:

N/A

---

### SUBJECT

Authorize Supplemental Agreement No. 1 to the service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction extending the contract term for an additional six months - Not to exceed \$1,578,675, from \$6,314,700 to \$7,893,375 - Financing: Various Funds (subject to annual appropriations)

### BACKGROUND

The purpose of a job order service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

The current contract has been in effect for twenty-three months and has expended \$3,368,964.00, as of May 11, 2018. Remaining major maintenance projects, along with other major repairs and replacements of infrastructure, roofs, and interior improvements to multiple City facilities will require additional funding to be available.

Job Order Contracting (JOC) is provided for in Texas Local Government Code § 271 as a means to address building maintenance and construction associated with the care, operation and upkeep of City-owned facilities when the work is of a recurring nature, but delivery times, type and quantities of work are indefinite. This contract was competitively selected from The Cooperative Purchasing Network (TCPN).

## **BACKGROUND** (continued)

Through TCPN, thirty-six firms submitted responses to a TCPN solicitation for building maintenance and construction services. TCPN evaluation criteria included: the ability to provide and perform the required services for contract, marketing plan, price (coefficient), Historically Underutilized Business (HUB)/Minority/Women Business Enterprise (MWBE) designation, and value-added products/services. TCPN found twenty-three firms to be the most advantageous to TCPN members. These twenty-three were awarded contracts in part or in full by TCPN based on competitive pricing and a strong history providing specified products and services.

The Department of Equipment and Building Services used the list of twenty-three TCPN awarded vendors to select five firms for interviews based on their capability of performing the requested facility-related services for a twenty-four month period. Each of the five firms made presentations to a panel of City staff including information about their firm, ability to provide services, experience, qualifications, coefficient, and HUB/MWBE designation or subcontracting relationships. The selected vendor was deemed as the most advantageous for the City based on their presentation.

This action will authorize a six-month extension to the Job Order Services contract with Restoration Specialists, dba RS Construction Commercial.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 22, 2016, City Council authorized a twenty-four month service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction by Resolution No. 16-1063.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

## **FISCAL INFORMATION**

Various Funds - \$1,578,675.00 (subject to annual appropriations)

Upon approval of a job order, the funds for services will be encumbered from project funds, operating funds of a project, or funds from the department receiving services.

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$1,578,675.00                | Construction           | 25.00%                   | 0.00%                 | \$0.00                 |

- M/WBE participation will be added on each job ordering contract
- The Overall M/WBE participation percentage is 26.46%

## **OWNER**

### **Restoration Specialists, dba RS Commercial Construction**

Mark DeMattia, President  
David DeMattia, Vice President

June 13, 2018

**WHEREAS**, the State of Texas Local Government Code, Section §271.113 provides for Job Order Contracting by local municipalities; and

**WHEREAS**, Job Order Contracting is desirable and necessary to perform construction, repair, rehabilitation, and alterations at City facilities; and

**WHEREAS**, it is desirable for the Department of Equipment and Building Services to continue to provide job order contracting services to its client departments; and

**WHEREAS**, on June 22, 2016, City Council authorized a twenty-four-month service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction, in an amount not to exceed \$6,314,700, by Resolution No. 16-1063; and

**WHEREAS**, it is now desirable to authorize Supplemental Agreement No. 1 to the service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction extending the contract term for an additional six months, in an amount not to exceed \$1,578,675, increasing the contract amount from \$6,314,700 to \$7,893,375.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to the service contract for job order contracting services at City facilities with Restoration Specialists, dba RS Commercial Construction, approved as to form by the City Attorney, extending the contract term for an additional six months, in an amount not to exceed \$1,578,675, increasing the contract amount from \$6,314,700 to \$7,893,375.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,578,675 (subject to annual appropriations) to Restoration Specialist dba RS Construction (VS0000044823) in accordance with the terms and conditions of the contract from the applicable project fund for the individual construction for which the services are being performed.

**SECTION 3.** That the department director or his designee is authorized to request services as needed with the authorized firm in accordance with the accepted pricing.

**SECTION 4.** That each contract shall provide for termination by the City Manager, without liability, in the event of non-appropriation of funding available for these contracts by the City Council.



June 13, 2018

**SECTION 5.** That this contract is designated as Contract No. EBS-2016-00001039.

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 13**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**

Department of Equipment and Building Services

**CMO:**

Jody Puckett, 670-3390

**MAPSCO:**

34J; 46J

---

**SUBJECT**

Authorize Supplemental Agreement No. 4 to exercise the second, and final five-year renewal option to extend the Compressed Natural Gas (CNG) Facilities Agreement with TranStar Energy Company, L.P., for five years to maintain and operate two public-access CNG fueling sites on city properties located at 1616 Baylor Street and 8000 Denton Drive, adjacent to Love Field - Estimated Revenue: \$10,000 over the five-year extension

**BACKGROUND**

TranStar Energy Company, L.P. (TranStar), a Clean Energy Company, operates natural gas vehicle fueling facilities and other businesses related to the use of natural gas as a transportation fuel. TranStar operates over twenty public-access natural gas fueling locations in the Dallas-Fort Worth area.

The City entered into a ten-year agreement with TranStar on August 14, 2002, to provide, operate, and maintain two CNG Facilities on city property. TranStar Energy provides, owns, operates and maintains all the equipment at the facilities, and purchases all the natural gas dispensed at those facilities. All locations operated by TranStar are open to the general public, including two locations included in this agreement on city property.

The City currently operates two public access CNG fueling sites on its property. One is located at 1616 Baylor Street and the other is located at 8000 Denton Drive. Through our affiliation with Clean Energy, the City is able to fuel up at six CNG stations in the Dallas area, which are located at the following addresses:

## **BACKGROUND** (continued)

- Dallas Love Field (8000 Denton Dr.)
- Downtown Dallas (100 N. Riverfront Blvd.)
- Dallas-Fuel City (801 South River Front)
- Dallas Service Center/City of Dallas (1616 Baylor St.)
- Dillon Transportation Station (4600 Irving Blvd.)
- Cockrell Hill (2005 Cockrell Hill Rd.)

The City receives a royalty of \$0.03/Gasoline Gallon Equivalent for CNG sold to third parties resulting from the sales at the two locations; however, the City can fuel at any TranStar Energy location and pay the same rate paid at the City location. Fuel is paid through a separate master agreement.

The original agreement expired on August 13, 2012, and contained an option for two five-year extensions. This item authorizes the City to exercise the second and final five-year extension term.

On August 8, 2012, City Council authorized Supplemental Agreement No. 1 to the contract with TranStar Energy company, L.P., to exercise the first of two five-year extensions by Resolution No. 12-1899. The extension expired on August 13, 2017. TranStar Energy Company, L.P., agreed to a six-month extension, and Supplemental Agreement No. 2 was authorized by Administrative Action No. 17-7042 on September 26, 2017, and expired on February 13, 2018. Supplemental Agreement No. 3 was authorized by Administrative Action No. 18-5452 on February 14, 2018, it extended the contract for an additional six months, and expires on August 12, 2018.

CNG vehicles generate lower levels of emissions than vehicles operated on gasoline or diesel, utilize a domestic fuel source, and play an important role in the air quality attainment efforts in the Dallas Fort Worth area. Authorizing this supplemental agreement extension will allow the City to fuel the CNG vehicles in the most cost-effective manner.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 14, 2002, City Council authorized a ten-year contract with TranStar Energy Company, L.P., with the option for two, five-year additional terms to maintain and operate two public-access compressed natural gas fueling sites on city property on Dawson Street between Baylor and Chestnut Street and in the 8000 block of Denton Drive adjacent to Love Field by Resolution No. 02-2232.

On March 10, 2010, City Council authorized a three-year master agreement for compressed natural gas for fleet vehicles with TranStar Energy Company, L.P. dba Clean Energy by Resolution No. 10-0675.

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

On August 8, 2012, City Council authorized Supplemental Agreement No. 1 to the contract with TranStar Energy Company, L.P., to exercise the first of two five-year renewal options to extend the CNG Facilities Agreement for five years to maintain and operate two public-access CNG fueling sites on City property located at 1551 Baylor Street and 8000 Denton Drive, adjacent to Love Field by Resolution No. 12-1899.

Information about this item will be provided to the Government Performance & Financial Management Committee on June 4, 2018.

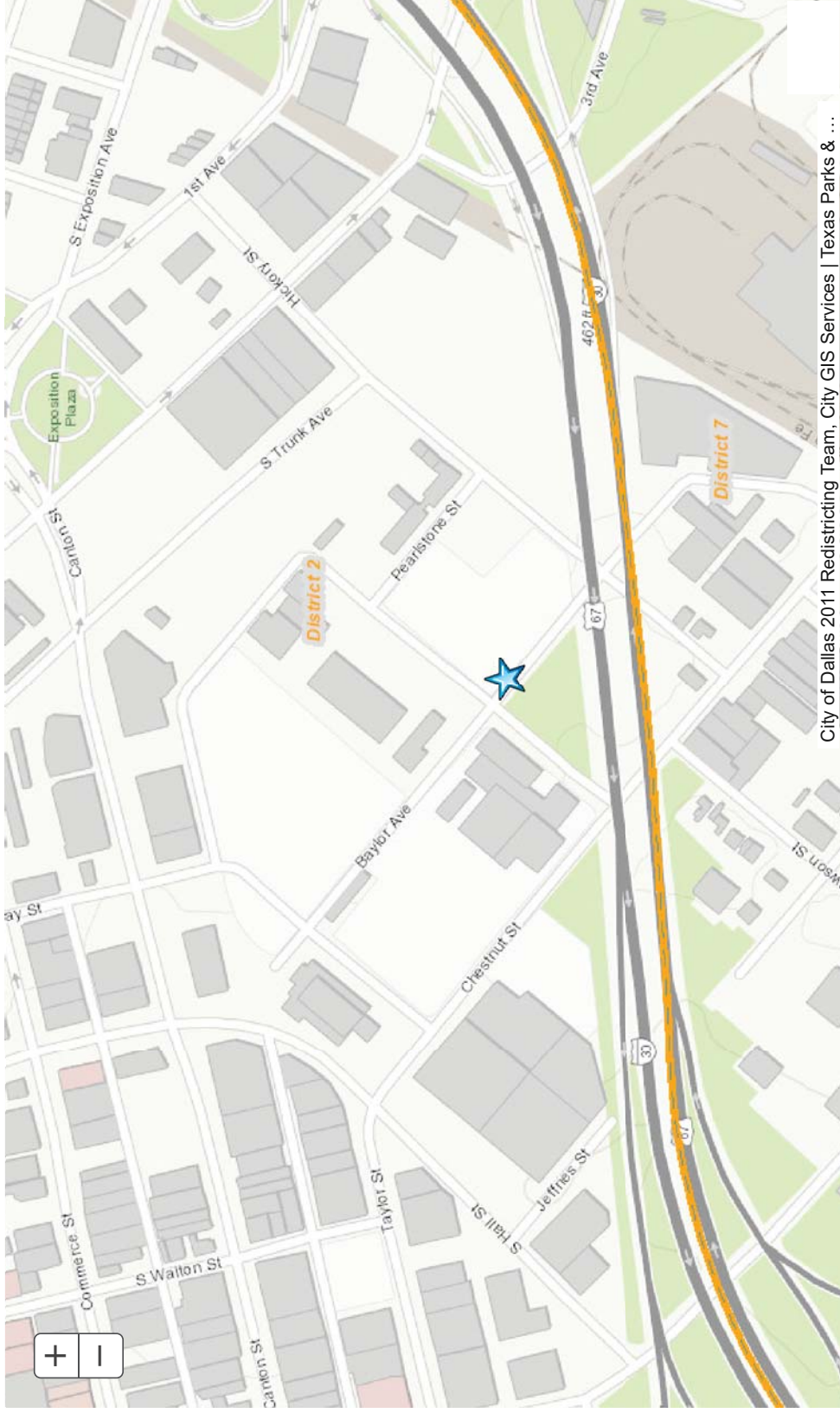
**FISCAL INFORMATION**

Estimated Revenue - \$10,000 over the five-year extension

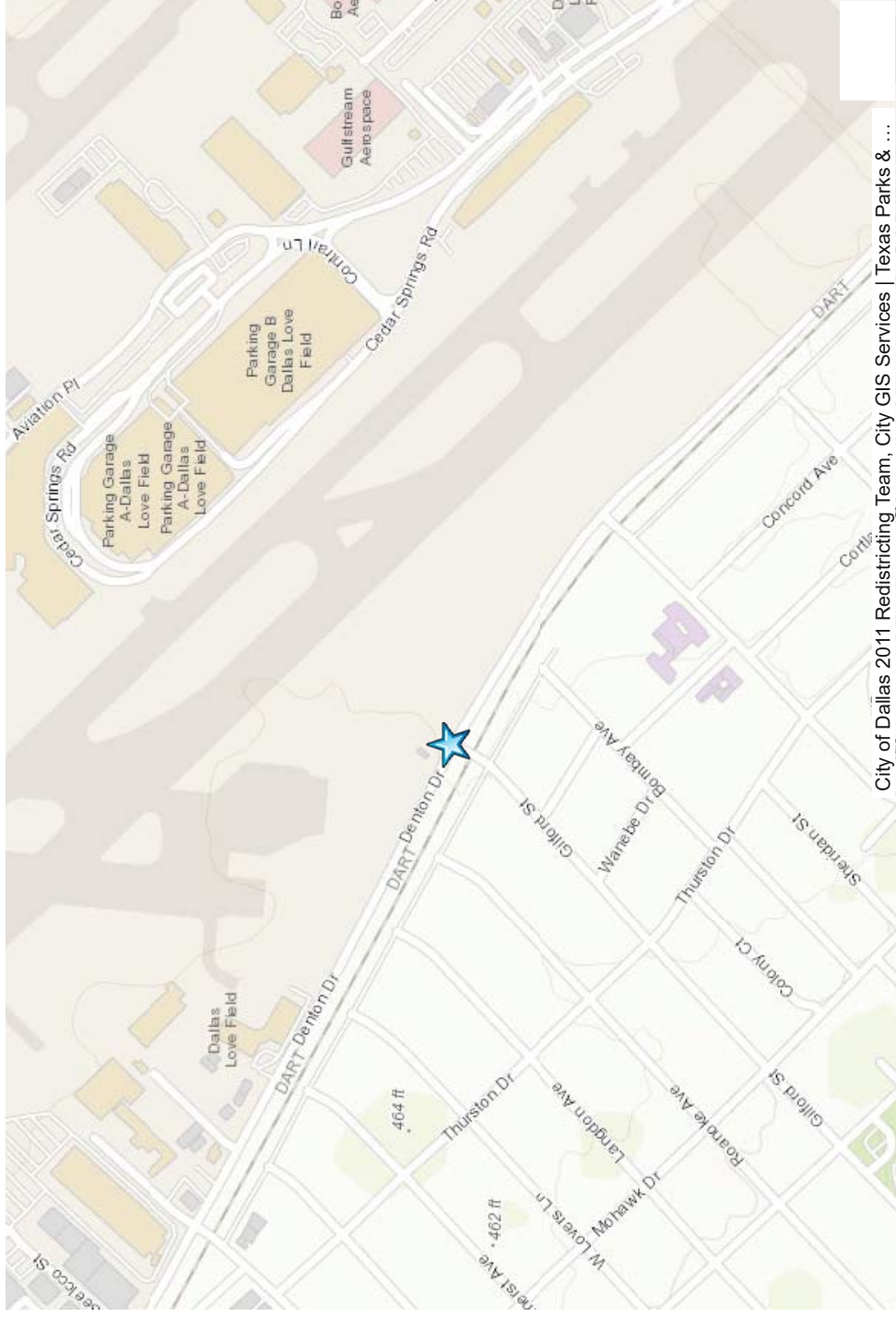
**MAPS**

Attached

## 1616 Baylor Street



## 8000 Denton Drive







June 13, 2018

**WHEREAS**, on August 14, 2002, City Council authorized a ten-year contract with TranStar Energy Company, L.P., with the option for two, five-year additional terms to maintain and operate two public-access compressed natural gas fueling sites on city property on Dawson Street between Baylor Street and Chestnut Street and in the 8000 block of Denton Drive adjacent to Love Field by Resolution No. 02-2232; and

**WHEREAS**, on March 10, 2010, City Council authorized a three-year master agreement for compressed natural gas for fleet vehicles with TranStar Energy Company, L.P. dba Clean Energy by Resolution No. 10-0675; and

**WHEREAS**, on August 8, 2012, City Council authorized Supplemental Agreement No. 1 to the contract with TranStar Energy Company, L.P. to exercise the first of two of the five-year renewal options to extend the CNG Facilities Agreement to maintain and operate two public-access CNG fueling sites on city property located at 1616 Baylor Street and 8000 Denton Drive adjacent to Love Field by Resolution No. 12-1899; and

**WHEREAS**, on September 26, 2017, Administrative Action No. 17-7042 authorized Supplemental Agreement No. 2 to extend the contract for six-months; and

**WHEREAS**, on February 14, 2018, Administrative Action No. 18-5452 authorized Supplemental Agreement No. 3 to extend the contract for an additional six months; and

**WHEREAS**, on August 12, 2018, Administrative Action No. 18-5452 expires, and the contract has the option for a second five-year term; and

**WHEREAS**, the City operates a large fleet of CNG vehicles; and

**WHEREAS**, the City and TranStar Energy Company, L.P., wish to exercise the second of two five-year additional terms to extend the CNG Facilities Agreement to maintain and operate two compressed natural gas fueling sites on city property, in the form of the Supplemental Agreement No. 4.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 4 to exercise the second, and final five-year renewal option to extend the Compressed Natural Gas Facilities Agreement with TranStar Energy Company, L.P., approved as to form by the City Attorney, for five years to maintain and operate two public-access CNG fueling sites on city properties located at 1616 Baylor Street and 8000 Denton Drive, adjacent to Love Field.

June 13, 2018

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$10,000 over the five-year extension from TranStar Energy Company L.P. to Equipment Services Current Fund, Fund 0196, Department EBS, Unit 1764, Revenue Code 7887.

**SECTION 3.** That this contract is designated as Contract No. EBS-2017-00003593.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**AGENDA ITEM # 14**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

11

**DEPARTMENT:**

Department of Public Works  
Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

16J K N

---

**SUBJECT**

Authorize a contract for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Spring Grove Avenue from Alpha Road to Coit Road - Jeske Construction Company, lowest responsible bidder of ten - Not to exceed \$2,698,710 - Financing: 2012 Bond Funds (\$2,006,560), Water Utilities Capital Improvement Funds (\$624,510) and Water Utilities Capital Construction Funds (\$67,640)

**BACKGROUND**

On September 10, 2014, City Council authorized a professional services contract with Criado & Associates, Inc. for engineering design services for the reconstruction of Spring Grove Avenue from Alpha Road to Coit Road to include new concrete sidewalks, ramps at intersections, retaining wall, replacing the existing pavement street with new reinforced concrete pavement, curb and gutter, storm drainage, water and wastewater main improvements, in an amount not to exceed \$294,578.29, by Resolution No. 14-1467.

This action will authorize a contract with Jeske Construction Company, for the reconstruction of Spring Grove Avenue from Alpha Road to Coit Road to include street paving, storm drainage, water and wastewater main improvements, in an amount not to exceed \$2,698,710.00.

The scope of the project on Spring Grove Avenue from Alpha Road to Coit Road entails street reconstruction, storm drainage, sidewalks, driveway approaches, barrier-free ramps, road humps, water and wastewater main improvements.

## **BACKGROUND** (continued)

The following chart illustrates Jeske Construction Company's contractual activities with the City of Dallas for the past three years.

|                                       | <u>PBW</u> | <u>DWU</u> | <u>PKR</u> | <u>TWM</u> |
|---------------------------------------|------------|------------|------------|------------|
| Projects Completed                    | 5          | 0          | 0          | 1          |
| Change Orders                         | 9          | 0          | 0          | 0          |
| Projects Requiring Liquidated Damages | 0          | 0          | 0          | 0          |
| Projects Completed by Bonding Company | 0          | 0          | 0          | 0          |

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Began Design          | October 2014  |
| Completed Design      | February 2018 |
| Begin Construction    | July 2018     |
| Complete Construction | July 2019     |

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 10, 2014, City Council authorized a professional services contract with Criado & Associates, Inc. for the engineering design services for the reconstruction of Spring Grove Avenue from Alpha Road to Coit Road by Resolution No. 14-1467.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 11, 2018.

## **FISCAL INFORMATION**

2012 Bond Funds - \$2,006,560.00

Water Utilities Capital Improvement Funds - \$624,510.00

Water Utilities Capital Construction Funds - \$67,640.00

|                            |                      |
|----------------------------|----------------------|
| Design - PBW               | \$ 240,819.29        |
| Design - DWU               | \$ 53,759.00         |
| Construction (this action) |                      |
| Paving & Drainage - PBW    | \$2,006,560.00       |
| Water & Wastewater - DWU   | <u>\$ 692,150.00</u> |
| Total                      | \$2,993,288.29       |

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$2,698,710.00                | Construction           | 25.00%                   | 28.22%                | \$761,627.00           |

- This contract exceeds the M/WBE goal of 25.00%

## **BID INFORMATION**

The following ten bids with quotes were received and opened on April 6, 2018:

\*Denotes successful bidder

| <b><u>Bidders</u></b>                                                              | <b><u>Bid Amount</u></b> |
|------------------------------------------------------------------------------------|--------------------------|
| *Jeske Construction Company<br>2456 Merrell Road, Suite 106<br>Dallas, Texas 75229 | \$2,698,710.00           |
| RKM Utility Services, Inc.                                                         | \$2,728,091.00           |
| Tiseo Paving Company                                                               | \$2,732,207.00           |
| Ed Bell Construction Company                                                       | \$2,749,501.00           |
| Camino Construction, LP                                                            | \$2,890,044.00           |
| Vescorp Construction, LLC                                                          | \$2,927,983.50           |
| CIDRAX Texas, LLC                                                                  | \$2,986,400.00           |
| SYB Construction Co. Inc.                                                          | \$2,998,805.50           |
| MACVAL Associates, LLC                                                             | \$3,245,901.00           |
| Texas Standard Construction, Ltd.                                                  | \$3,285,043.25           |

Original estimate: PBW - \$2,255,500.00  
DWU - \$ 615,000.00

Total \$2,870,500.00

## **OWNER**

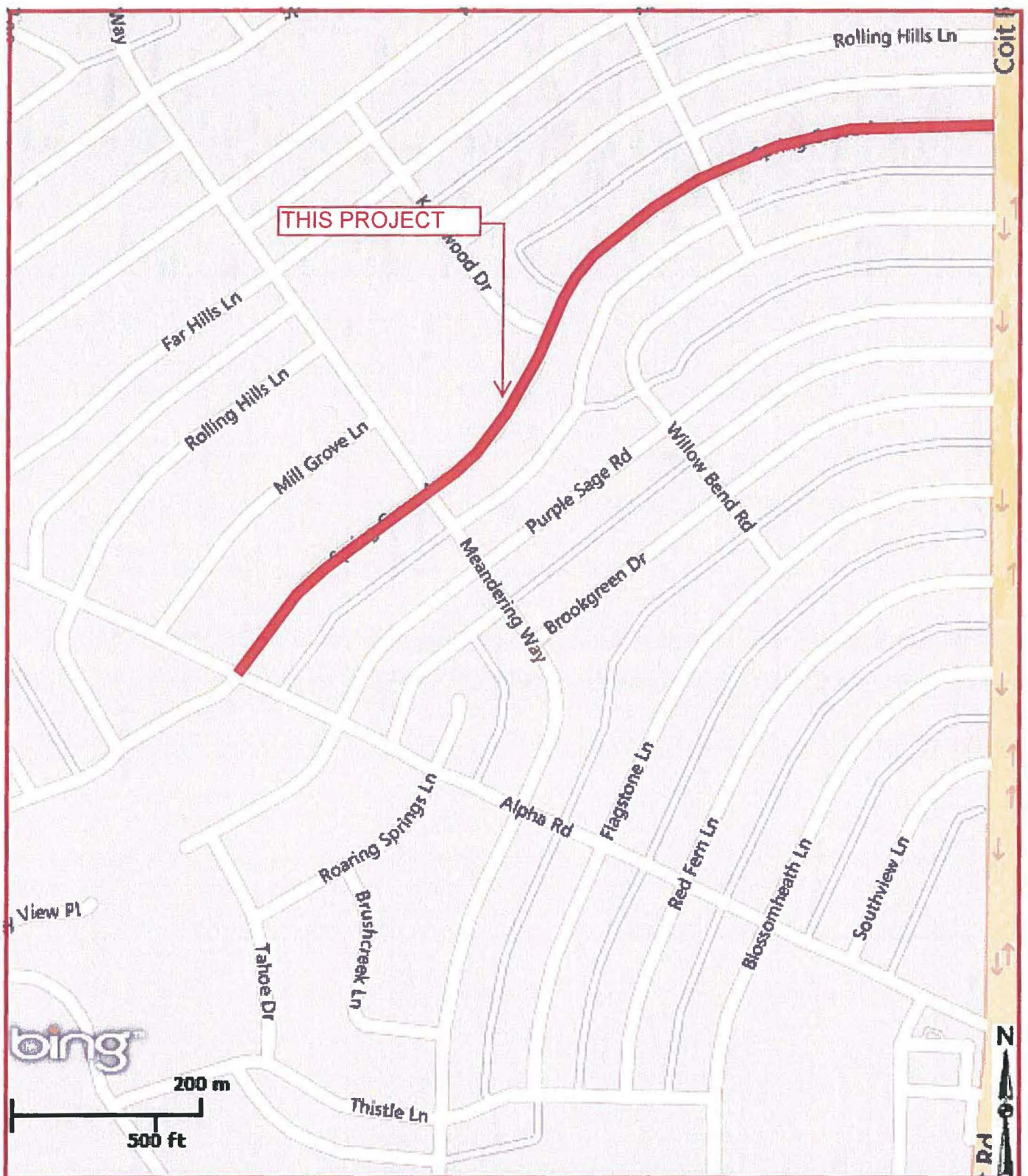
### **Jeske Construction Company**

Steve Jeske, President

## **MAP**

Attached

## SPRING GROVE AVENUE FROM ALPHA ROAD TO COIT ROAD



MAPSCO 16J, K & N

June 13, 2018

**WHEREAS**, on September 10, 2014, City Council authorized a professional services contract with Criado & Associates, Inc. for the engineering design services for the reconstruction of Spring Grove Avenue from Alpha Road to Coit Road, in an amount not to exceed \$294,578.29, by Resolution No. 14-1467; and

**WHEREAS**, on April 6, 2018, ten bids were received for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Spring Grove Avenue from Alpha Road to Coit Road, as follows:

| <b><u>Bidders</u></b>             | <b><u>Bid Amount</u></b> |
|-----------------------------------|--------------------------|
| Jeske Construction Company        | \$2,698,710.00           |
| RKM Utility Services, Inc.        | \$2,728,091.00           |
| Tiseo Paving Company              | \$2,732,207.00           |
| Ed Bell Construction Company      | \$2,749,501.00           |
| Camino Construction, LP           | \$2,890,044.00           |
| Vescorp Construction, LLC         | \$2,927,983.50           |
| CIDRAX Texas, LLC                 | \$2,986,400.00           |
| SYB Construction Co. Inc.         | \$2,998,805.50           |
| MACVAL Associates, LLC            | \$3,245,901.00           |
| Texas Standard Construction, Ltd. | \$3,285,043.25           |

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a contract with Jeske Construction Company, approved as to form by the City Attorney, for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Spring Grove Avenue from Alpha Road to Coit Road, in an amount not to exceed \$2,698,710.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

June 13, 2018

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,698,710.00 to Jeske Construction Company, in accordance with the terms and conditions of the contract, as follows:

|                                                                                                                                                                                                       |                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Street and Transportation Improvements Fund<br>Fund 2U22, Department PBW, Unit S443<br>Activity SREC, Object 4510, Program PB12S443<br>Encumbrance/Contract No. CX-PBW-2018-00006135<br>Vendor 083791 | \$ 80,714.38       |
| Street and Transportation Improvements Fund<br>Fund 4U22, Department PBW, Unit S443<br>Activity SREC, Object 4510, Program PB12S443<br>Encumbrance/Contract No. CX-PBW-2018-00006135<br>Vendor 083791 | \$1,925,845.62     |
| Water Capital Improvement Fund<br>Fund 2115, Department DWU, Unit PW42<br>Object 4550, Program 718157<br>Encumbrance/Contract No. CX-PBW-2018-00006135<br>Vendor 083791                               | \$ 495,420.00      |
| Water Capital Construction Fund<br>Fund 0102, Department DWU, Unit CW42<br>Object 3221, Program 718157X<br>Encumbrance/Contract No. CX-PBW-2018-00006135<br>Vendor 083791                             | \$ 58,310.00       |
| Wastewater Capital Improvement Fund<br>Fund 3116, Department DWU, Unit PS42<br>Object 4560, Program 718158<br>Encumbrance/Contract No. CX-PBW-2018-00006135<br>Vendor 083791                          | \$ 129,090.00      |
| Wastewater Capital Construction Fund<br>Fund 0103, Department DWU, Unit CS42<br>Object 3222, Program 718158X<br>Encumbrance/Contract No. CX-PBW-2018-00006135<br>Vendor 083791                        | <u>\$ 9,330.00</u> |
| Total amount not to exceed                                                                                                                                                                            | \$2,698,710.00     |



June 13, 2018

**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.



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sanitation Services

**CMO:** Jody Puckett, 670-3390

**MAPSCO:** 67P

---

**SUBJECT**

Authorize **(1)** a contract for the construction of a 52 acre waste cell, cell 6B2 and 7 at the McCommas Bluff Landfill; and site improvements that include upgraded drain pumps, control panels, electric service and discharge systems - Hammett Excavation, Inc., lowest responsible bidder of three; and **(2)** an increase in appropriations in an amount not to exceed \$5,126,867 in the Sanitation Capital Improvement Fund - Not to exceed \$5,126,867 - Financing: Sanitation Capital Improvement Funds

**BACKGROUND**

The McCommas Bluff Landfill is a 2,048-acre property, of which 965 acres are permitted for waste disposal. As one cell is being filled, another is being planned and prepared for use. The Department of Sanitation Services utilizes a Capital Improvement Fund, supported by landfill revenues, to fund waste cell development projects. Current waste cells are estimated to reach capacity in June 2019, not including an additional 12+ months of cell capacity permitted for construction and demolition type debris in previously filled areas that now have capacity due to settlement. Construction will be completed in two phases with the first phase of capacity accessible in Spring of 2019 and the remainder completed by September 2019. All new waste cells are constructed in accordance with state and federal regulations. This contract will allow two waste cells with 52 acres of total capacity to be constructed, which will provide needed disposal capacity for the landfill's waste stream until approximately June 2023.

This project will also include landfill improvements to upgrade pumps, electric service, control panels, and discharge systems to an existing toe drain system on the west side of the landfill.

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |                |
|-----------------------|----------------|
| Begin Construction    | July 2018      |
| Complete Construction | September 2019 |

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On October 28, 2015, City Council authorized a contract with Hammett Excavation Inc. for the construction of two 15-acre waste cells for a total of 30 acres, cells 6B1 and 6D2, with composite liner and leachate collection system, at McCommas Bluff Landfill; and site improvements that include pavement of a perimeter road, main entrance road improvements, a new waste cell access road, entrance signage improvements, environmental enhancements including a wheel/undercarriage washing system and mud tracking reduction controls by Resolution No. 15-1972.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on June 11, 2018.

## **FISCAL INFORMATION**

Sanitation Capital Improvement Funds - \$5,126,866.33

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$5,126,866.33                | Construction           | 25.00%                   | 49.86%                | \$2,556,137.90         |

- This contract exceeds the M/WBE Goal of 25.00%

## **BID INFORMATION**

The following bids were received from solicitation number CIZ1717 and were opened on April 27, 2018. This construction contract is being awarded in its entirety to the lowest responsive and responsible bidder.

**BID INFORMATION** (continued)

\*Denotes successful bidder

| <b><u>Bidders</u></b>           | <b><u>Address</u></b>                                | <b><u>Amount</u></b> |
|---------------------------------|------------------------------------------------------|----------------------|
| *Hammett Excavation, Inc.       | 1545 CR 2917<br>Dodd City, TX 75438                  | \$5,126,866.33       |
| FCS Construction LP             | 9550 John W Elliott<br>Frisco, TX 75033              | \$6,227,016.60       |
| R.E. Monks Construction Co. LLC | 1431 Greenway Drive<br>Suite 800<br>Irving, TX 75038 | \$7,329,544.50       |

**OWNER**

**Hammett Excavation, Inc.**

Gaylon Hammett, President

**MAP**

Attached



June 13, 2018

**WHEREAS**, on October 28, 2015, City Council authorized a contract with Hammett Excavation Inc. the construction of two 15-acre waste cells, for a total of 30 acres, cells 6B1 and 6D2, with composite liner and leachate collection system, McCommas Bluff Landfill; and site improvements that include pavement of a perimeter road, main entrance road improvements, a new waste cell access road, entrance signage improvements, environmental enhancements including a wheel/undercarriage washing system and mud tracking reduction controls by Resolution No. 15-1972; and

**WHEREAS**, the continued development of the McCommas Bluff Landfill requires the construction of a 52 acre waste cell, cell 6B2 and 7, and site improvements.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a contract with Hammett Excavation Inc., approved as to form by the City Attorney, for the construction of a 52 acre waste cell, cell 6B2 and 7, at the McCommas Bluff Landfill; and site improvements that include upgraded drain pumps, control panels, electric service and discharge systems, in an amount not to exceed \$5,126,866.33.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$5,126,866.33 in the Sanitation Capital Improvement Fund, Fund 0593, Department SAN, Unit P400, Object 4599.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,126,866.33 to Hammett Excavation, Inc. from the Sanitation Capital Improvement Fund, Fund 0593, Department SAN; Unit P400, Object 4599, Encumbrance/Contract No. CX-SAN-2018-00006544, Vendor VS0000075903, Program SAN Cell 6B2 & 7.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.





**AGENDA ITEM # 16****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

Outside City Limits

**DEPARTMENT:**Department of Sustainable Development and Construction  
Water Utilities Department**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 46,684 square feet from Casey Owen Averitt and Robin Eliene Averitt located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$12,661, increased from \$32,075 (\$29,075, plus closing costs and title expenses not to exceed \$3,000) to \$44,736 (\$41,736, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item authorizes a settlement for the acquisition of a tract of land containing approximately 46,684 square feet located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

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. The consideration is based on an independent appraisal. There are no relocation benefits associated.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 12, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Kellie Erdman, of a tract of land containing approximately 46,684 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project by Resolution No. 15-1421.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

### **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$12,661

|                                 |                 |
|---------------------------------|-----------------|
| Resolution No. 15-1421          | \$32,075        |
| Additional Amount (this action) | <u>\$12,661</u> |

|                         |          |
|-------------------------|----------|
| Total Authorized Amount | \$44,736 |
|-------------------------|----------|

### **OWNERS**

Casey Owen Averitt

Robin Eliene Averitt

### **MAP**

Attached



June 13, 2018

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

**WHEREAS**, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated SETTLEMENT AMOUNT stated herein.

**Now, Therefore,**

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-1421 approved by the Dallas City Council on August 12, 2015, to authorize the purchase and/or eminent domain for a purchase amount of \$29,075, plus closing costs and title expenses not to exceed \$3,000.

“PROJECT”: Lake Tawakoni 144-inch Pipeline Project

“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”: Casey Owen Averitt and Robin Eliene Averitt, 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.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument approved as to form by the City Attorney.

June 13, 2018

**SECTION 1.** (continued)

“PROPERTY”: Approximately 46,684 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, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$29,075

“SETTLEMENT AMOUNT”: \$41,736

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,000

“REVISED AUTHORIZED AMOUNT”: \$44,736

**SECTION 2.** 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 the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance 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 the transaction.

**SECTION 3.** 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 4.** That OWNER has been provided with a copy of the Landowner’s Bill of Rights as contemplated by applicable state statute.

**SECTION 5.** That in the event this 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 SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005402. The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

**SECTION 6.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

June 13, 2018

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:

  
Assistant City Attorney

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 54**

BEING a 1.072 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being part of Lot 13C, of the Lakeview Estates Addition, an addition to Kaufman County (unrecorded plat), also being a part of a tract of land described in Warranty Deed with Vendor's Lien to Kent Erdman, a single person, dated March 14, 2008, as recorded in Document No. 200800006191 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found at the northwest corner of said Lot 13C, being the northernmost corner of Lot 12C of said Lakeview Estates Addition, also being on the south line of a City of Dallas Water Line Right-of-Way (variable width at this point) as recorded in Volume 508, Page 526, D.R.K.C.T.;

THENCE North 70 degrees 11 minutes 16 seconds East, with the south line of said City of Dallas Water Line Right-of-Way and the north line of said Lot 13C, a distance of 319.08 feet to a 5/8-inch iron rod found at the northernmost corner of said Lot 13C and the westernmost corner of Lot 14C of said Lakeview Estates Addition;

THENCE South 43 degrees 42 minutes 47 seconds East, departing the south line of said City of Dallas Right-of-Way and with the east line of said Lot 13C and the west line of said Lot 14C, a distance of 142.19 feet (unable to set);

THENCE South 70 degrees 11 minutes 16 seconds West, departing said lines, a distance of 399.13 feet to a 1/2-inch set iron rod with a red plastic cap stamped "DTE" in the west line of said Lot 13C, being in the east line of said Lot 12C;

THENCE North 10 degrees 01 minute 15 seconds West, with the west line of said Lot 13C and the east line of said Lot 12C, a distance of 131.92 feet to the POINT OF BEGINNING and containing 46,684 square feet or 1.072 acres of land, more or less.

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.  
 TBPLS Firm No. 10123500

By: *Patrick J. Baldasaro* Date: 6-26-13

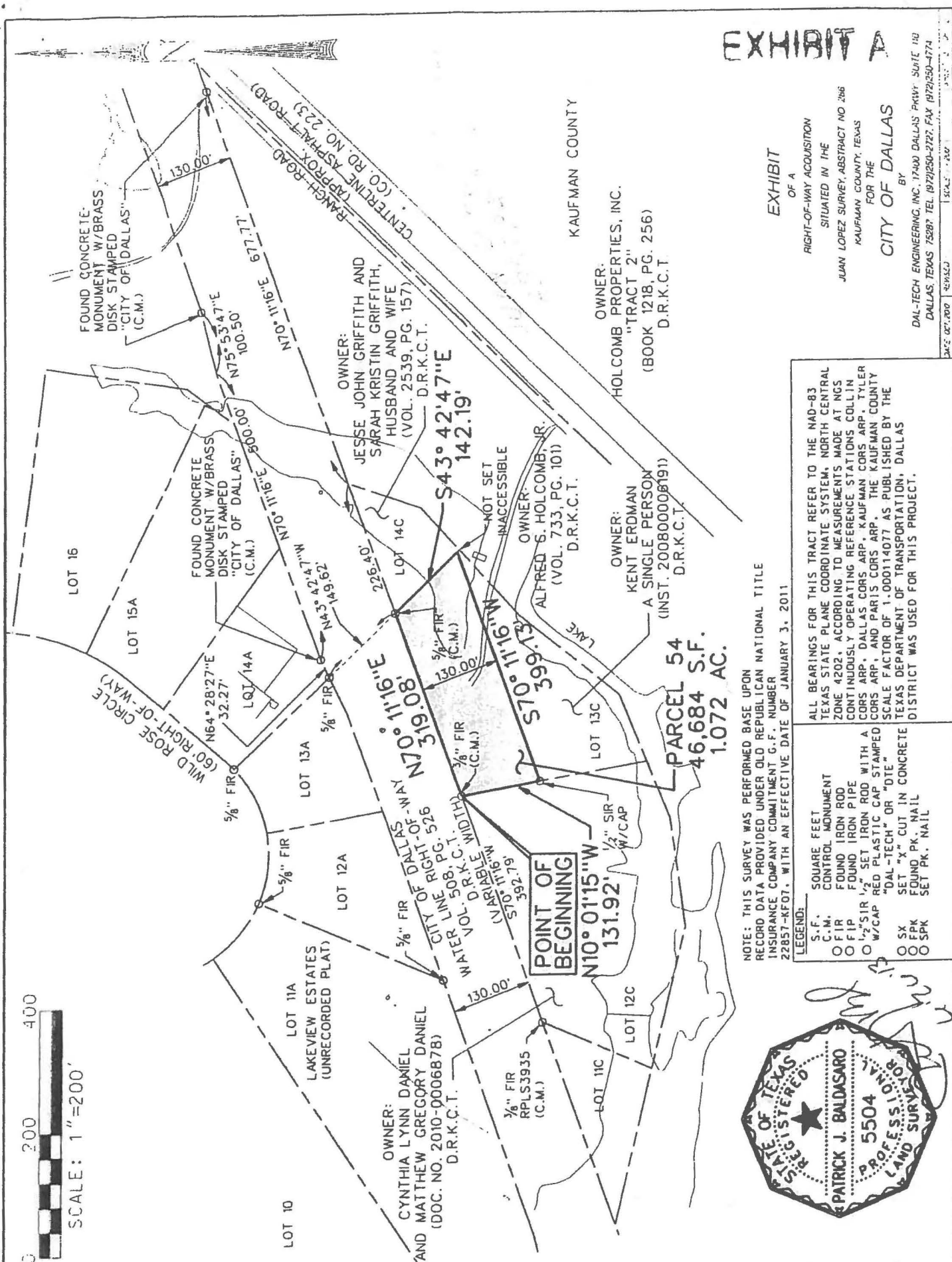
Surveyor's Name: Patrick J. Baldasaro  
 Registered Professional Land Surveyor  
 Texas No. 5504



FIELD NOTES APPROVED:

*for 7/5/13*





A professional land surveyor seal for Patrick J. Baldasaro. The seal is octagonal with a decorative border. Inside the border, the text "STATE OF TEXAS" is on the left, "REGISTERED" is on the right, and "PROFESSIONAL LAND SURVEYOR" is at the bottom. In the center, the name "PATRICK J. BALDASARO" is written above the number "5504". A five-pointed star is positioned to the left of the name.



**AGENDA ITEM # 17**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

Outside City Limits

**DEPARTMENT:**

Department of Sustainable Development and Construction  
City Attorney's Office

**CMO:**

Majed Al-Ghafry, 670-3302  
Larry Casto, 670-3491

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Hwy. 205 Farm, Ltd., et al., pending in Kaufman County Court at Law, Cause No. 84262-CC, for acquisition from Hwy. 205 Farm, Ltd., et al., of approximately 33 acres of land for right-of-way located in Kaufman County, Texas for the Lake Tawakoni 144-inch Pipeline Project; and **(2)** the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$64,841, increased from \$460,159 to \$525,000 (\$515,000 being the settlement amount, plus closing costs and title expenses not to exceed \$10,000) - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item authorizes settlement for the acquisition of approximately 33 acres of land for right-of-way located in Kaufman County, Texas for the Lake Tawakoni 144-inch Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

On April 23, 2008, City Council authorized the purchase and/or condemnation in the amount of \$460,159, based on an independent appraisal and inclusive of title and closing costs by Resolution No. 08-1245. The Owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project.

The Special Commissioners' awarded \$357,263 on January 21, 2015.

## **BACKGROUND** (continued)

The Special Commissioners' award was deposited with the County Clerk of Kaufman County, Texas on March 7, 2015.

The City and Hwy. 205 Farm, Ltd., et al., attended a court ordered mediation on April 24, 2018. The parties reached an amount to settle the lawsuit.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 23, 2008, City Council authorized acquisition including the exercise of the right of eminent domain, if such becomes necessary, from Hwy. 205 Farm Ltd., of approximately 33 acres of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline by Resolution No. 08-1245.

## **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$64,841

|                                 |                  |
|---------------------------------|------------------|
| Resolution No. 08-1245          | \$460,159        |
| Additional Amount (this action) | <u>\$ 64,841</u> |

|                         |           |
|-------------------------|-----------|
| Total Authorized Amount | \$525,000 |
|-------------------------|-----------|

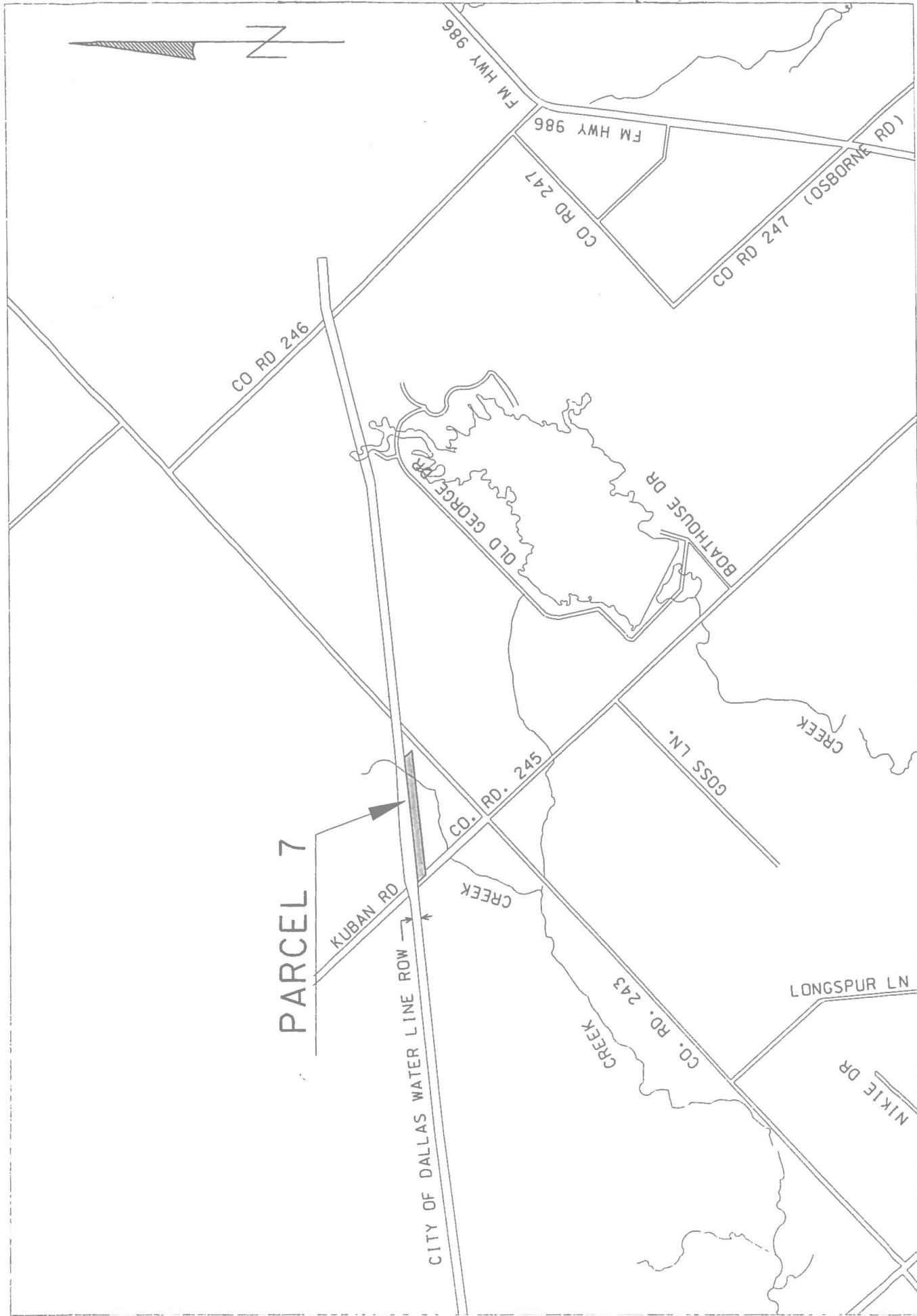
## **OWNER**

**Hwy. 205 Farm, Ltd., et al.**

Maurice Moore, Jr., Chief Executive Officer

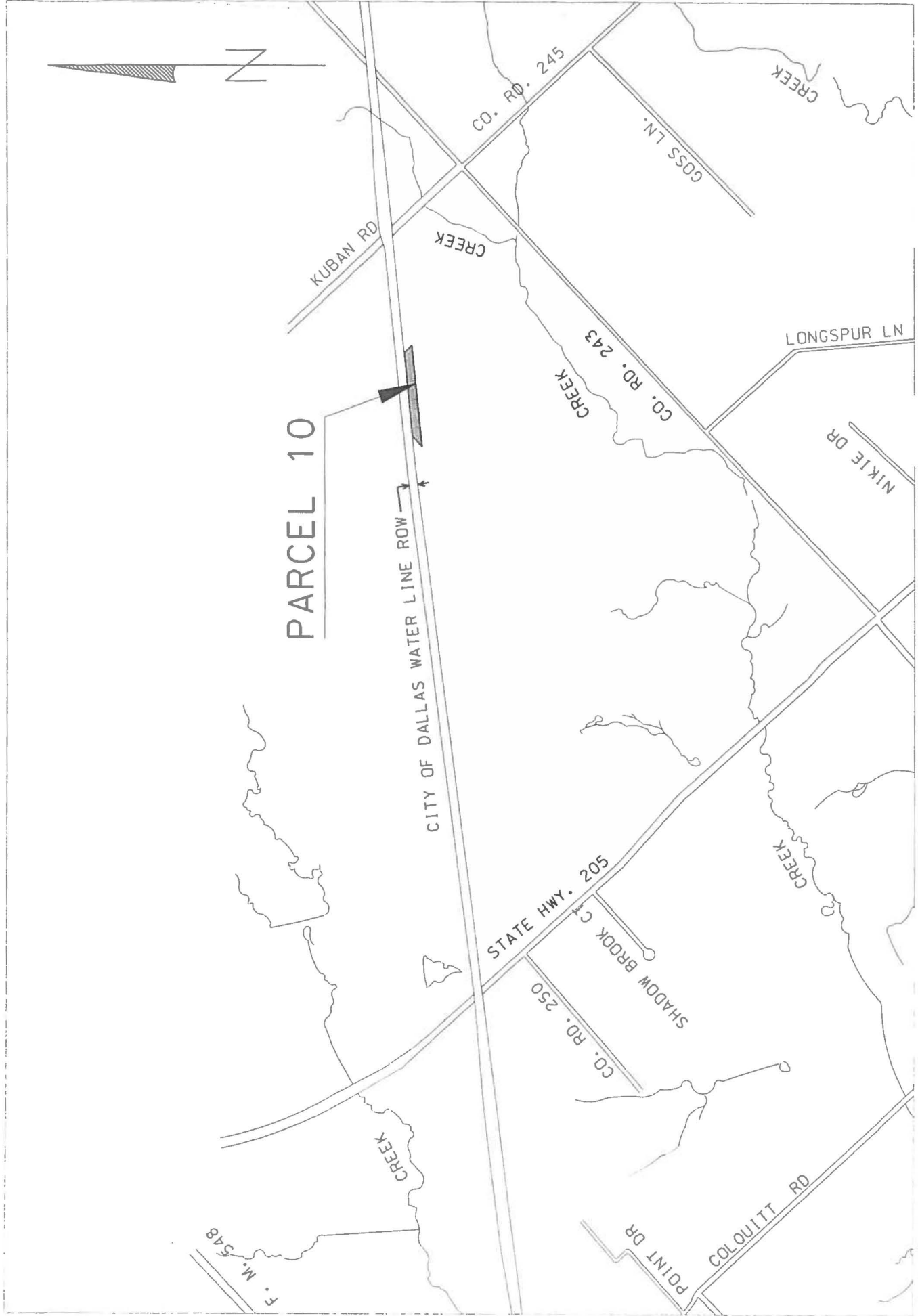
## **MAPS**

Attached



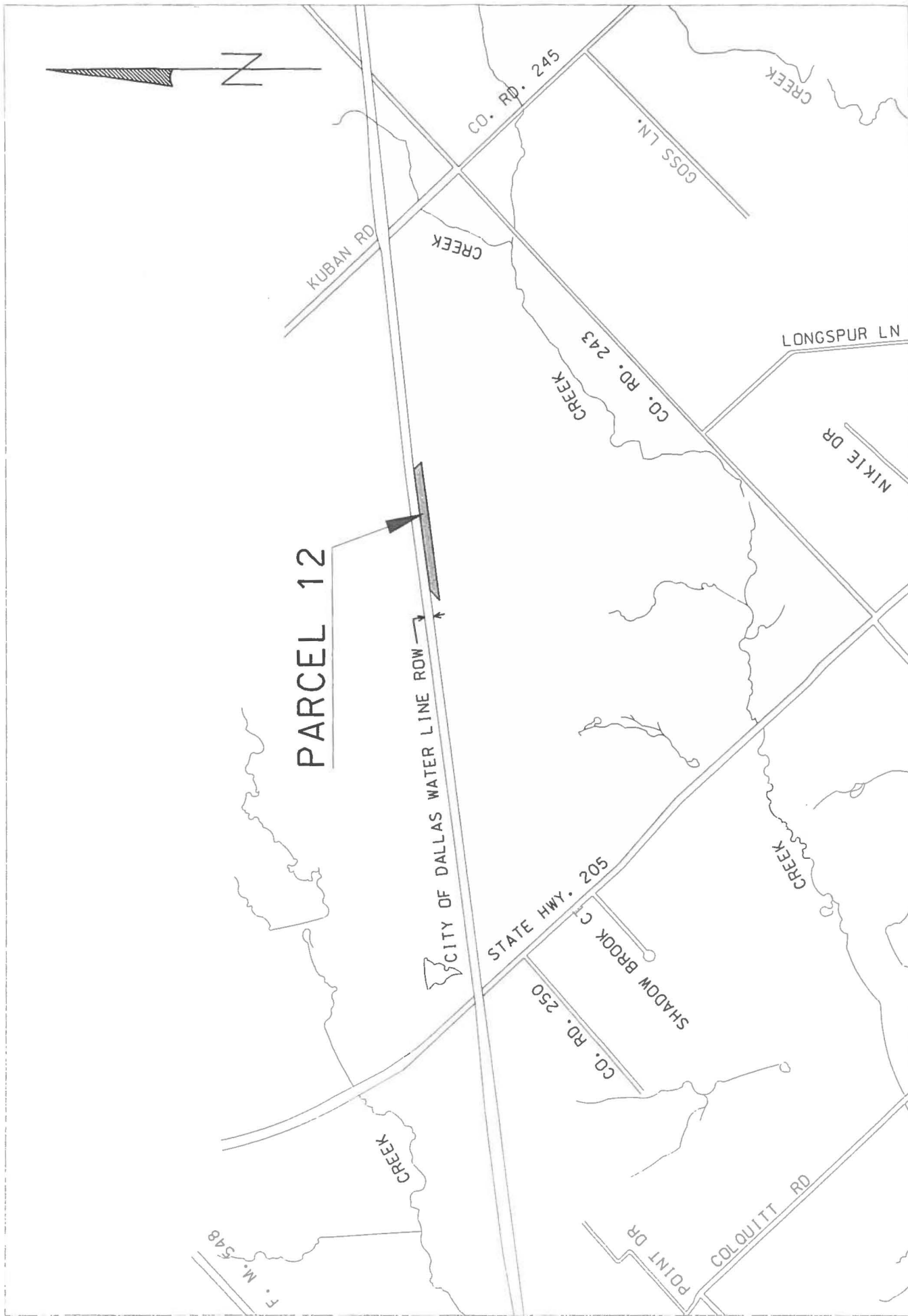
VICINITY MAP

APPROXIMATE SCALE 1" = 2000'



PARCEL 10

VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



VICINITY MAP

APPROXIMATE SCALE 1" = 2000'



VICINITY MAP

APPROXIMATE SCALE 1" = 2000'

PARCEL 14

COLQUITT RD

HIGH MEADOW DR.

F. M. 548

CREEK

CITY OF DALLAS WATER LINE ROW

STATE HWY. 205

CO. RD. 250

SHADOW BROOK CT

CREEK

CO. RD. 243

NIKIE DR

SAMUELS RD

POINT DR

CREEK



VICINITY MAP

APPROXIMATE SCALE 1" = 2000'

PARCEL 15



VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



June 13, 2018

**A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.**

*All capitalized terms are defined in Section 1 below.*

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or condemnation, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the City Attorney, pursuant to the FIRST RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

**WHEREAS**, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

**WHEREAS**, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 08-1245 approved by the Dallas City Council on April 23, 2008, authorizing negotiations, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. 84262-CC, in Kaufman County Court at Law, and styled City of Dallas v. Hwy. 205 Farm, Ltd., filed pursuant to the SECOND RESOLUTION.

“SECOND RESOLUTION”: Resolution No. 08-1245 approved by the Dallas City Council on April 23, 2008, authorizing deposit of the SPECIAL COMMISSIONERS’ AWARD AMOUNT, which is incorporated herein by reference.

“PROPERTY”: Approximately 33 acres of land in fee in Kaufman County, Texas, as described in the CONDEMNATION PROCEEDING.

“PROPERTY INTEREST”: Fee

“PROJECT”: Lake Tawakoni 144-inch Transmission Pipeline Project

“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, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

“OFFICIAL OFFER AMOUNT”: \$460,159, as approved in the FIRST RESOLUTION.

“SPECIAL COMMISSIONERS’ AWARD AMOUNT”: \$357,263, the same having been previously deposited pursuant to the FIRST RESOLUTION.

“SETTLEMENT AMOUNT”: \$515,000, which includes the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

June 13, 2018

**SECTION 1.** (continued)

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$10,000

“ADDITIONAL AMOUNT”: \$64,841, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“AUTHORIZED AMOUNT”: Not to exceed \$ 525,000

“DESIGNATED FUNDS”:

\$102,896 from Water Capital Construction Funds, Fund 0102, Department DWU, Unit CW20, Activity MPSA, Program 704041, Object 4210, Encumbrance CT-DWU704041EP.

\$64,841 from Water Capital Construction Funds, Fund 0102, Department DWU, Unit CW40, Activity RWPT, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00002884.

**SECTION 2.** That the City Attorney and the City Manager are hereby authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

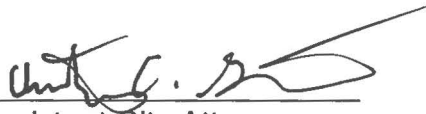
**SECTION 3.** That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

**SECTION 4.** That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

June 13, 2018

**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

**AGENDA ITEM # 18****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

Outside City Limits

**DEPARTMENT:**Department of Sustainable Development and Construction  
City Attorney's Office  
Water Utilities Department**CMO:**Majed Al-Ghafry, 670-3302  
Larry Casto, 670-3491**MAPSCO:**

N/A

---

**SUBJECT**

Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. 635-I20 Joint Venture, et al., pending in County Court at Law No. 5, Cause No. CC-13-01705-E, for acquisition from 635-I20 Joint Venture, et al., of approximately 495,065 square feet of land for right-of-way located in Dallas County, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** the deposit of the settlement amount reached through Court ordered mediation and negotiation of the condemnation suit for an amount not to exceed the amount of the settlement amount - Not to exceed \$857,786, increased from \$953,214 (\$943,214 being the award, plus closing costs and title expenses not to exceed \$10,000) to \$1,811,000 (\$1,800,000 being the settlement amount, plus closing costs and title expenses not to exceed \$11,000) - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item authorizes settlement for the acquisition of approximately 495,065 square feet of land for right-of-way located in Dallas County, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

On May 25, 2011 and February 8, 2012, City Council authorized the purchase and/or condemnation in the amount of \$932,479, based on an independent appraisal and inclusive of title and closing costs by Resolution Nos. 11-1324 and 12-0484. The Owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project.

## **BACKGROUND** (continued)

The Special Commissioners' awarded \$943,214 on March 7, 2014.

On June 11, 2014, City Council authorized the Special Commissioners' award amount of \$943,214, by Resolution No. 14-0927. The Special Commissioners' award was deposited with the County Clerk of Dallas County, Texas on September 7, 2016.

The City and 635-I20 Joint Venture, et al., attended a court ordered mediation on April 24, 2018. The parties reached an amount to settle the lawsuit.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 25, 2011 and February 8, 2012, City Council authorized acquisition including the exercise of the right of eminent domain, if such becomes necessary by Resolution Nos. 11-1324 and 12-0484.

On June 11, 2014, City Council authorized the deposit of a Special Commissioners' Award by Resolution No. 14-0927.

## **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$857,786

|                                               |                   |
|-----------------------------------------------|-------------------|
| Resolution Nos. 11-1234 and 12-0484           | \$932,479         |
| Resolution No. 14-0927 (Commissioners' Award) | \$ 953,214        |
| Additional Amount (this action)               | <u>\$ 857,786</u> |
| Total Authorized Amount                       | \$1,811,000       |

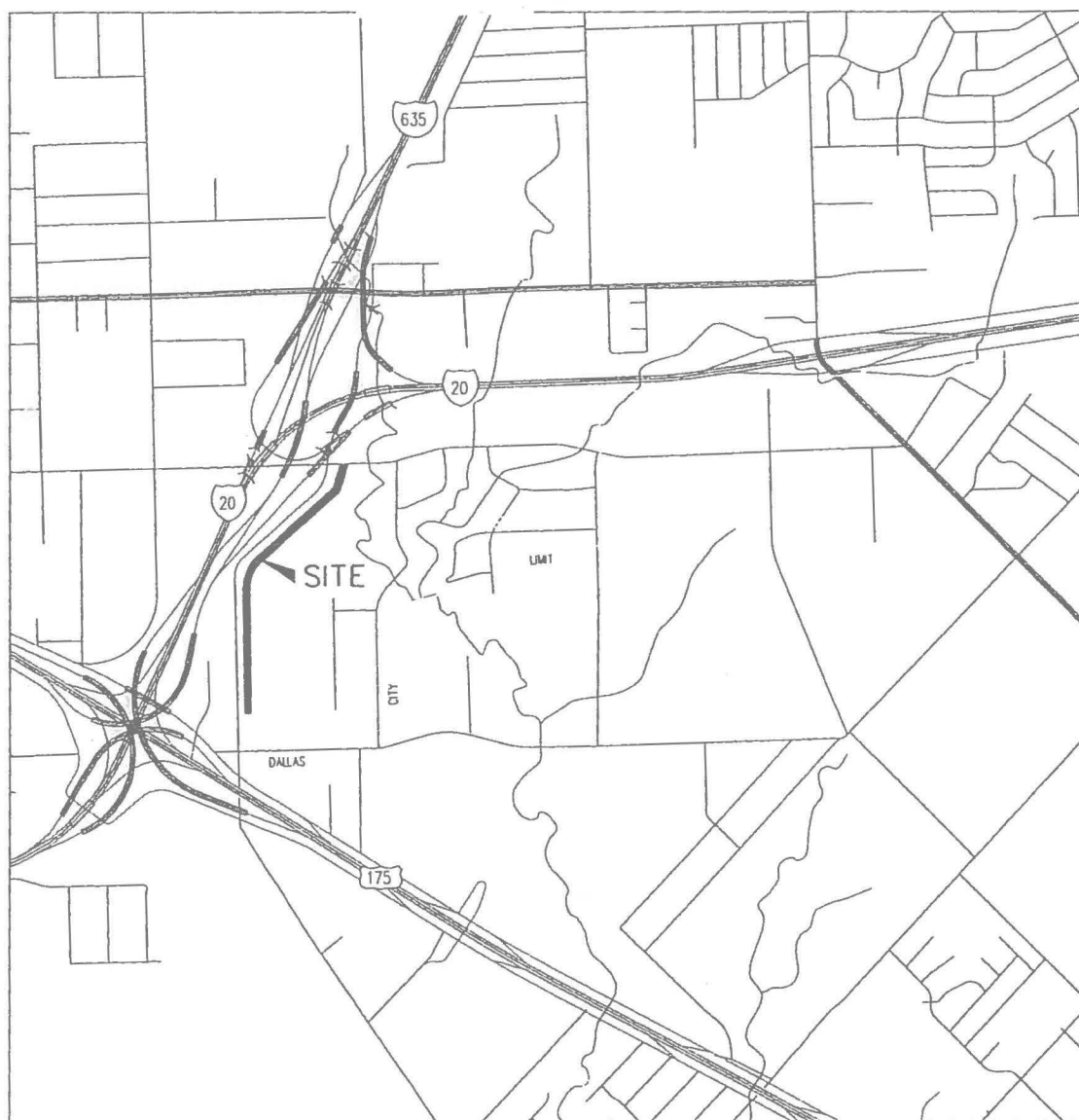
## **OWNER**

**635-I20 Joint Venture, et al.**

Stewart Jones, General Partner

## **MAP**

Attached



VICINITY MAP - NOT TO SCALE





June 13, 2018

**A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.**

*All capitalized terms are defined in Section 1 below.*

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the Dallas City Council by the SECOND RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

**WHEREAS**, the City Attorney, pursuant to the SECOND RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

**WHEREAS**, the Dallas City Council by the THIRD RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

**WHEREAS**, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

**WHEREAS**, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

June 13, 2018

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**Now, Therefore,**

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

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 11-1324 approved by the Dallas City Council on May 25, 2011, authorized negotiations, which is incorporated herein by reference.

“SECOND RESOLUTION”: Resolution No. 12-0484 approved by the Dallas City Council on February 8, 2012, authorized filing of a condemnation proceeding, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. CC-13-01705-E, in Dallas County Court at Law No. 5, and styled City of Dallas v. 635-I20 Joint Venture, et al., filed pursuant to the SECOND RESOLUTION.

“THIRD RESOLUTION”: Resolution No. 14-0927 approved by the Dallas City Council on June 11, 2014, authorized deposit of the SPECIAL COMMISSIONERS’ AWARD AMOUNT, which is incorporated herein by reference.

“PROPERTY”: Approximately 495,023 square feet of land in fee in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

“PROPERTY INTEREST”: Fee

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline Project

“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, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

June 13, 2018

**SECTION 1.** (continued)

“OFFICIAL OFFER AMOUNT”: \$932,479 as approved in the FIRST RESOLUTION.

“SPECIAL COMMISSIONERS’ AWARD AMOUNT”: \$943,214, the same having been previously deposited pursuant to the THIRD RESOLUTION.

“SETTLEMENT AMOUNT”: \$1,800,000, which includes the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$11,000

“ADDITIONAL AMOUNT”: \$857,786, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“AUTHORIZED AMOUNT”: Not to exceed \$ 1,811,000

“DESIGNATED FUNDS”:

\$932,479 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706623, Object 4210, Encumbrance CT-DWU706623CPBQ.

\$20,000 from Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity RWPT, Program 706623, Object 4210, Encumbrance CT-DWU706623CPDI.

\$858,521 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00006202.

**SECTION 2.** That the City Attorney and the City Manager are hereby authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**SECTION 3.** That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

June 13, 2018

**SECTION 4.** That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

## **AGENDA ITEM # 19**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

June 13, 2018

### **COUNCIL DISTRICT(S):**

Outside City Limits

### **DEPARTMENT:**

Department of Sustainable Development and Construction  
City Attorney's Office  
Water Utilities Department

### **CMO:**

Majed Al-Ghafry, 670-3302  
Larry Casto, 670-3491

### **MAPSCO:**

N/A

---

### **SUBJECT**

Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 262,824 square feet, located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project, from Freddie Kasper - Not to exceed \$49,000 (\$45,900, plus closing costs and title expenses not to exceed \$3,100) - Financing: Water Utilities Capital Improvement Funds

### **BACKGROUND**

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 262,824 square feet, located in Kaufman County, from Freddie Kasper. An offer was presented to the property owner on December 13, 2016 reflecting the appraised value of \$45,900 and the City's offer generated no response. No negotiations between the City and the property owner was developed due to the lack of ownership response or representation.

The first resolution approved on October 11, 2017, by Resolution No. 17-1602, authorized the purchase in the amount of \$45,900.

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 October 11, 2017, City Council authorized acquisition from Freddie Kasper, of approximately 262,824 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1602.

### **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$49,000 (\$45,900, plus closing costs and title expenses not to exceed \$3,100)

### **OWNER**

Freddie Kasper

### **MAP**

Attached



June 13, 2018

**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. 17-1602 approved by the Dallas City Council on October 11, 2017, which is incorporated herein by reference.

“PROPERTY”: Approximately 262,824 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 Project



June 13, 2018

**SECTION 1.** (continued)

"USE": The construction, use, and maintenance of a two lane undivided road, increasing roadway capacity for future growth, provided, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Freddie Kasper, 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.

"OFFICIAL OFFER AMOUNT": \$45,900

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,100

"AUTHORIZED AMOUNT": \$49,000 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$49,000 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00002887.

**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

June 13, 2018**SECTION 5.** (continued)

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:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 265**

BEING a 6.034 acre tract of land in the J. McCarty Survey, Abstract No. 333, in Kaufman County, Texas, being part of a 21.54 acre tract of land described in Special Warranty Deed to Freddie Kasper, dated March 26, 2014, as recorded in Volume 4534, Page 133, in the Deed Records Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a concrete monument with cap stamped "City of Dallas" found at the northeast corner of said 21.54 acre tract, same being the southeast corner of a City of Dallas Water Line Right-of-Way (variable width Right-of-Way), as recorded in Volume 437, Page 525, D.R.K.C.T. and the northwest corner of a tract of land described as "Tract One" in a deed to Justin Scott, as recorded in Volume 3667, Page 105, D.R.K.C.T.;

THENCE South 00 degrees 17 minutes 25 seconds East, with the east line of said 21.54 acre tract and the west line of said "Tract One", a distance of 131.33 feet to a 1/2-inch iron rod with red cap stamped. "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 81 degrees 32 minutes 24 seconds West, departing the east line of said 21.54 acre tract and west line of said "Tract One", a distance of 1,316.96 feet to a 1/2-inch iron rod with cap set at the point of curvature of a curve to the right, having a radius of 2,008.46 feet and a central angle of 17 degrees 41 minutes 00 seconds;

THENCE with said curve to the right, an arc distance of 619.87 feet (Chord Bearing North 89 degrees 37 minutes 06 seconds West – 617.41 feet), to a 1/2-inch iron rod with cap set at the point of tangency;

THENCE North 80 degrees 46 minutes 36 seconds West, a distance of 81.23 feet to a 1/2-inch iron rod set in the east line of F.M. 429 (120 foot right-of-way), being the west line of said 21.54 acre tract;

THENCE North 03 degrees 15 minutes 43 seconds West, with the east line of said F.M. 429 and the west line of said 21.54 acre tract, a distance of 133.15 feet to a 1/2-inch iron rod with cap stamped "STOVALL" found at the northwest corner of said 21.54 acre tract, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE South 80 degrees 46 minutes 36 seconds East, departing the east line of said F.M. 429 and with the north line of said 21.54 acre tract and south line of said City of Dallas Water Line Right-of-Way, a distance of 110.01 feet to a concrete monument with cap stamped "City of Dallas" found at the point of curvature of a curve to the left, having a radius of 1,878.46 feet and a central angle of 17 degrees 41 minutes 00 seconds;

THENCE with said curve to the left and continuing with said north and south lines, an arc distance of 579.75 feet (Chord Bearing South 89 degrees 37 minutes 06 seconds East – 577.45 feet), to a concrete monument with cap stamped "City of Dallas" found at the point of tangency;

THENCE North 81 degrees 32 minutes 24 seconds East, continuing with said north and south lines, a distance of 1,335.62 feet to the POINT OF BEGINNING and containing 262,824 square feet (6.034 acres) of land.

FIELD NOTES APPROVED:

*DR 3/25/16*



**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 265**

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.  
TBPLS Firm No. 10123500

By:  Date: 3-15-14

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504







| C1 | DELTA       | 17° 41'00" (LT) |
|----|-------------|-----------------|
|    | RADIUS      | 1,878.46'       |
|    | LENGTH      | 579.75'         |
|    | TANGENT     | 292.20'         |
|    | CHORD       | 577.45'         |
|    | CH. BEARING | S89° 37'06"E    |

*J. MCCARTY SURVEY  
ABSTRACT NO. 333*

**F.M. 429**  
(120' R.O.W.)  
VOL. 458, PG. 171

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
VOL. 437, PG. 525  
D.R.K.C.T.  
(130' ROW)

STATE OF TEXAS  
ROADWAY  
EASEMENT  
VOL. 458, PG. 166  
D.R.K.C.T.

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
VOL. 437, PG. 525  
D.R.K.C.T.

S80° 46'36"E  
110.01'

FOUND CONCRETE  
MONUMENT W/BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)

N03° 15'43"W  
133.15'

FOUND CONCRETE  
TxDOT MONUMENT

OWNER:  
L.R. LAND CO., LLC  
(A PARTNERSHIP)  
VOL. 4495, PG. 101  
"TRACT 3-A"  
D.R.K.C.T.

N80° 46'36"W  
81.23'

OWNER:  
FREDDIE KASPER  
VOL. 4534, PG. 133  
D.R.K.C.T.

PARCEL 265  
262,824 S.F.  
6.034 AC.

130.00'

N81° 32'24"E  
1,335.62'

S81° 32'24"W  
1,316.96'

1/2" SIR  
W/CAP

| C2          |                 |
|-------------|-----------------|
| DELTA       | 17° 41'00" (RT) |
| RADIUS      | 2,008.46'       |
| LENGTH      | 619.87'         |
| TANGENT     | 312.42'         |
| CHORD       | 617.41'         |
| CH. BEARING | N89° 37'06"W    |

MATCH LINE SEE SHEET 3 OF 4

NOTE: THIS SURVEY WAS PERFORMED BASED UPON  
RECORD DATA PROVIDED UNDER TIGOR TITLE  
INSURANCE COMPANY COMMITMENT C.F. NUMBER 21961-KF07,  
WITH AN EFFECTIVE DATE OF AUGUST 30, 2007.

- LEGEND:
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - O FIR FOUND IRON ROD
  - O FIP FOUND IRON PIPE
  - O 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
  - O SX SET "X" CUT IN CONCRETE
  - O FPK FOUND PK. NAIL
  - O SPK SET PK. NAIL

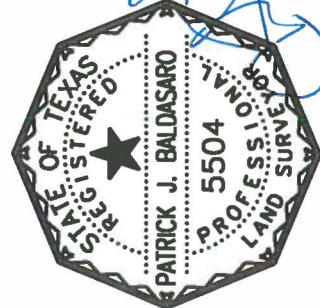


EXHIBIT  
OF A

RIGHT-OF-WAY ACQUISITION

SITUATED IN THE  
J. MCCARTY SURVEY, ABSTRACT NO. 333  
KAUFMAN COUNTY, TEXAS

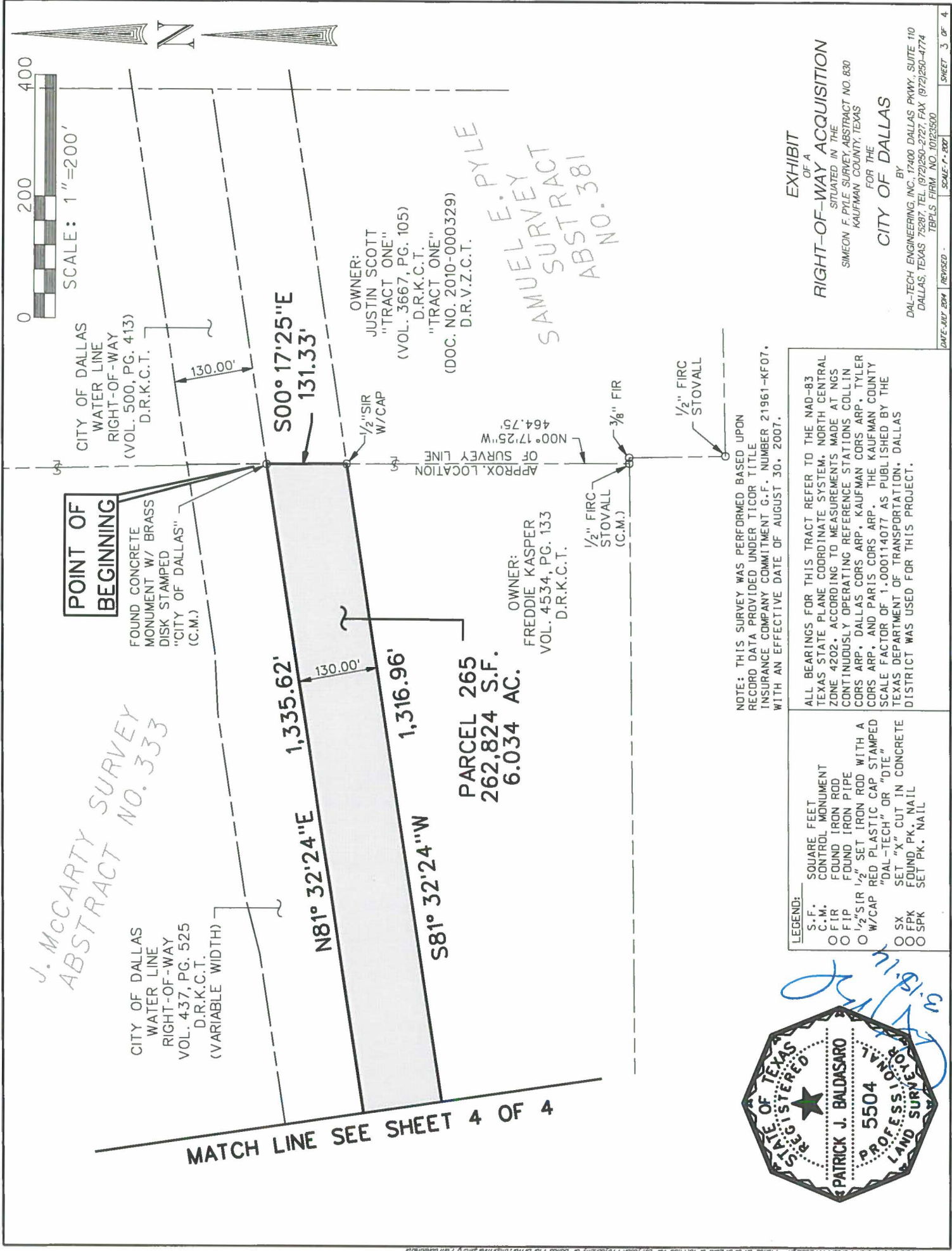
FOR THE  
CITY OF DALLAS

BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75287, TEL (972)250-2727, FAX (972)250-4774  
TEPLS FIRM NO. 10123500

DATE: JULY 2004 REVISED: SCALE: 1"=200'

SHEET 4 OF 4



**AGENDA ITEM # 20****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

Outside City Limits

**DEPARTMENT:**Department of Sustainable Development and Construction  
Water Utilities Department  
City Attorney's Office**CMO:**Majed Al-Ghafry, 670-3302  
Larry Casto, 670-3491**MAPSCO:**

N/A

---

**SUBJECT**

Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 5,379 square feet from Harold J. Baber located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$29,700 (\$27,750, plus closing costs and title expenses not to exceed \$1,950) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 5,379 square feet located in Van Zandt County, from Harold J. Baber. An offer was presented to the property owners on December 15, 2016 reflecting the appraised value of \$27,750 and the City's offer generated no response. No negotiations between the City and the property owner was developed due to the lack of ownership response or representation.

The first resolution approved on September 27, 2017, by Resolution No. 17-1556, authorized the purchase in the amount of \$27,750.

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 September 27, 2017, City Council authorized acquisition from Harold J. Baber, of approximately 5,379 square feet of land located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1556.

### **FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$29,700 (\$27,750, plus closing costs and title expenses not to exceed \$1,950)

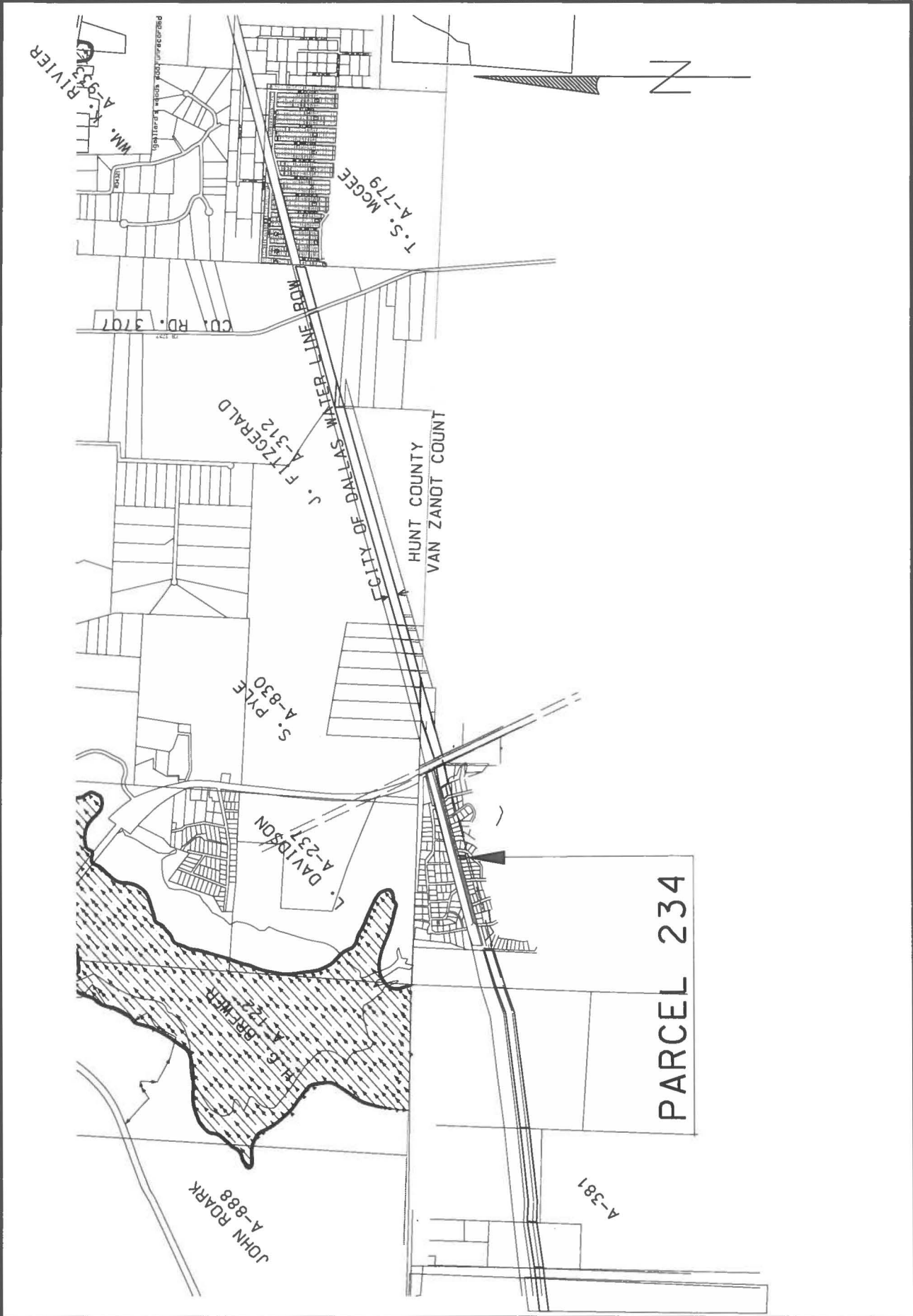
### **OWNER**

Harold J. Baber

### **MAP**

Attached





VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'

June 13, 2018

**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. 17-1556 approved by the Dallas City Council on September 27, 2017, which is incorporated herein by reference.

“PROPERTY”: Approximately 5,379 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 Raw Water Transmission Pipeline

June 13, 2018

**SECTION 1.** (continued)

"USE": The construction, use, and maintenance of a two lane undivided road, increasing roadway capacity for future growth, provided, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Harold J. Baber, 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.

"OFFICIAL OFFER AMOUNT": \$27,750

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,950

"AUTHORIZED AMOUNT": \$29,700 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$29,700 from Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00002861.

**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.

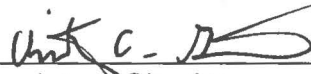
**SECTION 5.** That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST

June 13, 2018**SECTION 5.** (continued)

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:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

## Exhibit A

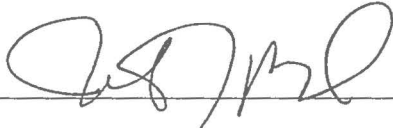
**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**VAN ZANDT COUNTY, TEXAS**  
**Parcel: 234**

BEING a 5,379 square foot (0.1235 acre) tract of land in the J. McCown Survey, Abstract No. 527, being all of Lot 198 of the Retirement Village Revision No. II, an Addition to Rolling Oaks Subdivision, as recorded in Slide 34-A of the Plat Records of Van Zandt County, Texas, said Lot 198 being described in Warranty Deed to Harold J. Baber, as recorded in Volume 927, Page 943, of the Real Records of Van Zandt County, Texas;

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.  
TBPLS Firm No. 10123500

By:  Date: 4.20.15

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



FIELD NOTES APPROVED:

*Pat 5/4/15*



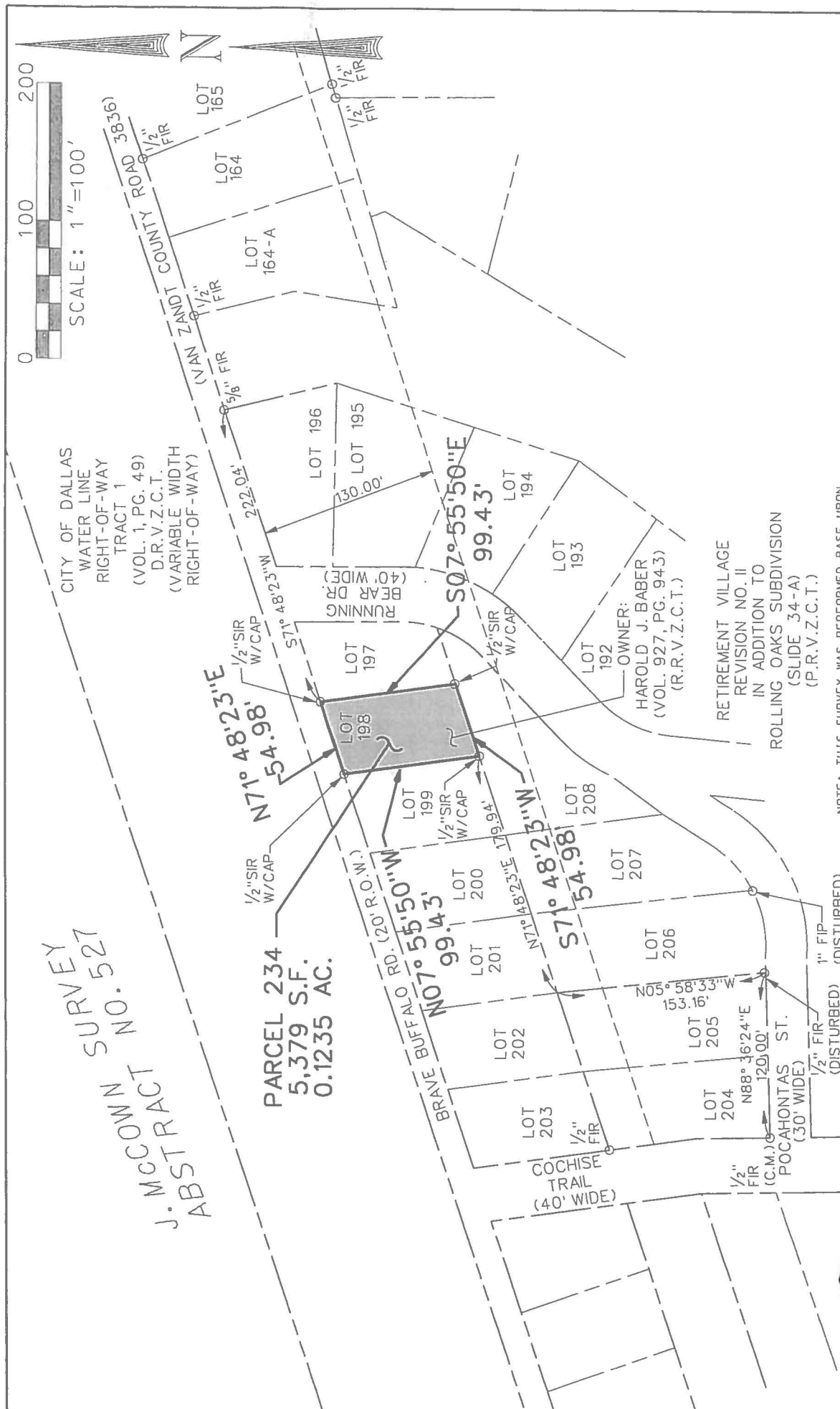


EXHIBIT  
OF A  
RIGHT-OF-WAY ACQUISITION  
SITUATED IN THE  
J MCCOVAN SURVEY, ABSTRACT NO. 527  
VAN ZANDT COUNTY, TEXAS  
FOR THE  
CITY OF DALLAS

BY  
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75287 TEL. (972)250-2727 FAX (972)250-1774  
TBPLS FIRM NO 10123500

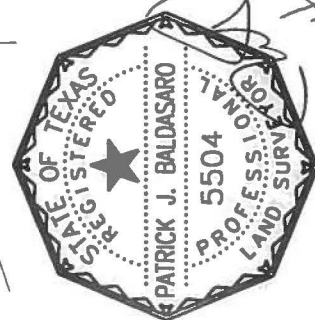
|                 |          |                |              |
|-----------------|----------|----------------|--------------|
| DATE: APR. 2015 | REVISED: | SCALE: 1"=100' | SHEET 2 OF 2 |
|-----------------|----------|----------------|--------------|

NOTE: THIS SURVEY WAS PERFORMED BASE UPON  
RECORD DATA PROVIDED UNDER ALLIANT NATIONAL TITLE  
INSURANCE COMPANY COMMITMENT G.F. NUMBER  
30839-CB11, WITH AN EFFECTIVE DATE OF FEBRUARY 24,

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NOS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN COUNTY, TEXAS. THE COORDINATES FOR THE CORNERS OF THE TRACT ARE: CORNERS ARP, DALLAS CORP ARP, KAUFMAN CORP ARP, TYLER CORP ARP, AND PARIS CORP ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

**LEGEND:**

|             |                          |
|-------------|--------------------------|
| S.F.        | SQUARE FEET              |
| C.M.        | CONTROL MONUMENT         |
| ○ FIR       | FOUND IRON ROD           |
| ○ FIP       | FOUND IRON PIPE          |
| ○ 1/2" S IR | 1/2" SET IRON ROD WITH A |
| W/CAP       | RED PLASTIC CAP STAMPED  |
|             | "DAL -TECH" OR "DTE"     |
| ○ SX        | SET "X" CUT IN CONCRETE  |
| ○ FPK       | FOUND PK. NAIL           |
| ○ SPK       | SET PK. NAIL             |



**AGENDA ITEM # 21**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

Outside City Limits

**DEPARTMENT:**

Department of Sustainable Development and Construction  
Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize moving expense and replacement housing payments for Sandra Witt as a result of an official written offer of just compensation to purchase real property at 369 VZ CR 3843 for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$55,639 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for individuals displaced by the City of Dallas in conjunction with its real property acquisition activities.

On August 23, 2017, City Council authorized the acquisition of real property known as 369 VZ CR 3843 for Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1321.

Sandra Witt will be displaced as a direct result of this property acquisition. She qualifies for a moving expense payment of up to \$4,675 and a last resort calculated replacement housing payment of up to \$50,964 pursuant to the Dallas City Code and will use the replacement housing payment to acquire a replacement property.

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

On August 23, 2017, City Council authorized the acquisition by Resolution No. 17-1321.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$55,639

**OWNER**

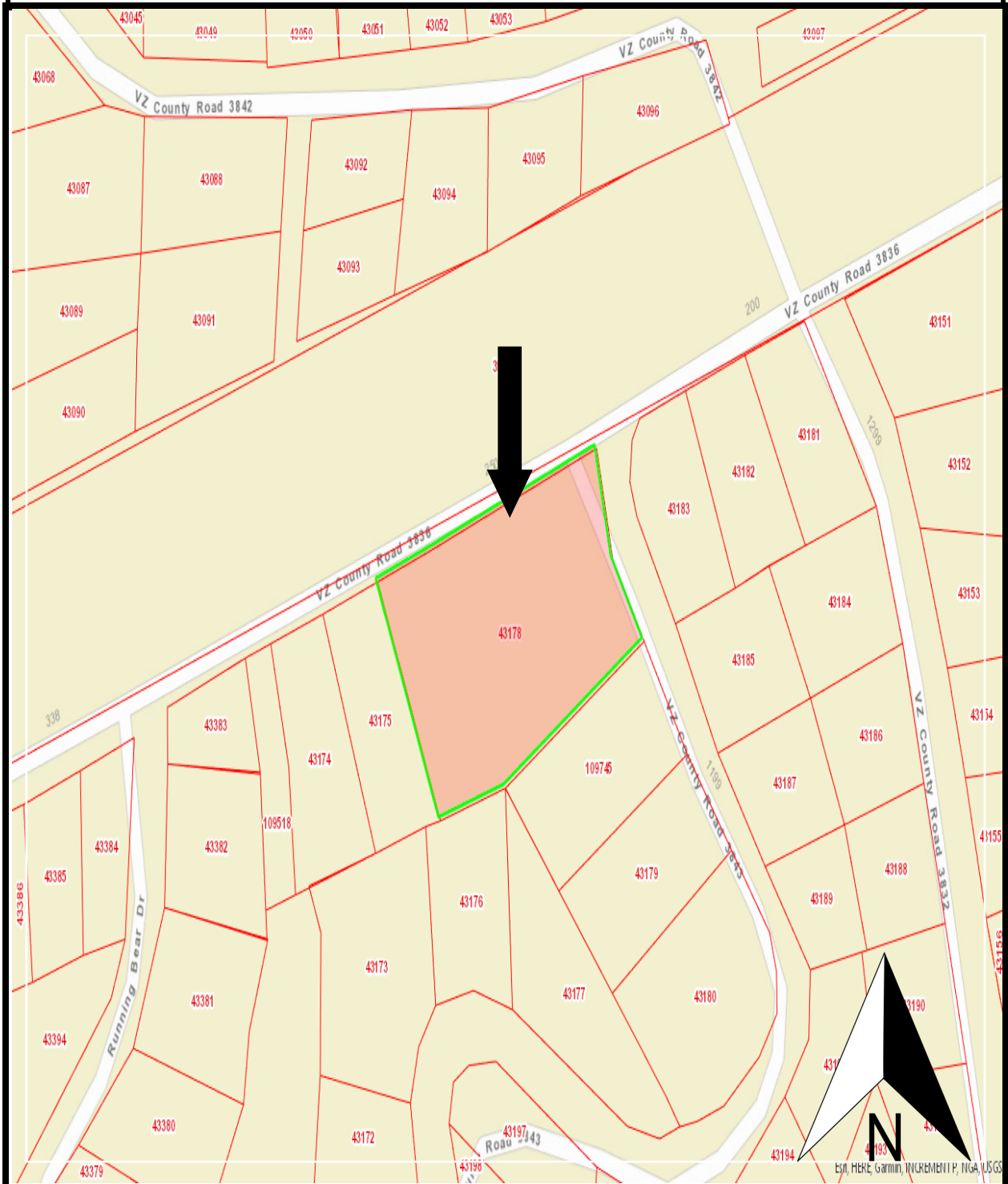
Sandra Witt

**MAP**

Attached



# LAKE TAWAKONI PIPELINE PROJECT RELOCATION ASSISTANCE



Parcel 225 Lots 168 & 168-A, – 369 VZ CR 3843



June 13, 2018

**WHEREAS**, on August 23, 2017, City Council authorized the acquisition of real property known as 369 VZ CR 3843 to be used in conjunction with the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1321; and

**WHEREAS**, Sandra Witt will be displaced as a direct result of this property acquisition and will vacate the property; and

**WHEREAS**, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for individuals displaced by City of Dallas property acquisition activities.

**Now, Therefore,**

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

**SECTION 1.** That Sandra Witt will be displaced in conjunction with the construction of Lake Tawakoni 144-inch Transmission Pipeline Project and is entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

**SECTION 2.** That Sandra Witt is eligible to receive a moving expense payment in an amount up to \$4,675 and a replacement housing payment in an amount up to \$50,964.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to draw warrants in favor of Sandra Witt, in an amount not to exceed \$55,639 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

|                                                                                                                                                                            |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Water Capital Improvement Fund<br>Fund 3115, Department DWU, Unit PW20<br>Object 4230, Program 704041<br>Encumbrance/Contract No. CX-DWU-2018-00002875-1<br>Vendor VC17725 | \$50,964        |
| Water Capital Improvement Fund<br>Fund 3115, Department DWU, Unit PW20<br>Object 4230, Program 704041<br>Encumbrance/Contract No. CX-DWU-2018-00002875-1<br>Vendor VC17725 | <u>\$ 4,675</u> |
| Total amount not to exceed                                                                                                                                                 | \$55,639        |

June 13, 2018

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## **AGENDA ITEM # 22**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

June 13, 2018

### **COUNCIL DISTRICT(S):**

2

### **DEPARTMENT:**

Department of Sustainable Development and Construction

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

34T

---

### **SUBJECT**

An ordinance granting a private license to the Board of Regents of The University of Texas System, for the use of approximately 1,001 square feet of subsurface land to occupy, maintain and utilize a subsurface portion of Inwood Road right-of-way located near the intersection of Forest Park Road and Inwood Road – Revenue: \$1,297 annually, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item grants a private license to the Board of Regents of The University of Texas System, for the use of approximately 1,001 square feet of subsurface land to occupy, maintain and utilize a subsurface portion of Inwood Road right-of-way located near the intersection of Forest Park Road and Inwood Road. 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 and Sustainability Committee on June 11, 2018.

### **FISCAL INFORMATION**

Revenue - \$1,297 annually, plus the \$20 ordinance publication fee

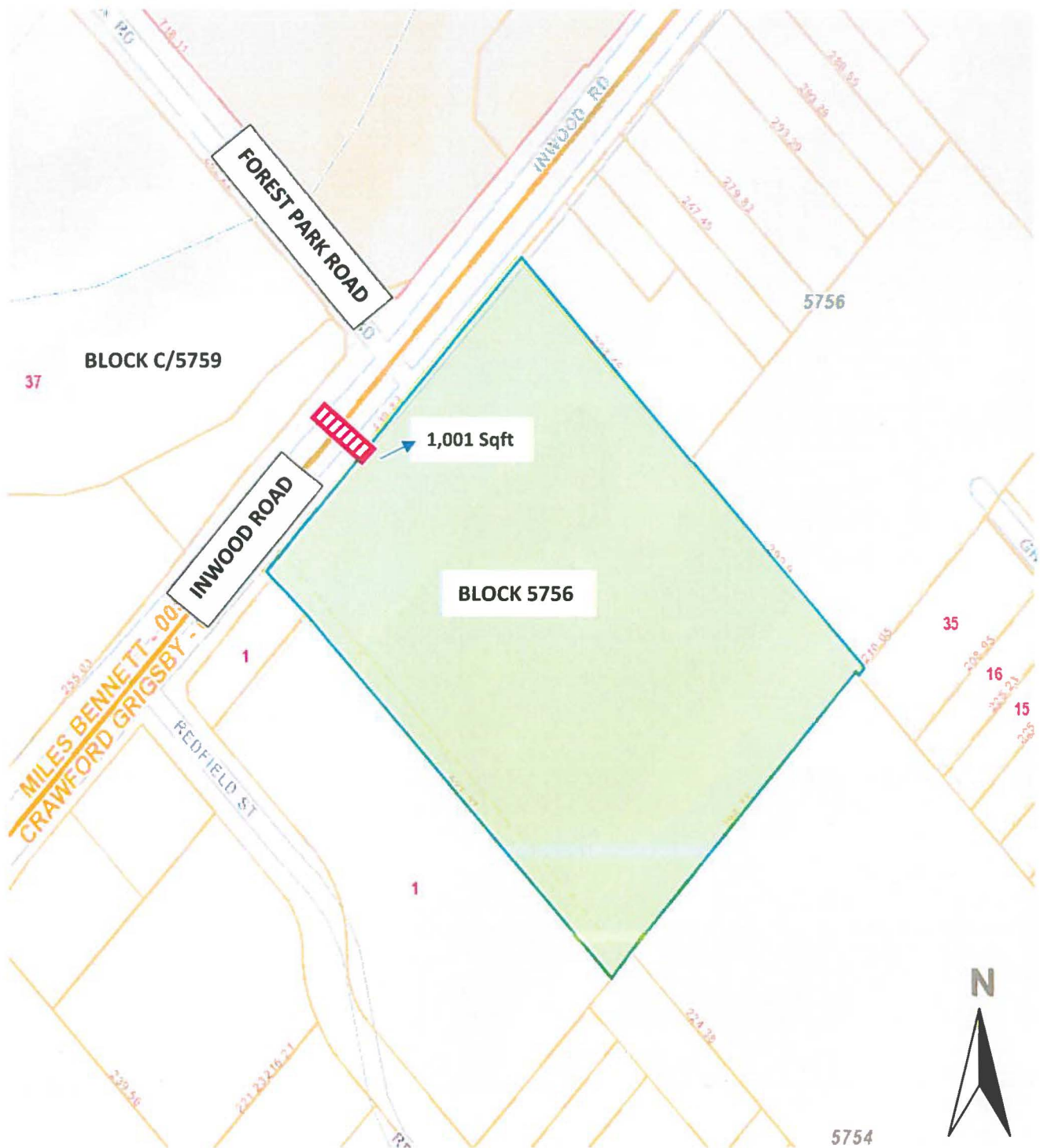
**OWNER**

**Board of Regents of The University of Texas System**

Paul L. Foster, Chairman

**MAP**

Attached



**LICENSE AREA**





**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a private license to the Board of Regents of The University of Texas System to occupy, maintain and utilize a subsurface portion of Inwood Road right-of-way located near the intersection of Forest Park Road and Inwood Road, adjacent to City Blocks 5756 and C/5759 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a subsurface communication ductbank that consist of two 4-inch Schedule 40 PVC pipes encased in a 12-inch steel pipe filled with grout; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

**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 the Board of Regents of The University of Texas System, an agency of the State of Texas, 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 the sum of **ONE THOUSAND TWO HUNDRED NINETY SEVEN AND NO/100 DOLLARS (\$1,297.00)** annually for the license herein granted, said sum to become due and payable on the 2<sup>nd</sup> day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum **ONE THOUSAND TWO HUNDRED NINETY SEVEN AND NO/100 DOLLARS (\$1,297.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. Such consideration shall be in addition to and exclusive of any other taxes or special

**SECTION 3.** (continued)

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 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 the 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 a subsurface communication ductbank that consist of two 4-inch Schedule 40 PVC pipes encased in a 12-inch steel pipe filled with grout.

**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

**SECTION 6.** (continued)

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** acknowledges the City of Dallas Thoroughfare Plan, Section 51A-9, which requires Inwood Road to remain a 100 feet right-of-way.
- (b) **GRANTEE** shall obtain building permits and a right-of-way permit must be applied for and issued prior to any work in the right-of-way.
- (c) **GRANTEE** shall maintain the right-of-way for government access in order to facilitate emergency response and water supply during and after completion of the project.
- (d) **GRANTEE** acknowledges ATMOS has active facilities in the area including a large diameter distribution line and a high pressure line. If conflicts exist, the **GRANTEE** will be responsible for the cost to relocate said facilities otherwise Exhibit B would apply.
- (e) **GRANTEE** shall locate all AT&T fiber and copper cable below Inwood Road from Harry Hines Boulevard left to Forest Park Road.

**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 in lieu of the insurance requirements specified in Exhibit B, Subsection (c), **GRANTEE** may self-insure to the extent permitted by applicable law under any plan of self-insurance, maintained in accordance with sound accounting practices, against the risks described in this Subsection (c) and shall not be required to maintain insurance hereunder provided that **GRANTEE** furnishes the City satisfactory evidence of the existence of an insurance reserve adequate for the risks covered by such plan of self-insurance, evidence of which shall be provided to the City prior to issuance of a certified copy of the ordinance to **GRANTEE**.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the 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

**SECTION 12.** (continued)

**GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 13.** That this ordinance is designated for City purposes as Contract No. DEV-2018-00005011.

**SECTION 14.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

DAVID COSSUM, Director

Department of Sustainable Development and Construction

BY: \_\_\_\_\_

Assistant City Attorney

BY: \_\_\_\_\_

Assistant Director

Passed \_\_\_\_\_.

**LICENSE AGREEMENT  
INWOOD ROAD  
ADJACENT TO CITY BLOCKS 5756 AND C/5759  
OUT OF THE MILES BENNETT SURVEY, ABST. NO. 52  
AND THE CRAWFORD GRIGSBY, ABST. NO. 533,  
IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 1,001 square foot or 0.0230 acre tract of land situated in the Miles Bennett Survey, Abstract Number 52, and the Crawford Grigsby Survey, Abstract Number 533, and being part of Inwood Road (formerly County Road 79; formerly Park Avenue; a variable width right-of-way) adjacent to City Blocks 5756 and C/5759, and being more particularly described as follows:

**COMMENCING** at an "X" cut found in concrete for the northwest corner of that tract of land in City Block 5756 described in Special Warranty Deed to The Board of Regents of the University of Texas System, as recorded in Volume 2004155, Page 601, of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said corner being the northeast corner of Lot 1, City Block A/5757, M.C.D. Inwood No. 4 Addition in the City of Dallas as shown on plat thereof recorded in Volume 85161, Page 3418, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said corner also being on the southeast right-of-way line of said Inwood Road;

**THENCE** North 43 degrees 53 minutes 45 seconds East, with the northwest line of said University of Texas tract in City Block 5756 and the southeast right-of-way line of said Inwood Road, a distance of 159.06 feet to a point for corner and the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE** North 46 degrees 42 minutes 28 seconds West, departing the northwest line of said University of Texas tract and the southeast right-of-way line of said Inwood Road, over and across said Inwood Road, a distance of 100.08 feet to a point for corner; said point being on the northwest right-of-way line of said Inwood Road and the southeast line of that tract of land described in Special Warranty Deed to the Board of Regents of the University of Texas System for and on behalf of the University of Texas Southwestern Medical Center at Dallas, as recorded in Volume 92146, Page 4605, D.R.D.C.T. and the southeast line of City Block C/5759 of Forest Park, an addition to the City of Dallas as shown on plat thereof recorded in Volume 241, Page 41, D.R.D.C.T.;

**THENCE** North 43 degrees 33 minutes 04 seconds East, with the northwest right-of-way line of said Inwood Road and with the southeast line of said Medical Center tract and City Block C/5759, a distance of 10.00 feet to a point for corner;

(For SPRG use only)

Reviewed by: A. Rodriguez  
Date: 1/24/18  
SPRG NO.: 4386



**LICENSE AGREEMENT  
INWOOD ROAD  
ADJACENT TO CITY BLOCKS 5756 AND C/5759  
OUT OF THE MILES BENNETT SURVEY, ABST. NO. 52  
AND THE CRAWFORD GRIGSBY, ABST. NO. 533,  
IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** South 46 degrees 42 minutes 28 seconds East, departing the northwest right-of-way line of said Inwood Road and the southeast line of said Medical Center tract and City Block C/5759, over and across said Inwood Road, a distance of 100.14 feet to a point for corner, said point being on the aforementioned northwest line of said University of Texas tract in City Block 5756 and the southeast right-of-way line of said Inwood Road, and from which an "X" cut found in concrete for the northeast corner of said tract of land in City Block 5756 described in Special Warranty Deed to The Board of Regents of the University of Texas System, as recorded in Volume 2004155, Page 601, O.P.R.D.C.T., bears North 43 degrees 53 minutes 45 seconds East, a distance of 111.01 feet;

**THENCE** South 43 degrees 53 minutes 45 seconds West, with the northwest line of said University of Texas tract in City Block 5756 and the southeast right-of-way line of said Inwood Road, a distance of 10.00 feet to the **POINT OF BEGINNING** and **CONTAINING** 1,001 square feet or 0.0230 acres of land, more or less.

**BASIS OF BEARING:** State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet; Surface Adjustment Scale Factor (SF) = 1.0001365060 (TxDOT Dallas Co. SF).

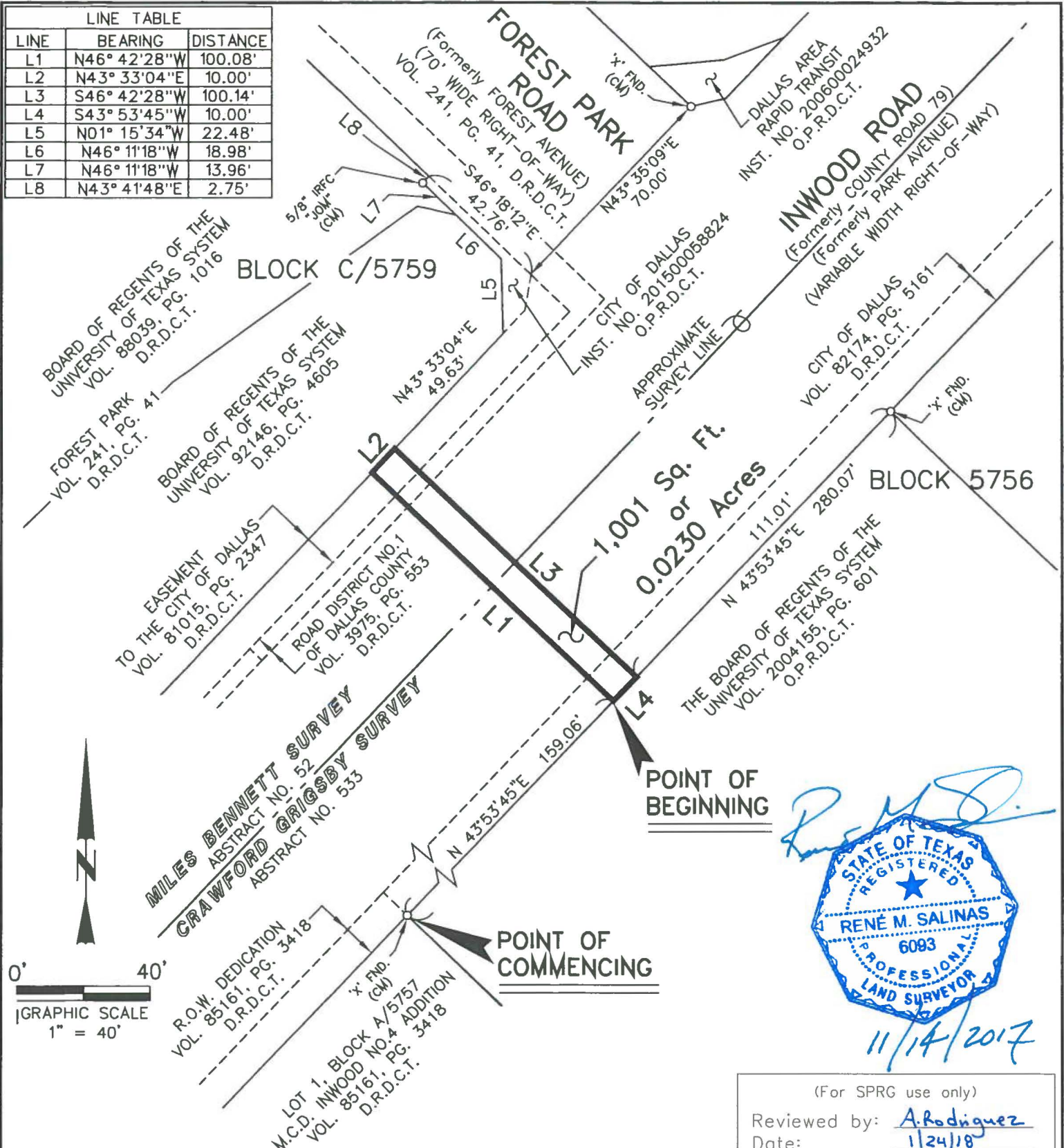
  
René M. Salinas  
Registered Professional Land Surveyor  
Texas No. 6093



(For SPRG use only)

Reviewed by: A. Rodriguez  
Date: 1/24/18  
SPRG NO.: 4386

| LINE TABLE |                |          |
|------------|----------------|----------|
| LINE       | BEARING        | DISTANCE |
| L1         | N46° 42' 28" W | 100.08'  |
| L2         | N43° 33' 04" E | 10.00'   |
| L3         | S46° 42' 28" W | 100.14'  |
| L4         | S43° 53' 45" W | 10.00'   |
| L5         | N01° 15' 34" W | 22.48'   |
| L6         | N46° 11' 18" W | 18.98'   |
| L7         | N46° 11' 18" W | 13.96'   |
| L8         | N43° 41' 48" E | 2.75'    |

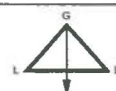


## LEGEND:

|              |                                                |
|--------------|------------------------------------------------|
| (CM)         | CONTROLLING MONUMENT                           |
| D.R.D.C.T.   | DEED RECORDS OF DALLAS COUNTY TEXAS            |
| FND.         | FOUND                                          |
| IRF          | IRON ROD FOUND                                 |
| IRFC         | IRON ROD FND. WITH CAP                         |
| INST. NO.    | INSTRUMENT NUMBER                              |
| MON.         | MONUMENT                                       |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS |
| R.O.W.       | RIGHT-OF-WAY                                   |
| VOL.         | VOLUME                                         |
| PG.          | PAGE                                           |

**BASIS OF BEARING:** State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet; Surface Adjustment Scale Factor (SF) = 1.0001365060 (TxDOT Dallas Co. SF).

**LICENSE AGREEMENT**  
**INWOOD ROAD**  
ADJACENT TO CITY BLOCKS 5756 AND C/5759  
OUT OF THE MILES BENNETT SURVEY, ABST. NO. 52  
AND THE CRAWFORD GRIGSBY, ABST. NO. 533,  
IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS



**Garcia Land Data, Inc.**

T 214-987-0149 6210 Campbell Rd., Ste. 110  
F 214-987-4026 Dallas, TX 75248-1388  
TBPLS Firm No. 10136500

DATE: JAN. 16, 2018

PROJ: 5657

PAGE 3 OF 3



**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

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

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



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

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

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

## **AGENDA ITEM # 23**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

June 13, 2018

### **COUNCIL DISTRICT(S):**

8

### **DEPARTMENT:**

Department of Sustainable Development and Construction

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

70N

---

### **SUBJECT**

An ordinance abandoning Lariat Drive to LGI Homes-Texas, LLC, the abutting owner, containing approximately 4,674 square feet of land, located near the intersection of Greenhaw Lane and Woody Road; and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of Lariat Drive to LGI Homes-Texas, LLC, the abutting owner. The area will be included with the property of the abutting owner for a single-family development. 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 4 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 June 11, 2018.

### **FISCAL INFORMATION**

Revenue - \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**LGI Homes-Texas, LLC**

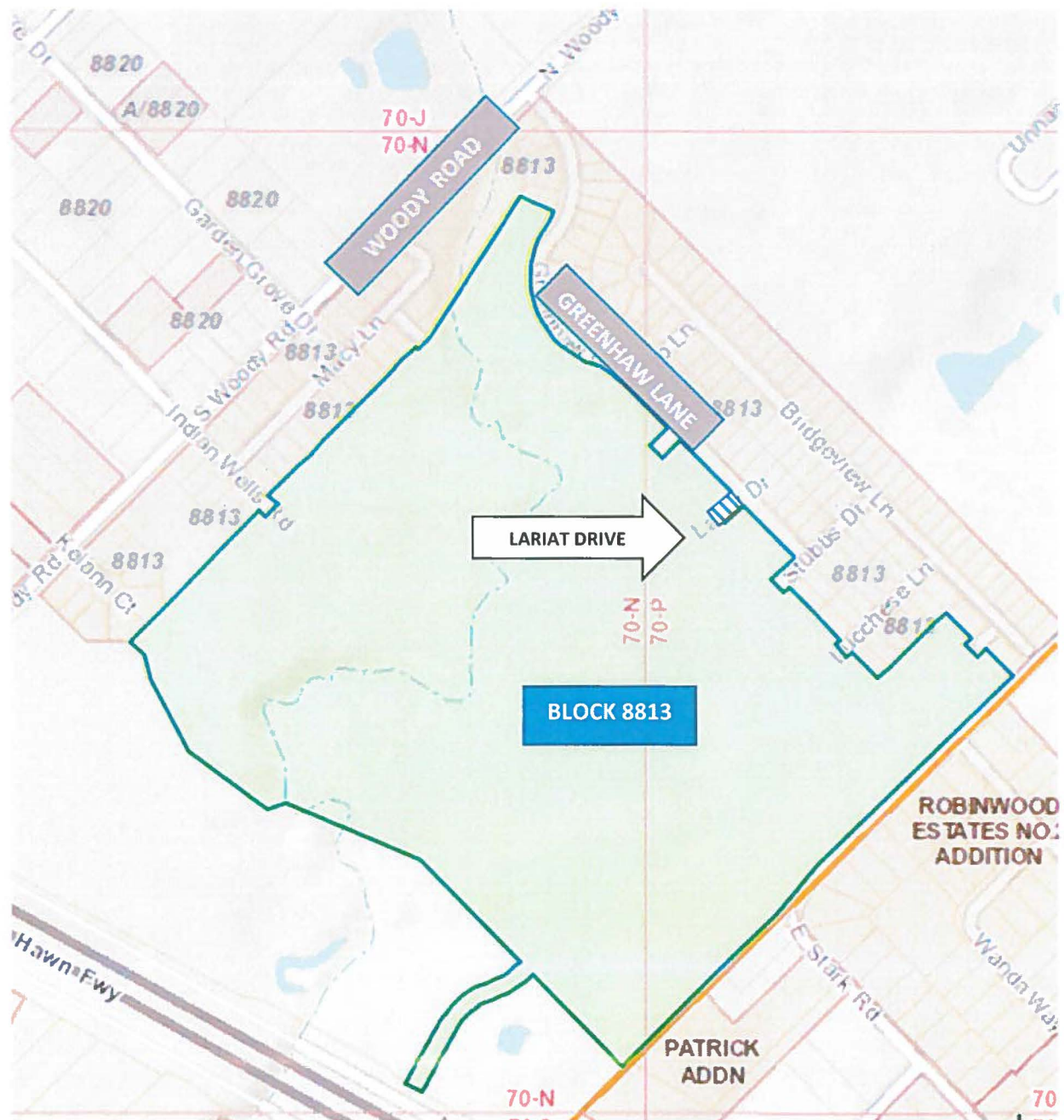
LGI Homes Inc.

Michael Snider, President

**MAP**

Attached





**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of Lariat Drive located in City Block 8813 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to LGI Homes-Texas, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of LGI Homes-Texas, 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 Lariat Drive 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 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 and 10 the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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 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, 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,

**SECTION 4.** (continued)

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

**SECTION 8.** (continued)

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, 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

**SECTION 10.** (continued)

**GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, 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 12.** That this ordinance is also designated for City purposes as Contract No. DEV- 2018-00005846.

**SECTION 13.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:   
Assistant Director  
SOR

Passed \_\_\_\_\_

# EXHIBIT A

**RIGHT-OF-WAY ABANDONMENT  
LARIAT DRIVE  
ADJACENT TO BLOCK 8813  
SHADY OAKS ESTATES, PHASE 1  
ROBERT KLEBURG SURVEY, ABSTRACT No. 716  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** A 4,674 SQUARE FEET (0.107 ACRE) TRACT OF LAND, SITUATED IN THE ROBERT KLEBURG SURVEY, ABSTRACT 716, ADJACENT TO CITY BLOCK 8813, CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING LARIAT DRIVE (A 56-FOOT WIDE RIGHT-OF-WAY) DEDICATED BY SHADY OAKS ESTATES, PHASE 1, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN INSTRUMENT NO. 200600403943, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A 5/8 INCH IRON ROD WITH CAP STAMPED "CARTER BURGESS" FOUND AT THE NORTH END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STUBBS DRIVE (A 56-FOOT WIDE RIGHT-OF-WAY) AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF GREENHAW LANE (A 56-FOOT WIDE RIGHT-OF-WAY) BOTH STREETS DEDICATED BY SAID SHADY OAKS ESTATES, PHASE 1 COMMON WITH THE NORTHEASTERLY LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO LGI HOMES - TEXAS, LLC, BY DEED RECORDED IN INSTRUMENT NO. 201600280940, SAID OFFICIAL PUBLIC RECORDS;

**THENCE** NORTH 45 DEGREES 31 MINUTES 12 SECONDS WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF GREENHAW LANE AND SAID NORTHEASTERLY LINE OF SAID LGI HOMES - TEXAS TRACT, A DISTANCE OF 224.02 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "CARTER BURGESS" FOUND (CONTROLLING MONUMENT (CM)) AT THE EAST END OF A CORNER CLIP AT THE INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF GREENHAW LANE AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE AFORESAID LARIAT DRIVE BEING THE **POINT OF BEGINNING**;

**THENCE** SOUTH 89 DEGREES 50 MINUTES 47 SECONDS WEST ALONG SAID CORNER CLIP AND SOUTHERLY RIGHT-OF-WAY OF LARIAT DRIVE, A DISTANCE OF 4.27 FEET TO A FOUND 5/8 INCH IRON ROD WITH CAP STAMPED "CARTER BURGESS" (CM);

**THENCE** SOUTH 45 DEGREES 12 MINUTES 46 SECONDS WEST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.66 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "TXHS" FOUND (CM) FOR THE SOUTHERLY CORNER OF SAID LARIAT DRIVE;

**THENCE** NORTH 44 DEGREES 47 MINUTES 14 SECONDS WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID LARIAT DRIVE, A DISTANCE OF 56.00 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "TXHS" FOUND (CM) FOR THE WESTERLY CORNER OF SAID LARIAT DRIVE;

**THENCE** NORTH 45 DEGREES 12 MINUTES 46 SECONDS EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LARIAT DRIVE, A DISTANCE OF 79.94 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "CARTER BURGESS" FOUND (CM) AT THE SOUTH END OF A CORNER CLIP AT THE INTERSECTION OF SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF LARIAT DRIVE AND THE AFORESAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF GREENHAW LANE;

**THENCE** NORTH 00 DEGREES 09 MINUTES 13 SECONDS WEST ALONG SAID CORNER CLIP, A DISTANCE OF 4.22 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "CARTER BURGESS" FOUND (CM) AT THE NORTH END OF SAID CORNER CLIP AT THE INTERSECTION OF SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF LARIAT DRIVE AND SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF GREENHAW LANE;

**THENCE** SOUTH 45 DEGREES 31 MINUTES 14 SECONDS EAST, A DISTANCE OF 62.01 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 4,674 SQUARE FEET OR 0.107 ACRE OF LAND.

|                                  |
|----------------------------------|
| (FOR SPRG USE ONLY)              |
| REVIEWED BY: <u>A. Rodriguez</u> |
| DATE: <u>3/6/18</u>              |
| SPRG NO: <u>4038</u>             |

# EXHIBIT A

**RIGHT-OF-WAY ABANDONMENT  
LARIAT DRIVE  
ADJACENT TO BLOCK 8813  
SHADY OAKS ESTATES, PHASE 1  
ROBERT KLEBURG SURVEY, ABSTRACT No. 716  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

A PLAT OF EQUAL DATE ACCOMPANIES THIS LEGAL DESCRIPTION AND MADE A PART THEREOF.

BEARINGS SYSTEM BASED ON THE STATE TEXAS COORDINATE SYSTEM OF 1983, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (2011).



MATTHEW W. GOULD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5763



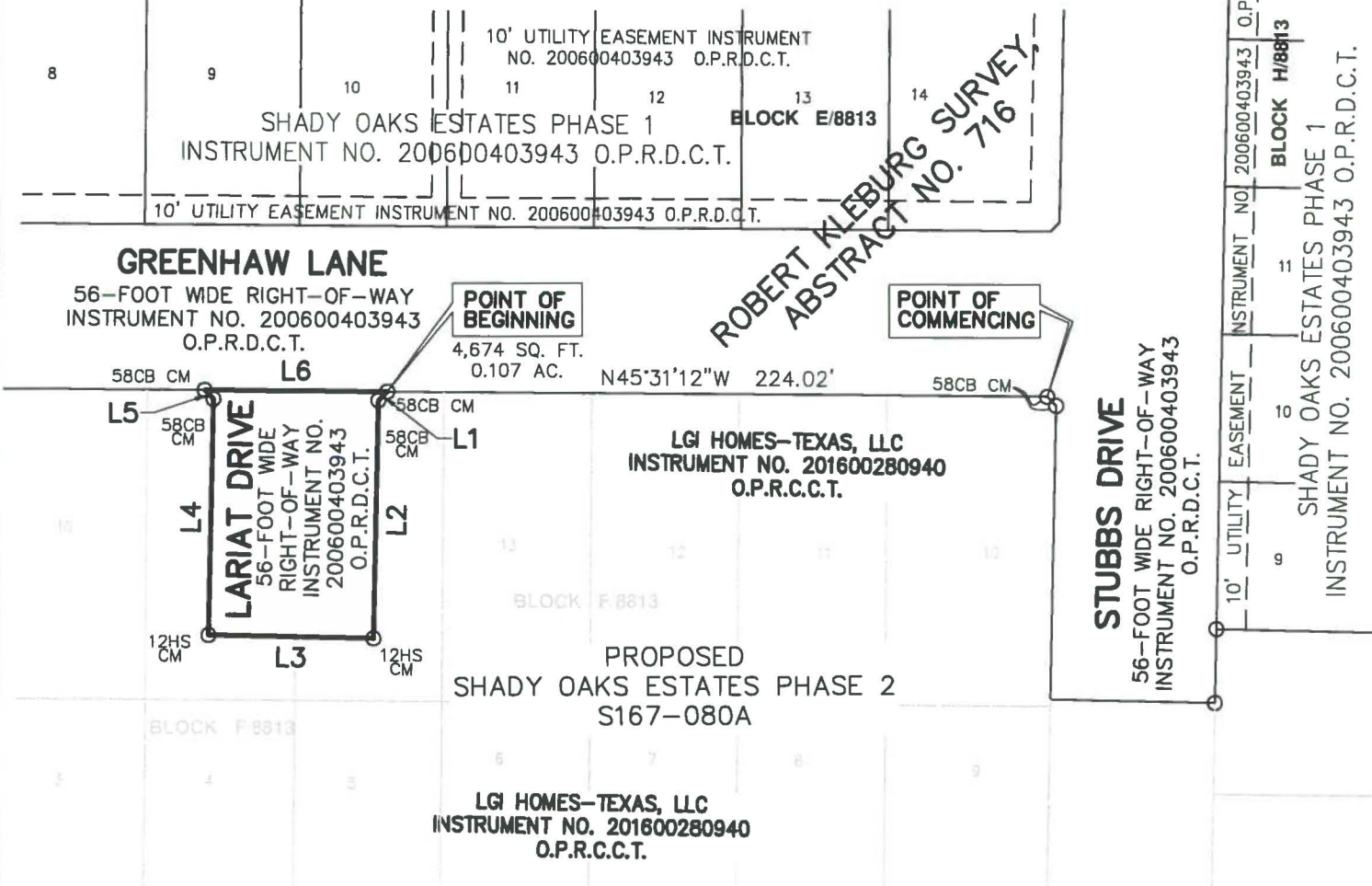
DATED: FEBRUARY 28, 2018

PAPE-DAWSON ENGINEERS, INC.  
5700 W. PLANO PKWY, SUITE 2500  
PLANO, TEXAS 75093  
TEL: 214.420.8494  
TBPLS FIRM # 10194390

|                                  |
|----------------------------------|
| (FOR SPRG USE ONLY)              |
| REVIEWED BY: <u>A. Rodriguez</u> |
| DATE: <u>3/6/18</u>              |
| SPRG NO: <u>4038</u>             |



## RIGHT-OF-WAY ABANDONMENT LARIAT DRIVE ADJACENT TO BLOCK 8813 SHADY OAKS ESTATES, PHASE 1 ROBERT KLEBURG SURVEY, ABSTRACT NO. 716 CITY OF DALLAS, DALLAS COUNTY, TEXAS



### NOTES:

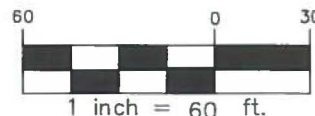
1) BEARINGS SYSTEM BASED ON THE STATE TEXAS COORDINATE SYSTEM OF 1983, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (2011).

2) O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS; D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS; M.R.D.C.T. = MAP RECORD, DALLAS COUNTY, TEXAS; 12HS = 1/2-INCH IRON ROD FOUND WITH CAP STAMPED "TXHS"; 58CB = 5/8-INCH IRON ROD FOUND WITH CAP STAMPED "CARTER BURGESS" CM= CONTROLLING MONUMENT;

3) METES AND BOUNDS DESCRIPTIONS OF EQUAL DATE ACCOMPANIES THIS EXHIBIT.

4) SURVEY NAMES SHOWN HEREON ARE FROM THE GLO'S GIS INTERACTIVE WEBSITE (2017-07).

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | S89°50'47"W | 4.27'  |
| L2         | S45°12'46"W | 80.66' |
| L3         | N44°47'14"W | 56.00' |
| L4         | N45°12'46"E | 79.94' |
| L5         | N00°09'13"W | 4.22'  |
| L6         | S45°31'14"E | 62.01' |



(FOR SPRG USE ONLY)  
REVIEWED BY: A. Rodriguez  
DATE: 3/6/18  
SPRG NO: 4038



**PAPE-DAWSON  
ENGINEERS**

DALLAS | SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH  
5700 W PLANO PKWY, STE 2500 PLANO, TX 75093 214.420.8494  
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION #470  
TBPLS FIRM REGISTRATION #1019390

PROJECT # : 07192-0001  
PROJ. SVYR : MG  
DRAWN BY : RDJ  
FIELD BK. : N/A  
COMP. FILE :  
SHEET # : 03 OF 03  
DWG. # : 071950001\_ExVac

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.



## **AGENDA ITEM # 24**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

June 13, 2018

### **COUNCIL DISTRICT(S):**

13

### **DEPARTMENT:**

Department of Sustainable Development and Construction

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

14Z

---

### **SUBJECT**

An ordinance abandoning a portion of a sanitary sewer easement to Daniel Brothers, L.L.P., the abutting owner, containing approximately 2,010 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a portion of a sanitary sewer easement to Daniel Brothers, L.L.P., the abutting owner. The area will be included with the property of the abutting owner for a new multi-family development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

### **FISCAL INFORMATION**

Revenue - \$5,400, plus the \$20 ordinance publication fee

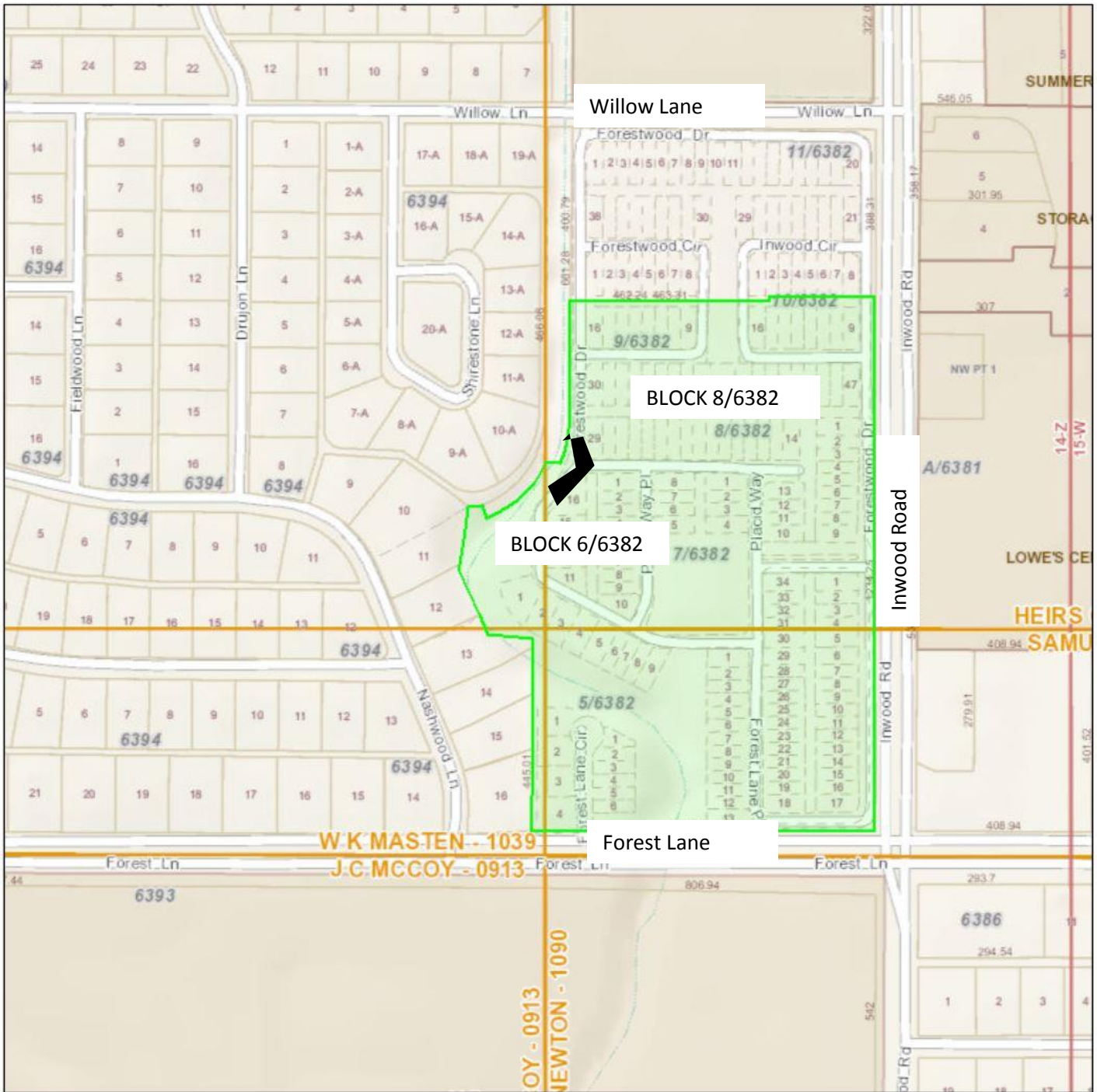
### **OWNER**

**Daniel Brothers, L.L.P**

John A. Daniel, Member

**MAP**

Attached



ABANDONMENT AREA 



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Blocks 6/6382 and 8/6382 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Daniel Brothers, L.L.P.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Daniel Brothers, L.L.P., a Texas limited liability partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of sanitary sewer easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

**Now, Therefore,**

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

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is 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, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

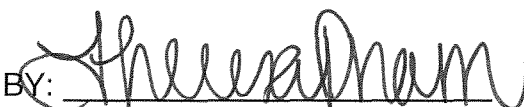
**SECTION 9.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 10.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005135.

**SECTION 11.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:   
Assistant City Attorney

BY:   
SOR Assistant Director

Passed \_\_\_\_\_.

# Exhibit A

**SANITARY SEWER EASEMENT ABANDONMENT**  
**PART OF LOT 16 AND OPEN SPACE IN BLOCK 6/6382**  
**PART OF LOT 29, IN BLOCK 8/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 2,010 square foot (0.0461 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas and being part of Lot 16 and Open Space in Block 6/6382, part of Lot 29, Block 8/6382, and in the same area of a utility and fire lane easement adjacent to Blocks 6/6382 and 8/6382 in First Installment Forestwood Townhouse Community an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2450, Deed Records, Dallas County, Texas, being part of a 15-foot wide sanitary sewer easement to the City of Dallas, recorded in Volume 5302, Page 538, Deed Records of Dallas County, Texas, part of a 15-foot wide sanitary sewer easement to the City of Dallas, recorded in Volume 72079, Page 2450, Deed Records of Dallas County, Texas and part of a 15-foot wide sanitary sewer easement to the City of Dallas, recorded in Volume 69223, Page 788, Deed Records of Dallas County, Texas and being part a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community; from which a 1/2" iron rod found at the southwest corner of said First Installment Forestwood Townhouse Community bears South 89°15'39" West, a distance of 795.97 feet and a 5/8" iron rod with plastic cap stamped "KHA" found bears North 0°42'01" West, a distance of 5.00 feet;

**THENCE** with said east right-of-way line of Inwood Road and the east line of said First Installment Forestwood Townhouse Community, North 0°42'01" West, a distance of 822.06 feet to a point for corner;

**THENCE** departing said east right-of-way line, over and across said Forestwood Townhouse Community, South 89°17'59" West, a distance of 650.68 feet to a point in the south line of said 15-foot wide sanitary sewer easement (Volume 5302, Page 538, D.R.D.C.T.) at the southernmost corner of a 441.45-foot long tract of land described in Release, recorded in Volume 70231, Page 1083, Deed Records of Dallas County, Texas for the **POINT OF BEGINNING** and at the beginning of a curve to the right having a central angle of 6°47'23", a radius of 293.98 feet, a chord bearing and distance of South 56°10'18" West, 34.82 feet;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



|                     |                     |
|---------------------|---------------------|
| (For SPRG use only) |                     |
| Reviewed By:        | <u>A. Rodriguez</u> |
| Date:               | <u>4/5/18</u>       |
| SPRG NO:            | <u>4410</u>         |

|                                                                                                                                           |          |            |          |             |           |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|----------|-------------|-----------|
| <b>Kimley»Horn</b>                                                                                                                        |          |            |          |             |           |
| 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                                                                                                                                       | SRD      | DAB        | Mar 2018 | 067771641   | 1 OF 5    |



# Exhibit A

**SANITARY SEWER EASEMENT ABANDONMENT**  
**PART OF LOT 16 AND OPEN SPACE IN BLOCK 6/6382**  
**PART OF LOT 29, IN BLOCK 8/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** with the south line of said 15-foot wide sanitary sewer easement (Volume 5302, Page 538, D.R.D.C.T.), over and across said First Installment Forestwood Townhouse Community, the following courses and distances to wit:

In a southwesterly direction, with said curve to the right, an arc distance of 34.84 feet to a point for corner;

South 59°34'00" West, a distance of 64.59 feet to a point for corner;

**THENCE** departing said south line of said 15-foot wide sanitary sewer easement (Volume 5302, Page 538), continuing over and across said First Installment Forestwood Townhouse Community, North 27°59'38" East, a distance of 28.65 feet to a point for corner in the north line of said 15-foot wide sanitary sewer easement (Volume 5302, Page 538, D.R.D.C.T.);

**THENCE** with said north line of the 15-foot wide sanitary sewer easement (Volume 5302, Page 538, D.R.D.C.T.), continuing over and across said First Installment Forestwood Townhouse Community, the following courses and distances to wit:

North 59°34'00" East, a distance of 40.18 feet to a point at the beginning of a tangent curve to the left having a central angle of 5°02'23", a radius of 278.98 feet, a chord bearing and distance of North 57°02'48" East, 24.53 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 24.54 feet to a point at the intersection of said north line and the west line of said 15-foot wide sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.) and at the beginning of a non-tangent curve to the right having a central angle of 25°36'30", a radius of 87.50 feet, a chord bearing and distance of North 30°10'13" West, 38.78 feet;

**THENCE** with the west line of said 15-foot sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.) continuing over and across said First Installment Forestwood Townhouse Community, in a northwesterly direction, with said curve to the right, an arc distance of 39.11 feet to a point for corner;

**THENCE** departing said west line of the 15-foot sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.) continuing over and across said First Installment Forestwood Townhouse Community, North 27°59'38" East, a distance of 23.84 feet to a point in the east line of said 15-foot sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.), at the beginning of a non-tangent curve to the left having a central angle of 44°50'00", a radius of 72.50 feet, a chord bearing and distance of South 26°25'30" East, 55.29 feet;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4410

|                                                                               |          |            |                 |             |                                                   |
|-------------------------------------------------------------------------------|----------|------------|-----------------|-------------|---------------------------------------------------|
| <h2>Kimley»Horn</h2>                                                          |          |            |                 |             |                                                   |
| 13455 Noel Road, Two Galleria Office<br>Tower, Suite 700, Dallas, Texas 75240 |          |            | FIRM # 10115500 |             | Tel. No. (972) 770-1300<br>Fax No. (972) 239-3820 |
| Scale                                                                         | Drawn by | Checked by | Date            | Project No. | Sheet No.                                         |
| N/A                                                                           | SRD      | DAB        | Mar 2018        | 067771641   | 2 OF 5                                            |

# Exhibit A

SANITARY SEWER EASEMENT ABANDONMENT  
PART OF LOT 16 AND OPEN SPACE IN BLOCK 6/6382  
PART OF LOT 29, IN BLOCK 8/6382  
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

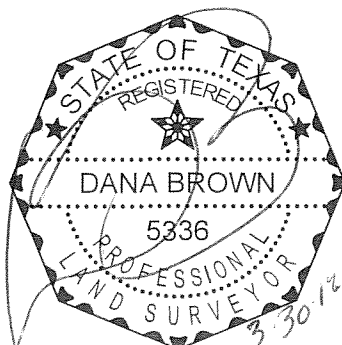
**THENCE** with said east line of the 15-foot wide sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.), continuing over and across said First Installment Forestwood Townhouse Community, in a southeasterly direction, with said curve to the left, an arc distance of 56.73 feet to a point for corner at the southeast corner of said 15-foot wide sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.);

**THENCE** with the south line of said 15-foot wide sanitary sewer easement (Volume 69223, Page 788, D.R.D.C.T.) continuing over and across said First Installment Forestwood Townhouse Community, South  $41^{\circ}09'30''$  West, a distance of 7.68 feet to a point for corner at the intersection of said south line and the west line of said 441.45-foot tract;

**THENCE** departing said south line and with said west line of the 441.45-foot tract, continuing over and across said First Installment Forestwood Townhouse Community, South  $37^{\circ}13'23''$  East, a distance of 7.75 feet to the **POINT OF BEGINNING** and containing 2,010 square feet or 0.046 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

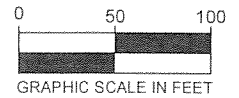
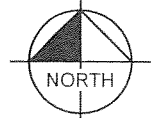
DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4410

|                                                                               |          |            |                 |             |                                                  |
|-------------------------------------------------------------------------------|----------|------------|-----------------|-------------|--------------------------------------------------|
| <b>Kimley»Horn</b>                                                            |          |            |                 |             |                                                  |
| 13455 Noel Road, Two Galleria Office<br>Tower, Suite 700, Dallas, Texas 75240 |          |            | FIRM # 10115500 |             | Tel. No (972) 770-1300<br>Fax No. (972) 239-3820 |
| Scale                                                                         | Drawn by | Checked by | Date            | Project No. | Sheet No.                                        |
| N/A                                                                           | SRD      | DAB        | Mar 2018        | 067771641   | 3 OF 5                                           |

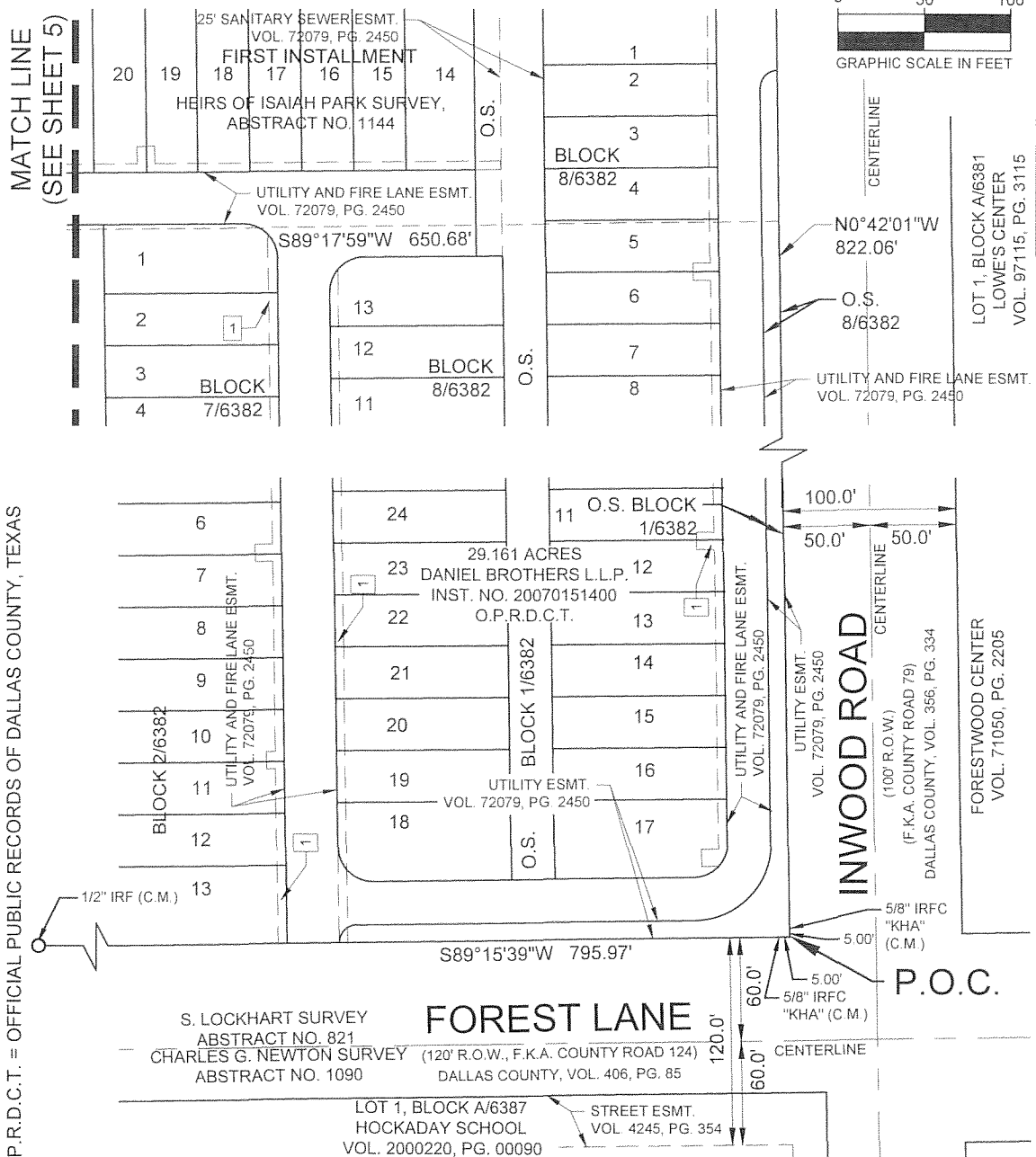
## SANITARY SEWER EASEMENT ABANDONMENT PART OF LOT 16 AND OPEN SPACE IN BLOCK 6/6382 PART OF LOT 29, IN BLOCK 8/6382 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144 CITY OF DALLAS, DALLAS COUNTY, TEXAS



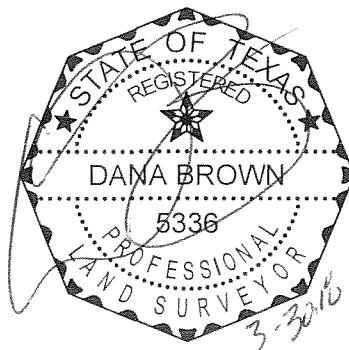
**NOTES**  
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.  
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

[1] Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702

**LEGEND**  
C.M. = CONTROLLING MONUMENT  
O.S. = OPEN SPACE  
VOL. = VOLUME  
R.O.W. = RIGHT-OF-WAY  
F.K.A. = FORMERLY KNOWN AS  
P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
IRFC = IRON ROD W/CAP FOUND  
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS



DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4410

# 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" = 100' | SRD      | DAB        | Mar 2018 | 067771641   | 4 OF 5    |

# Exhibit A

## SANITARY SEWER EASEMENT ABANDONMENT

PART OF LOT 16 AND OPEN SPACE IN BLOCK 6/6382

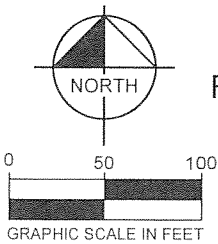
PART OF LOT 29, IN BLOCK 8/6382

FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS

MATCH LINE  
(SEE SHEET 4)



(For SPRG use only)

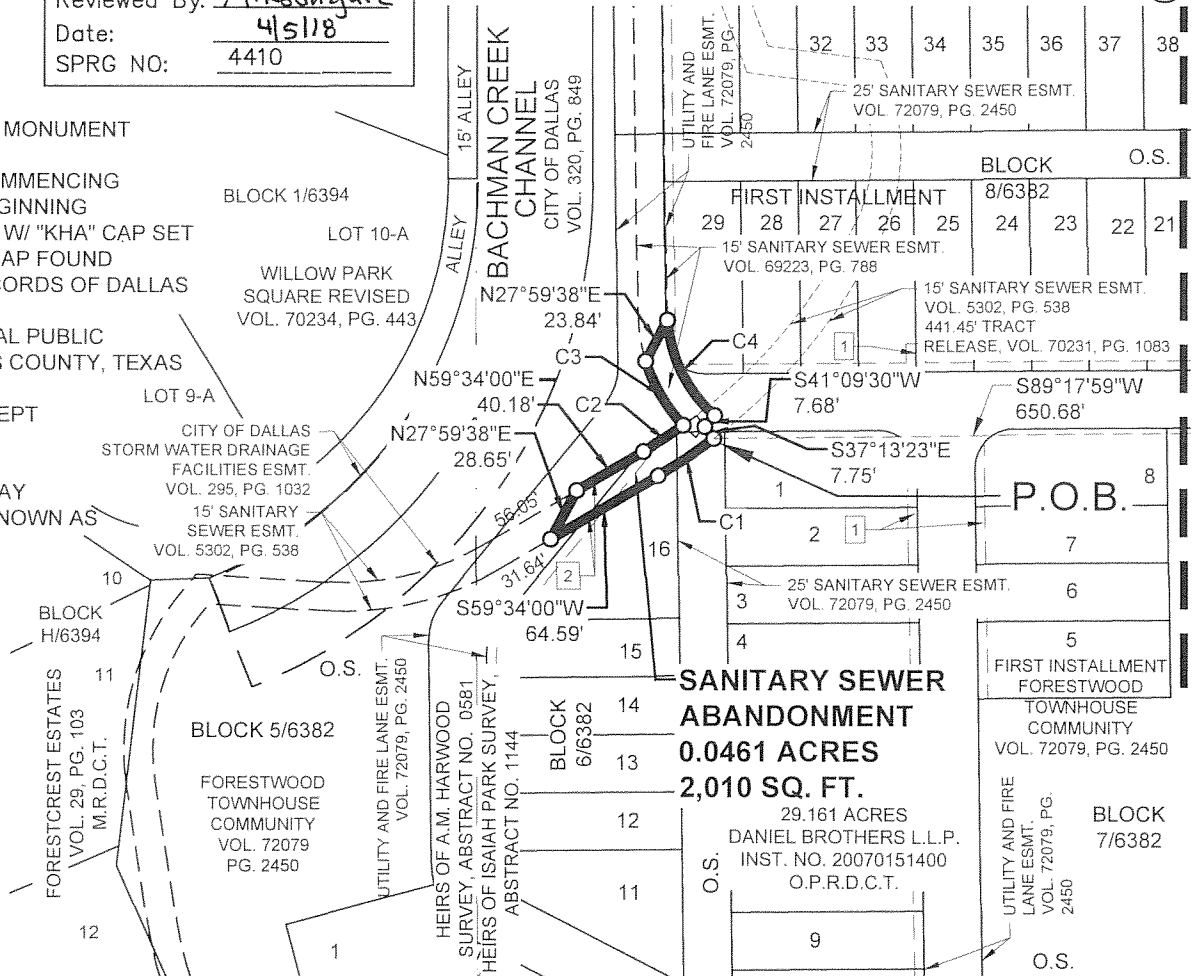
Reviewed By: A. Rodriguez

Date: 4/5/18

SPRG NO: 4410

### LEGEND

Δ = CENTRAL ANGLE  
C.M. = CONTROLLING MONUMENT  
ESMT. = EASEMENT  
P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
IRFC = IRON ROD W/CAP FOUND  
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
O.S. = OPEN SPACE  
S.E. = SAVE AND EXCEPT  
VOL. = VOLUME  
PG. = PAGE  
R.O.W. = RIGHT-OF-WAY  
F.K.A. = FORMERLY KNOWN AS



**SANITARY SEWER  
ABANDONMENT**  
**0.0461 ACRES**  
**2,010 SQ. FT.**

29.161 ACRES  
DANIEL BROTHERS L.L.P.  
INST. NO. 20070151400  
O.P.R.D.C.T.

### NOTES

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

1 Dallas Power and Light Company & Southwestern Bell Telephone Company Esmt., VOL. 72197, PG. 702

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



### CURVE TABLE

| NO. | DELTA     | RADIUS  | LENGTH | CHORD BEARING | CHORD  |
|-----|-----------|---------|--------|---------------|--------|
| C1  | 6°47'23"  | 293.98' | 34.84' | S56°10'18"W   | 34.82' |
| C2  | 5°02'23"  | 278.98' | 24.54' | N57°02'48"E   | 24.53' |
| C3  | 25°36'30" | 87.50'  | 39.11' | N30°10'13"W   | 38.78' |
| C4  | 44°50'00" | 72.50'  | 56.73' | S26°25'30"E   | 55.29' |

# 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" = 100' | SRD      | DAB        | Mar 2018 | 067771641   | 5 OF 5    |

## **AGENDA ITEM # 25**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

June 13, 2018

### **COUNCIL DISTRICT(S):**

13

### **DEPARTMENT:**

Department of Sustainable Development and Construction

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

14Z

---

### **SUBJECT**

An ordinance abandoning six sanitary sewer easements, two utility easements, and two utility and fire lane easements to Daniel Brothers, L.L.P., the abutting owner, containing a total of approximately 296,609 square feet of land, located near the intersection of Forest Lane and Inwood Road - Revenue: \$10,400, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of six sanitary sewer easements, two utility easements, and two utility and fire lane easements to Daniel Brothers, L.L.P., the abutting owner. The area will be included with the property of the abutting owner for the construction of a new multi-family development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

### **FISCAL INFORMATION**

Revenue - \$10,400, plus the \$20 ordinance publication fee

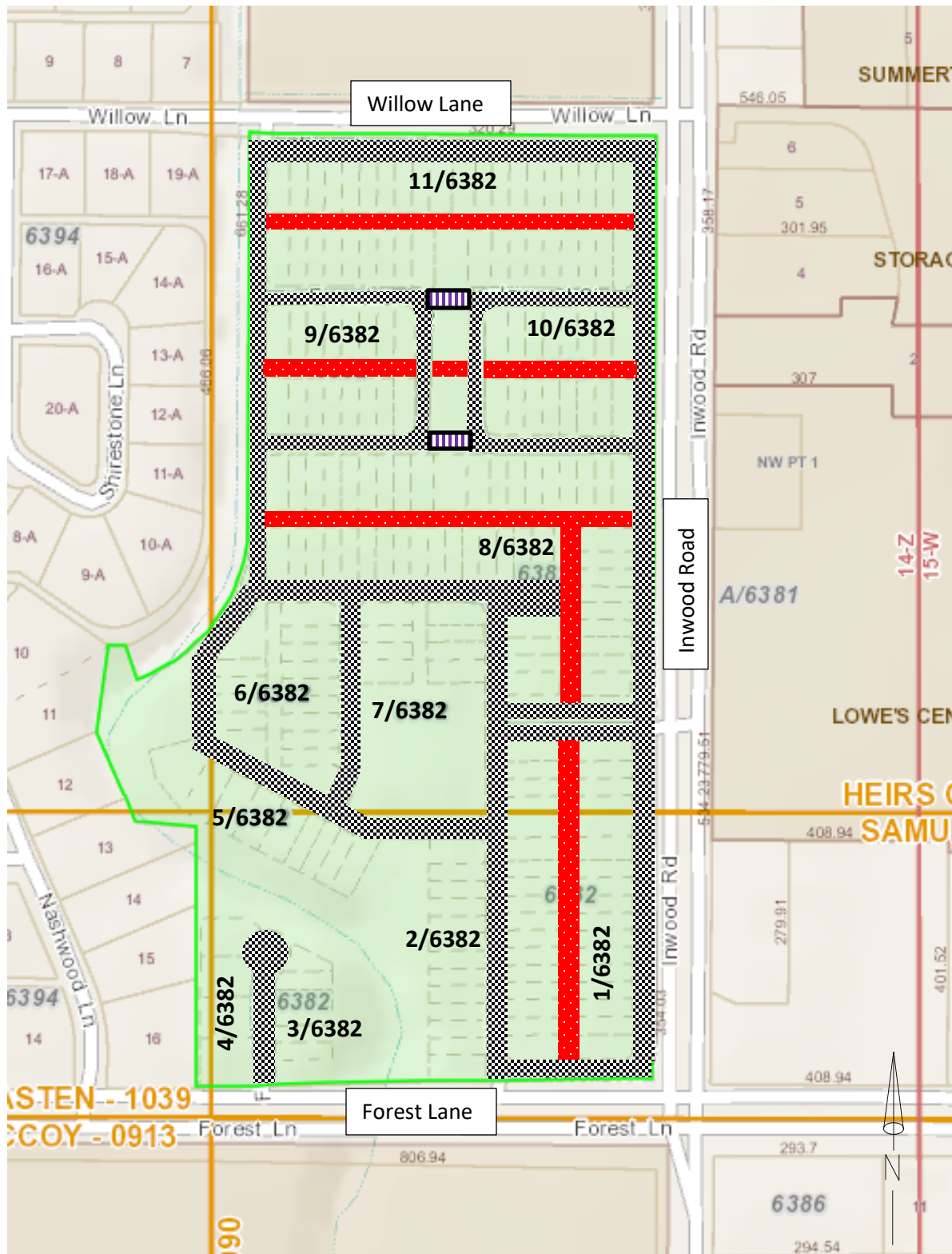
### **OWNER**

**Daniel Brothers, L.L.P.**

John A. Daniel, Member

**MAP**

Attached



Utility & Fire Lane Easement Abandonment areas = 

Utility Easement Abandonment Area = 

Sanitary Sewer Easement Abandonment Area = 





**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of six sanitary sewer easements, two utility easements, and two utility and fire lane easements, located in City Blocks 1/6382, 2/6382, 3/6382, 4/6382, 5/6382, 6/6382, 7/6382, 8/6382, 9/6382, 10/6382, and 11/6382 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Daniel Brothers, L.L.P.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Daniel Brothers, L.L.P., a Texas limited liability partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

**Now, Therefore,**

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

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **TEN THOUSAND FOUR HUNDRED AND NO/100 (\$10,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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 the 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, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 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 maintain open ingress and egress access to a public right-of-way to facilitate emergency response and water supply during and after completion of the project.

**SECTION 10.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 11.** That this ordinance is designated for City purposes as Contract No. DEV-2018-00005134.

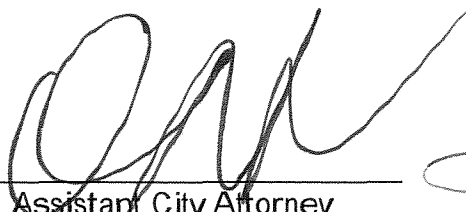
**SECTION 12.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

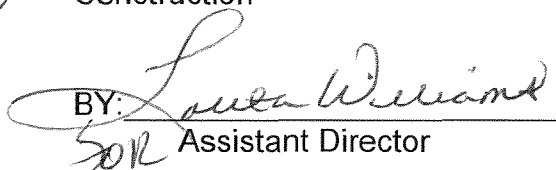
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director

Department of Sustainable Development and Construction

BY: 

Assistant City Attorney

BY: 

Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A-TRACT 1

SANITARY SEWER EASEMENT ABANDONMENT  
CITY BLOCK 11/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 16,000 square foot (0.3673 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 11/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, and all of a 25-foot wide sanitary sewer easement in Block 11/6382, Second Installment Forestwood Townhouse Community, an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly County Road 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment Forestwood Townhouse Community bears South 89°29'57" West, a distance of 704.88 feet;

**THENCE** with said west right-of-way line and the east line of said Open Space, Block 11/6382, South 0°42'01" East, a distance of 134.88 feet, to a point for corner;

THENCE departing said west right-of-way line and said east line of Open Space, Block 11/6382, over and across said Second Installment Forestwood Townhouse Community, South 89°17'59" West, a distance of 35.00 feet to a point in the west line of a utility and fire lane easement created by said Second Installment Forestwood Townhouse Community plat, at the northeast corner of Open Space, Block 11/6382, the southeast corner of Lot 20, Block 11/6382 and the northeast corner of said 25-foot wide sanitary sewer easement for the **POINT OF BEGINNING**;

**THENCE** with said west line of the utility and fire lane easement, the east line of said Open Space, Block 11/6382 and the east line of said 25-foot wide sanitary sewer easement, South 0°42'01" East, a distance of 25.00 feet to the northeast corner of Lot 21, Block 11/6382, the southeast corner of Open Space, Block 11/6382 and the southeast corner of said 25-foot wide sanitary sewer easement;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4392

## 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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 4    |

SANITARY SEWER EASEMENT ABANDONMENT  
CITY BLOCK 11/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

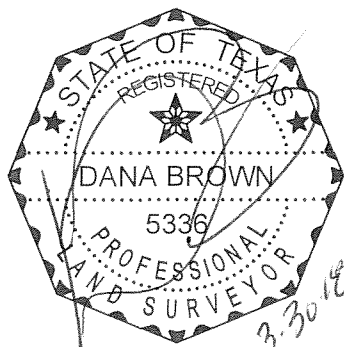
**THENCE** departing said west line of the utility and fire lane easement, with the south line of said Open Space, Block 11/6382, the south line of said 25-foot wide sanitary sewer easement and the north line of Lots 21 through 38, Block 11/6382, South 89°29'57" West, a distance of 640.00 feet to a point in the east line of said utility and fire lane easement at the southwest corner of said Open Space, Block 11/6382, the southwest corner of said 25-foot wide sanitary sewer easement, and the northwest corner of said Lot 38, Block 11/6382;

**THENCE** with the east line of said utility and fire lane easement, the west line of said Open Space, Block 11/6382, and the west line of said 25-foot wide sanitary sewer easement, North 0°42'01" West, a distance of 25.00 feet to the southwest corner of Lot 1, Block 11/6382, the northwest corner of said Open Space, 11/6382 and the northwest corner of said 25-foot wide sanitary sewer easement;

**THENCE** departing said east line of said utility and fire lane easement, with the south line of Lots 1 through 20, Block 11/6382, the north line of said Open Space, Block 11/6382 and the north line of said 25-foot wide sanitary sewer easement, North 89°29'57" East, a distance of 640.00 feet to the **POINT OF BEGINNING** and containing 16,000 square feet or 0.3673 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



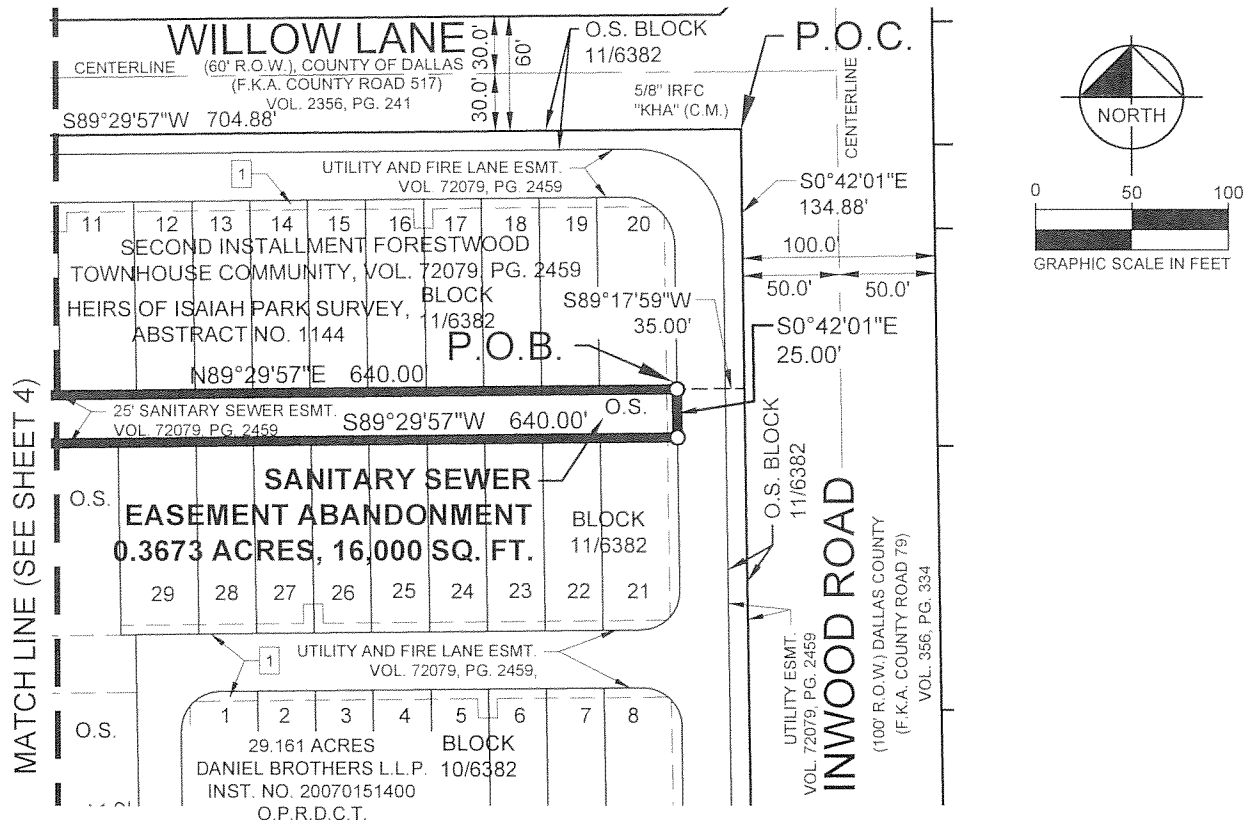
(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4392

# 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   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 4    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 11/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**NOTES**

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
- 2 15' sewer esmt., VOL. 5302, PG. 538

**LEGEND**

Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

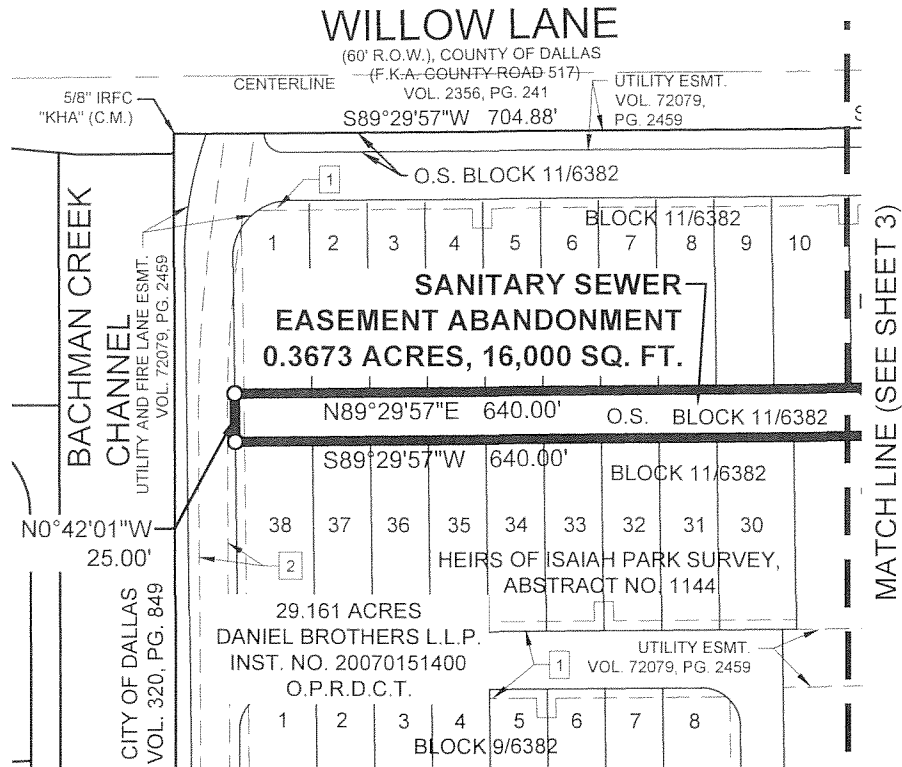
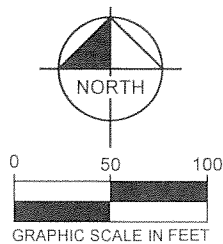
Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4392

# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 4    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 11/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**NOTES**

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- [1] Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702  
 [2] 15' sewer esmt., VOL. 5302, PG. 538

**LEGEND**

Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4392

# Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3620

| Scale     | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-----------|----------|------------|------------|-------------|-----------|
| 1" = 100' | SRD      | DAB        | March 2018 | 067771641   | 4 OF 4    |



# EXHIBIT A-TRACT 2

## SANITARY SEWER EASEMENT ABANDONMENT

CITY BLOCK 9/6382

SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 6,500 square foot (0.1492 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 9/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, all of a 25-foot wide sanitary sewer easement in Block 9/6382, Second Installment Forestwood Townhouse Community an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly County Road 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment Forestwood Townhouse Community bears South 89°29'57" West, a distance of 704.88 feet;

**THENCE** with said west right-of-way line of Inwood Road and with the east line of said Block 11/6382, South 0°42'01" East, a distance of 388.56 feet to a point for corner;

**THENCE** departing said west right-of-way line of Inwood Road and said east line of Block 11/6382, over and across said Second Installment Forestwood Townhouse Community, South 89°17'59" West, a distance of 415.00 feet to a point in the west line of a utility and fire lane easement per said Second Installment Forestwood Townhouse Community plat, at the southeast corner of Lot 8, Block 9/6382, the northeast corner of Open Space, Block 9/6382 and the northeast corner of said 25-foot wide sanitary sewer easement for the **POINT OF BEGINNING**;

**THENCE** with the east line of said Open Space, Block 9/6382, the east line of said 25-foot wide sanitary sewer easement and the west line of said utility and fire lane easement, South 0°42'01" East, a distance of 25.00 feet to the southeast corner of said Open Space, Block 9/6382, the southeast corner of said 25-foot wide sanitary sewer easement and the northeast corner of Lot 9, Block 9/6382;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4393

# 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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 4    |

SANITARY SEWER EASEMENT ABANDONMENT  
CITY BLOCK 9/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** departing said west line of the utility and fire lane easement, with the south line of said Open Space, Block 9/6382, the south line of said 25-foot wide sanitary sewer easement, and the north line of Lots 9 through 16, Block 9/6382, South  $89^{\circ}29'57''$  West, a distance of 260.00 feet to a point in the east line of said utility and fire lane easement at the southwest corner of said Open Space, Block 9/6382, the southwest corner of said 25-foot wide sanitary sewer easement and the northwest corner of Lot 16, Block 9/6382;

**THENCE** with the west line of said Open Space, Block 9/6382, the west line of said 25-foot wide sanitary sewer easement, and the east line of said utility and fire lane easement, North  $0^{\circ}42'01''$  West, a distance of 25.00 feet to the northwest corner of said Open Space, Block 9/6382, the northwest corner of said 25-foot wide sanitary sewer easement, and the southwest corner of Lot 1, Block 9/6382;

**THENCE** departing said east line of the utility and fire lane easement with the north line of said Open Space, Block 9/6382, the north line of said 25-foot wide sanitary sewer easement and the south line of Lots 1 through 8, Block 9/6382, North  $89^{\circ}29'57''$  East, a distance of 260.00 feet to the **POINT OF BEGINNING** and containing 6,500 square feet or 0.1492 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4393

**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   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 4    |

## SANITARY SEWER EASEMENT ABANDONMENT

CITY BLOCK 9/6382

SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4393



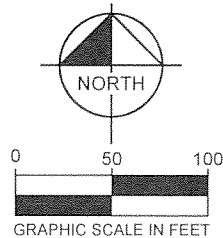
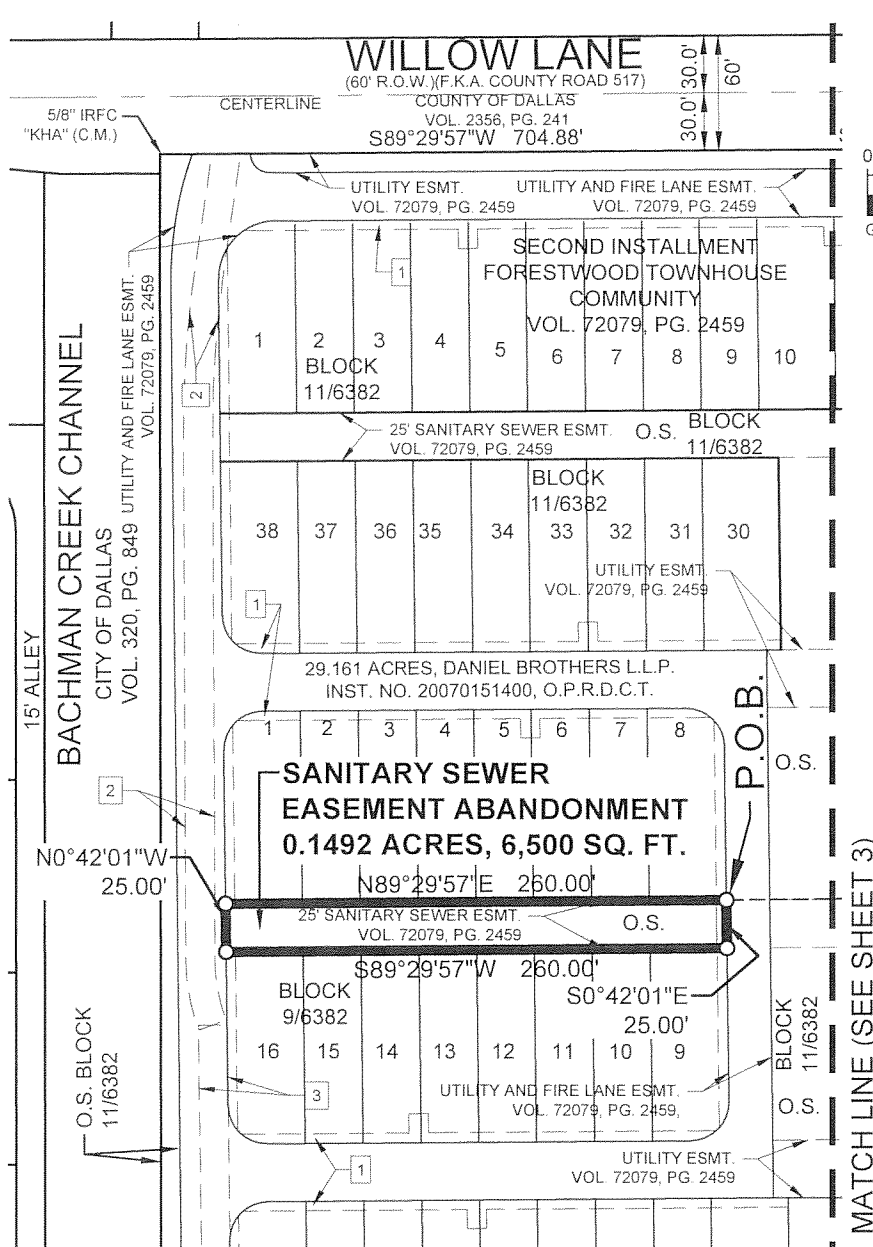
DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com

### 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 4    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 9/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**



**LEGEND**  
 Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS

**NOTES**  
 All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.  
 Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702  
 2 15' sewer esmt., VOL. 5302, PG. 538  
 3 15' sewer esmt., VOL. 69223, PG. 788

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4393

**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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 4 OF 4    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 11/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 1,875 square foot (0.0430 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 11/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, all of a 25-foot wide sanitary sewer easement in Block 11/6382, Second Installment Forestwood Townhouse Community, an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly County Road 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment Forestwood Townhouse Community bears South 89°29'57" West, a distance of 704.88 feet;

**THENCE** with said west right-of-way line of Inwood Road and with the east line of said Block 11/6382, South 0°42'01" East, a distance of 413.90 feet to a point for corner;

**THENCE** departing said west right-of-way line of Inwood Road and said east line of Block 11/6382, South 89°17'59" West, a distance of 317.50 feet to a point in the west line of a utility and fire lane easement per said Second Installment Forestwood Townhouse Community plat and the east line of Open Space, Block 11/6382, at the southeast corner of said 25-foot wide sanitary sewer easement for the **POINT OF BEGINNING**, from which the southeast corner of said Open Space, Block 11/6382 bears South 0°42'01" East, a distance of 130.00 feet;

**THENCE** departing the west line of said utility and fire lane easement, the east line of said Open Space, Block 11/6382 and with the south line of said 25-foot wide sanitary sewer easement, South 89°29'57" West, a distance of 75.00 feet to a point in the east line of said Open Space, Block 11/6382, and the east line of said utility and fire lane easement at the southwest corner of said 25-foot wide sanitary sewer easement;

**THENCE** with the east line of said utility and fire lane easement and the west line of said Open Space, Block 11/6382, and the west line of said 25-foot wide sanitary sewer easement, North 0°42'01" West, a distance of 25.00 feet to the northwest corner of said 25-foot wide sanitary sewer easement;

**THENCE** departing said east line of the utility and fire lane easement and the west line of said Open Space, Block 11/6382 and with the north line of said 25-foot wide sanitary sewer easement, North 89°29'57" East, a distance of 75.00 feet to a point in said west line of said utility and fire lane easement and said east line of the Open Space, Block 11/6382, at the northeast corner of said 25-foot wide sanitary sewer easement;

**THENCE** with said west line of the utility and fire lane easement, said east line of the Open Space, Block 11/6382, and the east line of said 25-foot wide sanitary sewer easement, South 0°42'01" East, a distance of 25.00 feet to the **POINT OF BEGINNING** and containing 1,875 square feet or 0.0430 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4394

**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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 2    |

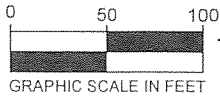
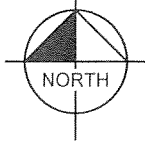
## SANITARY SEWER EASEMENT ABANDONMENT

CITY BLOCK 11/6382

SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



5/8" IRFC  
"KHA" (C.M.)

S89°29'57"W 704.88'

WILLOW LANE

(60' R.O.W.)

(F.K.A. COUNTY ROAD 517)  
COUNTY OF DALLAS, VOL. 2356, PG. 241

UTILITY ESMT.  
VOL. 72079, PG. 2459

UTILITY AND FIRE LANE ESMT.  
VOL. 72079, PG. 2459

O.S.  
BLOCK  
11/6382

P.O.C.

5/8" IRFC  
"KHA" (C.M.)

SECOND INSTALLMENT  
FORESTWOOD TOWNHOUSE  
COMMUNITY  
VOL. 72079, PG. 2459

BLOCK  
11/6382  
SECOND INSTALLMENT  
FORESTWOOD TOWNHOUSE  
COMMUNITY  
VOL. 72079, PG. 2459

25' SANITARY SEWER ESMT.  
VOL. 72079, PG. 2459

O.S.  
BLOCK  
11/6382

25' SANITARY SEWER ESMT.  
VOL. 72079, PG. 2459

O.S.  
BLOCK  
11/6382

BLOCK  
11/6382  
UTILITY ESMT.  
VOL. 72079, PG. 2459

BLOCK  
11/6382

HEIRS OF ISAIAH PARK SURVEY,  
ABSTRACT NO. 1144

BLOCK  
11/6382

UTILITY AND FIRE LANE ESMT.  
VOL. 72079, PG. 2459

O.S.  
BLOCK  
11/6382  
CENTERLINE  
INWOOD ROAD  
(100' R.O.W.)  
(F.K.A. COUNTY ROAD 79)  
DALLAS COUNTY, VOL. 356, PG. 334

**SANITARY SEWER  
EASEMENT ABANDONMENT  
0.0430 ACRES, 1,875 SQ. FT.**

25' SANITARY SEWER ESMT.  
VOL. 72079, PG. 2459

O.S.

BLOCK 9/6382

N0°42'01"W  
25.00'

S89°29'57"W  
75.00'

UTILITY AND FIRE LANE ESMT.  
VOL. 72079, PG. 2459

UTILITY ESMT.  
VOL. 72079, PG. 2459

O.S.  
BLOCK  
11/6382

S0°42'01"E  
130.00'

UTILITY AND FIRE LANE ESMT.  
VOL. 72079, PG. 2459

29.161 ACRES  
DANIEL BROTHERS L.L.P.  
INST. NO. 20070151400  
O.P.R.D.C.T.

BLOCK  
10/6382

P.O.B.

25' SANITARY SEWER ESMT.  
VOL. 72079, PG. 2459

UTILITY AND FIRE LANE ESMT.  
VOL. 72079, PG. 2459

BLOCK 10/6382

### NOTES

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702

### LEGEND

Δ = CENTRAL ANGLE

ESMT. = EASEMENT

S.E. = SAVE AND EXCEPT

PG. = PAGE

F.K.A. = FORMERLY KNOWN AS

P.O.C. = POINT OF COMMENCING

P.O.B. = POINT OF BEGINNING

IRSC = 5/8" IRON ROD W/ "KHA" CAP SET

IRFC = IRON ROD W/CAP FOUND

M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS

O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

C.M. = CONTROLLING MONUMENT

O.S. = OPEN SPACE

VOL. = VOLUME

R.O.W. = RIGHT-OF-WAY

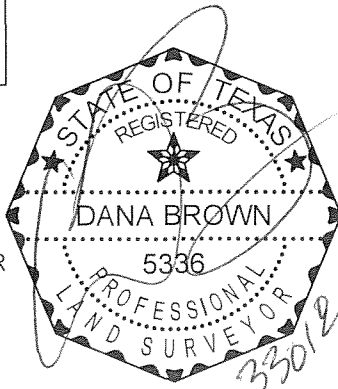
(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 4/5/18

SPRG NO: 4394

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 2 OF 2    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 10/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 6,500 square foot (0.1492 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 10/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, all of a 25-foot wide sanitary sewer easement in Block 10/6382, Second Installment Forestwood Townhouse Community an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly County Road 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment Forestwood Townhouse Community bears South 89°29'57" West, a distance of 704.88 feet;

**THENCE** with said west right-of-way line of Inwood Road and with the east line of said Block 11/6382, South 0°42'01" East, a distance of 389.88 feet to a point for corner;

**THENCE** departing said west right-of-way line of Inwood Road and said east line of Block 11/6382, over and across said Second Installment Forestwood Townhouse Community, South 89°17'59" West, a distance of 35.00 feet to a point in the west line of a utility and fire lane easement at the southeast corner of Lot 8, Block 10/6382, the northeast corner of Open Space, Block 10/6382 and the northeast corner of said 25-foot wide sanitary sewer easement for the **POINT OF BEGINNING**;

**THENCE** with the east line of said Open Space, Block 10/6382, the east line of said 25-foot wide sanitary sewer easement and the west line of said utility and fire lane easement, South 0°42'01" East, a distance of 25.00 feet to the southeast corner of said Open Space, Block 10/6382, the southeast corner of said 25-foot wide sanitary sewer easement and the northeast corner of Lot 9, Block 10/6382;

**THENCE** departing said west line of the utility and fire lane easement, with the south line of said Open Space, Block 10/6382, the south line of said 25-foot wide sanitary sewer easement, and the north line of Lots 9 through 16, Block 10/6382, South 89°29'57" West, a distance of 260.00 feet to a point in the east line of a utility and fire lane easement at the southwest corner of said Open Space, Block 10/6382, the southwest corner of said 25-foot wide sanitary sewer easement and the northwest corner of Lot 16, Block 10/6382;

**THENCE** with the west line of said Open Space, Block 10/6382, the west line of said 25-foot wide sanitary sewer easement, and the east line of said utility and fire lane easement, North 0°42'01" West, a distance of 25.00 feet to the northwest corner of said Open Space, Block 10/6382, the northwest corner of said 25-foot wide sanitary sewer easement, and the southwest corner of Lot 1, Block 10/6382;

**THENCE** departing said east line of the utility and fire lane easement with the north line of said Open Space, Block 10/6382, the north line of said 25-foot wide sanitary sewer easement and the south line of Lots 1 through 8, Block 10/6382, North 89°29'57" East, a distance of 260.00 feet to the **POINT OF BEGINNING** and containing 6,500 square feet or 0.1492 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4395

**Kimley»Horn**

12750 Merit Drive, Suite 1000  
 Dallas, Texas 75251

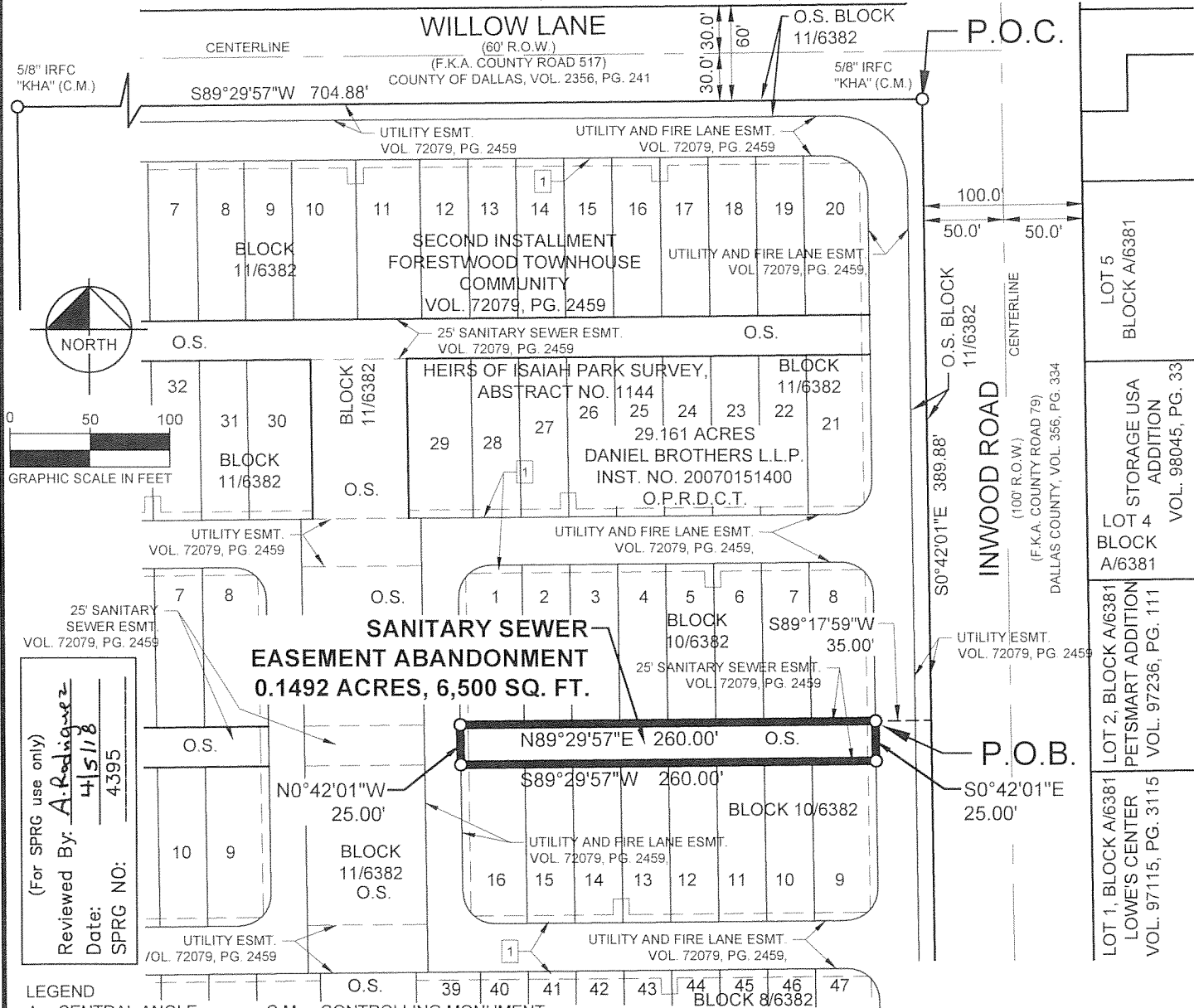
FIRM # 10115500

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

| Scale | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-------|----------|------------|------------|-------------|-----------|
| N/A   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 2    |



**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 10/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4395

**LEGEND**

Δ = CENTRAL ANGLE  
 ESMT. = EASEMENT  
 S.E. = SAVE AND EXCEPT  
 PG. = PAGE  
 P.O.C. = POINT OF COMMENCING  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 F.K.A. = FORMERLY KNOWN AS  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND

C.M. = CONTROLLING MONUMENT  
 O.S. = OPEN SPACE  
 VOL. = VOLUME  
 R.O.W. = RIGHT-OF-WAY

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com

**NOTES**

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

[1] Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702

**Kimley»Horn**

12750 Merit Drive, Suite 1000  
 Dallas, Texas 75251

FIRM # 10115500

Tel No. (972) 770-1300  
 Fax No. (972) 239-3820

| Scale     | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-----------|----------|------------|------------|-------------|-----------|
| 1" = 100' | SRD      | DAB        | March 2018 | 067771641   | 2 OF 2    |



**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 8/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 23,250 square foot (0.5337 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 8/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, and all of a 25-foot wide sanitary sewer easement in Block 8/6382, First Installment Forestwood Townhouse Community, an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2450, Deed Records, Dallas County, Texas, and all of a sanitary sewer easement in Block 8/6382, Second Installment Forestwood Townhouse Community, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, formerly County Road 124, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community, from which a 1/2" iron rod found at the southwest corner of said First Installment Forestwood Townhouse Community bears South 89°15'39" West, a distance of 795.97 feet;

**THENCE** with said west right-of-way line of Inwood Road and the east line of said Open Space, Block 1/6382, North 0°42'01" West, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 663.44 feet, to a point in the east line of Open Space, Block 8/6382, First Installment Forestwood Townhouse Community;

**THENCE** departing said west right-of-way line of Inwood Road and the east line of said Open Space Block 8/6382, over and across said First Installment Forestwood Townhouse Community, South 89°29'57" West, a distance of 135.00 feet to an interior corner Open Space, Block 8/6382 and the southwest corner of Lot 9, Block 8/6382 and at the southernmost southeast corner of said 25-foot wide sanitary sewer easement for the **POINT OF BEGINNING**;

**THENCE** with the south line of said 25-foot wide sanitary sewer easement, South 89°29'57" West, a distance of 25.00 feet to the southernmost southwest corner of said 25-foot wide sanitary sewer easement and the southeast corner of Lot 10, Block 8/6382;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4397

|                                                                            |          |            |                        |             |           |
|----------------------------------------------------------------------------|----------|------------|------------------------|-------------|-----------|
| <b>Kimley»Horn</b>                                                         |          |            |                        |             |           |
| 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                                                                        | SRD      | DAB        | March 2018             | 067771641   | 1 OF 5    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 8/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** with the west line of said 25' sanitary sewer easement and the east lines of Lots 10 through 13, Block 8/6382 and Open Space, Block 8/6382, North 0°42'01" West, a distance of 290.00 feet to an interior corner of said 25-foot wide sanitary sewer easement;

**THENCE** with a southerly line of said 25-foot wide sanitary sewer easement a southerly line of said Open Space, Block 8/6382 and the north lines of Lots 14 through 29, Block 8/6382, South 89°29'57" West, a distance of 515.00 feet to a point in the east line of said utility and fire lane easement at the westernmost southwest corner of said 25-foot wide sanitary sewer easement, the westernmost southwest corner of said Open Space, Block 8/6382 and northwest corner of Lot 29, Block 8/6382;

**THENCE** with said east line of the utility and fire lane easement, the west line of said Open Space, Block 8/6382 and the west line of said 25-foot wide sanitary sewer easement, North 0°42'01" West, a distance of 25.00 feet to the northwest corner of said 25-foot wide sanitary sewer easement, the northwest corner of said Open Space, Block 8/6382 and the southwest corner of Lot 30, Block 8/6382;

**THENCE** departing said utility and fire lane easement and with the north line of said 25-foot wide sanitary sewer easement, the north line of said Open Space, Block 8/6382, the south lines of Lots 30 through 47, Block 8/6382, North 89°29'57" East, a distance of 640.00 feet to a point in the west line of a utility and fire lane easement at the northeast corner of said 25-foot wide sanitary sewer easement, the northeast corner of said Open Space, Block 8/6382 and the southeast corner of said Lot 47, Block 8/6382;

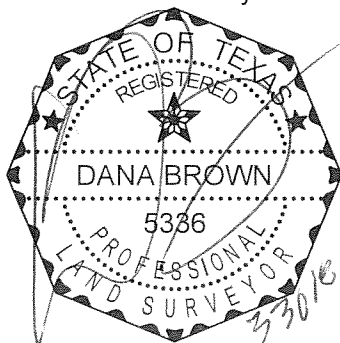
**THENCE** with the east line of said 25-foot wide sanitary sewer easement, the east line of said Open Space, Block 8/6382 and said west line of the utility and fire lane easement, South 0°42'01" East, a distance of 25.00 feet to the easternmost southeast corner of said 25-foot wide sanitary sewer easement, the easternmost southeast corner of said Open Space, Block 8/6382 and the northeast corner of Lot 1, Block 8/6382;

**THENCE** departing said utility and fire lane easement, with a south line of said 25-foot wide sanitary sewer easement, the south line of said Open Space, Block 8/6382 and the north line of said Lot 1, Block 8/6382, South 89°29'57" West, a distance of 100.00 feet to an interior corner of said 25-foot wide sanitary sewer easement, the northwest corner of said Lot 1, Block 8/6382 and an interior corner of said Open Space, Block 8/6382;

**THENCE** with the east line of said 25-foot wide sanitary sewer easement, the east line of said Open Space, Block 8/6382 and the west lines of Lots 1 through 9, Block 8/6382, South 0°42'01" East, a distance of 290.00 feet to the **POINT OF BEGINNING** and containing 23,250 square feet or 0.5337 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

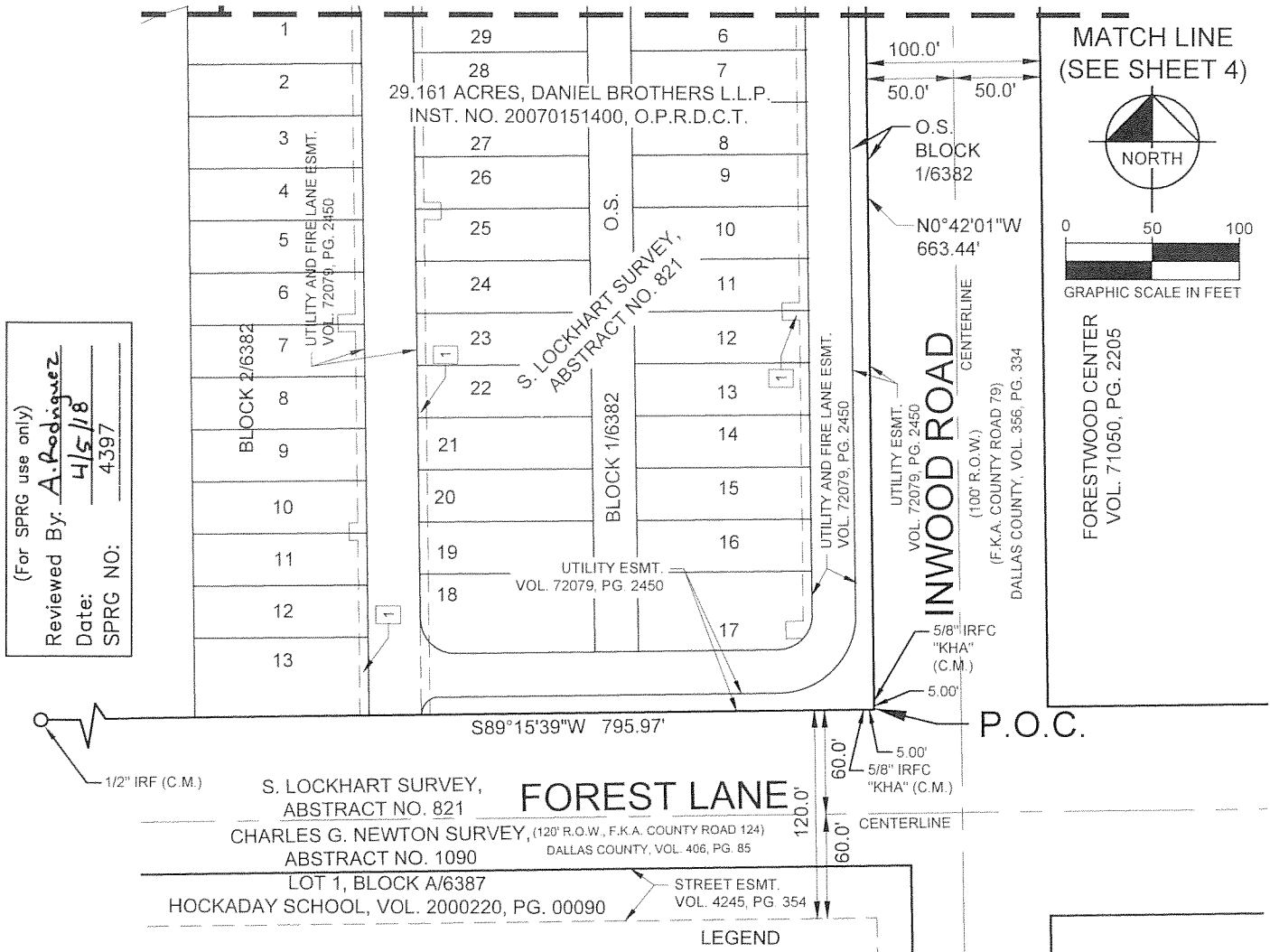
Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4397

**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   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 5    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 8/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**NOTES**

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
- 2 15' sewer esmt., VOL. 5302, PG. 538
- 3 15' sewer esmt., VOL. 69223, PG. 788

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com

**LEGEND**

Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS

# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 5    |

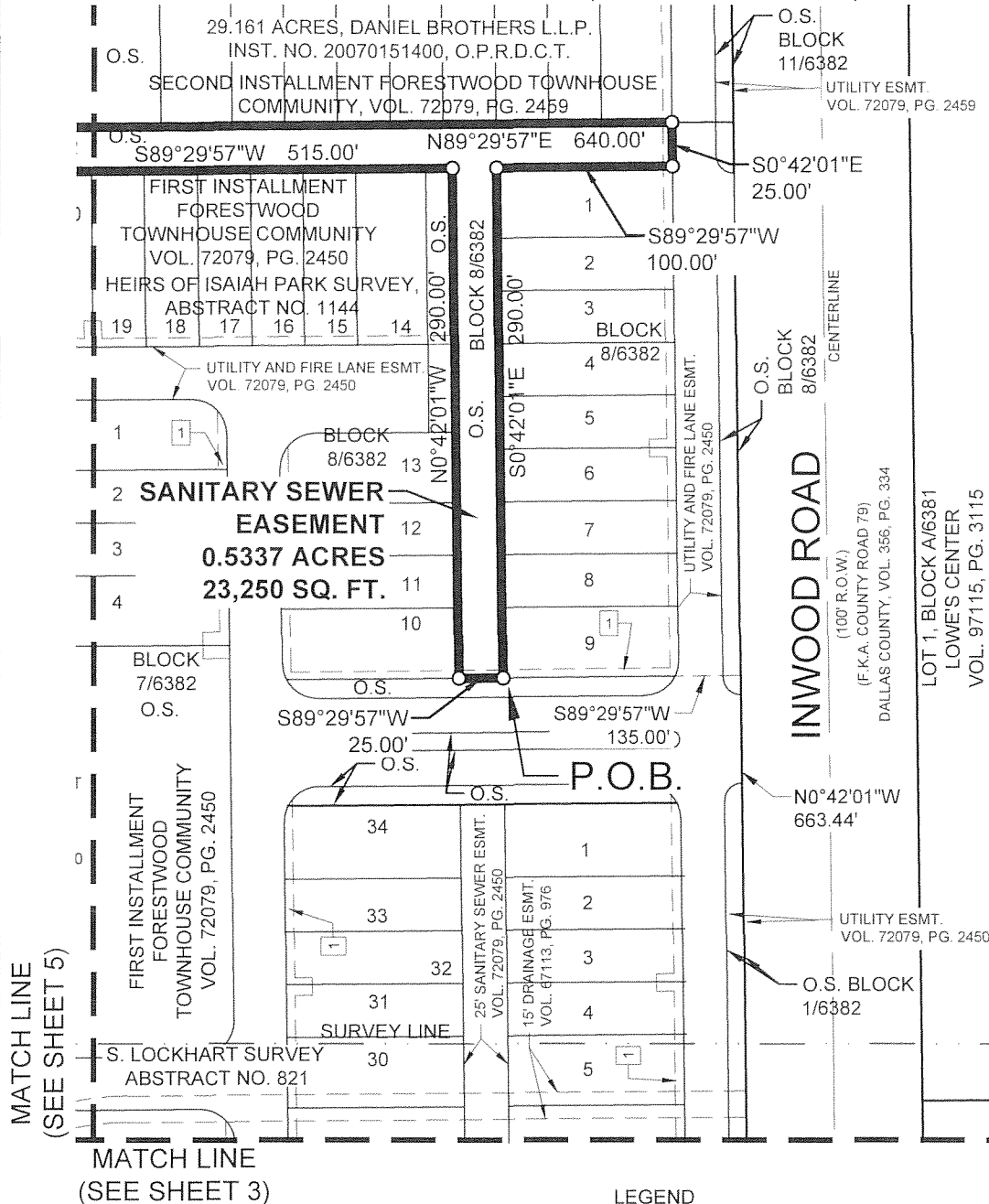
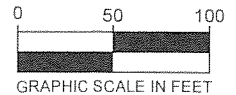
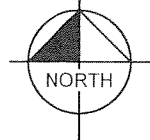
## SANITARY SEWER EASEMENT ABANDONMENT

CITY BLOCK 8/6382

FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4397

## NOTES

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

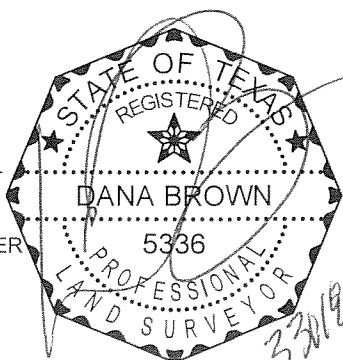
- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702  
 2 15' sewer esmt., VOL. 5302, PG. 538  
 3 15' sewer esmt., VOL. 69223, PG. 788

## LEGEND

Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 4 OF 5    |

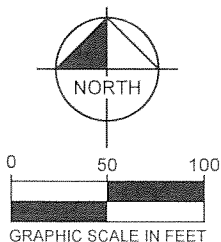
## SANITARY SEWER EASEMENT ABANDONMENT

CITY BLOCK 8/6382

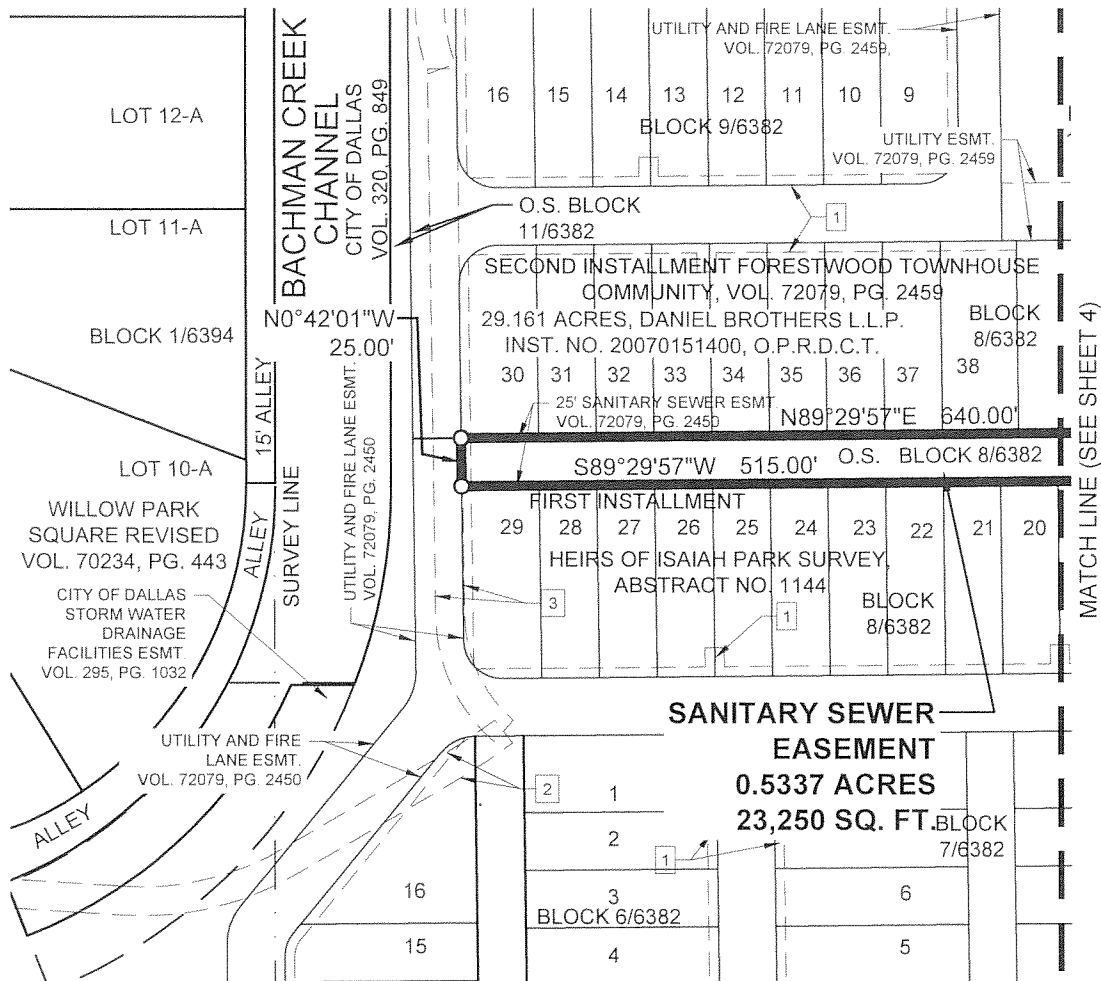
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4397



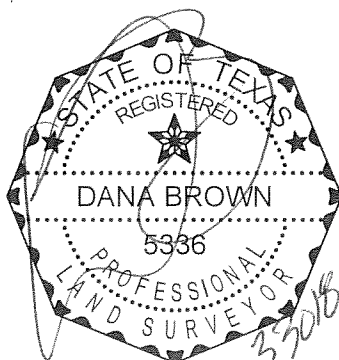
### NOTES

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
- 2 15' sewer esmt., VOL. 5302, PG. 538
- 3 15' sewer esmt., VOL. 69223, PG. 788

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



### LEGEND

Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS

# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 5 OF 5    |

**SANITARY SEWER EASEMENT ABANDONMENT**  
**CITY BLOCK 1/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF THE ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 13,902 square foot (0.3192 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144 and the S. Lockhart Survey, Abstract No. 821, City of Dallas, Dallas County, Texas, and being in to City Block 1/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, and being all of a 25-foot wide sanitary sewer easement located in Block 1/6382 per plat of First Installment Forestwood Townhouse Community, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 72079, Page 2450, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, formerly County Road 124, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community, from which a 1/2" iron rod found at the southwest corner of said First Installment Forestwood Townhouse Community bears South 89°15'39" West, a distance of 795.97 feet;

**THENCE** with said north right-of-way line of Forest Lane and the south line of said Open Space, Block 1/6382, South 89°15'39" West, a distance of 135.00 feet to a point for corner;

**THENCE** departing said north right-of-way line of Forest Lane and said south line of Open Space, Block 1/6382, over and across said First Installment Forestwood Townhouse Community, North 0°42'01" West, a distance of 35.00 feet to the southwest corner of Lot 17, Block 1/6382 and at the southeast corner of Open Space, Block 1/6382 for the **POINT OF BEGINNING**;

**THENCE** with the south line of said Open Space, Block 1/6382, South 89°15'39" West, a distance of 25.00 feet to the southwest corner of said Open Space, Block 1/6382 and the southeast corner of Lot 18, Block 1/6382;

**THENCE** with the west line of said Open Space, Block 1/6382, North 0°42'01" West, a distance of 556.15 feet to the northeast corner of Lot 34, Block 1/6382 and an interior corner of said Open Space, Block 1/6382;

**THENCE** with the north line of said 25-foot wide sanitary sewer easement, North 89°29'24" East, a distance of 25.00 feet to the northwest corner of Lot 1, Block 1/6382 and an interior corner of said Open Space, Block 1/6382;

**THENCE** with the east line of said Open Space, Block 1/6382, South 0°42'01" East, a distance of 556.05 feet to the **POINT OF BEGINNING** and containing 13,902 square feet or 0.3192 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4396

**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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 3    |

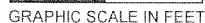


## CITY BLOCK 1/6382

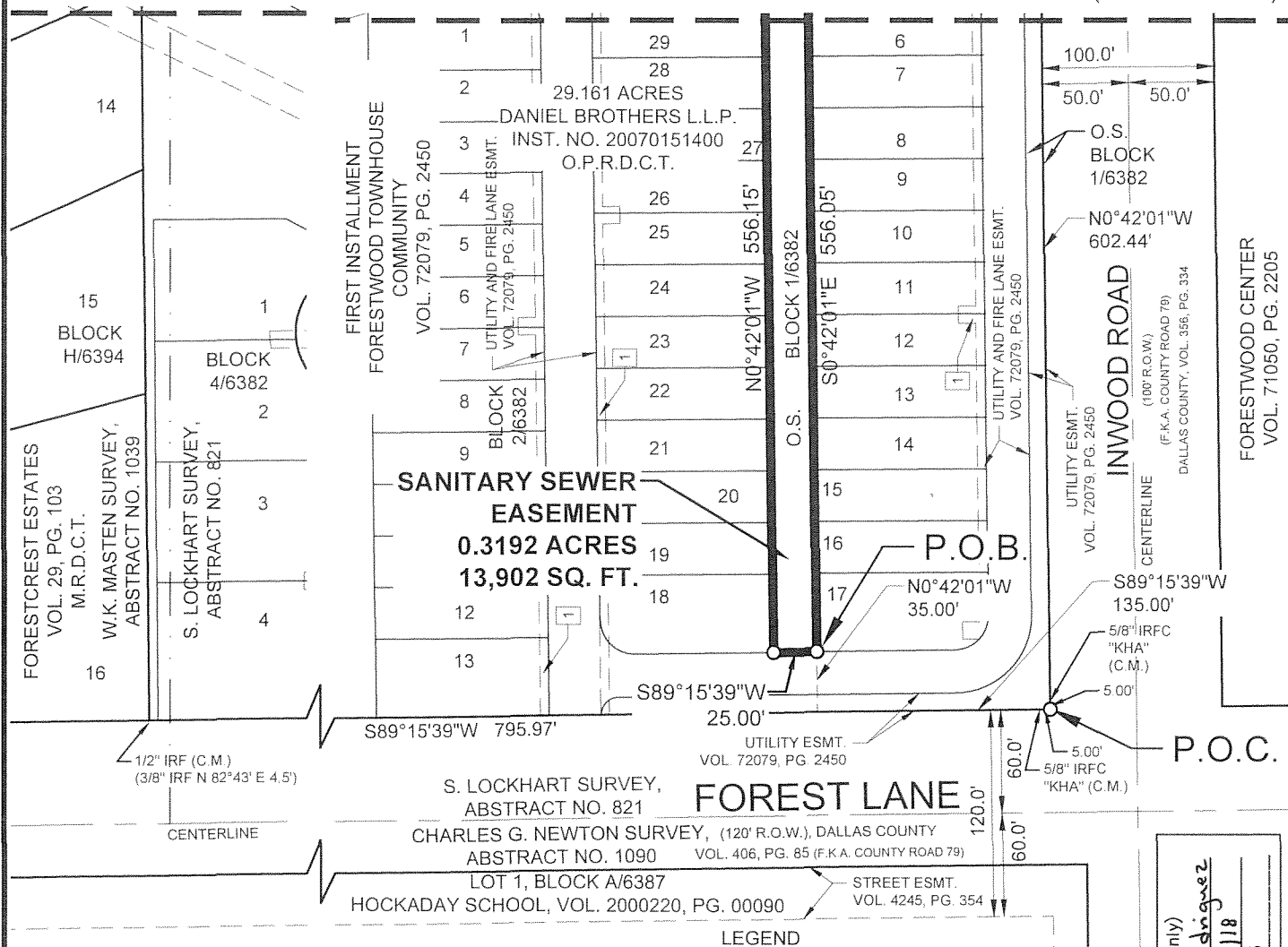
S. LOCKHART SURVEY, ABSTRACT NO. 821

HEIRS OF THE ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



MATCH LINE  
(SEE SHEET 3)

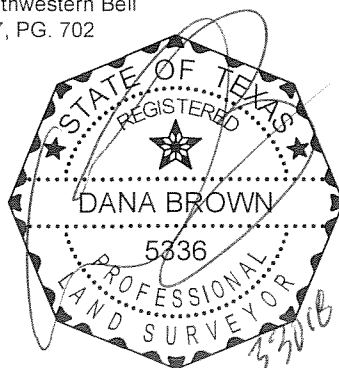


All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



Δ = CENTRAL ANGLE  
C.M. = CONTROLLING MONUMENT  
ESMT. = EASEMENT  
P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
IRFC = IRON ROD W/CAP FOUND  
O.S. = OPEN SPACE  
S.E. = SAVE AND EXCEPT  
VOL. = VOLUME PG. = PAGE  
R.O.W. = RIGHT-OF-WAY  
F.K.A. = FORMERLY KNOWN AS  
M.R.D.C.T. = MAP RECORDS OF DALLAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORD  
COUNTY, TEXAS

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 4/5/

# 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<br>1" = 100' | Drawn by<br>SRD | Checked by<br>DAB | Date<br>March 2018 | Project No.<br>067771641 | Sheet No.<br>2 OF 3 |
|--------------------|-----------------|-------------------|--------------------|--------------------------|---------------------|

# EXHIBIT A-TRACT 6

## SANITARY SEWER EASEMENT ABANDONMENT

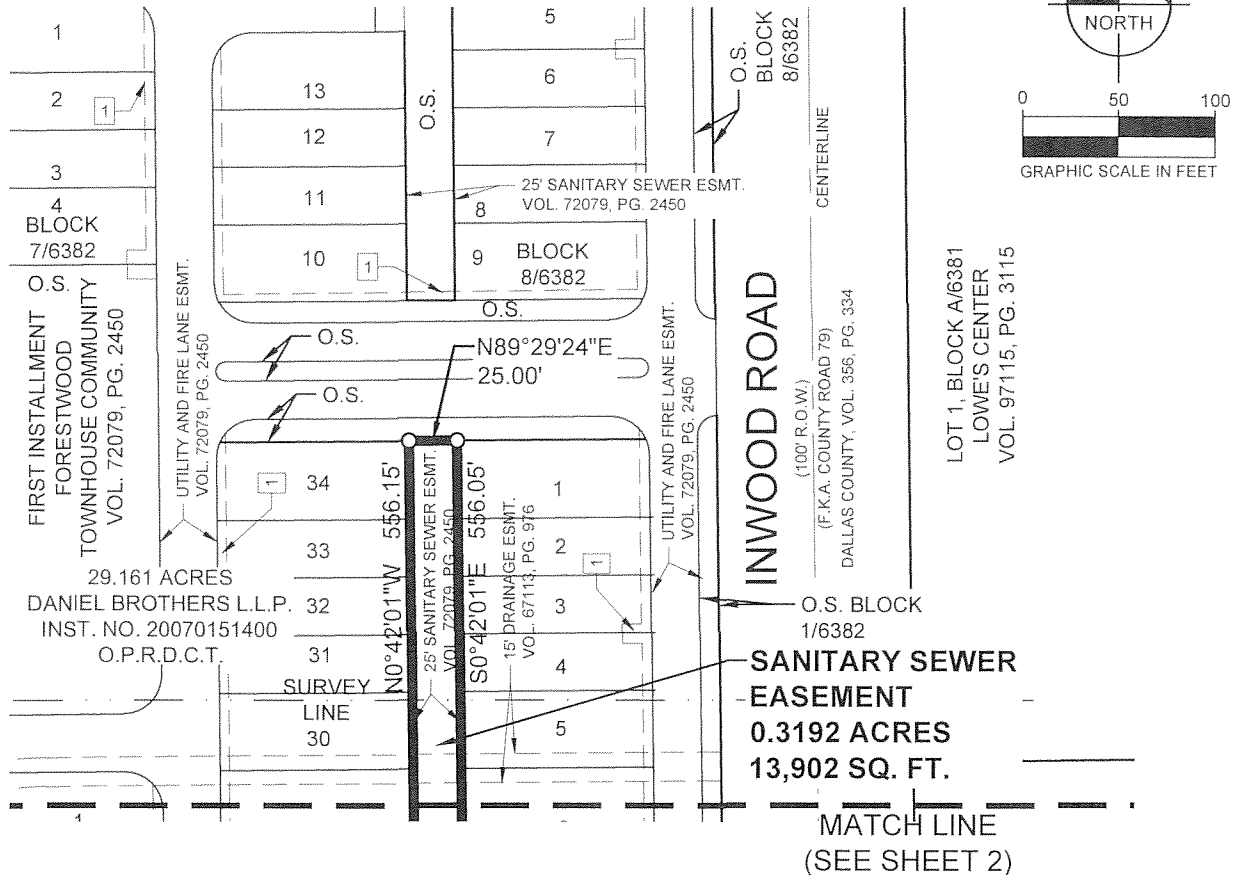
CITY BLOCK 1/6382

FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

S. LOCKHART SURVEY, ABSTRACT NO. 821

HEIRS OF THE ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



### NOTES

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

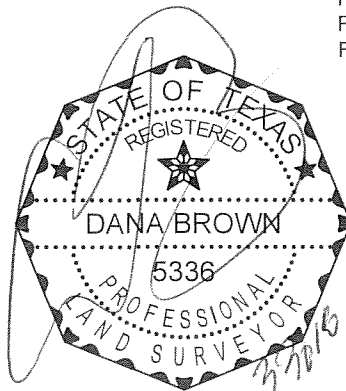
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- [1] Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702

### LEGEND

Δ = CENTRAL ANGLE  
C.M. = CONTROLLING MONUMENT  
ESMT. = EASEMENT  
P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
IRFC = IRON ROD W/CAP FOUND  
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
O.S. = OPEN SPACE  
S.E. = SAVE AND EXCEPT  
VOL. = VOLUME  
PG. = PAGE  
R.O.W. = RIGHT-OF-WAY  
F.K.A. = FORMERLY KNOWN AS

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4396

# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 3    |



UTILITY EASEMENT ABANDONMENT  
CITY BLOCK 11/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 2,250 square foot (0.0517 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 11/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, all of a utility easement in Block 11/6382, Second Installment Forestwood Townhouse Community, an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly County Road 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment Forestwood Townhouse Community bears South 89°29'57" West, a distance of 704.88 feet;

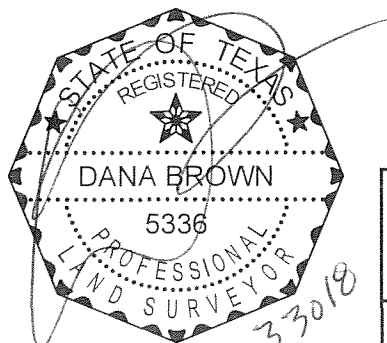
**THENCE** with said west right-of-way line of Inwood Road and the east line of said Second Installment Forestwood Townhouse Community, South 0°42'01" East, a distance of 260.00 feet to a point for corner;

**THENCE** departing said west right-of-way line of Inwood Road and said east line of Second Installment Forestwood Townhouse Community, over and across said Second Installment Forestwood Townhouse Community, South 89°29'57" West, a distance of 317.50 feet to a point in the south line of Lot 29, Block 11/6382 at the northwest corner of a utility and fire lane easement per said Second Installment Forestwood Townhouse Community plat, an easterly corner of Open Space, Block 11/6382 and at the northeast corner of said utility easement for the **POINT OF BEGINNING**;

**THENCE** with the west line of said utility and fire lane easement, the east line of said Open Space, Block 11/6382 and the east line of said utility easement, South 0°42'01" East, a distance of 30.00 feet to the southeast corner of said utility easement;

**THENCE** departing the west line of said utility and fire lane easement, the east line of said Open Space, Block 11/6382, and with the south line of said utility easement, South 89°29'57" West, a distance of 75.00 feet to a point in the east line of said utility and fire lane easement and the west line of said Open Space, Block 11/6382 at the southwest corner of said utility easement;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4401

**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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 3    |

UTILITY EASEMENT ABANDONMENT  
CITY BLOCK 11/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** with the east line of said utility and fire lane easement, the west line of said Open Space, Block 11/6382 and the west line of said utility easement, North 0°42'01" West, a distance of 30.00 feet to a point in the south line of Lot 30, Block 11/6382, at the northeast corner of said utility and fire lane easement and the northwest corner of said utility easement;

**THENCE** with the south line of said Lot 30, Block 11/6382, the west line of said Open Space, Block 11/6382 and the north line of said utility easement, North 89°29'57" East, at a distance of 7.5 feet passing the southeast corner of said Lot 30, Block 11/6382, and a westerly corner of said Open Space, Block 11/6382, continuing with the north line of said utility easement, at a distance of 67.5 feet, passing the southwest corner of said Lot 29, Block 11/6382 and an easterly corner of said Open Space, Block 11/6382, continuing with the south line of said Lot 29, Block 11/6382, the easterly line of said Open Space, Block 11/6382 and the north line of said utility easement, in all a total distance of 75.00 feet to the **POINT OF BEGINNING** and containing 2,250 square feet or 0.0517 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4401

# Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3620

| Scale | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-------|----------|------------|------------|-------------|-----------|
| N/A   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 3    |

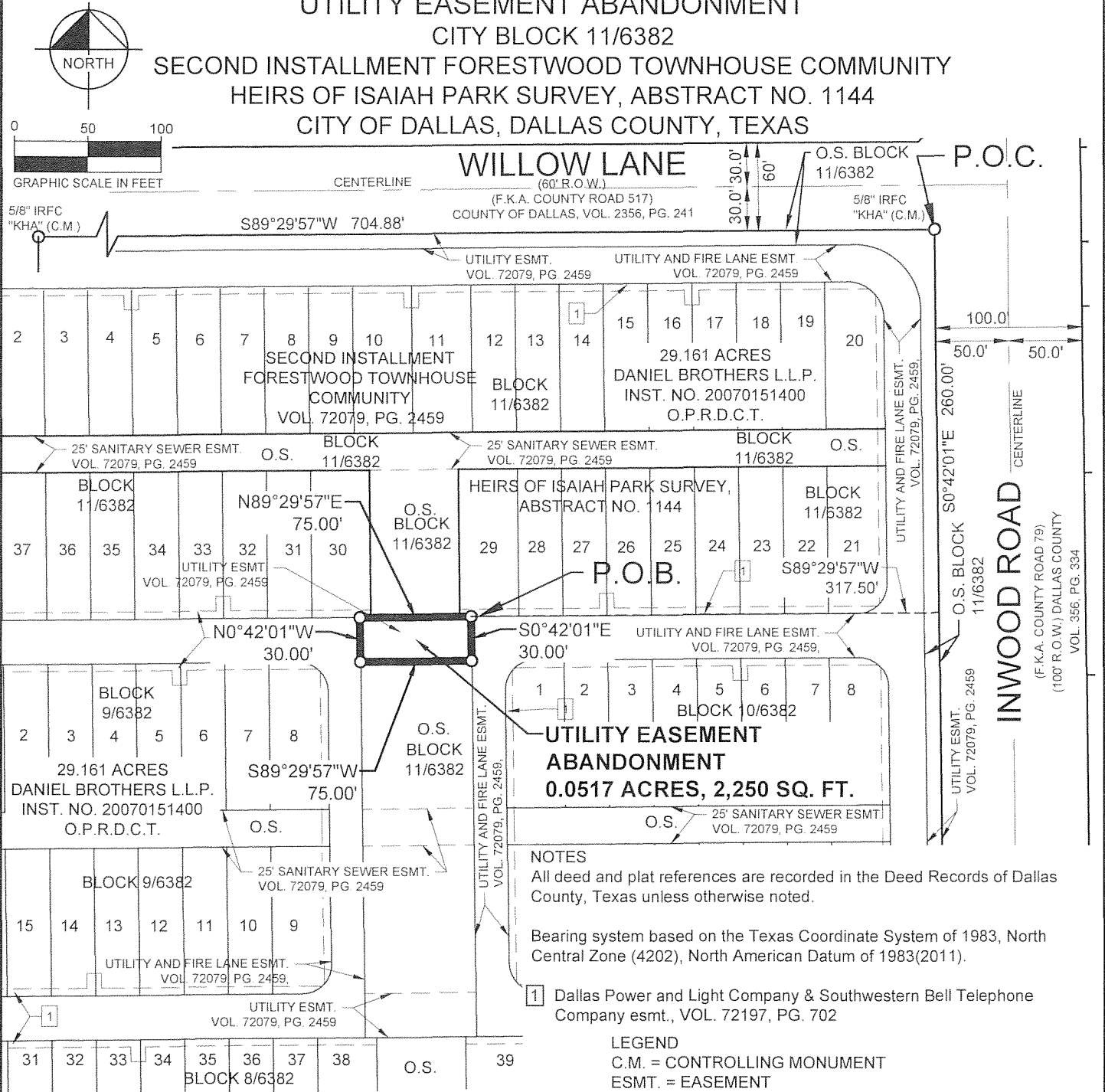
## UTILITY EASEMENT ABANDONMENT

CITY BLOCK 11/6382

SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY

HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144

CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)

Reviewed By: A. RodriguezDate: 4/5/18SPRG NO: 4401

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 3    |

UTILITY EASEMENT ABANDONMENT  
CITY BLOCK 11/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 2,250 square foot (0.0517 acre) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, City of Dallas, Dallas County, Texas, and being in City Block 11/6382 and being part of a tract of land described in Warranty Deed to Daniel Brothers L.L.P. recorded in Instrument No. 20070151400, Official Records, Dallas County, Texas, all of a utility easement in Block 11/6382, Second Installment Forestwood Townhouse Community, an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

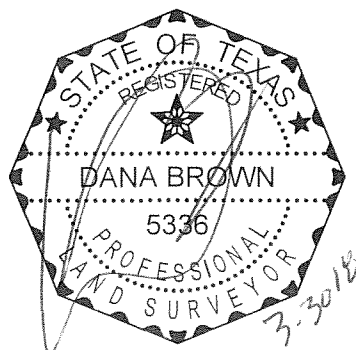
**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly known as County Road 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly known as County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment Forestwood Townhouse Community bears South 89°29'57" West, a distance of 704.88 feet;

**THENCE** with said west right-of-way line of Inwood Road and the east line of said Second Installment Forestwood Townhouse Community, South 0°42'01" East, a distance of 545.00 feet to a point for corner;

**THENCE** departing said west right-of-way line of Inwood Road and said east line of Second Installment Forestwood Townhouse Community, over and across said Second Installment Forestwood Townhouse Community, South 89°29'57" West, a distance of 317.50 feet to a point in the north line of Lot 39, Block 8/6382 at the southwest corner of a utility and fire lane easement per said Second Installment Forestwood Townhouse Community plat, the southeast corner of Open Space, Block 11/6382 and at the southeast corner of said utility easement for the **POINT OF BEGINNING**;

**THENCE** with the north line of said Lot 39, Block 8/6382, the south line of Open Space, Block 11/6382 and the south line of said utility easement, South 89°29'57" West, at a distance of 7.5 feet, passing the northwest corner of said Lot 39, Block 8/6382, the northeast corner of Open Space, Block 8/6382, continuing with the south line of said utility easement, the south line of said Open Space, Block 11/6382 and the north line of said Open Space, Block 8/6382, at a distance of 67.5 feet, passing the northeast corner of Lot 38, Block 8/6382, continuing with the north line of said Lot 38, Block 8/6382, the south line of said Open Space, Block 11/6382, and the south line of said utility easement, in all a total distance of 75.00 feet to the southwest corner of said Open Space, Block 11/6382 and the southeast corner of a utility and fire lane easement;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4402

**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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 3    |

UTILITY EASEMENT ABANDONMENT  
CITY BLOCK 11/6382  
SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

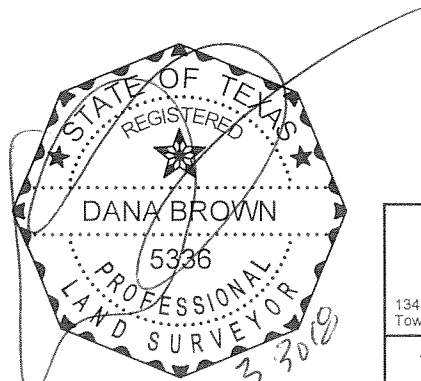
**THENCE** departing the north line of said Lot 38, Block 8/6382, with the west line of said Open Space, Block 11/6382, the east line of said utility and fire lane easement, and the west line of said utility easement, North 0°42'01" West, a distance of 30.00 feet to the northwest corner of said utility easement;

**THENCE** departing the east line of said utility and fire lane easement and the west line of said Open Space, Block 11/6382 and with the north line of said utility easement, North 89°29'57" East, a distance of 75.00 feet to a point in the west line of said utility and fire lane easement and the east line of said Open Space, Block 11/6382, at the northeast corner of said utility easement;

**THENCE** with said west line of the utility and fire lane easement and said east line of the Open Space, Block 11/6382 and the east line of said utility easement, South 0°42'01" East, a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 2,250 square feet or 0.052 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com

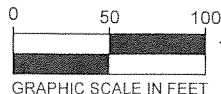
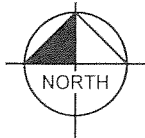


(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4402

# 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   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 3    |



**UTILITY EASEMENT ABANDONMENT**  
**CITY BLOCK 11/6382**  
**SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

5/8" IRFC  
"KHA" (C.M.)

S89°29'57"W 704.88'

**WILLOW LANE**

(60' R.O.W.)  
(F.K.A. COUNTY ROAD 517)  
COUNTY OF DALLAS, VOL. 2356, PG. 241

O.S.  
BLOCK  
11/6382

P.O.C.

5/8" IRFC  
"KHA" (C.M.)

**NOTES**

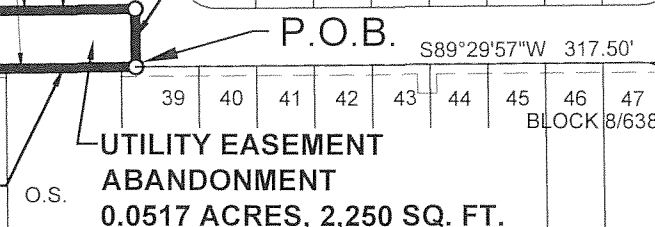
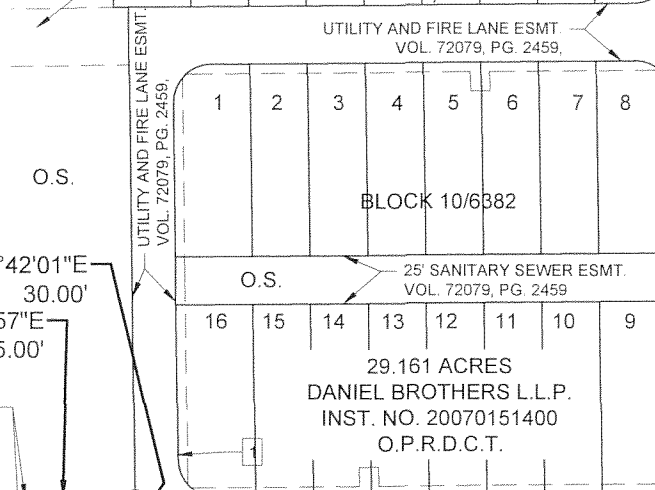
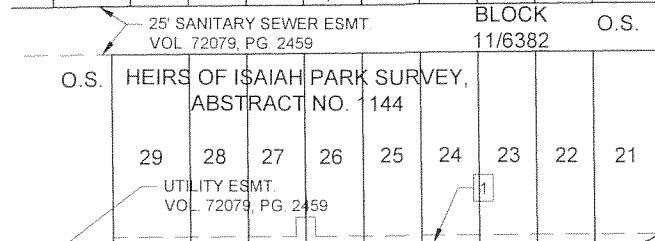
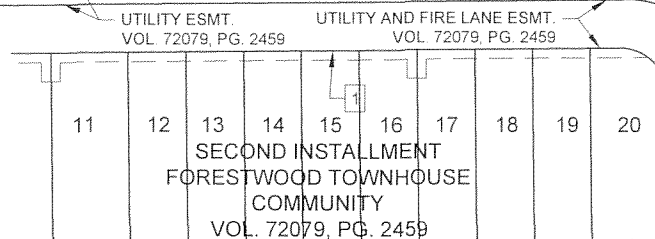
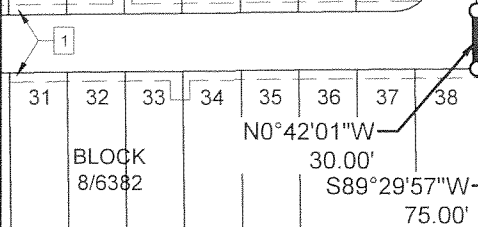
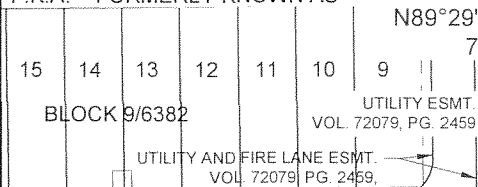
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

1 Dallas Power and Light Company & Southwestern Bell Telephone Company Esmt., VOL. 72197, PG. 702

**LEGEND**

C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 VOL. = VOLUME, PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS



S0°42'01"E  
30.00'  
N89°29'57"E  
75.00'

P.O.B.

S89°29'57"W 317.50'

**UTILITY EASEMENT  
ABANDONMENT**

**0.0517 ACRES, 2,250 SQ. FT.**

O.S. BLOCK  
11/6382  
CENTERLINE

**INWOOD ROAD**  
(F.K.A. COUNTY ROAD 79)  
(100' R.O.W.) DALLAS COUNTY  
VOL. 356, PG. 334

UTILITY ESMT.  
VOL. 72079, PG. 2459

S0°42'01"E  
545.00'

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 4/5/18

SPRG NO: 4402

**Kimley»Horn**

13455 Noel Road, Two Galleria Office  
 Tower, Suite 700, Dallas, Texas 75240

FIRM # 10115500

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3620

| Scale     | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-----------|----------|------------|------------|-------------|-----------|
| 1" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 3    |

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 3/6382, 4/6382 AND 5/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 10,284 square foot (0.2361 acre) tract of land situated in the S. Lockhart Survey, Abstract No. 821, City of Dallas, Dallas County, Texas, and being all of a utility and fire lane easement adjacent to City Blocks 3/6382, 4/6382 and 5/6382 according to the plat of First Installment Forestwood Townhouse Community, an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2450, Deed Records, Dallas County, Texas, being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, formerly County Road 124, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community;

**THENCE** with said north right-of-way line of Forest Lane and the south line of said First Installment Forestwood Townhouse Community, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 660.97 feet to the southwest corner of Lot 7, Block 3/6382 for the **POINT OF BEGINNING**;

**THENCE** continuing with said north right-of-way line and the south line of said First Installment Forestwood Townhouse Community, South 89°15'39" West, a distance of 30.00 feet to the southeast corner of Lot 4, Block 4/6382, from which a 1/2" iron rod found at the southwest corner of said First Installment Forestwood Townhouse Community bears South 89°15'39" West, a distance of 105.00 feet;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4403

# 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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 3    |



UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 3/6382, 4/6382 AND 5/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** departing said north right-of-way line and said south line and the west line of said utility and fire lane easement and with the east line of Block 4/6382, the following courses and distances to wit:

North  $0^{\circ}29'27''$  West, a distance of 180.83 feet to a point at the beginning of a tangent curve to the left having a central angle of  $46^{\circ}51'42''$ , a radius of 20.00 feet, a chord bearing and distance of North  $23^{\circ}55'18''$  West, 15.91 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 16.36 feet to a point in the east line of Lot 2, Block 4/6382 and at the beginning of a reverse curve to the right having a central angle of  $286^{\circ}00'36''$ , a radius of 38.50 feet, a chord bearing and distance of South  $84^{\circ}20'51''$  East, 46.33 feet;

**THENCE** with said east line of Block 4/6382, the south line of Block 5/6382, the west line of said utility and fire lane easement and the west line of said Block 3/6382, in a southeasterly direction, with said curve to the right, an arc distance of 192.18 feet to a point in the west line of Lot 1, Block 3/6382 and at the beginning of a reverse curve to the left having a central angle of  $59^{\circ}08'53''$ , a radius of 20.00 feet, a chord bearing and distance of South  $29^{\circ}05'00''$  West, 19.74 feet;

**THENCE** with said west line of Block 3/6382 and the west line of said utility and fire lane easement, the following courses and distances to wit:

In a southwesterly direction, with said curve to the left, an arc distance of 20.65 feet to a point for corner;

South  $0^{\circ}29'27''$  East, a distance of 173.17 feet to the **POINT OF BEGINNING** and containing 10,284 square feet or 0.2361 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4403

**Kimley»Horn**

13455 Noel Road, Two Galleria Office  
 Tower, Suite 700, Dallas, Texas 75240

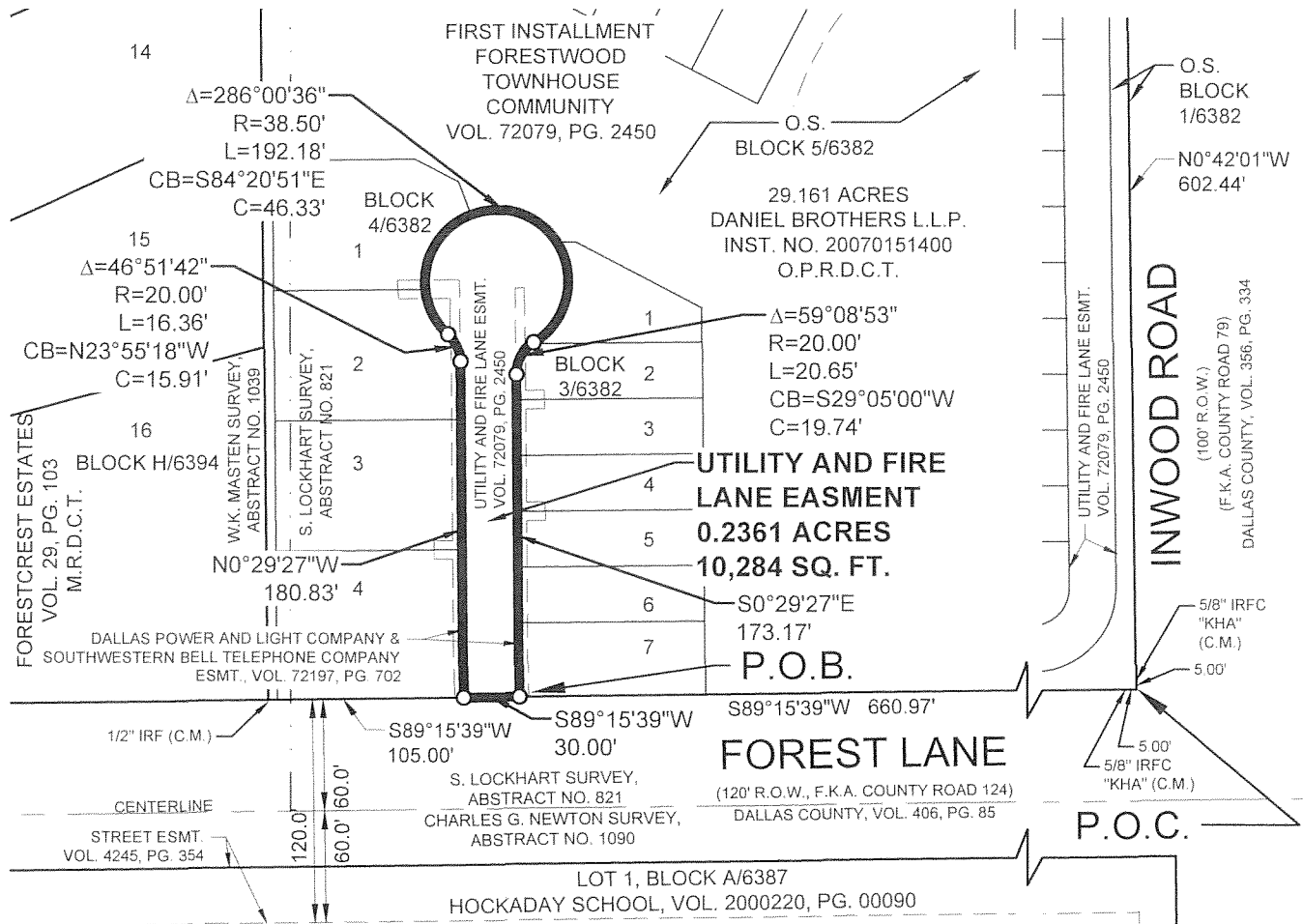
FIRM # 10115500

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

| Scale | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-------|----------|------------|------------|-------------|-----------|
| N/A   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 3    |



**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 3/6382, 4/6382 AND 5/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/5/18  
 SPRG NO: 4403

**NOTES**

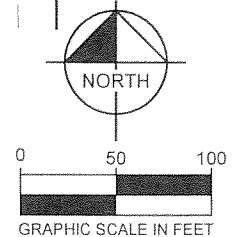
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com

**LEGEND**

Δ = CENTRAL ANGLE  
 C.M. = CONTROLLING MONUMENT  
 ESMT. = EASEMENT  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
 IRFC = IRON ROD W/CAP FOUND  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 O.S. = OPEN SPACE  
 S.E. = SAVE AND EXCEPT  
 VOL. = VOLUME  
 PG. = PAGE  
 R.O.W. = RIGHT-OF-WAY  
 F.K.A. = FORMERLY KNOWN AS



# 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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 3 OF 3    |

# EXHIBIT A-TRACT 10

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
S. LOCKHART SURVEY, ABSTRACT NO. 821  
HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 4.9081 acre (213,798 square foot) tract of land situated in the Heirs of the Isaiah Park Survey, Abstract No. 1144, the Heirs of the A.M. Harwood Survey, Abstract No. 581, and the S. Lockhart Survey, Abstract No. 821, City of Dallas, Dallas County, Texas, and being adjacent to City Blocks 1/6382, 2/6382, 5/6382, 6/6382, 7/6382, 8/6382, 9/6382, 10/6382 and 11/6382 and being part of a 29.161 acre tract of land described in Affidavit of Ownership and Confirmation and Ratification of Conveyance to Partnership to Daniel Brothers L.L.P., recorded in Instrument No. 20070151400, Official Public Records of Dallas County, Texas, and being all of a utility and fire lane easement per the plat of First Installment Forestwood Townhouse Community an addition to the City of Dallas, according to the plat thereof recorded in Volume 72079, Page 2450, Deed Records, Dallas County, Texas, and being all of a utility and fire lane easement per the plat of Second Installment Forestwood Townhouse Community according to the plat thereof recorded in Volume 72079, Page 2459, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, formerly County Road 79, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, formerly County Road 124, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community;

**THENCE** with said north right-of-way line of Forest Lane and the south line of Open Space, Block 1/6382, South 89°15'39" West, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 260.00 feet to the intersection of said north right-of-way line and the east line of said fire lane and utility easement and being the southwest corner of said Open Space, Block 1/6382 for the **POINT OF BEGINNING**;

**THENCE** continuing with said north right-of-way line of Forest Lane, South 89°15'39" West, a distance of 30.00 feet to intersection of said north right-of-way line of said Forest Lane and the west line of said utility and fire lane easement and being the southeast corner of Lot 13, Block 2/6382, of said First Installment Forestwood Townhouse Community;

**THENCE** departing said north right-of-way line of Forest Lane and with the west line of said utility and fire lane easement and the east line of Lots 1 through 13, Block 2/6382, North 0°42'01" West, a distance of 401.00 feet to the easternmost northeast corner of said Lot 1, Block 2/6382 and at the beginning of a tangent curve to the left having a central angle of 90°00'41", a radius of 20.00 feet, a chord bearing and distance of North 45°42'22" West, 28.29 feet;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/4/18  
SPRG NO: 4391

## 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   | SRD      | DAB        | March 2018 | 067771641   | 1 OF 23   |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** in a northwesterly direction, with said curve to the left, an arc distance of 31.42 feet to the northernmost northeast corner of said Lot 1, Block 2/6382;

**THENCE** with the south and west lines of said utility and fire lane easement and the northeast line of Blocks 5/6382 and 11/6382, the following courses and distances to wit:

South  $89^{\circ}17'17''$  West, a distance of 189.14 feet to a point at the beginning of a tangent curve to the right having a central angle of  $28^{\circ}00'10''$ , a radius of 50.00 feet, a chord bearing and distance of North  $76^{\circ}42'38''$  West, 24.19 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 24.44 feet to a point for corner;

North  $62^{\circ}42'33''$  West, a distance of 284.07 feet to a point at the beginning of a tangent curve to the right having a central angle of  $62^{\circ}00'31''$ , a radius of 50.00 feet, a chord bearing and distance of North  $31^{\circ}42'17''$  West, 51.51 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 54.11 feet to a point for corner;

North  $0^{\circ}42'01''$  West, a distance of 115.17 feet to a point at the beginning of a tangent curve to the right having a central angle of  $39^{\circ}59'29''$ , a radius of 30.00 feet, a chord bearing and distance of North  $19^{\circ}17'43''$  East, 20.52 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 20.94 feet to a point for corner;

North  $39^{\circ}17'27''$  East, a distance of 133.77 feet to a point at the beginning of a tangent curve to the left having a central angle of  $39^{\circ}59'29''$ , a radius of 30.00 feet, a chord bearing and distance of North  $19^{\circ}17'43''$  East, 20.52 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 20.94 feet to a point for corner;

North  $0^{\circ}42'01''$  West, a distance of 697.39 feet to a point at the beginning of a tangent curve to the right having a central angle of  $20^{\circ}10'57''$ , a radius of 197.50 feet, a chord bearing and distance of North  $9^{\circ}23'27''$  East, 69.21 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 69.57 feet to the intersection of the west line of said utility and fire lane easement and the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, formerly County Road. 517, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas), from which a 5/8" iron rod with plastic cap stamped "KHA" found at the northwest corner of said Second Installment, Forestwood Townhouse Community bears South  $89^{\circ}29'57''$  West, a distance of 17.01 feet;

**THENCE** with said south right-of-way line of Willow Lane and the north line of said Second Installment, Forestwood Townhouse Community, North  $89^{\circ}29'57''$  East, a distance of 30.00 feet to the intersection of said south right-of-way line and the east line of said utility and fire lane easement, at the northwest corner of Open Space Block 11/6382, and at the beginning of a non-tangent curve to the left having a central angle of  $90^{\circ}00'00''$ , a radius of 10.00 feet, a chord bearing and distance of South  $45^{\circ}30'03''$  East, 14.14 feet;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 2 OF 23   |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** departing said south right-of-way line and with the northerly line of said utility and fire lane easement and the south and west lines of said Open Space, Block 11/6382, the following courses and distances to wit:

In a southeasterly direction, with said curve to the left, an arc distance of 15.71 feet to a point for corner;  
 North 89°29'57" East, a distance of 593.07 feet to the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 45.00 feet, a chord bearing and distance of South 45°36'02" East, 63.53 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 70.53 feet to a point for corner;  
 South 0°42'01" East, a distance of 609.46 feet to a point at the beginning of a tangent curve to the left having a central angle of 90°00'00", a radius of 10.00 feet, a chord bearing and distance of South 45°42'01" East, 14.14 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 15.71 feet to a point in the west right-of-way line of said Inwood Road;

**THENCE** with said west right-of-way line and the east line of said First Installment Forestwood Townhouse Community, South 0°42'01" East, a distance of 40.00 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 90°00'00", a radius of 10.00 feet, a chord bearing and distance of South 44°17'59" West, 14.14 feet;

**THENCE** departing said west right-of-way line and continuing with the east line of said utility and fire lane easement, the following courses and distances to wit:

In a southwesterly direction, with said curve to the left, an arc distance of 15.71 feet to a point for corner;  
 South 0°42'01" East, a distance of 236.72 feet to a point at the beginning of a tangent curve to the left having a central angle of 90°00'00", a radius of 10.00 feet, a chord bearing and distance of South 45°42'01" East, 14.14 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 15.71 feet to a point in the west right-of-way line of said Inwood Road;

**THENCE** with said west right-of-way line and the east line of said First Installment Forestwood Townhouse Community, South 0°42'01" East, a distance of 50.00 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 90°00'00", a radius of 10.00 feet, a chord bearing and distance of South 44°17'59" West, 14.14 feet;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 3 OF 23   |

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** departing with said west right-of-way line and the east line of said First Installment Forestwood Townhouse Community, the following courses and distances to wit:

In a southwesterly direction, with said curve to the left, an arc distance of 15.71 feet to a point for corner;  
 South 0°42'01" East, a distance of 537.48 feet to a point at the beginning of a tangent curve to the right having a central angle of 89°57'40", a radius of 45.00 feet, a chord bearing and distance of South 44°16'49" West, 63.62 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 70.66 feet to a point for corner;  
 South 89°15'39" West, a distance of 195.04 feet to a point at the beginning of a tangent curve to the left having a central angle of 90°00'00", a radius of 10.00 feet, a chord bearing and distance of South 44°15'39" West, 14.14 feet;

In a southwesterly direction with said curve to the left, an arc distance of 15.71 feet to the **POINT OF BEGINNING** and containing a gross area of 21.9047 acres or 954,169 square feet of land.

**SAVE AND EXCEPT** the following seven tracts of land:

**SAVE AND EXCEPT #1**

(Lots 1 through 34 and Open Space in Block 1/6382, First Installment Forestwood Townhouse Community)

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community;

**THENCE** over and across said First Installment Forestwood Townhouse Community, North 58°15'02" West, a distance of 65.16 feet to a point in a utility and fire lane easement at the southernmost southeast corner of Lot 17, Block 1/6382, said First Installment Forestwood Townhouse Community for the **POINT OF BEGINNING**;

**THENCE** with the north line of said utility and fire lane and the south line of said Block 1/6382, South 89°15'39" West, a distance of 185.00 feet to the southernmost southwest corner of Lot 18, Block 1/6382 and at beginning of a tangent curve to the right having a central angle of 90°02'20", a radius of 20.00 feet, a chord bearing and distance of North 45°43'11" West, 28.29 feet;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

|                                                                               |          |            |                        |             |           |
|-------------------------------------------------------------------------------|----------|------------|------------------------|-------------|-----------|
| <b>Kimley»Horn</b>                                                            |          |            |                        |             |           |
| 13455 Noel Road, Two Galleria Office<br>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                                                                           | SRD      | DAB        | March 2018             | 067771641   | 4 OF 23   |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** with in a northwesterly direction, with said curve to the right, an arc distance of 31.43 feet to the westernmost southwest corner of said Lot 18, Block 1/6382;

**THENCE** with the east line of said utility and fire lane easement and the west line of said Block 1/6382, North 0°42'01" West, a distance of 528.44 feet to the westernmost northwest corner of Lot 34, Block 1/6382 and at the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of North 44°23'58" East, 28.33 feet;

**THENCE** in a northeasterly direction, with said curve to the right, an arc distance of 31.49 feet to the northwest corner of Open Space, Block 1/6382;

**THENCE** with the south line of said utility and fire lane easement and with north line of said Open Space, Block 1/6382, North 89°29'57" East, a distance of 185.00 feet to the northeast corner of said Open Space, Block 1/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of South 45°36'02" East, 28.23 feet;

**THENCE** in a southeasterly direction, with said curve to the right, an arc distance of 31.35 feet to the easternmost northeast corner of Lot 1, Block 1/6382;

**THENCE** with the west line of said utility and fire lane easement and the east line of said Block 1/6382, South 0°42'01" East, a distance of 527.67 feet to the easternmost southeast corner of Lot 17, Block 1/6382 and at the beginning of a tangent curve to the right having a central angle of 89°57'40", a radius of 20.00 feet, a chord bearing and distance of South 44°16'49" West, 28.27 feet;

**THENCE** in a southwesterly direction with said curve to the right, an arc distance of 31.40 feet to the **POINT OF BEGINNING** and containing 2.9263 acres or 127,469 square feet of land.

**SAVE AND EXCEPT #2**

(Open Space between Blocks 1/6382 and 8/6382, First Installment Forestwood Townhouse Community)

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



|                     |                     |
|---------------------|---------------------|
| (For SPRG use only) |                     |
| Reviewed By:        | <u>A. Rodriguez</u> |
| Date:               | <u>4/4/18</u>       |
| SPRG NO:            | <u>4391</u>         |

|                                                                               |          |            |                        |             |           |
|-------------------------------------------------------------------------------|----------|------------|------------------------|-------------|-----------|
| <b>Kimley»Horn</b>                                                            |          |            |                        |             |           |
| 13455 Noel Road, Two Galleria Office<br>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                                                                           | SRD      | DAB        | March 2018             | 067771641   | 5 OF 23   |

## UTILITY AND FIRE LANE EASEMENT ABANDONMENT ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144 S. LOCKHART SURVEY, ABSTRACT NO. 821 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581 CITY OF DALLAS, DALLAS COUNTY, TEXAS

north right-of-way line of Forest Lane (a 120-foot wide right-of-way, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community;

**THENCE** with said west right-of-way line of Inwood Road and the east line of said Open Space, Block 1/6382, North 0°42'01" West, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 602.44 feet, to the northeast corner of said Open Space, Block 1/6382, First Installment Forestwood Townhouse Community;

**THENCE** departing said west right-of-way line of Inwood Road, over and across said First Installment Forestwood Townhouse Community, North 63°59'08" West, a distance of 44.80 feet to the southeast corner of an Open Space for the **POINT OF BEGINNING**;

**THENCE** with the south line of said Open Space, South 89°29'57" West, a distance of 215.00 feet to the southwest corner of said Open Space and at the beginning of a tangent curve to the right having a central angle of 180°00'00", a radius of 5.00 feet, a chord bearing and distance of North 0°30'03" West, 10.00 feet;

**THENCE** with the west line of said Open Space, in a northwesterly direction, with said curve to the right, an arc distance of 15.71 feet to the northwest corner of said Open Space;

**THENCE** with the north line of said Open Space, North 89°29'57" East, a distance of 215.00 feet to the northeast corner of said Open Space and at the beginning of a tangent curve to the right having a central angle of 180°00'00", a radius of 5.00 feet, a chord bearing and distance of South 0°30'03" East, 10.00 feet;

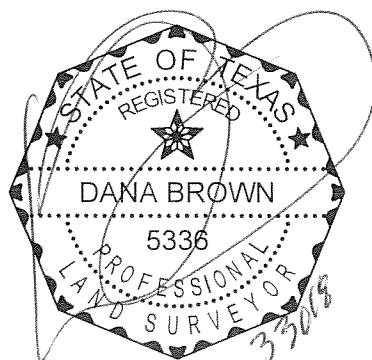
**THENCE** with the east line of said Open Space, in a southeasterly direction with said curve to the right, an arc distance of 15.71 feet to the **POINT OF BEGINNING** and containing 2,229 square feet or 0.0512 acres of land.

### SAVE AND EXCEPT #3

(Lots 1 through 8 and Open Space in Block 7/6382, First Installment Forestwood Townhouse Community)

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, Dallas County, Volume 406, Page 85, Deed

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/4/18  
SPRG NO: 4391

## 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   | SRD      | DAB        | March 2018 | 067771641   | 6 OF 23   |



UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community;

**THENCE** with said west right-of-way line of Inwood Road and the east line of said Open Space, Block 1/6382, North 0°42'01" West, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 602.44 feet, to the northeast corner of said Open Space, Block 1/6382, First Installment Forestwood Townhouse Community;

**THENCE** departing said west right-of-way line of Inwood Road, over and across said First Installment Forestwood Townhouse Community, South 64°53'07" West, a distance of 318.48 feet to a point in the west line of a utility and fire lane easement and at the easternmost southeast corner of Open Space, Block 7/6382, First Installment Forestwood Townhouse Community for the **POINT OF BEGINNING** and at the beginning of a curve to the right having a central angle of 89°59'19", a radius of 20.00 feet, a chord bearing and distance of South 44°17'38" West, 28.28 feet;

**THENCE** in a southwesterly direction with said utility and fire lane easement and with said curve to the right, an arc distance of 31.41 feet to southernmost southeast corner of said Open Space, Block 7/6382;

**THENCE** with the north line of said utility and fire lane easement and the south line of said Open Space Block 7/6382, the following courses and distances to wit:

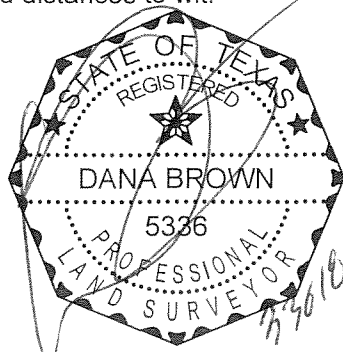
South 89°17'17" West, a distance of 189.16 feet to a point at the beginning of a tangent curve to the right having a central angle of 28°00'10", a radius of 20.00 feet, a chord bearing and distance of North 76°42'38" West, 9.68 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 9.77 feet to a point for corner; North 62°42'33" West, a distance of 13.18 feet to the southernmost southwest corner of said Open Space, Block 7/6382 and at the beginning of a tangent curve to the right having a central angle of 90°00'15", a radius of 20.00 feet, a chord bearing and distance of North 17°42'25" West, 28.29 feet;

**THENCE** in a northwesterly direction with said utility and fire lane easement and with said curve to the right, an arc distance of 31.42 feet to the westernmost southwest corner of said Open Space Block 7/6382 and at the beginning of a reverse curve to the left having a central angle of 27°59'44", a radius of 115.00 feet, a chord bearing and distance of North 13°17'51" East, 55.63 feet;

**THENCE** with said east line, said utility and fire lane easement and the west line of said Open Space, Block 7/6382, the following courses and distances to wit:

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

# 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   | SRD      | DAB        | March 2018 | 067771641   | 7 OF 23   |



UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

In a northeasterly direction, with said curve to the left, an arc distance of 56.19 feet to a point for corner; North 0°42'01" West, a distance of 264.85 feet to the westernmost northwest corner of Lot 8, Block 7/6382 and at the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of North 44°23'58" East, 28.33 feet;

**THENCE** in a northeasterly direction, with said curve to the right, an arc distance of 31.49 feet to the northernmost northwest corner of said Lot 8, Block 7/6382;

**THENCE** with the south line of said utility and fire lane easement and the north line of said Block 7/6382, North 89°29'57" East, a distance of 185.00 feet to the northernmost northeast corner of Lot 1, Block 7/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of South 45°36'02" East, 28.23 feet;

**THENCE** in a southeasterly direction, with said curve to the right, an arc distance of 31.35 feet to the easternmost northeast corner of said Lot 1, Block 7/6382;

**THENCE** with the west line of said utility and fire lane easement and the east line of said Block 7/6382, South 0°42'01" East, a distance of 333.72 feet to the **POINT OF BEGINNING** and containing 1.9394 acres or 84,482 square feet of land.

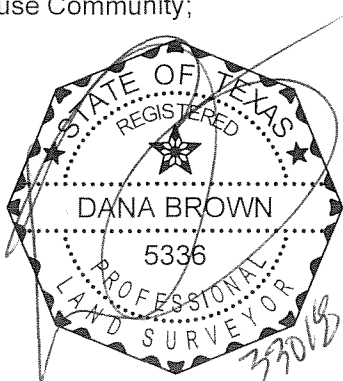
**SAVE AND EXCEPT #4**

(Lots 1 through 16 and Open Space in Block 6/6382, First Installment Forestwood Townhouse Community)

**COMMENCING** at a point in a utility vault at the intersection of the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) with the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, Dallas County, Volume 406, Page 85, Deed Records of Dallas County, Texas), at the southeast corner of Open Space, Block 1/6382 of said First Installment Forestwood Townhouse Community;

**THENCE** with said west right-of-way line of Inwood Road and the east line of said Open Space, Block 1/6382, North 0°42'01" West, at a distance of 5.00 feet, passing a 5/8" iron rod with plastic cap stamped "KHA" found, continuing in all a total distance of 602.44 feet, to the northeast corner of said Open Space, Block 1/6382, First Installment Forestwood Townhouse Community;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 8 OF 23   |

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** departing said west right-of-way line of Inwood Road, over and across said First Installment Forestwood Townhouse Community, South 78°52'57" West, a distance of 564.25 feet to a point in a utility and fire lane easement, at the easternmost southeast corner of Lot 10, Block 6/6382 for the **POINT OF BEGINNING** and at the beginning of a curve to the right having a central angle of 90°03'24", a radius of 20.00 feet, a chord bearing and distance of South 72°19'41" West, 28.30 feet;

**THENCE** in a southwesterly direction with said utility and fire lane easement and said curve to the right, an arc distance of 31.44 feet to the southernmost southeast corner of said Lot 10, Block 6/6382;

**THENCE** with the north and east lines of said utility and fire lane easement and the south and west lines of said Block 6/6382, the following courses and distances to wit:

North 62°42'33" West, a distance of 200.87 feet to a point at the beginning of a tangent curve to the right having a central angle of 62°00'31", a radius of 20.00 feet, a chord bearing and distance of North 31°42'17" West, 20.60 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 21.65 feet to a point for corner;

North 0°42'01" West, a distance of 107.89 feet to a point at the beginning of a tangent curve to the right having a central angle of 39°59'29", a radius of 20.00 feet, a chord bearing and distance of North 19°17'43" East, 13.68 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 13.96 feet to a point for corner;

North 39°17'27" East, a distance of 121.28 feet to westernmost northwest corner of Lot 16, Block 6/6382 and at the beginning of a tangent curve to the right having a central angle of 50°12'30", a radius of 22.47 feet, a chord bearing and distance of North 64°23'42" East, 19.07 feet;

**THENCE** in a northeasterly direction with said utility and fire lane easement and said curve to the right, an arc distance of 19.69 feet to a northerly corner of said Lot 16, Block 6/6382;

**THENCE** with the south line of said utility and fire lane easement and the north line of said Block 6/6382, North 89°29'57" East, a distance of 105.16 feet to the northernmost northeast corner of Lot 1, Block 6/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of South 45°36'02" East, 28.23 feet;

**THENCE** with the west line of said utility and fire lane easement and the east line of said Block 6/6382, the following courses and distances to wit:

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 9 OF 23   |

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

In a southeasterly direction, with said curve to the right, an arc distance of 31.35 feet to the easternmost northeast corner of said Lot 1, Block 6/6382;

South 0°42'01" East, a distance of 265.09 feet to a point at the beginning of a tangent curve to the right having a central angle of 28°00'00", a radius of 85.00 feet, a chord bearing and distance of South 13°17'59" West, 41.13 feet;

In a southwesterly direction with said curve to the right, an arc distance of 41.54 feet to the **POINT OF BEGINNING** and containing 1.3900 acres or 60,548 square feet of land.

**SAVE AND EXCEPT #5**

(Lots 1 through 47 and Open Space in Block 8/6382, First Installment Forestwood Townhouse Community and Second Installment Forestwood Townhouse Community and Lots 1 through 38 and Open Space in Block 11/6382, Second Installment Forestwood Townhouse Community)

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, Second Installment Forestwood Townhome Community;

**THENCE** over and across said Second Installment Forestwood Townhome Community, South 59°09'21" West, a distance of 69.28 feet to a point in a utility and fire lane easement and at the northernmost northeast corner of Lot 20, Block 11/6382, Second Installment Forestwood Townhome Community for the **POINT OF BEGINNING** and at the beginning of a curve to the right having a central angle of 89°48'01", a radius of 25.00 feet, a chord bearing and distance of South 45°36'02" East, 35.29 feet;

**THENCE** with the east line of said Block 11/6382 and the west line of said utility and fire lane easement, the following courses and distances to wit:

In a southeasterly direction, with said curve to the right, an arc distance of 39.18 feet to a point for corner;  
 South 0°42'01" East, a distance of 180.02 feet to the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of South 44°23'58" West, 28.33 feet;  
 In a southwesterly direction, with said curve to the right, an arc distance of 31.49 feet to a point for corner;  
 South 89°29'57" West, a distance of 262.43 feet to a point for corner;  
 South 0°42'01" East, a distance of 285.00 feet to a point for corner in the north line of Lot 39, Block 8/6382 at the southeast corner of Open Space, Block 11/6382;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 10 OF 23  |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** with the north line of said Block 8/6382 and said utility and fire lane easement, North 89°29'57" East, a distance of 262.57 feet to the northernmost northeast corner of Lot 47, Block 8/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of South 45°36'02" East, 28.23 feet;

**THENCE** with the westerly line of said utility and fire lane easement and the easterly line of said Block 8/6382, the following courses and distances to wit:

In a southeasterly direction, with said curve to the right, an arc distance of 31.35 feet to the northeast corner of said Lot 47, Block 8/6382;

South 0°42'01" East, a distance of 385.99 feet to the easternmost southeast corner of Lot 9, Block 8/6382, First Installment Forestwood Townhouse Community and at the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of South 44°23'58" West, 28.33 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 31.49 feet to the southeast corner of Open Space, Block 8/6382;

**THENCE** with the north line of a utility and fire lane easement and the south line of said Open Space, Block 8/6382, South 89°29'57" West, a distance of 185.00 feet to the southwest corner of said Open Space, Block 8/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of North 45°36'02" West, 28.23 feet;

**THENCE** in a northwesterly direction with said utility and fire lane easement and said curve to the right, an arc distance of 31.35 feet to the westernmost southwest corner of Lot 10, Block 8/6382;

**THENCE** with said east line of said utility and fire lane easement and the west line of said Block 8/6382, the following courses and distances to wit:

North 0°42'01" West, a distance of 111.00 feet to the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of North 44°23'58" East, 28.33 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 31.49 feet to a point for corner;

North 89°29'57" East, a distance of 64.93 feet to a point for corner;

North 0°42'01" West, a distance of 50.00 feet to a point for corner;

South 89°29'57" West, a distance of 480.07 feet to the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of North 45°36'02" West, 28.23 feet;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 11 OF 23  |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

In a northwesterly direction, with said curve to the right, an arc distance of 31.35 feet to a point for corner;  
 North 0°42'01" West, a distance of 184.99 feet to the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of North 44°23'58" East, 28.33 feet;  
 In a northeasterly direction, with said curve to the right, an arc distance of 31.49 feet to a point for corner;  
 North 89°29'57" East, a distance of 262.43 feet to a point for corner in the north line of Lot 38, Block 8/6382, Second Installment Forestwood Townhouse Community at the southwest corner of Open Space Block 11/6382;

**THENCE** with the east line of said utility and fire lane easement and the west line of said Block 11/6382, the following courses and distances to wit:

North 0°42'01" West, a distance of 285.00 feet to a point for corner;  
 South 89°29'57" West, a distance of 262.57 feet to the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of North 45°36'02" West, 28.23 feet;  
 In a northwesterly direction, with said curve to the right, an arc distance of 31.35 feet to a point for corner;  
 North 0°42'01" West, a distance of 174.97 feet to the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 30.00 feet, a chord bearing and distance of North 44°23'58" East, 42.50 feet;  
 In a northeasterly direction, with said curve to the right, an arc distance of 47.23 feet to the northernmost northwest corner of Lot 1, Block 11/6382;

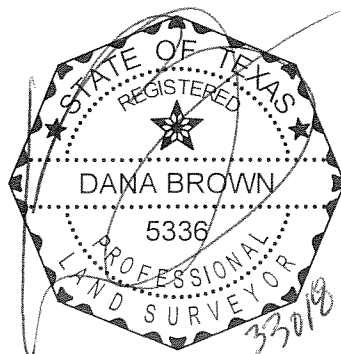
**THENCE** with said south right-of-way line and the north line of said Block 11/6382, North 89°29'57" East, a distance of 584.99 feet to the **POINT OF BEGINNING** and containing 8.0195 acres or 349,329 square feet of land.

**SAVE AND EXCEPT #6**

(Lots 1 through 16 and Open Space in Block 9/6382, Second Installment Forestwood Townhouse Community)

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, Second Installment Forestwood Townhome Community;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 12 OF 23  |

## UTILITY AND FIRE LANE EASEMENT ABANDONMENT ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144 S. LOCKHART SURVEY, ABSTRACT NO. 821 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** over and across said Second Installment Forestwood Townhome Community, South 64°47'32" West, a distance of 741.83 feet to a point in the east line of said utility and fire lane easement and at the westernmost northwest corner of Lot 1, Block 9/6382 for the **POINT OF BEGINNING** and at the beginning of a curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of North 44°23'58" East, 28.33 feet;

**THENCE** in a northeasterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.49 feet to the northernmost northwest corner of said Lot 1, Block 9/6382;

**THENCE** with a south line of said utility and fire lane easement and the north line of said Block 9/6382, North 89°29'57" East, a distance of 220.00 feet to the northernmost northeast corner of Lot 8, Block 9/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of South 45°36'02" East, 28.23 feet;

**THENCE** in a southeasterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.35 feet to the easternmost northeast corner of said Lot 8, Block 9/6382;

**THENCE** with the west line of said utility and fire lane easement and the east line of said Block 9/6382, South 0°42'01" East, a distance of 185.00 feet to the easternmost southeast corner of Lot 9, Block 9/6382 and at the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of South 44°23'58" West, 28.33 feet;

**THENCE** in a southwesterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.49 feet to the southernmost southeast corner of said Lot 9, Block 9/6382;

**THENCE** with the north line of said utility and fire lane easement and the south line of said Block 9/6382, South 89°29'57" West, a distance of 220.00 feet to the southernmost southwest corner of Lot 16, Block 9/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of North 45°36'02" West, 28.23 feet;

**THENCE** in a northwesterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.35 feet to the westernmost southwest corner of said Lot 16, Block 9/6382;

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



|                                  |  |
|----------------------------------|--|
| (For SPRG use only)              |  |
| Reviewed By: <u>A. Rodriguez</u> |  |
| Date: <u>4/4/18</u>              |  |
| SPRG NO: <u>4391</u>             |  |

|                                                                            |          |            |                        |             |           |
|----------------------------------------------------------------------------|----------|------------|------------------------|-------------|-----------|
| <h2 style="margin: 0;">Kimley»Horn</h2>                                    |          |            |                        |             |           |
| 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                                                                        | SRD      | DAB        | March 2018             | 067771641   | 13 OF 23  |

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** with the east line of said utility and fire lane easement and the west line of said Block 9/6382, North 0°42'01" West, a distance of 185.00 feet to the **POINT OF BEGINNING** and containing 1.3351 acres or 58,157 square feet of land.

**SAVE AND EXCEPT #7**

(Lots 1 through 16 and Open Space in Block 10/6382, Second Installment Forestwood Townhouse Community.)

**COMMENCING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of the south right-of-way line of Willow Lane (a 60-foot wide right-of-way, County of Dallas, Volume 2356, Page 241, Deed Records of Dallas County, Texas) and the west right-of-way line of Inwood Road (a 100-foot wide right-of-way, Dallas County, Volume 356, Page 334, Deed Records of Dallas County, Texas) and at the northeast corner of Open Space, Block 11/6382, Second Installment Forestwood Townhome Community;

**THENCE** over and across said Second Installment Forestwood Townhome Community, South 10°01'56" West, a distance of 294.97 feet to a point in the south line of a utility and fire lane easement and at the northernmost northeast corner of Lot 8, Block 10/6382 for the **POINT OF BEGINNING** and at the beginning of a curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of South 45°36'02" East, 28.23 feet;

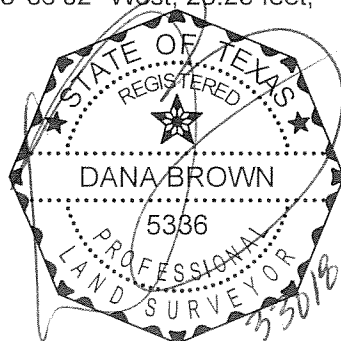
**THENCE** in a southeasterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.35 feet to the easternmost northeast corner of said Lot 8, Block 10/6382;

**THENCE** with the west line of said utility and fire lane easement and the east line of said Block 10/6382, South 0°42'01" East, a distance of 185.00 feet to the easternmost southeast corner of Lot 9, Block 10/6382 and at the beginning of a tangent curve to the right having a central angle of 90°11'59", a radius of 20.00 feet, a chord bearing and distance of South 44°23'58" West, 28.33 feet;

**THENCE** in a southwesterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.49 feet to the southernmost southeast corner of said Lot 9, Block 10/6382;

**THENCE** with the north line of said utility and fire lane easement and the south line of said Block 10/6382, South 89°29'57" West, a distance of 220.00 feet to the southernmost southwest corner of Lot 16, Block 10/6382 and at the beginning of a tangent curve to the right having a central angle of 89°48'01", a radius of 20.00 feet, a chord bearing and distance of North 45°36'02" West, 28.23 feet;

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**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   | SRD      | DAB        | March 2018 | 067771641   | 14 OF 23  |



UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**THENCE** in a northwesterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.35 feet to the westernmost southwest corner of said Lot 16, Block 10/6382;

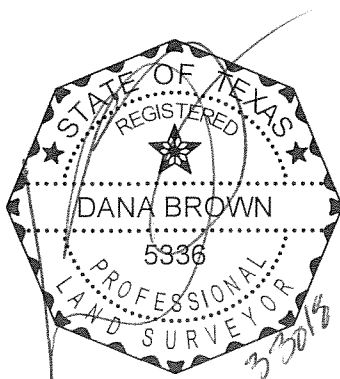
**THENCE** with the east line of said utility and fire lane easement and the west line of said Block 10/6382, North  $0^{\circ}42'01''$  West, a distance of 185.00 feet to the westernmost northwest corner of Lot 1, Block 10/6382, and at the beginning of a tangent curve to the right having a central angle of  $90^{\circ}11'59''$ , a radius of 20.00 feet, a chord bearing and distance of North  $44^{\circ}23'58''$  East, 28.33 feet;

**THENCE** in a northeasterly direction, with said utility and fire lane easement and said curve to the right, an arc distance of 31.49 feet to the northernmost northwest corner of said Lot 1, Block 10/6382;

**THENCE** with the south line of said utility and fire lane easement and the north line of said Block 10/6382, North  $89^{\circ}29'57''$  East, a distance of 220.00 feet to the **POINT OF BEGINNING** and containing 1.3351 acres or 58,157 square feet of land resulting in a net area of 4.9081 acres or 213,798 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

# Kimley»Horn

13455 Noel Road, Two Galleria Office  
 Tower, Suite 700, Dallas, Texas 75240

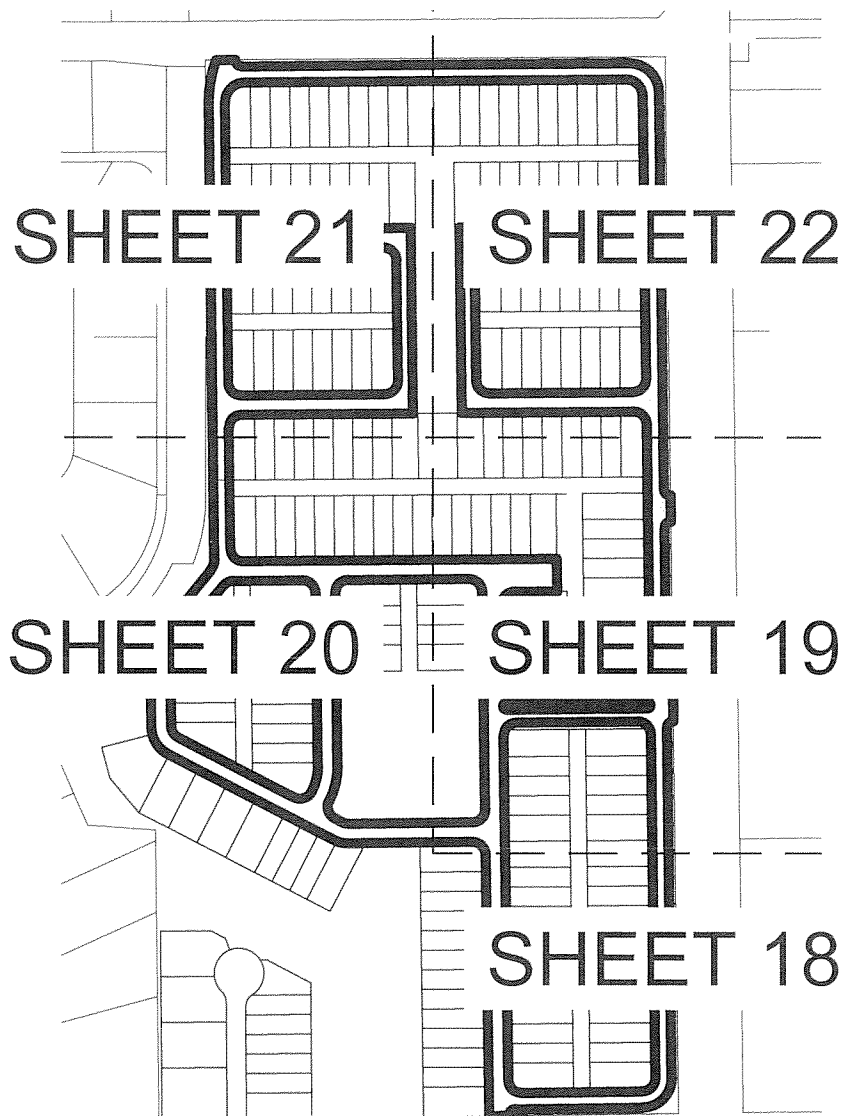
FIRM # 10115500

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

| Scale | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-------|----------|------------|------------|-------------|-----------|
| N/A   | SRD      | DAB        | March 2018 | 067771641   | 15 OF 23  |



UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**Kimley»Horn**

13455 Noel Road, Two Galleria Office  
 Tower, Suite 700, Dallas, Texas 75240

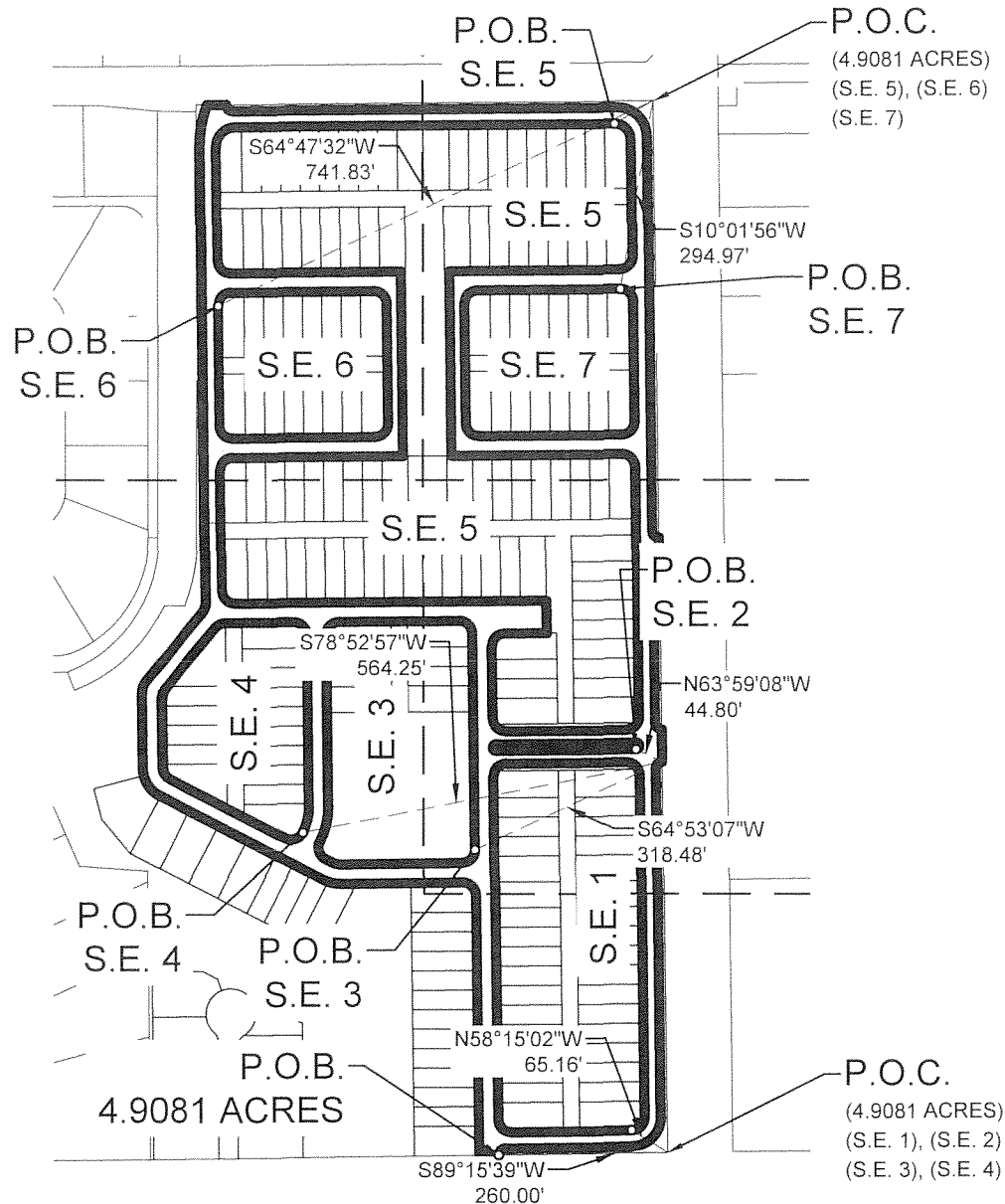
FIRM # 10115500

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

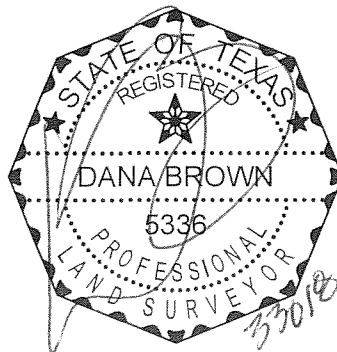
| Scale | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-------|----------|------------|------------|-------------|-----------|
| N/A   | SRD      | DAB        | March 2018 | 067771641   | 16 OF 23  |

# EXHIBIT A-TRACT 10

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



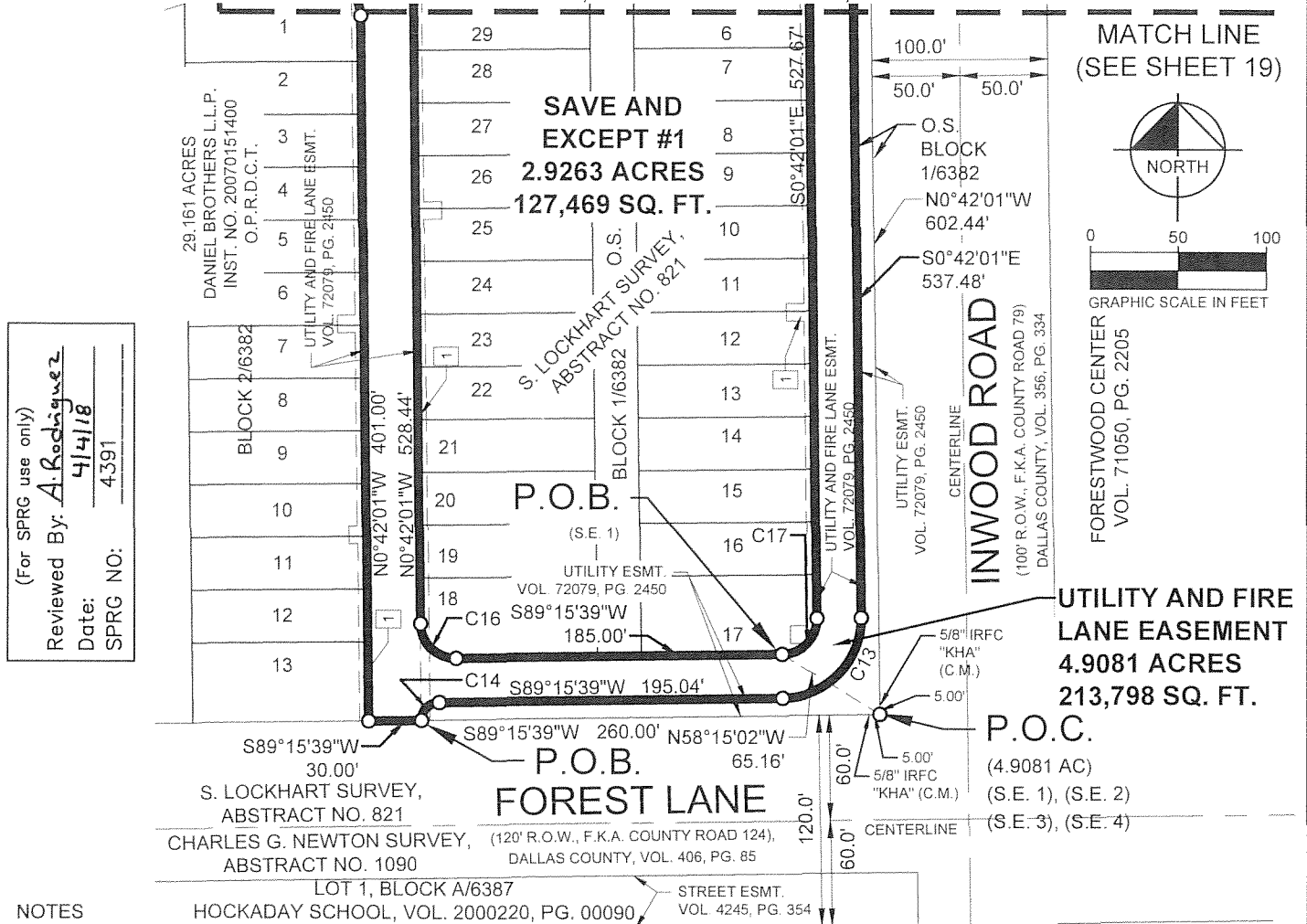
(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

## 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   | SRD      | DAB        | March 2018 | 067771641   | 17 OF 23  |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**



(For SPRG use only)

Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

**NOTES**

All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.

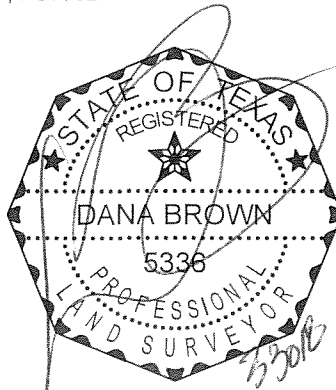
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
- 2 15' sewer esmt., VOL. 5302, PG. 538
- 3 15' sewer esmt., VOL. 69223, PG. 788

See sheet 16 for key map.

See sheet 23 for curve data.

**DANA BROWN**  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



# Kimley»Horn

13455 Noel Road, Two Galleria Office  
 Tower, Suite 700, Dallas, Texas 75240

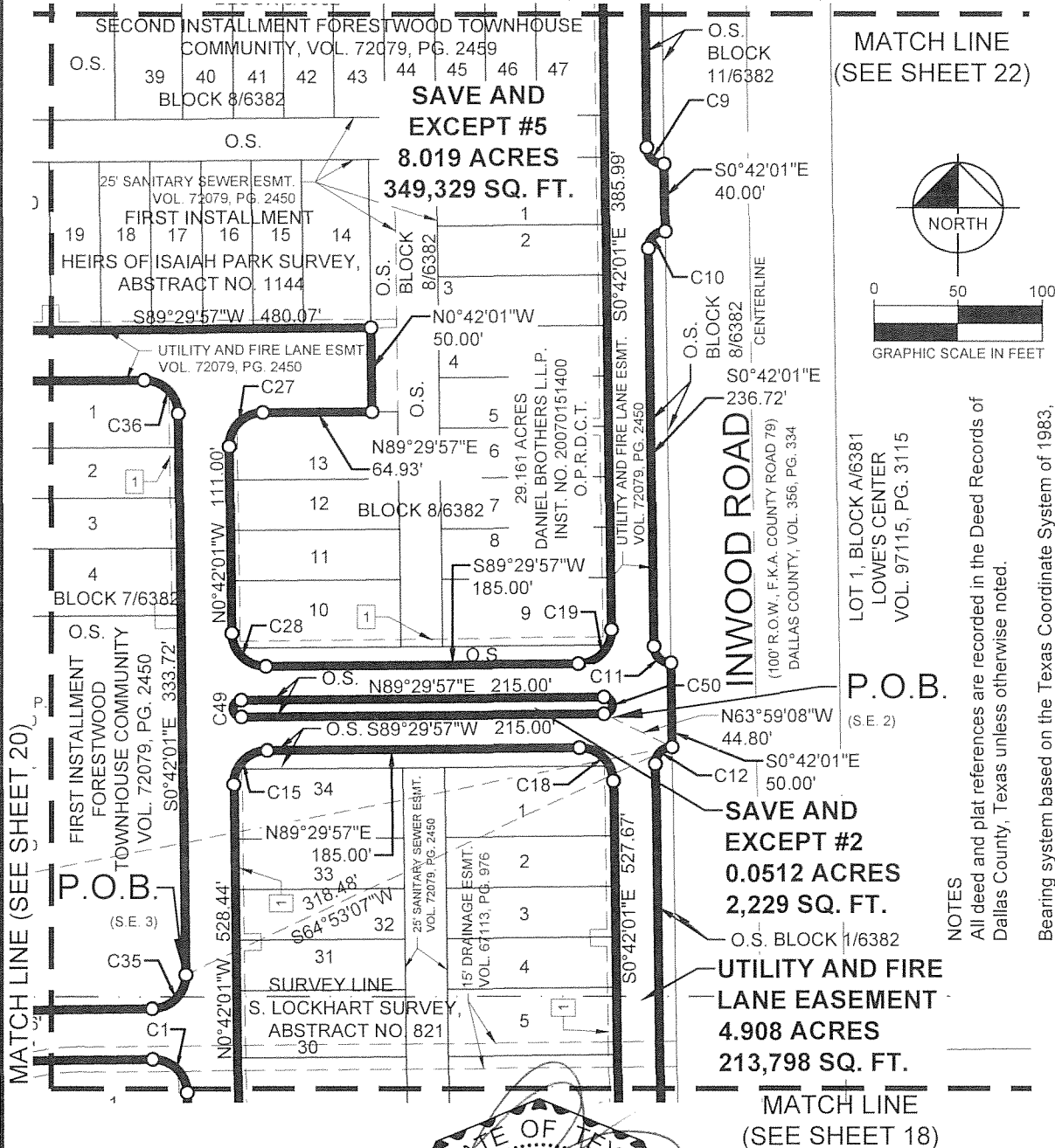
FIRM # 10115500

Tel. No. (972) 770-1300  
 Fax No. (972) 239-3820

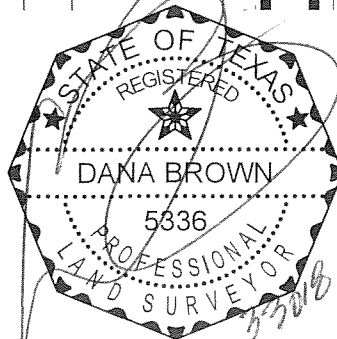
| Scale     | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-----------|----------|------------|------------|-------------|-----------|
| 1" = 100' | SRD      | DAB        | March 2018 | 067771641   | 18 OF 23  |

**UTILITY AND FIRE LANE EASEMENT ABANDONMENT**  
**ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382**  
**FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY**  
**HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144**  
**S. LOCKHART SURVEY, ABSTRACT NO. 821**  
**HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/14/18  
 SPRG NO: 4391



DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com

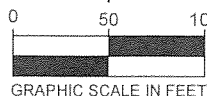
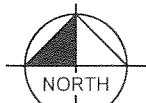


**Kimley»Horn**

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

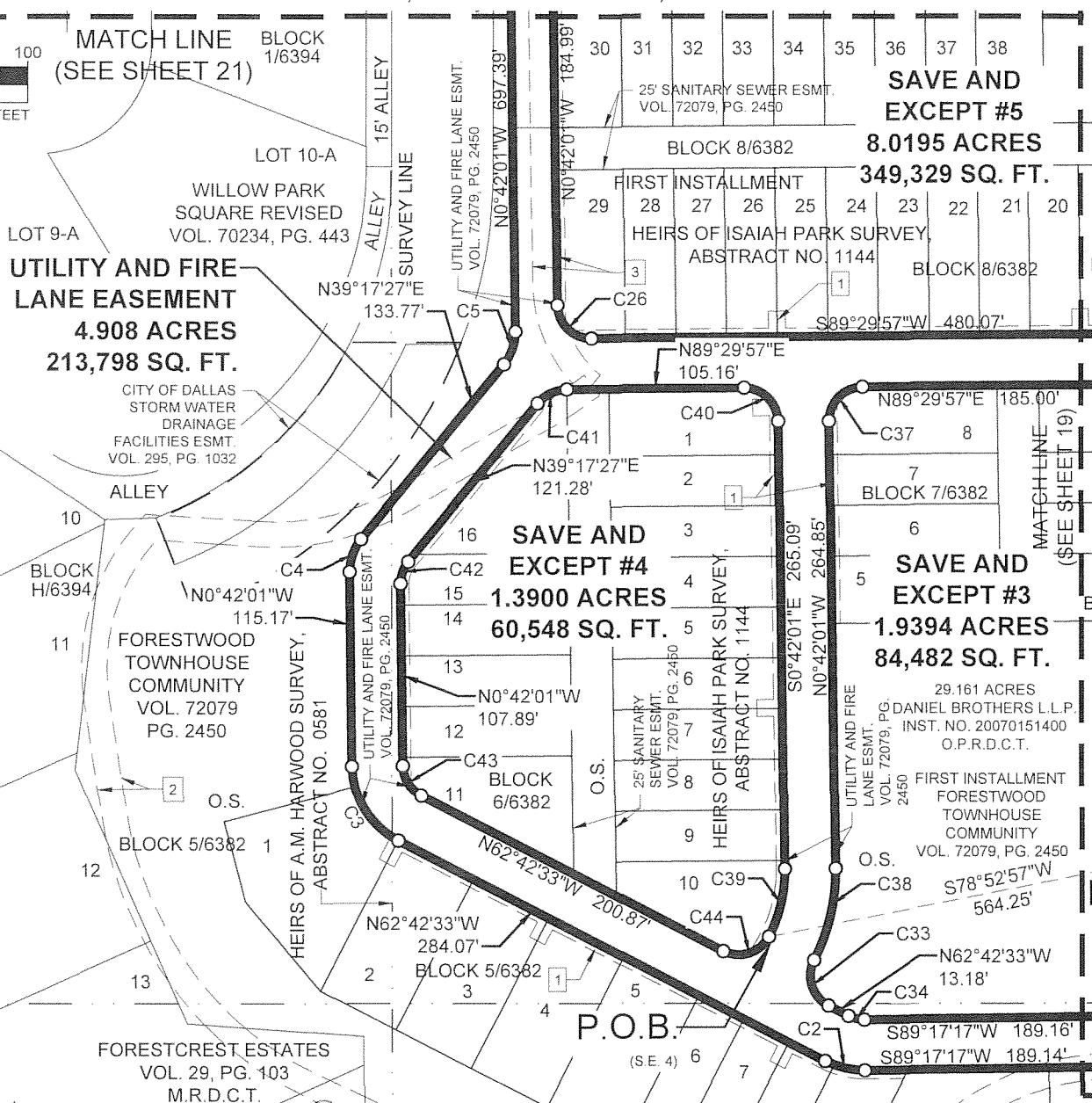
| Scale     | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-----------|----------|------------|------------|-------------|-----------|
| 1" = 100' | SRD      | DAB        | March 2018 | 067771641   | 19 OF 23  |

## UTILITY AND FIRE LANE EASEMENT ABANDONMENT ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144 S. LOCKHART SURVEY, ABSTRACT NO. 821 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581 CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/5/18  
SPRG NO: 4391

**NOTES**  
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.  
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).



See sheet 16 for key map.  
See sheet 23 for curve data.

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
- 2 15' sewer esmt., VOL. 5302, PG. 538
- 3 15' sewer esmt., VOL. 69223, PG. 788

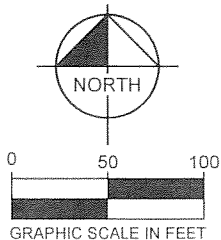
### Kimley»Horn

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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 20 OF 23  |

# EXHIBIT A-TRACT 10

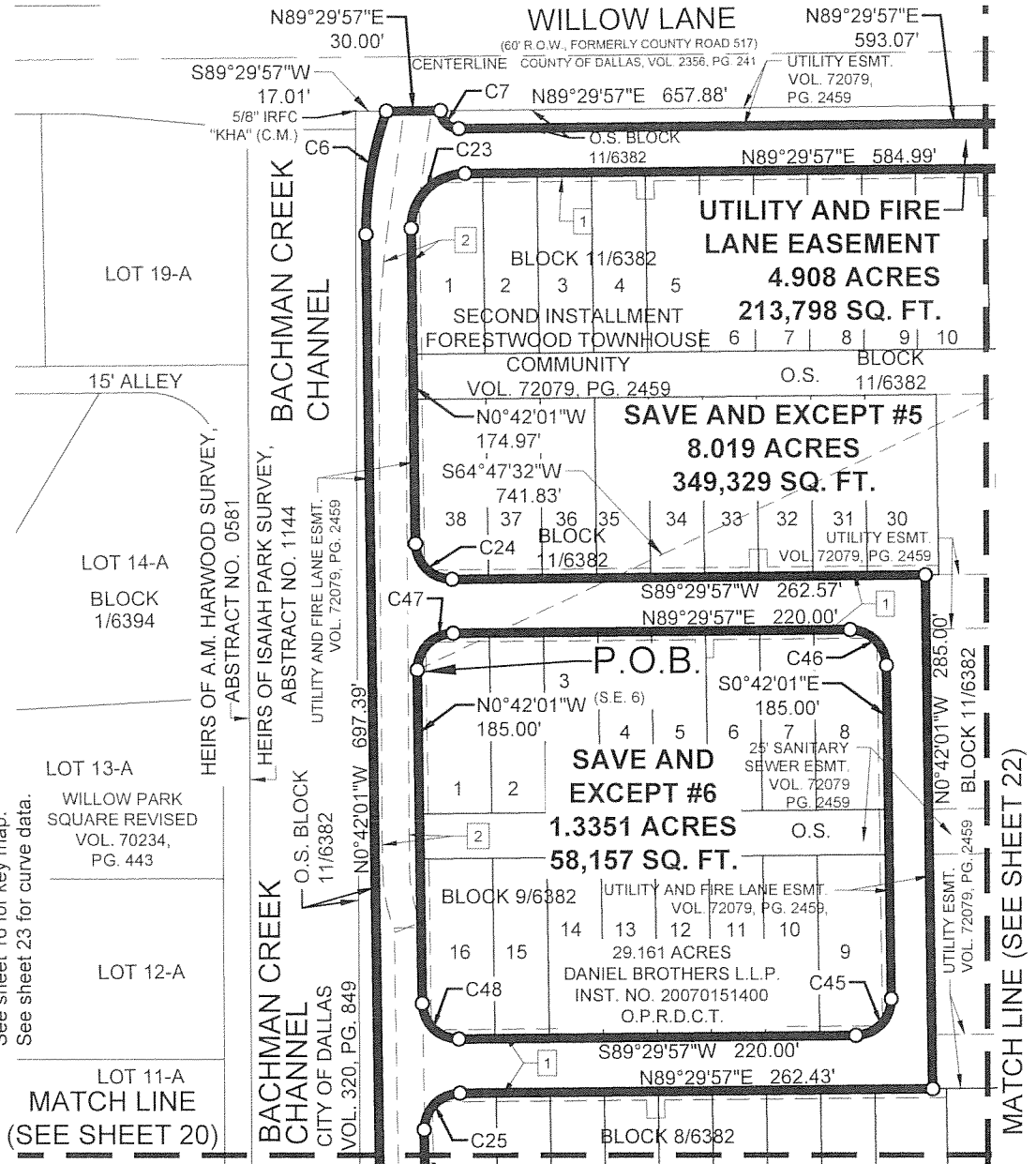
## UTILITY AND FIRE LANE EASEMENT ABANDONMENT ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144 S. LOCKHART SURVEY, ABSTRACT NO. 821 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581 CITY OF DALLAS, DALLAS COUNTY, TEXAS



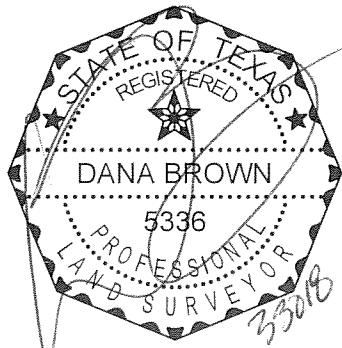
**NOTES**  
All deed and plat references are recorded in the Deed Records of Dallas County, Texas unless otherwise noted.  
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

- 1 Dallas Power and Light Company & Southwestern Bell Telephone Company esmt., VOL. 72197, PG. 702
- 2 15' sewer esmt., VOL. 5302, PG. 538
- 3 15' sewer esmt., VOL. 69223, PG. 788

See sheet 16 for key map.  
See sheet 23 for curve data.



DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/4/18  
SPRG NO: 4391

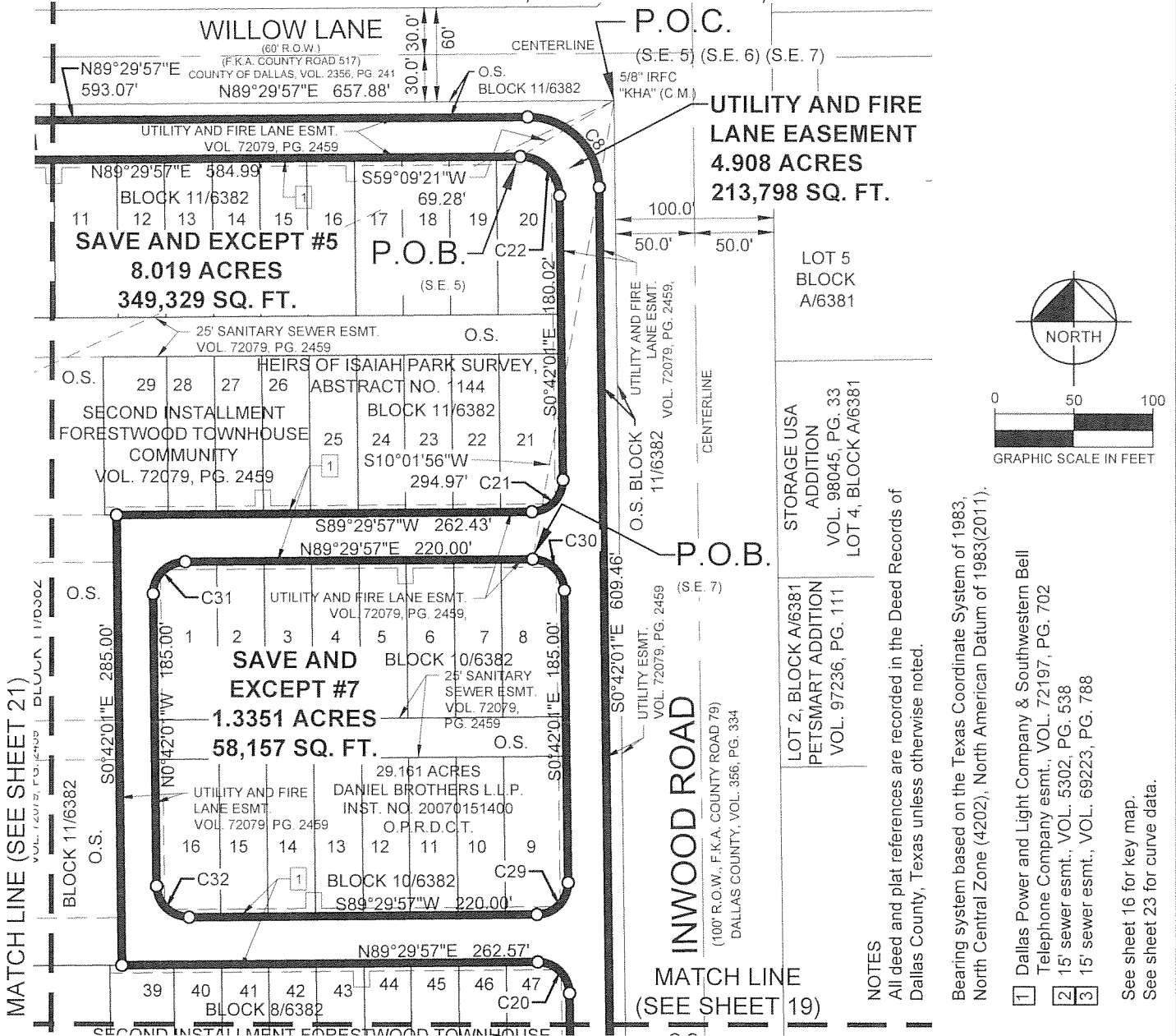
### Kimley»Horn

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" = 100' | SRD      | DAB        | March 2018 | 067771641   | 21 OF 23  |



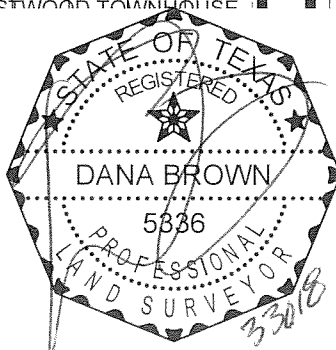
## UTILITY AND FIRE LANE EASEMENT ABANDONMENT ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144 S. LOCKHART SURVEY, ABSTRACT NO. 821 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581 CITY OF DALLAS, DALLAS COUNTY, TEXAS



MATCH LINE (SEE SHEET 21)

MATCH LINE (SEE SHEET 19)

DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336  
13455 NOEL ROAD  
TWO GALLERIA OFFICE TOWER  
SUITE 700  
DALLAS, TEXAS 75240  
PH. (972) 770-1300  
dana.brown@kimley-horn.com



(For SPRG use only)  
Reviewed By: A. Rodriguez  
Date: 4/4/18  
SPRG NO: 4391

# 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

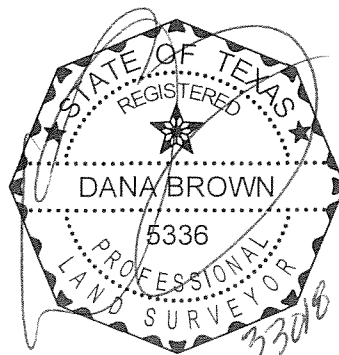
| Scale     | Drawn by | Checked by | Date       | Project No. | Sheet No. |
|-----------|----------|------------|------------|-------------|-----------|
| 1" = 100' | SRD      | DAB        | March 2018 | 067771641   | 22 OF 23  |

UTILITY AND FIRE LANE EASEMENT ABANDONMENT  
 ADJACENT TO CITY BLOCKS 1/6382, 2/6382 AND 5/6382 THROUGH 11/6382  
 FIRST INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 AND SECOND INSTALLMENT FORESTWOOD TOWNHOUSE COMMUNITY  
 HEIRS OF ISAIAH PARK SURVEY, ABSTRACT NO. 1144  
 S. LOCKHART SURVEY, ABSTRACT NO. 821  
 HEIRS OF A.M. HARWOOD SURVEY, ABSTRACT NO. 581  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

| CURVE TABLE |           |         |        |               |        |
|-------------|-----------|---------|--------|---------------|--------|
| NO.         | DELTA     | RADIUS  | LENGTH | CHORD BEARING | CHORD  |
| C1          | 90°00'41" | 20.00'  | 31.42' | N45°42'22"W   | 28.29' |
| C2          | 28°00'10" | 50.00'  | 24.44' | N76°42'38"W   | 24.19' |
| C3          | 62°00'31" | 50.00'  | 54.11' | N31°42'17"W   | 51.51' |
| C4          | 39°59'29" | 30.00'  | 20.94' | N19°17'43"E   | 20.52' |
| C5          | 39°59'29" | 30.00'  | 20.94' | N19°17'43"E   | 20.52' |
| C6          | 20°10'57" | 197.50' | 69.57' | N09°23'27"E   | 69.21' |
| C7          | 90°00'00" | 10.00'  | 15.71' | S45°30'03"E   | 14.14' |
| C8          | 89°48'01" | 45.00'  | 70.53' | S45°36'02"E   | 63.53' |
| C9          | 90°00'00" | 10.00'  | 15.71' | S45°42'01"E   | 14.14' |
| C10         | 90°00'00" | 10.00'  | 15.71' | S44°17'59"W   | 14.14' |
| C11         | 90°00'00" | 10.00'  | 15.71' | S45°42'01"E   | 14.14' |
| C12         | 90°00'00" | 10.00'  | 15.71' | S44°17'59"W   | 14.14' |
| C13         | 89°57'40" | 45.00'  | 70.66' | S44°16'49"W   | 63.62' |
| C14         | 90°00'00" | 10.00'  | 15.71' | S44°15'39"W   | 14.14' |
| C15         | 90°11'59" | 20.00'  | 31.49' | S44°23'58"W   | 28.33' |
| C16         | 90°02'20" | 20.00'  | 31.43' | S45°43'11"E   | 28.29' |
| C17         | 89°57'40" | 20.00'  | 31.40' | N44°16'49"E   | 28.27' |
| C18         | 89°48'01" | 20.00'  | 31.35' | N45°36'02"W   | 28.23' |
| C19         | 90°11'59" | 20.00'  | 31.49' | N44°23'58"E   | 28.33' |
| C20         | 89°48'01" | 20.00'  | 31.35' | N45°36'02"W   | 28.23' |
| C21         | 90°11'59" | 20.00'  | 31.49' | N44°23'58"E   | 28.33' |
| C22         | 89°48'01" | 25.00'  | 39.18' | N45°36'02"W   | 35.29' |
| C23         | 90°11'59" | 30.00'  | 47.23' | N44°23'58"E   | 42.50' |
| C24         | 89°48'01" | 20.00'  | 31.35' | N45°36'02"W   | 28.23' |
| C25         | 90°11'59" | 20.00'  | 31.49' | S44°23'58"W   | 28.33' |

| CURVE TABLE |            |         |        |               |        |
|-------------|------------|---------|--------|---------------|--------|
| NO.         | DELTA      | RADIUS  | LENGTH | CHORD BEARING | CHORD  |
| C26         | 89°48'01"  | 20.00'  | 31.35' | N45°36'02"W   | 28.23' |
| C27         | 90°11'59"  | 20.00'  | 31.49' | S44°23'58"W   | 28.33' |
| C28         | 89°48'01"  | 20.00'  | 31.35' | S45°36'02"E   | 28.23' |
| C29         | 90°11'59"  | 20.00'  | 31.49' | S44°23'58"W   | 28.33' |
| C30         | 89°48'01"  | 20.00'  | 31.35' | S45°36'02"E   | 28.23' |
| C31         | 90°11'59"  | 20.00'  | 31.49' | N44°23'58"E   | 28.33' |
| C32         | 89°48'01"  | 20.00'  | 31.35' | N45°36'02"W   | 28.23' |
| C33         | 90°00'15"  | 20.00'  | 31.42' | N17°42'25"W   | 28.29' |
| C34         | 28°00'10"  | 20.00'  | 9.77'  | N76°42'38"W   | 9.68'  |
| C35         | 89°59'19"  | 20.00'  | 31.41' | S44°17'38"W   | 28.28' |
| C36         | 89°48'01"  | 20.00'  | 31.35' | S45°36'02"E   | 28.23' |
| C37         | 90°11'59"  | 20.00'  | 31.49' | N44°23'58"E   | 28.33' |
| C38         | 27°59'44"  | 115.00' | 56.19' | N13°17'51"E   | 55.63' |
| C39         | 28°00'00"  | 85.00'  | 41.54' | N13°17'59"E   | 41.13' |
| C40         | 89°48'01"  | 20.00'  | 31.35' | N45°36'02"W   | 28.23' |
| C41         | 50°12'30"  | 22.47'  | 19.69' | S64°23'42"W   | 19.07' |
| C42         | 39°59'29"  | 20.00'  | 13.96' | S19°17'43"W   | 13.68' |
| C43         | 62°00'31"  | 20.00'  | 21.65' | S31°42'17"E   | 20.60' |
| C44         | 90°03'24"  | 20.00'  | 31.44' | N72°19'41"E   | 28.30' |
| C45         | 90°11'59"  | 20.00'  | 31.49' | S44°23'58"W   | 28.33' |
| C46         | 89°48'01"  | 20.00'  | 31.35' | S45°36'02"E   | 28.23' |
| C47         | 90°11'59"  | 20.00'  | 31.49' | N44°23'58"E   | 28.33' |
| C48         | 89°48'01"  | 20.00'  | 31.35' | S45°36'02"E   | 28.23' |
| C49         | 180°00'00" | 5.00'   | 15.71' | S00°30'03"E   | 10.00' |
| C50         | 180°00'00" | 5.00'   | 15.71' | N00°30'03"W   | 10.00' |

DANA BROWN  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5336  
 13455 NOEL ROAD  
 TWO GALLERIA OFFICE TOWER  
 SUITE 700  
 DALLAS, TEXAS 75240  
 PH. (972) 770-1300  
 dana.brown@kimley-horn.com



(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 4/4/18  
 SPRG NO: 4391

# 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   | SRD      | DAB        | March 2018 | 06771641    | 23 OF 23  |



## AGENDA ITEM # 26

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

June 13, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Transportation

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

34S W

---

### SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$36,043 from the University of Texas (UT) Southwestern Medical Center for certain material and labor costs associated with the upgrade of the traffic signal, signage and roadway striping at the UT Southwestern private driveway in the 1900 block of Inwood Road; and **(2)** an increase in appropriations in an amount not to exceed \$36,043 in the Capital Projects Reimbursement Fund - Not to exceed \$36,043 - Financing: Capital Projects Reimbursement Funds

### BACKGROUND

The expansion of UT Southwestern West Campus included the reconstruction of the northwest leg of the intersection in the 1900 block of Inwood Road and the UT Southwestern private driveway just southwest of Harry Hines Boulevard. UT Southwestern has requested upgrades to these traffic signal hardware, intersection signage and striping. Modifications include the modification of the traffic signal phasing, installing new radar vehicle detection for the rebuilt driveway approach, removal of crosswalks on the northwest and southwest legs of the intersection, and refreshing intersection striping. These upgrades would be completed by City forces and an existing master agreement traffic signal contractor.

UT Southwestern Medical Center will be responsible for 100 percent of the cost of the traffic signal upgrades for these two locations. UT Southwestern Medical Center has agreed to reimburse the City of Dallas a sum of \$36,042.11 for certain traffic signal construction materials and for labor costs incurred by the City.

UT Southwestern Medical Center understands that, upon City Council approval of the required funding, in an amount not to exceed \$36,042.11 are to be deposited with the City of Dallas before any City supplied materials can be provided.

**BACKGROUND** (continued)

It is understood that the final construction costs will be determined by the City upon completion of the project, and that UT Southwestern Medical Center will be refunded any unused funds.

**ESTIMATED SCHEDULE OF PROJECT**

|                       |             |
|-----------------------|-------------|
| Begin Construction    | June 2018   |
| Complete Construction | August 2018 |

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 11, 2018.

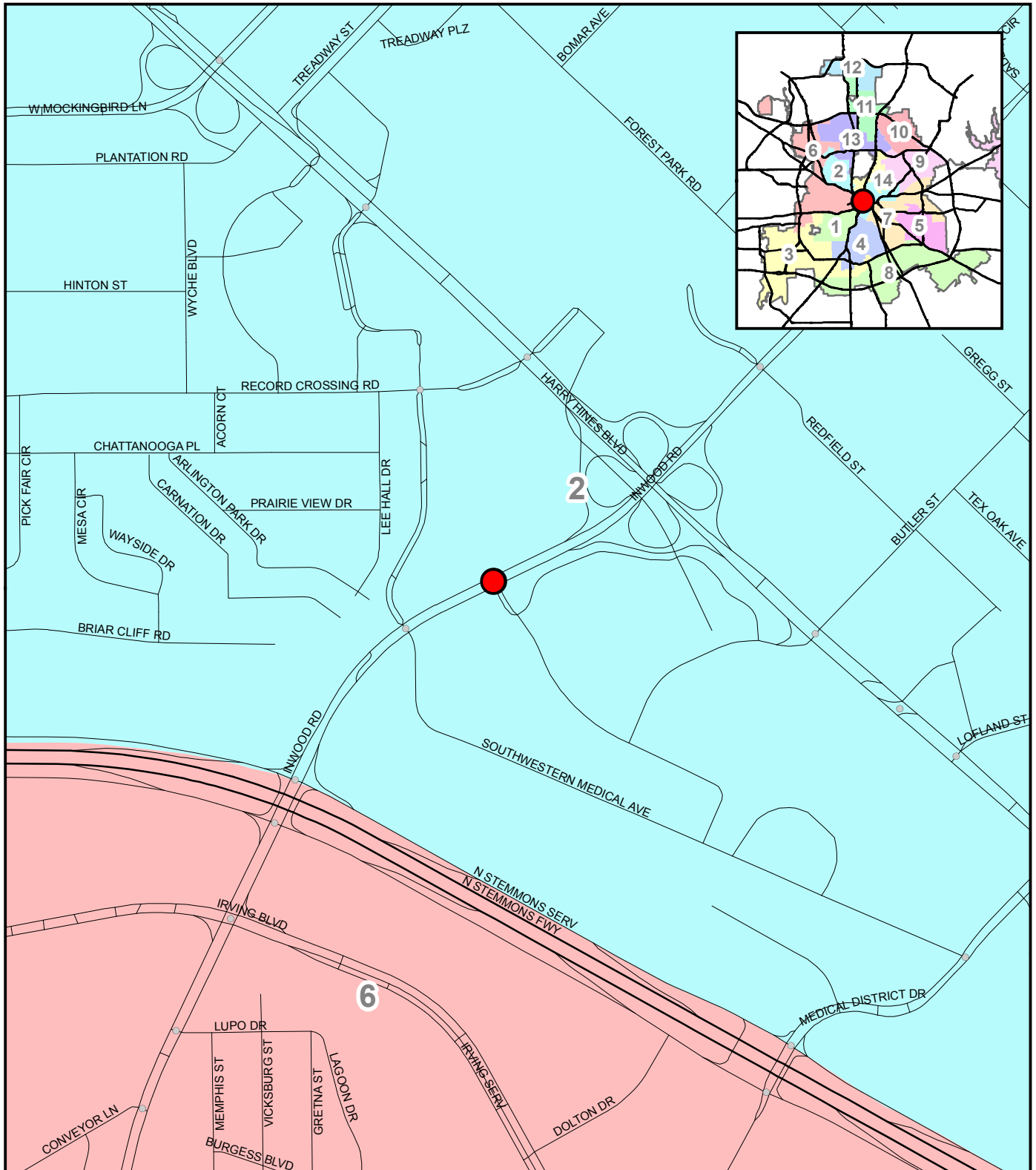
**FISCAL INFORMATION**

Capital Projects Reimbursement Funds - \$36,042.11

**MAP**

Attached

# UT Southwestern Intersection Modification Project Intersection



**Council District 2**  
**Mapsco Page 34-W**

June 13, 2018

**WHEREAS**, the University of Texas (UT) Southwestern has requested upgrades to the traffic signals at the two intersections at Inwood Road and Forest Park Road, and Inwood Road and Redfield Street, including adding left-turn arrows and repairing vehicle detection; and

**WHEREAS**, UT Southwestern Medical Center is paying 100 percent of the material and labor construction costs for traffic signal modifications at the two intersections at Inwood Road and Forest Park Road, and Inwood Road and Redfield Street.

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized to receive and deposit funds from UT Southwestern Medical Center, in an amount not to exceed \$36,042.11 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W258, and Revenue Code 8492.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$36,042.11 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W258, Object 4820, Activity THRG.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds received from UT Southwestern Medical Center, in an amount not to exceed \$36,042.11 from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W258, Object 4820, Activity THRG, Program TP18W258 for services related to the construction of the traffic signal upgrades.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to refund UT Southwestern Medical Center any unused funds.

**SECTION 5.** That this contract is designated as Contract No. TRN-2018-00005840.

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## AGENDA ITEM # 27

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

June 13, 2018

### COUNCIL DISTRICT(S):

2, 6, 9, 10, 14

### DEPARTMENT:

Department of Transportation

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

17N 23Z 27E N 36C

---

### SUBJECT

Authorize payment to the Texas Department of Transportation for cost overruns related to the intersection and traffic signal improvements at the following five off-system locations: Royal Lane and Abrams Road; Skillman Street and Walnut Hill Lane; Skillman Street and Lovers Lane; Walnut Hill Lane and Abrams Road; and Webb Chapel Road and Larga Drive - Not to exceed \$82,696 - Financing: General Funds

### BACKGROUND

The City of Dallas was awarded federal grant funding totaling \$6.17 million from the 2014 Highway Safety Improvement Program administered by the Texas Department of Transportation (TxDOT) to upgrade several high accident intersections in the City of Dallas.

On April 27, 2016, City Council authorized a Local Project Advance Funding Agreement to fund the upgrade and/or construction of five existing off-system traffic signals: Royal Lane and Abrams Road; Skillman Street and Walnut Hill Lane; Skillman Street and Lovers Lane; Walnut Hill Lane and Abrams Road; and Webb Chapel Road and Larga Drive by Resolution No. 16-0651. The intersection improvements at these five off system intersections will include upgrades to pedestrian features, signage, pavement markings and reconstruction of traffic signals. Resolution No. 16-0651 also authorized the payment of a 10% local match warrant check in the amount of \$149,600.30. Per the agreement with TxDOT, the City is responsible for 100% of construction bid overages.

Due to large increases in material costs, primarily in traffic signal poles and concrete, since the construction estimates were prepared in 2014, the lowest bid came in above projected estimates by \$82,695.28.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 9, 2015, City Council authorized a contract with Kimley-Horn and Associates, Inc. to provide traffic signal design services for 32 traffic signals at various intersections and other related tasks by Resolution No. 15-2223.

On April 27, 2016, City Council authorized a Local Project Advance Funding Agreement with the Texas Department of Transportation for a U.S. Department of Transportation - Federal Highway Administration 2014 Highway Safety Improvement Program grant to design, upgrade and construct five traffic signals and associated off system intersection improvements by Resolution No. 16-0651.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 11, 2018.

### **ESTIMATED SCHEDULE OF PROJECT**

|                       |              |
|-----------------------|--------------|
| Begin Construction    | April 2018   |
| Complete Construction | October 2019 |

### **FISCAL INFORMATION**

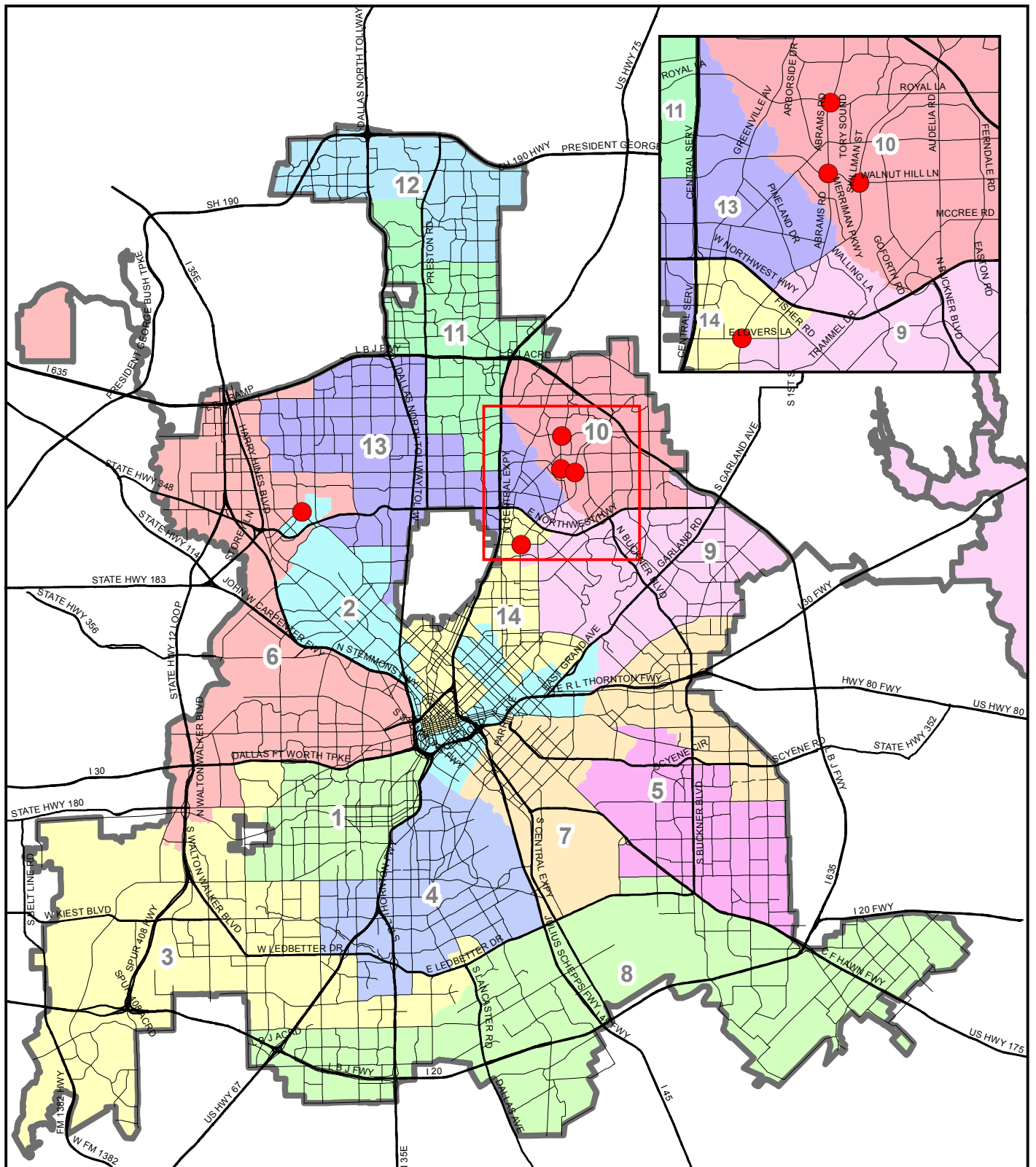
General Funds - \$82,695.28

| <b><u>Council District</u></b> | <b><u>Amount</u></b> |
|--------------------------------|----------------------|
| 2                              | \$16,539.05          |
| 6                              | \$16,539.05          |
| 9                              | \$16,539.06          |
| 10                             | \$16,539.06          |
| 14                             | <u>\$16,539.06</u>   |
| Total                          | \$82,695.28          |

### **MAP**

Attached

## HSIP Project Locations



**Council Districts 2 ,6, 9, 10, 14**  
**Mapscos Pages 17N, 23Z, 27E, 27N, 36C**

June 13, 2018

**WHEREAS**, the Texas Department of Transportation (TxDOT) will construct upgrades to the five existing traffic signals, specifically at Royal Lane and Abrams Road; Skillman Street and Walnut Hill Lane; Skillman Street and Lovers Lane; Walnut Hill Lane and Abrams Road; and Webb Chapel Road and Larga Drive; and

**WHEREAS**, the City of Dallas issued a previous local match warrant payment in the amount of \$149,600.30 based on a 10 percent local match of preliminary construction cost estimates and related fees; and

**WHEREAS**, based on construction bids received by TxDOT in April 2018, the City of Dallas' cost responsibility increased by \$82,695.28; and

**WHEREAS**, the City of Dallas is responsible for 100 percent of project costs exceeding the original estimate in the amount of \$82,695.28.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to issue a payment in an amount not to exceed \$82,695.28 in accordance with the terms and conditions of the Interlocal Agreement with the Texas Department of Transportation authorized by a previous Council Resolution No. 16-0651 on April 27, 2016 for project cost overruns.

**SECTION 2.** That this contract is designated as Contract No. TRN-2018-00006481.

**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.



**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Fire-Rescue Department

**CMO:** Jon Fortune, 670-1204

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a revision to Rule XXIV of the Civil Service Code of Rules and Regulations to allow military experience to be used in lieu of college credit for Dallas Fire-Rescue Department applicants - Financing: No cost consideration to the City

**BACKGROUND**

To be eligible for hire, applicants for trainee fire and rescue officer in the fire department must have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university or must have completed at least four (4) years active duty service in the Armed Forces of the United States of America, with an honorable discharge as indicated on separation documents provided by the military, adopted by City Council on April 27, 2005, by Resolution No. 05-1333.

The proposed change to the Civil Service rule would waive the education requirements for applicants if they have completed at least 3 years, rather than 4 years, of active duty service in the Armed Forces of the United States of America, with an honorable discharge.

The Civil Service Board recommends this revision pursuant to the request of the Dallas Fire-Rescue Department.

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

The Civil Service Board conducted a public hearing on this issue on January 5, 2018.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on June 11, 2018.

## **FISCAL INFORMATION**

No cost consideration to the City.

June 13, 2018

**WHEREAS**, on April 27, 2005, City Council authorized a revision to Rule XXIII and Rule XXIV of the Civil Service Code of Rules and Regulations to allow military experience to be used in lieu of college credit for Dallas Police Department and Dallas Fire Department applicants by Resolution No. 05-1333; and

**WHEREAS**, the Civil Service Board conducted a hearing on January 5, 2018 and recommended a revision of its rules affecting Dallas Fire-Rescue Department general requirements; and

**WHEREAS**, the Civil Service Board recommends that this action be approved by the City Council.

**Now, Therefore,**

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

**SECTION 1.** That Subsection (1) of Section 1 A. of Rule XXIV of the Code of Rules and Regulations of the Civil Service Board be amended to read:

"Rule XXIV  
REQUIREMENTS FOR TRAINEE FIRE AND RESCUE OFFICER"

Section 1

A. In addition to the general requirements of Rule VI, applicants for Trainee Fire and Rescue Officer must meet the following requirements:

- (1) Have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university or must have completed at least ~~four (4)~~ three (3) years active duty service in the Armed Forces of the United States of America, with an honorable discharge as indicated on separation documents provided by the military. Applicants will be considered who are no more than 10 days short of the mandatory three years of active duty military service. Applicants who are more than 10 days but no more than 30 days short of the mandatory three years of active duty military service will only be considered based on approval by the Assistant Fire Chief over recruitment and training.

**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.



**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

7

**DEPARTMENT:**

Housing &amp; Neighborhood Revitalization

**CMO:**

Raquel Favela, 670-3309

**MAPSCO:**

48L

---

**SUBJECT**

Authorize the first amendment to the conditional grant agreement for 27 single-family homes on Chariot Drive, previously approved by Resolution No. 15-0861 on May 13, 2015, with Dallas Area Habitat for Humanity, Inc., who assumed the obligations of Greenleaf Ventures, LLC to **(1)** extend the agreement completion date from October 30, 2017 to December 31, 2019; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

**BACKGROUND**

On May 13, 2015, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC to pay for a portion of the infrastructure construction cost for a single-family development for 27 homes in East Dallas located on Chariot Drive, in an amount not to exceed \$450,000 (as referenced in Attachment 1 Budget) by Resolution No. 15-0861. The 2012 General Obligation Bond Funds were used for the development of 27 single family homes to be sold to households at or below 140 percent of Area Median Family Income, on vacant land located on East Dallas on Chariot Drive. The overall development has a total of 54 homes to be constructed.

In July 2017, Greenleaf Ventures, LLC, the developer who is also the former owner, requested an extension to the conditional grant agreement to complete construction of 27 homes. The agreement was for infrastructure cost associated with the development of the 27 lots to sell to a builder for the construction of the homes. Dallas Area Habitat for Humanity, Inc. (Habitat) purchased the lots in August 2017 and construction is underway for 4 of the 27 lots. Five additional lots have permits to start construction. Greenleaf Ventures, LLC/Habitat is working with additional private developers to build homes in the subdivision.

## **BACKGROUND** (continued)

Dallas Neighborhood Alliance is the general contractor and obtained private financing with Tolleson Private Bank for construction costs. The units will be 3 and 4 bedrooms at approximately 1900 to 2700 square feet with average sale prices in around \$212,000 - \$250,000. Upon sale, the lien will be released on a prorata basis as each lot is built and sold. Greenleaf Ventures, LLC/Habitat has expended \$405,000 in 2012 GO Bond Funds. Remaining is the balance of \$45,000 in retainage.

Greenleaf Ventures, LLC/Habitat experienced delays due to unforeseen water and wastewater line repairs and civil plans approval. The original grant agreement did not account for the time to build the homes and sell to eligible homebuyers.

City Council approval of this agenda item will authorize the City Manager to modify the conditional grant agreement with Habitat for this development agreement.

The conditional grant agreement was executed on October 30, 2015 with Greenleaf Ventures, LLC.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 13, 2015, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC for the infrastructure construction cost for a single-family development for 27 homes in East Dallas on Chariot Drive by Resolution No. 15-0861.

Information about this item was provided to the Economic Development and Housing Committee on May 7, 2018.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **OWNER**

**Dallas Area Habitat for Humanity, Inc.**

Randy Golden, Interim Chief Executive Officer

## **DEVELOPER**

**Greenleaf Ventures, LLC**

Victor Toledo, Co-owner

Kent Casey, Co-owner

**MAP**

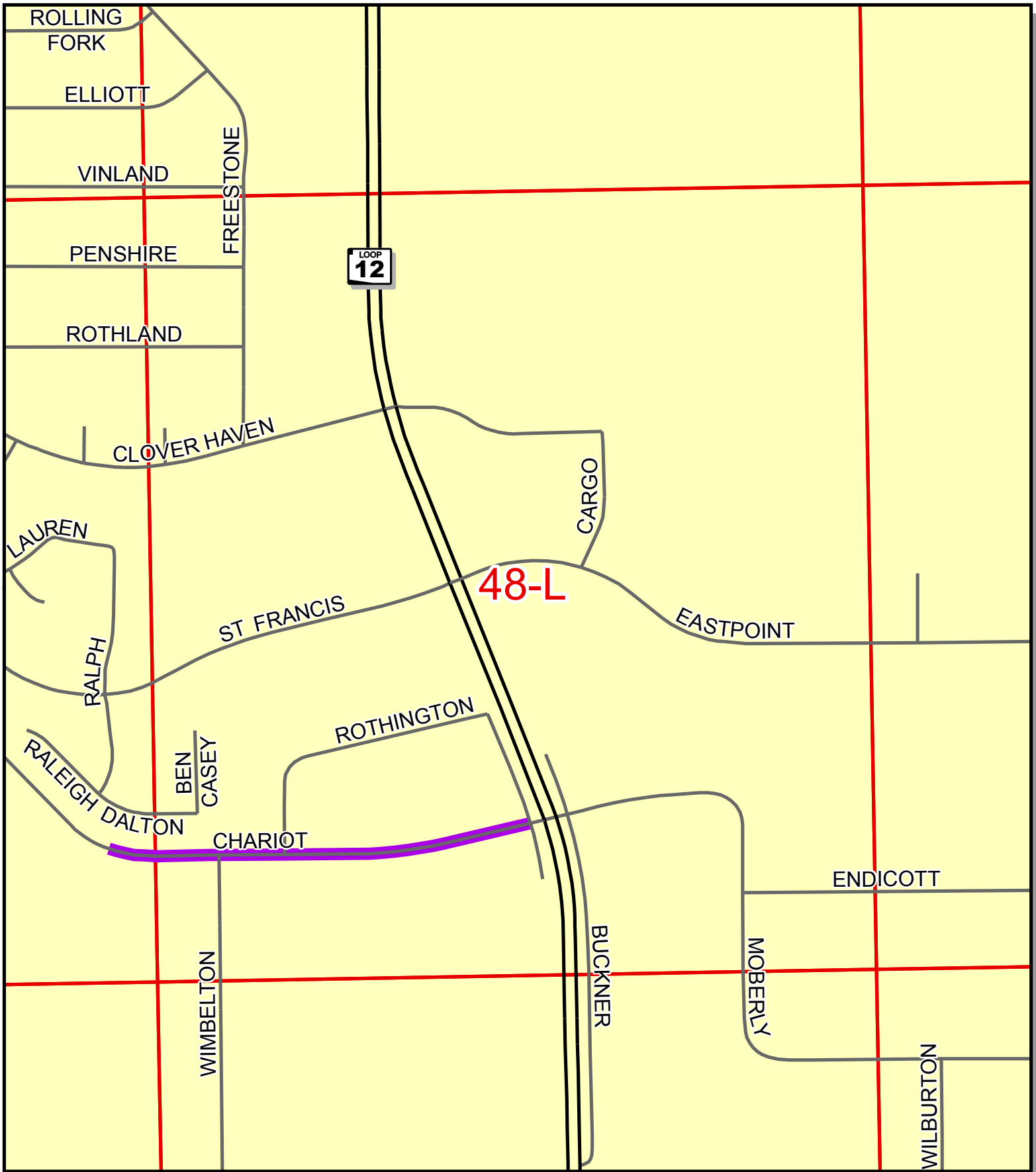
Attached

ATTACHMENT 1

GREENLEAF VENTURES, LLC  
CHARIOT PROJECT  
BUDGET

| BOND Funds                     | \$450,000.00          |
|--------------------------------|-----------------------|
| Private Financing              | \$900,000.00          |
| <b>Total Development Costs</b> | <b>\$1,350,000.00</b> |





Data Source:  
Base Data - Enterprise GIS Services  
Mapsco Grid - Mapsco

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Chariot Dr. Mapsco 48-L



City of Dallas

Date: Thursday, May 24, 2018 10:10:07 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscoMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 150 300 600 Feet

- Highway
- Major Road
- Minor Road
- Mapsco Grid





June 13, 2018

**WHEREAS**, affordable housing is a high priority of the City of Dallas; and

**WHEREAS**, on May 13, 2015, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC for the infrastructure construction cost for a single family development for 27 homes in East Dallas on Chariot Drive, in an amount not to exceed \$450,000, by Resolution No. 15-0861; and

**WHEREAS**, the City desires for Dallas Area Habitat for Humanity, Inc. to develop mixed income housing in 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 sign the first amendment to the conditional grant agreement for 27 single-family homes on Chariot Drive, previously approved by Resolution No. 15-0861 on May 13, 2015, with Dallas Area Habitat for Humanity, Inc. (Habitat), who assumed the obligations of Greenleaf Ventures, LLC, approved as to form by the City Attorney, to **(1)** extend the agreement completion date from October 30, 2017 to December 31, 2019; and **(2)** amend the agreement to include performance thresholds and requirements.

**SECTION 2.** That Habitat must execute amended conditional grant documents and in addition to the items in Section 1, the following terms of the conditional grant documents will change and all other terms will remain the same:

- (a) Habitat will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) Habitat will complete construction of the first three homes in 120 days and will start the next 3 homes every 60 days at minimum;
- (c) Habitat will close with homebuyers within 60 days of completion of construction;
- (d) Habitat will report delays to staff immediately, but no later than within one week of identifying the issue;
- (e) Habitat will submit complete homebuyer files for Staff's review by October 30, 2019;
- (f) Greenleaf Ventures, LLC and/or Habitat will submit monthly draws, with final retention draw submitted by November 30, 2019;
- (g) Habitat will have until December 31, 2019 to fully complete the homes; and

June 13, 2018

**SECTION 2.** (continued)

- (h) In the event that Habitat fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the conditional grant documents. City's remedies include, but is not limited to, the enforcement of the performance deed of trust.

**SECTION 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and termination of the deed restrictions upon satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six months.

**SECTION 4.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the conditional grant, until such time as the conditional grant documents are duly approved by all parties and executed.

**SECTION 5.** That all other terms and conditions provided for under Resolution No. 15-0861 on May 13, 2015, remain in full force and effect.

**SECTION 6.** That this contract is designated as Contract No. HOU-2016-00000410.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

6

**DEPARTMENT:**

Housing & Neighborhood Revitalization

**CMO:**

Raquel Favela, 670-3309

**MAPSCO:**

43Q

---

**SUBJECT**

Authorize the first amendment to the conditional grant agreement for the development of 58 single-family homes in West Dallas located on Singleton Boulevard, previously approved by Resolution No. 15-0862 on May 13, 2015, with Greenleaf Ventures, LLC to **(1)** extend the agreement completion date from October 30, 2017 to December 30, 2020; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

**BACKGROUND**

On May 13, 2015, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC to pay for a portion of the infrastructure construction costs for a single-family development for 58 homes in West Dallas located on Singleton Boulevard, in an amount not to exceed \$1,275,000 (as referenced in the Attachment 1 Budget) by Resolution No. 15-0862.

In July 2017, Greenleaf Ventures, LLC requested an extension to the conditional grant agreement to complete construction of 58 homes. The agreement was for infrastructure costs associated with the development of the 58 lots to sell to a builder for the construction of the homes. Greenleaf Ventures, LLC has completed engineering and survey. It is pending a zoning review scheduled for June 21, 2018. Utility work will begin in July 2018 and paving to begin in December 2018. Once the paving is complete, the lots will be sold to builders for construction of the homes. Greenleaf Ventures, LLC has expended \$278,761 in 2012 General Obligation Bond funds. Remaining is the balance of \$996,239 in retainage.

Greenleaf Ventures, LLC experienced delays due to the time it took for zoning that requires a new intersection at Singleton Boulevard and engineering to address drainage issues.

### **BACKGROUND** (continued)

City Council approval of this agenda item will authorize the City Manager to modify the conditional grant agreement with Greenleaf Ventures, LLC for this agreement.

The conditional grant agreement was executed on October 30, 2015.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 13, 2015, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC to pay for a portion of the infrastructure construction costs for a single-family development for 58 homes in West Dallas located on Singleton Boulevard by Resolution No. 15-0862.

Information about this item was provided to the Economic Development and Housing Committee on May 7, 2018.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **OWNER/DEVELOPER**

#### **Greenleaf Ventures, LLC**

Victor Toledo, Co-owner  
Kent Casey, Co-owner

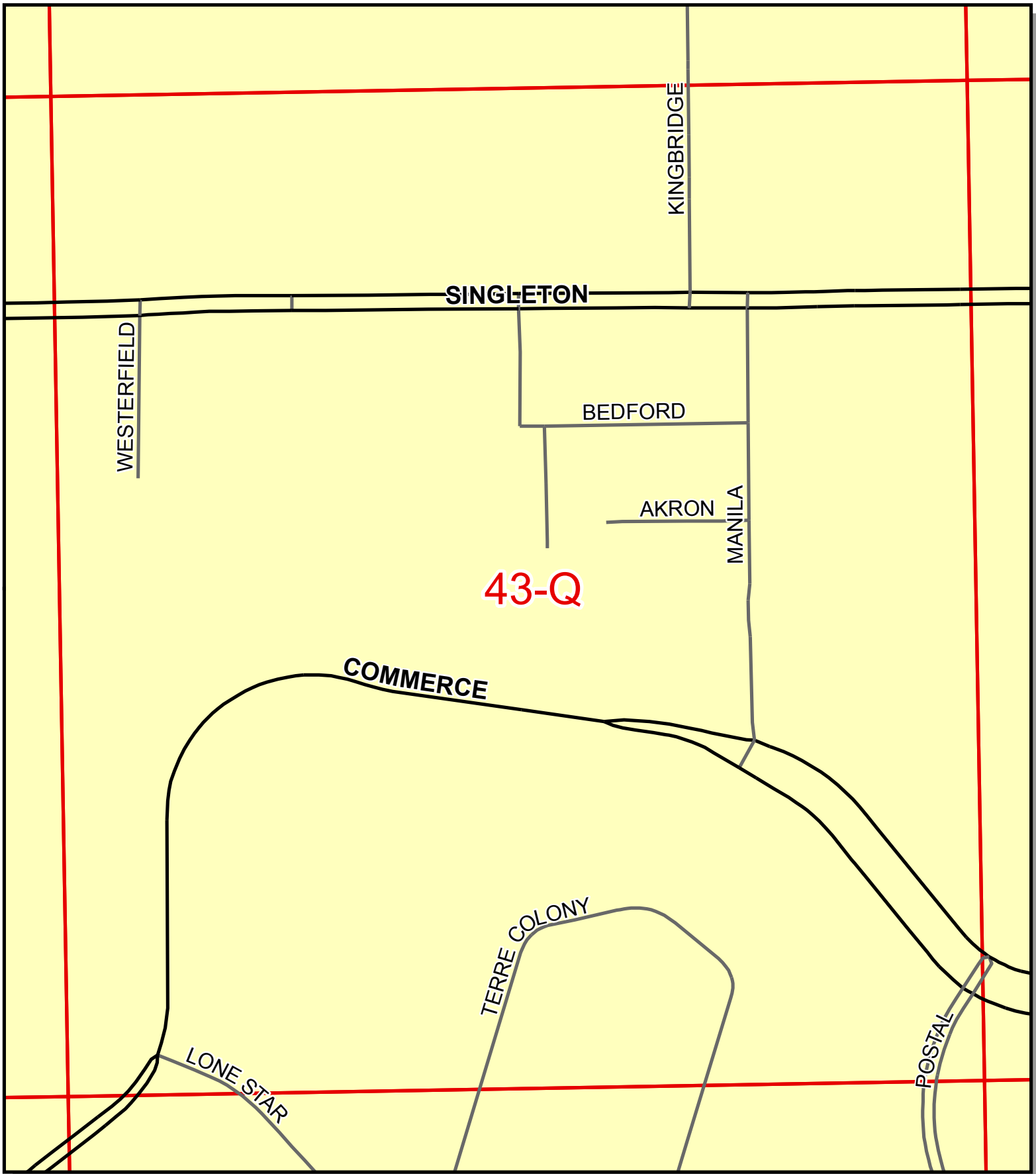
### **MAP**

Attached

ATTACHMENT 1

GREENLEAF VENTURES, LLC  
SINGLETON PROJECT  
BUDGET

| BOND Funds                     | \$1,275,000.00        |
|--------------------------------|-----------------------|
| Private Financing              | \$2,550,000.00        |
| <b>Total Development Costs</b> | <b>\$3,825,000.00</b> |



Data Source:  
Base Data - Enterprise GIS Services  
Mapsko Grid - Mapsko

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) – 05/27/2011, Effective on 09/01/2011

## Mapsko 43-Q



Date: Thursday, May 24, 2018 10:07:53 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapskoMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapsko Grid





June 13, 2018

**WHEREAS**, the development of mixed income housing is a high priority of the City of Dallas; and

**WHEREAS**, on May 13, 2015, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC to pay for a portion of the infrastructure construction costs for a single-family development for 58 homes in West Dallas located on Singleton Boulevard by Resolution No. 15-0862; and

**WHEREAS**, the City desires for Greenleaf Ventures, LLC to develop mixed income housing in 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 sign the first amendment to the conditional grant agreement for the development of 58 single-family homes in West Dallas located on Singleton Boulevard, previously approved by Resolution No. 15-0862 on May 13, 2015, with Greenleaf Ventures, LLC, approved as to form by the City Attorney, to **(1)** extend the agreement completion date from October 30, 2017 to December 30, 2020; and **(2)** amend the contract to include performance thresholds and requirements.

**SECTION 2.** The following terms of the loan agreement will change and all other terms will remain the same:

- (a) Greenleaf Ventures, LLC must execute an amended note;
- (b) Greenleaf Ventures, LLC will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (c) Greenleaf Ventures, LLC will specifically report on the results of the zoning case immediately following the review in May 2018;
- (d) Greenleaf Ventures, LLC will begin utility work in July 2018 and paving in December 2018;
- (e) Greenleaf Ventures, LLC will sell the lots to builders immediately following completion of the paving and close within 90 days;
- (f) Greenleaf Ventures, LLC will close with homebuyers within 60 days of completion of construction;
- (g) Greenleaf Ventures, LLC will report delays to staff immediately, but no later than within one week of identifying the issue;
- (h) Greenleaf Ventures, LLC will submit complete homebuyer files for Staff's review by November 2020;
- (i) Greenleaf Ventures, LLC will submit monthly draws, with final retention draw submitted by December 31, 2020;

June 13, 2018

**SECTION 2.** (continued)

- (j) Greenleaf Ventures, LLC will have until December 31, 2020 to fully complete the project; and
- (k) In the event that Greenleaf Ventures, LLC does not comply with the terms of the agreement, including the threshold measures described herein, will be cause for default. Default includes possible foreclosure, repayment of the funds disbursed and withholding of further disbursements.

**SECTION 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and termination of the deed restrictions upon satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six months.

**SECTION 4.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

**SECTION 5.** That this contract is designated as Contract No. HOU-2016-00000411.

**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.

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

7

**DEPARTMENT:**

Housing &amp; Neighborhood Revitalization

**CMO:**

Raquel Favela, 670-3309

**MAPSCO:**

49N

---

**SUBJECT**

Authorize the first amendment to the conditional grant agreement for the development of 36 single-family homes on North Prairie Creek Road, previously approved by Resolution No. 16-0842 on May 25, 2016, with Greenleaf Ventures, LLC to **(1)** extend the agreement completion date from May 25, 2018 to May 31, 2020; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

**BACKGROUND**

On May 25, 2016, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC for land development for 36 single-family homes for the Buckner Terrace II Project to be located at 3831 North Prairie Creek Road, in an amount not to exceed \$844,192 (as referenced in Attachment 1 Budget) by Resolution No. 16-0842. The 2012 General Obligation (GO) Bond Funds were used for the development of 36 single family homes to be sold to households at or below 140 percent of Area Median Family Income, on vacant land located on at 3831 North Prairie Creek Road.

In July 2017, Greenleaf Ventures, LLC requested an extension to the conditional grant agreement to complete construction of 36 homes. The agreement was for infrastructure costs associated with the development of the 36 lots to sell to a builder for the construction of the homes. To date, Greenleaf Ventures, LLC has completed platting and grading on the lots. Utilities are expected to begin during the month of May 2018. Paving will start in August 2018. Immediately following the completion of the paving, the developer will sell the lots to homebuilders. Greenleaf Ventures, LLC is working with private developers to build homes in the subdivision. Greenleaf Ventures, LLC has expended \$60,461 in 2012 GO Bond funds. Remaining is the balance of \$783,731 in construction funds.

## **BACKGROUND** (continued)

Greenleaf Ventures, LLC experienced delays due to platting approval. The original grant agreement did not account for the time to build the homes and sell to eligible homebuyers.

City Council approval of this agenda item will authorize the City Manager to modify the conditional grant agreement with Greenleaf Ventures, LLC for this development agreement.

The conditional grant agreement was executed on November 2, 2016 with Greenleaf Ventures, LLC.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 25, 2016, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC for land development for 36 single-family development homes for the Buckner Terrace II Project by Resolution No. 16-0842.

Information about this item was provided to the Economic Development and Housing Committee on May 7, 2018.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **OWNER/DEVELOPER**

### **Greenleaf Ventures, LLC**

Victor Toledo, Co-owner  
Kent Casey, Co-owner

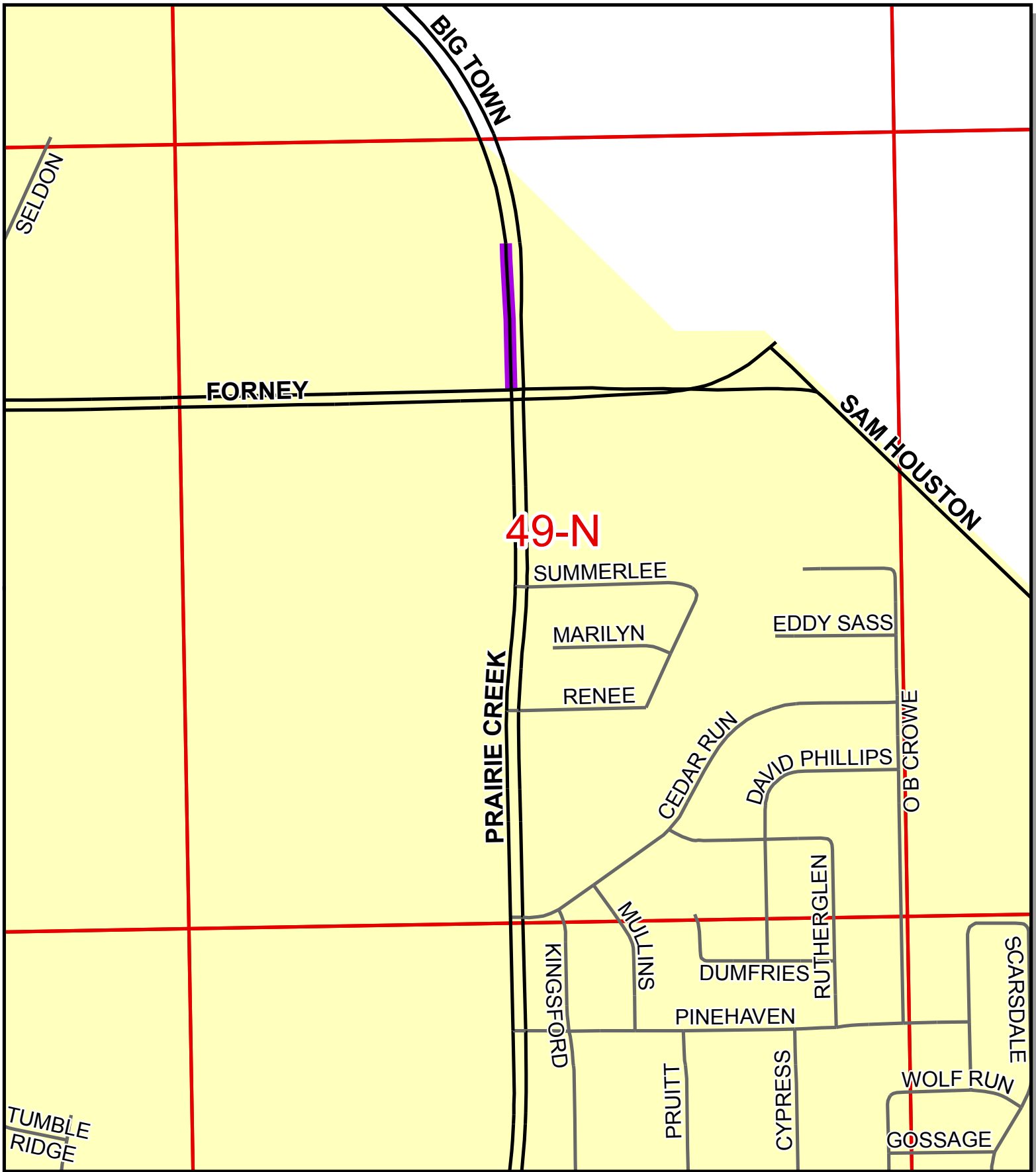
## **MAP**

Attached

ATTACHMENT 1

GREENLEAF VENTURES, LLC  
PRAIRIE CREEK PROJECT  
BUDGET

| BOND Funds                     | \$ 844,192.00         |
|--------------------------------|-----------------------|
| Private Financing              | \$1,688,384.00        |
| <b>Total Development Costs</b> | <b>\$2,532,576.00</b> |



Data Source:  
Base Data - Enterprise GIS Services  
Mapscos Grid - Mapscos

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## 4400 N. Prairie Creek Rd. Mapscos 49-N

0 150 300 600 Feet

- Highway
- Major Road
- Minor Road
- Mapscos Grid



Date: Thursday, May 24, 2018 10:09:17 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscosMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.



June 13, 2018

**WHEREAS**, the development of mixed income housing is a high priority of the City of Dallas; and

**WHEREAS**, on May 25, 2016, City Council authorized a conditional grant agreement with Greenleaf Ventures, LLC for land development for 36 single-family development for homes for the Buckner Terrace II Project to be located at 3831 North Prairie Creek Road by Resolution No. 15-0862; and

**WHEREAS**, the City desires for Greenleaf Ventures, LLC to develop mixed income housing in 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 sign the first amendment to the conditional grant agreement for the development of 36 single-family homes for the Buckner Terrace II Project to be located at 3831 North Prairie Creek Road, previously approved by Resolution No. 15-0862 on May 25, 2016, with Greenleaf Ventures, LLC, approved as to form by the City Attorney, to **(1)** extend the agreement completion date from October 30, 2017 to December 30, 2020; and **(2)** amend the contract to include performance thresholds and requirements.

**SECTION 2.** That the following terms of the loan agreement will change and all other terms will remain the same:

- (a) Greenleaf Ventures, LLC must execute an amended note;
- (b) Greenleaf Ventures, LLC will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (c) Greenleaf Ventures, LLC will specifically report on the results of the zoning case immediately following the review in May 2018;
- (d) Greenleaf Ventures, LLC will begin utility work in July 2018 and paving in December 2018;
- (e) Greenleaf Ventures, LLC will sell the lots to builders immediately following completion of the paving and close within 90 days;
- (f) Greenleaf Ventures, LLC will close with homebuyers within 60 days of completion of construction;
- (g) Greenleaf Ventures, LLC will report delays to staff immediately, but no later than within one week of identifying the issue;
- (h) Greenleaf Ventures, LLC will submit complete homebuyer files for Staff's review by November 2020;
- (i) Greenleaf Ventures, LLC will submit monthly draws, with final retention draw submitted by December 31, 2020;

June 13, 2018

**SECTION 2.** (continued)

- (j) Greenleaf Ventures, LLC will have until December 31, 2020 to fully complete the project; and
- (k) In the event that Greenleaf Ventures, LLC does not comply with the terms of the agreement, including the threshold measures described here, will be cause for default. Default includes possible foreclosure, repayment of the funds disbursed and withholding of further disbursements.

**SECTION 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and termination of the deed restrictions upon satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six months.

**SECTION 4.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

**SECTION 5.** That this contract is designated as Contract No. HOU-2016-00000411.

**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.



**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

2, 4, 7

**DEPARTMENT:**

Housing & Neighborhood Revitalization

**CMO:**

Raquel Favela, 670-3309

**MAPSCO:**

46H 46M 47J N 55F 56D

---

**SUBJECT**

Authorize the first amendment to the loan agreement for the development of 10 single-family homes for the Scattered Sites Project located in the Jubilee and Dolphin Heights neighborhoods, previously approved by Resolution No. 16-0848 on May 25, 2016, with East Dallas Community Organization to **(1)** extend the loan agreement completion date from May 25, 2018 to November 30, 2019; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

**BACKGROUND**

On May 25, 2016, City Council authorized a housing development loan with East Dallas Community Organization (EDCO) for construction of 10 single-family homes at scattered sites in Dallas, in an amount not to exceed \$707,208.00 (as referenced in the Attachment 1 Budget) by Resolution No. 16-0848.

As of date, one of the 10 units has been built and sold. In March 2018, EDCO requested an extension to the loan agreement for the completion of the remaining nine units. Two of the remaining nine units are 90 percent complete to be finished out in sixty days. Construction is due to begin on four of the remaining seven units by June 2018. The remaining three units will be completed and sold by October 2019. EDCO expended \$46,882.00 in NSP and \$86,786.50 in HOME funds. Remaining is the balance of \$573,539.50 for the seven units.

In January 2018, EDCO experienced delays in closing on its private financing for the interim construction loan. During the month of February, heavy rain caused the builder delays in start of the construction of the remaining seven units.

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with EDCO for this development.

## **BACKGROUND** (continued)

The loan agreement was executed on April 18, 2017.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 25, 2014, City Council authorized the final adoption of the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included HOME Investment Partnerships Funds, Community Housing Development Organization (CHDO) Development Loans by Resolution No. 14-1001.

On June 10, 2015, City Council authorized the final adoption of the FY 2015-16 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included the HOME Investment Partnership Funds, CHDO Development Loans; and authorized adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055.

On December 9, 2015, City Council held a public hearing to receive comments on the Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan and adopted the Substantial Amendment No. 4 for the Neighborhood Stabilization Program by Resolution No. 15-2263.

On May 25, 2016, City Council authorized a housing development loan with East Dallas Community Organization for construction of ten single-family homes at scattered sites in Dallas by Resolution No. 16-0848.

Information about this item was provided to the Economic Development and Housing Committee on May 7, 2018.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **OWNER/DEVELOPER**

### **East Dallas Community Organization**

Gerald Carlton, President

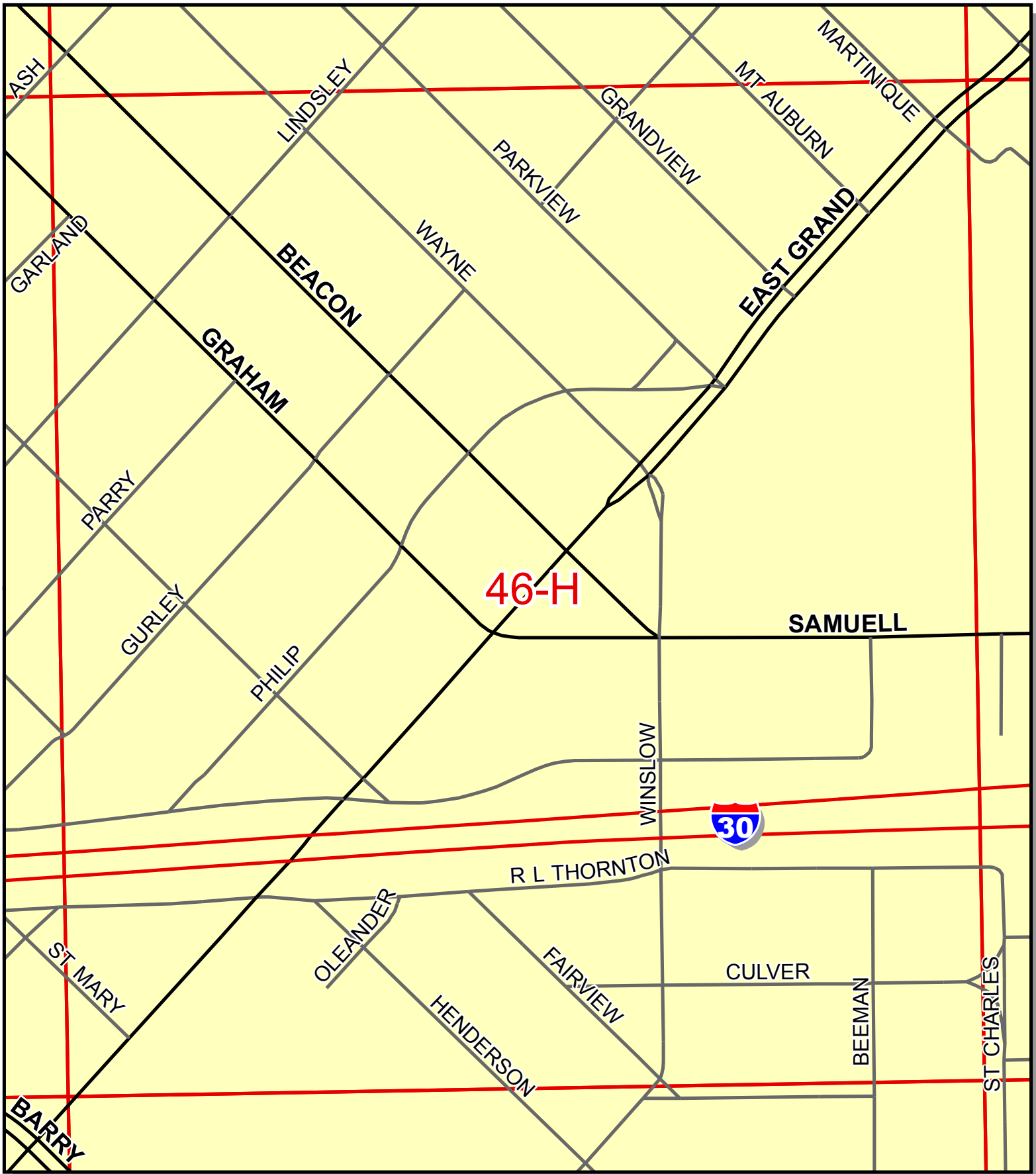
## **MAPS**

Attached

ATTACHMENT 1

EAST DALLAS COMMUNITY ORGANIZATION  
SCATTERED SITES PROJECT  
BUDGET

|                                |                       |
|--------------------------------|-----------------------|
|                                |                       |
| NSP Funds                      | \$55,020.00           |
| HOME Funds                     | \$652,188.00          |
| Private Financing              | \$1,655,540.00        |
| <b>Total Development Costs</b> | <b>\$2,362,748.00</b> |



Data Source:  
Base Data - Enterprise GIS Services  
Mapsco Grid - Mapso

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Mapsco 46-H



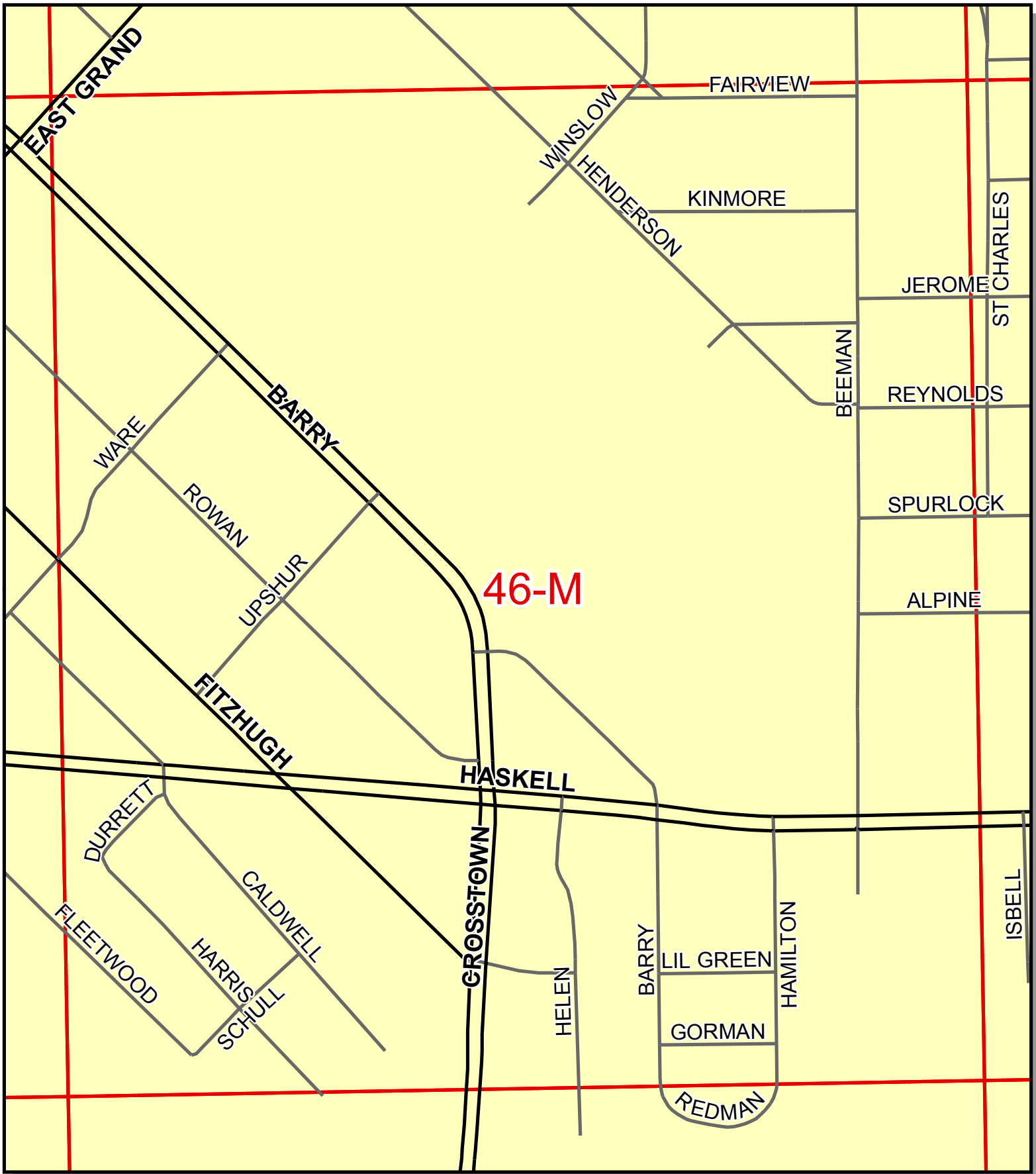
City of Dallas

Date: Thursday, May 24, 2018 10:07:15 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscoMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapsco Grid





Data Source:  
Base Data - Enterprise GIS Services  
Mapscos Grid - Mapscos

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Mapscos 46-M

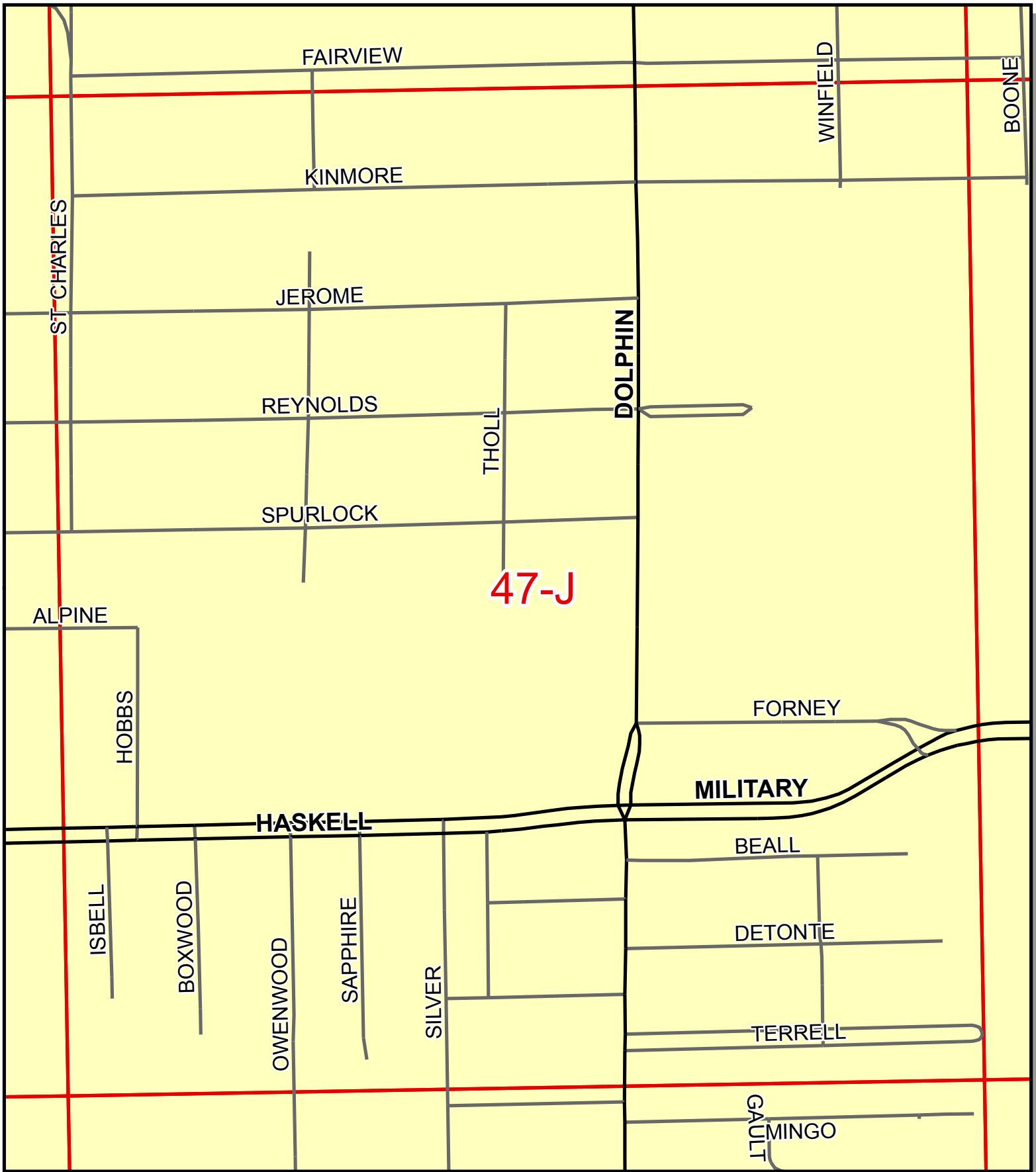


Date: Thursday, May 24, 2018 10:06:47 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscosMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapscos Grid





Data Source:  
Base Data - Enterprise GIS Services  
Mapsco Grid - Mapsco

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Mapsco 47-J

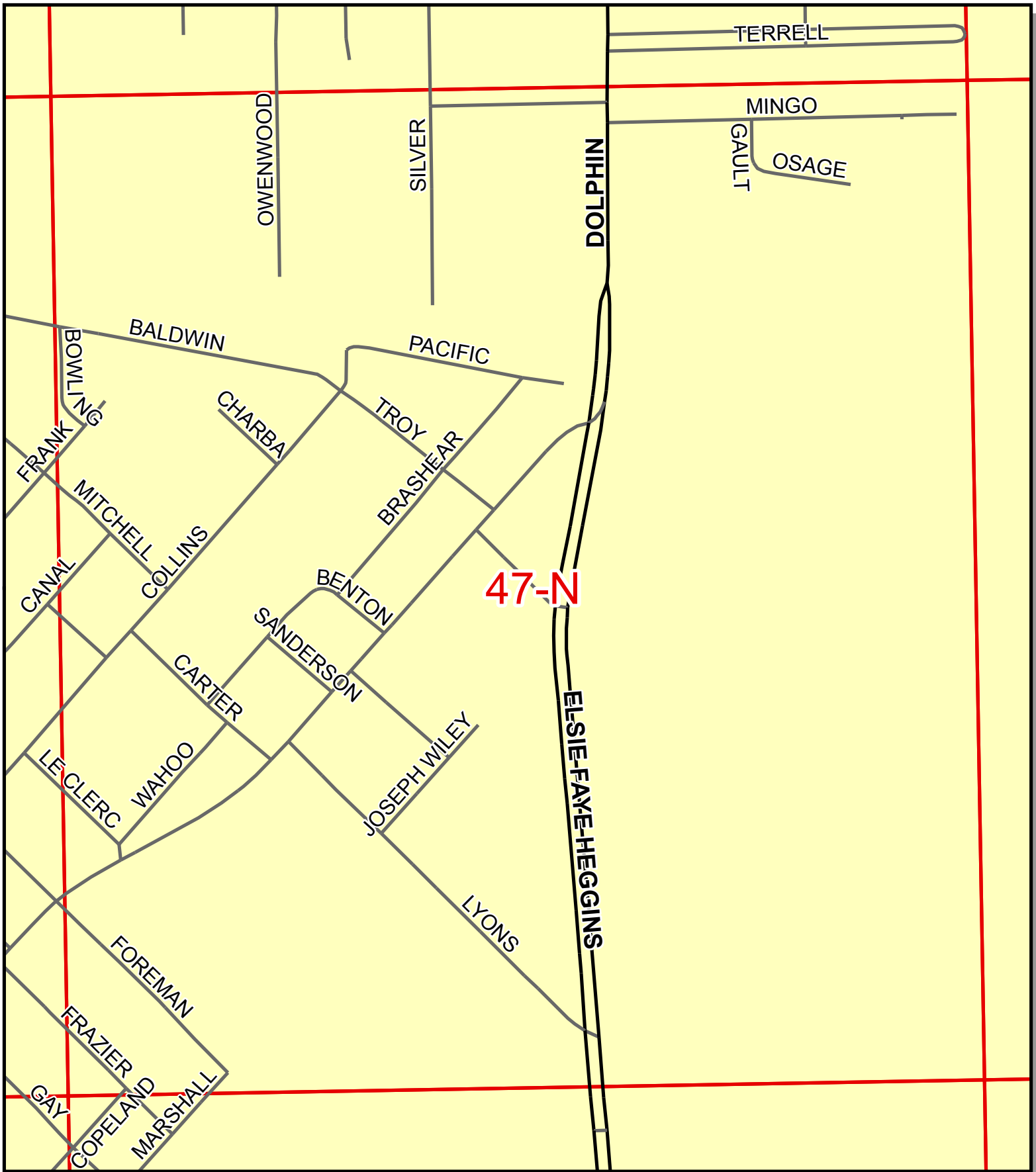


Date: Thursday, May 24, 2018 10:05:56 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscoMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapsco Grid





Data Source:  
Base Data - Enterprise GIS Services  
Mapsco Grid - Mapsco

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Mapsco 47-N



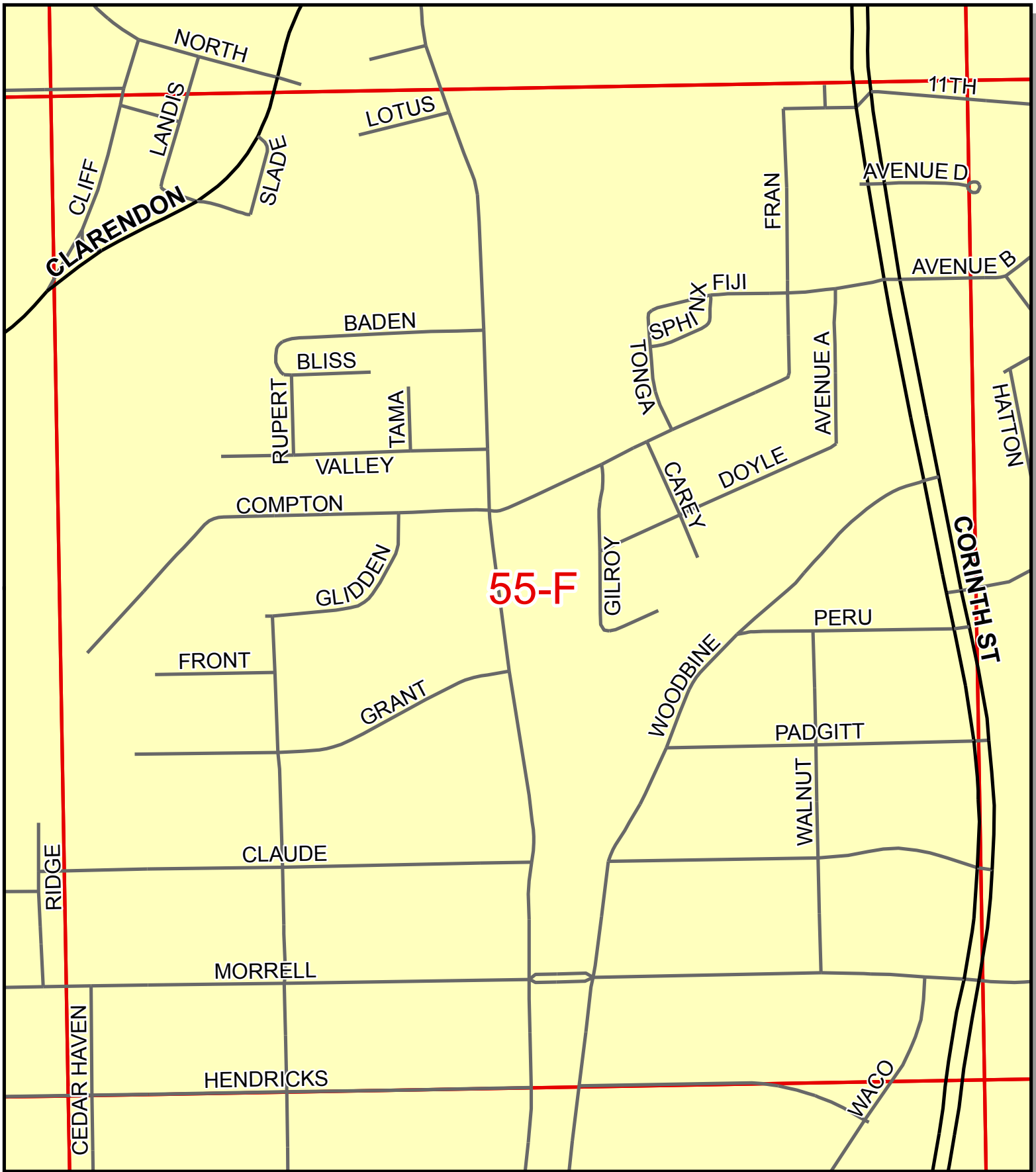
City of Dallas

Date: Thursday, May 24, 2018 10:05:23 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscoMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapsco Grid





Data Source:  
Base Data - Enterprise GIS Services  
Mapscos Grid - Mapscos

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Mapscos 55-F



City of Dallas

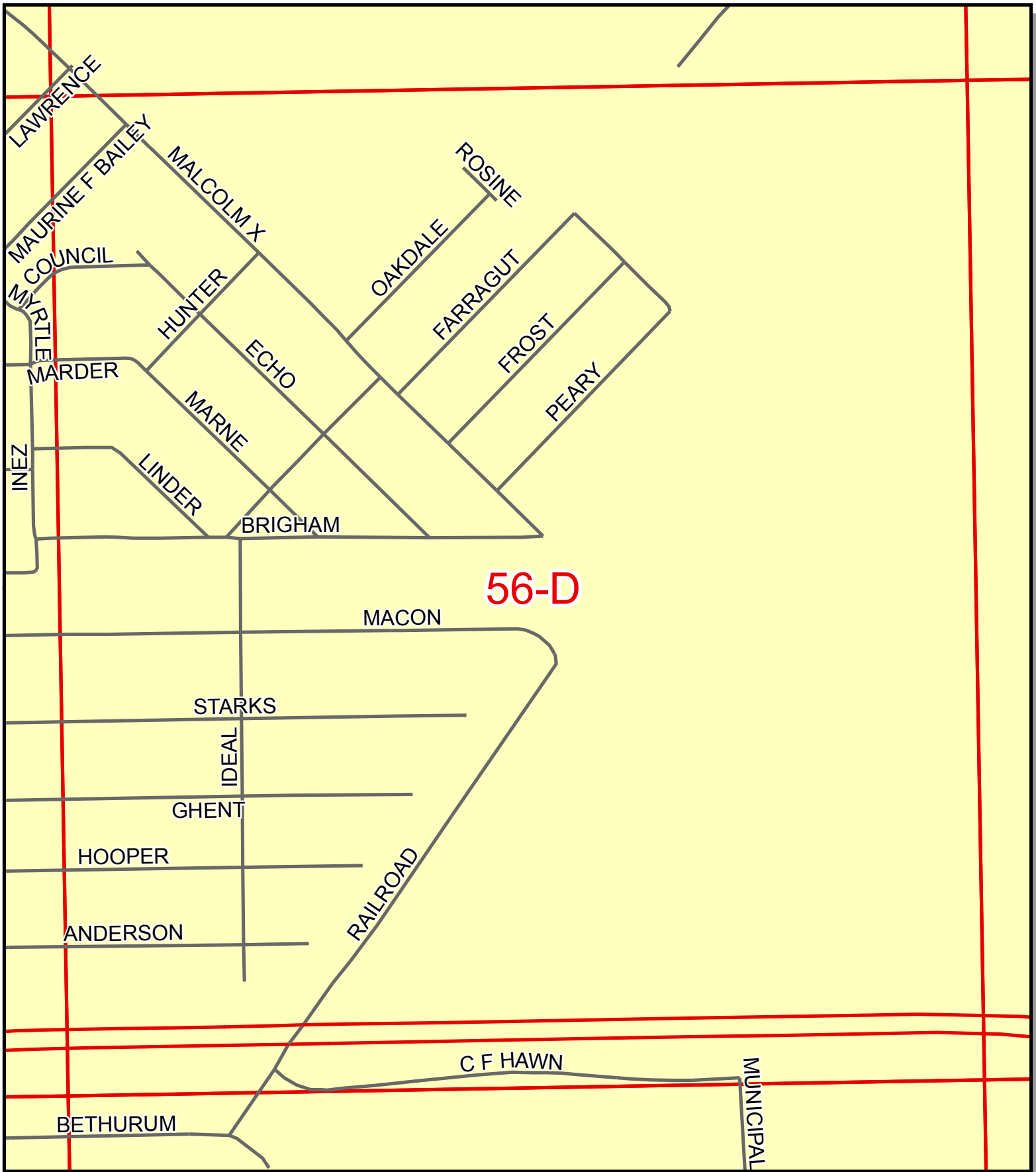
Date: Thursday, May 24, 2018 10:04:54 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscosMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapscos Grid







Data Source:  
Base Data - Enterprise GIS Services  
Mapscos Grid - Mapscos

City of Dallas GIS Map Disclaimer: The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.\* 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS\* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

## Mapscos 56-D



City of Dallas

Date: Thursday, May 24, 2018 10:35:50 AM  
Project Name: Project  
File Location: U:\HOU\20180524\_3064\_MapscosMaps\_Kelly\Project.mxd  
Prepared By: Kevin S. Burns  
Property of: City of Dallas Enterprise GIS for  
illustrative purposes only.

0 115 230 460 Feet

- Highway
- Major Road
- Minor Road
- Mapscos Grid





June 13, 2018

**WHEREAS**, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

**WHEREAS**, on June 25, 2014, City Council authorized the final adoption of the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included HOME Investment Partnerships Funds, Community Housing Development Organization (CHDO) Development Loans by Resolution No. 14-1001; and

**WHEREAS**, on June 10, 2015, City Council authorized the final adoption of the FY 2015-16 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included the HOME Investment Partnership Funds, CHDO Development Loans; and authorized adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055; and

**WHEREAS**, on December 9, 2015, City Council held a public hearing to receive comments on the Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan and adopted the Substantial Amendment No. 4 for the Neighborhood Stabilization Program by Resolution No. 15-2263; and

**WHEREAS**, the CHDO Program requires a CHDO Set-Aside Project commitment within 24-months of receiving the FY 2014-15 CHDO Operating Assistance Grant award and this project satisfies that requirement; and

**WHEREAS**, on May 25, 2016, City Council authorized a housing development loan with East Dallas Community Organization for the construction of 10 single-family homes at scattered sites in Dallas by Resolution No. 16-0848; and

**WHEREAS**, the City desires for East Dallas Community Organization to develop affordable housing in 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 sign the first amendment to the loan agreement for the development of 10 single-family homes for the Scattered Sites Project located in the Jubilee and Dolphin Heights neighborhoods, previously approved by Resolution No. 16-0848 on May 25, 2016, with East Dallas Community Organization (EDCO), approved as to form by the City Attorney, to **(1)** extend the loan agreement completion date from May 25, 2018 to November 30, 2019; and **(2)** amend the agreement to include performance thresholds and requirements.

June 13, 2018

**SECTION 2.** EDCO must execute amended loan documents. In addition to the items in Section 1, the following terms of the loan agreement will change and all other terms will remain the same:

- (a) EDCO will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) EDCO will start construction on the next four of the seven units by the end of June 30, 2018;
- (c) EDCO will close with homebuyers within 60 days of completion of construction;
- (d) EDCO will report delays to the Director immediately, but no later than within one week of identifying the issue;
- (e) EDCO will submit complete homebuyer files for Director's review by October 31, 2019;
- (f) EDCO will submit monthly draws, with final retention draw submitted before the end of November 30, 2019;
- (g) EDCO will have until November 30, 2019 to fully complete the project;
- (h) In the event that EDCO fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but is not limited to foreclosure, acceleration of repayment of the funds disbursed and/or withholding of further disbursements; and
- (i) EDCO is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied.

**SECTION 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and termination of the deed restrictions upon satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six months.

**SECTION 4.** That with the exception of the amendments described above, all other requirements of the loan agreement, including previous amendments, will remain in full force and effect.

**SECTION 5.** That this resolution does not constitute a binding agreement upon the City or subject to the City to any liability or obligation with respect to the grant, until such time as the grant documents are duly approved by all parties and properly executed.

**SECTION 6.** That this contract is designated as Contract No. HOU-2016-00000914.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Office of Cultural Affairs  
Department of Convention and Event Services

**CMO:** Joey Zapata, 670-3009

**MAPSCO:** 45P

---

**SUBJECT**

A resolution to ratify emergency work performed by van Enter Studio, Ltd. to remove and relocate ten bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, due to the unstable foundations compromising the stability of the sculptures - Not to exceed \$42,000 - Financing: Convention and Event Services Current Funds

**BACKGROUND**

On May 10, 2018, a conservation review of the steers and equestrian sculptures at Pioneer Park located at 1428 Young Street, indicated that nine bronze steers and one equestrian statue were in urgent need of conservation treatment that required the immediate removal of the bronze sculptures. Due to the unstable foundations compromising the stability of the sculptures, they were removed by van Enter Studios, Ltd. between May 30, 2018 and June 1, 2018 and relocated to a secure site at Hensley Field, a City property where the conservator will address condition issues and restore the foundations prior to reinstallation of the sculptures.

The areas where the steers have been removed has been covered with gravel. The expected timeline for treatment and reinstallation of the entire group is 8-9 months. Once repaired, the steers will be reinstalled in groups of three, so they will not all be gone for the entire time.

Signage to inform the public about the removal of the steers for conservation has been installed.

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

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 11, 2018.

**FISCAL INFORMATION**

Convention and Event Services Current Funds - \$42,000

June 13, 2018

**WHEREAS**, on May 10, 2018, a conservation review of the steers and equestrian sculptures at Pioneer Park, located at 1428 Young Street, indicated that nine bronze steers and one equestrian statue were in urgent need of conservation treatment that required the immediate removal of the bronze sculptures; and

**WHEREAS**, due to the unstable foundations compromising the stability of the sculptures, which posed a risk to public safety and the possibility of additional expenses should structural failure occur, they were removed between May 30, 2018 and June 1, 2018 and relocated to a secure site at Hensley Field, a City property where a conservator can address condition issues and restore the foundations prior to reinstallation of the sculptures.

**Now, Therefore,**

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

**SECTION 1.** That emergency work and expenses to remove and relocate bronze steer and equestrian statues from Pioneer Park located at 1428 Young Street, rendered by van Enter Studio, Ltd. during the period May 30, 2018 through June 1, 2018, in an amount not to exceed \$42,000, is hereby ratified.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$42,000 to van Enter Studio, Ltd. from Convention and Event Services Current Fund, Fund 0080, Department CCT, Unit 7821, Activity PUBA, Object 3099, Encumbrance/Contract No. CX-OCA-2018-00006599, Vendor VS0000022723.

**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.





**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Office of Community Care

**CMO:** Elizabeth Reich, 670-7804  
Nadia Chandler Hardy, 670-1611

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a one-year service contract to administer a teen pregnancy prevention program - North Texas Alliance to Reduce Unintended Pregnancy in Teens, most advantageous proposer of two - Not to exceed \$300,000 - Financing: General Funds (subject to appropriations)

**BACKGROUND**

This service contract will allow for the administration of a teen pregnancy prevention program. The overall goal of the program is to promote positive youth development by educating targeted populations about adolescent pregnancy, strategies to prevent pregnancy, and reduce unplanned teen birth rates. The recommended vendor will emphasize both abstinence and contraception and will educate adolescents about actions that could lead to teen pregnancy, how to prevent pregnancy, and sexually transmitted infections. The recommended vendor is required to demonstrate how they would integrate evaluation into all aspects of the program and to obtain the consent of parents or legal guardians in accordance with local, state, and federal laws for participants under the age of 18. More specifically, the program strives to support youth and provide them with the resources necessary to prevent adolescent pregnancy. Despite declines in the national average, unplanned teen birth rates in Dallas are above the national average. Teen pregnancy contributes to:

- Increased child poverty rates
- Financial burdens for the teen
- Increased risk of negative health outcomes
- Challenges to educational attainment

## **BACKGROUND** (continued)

The City allocated \$300,000 to be distributed to a nonprofit agency for the teen pregnancy prevention program. This program focuses on prevention and intervention services for youths age 20 and younger who live in zip codes with the highest rates of teen births and/or show evidence of academic underperformance, negative behavior, and dropping out of school.

The recommended vendor will be required to secure local match funding during the term of the contract. The recommended vendor has secured approximately \$743,000.

The program will also include the following components:

- Case management
- Focus on family relationships
- Healthy decision making
- School attendance
- Skill-based curricula
- Adult and caregiver education

Additionally, there is a requirement that the program will also include an advisory council representative of the diversity of the community. The advisory council would be instrumental in all phases of the program to include planning, implementation, and evaluation. The advisory council will include members of the City's Youth Commission and shall meet at least quarterly throughout the funding period.

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

- Office of Strategic Partnerships & Government Affairs (1)
- Office of Budget (1)
- Office of Community Care (1)
- Mayor and City Council Office (1)
- Office of Procurement Services (1)\*
- Office of Business Diversity (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:

- Capability and expertise 30 points
- Program budget/cost 30 points
- Approach and methodology 25 points
- Business Inclusion and Development Plan 15 points

## **BACKGROUND** (continued)

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 372 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, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Human and Social Needs Committee was briefed on this item on May 21, 2018.

## **FISCAL INFORMATION**

General Funds - \$300,000.00 (subject to 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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$300,000.00                  | Other Services         | 23.80%                   | N/A                   | N/A                    |

- M/WBE goal waived due to no M/WBE availability

## **PROPOSAL INFORMATION**

The Office of Procurement Services received the following proposals from solicitation number BKZ1802. We opened them on February 23, 2018. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

\*Denotes successful proposer

| <b><u>Proposers</u></b>                                       | <b><u>Address</u></b>                                    | <b><u>Score</u></b> |
|---------------------------------------------------------------|----------------------------------------------------------|---------------------|
| *North Texas Alliance to Reduce Unintended Pregnancy in Teens | 624 Good Latimer Expwy.<br>Suite 100<br>Dallas, TX 75204 | 80.28               |

**PROPOSAL INFORMATION** (continued)

| <b><u>Proposers</u></b> | <b><u>Address</u></b>                  | <b><u>Score</u></b> |
|-------------------------|----------------------------------------|---------------------|
| Dallas Youth Lounge     | 242 N. Bryan Cr.<br>Mesquite, TX 75149 | 30.51               |

**OWNER**

**North Texas Alliance to Reduce Unintended Pregnancy in Teens**

Paula Turicchi, President  
Alice Barnett, Secretary

June 13, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with North Texas Alliance to Reduce Unintended Pregnancy in Teens (VS96632), approved as to form by the City Attorney, to administer a teen pregnancy prevention program for a term of one year, in an amount not to exceed \$300,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to North Texas Alliance to Reduce Unintended Pregnancy in Teens shall be based only on the amount of the services directed to be performed by the City and properly performed by North Texas Alliance to Reduce Unintended Pregnancy in Teens under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$300,000 (subject to appropriations) to North Texas Alliance to Reduce Unintended Pregnancy in Teens from General Fund, Fund 0001, Department MGT, Unit 3703, Object 3070, Service Contract No. CMO-2018-00006381.

**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.



**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Equipment and Building Services

**CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a one-year service contract for the rental of vehicles and equipment – CLS Sewer Equipment Co., Inc. in the amount of \$1,742,750, Herc Rentals, Inc. in the amount of \$476,603, Holt Texas, LTD in the amount of \$465,515, Accent/Johnston Limousine, Inc. dba AJL International in the amount of \$302,813, Kirby-Smith Machinery, Inc. in the amount of \$262,630, Enterprise Rent-A-Car dba EAN Holdings, LLC in the amount of \$75,780, Crafc0, Inc. in the amount of \$32,667, and Bane Machinery, Inc. in the amount of \$21,050, lowest responsible bidders of nine – Total not to exceed \$3,379,808 – Financing: Equipment Services Current Funds (subject to annual appropriations)

**BACKGROUND**

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

This service contract will enable City departments to rent various types of vehicles and equipment on an as needed basis to perform day-to-day construction, operational, and emergency services citywide. This service contract is advantageous to the City because it provides immediate access to a variety of equipment without the purchase, inventory, depreciation, and maintenance cost associated with ownership of the equipment.

The types of equipment include, but are not limited to:

- Heavy duty trucks
- Buses
- Telescoping boom van
- Sewer inspection trucks
- Excavators

## **BACKGROUND** (continued)

- Wheel loaders
- Sewer vacuum trucks
- Refuse trucks
- Patcher trucks
- Bulldozers

The vendors are responsible for the maintenance, repair, or replacement of all wear items such as brakes and clutches, relieving the City of these routine repairs.

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 13,598 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, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendors meet this requirement.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 24, 2014, City Council authorize a two-year service contract for the rental of vehicles and equipment with Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Holt Texas, LTD, Bane Machinery, Inc., Four Seasons Equipment, Inc., R.B. Everett & Company, United Rentals (North America), Inc., Metro Golf Cars, Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc. by Resolution No. 14-1627.

On September 28, 2016, City Council authorized Supplemental Agreement No. 1 to increase the service contract for the rental of vehicles and equipment with Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Holt Texas, LTD, Bane Machinery, Inc., Four Seasons Equipment, Inc., R.B. Everett & Company, United Rentals (Northwest), Inc., Metro Golf Cars, Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc. and to extend the contract term through March 23, 2017 by Resolution No. 16-1556.

On March 22, 2017 City Council authorized a two-year service contract for the rental of vehicles and equipment with Herc Rentals, Inc., Enterprise Rent-A Car dba EAN Holdings, LLC, Four Seasons Equipment, Inc., Landmark Equipment, Inc., Holt Texas, LTD, Kirby-Smith Machinery, Inc., Sunbelt Rentals, United Rentals (North America), Inc., and Metro Golf Cars by Resolution No. 17-0477.



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

The Government Performance & Financial Management Committee will receive this item for consideration on June 4, 2018.

### **FISCAL INFORMATION**

Equipment Services Current Funds - \$3,379,807.50 (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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE%</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|----------------------|------------------------|
| \$3,379,807.50                | Other Services         | N/A                      | N/A                  | N/A                    |

- M/WBE goal waived due to no M/WBE availability

### **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BN1802. We opened them on December 7, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

\*Denotes successful bidders

| <b><u>Bidders</u></b>                                  | <b><u>Address</u></b>                                      | <b><u>Amount</u></b> |
|--------------------------------------------------------|------------------------------------------------------------|----------------------|
| *CLS Sewer Equipment Co., Inc.                         | 726 S. Sherman St.<br>Richardson, TX 75081                 | Multiple lines       |
| *Herc Rentals, Inc.                                    | 10966 Harry Hines Blvd.<br>Dallas, TX 75220                | Multiple lines       |
| *Holt Texas, LTD                                       | 6556 Southeast Loop 410<br>San Antonio, TX 78222           | Multiple lines       |
| *Accent/Johnston Limousine, Inc. dba AJL International | 1930 W. Airfield Dr. Bldg. D #500<br>DFW Airport, TX 75261 | Multiple lines       |

**BID INFORMATION** (continued)

| <b><u>Bidders</u></b>                           | <b><u>Address</u></b>                            | <b><u>Amount</u></b> |
|-------------------------------------------------|--------------------------------------------------|----------------------|
| *Kirby-Smith Machinery, Inc.                    | 8505 S. Central Expwy.<br>Dallas, TX 75241       | Multiple lines       |
| *Enterprise Rent-A-Car<br>dba EAN Holdings, LLC | 8200 John Carpenter Frwy.<br>Dallas, TX 75247    | Multiple lines       |
| *Crafco, Inc.                                   | 6165 W. Detroit St.<br>Chandler, AZ 85226        | Multiple lines       |
| *Bane Machinery, Inc.                           | 2449 Manana Dr.<br>Dallas, TX 75220              | Multiple lines       |
| Echo Tours and<br>Charters                      | 9314 W. Jefferson Blvd. #295<br>Dallas, TX 75211 | Multiple lines       |

**OWNERS****CLS Sewer Equipment Co., Inc.**

Jerry Sonnier, President  
Jennifer Sonnier, Secretary

**Herc Rentals, Inc.**

Lawrence H. Silber, President

**Holt Texas, LTD**

Peter M. Holt, Chief Executive Officer  
Charles C. Strickland, Executive Vice President  
Paul C. Hensley, Chief Financial Officer

**Accent/Johnston Limousine, Inc. dba AJL International**

Matt Johnson, President

**Kirby-Smith Machinery, Inc.**

Ed Kirby, President  
Jeff Weller, Vice President  
Celise Blewitt, Secretary  
J.D. Young, Treasurer

**OWNERS** (continued)

**Enterprise Rent-A-Car dba EAN Holdings, LLC**

Brent Russell, Group General Manager  
Todd Burkman, Regional Vice President  
Thomas Berutti, Treasurer

**Crafco, Inc.**

Donald M. Brooks, President  
N. Thomas Kelly, Vice President  
Gail Gautier, Secretary  
Kathryn Stone, Treasurer

**Bane Machinery, Inc.**

Scott Bane, President



June 13, 2018

**WHEREAS**, on September 24, 2014, City Council authorized a two-year service contract for the rental of vehicles and equipment with Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Holt Texas, LTD, Bane Machinery, Inc., Four Seasons Equipment, Inc., R.B. Everett & Company, United Rentals (North America), Inc., Metro Golf Cars, Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc., in an amount not to exceed \$11,359,684.74, by Resolution No. 14-1627; and

**WHEREAS**, on September 28, 2016, City Council authorized Supplemental Agreement No. 1 to increase the service contract for the rental of vehicles and equipment with Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Holt Texas, LTD, Bane Machinery, Inc., Four Seasons Equipment, Inc., R.B. Everett & Company, United Rentals (Northwest), Inc., Metro Golf Cars, Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc. and to extend the contract term through March 23, 2017, in an amount not to exceed \$2,839,917.00, by Resolution No. 16-1556; and

**WHEREAS**, on March 22, 2017, City Council authorized a two-year service contract for the rental of vehicles and equipment with Herc Rentals, Inc., Enterprise Rent-A Car dba EAN Holdings, LLC, Four Seasons Equipment, Inc., Landmark Equipment, Inc., Holt Texas, LTD, Kirby-Smith Machinery, Inc., Sunbelt Rentals, United Rentals (North America), Inc., and Metro Golf Cars, in an amount not to exceed \$10,862,254.20, by Resolution No. 17-0477.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with CLS Sewer Equipment Co., Inc. (VS0000018694) in the amount of \$1,742,750.00, Herc Rentals, Inc. (146874) in the amount of \$476,603.00, Holt Texas, LTD (506724) in the amount of \$465,515.00, Accent/Johnston Limousine, Inc. dba AJL International (VC15707) in the amount of \$302,812.50, Kirby-Smith Machinery, Inc. (502341) in the amount of \$262,630.00, Enterprise Rent-A-Car dba EAN Holdings, LLC (VC13560) in the amount of \$75,780.00, Crafc0, Inc. (VS0000084622) in the amount of \$32,667.00, and Bane Machinery, Inc. (269065) in the amount of \$21,050.00, approved as to form by the City Attorney, for the rental of vehicles and equipment for a term of one year, in a total amount not to exceed \$3,379,807.50.

June 13, 2018

**SECTION 1.** (continued)

If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to CLS Sewer Equipment Co., Inc., Herc Rentals, Inc., Holt Texas, LTD, Accent/Johnston Limousine, Inc. dba AJL International, Kirby-Smith Machinery, Inc., Enterprise Rent-A-Car dba EAN Holdings, LLC, CrafcO, Inc., and Bane Machinery, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by CLS Sewer Equipment Co., Inc., Herc Rentals, Inc., Holt Texas, LTD, Accent/Johnston Limousine, Inc. dba AJL International, Kirby-Smith Machinery, Inc., Enterprise Rent-A-Car dba EAN Holdings, LLC, CrafcO, Inc., and Bane Machinery under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,379,807.50 (subject to annual appropriations) to CLS Sewer Equipment Co., Inc., Herc Rentals, Inc., Holt Texas, LTD, Accent/Johnston Limousine, Inc. dba AJL International, Kirby-Smith Machinery, Inc., Enterprise Rent-A-Car dba EAN Holdings, LLC, CrafcO, Inc., and Bane Machinery from Service Contract No. POM-2018-00005854.

**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.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Office of Economic Development

**CMO:** Elizabeth Reich, 670-7804  
Raquel Favela, 670-3309

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a consultant contract for a comprehensive economic development strategic plan for the Office of Economic Development - Angelou Economic Advisors, Inc., most advantageous proposer of three - Not to exceed \$195,000 - Financing: General Funds

**BACKGROUND**

This consultant contract will provide for a comprehensive economic development strategic plan for the Office of Economic Development. The intent of this plan is to assist the Office of Economic Development staff in developing and documenting programs aimed at the attraction of investment and the creation and retention of jobs to stimulate economic growth in the City.

The following are deliverables the City expects to receive from this contract:

- Phase One: project setup and stakeholder engagement - interviews, focus groups, surveys, town hall meetings, review of existing studies
- Phase Two: market assessment strength, weaknesses, opportunity and threat (SWOT) analysis
- Phase Three: target industry recommendations, target industry analysis, location scorecards, regional labor analysis, presentation of initial findings
- Phase Four: strategic action plan, strategic recommendations, implementation plan, performance metrics, best practices

The plan defines clear roles and responsibilities, expected outcomes, and includes the ability to measure progress of plan goals and outcomes.

## **BACKGROUND** (continued)

The contractor will also provide technical assistance to the Office of Economic Development director and staff. The plan includes organizational recommendations, capacity building suggestions, policy and procedure review, increase departmental effectiveness, and to increase transparency and accessibility to the Office of Economic Development programs and other assistance as requested.

A seven member committee from the following departments reviewed and evaluated the qualifications:

- Office of Economic Development (1)
- City Manager's Office (1)
- Department of Public Works (1)
- Housing & Neighborhood Revitalization (1)
- Department of Transportation (1)
- Office of Procurement Services (1)\*
- Office of Business Diversity (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 and timeframe 35 points
- Experience 30 points
- Technical capability 10 points
- Accessibility 10 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 1,396 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, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.



## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Economic Development & Housing Committee was briefed on this item on May 21, 2018.

## **FISCAL INFORMATION**

General Funds - \$195,000.00

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE%</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|----------------------|------------------------|
| \$195,000.00                  | Other Services         | 23.80%                   | 100.00%              | \$195,000.00           |

- This contract exceeds the M/WBE goal of 23.80%

## **PROPOSAL INFORMATION**

The Office of Procurement Services received the following proposals from solicitation number BYZ1809. We opened them on February 23, 2018. We recommend the City Council award this consultant contract in its entirety to the most advantageous proposer.

\*Denotes successful proposer

| <b><u>Proposers</u></b>                       | <b><u>Address</u></b>                           | <b><u>Score</u></b> | <b><u>Amount</u></b> |
|-----------------------------------------------|-------------------------------------------------|---------------------|----------------------|
| *Angelou Economic Advisors, Inc.              | 8121 Bee Cave Rd.<br>Austin, TX 78746           | 72.31               | \$195,000.00         |
| The Natelson Dale Group, Inc.                 | 24835 E. La Palma Ave.<br>Yorba Linda, CA 92887 | 62.46               | \$294,446.00         |
| New Markets Economic Economic Strategies, LLC | 502 W. Montgomery St.<br>Willis, TX 77378       | 55.60               | \$ 99,800.00         |

**OWNER**

**Angelou Economic Advisors, Inc.**

Angelos G. Angelou, Principal Executive Officer

June 13, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a consultant contract with Angelou Economic Advisors, Inc. (VS97095), approved as to form by the City Attorney, for a comprehensive economic development strategic plan for the Office of Economic Development, in an amount not to exceed \$195,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Angelou Economic Advisors, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Angelou Economic Advisors, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$195,000 to Angelou Economic Advisors, Inc. from General Funds, Fund 0001, Department ECO, Unit 1166, Object 3070, Master Agreement Service Contract No. ECO-2018-00006455.

**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.



**STRATEGIC  
PRIORITY:**

Public Safety

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Police Department  
Office of Emergency Management

**CMO:**

Elizabeth Reich, 670-7804  
Jon Fortune, 670-1204

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a three-year master agreement for binocular night vision devices for the Dallas Police Department - Defense Solutions Group, Inc. dba DSG Arms, lowest responsible bidder of two - Not to exceed \$443,560 - Financing: General Funds (\$221,780) and U.S. Department of Homeland Security Grant Funds (\$221,780)

**BACKGROUND**

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

This master agreement will provide for binocular night vision devices for the Dallas Police Department. The Special Weapons and Tactics (SWAT) Team currently has 12 sets of early generation green phosphor monocular night vision. This model has become obsolete in the tactical environment and new binocular night vision devices have adapted emerging technology into current systems.

This purchase will provide SWAT operators with a greater field of view and give them the ability to conduct missions while operating at night, during periods of low visibility, or in bad weather. These binocular night vision devices will be utilized during hostage rescues, barricaded persons, search warrants, high profile dignitary visits, terrorism related incidents, or any significant event requiring a tactical response in a low light environment.

During the 2017 calendar year, SWAT served 104 search and/or arrest warrants, and responded to 33 emergency calls where a tactical response was required.

## **BACKGROUND** (continued)

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 2,936 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 Public Safety & Criminal Justice Committee will receive this item for consideration on June 11, 2018.

## **FISCAL INFORMATION**

General Funds - \$221,780.00

U.S. Department of Homeland Security Grant Funds - \$221,780.00

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$443,560.00                  | Goods                  | 18.00%                   | 0.00%                 | \$0.00                 |

- M/WBE goal waived due to no M/WBE availability

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BL1808. We opened them on April 20, 2018. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

| <b><u>Bidders</u></b>                          | <b><u>Address</u></b>                      | <b><u>Amount</u></b> |
|------------------------------------------------|--------------------------------------------|----------------------|
| *Defense Solutions Group, Inc.<br>dba DSG Arms | 9001 South Freeway<br>Fort Worth, TX 76140 | \$443,560.00         |

**BID INFORMATION** (continued)

| <b><u>Bidders</u></b> | <b><u>Address</u></b>                                | <b><u>Amount</u></b> |
|-----------------------|------------------------------------------------------|----------------------|
| GT Distributors, Inc. | 2545 Brockton Drive<br>Suite 100<br>Austin, TX 78758 | \$458,291.60         |

**OWNER**

**Defense Solutions Group, Inc. dba DSG Arms**

Russell G. Hague, President  
Zachary W. Jones, Vice President

June 13, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with Defense Solutions Group, Inc. dba DSG Arms (VS0000063647), approved as to form by the City Attorney, for the purchase of binocular night vision devices for the Dallas Police Department for a term of three years, in an amount not to exceed \$443,560.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for binocular night vision devices for the Dallas Police Department. If a written contract is required or requested for any or all purchases of binocular night vision devices for the Dallas Police Department under the master agreement instead of individual purchase orders, the City Manager is 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 \$443,560 to Defense Solutions Group, Inc. dba DSG Arms from Master Agreement No. DPD-2018-00006335.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 38****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**Office of Procurement Services  
Park & Recreation Department**CMO:**Elizabeth Reich, 670-7804  
Willis Winters, 670-4071**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a three-year master agreement for the purchase of steel drum trash receptacles, lids, and bases for the Park & Recreation Department - Tamra Group, Inc. dba Engage Industrial Solutions, lowest responsible bidder of four - Not to exceed \$405,889 - Financing: General Funds

**BACKGROUND**

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

This master agreement will allow for the purchase of steel drum trash receptacles, lids, and bases for the Park & Recreation Department. These trash receptacles are custom made to allow the lid and base to snap tight to the barrel. Additionally, the receptacles are powder coated and made of a higher gauge of steel than traditional trash barrels ensuring that the receptacles have a longer life span.

Traditional trash barrels are made of lighter gage material and are not powder coated inside and out. Additionally, traditional barrels have rounded lids with a slightly angled opening. This opening allows rain water inside the barrel, which contributes to the rusting of the barrel. The new custom designed barrels feature a box shaped lid with a vertical opening which lessens the amount of rain water to enter the barrel.

Existing receptacles will be replaced throughout the 393 parks, totaling over 20,871 acres of developed and undeveloped park land, including over 158 miles of developed trails, six golf courses, four driving ranges, one skate park, over 268 adult and youth athletic fields as well as service centers and other facilities throughout the city. Additional receptacles will be added when necessary; damaged or rusted-through receptacles will be replaced as needed throughout the term of the master agreement.

## **BACKGROUND** (continued)

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 676 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)**

On May 17, 2018, the Park and Recreation Board authorized a three-year master agreement with Tamra Group, Inc. dba Engage Industrial Solutions.

The Government Performance & Financial Management Committee will receive this item for consideration on June 4, 2018.

## **FISCAL INFORMATION**

General Funds - \$405,888.75

## **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE%</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|----------------------|------------------------|
| \$405,888.75                  | Goods                  | 18.00%                   | 0.00%                | \$0.00                 |

- M/WBE goal waived due to no M/WBE availability

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BW1802. We opened them on March 3, 2018. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

**BID INFORMATION** (continued)

| <b><u>Bidders</u></b>                                    | <b><u>Address</u></b>                                 | <b><u>Amount</u></b> |
|----------------------------------------------------------|-------------------------------------------------------|----------------------|
| *Tamra Group, Inc.<br>dba Engage Industrial<br>Solutions | 1052 S. 2nd Ave.<br>Suite #200<br>Mansfield, TX 76063 | \$405,888.75         |
| Luttrell Welding<br>Services, LLC                        | 372 County Rd. 4576<br>Boyd, TX 76023                 | \$466,125.00         |
| Surpass, Inc. dba A Plus<br>Industrial Installation      | 2440 N. I-35 E.<br>Lancaster, TX 75134                | \$554,995.50         |
| Busch Systems<br>International, Inc.                     | 81 Rawson Ave.<br>Barrie, Ontario, Canada             | Non-responsive**     |

\*\*Busch Systems International, Inc. was deemed non-responsive due to not meeting bid specifications.

**OWNER****Tamra Group, Inc. dba Engage Industrial Solutions**

Tamra Skalley, President  
Carl Skalley, Vice President

June 13, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with Tamra Group, Inc. dba Engage Industrial Solutions (VC17265), approved as to form by the City Attorney, for the purchase of steel drum trash receptacles, lids, and bases for the Park & Recreation Department for a term of three years, in an amount not to exceed \$405,888.75.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for steel drum trash receptacles, lids, and bases for the Park & Recreation Department. If a written contract is required or requested for any or all purchases for steel drum trash receptacles, lids, and bases for the Park & Recreation Department 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 \$405,888.75 to Tamra Group, Inc. dba Engage Industrial Solutions from Master Agreement Contract No. PKR-2018-00005950.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**AGENDA ITEM # 39**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Convention and Event Services  
Park & Recreation Department  
Water Utilities Department  
Department of Aviation  
Department of Sanitation Services  
Department of Trinity Watershed Management

**CMO:**

Elizabeth Reich, 670-7804  
Joey Zapata, 670-3009  
Majed Al-Ghafry, 670-3302  
Jody Puckett, 670-3390  
Willis Winters, 670-4071

**MAPSCO:**

N/A

---

**SUBJECT**

Authorize a three-year master agreement for printed goods - AC Printing in the amount of \$1,973,870, Janus Signs dba FastSigns Skillman in the amount of \$454,347, and Visual Communications in the amount of \$322,551, most advantageous proposers of four - Total not to exceed \$2,750,768 - Financing: General Funds (\$2,261,138), Water Utilities Current Funds (\$171,255), Sanitation Current Funds (\$120,500), Convention and Event Services Current Funds (\$74,975), Stormwater Drainage Management Current Funds (\$69,450), and Aviation Current Funds (\$53,450)

**BACKGROUND**

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

This master agreement will enable all departments to procure printed goods. Printed goods are a business necessity due to the various communication requirements needed to conduct outreach efforts and business transactions.

## **BACKGROUND** (continued)

Communication efforts are conducted in many ways and this master agreement makes available an array of printed media such as, brochures, signs, posters, promotional, and specialty items. Communication printed media will be used by the City when specific information is required to reach large numbers of people throughout the City.

Additionally, this agreement allows departments to purchase printed paper goods to complete day-to-day business transactions. Many departments depend on paper goods such as, but not limited to, business forms, letterhead, envelopes, and business cards in order to conduct City business.

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

- Water Utilities Department (1)
- Park & Recreation Department (2)
- Express Business Center (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:

- Experience and capabilities 35 points
- Cost 30 points
- Quality of samples 20 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 944 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)**

On June 22, 2011, City Council authorized a three-year master agreement for printed goods with Visual Communications, AC Printing, Janus Signs dba Fast Signs, and Delphi Legal Technologies, Inc. by Resolution No. 11-1656

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

The Government Performance & Financial Management Committee will receive this item for consideration on June 4, 2018.

### **FISCAL INFORMATION**

General Funds - \$2,261,138.00  
Water Utilities Department - \$171,255.00  
Sanitation Current Funds - \$120,500.00  
Convention and Event Services Current Funds - \$74,975.00  
Stormwater Drainage Management Current Funds - \$69,450.00  
Aviation Current Funds - \$53,450.00

### **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:

| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE %</u></b> | <b><u>M/WBE \$</u></b> |
|-------------------------------|------------------------|--------------------------|-----------------------|------------------------|
| \$2,750,768                   | Goods                  | 18.00%                   | 100.00%               | \$2,750,768            |

- This contract exceeds the M/WBE goal of 18.00%

### **PROPOSAL INFORMATION**

The Office of Procurement Services received the following proposals from solicitation number BXZ1701. We opened it on October 27, 2017. We recommend the City Council award this master agreement to the most advantageous proposers by group. Information related to this solicitation is available upon request.

\*Denotes successful proposers

| <b><u>Proposers</u></b> | <b><u>Address</u></b>                                     | <b><u>Amount</u></b> |
|-------------------------|-----------------------------------------------------------|----------------------|
| *AC Printing            | 2911 Turtle Creek Blvd.<br>Suite #300<br>Dallas, TX 75219 | Multiple Groups      |

**PROPOSAL INFORMATION** (continued)

| <b><u>Proposers</u></b>                | <b><u>Address</u></b>                                     | <b><u>Amount</u></b> |
|----------------------------------------|-----------------------------------------------------------|----------------------|
| *Janus Signs<br>dba FastSigns Skillman | 9203 Skillman St.<br>Suite #120<br>Dallas, TX 75243       | Multiple Groups      |
| *Visual<br>Communications              | 12640 E. Northwest Hwy.<br>Suite #415<br>Dallas, TX 75228 | Multiple Groups      |
| Print Headquarters<br>Services, Inc.   | 3104 Staton Oak Dr.<br>Flower Mound, TX 75029             | Multiple Groups      |

**OWNERS****AC Printing**

Shirazali Kanji, President  
Razia Kanji, Vice President  
Riyaz Samnani, Secretary

**Janus Signs dba FastSigns Skillman**

Sarosh Nayar, President  
Karin Nayar, Vice President

**Visual Communications**

Michelle Simpson, Co-Owner  
Wendy Donckers, Co-Owner



June 13, 2018

**WHEREAS**, on June 22, 2011, City Council authorized a three-year master agreement for printed goods with Visual Communications in the amount of \$1,368,365.24, AC Printing in the amount of \$1,736,061.01, Janus Signs dba FastSigns Skillman in the amount of \$114,601.57, and Delphi Legal Technologies, Inc. in the amount of \$165,086.00, in a total amount of \$3,384,113.82, by Resolution No. 11-1656; and

**WHEREAS**, on June 17, 2014, Administrative Action No. 14-6166 authorized to extend the master agreement for two years for printed goods with Visual Communications from June 22, 2014 to June 23, 2016; and

**WHEREAS**, on June 17, 2014, Administrative Action No. 14-6167 authorized to extend the master agreement for two years for printed goods with AC Printing from June 22, 2014 to June 23, 2016; and

**WHEREAS**, on June 17, 2014, Administrative Action No. 14-6168 authorized to extend the master agreement for two years for printed goods with Janus Signs dba FastSigns Skillman from June 22, 2014 to June 23, 2016; and

**WHEREAS**, on July 6, 2016, Administrative Action No. 16-6358 authorized a six month extension to the original term of the master agreement and increase with AC Printing for printed goods, in an amount not to exceed \$15,400.00, from \$1,736,061.01 to \$1,751,461.01 and to extend six months from June 23, 2016 to December 22, 2016; and

**WHEREAS**, on July 6, 2016, Administrative Action No. 16-6359 authorized a six month extension to the original term of the master agreement and increase with Janus Signs dba FastSigns Skillman for printed goods in an amount not to exceed \$17,450.00, from \$114,601.57 to \$132,051.57 and to extend six months from June 23, 2016 through December 22, 2016; and

**WHEREAS**, on July 6, 2016, Administrative Action No. 16-6360 authorized a six month extension to the original term of the master agreement and increase with Visual Communications for printed goods in an amount not to exceed \$17,150.00, from \$1,368,365.24 to \$1,385,515.24 and to extend six months from June 23, 2016 through December 22, 2016.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign a master agreement with AC Printing (513136) in the amount of \$1,973,870.00, Janus Signs dba FastSigns Skillman (VS0000042373) in the amount of \$454,347.00, and Visual Communications (338878) in the amount of \$322,551.00, approved as to form by the City Attorney, for the purchase of printed goods for a term of three years, in a total amount not to exceed \$2,750,768.00.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for printed goods. If a written contract is required or requested for any or all purchases of printed goods under the master agreement instead of individual purchase orders, the City Manager is 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 \$2,750,768.00 to AC Printing, Janus Signs dba FastSigns Skillman, and Visual Communications from Master Agreement Contract No. POM-2018-00006278.

**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.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** Various

---

**SUBJECT**

Authorize a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation for the implementation of a community outreach outdoor program – Financing: No cost consideration to the City

**BACKGROUND**

The Texas Parks and Wildlife Department (TPWD) is offering a CO-OP grant in the amount of \$45,509 to agencies, through its Community Outreach Outdoor Program, for the purpose of providing outdoor education and programming to underserved populations. This is the second time the Dallas Park Foundation (DPF) has been awarded the CO-OP grant from TPWD. The City of Dallas, through its Park and Recreation Department will implement a community outreach outdoor program pursuant to the grant agreement between the DPF and TPWD.

The City of Dallas Park and Recreation Department (City) staff has identified the following program categories: Overnight Camping, Fishing, Geocaching, Kayaking, Mountain Biking and Nature Photography. This program will serve low income and physically and/or mentally challenged youth.

The Memorandum of Understanding shall be subject to the following terms:

The grant performance period is from May 1, 2018 to November 1, 2019.

DPF Responsibilities:

1. DPF shall accept grant from TPWD on behalf of the City.
2. DPF shall purchase items as directed by the City.

### **BACKGROUND** (continued)

3. DPF shall utilize award funds from TPWD in the amount of \$45,509 for the purposes of:
  - a. Paying registration fees for City staff trainings;
  - b. Purchasing lodging and travel expenses for City staff for training and implementation of the program; and
  - c. Purchasing supplies and equipment to support the community outreach outdoor program on behalf of the City.

#### City Responsibilities:

1. City shall implement the community outreach outdoor program.
2. City shall provide staffing for the community outreach outdoor program.
3. City shall make all purchasing decisions.
4. City shall determine any needs for amendments to the fund utilization from the original grant application.
5. City shall be responsible for completing quarterly reports.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 17, 2018, the Park and Recreation Board authorized a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on June 11, 2018.

### **FISCAL INFORMATION**

No cost consideration to the City.

June 13, 2018

**WHEREAS**, the City of Dallas Park and Recreation Department (City) and the Dallas Parks Foundation (DPF) would like to increase the number of outdoor education program offerings; and

**WHEREAS**, the City and the DPF, desire to enter into a Sub-Grant Memorandum of Understanding (MOU) for the purpose of implementing a community outreach outdoor program pursuant to the terms of the MOU; and

**WHEREAS**, the City will provide staffing to support the community outreach outdoor program and target specific audiences to participate in the program; and

**WHEREAS**, DPF will make purchases for the community outreach outdoor program as directed by the City in an amount not to exceed \$45,509, pursuant to the terms of the MOU.

**Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to sign a Sub-Grant Memorandum of Understanding with the Dallas Parks Foundation, approved as to form by the City Attorney, for the implementation of a community outreach outdoor program.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Sub-Grant Memorandum of Understanding, approved as to form by the City Attorney.

**SECTION 3.** That this contract is designated as Contract No. PKR-2018-00006516.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



## AGENDA ITEM # 41

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

June 13, 2018

### COUNCIL DISTRICT(S):

All

### DEPARTMENT:

Water Utilities Department

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

All

---

### SUBJECT

Authorize **(1)** an 18-month master agreement for water and wastewater small services installations in the amount of \$7,966,845; **(2)** a contract for the installation of water and wastewater mains at 14 locations in the amount of \$3,687,465 (list attached); and **(3)** an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations in the amount of \$3,097,492 with Omega Contracting, Inc., only bidder - Total not to exceed \$14,751,802 - Financing: Water Utilities Capital Construction Funds (\$11,064,337) and Water Utilities Capital Improvement Funds (\$3,687,465)

### BACKGROUND

Part One of this action, in the amount of \$7,966,845.00, consists of a small services 18-month master agreement for the installation of ¾-inch to 2-inch water services and 6-inch wastewater connections, as requested by the Sustainable Development and Construction Department, upon issuance of a permit to the property owner.

Part Two of this action, in the amount of \$3,687,465.00, includes the installation of approximately 260 feet of 6-inch and 7,330 feet of 8-inch water mains, and the installation of approximately 2,690 feet of 8-inch and 2,120 feet of 12-inch wastewater mains.

The existing water and wastewater mains were built between 1932 and 1959. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

## **BACKGROUND** (continued)

Part Three of this action, in the amount of \$3,097,492.00, includes water and wastewater mainline extensions and consists of an 18-month master agreement, in support of small services that may require extension of the existing mainlines. Also included are water and wastewater emergency mainline replacements and relocations, which will allow for quick response in support of Dallas Water Utilities' operations.

The following chart illustrates Omega Contracting, Inc.'s contractual activities with the City of Dallas for the past three years:

|                                       | <u>PBW</u> | <u>DWU</u> | <u>PKR</u> | <u>TWM</u> |
|---------------------------------------|------------|------------|------------|------------|
| Projects Completed                    | 1          | 0          | 0          | 1          |
| Change Orders                         | 7          | 0          | 0          | 0          |
| Projects Requiring Liquidated Damages | 0          | 0          | 0          | 0          |
| Projects Completed by Bonding Company | 0          | 0          | 0          | 0          |

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Began Design          | October 2017  |
| Completed Design      | February 2018 |
| Begin Construction    | July 2018     |
| Complete Construction | December 2019 |

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 10, 2014, City Council authorized a professional services contract with Stream Water Group, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 28 locations by Resolution No. 14-2127.

On December 10, 2014, City Council authorized a professional services contract with Garver, LLC. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 18 locations by Resolution No. 14-2127.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 11, 2018.

## **FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$11,064,337.00  
Water Utilities Capital Improvement Funds - \$3,687,465.00



**FISCAL INFORMATION** (continued)

|                            |                        |
|----------------------------|------------------------|
| Design                     | \$ 368,746.00          |
| Construction (this action) | <u>\$14,751,802.00</u> |
| Total Project Cost         | \$15,120,548.00        |

**M/WBE INFORMATION****BID INFORMATION**

The following was the only bid with quotes that was received and opened on April 6, 2018:

\*Denotes successful bidder

**Bidder****Bid Amount**

|                                                                         |                 |
|-------------------------------------------------------------------------|-----------------|
| *Omega Contracting, Inc.<br>2518 Chalk Hill Road<br>Dallas, Texas 75212 | \$14,751,802.00 |
|-------------------------------------------------------------------------|-----------------|

**Note:** Dallas Water Utilities has reviewed this procurement and determined that the bid was conducted in accordance with Administrative Directive 4-5 and that reasonable efforts were made to increase bid participation. This procurement meets the requirements for a single bid and represents a good value for the work to be performed.

**OWNER**

**Omega Contracting, Inc.**

Luis Spinola, Owner

**MAPS**

Attached

## **Renewal of Water and Wastewater Mains**

### **District 4**

Alex Street from Childers Street to Nolen Street

Alley between Utah Avenue and South Ewing Avenue from Holden Avenue to Frio Drive

Easement between Idaho Avenue and South Ewing Avenue from East Saner Avenue north

Frio Drive from south of East Brownlee Avenue southeast

Nolen Street from Alex Street to McGowan Street

### **District 7**

Alley between South Central Expressway and Wendelkin Street from Cooper Street southeast

Cooper Street from Cleveland Street to Holmes Street

Cooper Street from Wendelkin Street to South Harwood Street

Hamburg Street from Cleveland Street to Holmes Street

Holmes Street from Peabody Avenue to Pennsylvania Avenue

Holmes Street from Warren Avenue to Julius Schepps Freeway (Service Road)

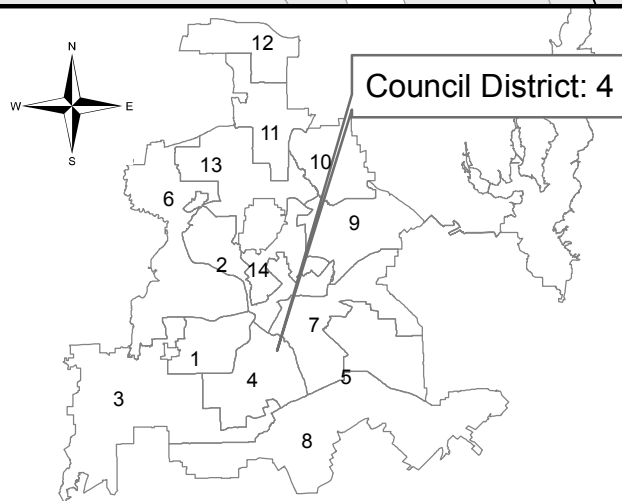
Panama Place from Holmes Street to Julius Schepps Freeway (Service Road)

Pennsylvania Avenue from Cleveland Street to Holmes Street

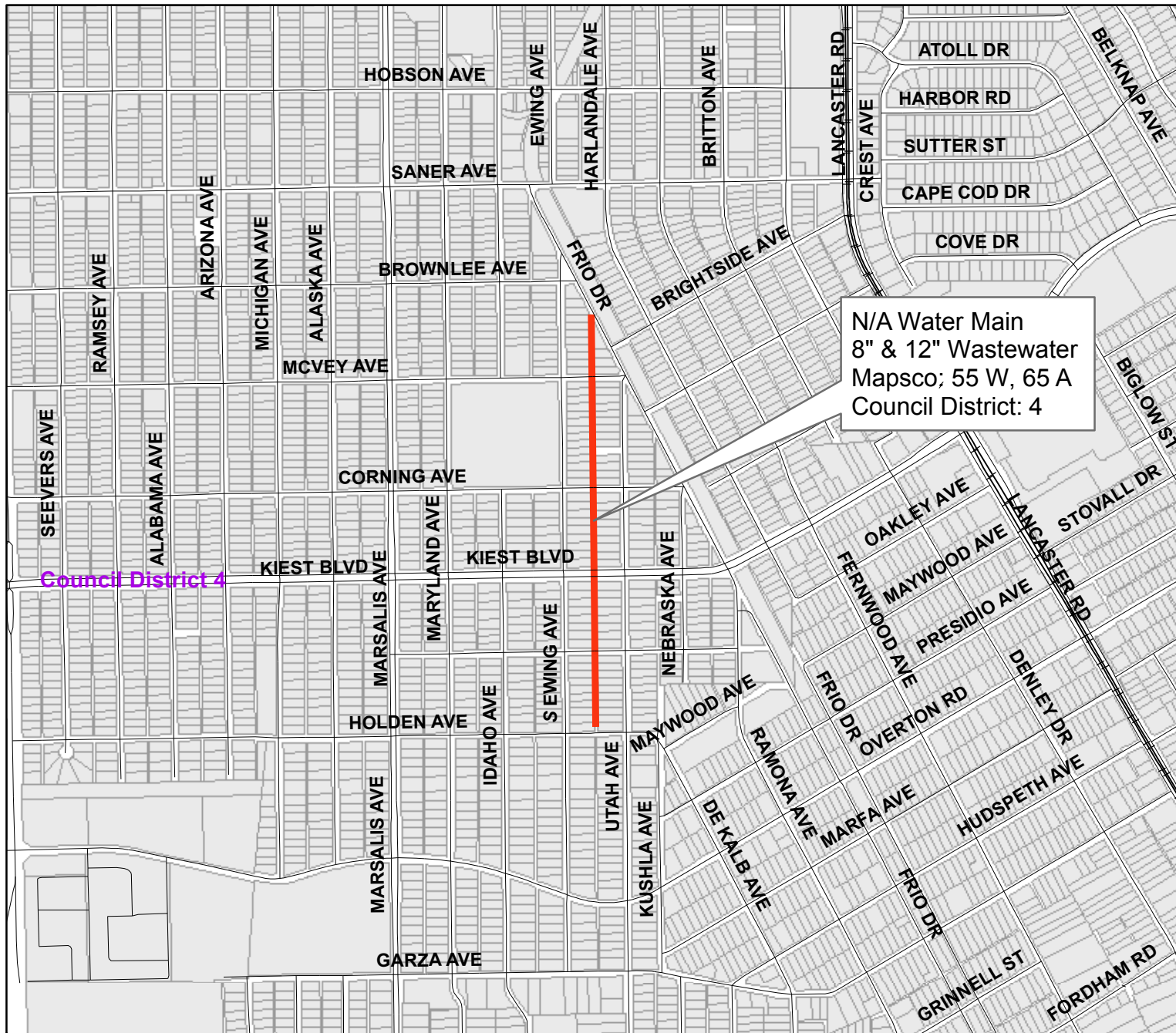
Wendelkin Street from Lenway Street to Metropolitan Avenue



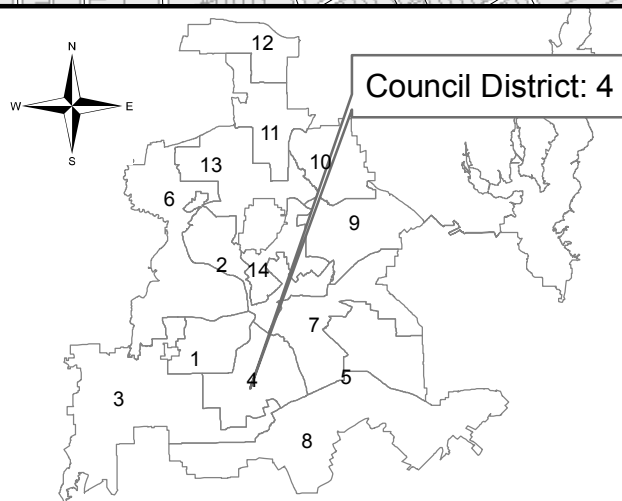
Alex Street  
from Childers Street to Nolen Street



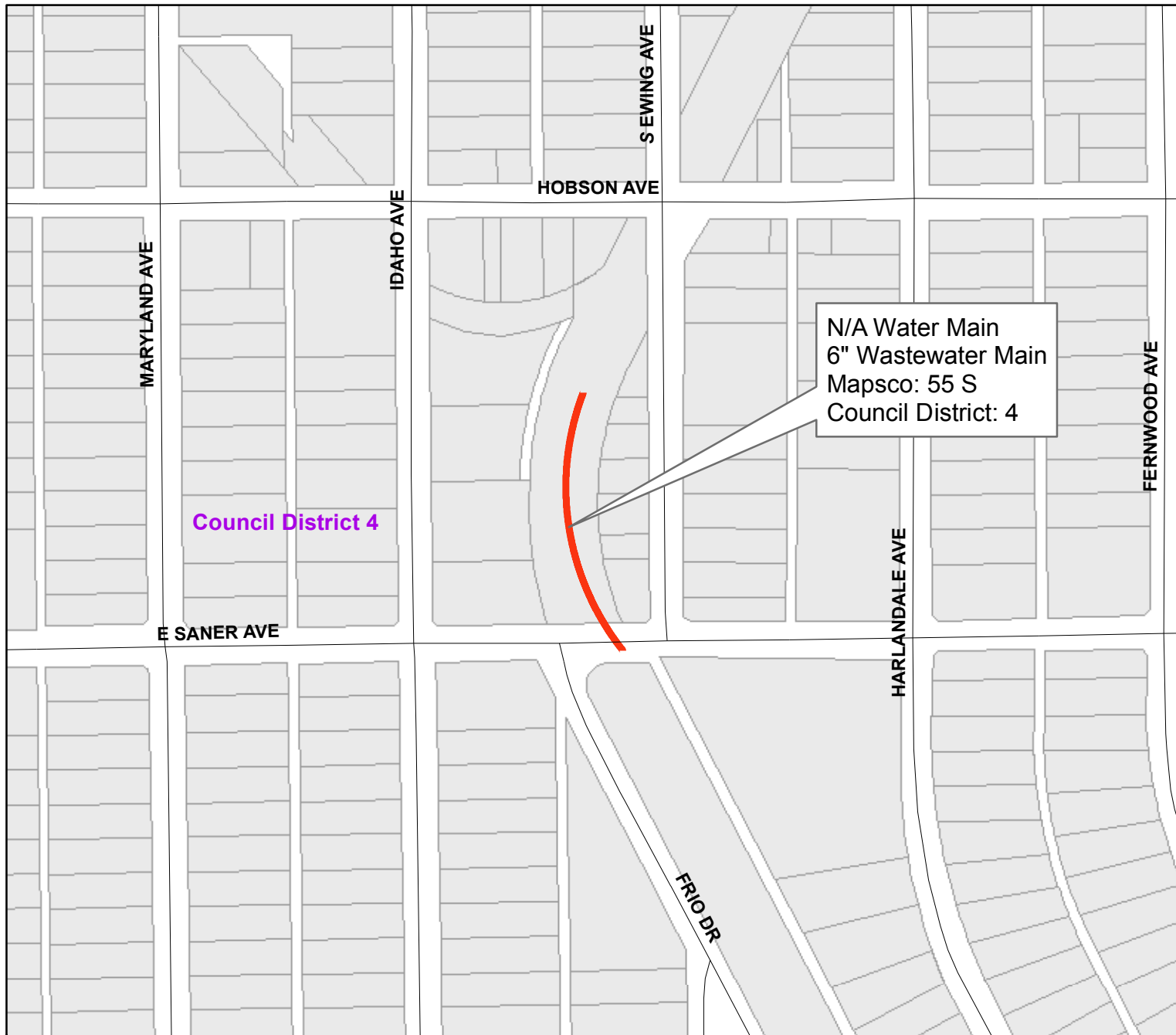
**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



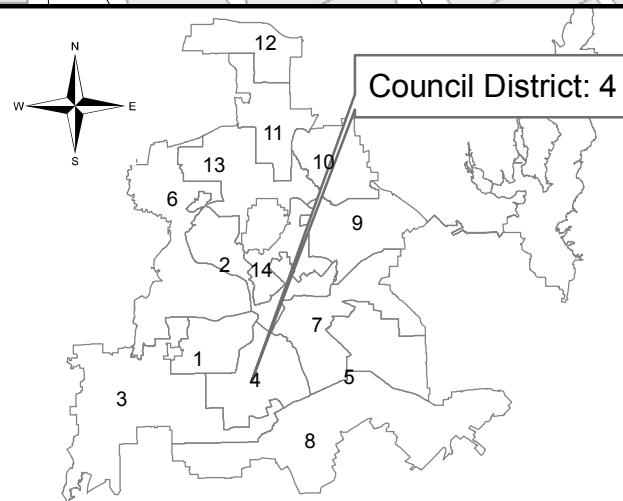
Alley between Utah Avenue and South Ewing Avenue  
from Holden Avenue to Frio Drive



**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



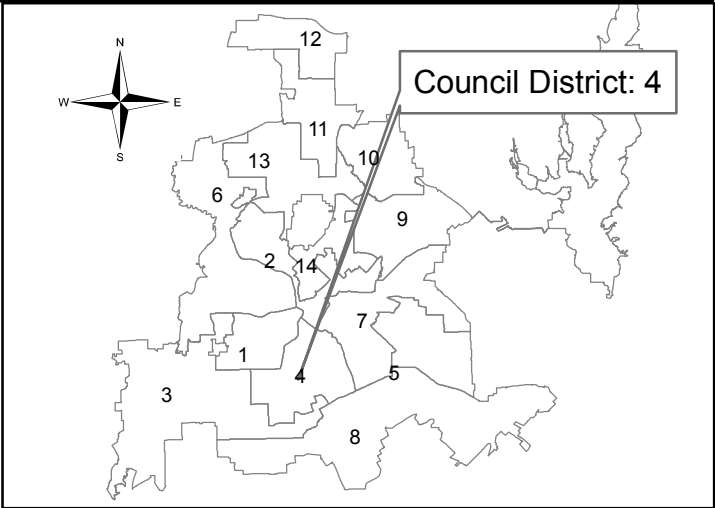
Easement between Idaho Avenue and South Ewing Avenue  
from East Saner Avenue north



**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



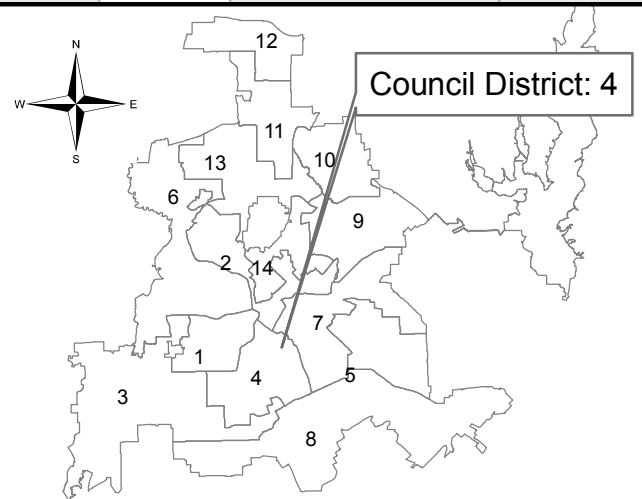
Frio Drive  
from south of East Brownlee Avenue southeast



**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



Nolen Street  
from Alex Street to McGowan Street

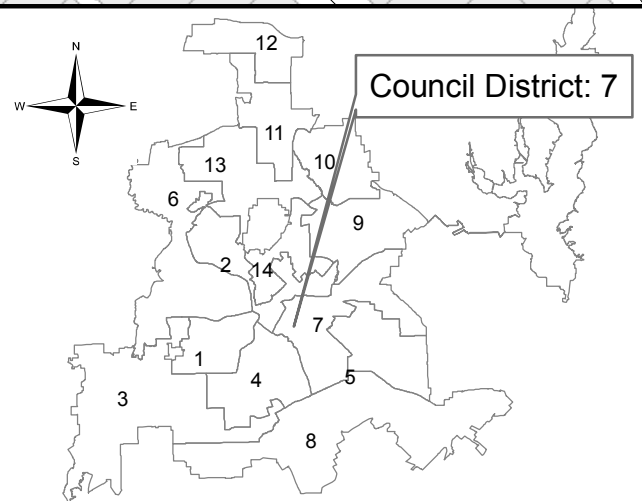


**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**





Alley between South Central Expressway and  
Wendelkin Street  
from Cooper Street southeast

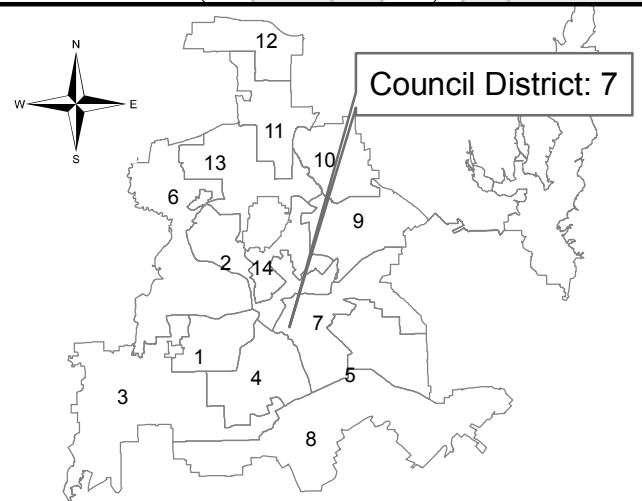


**Dallas Water Utilities  
Contract No. 18-067/068  
Water and Wastewater Main Installations  
at 14 Locations**

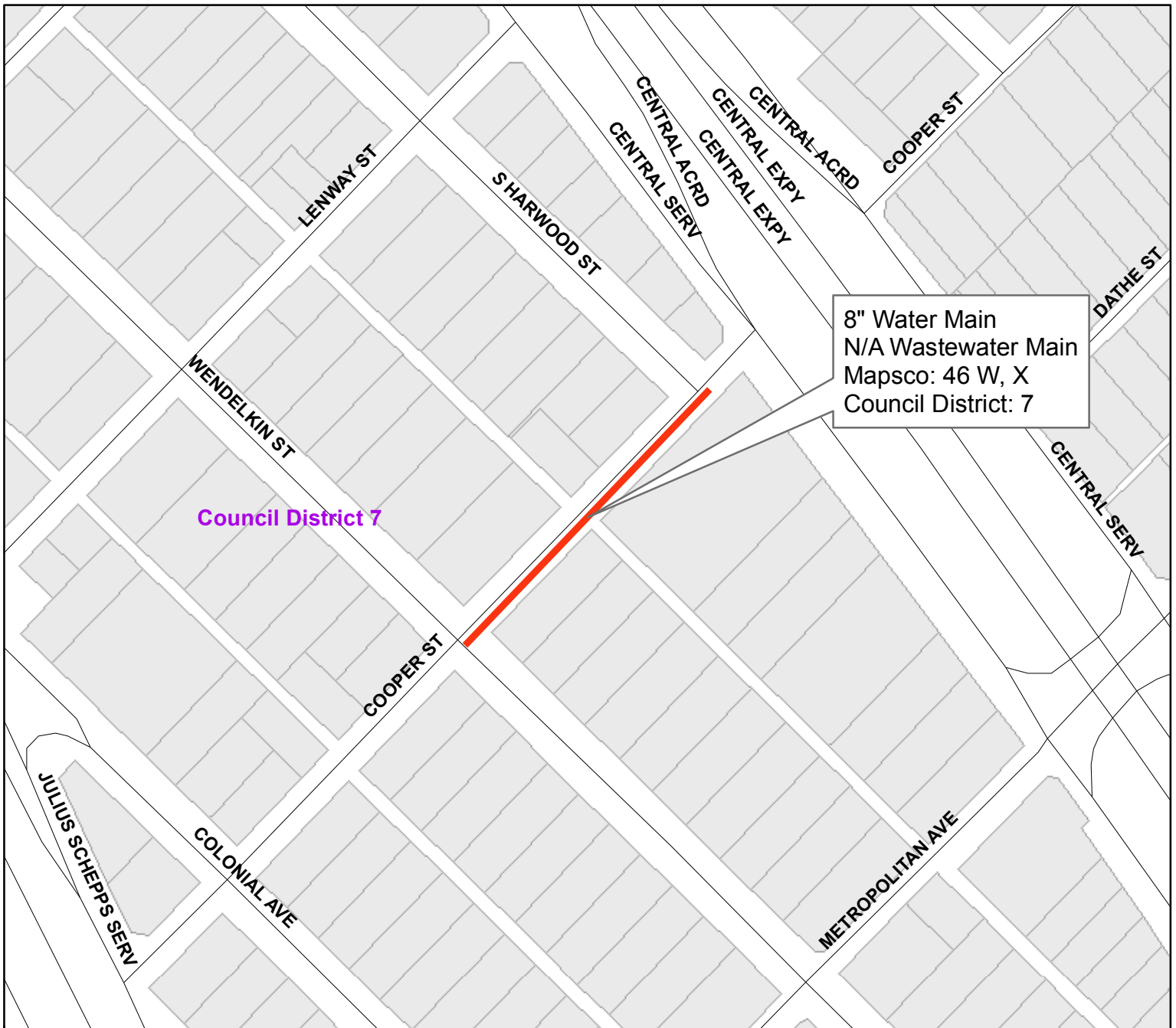




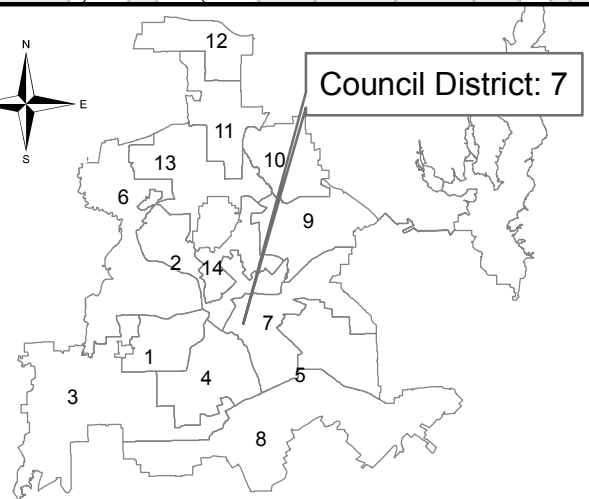
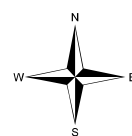
Cooper Street  
from Cleveland Street to Holmes Street



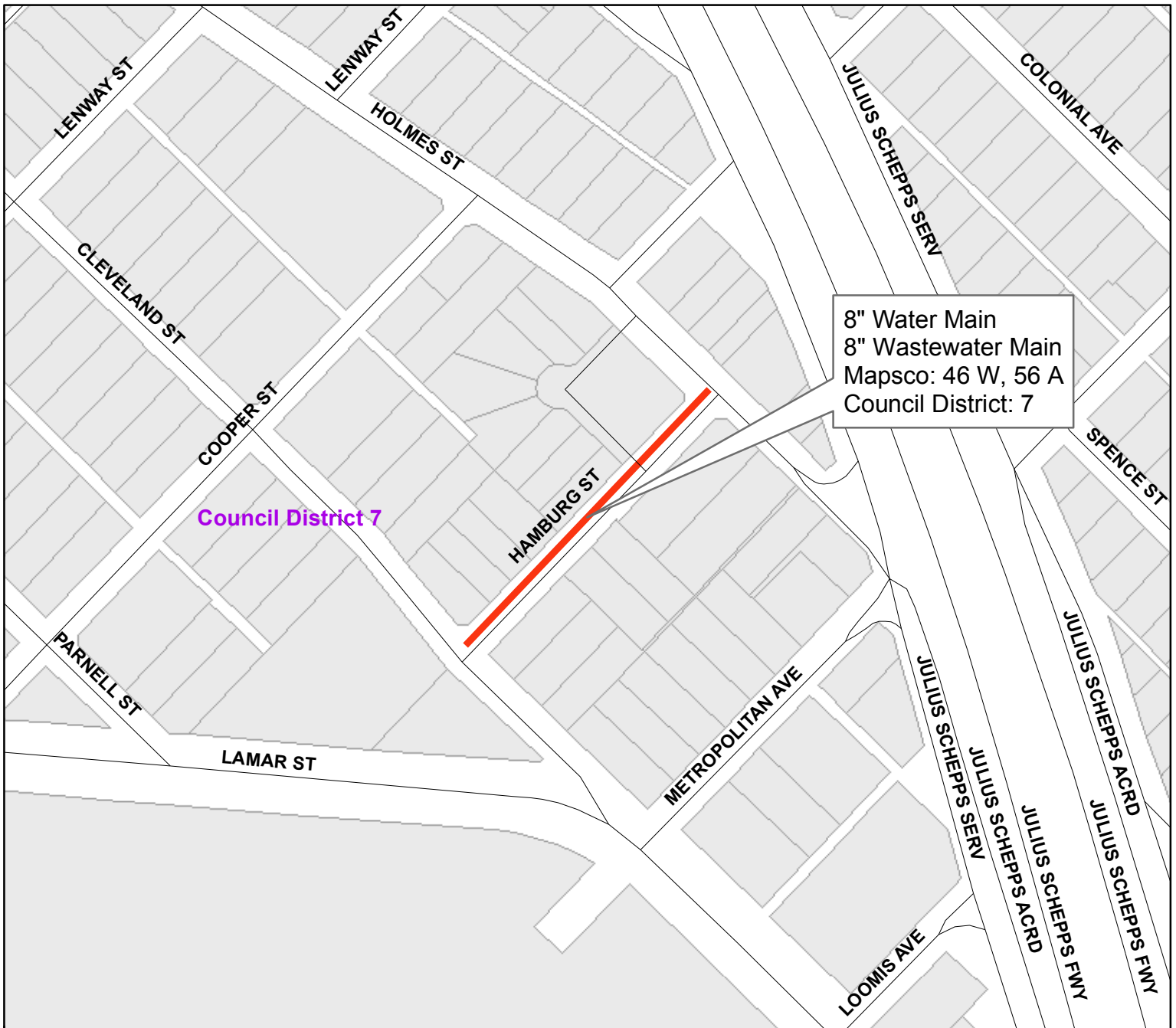
**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



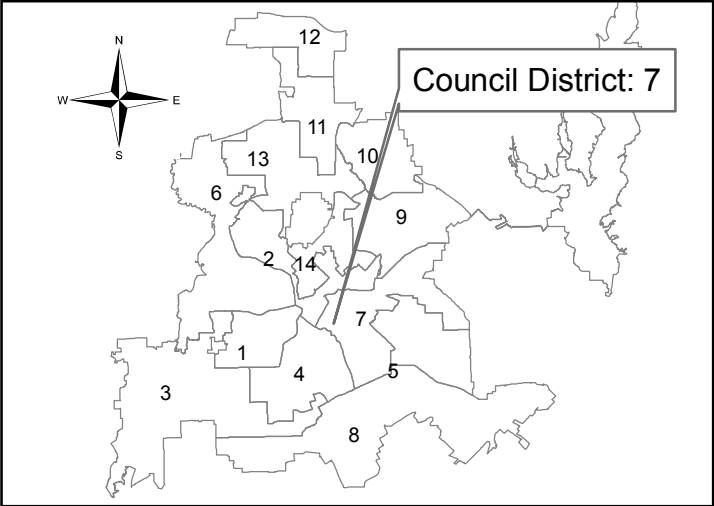
Cooper Street  
from Wendelkin Street to South Harwood Street



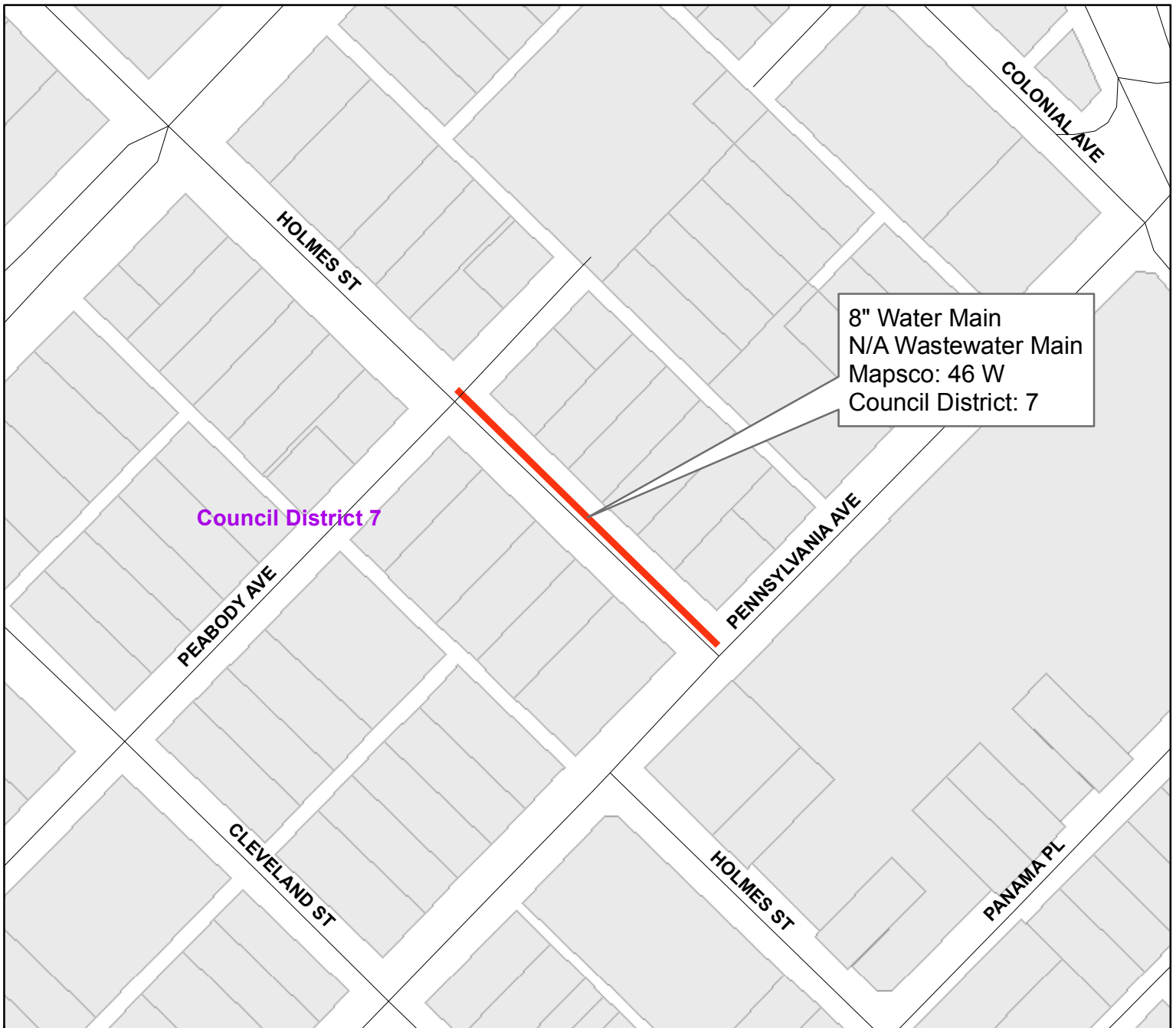
**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



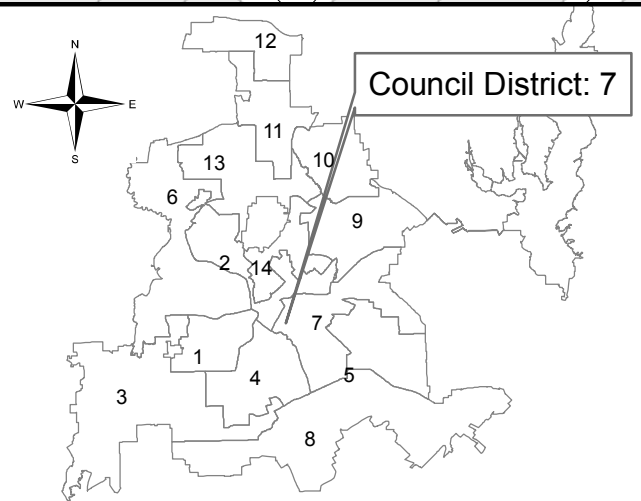
Hamburg Street  
from Cleveland Street to Holmes Street



**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**

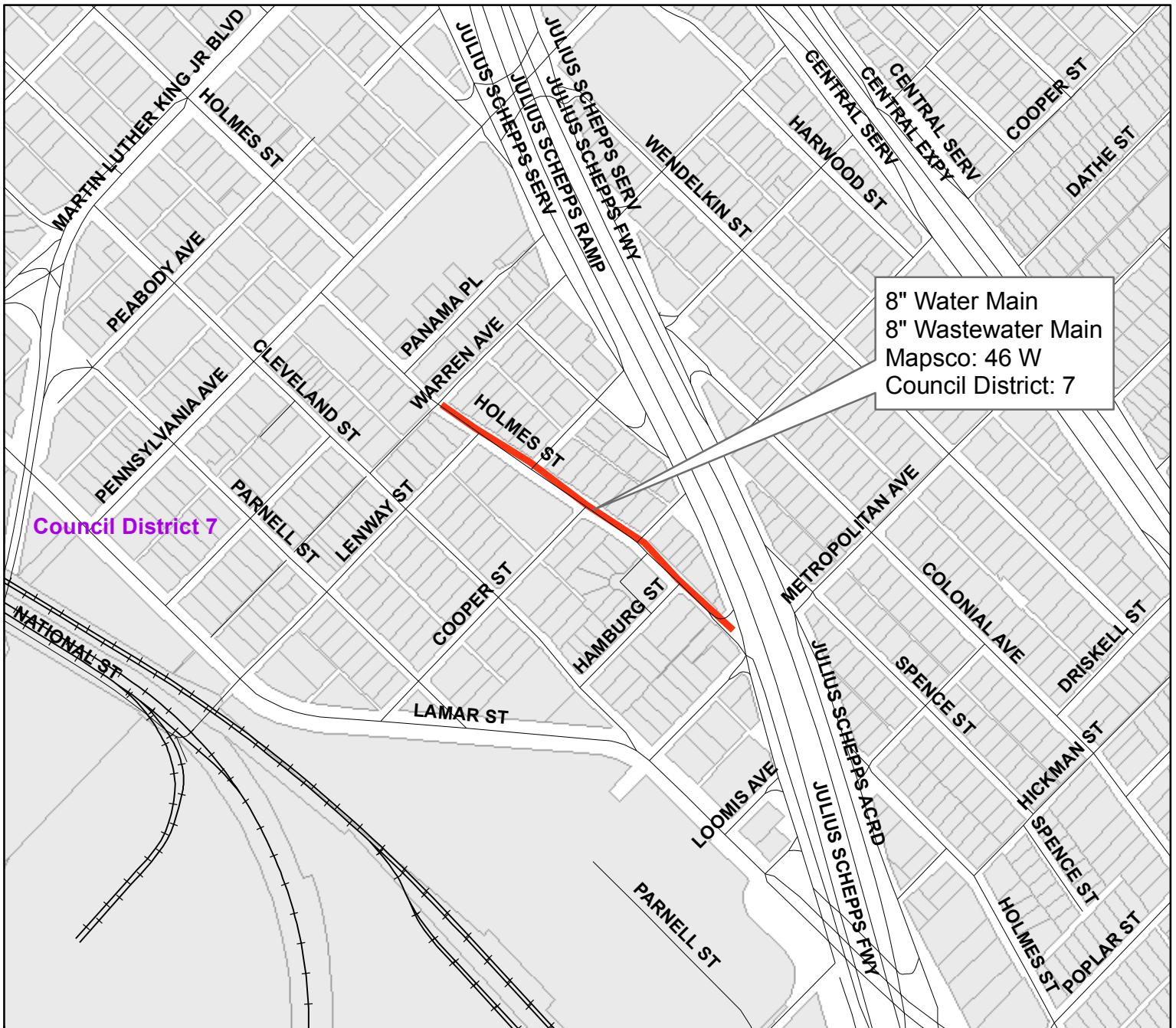


Holmes Street  
from Peabody Avenue to Pennsylvania Avenue

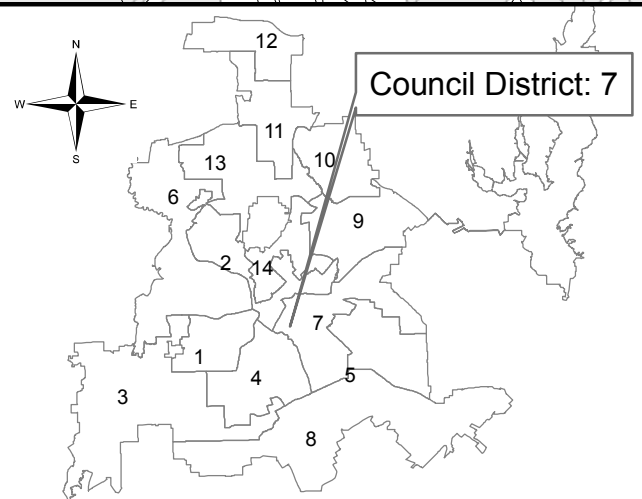


**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**

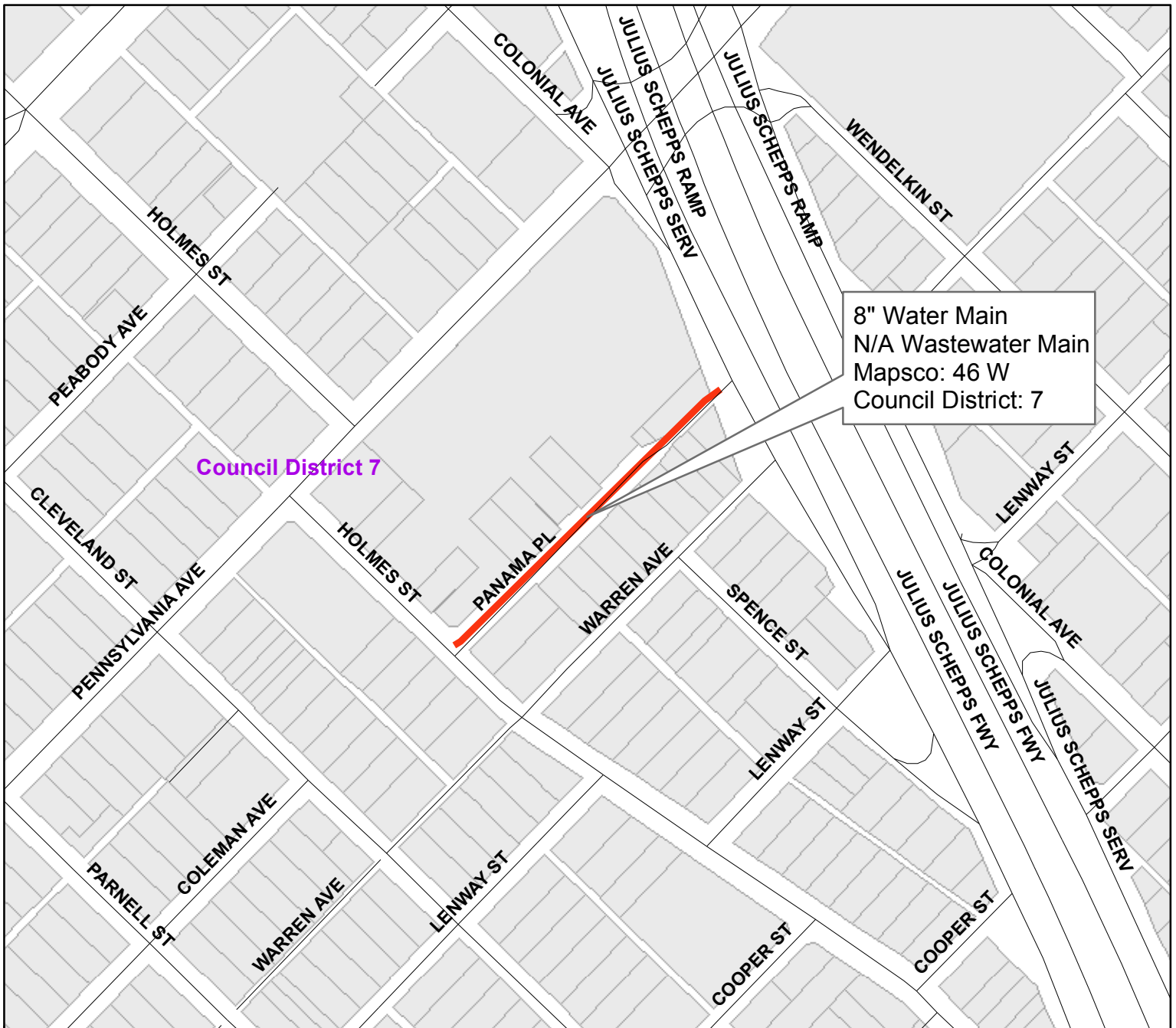




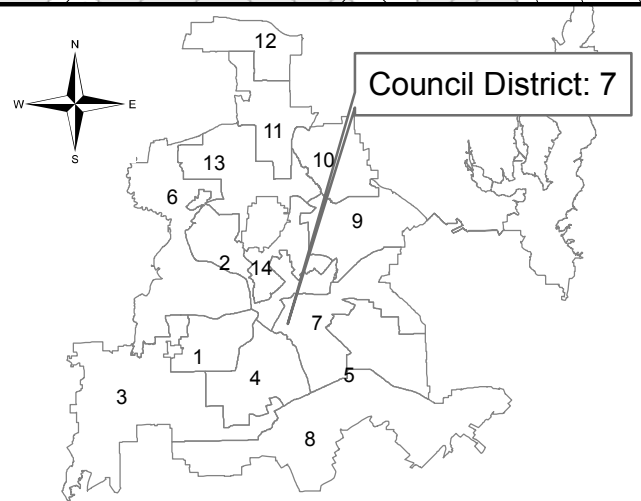
Holmes Street  
from Warren Avenue to Julius  
Schepps Freeway (Service Road)



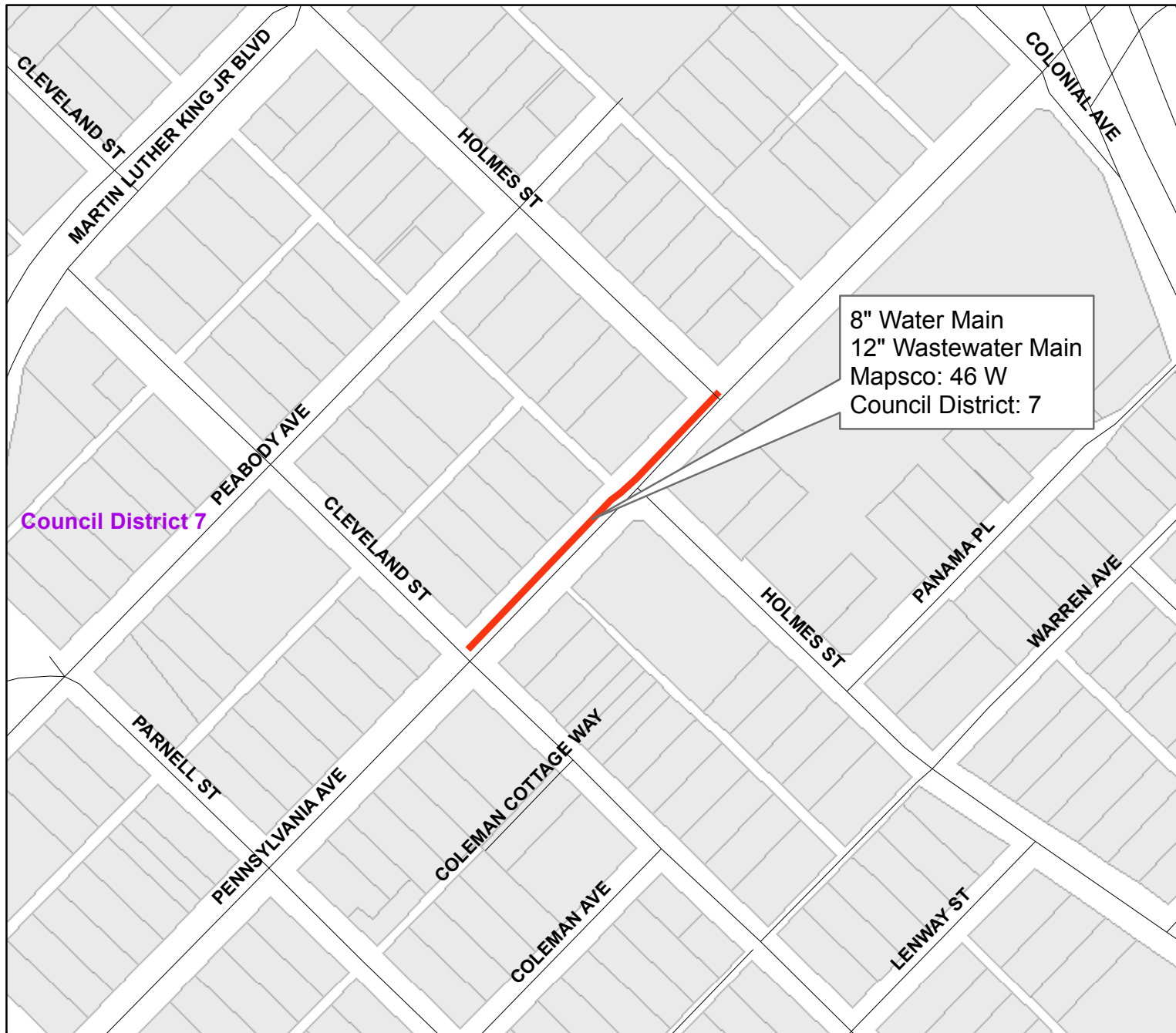
**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



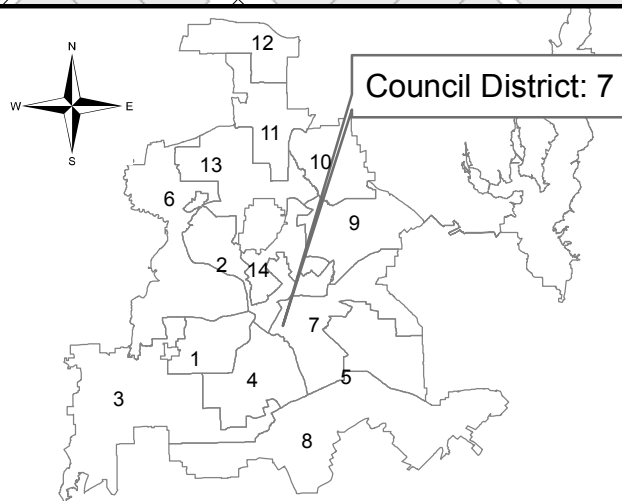
Panama Place  
from Holmes Street to Julius Schepps  
Freeway (Service Road)



**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



Pennsylvania Avenue  
from Cleveland Street to Holmes Street

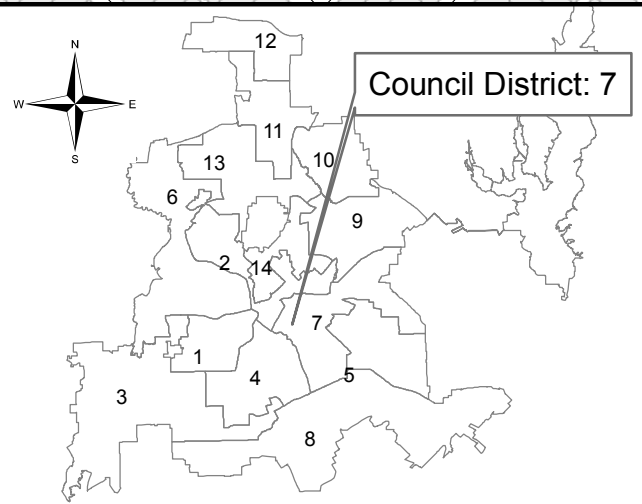


**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**





Wendelkin Street  
from Lenway Street to Metropolitan Avenue



**Dallas Water Utilities**  
**Contract No. 18-067/068**  
**Water and Wastewater Main Installations**  
**at 14 Locations**



June 13, 2018

**WHEREAS**, on April 6, 2018, one bid was received for water and wastewater small services installations at various locations, installation of water and wastewater mains at 14 locations, and water and wastewater mainline extensions and emergency mainline installations and relocations at various locations, Contract No. 18-067/068, listed as follows:

**Bidder**

**Bid Amount**

Omega Contracting, Inc.

\$14,751,802.00

**WHEREAS**, the bid submitted by Omega Contracting, Inc., 2518 Chalk Hill Road, Dallas, Texas 75212, in the amount of \$14,751,802.00, is the only bid received; and

**WHEREAS**, Dallas Water Utilities has reviewed this procurement and determined that the bid was conducted in accordance with Administrative Directive 4-5 and that reasonable efforts were made to increase bid participation. Dallas Water Utilities has also determined that this procurement meets the requirements for a single bid and represents a good value for the work to be performed.

**Now, Therefore,**

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

**SECTION 1.** That the bid submitted by Omega Contracting, Inc., in the amount of \$14,751,802.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-067/068, be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a construction contract with Omega Contracting, Inc., approved as to form by the City Attorney, for **(1)** an 18-month master agreement for water and wastewater small services installations in the amount of \$7,966,845.00; **(2)** a contract for the installation of water and wastewater mains at 14 locations in the amount of \$3,687,465.00; and **(3)** an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations, in an amount of \$3,097,492.00, after having approval of the contract documents by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,751,802.00 to Omega Contracting, Inc., as follows:

Water Construction Fund

Fund 0102, Department DWU, Unit CW40

Balance Sheet Account 0531, Program 718067, Vendor 345379

Encumbrance/Contract No. CX-DWU-2018-00006268

\$ 2,635,475.00

June 13, 2018**SECTION 3.** (continued)

|                                                                                                                                                                                    |                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Wastewater Construction Fund<br>Fund 0103, Department DWU, Unit CS40<br>Balance Sheet Account 0531, Program 718068, Vendor 345379<br>Encumbrance/Contract No. CX-DWU-2018-00006268 | \$ 5,331,370.00      |
| Water Capital Improvement Fund<br>Fund 2115, Department DWU, Unit PW40<br>Object 4550, Program 718067, Vendor 345379<br>Encumbrance/Contract No. CX-DWU-2018-00006268              | \$ 3,024,920.00      |
| Wastewater Capital Improvement Fund<br>Fund 2116, Department DWU, Unit PS40<br>Object 4560, Program 718068, Vendor 345379<br>Encumbrance/Contract No. CX-DWU-2018-00006268         | \$ 662,545.00        |
| Water Construction Fund<br>Fund 0102, Department DWU, Unit CW40<br>Object 3221, Program 718067X, Vendor 345379<br>Encumbrance/Contract No. CX-DWU-2018-00006268                    | \$ 2,214,765.00      |
| Wastewater Construction Fund<br>Fund 0103, Department DWU, Unit CS40<br>Object 3222, Program 718068X, Vendor 345379<br>Encumbrance/Contract No. CX-DWU-2018-00006268               | \$ <u>882,727.00</u> |
| Total amount not to exceed                                                                                                                                                         | \$14,751,802.00      |

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**AGENDA ITEM # 42****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

Outside City Limits

**DEPARTMENT:**

Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

2 T

---

**SUBJECT**

Authorize an increase in the construction services contract with Quest Civil Constructors, Inc. for additional work associated with the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant - Not to exceed \$741,065, from \$48,242,006 to \$48,983,071 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

The Elm Fork Water Treatment Plant located in Carrollton, Texas, is the second largest of three water treatment plants serving customers of the City of Dallas. On May 27, 2015, the City Council awarded the cleaning and rehabilitation of an existing 145 acre residuals basin site used for the collection of treatment process residuals.

This action will authorize Change Order No. 2 to the construction services contract for additional work identified during the construction of the residuals basin site improvements project. The additional work includes updating the automation controller to meet new permit requirements for discharge limits, relocating excess site material to meet the corridor development certificate requirement, and making adjustments to two manholes that discharge decant from the residuals basin site to the Elm Fork of the Trinity River.

This is the first project associated with the implementation of the \$300 million Elm Fork Water Quality Improvements Program and will help facilitate implementation of upcoming projects at the plant. The project addresses aging infrastructure and process changes, including residuals management, as recommended in the 2010 Water Quality Study. Residuals are a normal by-product of the drinking water treatment process and consist of solids removed from the source water by the addition of coagulants and the sedimentation process.

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Began Design          | November 2012 |
| Completed Design      | January 2015  |
| Began Construction    | June 2015     |
| Complete Construction | October 2018  |

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 27, 2015, City Council authorized a contract with Quest Civil Constructors, Inc. for the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant by Resolution No. 15-0978.

On January 11, 2017, City Council authorized an increase in the construction contract with Quest Civil Constructors, Inc. for additional work associated with the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant by Resolution No. 17-0092.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 11, 2018.

## **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$741,064.15

|                                  |                      |
|----------------------------------|----------------------|
| Construction Contract            | \$46,464,646.00      |
| Change Order No. 1               | \$ 1,777,360.46      |
| Change Order No. 2 (this action) | \$ <u>741,064.15</u> |

|                    |                 |
|--------------------|-----------------|
| Total Project Cost | \$48,983,070.61 |
|--------------------|-----------------|

## **M/WBE INFORMATION**

In accordance with the City's Business 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:

|                               |                        |                          |                      |                        |
|-------------------------------|------------------------|--------------------------|----------------------|------------------------|
| <b><u>Contract Amount</u></b> | <b><u>Category</u></b> | <b><u>M/WBE Goal</u></b> | <b><u>M/WBE%</u></b> | <b><u>M/WBE \$</u></b> |
| \$741,064.15                  | Construction           | 25.00%                   | 5.64%                | \$41,791.00            |

- Change Order No. 2 - 5.64% M/WBE participation
- This contract does not meet the M/WBE goal of 25.00%, and has a 18.47% Overall M/WBE participation

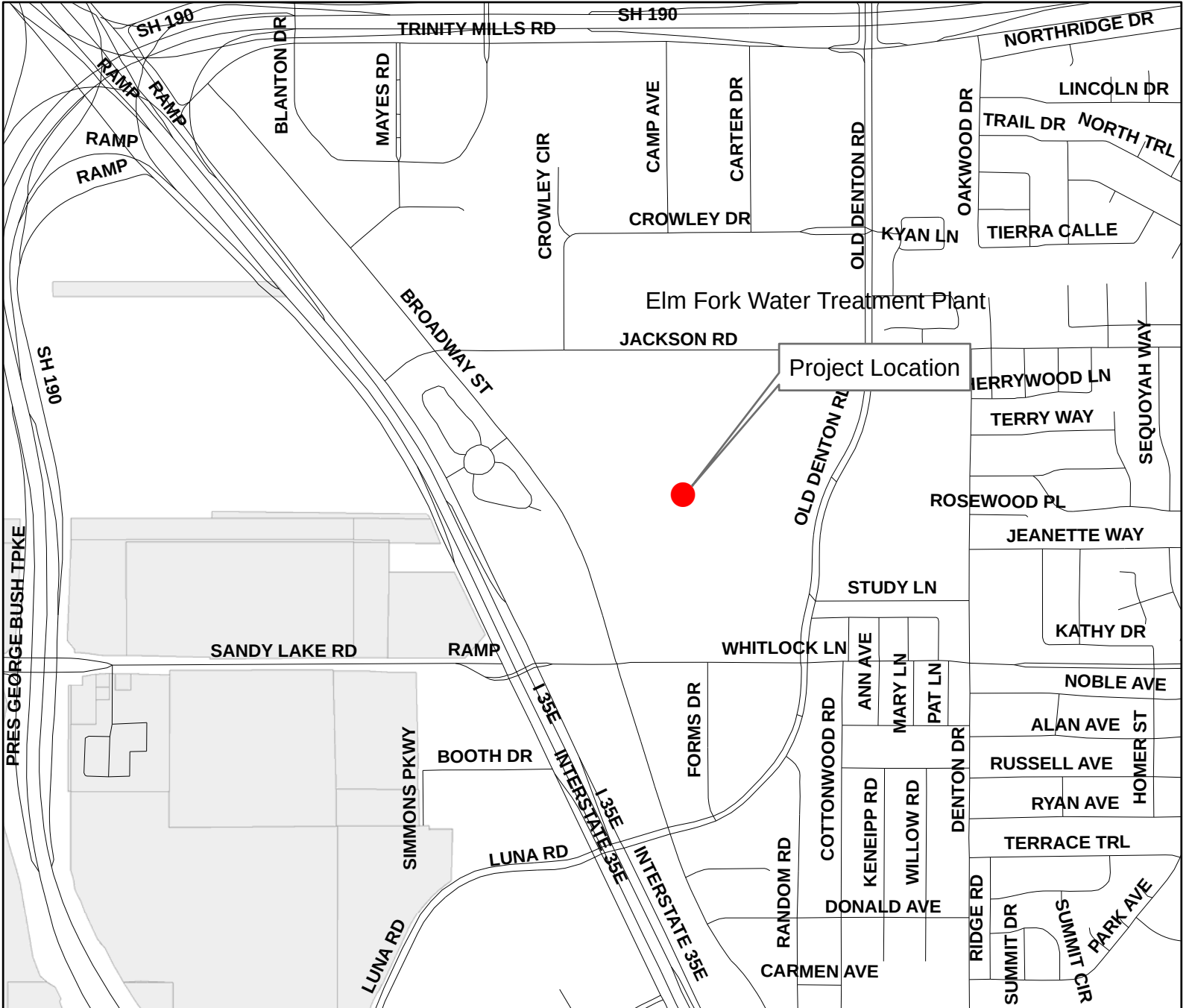
**OWNER**

**Quest Civil Constructors, Inc.**

Howard Birch, III, President

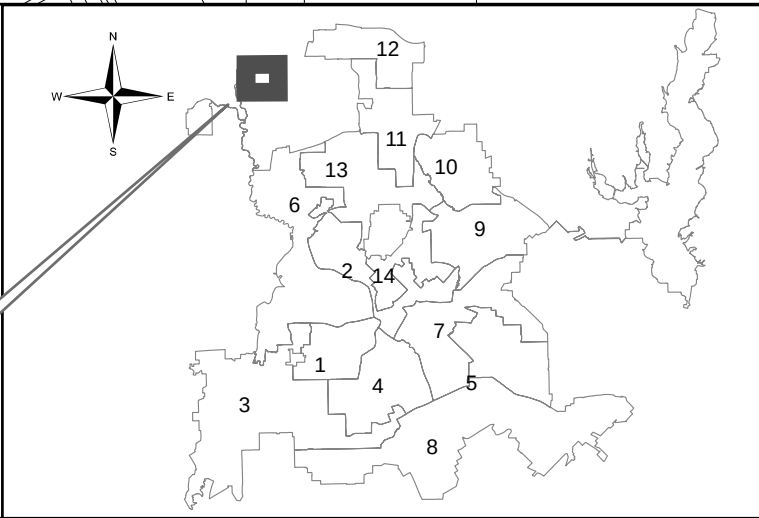
**MAP**

Attached



Mapsc0: 2 T

Council District: Outside City Limits



**Dallas Water Utilities**  
**Contract No. 15-005, Change Order No. 2**  
**Elm Fork Water Treatment Plant**  
**Cleaning and Rehabilitation of Residuals Basins Site**

June 13, 2018

**WHEREAS**, on May 27, 2015, City Council authorized a contract with Quest Civil Constructors, Inc. for the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant, in an amount not to exceed \$46,464,646.00, by Resolution No. 15-0978; and

**WHEREAS**, on January 11, 2017, City Council authorized Change Order No. 1 to the contract with Quest Civil Constructors, Inc. for the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant, in an amount not to exceed \$1,777,360.46, from \$46,464,646.00 to \$48,242,006.46, by Resolution No. 17-0092; and

**WHEREAS**, it is necessary to authorize Change Order No. 2 for additional work required to meet permit requirements and make adjustments to discharge infrastructure at the residuals basin site; and

**WHEREAS**, Quest Civil Constructors, Inc., 1903 West Parkside Lane, Suite 100, Phoenix, Arizona 85027, has submitted an acceptable proposal for this additional work; and

**WHEREAS**, Dallas Water Utilities recommends that Contract No. 15-005 be increased by \$741,064.15, from \$48,242,006.46 to \$48,983,070.61.

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Quest Civil Constructors, Inc. (Change Order No. 2) is authorized for additional work associated with the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant, in an amount not to exceed \$741,064.15, increasing the contract amount from \$48,242,006.46 to \$48,983,070.61.

**SECTION 2.** That the proposed Change Order No. 2 with Quest Civil Constructors, Inc. be accepted and that Contract No. 15-005 be revised accordingly.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$741,064.15 to Quest Civil Constructors, Inc. from the Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW31, Object 4320, Program 715005, Encumbrance CT-DWU715005CP, Vendor VS0000038219.

**SECTION 4.** That this contract is designated as Contract No. DWU-2016-00001447.

June 13, 2018

**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.



**DEPARTMENT:** City Secretary

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** N/A

---

**SUBJECT**

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



**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Attorney's Office

**CMO:**

Larry Casto, 670-3491

**MAPSCO:**

N/A

---

**SUBJECT**

An ordinance **(1)** appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2020; **(2)** appointing an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2020; and **(3)** establishing the annual salary for the full-time and associate (part-time) municipal judges and the administrative municipal judge - Financing: This action has no cost consideration to the City

**BACKGROUND**

Chapters 29 and 30 of the Texas Government Code and Chapter VII of the Dallas City Charter provide that the municipal court of record be presided over by municipal court judges and that the City Council shall appoint, to serve a two-year term, full-time municipal judges and associate (part-time) municipal judges to preside over the City of Dallas municipal court of record and designate an administrative judge.

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

On April 16, 2018, the Judicial Nominating Commission (JNC) voted to recommend to the Ad Hoc Judicial Nominations Committee (Ad Hoc Judicial) 18 candidates for 10 full time municipal judges, 27 candidates for 18 associate (part-time) municipal judge vacancies, and 3 candidates for 1 administrative municipal judge vacancy.

On April 23, 2018, Ad Hoc Judicial received the nominations from the JNC at its regularly scheduled meeting. In-lieu of in-person interviews, Ad Hoc Judicial requested responses to a set of questions to provide further information to assist City Council in their deliberations.

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

On June 11, 2018, Ad Hoc Judicial will convene to discuss nominations. Following their meeting, a memorandum will be distributed to the City Council with the recommended candidates and will be made available at the June 13, 2018 City Council meeting. Ordinances appointing the municipal judges will also be distributed to the City Council prior to the June 13 meeting.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Sanitation Services

**CMO:** Jody Puckett, 670-3390

**MAPSCO:** N/A

---

**SUBJECT**

An ordinance amending Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, by amending Sections 18-2 and 18-12.1; adding Article IV-a; **(1)** clarifying and adding definitions; **(2)** providing regulations for owners of multifamily sites regarding collection and removal of recyclable materials from multifamily sites; **(3)** adding a new article regarding multifamily site recycling collection and removal services; **(4)** providing permit and reporting requirements for multifamily site recycling collection service businesses; **(5)** provide guidelines regarding inspections of vehicles of multifamily site recycling collection service businesses and provisions regarding suspensions and revocations of recycling permits; and **(6)** providing a penalty not to exceed \$500 - Financing: No cost consideration to the City

**BACKGROUND**

Adoption of this ordinance amendment would create a universal recycling program for multifamily site properties with eight or more dwelling units. The program will require recycling of materials that are consistent with the current single family residential recycling program.

The property owners will be required to use a permitted multifamily site recycling collection service and provide an annual plan for the property. The property owner will be required to submit an annual plan that will be incorporated into the Code Compliance annual multi-tenant registration process and will include the number of property units, the number and size/capacity of trash and recycling containers, including collection frequency, list of materials accepted as part of the recycling collection, and information on any utilized recycling collection service provider. Additionally, the property owner will provide an affidavit that the property is complying with the recycling ordinance and submit any exemption requests or make a notation of an already approved exemption.

## **BACKGROUND** (continued)

The multifamily site recycling collection service providers must have a permit to operate in Dallas and will be required to provide annual reporting by February 1st of each year. The report will identify recycling facilities utilized during the prior year, tonnage delivered to recycling facilities from Dallas properties, number of properties served and total recycling capacity, and information on contamination percentages. The collection service must provide an affidavit that the submitter understands and is complying with Chapter 18 ordinance, including requirements related to signage, education and container location.

With Council approval, the program will commence on January 1, 2020. This will allow time for multifamily site recycling collection services to procure additional equipment, contract with recycling processors and amend collection contracts. Multi-family properties will be allowed to amend collection contracts, provide recycling container enclosures (if needed) and develop outreach/education methods and materials to educate residents. City staff will provide outreach and education regarding implementation and develop an in-depth recycling guide/technical guide. Staff will also develop on-line registration and reporting tools as well as permit recycling collection services.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Quality of Life, Arts & Culture Committee was briefed on the City of Dallas Zero Waste Plan: Multi-family/Commercial Update on January 22, 2018.

The Quality of Life, Arts & Culture Committee was briefed on the Universal Access to Recycling: Multi-family & Commercial on May 14, 2018.

## **FISCAL INFORMATION**

No cost consideration to the City.

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, by amending Sections 18-2 and 18-12.1; adding Section 18-5.1; adding Article IV-a; clarifying and adding definitions; providing regulations for owners of multifamily sites regarding collection and removal of recyclable materials from multifamily sites; adding a new article regarding multifamily site recycling collection and removal services; providing permit and reporting requirements for multifamily site recycling collection service businesses; provide guidelines regarding inspections of vehicles of multifamily site recycling collection service businesses and provisions regarding suspensions and revocations of recycling permits; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city seeks to increase residents’ access to recycling services because recycling reduces solid waste accumulations that are harmful to human health and the environment;

WHEREAS, recyclable materials are taking up valuable space at the city’s landfill when they could more beneficially be processed at recycling facilities;

WHEREAS, the city has passed a zero-waste plan and the regulations in this ordinance are consistent with the plan and will further the goals of the plan; Now, Therefore,

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

SECTION 1. That Section 18-2, “Definitions,” of Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended to read as follows:

**“SEC. 18-2 DEFINITIONS.**

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

(1) ALLEY. Any public way, generally of less width than a street, used for public utility purposes and right-of-way and as an alternate secondary or emergency route for vehicular and pedestrian traffic, generally situated at the rear of or alongside a tier of lots.

(2) ~~[APARTMENT. Apartment as defined by the building code.~~

~~(3)]~~ APARTMENT HOUSE. Apartment house as defined by the building code.

(3[4]) BRUSH. Cuttings or trimmings, individual pieces not exceeding six inches in diameter, from trees, shrubs, or lawns and similar materials, further categorized as:

(A) OVERSIZE BRUSH. Brush of lengths exceeding five feet.

(B) SIZED BRUSH. Brush of lengths not exceeding five feet.

(C) BUNDLED BRUSH. Sized brush tied in bundles, not exceeding 50 pounds in weight.

(D) CONTAINERIZED BRUSH. Sized brush in containers not exceeding a combined weight of 50 pounds.

(4[5]) BUILDING. A structure used or intended for supporting or sheltering any use or occupancy.

(5[6]) BUILDING CODE. The Dallas Building Code, as amended.

(6[7]) CITY. The city of Dallas, Texas.

(7[8]) CODE. The Dallas City Code, as amended.

(8[9]) COMMERCIAL ESTABLISHMENT. Any structure intended or used for the purpose of conducting a commercial business enterprise.

(9[10]) CONTAINER. A receptacle for the deposit of solid waste, including garbage and recyclable materials (meeting the requirements of Section 18-3 for containers).

(10[11]) DESIGNATED ALLEY. An alley that is not paved to city standard with concrete or asphalt, that has a right-of-way less than 12 feet in width, that deadends, that serves a dual use as a lined drainage channel, or that involves other unusual conditions and which has been designated by the director of sanitation.

~~[(12) Reserved.]~~

(11[13]) DIRECTOR OF SANITATION. The head of the department of sanitation services of the city or any authorized representative.



(12[14]) DOWNTOWN AREA. The area within the Dallas city limits bounded by the west line of Houston Street, the south line of all properties on the south side of Young Street, the east line of Pearl Street, and the south line of Gaston-Pacific extension.

(13[15]) DRIVE-IN SERVICE. Service involving city sanitation service employees driving in on private property to collect garbage or recyclable materials.

(14[16]) DRY SOLID WASTE. Trash (or rubbish), as defined in this section.

(15[17]) DUPLEX. A structure intended for the use and occupancy as two family dwelling units.

(16[18]) DWELLING UNIT. Dwelling unit has the meaning assigned in Section 51A-2.102 of the Dallas Development Code, as amended ~~[as defined by the building code]~~.

(17[19]) FOOD ESTABLISHMENT. Cafe, restaurant, or other similar establishment serving food or food products, including quick service drive-ins where food is prepared or served.

(18[20]) GARBAGE. Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other food products.

(19[21]) ILLEGALLY DUMPED SOLID WASTE. Any solid waste placed on property with or without the consent of the owner or person in control.

(20[22]) INDUSTRIAL SOLID WASTE. Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations.

(21[23]) INSTITUTION OR INSTITUTIONAL. Any church, church building, or structure housing any charitable or philanthropic ~~or eleemosynary~~ undertaking, or any school.

(22[24]) MANAGER. The person in charge of real estate used for apartment, institutional, or commercial purposes.

(23[25]) MANUAL COLLECTION. The service rendered in collecting municipal solid waste, including recyclable materials, in bags or from containers where sanitation workers pick up the bags and containers manually instead of by mechanical means.

(24[26]) MOBILE HOME PARK. Six or more mobile home type dwelling units or mobile home parking spaces that are:

- (A) all located on one lot under single ownership; and
- (B) only accessible by a private road.

(25[27]) MULCH. Cutting grass, weeds, and similar vegetation into fine particles.

(26) MULTIFAMILY SITE RECYCLING COLLECTION SERVICE. The business of removing recyclable material, for processing, from a multifamily site for compliance with Section 18-5.1 of this code.

(27) MULTIFAMILY SITE. Multifamily site means eight or more dwelling units on a lot.

(28) MUNICIPAL SOLID WASTE. Solid waste resulting from or incidental to municipal, community, commercial, and recreational activities, including garbage, trash (or rubbish), ashes, street cleanings, dead animals, and all other solid waste other than industrial solid waste.

(29) OCCUPANT. A person living on premises or in control of premises.

(30) OWNER. A person or the person's agent, including a condominium or homeowner's association, jointly or severally, with an ownership interest in a commercial establishment, multifamily site, residence, or duplex~~[The record title holder of real property].~~

(31) PACKOUT SERVICE. Service involving city sanitation service employees walking in on private property or walking in to a point that is not immediately adjacent to a location reasonably accessible to the standard city garbage or recycling truck by route of a public right-of-way to collect garbage or recyclable materials.

(32) PARKWAY. The area ordinarily intervening between the curb line of a street and the adjacent property line, or the sidewalk if a sidewalk exists.

(33) PERMITTEE. Any person licensed by the city of Dallas to contract to collect, remove, or dispose of solid waste.

(34) PERSON. Any individual, corporation, organization, partnership, association, or any other legal entity.

(35) PROPERTY LINE. The peripheral boundary of real estate.

(36) PUBLIC UTILITY EASEMENT. A right- of-way used or dedicated to be used by any public utility, including but not limited to services such as electricity, telephone, gas, solid waste collection, water, sewer, and drainage.

(37) PUBLIC WAY. Any street, alley, easement, or other right-of-way.

(38) RECYCLING. The process of collecting, sorting, cleansing, treating, and reconstituting recyclable materials for the purpose of using the altered form in the manufacture of a new product.

(39) RECYCLABLE MATERIAL. Any material or product designated in writing by the director of sanitation as being suitable for re-use and/or recycling.

(40) RESIDENCE. A structure intended for use and occupancy as a one family dwelling unit, including a mobile type dwelling unit that is not part of a mobile home park.

(41) ROLLCART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

- (A) has two wheels and a lid;
- (B) is designed to be lifted and emptied mechanically;
- (C) is too large for handling by manual means; and
- (D) is from 48 to 96 gallons.

(42) ROLLCART SERVICE. The service rendered in collecting municipal solid waste, including recyclable materials, by mechanical means from rollcart containers furnished by the city.

(43) SANITARY LANDFILL. A method of disposing of municipal solid waste on land without creating a nuisance or hazard to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at appropriate periodic intervals.

(44) SANITATION SERVICES. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, removal, disposal, and processing of municipal solid waste (including recyclable materials).

(45) STREET. Any public roadway for the passage of vehicular and pedestrian traffic.

(46) TRASH (OR RUBBISH). Municipal solid wastes other than garbage and further categorized as:

(A) BULKY TRASH. Furniture, appliances, tree trunks, and other similar objects too large for routine placement in normal compaction-type collection vehicles.

(B) YARD TRASH. Leaves, grass, twigs, and other similar objects.

(C) HOUSEHOLD TRASH. Paper, wood, glass, metal, cans, rags, cartons, rubber, plastic, and other similar materials.

(D) CONTAINERIZED TRASH. Household or yard trash in containers not exceeding a combined weight of 50 pounds.

(47) UNPAVED ALLEY. Any alley not paved with concrete or asphalt.

(48) VEGETATION. Any plant growth.

(49) VEHICLES. Every wheeled conveyance or any other device in, or by which any property may be transported or drawn upon a public street or highway, including devices used exclusively on stationary rails or tracks.

(50) WALKWAY. Any area, paved or unpaved, normally used as a pedestrian right-of-way.

(51) WET SOLID WASTE. Any putrescible animal or vegetable waste materials, other than waterborne waste material, resulting from the handling, preparation, cooking, or consumption of food, including waste material from markets, storage facilities, or the handling or sale of produce or other food products.”

SECTION 2. That Article I, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended by adding a new Section 18-5.1, “Collection and Removal of Recyclable Materials from Multifamily Sites,” to read as follows:

**“SEC. 18-5.1            COLLECTION AND REMOVAL OF RECYCLABLE MATERIALS FROM MULTIFAMILY SITES.**

(a) General regulations. The owner of a multifamily site shall:

(1) provide single stream, dual stream, or valet recycling through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(2) provide recycling container(s) through persons holding a multifamily site recycling collection service permit pursuant to Article IV-a of this chapter.

(3) provide and place recycling containers in locations within visibility of waste containers. If valet trash service is provided, the recycling service should be of a similar nature. If trash chute rooms or trash rooms are utilized, then the recycling service should be of a similar nature or should be as convenient for the tenant, such as placing a recycling container adjacent to the trash chute, if there is adequate space.

(4) provide information (e.g. posters, signs) in suitable common areas, such as mail rooms and laundry facilities, that discusses how to recycle at the property, including information on the types of recyclable materials that are acceptable using photos or images, the chasing arrows recycling symbol, locations of recycling containers, and onsite contact information to report overflowing recycling containers and contamination. If the property utilizes valet

recycling collection services, then only information regarding how to recycle and materials accepted is required.

(5) educate each tenant on recycling program implementation upon lease commencement and biannually thereafter of the following:

(A) the multifamily site provides access to recycling in accordance with Chapter 18 of the Dallas City Code;

(B) location of recycling containers;

(C) types of recycling materials accepted;

(D) information related to proper recycling practices, including that cardboard boxes should be broken down before placed in recycling containers;

(E) onsite contact information to report overflowing recycling containers and contamination; and

(F) information on how to report waste or recycling problems to the City of Dallas, utilizing 3-1-1, the 311 app or submitting an online service request.

(6) inform each tenant within 30 days of any significant change in recycling services to the multifamily site.

(7) for multifamily sites offering back-of-house and valet recycling, provide biannual training (or within 30 days of new employee start date) to those collecting recyclable materials of the following:

(A) types of clean and empty materials accepted in recycling containers;

(B) instruction to break down cardboard boxes before depositing into recycling containers serviced by a permitted multifamily site recycling collection service business;

(C) for multifamily sites providing valet recycling, instruction to empty plastic bags before depositing contents into recycling containers serviced by permitted multifamily site recycling collection service businesses and instruction to place plastic bags into waste or garbage containers to be landfilled;

(E) location of recycling containers; and

(F) onsite contact information for reporting overflowing recycling containers and contamination.

(8) submit an annual recycling plan to the director of sanitation as set forth in Subsection (g) of this section, along with an affidavit of compliance as part of the owner's annual multi-tenant registration or on a form approved by the director of sanitation.

(b) Recyclable materials for collection. The owner of a multifamily site must provide collection for recyclable materials that are consistent with those materials accepted by the city's residential recycling program, unless otherwise exempted by the director of sanitation.

(c) Recycling collection and capacity. The owner of a multifamily site must provide recycling container collection capacity equal to or greater than 11 gallons per unit, per week.

(d) Recycling containers. A recycling container must:

(1) be a roll cart, bin, wheelie bin, dumpster, or compactor. Wheelie bins, dumpsters, and compactors larger than two yards may have restricted access to prevent gross contamination; and

(2) comply with screening and other applicable regulations in the Dallas Development Code, as amended.

(e) Parking reduction. Minimum parking required for a multifamily site may be reduced in order to provide adequate space for recycling containers.

(f) Implementation.

(1) An owner of a multifamily site shall implement a multifamily site recycling program by January 1, 2020.

(2) An owner of a multifamily site applying for a certificate of occupancy after January 1, 2020, shall immediately comply with this section upon issuance of the property's certificate of occupancy and submit a recycling plan with their initial multi-tenant registration application.

(g) Recycling plans.

(1) The owner of a multifamily site shall submit a recycling plan each year, as part of their annual multi-tenant registration application, to the city. Initial recycling plans must be submitted upon the first annual multi-tenant registration after January 1, 2020. Electronic or hard copy of the recycling plan information should be available for inspection on site after January 1, 2020. The recycling plan must include the following information:

(A) name of permitted multifamily site recycling collection service business utilized;

(B) types of materials recycled;

(C) type, size, location(s), and frequency of recycling container(s) collection;

(D) a site map of the property showing current garbage and recycling locations, unless valet recycling service is provided and no community recycling containers are available;

(E) notation of any changes to the multifamily site recycling program in the previous calendar year, including but not limited to changes of the following: multifamily site recycling collection service business utilized or method of collection, if applicable; and

(F) any other information that the director of sanitation deems necessary, and is reasonable, to verify compliance with this ordinance or to enhance program reporting capabilities and other information.

(2) The owner of a multifamily site shall maintain records and examples of materials relevant to meeting the requirements of Section 18-5.1(a)(5) and make records available if requested by the city manager's designee, or that designee's authorized representative during an on-site inspection.

(3) The director of sanitation may reject a recycling plan if it does not contain the information specified in this section or meet the minimum requirements as defined in this section. The owner of a multifamily site shall submit a revised plan no later than 30 days from notification of the director of sanitation's determination to reject the plan.

(h) Inspection. For any multifamily site, the city manager's designee, or that designee's authorized representative, may conduct an inspection for compliance with this section and verify the site's provision of access to recycling services at any time or when an inspection under Section 27-42, of Chapter 27 of the Dallas City Code, as amended, is conducted, even if the multifamily site is not a rental property, as defined in Chapter 27 of the Dallas City Code, as amended.

(i) Exemptions and Implementation Extension.

(1) Section 18-5.1(a)(8) does not apply to multifamily sites that have a current contract with the City of Dallas to receive recycling collection services from the city.

(2) The owner of a multifamily site may submit to the director of sanitation, within 90 days of required recycling program implementation, a written request for an implementation extension and/or exemption from all or specifics provisions of the regulations of this section because of the owner's inability to comply. The director of sanitation will conduct a thorough evaluation on whether the owner demonstrated an inability to comply with the ordinance. The owner will receive a determination by the director of sanitation in writing within 60 days. The director of sanitation's decision will be final."

SECTION 3. That Subsection (c) of Section 18-12.1, “Penalties for Violation,” of Article IV, “Collection and Disposal,” of Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended to read as follows:

“(c) An offense under section 18-4(c)(1) is punishable by a fine of not more than \$500 or less than \$50. An offense under Section 18-4(e)(2) is punishable by a fine of not more than \$500 or less than \$150. An offense under Section 18-5.1(a)(1) is punishable by a fine of not more than \$500 or less than \$150. Each day’s violation shall constitute a separate offense and will be subject to the fines established in this section.”

SECTION 4. That Chapter 18, “Municipal Solid Wastes,” of the Dallas City Code, is amended by adding a new Article IV-a, “Private Recycling Collection and Removal Services,” to read as follows:

#### **“ARTICLE IV-a.**

#### **MULTIFAMILY SITE RECYCLING COLLECTION AND REMOVAL SERVICES.**

#### **SEC. 18-52. DIRECTOR OF SANITATION’S AUTHORITY.**

(a) The director of sanitation shall implement and enforce this article and may, by written order, promulgate rules or regulations consistent with this article and other applicable laws, as the director of sanitation determines are necessary to discharge any duty under this article or to achieve a purpose outlined in the scope of this chapter.

(b) The city manager’s designee, or that designee’s authorized representative may impound any vehicle or container used for the collection and removal of recyclable materials if its contents become foul, offensive, or otherwise hazardous to the public health or safety or if it is being used in violation of this chapter. A vehicle or container impounded under this subsection may not be moved without the consent of the city manager’s designee, or that designee’s authorized representative and may not be returned to service until the contents are properly disposed of and the vehicle or container is cleaned and brought into compliance with this chapter.

#### **SEC. 18-53. MULTIFAMILY SITE RECYCLING COLLECTION SERVICE.**

(a) Multifamily site recycling collection service permit.

(1) Recycling collection service permit required. A person who is in the business of collecting or removing recyclable materials from a multifamily site shall obtain a multifamily site recycling collection service permit from the city. A permit is not required for a business such as a building contracting, home repair, landscaping, roofing, or other similar business that incidentally collects or removes recyclable materials in performance of their service.



(2) Permit application requirements. To obtain a multifamily site recycling collection service permit, a person shall submit an application, on a form or in a manner approved by the director of sanitation, and shall include the following information:

- (A) the person's name, address, and notarized signature;
- (B) the person's form of business, and if, applicable, the documents establishing the form of business, including a list of directors and officers and their contact information;
- (C) a description of any past business experience in providing recycling collection and removal services as well as information related to revocation or suspension by the city, or by any other governmental entity, of a recycling permit, solid waste collection license, franchise, or similar authorization held by the applicant;
- (D) the number and description of vehicles to be used for recycling collection and removal services, including year, make, model, vehicle identification number, and state license registration number for each vehicle;
- (E) documentary evidence from an insurance company that the person or company has liability insurance and a commercial fleet policy;
- (F) documentation that applicant is registered and authorized to do business in the state of Texas;
- (G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed recycling collection service if the business establishment is located in the City of Dallas; and
- (H) any other information that the director of sanitation deems necessary and is reasonable in determining if the person is qualified to provide recycling collection and removal services at a multifamily site in compliance with this code.

(3) Fees and annual renewal. The fee for an initial multifamily site recycling collection service permit is \$275 and is non-refundable. The recycling permit must be renewed every twelve months for a fee of \$100 and is non-refundable.

(b) Recycling containers. A multifamily site recycling collection service business shall provide color coded recycling containers to its customers. The recycling containers must display the following affixed signage:

- (1) photo or images of recyclable materials accepted, minimum size of 18" x 12", must be on the front of the container, along with information or a graphic indicating that cardboard boxes should be broken down and "No Plastic Bags";

(2) the word “RECYCLING ONLY”, with minimum letter size of 12 inches, and chasing arrows symbol in prominent lettering and clearly labeled on the front recycling container; and

(3) contact information to report overflowing recycling containers and contamination.

(c) Recycling facilities. A multifamily site recycling collection service business shall transport collected recyclable materials to a recycling facility authorized to operate in the State of Texas.

(d) Reporting. A multifamily site recycling collection service business shall submit an annual report to the director of sanitation by February 1 of each year, beginning on February 1, 2021, on a form provided by the director of sanitation, and shall include the following information:

(A) multifamily site recycling collection service business’s contact information;

(B) tonnage of recyclable materials collected from multifamily sites in the city of Dallas in the prior calendar year. If collection routes require comingling of material collected outside the city, tonnage should be reported on a total basis and an appropriately prorated percentage to estimate Dallas tons;

(C) for the prior fiscal year, on average, the total number of units served and total weekly recycling capacity for multifamily sites in Dallas;

(D) name and location of materials recovery facilities or other recycling processing facility utilized in the prior calendar year;

(E) load reject rate used in the prior calendar year, as reported by materials recovery or recycling processing facilities;

(F) residue percentage rate used in the prior calendar year, as reported by materials recovery facilities or recycling processing facilities;

(G) documentary evidence, if requested, of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed multifamily site recycling collection service if the business establishment is located within the city; and

(H) any other information that may be reasonably requested by the director of sanitation regarding the recycling collection services.

(e) Customer education. A multifamily site recycling collection service business shall educate and inform each customer upon contracting and annually thereafter of the following:

(1) that the multifamily site recycling collection service business provides recycling collection services in accordance with Chapter 18 of the Dallas City Code;

(2) types and capacity of recycling containers that may be utilized;

(3) types of recyclable materials accepted to transport to a materials recovery facility;

(4) disclosure of additional fees assessed to multifamily sites that exceed the multifamily site recycling collection service business's allowable contamination rate;

(5) instruction on reducing contamination of recyclable materials; and

(6) the multifamily site recycling collection service business's information to request an audit of recyclables collected from a multifamily site.

#### **SEC. 18-54. INSPECTIONS, SUSPENSIONS, REVOCATIONS, AND PENALTIES.**

(a) Inspections, suspensions, and revocations. A multifamily site recycling collection service business's vehicles are subject to inspections in a manner approved by the director of sanitation. If a multifamily site recycling collection service business has three violations of this chapter, then the director of sanitation may suspend or revoke the recycling permit until such time that the director of sanitation determines the business is in compliance with this chapter.

(b) Penalties. A person who violates a provision of this article, or who fails to perform a duty required of him under this article, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted. An offense under this article is punishable by a fine not more than \$500 or less than \$150.

~~[SECS. 18-52 THRU 18-54. ——— RESERVED]~~

SECTION 5. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 6. That Chapter 18 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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 9. That this ordinance shall take effect January 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

13

**DEPARTMENT:**

Department of Sustainable Development and Construction

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

24K

---

**SUBJECT**

An ordinance amending Ordinance No. 30111, previously approved on June 15, 2016, which abandoned a portion of Montwood Lane and a garbage collection and utility easement, located near the intersection of Merrell and Midway Roads to The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc., to extend the deadline to complete alley improvements from two years to thirty-three months and provide for the requirement of a new condition - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the amendment of Ordinance No. 30111, previously approved on June 15, 2016, which abandoned a portion of Montwood Lane and a garbage collection and utility easement, located near the intersection of Merrell and Midway Roads to The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc.

The amendment will extend the deadline from 24 months to 33 months to complete alley improvements and provide for the requirement of a new condition.

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

On June 15, 2016, City Council authorized an ordinance abandoning a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners, containing a total of approximately 75,438 square feet of land, located near the intersection of Merrell and Midway Roads, authorizing the quitclaim and providing for the dedication of approximately 36,970 square feet of land needed for right-of-way by Resolution No. 16-1009; Ordinance No. 30111.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 11, 2018.

**FISCAL INFORMATION**

Revenue - \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**The Episcopal School of Dallas, Inc.**

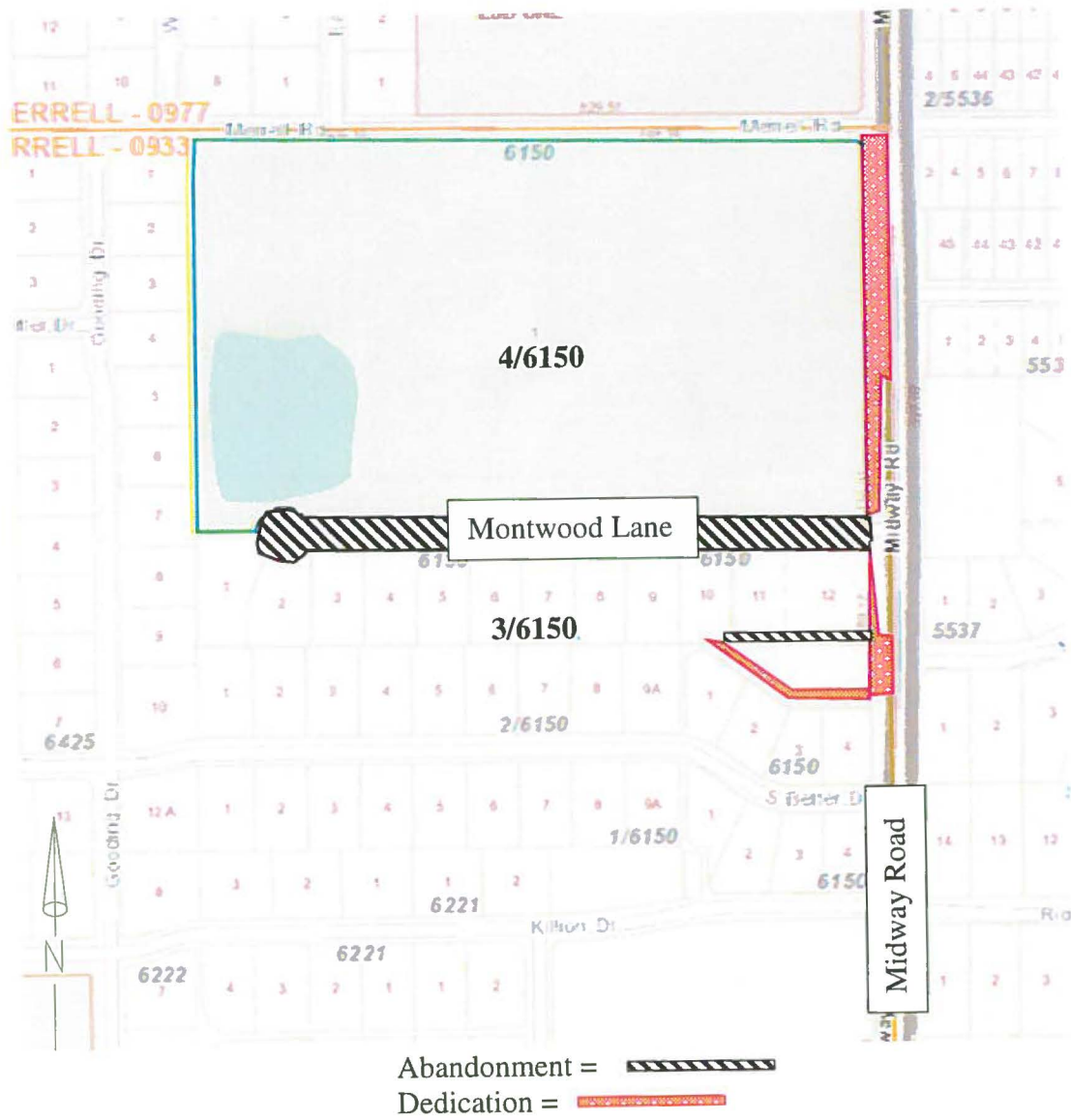
Erin Mayo, President

**WBL Family Investments, Inc.**

Stephen B. Swann, Director

**MAP**

Attached







**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Ordinance No. 30111, by altering Section 9 to extend the two year deadline for alley improvements; and alter Section 11 to provide for obligation of a new condition, adding a new Exhibit D; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

**oooOooo**

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

**SECTION 1.** That Ordinance No. 30111 adopted by the City Council of the City of Dallas on June 15, 2016, be and the same is hereby amended by altering Section 9 to extend the two year deadline for alley improvements; and alter Section 11 to provide for obligation of a new condition, adding a new Exhibit D to read as follows:

**SECTION 9.** That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall complete construction of alley right-of-way improvements within the dedication area, being Exhibit C-Tract 3, to be conveyed to the City of Dallas as described in Section 13 herein. **GRANTEE** shall complete alley right-of-way improvements prior to any barricading of the abandoned right-of-way pursuant to Section 17. All alley right-of-way construction shall comply with the City of Dallas street construction standards. Failure to complete alley right-of-way improvements within the dedication area, being Exhibit C-Tract 3, within ~~two years~~ 33 months of the effective date of this ordinance and prior to barricading or removal of the abandoned right-of-way in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

**SECTION 11.** That as a condition of the abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- (a) Ensure the alley right-of-way improvements shall be constructed at a width of least 16 feet wide;

**SECTION 1.** (continued)

- (b) Ensure height clearance of dedication area, being Exhibit C-Tract 3, meet a minimum of 15 feet in height, measured from the surface of pavement, to avoid obstruction of City of Dallas Sanitation vehicles-;
- (c) Maintain a landscaped buffer to include the installation of a minimum nineteen (19), four (4) inch caliper trees and a board on board eight-foot fence as described in the Fence and Landscape plan, being Exhibit D. **GRANTEE** shall comply with the Fence and Landscape Plan and said installation of improvements shall be acceptable to the Director of the Department of Sustainable Development and Construction and Chief Arborist.

**SECTION 2.** That, as consideration for amending Ordinance No. 30111, The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc. agree to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

**SECTION 3.** 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 4.** That the terms and conditions of Ordinance No. 30111 shall remain in full force and effect except as amended hereby.

**SECTION 5.** 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.

**SECTION 5.** (continued)

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 alley improvements set forth in Section 9, 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 (1) year after its passage.

**SECTION 6.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00006161.

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

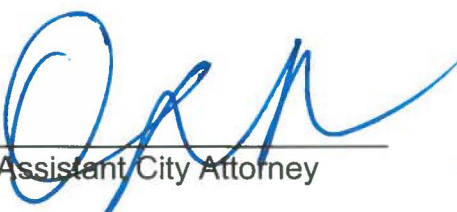
APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

DAVID COSSUM, Director

Department of Sustainable Development and Construction

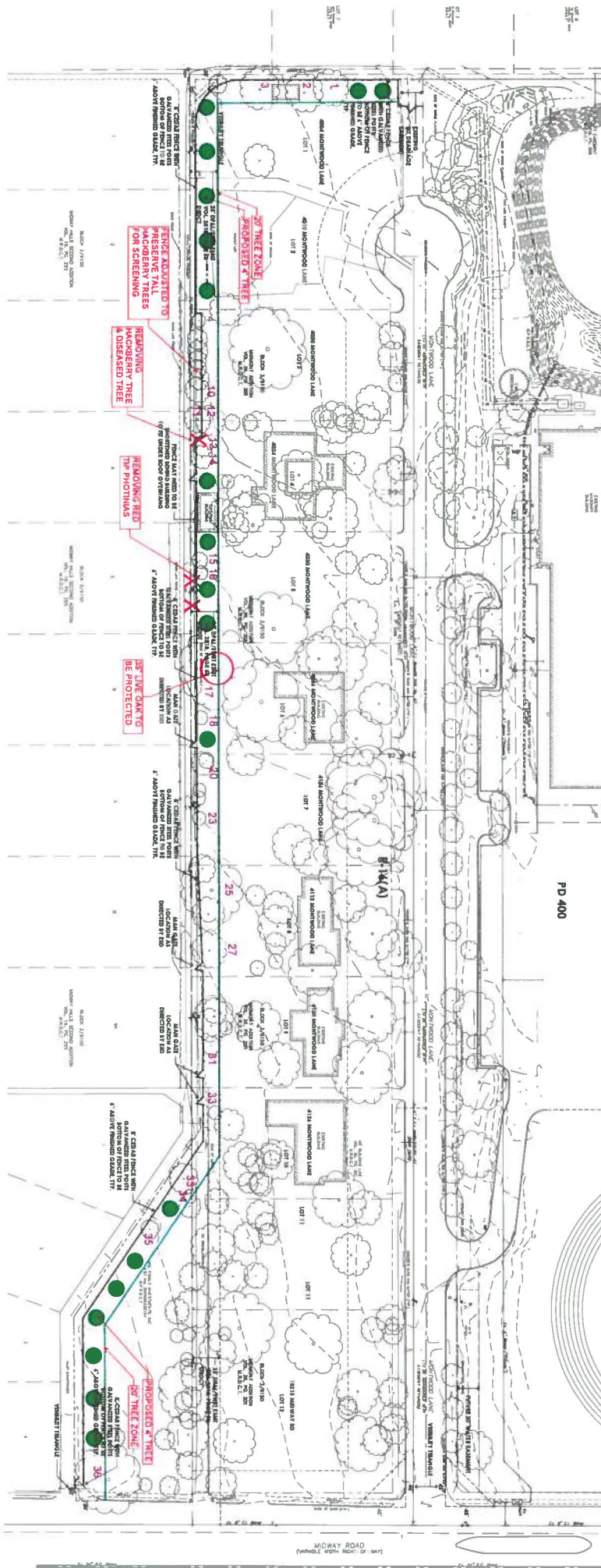
BY: \_\_\_\_\_

  
Assistant City Attorney

BY: \_\_\_\_\_

  
Assistant Director

Passed \_\_\_\_\_.



FENCE AND LANDSCAPE EXHIBIT  
FOR MONTWOOD ABANDONMENT  
ORDINANCE NO. 30111 EXTENSION

**EPISCOPAL SCHOOL OF DALLAS**

FENCE EXHIBIT

THE PERFORMANCE SHOWN IS BASED ON THE BEST PERFORMANCE AVAILABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

**AGENDA ITEM # 47****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Mayor and City Council Office

**CMO:**

T.C. Broadnax, 670-3297

**MAPSCO:**

N/A

---

**SUBJECT**

A resolution amending City Council Rules of Procedure Section 6.1(c)(1) to begin the second Wednesday city council voting agenda meeting at 2:00 p.m., with the public hearings to begin not earlier than 6:00 p.m. - Financing: Future cost consideration to the City (Medrano, Narvaez, Kingston, Felder, Griggs)

**BACKGROUND**

City Council Rules of Procedure set the time that city council briefing and voting agenda meetings begin. Currently, the city council holds two briefing meetings and two voting agenda meetings each month beginning at 9:00 a.m., with the voting agenda meeting public hearings to begin no earlier than 1:00 p.m.

Many Dallas citizens are affected by the public hearing items, but work in the afternoon or must take time off work to attend the meeting.

Thus, to encourage open government and public participation in the public hearing process, the city council will consider amending its City Council Rules of Procedure to schedule at least one city council agenda meeting in the afternoon, with public hearings to begin in the evening.

**FISCAL INFORMATION**

General Fund - Cost to be determined

# Memorandum

RECEIVED

2018 APR 25 PM 4:55

CITY SECRETARY  
DALLAS, TEXAS



City of Dallas

DATE 04/25/2018

TO The Honorable Michael S. Rawlings

FROM Deputy Mayor Pro Tem Adam Medrano, District 2

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:

A resolution amending City Council Rules of Procedure Section 6.1(c)(1) to begin the second Wednesday city council voting agenda meeting at 2:00 pm., with the public hearings to begin not earlier than 6:00 p.m.

## BRIEF BACKGROUND:

City Council Rules of Procedure set the time that city council briefing and voting agenda meetings begin. Currently, the city council holds two briefing meetings and two voting agenda meetings each month beginning at 9:00 a.m, with voting agenda meeting public hearings to begin no earlier than 1:00 p.m.

Many Dallas citizens are affected by public hearing items, but work in the afternoon or must take time off work to attend the hearing.

Thus, to encourage open government and public participation in the public hearing process, the city council desires to amend its City Council Rules of Procedure to schedule at least one city council agenda meeting in the afternoon, with public hearings to be begin in the evening.

Submitted for consideration by:

DMPT Adam Medrano, District 2

Printed Name, District #

*Adam Medrano*

Signature

Supporting Council Member Signatures (4 Signatures Only):

Omar Narvaez District 6

Printed Name, District #

Philip Kingston 14

Printed Name, District #

*Omar Narvaez*

Signature

*Philip Kingston*

Signature

Kevin Felder #7

Printed Name, District #

SCOTT GRIGGS, D1

Printed Name, District #

Kevin Felder

Signature

SCOTT GRIGGS

Signature

Attachment: Draft Resolution or Ordinance

c: Honorable Council Members  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Biliera Johnson, Interim City Secretary  
Scott Goldstein, Chief of Policy and Communications, Office of the Mayor

Memorandum form for a five-person request to place an item on the agenda



**COUNCIL CHAMBER**

04/25/2018

**WHEREAS**, the City Council Rules of Procedure, adopted by the city council, set the time that the City Council briefing and voting agenda meetings begin;

**WHEREAS**, City Council meets on Wednesdays for two briefing meetings and two agenda meetings each month, which begin at 9:00 a.m., with public hearings no earlier than 1:00 p.m. on the second and fourth Wednesdays;

**WHEREAS**, many Dallas citizens are affected by public hearing items held not earlier than 1:00 p.m. on the second and fourth Wednesday voting agenda meetings, but are often at work or must take time off work to attend; and

**WHEREAS**, to encourage open government and public participation in the public hearing process, the city council wishes to amend its City Council Rules of Procedure to provide that at least one City Council agenda meeting per month begin in the afternoon with the public hearing to begin in the evening.

**Now, Therefore,**

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

**SECTION 1.** That Subparagraph (1) of Paragraph (c), "Voting Agenda Meetings," of Subsection 6.1, "Agenda," of Section 6, "Order of Business," of the City Council Rules of Procedure is amended to read as follows:

"(1) On the second and fourth Wednesday of each month, the city council will hold a voting agenda meeting. On the second Wednesday, the voting agenda meeting shall begin at 2:00 p.m. On the fourth Wednesday, the voting agenda meeting ~~[which]~~ shall begin at 9:00 a.m. At a voting agenda meeting, the city council shall hear speakers who wish to comment on matters that are scheduled on the city council's voting consent and individual item agenda for that day. The city council shall also hear open microphone speakers. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules. Upon completion of any speakers allowed under Subsection 6.3 to speak at the beginning of the meeting, the city council will consider the minutes, the consent agenda, and individual items for consideration until 5:00 p.m. on the second Wednesday, and noon on the fourth Wednesday, when city council [they] shall recess. On the second Wednesday, the city council shall reconvene no earlier than 6:00 p.m. to conduct public hearings. On the fourth Wednesday, the city council shall reconvene n[N]o earlier than 1:00 p.m. [the city council shall reconvene] to conduct public hearings. At the completion of the public hearings, the city council shall resume its voting agenda."



**SECTION 2.** That the City Council Rules of Procedure, as amended, will remain in full force and effect, save and except as amended by this resolution.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

**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 resolution by dating, initialing, and placing their district number below.**

|             |                    |                    |             |                    |
|-------------|--------------------|--------------------|-------------|--------------------|
| <u>4/25</u> | <u>04/25</u>       | <u>04/25</u>       | <u>4/25</u> | <u>4/25</u>        |
| DATE        | DATE               | DATE               | DATE        | DATE               |
| <u>AM</u>   | <u>[Signature]</u> | <u>[Signature]</u> | <u>KF</u>   | <u>[Signature]</u> |
| CM INITIAL  | CM INITIAL         | CM INITIAL         | CM INITIAL  | CM INITIAL         |
| <u>2</u>    | <u>6</u>           | <u>14</u>          | <u>7</u>    | <u>1</u>           |
| DIST. NO.   | DIST. NO.          | DIST. NO.          | DIST. NO.   | DIST. NO.          |



June 13, 2018

**WHEREAS**, the City Council Rules of Procedure, adopted by the city council, set the time that the City Council briefing and voting agenda meetings begin: and

**WHEREAS**, City Council meets on Wednesdays for two briefing meetings and two agenda meetings each month, which begin at 9:00 a.m., with public hearings no earlier than 1:00 p.m. on the second and fourth Wednesdays; and

**WHEREAS**, many Dallas citizens are affected by public hearing items held not earlier than 1:00 p.m. on the second and fourth Wednesday voting agenda meetings, but are often at work or must take time off work to attend; and

**WHEREAS**, to encourage open government and public participation in the public hearing process, the city council wishes to amend its City Council Rules of Procedure to provide that at least one City Council agenda meeting per month begin in the afternoon with the public hearing to begin in the evening.

**Now, Therefore,**

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

**SECTION 1.** That Subparagraph (1) of Paragraph (c), "Voting Agenda Meetings," of Subsection 6.1, "Agenda," of Section 6, "Order of Business," of the City Council Rules of Procedure is amended to read as follows:

"(1) On the second and fourth Wednesday of each month, the city council will hold a voting agenda meeting. On the second Wednesday, the voting agenda meeting shall begin at 2:00 p.m. On the fourth Wednesday, the voting agenda meeting ~~[which]~~ shall begin at 9:00 a.m. At a voting meeting, the city council shall hear speakers who wish to comment on matters that are scheduled on the city council's voting consent and individual item agenda for that day. The city council shall also hear open microphone speakers. Speakers shall appear in accordance with applicable rules established in Subsection 6.3 of these rules. Upon completion of any speaker allowed under Subsection 6.3 to speak at the beginning of the meeting, the city council will consider the minutes, the consent agenda, and individual items for consideration until 5:00 p.m. on the second Wednesday, and noon on the fourth Wednesday, when city council ~~[they]~~ shall recess. On the second Wednesday, the city council shall reconvene no earlier than 6:00 p.m. to conduct public hearings. On the fourth Wednesday, the city council shall reconvene n[~~N~~]o earlier than 1:00 p.m. ~~[the city council shall reconvene]~~ to conduct public hearings. At the completion of the public hearings the city council shall resume its voting agenda."

June 13, 2018

**SECTION 2.** That the City Council Rules of Procedure, as amended, will remain in full force and effect, save and except as amended by this resolution.

**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.

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

8

**DEPARTMENT:**Office of Economic Development  
Department of Public Works**CMO:**Raquel Favela, 671-5257  
Majed Al-Ghafry, 670-3302**MAPSCO:**

63 S T U W X and Y

---

**SUBJECT**

Authorize the following agreements in consideration of the renovation and redevelopment of the shopping mall located at 3662 West Camp Wisdom Road known as Red Bird Mall to authorize: **(1)** a conditional grant agreement with 3662 Investors LP or an affiliate thereof in an amount not to exceed \$10,000,000; **(2)** a 15-year interest only loan in an amount not to exceed \$12,000,000 with 3662 Investors LP or an affiliate thereof; **(3)** a development agreement awarding an amount not to exceed \$15,600,000 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District with 3662 Investors LP or an affiliate thereof; **(4)** an assignment of all increment payable under the development agreement to the City of Dallas; **(5)** an amendment to the existing Chapter 380 grant agreement with WCWRD Inc. to extend all dates in the agreement by 18 months; **(6)** a loan payment guarantee agreement with 3662 Investors LP; and **(7)** an increase in appropriations in an amount not to exceed \$8,012,200 in ECO (I) Fund - Total not to exceed \$37,600,000 - Financing: 2006 Bond Funds (\$244,518), 2012 Bond Funds (\$1,743,282), 2017 Bond Funds (\$8,012,200), Mall Area Redevelopment TIF District Funds (\$15,600,000) and Public/Private Partnership Funds (\$12,000,000)

**BACKGROUND**

3662 Investors LP, a Texas limited partnership controlled by the Brodsky Family Trust, (Developer) submitted an incentive application to the City of Dallas for the renovation and redevelopment of a shopping mall located at 3662 W. Camp Wisdom Road known as Red Bird Mall. The property is surrounded by "E", "F", and "G" markets using the classifications of the Market Value Analysis, as shown on Exhibit A attached to the resolution.

## **BACKGROUND** (continued)

Red Bird Mall originally opened in 1975, and was named to reflect the surrounding Red Bird area of Dallas. In 1997 the mall was sold and rebranded as Southwest Center Mall. The property struggled with vacancy, disrepair, and financial hardship through the last twenty years. In 2009 the City commissioned an Urban Land Institute (ULI) report to recommend strategies for transforming the mall.

The report found strong community support for renovation of the mall, but flagged issues such as fragmented ownership, lack of a master plan, and lack of strong City commitment to the project.

Several of the issues identified in the ULI report have been addressed. In 2014, the City established the Mall Area Redevelopment Tax Increment Financing District to support redevelopment of Red Bird Mall and another mall site, Valley View Mall. Beginning in 2015, the Developer began acquiring the fragmented properties from the multitude of owners, and now owns 78 acres and 719,332 square feet of buildings including the main mall building and the former JCPenney, Dillards, and Macy's properties. The Developer also engaged OmniPlan, the designer of Dallas' iconic NorthPark Center, to prepare a master plan for the site.

The proposed redevelopment project will update the mall into a more contemporary and relevant mixed-use development with refined options for shopping, dining, and entertainment for southern Dallas citizens. The Developer plans to renovate and repurpose some of the existing mall structure into Class A office space, medical offices, and retail space, and develop new green spaces and new retail, restaurant, and entertainment options. The developer will also prepare sites for sale to hotel and residential multi-family developers. Primary project elements include:

- Re-grading the overall site to remove multi-level mall elevations and promote walkability;
- Upgrading and rerouting utilities to accommodate increased density and create commercial pad sites within the development;
- Demolishing approximately 100,000 square feet of the existing mall structure to accommodate a new street;
- Establishing a one-acre green space for programming and community gathering;
- Renovating and modernizing existing mechanical, electrical and structural systems to create an office environment on the second floor of the mall and former anchor tenants;

## **BACKGROUND** (continued)

- Construction of a minimum of 100,000 square feet of new retail, restaurant, and entertainment buildings;
- Preparing and conveying properties within the mall site to a hotel user approved by the Director of the Office of Economic Development for the construction of a minimum 125-room hotel and conference center, and to a residential developer approved by the Director of the Office of Economic Development for a minimum 250-unit multi-family development; and
- Enhanced landscape, hardscape, and outdoor lighting.

The total project cost is estimated at \$157,173,878, including \$21,770,664 of land acquisition. Corinth Properties, a seasoned development group with experience in repositioning aging retail, has partnered with the Developer.

The City will provide up to \$22,000,000 in gap financing for the construction of the project. The funds will be funded from several sources:

1. Up to \$8,012,200 in 2017 General Obligation Bond Funds from Proposition I (Economic Development and Housing) to be awarded as a conditional grant;
2. Up to \$1,743,282 in 2012 General Obligation Bond Funds from Proposition 1 (Street and Transportation Improvements), to be awarded as a conditional grant; and
3. Up to \$244,518 in 2006 General Obligation Bond Funds from Proposition 1 (Street and Transportation Improvements), to be awarded as a conditional grant; and
4. \$12,000,000 in Public/Private Partnership (P/PP) Funds to be awarded pursuant to a development agreement as a Chapter 380 loan.

The general obligation bond funds awarded as a conditional grant will be used for capitalized costs of the project and in conformance with any requirements of the bond propositions. Funds will be paid to the Developer on a reimbursement basis.

The P/PP Fund loan will be an interest-only loan with a 15-year term and a 2 percent flat simple interest rate. Funds may be used for infrastructure construction expenses. Annual interest payments of \$240,000 shall be due on the anniversary of the note date, and are payable solely from increment collected under the assignment of Tax Increment Financing (TIF) described below. If increment is not available to fully pay any interest payment when due, the unpaid portion of the payment will roll forward as an obligation to be collected on the next interest payment due date. All principal, unpaid interest, and any other funds due under the loan will be due in one balloon payment on the maturity date of the note. Up to \$6 million of loan funds will be advanced in 2019.

## **BACKGROUND** (continued)

The remaining \$6 million will be advanced only after all 2017 General Obligation Bond Funds have been expended, but not earlier than January 1, 2020.

The loan described above will be secured by a lien of record filed against all property owned by Developer or its affiliates or subsidiaries in the Westmoreland-IH 20 Sub-District of the Mall Area Redevelopment Tax Increment Financing District.

The lien will be subordinate to existing liens by Frost Bank and Texas Capital Bank and to future construction and permanent lenders, and the City will consent to any Property Assessed Clean Energy (PACE) assessment lien providing financing for the project. As additional security, 3662 Investors LP, the parent company that controls ownership and development of Red Bird Mall, will execute a payment guarantee which will guarantee payment of any principal, interest, or other amounts due on the note on the maturity date, and (ii) Developer will purchase or cause the general contractor to purchase a payment and performance bond for all work funded fully or partially with any City funding source. Such bond or bonds will name the City as an obligee.

In addition to the up to \$22,000,000 in gap funding, the City will award the developer tax increment funds from the Mall Area Redevelopment TIF District in an amount not to exceed \$15,600,000, which is equal to the total amount of all principal and interest due under the loan agreement. Simultaneously with execution of the development agreement awarding the TIF funds, the developer will execute an assignment of all increment payments under the development agreement to the City of Dallas P/PP Fund. As assigned increment is paid to the City of Dallas it will be used to pay interest payments currently due, with any additional increment credited toward future principal and interest payments under the loan agreement. If the amount of increment collected prior to the maturity date of the loan agreement's note is insufficient to pay all principal, interest, and other amounts due under the note, City may execute its security interest under its lien, execute its interest as an obligee under the payment and performance bond purchased by the Developer, and/or collect payment pursuant to the payment guarantee executed by 3662 Investors, LP.

City Council's approval of this item will authorize the City Manager to execute the conditional grant agreement, the loan agreement, the development agreement, the assignment, the amendment to the Chapter 380 agreement, and the loan payment guarantee, as well as any other related documents.

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Begin Construction    | January 2019  |
| Complete Construction | December 2024 |



### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 14, 2014, City Council authorized the establishment of the Mall Area Redevelopment TIF District by Resolution No. 14-0783; Ordinance No. 29340.

On June 17, 2015, City Council authorized the final Project Plan and Reinvestment Zone Financing Plan for the Mall Area Redevelopment TIF District and participation agreement with Dallas County for Tax Increment Financing Reinvestment Zone Number Twenty One by Resolution No. 15-1145; Ordinance No. 29771.

On January 13, 2016, City Council authorized a Chapter 380 grant agreement in the amount of \$2,400,000 with WCWRD Inc., an affiliate of the Developer by Resolution No. 16-0103

Information about this item will be provided to the Economic Development and Housing Committee on June 4, 2018.

### **FISCAL INFORMATION**

2006 Bond Funds - \$244,518

2012 Bond Funds - \$1,743,282

2017 Bond Funds - \$8,012,200

Mall Area Redevelopment TIF Funds - \$15,600,000

Public/Private Partnership Funds - \$12,000,000

### **OWNER/DEVELOPER**

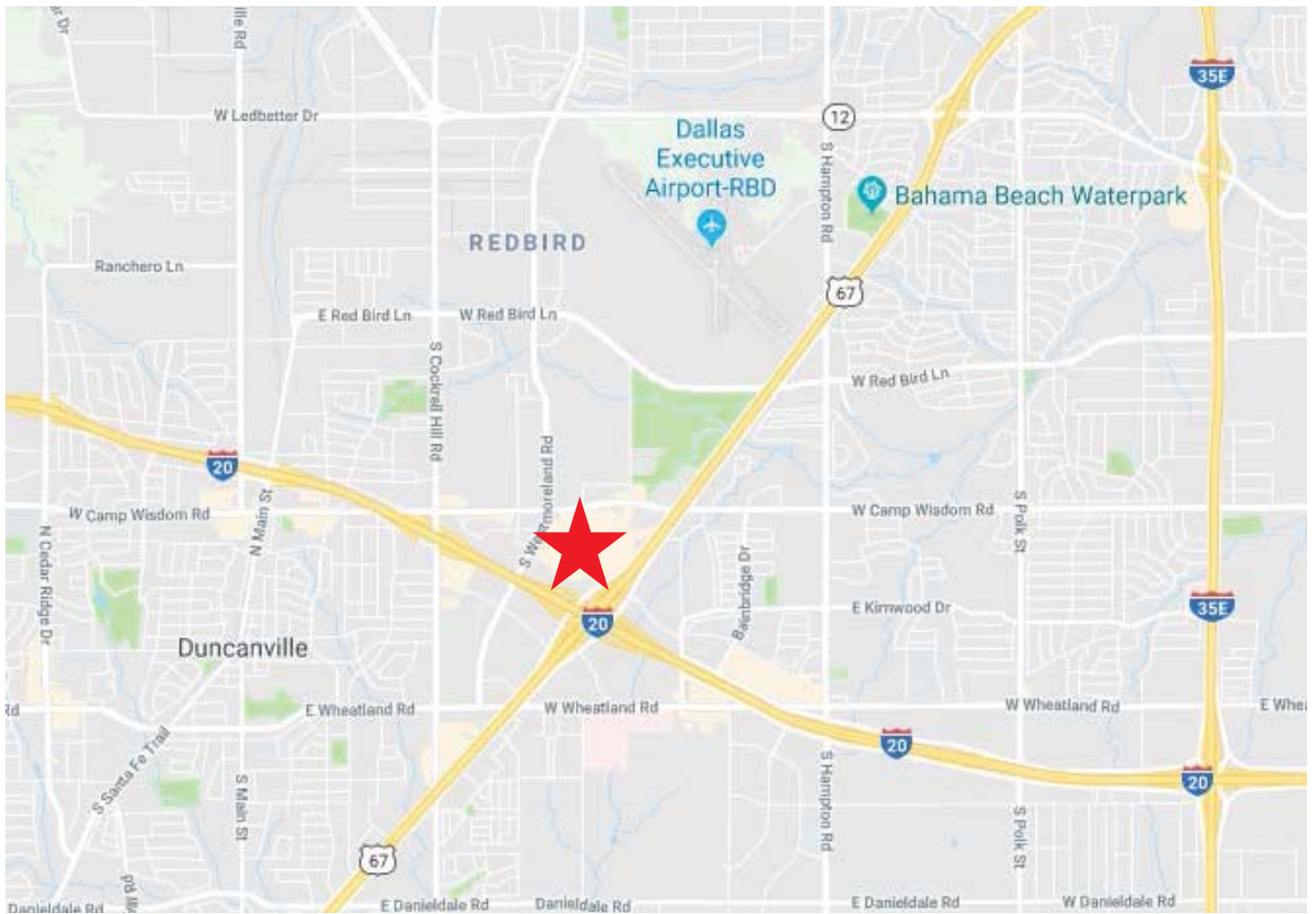
#### **3662 Investors, LP**

Peter S. Brodsky, Trustee of the Brodsky Family Trust, which is the 100% owner of 3662 Investors GP, LLC, the general partner of the Owner/Developer

### **MAP**

Attached

# Location Map



June 13, 2018

**WHEREAS**, 3662 Investors, LP or an affiliate thereof (Developer) wishes to partner with the City of Dallas to renovate the shopping mall located at 3662 W. Camp Wisdom Road known as Red Bird Mall; and

**WHEREAS**, the proposed Project will support increased density and diversified uses (e.g. retail, office, entertainment, and open space uses) in a more pedestrian-oriented development pattern that will enhance economic vibrancy and quality of life in the area and provide permanent employment opportunities; and

**WHEREAS**, the proposed Project is located in a Redevelopment Area as designated in the Comprehensive Housing Policy adopted by City Council on May 9, 2018; and

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, the use of economic development incentives is a necessary tool in attracting catalyst developments to southern Dallas; and

**WHEREAS**, on December 14, 2016, pursuant to Resolution No. 16-1984, the City Council (1) authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code; and

**WHEREAS**, the Red Bird community and southern Dallas have endured the decline of Red Bird Mall over the past twenty years, and during that time the City has struggled with how to deal effectively with the mall; and

**WHEREAS**, the proposed Reimagine Red Bird Project represents a catalyst first step to facilitate a larger, multi-phased redevelopment effort of the entire mall site; and

**WHEREAS**, on May 14, 2014, City Council authorized the designation of Tax Increment Reinvestment Zone Number Twenty in accordance with the Tax Increment Financing Act, as amended, V.T.C.A. Texas Tax Code, Chapter 311, by Resolution No. 14-0783; Ordinance No. 29340; and

June 13, 2018

**WHEREAS**, the Mall Area Redevelopment TIF District was created to stimulate private investment and sustain the orderly redevelopment and revitalization of two commercial core assets of the City while taking advantage of each area's strategic regional location at the crossroads of key transportation corridors; and

**WHEREAS**, the Mall Area Redevelopment TIF District comprises two non-contiguous sub-districts: (1) the Montfort-IH 635 Sub-District for the Valley View Center Mall area in northern Dallas and (2) the Westmoreland-IH 20 Sub-District for the Red Bird Mall area in southern Dallas; and

**WHEREAS**, on June 17, 2015, City Council authorized the Mall Area Redevelopment TIF District Project Plan and Reinvestment Zone Financing Plan by Resolution No. 15-1145; Ordinance No. 29771; and

**WHEREAS**, the Westmoreland-IH 20 Sub-District has experienced significant economic and physical decline over the last twenty years, and the proposed Project will remove barriers to the comprehensive redevelopment of the Westmoreland-IH 20 Sub-District that would not otherwise occur without City funding support; and

**WHEREAS**, on May 31, 2018, the Mall Area Redevelopment TIF District Board of Directors reviewed the proposed Project and recommended City Council authorization of a development agreement with 3662 Investors, LP and/or its affiliates in an amount not to exceed \$15,600,000 in tax increment funding payable from future tax increment funding from the Mall Area Redevelopment TIF District funds in consideration of Developer's renovation and redevelopment of the shopping mall located at 3662 W. Camp Wisdom Road known as Red Bird Mall; and

**WHEREAS**, on June 4, 2018, the Economic Development and Housing Committee reviewed the proposed project and recommended City Council authorization of the following agreements in consideration of the renovation and redevelopment of the shopping mall located at 3662 W. Camp Wisdom Road known as Red Bird Mall: (1) a conditional grant agreement with 3662 Investors LP or an affiliate thereof in an amount not to exceed \$10,000,000; (2) a 15-year interest-only loan in an amount not to exceed \$12,000,000 with 3662 Investors LP or an affiliate thereof; (3) a development agreement awarding an amount not to exceed \$15,600,000 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District with 3662 Investors LP or an affiliate thereof; (4) an assignment of all increment payable under the development agreement to the City of Dallas; and (5) an amendment to the existing Chapter 380 grant agreement with WCWRD Inc. to extend all dates in the agreement by 18 months, and (6) a loan payment guarantee agreement with 3662 Investors LP.

June 13, 2018

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 the following agreements related to renovation of the shopping mall located at 3662 West Camp Wisdom Road known as Red Bird Mall: **(1)** a conditional grant agreement with 3662 Investors LP or an affiliate thereof in an amount not to exceed \$10,000,000; **(2)** a 15-year interest-only loan in an amount not to exceed \$12,000,000 with 3662 Investors LP or an affiliate thereof; **(3)** a development agreement awarding in an amount not to exceed \$15,600,000 in tax increment funding from the Mall Area Redevelopment Tax Increment Financing District with 3662 Investors LP or an affiliate thereof; **(4)** an assignment of all increment payable under the development agreement to the City of Dallas; **(5)** an amendment to the existing Chapter 380 grant agreement with WCWRD Inc. to extend all dates in the agreement by 18 months; and **(6)** a loan payment guarantee agreement with 3662 Investors LP, approved as to form by the City Attorney.

**SECTION 2.** That the agreements will include the following terms. The loan, conditional grant agreement, and development agreement will be cross-defaulted. The City Manager may in his sole discretion expand the definition of "Developer" to include a non-profit partner of 3662 Investors LP.

**a. CONDITIONAL GRANT AGREEMENT**

- i. The agreement will have a five-year term.
- ii. Funds may be used for any capitalized cost of the project, and must be spent in conformance with the bond proposition.
- ii. Funds will be paid by reimbursement as the developer submits evidence of eligible expenditures.
- iv. Developer shall execute a performance deed of trust to secure performance of the agreement terms. The deed of trust may be combined into one lien document with the deed of trust described in (b) below.

**b. LOAN AGREEMENT**

- i. The interest-only loan will have a term of 15 years and a flat simple interest rate of 2 percent.
- ii. Developer will execute a loan agreement and promissory note in favor of the City.
- iii. Developer and any affiliates or subsidiaries of Developer owning portions of the mall site will execute a deed of trust securing the property in favor of the City.

June 13, 2018**SECTION 2.** (continued)

The deed of trust may be an amendment to, and relate back in date priority to, the existing deed of trust executed by WCWRD Inc. in connection with the Chapter 380 agreement described in (d) below. In such instance, the obligations of each loan or grant agreement will be explicitly stated such that each may be partially released as the obligations are fulfilled.

- iv. The City will subordinate its lien interest to the existing liens of Frost Bank and Texas Capital Bank and future construction and permanent lenders and will consent to any Property Assessed Clean Energy (PACE) assessment lien providing financing for any portion of the project.
- v. The City may execute partial releases of its lien for portions of the development site sold to third parties for vertical development of multi-family, hotel, or other commercial, residential, or mixed-use developments reasonably approved by the Director of the Office of Economic Development.
- vi. Annual interest payments of \$240,000 shall be due on the anniversary of the note date, and are payable solely from increment collected under the assignment of TIF increment described in (d) below. If increment is not available to fully pay any interest payment when due, the unpaid portion of the payment will accrue but not compound and shall continue to be an obligation to be collected on the next interest payment due date or on the maturity date.
- vii. All unpaid principal, unpaid interest, and any other amounts owed under the loan will be due in one payment on the maturity date of the note. If the amount of increment or other payments collected prior to the maturity date is insufficient to pay all principal, interest, and other amounts due under the note, City may enforce its security interest under its lien, and/or collect payment pursuant to the payment guarantee executed by 3662 Investors, LP.
- viii. If there is cash available for distribution to the project's equity investors after payment of all current and accrued interest due on the City's loan, and the Developer elects to make such a distribution, such cash flow will be divided between the City and the equity investors in a ratio equal to the ratio of the total amount of equity invested in the project versus the total principal balance of the City's loan. Developer will not be permitted to make any distributions or other payments to the equity investors unless the payment described above is made to the City. Notwithstanding the foregoing, Developer will be permitted to make developer fee payments up to 4% of total construction costs and tax distributions to the project's equity investors without the consent of the City or requirement to pay any portion to the City.

June 13, 2018**SECTION 2. (continued)**

- ix. Developer will or will cause its general contractor to purchase and maintain a payment and performance bond for any work fully or partially funded with any City funds and name the City as an obligee. The payment and performance bonds shall be on forms reasonably approved by the City Manager and issued by a surety reasonably acceptable to the City Manager.
- x. Up to \$6 million of loan funds will be advanced in 2019. The remaining \$6 million will be advanced only after all 2017 General Obligation Bond funds have been expended, but not earlier than January 1, 2020.

**c. PAYMENT GUARANTEE**

- i. 3662 Investors LP shall execute a guarantee of payment of all amounts due to the City of Dallas on the maturity date of the note for the loan described in (b) above.
- ii. Until the loan is paid in full, guarantor shall ensure that the main mall property and the former Macy's and Dillard's buildings will remain under the direct ownership and control of guarantor or under the ownership of a subsidiary entity of which guarantor is the sole member and/or holds a controlling interest in such subsidiary entity.
- iii. Until the loan is paid in full, ownership of the general partner of guarantor and control of the guarantor entity shall not change without the prior written consent of the City; provided, however, that the Brodsky Family Trust is the sole owner of the general partner and the City agrees that appointment of a successor trustee of such trust shall not be considered a change of control of the general partner of Developer.

**d. DEVELOPMENT AGREEMENT**

Developer will execute a development agreement with the following terms:

- i. Developer shall invest a minimum of \$100,000,000 in property improvements no later than December 31, 2024. This is in addition to the minimum investment of \$15,000,000 already required under the prior Chapter 380 grant by the City, for a total minimum investment of \$115,000,000. Up to \$10,000,000 of this investment obligation may be satisfied by the purchase of additional property within the Westmoreland-IH 20 Subdistrict boundary, as it may be amended in the future, by Developer or its affiliates.
- ii. Prior to execution of the development agreement, Developer will purchase or cause to be purchased the payment and performance bond described in Section (b)(ix) above.
- iii. Developer shall complete the following improvements and obligations by the stated deadlines:

June 13, 2018

**SECTION 2. (continued)**

1. Re-grading the overall site to remove multi-level mall elevations and promote walkability by December 31, 2021;
2. Upgrading and rerouting utilities to accommodate increased density and create commercial pad sites within the development, all to be completed by December 31, 2021;
3. Demolishing approximately 100,000 square feet of the existing mall structure on the western edge of the property to accommodate a new street by December 31, 2021;
4. Construction of two new private vehicular access roads by December 31, 2021.
5. Establishing a one-acre green space for programming and community gathering by December 31, 2021;
6. Enhancing landscape, hardscape, and outdoor lighting by December 31, 2021;
7. Renovating and modernizing existing mechanical, electrical and structural systems including lighting, HVAC, flooring, and ceilings to create an office environment on the second floor of the mall and former anchor tenants by December 31, 2023;
8. Redesign and remodel existing entryways by December 31, 2023;
9. Add windows and skylights to the second-floor mall space to create office space by December 31, 2023;
10. Construction of a minimum of 100,000 square feet of new retail, restaurant, and entertainment buildings by December 31, 2024;
11. Preparing and conveying properties within the mall site to a hotel user reasonably approved by the Director of the Office of Economic Development for the construction of a minimum 125-room hotel and conference center, and to a residential developer reasonably approved by the Director of the Office of Economic Development for the construction of a minimum 250-unit multi-family development by December 31, 2023; and
12. Each deadline stated above may be extended by the Director of the Office of Economic Development for good cause for up to 12 months.



June 13, 2018**SECTION 2.** (continued)

- iv. **M/WBE.** Developer shall comply with the City's Good Faith Effort Business Inclusion and Development ("BID") Plan for Minority and Women Owned Businesses with a good faith participation goal of 25% for hard construction costs of public improvements. The Developer shall achieve 25% participation requirement for hard construction costs of private improvements, and will make best efforts to achieve 40% participation goal for private improvements.
- v. **Occupancy.**  
Developer shall achieve 75% occupancy on the new construction sites immediately surrounding the green space and 60% occupancy on all other new construction, the main mall building, and the former Dillard's and Macy's buildings by December 31, 2024.
- vi. **Urban Design Peer Review.**
  - 1. Developer shall construct the public and private improvements of the project to substantially conform to the OmniPlan master plan and the drawings provided to the City's Planning and Urban Design Department as shown in **Exhibit B** or to any modification thereof subsequently approved by the Planning and Urban Design Department, and in conformance with the utility planning documents prepared by Kimley Horn and labeled "KHA Project 064508500" and dated December 19, 2017 as shown in **Exhibit C**, or any modification thereof subsequently approved by the City Manager.
  - 2. Following a formal review on March 23, 2018, the City of Dallas Urban Design Peer Review Panel (UDPRP) made design recommendations for the project. On April 16, 2018, the Developer provided an UDPRP response and an updated drawings submittal as shown in **Exhibit B**, thereby satisfying the initial requirement for urban design peer review related to this request for City incentive funding.
  - 3. As the development process continues forward into detailed design, the Developer shall consult with the Planning and Urban Design Department which shall review the Developer's interim design drawings and provide written comments to the Developer.

June 13, 2018**SECTION 2. (continued)**

The design plans for each building or other improvement to be constructed or renovated on the property must be reviewed by UDPRP, and any comments must be addressed to the satisfaction of the director of the Planning and Urban Design Department, prior to commencement of construction. Each phase of development within the subject property will be considered as material to this agreement and will be subject to review. Upon successful implementation of the Planning and Urban Design Department and/or UDPRP's written comments, the Planning and Urban Design Department shall provide a written response letter to the Developer for each such review indicating that this requirement has been satisfied.

4. At or before the time of permit submittal to the City's Sustainable Development and Construction Department, Developer shall submit a set of permit drawings to the Planning and Urban Design Department for internal review to ensure compliance with the spirit and intent of the UDPRP recommendations and responses. Allowable minor modifications may include those required for conformance with regulatory requirements of the City's Sustainable Development and Construction Department. The Planning and Urban Design Department shall complete the review for each set of permit drawings within ten days of submission.

**e. ASSIGNMENT**

- i. Developer will execute an assignment of the right to receive increment payments under the development agreement described in (c) above to the City of Dallas.
- ii. As increment is paid to the City, it will be credited toward Developer's future payments of interest, principal, and any other amounts owed to the City under the loan agreement described in (b) above.
- iii. Once the loan described in (b) above has been paid in full, the City and Developer will forfeit the right to collect any remaining increment payable under the development agreement or assignment.

**f. CHAPTER 380 GRANT AMENDMENT**

- i. All material dates in Section 1.D of the existing Chapter 380 Grant Agreement with WCWRD Inc. will be extended by 18 months.

June 13, 2018

**SECTION 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to execute each of the agreements described herein, to execute a release of lien when the loan is repaid in full, to execute partial releases of lien as performance under the conditional grant agreement and Chapter 380 grant agreement are completed, and to execute partial releases of lien as portions of the site are sold for commercial, residential, or mixed-use development by third parties as approved by the director of the Office of Economic Development.

**SECTION 4.** That the City Manager is hereby authorized to do the following:

Pursuant to Section 2 of this resolution, increase appropriations in ECO (I) Fund, Fund 1V52, Unit VI02, Department ECO, Object 4599, \$2,500,000; Fund 1V52, Unit VI03, Department ECO, Object 4599, \$2,500,000; ECO (I) Fund, Fund 1V52, Unit VI04, Department ECO, Object 4599, \$3,012,200; total not to exceed \$8,012,200 for the 2017 Bond funding associated with the conditional grant agreement, that has a term of five years from execution date of said agreement as follows:

**SECTION 5.** That Pursuant to Section 2 of this resolution, that the Chief Financial Officer is hereby authorized to encumber and disburse funds to 3662 Investors LP, Vendor VS97913 (developer in this agreement) as the City receives and reviews reimbursement requests and related supporting documentation submitted by said developer for eligible expenditures and accepts supporting evidence as defined in the agreement for a total amount not to exceed \$10,000,000 from the funding sources as listed and described below:

2017 Bond Fund  
Fund 1V52, Department ECO, Unit VI02, Object 3016  
Activity INSF, Program EC17VI02  
Encumbrance/Contract No. MASC-ECO-2018-00006525-1                      \$ 2,500,000.00

2017 Bond Fund  
Fund 1V52, Department ECO, Unit VI03, Object 3016  
Activity INSF, Program EC17VI03  
Encumbrance/Contract No. MASC-ECO-2018-00006525-2                      \$ 2,500,000.00

2017 Bond Fund  
Fund 1V52, Department ECO, Unit VI04, Object 3016  
Activity INSF, Program EC17VI04  
Encumbrance/Contract No. MASC-ECO-2018-00006525-3                      \$ 3,012,200.00

2012 Bond Fund  
Fund 1U22, Department PBW, Unit S612, Object 3016  
Activity THRF, Program PB12S612  
Encumbrance/Contract No. MASC-ECO-2018-00006525-4                      \$ 20,312.66

June 13, 2018**SECTION 5.** (continued)

## 2006 Bond Fund

Fund 2T22, Department PBW, Unit S612, Object 3016

Activity THRF, Program PB12S612

Encumbrance/Contract No. MASC-ECO-2018-00006525-5      \$    244,518.38

## 2012 Bond Fund

Fund 2U22 Department PBW, Unit S612, Object 3016

Activity THRF, Program PB12S612

Encumbrance/Contract No. MASC-ECO-2018-00006525-6      \$        2,100.38

## 2012 Bond Fund

Fund 3U22 Department PBW, Unit S612, Object 3016

Activity THRF, Program PB12S612

Encumbrance/Contract No. MASC-ECO-2018-00006525-7      \$    580,858.77

## 2012 Bond Fund

Fund 4U22, Department PBW, Unit S612, Object 3016

Activity THRF, Program PB12S612

Encumbrance/Contract No. MASC-ECO-2018-00006525-8      \$ 1,140,009.81

Total amount not to exceed      \$10,000,000.00

**SECTION 6.** That Pursuant to Section 2 of this resolution, \$12,000,000 Chapter 380 loan: up to \$6 million of loan funds will be advanced in 2019; the remaining \$6 million will be advanced only after all 2017 general obligation bond funds referenced in Section 5 have been expended, but not earlier than January 1, 2020. as referenced then the Chief Financial Officer is hereby authorized to encumber and disburse loan funds to developer 3662 Investors LP, Vendor VS97913 in an amount not to exceed a total of \$12,000,000 in accordance with the terms and conditions of the loan documents Public/Private Partnership Fund, Fund 0352, Department ECO, Unit Q008, Object 3015, Activity PPPF, Program RBDDEV18, Encumbrance/Contract No. CX-ECO-2018-00006525.

**SECTION 7.** That Pursuant to Section 2 of this resolution and upon approval of annual appropriations, that the Chief Financial Officer is hereby authorized to establish appropriation in the Mall Area Redevelopment TIF Fund, Fund 0049, Department ECO, Unit Q008, Activity MARD, Object Code 3099 in the amount of \$15,600,000 (this includes \$12,000,000 principal and \$3,600,000 related to 2 percent flat interest for 15 years).

June 13, 2018

**SECTION 8.** That Pursuant to Section 2 of this resolution, once loan documents are signed and loan funds disbursed, that the Chief Financial Officer be and is hereby authorized to set up the respective notes receivable for the principal in the Public Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 023D notes receivable and deferred revenue Balance Sheet Account 0898 in the amount of respective amounts of the loan disbursements up to a total not to exceed \$12,000,000 related the developer's loan.

**SECTION 9.** That Pursuant to Section 2 of this resolution, that the Chief Financial Officer is hereby authorized to reverse the notes receivable for the principal Balance Sheet Account 023D and deferred revenue respective Balance Sheet Account 0898 in Fund 0352 for repayment of the principal amount not to exceed \$12,000,000 of the loan be it as a transfer from the Mall Area Redevelopment TIF Fund, Fund 0049 or receive and deposit payment from the developer partially or in its entirety as referenced in Section 12 of this resolution up to \$12,000,000 in the event the tax increment is insufficient or not able to cover the obligation at all.

**SECTION 10.** That Pursuant to Section 2 of this resolution, once loan documents are signed and loan funds disbursed, that the Chief Financial Officer be and is hereby authorized to set up an interest receivable for the interest in the Public Private Partnership Fund, Fund 0352, Department ECO, Balance Sheet Account 028E interest receivable and deferred revenue Balance Sheet Account 0898 annually in the amount of \$240,000 related to TIF developer's loan or in the amount of the interest for that corresponding year plus any rollover due amount of unpaid interest from prior year(s) during the loan period as per the loan agreement provisions specified in this resolution.

**SECTION 11.** That Pursuant to Section 2 of this resolution, that the Chief Financial Officer is hereby authorized to reverse the interest receivable Balance Sheet Account 028E and deferred revenue Balance Sheet Account 0898 in the Public Private Partnership Fund, Fund 0352 for repayment of interest amounts of the loan annually for \$240,000 or the amount of interest payment transferred from the Mall Area Redevelopment TIF Fund, Fund 0049. Provided that the Mall Area Redevelopment TIF generates enough increment to pay any existing and newly outstanding obligations to the City (including other unrelated administrative reimbursable expenses owed to the City), plus those related to this interest obligation, or receive and deposit payment from the developer as referenced in Section 12 of this resolution in the event the tax increment is insufficient partially or in its entirety in an amount not to exceed \$3,600,000 by the end of the 15 years of the loan term.

June 13, 2018

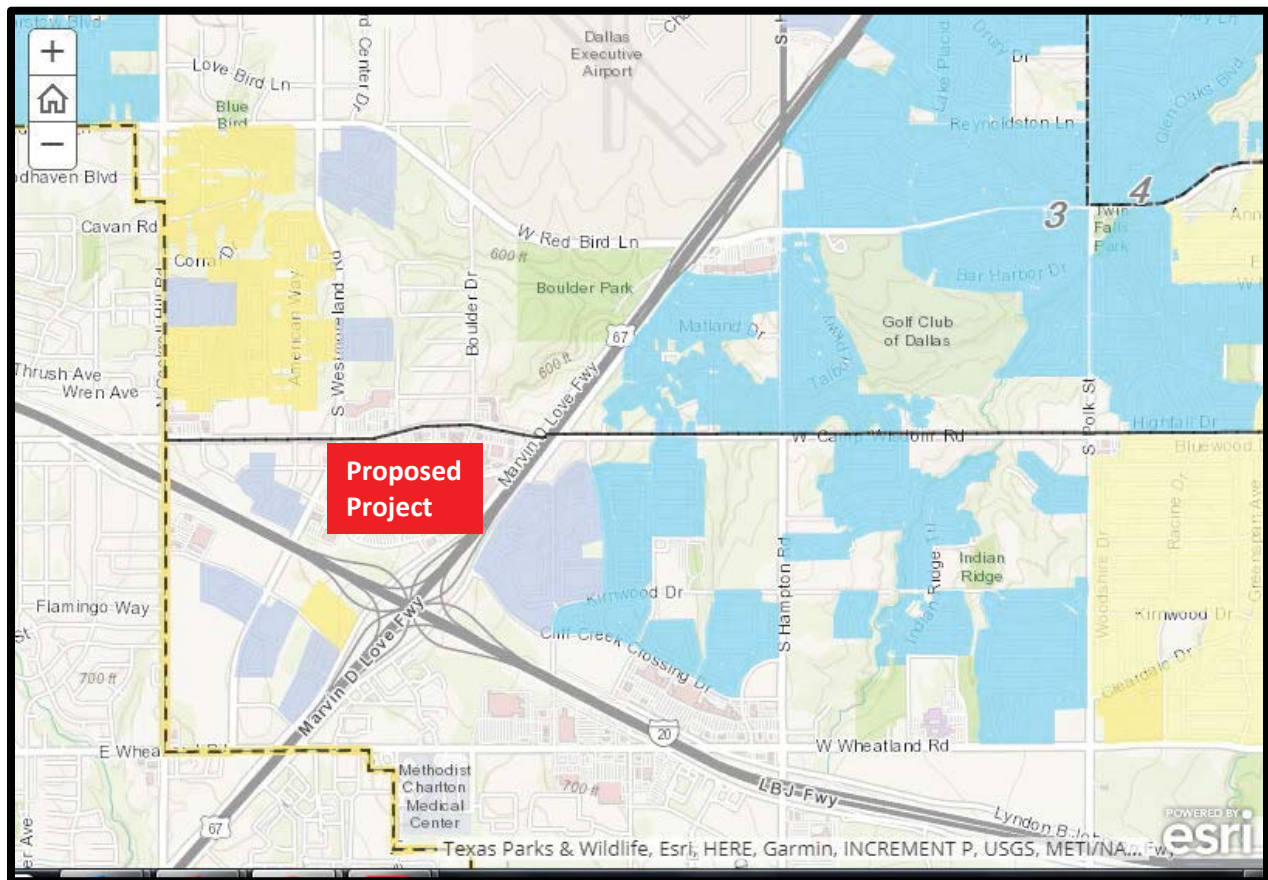
**SECTION 12.** That Pursuant to Section 2 of this resolution and upon approval of annual appropriations, that the Chief Financial Officer is hereby authorized to transfer from the Mall Area Redevelopment TIF Fund, Fund 0049, Department ECO, Unit Q008, Object Code 3099, Activity MARD, credit Balance Sheet Cash Account 0001 to Public Private Partnership Fund, Fund 0352, Department ECO, Unit Q008, Revenue Code 847G – developer's loan payback principal amount \$12,000,000 and interest \$3,600,000 Revenue Code 847H – developer's loan payback interest, debit Balance Sheet Cash Account 0001 in the Public Private Partnership Fund, Fund 0352 for a total amount of \$15,600,000. Provided that the Mall Area Redevelopment TIF generates enough increment to pay any outstanding obligations, plus any existing and newly generated administrative obligations to the City, and generates enough tax increment during the period of the loan, which the developer will have assigned when signing the agreement and loan documents, to be used to satisfy the loan and interest liability as per the agreement authorized in this resolution during the 15 years of the loan term.

In the event the tax increment is insufficient to pay the obligation partially or in its entirety, the Chief Financial Officer is hereby authorized to receive and deposit principal and interest payment from the developer in the amount of the insufficiency from the Mall Area Redevelopment TIF Fund to repay the principal and interest in the amount of the insufficiency, or in the extreme case that no increment is generated by said TIF to satisfy the principal and interest obligation by the end of the 15 year loan term, the developer would be liable for the \$15,600,000 to the City and thus the Chief Financial Officer would be authorized to receive and deposit said funds collected from the developer into the Public Private Partnership Fund, Fund 0352, Department ECO, Unit Q008, Revenue Code 847G – developer's loan payback principal amount of \$12,000,000 and interest amount of \$3,600,000 Revenue Code 847H – developer's loan payback interest.

**SECTION 13.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the funds described herein, until such time as the documents are duly approved by all parties and executed.

**SECTION 14.** 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.

## Market Value Analysis (MVA)



### MVA Market Types/Categories

|                                                                                     |   |                                                                                     |    |
|-------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------|----|
|  | A |  | F  |
|  | B |  | G  |
|  | C |  | H  |
|  | D |  | I  |
|  | E |  | NA |

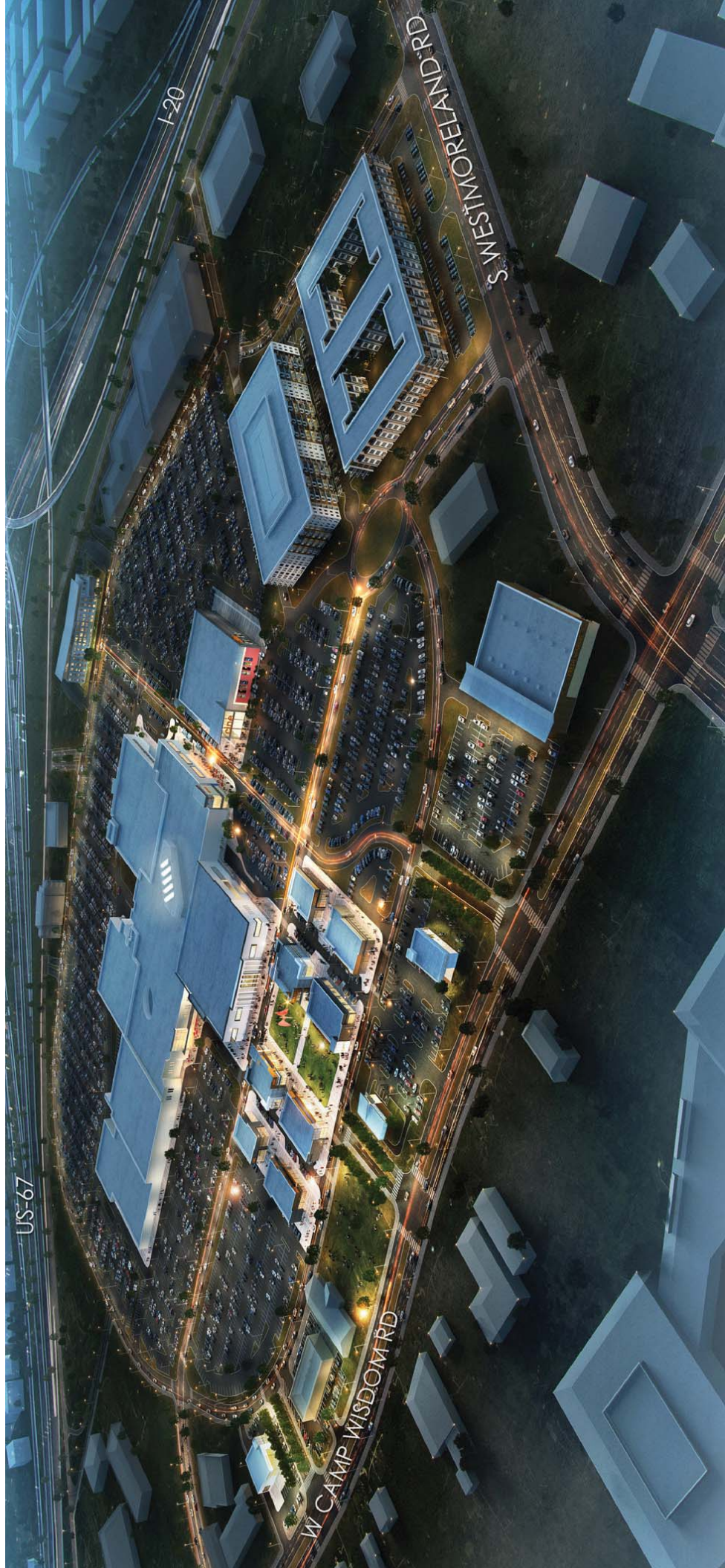
The Market Value Analysis (MVA) is a tool to assist residents and policy-makers to more precisely target intervention strategies in/near weak markets and support sustainable growth in/near stronger markets.

The colored matrix above identifies three market types (E, F, G) surrounding the proposed project. Market types E, F, and G reflect middle to lower-middle residential real estate markets within Dallas.





**RED BIRD REDEVELOPMENT**  
DALLAS, TEXAS  
URBAN DESIGN PEER REVIEW PRESENTATION  
04.16.2018





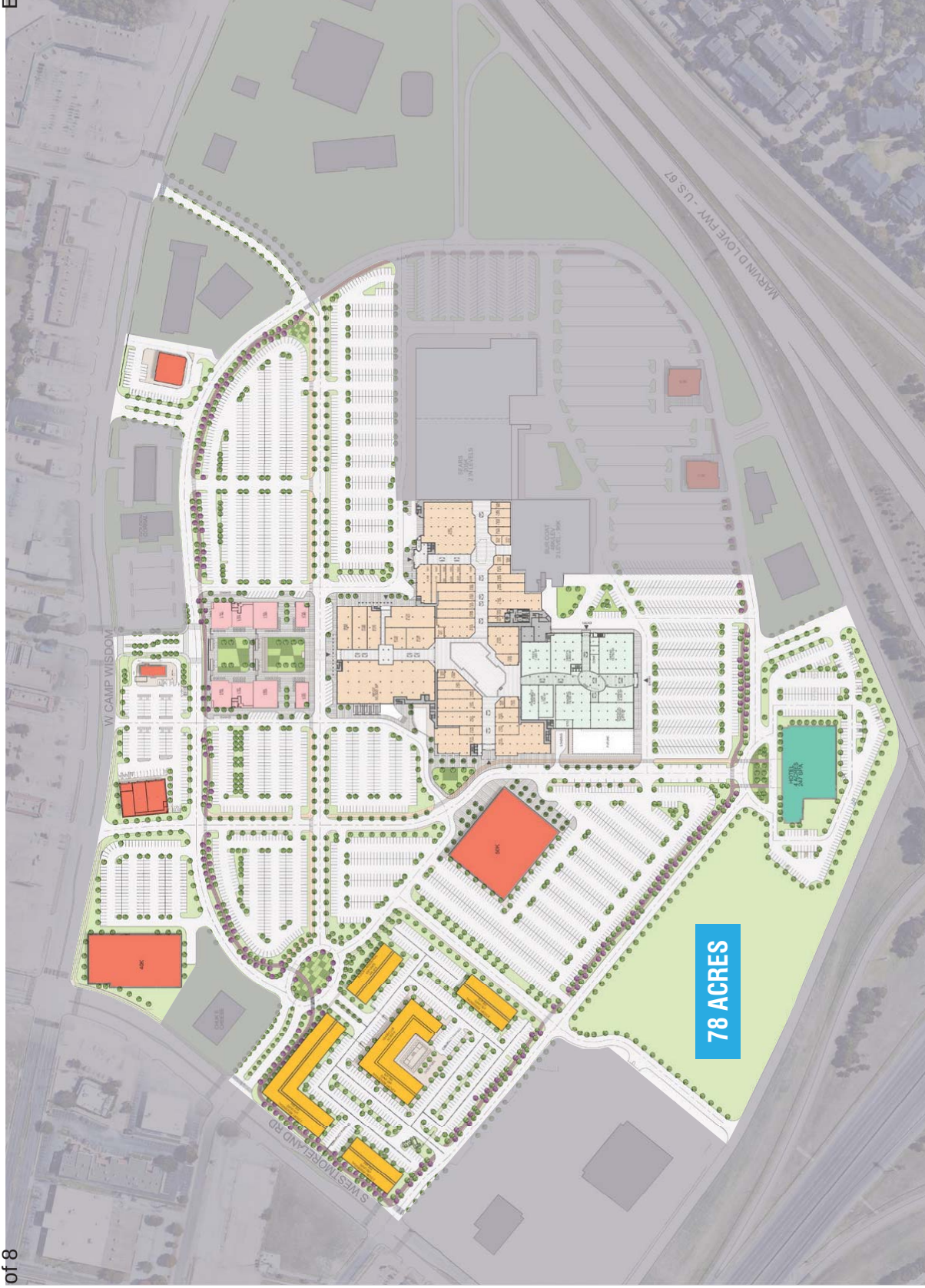


#### RED BIRD UDPRP PANEL ADVICE AND RESPONSE BY RED BIRD TEAM

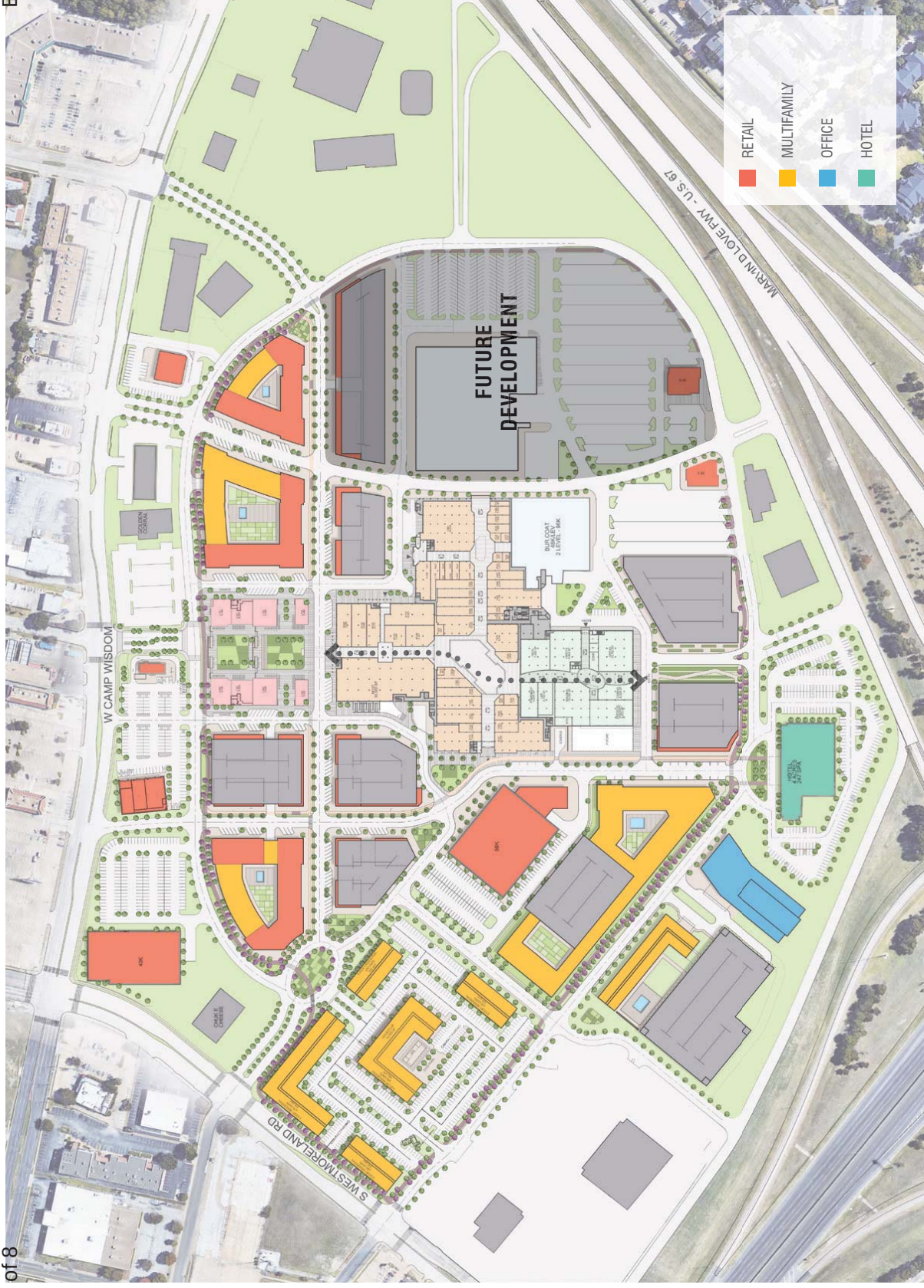
We are thankful to the panel for their comments and direction regarding Red Bird. The Red Bird team found them to be helpful and constructive. Please accept the following responses to the comments below, along with exhibits in the following pages.

1. **Panel Comment:** The panel encourages producing an illustrative vision for the Red Bird project area as a means to communicate a flexible long-term vision for the site. The illustration could serve multiple purposes such as aiding to attracting new uses and tenants, and as a measure to evaluate the approach to individual phases.  
**Response:** Initial planning for Phase I of Red Bird envisions further densification of the site by regrading berms, creating a new street grid and setting development ready parcels. From the start, the goal has been to create a full mixed-use project with a variety of uses that create a true live-work-play environment. Although uses are not final, plan envisions an active walkable main-street with flexibility for uses that respond to market needs. Please refer to **Exhibit II**, for a densified site plan.
2. **Panel Comment:** As clarity of uses and related parking requirements are defined, the panel encourages that effort be made to "greening" existing parking areas as an interim approach toward site redevelopment.  
**Response:** The goal for the Red Bird team has been to be smart about site densification opportunities. The model for suburban malls has been to have ample parking around the mall. This comment aligns with the vision to change that model. Please refer to **Exhibit III**. Creation of green fields will be achieved while meeting parking needs of Red Bird. In addition, safety must be prioritized as an important element of the community.  
**Panel Comment:** The panel further suggests exploring interim use of existing parking areas for a variety of temporary uses, events, or temporary parklike community spaces.  
**Response:** This comment aligns with current ongoing efforts for community outreach and engagement. Current efforts include an existing community space inside the mall and The Dallas Entrepreneur Center. Please refer to **Exhibit IV** for additional programming such as a *Red Bird Food Truck Pop-Up*, *The Red Bird Farmers Market*, and a circus.
- 3.

4. **Panel Comment:** The Panel applauds the addition of new users and use types, and as such encourages effort be made to collect new development proposals in close proximity to one another as a way to condense activity and to produce a vibrant and lively urban environment.  
**Response:** The vision for Red Bird is the create an integrated mixed-use development. Proposed street grid is planned in a way that future densification of the site is possible and thus full integration of all uses. Current market needs and first arrivals to the site may decide to anchor the property at one end allowing for future infill. Red Bird team continues to market opportunities for development and site densification. Please refer to **Exhibit II** for full site build out and integration.
5. **Panel Comment:** The panel is highly supportive of the proposed central public space and encourages amplifying the primary entrance from Camp Wisdom as a grand and highly landscaped entry experience.  
**Response:** Team envisions entry north of the lawn as the main gateway to the project. Vision calls for enhanced vehicular and pedestrian access with lush landscape and enhanced paving. Please refer to **Exhibit V**.
6. **Panel Comment:** The panel encourages further articulation of the proposed walking trail as a well-developed public amenity by incorporating additional width, additional trees and a variety of enhanced surface treatments.  
**Response:** Further study expands the perimeter loop trail into a min 30' wide trail with connecting pocket parks and lush landscape. Please Refer to **Exhibit VI**

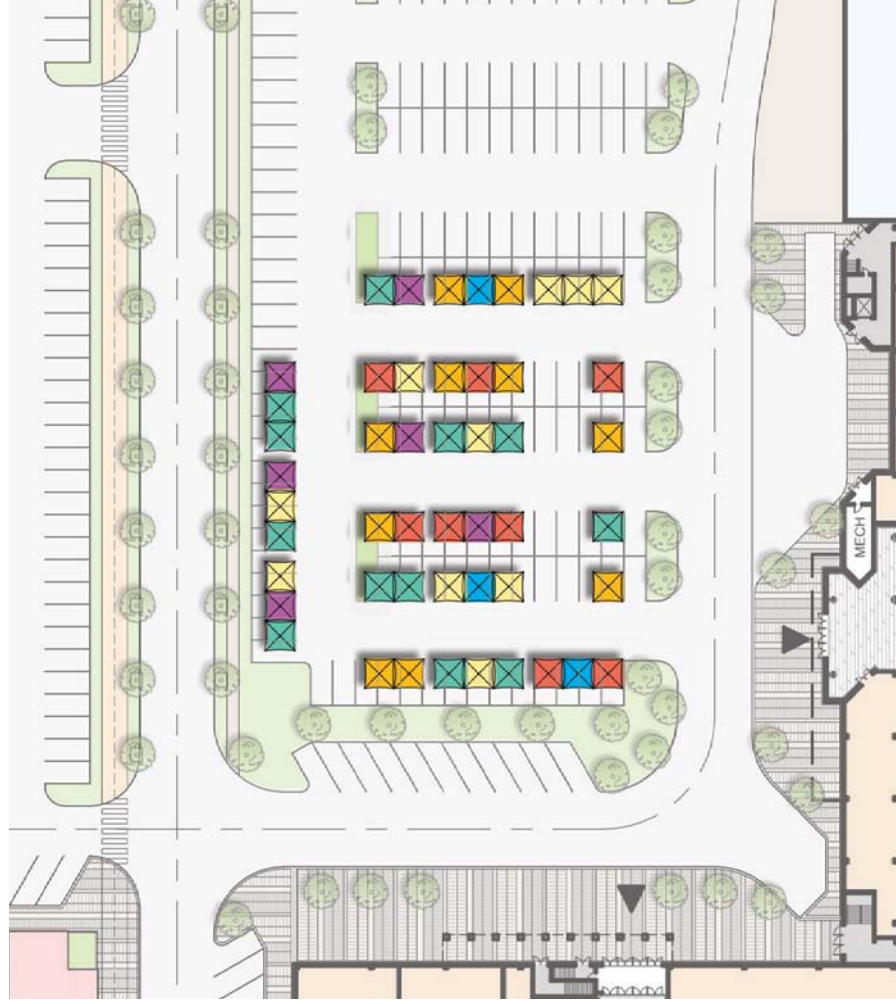




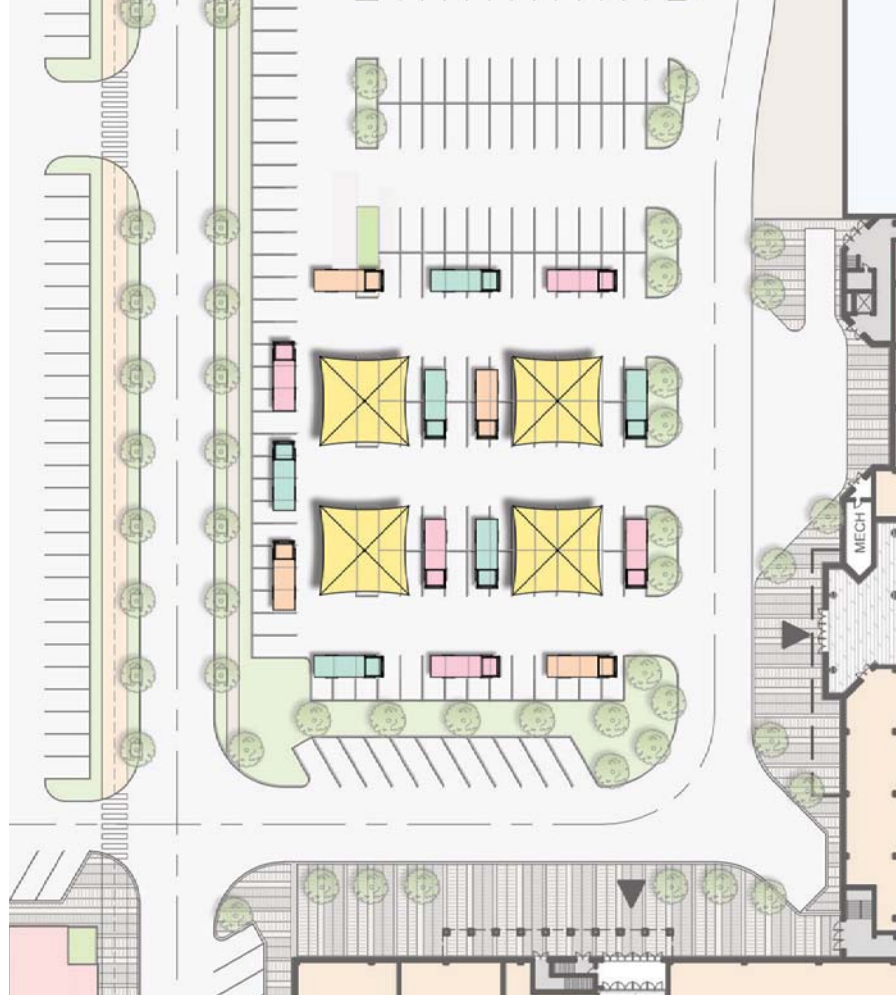








RED BIRD FARMER'S MARKET



RED BIRD FOOD TRUCK POP-UP

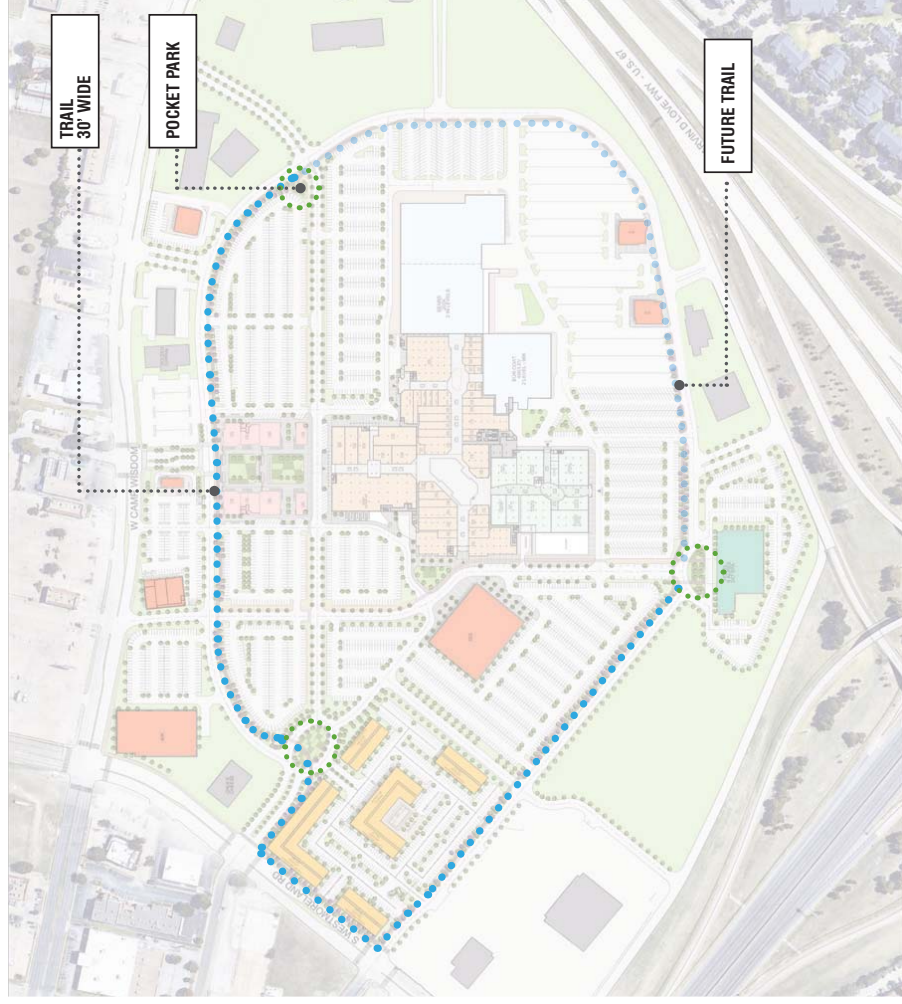




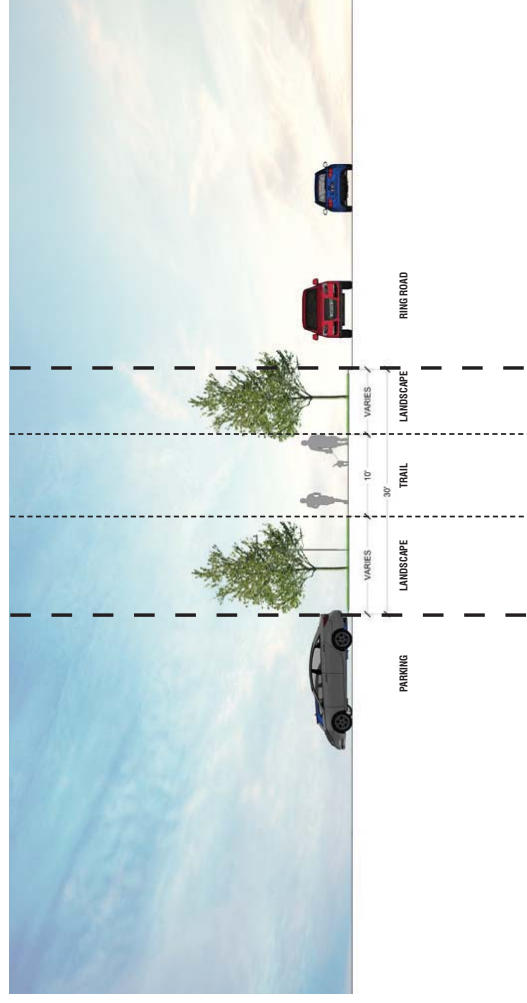
ENTRY LOCATIONS



ENTRY GATEWAY PLAN



TRAIL PLAN



TRAIL SECTION



# EXHIBIT C

Page 1 of 10



Red Bird

Kimley-Horn  
KIMLEY-HORN & ASSOCIATES, INC.  
1500 WEST 10TH AVENUE, SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1100 FAX: 303.733.1101  
WWW.KIMLEY-HORN.COM

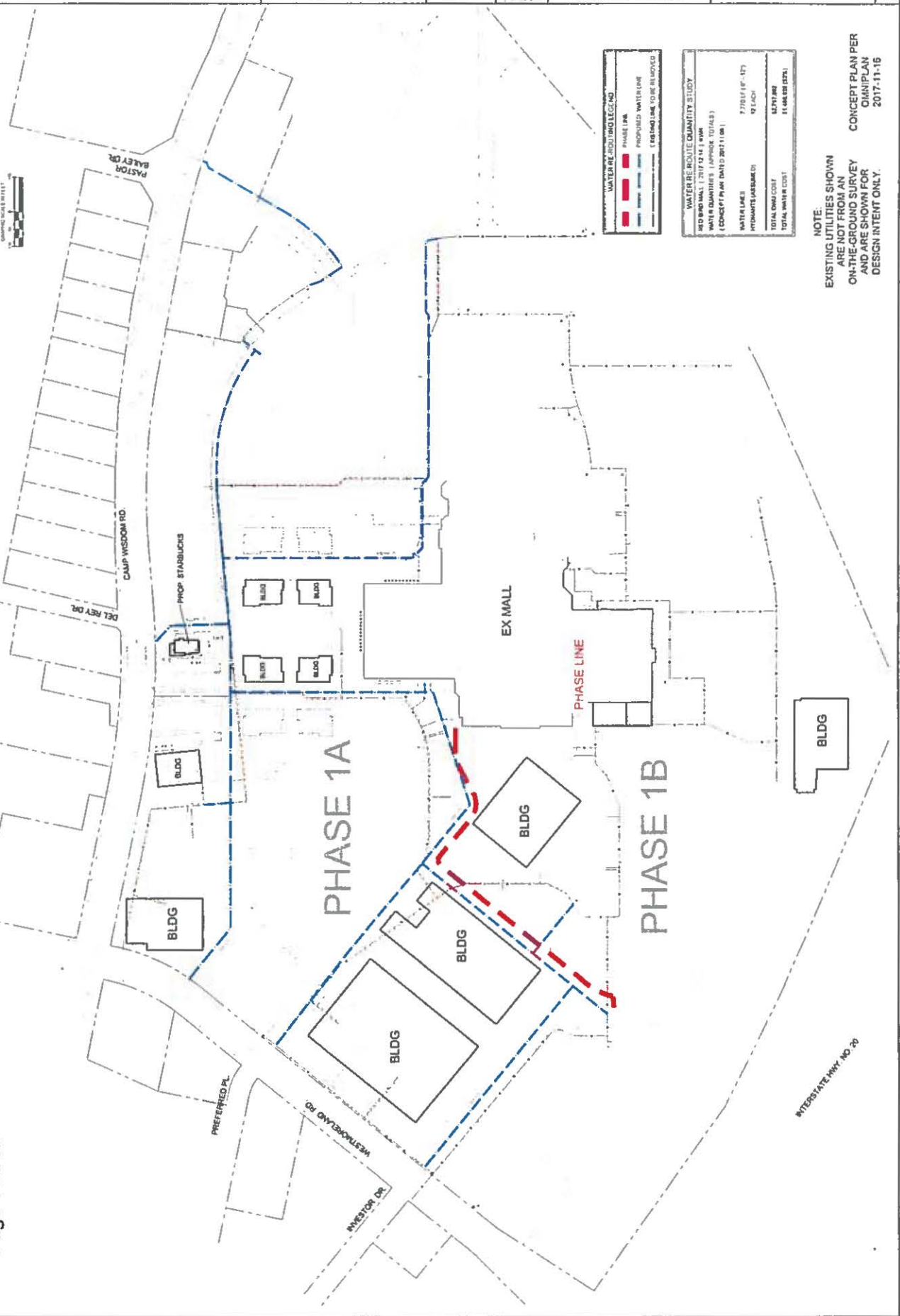
ALBERTA  
KIMLEY-HORN

RED BIRD MALL  
DEVELOPMENT GROUP

RED BIRD MALL  
RED BIRD MALL  
DEVELOPMENT GROUP

EXISTING UTILITY  
RE-ROUTE PHASE 1A  
WATER

EXH-12-01



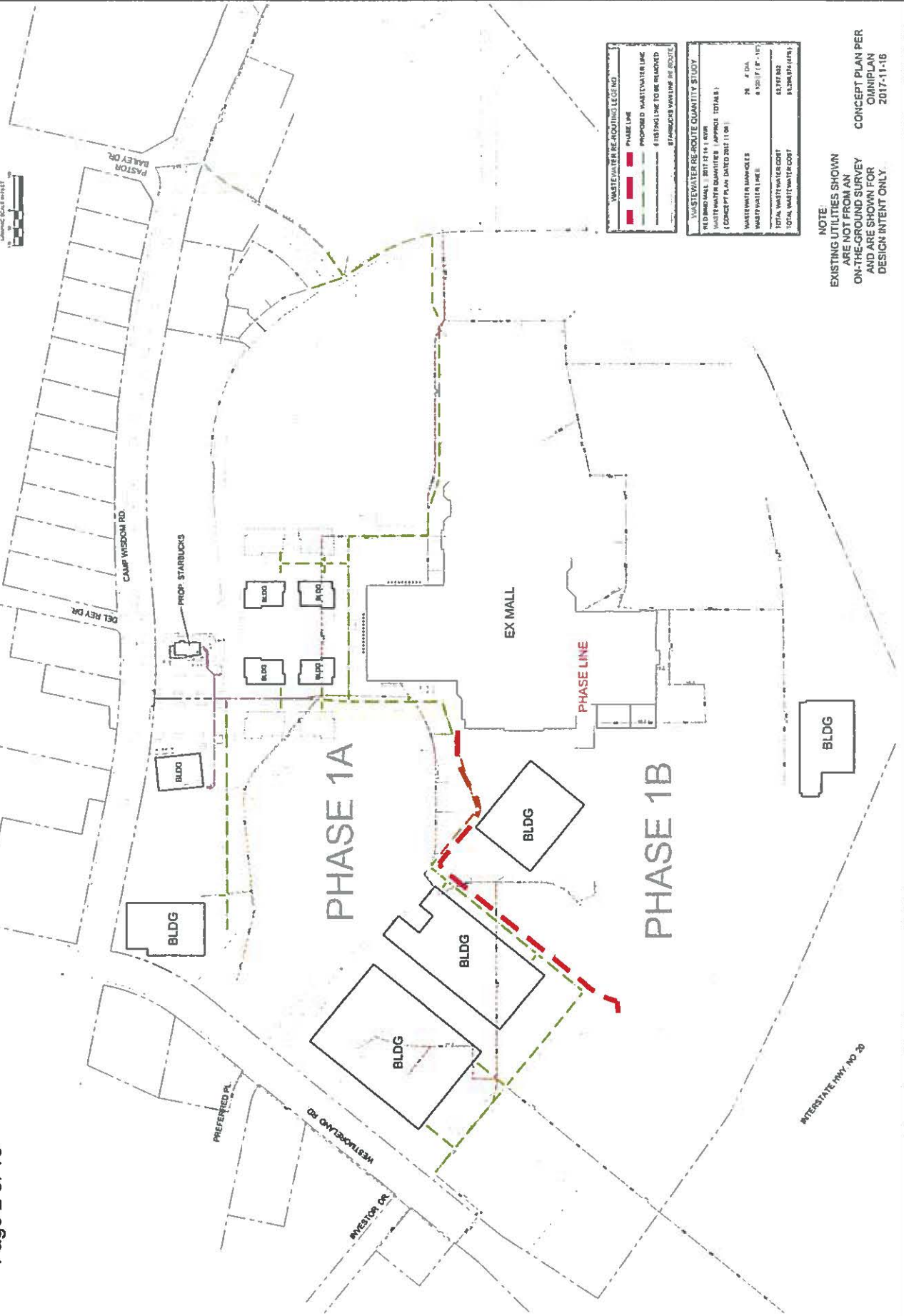
NOTE:  
EXISTING UTILITIES SHOWN  
ARE NOT FROM AN  
ON-THE-GROUND SURVEY  
AND ARE SHOWN FOR  
DESIGN INTENT ONLY.

CONCEPT PLAN PER  
OMNIPLAN  
2017-11-16



# EXHIBIT C

Page 2 of 10

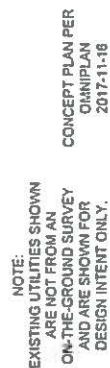


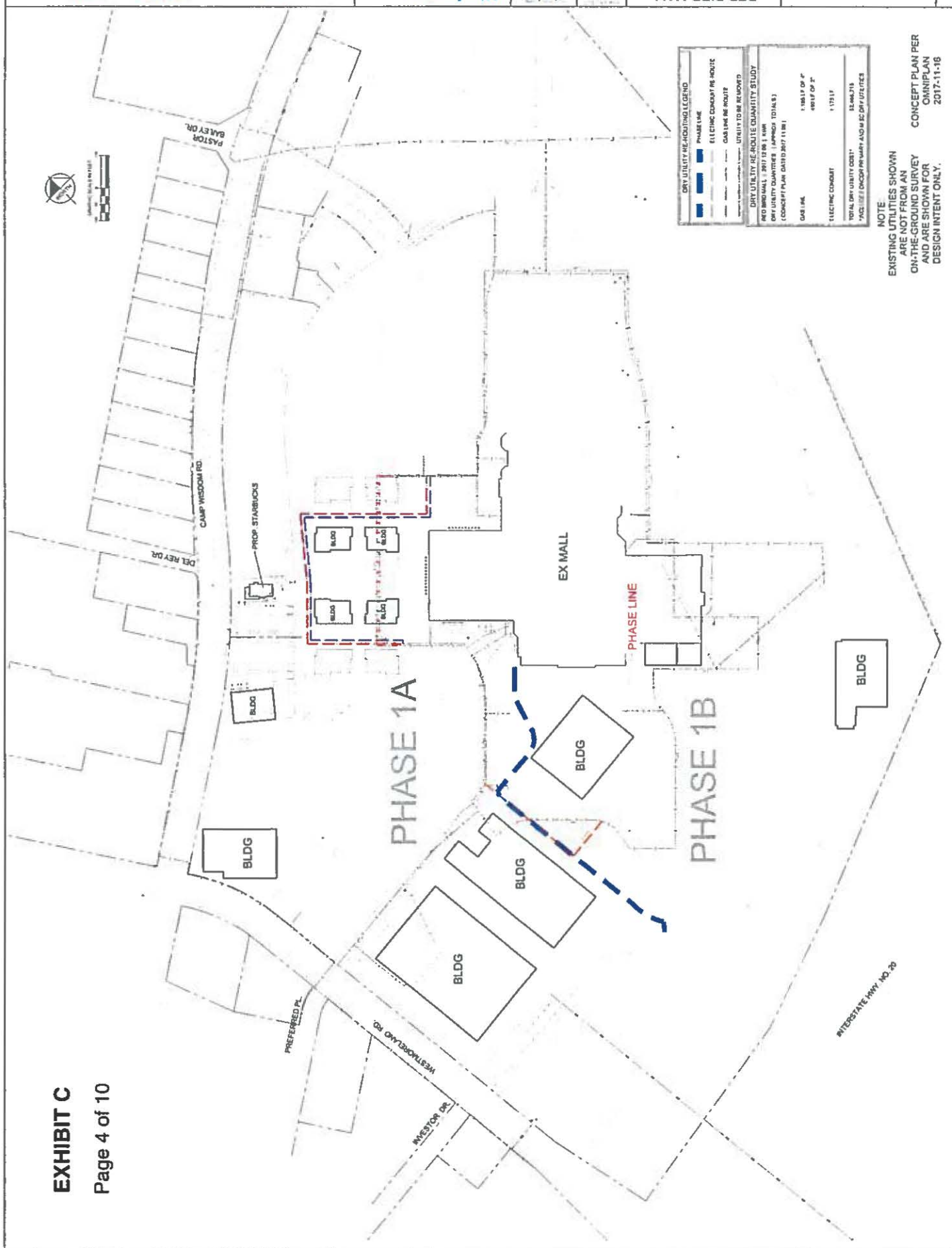
| WASTEWATER RE-ROUTING LEGEND             |
|------------------------------------------|
| PHASE LINE                               |
| PROPOSED WASTEWATER LINE                 |
| EXISTING WASTEWATER LINE                 |
| EXISTING WASTEWATER LINE TO BE REMOVED   |
| EXISTING WASTEWATER LINE TO BE RE-ROUTED |

| WASTEWATER RE-ROUTE QUANTITY STUDY     |                   |
|----------------------------------------|-------------------|
| RED BIRD MALL - 2017-12-14 (RUR)       |                   |
| WASTEWATER QUANTITIES (APPROX. TOTALS) |                   |
| (CONCEPT PLAN DATED 2017-11-01)        |                   |
| WASTEWATER MANHOLE SIZES               | 18" & 24"         |
| WASTEWATER LINE SIZES                  | 6" 12" 18" & 24"  |
| TOTAL WASTEWATER COST                  | \$3,332,800       |
| TOTAL WASTEWATER COST                  | \$3,332,800 (17%) |

NOTE:  
EXISTING UTILITIES SHOWN  
ARE NOT FROM AN  
ON-THE-GROUND SURVEY  
AND ARE SHOWN FOR  
DESIGN INTENT ONLY.

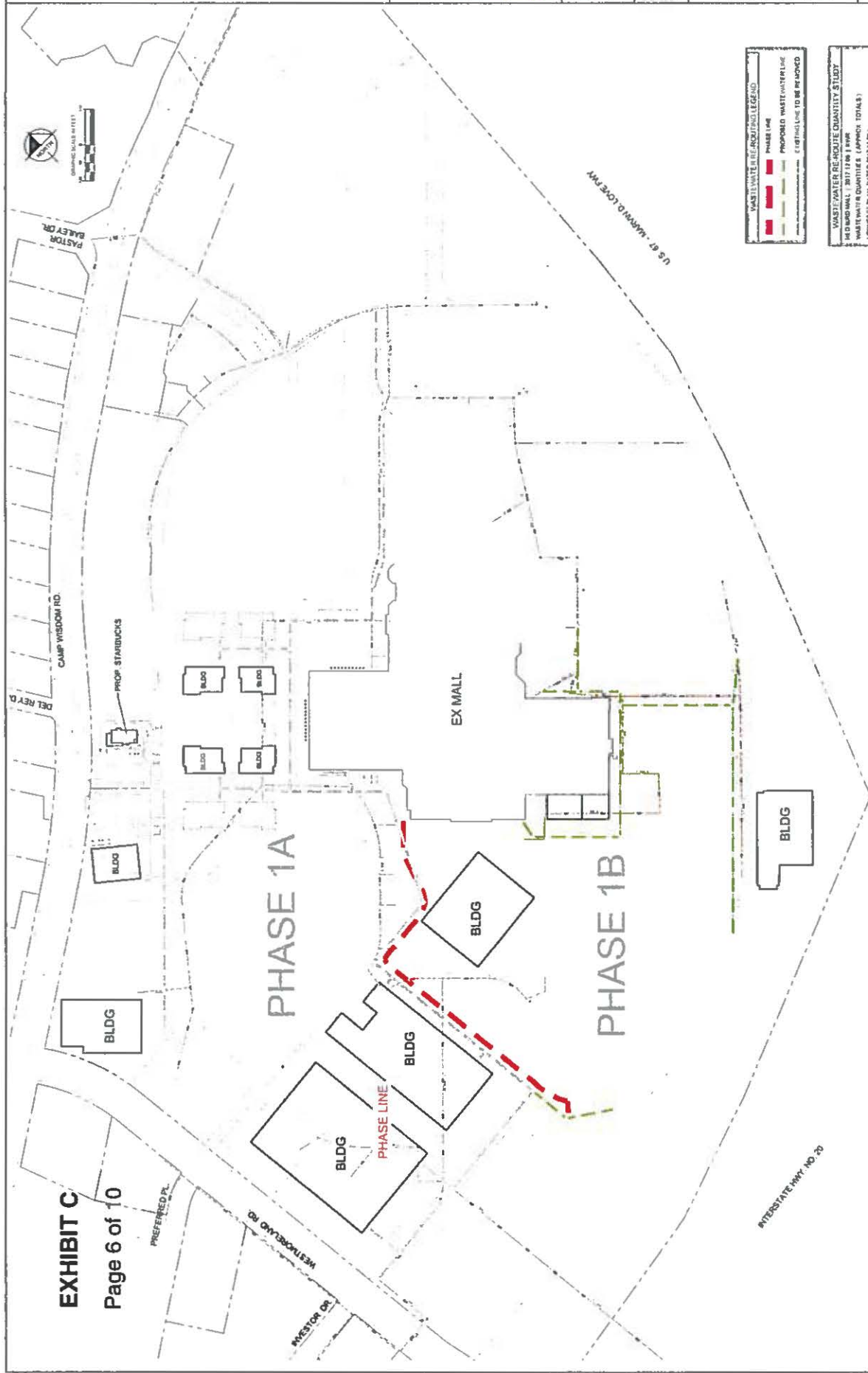
CONCEPT PLAN PER  
CUMULATIVE  
2017-11-16









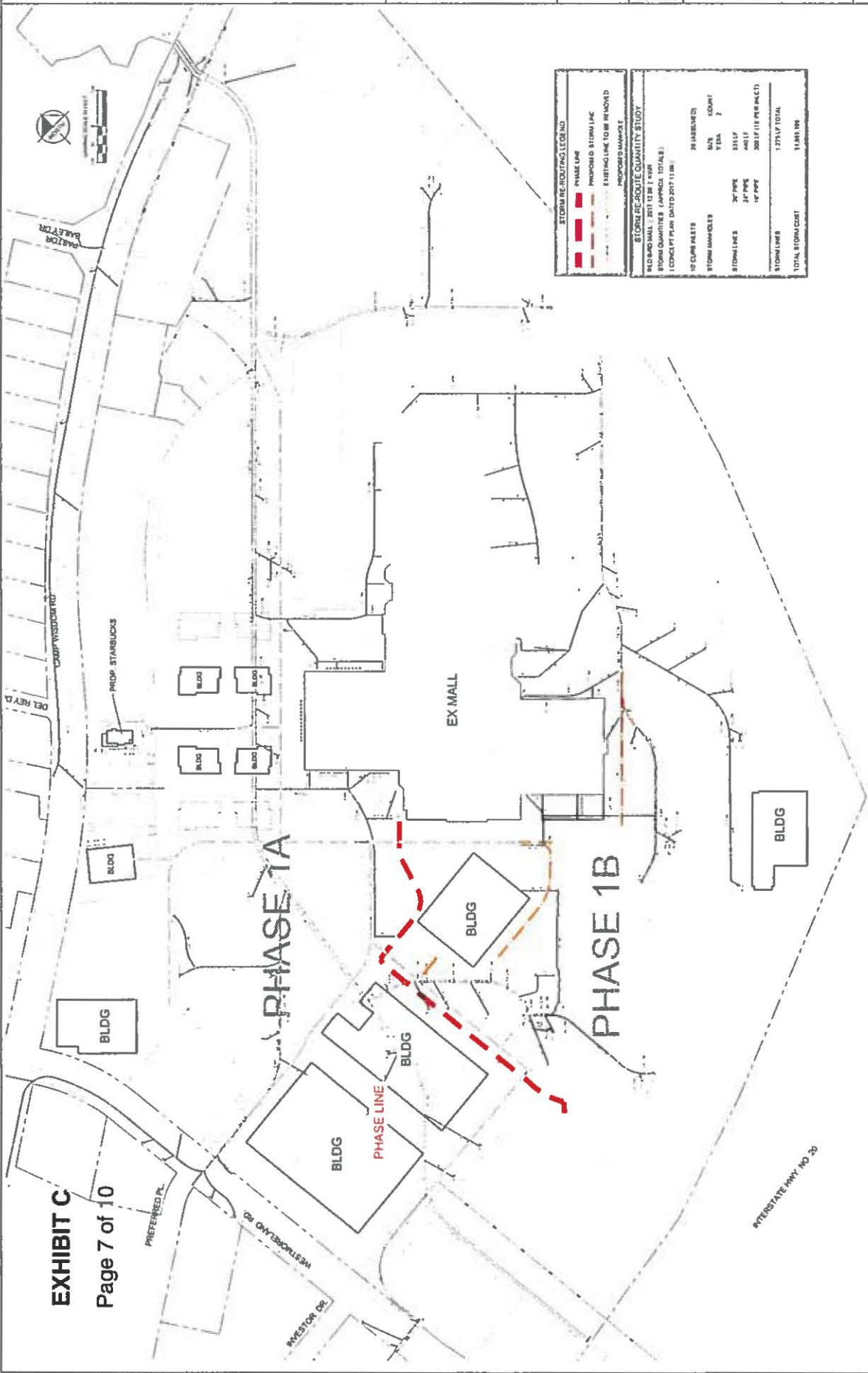


**WASTE WATER ROUTING LEGEND**

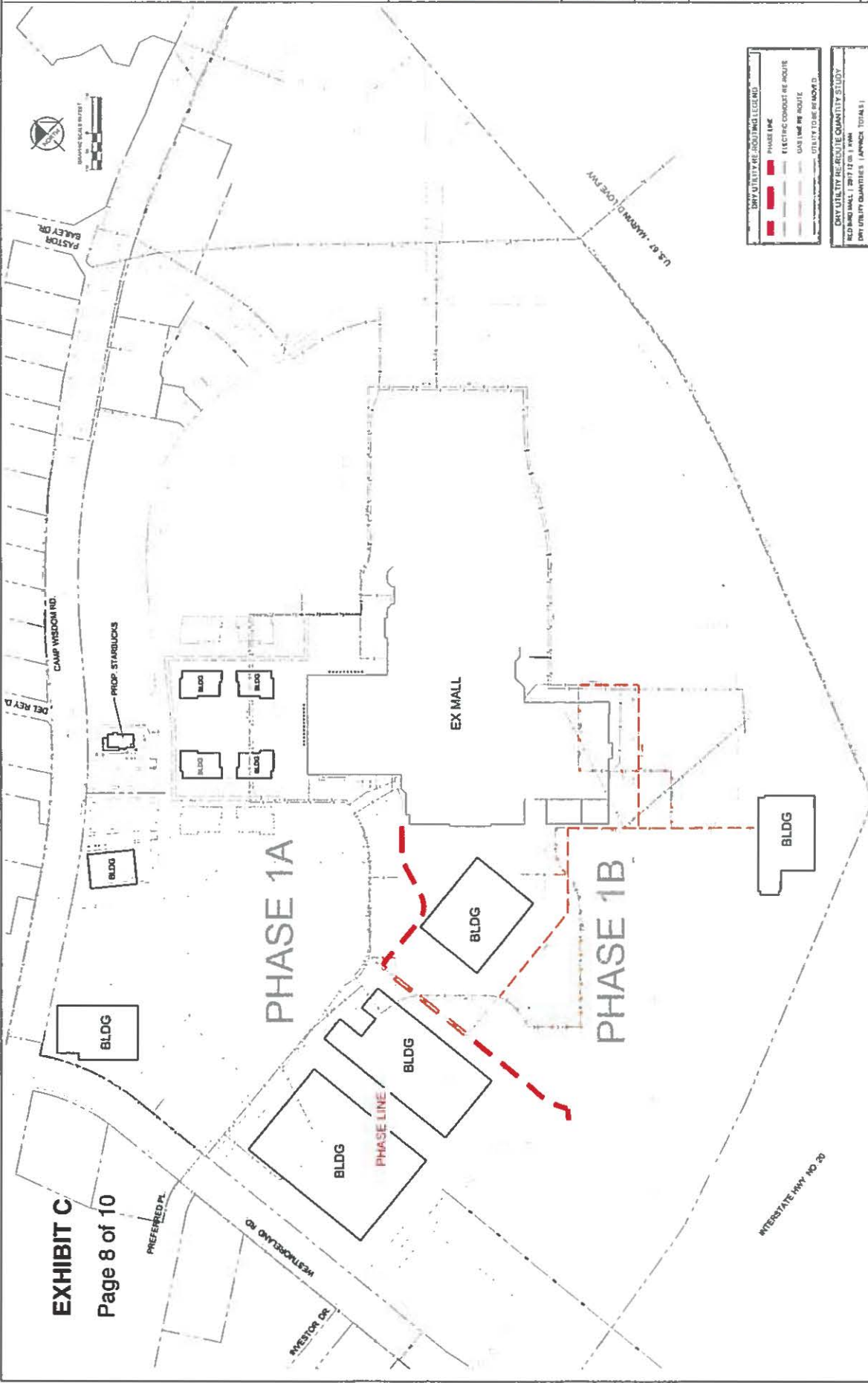
|                                                                                     |                                                                                     |                                    |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------|
|  |  | <b>PHASE I LAG</b>                 |
|  |  | <b>PROPOSED WASTE WATER LINE</b>   |
|  |  | <b>EXISTING LINE TO BE RE-USED</b> |

| WAST/WATER R/ROUTE QUANTITY STUDY        |                        |
|------------------------------------------|------------------------|
| HE ID CARD MAIL ( 2017 11 06 ) BYR       |                        |
| WASTE/WATER QUANTITIES ( APPROX TOTALS ) |                        |
| ( CHECKED BY PLAN DATED 2017 11 06 )     |                        |
| WASTE/WATER MANHOLE                      | 19 C DIA               |
| WASTE/WATER LINE                         | 2 1/2 ID 12" 6' - 105' |
| TOTAL DRAIN COST                         | \$1,251.543            |
| TOTAL WASTE/WATER COST                   | \$336,100.120          |

NOTE  
EXISTING UTILITIES SHOWN  
ARE NOT FROM AN  
ON-THE-GROUND SURVEY  
AND ARE SHOWN FOR  
DESIGN INTENT ONLY.







| DRY UTILITY RE-ROUTING LEGEND |                           |
|-------------------------------|---------------------------|
| [Red solid line]              | PHASE 1A                  |
| [Red dashed line]             | ELECTRIC CONDUIT RE-ROUTE |
| [Red dotted line]             | USE 1/2" RE-ROUTE         |
| [Red dash-dot line]           | UTILITY TO BE REMOVED     |

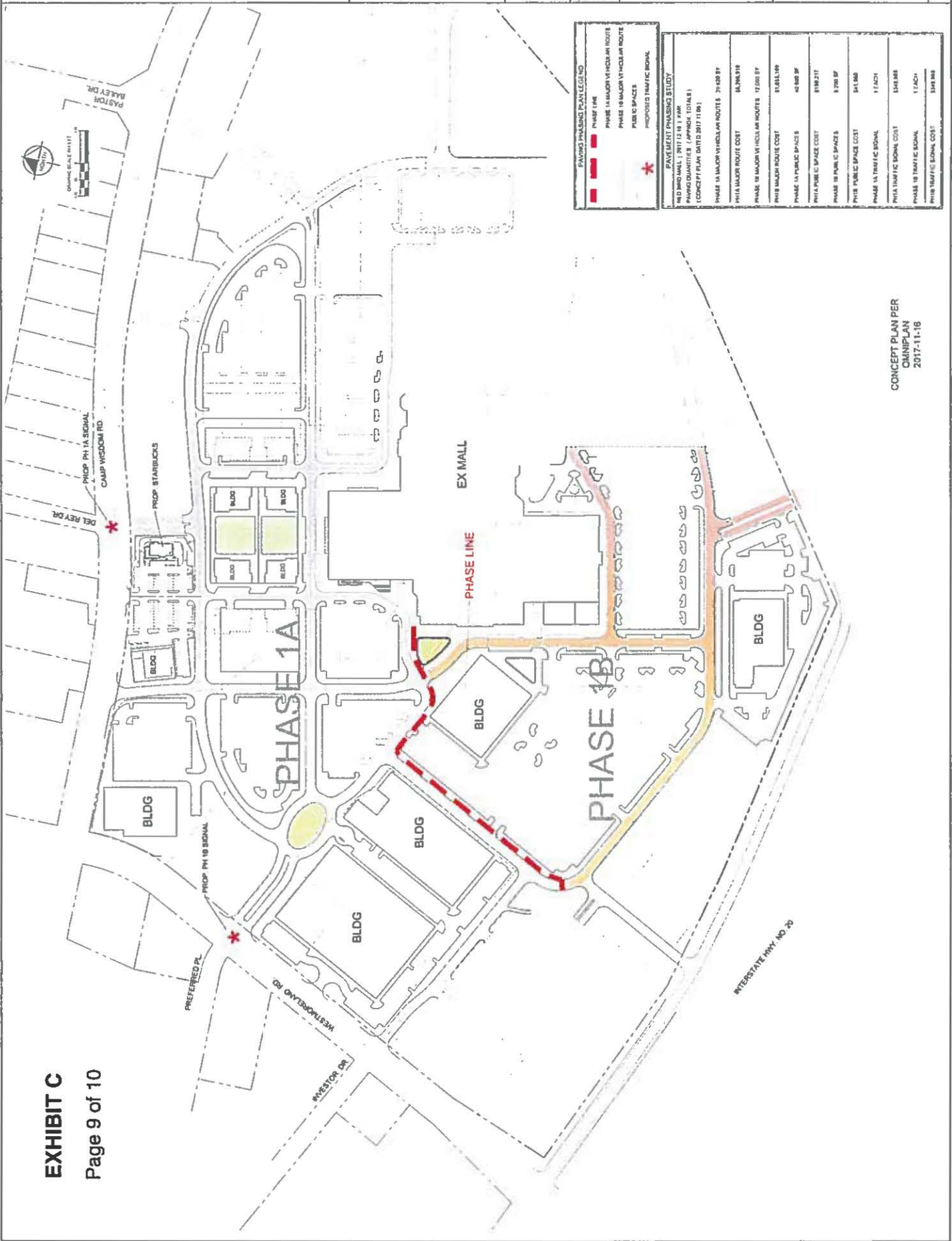
| DRY UTILITY RE-ROUTE QUANTITY STUDY     |           |
|-----------------------------------------|-----------|
| RED BIRD MALL   2017.12.01   1.00       |           |
| DRY UTILITY QUANTITIES (APPROX. TOTALS) |           |
| 1.00 CONCEPT PLAN DATED 2017.11.01      |           |
| CABLELINE                               | 1.00      |
| ELECTRIC CONDUIT                        | 0.17      |
| TOTAL DRY UTILITY COST                  | \$198,144 |

NOTE:  
EXISTING UTILITIES SHOWN  
ARE NOT FROM AN  
ON-THE-GROUND SURVEY  
AND ARE SHOWN FOR  
DESIGN INTENT ONLY.

CONCEPT PLAN PER  
CIVIL PLAN  
2017-11-16

# EXHIBIT C

Page 9 of 10





CONCEPT PLAN PER  
CMMIPLAN  
2017-11-16



Final Report

| Item   | Quantity | Unit   | Price  | Total  |
|--------|----------|--------|--------|--------|
| 1.00   | 1.00     | 1.00   | 1.00   | 1.00   |
| 2.00   | 2.00     | 2.00   | 2.00   | 2.00   |
| 3.00   | 3.00     | 3.00   | 3.00   | 3.00   |
| 4.00   | 4.00     | 4.00   | 4.00   | 4.00   |
| 5.00   | 5.00     | 5.00   | 5.00   | 5.00   |
| 6.00   | 6.00     | 6.00   | 6.00   | 6.00   |
| 7.00   | 7.00     | 7.00   | 7.00   | 7.00   |
| 8.00   | 8.00     | 8.00   | 8.00   | 8.00   |
| 9.00   | 9.00     | 9.00   | 9.00   | 9.00   |
| 10.00  | 10.00    | 10.00  | 10.00  | 10.00  |
| 11.00  | 11.00    | 11.00  | 11.00  | 11.00  |
| 12.00  | 12.00    | 12.00  | 12.00  | 12.00  |
| 13.00  | 13.00    | 13.00  | 13.00  | 13.00  |
| 14.00  | 14.00    | 14.00  | 14.00  | 14.00  |
| 15.00  | 15.00    | 15.00  | 15.00  | 15.00  |
| 16.00  | 16.00    | 16.00  | 16.00  | 16.00  |
| 17.00  | 17.00    | 17.00  | 17.00  | 17.00  |
| 18.00  | 18.00    | 18.00  | 18.00  | 18.00  |
| 19.00  | 19.00    | 19.00  | 19.00  | 19.00  |
| 20.00  | 20.00    | 20.00  | 20.00  | 20.00  |
| 21.00  | 21.00    | 21.00  | 21.00  | 21.00  |
| 22.00  | 22.00    | 22.00  | 22.00  | 22.00  |
| 23.00  | 23.00    | 23.00  | 23.00  | 23.00  |
| 24.00  | 24.00    | 24.00  | 24.00  | 24.00  |
| 25.00  | 25.00    | 25.00  | 25.00  | 25.00  |
| 26.00  | 26.00    | 26.00  | 26.00  | 26.00  |
| 27.00  | 27.00    | 27.00  | 27.00  | 27.00  |
| 28.00  | 28.00    | 28.00  | 28.00  | 28.00  |
| 29.00  | 29.00    | 29.00  | 29.00  | 29.00  |
| 30.00  | 30.00    | 30.00  | 30.00  | 30.00  |
| 31.00  | 31.00    | 31.00  | 31.00  | 31.00  |
| 32.00  | 32.00    | 32.00  | 32.00  | 32.00  |
| 33.00  | 33.00    | 33.00  | 33.00  | 33.00  |
| 34.00  | 34.00    | 34.00  | 34.00  | 34.00  |
| 35.00  | 35.00    | 35.00  | 35.00  | 35.00  |
| 36.00  | 36.00    | 36.00  | 36.00  | 36.00  |
| 37.00  | 37.00    | 37.00  | 37.00  | 37.00  |
| 38.00  | 38.00    | 38.00  | 38.00  | 38.00  |
| 39.00  | 39.00    | 39.00  | 39.00  | 39.00  |
| 40.00  | 40.00    | 40.00  | 40.00  | 40.00  |
| 41.00  | 41.00    | 41.00  | 41.00  | 41.00  |
| 42.00  | 42.00    | 42.00  | 42.00  | 42.00  |
| 43.00  | 43.00    | 43.00  | 43.00  | 43.00  |
| 44.00  | 44.00    | 44.00  | 44.00  | 44.00  |
| 45.00  | 45.00    | 45.00  | 45.00  | 45.00  |
| 46.00  | 46.00    | 46.00  | 46.00  | 46.00  |
| 47.00  | 47.00    | 47.00  | 47.00  | 47.00  |
| 48.00  | 48.00    | 48.00  | 48.00  | 48.00  |
| 49.00  | 49.00    | 49.00  | 49.00  | 49.00  |
| 50.00  | 50.00    | 50.00  | 50.00  | 50.00  |
| 51.00  | 51.00    | 51.00  | 51.00  | 51.00  |
| 52.00  | 52.00    | 52.00  | 52.00  | 52.00  |
| 53.00  | 53.00    | 53.00  | 53.00  | 53.00  |
| 54.00  | 54.00    | 54.00  | 54.00  | 54.00  |
| 55.00  | 55.00    | 55.00  | 55.00  | 55.00  |
| 56.00  | 56.00    | 56.00  | 56.00  | 56.00  |
| 57.00  | 57.00    | 57.00  | 57.00  | 57.00  |
| 58.00  | 58.00    | 58.00  | 58.00  | 58.00  |
| 59.00  | 59.00    | 59.00  | 59.00  | 59.00  |
| 60.00  | 60.00    | 60.00  | 60.00  | 60.00  |
| 61.00  | 61.00    | 61.00  | 61.00  | 61.00  |
| 62.00  | 62.00    | 62.00  | 62.00  | 62.00  |
| 63.00  | 63.00    | 63.00  | 63.00  | 63.00  |
| 64.00  | 64.00    | 64.00  | 64.00  | 64.00  |
| 65.00  | 65.00    | 65.00  | 65.00  | 65.00  |
| 66.00  | 66.00    | 66.00  | 66.00  | 66.00  |
| 67.00  | 67.00    | 67.00  | 67.00  | 67.00  |
| 68.00  | 68.00    | 68.00  | 68.00  | 68.00  |
| 69.00  | 69.00    | 69.00  | 69.00  | 69.00  |
| 70.00  | 70.00    | 70.00  | 70.00  | 70.00  |
| 71.00  | 71.00    | 71.00  | 71.00  | 71.00  |
| 72.00  | 72.00    | 72.00  | 72.00  | 72.00  |
| 73.00  | 73.00    | 73.00  | 73.00  | 73.00  |
| 74.00  | 74.00    | 74.00  | 74.00  | 74.00  |
| 75.00  | 75.00    | 75.00  | 75.00  | 75.00  |
| 76.00  | 76.00    | 76.00  | 76.00  | 76.00  |
| 77.00  | 77.00    | 77.00  | 77.00  | 77.00  |
| 78.00  | 78.00    | 78.00  | 78.00  | 78.00  |
| 79.00  | 79.00    | 79.00  | 79.00  | 79.00  |
| 80.00  | 80.00    | 80.00  | 80.00  | 80.00  |
| 81.00  | 81.00    | 81.00  | 81.00  | 81.00  |
| 82.00  | 82.00    | 82.00  | 82.00  | 82.00  |
| 83.00  | 83.00    | 83.00  | 83.00  | 83.00  |
| 84.00  | 84.00    | 84.00  | 84.00  | 84.00  |
| 85.00  | 85.00    | 85.00  | 85.00  | 85.00  |
| 86.00  | 86.00    | 86.00  | 86.00  | 86.00  |
| 87.00  | 87.00    | 87.00  | 87.00  | 87.00  |
| 88.00  | 88.00    | 88.00  | 88.00  | 88.00  |
| 89.00  | 89.00    | 89.00  | 89.00  | 89.00  |
| 90.00  | 90.00    | 90.00  | 90.00  | 90.00  |
| 91.00  | 91.00    | 91.00  | 91.00  | 91.00  |
| 92.00  | 92.00    | 92.00  | 92.00  | 92.00  |
| 93.00  | 93.00    | 93.00  | 93.00  | 93.00  |
| 94.00  | 94.00    | 94.00  | 94.00  | 94.00  |
| 95.00  | 95.00    | 95.00  | 95.00  | 95.00  |
| 96.00  | 96.00    | 96.00  | 96.00  | 96.00  |
| 97.00  | 97.00    | 97.00  | 97.00  | 97.00  |
| 98.00  | 98.00    | 98.00  | 98.00  | 98.00  |
| 99.00  | 99.00    | 99.00  | 99.00  | 99.00  |
| 100.00 | 100.00   | 100.00 | 100.00 | 100.00 |



**AGENDA ITEMS # 49,50,51**

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

8

**DEPARTMENT:**

Office of Economic Development

**CMO:**

Raquel Favela, 671-5257

**MAPSCO:**

76 M

---

**SUBJECT**

**Project Apollo**

- \* Authorize a real property tax abatement agreement with Becknell Industrial Operating Partnership, L.P. for the purpose of granting a ten-year abatement of 50 percent of the taxes on added value to the real property for the proposed development of a build-to-suit manufacturing facility situated on approximately 31 acres of property located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$734,259 over ten years
- \* Authorize a business personal property tax abatement agreement with Vistaprint Manufacturing Texas LLC for the purpose of granting a five-year abatement of 50 percent of the taxes on added value to the business personal property for the proposed development of a build-to-suit manufacturing facility situated on approximately 31 acres of property located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private Partnership Program - Estimated Revenue Foregone: \$612,210 over five years
- \* Authorize a Chapter 380 economic development grant agreement with Vistaprint Manufacturing Texas LLC for cost assistance with workforce development programs for residents of the city of Dallas associated with the proposed development of a build-to-suit manufacturing facility located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, in accordance with the City's Public/Private partnership Program - Not to exceed \$300,000 - Financing: Public/Private Partnership Funds

## **BACKGROUND**

Since January 2018, city staff has been in discussions with representatives of printing manufacturer Vistaprint Manufacturing Texas LLC (“Vistaprint”) regarding development of an approximately 322,000 square foot manufacturing facility. The facility will be located on an approximately 31 acre site in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas.

Vistaprint is a wholly owned subsidiary of Cimpress N.V., a global e-commerce brand that produces a wide range of custom-printed and digital marketing products based in the Netherlands.

The development will involve the two-phase construction of approximately 322,000 square feet of manufacturing and office space with a total estimated capital investment of approximately \$24,000,000. Phase I, a 200,000-square foot facility with an estimated \$15,000,000 in real property investments, will be completed by December 31, 2019. Phase II, a 122,000-square foot facility with an estimated \$9,000,000 in real property investments, will be completed by December 31, 2023. Vistaprint estimates a \$50,000,000 investment in machinery, equipment, and other business personal property over a four-year period.

The developer of the facility will be Becknell Industrial Operating Partnership, LP (“Becknell”), who will purchase the site from DLH Logistics, LLC by June 13, 2018. Becknell will develop the facility and site on behalf of Vistaprint. Upon completion, Becknell will lease the facility to Vistaprint for ten years, with an option to buy the facility and land.

Vistaprint plans to create or relocate 625 new full time equivalent (FTE) jobs, as well as 125 seasonal temporary jobs, by July 2023. Vistaprint estimates for wages for hourly workers to average \$14.71/hour with average benefits of \$6.16/hour. For salaried workers wages are estimated at an average annual salary of \$76,000, with estimated annual benefits of \$9,500. The overall median wage for all workers is \$40,000 FTE.

Becknell and Vistaprint are requesting City Council consideration of the following incentives: (1) a real property tax abatement for a period of ten years in an amount equal to the City taxes assessed on 50% of the increased value of the real property owned by Becknell; (2) a business personal property tax abatement for a period of five years in an amount equal to the City taxes assessed on 50% of the increased value of the Vistaprint's business personal property; and (3) a Chapter 380 economic development grant in an amount not to exceed \$300,000. The grant will be used to reimburse Vistaprint for actual costs associated with job fairs held in the city of Dallas or workforce development programs for residents of the City of Dallas including certification programs, job skills training, and other programs approved by the director of the Office of Economic Development.

## **BACKGROUND** (continued)

The proposed incentives will help secure new investment and job opportunities at this southern Dallas location. The real property tax abatement will be a pass-through benefit from Becknell to tenant Vistaprint. The business personal property tax abatement will allow Vistaprint to make a cost-competitive, substantial on-site investment in modern, highly-specialized printing machinery and related technology equipment. The workforce grant will help advance employment opportunities for residents of Dallas.

As conditional to receipt of the incentives, Vistaprint and Becknell shall satisfy and agree to the following terms (amongst other related contractual contingencies and conditions to be negotiated):

- A. Vistaprint must execute a lease with Becknell at 9900 Bonnie View Road/Logistics Drive in Dallas, Texas for construction of a 322,000 square foot build-to-suit manufacturing facility or facilities on or before December 31, 2019. The lease must have a minimum ten-year term.
- B. The real property abatement will only be applicable to the leased site.
- C. Becknell will invest a minimum of \$15,000,000 in real property improvements and will construct the Phase I facility with a minimum of 200,000 square feet on or before December 31, 2019.
- D. Vistaprint will lease the Phase I facility on or before December 31, 2019, and will continuously occupy it throughout the terms of both abatements and the grant agreement.
- E. Becknell will invest a minimum of \$9,000,000 in real property improvements and will construct the Phase II facility with a minimum of 122,000 square feet on or before December 31, 2023.
- F. Vistaprint will lease the Phase II facility on or before December 31, 2023, and will continuously occupy it throughout the terms of both abatements and the grant agreement.
- G. Vistaprint will invest a minimum of \$30,000,000 in business personal property investments at the facility by December 31, 2021.
- H. Both abatement agreements and the Chapter 380 grant agreement must be executed no later than December 31, 2019. All incentive agreements will be cross-defaulted.
- I. Vistaprint must create the minimum FTE jobs described below, and must maintain the jobs for the entire term of both abatement agreements and the grant agreement.
  - a. By July 31, 2020, the Company must create a minimum of 80 new permanent FTE jobs at the site with an average annual salary equal to or greater than \$40,000 (wages only, excluding benefits).
  - b. By July 31, 2021, the Company must create a minimum of 230 total new permanent FTE jobs at the site with an average annual salary equal to or greater than \$40,000 (wages only, excluding benefits).

**BACKGROUND** (continued)

- c. By July 31, 2022, the Company must create a minimum of 320 total new permanent FTE jobs at the site with an average annual salary equal to or greater than \$40,000 (wages only, excluding benefits).
  - d. By July 31, 2023, the Company must create a minimum of 400 total new permanent FTE jobs at the site with an average annual salary equal to or greater than \$40,000 (wages only, excluding benefits).
- J. Vistaprint must ensure that a minimum of 15% of the newly created FTEs each year are Dallas residents as described in the chart below, and must ensure that a minimum of 15% Dallas resident employment is maintained throughout the term of the abatement agreements and grant agreement.

|               | Minimum Permanent<br>FTEs | Minimum City of Dallas<br>Resident FTEs |
|---------------|---------------------------|-----------------------------------------|
| July 31, 2020 | 80                        | 12                                      |
| July 31, 2021 | 230                       | 35                                      |
| July 31, 2022 | 320                       | 48                                      |
| July 31, 2023 | 400                       | 60                                      |

- K. On or before July 31, 2021, Vistaprint will hold a minimum of three (3) job fairs in conjunction with Workforce Solutions Greater Dallas or other partners approved by the director of the Office of Economic Development at locations in the City of Dallas approved by the director of the Office of Economic Development. The job fairs will help facilitate the hiring of City of Dallas residents.

The estimated foregone real and business personal property tax revenue is \$1,346,469. Inclusive of the Chapter 380 workforce grant of \$300,000, the total incentive valuation is \$1,646,469.

Pursuant to the City's Public/Private Partnership Program (P/PPP) Guidelines and Criteria (effective for the period January 1, 2017 through December 31, 2018), the proposed development is located in a Non-Target Area. With the projects private investment exceeding \$5 million and hiring above 100 jobs, the proposed development meets minimum eligibility criteria requirements of the P/PPP Guidelines and Criteria. Also, pursuant to the P/PPP Guidelines and Criteria, the terms of both the real property tax abatement and business personal property tax abatement meet the guideline for Non-Target Areas. Additionally, because the proposed development is an information technology-based manufacturing and assembly project, the project meets the definition of a Target Industry project. Inclusion of the Chapter 380 Grant for reimbursement of workforce development programs reflects the City's commitment to this important Target Industry project and the desire to expand the City's skilled workforce.

## **BACKGROUND** (continued)

Staff is recommending approval of the real property and, business personal property tax abatements and Chapter 380 workforce grant as requested by Becknell and Vistaprint.

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction                      August 2018  
Complete Construction              Phase I: December 31, 2019; Phase II: December 31, 2023

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 14, 2016, City Council authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, by Resolution No. 16-1984.

Information about this item was provided to the Economic Development and Housing Committee on May 21, 2018.

## **FISCAL INFORMATION**

Estimated total abatement revenue foregone is \$1,346,469 over the ten-year period. Inclusive of the Chapter 380 workforce grant of \$300,000, the total incentive valuation is \$1,646,469. Estimated present net City revenues is \$1,828,960 over the ten-year period.

## **DEVELOPER**

**Becknell Industrial, LLC**

Dan Fogarty  
Senior Vice President Development

## **TENANT/LEASEE**

**Vistaprint Manufacturing Texas LLC**

Christian Vaillant  
Vice President Manufacturing North America

**MAP**

Attached



# Location Map





June 13, 2018

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, many municipalities within the Dallas-Fort Worth region have economic development programs to compete with the City of Dallas for development of new industrial/warehouse/distribution facilities; and

**WHEREAS**, site selection decisions made by developers and businesses are often significantly influenced by a municipality's ability to provide competitive economic development incentives; and

**WHEREAS**, the City desires to support and secure new employment opportunities and taxable revenue that new manufacturing development will bring for Dallas residents; and

**WHEREAS**, the proposed development will not occur within the City of Dallas without an offer of economic development incentives from the City of Dallas; and

**WHEREAS**, on December 14, 2016, City Council authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, by Resolution No. 16-1984; and

**WHEREAS**, pursuant to Section 312.2011 of the Texas Tax Code, the Property Redevelopment and Tax Abatement Act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

**WHEREAS**, the City desires to enter into a real property tax abatement agreement with Becknell Industrial Operating Partnership, LP for the added value on real property improvements on approximately 31 acres located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, within a Texas Enterprise Zone to promote economic development.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign a real property tax abatement agreement with Becknell Industrial Operating Partnership, LP, approved as to form by the City Attorney, for added value to the real property in accordance with the Property Redevelopment and Tax Abatement Act and the City's Public/Private Partnership Program - Guidelines and Criteria.

**SECTION 2.** That at least seven days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

**SECTION 3.** That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

**SECTION 4.** That the real property subject to the tax abatement agreement, depicted on the attached site map **Exhibit A (Map)**, is more particularly described by **Exhibit B (Metes and Bounds Legal Description)**.

**SECTION 5.** That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within the City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.
- (c) Development of the Property shall conform to all requirements of the City's zoning ordinance and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the Enterprise Zone during the period the tax abatement is in effect.
- (d) The City of Dallas shall provide Becknell Industrial Operating Partnership, LP a ten-year abatement of 50% of the added value to the real property within the area of land ("Property") particularly described by **Exhibit B - Legal Description**.

June 13, 2018**SECTION 5.** (continued)

- (e) The real property abatement will only be applicable to the leased property. If the leased property is smaller than the entire platted parcel, then Becknell Industrial Operating Partnership, LP must replat the site to reflect two or more parcels, one of which has a boundary limited to the real property that is the subject of the Vistaprint Manufacturing Texas LLC's lease. Any such replat must be completed prior the date of this resolution for City Council approval, and in any event, must be completed no later than December 31, 2018.
- (f) Vistaprint Manufacturing Texas LLC must execute a lease with Becknell Industrial Operating Partnership, LP for all or a portion of the site at 9900 Bonnie View Road/Logistics Drive in Dallas, Texas (as described by **Exhibit B - Legal Description**) for construction of a minimum 322,000 square foot build-to-suit manufacturing facility in two phases with a Phase I building with a minimum of 200,000 square feet and a minimum investment of \$15,000,000 in hard and soft costs to be completed on or before December 31, 2019 and a Phase II building with a minimum of 122,000 square feet and a minimum investment of \$9,000,000 in hard and soft costs to be completed on or before December 31, 2023. The lease must have a minimum 10-year term.
- (g) A build-to-suit manufacturing technology printing facility with a minimum of 322,000 square feet of real property improvements and related hard and soft project costs of at least \$24,000,000 shall be substantially completed on the Property in two phases as described in (f) above. Additionally, Vistaprint Manufacturing Texas LLC will also invest at least \$30,000,000 in business personal property investments between the date of the Council approval and no later than December 31, 2021. This amount does not include land costs, any development costs undertaken before this resolution's date of enactment, attorney's fees, Vistaprint Manufacturing Texas LLC fees, developer's fees or profit. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion deadline for each phase described in (f) above and/or the business personal property investment deadline for a period up to one hundred and eighty (180) days for just cause.
- (h) Vistaprint must occupy the facility no later than December 31, 2019, and must continually occupy the entire facility during the terms of this abatement.
- (i) Vistaprint Manufacturing Texas LLC shall create the following minimum permanent FTEs and minimum City of Dallas Resident FTEs at the site by the dates indicated in the chart below:

June 13, 2018**SECTION 5.** (continued)

|               | Minimum Permanent<br>FTEs | Minimum City of Dallas<br>Resident FTEs |
|---------------|---------------------------|-----------------------------------------|
| July 31, 2020 | 80                        | 12                                      |
| July 31, 2021 | 230                       | 35                                      |
| July 31, 2022 | 320                       | 48                                      |
| July 31, 2023 | 400                       | 60                                      |

- (j) At all times during the terms of the abatement, Vistaprint Manufacturing Texas LLC shall maintain the minimum permanent FTEs and the required minimum permanent City of Dallas FTE residents noted in the table in Section 2(i) above.
- (k) The abatement agreement must be executed no later than December 31, 2019.
- (l) The incentive agreements between the City of Dallas and both Becknell Industrial Operating Partnership, LP and Vistaprint Manufacturing Texas LLC approved by the City Council of the City of Dallas on the date of this resolution will contain cross-default provisions.
- (m) Becknell Industrial Operating Partnership, LP and Vistaprint Manufacturing Texas LLC will report to the Director quarterly on their progress in satisfying each of the conditions listed above. Becknell Industrial Operating Partnership, LP and Vistaprint Manufacturing Texas LLC shall additionally report quarterly to the Director regarding the number of net new jobs created on the site in the previous calendar year. The reports will be on a form approved by Director, and must be signed by the Chief Executive Officer or Chief Financial Officer of each company. The progress reports will be submitted to the City of Dallas within 30 days after the end of each reporting period.
- (n) A description of the kind, number, location, and costs of all proposed improvements to the Property shall be provided to the Office of Economic Development by Becknell Industrial Operating Partnership, LP.
- (o) Access to the Property shall be provided to allow for inspection by City inspectors and officials to ensure that the improvements are made according to the specification and terms of the tax abatement agreement.
- (p) The owner of the Property shall certify annually to the City that the owner is compliant with each applicable term of the tax abatement agreement.

June 13, 2018

**SECTION 5.** (continued)

- (q) The Dallas City Council may terminate or modify the tax abatement agreement if the property owner fails to comply with the tax abatement agreement.
- (r) The real property tax revenue foregone by the City because of the tax abatement agreement shall be recaptured by the City if improvements to real property are not made and maintained as provided by the tax abatement agreement.
- (s) The real property abatement agreement shall be personal to Becknell Industrial Operating Partnership, LP and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.
- (t) If either Becknell Industrial Operating Partnership, LP or Vistaprint Manufacturing Texas LLC fails to perform any condition listed above and/or otherwise breaches its agreement(s) with the City and fails to cure such breach during any year of the term of such agreement, each shall forfeit the relevant abatements for that year. If any condition is not performed, either party breaches either agreement, and/or any existing breach remains uncured in the subsequent year, each party shall again forfeit the relevant abatements for the subsequent year and the agreements will terminate.
- (u) The contract for this abatement agreement between Becknell Industrial Operating Partnership, LP and the City of Dallas must be executed no later than December 31, 2019. The term of the abatement agreement will be 10 years from date of execution of the contract.

**SECTION 6.** That this business personal tax abatement agreement is designated as Contract No ECO-2018-00006528.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Exhibit A: Map





**Exhibit B**  
**Metes and Bounds Legal Description**

**BEING** a tract of land situated in the William H. Newton Survey, Abstract Number 1074, City of Dallas, Dallas County, Texas and being part of City of Dallas Blocks 8313 & 8314 and being part of those tracts of land described as Parcel 45B (6.51 Acres) & Parcel 47-A (58.30 Acres) in Special Warranty Deed to DLH LOGISTICS LLC, recorded in Instrument No. 201700256958 of the Official Public Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the north end of the terminus of Logistics Drive (a 100-foot wide right-of-way) for the southeast corner of Lot 1, Block A/8313, Logisticenter Addition, Phase One, an addition to the City of Dallas according to the plat recorded in Instrument No. 201700254332 of said Official Public Records;

**THENCE** departing said terminus of Logistics Drive and with the east lines of said Lot 1, Block A/8313 and said 61.699 acre tract, North 2°51'20" East, passing the northeast corner of said Lot 1, Block A/8313 at a distance of 1285.50 feet and continuing with the east line of said 61.699 acre tract in all a total distance of 2077.08 feet to a point for corner in the west line of Blanco Road (a generally recognized public road, no record found) and being the north corner of said 6.51 acre tract;

**THENCE** with said west line of Blanco Road, the following courses and distances:

South 28°05'14" East, a distance of 91.44 feet to a 5/8" iron found for corner,

South 30°56'51" East, a distance of 688.98 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 21°50'58", a radius of 540.00 feet, a chord bearing and distance of South 19°58'24" East, 204.68 feet;

**THENCE** departing said west right-of-way line of Blanco Road, the following courses and distances:

In a southeasterly direction, with said curve to the left, an arc distance of 205.93 feet to a point for corner;

South 30°53'52" East, a distance of 1133.00 feet to a point at the beginning of a tangent curve to the right having a central angle of 30°36'33", a radius of 484.00 feet, a chord bearing and distance of South 15°35'36" East, 255.50 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 258.57 feet to a point for corner; South 47°51'19" West, a distance of 75.11 feet to a point for corner;

North 87°08'40" West, a distance of 1167.00 feet to the POINT OF BEGINNING and containing 31.101 acres or 1,354,748 square feet of land.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

June 13, 2018

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, many municipalities within the Dallas-Fort Worth region have economic development programs to compete with the City of Dallas for development of new industrial/warehouse/distribution facilities; and

**WHEREAS**, site selection decisions made by developers and businesses are often significantly influenced by a municipality's ability to provide competitive economic development incentives; and

**WHEREAS**, the City desires to support and secure new employment opportunities and taxable revenue that new manufacturing development will bring for Dallas residents; and

**WHEREAS**, the proposed development will not occur within the city of Dallas without an offer of economic development incentives from the City of Dallas; and

**WHEREAS**, on December 14, 2016, City Council authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code by Resolution No. 16-1984; and

**WHEREAS**, pursuant to Section 312.2011 of the Texas Tax Code, the Property Redevelopment and Tax Abatement Act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

**WHEREAS**, the City desires to enter into a business personal property tax abatement agreement with Vistaprint Manufacturing Texas LLC for the added value on business personal property improvements on approximately 31 located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, within a Texas Enterprise Zone to promote economic development.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign a business personal property tax abatement agreement with Vistaprint Manufacturing Texas, (add comma) LLC, (add comma) approved as to form by the City Attorney, for added value to the business personal property in accordance with the Property Redevelopment and Tax Abatement Act and the City's Public/Private Partnership Program - Guidelines and Criteria.

**SECTION 2.** That at least seven days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the business personal property that is the subject of this agreement.

**SECTION 3.** That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

**SECTION 4.** That the business personal property subject to the tax abatement agreement, depicted on the attached site map **Exhibit A (Map)**, is more particularly described by **Exhibit B (Metes and Bounds Legal Description)**.

**SECTION 5.** That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within the City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.
- (c) Development of the Property shall conform to all requirements of the City's zoning ordinance and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the Enterprise Zone during the period the tax abatement is in effect.
- (d) The City of Dallas shall provide Vistaprint Manufacturing Texas LLC a five-year abatement of fifty percent (50%) of the added value to the business personal property within the area of land ("Property") particularly described by **Exhibit B - Legal Description**.

June 13, 2018**SECTION 5.** (continued)

- (e) The business personal property abatement will only be applicable to the leased property. If the leased property is smaller than the entire platted parcel, then Becknell Industrial Operating Partnership, LP as Property owner must replat the site to reflect two or more parcels, one of which has a boundary limited to the real property that is the subject of the Vistaprint Manufacturing Texas LLC's lease. Any such replat must be completed prior the date of this resolution for City Council approval, and in any event, must be completed no later than December 31, 2018.
- (f) Vistaprint Manufacturing Texas LLC must execute a lease with Becknell Industrial Operating Partnership, LP for all or a portion of the site at 9900 Bonnie View Road/Logistics Drive in Dallas, Texas (as described by **Exhibit B - Legal Description**) for construction of a minimum 322,000 square foot build-to-suit manufacturing facility in two phases with a Phase I building with a minimum of 200,000 square feet and a minimum investment of \$15,000,000 in hard and soft costs to be completed on or before December 31, 2019 and a Phase II building with a minimum of 122,000 square feet and a minimum investment of \$9,000,000 in hard and soft costs to be completed on or before December 31, 2023. The lease must have a minimum ten-year term.
- (g) A build to suit manufacturing technology printing facility with a minimum of 322,000 square feet of real property improvements and related hard and soft project costs of at least \$24,000,000 shall be substantially completed on the Property in two phases as described in (f) above. Additionally, Vistaprint Manufacturing Texas LLC will also invest at least \$30,000,000 in business personal property investments between the date of the Council approval and no later than December 31, 2021. This amount does not include land costs, any development costs undertaken before this resolution's date of enactment, attorney's fees, Vistaprint Manufacturing Texas LLC fees, developer's fees or profit. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion deadline for each phase described in (f) above and/or the business personal property investment deadline for a period up to one hundred and eighty (180) days for just cause.
- (h) Vistaprint Manufacturing Texas LLC must occupy the facility no later than December 31, 2019, and must continually occupy the entire facility during the terms of this abatement.

June 13, 2018**SECTION 5.** (continued)

- (i) Vistaprint Manufacturing Texas LLC shall create the following minimum permanent FTEs and minimum City of Dallas Resident FTEs at the site by the dates indicated in the chart below:

|               | Minimum Permanent<br>FTEs | Minimum City of Dallas<br>Resident FTEs |
|---------------|---------------------------|-----------------------------------------|
| July 31, 2020 | 80                        | 12                                      |
| July 31, 2021 | 230                       | 35                                      |
| July 31, 2022 | 320                       | 48                                      |
| July 31, 2023 | 400                       | 60                                      |

- (j) At all times during the terms of the abatement, Vistaprint Manufacturing Texas LLC shall maintain the minimum permanent FTEs and the required minimum permanent City of Dallas FTE residents noted in the table in Section 2(i) above.
- (k) The abatement agreement must be executed no later than December 31, 2019.
- (l) The incentive agreements between the City of Dallas and both Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP approved by the City Council of the City of Dallas on the date of this resolution will contain cross-default provisions.
- (m) Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP will report to the Director quarterly on their progress in satisfying each of the conditions listed above. Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP shall additionally report quarterly to the Director regarding the number of net new jobs created on the site in the previous calendar year. The reports will be on a form approved by Director, and must be signed by the CEO or CFO of each company. The progress reports will be submitted to the City of Dallas within 30 days after the end of each reporting period.
- (n) A description of the kind, number, location, and costs of all proposed improvements to the Property shall be provided to the Office of Economic Development by Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP.

June 13, 2018

**SECTION 5.** (continued)

- (o) Access to the Property shall be provided to allow for inspection by City inspectors and officials to ensure that the improvements are made according to the specification and terms of the tax abatement agreement.
- (p) The owner of the Property shall certify annually to the City that the owner is compliant with each applicable term of the tax abatement agreement.
- (q) The Dallas City Council may terminate or modify the tax abatement agreement if the property owner fails to comply with the tax abatement agreement.
- (r) The real property tax revenue foregone by the City because of the tax abatement agreement shall be recaptured by the City if improvements to real property are not made and maintained as provided by the tax abatement agreement.
- (s) The real property abatement agreement shall be personal to Becknell Industrial Operating Partnership, LP and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.
- (t) If either Vistaprint Manufacturing Texas LLC or Becknell Industrial Operating Partnership, LP fails to perform any condition listed above and/or otherwise breaches its agreement(s) with the City and fails to cure such breach during any year of the term of such agreement, each shall forfeit the relevant abatements for that year. If any condition is not performed, either party breaches either agreement, and/or any existing breach remains uncured in the subsequent year, each party shall again forfeit the relevant abatements for the subsequent year and the agreements will terminate.
- (u) The contract for this abatement agreement between Vistaprint Manufacturing Texas LLC and the City of Dallas must be executed no later than December 31, 2019. The term of the abatement agreement will be five years from date of execution of the contract.

**SECTION 6.** That this business personal tax abatement agreement be designated as Contract No. MASC-ECO-2018-00006527.

**SECTION 7.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Exhibit A: Map



**Exhibit B**  
**Metes and Bounds Legal Description**

**BEING** a tract of land situated in the William H. Newton Survey, Abstract Number 1074, City of Dallas, Dallas County, Texas and being part of City of Dallas Blocks 8313 & 8314 and being part of those tracts of land described as Parcel 45B (6.51 Acres) & Parcel 47-A (58.30 Acres) in Special Warranty Deed to DLH LOGISTICS LLC, recorded in Instrument No. 201700256958 of the Official Public Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the north end of the terminus of Logistics Drive (a 100-foot wide right-of-way) for the southeast corner of Lot 1, Block A/8313, Logisticenter Addition, Phase One, an addition to the City of Dallas according to the plat recorded in Instrument No. 201700254332 of said Official Public Records;

**THENCE** departing said terminus of Logistics Drive and with the east lines of said Lot 1, Block A/8313 and said 61.699 acre tract, North 2°51'20" East, passing the northeast corner of said Lot 1, Block A/8313 at a distance of 1285.50 feet and continuing with the east line of said 61.699 acre tract in all a total distance of 2077.08 feet to a point for corner in the west line of Blanco Road (a generally recognized public road, no record found) and being the north corner of said 6.51 acre tract;

**THENCE** with said west line of Blanco Road, the following courses and distances:

South 28°05'14" East, a distance of 91.44 feet to a 5/8" iron found for corner,

South 30°56'51" East, a distance of 688.98 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 21°50'58", a radius of 540.00 feet, a chord bearing and distance of South 19°58'24" East, 204.68 feet;

**THENCE** departing said west right-of-way line of Blanco Road, the following courses and distances:

In a southeasterly direction, with said curve to the left, an arc distance of 205.93 feet to a point for corner;

South 30°53'52" East, a distance of 1133.00 feet to a point at the beginning of a tangent curve to the right having a central angle of 30°36'33", a radius of 484.00 feet, a chord bearing and distance of South 15°35'36" East, 255.50 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 258.57 feet to a point for corner; South 47°51'19" West, a distance of 75.11 feet to a point for corner;

North 87°08'40" West, a distance of 1167.00 feet to the POINT OF BEGINNING and containing 31.101 acres or 1,354,748 square feet of land.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.



June 13, 2018

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, many municipalities within the Dallas-Fort Worth region have economic development programs to compete with the City of Dallas for development of new industrial/warehouse/distribution facilities; and

**WHEREAS**, site selection decisions made by developers and businesses are often significantly influenced by a municipality's ability to provide competitive economic development incentives; and

**WHEREAS**, the City desires to support and secure new employment opportunities and taxable revenue that new manufacturing development will bring for Dallas residents; and

**WHEREAS**, the proposed development will not occur within the city of Dallas without an offer of economic development incentives from the City of Dallas; and

**WHEREAS**, on December 14, 2016, City Council authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code by Resolution No. 16-1984; and

**WHEREAS**, the City desires to enter into an economic development grant agreement with Vistaprint Manufacturing Texas LLC for cost assistance with workforce development programs for residents of the City of Dallas associated with the proposed development of a build-to-suit manufacturing facility located in the 9900 block of Bonnie View Road/Logistics Drive, south of Telephone Road and north of Wintergreen Road in southern Dallas within the International Inland Port of Dallas, located within a Texas Enterprise Zone to promote economic development.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign a Chapter 380 economic development grant agreement with Vistaprint Manufacturing Texas LLC, approved as to form by City Attorney, related to workforce development program costs associated with a new build-to-suit manufacturing facility located in the 9900 block of Bonnie View Road/Logistics Drive (as depicted on the attached site map **Exhibit A – Map**) subject to Vistaprint Manufacturing Texas LLC signing a ten year lease on or before December 31, 2019, in an amount not to exceed \$300,000.

**SECTION 2.** That the tax abatement agreement shall provide, among other provisions, the following:

- (a) Vistaprint Manufacturing Texas LLC must execute a lease with Becknell Industrial Operating Partnership, LP for all or a portion of the site at 9900 Bonnie View Road/Logistics Drive in Dallas, Texas (as described by **Exhibit B - Legal Description**) for construction of a minimum 322,000 square foot build-to-suit manufacturing facility in two phases with a Phase I building with a minimum of 200,000 square feet to be completed on or before December 31, 2019 and a Phase II building with a minimum of 122,000 square feet to be completed on or before December 31, 2023. The lease must have a minimum ten year term.
- (b) That the economic development grant agreement shall provide workforce-related hiring and training funding. Specifically:
  - a. That on or before July 31, 2021, Vistaprint Manufacturing Texas LLC will hold a minimum of three (3) job fairs in conjunction with Workforce Solutions Greater Dallas at locations in the City of Dallas as approved by the Director of the Office of Economic Development to facilitate the hiring of City of Dallas residents. The reasonable, actual costs of these job fairs may be eligible for reimbursement under the Chapter 380 economic development grant agreement. The Director of the Office of Economic Development may, at his/her sole discretion, extend the substantial completion date for a period up to six months for just cause.
  - b. The grant will be used to reimburse Vistaprint for costs associated with workforce development training and for local job fairs to facilitate the hiring of City of Dallas residents as reviewed and approved by the Director of the Office of Economic Development.
- (c) To receive the grant funding during any year of the agreement, Vistaprint Manufacturing Texas LLC shall create the following minimum permanent FTEs and minimum City of Dallas Resident FTEs at the site by the dates indicated in the chart below:

June 13, 2018**SECTION 2.** (continued)

|               | Minimum Permanent<br>FTEs | Minimum City of Dallas<br>Resident FTEs |
|---------------|---------------------------|-----------------------------------------|
| July 31, 2020 | 80                        | 12                                      |
| July 31, 2021 | 230                       | 35                                      |
| July 31, 2022 | 320                       | 48                                      |
| July 31, 2023 | 400                       | 60                                      |

- (d) At all times during the terms of the abatement, Vistaprint Manufacturing Texas LLC shall maintain the minimum permanent FTEs and the required minimum permanent City of Dallas FTE residents noted in the table in Section 2(c) above.
- (e) The grant agreement must be executed no later than December 31, 2019.
- (f) The incentive agreements between the City of Dallas and both Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP approved by the City Council of the City of Dallas on the date of this resolution will contain cross-default provisions.
- (g) Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP will report to the Director quarterly on their progress in satisfying each of the conditions listed above. Vistaprint Manufacturing Texas LLC and Becknell Industrial Operating Partnership, LP shall additionally report quarterly to the Director regarding the number of net new jobs created on the site in the previous calendar year. The reports will be on a form approved by Director, and must be signed by the CEO or CFO of each company. The progress reports will be submitted to the City of Dallas within 30 days after the end of each reporting period.
- (h) Access to the Property shall be provided to allow for inspection by City inspectors and officials to ensure that the improvements are made according to the specification and terms of the grant agreement.
- (i) The Dallas City Council may terminate or modify the grant agreement if the property owner fails to comply with the grant agreement.
- (j) The grant agreement shall be personal to Vistaprint Manufacturing Texas LLC.

June 13, 2018

**SECTION 2.** (continued)

- (k) If either Vistaprint Manufacturing Texas LLC or Becknell Industrial Operating Partnership, LP fails to perform any condition listed above and/or otherwise breaches its agreement(s) with the City and fails to cure such breach during any year of the term of such agreement, each shall forfeit the relevant agreements for that year. If any condition is not performed, either party breaches its agreement(s), and/or any existing breach remains uncured in the subsequent year, each party shall again forfeit the relevant agreement(s) for the subsequent year and the agreements will terminate.
- (l) The contract for this grant agreement between Vistaprint Manufacturing Texas LLC and the City of Dallas must be contractually executed no later than December 31, 2019. The term of the grant agreement will be 5 years from date of execution of the contract.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to encumber and disburse funds from Public/Private Partnership Funds, Fund 0352, Department ECO, Unit 9992, Object 3016, Activity PPPF, Contract/Encumbrance No. MASC ECO-2018-00006527, Vendor VC18688, in an amount not to exceed \$300,000.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Exhibit A: Map



**Exhibit B**  
**Metes and Bounds Legal Description**

**BEING** a tract of land situated in the William H. Newton Survey, Abstract Number 1074, City of Dallas, Dallas County, Texas and being part of City of Dallas Blocks 8313 & 8314 and being part of those tracts of land described as Parcel 45B (6.51 Acres) & Parcel 47-A (58.30 Acres) in Special Warranty Deed to DLH LOGISTICS LLC, recorded in Instrument No. 201700256958 of the Official Public Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with plastic cap stamped "KHA" found at the north end of the terminus of Logistics Drive (a 100-foot wide right-of-way) for the southeast corner of Lot 1, Block A/8313, Logisticenter Addition, Phase One, an addition to the City of Dallas according to the plat recorded in Instrument No. 201700254332 of said Official Public Records;

**THENCE** departing said terminus of Logistics Drive and with the east lines of said Lot 1, Block A/8313 and said 61.699 acre tract, North 2°51'20" East, passing the northeast corner of said Lot 1, Block A/8313 at a distance of 1285.50 feet and continuing with the east line of said 61.699 acre tract in all a total distance of 2077.08 feet to a point for corner in the west line of Blanco Road (a generally recognized public road, no record found) and being the north corner of said 6.51 acre tract;

**THENCE** with said west line of Blanco Road, the following courses and distances:

South 28°05'14" East, a distance of 91.44 feet to a 5/8" iron found for corner,

South 30°56'51" East, a distance of 688.98 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 21°50'58", a radius of 540.00 feet, a chord bearing and distance of South 19°58'24" East, 204.68 feet;

**THENCE** departing said west right-of-way line of Blanco Road, the following courses and distances:

In a southeasterly direction, with said curve to the left, an arc distance of 205.93 feet to a point for corner;

South 30°53'52" East, a distance of 1133.00 feet to a point at the beginning of a tangent curve to the right having a central angle of 30°36'33", a radius of 484.00 feet, a chord bearing and distance of South 15°35'36" East, 255.50 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 258.57 feet to a point for corner; South 47°51'19" West, a distance of 75.11 feet to a point for corner;

North 87°08'40" West, a distance of 1167.00 feet to the POINT OF BEGINNING and containing 31.101 acres or 1,354,748 square feet of land.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**

Department of Sustainable Development and Construction

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

45 M

---

**SUBJECT**

Authorize an historic preservation tax exemption for Knights of Pythias/Union Bankers Bank located at 2557 Elm Street for a ten-year period on 100 percent of the land and structure value - Revenue Foregone: First year of tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition (Estimated revenue foregone over ten years is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414) (This item was deferred on May 23, 2018)

**BACKGROUND**

Article XI of the Dallas Development Code established the Historic Preservation Tax Incentive Program, which allows property owners to receive tax exemptions for restorations of historic properties. Dallas Development Code Section 11.201(e) requires that City Council review any exemption over \$50,000.

The Knights of Pythias building was constructed in 1915-1916 as the state headquarters of the Black Knights of Pythias, and it was a center for social services and activities for the organization. It was designed by William Sidney Pittman, the first African-American architect to practice in the City of Dallas. The Knights of Pythias site was designated a City of Dallas Landmark in 1989.

Westdale Properties and Epic Dallas intend to reposition the unused historic building as part of a larger boutique hotel project with restaurant uses. On March 8, 2018, the Landmark Commission approved minor window and door modifications and the construction of the seven-story addition and glass connector. The renovation work includes repairing and replacing key exterior components to include: paint removal from the historic exterior masonry facades, repointing of the exterior brick, repair of historic cast stone elements, and restoration of the window and door openings.

## **BACKGROUND** (continued)

All interior and exterior work, including the new additions, have been reviewed and approved by the Texas Historical Commission and the National Park Service, in compliance with national historic renovation guidelines as part of those federal tax credit and state programs. Although the entire project, including the new additions, have been reviewed by the National Park Service, only the historic component of the structure will be allowed to claim the Federal historic tax credits.

Westdale Properties and Epic Dallas initially inquired about Tax Increment Financing (TIF) funds in December 2015 for the hotel component of the Epic Deep Ellum Project. In December 2017, after the property owner decided not to pursue TIF funds, they amended their zoning application to expand the boundary of the historic district to include the hotel addition, and apply for the historic tax exemption for both the historic building and the addition. City Council approved the amendments to the preservation criteria and expanded boundary on April 11, 2018.

In lieu of the TIF funding, Westdale Properties and Epic Dallas has applied for a historic tax exemption in support of approximately \$6.8 million in investment. The building qualifies under the "Urban Historic District" exemption which allows for up to a 100 percent exemption of the City portion of the property taxes for up to a ten-year period. To qualify for this exemption, the cost of rehabilitation must exceed 75 percent of the pre-rehabilitation value of the structure.

The 2017 Dallas Central Appraisal District (DCAD) appraised value for the 2557 Elm Street account is \$1,328,840, with an improvement value of \$148,040 and land value of \$1,180,800. The applicant is therefore required to invest approximately \$111,030 into the property to qualify for the exemption. As of March 5, 2018, the applicant has spent \$407,974 on eligible items. The attached Certificate for Eligibility application details the work already completed on the structure.

Staff used the DCAD values of comparably renovated historic hotel properties near downtown and an inflation rate of 3 percent to estimate \$1,930,414 in revenue forgone over the next ten years if both the historic building and the new construction are approved for the historic preservation tax exemption program. Currently, the City is expected to collect \$12,028 in revenue for tax year 2018.

The Historic Preservation Tax Exemption allows the Landmark Commission to make a determination if a building is "contributing". Only "contributing" structures are eligible for the incentives. A contributing structure means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to a historic district (Sec. 51A-11.102(4) of Dallas Development Code). The Landmark Commission approved the historic tax exemption with the new seven-story hotel addition (over 100,000 square feet) because they believed the construction of the addition makes the restoration of the historic structure possible. The applicant believes that the intent of the tax exemption program is for the economic investment in a district and to encourage the rehabilitation of historic structures.



## **BACKGROUND** (continued)

The Applicant stated that the proposed addition is potentially contributing to the historic overlay for the Knights of Pythias site, and would not have an adverse effect on the property. The Landmark Commission was satisfied with the fact that any alterations to or demolition of the new addition or the historic structure would require their oversight.

Staff is concerned that identifying the new addition as “contributing” to take advantage of the historic tax exemption is contrary to the purpose of the Historic Preservation Tax Incentive Program and contrary to National Park Service guidance that provides that only buildings older than 50 years are eligible for ‘contributing’ status. The purpose of the program is to encourage economic development through the revitalization and preservation of historic properties.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On October 23, 1989, City Council established Historic Overlay District No. 46 (the Knights of Pythias Building) by Ordinance No. 20492.

In October 1993, City Council established the Historic Tax Incentive Program by Ordinance No. 21874, as amended.

On March 5, 2018, the Landmark Commission approved the certificate of eligibility for the Knights of Pythias/Union Bankers Building at 2557 Elm Street.

On April 11, 2018, City Council held a public hearing to receive comments regarding an application for and an ordinance granting an expansion of Historic Overlay No. 46, the Knights Pythias Building (2551 Elm Street), and approved amendments to the preservation criteria and boundary by Resolution No. 18-0562; Ordinance No. 30832.

On May 7, 2018, the Economic Development and Housing Committee reviewed the application and approved to forward for City Council review.

On May 23, 2018, this item was deferred by Deputy Mayor Pro Tem Adam Medrano.

## **FISCAL INFORMATION**

Revenue Foregone: First year tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition. Over ten years, the estimate is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414.

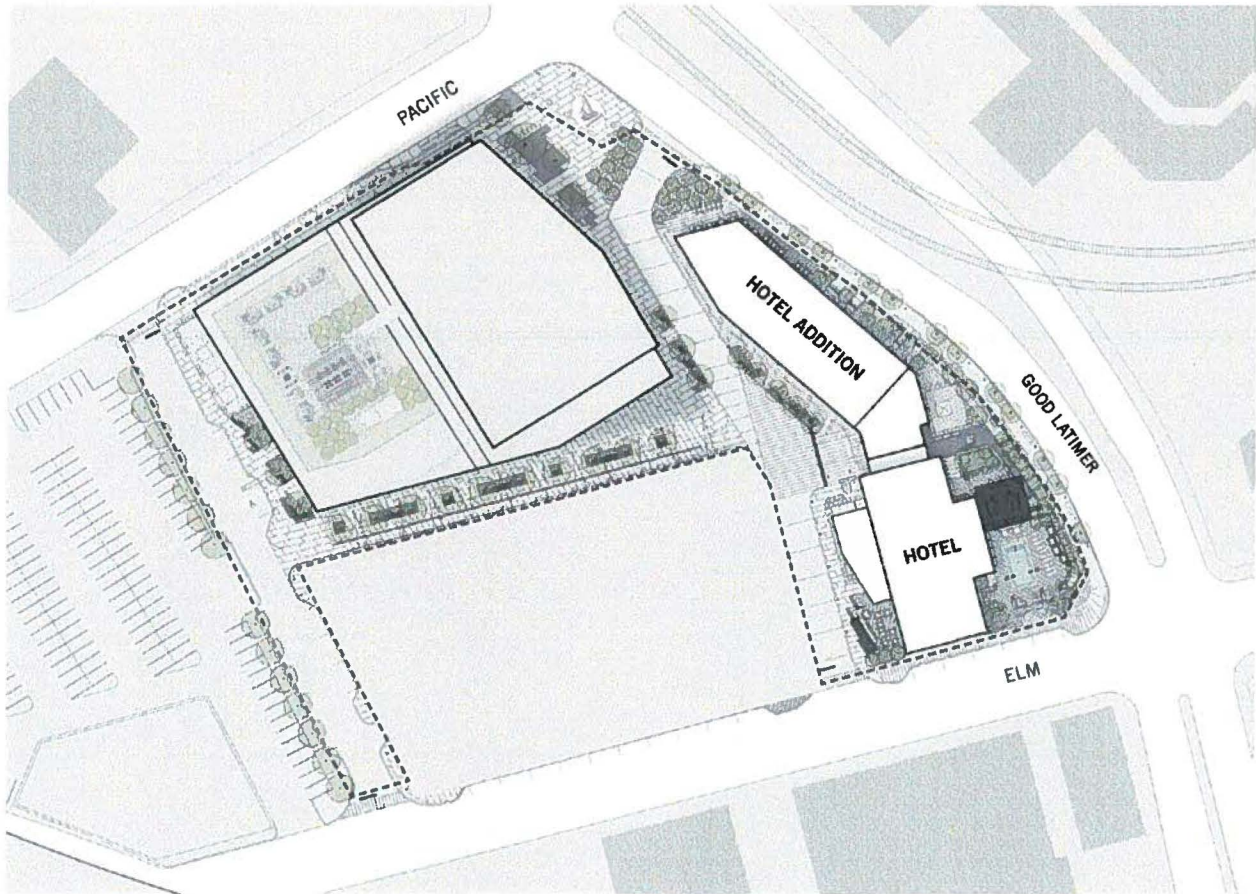
## **OWNER/DEVELOPER**

Epic Dallas Hotel, LP  
c/o Westdale Real Estate Investment & Management

**MAPS**

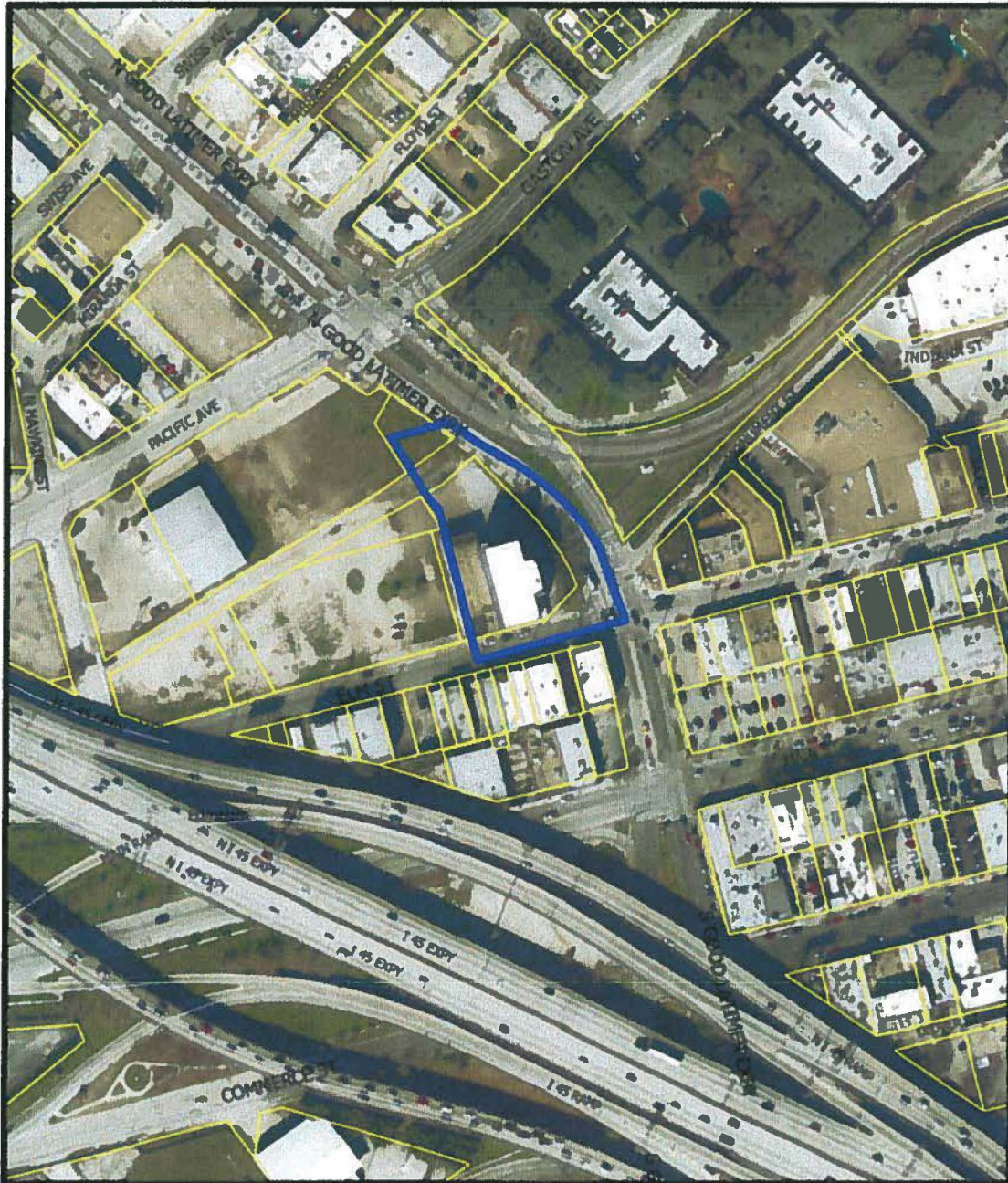
Attached

# Knights of Pythias/Union Bankers Overall Project map





# Knights of Pythias/Union Bankers Vicinity Map



1:2,400

**AERIAL MAP**

**Historic Tax Exemption**

**Z557 Elm Street**



# 

## 

(Properties where part of the rehabilitation work has been previously completed)

**Address:** 2557 Elm Street & 2598 Pacific Avenue  
**Applicant:** Epic Dallas Hotel, LP  
**Contact info:** lhoffmann@winstead.com; tmann@winstead.com





# Historic Tax Exemption Application

## Step 1 – Application for a Certificate of Eligibility

### Property Information

Property Address: 2557 Elm Street & 2598 Pacific Avenue

Legal description: Lot \_\_\_\_\_ Block See attached Exhibit A

Provide a metes and bounds attachment if no lot and block can be determined.

Building name (if applicable): Knights of Pythias/Pittman Hotel

Historic district or pending historic district: Historic Overlay District No. 46 (Knights of Pythias Building)

Year the historic structure was built: 1916

Is this a contributing structure? Yes

### Owner Information

Please list all of the property owner(s): Epic Dallas Hotel, LP

Mailing address: c/o Dennis M. Trimarchi, Westdale Real Estate Investment & Management

City, state and zip code: 3100 Monticello Ave., Suite 100, Dallas, TX 75205

Phone number: 972-201-3455 Fax number: \_\_\_\_\_

Email: Dennis.Trimarchi@westdale.com

### Applicant Information (if different from the property owner)

Applicant name: Laura Hoffmann & Tommy Mann, Winstead PC (On Behalf of the Property Owner)

Mailing address: 2728 N. Harwood Street, Suite 500

City, state and zip code: Dallas, Texas 75201

Phone number: 214-745-5693; 214-745-5724 Fax number: 214-745-5390

Email: lhoffmann@winstead.com; tmann@winstead.com

### Rehabilitation Information

Estimated Rehabilitation Investment: \$6,896,084.00

Current Use: Vacant; Former Union Bankers Office Proposed Use: Hotel

For any exterior work, has a Certificate of Appropriateness (CA) been approved yet?  
Yes, Please see attached Exhibit B for CA approvals.

If not, when will the application for a CA be considered?  
The CA application for the remainder of the work is expected to be submitted in March or April 2018.

Projected Construction Time and Estimated Date of Completion:  
Expected to commence June 1, 2018 and be completed June 30, 2020.

**Lien Holder Information (if applicable)**Primary mortgage company: N/A

Contact person: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

Secondary mortgage company: \_\_\_\_\_

Contact person: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

Other lienholder: \_\_\_\_\_

Contact person: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

**Financial Information**

The following information can be obtained from the Dallas Central Appraisal District website ([www.dallascad.org](http://www.dallascad.org) and click search for appraisals). The City of Dallas will use the tax values for the year prior to the application beings made.

The date this application is submitted to the city: 1/5/2018Improvement Value: \$148,040Land Value: \$1,393,200 (\$1,180,800 + 212,400)Has the Property Received Any Previous Tax Relief? If so, Please Explain: NoIs this in a TIF District? Yes, Deep Ellum TIF

\*\* Please attach a copy of the dallascad.org account information for the property to this application\*\*

**If Applying for an Urban Historic District Conversion Exemption**Total Building Square Footage: 136,000 (including the addition)Retail Square Footage: 5,163 square feetOffice Square Footage: N/AResidential Square Footage: N/ANumber of Jobs Created: 125 estimated

## Type of Exemption that is being applied for:

| Category                                                                                                                                                    |                                     | Type                                  | Required Expenditures<br>(% of pre-rehab value of structure only)                        | Amount<br>(portion of land and structure) | Duration | Renewable<br>(façade expenditures only) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------|----------|-----------------------------------------|
| <b>Urban Historic Districts</b><br>Includes all properties located within the Urban historic district area shown on the last page of the Information packet | <input checked="" type="checkbox"/> | Based on Rehab                        | 75%                                                                                      | 100%                                      | 10 years | Yes                                     |
|                                                                                                                                                             | <input type="checkbox"/>            | Based on Rehab                        | 50%                                                                                      | Added Value                               | 10 years | Yes                                     |
|                                                                                                                                                             | <input type="checkbox"/>            | Residential / ground floor conversion | 50% must be converted to residential and 65% of ground floor must be converted to retail | 100%                                      | 5 years  | No                                      |
| ** A Residential / Ground Floor Conversion exemption may be applied for in addition to an exemption Based on Rehab                                          |                                     |                                       |                                                                                          |                                           |          |                                         |

| Category                                                                                                                                                                                                                                                     |                          | Type           | Required Expenditures | Amount | Duration | Renewable<br>(façade expenditures only) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------|-----------------------|--------|----------|-----------------------------------------|
| <b>Revitalizing Historic Districts</b><br>Includes properties located in:<br><ul style="list-style-type: none"> <li>• Junius Heights</li> <li>• Lakediff</li> <li>• Peak's Suburban</li> <li>• South Blvd. / Park Row</li> <li>• Winnetka Heights</li> </ul> | <input type="checkbox"/> | Based on Rehab | 25%                   | 100%   | 10 years | Yes                                     |

| Category                                                                                                                                     |                          | Type           | Required Expenditures | Amount | Duration | Renewable<br>(façade expenditures only) |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------|-----------------------|--------|----------|-----------------------------------------|
| <b>Endangered Historic Districts</b><br><ul style="list-style-type: none"> <li>• 10<sup>th</sup> Street</li> <li>• Wheatley Place</li> </ul> | <input type="checkbox"/> | Based on Rehab | 25%                   | 100%   | 10 years | Yes                                     |

| Category                                                                                                                                                                                                                                                                     |                          | Type                                                                                     | Required Expenditures | Amount      | Duration | Renewable<br>(façade expenditures only) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------|-----------------------|-------------|----------|-----------------------------------------|
| <b>Citywide</b><br>Includes properties located in:<br><ul style="list-style-type: none"> <li>• Munger Place</li> <li>• State Thomas</li> <li>• Swiss Avenue</li> <li>• All properties not located within the Urban, Endangered or Revitalizing historic districts</li> </ul> | <input type="checkbox"/> | Based on Rehab                                                                           | 50%                   | Added Value | 10 years | Yes                                     |
|                                                                                                                                                                                                                                                                              | <input type="checkbox"/> | Endangered Property<br>(Landmark Commission must find that this property is endangered.) | 25%                   | 100%        | 10 years | Yes                                     |



| <b>Eligible Costs</b>                | <b><u>Total Eligible</u><br/><u>Costs</u></b> | <b><u>Eligible Costs</u><br/><u>Incurred</u></b> | <b><u>Eligible Costs</u><br/><u>Remaining</u></b> |
|--------------------------------------|-----------------------------------------------|--------------------------------------------------|---------------------------------------------------|
| Architectural & Engineering          | \$ 318,318                                    | \$ 57,970                                        | \$ 260,348                                        |
| Carpentry                            | \$ 76,923                                     |                                                  | \$ 76,923                                         |
| Demolition                           | \$ 396,303                                    |                                                  | \$ 396,303                                        |
| Demolition - Remediation             | \$ 443,000                                    | \$ 413,599                                       | \$ 29,401                                         |
| Electrical                           | \$ 280,911                                    |                                                  | \$ 280,911                                        |
| Elevators                            | \$ 449,325                                    |                                                  | \$ 449,325                                        |
| Exterior Doors                       | \$ 125,642                                    |                                                  | \$ 125,642                                        |
| Exterior treatments                  |                                               |                                                  | \$ -                                              |
| Façade                               | \$ 1,586,992                                  |                                                  | \$ 1,586,992                                      |
| Flooring                             |                                               |                                                  | \$ -                                              |
| Foundation                           | \$ 323,105                                    |                                                  | \$ 323,105                                        |
| Gutter                               |                                               |                                                  | \$ -                                              |
| Heating & Cooling                    |                                               |                                                  | \$ -                                              |
| Interior (permanent)                 |                                               |                                                  | \$ -                                              |
| Mechanical                           |                                               |                                                  | \$ -                                              |
| Painting (ext & int)                 |                                               |                                                  | \$ 223,687                                        |
| Porch                                |                                               |                                                  | \$ -                                              |
| Plumbing                             |                                               |                                                  | \$ -                                              |
| Rehab contributing structure         |                                               |                                                  | \$ -                                              |
| Roofing                              |                                               |                                                  | \$ 343,586                                        |
| Security & Fire Protection           |                                               |                                                  | \$ -                                              |
| Sheetrocking                         | \$ 72,444                                     |                                                  | \$ 72,444                                         |
| Siding                               |                                               |                                                  | \$ -                                              |
| Structural Walls                     |                                               |                                                  | \$ -                                              |
| Structural Ceilings                  | \$ 776,204                                    |                                                  | \$ 776,204                                        |
| Termite                              |                                               |                                                  | \$ -                                              |
| Windows                              | \$ 1,421,644                                  |                                                  | \$ 1,421,644                                      |
| Other Landmark Comm. Necessary items | \$ 58,000                                     | \$ 35,071                                        | \$ 22,929                                         |
| <b>TOTAL Eligible Costs</b>          | <b>\$ 6,896,084</b>                           | <b>\$ 506,640</b>                                | <b>\$ 6,389,445</b>                               |

ELIGIBLE  
EXPENSES  
127,573  
280,401  
\$407,974

| <b>Other Costs</b>       | <b><u>Total Other Costs</u></b> | <b><u>Other Costs</u><br/><u>Incurred</u></b> | <b><u>Other Costs</u><br/><u>Remaining</u></b> |
|--------------------------|---------------------------------|-----------------------------------------------|------------------------------------------------|
| Land                     | \$ 5,576,208                    | \$ 5,488,537                                  | \$ 87,671                                      |
| Non-Eligible Hard Costs  | \$ 40,630,673                   | \$ -                                          | \$ 40,630,673                                  |
| Non-Eligible Soft Costs  | \$ 9,265,270                    | \$ 760,634                                    | \$ 8,504,636                                   |
| FFE, OSE, IT, POB        | \$ 10,227,006                   | \$ -                                          | \$ 10,227,006                                  |
| Financing                | \$ 1,978,750                    | \$ -                                          | \$ 1,978,750                                   |
| <b>TOTAL Other Costs</b> | <b>\$ 67,677,907</b>            | <b>\$ 6,249,171</b>                           | <b>\$ 61,428,736</b>                           |

|                            |                      |                     |                      |
|----------------------------|----------------------|---------------------|----------------------|
| <b>Total Project Costs</b> | <b>\$ 74,573,991</b> | <b>\$ 6,755,811</b> | <b>\$ 67,818,180</b> |
|----------------------------|----------------------|---------------------|----------------------|

DATE:10/20/2017 CK#:148 TOTAL:\$63,786.50\*\* BANK:Epic Dallas Hotel, LP(ephotbk)  
PAYEE:DTEch Services(dteser00)

| Property | Account | Invoice - Date    | Description                      | Amount          |
|----------|---------|-------------------|----------------------------------|-----------------|
| ephot    | 9406    | 8166 - 08/28/2017 | Asbestos/Lead Consulting, Abatem | 63,786.50       |
|          |         |                   |                                  | <hr/> 63,786.50 |

DTECH SERVICES INC

624 SIX FLAGS DRIVE SUITE #242  
 ARLINGTON, TX 76011  
 Tel : 817-695-6519  
 Fax :817-385-0965

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 8/28/2017 | 8166      |

| Bill To                                                                                              |
|------------------------------------------------------------------------------------------------------|
| Westdale Asset Management<br>3100 Monticello Ave., Suite 600<br>Dallas, TX 75205<br>Attn: Rees Bowen |

| Site Info                                                                    |
|------------------------------------------------------------------------------|
| Union Bank Building<br>2551 Elm Street<br>Dallas, Texas<br>Project 101516-01 |

| P.O. No. | Terms          | Rep |
|----------|----------------|-----|
|          | Due on receipt | JC  |

| Quantity                       | Description                                                     | Rate         | Amount      |
|--------------------------------|-----------------------------------------------------------------|--------------|-------------|
| 1                              | Asbestos and lead Consulting, Abatement, and Project Management | 127,573.00   | 127,573.00  |
|                                | Request for Partial Payment (50 % of work completed)            | -63,786.50   | -63,786.50  |
| Work is currently 70% complete |                                                                 | <b>Total</b> | \$63,786.50 |

*Handwritten:* 9/19/17  
 SP1405 # 9406

DATE:10/26/2017 CK#:154 TOTAL:\$63,786.50\*\* BANK:Epic Dallas Hotel, LP(ephotbk)  
PAYEE:DTech Services(dteser00)

| Property | Account | Invoice - Date    | Description                       | Amount          |
|----------|---------|-------------------|-----------------------------------|-----------------|
| ephot    | 9406    | 8187 - 09/26/2017 | Asbestos/Lead Consulting, Abatem- | 63,786.50       |
|          |         |                   |                                   | <hr/> 63,786.50 |

**DTECH SERVICES INC**

624 SIX FLAGS DRIVE SUITE #242

ARLINGTON, TX 76011

Tel : 817-695-6519

Fax :817-385-0965

**Invoice**

| Date      | Invoice # |
|-----------|-----------|
| 9/26/2017 | 8187      |

| Bill To                                                                                              | Site Info                                                                    |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Westdale Asset Management<br>3100 Monticello Ave., Suite 600<br>Dallas, TX 75205<br>Attn: Rees Bowen | Union Bank Building<br>2551 Elm Street<br>Dallas, Texas<br>Project 101516-01 |

| P.O. No. | Terms          | Rep |
|----------|----------------|-----|
|          | Due on receipt | JC  |

| Quantity | Description                                                                                                    | Rate                     | Amount                   |
|----------|----------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
|          | Asbestos and Lead Consulting, Abatement and project Management<br>50% Previously Invoiced. Invoice Number 8166 | 127,573.00<br>-63,786.50 | 127,573.00<br>-63,786.50 |
|          |                                                                                                                | <b>Total</b>             | <b>\$63,786.50</b>       |

EPH  
#9406

DATE:12/07/2017 CK#:163 TOTAL:\$280,401.00\* BANK:Epic Dallas Hotel, LP(ephotbk)  
PAYEE:Mid-Continental Restoration Co., Inc.(midres00)

| Property | Account | Invoice - Date        | Description                      | Amount           |
|----------|---------|-----------------------|----------------------------------|------------------|
| ephot    | 9717    | 52459-01 - 11/27/2017 | Paint stripping of exterior maso | 280,401.00       |
|          |         |                       |                                  | <hr/> 280,401.00 |

PH # 620-223-3700  
FAX # 620-223-9185



REMIT TO THE FOLLOWING  
ADDRESS

401 E HUDSON STREET  
FORT SCOTT KS 66701

## INVOICE

Attn: Rees Bowen  
Westdale Real Estate Development & Investments  
3100 Monticello Ave  
Dallas, TX 75205

INVOICE DATE 11/27/2017  
INVOICE # 52459-01  
JOB # 54-17-52459

Emailed to: rees.bowen@westdale.com

|                                                                                                         | CHARGES       | TAXES       | BALANCE              |
|---------------------------------------------------------------------------------------------------------|---------------|-------------|----------------------|
| <b>Paint Stripping of Exterior Masonry</b><br>Union Bankers Building<br>2551 Elm St<br>Dallas, TX 75226 |               |             |                      |
| Work completed per attached schedule of values:                                                         |               |             |                      |
| Labor & general conditions                                                                              | \$ 260,916.00 |             | \$ 260,916.00        |
| Materials                                                                                               | \$ 18,000.00  | \$ 1,485.00 | \$ 19,485.00         |
| <b>AMOUNT DUE UPON RECEIPT</b>                                                                          |               |             | <b>\$ 280,401.00</b> |

PLEASE RETURN 1 COPY OF THIS INVOICE WITH YOUR REMITTANCE

THANK YOU

IF PAYMENT IS NOT RECEIVED IN A TIMELY MANNER, INTEREST SHALL  
ACCUE AT THE RATE OF 1.5% PER MONTH FROM DATE OF COMPLETION.

BB

11/27/17

Oklahoma City, OK    Parkston, SD    Fort Worth, TX

401 E. Hudson Street    Fort Scott, KS 66701    (620) 223-3700    Fax (620) 223-5052  
www.midcontinental.com

## Statement of Understanding

THE STATE OF Texas §  
§  
COUNTY OF Dallas §

I certify that the information in this application for a tax exemption, including all supporting documentation, is complete and correct.

I authorize members of the Landmark Commission and city officials to visit and inspect the property as necessary to certify eligibility and verification for a tax exemption.

I acknowledge that I have read and understand the program regulations, and that I will not receive an exemption until all program requirements have been met and a letter of verification obtained.

I understand that all rehabilitation work must be completed by the time specified by the Landmark Commission (or within 3 years after the date of the Landmark Commission's determination of eligibility if a completion date was not specified). If the deadline for completion is subsequently extended by the Landmark Commission all rehabilitation work must be completed by the extended time specified. I understand that penalties may apply if I do not complete the work.

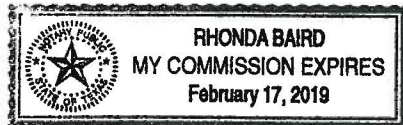
I understand that I must make an annual application to Dallas Central Appraisal District each year in order to receive the exemption for that year, and that if I do not make the application in time, I will lose the ability to receive a tax exemption for that year.

Owner's Name: Epic Dallas Hotel, LP, a Texas limited partnership

Owner's Signature: \_\_\_\_\_

This instrument was acknowledged before me on JANUARY 3, 2018

by (print name of owner) Joseph G. Beard



Notary Stamp Here ..... Notary Signature

RHONDA BAIRD





Home | Find Property  
| Contact Us

## Commercial Account #00000106189200400

Location Owner Legal Desc Value Improvements Land Exemptions Estimated Taxes Building Footprint History

### Location (Current 2018)

Address: 2557 ELM ST  
Market Area: 0  
Mapsco: 45-M (DALLAS)

### DCAD Property Map

[View Photo](#)

### 2017 Appraisal Notice

[Electronic Documents \(ENS\)](#)



[Print Homestead Exemption Form](#)

### Owner (Current 2018)

EPIC DALLAS HOTEL LP  
3100 MONTICELLO AVE 600  
DALLAS, TEXAS 752053439

### Multi-Owner (Current 2018)

| Owner Name           | Ownership % |
|----------------------|-------------|
| EPIC DALLAS HOTEL LP | 100%        |

### Legal Desc (Current 2018)

- 1: GOODS
  - 2: BLK 280 PT LTS 11-13
  - 3: ACS 0.9035 CALC
  - 4: INT201700027379 DD01012017 CO-DC
  - 5: 0280 000 00104 1DA0280 000
- Deed Transfer Date: 1/30/2017

### Value

| 2017 Certified Values       |               |
|-----------------------------|---------------|
| Improvement:                | \$148,040     |
| Land:                       | + \$1,180,800 |
| Market Value:               | = \$1,328,840 |
| Tax Agent: ANDREWS K E & CO |               |
| Revaluation Year:           | 2017          |
| Previous Revaluation Year:  | 2016          |

### Improvements (Current 2018)

| # | Desc: OFFICE BUILDING                                                                                              | Total Area: 43,929 sqft                                                                    | Year Built: 1920                  |
|---|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------|
| 1 | <b>Construction</b><br>Construction: B-REINFORCED CONCRETE FRAME<br>Foundation (Area): CONCRETE BEAM (8,786 sqft ) | <b>Depreciation</b><br>Physical: 80%<br>Functional: + 0%<br>External: + 0%<br>Total: = 80% | <b>Appraisal Method</b><br>INCOME |

|                                                                                                                                                                               |                                                                                                                                                                       |                                                                                                                        |                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Net Lease Area :</b> 60,249 sqft<br><b># Stories:</b> 5<br><b># Units:</b> 1<br><b>Basement (Area):</b> UNASSIGNED<br><b>Heat:</b> CENTRAL HEAT<br><b>A/C:</b> CENTRAL A/C |                                                                                                                                                                       | <b>Quality:</b> LOW COST<br><b>Condition:</b> POOR                                                                     |                                   |
| #                                                                                                                                                                             | <b>Desc:</b> OFFICE BUILDING                                                                                                                                          | <b>Total Area:</b> 16,320 sqft                                                                                         | <b>Year Built:</b> 1912           |
|                                                                                                                                                                               | <b>Construction</b><br><b>Construction:</b> B-REINFORCED<br>CONCRETE FRAME<br><b>Foundation (Area):</b> CONCRETE SLAB (8,160<br>sqft )                                | <b>Depreciation</b><br><b>Physical:</b> 80%<br><b>Functional:</b> + 0%<br><b>External:</b> + 0%<br><b>Total:</b> = 80% | <b>Appraisal Method</b><br>INCOME |
| 2                                                                                                                                                                             | <b>Net Lease Area :</b> 0 sqft<br><b># Stories:</b> 2<br><b># Units:</b> 1<br><b>Basement (Area):</b> UNASSIGNED<br><b>Heat:</b> UNASSIGNED<br><b>A/C:</b> UNASSIGNED | <b>Quality:</b> LOW COST<br><b>Condition:</b> POOR                                                                     |                                   |

**Land (2017 Certified Values)**

| # | State Code              | Zoning                  | Frontage (ft) | Depth (ft) | Area                    | Pricing Method | Unit Price | Market Adjustment | Adjusted Price | Ag Land |
|---|-------------------------|-------------------------|---------------|------------|-------------------------|----------------|------------|-------------------|----------------|---------|
| 1 | COMMERCIAL IMPROVEMENTS | CENTRAL AREA DISTRICT 1 | 0             | 0          | 39,360.0000 SQUARE FEET | STANDARD       | \$30.00    | 0%                | \$1,180,800    | N       |

\* All Exemption information reflects 2017 Certified Values. \*

**Exemptions (2017 Certified Values)**

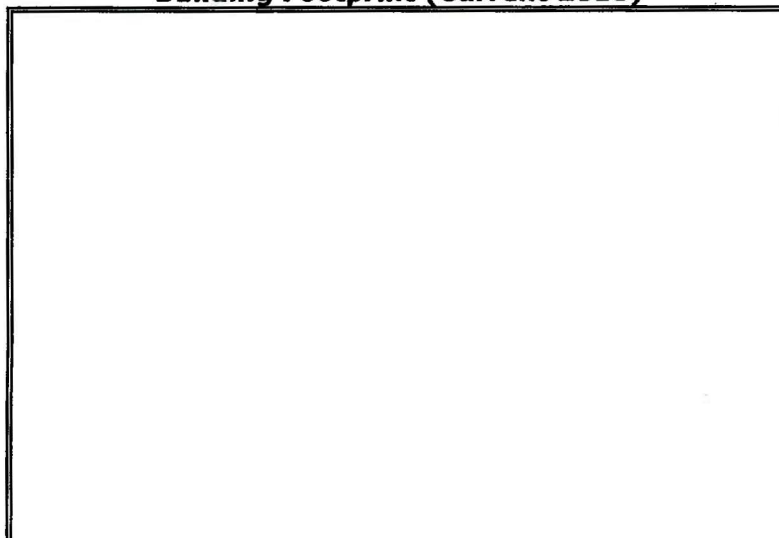
No Exemptions

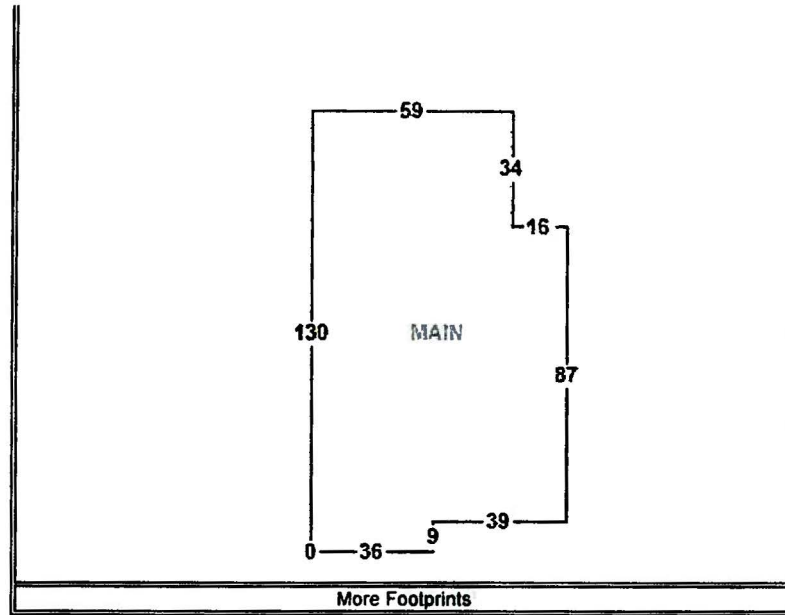
**Estimated Taxes (2017 Certified Values)**

|                               | City        | School      | County and School Equalization | College                     | Hospital          | Special District   |
|-------------------------------|-------------|-------------|--------------------------------|-----------------------------|-------------------|--------------------|
| <b>Taxing Jurisdiction</b>    | DALLAS      | DALLAS ISD  | DALLAS COUNTY                  | DALLAS CO COMMUNITY COLLEGE | PARKLAND HOSPITAL | UNASSIGNED         |
| <b>Tax Rate per \$100</b>     | \$0.7804    | \$1.282085  | \$0.2531                       | \$0.124238                  | \$0.2794          | N/A                |
| <b>Taxable Value</b>          | \$1,328,840 | \$1,328,840 | \$1,328,840                    | \$1,328,840                 | \$1,328,840       | \$0                |
| <b>Estimated Taxes</b>        | \$10,370.27 | \$17,036.86 | \$3,363.29                     | \$1,650.92                  | \$3,712.78        | N/A                |
| <b>Tax Ceiling</b>            |             |             |                                |                             | N/A               | N/A                |
| <b>Total Estimated Taxes:</b> |             |             |                                |                             |                   | <b>\$36,134.12</b> |

**DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES.** You will receive an **official tax bill** from the appropriate agency when they are prepared. Please note that if there is an Over65 or Disabled Person **Tax Ceiling** displayed above, **it is NOT reflected** in the Total Estimated Taxes calculation provided. Taxes are collected by the agency sending you the **official tax bill**. To see a listing of agencies that collect taxes for your property. [Click Here](#)

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. The Dallas Central Appraisal District (DCAD) does not control the tax rate nor the amount of the taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. We cannot assist you in these matters. These tax estimates are calculated by using the most current certified taxable value multiplied by the most current tax rate. **It does not take into account other special or unique tax scenarios, like a tax ceiling, etc..** If you wish to calculate taxes yourself, you may use the TaxEstimator to assist you.

**Building Footprint (Current 2018)**



**History**

**History**

---

© 2017 Dallas Central Appraisal District.  
All Rights Reserved.



**APPROVED BY**

**AUG 16 2017**

**Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS**

**KNIGHTS OF PYTHIAS BUILDING  
SOUTH FACADE  
PHOTO TAKEN 8/16/2017**



**APPROVED BY**

**AUG 16 2017**

**Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS**

**KNIGHTS OF PYTHIAS BUILDING  
SOUTH AND EAST FACADES  
VIEW LOOKING NORTHWEST FROM ELM STREET  
PHOTO TAKEN 8/16/2017**





crane is present to set temporary support for masonry restoration and repair work

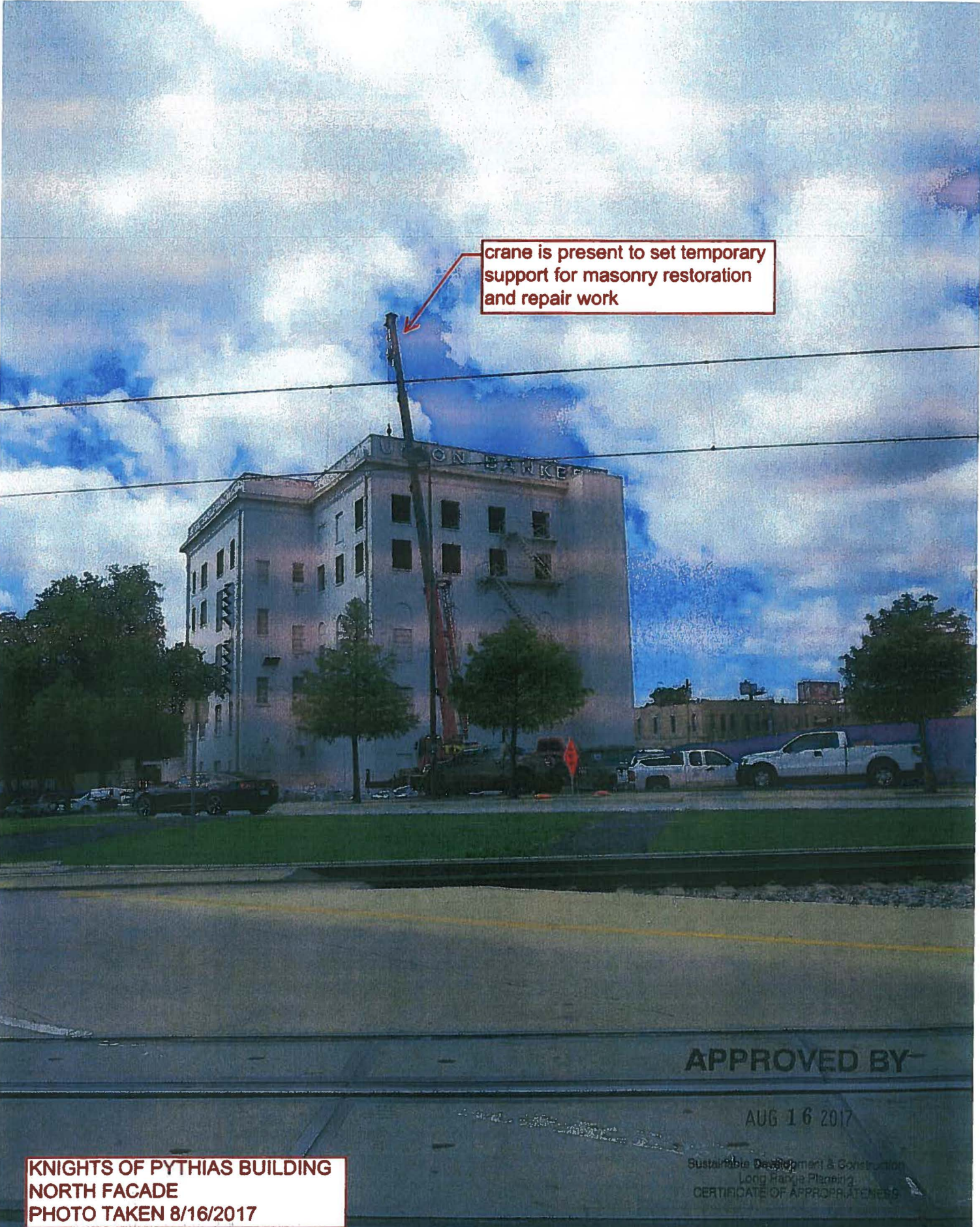
KNIGHTS OF PYTHIAS BUILDING  
EAST FACADE  
PHOTO TAKEN 8/16/2017

APPROVED BY

AUG 16 2017

Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS





crane is present to set temporary support for masonry restoration and repair work

APPROVED BY

AUG 16 2017

KNIGHTS OF PYTHIAS BUILDING  
NORTH FACADE  
PHOTO TAKEN 8/16/2017

Sustainable Design & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS



**APPROVED BY**

**AUG 16 2017**

Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS



existing historic wood  
windows to remain.

ELM STREET

KNIGHTS OF PYTHIAS BUILDING  
WEST FACADE  
PHOTO TAKEN 8/16/2017



# Certificate of Appropriateness (CA) City of Dallas Landmark Commission

CA 167 - 646 (LC)  
Office Use Only

Name of Applicant: Rees Bowen  
Mailing Address : 3100 Monticello, STE. 100  
City, State and Zip Code: Dallas, Texas 75205  
Daytime Phone: 214-515-7080 Fax: \_\_\_\_\_  
Relationship of Applicant to Owner: Director (Employee/Representative)

Building  
Inspection:  
Please see signed  
drawings before  
issuing permit:

Yes \_\_\_\_\_ No \_\_\_\_\_

Planner's Initials

PROPERTY ADDRESS: 2551 ELM STREET (KNIGHTS OF PYTHIAS BLDG)  
Historic District: DEEP ELLUM

## PROPOSED WORK: (REPAIR/MAINTENANCE/IMPROVEMENTS)

Please describe your proposed work simply and accurately. Attach extra sheets and supplemental material as requested in the submittal criteria checklist.

X 1. Paint removal and cleaning of existing exterior masonry as suggested within Dept. of Interior Rehabilitation Standards and Accepted Guidelines.

X 2. Repair, re-tuck and point masonry in deteriorated condition. Profiles to match existing mortor. Existing brick to be cleaned & re-used where removal is required.

RECEIVED BY

Signature of Applicant: [Signature] Date: 06/14/2017

Rees Bowen, Westdale Properties

JUN 20 2017

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(IF NOT APPLICANT)

Current Planning

## APPLICATION DEADLINE:

Application material must be completed and submitted by the **FIRST THURSDAY OF EACH MONTH, 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may also fax this form to 214/670-4210. DO NOT FAX PAINT SAMPLES OR PHOTOGRAPHS.

Please use the enclosed criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner at 214/670-4538 to make sure your application is complete.

## OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed Review and Action Form  
Memorandum to the Building Official, a Certificate of Appropriateness has been:

- ☒ **APPROVED.** Please release the building permit.  
☐ **APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.  
☐ **DENIED.** Please do not release the building permit or allow work.  
☐ **DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Sustainable Construction and Development

6/23/17

Date

June 13, 2018

**WHEREAS**, Article XI of the Dallas Development Code establishes historic preservation tax exemptions and economic development incentives for historic properties to encourage the revitalization and restoration of the city's historic structures; and

**WHEREAS**, Dallas Development Code Section 51A-11.201(e) requires that the City Council review and approve by resolution any portion of the application for a historic preservation tax exemption over \$50,000; and

**WHEREAS**, the property located at 2557 Elm Street, Dallas Central Appraisal District account number 00000106189200400, is a contributing structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to the Knights of Pythias building; and

**WHEREAS**, on April 11, 2018, City Council approved the expansion of the boundary of the historic district to include a hotel addition and amendments to the preservation criteria; and

**WHEREAS**, the Landmark Commission and City Council approve that the tax abatement extend to the hotel addition to encourage preservation of the contributing structure; and

**WHEREAS**, the property is eligible for a city tax exemption based upon rehabilitation of a historic property for a 10-year period on 100 percent of the structure and land value, which will total an estimated \$1,903,414; and

**WHEREAS**, on March 5, 2018, the Landmark Commission determined that the property is eligible for a city tax exemption; and

**WHEREAS**, the rehabilitation project must be completed within three years after the Landmark Commission made its determination of eligibility; and

**WHEREAS**, the property owner has complied with all of the requirements for the city tax exemption, including submitting proof that property taxes and any city fees, fines, or penalties are not delinquent on the properties; and

**WHEREAS**, the City Council finds that it is in the public interest to preserve this historic building.

**Now, Therefore,**

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

June 13, 2018

**SECTION 1.** That the application for a historic preservation tax exemption over \$50,000 is approved on 100 percent of the structure and land value of the historic property for a 10-year period for the city portion of the taxes.

**SECTION 2.** That the rehabilitation project must be completed by March 5, 2021.

**SECTION 3.** That to receive the tax exemption, the owner must submit a final application to the Director of the Department of Sustainable Development and Construction that complies with Dallas Development Code Section 51A-11.201 proving that the rehabilitation requirements have been met and must thereafter make annual application to the appraisal district for the duration of the tax exemption.

**SECTION 4.** That if any portion of the historic structure is totally or partially demolished or significantly altered by the willful act or negligence of the owner or his representative in violation of the historic district preservation criteria, this tax exemption will terminate and the owner shall immediately repay to the City of Dallas all city property taxes foregone.

**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**AGENDA ITEM # 53**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45 L

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1957 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 in an area bound by Pacific Avenue, St. Paul Street, Elm Street and South Ervay Street

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

Z178-123(PD)

**FILE NUMBER:** Z178-123(PD)

**DATE FILED:** November 2, 2017

**LOCATION:** Area bound by Pacific Avenue, St. Paul Street, Elm Street, and South Ervay Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 45 L

**SIZE OF REQUEST:** ±2.118 acres

**CENSUS TRACT:** 31.01

---

**REPRESENTATIVE:** Santos Martinez, Masterplan Consultants

**APPLICANT:** Outfront Media

**OWNER:** Olymbec USA LLC

**REQUEST:** An application for the renewal of Specific Use Permit No. 1957 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619.

**SUMMARY:** The applicant proposes to allow an existing 149-square-foot attached projecting non-premise district activity videoboard sign to remain on a building within the Downtown Special Provision Sign District.

**CPC RECOMMENDATION:** Approval for a ten-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a ten-year period, subject to conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with an office building.
- The request was originally approved by City Council on April 25, 2012 for a six-year period.
- The properties in the surrounding area are developed with office, retail, parking uses and vacant buildings.
- The applicant is proposing to allow the 149-square-foot (16.1'x9.3') videoboard sign, which is installed 20 feet above the sidewalk, to remain.
- Ordinance No. 27481, adopted by City Council on February 11, 2009, allowed for non-premise district activity videoboard signs in the Downtown Special Provision Sign District. In this ordinance, there was a limit of five videoboard signs.
- Ordinance No. 28347 was adopted by City Council on August 24, 2011. One of the amendments in this ordinance was to increase the number of videoboard signs in the Downtown SPSPD to a total of 15 and expand the area in which the videoboard signs are allowed.
- Currently, 13 non-premise district activity videoboard signs have been approved in the Downtown Special Provision Sign District.

**Zoning History:** There have been five recent zoning cases within the past five years.

1. Z167-351                      On March 28, 2018, the City Council approved Tract C within Historic Overlay District No. 48 to allow additional signage.
2. Z156-209                      On May 25, 2017, the City Council approved Specific Use Permit No. 2029 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and commercial amusement (inside) limited to a dance hall.
3. Z145-334                      On December 16, 2015, the City Council approved Specific Use Permit No. 2165 for a vehicle, display, sales, and service.
4. Z123-200                      On April 24, 2013, the City Council approved Specific Use Permit No. 2025 for a personal service use limited to a spa.
5. Z123-224                      On August 14, 2013, the City Council approved Specific Use Permit No. 1796 for an attached projecting non-premise district activity videoboard signs.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type           | Existing ROW   |
|---------------------|----------------|----------------|
| Pacific Avenue      | Minor Arterial | Variable Width |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

**Surrounding Land Uses:**

|       | Zoning                   | Land Use            |
|-------|--------------------------|---------------------|
| Site  | PDD No 619               | Office              |
| North | CA-1(A), H/117           | Comerica Bank Tower |
| South | PDD No. 619              | Office              |
| East  | H/48                     | Office              |
| West  | PDD No. 619, SUP No. 793 | Office & Retail     |

**STAFF ANALYSIS:****Comprehensive Plan:**

The subject site is identified as being within the *Downtown Area* on the **forwardDallas!** **Vision Illustration**, adopted June 2006. The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing.

**LAND USE ELEMENT****GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.3 Build a dynamic and expanded Downtown.

**GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.



## **GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

- Policy 5.1.4 Enhance visual enjoyment of public space.

## **GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

- Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

### **Land Use Compatibility:**

The 2.118-acre request site is zoned Planned Development District No. 619 and is developed with an office building. The applicant requests the renewal of Specific Use Permit No. 1957 to allow an existing 149-square-foot attached projecting non-premise district activity videoboard sign to remain on a building within the Downtown Special Provision Sign District.

The request site is surrounded by office uses to the south and east, office and retail uses to the west, and a financial institution without drive-in window use to the north.

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.

Section 51A-7.909(g) pertains to the occupancy of buildings upon which videoboards may be attached. Videoboard signs are "only permitted on buildings with retail and personal service uses, lodging use, or office uses occupying at least 75 percent of the leasable ground floor area and an overall building occupancy of at least 50 percent. The director shall notify City Council of any building that falls below the occupancy requirements and fails to reestablish the occupancy requirement within 120 days. The director may waive the occupancy requirements of this subsection for up to one year if the director determines that the building or multi-building complex is currently being redeveloped. The director may revoke this waiver if redevelopment stops or is inactive for 90 days or more."

The applicant submitted an affidavit indicating the ground floor meets the occupancy requirements.

The applicant's request, subject a site plan and conditions, complies with the general provisions for consideration of the SUP renewal.

**Development Standards:**

A maximum of 15 non-premise district activity videoboard signs are permitted and may only be erected on buildings with frontage on streets within the Retail Subdistrict bounded by Jackson Street, Lamar Street, Pacific Avenue, and Cesar Chavez Boulevard.

Non-premise district activity videoboard signs may not be placed on Pacific Avenue between Akard Street and Ervay Street. Non-premise district activity videoboard signs may not be placed on building facades facing Main Street Garden or Belo Garden.

A maximum of one non-premise district activity videoboard sign is permitted per block face. Non-premise district activity videoboard signs must have a minimum of 100 square feet in effective area and may have maximum of 150 square feet in effective area.

Non-premise district activity videoboard signs are only permitted by SUP

Projecting non-premise activity videoboard signs

- must have a vertical orientation with height exceeding the width at a minimum of 16:9 width-to-height ratio;
- may project a maximum of 12 feet into the right-of-way;
- must have a minimum clearance of 15 feet above the sidewalk and a maximum clearance of 35 feet above the sidewalk.
- must have video displays on both sides of the sign.

All videoboard signs:

- must contain a default mechanism that freezes the image in one position in case of malfunction
- must automatically adjust the sign brightness based on natural ambient light conditions in compliance with the following formula:
  - the ambient light level measure in luxes, divided by 256 and then rounded down to the nearest whole number, equals the dimming level; then
  - the dimming level, multiplied by .0039 equal the brightness level; then
  - the brightness level, multiplied by the maximum brightness of the specific sign measured in nits, equals the allowed brightness, measured in nits.
- must be turned off between 1:00a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday; and

- may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance.

Non-premise district activity videoboard signs:

- must have a full color display able to display a minimum of 281 trillion color shades; and
- must be able to display a high-quality image with a minimum resolution equivalent to 19mm maximum pixel size.

Changes of message must comply with the following:

- Each message must be displayed for a minimum of eight seconds
- Changes of message must be accomplished within two seconds
- Changes of message must occur simultaneously on the entire sign face
- No flashing, dimming, or brightening of message is permitted except to accommodate changes of message

|                         |
|-------------------------|
| <b>LIST OF OFFICERS</b> |
|-------------------------|

Philip Lassman, Asset Manager

**CPC ACTION:**  
**May 3, 2018**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1957 for an attached projecting non-premise district activity videoboard sign for a ten-year period, subject to conditions on property zoned Planned Development District No. 619, in an area bound by Pacific Avenue, St. Paul Street, Elm Street and South Ervay Street.

Maker: Shidid  
Second: Murphy  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Peadon,  
Murphy, Tarpley

Against: 0  
Absent: 2 - Schultz, Ridley  
Vacancy: 1 - District 8

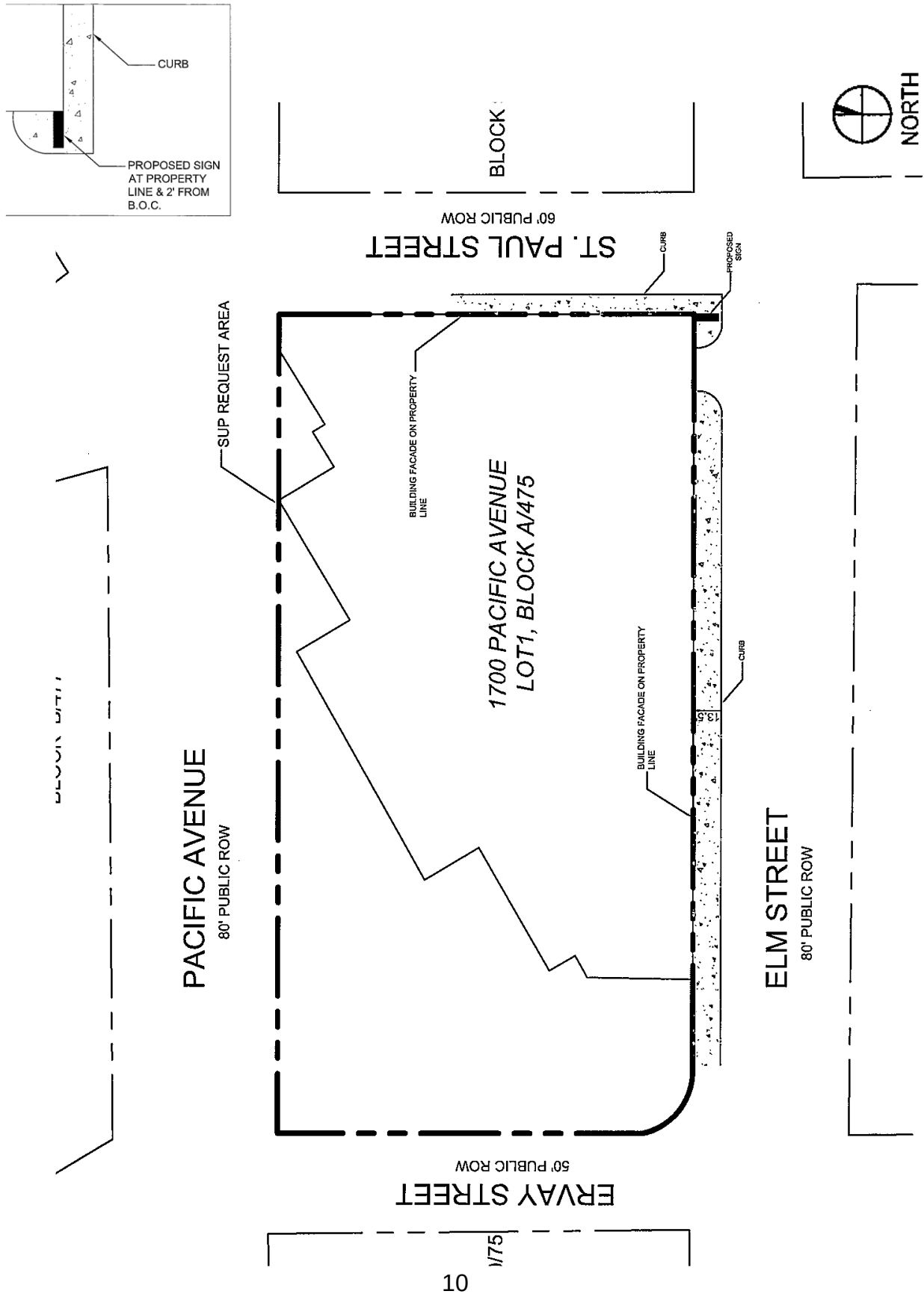
**Notices:** Area: 300 Mailed: 24  
**Replies:** For: 0 Against: 0

**Speakers:** None

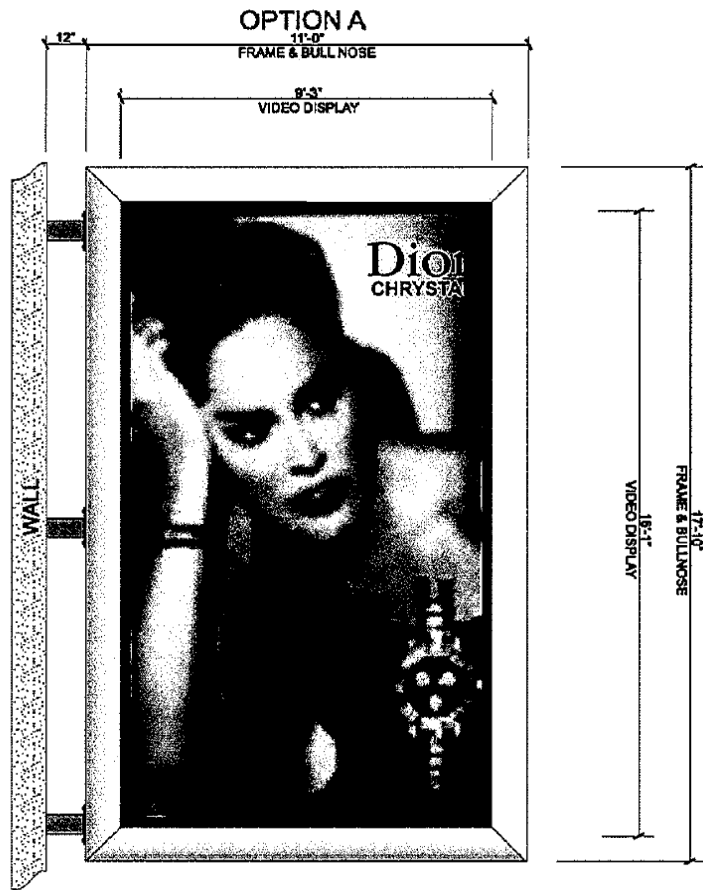
**CPC RECOMMENDED CONDITIONS**

1. USE: The only use authorized by this specific use permit is a projecting non-premise district activity videoboard sign.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.
3. TIME LIMIT: This specific use permit expires on ~~April 25, 2018~~ (ten-years from the passage of this ordinance).
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan



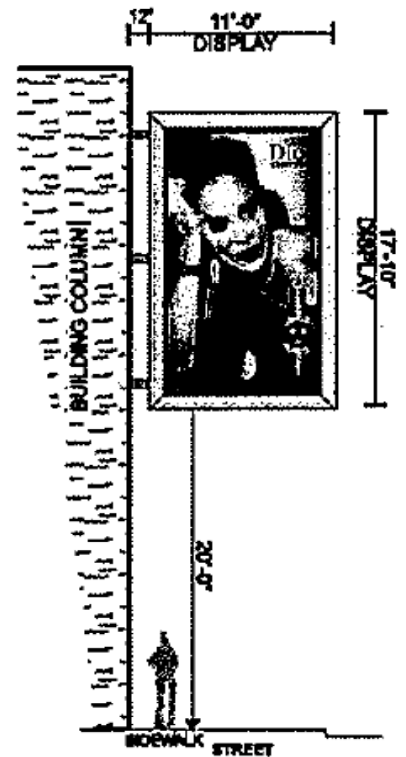
Proposed Elevation



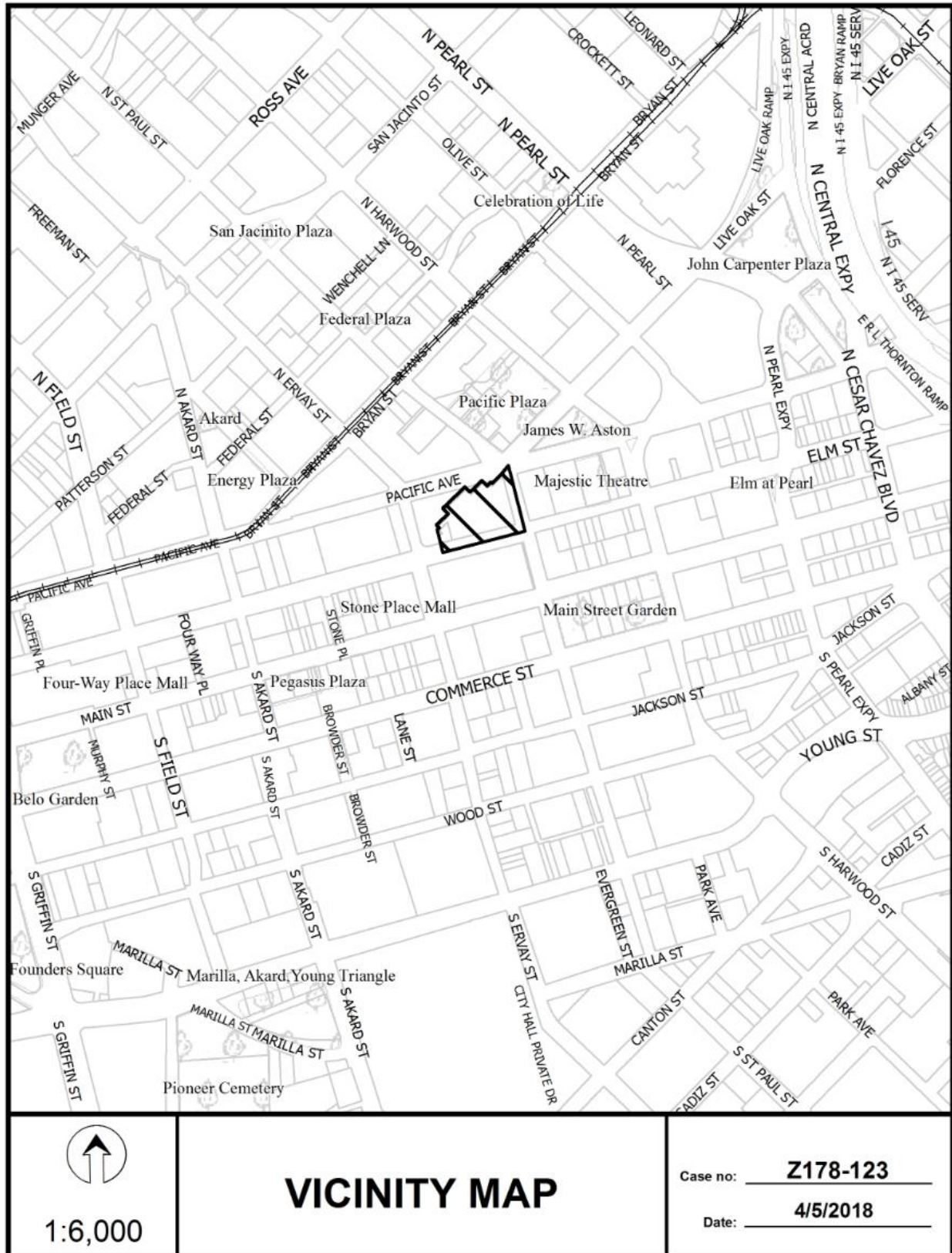
**A** VIDEO DISPLAY DETAIL SCALE 3/8"=1'-0"

(5) D/F Back to Back Video Displays Mounted To Angle Framed Cabinet W/ Bull Nose Frame, Bull Nose & Filler PTD, P-61 Silver.

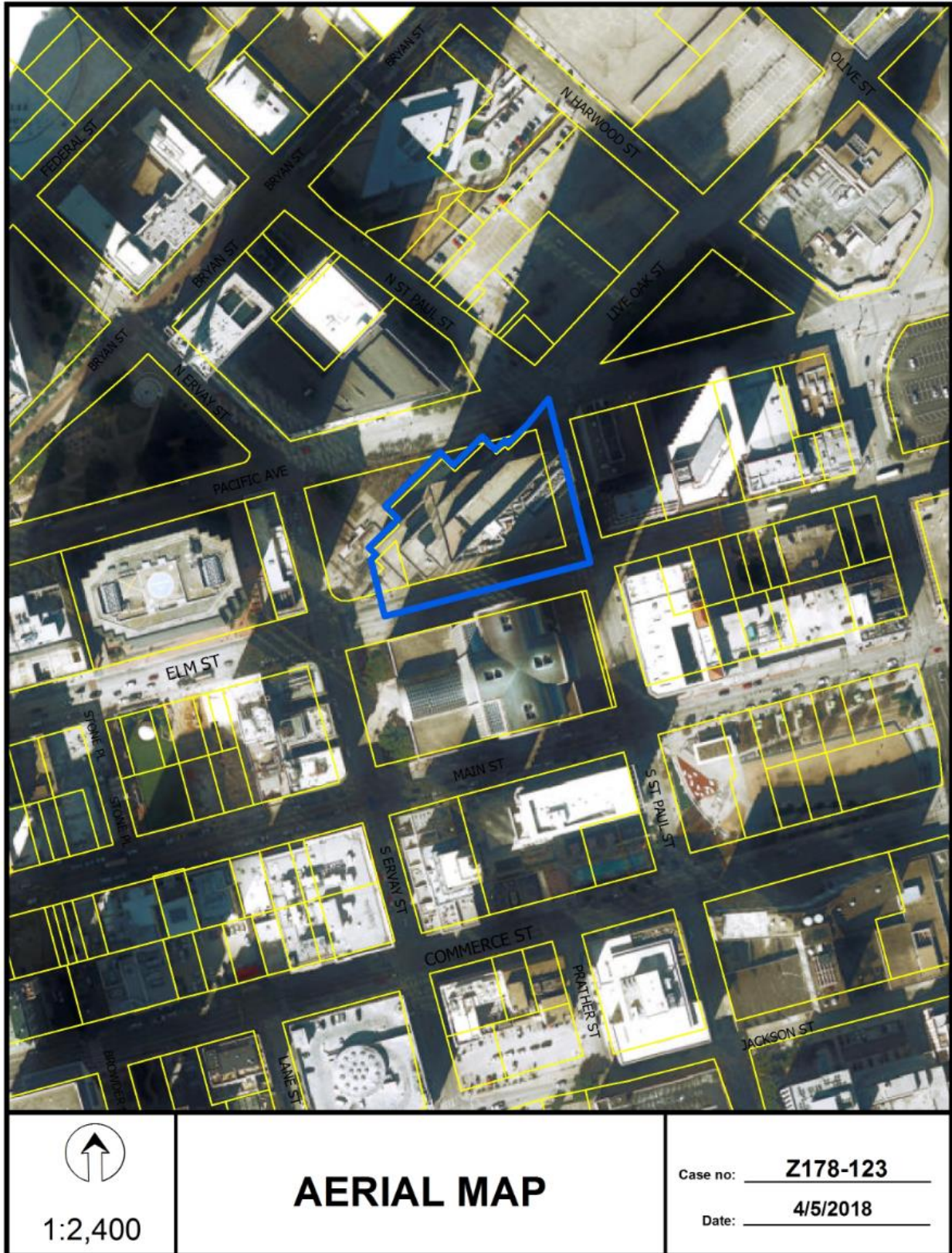
DESCRIPTION: 1  
Display Revolute  
Metric: 216 line  
1 line Resolution: 15



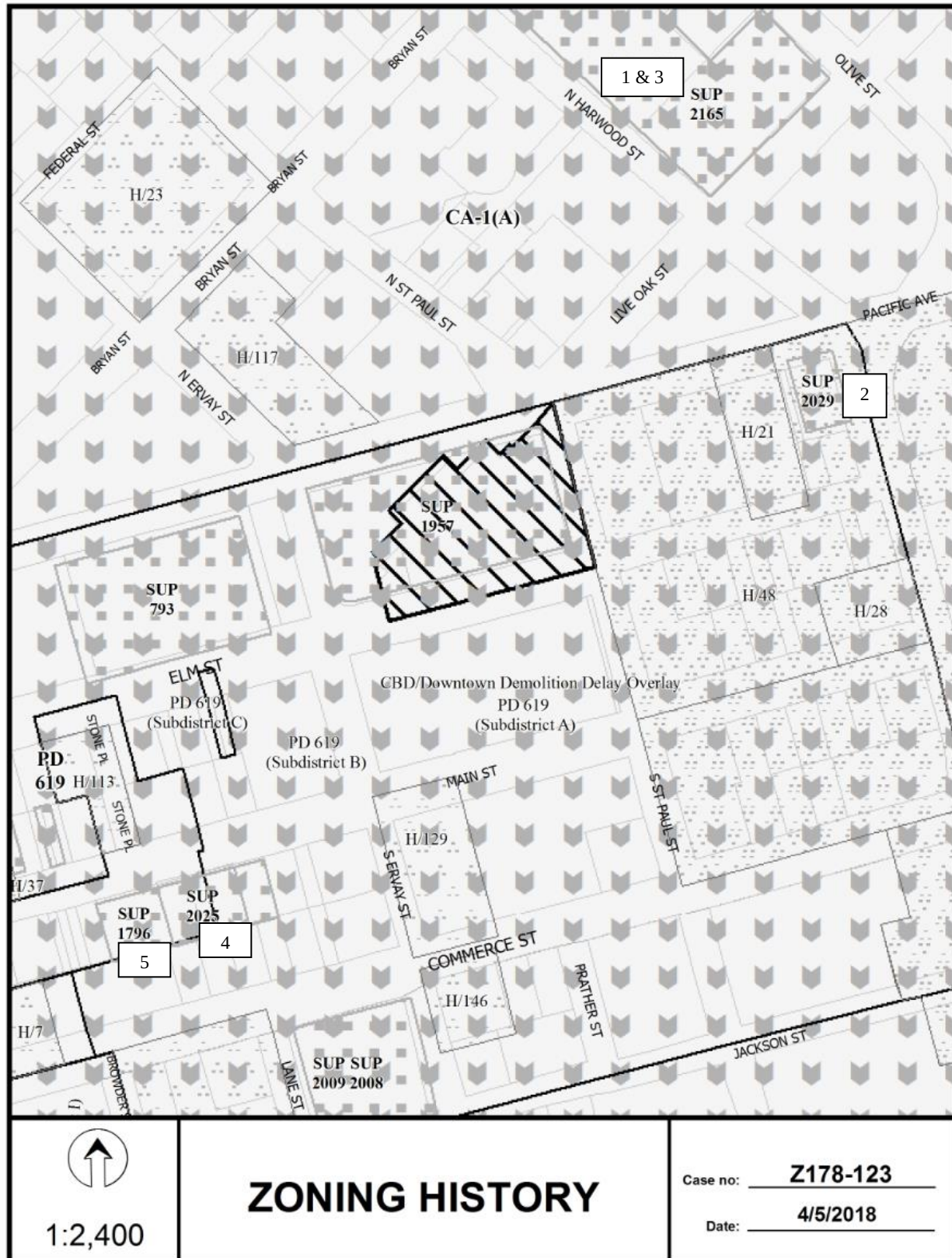


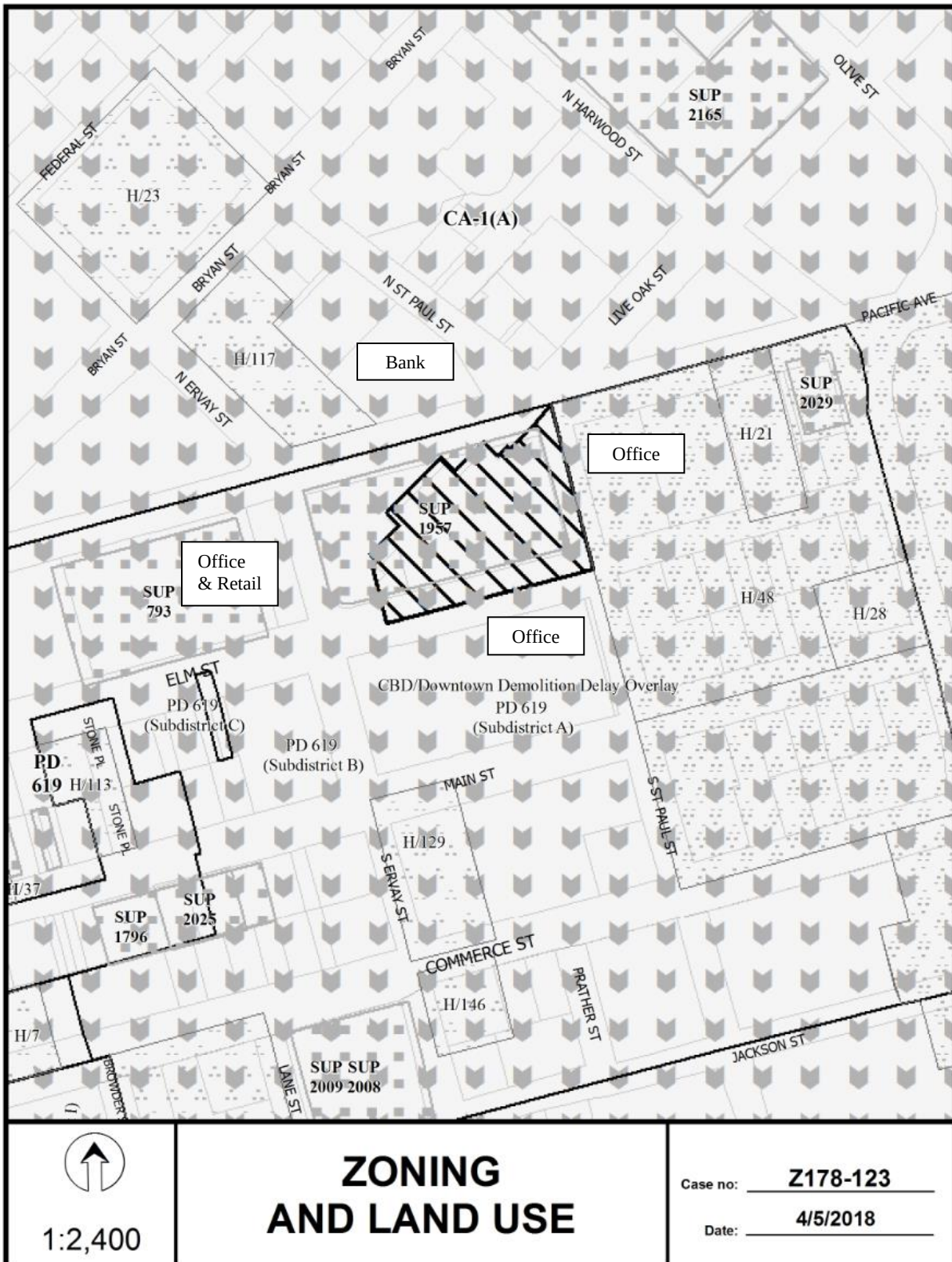














## CPC Responses



05/01/2018

***Reply List of Property Owners******Z178-123******24 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>               |
|---------------------|-----------------------|-----------------------|-----------------------------------|
| 1                   | 1916                  | ELM ST                | OLYMBEC USA LLC                   |
| 2                   | 200                   | S ST PAUL ST          | OLYMBEC USA LLC                   |
| 3                   | 211                   | N ERVAY ST            | ALTERRA 211 NORTH ERVAY LLC       |
| 4                   | 1623                  | MAIN ST               | FC WP BUILDING LLC                |
| 5                   | 1910                  | PACIFIC AVE           | 1910 PACIFIC LP                   |
| 6                   | 1910                  | PACIFIC AVE           | OLYMBEC USA LLC                   |
| 7                   | 1717                  | MAIN ST               | 1717 TOWER OWNER LP               |
| 8                   | 1900                  | ELM ST                | UNIVERSITY OF NORTH TEXAS SYSTEM  |
| 9                   | 1915                  | MAIN ST               | F A SCHLUTER 1818 1882 FOUNDATION |
| 10                  | 1915                  | MAIN ST               | UNIVERSITY OF NORTH TEXAS SYSTEM  |
| 11                  | 1911                  | MAIN ST               | UNIVERSITY OF NORTH TEXAS SYSTEM  |
| 12                  | 1911                  | MAIN ST               | DALLAS COUNTY COMMUNITY           |
| 13                  | 1928                  | ELM ST                | UNT CENTER AT DALLAS              |
| 14                  | 1921                  | MAIN ST               | UNIVERSITY OF NORTH TEXAS SYSTEM  |
| 15                  | 1921                  | MAIN ST               | DALLAS COUNTY COMMUNITY           |
| 16                  | 1908                  | ELM ST                | JARVIS BARNEY W JR TR &           |
| 17                  | 1627                  | PACIFIC AVE           | THANKSGIVING SQUARE FDN           |
| 18                  | 325                   | N ST PAUL ST          | FOUR POINT STAR LP PS             |
| 19                  | 325                   | N ST PAUL ST          | FOUR POINT STAR LP                |
| 20                  | 350                   | N ERVAY ST            | ERVAY RESIDENTIAL LTD PS          |
| 21                  | 1614                  | ELM ST                | ELM AT STONEPLACE HOLDINGS LLC    |
| 22                  | 1601                  | ELM ST                | 1601 ELM HOLDINGS LP              |
| 23                  | 1900                  | PACIFIC AVE           | 1907 ELM HOLDINGS LP              |
| 24                  | 1900                  | PACIFIC AVE           | 1900 PACIFIC HOLDINGS LP          |

**AGENDA ITEM # 54**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 44 Q

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District uses and a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District with Neighborhood Stabilization Overlay No. 13, on the west side of Topeka Avenue, south of Pueblo Street

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z178-154(PD)

**FILE NUMBER:** Z178-154(PD)

**DATE FILED:** December 18, 2017

**LOCATION:** West side of Topeka Avenue, south of Pueblo Street

**COUNCIL DISTRICT:** 6

**MAPSCO:** 44 Q

**SIZE OF REQUEST:** ± 0.739 acres

**CENSUS TRACT:** 101.02

---

**REPRESENTATIVE:** Rob Baldwin

**APPLICANT:** Dallas City Homes

**REQUEST:** An application for a Planned Development District for MF-1(A) Multifamily District uses and a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District with Neighborhood Stabilization Overlay No. 13

**SUMMARY:** The request will facilitate the construction of a retirement housing development consisting of approximately 15 dwelling units and a community service center.

**CPC RECOMMENDATION:** Approval, subject to a conceptual plan and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan and conditions.



**BACKGROUND INFORMATION:**

- The ±0.736-acre request site is currently unimproved.
- The last Certificate of Occupancy issued for the subject site was in 1967 for aluminum fabrication for brass and bronze fittings.
- Prior to 1970 and until 1989, the adjoining property to the west on Sylvan Avenue was zoned LC Light Commercial. The property then transitioned to a CR Community Retail District and was rezoned to a CS Commercial Service District between 1989 and 1993.
- On August 22, 2012, the City Council approved a Neighborhood Stabilization Overlay (NSO) District on the subject site and surrounding R-5(A)-zoned property generally bounded by Canada Drive, Gulden Lane, Toronto Street and Sylvan Avenue (Z112-220). The current property owner opposed the Neighborhood Stabilization Overlay District at that time, as well. However, the subject site remained within the boundaries of the NSO. The ordinance that established the NSO states that the height of the structure may not exceed the height plane, which is 27 feet at the front building line. The maximum height in an R-5(A) Single Family District is 30 feet.
- On December 17, 2015, the City Plan Commission recommended denial of an application at the same request site for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District with a Neighborhood Stabilization Overlay No. 13. [Z156-101]
- The purpose of this request is to construct a retirement housing development consisting of approximately 15 dwelling units and a community service center.
- The proposed PD is for MF-1(A) Multi-Family District uses. The conditions for the proposed development indicate the applicant is proposing to deviate from minimum front yard setback of 20 feet.

**Zoning History:** There has been one zoning request within the area within the past five years.

1. **Z156-101:** On September 12, 2012, the City Plan Commission recommended denial of the request for a CS Commercial Service District with deed restrictions volunteered by the applicant and for removal of Neighborhood Stabilization Overlay No. 13 on property zoned an R-5(A) Single Family District with a Neighborhood Stabilization Overlay No. 13.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type  | Existing ROW | Proposed ROW |
|---------------------|-------|--------------|--------------|
| Topeka Avenue       | Local | 50 ft.       | 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.

**Land Use:**

|              | Zoning              | Land Use                                             |
|--------------|---------------------|------------------------------------------------------|
| <b>Site</b>  | CR, R-5(A), NSO #13 | Undeveloped                                          |
| <b>North</b> | R-5(A), NSO #13     | Undeveloped                                          |
| <b>East</b>  | R-5(A), NSO #13     | Single Family                                        |
| <b>South</b> | CR                  | Retail, Surface Parking                              |
| <b>West</b>  | CR, CS              | Industrial (inside), restaurant w/o drive-in service |

**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 proposed zoning request meets the following goals and objectives of the comprehensive plan:

**LAND USE ELEMENT****Neighborhood Plus**

**Goal 4.1: Promote Dallas as a city of neighborhoods and publicize neighborhood assets and programs.**

Policy 4.1.2 Engage Dallas citizens in an ongoing process of building/promoting/establishing neighborhood identity.

**Goal 4.3: Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.**

**Land Use Study:**

The *West Dallas Urban Structure and Guidelines*, adopted by Dallas City Council on March 1, 2011, identifies the area as a neighborhood that will continue to thrive and benefit from core activity and services available south of Singleton Boulevard. It further states that development will be driven by market forces without intervention by the City.

- Encourage infill single-family homes (1 & 2 story) or townhome (2 & 3 story) and infill development on 100 lots for new single family homes to help strengthen the neighborhood.
- Allow for incremental “transitional buffer” development along Toronto Street for identified residential/office with retail at grade development along Singleton Boulevard.

**Land Use Compatibility:**

The 0.739-acre site is unimproved and has never been developed. The surrounding land uses consist of single family uses to the east along Topeka Avenue. Existing land uses to the west along Sylvan Avenue include warehouse and retail uses; while properties to the north of the request site consist of undeveloped tracts, single family uses to the east with retail uses and a surface parking lot to the south.

The applicant proposes to create a Planned Development District containing two tracts, Tract 1 and Tract 2. Tract 1 proposes to retain the height plane regulated by NSO No. 13 with a request to deviate from the twenty-foot front yard setback to allow five-foot encroachments and a community service center use while Tract 2 proposes to facilitate the development of a 15-unit retirement housing development with a maximum height of 36 feet. Additionally, the Planned Development District will permit the applicant to 1) allow various uses by right including a community service center; 2) allow five-foot encroachments into the twenty-foot front yard setback within the NSO portion (Tract 1); 3) allow a minimum fifteen-foot front yard setback (Tract 2), and 4) increase the lot coverage from 45 percent to 60 percent.

The preservation of existing viable neighborhoods is an important need that is accomplished through the planning process by using available planning tools to ensure that neighborhoods and communities maintain their character. As a direct result, the La Bajada community ensured the preservation of its neighborhood by forming a committee to initiate and establish NSO No. 13 to maintain their sense of community and identity by following a consistent neighborhood planning framework. Staff supports the overall request, as the proposed development will be consistent with the surrounding La Bajada neighborhood and will serve as an appropriate transition to commercial uses on Sylvan Avenue.

## Z178-154(PD)

In an effort to increase the pedestrian amenities, the proposed PD offers the following urban design standards:

- A. A minimum six-foot-wide sidewalk must be provided on the eastern portion of the Property along Topeka Avenue. Sidewalk crossings within driveways must be constructed of a material that differs in color or materials from that of the vehicular ingress and egress driveways.
- B. A minimum of one bench, one trash can, and two pedestrian-scale lighting fixtures must be provided between the sidewalk and Topeka Avenue facing facade.
- C. Maximum blank wall area is 20 linear feet on any elevation.
- D. The Topeka Avenue facing facade must have a minimum ground level transparency of 25 percent.
- E. The Topeka Avenue-facing facade must have a sloped roof.
- F. A minimum of 70 percent of the street-level Topeka Avenue-facing dwelling units must have individual entries that provide direct connection to the sidewalk with a permeable or nonpermeable surface.
- G. Parking must be located behind the Topeka Avenue front yard setback. Parking may be located within the Sylvan Avenue front yard setback.

The proposed design standards will increase the urban nature of the neighborhood and add a new element to the development pattern of the surrounding properties. Recognizing the positive benefits of encouraging development of the area, staff recommends approval of the request subject to conditions.

### **Development Standards:**

| District                                                | Setbacks                     |                 | Height                                | Lot Coverage        | Special Standards | Primary Uses                                                                     |
|---------------------------------------------------------|------------------------------|-----------------|---------------------------------------|---------------------|-------------------|----------------------------------------------------------------------------------|
|                                                         | Front                        | Side/Rear       |                                       |                     |                   |                                                                                  |
| <b>Existing Zoning:</b><br>CR,<br>R-5(A),<br>NSO No. 13 | 15',<br>20',<br>20'          | 0'<br>5'<br>N/A | 54'<br>30'<br>27'                     | 60%<br>45%*<br>45%* | RPS<br>RPS<br>RPS | Residential, Multifamily, Institutional, Recreation, Utility and public service. |
| <b>Proposed:</b><br>PDD                                 | 20'*<br>w/5-ft encroachments | 5'              | 36'*<br>27'<br>Maintained in NSO area | 60%                 | No RPS            | Residential, Multifamily, Community Service Center                               |

\* highlights the zoning standards and the requested deviations

**Parking:**

Parking will be provided per Chapter 51A which requires that multifamily uses are parked at a ratio of one parking space per bedroom with an additional .25 spaces required for guest parking with 1 space per 200 square feet of floor area for the community service center use. If more than ten off-street parking spaces are required for the use, handicapped parking must be provided pursuant to Section 51A-4.305.

**Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code, as amended.

Z178-154(PD)

|                         |
|-------------------------|
| <b>LIST OF OFFICERS</b> |
|-------------------------|

Dallas City Homes

Karen Crosby-Nash, President

**CPC ACTION:**  
**May 3, 2018**

**Motion:** It was moved to recommend **approval** of a Planned Development District for MF-1(A) Multifamily District uses and a community service center, subject to a conceptual plan and conditions on property zoned a CR Community Retail District and R-5(A) Single Family District with Neighborhood Stabilization Overlay No. 13, on the west side of Topeka Avenue, south of Pueblo Street.

Maker:

Second:

Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Peadon,  
Murphy, Tarpley

Against: 0

Absent: 2 - Schultz, Ridley

Vacancy: 1 - District 8

**Notices:** Area: Mailed:

**Replies:** For: Against:

**Speakers:** None

|                                   |
|-----------------------------------|
| <b>CPC RECOMMENDED CONDITIONS</b> |
|-----------------------------------|

**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 on the west side of Topeka Avenue, north of Singleton Boulevard. The size of PD \_\_\_\_ is approximately \_\_\_\_\_ 0.739 acres.

**SEC. 51P- \_\_\_\_ .103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article,

(1) BAIL BONDS OFFICE means an office for the issuance, brokerage, or procurement of bail bonds.

(2) DRUG TREATMENT CENTER means a facility that offers care and treatment of patients for alcohol or narcotics abuse.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

**SEC. 51P- \_\_\_\_ .104. EXHIBITS.**

The following exhibit is incorporated into this article:

(1) Exhibit \_\_\_\_A: conceptual plan.

**SEC. 51P- \_\_\_\_ .105. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.



**SEC. 51P- \_\_\_\_\_.106. DEVELOPMENT PLAN.**

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P- \_\_\_\_\_.107. MAIN USES PERMITTED.**

(a) The following uses are only permitted main uses:

(1) Agricultural uses.

-- Crop production.

(2) Institutional and community service uses.

-- Adult day care facility.

-- Church.

-- Community service center.

-- Convalescent and nursing homes, hospice care, and related institutions.

(3) Office uses.

-- Office. *[Bail bonds office and drug treatment center is prohibited.]*

(4) Recreation uses.

-- Private recreation center, club, or area.

(5) Residential uses.

-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*

-- Multifamily. *[Prohibited in Tract 2.]*

-- Retirement housing. *[Only Allowed in Tract 2.]*

-- Single family.

(6) Utility and public service uses.

-- Local utilities.

**SEC. 51P-\_\_\_\_.108. ACCESSORY USES.**

(a) 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.

(b) Accessory community center (private) is permitted by right.

(c) Accessory church is permitted as a service component of a community service center by right.

**SEC. 51P-\_\_\_\_.109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-5(A) Single Family District apply.

(b) Front yard.

(1) Tract 1. Minimum front yard is 20 feet. Arcades, unenclosed porches, balconies, and awnings may project up to five feet into the required front yard.

(2) Tract 2. Minimum front yard is 15 feet.

(c) Side and rear yard. Minimum side and rear yard is five feet.

(d) Density. Maximum number of dwelling units is 15.

(e) Height.

(1) Tract 1. Maximum structure height is subject to the height plane of 27 feet at the front building line, in accordance with SEC. 51A-4.507(e)(1)(F).

(2) Tract 2. Maximum structure height is 36 feet.

(f) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Maximum number of stories above grade is three.

**SEC. 51P- \_\_\_\_\_.110. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Parking Setback. Parking must be located behind the Topeka Avenue required front yard. Parking may be located within the Sylvan Avenue required front yard.

**SEC. 51P- \_\_\_\_\_.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.112. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) A landscape buffer for residential adjacency purposes is required along the northern boundary of the Property only if the adjacent property to the north contains a single family structure.

(c) Caliper inches above the minimum requirement of street trees count towards the site tree requirement.

(d) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P- \_\_\_\_\_.113 URBAN DESIGN STANDARDS.**

(a) Purpose. The purpose of the urban design standards is to ensure that development of the Property is compatible with the La Bajada neighborhood and serves as an appropriate transition to commercial uses on Sylvan Avenue.

(b) Sidewalks. A minimum six-foot-wide sidewalk must be provided on the eastern portion of the Property along Topeka Avenue. Sidewalk crossings within driveways must be constructed of a material that differs in color or materials from that of the vehicular ingress and egress driveways.

(c) Pedestrian amenities. A minimum of one bench, one trash can, and two pedestrian-scale lighting fixtures must be provided between the sidewalk and the Topeka Avenue-facing facade.

(d) Blank wall. Maximum blank wall area is 20 linear feet on any facade.

(e) Ground level transparency. The Topeka Avenue-facing facade must have a minimum ground level transparency of 25 percent.

(f) Roof. A sloped roof is required along Topeka Avenue.

(g) Entrances. A minimum of 70 percent of the street-level Topeka Avenue-facing dwelling units must have individual entries that provide direct connection to the sidewalk with a permeable or nonpermeable surface.

**SEC. 51P- \_\_\_\_ .114. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_ .115. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

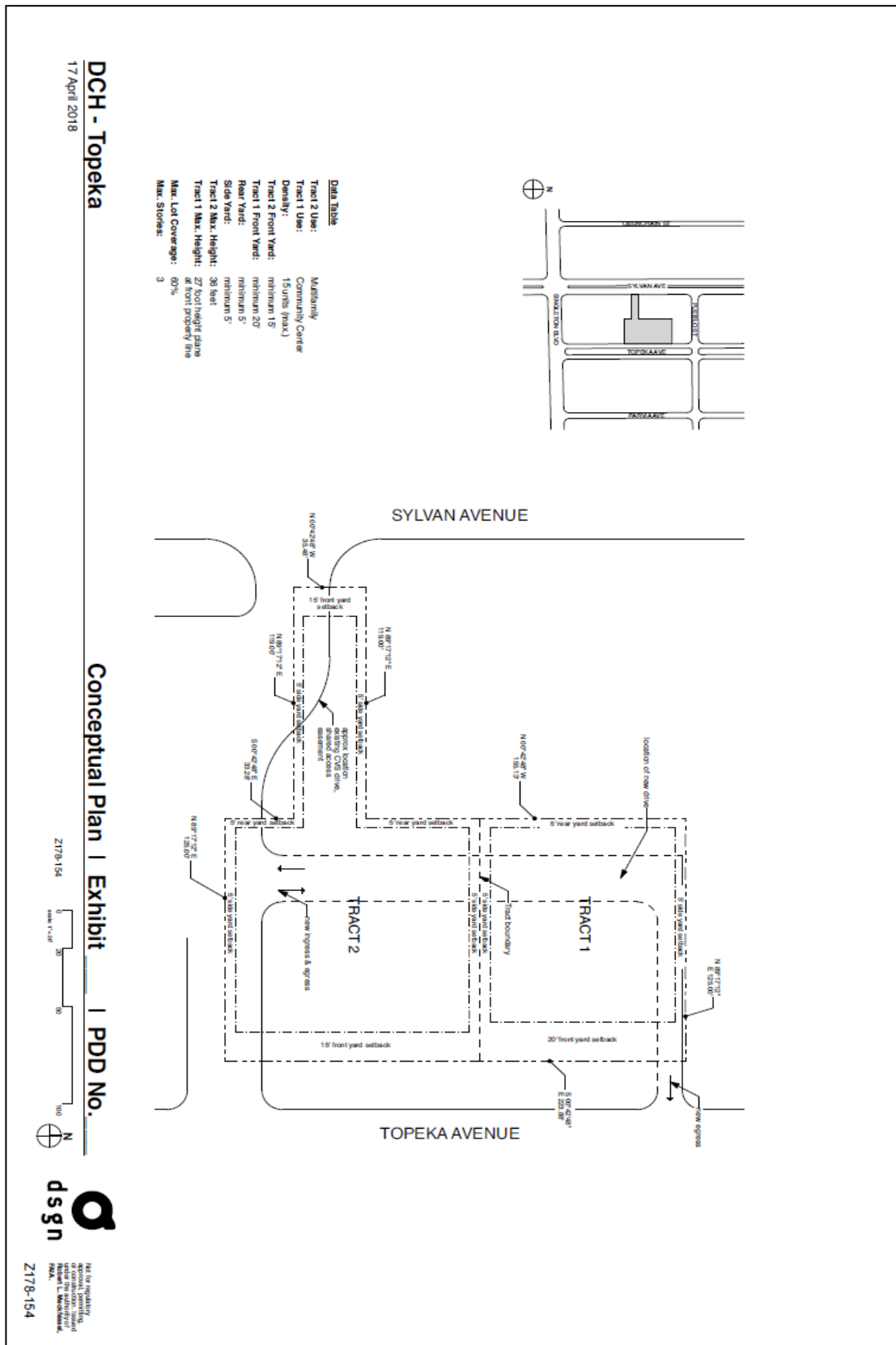
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P- \_\_\_\_ .116. COMPLIANCE WITH CONDITIONS.**

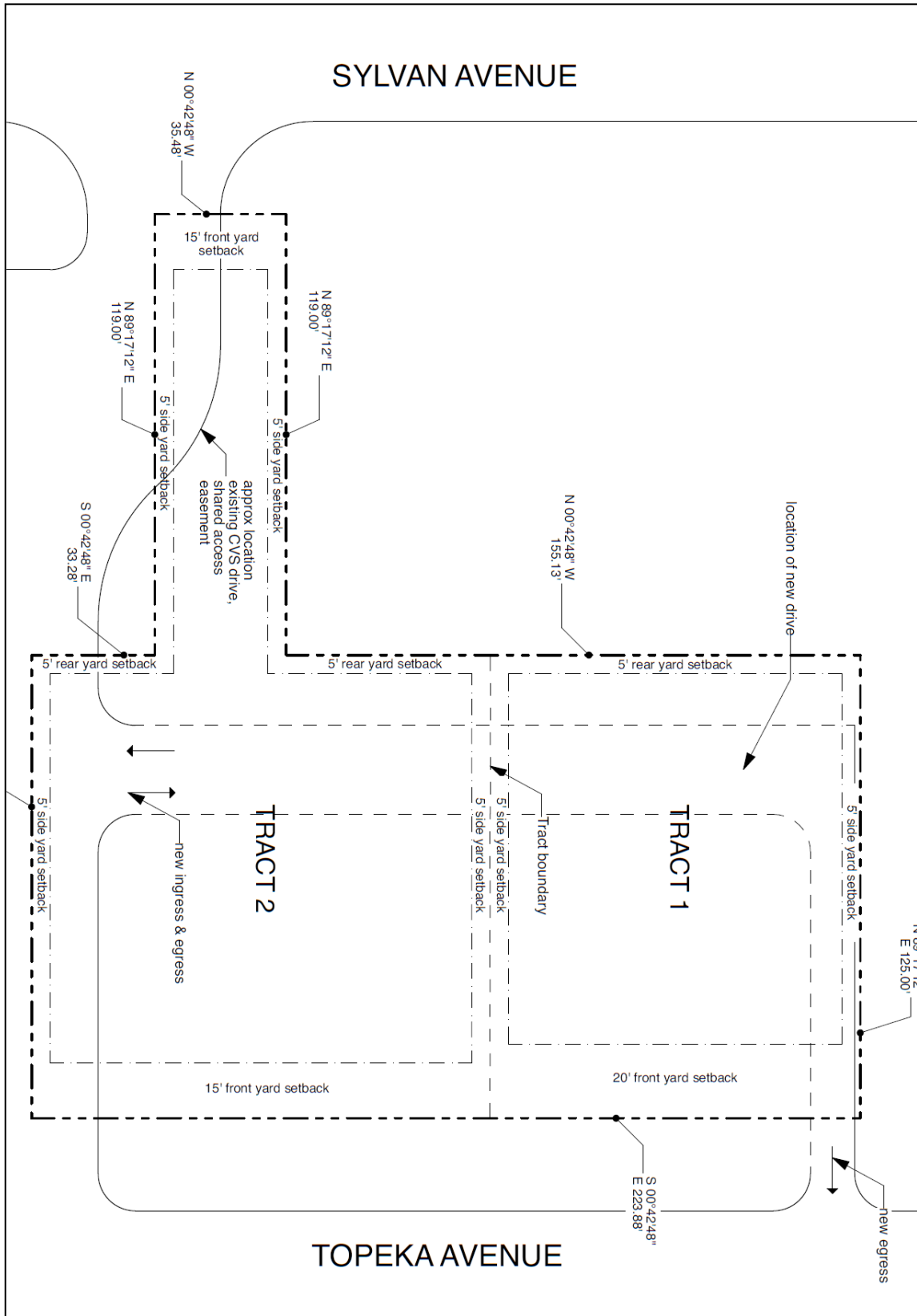
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

## Proposed Conceptual Plan

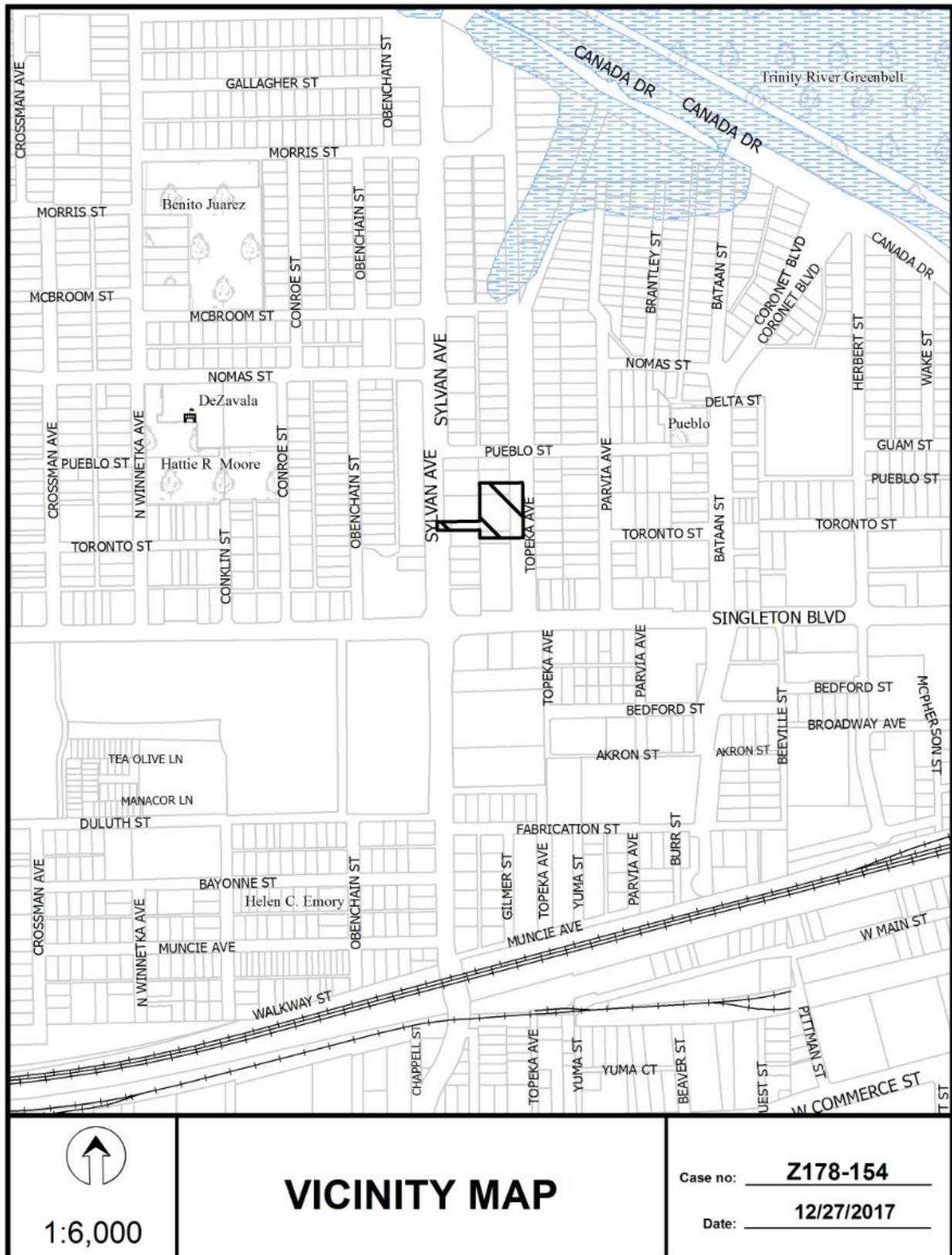


Enlarged Proposed Conceptual Plan

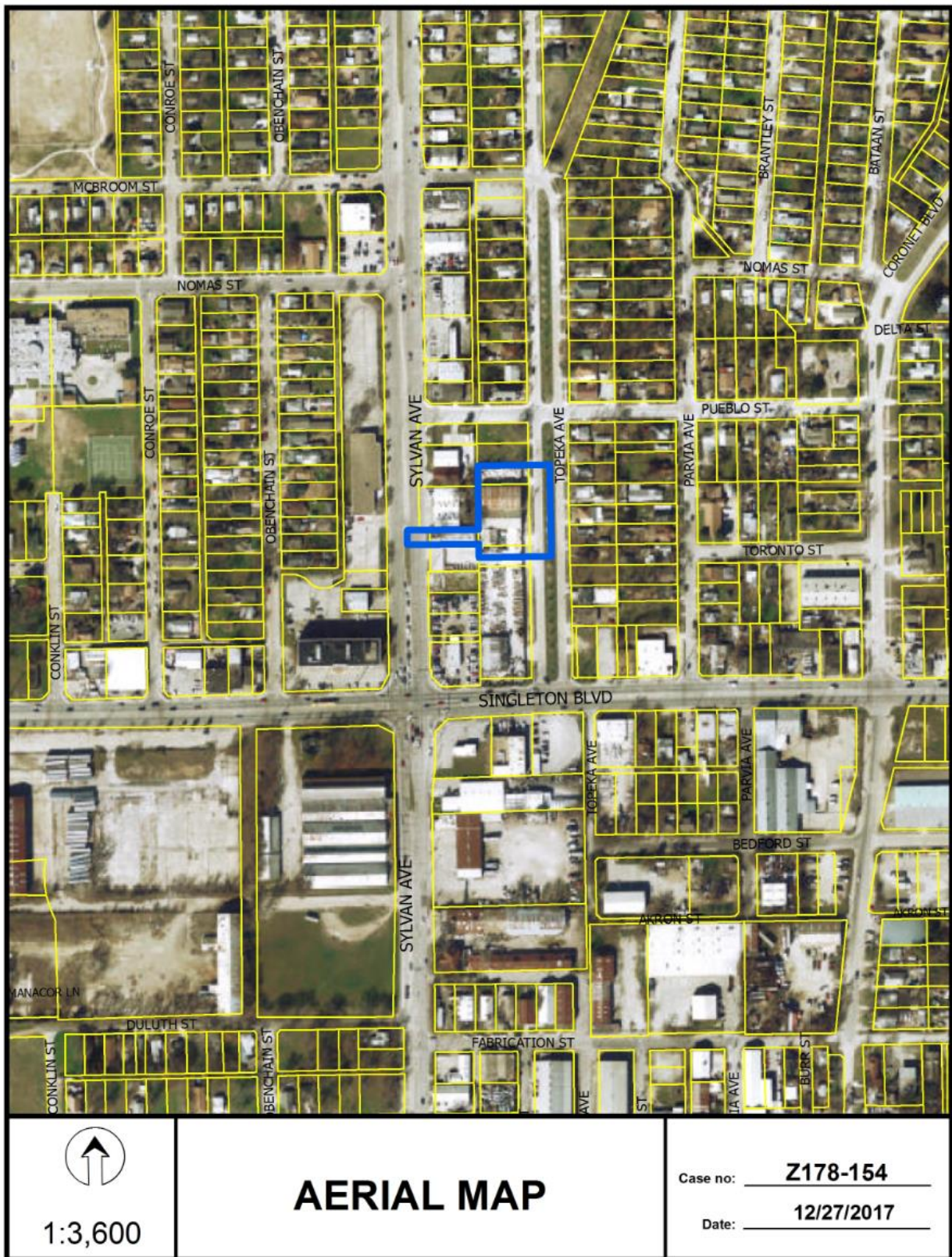


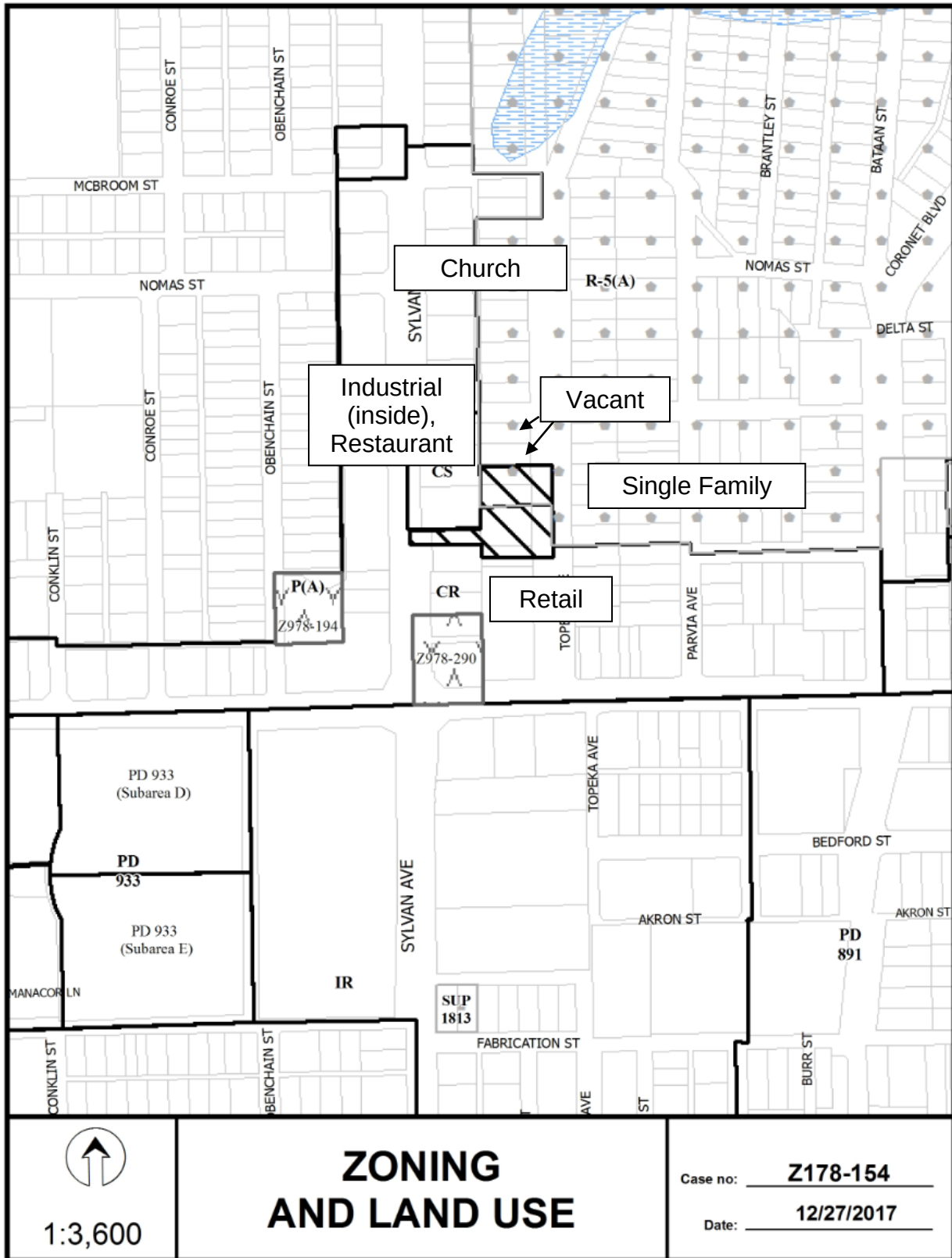
**Proposed 3D Model  
For Illustrative Purposes Only**

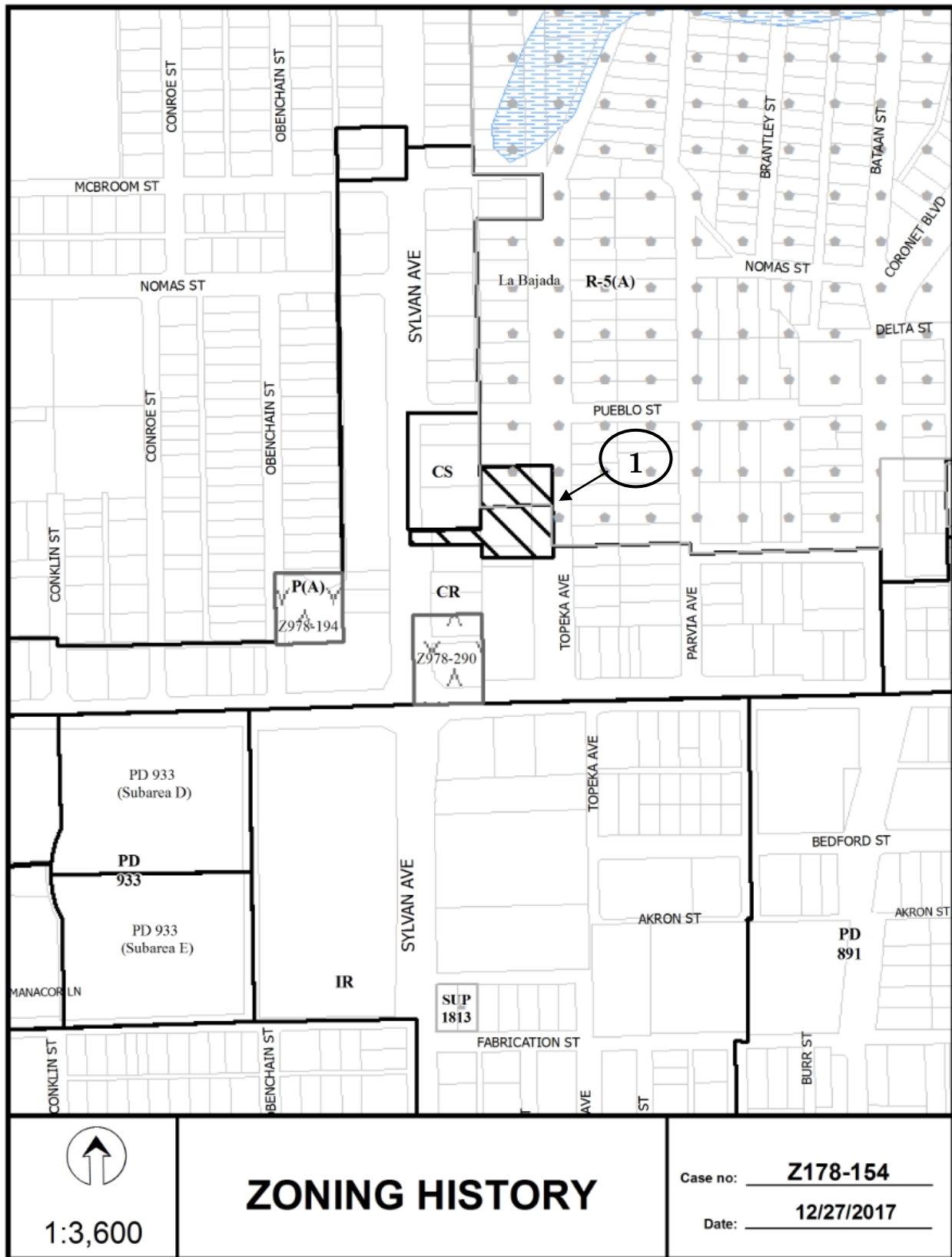






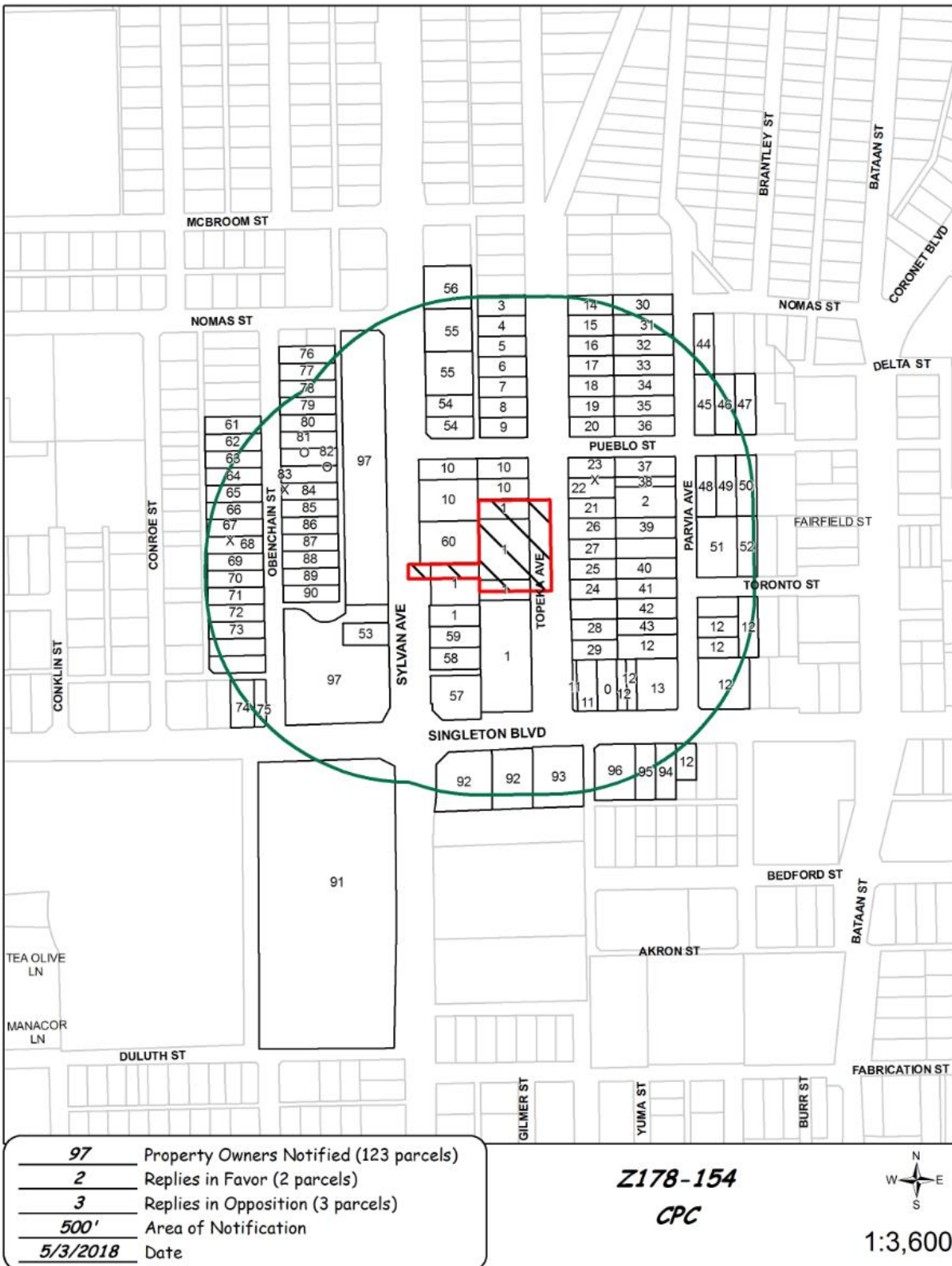








## CPC Responses



***Reply List of Property Owners******Z178-154******97 Property Owners Notified******2 Property Owners in Favor******3 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                               |
|---------------------|-----------------------|-----------------------|---------------------------------------------------|
|                     | 1                     | 3115 TOPEKA AVE       | CVS PHARMACY INC                                  |
|                     | 2                     | 3115 PARVIA AVE       | TRINITY MODERN LLC                                |
|                     | 3                     | 3227 TOPEKA AVE       | PEREZ ANGEL & LENA                                |
|                     | 4                     | 3223 TOPEKA AVE       | MARISCAL BRENDA & CARLOS<br>MARISCAL              |
|                     | 5                     | 3219 TOPEKA AVE       | GUTIERREZ JOSE                                    |
|                     | 6                     | 3215 TOPEKA AVE       | FACUNDO ARTURO & MARIA T                          |
|                     | 7                     | 3211 TOPEKA AVE       | FACUNDO JOSE &                                    |
|                     | 8                     | 3207 TOPEKA AVE       | MEDRANO PROP LTD                                  |
|                     | 9                     | 3203 TOPEKA AVE       | CORIA SANTOS                                      |
|                     | 10                    | 3123 TOPEKA AVE       | WEST DALLAS INVESTMENT LP                         |
|                     | 11                    | 3006 TOPEKA AVE       | GARCIA EDUARDO F                                  |
|                     | 12                    | 613 SINGLETON BLVD    | WEST DALLAS INVESTMENTS LP                        |
|                     | 13                    | 603 SINGLETON BLVD    | EMEM III LLC                                      |
|                     | 14                    | 3226 TOPEKA AVE       | HERNANDEZ MARIA DE LA LUZ &<br>JAVIER A HERNANDEZ |
|                     | 15                    | 3222 TOPEKA AVE       | GALICIA ANASTACIO &                               |
|                     | 16                    | 3218 TOPEKA AVE       | RAMIREZ RUBEN                                     |
|                     | 17                    | 3214 TOPEKA AVE       | FACUNDO SALVADOR & MARIA                          |
|                     | 18                    | 3210 TOPEKA AVE       | CASTILLO SOFIA C LIFE ESTATE                      |
|                     | 19                    | 3206 TOPEKA AVE       | JERUSALEM PNTCSTL CH                              |
|                     | 20                    | 3202 TOPEKA AVE       | IGLESIA CHRISTIANA                                |
|                     | 21                    | 3114 TOPEKA AVE       | MOYA FIDEL & LUCIA MEDINA                         |
|                     | 22                    | 3118 TOPEKA AVE       | MEDINA LUCIA                                      |
| X                   | 23                    | 3122 TOPEKA AVE       | HERMOSILLO JOVITA ESTATE OF                       |
|                     | 24                    | 3022 TOPEKA AVE       | MEDINA TOMASA                                     |
|                     | 25                    | 3102 TOPEKA AVE       | NARVAEZ ERNESTINA A                               |
|                     | 26                    | 3110 TOPEKA AVE       | CRAIG PENFOLD PPTIES INC                          |

05/02/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                 |
|--------------|----------------|----------------|------------------------------|
| 27           | 3106           | TOPEKA AVE     | HERNANDEZ DOMINGO &          |
| 28           | 3014           | TOPEKA AVE     | BOZQUEZ JUAN ARNULFO ROMAN   |
| 29           | 3010           | TOPEKA AVE     | ROMAN JUAN ARNULFO           |
| 30           | 3227           | PARVIA AVE     | CASTILLO JUAN R              |
| 31           | 3223           | PARVIA AVE     | LIMON JUAN JOSE &            |
| 32           | 3219           | PARVIA AVE     | FACUNDO ANDRES               |
| 33           | 3215           | PARVIA AVE     | HERNANDEZ RODOLFO            |
| 34           | 3211           | PARVIA AVE     | SANDOVAL ABEL                |
| 35           | 3207           | PARVIA AVE     | HERNANDEZ VIRGINIA           |
| 36           | 3203           | PARVIA AVE     | ROBLES JAVIER & FRANCISCA    |
| 37           | 3123           | PARVIA AVE     | RESENDEZ AGAPITO             |
| 38           | 3119           | PARVIA AVE     | VELAZQUEZ IDALIA             |
| 39           | 3109           | PARVIA AVE     | CARRILLO TONY &              |
| 40           | 3101           | PARVIA AVE     | CAZARES FORTUNATA EST OF     |
| 41           | 3023           | PARVIA AVE     | OROZCO AMELIA                |
| 42           | 3019           | PARVIA AVE     | HUERTA WALTER A              |
| 43           | 3015           | PARVIA AVE     | LUNA PAULA &                 |
| 44           | 530            | NOMAS ST       | SOTO EUSTACIO ESTATE OF      |
| 45           | 531            | PUEBLO ST      | ORANTES GODOFREDO &          |
| 46           | 527            | PUEBLO ST      | MENDEZ JOE                   |
| 47           | 523            | PUEBLO ST      | HUERTA MARIA CARMEN          |
| 48           | 530            | PUEBLO ST      | MARTINEZ RUBEN JR &          |
| 49           | 526            | PUEBLO ST      | URBINA ALFREDO               |
| 50           | 522            | PUEBLO ST      | WILSON MARTHA                |
| 51           | 531            | TORONTO ST     | NEW MOUNT CORINTH BAPTIST    |
| 52           | 523            | TORONTO ST     | HERRERA ZULEMA               |
| 53           | 3017           | SYLVAN AVE     | ALVARADO DAVID               |
| 54           | 3202           | SYLVAN AVE     | SYLHO LLC                    |
| 55           | 3232           | SYLVAN AVE     | WALIA & SONS REAL ESTATE INC |
| 56           | 3306           | SYLVAN AVE     | ALVARADO CORREA ANTONIO JOSE |
| 57           | 717            | SINGLETON BLVD | CVS PHARMACY INC             |

05/02/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>     | <i>Owner</i>                        |
|--------------|----------------|--------------------|-------------------------------------|
|              | 58             | 3012 SYLVAN AVE    | CVS PHARMACY INC                    |
|              | 59             | 3016 SYLVAN AVE    | CVS PHARMACY INC                    |
|              | 60             | 3108 SYLVAN AVE    | WESTER CAROYLN DURBIN               |
|              | 61             | 3205 OBENCHAIN ST  | MARTINEZ SILVERIO                   |
|              | 62             | 3201 OBENCHAIN ST  | LUCIO NORMA &                       |
|              | 63             | 3125 OBENCHAIN ST  | AYALA MANUAL EST OF                 |
|              | 64             | 3121 OBENCHAIN ST  | GARCIA HERLINDA &                   |
|              | 65             | 3117 OBENCHAIN ST  | AVILA ANDRES                        |
|              | 66             | 3115 OBENCHAIN ST  | RAMIREZ CARLOS & LUCILA             |
| X            | 67             | 3113 OBENCHAIN ST  | CHOVANEC MARGARET                   |
|              | 68             | 3109 OBENCHAIN ST  | ALONZO ROBERT G                     |
|              | 69             | 3105 OBENCHAIN ST  | NEVAREZ MARIO                       |
|              | 70             | 3103 OBENCHAIN ST  | TORRES JUANITA                      |
|              | 71             | 3025 OBENCHAIN ST  | DREILING JORDAN RENEE &             |
|              | 72             | 3021 OBENCHAIN ST  | RODRIGUEZ JUANITA                   |
|              | 73             | 3019 OBENCHAIN ST  | BARRON CORONADO F &                 |
|              | 74             | 833 SINGLETON BLVD | RUIZ RAYMOND JR                     |
|              | 75             | 829 SINGLETON BLVD | RUIZ MARIA E                        |
|              | 76             | 3220 OBENCHAIN ST  | WEEMPE BOBBY RAY JR                 |
|              | 77             | 3214 OBENCHAIN ST  | PINA ROBERTO A & IRMA E LIFE ESTATE |
|              | 78             | 3212 OBENCHAIN ST  | BARDALES CAYETANO                   |
|              | 79             | 3208 OBENCHAIN ST  | BARRON RAFAEL JR                    |
|              | 80             | 3204 OBENCHAIN ST  | RAMIREZ JIMMY & ALICIA              |
| O            | 81             | 3200 OBENCHAIN ST  | SALAZAR MARCELO & MARIA             |
| O            | 82             | 3124 OBENCHAIN ST  | SALAZAR MARCELO E & MARIA           |
| X            | 83             | 3122 OBENCHAIN ST  | RAMOS HILARIO & MARIA EVA           |
|              | 84             | 3118 OBENCHAIN ST  | BARRON MARIA DE LA LUZ              |
|              | 85             | 3116 OBENCHAIN ST  | CORNERSTONE SELECT HOMES LLC        |
|              | 86             | 3112 OBENCHAIN ST  | MONROY JUAN CARLOS                  |
|              | 87             | 3108 OBENCHAIN ST  | SILVA JOSE A & SONIA V              |
|              | 88             | 3104 OBENCHAIN ST  | BARRON RAFEL & VIRGINIA             |

05/02/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i>                   |
|--------------|----------------|----------------|--------------------------------|
| 89           | 3100           | OBENCHAIN ST   | VILLASENOR FELIPE REY & ARTURO |
| 90           | 3024           | OBENCHAIN ST   | VILLAGOMEZ JUAN & CARMEN       |
| 91           | 818            | SINGLETON BLVD | ATLAS METAL WORKS              |
| 92           | 730            | SINGLETON BLVD | DURBIN PAMELA LYNN TR OF       |
| 93           | 720            | SINGLETON BLVD | DURBIN PAMELA LYNN             |
| 94           | 614            | SINGLETON BLVD | WEST DALLAS INV LP             |
| 95           | 618            | SINGLETON BLVD | SAN MIGUEL GLORIA E &          |
| 96           | 626            | SINGLETON BLVD | DELGADO TRINIDAD TR            |
| 97           | 809            | SINGLETON BLVD | LOS BARRIOS UNIDOS             |



**AGENDA ITEM # 55**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 63 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the northeast corner of West Camp Wisdom Road and Marvin D Love Frontage Road, east of Marvin D Love Freeway (US 67)

Recommendation of Staff and CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z178-181(CY)

**FILE NUMBER:** Z178-181(CY)

**DATE FILED:** February 9, 2018

**LOCATION:** Northeast corner of West Camp Wisdom Road and Marvin D Love Frontage Road, east of Marvin D Love Freeway (US 67)

**COUNCIL DISTRICT:** 3

**MAPSCO:** 63 U

**SIZE OF REQUEST:** Approx. 0.86 acres

**CENSUS TRACT:** 109.02

---

**APPLICANT/OWNER:** KUNVER, LLC

**REPRESENTATIVE:** Karl A. Crawley, Masterplan

**REQUEST:** An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay.

**SUMMARY:** The intention of the owner is to redevelop the property with a new convenience store with motor vehicle fueling station. The developer would like to sell beer and wine for off-premise consumption in conjunction with the convenience store. The existing hotel use is currently operating but will be demolished.

**CPC RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with a two-story building with a hotel use which the owner plans to demolish.
- The owner proposes to redevelop the site with the new construction of a 3,010-square-foot general merchandise or food store building and a 3,096 square-foot canopy for motor vehicle fueling station.
- The request area is in an RR Regional Retail District with a D Liquor Control Overlay and occupies approximately 0.857 acres of land. The general merchandise use and the motor vehicle fueling station are permitted by right.
- The owner seeks to change the D Liquor Control Overlay to a D-1 Liquor Control Overlay and to obtain a specific use permit for the sale of alcoholic beverages in conjunction with the general merchandise use.
- On April 5, 2018, the City Plan Commission held this item under advisement. The applicant has agreed to the staff's recommended conditions of a two-year period with eligibility for automatic renewals for additional five-year periods since then.

**Zoning History:** There has been one zoning request in the surrounding area in the past five years.

**1. Z145-200(AF)**

On June 10, 2015, the City Council approved an application to change the zoning classification from an RR Regional Retail District with a D Liquor Control Overlay to an RR District with a D-1 Liquor Control Overlay and a Specific Use Permit No. 2149 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on a property adjacent to this area of request. SUP No. 2149 expired on June 10, 2017.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type               | Existing ROW | Required ROW |
|---------------------|--------------------|--------------|--------------|
| W. Camp Wisdom Road | Principal Arterial | 100'         | 100'         |

**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:**

|              | <b>Zoning</b>                                      | <b>Land Use</b>                             |
|--------------|----------------------------------------------------|---------------------------------------------|
| <b>Site</b>  | RR Regional Retail with D Liquor Control Overlay   | Hotel                                       |
| <b>North</b> | RR Regional Retail with D Liquor Control Overlay   | Custom Business Services                    |
| <b>East</b>  | RR Regional Retail with D-1 Liquor Control Overlay | General Merchandise and Child Care Facility |
| <b>South</b> | RR Regional Retail                                 | Vehicle Display Sales and Service           |
| <b>West</b>  | PD No. 396 (across US67)                           | General Merchandise and Restaurant          |

**Land Use Compatibility:**

The approximate 0.86-acre site is zoned a RR Regional Retail District with a D Liquor Control Overlay. Generally located around the site is a mix of light industrial, residential and retail zoning districts. Immediately adjacent to the site are custom business services and hotel uses along the Highway 67 service road. The request site is currently developed with a two-story hotel building. The owner of the property plans to demolish the existing structure and redevelop the site with a general merchandise building and vehicle fueling station. The owner's request for a zoning change and a specific use permit will allow for the sale of alcoholic beverages for off-premise consumption in conjunction with the general merchandise or food store 3,500 square feet or less use.

The properties to the north currently have deed restrictions (D.R. Z856-207) in place that prescribe uses that are only allowed in a neighborhood service district. Across W. Camp Wisdom Road, located south of the property, is an automobile dealership. This property also has deed restrictions in place (D.R. Z912-257) which terminated some of the limitations under previous deed restrictions (D.R. Z834-202), except for those requiring screening and landscaping. The property to the east of the request contains a general merchandise or food store 3,500 square feet or less, and a child care facility. All of the surrounding uses are compatible with the proposed general merchandise & food store.

The owner 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 which will exempt them from the 300 feet distance from a day care or child care facility.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

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.

In general, the applicant's request is consistent with the general provisions for a Specific Use Permit. Staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods. This has been the standard for the proposed use within the general area and allows for review of the use after the initial two-year period.

### **Development Standards:**

| District | Setbacks |                                              | Density<br>FAR               | Height           | Lot<br>Coverage | Special<br>Standards       | Primary Uses              |
|----------|----------|----------------------------------------------|------------------------------|------------------|-----------------|----------------------------|---------------------------|
|          | Front    | Side/Rear                                    |                              |                  |                 |                            |                           |
| RR       | 15'      | 20' adjacent to residential<br>OTHER: No Min | 1.5 FAR overall<br>.5 office | 70'<br>5 stories | 80%             | RPS, DIR, Visual Inclusion | Retail & personal service |

### **Parking:**

The off-street parking requirements for a general merchandise or food store 3,500 square foot or less is one space for each 200 square feet of floor area. The building's

floor area totals approximately 3,010 square feet, which requires a minimum of 15 off-street parking spaces in addition to the 2 minimum off-street parking spaces required for the vehicle fuel station. As depicted on the site plan, 21 spaces are provided.

**Landscaping:**

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

**Dallas Police Department:** The proposed site is currently developed with a hotel use, therefore the police report received is not related neither to the proposed use nor the sales of alcohol for off-premise consumption.

**PRIOR CPC ACTION - APRIL 5, 2018**

**Motion:** In considering an application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D Liquor Control Overlay on the northeast corner of West Camp Wisdom Road and Marvin D Love Frontage Road, east of Marvin D Love Freeway (US 67), it was moved to **hold** this case under advisement until April 19, 2018.

Maker: Murphy  
Second: Rieves  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack,  
Jung, Housewright, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 2 - Houston, Schultz  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 8  
**Replies:** For: 0 Against: 0

**Speakers:** None



**PRIOR CPC ACTION - APRIL 19, 2018**

**Motion:** It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the northeast corner of West Camp Wisdom Road and Marvin D Love Frontage Road, east of Marvin D Love Freeway (US 67).

Maker: Houston

Second: Mack

Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 0

Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 8

**Replies:** For: 0 Against: 0

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

**List of Officers**

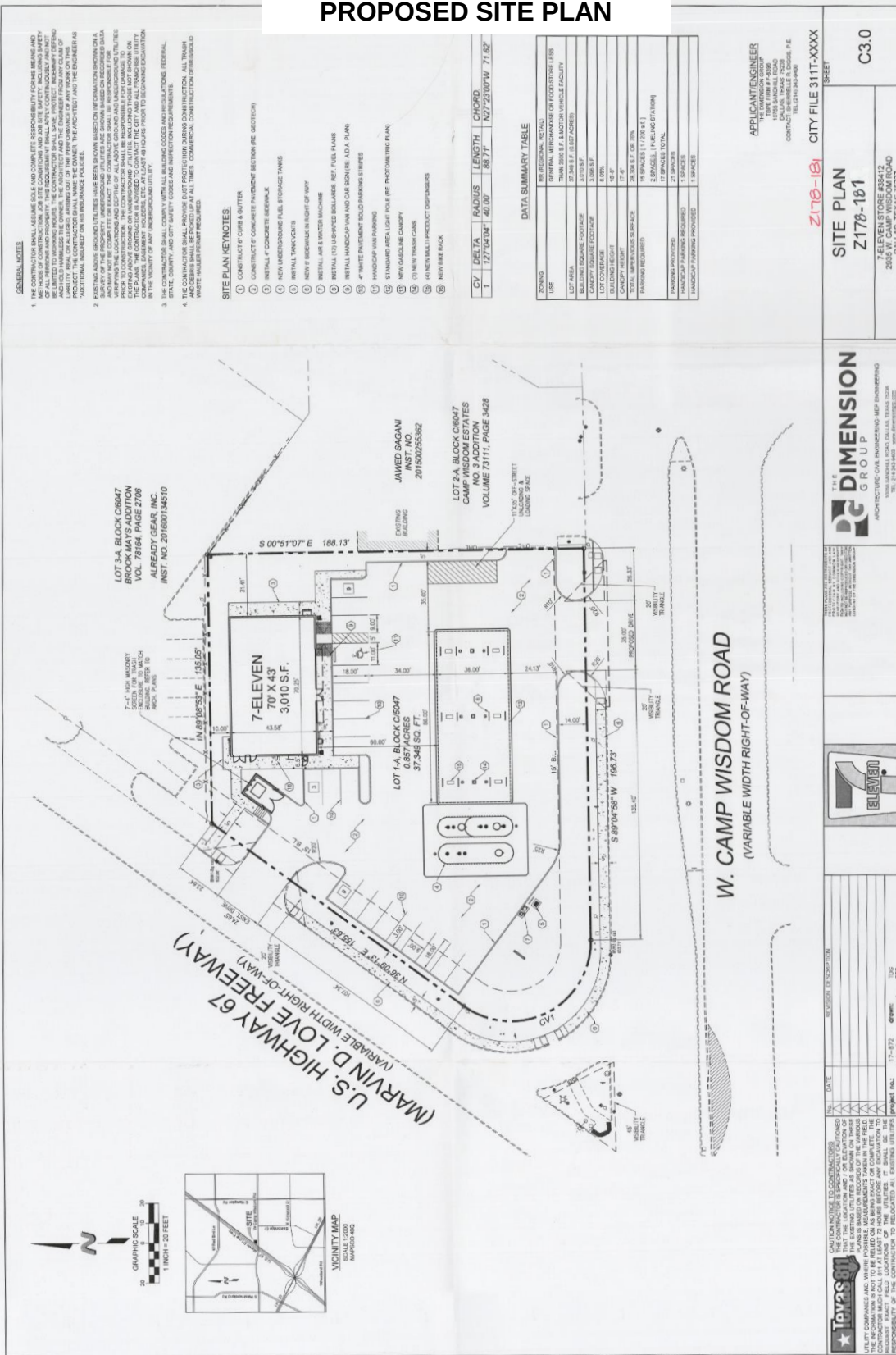
KUNVER, LLC.

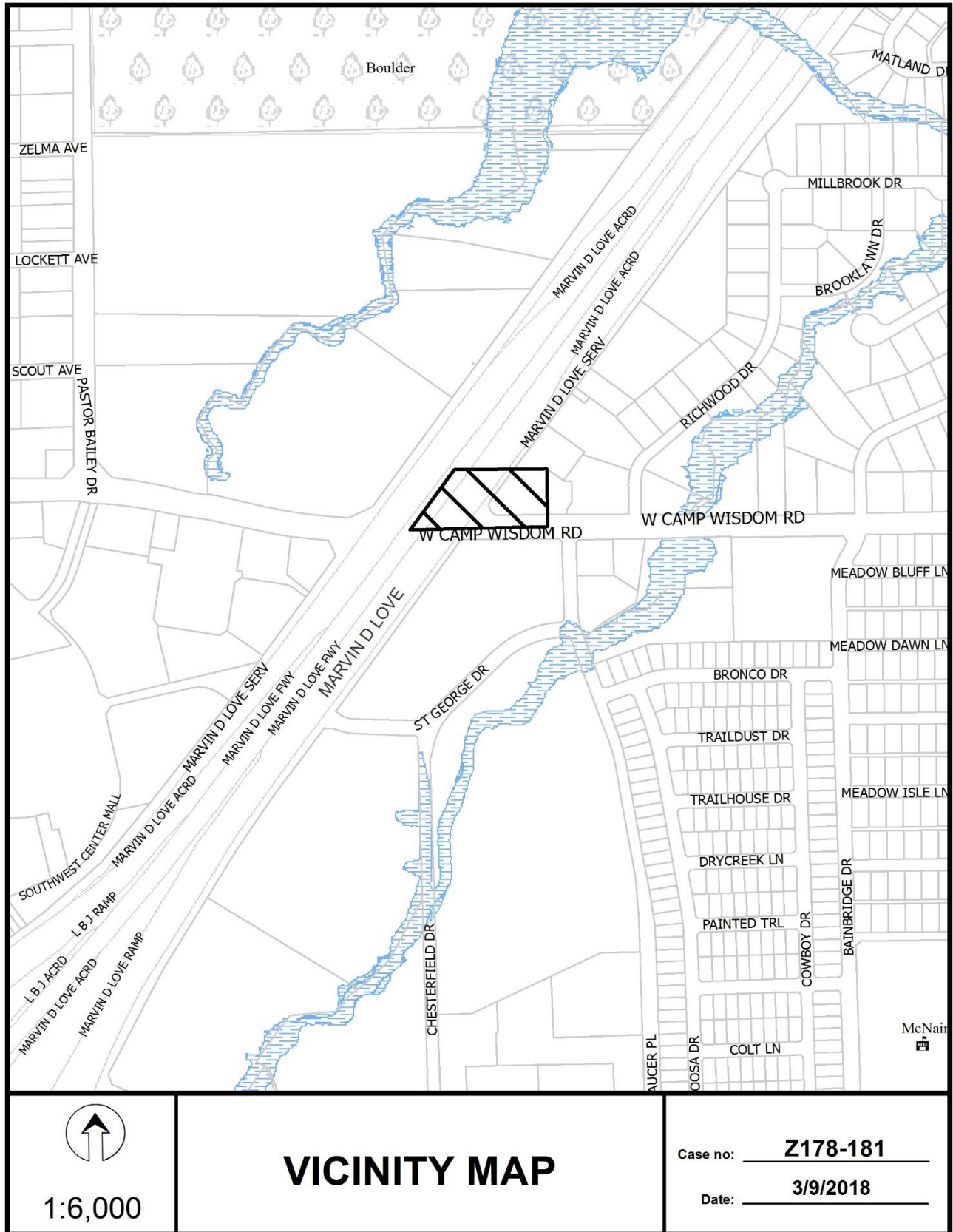
- Pete Patson                      Manager
- Thomas J Irons                 Organizer

**CPC RECOMMENDED SUP CONDITIONS**

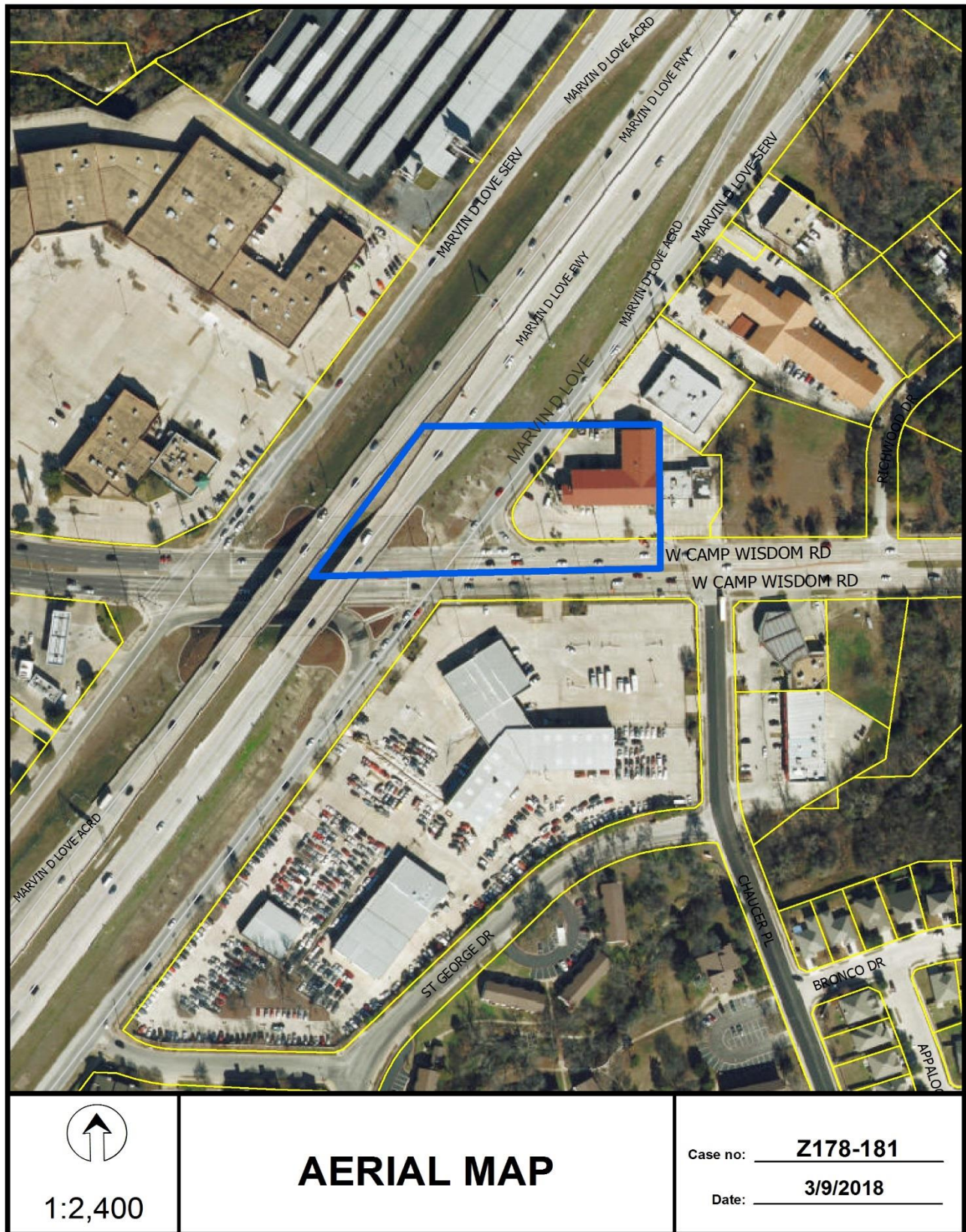
1. **USE**: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less
2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT**: This specific use permit expires on\_\_\_\_\_, (two-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).
4. **MAINTENANCE**: The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## PROPOSED SITE PLAN

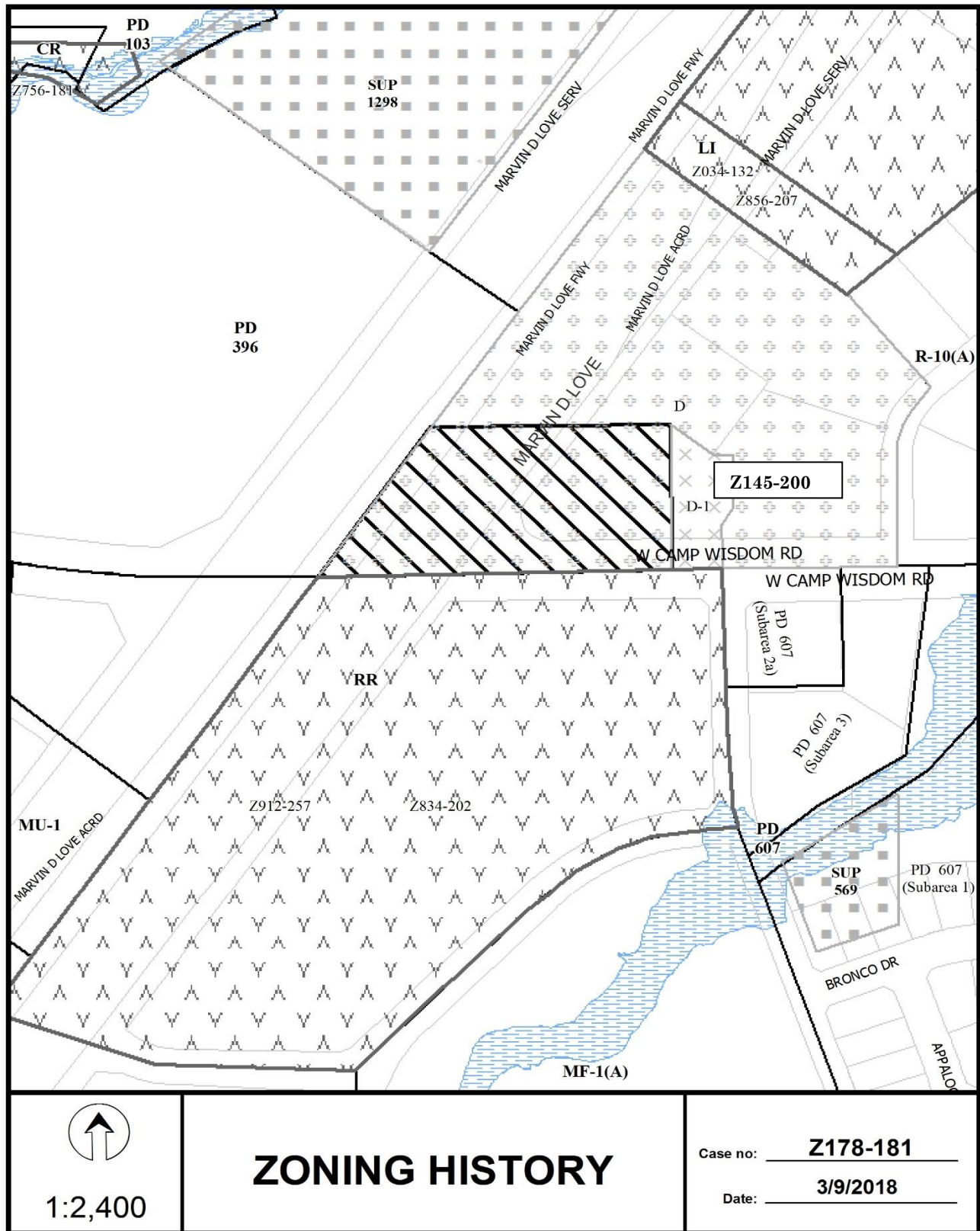


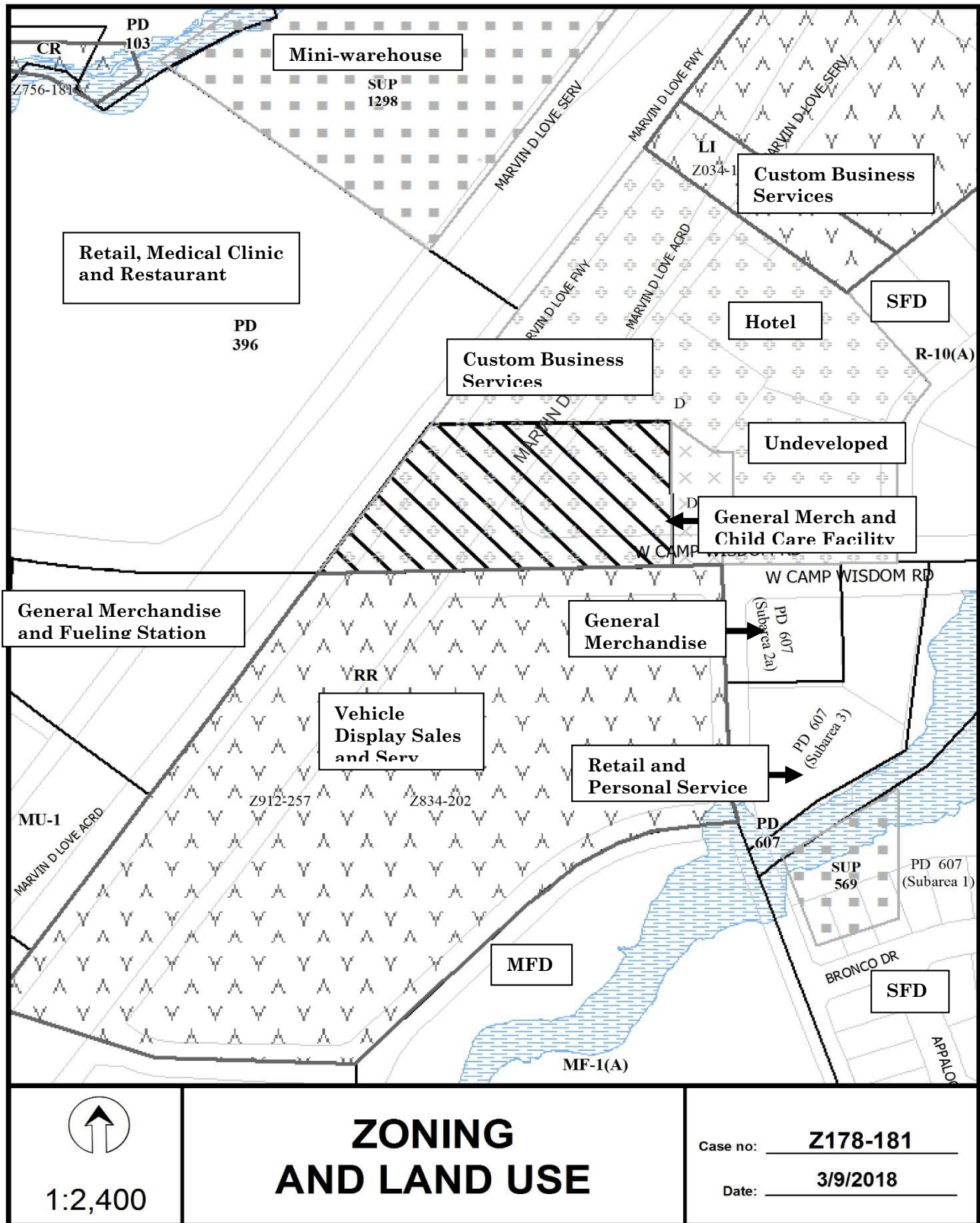






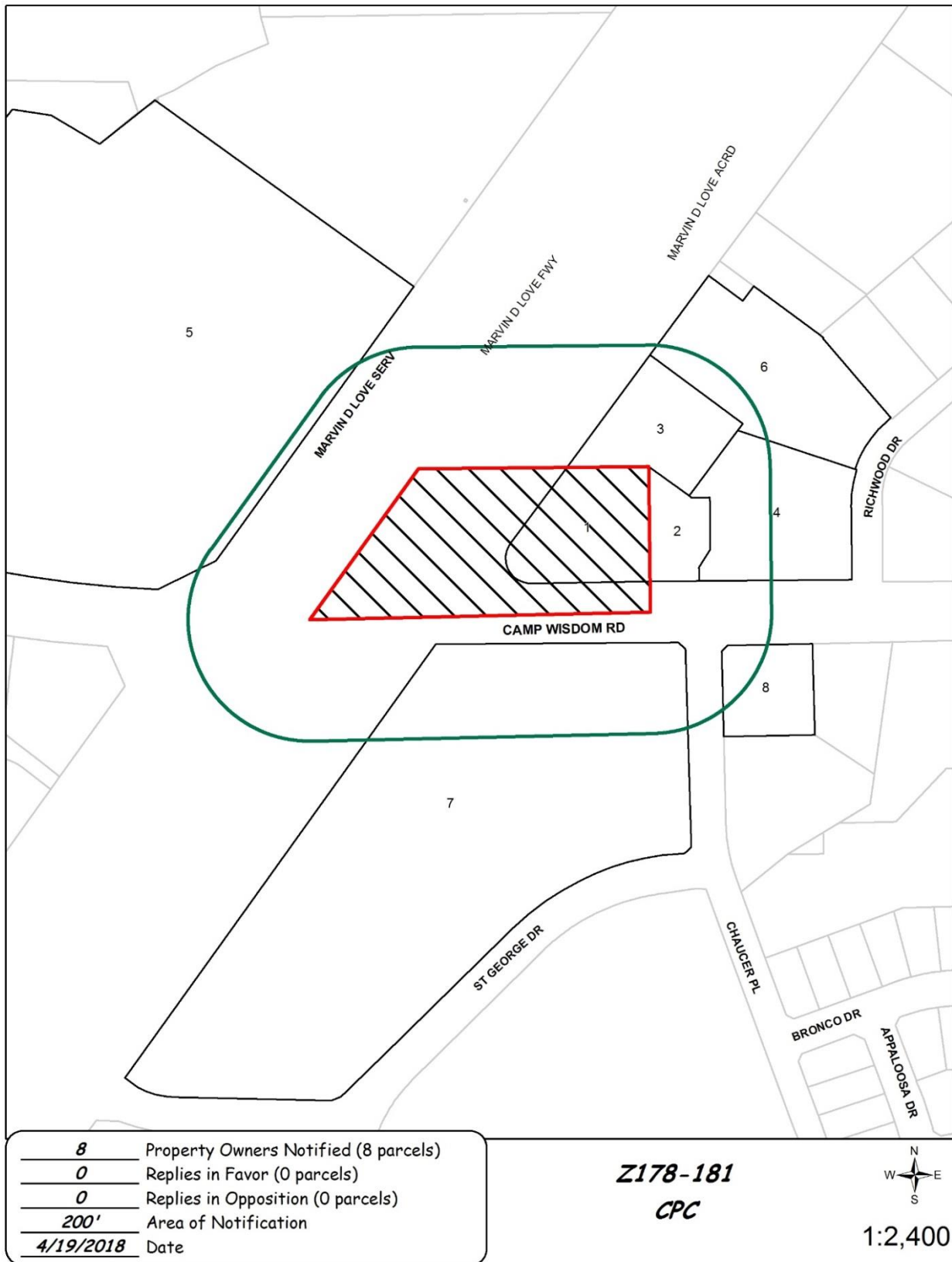








# CPC RESPONSES



Z178-181(CY)

04/18/2018

## ***Reply List of Property Owners***

***Z178-181***

***8 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>       |
|---------------------|-----------------------|-----------------------|---------------------------|
| 1                   | 2935                  | W CAMP WISDOM RD      | KUNVER LLC                |
| 2                   | 2921                  | W CAMP WISDOM RD      | SAGANI JAWED              |
| 3                   | 6960                  | MARVIN D LOVE FWY     | ALREADY GEAR INC          |
| 4                   | 2800                  | W CAMP WISDOM RD      | HAMPTON EMBASSY LTD       |
| 5                   | 3199                  | W CAMP WISDOM RD      | BONIUK INTERESTS LTD      |
| 6                   | 6950                  | MARVIN D LOVE FWY     | AMIT INVESTMENTS INC      |
| 7                   | 7100                  | MARVIN D LOVE FWY     | AMERICA CAN CARS FOR KIDS |
| 8                   | 2950                  | W CAMP WISDOM RD      | SILWAD INC                |

**AGENDA ITEM # 56**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 5 P

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1702 for a tower/antenna for cellular communication on property zoned a CR Community Retail District, east of Preston Road and south of Campbell Road

Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions Z178-195(JM)



**FILE NUMBER:** Z178-195(JM)

**DATE FILED:** February 27, 2018

**LOCATION:** East of Preston Road and south of Campbell Road

**COUNCIL DISTRICT:** 12

**MAPSCO:** 5 P

**SIZE OF REQUEST:** ±612 square feet

**CENSUS TRACT:** 136.17

---

**APPLICANT:** Verizon Wireless

**OWNER:** RP Preston Campbell SC LP

**REPRESENTATIVE:** Rob Baldwin, Baldwin and Associates

**REQUEST:** An application for the renewal of Specific Use Permit No. 1702 for a tower/antenna for cellular communication on property zoned a CR Community Retail District.

**SUMMARY:** The purpose of this request is to allow an existing 80-foot-tall tower/antenna (monopole) for cellular communication to remain on the subject site. The CR District allows a height of 65 feet by right and requires a Specific Use Permit for any tower taller than 65 feet.

**STAFF RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**CPC RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- On February 27, 2008, the City Council approved Specific Use Permit No. 1702 for a tower/antenna for cellular communication for a 10-year period with eligibility for automatic renewals for additional 10-year periods, subject to a site plan and conditions.
- The existing tower/antenna for cellular communication is 80-feet-in-height. The CR District allows a height of 65 feet by right and requires a Specific Use Permit for any tower taller than 65 feet.
- The SUP expired on February 27, 2018. A courtesy letter was sent to the applicant on August 7, 2017, advising them to reapply for the automatic renewal by October 30, 2017. The renewal was submitted on the expiration date—disqualifying the automatic renewal eligibility, but allowing for the renewal of the request.
- There are no proposed changes to the site plan or conditions.

**Zoning History:** There have not been any zoning changes within the immediate area in the past five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type               | Existing ROW | Proposed ROW |
|---------------------|--------------------|--------------|--------------|
| Preston Road        | Principle Arterial | 130 ft.      | 100 ft.      |
| Campbell Road       | Principle Arterial | 100 ft.      | 100 ft.      |

**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.

**Surrounding Land Uses:**

|              | Zoning           | Land Use                                   |
|--------------|------------------|--------------------------------------------|
| <b>Site</b>  | CR, SUP No. 1702 | Retail and personal service and a Monopole |
| <b>North</b> | CR               | Retail and personal services               |
| <b>East</b>  | CR               | Retail and personal services               |
| <b>South</b> | NO(A); R-7.5(A)  | Office; Single family residential          |
| <b>West</b>  | R-1ac(A)         | Single family residential                  |

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

**Land Use Compatibility:**

The area is located in the rear of a shopping center and further surrounded by retail and personal service uses to the north and east, office uses to the south and single-family development to the west, across Preston Road.

The request site, which is approximately 612 square feet in size, is zoned a CR Community Retail District. Pursuant to Section 51A-4.212(10.1) of the Dallas Development Code, monopole cellular towers are allowed by right in the CR District if the height does not exceed 65 feet, with Residential Adjacency Review (RAR) required. The existing tower/antenna for cellular communication is 80-feet-in-height, which requires a Specific Use Permit. The cell tower has been in operation since April 2008 under SUP No. 1702. The SUP expired on February 27, 2018. A courtesy letter was sent to the applicant on August 7, 2017, advising them to reapply for the automatic renewal by October 30, 2017. The renewal was submitted on the expiration date—disqualifying the automatic renewal eligibility, but allowing for the renewal of the request. There are no proposed changes to the site plan or conditions.

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 renewal of the SUP for the existing cellular tower will continue to provide service to the area and promote welfare of the adjacent properties not just for personal cellular communication, but also for all first responder communications. Staff supports the

continued use at the site, as the height of the tower seems comparable to the height of parking lot lights, neither being of detriment, but rather of service, to the neighborhood.

**Parking:**

The Dallas Development Code requires one off-street parking space for this use when an auxiliary building that houses electronic equipment exceeds 120 square feet of floor area. The proposed site plan indicates that equipment will be located in cabinets; therefore, no parking spaces are required.

**Landscaping:**

Landscaping requirements per Article X of the Dallas Development Code are not applicable to the proposed development.



|                         |
|-------------------------|
| <b>List of Officers</b> |
|-------------------------|

List of Officers

RP Preston Campbell SC, LP and RP 10% SC Properties, L.P.

RP Dentwood SC/GP, LLC

Elizabeth J. Rader, Manager

Homer J. Rader, III, Member

William S. Rader, Member

Verizon Wireless

Lowell C. McAdam, CEO

Tim Armstrong, CEOO

Martin Burvill, Senior Vice President

Eric Cevis, Senior Vice President

Kenneth Dixon, Senior Vice President

Ronan Dunne, Executive Vice President

Matthew D. Ellis, Executive Vice President

Tami Erwin, Executive Vice President

George Fischer, Senior Vice President

James J. Gerace, CCO

Rima Qureshi, Executive Vice President

Marc C. Reed, Executive Vice President and CAO

Diego Scotti, Executive Vice President

Craig Silliman, Executive Vice President

David Small, Executive Vice President

John G. Stanton, Executive Vice President

Hans Vestberg, Executive Vice President

Marni M. Walden, Executive Vice President

Jennifer Berglund, Dallas-area Real Estate Manager

Z178-195

**CPC Action**  
**May 3, 2018**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1702 for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned a CR Community Retail District, east of Preston Road, south of Campbell Road.

Maker: Shidid  
Second: Murphy  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Peadon,  
Murphy, Tarpley

Against: 0  
Absent: 2 - Schultz, Ridley  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 48

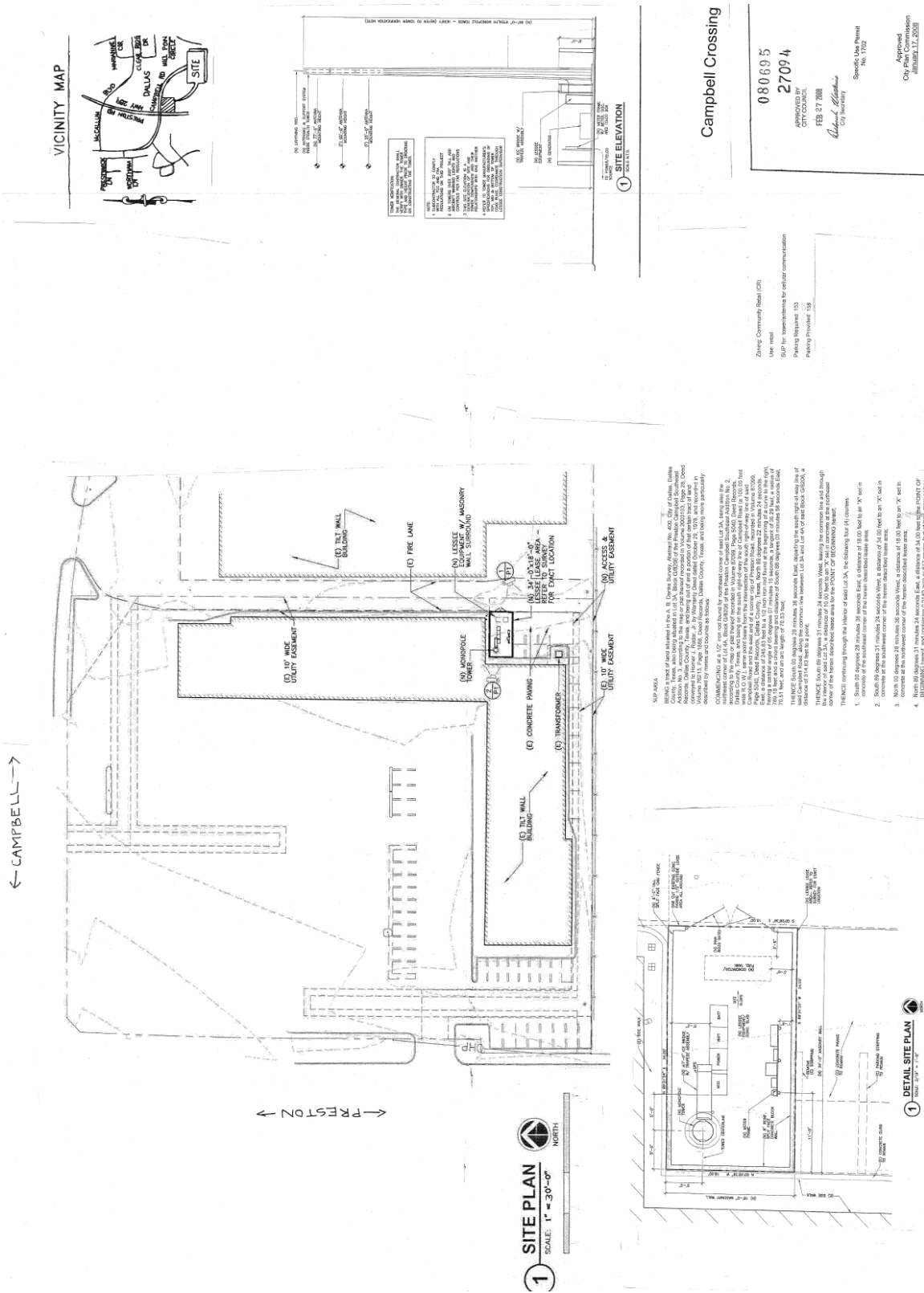
**Replies:** For: 2 Against: 2

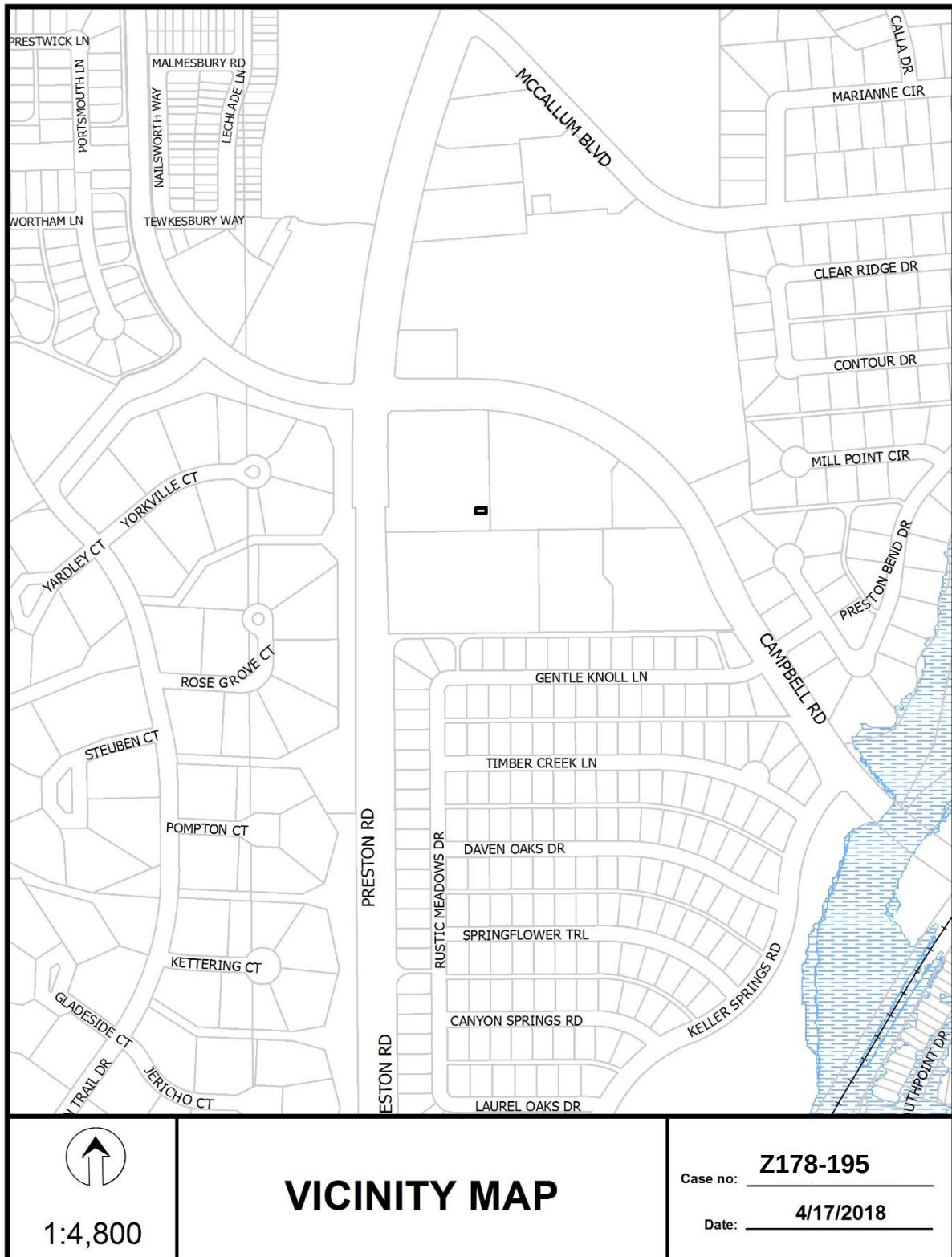
**Speakers:** None

|                                                                  |
|------------------------------------------------------------------|
| <p><b>CPC Recommended</b><br/><b>Z178-195 SUP Conditions</b></p> |
|------------------------------------------------------------------|

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on **February 27, 2018 (ten-years)**, 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 application for automatic renewal is strictly enforced.)
4. CELLULAR TOWER: The tower/antenna for cellular communication must be a stealth monopole (cables, antennas, and other similar equipment must be located within the structure) as shown on the site plan.
5. HEIGHT: The tower/antenna for cellular communication may not exceed 80 feet in height.
6. SHARED USE WITH OTHER CARRIERS: Any tower/antenna for cellular communication over 65 feet in height must be constructed to support the antenna arrays for at least three other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other wireless communication carriers upon reasonable terms.
7. MAINTENANCE: The premises must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules and regulations of the City of Dallas.

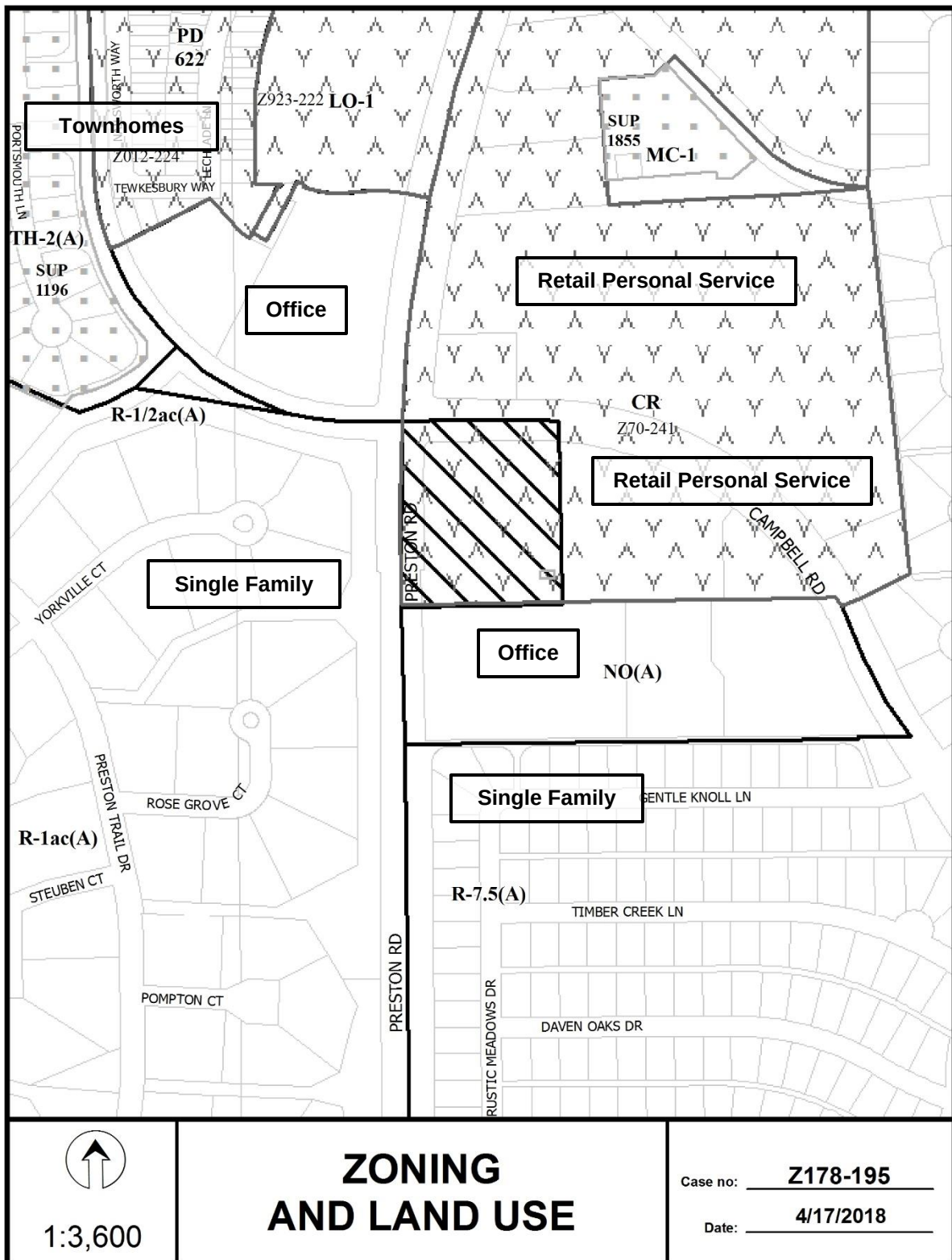
# Existing Site Plan





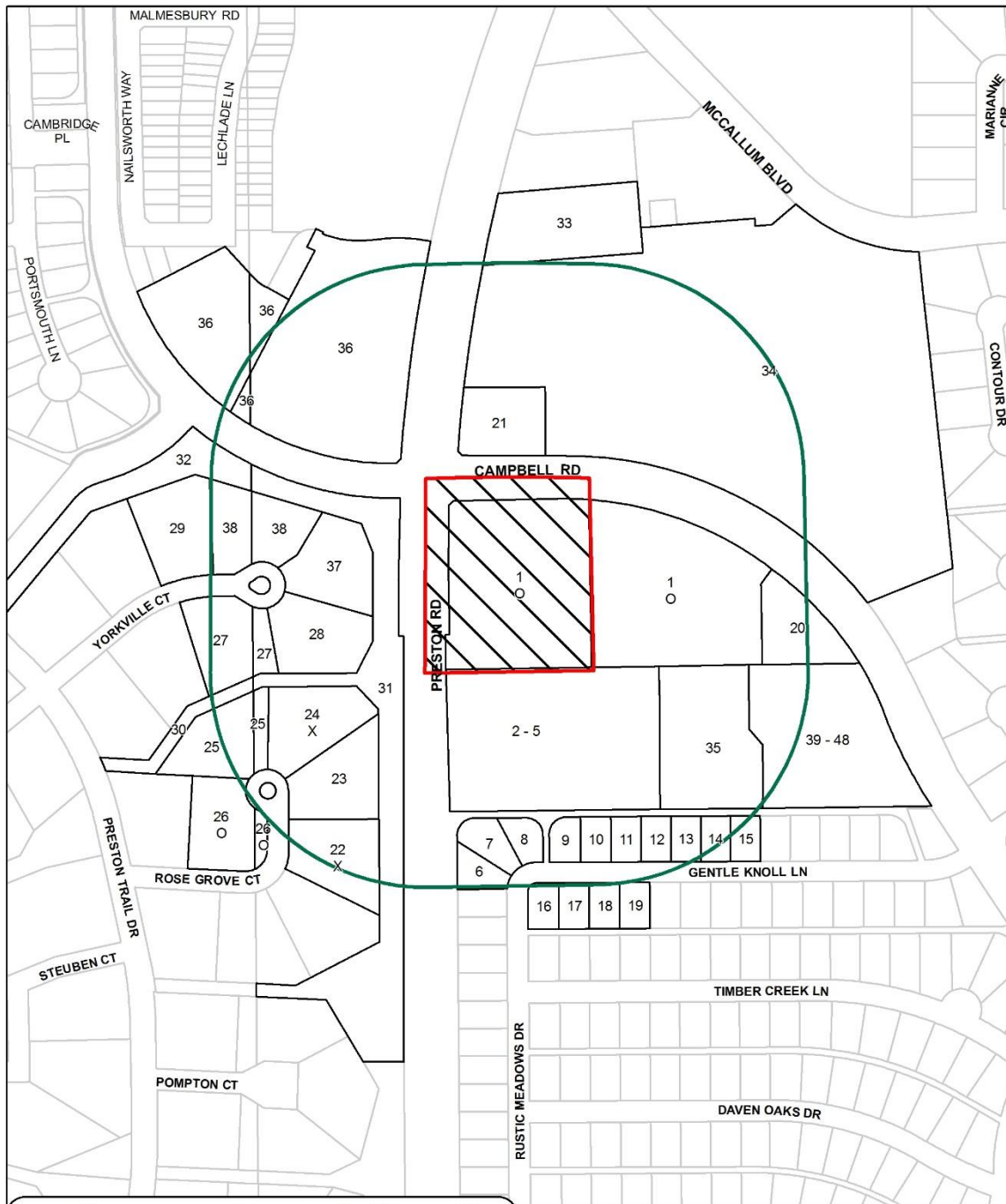








# CPC RESPONSES



|                 |                                       |
|-----------------|---------------------------------------|
| <u>48</u>       | Property Owners Notified (46 parcels) |
| <u>2</u>        | Replies in Favor (4 parcels)          |
| <u>2</u>        | Replies in Opposition (2 parcels)     |
| <u>500'</u>     | Area of Notification                  |
| <u>5/3/2018</u> | Date                                  |

**Z178-195**  
**CPC**



1:3,600



05/01/2018

**Reply List of Property Owners****Z178-195****48 Property Owners Notified****2 Property Owners in Favor****2 Property Owners Opposed**

| <b>Reply</b> | <b>Label #</b> | <b>Address</b>          | <b>Owner</b>                         |
|--------------|----------------|-------------------------|--------------------------------------|
| O            | 1              | 17088 PRESTON RD        | RP PRESTON CAMPBELL SC LP            |
|              | 2              | 17000 PRESTON RD        | LIN LUNG-HSING & CHIA-CHING SUNG LIN |
|              | 3              | 17000 PRESTON RD        | PRESTONTOWN TRAILS LP                |
|              | 4              | 17000 PRESTON RD        | HP COMMUNICATIONS INC                |
|              | 5              | 17000 PRESTON RD        | ASM ARCHITECTS INC                   |
|              | 6              | 16819 RUSTIC MEADOWS DR | STONE R E                            |
|              | 7              | 6001 GENTLE KNOLL LN    | SIGLER JANET S                       |
|              | 8              | 6003 GENTLE KNOLL LN    | SERVIN STEPHEN C                     |
|              | 9              | 6005 GENTLE KNOLL LN    | BERRY ROBERT G & BRENDA              |
|              | 10             | 6007 GENTLE KNOLL LN    | LEVITT LIV TR THE                    |
|              | 11             | 6009 GENTLE KNOLL LN    | GARCIA GERARDO O                     |
|              | 12             | 6011 GENTLE KNOLL LN    | CHAMBERS WESLEY W &                  |
|              | 13             | 6015 GENTLE KNOLL LN    | DASH GTX LLC                         |
|              | 14             | 6017 GENTLE KNOLL LN    | GARFIELD ROBERT J                    |
|              | 15             | 6019 GENTLE KNOLL LN    | HVIDSTEN BRUCE A                     |
|              | 16             | 6002 GENTLE KNOLL LN    | LILLY TIMOTHY                        |
|              | 17             | 6004 GENTLE KNOLL LN    | EWING JOHN M & MARTHA B              |
|              | 18             | 6006 GENTLE KNOLL LN    | VIDRINE REID M & ELIZABETH H         |
|              | 19             | 6008 GENTLE KNOLL LN    | DAVENPORT JOHN D & DAYNA S           |
|              | 20             | 6142 CAMPBELL RD        | SADDLEHORN PROPERTIES 1 L            |
|              | 21             | 6021 CAMPBELL RD        | METROPOLITAN SAVINGS & LN            |
| X            | 22             | 6014 ROSE GROVE CT      | DEVER WILLIAM C                      |
|              | 23             | 6018 ROSE GROVE CT      | KRAINES HOWARD &                     |
| X            | 24             | 6015 ROSE GROVE CT      | JISHI BASIM M & CYNTHIA A            |
|              | 25             | 6009 ROSE GROVE CT      | FEARON EDWARD & PAULA                |
| O            | 26             | 6005 ROSE GROVE CT      | DRAYER JAMES F & CHERYL D            |

05/01/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                   |
|--------------|----------------|------------------|--------------------------------|
| 27           | 6010           | YORKVILLE CT     | WOLF LEON &                    |
| 28           | 6014           | YORKVILLE CT     | BRAUMILLER ADRIENNE            |
| 29           | 6009           | YORKVILLE CT     | BILLINGSLEY JOHN & HARRIETT A  |
| 30           | 16900          | PRESTON TRAIL DR | PRESTON TRAILS ASSOC           |
| 31           | 16900          | PRESTON TRAIL DR | PRESTON TRAILS ASSOC           |
| 32           | 16900          | PRESTON TRAIL DR | PRESTON TRAILS ASSOC           |
| 33           | 17218          | PRESTON RD       | PRESTON PROFESSIONAL PLAZA LLC |
| 34           | 17194          | PRESTON RD       | LG PRESTON CAMPBELL LLC        |
| 35           | 6210           | CAMPBELL RD      | JADE AND JOY HOLDING LLC       |
| 36           | 17210          | CAMPBELL RD      | STP PRESTON TRAILS LP          |
| 37           | 6019           | YORKVILLE CT     | ROSEN ALLAN D & CAROL          |
| 38           | 6015           | YORKVILLE CT     | ROSENBLOOM BRIAN &             |
| 39           | 6220           | CAMPBELL RD      | JCCATA HOLDINGS LLC            |
| 40           | 6220           | CAMPBELL RD      | ZIMMERMANN ENTERPRISES LLC     |
| 41           | 6220           | CAMPBELL RD      | ZIMMERMANN ENTERPRISES LLC     |
| 42           | 6220           | CAMPBELL RD      | WUCINSKI JOHN R                |
| 43           | 6220           | CAMPBELL RD      | QN MANAGEMENT SOLUTIONS INC    |
| 44           | 6220           | CAMPBELL RD      | 6220 CAMPBELL INVESTMENTS LLC  |
| 45           | 6220           | CAMPBELL RD      | TEXAS STATE ORG OF             |
| 46           | 6206           | CAMPBELL RD      | BROOKHOPE HOLDINGS LLC         |
| 47           | 6220           | CAMPBELL RD      | HOSA PPTY MANAGEMENT INC       |
| 48           | 6220           | CAMPBELL RD      | CARSE PROPERTIES LLC           |

**AGENDA ITEM # 57**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 42 V

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use and an ordinance terminating a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike

Recommendation of Staff and CPC: Approval of an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and approval of the termination of a portion of Specific Use Permit No. 98

Z178-205(CY)

**FILE NUMBER:** Z178-205(CY)

**DATE FILED:** March 8, 2018

**LOCATION:** East line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike

**COUNCIL DISTRICT:** 6

**MAPSCO:** 42 V

**SIZE OF REQUEST:** Approx. 4.45 acres

**CENSUS TRACT:** 105.00

---

**APPLICANT/OWNER:** KESSLER HOSPITALITY, LLC

**REPRESENTATIVE:** Amar Patel

**REQUEST:** An application to amend Specific Use Permit No. 1728 for an extended stay hotel or motel use and to terminate a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District.

**SUMMARY:** The applicant proposes to 1) reduce the size of the area of request; 2) relocate the extended stay hotel or motel use, as originally approved; and, 3) increase the room count from a maximum of 83 rooms to a maximum of 89 rooms.

**CPC RECOMMENDATION:** Approval of an amendment to Specific Use Permit No.1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and approval of the termination of a portion of Specific Use Permit No. 98.

**STAFF RECOMMENDATION:** Approval of an amendment to Specific Use Permit No.1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions, and approval of the termination of a portion of Specific Use Permit No. 98.

**BACKGROUND INFORMATION:**

- The approximately 4.45-acre area of request is currently undeveloped and is in an IM Industrial Manufacturing District with Specific Use Permit No. 98 for quarrying and mining operations and Specific Use Permit No.1728 for an extended stay hotel or motel use.
- The owner proposes to develop the subject site with a four-story building for an extended stay hotel or motel use. This use requires a Specific Use Permit in the IM Industrial Manufacturing District.
- On June 2, 1958, the City Council approved Specific Use Permit No. 98 for quarrying and mining operations.
- On September 24, 2008, the City Council approved Specific Use Permit No. 1728 for an extended stay hotel or motel on property described as Lot 1 in City Block F/7202 and allowing a maximum number of guest rooms of eighty-three.
- The property was re-platted to create Lot 1A and Lot 1B out of Lot 1 within City Block F/7202 under subdivision case file S156-213. The final plat was recorded in the Dallas County Records on February 8, 2018.
- The owner proposes to 1) amend Specific Use Permit No. 1728 by reducing the area of request to include only Lot 1B; 2) increase the room count from a maximum of eighty-three to a maximum of eighty-nine; and, 3) terminate a portion of Specific Use Permit No. 98.

**Zoning History:** There have been no recent zoning changes in the vicinity during the last five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street      | Type               | Existing ROW | Required ROW |
|--------------------------|--------------------|--------------|--------------|
| North Cockrell Hill Road | Principal Arterial | 80'          | 80'          |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and recommends that at the time of permitting, a left turn lane and visibility analysis will be required as part of their engineering plans.

**Land Use:**

|              | <b>Zoning</b>                     | <b>Land Use</b>                                 |
|--------------|-----------------------------------|-------------------------------------------------|
| <b>Site</b>  | IM with SUP No.1728 and SUP No.98 | Undeveloped Land                                |
| <b>North</b> | IM with SUP No.98                 | Hotel                                           |
| <b>East</b>  | IM with SUP No. 98                | Office/Showroom/Warehouse and Industrial Inside |
| <b>South</b> | CS and RR                         | Undeveloped Land and Hotel                      |
| <b>West</b>  | IM with SUP No.98                 | Warehouse                                       |

**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:

**ECONOMIC ELEMENT**

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**Land Use Plan**

The request area is also part of the *West Dallas Comprehensive Land Use Plan* that seeks to promote growth in West Dallas by stimulating economic development.

**Land Use Compatibility:**

The approximate 4.45-acre site is undeveloped and zoned an IM Industrial Manufacturing District with Specific Use Permit No.98 for quarrying and mining use and Specific Use Permit No.1728 for extended stay hotel or motel use. The owner of the property plans to construct a four-story, 55,608-square-foot building for an extended stay hotel. The extended stay hotel and motel use is allowed by specific use permit only in the IM zoning district.

Located to the north of the site is a hotel use followed by undeveloped land further north. To the northeast, east, and southeast there are warehouse and industrial inside uses. Immediately adjacent to the south there is a hotel use and an undeveloped property, followed by restaurant and retail uses further south along North Cockrell Hill Road. To the southwest, more restaurant uses and undeveloped land and to the northwest across North Cockrell Hill Road, there is a warehouse use.

The Dallas Development Code, as amended, defines the extended stay hotel or motel use as a lodging facility containing six or more guest rooms in which: 1) 25 percent or more of the guest rooms have a kitchen that includes a sink, a full-size stove, and a full-size refrigerator (a cooking area limited to a microwave, mini-refrigerator, or cook-top does not constitute a “kitchen” for purposes of this definition; and 2) 10 percent or more of the guest rooms contain a sleeping area that is separated from a sitting area by a wall or partition.

The Dallas Development Code, as amended defines the hotel or motel use as a facility containing six or more guest rooms that are rented to occupants on a daily basis.

On September 24, 2008 the City Council approved Specific Use Permit No. 1728 for an extended stay hotel or motel for a ten-year period with eligibility for automatic renewals for additional ten-year periods on property described as Lot 1 in City Block F/7202 and containing approximately 7.8 acres. Since then, the property was re-platted into Lots 1A and 1B. Lot 1A was developed with a hotel or motel use which does not require a specific use permit in the IM Industrial Manufacturing District.

Before the time period required to apply for the automatic renewal of the specific use permit was due, the owner submitted this application seeking to amend the SUP by reducing the area of request to include only Lot 1B, relocating the proposed extended stay hotel or motel use to Lot 1B and increasing the number of guest rooms from 83 to 89.

On June 2, 1958 the City Council approved Specific Use Permit No 98 for quarrying and mining, the owner is also requesting the termination of a portion of Specific Use Permit No 98.

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 surrounding areas are developed with a variety of uses that provide services to the neighboring industrial areas and to the residential areas located further west. The proposed SUP amendment is not foreseen to cause negative impacts upon the surrounding properties. The applicant's request is also consistent with the general provisions for an SUP. Staff supports the request and recommends approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods.

**Parking:**

The off-street parking requirements for an extended stay hotel or motel is one space for each unit for units one to 250, the proposed extended stay hotel or motel use will have a maximum of 89 units (guest rooms) requiring a total of 89 off-street parking spaces. As depicted on the site plan, 91 spaces are provided.

**Landscaping:**

Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.



**PRIOR CPC ACTION – MAY 3, 2018**

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1728 for an extended stay hotel or motel use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions and **approval** of the termination of a portion of Specific Use Permit No. 98 for quarrying and mining operations on property zoned an IM Industrial Manufacturing District, on the east line of North Cockrell Hill Road, north of Dallas-Fort Worth Turnpike.

Maker: Shidid  
Second: Murphy  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Peadon,  
Murphy, Tarpley

Against: 0  
Absent: 2 - Schultz, Ridley  
Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 10  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Amar Patel, 2074 Azalea Trail, Irving, TX, 75063  
Against: None

**List of Officers**

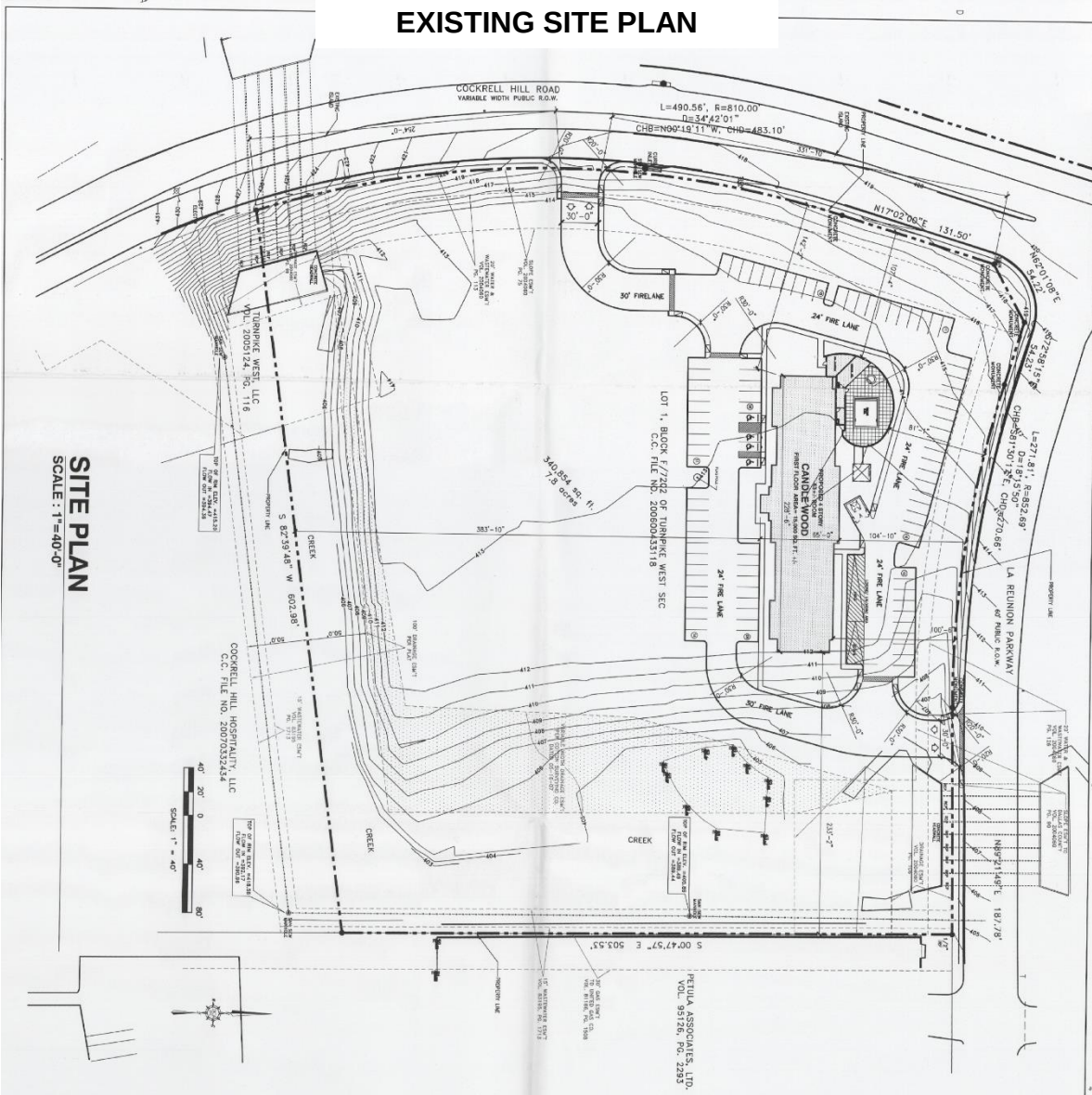
KESSLER HOSPITALITY, LLC.

- Amar Patel
- Aashish Desai
- Viral V. Patel
- Chetan Patel
- Dipak R. Patel
- Bhavesh R. Patel
- Manoj V. Patel
- Vikas Patel

**CPC RECOMMENDED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an extended stay hotel or motel
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 24, 2018~~] (ten years) \_\_\_\_\_, 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 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: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.
5. INGRES/EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: Off-street parking and loading must be provided in the locations shown on the attached site plan.
7. ROOMS: Maximum number of guest rooms is 89 [~~83~~].
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 SITE PLAN

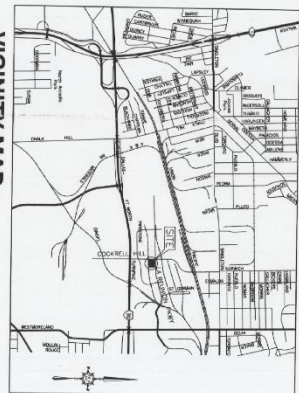


## SITE PLAN

SCALE: 1"=40'-0"

## VICINITY MAP

NOT TO SCALE



## SITE SUMMARY

### Proposed Candlewood Suites- Extended Stay Hotel

EXISTING ZONING = INDUSTRIAL MANUFACTURING (IM) DISTRICT

EXISTING USE = VACANT LAND

LOT AREA = 30,004 SQ. FT. = 0.69 ACRES

PROPOSED 4 STORY EXTENDED STAY HOTEL

TOTAL NO. OF GUEST ROOMS = 83 ROOMS

CONFERENCE & MEETING ROOM = 1,200 SQ. FT.

PARKING REQUIRED = 83 SPACES

PARKING PROVIDED = 83+4 HC+28 SPACES

1-1,000 SQ. FT. OF UNPAVED SPACE

LANDSCAPE REQUIREMENT WILL COMPLY TO ARTICLE 5 STANDARDS.

ZONING REQUIREMENTS FOR ZONE "IM"

FRONT YARD SETBACKS: 15' ON LOTS

SIDE/REAR: 20' ADJACENT TO RESIDENTIAL, OTHER NO MINIMUM

DENSITY: 100' OVERALL, 0.25 OFFICE/RETAIL, 0.25 RETAIL

HEIGHT: 110' 8 STORIES

LOT COVERAGE: 80%

SPECIAL STANDARDS: PROXIMITY SLOPE VISUAL INTRUSION

PRIMARY USES: INDUSTRIAL, WHOLESALE DISTRIBUTION AND STORAGE

SUPPORTING OFFICE AND RETAIL

(2) MAIN USES PERMITTED:

(B) LODGING USES:

EXTENDED STAY HOTEL OR MOTEL (SUP).

082578

27326

Z078-261(OTH)

**DESIGN PLAN**

100% PLAN SET

DATE: 07/03/08

BY: [Signature]

SCALE: 1"=40'-0"

WHD

06A-2008

**Kessler Hospitality**

2074 Ardree Trail, Irving, TX 75063

Phone: (972) 258-2300

Fax: (972) 869-4362

**CANDLEWOOD SUITES**

1701 N COCKRELL HILL ROAD

Dallas, TEXAS

**SITE PLAN**

DATE: 07/03/08

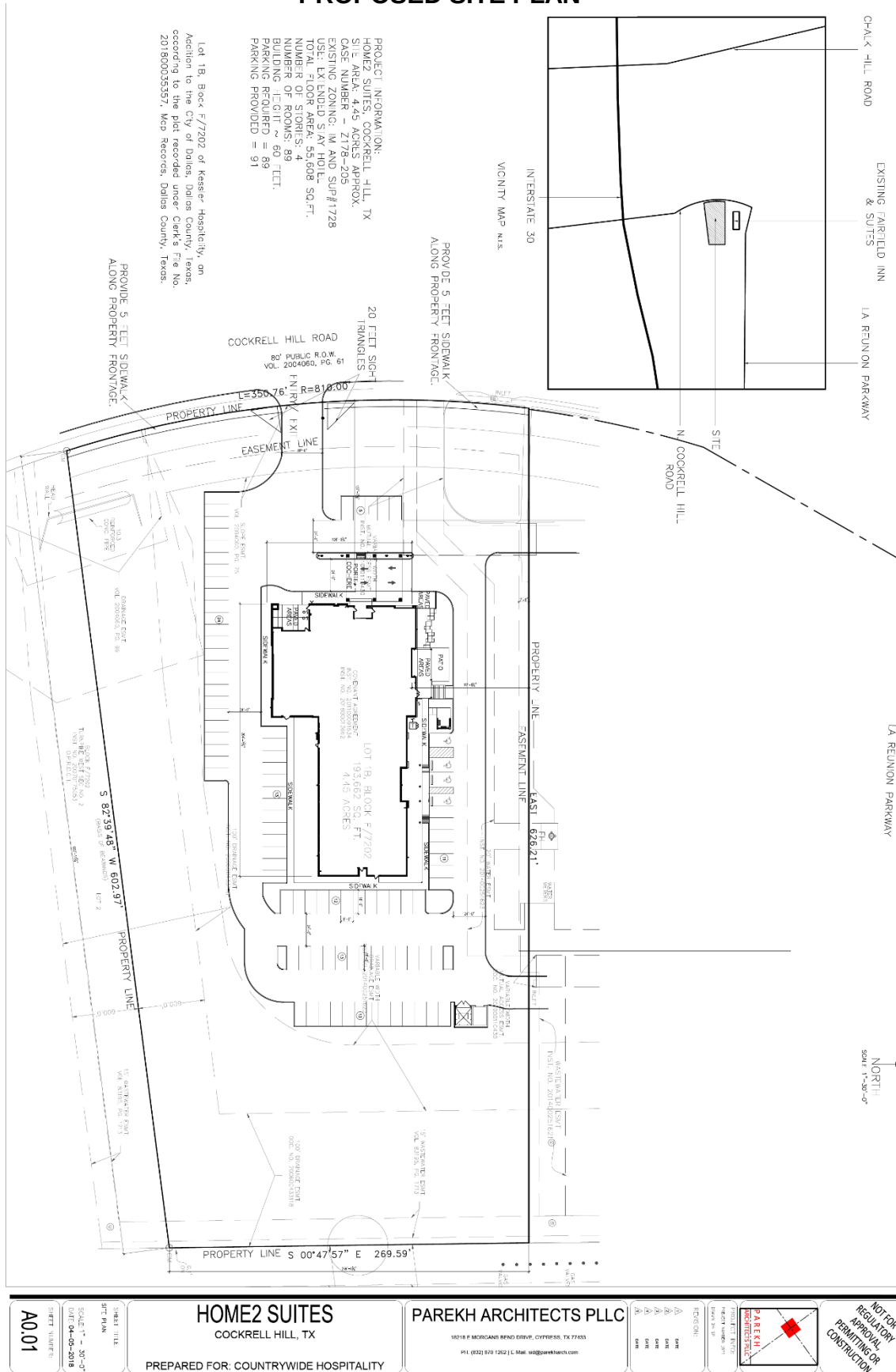
BY: [Signature]

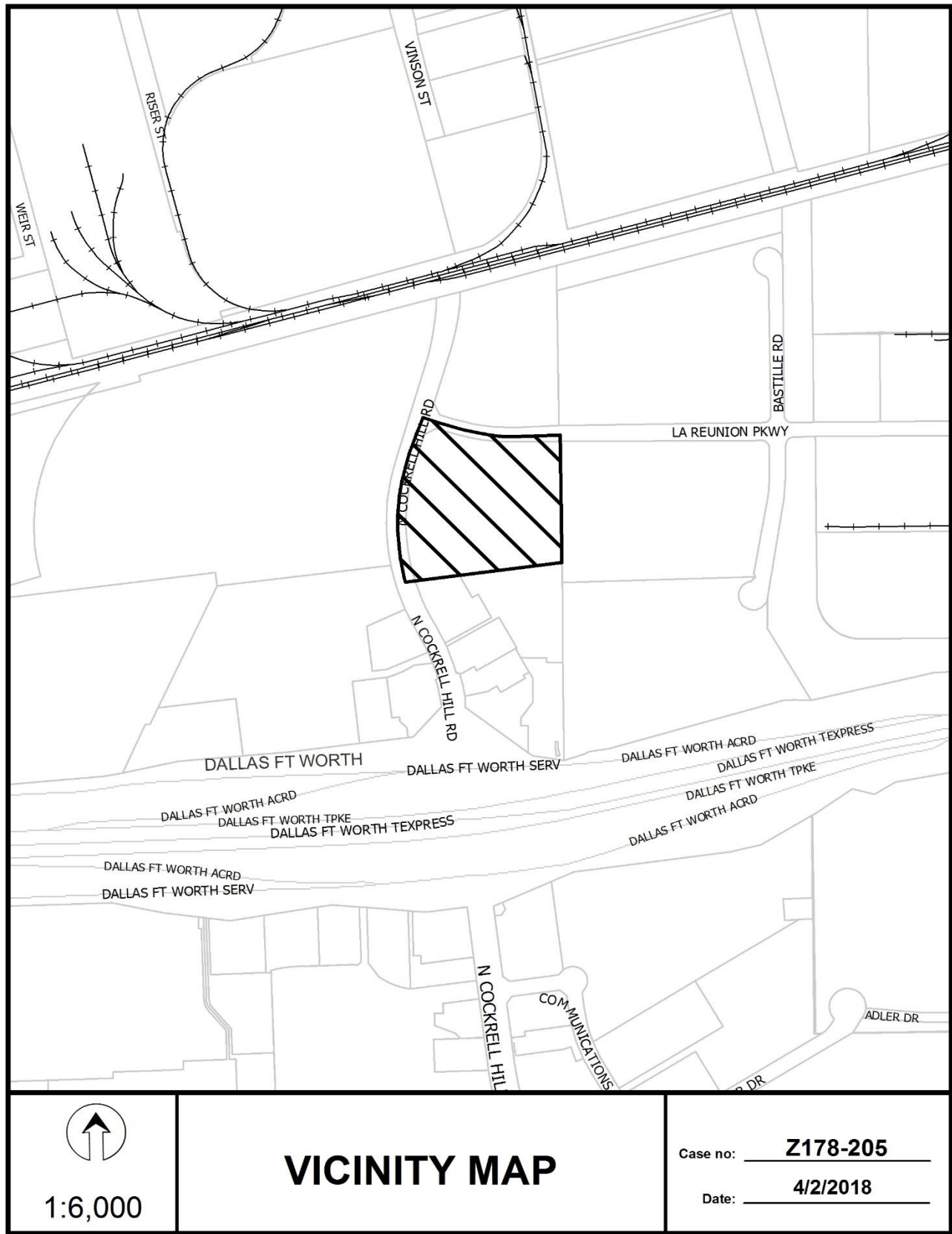
SCALE: 1"=40'-0"

WHD

06A-2008

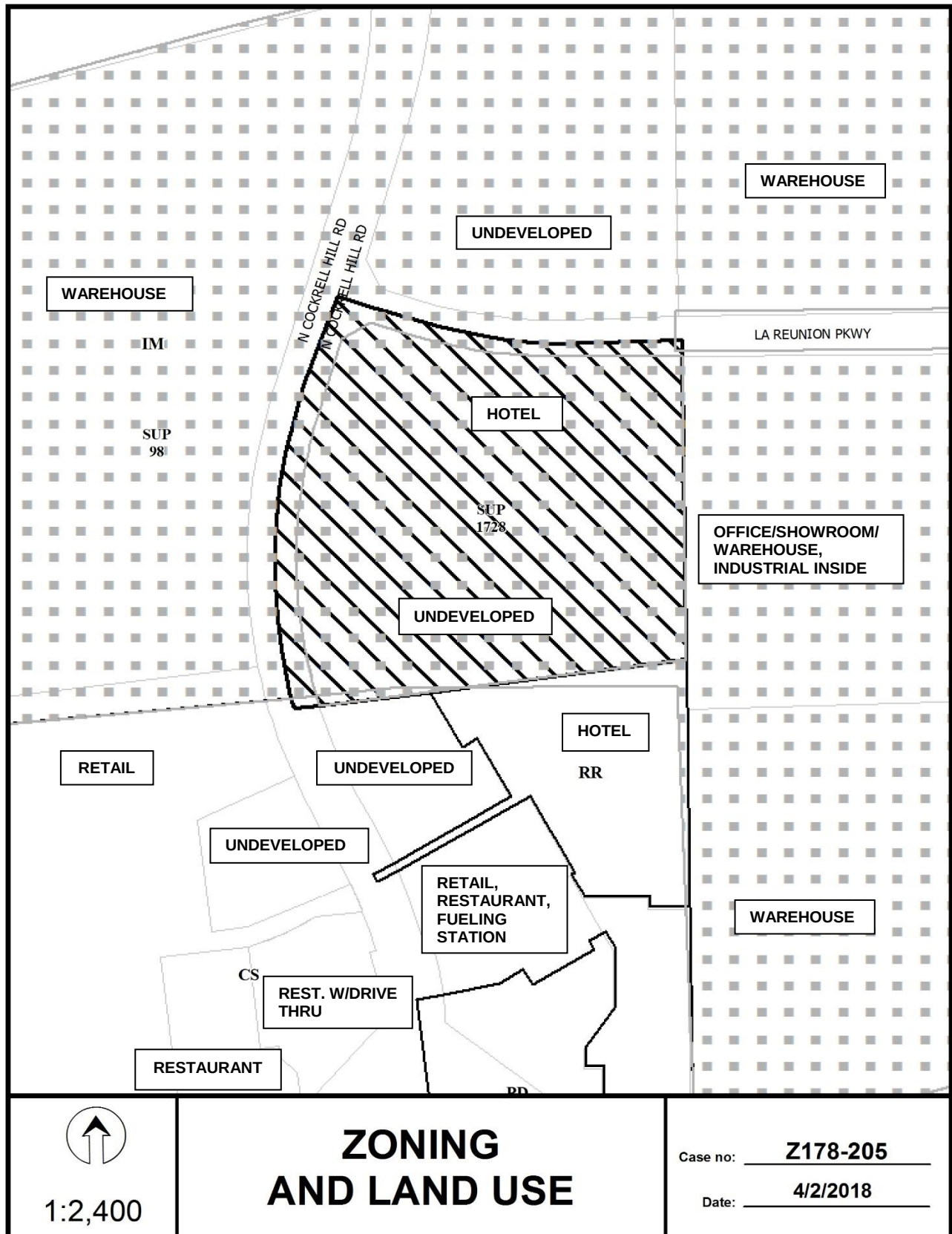
# PROPOSED SITE PLAN





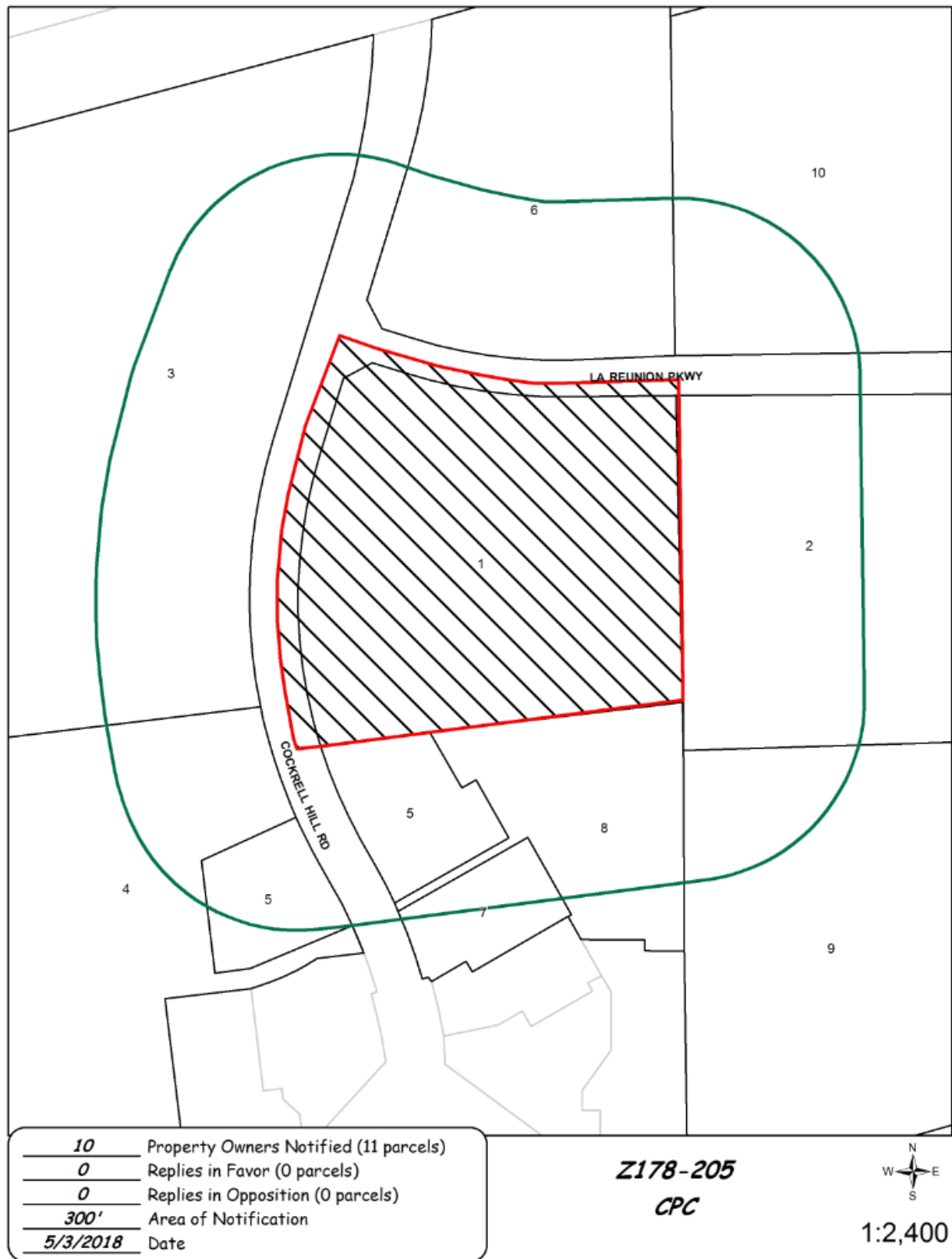








# CPC RESPONSES



05/01/2018

## ***Reply List of Property Owners***

***Z178-205***

***10 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>       |
|---------------------|-----------------------|-----------------------|---------------------------|
| 1                   | 2100                  | COCKRELL HILL RD      | KESSLER HOSPITALITY LLC   |
| 2                   | 4010                  | LA REUNION PKWY       | PRIM TURNPIKE PORTFOLIO   |
| 3                   | 2225                  | N COCKRELL HILL RD    | UNITED STATES COLD        |
| 4                   | 4351                  | IH 30                 | GAVI TURNPIKE WEST LLC    |
| 5                   | 1717                  | COCKRELL HILL RD      | TURNPIKE WEST LLC         |
| 6                   | 1801                  | COCKRELL HILL RD      | PRIM TURNPIKE WEST LLC    |
| 7                   | 1714                  | COCKRELL HILL RD      | SONIC LL COCKRELL HILL LP |
| 8                   | 1718                  | COCKRELL HILL RD      | COCKRELL HILL HOSPITALITY |
| 9                   | 3950                  | BASTILLE RD           | PETULA ASSOCIATES LTD     |
| 10                  | 4051                  | LA REUNION PKWY       | PETULA ASSOCIATES LTD     |

**AGENDA ITEM # 58**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 54 F

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club or area use on property zoned D(A) Duplex District, on the south line of West 10<sup>th</sup> Street, east of South Tyler Street

Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions Z178-212(PD)



**FILE NUMBER:** Z178-212(PD)

**DATE FILED:** March 22, 2018

**LOCATION:** South line of West 10<sup>th</sup> Street, east of South Tyler Street

**COUNCIL DISTRICT:** 1

**MAPSCO:** 54 F

**SIZE OF REQUEST:** ± .449 acres

**CENSUS TRACT:** 47.00

---

**APPLICANT:** Trinity Basin Preparatory

**OWNER:** Grace Temple Baptist Church

**REPRESENTATIVE:** Peter Kavanagh, Zone Systems

**REQUEST:** An application for a Specific Use Permit for a private recreation center, club or area use on property zoned D(A) Duplex District.

**SUMMARY:** The applicant proposes to use the property as a playground to serve Grace Temple Baptist Church and Trinity Basin Preparatory School.

**CPC RECOMMENDATION:** **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**Background:**

- The request site consists of three undeveloped lots that have been utilized as a playground for Grace Temple Baptist Church, which is located north of the subject site, across West 10<sup>th</sup> Street.
- Trinity Basin Preparatory School (SUP No. 1388), also located on the Grace Temple Baptist Church property, plans to utilize the playground as well.
- A national non-profit is donating playground equipment for the proposed playground.
- The applicant is proposing a playground with an open play area and a game court, within a 19,558-square-foot, undeveloped area.

**Zoning History:** There have been no zoning requests in the immediate area within the last five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street          | Type           | Existing ROW |
|------------------------------|----------------|--------------|
| South Tyler Street           | Major Arterial | Variable     |
| West 10 <sup>th</sup> Street | Minor Arterial | Variable     |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Land Use:**

|       | Zoning                | Land Use                        |
|-------|-----------------------|---------------------------------|
| Site  | D(A)                  | Undeveloped                     |
| North | MF-2(A), SUP No. 1388 | Church, School                  |
| East  | D(A)                  | Single Family                   |
| South | PDD No. 316 Subarea 5 | Vacant Structure, Single Family |
| West  | D(A)                  | Vacant Structure                |

**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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

**Land Use Element:**

**GOAL 1.1** Align land use strategies with economic development priorities

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. 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.

**Land Use Compatibility:**

The site is currently undeveloped and is just east of South Tyler Street. Immediately to the west of the request site is a vacant structure that was previously occupied by a fire station. Single family homes are developed to the east with a vacant structure and single family to the south. Grace Temple Baptist Church and Trinity Basin Preparatory School are located immediately north, across West 10<sup>th</sup> Street.

The applicant is proposing a playground with an open play area and a game court, within a 19,558-square-foot, undeveloped area. The proposed use is intended for private use and will serve both Trinity Basin Preparatory School (SUP No. 1388), and Grace Temple Baptist Church. Due to the proximity of the nearby single family uses, the specific hours of operation will be limited to Monday through Sunday from 8:00 a.m. to 7:00 p.m.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character

of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed use is consistent with those normally found in close proximity to residential uses. Additionally, the proposed use is not detrimental to the area as it will complement the existing church and school uses by providing a needed amenity.

**Screening:**

Screening will be provided as shown on the site plan.

**Off-Street Parking:**

None required. Sec 51A.4.208(2)(C) Required off-street: If an SUP is required for this use, the off-street parking requirement may be established by the ordinance granting the SUP, otherwise three spaces for each game court and one space for each additional 150 square feet of floor area is required.

**Landscaping:**

The request will not trigger any landscape regulatory changes. All development on the property will require landscaping per Article X of the Dallas Development Code.



## **List of Partners**

### **Grace Temple Baptist Church Board of Trustees**

Jose Parra  
Royce Larsen  
Mike Dudley  
Steven Linscheid  
Betty Holman  
Arturo Gonzalez  
Cynthia Michaels

### **Trinity Basin Directors**

Randal C. Shaffer  
Ken Petree  
Julia Gomez  
Dana Bickford  
Loren Hitchcock

Z178-212(PD)

**CPC ACTION:**  
**May 17, 2018**

**Note: The Commission considered this item individually.**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a private recreation center, club or area use for a ten-year period with eligibility of automatic renewals for additional ten-year periods, subject to a site plan and conditions (as briefed) with the following additional modification: 1) a wrought iron fence must be erected in the front yard within two years from the approval of the Specific Use Permit, 2) light poles are prohibited, 3) outside speakers are prohibited on property zoned D(A) Duplex District, on the south line of West 10<sup>th</sup> Street, east of South Tyler Street.

Maker: West  
Second: Davis  
Result: Carried: 13 to 0

For: 13 - West, Rieves\*, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 8

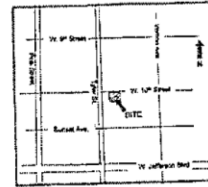
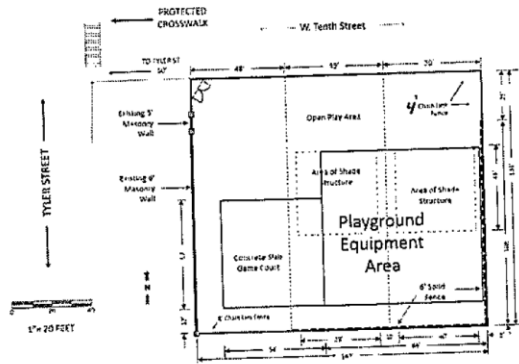
\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 19  
**Replies:** For: 4 Against: 0  
**Speakers:** For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208  
Against: None

**CPC Recommended Conditions**

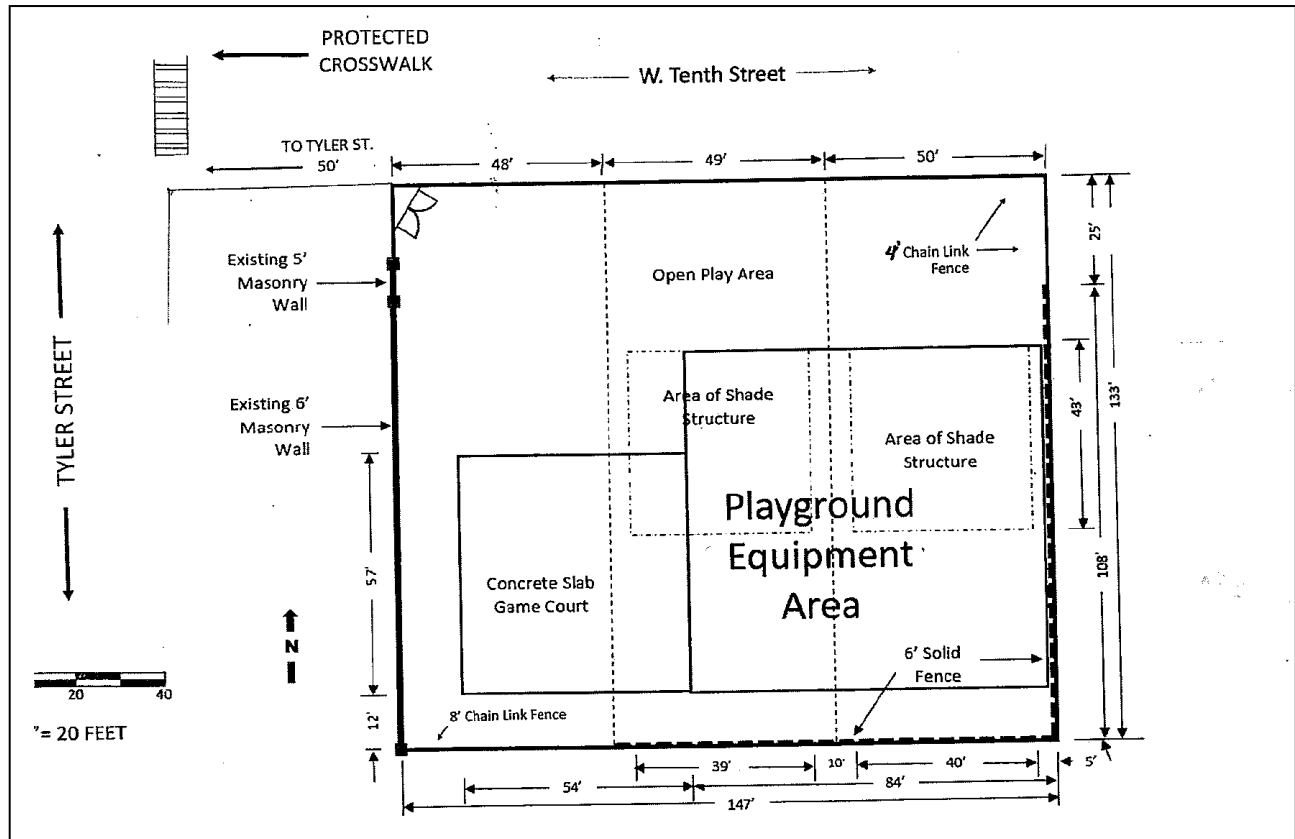
1. USE: The only use authorized by this specific use permit is a private recreation center, club, or area.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_ (ten-years from the passage of this ordinance), 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 10th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. FENCE/SCREENING:
  - A. Fencing must be provided in the locations shown on the attached site plan.
  - B. A four-foot-high wrought iron fence must be erected in the front yard within two years from the approval of the Specific Use Permit
- C. HOURS OF OPERATION: The private recreation center, club, or area may only operate between 8:00 a.m. and 7:00 p.m., Monday through Sunday.
- D. LIGHTING: No light poles may be located on the Property.
- E. OFF-STREET PARKING: Off-street parking is not required.
- F. OUTSIDE SPEAKERS: Outside speakers are prohibited.
- G. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
- H. 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.

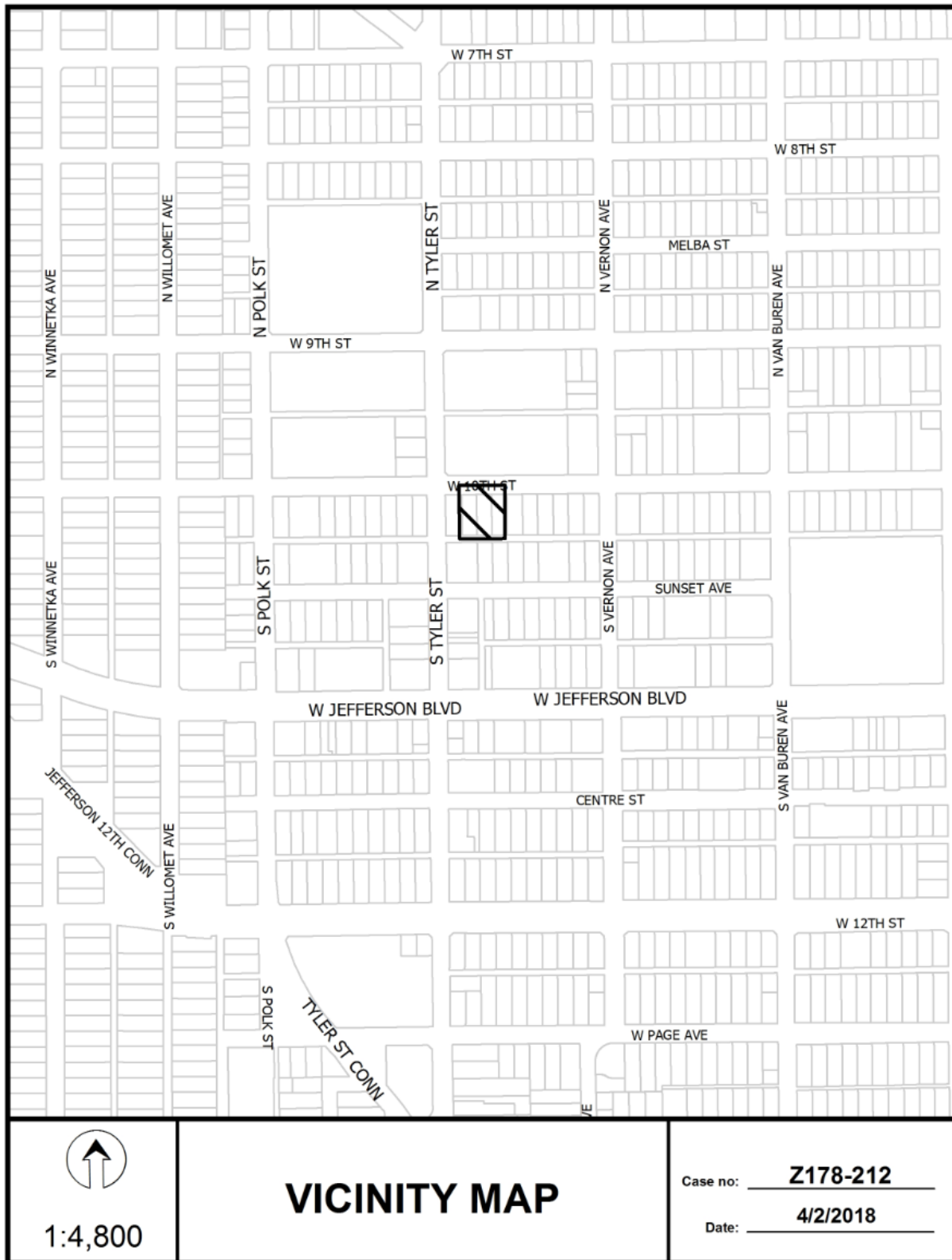
## PROPOSED SITE PLAN



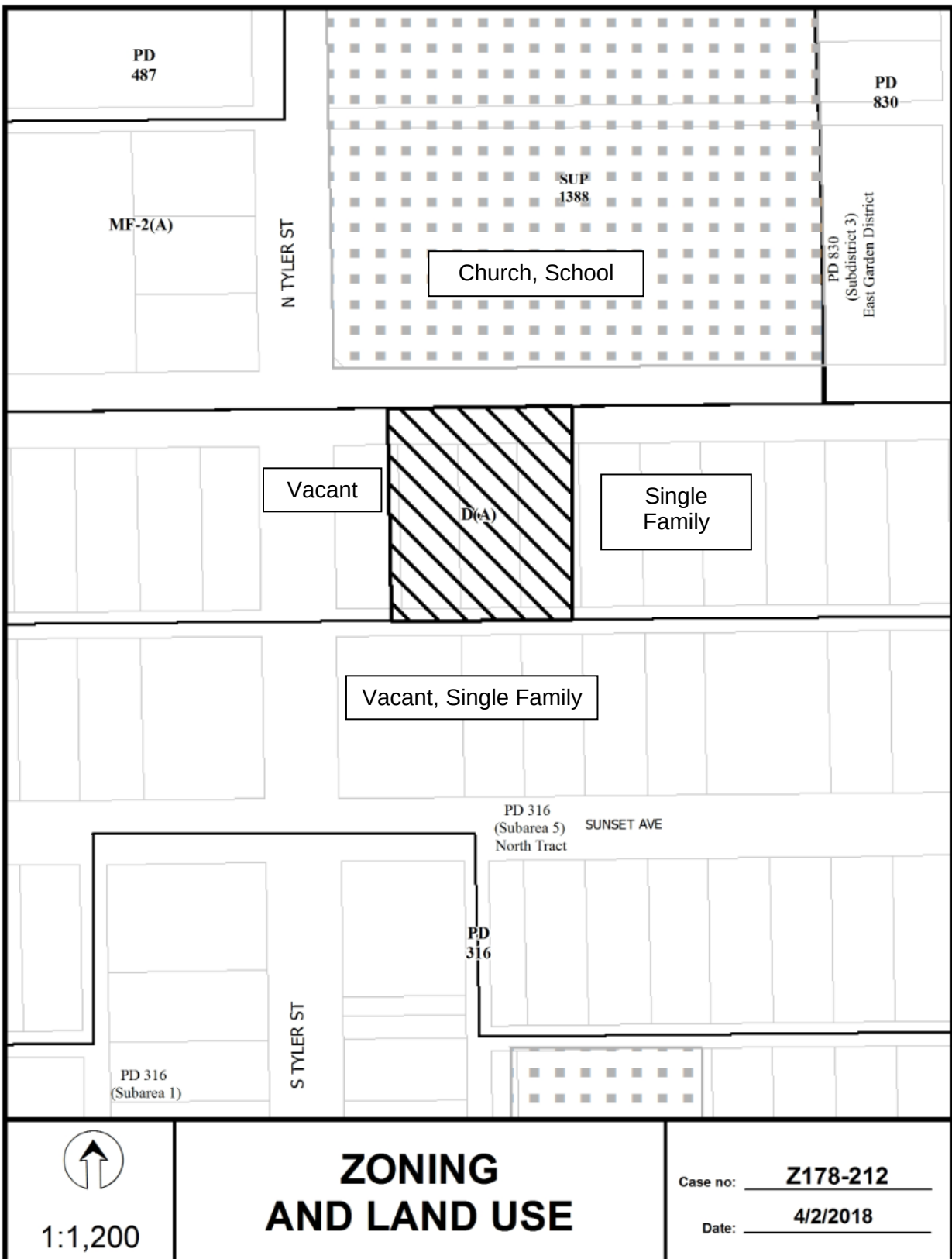
CITY OF DALLAS  
SPECIALIZED USE PERMIT  
PERMITS RECREATION CENTER, CLUB AREA  
GRACE TEMPLE BAPTIST CHURCH  
404, 528 W 22<sup>ND</sup> W  
1015 1/2 W. 14<sup>TH</sup> STREET  
DALLAS, TX 75232  
APPLICANT: TRINITY BASIN RECREATORY, INC  
400 S. JAMAL, SUITE 100  
DALLAS, TX 75206  
OWNER: GRACE TEMPLE BAPTIST CHURCH  
851 W 10<sup>TH</sup> STREET  
DALLAS, TX 75232  
REPRESENTATIVE: ZONE SYSTEMS, INC  
PITTSBURGH-PENNSA  
1620 HANCOCK DRIVE, SUITE A  
DALLAS, TX 75206  
714-941-4440  
11-17-12 12:29 PM C:\CITY OF DALLAS\...

# ENLARGED PROPOSED SITE PLAN

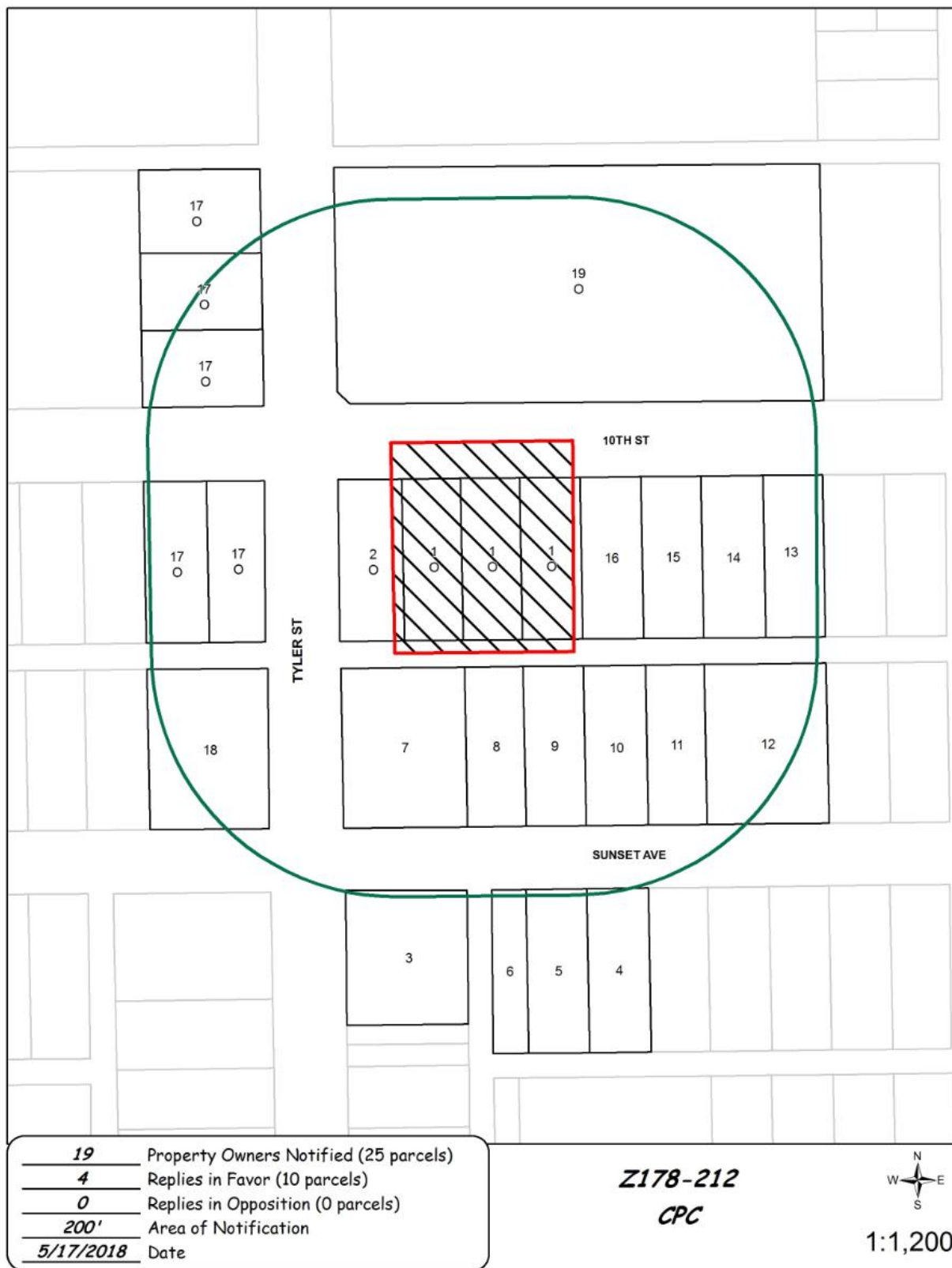












***Reply List of Property Owners******Z178-212******19 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                |
|---------------------|-----------------------|-----------------------|------------------------------------|
| O                   | 1                     | 824 W 10TH ST         | GRACE TEMPLE BAPTIST               |
| O                   | 2                     | 838 W 10TH ST         | GRACE TEMPLE BAPT                  |
|                     | 3                     | 200 S TYLER ST        | 200 TYLER SQUARE LLC               |
|                     | 4                     | 820 SUNSET AVE        | ESCALANTEZAMORA MODESTO &          |
|                     | 5                     | 824 SUNSET AVE        | BARRIENTOS JOSEFA GARCIA           |
|                     | 6                     | 828 SUNSET AVE        | PMCRAINE LLC                       |
|                     | 7                     | 116 S TYLER ST        | HUDSON A M &                       |
|                     | 8                     | 829 SUNSET AVE        | SOLORZANO DANIEL                   |
|                     | 9                     | 825 SUNSET AVE        | SOLORZANO DANIEL                   |
|                     | 10                    | 821 SUNSET AVE        | PORTUGAL JUAN & MARICELA           |
|                     | 11                    | 817 SUNSET AVE        | GARCIA JUAN P                      |
|                     | 12                    | 815 SUNSET AVE        | VALERO JESSE III &                 |
|                     | 13                    | 810 W 10TH ST         | HERNANDEZ MICHAEL                  |
|                     | 14                    | 812 W 10TH ST         | SALAS JUAN H & FELIPA              |
|                     | 15                    | 816 W 10TH ST         | HUGHES HEATH                       |
|                     | 16                    | 820 W 10TH ST         | BREN ADAM                          |
| O                   | 17                    | 111 N TYLER ST        | TYLER ST UNITED METHODIST CHURCH   |
|                     | 18                    | 115 S TYLER ST        | SINELLI CONCEPTS INTERNATIONAL INC |
| O                   | 19                    | 831 W 10TH ST         | GRACE TEMPLE BAPTIST CHURCH        |

**AGENDA ITEM # 59**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 53 S

**SUBJECT**

A public hearing to receive comments regarding an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street

Recommendation of Staff: Denial

Recommendation of CPC: Denial without prejudice

Z178-115(WE/SM)

**FILE NUMBER:** Z178-115(WE/SM) **DATE FILED:** October 30, 2017**LOCATION:** West Illinois Avenue and Andrews Street, northeast corner**COUNCIL DISTRICT:** 1 **MAPSCO:** 53 S**SIZE OF REQUEST:** Approx. 3.0 acres **CENSUS TRACT:** 65.02

---

**APPLICANT:** Steven Rich of Brite Shine, LLC**OWNER:** Mountain View Church of Christ**REPRESENTATIVES:** Rob Baldwin**REQUEST:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District.**SUMMARY:** The applicant proposes to demolish the existing church, in part or in whole, and redevelop the site with office, retail, and/or restaurant uses. The proposed deed restrictions prohibit certain uses that are allowed in the CR Community Retail District.**CPC RECOMMENDATION:** Denial without prejudice**STAFF RECOMMENDATION:** Denial

## BACKGROUND INFORMATION:

- The request site is developed with a church and surface parking lot. Motor vehicle ingress/egress points exist to all three adjacent roadways.
- The applicant proposes to demolish one or more of the existing structures to redevelop the site with a one-story, multi-tenant retail development. The proposed development is proposed to consist of a general merchandise or food store and a restaurant without drive-in or drive through service.
- The applicant has had a neighborhood meeting and offered additional restrictions since the February 15, 2018 CPC meeting. The primary changes to the deed restrictions are 1) when a car wash and drive-through restaurant propose the use of outdoor microphones or speakers an acoustical engineer must certify the design of the site will comply with standard noise regulations of the Dallas Development Code, and 2) outdoor microphones and speakers for drive-through restaurants have been prohibited along the perimeter of the site with residential adjacency.

**Zoning History:** There have been two zoning changes requested in the area during the past five years.

1. **Z145-239:** On August 12, 2015, the City Council approved a CR Community Retail District on property zoned an LI Light Industrial District.
2. **Z145-287:** On October 14, 2015, the City Council approved an RR Regional Retail District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, an MF-2(A) Multifamily District, and an LI Light Industrial District.

## **Thoroughfares/Streets:**

| Thoroughfare/Street | Type               | Existing ROW | Proposed ROW |
|---------------------|--------------------|--------------|--------------|
| West Illinois Ave   | Principal Arterial | 80 ft.       | 100 ft.      |
| Andrews Street      | Local              | 50 ft.       | 50 ft.       |
| Rockford Drive      | Local              | 45 ft.       | 45 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.

### **Economic Element**

#### **GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

#### **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.

### **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.

### **STAFF ANALYSIS:**

#### **Land Use Compatibility:**

The request site is developed with a church and surface parking lot. Motor vehicle ingress/egress points exist to all three adjacent roadways. The applicant proposes to demolish the existing church, in part or in whole, and redevelop the site with a multi-tenant shopping center that will include retail and restaurant uses. The applicant also proposes to market a portion of the property to a drive-through restaurant or to an auto service center. The applicant has proposed restrictions to narrow the list of permitted uses, restrict the perimeter of the property closest to single family uses by prohibiting some noise generating activities, and restricted motor vehicle access to West Illinois Avenue and Andrews Street, when located within 130 feet of the north right-of-way line of Illinois Avenue. Staff generally supports the applicant's proposed restrictions; however, staff is concerned that a drive-through restaurant will generate nuisances to surrounding properties.

Of the following volunteered prohibited uses, a *college dormitory, fraternity, or sorority house* use is the only land use currently prohibited in the R-5(A) Single Family District.

- Crop production. *[Limited to a community garden in both R-5(A) and CR]*
- Gas drilling and production. *[SUP required in both R-5(A) and CR]*
- Temporary concrete or asphalt batching plant. *[Special authorization from the building official is required in both R-5(A) and CR]*
- College dormitory, fraternity, or sorority house.

The following uses are prohibited in the existing zoning district [R-5(A) Single Family District] and are allowed with an SUP in the proposed zoning district [CR Community Retail District]. Although the following uses have not been restricted with the volunteered deed restrictions, staff supports this portion of the applicant's request because these uses would require consideration by the City Plan Commission and City Council before they are allowed, and therefore these uses need not be included in the volunteered deed restrictions.

- Medical or scientific laboratory.
- Hospital.
- Hotel and motel.
- Lodging or boarding house.
- Overnight general purpose shelter.
- Attached non-premise sign.
- Alternative financial establishment.
- Alcoholic beverage establishments.
- Commercial amusement (outside).
- Convenience store with drive-through.
- General merchandise or food store 100,000 square feet or more.
- Swap or buy shop.
- Paraphernalia shop.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

The following uses require an SUP in the existing zoning district [R-5(A) Single Family District] and are allowed without an SUP or an RAR<sup>1</sup> in the proposed zoning district [CR Community Retail District]. However, because the applicant proposes to restrict vehicular access, staff supports this portion of the applicant's request as these uses are not foreseen to be detrimental to the surrounding properties.

- Adult day care facility.
- Child-care facility.
- College, university, or seminary.
- Convent or monastery.
- Country club with private membership.
- Private recreation center, club, or area.
- Electrical substation.
- Police or fire station.
- Post office.
- Monopole cellular towers 65' or less in height.

---

<sup>1</sup> An RAR is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.

The applicant has volunteered to prohibit the following uses that are not allowed in the existing zoning district [R-5(A) Single Family District].

- Ambulance service.
- Animal shelter or clinic without outside runs.
- Building repair and maintenance shop
- Business school.
- Car wash.
- College dormitory, fraternity, or sorority house.
- Commercial amusement (inside).
- Commercial parking lot or garage.
- Commercial radio and television transmitting station.
- Crop production.
- Dry cleaning or laundry store.
- Gas drilling and production.
- Home improvement center, lumber, brick or building materials sales yard.
- Liquor store.
- Monopole cellular towers 65 feet or taller.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Pawn shop.
- Public school other than an open-enrollment charter school.
- Temporary concrete or asphalt batching plant.

The applicant has not volunteered deed restrictions to prohibit the following uses that are prohibited in the existing zoning district [R-5(A) Single Family District]. Some of the following uses require an RAR or a DIR<sup>2</sup> in the CR District.

- Catering service.
- Custom business services.
- Electronics service center.
- Tool or equipment rental.
- Library, art gallery, or museum.
- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.
- Auto service center. *[RAR]*
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Temporary retail use.
- Theater.

---

<sup>2</sup> A DIR is a development impact review. This review is an administrative review that evaluates if the traffic patterns of the proposed development would adversely impact the surrounding roadways.



The applicant has volunteered five restrictions that are intended to lessen potential nuisances to surrounding properties in the event that the property develops with the above list of uses. First, the applicant has proposed restrictions for auto service center uses that are focused on deterring small auto repair shops and outside displays of tires and auto parts. Second, the applicant has volunteered to prohibit service areas and typical noise generating equipment within approximately 100 feet of single family properties. Third, if the site develops with a drive through restaurant, the applicant has volunteered to have an acoustical engineer design the site to ensure the site would meet the maximum sound pressure levels from the site to the bounding plot line in a residential district. The applicant expects the engineer will design a noise absorbing wall between the drive through restaurant and nearby residential properties. Fourth, in an effort to further protect the neighbors from potential nuisances due to proximity to a drive through restaurant, the applicant has volunteered to create a buffer for outdoor microphones and speakers. Finally, the applicant has volunteered to restrict motor vehicle access to areas with residential zoning across the adjoining street.

Staff generally supports the applicant's proposed restrictions because they address many potential nuisances; however, staff recommends denial because a drive-through restaurant are not foreseen to be compatible with surrounding properties.

#### **Surrounding Land Uses:**

| Location | Zoning     | Land Use                               |
|----------|------------|----------------------------------------|
| Site     | R-5(A)     | Church                                 |
| North    | R-5(A)     | Single Family                          |
| East     | R-5(A)     | Single Family                          |
| South    | LI, R-5(A) | Police Station and Park Service Center |
| West     | R-5(A)     | Single Family, Personal service uses   |

#### **Development Standards:**

| DISTRICT                           | SETBACKS |                                                     | Density                           | Height           | Lot Coverage | Special Standards                      | PRIMARY Uses                         |
|------------------------------------|----------|-----------------------------------------------------|-----------------------------------|------------------|--------------|----------------------------------------|--------------------------------------|
|                                    | Front    | Side/Rear                                           |                                   |                  |              |                                        |                                      |
| R-5(A) - existing<br>Single Family | 20'      | 5'                                                  | 1 Dwelling Unit/<br>5,000 sq. ft. | 30'              | 45%          |                                        | Single family                        |
| CR - proposed<br>Community retail  | 15'      | 20' adjacent<br>to residential<br>OTHER:<br>No Min. | 0.75 FAR overall<br>0.5 office    | 54'<br>4 stories | 60%          | Proximity<br>Slope Visual<br>Intrusion | Retail & personal service,<br>office |

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

**PRIOR CPC ACTION – February 15, 2018:**

**Motion:** In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street, it was moved to **hold** this case under advisement until March 1, 2018.

Maker: West  
Second: Schultz  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Lavallaisaa  
Vacancy: 0

**Notices:** Area: 300 Mailed: 53

**Replies:** For: 2 Against: 1

**Speakers:** For: Travis Lawrie, Address not given  
Against: Beatriz Serrano, 2225 Riviera Dr., Dallas, TX. 75211

**PRIOR CPC ACTION – March 1, 2018:**

**Motion:** In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street, it was moved to **hold** this case under advisement until March 22, 2018.

Maker: West  
Second: Davis  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Schultz  
Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 53

**Replies:** For: 2 Against: 1

**Speakers:** None

**PRIOR CPC ACTION – March 22, 2018:**

**Motion:** In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street, it was moved to **hold** this case under advisement until April 19, 2018.

Maker: West  
Second: Davis  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 53

**Replies:** For: 2 Against: 1

**Speakers:** None

**PRIOR CPC ACTION – April 19, 2018:**

**Motion:** In considering an application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street, it was moved to **hold** this case under advisement until May 3, 2018.

Maker: West  
Second: Davis  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston\*, Davis, Shidid\*,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 53  
**Replies:** For: 2 Against: 1

**Speakers:** None

**PRIOR CPC ACTION – May 3, 2018:**

**Motion I:** It was moved to recommend **approval** of a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street.

Maker: West  
Second: Peadon  
Result: Failed: 4 to 8

For: 4 - West, Shidid, Mack, Peadon

Against: 8 - Rieves, Houston, Davis, Carpenter, Jung,  
Housewright, Murphy, Tarpley

Absent: 2 - Schultz, Ridley

Vacancy: 1 - District 8

**Motion II:** It was moved to recommend **denial without prejudice** of a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast corner of West Illinois Avenue and Andrews Street.

Maker: Davis  
Second: Carpenter  
Result: Carried: 11 to 1

For: 11 - Rieves, Houston, Davis, Shidid, Carpenter,  
Mack, Jung, Housewright, Peadon, Murphy,  
Tarpley

Against: 1 - West

Absent: 2 - Schultz, Ridley

Vacancy: 1 - District 8

**Notices:** Area: 300 Mailed: 53

**Replies:** For: 2 Against: 1

**Speakers:** For: Perren Gase, 3227 McKinney Ave., Dallas, TX, 75204

For (Did not speak): Monte Brown, West Illinois Ave., Dallas, TX, 75211

Against: None

|                         |
|-------------------------|
| <b>LIST OF OFFICERS</b> |
|-------------------------|

**List of Partners/Principles/Officers - Brite Shine, LLC**

RE: Proposed rezoning of 4111 W Illinois, Dallas, TX 75211

The names listed below represent all Partners/Principles/Officers of Brite Shine, LLC:

1. Steven Rich
2. Tracey Rich

**List of Partners/Principles/Officers – Mountain View Church of Christ**

RE: Proposed rezoning of 4111 W Illinois, Dallas, TX 75211

The names listed below represent all Trustees of Mountain View Church of Christ:

1. Tameka Deshena Flemming
2. Elkie Brewer Bigham
3. Valerie Ann Evans
4. Annie Rine Knight
5. Andrea N. Newman
6. Carole Marquitta Hamilton
7. Phillip Alford Powers
8. Veronica Teresa Gibbons
9. Colin R. O'Garro
10. Nora O'Garro
11. Darwin Brown
12. Anthony Flemming
13. Roy Montgomery, Jr.

**PROPOSED DEED RESTRICTIONS**

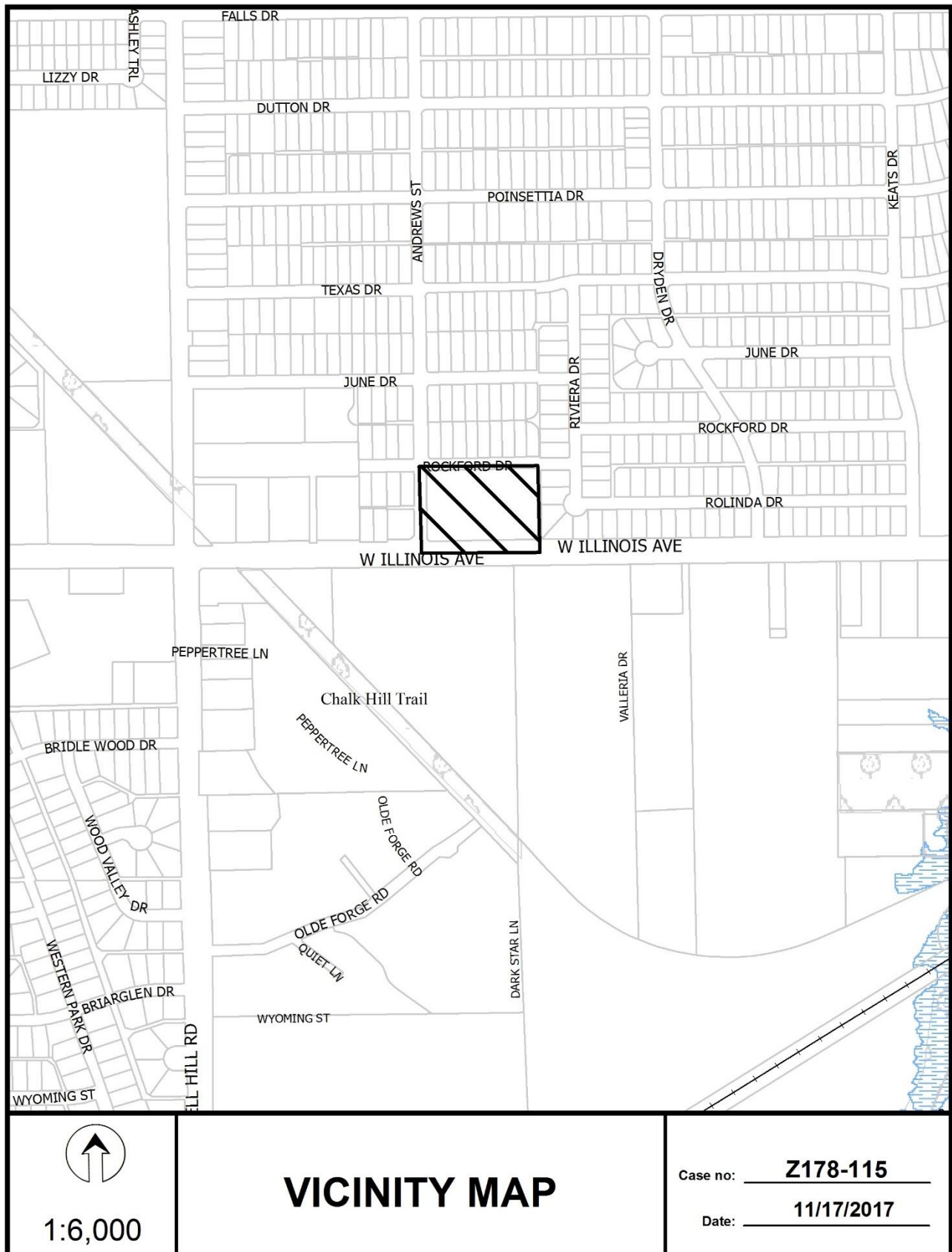
II.

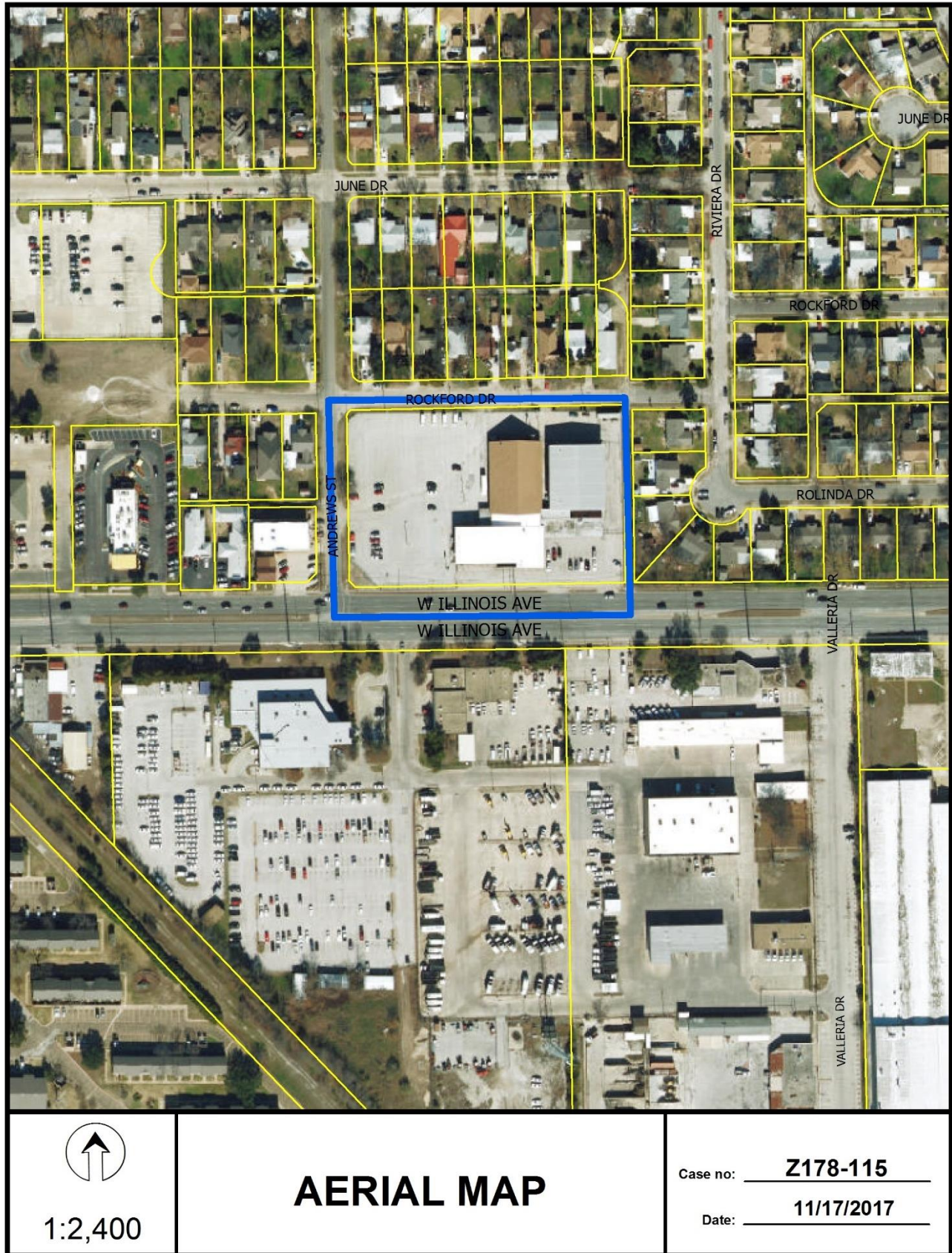
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- (1) The following uses are prohibited:
  - Ambulance service.
  - Animal shelter or clinic without outside runs.
  - Building repair and maintenance shop
  - Business school.
  - Car Wash.
  - College dormitory, fraternity, or sorority house.
  - Commercial amusement (inside).
  - Commercial parking lot or garage.
  - Commercial radio and television transmitting station.
  - Crop production.
  - Dry cleaning or laundry store.
  - Gas drilling and production.
  - Home improvement center, lumber, brick or building materials sales yard.
  - Liquor store.
  - Monopole cellular towers 65 feet or taller.
  - Mortuary, funeral home, or commercial wedding chapel.
  - Motor vehicle fueling station.
  - Pawn shop.
  - Public school other than an open-enrollment charter school.
  - Temporary concrete or asphalt batching plant.
- (2) For an auto service center use,
  - (A) minimum floor area is 3,000 square feet; and
  - (B) accessory outside display of merchandise and accessory outside sales are prohibited.
- (3) Heating and cooling equipment, generators, and service areas where forklifts and service vehicles operate are prohibited within:
  - (A) 55 feet of Rockford Drive,

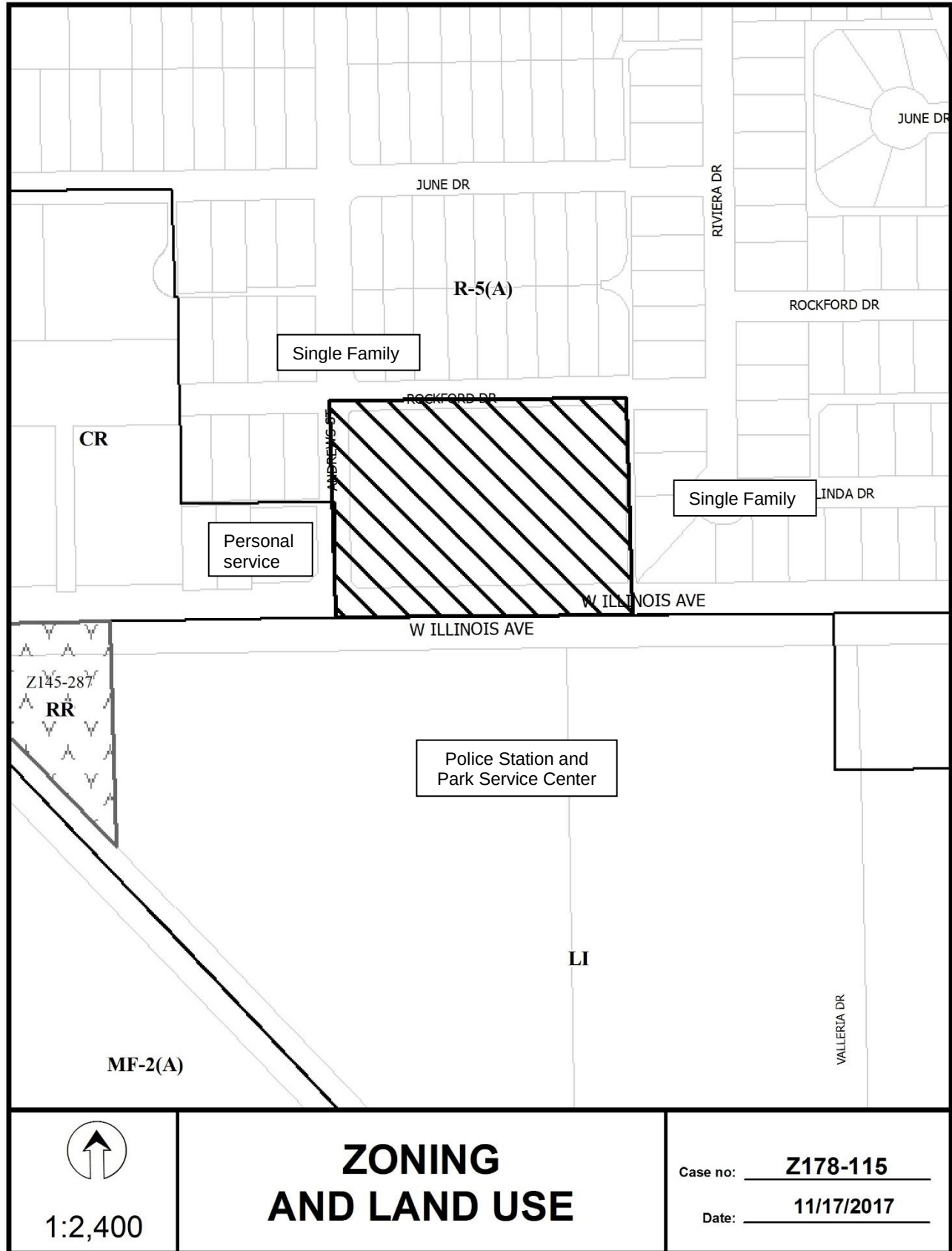


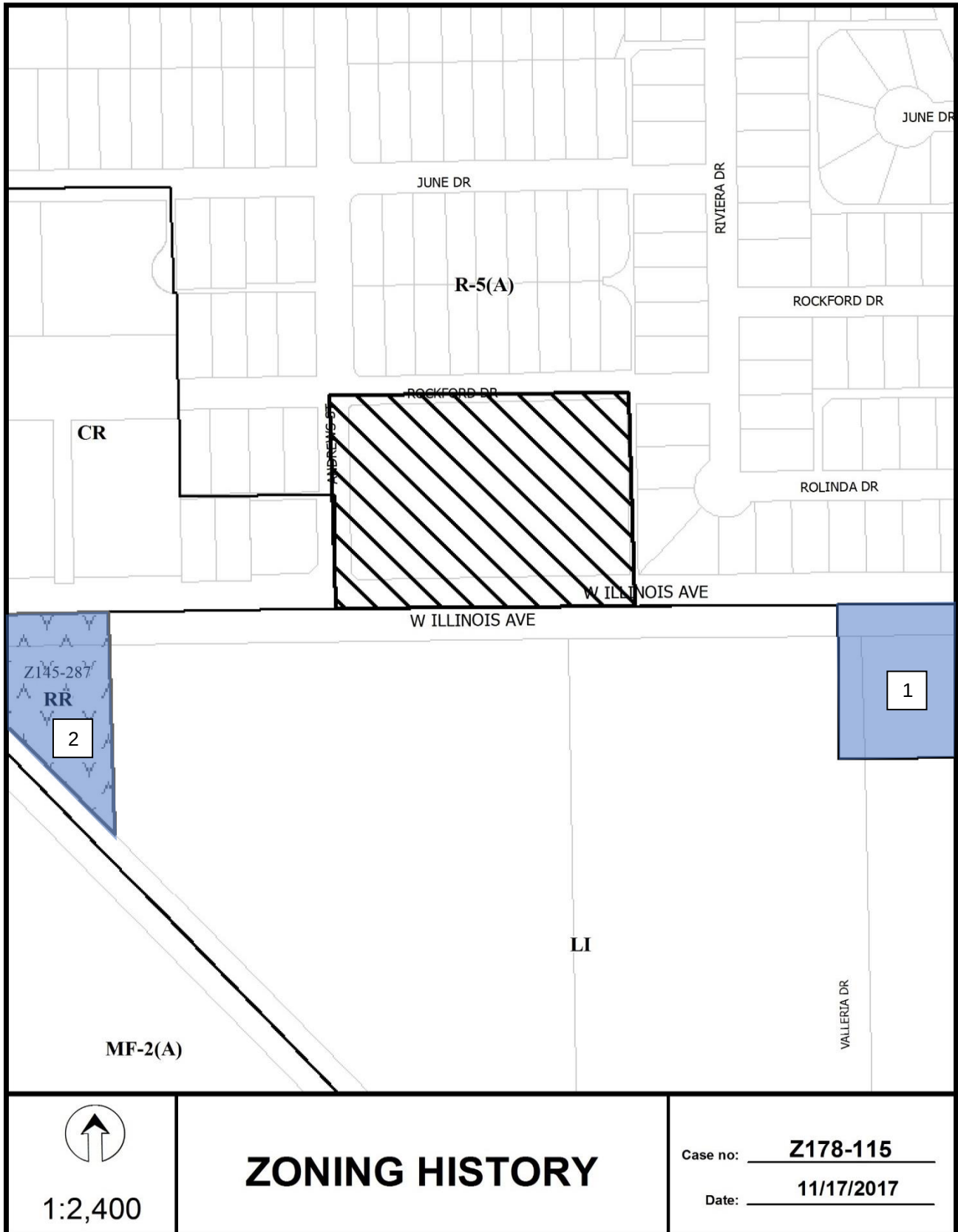
- (B) 88 feet of the easternmost Property line, and
  - (C) 50 feet of Andrews Drive, when located within 290 feet of Rockford Drive.
- (4) For a restaurant with drive-in or drive-through service with outdoor microphones or speakers, an acoustical engineer must certify that the design of the site will comply with the noise regulations of Article VI, "Environmental Performance Standards."
- (5) For a restaurant with drive-in or drive-through service, outdoor microphones and speakers are prohibited within:
  - (A) 100 feet of the eastern Property line,
  - (B) 20 feet of the western Property line, and
  - (C) 80 feet of the northern Property line.
- (6) Prior to the issuance of a certificate of occupancy, the driveway on Rockford Drive must be closed to vehicular ingress and egress. Vehicular ingress to and egress from the Property is limited to:
  - (A) Andrews Drive, within 130 feet of the north right-of-way line of Illinois Avenue; and
  - (B) Illinois Avenue.
- (7) A minimum eight-foot-tall masonry wall is required along the north and east boundaries of the Property. The perimeter landscape buffer must be located between the masonry wall and the Property line.

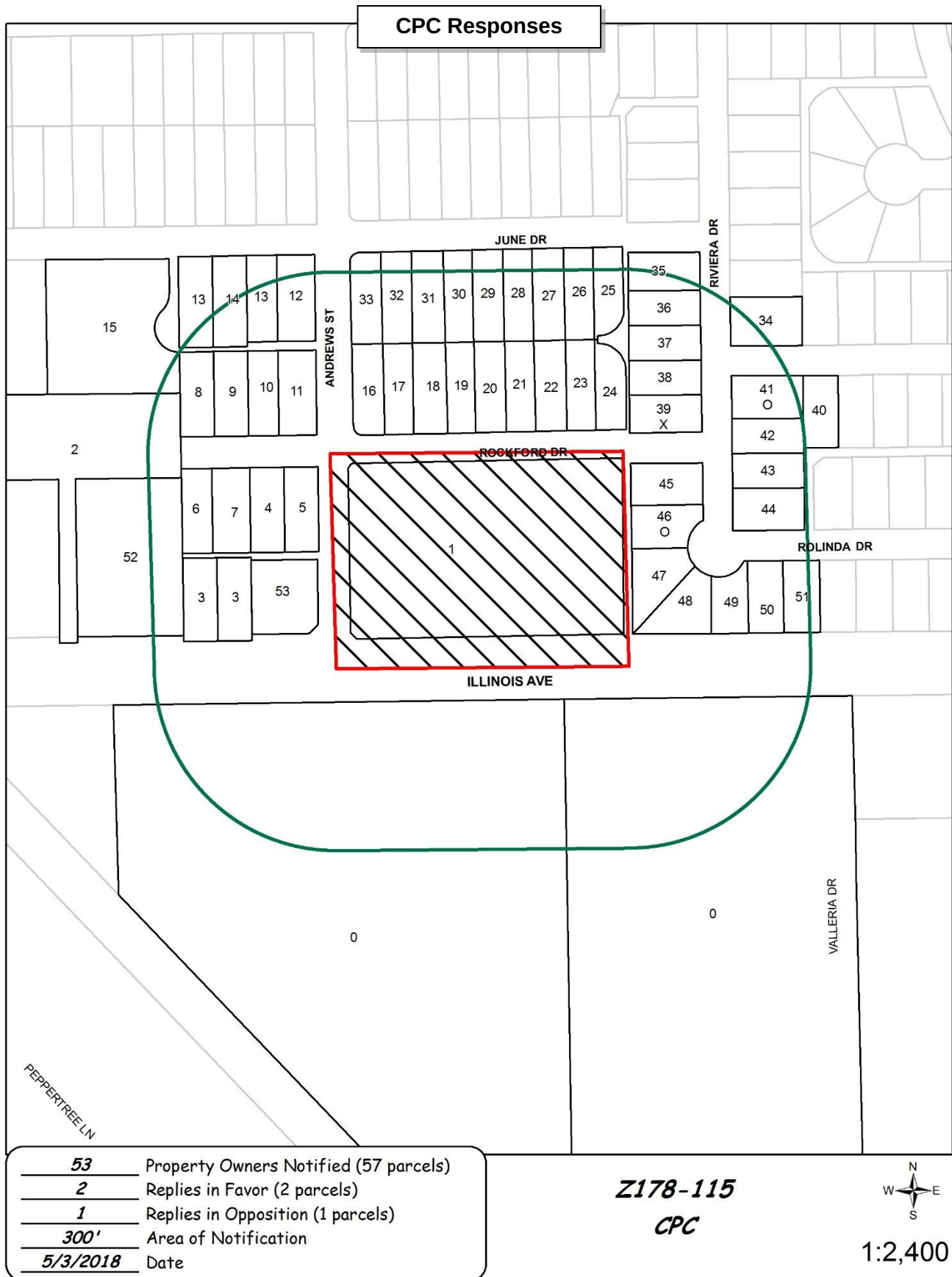












05/02/2018

***Reply List of Property Owners******Z178-115******53 Property Owners Notified******2 Property Owners in Favor******1 Property Owner Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                                |
|---------------------|-----------------------|-----------------------|----------------------------------------------------|
| 1                   | 4111                  | W ILLINOIS AVE        | MOUNTAINVIEW CHURCH OF CHRIST                      |
| 2                   | 4303                  | W ILLINOIS AVE        | EMERALD DENTON PROPERTIES LTD                      |
| 3                   | 4217                  | W ILLINOIS AVE        | LISEMBY THOMAS A III                               |
| 4                   | 4208                  | ROCKFORD DR           | SALAZAR ANTONIO &                                  |
| 5                   | 4202                  | ROCKFORD DR           | OZUNA IGNACIO JR & CARMEN                          |
| 6                   | 4216                  | ROCKFORD DR           | MCCORD ALMA                                        |
| 7                   | 4212                  | ROCKFORD DR           | SALAZAR J REYES                                    |
| 8                   | 4215                  | ROCKFORD DR           | CARRANZA TOMAS CALLADO                             |
| 9                   | 4211                  | ROCKFORD DR           | BONILLA JOAQUIN                                    |
| 10                  | 4207                  | ROCKFORD DR           | RAMIREZ EFRAIN                                     |
| 11                  | 4203                  | ROCKFORD DR           | MORENO JOSE & MARIA LEOVIJILDA DIAZ                |
| 12                  | 4202                  | JUNE DR               | MOYA NANCY                                         |
| 13                  | 4206                  | JUNE DR               | VARGAS NAVOR &                                     |
| 14                  | 4214                  | JUNE DR               | ZAPATA SERGIO                                      |
| 15                  | 4210                  | JUNE DR               | U S POSTAL SERVICE                                 |
| 16                  | 4135                  | ROCKFORD DR           | CRUZ ANGEL A & ANA M                               |
| 17                  | 4131                  | ROCKFORD DR           | MATEO WILTON NOEL CASTILLO & FABIOLA TAMAYO CEJUDO |
| 18                  | 4127                  | ROCKFORD DR           | ALONSO JULIAN &                                    |
| 19                  | 4121                  | ROCKFORD DR           | REAL ESTATE NEST LLC                               |
| 20                  | 4119                  | ROCKFORD DR           | CANTU RUBEN CARDONA                                |
| 21                  | 4115                  | ROCKFORD DR           | ZUBIRI GERARDO                                     |
| 22                  | 4111                  | ROCKFORD DR           | PEREZ DELFINO                                      |
| 23                  | 4107                  | ROCKFORD DR           | S & R SMART INVESTMENT LLC                         |
| 24                  | 4103                  | ROCKFORD DR           | TRIGG KENNETH M                                    |
| 25                  | 4102                  | JUNE DR               | VANEGAS FRANK D & JULIA L                          |
| 26                  | 4106                  | JUNE DR               | VAQUERA CONSEPCION &                               |

05/02/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>      | <i>Owner</i>                 |
|--------------|----------------|---------------------|------------------------------|
|              | 27             | 4110 JUNE DR        | MASIAS MATTHEW               |
|              | 28             | 4114 JUNE DR        | QUALLS JERRY LYNN            |
|              | 29             | 4118 JUNE DR        | SALAIZ SOFIA                 |
|              | 30             | 4122 JUNE DR        | HERNANDEZ JOSE M             |
|              | 31             | 4126 JUNE DR        | MOYA CIPRIANA                |
|              | 32             | 4130 JUNE DR        | RODRIGUEZ SIXTO A            |
|              | 33             | 4134 JUNE DR        | GONZALEZ GERARDO             |
|              | 34             | 2212 RIVIERA DR     | FLORES GUADALUPE A & OLGA    |
|              | 35             | 2205 RIVIERA DR     | HIRACHETA J REYNALDO &       |
|              | 36             | 2211 RIVIERA DR     | HERRERA HUMBERTO R           |
|              | 37             | 2215 RIVIERA DR     | GALLEGOS J GUADALUPE         |
|              | 38             | 2221 RIVIERA DR     | AGUILAR JESUS S & REVECA     |
| X            | 39             | 2225 RIVIERA DR     | SERRANO BEATRIZ              |
|              | 40             | 4014 ROCKFORD DR    | REYES RUBEN &                |
| O            | 41             | 2222 RIVIERA DR     | VALDEZ ANA M & RUBEN VALEZ   |
|              | 42             | 2226 RIVIERA DR     | ZAMORA EDUARDO               |
|              | 43             | 2230 RIVIERA DR     | REYES JAVIER                 |
|              | 44             | 2234 RIVIERA DR     | ACOSTA ANGEL                 |
|              | 45             | 2233 RIVIERA DR     | POPOCA NEREYDA               |
| O            | 46             | 2237 RIVIERA DR     | MEDELLIN FLORENTINO &        |
|              | 47             | 2241 RIVIERA DR     | RIVERA DORA I &              |
|              | 48             | 4030 ROLINDA DR     | CHAVEZ GRACIELA              |
|              | 49             | 4026 ROLINDA DR     | MUNOZ JUSTINO                |
|              | 50             | 4022 ROLINDA DR     | ACOSTA ANGEL M &             |
|              | 51             | 4018 ROLINDA DR     | ARECHAR ANTONIO              |
|              | 52             | 4223 W ILLINOIS AVE | MCDONALDS CORP               |
|              | 53             | 4207 W ILLINOIS AVE | LILIANS SALON DE BELLEZA LLC |



**AGENDA ITEM # 60**

Economic Vibrancy

**AGENDA DATE:** June 13, 2018  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**CMO:** Majed Al-Ghafry, 670-3302  
**MAPSCO:** 69 Q; U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road

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

Z156-323(JM)

Note: This item was deferred by the City Council before opening the public hearings on April 12, 2017, May 24, 2017, June 28, 2017, August 23, 2017, October 11, 2017, December 13, 2017, February 14, 2018 and April 25, 2018, and is scheduled for consideration on June 13, 2018.

**FILE NUMBER:** Z156-323(JM)

**DATE FILED:** July 29, 2016

**LOCATION:** On the south line of Tea Garden Road, west of Haymarket Road

**COUNCIL DISTRICT:** 8

**MAPSCO:** 69 Q; U

**SIZE OF REQUEST:** ±16.313 acres

**CENSUS TRACT:** 171.02

---

**REPRESENTATIVE/APPLICANT/OWNER:** Joel Torres

**REQUEST:** An application for a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District.

**SUMMARY:** The purpose of this request is to allow for the following private fields: three baseball fields and one volleyball court.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request is made to allow one volleyball court and three baseball fields as part of a private recreation center, club, or area.
- The site is operated as an agricultural use with livestock. The owner currently hosts baseball and volleyball games for local adult male baseball teams. Code enforcement notified the owner to contact the Sustainable Development and Construction Department to discuss how to proceed with this use. A specific use permit is required to allow the continued use as a private recreation center, club, or area in a residential zoning district, including the A(A) Agricultural District.

**Zoning History:**

There have been no zoning cases within the vicinity of the area of request in the last five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type  | Right-of-Way |
|---------------------|-------|--------------|
| Tea Garden Road     | Local | 60 feet      |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system; however, “no parking” signs are required along Tea Garden Road. The requirement is made due to the narrow pavement conditions (approximately 20 feet) along Tea Garden Road.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The comprehensive plan does not make a specific land use recommendation related to the request. The Plan identifies the request site being located in a Residential Building Block.

Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

The request complies with the following land use goals and policies of the

Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The requested recreational use is characteristic of the Residential Building Block, which is predominately for single-family uses, but allows recreational and institutional uses to serve the surrounding neighborhoods.

**Land Use Compatibility:**

The subject site is currently zoned an A(A) Agricultural District. The uses permitted in this district are intended to accommodate normal farming, ranching, and gardening activities. Over time, it is expected that agricultural zoned properties will eventually develop into urban sites.

|              | <b>Zoning</b>                                                          | <b>Land Use</b>                                |
|--------------|------------------------------------------------------------------------|------------------------------------------------|
| <b>Site</b>  | A(A) Agricultural                                                      | Agricultural and existing playing fields       |
| <b>North</b> | A(A) Agricultural                                                      | Single family and agricultural                 |
| <b>East</b>  | A(A) Agricultural                                                      | Single family and agricultural                 |
| <b>South</b> | A(A) Agricultural                                                      | Single family and agricultural                 |
| <b>West</b>  | A(A) Agricultural, PD No. 819, R-7,5(A), R-5(A), and Deed Restrictions | Single family, public school, and agricultural |

Surrounding land uses include single family and agricultural, with a school nearby as well. These uses are typical in residential neighborhoods with low density. The private recreation center, club, or area use is permitted by right in retail, commercial service, industrial, central area, mixed use, multiple commercial and urban corridor districts. When feasible, this use is allowed in residential districts with special consideration by

SUP. The intent of allowing it by SUP in residential districts is to gauge the level of appropriateness and provide for public comment.

The site is currently agricultural land. The fields exist and are used by the property owner and baseball teams from around the metroplex, according to the applicant (owner). The applicant had originally requested the right to operate seven days a week. After discussing concerns over the need for a break in the currently remote and residential area, the applicant amended the request to three days a week, Friday, Saturday, and Sunday. To address privacy and future maintenance, a six-foot solid privacy fence is required to be provided and maintained around the perimeter of the site. Hours of operation limit the use to certain times of day. The use of lighting and amplified sound is limited to the hours of operation. Paved parking far exceeding the code requirement is being offered within the site. Sec. 51A 4.208(2)(c) requires three parking spaces per playing field and an additional one parking space per 150 square feet of floor area. In all, approximately 44 parking spaces are required for the three baseball fields, one volleyball court, and 4,680 square feet of additional floor area (storage buildings and covered porches). Portable toilets and a dumpster will be required as identified on the site plan.

Staff believes that with compliance to the proposed site plan and conditions, the use could be an asset to the area as it develops into an urban site in the future. In an effort to ensure that the site matches the future development of the area, staff is recommending the time period be two years with no auto renewal recommended. This gives neighbors the opportunity to experience the facility under the SUP regulations imposed by this request. If additional concerns arise, the conditions may be amended when the SUP comes in for renewal.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

**Parking:**

Sec. 51A 4.208(2)(c) requires three parking spaces per playing field and an additional one parking space per 150 square feet of floor area. In all, approximately 44 parking spaces are required for the three baseball fields, one volleyball court, and 4,680 square feet of additional floor area (storage buildings and covered porches for audiences). The proposed site plan depicts that the applicant will provide 116 parking spaces, of which five are van accessible handicapped spaces.

**Landscaping and Screening:**

According to the City arborist, this request meets the requirements of Article X. Staff recommended the addition of a six-foot solid privacy fence around the perimeter of the site to reinforce the separation of the use from surrounding agricultural and single-family uses.

**CPC Action:**  
**February 16, 2017**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a private recreation center, club, or area for a two-year period, subject to a site plan and conditions on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road.

Maker: Haney  
Second: Davis  
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid, Haney,  
Mack, Jung, Housewright, Peadon, Murphy,  
Ridley

Against: 0  
Absent: 3 - Anantasomboon, Schultz, Tarpley  
Vacancy: 0

|                 |           |            |
|-----------------|-----------|------------|
| <b>Notices:</b> | Area: 400 | Mailed: 18 |
| <b>Replies:</b> | For: 0    | Against: 6 |

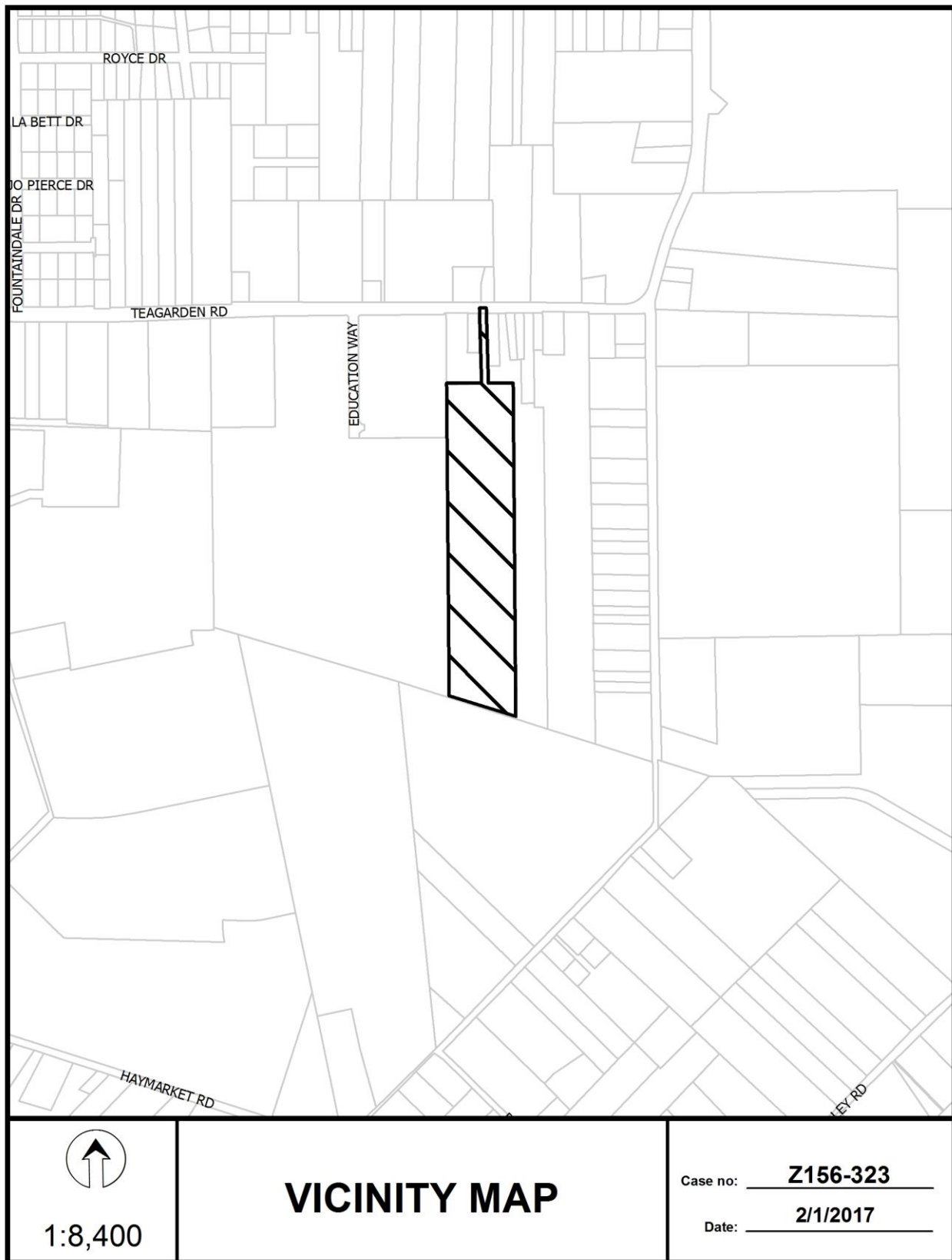
**Speakers:** None

|                                              |
|----------------------------------------------|
| <b>CPC SUP CONDITIONS</b><br><b>Z156-323</b> |
|----------------------------------------------|

1. USE: The only use authorized by this specific use permit is a private recreation center, club, or area.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on 2 years from passage of this ordinance (date)-
4. HOURS OF OPERATION: A private recreation center, club, or area may operate between 4:00 p.m. and 8:00 p.m., Friday through Sunday.
5. LIGHTING: Operation of outdoor lighting is limited to the hours between 4:00 p.m. and 8:00 p.m., Friday through Sunday.
6. SCREENING: Except for required visibility triangles and points of ingress and egress, a minimum six-foot-tall solid screen must be provided and maintained along the perimeter of the property. Screening material must be wood or masonry.
7. SOUND: Operation of loudspeakers and other forms of amplification is limited to the hours between 4:00 p.m. and 8:00 p.m., Friday through Sunday.
8. SIGNS: "No Parking" signs must be installed at the owner/operator's expense on the property street frontage along Tea Garden Road.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

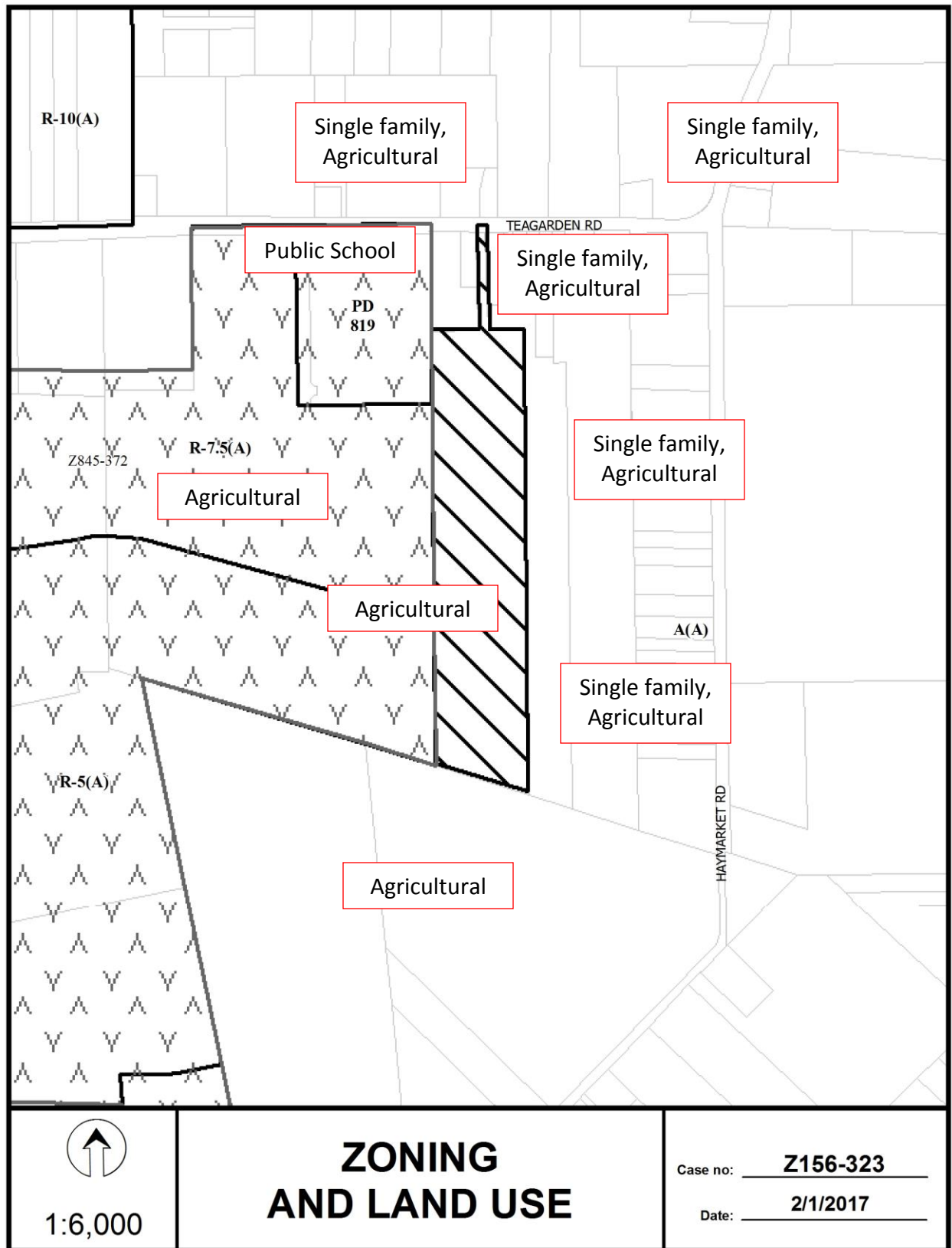




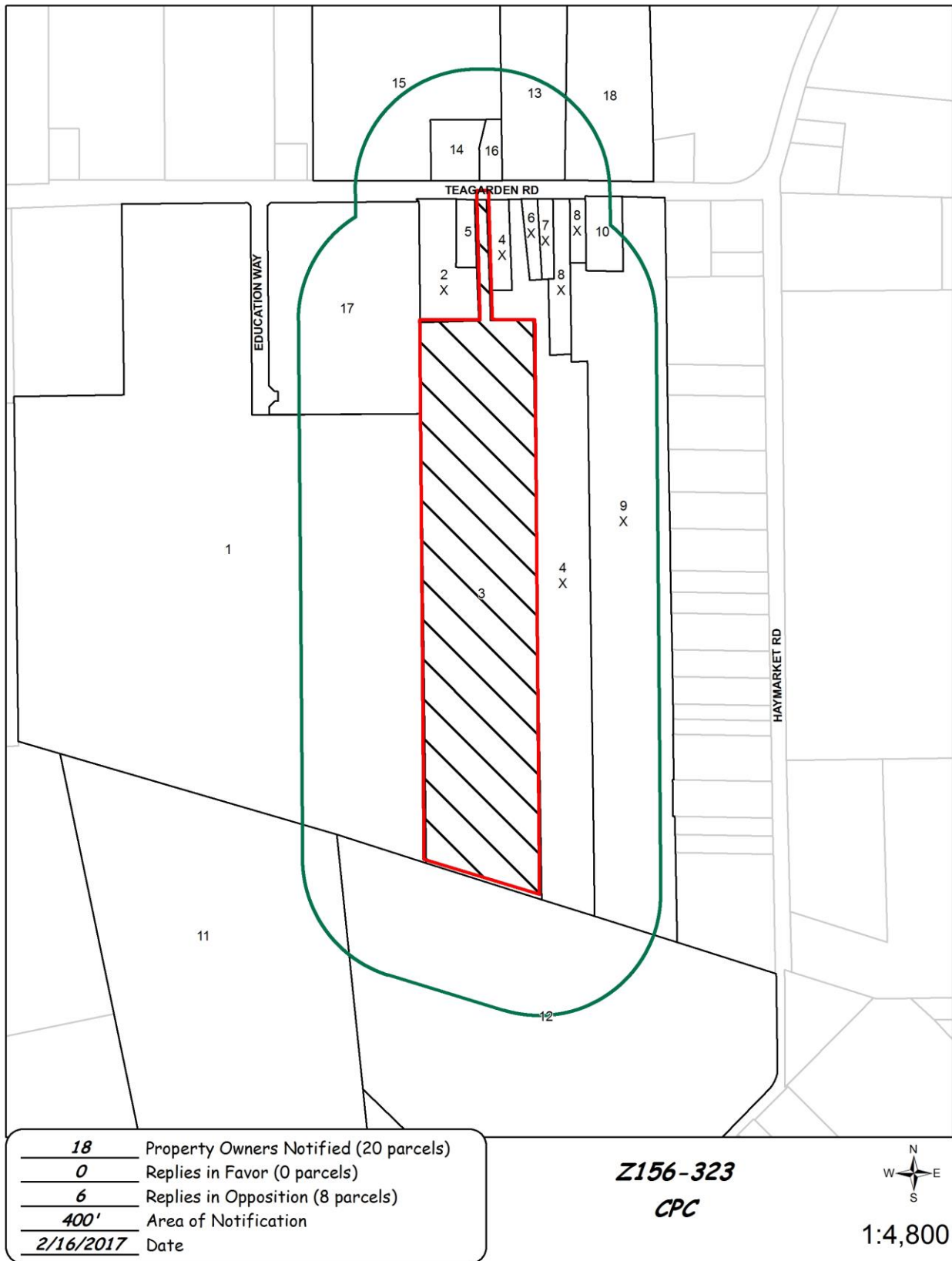








# CPC Responses



02/15/2017

***Reply List of Property Owners*****Z156-323****18 Property Owners Notified****0 Property Owners in Favor****6 Property Owners Opposed**

| <b>Reply</b> | <b>Label #</b> | <b>Address</b>      | <b>Owner</b>                |
|--------------|----------------|---------------------|-----------------------------|
|              | 1              | 10020 TEA GARDEN RD | 10020 TEA GARDEN ROAD LLP   |
| X            | 2              | 10214 TEA GARDEN RD | MARTENSEN GAYLE             |
|              | 3              | 10218 TEA GARDEN RD | TORRES JOEL                 |
| X            | 4              | 10224 TEA GARDEN RD | TERRY DONNA LYNN            |
|              | 5              | 10216 TEA GARDEN RD | GUZMAN MARIO                |
| X            | 6              | 10230 TEA GARDEN RD | HARGROVE GEORGE &           |
| X            | 7              | 10310 TEA GARDEN RD | HARGROVE GEORGE             |
| X            | 8              | 10318 TEA GARDEN RD | HARGROVE GEORGE W & DONNA   |
| X            | 9              | 10360 TEA GARDEN RD | HARGROVE GEORGE W JR &      |
|              | 10             | 10334 TEA GARDEN RD | JORDON JIMMY D & PATRICIA   |
|              | 11             | 2411 HAYMARKET RD   | WEBB WALTER E & MELISSA A   |
|              | 12             | 2500 HAYMARKET RD   | CERVANTES JUAN C            |
|              | 13             | 10327 TEA GARDEN RD | BARRIOS SALVADOR            |
|              | 14             | 10215 TEA GARDEN RD | VARGAS JOSE                 |
|              | 15             | 10209 TEA GARDEN RD | LAIR BILLY WAYNE &          |
|              | 16             | 10217 TEA GARDEN RD | LAIR LARRY DEAN & DONNA SUE |
|              | 17             | 10210 TEA GARDEN RD | Dallas ISD                  |
|              | 18             | 10229 TEA GARDEN RD | BARRIOS SALVADOR            |

**AGENDA ITEM # 61**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 67 J

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an IR Industrial Research District and an ordinance granting a Specific Use Permit for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an A(A) Agricultural District, on the south line of Simpson Stuart Road, west of South Central Service Expressway

Recommendation of Staff: Approval of an IR Industrial Research District; and approval of a Specific Use Permit for a three-year period, subject to a site plan, a landscape plan, and staff's recommended conditions

Recommendation of CPC: Approval of an IR Industrial Research District; and approval of a Specific Use Permit for a four-year period, subject to a site plan, a landscape plan, and conditions

Z167-303(JM)

Note: This item was deferred by the City Council before opening the public hearings on October 11, 2017, December 13, 2017, February 14, 2018 and April 25, 2018, and is scheduled for consideration on June 13, 2018.

**FILE NUMBER:** Z167-303(JM)

**DATE FILED:** May 17, 2017

**LOCATION:** South line of Simpson Stuart Road, west of South Central Service Expressway

**COUNCIL DISTRICT:** 8

**MAPSCO:** 67 J

**SIZE OF REQUEST:** ±3.587 acres

**CENSUS TRACT:** 202.00

---

**REPRESENTATIVE:** Tailim Song % Tailim Song Law Firm

**APPLICANT/OWNER:** Walter Huerta

**REQUEST:** An application for an IR Industrial Research District and a Specific Use Permit for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an A(A) Agricultural District.

**SUMMARY:** The applicant is proposing to operate a concrete batch plant on the property.

**CPC RECOMMENDATION:** Approval of an IR Industrial Research District; and approval of a Specific Use Permit for a four-year period, subject to a site plan, a landscape plan, and conditions.

**STAFF RECOMMENDATION:** Approval of an IR Industrial Research District; and approval of a Specific Use Permit for a three-year period, subject to a site plan, a landscape plan, and staff's recommended conditions.



**BACKGROUND INFORMATION:**

- The request is for a zone change and SUP to allow a concrete batch plant. The site is undeveloped and contains approximately 3.587 acres of land.
- The site plan depicts one proposed office structure (616 sq. ft.), two cement silos up to 50 feet in height, a dust collector, elevated storage, conveyor belt, hopper, sand storage, and parking spaces. The overall outside floor area for the industrial use is 8,618 square feet.
- A proposed landscape plan provides a 15-foot landscape buffer along a portion of the northwest property line and all along Simpson Stuart Road. A 10-foot landscape buffer of existing plant material will provide some relief from residential adjacency buffering requirements for a nonresidential building site adjacent to an agricultural district.
- The proposed IR Industrial Research District would add a variety of uses concentrated in the commercial service and industrial categories, while removing the residential use capacity found in the existing A(A) Agricultural District.

**Zoning History:**

There have been no recent zoning requests in the area in the past 5 years.

**Thoroughfares/Streets:**

| Thoroughfares/Street | Type               | Existing ROW |
|----------------------|--------------------|--------------|
| Simpson Stuart Road  | Principal Arterial | 100 feet     |

**Land Use:**

|       | Zoning                          | Land Use                                                                                        |
|-------|---------------------------------|-------------------------------------------------------------------------------------------------|
| Site  | A(A) Agricultural District      | Undeveloped                                                                                     |
| North | IR Industrial Research District | Auto Service Center, Undeveloped, Utilities, Single Family, Vehicle Display, Sales, and Service |
| East  | A(A) Agricultural District      | Vehicle Display, Sales, and Service, and Vacant                                                 |
| South | A(A) Agricultural District      | Undeveloped and Crop Production                                                                 |
| West  | A(A) Agricultural District      | Utilities                                                                                       |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has no objections.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

**LAND USE ELEMENT:**

**GOAL 1.2 Promote desired development.**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

The concrete batching plant is a vital part of the industrial fabric that allows specific materials to be processed and transported to various locations throughout the City. The request site is consistent with the *forwarddallas! Comprehensive Plan* because the Plan identifies the area as Industrial Area. The request site is located within a transitional area and is contiguous to several agricultural tracts of land and industrial/warehouse uses that are in an IR Industrial Research District.

**Land Use Compatibility:**

The site is undeveloped and contains approximately 3.587 acres of land. The proposed rezoning and SUP will allow for an industrial outside use limited to a concrete batch plant to operate at the site. The property has approximately 380 feet of frontage along Simpson Stuart Road, a principal arterial road with 100 feet of right-of-way. There are two proposed ingress/egress points. Each access point has a 26-foot wide concrete driveway and a manual gate. According to the site plan submitted, the access points will be one-way—offering one entrance and one exit separated by 140 feet of landscaped frontage. The entire property will be screened with an eight-foot solid fence.

Adjoining land uses include a utility transmission line and crop production to the west; crop production to the south; natural liquefied fueling station, crop production, vacant structures, and vehicle display, sales, and service to the east; and, single family and vehicle display, sales, and service to the north across Simpson Stuart Road. The McCommas Bluff Landfill is approximately one mile to the east. Multifamily zoning is found over 3,000 feet southwest along Simpson Stuart Road.

The immediate vicinity of the subject site seems to be transitioning to industrial uses with patches of Industrial Research and Commercial Service Districts to the north, east, and south. While the property does not have residential adjacency as defined by Residential Adjacency Review standards in Sec. 51A-4.803(d)(3)(A), the Agricultural District does allow residential uses and surrounds the site. Single family uses also exist across Simpson Stuart Road in the Industrial Research District (seemingly nonconforming land uses since not allowed in this district). The SUP conditions provide measures to mitigate any adverse effects of the use on surrounding areas. Staff recommends an initial period of three-years to allow an opportunity to re-evaluate the continued compatibility of this land use with the surrounding general area and compliance with the SUP conditions.

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.

### **Development Standards:**

| DISTRICT                  | SETBACKS |           | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses                                                              |
|---------------------------|----------|-----------|-------------|--------|--------------|-------------------|---------------------------------------------------------------------------|
|                           | Front    | Side/Rear |             |        |              |                   |                                                                           |
| <b>Existing</b>           |          |           |             |        |              |                   |                                                                           |
| A(A)<br>Agricultural      | 50'      | 20'/50'   | None        | 24'    | 10% or 25%   | None              | Agricultural & single family.                                             |
| <b>Proposed</b>           |          |           |             |        |              |                   |                                                                           |
| IR<br>Industrial Research | 15'/0'   | 0'/30'    | NA          | 200'   | 80%          | RPS               | Industrial, wholesale distribution & storage, supporting office & retail. |

### **Parking:**

The Dallas Development Code requires one space per 600 square feet of floor area including outside manufacturing area. The site plan provided shows 8,618 square feet of outside manufacturing area. Additionally, the plan identifies 616 square feet of office space, parked at one space per 333 square feet of floor area. A total of 16 parking spaces are required and 20 spaces are provided as shown on the attached site plan.

**Landscaping & Screening:**

Landscaping must be provided in accordance with the landscape plan. While there are no immediately adjacent residential uses to the site, Article X defines residential adjacency to include the A(A) Agricultural District. The proposed use is required to provide a 10-foot wide perimeter landscape buffer in combination with a minimum six-foot-tall solid screening fence along the three sides of the property facing the agricultural zoning. However, in lieu of these residential adjacency requirements, the applicant is requesting to install an eight-foot-high solid screening fence in the locations shown on the proposed landscape plan. Additionally, the proposed landscape plan provides a 10-foot landscape buffer of existing plant material which will provide some relief from residential adjacency buffering requirements for a nonresidential building site adjacent to an agricultural district. The site will also have a 15-foot landscape buffer along a portion of the northwest property line and all along Simpson Stuart Road in addition to the same solid eight-foot fence. This includes screening of the proposed parking spaces with shrubbery.

**CPC Action**  
**September 7, 2017**

**Motion:** It was moved to recommend **approval** of an IR Industrial Research District and **approval** of a Specific Use Permit for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant for a four-year period, subject to a site plan, a landscape plan, and conditions on property zoned an A(A) Agricultural District, on the south line of Simpson Stuart Road, west of South Central Service Expressway.

Maker: Haney  
Second: Peadon  
Result: Carried: 7 to 6

For: 7 - Anglin, Mack, Haney, Jung, Housewright\*,  
Peadon, Ridley

Against: 6 - Davis, Houston, Murphy, Rieves, Schultz,  
Shidid

Absent: 2 - Anantasomboon, Tarpley

Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 300 Mailed: 17

**Replies:** For: 1 Against: 0

**Speakers:** For: Amy Hsu, 8111 LBJ Freeway, Dallas, TX, 75251  
Against: None

**PROPOSED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is an industrial (outside) use limited to a concrete batch plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

**CPC's Recommendation:**

3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_ [four-years from the passage of this ordinance].

**Staff's Recommendation:**

3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_ [three-years from the passage of this ordinance].

**Applicant's Request:**

3. TIME LIMIT: This specific use permit expires on \_\_\_\_\_ [three-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.

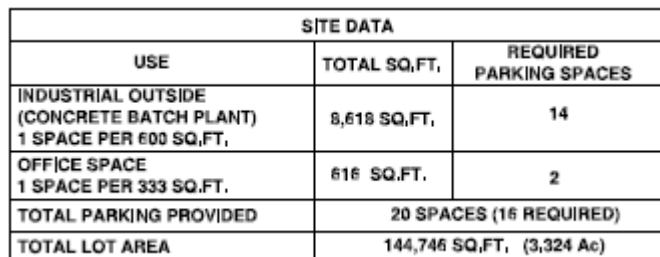
4. LANDSCAPING: Landscaping must be provided as shown on the attached landscape plan.
5. GROUND AND DUST CONTROL:

A. The following conditions must be met on an ongoing basis:

- i. All permanent roads or vehicular maneuvering areas must be paved, watered, and vacuum swept as necessary to achieve maximum control of dust emissions.
- ii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
- iii. Spillage of materials must be cleaned up and contained or dampened within 30 minutes after the spillage so that emissions from wind erosion and vehicle traffic are minimized.
- iv. During operations, all stockpiles must be sprinkled with water or chemicals to eliminate visible dust emissions.

B. Prior to the issuance of a certificate of occupancy, a written ground and dust control plan that reflects existing and proposed infrastructure needed to comply with 4(A)(i) through 4(A)(iv) must be delivered to the director of the office of environmental quality and the director of sustainable development and construction.

6. OFF-STREET PARKING: Off-street parking must be provided in the locations shown on the attached site plan.
7. OUTSIDE STORAGE: Outside storage of materials is permitted only in bins that are screened on three sides by solid walls with a minimum height of ten feet.
8. ROAD REPAIR: The owner or operator, or his/her successor or assigns, is responsible for repairing holes or other surface damages on Simpson Stuart Road caused by operation of the concrete batch plant. The road repairs must conform to City of Dallas standards as approved by the director of mobility and street services.
9. SCREENING: A minimum eight-foot-high solid screening fence must be maintained and located as shown on the attached site plan. Fence materials must be in accordance with Sec. 51A-4.602.
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
11. 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.





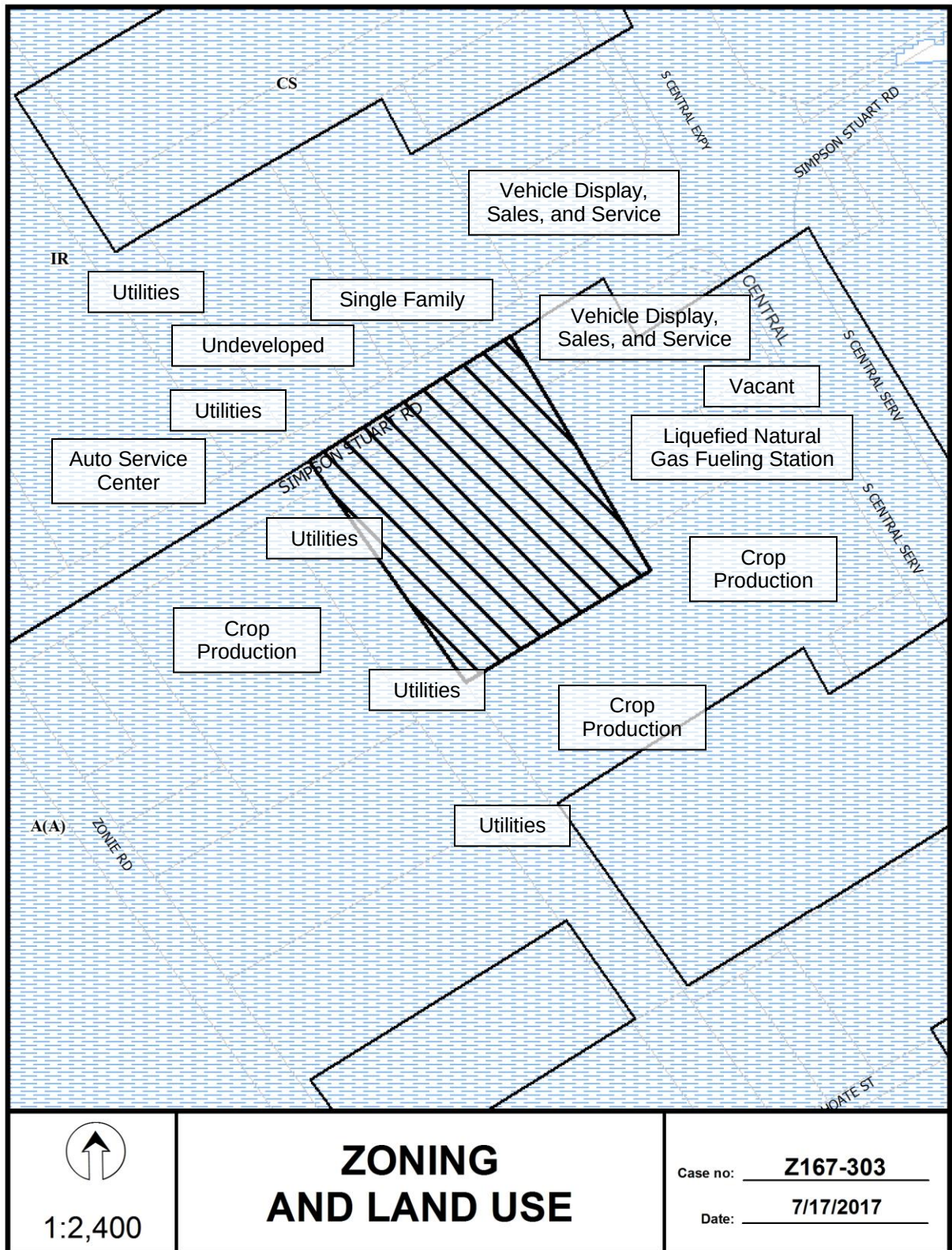




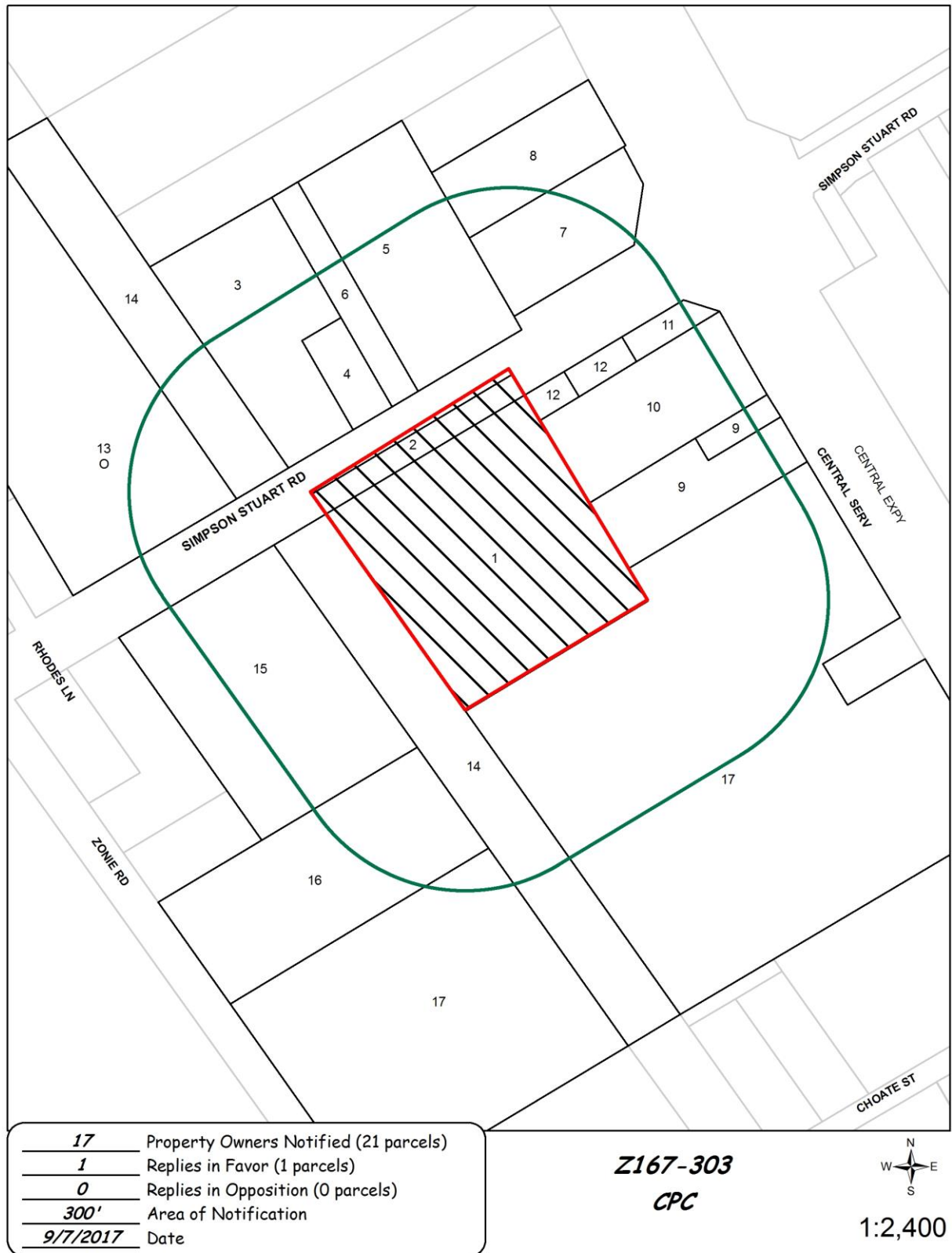








# CPC RESPONSES



09/06/2017

***Reply List of Property Owners******Z167-303******17 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b>  | <b><i>Owner</i></b>     |
|---------------------|-----------------------|------------------------|-------------------------|
|                     | 1                     | 4814 SIMPSON STUART RD | HUERTA WALTER           |
|                     | 2                     | 4812 SIMPSON STUART RD | County of Dallas        |
|                     | 3                     | 4917 SIMPSON STUART RD | BARAJAS NICK            |
|                     | 4                     | 4919 SIMPSON STUART RD | PEREZ TERESA & ROBERTO  |
|                     | 5                     | 4927 SIMPSON STUART RD | BANKS WILFRED JR        |
|                     | 6                     | 4923 SIMPSON STUART RD | PEREZ TERESA            |
|                     | 7                     | 9255 S CENTRAL EXPY    | SHANAN CALVIN H         |
|                     | 8                     | 9245 S CENTRAL EXPY    | SHAHAN CALVIN H         |
|                     | 9                     | 9323 S CENTRAL EXPY    | HUFFHINES PROPANE LLC   |
|                     | 10                    | 9315 S CENTRAL EXPY    | U S REALTY HOLDINGS LTD |
|                     | 11                    | 9305 S CENTRAL EXPY    | GERALDINE GENEVA        |
|                     | 12                    | 4940 SIMPSON STUART RD | CANGELOSE GERALDINE G   |
| O                   | 13                    | 4811 SIMPSON STUART RD | TIEU THOMAS             |
|                     | 14                    | 4800 SIMPSON STUART RD | TEXAS UTILITIES ELEC CO |
|                     | 15                    | 4870 SIMPSON STUART RD | EISENBERG JAY & ALAN    |
|                     | 16                    | 5612 ZONIE RD          | ESTRADA CONCRETE CO LLC |
|                     | 17                    | 5712 ZONIE RD          | RUIBAL FARMS LP         |

**AGENDA ITEM # 62**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 70 F

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane

Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions

Z167-362(WE/SH)

Note: This item was deferred by the City Council before opening the public hearings on March 28, 2018 and May 9, 2018, and is scheduled for consideration on June 13, 2018.



**FILE NUMBER:** Z167-362(WE/SH) **DATE FILED:** July 28, 2017

**LOCATION:** West line of South Belt Line Road, north of Sarah Lane

**COUNCIL DISTRICT:** 8 **MAPSCO:** 70 F

**SIZE OF REQUEST:** Approx. 1.9 acres **CENSUS TRACT:** 171.01

---

**APPLICANT/OWNER:** Ronny & Grace Chaves

**REPRESENTATIVE:** Grace Chaves

**REQUEST:** An application for a CS Commercial Service District with deed restrictions volunteered by the applicant and a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District.

**SUMMARY:** The purpose of the request is to allow for the operation of an outdoor flea market. The applicant has also volunteered deed restrictions to prohibit certain uses from being developed on the property.

**STAFF RECOMMENDATION:** Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions.

**CPC RECOMMENDATION:** Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions.



## BACKGROUND INFORMATION:

- The request site currently is undeveloped and is zoned an R-10(A) Single Family District. The request site has been undeveloped for at least 20 years.
- The applicant's request for a CS Commercial Service District and a Specific Use Permit will allow for the operation of an outside flea market. Outside sales are only permitted in the RR Regional District, CS Commercial Service District and the CA Central Area District.
- The applicant has volunteered deed restrictions to prohibit certain CS uses from being developed on the property.

**Zoning History:** There has not been any zoning changes requested in the area during the past five years.

### **Thoroughfares/Streets:**

| Thoroughfare/Street  | Type               | Existing ROW | Proposed ROW |
|----------------------|--------------------|--------------|--------------|
| South Belt Line Road | Principal 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.

### **Land Use:**

|           | Zoning  | Land Use                   |
|-----------|---------|----------------------------|
| Site      | R-10(A) | Undeveloped                |
| Northeast | R-10(A) | Undeveloped                |
| Southeast | R-10(A) | Undeveloped, single family |
| Northwest | R-10(A) | Undeveloped                |
| Southwest | R-10(A) | Undeveloped, single family |

**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.

## ECONOMIC ELEMENT

### GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**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.

**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.

**West Kleberg Community Plan (2007):**

The intent of “The West Kleberg Community Plan” was to provide an overall vision to create economic development that will stimulate specific types development for the community. The West Kleberg Community Plan identified a vision statement as follows: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

Based on the Community Plan, the request site is located within in an area that is designated as “Sub-area 1, which was comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family (SF) uses at the time of publication in 2007”. The request site is located with the area designated as Subarea 1.

The Plan also indicated that “commercial service and retail uses are dominant along Highway 175, with a concentration of these uses between Edd and Belt Line Roads. The West Kleberg community desires to encourage economic development along its main corridors, namely Highway 175 and Belt Line Road.” A retail gap analysis completed with the plan identified that residents of this area were likely to spend their income in nearby cities, including Balch Springs and the City of Mesquite, since retail facilities are not sufficiently available in the immediate area. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections of the needed types of services needed within this sector of Dallas.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mixed use projects and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads; Highway 175 and Belt Line Road; and Kleberg and Belt Line Roads. The subject site is within this 1,000-

foot buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the Top 20 Community “Needs & Desires” as indicated in the following table:

**TABLE 12: VISIONING ACTIVITY – COMMUNITY “NEEDS & DESIRES”**

|                               |                                      |
|-------------------------------|--------------------------------------|
| 1. Bank                       | 11. Ice Rink                         |
| 2. Big Box (Lowe's and Sam's) | 12. Mid-rise Mixed Use               |
| 3. Bookstore                  | 13. Museum                           |
| 4. Central Market             | 14. New Auto Dealership              |
| 5. Cinema                     | 15. Office                           |
| 6. Doctor Offices             | 16. Outlet and/or Mini-Malls         |
| 7. Drug Store                 | 17. Research & Development Uses      |
| 8. Gas Station                | 18. Restaurants                      |
| 9. Hospital                   | 19. Small Shops                      |
| 10. Hotel/Conference Center   | 20. Ice Cream Parlor (i.e., Braum's) |

The proposed use could be considered as a central market where various goods and services, including produce, are sold. This use is part of the vision for Sub-area 1.

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** The 1.9-acre site is undeveloped and is surrounded by large tracts of undeveloped land. There are scattered residential uses in area. However, a more established residential development is located approximately 158 feet south of the request site. The request site is located on the perimeter of the West Kleberg Study area. The surrounding areas are rural in nature, where there are large tracts of undeveloped lands and scattered residential uses. There are several tracts of land that are located out of the Study area that are zoned a CR Community Retail District and a CS Commercial Service District.

The applicant's request is to rezone a portion of the property to a CS Commercial Service District for outside sales. The applicant proposes to operate a flea market, classified in the Development Code as an outside sales use, on the portion of their property that fronts West Belt Line Road. An outside sales use falls within the retail and personal service category and is only permitted by right in the CA Central Area District or by SUP in either an RR Regional Retail District or a CS Commercial Service District.

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.

Staff believes that the applicant's request for outside sales could assist in the redevelopment efforts on the community. Even though the proposed flea market may not be consistent with the character of the neighborhood, the site is located in a rural part of the community, where there is a very low density of residential uses. In addition, staff is imposing a short time period on the Specific Use Permit for outside sales to determine if the use will create a negative impact on the residential uses. Furthermore, the proposed CS District could allow the applicant to develop the property with several of the uses that are outlined in the community needs and desires list in the above "Vision Activity" chart, such as: Bank; Big Box; Bookstore; Cinema; Offices; Drug store; Gas Station; Hospital; Hotel or motel; Auto Dealership, and Restaurants.

Moreover, the applicant has volunteered deed restrictions that will prohibit various types of uses that may negatively impact the adjacent residential development. The type of uses include, but are not limited to, the following; building repair and maintenance shop, bus or rail transit vehicle maintenance or storage, auto auction, liquor store, truck stop, etc.

### **Development Standards:**

| <b><u>DISTRICT</u></b>              | <b><u>SETBACKS</u></b> |                                                     | <b><u>Density</u></b>                                       | <b><u>Height</u></b> | <b><u>Lot Coverage</u></b> | <b><u>Special Standards</u></b>        | <b><u>PRIMARY Uses</u></b>                                                         |
|-------------------------------------|------------------------|-----------------------------------------------------|-------------------------------------------------------------|----------------------|----------------------------|----------------------------------------|------------------------------------------------------------------------------------|
|                                     | <b><u>Front</u></b>    | <b><u>Side/Rear</u></b>                             |                                                             |                      |                            |                                        |                                                                                    |
| R-10(A) - existing<br>Single Family | 30'                    | 6'                                                  | 1 Dwelling Unit/<br>10,000 sq. ft.                          | 30'                  | 45%                        | Proximity<br>Slope Visual<br>Intrusion | Single family                                                                      |
| CS - proposed<br>Commercial Service | 15'<br>0' on<br>minor  | 20' adjacent<br>to residential<br>OTHER:<br>No Min. | 0.75 FAR overall<br>0.5 office/ lodging/<br>retail combined | 45'<br>3 stories     | 80%                        | Proximity<br>Slope Visual<br>Intrusion | Commercial & business<br>service, supporting retail &<br>personal service & office |

**Landscaping:** Landscaping will be in accordance with Article X, as amended.

**Parking:** The Dallas Development Code requires off-street parking to be provided for an outside sales use at one space for each 200 square feet of sales area. The applicant proposes to have approximately 16,269 square feet of sales area. Based on the total square feet of sales area, the applicant will have to provide 81 spaces. In addition, the site plan reveals that approximately 1,020 square feet of floor area will be designated as office and public restroom space, which requires one space per 333 space feet of floor area. Based upon these uses, the required number of off-street parking spaces required is 84 spaces and the applicant is providing a total of 87 spaces, as depicted on the proposed SUP site plan.

**CPC Action (February 1, 2018)**

**5. Z167-362(WE)**

Planner: Warren Ellis

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District with deed restrictions volunteered by the applicant and **approval** of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions on property zoned an R-10(A) Single Family District, on the west line of South Belt Line Road, north of Sarah Lane.

Maker: Lavallaisaa

Second: Houston

Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Lavallaisaa, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Mack

Vacancy: 0

**Notices:** Area: 300

Mailed: 26

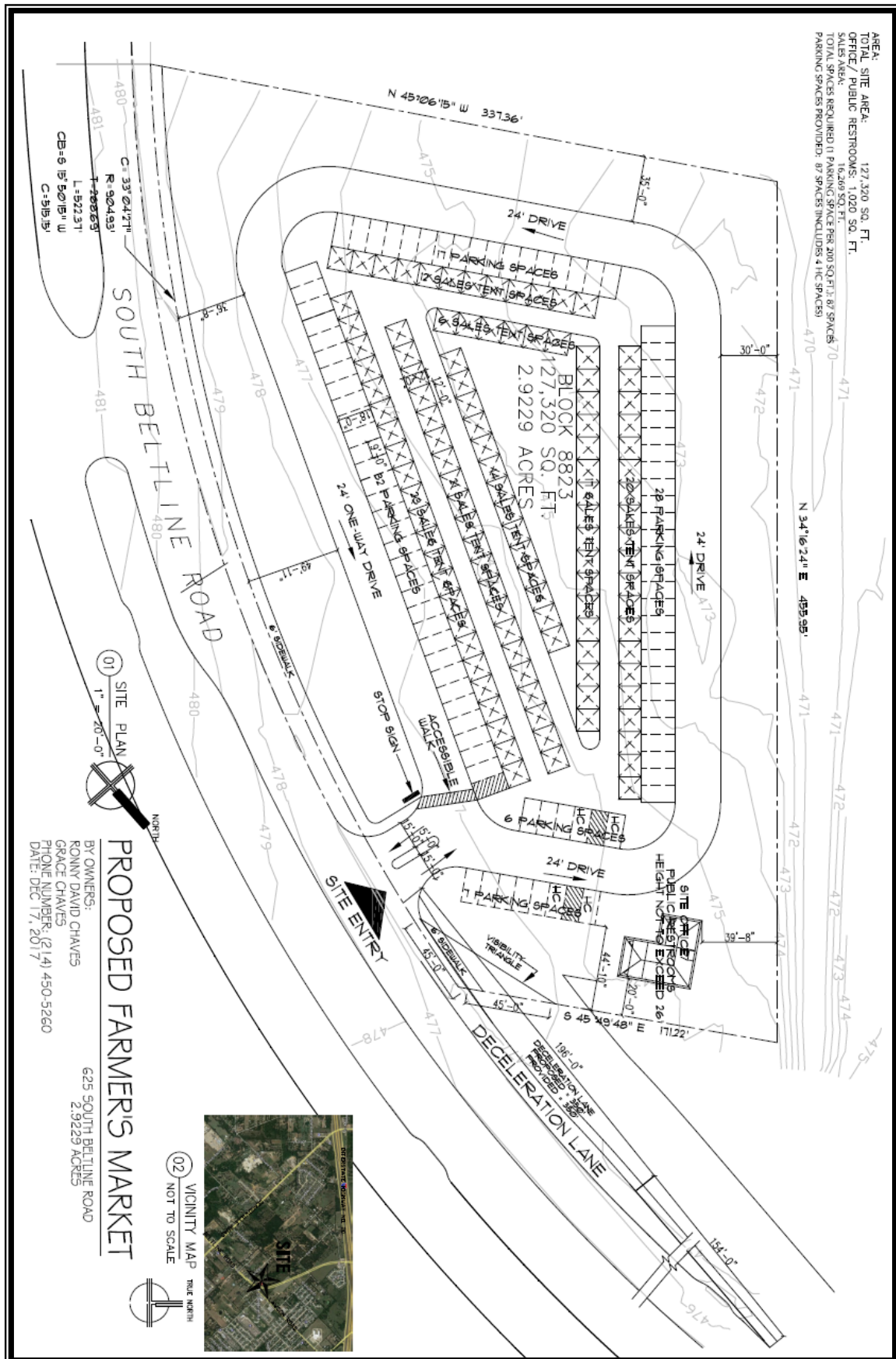
**Replies:** For: 1

Against: 4

**PROPOSED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is outside sales.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (three-year period from the passage of this ordinance).
3. FLOOR AREA: Maximum floor area for the office is 1060 square feet.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## PROPOSED SITE PLAN



1.

[SEE EXHIBIT -A-]

11.

- (A) Commercial and business service use
  - Building repair and maintenance shop
  - Bus or rail transit vehicle maintenance or storage
  - Commercial bus station
  - Labor Hall
- (B) Miscellaneous uses:
  - Carnival or circus
  - Alcoholic beverage establishments
  - Commercial amusement
- (C) Utility and Public service uses
  - Commercial radio television transmitting station
  - Electrical substation
  - Local utilities
- (D) Wholesale, distribution and storage uses
  - Auto auction
  - Mini warehouse
  - Petroleum product storage
  - Recycling collection center
  - Recycling drop-off for special occasion



-Sand, gravel, or earth sales and storage

- (E) Retail and personal service and transportation
  - Commercial motor vehicle parking
  - Commercial parking lot of garage
  - Commercial bus station and terminal
  - Commercial amusement
  - Liquor store
  - Taxidermist
  - Truck stop

III.

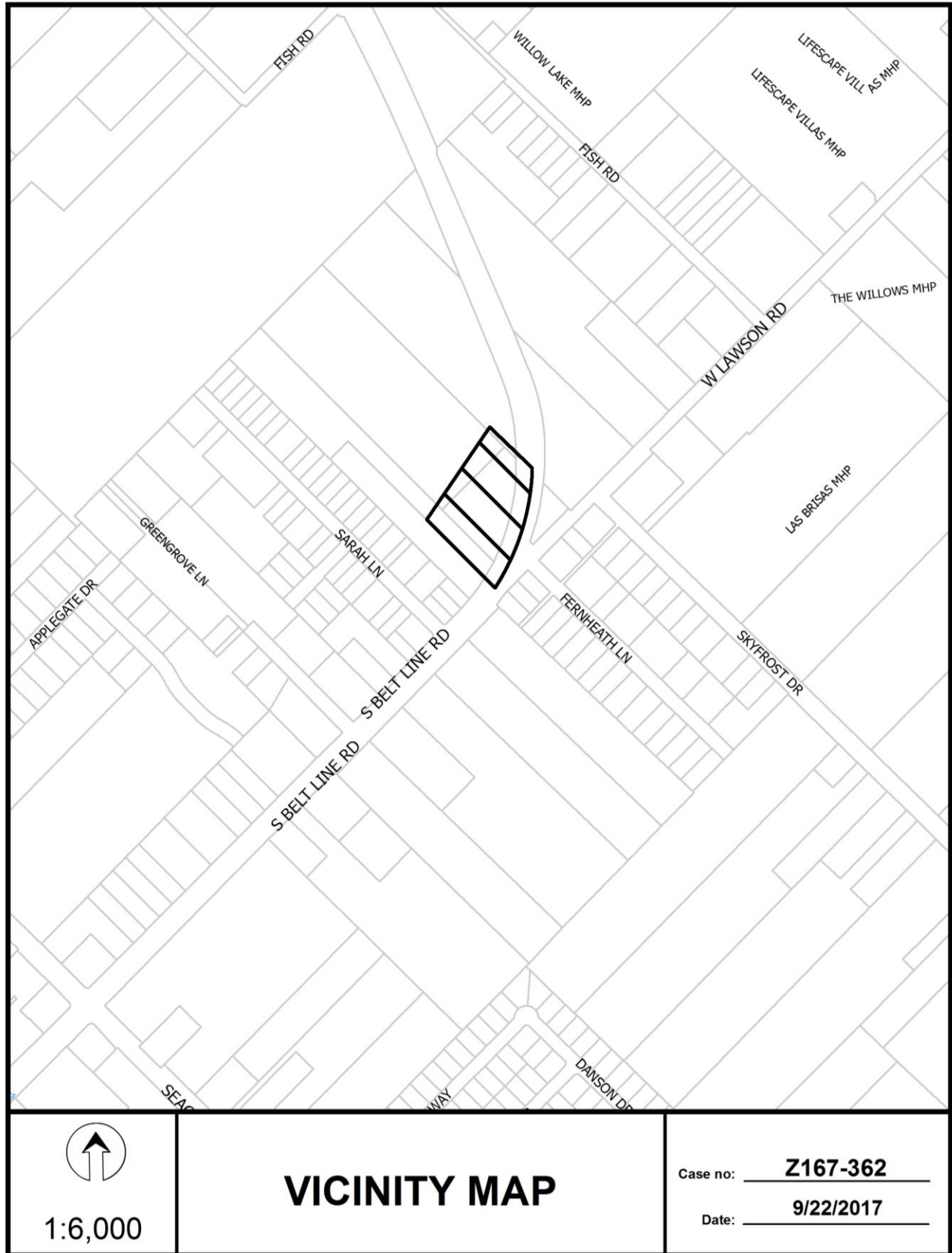
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

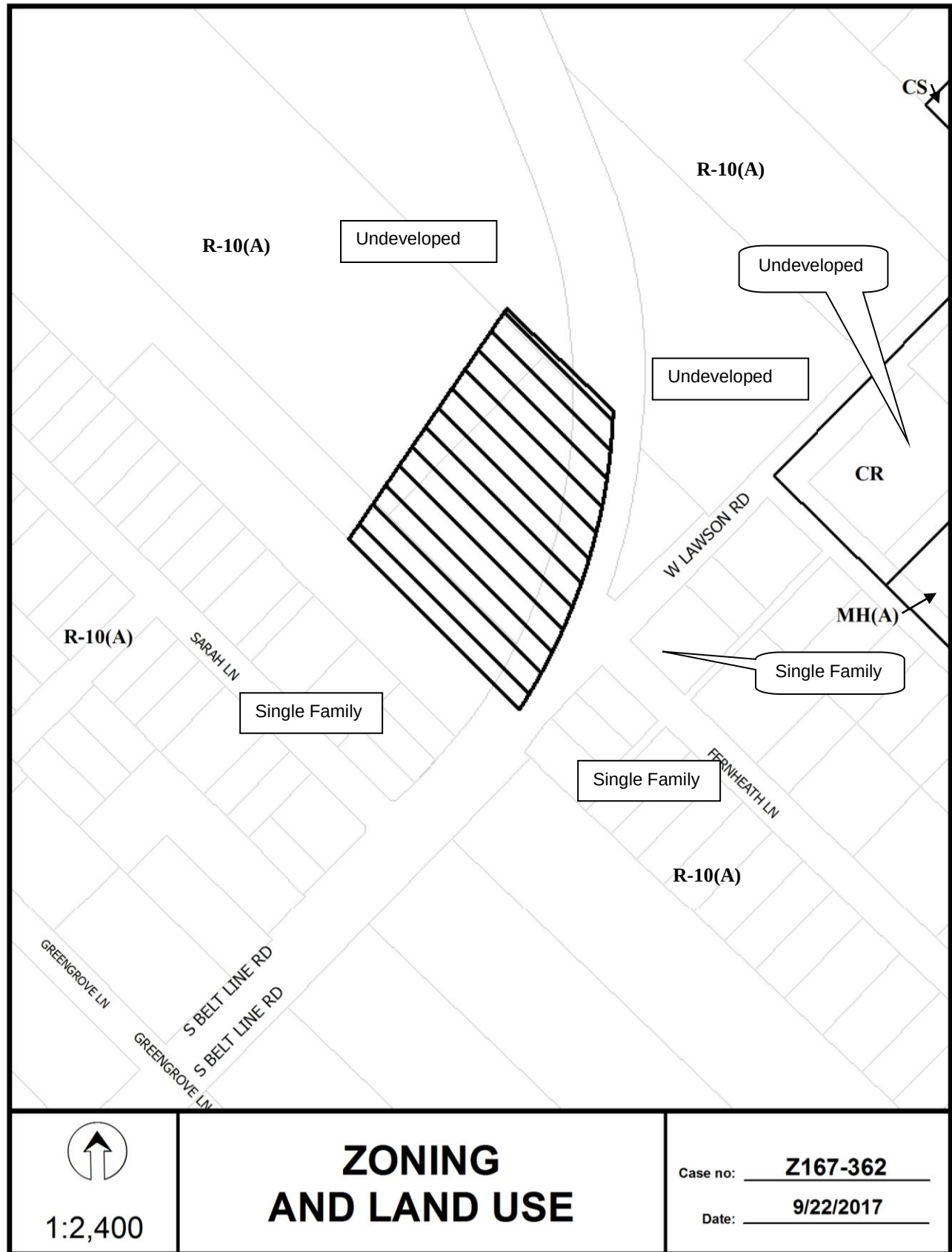
V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.











## ***Reply List of Property Owners***

**Z167-362**

**26 Property Owners Notified**

**1 Property Owner in Favor**

**4 Property Owners Opposed**

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>           |
|---------------------|-----------------------|-----------------------|-------------------------------|
| O                   | 1                     | 639 S BELTLINE RD     | CHAVES RONNY DAVID            |
|                     | 2                     | 599 BELTLINE RD       | LEE LARRY                     |
|                     | 3                     | 646 S BELTLINE RD     | SOSA ALBERTO REZA             |
|                     | 4                     | 640 S BELTLINE RD     | ORTIZ JUAN LUIS &             |
|                     | 5                     | 634 S BELTLINE RD     | KIRBY RICKY B &               |
|                     | 6                     | 13510 FERNHEATH LN    | TRUJILLOCALVILLO ELVIA &      |
|                     | 7                     | 13516 FERNHEATH LN    | TILLISON GARY W &             |
|                     | 8                     | 628 LAWSON RD         | DUNN TED R & LUCY M ESTATE OF |
|                     | 9                     | 616 LAWSON RD         | BUSTOS RUBEN                  |
|                     | 10                    | 13509 FERNHEATH LN    | PINAORTIZ JOSE REYES          |
| X                   | 11                    | 720 S BELTLINE RD     | ARCHER SAMUEL R & RITA L      |
| X                   | 12                    | 710 S BELTLINE RD     | WHITTLE MORRIS L & PAMELA     |
|                     | 13                    | 705 S BELTLINE RD     | CANCHOLA JOSE & MARIA         |
|                     | 14                    | 713 S BELTLINE RD     | GARCIA BLANCA                 |
|                     | 15                    | 717 S BELTLINE RD     | PULIDO FLORENCIO              |
|                     | 16                    | 13447 SARAH LN        | WEED KELLY                    |
|                     | 17                    | 13435 SARAH LN        | MARTINEZ BERNARDA PADRON &    |
|                     | 18                    | 13423 SARAH LN        | MARTINEZ BERNARDA PADRON &    |
|                     | 19                    | 13417 SARAH LN        | HERNANDEZ ERIC &              |
|                     | 20                    | 13411 SARAH LN        | STALLINGS MELISSA             |
| X                   | 21                    | 13405 SARAH LN        | MOULTON PHILLIP A             |
| X                   | 22                    | 13341 SARAH LN        | CONTRERAS JOSE L              |
|                     | 23                    | 13335 SARAH LN        | RAMIREZ VICTOR                |
|                     | 24                    | 645 S BELTLINE RD     | CANCHOLA JOSE GUDALUPE &      |
|                     | 25                    | 625 S BELTLINE RD     | SANTANA TOMAS                 |
|                     | 26                    | 500 S BELTLINE RD     | QUACH NHI                     |

**AGENDA ITEM # 63**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45 V; 46 S

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street

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

Z167-390(SM)

Note: This item was deferred by the City Council before opening the public hearings on January 10, 2018, March 28, 2018 and April 25, 2018, and is scheduled for consideration on June 13, 2018.





---

|                          |                                                        |                      |                   |
|--------------------------|--------------------------------------------------------|----------------------|-------------------|
| <b>FILE NUMBER:</b>      | Z167-390(SM)                                           | <b>DATE FILED:</b>   | September 8, 2017 |
| <b>LOCATION:</b>         | North corner of South Harwood Street and Coombs Street |                      |                   |
| <b>COUNCIL DISTRICT:</b> | 7                                                      | <b>MAPSCO:</b>       | 45 V; 46 S        |
| <b>SIZE OF REQUEST:</b>  | Approx. 16,040 sq. ft.                                 | <b>CENSUS TRACT:</b> | 34.00             |

---

**APPLICANT/OWNER:** Soriano Bonifacio

**REPRESENTATIVE:** Jose Garcia

**REQUEST:** An application for the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing on property zoned RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The purpose of this request is to continue the operation of resurfacing raw metals with a material that is weather-resistant through a metal coating and finishing process in an 8,427-square-foot warehouse. The procedure requires submerging various types of materials into a chemically treated liquid to perform the metal coating and finishing process. The applicant receives the various materials from a local business. The overall metal finishing alters the surface of metal products to enhance: corrosion resistance, wear resistance, electrical conductivity, electrical resistance, reflectivity and appearance (e.g., brightness or color), torque tolerance, solderability, tarnish resistance, chemical resistance, ability to bond to rubber (e.g., vulcanizing), and hardness.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to conditions.

## BACKGROUND INFORMATION

- On February 26, 2014, City Council approved SUP No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing for a two year period.
- On February 10, 2016, City Council renewed SUP No. 2074 for a two year period.

**Zoning History:** There have not been any zoning changes in the area in the last five years.

### **Thoroughfares/Streets:**

| Thoroughfare/Street  | Type      | Existing ROW | Proposed ROW |
|----------------------|-----------|--------------|--------------|
| South Harwood Street | Collector | 60 ft.       | 60 ft.       |
| Coombs Street        | Collector | 80 ft.       | 107 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.

## 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 proposed zoning request meets the following goal and objective 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.

**Land Use Compatibility:**

| Location  | Zoning                                 | Land Use                                              |
|-----------|----------------------------------------|-------------------------------------------------------|
| Site      | PDD No. 595 (RS-I)<br>and SUP No. 2074 | Potentially incompatible<br>industrial use (existing) |
| Northeast | PDD No. 513                            | Undeveloped                                           |
| Southeast | PDD No 595 (RS-C)                      | Warehouse                                             |
| South     | PDD No. 595 (FWMU-3)                   | Multifamily                                           |
| Southwest | PDD No. 595 (RS-I)                     | Industrial                                            |
| Northwest | PDD No. 513                            | Multifamily                                           |

The surrounding properties are transitioning from industrial and is currently a mixture of multifamily and commercial uses as noted in the chart above.

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 has been in operation for two years and although multifamily uses exist to the northwest and south, the use is contained within a building, the multifamily to the north is separated from the site with approximately 120 feet of covered parking, and the multifamily to the south is approximately 100 feet away, across South Harwood Street. Because the use is physically separated from multifamily uses, fully enclosed within a building, and because the area is transitioning to a mixed use area, staff supports the renewal of SUP No. 2074 but only for a two-year period in order to re-evaluate the appropriateness of the use as the area transitions.

**Development Standards:**

| <b><u>DISTRICT</u></b>              | <b><u>SETBACKS</u></b> |                                                  | <b>Density</b>                           | <b>Height</b>    | <b>Lot Coverage</b> | <b>Special Standards</b>               | <b>PRIMARY Uses</b>                                 |
|-------------------------------------|------------------------|--------------------------------------------------|------------------------------------------|------------------|---------------------|----------------------------------------|-----------------------------------------------------|
|                                     | <b>Front</b>           | <b>Side/Rear</b>                                 |                                          |                  |                     |                                        |                                                     |
| RS-I<br>Regional Service Industrial | 15'                    | 15' adjacent to residential<br>OTHER:<br>No Min. | 1.0 combined<br>1.0 office<br>0.5 retail | 70'<br>5 stories | 80%                 | Proximity<br>Slope Visual<br>Intrusion | Commercial and business service, office, Industrial |

**Landscaping:**

Landscaping will not be triggered because neither the floor area nor parking will be expanded.

**Parking:**

The parking requirement for an industrial (inside) potentially incompatible industrial use is one space per 600 square feet of floor area. The site has 16 parking spaces located inside the structure.

**Prior CPC Action – November 16, 2017:**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2074 for a potentially incompatible industrial use limited to metal or metal product treatment or processing for a two-year period, subject to conditions on property zoned an RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of South Harwood Street and Coombs Street.

Maker: Mack  
Second: Houston  
Result: Carried: 12 to 2

For: 12 - West, Houston, Shidid, Carpenter, Mack,  
Lavallaissa, Jung, Housewright, Peadon,  
Murphy, Ridley, Tarpley

Against: 2 - Davis, Schultz  
Absent: 1 - Rieves  
Vacancy: 0

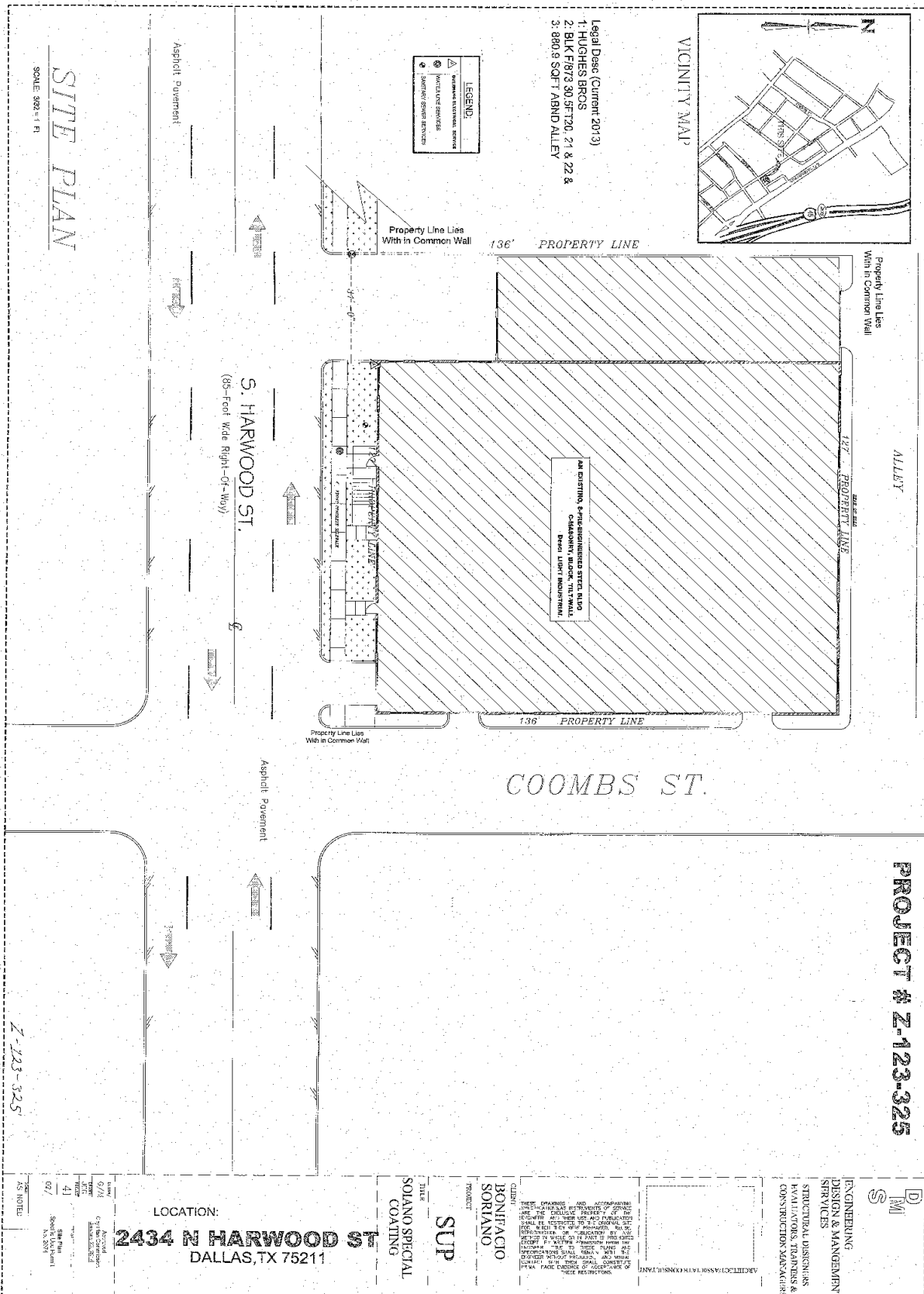
**Notices:** Area: 200 Mailed: 9  
**Replies:** For: 0 Against: 1

**Speakers:** For: Jose Garcia, 2903 Parvia Ave., Dallas, TX, 75212  
Against: None  
Staff: Joseph Vu, Office of Environmental Quality, City of Dallas

**SUP No. 2074 Conditions**

1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial use limited to metal or metal product treatment or processing.
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 ~~[February 10, 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)**



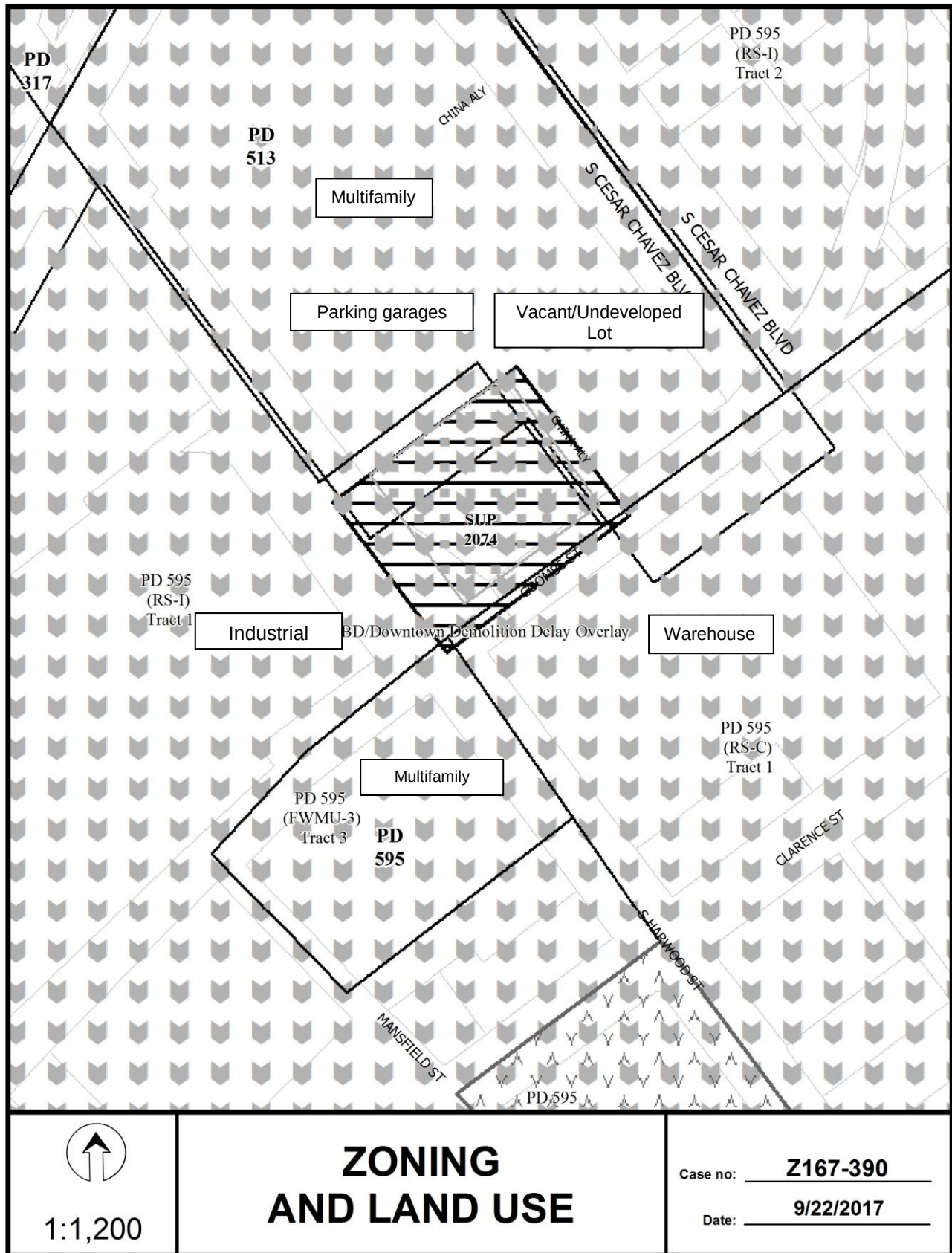
Z156-122

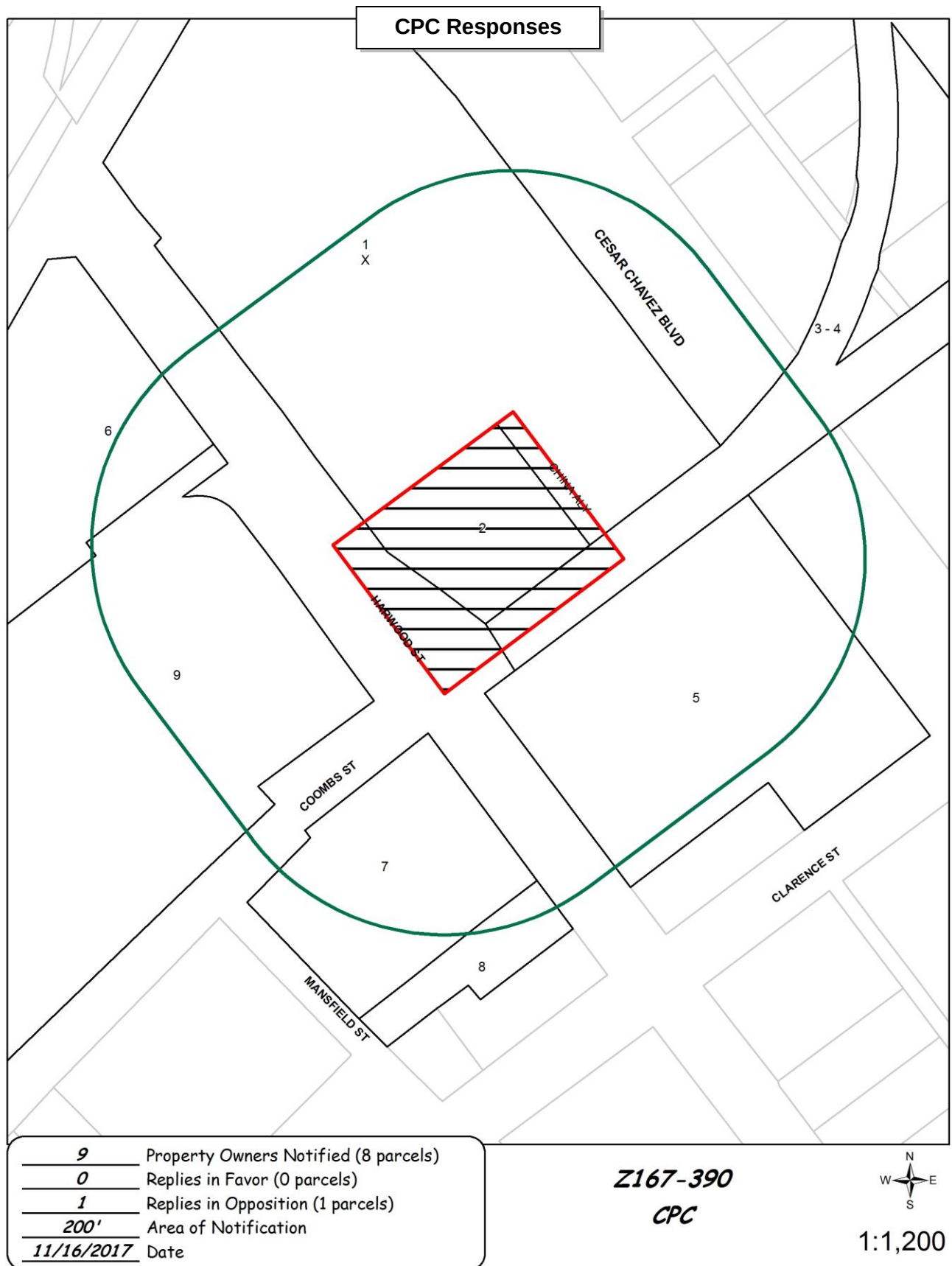












Z167-390(SM)

11/15/2017

## ***Reply List of Property Owners***

***Z167-390***

***9 Property Owners Notified***

***0 Property Owners in Favor***

***1 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b>    | <b><i>Owner</i></b>          |
|---------------------|-----------------------|--------------------------|------------------------------|
| X                   | 1                     | 2425 S CESAR CHAVEZ BLVD | CITY POCKET LTD              |
|                     | 2                     | 2434 S HARWOOD ST        | SORIANO BONIFACIO            |
|                     | 3                     | 4401 LINFIELD RD         | ST LOUIS S W RAILWAY CO      |
|                     | 4                     | 9999 NO NAME ST          | UNION PACIFIC RR CO          |
|                     | 5                     | 2500 S HARWOOD ST        | TIERRA NUEVA REAL ESTATE LLC |
|                     | 6                     | 2405 S HARWOOD ST        | TOWNSEND MURRELL             |
|                     | 7                     | 2501 S HARWOOD ST        | HARWOOD LOFTS LLC            |
|                     | 8                     | 2515 S HARWOOD ST        | SMITH DARRELL & ALMA         |
|                     | 9                     | 1815 COOMBS ST           | WAUGH JERRY W                |

**AGENDA ITEM # 64**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District, on the west side of Beaumont Street, north of Gould Street

Recommendation of Staff: Denial

Recommendation of CPC: Approval

Z178-131(JM)

Note: This item was deferred by the City Council before opening the public hearing on April 25, 2018, and is scheduled for consideration on June 13, 2018.

**FILE NUMBER:** Z178-131(JM)

**DATE FILED:** November 15, 2017

**LOCATION:** West side of Beaumont Street, north of Gould Street

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45 U

**SIZE OF REQUEST:** ±6,695 sq. ft.

**CENSUS TRACT:** 204.00

**APPLICANT/OWNER:** Katelin Burton Smith

**REQUEST:** An application for an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Area Special Purpose District.

**SUMMARY:** The applicant proposes to develop the site with commercial uses.

**STAFF RECOMMENDATION:** Denial

**CPC RECOMMENDATION:** Approval

**BACKGROUND INFORMATION:**

- On July 26, 1989, City Council approved PD No. 317, the Cedars Area Special Purpose District, containing approximately 580 acres.
- The subject site is undeveloped and contains 6,695 sq. ft. with 65 feet of street frontage along Beaumont Street, northwest of Gould Street. According to city records (POSSE), a structure was demolished in 1991.
- The purpose of this request is to change zoning of the lot from Subdistrict 1 for Moderate Density Residential uses to Subdistrict 2 for Moderate Density Mixed Use Corridors. The applicant would like to develop the site for commercial uses—with no further information provided. No changes to the existing conditions for Subdistrict 2 are proposed.
- The proposed rezoning would generate significant changes to the allowable uses on-site. In all, 39 new uses would be introduced to the site, 16 by right and 23 by special permits/processes (SUP, DIR, RAR). Ten uses currently allowed with special permits/processes would have lessened restrictions.

**Zoning History:** There have been five zoning cases in the area over the past five years.

1. **Z156-358:** An application for a new subdistrict for Subdistrict 2 uses and alternate design standards on property zoned Subdistrict 2 within Planned Development District No. 317, the Cedars Area Special Purpose District, in an area generally bounded by Belleview Street, Browder Street, Sullivan Drive and Gould Street. (This case was withdrawn before proceeding to CPC.)
2. **Z156-275:** On December 14, 2016, the City Council approved a new subdistrict for single family uses and office showroom/warehouse use on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District, located in an area generally bounded by both sides of Cockrell Avenue, McKee Street, Pitt/Wall Street and southwest of Alexander Avenue.
3. **Z156-158:** On March 23, 2016 the City Council approved an ordinance granting a Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedar Area Special Purpose District, located on the southeast line of Gano Street, northwest of Beaumont Street South Ervay Street and Gano Street, east corner.
4. **Z156-127:** On April 13, 2016, the City Council approved a new subdistrict (2A) for property zoned Subdistrict 2 within PD No. 317, the Cedars Area Special Purpose District and located on the southwest corner of Beaumont Street and Ervay Street.
5. **Z134-284:** On December 10, 2014, the City Council approved SUP No. 2124 for a government installation other than listed use on property zoned PD No. 317, the Cedars Area Special Purpose District and located on the east side of Seegar Street as it terminates at Gould Street.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type                | Existing ROW | Proposed ROW |
|---------------------|---------------------|--------------|--------------|
| Beaumont Street     | Community Collector | 40 feet      | 60 feet      |

**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.

**Surrounding Land Uses:**

|                  | Zoning                    | Land Use                               |
|------------------|---------------------------|----------------------------------------|
| <b>Northwest</b> | PD No. 317, Subdistrict 2 | Single family and Multifamily          |
| <b>Northeast</b> | PD No. 317, Subdistrict 1 | Single family and Undeveloped          |
| <b>Southeast</b> | PD No. 317, Subdistrict 2 | Single family and Undeveloped          |
| <b>Southwest</b> | PD No. 317, Subdistrict 2 | Bar, lounge, or tavern and Undeveloped |

**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 applicant's request does not comply with the following goals, policies, and implementation measures of the Comprehensive Plan.

**LAND USE****GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.3 Build a dynamic and expanded Downtown.

Implementation Measure 1.1.3.3 Enhance Downtown's character and identity with consistent standards for public and private improvements.



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 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

### GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

#### **Area Plans**

The site is within the Cedars Area Plan, adopted in 2002. The plan calls for Moderate Density Residential (p. 20), adding "consolidate and simplify sub-districts; support market trends toward residential and mixed-use development; establish buffers/transitions between residential and non-residential areas; establish gateways" (Implementation Chart 3.1).

The site is also identified as being within the Downtown Lakes District on the Trinity River Corridor Comprehensive Land Use Plan, adopted in 2005, and revised 2009. This area is within the Transit Center and Residential Urban uses. While the Downtown Lakes District should allow for the highest development intensity, it is a priority of the plan to retain and enhance existing uses (p. 45).

Finally, the site is also located within the Downtown 360 Area Plan, adopted in 2011, which calls for a bike lane as this is a bike district connector. The plan also identifies the Cedars as transforming into a "dense, full-service community" and a "vibrant, diverse neighborhood" (p. 26) - this implies mixed uses including residential.

Overall, while the trend in these three plans is to acknowledge the mixed-use nature of the area, there is great support for keeping residential development and zoning. Rezoning this lot to provide additional commercial development is a detriment to the Cedars, as this site is wholly within the residential core of the area.

#### **Land Use Compatibility:**

The subject site is undeveloped and contains 6,695 sq. ft. with 65 feet of street frontage along Beaumont Street, northwest of Gould Street. According to city records (POSSE), a structure was demolished in 1991.

On July 26, 1989, City Council approved PD No. 317, the Cedars Area Special Purpose District, containing approximately 580 acres. The site is located within Subdistrict 1, a Moderate Density Residential area. The proposed Subdistrict 2, a Moderate Density Mixed Use Corridors area, would generate significant changes to the allowable uses on-site. In all, 39 new uses would be introduced to the site, 16 by right and 23 by special permits/processes (SUP, DIR, RAR). Ten uses currently allowed with special permits/processes would have lessened restrictions.

The surrounding land uses include single family and multifamily uses within Subdistrict 2 to the northwest; single family, multifamily, and undeveloped uses within Subdistrict 1 to the northeast; undeveloped and multifamily uses within Subdistrict 2 to the southeast; and, a bar lounge or tavern and undeveloped uses within Subdistrict 2 to the southwest. There is plenty of land for commercial development, evident by undeveloped lots within Subdistrict 2 and adjacent to the site. The subject site has immediate adjacency to residential structures to the northwest—a rear yard, and to the east—a side yard.

The proposed change from Subdistrict 1 to Subdistrict 2 would provide for the following changes in land use capabilities:

- Add eight Commercial and Business Service uses; none were previously allowed.
- No longer require an SUP for three uses, and allow four new uses within the Institutional and Community Service category.
- Allow two Lodging uses; none were previously allowed.
- Amend restrictions for one use and allow three new uses in the Office category.
- Remove the SUP requirement for one use in the Recreation category.
- Amend restrictions for three uses and allow 16 new uses in the Retail and Personal Service category.
- Remove the SUP requirements for two uses in the Utilities and Public Services category.
- Allow five uses in the Wholesale, Distribution, and Storage category; none were previously allowed.

Several of the newly permitted uses would result in incompatible or undesirable intensities alongside residential properties to the northwest and east most particularly (existing residences). Commercial and Business Service uses are slightly industrial and more intensive in nature. For example, a technical school, custom woodworking, furniture construction, or repair shop, or building repair and maintenance shop would be allowed with a Residential Adjacency Review, among other uses. The argument that the more intensive uses are allowed on the adjoining lot does not consider the existing residences nearby. Rezoning lot-by-lot could eventually eradicate the residential element vital to the mixed-use, urban residential core of the Cedars area—a major component of Downtown living.

**Per PD No. 317, the purpose of each subdistrict is as follows:****Subdistrict 1 (Moderate Density Residential)**

To encourage the development of a stable mix of low and moderate density residential land uses alone or in combination with limited office and retail land uses in areas that are isolated from heavy traffic routes; to encourage development patterns that support alternative modes of transportation; and to encourage the preservation of structures with historic value.

**Subdistrict 2 and 2A (Moderate Density Mixed Use Corridors)**

To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

**Development Standards:**

| District                          | Setbacks |                       | Density/FAR/Lot Size                                                                                    | Height                                                                | Lot Coverage                | Special Standards                                                                                                         | Primary Uses                                                                                                                                                                                             |
|-----------------------------------|----------|-----------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Front    | Side/Rear             |                                                                                                         |                                                                       |                             |                                                                                                                           |                                                                                                                                                                                                          |
| <b>Existing:</b><br>Subdistrict 1 | 0'       | 0' or 10' if provided | 160 DU per acre<br><br>2.0 FAR                                                                          | 90'                                                                   | 80%<br><br>85% max nonperm. | Min. 6' sidewalk                                                                                                          | Moderate density residential and limited office/retail/personal service.                                                                                                                                 |
| <b>Proposed:</b><br>Subdistrict 2 | 0'       | 0' or 10' if provided | No max DU per acre<br><br>2.5 FAR w/50% res AND 50% retail/ps at ground level<br><br>2.0 FAR all others | 90' w/50% res AND 50% retail/ps at ground level<br><br>54' all others | 80%<br><br>90% max nonperm. | 15' Urban Form above 54' on Akard St.<br><br>Landscape compliance methods: 50% in parkway and/or pay into open space fund | Moderate density mixed use corridor including all residential from SD 1 plus commercial and business service, retail and personal service, office, lodging, and wholesale distribution and storage uses. |

**Land Use Comparison:**

|   |                                       | Existing      | Proposed      |
|---|---------------------------------------|---------------|---------------|
| # | Use                                   | Subdistrict 1 | Subdistrict 2 |
| 1 | Building repair and maintenance shop. |               | <b>RAR</b>    |
| 2 | Catering service.                     |               | <b>RAR</b>    |
| 3 | Custom business services.             |               | <b>RAR</b>    |

|           |                                                        |            |                                          |
|-----------|--------------------------------------------------------|------------|------------------------------------------|
| <b>4</b>  | Custom woodworking, furniture construction, or repair. |            | <b>RAR</b>                               |
| <b>5</b>  | Electronics service center.                            |            | <b>X</b>                                 |
| <b>6</b>  | Job or lithographic printing.                          |            | <b>RAR</b>                               |
| <b>7</b>  | Medical or scientific laboratory.                      |            | <b>RAR</b>                               |
| <b>8</b>  | Technical school.                                      |            | <b>RAR</b>                               |
| <b>9</b>  | Child-care facility.                                   | <b>SUP</b> | <b>X</b>                                 |
| <b>10</b> | College, university, or seminary.                      | <b>SUP</b> | <b>X</b>                                 |
| <b>11</b> | Community service center.                              | <b>SUP</b> | <b>X</b>                                 |
| <b>12</b> | Foster home.                                           |            | <b>X</b>                                 |
| <b>13</b> | Institution for special education.                     |            | <b>X</b>                                 |
| <b>14</b> | Library, art gallery, or museum.                       |            | <b>X</b>                                 |
| <b>15</b> | Public or private school.                              |            | <b>X</b>                                 |
| <b>16</b> | Hotel or motel.                                        |            | <b>X</b>                                 |
| <b>17</b> | Lodging or boarding house.                             |            | <b>X</b>                                 |
| <b>18</b> | Financial institution without drive-in window          |            | <b>X</b>                                 |
| <b>19</b> | Financial institution with drive-in window.            |            | <b>X</b>                                 |
| <b>20</b> | Medical clinic or ambulatory surgical center.          |            | <b>DIR</b>                               |
| <b>21</b> | Office.                                                | <b>L</b>   | <b>X</b>                                 |
| <b>22</b> | Private recreation center, club, or area.              | <b>SUP</b> | <b>X</b>                                 |
| <b>23</b> | Animal shelter or clinic without outside run.          |            | <b>RAR</b>                               |
| <b>24</b> | Auto service center.                                   |            | <b>RAR</b>                               |
| <b>25</b> | Bar, lounge, or tavern.                                |            | <b>SUP</b>                               |
| <b>26</b> | Business school.                                       |            | <b>X</b>                                 |
| <b>27</b> | Car wash.                                              |            | <b>RAR</b>                               |
| <b>28</b> | Commercial amusement (inside).                         |            | <b>Check Use<br/>May require<br/>SUP</b> |
| <b>29</b> | Commercial parking lot or garage.                      |            | <b>RAR</b>                               |
| <b>30</b> | Dry cleaning or laundry store.                         | <b>L</b>   | <b>X</b>                                 |

|           |                                                                   |            |                  |
|-----------|-------------------------------------------------------------------|------------|------------------|
| <b>31</b> | Furniture store.                                                  |            | <b>X</b>         |
| <b>32</b> | General merchandise or food store 3,500 square feet or less.      | <b>L</b>   | <b>RAR</b>       |
| <b>33</b> | General merchandise or food store greater than 3,500 square feet. |            | <b>RAR</b>       |
| <b>34</b> | Household equipment and appliance repair.                         |            | <b>X</b>         |
| <b>35</b> | Motor vehicle fueling station.                                    |            | <b>RAR</b>       |
| <b>36</b> | Nursery, garden shop, or plant sales.                             |            | <b>X</b>         |
| <b>37</b> | Personal service uses.                                            | <b>L</b>   | <b>X</b>         |
| <b>38</b> | Restaurant with drive-in or drive-through services.               |            | <b>DIR</b>       |
| <b>39</b> | Restaurant without drive-in or drive-through service.             |            | <b>RAR</b>       |
| <b>40</b> | Temporary retail use.                                             |            | <b>X</b>         |
| <b>41</b> | Theater.                                                          |            | <b>RAR</b>       |
| <b>42</b> | Police or fire station.                                           | <b>SUP</b> | <b>RAR</b>       |
| <b>43</b> | Post office.                                                      | <b>SUP</b> | <b>RAR</b>       |
| <b>44</b> | Utility or government service center.                             |            | <b>Check Use</b> |
| <b>45</b> | Mini-warehouse.                                                   |            | <b>RAR</b>       |
| <b>46</b> | Office showroom/warehouse.                                        |            | <b>RAR</b>       |
| <b>47</b> | Recycling drop-off container.                                     |            | <b>Check Use</b> |
| <b>48</b> | Recycling drop-off for special occasion collection.               |            | <b>Check Use</b> |
| <b>49</b> | Warehouse.                                                        |            | <b>RAR</b>       |

**Alternating color pattern** indicates new use category.

**X** indicates permitted by right.

**SUP** indicates permitted with a Specific Use Permit.

**RAR** indicates permitted, but subject to Residential Adjacency Review.

**DIR** indicates permitted, but subject to Development Impact Review.

**Check Use** indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.

**By CBO Authorization** indicates that the use may be allowed with permission from the Chief Building Official.

**Parking:**

PD No. 317 refers to the Dallas Development Code for parking regulations other than the following uses: utility or government service center, seafood processing facility, art or craft production facility, commercial engraving/etching facility, recycling center, and multifamily. The future development would have to comply with the required parking, as determined by the PD/Dallas Development Code.

**Landscaping:**

Any new development on the property will require landscaping per PD No. 317 and Article X of the Dallas Development Code, as amended.

**CPC Action**  
**March 22, 2018**

**Motion:** It was moved to recommend **approval** of an expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 1 (Moderate Density Residential) within Planned Development District No. 317, the Cedars Special Purpose District, on the west side of Beaumont Street, north of Gould Street.

Maker: Rieves  
Second: West  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter,  
Mack, Jung, Housewright\*, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 109  
**Replies:** For: 35 Against: 1

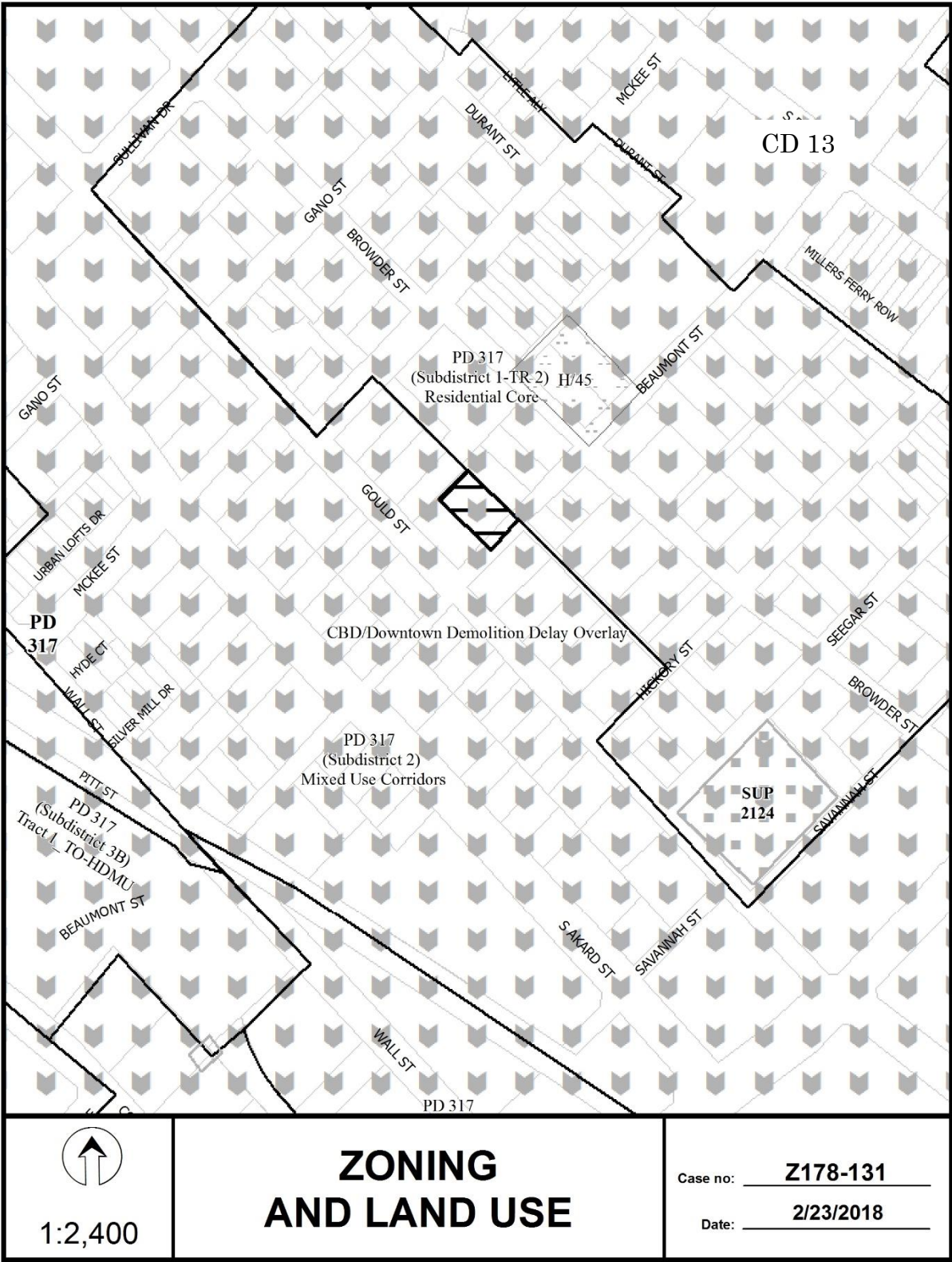
**Speakers:** For: Seth Smith, 6214 Richmond Ave., Dallas, TX, 75215  
Against: None

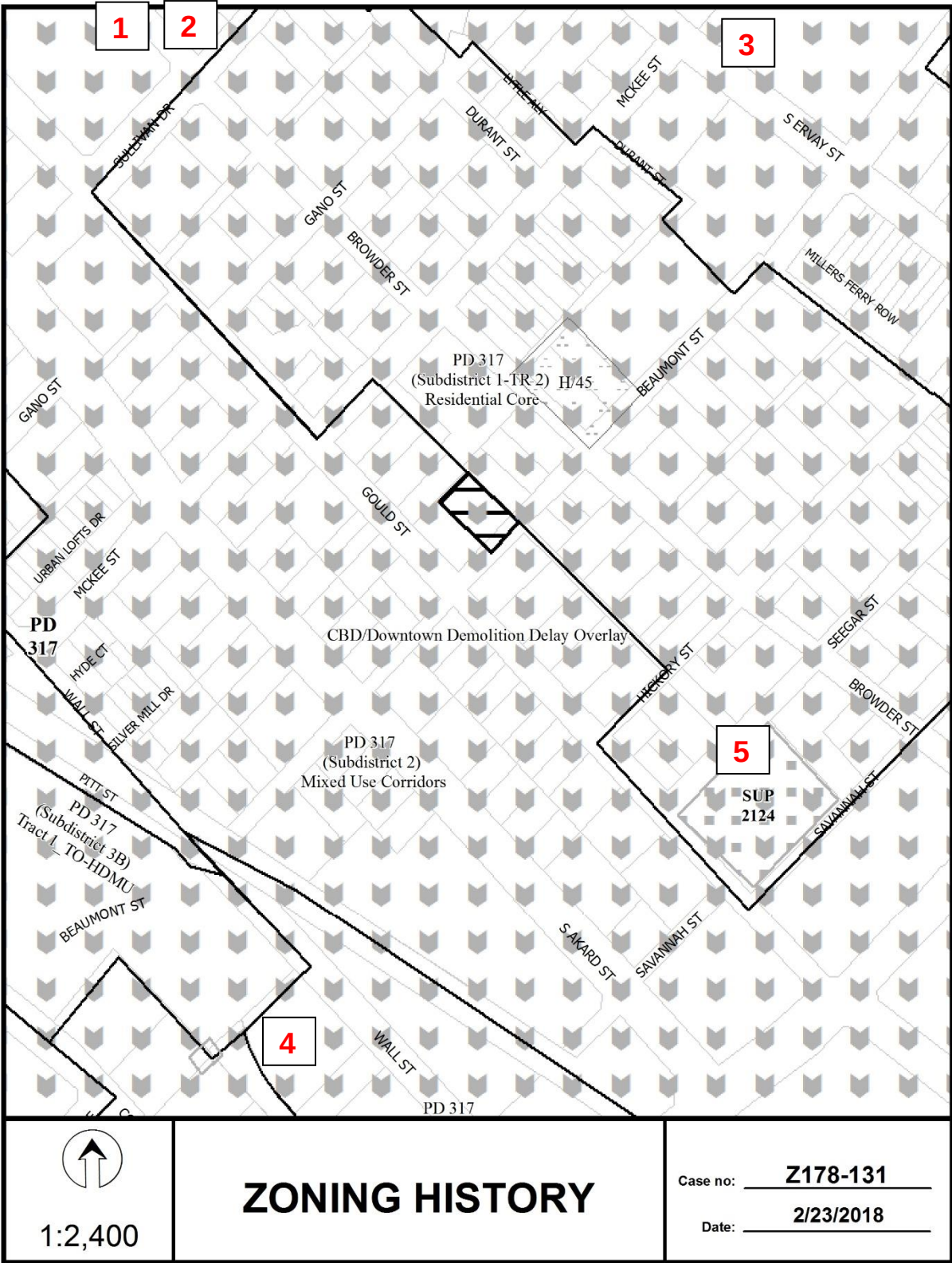






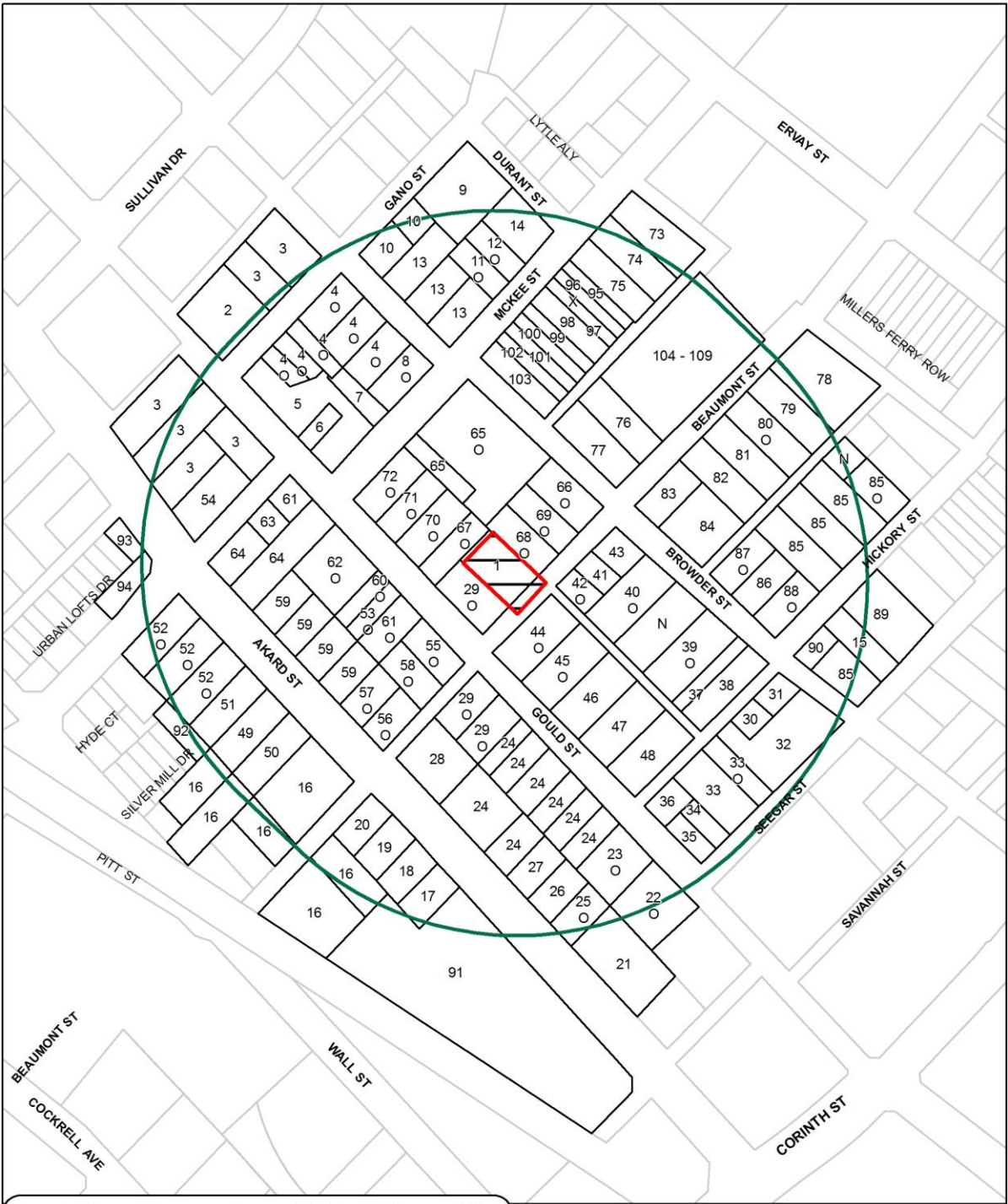








CPC RESPONSES



|                  |                                        |
|------------------|----------------------------------------|
| <u>109</u>       | Property Owners Notified (146 parcels) |
| <u>35</u>        | Replies in Favor (44 parcels)          |
| <u>1</u>         | Replies in Opposition (1 parcels)      |
| <u>500'</u>      | Area of Notification                   |
| <u>3/22/2018</u> | Date                                   |

**Z178-131**  
**CPC**



1:2,400

03/21/2018

***Reply List of Property Owners******Z178-131******109 Property Owners Notified******35 Property Owners in Favor******1 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>           |
|---------------------|-----------------------|-----------------------|-------------------------------|
|                     | 1                     | 1409 BEAUMONT ST      | SMITH KATELIN BURTON          |
|                     | 2                     | 1401 GANO ST          | KAPLAN HARRY L ESTATE         |
|                     | 3                     | 1409 GANO ST          | KAPLAN HARRY L                |
| O                   | 4                     | 1408 GANO ST          | CHARALAMBOPOULOS FAY          |
|                     | 5                     | 1400 GANO ST          | BLANCHARD BECKER FAMILY TRUST |
|                     | 6                     | 1610 GOULD ST         | DANIEL DAVID O                |
|                     | 7                     | 1407 MCKEE ST         | DANIEL DAVID                  |
|                     | 9                     | 1605 DURANT ST        | MCDONALD D D                  |
|                     | 10                    | 1602 BROWDER ST       | BANOWSKY BRITTON B            |
| O                   | 11                    | 1509 MCKEE ST         | SHIPBUILD LLC                 |
| O                   | 12                    | 1513 MCKEE ST         | SHIPBUILD PARTNERS LP         |
|                     | 13                    | 1608 BROWDER ST       | YANCEY CEDARS LLC             |
|                     | 14                    | 1609 DURANT ST        | RE SOURCE PROFESSIONALS       |
|                     | 15                    | 1505 SEEGAR ST        | FRIEDMAN BRADLEY H            |
|                     | 16                    | 1206 BEAUMONT ST      | LONCAR FRANK                  |
|                     | 17                    | 1813 S AKARD ST       | STAY ON THE MARK LLC          |
|                     | 18                    | 1809 S AKARD ST       | LONCAR FRANK                  |
|                     | 19                    | 1805 S AKARD ST       | CITY INDUSTRIES INC           |
|                     | 20                    | 1801 S AKARD ST       | CITY INDUSTRIES INC           |
|                     | 21                    | 1922 S AKARD ST       | HURT OLSON ENTERPRISES LLC    |
| O                   | 22                    | 1922 S AKARD ST       | HURT OLSON ENTERPRISES        |
| O                   | 23                    | 1903 GOULD ST         | HURT OLSEN ENTERPRISES        |
|                     | 24                    | 1825 GOULD ST         | STAY ON THE MARK LLC          |
| O                   | 25                    | 1914 S AKARD ST       | HURST OLSON ENTERPRISES L     |
|                     | 26                    | 1910 S AKARD ST       | BROCK CHRISTOPHER             |
|                     | 27                    | 1904 S AKARD ST       | BROCK CHRIS                   |

03/21/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                   |
|--------------|----------------|------------------|--------------------------------|
|              | 28             | 1800 S AKARD ST  | JOHNSON VERTA MAE &            |
| O            | 29             | 1801 GOULD ST    | SMITH SETH A                   |
|              | 30             | 1414 HICKORY ST  | LUNA SALVADOR LEPE &           |
|              | 31             | 1416 HICKORY ST  | JAMES TERRY A                  |
|              | 32             | 1909 BROWDER ST  | DEVNATH INVESTMENTS LLC        |
|              | 33             | 1405 SEEGAR ST   | SOHO CONSTRUCTION INC          |
|              | 34             | 1403 SEEGAR ST   | DANIEL DAVID O                 |
|              | 35             | 1401 SEEGAR ST   | PURE ICE & COLD STG CO         |
|              | 36             | 1900 GOULD ST    | ARMSTEAD LEZELLA S & ET AL     |
|              | 37             | 1817 BROWDER ST  | WATKINS GREGORY                |
|              | 38             | 1819 BROWDER ST  | WEISFELD RONALD &              |
|              | 41             | 1418 BEAUMONT ST | TAYLOR NAKALAH                 |
|              | 43             | 1420 BEAUMONT ST | HENDERSON WILLIAM L            |
| O            | 45             | 1804 GOULD ST    | BLACKLAND LAND & PROPERTY      |
|              | 46             | 1808 GOULD ST    | HALL HARRY VANCE               |
|              | 47             | 1816 GOULD ST    | FOSTER ROY                     |
|              | 48             | 1820 GOULD ST    | DANIEL CRUZ                    |
|              | 49             | 1719 S AKARD ST  | LONCAR FRANK & CHAROLETTE      |
|              | 50             | 1721 S AKARD ST  | PAULOS HENRY &                 |
|              | 51             | 1713 S AKARD ST  | FUENTES ERNEST AND LUCY        |
| O            | 52             | 1709 S AKARD ST  | BOUCHER DANIEL D               |
| O            | 53             | 1717 GOULD ST    | MARTINEK MARK K                |
|              | 54             | 1612 S AKARD ST  | GALINET DAVID BRUCE            |
| O            | 55             | 1315 BEAUMONT ST | SMITH KATELIN BURTON           |
| O            | 56             | 1730 S AKARD ST  | LLOYD SCOTT                    |
| O            | 57             | 1722 S AKARD ST  | LLOYD SCOTT                    |
| O            | 58             | 1309 BEAUMONT ST | SMITH SETH AUSTIN              |
|              | 59             | 1716 S AKARD ST  | SOUTHPAW 1712 LLC              |
| O            | 60             | 1715 GOULD ST    | BLACKLAND LAND & PPTY MGMT LLC |
|              | 61             | 1312 MCKEE ST    | RITETRACK BUILDER INC          |
| O            | 62             | 1709 GOULD ST    | SHIPBUILD LLC                  |

03/21/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>      | <i>Owner</i>                         |
|--------------|----------------|---------------------|--------------------------------------|
|              | 63             | 1308 MCKEE ST       | MENDOZA JOSEFINA                     |
|              | 64             | 1704 S AKARD ST     | AMORY STREET PPTIES LLC SERIES A     |
|              | 65             | 1410 MCKEE ST       | ZOHA INVESTMENTS LLC                 |
| O            | 66             | 1419 BEAUMONT ST    | SEALE JOHN HENRY &                   |
| O            | 68             | 1411 BEAUMONT ST    | PINA EDELIA                          |
| O            | 69             | 1415 BEAUMONT ST    | CRAFT KEN & CAROLYN                  |
| O            | 71             | 1704 GOULD ST       | DIJKMAN CELIA MARIA TRUST            |
| O            | 72             | 1400 MCKEE ST       | VELA STEVEN                          |
|              | 73             | 1524 MCKEE ST       | VIDALES SILVESTER G                  |
|              | 74             | 1522 MCKEE ST       | VIDALES SILVESTRE &                  |
|              | 75             | 1518 MCKEE ST       | ALVARADO LIVING TRUST                |
|              | 76             | 1505 BEAUMONT ST    | GO URBAN 1 INC                       |
|              | 77             | 1501 BEAUMONT ST    | GO URBAN 1 INC                       |
|              | 78             | 1520 BEAUMONT ST    | PULLMAN TILLIE                       |
|              | 79             | 1518 BEAUMONT ST    | WAYSIDE MISSIONARY BAPTIST CHURCH    |
|              | 81             | 1510 BEAUMONT ST    | SALINAS SERVANDO B EST OF            |
|              | 82             | 1508 BEAUMONT ST    | DELAFUENTE LUIS                      |
|              | 83             | 1802 BROWDER ST     | RESOURCE PROFESSIONALS               |
|              | 84             | 1804 BROWDER ST     | MATAMORAS ESTABAN                    |
|              | 85             | 1517 HICKORY ST     | COLLINS PATRICK & MICHAEL 1988 TRUST |
|              | 86             | 1818 BROWDER ST     | MCBRIDE JOHN &                       |
| O            | 88             | 1820 BROWDER ST     | BAKER WILLIAM                        |
|              | 89             | 1509 SEEGAR ST      | GARTNER MANAGEMENT TRUST THE         |
|              | 90             | 1900 BROWDER ST     | HUERTA ESTANISLAO                    |
|              | 91             | 1919 S AKARD ST     | DIGIT 1919 REALTY PARTNERS LP        |
|              | 92             | 1213 SILVER MILL DR | FAUST JUSTIN A & JASMINE A JOHNSON   |
|              | 93             | 1223 URBAN LOFTS DR | RUDY MASON                           |
|              | 94             | 1218 URBAN LOFTS DR | KELLY KEVIN                          |
|              | 95             | 1516 MCKEE ST       | CARROLL KEYUNA                       |
| X            | 96             | 1514 MCKEE ST       | NUGENT MICHAEL B                     |
|              | 97             | 1512 MCKEE ST       | RIPPY DARRAH                         |

03/21/2018

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>   | <i>Owner</i>                         |
|--------------|----------------|------------------|--------------------------------------|
|              | 98             | 1510 MCKEE ST    | FREEMAN RICHARD H SR &               |
|              | 99             | 1508 MCKEE ST    | REMUS PATRICK L                      |
|              | 100            | 1506 MCKEE ST    | PARKER AMANDA                        |
|              | 101            | 1504 MCKEE ST    | WALLACE MICHAEL                      |
|              | 102            | 1502 MCKEE ST    | KIM SANGHYUN D & HYEREE              |
|              | 103            | 1500 MCKEE ST    | ROBINSON PHILLIP T & STEPHANIE       |
|              | 104            | 1519 BEAUMONT ST | GARZA ANTHONY                        |
|              | 105            | 1519 BEAUMONT ST | CHESTNUT ROBERT                      |
|              | 106            | 1519 BEAUMONT ST | WADDELL ZACHARY C                    |
|              | 107            | 1519 BEAUMONT ST | BAKER JAY E II                       |
|              | 108            | 1519 BEAUMONT ST | SHIELDS MELISSA                      |
|              | 109            | 1519 BEAUMONT ST | FORD MARK C                          |
| O            | A1             | 1802 GOULD ST    | SMITH SETH                           |
| O            | A2             | 1708 GOULD ST    | FEIGENSON JEFFREY &                  |
| O            | A3             | 1815 BROWDER ST  | BROWDER PARK PLACE                   |
| O            | A4             | 1805 BROWDER ST  | JONES MICHAEL JOHN & DEBORAH SUSAN   |
| O            | A5             | 1409 SEEGAR ST   | SOHO CONSTRUCTION INC                |
| O            | A6             | 1719 GOULD ST    | RITETRACK BUILDER INC                |
| O            | A7             | 1701 BROWDER ST  | ZOHA INVESTMENTS LLC                 |
| O            | A8             | 1514 BEAUMONT ST | LOVELADY ENTERPRISES INC             |
| O            | A9             | 1521 HICKORY ST  | COLLINS PATRICK & MICHAEL 1988 TRUST |
| O            | A10            | 1814 BROWDER ST  | COLLINS JAMES & LINDSEY              |
| O            | A11            | 1611 BROWDER ST  | ALVARADO LIVING TRUST                |
| O            | A12            | 1416 BEAUMONT ST | AMORY STREET PROPERTIES LLC SERIES B |
| O            | A13            | 1712 GOULD ST    | TORRES SAUL &                        |



**AGENDA ITEM # 65**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 65 M

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road

Recommendation of Staff and CPC: Approval, subject to the deed restrictions volunteered by the applicant

Z178-135(SM)

Note: This item was deferred by the City Council before opening the public hearing on April 11, 2018, and is scheduled for consideration on June 13, 2018.



**FILE NUMBER:** Z178-135(SM) **DATE FILED:** November 17, 2017

**LOCATION:** South line of East Ledbetter Drive, east of South Lancaster Road

**COUNCIL DISTRICT:** 8 **MAPSCO:** 65 M

**SIZE OF REQUEST:** Approx. 0.81 acre **CENSUS TRACT:** 87.05

---

**OWNER/APPLICANT:** Rusty Kasmiersky, Prestige Texas Properties, LLC

**REPRESENTATIVE:** Santos Martinez, Masterplan

**REQUEST:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The applicant specifically requests to utilize the property as a tunnel car wash use. The applicant also proposes to prohibit certain additional uses and limit hours of operation.

**CPC RECOMMENDATION:** Approval, subject to the deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:** Approval, subject to the deed restrictions volunteered by the applicant.

**BACKGROUND INFORMATION:**

- The area of request is currently undeveloped.
- A single family structure was demolished on the site in the Spring of 2014, according to permit records.

**Zoning History:** There have been no zoning changes in the vicinity in the past five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street  | Function           | Proposed Dimension      | ROW      |
|----------------------|--------------------|-------------------------|----------|
| East Ledbetter Drive | Principal Arterial | Minimum-6 lanes-divided | 100 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.

**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.

**Economic Element**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**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.

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The site is relatively flat and contains a grassy area that is physically connected to a retail structure and surface parking lot to the west. Additional retail uses are located on the north line of East Ledbetter Drive. A child-care facility is located to the east and single family uses abut the property to the south. The site is located on a lot that is 90 feet wide and approximately 396 feet deep, similar in size and shape to the adjacent single-family zoned lots. The applicant requests a CR Community Retail District in lieu of a NS Neighborhood Services District because the NS District prohibits a car wash use.

Staff supports the request because the applicant has volunteered deed restrictions to 1) prohibit certain CR district uses and 2) limit the hours that the car wash may be open to the public from 8:00 a.m. to 8:00 p.m. daily. The list of prohibited uses is as follows:

- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter.
- Alternative financial establishment.
- Alcoholic beverage establishment.
- Liquor store.
- Pawn shop.
- Swap or buy shop.

The following uses are prohibited in the existing zoning district [R-7.5(A) Single Family District] and are allowed with an SUP in the proposed zoning district [CR Community Retail District]. These uses would require consideration by the City Plan Commission and City Council before they are allowed; therefore, staff supports the applicant's request to not restrict these uses.

- Medical or scientific laboratory.
- Hospital.
- Attached non-premise sign.
- Commercial amusement (outside).
- Convenience store with drive-through.
- General merchandise or food store 100,000 square feet or more.
- Paraphernalia shop.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

Because the site abuts a CR District and an established child-care facility on all but one side and because any development on the site will require landscape buffering and screening elements where adjacent to residential properties, staff supports the following two sections of the request. However, staff has also encouraged the applicant to extend the hours of operation to other permitted retail and personal service uses, but the applicant has declined to volunteer these restrictions at this time.

The following uses require an SUP in the existing zoning district [R-7.5(A) Single Family District] and are allowed without an SUP or an RAR<sup>1</sup> in the request.

- Adult day care facility.
- Child-care facility.
- College, university, or seminary.
- Convent or monastery.
- Country club with private membership.
- Private recreation center, club, or area.
- Electrical substation.
- Police or fire station.
- Post office.
- Monopole cellular towers when 65 feet or less tall

The applicant has not volunteered deed restrictions to prohibit the following uses that are prohibited in the existing R-7.5(A) Single Family District. The following uses noted require an RAR or a DIR<sup>2</sup> in the CR District.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Custom business services.
- Electronics service center.
- Tool or equipment rental.
- Library, art gallery, or museum.
- Public school other than an open-enrollment charter school. *[RAR required in CR; SUP required in R-5(A)]*
- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[DIR]*
- Commercial amusement (inside). *[SUP required for dance halls in CR, other types by right]*
- Commercial parking lot or garage. *[RAR]*
- 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.
- Home improvement center, lumber, brick or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Temporary retail use.
- Theater.
- Commercial radio and television transmitting station.
- Tower/antenna for cellular communication. *[RAR required for monopole towers when 65 feet or less tall]*

---

<sup>1</sup> An RAR is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.

<sup>2</sup> A DIR is a development impact review. This review is an administrative review that evaluates if the traffic patterns of the proposed development would adversely impact the surrounding roadways.

**Surrounding Land Uses:**

|              | <b>Zoning</b>         | <b>Land Use</b>     |
|--------------|-----------------------|---------------------|
| <b>Site</b>  | R-7.5(A)              | Undeveloped         |
| <b>North</b> | CR                    | Retail              |
| <b>East</b>  | R-7.5(A), SUP No. 663 | Child-Care Facility |
| <b>South</b> | R-7.5(A)              | Single Family       |
| <b>West</b>  | CR                    | Retail              |

**Development Standards:**

| <b><u>DISTRICT</u></b>                  | <b><u>SETBACKS</u></b> |                                                     | <b>Density</b>                       | <b>Height</b>    | <b>Lot Coverage</b>    | <b>Special Standards</b>                  | <b>PRIMARY Uses</b>                  |
|-----------------------------------------|------------------------|-----------------------------------------------------|--------------------------------------|------------------|------------------------|-------------------------------------------|--------------------------------------|
|                                         | <b>Front</b>           | <b>Side/Rear</b>                                    |                                      |                  |                        |                                           |                                      |
| R-7.5(A)<br>Single Family-<br>Existing  | 25'                    | Res: 5'<br>Other: 20'                               | 1 Dwelling<br>Unit/ 7,500<br>sq. ft. | 30'              | Res: 45%<br>Other: 25% |                                           | Single family                        |
| CR<br>Community<br>retail -<br>Proposed | 15'                    | 20' adjacent<br>to residential<br>OTHER:<br>No Min. | 0.75 FAR<br>overall<br>0.5 office    | 54'<br>4 stories | 60%                    | Proximity<br>Slope<br>Visual<br>Intrusion | Retail & personal<br>service, office |

**Landscaping:**

Landscaping, when triggered, will be in accordance with Article X, as amended.

**Prior CPC Action – March 1, 2018:**

**Motion:** It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of East Ledbetter Drive, east of South Lancaster Road.

Maker: Rieves  
Second: Housewright  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Schultz  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 13  
**Replies:** For: 1 Against: 0

**Speakers:** None

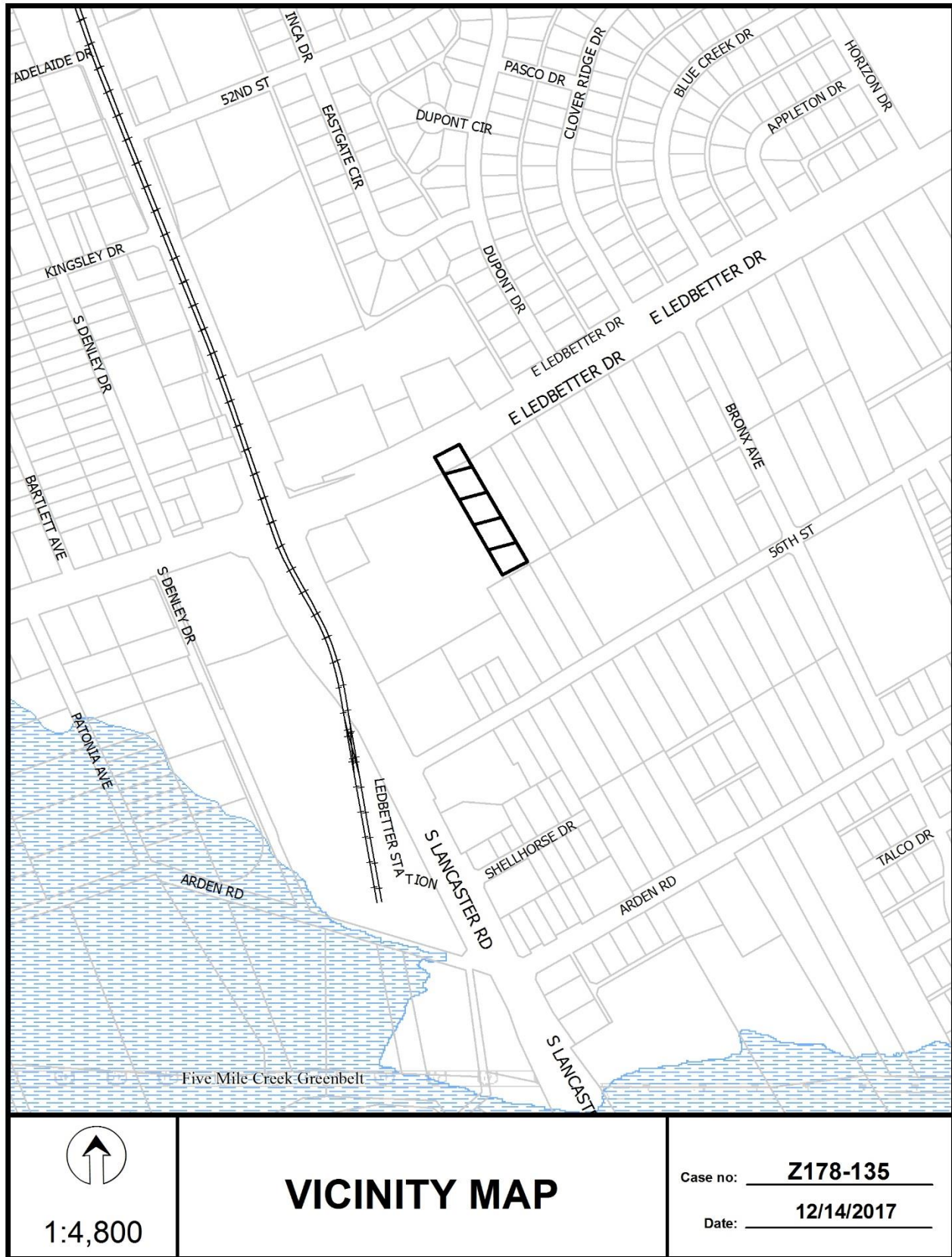


**CPC Recommended Volunteered Deed Restrictions**

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- (1) The following uses are prohibited on the Property:
  - Hotel or motel.
  - Lodging or boarding house.
  - Overnight general purpose shelter.
  - Alternative financial establishment.
  - Alcoholic beverage establishment.
  - Liquor store.
  - Pawn shop.
  - Swap or buy shop.
- (2) A car wash may only be open to the public between 8:00 a.m. and 8:00 p.m., Monday through Sunday.







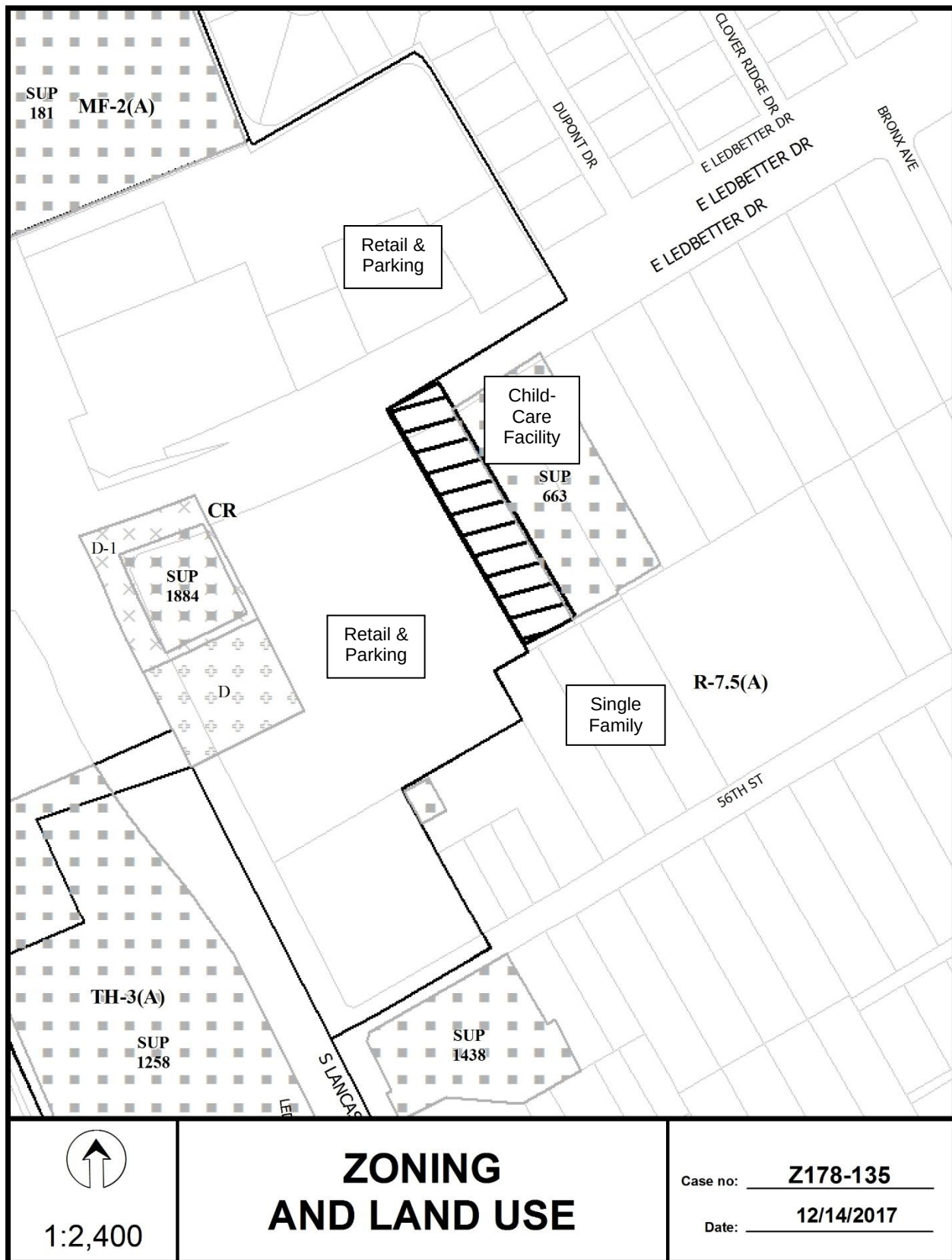
1:2,400

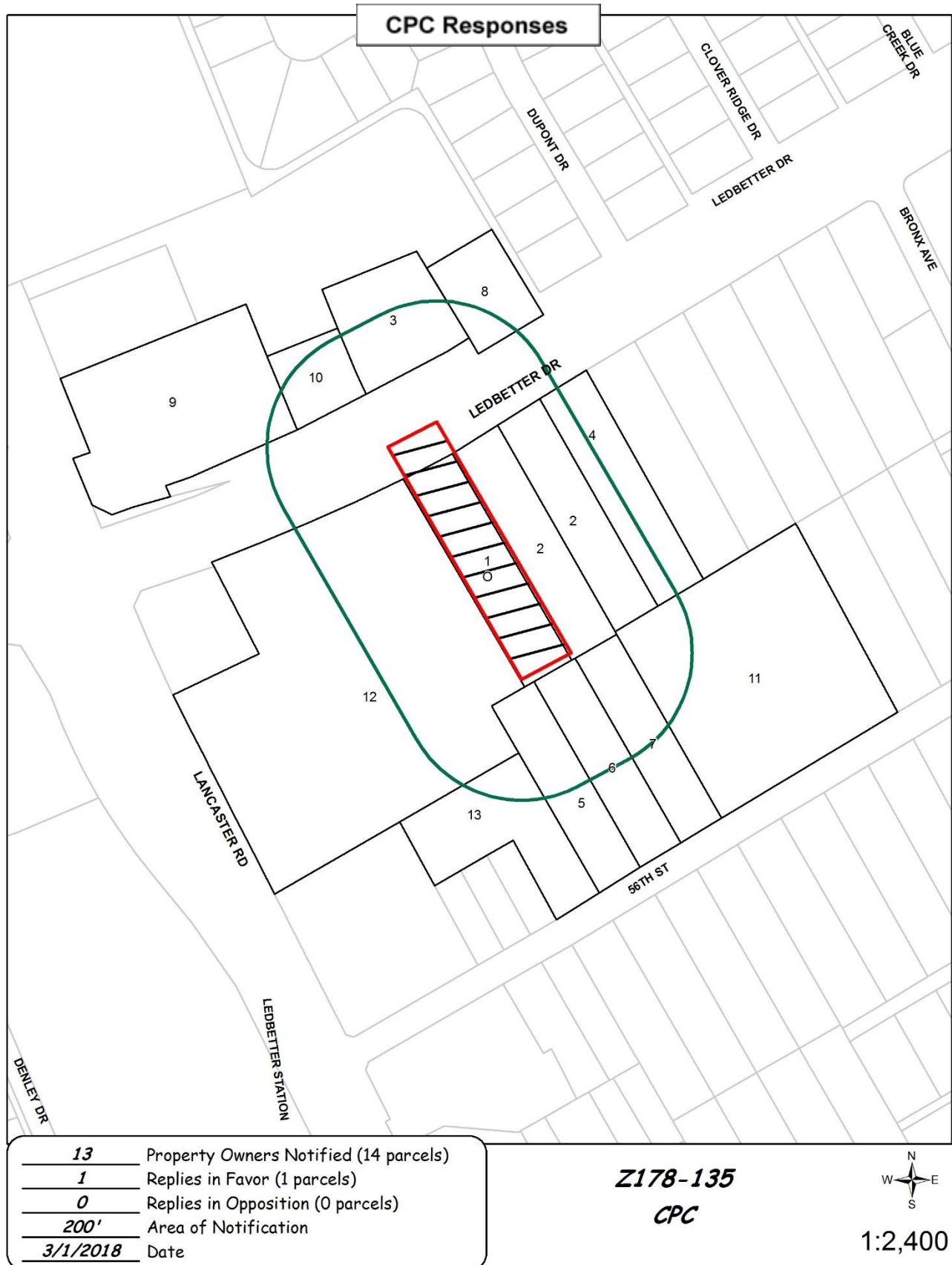
## AERIAL MAP

Case no: **Z178-135**

Date: **12/14/2017**







02/28/2018

***Reply List of Property Owners******Z178-135******13 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>       |
|---------------------|-----------------------|-----------------------|---------------------------|
| O                   | 1                     | 2148 E LEDBETTER DR   | PRESTIGE TEXAS PPTIES LLC |
|                     | 2                     | 2200 E LEDBETTER DR   | SHAHN PLACE INC           |
|                     | 3                     | 2201 E LEDBETTER DR   | FIREBRAND PROPERTIES LP   |
|                     | 4                     | 2206 E LEDBETTER DR   | NORMAN WILLIAM & RITA     |
|                     | 5                     | 2139 56TH             | SNEED GAIL ANN &          |
|                     | 6                     | 2149 56TH             | SNEED GAY &               |
|                     | 7                     | 2155 56TH             | DANIELS GERTRUDE          |
|                     | 8                     | 2207 E LEDBETTER DR   | CENTURY LEDBETTER LLC     |
|                     | 9                     | 5050 S LANCASTER RD   | AIN2013 TX DALLAS LLC     |
|                     | 10                    | 2131 E LEDBETTER DR   | UPCS DEVELOPMENT LLC      |
|                     | 11                    | 2217 56TH ST          | UNION HOPE INSTITUTIONAL  |
|                     | 12                    | 2130 E LEDBETTER DR   | MYDAL LLC                 |
|                     | 13                    | 2137 56TH ST          | METROPOLITAN AME CHURCH   |

**AGENDA ITEM # 66**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** All

**SUBJECT**

A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas Development Code, Article XIII, "Form Districts," to amend regulations pertaining to access to transit, self-service storage uses, administrative waivers, story height, stoops and front porches, structured parking, single family districts, street frontage, landscaping, and off-street loading and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA 178-002





**FILE NUMBER:** DCA 178-002

**DATE INITIATED:** September 25, 2017

**TOPIC:** Revisions to Article XIII

**CITY COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

---

**PROPOSAL:** Consideration of amending Chapter 51A of the Dallas Development Code, Article XIII, "Form Districts," to amend regulations pertaining to access to transit, self-service storage uses, administrative waivers, story height, stoops and front porches, structured parking, single family districts, street frontage, landscaping, and off-street loading.

**SUMMARY:** The proposal focuses on amendments to the Article XIII, Form Districts to ensure consistency between text and graphics, provide flexibility to address common issues, and provide clarification on certain requirements. This is the first of two planned revisions to Article XIII.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

## **BACKGROUND**

On February 25, 2009, the City Council approved the creation of Article XIII, "Form Districts" to establish standard zoning to encourage walkable, mixed use development consistent with the *forwardDallas!* vision.

On August 12, 2015, the City Council approved revisions to Article XIII, "Form Districts" for non-conforming structures, artificial lots, planting zones, blocks, and pedestrian passage.

On September 25, 2017, the City Council Mobility Solutions, Infrastructure and Sustainability Committee was briefed on the need for minor revisions to Article XIII to account for unique uses and development scenarios. The committee directed staff to develop proposed amendments.

The Zoning Ordinance Advisory Committee (ZOAC) was briefed on proposed revisions to Article XIII and considered this item at two public meetings: October 19, 2017 and November 9, 2017. On November 9, 2017 the committee recommended approval for the proposed revisions to Article XIII.

On January 18, 2018, the City Plan Commission considered the proposal and recommended approval.

On April 23, 2018, the City Council Mobility Solutions, Infrastructure and Sustainability Committee was briefed on the proposal and recommended forwarding to City Council for consideration.

## **GENERAL INFO/STAFF ANALYSIS**

This is the first of two planned revisions to Article XIII. This first round of revisions focuses on changes in the code to ensure consistency, provide flexibility to address common issues, and provide clarification on certain requirements. The second round of revisions will include the examination and larger discussion on uses, parking requirements, and parking setbacks in certain Development Types. The second round of revisions will include community meetings and larger discussions with the community and other interested parties.

Each item in the staff proposal was included in the first round of amendments to:

- a) Ensure consistency between text and pictures
  - Stoops and Front Porches
- b) Provide flexibility to address common issues
  - Front Setback Area - Administrative Waiver
  - Story Height
  - Relief from Required Street Frontage

- c) Provide clarification on requirements
  - Parking Reductions – Access to Transit
  - Structured Parking
  - Clarification of Single Family Districts
  - Planting Zone
  - Off-Street Loading
  - SUP for Self-Service Storage Use

## **PROPOSAL**

To amend Article XIII regulations to ensure consistency, provide flexibility to address common issues, and provide clarification on certain requirements.

### **1) Stoops and Front Porches**

To ensure consistency between the text and associated graphics and add the apartment development type to the building elements for stoops and front porches. The inclusion of the apartment development type for stoops and front porches allows additional design flexibility to be incorporated in new development.

#### **(e) Stoops.**

- (1) Stoops are permitted on townhouse stacked, townhouse, manor house, apartment, and single-family house development types.

#### **(f) Front Porches.**

- (1) Front porches are permitted on townhouse stacked, townhouse, manor house, apartment, and single-family house development types.
- (2) A front porch must be a minimum of six feet deep (not including the steps).
- (3) A front porch must be contiguous with a width not less than 50 percent of the building facade from which it projects. No minimum required on apartment development type.

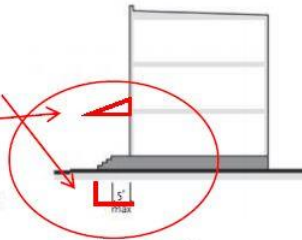
### Example of revision to ensure consistency between text and graphic:

Sec. 51A-13.305. Building Elements.

Division 51A-13.300. District Regulations.

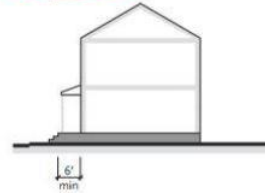
#### (e) Stoops.

- (1) Stoops are permitted on townhouse stacked, townhouse, manor house, and single-family house development types.
- (2) A stoop must be no more than five feet deep (including the steps) and six feet wide.
- (3) A stoop may be roofed, but not enclosed.
- (4) Partial walls and railings on a stoop may be no higher than 3 1/2 feet.
- (5) A stoop may encroach into the door yard. No stoop may encroach into the public right-of-way without a license for the use of that right-of-way.



#### (f) Front Porches.

- (1) Front porches are permitted on townhouse stacked, townhouse, manor house, and single-family house development types.
- (2) A front porch must be a minimum of six feet deep (not including the steps).
- (3) A front porch must be contiguous with a width not less than 50 percent of the building facade from which it projects.
- (4) A front porch may be roofed, but not enclosed.
- (5) Partial walls and railings on a porch may be no higher than 3 1/2 feet.
- (6) A front porch may encroach into the door yard. No front porch may encroach into the public right-of-way without a license for the use of that right-of-way.



## 2) Administrative Waiver – Front Setback Area

Provide flexibility to deviate from the front setback requirements if development cannot feasibly occur due to existing utilities or street easements. An administrative waiver may be granted by the director if there is an existing hardship as explained in the language below that does not conflict with the stated purpose of Article XIII and will be compatible with surrounding land uses.

### Administrative waiver

- (a) The director may grant a deviation from the front setback area regulations if:
  - (1) The front setback area cannot be met due to interference with service provided by a public utility or state regulated entity for the transmission of power, fuel, water, or communication services; or
  - (2) The front setback area cannot be met due to street easements
- (b) In determining whether to grant a deviation under Subsection (a), the director shall consider whether or not the result of the requested relief:
  - (1) is consistent with the purposes of Article XIII as stated in Sec. 51A-13.101
  - (2) will complement or be compatible with the surrounding uses and community facilities,
  - (3) will contribute to, enhance, or promote the welfare of the area of request and adjacent properties,
  - (4) will not be detrimental to the public health, safety, or general welfare, and
  - (5) will conform in all other respects to all applicable zoning regulations and standards.

### **3) Story Height**

This amendment is intended to provide flexibility to account for unique uses and emphasize form in terms of facade appearance and the pedestrian public realm. Rather than measure story height as an interior measurement (finished floor to finished floor), story height shall be measured as an exterior measurement (horizontal facade articulation break) to simulate individual stories on the exterior. This will allow flexibility for uses that do not follow standard floor spacing (multi-level fitness centers, theaters, etc.).

- Story Height
  - Ground s[§]tory height is measured from the ground story finished floor to the top of the ground story horizontal facade articulation break. ~~top of the finished floor to the top of the finished floor above or, if there is no floor above, to the midpoint of the vertical dimension of the roof.~~
  - Upper story height is measured from the top of the ground story horizontal facade articulation break to the top of each additional upper story horizontal facade articulation break ~~Minimum ground story height requirements apply to the first 30 feet of the building measured inward from the street-facing facade.~~
  - At least 80 percent of each ~~[upper]~~ story must meet the minimum and maximum ground and upper-story height provisions.

The definition of “Horizontal Facade Articulation” would mean the interval on a primary or side street facing facade that differentiates the ground story, upper story, and each additional upper story as applicable. Horizontal facade articulation includes but is not limited to; overhangs, shadow lines, change in material, color, pattern, texture, or any variation of treatments that simulate individual stories.

In each applicable “Development Type,” the following language would change to account for the revised measurement definition:

- Replace “Measured from floor to floor” to “Measured from floor to horizontal facade articulation” for Ground-Story Transparency section and replace “Measured from floor to floor” to “Measured from horizontal facade articulation to horizontal facade articulation” for Upper-Story Transparency section in each development type with applicable language.

### **4) Relief from Required Street Frontage**

Provide flexibility to deviate from the required street frontage regulations if development cannot feasibly occur due to a substantial hardship, does not conflict with the stated purpose of Article XIII, and will be compatible with surrounding land uses. Deviations from the required street frontage may be approved at a public hearing with public notice procedure.

(1) The city plan commission may approve a site plan at a public hearing that does not comply with the required street frontage regulations in this section if:

(A) strict compliance with these requirements are impractical due to site constraints or would result in substantial hardship;

(B) the variation or exception from the street frontage requirements will not adversely affect surrounding properties.

(C) the site plan furthers the stated purpose of Article XIII as described in SEC. 51A-13.101(b);

(2) A site plan that deviates from required street frontage must follow the public notice procedure with a public hearing in accordance with SEC. 51A-4.702(h)(2)(C).

#### **5) Parking Reductions – Access to Transit**

Provide clarification on the parking reduction requirements related to “access to transit.” This amendment is needed to allow Building Inspection to differentiate between “Rail Transit Station Access” and “Bus or Trolley Transit.” Existing and future transit on a fixed rail system (Ex. Dallas Streetcar) will be classified under the “Rail Transit Station Access” for the purposes of parking reductions in Article XIII.

- A stop on a fixed rail system is considered a rail transit station

#### **6) Structured Parking**

Provide clarification to structured parking transparency. Add language that structured parking transparency is not required to be filled with glass.

Current definition: TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story.

(a)(3) Parking Setbacks and Access

(D) Structured parking must contain active uses on the ground story along any -SH overlay or any primary street for the first 30 feet of the building measured inward from the street-facing facade. There is no active ground-story use requirement for structured parking along a service street.

(i) Structured parking transparency is not required to be filled with glass.

#### **7) Clarification of “Single Family Districts”**

Provide clarification that a “single family district” means a “residential district other than multifamily” for the purposes of the parking setback, side setback, and rear setback in each applicable development type. The current language does not account for D(A), TH(1-3)(A), CH, or RTN when referring to a “single family district” in Article XIII.

- For each applicable development type, language under Parking Setback, Side Setback, and Rear Setback to be amended as follows:  
Abutting ~~single-family district~~ residential districts other than multifamily (min ft)

- Development Types requiring language amendment under Parking Setback, Side Setback, and Rear Setback include:
  - Mixed Use Shopfront
  - Single-Story Shopfront
  - General Commercial
  - Apartment
  - Townhouse Stacked
  - Townhouse
  - Civic Building
- Development Types requiring language amendment under Side Setback and Rear Setback include:
  - Manor House
  - Single-family House
  - Open Space Lots

Example of revision when applicable in each development type:

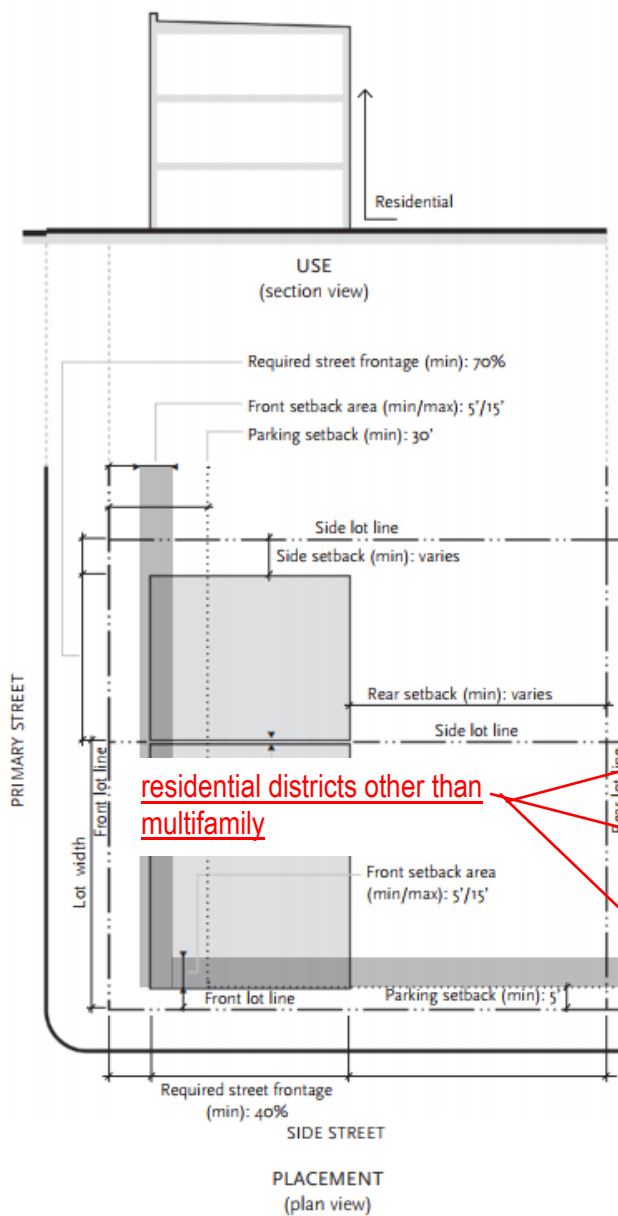
Sec. 51A-13.304. Development Types.

Apt

Division 51A-13.300. District Regulations.

apartment

#### (4) Use and Placement.



residential districts other than multifamily

#### BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

#### BUILDING PLACEMENT

##### LOT

|                    |      |
|--------------------|------|
| Area (min sf)      | none |
| Area (max sf)      | none |
| Width (min ft)     | none |
| Width (max ft)     | none |
| Lot coverage (max) | 80%  |

##### FRONT SETBACK AREA

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

##### REQUIRED STREET FRONTAGE

|                      |      |
|----------------------|------|
| Primary street (min) | 70%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

##### PARKING SETBACK

|                                                                   |    |
|-------------------------------------------------------------------|----|
| From primary street (min ft)                                      | 30 |
| From side street (min ft)                                         | 5  |
| From service street (min ft)                                      | 5  |
| Abutting <del>single family district</del> (min ft)               | 10 |
| Abutting multifamily or nonresidential district or alley (min ft) | 5  |

##### SIDE SETBACK

|                                                          |        |
|----------------------------------------------------------|--------|
| Abutting <del>single family district</del> (min ft)      | 15     |
| Abutting multifamily or nonresidential district (min ft) | 0 or 5 |
| Abutting alley (min ft)                                  | 5      |

##### REAR SETBACK

|                                                          |    |
|----------------------------------------------------------|----|
| Abutting <del>single family district</del> (min ft)      | 15 |
| Abutting multifamily or nonresidential district (min ft) | 5  |
| Abutting alley (min ft)                                  | 5  |
| Abutting service street (min ft)                         | 10 |



## Example of revision when applicable in each development type:

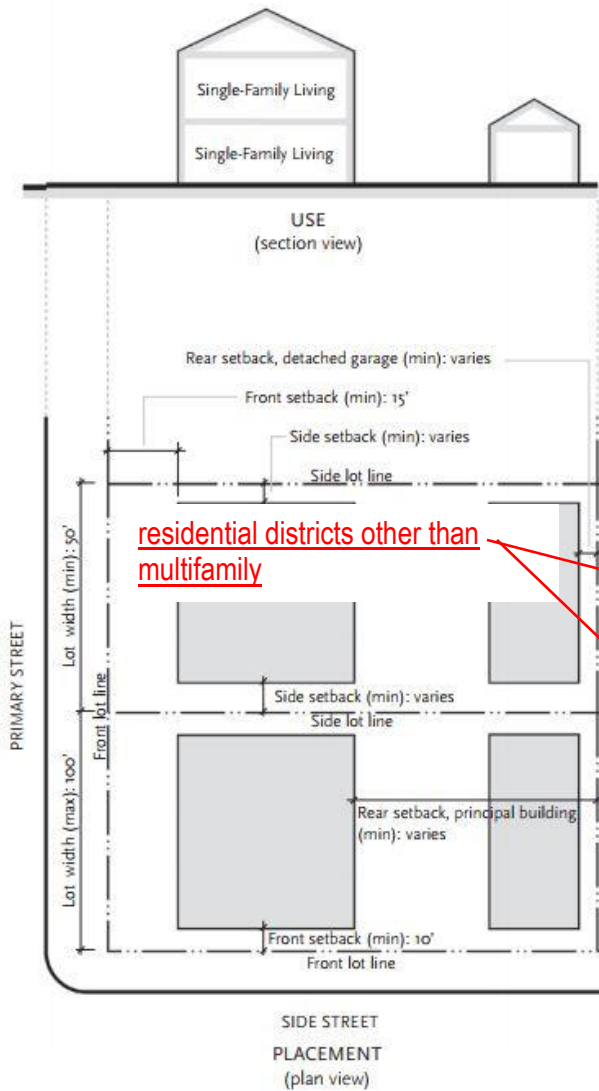
Sec. 51A-13.304. Development Types.

Mh

Division 51A-13.300. District Regulations.

manor house

## (4) Use and Placement.

**BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

**BUILDING PLACEMENT****LOT**

|                    |        |
|--------------------|--------|
| Area (min sf)      |        |
| 2 units (duplex)   | 7,000  |
| 3 to 5 units       | 10,000 |
| Area (max sf)      | 20,000 |
| Width (min ft)     | 50     |
| Width (max ft)     | 100    |
| Lot coverage (max) | 60%    |

**FRONT SETBACK**

|                         |    |
|-------------------------|----|
| Primary street (min ft) | 15 |
| Side street (min ft)    | 10 |

**SIDE SETBACK**

|                                                          |    |
|----------------------------------------------------------|----|
| Abutting <del>single-family district</del> (min ft)      | 10 |
| Abutting multifamily or nonresidential district (min ft) | 5  |
| Abutting alley (min ft)                                  | 5  |

**REAR SETBACK (principal building)**

|                                                          |    |
|----------------------------------------------------------|----|
| Abutting <del>single-family district</del> (min ft)      | 15 |
| Abutting multifamily or nonresidential district (min ft) | 15 |

**REAR SETBACK (detached garage)**

|                                   |          |
|-----------------------------------|----------|
| Abutting common lot line (min ft) | 3        |
| Abutting alley (min ft)           | 3 or 20+ |

Additionally, the clarification that a “single family district” means a “residential district other than multifamily” is needed in the section below:

(4) Restaurant and Bar Uses.

No parking reduction for access to transit is allowed for restaurant or bar uses located within a 600-foot radius of the property in a ~~single family district~~ residential district other than multifamily. For purposes of this subparagraph, distance is measured from the primary entrance of the bar or restaurant use to the nearest point of the property in a ~~single family district~~ residential district other than multifamily.

**8) Planting Zone**

Provide clarification for the planting location of small trees used to meet street tree requirements when allowed to be planted in the door yard setback due to utility conflicts.

SEC. 51A-13.501 GENERAL PROVISIONS

(a) Planting Zone.

(3) Where utilities exist or are proposed, two small trees may replace a required large canopy tree except where a mixed-use shopfront or single-story shopfront is proposed or required. If the replacement small trees conflict with utilities and cannot be planted within the planting zone, the replacement small trees must be planted within the door yard, but no closer than ~~10~~ five feet from the building facade. Replacement small trees must be planted as evenly spaced as possible considering utility conflicts.

**9) Off-Street Loading**

Provide clarification that off-street loading must be located behind the parking setback. Current regulations do not require off-street loading be provided for any use and do not designate where it can be located, if provided.

SEC. 51A-13.411 Off-Street Loading

(b) Location and Design Standards. If off-street loading is provided, it must meet the following standards.

(A) Ingress to and egress from off-street loading spaces must have at least the same vertical height clearance as the off-street loading space.

(B) Each off-street loading space must be designed with a reasonable means of vehicular access from the street or alley in a manner which will least interfere with traffic movement.

(C) Each off-street loading space must be independently accessible so that no loading space blocks another loading space.

(D) Trash removal facilities and other structures must not block a loading space. The design of the ingress, egress, and maneuvering area must be approved by the director.

(E) Off-street loading must be located behind parking setback

**10) SUP for Self-service storage use**

- ZOAC and CPC recommended addressing “self-service storage uses” in this round of amendments. Self-service storage use is permitted by SUP only in the upper stories of the Mixed Use Shopfront development type and in all stories of the General Commercial development type.

**CPC ACTION:**

January 18, 2018

**Motion:** It was moved to recommend **approval** of amending Chapter 51A of the Dallas Development Code, Article XIII, "Form Districts," to amend regulations pertaining to access to transit, self-service storage uses, administrative waivers, story height with a modification to change "horizontal facade articulation to "vertical facade articulation", stoops and front porches, structured parking, single family districts, street frontage, landscaping, and off-street loading.

Maker: Shidid  
Second: Murphy  
Result: Carried: 10 to 0

For: 10 - Rieves, Shidid, Carpenter, Lavallaisaa,  
Jung, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 5 - West, Houston, Davis, Mack, Housewright  
Vacancy: 0

**Speakers:** None

5-10-18

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51A-13.201, 51A-13.302, 51A-13.304, 51A-13.305, 51A-13.306, 51A-13.403, 51A-13.411, and 51A-13.501; providing new and amended definitions; providing an amendment to story height regulations; providing an administrative waiver for front setback area; providing relief from required street frontage regulations; amending the parking, side, and rear setbacks to be from residential districts in certain development types; amending how story transparency is measured; allowing stoops and front porches for apartments; correcting the graphic detailing stoops; replacing the use chart; clarifying the term “rail transit station”; amending parking reductions for restaurant and bar uses for distance within a residential district; providing that off-street loading must be located behind the parking setback; decreasing planting zones for small replacement trees; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 51A-13.201, “Defined Terms,” of Division 51A-13.200, “Definitions,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code:

Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (15.1) to read as follows:

“(15.1) HORIZONTAL FACADE ARTICULATION means the interval on a primary or side street facing facade that differentiates the ground story, upper story, and each additional upper story as applicable. Horizontal facade articulation includes, but is not limited to, overhangs, shadow lines, change in material, color, pattern, texture, or any variation of treatments that simulate individual stories.”

SECTION 2. That Paragraph (34) of Section 51A-13.201, “Defined Terms,” of Division 51A-13.200, “Definitions,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(34) TRANSPARENCY means the total area of window and door opening filled with glass, expressed as a percentage of the total facade area by story, except that structured parking transparency is not required to be filled with glass.”

SECTION 3. That Subsection (d), “Story Height,” of Section 51A-13.302, “Height,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

**“(d) Story Height.**

(1) Ground s[Story] height is measured from the ground story finished floor to the top of the ground story horizontal facade articulation break ~~[top of the finished floor to the top of the finished floor above or, if there is no floor above, to the midpoint of the vertical dimension of the roof].~~

(2) Upper story height is measured from the top of the ground story horizontal facade articulation break to the top of each additional upper story horizontal facade articulation break. ~~[Minimum ground story height requirements apply to the first 30 feet of the building measured inward from the street-facing facade.]~~

(3) At least 80 percent of each ~~[upper]~~ story must meet the minimum and maximum ground- and upper-story height provisions.”

SECTION 4. That of Subsection (a), “General,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (5), “Administrative Waiver – Front Setback Area,” to read as follows:

**“(5) Administrative Waiver – Front Setback Area.**

(A) The director may grant a deviation from the front setback area regulations if:

(i) the front setback area cannot be met due to interference with service provided by a public utility or state regulated entity for the transmission of power, fuel, water, or communication services; or

(ii) the front setback area cannot be met due to street easements.

(B) In determining whether to grant a deviation under Subparagraph (A), the director shall consider whether or not the result of the requested relief:

(i) is consistent with the purposes of Article XIII as stated in Section 51A-13.101;

(ii) will complement or be compatible with the surrounding uses and community facilities;

(iii) will contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(iv) will not be detrimental to the public health, safety, or general welfare; and

(v) will conform in all other respects to all applicable zoning regulations and standards.”

SECTION 5. That of Subsection (a), “General,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City

Code is amended by adding a new Paragraph (6), “Relief from Required Street Frontage,” to read as follows:

**“(6) Relief from Required Street Frontage.**

(A) The city plan commission may approve a site plan at a public hearing that does not comply with the required street frontage regulations in this section if:

(i) strict compliance with street frontage requirements are impractical due to site constraints or would result in substantial hardship;

(ii) the variation or exception from the street frontage requirements will not adversely affect surrounding properties; and

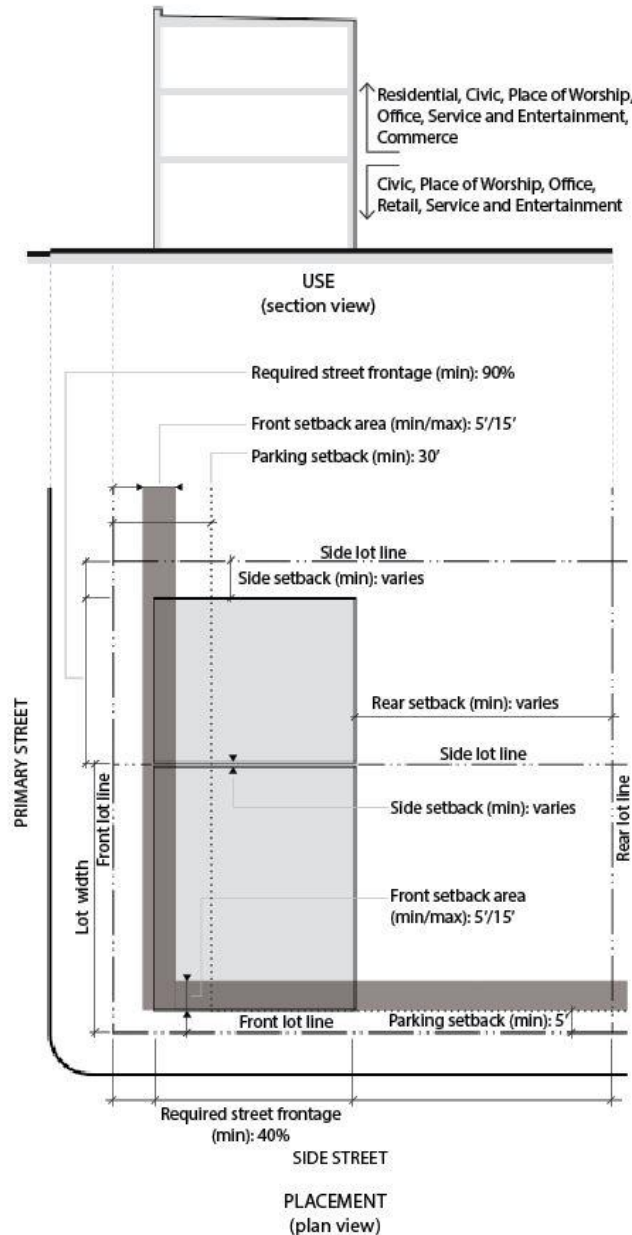
(iii) the site plan furthers the stated purpose of Article XIII as described in Section 51A-13.101(b).

(B) A site plan that deviates from required street frontage must follow the public notice procedure with a public hearing in accordance with Section 51A-4.702(h)(2)(C).”

SECTION 6. That Paragraph (4), “Use and Placement,” of Subsection (b), “Mixed Use Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:



**(4) Use and Placement.**

**BUILDING USE**

A summary of permitted uses by story is shown on the left. For a complete list of permitted uses see Section 51A-13.306, "Uses." No nonresidential use is permitted above a residential use.

## BUILDING PLACEMENT

LOT

|                    |      |
|--------------------|------|
| Area (min sf)      | none |
| Area (max sf)      | none |
| Width (min ft)     | none |
| Width (max ft)     | none |
| Lot coverage (max) | 100% |

FRONT SETBACK AREA

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

### REQUIRED STREET FRONTAGE

|                      |      |
|----------------------|------|
| Primary street (min) | 90%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

### PARKING SETBACK

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                             | 30 |
| From side street (min ft)                                                                | 5  |
| From service street (min ft)                                                             | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                        | 5  |

**SIDE SETBACK**

|                                                                                          |        |
|------------------------------------------------------------------------------------------|--------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15     |
| Abutting multifamily or nonresidential district (min ft)                                 | 0 or 5 |
| Abutting alley (min ft)                                                                  | 5      |

## REAR SETBACK

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15 |
| Abutting multifamily or nonresidential district (min ft)                                 | 5  |
| Abutting alley (min ft)                                                                  | 5  |
| Abutting service street (min ft)                                                         | 10 |

SECTION 7. That Paragraph (5), “Height and Elements,” of Subsection (b), “Mixed Use Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District

Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

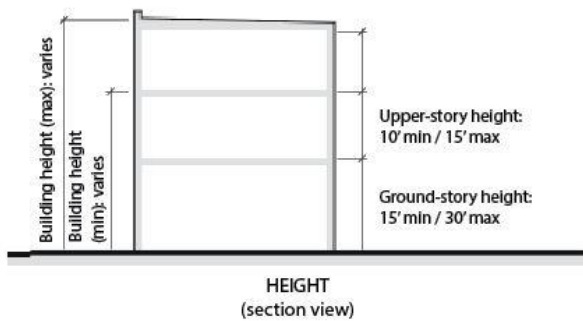
Division 51A-13.300 District Regulations.

Mu

Sec. 51A-13.303 Development Types.

mixed use shopfront

### (5) Height and Elements.



#### BUILDING HEIGHT

##### HEIGHT

Building height (max stories/ft) See Sec. 51A-13.302, "Height."

Building height (min stories)

|                    |   |
|--------------------|---|
| WMU-3, -5, -8, -12 | 2 |
| WMU-20             | 4 |
| WMU-40             | 5 |

##### STORY HEIGHT

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 15/30 |
| Upper story (min/max ft)  | 10/15 |

#### BUILDING FACADE

##### GROUND-STORY TRANSPARENCY

|                             |      |
|-----------------------------|------|
| Primary street facade (min) | 50%  |
| Side street facade (min)    | 25%  |
| Service street facade (min) | none |

*Measured between 0 and 10 ft above adjacent sidewalk.*

##### UPPER-STORY TRANSPARENCY

|                             |      |
|-----------------------------|------|
| Primary street facade (min) | 20%  |
| Side street facade (min)    | 20%  |
| Service street facade (min) | none |

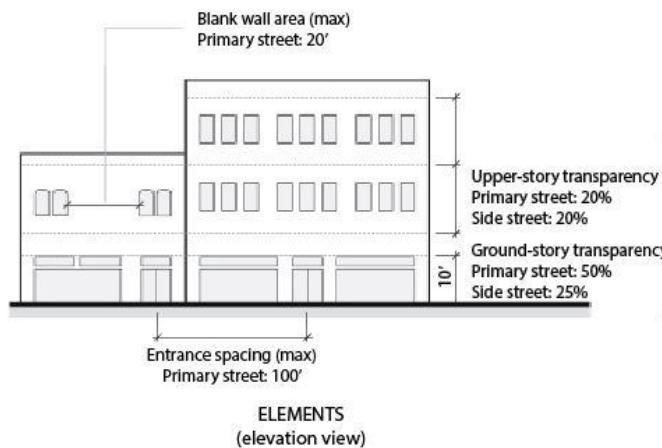
*Measured from horizontal facade articulation (floor) to horizontal facade articulation (floor).*

##### ENTRANCE

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | 100      |
| Side street                      | allowed  |
| Service street                   | allowed  |

##### BLANK WALL AREA

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 20   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |



SECTION 8. That Paragraph (4), “Use and Placement,” of Subsection (c), “Single-Story Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District

Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

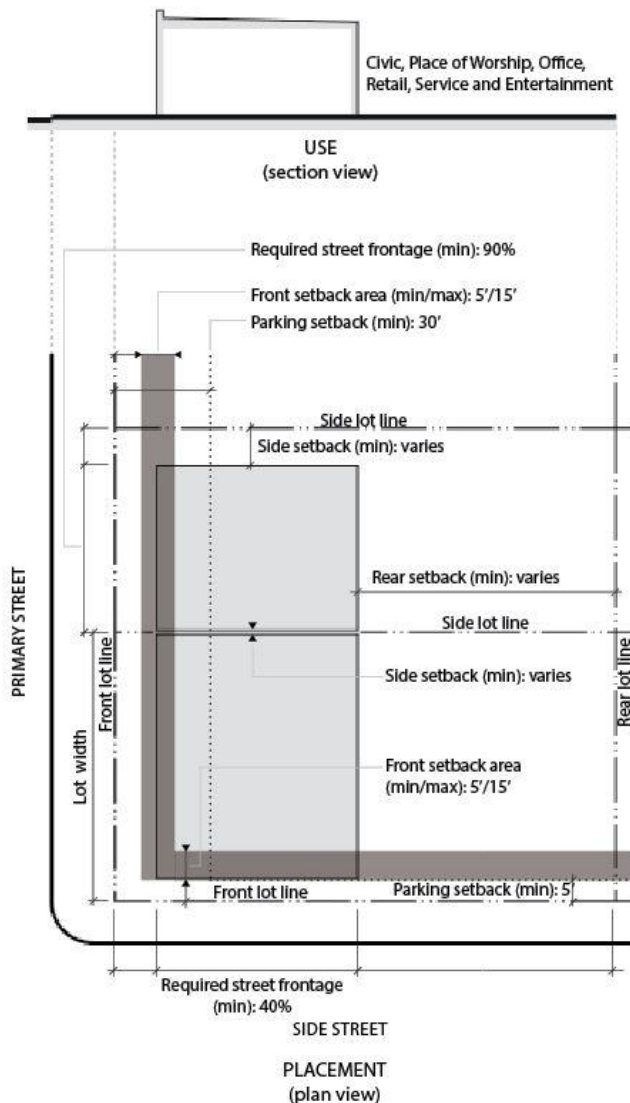
Sec. 51A-13.303 Development Types.

Ss

Division 51A-13.300 District Regulations.

single story shopfront

#### (4) Use and Placement.



#### BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

#### BUILDING PLACEMENT

##### LOT

|                    |      |
|--------------------|------|
| Area (min sf)      | none |
| Area (max sf)      | none |
| Width (min ft)     | none |
| Width (max ft)     | none |
| Lot coverage (max) | 80%  |

##### FRONT SETBACK AREA

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

##### REQUIRED STREET FRONTAGE

|                      |      |
|----------------------|------|
| Primary street (min) | 90%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

##### PARKING SETBACK

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                             | 30 |
| From side street (min ft)                                                                | 5  |
| From service street (min ft)                                                             | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                        | 5  |

##### SIDE SETBACK

|                                                                                          |        |
|------------------------------------------------------------------------------------------|--------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15     |
| Abutting multifamily or nonresidential district (min ft)                                 | 0 or 5 |
| Abutting alley (min ft)                                                                  | 5      |

##### REAR SETBACK

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15 |
| Abutting multifamily or nonresidential district (min ft)                                 | 5  |
| Abutting alley (min ft)                                                                  | 5  |
| Abutting service street (min ft)                                                         | 10 |

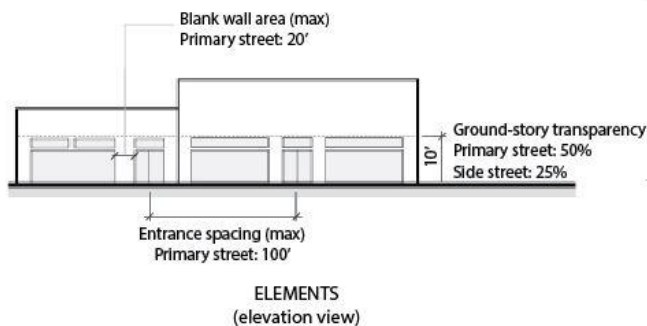
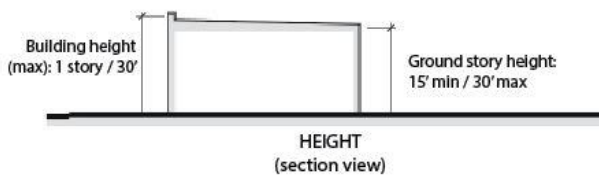
SECTION 9. That Paragraph (5), “Height and Elements,” of Subsection (c), “Single Story Shopfront,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Division 51A-13.300 District Regulations.

Sec. 51A-13.303 Development Types.

Ss

single story shopfront

**(5) Height and Elements.****BUILDING HEIGHT****HEIGHT**

|                                  |        |
|----------------------------------|--------|
| Building height (max stories/ft) | 1 / 30 |
| Building height (min stories)    | 1      |

**STORY HEIGHT**

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 15/30 |
| Upper story (min/max ft)  | none  |

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

|                             |      |
|-----------------------------|------|
| Primary street facade (min) | 50%  |
| Side street facade (min)    | 25%  |
| Service street facade (min) | none |

*Measured between 0 and 10 ft above adjacent sidewalk.*

**UPPER-STORY TRANSPARENCY**

|                             |      |
|-----------------------------|------|
| Primary street facade (min) | none |
| Side street facade (min)    | none |
| Service street facade (min) | none |

*Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].*

**BUILDING ENTRANCE**

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | 100      |
| Side street                      | allowed  |
| Service street                   | allowed  |

**BLANK WALL AREA**

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 20   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |

SECTION 10. That Paragraph (4), “Use and Placement,” of Subsection (d), “General Commercial,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District

Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

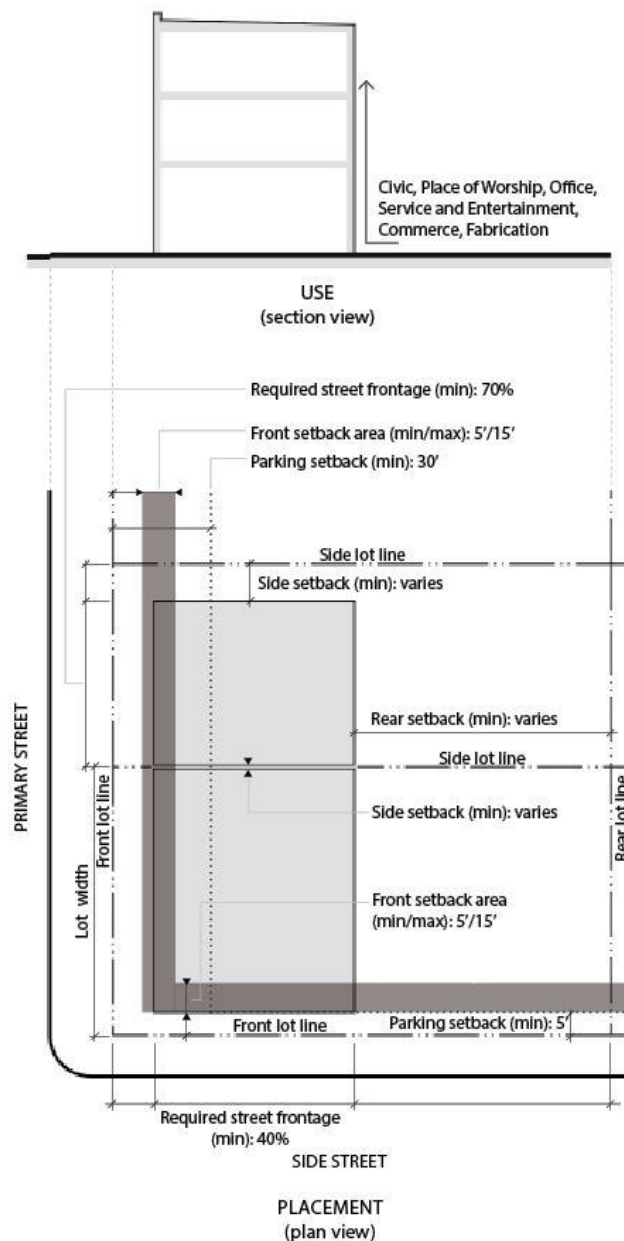
Sec. 51A-13.303 Development Types.

Gc

Division 51A-13.300 District Regulations.

general commercial

#### (4) Use and Placement.



#### BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

#### BUILDING PLACEMENT

##### LOT

|                    |      |
|--------------------|------|
| Area (min sf)      | none |
| Area (max sf)      | none |
| Width (min ft)     | none |
| Width (max ft)     | none |
| Lot coverage (max) | 80%  |

##### FRONT SETBACK AREA

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

##### REQUIRED STREET FRONTAGE

|                      |      |
|----------------------|------|
| Primary street (min) | 70%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

##### PARKING SETBACK

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                             | 30 |
| From side street (min ft)                                                                | 5  |
| From service street (min ft)                                                             | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                        | 5  |

##### SIDE SETBACK

|                                                                                          |        |
|------------------------------------------------------------------------------------------|--------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15     |
| Abutting multifamily or nonresidential district (min ft)                                 | 0 or 5 |
| Abutting alley (min ft)                                                                  | 5      |

##### REAR SETBACK

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15 |
| Abutting multifamily or nonresidential district (min ft)                                 | 5  |
| Abutting alley (min ft)                                                                  | 5  |
| Abutting service street (min ft)                                                         | 10 |



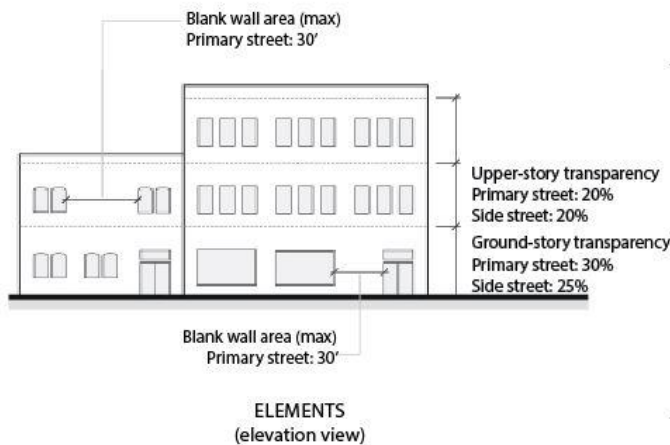
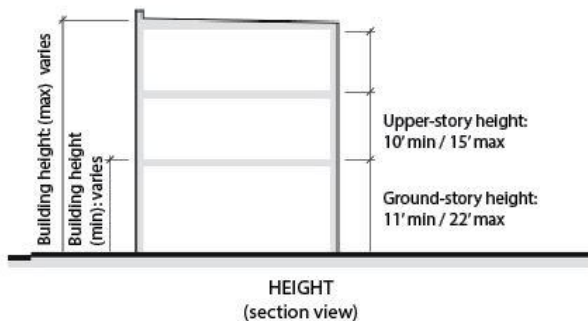
SECTION 11. That Paragraph (5), “Height and Elements,” of Subsection (d), “General Commercial,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Division 51A-13.300 District Regulations.

Gc

Sec. 51A-13.303 Development Types.

general commercial

**(5) Height and Elements.****BUILDING HEIGHT****HEIGHT**

|                                  |                                |
|----------------------------------|--------------------------------|
| Building height (max stories/ft) | See Sec. 51A-13.302, "Height." |
| Building height (min stories)    |                                |
| WMU-3, -5                        | 1                              |
| WMU-8, -12                       | 2                              |
| WMU-20                           | 4                              |
| WMU-40                           | 5                              |

**STORY HEIGHT**

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 11/22 |
| Upper story (min/max ft)  | 10/15 |

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| Primary street facade (min)                                           | 30%  |
| Side street facade (min)                                              | 25%  |
| Service street facade (min)                                           | none |
| <i>Measured from floor to horizontal facade articulation [floor].</i> |      |

**UPPER-STORY TRANSPARENCY**

|                                                                                                        |      |
|--------------------------------------------------------------------------------------------------------|------|
| Primary street facade (min)                                                                            | 20%  |
| Side street facade (min)                                                                               | 20%  |
| Service street facade (min)                                                                            | none |
| <i>Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].</i> |      |

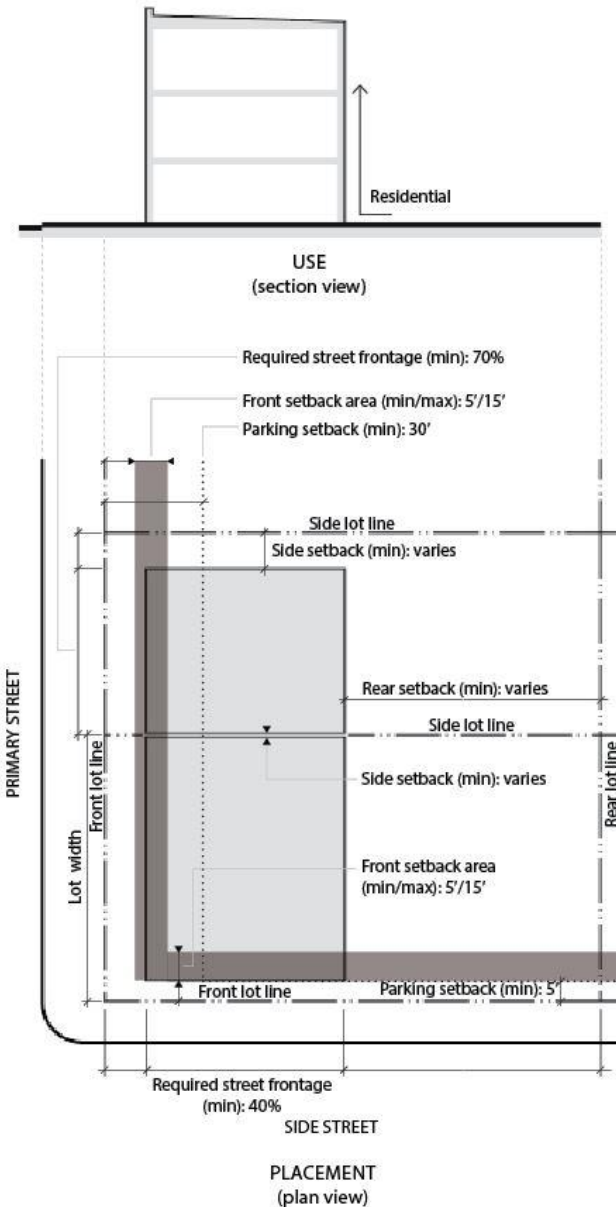
**BUILDING ENTRANCE**

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | none     |
| Side street                      | allowed  |
| Service street                   | allowed  |

**BLANK WALL AREA**

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 30   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |

SECTION 12. That Paragraph (4), “Use and Placement,” of Subsection (e), “Apartment,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

**(4) Use and Placement.****BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

**BUILDING PLACEMENT****LOT**

|                    |      |
|--------------------|------|
| Area (min sf)      | none |
| Area (max sf)      | none |
| Width (min ft)     | none |
| Width (max ft)     | none |
| Lot coverage (max) | 80%  |

**FRONT SETBACK AREA**

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

**REQUIRED STREET FRONTAGE**

|                      |      |
|----------------------|------|
| Primary street (min) | 70%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

**PARKING SETBACK**

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                             | 30 |
| From side street (min ft)                                                                | 5  |
| From service street (min ft)                                                             | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                        | 5  |

**SIDE SETBACK**

|                                                                                          |        |
|------------------------------------------------------------------------------------------|--------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15     |
| Abutting multifamily or nonresidential district (min ft)                                 | 0 or 5 |
| Abutting alley (min ft)                                                                  | 5      |

**REAR SETBACK**

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 15 |
| Abutting multifamily or nonresidential district (min ft)                                 | 5  |
| Abutting alley (min ft)                                                                  | 5  |
| Abutting service street (min ft)                                                         | 10 |

SECTION 13. That Paragraph (5), "Height and Elements," of Subsection (e), "Apartment," of Section 51A-13.304, "Development Types," of Division 51A-13.300, "District



Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

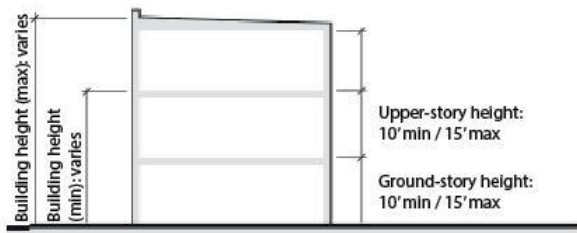
Division 51A-13.300 District Regulations.

Sec. 51A-13.303 Development Types.

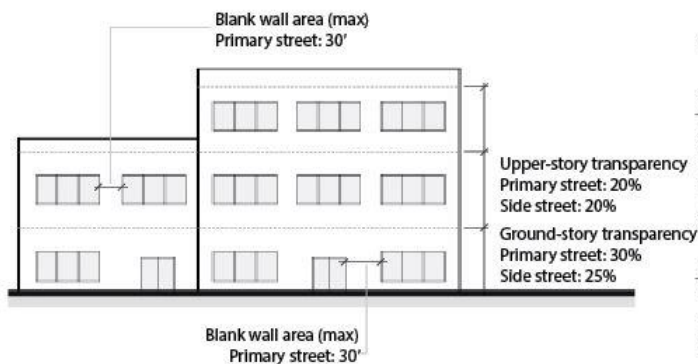
Apt

apartment

## (5) Height and Elements.



HEIGHT  
(section view)



ELEMENTS  
(elevation view)

### BUILDING HEIGHT

#### HEIGHT

|                                      |                                   |
|--------------------------------------|-----------------------------------|
| Building height (max stories/ft)     | See Section 51A-13.302, "Height." |
| Building height (min stories)        |                                   |
| WMU-3, -5, -8, -12 WR-3, -5, -8, -12 | 2                                 |
| WMU-20 WR-20                         | 4                                 |
| WMU-40 WR-40                         | 5                                 |

#### STORY HEIGHT

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 10/15 |
| Upper story (min/max ft)  | 10/15 |

### BUILDING FACADE

#### GROUND-STORY TRANSPARENCY

|                             |      |
|-----------------------------|------|
| Primary street facade (min) | 30%  |
| Side street facade (min)    | 25%  |
| Service street facade (min) | none |

*Measured from floor to horizontal facade articulation [floor].*

#### UPPER-STORY TRANSPARENCY

|                             |      |
|-----------------------------|------|
| Primary street facade (min) | 20%  |
| Side street facade (min)    | 20%  |
| Service street facade (min) | none |

*Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].*

#### BUILDING ENTRANCE

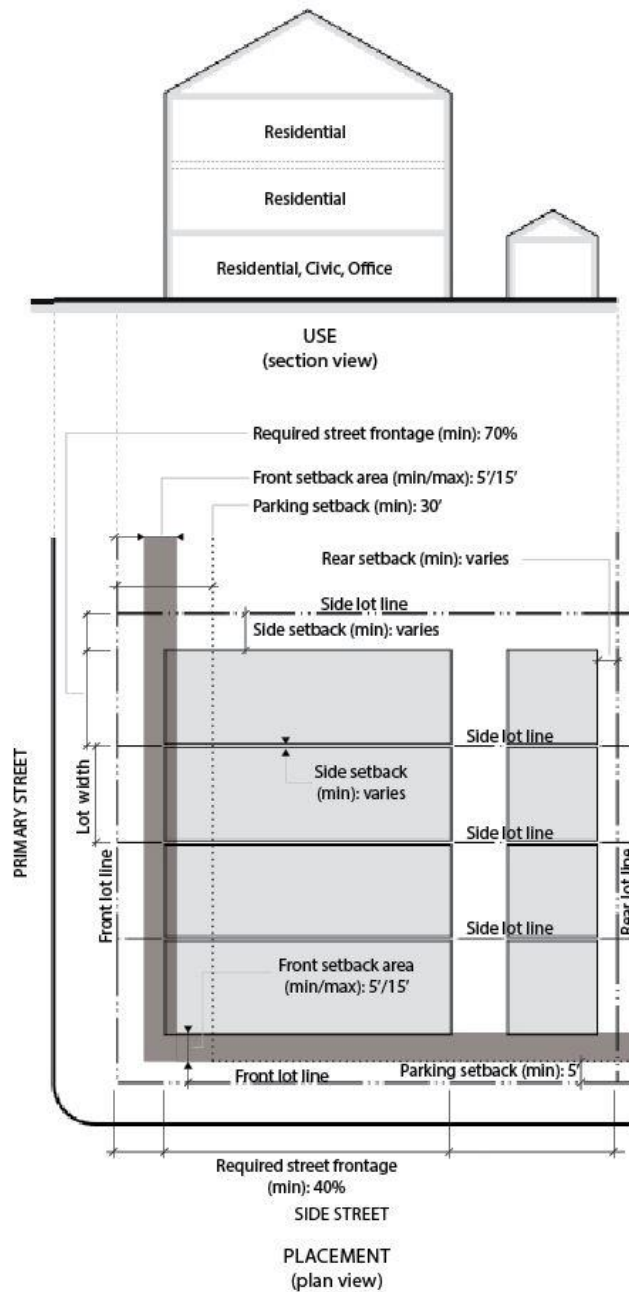
|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | none     |
| Side street                      | allowed  |
| Service street                   | allowed  |

#### BLANK WALL AREA

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 30   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |

SECTION 14. That Paragraph (4), “Use and Placement,” of Subsection (f), “Townhouse Stacked,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

townhouse stacked

**(4) Use and Placement.****BUILDING USE**

A summary of permitted uses by story is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

**BUILDING PLACEMENT****LOT**

|                    |       |
|--------------------|-------|
| Area (min sf)      | 1,200 |
| Area (max sf)      | none  |
| Width (min ft)     | 16    |
| Width (max ft)     | none  |
| Lot coverage (max) | 80%   |

**FRONT SETBACK AREA**

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

**REQUIRED STREET FRONTAGE**

|                      |      |
|----------------------|------|
| Primary street (min) | 70%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

**PARKING SETBACK**

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                             | 30 |
| From side street (min ft)                                                                | 5  |
| From service street (min ft)                                                             | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                        | 5  |

**SIDE SETBACK**

|                                                                                          |        |
|------------------------------------------------------------------------------------------|--------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10     |
| Abutting multifamily or nonresidential district (min ft)                                 | 0 or 5 |
| Abutting alley (min ft)                                                                  | 5      |

**REAR SETBACK**

|                                                                                          |                 |
|------------------------------------------------------------------------------------------|-----------------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 24              |
| Abutting multifamily or nonresidential district (min ft)                                 | 24              |
| Abutting alley (ft)                                                                      | 3 or 20 or more |
| Abutting service street (ft)                                                             | 3 or 20 or more |

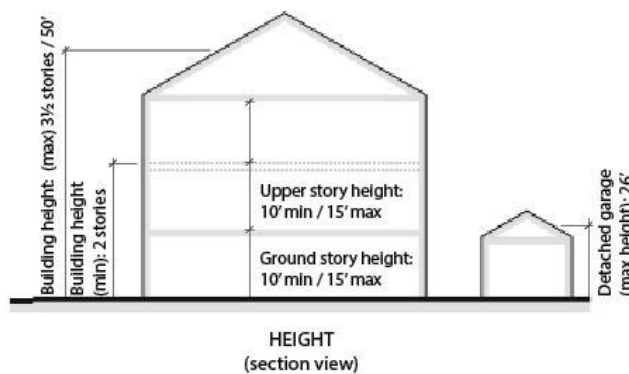
SECTION 15. That Paragraph (5), “Height and Elements,” of Subsection (f), “Townhouse Stacked,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Division 51A-13.300 District Regulations.

Ts

Sec. 51A-13.303 Development Types.

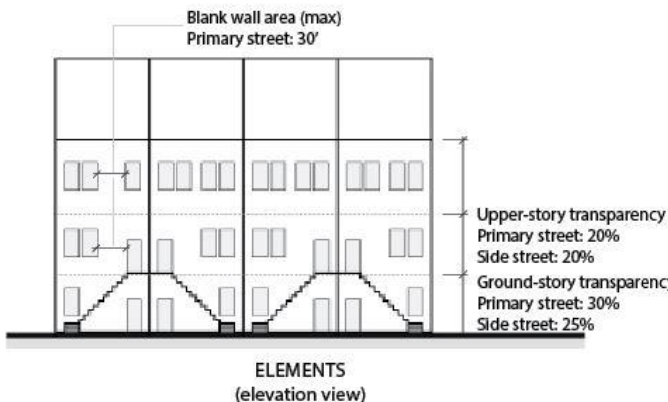
townhouse stacked

**(5) Height and Elements.****BUILDING HEIGHT****HEIGHT**

|                                      |            |
|--------------------------------------|------------|
| Building height (max stories/ft)     |            |
| WMU-3, -5, -8, -12 WR-3, -5, -8, -12 | 3 1/2 / 50 |
| Building height (min stories)        |            |
| WMU-3, -5, -8, -12 WR-3, -5, -8, -12 | 2          |
| Detached garage (max ft)             | 26         |

**STORY HEIGHT**

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 10/15 |
| Upper story (min/max ft)  | 10/15 |

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| Primary street facade (min)                                           | 30%  |
| Side street facade (min)                                              | 25%  |
| Service street facade (min)                                           | none |
| <i>Measured from floor to horizontal facade articulation [floor].</i> |      |

**UPPER-STORY TRANSPARENCY**

|                                                                                                        |      |
|--------------------------------------------------------------------------------------------------------|------|
| Primary street facade (min)                                                                            | 20%  |
| Side street facade (min)                                                                               | 20%  |
| Service street facade (min)                                                                            | none |
| <i>Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].</i> |      |

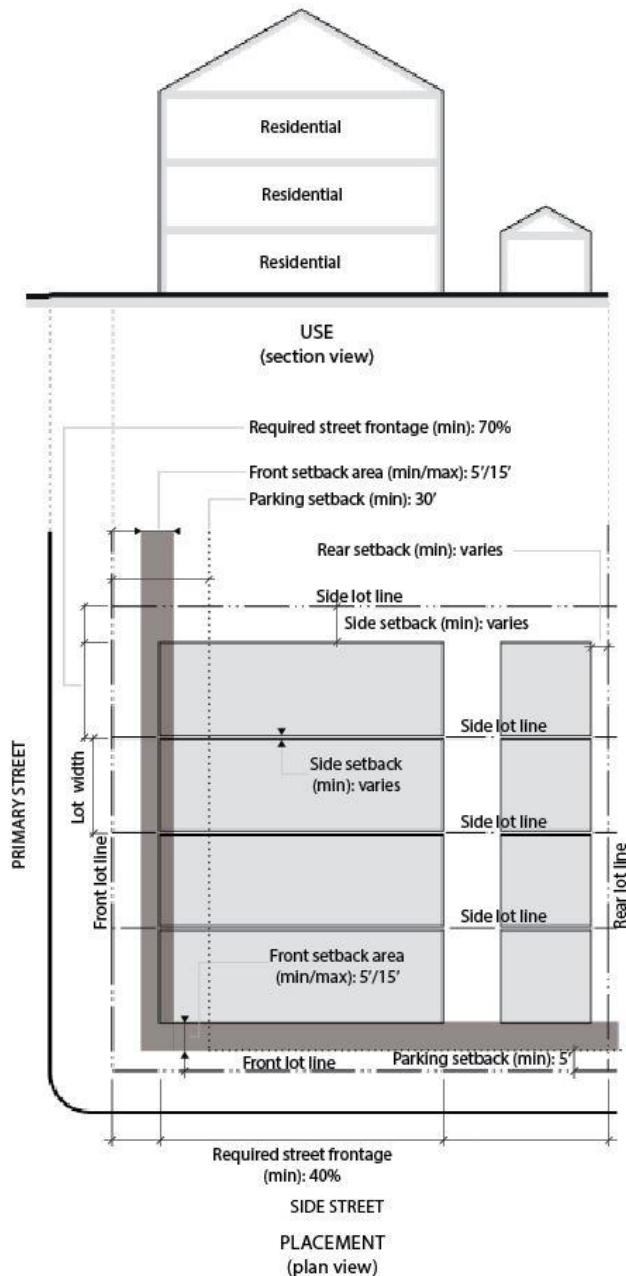
**BUILDING ENTRANCE**

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | none     |
| Side street                      | allowed  |
| Service street                   | allowed  |

**BLANK WALL AREA**

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 30   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |

SECTION 16. That Paragraph (4), “Use and Placement,” of Subsection (g), “Townhouse,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

**(4) Use and Placement.****BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

**BUILDING PLACEMENT****LOT**

|                    |       |
|--------------------|-------|
| Area (min sf)      | 1,200 |
| Area (max sf)      | none  |
| Width (min ft)     | 16    |
| Width (max ft)     | none  |
| Lot coverage (max) | 80%   |

**FRONT SETBACK AREA**

|                             |      |
|-----------------------------|------|
| Primary street (min/max ft) | 5/15 |
| Side street (min/max ft)    | 5/15 |
| Service street (min/max ft) | none |

**REQUIRED STREET FRONTAGE**

|                      |      |
|----------------------|------|
| Primary street (min) | 70%  |
| Side street (min)    | 40%  |
| Service street (min) | none |

**PARKING SETBACK**

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                             | 30 |
| From side street (min ft)                                                                | 5  |
| From service street (min ft)                                                             | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                        | 5  |

**SIDE SETBACK**

|                                                                                          |        |
|------------------------------------------------------------------------------------------|--------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 10     |
| Abutting multifamily or nonresidential district (min ft)                                 | 0 or 5 |
| Abutting alley (min ft)                                                                  | 5      |

**REAR SETBACK**

|                                                                                          |                 |
|------------------------------------------------------------------------------------------|-----------------|
| Abutting residential districts other than multi-family [single-family district] (min ft) | 24              |
| Abutting multifamily or nonresidential district (min ft)                                 | 24              |
| Abutting alley (ft)                                                                      | 3 or 20 or more |
| Abutting service street (ft)                                                             | 3 or 20 or more |

SECTION 17. That Paragraph (5), "Height and Elements," of Subsection (g),

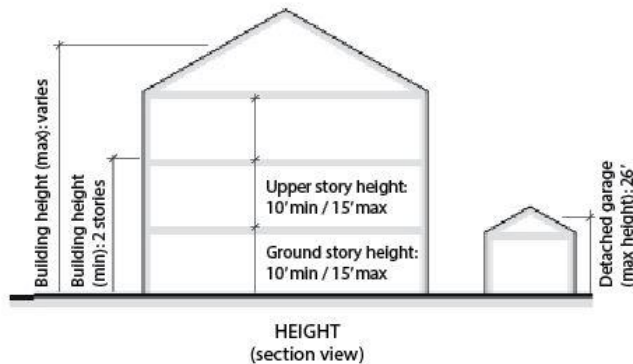
“Townhouse,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Division 51A-13.300 District Regulations.

Sec. 51A-13.303 Development Types.

Th

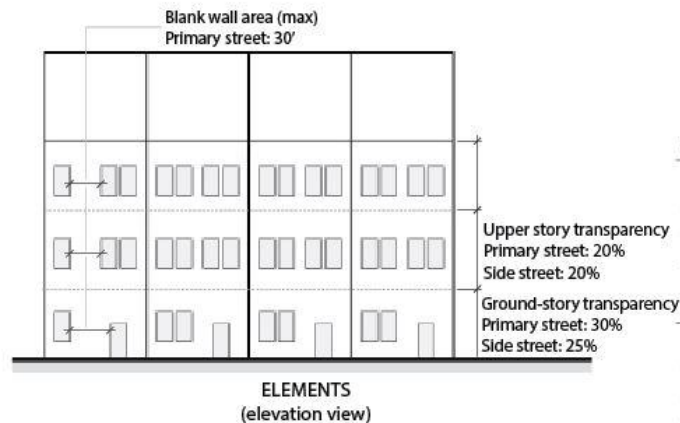
townhouse

**(5) Height and Elements.****BUILDING HEIGHT****HEIGHT**

|                                      |         |
|--------------------------------------|---------|
| Building height (max stories/ft)     |         |
| RTN                                  | 2½ / 35 |
| WMU-3, -5, -8, -12 WR-3, -5, -8, -12 | 3½ / 50 |
| Building height (min stories)        |         |
| RTN                                  | 2       |
| WMU-3, -5, -8, -12 WR-3, -5, -8, -12 | 2       |
| Detached garage (max ft)             | 26      |

**STORY HEIGHT**

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 10/15 |
| Upper story (min/max ft)  | 10/15 |

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| Primary street facade (min)                                           | 30%  |
| Side street facade (min)                                              | 25%  |
| Service street facade (min)                                           | none |
| <i>Measured from floor to horizontal facade articulation [floor].</i> |      |

**UPPER-STORY TRANSPARENCY**

|                                                                                                        |      |
|--------------------------------------------------------------------------------------------------------|------|
| Primary street facade (min)                                                                            | 20%  |
| Side street facade (min)                                                                               | 20%  |
| Service street facade (min)                                                                            | none |
| <i>Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].</i> |      |

**BUILDING ENTRANCE**

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | none     |
| Side street                      | allowed  |
| Service street                   | allowed  |

**BLANK WALL AREA**

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 30   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |



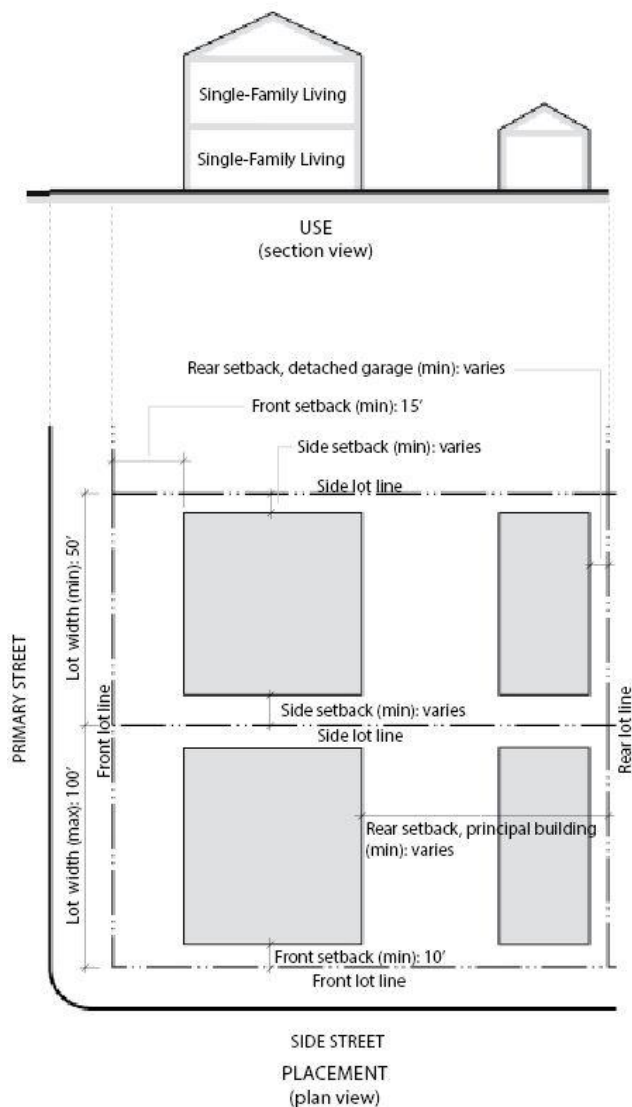
SECTION 18. That Paragraph (4), “Use and Placement,” of Subsection (h), “Manor House,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Sec. 51A-13.303 Development Types.

**Mh**

Division 51A-13.300 District Regulations.

manor house

**(4) Use and Placement.****BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, “Uses.”

**BUILDING PLACEMENT****LOT**

|                    |        |
|--------------------|--------|
| Area (min sf)      |        |
| 2 units (duplex)   | 7,000  |
| 3 to 5 units       | 10,000 |
| Area (max sf)      | 20,000 |
| Width (min ft)     | 50     |
| Width (max ft)     | 100    |
| Lot coverage (max) | 60%    |

**FRONT SETBACK**

|                         |    |
|-------------------------|----|
| Primary street (min ft) | 15 |
| Side street (min ft)    | 10 |

**SIDE SETBACK**

|                                                                                         |    |
|-----------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multifamily [single-family district] (min ft) | 10 |
| Abutting multifamily or nonresidential district (min ft)                                | 5  |
| Abutting alley (min ft)                                                                 | 5  |

**REAR SETBACK (principal building)**

|                                                                                         |    |
|-----------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multifamily [single-family district] (min ft) | 15 |
| Abutting multifamily or nonresidential district (min ft)                                | 15 |

**REAR SETBACK (detached garage)**

|                                   |          |
|-----------------------------------|----------|
| Abutting common lot line (min ft) | 3        |
| Abutting alley (min ft)           | 3 or 20+ |



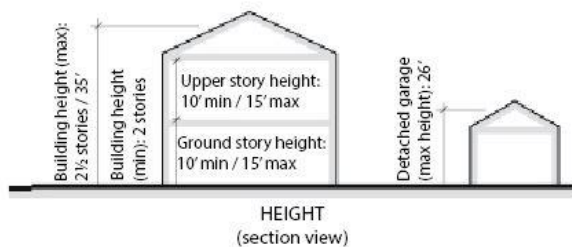
SECTION 19. That Paragraph (5), “Height and Elements,” of Subsection (h), “Manor House,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Division 51A-13.300 District Regulations.

Sec. 51A-13.303 Development Types.

**Mh**

manor house

**(5) Height and Elements.****BUILDING HEIGHT****HEIGHT**

|                                  |         |
|----------------------------------|---------|
| Building height (max stories/ft) | 2½ / 35 |
| Building height (min stories)    | 2       |
| Detached garage (max ft)         | 26      |

**STORY HEIGHT**

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 10/15 |
| Upper story (min/max ft)  | 10/15 |

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| Primary street facade (min)                                           | 20%  |
| Side street facade (min)                                              | 20%  |
| Service street facade (min)                                           | none |
| <i>Measured from floor to horizontal facade articulation [floor].</i> |      |

**UPPER-STORY TRANSPARENCY**

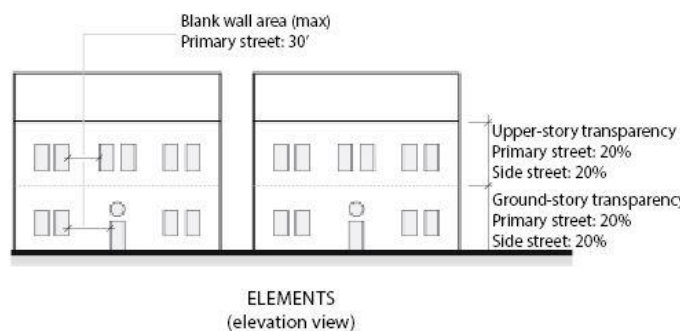
|                                                                                                        |      |
|--------------------------------------------------------------------------------------------------------|------|
| Primary street facade (min)                                                                            | 20%  |
| Side street facade (min)                                                                               | 20%  |
| Service street facade (min)                                                                            | none |
| <i>Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].</i> |      |

**BUILDING ENTRANCE**

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | none     |
| Side street                      | allowed  |
| Service street                   | allowed  |

**BLANK WALL AREA**

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 30   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |



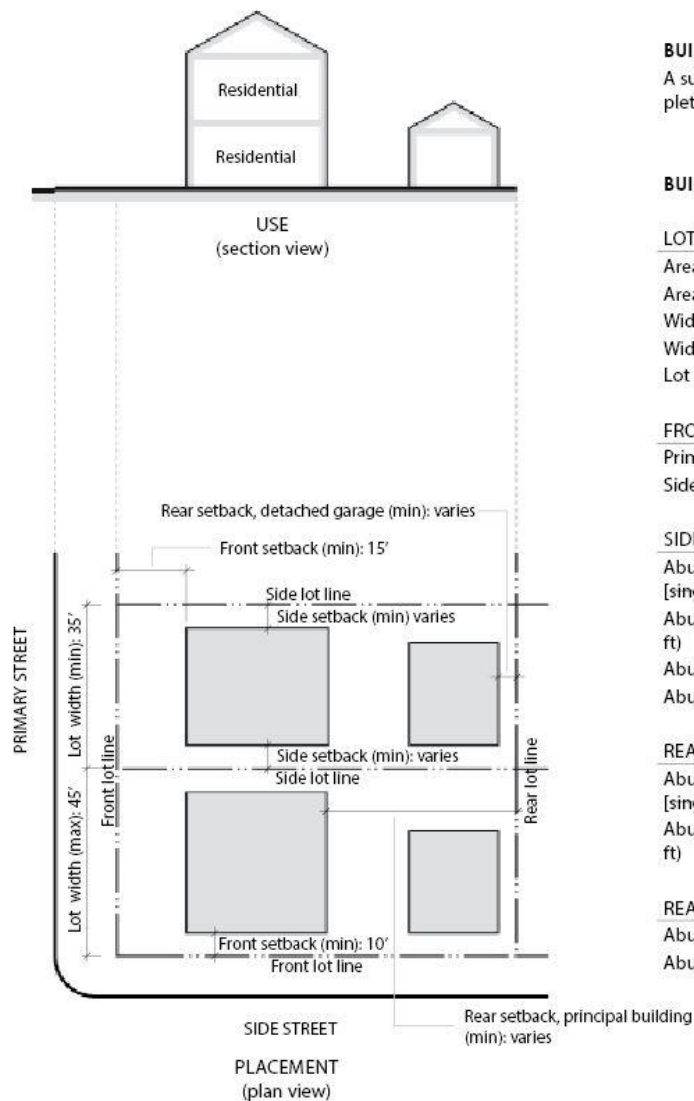
SECTION 20. That Paragraph (4), “Use and Placement,” of Subsection (i), “Single-Family House,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Sec. 51A-13.303 Development Types.

Sf

Division 51A-13.300 District Regulations.

single-family house

**(4) Use and Placement.****BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, “Uses.”

**BUILDING PLACEMENT****LOT**

|                    |       |
|--------------------|-------|
| Area (min sf)      | 3,500 |
| Area (max sf)      | 5,000 |
| Width (min ft)     | 35    |
| Width (max ft)     | 45    |
| Lot coverage (max) | 60%   |

**FRONT SETBACK**

|                         |    |
|-------------------------|----|
| Primary street (min ft) | 15 |
| Side street (min ft)    | 10 |

**SIDE SETBACK**

|                                                                                         |    |
|-----------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multifamily [single-family district] (min ft) | 5  |
| Abutting multifamily or nonresidential district (min ft)                                | 5  |
| Abutting alley (min ft)                                                                 | 5  |
| Abutting side street                                                                    | 10 |

**REAR SETBACK (principal building)**

|                                                                                         |    |
|-----------------------------------------------------------------------------------------|----|
| Abutting residential districts other than multifamily [single-family district] (min ft) | 15 |
| Abutting multifamily or nonresidential district (min ft)                                | 15 |

**REAR SETBACK (detached garage)**

|                                     |          |
|-------------------------------------|----------|
| Abutting a common lot line (min ft) | 5        |
| Abutting alley (min ft)             | 3 or 20+ |

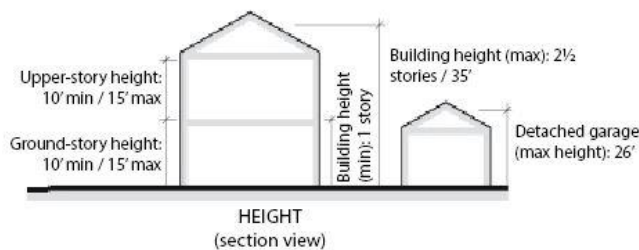
SECTION 21. That Paragraph (5), “Height and Elements,” of Subsection (i), “Single Family House,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Division 51A-13.300 District Regulations.

Sf

Sec. 51A-13.303 Development Types.

single-family house

**(5) Height and Elements.****BUILDING HEIGHT**

| HEIGHT                           |         |
|----------------------------------|---------|
| Building height (max stories/ft) | 2½ / 35 |
| Building height (min stories)    | 1       |
| Detached garage (max ft)         | 26      |

**STORY HEIGHT**

|                           |       |
|---------------------------|-------|
| Ground story (min/max ft) | 10/15 |
| Upper story (min/max ft)  | 10/15 |

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

|                                                                       |      |
|-----------------------------------------------------------------------|------|
| Primary street facade (min)                                           | 20%  |
| Side street facade (min)                                              | 20%  |
| Service street facade (min)                                           | none |
| <i>Measured from floor to horizontal facade articulation [floor].</i> |      |

**UPPER-STORY TRANSPARENCY**

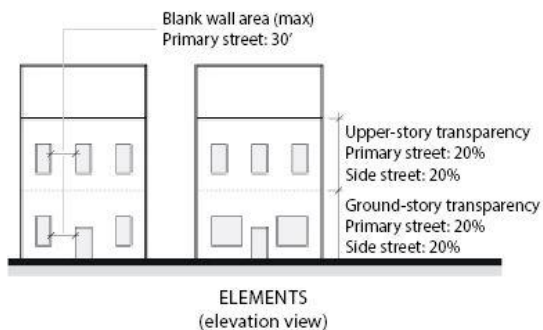
|                                                                                                        |      |
|--------------------------------------------------------------------------------------------------------|------|
| Primary street facade (min)                                                                            | 20%  |
| Side street facade (min)                                                                               | 20%  |
| Service street facade (min)                                                                            | none |
| <i>Measured from horizontal facade articulation [floor] to horizontal facade articulation [floor].</i> |      |

**BUILDING ENTRANCE**

|                                  |          |
|----------------------------------|----------|
| Primary street                   | required |
| Entrance spacing (max linear ft) | none     |
| Side street                      | allowed  |
| Service street                   | allowed  |

**BLANK WALL AREA**

|                                |      |
|--------------------------------|------|
| Primary street (max linear ft) | 30   |
| Side street (max linear ft)    | none |
| Service street (max linear ft) | none |



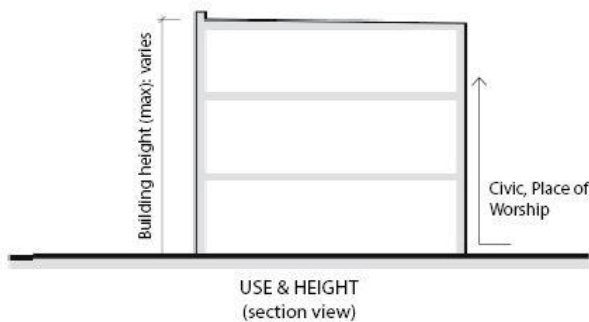
SECTION 22. That Paragraph (4), “Use, Height, and Placement,” of Subsection (j), “Civic Building,” of Section 51A-13.304, “Development Types,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

Sec. 51A-13.303 Development Types.

Division 51A-13.300 District Regulations.

Civ

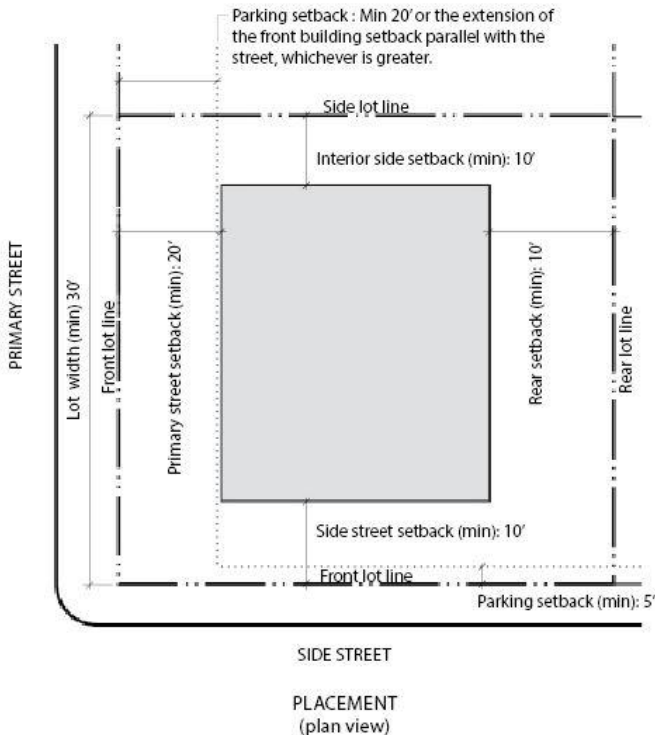
civic building

**(4) Use, Height, and Placement.****BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, “Uses.”

**BUILDING HEIGHT**

Building height (max) See Section 51A-13.302, “Height.”  
Building height (min stories) 1

**BUILDING PLACEMENT****LOT**

|                    |       |
|--------------------|-------|
| Area (min sf)      | 3,000 |
| Width (min ft)     | 30    |
| Lot coverage (max) | 60%   |

**SETBACKS**

|                         |    |
|-------------------------|----|
| Primary street (min ft) | 20 |
| Side street (min ft)    | 10 |
| Interior side (min ft)  | 10 |
| Rear (min ft)           | 10 |

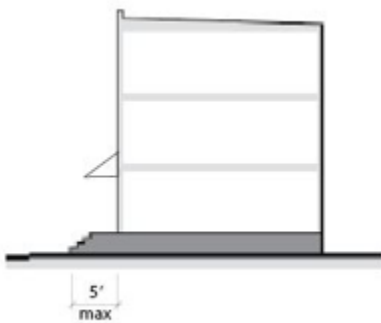
**PARKING SETBACK**

|                                                                                             |    |
|---------------------------------------------------------------------------------------------|----|
| From primary street (min ft)                                                                | 20 |
| <i>No on-site surface parking is permitted between the building and the primary street.</i> |    |
| From side street (min ft)                                                                   | 5  |
| From service street (min ft)                                                                | 5  |
| Abutting residential districts other than multi-family [single-family district] (min ft)    | 10 |
| Abutting multifamily or nonresidential district or alley (min ft)                           | 5  |

SECTION 23. That Paragraph (1) of Subsection (e), “Stoops,” of Section 51A-13.305, “Building Elements,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Stoops are permitted on townhouse stacked, townhouse, manor house, apartment, and single-family house development types.”

SECTION 24. That the graphic in Subsection (e), “Stoops,” of Section 51A-13.305, “Building Elements,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is replaced with the following graphic:



SECTION 25. That Paragraph (1) of Subsection (f), “Front Porches,” of Section 51A-13.305, “Building Elements,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Front porches are permitted on townhouse stacked, townhouse, manor house, apartment, and single-family house development types.”

SECTION 26. That Paragraph (3) of Subsection (f), “Front Porches,” of Section 51A-13.305, “Building Elements,” of Division 51A-13.300, “District Regulations,” of Article XIII,

“Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) Except as provided in this paragraph, a [A] front porch must be contiguous with a width not less than 50 percent of the building facade from which it projects. This provision does not apply to the apartment development type.”

SECTION 27. That the Use Chart in Subsection (b), “Use Chart,” of Section 51A-13.306, “Uses,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is replaced with the following Use Chart to show that self-service storage uses are to be allowed by SUP only in Mixed Use Shopfront (upper stories) and General Commercial Districts:

Use Chart

|                           |                                             | Mixed Use Shopfront |               | Single-Story Shopfront | General Commercial | Apartment   | Townhouse Stacked |               | Townhouse   | Manor House | Single-family House | Civic Building | Open Space Lot |                        |
|---------------------------|---------------------------------------------|---------------------|---------------|------------------------|--------------------|-------------|-------------------|---------------|-------------|-------------|---------------------|----------------|----------------|------------------------|
|                           |                                             | Mu                  | Ss            | Gc                     | Apt                | Ts          | Th                | Mh            | Sf          | Civ         | O                   |                |                |                        |
| PRINCIPAL USE             | USE CATEGORY                                | Ground Story        | Upper Stories | Ground Story           | All Stories        | All Stories | Ground Story      | Upper Stories | All Stories | All Stories | All Stories         | All Stories    | ...            | Additional Regulations |
| Residential               | Single-family living                        |                     | ■             |                        |                    |             | ■                 | ■             | ■           | ■           | ■                   |                |                | (c)(1), (c)(2)         |
|                           | Multifamily living                          |                     | ■             |                        |                    | ■           | ■                 | ■             | ■           | ■           |                     |                |                |                        |
|                           | Group living                                |                     | ■             |                        |                    | ■           | ■                 | ■             | ■           | ■           |                     |                |                | (c)(1)                 |
| Civic                     | Community service, except as listed below:  | □                   | □             | □                      | □                  |             | □                 |               |             |             |                     | □              |                |                        |
|                           | <i>Museum, library</i>                      | ■                   | ■             | ■                      | ■                  |             | ■                 |               |             |             |                     | ■              |                | (c)(3)                 |
|                           | Day care                                    | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     | ■              |                | (c)(3)                 |
|                           | Educational                                 | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     | ■              |                | (c)(3)                 |
|                           | Government service, except as listed below: | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     | ■              |                | (c)(3)                 |
|                           | <i>Detention center, jail, or prison</i>    |                     |               |                        | □                  |             |                   |               |             |             |                     | □              |                |                        |
|                           | Park or Open space                          |                     |               |                        |                    |             |                   |               |             |             |                     |                | ■              |                        |
|                           | Social service                              | □                   | □             | □                      | □                  |             |                   |               |             |             |                     |                |                | (c)(8)                 |
|                           | Transit station                             | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     | ■              |                |                        |
| Utilities                 |                                             |                     |               |                        |                    |             |                   |               |             |             |                     | ■              | (c)(4)         |                        |
| Place of Worship          | Place of Worship                            | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     | ■              |                |                        |
| Office                    | Medical                                     | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     |                |                |                        |
|                           | Office                                      | ■                   | ■             | ■                      | ■                  |             | ■                 |               |             |             |                     |                |                |                        |
| Retail                    | Drive-thru facility                         | □                   |               | □                      | □                  |             |                   |               |             |             |                     |                |                | (c)(9)                 |
|                           | Restaurant or Bar                           | ■                   |               | ■                      |                    |             |                   |               |             |             |                     |                |                | (c)(5)                 |
|                           | Retail sales                                | ■                   |               | ■                      |                    |             |                   |               |             |             |                     |                |                | (c)(5)                 |
|                           | Vehicle sales                               | ■                   |               | ■                      |                    |             |                   |               |             |             |                     |                |                |                        |
| Service and Entertainment | Commercial amusement (inside)               | □                   | □             | □                      | □                  |             |                   |               |             |             |                     |                |                |                        |
|                           | Indoor recreation                           | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     |                |                |                        |
|                           | Personal service, except as listed below:   | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     |                |                |                        |
|                           | <i>Animal care</i>                          | ■                   | ■             | ■                      | ■                  |             |                   |               |             |             |                     |                |                | (c)(6)                 |
| Commerce                  | Commercial parking                          | ■                   | ■             |                        | ■                  |             |                   |               |             |             |                     |                | □              |                        |
|                           | Passenger terminal limited to a Helistop    |                     | □             |                        | □                  |             |                   |               |             |             |                     |                |                |                        |
|                           | Overnight lodging                           |                     | ■             |                        | ■                  |             |                   |               |             |             |                     |                |                | (c)(7)                 |
|                           | Self-service storage                        |                     | □             |                        | □                  |             |                   |               |             |             |                     |                |                |                        |
| Fabrication               | Light manufacturing                         |                     |               |                        | ■                  |             |                   |               |             |             |                     |                |                |                        |
|                           | Research and development                    |                     |               |                        | ■                  |             |                   |               |             |             |                     |                |                |                        |
|                           | Vehicle service                             |                     |               |                        | ■                  |             |                   |               |             |             |                     |                |                |                        |

Key: ■ = Permitted □ = Specific Use Permit Blank Cell = Not Permitted



SECTION 28. That Paragraph (1), “Rail Transit Station Access,” of Subsection (c), “Access to Transit,” of Section 51A-13.403, “Parking Reductions,” of Division 51A-13.400, “Parking Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Subparagraph (C) to read as follows:

“(C) For purposes of this paragraph, a stop on a fixed rail system is considered a rail transit station.”

SECTION 29. That Paragraph (4), “Restaurant and Bar Uses,” of Subsection (c), “Access to Transit,” of Section 51A-13.403, “Parking Reductions,” of Division 51A-13.400, “Parking Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

**“(4) Restaurant and Bar Uses.**

No parking reduction for access to transit is allowed for restaurant or bar uses located within a 600-foot radius of the property in a residential district other than multifamily [~~single family district~~]. For purposes of this subparagraph, distance is measured from the primary entrance of the bar or restaurant use to the nearest point of the property in a residential district other than multifamily [~~single family district~~].”

SECTION 30. That Subsection (b), “Location and Design Standards,” of Section 51A-13.411, “Off-Street Loading,” of Division 51A-13.400, “Parking Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Subparagraph (E) to read as follows:

“(E) Off-street loading must be located behind the parking setback.”

SECTION 31. That Paragraph (4) of Subsection (a), “Planting Zone,” of Section 51A-13.501, “General Provisions,” of Division 51A-13.500, “Minor Streets and Streetscapes,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455,



as amended,” of the Dallas City Code is amended by adding a new Subparagraph (C) to read as follows:

“(4) Where utilities exist or are proposed, two small trees may replace a required large canopy tree except where a mixed-use shopfront or single-story shopfront is proposed or required. If the replacement small trees conflict with utilities and cannot be planted within the planting zone, the replacement small trees must be planted within the door yard, but no closer than five [40] feet from the building facade. Replacement small trees must be planted as evenly spaced as possible considering utility conflicts.”

SECTION 32. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 33. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 34. 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 35. 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 36. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**AGENDA ITEM # 67**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** All

**SUBJECT**

A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code: **(1)** Article IX to create regulations to allow ceremonial street naming; and **(2)** Article I to establish fees for ceremonial street naming and amend fees for street name change and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA 178-004

**FILE NUMBER:** DCA 178-004

**DATE INITIATED:** December 14, 2017

**TOPIC:** Ceremonial Street Naming

**CITY COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

**PROPOSAL:** Consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code: (1) Article IX to create regulations to allow ceremonial street naming; and (2) Article I to establish fees for ceremonial street naming and amend fees for street name change.

**SUMMARY:** The proposal will allow for ceremonial street naming to honor an individual by adding a ceremonial plaque as a topper on street signs. The ceremonial street naming will not change the existing name of the street, addressing, or impact emergency services. Ceremonial street naming toppers will be unique in design and style, different from existing street name signs. The proposed ordinance establishes the fee for the ceremonial street naming process and amends the fee for a street name change.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**BACKGROUND:**

City Council members or a citizen often request to rename a street to honor and in recognition of a community leader. Currently, this can be done only through the street naming and name change process defined in Division 51A-9.300 of code. Examples of such street name changes are the 200 to 2700 blocks of South Central Expressway changed to Cesar Chavez Street; Education Way changed to Ebby Halliday Road, etc. The street name change is a lengthy process, requiring review from fourteen departments, and impacting addressing, emergency services, mapping, and disruption of abutting businesses.

Cities like Baltimore, Boston, Columbus, Chicago, Greenville, Houston, New York, New Orleans, and San Diego have policies allowing a person to be honored by placing street toppers on existing streets instead of renaming the street. These street toppers are placed on existing street signs.

The intent of the proposal is to provide a simple process to honor a community leader that will not impact addressing and emergency services by adding ceremonial plaques as toppers on street signs. A ceremonial street naming topper will be unique in design and style, different from existing street name signage.

In establishing the fee for the new program ceremonial street naming, the existing street name change fee was evaluated. The fee for a street name change has not been updated in the past ten years and consequently does not accurately reflect the cost associated with the time involved in processing a street name change. After thorough analysis, the application fee for ceremonial street naming and an amended fee for a street name change are proposed.

**RESEARCH/STAFF ANALYSIS:**

Many cities have policies to honor an individual/groups for their services to local/national life via street naming. These policies are similar to the current City of Dallas Historic Street name change process. This process impacts addressing and emergency services. The goal is to develop a process that honors a leader for their community service yet will not impact addressing and emergency services.

Surrounding cities: Allen, Arlington, Cedar Hill, Duncanville, Fort Worth, Garland, Grand Prairie, Irving, Mesquite, McKinney, Plano and Richardson; and Index cities: San Antonio, Austin, Philadelphia, Phoenix, San Jose, and El Paso, do not have an alternative process for honoring individuals that doesn't impact addressing, emergency services, and mapping.

However, Baltimore, Boston, Columbus, Chicago, Greenville, TX, Houston, New York, New Orleans, and San Diego do have policies that honor an individual that has contributed to the local and national life. Their policies outline the application and petition requirements and must be approved by the City Council or by their designated community

board. The designs (color, dimension and shape) of the commemorating signs are different and subordinate to their standard street name signs.

**PROPOSAL:**

Ceremonial street naming commemorates individuals who have made significant contributions to the community but without causing any disruption to the existing street names and abutting uses.

The proposal is based on research from other cities and the standards for Street Name and Street Name Changes in the Dallas Development Code Division 51A-9.300.

**Ceremonial Street Naming criteria:**

1. Prospective honorees should have a minimum of 10 years community involvement and have demonstrated an extraordinary and consistent voluntary commitment and dedication to the community or who have contributed significantly to City of Dallas.
2. Prospective honorees must be deceased for at least two years prior to consideration.
3. Individuals who have already been honored on one street may not be honored on another street.
4. City Council, by a three-fourths vote of its members, may waive the above requirements.

**General Provisions:**

1. No street or portion of a street may have more than one ceremonial street name.
2. Ceremonial street naming cannot contain a product or be used for commercial purpose.
3. Ceremonial street name ends 10 years after the effective date.
4. Ceremonial street naming topper shall have "Honorary" as the top line.

**Ceremonial Street Naming Application:**

1. A ceremonial street naming application may be initiated by:
  - a. an owner of property abutting the street in a block by petition: a petition indicating that at least 51 percent of the owners of all lots abutting the street favor the ceremonial street naming; or
  - b. by a council member with concurrence by two other council members.
2. An application for a ceremonial street naming must be filed with the department on an application form furnished by the department. The application must include:
  - a. The application fee;
  - b. A statement of contributions made by prospective honoree, supporting documents showing the significant contributions made by the prospective honoree and meeting the ceremonial street naming criteria; and

- c. A map showing the boundary and portion of the street proposed for ceremonial street naming.
3. Ceremonial Street naming can be changed/removed by an application process and following the same steps as requesting a ceremonial street naming.

**Ceremonial Street Naming Approval Process:**

1. Notice of the public hearing before the City Council must be advertised 15 days prior to the hearing and a notice of the public hearing to the abutting property owners shall be mailed no fewer than 15 days prior to the date of the public hearing. Notification signs must be posted along the street for no fewer than 15 days before the date of the hearing.
2. City Council may approve or deny the application based on the testimony presented at the public hearing and whether or not it meets the ceremonial street naming criteria standards.
3. The favorable vote of three-fourths of all members of the city council is required if:
  - A written protest against the ceremonial street naming has been signed by the owners of 20 percent of all lots abutting the street

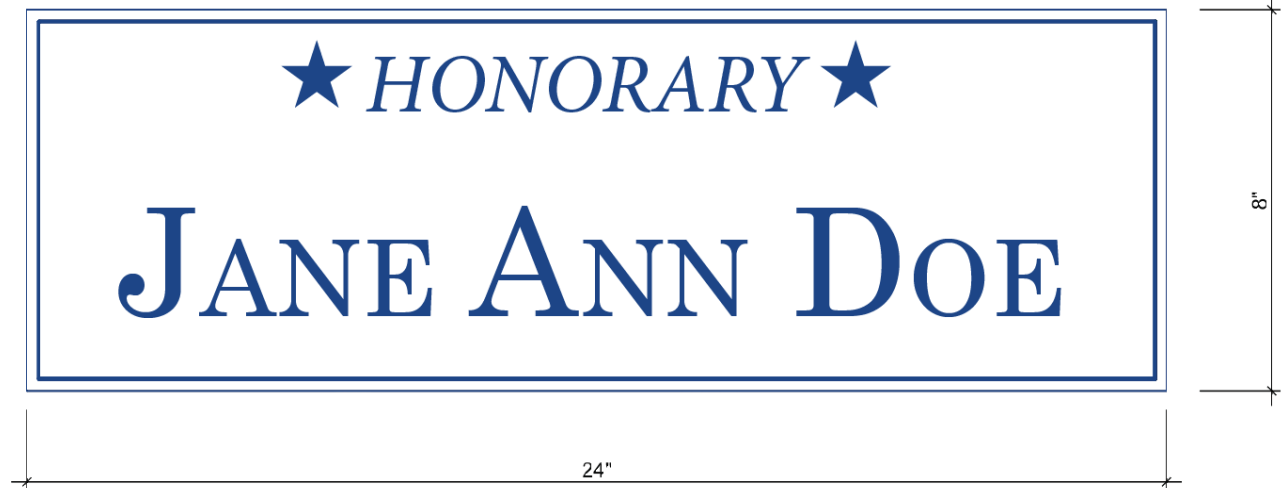
**Ceremonial Street Naming Implementation and maintenance:**

After City Council's approval, the Transportation Department is responsible for the fabrication and installation of the ceremonial street naming sign toppers. If a property owner initiated the request, the cost for fabrication and installation of the sign toppers will be paid by the property owner. At this time there is no funding in the Transportation Department's annual budget to accommodate the cost for City initiated requests. During the budget cycle Council could add funding to the Transportation Department's budget to cover City initiated requests.

In lieu of budgetary funding, Council would need to identify funding for each request as they are approved.

The City is not responsible for replacing a ceremonial street name topper due to vandalism, theft, normal wear and tear. The Transportation Department may remove any ceremonial street naming sign topper that has become unsightly without replacing it.

**EXAMPLE**  
**CEREMONIAL STREET NAMING SIGN TOPPER**



Note:  
Background to be white with blue lettering.



**CPC ACTION**

**February 1, 2018:**

**Motion:** It was moved to recommend **approval** of amending Article IX of Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations to allow ceremonial street naming with the following modifications: 1) amend Sec. 51A-9.506 to add at the end “Unless reapproved pursuant to a new application.” and 2) Correct a typographical error in Sec. 51A-9.503(b)(1) change 10 days to 15 days.

Maker: Jung  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter,  
Lavallaisaa, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Mack  
Vacancy: 0

**Speakers:** None

5-10-18

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by adding a new Division 51-9.500 and a new Division 51A-9.500; providing for ceremonial street naming; amending Section 51A-1.105; providing a fee for ceremonial street naming; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Article IX, “Thoroughfares,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding Division 51-9.500, “Ceremonial Street Naming,” to read as follows:

**“Division 51-9.500. Ceremonial Street Naming.**

This division incorporates by reference the language of Division 51A-9.500 of Chapter 51A of the Dallas Development Code, as amended.”

SECTION 2. That Subsection (l), “Fees for a Street Name Change,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(l) Fees for a street name change and for a ceremonial street naming.

(1) The following fees are required for a street name change.

(A) A street name change fee must be paid to the director before an application will be processed.

(B) A fee for new street identification signs must be paid to the director of sustainable development and construction within 60 days of the approval of a street name change by the city council.

(C) A fee for change of official address records must be paid to the building official within 60 days of the approval of a street name change by the city council.

(D[2]) Fee schedule.

| <u>(i[A]) Application Fee.</u>                                                     | <u>Amount</u>                                                                                                            |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| If the street is less than one-fourth mile                                         | <u>\$1,500.00</u> [\$750.00]                                                                                             |
| If the street is less than one-half mile but more than or equal to one-fourth mile | <u>\$2,100.00</u> [\$1,050.00]                                                                                           |
| If the street is less than one mile but more than or equal to one-half mile        | <u>\$2,700.00</u> [\$1,350.00]                                                                                           |
| If the street is more than or equal to one mile                                    | <u>\$2,700.00</u> [\$1,350.00] for first mile plus<br><u>\$600.00</u> [\$300.00] for each additional<br>one-fourth mile. |
| <u>(ii[B]) Street Identification Sign Fee.</u>                                     | <u>Amount</u>                                                                                                            |
| For each blade to be replaced                                                      | \$1130.00                                                                                                                |
| For each mast arm to be replaced                                                   | \$233.00                                                                                                                 |
| For Texas Department of Transportation signs to be replaced                        | To be determined based upon<br>Texas Department of<br>Transportation cost<br>calculation at the time of<br>installation. |

| <u>(iii)(C) Change of Official Address Fee.</u> | <u>Amount</u>                                                                                                           |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| For each address change up to 10                | \$150.00                                                                                                                |
| For more than 10 address changes                | \$1,500.00 for the first ten address changes plus \$113.00 per hour of service required for additional address changes. |

(E[3]) No fee is required for street name change applications filed by the governmental entities listed in Section 51A-1.105.1.

(2) The following fee is required for a ceremonial street naming.

(A) A ceremonial street naming fee must be paid to the director before an application will be processed.

(B) Fee schedule.

| <u>Application Fee</u>                                                                    | <u>Amount</u>                                                                       |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <u>If the street is less than one-fourth mile</u>                                         | <u>\$750.00</u>                                                                     |
| <u>If the street is less than one-half mile but more than or equal to one-fourth mile</u> | <u>\$1,050.00</u>                                                                   |
| <u>If the street is less than one mile but more than or equal to one-half mile</u>        | <u>\$1,350.00</u>                                                                   |
| <u>If the street is more than or equal to one mile</u>                                    | <u>\$1,350.00 for first mile plus \$300.00 for each additional one-fourth mile.</u> |

(C) Additional fees may be required for production and installation of ceremonial street name toppers.

(D) No fee is required for street name change applications filed by the governmental entities listed in Section 51A-1.105.1.”

SECTION 3. That Article IX, “Thoroughfares,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Division 51A-9.500, “Ceremonial Street Naming,” to read as follows:

**“Division 51A-9.500. Ceremonial Street Naming.**

**SEC. 51A-9.501. PURPOSE.**

The purpose of this division is to commemorate individuals who have made significant contributions to the community, but without causing any disruption of the existing street names and abutting uses.

**SEC. 51A-9.502. GENERAL PROVISIONS.**

(a) Only public streets may be granted ceremonial street naming by the process contained in this division.

(b) A ceremonial street naming application may only be initiated by:

(1) an owner of property abutting the street if the property owner submits a petition showing 51 percent of the owners of all abutting lots are in support of the ceremonial street name; or

(2) a city council member with concurrence of two other council members.

(c) Ceremonial street names must be a person’s name.

**SEC. 51A-9.503. PROCESS.**

(a) Application. An application for a ceremonial street naming must be filed with the department on an application form furnished by the director. The application must include the following:

(1) The application fee for an owner initiated ceremonial street naming.

(2) A statement of the reasons supporting a ceremonial street naming including a showing that the prospective honoree had a minimum of 10 years community involvement and demonstrated an extraordinary and consistent voluntary commitment and dedication to the community, or has contributed significantly to City of Dallas.

(3) A map showing the location of the street and the portion of the street receiving the ceremonial street name.

(b) Notice.

(1) Prior to the public hearing before the city council, the director shall give notice of the public hearing in the official newspaper of the city at least 15 days before the hearing.

(2) Notice of the public hearing must be given to the abutting property owners not less than 15 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved tax roll. This notice must be written in English and Spanish if the area of request is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census.

(3) Required notification signs must be posted along the street at least 15 days before the date of the hearing.

(c) Public hearing. The city council may approve the application based on the testimony presented at the public hearing and a determination that the application meets the ceremonial street naming criteria standards. The application may be approved by a majority vote of the members present, except the favorable vote of three-fourths of all members of the city council is required if a written protest against the ceremonial street naming has been signed by the owners of 20 percent of all lots abutting the street.

(d) Early removal. The same application, notice, and hearing process must be followed to remove a ceremonial street name.

**SEC. 51A-9.504. STANDARDS FOR CEREMONIAL STREET NAMING**

(a) In general.

(1) Except as provided in this subsection:

(A) Prospective honorees must have had a minimum of 10 years community involvement and demonstrated an extraordinary and consistent voluntary commitment and dedication to the community, or have contributed significantly to the City of Dallas.

(B) Use of a ceremonial street naming is prohibited until at least two years after the death of the person to be honoured.

(C) Individuals who have already been honored on one street, whether ceremonial or official, may not be honored on another street.

(2) The standards in this subsection may be waived by a three quarters vote of the city council.

(b) Additional standards.

(1) Ceremonial street naming cannot contain a product name or be used for a commercial purpose.

(2) Ceremonial street naming must be a person's name.

(3) A ceremonial street naming sign topper must have "Honorary" as the top line.

(4) No street or portion of a street may have more than one ceremonial street name.

**SEC. 51A-9.505. NOTIFICATION OF CEREMONIAL STREET NAMING.**

If the request for a ceremonial street naming is approved by the city council, the subdivision administrator shall send written notice of the city council's action to abutting property owners.

**SEC. 51A-9.506. EFFECTIVE DATE OF CEREMONIAL STREET NAME AND END DATE.**

Providing that all required fees have been paid by the applicant, a ceremonial street name approved by the city council takes effect 60 days after the date of its approval unless city council sets a later effective date. The ceremonial street name ends 10 years after the effective date.

**SEC. 51A-9.507. INSTALLATION AND REPLACEMENT.**

(a) Installation. The director of the transportation department is responsible for the fabrication and installation of the ceremonial street name toppers.

(b) Removal. The department is not responsible for replacing ceremonial street naming toppers due to vandalism, theft, and normal wear and tear. The department may remove any ceremonial street name topper that has become unsightly without replacing it."

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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 7. 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 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_



**AGENDA ITEM # 68**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 13, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** All

**SUBJECT**

A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code and consideration given to: **(1)** an ordinance granting amendments to clarify language regarding handicapped parking regulations; **(2)** an ordinance granting amendments to clarify language regarding board of adjustment same matter back to same panel; **(3)** an ordinance granting amendments to clarify language regarding number of duplicate applications required for remote parking procedures and sign permits; **(4)** an ordinance granting amendments to clarify language regarding instances where “director of parks and recreation” should be amended to “building official”; **(5)** an ordinance granting amendments to clarify language regarding pedestrian skybridges; **(6)** an ordinance granting amendments to clarify language regarding light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards; and **(7)** an ordinance granting amendments to clarify language regarding remote parking for church use

Recommendation of Staff and CPC: Approval

DCA 178-006

**FILE NUMBER:** DCA 178-006

**DATE INITIATED:** October 30, 2017

**TOPIC:** Cleanup Amendments

**CITY COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

---

**PROPOSAL:** Consideration of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to clarify language regarding (1) handicapped parking regulations; (2) board of adjustment same matter back to same panel; (3) number of duplicate applications required for remote parking procedures and sign permits; (4) instances where “director of parks and recreation” should be amended to “building official”; (5) pedestrian skybridges; (6) light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards; and (7) remote parking for church use.

**SUMMARY:** This proposal is comprised of several amendments to Chapter 51 and Chapter 51A that address inconsistencies throughout the code and that more closely align with department procedures.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

## **BACKGROUND**

On November 30, 2017, December 14, 2017, and February 15, 2018, the Zoning Ordinance Advisory Committee considered the proposed amendments at public meetings and recommended approval of each.

On April 5, 2018, the City Plan Commission considered the proposed amendments and recommended approval of each.

On April 23, 2018, the Mobility Solutions, Infrastructure, and Sustainability Committee was briefed on the proposed amendments and recommended forwarding them to City Council for approval.

This action is comprised of several code amendments, each addressing the posted topics. The proposed amendments were each presented, assessed, and passed by the Zoning Ordinance Advisory Committee and are summarized individually below.

### **1) Handicapped Parking**

#### **BACKGROUND**

- Over the years, specific regulations governing handicapped parking have been written into the regulations for each use in Section 51A-4.200, such as these from current code:

SEC. 51A-4.201. AGRICULTURAL USES.

Animal production. (C) Required off-street parking: Two spaces. *No handicapped parking is required.*

SEC. 51A-4.202. COMMERCIAL AND BUSINESS SERVICE USES.

Building repair and maintenance shop. (C) Required off-street parking: One space per 300 square feet of floor area. *If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.*

- However, one section in the current code clearly states the city's handicapped parking requirements. Section 51A-4.305 states that "handicapped parking must be provided and maintained in compliance with all Federal and State laws and regulations."

#### **PROPOSAL**

- The proposed amendment removes all individual references to handicapped parking in the use regulations of both Chapter 51 and Chapter 51A, allowing Section 51A-4.305 to regulate handicapped parking in accordance with federal and state law.
- References to handicapped parking in Chapter 51 are call-forwarded to Chapter 51A-4.305.

## **2) Board of adjustment same matter back to same panel rule**

### **BACKGROUND**

- Both state law and current code require that if a city has a board of adjustment with multiple panels, only one panel can hear that case. This is to prevent applicants from shopping their cases to multiple panels in hopes of a different outcome.
- However, because the code does not set a time limit on this rule, some applicants are forced to go before a specific panel because decades ago a previous owner had a similar request.

### **PROPOSAL**

- This amendment sets a time limit on the rule and provides that after five years a case may be heard according to the normal rules of case assignment.

## **3) Duplicates of applications**

### **BACKGROUND**

- Currently, code requires multiple duplicates of applications for processes such as special parking approval. Current practices and technology have made these additional duplicates unnecessary. If needed, additional copies will be requested under an administrative, rather than regulatory, process.

### **PROPOSAL**

- This amendment removes the requirement for duplicates of applications for special parking and for permits for signs in special provision sign districts, aligns code with current preferred practices, and streamlines the application process.

## **4) Amend *director of parks and recreation* to *building official***

### **BACKGROUND**

- Currently, code designates certain departments or staff members to make recommendations or rulings. In several cases, the code calls out the director of Parks and Recreation as the arbiter of a process when it is the building official who reviews and permits the plans. This amendment aligns code with current department duties.

### **PROPOSAL**

- This amendment replaces director of parks and recreation with building official in sections related to screening provisions for off-street parking and fence regulations and related to vegetation regulations in soil erosion plans and vegetation plans.

## **5) Light poles, air conditioning units, generators, and handicapped ramps in setbacks**

### **BACKGROUND – light poles**

- Pedestrian lighting encourages walkability by supporting pedestrian safety at night. The Dallas Development Code currently does not allow lighting to be placed in the required front or side yards, and the City requires a license for additional pedestrian lighting in the right of way. This conflict becomes a disincentive to providing adequate lighting near sidewalks.

### **PROPOSAL**

- The proposed changes to Chapter 51 and 51A would allow additional lighting to be installed in the required front and side yards.

### **BACKGROUND – air conditioning units and generators**

- A portion of Section 51A-4.402 regulates the location and noise levels for air conditioning units. However, the current language refers to an outdated rating method.
- Currently, Section 51A-4.402(a)(3) refers to SRN (sound rating number) designations to regulate noise levels generated by air conditioning units. Modern units are now much quieter, and sound levels are measured in decibels. The quietest units fall into the 50–60 decibel range, approximately the level of a quiet conversation.
- In addition, electrical generator placement is not specifically addressed in the code. In the absence of regulation, Building Inspection staff has been treating electrical generators as accessory structures in residential districts.

### **PROPOSAL**

- The proposed changes:
  - o Remove the outdated SRN language and also remove the exception for air conditioning units in Section 6.102(a)(5) of the noise regulations, ensuring that an exceptionally loud air conditioner will continue to be regulated by code.
  - o Codify the practice of treating electrical generators as accessory structures and ensure that the generators, if installed, are placed to the rear of the lot.
  - o Remove unnecessary language requiring 10 feet of separation between units.

### **BACKGROUND – handicapped ramps for dwellings**

- People who experience mobility issues often need to install a ramp to provide access to their home. Depending on the location of the existing house on the lot, it can be difficult or impossible to add the needed ramp and continue to meet the front, side, or rear yard setback requirements of City Code. Ramps are considered structures, and structures are not currently allowed in required yards.
- Code currently provides relief in Section 51A-1.107(b)(1):

“The board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term

‘handicapped person’ means a person with a ‘handicap,’ as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.”

- However, going to the Board of Adjustment creates an extra procedural step and a delay when a handicapped ramp becomes needed by the occupant of an existing home and must be located within the required setback.
- City Plan Commission recommended a requirement that the initial review of a complete building permit for a ramp be completed within 10 days. Staff recommends against adding this limit as state law mandates maximum review times for building permit review.

#### **PROPOSAL**

- The proposed changes to Chapter 51 and Chapter 51A would allow ramps to be placed in the required front, side, or rear setbacks of existing homes under the appropriate accessibility standard as determined by the building official.

#### **BACKGROUND – setbacks in planned development district regulations**

- The development code currently includes redundant paragraphs stating that yard regulations in planned development districts are controlled by the planned development district regulations.

#### **PROPOSAL**

- Remove redundant paragraphs.

### **6) Pedestrian skybridges**

#### **BACKGROUND**

- Pedestrian skybridges are allowed by specific use permit (SUP) as an accessory use in some planned development districts and all of the base zoning districts except the P and P(A) Parking districts.
- Current regulations:
  - o Prohibit skybridges in required yards. Because setbacks begin at ground level and go to infinity, this effectively prohibits skybridges in districts with required yards, forcing a developer to go to the Board of Adjustment to request a variance to the front yard setback.
  - o Do not allow skybridge supports to be placed in the right of way. Some skybridges need support mid-way between buildings.
  - o Require a special exception from the Board of Adjustment (BDA) for skybridges that cannot meet mandatory design provisions.
  - o Use “block” to mean “blockface” in the section that says, “No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less.”

## **PROPOSAL**

- The proposed changes:
  - o Allow skybridges to be placed in a required yard. The SUP process requires review of the proposed site plan at both CPC and City Council.
  - o Remove the prohibition of supports in the ROW. Continue to require ROW license (including staff review and City Council approval), adherence to sidewalk standards, and normal SUP review and approval process.
  - o For relief from design provisions, replace the BDA special exception with a request for a waiver from Council as part of the SUP process. The waiver would require a three-quarters vote of the Council.
  - o Change *block* to *blockface*, thus clarifying that the number of skybridges should be limited along the frontage of a single side of a block, not within the area of a block nor the entire perimeter of a block.
  - o Correct *sky bridge* to *skybridge* as needed, thereby making the spelling consistent throughout Chapters 51 and 51A.

## **7) remote parking for places of worship**

### **BACKGROUND**

- Regulations for remote and shared parking for church uses are listed in the use regulations
- Regulations for remote and shared parking for all other uses are located in Section 51A-4.324(d)

### **PROPOSAL**

- Relocate the remote and shared parking regulations from the church use regulations and have Section 51A.4.324(d) control as it does for other uses.

**CPC ACTION**

April 5, 2018

**Motion:** It was moved to approve of amendments to Chapter 51 and Chapter 51A of the Dallas Development Code to clarify language regarding handicapped parking regulations; board of adjustment same matter back to same panel; number of duplicate applications required for remote parking procedures and sign permits; instances where “director of parks and recreation” should be amended to “building official”; pedestrian skybridges; light poles, handicap ramps, air conditioning units, and generators in required front, side, and rear yards as applicable, and clarification of associated noise regulation standards

Maker: Shidid  
Second: Murphy  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack, Jung,  
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 2 – Houston, Schultz  
Vacancy: 1 - District 8

**Speakers:** None



5-17-18

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.201, 51-4.202, 51-4.213, 51A-4.201, 51A-4.202, 51A-4.203, 51A-4.204, 51A-4.205, 51A-4.206, 51A-4.207, 51A-4.208, 51A-4.209, 51A-4.210, 51A-4.211, 51A-4.212, and 51A-4.213; making conforming amendments to delete references to handicapped parking requirements from the use regulations; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Ordinance No. 27864, passed by the Dallas City Council on April 28, 2010, deleted specific handicapped parking requirements from the Development Code and required handicapped parking to be provided and maintained in compliance with all Federal and State laws and regulations; and

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph (C) of Paragraph (1), “Single-Family,” of Subsection (b), “Specific Residential Uses,” of Section 51-4.201, “Residential Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces for each dwelling unit, except one space for each dwelling unit in R-7.5 and R-5 districts. ~~[No handicapped parking is required.]”~~

SECTION 2. That Subparagraph (C) of Paragraph (12), “Tower/Antenna for Cellular Communication,” of Section 51-4.202, “Utility and Service Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements. ~~[No handicapped parking is required.]”~~

SECTION 3. That Subparagraph (C) of Paragraph (12), “Mining,” of Section 51-4.213, “Commercial Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 4. That Subparagraph (C) of Paragraph (19), “Gas Drilling and Production,” of Section 51-4.213, “Commercial Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 5. That Subparagraph (C) of Paragraph (1), “Animal Production,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 6. That Subparagraph (C) of Paragraph (2), “Commercial Stable,” of Section 51A-4.201, “Agricultural Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each two stalls. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 7. That Subparagraph (C) of Paragraph (1), “Building Repair and Maintenance Shop,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 300 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 8. That Subparagraph (C) of Paragraph (2), “Bus or Rail Transit Vehicle Maintenance Storage Facility,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 9. That Subparagraph (C) of Paragraph (3), “Catering Service,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 10. That Subparagraph (C) of Paragraph (4), “Commercial Cleaning or Laundry Plant,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 300 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 11. That Subparagraph (C) of Paragraph (5), “Custom Business Services,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 300 square feet of floor area; a minimum of five spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 12. That Subparagraph (C) of Paragraph (6), “Custom Woodworking, Furniture Construction, or Repair,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of two spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 13. That Subparagraph (C) of Paragraph (7), “Electronics Service Center,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 300 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 14. That Subparagraph (C) of Paragraph (8.1), “Labor Hall,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking. One space per 500 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 15. That Subparagraph (C) of Paragraph (9), “Machine or Welding Shop,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 16. That Subparagraph (C) of Paragraph (10), “Machinery, Heavy Equipment, or Truck Sales and Service,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 1,000 square feet of sales area (whether inside or outside). ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 17. That Subparagraph (C) of Paragraph (11), “Medical or Scientific Laboratory,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 300 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 18. That Subparagraph (C) of Paragraph (13), “Tool or Equipment Rental,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 19. That Subparagraph (C) of Paragraph (14), “Vehicle or Engine Repair or Maintenance,” of Section 51A-4.202, “Commercial and Business Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of five spaces is required. Parking spaces that are used to repair vehicles and located in a structure are not counted in determining the required parking. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 20. That Subparagraph (C) of Paragraph (1), “Industrial (Inside),” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 600 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 21. That Subparagraph (C) of Paragraph (1.1), “Industrial (Inside) for Light Manufacturing,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 600 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 22. That Subparagraph (C) of Paragraph (2), “Industrial (Outside),” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 600 square feet of floor area, plus one space per 600 square feet of outside manufacturing area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 23. That Subparagraph (C) of Paragraph (3.1), “Mining,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]~~”

SECTION 24. That Subparagraph (C) of Paragraph (4.1), “Organic Compost Recycling Facility,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”



SECTION 25. That Subparagraph (C) of Paragraph (6), “Temporary Concrete or Asphalt Batching Plant,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Off-street parking:

[(i)] Required off-street parking: Two spaces. Off-street parking requirements for this use may be satisfied by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the building official that the temporary parking spaces:

(i)[(aa)] are adequately designed to accommodate the parking needs of the use; and

(ii)[(bb)] will not adversely affect surrounding uses.

[(ii) No handicapped parking is required.]”

SECTION 26. That Subparagraph (C) of Paragraph (1), “Adult Day Care Facility,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 27. That Subparagraph (C) of Paragraph (2), “Cemetery or Mausoleum,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 28. That Subparagraph (C) of Paragraph (5), “College, University, or Seminary,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 25 square feet of classroom. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 29. That Subparagraph (C) of Paragraph (7), “Community Service Center,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 30. That Subparagraph (C) of Paragraph (8), “Convalescent and Nursing Homes, Hospice Care, and Related Institutions,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: 0.3 spaces per bed. ~~[Handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 31. That Subparagraph (C) of Paragraph (9), “Convent or Monastery,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use

Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each three residents; a minimum of two spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 32. That Subparagraph (C) of Paragraph (11), “Foster Home,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 33. That Subparagraph (C) of Paragraph (13), “Halfway House,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Determined by the specific use permit. This requirement must include provision of adequate off-street parking for residents, staff, and visitors. In determining an adequate number of off-street parking spaces, the city council shall consider the degree to which allowing the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 34. That Subparagraph (C) of Paragraph (14), “Hospital,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each patient bed. ~~[Handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 35. That Subparagraph (C) of Paragraph (1), “Hotel or Motel,” of Section 51A-4.205, “Lodging Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 36. That Subparagraph (C) of Paragraph (1.1), “Extended Stay Hotel or Motel,” of Section 51A-4.205, “Lodging Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of floor area other than guest rooms. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 37. That Subparagraph (C) of Paragraph (2), “Lodging or Boarding House,” of Section 51A-4.205, “Lodging Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each guest room. ~~[No handicapped parking is required.]”~~

SECTION 38. That Subparagraph (C) of Paragraph (2), “Carnival or Circus (Temporary),” of Section 51A-4.206, “Miscellaneous Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

~~“(C) Required off-street parking: 25 spaces per acre. [If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 39. That Subparagraph (C) of Paragraph (6), “Temporary Construction or Sales Office,” of Section 51A-4.206, “Miscellaneous Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

~~“(C) Required off-street parking: None. [No handicapped parking is required.]”~~

SECTION 40. That Subparagraph (C) of Paragraph (2), “Financial Institution Without Drive-In Window,” of Section 51A-4.207, “Office Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

~~“(C) Required off-street parking: One space per 333 square feet of floor area. [If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 41. That Subparagraph (C) of Paragraph (3), “Financial Institution With Drive-In Window,” of Section 51A-4.207, “Office Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

~~“(C) Required off-street parking: One space per 333 square feet of floor area. See the additional provisions [Subparagraph (E)] for off-street stacking requirements. [If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 42. That Subparagraph (C) of Paragraph (4), “Medical Clinic or Ambulatory Surgical Center,” of Section 51A-4.207, “Office Uses,” of Division 51A-4.200, “Use

Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[Handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 43. That Subparagraph (C) of Paragraph (5), “Office,” of Section 51A-4.207, “Office Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 333 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 44. That Subparagraph (C) of Paragraph (3), “Public Park, Playground, or Golf Course,” of Section 51A-4.208, “Recreation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 45. That Subparagraph (C) of Paragraph (1), “College Dormitory, Fraternity, or Sorority House,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each sleeping room. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 46. That Subparagraph (C) of Paragraph (2), “Duplex,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces per dwelling unit. [~~No handicapped parking is required.~~]”

SECTION 47. That Subparagraph (C) of Paragraph (3), “Group Residential Facility,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. [~~No handicapped parking is required.~~] If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.”

SECTION 48. That Subparagraph (C) of Paragraph (3.1), “Handicapped Group Dwelling Unit,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. [~~No handicapped parking is required.~~] If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion

given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.”

SECTION 49. That Subparagraph (C) of Paragraph (4), “Manufactured Home Park, Manufactured Home Subdivision, or Campground,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision. ~~[No handicapped parking is required.]~~”

SECTION 50. That Subparagraph (C) of Paragraph (5.1), “Residential Hotel,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: 0.5 spaces per guest room. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 51. That Subparagraph (C) of Paragraph (6), “Single Family,” of Subsection (b), “Specific Uses,” of Section 51A-4.209, “Residential Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. ~~[No handicapped parking is required.]~~”

SECTION 52. That Subparagraph (C) of Paragraph (1), “Ambulance Service,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of



Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Required off-street parking: One space per 300 square feet of floor area, plus one space per 500 square feet of site area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~"

SECTION 53. That Subparagraph (C) of Paragraph (2), "Animal Shelter or Clinic," of Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Required off-street parking: One space per 300 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~"

SECTION 54. That Subparagraph (C) of Paragraph (3), "Auto Service Center," of Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Required off-street parking: One space per 500 square feet of floor area; a minimum of four spaces is required. Parking spaces that are used to repair motor vehicles and located in a structure are not counted in determining the required parking. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~"

SECTION 55. That Subparagraph (C) of Paragraph (9), "Commercial Parking Lot or Garage," of Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of

Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None; however, if this use is in the central business district, off-street stacking spaces or passenger unloading zones may need to be provided. ~~[No handicapped parking is required.]~~ For more information regarding off-street parking in the central business district, see Section 51A-4.306.”

SECTION 56. That Subparagraph (C) of Paragraph (10), “Drive-In Theater,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Six parking spaces. The number of stacking spaces must equal ten percent of the number of the theater's stalls. ~~[No handicapped parking is required.]~~”

SECTION 57. That Subparagraph (C) of Paragraph (11), “Dry Cleaning or Laundry Store,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of ~~[or]~~ floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 58. That Subparagraph (C) of Paragraph (13), “General Merchandise or Food Store 3,500 Square Feet or Less,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 59. That Subparagraph (C) of Paragraph (16), “Household Equipment and Appliance Repair,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 60. That Subparagraph (C) of Paragraph (17), “Liquor Store,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 61. That Subparagraph (C) of Paragraph (18), “Mortuary, Funeral Home, or Commercial Wedding Chapel,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) ~~[Off-street parking:~~

(+) Required off-street parking:

~~(i)(aa)~~ One space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. Up to 50 percent of the required off-street parking for this use may be tandem spaces.

~~(ii)(bb)~~ If all spaces provided are non-tandem, the off-street parking requirement for this use is one space per 500 feet of floor area other than the chapel, plus one space for each two seats in the chapel.

~~[(ii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

SECTION 62. That Subparagraph (C) of Paragraph (19), “Motor Vehicle Fueling Station,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]~~”

SECTION 63. That Subparagraph (C) of Paragraph (20), “Nursery, Garden Shop, or Plant Sales,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 64. That Subparagraph (C) of Paragraph (21), “Outside Sales,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas

Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of sales area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 65. That Subparagraph (C) of Paragraph (22), “Pawn Shop,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 66. That Subparagraph (C) of Paragraph (23), “Personal Service Use,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 67. That Item (iv) of Subparagraph (C) of Paragraph (24), “Restaurant Without Drive-In or Drive-Through Service,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is deleted as follows:

~~“(iv) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 68. That Item (iii) of Subparagraph (C) of Paragraph (25), “Restaurant With Drive-In or Drive-Through Service,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is deleted as follows:

~~“(iii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 69. That Subparagraph (C) of Paragraph (26), “Surface Parking,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 70. That Subparagraph (C) of Paragraph (27), “Swap or Buy Shop,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 71. That Subparagraph (C) of Paragraph (29), “Temporary Retail Use,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of site area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 72. That Subparagraph (C) of Paragraph (30), “Theater,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 28 square feet of seating area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 73. That Subparagraph (C) of Paragraph (30.1), “Truck Stop,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 74. That Subparagraph (C) of Paragraph (31), “Vehicle Display, Sales, and Service,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of floor and site area exclusive of parking area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 75. That Subparagraph (C) of Paragraph (1), “Airport or Landing Field,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of terminal building floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 76. That Subparagraph (C) of Paragraph (2), “Commercial Bus Station and Terminal,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of building floor area plus one space per five seats of manufacturer’s rated seating capacity for the maximum number of vehicles on site during any one hour time period. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~



SECTION 77. That Subparagraph (C) of Paragraph (3), “Heliport,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 600 square feet of site area; a minimum of four spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 78. That Subparagraph (C) of Paragraph (4), “Helistop,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 79. That Subparagraph (C) of Paragraph (5), “Private Street or Alley,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 80. That Subparagraph (C) of Paragraph (6), “Railroad Passenger Station,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of terminal building floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 81. That Subparagraph (C) of Paragraph (7), “Railroad Yard, Roundhouse, or Shops,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each 500 square feet of floor area of roundhouse and shops. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 82. That Subparagraph (C) of Paragraph (8), “STOL (Short Takeoff or Landing) Port,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of terminal building floor area; a minimum of five spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 83. That Subparagraph (C) of Paragraph (9), “Transit Passenger Shelter,” of Section 51A-4.211, “Transportation Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 84. That Subparagraph (C) of Paragraph (1), “Commercial Radio or Television Transmitting Station,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 1,000 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 85. That Subparagraph (C) of Paragraph (2), “Electrical Generating Plant,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 1,000 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 86. That Subparagraph (C) of Paragraph (3), “Electrical Substation,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 87. That Subparagraph (C) of Paragraph (4), “Local Utilities,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking:

(i) Utility services: None. ~~[No handicapped parking is required.]~~

(ii) Communications exchange facility: One space per 5,000 square feet of floor area, except that one space per 333 square feet is required for any floor area used for office space. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 88. That Subparagraph (C) of Paragraph (5), “Police or Fire Station,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) ~~[Off-street parking:~~

(i) Required off-street parking:

(i)(aa) Police station: One space per 150 square feet of floor area.

(i)(bb) Fire station: Five spaces plus one additional space per bed.

(ii) ~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 89. That Subparagraph (C) of Paragraph (6), “Post Office,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 200 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 90. That Subparagraph (C) of Paragraph (7), “Radio, Television, or Microwave Tower,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]”~~

SECTION 91. That Subparagraph (C) of Paragraph (8), “Refuse Transfer Station,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 1,000 square feet of site area exclusive of parking area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 92. That Subparagraph (C) of Paragraph (9), “Sanitary Landfill,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]~~”

SECTION 93. That Subparagraph (C) of Paragraph (10), “Sewage Treatment Plant,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each million gallons of capacity. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 94. That Subparagraph (C) of Paragraph (10.1), “Tower/Antenna for Cellular Communication,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None required for temporary cellular units. One space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements. ~~[No handicapped parking is required.]~~”

SECTION 95. That Subparagraph (C) of Paragraph (11), “Utility or Government Installation Other Than Listed,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: The ratio of the use that the building official determines is the most equivalent to the proposed use in terms of function. If a specific use permit is required, the off-street parking regulations may be established in the ordinance granting the permit. In such cases, the city council shall consider the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~”

SECTION 96. That Subparagraph (C) of Paragraph (12), “Water Treatment Plant,” of Section 51A-4.212, “Utility and Public Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: Two spaces. ~~[No handicapped parking is required.]~~”

SECTION 97. That Subparagraph (C) of Paragraph (1), “Auto Auction,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 500 square feet of site area exclusive of parking area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 98. That Subparagraph (C) of Paragraph (2), “Building Mover’s Temporary Storage Yard,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 99. That Subparagraph (C) of Paragraph (3), “Contractor’s Maintenance Yard,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 100. That Subparagraph (C) of Paragraph (4), “Freight Terminal,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 1,000 square feet of floor area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 101. That Subparagraph (C) of Paragraph (5), “Livestock Auction Pens or Sheds,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 28 square feet of seating area, plus one space per 600 square feet of sales area. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 102. That Subparagraph (C) of Paragraph (10), “Petroleum Product Storage and Wholesale,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each 2,000 square feet of site area exclusive of parking area; a minimum of four spaces required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 103. That Subparagraph (C) of Paragraph (11.1), “Recycling Collection Center,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: A minimum of one space is required. If the use is operated by an attendant, one additional space is required. ~~[No handicapped parking is required.]”~~



SECTION 104. That Subparagraph (C) of Paragraph (12), “Sand, Gravel, or Earth Sales and Storage,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 105. That Subparagraph (C) of Paragraph (13), “Trade Center,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: One space for each 700 square feet of floor area, exclusive of atriums, mechanical rooms, stairwells, and hallways. Required off-street parking must be provided on the site within 500 feet of a public entrance to the trade center. However, parking may be located at a distance greater than 500 feet if a satisfactory system of transportation between the trade center and parking area is established and maintained by the owner of the use. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 106. That Subparagraph (C) of Paragraph (14), “Vehicle Storage Lot,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: None. ~~[No handicapped parking is required.]”~~

SECTION 107. That Subparagraph (C) of Paragraph (15), “Warehouse,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking: 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. ~~[If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]”~~

SECTION 108. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 109. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 110. 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 111. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

5-17-18

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-3.102; providing a time limit for the board of adjustment’s case assignment requirement; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That of Subsection (b), “Case Assignments,” of Section 51A-3.102, “Board of Adjustment,” of Article III, “Decisionmaking and Administrative Bodies,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Case assignments. The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within five years of the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

5-17-18

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51A-4.323, 51A-7.505, 51A-7.507, and 51A-7.1706; providing for a reduction in the number of copies needed for parking agreements and sign permits; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subsection (b), “Application,” of Section 51A-4.323, “Procedures for Special Parking Approval,” of Division 51A-4.320, “Special Parking Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(b) Application. An application for special parking approval [~~and five duplicates~~] must be filed with the building official. An application form may be obtained from the building official. The application must include the following:

- (1) The application fee.
- (2) A site plan illustrating the applicable items listed in Subsection (c).
- (3) For packed parking, a statement describing the operational plan, including:
  - (A) the days and hours of operation of the main use;
  - (B) staffing required to park the vehicles; and

(C) the location of any parking service stand.

(4) For remote parking:

(A) a map illustrating the walking distance from the special parking to the use providing the parking; and

(B) if applicable, a statement pointing out the factors justifying an extension of walking distance including discussion of the following factors:

(i) The type of use involved.

(ii) The parking demand generated by the use involved.

(iii) The percentage of required off-street parking that will be provided as remote parking.

(iv) The availability and condition of sidewalks.

(v) The availability and frequency of a local shuttle or transit service.

(vi) The availability of or proposal for shelters for users of any local shuttle or transit service.

(vii) Any other factors that may have the effect of encouraging patrons of the use to use or discouraging patrons of the use from using the remote parking.

(5) For shared parking, a study of parking demand and accumulation during all days and hours of operation for all uses sharing parking.

(6) Any other reasonable and pertinent information that the building official determines to be necessary for special parking review.”

SECTION 2. That Paragraph (2), “Application,” of Section 51A-7.505, “Permit Procedures for Special Provision Sign Districts,” of Division 51A-7.500, “Special Provision Sign Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) Application. When applying for a sign permit in a special provision sign district, the applicant shall submit an application [~~in duplicate~~] to the building official. After determining that the proposed sign conforms with the other sections of the code, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official, the director, and the committee with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the immediate premises. Any applicant may request a meeting with the director or the committee before submitting an application and may consult with the director or the committee during the review of the permit application. Every applicant is entitled to appear before the committee and to be present when any vote is taken.”

SECTION 3. That Paragraph (2), “Application for Permit,” of Subsection (b), “Procedures to Obtain Permit,” of Section 51A-7.507, “Temporary Signs in Special Provision Sign Districts,” of Division 51A-7.500, “Special Provision Sign Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) Application for permit. An application for a permit [~~and two duplicates~~] must be filed with the building official on a form provided by the city. Each application must comply with the requirements [~~of Subchapter 61~~] of the Dallas Building Code.”

SECTION 4. That Romanette (ii), “Application for a Roof Sign,” of Subsection (c), “Roof Signs in Subdistrict B,” of Section 51A-7.1706, “Victory District Sign Permit Requirements,” of Division 51A-7.1700, “Provisions for Victory Sign District,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application [~~in duplicate~~] to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises. Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.”

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

5-17-18

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51A-4.301; 51A-4.602, 51A-5.206, and 51A-5.208; changing director of park and recreation to building official for certain plant and landscape provisions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Romanette (iii) of Paragraph (5) of Subsection (f), “Screening Provisions for Off-Street Parking,” of Section 51A-4.301, “Off-Street Parking Regulations,” of Division 51A-4.300, “Off-Street Parking and Loading Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(iii) Evergreen plant materials recommended for local area use by the building official [~~director of parks and recreation~~]. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.”

SECTION 2. That Paragraph (3) of Subsection (b), “Required Screening,” of Section 51A-4.602, “Fence, Screening and Visual Obstruction Regulations,” of Division 51A-4.600, “Regulations of Special Applicability,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) Required screening must be constructed of:

- (A) brick, stone, concrete masonry, concrete, or wood;
- (B) earthen berm planted with turf grass or ground cover recommended for local area use by the building official [~~director of parks and recreation~~]. The berm may not have a slope that exceeds one foot of height for each two feet of width;
- (C) evergreen plant materials recommended for local area use by the building official [~~director of parks and recreation~~]. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or
- (D) any combination of the above.”

SECTION 3. That Paragraph (3) of Subsection (b) of Section 51A-5.206, “Soil Erosion Control Plan,” of Division 51A-5.200, “Escarpment Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official [~~director of parks and recreation~~] approves an alternative variety as being less susceptible to disease or better suited for urban development.”

SECTION 4. That Paragraph (1) of Subsection (b) of Section 51A-5.208, “Vegetation Plan,” of Division 51A-5.200, “Escarpment Regulations,” of Article V, “Flood Plain and Escarpment Zone Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Indigenous vegetation must be retained and protected except in immediate areas of development so that a minimal amount of vegetation is removed or replaced. If vegetation is removed, it must be replaced with new vegetation of the same variety unless the building official ~~[director of parks and recreation]~~ approves an alternative variety as being less susceptible to disease or better suited for urban development.

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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 9. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

5-17-18

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.217 and 51A-4.217; allowing pedestrian skybridge support structures to be in the public right-of-way and in required yards; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph (F) of Paragraph (11), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51-4.217, “Accessory Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(F) Mandatory pedestrian skybridge standards: Additional provisions concerning construction of pedestrian walkways are contained in Chapter 53, “Dallas Building Code,” of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(i) Pedestrian skybridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

(ii) No more than one pedestrian skybridge may be located within any blockface [~~block~~] or 700 feet of frontage, whichever is less.

(iii) Pedestrian skybridges must have clearance above the public right-of-way of at least 18 feet above grade.

(iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.

(v) The interior height of the passageway must be at least seven and one-half feet. The interior height at the springline of vaulted ceilings must be at least seven and one-half feet.

(vi) Supports may [~~must not~~] be located within the public right-of-way if the placement of the support structure does not impede pedestrian traffic and maintains minimum sidewalk clearance widths required in the zoning district and in conformance with the Americans with Disabilities Act, 42 U.S.C. Chapter 126.

(vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

(viii) Pedestrian skybridges must meet state and federal standards for accessibility to and usability by individuals with disabilities.

(ix) Pedestrian skybridges connected to structures with air conditioning must be enclosed and air conditioned.

(x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

(xi) Pedestrian skybridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

(xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than six percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(xiii) Minimum artificial lighting of 15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian skybridges must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian skybridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian skybridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(xix) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(xx) Skybridges may be placed in a required front, side, or rear yard.

SECTION 2. That Subparagraph (H) of Paragraph (11), "Pedestrian Skybridges," of Subsection (b), "Specific Accessory Uses," of Section 51-4.217, "Accessory Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

“(H) Waiver [~~Special exception~~]: The city council [~~board of adjustment~~] may, by a three-fourths vote, grant a waiver [~~special exception~~] to the pedestrian skybridge standards contained in this paragraph if the council [~~board~~] finds that:

(i) strict compliance with the requirements will unreasonably burden the use of either of the properties;

(ii) the waiver [~~special exception~~] will not adversely affect neighboring property; ~~and~~

(iii) the waiver [~~special exception~~] will not be contrary to the public interest; and



(iv) the waiver will not be contrary to the public health, safety, or welfare.

SECTION 3. That Subparagraph (F), “Mandatory Pedestrian Skybridge Standards,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(F) Mandatory pedestrian skybridge standards. Additional provisions concerning construction of pedestrian walkways are contained in [Section 509 of] Chapter 53, “Dallas Building Code,” of the Dallas City Code. Pedestrian skybridges must be constructed and maintained in accordance with the following regulations:

(i) Pedestrian skybridges [~~sky-bridges~~] must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

(ii) No more than one pedestrian skybridge may be located within any blockface [~~block~~] or 700 feet of frontage, whichever is less.

(iii) Pedestrian skybridges [~~sky-bridges~~] must have clearance above the public right-of-way of at least 18 feet above grade.

(iv) If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.

(v) The interior height of the passageway must be at least 7 1/2 feet. The interior height at the springline of vaulted ceilings must be at least 7 1/2 feet.

(vi) Supports may [~~must not~~] be located within the public right-of-way if the placement of the support structure does not impede pedestrian traffic and maintains minimum sidewalk clearance widths required in the zoning district and in conformance with the Americans with Disabilities Act, 42 U.S.C. Chapter 126.

(vii) A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

(viii) Pedestrian skybridges [~~sky-bridges~~] must meet state and federal standards for accessibility to and usability by individuals with disabilities.

(ix) Pedestrian skybridges [~~sky-bridges~~] connected to structures with air conditioning must be enclosed and air conditioned.

(x) Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

(xi) Pedestrian skybridges [~~sky-bridges~~] must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

(xii) At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than ~~six~~[6] percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

(xiii) Minimum artificial lighting of 15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

(xiv) No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

(xv) Pedestrian skybridges [~~sky-bridges~~] must not be located within 300 feet of an historic overlay district.

(xvi) Pedestrian skybridges [~~sky-bridges~~] must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

(xvii) Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

(xviii) Pedestrian skybridges [~~sky-bridges~~] must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

(~~xix~~[~~xviii~~]) The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

(xx) Skybridges may be placed in the required front, side, or rear yard."

SECTION 4. That Subparagraph (G), “Recommended Pedestrian Skybridge Standards,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(G) Recommended pedestrian skybridge standards. Pedestrian skybridges are recommended to be constructed and maintained in accordance with the following guidelines:

(i) Pedestrian skybridges [~~sky-bridges~~] which are open to the public should penetrate the second story of the adjoining structures, or, if not possible, as close as possible to the street level.

(ii) Pedestrian skybridges [~~sky-bridges~~] should penetrate the adjoining structures as closely as possible to escalators or elevators having access to the entire structure and the street.

(iii) Free-standing pedestrian skybridges and pedestrian skybridges connected to structures without air conditioning should have a roof, wind breaks, and adequate ventilation that maximize the comfort and safety of pedestrians. A pedestrian skybridge should be open only when the adjoining structures are open.

(iv) If the length of the pedestrian skybridge exceeds 250 feet, the passageway should be interrupted by interior visual breaks, such as turns, courts or plazas.

(v) Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

(vi) The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.”

SECTION 5. That Subparagraph (H), “Special Exception,” of Paragraph (12), “Pedestrian Skybridges,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(H) Waiver [~~Special exception~~]. The city council [~~board of adjustment~~] may, by a three-fourths vote, grant a waiver [~~special exception~~] to the pedestrian skybridge standards contained in this paragraph if the council [~~board~~] finds that:

- (i) strict compliance with the requirements will unreasonably burden the use of either of the properties;
- (ii) the waiver [~~special exception~~] will not adversely affect neighboring property; ~~and~~
- (iii) the waiver [~~special exception~~] will not be contrary to the public interest; and
- (iv) the waiver will not be contrary to the public health, safety, or welfare.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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 9. 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 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

3-8-18

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.401, 51-4.402, 51-4.403, 51-6.102, 51A-4.401, 51A-4.402, 51A-4.403, and 51A-6.102; providing for certain projections and structures in required yards; deleting certain noise provisions for air conditioning units and generators; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Paragraph (1) of Subsection (a), "General Provisions," of Section 51-4.401, "Minimum Front Yard," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(1) Required front yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard."

SECTION 2. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51-4.401, “Minimum Front Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

*City Plan Commission recommended:*

“(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp shall be completed in 10 days [Reserved].”

*Staff recommended:*

“(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official [Reserved].”

SECTION 3. That Subsection (a), “General Provisions,” of Section 51-4.402, “Minimum Side Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(a) General provisions.

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares except for

minor streets, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

(3) If a building is erected or altered to exceed 36 feet in height and the building site is either perpendicularly contiguous to or, if a front yard is treated as a side yard, perpendicularly across an adjoining street or alley from an R, R(A), D, D(A), TH, TH(A), or CH district, an additional setback must be provided that is equal to twice the total height of the building. The additional setback is only required for that portion of a building that exceeds 36 feet in height.

(4) A unitary air conditioning unit [~~which has a standard sound rating number (SRN) designation of 20 or less according to the Air Conditioning and Refrigeration Institute~~] may be located in the required side yard, but not nearer than three feet to the property line [~~as follows:~~

(A) ~~No more than three units with a SRN designation of 18 or less with a minimum separation of 10 feet between units.~~

(B) ~~No more than two units with a SRN designation of 19 or less with a minimum separation of 10 feet between units; or~~

(C) ~~No more than one unit with a SRN designation of 20.]~~

*City Plan Commission recommended:*

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp shall be completed in 10 days. [The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.]”

*Staff recommended:*

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. [The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.]”

SECTION 4. That Paragraph (3) of Subsection (b), “Side Yard Provisions for Residential Districts,” of Section 51-4.402, “Minimum Side Yard,” of Division 51-4.400, “Yard, Lot, and



Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

(A) does not exceed 15 feet in height; and

(B) is located in the rear 30 percent of the lot.”

Note: This paragraph does not apply to a front yard governed by the side yard regulations in Section 51-4.402 (such as a front yard treated as a side yard on a corner lot).

SECTION 5. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51-4.403, “Minimum Rear Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

*City Plan Commission recommended:*

“(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp shall be completed in 10 days. ~~[The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.]”~~

*Staff recommended:*

“(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. ~~[The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.]”~~

SECTION 6. That Paragraph (2) of Subsection (b), “Rear Yard Provisions for Residential Districts,” of Section 51-4.403, “Minimum Rear Yard,” of Division 51-4.400, “Yard, Lot, and

Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(2) In a residential district, a person need not provide a rear yard setback for a structure accessory to a residential use, including a generator, if:

- (A) the structure does not exceed 15 feet in height; and
- (B) the rear yard is not adjacent to an alley.”

SECTION 7. That Paragraph (5) of Subsection (a), “General Provisions,” of Section 51-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(5) The requirements of this section do not apply to:

(A) ~~[the side yard placement of a unitary air conditioning unit which complies with the requirements in Section 51-4.402(a)(4);~~

~~(B)]~~ mobile sources;

~~(B[~~ construction/demolition activities regulated by Chapter 30;

~~(C[~~ special events for which a special events permit is issued under Chapter 42A;

~~(D[~~ sound generating equipment or apparatus to warn the public of an emergency or for public safety;

~~(E[~~ noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

~~(F[~~ the following activities, as long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition:

- (i) Lawn maintenance.
- (ii) Repair of personal use vehicles.
- (iii) Home repair of place of residence.”

SECTION 8. That Paragraph (1) of Subsection (a), “General Provisions,” of Section 51A-4.401, “Minimum Front Yard,” of Division 51A-4.400, “Yard, Lot, and Space Regulations” of Article IV “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Required front yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.”

SECTION 9. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51A-4.401, “Minimum Front Yard,” of Division 51A-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

*City Plan Commission recommended:*

“(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp shall be completed in 10 days [Reserved].”

*Staff recommended:*

“(4) The building official may approve a ramp that projects into the required front yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official [Reserved].”

SECTION 10. That Subsection (a), “General Provisions,” of Section 51A-4.402, “Minimum Side Yard,” of Division 51A-4.400, “Yard, Lot, and Space Regulations,” of Article

IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) General provisions.

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

(3) Reserved.

(4) A unitary air conditioning unit [~~which has a standard sound rating number (SRN) designation of 20 or less according to the Air Conditioning and Refrigeration Institute~~] may be located in the required side yard, but not nearer than three feet to the property line [~~as follows:~~

(A) ~~No more than three units with a SRN designation of 18 or less with a minimum separation of 10 feet between units.~~

(B) ~~No more than two units with a SRN designation of 19 or less with a minimum separation of 10 feet between units; or~~

(C) ~~No more than one unit with a SRN designation of 20].~~

*City Plan Commission recommended:*

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp shall be completed in 10 days. [The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.]”

*Staff recommended:*

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal

encroachment and must be constructed to the applicable accessibility standard as determined by the building official. ~~[The minimum side yard requirements in a planned development district are controlled by the planned development district regulations.]~~

SECTION 11. That Paragraph (3) of Subsection (b), “Side Yard Provisions for Residential Districts,” of Section 51A-4.402, “Minimum Side Yard,” of Division 51A-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

- (A) does not exceed 15 feet in height; and
- (B) is located in the rear 30 percent of the lot.”

SECTION 12. That Paragraph (4) of Subsection (a), “General Provisions,” of Section 51A-4.403, “Minimum Rear Yard,” of Division 51-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

*City Plan Commission recommended:*

“(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp shall be completed in 10 days. ~~[The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.]~~”

*Staff recommended:*

“(4) The building official may approve a ramp that projects into the required rear yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. ~~[The minimum rear yard requirements in a planned development district are controlled by the planned development district regulations.]~~”

SECTION 13. That Paragraph (2) of Subsection (b), “Rear Yard Provisions for Residential Districts,” of Section 51A-4.403, “Minimum Rear Yard,” of Division 51A-4.400, “Yard, Lot, and Space Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(2) In a residential district, a person need not provide a full rear yard setback for a structure accessory to a residential use, including a generator, if the structure does not exceed 15 feet in height. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required.”

SECTION 14. That Paragraph (5) of Subsection (a), “General Provisions,” of Section 51A-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows

“(5) The requirements of this section do not apply to:

(A) ~~[the side yard placement of a unitary air conditioning unit which complies with the requirements in Section 51A-4.402(a)(4);~~

~~(B)]~~ mobile sources;

~~(B[C])~~ construction/demolition activities regulated by Chapter 30;

~~(C[D])~~ special events for which a special events permit is issued under Chapter 42A;

~~(D[E])~~ sound generating equipment or apparatus to warn the public of an emergency or for public safety;

~~(E[F])~~ noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

~~(F[G])~~ the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

- (i) Lawn maintenance.
- (ii) Repair of personal use vehicles.
- (iii) Home repair of place of residence.”

SECTION 15. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 16. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. 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 18. 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 19. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

5-17-18

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-4.204; standardizing remote parking regulations for church uses; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph (C) of Paragraph (4), “Church,” of Section 51A-4.204, “Institutional and Community Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Required off-street parking:

(i) Number of spaces required. One space per 333 square feet in floor area if a church has less than 5,000 square feet of floor area and is located in a shopping center with more than 20,000 square feet in floor area, otherwise one space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

(ii) Definitions. For purposes of this subsection, “remote parking” means required off-street parking provided on a lot not occupied by the main use. [~~“Shared parking” means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.~~]



(iii) Reconciliation with Divisions 51A-4.300 et seq.[.] Except as otherwise expressly provided in this subsection, the off-street parking regulations in Divisions 51A-4.300 et. seq. apply to this use. In the event of a conflict between this subsection and Divisions 51A-4.300 et. seq., this subsection controls.

(iv) Remote ~~[and shared]~~ parking. ~~[A church may use remote and/or shared parking to satisfy up to 50 percent of its off-street parking requirement, provided that the remote and/or shared parking is on a lot that is:~~

(aa) ~~dedicated to parking use by an instrument filed with the building official and approved by the city attorney's office;~~

(bb) ~~located in a non-residential district; and~~

(cc) ~~located within 600 feet (including streets and alleys) of the lot occupied by the church. The distance measured is the shortest distance between the lots.~~

~~(v)]~~ (aa) Distance extension with shuttle service. A remote parking lot for a church may be located up to one and one-half miles (including streets and alleys) from the lot occupied by the church if a shuttle service is provided to transport persons between the church and the remote parking lot. The shuttle service route must be approved by the traffic engineer.

~~[(vi)]~~ (bb) Remote parking agreement. An agreement authorizing a church to use remote parking may be based on a lease of the remote parking spaces if:

(I~~[aa]~~) the lease is for a minimum term of three years; and

(II~~[bb]~~)the agreement provides that both the owner of the lot occupied by the church and the owner of the remote lot shall notify the city of Dallas in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**AGENDA ITEM # 69**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

5

**DEPARTMENT:**

Department of Public Works  
Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

58L

---

**SUBJECT**

A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for Gardenview Drive from Alto Garden Drive to Loma Garden Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

**BACKGROUND**

Gardenview Drive from Alto Garden Drive to Loma Garden Avenue was requested by property owner petition, accepted on May 9, 2012, and included in the 2012 Bond Program as a Street Petition Project.

On May 27, 2015, City Council authorized a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of one street petition project on Gardenview Drive, from Alto Garden Drive to Loma Garden Avenue and one thoroughfare project on Highland Road, from Ferguson Road to Primrose at Highland by Resolution No. 15-0955.

This action will allow the public hearing to be held and will authorize the levying of assessments. The improvements will consist of a 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water and wastewater main improvements.

## **BACKGROUND** (continued)

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This is the third and final step in the process. This project will be awarded on August 22, 2018.

## **ESTIMATED SCHEDULE OF PROJECT**

|                       |               |
|-----------------------|---------------|
| Began Design          | May 2015      |
| Completed Design      | February 2018 |
| Begin Construction    | November 2018 |
| Complete Construction | November 2019 |

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 27, 2015, City Council authorized a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of one street petition project on Gardenview Drive, from Alto Garden Drive to Loma Garden Avenue and one thoroughfare project on Highland Road, from Ferguson Road to Primrose at Highland by Resolution No. 15-0955.

On April 25, 2018, City Council authorized street paving, drainage, water and wastewater main improvements for Gardenview Drive from Alto Garden Drive to Loma Garden Avenue; provided for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and a benefit assessment hearing to be held on June 13, 2018, to receive comments by Resolution No. 18-0602.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on June 11, 2018.

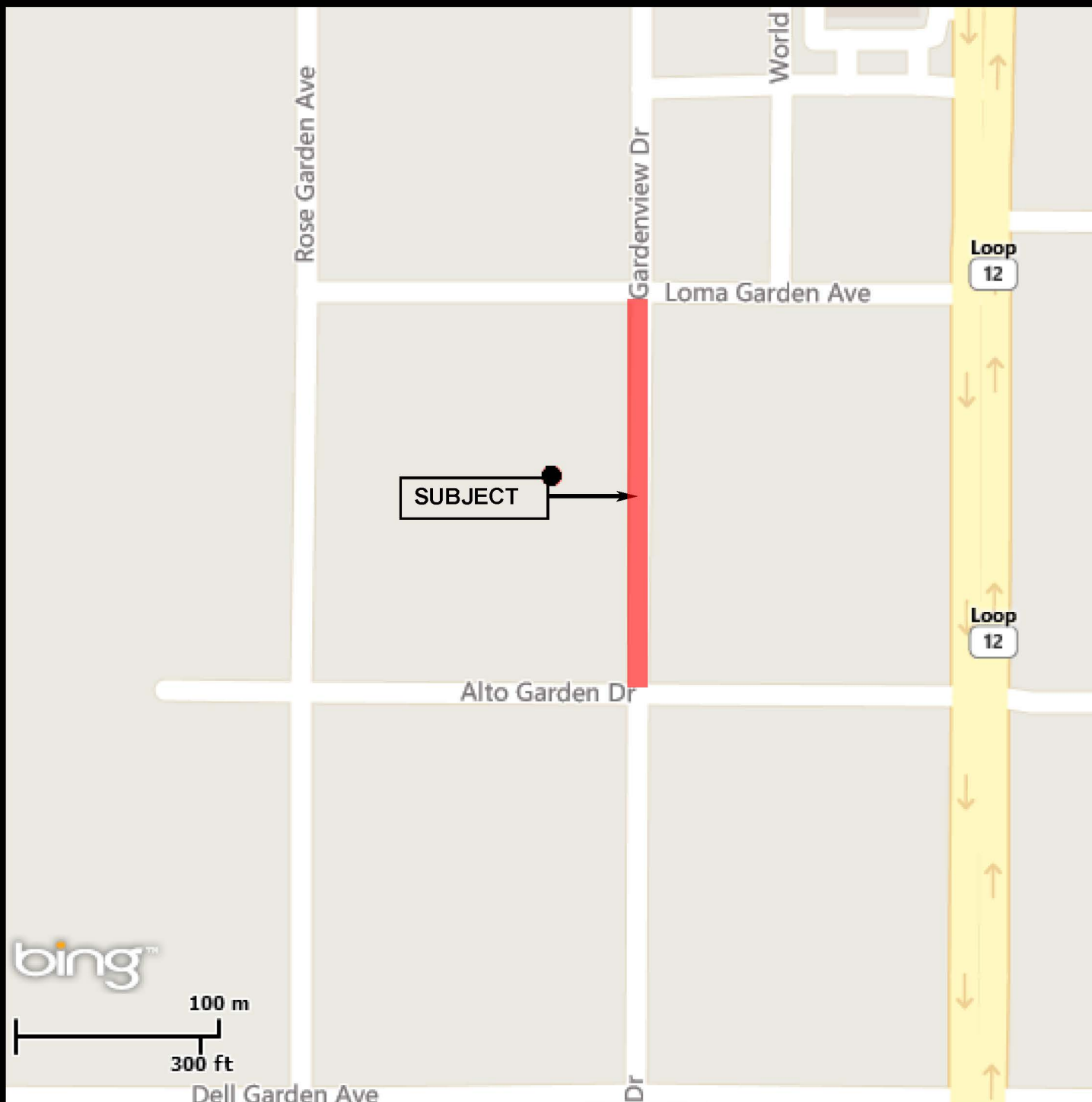
## **FISCAL INFORMATION**

|                          |                             |
|--------------------------|-----------------------------|
| Design                   | \$ 86,943.05                |
| Construction             |                             |
| Paving & Drainage - PBW  | \$1,248,990.00 (est.)       |
| Water & Wastewater - WTR | <u>\$ 185,430.00 (est.)</u> |
| Total Project Cost       | \$1,521,363.05 (est.)       |

This project does involve assessments.

## **MAP**

Attached



June 13, 2018

**WHEREAS**, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

**Gardenview Drive from Alto Garden Drive to Loma Garden Avenue; and**

**WHEREAS**, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and

**WHEREAS**, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and

**WHEREAS**, the said hearing was duly held at said time and place; and

**WHEREAS**, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by Con-Real Support Group LP, an independent appraiser, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and

**WHEREAS**, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed.

**Now, Therefore,**

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

**SECTION 1.** That the said hearing held on the 13th day of June A.D. 2018 be and the same is hereby ordered closed.

June 13, 2018

**SECTION 2.** That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

**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





## enhancementstudy

**18-04**

**Project**

Gardenview Drive From Alto  
Garden Drive To Loma  
Garden Avenue

PREPARED FOR

Efrain Trejo  
Project Coordinator  
City of Dallas  
Public Works Department  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd., Room 307  
Dallas, Texas 75203

Troy C. Alley, Jr., Analyst  
Kristen Alley, Analyst  
Con-Real, LP  
1900 Ballpark Way  
Arlington, Texas 76006

# SUMMARY OF SALIENT FACTS AND CONCLUSIONS

|                                 |                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date of Inspection:</b>      | March 9, 2018                                                                                                                                                                                                                                                                                                                                                       |
| <b>Effective Date of Study:</b> | March 9, 2018                                                                                                                                                                                                                                                                                                                                                       |
| <b>Date of Transmittal:</b>     | March 29, 2018                                                                                                                                                                                                                                                                                                                                                      |
| <b>Subject Property:</b>        | Residential/ Commercial Parcels                                                                                                                                                                                                                                                                                                                                     |
| <b>Location:</b>                | <b>Street:</b> Gardenview Drive from Alto Garden Drive to Loma Garden Avenue                                                                                                                                                                                                                                                                                        |
| <b>Zoning Classifications:</b>  | Single Family District/ Commercial                                                                                                                                                                                                                                                                                                                                  |
| <b>Current Use:</b>             | Improved & Vacant Land                                                                                                                                                                                                                                                                                                                                              |
| <b>Highest &amp; Best Use:</b>  | Residential/ Commercial Use                                                                                                                                                                                                                                                                                                                                         |
| <b>Flood Zone:</b>              | Based only on a cursory inspection, the properties appear to <b>not</b> be in a flood plain.                                                                                                                                                                                                                                                                        |
| <b>Purpose of Study:</b>        | The purpose of this study is to estimate the value of the enhancement, if any, to the properties in the defined enhancement study area based on the completion of the proposed street, sidewalk and driveway improvements that affect the subject properties as of March 9, 2017.                                                                                   |
| <b>Function of Study:</b>       | The function of this enhancement study is to assist the City of Dallas in estimating a fair and reasonable amount of the actual costs of the street, sidewalk, and driveway improvements that the subject property owners should be levied based on the estimated market value enhancement to each property due to the proposed improvements by the City of Dallas. |
| <b>Scope of Study:</b>          | The scope of this study encompasses the inspection of the subject properties, neighborhood and comparable properties. Further, the analysis of data is undertaken in order to support a conclusion of estimated value for the enhancement, if any, to the subject properties.                                                                                       |

## PROPERTY CHALLENGES & SOLUTIONS

*Street: Gardenview Drive from Alto Garden Drive to Loma Garden Avenue, Dallas, Dallas County, Texas*

Driveways- the property owners are without paved driveways. This effects the accessibility of the property and overall neighborhood.

- The proposed improvements are expected to increase the neighborhood curb appeal and may enhance the properties attractiveness.

Sidewalks- there is a lack of sidewalks within the neighborhood which is a possible safety hazard for pedestrians and possible bike riders within the community.

- The improvement of sidewalks in the area will provide a safe route to walk for pedestrians and bike riders. The sidewalks also increase the neighborhood's overall attractiveness.

Curbs/Gutters- Gardenview Drive will need curbs/gutters once the street is improved from Alto Garden Drive to Loma Garden Avenue. The lack of gutters effects the water flow throughout the neighborhood and can become a hazard.

- The projected improved gutters will alleviate water buildup on the street allowing pedestrians to pass without walking through puddles and reducing the risk of hydroplaning by road vehicles.

## SCOPE OF WORK

In preparing this study, we completed the research and analysis below:

- Conducted an inspection of the subject properties and the surrounding areas in order to determine the impact the improved driveways, curbs and gutters, and sidewalks will have on the neighborhood
- Gathered and analyzed property, neighborhood, and community information pertaining to the group of subject properties
- Determined the approaches (Sales Approach and Assessment Valuation Method) which are deemed reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements
- Interviewed reputable sources to receive opinions on the benefits of the improvements of roadways
- Provided a recommendation for the proposed improvements

## EVALUATION ANALYSIS

The improvements proposed by the City of Dallas are to include new concrete paving of the streets which includes concrete curbs and gutters, concrete sidewalks and concrete drives (approaches) where necessary. In the assessment prepared by the City of Dallas, the City calculated a Lineal Foot, Square Foot or Square Yard price in order to estimate the actual cost for each property for the proposed improvements. A summary of the assessment values presented in the study are as follows:

The assessed value of the improvements was enhanced by \$114.75 per lineal foot for the concrete paving, \$11.90 per lineal foot for the concrete sidewalks and \$66.37 per square yard for the concrete drives. Properties that have existing sidewalks and drives are not being assessed for the new improvements that take the place of the current improvements. This is one method of estimating the value the improvements provide to the subject, however, there are other ways to analyze the value of the sidewalk improvements to the property.

We have reviewed the study performed by the City of Dallas pertaining to the subject properties regarding assessments to the property owners for the construction of the sidewalk improvements. In addition to that study, we have tested two other approaches that we deem reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements. They include the Sales Comparison Method and Assessment Valuation Method. The most suitable is the Sales Comparison Method that exhibits the comparison between unimproved vs improved properties for purposes of comparing the prices paid for properties. The Assessment Valuation Method is utilized to determine a reasonable assessed rate for every property in regards to street improvements, sidewalks, and driveways.

## SALES COMPARISON METHOD

This method involves comparing the sales prices of recent sales properties with & without existing curbs/gutters/driveways/sidewalks and forming an opinion as to how much, if any, a purchaser is willing to pay for a property that has existing curb/gutter/driveways/sidewalks improvements over a tract that does not have those improvements.

The subject's area was searched for recent sales of a variety of vacant industrial tracts that were similar in size and location to the subject properties so that a comparative analysis could be performed. This search provided very few sales of properties that did not have curbs/gutters/driveways/sidewalks due to the fact that most of the streets in the area have these features. As such, the search was expanded to areas outside of the subject's immediate area in order to locate a sufficient number of sales of properties with and without curbs/gutters/driveways/sidewalks. Numerous sales were located and examined and from this vast number of sales only a few were found that could be used for comparative analysis purposes. The subject properties employed in the analysis include both improved and unimproved streets, and while the structures and areas employed in this analysis may not be truly comparable to the properties involved with this project, they do provide a basis for comparison between the properties with curbs/gutters/driveways/sidewalks and properties that don't have these features.

Adjustment grids for the following types of properties are located on the following pages:

### **1) Residential Sales – Unimproved Street vs. Improved Streets**

Representing the Street: Gardenview Drive from Alto Garden Drive to Loma Garden Avenue  
(17 parcels)



**RESIDENTIAL PROPERTY “Representation Of Subject Property” (will be employed as the subject lot)**



|                                       |                                                                                             |
|---------------------------------------|---------------------------------------------------------------------------------------------|
| <b>Mapsco:</b>                        | 48-S Dallas                                                                                 |
| <b>Location:</b>                      | 7026 Overlook Drive, Dallas, Texas                                                          |
| <b>Grantor:</b>                       | Ruel D. Farmer                                                                              |
| <b>Grantee:</b>                       | Bank of New York Mellon and Ditech Financial LLC                                            |
| <b>Date of Sale:</b>                  | July 18, 2017                                                                               |
| <b>County:</b>                        | Dallas                                                                                      |
| <b>Size:</b>                          | 1,14 SF                                                                                     |
| <b>Shape:</b>                         | <b>Rectangle</b>                                                                            |
| <b>Zoning:</b>                        | Single Family District 7,500 S                                                              |
| <b>Utilities:</b>                     | City Sewer, City Water                                                                      |
| <b>Topography:</b>                    | Basically Level                                                                             |
| <b>Consideration:</b>                 | \$55,000                                                                                    |
| <b>Per SF:</b>                        | \$47.91                                                                                     |
| <b>Terms:</b>                         | Cash to Seller                                                                              |
| <b>Cash Equivalent Consideration:</b> | \$55,000                                                                                    |
| <b>Per SF:</b>                        | \$47.91                                                                                     |
| <b>Source:</b>                        | MLS/Deed Records                                                                            |
| <b>Comments:</b>                      | This site is located on a one-lane street <b>without</b> improvements of curbs and gutters. |

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

## RESIDENTIAL SALE NO. 1



|                                       |                                                                                                     |
|---------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Mapsc:</b>                         | 57-M Dallas                                                                                         |
| <b>Location:</b>                      | 6405 Seco Boulevard, Dallas, Texas                                                                  |
| <b>Grantor:</b>                       | Janet M. Hodge                                                                                      |
| <b>Grantee:</b>                       | Urban Developers LLC                                                                                |
| <b>Date of Sale:</b>                  | October 27, 2017                                                                                    |
| <b>County:</b>                        | Dallas                                                                                              |
| <b>Size:</b>                          | 1,285 SF                                                                                            |
| <b>Shape:</b>                         | <b>Rectangle</b>                                                                                    |
| <b>Zoning:</b>                        | Single Family District                                                                              |
| <b>Utilities:</b>                     | City Sewer, City Water                                                                              |
| <b>Topography:</b>                    | Basically Level                                                                                     |
| <b>Consideration:</b>                 | \$84,500                                                                                            |
| <b>Per SF:</b>                        | \$65.76                                                                                             |
| <b>Terms:</b>                         | Cash to Seller                                                                                      |
| <b>Cash Equivalent Consideration:</b> | \$84,500                                                                                            |
| <b>Per SF:</b>                        | \$65.76                                                                                             |
| <b>Source:</b>                        | MLS/Deed Records                                                                                    |
| <b>Comments:</b>                      | This site is located on a one-lane interior street which <b>is</b> improved with curbs and gutters. |

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.



## RESIDENTIAL SALE NO. 2



|                                       |                                                                                                     |
|---------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Mapsco:</b>                        | 57-R Dallas                                                                                         |
| <b>Location:</b>                      | 702 Bethpage Avenue, Dallas, Texas                                                                  |
| <b>Grantor:</b>                       | Josefa Salgado                                                                                      |
| <b>Grantee:</b>                       | Elda Casado                                                                                         |
| <b>Date of Sale:</b>                  | February 22, 2018                                                                                   |
| <b>County:</b>                        | Dallas                                                                                              |
| <b>Size:</b>                          | 1,421 SF                                                                                            |
| <b>Shape:</b>                         | <b>Rectangle</b>                                                                                    |
| <b>Zoning:</b>                        | Sigle Family District                                                                               |
| <b>Utilities:</b>                     | City Sewer, City Water                                                                              |
| <b>Topography:</b>                    | Basically Level                                                                                     |
| <b>Consideration:</b>                 | \$90,000                                                                                            |
| <b>Per SF:</b>                        | \$63.34                                                                                             |
| <b>Terms:</b>                         | Cash to Seller                                                                                      |
| <b>Cash Equivalent Consideration:</b> | \$90,000                                                                                            |
| <b>Per SF:</b>                        | \$63.34                                                                                             |
| <b>Source:</b>                        | MLS/Deed Records                                                                                    |
| <b>Comments:</b>                      | This site is located on a one-lane interior street which <b>is</b> improved with curbs and gutters. |

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

### **RESIDENTIAL SALE NO. 3**



|                                       |                                                                                              |
|---------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Mapsc:</b>                         | 58-S Dallas                                                                                  |
| <b>Location:</b>                      | 6848 Antler Avenue, Dallas, Texas                                                            |
| <b>Grantor:</b>                       | Joyce A. Baston                                                                              |
| <b>Grantee:</b>                       | Karen A. Rodriguez and Juan A. Fierros                                                       |
| <b>Date of Sale:</b>                  | May 01, 2017                                                                                 |
| <b>County:</b>                        | Dallas                                                                                       |
| <b>Size:</b>                          | 1,220 SF                                                                                     |
| <b>Shape:</b>                         | <b>Rectangle</b>                                                                             |
| <b>Zoning:</b>                        | Single Family District                                                                       |
| <b>Utilities:</b>                     | City Sewer, City Water                                                                       |
| <b>Topography:</b>                    | Basically Level                                                                              |
| <b>Consideration:</b>                 | \$92,900                                                                                     |
| <b>Per SF:</b>                        | \$76.15                                                                                      |
| <b>Terms:</b>                         | Cash to Seller                                                                               |
| <b>Cash Equivalent Consideration:</b> | \$92,900                                                                                     |
| <b>Per SF:</b>                        | \$76.15                                                                                      |
| <b>Source:</b>                        | MLS/Deed Records                                                                             |
| <b>Comments:</b>                      | This site is located on a one-lane street <b>which is</b> improvements of curbs and gutters. |

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

## Unimproved Streets vs. Improved Streets

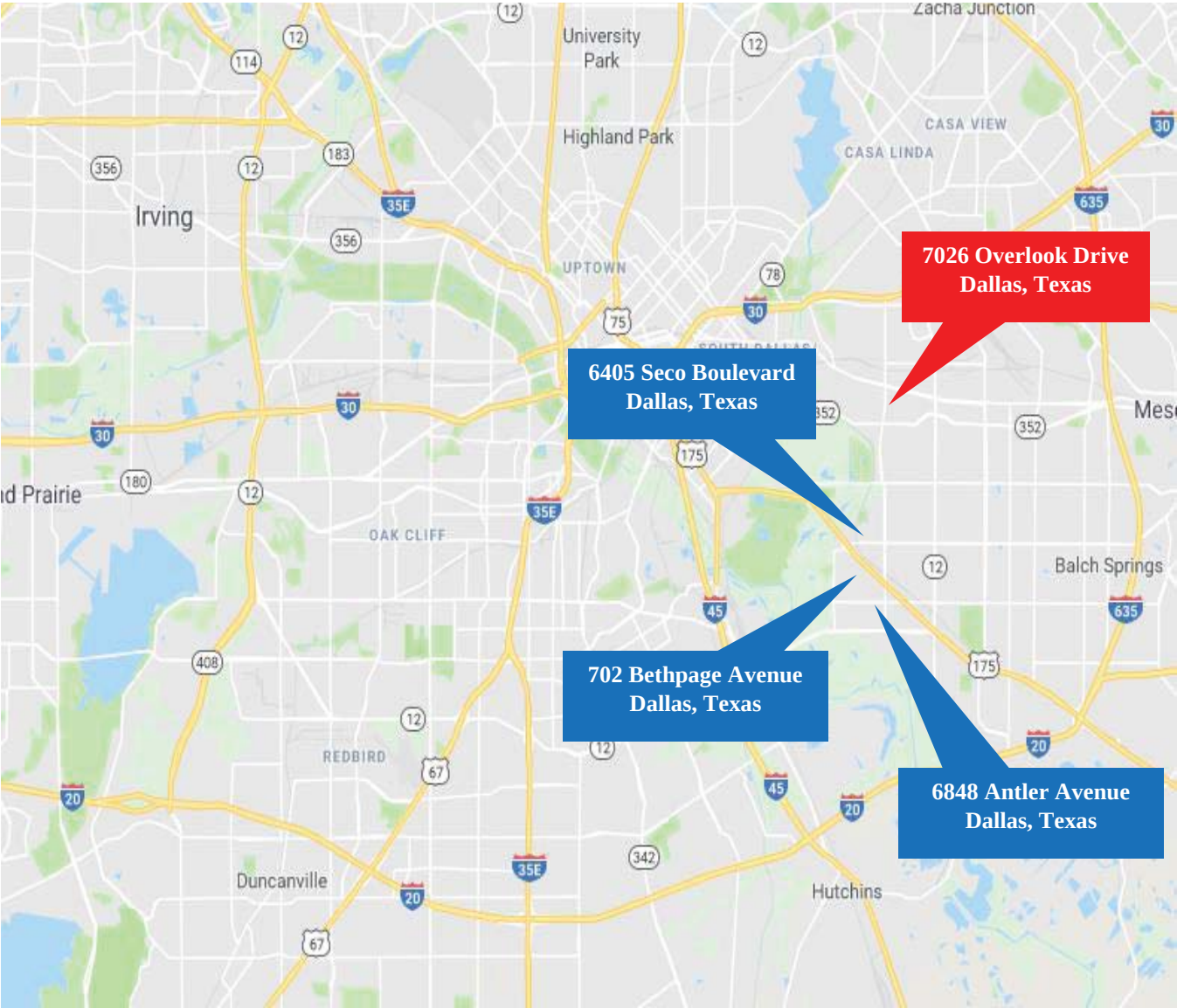
|                              |  |  |  |  |
|------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Location                     | Representaion of Subject Property<br>7026 Overlook Dr<br>Dallas,Texas             | Sale 1<br>6405 Seco Blvd<br>Dallas, Texas                                         | Sale 2<br>702 Bethpage Ave.<br>Dallas, Texas                                       | Sale 3<br>6848 Antler Ave.<br>Dallas, Texas                                         |
| Sales Price/ Per Square Foot | \$47.91                                                                           | \$65.76                                                                           | \$63.34                                                                            | \$76.15                                                                             |
| Eff. Sale Price              | \$47.91                                                                           | \$65.76                                                                           | \$63.34                                                                            | \$76.15                                                                             |
| Size/SF                      | 1,148                                                                             | 1,285                                                                             | 1,421                                                                              | 1,220                                                                               |
|                              |                                                                                   | 0%                                                                                | 3%                                                                                 | 0%                                                                                  |
| Driveways                    | No                                                                                | Yes                                                                               | Yes                                                                                | Yes                                                                                 |
| Sidewalks                    | No                                                                                | Yes                                                                               | Yes                                                                                | Yes                                                                                 |
| Curbs/Gutters                | No                                                                                | Yes                                                                               | Yes                                                                                | Yes                                                                                 |
| Condition                    | Average                                                                           | Superior                                                                          | Superior                                                                           | Superior                                                                            |
|                              |                                                                                   | -5%                                                                               | -5%                                                                                | -10%                                                                                |
| Bedrooms/Baths               | 3 Bedrooms/ 1 Bath                                                                | 3 Bedrooms/ 1.1 Baths                                                             | 3 Bedrooms/ 2 Baths                                                                | 3 Bedrooms/ 1.1 Baths                                                               |
|                              |                                                                                   | -5%                                                                               | -10%                                                                               | -5%                                                                                 |
| Shape                        | Rectangle                                                                         | Rectangle                                                                         | Rectangle                                                                          | Rectangle                                                                           |
|                              |                                                                                   | 0%                                                                                | 0%                                                                                 | 0%                                                                                  |
| Location                     | Average                                                                           | Superior                                                                          | Superior                                                                           | Superior                                                                            |
|                              |                                                                                   | -10%                                                                              | -5%                                                                                | -10%                                                                                |
| Accessability                | Average                                                                           | Superior                                                                          | Superior                                                                           | Superior                                                                            |
|                              |                                                                                   | -5%                                                                               | -3%                                                                                | -10%                                                                                |
| Percentage Adjustment        | 0.0%                                                                              | -25.0%                                                                            | -20.0%                                                                             | -35.0%                                                                              |
| Net Adjustment               | \$0.00                                                                            | (\$16.44)                                                                         | (\$12.67)                                                                          | (\$26.65)                                                                           |
| Adjusted Sale Price          | \$47.91                                                                           | \$49.32                                                                           | \$50.67                                                                            | \$49.50                                                                             |

The Representation of the (Subject's Property) is a selected property similar to the subject properties in order to be used in this analysis. The Representation of the Subject Property is located at 7026 Overlook Drive which is a 1,148 square foot tract that **does not** have curbs/gutters, driveway, or sidewalks and sold for \$47.91 per square foot. The three other sales **do** have curbs/gutters, driveway, or sidewalks on their sites and sold at prices ranging from \$63.34 to \$76.15 per square foot. All of the sales are located within Dallas County and each have locational characteristics in regards to surrounding developments and residential properties that will be examined. The size of the Representation of the Subject Property is significantly smaller than the comparables and an upward adjustment was made to Sale 2. In addition, Sale 1, 2, and 3 experienced a downward adjustment compared to the Representation of the Subject Property in regards to the characteristics of condition, bedrooms/baths, location and accessibility. The properties had better exterior conditions, higher number of baths, and superior location and accessibility.

After making adjustments to the sales comparables, a range of values of \$49.32 to \$50.67 per square foot was derived from the sales. The variance between the subject property and comparables is less than 3%, which leads to the conclusion that there isn't a significant difference in pricing by having curbs/gutters, driveways, and sidewalks.



# SALES MAP



## MARKET INTERVIEWS

In addition to the Sales Comparison Method of determining whether or not the subject properties will experience any enhancement in value caused by the street improvements, the analyst also enlisted advice from several different sources. These sources included real estate agents who have been active in the market area. Below is a partial list of the people who were contacted and a summary of their responses. All of the responses are based on the question “**Is there a price adjustment for a property that has curbs/gutters, driveways, and/or sidewalks?**”.

| <u>Source</u>   | <u>Answer</u> |    | <u>Statement</u>                                                                                                                                           |
|-----------------|---------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | Yes           | No |                                                                                                                                                            |
| Henry S. Miller |               | X  | There isn't any difference in pricing for a property that has curbs/gutters, driveways, and/or sidewalks. <i>(Agent: Luna Huntley)</i>                     |
| Mercer Company  |               | X  | Haven't notice an increase or decrease in the sale price for a property that has curbs/gutter, driveways, and/or sidewalks. <i>(Agent: Corby Hodgkiss)</i> |
| Colliers        |               | X  | I haven't seen a difference in pricing for a properties with or without curbs/gutters, driveways, and/or sidewalks. <i>(Agent: Brad Balke)</i>             |

In summary, overall the real estate agents that were contacted believe that the curbs/gutters, driveways, and/or sidewalks improvement doesn't produce an increase in value of the property. They view the desirability as a preference and not a necessity for the sale of a property.

## ASSESSMENT VALUATION PROCESS

The analyst acknowledges that the new street improvements will provide some enhancement to the overall value of the subject properties, but the improvements will not increase the value of the subject properties at the same rate the City is proposing to assess the property owners. As with all home improvements, the value of the enhancement is very rarely equal to or greater than the actual cost of the improvement. Samples of these types of improvements are: new roofs, replaced fencing, updating of flooring, kitchens, bathrooms, etc. Generally speaking, these type of repairs, renovations or enhancements cost more to replace/construct than they will ever return should the property be sold. A good example is the addition of a swimming pool. A typical swimming pool can cost \$25,000 to install, but upon resale rarely yields \$10,000 more than a similar property without a swimming pool. The same goes for a new roof. While a new roof may be a selling feature in trying to market the property, very rarely does the property owner ever realize a return on the sale of the property equal to the cost to install the new roof. The same is true with the proposed street improvements and accompanying sidewalks and drives. **Based on the market data gathered and examined by the analyst, it is my opinion that the market value of the subject properties will only experience a slight increase in value because of the proposed improvements.**

In an effort to be equitable to the property owners, given that all of the property owners are supposedly paying their fair share, it is our opinion that the property owners be assessed at a rate of 10% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters). The property owners are assessed at a rate of 50% of the estimated construction cost of the sidewalk and concrete drive improvements. The reason for the percentages of the construction costs for the sidewalks and concrete drives, is that the improvements do not provide a dramatic increase to the overall property but offer additional benefit for the property owners. Some of the properties in the project areas already have sidewalks and drives. Those property owners should not be compelled to pay additional money for improvements that they already have in place.

In some instances, particularly on the subject parcels with large tracts of land, 10% of the assessed land value is greater than the total estimated cost of the proposed improvements. This is due to the fact that these properties typically have a large amount of road frontage and benefit from greater exposure from the street, and in those instances the estimated cost of the improvements as proposed by the City of Dallas is the recommended amount.

**The Tables on the following pages in the Addenda identifies each of the subject properties, the assessment process employed by the City of Dallas, and finally, my estimation of a fair and reasonable value for the assessment.**

## ASSESSMENT VALUATION PROCESS (TABLES)

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                                                   | LOT                            | BLOCK  | FRONTAGE             | RATE     | AMOUNT     | TOTAL ASSESSMENT | ASSESSMENT VALUE- LAND                        | RECOMMENDED ASSESSMENT |
|-----------------------------------------------------------------------------------------|--------------------------------|--------|----------------------|----------|------------|------------------|-----------------------------------------------|------------------------|
| WEST SIDE OF STREET                                                                     |                                |        |                      |          |            |                  |                                               |                        |
| DALLAS GARDENS                                                                          |                                |        |                      |          |            |                  |                                               |                        |
| GUADALUPE J VILLELA<br>1103 GARDENVIEW DRIVE<br>DALLAS, TX 75217                        | E 175' LT 24                   | F/6301 | 37 FT PVMT           | \$114.75 | \$4,245.75 | \$4,686.05       | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                         |                                |        | 37 FT WALK           | \$11.90  | \$440.30   |                  | \$220.15 rounded (50% of Sidewalk \$440.30)   | \$220.15               |
|                                                                                         |                                |        |                      |          |            |                  |                                               | \$1,520.15             |
| EFFRAIN RODRIGUEZ &<br>LUZ MARIA CORPUS<br>1107 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217 | E PT LT 23                     | F/6301 | 50 FT PVMT           | \$114.75 | \$5,737.50 | \$7,174.72       | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                         |                                |        | 36 FT WALK           | \$11.90  | \$428.40   |                  | \$214.20 rounded (50% of Sidewalk \$428.40)   | \$214.20               |
|                                                                                         |                                |        | 15.2 SY DR (10'Wide) | \$66.37  | \$1,008.82 |                  | \$504.41 rounded (50% of Driveway \$1,008.82) | \$504.41               |
|                                                                                         |                                |        |                      |          |            |                  |                                               | \$2,018.61             |
| ANGELA ALMARAZ &<br>MARTHA MOLINA<br>1115 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217       | 22<br>1111<br>Gardenview Drive | F/6301 | 49 FT PVMT           | \$114.75 | \$5,622.75 | \$7,237.80       | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                         |                                |        | 37 FT WALK           | \$11.90  | \$440.30   |                  | \$220.15 rounded (50% of Sidewalk \$440.30)   | \$220.15               |
|                                                                                         |                                |        | 17.7 SY DR (12'Wide) | \$66.37  | \$1,174.75 |                  | \$587.37 rounded (50% of Driveway \$1,174.75) | \$587.37               |
|                                                                                         |                                |        |                      |          |            |                  |                                               | \$2,107.52             |
| MARTHA MOLINA<br>1115 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                           | 21                             | F/6301 | 50 FT PVMT           | \$114.75 | \$5,737.50 | \$6,023.10       | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                         |                                |        | 24 FT WALK           | \$11.90  | \$285.60   |                  | \$142.80 rounded (50% of Sidewalk \$285.60)   | \$142.80               |
|                                                                                         |                                |        | 12 FT DRIVE          | No Cost  | \$0.00     |                  |                                               | \$0.00                 |
|                                                                                         |                                |        |                      |          |            |                  |                                               | \$1,442.80             |



# ASSESSMENT VALUATION PROCESS (TABLES)

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                                             | LOT                 | BLOCK  | FRONTAGE             | RATE     | AMOUNT      | TOTAL ASSESSMENT | ASSESSMENT VALUE- LAND                                                                                                        | RECOMMENDED ASSESSMENT |
|-----------------------------------------------------------------------------------|---------------------|--------|----------------------|----------|-------------|------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------|
| ELIAS & MARIA D RODRIGUEZ<br>1119 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217         | LT 20 & S 1/2 LT 19 | F/6301 | 74 FT PVMT           | \$114.75 | \$8,491.50  | \$8,491.50       | \$1,300(10% of lot value \$13,000)                                                                                            | \$1,300.00             |
|                                                                                   |                     |        | 58 FT WALK           | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        | 16 FT DRIVE          | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        |                      |          |             |                  |                                                                                                                               | \$1,300.00             |
| NICANOR & ELIZABETH<br>ALMENDAREZ<br>1123 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217 | LT 18 & N 1/2 LT 19 | F/6301 | 73 FT PVMT           | \$114.75 | \$8,376.75  | \$8,733.75       | \$1,300(10% of lot value \$13,000)<br>\$178.50 rounded (50% of Sidewalk \$357.00)                                             | \$1,300.00             |
|                                                                                   |                     |        | 30 FT WALK           | \$11.90  | \$357.00    |                  |                                                                                                                               | \$178.50               |
|                                                                                   |                     |        | 17 FT DRIVE          | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        |                      |          |             |                  |                                                                                                                               | \$1,478.50             |
| RAFAEL & ROSE OREGON<br>1127 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217              | LT 17 & PT LT 16    | F/6301 | 75 FT PVMT           | \$114.75 | \$8,606.25  | \$9,528.79       | \$1,300(10% of lot value \$13,000)<br>\$461.27 rounded (50% of Driveway \$922.54)                                             | \$1,300.00             |
|                                                                                   |                     |        | 65 FT WALK           | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        | 13.9 SY DR (10'Wide) | \$66.37  | \$922.54    |                  |                                                                                                                               | \$461.27               |
|                                                                                   |                     |        |                      |          |             |                  |                                                                                                                               | \$1,761.27             |
| AGUSTIN & AURELIA BASURTO<br>1135 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217         | LT 15 & N 1/2 LT 16 | F/6301 | 74 FT PVMT           | \$114.75 | \$8,491.50  | \$10,237.03      | \$1,300(10% of lot value \$13,000)<br>\$461.27 rounded (50% of Driveway \$922.54) \$411.49 rounded (50% of Driveway \$822.99) | \$1,300.00             |
|                                                                                   |                     |        | 52 FT WALK           | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        | 13.9 SY DR (10'Wide) | \$66.37  | \$922.54    |                  |                                                                                                                               | \$461.27               |
|                                                                                   |                     |        | 12.4 SY DR (12'Wide) | \$66.37  | \$822.99    |                  |                                                                                                                               | \$411.49               |
| ROGER L PARENT<br>1143 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                    | 13 & 14             | F/6301 | 88 FT PVMT           | \$114.75 | \$10,098.00 | \$10,098.00      | \$1,300(10% of lot value \$13,000)                                                                                            | \$1,300.00             |
|                                                                                   |                     |        | 76 FT WALK           | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        | 12 FT DRIVE          | No Cost  | \$0.00      |                  |                                                                                                                               | \$0.00                 |
|                                                                                   |                     |        |                      |          |             |                  |                                                                                                                               | \$1,300.00             |

# ASSESSMENT VALUATION PROCESS (TABLES)

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                                                | LOT               | BLOCK  | FRONTAGE             | RATE     | AMOUNT      | TOTAL ASSESSMENT | ASSESSMENT VALUE- LAND                        | RECOMMENDED ASSESSMENT |
|--------------------------------------------------------------------------------------|-------------------|--------|----------------------|----------|-------------|------------------|-----------------------------------------------|------------------------|
| EAST SIDE OF STREET                                                                  |                   |        |                      |          |             |                  |                                               |                        |
| GEMACK INCORPORATED<br>204 LAURA LANE<br>GRAND PRAIRIE, TEXAS 75052                  | 1 & 2             | G/6301 | 86 FT PVMT           | \$114.75 | \$9,868.50  | \$10,891.90      | \$6,250 (10% of lot value \$62,500)           | \$6,250.00             |
|                                                                                      | 1142              |        | 86 FT WALK           | \$11.90  | \$1,023.40  |                  | \$511.70 rounded (50% of Sidewalk \$1,023.40) | \$511.70               |
|                                                                                      | Gardenview Drive  |        |                      |          |             |                  |                                               | \$6,761.70             |
| AMADOR GARCIA SALCEDO<br>1134 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                | 3 & 4             | G/6301 | 99 FT PVMT           | \$114.75 | \$11,360.25 | \$11,360.25      |                                               | \$1,300.00             |
|                                                                                      |                   |        | 84 FT WALK           | No Cost  | \$0.00      |                  | \$1,300(10% of lot value \$13,000)            | \$0.00                 |
|                                                                                      |                   |        | 15 FT DRIVE          | No Cost  | \$0.00      |                  |                                               | \$0.00                 |
| HEATHER A MCPHERSON &<br>MARK DEXTER<br>6205 SCOTTSBORO LANE<br>GARLAND, TEXAS 75044 | LT 5 & N 1/2 LT 6 | G/6301 | 74 FT PVMT           | \$114.75 | \$8,491.50  | \$9,208.30       | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                      | 1126              |        | 64 FT WALK           | No Cost  | \$0.00      |                  | \$358.40 rounded (50% of Driveway \$716.80)   | \$0.00                 |
|                                                                                      | Gardenview Drive  |        | 10.8 SY DR (10'Wide) | \$66.37  | \$716.80    |                  |                                               | \$358.40               |
| ADELFA J SALAZAR<br>1122 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                     | PT LT 6 & 7       | G/6301 | 75 FT PVMT           | \$114.75 | \$8,606.25  | \$10,501.87      | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                      |                   |        | 55 FT WALK           | \$11.90  | \$654.50    |                  | \$327.25 rounded (50% of Sidewalk \$654.50)   | \$327.25               |
|                                                                                      |                   |        | 18.7 SY DR (20'Wide) | \$66.37  | \$1,241.12  |                  | \$620.56 rounded (50% of Driveway \$1,241.12) | \$620.56               |
| ISAIA RODRIGUEZ<br>1118 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                      | LT 8 & N 1/2 LT 9 | G/6301 | 75 FT PVMT           | \$114.75 | \$8,606.25  | \$10,862.83      | \$1,300(10% of lot value \$13,000)            | \$1,300.00             |
|                                                                                      |                   |        | 65 FT WALK           | No Cost  | \$0.00      |                  | \$358.40 rounded (50% of Driveway \$716.80)   | \$0.00                 |
|                                                                                      |                   |        | 10.8 SY DR (10'Wide) | \$66.37  | \$716.80    |                  | \$769.89 rounded (50% of Driveway \$1,539.78) | \$358.40               |
|                                                                                      |                   |        | 23.2 SY DR (14'Wide) | \$66.37  | \$1,539.78  |                  |                                               | \$769.89               |
|                                                                                      |                   |        |                      |          |             |                  |                                               | \$2,428.29             |
|                                                                                      |                   |        |                      |          |             |                  |                                               |                        |

ASSESSMENT VALUATION PROCESS (TABLES)

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                           | LOT                 | BLOCK  | FRONTAGE             | RATE     | AMOUNT     | TOTAL ASSESSMENT | ASSESSMENT VALUE- LAND                                                                                                             | RECOMMENDED ASSESSMENT |
|-----------------------------------------------------------------|---------------------|--------|----------------------|----------|------------|------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| BARBARA K CLARK<br>1114 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217 | S 25' LT 9 & ALL 10 | G/6301 | 73 FT PVMT           | \$114.75 | \$8,376.75 | \$9,980.57       | \$1,300(10% of lot value \$13,000)<br>\$297.50 rounded (50% of Sidewalk<br>\$595.00) \$504.41 rounded (50% of Driveway \$1,008.82) | \$1,300.00             |
|                                                                 |                     |        | 50 FT WALK           | \$11.90  | \$595.00   |                  |                                                                                                                                    | \$297.50               |
|                                                                 |                     |        | 13 FT DRIVE          | No Cost  | \$0.00     |                  |                                                                                                                                    | \$0.00                 |
|                                                                 |                     |        | 15.2 SY DR (10Wwide) | \$66.37  | \$1,008.82 |                  |                                                                                                                                    | \$504.41               |
|                                                                 |                     |        |                      |          |            |                  |                                                                                                                                    | \$2,101.91             |
| RAUL TREJO<br>1106 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217      | 11                  | G/6301 | 49 FT PVMT           | \$114.75 | \$5,622.75 | \$5,884.55       | \$1,300(10% of lot value \$13,000)<br>\$130.90 rounded (50% of Sidewalk                                                            | \$1,300.00             |
|                                                                 |                     |        | 22 FT WALK           | \$11.90  | \$261.80   |                  |                                                                                                                                    | \$130.90               |
|                                                                 |                     |        | 27 FT DRIVE          | No Cost  | \$0.00     |                  |                                                                                                                                    | \$0.00                 |
|                                                                 |                     |        |                      |          |            |                  |                                                                                                                                    | \$1,430.90             |
| ALFONSO VAZQUEZ<br>1102 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217 | 12                  | G/6301 | 38 FT PVMT           | \$114.75 | \$4,360.50 | \$4,812.70       | \$1,300(10% of lot value \$13,000)<br>\$226.10 rounded (50% of Sidewalk                                                            | \$1,300.00             |
|                                                                 |                     |        | 38 FT WALK           | \$11.90  | \$452.20   |                  |                                                                                                                                    | \$226.10               |
|                                                                 |                     |        |                      |          |            |                  |                                                                                                                                    | \$1,526.10             |

## RECOMMENDATION:

The Sales Comparison Method was conducted for properties along Gardenview Drive from Alto Garden Drive to Loma Garden Avenue. The method showed a comparison between properties with and without curbs and gutters, driveways, and sidewalks.

Gardenview Drive from Alto Garden Drive to Loma Garden Avenue which encumbers 17 parcels, were represented within the Sales Comparison Method by a similar land property “7026 Overlook Drive, Dallas, Texas” which shared similar features as the 17 parcels. Recent land properties with improved curbs/gutters, driveways, and sidewalks were able to be obtain within the Dallas County to be compared to the represented property.

Despite the distance between the subject sites and the sales, we were able to gather enough data to perform a comparative analysis for the subject properties. The comparison method concluded that there isn’t an increase in sales price for properties with curbs/gutters, driveways, and sidewalks when compared to sales of similar type properties that did not possess those features. That does not necessarily mean that a property is not more marketable or attractive to a potential purchaser, it only means that based on the data we were able to gather and verify, we could not positively prove that a difference existed in the marketplace.

Based on our market analysis in which information from various sources were obtained, we can conclude that a curbs/gutters, driveways, and sidewalks may be an attractive feature for a property based on the purchaser’s preferences. However, the lack of these improvements may not affect the desirability of the property within the real estate market.

While it is true that the property owners will receive a nominal benefit from having new concrete street improvements, curbs/gutters, sidewalks and drives, the benefit received from these new items will only provide a minimal amount of enhanced value to the properties when compared to the largest portion of the value of the tract; the land mass itself. As such, it is our contention that the subject properties will increase in value from the street and sidewalk improvements proposed by the City of Dallas, but not by the actual cost of the improvements. It is our opinion that the property owners should be assessed at a rate of 10% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters), and that the property owners be assessed at a rate of 50% of the estimated construction cost of the sidewalk and concrete drive improvements.

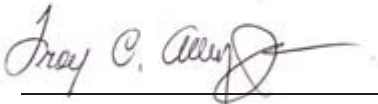
# CERTIFICATE

We do hereby certify that, except as otherwise noted in this report:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, unbiased professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.
4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report. This assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan.
5. Ownership and site data was obtained from information appearing on the Tax Rolls and from data provided by the client.
6. Troy Alley, Jr. has made a personal inspection of the property which is the subject of this report. Kristen Alley has also made a personal inspection of the property.
7. Kristen Alley provided significant professional assistance to the person signing this report.
8. The analyst(s) is not an employee, officer or appointed board or commission member of the City of Dallas. We did not consider race, color, religion, sex, national origin, handicap or familial status in determining the value of the Subject Property.
9. **THIS IS NOT AN OPINION OF VALUE, IT IS A ENHANCEMENT STUDY AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon our work, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

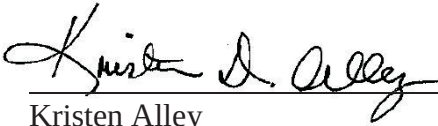


**Con-Real, LP**



---

Troy C. Alley, Jr.  
Sr. Analyst



---

Kristen Alley  
Analyst

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

**Gardenview Drive from Alto Garden Drive to Loma Garden Avenue**

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

**WHEREAS**, heretofore a resolution was duly adopted by the City Council ordering the improvements of

**Gardenview Drive from Alto Garden Drive to Loma Garden Avenue**

by filling, raising, grading, and paving same; and

**WHEREAS**, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Department of Public Works (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and

**WHEREAS**, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and

**WHEREAS**, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and

**WHEREAS**, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 25th day of April, 2018; and

**WHEREAS**, in accordance with the terms of the law, the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 13th day of June, 2018; and the City also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and

**WHEREAS**, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 13th day of June, 2018 at 1:00 O'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and

**WHEREAS**, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

**Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:**

**SECTION 1.** That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 13th day of June, 2018, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed. The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.



**SECTION 2.** That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                                                  | LOT(S)                                       | BLOCK  | FRONTAGE                                                                                                                        | RATE                                   | AMOUNT                                                                  | TOTAL ASSESSMENT                  |
|----------------------------------------------------------------------------------------|----------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------------------|-----------------------------------|
| <b>WEST SIDE OF STREET</b>                                                             |                                              |        |                                                                                                                                 |                                        |                                                                         |                                   |
| <b>DALLAS GARDENS</b>                                                                  |                                              |        |                                                                                                                                 |                                        |                                                                         |                                   |
| GUADALUPE J VILLELA<br>1103 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                    | E 175' LT 24                                 | F/6301 | 37 FT PVMT<br>37 FT WALK<br><b>TOTAL</b><br><b>ADJ PER ENHANCEMENT EVAL.</b><br><b>NET DUE BY OWNER</b>                         | \$114.75<br>\$11.90<br><br><br>        | \$4,245.75<br><u>\$440.30</u><br>\$4,686.05<br>\$3,165.90               | <br><br><br><br><b>\$1,520.15</b> |
| EFRAIN RODRIGUEZ &<br>LUZ MARIA CORPUS<br>1107 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217 | E PT LT 23                                   | F/6301 | 50 FT PVMT<br>36 FT WALK<br>15.2 SY DR (10'Wide)<br><b>TOTAL</b><br><b>ADJ PER ENHANCEMENT EVAL.</b><br><b>NET DUE BY OWNER</b> | \$114.75<br>\$11.90<br>\$66.37<br><br> | \$5,737.50<br>\$428.40<br><u>\$1,008.82</u><br>\$7,174.72<br>\$5,156.11 | <br><br><br><br><b>\$2,018.61</b> |
| ANGELA ALMARAZ &<br>MARTHA MOLINA<br>1115 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217      | 22<br><b>1111</b><br><b>Gardenview Drive</b> | F/6301 | 49 FT PVMT<br>37 FT WALK<br>17.7 SY DR (12'Wide)<br><b>TOTAL</b><br><b>ADJ PER ENHANCEMENT EVAL.</b><br><b>NET DUE BY OWNER</b> | \$114.75<br>\$11.90<br>\$66.37<br><br> | \$5,622.75<br>\$440.30<br><u>\$1,174.75</u><br>\$7,237.80<br>\$5,130.28 | <br><br><br><br><b>\$2,107.52</b> |
| MARTHA MOLINA<br>1115 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                          | 21                                           | F/6301 | 50 FT PVMT<br>24 FT WALK<br>12 FT DRIVE<br><b>TOTAL</b><br><b>ADJ PER ENHANCEMENT EVAL.</b><br><b>NET DUE BY OWNER</b>          | \$114.75<br>\$11.90<br>No Cost<br><br> | \$5,737.50<br>\$285.60<br><u>\$0.00</u><br>\$6,023.10<br>\$4,580.30     | <br><br><br><br><b>\$1,442.80</b> |
| ELIAS & MARIA D RODRIGUEZ<br>1119 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217              | LT 20 & S 1/2 LT 19                          | F/6301 | 74 FT PVMT<br>58 FT WALK<br>16 FT DRIVE<br><b>TOTAL</b><br><b>ADJ PER ENHANCEMENT EVAL.</b><br><b>NET DUE BY OWNER</b>          | \$114.75<br>No Cost<br>No Cost<br><br> | \$8,491.50<br>\$0.00<br><u>\$0.00</u><br>\$8,491.50<br>\$7,191.50       | <br><br><br><br><b>\$1,300.00</b> |
| NICANOR & ELIZABETH<br>ALMENDAREZ<br>1123 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217      | LT 18 & N 1/2 LT 19                          | F/6301 | 73 FT PVMT<br>30 FT WALK<br>17 FT DRIVE<br><b>TOTAL</b><br><b>ADJ PER ENHANCEMENT EVAL.</b><br><b>NET DUE BY OWNER</b>          | \$114.75<br>\$11.90<br>No Cost<br><br> | \$8,376.75<br>\$357.00<br><u>\$0.00</u><br>\$8,733.75<br>\$7,255.25     | <br><br><br><br><b>\$1,478.50</b> |

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                                     | LOT(S)                                          | BLOCK  | FRONTAGE                                                                 | RATE                                      | AMOUNT                                                     | TOTAL ASSESSMENT  |
|---------------------------------------------------------------------------|-------------------------------------------------|--------|--------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------|-------------------|
| <b>DALLAS GARDENS</b>                                                     |                                                 |        |                                                                          |                                           |                                                            |                   |
| RAFAEL & ROSE OREGON<br>1127 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217      | LT 17 & PT LT 16                                | F/6301 | 75 FT PVMT<br>65 FT WALK<br>13.9 SY DR (10'Wide)                         | \$114.75<br>No Cost<br>\$66.37            | \$8,606.25<br>\$0.00<br><u>\$922.54</u>                    |                   |
|                                                                           |                                                 |        | <b>TOTAL</b>                                                             |                                           | \$9,528.79                                                 |                   |
|                                                                           |                                                 |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$7,767.52                                                 |                   |
|                                                                           |                                                 |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                            | <b>\$1,761.27</b> |
| AGUSTIN & AURELIA BASURTO<br>1135 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217 | LT 15 & N 1/2 LT 16                             | F/6301 | 74 FT PVMT<br>52 FT WALK<br>13.9 SY DR (10'Wide)<br>12.4 SY DR (12'Wide) | \$114.75<br>No Cost<br>\$66.37<br>\$66.37 | \$8,491.50<br>\$0.00<br><u>\$922.54</u><br><u>\$822.99</u> |                   |
|                                                                           |                                                 |        | <b>TOTAL</b>                                                             |                                           | \$10,237.03                                                |                   |
|                                                                           |                                                 |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$8,064.26                                                 |                   |
|                                                                           |                                                 |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                            | <b>\$2,172.77</b> |
| ROGER L PARENT<br>1143 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217            | 13 & 14                                         | F/6301 | 88 FT PVMT<br>76 FT WALK<br>12 FT DRIVE                                  | \$114.75<br>No Cost<br>No Cost            | \$10,098.00<br>\$0.00<br><u>\$0.00</u>                     |                   |
|                                                                           |                                                 |        | <b>TOTAL</b>                                                             |                                           | \$10,098.00                                                |                   |
|                                                                           |                                                 |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$8,798.00                                                 |                   |
|                                                                           |                                                 |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                            | <b>\$1,300.00</b> |
| <b>EAST SIDE OF STREET</b>                                                |                                                 |        |                                                                          |                                           |                                                            |                   |
| GEMACK INCORPORATED<br>204 LAURA LANE<br>GRAND PRAIRIE, TEXAS 75052       | 1 & 2<br><b>1142</b><br><b>Gardenview Drive</b> | G/6301 | 86 FT PVMT<br>86 FT WALK                                                 | \$114.75<br>\$11.90                       | \$9,868.50<br><u>\$1,023.40</u>                            |                   |
|                                                                           |                                                 |        | <b>TOTAL</b>                                                             |                                           | \$10,891.90                                                |                   |
|                                                                           |                                                 |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$4,130.20                                                 |                   |
|                                                                           |                                                 |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                            | <b>\$6,761.70</b> |
| AMADOR GARCIA SALCEDO<br>1134 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217     | 3 & 4                                           | G/6301 | 99 FT PVMT<br>84 FT WALK<br>15 FT DRIVE                                  | \$114.75<br>No Cost<br>No Cost            | \$11,360.25<br>\$0.00<br><u>\$0.00</u>                     |                   |
|                                                                           |                                                 |        | <b>TOTAL</b>                                                             |                                           | \$11,360.25                                                |                   |
|                                                                           |                                                 |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$10,060.25                                                |                   |
|                                                                           |                                                 |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                            | <b>\$1,300.00</b> |

GARDENVIEW DRIVE FROM ALTO GARDEN DRIVE TO LOMA GARDEN AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZATION BASE COURSE; WITH 6-INCH HIGH INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4-FEET WIDE SO THAT THE ROADWAY SHALL BE 26-FEET IN WIDTH

| OWNER                                                                                | LOT(S)                                                      | BLOCK  | FRONTAGE                                                                 | RATE                                      | AMOUNT                                                | TOTAL ASSESSMENT  |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------|--------|--------------------------------------------------------------------------|-------------------------------------------|-------------------------------------------------------|-------------------|
| <b>DALLAS GARDENS</b>                                                                |                                                             |        |                                                                          |                                           |                                                       |                   |
| HEATHER A MCPHERSON &<br>MARK DEXTER<br>6205 SCOTTSBORO LANE<br>GARLAND, TEXAS 75044 | LT 5 & N 1/2 LT 6<br><b>1126</b><br><b>Gardenview Drive</b> | G/6301 | 74 FT PVMT<br>64 FT WALK<br>10.8 SY DR (10'Wide)                         | \$114.75<br>No Cost<br>\$66.37            | \$8,491.50<br>\$0.00<br><u>\$716.80</u>               |                   |
|                                                                                      |                                                             |        | <b>TOTAL</b>                                                             |                                           | \$9,208.30                                            |                   |
|                                                                                      |                                                             |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$7,549.90                                            |                   |
|                                                                                      |                                                             |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                       | <b>\$1,658.40</b> |
| ADELFA J SALAZAR<br>1122 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                     | PT LT 6 & 7                                                 | G/6301 | 75 FT PVMT<br>55 FT WALK<br>18.7 SY DR (20'Wide)                         | \$114.75<br>\$11.90<br>\$66.37            | \$8,606.25<br>\$654.50<br><u>\$1,241.12</u>           |                   |
|                                                                                      |                                                             |        | <b>TOTAL</b>                                                             |                                           | \$10,501.87                                           |                   |
|                                                                                      |                                                             |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$8,254.06                                            |                   |
|                                                                                      |                                                             |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                       | <b>\$2,247.81</b> |
| ISAIA RODRIGUEZ<br>1118 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                      | LT 8 & N 1/2 LT 9                                           | G/6301 | 75 FT PVMT<br>65 FT WALK<br>10.8 SY DR (10'Wide)<br>23.2 SY DR (14'Wide) | \$114.75<br>No Cost<br>\$66.37<br>\$66.37 | \$8,606.25<br>\$0.00<br>\$716.80<br><u>\$1,539.78</u> |                   |
|                                                                                      |                                                             |        | <b>TOTAL</b>                                                             |                                           | \$10,862.83                                           |                   |
|                                                                                      |                                                             |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$8,434.54                                            |                   |
|                                                                                      |                                                             |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                       | <b>\$2,428.29</b> |
| BARBARA K CLARK<br>1114 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                      | S 25' LT 9 & ALL 10                                         | G/6301 | 73 FT PVMT<br>50 FT WALK<br>13 FT DRIVE<br>15.2 SY DR (10'Wide)          | \$114.75<br>\$11.90<br>No Cost<br>\$66.37 | \$8,376.75<br>\$595.00<br>\$0.00<br><u>\$1,008.82</u> |                   |
|                                                                                      |                                                             |        | <b>TOTAL</b>                                                             |                                           | \$9,980.57                                            |                   |
|                                                                                      |                                                             |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$7,878.66                                            |                   |
|                                                                                      |                                                             |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                       | <b>\$2,101.91</b> |
| RAUL TREJO<br>1106 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                           | 11                                                          | G/6301 | 49 FT PVMT<br>22 FT WALK<br>27 FT DRIVE                                  | \$114.75<br>\$11.90<br>No Cost            | \$5,622.75<br>\$261.80<br><u>\$0.00</u>               |                   |
|                                                                                      |                                                             |        | <b>TOTAL</b>                                                             |                                           | \$5,884.55                                            |                   |
|                                                                                      |                                                             |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$4,453.65                                            |                   |
|                                                                                      |                                                             |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                       | <b>\$1,430.90</b> |
| ALFONSO VAZQUEZ<br>1102 GARDENVIEW DRIVE<br>DALLAS, TEXAS 75217                      | 12                                                          | G/6301 | 38 FT PVMT<br>38 FT WALK                                                 | \$114.75<br>\$11.90                       | \$4,360.50<br><u>\$452.20</u>                         |                   |
|                                                                                      |                                                             |        | <b>TOTAL</b>                                                             |                                           | \$4,812.70                                            |                   |
|                                                                                      |                                                             |        | <b>ADJ PER ENHANCEMENT EVAL.</b>                                         |                                           | \$3,286.60                                            |                   |
|                                                                                      |                                                             |        | <b>NET DUE BY OWNER</b>                                                  |                                           |                                                       | <b>\$1,526.10</b> |

**Gardenview Drive from Alto Garden Drive to Loma Garden Avenue**

|                                                                                 |              |              |
|---------------------------------------------------------------------------------|--------------|--------------|
| Total Property Owners' Cost - Assessments                                       | \$145,713.71 |              |
| Adjustments Per Enhancement Evaluation                                          | \$111,156.98 |              |
| Net Due by Owners                                                               |              | \$34,556.73  |
| Total City of Dallas' Cost - Paving                                             | \$384,062.77 |              |
| Total City of Dallas' Cost - Drainage                                           | \$111,925.00 |              |
| Total Water Utilities Department Cost<br>Water and Wastewater Main Improvements | \$112,301.60 |              |
| Total City of Dallas's Cost                                                     |              | \$608,289.37 |
| Total Cost of Improvements                                                      |              | \$642,846.10 |

**SECTION 3.** That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

**SECTION 4.** That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

**SECTION 5.** That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

**SECTION 6.** That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block

## **SECTION 6.** (continued)

Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

**SECTION 7.** That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

**SECTION 8.** That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

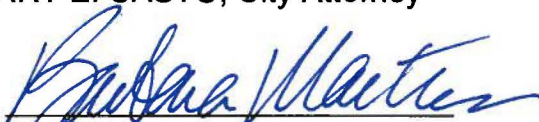
**SECTION 9.** That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

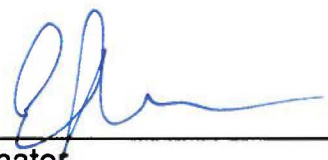
**SECTION 10.** That the City Manager, or his designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

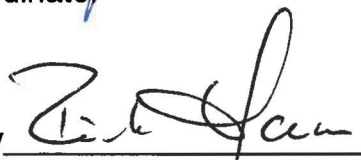
**SECTION 11.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly ordained.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY

  
Assistant City Attorney

Prepared by   
Project Coordinator

Approved by   
Director, Department of Public Works



**AGENDA ITEM # 70**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

1

**DEPARTMENT:**

Department of Sustainable Development and Construction

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

54 G

---

**SUBJECT**

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Texans Can Academy [DBA Dallas Can Academy] as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Slam Tilt, Inc.] on the south line of Jefferson Boulevard, east of Bishop Avenue - AV178-002 - Financing: This action has no cost consideration to the City

**BACKGROUND**

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the open-enrollment charter school to the property line of the place of business.

The standard for approval of the variance is that:

- A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:
- (i) a brewer's permit, Chapter 12;
  - (ii) a distiller's and rectifier's permit, Chapter 14;
  - (iii) a winery permit, Chapter 16;
  - (iv) a wine and beer retailer's permit, Chapter 25;
  - (v) a wine and beer retailer's off-premise permit, Chapter 26;
  - (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;
  - or
  - (vii) a manufacturer's license, Chapter 62.

**BACKGROUND** (continued)

- B. the application is for one of the following land uses:
  - (i) general merchandise or food store use with 10,000 square feet or more of floor area;
  - (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
  - (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
  - (iv) alcoholic beverage manufacturing.
- C. alcoholic beverages will not be sold by drive-in or drive-through service; and
- D. enforcement of the spacing requirements in this particular instance:
  - (i) is not in the best interest of the public;
  - (ii) constitutes waste or inefficient use of land or other resources;
  - (iii) creates an undue hardship on an applicant for an alcohol permit;
  - (iv) does not serve its intended purpose;
  - (v) is effective or necessary; or
  - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on April 20, 2018, by Slam Tilt, Inc. Texans Can Academy, located to the south of the request site, creates the need for the variance. The subject site's public entrance faces the south line of West Jefferson Boulevard, is one parcel east of South Bishop Avenue, and is constructed with an existing one-story building with approximately 5,000 square feet of floor area on approximately 5,588 square feet of land. The applicant proposes to sell alcohol for on-premise consumption within the existing building in conjunction with a restaurant without drive-in or drive-through service with a food and beverage certificate.

While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the school to the entrance of the proposed restaurant is approximately 1,034 feet, or approximately two tenths of a mile. Additionally, the site is located on the south line of an existing thoroughfare (Jefferson Boulevard) among similar retail-oriented structures. Due to the location on a thoroughfare and the physical separation of the existing structures, staff supports this request.

This item requires two seconds to pass.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 9, 2009, City Council authorized an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code, establishing authority and procedures for City Council to grant an application for a variance to the spacing requirements for an alcohol business from a public or private school pursuant to Texas Alcoholic Beverage Code Section 109.33(e), by Resolution No. 09-2831; Ordinance No. 27747.

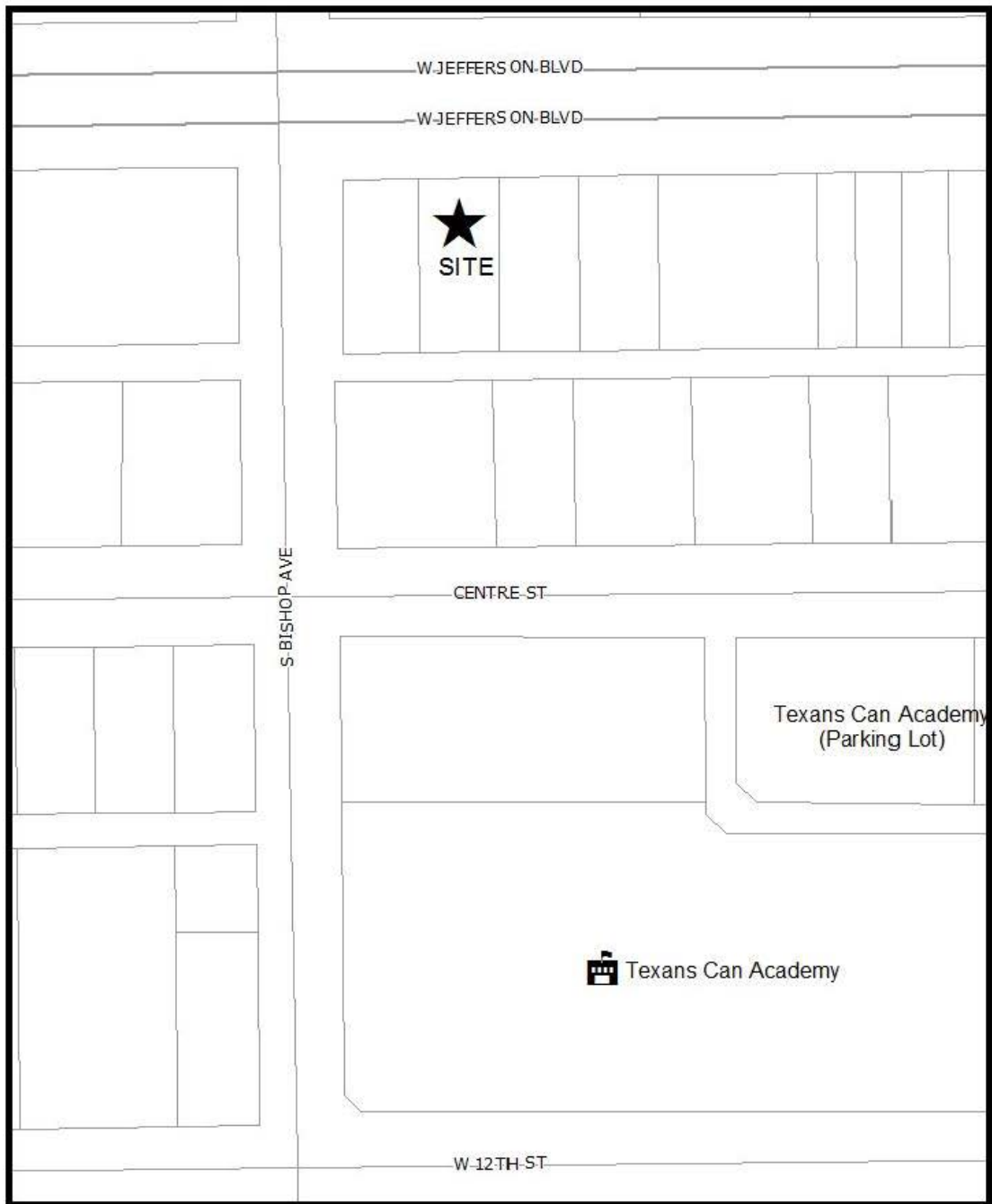
On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

### **FISCAL INFORMATION**

This action has no cost consideration to the City.

### **MAP**

Attached.



**AV178-002**



1:1,000



Approximate location of business  
requesting alcohol variance



Land use requiring spacing from  
business requesting alcohol sales: school



CITY OF DALLAS

# APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Slam Tilt, Inc. dba: Dallas Pinball Project  
(Must match the business name on TABC application)Contact person, title Stephen Schwartz  
(Land owner, business owner, representative)Property owner's name Jefferson Bishop Perkins, LLCContact person's phone 214-599-0011Address of request site 332 W Jefferson Blvd, Dallas, TX 75202Contact person's address 8750 N. Central Expy #1740  
Dallas TX 75231Protected use's address 325 W. 12th St, Dallas, TX 75202Type of protected use:

- ☐ Church
- ☒ Public school / open-enrollment charter school
- ☐ Private school
- ☐ Public hospital
- ☐ Daycare/child-care facility

Type of business seeking to sell alcohol:

- ☐ Alcoholic beverage manufacturing
- ☐ General merchandise or food store with 10,000 square feet or more floor area
- ☐ Microbrewery, microdistillery, or winery
- ☒ Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- ☐ Brewer's permit, "B" / Manufacturer's license, "BA"
- ☐ Distiller's and rectifier's permit, "D"
- ☒ Food and beverage certificate, "FB"
- ☒ Mixed beverage permit, "MB"
- ☐ Wine and beer retailer's off-premise permit, "BQ"
- ☐ Wine and beer retailer's permit, "BG"
- ☐ Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

**REQUIRED ATTACHMENTS:**

- ☒ Statement of request
- ☒ Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)
- ☒ List of officers for alcohol business and property owner

**AUTHORIZATION BY PROPERTY OWNER(S)**

I, Jefferson Bishop Perkins LLC, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Stephen Schwartz  
Owner's Printed Name

[Signature]  
Owner's Signature

**APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT**

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

Corey Hyden  
Applicant's Printed Name

[Signature]  
Applicant Signature

Sworn to and subscribed before me by on this day 26th of January in the year 2018, to certify which witness my hand and seal of office.



Lajuana Gayle Wood  
Notary Public in and for the State of Texas

Date received: 4/20/18

Receipt No.: 8162

Case number: AV178-002

Mr. David Cossum  
Department of Sustainable Development and Construction  
City of Dallas  
1500 Marilla, Room 5DS  
Dallas, Texas 75201

RE: Variance for restaurant without drive-in or drive-through service to sell alcoholic beverages for on-premise consumption at 332 W. Jefferson Blvd.

Dear Mr. Cossum:

Slam Tilt, Inc. seeks to operate Dallas Pinball Project at the address listed above. They seek a certificate of occupancy as a restaurant without drive thru service.

This location is located within three hundred feet of Dallas Can Academy to the south. However, that portion of the property within the three hundred foot radius is their parking lot. The proposed restaurant will maintain its entrance facing Jefferson Boulevard. It is over 1,000 feet from door to door between the protective use and this proposed restaurant. To prohibit this establishment from serving alcoholic beverages due to its proximity to a protective use parking lot is not in the best interest of the public. The commercial corridor along Jefferson is a vibrant mix of restaurant, retail, and personal service uses. A variance to the spacing requirement for this use at this location does not create an adverse effect on the surrounding community. A restaurant use must still comply with TABC requirements for training and serving of alcohol among its staff. An undue hardship is placed onto this location that the restaurants on the north side of Jefferson Boulevard in this block. It is the only restaurant that would be limited from alcohol sales because it is on the south side of Jefferson Boulevard.

We have included a TABC field survey, list of officers, and application for this variance request. Please feel free to contact our offices if you need any additional information regarding this application.

**List of officers**

**Slam Tilt, Inc**

|                   |                         |
|-------------------|-------------------------|
| Corey Hyden       | President and CEO       |
| Richard Tregilgas | Chief Operating Officer |

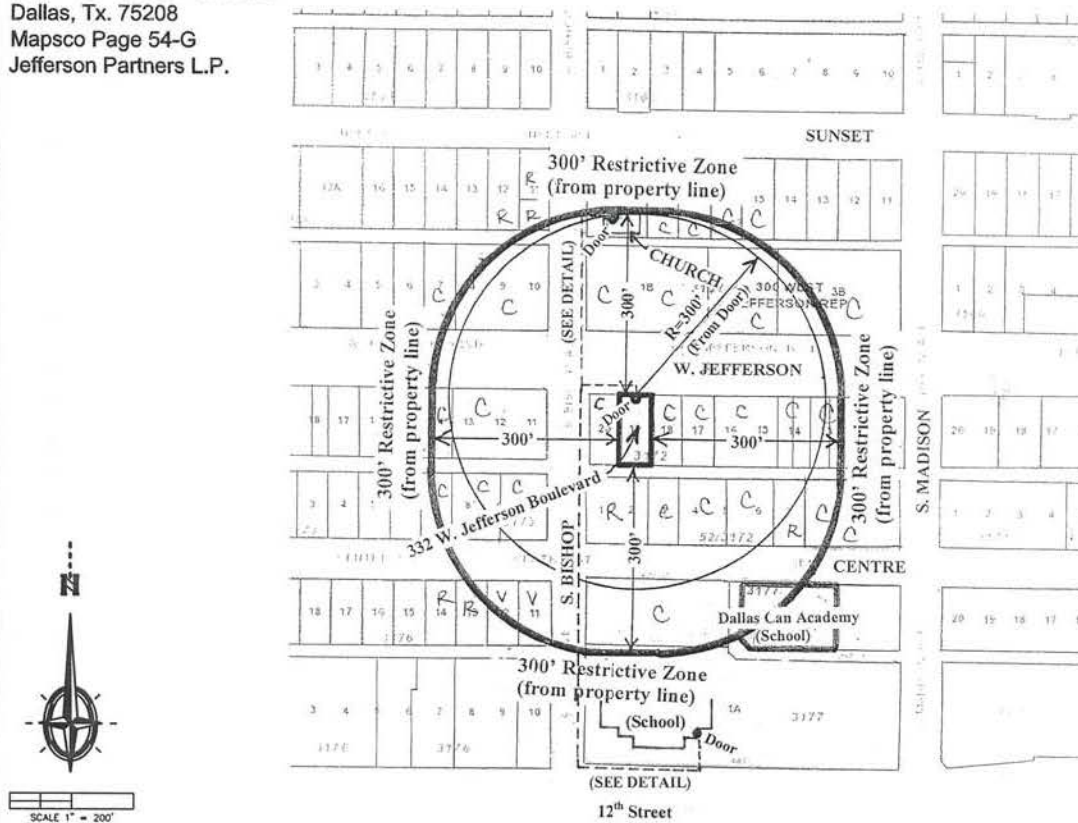
**List of Officers**  
**Jefferson Bishop Partners LLC**

|                  |                |
|------------------|----------------|
| Steven Levin     | President      |
| Oliver Robinson  | Vice President |
| Stephen Schwartz | Vice President |

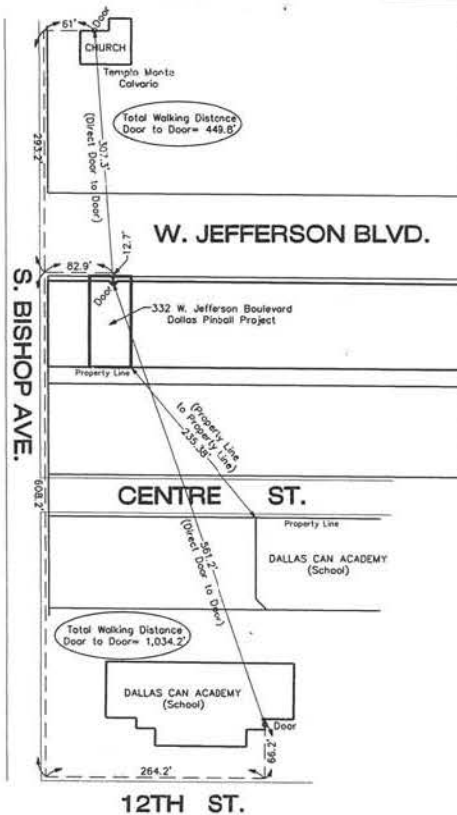


DALLAS PINBALL PROJECT  
332 W. Jefferson Boulevard  
Dallas, Tx. 75208  
Mapsc0 Page 54-G  
Jefferson Partners L.P.

# ALCOHOL MEASUREMENT PLAT



DETAIL  
Scale: 1" = 150'



I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code 6-4.

The DALLAS PINBALL PROJECT, located at 332 W. Jefferson Boulevard, in the City of Dallas, is within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Dallas City Code Section 6-4.

R = Residential  
C = Commercial  
V = Vacant

Date 4/13/2018  
Job 18-210

This survey was performed for an alcohol-measurement certification. All improvements may not be shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.



*Ben D. Rychlik*  
Registered Professional Land Surveyor 1630  
SURVEYING ASSOCIATES  
1018 S. Beckley, Dallas, Tx. 75203  
Phone: (214) 948-3324  
Fax: (214) 946-7540  
FIRM Registration / License No. 10040200



June 13, 2018

**WHEREAS**, Section 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

**WHEREAS**, Slam Tilt, Inc. has submitted an application for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the south line of Jefferson Boulevard, east of Bishop Avenue, north of Texans Can Academy, an open-enrollment charter school; and

**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

**WHEREAS**, the City Council desires to grant the alcohol spacing variance.

**Now, Therefore,**

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

**SECTION 1.** That the variance to the alcohol spacing requirements for Slam Tilt, Inc. dba Dallas Pinball Project, for property on the south line of Jefferson Boulevard, east of Bishop Avenue and north of Texans Can Academy, an open-enrollment charter school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.

June 13, 2018

**SECTION 1.** (continued)

- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

**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.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**AGENDA ITEM # 71**

**STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

June 13, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

Office of Budget

**CMO:**

Elizabeth Reich, 670-7804

**MAPSCO:**

N/A

---

**SUBJECT**

A public hearing to receive comments on **(1)** the Proposed FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds; **(2)** the Proposed FY 2017-18 Reprogramming Budget; and **(3)** an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019 - Financing: No cost consideration to the City

**BACKGROUND**

Federal regulations require a public hearing on the City's Proposed Consolidated Plan Budget for U. S. Department of Housing and Urban Development (HUD) grant funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). Federal regulations also require a public hearing on the City's Proposed Reprogramming Budget and the amendment to the five-year Consolidated Plan.

A public comment period of not less than 30 days and a public hearing to receive comments is also required by federal regulations and the City's Citizen Participation Plan.

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

On May 23, 2018, City Council authorized preliminary adoption of the Proposed FY 2018-19 Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, an amendment to the five-year Consolidated Plan, and authorized a public hearing on June 13, 2018 to receive comments by Resolution 18-0772.

## **FISCAL INFORMATION**

No cost consideration to the City.

## AGENDA ITEM # 72

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

June 13, 2018

### COUNCIL DISTRICT(S):

14

### DEPARTMENT:

Department of Sustainable Development and Construction

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

36 W; X

---

### SUBJECT

An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street - W178-005 - Financing: This action has no cost consideration to the City

Note: This item was considered by the City Council at a public hearing on May 23, 2018, and was held under advisement until June 13, 2018 with the public hearing open

### BACKGROUND

Section 51A-4.701(d) of the Dallas Development Codes states that "after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision." The code allows for a property owner to apply for a waiver of the two-year limitation. The Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. If the City Plan Commission denies the request, the applicant may appeal to the City Council.

An applicant submitted an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street. This request was approved by the City Council on December 13, 2017. Thereafter, on March 22, 2018, the City Plan Commission denied a request for a waiver for the two-year waiting period.

The applicant indicates the change in circumstances regarding the property to warrant a new hearing is that this will be a replacement site for a temporary cellular antenna in the vicinity that has to be removed prior to January 2019, citing "the cellular coverage would be severely degraded waiting until the two-year waiting period is over".

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 13, 2017, the City Council approved an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street.

On March 22, 2018, the City Plan Commission denied a request for a waiver for the two-year waiting period.

On May 23, 2018, this item was held under advisement by Councilmember Philip T. Kingston.

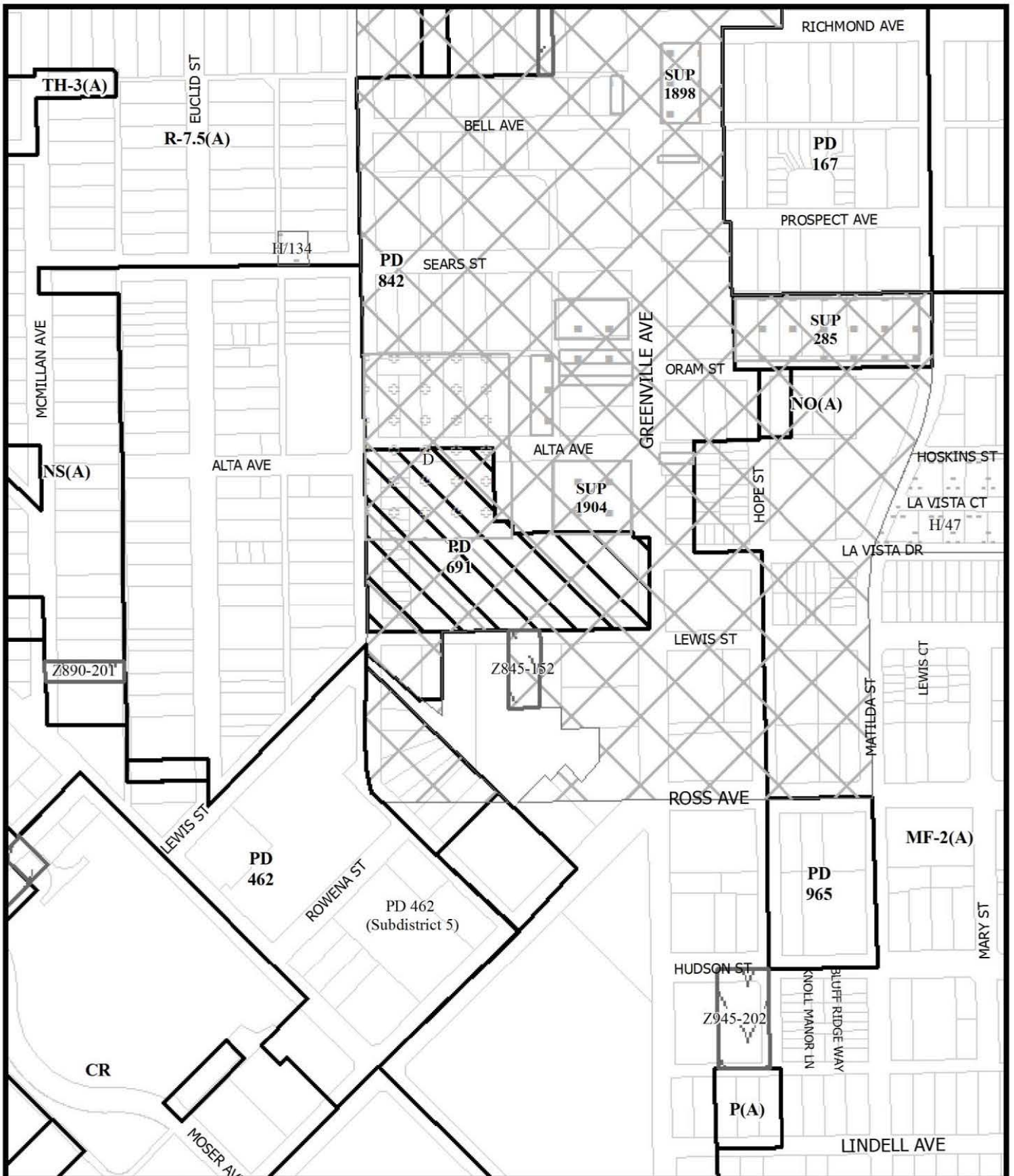
### **FISCAL INFORMATION**

This action has no cost consideration to the City.

### **MAP**

Attached





1:3,600

## ZONING MAP

Case no: Z167-238

Date: 10/3/2017

W178-005

## APPLICATION FOR WAIVER OF TWO-YEAR WAITING PERIOD

Zoning File No. Z167-238

Location Northwest corner of Greenville Avenue and Lewis Street

Date of last CPC or CC Action December 13, 2017

Applicant's Name, Address & Phone Number Karl A Crawley 900 Jackson Street, Ste. 640  
Dallas, Texas 75202

Property Owner's Name, Address and Phone No., if different from above

See Attached

State briefly change of circumstances since the last hearing on the property that would warrant reconsideration of another request in less than two years.

After the conclusion of the recent zoning change for the retail portion of the PD, Verizon found this replacement

site for the temporary cellular antenna located at Belmont and Greenville. The temporary location must

be removed and replaced prior to January 2019. The cellular coverage for this area would be severely

degraded waiting until the two-year waiting period is over. Amending the existing PD to allow mounted

cellular antennae would replaced a replacement monopole in the area.



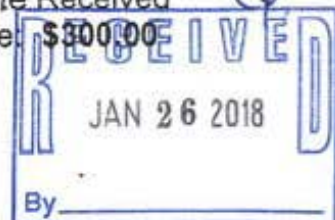
Applicant's Signature

See Attached

Owner's Signature (if individual) or  
Letter of Authorization (from corporation/partnership)

1/26/18  
Date Received

Fee: \$300.00



Receipt # 7955



April 30, 2018

Sharon Hurd  
Planning Manager  
City of Dallas

RE: Appeal of Two-year Waiver, W178-005

Please let this serve as my official request as the authorized representative for the property owner and Verizon Wireless to appeal the denied waiver of the Two-year waiting period for property located at the northwest corner of Greenville Avenue and Lewis Street.

A handwritten signature in blue ink, appearing to read 'Karl A. Crawley'.

Karl A Crawley  
President

**PLAN COMMISSION MINUTES**  
**March 22, 2018**

**W178-005**

Planner: Sharon Hurd

**Motion:** It was moved to **approve** a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with a MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion in the northwest corner of Greenville Avenue and Lewis Street.

Maker: Rieves

Second: Houston

Result: Failed: 5 to 8

For: 5 - Rieves, Houston, Shidid, Mack, Murphy

Against: 8 - West, Davis, Carpenter, Jung, Housewright,  
Schultz, Peadon, Tarpley

Absent: 0

Vacancy: 1 - District 8

Conflict 1 - Ridley

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None

June 13, 2018

**WHEREAS**, Section 51A-4.701(d) of the Dallas Development Code states that “after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision; and

**WHEREAS**, the code allows for a property owner to apply for a waiver of the two-year limitation; and

**WHEREAS**, the City Plan Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing; and

**WHEREAS**, if the City Plan Commission denies the request, the applicant may appeal to the City Council; and

**WHEREAS**, December 13, 2017, the City Council approved an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street; and

**WHEREAS**, on March 22, 2018, in case no. W178-005, the City Plan Commission denied a request for a waiver of the two-year waiting period; and

**WHEREAS**, the applicant is appealing this decision to the City Council.

**Now, Therefore,**

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

**SECTION 1.** That the City Plan Commission’s decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street is reversed.

June 13, 2018

**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.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_