

6-21-05

ORDINANCE NO. 26028

An ordinance correcting Ordinance No. 25955, passed by the Dallas City Council on April 27, 2005, which established Historic Overlay District No. 122 (Kalita Humphreys Theater Historic District), by providing a revised property description; providing a saving clause; providing a severability clause; and providing an affective date.

WHEREAS, the city council finds that it is in the public interest to correct Ordinance No. 25955 to accurately reflect the intent of the city council; Now, Therefore,

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

SECTION 1. That the property description contained in Section 1 of Ordinance No. 25955 is corrected to read as follows:

TRACT NO. 1: (Sylvan Place/44 foot wide Private easement)

ALL THOSE certain lots, tracts, or parcels of land lying and being situated in the City and County of Dallas, Texas, more particularly described as follows:

BEING a part of Blocks 1044, 1045, 1048, 1049, and 1053, official City numbers, and being a 44-foot right-of-way easement conveyed to Dallas Theatre Center by Sylvan T. Baer by deed dated September 22, 1955 and recorded in Volume 4771, Page 196 of the Deed Records of Dallas County, Texas, and being more particularly described in two tracts as follows:

BEGINNING at a point on the present southwest line of Blackburn Street and the southeast line of said 44-foot right-of-way easement, said point being a distance of 452.16 feet northwesterly along said present southwest line of Blackburn Street from its intersection with the northwest line of the M.K.&T. R.R.;

THENCE in a generally southwesterly direction along said southeast line of the 44-foot right-of-way easement as follows:

THENCE in a southwesterly direction, a distance of 71.48 feet to the beginning of a curve to the left, having a central angle of 21°59' and a radius of 257.43 feet;

THENCE in a southwesterly and southerly direction along said curve, an arc distance of 98.77 feet to the end of said curve;

THENCE continuing in a southerly direction, and being tangent to the last mentioned curve, a distance of 46.34 feet to the beginning of a curve to the right, having a central angle of $32^{\circ}25'$ and a radius of 344.02 feet;

THENCE in a southerly and southwesterly direction along said curve, an arc distance of 194.64 feet to the end of said curve;

THENCE continuing in a southwesterly direction and being tangent to the last mentioned curve, a distance of 211.59 feet to the beginning of a curve to the right, having a central angle of $23^{\circ}13'$ and a radius of 486.80 feet;

THENCE continuing in a southwesterly direction along said curve, an arc distance of 197.25 feet to the end of said curve;

THENCE continuing in a southwesterly direction and being tangent to the last mentioned curve, a distance of 145.93 feet to the beginning of a curve to the left, having a central angle of $40^{\circ}19'$ and a radius of 272.40 feet;

THENCE continuing in a southwesterly direction along said curve, an arc distance of 191.68 feet to the end of said curve;

THENCE continuing in a southwesterly direction and being tangent to the last mentioned curve, a distance of 49.73 feet to a point on the present northeast line of Lemmon Avenue East;

THENCE angle right $90^{\circ}00'$ and in a northwesterly direction along said present northeast line of Lemmon Avenue East, a distance of 44.00 feet to a point on the northwest line of said 44-foot right-of-way easement;

THENCE angle right $90^{\circ}00'$ and in a generally northeasterly direction along said northwest line of said 44-foot right-of-way easement, being at all times 44.00 feet perpendicularly with and concentric to the southeast line as follows:

THENCE in a northeasterly direction, a distance of 49.73 feet to the beginning of a curve to the right, having a central angle of $40^{\circ}19'$ and a radius of 316.40 feet;

THENCE continuing in a northeasterly direction along said curve, an arc distance of 222.64 feet to the end of said curve;

THENCE continuing in a northeasterly direction, and being tangent to the last mentioned curve, a distance of 145.93 feet to the beginning of a curve to the left, having a central angle of $23^{\circ}13'$ and a radius of 442.80 feet;

THENCE continuing in a northeasterly direction along said curve, an arc distance of 179.43 feet to the end of said curve;

THENCE continuing in a northeasterly direction, and being tangent to the last mentioned curve, a distance of 211.59 feet to the beginning of a curve to the left, having a central angle of $32^{\circ}25'$ and a radius of 300.02 feet;

THENCE in a northeasterly and northerly direction along said curve, an arc distance of 169.74 feet to the end of said curve;

THENCE continuing in a northerly direction, and being tangent to the last mentioned curve, a distance of 46.34 feet to the beginning of a curve to the right, having a central angle of $21^{\circ}59'$ and a radius of 301.43 feet;

THENCE in a northerly and northeasterly direction along said curve, an arc distance of 115.65 feet to the end of said curve;

THENCE continuing in a northeasterly direction, and being tangent to the last mentioned curve, a distance of 96.35 feet to a point on said present southwest line of Blackburn Street;

THENCE angle right $120^{\circ}32'$ and in a southeasterly direction, along said present southwest line of Blackburn Street, a distance of 11.63 feet to an angle point;

THENCE angle left $01^{\circ}22'$ and continuing in a southeasterly direction along said present southwest line of Blackburn Street, a distance of 38.92 feet to the place of beginning and containing approximately 53,781 square feet of land.

TRACT 2: (Theater Property Tract)

ALL THAT certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas, more particularly described as follows:

BEING a part of Blocks 1048, 1049, and 1053, official City numbers, and being all of the land conveyed to Dallas Theatre Center by Sylvan T. Baer by deed dated September 22, 1955 and recorded in Volume 4771, Page 196 of the Deed Records of Dallas County, Texas, the land herein conveyed being more particularly described as follows:

BEGINNING at a point on the northeast line of the Dallas Theatre Center tract and the northwest line of the M.K.&T. R.R., said northwest line being on a curve having a radius of 1960.10 feet, said point being a distance of 328.7 feet southwesterly along said northwest line of the M.K.&T. R.R. from its intersection with the present $S 38^{\circ}15'16'' W$ southwest line of Blackburn Street, said point also being the east corner of said Dallas Theatre Center tract;

THENCE curving to the left and in a southwesterly direction along said northwest line of the M.K.&T. R.R., and along said curve, through a central angle of $03^{\circ}54'00''$, an arc distance of 133.42 feet and a radius of 1960.10 feet to a point on a northeast line of said M.K.&T. R.R.;

THENCE in a northwesterly direction along said northeast line of the M.K.&T. R.R., a distance of 25.0 feet to a point on a northwest line of said M.K.&T. R.R., said northwest line being on a curve having a radius of 1985.10 feet;

THENCE curving to the left and in a southwesterly direction along said northwest line of the M.K.&T. R.R., and along said curve, through a central angle of $03^{\circ}19'50''$, an arc distance of 115.39 feet to the southwest line of said Dallas Theatre Center tract and the northeast line of a tract of land leased to Live Oak Investments, Inc., and being the south corner of said Dallas Theatre Center tract;

THENCE in a northwesterly direction along the common line of said Dallas Theatre Center and Live Oak Investments, Inc. tracts, a distance of 183.20 feet to a point on the southeast line of a right-of-way easement conveyed to Dallas Theatre Center by said deed recorded in Volume 4771, Page 196 of said Deed Records, said southeast line of the right-of-way easement being on a curve having a radius of 486.80 feet, said point being the west corner of said Dallas Theatre Center tract;

THENCE in a northeasterly direction along said southeast line of the right-of-way easement, and along said curve, through a central angle of $08^{\circ}25'38''$, an arc distance of 71.60 feet to the end of said curve;

THENCE continuing in a northeasterly direction along the southeast line of the right-of-way easement, and being tangent to the last mentioned curve, a distance of 184.48 feet to the northeast line of said Dallas Theatre Center tract and the southwest line of a tract of land leased to Live Oak Investments, Inc. and being the north corner of said Dallas Theatre Center tract;

THENCE in a southeasterly direction along the common line of said Dallas Theatre Center and Live Oak Investment, Inc. tracts, a distance of 241.10 feet to the place of beginning and containing approximately 52,063 square feet of land;

EXCLUDING the area of the existing paving planter depicted on Exhibit B (page B-1) of Ordinance No. 25955.

TRACT 3:

BEING a part of City Block 1048 and 1053.

BEGINNING at a point on the present northwest line of the 44-foot right-of-way easement of said Sylvan Place Drive, said point also being the northwesterly projection of the northeast line of said Dallas Theatre Center tract and the southwest line of said tract of land leased to Live Oak Investments, Inc. (per 8/23/73 legal);

THENCE in a southwesterly direction along the north line of said Sylvan Place Drive tract approximately 264.00 feet to the point of intersection of the northwesterly projection of the southwesterly line of said Dallas Theatre Center tract;

THENCE following said projected line, approximately 100 feet to the centerline of Turtle Creek;

THENCE along said centerline of Turtle Creek approximately 254.00 feet to the point of intersection with the northwesterly projection of the northeast line of said Dallas Theatre Center tract;

THENCE southeasterly along said projected line, approximately 58 feet to the place of beginning and containing approximately 13,717.64 square feet of land.”

SECTION 2. That the Ordinance No. 25955 and the zoning ordinances of the City of Dallas shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. 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 4. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By


Assistant City Attorney

Passed

JUN 22 2005

CATEGORY: MISCELLANEOUS

AGENDA DATE: June 22, 2005
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Development Services
CMO: Ryan S. Evans, 670-3314
MAPSCO: 35 X

SUBJECT

An ordinance authorizing a correction to Ordinance No. 25955 for an Historic Overlay for the Kalita Humphrey's Theater on Turtle Creek Boulevard between Blackburn Street and Lemmon Avenue to correct the property description Z045-174 - Financing: No cost consideration to the City

BACKGROUND

The City Council on April 27, 2005 closed the public hearing and approved an Historic Overlay for the Kalita Humphrey's Theater on Turtle Creek Boulevard between Blackburn Street and Lemmon Avenue.

Subsequent to the passage of the ordinance it was determined that the property description was incorrect. The corrected ordinance changes the property description and is not a change in zoning district or boundary.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 24, 2005, the City Plan Commission recommended approval of an Historic Overlay for the Kalita Humphrey's Theater on Turtle Creek Boulevard between Blackburn Street and Lemmon Avenue.

On April 27, 2005, the City Council held a public hearing and approved an Historic Overlay for the Kalita Humphrey's Theater on Turtle Creek Boulevard between Blackburn Street and Lemmon Avenue by Ordinance No. 25955.

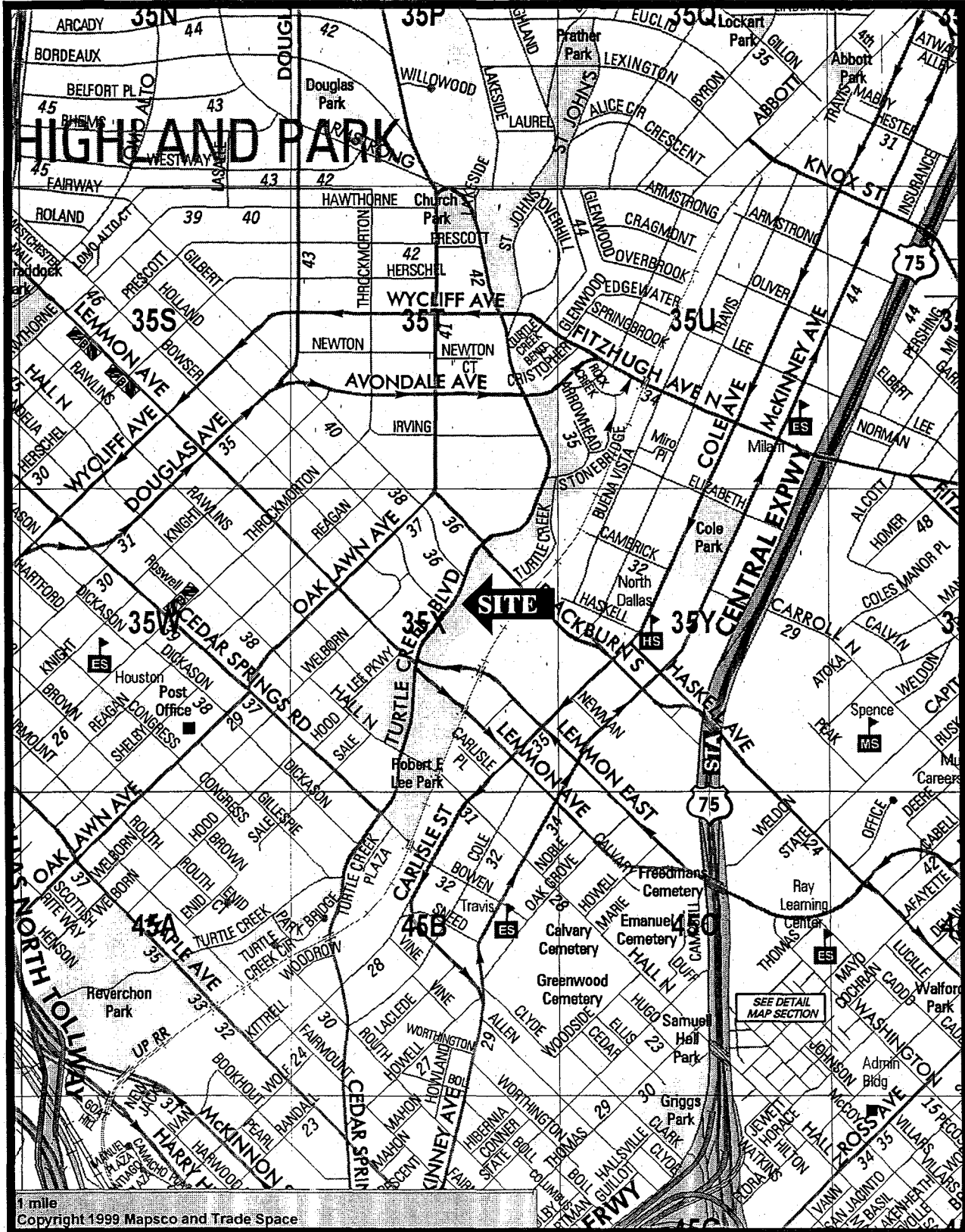
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

Vicinity Map



Z045-174