

# Memorandum



CITY OF DALLAS

DATE June 22, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **June 27, 2018 Agenda Item #18 – Correction Memo**

Please note the correction to the June 27, 2018 Agenda Item #18. The revisions to the Ordinance are underlined as follows:

## Preamble

An ordinance granting a non-exclusive revocable license to all subsequently permitted property owners or tenants (with written consent of property owners), under the terms of this ordinance, of all property within the Bishop Avenue/Eighth Street Conservation District, by and through the Bishop Arts District Merchants Association, Inc., to occupy, maintain and utilize portions of certain rights-of-way within the boundaries of the Bishop Avenue/Eighth Street Conservation District, located near the intersection of Bishop Avenue and Davis Street adjacent to City Blocks 1/3141, 21/3141, 2/3142, 3/3143, 4/3144, 26/3146, 27/3147 and 28/3148 within the limits hereinafter more fully described, for the purpose of installing and maintaining, streetscape improvements, including but not limited to landscaping and appurtenant irrigation systems, planters, crosswalk texturing and coloring, art work, lighting, benches, flag poles, bollards, trash receptacles, awnings and canopies, premise signs, A-frame signs and sidewalk cafés; providing for the terms and conditions of this license; providing for initial and annual fee compensation to be paid to the City of Dallas; providing for certain permit fees; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**SECTION 3.** That the **GRANTEE** shall pay to the City of Dallas the following fees, if applicable, for each permitted property location:

- (a) an initial fee of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)**, to install and maintain certain streetscape elements, including but not limited to landscaping and appurtenant irrigation systems, planters, crosswalk texturing and coloring, art work, lighting, benches, flag poles, bollards, trash receptacles, A-frame signs and awnings and canopies without a premise sign;
- (b) an initial fee of **THREE HUNDRED AND NO/100 DOLLARS (\$300.00)** and an annual fee of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)** to install and maintain a premise sign and sidewalk café.

**SECTION 5.** 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: installing and maintaining, streetscape improvements, including but not limited to landscaping and appurtenant irrigation systems, planters, crosswalk texturing and coloring, art work, lighting, benches, flag poles, bollards, trash receptacles, awnings and canopies, premise signs, A-frame signs and sidewalk cafés.

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**SECTION 8.** That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** shall be responsible to apply for and obtain a streetscape improvement permit ("permit") for each participating merchant location within the area described in Exhibit "A" before locating streetscape improvements in the public right-of-way. Each participating merchant location shall require a streetscape improvement permit.
- b) **GRANTEE** shall provide the Director of Department of Sustainable Development with evidence of: (i) request for a permit from the participating merchant; and (ii) written consent of the property owner, to apply for a streetscape improvement permit.
- c) **GRANTEE** shall make application for a permit to the Director of Department of Sustainable Development and Construction, or designee subject to the following:
  - (i) The application must be in writing on a form approved by the Director of Department of Sustainable Development and Construction and accompanied by plans or drawings showing the area of the public right-of-way affected and the construction and planting proposed.
  - (ii) Upon receipt of the application and any required fees, the Director of Department of Sustainable Development and Construction or designee shall circulate it to all affected City departments and utilities for review and comment. If, after receiving comments from affected City departments and utilities, the Director determines that the streetscape improvements proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the Director shall issue the permit to the **GRANTEE**, property owner, and/or merchant otherwise, the Director of Department of Sustainable Development and Construction shall deny the permit.
  - (iii) A permit issued by the Director of Department of Sustainable Development and Construction is subject to immediate revocation upon written notice if at any time the Director determines that the use of the right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.
  - (iv) The issuance of a permit to **GRANTEE**, property owner, and/or merchant shall not excuse **GRANTEE**, property owner, merchant, their agents, employees, or others, as the case may be, from liability in the installation or maintenance of streetscape improvements in the public right of way.
  - (v) Upon the installation of streetscape improvements in the public right-of-way, **GRANTEE** and/or merchant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage as set forth in provisions of Exhibit B. Proof of insurance shall be required on an individual property location basis and failure to maintain and provide required insurance shall render the license null and void as to the individual property location.
- (d) **GRANTEE** and/or merchant is responsible for maintaining the streetscape improvements and the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to maintain streetscape improvements or make repairs. The granting of a license for streetscape improvements under this subsection does not release the owner or merchant from

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liability for the installation or maintenance of streetscape improvements in the public right-of-way.

**SECTION 8.** (continued)

(e) **GRANTEE** and/or merchant shall ensure the installation of an A-frame sign be no greater than 44" x 24" in size, is placed in a manner to maintain continued pedestrian ingress and egress, and is compliant with the Americans with Disabilities Act (ADA).

~~(f)~~(e) That except as otherwise provided herein, all use of the public right-of-way must be approved in accordance with the requirements of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code, as amended.

Should you have any questions or concerns, please feel free to contact me.



Majed A. Al-Ghafry, P.E.  
Assistant City Manager

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Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors