

**JANUARY 11, 2017 CITY COUNCIL AGENDA
CERTIFICATION**

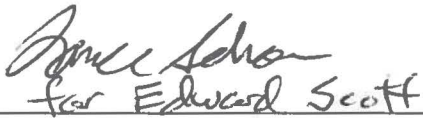
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated January 11, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

12.16.16

Date



Elizabeth Reich
Chief Financial Officer

12/16/16

Date

RECEIVED

2016 DEC 16 PM 6:11

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

January 11, 2017

Date

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

General Information

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

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

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

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

Rules of Courtesy

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

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

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

Información General

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

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la 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 Government Entities

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

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el 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, JANUARY 11, 2017
ORDER OF BUSINESS**

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

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 30

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 31 - 35

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 36 - 60

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

AGENDA
CITY COUNCIL MEETING
JANUARY 11, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the December 14, 2016 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a three-year professional services contract for engineering services to review plats and plans related to construction projects - Dal-Tech Engineering, Inc. in the amount of \$6,256,984 and Freese and Nichols, Inc. in the amount of \$2,026,238, most qualified respondents of nine - Total not to exceed \$8,283,222 - Financing: Building Inspection Current Funds (\$8,093,801), and Stormwater Drainage Management Current Funds (\$189,421) (subject to annual appropriations)
3. Authorize a three-year service contract, with two one-year renewal options, for stagehand, tech labor, and setup labor for the Office of Cultural Affairs - IAPP, Inc., most advantageous proposer of two - Not to exceed \$1,243,167 - Financing: Current Funds (\$1,233,167) and Municipal Radio Current Funds (\$10,000) (subject to annual appropriations)

CONSENT AGENDA (Continued)**Business Development & Procurement Services (Continued)**

4. Authorize a five-year concession contract for the operation of food and beverage concessions at the Kiest Softball Complex - Elroy Johnson dba Glow Cones, most advantageous proposer of four - Estimated Annual Net Revenue: \$7,250
5. Authorize a two-year master agreement for butterfly valves and actuators - Municipal Valve & Equipment in the amount of \$601,500, Mueller Co. LLC in the amount of \$55,000, Pumps Valves & Equipment dba The Scruggs Company in the amount of \$34,000, and Rexa, Inc. in the amount of \$11,000, lowest responsible bidders of four - Total not to exceed \$701,500 - Financing: Water Utilities Current Funds
6. Authorize a three-year master agreement for automotive, truck, and heavy equipment batteries - Metroplex Battery, Inc., lowest responsible bidder of five - Not to exceed \$1,320,558 - Financing: Current Funds (\$1,136,192), Water Utilities Current Funds (\$69,568), Sanitation Current Funds (\$57,166), Stormwater Drainage Management Current Funds (\$35,072), Convention and Event Services Current Funds (\$12,394), and Aviation Current Funds (\$10,166)
7. Authorize a three-year master agreement for polyaluminum chloride coagulant to be used in the water purification process - Chemtrade Chemicals US, LLC, lowest responsible bidder of five - Not to exceed \$1,935,000 - Financing: Water Utilities Current Funds
8. Authorize **(1)** Supplemental Agreement No. 2 to increase the service contract with Lane Staffing, Inc. for citywide temporary clerical and professional services to allow for a transition from the current contractor to the new contractor - Not to exceed \$1,500,000, from \$20,431,973 to \$21,931,973; and **(2)** a three-year service contract for citywide temporary clerical and professional services - Smith Temporaries, Inc. dba CornerStone Staffing in the amount of \$28,657,706, most advantageous proposer of six - Total not to exceed \$30,157,706 - Financing: Current Funds (\$26,243,374), Convention and Event Services Current Funds (\$1,956,231), Water Utilities Current Funds (\$1,562,782), and Aviation Current Funds (\$395,319) (subject to annual appropriations)
9. Authorize Supplemental Agreement No. 24 to increase the service contract with AT&T Corp. for voice and data network services, network management, monitoring, maintenance, information technology security, and related services - Not to exceed \$8,789,987, from \$70,515,898 to \$79,305,885 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

10. Authorize settlement of the claim of Timothy Hankins in the lawsuit styled Osric Stevens et al. v. City of Dallas, Cause No. DC-15-02678-H - Not to exceed \$188,775 - Financing: Current Funds

CONSENT AGENDA (Continued)**City Attorney's Office (Continued)**

11. Authorize Supplemental Agreement No. 4 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook et al. v. City of Dallas et al., Civil Action No. 3:12-CV-03788-N - Not to exceed \$75,000, from \$280,000 to \$355,000 - Financing: Current Funds

Housing/Community Services

12. Authorize contracts with fully-licensed child care providers pursuant to the Child Care Services Program for the period October 1, 2016 through September 30, 2017 (list attached) and with other fully-licensed child care providers selected by eligible parents during the fiscal year - Not to exceed \$369,356 - Financing: 2016-17 Community Development Block Grant Funds
13. Authorize a public hearing to be held on February 8, 2017 to receive comments on the proposed sale of one unimproved property (list attached) acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City
14. Authorize a public hearing to be held on February 8, 2017 to receive comments on the proposed sale of four unimproved properties (list attached) acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

Human Resources

15. Authorize **(1)** approval of revised salary schedules for Fire and Police uniform executive staff, adding a 2% top pay step; **(2)** eliminating the start step in each executive rank; and **(3)** implementing step pay increases for Police and Fire uniform executive staff, effective October 1, 2016 - Financing: This action no cost consideration to the City

Mobility and Street Services

16. Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road; **(2)** the receipt and deposit of funds from the Texas Department of Transportation in the amount of \$21,346; and **(3)** the establishment of appropriations in the amount of \$21,346 in the Texas Department of Transportation Grant Fund - Not to exceed \$21,346 - Financing: Texas Department of Transportation Grant Funds

CONSENT AGENDA (Continued)**Mobility and Street Services (Continued)**

17. Authorize a Project Specific Agreement to the Master Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard - Not to exceed \$6,305,000 - Financing: General Obligation Commercial Paper Funds (\$3,090,498), 2006 Bond Funds (\$2,709,502) and Water Utilities Capital Construction Funds (\$505,000)
18. Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City
19. Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City
20. Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040, from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

Park & Recreation

21. Authorize **(1)** entering into a Sub-Grant Memorandum of Understanding between the Dallas Parks Foundation ("DPF") and the City of Dallas, through its Dallas Park and Recreation Department ("City") to enable reimbursements from the DPF to the City for expenditures made by the City in an amount not to exceed \$44,705 for the purpose of implementing a community outreach outdoor program pursuant to a grant agreement between DPF and Texas Parks and Wildlife Department ("TPWD") for the program period May 1, 2016 through November 1, 2017; **(2)** receipt and deposit of funds in an amount not to exceed \$44,705 from TPWD through DPF into the City's TPWD Outdoor Adventures at Dallas Grant Fund; **(3)** establishment of appropriations in the TPWD Outdoor Adventures at Dallas Grant Fund in the amount of \$44,705; and **(4)** disbursement of funds in an amount not to exceed \$44,705 from the TPWD Outdoor Adventures at Dallas Grant Fund - Not to exceed \$44,705 - Financing: Texas Parks and Wildlife Department Outdoor Adventures Grant Funds

CONSENT AGENDA (Continued)

Park & Recreation (Continued)

22. Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway - Revenue: \$10 one-time fee

Sustainable Development and Construction

23. An ordinance abandoning a portion of a utility easement to HCP DR MCD, LLC, the abutting owner, containing approximately 763 square feet of land, located near the intersection of Dollar Lane and Coit Road - Revenue: \$5,400, plus the \$20 ordinance publication fee
24. An ordinance amending Ordinance No. 29966, previously approved on January 13, 2016, which abandoned a portion of Hobbs Street, located near the intersection of Haskell and Beeman Avenues to Southern Foods Group, LLC to extend the final replat from one year to 18 months - Revenue: \$5,400, plus the \$20 ordinance publication fee

Trinity Watershed Management

25. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Mamie Lee McKnight, et al., Cause No. CC-16-03466-E, pending in Dallas County Court at Law No. 5, to acquire an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$31,000 (\$28,000 plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,102 from the amount Council originally authorized for this acquisition) - Financing: 2006 Bond Funds
26. Authorize acquisition from the County of Dallas, of an improved tract of land containing approximately 2,092 square feet located on North Riverfront Boulevard at its intersection with Commerce Street for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project - Not to exceed \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds
27. Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

CONSENT AGENDA (Continued)

Water Utilities

28. Authorize a thirty-year contract with the Town of Flower Mound to continue providing water services, from January 22, 2017 through January 21, 2047 - Estimated Annual Revenue: \$3,396,051
29. Authorize an increase in the construction contract with Archer Western Construction, LLC for emergency erosion repairs along the bank of White Rock Creek to protect an 84-inch water transmission main - Not to exceed \$226,146, from \$17,668,400 to \$17,894,546 - Financing: Water Utilities Capital Improvement Funds
30. Authorize an increase in the 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 \$1,777,361, from \$46,464,646 to \$48,242,007 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

31. 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)

Trinity Watershed Management

32. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds

ITEMS FOR FURTHER CONSIDERATION

Housing/Community Services

33. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by C & C Corporation for the construction of houses; **(2)** the sale of 10 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to C & C Corporation; and **(3)** execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION (Continued)

Housing/Community Services (Continued)

34. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; **(2)** the sale of 10 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

35. Authorize a development agreement with GPIWE Limited Partnership, to reimburse TIF eligible project costs for streetscape and redevelopment project improvements for the Factory Six03 Project located at 603 Munger Avenue from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

36. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an NO(A) Neighborhood Office District, north of Forest Lane, east of Abrams Road
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z156-272(SH)
37. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property within the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of East Levee Street, between Manufacturing Street and Express Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-317(JM)

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

38. A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive
Recommendation of Staff and CPC: Approval
Z156-345(PD)
39. A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive
Recommendation of Staff and CPC: Approval with retention of the D-1 Liquor Control Overlay
Z156-347(LE)
40. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for Subdistrict 3A uses and an alcoholic beverage manufacturing use on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District; southeast of Cadiz Street, between South Austin Street and South Lamar Street
Recommendation of Staff and CPC: Approval, subject to conditions
Z156-353(SH)
41. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Planned Development District No. 248 for a public school and a public park or playground use on property zoned Planned Development District No. 98 and Planned Development District No. 248, and on the east intersection of North Carroll Avenue and Worth Street
Recommendation of Staff: Approval, subject to a revised development plan, a revised landscape plan, a traffic management plan, and conditions
Recommendation of CPC: Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions
Z156-356(JM)
42. 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 west line of Altaire Avenue, south of East Millett Drive
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z156-361(JM)

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

43. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District and animal shelter or clinic with outside runs uses on property zoned an MU-3 Mixed Use District on the north line of Dyer Street, west of Greenville Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-362(JM)

ZONING CASES - INDIVIDUAL

44. A public hearing to receive comments regarding an application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road
Recommendation of Staff and CPC: Denial
Z156-223(SM)
45. A public hearing to receive comments regarding an application for **(1)** a CR Community Retail District with deed restrictions volunteered by the applicant, and **(2)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, with an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the west corner of South Beltline Road and Garden Grove Drive
Recommendation of Staff: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; 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 revised site plan and conditions
Recommendation of CPC: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; and denial of a Specific Use Permit
Z156-289(JM)
46. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a three-year period, subject to conditions
Z156-310(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - INDIVIDUAL (Continued)

47. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2137 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with D-1 Liquor Control Overlay on the south side of Lake June Road, west of Oak Hill Circle
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals of additional five-year periods, subject to conditions
Recommendation of CPC: Approval for a two-year period, subject to conditions
Z156-359(OTH)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay, on the east side of South Buckner Boulevard, south of Scyene Circle
Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-208(OTH)
Note: This item was considered by the City Council at a public hearing on November 9, 2016, and was deferred until January 11, 2017, with the public hearing open
49. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval
Z156-234(JM)
Note: This item was considered by the City Council at public hearings on September 28, 2016 and October 26, 2016, and was deferred until January 11, 2017, with the public hearing open

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

50. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned IM Industrial Manufacturing District with deed restrictions, on the north side of Mañana Drive, west of Newkirk Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to a revised site plan and conditions
Z156-331(AR)
Note: This item was considered by the City Council at a public hearing on December 14, 2016, and was deferred until January 11, 2017, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

51. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict A within Planned Development District No. 466 and a portion of Planned Development District No. 466 (not assigned a subdistrict), on property generally bounded by North Hall Street, Flora Street, Watkins Avenue, and Cochran Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z145-358(LE)
52. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 30 for cemetery burial sites and a maintenance facility, on property zoned an R-7.5(A) Single Family District, on the northwest corner of West Northwest Highway and Boedeker Street
Recommendation of Staff and CPC: Approval, subject to a revised site plan and conditions
Z156-280(OTH)
53. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and along the northwest line of McKinney Avenue, south of Monticello Avenue
Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions
Recommendation of CPC: Approval, subject to a development plan, landscape plan, conceptual rendering, and conditions
Z156-299(SH)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**DESIGNATED ZONING CASES - INDIVIDUAL (Continued)

54. A public hearing to receive comments regarding an application for and an ordinance granting **(1)** an amendment to and an expansion of the Subdistrict S-1c, South Zone portion on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521; and **(2)** rezone a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone on property generally along the east line of Mountain Creek Parkway, north of Camp Wisdom Road
Recommendation of Staff and CPC: Approval, subject to conceptual plan and conditions
Z156-327(SH)
55. A public hearing to receive comments regarding an application for and an ordinance granting a WR-20 Walkable Urban Residential District with a Height Map Overlay and a resolution accepting the deed restrictions volunteered by the applicant on property zoned Subdistrict B-1, West Residential Subzone within Planned Development District No. 305 bounded by Blackburn Street, Cole Avenue, Travis Street, and Lemmon Avenue East
Recommendation of Staff and CPC: Approval, subject to a height map overlay and deed restrictions volunteered by the applicant
Z156-333(SH)
56. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for nonresidential uses on property zoned an A(A) Agricultural District generally on the south line of Cedardale Road, west of Cleveland Road
Recommendation of Staff and CPC: Approval, subject to conceptual plan and conditions
Z156-354(SH)

MISCELLANEOUS HEARINGS

Mobility and Street Services

57. A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way; and, at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Office of Environmental Quality

58. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by TPUSA - FHCS, Inc., located near the intersection of Connector Drive and Technology Boulevard West and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 9999 Technology, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Note: Item Nos. 59 and 60 must be considered collectively.

Park & Recreation

59. A public hearing **(1)** to receive comments on the proposed use of a portion of parkland for an open space easement, totaling approximately 879 square feet of land at Federal Plaza located at 1900 Federal Street; and at the close of the public hearing, a resolution authorizing the proposed use of parkland for an open space easement pursuant to Chapter 26 of the Texas Parks and Wildlife Code; and **(2)** accepting payment for an open space easement - Revenue: \$99,785

Sustainable Development and Construction

60. An ordinance abandoning aerial rights over a portion of Wenchell Lane to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffery Davis and Pamela Jane Dalton, the abutting owners, containing approximately 1,977 square feet of air space, located near the intersection of St. Paul Street and Wenchell Lane, and authorizing the quitclaim - Revenue: \$276,780, plus the \$20 ordinance publication fee

Child Care Services Provider's Master List 2016-17

Agenda Item # 12

<u>Provider Name</u>	<u>Address</u>
DBA Armadillos to Zebras Child Care (Knoll Kids, Inc.)	14045 Waterfall Way 75240
Betty Lin Early Childhood	1123 E. Ledbetter 75216
Dallas Can! Early Childhood Development Center	4621 Ross Avenue 75204
Good Street Learning Center	3126 Elsie Faye Heggins 75215
Heavenly Christian Academy	11421 Shiloh Road 75228
Heavenly Child Care	9625 Plano Road # 1700 75238
Jefferson Place Learning Center	3430 S. Marsalis Avenue 75216
Kaleidoscope Child Dev. Center	19310 Midway Road 75287
Kirby's Kreative Learning Center	330 S. R. L. Thornton 75203
Kiddie Korner Private School	328 W. 12 th Street 75208
Lots of Luv Child Care	9850 Walnut Hill Lane 75238
Metropolitan Christian Academy	3430 S. Polk Street 75224
Spring Creek Private School	14855 Spring Creek Road 75248
Union Christian Academy	3312 S. Polk Street 75224

Tax Foreclosure and Seizure Property Resale
Agenda Item # 13

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	3831 Opal	Citywide Community Development Corporation	65C	\$7,000	\$1,000.00	V	R-7.5(A)

Tax Foreclosure and Seizure Property Resale
 Agenda Item # 14

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	4015 Metropolitan	South Dallas Fair Park Innecity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
2.	4339 Metropolitan	South Dallas Fair Park Innecity Community Development Corporation	46R	\$10,160	\$1,000.00	V	PD-595
3.	3614 Carl	South Dallas Fair Park Innecity Community Development Corporation	46Q	\$5,000	\$1,000.00	V	PD-595
4.	3810 Carl	South Dallas Fair Park Innecity Community Development Corporation	46Q	\$5,000	\$1,000.00	V	PD-595

Project Group 12-3001
Agenda Item # 18

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Palacios Avenue	from Ottawa Road to Canada Drive	6
Alley between Capps Drive and Rexford Drive	from Lemmon Avenue parallel to Glencrest Lane	13
Alley between Hurley Way and Lenel Place	from Williamsburg Road to "T" alley south of Walnut Hill Lane	6
Alley between Manana Drive and Park Lane	from Larga Drive to Marsh Lane	6

Project Group 12-3004
Agenda Item # 19

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

**Land Bank (DHADC) Sale of Lots to
C & C Corporation
Agenda Item # 33**

<u>Property Address</u>	<u>Mapsc</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 2630 Camel	66N	8	\$ 4,948.24
2. 4534 Cherbourg	56Z	7	\$ 3,983.66
3. 4549 Cherbourg	56Z	7	\$ 6,109.79
4. 4640 Cherbourg	57W	7	\$ 9,444.73
5. 4559 Corregidor	56Z	7	\$ 9,243.24
6. 2323 Fatima	65R	8	\$ 909.45
7. 2639 Fatima	66N	8	\$ 9,411.56
8. 2825 Gooch	66N	8	\$16,262.89
9. 2719 Pall Mall	66N	8	\$ 7,839.11
10. 7903 Trojan	56V	7	\$ 6,727.99

**Land Bank (DHADC) Sale of Lots to
Confia Homes, L.L.C.
Agenda Item # 34**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 3107 Reynolds	47J	2	\$39,303.21
2. 2021 N. Montclair	44S	6	\$14,082.47
3. 1826 Duluth	44N	6	\$ 2,868.55
4. 3321 Nomas	43K	6	\$15,150.73
5. 1315 McKenzie	46L	7	\$ 6,417.30
6. 3513 S. Harwood	46W	7	\$ 1,094.20
7. 3212 S. Haskell	47J	7	\$ 2,470.33
8. 2611 Kool	66N	8	\$ 7,948.74
9. 4006 Soloman	43F	6	\$17,372.42
10. 734 Elwayne	57R	5	\$15,172.39

EXECUTIVE SESSION NOTICE

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

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

AGENDA DATE January 11, 2017

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the December 14, 2016 City Council Meeting
2			All	C	PBD, DEV, FIR, STS, TWM	\$8,283,221.52	43.72%	53.75%	Authorize a three-year professional services contract for engineering services to review plats and plans related to construction projects - Dal-Tech Engineering, Inc. in the amount of \$6,256,984 and Freese and Nichols, Inc. in the amount of \$2,026,238, most qualified respondents of nine - Total not to exceed \$8,283,222 - Financing: Building Inspection Current Funds (\$8,093,801), and Stormwater Drainage Management Current Funds (\$189,421) (subject to annual appropriations)
3			All	C	PBD, OCA	\$1,243,166.25	100.00%	0.00%	Authorize a three-year service contract, with two one-year renewal options, for stagehand, tech labor, and setup labor for the Office of Cultural Affairs - IAPP, Inc., most advantageous proposer of two - Not to exceed \$1,243,167 - Financing: Current Funds (\$1,233,167) and Municipal Radio Current Funds (\$10,000) (subject to annual appropriations)
4			4	C	PBD, PKR	REV \$7,250	NA	NA	Authorize a five-year concession contract for the operation of food and beverage concessions at the Kiest Softball Complex - Elroy Johnson dba Glow Cones, most advantageous proposer of four - Estimated Annual Net Revenue: \$7,250
5			All	C	PBD, WTR	\$701,500.00	85.74%	0.00%	Authorize a two-year master agreement for butterfly valves and actuators - Municipal Valve & Equipment in the amount of \$601,500, Mueller Co. LLC in the amount of \$55,000, Pumps Valves & Equipment dba The Scruggs Company in the amount of \$34,000, and Rexa, Inc. in the amount of \$11,000, lowest responsible bidders of four - Total not to exceed \$701,500 - Financing: Water Utilities Current Funds
6			All	C	PBD, AVI, CCS, CIS, CES, EBS, FIR, STS, PKR, SAN, TWM, WTR	\$1,320,557.90	100.00%	0.00%	Authorize a three-year master agreement for automotive, truck, and heavy equipment batteries - Metroplex Battery, Inc., lowest responsible bidder of five - Not to exceed \$1,320,558 - Financing: Current Funds (\$1,136,192), Water Utilities Current Funds (\$69,568), Sanitation Current Funds (\$57,166), Stormwater Drainage Management Current Funds (\$35,072), Convention and Event Services Current Funds (\$12,394), and Aviation Current Funds (\$10,166)
7			Outside	C	PBD, WTR	\$1,935,000.00	0.00%	0.00%	Authorize a three-year master agreement for polyaluminum chloride coagulant to be used in the water purification process - Chemtrade Chemicals US, LLC, lowest responsible bidder of five - Not to exceed \$1,935,000 - Financing: Water Utilities Current Funds
8			All	C	PBD, AVI, CES, HRD, WTR	\$30,157,705.85	100.00%	61.90%	Authorize (1) Supplemental Agreement No. 2 to increase the service contract with Lane Staffing, Inc. for citywide temporary clerical and professional services to allow for a transition from the current contractor to the new contractor - Not to exceed \$1,500,000, from \$20,431,973 to \$21,931,973; and (2) a three-year service contract for citywide temporary clerical and professional services - Smith Temporaries, Inc. dba CornerStone Staffing in the amount of \$28,657,706, most advantageous proposer of six - Total not to exceed \$30,157,706 - Financing: Current Funds (\$26,243,374), Convention and Event Services Current Funds (\$1,956,231), Water Utilities Current Funds (\$1,562,782), and Aviation Current Funds (\$395,319) (subject to annual appropriations)
9			All	C	PBD, CIS	\$8,789,987.00	70.64%	22.77%	Authorize Supplemental Agreement No. 24 to increase the service contract with AT&T Corp. for voice and data network services, network management, monitoring, maintenance, information technology security, and related services - Not to exceed \$8,789,987, from \$70,515,898 to \$79,305,885 - Financing: Current Funds (subject to annual appropriations)
10			N/A	C	ATT, SAN	\$188,775.00	NA	NA	Authorize settlement of the claim of Timothy Hankins in the lawsuit styled Osric Stevens et al. v. City of Dallas, Cause No. DC-15-02678-H - Not to exceed \$188,775 - Financing: Current Funds
11			N/A	C	ATT	\$75,000.00	NA	NA	Authorize Supplemental Agreement No. 4 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook et al. v. City of Dallas et al., Civil Action No. 3:12-CV-03788-N - Not to exceed \$75,000, from \$280,000 to \$355,000 - Financing: Current Funds
12			All	C	HOU	GT	NA	NA	Authorize contracts with fully-licensed child care providers pursuant to the Child Care Services Program for the period October 1, 2016 through September 30, 2017 and with other fully-licensed child care providers selected by eligible parents during the fiscal year - Not to exceed \$369,356 - Financing: 2016-17 Community Development Block Grant Funds

AGENDA DATE January 11, 2017

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
13			4	C	HOU	NC	NA	NA	Authorize a public hearing to be held on February 8, 2017 to receive comments on the proposed sale of one unimproved property acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City
14			7	C	HOU	NC	NA	NA	Authorize a public hearing to be held on February 8, 2017 to receive comments on the proposed sale of four unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Innercity Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City
15			N/A	C	HRD	NC	NA	NA	Authorize (1) approval of revised salary schedules for Fire and Police uniform executive staff, adding a 2% top pay step; (2) eliminating the start step in each executive rank; and (3) implementing step pay increases for Police and Fire uniform executive staff, effective October 1, 2016 - Financing: This action no cost consideration to the City
16			5, 7	C	STS	GT	NA	NA	Authorize (1) an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road; (2) the receipt and deposit of funds from the Texas Department of Transportation in the amount of \$21,346; and (3) the establishment of appropriations in the amount of \$21,346 in the Texas Department of Transportation Grant Fund - Not to exceed \$21,346 - Financing: Texas Department of Transportation Grant Funds
17			6	C	STS, WTR	\$6,305,000.00	NA	NA	Authorize a Project Specific Agreement to the Master Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard - Not to exceed \$6,305,000 - Financing: General Obligation Commercial Paper Funds (\$3,090,498), 2006 Bond Funds (\$2,709,502) and Water Utilities Capital Construction Funds (\$505,000)
18			6, 13	C	STS, WTR	NC	NA	NA	Authorize (1) street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City
19			9, 10	C	STS, WTR	NC	NA	NA	Authorize (1) street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City
20			6	C	STS	\$86,039.14	100.00%	27.81%	Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040, from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds
21			All	C	PKR	GT	NA	NA	Authorize (1) entering into a Sub-Grant Memorandum of Understanding between the Dallas Parks Foundation ("DPF") and the City of Dallas, through its Dallas Park and Recreation Department ("City") to enable reimbursements from the DPF to the City for expenditures made by the City in an amount not to exceed \$44,705 for the purpose of implementing a community outreach outdoor program pursuant to a grant agreement between DPF and Texas Parks and Wildlife Department ("TPWD") for the program period May 1, 2016 through November 1, 2017; (2) receipt and deposit of funds in an amount not to exceed \$44,705 from TPWD through DPF into the City's TPWD Outdoor Adventures at Dallas Grant Fund; (3) establishment of appropriations in the TPWD Outdoor Adventures at Dallas Grant Fund in the amount of \$44,705; and (4) disbursement of funds in an amount not to exceed \$44,705 from the TPWD Outdoor Adventures at Dallas Grant Fund - Not to exceed \$44,705 - Financing: Texas Parks and Wildlife Department Outdoor Adventures Grant Funds

AGENDA DATE January 11, 2017

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
22			9	C	PKR, DEV	REV \$10	NA	NA	Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway - Revenue: \$10 one-time fee
23			11	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a utility easement to HCP DR MCD, LLC, the abutting owner, containing approximately 763 square feet of land, located near the intersection of Dollar Lane and Coit Road - Revenue: \$5,400, plus the \$20 ordinance publication fee
24			2	C	DEV	REV \$5,400	NA	NA	An ordinance amending Ordinance No. 29966, previously approved on January 13, 2016, which abandoned a portion of Hobbs Street, located near the intersection of Haskell and Beeman Avenues to Southern Foods Group, LLC to extend the final replat from one year to 18 months - Revenue: \$5,400, plus the \$20 ordinance publication fee
25			7	C	TWM, ATT	\$31,000.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Mamie Lee McKnight, et al., Cause No. CC-16-03466-E, pending in Dallas County Court at Law No. 5, to acquire an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$31,000 (\$28,000 plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,102 from the amount Council originally authorized for this acquisition) - Financing: 2006 Bond Funds
26			6	C	TWM, STS	\$48,072.00	NA	NA	Authorize acquisition from the County of Dallas, of an improved tract of land containing approximately 2,092 square feet located on North Riverfront Boulevard at its intersection with Commerce Street for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project - Not to exceed \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds
27			4	C	TWM	\$32,150.00	0.00%	9.02%	Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds
28			Outside	C	WTR	REV \$3,396,051	NA	NA	Authorize a thirty-year contract with the Town of Flower Mound to continue providing water services, from January 22, 2017 through January 21, 2047 - Estimated Annual Revenue: \$3,396,051
29			11	C	WTR	\$226,146.00	NA	NA	Authorize an increase in the construction contract with Archer Western Construction, LLC for emergency erosion repairs along the bank of White Rock Creek to protect an 84-inch water transmission main - Not to exceed \$226,146, from \$17,668,400 to \$17,894,546 - Financing: Water Utilities Capital Improvement Funds
30			Outside	C	WTR	\$1,777,360.46	13.85%	16.98%	Authorize an increase in the 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 \$1,777,361, from \$46,464,646 to \$48,242,007 - Financing: Water Utilities Capital Improvement Funds
31			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
32			8	I	TWM, ATT, STS	\$92,176.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds
33			7, 8	I	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by C & C Corporation for the construction of houses; (2) the sale of 10 vacant lots from Dallas Housing Acquisition and Development Corporation to C & C Corporation; and (3) execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City

AGENDA DATE January 11, 2017

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
34			2, 5, 6, 7, 8	I	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; (2) the sale of 10 vacant lots from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and (3) execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City
35			14	I	ECO	\$4,657,174.00	NA	NA	Authorize a development agreement with GPIWE Limited Partnership, to reimburse TIF eligible project costs for streetscape and redevelopment project improvements for the Factory Six03 Project located at 603 Munger Avenue from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)
36			10	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an NO(A) Neighborhood Office District, north of Forest Lane, east of Abrams Road
37			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property within the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of East Levee Street, between Manufacturing Street and Express Street
38			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive
39			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive
40			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for Subdistrict 3A uses and an alcoholic beverage manufacturing use on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District; southeast of Cadiz Street, between South Austin Street and South Lamar Street
41			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Planned Development District No. 248 for a public school and a public park or playground use on property zoned Planned Development District No. 98 and Planned Development District No. 248, and on the east intersection of North Carroll Avenue and Worth Street
42			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the west line of Altaire Avenue, south of East Millett Drive
43			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District and animal shelter or clinic with outside runs uses on property zoned an MU-3 Mixed Use District on the north line of Dyer Street, west of Greenville Avenue
44			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road
45			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for (1) a CR Community Retail District with deed restrictions volunteered by the applicant, and (2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, with an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the west corner of South Beltline Road and Garden Grove Drive

AGENDA DATE January 11, 2017

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
46			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road
47			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2137 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with D-1 Liquor Control Overlay on the south side of Lake June Road, west of Oak Hill Circle
48			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay, on the east side of South Buckner Boulevard, south of Scylene Circle
49			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
50			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned IM Industrial Manufacturing District with deed restrictions, on the north side of Mañana Drive, west of Newkirk Street
51			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict A within Planned Development District No. 466 and a portion of Planned Development District No. 466 (not assigned a subdistrict), on property generally bounded by North Hall Street, Flora Street, Watkins Avenue, and Cochran Street
52			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 30 for cemetery burial sites and a maintenance facility, on property zoned an R-7.5(A) Single Family District, on the northwest corner of West Northwest Highway and Boedeker Street
53			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and along the northwest line of McKinney Avenue, south of Monticello Avenue
54			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting (1) an amendment to and an expansion of the Subdistrict S-1c, South Zone portion on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521; and (2) rezone a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone on property generally along the east line of Mountain Creek Parkway, north of Camp Wisdom Road
55			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a WR-20 Walkable Urban Residential District with a Height Map Overlay and a resolution accepting the deed restrictions volunteered by the applicant on property zoned Subdistrict B-1, West Residential Subzone within Planned Development District No. 305 bounded by Blackburn Street, Cole Avenue, Travis Street, and Lemmon Avenue East
56			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for nonresidential uses on property zoned an A(A) Agricultural District generally on the south line of Cedardale Road, west of Cleveland Road
57			14	PH	STS	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way; and, at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

AGENDA DATE January 11, 2017

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
58			6	PH	OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by TPUSA - FHCS, Inc., located near the intersection of Connector Drive and Technology Boulevard West and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 9999 Technology, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
59			14	PH	PKR	REV \$99,785	NA	NA	A public hearing (1) to receive comments on the proposed use of a portion of parkland for an open space easement, totaling approximately 879 square feet of land at Federal Plaza located at 1900 Federal Street; and at the close of the public hearing, a resolution authorizing the proposed use of parkland for an open space easement pursuant to Chapter 26 of the Texas Parks and Wildlife Code; and (2) accepting payment for an open space easement - Revenue: \$99,785
60			14	PH	DEV, PKR	REV \$276,780	NA	NA	An ordinance abandoning aerial rights over a portion of Wenchell Lane to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffery Davis and Pamela Jane Dalton, the abutting owners, containing approximately 1,977 square feet of air space, located near the intersection of St. Paul Street and Wenchell Lane, and authorizing the quitclaim - Revenue: \$276,780, plus the \$20 ordinance publication fee

TOTAL \$65,950,031.12

AGENDA ITEM # 2

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Sustainable Development and Construction
Fire
Mobility and Street Services
Trinity Watershed Management

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256
Eric Campbell, 670-3255
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year professional services contract for engineering services to review plats and plans related to construction projects - Dal-Tech Engineering, Inc. in the amount of \$6,256,984 and Freese and Nichols, Inc. in the amount of \$2,026,238, most qualified respondents of nine - Total not to exceed \$8,283,222 - Financing: Building Inspection Current Funds (\$8,093,801), and Stormwater Drainage Management Current Funds (\$189,421) (subject to annual appropriations)

BACKGROUND

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

This professional services contract for engineering services to review plats and plans related to construction projects. This contract will supplement staff in providing these services.

The Sustainable Development and Construction Department is responsible for reviewing subdivision plats and private development engineering plans, and overseeing the construction to ensure that the City's infrastructure is built to City Code and adheres to approved plans and contract documents.

Over the past several years, the City has experienced rapid growth in development projects. In FY 2015-16 the City received \$4.67 billion in permit value. This agreement will help the City complete engineering and reviews in a timely manner during peak demand periods without having to add additional full-time staff.

BACKGROUND (Continued)

The selected vendors will support City staff by consulting, reviewing, and providing comments for private development engineering plans that are submitted to the City by an applicant to ensure compliance with City Code and standards. The estimated number of annual project reviews for this agreement are:

- | | |
|---|--------------|
| ● Paving and drainage | 125 annually |
| ● Water/wastewater | 125 annually |
| ● Fire review protection | 800 annually |
| ● Floodplain management and drainage review | 10 annually |

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

- | | |
|---|------|
| ● Sustainable Development and Construction | (2) |
| ● Trinity Watershed Management | (1) |
| ● Mobility and Street Services | (2) |
| ● Business Development and Procurement Services | (1)* |

*Business Development and Procurement Services 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 qualifications | 40 points |
| ● Capabilities | 40 points |
| ● Business Inclusion and Development Plan | 15 points |
| ● References | 5 points |

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,604 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$8,093,800.40 - Building Inspection Current Funds (subject to annual appropriations)

\$ 189,421.12 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

393 - Vendors contacted

388 - No response

5 - Response (Bid)

0 - No response (No Bid)

1 - Successful

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

ETHNIC COMPOSITION

Dal-Tech Engineering, Inc.

White Male	10	White Female	4
Black Male	3	Black Female	4
Hispanic Male	1	Hispanic Female	0
Other Male	1	Other Female	1

Freese and Nichols, Inc.

White Male	194	White Female	90
Black Male	7	Black Female	2
Hispanic Male	19	Hispanic Female	12
Other Male	9	Other Female	4

RESPONDENT INFORMATION

Business Development and Procurement Services received the following responses from solicitation number BNZ1621. We opened them on March 25, 2016. We recommend the City Council award this professional services contract to the most qualified respondents by group. Information related to this solicitation is available upon request.

*Denotes successful respondents

<u>Respondents</u>	<u>Address</u>	<u>Amount</u>
*Dal-Tech Engineering, Inc.	17400 Dallas Parkway Suite 110 Dallas, TX 75287	Multiple Groups
*Freese and Nichols, Inc.	2711 N. Haskell Street Suite 3300 Dallas, TX 75204	Multiple Groups
Salcedo Group, Inc.	400 S. Zang Boulevard Suite 1420 Dallas, TX 75208	Multiple Groups
AECOM Technical Services, Inc.	16000 Dallas Parkway Suite 350 Dallas, TX 75248	Multiple Groups
Arredondo, Zepeda & Brunz, LLC	11355 McCree Road Dallas, TX 75238	Multiple Groups
ARS Engineers, Inc.	12801 N. Central Expressway Suite 1250 Dallas, TX 75243	Multiple Groups
Hayden Consultants, Inc.	5005 Greenville Avenue Suite 100 Dallas, TX 75206	Multiple Groups
O'Brien Engineering, Inc.	2340 E. Trinity Mills Suite 220 Carrollton, TX 75006	Multiple Groups
Walter P. Moore	1845 Woodall Rodgers Freeway Suite 1650 Dallas, TX 75201	Multiple Groups

OWNERS

Dal-Tech Engineering, Inc.

Sedi Toumani, President
Rafik Toumani, Secretary

Freese and Nichols, Inc.

Robert Pence, President
John Dewar, Vice President
Tom Gooch, Secretary
Cindy Milrany, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year professional services contract for engineering services to review plats and plans related to construction projects - Dal-Tech Engineering, Inc. in the amount of \$6,256,984 and Freese and Nichols, Inc. in the amount of \$2,026,238, most qualified respondents of nine - Total not to exceed \$8,283,222 - Financing: Building Inspection Current Funds (\$8,093,801), and Stormwater Drainage Management Current Funds (\$189,421) (subject to annual appropriations)

Dal-Tech Engineering, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors. Freese and Nichols, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Other Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$3,621,079.38	43.72%
Total non-local contracts	\$4,662,142.14	56.28%
TOTAL CONTRACT	\$8,283,221.52	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
IEA, Inc.	IMDB38121Y0417	\$271,352.20	7.49%
Henry Nguyen Consulting	PMMB64619N0317	\$162,986.60	4.50%
Dal-Tech Engineering, Inc.	WFWB63908Y0117	\$1,706,248.06	47.12%
Total Minority - Local		\$2,140,586.86	59.11%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Obsidian Fire Consulting	WFWB78334N1018	\$2,311,725.65	49.59%
Total Minority - Non-local		\$2,311,725.65	49.59%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$434,338.80	11.99%	\$434,338.80	5.24%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,706,248.06	47.12%	\$4,017,973.71	48.51%
Total	\$2,140,586.86	59.11%	\$4,452,312.51	53.75%

January 11, 2017

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

Section 1. That the City Manager is authorized to execute a professional services contract with Dal-Tech Engineering, Inc. (262063) in the amount of \$6,256,983.42 and Freese and Nichols, Inc. (347200) in the amount of \$2,026,238.10 for engineering services to review plats and plans related to construction projects for a term of three years in a total amount not to exceed \$8,283,221.52, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Dal-Tech Engineering, Inc. and Freese and Nichols, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Dal-Tech Engineering, Inc. and Freese and Nichols, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$8,283,221.52 (subject to annual appropriations) from Service Contract number BNZ1621.

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

AGENDA ITEM # 3

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

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Cultural Affairs

CMO: Elizabeth Reich, 670-7804
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract, with two one-year renewal options, for stagehand, tech labor, and setup labor for the Office of Cultural Affairs - IAPP, Inc., most advantageous proposer of two - Not to exceed \$1,243,167 - Financing: Current Funds (\$1,233,167) and Municipal Radio Current Funds (\$10,000) (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 provides skilled experienced stagehand, tech labor, and setup labor for the Office of Cultural Affairs (OCA) and WRR municipal radio. Stagehand, tech labor, and setup labor will be provided for theatrical performances, concerts, dance programs, plays, remote broadcast events, and special events. OCA facilities that will utilize this service contract are, but not limited to:

- Morton H. Meyerson Symphony Center
- Majestic Theater
- City Performance Hall
- Latino Cultural Center
- Bath House Cultural Center
- Oak Cliff Cultural Center
- South Dallas Cultural Center
- WRR 101.1 FM Classical Radio

Stagehand labor includes, but is not limited to, operation of audio and video equipment, stage lighting systems, follow spot lights, props/scenery, and public address systems before, during, and after a performance.

BACKGROUND (Continued)

Setup labor will include unloading, assembly/rigging, staging, relocation, tear-down of equipment, and props required for any given performance or special event.

This solicitation was structured in a manner which required proposers to submit a response using unit pricing. This proposal resulted in a 1 percent increase on comparable unit prices for the bid awarded in 2012.

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

- Office of Cultural Affairs (3)
- Park and Recreation (1)
- Business Development and Procurement Services (2)*

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

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

- Cost 35 points
- Experience and capabilities 30 points
- Approach 20 points
- Business Inclusion and Development Plan 15 points

As a part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 520 email proposal notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contract additional vendors by phone. Additionally, in an effort to secure more proposals, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 25, 2012, City Council authorized a three-year service contract for stagehand and setup labor for the Office of Cultural Affairs performing arts centers by Resolution No. 12-1171.

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

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$1,233,166.25 - Current Funds (subject to annual appropriations)

\$ 10,000.00 - Municipal Radio Current Funds (subject to annual appropriations)

M/WBE INFORMATION

61 - Vendors contacted

61 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

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

ETHNIC COMPOSITION

IAPP, Inc.

White Male	354	White Female	104
Black Male	165	Black Female	37
Hispanic Male	66	Hispanic Female	8
Other Male	13	Other Female	4

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BHZ1614. We opened them on July 29, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*IAPP, Inc.	2710 Live Oak St. Dallas, TX 75204	85%	\$1,243,166.25

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
Show Masters Production Logistics, Inc.	6340 Lake Worth Blvd. #302 Fort Worth, TX 76135	65%	\$1,193,790.75

OWNER**IAPP, Inc.**

Anthony Woodard, President
Ann Crumbley, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract, with two one-year renewal options, for stagehand, tech labor, and setup labor for the Office of Cultural Affairs - IAPP, Inc., most advantageous proposer of two - Not to exceed \$1,243,167 - Financing: Current Funds (\$1,233,167) and Municipal Radio Current Funds (\$10,000) (subject to annual appropriations)

IAPP, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,243,166.25	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,243,166.25	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 11, 2017

WHEREAS, on April 25, 2012, City Council authorized a three-year service contract for stagehand and setup labor for the Office of Cultural Affairs performing arts centers by Resolution No. 12-1171; and,

WHEREAS, on July 28, 2015, Administrative Action No. 15-6378 authorized Supplemental Agreement No. 1 to extend the term of the service contract for one year from April 26, 2015 to April 25, 2016; and,

WHEREAS, on April 7, 2016, Administrative Action No. 16-5701 authorized Supplemental Agreement No. 2 to extend the term of the service contract for two months from April 26, 2016 to July 1, 2016; and,

WHEREAS, on August 18, 2016, Administrative Action No. 16-6546 authorized Supplemental Agreement No. 3 to extend the term of the service contract for six months from July 2, 2016 to December 31, 2016;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with IAPP, Inc. (520014) for stagehand, tech labor, and setup labor for the Office of Cultural Affairs for a term of three years, with two one-year renewal options, in an amount not to exceed \$1,243,166.25, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to IAPP, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by IAPP, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,243,166.25 (subject to annual appropriations) from Service Contract number BHZ1614.

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

AGENDA ITEM # 4

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

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: Elizabeth Reich, 670-7804
Willis Winter, 670-4074

MAPSCO: 53Z

SUBJECT

Authorize a five-year concession contract for the operation of food and beverage concessions at the Kiest Softball Complex - Elroy Johnson dba Glow Cones, most advantageous proposer of four - Estimated Annual Net Revenue: \$7,250

BACKGROUND

This concession contract will provide for the operation of food and beverage concessions at the Kiest Softball Complex. The Kiest Softball Complex has a 630 square foot permanent concession building which is equipped with appliances, sink, and built-in food preparation tables. The concession building is open to provide food and beverage concessions when the complex is hosting tournament events and weeknight league play.

Kiest Park is a 263.1 acre park which hosts softball leagues during spring, summer, and fall seasons. On average, 650 patrons visit the Kiest Park Softball Complex weekly. Several tournaments, including a national tournament, are also held throughout the year.

Food and beverage options include:

- Hamburgers
- Hot dogs
- Popcorn
- Snacks
- Fruit
- Snow cones
- Soda and water

BACKGROUND (Continued)

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

- Park & Recreation (2)
- Fire-Rescue (1)
- Aviation (1)
- Business Development and Procurement Services (1)*

*Business Development and Procurement Services only evaluated the revenue structure.

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

- Revenue 40%
- Overall approach 30%
- Capability and experience 20%
- Quality of food and service 10%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,394 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 15, 2016, the Park and Recreation Board approved this item.

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$7,250.00 - Estimated Annual Net Revenue

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Elroy Johnson dba Glow Cones

White Male	0	White Female	0
Black Male	7	Black Female	2
Hispanic Male	0	Hispanic Female	2
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BTZ1614. We opened them on June 16, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Elroy Johnson dba Glow Cones	14778 Blakehill Dr. Frisco, TX 75035	87.08%
Fletcher's Dollars And More	287 Ashwood Ln. Sunnyvale, TX 75182	74.00%
Right Choice Promotions, Inc.	1015 Seider Ln. Grand Prairie, TX 75052	69.58%
Sunday Morning, LLC	303 Harman St. Duncanville, TX 75116	69.33%

OWNER

Elroy Johnson dba Glow Cones

Elroy Johnson, President

January 11, 2017**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute a concession contract with Elroy Johnson dba Glow Cones (VS90368) for the operation of food and beverage concessions at the Kiest Softball Complex for a term of five years, for an estimated annual net revenue amount of \$7,250.00, upon approval as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from Elroy Johnson dba Glow Cones as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Revenue Source</u>	<u>Amount</u>
0341	PKR	5784	7264	\$7,250.00

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

AGENDA ITEM # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize a two-year master agreement for butterfly valves and actuators - Municipal Valve & Equipment in the amount of \$601,500, Mueller Co. LLC in the amount of \$55,000, Pumps Valves & Equipment dba The Scruggs Company in the amount of \$34,000, and Rexa, Inc. in the amount of \$11,000, lowest responsible bidders of four - Total not to exceed \$701,500 - Financing: Water Utilities Current Funds

BACKGROUND

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

This master agreement will provide a variety of butterfly valves and actuators for Water Utilities. Butterfly valves are used to control the flow of water within the water and wastewater treatment plants. Butterfly valves are utilized during the installation of new water transmission lines, replacement of worn-out distribution system valves and plant control process valves at the water treatment plants. Certain butterfly valves are used to isolate sections of the distribution system to allow repairs to existing water mains and to permit additional construction. Butterfly valves range in size from 6" to 96" with the larger valves requiring additional lead time during production. This agreement allows the City to purchase and warehouse these valves in advance, in order to have them readily available for efficient repairs.

In some applications manual butterfly valves need to be electronically operated, therefore actuators are attached to the valve. Actuators allow for the operation of valves remotely. On average, the City pumps over 417 million gallons of water per day.

BACKGROUND (Continued)

The solicitation was structured in a manner which required bidders to submit a response providing discounts from manufacturer's list price. This bid resulted in an average percentage discount from manufacturer catalog of 14.44 percent compared to an average discount of 23.61 percent for the bid awarded in 2014.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 383 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 27, 2014, City Council authorized a two-year master agreement for butterfly valves and actuators for Water Utilities by Resolution No. 14-1350.

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$701,500.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Municipal Valve & Equipment

White Male	12	White Female	4
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Mueller Co. LLC

White Male	391	White Female	37
Black Male	64	Black Female	7
Hispanic Male	1	Hispanic Female	0
Other Male	5	Other Female	1

Pumps Valves & Equipment dba The Scruggs Company

White Male	10	White Female	5
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	1
Other Male	0	Other Female	0

Rexa, Inc.

White Male	106	White Female	26
Black Male	6	Black Female	0
Hispanic Male	5	Hispanic Female	1
Other Male	4	Other Female	1

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BM1621. We opened them on September 9, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Municipal Valve & Equipment	4547 Westgrove Dr. Addison, TX 75001	Multiple Groups

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Mueller Co. LLC	500 W Eldorado St. Decatur, IL 62525	Multiple Groups
*Pumps Valves & Equipment dba The Scruggs Company	8530 Hansen Rd. Houston, TX 77075	Multiple Groups
*Rexa, Inc.	4 Manley St. W Bridgewater, MA 02379	Multiple Groups

OWNERS

Municipal Valve & Equipment

David McGoodwin, President
Randy Greene, Vice President

Mueller Co. LLC

Greg Rogowski, President
Mike Williams, Vice President
Chad Mize, Treasurer

Pumps Valves & Equipment dba The Scruggs Company

James A. Scruggs, President
Jennifer Scruggs, Secretary

Rexa, Inc.

Sam Lalos, President
Geoff Hynes, Vice President
Ken Garron, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a two-year master agreement for butterfly valves and actuators - Municipal Valve & Equipment in the amount of \$601,500, Mueller Co. LLC in the amount of \$55,000, Pumps Valves & Equipment dba The Scruggs Company in the amount of \$34,000, and Rexa, Inc. in the amount of \$11,000, lowest responsible bidders of four - Total not to exceed \$701,500 - Financing: Water Utilities Current Funds

Municipal Valve & Equipment is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Mueller Co. LLC, Pumps Valves & Equipment dba The Scruggs Company, and Rexa, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$601,500.00	85.74%
Total non-local contracts	\$100,000.00	14.26%
TOTAL CONTRACT	\$701,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 11, 2017

WHEREAS, on August 27, 2014, City Council authorized a two-year master agreement for butterfly valves and actuators for Water Utilities by Resolution No. 14-1350; and,

WHEREAS, on September 8, 2016, Administrative Action No. 16-6585 authorized to extend the master agreement for five-months from August 26, 2016 to January 26, 2017 with Mueller Co. LLC; and,

WHEREAS, on September 8, 2016, Administrative Action No. 16-6586 authorized to extend the master agreement for five-months from August 26, 2016 to January 26, 2017 with Municipal Valve & Equipment;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of butterfly valves and actuators is authorized with Municipal Valve & Equipment (332290) in the amount of \$601,500.00, Mueller Co. LLC (VS0000021750) in the amount of \$55,000.00, Pumps Valves & Equipment dba The Scruggs Company (VS0000067360) in the amount of \$34,000.00, and Rexa, Inc. (VC14502) in the amount of \$11,000.00 for a term of two years in a total amount not to exceed \$701,500.00.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$701,500.00 from Master Agreement number BM1621.

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 # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

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

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
Joey Zapata, 670-3009
Mark McDaniel, 670-3256
Jill A. Jordan, P.E., 670-5299
Eric Campbell, 670-3255
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for automotive, truck, and heavy equipment batteries - Metroplex Battery, Inc., lowest responsible bidder of five - Not to exceed \$1,320,558 - Financing: Current Funds (\$1,136,192), Water Utilities Current Funds (\$69,568), Sanitation Current Funds (\$57,166), Stormwater Drainage Management Current Funds (\$35,072), Convention and Event Services Current Funds (\$12,394), and Aviation Current Funds (\$10,166)

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.

BACKGROUND (Continued)

This master agreement will provide for the purchase of automotive, truck, and heavy equipment batteries for the City's automotive, light, and heavy equipment fleet. Having batteries readily available provides efficiency in reducing the amount of time in which a vehicle remains out of service. These batteries will be used by City departments for vehicle and heavy equipment such as:

- Sedans
- Police cars
- Rescue units
- Fire engines
- Light, medium, and heavy duty pick-up trucks

The solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 5.7 percent decrease over the comparable unit prices for the bid awarded in 2014.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 432 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 26, 2014, City Council authorized a three-year master agreement for automotive, truck and heavy equipment batteries by Resolution No. 14-0500.

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$1,136,192.00 - Current Funds
\$ 69,567.97 - Water Utilities Current Funds
\$ 57,165.35 - Sanitation Current Funds
\$ 35,071.80 - Stormwater Drainage Management Current Funds
\$ 12,394.00 - Convention and Event Services Current Funds
\$ 10,166.78 - Aviation Current Funds

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Metroplex Battery, Inc.

White Male	7	White Female	0
Black Male	0	Black Female	1
Hispanic Male	4	Hispanic Female	2
Other Male	3	Other Female	1

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BN1602. We opened them on August 5, 2016. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Metroplex Battery, Inc.	2750 Electronic Lane Dallas, TX 75220	\$1,320,557.55
Continental Battery Company	4919 Woodall Street Dallas, TX 75247	\$1,600,110.75
Interstate Battery System International, Inc.	12770 Merit Drive Suite 1000 Dallas, TX 75251	\$1,472,427.79
XL Parts Partnership, Ltd.	15701 Northwest Freeway Houston, TX 77040	Non-Responsive**

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
O'Reilly Auto Enterprises, LLC	233 South Patterson Ave. Springfield, MO 65802	Non-Responsive**

**XL Parts Partnership, Ltd. and O'Reilly Auto Enterprises, LLC were deemed non-responsive due to not meeting specifications.

OWNER**Metroplex Battery, Inc.**

Birju Patel, President
Vina Patel, Vice President
Jeremy Haden, Secretary
Shivah Patel, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for automotive, truck, and heavy equipment batteries - Metroplex Battery, Inc., lowest responsible bidder of five - Not to exceed \$1,320,558 - Financing: Current Funds (\$1,136,192), Water Utilities Current Funds (\$69,568), Sanitation Current Funds (\$57,166), Stormwater Drainage Management Current Funds (\$35,072), Convention and Event Services Current Funds (\$12,394), and Aviation Current Funds (\$10,166)

Metroplex Battery, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,320,557.90	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,320,557.90	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 11, 2017

WHEREAS, on March 26, 2014, City Council authorized a three-year master agreement for automotive, truck and heavy equipment batteries by Resolution No. 14-0500;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of automotive, truck and heavy equipment batteries is authorized with Metroplex Battery, Inc. (344403) for a term of three years in an amount not to exceed \$1,320,557.90.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,320,557.90 from Master Agreement number BN1602.

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 # 7

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for polyaluminum chloride coagulant to be used in the water purification process - Chemtrade Chemicals US, LLC, lowest responsible bidder of five - Not to exceed \$1,935,000 - Financing: Water Utilities Current Funds

BACKGROUND

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

This agreement will allow for the purchase of polyaluminum chloride coagulant (PACI). Coagulants are used in the water treatment process for the formation of fine particles in the water. These clumped particles then settle to the bottom of the water treatment basins (sedimentation) and are removed.

This coagulant will allow Eastside Water Treatment Plant staff to evaluate PACI as part of an effort to optimize and enhance the coagulation treatment process. Currently, Water Utilities uses ferric sulfate for the coagulation process. However, in an effort to reduce expenditures for water treatment chemicals, small scale tests of PACI have been conducted with promising results. In order to validate these results, a full scale pilot test of the chemical is necessary to make an objective comparison of PACI vs ferric sulfate.

Eastside Water Treatment Plant provides up to 440 million gallons of water per day of treated water for City residents and wholesale customers.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 822 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' Resource LINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$1,935,000.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Chemtrade Chemicals US, LLC

White Male	13	White Female	10
Black Male	1	Black Female	1
Hispanic Male	1	Hispanic Female	1
Other Male	1	Other Female	5

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BW1602. We opened them on June 10, 2016. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Chemtrade Chemicals US, LLC	90 East Halsey Road Parsippany, NJ 07054	\$1,935,000.00
Gulbrandsen Technologies	2 Main Street Clinton, NJ 08809-5283	\$2,010,000.00
GEO Specialty Chemicals	401 South Earl Avenue Lafayette, IN 47904	\$2,175,000.00
Eagle Tech LP	1311 Marilyn Avenue Desoto, TX 75115	\$2,775,000.00
Brentag Southwest, Inc.	610 Fisher Road Longview, TX 75604	\$2,823,000.00

OWNER

Chemtrade Chemicals US, LLC

Mark Davis, President
Dan Dietz, Vice President
Susan Pare, Secretary
Rohit Bhardwaj, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for polyaluminum chloride coagulant to be used in the water purification process - Chemtrade Chemicals US, LLC, lowest responsible bidder of five - Not to exceed \$1,935,000 - Financing: Water Utilities Current Funds

Chemtrade Chemicals US, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$1,935,000.00	100.00%
TOTAL CONTRACT	\$1,935,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 11, 2017

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

Section 1. That a master agreement for the purchase of polyaluminum chloride coagulant to be used in the water purification process is authorized with Chemtrade Chemicals US, LLC (053277) for a term of three years in an amount not to exceed \$1,935,000.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for polyaluminum chloride coagulant to be used in the water purification process. If a written contract is required or requested for any or all purchases of polyaluminum chloride coagulant to be used in the water purification process under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,935,000.00 from Master Agreement number BW1602.

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 # 8

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Convention and Event Services
Human Resources
Water Utilities

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize **(1)** Supplemental Agreement No. 2 to increase the service contract with Lane Staffing, Inc. for citywide temporary clerical and professional services to allow for a transition from the current contractor to the new contractor - Not to exceed \$1,500,000, from \$20,431,973 to \$21,931,973; and **(2)** a three-year service contract for citywide temporary clerical and professional services - Smith Temporaries, Inc. dba CornerStone Staffing in the amount of \$28,657,706, most advantageous proposer of six - Total not to exceed \$30,157,706 - Financing: Current Funds (\$26,243,374), Convention and Event Services Current Funds (\$1,956,231), Water Utilities Current Funds (\$1,562,782), and Aviation Current Funds (\$395,319) (subject to annual appropriations)

BACKGROUND

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

Supplemental Agreement No. 2 to increase the services contract with Lane Staffing, Inc., the current provider, will allow the City to continue to engage temporary clerical and professional laborers while the transition to a new contractor is completed.

The service contract with Smith Temporaries, Inc. dba CornerStone Staffing will provide citywide temporary clerical and professional labor. Temporary staffing agencies provide clerical employees and skilled professionals who will work on a temporary "as-needed" basis.

BACKGROUND (Continued)

Temporary labor contracts allow the City to mitigate employee turnover, retirement, longer than anticipated time frame for hiring new employees, and unplanned or urgent projects. Temporary employees may be hired by the City any time after 12 consecutive weeks of work as a temporary without any additional fees or charges.

Examples of job classifications provided by this contract include:

- Accountant
- Cashier
- Call Taker/CSR Coordinator
- City Council Office Assistant
- Coordinator
- Customer Service Representative
- Executive Assistant
- Executive Secretary
- Human Resource Analyst II
- Office Assistant II
- Program Manager
- Water Instrument Technician

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

- Aviation (1)
- Park and Recreation (1)
- Office of Cultural Affairs (1)
- Human Resources (1)
- Water Utilities (1)
- Business Development and Procurement Services (2)*

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

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

- Cost 30 points
- Approach to filling positions 20 points
- Experience and capabilities 20 points
- Functional match 15 points
- Business Inclusion & Development Plan 15 points

This solicitation was structured in a manner which required proposers to submit a response using hourly pricing. This proposal resulted in a 20 percent increase over comparable unit prices for the proposal awarded in 2013.

BACKGROUND (Continued)

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

The recommend vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 11, 2012, City Council authorized a three-year service contract for temporary clerical and professional labor citywide by Resolution No. 12-0159.

On September 25, 2013, City Council authorized a three-year service contract for citywide temporary clerical and professional services by Resolution No. 13-1666.

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$26,243,374.06 - Current Funds (subject to annual appropriations)

\$ 1,956,230.83 - Convention and Event Services Current Funds (subject to annual appropriations)

\$ 1,562,782.27 - Water Utilities Current Funds (subject to annual appropriations)

\$ 395,318.69 - Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

74 - Vendors contacted

72 - No response

2 - Response (Bid)

0 - Response (No bid)

0 - Successful

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

ETHNIC COMPOSITION

Lane Staffing, Inc.

White Male	124	White Female	109
Black Male	260	Black Female	292
Hispanic Male	178	Hispanic Female	168
Other Male	29	Other Female	17

Smith Temporaries, Inc. dba CornerStone Staffing

White Male	169	White Female	293
Black Male	246	Black Female	446
Hispanic Male	113	Hispanic Female	228
Other Male	83	Other Female	86

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BEZ1607. We opened them on April 15, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Smith Temporaries, Inc. dba CornerStone Staffing	1845 Woodall Rogers Frwy. Suite 1000 Dallas, TX 75201	84%	\$28,657,705.85
A-1 Personnel of Houston	8702 Westpark Dr. Houston, TX 77063	72%	\$24,287,004.41
Lane Staffing, Inc.	1810 Park Row Dr. Dallas, TX 75216	71%	\$27,852,183.12
Acro Service Corp.	39209 W. Six Mile Rd. Suite 250 Livonia, MI 48152	69%	\$39,382,887.92
CTJ Maintenance, Inc.	6565 N. MacArthur Blvd. Suite 225 Irving, TX 75039	58%	\$29,588,091.50

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
Infojini, Inc.	891 Elkidge Landing Rd. Suite 190 Linthicum Heights, MD 21090	55%	\$48,444,246.00

OWNERS**Lane Staffing, Inc.**

Carla Lane, President

Smith Temporaries, Inc. dba CornerStone Staffing

Stephen M. Smith, President
Susan Deguire, Vice President
Jody Smith, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** Supplemental Agreement No. 2 to increase the service contract with Lane Staffing, Inc. for citywide temporary clerical and professional services to allow for a transition from the current contractor to the new contractor - Not to exceed \$1,500,000, from \$20,431,973 to \$21,931,973; and **(2)** a three-year service contract for citywide temporary clerical and professional services - Smith Temporaries, Inc. dba CornerStone Staffing in the amount of \$28,657,706, most advantageous proposer of six - Total not to exceed \$30,157,706 - Financing: Current Funds (\$26,243,374), Convention and Event Services Current Funds (\$1,956,231), Water Utilities Current Funds (\$1,562,782), and Aviation Current Funds (\$395,319) (subject to annual appropriations)

Lane Staffing, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,500,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$1,500,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lane Staffing	BFWBC200550617	\$1,500,000.00	100.00%
Total Minority - Local		\$1,500,000.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$1,500,000.00	100.00%	\$21,931,972.12	100.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$1,500,000.00	100.00%	\$21,931,972.12	100.00%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** Supplemental Agreement No. 2 to increase the service contract with Lane Staffing, Inc. for citywide temporary clerical and professional services to allow for a transition from the current contractor to the new contractor - Not to exceed \$1,500,000, from \$20,431,973 to \$21,931,973; and **(2)** a three-year service contract for citywide temporary clerical and professional services - Smith Temporaries, Inc. dba CornerStone Staffing in the amount of \$28,657,706, most advantageous proposer of six - Total not to exceed \$30,157,706 - Financing: Current Funds (\$26,243,374), Convention and Event Services Current Funds (\$1,956,231), Water Utilities Current Funds (\$1,562,782), and Aviation Current Funds (\$395,319) (subject to annual appropriations)

Smith Temporaries, Inc. dba CornerStone Staffing is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$28,657,705.85	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	<u>\$28,657,705.85</u>	<u>100.00%</u>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Keystaff, Inc	WFWB91526N0917	\$6,820,533.77	23.80%
Total Minority - Local		<u>\$6,820,533.77</u>	<u>23.80%</u>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$6,820,533.77	23.80%	\$6,820,533.77	23.80%
Total	\$6,820,533.77	23.80%	\$6,820,533.77	23.80%

January 11, 2017

WHEREAS, on January 11, 2012, City Council authorized a three-year service contract for temporary clerical and professional labor citywide by Resolution No. 12-0159; and,

WHEREAS, on September 25, 2013, City Council authorized a three-year service contract for citywide temporary clerical and professional services by Resolution No. 13-1666; and,

WHEREAS, on October 19, 2016, Administrative Action No. 16-6726 authorized Supplemental Agreement No. 1 to extend the term of the service contract for six months from November 1, 2016 to April 30, 2017;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute **(1)** Supplemental Agreement No. 2 to increase the service contract with Lane Staffing, Inc. (VS0000050443) for citywide temporary clerical and professional services to allow for a transition from the current contractor to the new contractor in an amount not to exceed \$1,500,000.00, from \$20,431,972.12 to \$21,931,972.12; and **(2)** a three-year service contract for citywide temporary clerical and professional services with Smith Temporaries, Inc. dba CornerStone Staffing (VS0000066539) in an amount not to exceed \$28,657,705.85, for a total amount not to exceed \$30,157,705.85, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed basis for performance of specified tasks, payment to Lane Staffing, Inc. and Smith Temporaries, Inc. dba CornerStone Staffing shall be based only on the amount of the services directed to be performed by the City and properly performed by Lane Staffing, Inc. and Smith Temporaries, Inc. dba CornerStone Staffing under each respective contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,500,000.00 from Service Contract number BKZ1313.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$28,657,705.85 (subject to annual appropriations) from Service Contract number BEZ1607.

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 # 9

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 24 to increase the service contract with AT&T Corp. for voice and data network services, network management, monitoring, maintenance, information technology security, and related services - Not to exceed \$8,789,987, from \$70,515,898 to \$79,305,885 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This Supplemental Agreement will continue to provide voice and data network services, network management, monitoring, maintenance, information technology security, and related services. This agreement provides 24 hour network and security monitoring, on-site help desk, technical support, network asset management, telecom billing system, as well as local and long distance telephone service.

The services offered by a city government are highly dependent on the telephone and data communication network to conduct business. A sample of some of the critical services that rely on this network include public safety computer aided dispatch (911), customer billing and payment services, the City's voice and data networks infrastructure, 3-1-1, issuance of building permits, and the City's email and internet services. The network supports approximately 500 applications, 12,000 computer devices, and 9,000 telephones. The network transmits over 3 terabytes of data weekly, processes 22,000 local and long distance calls, and 265,000 emails on a daily basis.

BACKGROUND (Continued)

This increase is due to various system upgrades and an increase of devices being supported under the current AT&T managed services agreement such as:

- New and renovations to city buildings (fire stations, recreation centers, and City Hall)
- Network enhancements to Libraries and the WIC Call Center
- Expansion of Wi-Fi (City Hall, libraries, recreation centers, etc.)
- Upgrades to essential systems (City's voice system, Kronos, and Customer Relationship Management System, 311)

This supplemental meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 14, 2011, City Council authorized a seven-year service contract, with two two-year renewal options, for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 11-3343.

On June 25, 2014, City Council authorized Supplemental Agreement No. 13 to increase the service contract for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 14-0988.

Information about this item will be provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

\$8,789,987.00 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

AT&T Corp.

White Male	4,789	White Female	2,658
Black Male	1,366	Black Female	2,245
Hispanic Male	483	Hispanic Female	694
Other Male	588	Other Female	299

OWNER

AT&T Corp.

Ralph De La Vega, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 24 to increase the service contract with AT&T Corp. for voice and data network services, network management, monitoring, maintenance, information technology security, and related services - Not to exceed \$8,789,987, from \$70,515,898 to \$79,305,885 - Financing: Current Funds (subject to annual appropriations)

AT&T DataComm, LLC formally known as AT&T Corp. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$6,209,151.00	70.64%
Non-local contracts	\$2,580,836.00	29.36%
TOTAL THIS ACTION	\$8,789,987.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Spinski Technologies, LLC	PFMB38651N0517	\$828,258.00	13.34%
Orion Communications, Inc.	WFDB72849Y0417	\$788,403.00	12.70%
Total Minority - Local		\$1,616,661.00	26.04%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
IPSOFT, Inc.	PMMB41519N1216	\$830,000.00	32.16%
Prosys Information Systems	WFWBE378770317	\$53,147.00	2.06%
Total Minority - Non-local		\$883,147.00	34.22%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$9,805.00	0.01%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$1,658,258.00	18.87%	\$11,784,118.00	14.86%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$841,550.00	9.57%	\$6,264,222.00	7.90%
Total	\$2,499,808.00	28.44%	\$18,058,145.00	22.77%

January 11, 2017

WHEREAS, on December 14, 2011, City Council authorized a seven-year service contract, with two two-year renewal options, for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services by Resolution No. 11-3343; and,

WHEREAS, on May 6, 2013, Administrative Action No. 13-5552 authorized Supplemental Agreement No. 1 to attach the milestone charts for payment for one time charges to Exhibit 4, pricing of the master services agreement; and,

WHEREAS, on May 20, 2013, Administrative Action No. 13-5611 authorized Supplemental Agreement No. 2 to execute services as documented under NI pricing schedule with tracking ID GBS161971; and,

WHEREAS, on January 17, 2014, Administrative Action No. 14-5185 authorized Supplemental Agreement No. 3 to accept wireless terms and conditions and to amend Exhibit 4, Attachment 1: vendor catalog pricing for existing air card product and service offerings; and,

WHEREAS, on April 26, 2013, Administrative Action No. 13-5516 authorized Supplemental Agreement No. 4 to amend contract for review of statement of work (SOW) for professional services to development of a contract center strategy; and,

WHEREAS, on December 20, 2013, Administrative Action No. 13-6996 authorized Supplemental Agreement No. 5 to execute services for performing regression testing of the Dallas Water Utilities Supervisory Control and Data Acquisition Network (SCADA) System designed by AT&T; and,

WHEREAS, on October 15, 2013, Administrative Action No. 14-5297 authorized Supplemental Agreement No. 6 to install, configure and optimize the City's internet, extranet and intranet with TEST and production sharepoint 2013 environments and migrate Dallas City News Room; and,

WHEREAS, on November 27, 2013, Administrative Action No. 14-5419 authorized Supplemental Agreement No. 7 to execute change orders 2, 4 and 5 for enhancement requests to the Pinnacle telecommunications billing system for customizations to system reports, additional professional services to develop a standard operating procedures manual and to modify contract language regarding the electronic processing of telecommunications carrier files; and,

January 11, 2017

WHEREAS, on February 7, 2014, Administrative Action No. 14-5693 authorized Supplemental Agreement No. 8 to accept Texas House Bill 2128 and SPORT terms and conditions and to amend Exhibit 4, Attachment 1: vendor catalog pricing for telecommunication charges for eligible city facilities; and,

WHEREAS, on February 14, 2014, Administrative Action No. 14-5594 authorized Supplemental Agreement No. 9 to purchase fifty (50) additional Cisco VoIP recording NICE Inform Lite IP licences with application support for the 3-1-1 call center; and,

WHEREAS, on March 13, 2014, Administrative Action No. 14-5654 authorized Supplemental Agreement No. 10 to design, configure and install a Wi-Fi network for internet access in the Dallas Arts District; and,

WHEREAS, on June 2, 2014, Administrative Action No. 14-5968 authorized Supplemental Agreement No. 11 to install a Wi-Fi network for internet access in the Dallas Arts District; and,

WHEREAS, on July 3, 2014, Administrative Action No. 14-6181 authorized Supplemental Agreement No. 12 to implement a framework that will publish and modify data that will be posted on information kiosks; and,

WHEREAS, on June 25, 2014, City Council authorized Supplemental Agreement No. 13 to increase the service contract for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services in an amount not to exceed \$7,071,190.00, increasing the contract amount from \$63,444,708.00 to \$70,515,898.00, by Resolution No. 14-0988; and,

WHEREAS, on November 20, 2014, Administrative Action No. 14-7145 authorized Supplemental Agreement No. 15 due to extra material used and labor performed during the Arts District Wi-Fi installation; and,

WHEREAS, on November 20, 2014, Administrative Action No. 14-7144 authorized Supplemental Agreement No. 16 to include Northpark library in the acceptance of the Texas House Bill 2128 and SPORT terms and conditions that was executed through Supplemental Agreement No. 8; and,

WHEREAS, on February 12, 2015, Administrative Action No. 15-5475 authorized Supplemental Agreement No. 17 to execute change orders 7 and 19 for the expansion of the CIS Pinnacle billing system for additional technology services and the creation of a 3rd hosted environment for software development; and,

January 11, 2017

WHEREAS, on March 30, 2015, Administrative Action No. 15-5616 authorized Supplemental Agreement No. 18 to make correction to supplement agreement no. 16, to correct Exhibit A; and,

WHEREAS, on May 22, 2015, Administrative Action No. 15-6031 authorized Supplemental Agreement No. 19 for a hardware and software technical refresh to the VoIP IPT system which includes a contract center software version upgrade to 10.5; and,

WHEREAS, on September 18, 2015, Administrative Action No. 15-6888 authorized Supplemental Agreement No. 20 to provide improved internet support, increased circuit capacity for PKR facilities, a Pinnacle version upgrade and to replace end of life equipment that supports 311; and,

WHEREAS, on November 5, 2015, Administrative Action No. 15-7196 authorized Supplemental Agreement No. 21 to improve Wi-Fi connectivity at City facilities; and,

WHEREAS, on March 29, 2015, Administrative Action No. 16-5602 authorized Supplemental Agreement No. 22 to execute 311 contact cent network integration of natural language software; and,

WHEREAS, on June 22, 2016, Administrative Action No. 16-6184 authorized Supplemental Agreement No. 23 to provide continued maintenance and support of the informational kiosk, deployment of new network equipment at Love Field, enhance the Pinnacle system for revenue collection reporting and to program the 311 voice system to allow citizens to complete a post call survey to provide customer feedback to the City; and,

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute Supplemental Agreement No. 24 to increase the service contract with AT&T Corp. (268653) for voice and data network services, network management, monitoring, maintenance, Information Technology security and related services in an amount not to exceed \$8,789,987.00, increasing the service contract amount from \$70,515,898.00 to \$79,305,885.00.

January 11, 2017

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$8,789,987.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>FY</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
0198	DSV	1510	3070	2017	CT DSV17ATTMGD3	\$ 575,640.00
0198	DSV	1510	3070	2018	CT DSV18ATTMGD3	\$ 575,640.00
0198	DSV	1510	3070	2019	CT DSV19ATTMGD3	\$ 95,940.00
0198	DSV	1510	3053	2017	CT DSV17ATTMGD3	\$3,481,277.08
0198	DSV	1510	3053	2018	CT DSV18ATTMGD3	\$3,481,277.08
0198	DSV	1510	3053	2019	CT DSV19ATTMGD3	\$ 580,212.84

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Sanitation Services

CMO: Larry Casto, 670-3491
Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize settlement of the claim of Timothy Hankins in the lawsuit styled Osrice Stevens et al. v. City of Dallas, Cause No. DC-15-02678-H - Not to exceed \$188,775 - Financing: Current Funds

BACKGROUND

Plaintiffs Osrice Stevens, Antwyon Manoy, and Timothy Hankins filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained in an automobile accident on January 6, 2014 involving a Sanitation Department vehicle. The City and Mr. Hankins have reached a proposed settlement, subject to City Council approval. Mr. Hankins is represented by John R. Salazar, P.C.

The City previously settled the bodily injury claims of Osrice Stevens and Antwyon Manoy by paying Mr. Stevens the amount of \$15,000.00 and Mr. Manoy the amount of \$17,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed in Closed Session on January 4, 2017.

FISCAL INFORMATION

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

\$188,775 - Current Funds

January 11, 2017

WHEREAS, a lawsuit styled Osric Stevens et al. v. City of Dallas, Cause No. DC-15-02678-H, was filed by plaintiffs Osric Stevens, Antwyon Manoy, and Timothy Hankins seeking compensation for alleged bodily injuries sustained in an automobile accident on January 6, 2014 involving a Sanitation Department vehicle; and

WHEREAS, Timothy Hankins has agreed to settle his claim whereby the City will pay Mr. Hankins, and his attorney, and all other parties having an interest in the settlement proceeds the total amount of \$188,775.00; and

WHEREAS, it is in the best interest of the City to settle the claim of Timothy Hankins in this case; **Now, Therefore,**

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

Section 1. That the settlement of the claim of Timothy Hankins in the lawsuit, styled Osric Stevens et al. v. City of Dallas, Cause No. DC-15-02678-H, in an amount not to exceed \$188,775.00, is hereby approved.

Section 2. That the Chief Financial Officer is hereby authorized to pay Timothy Hankins and his attorney John R. Salazar, P.C. and all other persons having an interest in the settlement, the amount of \$188,775.00 from Fund 0192, Department ORM, Unit 3890, Obj. 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 # 11

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Vickie Cook et al. v. City of Dallas et al., Civil Action No. 3:12-CV-03788-N - Not to exceed \$75,000, from \$280,000 to \$355,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 4 will authorize White & Wiggins, L.L.P. to provide additional legal services in the lawsuit styled Vickie Cook et al. v. City of Dallas et al., Civil Action No. 3:12-CV-03788-N.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized Supplemental Agreement No. 2 with White & Wiggins, L.L.P., for additional legal services on August 14, 2013, by Council Resolution No. 13-1287.

Council was briefed in Closed Session on January 7, 2015.

City Council authorized Supplemental Agreement No. 3 with White & Wiggins, L.L.P., for additional legal services on January 14, 2015, by Council Resolution No. 15-0144.

Council will be briefed in Closed Session on January 4, 2017.

FISCAL INFORMATION

\$75,000 - Current Funds

OWNER

White & Wiggins, L.L.P.

Kevin B. Wiggins, Partner

January 11, 2017

WHEREAS, the City of Dallas has retained White & Wiggins, L.L.P. to provide legal services necessary in the lawsuit styled Vickie Cook et al. v. City of Dallas et al., Civil Action No. 3:12-CV-03788-N; and,

WHEREAS, on November 26, 2012, pursuant to Administrative Action No. 12-2874, the City authorized a professional services contract with White & Wiggins, L.L.P., in an amount not to exceed \$25,000.00; and,

WHEREAS, on December 7, 2012, pursuant to Administrative Action No. 12-3112, the City authorized Supplemental Agreement No. 1 with White & Wiggins, L.L.P., in an amount not to exceed \$25,000.00, increasing the original contract from \$25,000.00 to \$50,000.00; and,

WHEREAS, on August 14, 2013, pursuant to Council Resolution No. 13-1287, the City authorized Supplemental Agreement No. 2 with White & Wiggins, L.L.P., in an amount not to exceed \$100,000.00, increasing the contract amount from \$50,000.00 to \$150,000.00; and,

WHEREAS, on January 14, 2015, pursuant to Council Resolution No. 15-0144, the City authorized Supplemental Agreement No. 3 with White & Wiggins, L.L.P., in an amount not to exceed \$130,000.00, increasing the contract amount from \$150,000.00 to \$280,000.00; and,

WHEREAS, the professional legal services of White & Wiggins, L.L.P. continue to be necessary for this matter; **Now, Therefore**,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 4 to the professional services contract with White & Wiggins, L.L.P. for additional legal services, in an amount not to exceed \$75,000.00, increasing the contract amount from \$280,000.00 to \$355,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to White & Wiggins, L.L.P. an amount not to exceed \$75,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389011J262, Vendor No. 344317.

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.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: N/A

SUBJECT

Authorize contracts with fully-licensed child care providers pursuant to the Child Care Services Program for the period October 1, 2016 through September 30, 2017 (list attached) and with other fully-licensed child care providers selected by eligible parents during the fiscal year - Not to exceed \$369,356 - Financing: 2016-17 Community Development Block Grant Funds

BACKGROUND

On June 22, 2016, City Council adopted the FY 2016-17 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds. The grant funds are available beginning October 1, 2016, contingent upon approval of the City's FY 2016-17 Action Plan and execution of grant agreements with HUD. The FY 2016-17 Consolidated Plan Budget includes a line item budget for the Child Care Services Program in the amount of \$488,826.

The Child Care Services Program promotes stability for low/moderate income working parents and high school students who are given limited assistance to become fully self-sufficient within a short period of time. Approximately 175 children will be subsidized for a one-year period.

The Child Care Services Program pays up to \$50 per week per child directly to contracted child care providers for child care services for working parents whose income falls in the low/moderate income range of Community Development Block Grant (CDBG) funding eligibility. Individuals in this income range are frequently labeled as the "working poor" because their income places them just above the level to be eligible for other forms of public assistance such as Child Care Management Assistance (CCMA) and Head Start of Greater Dallas. Currently, there is a waiting list at CCMA and Head Start of Greater Dallas that has a limited number of slots for children ranging from 3 1/2 - 5 years of age. There are very few infants or toddler slots available at Head Start of Greater Dallas and no summer programs.

BACKGROUND (continued)

This resolution will allow the City to enter into contracts with fully-licensed child care service providers listed in the Attachment and also allows the City to enter into a contract with other fully-licensed child care providers that are not listed in the Attachment, and subsequent to the passage of this resolution, as long as the child care provider meets the requirements of the Child Care Services Program. Parents are allowed to select their own provider for child care. If the provider agrees to accept the funds from the City of Dallas and follow all program requirements, they will be added to the list during the year.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized contracts with child care providers for the Child Care Services Program on June 22, 2016, by Resolution No. 16-1066.

Information about this item will be provided to the Housing Committee on January 3, 2017.

FISCAL INFORMATION

\$369,356 - 2016-17 Community Development Block Grant Funds

Child Care Services Provider Master List 2016- 17

Provider Name / Vendor Number	Contact	Address	Phone #
<u>DBA</u> Armadillos to Zebras Child Care (Knoll Kids, Inc.) VS0000027219	Cindy Knoll	14045 Waterfall Way 75240	972-231-6998
Betty Lin Early Childhood VS0000021867	Sherlene Anderson	1123 E. Ledbetter 75216	214-371-2333 F) 214375-2324
Dallas Can! Early Childhood Development Center VS0000026151	Carol Wentworth	4621 Ross Avenue 75204	214-584-2361 F)214-827-9503
Good Street Learning Center 169527	Gwendolyn Sneed	3126 Elsie Faye Heggins 75215	214-421-7504 F)214-421-2742
Heavenly Christian Academy VS0000013797	Tia Ward	11421 Shiloh Road 75228	972-681-7545
Heavenly Child Care 346147	Kathrene Ward	9625 Plano Rd. #1700 75238	214-343-0216
Jefferson Place Learning Center 343752	Charles Jefferson	3430 S. Marsalis Avenue 75216	214-375-1155 F) 972-230-1153
Kaleidoscope Child Dev. Center 513152	Diana Docherty	19310 Midway Road 75287	972-248-1543 F)972-248-0563
Kirby's Kreative Learning Center 337889	Tina Green	330 S. R.L. Thornton 75203	214-943-7309 F)214-943-4817
Kiddie Korner Private School 248963	Linda Peters	328 W. 12 th Street 75208	214-946-3151 F)214-946-2081
Lots of Luv Child Care VS0000053020	Nakeya Chism	9850 Walnut Hill Lane 75238	214-484-4200 F) 214-484-4250
Metropolitan Christian Academy 518139	Joey Allen	3430 South Polk Street 75224	214-375-2227
Spring Creek Private School 200426	Marcia Wentz	14855 Spring Creek Road 75248	972-239-0096 F)972-239-5949
Union Christian Academy VS000016546	Sylvia Martin	3312 S. Polk Street 75224	214-372-9822 F)214-372-9539

January 11, 2017

WHEREAS, the Housing/Community Services Department is administering the Child Care Services Program which initially began in October 1985; and

WHEREAS, the FY 2016-17 Community Development Block Grant (CDBG) budget was approved by the City Council on June 22, 2016, by Resolution No. 16-1066, and included funding for the City Child Care Services Program; and

WHEREAS, the City will make monthly partial payments to the current and new child care providers (the current list of child care providers is attached); and

WHEREAS, the Child Care Services Program pays a portion of child care expenses for working parents whose income falls in the low/moderate range of CDBG eligibility; and

WHEREAS, it is necessary for the City Council to approve contracts with the providers to facilitate payment;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to approve contracts with fully-licensed child care providers pursuant to the Child Care Services Program for the period October 1, 2016 through September 30, 2017 (list attached) and with other fully-licensed child care providers selected by eligible parents during the fiscal year, and execute any and all documents required by the contract.

Section 2. That the Chief Financial Officer is hereby authorized to make payments to fully-licensed child care providers listed in the Attachment and with other fully-licensed child care providers who meet the requirements of the Child Care Services Program from Fund CD16, Dept. HOU, Unit 513A, Object Code 3099, in an amount not to exceed \$369,356.

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

AGENDA ITEM # 13

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 65C

SUBJECT

Authorize a public hearing to be held on February 8, 2017 to receive comments on the proposed sale of one unimproved property (list attached) acquired by the taxing authorities from the Sheriff to City Wide Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Properties eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deeds and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the properties within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records. Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

BACKGROUND (Continued)

City Wide Community Development Corporation (City Wide CDC), submitted a proposal to construct one (1) single-family home containing approximately 1,450 to 1,700 square feet on the one (1) unimproved HB110 process-eligible, Land Transfer Program property, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyer at a proposed sales price of approximately \$130,000 to \$150,000 with construction to begin in April of 2017.

This item calls for a public hearing on February 8, 2017, at 1:00 PM in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, to allow the public an opportunity to comment on the proposed sale of the one unimproved property to City Wide CDC. At the close of the public hearing, the City Council will be asked to authorize the sale of the properties to City Wide CDC by quitclaim deed and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Housing Committee on January 3, 2017.

FISCAL INFORMATION

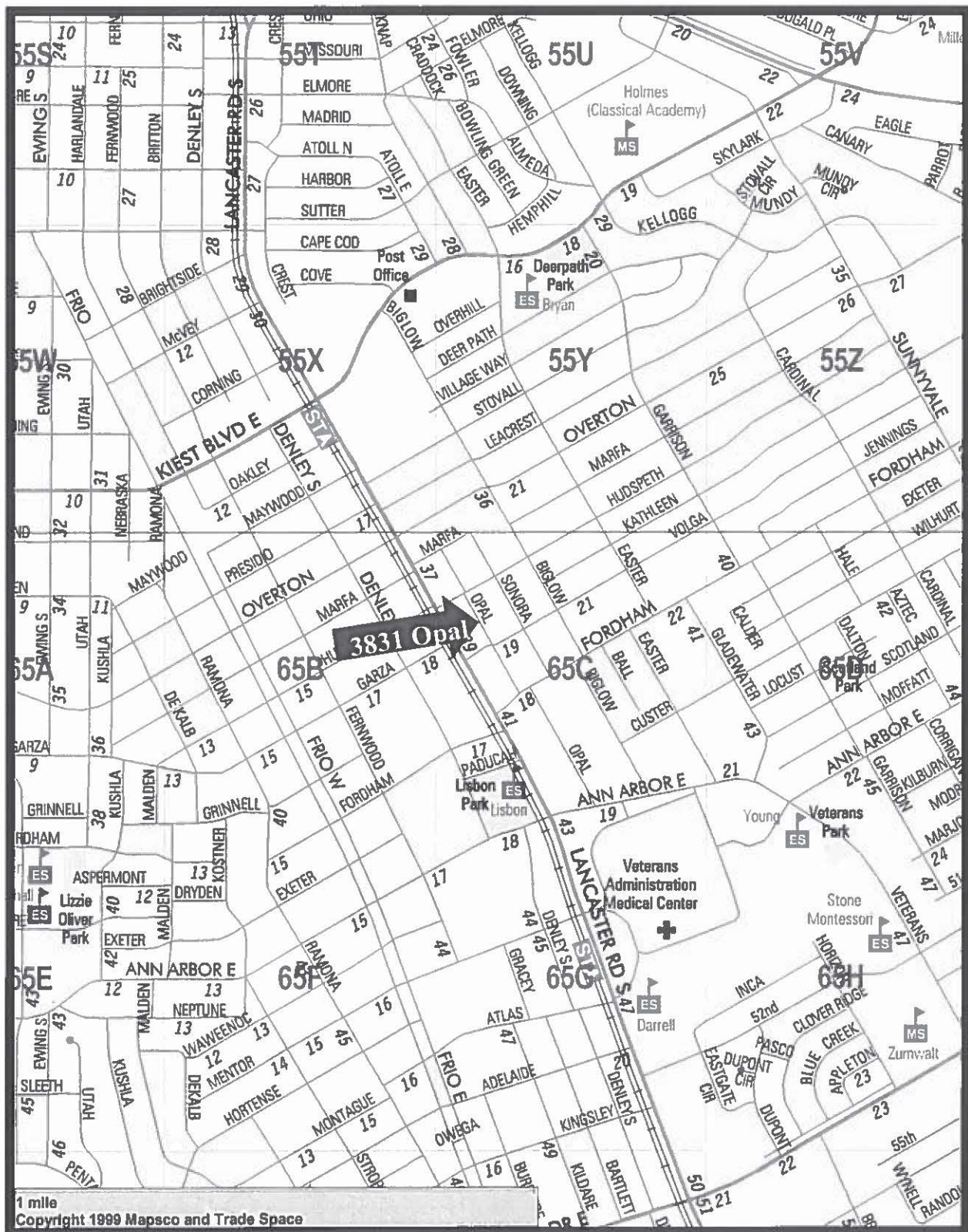
No cost consideration to the City

MAP

Attached

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	3831 Opal	Citywide Community Development Corporation	65C	\$7,000	\$1,000.00	V	R-7.5(A)



MAPSCO 65C

January 11, 2017

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deeds must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

WHEREAS, City Wide Community Development Corporation, (City Wide CDC) submitted a proposal to construct one (1) single-family home containing approximately 1,450 to 1,700 square feet on the one (1) unimproved HB110 process-eligible, Land Transfer Program property, identified on Exhibit A, attached hereto, for purchase by low to moderate income homebuyer at a proposed sales price from approximately \$130,000 to \$150,000 with construction to begin in April of 2017; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News;

January 11, 2017

NOW, THEREFORE,

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

Section 1. That the public hearing shall be held at 1:00 p.m. on February 8, 2017 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the proposed sale by quitclaim deed of one (1) unimproved property, identified on Exhibit A, acquired by the taxing authorities from the Sheriff to City Wide CDC, a qualified non-profit organization, in accordance with the HB 110 process of the City's Land Transfer Program.

Section 2. That at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing shall be placed on the property, notification of the public hearing shall be mailed to property owners within 200 feet of the property, and notice of the public hearing shall be published in the Dallas Morning News.

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

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	3831 Opal Lot 9, Hillview Addition Block 4/4334	City Wide Community Development Corporation	1	\$1,000.00
TOTAL				\$1,000.00

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 46R 46Q

SUBJECT

Authorize a public hearing to be held on February 8, 2017 to receive comments on the proposed sale of four unimproved properties (list attached) acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Innercity Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Properties eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deeds and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the properties within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records. Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

BACKGROUND (continued)

South Dallas Fair Park Inncity Community Development Corporation (ICDC), submitted a proposal to construct four (4) single-family homes containing approximately 1,300 to 1,400 square feet on the four (4) unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyers at a proposed sales price of approximately \$95,000 to \$105,000 with construction to begin in March of 2017.

This item calls for a public hearing on February 8, 2017, at 1:00 PM in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, to allow the public an opportunity to comment on the proposed sale of the four unimproved properties to ICDC. At the close of the public hearing, the City Council will be asked to authorize the sale of the properties to ICDC by quitclaim deeds and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Housing Committee on January 3, 2017.

FISCAL INFORMATION

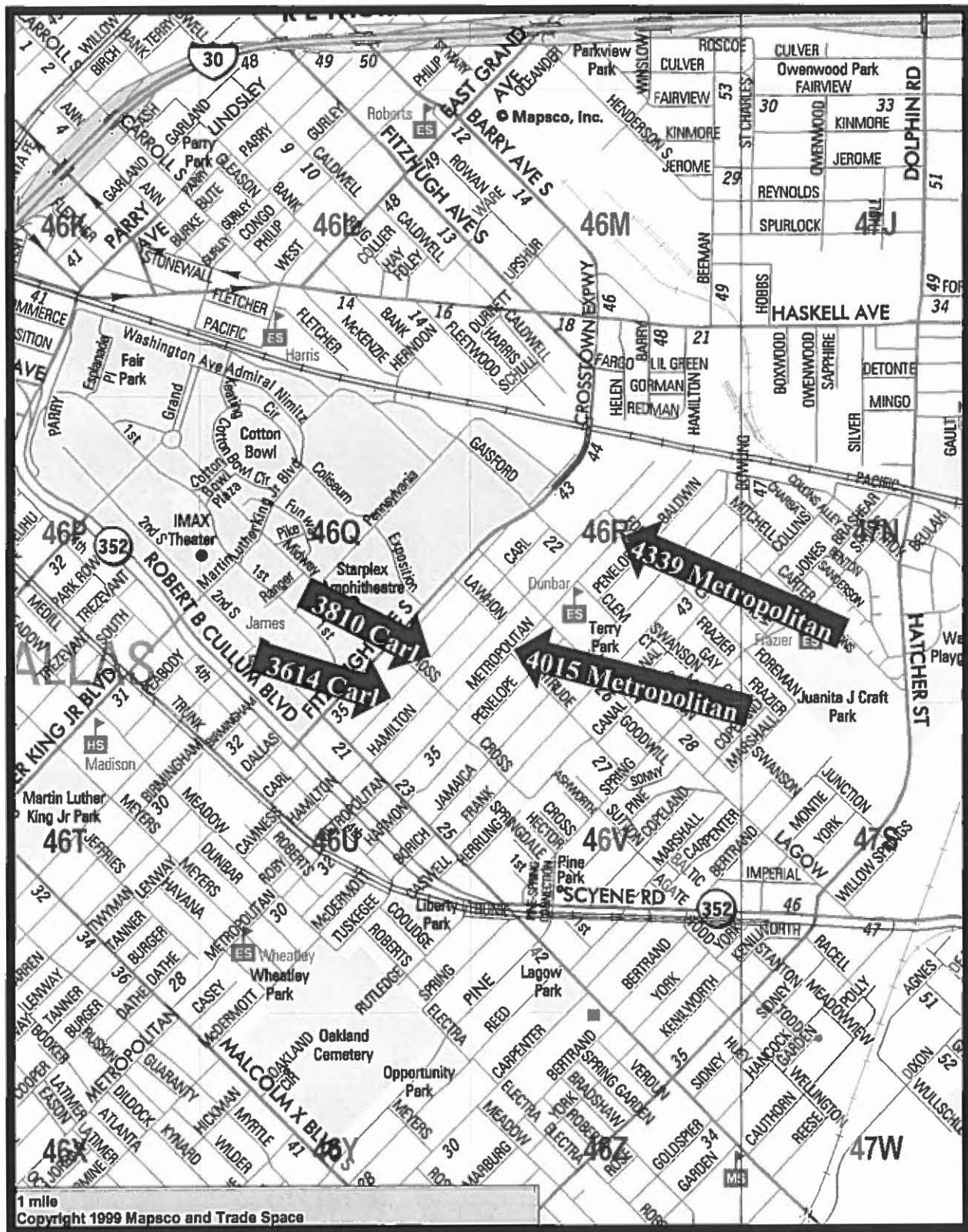
No cost consideration to the City

MAP

Attached

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	4015 Metropolitan	South Dallas Fair Park Innerscity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
2.	4339 Metropolitan	South Dallas Fair Park Innerscity Community Development Corporation	46R	\$10,160	\$1,000.00	V	PD-595
3.	3614 Carl	South Dallas Fair Park Innerscity Community Development Corporation	46Q	\$5,000	\$1,000.00	V	PD-595
4.	3810 Carl	South Dallas Fair Park Innerscity Community Development Corporation	46Q	\$5,000	\$1,000.00	V	PD-595



MAPSCO 46Q & 46R

January 11, 2017

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deeds and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deeds must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

WHEREAS, South Dallas Fair Park Innercity Community Development Corporation (ICDC), submitted a proposal to construct four (4) single-family homes containing approximately 1,300 to 1,400 square feet on the four (4) unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached hereto, for purchase by low to moderate income homebuyer at a proposed sales price from approximately \$95,000 to \$105,000 with construction to begin in March of 2017; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News;

NOW, THEREFORE,

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

January 11, 2017

Section 1. That the public hearing shall be held at 1:00 p.m. on February 8, 2017 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the proposed sale by quitclaim deeds of four (4) unimproved properties, identified on Exhibit A, acquired by the taxing authorities from the Sheriff to ICDC, a qualified non-profit organization, in accordance with the HB 110 process of the City's Land Transfer Program.

Section 2. That at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing shall be placed on the property, notification of the public hearing shall be mailed to property owners within 200 feet of the property, and notice of the public hearing shall be published in the Dallas Morning News.

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

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	4015 Metropolitan Lot 35, Camps Second Avenue Addition Block F/1817	South Dallas Fair Park Innercity Community Development Corporation	1	\$1,000.00
2	4339 Metropolitan Lot 27, Camps Alex Addition Block G/1822	South Dallas Fair Park Innercity Community Development Corporation	1	\$1,000.00
3	3614 Carl Lot 11 Block 2/1557	South Dallas Fair Park Innercity Community Development Corporation	1	\$1,000.00
4	3810 Carl Lot 3, 50 x 125 Carl 100FR Cross Block 0/1813	South Dallas Fair Park Innercity Community Development Corporation	1	\$1,000.00
TOTAL				\$4,000.00

KEY FOCUS AREA: E-Gov
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize **(1)** approval of revised salary schedules for Fire and Police uniform executive staff, adding a 2% top pay step; **(2)** eliminating the start step in each executive rank; and **(3)** implementing step pay increases for Police and Fire uniform executive staff, effective October 1, 2016 - Financing: This action no cost consideration to the City

BACKGROUND

This item will authorize revised salary schedules as a result of revised program goals and budget decisions recently recommended to the City Council.

In an effort to address compensation and improve pay for fire and police uniformed executive staff, the Executive Uniformed Fire and Police salary schedule is revised to add a two percent (2%) top pay step for each uniformed executive rank.

This item also authorizes implementing double merit pay step for uniform executive fire and police staff, effective October 1, 2016. Executive Officers who have at least two steps remaining on the pay schedule for their rank will receive two pay step increases (double steps) if they meet all pay step eligibility requirements. Officers who have one step remaining on the pay schedule for their rank will receive one pay step increase if they meet all pay step eligibility. Steps will be awarded on the executive officers' normal step date.

This action authorizes the elimination of the start pay step in each Uniformed Fire and Police executive rank, effective October 1, 2016.

It is necessary to ratify these actions to the executive uniformed pay plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed on the proposed FY 2016-17 Budget on August 9, 2016.

FISCAL INFORMATION

Funding for this item is included as part of the adoption for the FY 2016-17 budget.

January 11, 2017

WHEREAS, the City Council of the City of Dallas has adopted a budget for the year beginning October 1, 2016; and

WHEREAS, the budget adopted is predicated upon approved salary schedules authorizing a plan of equitable pay; and

WHEREAS, the Executive Uniformed Fire and Police salary schedule is revised to include an addition of a two percent (2%) top pay step for uniformed Fire and Police executive officers, effective October 1, 2016; and

WHEREAS, the Executive Uniformed Fire and Police salary schedule is revised to implement merit pay increase for uniformed Fire and Police executive officers, effective October 1, 2016; and

WHEREAS, the FY 2016-17 Executive Uniformed Fire and Police salary schedules eliminates the start pay step in each executive rank, effective October 1, 2016; and

WHEREAS, it is considered desirable and necessary to ratify these actions and to amend the uniform pay schedules together with the budget providing for these changes.

NOW, THEREFORE,

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

Section 1. That the Executive Uniform Police salary schedule (Police Major and above) reflect an additional two percent (2%) top pay step. All other police salary schedules are revised per the Meet and Confer agreement. (Attachment B-4)

Section 2. That the Executive Uniform Fire salary schedule (Deputy Chief and above) reflect an additional two percent (2%) top pay step. All other fire salary schedules are revised in the Meet and Confer agreement. (Attachment B-5)

Section 3. That pay steps be implemented for Executive Uniformed Fire staff effective October 1, 2016.

Section 4. That merit pay steps be implemented for Executive Uniformed Police staff effective October 1, 2016.

Section 5. That the start pay steps for each Executive Uniformed Fire and Police rank be eliminated effective October 1, 2016.

January 11, 2017

Section 6. That the City Manager or designee be authorized, upon recommendation from the Director of Human Resources, to make any administrative changes necessary to maintain equity.

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.

**CITY OF DALLAS
EXECUTIVE
UNIFORMED POLICE SALARY SCHEDULE**
Effective October 1, 2016

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
46017	Police Major, 1 Year	P6 - 2	\$5,669	\$68,025
46017	Police Major, 1 Year	P6 - 3	\$5,951	\$71,410
46017	Police Major, 1 Year	P6 - 4	\$6,250	\$74,996
46017	Police Major, 1 Year	P6 - 5	\$6,563	\$78,759
46017	Police Major, 1 Year	P6 - 6	\$6,890	\$82,685
46017	Police Major, 1 Year	P6 - 7	\$7,234	\$86,812
46017	Police Major, 1 Year	P6 - 8	\$7,597	\$91,163
46017	Police Major, 1 Year	P6 - 9	\$7,977	\$95,729
46017	Police Major, 1 Year	P6 - 10	\$8,376	\$100,515
46017	Police Major, 1 Year	P6 - 11	\$8,795	\$105,541
46018	Police Major	P6 - 12	\$8,971	\$107,652

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
46027	Police Assistant Chief, 1 Year	P8 - 2	\$6,158	\$73,895
46027	Police Assistant Chief, 1 Year	P8 - 3	\$6,466	\$77,590
46027	Police Assistant Chief, 1 Year	P8 - 4	\$6,789	\$81,469
46027	Police Assistant Chief, 1 Year	P8 - 5	\$7,129	\$85,543
46027	Police Assistant Chief, 1 Year	P8 - 6	\$7,485	\$89,820
46027	Police Assistant Chief, 1 Year	P8 - 7	\$7,871	\$94,454
46027	Police Assistant Chief, 1 Year	P8 - 8	\$8,265	\$99,176
46027	Police Assistant Chief, 1 Year	P8 - 9	\$8,678	\$104,135
46027	Police Assistant Chief, 1 Year	P8 - 10	\$9,112	\$109,342
46027	Police Assistant Chief, 1 Year	P8 - 11	\$9,570	\$114,841
46027	Police Assistant Chief, 1 Year	P8 - 12	\$10,049	\$120,583
46027	Police Assistant Chief, 1 Year	P8 - 13	\$10,551	\$126,613
46027	Police Assistant Chief, 1 Year	P8 - 14	\$11,079	\$132,943
46027	Police Assistant Chief, 1 Year	P8 - 15	\$11,633	\$139,591
46028	Police Assistant Chief	P8 - 16	\$11,865	\$142,382

24433	Police Deputy Chief, 1 Year	P7 - 2	\$6,122	\$73,464
24433	Police Deputy Chief, 1 Year	P7 - 3	\$6,459	\$77,505
24433	Police Deputy Chief, 1 Year	P7 - 4	\$6,917	\$82,999
24433	Police Deputy Chief, 1 Year	P7 - 5	\$7,262	\$87,150
24433	Police Deputy Chief, 1 Year	P7 - 6	\$7,626	\$91,506
24433	Police Deputy Chief, 1 Year	P7 - 7	\$8,007	\$96,079
24433	Police Deputy Chief, 1 Year	P7 - 8	\$8,407	\$100,887
24433	Police Deputy Chief, 1 Year	P7 - 9	\$8,828	\$105,931
24433	Police Deputy Chief, 1 Year	P7 - 10	\$9,269	\$111,228
24434	Police Deputy Chief	P7 - 11	\$9,454	\$113,452

24312	Police Chief, 1 Year	P9 - 2	\$8,065	\$96,783
24312	Police Chief, 1 Year	P9 - 3	\$8,428	\$101,138
24312	Police Chief, 1 Year	P9 - 4	\$8,807	\$105,689
24312	Police Chief, 1 Year	P9 - 5	\$9,234	\$110,808
24312	Police Chief, 1 Year	P9 - 6	\$9,696	\$116,348
24312	Police Chief, 1 Year	P9 - 7	\$10,180	\$122,166
24312	Police Chief, 1 Year	P9 - 8	\$10,690	\$128,274
24312	Police Chief, 1 Year	P9 - 9	\$11,224	\$134,688
24312	Police Chief, 1 Year	P9 - 10	\$11,785	\$141,423
24312	Police Chief, 1 Year	P9 - 11	\$12,374	\$148,494
24312	Police Chief, 1 Year	P9 - 12	\$12,993	\$155,918
24312	Police Chief, 1 Year	P9 - 13	\$13,643	\$163,715
24312	Police Chief, 1 Year	P9 - 14	\$14,325	\$171,900
24312	Police Chief, 1 Year	P9 - 15	\$15,041	\$180,495
24312	Police Chief, 1 Year	P9 - 16	\$15,793	\$189,520
24312	Police Chief, 1 Year	P9 - 17	\$16,583	\$198,996
24312	Police Chief, 1 Year	P9 - 18	\$17,412	\$208,946
24313	Police Chief	P9 - 19	\$17,760	\$213,124

The police and fire chiefs will receive any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement for the same length of time that the other police and fire personnel receive the additional holidays under the meet and confer or collective bargaining agreement.

Although pay steps for uniformed staff generally occur in one-year increments, if officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step. Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

**CITY OF DALLAS
EXECUTIVE
UNIFORM FIRE SALARY SCHEDULE**
Effective October 1, 2016

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>	<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
24447	Fire Deputy Chief, 1 Year	F7 - 2	\$6,122	\$ 73,484	24311	Fire Chief, 1 Year	F9 - 2	\$8,065	\$ 96,783
24447	Fire Deputy Chief, 1 Year	F7 - 3	\$6,459	\$ 77,505	24311	Fire Chief, 1 Year	F9 - 3	\$8,428	\$101,138
24447	Fire Deputy Chief, 1 Year	F7 - 4	\$6,917	\$ 82,999	24311	Fire Chief, 1 Year	F9 - 4	\$8,807	\$105,689
24447	Fire Deputy Chief, 1 Year	F7 - 5	\$7,262	\$ 87,150	24311	Fire Chief, 1 Year	F9 - 5	\$9,234	\$110,808
24447	Fire Deputy Chief, 1 Year	F7 - 6	\$7,626	\$ 91,506	24311	Fire Chief, 1 Year	F9 - 6	\$9,696	\$116,348
24447	Fire Deputy Chief, 1 Year	F7 - 7	\$8,007	\$ 96,079	24311	Fire Chief, 1 Year	F9 - 7	\$10,180	\$122,166
24447	Fire Deputy Chief, 1 Year	F7 - 8	\$8,407	\$100,887	24311	Fire Chief, 1 Year	F9 - 8	\$10,690	\$128,274
24447	Fire Deputy Chief, 1 Year	F7 - 9	\$8,828	\$105,931	24311	Fire Chief, 1 Year	F9 - 9	\$11,224	\$134,688
24447	Fire Deputy Chief, 1 Year	F7 - 10	\$9,269	\$111,228	24311	Fire Chief, 1 Year	F9 - 10	\$11,785	\$141,423
24448	Fire Deputy Chief	F7 - 11	\$9,454	\$113,452	24311	Fire Chief, 1 Year	F9 - 11	\$12,374	\$148,494
					24311	Fire Chief, 1 Year	F9 - 12	\$12,993	\$155,918
44011	Fire Assistant Chief, 1 Year	F8 - 2	\$6,158	\$ 73,895	24311	Fire Chief, 1 Year	F9 - 13	\$13,643	\$163,715
44011	Fire Assistant Chief, 1 Year	F8 - 3	\$6,466	\$ 77,590	24311	Fire Chief, 1 Year	F9 - 14	\$14,325	\$171,900
44011	Fire Assistant Chief, 1 Year	F8 - 4	\$6,789	\$ 81,469	24311	Fire Chief, 1 Year	F9 - 15	\$15,041	\$180,495
44011	Fire Assistant Chief, 1 Year	F8 - 5	\$7,129	\$ 85,543	24311	Fire Chief, 1 Year	F9 - 16	\$15,793	\$189,520
44011	Fire Assistant Chief, 1 Year	F8 - 6	\$7,485	\$ 89,820	24311	Fire Chief, 1 Year	F9 - 17	\$16,583	\$198,996
44011	Fire Assistant Chief, 1 Year	F8 - 7	\$7,871	\$ 94,454	24311	Fire Chief, 1 Year	F9 - 18	\$17,412	\$208,946
44011	Fire Assistant Chief, 1 Year	F8 - 8	\$8,265	\$ 99,176	24311	Fire Chief	F9 - 19	\$17,760	\$213,124
44011	Fire Assistant Chief, 1 Year	F8 - 9	\$8,678	\$104,135					
44011	Fire Assistant Chief, 1 Year	F8 - 10	\$9,112	\$109,342					
44011	Fire Assistant Chief, 1 Year	F8 - 11	\$9,570	\$114,841					
44011	Fire Assistant Chief, 1 Year	F8 - 12	\$10,049	\$120,583					
44011	Fire Assistant Chief, 1 Year	F8 - 13	\$10,551	\$126,613					
44011	Fire Assistant Chief, 1 Year	F8 - 14	\$11,079	\$132,943					
44011	Fire Assistant Chief, 1 Year	F8 - 15	\$11,633	\$139,591					
44011	Fire Assistant Chief	F8 - 16	\$11,865	\$142,382					

The police and fire chiefs will receive any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement for the same length of time that the other police and fire personnel receive the additional holidays under the meet and confer or collective bargaining agreement.

Although pay steps for uniformed staff generally occur in one-year increments, if officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step. Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 5, 7

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 48Y

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road; **(2)** the receipt and deposit of funds from the Texas Department of Transportation in the amount of \$21,346; and **(3)** the establishment of appropriations in the amount of \$21,346 in the Texas Department of Transportation Grant Fund - Not to exceed \$21,346 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The City of Dallas was awarded grant funding totaling \$6.17 million from the 2015 Highway Safety Improvement Program (HSIP) administered by the Texas Department of Transportation (TxDOT) to upgrade several high accident intersections in the City of Dallas. After further TxDOT review, TxDOT awarded the City an additional intersection (Loop 12 and Scyene Road) for safety improvements and traffic signal replacement.

TxDOT will advertise for construction in February 2017. Intersection improvements will include upgrades to pedestrian features, signage, pavement markings and reconstruction of traffic signals.

To remain consistent with other equipment in the city-wide system, the City of Dallas will provide labor and material for installation of traffic signal controllers, controller cabinets, traffic signs and other traffic control equipment for the project. TxDOT has agreed to reimburse the City for 100% of the above cost which includes labor and material.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	June 2017
Complete Construction	February 2018

FISCAL INFORMATION

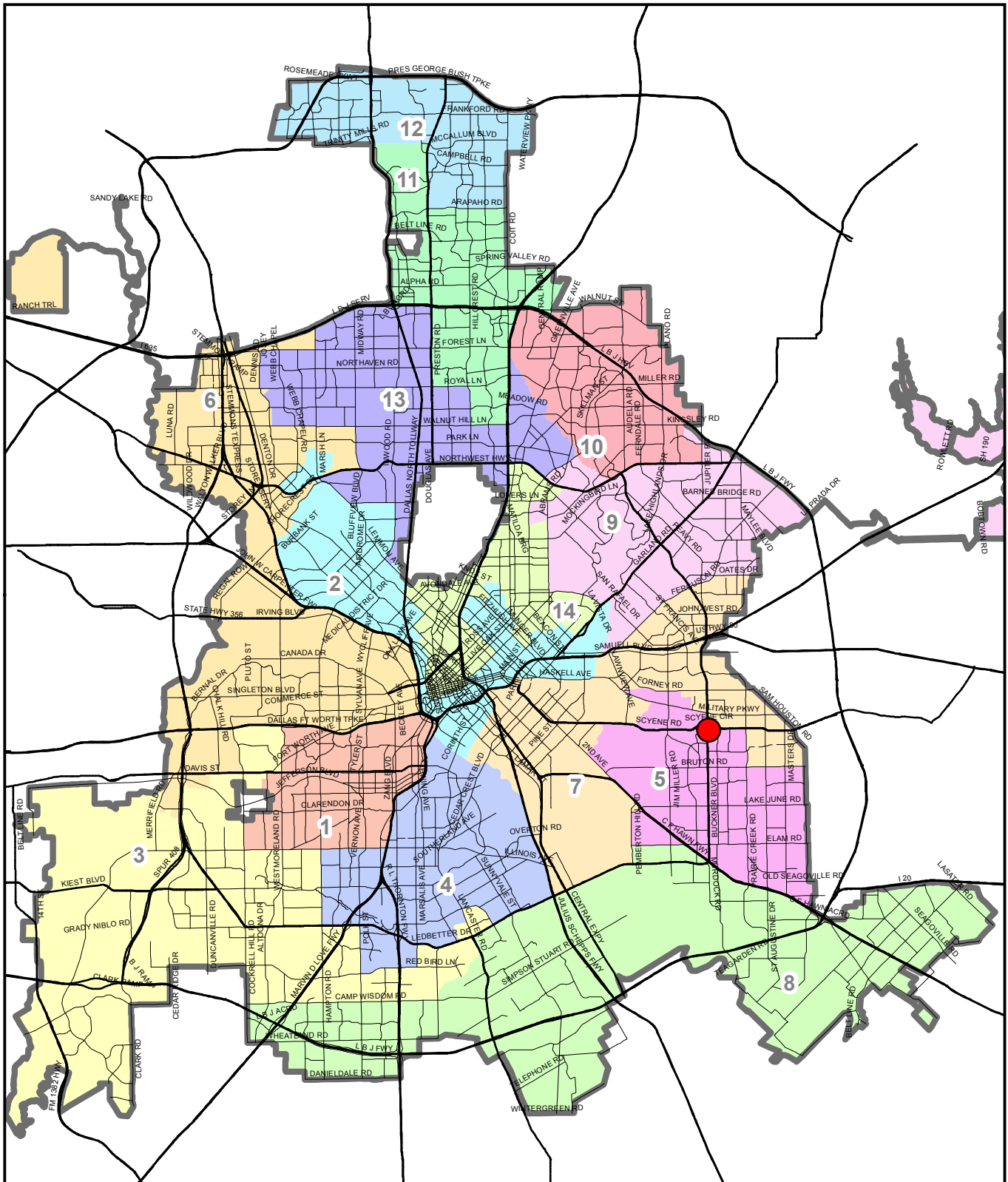
Texas Department of Transportation Grant Funds - \$21,345.28

<u>Council District</u>	<u>Amount</u>
5	\$ 16,008.96 (75% of the intersection)
7	<u>\$ 5,336.32</u> (25% of the intersection)
Total	\$ 21,345.28

MAP

Attached

Loop 12 and Scyene Road (Buckner Boulevard and Scyene Road)



**Council District 5,7
Mapsco Page 48Y**

January 11, 2017

WHEREAS, the Texas Department of Transportation (TxDOT) will provide reimbursement to the City of Dallas for material and labor costs incurred for traffic signal improvements at one on-system location at Loop 12 (Buckner Boulevard) and Scyene Road; and,

WHEREAS, TxDOT will reimburse 100% of labor and material costs in an amount not to exceed \$21,345.28; and,

WHEREAS, the City of Dallas desires to enter into an agreement with TxDOT to receive cost reimbursement for material and labor costs incurred for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road, in the amount of \$21,345.28.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration (Agreement number CSJ #0581-01-144/CFDA No. 20.205) for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road, in the amount of \$21,345.28 after it has been approved as to form by the City Attorney. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$21,345.28 in Fund F8FT, Dept. STS, Unit 88FT, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$21,345.28 in Fund F8FT, Dept. STS, Unit 88FT, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FT16.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F8FT, Dept. STS, Unit 88FT, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FT16, in an amount not to exceed \$21,345.28.

January 11, 2017

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and 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 granting agency monitoring reports not later than 30 days after the receipt of the report.

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

AGENDA ITEM # 17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 42 R V

SUBJECT

Authorize a Project Specific Agreement to the Master Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard - Not to exceed \$6,305,000 - Financing: General Obligation Commercial Paper Funds (\$3,090,498), 2006 Bond Funds (\$2,709,502) and Water Utilities Capital Construction Funds (\$505,000)

BACKGROUND

Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard Project is a partnership project between the City of Dallas and Dallas County. This project was submitted and subsequently selected in Dallas County's Major Capital Improvement Program (MCIP) Third Call for Projects in 2004, and the cost of the project is to be split 50/50 between the City and Dallas County. This action will authorize a Project Specific Agreement with and payment to Dallas County for the City's share of design and construction costs associated with the project.

The project is defined as a new roadway extension of Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard across the Union Pacific railroad tracks with a new bridge and widening 1500 linear feet of Vinson Road north of the bridge. The bridge section will be four lanes divided and the roadway section will consist of five lanes with a two way left turn lane. This project will also provide a new traffic signal at the intersection of Cockrell Hill Road/Weisenberger Drive and Singleton Boulevard, sidewalks, drainage improvements, and water and wastewater upgrades. Dallas County is the lead/implementing agency responsible for administering the design and construction. The design for this project is near completion and Dallas County is working on right-of-way acquisition and utility relocations. Construction is estimated to commence in Spring 2018. The current estimated project cost including design, right-of-way acquisition, and construction is \$12,105,000.

BACKGROUND (Continued)

The City of Dallas is responsible for \$6,305,000 of which \$505,000 is for Dallas Water Utilities' water and wastewater improvements. Dallas County is responsible for the remaining project costs of \$5,800,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2010
Complete Design	January 2017
Complete Property Acquisition	March 2017
Complete Utility Relocation	December 2017
Begin Construction	March 2018
Complete Construction	April 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Master Agreement with Dallas County governing Major Capital Improvement Program on January 10, 2001, by Resolution No. 01-0104.

Authorized submission, acceptance, and implementation of the City of Dallas candidate projects for Dallas County's MCIP Third Call for Projects on August 27, 2003, by Resolution No. 03-2345.

Authorized a new Master Agreement with Dallas County governing Major Capital Improvement Program on April 13, 2011, by Resolution No. 11-0927.

Information of this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

General Obligation Commercial Paper Funds (2006 Bond Program) - \$3,090,498.25

2006 Bond Funds - \$2,709,501.75

Water Utilities Capital Construction Funds - \$505,000.00

City's share

Engineering Design (this action)	\$ 762,500.00
Union Pacific Railroad Agreement (this action)	\$ 925,000.00
Right-of-way Acquisition (this action)	\$ 175,000.00
Utility Relocations (this action)	\$ 75,000.00
Construction (Water) - DWU (this action)	\$ 505,000.00
Construction (Paving & Drainage) - STS (this action)	<u>\$3,862,500.00</u>
Total	\$6,305,000.00

FISCAL INFORMATION (Continued)**County's share**

Engineering Design	\$ 762,500.00
Union Pacific Railroad Agreement	\$ 925,000.00
Right-of-way Acquisition	\$ 175,000.00
Utility Relocations	\$ 75,000.00
Construction (Paving & Drainage) - STS	<u>\$3,862,500.00</u>
Total	\$5,800,000.00

Total Estimated Project Costs	\$12,105,000.00
-------------------------------	-----------------

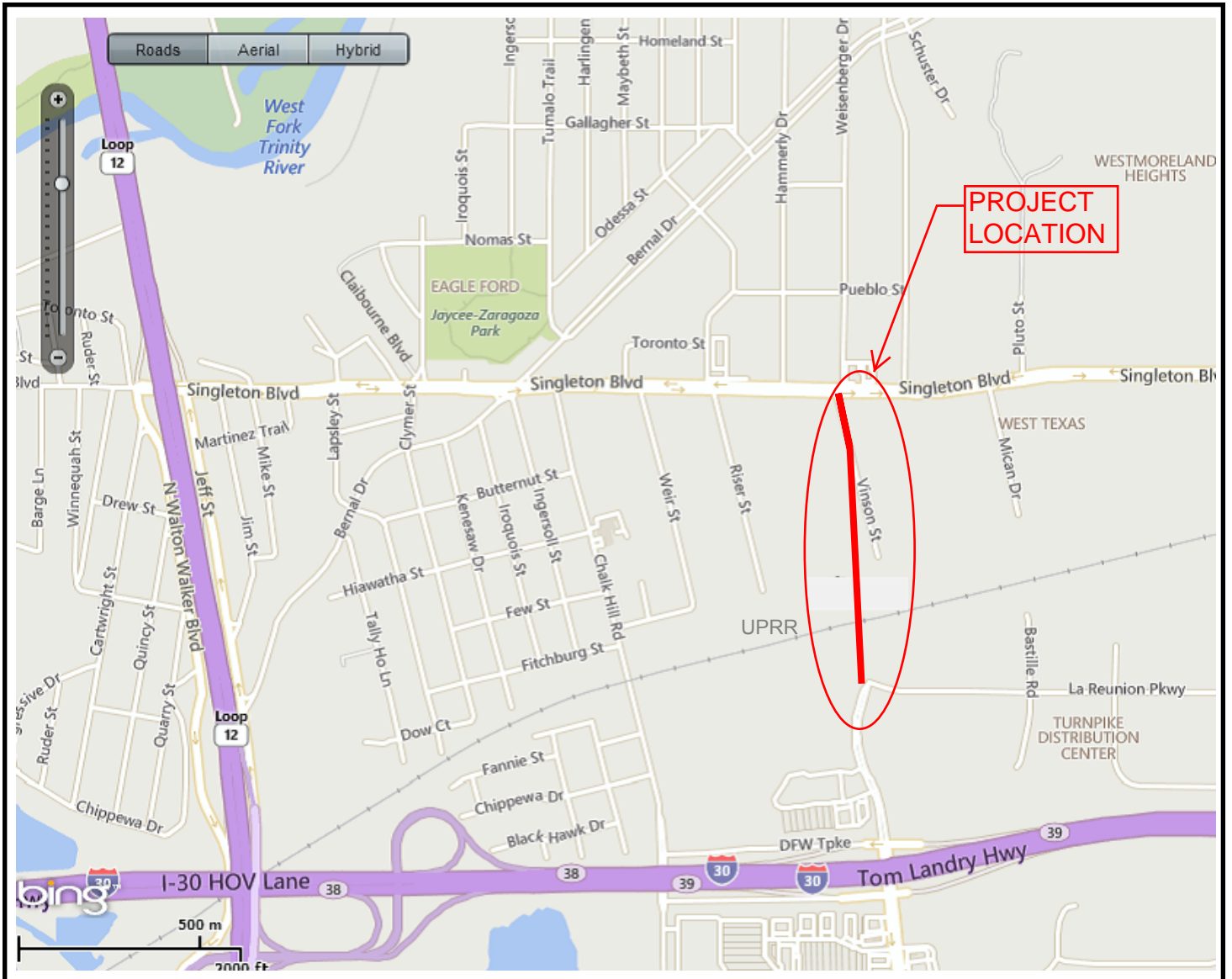
Project Share Cost

City of Dallas (STS)	\$5,800,000.00
City of Dallas (DWU)	\$ 505,000.00
Dallas County	\$5,800,000.00

MAP

Attached.

COCKRELL HILL ROAD PROJECT FROM LA REUNION PARKWAY TO SINGLETON BOULEVARD



MAPSCO 42R & 42V

January 11, 2017

WHEREAS, on January 10, 2001, Resolution No. 01-0104 authorized a Master Agreement with Dallas County governing Major Capital Improvement Program (MCIP) to be jointly funded and developed by Dallas County and the City of Dallas; and,

WHEREAS, on August 27, 2003, Resolution No. 03-2345 authorized submission, acceptance, and implementation of the City of Dallas candidate projects for the Dallas County's MCIP Third Call for Projects; and,

WHEREAS, Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard was selected for participation and funding by the Dallas County's MCIP Third Call for Projects in 2004; and,

WHEREAS, on April 13, 2011, Resolution No. 11-0927 authorized a new Master Agreement with Dallas County governing MCIP with Dallas County; and,

WHEREAS, Dallas County is the lead agency for administering the design and construction of the Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard project; and,

WHEREAS, it is now necessary to authorize the Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund
Fund 2T22, Department STS, Unit U205, Act. INGV
Obj 4510, Program #PB06U205, CT STS06U205D1
Vendor #014003, in an amount not to exceed

\$ 209,644.59

January 11, 2017

Street and Transportation Improvements Fund Fund 3T22, Department STS, Unit U205, Act. INGV Obj 4510, Program #PB06U205, CT STS06U205D1 Vendor #014003, in an amount not to exceed	\$2,499,857.16
Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit U205, Act. INGV Obj 4510, Program #PB06U205, CT STS06U205D1 Vendor #014003, in an amount not to exceed	\$3,090,498.25
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj 3222, Program #714146X, CT DWU714146EN Vendor #014003, in an amount not to exceed	\$ 4,000.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj 3221, Program #714145X, CT DWU714145EN Vendor #014003, in an amount not to exceed	\$ 20,000.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj 4560, Program #714146, CT DWU714146CP Vendor #014003, in an amount not to exceed	\$ 220,310.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj 4550 Program #714145, CT DWU714145CP Vendor #014003, in an amount not to exceed	<u>\$ 260,690.00</u>
Total amount not to exceed	\$6,305,000.00

Section 3. That the Chief Financial Officer is hereby authorized to deposit any unused Bond Funds advanced to Dallas County pertaining to the project into Fund 4T22, Department STS, Unit U205, Object 4510.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 23R 24N 34A 42G

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Palacios Avenue from Ottawa Road to Canada Drive was requested by property owner petition and accepted on April 24, 2007. The alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane was requested by property owner petition and accepted on December 14, 2007. The alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane was requested by property owner petition and accepted on May 27, 2008. The alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane was requested by property owner petition and accepted on November 17, 2010. All of these projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvement will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alleys with 10-foot wide concrete pavement; drainage improvements and water 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

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

Design	\$ 109,355.50
Construction	
Paving&Drainage (MSS)	\$1,030,285.00 (est.)
Water & Wastewater (WTR)	<u>\$ 527,324.30 (est.)</u>
Total Project Cost	\$1,666,964.80 (est.)

<u>Council District</u>	<u>Amount</u>
6	\$1,432,744.30 (est.)
13	<u>\$ 124,865.00 (est.)</u>
Total	\$1,557,609.30 (est.)

This project does involve assessments.

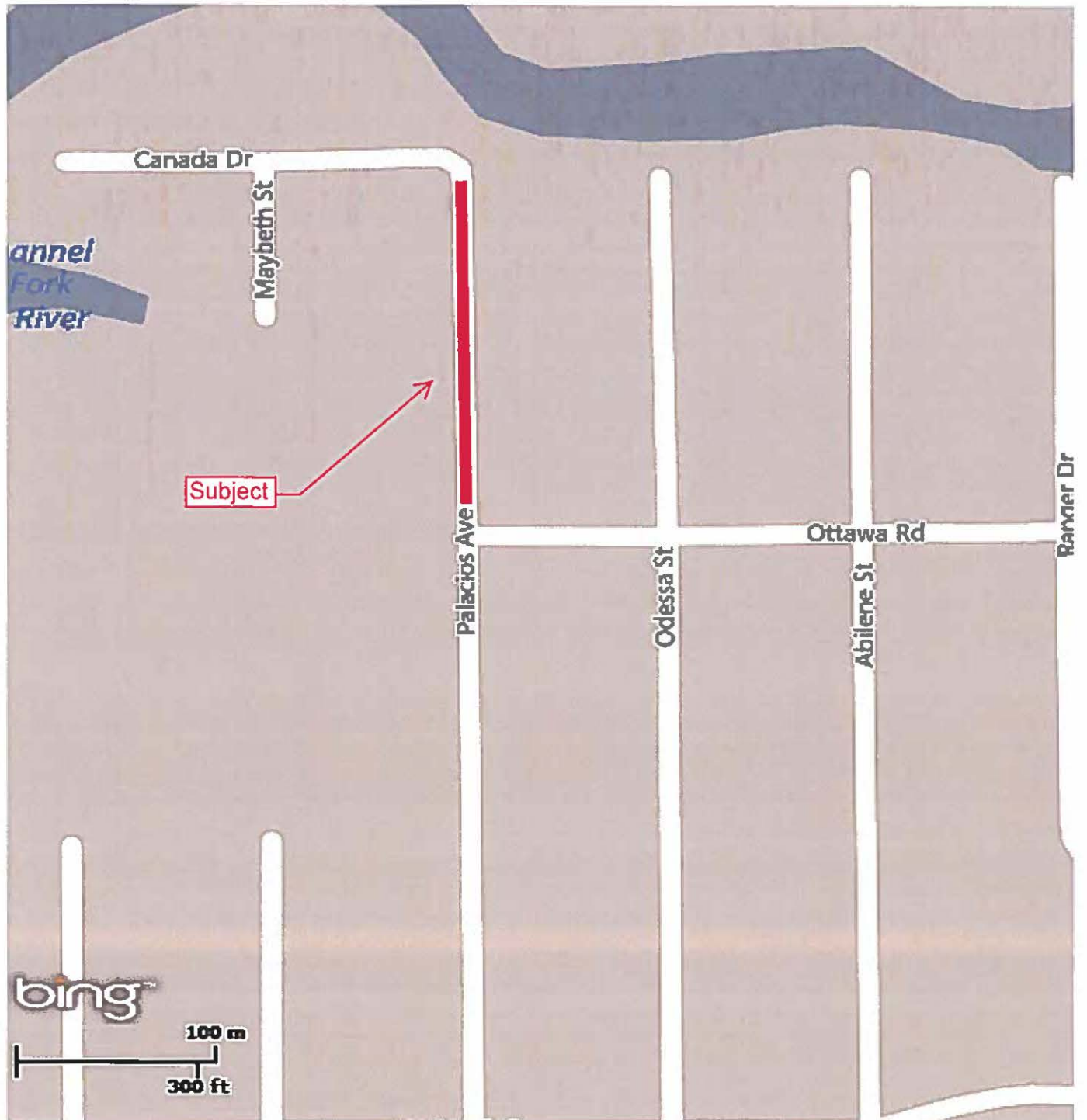
MAPS

Attached.

Project Group 12-3001

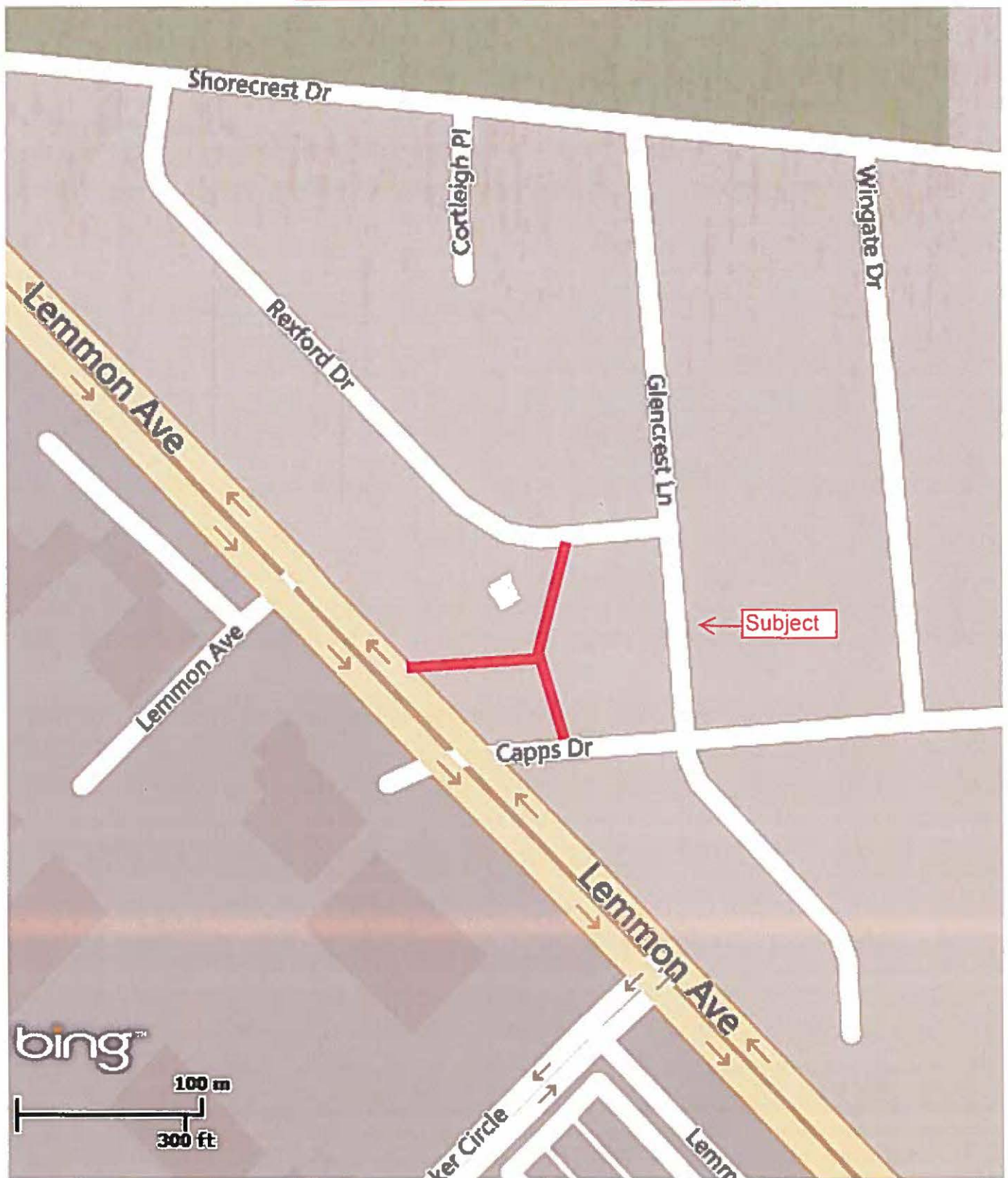
<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Palacios Avenue	from Ottawa Road to Canada Drive	6
Alley between Capps Drive and Rexford Drive	from Lemmon Avenue parallel to Glencrest Lane	13
Alley between Hurley Way and Lenel Place	from Williamsburg Road to "T" alley south of Walnut Hill Lane	6
Alley between Manana Drive and Park Lane	from Larga Drive to Marsh Lane	6

PROJECT GROUP 12-3001



MAPSCO 42G

PROJECT GROUP 12-3001



MAPSCO 34A

PROJECT GROUP 12-3001



MAPSCO 24N

PROJECT GROUP 12-3001



MAPSCO 23R

January 11, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street and alleys within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street and alleys

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

shall be improved in the following manner, to wit:

(1) That said street and alleys shall be profiled so as to bring same to design grade.

(2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and,

(3) That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

January 11, 2017

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said street and alleys with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

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 an 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.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

January 11, 2017

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____ has ordered and directed that the following street in said City be improved, to wit:

Project Group 12-3001

1. Palacios Avenue from Ottawa Road to Canada Drive

West Side of Street			East Side of Street		
<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Joe A Irwin 2	2/7163	12	Joe A Irwin 2	3/7163	1
Joe A Irwin 2	2/7163	11	Joe A Irwin 2	3/7163	2
Joe A Irwin 2	2/7163	10	Joe A Irwin 2	3/7163	3
Joe A Irwin 2	2/7163	9	Joe A Irwin 2	3/7163	4
Joe A Irwin 2	2/7163	8	Joe A Irwin 2	3/7163	5
Joe A Irwin 2	2/7163	19	Joe A Irwin 2	3/7163	6
Joe A Irwin 2	2/7163	18	Joe A Irwin 2	3/7163	7
Joe A Irwin 2	2/7163	17	Joe A Irwin 2	3/7163	8
Joe A Irwin 2	2/7163	16	Joe A Irwin 2	3/7163	9
Joe A Irwin 2	2/7163	15	Joe A Irwin 2	3/7163	10
Joe A Irwin 2	2/7163	13&14	Joe A Irwin 2	3/7163	11
			Joe A Irwin 2	3/7163	12
			Joe A Irwin 2	3/7163	13
			Joe A Irwin 2	3/7163	14

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue to parallel to Glencrest Lane

Northwest Side of Alley			East Side of Alley		
<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Shore Crest Terrace	3/5065	10	Shore Crest Terrace	3/5065	5
Shore Crest Terrace	3/5065	9	Shore Crest Terrace	3/5065	4
Shore Crest Terrace	3/5065	6	Shore Crest Terrace	3/5065	3
			Shore Crest Terrace	3/5065	1
Southwest Side of Alley					
<u>Subdivision</u>					
Shore Crest Terrace	3/5065	7			
Shore Crest Terrace	3/5065	8			

3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane

West Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Glenridge Estate 3	C/6220	8
Glenridge Estate 3	C/6220	9
Glenridge Estate 3	C/6220	10
Glenridge Estate 3	C/6220	11

East Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Glenridge Estate 3	C/6220	4
Glenridge Estate 3	C/6220	5
Glenridge Estate 3	C/6220	6
Glenridge Estate 3	C/6220	7

North Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Glenridge Estate 3	C/6220	1
Glenridge Estate 3	C/6220	2
Glenridge Estate 3	C/6220	3

4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

North Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Brownwood Park	E/6144	1
Brownwood Park	E/6144	3
Brownwood Park	E/6144	4
Brownwood Park	E/6144	5
Brownwood Park	E/6144	6
Brownwood Park	E/6144	7
Brownwood Park	E/6144	8
Brownwood Park	E/6144	9
Brownwood Park	E/6144	10
Brownwood Park	E/6144	11
Brownwood Park	E/6144	12
Brownwood Park	E/6144	13
Brownwood Park	E/6144	14
Brownwood Park	E/6144	15
Brownwood Park	E/6144	16
Brownwood Park	E/6144	17
Brownwood Park	E/6144	18
Brownwood Park	E/6144	19
Brownwood Park	E/6144	20
Brownwood Park	E/6144	21

South Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Walnut Hill Estates	26/6144	20
Walnut Hill Estates	26/6144	19
Walnut Hill Estates	26/6144	18
Walnut Hill Estates	26/6144	17
Walnut Hill Estates	26/6144	16
Walnut Hill Estates	26/6144	15
Walnut Hill Estates	26/6144	14
Walnut Hill Estates	26/6144	13
Walnut Hill Estates	26/6144	12
Walnut Hill Estates	26/6144	11
Walnut Hill Estates	26/6144	10
Walnut Hill Estates	26/6144	9
Walnut Hill Estates	26/6144	8
Walnut Hill Estates	26/6144	7
Walnut Hill Estates	26/6144	6
Walnut Hill Estates	26/6144	5
Walnut Hill Estates	26/6144	4
Walnut Hill Estates	26/6144	3
Walnut Hill Estates	26/6144	2
Walnut Hill Estates	26/6144	1

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

January 11, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

for a part of the cost of improving said street and alleys, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alleys enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

January 11, 2017

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and alleys, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$1,557,609.30 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$18.24/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

January 11, 2017

Where Property Classification is WSR-I (R-5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90.00/L. F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **22nd** day of **February**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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

January 11, 2017

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of Project Group 12-3001. That said street shall be paved curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and that said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade and with estimates of the cost of improving the street and alley as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Total Property Owners' Cost - Assessments	\$121,249.29
Total Estimated City of Dallas' Cost - Paving	\$206,490.71
Total Estimated City of Dallas' Cost - Drainage	\$72,950.00
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$223,572.16
Total Estimated City of Dallas' Cost	\$503,012.87
Total Estimated Cost of Improvements	\$624,262.16

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane

Total Property Owners' Cost - Assessments	\$11,018.47
Total Estimated City of Dallas' Cost - Paving	\$113,846.53
Total Estimated City of Dallas' Cost	\$113,846.53
Total Estimated Cost of Improvements	\$124,865.00

3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane

Total Property Owners' Cost - Assessments	\$16,452.48
Total Estimated City of Dallas' Cost - Paving	\$155,247.52
Total Estimated City of Dallas' Cost	\$155,247.52
Total Estimated Cost of Improvements	\$171,700.00

4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

Total Property Owners' Cost - Assessments	\$47,357.14
Total Estimated City of Dallas' Cost - Paving	\$262,172.86
Total Estimated City of Dallas' Cost - Drainage	\$23,500.00
Total Estimated Water Utilities Department Cost Water Main Improvements	\$303,752.14
Total Estimated City of Dallas' Cost	\$589,425.00
Total Estimated Cost of Improvements	\$636,782.14

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

Grand Total Property Owners' Cost - Assessments \$196,077.38

Estimated Grand Total City of Dallas' Cost - Paving \$737,757.62

Estimated Grand Total City of Dallas' Cost - Drainage \$96,450.00

Estimated Grand Total Water Utilities Department Cost \$527,324.30
Water and Wastewater Main Improvements

Estimated Grand Total City of Dallas' Cost \$1,361,531.92

Estimated Grand Total Cost of Improvements \$1,557,609.30

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



Director, Mobility and Street Services Department

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET							
JOE A IRWIN 2							
JESUS V MASCORRO	12	2/7163	83	FT PVMT	\$90.00	\$7,470.00	
4028 HAMMERLY DR	4107		57	FT WALK	\$9.43	\$537.51	
DALLAS, TX 75212	Palacios Ave		24.4	SY DR(15'Wide)	\$47.21	\$1,151.92	
							\$9,159.43
REYNALDO MARTINEZ & SYLVIA MARTINEZ	11	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4111 PALACIOS AVE			35	FT WALK	\$9.43	\$330.05	
DALLAS, TX 75212			12	FT DRIVE	No Cost	\$0.00	
							\$4,830.05
REYNALDO MARTINEZ & SYLVIA MARTINEZ	10	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4111 PALACIOS AVE	4115		50	FT WALK	\$9.43	\$471.50	
DALLAS, TX 75212	Palacios Ave						\$4,971.50
PAUL ALEMAN JR & MARGARITA ALEMAN	9	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4564 CEDAR PATH DR	4119		50	FT WALK	\$9.43	\$471.50	
DALLAS, TX 75211	Palacios Ave						\$4,971.50
SUSANA BARJAS	8	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4123 PALACIOS AVE			31	FT WALK	\$9.43	\$292.33	
DALLAS, TX 75212			14	FT DRIVE	No Cost	\$0.00	
							\$4,792.33

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
JOE A IRWIN							
CLAUDIA T PRECIADO	19	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4127 PALACIOS AVE			17	FT WALK	\$9.43	\$160.31	
DALLAS, TX 75212			16.3	SY DR(12'Wide)	\$47.21	\$769.52	
							\$5,429.83
DANIEL ESTRADA	18	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4131 PALACIOS AVE			34	FT WALK	\$9.43	\$320.62	
DALLAS, TX 75212			21.3	SY DR(15'Wide)	\$47.21	\$1,005.57	
							\$5,826.19
DALIA SANCHEZ & SAUL SORIA	17	2/7163	40	FT PVMT	\$90.00	\$3,600.00	
4809 BERNAL DR	4135		24	FT WALK	\$9.43	\$226.32	
DALLAS, TX 75212	Palacios Ave		16	FT DRIVE	No Cost	\$0.00	
							\$3,826.32
BRENDA HINOJOSA	16	2/7163	39	FT PVMT	\$90.00	\$3,510.00	
4146 MAYBETH ST	4139		39	FT WALK	\$9.43	\$367.77	
DALLAS, TX 75212	Palacios Ave						
							\$3,877.77
JOSE A ESCAMILLA	15	2/7163	38	FT PVMT	\$90.00	\$3,420.00	
4143 PALACIOS AVE			25	FT WALK	\$9.43	\$235.75	
DALLAS, TX 75212			17.7	SY DR(12'Wide)	\$47.21	\$835.62	
							\$4,491.37

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
JOE A IRWIN 2							
JUSTO HERNANDEZ	13 & 14	2/7163	88	FT PVMT	\$90.00	\$7,920.00	
CONNIE HERNANDEZ			63	FT WALK	\$9.43	\$594.09	
4147 PALACIOS AVE			24.4	SY DR(15'Wide)	\$47.21	\$1,151.92	
DALLAS, TX 75212							\$9,666.01
EAST SIDE OF STREET							
SAUL SORIA	1	3/7163	45	FT WALK	\$9.43	\$424.35	
4142 PALACIOS AVE	4154						\$424.35
DALLAS, TX 75212	Palacios Ave						
SAUL SORIA	2	3/7163	34	FT PVMT	\$90.00	\$3,060.00	
4142 PALACIOS AVE	4150		34	FT WALK	\$9.43	\$320.62	
DALLAS, TX 75212	Palacios Ave		17.7	SY DR(12'Wide)	\$47.21	\$835.62	
							\$4,216.24
SAUL SORIA	3	3/7163	35	FT PVMT	\$90.00	\$3,150.00	
4142 PALACIOS AVE	4146		35	FT WALK	\$9.43	\$330.05	
DALLAS, TX 75212	Palacios Ave						\$3,480.05
SAUL SORIA & DALIA SORIA	4	3/7163	42	FT PVMT	\$90.00	\$3,780.00	
4809 BERNAL DR	4142		22	FT WALK	\$9.43	\$207.46	
DALLAS, TX 75212	Palacios Ave						\$3,987.46

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
JOE A IRWIN 2							
DALIA SANCHEZ	5	3/7163	42	FT PVMT	\$90.00	\$3,780.00	
4809 BERNAL DR	4138		42	FT WALK	\$9.43	\$396.06	
DALLAS, TX 75212	Palacios Ave						\$4,176.06
DALIA SANCHEZ	6	3/7163	44	FT PVMT	\$90.00	\$3,960.00	
4809 BERNAL DR	4134		44	FT WALK	\$9.43	\$414.92	
DALLAS, TX 75212	Palacios Ave						\$4,374.92
FRANCISCO SANCHEZ	7	3/7163	45	FT PVMT	\$90.00	\$4,050.00	
4130 PALACIOS AVE			27	FT WALK	\$9.43	\$254.61	
DALLAS, TX 75212			18.4	SY DR(13'Wide)	\$47.21	\$868.66	
							\$5,173.27
FRANCISCO SANCHEZ	8	3/7163	45	FT PVMT	\$90.00	\$4,050.00	
4130 PALACIOS AVE	4126		45	FT WALK	\$9.43	\$424.35	
DALLAS, TX 75212	Palacios Ave						\$4,474.35
ROY L THORNE	9	3/7163	47	FT PVMT	\$90.00	\$4,230.00	
P O BOX 566	4122		29	FT WAK	\$9.43	\$273.47	
DESOTO, TX 75123	Palacios Ave		18.9	SY DR(13'Wide)	\$47.21	\$892.27	
							\$5,395.74

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
JOE E IRWIN 2						
RUBEN C MAGANA TR & MARY V MAGANA TR 4118 PALACIOS AVE DALLAS, TX 75212	10	3/7163	48 FT PVMT 32 FT WALK 16 FT DRIVE	\$90.00 \$9.43 No Cost	\$4,320.00 \$301.76 \$0.00	\$4,621.76
BENITO HERNANDEZ 4114 PALACIOS AVE DALLAS, TX 75212	11	3/7163	50 FT PVMT 38 FT WALK 12 FT DRIVE	\$90.00 \$9.43 No Cost	\$4,500.00 \$358.34 \$0.00	\$4,858.34
QUIRINO MEDINA 5230 BRYCE CANYON RD DALLAS, TX 75211	12 4110	3/7163 Palacios Ave	49 FT PVMT 49 FT WALK	\$90.00 \$9.43	\$4,410.00 \$462.07	\$4,872.07
RAFAEL MEDINA 3126 HAMMERLY DR DALLAS, TX 75212	13 4106	3/7163 Palacios Ave	48 FT PVMT 36 FT WALK 12 DRIVE	\$90.00 \$9.43 No Cost	\$4,320.00 \$339.48 \$0.00	\$4,659.48
BEATRICE ORNELAS 4102 PALACIOS AVE DALLAS, TX 75212	14	3/7163	49 FT PVMT 30 FT WALK 19 FT DRIVE	\$90.00 \$9.43 No Cost	\$4,410.00 \$282.90 \$0.00	\$4,692.90

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$121,249.29
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$206,490.71	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$72,950.00	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$223,572.16	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$503,012.87
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$624,262.16

PROJECT GROUP 12-3001

**2. ALLEY BETWEEN CAPPS DRIVE AND REXFORD DRIVE FROM LEMMON AVENUE
PARALLEL TO GLENCREST LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTHWEST SIDE OF ALLEY						
			<i>SHORE CREST TERRACE</i>			
D MICHAEL CANNADY REVOCABLE TRUST 8723 REXFORD DR DALLAS, TX 75209	10	3/5065	34 FT PMVT	\$18.24	\$620.16	\$620.16
ROBERT L SORRELLS TRUST 8201 PRESTON RD STE 520 DALLAS, TX 75225	9 8719 Rexford Dr	3/5065	62 FT PMVT	\$18.24	\$1,130.88	\$1,130.88
THOMAS L ARNOLD LANA M ARNOLD 8715 REXFORD DR DALLAS, TX 75209	6	3/5065	52 FT PMVT	\$18.24	\$948.48	\$948.48
EAST SIDE OF ALLEY						
TRAVIS B SINGLETON 8623 GLENCREST LN DALLAS, TX 75209	5 Acs. 0.230	3/5065	57 FT PMVT	\$18.24	\$1,039.68	\$1,039.68
CHANNING E MILFELD & CHRISTOPHER P MILFELD 8619 GLENCREST LN DALLAS, TX 75209	4	3/5065	63 FT PMVT	\$18.24	\$1,149.12	\$1,149.12
THE BROYLES GROUP LLC 25 HIGHLAND PARK VLG #100 DALLAS, TX 75205	3 8615 Glencrest Ln	3/5065	61 FT PMVT	\$18.24	\$1,112.64	\$1,112.64

PROJECT GROUP 12-3001

**2. ALLEY BETWEEN CAPPS DRIVE AND REXFORD DRIVE FROM LEMMON AVENUE
PARALLEL TO GLENCREST LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
SHORE CREST TERRACE						
JASON & YVETTE COFFMAN 8609 GLENCREST LN DALLAS, TX 75209	2	3/5065	63 FT PMVT 20 FT DRIVE	\$18.24 No Cost	\$1,149.12 \$0.00	\$1,149.12
DENNIS SCOTT DAVIS JR & COURTENAY L DAVIS 8603 GLENCREST LN DALLAS, TX 75209	1	3/5065	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
SOUTHWEST SIDE OF ALLEY						
MARIVILLA M PARRAMORE & DAVID PARRAMORE 3843 CAPPS DR DALLAS, TX 75209	7	3/5065	57 FT PMVT 6.6 SY DR(15'Wide)	\$18.24 \$47.21	\$1,039.68 \$311.59	\$1,351.27
SING YEE POONG & NYOK CHING CHEONG 4401 LONE TREE DRIVE PLANO, TX 75093	8 3839 Capps Dr	3/5065	78 FT PMVT	\$18.24	\$1,422.72	\$1,422.72

PROJECT GROUP 12-3001

**2. ALLEY BETWEEN CAPPS DRIVE AND REXFORD DRIVE FROM
LEMMON AVENUE PARALLEL TO GLENCREST LANE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$11,018.47
---	-------------

ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$113,846.53
---	--------------

ESTIMATED TOTAL CITY OF DALLAS' COST	\$113,846.53
--------------------------------------	--------------

ESTIMATED TOTAL COST OF IMPROVEMENTS	\$124,865.00
--------------------------------------	--------------

PROJECT GROUP 12-3001

**3. ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD
TO "T" ALLEY SOUTH OF WALNUT HILL LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF ALLEY						
<i>GLENRIDGE ESTATES 3</i>						
SALVADOR IMPASTATO & LORI IMPASTATO 9918 LENEL PL DALLAS, TX 75220	8	C/6620	76 FT PVMT	\$18.24	\$1,386.24	\$1,386.24
ELINORE C GONDOLF 9922 LENEL PL DALLAS, TX 75220	9	C/6220	70 FT PVMT	\$18.24	\$1,276.80	\$1,276.80
BLAIR W CARPENTER & SUSAN C CARPENTER 9926 LENEL PL DALLAS, TX 75220	10	C/6220	69 FT PVMT	\$18.24	\$1,258.56	\$1,258.56
MARTHA DORA VASQUEZ 9934 LENEL PL DALLAS, TX 75220	11	C/6220	55 FT PVMT	\$18.24	\$1,003.20	\$1,003.20
NORTH SIDE OF ALLEY						
GUIDO BOUMAN 4006 WALNUT HILL LN DALLAS, TX 75229	1	C/6220	122 FT PVMT	\$18.24	\$2,225.28	\$2,225.28

PROJECT GROUP 12-3001

**3. ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD
TO "T" ALLEY SOUTH OF WALNUT HILL LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
<i>GLENRIDGE ESTATES 3</i>							
ANTONIA GUERRERO 4016 WALNUT HILL LN DALLAS, TX 75229	2	C/6220	121 FT	PVMT	\$18.24	\$2,207.04	\$2,207.04
WILLIAM E JOHNSON 4026 WALNUT HILL LN DALLAS, TX 75229	3	C/6220	120 FT	PVMT	\$18.24	\$2,188.80	\$2,188.80
EAST SIDE OF ALLEY							
RONALD R DOWD 9923 HURLEY WAY DALLAS, TX 75220	4	C/6220	54 FT	PVMT	\$18.24	\$984.96	\$984.96
A H SYLVESTER 9915 HURLEY WAY DALLAS, TX 75220	5	C/6220	69 FT	PVMT	\$18.24	\$1,258.56	\$1,258.56
WILLIAM A GALLAGHER 9911 HURLEY WAY DALLAS, TX 75220	6	C/6220	70 FT	PVMT	\$18.24	\$1,276.80	\$1,276.80
KELLI A LAOS 9905 HURLEY WAY DALLAS, TX 75220	7	C/6220	76 FT	PVMT	\$18.24	\$1,386.24	\$1,386.24

PROJECT GROUP 12-3001

**3. ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD
TO "T" ALLEY SOUTH OF WALNUT HILL LANE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$16,452.48
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$155,247.52
ESTIMATED TOTAL CITY OF DALLAS' COST	\$155,247.52
ESTIMATED TOTAL COST OF IMPROVEMENTS	\$171,700.00

PROJECT GROUP 12-3001**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE****SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
NORTH SIDE OF ALLEY						
BROWNWOOD PARK						
ISMAEL GARDUNO & MARIA I GARDUNO 9816 LARGA DR DALLAS, TX 75220	1	E/6144	54 FT PMVT	\$18.24	\$984.96	\$984.96
ANTONIO R CRUZ & MARIA J CRUZ 3538 PARK LN DALLAS, TX 75220	3	E/6144	60 FT PMVT 4.1 SY DR(10'Wide)	\$18.24 \$47.21	\$1,094.40 \$193.56	\$1,287.96
ANTONIO F HUARINGA 3606 PARK LN DALLAS, TX 75220	4	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
GUADALUPE HERRERA 3548 PARK LN DALLAS, TX 75220	5	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
AURELIANO URESTI & MARIA URESTI 3554 PARK LN DALLAS, TX 75220	6	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40

PROJECT GROUP 12-3001**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE****SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
BROWNWOOD PARK						
CHARLES VILLASANA & KAY L VILLASANA 11429 SNOW WHITE DR DALLAS, TX 75229	7 3558 Park Ln	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
JOSE A CORDERO & BALBINA P CORDERO 3564 PARK LN DALLAS, TX 75220	8	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
ALFRED L GONZALES 3568 PARK LN DALLAS, TX 75220	9	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
PRUDENCIO PINEDA JR 2608 DRISKILL DR EULESS, TX 76039	10 3602 Park Ln	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
ANTONIO HUARINGA 3606 PARK LN DALLAS, TX 75220	11	E/6144	60 FT PMVT 12 FT DRIVE	\$18.24 No Cost	\$1,094.40 \$0.00	\$1,094.40
ANTONIO F HUARINGA 3606 PARK LN DALLAS, TX 75220	12 3612 Park Ln	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40

PROJECT GROUP 12-3001**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE****SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
BROWNWOOD PARK						
ANTONIO F HUARINGA 3616 PARK LN DALLAS, TX 75220	13	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
MARTHA DUNGEY 3622 PARK LN DALLAS, TX 75220	14	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
PEDRO A SANCHEZ 3626 PARK LN DALLAS, TX 75220	15	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
DAVID C OLIVAREZ 3630 PARK LN DALLAS, TX 75220	16	E/6144	60 FT PMVT 5 SY DR(10'Wide)	\$18.24 \$47.21	\$1,094.40 \$236.05	\$1,330.45
DAVID URIOSTEGUI & YOLANDA ARAND 3636 PARK LN DALLAS, TX 75220	17	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
EDUWIGES RAMIREZ & MARIA R RAMIREZ 3640 PARK LN DALLAS, TX 75220	18	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
BROWNWOOD PARK						
FERNANDO QUEZADA 3644 PARK LN DALLAS, TX 75220	19	E/6144	60 FT PMVT 21 FT DRIVE	\$18.24 No Cost	\$1,094.40 \$0.00	\$1,094.40
BETTY JOE SCOTT 3650 PARK LN DALLAS, TX 75220	20	E/6144	60 FT PMVT 5 SY DR(10'Wide)	\$18.24 \$47.21	\$1,094.40 \$236.05	\$1,330.45
RAQUEL H SANCHEZ 1404 LINCOLN DR CARROLLTON TX 75006	21 3654	E/6144	79 FT PMVT 9.3 SY DR(23'Wide)	\$18.24 \$47.21	\$1,440.96 \$439.05	\$1,880.01
SOUTH SIDE OF ALLEY						
WALNUT HILL ESTATES						
WILLIAM M KEEL ANDREA BRIDEN 3653 MANANA DR DALLAS, TX 75220	20	26/6144	75 FT PMVT	\$18.24	\$1,368.00	\$1,368.00
ZISHA WARIS & SHAZIE YUSUF 1100 DAMSEL GINER LN LEWISVILLE, TX 75056	19 3647	26/6144	65 FT PMVT 5 SY DR(10'Wide)	\$18.24 \$47.21	\$1,185.60 \$236.05	\$1,421.65
BENITO LUNA BAEZ & MARIA G LUNA 3631 MANANA DR DALLAS, TX 75220	18	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
WALNUT HILL ESTATES						
JOSE C CHAVEZ & GILBERTO GUTIERREZ 3635 MANANA DR DALLAS, TX 75220	17	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
BENITO LUNA 3631 MANANA DR DALLAS, TX 75220	16	26/6144	65 FT PMVT 12 FT DRIVE	\$18.24 No Cost	\$1,185.60 \$0.00	\$1,185.60
EDUARDO L GOMEZ 3625 MANANA DR DALLAS, TX 75220	15	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
SALVADOR TORRES & NICOLASA TORRES 3621 MANANA DR DALLAS, TX 75220	14	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
ADOLFA B CRUZ 3615 MANANA DR DALLAS, TX 75220	13	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
FELIPE MARTINEZ 3611 MANANA DR DALLAS, TX 75220	12	26/6144	65 FT PMVT 14 FT DRIVE	\$18.24 No Cost	\$1,185.60 \$0.00	\$1,185.60

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
WALNUT HILL ESTATES						
GEORGIA MACA 6551 CLIFFBROOK DR DALLAS, TX 75254	11 3603 Manana Dr	26/6144	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
GEORGIA MACA 6551 CLIFFBROOK DR DALLAS, TX 75254	10 3549 Manana Dr	26/6144	80 FT PMVT	\$18.24	\$1,459.20	\$1,459.20
JOSE C SOTO & DINA E BARRIOS 3543 MANANA DR DALLAS, TX 75220	9	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
JAIME CHAVEZ TREJO & NERI ELSA TREJO 3539 MANANA DR DALLAS, TX 75220	8	26/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
JULIA ELIZABETH MERID/ 3533 MANANA DR DALLAS, TX 75220	7	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
JOSE L LOPEZ 3529 MANANA DR DALLAS, TX 75220	6	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
WALNUT HILL ESTATES						
HAYDEN J LAND 3523 MANANA DR DALLAS, TX 75220	5	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
JOHN P FOWLER & NANCY V FOWLER 4331 SOUTHCREST RD DALLAS, TX 75229	4 3519 Manana Dr	26/6144	55 FT PMVT	\$18.24	\$1,003.20	\$1,003.20
GASPAR M RODRIGUEZ 3515 MANANA DR DALLAS, TX 75220	3	26/6144	55 FT PMVT	\$18.24	\$958.00	\$958.00
DINORAH CRUZ 3509 MANANA DR DALLAS, TX 75220	2	26/6144	55 FT PMVT 6.3 SY DR(14'Wide)	\$18.24 \$47.21	\$1,003.20 \$297.42	\$1,300.62
DONNA LEHMAN 3503 MANANA DR DALLAS, TX 75220	1	26/6144	66 FT PMVT	\$18.24	\$1,203.84	\$1,203.84

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$47,357.14
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$262,172.86	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$23,500.00	
ESTIMATED TOTAL WATER UTILITIES DEPARTMENT COST	\$303,752.14	
WATER MAIN IMPROVEMENTS		
ESTIMATED TOTAL CITY OF DALLAS' COST		\$589,425.00
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$636,782.14

AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 9, 10

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 27T U 38L

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street was requested by property owner petition and accepted on August 9, 2010. The alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail was requested by property owner petition and accepted on January 22, 2009. These projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvements will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot to 36-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alley with 10-foot wide concrete pavement and water 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

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

Design	\$ 61,069.75
Construction	
Paving&Drainage (MSS)	\$733,805.00 (est.)
Water & Wastewater (WTR)	<u>\$152,923.76 (est.)</u>
Total Project Cost	\$947,798.51 (est.)

<u>Council District</u>	<u>Amount</u>
9	\$664,746.74 (est.)
10	<u>\$221,982.02 (est.)</u>
Total	\$886,728.76 (est.)

This project does involve assessments.

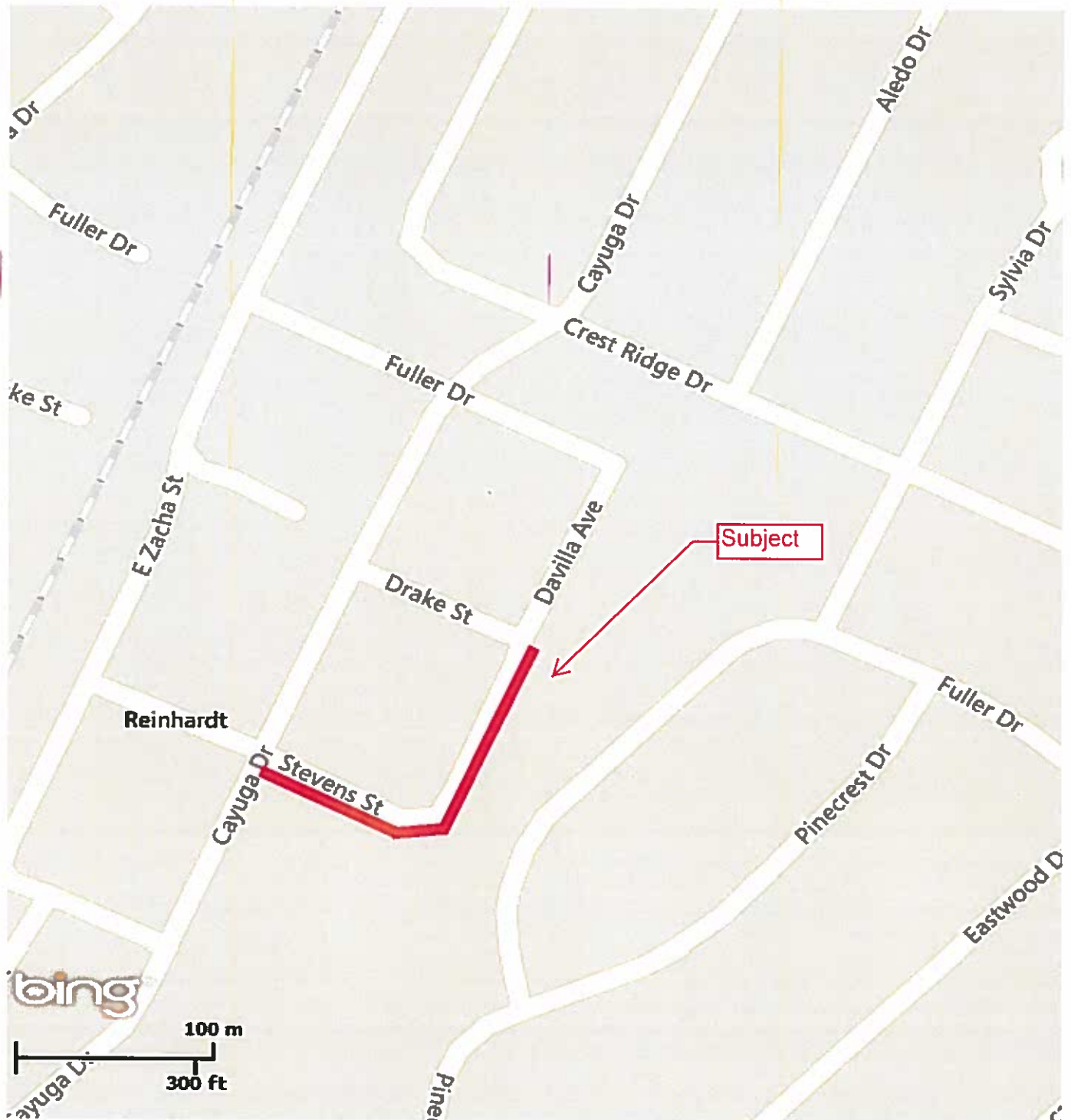
MAPS

Attached.

Project Group 12-3004

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

PROJECT GROUP 12-3004



MAPSCO 38L



PROJECT GROUP 12-3004



MAPSCO 27T, U



January 11, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street and alley within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street and alley

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

shall be improved in the following manner, to wit:

- (1) That said street and alley shall be profiled so as to bring same to design grade.
- (2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and,
- (3) That said alley shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

January 11, 2017

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said street and alley with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

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 an 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.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

January 11, 2017

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____ has ordered and directed that the following street in said City be improved, to wit:

Project Group 12-3004

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

West Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Reinhart Town of	14/5358	1 & S 1/2 of Lt 2
Reinhart Town of	14/5358	12 & S 1/2 Lt 11
Eastwood Park	2/5344	21
Reinhardt	14/5358	9
Reinhardt	14/5358	8
Reinhart Town of	14/5358	7

East Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Eastwood Park	2/5344	10
Eastwood Park	2/5344	9
Eastwood Park	2/5344	8
Eastwood Park	2/5344	Pt 20
Wincorn Add	13/5357	3A
		Ac. 6451

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

Northwest Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
White Rock North 3rd Inst	A/5705	14
Lake Ridge Estates	A/5705	13
Lake Ridge Estates	A/5705	12
Lake Ridge Estates	A/5705	11
Lake Ridge Estates	A/5705	10
Lake Ridge Estates	A/5705	9
Lake Ridge Estates	A/5705	8
Lake Ridge Estates	A/5705	7
Lake Ridge Estates	A/5705	6
White Rock North 34d Inst	A/5705	5

Southeast Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
White Rock Highlands	9/5445	16
White Rock Highlands	9/5445	15
White Rock Highlands	8/5445	14
White Rock Highlands	8/5445	13

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

January 11, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

for a part of the cost of improving said street and alley, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alley enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

January 11, 2017

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and alley, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$886,728.76 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$18.24/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

January 11, 2017

Where Property Classification is WSR-I (Residential R-7.5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90/L. F.**

The side frontage rate for 6-inch thick reinforced concrete pavement 2.5 feet wide with curb: **\$18.82/L.F.**

The rear rate for 6-inch thick reinforced concrete pavement 10 feet wide with curb: **\$18.24/L.F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

The side frontage rate for 4-inch thick reinforced concrete sidewalk is: **\$4.71/L.F.**

Where Property Classification is WSR-III (Commercial)

The rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90.00/L.F.**

The rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **22nd** day of **February**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

January 11, 2017

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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

Engineer's Report

January 11, 2017

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of Project Group 12-3004. That said street shall be paved curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and that said alley shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade and with estimates of the cost of improving the street and alley as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Total Property Owners' Cost - Assessments	\$61,901.49
Total Estimated City of Dallas' Cost - Paving	\$475,185.51
Total Estimated City of Dallas' Cost - Drainage	\$35,388.00
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$92,271.74
Total Estimated City of Dallas' Cost	\$602,845.25
Total Estimated Cost of Improvements	\$664,746.74

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

Total Property Owners' Cost - Assessments		\$18,154.18
Total Estimated City of Dallas' Cost - Paving	\$143,175.82	
Total Estimated Water Utilities Department Cost Water Main Improvements	\$60,652.02	
Total Estimated City of Dallas' Cost		\$203,827.84
Total Estimated Cost of Improvements		\$221,982.02

Project Group 12-3004

Street:

- 1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street**

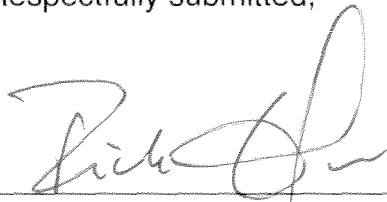
Alley:

- 2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail**

Grand Total Property Owners' Cost - Assessments	\$80,055.67
Estimated Grand Total City of Dallas' Cost - Paving	\$618,361.33
Estimated Grand Total City of Dallas' Cost - Drainage	\$35,388.00
Estimated Grand Total Water Utilities Department Cost Water and Wastewater Main Improvements	\$152,923.76
Estimated Grand Total City of Dallas' Cost	\$806,673.09
Estimated Grand Total Cost of Improvements	\$886,728.76

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



Director, Mobility and Street Services Department

1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 AND 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET							
REINHART TOWN OF							
RICHARD WINCORN	1 &	14/5358	130	FT PVMT	\$18.82	\$2,446.60	
10118 CAYUGA ST STE 1	S 1/2 Lt 2		108	FT WALK	\$4.71	\$508.68	
DALLAS, TX 75228	10202		17	SY DR(12"Wide)	\$47.21	\$802.57	
	Cayuga Dr						\$3,757.85
KENNETH W OCHS	12 &	14/5358	67	FT PVMT	\$90.00	\$6,030.00	
1212 ELMWOOD DR	S 1/2 Lt 11		47	FT WALK	\$9.43	\$443.21	
RICHARDSON, TX 75080	1638		15	SY DR(10"Wide)	\$47.21	\$708.15	
	Stevens St						\$7,181.36
EASTWOOD PARK							
KENNETH W OCHS	21	2/5344	58	FT PVMT	\$90.00	\$5,220.00	
1212 ELMWOOD DR	1600		58	FT WALK	\$9.43	\$546.94	
RICHARDSON, TX 75080	Stevens St						\$5,766.94
REINHARDT							
ARNULFO LOPEZ	9	14/5358	35	FT PVMT	\$90.00	\$3,150.00	
10215 DAVILLA AVE			23	FT WALK	\$9.43	\$216.89	
DALLAS, TX 75228			12	FT DRIVE	No Cost	\$0.00	
							\$3,366.89
ESTATE OF	8	14/5358	50	FT PVMT	\$90.00	\$4,500.00	
FAUSTO RODRIGUEZ			38	FT WALK	\$9.43	\$358.34	
10219 DAVILLA AVE			12	FT DRIVE	No Cost	\$0.00	
DALLAS, TX 75228							\$4,858.34

PROJECT GROUP 12-3004

**1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET
SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 AND 36 FEET IN WIDTH**

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
REINHART TOWN OF							
JESUS RODRIGUEZ	7	14/5358	50	FT PVMT	\$18.82	\$941.00	
1641 DRAKE ST			30	FT WALK	\$4.71	\$141.30	
DALLAS, TX 75228			18.3	SY DR(10"Wide)	\$47.21	\$863.94	
							\$1,946.24
EAST SIDE OF STREET							
EASTWOOD PARK							
NEVILLE CROWELL & ANN R CROWELL 1122 CORDOVA ST DALLAS, TX 75223	11 10243 Sylvia Dr	2/5344		NO ASSESSMENT EASEMENT INTERVENING			
NICHOLAS J BALTHROP	10	2/5344	60	FT PVMT	\$18.24	\$1,094.40	
10239 SYLVIA DR			19.4	SY DR(20"Wide)	\$47.21	\$915.87	
DALLAS, TX 75228							\$2,010.27
DAVID CLEMENTS	9	2/5344	51	FT PVMT	\$18.24	\$930.24	\$930.24
5505 ANGLEBLUFF PL PLANO, TX 75093	10233 Sylvia Dr						
HAWKINS WILLIE & ANITA WILLIE 10227 SYLVIA DR DALLAS, TX 75228	8	2/5344	32	FT PVMT	\$18.24	\$583.68	\$583.68

PROJECT GROUP 12-3004

- 1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET
SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 AND 36 FEET IN WIDTH**

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
<i>EASTWOOD PARK</i>							
JESUS ALVAREZ & PATRICIA C ALVAREZ 1651 STEVENS ST DALLAS, TX 75228	Pt 20	2/5344	152 FT PVMT 119 FT WALK 21.7 SY DR(23'Wide)		\$90.00 \$9.43 \$47.21	\$13,680.00 \$1,122.17 \$1,024.46	\$15,826.63
RICHARD WINCORN 10118 CAYUGA DR STE 1 DALLAS, TX 75228	3A Acs. 6451	13/5357	160 FT PVMT 135 FT WALK 25 FT DRIVE		\$90.00 \$9.43 No Cost	\$14,400.00 \$1,273.05 \$0.00	\$15,673.05

PROJECT GROUP 12-3004

**1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND
DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$61,901.49
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$475,185.51	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$35,388.00	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$92,271.74	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$602,845.25
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$664,746.74

PROJECT GROUP 12-3004

**2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL TO
EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTHWEST SIDE OF ALLEY						
WHITE ROCK NORTH 3RD INST						
MATTHEW HOPE & JENNIE-LAURIE DEVANE 9246 SHOREVIEW ROAD DALLAS, TX 75238	14	A/5705	70 FT PVMNT	\$18.24	\$1,276.80	\$1,276.80
LAKE RIDGE ESTATES						
GEORGE B DAVIS 9252 SHOREVIEW RD DALLAS, TX 75238	13	A/5705	70 FT PVMT	\$18.24	\$1,276.80	\$1,276.80
SUZANNE BLACKNELL LARRY FLOURNOY JR 9306 SHOREVIEW RD DALLAS, TX 75238	12	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
ERIC THOMAS BARNHART JENNIFER ADAY 9310 SHOREVIEW RD DALLAS, TX 75238	11	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
BRIAN ANDERSON & STACIE ANDERSON 9316 SHOREVIEW RD DALLAS, TX 75238	10	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80

PROJECT GROUP 12-3004

- 2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL TO EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
LAKE RIDGE ESTATES						
SCOTT BREEDLOVE & JULIE BREEDLOVE 9320 SHOREVIEW RD DALLAS, TX 75238	9	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
THOMAS LAMSON & ESTRELLA LAMSON 9326 SHOREVIEW RD DALLAS, TX 75238	8	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
DAVID E HARNDEN & LYNN HARNDEN 9330 SHOREVIEW RD DALLAS, TX 75238	7	A/5705	80 FT PMVT	\$18.24	\$1,459.20	\$1,459.20
THOMAS J HOWELL & JANE D HOWELL 9336 SHOREVIEW RD DALLAS, TX 75238	6	A/5705	80 FT PMVT	\$18.24	\$1,459.20	\$1,459.20
TONI SCOTT REED & JOE REED 9342 SHOREVIEW RD DALLAS, TX 75238	5	A/5705	100 FT PMVT	\$18.24	\$1,824.00	\$1,824.00

PROJECT GROUP 12-3004

2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL TO
EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
SOUTHEAST SIDE OF ALLEY						
<i>WHITE ROCK HIGHLANDS</i>						
VIRGIL V POPE 8061 FOREST TRL DALLAS, TX 75238	16	9/5445	50 FT PMVT	\$18.24	\$912.00	\$912.00
VIRGIL V POPE 8061 FOREST TRL DALLAS, TX 75238	15	9/5445 8058 EAGLE TRL	50 FT PMVT	\$18.24	\$912.00	\$912.00
EAGLE TRAIL INTERSECTS						
PHILLIP G POLITO 8057 EAGLE TRL DALLAS, TX 75238	14	A/5445	50 FT PMVT 17.5 SY DR(15'Wide) 10 FT DRIVE	\$18.24 \$47.21 No Cost	\$912.00 \$826.18 \$0.00	\$1,738.18
ROY C LIERMAN 8051 NIMROD TRL DALLAS, TX 75238	13	8/5445	50 FT PMVT 10 FT DRIVE	\$18.24 No Cost	\$912.00 \$0.00	\$912.00

PROJECT GROUP 12-3004

- 2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL
TO EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$18,154.18
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$143,175.82	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$60,652.02	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$203,827.84
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$221,982.02

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 42U Y 52C

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040, from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

BACKGROUND

On January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for two projects with Parsons Brinckerhoff, Inc. for the engineering design of street paving, storm drainage, railroad crossing, water and wastewater main improvements on Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard.

The Park and Recreation Department has requested widening the 5-foot sidewalk proposed for Chalk Hill Road to a 12-foot wide bicycle facility to connect the project's dedicated on-street bicycle lanes with the planned Dallas County Chalk Hill Trail project. This will require substantial cutting through the escarpment zone. In an effort to minimize impacts to the escarpment, it is necessary to provide precast concrete panel retaining walls to support the bicycle facility.

This action will authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design services needed to design the precast concrete panel retaining wall required to support the 12-foot wide bicycle trail, modify the drainage design as needed to accommodate the proposed widening, tree survey, wetlands investigation and the preparation of a Corps of Engineers Wetland Permit, if required.

ESTIMATED SCHEDULED OF PROJECTS

Began Design	February 2008
Complete Design	June 2017
Begin Construction	July 2017
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Parsons Brinckerhoff, Inc. on January 23, 2008, by Resolution No. 08-0324.

Authorized approval of the proposed alignments for Chalk Hill Road between Davis Street and Singleton Boulevard on May 26, 2010, by Resolution No. 10-1330.

Authorized Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff, Inc. on December 8, 2010, by Resolution No. 10-3076 and Resolution No. 10-3077.

Authorized paving improvements and a benefit assessment hearing for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road held on November 10, 2015 to receive comments on September 22, 2015, by Resolution No. 15-1772.

Authorized a construction contract with Pavecon Public Works, LP for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2130.

Authorized a benefit assessment hearing and ordinance levying assessment on November 10, 2015, by Resolution No. 15-2131.

Authorized a professional services contract with Alliance Geotechnical Group, Inc. for construction material testing services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2131.

Authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. on December 9, 2015, by Resolution No. 15-2221.

Authorized Change Order No. 1 to the construction contract with Pavecon Public Works, LP on September 14, 2016, by Resolution No. 16-1458.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$86,039.14

Design	\$	971,714.50
Supplemental Agreement No. 1	\$	236,037.80
Supplemental Agreement No. 2	\$	94,000.70
Supplemental Agreement No. 3	\$	42,857.14
Supplemental Agreement No. 4 (this action)	\$	86,039.14

Construction (Chalk Hill Road from Davis Street to 800 feet south of IH-30)

Paving & Drainage - STS	\$	7,676,673.42
Water & Wastewater - DWU	\$	1,422,988.82
Construction Material Testing	\$	90,924.50
Change Order No. 1	\$	357,142.86

Construction (Chalk Hill Road from the IH-30 to Singleton Boulevard)

Paving & Drainage - STS	\$	6,400,000.00 (est.)
Water & Wastewater - DWU	\$	<u>1,200,000.00 (est.)</u>

Total Project Cost \$18,578,378.88 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Parsons Brinckerhoff, Inc.

African American Female	1	African American Male	5
Hispanic Female	2	Hispanic Male	5
White Female	9	White Male	31
Other Female	4	Other Male	10

OWNER

Parsons Brinckerhoff, Inc.

Robert M. Brown, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040 from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$86,039.14	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$86,039.14	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Caye Cook & Associates	WFWB56133Y0618	\$398.75	0.46%
Total Minority - Local		\$398.75	0.46%

Non-Local Contractors / Sub-Contractors

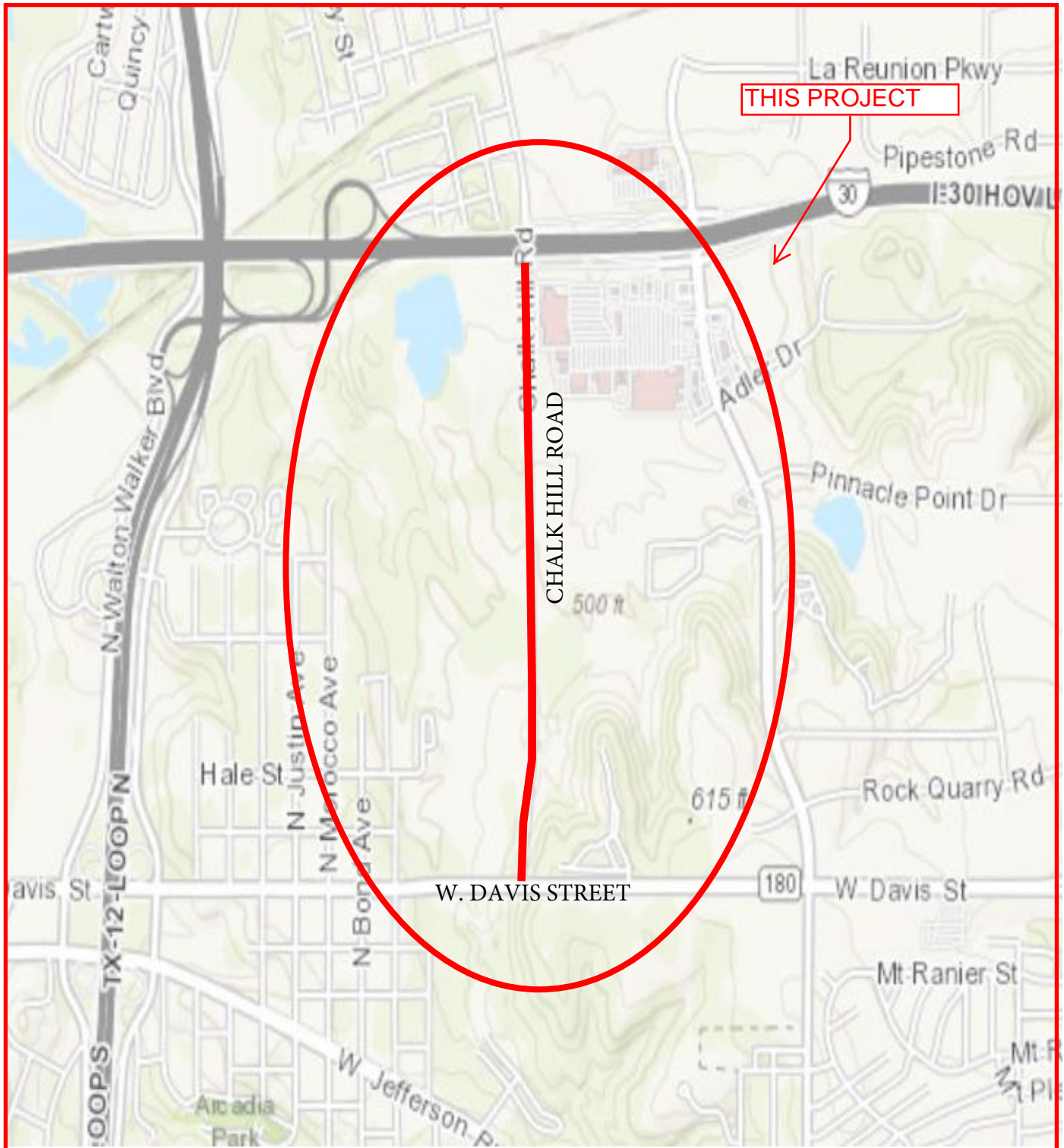
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$20,325.00	2.74%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$129,460.00	17.46%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$398.75	0.46%	\$56,421.25	7.61%
Total	\$398.75	0.46%	\$206,206.25	27.81%

CHALK HILL ROAD

FROM DAVIS STREET TO 800 FEET SOUTH OF IH-30



MAPSCO 42U, Y, 52C

January 11, 2017

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for the design of thoroughfares projects for: Chalk Hill Road from IH-30 frontage road to Singleton Boulevard and Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$971,714.50; and,

WHEREAS, on May 26, 2010, Resolution No. 10-1330 established and approved the alignment of Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard, from its current alignment to the proposed alignment; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3076 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$54,551.50, from \$464,096.20 to \$518,647.70; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3077 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$181,486.30, from \$507,618.30 to \$689,104.60; and,

WHEREAS, Resolution No. 10-3076 and Resolution No. 10-3077 should have been authorized as Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services under the same action in the amount of \$236,037.80, from \$971,714.50 to \$1,207,752.30; and,

WHEREAS, on September 4, 2015, bids were received for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road; and,

WHEREAS, on September 22, 2015, Resolution No. 15-1772 authorized street paving improvements and a benefit assessment hearing for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road; and a construction contract with Pavecon Public Works, LP for the construction of street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$9,099,662.24; and,

January 11, 2017

WHEREAS, on November 10, 2015, Resolution No. 15-2130 authorized a benefit assessment hearing; an ordinance levying assessment; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2131 authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$90,924.50; and,

WHEREAS, on December 9, 2015, Resolution No. 15-2221 authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from Davis Street to 800 feet south of the IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$518,647.70 to \$612,648.40; and,

WHEREAS, Resolution No. 15-2221 should have authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$1,207,752.30 to \$1,301,753.00; and,

WHEREAS, on September 13, 2016, Administrative Action No. 16-6617 authorized Supplemental Agreement No. 3 for additional engineering services and geotechnical investigation services for Chalk Hill Road from Davis Street to 800 feet South of IH-30 with Parsons Brinckerhoff in the amount of \$42,857.14, from \$1,301,753.00 to \$1,344,610.14; and,

WHEREAS, on September 14, 2016, Resolution No. 16-1458 authorized Change Order No. 1 to the construction contract for Chalk Hill Road from Davis Street to 800 feet South of IH-30 with Pavecon Public Works, LP for additional work associated with the construction of a 12-foot wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project in the amount of \$357,142.86, from \$9,099,662.24 to \$9,456,805.10; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$86,039.14, from \$1,344,610.14 to \$1,430,649.28.

January 11, 2017

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$86,039.14 from \$1,344,610.14 to \$1,430,649.28, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 3T22, Department STS, Unit U781, Act. THRF	
Obj. 4111, Program #PB06U781, CT PBW06U780D1	
Vendor #134356, in an amount not to exceed	\$86,039.14

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 # 21

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

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize **(1)** entering into a Sub-Grant Memorandum of Understanding between the Dallas Parks Foundation ("DPF") and the City of Dallas, through its Dallas Park and Recreation Department ("City") to enable reimbursements from the DPF to the City for expenditures made by the City in an amount not to exceed \$44,705 for the purpose of implementing a community outreach outdoor program pursuant to a grant agreement between DPF and Texas Parks and Wildlife Department ("TPWD") for the program period May 1, 2016 through November 1, 2017; **(2)** receipt and deposit of funds in an amount not to exceed \$44,705 from TPWD through DPF into the City's TPWD Outdoor Adventures at Dallas Grant Fund; **(3)** establishment of appropriations in the TPWD Outdoor Adventures at Dallas Grant Fund in the amount of \$44,705; and **(4)** disbursement of funds in an amount not to exceed \$44,705 from the TPWD Outdoor Adventures at Dallas Grant Fund - Not to exceed \$44,705 - Financing: Texas Parks and Wildlife Department Outdoor Adventures Grant Funds

BACKGROUND

The Texas Parks and Wildlife Department (TPWD) is offering a CO-OP grant to agencies for the purpose of providing outdoor education and programming to underserved populations. The Dallas Parks Foundation (DPF) has been awarded the CO-OP grant from TPWD. The City of Dallas, through its Park and Recreation Department (City) will implement a community outreach outdoor program pursuant to the grant agreement between the DPF and the TPWD. DPF will reimburse the City for expenditures in the amount of \$44,704.80 to implement the grant program. The City staff has identified the following programming categories: Archery, Jr. Angler, Camping, Geocaching, Mountain Biking and Nature Photography. The program will serve 50% low income, and 50% ethnic minority and physically/mentally challenged youth. 50% of the participants will be female. DPF will receive additional monies from TPWD in the amount of \$4,967.20 for the purpose of paying registration fees and lodging for City staff training and purchasing additional supplies and equipment on behalf of the City for the outreach program.

BACKGROUND (Continued)

The MOU will be subject to the following terms:

1. The grant performance period is from May 1, 2016 to November 1, 2017.
2. Authorize the Dallas Parks Foundation (DPF) to receive the grant from TPWD on behalf of the City and reimburse the City for approved expenses to implement the program.
3. Permit the City to accept reimbursement funds from DPF in an amount not to exceed \$44,704.80.
4. The City will provide staff and implement the community outreach outdoor program.
5. The City will be responsible for completing quarterly reports.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 20, 2016, the Park and Recreation Board authorized the Sub-Grant Memorandum of Understanding.

Information about this item will be provided to the Quality of Life & Environment Committee on January 9, 2017.

FISCAL INFORMATION

Texas Parks and Wildlife Department Outdoor Adventures Grant Funds - \$44,704.80

January 11, 2017

WHEREAS, the City Charter provides for the Park and Recreation Board to approve agreements or contracts within the department for the acceptance of grants as it shall deem proper; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and the Dallas Parks Foundation (DPF), desire to enter into a Memorandum of Understanding (MOU) for the purpose of implementing a community outreach program pursuant to the terms of the MOU; and

WHEREAS, the City will purchase materials and supplies, and provide the in-kind staffing to support the program, target specific audiences to participate in the program, and receive reimbursement in an amount not to exceed \$44,704.80 from DPF 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 enter into a Memorandum of Understanding with the Dallas Parks Foundation for the acceptance of a grant from the Texas Parks and Wildlife Department through the Dallas Parks Foundation (Grant No. 52-000631) for the implementation of a community outreach outdoor program for the program period of May 1, 2016 through November 1, 2017 to enable reimbursements from the DPF to the City for expenditures made by the City in an amount not to exceed \$44,704.80.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute the MOU with DPF, after approval as to form by the City Attorney.

SECTION 3. That the program implementation will be performed by City staff.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$44,704.80 into the TPWD Outdoor Adventures at Dallas Grant Fund S309, Dept. PKR, Unit 1959, Revenue Code 6516.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in the TPWD Outdoor Adventures at Dallas Grant Fund S309, Dept. PKR, Unit 1959, Object Codes 2261 and 3099 in an amount not to exceed \$44,704.80.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$44,704.80 from the TPWD Outdoor Adventures at Dallas Grant Fund S309, Dept. PKR, Unit 1959, Object Codes 2261 and 3099.

January 11, 2017

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

AGENDA ITEM # 22

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

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation
Sustainable Development and Construction

CMO: Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: 27Y, Z

SUBJECT

Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway - Revenue: \$10 one-time fee

BACKGROUND

The Park and Recreation Department had previously granted the Old Lake Highlands Neighborhood the right to place a neighborhood portal in Norbuck Park in 1951. In 2003 and 2012 the agreement was renewed as a lease agreement. This proposed agreement replaces the existing lease agreement with a long-term license agreement.

This item authorizes a license agreement to the Old Lake Highlands Neighborhood Association for approximately 930 square feet of lane to occupy, maintain, and utilize a monument sign in Norbuck Park near the intersection of Classen Drive and Northwest Highway.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2016, the Park and Recreation Board authorized a twenty-year license agreement.

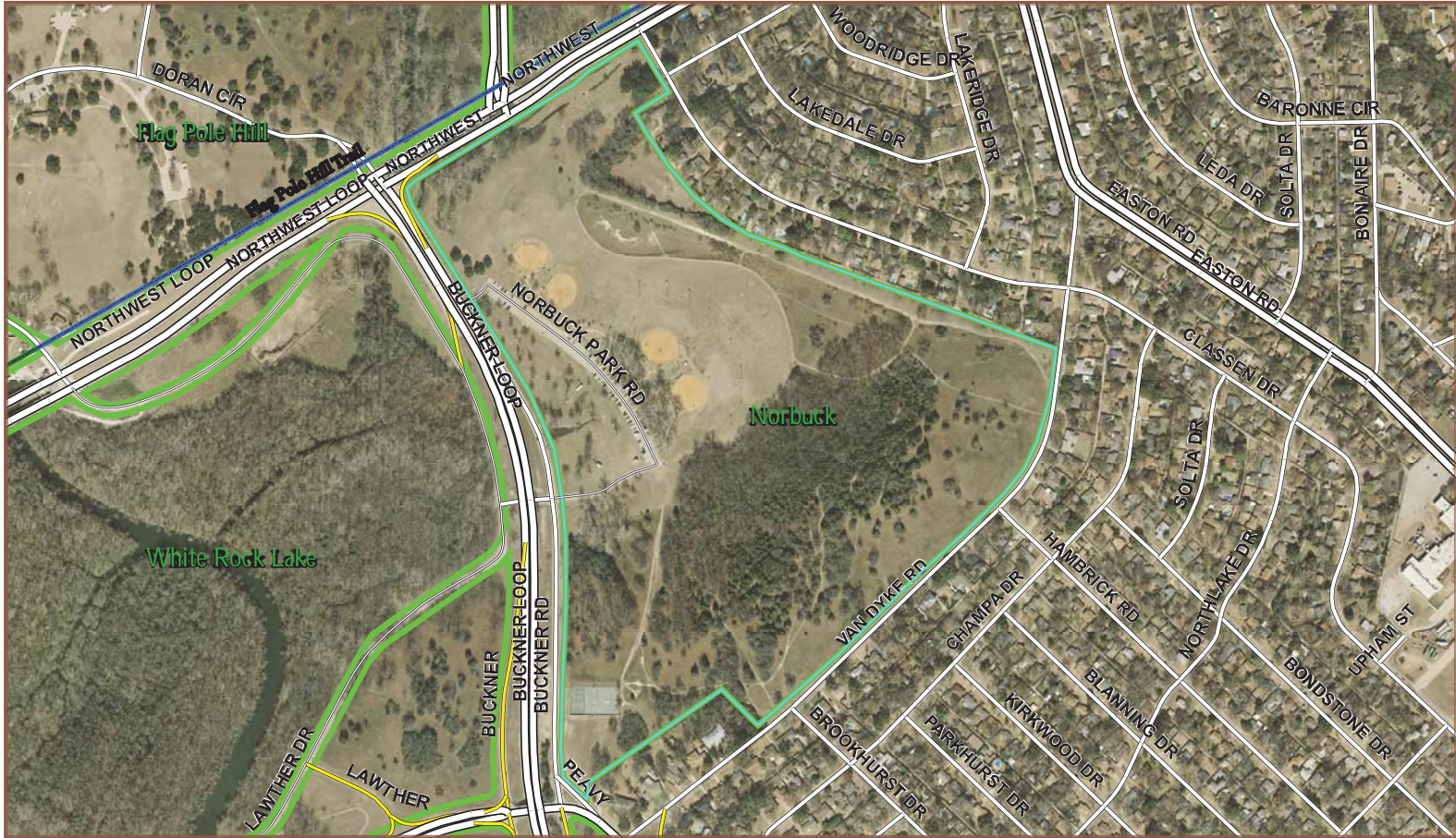
Information about this item will be provided to the Quality of Life & Environment Committee on January 9, 2017.

FISCAL INFORMATION

Revenue: \$10 one-time fee

MAP

Attached



0 195 390 780 1,170 Feet



dallas
Park & Recreation

Norbuck Park
200 N. Buckner Blvd

27 Y Z

District

9

6/23/2014

January 11, 2017

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a license agreement, between Old Lake Highlands Neighborhood Association, a Texas non-profit corporation, as Licensee, and the City of Dallas, as Licensor, hereinafter referred to as "City", for approximately 930 square feet of land located at the intersection of Classen Drive and Northwest Highway, Dallas, Dallas County, Texas (the "Property"), as shown in Exhibit B for the non-exclusive right to maintain one monument sign and landscaping.

SECTION 2. That the special terms and conditions of this License Agreement are:

(a) The license is for a term of twenty (20) years beginning December 15, 2016 ending December 14, 2036.

(b) Licensee shall pay a one-time license fee of \$10.00.

(c) Licensee is non-exclusive and the City reserves full ingress and egress rights and the right to grant use to other parties.

(d) The license and the licensed right to use the Property is terminable by the City at its convenience upon 90-days written notice of said termination. Upon expiration or termination of the license for any reason, the licensee shall cease using the property; remove its improvements, if any, on the Property as directed by the City.

(e) The Property is licensed "AS IS, WITH ALL FAULTS" and the City is under no obligation to make any improvements or modifications to the Property.

(f) Licensee will maintain the Property by mowing grass and removing debris and all maintenance obligations.

(g) Licensee shall be responsible for obtaining any utilities deemed necessary, appropriate or desirable for its use of the Property and shall pay all such utilities, during the term of the license.

(h) Licensee shall pay any taxes and assessment levied or assessed against the Property attributable to licensee's use and shall secure such insurance coverage as the City shall deem appropriate, during the term of the license.

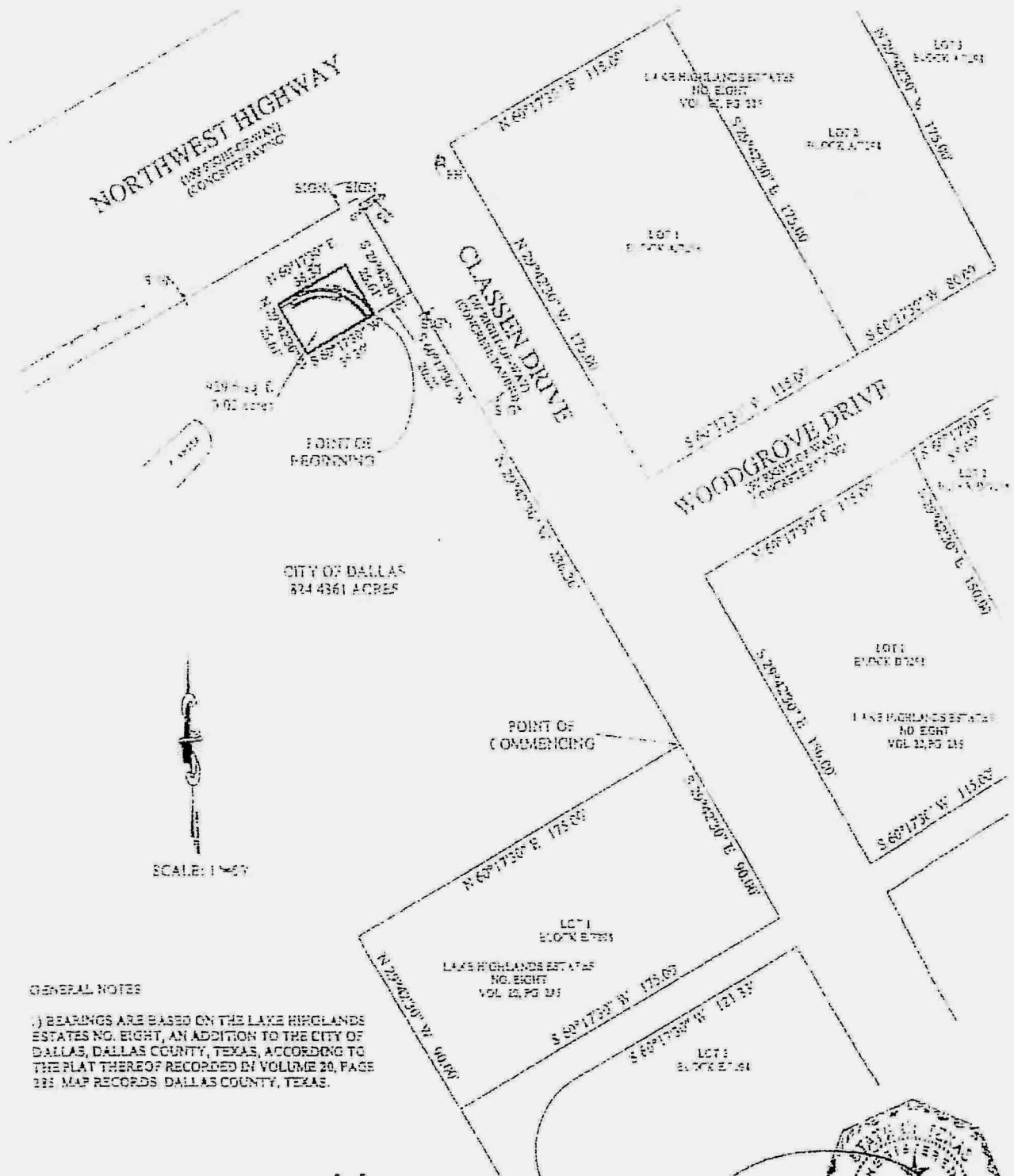
(i) Any modifications to the monument require the Park and Recreation Board approval.

January 11, 2017

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit proceeds from this license in Fund 0530, Department PKR, Unit P516, Revenue Code 8471.

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 B



GENERAL NOTES

(1) BEARINGS ARE BASED ON THE LAKE HIGHLANDS ESTATES NO. EIGHT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 20, PAGE 235 MAP RECORDS DALLAS COUNTY, TEXAS.

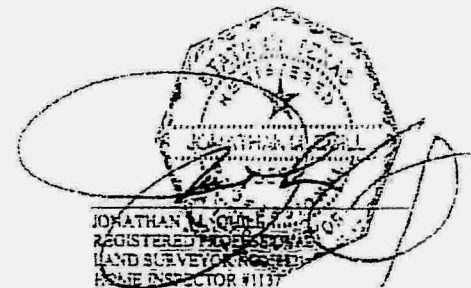
SHEET 2 OF 2
JOB NO. 11-0972
DRAWN BY: T.O.



SURVEYING LLC

Copyright © 2002 Surveying LLC. All rights reserved.

P.O. BOX 550205
DALLAS, TEXAS
PH: 214-553-3291
FAX: 469-513-1570
E-MAIL:
SURVEY@S2S2SURVEYING.COM



AGENDA ITEM # 23

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 16W

SUBJECT

An ordinance abandoning a portion of a utility easement to HCP DR MCD, LLC, the abutting owner, containing approximately 763 square feet of land, located near the intersection of Dollar Lane and Coit Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a utility easement to HCP DR MCD, LLC, the abutting owner. The area will be included with the property of the abutting owner for the installation of electrical components needed to upgrade the electrical system serving three buildings and two parking garages. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on January 9, 2017.

FISCAL INFORMATION

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

OWNER

HCP DR MCD, LLC

Lauralee E. Martin, President

MAP

Attached



Abandonment area = **—**

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block A/7739 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to HCP DR MCD, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing 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 HCP DR MCD, LLC, a Delaware limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of 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 authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

SECTION 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.

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY Laura Williams
SOP Assistant Director

Passed _____.

EXHIBIT A
6' UTILITY EASEMENT
PARTIAL ABANDONMENT
FOURTH REVISION, MEDICAL CITY-DALLAS ADDITION
LOT 1C, BLOCK A/7739
IN THE
M.J. SANCHEZ SURVEY, ABSTRACT No. 1272
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 763 square foot tract of land situated in the M.J. Sanchez Survey, Abstract No. 1272, City of Dallas, Dallas County, Texas, being part of a 6' Utility Easement as created by plat recorded in Volume 83070, Page 3495, Deed Records, Dallas County, Texas, being part of Lot 1C, Block A/7739, Fourth Revision, Medical City-Dallas Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 2003234, Page 45, Official Public Records, Dallas County, Texas, being part of that tract conveyed to HCP DR MCD, LLC by Special Warranty Deed recorded in Instrument Number 20070051667, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, said rod being a north ell corner of said Lot 1C and the southwest corner of Lot 1, Block 2/7737, Green Oaks Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 83033, Page 2621, Deed Records, Dallas County, Texas, said rod being the northwest corner of said 6' Utility Easement;

THENCE South 89° 30' 55" East along the north line of said Lot 1C and the south line of said Lot 1 a distance of 127.18 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, said rod being the southwest corner of a 15'x40' Water Easement created by said plat of Green Oaks Addition;

THENCE South 00° 29' 05" West, departing the north line of said Lot 1C and the south line of said Lot 1, a distance of 6.00 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner on the south line of said 6' Utility Easement;

THENCE North 89° 30' 55" West along the south line of said 6' Utility Easement a distance of 127.18 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, said rod being the southwest corner of said 6' Utility Easement;

THENCE North 00° 29' 05" East along the west line of said 6' Utility Easement a distance of 6.00 feet to the **POINT OF BEGINNING**, containing 763 square feet or 0.0175 acres more or less.

Basis of Bearings: The most easterly north line (S89°30'55"E) of Lot 1C, Block A/7739, Fourth Revision, Medical City-Dallas Addition recorded in Volume 2003234, Page 45, Deed Records, Dallas County, Texas.



Dale R. White R.P.L.S. No. 4762
03-08-2016
09-29-2016 Revised



(For SPRG use only)	
Reviewed By:	<u>JD</u>
Date:	<u>10/5/2016</u>
SPRG NO.:	<u>3868</u>

CLODUS FIELD DRIVE

(VARIABLE WIDTH RIGHT-OF-WAY)

VOL. 38, PG. 215, M.R.D.C.T.

VOL. 83033, PG. 2621 D.R.D.C.T.

0 50 100 200

(FEET)

1 inch = 100 ft.

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°30'55"E	127.18'
L2	S00°29'05"W	6.00'
L3	N89°30'55"W	127.18'
L4	N00°29'05"E	6.00'

LOT 1, BLOCK 2/7737
GREEN OAKS ADDITION
VOLUME 83033, PAGE 2621
D.R.D.C.T.

UTILITY EASEMENT
ABANDONMENT
763 SQUARE FEET
0.0175 ACRES

15' WATER EASEMENT
VOLUME 83033, PAGE 2621
D.R.D.C.T.

15' SEWER EASEMENT
VOLUME 83033, PAGE 2621
D.R.D.C.T.

WATER & SANITARY
SEWER EASEMENT
VOLUME 82207, PAGE 1564
D.R.D.C.T.

15' WATER MAIN EASEMENT
VOLUME 79037, PAGE 746
D.R.D.C.T.

LOT 1A, BLOCK 1/7737
RESERVE AT PARK CENTRAL
VOLUME 98241, PAGE 4620

25' UTILITY EASEMENT
VOLUME 72219, PAGE 2451
D.R.D.C.T.

LOT 1C, BLOCK A/7739
FOURTH REVISION
MEDICAL CITY DALLAS ADDITION
VOLUME 2003234, PAGE 45
O.P.R.D.C.T.

10' WATER EASEMENT
VOLUME 2003234, PAGE 45
O.P.R.D.C.T.

10' WATER EASEMENT
VOLUME 82207, PAGE 1569
D.R.D.C.T.

15' D.P.&L. & S.W.B.T. EASEMENT
VOLUME 77005, PAGE 2008
D.R.D.C.T.

25' UTILITY EASEMENT
VOLUME 76244, PAGE 313
D.R.D.C.T.

25'X60' UTILITY EASEMENT
VOLUME 77010, PAGE 887
D.R.D.C.T.

HCP DR DCD, LLC
INSTRUMENT NO. 20070051667
O.P.R.D.C.T.

6' UTILITY EASEMENT
VOLUME 83070, PAGE 3495
D.R.D.C.T.

LEGEND

- ABANDONMENT
- LOT LINE
- EASEMENT LINE
- POB POINT OF BEGINNING
- YCIRS 1/2" IRON ROD WITH YELLOW PLASTIC
CAP STAMPED "RLG INC" SET
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TX

CONTROLLING MONUMENTS: 1/2" IRON ROD FOUND AT
THE MOST NORTHERLY NORTHWEST CORNER AND A
HILTI NAIL FOUND IN THE WEST LINE AT THE SOUTH
END OF 263.38 FOOT TANGENT LINE OF LOT 1C, BLOCK
A/7739, FOURTH REVISION, MEDICAL CITY-DALLAS
ADDITION RECORDED IN VOLUME 2003234, PAGE 45,
DEED RECORDS, DALLAS COUNTY, TEXAS.

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



Dale R. White

DALE R. WHITE R.P.L.S. No. 4762
03-08-2016
09-29-2016 REVISED

6' UTILITY EASEMENT PARTIAL ABANDONMENT FOURTH REVISION, MEDICAL CITY-DALLAS ADDITION LOT 1C, BLOCK A/7739

IN THE
M.J. SANCHEZ SURVEY, ABSTRACT No. 1272
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: JD
Date: 10/5/2016
SPRG NO.: 3868

SCALE	1" = 100'	DATE	03-09-2016	SHEET	2 OF 2
JOB NO.	15083.20	E-FILE	15083.20AB	DWG NO.	26,328X

AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 47 J

SUBJECT

An ordinance amending Ordinance No. 29966, previously approved on January 13, 2016, which abandoned a portion of Hobbs Street, located near the intersection of Haskell and Beeman Avenues to Southern Foods Group, LLC to extend the final replat from one year to 18 months - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 29966, which abandoned a portion of Hobbs Street, previously approved on January 13, 2016, that will allow for the extension of the final replat from one year to 18 months to Southern Foods Group, LLC, the abutting owner.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council approved Ordinance No. 29966.

Information about this item will be provided to the Economic Development Committee on January 9, 2017.

FISCAL INFORMATION

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

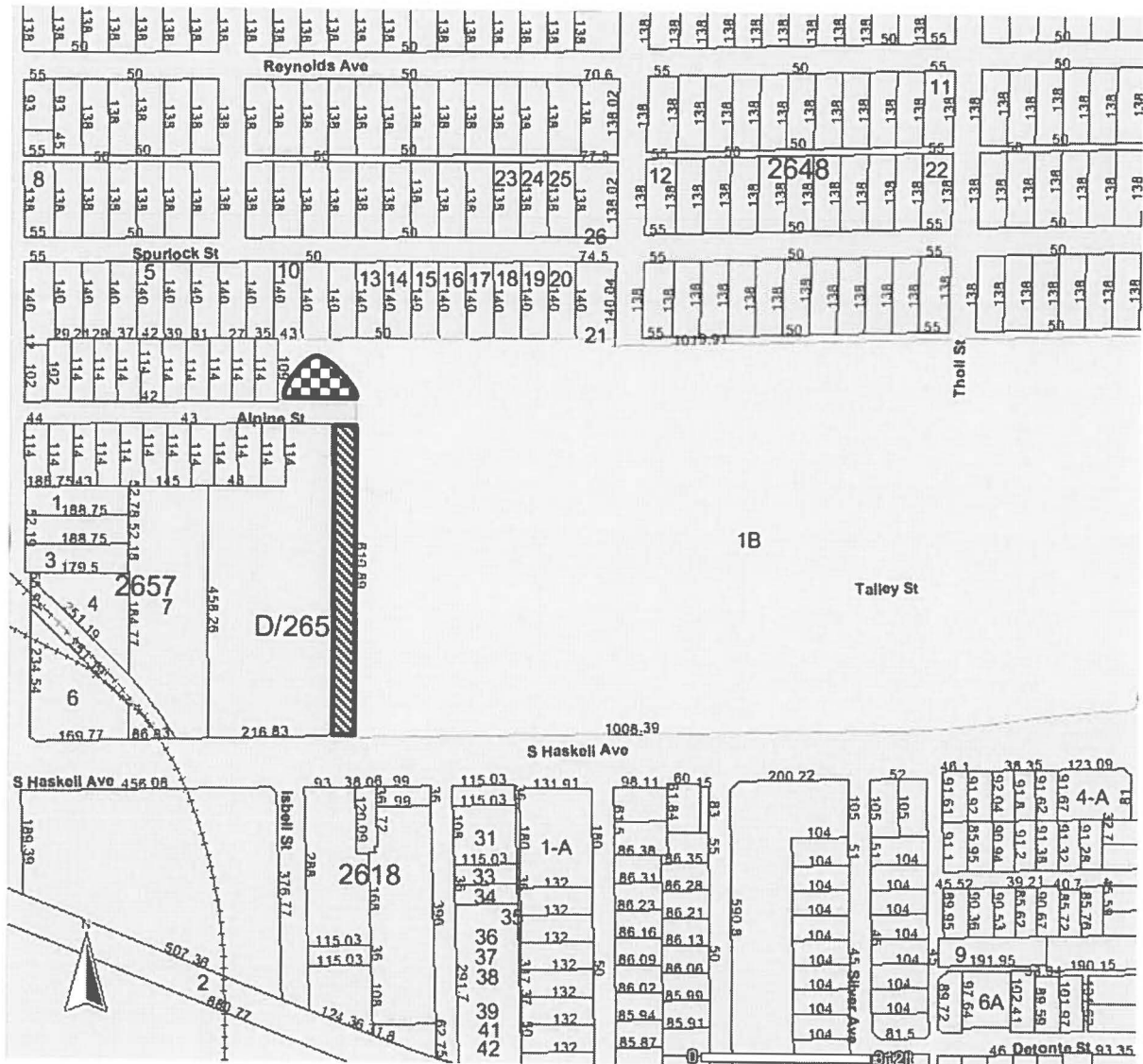
OWNER

Southern Foods Group, LLC

Gregg A. Tanner, Chief Executive Officer

MAP

Attached



Log #: 40373



= Abandonment Area

Mapsc0: 47J

Applicant: Southern Foods Group, LLC



= Dedication Area

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29966, by altering Section 9 to extend the 12 month deadline to record the final replat; 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. 29966 adopted by the City Council of the City of Dallas on January 13, 2016, be and the same is hereby amended by altering Section 9 to read as follows:

“SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within ~~one year~~ 18 months of the effective date of this ordinance showing the fee simple dedication of not less than 4,469 square feet of needed right-of-way in City Block 2656. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE.**”

SECTION 2. That, as consideration for amending Ordinance No. 29966, Southern Foods Group, LLC agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** 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 authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV,

Balance Sheet 0519 and Department of Sustainable Development and Construction – Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General FUND 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 4. That the terms and conditions of Ordinance No. 29966 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. 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 the filing of the final replat set forth in Section 9, and completion of the dedication 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 shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO

City Attorney

DAVID COSSUM

Director of Department of Sustainable Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

CMO: Mark McDaniel, 670-3256
Larry Casto, 670-3491

MAPSCO: 47T

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Mamie Lee McKnight, et al., Cause No. CC-16-03466-E, pending in Dallas County Court at Law No. 5, to acquire an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$31,000 (\$28,000 plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,102 from the amount Council originally authorized for this acquisition) - Financing: 2006 Bond Funds

BACKGROUND

On March 23, 2016, the City Council authorized the acquisition of this property, by Resolution No. 16-0465. The property owner was offered \$25,898, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on November 17, 2016, the property owner was awarded \$28,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$2,102 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$3,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on March 23, 2016, by Resolution No. 16-0465.

Council will be briefed by memorandum on January 4, 2017.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

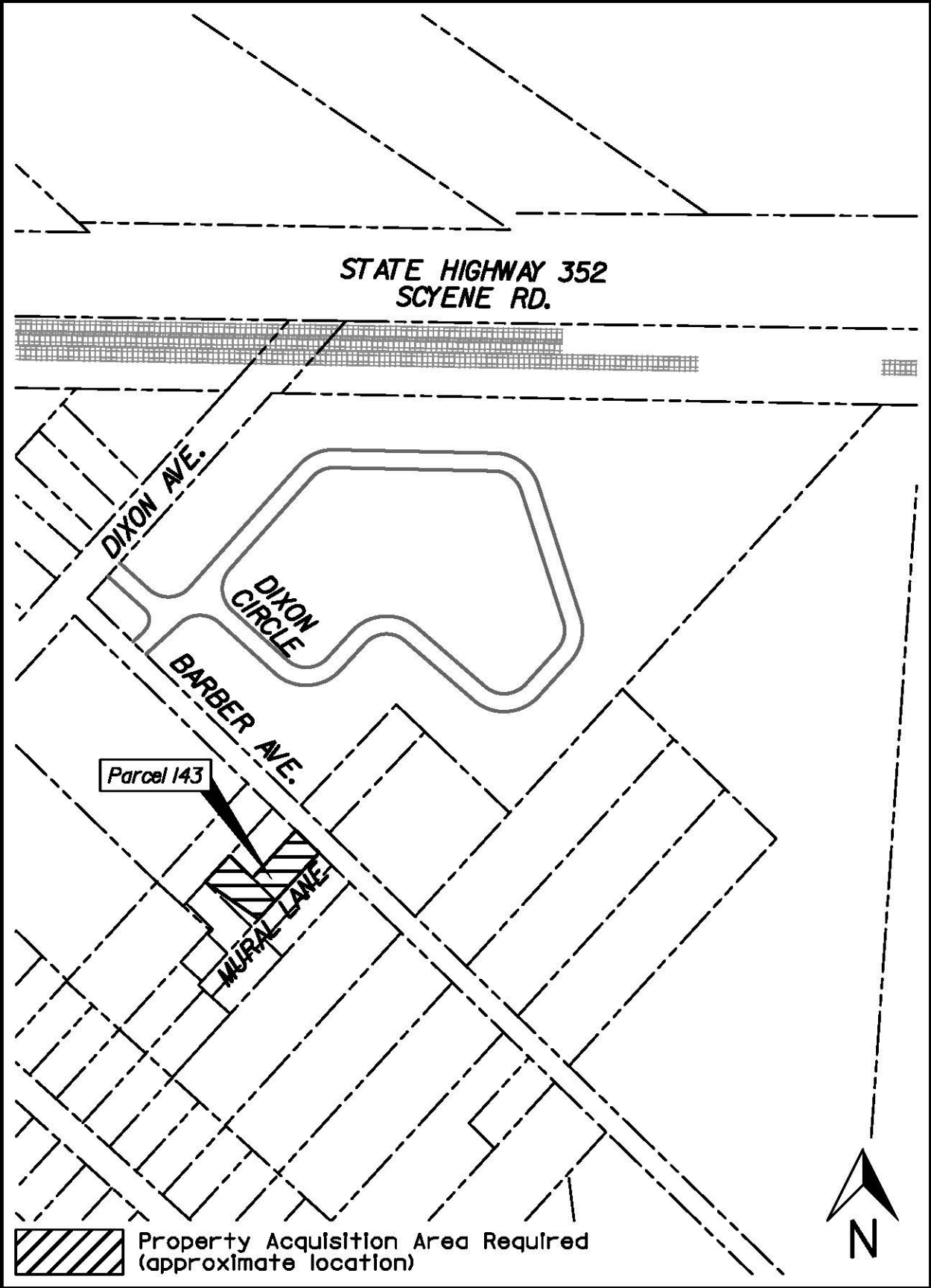
2006 Bond Funds - \$31,000 (\$28,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,012 from the amount Council originally authorized for this acquisition)

OWNER

Mamie Lee McKnight

MAP

Attached



January 11, 2017

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, SETTLEMENT OF THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION PROCEEDING: Cause No. CC-16-03466-E, in Dallas County Court at Law No. 5, and styled City of Dallas v. Mamie Lee McKnight, et al., filed pursuant to City Council Resolution No. 16-0465.

PROPERTY: Approximately 8,545 square feet of property located in Dallas County, as described in the CONDEMNATION PROCEEDING.

PROJECT: Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

OFFICIAL OFFER: \$25,898.00

AWARD: \$28,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,000.00

AUTHORIZED AMOUNT: Not to exceed: \$31,000.00

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT- TWM06T525H15, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT- TWM06T525H16.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

January 11, 2017

Now, Therefore,

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

SECTION 1. That 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 AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

By:  _____
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management
Mobility and Street Services

CMO: Mark McDaniel, 670-3256
Jill A. Jordan, P.E., 670-5299

MAPSCO: 45N

SUBJECT

Authorize acquisition from the County of Dallas, of an improved tract of land containing approximately 2,092 square feet located on North Riverfront Boulevard at its intersection with Commerce Street for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project - Not to exceed \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 2,092 square feet of land improved with trees, grass and a sprinkler system, from the County of Dallas. This property is located on North Riverfront Boulevard at its intersection with Commerce Street and will be used for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road (UPRR) Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500)

OWNER

County of Dallas

MAP

Attached

**BLOCK
6826**

**AREA TO BE
ACQUIRED**

NORTH RIVERFRONT BOULEVARD



**BLOCK
6825**

COMMERCE STREET

**BLOCK
3401**

**BLOCK
3400**

January 11, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 2,092 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, 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 here provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": County of Dallas, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$44,572.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,500.00

"AUTHORIZED AMOUNT": Not to exceed \$48,072.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

January 11, 2017

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. 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 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Improvements Fund, Fund No 2T22, Department STS, Unit U215, Activity INGV, Program No. PB06U215, Object 4210, Encumbrance No. STS06U215L1. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and 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.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY


Assistant City Attorney

**Parcel 4 – Riverfront Boulevard
Field Notes Describing a 2,092 Square Foot (0.0480 Acre)
Right of Way to be Acquired In Block 6826
From "DALLAS COUNTY, TEXAS"**

EXHIBIT A

BEING a 2,092 square foot (0.0480 acre) of land situated in the John Beeman Survey, Abstract No. 209, in the City of Dallas, Dallas County, Texas, (Official City of Dallas Block No. 6826) and being part of Tract B, a called 225,699 square foot tract of land conveyed to "Dallas County, Texas" by Warranty Deed recorded in Volume 78085, Page 0313 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being further described as part of Lot 1 in Block 6826 of the "Dallas County Criminal Courts Facility", an addition to the City of Dallas, Texas as recorded in Volume 89122, Page 0663 (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" capped iron rod (controlling monument) found at the most southerly corner of said Lot 1, Block 6826, same being the most southerly corner of a called 10.160 acre tract of land conveyed to Dallas County, Texas by deed recorded in Volume, 78085, Page 3585 (D.R.D.C.T.), and located in the existing northerly right of way line of Commerce Street (a variable width R.O.W.);

THENCE North 75°09'08" East, along the common southerly line of said Lot 1, Block 6826 and the existing northerly right of way line of said Commerce Street, passing the most southerly southeast corner of said Dallas County 10.160 acre tract and the most southerly corner of said Tract B at a distance of 517.31 feet, and continuing for a total distance of 796.34 feet to a set 5/8" iron rod with cap marked "LTRA" (hereafter referred to as set 5/8" iron rod) at the **POINT OF BEGINNING**;

THENCE North 00°19'43" West, departing the common southerly line of said Lot 1, Block 6826, same being the southerly line of said Tract B, and the existing northerly right of way line of said Commerce Street, over and across said Lot 1 in Block 6826, being 8.0 feet perpendicularly distant westerly from and parallel with the existing west line of Riverfront Boulevard (130.00 foot R.O.W.), a distance of 262.52 feet to an "X" Cut set in concrete;

THENCE North 89°40'17" East, continuing over and across said Lot 1 in Block 6826, a distance of 8.00 feet to an "X" Cut set in the common easterly line of said Lot 1, Block 6826, same being the easterly line of said Tract B, and located in the existing westerly right of way line of Riverfront Boulevard (130.00 foot R.O.W.);

THENCE South 00°19'43" East, along the last stated common line, a distance of 260.45 feet to the common existing southeast corner of said Lot 1, the existing southeast corner of said Tract B, the northeast corner of a called 2,695 sq. ft. right of way dedication as conveyed in said Dallas County Criminal Courts Facility Addition, and located in the existing northerly right of way line of said Commerce Street, from which point an "X" Cut found (controlling monument) bears North 71°44'45" East, a distance of 0.27 feet;



**Parcel 4 – Riverfront Boulevard
Field Notes Describing a 2,092 Square Foot (0.0480 Acre)
Right of Way to be Acquired in Block 6826
From "DALLAS COUNTY, TEXAS"**

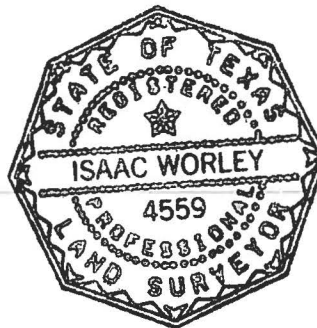
EXHIBIT A


THENCE South 75°09'08" West, departing the common easterly line of said Lot 1, Block 6826 and the existing westerly right of way line of said Riverfront Boulevard, and along the common existing southerly line of said Lot 1, the existing southerly line of said Tract B, the northerly line of said 2,695 sq. ft. right of way dedication, and the existing northerly right of way line of said Commerce Street, a distance of 8.26 feet to the **POINT OF BEGINNING** and containing approximately 2,092 square feet or 0.0480 acre of land more or less.

BASIS OF BEARING: State Plane Coordinate System, Texas, North Central Zone 4202, North American Datum of 1983.

A Survey Plat of even date accompanies this property description.

I, Isaac Worley, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.



 8/20/2015
Isaac Worley, R.P.L.S. Date
Texas Registration No. 4559

Lina T. Ramey & Associates, Inc.
3320 Belt Line Road
Farmers Branch, Texas 75234
Ph. 214-979-1144
TBPLS FIRM NO. 10140700



FIELD NOTES APPROVED:
DER 9-15-15

N

JOHN BEEMAN SURVEY
ABSTRACT NO. 209



Dallas County, Texas
225,699 Sq. Ft., Tract B
Vol. 78085, Pg. 0313
D.R.D.C.T.

Dallas County Criminal Courts Facility
Vol. 89122, Pg. 0663
D.R.D.C.T.

LOT 1
CITY BLOCK 6826

Dallas County, Texas
10.160 Ac.
Vol. 78085, Pg. 3585
D.R.D.C.T.

8.00'
N89°40'17"E

EXISTING RIGHT
OF WAY LINE

EXHIBIT A

AREA TO BE
ACQUIRED
2,092 SQ. FT.
0.0480 Acres

N00°19'43"W 262.52'

S00°19'43"E 260.45'

RIVERFRONT BOULEVARD
(130' Right-of-Way)
Vol. 5, Pg. 5
D.R.D.C.T.

NEW RIGHT
OF WAY LINE

POINT OF
BEGINNING

FND. "X" CUT
CONTROLLING MONUMENT
BEARS N71°44'45"E
0.27'

8.26'
S75°09'08"W

ROW DEDICATION
2,695 SQ. FT.
VOL. 89122, PG. 0663
D.R.D.C.T.

517.31'

N75°09'08"E

796.34'

EXISTING RIGHT OF WAY LINE

FND. "X" CUT

POINT OF
COMMENCING
FND. 5/8" IR WCAP
CONTROLLING MONUMENT

COMMERCE STREET
(Variable width Right-of-Way)
Vol. 5, Pg. 5
D.R.D.C.T.

- Set 5/8" I.R. with "LTRA" Cap
(Unless Otherwise Noted)
- ⊙ Set Magnetic Nail
- ⊙ Found Monument (As Noted)
- ⊗ Set "X" Cut

Right of Way
To Be Acquired

Z Common Ownership

M.R.D.C.T. = Map Records Dallas
County Texas
D.R.D.C.T. = Deed Records Dallas
County Texas
O.P.R.D.C.T. = Official Public Records
Dallas County Texas
INST. NO. = Instrument Number

ADDITION LINE = - - - - -
R.O.W. LINE = - - - - -

BASIS OF BEARING: Bearings are
based upon State Plane
Coordinate System, Texas, North
Central Zone 4202, North
American Datum 1983 (NAD83).



Isaac Worley 8/20/2015
ISAAC WORLEY, R.P.L.S. NO. 4559 DATE

Sheet 3 of 3

		LINA T. RAMEY & ASSOCIATES, INC. 3320 Belt Line Road Farmers Branch, Texas 75234 - 214-979-1144 FIRM REGISTRATION NO. F-782 TBPLS REGISTRATION NO. 10140700	
		DEPT. OF PUBLIC WORKS & TRANSPORTATION	
		Parcel 4 - Block 6826	
RIVERFRONT BOULEVARD		OWNER: Dallas County, Texas	
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
B. Herrera	RiverfrontParcel4.dgn	1"=50'	8-20-2015
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
R. Holley	I. Worley		

EXHIBIT B

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from any Instrument that transfers an interest in real property before it is filed for record in the public records: Your social security number or your driver's license number.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF DALLAS §

That the **County of Dallas**, a political subdivision of the State of Texas, ("Grantor"), pursuant to a duly executed Commissioners Court Order No. 2017- _____ dated _____, 2017, for and in consideration of the sum of FORTY-FOUR THOUSAND FIVE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$44,572.00), has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey, without warranty, express or implied, and subject to the terms, covenants, conditions, reservations, restrictions and exceptions hereinafter made unto the **City of Dallas**, a Texas municipal corporation, of 1500 Marilla Street, Dallas, Texas, 75201 ("Grantee"), all of the property as described in Exhibit A, which is attached hereto and made a part hereof ("Property").

Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee to take and use all other minerals and materials thereon, therein and thereunder.

This conveyance is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appears of record in the Real Property Records of Dallas County, Texas, or apparent on the ground, and to all encroachments, zoning, regulations and ordinances of municipal and/or other governmental authorities, if any, which affect the property herein conveyed, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence of any environmental

EXHIBIT B

substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

TO HAVE AND TO HOLD the premises herein described and conveyed, together with all and singular the rights, appurtenances and hereditaments thereto in anywise belonging unto the said Grantee, its successors and assigns, forever; and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the rights and title to said premises unto the Grantee, its successors and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof, by through, or under Grantor; but not otherwise.

(signature page follows)

EXECUTED this _____ day of _____, 2017.

*Approved as to Form:

SUSAN HAWK
DALLAS COUNTY DISTRICT ATTORNEY

COUNTY OF DALLAS, TEXAS

By: _____
Sherri L. Turner
Assistant District Attorney

By: _____
Clay Lewis Jenkins
Dallas County Judge

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2017, by Clay Lewis Jenkins, County Judge for the County of Dallas, Texas, on behalf of the County of Dallas, Texas, a political subdivision of the State of Texas.

Notary Public, State of Texas
My Commission Expires _____

GRANTORS ADDRESS: RETURN ORIGINAL TO GRANTOR:

County of Dallas
411 Elm Street, 3rd Floor
Dallas, Texas 75202
Attn: Assistant Director
Public Works Property Division

CoD_SW Deed Riverfront Blvd P-4 FINAL Page 3 of 6
COD 11 30 16 (002)
11/22/2016 11:49:00 AM

Project: No. PB06U215 Riverfront Blvd. & Street
Improvements
(Seg. B - Cadiz Street to Union Pacific Railroad)
Parcel: 4

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 55D 56A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

BACKGROUND

The Upper Chain of Wetlands (UCOW) Cells A, B, and C are being constructed by the U. S. Army Corps of Engineers (USACE) on a site located within the Dallas Floodway Extension on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated soil concentrations of lead above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

The City of Dallas is required to remediate the lead contaminated soil prior to the start of the USACE's UCOW construction project. This contract with Modern Geosciences, LLC will assist with the remediation design, prepare the required soil treatability study, and finalize the Soil Management Plan for the UCOW as required by TCEQ. Additional subsurface investigation is needed during construction to verify soil acceptance at all three designated landfills and complete the project.

This action will include technical support and further investigation of 45 soil borings necessary to aid in soil characterization and reuse decisions. This work will determine if further stabilization is required or if soil can be disposed of as non-hazardous waste.

ESTIMATED SCHEDULE OF PROJECT

Began Design	August 2013
Complete Design	January 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC on August 14, 2013, by Resolution No. 13-1383.

Authorized Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC, on March 26, 2014, by Resolution No. 14-0562.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

1998 Bond Funds - \$32,150.00

Professional Services Contract	\$ 73,950.00
Supplemental Agreement No. 1	\$ 49,000.00
Supplemental Agreement No. 2 (this action)	<u>\$ 32,150.00</u>
Total	\$155,100.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Modern Geosciences, LLC

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	1	Other Male	0
White Female	4	White Male	7

OWNER

Modern Geosciences, LLC

Kenneth Tramm, Principal

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

Modern Geosciences, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$32,150.00	100.00%
TOTAL THIS ACTION	\$32,150.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

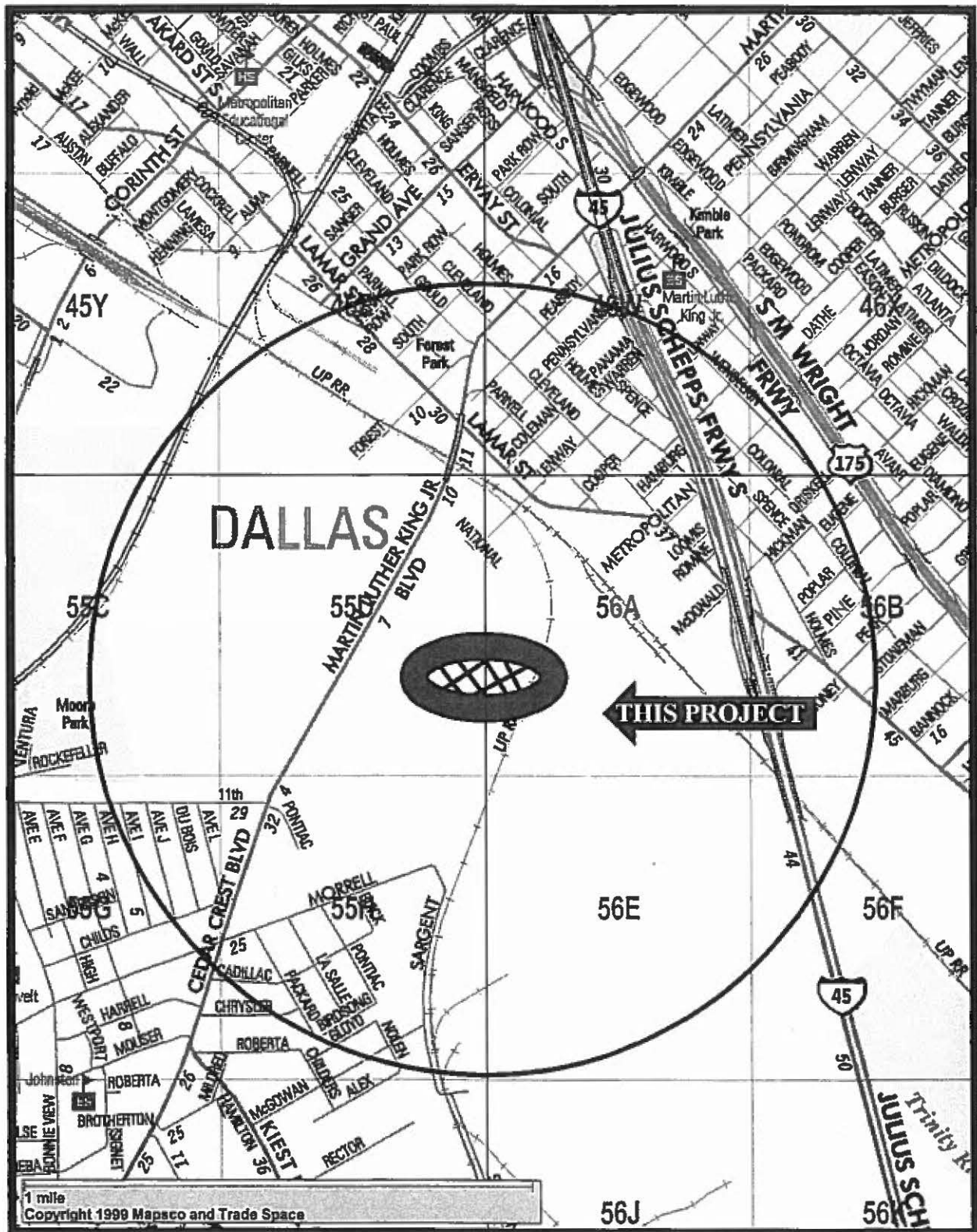
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Sunbelt Industrial Services	WFWB64135Y0217	\$5,750.00	17.88%
Total Minority - Non-local		\$5,750.00	17.88%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$5,750.00	17.88%	\$14,000.00	9.02%
Total	\$5,750.00	17.88%	\$14,000.00	9.02%

UCOW REMEDIATION



MAPSCO 55D, 56A

January 11, 2017

WHEREAS, on August 14, 2013, Resolution No. 13-1383 authorized a professional services contract with Modern Geosciences, LLC, for the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0562 authorized Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$32,150, increasing the contract from \$122,950 to \$155,100.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$32,150, increasing the contract from \$122,950 to \$155,100, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

1998 Bond Fund
Fund 5P14, Dept. TWM, Unit N962, Act. TRPP
Obj. 4113, Program PB98N962, CT PBW98N962L4
Vendor # VS0000063453, in an amount not to exceed \$32,150

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

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Water Utilities
CMO: Ryan S. Evans, 671-9837
MAPSCO: Outside City Limits

SUBJECT

Authorize a thirty-year contract with the Town of Flower Mound to continue providing water services, from January 22, 2017 through January 21, 2047 - Estimated Annual Revenue: \$3,396,051

BACKGROUND

This item is for authorization to enter into a new wholesale water contract with the Town of Flower Mound, Texas. This entity is currently receiving City of Dallas water services under an existing wholesale water contract which will expire on January 21, 2017.

The Town of Flower Mound is located within Dallas Water Utilities' service area and desires to continue to purchase water services from the City of Dallas under the terms of a standard wholesale water customer contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 21, 1987, the City Council authorized Wholesale Water Contract with the Town of Flower Mound, by Resolution No. 87-0284.

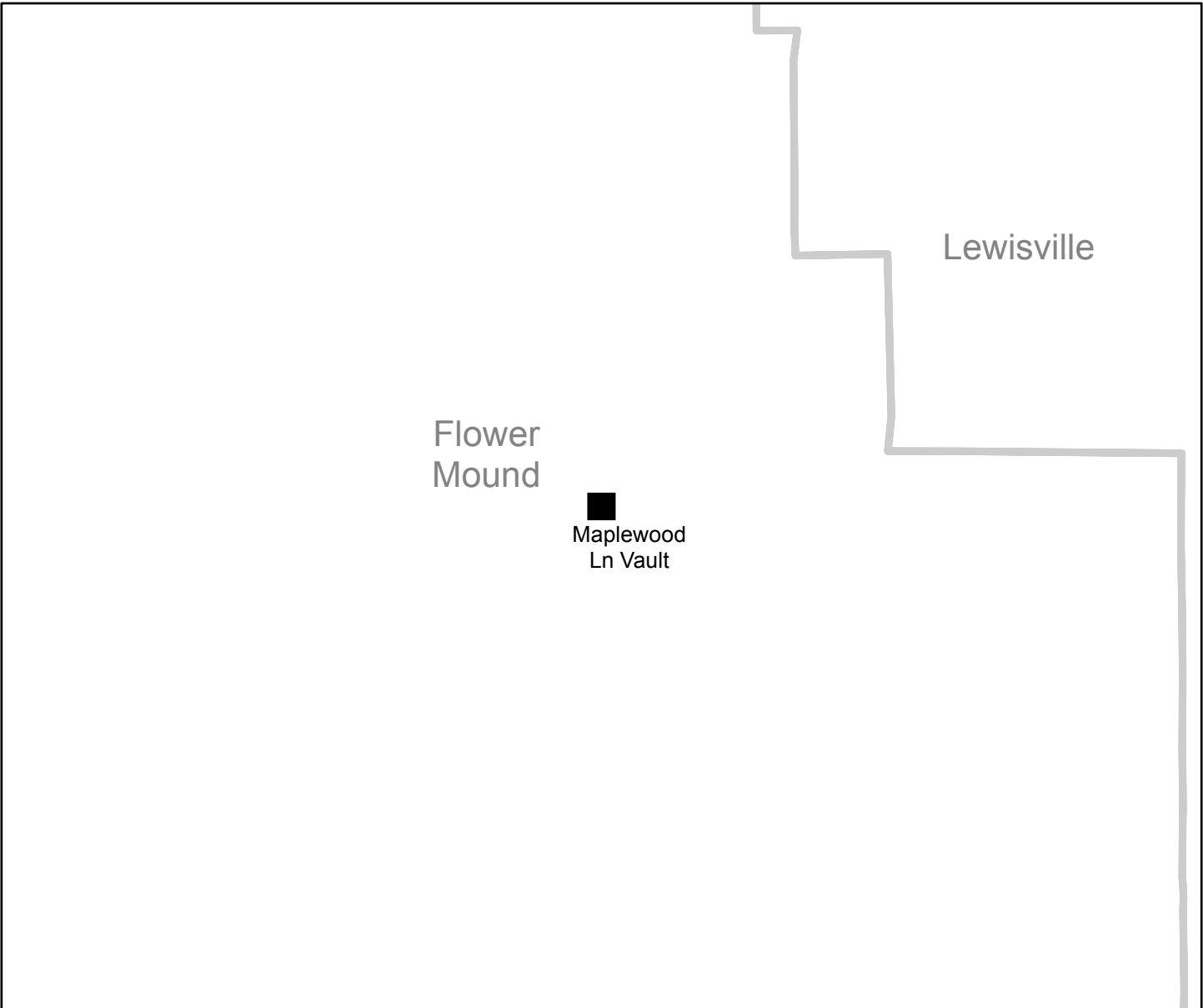
Information about this item will be provided to the Budget, Finance, & Audit Committee on January 3, 2017.

FISCAL INFORMATION

Estimated Annual Revenue: \$3,396,051 (at current wholesale water rate)

MAP

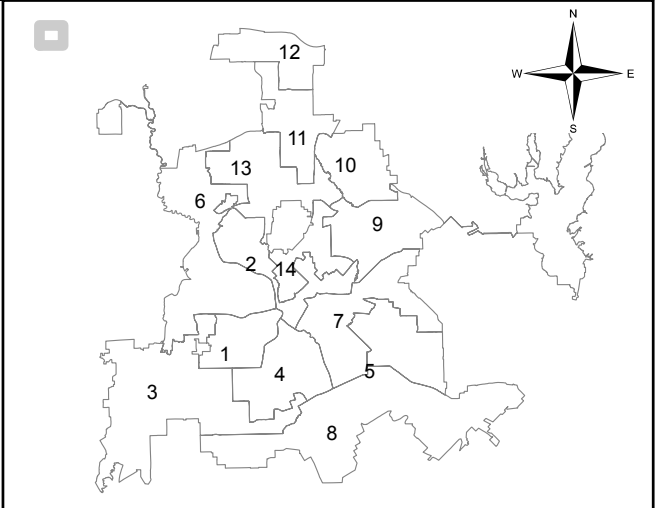
Attached



Location: Flower Mound Maplewood Ln Vault

Council Districts: Outside City of Dallas

Department: DWU



Flower Mound Wholesale Treated Water Contract

January 11, 2017

WHEREAS, the Town of Flower Mound, Texas currently purchases wholesale water services from the City of Dallas, and Dallas currently provides wholesale water service to Flower Mound as set forth under the terms, covenants, and conditions stated in a Wholesale Treated Water Contract between the City of Dallas and the Town of Flower Mound dated January 21, 1987; and,

WHEREAS, Flower Mound's current wholesale water contract with Dallas will expire on January 21, 2017; and,

WHEREAS, Dallas and Flower Mound desire to enter into a new Wholesale Water Contract; and,

WHEREAS, the term of the new 30-year Wholesale Water Contract will be January 22, 2014 through January 21, 2047; and,

WHEREAS, approval of the new contract would be in the best interest of the City of Dallas as well as the Town of Flower Mound.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a Wholesale Water Contract with the Town of Flower Mound to purchase wholesale water services from the City of Dallas for the period January 22, 2017 through January 21, 2047 in the estimated annual amount of \$3,396,051 after approval of the contract documents by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>RESOURCE REVENUE CODE</u>
0100	DWU	7005	7REV	7836

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 # 29

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 11
DEPARTMENT: Water Utilities
CMO: Ryan S. Evans, 671-9837
MAPSCO: 16 S W

SUBJECT

Authorize an increase in the construction contract with Archer Western Construction, LLC for emergency erosion repairs along the bank of White Rock Creek to protect an 84-inch water transmission main - Not to exceed \$226,146, from \$17,668,400 to \$17,894,546 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of work associated with emergency erosion repairs along the bank of White Rock Creek adjacent to Park Central Drive between Merit Drive and Churchill Way. This work is needed to protect the existing Dallas Water Utilities 84" White Rock water transmission main.

Trinity Watershed Management is currently designing permanent erosion repairs to White Rock Creek at this location and anticipates awarding the construction project in Spring of 2017. While coordinating with their Engineer, it became evident that the erosion was progressing at a higher rate than anticipated. Not only had the erosion forced the relocation of the White Rock Trail, but it also had the potential to undermine the embedment of the 84" White Rock transmission main, resulting in its failure.

The White Rock water transmission line is a fifteen mile, 84-inch diameter pipeline which is used to transfer treated water from Jim Miller Reservoir located on Jim Miller Road, just south of R.L. Thornton Freeway, to Beltwood Reservoir in far north Dallas. The water main supplies over 25 percent of the potable water within the City of Dallas, including service delivery to customer cities. The failure of this line could jeopardize DWU's ability to distribute potable water to the citizens of Dallas and customer cities, fire suppression capabilities and lead to possible institution of emergency water use restrictions.

ESTIMATED SCHEDULE OF PROJECT

Began Repairs November 2016
Complete Repairs December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Archer Western Construction, LLC for the construction of rehabilitation improvements to the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant on August 26, 2015, by Resolution No. 15-1576.

Information about this item will be provided to the Transportation & Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

\$226,146.00 - Water Utilities Capital Improvement Funds

Construction Contract	\$17,668,400.00
Change Order No. 1 (this action)	\$ <u>226,146.00</u>
Total Construction Cost	\$17,894,546.00

ETHNIC COMPOSITION

Archer Western Construction, LLC

Hispanic Female	38	Hispanic Male	1,258
Black Female	26	Black Male	219
White Female	38	White Male	575
Other Female	9	Other Male	87

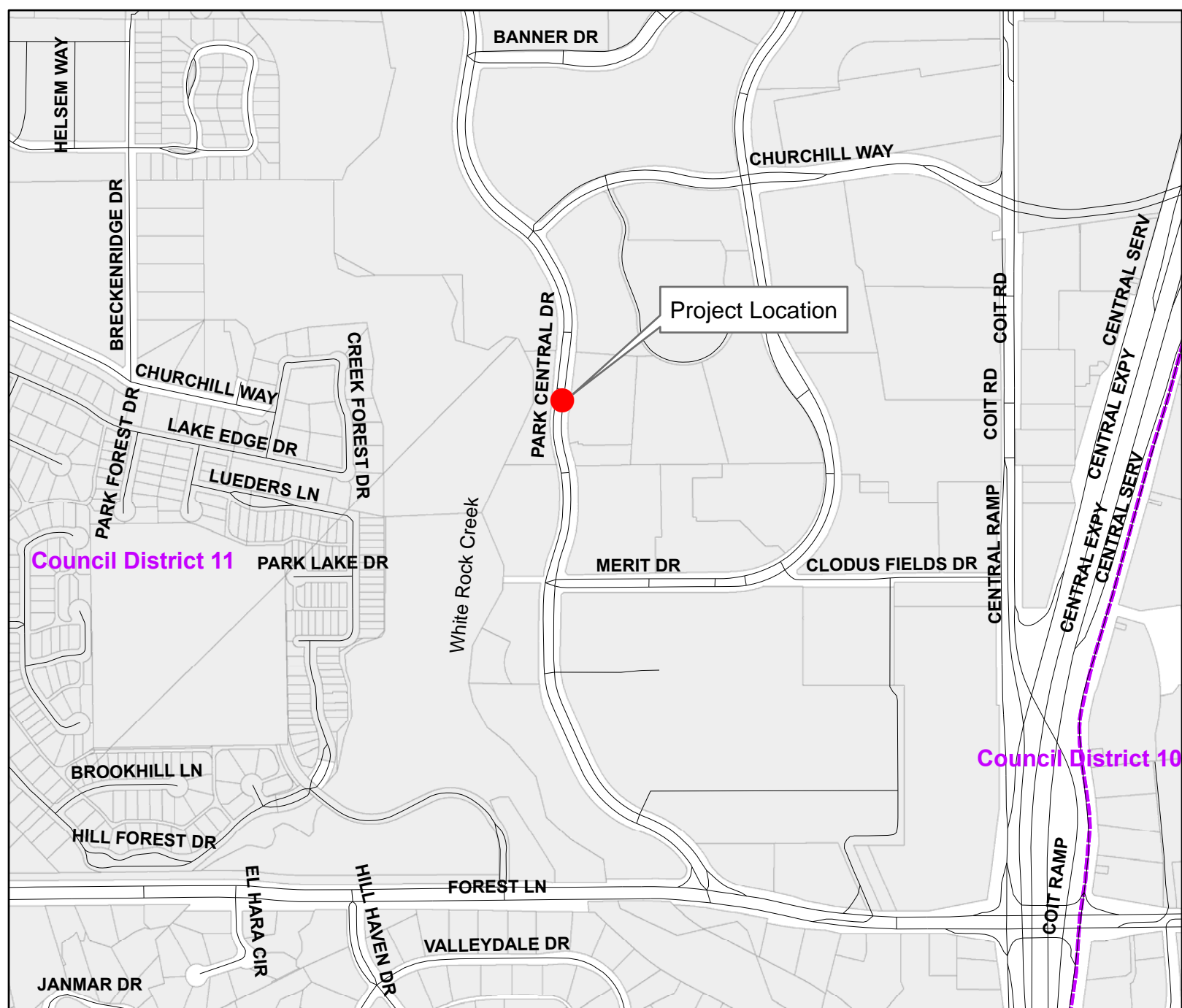
OWNER

Archer Western Construction, LLC

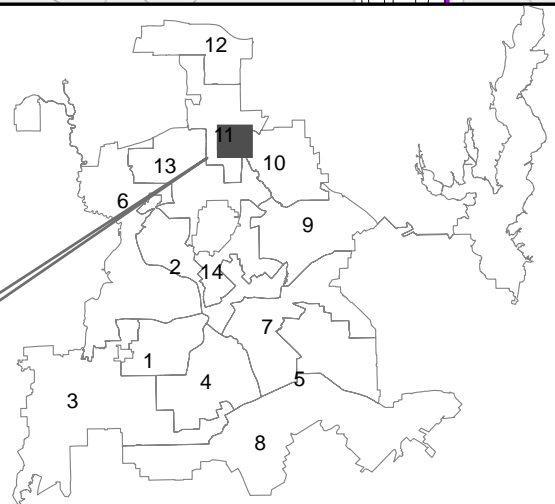
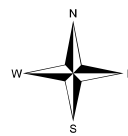
Daniel P. Walsh, President

MAP

Attached



Mapsc0: 16 S, W



Council District: 11

Dallas Water Utilities
Contract No. 15-060, Change Order No. 1
Emergency Erosion Repairs to Protect
84-inch White Rock Water Transmission Main

January 11, 2017

WHEREAS, on August 26, 2015, the City Council awarded Contract No. 15-060 in the amount of \$17,668,400.00, by Resolution No. 15-1576, to Archer Western Construction, LLC, for the construction of rehabilitation improvements to the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant; and,

WHEREAS, the City of Dallas has identified a need to proceed with emergency erosion repairs to protect an 84-inch water transmission main along the bank of the White Rock Creek adjacent to Park Central Drive between Merit Drive and Churchill Way; and,

WHEREAS, Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-060 be increased by \$226,146.00, from \$17,668,400.00 to \$17,894,546.00.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 15-060 with Archer Western Construction, LLC, be revised accordingly.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$226,146.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
3116	DWU	PS30	4330	715060	CT-DWU715060CP	VS0000064407

Archer Western Construction, LLC - (Contract No. 15-060) - \$226,146.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

CMO: Ryan S. Evans, 671-9837

MAPSCO: 2 T

SUBJECT

Authorize an increase in the 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 \$1,777,361, from \$46,464,646 to \$48,242,007 - 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 additional work identified as a result of unforeseen subsurface site conditions during the construction of the residuals basin site improvements. This work includes an additional 281,000 cubic yards of soil excavation to reach suitable foundation soils for the basin site berms, as well as the blending of 318,000 cubic yards of soil to achieve the desired soil properties needed for the construction of the berms. Also included in this work is the realignment of a new storm water box culvert around an existing, unmarked fiber optic ductbank and the removal of excess debris in the 54-inch sediment discharge line.

This project is the first one associated with the implementation of the \$300 million dollar Elm Fork Water Quality Improvements program and will help facilitate implementation of upcoming projects at the plant. This project is needed to address 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 a sedimentation process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2012
Completed Design	January 2015
Began Construction	June 2015
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Quest Civil Constructors, Inc. for the cleaning and rehabilitation of residuals basins site at the Elm Fork Water Treatment Plant on May 27, 2015, by Resolution No. 15-0978.

Information about this item will be provided to the Transportation & Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

\$1,777,360.46 - Water Utilities Capital Improvement Funds

Construction Contract	\$46,464,646.00
Change Order No. 1 (this action)	\$ <u>1,777,360.46</u>

Total Construction Cost	\$48,242,006.46
-------------------------	-----------------

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Quest Civil Constructors, Inc.

Hispanic Female	1	Hispanic Male	10
Black Female	0	Black Male	1
White Female	0	White Male	18
Other Female	0	Other Male	1

OWNER

Quest Civil Constructors, Inc.

Howard Birch III, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the 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 \$1,777,361, from \$46,464,646 to \$48,242,007 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$246,095.00	13.85%
Non-local contracts	\$1,531,265.46	86.15%
TOTAL THIS ACTION	\$1,777,360.46	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
RAMA Enterprises, LLC	HMDB97541Y0717	\$94,550.00	38.42%
QN Management Solutions, Inc.	PMDB31601Y0717	\$7,200.00	2.93%
Total Minority - Local		\$101,750.00	41.35%

Non-Local Contractors / Sub-Contractors

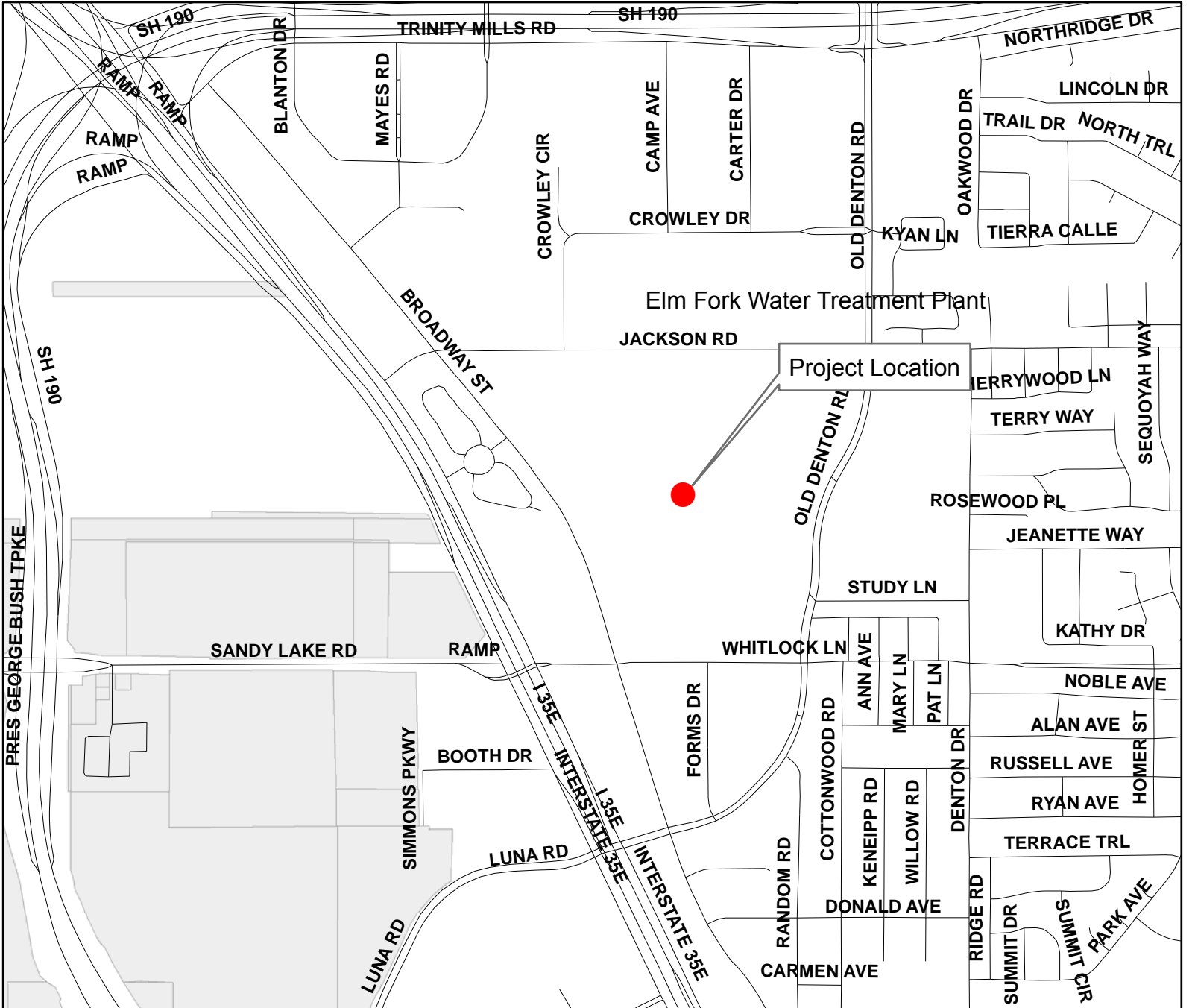
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ricochet Fuel Distributors, Inc.	WFWB63913Y0117	\$100,000.00	6.53%
Fleet-Lube, LLC	WFDB11375Y0717	\$10,000.00	0.65%
Sunbelt Industrial Services	WFW864135Y0217	(\$4,500,000.00)	-293.87%
Total Minority - Non-local		(\$4,390,000.00)	(286.69%)

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

Page 2

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$94,550.00	5.32%	\$2,766,732.00	5.74%
Asian American	\$7,200.00	0.41%	\$49,750.00	0.10%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	(\$4,390,000.00)	(247.00%)	\$5,374,184.00	11.14%
Total	(\$4,288,250.00)	(241.27%)	\$8,190,666.00	16.98%



Mapsc0: 2 T

Council District: Outside City Limits



January 11, 2017

WHEREAS, on May 27, 2015, the City Council awarded Contract No. 15-005 in the amount of \$46,464,646.00, by Resolution No. 15-0978, to Quest Civil Constructors, Inc., for the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant; and,

WHEREAS, Dallas Water Utilities has a need to perform additional work 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 \$1,777,360.46, from \$46,464,646.00 to \$48,242,006.46.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 15-005 with Quest Civil Constructors, Inc., be revised accordingly.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,777,360.46 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2115	DWU	PW31	4320	715005	CT-DWU715005CP	VS0000038219

Quest Civil Constructors, Inc. - (Contract No. 15-005) - \$1,777,360.46

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

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Trinity Watershed Management
City Attorney's Office
Mobility and Street Services

CMO: Mark McDaniel, 670-3256
Larry Casto, 670-3491
Jill A. Jordan, P.E., 670-5299

MAPSCO: 75D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, from Veterans Land Board of the State of Texas and King E. Rhodes. This property is located on East Wheatland Road near its intersection with Lancaster Road and will be used for the Wheatland Road Improvement Project. The consideration is based upon an independent appraisal, reviewed and adjusted by staff.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on December 14, 2016, by Resolution No. 16-1941.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000)

OWNERS

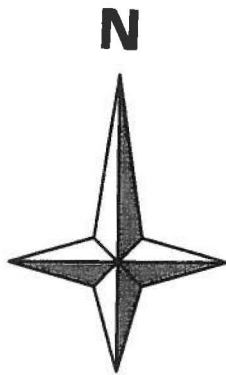
Veterans Land Board of the State of Texas

Matthew Elledge, Executive Secretary

King E. Rhodes

MAP

Attached



E. WHEATLAND ROAD

LANCASTER ROAD

Slope
Easement

Drainage
Easement

Right-of-Way
Acquisition

Drainage
Easement

Slope
Easement

Slope
Easement

Right-of-Way to be Acquired



Slope Easements to be Acquired



Drainage Easements to be Acquired



January 11, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROPERTY": Six tracts containing a total of approximately 105,251 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Wheatland Road Improvement Project

"USE": The construction, installation, use, and maintenance of a new section of roadway, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Parcel No. 3 - Fee Simple, Parcel Nos. 3A, 3B & 3C - Slope Easement, and Parcel Nos. 3-ia & 3-ib - Drainage Easement

"OWNER": Veterans Land Board of the State of Texas and King E. Rhodes, 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.

"OFFER AMOUNT": \$88,176.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$92,176.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

January 11, 2017

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4210, Encumbrance No. CT-STS06U803A3, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4230, Encumbrance No. CT-STS06U803A4. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons 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 proceedings or suit(s).

SECTION 8. 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 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

January 11, 2017

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 11. 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 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

Being a 65,699 Square Foot (1.5082 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the most Westerly corner of said 22.0197 Acre tract, lying on the Southeast Right-of-Way line of Wheatland Road (a 50' Right-of-Way) and being also the most Northerly corner of a tract of land conveyed to Crescent Real Estate Equities Limited Partnership by deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch dia. Iron Rod found bears North 33°44'10" West a distance of 1.24 feet:

THENCE South 37°05'20" East, departing the last said Southeast Right-of-Way line of Wheatland road and with the common line between said Rhodes and Crescent Real Estate tracts, a distance of 394.78 feet to a 5/8 in dia. Iron Rod with cap marked "DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the Northwest corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 90°00'00" East, departing the last said common line between said Rhodes and Crescent Real Estate tracts, a distance of 275.64 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Left:

THENCE Northeasterly along said Curve, having a Radius of 660.00 feet, a Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears North 74°21'38" East a distance of 355.85 to a 5/8" I.R. w/COD cap set at the Point of Tangency:

THENCE North 58°43'17" East a distance of 211.47 feet to a 5/8" I.R. w/COD cap set at the Northeast corner of the herein described tract of land, on the common line with a tract of land conveyed to the Sun NLF Ltd. Partnership by deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas:

THENCE South 7°19'12" East with the common line between said Rhodes and Sun NLF Ltd. tracts a distance of 87.54 feet to a 5/8" I.R. w/COD cap set at the Southeast corner of the herein described tract of land:

THENCE South 58°43'17" West, departing the last said common line between the Rhodes and Sun NLF Ltd. tracts, a distance of 175.92 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Right:

**Field Notes Describing a 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE Southwesterly along said Curve, having a Radius of 740.00 feet, a Central Angle of $31^{\circ}16'43''$, an Arc Length of 403.98 feet and a Chord which bears South $74^{\circ}21'38''$ West a distance of 398.98 feet to a $5/8''$ I.R. w/COD cap set at the Point of Tangency:

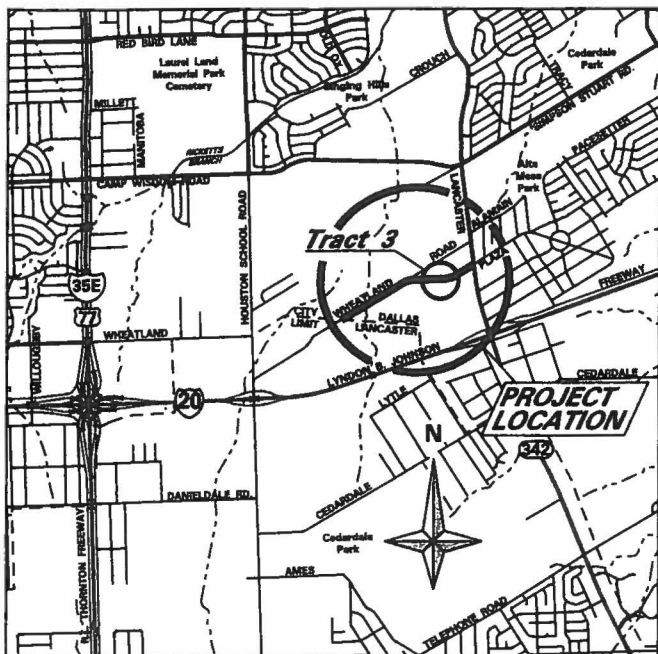
THENCE South $90^{\circ}00'00''$ West a distance of 215.16 feet to a $5/8''$ I.R. w/COD cap set at the Southwest corner of the herein described tract of land, on the above referenced common line between the Rhodes and Crescent Real Estate tracts:

THENCE North $37^{\circ}05'17''$ West along the common line between said Rhodes and Crescent Real Estate tracts a distance of 100.29 feet to the **POINT OF BEGINNING**, containing 65,699 Square Feet, or 1.5082 Acres of land.

BASIS OF BEARINGS: Bearings are based on the common line between the King E. Rhodes and Crescent Real Estate Equities Limited Partnership tracts, at South $37^{\circ}05'17''$ East, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

Scott Holt
7/6/2016





LOCATOR MAP

NOT TO SCALE

1/2" I.R. Fnd.; Bears 1.24'
N33°44'20"W. POINT OF
COMMENCING

King E. Rhodes
Vol. 2002187, Pg. 0125

**65,699 Square Foot
(1.5082 Acre) Tract
To Be Acquired**

Rad. = 660.00'
Δ = 31°16'43"
Length = 360.31'
Chord Brs: 355.85'
N74°21'38"E

58" I.R. wCOD Cap Set
POINT OF BEGINNING

100.29'
N37°05'17"W

275.64'
N90°00'0"E

215.16'
S90°00'0"W

1,105.43'

668.15' N37°05'17"W

Rad. = 740.00'
Δ = 31°16'43"
Length = 403.98'
Chord Brs: 398.98'
S74°21'38"W

**ROBERT SIMONTON
SURVEY**
Abstract #1277

**Crescent Real Estate
Equities Limited Partnership**
Vol. 97092, Pg. 2778

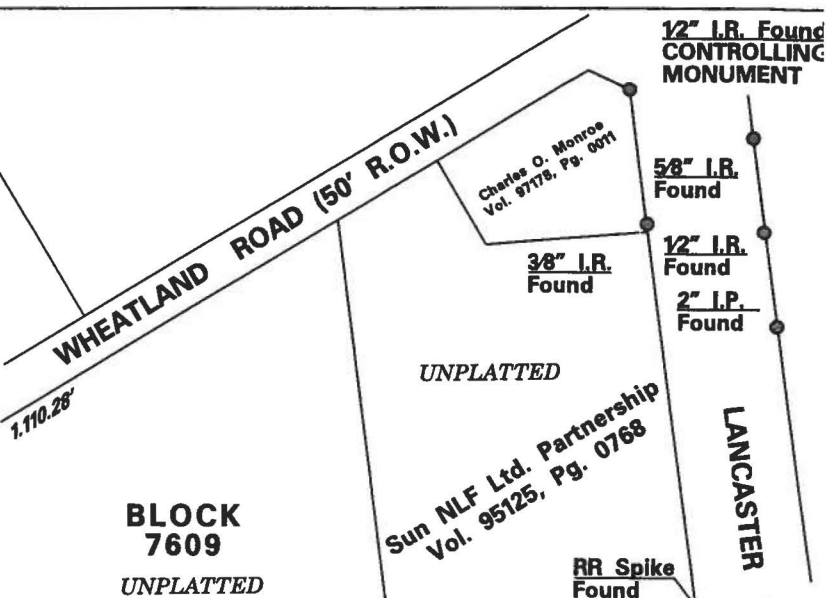
**BLOCK
7609**
UNPLATTED

1/2" I.R. Found
CONTROLLING
MONUMENT

⊙ 58" I.R. wCOD Cap Set



Property to be Acquired



UNPLATTED

Sun NLF Ltd. Partnership
Vol. 95125, Pg. 0768

**BLOCK
7616**

87.54'
S07°19'12"E

38" I.R.
Found

323.35'

38" I.R.
Found



0 100 200 300

Sheet 3 of 3

LOCATOR MAP: Parcel No. 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	5-27-10
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-12

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-A:

Being a 10,619 Square Foot (0.244 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 655.22 feet:

THENCE North 90°00'00" East with the said approved South line of Wheatland Road, departing the common line between said King E. Rhodes and Crescent Real Estate properties, over and across a portion of said King E. Rhodes property a distance of 215.16 feet to the Point of Curvature of a Curve to the Left:

THENCE Northeasterly, continuing with the said approved South line of Wheatland Road and along said Curve to the Left, having a Radius of 740 feet, a Central Angle of 15°50'11", an Arc Length of 205.54 feet and a Chord which bears North 82°04'54" East a distance of 203.88 feet to the most Easterly corner of the herein described tract of land (not monumented):

Thence South 66°41'28" West, departing the said approved South line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 70.88 feet to the Point of Curvature of a Curve to the Right (not monumented):

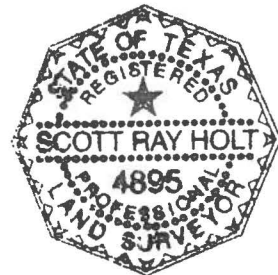
THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 545.76 feet, a Central Angle of 27°55'21", an Arc Length of 221.62 feet and a Chord which bears South 80°39'09" West a distance of 219.43 feet to the Point of Tangency (not monumented):

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE North 85°23'10" West, continuing over and across a portion of said King E. Rhodes property a distance of 116.01 feet to the intersection with the above said common line with the Crescent Real Estate property, being also the Southwest corner of the herein described tract of land (not monumented):

THENCE North 37°05'17" West with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 32.93 feet to the **POINT OF BEGINNING**, containing 10,619 Square Feet, or 0.244 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).



Scott Holt

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

PARCEL 3-B:

Being a 3,558 Square Foot (0.081 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 86.79 feet:

THENCE South 07°19'12" East, departing the last said approved South line of Wheatland Road and with the common line between said King E. Rhodes and Sun NLF Limited Partnership properties a distance of 19.88 feet to the Southeast corner of the herein described tract of land (not monumented):

THENCE South 61°07'54" West, departing the common line between said King E. Rhodes and Sun NLF Limited Partnership properties, over and across a portion of said King E. Rhodes property a distance of 147.93 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 62°15'33" West, continuing over and across a portion of said King E. Rhodes property a distance of 52.24 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 66°44'50" West, continuing over and across a portion of said King E. Rhodes property a distance of 46.70 feet to the Point of Curvature of a Curve to the Right (not monumented):

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 524.98 feet, a Central Angle of $10^{\circ}55'50''$, an Arc Length of 100.15 feet and a Chord which bears South $72^{\circ}12'44''$ West a distance of 100.00 feet to the intersection with the said approved South line of Wheatland Road, being also the most Westerly corner of the herein described tract of land (not monumented):

THENCE Northeasterly, continuing over and across a portion of said King E. Rhodes property and with the approved South line of Wheatland Road, along a curve to the Left having a Radius of 740.00 feet, a Central Angle of $13^{\circ}43'29''$, an Arc Length of 177.26 feet and a Chord which bears North $65^{\circ}35'01''$ East a distance of 176.84 feet to the Point of Tangency (not monumented)

THENCE North $58^{\circ}43'17''$ East, continuing with the said approved South line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 175.92 feet to the **POINT OF BEGINNING**, containing 3,558 Square Feet, or 0.081 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).



Scott Holt
8/12/14

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-C:

Being a 21,682 Square Foot (0.498 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the North line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 174.51 feet:

THENCE South 58°43'17" West, over and across a portion of said King E. Rhodes property and with the said approved North line of Wheatland Road a distance of 211.47 feet to a 5/8" I.R. w/COD Cap set at the Point of Curvature of a Curve to the Right:

THENCE Southwesterly, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 660.00 feet, an Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears South 74°21'38" West a distance of 355.85 feet to a 5/8" I.R. w/COD Cap set at the Point of Tangency:

THENCE South 90°00'00" West, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 275.64 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 788.44 feet:

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE North 37°05'17" West, departing the said approved North line of Wheatland Road and with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 18.43 feet to the Northwest corner of the herein described tract of land (Not monumented):

THENCE North 88°33'03" East, departing the common line with said Crescent Real Estate property, over and across a portion of said King E. Rhodes property a distance of 127.99 feet to an outside corner of the herein described tract of land (not monumented):

THENCE Easterly and Northeasterly, continuing over and across a portion of said King E. Rhodes property the following courses and distances:

South 85°50'27" East a distance of 72.24 feet to an inside corner of the herein described tract of land (not monumented).

South 86°07'45" East a distance of 144.10 feet to an inside corner of the herein described tract of land (not monumented).

North 76°45'04" East a distance of 47.07 feet to an inside corner of the herein described tract of land (not monumented).

North 60°03'00" East a distance of 140.31 feet to an inside corner of the herein described tract of land (not monumented).

North 52°52'07" East a distance of 45.38 feet to an outside corner of the herein described tract of land (not monumented).

North 56°50'17" East a distance of 46.57 feet to an inside corner of the herein described tract of land (not monumented).

North 53°20'07" East a distance of 61.88 feet to an outside corner of the herein described tract of land (not monumented).

North 59°58'58" East a distance of 149.21 feet to the intersection with the above referenced common line with the Sun NLF Limited Partnership tract, being also the Northeast corner of the herein described tract of land (not monumented).

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE South 07°19'12" East with the said common line between the King E. Rhodes and Sun NLF Limited Partnership properties a distance of 47.67 feet to the **POINT OF BEGINNING**, containing 21,682 Square Feet, or 0.498 Acres of Land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).



Scott Holt
2/12/14

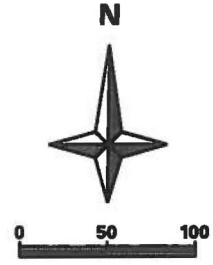
WHEATLAND ROAD
(50' Right-of-Way.)

**ROBERT SIMONTON
SURVEY**
Abstract #1277

King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

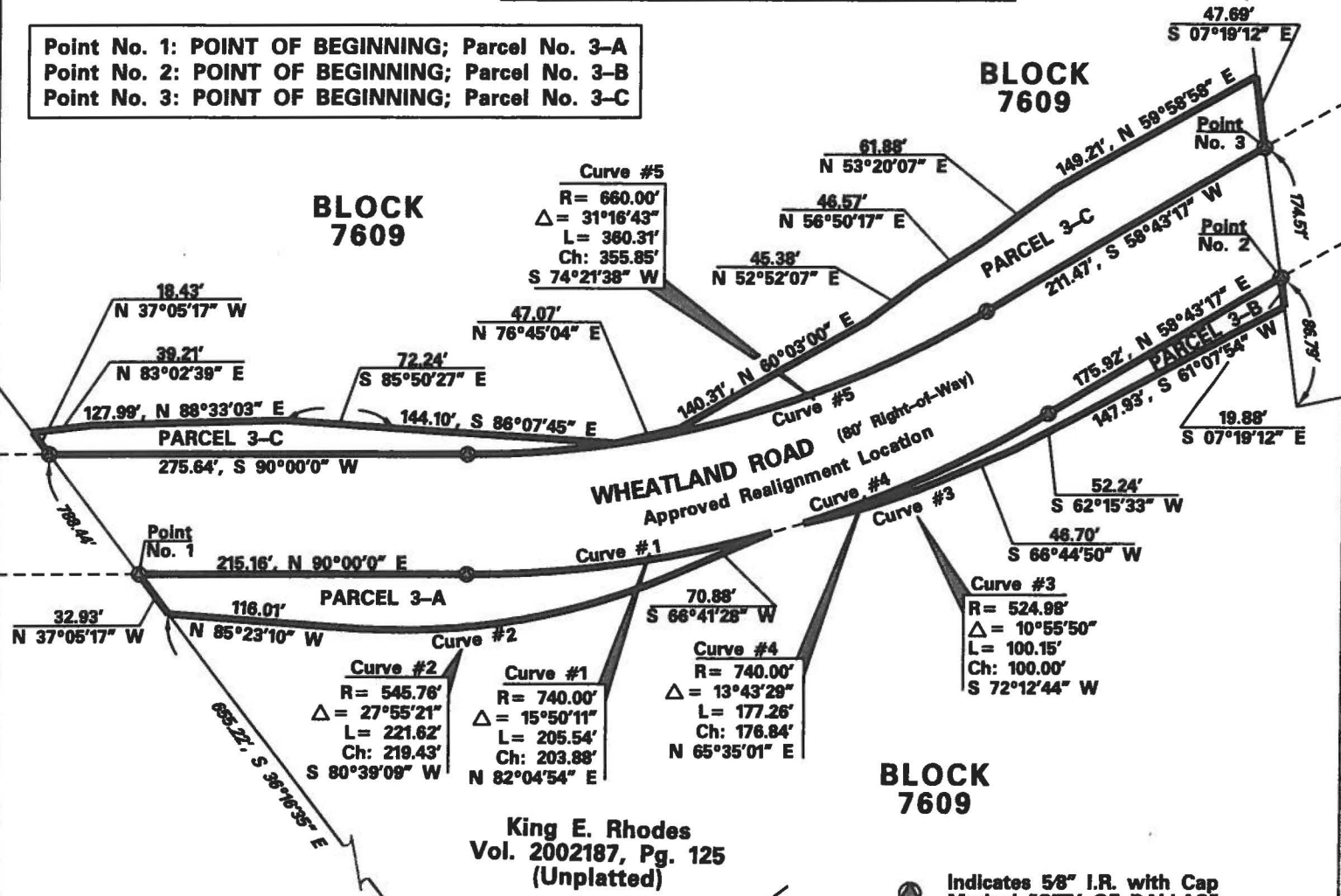
Point No.	Coordinates
1	N=6924636.8496 E=2495823.6732
2	N=6924556.8496 E=2495884.1505
3	N=6924755.7459 E=2496633.8698
4	N=6924842.5753 E=2496622.7159

Sun NLF Limited Partnership
Vol. 95125, Pg. 768
(Unplatted)



PARCEL 3-A - 10,619 Sq. Ft. (0.244 Ac.)
PARCEL 3-B - 3,558 Sq. Ft. (0.081 Ac.)
PARCEL 3-C - 21,682 Sq. Ft. (0.498 Ac.)

Point No. 1: POINT OF BEGINNING; Parcel No. 3-A
Point No. 2: POINT OF BEGINNING; Parcel No. 3-B
Point No. 3: POINT OF BEGINNING; Parcel No. 3-C



King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

**BLOCK
7609**

Indicates 5/8" I.R. with Cap
Marked "CITY OF DALLAS"

Crescent Real Estate
Vol. 97092, Pg. 2778
(Unplatted)

1/2" I.R. Found
CONTROLLING
MONUMENT

Parcels 3-A, 3-B & 3-C Sheet 8 of 8

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	7-29-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-9

**Field Notes Describing a 501 Square Foot (0.012 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-ia:

Being a 501 Square Foot (0.012 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Southeast Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 36.72 feet to the most Southerly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Northerly corner of the herein described tract of land (not monumented):

Thence South 30°44'14" East, departing the said approved Southeast line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 20.04 feet to the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 59°15'46" West, continuing over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Southerly corner of the herein described tract of land (not monumented):

THENCE North 30°44'14" West, continuing over and across a portion of said King E. Rhodes property a distance of 19.80 feet to the **POINT OF BEGINNING**, containing 501 Square Feet, or 0.012 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).

Scott Holt
10/31/2014



**Field Notes Describing a 3,192 Square Foot (0.073 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-1b:

Being a 3,192 Square Foot (0.073 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Northwest Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Northwest line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 9.74 feet to the most Southerly corner and POINT OF BEGINNING, of the herein described tract of land (not monumented):

THENCE North 31°16'43" East, departing the last said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 39.90 feet to the most Westerly corner of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the most Northerly corner of the herein described tract of land (not monumented):

THENCE South 31°16'43" East, continuing over and across apporportion of said King E. Rhodes property a distance of 39.90 feet to the intersection with the above said approved Northwest line of Wheatland Road, being also the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 58°43'17" West, with the said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the POINT OF BEGINNING, containing 3,192 Square Feet, or 0.073 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
10/31/2014



WHEATLAND RD.

Please Note: Unable to show Controlling Monumentation on this Drawing.
For Information Concerning Controlling Monuments, Please See Drawing
311D-4147, on File in the City of Dallas Survey Records Vault.

POINT OF
COMMENCING
N = 6924732.78
E = 2496441.98

BLOCK
7609
Unplatted

King E.
Rhodes
Vol. 2002187
Pg. 125

ROBERT SIMONTON
SURVEY
Abstract #1277

501 Sq. Ft. (0.012 Ac.)
Drainage Easement
To Be Acquired

POINT OF
BEGINNING
36.72'
N 58°43'17" E

POINT OF
COMMENCING
N = 6924664.41
E = 2496483.52

Drainage
Easement 3-ia

80.00', N 58°43'17" E
3,192 Sq. Ft.
(0.073 Ac.)
Drainage Easement
To Be Acquired

Drainage
Easement 3-ib

BLOCK
7609
Unplatted

Sun NLF
Limited Partnership
Vol. 95125
Pg. 768

BLOCK
7616

R.R. Spike
Found

12" I.R.
Found

Yvonne Simmons
Vol. 2005151, Pg. 3183

PK Nail
Found

25.63'
N 25°35'43" E

38.89'
S 62°59'43" E

Approved Realignment
Location Wheatland Road
Planned 80-Foot Right-of-
-Way Width.

King E.
Rhodes
Vol. 2002187
Pg. 125



Indicates 5/8" I.R. with Cap
Marked "CITY OF DALLAS"

Parcel 3-ia, 3-ib

Sheet 3 of 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	R:\ENR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	10-30-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7609	311D-4147-12

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 56V Z 57W 65R 66N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by C & C Corporation for the construction of houses; **(2)** the sale of 10 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to C & C Corporation; and **(3)** execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

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

C & C Corporation has submitted a proposal and development plan to DHADC for 10 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 10 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by C & C Corporation to DHADC, the sale of those lots from DHADC to C & C Corporation and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to C & C Corporation will contain a reverter that returns the property to DHADC if a construction permit is not applied for by C & C Corporation and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

C & C Corporation will build houses on the lots. The approximate square footage and sales prices of the houses will be from 1,300 to 1,600 square feet and from \$160,000 to \$165,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$50,000.00 for the sales price of the vacant lots to C & C Corporation, as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

On October 20, 2016, the DHADC board of directors approved the development plan and sale of 10 lots from DHADC to C & C Corporation.

Information about this item was provided to the Housing Committee on December 5, 2016.

On December 14, 2016, this item was deferred by Councilmember Tiffinni Young.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

C & C Corporation

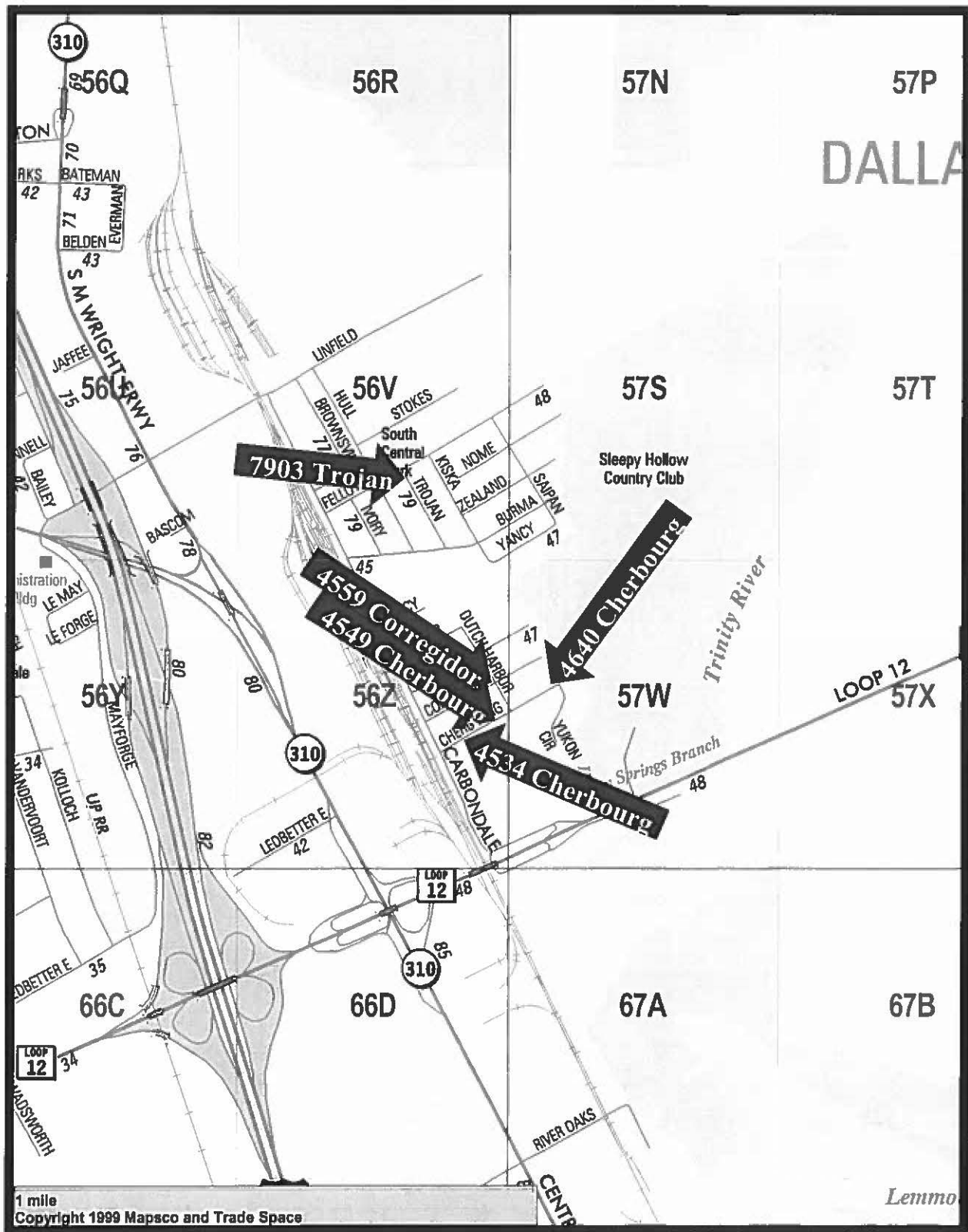
Stacie Stewart, Chief Operating Officer

MAPS

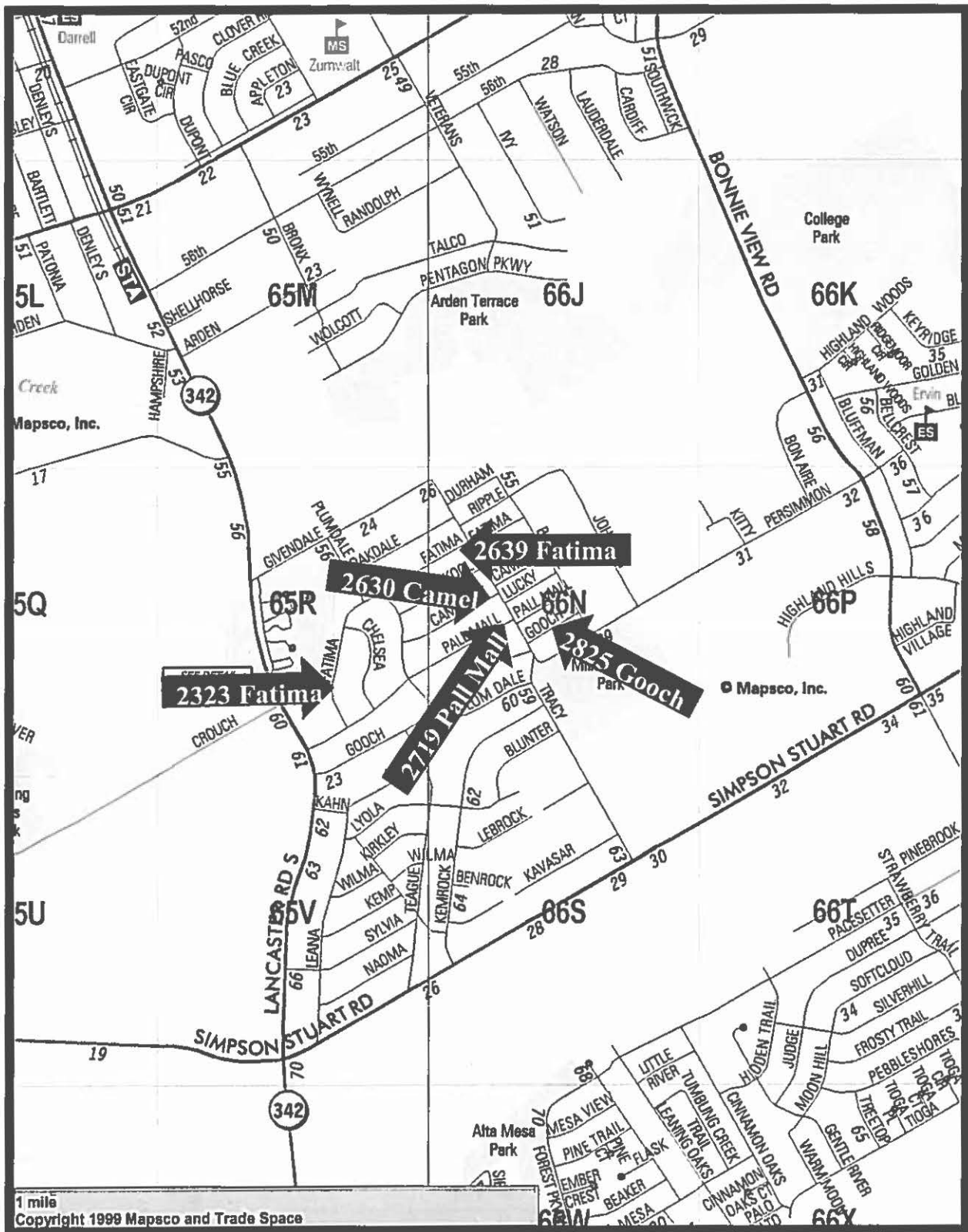
Attached

**Land Bank (DHADC) Sale of Lots to
C & C Corporation**

<u>Property Address</u>	<u>Mapsko</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 2630 Camel	66N	8	\$ 4,948.24
2. 4534 Cherbourg	56Z	7	\$ 3,983.66
3. 4549 Cherbourg	56Z	7	\$ 6,109.79
4. 4640 Cherbourg	57W	7	\$ 9,444.73
5. 4559 Corregidor	56Z	7	\$ 9,243.24
6. 2323 Fatima	65R	8	\$ 909.45
7. 2639 Fatima	66N	8	\$ 9,411.56
8. 2825 Gooch	66N	8	\$16,262.89
9. 2719 Pall Mall	66N	8	\$ 7,839.11
10. 7903 Trojan	56V	7	\$ 6,727.99



MAPSCO 56V,56Z,57W



MAPSCO 65R & 66N

January 11, 2017

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

WHEREAS, C & C Corporation submitted a proposal and development plan to DHADC for 10 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by C & C Corporation and authorize the sale of 10 lots from DHADC to C & C Corporation to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by C & C Corporation and the sale of 10 lots shown on Exhibit "A" from DHADC to C & C Corporation is approved.

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

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	2630 Camel Lot 27, Carver Heights Addition Block 7/6889	C & C Corporation	1	\$5,000.00
2	4534 Cherbourg Lot 10, Central Avenue Addition No. 4 Block A/7649	C & C Corporation	1	\$5,000.00
3	4549 Cherbourg Lot 27, Central Avenue Addition No. 2 Block F/7647	C & C Corporation	1	\$5,000.00
4	4640 Cherbourg Lot 6, Seely Circle Addition Block A/7654	C & C Corporation	1	\$5,000.00
5	4559 Corregidor Lot 30, Central Avenue No. 2 Addition Block D/7647	C & C Corporation	1	\$5,000.00
6	2323 Fatima Lot 12, Alameda Heights Addition No. 2 Block 1/6888	C & C Corporation	1	\$5,000.00
7	2639 Fatima Lot 24, Carver Heights Addition Block 10/6889	C & C Corporation	1	\$5,000.00
8	2825 Gooch Lot 12, Chesterfield Heights Addition Block H/6881	C & C Corporation	1	\$5,000.00
9	2719 Pail Mall Lot 23, Carver Heights No. 1 Addition Block 7/6889	C & C Corporation	1	\$5,000.00
10	7903 Trojan Lot 31, Central Avenue No. 1 Addition Block C/7646	C & C Corporation	1	\$5,000.00
TOTAL				\$50,000.00

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 10

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

See Exhibit A

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

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

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

Number of homes to be built

Square Footage range of each home

Number of Bedrooms/Baths in each home

Number of Garages 1 Number of Carports _____ Detached _____ Attached _____

Type of Exterior Veneer Which sides

Your Sales Price range without Subsidies to Qualified Low Income Buyer

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

Number of homes to be built 10

Square Footage range of each home 1,300-1600

Number of Bedrooms/Baths in each home 3 to 4 / 2

Number of Garages 1 Number of Carports _____ Detached _____ Attached _____

Type of Exterior Veneer Brick Which sides Brick

Your Sales Price range without Subsidies to Qualified Low Income Buyer 160-165k

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

Number of homes to be built _____

Square Footage range of each home _____

Number of Bedrooms/Baths in each home _____ / _____

Number of Garages _____ Number of Carports _____ Detached _____ Attached _____

Type of Exterior Veneer _____ Which sides _____

Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Attach extra sheet(s) breaking out above information for each different model of home.
PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

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

Start of Construction: 60

Completion of Construction: 60

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

Sale of last affordable unit to low income households: 30 days after completion of first house

EXHIBIT A

2630 Camel
4534 Cherbourg
4549 Cherbourg
4640 Cherbourg
4559 Corregidor
2323 Fatima
2639 Fatima
2825 Gooch
2719 Pall Mall
7903 Trojan

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 2, 5, 6, 7, 8

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 43F K 44N S 46L W 47J 57R 66N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; **(2)** the sale of 10 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the 10 properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

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

Confia Homes, L.L.C. has submitted a proposal and development plan to DHADC for 10 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 10 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Confia Homes, L.L.C. to DHADC, the sale of those lots from DHADC to Confia Homes, L.L.C. and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Confia Homes, L.L.C. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Confia Homes, L.L.C. and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Confia Homes, L.L.C. will build houses on the lots. The approximate square footage and sales prices of the houses will be from 1,236 to 1,600 square feet and from \$109,900 to \$134,900. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$50,000.00 for the sales price of the vacant lots to Confia Homes, L.L.C., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

On October 20, 2016, the DHADC board of directors approved the development plan and sale of 10 lots from DHADC to Confia Homes, L.L.C.

Information about this item was provided to the Housing Committee on December 5, 2016.

On December 14, 2016, this item was deferred by Councilmember Tiffinni Young.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

Confia Homes, L.L.C.

RobertsCarrillo Management, Inc., Manager

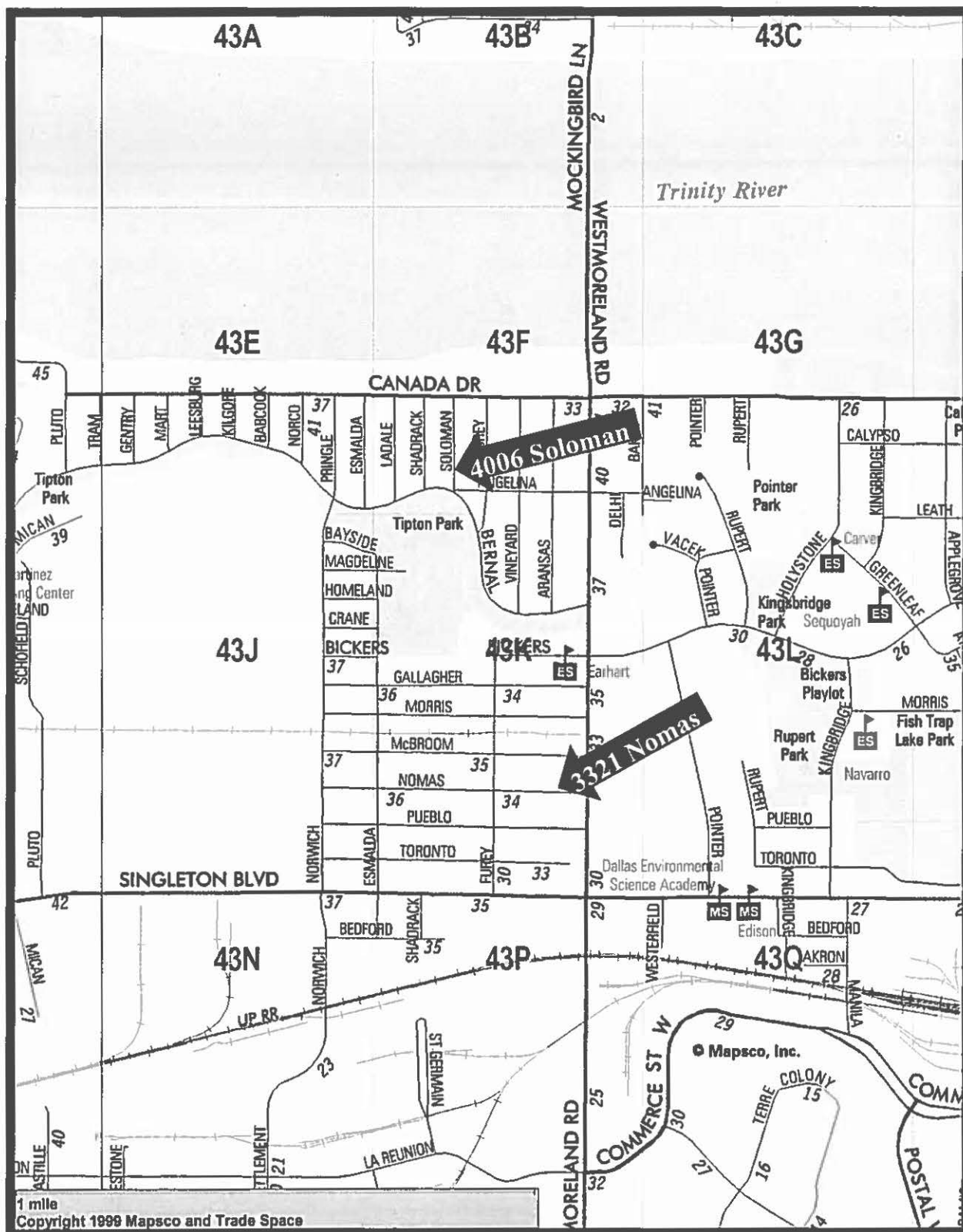
Kenneth E. Roberts, Chief Operating Officer
Ricardo Alonso-Carrillo, President

MAPS

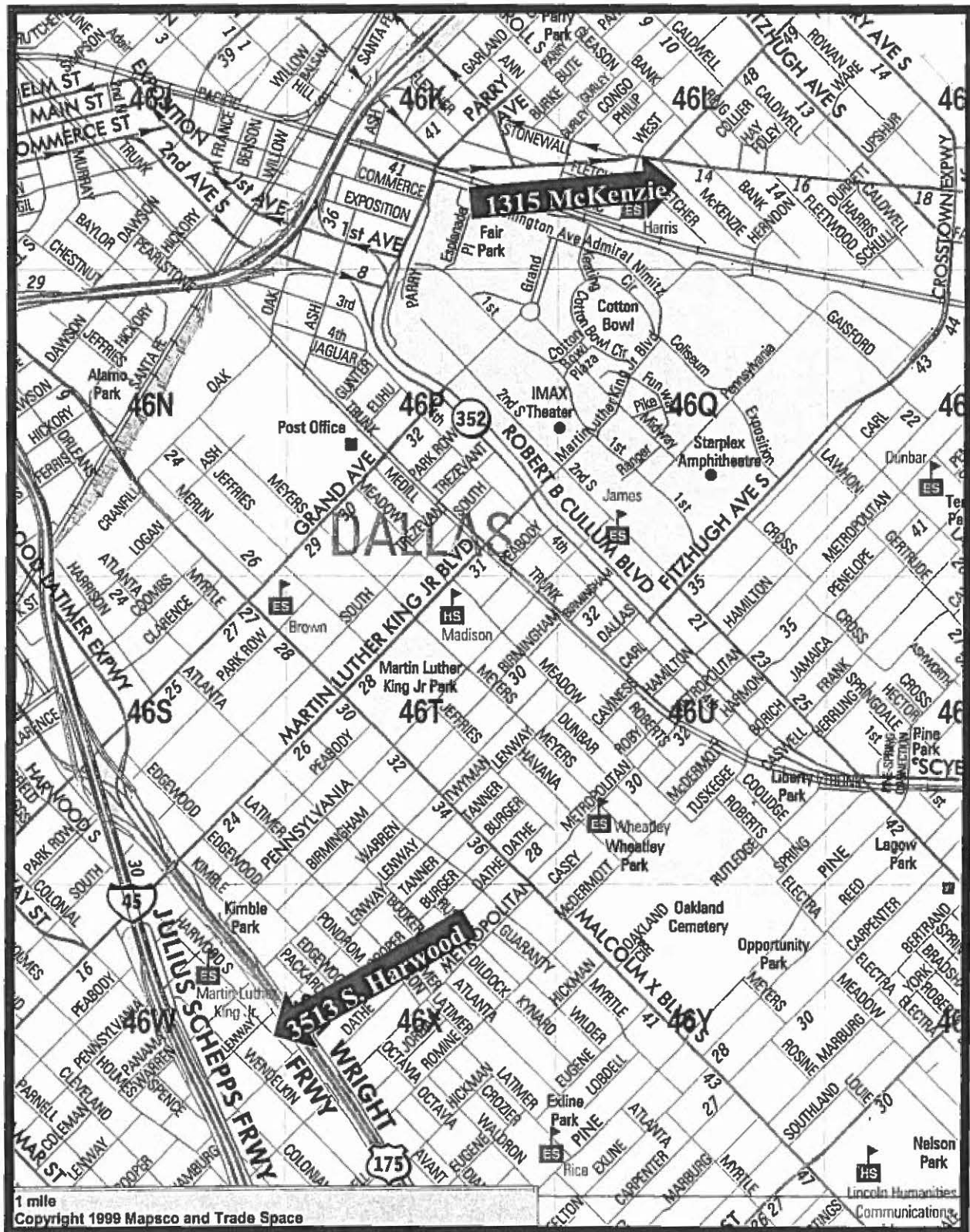
Attached

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

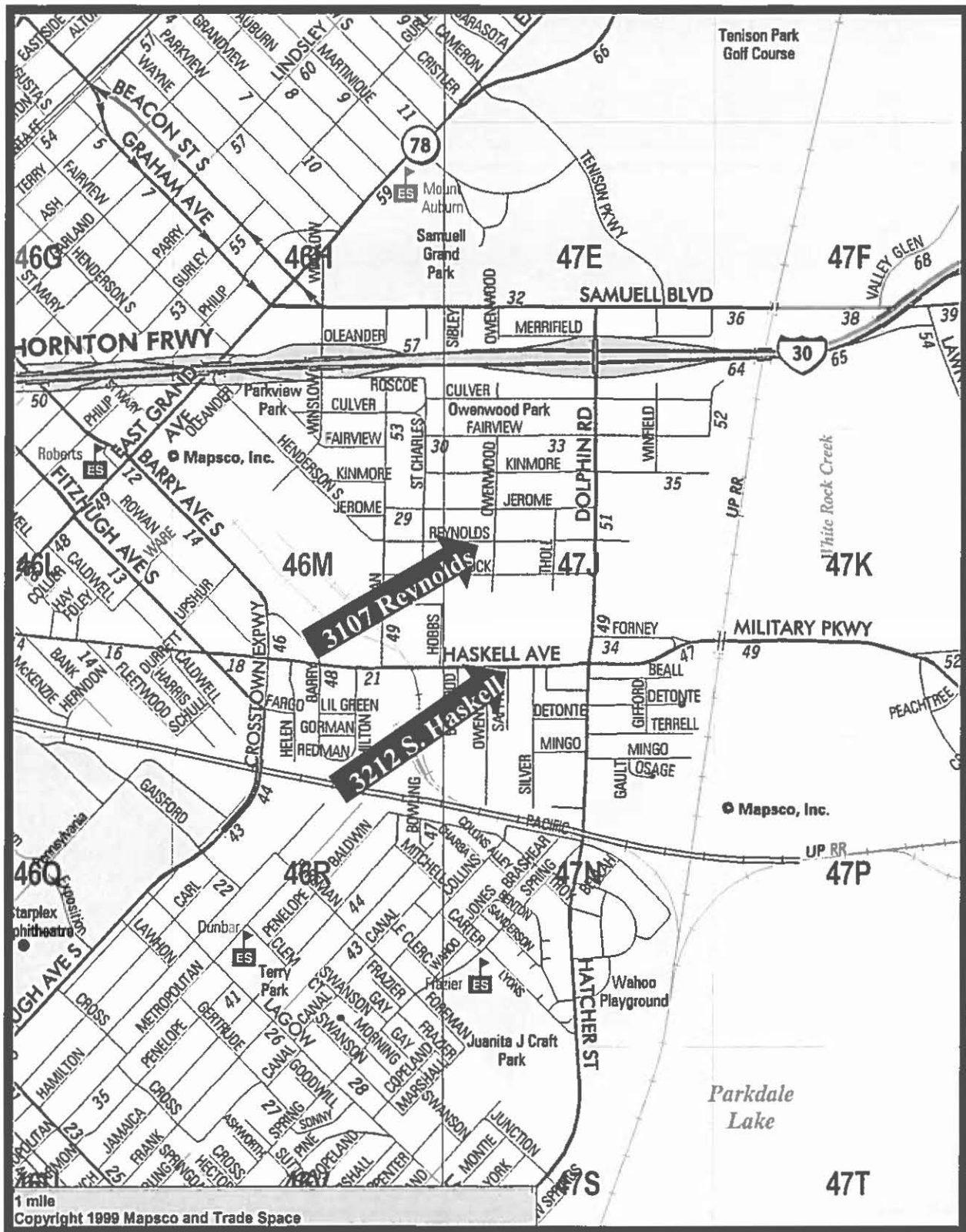
<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 3107 Reynolds	47J	2	\$39,303.21
2. 2021 N. Montclair	44S	6	\$14,082.47
3. 1826 Duluth	44N	6	\$ 2,868.55
4. 3321 Nomas	43K	6	\$15,150.73
5. 1315 McKenzie	46L	7	\$ 6,417.30
6. 3513 S. Harwood	46W	7	\$ 1,094.20
7. 3212 S. Haskell	47J	7	\$ 2,470.33
8. 2611 Kool	66N	8	\$ 7,948.74
9. 4006 Soloman	43F	6	\$17,372.42
10. 734 Elwayne	57R	5	\$15,172.39



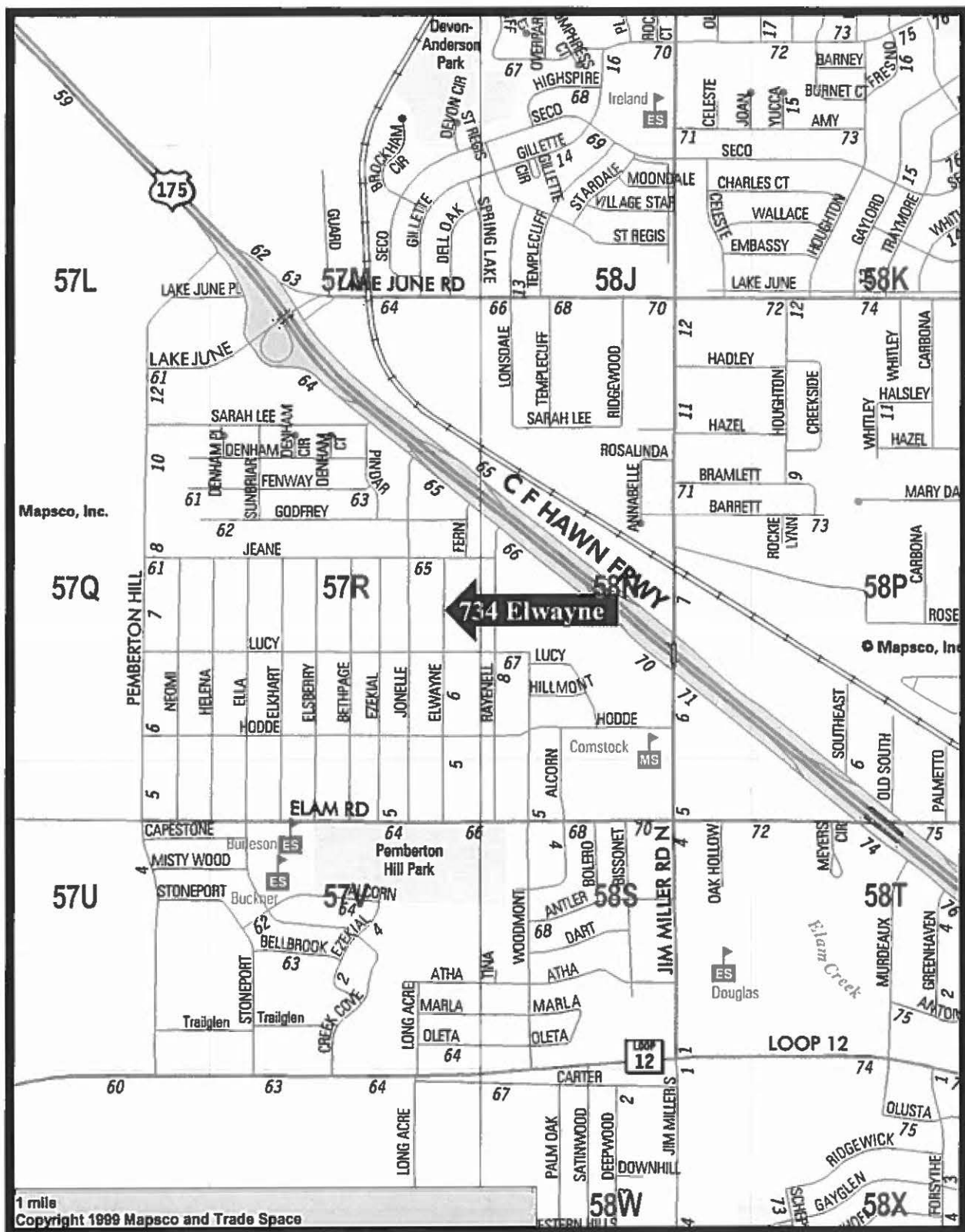
MAPSCO 43F & 43K



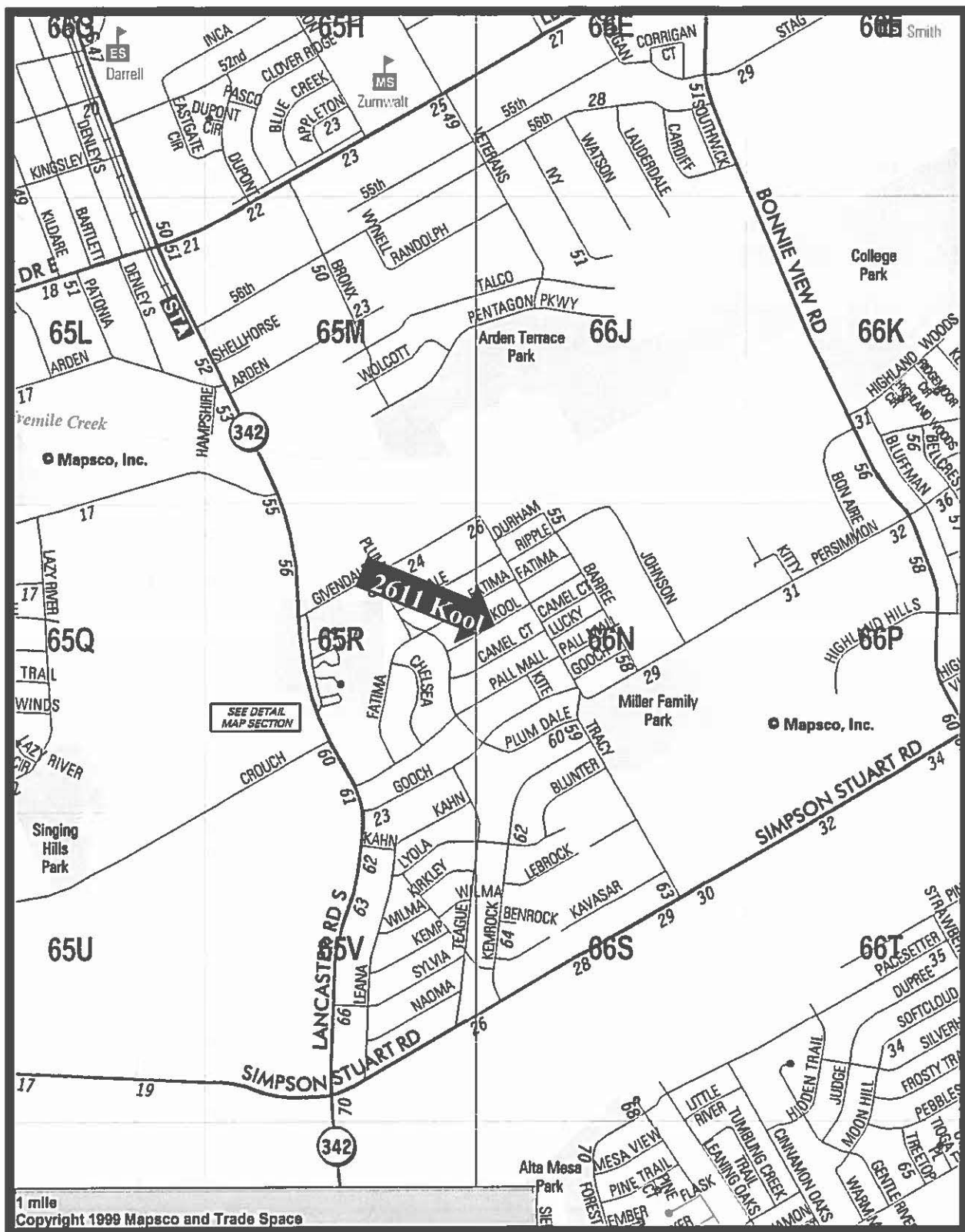
MAPSCO 46L & 46W



MAPSCO 47J



MAPSCO 57R



MAPSCO 66N

January 11, 2017

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

WHEREAS, Confia Homes, L.L.C. submitted a proposal and development plan to DHADC for 10 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by Confia Homes, L.L.C. and authorize the sale of 10 lots from DHADC to Confia Homes, L.L.C. to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by Confia Homes, L.L.C. and the sale of 10 lots shown on Exhibit "A" from DHADC to Confia Homes, L.L.C. is approved.

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

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	3107 Reynolds Lot 22, Parkview Annex Addition Block D/2134	Confia Homes, L.L.C.	1	\$5,000.00
2	2021 N. Montclair Lot 8, Cedar Dale Addition Block 3961	Confia Homes, L.L.C.	1	\$5,000.00
3	1826 Duluth Lot 6, Riggins College Park Addition Block H/7238	Confia Homes, L.L.C.	1	\$5,000.00
4	3321 Nomias Lot 33, Westmoreland Park Addition Block 2/7144	Confia Homes, L.L.C.	1	\$5,000.00
5	1315 McKenzie Lot 11, Donovans Addition Block 1438	Confia Homes, L.L.C.	1	\$5,000.00
6	3513 S. Harwood Part of Lot 3, W.C. & B. Doerring's Addition Block 4/1187	Confia Homes, L.L.C.	1	\$5,000.00
7	3212 S. Haskell 60x90' Tract in John Beeman Section of Thomas Lagow League Block 2619	Confia Homes, L.L.C.	1	\$5,000.00
8	2611 Kool Lot 14, Carver Heights Addition Block 9/6889	Confia Homes, L.L.C.	1	\$5,000.00
9	4006 Solomon Lot 2, Westmoreland Park No. 3 Addition Block 18/7146	Confia Homes, L.L.C.	1	\$5,000.00
10	734 Elwayne Lot 10, Pleasant Heights Addition Block 2/6251	Confia Homes, L.L.C.	1	\$5,000.00
TOTAL				\$50,000.00

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

- (1) Number of lots requested in this proposal. 10
- (2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

See Attachment # 2.

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

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

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

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

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

Number of homes to be built 3
Square Footage range of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 / 2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached _____ Attached X
Type of Exterior Veneer Brick and Siding Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer \$109,900-\$134,900

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

Number of homes to be built 7
Square Footage range of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 / 2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached _____ Attached X
Type of Exterior Veneer Brick and Siding Which sides Brick - FR, Siding - R
Your Sales Price range without Subsidies to Qualified Low Income Buyer \$109,900-\$134,900

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

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

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

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

Completion of Construction: 120 days after start of construction

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

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



Attachment # 2 – Land Requested for Development

No.	Address	Legal Description
1	3107 Reynolds	BLK D/2134 LT 22, PARK VIEW ANNEX
2	2021 Montclair	BLK 3961 LT 8, CEDAR DALE
3	1826 Duluth	BLK H/7238 LT 6, COLLEGE PARK (RIGGINS)
4	3321 Nomas	BLK 2/7144 LT 33, WESTMORELAND PARK
5	1315 McKenzie	BLK 1438 LT 11, D S DONOVAN
6	3513 S Harwood	BLK 4/1187 PT LT 3 50X160, W C & B DOERING
7	3212 S Haskell	BLK 2619 60X90, SAPPHIRE
8	2611 Kool	BLK 9/6889 LT 14, CARVER HEIGHTS
9	4006 Soloman	BLK 18/7146 LT 2, WESTMORELAND PARK NO 3
10	734 Elwayne	BLK 2/6251 LOT 10, PLEASANT HEIGHTS

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 45J 45K

SUBJECT

Authorize a development agreement with GPIWE Limited Partnership, to reimburse TIF eligible project costs for streetscape and redevelopment project improvements for the Factory Six03 Project located at 603 Munger Avenue from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

BACKGROUND

The West End Marketplace, located at 603 Munger Avenue in the historic West End District of downtown Dallas, was built in stages between 1903 and 1923. The building, which will be called Factory Six03, was originally built as the Brown Cracker and Candy Company and over the years, until its closing over ten years ago, held a variety of tourist and destination activities. Some of those uses, including a movie theater, affected the structure and rendered the building unfit for future uses. Granite Properties purchased the 182,000 square foot building (plus 28,000 square feet basement space) in July 2015 with the intent of returning the historic structure as a downtown anchor by creating approximately 10,000 square feet of ground floor restaurants/retail space and over 200,000 square feet of creative office space. The improvements include additions to both the four story and seven story structures.

Upon acquisition of the property, Granite Properties began negotiating public incentives for the project. They agreed to proceed with the project at their own risk in hopes that City Council would ultimately approve incentives for the project. They considered timing of the construction of the renovated facility as crucial as the public incentives (developer did not want to miss market opportunity). As such, they began renovating the building and planning for the open space plaza improvements. The privately owned plaza created by the intersection of two street grids forms the entry to the project from the south and helps connect the project to Victory Park. The negotiated TIF incentives are similar to other similarly situated properties.

BACKGROUND (Continued)

The proposed TIF funding would focus on renovation of the building's ground floor improvements and streetscape improvements. The ground floor will be used primarily to house restaurants, spilling out into the old dock space, as well as serve as the office lobby. Streetscape improvements will take place on all sides of the building. The plaza space will be repositioned as a gathering space in the West End Historic District and a space that transitions from downtown to the Sports Arena/Victory area. TIF funds would also be used to assist with renovations to the historic façade and historic structure.

The renovation of the West End Marketplace building is anticipated to be a catalyst project to the West End Historic District as Granite Properties repositions the unused historic building as creative office space as well as restaurant/retail uses. The renovation work includes repairing and replacing key internal structural components that were removed in 1985 as well as reconditioning historic windows, masonry walls and historic exterior. The basement will be converted into 55 parking spaces. Both the four story and the seven story portions of the building will have additions to the top for an executive office, tenant lounge and conference center. A new entrance will be added to the building as well. All additions will be reviewed and approved by the National Park Service, in compliance with national historic renovation guidelines.

The interior of the building will be completely refurbished including new electrical, mechanical, elevator and fire control systems.

ESTIMATED PROJECT SCHEDULE

Project Start Date	September 2016
Project Completion Date	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 11, 2016, the City Center TIF District Board of Directors reviewed and recommended approval of a development agreement with GPIWE Limited Partnership for TIF incentives and dedication of TIF funding for TIF-eligible project costs associated with redevelopment of the West End Marketplace building located at 603 Munger Avenue in an amount not to exceed \$4,657,174, subject to (1) sufficient public access assurance and (2) satisfying Peer Review's comments.

Information about this item will be provided to the Economic Development Committee on January 3, 2017.

FISCAL INFORMATION

\$4,657,174 - City Center TIF District Funds (subject to future appropriations from future tax increments)

OWNER

**GPIWE Limited Partnership
c/o Granite Properties**

David R. Cunningham, Director
5601 Granite Parkway, Suite 800
Plano, Texas 75024

MAP

Attached

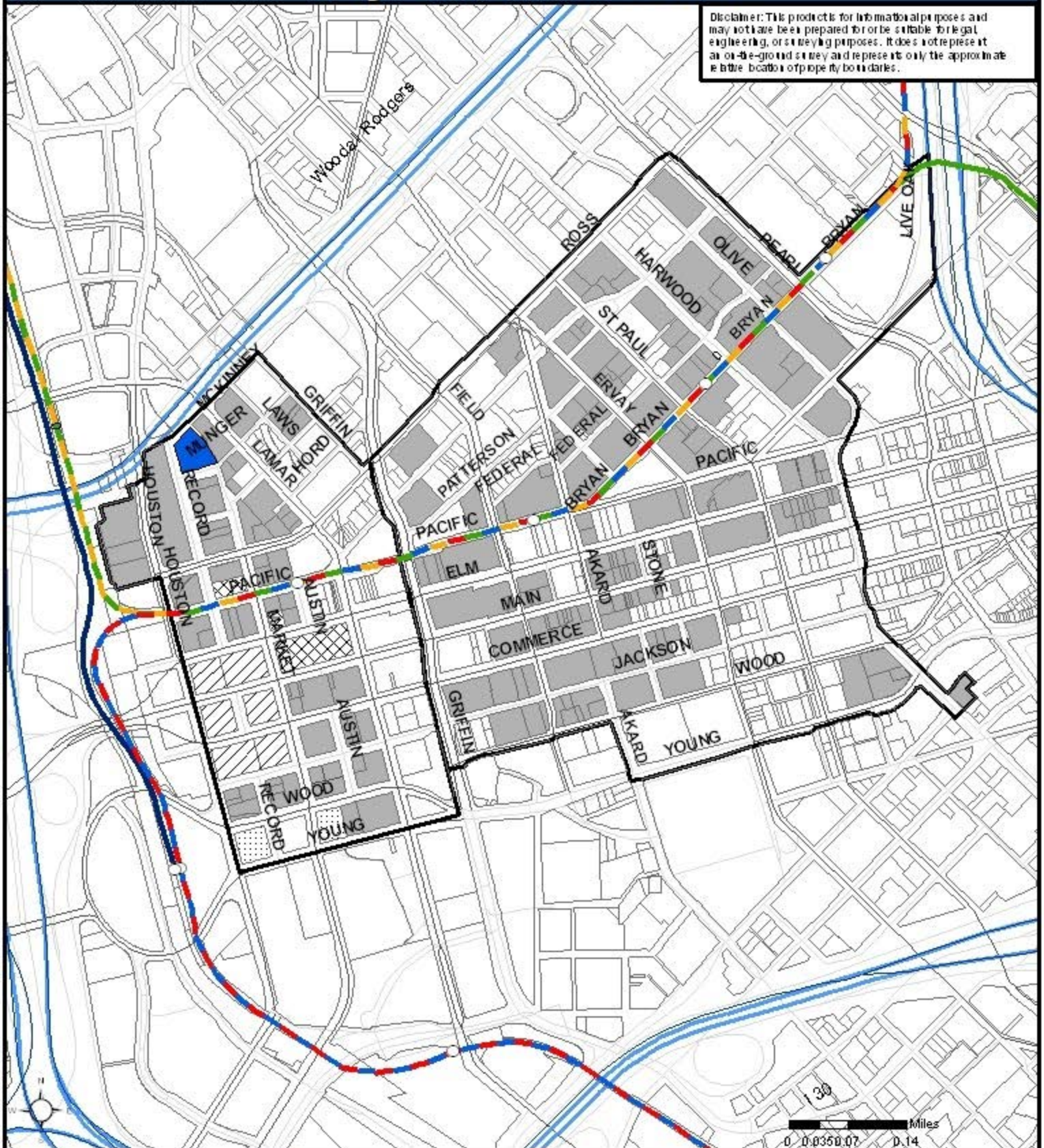
DEVELOPER

**GPIWE Limited Partnership
c/o Granite Properties**

David R. Cunningham, Director
5601 Granite Parkway, Suite 800
Plano, Texas 75024

West End Marketplace Location Map - City Center TIF District

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate future location of property boundaries.



**DALLAS
ECONOMIC
DEVELOPMENT**

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Legend

- 603 Mungler - West End Marketplace
- Center Center TIF Properties
- City Center/West End TIF Boundary

January 11, 2017

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 26, 1996, City Council pursuant to Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and

WHEREAS, on February 12, 1997, City Council, pursuant to Ordinance No. 23034, authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended; and

WHEREAS, on December 12, 2012, City Council, conducted a public hearing, received comments and approved amendments to the City Center TIF District Project and Reinvestment Zone Financing Plans and authorized Ordinance No. 28865 amending Ordinance No. 22802, previously approved on June 26, 1996, and an Ordinance No. 23034, previously approved February 12, 1997, to: (1) create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; (2) increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; (3) extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the City Center TIF District's budget from \$87,567,717 total dollars to \$151,968,546 total dollars; and (6) make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and

WHEREAS, on August 11, 2016, the City Center TIF District Board of Directors reviewed and recommended approval of a development agreement with GPIWE Limited Partnership for TIF incentives and dedication of TIF funding for TIF-eligible project costs associated with redevelopment of the Factory Six03 building located at 603 Munger Avenue in an amount not to exceed \$4,657,174, subject to (1) sufficient public access assurance and (2) satisfying Peer Review's comments; and

WHEREAS, in furtherance of the City Center TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the City Center TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) to provide economic incentives to GPIWE Limited Partnership, for the Factory Six03 Project in the City Center Sub-district of the City Center TIF District as depicted in the project's renderings and elevations attached hereto as **Exhibit A**; and

January 11, 2017

WHEREAS, the expenditure of TIF funds supporting this redevelopment project is consistent with promoting development and redevelopment of the City Center TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the City Center TIF District.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a development agreement with GPIWE Limited Partnership and the City of Dallas for the Factory Six03 Project located at 603 Munger Avenue and that future City Center TIF revenues in an amount not to exceed \$4,657,174 is hereby dedicated to TIF-eligible project costs associated with the Factory Six03 Project, as shown in **Exhibit B** – TIF Budget. TIF reimbursable project costs include, but are not limited to, environmental remediation and demolition, street improvements, landscaping and façade restoration.

Section 2. That the Chief Financial Officer is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Fund 0035, Department ECO, Unit W136, Object 4510, Activity TCCN, Program No. CCTIF0014, CT ECOW136K288-01, Vendor No. VS91487, in an amount not to exceed \$2,250,000; and

Fund 0035, Department ECO, Unit W136, Object 3072, Activity TCCN, Program No. CCTIF0014, CT ECOW136K288-02, Vendor No. VS91487, in an amount not to exceed \$2,407,174.

Total amount not to exceed \$4,657,174.

Section 3. That nothing in this resolution shall be construed to require the City to approve future dedications of City Center TIF revenues (the "TIF Subsidy") from any source of the City funds other than the City Center TIF District Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of City Center TIF District.

Funds shall no longer be considered project costs of the City Center TIF District or the City and the obligation of the City Center TIF District to pay the Owner shall automatically expire.

January 11, 2017

Section 4. That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Minimum private investment (acquisition, construction and construction related soft costs) of \$54,000,000 for the Project, as defined below.

The term “Invest” or “Investment” means the sum of all acquisition costs, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Owner, with respect to the Project and the improvements thereon. Construction related soft costs include the following items: architecture and engineering, interior design, consulting, construction management. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Carrying or other similar costs shall not be considered toward this definition of project investment. The owner must provide verification of all expenditures. Any work completed prior to the execution of an agreement may be counted toward the minimum investment requirement but it is still subject to M/WBE requirements.

- B. Redevelopment of the 603 Munger building shall include the following (collectively, the “Project”):
- a. Minimum of 9,000 square feet of newly converted ground floor retail/restaurant space;
 - b. Renovation of at least 165,000 square feet of office space; and
 - c. Streetscape and plaza improvements
- C. Obtain a building and/or demolition permit from the City and start construction for the Project by September 30, 2016;
- D. Obtain a Certificate of Occupancy (CO) for a minimum of 165,000 square feet of rentable office space by September 30, 2017;
- E. Obtain final acceptance of public infrastructure improvements associated with the Project, as evidenced by the issuance of a Green Tag from the Public Works and Transportation Department by September 30, 2017, and submit documentation to the Office of Economic Development (the “OED”);

January 11, 2017**Section 4. (Continued)**

- F. If applicable, execute an Operating and Maintenance agreement for non-standard public infrastructure improvements associated with the Project (i.e., possibly for those improvements located on City right of way) by the earlier of project completion or September 30, 2017, for a period of 20 years. If Developer chooses to forgo the TIF Subsidy or if the TIF development agreement terminates due to an uncured default by Developer; Developer shall remain responsible for the maintenance of those non-standard public improvements that it has installed for the term of the Operating and Maintenance agreement;
- G. A minimum of 50% of the newly converted ground floor retail/restaurant space must be occupied prior to TIF Reimbursement and shall not permanently discontinue or close at any time during the TIF reimbursement payment period;
- H. Prior to City Council consideration, Design Review by the Urban Design Peer Review Panel, an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager, is required for all City Center TIF District projects. The Project's design plans shall include:
 - a. A site plan showing the location of parcel boundaries clearly differentiating publically accessible space from private space;
 - b. A pedestrian lighting plan for the site showing existing lighting and location of new pedestrian lighting using lighting acceptable to the City;
 - c. A sidewalk plan for the Project;
 - d. Elevations for all sides of the building visible from the public right of way, focusing on the ground floor; and
 - e. Signage plan for the building;
- I. Owner shall construct public and private improvements (Project) that conform in design and materials to images and site plans approved by the City Center TIF Board of Directors, the Dallas City Design Studio and Dallas City Council as shown in **Exhibit C** - site plan, preliminary conceptual renderings, and building materials unless modifications are approved by the Director;
- J. Owner shall submit to the Director of the OED a quarterly status report for ongoing work on the project, as well as public improvements. Status reports will be due once every three months after the Council approval date;

January 11, 2017

Section 4. (Continued)

- K. Owner shall make a good faith effort to (i) comply with the Business Inclusion and Development (“BID”) goal of twenty-five percent (25%) Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements and (ii) achieve a goal of 25% certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each; and
- L. Owner shall provide evidence that plaza shall remain open to the public by executing a public access easement or other similar instrument; and
- M. If necessary, the Project deadline can be extended up to 6 months, subject to the Office of Economic Development Director’s and City Center TIF District Board of Director’s approval.

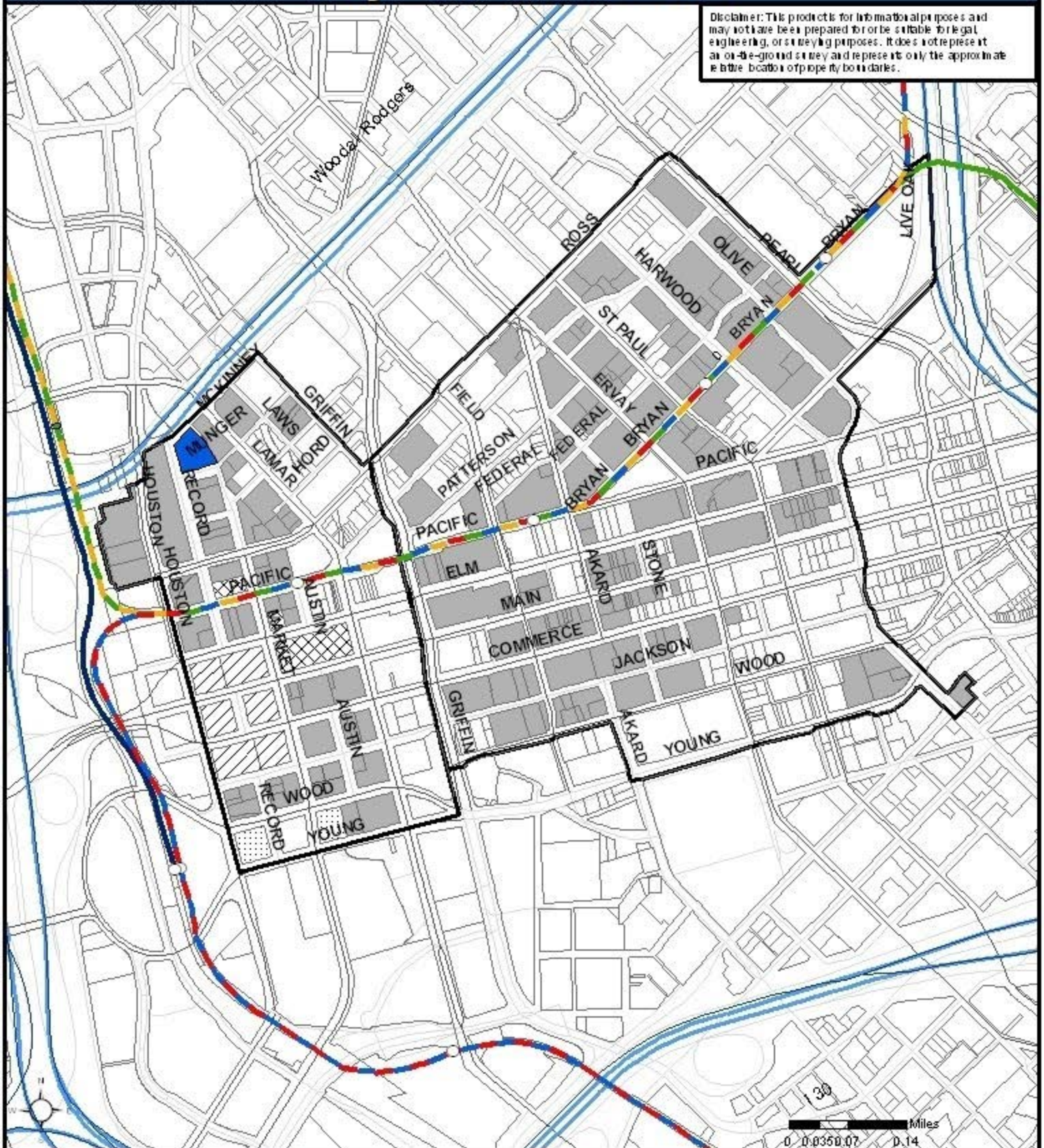
Section 5. That should GPIWE Limited Partnership, not perform one or more of the contingencies listed above, the City Manager is authorized to terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed \$4,657,174.

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.

West End Marketplace Location Map - City Center TIF District

EXHIBIT A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC
DEVELOPMENT

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Legend

- 603 Mungler - West End Marketplace
- Center Center TIF Properties
- City Center/West End TIF Boundary

Exhibit B - TIF Budget

If all conditions of the agreement are met, a maximum of \$1,250,000 may be released prior to the expiration of the City Center Sub-District (December 31, 2022 with last collection and disbursement 2023), unless funds are available after all City Center Sub-District obligations have been fulfilled. The remaining TIF funds may be reimbursed from the West End/Lamar Sub-District, beginning in 2023, with 2024 collections.

Description	Amount
Public Infrastructure Improvements <i>Streetscape improvements, Landscaping, Lighting, Signage, Design and Engineering, Contingency Costs (5%)</i>	\$2,250,000
Redevelopment/Development Projects <i>Environmental Remediation, Interior & Exterior Demolition, Façade Improvements, Storefront Improvements, Design and Engineering, Contingency Costs (5%)</i>	\$2,407,174
Total TIF Funding Recommended	\$4,657,174

Exhibit C



Granite





1 ENLARGED MOONEY AVE ELEVATION
1/8" = 1'-0"



2 ENLARGED MOONEY AVE ELEVATION
1/8" = 1'-0"



3 ENLARGED RECORD ST ELEVATION
1/8" = 1'-0"



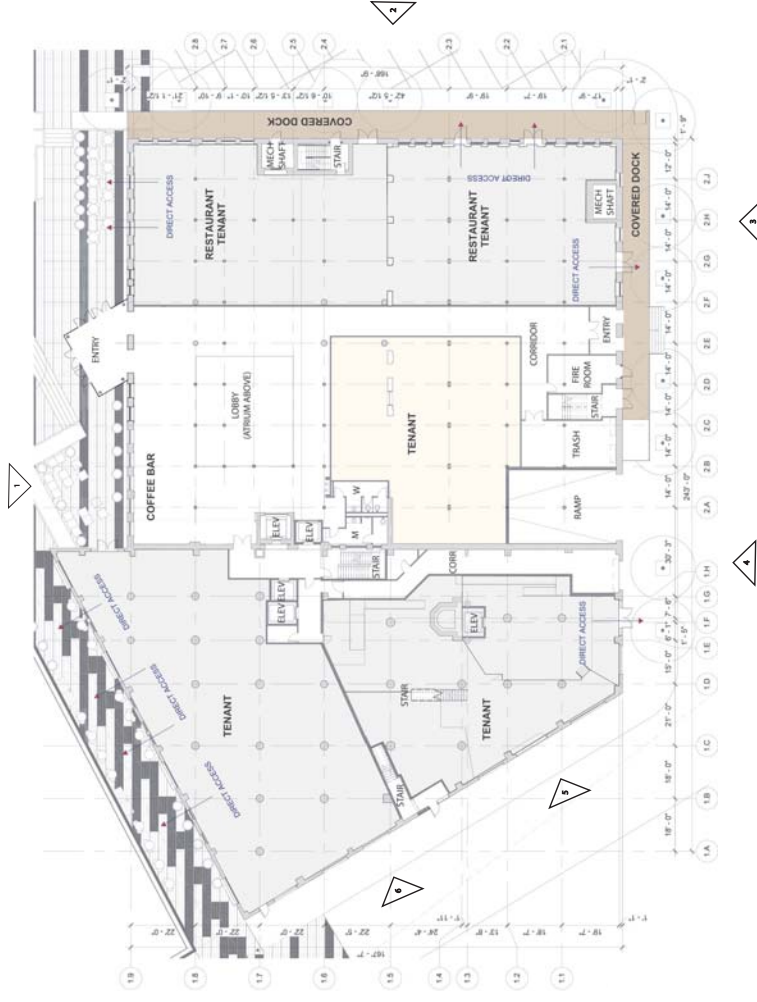
4 ENLARGED RECORD ST ELEVATION
1/8" = 1'-0"



5 ENLARGED BURGER AVE ELEVATION
1/8" = 1'-0"



6 ENLARGED PLAZA ELEVATION
1/8" = 1'-0"



- COMMON
- OFFICE TENANT
- RETAIL/RESTAURANT TENANT
- TENANT AMENITY



Granite



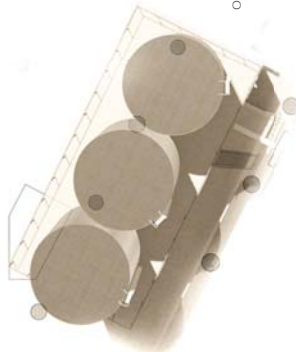
gff ARCHITECTS

ARENA PARTNERS LP
(COCA COLA BUILDING)

BLACKLAND PROPERTIES
(OILWELL SUPPLY BUILDING)

TIP OF BUILDING LEFT EXPOSED

DALLAS ALLEY



MCKINNEY AVENUE

MUNGER AVENUE

GRANITE PROPERTIES
(MARKET PLACE)



MARKET PLAZA MASTER PLAN (REDUCED)

AUGUST 10, 2016

MESA

AGENDA ITEM # 36

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 10

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 17 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an NO(A) Neighborhood Office District, north of Forest Lane, east of Abrams Road

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z156-272(SH)

FILE NUMBER: Z156-272(SH)

DATE FILED: August 16, 2016

LOCATION: North of Forest Lane, east of Abrams Road

COUNCIL DISTRICT: 10

MAPSCO: 17-X

SIZE OF REQUEST: ±9.54 acres

CENSUS TRACT: 190.35

REPRESENTATIVE: Peter Kavanaugh, Zone Systems, Inc.

APPLICANT/OWNER: Disk Development, LLC

REQUEST: An application for a Planned Development District for single family uses on property zoned an NO(A) Neighborhood Office District.

SUMMARY: The purpose of this request is to allow for the construction of a single family residential development on 9.54 acres of land. The proposed development will consist of a maximum of 80 dwelling units, each with a minimum lot size of 1,200 square feet; a reduced side yard setback requirement; and, frontage onto a street, shared access area, or common area. Primary access to the site will be via an access easement from Forest Lane with the residential lots being served by an internal street network constructed in the Woonerf style. The Woonerf-style street, or shared access area, will have a minimum width of 20 feet and will provide shared space between pedestrian users and automobile users. Lastly, the Woonerf style street will have no curb and gutter, which is anticipated to facilitate easier pedestrian access.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

BACKGROUND INFORMATION:

- The ±9.54-acre request site is currently undeveloped and possesses natural vegetation at its perimeter. An existing creek traverses the site from a northwest to southeast fashion.
- The applicant is proposing a new planned development district to facilitate a single family residential development consisting of a maximum of 80 dwelling units. The Dallas Development Code requires all lots to front upon a dedicated public or a private street, unless this requirement is waived by an ordinance establishing a planned development district in which adequate access is provided by access easement. This planned development district proposes primary access to the site via an access easement from Forest Lane and the LBJ Freeway. Each individual lot within the development will front upon either a dedicated public street, shared access drive, or a common area.
- The residential lots within the development will be served by an internal street network constructed in the Woonerf style. The Woonerf-style street, or shared access area, will have a minimum width of 20 feet and will provide shared space between pedestrian users and automobile users. It will have no curb and gutter, which is anticipated to facilitate easier pedestrian access. Bollards or other similar traffic barriers will be located in areas of the street to direct and control automobile traffic.
- The proposed PDD conditions limit the development to main uses currently permitted in the R-5(A) Single Family District, which will be compatible with development in the area. There is a townhome development located immediately north of the subject site and a multifamily development adjacent to the site to the east. Office, retail, and other neighborhood serving uses border the site to the south and west.

Zoning History:

1. **Z145-112:** On January 28, 2015, the City Council approved an application for a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District.
2. **Z134-306:** An application on the same site as the subject request for a Planned Development District for single family uses on property zoned an NO(A) Neighborhood Office District. This case was withdrawn by the applicant.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Thoroughfares/Streets:

Primary access to the site will be via an access easement from Forest Lane.

Thoroughfares/Street	Type	Existing ROW
Forest Lane	Principal Arterial	6 lanes divided, 120' R.O.W.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY, AND WALKABILITY

Policy 5.5.1 Promote pedestrian-friendly streetscapes.

The proposed development meets the vision of the *forwardDallas! Comprehensive Plan* by providing an additional housing opportunity adjacent to an established residential community. According to the Comprehensive Plan, "objective standards help establish a level playing field and take the guesswork out of the development process for both developers and neighbors." The proposed single family development will provide a streetscape that will accommodate pedestrian use and encourage walkability, thus making it a unique and desirable housing option within the community.

Surrounding Land Uses:

	Zoning	Land Use
Site	NO(A)	Undeveloped land
North	TH-2(A); A(A)	Townhomes; Undeveloped land
East	MF-1(A)	Multifamily
South	CR	Mini-warehouse
West	CR	Office

Land Use Compatibility:

The approximate 9.54-acre site is currently undeveloped and possesses natural vegetation at its perimeter. The applicant is proposing to develop the site with a single family residential development consisting of a maximum of 80 detached dwelling units. The site will be developed either as a shard access development or traditional single family subdivision. An existing creek traverses the site from a northwest to southeast fashion and is anticipated to be developed into a water feature that will serve the residential development.

The proposed 80-lot, single-family development will be compatible to the uses in the immediate adjacent area. Surrounding land uses consists of mixed density residential developments comprised of townhomes to the north and detached single family and multifamily developments to the west. Various office, retail, and lodging uses are developed on property to the south and west of the subject site. With the smaller lot sizes and immediate access to open space the proposed pedestrian-friendly residential development will promote a sense of intimacy and provide a unique and desirable housing option that does not yet exist in the area. The variety of neighborhood serving uses located within close proximity to the development will attract families to the area and enhance the community's overall appeal.

As depicted on the conceptual plan, the proposed development will have two primary access points from a 45-foot wide paved access easement that extends from Forest Lane, a major thoroughfare to the nearby LBJ Freeway. The residential lots within the development will be served by an internal street network constructed in the Woonerf style. The Woonerf-style street, or shared access area, will have a minimum width of 20 feet and will provide shared space between pedestrian users and automobile users. It will have no curb and gutter, which is anticipated to facilitate easier pedestrian access. Bollards or other similar traffic barriers will be located in areas of the street to direct and control automobile traffic.

The main uses permitted within this PDD will include single family detached homes and other uses consistent with the R-5(A) zoning district. The PDD is being requested to establish development standards that will promote a more dense and walkable

residential community. The PDD proposes maximum lot coverage of 80 percent, minimum lot sizes of 1,200 square feet, and a maximum height of 36 feet. While these development standards differ from what is allowed in the R-5(A) zoning district, which is the most dense single-family zoning district, they provide for a residential development that will be more consistent to the TH-2(A) townhouse development that is located immediately north of the subject site.

Development Standards:

District	Setbacks		Height	Lot Coverage	Lot Size	Primary Uses
	Front	Side/Rear				
R-5(A)Residential:	20'	5'	30'	45%	5,000 sq. ft.	Single Family Residential
TH-2(A) Townhouse	0'	0'	36'	60%	2,000 sq. ft.	Single Family Residential
PDD Residential:	0'	0'	36'	80%	1,200 sq. ft.	Single Family Residential

Parking:

The development will provide parking at a ratio of a minimum of 1.5 spaces per dwelling unit. According to the PDD conditions, parking spaces are not required to be on the same lot as the dwelling units in which they serve. While some of the units adjacent to the Woonerf-style street will have immediate access to garages that are incorporated into the actual dwelling structure, most of the dwelling units will be served by off-site parking spaces. These parking spaces will be open or covered with a maximum distance of 200 feet between the dwelling unit and the nearest available parking space. For shared access developments, parking spaces in a shared access area can be counted towards required parking. Required parking may be reduced by one space for every on-street space provided in the public right-of-way within the development.

The applicant has indicated that parking spaces that are located on lots that are not occupied by a dwelling unit will be owned by the Homeowners Association. Some of these parking spaces will be enclosed and rented to homeowners for a contractual fee amount. These remote parking garages will be constructed on an as-needed basis and will be the only parking spaces that will be rented to homeowners.

Landscaping:

Landscaping for any single family development will be provided in accordance with the shared access development, other than single family districts requirements, which are outlined in Article X. This will allow for flexibility in the placement of required landscaping throughout the development. The applicant has proposed three additional trees that are not currently included on the approved tree list and the City Arborist has cited no objection.

Environmental:

The site possesses significant natural vegetation which will require a tree survey to be provided prior to development of the site. Additionally, a creek traverses the area through this property in a northwest to southeast fashion. The applicant has indicated that future development plans may include improving the creek into a water feature that will serve the proposed residential development. Lastly, designated flood plain is found east of the site's eastern boundary.

Prior to the issuance of any building permits, the applicant will be required to plat the site. It should be noted that the ultimate configuration of lots and streets or shared access areas will be determined after staff's review of the plat with consideration of the environmental features present in the area.

CPC ACTION – December 1, 2016:

Motion: It was moved to recommend approval of a Planned Development District for single family uses, subject to a conceptual plan and conditions on property zoned an NO(A) Neighborhood Office District, north of Forest Lane, east of Abrams Road.

Maker: Housewright
Second: Schultz
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 139
Replies: For: 20 Against: 5

Speakers: For: Peter Kavanaugh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

Z156-272(SH)

List of Officers

Disk Development Shareholders:

Diane Cheatham

Proposed Conditions

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD _____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- _____.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at the northeast corner of LBJ Freeway and Forest Lane. The size of PD _____ is approximately 9.54 acres.

SEC. 51P- _____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions

Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) WOONERF means a street with no curb and gutter to accommodate pedestrian use and allow storm water to drain as a sheet flow across the street.

(b) Unless otherwise stated, all references to code articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC.51P-____.104. EXHIBITS.

The following exhibit is incorporated into this article: Exhibit ____A: conceptual plan.

SEC. 51P-____.105. CONCEPTUAL PLAN.

Development and use of Property must comply with the conceptual plan (Exhibit ____A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P- _____.106. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- _____.107. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this district; etc.

(b) The following uses are permitted by right:

- Private recreation center, club, or area, no greater than 2,500 square feet
- Parking garages that serve single family houses in this Planned Development District

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) The following accessory use is permitted by right:

- Accessory community center (private).

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) Front yard. No minimum front yard is required.
- (b) Side and rear yard. No side or rear yard is required
- (c) Density. Maximum number of dwelling units is 80.
- (d) Floor area ratio. No maximum floor area ratio.
- (e) Height. Maximum structure height is 36 feet.
- (f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations and surface parking lots are not.
- (g) Lot size. Minimum lot size is 1,200 square feet.
- (h) Stories. Maximum number of stories is three.

SEC. 51P- _____.110. DESIGN STANDARDS FOR STREETS.

- (a) Dwelling units must be accessed by a public street or a shared access area.
- (b) Minimum pavement width for a public street or shared access area is 20 feet.
- (c) Public streets and shared access areas must be built as Woonerfs. Bollards or other traffic barriers must be located in areas of the street to direct and control automobile traffic.

SEC. 51P- _____.111. OFF-STREET PARKING AND LOADING.

- (a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.
- (b) For single-family and handicapped group dwelling unit uses, a minimum of 1.5 spaces per dwelling unit are required.
- (c) Parking spaces are not required to be on the same lot as the dwelling unit.
- (d) Enclosed parking spaces must be on a platted lot.
- (e) Parking spaces in a shared access area count towards required parking.

(f) The maximum distance between a dwelling unit and the nearest available parking space is 200 feet.

(g) No setback from the right-of-way or shared access area is required for enclosed parking that can be entered directly from the right-of-way or shared access area if the enclosed parking space has an automatic door opening system that can be operated from a vehicle.

SEC. 51P-____.112. ON-STREET PARKING REDUCTION.

(a) Except as provided in this section, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(b) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(c) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 = \text{one-third}$). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

SEC. 51P- _____.113. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.114. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a shared access development, landscaping must be provided as if the shared access development is in a district other than a single family district.

(c) Landscaping may be completed in phases. Each phase must be indicated on a landscape plan submitted with the construction documents. All landscaping in a phase must be complete prior to final inspection of the last structure built in that phase.

(d) Additional approved replacement trees include the following:

- (1) Dawn Redwood (*Matasequoia glyptostroboides*)
- (2) Japanese Maple (*Acer palmatum*)
- (3) October Glory Maple (*Acer Rubrum*)

(e) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- _____.115. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) The only signs permitted are subdivision signs and directional signs.

SEC.51P- _____.116. SCREENING.

Screening is not required except that along the north side of the Property a solid screen must be composed of the garages and fencing as shown on the conceptual plan.

SEC. 51P- _____.117. ADDITIONAL PROVISIONS.

(a) The requirement that all lots front upon either a dedicated public street or a private street is waived.

(b) The site can be developed as a shared access development or a traditional residential subdivision. A shared access development is limited to a maximum of 80 lots.

(c) The Property must be properly maintained in a state of good repair and neat appearance.

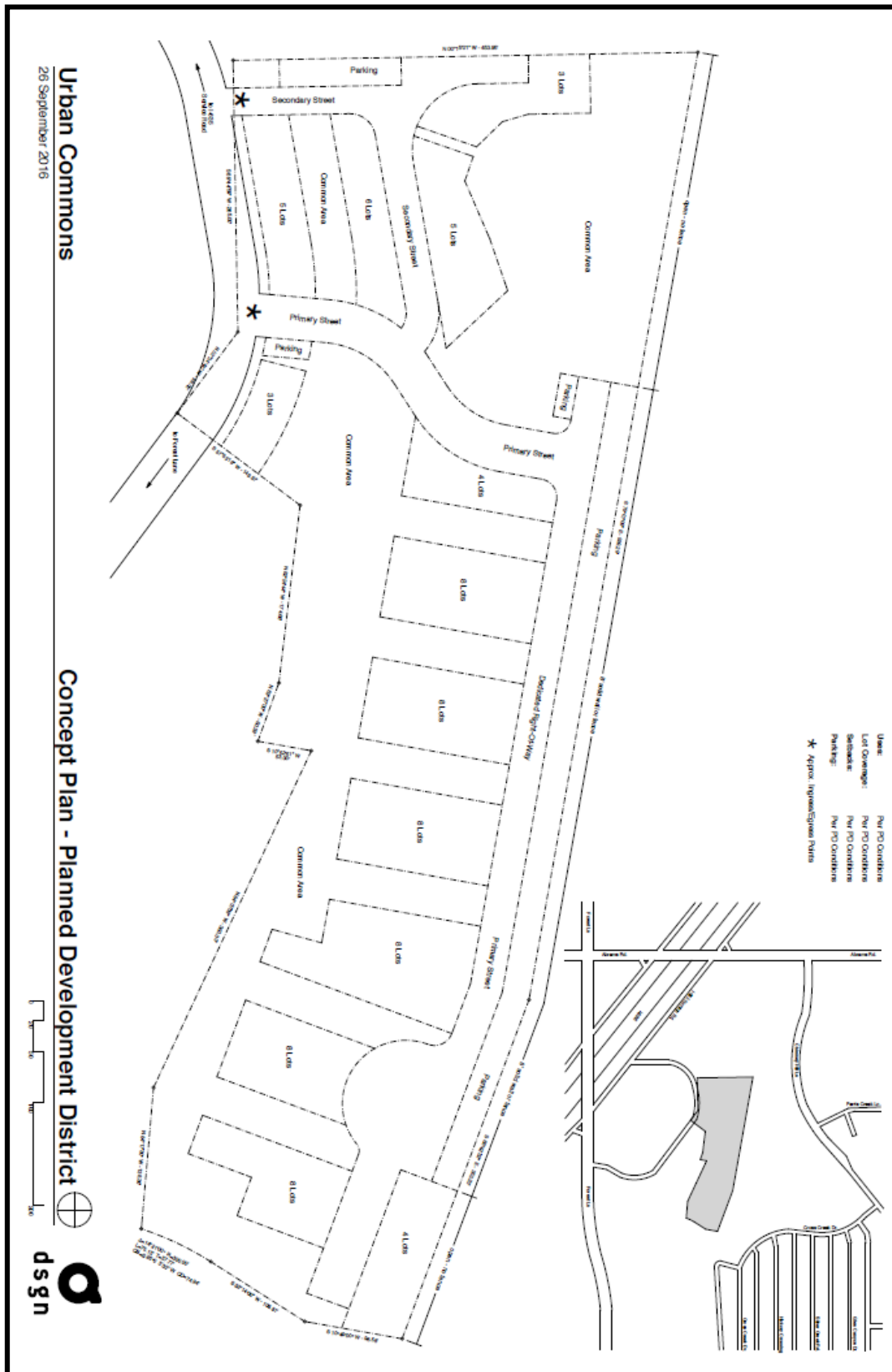
(d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.118. 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.

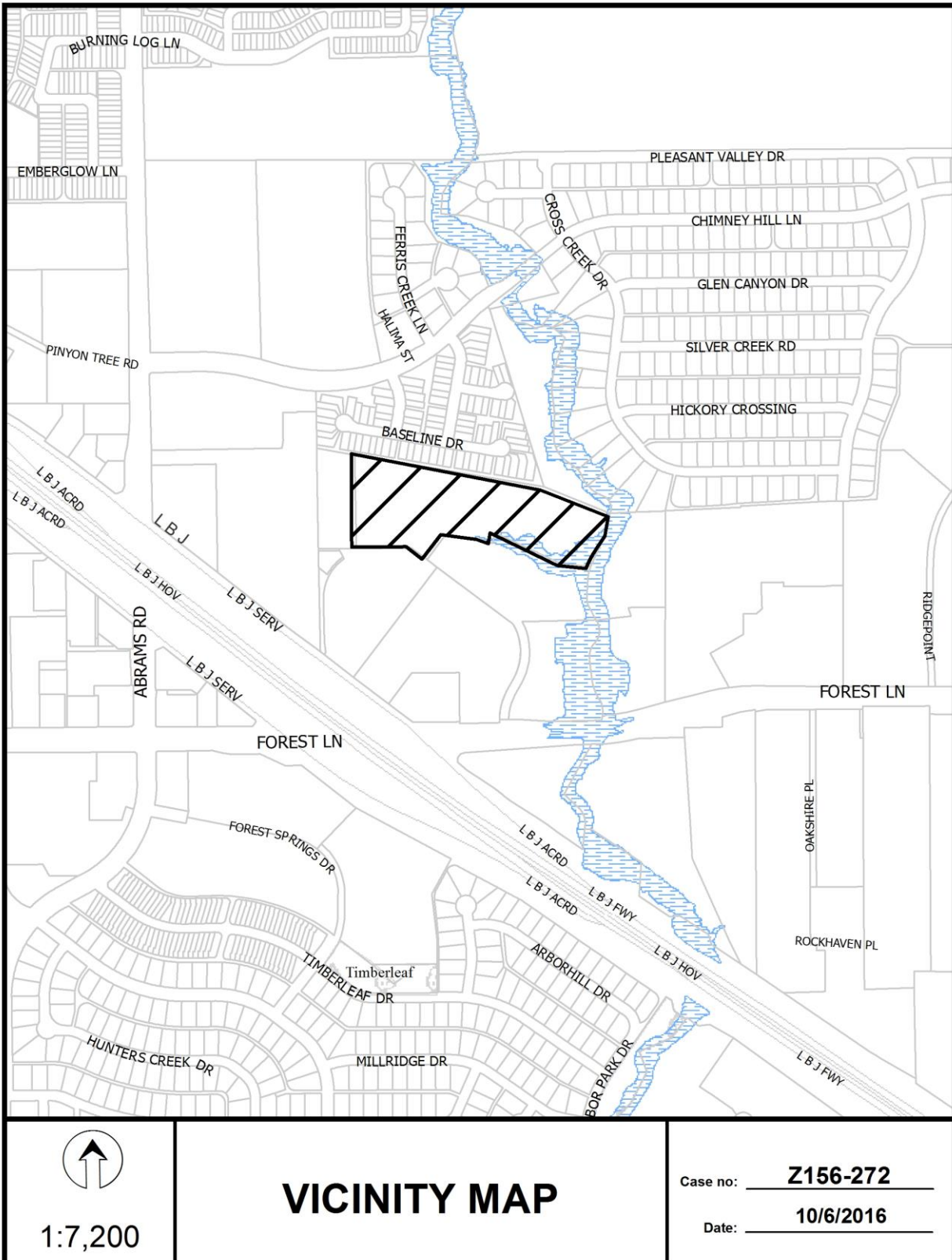
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

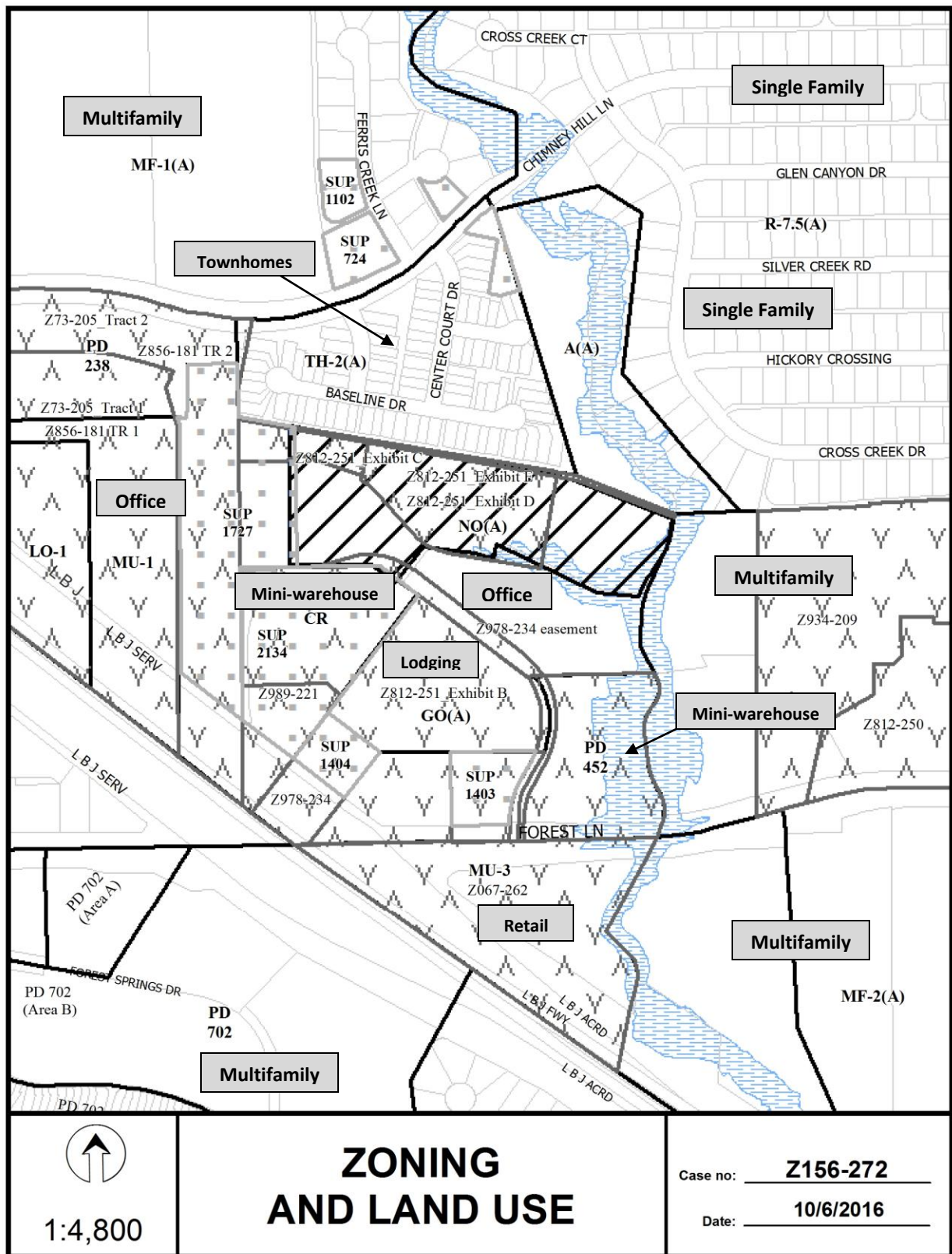
Proposed Conceptual Plan

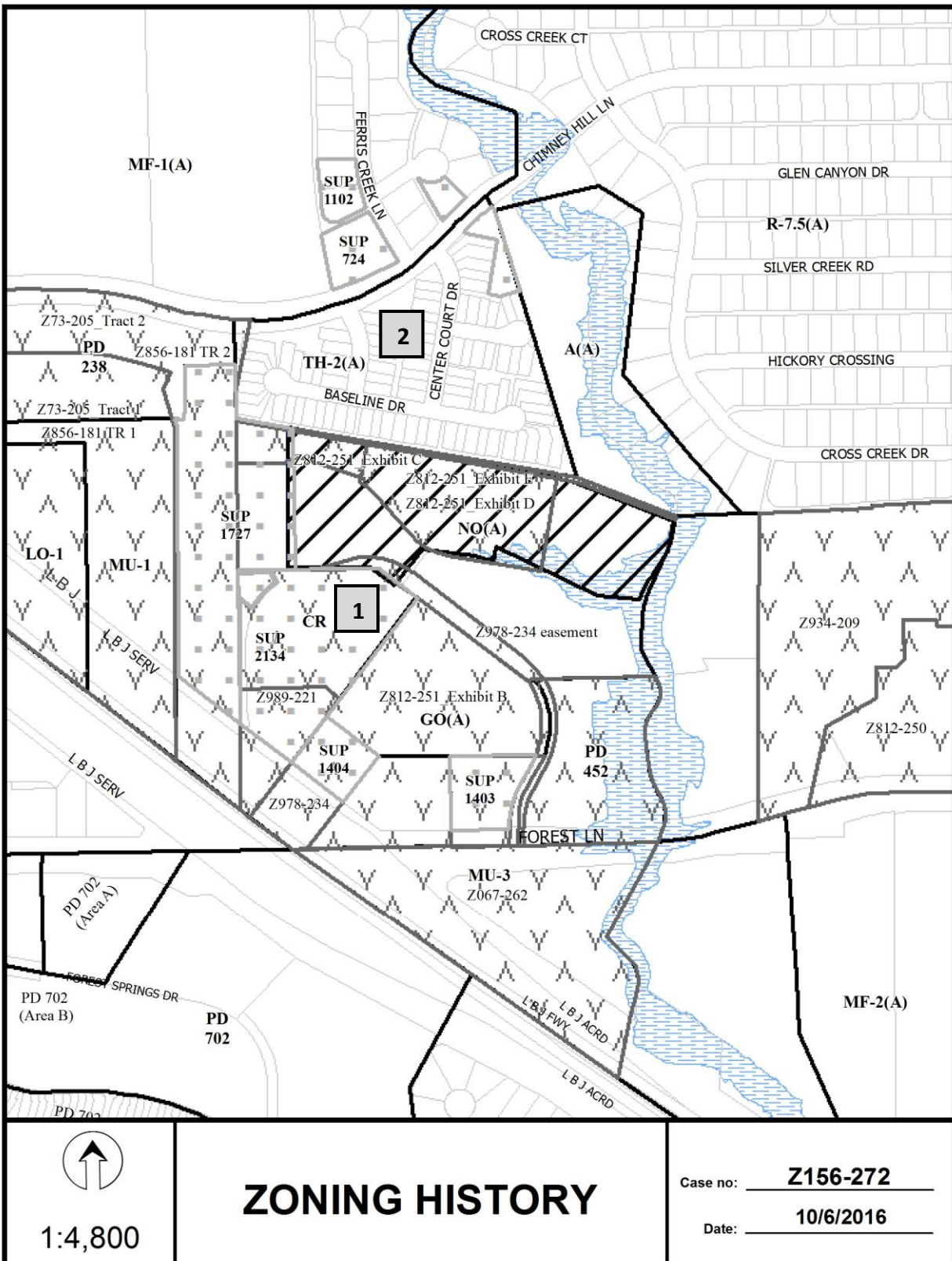


Diagrammatic Site Plan (for illustrative purposes only)

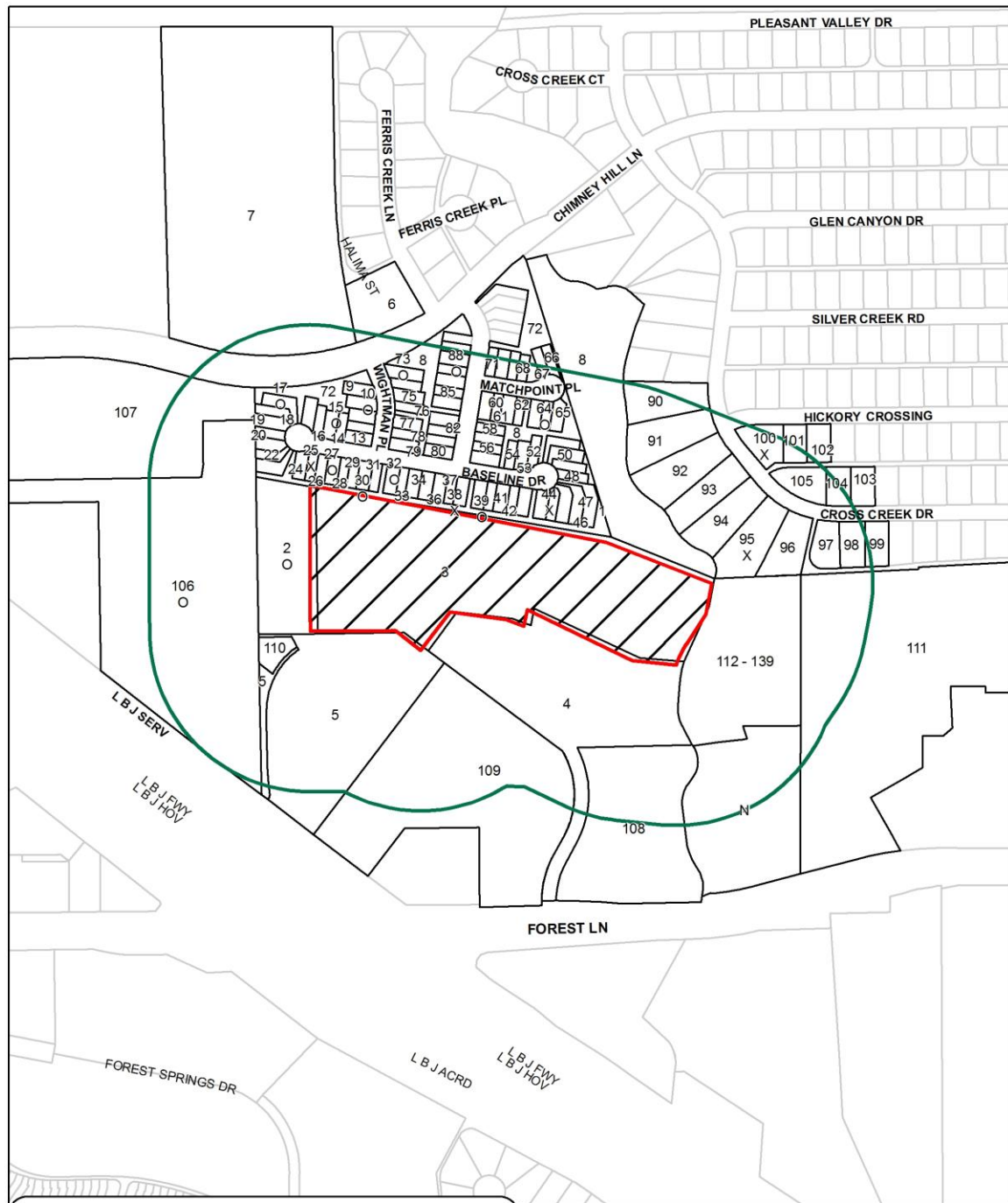








CPC Responses



<u>139</u>	Property Owners Notified (119 parcels)
<u>20</u>	Replies in Favor (20 parcels)
<u>5</u>	Replies in Opposition (5 parcels)
<u>500'</u>	Area of Notification
<u>12/1/2016</u>	Date

Z156-272
CPC



1:4,800

11/30/2016

Reply List of Property Owners***Z156-272******139 Property Owners Notified******20 Property Owners in Favor******5 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9999 BASELINE DR	CHIMNEY LN PATIO HOME
O	2	9441 LBJ FWY	SHAWNEE INC
	3	9400 LBJ FWY	DISK DEVELOPMENT LLC
	4	9535 FOREST LN	9535 FOREST LANE LLC
	5	9467 LBJ FWY	CRS FOREST LANE LLC
	6	9709 CHIMNEY HILL LN	ABSAR LLC
	7	9655 CHIMNEY HILL LN	LACKLAND FOREST LP
	8	9650 CHIMNEY HILL LN	CHIMNEY LN PATIO HOMES
	9	12219 WIGHTMAN PL	PRADO ALEX
O	10	12215 WIGHTMAN PL	EZZELL KATHLEEN S
O	11	12209 WIGHTMAN PL	BLAYLOCK MATTHEW A
	12	12205 WIGHTMAN PL	KEENE ANNE
	13	12201 WIGHTMAN PL	CURRAN NEIL THOMAS &
	14	9631 BASELINE DR	HAIR ELAINE &
O	15	9627 BASELINE DR	CLARK ANTHONY R & NORA S
	16	9623 BASELINE DR	SHOOK TONNI L
O	17	9611 BASELINE DR	JALA CAPITAL INVESTMENTS LLC
	18	9607 BASELINE DR	HOLT KENNETH A
	19	9603 BASELINE DR	SEYFU GEBRIEL
	20	9602 BASELINE DR	WIELER ROBERT & LESLIE
O	21	9606 BASELINE DR	MOELLER LAWRENCE B &
	22	9610 BASELINE DR	DAVIS RASHONDA P
O	23	9614 BASELINE DR	ALLEN KIMBERLY
	24	9622 BASELINE DR	LEE ALEX
X	25	9626 BASELINE DR	MORRIS YVONNE R
	26	9630 BASELINE DR	TAICHHOLZ LEONARD

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	9634 BASELINE DR	CURRAN NEIL & JO ANN
	28	9638 BASELINE DR	ROBERTSON CONSTANCE E
	29	9642 BASELINE DR	MORRIS DAVID &
O	30	9646 BASELINE DR	FREEMAN VAN A
	31	9650 BASELINE DR	CHILDS HAROLD K
O	32	9704 BASELINE DR	SLONECKER WILLIAM G TR &
	33	9708 BASELINE DR	PEGUES PHILLIP E JR
	34	9712 BASELINE DR	ODOHERTY ELAINE
O	35	9714 BASELINE DR	SMITH BETTIE H
	36	9718 BASELINE DR	BENNETT OLIVIA C &
	37	9722 BASELINE DR	YANDELL KORY R
X	38	9806 BASELINE DR	LISENBEE SHIRLEY A
O	39	9810 BASELINE DR	SLOCUM JAMES C
	40	9814 BASELINE DR	SPRINGFIELD VALERIE L
	41	9818 BASELINE DR	NEWTON STEPHEN & SHARON
	42	9822 BASELINE DR	FINE KAREN J
	43	9830 BASELINE DR	VITOSKY JOIE D
X	44	9834 BASELINE DR	WEISE TIMOTHY F
	45	9838 BASELINE DR	ELLIS LANA SUE
	46	9842 BASELINE DR	BISHOP RACHIEL STONE
	47	9846 BASELINE DR	SIKES JAMES D &
	48	9847 BASELINE DR	BARROW RUTH J
	49	9843 BASELINE DR	TRUE LYNNE MARIE
	50	9839 BASELINE DR	EVANS JIM F & DIANE M
O	51	9835 BASELINE DR	COLE JAMES P & GAIL C
	52	9827 BASELINE DR	KARACIC KSENIA
	53	9823 BASELINE DR	JENNIGES EVE JANE
	54	9819 BASELINE DR	ANDERSON ROSA
	55	12204 CENTER COURT DR	TRAN LAM TONY
	56	12208 CENTER COURT DR	CAMPBELL JANICE W
	57	12212 CENTER COURT DR	DIXON KIRK D

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	12216 CENTER COURT DR	JOINER PATRICE PLOCEK
O	59	9806 MATCHPOINT PL	HALL STEPHEN
	60	9808 MATCHPOINT PL	KUHN JULIA C
	61	9810 MATCHPOINT PL	MOOMAW MARTIN R
	62	9812 MATCHPOINT PL	BROWN PATSY
	63	9814 MATCHPOINT PL	LYONS CAITLYN
O	64	9816 MATCHPOINT PL	GLASER RICHARD E
	65	9818 MATCHPOINT PL	CANAFAX THOMAS D EST OF
	66	9821 MATCHPOINT PL	BROWN ELIZABETH
	67	9819 MATCHPOINT PL	WHITEHEAD CHRISTIAN A
	68	9815 MATCHPOINT PL	CREIGHTON ISLA B LIVING TRUST
	69	9809 MATCHPOINT PL	PADILLA RAMON JR
	70	9807 MATCHPOINT PL	RENFRO NIGEL MITCHELL & DANIELLE MORRISSA
	71	9805 MATCHPOINT PL	ANSTEAD CHLOE M & TIMOTHY
	72	9630 CHIMNEY HILL LN	CHIMNEY HILL LANE
O	73	12226 WIGHTMAN PL	BANKS CHELLE BOVIS
	74	12222 WIGHTMAN PL	ALCERRECA HILDA M
	75	12218 WIGHTMAN PL	SMITH ROBERTA L
	76	12214 WIGHTMAN PL	CARRILLO HIRAM & PATRICIA ESCOBAR
	77	12210 WIGHTMAN PL	KWONG AMT S & DAVID
	78	12206 WIGHTMAN PL	CHASSE JONATHAN
	79	12202 WIGHTMAN PL	FALY MAMADOU A
	80	12203 CENTER COURT DR	DORSEY BRENDA L
O	81	12207 CENTER COURT DR	MIRANDA MARIA A &
	82	12211 CENTER COURT DR	WIELER ROBERT H & LESLIE L
O	83	12215 CENTER COURT DR	STEVENS ELIZABETH
	84	12219 CENTER COURT DR	PURCELL NANCY B
	85	12223 CENTER COURT DR	ELLINGTON ROBERT W JR
	86	12227 CENTER COURT DR	FORBUS GREGORY D
	87	12231 CENTER COURT DR	HUGHES DANIEL T
O	88	12235 CENTER COURT DR	CHANDLER TRUDY JOYCE

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	12239 CENTER COURT DR	HUD
	90	12227 CROSS CREEK DR	HESTER BRETT EVAN
	91	12223 CROSS CREEK DR	NAKHODA ZAKIRHUSEIN &
	92	12219 CROSS CREEK DR	MOLINA JOEY C & JULIA A
	93	12215 CROSS CREEK DR	HAMILTON MARK D & SHERYL
	94	12211 CROSS CREEK DR	OEFINGER DAVID M & LILA F
X	95	12207 CROSS CREEK DR	MEANS DOUGLAS A &
	96	12203 CROSS CREEK DR	YOUNG JOE W &
	97	12137 CROSS CREEK DR	SMITH SHIRLEY H & WILLIAM TRAVIS
	98	12133 CROSS CREEK DR	CHANDLER J D
	99	12129 CROSS CREEK DR	BEAKLEY JOEL W & ERIN O
X	100	9902 HICKORY CROSSING ST	KINDER STEVEN W &
	101	9906 HICKORY CROSSING ST	KILE REX STEPHEN &
	102	9910 HICKORY CROSSING ST	METZGER KENT A & NANCY L
	103	12136 CROSS CREEK DR	MEDLIN JAMES MARSHALL &
	104	12140 CROSS CREEK DR	PAULMAN RONALD G &
	105	12204 CROSS CREEK DR	HARRISON DOUGLAS A &
O	106	9441 LBJ FWY	SHAWNEE INC
	107	12160 ABRAMS RD	AREA EY NCLBJ LLC
	108	9555 FOREST LN	SECURITY PORTFOLIO V LP
	109	9519 FOREST LN	BIGELOW ARIZONA TX 348 LP
	110	9400 LBJ FWY	SBA TOWERS III LLC
	111	9637 FOREST LN	INTERGERMAN CHIMNEY LP
	112	9601 FOREST LN	LYNAL LLC
	113	9601 FOREST LN	FLORES KRISTINA
	114	9601 FOREST LN	AZIZ MOHAMMED
	115	9601 FOREST LN	STURDEVANT SCOT A
	116	9601 FOREST LN	LYNAL LLC
	117	9601 FOREST LN	MCGRAW SHANNON BAILEY
	118	9601 FOREST LN	HIGHLAND PARK EXECUTIVE GROUP LLC
	119	9601 FOREST LN	TEXAS RIVERSIDE PROPERTIES LLC

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	9601	FOREST LN	MTA PARTNERS LLC
121	9601	FOREST LN	LYNAL LLC
122	9601	FOREST LN	BD PROPERTY GROUP 2 LLC
123	9601	FOREST LN	ABAZIE SAMUEL C
124	9601	FOREST LN	LYNAL LLC
125	9601	FOREST LN	SUMMER HEIDI FOO LLC
126	9601	FOREST LN	ABUHAZIRA MATAN
127	9601	FOREST LN	PANMANEE PATCHARAPORN
128	9601	FOREST LN	NA & LA MACKAY LLC
129	9601	FOREST LN	BWANA INVESTMENTS LLC
130	9601	FOREST LN	SUMMER HEIDI FOO LLC
131	9601	FOREST LN	MILLER JACQUELYN
132	9601	FOREST LN	ALL DONE LLC
133	9601	FOREST LN	SU YONG CHENG & LIANG MEIFANG
134	9601	FOREST LN	ORTIZ JUANA E
135	9601	FOREST LN	LHU ASSETS LLC
136	9601	FOREST LN	AYROM MEHADI D
137	9601	FOREST LN	MELQUIOND RICHARD WEST
138	9601	FOREST LN	FLUELLEN LEWIS C JR &
139	9601	FOREST LN	CASTRO HERIBERTO &

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 44 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property within the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of East Levee Street, between Manufacturing Street and Express Street

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

Z156-317(JM)

FILE NUMBER: Z156-317(JM)

DATE FILED: July 26, 2016

LOCATION: On the south line of East Levee Street, between Manufacturing Street and Express Street.

COUNCIL DISTRICT: 6

MAPSCO: 44-G

SIZE OF REQUEST: Approx. 5,004 sq. ft.

CENSUS TRACT: 100.00

APPLICANT: Freddie Trevino

OWNER: Wristen Trust, Cathy and Donald Wristen (Trustees)

REQUEST: An application for a Specific Use Permit for a tattoo studio on property within the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The applicant proposes to operate a tattoo studio in an existing 2,580 square foot structure. The applicant has provided hours of operation, between 10:00 a.m. and 8:00 p.m., Monday through Friday; and between 12:00 p.m. and 9:00 p.m. on Saturday, and provided a new site plan to show revised parking.

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 ±2,580 square foot building is currently vacant. This is a new SUP request.
- The applicant proposes to operate a tattoo studio, which is identified as a personal service use. This use requires an SUP in the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.
- Subdistrict 1A is for transit-oriented, mixed use, but retains the potential for limited industrial and warehouse uses (along with seven other subdistricts).
- The request site is primarily surrounded by commercial and business service and office/showroom warehouse uses to the north, east, and west. The south boundary is the levee to the Trinity River.

Zoning History: There is no recent zoning history.

Thoroughfares:

Thoroughfare/Street	Type	Existing ROW
Levee Street	Local	70'

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site as being within an *Urban Mixed Use* Building Block. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area.

The proposed SUP request for a tattoo studio will add to the mix of uses provided to

visitors and residents of the area. Currently, while the intent is for this area to be mixed-use, the existing land use along this street is largely office, showroom/warehouse. The addition of a new business-type will encourage overall redevelopment and investment in the area by attracting new visitors to the shops.

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 1.1.1 Implement the Trinity River Corridor Plan.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Plan: Additionally, the comprehensive plan was amended by the *Trinity River Corridor Comprehensive Land Use Plan* in 2005. The request area is located within the Trinity River Corridor. “The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River,”. A future land use plan for the corridor region provides preferred redevelopment scenarios. The site is located in a Mixed Use/Adaptive Reuse land use module. The proposed personal service use will provide a new service to the community not currently available in the area. Surrounding land use patterns are mostly office, showroom/warehouse uses. Creatively reusing the structure to provide a new service and attract new foot traffic to the neighborhood aligns with the intent of the Trinity Plan, Building Block, and PD No. 621 classification for mixed-use.

The Trinity Corridor also has district plans. The subject site is within the Downtown-Lakes District. This district is one of two districts that blend both sides of the Trinity River. It is the recognized core of the city of Dallas and includes the city’s founding site as well as major civic and cultural institutions located Downtown. Mixed Use – High Density; Mixed Use – Adaptive Reuse; Residential Urban and Residential Riverside modules are all included in the plans for this district. The result should be a variety of exciting new urban neighborhoods and business areas. The proposed redevelopment of a previous office/showroom warehouse use into personal service will complement the changing area.

Land Use Compatibility: The approximately 5,004 square foot site is currently vacant. The applicant proposes to operate a tattoo studio, which requires a specific use permit. This is a new SUP request for the site, as it previously operated as an office/showroom warehouse use.

	Zoning	Land Use
Site	PD 621, Subdistrict 1A	Vacant
North	PD 621, Subdistrict 1A	Office showroom/ warehouse
East	PD 621, Subdistrict 1A	Office showroom/ warehouse
South	A(A)	Levee; Trinity River Greenbelt
West	PD 621, Subdistrict 1A	Office showroom/ warehouse

The site is located in PD No. 621, which was adopted by the City Council on August 28, 2002. Prior to the creation of the district, the ±422 acre area was home to various commercial, business service, and industrial uses. PD No. 621 provides a commitment to design standards, enhanced open space, and a variety of mixed uses, all within close proximity to mass transit and components of the trail system.

The surrounding uses are greatly commercial and business service, and wholesale, distribution, and storage uses. As the area has shifted into mixed use, as allowed by the PD, new uses have entered the region, including retail and personal service uses. The proposed business supports that mix by providing a new personal service use and is helping to develop the character of the neighborhood. The applicant has offered hours of operation between 10:00 a.m. and 8:00 p.m., Monday through Friday; and between 12:00 p.m. and 9:00 p.m. on Saturday. These limited hours provide a protective measure for potential mixed uses including residential.

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 personal service use compatible with the surrounding commercial and business service, and wholesale, distribution, and storage uses. Adding a new use to the area will complement the direction of redevelopment as provided for in PD No. 621. Staff believes that the new service may enhance the district by adding new traffic and potential customers to the area. Limiting the hours of operation should help alleviate any potential negative impact. The short time period will allow the use to be re-evaluated as to the compatibility with the area.

Parking: Pursuant to PD No. 621, the off-street parking requirement for a tattoo studio use is one space per 275 square feet of floor area. However, a portion of the site will be utilized as an art gallery. Under PD No. 621, an art gallery use is required to provide one space per 600 square feet of floor area. Since each use will have a separate certificate of occupancy, each will provide parking per the PD.

Therefore, the 2,580 square foot unit requires two parking spaces for the 571 square feet of tattoo studio area (retail and personal service use), and three parking spaces for the 2,009 square feet of art gallery (retail and personal service use). PD No. 621 allows on-street parking to count towards required parking, but handicapped parking is not allowed on-street. Five spaces are provided on-street. One handicapped space is provided with sufficient maneuvering space on the east side of the structure. The applicant has provided sufficient parking as identified on the amended site plan provided.

Landscaping: The applicant does not propose new construction at this time; therefore, no landscaping is required.

CPC Action
November 10, 2016:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tattoo studio for a two-year period, subject to a site plan and conditions (as briefed) including limiting the tattoo studio use to a floor area of 571 sq. ft., on property within the Subdistrict 1A portion of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the south line of East Levee Street, between Manufacturing Street and Express Street.

Maker: Anantasomboon
Second: Davis
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

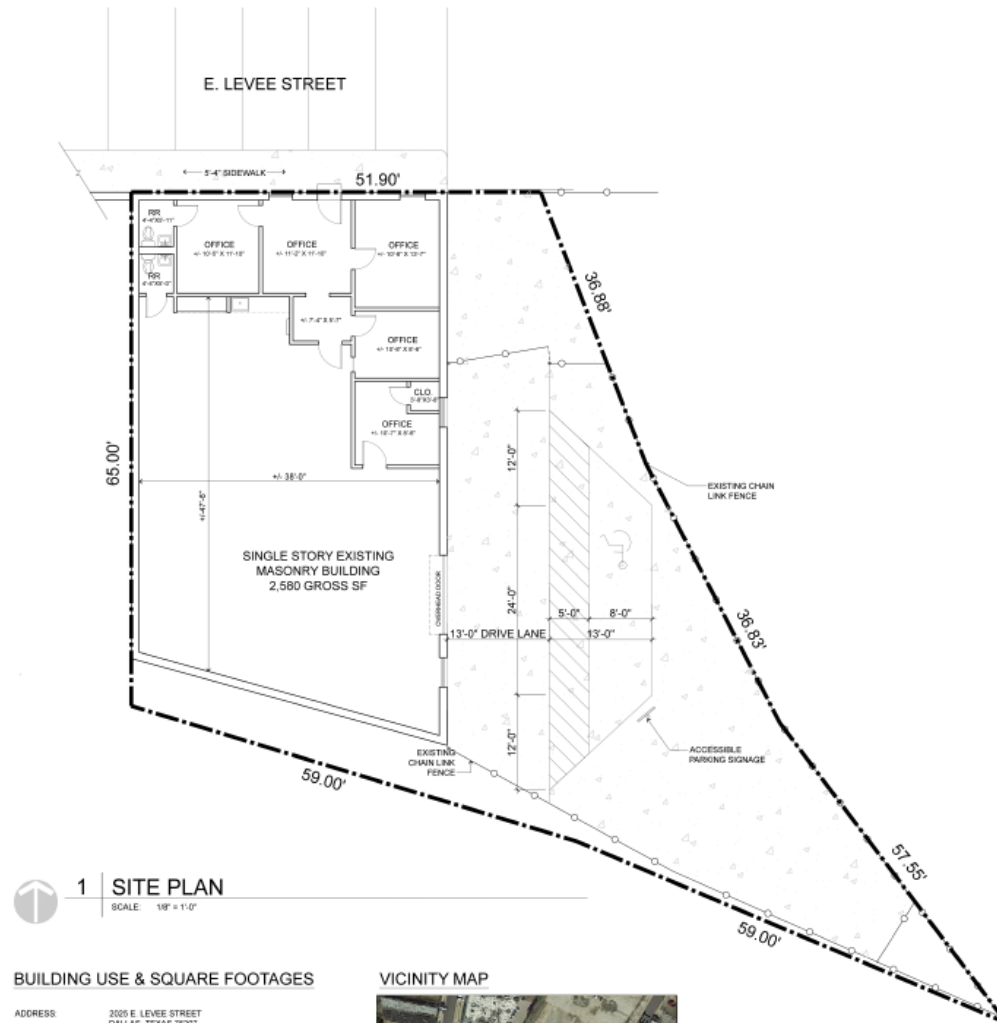
Notices: Area: 200 Mailed: 14
Replies: For: 0 Against: 5

Speakers: For: Freddie Trevino, 2025 E. Levee St., Dallas, TX, 75207
Mark Hall, 1322 Easton Rd, Dallas, TX, 75228
Secily Hall, 1322 Easton Rd, Dallas, TX, 75228
Linda Trevino, 329 Hemlock, Grand Prairie, TX
Against: Bob Darrouzet, 5445 Caruth Haven Ln., Dallas, TX, 75225

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a tattoo studio.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan. 2,580
3. TIME LIMIT: This specific use permit is expires on (two years).
4. FLOOR AREA: The maximum floor area for a tattoo studio is 571 square feet.
5. HOURS OF OPERATION: The tattoo studio use may only operate between 10:00 a.m. and 8:00 p.m., Monday through Friday; and between 12:00 p.m. and 9:00 p.m. on Saturday.
6. MAINTENANCE: The property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Site Plan



1 SITE PLAN

SCALE: 1/8" = 1'-0"

BUILDING USE & SQUARE FOOTAGES

ADDRESS: 2025 E. LEVEE STREET
DALLAS, TEXAS 75207

MAP600: 44-G

FLOOD ZONE: X PROTECTED BY LEVEE

ZONING: PD 621, SUBDISTRICT 1A

ZONING USE: PERSONAL SERVICE USE

BUILDING USE: TATTOO STUDIO - BY APPOINTMENT ONLY
THIRD EYE GALLERY

GROSS BUILDING SQUARE FOOTAGE: 2,580 SQUARE FEET

SQUARE FOOTAGE BY USE:
TATTOO STUDIO: 571 SQUARE FEET
ART GALLERY: 2,009 SQUARE FEET

VICINITY MAP



PARKING ANALYSIS

ANALYSIS:
PURSUANT TO §11P-621.110, PERSONAL SERVICE USE = 275 SF PER PARKING SPACE
PURSUANT PD NO. 621, ART GALLERY USE = 600 SF PER PARKING SPACE

REQUIRED PARKING: 571 SF / 275 SF = 2 SPACES
2,009 SF/600 = 3 SPACES
5 SPACES REQUIRED

PROVIDED PARKING: 5 SPACES

**THRASHER
WORKS**
architecture | design | graphic design
interior design | landscape architecture
428 W. Davis Street, Suite 200
Dallas, TX 75208

THIRD EYE GALLERY
2025 E. LEVEE STREET
DALLAS, TEXAS 75207

Issue date:
DATE OF ISSUE: 06.20.16
ZONING: 10.27.2016

zoning case no.:
Z156-317 (JM)

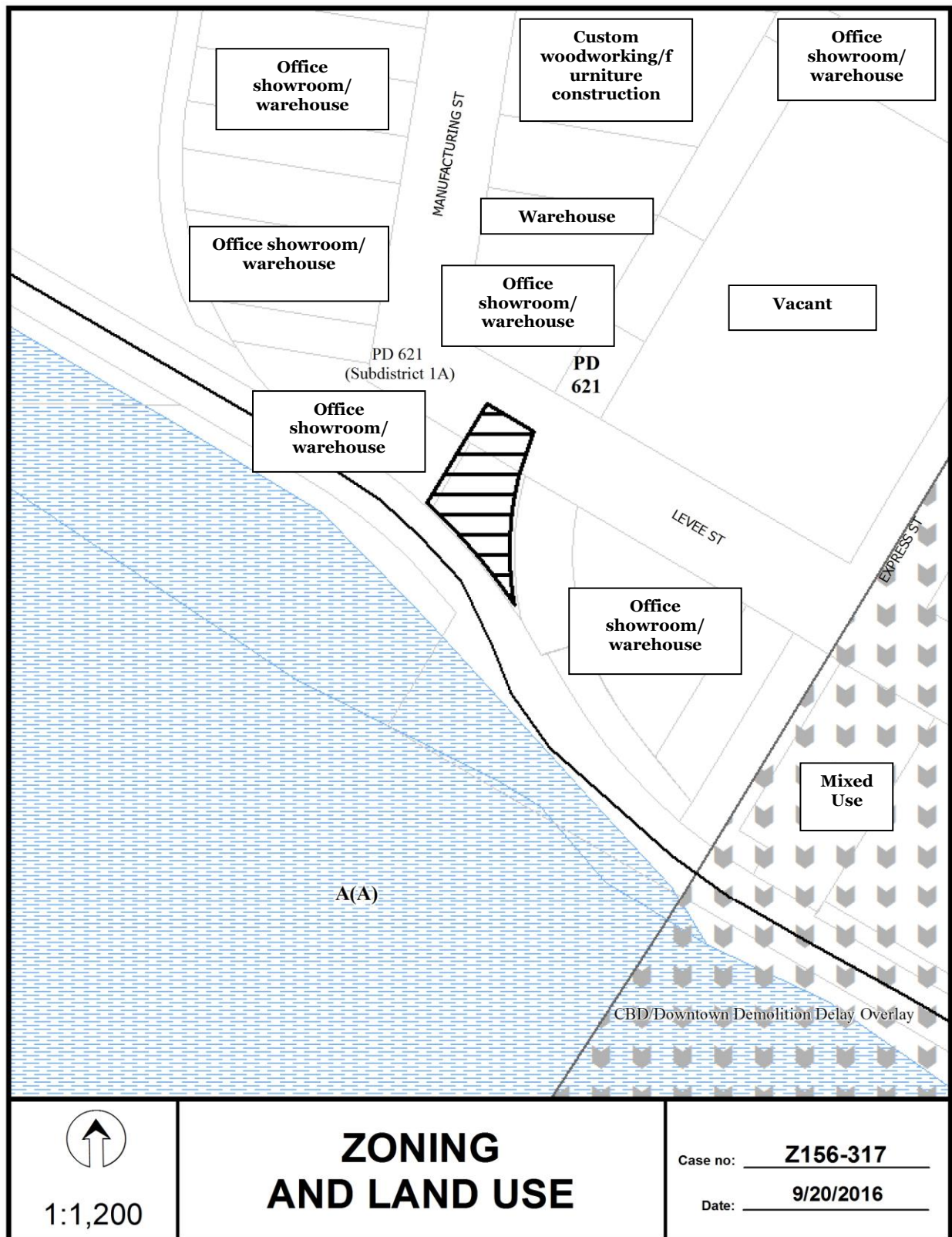


SITE PLAN

A1.0







CPC Responses



11/09/2016

Reply List of Property Owners***Z156-317******14 Property Owners Notified******0 Property Owners in Favor******5 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2025 LEVEE ST	WRISTEN DONALD F
X	2	2029 LEVEE ST	ARTE DE ARQUITECTURA DE
X	3	100 MANUFACTURING ST	GRG GROUP INC
	4	110 MANUFACTURING ST	JB JACKSON PROPERTIES LLC
	5	9025 MANUFACTURING ST	OUELLETTE JARRETT
	6	2001 LEVEE ST	DMPT HOLDINGS LLC
	7	115 MANUFACTURING ST	BURDINE C E
X	8	101 MANUFACTURING ST	IPENEMA INVESTMENTS LTF
	9	109 MANUFACTURING ST	CADDO RETAIL LTD
	10	107 MANUFACTURING ST	HAMILTON JACK &
X	11	111 MANUFACTURING ST	MADDOX WILLIAM P JR &
	12	2121 IRVING BLVD	WARREN BROTHERS CO
	13	2021 LEVEE ST	MADDOX WILLIAM P
X	14	2100 IRVING BLVD	MADDOX WILLIAM P JR &

AGENDA ITEM # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 49 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive
Recommendation of Staff and CPC: Approval
Z156-345(PD)

FILE NUMBER: Z156-345(PD)

DATE FILED: August 23, 2016

LOCATION: South corner of Sam Houston Road and Masters Drive

COUNCIL DISTRICT: 7

MAPSCO: 49U

SIZE OF REQUEST: ±1.294ac

CENSUS TRACT: 121.00

OWNER:

Phinias Pfuridzo

APPLICANT/REPRESENTATIVE:

Dr. Don Any, ADI Engineering Inc.

REQUEST:

An application for an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District.

SUMMARY:

The applicant proposes to develop the property with a single story, 16 dwelling unit convalescent, and nursing homes, hospice care, and related institutions use. The zoning change will allow all uses within the MF-1(A) district.

CPC RECOMMENDATION:

Approval

STAFF RECOMMENDATION:

Approval

BACKGROUND INFORMATION:

- The site is approximately ± 56,382 square feet.
- The site is heavily wooded and has never been developed.
- The applicant proposes to construct a 16-unit convalescent, and nursing homes, hospice care, and related institutions use.
- Building permits for an assisted living facility were applied for in June 2016 however permits were denied based on zoning prohibiting the use.
- Allowed in the MF-1 District, the convalescent, and nursing homes, hospice care, and related institutions use is subject to Residential Adjacency Review.

Zoning History: There have been no recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Sam Houston Road	Minor Arterial	100 feet of ROW
Masters Drive	Minor Arterial	100 feet ROW

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the zoning change will not have a detrimental impact on the surrounding street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The site meets the following goals and objectives of the comprehensive plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

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.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

Surrounding Land Uses:

	Zoning	Land Use
Site	NS(A)	Undeveloped
Northwest	TH-3(A) with deed restrictions	Single Family
Northeast	City of Mesquite	Single Family, Vacant
South	CR-D-1	Undeveloped
Southwest	MF-2(A) and R-7.5(A)	Multifamily, Vacant & Undeveloped
Southeast	CS-D-1	Warehouse, Storage

STAFF ANALYSIS:

Land Use Compatibility:

The request site is approximately 56,382 square feet of land that has never been developed. The current zoning of the property is NS(A) Neighborhood Service District. The applicant's request for an MF-1(A) Multifamily District will allow for the development of a convalescent and nursing homes, hospice care, and related institutions use on the property.

The request site is adjacent to high density single family uses to the northwest; vacant, undeveloped and multifamily uses to the southwest; warehouse and storage uses to the southeast; and retail and undeveloped uses to the south. To the northeast is a vacant tract and single family uses that lie within the city limit boundary of Mesquite. The multifamily zoning district will not only be consistent with the overall land use pattern of dense land uses but will also serve as a buffer separating the residential land uses to the northwest, community retail district to the south and commercial service district to the southeast.

The development potential is also limited because the property is directly adjacent to residential uses which subjects the institutional and community service use to Residential Adjacency Review. Residential Adjacency Review will limit the height of the structure, location of parking, and necessitate increased screening. Therefore the integration of the multifamily zoning district will not only complement the adjacent residential land use-types but will not serve to debase or change the already established residential landscape. Therefore staff strongly believes that a variety of different land uses can coexist under the same umbrella while maintaining the character of the neighborhood. Thus, staff recommends approval of the MF-1(A) Multifamily District.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
NS(A) Neighborhood service	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	40%	Proximity Slope from SF, TH & MF	Retail & personal service, office
Proposed							
MF-1(A) Multifamily	15'	10'	Min lot 3,000 sq. ft. 1,000 sq ft – E 1,400 sq. ft – 1 BR 1,800 sq ft – 2 BR +200 sq ft each add BR	36'	25%	Proximity Slope from SF, TH	Multifamily, duplex, single family

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

City Plan Commission Action:
November 17, 2016:

Motion: It was moved to recommend **approval** of an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive.

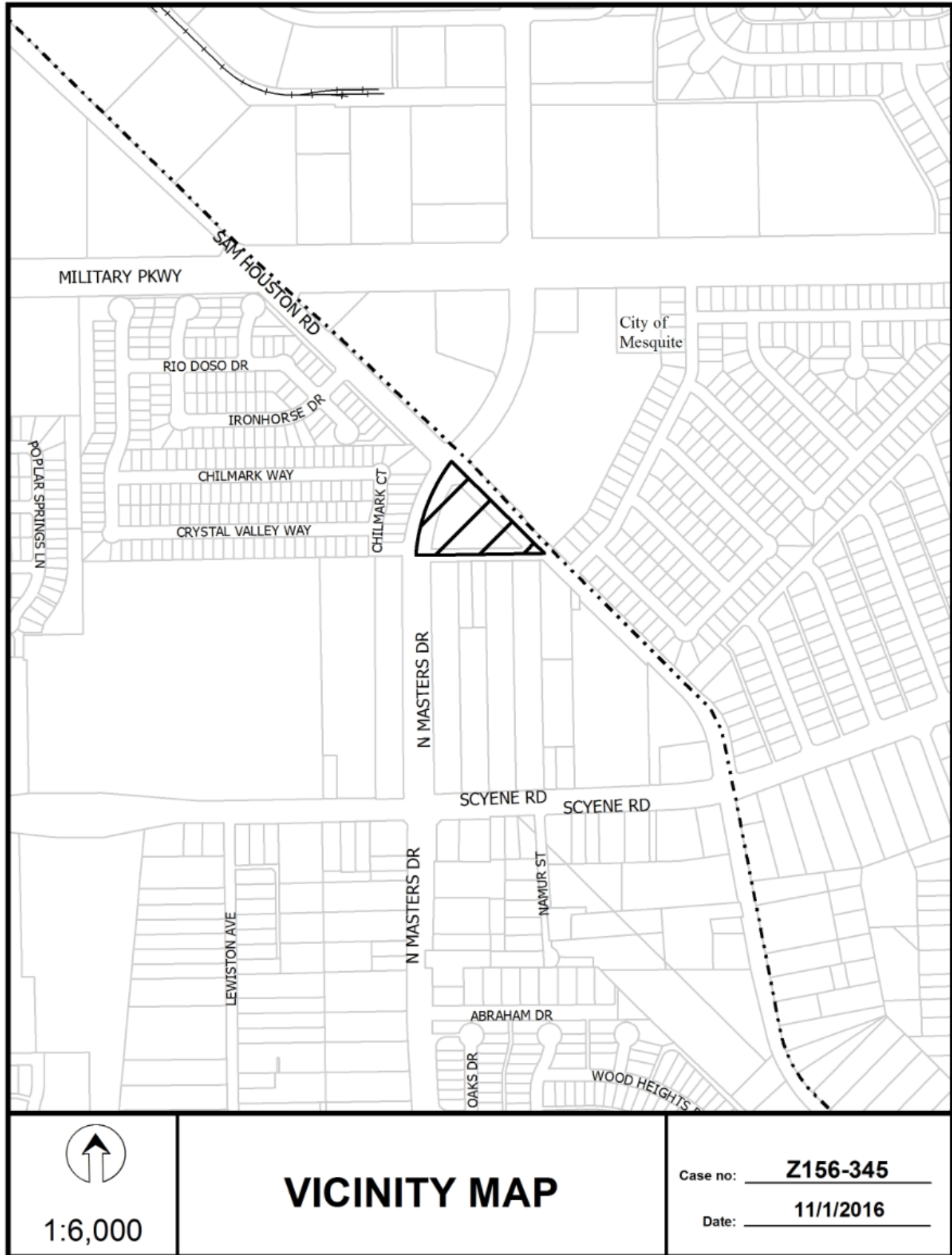
Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

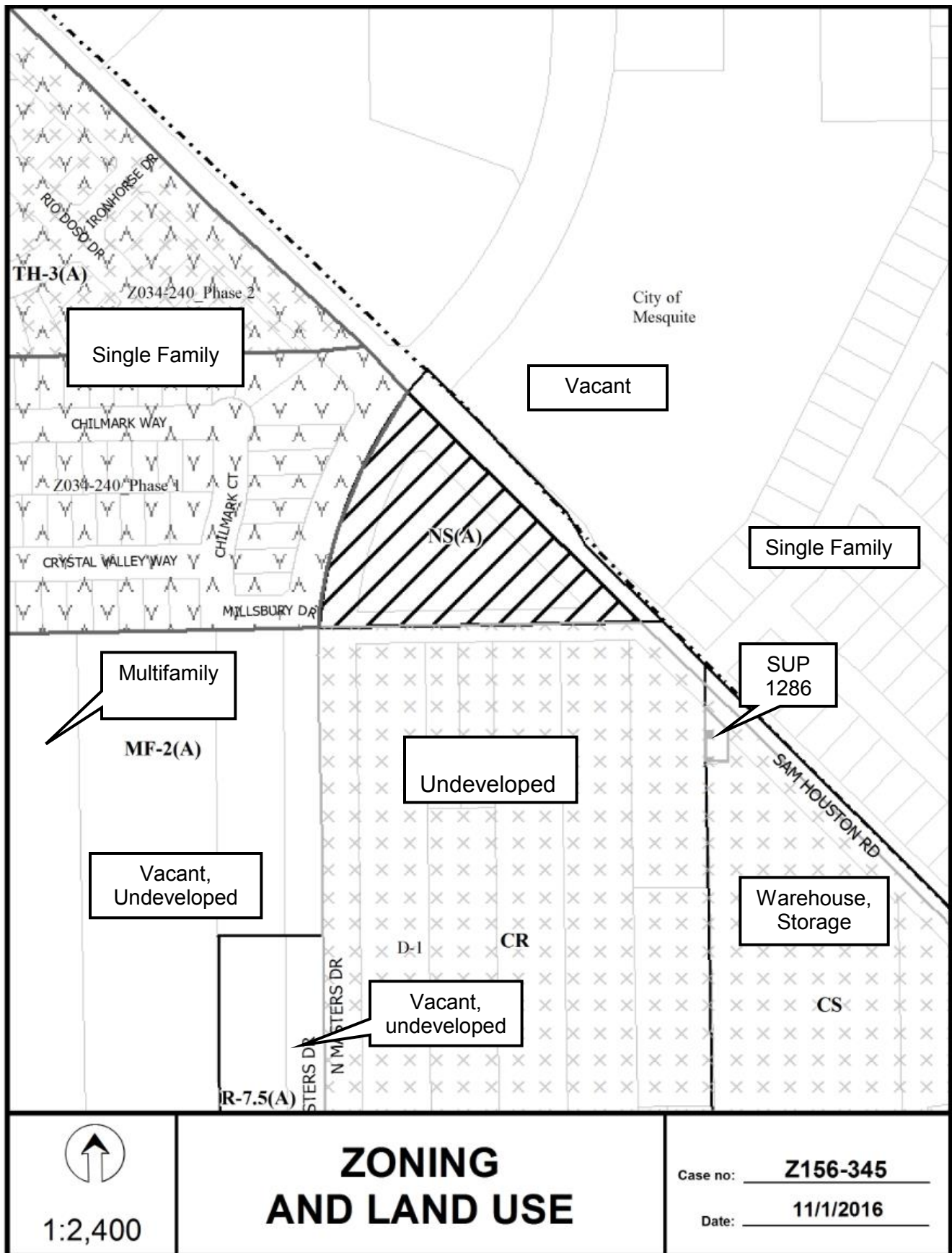
Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices:	Area: 300	Mailed: 42
Replies:	For: 0	Against: 2

Speakers: None







CPC RESPONSES



11/16/2016

Reply List of Property Owners***Z156-345******42 Property Owners Notified******0 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3401 SAM HOUSTON RD	PFURIDZO PHINIAS &
	2	10121 SCYENE RD	UNITED HOLINESS
	3	10209 SCYENE RD	POOLE ANNE FRANCES
	4	10210 MILLSBURY DR	MOTLEY SAM H
	5	10221 SCYENE RD	PAYMA KHAJEHNOORI FAMILY TRUST THE
	6	3207 SAM HOUSTON RD	GARCIA JUAN CARLOS & ALMA ROCIO
	7	10317 SCYENE RD	MILLWEE STEPHEN M
	8	9948 CRYSTAL VALLEY WY	GARCIA FRANCISCO & VIRGINIA SILVA
	9	9950 CRYSTAL VALLEY WY	JOYA THELMA
	10	9952 CRYSTAL VALLEY WY	SHEPHERD PLACE HOMES INC
	11	1 IRONHORSE DR	PARKWAY VILLAGE HOMEOWNERS
X	12	9953 CHILMARK WY	JONES VICKIE
	13	9955 CHILMARK WY	WEBB LATONYA &
	14	9957 CHILMARK WY	REYNOLDS GARRETT
	15	3528 CHILMARK CT	MOLINA ROBERT III &
X	16	3524 CHILMARK CT	NATIONAL FUNDING SERIES 1 LLC
	17	3520 CHILMARK CT	BRAZLE VAUGHN
	18	3516 CHILMARK CT	OLLOQUI JUAN
	19	3512 CHILMARK CT	PROX OSCAR
	20	3508 CHILMARK CT	NAVARRO HECTOR
	21	3504 CHILMARK CT	MACES ARTURO MARTINEZ &
	22	9991 RIO DOSO DR	IDAYI CHIEDU
	23	9948 CHILMARK WY	MSR I ASSETS CO LLC
	24	9950 CHILMARK WY	TZENG REALTY LLC
	25	9952 CHILMARK WY	ANDERSON DWAYNE
	26	9953 CRYSTAL VALLEY WY	PARRA RAMON &

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9951	CRYSTAL VALLEY WY	RODAS PATRICIA & JOSE
28	9949	CRYSTAL VALLEY WY	REYNA RUBY
29	10215	SCYENE RD	FARAN DENTAL ASSOCIATES
30	10331	SCYENE RD	SCYENE STORAGE LP
31	305	STONERIDGE DR	SUTTLES VICKI
32	309	STONERIDGE DR	MALVEAUX KASHONA
33	313	STONERIDGE DR	RODRIGUEZ DANIEL GARCIA
34	317	STONERIDGE DR	EDWARDS UDUAK
35	321	STONERIDGE DR	JORDAN WILLIAM &
36	2937	MEADOWLARK DR	MURILLO LAURA
37	2933	MEADOWLARK DR	TINOCO MICHELE
38	2929	MEADOWLARK DR	GAHA FAMILY NO 10 LLC
39	2928	MEADOWLARK DR	PALUMBO BRITTANY N &
40	2932	MEADOWLARK DR	MENSAH MICHAEL K &
41	3000	S TOWN EAST BLVD	BOWIE WILLIAM H ET AL
42	3200	MILITARY PKWY	BOWIE WM H ET AL

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 69 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive

Recommendation of Staff and CPC: Approval with retention of the D-1 Liquor Control Overlay

Z156-347(LE)

FILE NUMBER: Z156-347(LE)

DATE FILED: August 24, 2016

LOCATION: Northwest corner of Haymarket Road and Oakwood Drive

COUNCIL DISTRICT: 8

MAPSCO: 69-M

SIZE OF REQUEST: ±.78 acres

CENSUS TRACT: 116.02

APPLICANT/OWNER: Pedro F. Alvarez

REQUEST: An application for an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions

SUMMARY: The applicant proposes to develop the property with a single family residence. The zoning change will allow all uses within the R-7.5(A) District. The property is currently undeveloped.

CPC RECOMMENDATION: **Approval** with retention of the D-1 Liquor Control Overlay.

STAFF RECOMMENDATION: **Approval** with retention of the D-1 Liquor Control Overlay.

BACKGROUND INFORMATION:

- The site is approximately ± .78 acres in size and is currently undeveloped.
- The request is to rezone the property to allow for a single family residence.
- There are deed restrictions on the property that limit the use of the property to 'garden shop, plant sales, or green house use and all uses permitted in a R-7.5(A) zoning district.'
- A garden shop, plant sales, or green house use is not permitted in the R-7.5(A) District. Deed restrictions cannot permit a use that is prohibited by zoning.

Zoning History: There have been no recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	R.O.W.
Oakwood Drive	Minor Arterial	60'
Haymarket Road	Minor Arterial	60'

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.

Land Use:

	Zoning	Land Use
Site	CR-D-1 w/ deed restrictions	Undeveloped
North	R-7.5(A)	Single Family
South	R-7.5(A)	Single Family & Undeveloped
East	A(A)	Undeveloped
West	CR-D-1 w/ deed restrictions	Single Family & Retail

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. However, there are no specific goals and policies in the forwardDallas! Comprehensive Plan that either supports or discourages the proposed development. Staff supports the zoning change based on land use compatibility.

STAFF ANALYSIS:

Land Use Compatibility:

The request site encompasses approximately 33,977 square feet of undeveloped land. The existing zoning of the property is CR-D-1 Community Retail with a D-1 Liquor Control Overlay. There are also deed restrictions on the property that limit the allowed uses to: garden shop, plant sales, or green house use and all uses permitted in a R-7.5(A) District. The applicant is requesting the zoning change in order to build a single family residence on the property.

The property is surrounded by single family and undeveloped uses to the south; undeveloped uses to the east; single family use to the north; and single family and retail uses to the west. The deed restrictions will remain on the property, but garden shop, plant sales, or green house uses will not be allowed as the uses are not allowed in the R-7.5(A) District.

Staff has reviewed the applicant's request and supports the request for an R-7.5(A) District. The proposed zoning district and use of the property will be compatible with the surrounding zoning and development in the area.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR-Community retail with deed restrictions	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	garden shop, plant sales, or green house use and all uses permitted in a R-7.5(A)
Proposed							
R-7.5(A) Single Family* (*Deed Restrictions will remain on the property, but garden shop, plant sales, or green house uses will not be allowed)	25'	Side 5'/ Rear 10'	1 Dwelling Unit/7,500 sq. ft.	30'	45%		Single Family

CPC Action
November 10, 2016:

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District with retention of the D-1 Liquor Control Overlay on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay with deed restrictions on the northwest corner of Haymarket Road and Oakwood Drive.

Maker: Haney
Second: Peadon
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

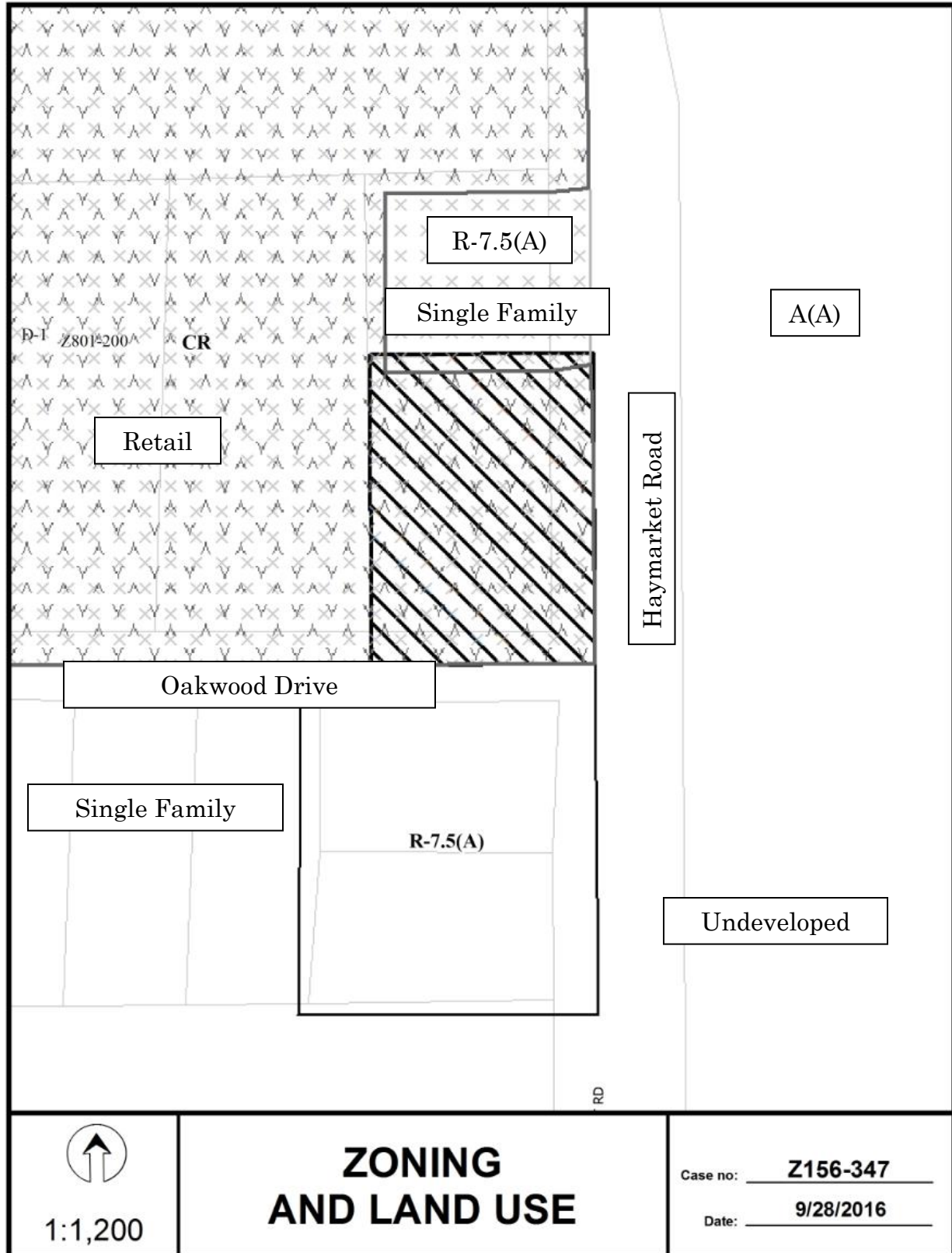
Notices:	Area: 200	Mailed: 8
Replies:	For: 0	Against: 0

Speakers: None

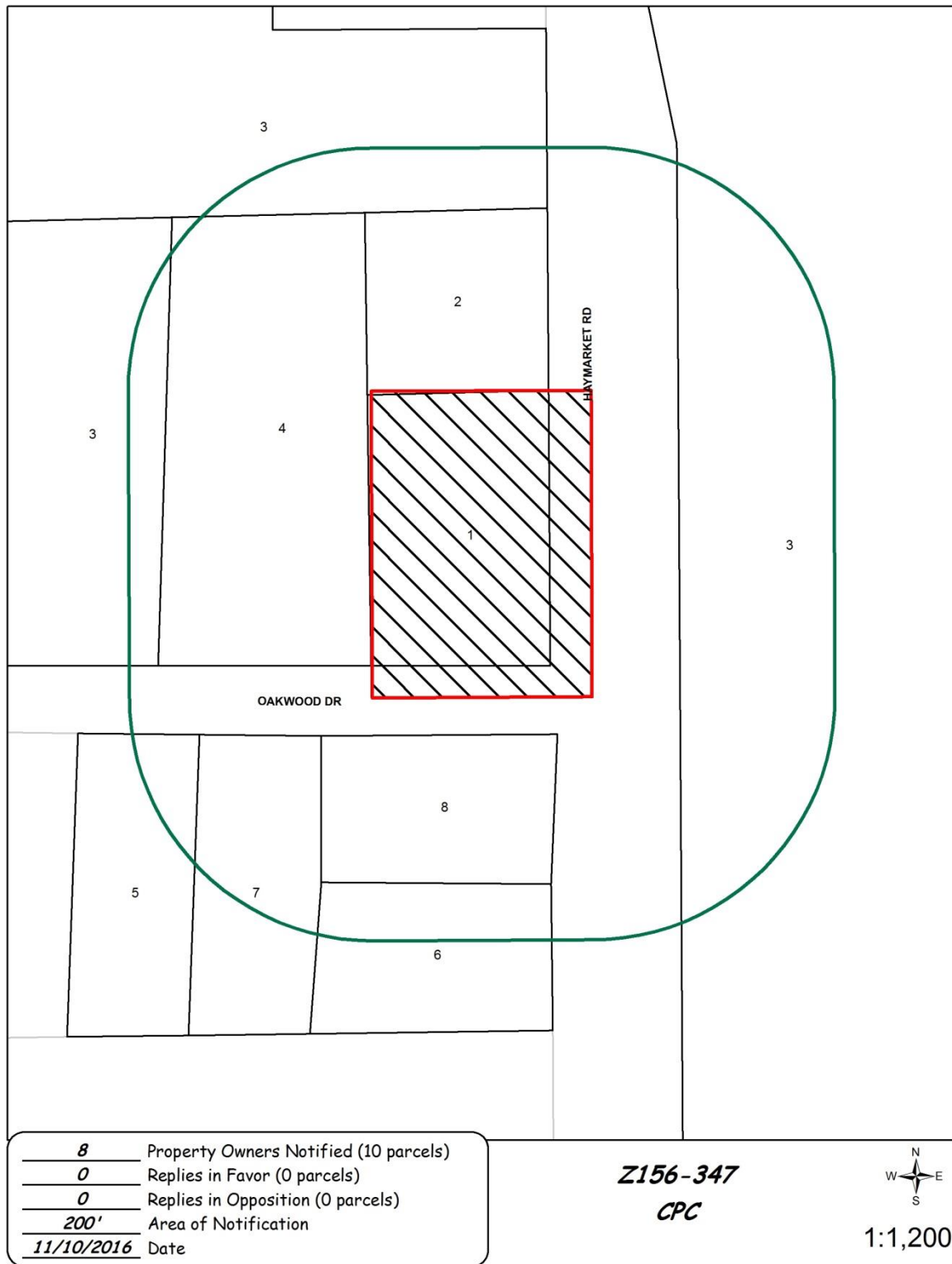
Z156-347(LE)







CPC Responses



09/23/2016

11/09/2016

Reply List of Property Owners

Z156-347

8 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10540	OAKWOOD DR	ALVAREZ PEDRO FERNANDO
2	1699	HAYMARKET RD	SOSA JOSE HUGO & KAREN
3	1651	HAYMARKET RD	RUIBAL FARMS LP
4	10531	OAKWOOD DR	BAKER GERALD A
5	10526	OAKWOOD DR	ESPINO GONZALO
6	1723	HAYMARKET RD	SWEET BILLIE JEANE
7	10530	OAKWOOD DR	MEDINA ARACELI &
8	9999	OAKWOOD DR	GUTIERREZ ADEL

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 45 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for Subdistrict 3A uses and an alcoholic beverage manufacturing use on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District; southeast of Cadiz Street, between South Austin Street and South Lamar Street

Recommendation of Staff and CPC: Approval, subject to conditions

Z156-353(SH)

FILE NUMBER: Z156-353(SH)

DATE FILED: August 29, 2016

LOCATION: Southeast of Cadiz Street, between South Austin Street and South Lamar Street.

COUNCIL DISTRICT: 2

MAPSCO: 45-T

SIZE OF REQUEST: Approx. 0.93 acres

CENSUS TRACT: 0204.00

OWNER: Design and Production, Inc.

APPLICANT: TOD Dallas Acquisition, LLC

REPRESENTATIVE: William S. Dahlstrom

REQUEST: An application for a new subdistrict for Subdistrict 3A uses and an alcoholic beverage manufacturing use on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District.

SUMMARY: The purpose of this request is to allow for the adaptive reuse of a portion of the existing industrial building on the subject site for a distillery [Treaty Oak Distilling Company]. The conditions propose to limit the size of the area devoted to manufacturing, blending, fermentation, processing, and packaging of alcoholic beverages to no more than 10,000 square feet. The proposed use will include accessory retail and food sales, as well as a tasting room and tours. The remainder of the structure will continue to be occupied by the existing office showroom/warehouse use.

CPC RECOMMENDATION: Approval, subject to conditions

STAFF RECOMMENDATION: Approval, subject to conditions

BACKGROUND INFORMATION:

- The request site is currently improved with an industrial building that is occupied with an office showroom/warehouse use.
- The applicant proposes to utilize a portion of the existing building for a distillery; however, an alcoholic beverage manufacturing use is currently not a permitted use within Subdistrict 3A of PDD No. 317. The applicant's proposed conditions will limit the floor area devoted to manufacturing, blending, fermentation, processing, and packaging of alcoholic beverages to no more than 10,000 square feet.
- The proposed use will include accessory retail and food sales, as well as a tasting room and tours. The remainder of the structure will continue to be occupied by the existing office showroom/warehouse use

Zoning History: There has been one zoning case in the area over the past five years.

1. **Z145-342** On November 10, 2015, the City Council approved a Demolition Delay Overlay District in the greater Downtown area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Austin Street	Local Street	60 feet
South Lamar Street	Principal Arterial	80 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed redevelopment will have no significant impact on the surrounding street system.

Surrounding Land Uses:

	Zoning within PDD No. 317	Land Use
Site	(Subdistrict 3A)	Office Showroom/Warehouse
Northeast	(Subdistrict 3A)	Undeveloped Land
Southeast	(Subdistrict 3A)	Restaurant (Gilley's Music Hall)
Southwest	(Subdistrict 3A)	Surface Parking Lot
Northwest	(Subdistrict 3A)	Theater (Alamo Drafthouse Cinema)

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 1.1.5 Use Vision Building Blocks as a general guide for desired development patterns.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The Plan classifies the area as an Urban Mixed Use Building Block. Urban mixed-use areas provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. By creating an appealing streetscape, the proposed development will allow people on foot or bike to enjoy an interesting storefront at ground level, which is aligned with the attributes of an urban mixed use area. They are also typically characterized by having large parking areas and other auto-oriented land uses located at the edges, which is consistent with the character of the proposed development. The proposed distillery will include accessory retail and food sales, as well as a tasting room and tours, which are all complementary to the variety of the uses in the immediate area. The proposed use promotes walkability in the area as well as encourages a combination of transportation nodes due to its close proximity to the Cedars DART station.

STAFF ANALYSIS:

Land Use Compatibility:

The subject site is currently improved with an industrial building, occupied with an office showroom/warehouse use. The property to the southeast is occupied by a restaurant and a theater is located immediately northwest of the subject site. The property to the northeast across South Lamar Street is undeveloped, with community service and multifamily uses located beyond the vacant parcel. The properties to the southwest contain an undeveloped tract of land, a parking lot, and railroad tracks.

Per the PDD, the purpose of Subdistrict 3A is to:

Encourage high-density residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light rail stations; and to encourage development that supports day and night-time activity, use of mass transit, increased pedestrian and bicycle use, and more efficient use of parking spaces.

The applicant proposes to utilize a portion of the existing building for a distillery; however, an alcoholic beverage manufacturing use is currently not a permitted use within Subdistrict 3A of PDD No. 317. The applicant's proposed conditions will limit the floor area devoted to manufacturing, blending, fermentation, processing, and packaging of alcoholic beverages to no more than 10,000 square feet. The applicant has indicated that retail and food sales, as well as a tasting room and tours will be additional uses that will occupy the remainder of their lease space. The remainder of the structure will continue to be occupied by the existing office showroom/warehouse use.

In order to promote a more walkable, pedestrian-friendly development, the applicant is proposing enhanced pedestrian amenities along the South Lamar Street and South Austin Street frontages. The site is in close proximity to the Cedars DART Station, and in combination with the adjacent land uses, the proposed development will support day and night-time pedestrian activity.

Landscaping:

Landscaping will be in accordance with the landscaping requirements in PDD No. 317.

Parking:

The minimum required parking for the proposed use is consistent with Chapter 51A requirements and the PDD conditions further specify that the food preparation area will be parked at the same ratio of retail sales and seating. The proposed parking is as follows:

Use	Required off-street parking
Alcoholic beverage manufacturing	One space per 600 sq. ft. of floor area
Storage	One space per 1,000 sq. ft. of floor area
Retail sales and seating <i>(PD includes food preparation areas)</i>	One space per 100 sq. ft. of floor area

Per Chapter 51A regulations, special parking may not account for more than 50 percent of the off-street parking required for any use. However, the PDD proposes that there be no limitation on the percentage of required parking spaces that can be provided by remote parking or other special parking. In addition, the PDD also proposes a 40 percent parking reduction, and increases the allowable walking distance for remote parking from 300 feet to 1,300 feet.

In order to take advantage of these incentives, the applicant is proposing to provide a variety of enhanced pedestrian amenities. Enhanced pedestrian amenities refer to a higher standard of improvements aimed at increasing the attractiveness of the street for pedestrians. The PD conditions provide for the following amenities:

- a) Planter boxes will be installed and maintained along the Lamar Street curb having a minimum width of 12 inches and a minimum soil depth of 14 inches and planted with evergreen and seasonal plantings. The length of the adjacent street frontage occupied by the planter boxes will be between 40 and 50 percent. Planter boxes will be constructed of fiberglass, concrete or metal and not exceed 24 inches in height;
- b) Screening meeting the requirements of Section 51A-4.602 will be provided for the length of the loading dock area along S. Austin Street, except for visibility triangles;
- c) Windows will be provided within the S. Austin Street façade;
- d) The sidewalk along Austin Street to the northwest of the property will be extended along the Austin Street side of the property, and a pedestrian scaled light fixture will be installed adjacent to the sidewalk, if permitted by the director of public works; and
- e) Trash receptacles will be provided along the Lamar Street and Austin Street sidewalk areas.

These amenities will improve the Lamar Street and Austin Street frontages and encourage pedestrian activity thus allowing for a more walkable development. In addition to these site enhancements which promote walkability, staff supports the proposed parking reduction and increased walking distance to remote parking because the lot is already fully developed at 100 percent lot coverage, adjacent surface parking lots are in close proximity to the site, and the DART station is within walking distance. Furthermore, the proposed use will allow for the reuse of an older industrial building, which is consistent with the spirit and intent of this proposed subdistrict within PDD No. 317.

CPC ACTION – November 17, 2016:

Motion: It was moved to recommend **approval** of a new subdistrict for Subdistrict 3A uses and an alcoholic beverage manufacturing use, subject to conditions on property zoned Subdistrict 3A within Planned Development District No. 317, the Cedars Area Special Purpose District, southeast of Cadiz Street, between South Austin Street and South Lamar Street.

Maker: Rieves
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis*, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 15
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
Against: None

Applicant Partners/Principals/Officers

President:

Adam Williams

PROPOSED PDD CONDITIONS

Note: Due to the size of the PD, only the portions of the conditions pertinent to this request are included in this report.

SEC. 51P-317.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless the context clearly indicates otherwise, in this article:
- (1) AREA means one of the areas referred to in Section 51 P-317.105 of this article.
 - (2) DIR means development impact review pursuant to Division 51A-4.800.
 - (2.1) ENHANCED PEDESTRIAN AMENITIES means improvements located in the enhanced pedestrian amenities area that are designed to encourage pedestrian traffic, and that meet all of the standards set forth in Section 51P-317.112.1(c).
 - (2.2) ENHANCED PEDESTRIAN AMENITIES AREA means an area used by pedestrians adjacent to a street, and that meets all of the standards set forth in Section 51P-317.112.1 (c).
 - (3) LARGE TREE means a tree of a species which normally reaches a height of 30 feet or more upon maturity.
 - (3.1) LEGACY BUILDING means a building constructed on or before January 1, 1960.
 - (4) OWNER means the owner or owners, from time to time, of property in this district.
 - (5) PARAGRAPH means the first division of a subsection. Paragraphs are designated by arabic numerals in parentheses, e.g. "(1)."
 - (6) PARKWAY means that portion of the street right-of-way located between the street curb and the front lot line.
 - (7) PROJECTED STREET CURB means the future location of the street curb consistent with the city's thoroughfare plan, as determined by the director of public works and transportation.
 - (8) RAR means residential adjacency review pursuant to Division 51A-4.800.
 - (8.1) RECYCLABLE MATERIALS means clothing, aluminum cans, steel cans, glass, paper, plastics, and household and industrial metals.
 - (9) SECTION means a section of this article.
 - (10) SUBPARAGRAPH means the first division of a paragraph. Subparagraphs are designated by capital letters in parentheses, e.g. "(A)."

(11) SUBSECTION means the first division of a section. Subsections are designated by lower case letters in parentheses, e.g. “(a).”

(12) SUP means specific use permit.

(13) THIS DISTRICT means the entire planned development district created by Ordinance No. 20395, as amended.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In the event of a conflict, this article controls.

(c) Unless otherwise stated, all references to code divisions or sections in this article refer to divisions or sections in Chapter 51A.

(d) The provisions of Section 51A-4.702, “Planned Development (PD) District Regulations,” relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) Section 51A-2.101, “Interpretations,” applies to this article.

(f) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only.

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. (RAR means residential adjacency review. For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(g) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800:

(1) this district and each subdistrict within this district except Subdistrict 1 is considered to be a “nonresidential zoning district”; and

(2) Subdistrict 1 is considered to be a residential district. (Ord. Nos. 20395; 24826; 24872; 25160; 29197)

SEC. 51P-317.105. CREATION OF SEPARATE SUBDISTRICTS.

This district is divided into 40 11 subdistricts: 1, 2, 2A, 2B, 3, 3A, , 3C, 4, 4A, 5, and 6. The boundaries of all subdistricts are verbally described in Exhibit 317A. A map showing the boundaries of the subdistricts is labeled Exhibit 3178. If there is a conflict, the verbal descriptions in Exhibit 317A control over the graphic description in Exhibit 3178. (Ord. Nos. 24503; 24826; 24872; 25160; 27194; 27402; 29197)

SEC. 51P-317.111. USE REGULATIONS AND DEVELOPMENT STANDARDS.

The following use regulations and development standards apply in the various subdistricts and are summarized in the chart attached as Exhibit 317D. In the event of a conflict, the text in this section controls over the graphic representations and text in Exhibit 317D.

(d) Subdistrict 3A and 3C (Transit-oriented High Density Mixed Use).

(1) Purpose. To encourage high-density residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light rail stations; and to encourage development that supports day and night-time activity, use of mass transit, increased pedestrian and bicycle use, and more efficient use of parking spaces.

(2) Main uses permitted.

(A) Agricultural uses.

None permitted.

(B) Commercial and business service uses.

- Building repair and maintenance shop.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing.
- Machinery, heavy equipment, or truck sales and services.
- Medical or scientific laboratory.
- Technical school.

(C) Industrial uses.

- Alcoholic beverage manufacturing. [Permitted in only in a legacy building in Subdistrict 3C. The floor area devoted to manufacturing, blending, fermentation, processing, and packaging of alcoholic beverages must not exceed 10,000 square feet, and any spent grains stored outside are in sealed containers. Food service and meeting and event space are permitted with this use.]
- Art or craft production facility.
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes and related institutions.
- Convent or monastery.
- Foster home.
- Hospital.
- Library, art gallery, or museum.
- Public or private school.

(E) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(F) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(G) Office uses.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(H) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground, or golf course.

(I) Residential uses.

- Duplex.
- Handicapped group dwelling.
- Multifamily.
- Single family.

(J) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Auto service center.
- Bar, lounge, or tavern.
- Business school.
- Commercial amusement (inside).
- Commercial parking lot or garage.

- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store more than 3,500 square feet.
- Household equipment and appliance repair.
- Liquor store.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater.

(K) Transportation uses.

- Heliport.
- Helistop. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(L) Utility and public service uses.

- Commercial radio or TV transmitting station.
- Electrical substation. *[SUP]*
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Tower/antenna for cellular communication. *[SUP. See Section 51A-4.212(10.1).]*
- Utility or government installation other than listed.

(M) Wholesale, distribution, and storage uses.

- Mini-warehouse.
- Office showroom/warehouse.
- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
- Warehouse.

(3) Accessory uses. As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this subdistrict:

- Accessory outside sales.
- Accessory pathological waste incinerator.
- Day home.
- General waste incinerator.
- Private stable.

only: (B) In this subdistrict, the following accessory use is permitted by SUP

- Pedestrian skybridges.

accessory use: (C) In this subdistrict, an SUP may be required for the following

- Accessory medical waste/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this paragraph must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this paragraph and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard. No minimum front yard.

(B) Side and rear yard.

(i) Except as provided in this paragraph, n[No] side or rear yard is required; however, if a side or rear yard is provided, it must be a minimum of 10 feet.

(ii) For a legacy building in Subdistrict 3C, if a side yard is provided, it may be less than three feet.

(C) Dwelling unit density. No maximum dwelling unit density.

(D) Floor area ratio. Maximum floor area ratio is:

(i) 4.5 for a structure with at least 50 percent of its total floor area devoted to residential uses and 50 percent or more of the ground floor area is restricted to retail and personal services uses; and

(ii) 4.0 for all other structures.

(E) Height. Maximum structure height is:

(i) 270 feet for a structure where at least 50 percent of its total floor area devoted to residential uses and 50 percent or more of the ground floor area is restricted to retail and personal services uses; and

(ii) 90 feet for all other structures.

(F) Lot coverage.

(i) A lot ~~[in this subdistrict]~~ with frontage on Lamar Street or Bellview Street is permitted 100 percent lot coverage if the owner of the lot provides and maintains enhanced pedestrian amenities in the enhanced pedestrian amenities area for that lot. See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(ii) Maximum lot coverage is 80 percent in all other cases.

(iii) 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. No maximum number of stories.

(5) Off-street parking and loading.

(A) In general. Except as provided in this article, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(B) Tandem parking. For single family, duplex, and multifamily uses, tandem parking is permitted.

(C) Multifamily. One off-street parking space per bedroom per dwelling unit is required; not less than one space or more than two spaces are required for each dwelling unit.

(D) Alcoholic beverage manufacturing in Subdistrict 3C. Off-street parking for food service preparation and seating areas must be provided at a ratio of one space per 100 square feet of floor area.

(E) On-street parking credit. Required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 = \text{one-third}$). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

(F[E]) Pedestrian amenities parking reduction.

(i) Parking for uses on a lot that are located within 1,500 feet of a Dallas Area Rapid Transit (DART) light rail station may be reduced by 40 percent if enhanced pedestrian amenities are provided.

(ii) To qualify,

(aa) the enhanced pedestrian amenities must be located within the pedestrian amenities area on the lot or on the parkway abutting the lot receiving the reduction, and

(bb) the enhanced sidewalk must provide the shortest walking pathway to the DART light rail station.

(iii) See Section 51P-317.112.1(c) for enhanced pedestrian amenities regulations.

(G[F]) Remote parking.

(i) Remote parking may be located within a maximum walking distance of 1,300 feet from the use served by the remote parking if there are enhanced pedestrian amenities in the enhanced pedestrian amenities area connecting the lot to the remote parking lot. See Section 51P-317.112.1(c) regarding enhanced pedestrian amenities.

(ii) For a legacy building in Subdistrict 3C, there is no limitation on the percentage of required parking spaces that can be provided by remote parking or other special parking.

(H) Loading docks. For a legacy building in Subdistrict 3C, uses may share loading docks.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations.

(A) In general. This subdistrict is exempt from compliance with Article X of Chapter 51A, except that Article X requirements for street trees, site trees, parking lot trees, parking lot screening, garbage storage screening, and off-street loading screening, apply in this subdistrict, as modified in this paragraph.

(B) Street trees. The city arborist recommends the list of trees set forth in the street tree subparagraph of the landscaping regulations for Subdistrict 1 as being most suitable for planting in this subdistrict, and the city strongly encourages the use of these trees as street trees. It is the responsibility of the property owner to apply for and obtain a

parkway landscape permit before locating street trees in the parkway. For more information regarding the parkway landscape permit requirement, consult Section 51 P-317.112 of this article.

(C) Parking lot trees. A parking lot may not contain more than 60,000 square feet of paved area uninterrupted by a row or cluster of trees.

(D) Site trees.

(i) No site trees are required in this subdistrict for a lot with frontage on Lamar Street or Bellview Street if the lot has 100 percent lot coverage and the owner of the lot provides and maintains enhanced pedestrian amenities (see Section 51 P-317.112.1(c)) along the frontage of the lot.

(ii) Alternate methods of compliance. In all other cases, the site tree requirements of Division 51A-10.125, "Mandatory Provisions," of Article X apply with the following additional provisions. If a property owner in this subdistrict cannot plant all of the required site trees on the lot, the property owner may comply with one of the following two requirements for up to a maximum of 50 percent of the required site trees:

(aa) Plant the trees in the parkway along the frontage of the lot, in addition to required street trees, with the written permission of the building official.

(bb) Make a payment into the Cedars Open Space Fund.

(iii) Cedars open space fund. The department of development services shall administer a city account to be known as the Cedars Open Space Fund. Funds from the Cedars Open Space Fund must be used only for acquiring park and open-space property, and for the purchase, planting, and maintenance of landscaping on public property in Subdistrict 3A. The amount of the payment required for each site tree not planted is calculated by using the formula for appraising the value of a two-inch tree, as derived from the most recent edition of the Guide for Establishing Values of Trees and Other Plants published by the Council of Tree & Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(E) Nonpermeable coverage.

(i) A lot in this area with frontage on Lamar Street or Bellview Street may have a maximum of 100 percent non permeable coverage if the owner of the lot provides and maintains enhanced pedestrian amenities along the frontage of the lot. See Section 51P-317.112.1(c) regarding enhanced pedestrian amenities.

(ii) Maximum nonpermeable coverage of a lot is 90 percent in all other cases.

(8) Additional provisions.

Minimum sidewalk width.

(A) All lots with frontage on Lamar Street or Bellview Street must have a sidewalk along the Lamar Street or Bellview Street frontage with a minimum unobstructed width of seven and one-half feet.

(B) All other lots must have a sidewalk along the street frontage with a minimum unobstructed width of six feet.

SEC. 51P-317.112.1. PEDESTRIAN AMENITIES IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owners, to the tenants ("property owner") of all parkway property in Subdistrict 1, 2, 3, 3A, 3C and 4 (the "premises") for the exclusive purpose of authorizing compliance with the enhanced pedestrian amenities provisions of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway amenities permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any enhanced pedestrian amenities requirement if compliance is made impossible due to the property management director's revocation of a parkway amenities permit or the revocation of the license granted herein affecting enhanced pedestrian amenities.

(3) Upon the installation of enhanced pedestrian amenities in the parkway, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the office of risk management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are waived to the extent same are covered by the liability insurance policy.

(4) Each property owner shall be responsible for maintaining the enhanced pedestrian amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the enhanced pedestrian amenities. The granting of a license for enhanced pedestrian amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and enhanced pedestrian amenities in the parkway.

(b) Parkway pedestrian amenities permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway pedestrian amenities permit before locating trees or other amenities in the parkway. An application for a parkway pedestrian amenities permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director 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 construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway pedestrian amenities permit to the property owner; otherwise, the director shall deny the permit.

(3) A parkway pedestrian amenities permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way.

(4) A property owner is not required to comply with any enhanced pedestrian amenities requirement of this section if compliance is made impossible due to the director's denial or revocation of a parkway pedestrian amenities permit.

(5) The issuance of a parkway pedestrian amenities permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.

(c) Enhanced pedestrian amenities. Enhanced pedestrian amenities refer to a higher standard of improvements in the enhanced pedestrian amenities area, aimed at increasing the attractiveness of the street for pedestrians. These amenities may be provided by property owners in order to take advantage of such incentives as increased ground coverage, reduced parking requirements, increased remote parking distance, and exemption from minimum permeable surface and site tree requirements.

(1) An enhanced pedestrian amenities area may not extend more than 30 feet from the curb, and must be accessible to the public at all times.

(2) To qualify, enhanced pedestrian amenities must be located on the lot or in the parkway abutting the lot receiving amenities credit.

(3) The following minimum amenity standards must be provided in order to qualify for the enhanced pedestrian amenity incentives provided in this article:

(A) Street trees. A minimum of one street tree per 25 feet of frontage in the pedestrian amenities area.

(B) Enhanced sidewalks.

(i) Enhanced sidewalks must be located within the pedestrian amenities area. (See Section 51P-317.111 for minimum unobstructed sidewalk requirements for each subdistrict.)

(ii) For lots fronting on Akard Street, Bellevue Street, East Griffin Street, West Griffin Street, and Lamar Street, a minimum sidewalk width of 10 feet must be provided.

(iii) For lots fronting on all other streets, a minimum sidewalk width of eight feet must be provided.

(iv) For lots with structure constructed before March 27, 2002 (effective date of Ordinance No. 24872 that established the pedestrian amenities regulations), if the building official determines that a structure's location makes the required minimum sidewalk width regulations unenforceable,

(aa) a minimum sidewalk width of six feet must be provided if the sidewalk is abutting an existing curb, or

(bb) a minimum sidewalk width of five feet must be provided if the sidewalk is not abutting the existing curb.

(C) Canopies and awnings. A minimum of 20 percent of the street facing facade width.

(4) The following optional amenities are encouraged and may be provided in addition to the minimum requirements specified above. These optional amenities are considered to be enhanced pedestrian amenities for the purpose of Subsections 51P-317.112.1(a) and (b), and are subject to the conditions in Paragraph 51P-317.112.1(c)(4):

(A) Flag poles.

(B) Public art.

(C) Tree or shrub planters.

(D) Water fountains.

(E) Newspaper racks.

(F) Pedestrian street lamps. A minimum of one per 50 feet of frontage in the pedestrian amenities area.

(G) Bicycle parking racks. A minimum of 5 bicycle parking spaces per 100 foot of frontage in the pedestrian amenities area.

(H) Benches. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(I) Trash receptacles. A minimum of one per 100 feet of frontage in the pedestrian amenities area.

(5) The following conditions must be met for provision of enhanced pedestrian amenities:

(A) All amenities must be placed in a manner that does not impede the movements of pedestrians on the sidewalk and automobiles on the street.

(B) All amenities must be placed in a manner that does not obstruct visibility triangles at street intersections. (Ord. Nos. 24872; 25160; 27133; 27322)

(6) For a legacy building in Subdistrict 3C, the following enhanced pedestrian amenities are the only pedestrian amenities that must be provided in order to qualify for 100 percent lot coverage under Section 51P-317-111(d) (4) (F), the 40 percent parking reduction under Section 51P-317.111(d) (5) (F), and the 1,300 foot extension of the walking distance for remote parking under Section 51P-317.111(d) (5) (G):

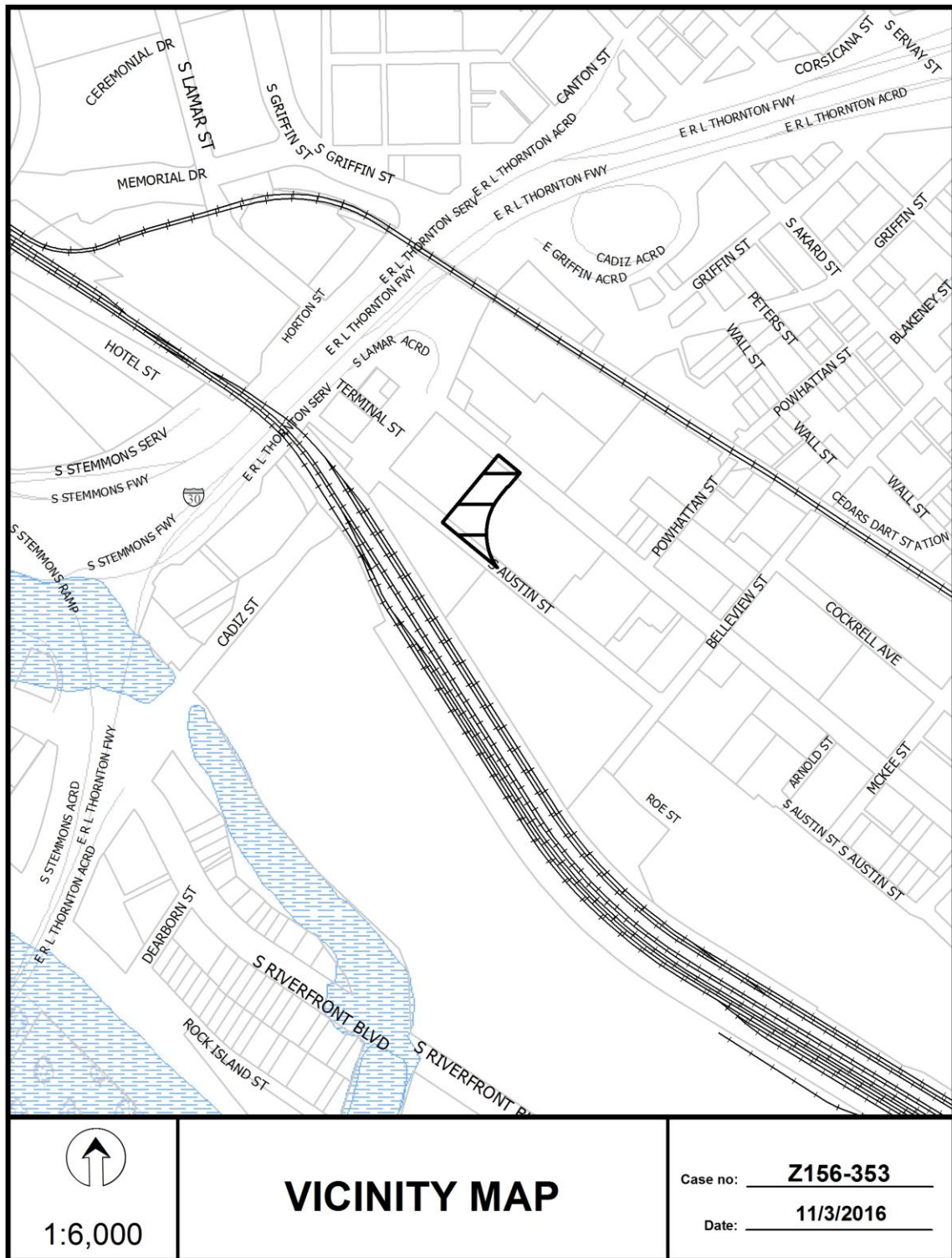
(A) Planter boxes must installed and maintained along the Lamar Street curb having a minimum width of 12 inches and a minimum soil depth of 14 inches and planted with evergreen and seasonal plantings. The length of the adjacent street frontage occupied by planter boxes must be between 40 percent and 50 percent. Planter boxes installed pursuant to this subparagraph must be constructed of fiberglass, concrete, or metal and not exceed 24 inches in height;

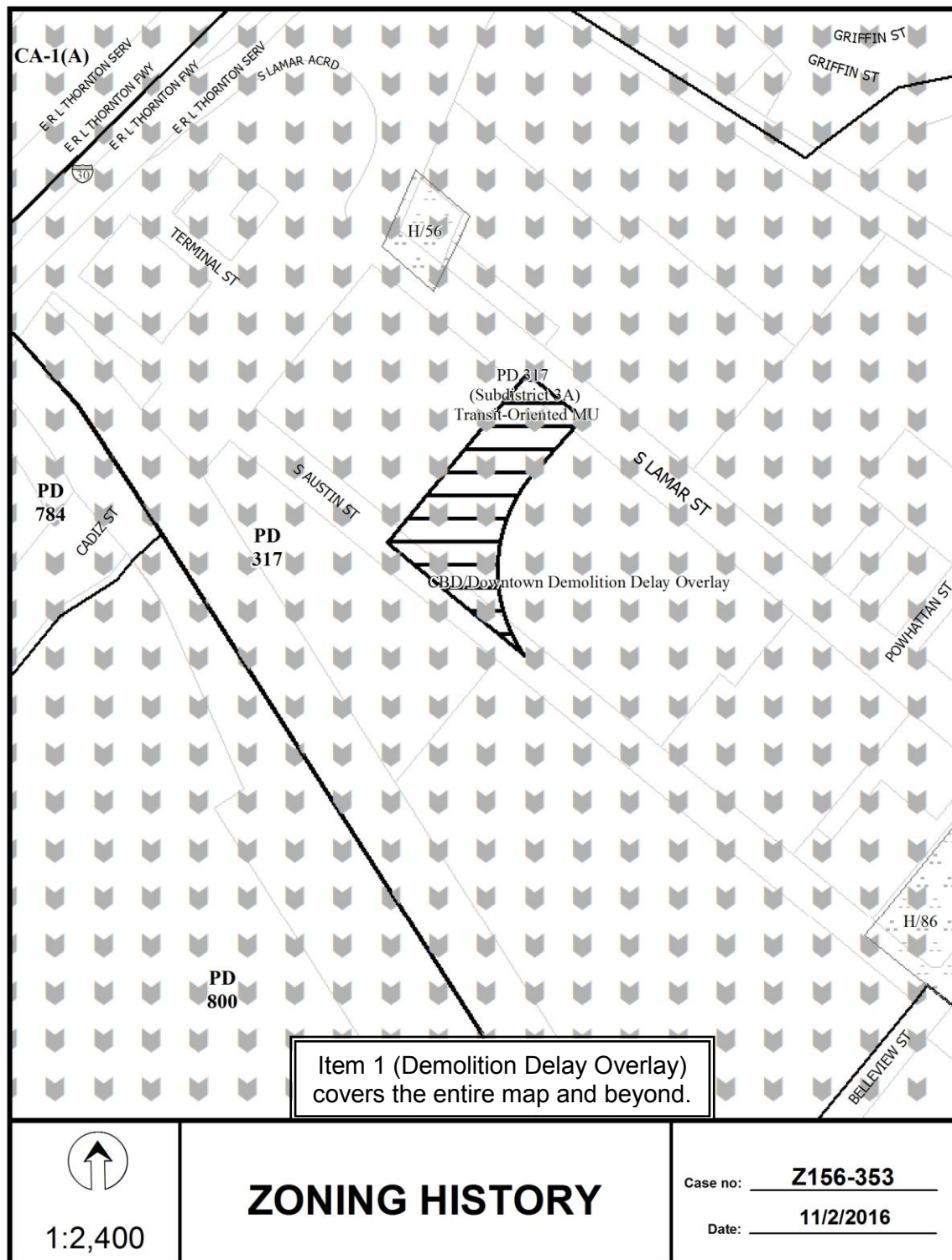
(B) Screening meeting the requirements of Section 51A-4.602 must be provided for the length of the loading dock area along Austin Street, except for visibility triangles;

(C) Windows must be provided within the Austin Street facade;

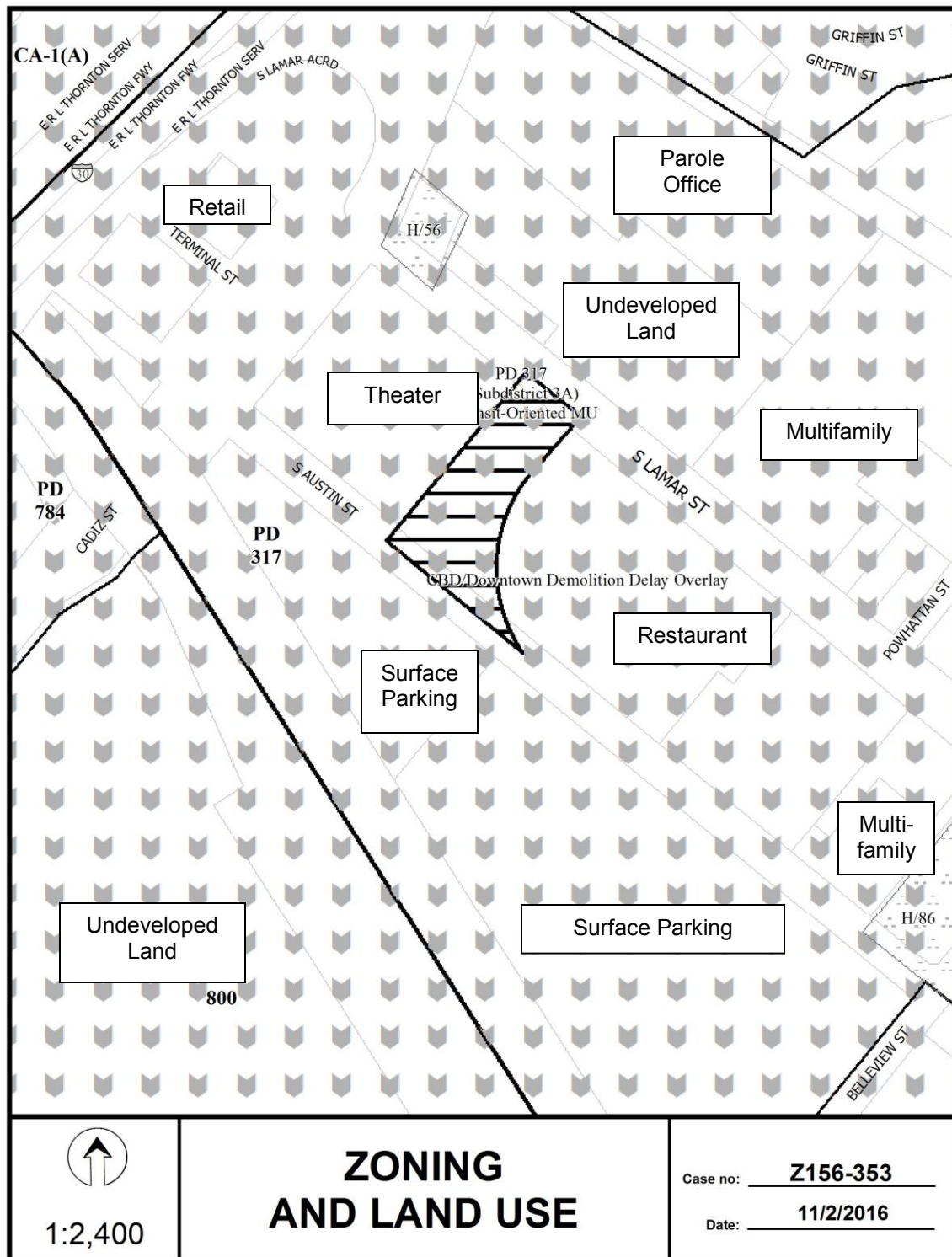
(D) The sidewalk along Austin Street to the northwest of the property must be extended along the Austin Street side of the property, and a pedestrian scaled light fixture must be installed adjacent to the sidewalk, if permitted by the director of public works; and

(E) Trash receptacles must be provided along the Lamar Street and Austin Street sidewalk areas.











11/16/2016

Reply List of Property Owners***Z156-353******15 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	1111 S LAMAR ST	DESIGN & PRODUCTION INC
	2	1135 S LAMAR ST	SCHEPPS LIBBIE LLC
	3	905 S LAMAR ST	DALLAS TERM RY & UN DEPOT
	4	969 S LAMAR ST	CCH LAMAR PARTNERS I LP
	5	969 S LAMAR ST	LIM SCOTT
	6	969 TERMINAL ST	PRASIFKA J A
	7	908 CADIZ ST	MLW HOLDINGS LTD
	8	913 POWHATTAN ST	SAMADIAN MALEK M
	9	904 CADIZ ST	ANDERSON BARRY
	10	318 CADIZ ST	TEXAS CENTRAL REAL ESTATE
	11	1000 S AUSTIN ST	CCH ALAMO LP
	12	1221 S LAMAR ST	BOSSON LLC
	13	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	14	9999 NO NAME ST	UNION PACIFIC RR CO
	15	1010 CADIZ ST	B H DALLAS PORTFOLIO LLC

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 46 E; F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and an expansion of Planned Development District No. 248 for a public school and a public park or playground use on property zoned Planned Development District No. 98 and Planned Development District No. 248, and on the east intersection of North Carroll Avenue and Worth Street

Recommendation of Staff: Approval, subject to a revised development plan, a revised landscape plan, a traffic management plan, and conditions

Recommendation of CPC: Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions

Z156-356(JM)

FILE NUMBER: Z156-356(JM)

DATE FILED: September 7, 2016

LOCATION: On the east intersection of North Carroll Avenue and Worth Street

COUNCIL DISTRICT: 2

MAPSCO: 46-E, F

SIZE OF REQUEST: ± 2.87 acres

CENSUS TRACT: 15.02

APPLICANT/OWNER: Dallas ISD

REPRESENTATIVE: Karl A. Crawley, Masterplan

REQUEST: An application to amend and expand Planned Development District No. 248 for a public school and a public park or playground use on property zoned Planned Development District No. 98 and Planned Development District No. 248.

SUMMARY: The applicant proposes to add a new parking lot and queuing area for DISD's Ignacio Zaragosa Elementary School.

CPC RECOMMENDATION: Approval, subject to a revised development/landscape plan, a traffic management plan, and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised development plan, a revised landscape plan, a traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The existing school was constructed in 1988, has 78,950 square feet of floor area, and is up to 30 feet high. Current enrollment is 385 students in pre-kindergarten to 5th grade. There are no requests to add floor area, height, or increase enrollment at this time.
- The request is to add a parking lot and queuing area by removing a piece of land from PD No. 98 and adding it to PD No. 248 - enlarging PD No. 248. However, the two planned development districts refer back to Chapter 51 and are not allowed to be enlarged. In order to add the new parking and queuing area, PD No. 248 has to be amended so all conditions match Chapter 51A.
- There is no existing traffic management plan for PD No. 248. As part of the request, a traffic management plan has been reviewed and accepted by the Engineering Division. A study of the effectiveness of the plan is due in three years. Biennial updates will be required thereafter.
- The applicant has requested a combined development/landscape plan. Staff does not support this combined plan. It is difficult to read and can be confusing to deal with.
- The City Plan Commission chose to allow the applicant to proceed with a combined development/landscape plan after confirming with the city's chief arborist that the landscape is adequately depicted in the plan.

Zoning History: There have been three recent zoning cases in the vicinity in the last five years.

1. **Z156-267:** On September 1, 2016, the City Plan Commission recommended approval of an application for a Planned Development District for an R-7.5(A) Single Family District and multifamily uses on property zoned an R-7.5(A) Single Family District with Historic Overlay No. 63 (David Crockett Elementary School). *Pending CC.*
2. **Z145-126:** On December 15, 2014, a request was received to amend PD No. 98 to create a new tract to allow multifamily uses. *This case was withdrawn.*
3. **Z145-237:** On August 12, 2015, the City Council approved a request for a CR Community Retail District on property zoned an MF-2(A) Multifamily District and located on the southeast line of Columbia Avenue, between South Carroll Avenue and South Colson Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Carroll Avenue	Local Street	variable
Worth Street	Local Street	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system. The traffic management plan provided was approved and should improve traffic at peak hours from the school.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

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.

ECONOMIC ELEMENT**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

Land Use Compatibility: The request site is developed with a 30 foot tall building containing approximately 78,950 square feet and has been in operation with a public school other than an open-enrollment charter school use since 1988, according to DCAD and City records. The site is part of a block that includes Buckner Park. Improvements to the park are occurring concurrently. This is a joint effort between the Park and Recreation Department (PARC), and the Dallas ISD. The PARC manager provided comments in support of the request, noting the diligent efforts of the applicant to develop the plans to improve the park and school properties.

Other surrounding uses include single-family and an automotive repair shop to the north and northwest, respectively. There are single-family and multifamily uses to the south.

Crockett Park lies to the southwest adjacent to a historic school building currently seeking the right to be redeveloped into multifamily units. Additional retail and personal service uses are found to the west.

	Zoning	Land Use
Site	PD No. 248; PD No. 98	Public School; Park
Northwest and North	PD No. 98 and CR-D-1 w/Historic Overlay 72 (Peak's Suburban Addition)	Single-family; Vehicle or engine repair or maintenance
Northeast, East, and Southeast	PD No. 98	Park
South and Southwest	R-7.5(A) and R-7.5(A) w/Historic Overlay 63 (Crockett Elementary School) w/Proposed PD for MF uses	Park; Historic school building
West	CR	Retail and Personal Service

Updating PD No. 248 into the currently adopted Chapter 51A code is optimal. The changes being sought will ease traffic in the area. The traffic management plan is also an added measure which will require biennial updates for continuous optimization of traffic controls. The continued and improved operation of this school will increase the overall quality of life for the area by getting traffic off of the street, enhancing landscaping, and through coordination with the PARD to update playground structures and facilities.

Landscaping: Landscaping is being enhanced as per the development/landscape plan provided. Staff found the plan difficult to read. The new parking lot area is the only portion which is subject to new landscaping. The existing school had an approved landscape plan, which is being substituted for the combined plan. Staff does not support this portion of the request. To alleviate potential confusion on the plan and details, staff recommends the submittal of separate landscape and development plans.

While the proposed landscaping is not per Article X, the arborist found it to be acceptable for the use.

Parking: The requirement for off-street parking for the school is derived by the following criterion: 1) the number of classrooms, and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The total number of proposed classrooms determines the number of required parking spaces. The Dallas Development Code requirement for off-street parking for a school is as follows:

- one and one-half spaces for each kindergarten / elementary school classroom;

There are 20 existing classrooms. The number of required off-street parking spaces for the school is 30 spaces. The school currently has five off-street parking spaces on campus. An additional 55 spaces are located on park property, but used for the school. These spaces are noted on the plan, but are outside of the area of request. The proposal at hand is to add a parking lot and queuing area to help alleviate congestion during peak school hours for drop-off and pick-up. According to the traffic management plan, about 70% of students access the school via private vehicles. The added queuing area will help get vehicles off the street during peak hours. The number of classrooms will not change as a result of the parking lot addition.

DISD Board

DALLAS INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

District 1	Edwin Flores, 1 st Vice President
District 2	Dustin Marshall
District 3	Dan Micciche, President
District 4	Jaime Resendez, Board Secretary
District 5	Lew Blackburn, Ph.D.
District 6	Joyce Foreman
District 7	Audrey Pinkerton, 2 nd Vice President
District 8	Miguel Solis
District 9	Bernadette Nutall

Z156-356

CPC Action

November 17, 2016:

Motion: It was moved to recommend **approval** of an amendment to and expand of Planned Development District No. 248 for a public school and a public park or playground use, subject to applicant's revised development/landscape plan, a traffic management plan, and conditions on property zoned Planned Development District No. 98 and Planned Development District No. 248, on the east intersection of North Carroll Avenue and Worth Street.

Maker: Rieves

Second: Houston

Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Housewright

Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 103

Replies: For: 3 Against: 1

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75201
Steven L. Bourn, 4527 Worth St., Dallas, TX, 75214
David Nevarez, 400 S. Houston St., Dallas, TX, 75202
Against: None

Proposed PDD Revisions

ARTICLE 248.

PD 248.

SEC. 51P-248.101. LEGISLATIVE HISTORY.

PD 248 was established by Ordinance No. 19477, passed by the Dallas City Council on February 25, 1987. Ordinance No. 19477 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended.

SEC. 51P-248.102. PROPERTY LOCATION AND SIZE.

PD 248 is established on property generally located at the east corner of Carroll Avenue and Worth Street. The size of PD 248 is approximately ~~1.838~~ **2.90** acres.

SEC. 51P-248.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter ~~51~~ **51A** apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter ~~51~~ **51A**. (~~Ord. 25711~~)

(c) This district is considered to be a residential zoning district.

SEC. 51P-248.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

Staff Recommendation:

- (1) Exhibit 248A: development/landscape plan.
- (2) Exhibit 248B: landscape plan.
- (3) Exhibit 248C: traffic management plan.

CPC Recommendation:

- (1) Exhibit 248A: development/landscape plan.
- (2) Exhibit 248B: traffic management plan.

SEC. 51P-248.104. DEVELOPMENT PLAN.

For a public school other than open-enrollment charter school and a public park, playground, or golf course, development and use of the Property must comply with the development/landscape plan (Exhibit 248A). If there is a conflict between the text of this article and the development/landscape plan, the text of this article controls.

SEC. 51P-248.105. MAIN USES PERMITTED.

The following uses are the only main uses permitted [uses on the Property are a]

- Public school **other than open-enrollment charter school.**
- Public park.
- Local utilities.

SEC. 51P-248.105.1. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-248.106. YARD, LOT, AND SPACE REGULATIONS. [LANDSCAPE PLAN.]

(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 in the R-7.5(A) Single Family District apply.
- (b) Front yard. Minimum front yard is 20 feet.
- (c) Side and rear yard. Minimum side and rear yard is five feet.
- (d) Lot coverage. Maximum lot coverage is 61 percent. Aboveground parking structures are included in lot coverage calculations, surface parking lots and underground parking structures are not.

[Landscaping must be installed in accordance with the landscape plan (Exhibit 248B). All landscaping must be installed prior to the issuance of a certificate of occupancy for any use on the Property. All plant materials must be maintained in a healthy, growing condition at all times.]

SEC. 51P-248.107. OFF-STREET PARKING AND LOADING.

- (a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.
- (b) Parking for a public school other than open-enrollment charter school is allowed in the minimum front yard setback. For parking purposes the entire Property is considered as one lot.

SEC. 51P-248.108. ENVIRONMENTAL PERFORMANCE STANDARDS [LOT COVERAGE].

See Article VI. [Maximum permitted lot coverage is 61 percent.]

SEC. 51P-248.109. LANDSCAPING [SETBACKS].

Staff Recommendation:

- (a) Except as provided in this section, landscaping must be provided as shown on the ~~development~~/landscape plan. If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

CPC Recommendation:

- (a) Except as provided in this section, landscaping must be provided as shown on the ~~development~~/landscape plan. If there is a conflict between the text of this article and the landscape plan, the text of this article controls.
- (b) Evergreen plant materials must be provided to screen the off-street parking area from the street. Plant materials must be a minimum of 36 inches in height and located in a bed that is at least three feet wide with a minimum soil depth of 24 inches.
- (c) Plant materials must be maintained in a healthy, growing condition at all times.

SEC. 51P-248.110. SIGNS.

Signs ~~[located on the Property]~~ must comply with the provisions for non-business zoning districts ~~[contained] in Article VII. [Chapter]~~

SEC. 51P-248.111. ACCESS.

Ingress and egress must be provided as shown on the development plan.

SEC. 51P-248.112. TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of the public school must comply with the traffic management plan (Exhibit 248B).

(b) Traffic Study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **November 1, 2019**. After the initial traffic study, the Property owner or operator shall submit biennial updates of the traffic study to the director by November 1 of each odd-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

A. ingress and egress points;

B. queue lengths;

C. number and location of personnel assisting with loading and unloading of students;

A. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

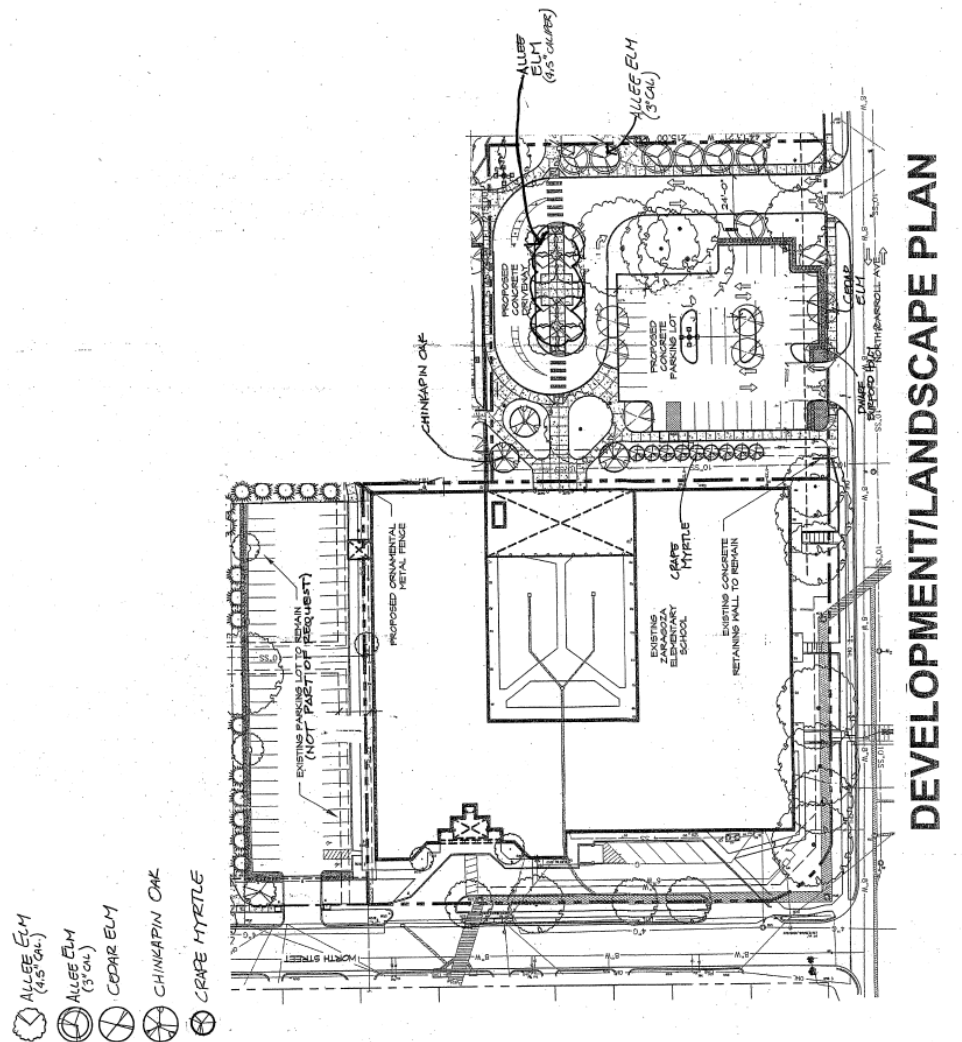
SEC. 51P-248.113. ADDITIONAL PROVISIONS.

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-248.114. COMPLIANCE WITH CONDITIONS.

- 11

Proposed Development/Landscape Plan



SITE:

ZONING: PD248 and PD 298
Existing:

Existing: PD248 and PD249
Proposed: New PD

Proposed: New PD
USE: Public school and parking

AREA:

Existing: 1.824 acres

Proposed: 2.90 acres

Proposed: 2.70 ac.
Floor Area: 78,950 sf

Floor Area: 10,530 sq ft
Height: 30 feet

Height: 30 feet
Coverage: 50%

Coverage: 50%

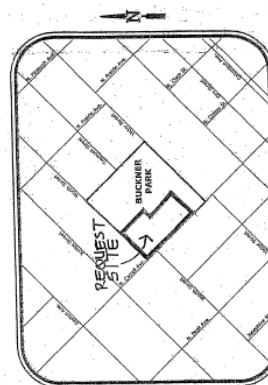
Parking:

Existing on School site: 5 sp

Drone: 35

Proposed:

Total spaces: 40

[illegible]

LOCATION MAP-MAPSCO 46F

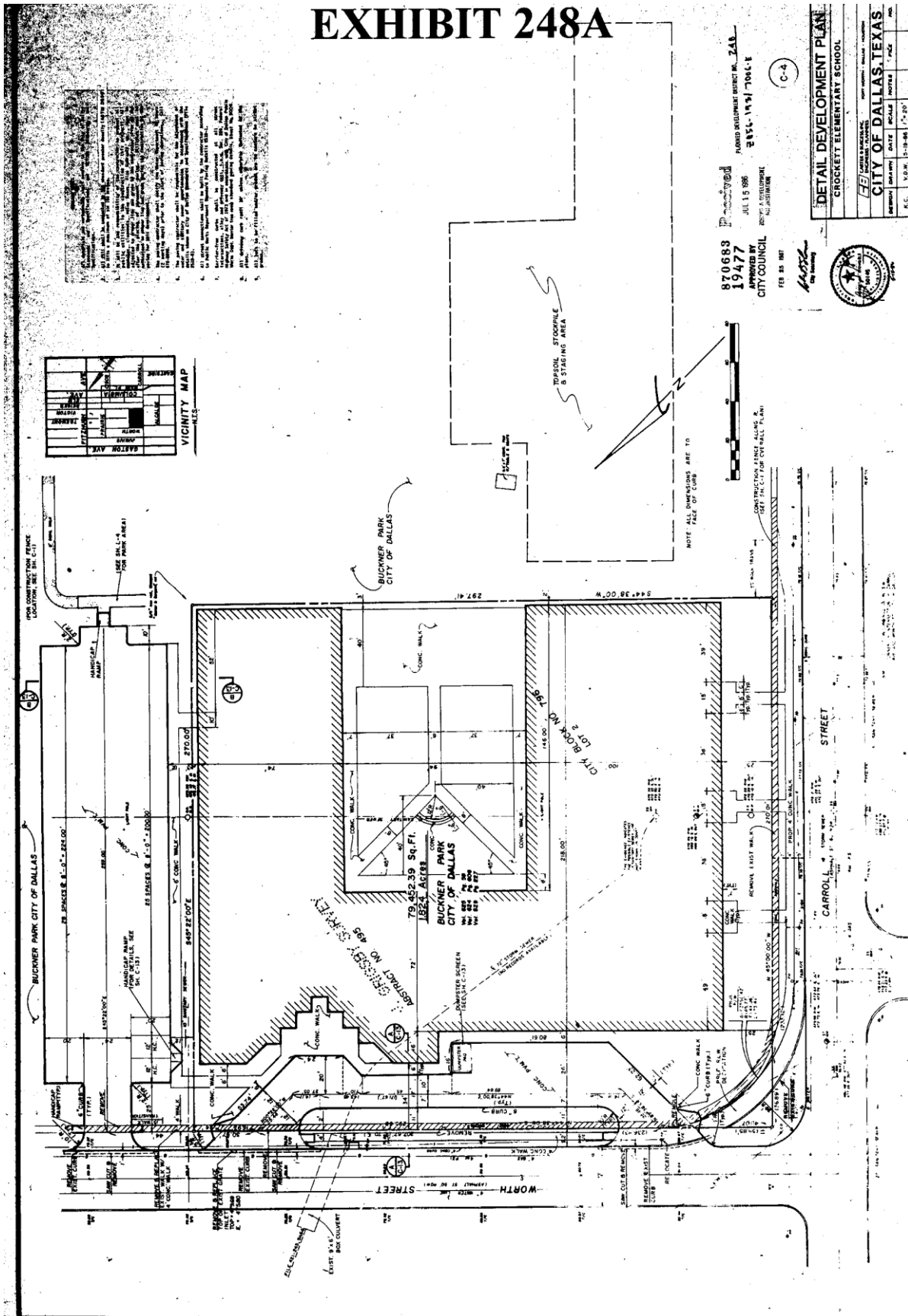


0 40 80 120
GRAPHIC SCALE IN FEET

DEVELOPMENT/LANDSCAPE PLAN

Existing Development Plan

EXHIBIT 248A



Proposed Traffic Management Plan

TRAFFIC MANAGEMENT PLAN FOR
**DISD IGNACIO ZARAGOZA
ELEMENTARY SCHOOL**
DALLAS, TEXAS

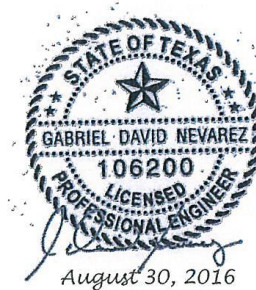
DeShazo Project No. 16113

Z____-____ ()

Prepared for:
Masterplan
900 Jackson Street, Suite 640
Dallas, Texas 75202

Prepared by:
 **DeShazo Group**
Texas Registered Engineering Firm F-3199
400 South Houston Street, Suite 330
Dallas, Texas 75202
214.748.6740

August 30, 2016



Z156-356

August 30, 2016

Traffic Management Plan for
Ignacio Zaragoza Elementary School

~ DeShazo Project No. 16113 ~

Table of Contents

PRELIMINARY SITE PLAN	1
INTRODUCTION.....	1
TRAFFIC MANAGEMENT PLAN	2
<i>School Operational Characteristics</i>	2
<i>Site Access and Circulation</i>	2
<i>Passenger unloading/Loading and Vehicle Queuing</i>	3
<i>Recommendations</i>	3
SUMMARY & RECOMMENDATIONS	4

LIST OF TABLES:

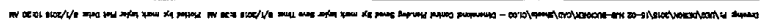
Table 1. School Operational Characteristics

Table 2. Peak Vehicles Parked and In Queue during Afternoon Pick-Up Period

LIST OF EXHIBITS:

Exhibit 1. Recommended Site Circulation Plan

*DISD Ignacio Zaragoza Elementary School
Traffic Management Plan
Table of Contents*





Technical Memorandum

To: Karl Crawley — Masterplan
From: David Nevarez, P.E. — DeShazo Group, Inc.
Date: August 30, 2016
Re: Traffic Management Plan for DISD Ignacio Zaragoza Elementary School in Dallas, Texas
DeShazo Project Number 16113

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering. The services of DeShazo were retained by Masterplan on behalf of the Dallas Independent School District (DISD) to provide a requisite Traffic Management Plan (TMP) for Ignacio Zaragoza Elementary School. The school site is located at 4550 Worth St in Dallas, Texas.

The school has an enrollment of 385 students in Pre-kindergarten through 5th grade. Buckner Park, which is the adjacent property, has proposed renovations including a driveway to the existing school. The school, however, does not anticipate any increase in student enrollment as a result of the proposed park renovations. The proposed site plan prepared by Urban Engineers Group is attached as reference.

The school site is zoned Planned Development (PD) District 248. In order to gain entitlements for the proposed improvements, the school administration is required submit a TMP as a record of the preferred traffic control strategies and to ensure overall traffic safety and efficient operations. The plan is intended to assess anticipated traffic conditions during the morning drop-off and afternoon pick-up activities on the basis of satisfying these objectives. By consent of the TMP submittal, the school agrees to the strategies presented herein. In addition, the school is held self-accountable to enforce the plan until and unless the City of Dallas deems further mitigation measures are necessary.

[NOTE: In this report the term "parent" refers to any parent, family member, legal guardian, or other individual who is involved in the pick-up or drop-off of one or more students at the school.]

August 30, 2016

TRAFFIC MANAGEMENT PLAN

A school TMP is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during the critical periods, the safety and efficiency of other modes of travel – including walking – will also inherently improve, and the operational impact on the public street system should also be minimized. The TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it should be used as a tool to facilitate a safer and more efficient environment.

The analysis summarized below utilizes the proposed school site plan to evaluate aspects such as parking and vehicle queuing (i.e., stacking) that occur at the school in order to accommodate the observed peak demands. A concerted effort and full participation by the school administration, staff, students, and parents are essential to maintain safe and efficient traffic operations.

School Operational Characteristics

Table 1 summarizes the known operational characteristics for Ignacio Zaragoza Elementary School assumed in this analysis:

Table 1. School Operational Characteristics

	Existing Conditions	Proposed Condition
Enrollment:	PK - 5 th Grade, 385 students	<i>Same As Before</i>
Daily Start/End Schedule:	>Start: 7:55 AM >End: 2:55 PM	<i>Same As Before</i>
Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up:	By School Bus/Van: \cong 5% By Walking: \cong 25% By Other: \cong 0%	<i>Same As Before</i>

NOTE #1: To the highest degree practical, the accounts of “existing conditions” presented in this report are based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and information provided by personal interviews of school representatives.

NOTE #2: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

Site Access and Circulation

The school site provides one parking lot for school staff at the northwest corner of the site. The site has a total of four driveways. The driveway on Carroll Street allows inbound and outbound access to Carroll Street. The south and central driveways on Worth Street act as inbound and outbound access, respectively. The north driveway on Worth Street provides access to the staff parking lot. Parents arrive at the school site and park on Carroll Street and Worth Street as shown in **Exhibit 1**. A significant number of parents walk to pick-up the students. A minimal number of parents drive into the staff parking lot and park.

The area between the south and central driveway on Worth Street is used by parents in the morning drop-off period and used as van loading area in the afternoon pick-up period. The school provides a loading area for vans at the south driveway on Worth Street during the afternoon pick-up period.

Ignacio Zaragoza Elementary School
Traffic Management Plan
Page 2

August 30, 2016

Passenger Unloading/Loading and Vehicle Queuing

DeShazo conducted interviews with school representatives to understand current traffic operations during school drop-off and pick-up periods. DeShazo also quantified the peak number of vehicles in queue during a typical school-day afternoon pick-up period based on field observations conducted on August 26, 2016. Queuing and traffic congestion is appreciably more pronounced during the afternoon period. About 70 % of the student population is picked up by parents on personal vehicles. The vehicle accumulation count includes all vehicles in queue, or parked on- and off-campus. A summary of the peak number of vehicles is provided in **Table 2**.

A summary of the projected peak number of vehicles based on site modification is provided in **Table 2**.

Table 2. Peak Vehicles Parked and In Queue during Afternoon Pick-Up Period

Grades	# of Students	Peak Vehicle Demand (Observed)
Pre-K – 5 th	385 students	Approximately parent vehicles 45, and 2 school buses

Recommendations

The following recommendations are provided by DeShazo to school officials for the management of vehicular traffic generated by the school during peak traffic conditions. Generally, traffic delays and congestion that occurs during the afternoon pick-up period is notably greater than the traffic generated during the morning drop-off period due to the timing and concentration characteristics. In most instances, achieving efficiency during the afternoon period is most critical, while the morning traffic operations require nominal active management. Therefore, except where stated otherwise, the recommendations provided herein pertain specifically to the afternoon period operations.

General Recommendations

- Staff participating in student drop-off/pick-up operations should, in lieu of simple hand gestures, continue to use reversible hand-paddle signs with the messages for STOP and for SLOW.
- Parents should be encouraged to park only along the school perimeter to improve student safety.
- Parking restrictions should be changed for school drop-off and pick-up period along the site perimeter.
- A formal request to the City of Dallas should be submitted to replace fading and old signs with new ones for better enforcement.
- Sufficient communication at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

Queue operations

Based upon a review of the proposed site conditions and the anticipated needs of traffic during peak conditions DeShazo recommends full enforcement of the site traffic circulation plan depicted in **Exhibit 1**. This plan was designed with the intent of optimizing the site vehicular circulation, retention of vehicle queuing in a manner that promotes safety and operational efficiency.



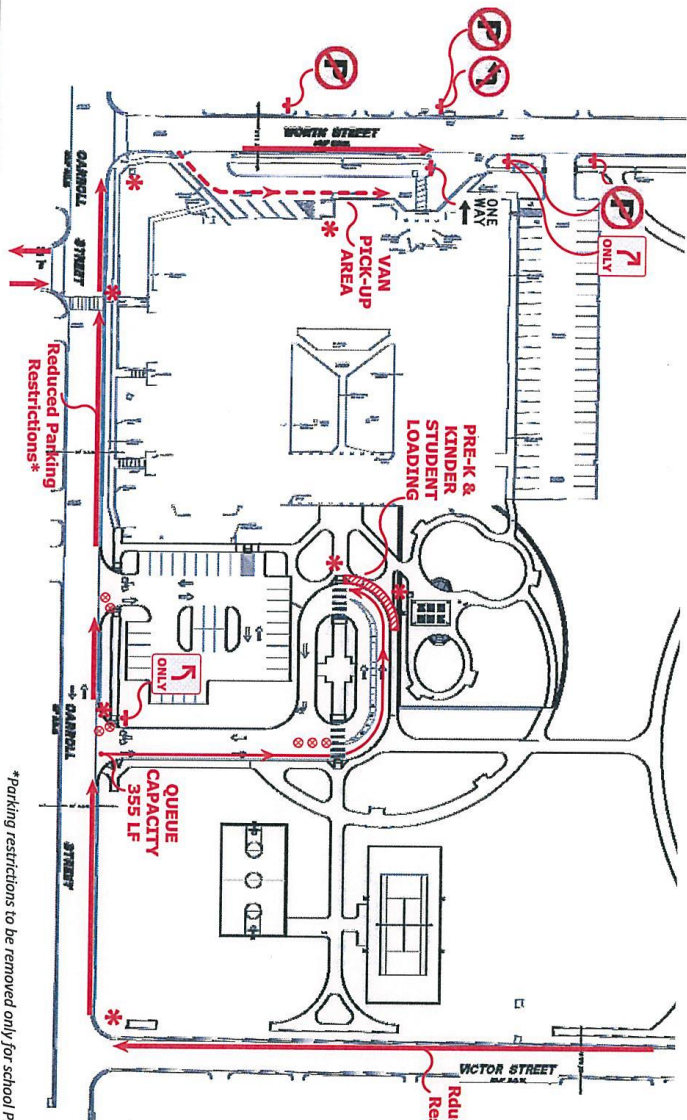
August 30, 2016

- The plan provides a designated off-street route for Pre-K and Kindergarten student drop-off and pick-up operations. The school provides 353 linear feet of vehicular queuing at the driveway on Carroll Street. This capacity accommodates a projected peak vehicle queue of 15 vehicles.
- School should implement an "In-Advance Passenger Identification System" to expedite queue operations for Pre-K and Kindergarten students. At the beginning of each school term (and as often as needed), parents should be issued hangtags with unique identification that pairs them with corresponding student(s). During the pick-up period, hangtags must be on display through the vehicle's windshield while parents arrive at the pick-up areas. School staff should be positioned at strategic locations ahead of the loading area and relay the sequence of arrivals via hand radio while students are prepped for pick-up. With the assistance of other school staff stationed at the loading area, several vehicles should be loaded simultaneously. After loading, vehicles should be cleared by school staff to carefully exit the queue along the designated route.
- School should install Left-Only sign for outbound traffic at the proposed driveway on Carroll Street with the intention of guiding traffic away from on-street parking/queuing lane along the perimeter.
- Staff should continue install temporary traffic control devices (such as traffic cones, etc.) on the road to regulate on-street parking.

SUMMARY & RECOMMENDATIONS

This TMP is to be used by Ignacio Zaragoza Elementary School to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school at peak traffic periods within the site. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness.

END OF MEMO



*Parking restrictions to be removed only for school Pick-up and Drop-off periods.

Queuing Summary

Student Group	Student Enrollment	Schedule	Traveling Modes	Vehicle Traffic Demand
A) PreK, Kinder	105 Students	7:55 AM- 2:55 PM	Van: 5%	Provided: 353 LF (15 cars) Required: 353 LF (15 cars) Surplus: 0 LF (0 cars)
B) Grades 1st-5th	280 Students	7:55 AM- 2:55 PM	Pick Up: 70% Walk/Bike: 25% Van: 5%	On-Street: 776 LF (33 cars) Required: 776 LF (33 cars) Surplus: 0 LF (0 cars)

Legend

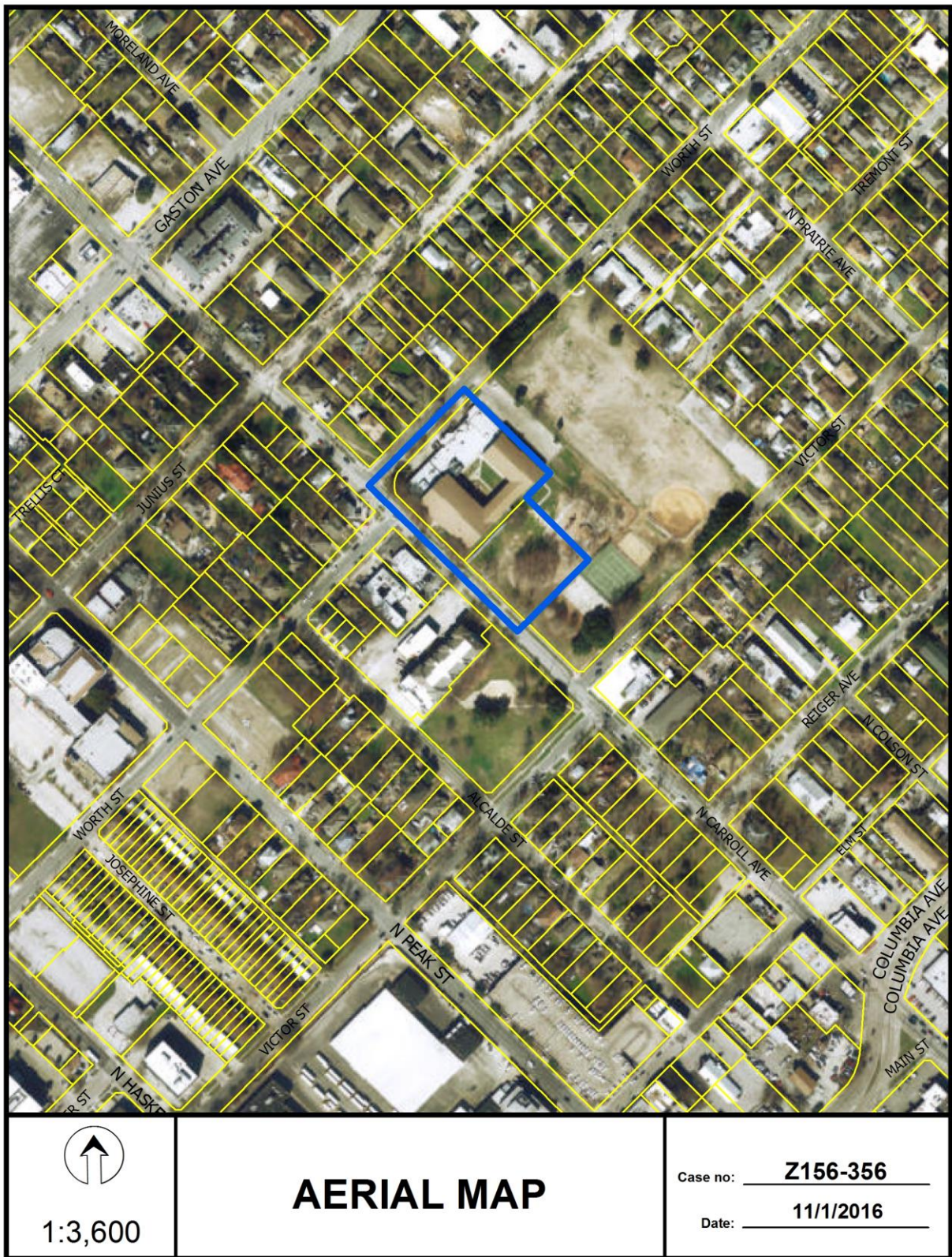
- * - School Staff
- ▨ - Loading Area
- - Provided Queue
- ⊗ - Traffic Cones
- > - Van Route
- Traffic Sign (R3-5L) with times of day plaque (school hours)

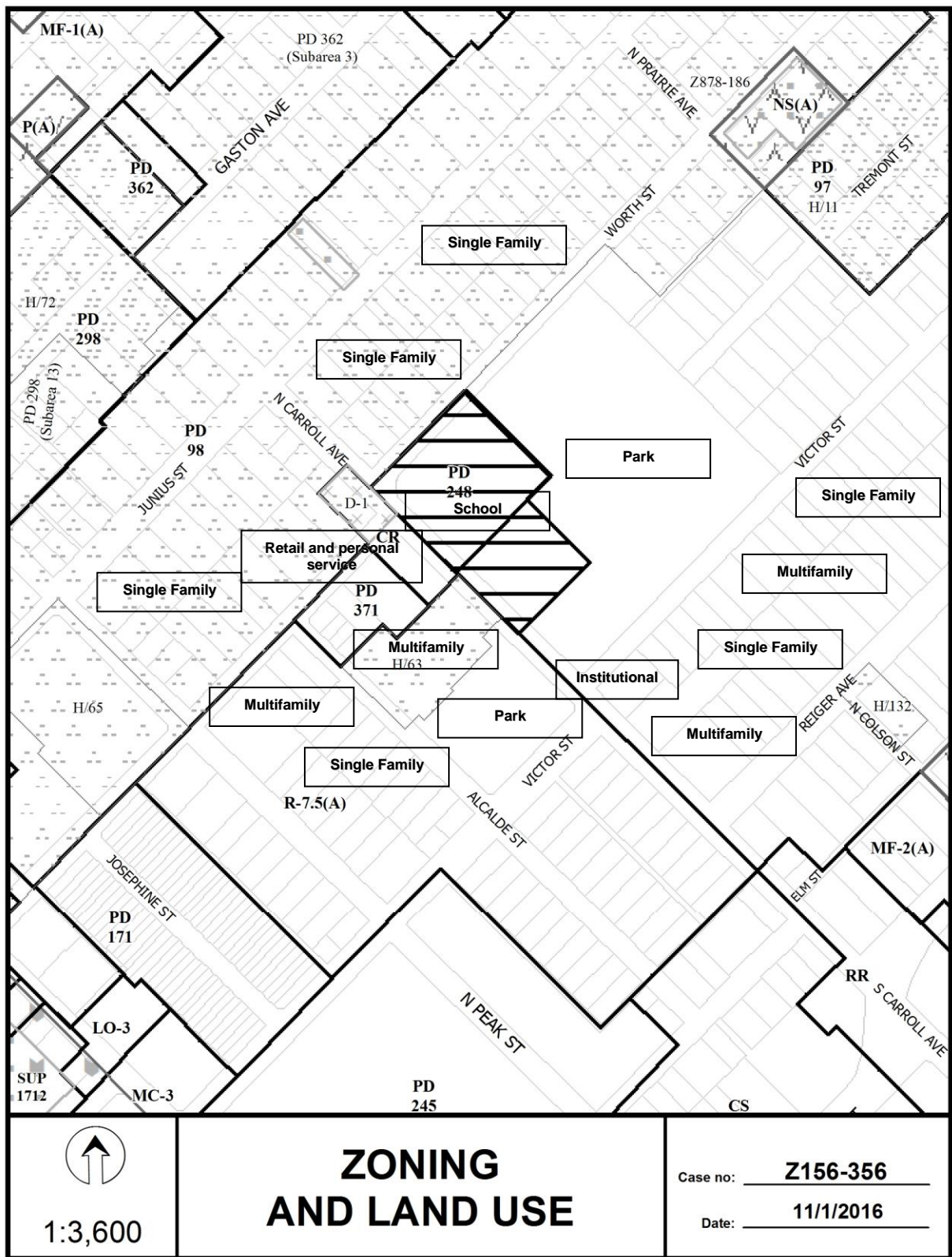
The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. The school administration should adhere to this TMP. Details of this plan shall be reviewed on a regular basis to confirm its efficiency. Any deflection due to spillover of queuing into undesignated areas of the city right-of-way, including roadway travel lanes, should be corrected by the school immediately.

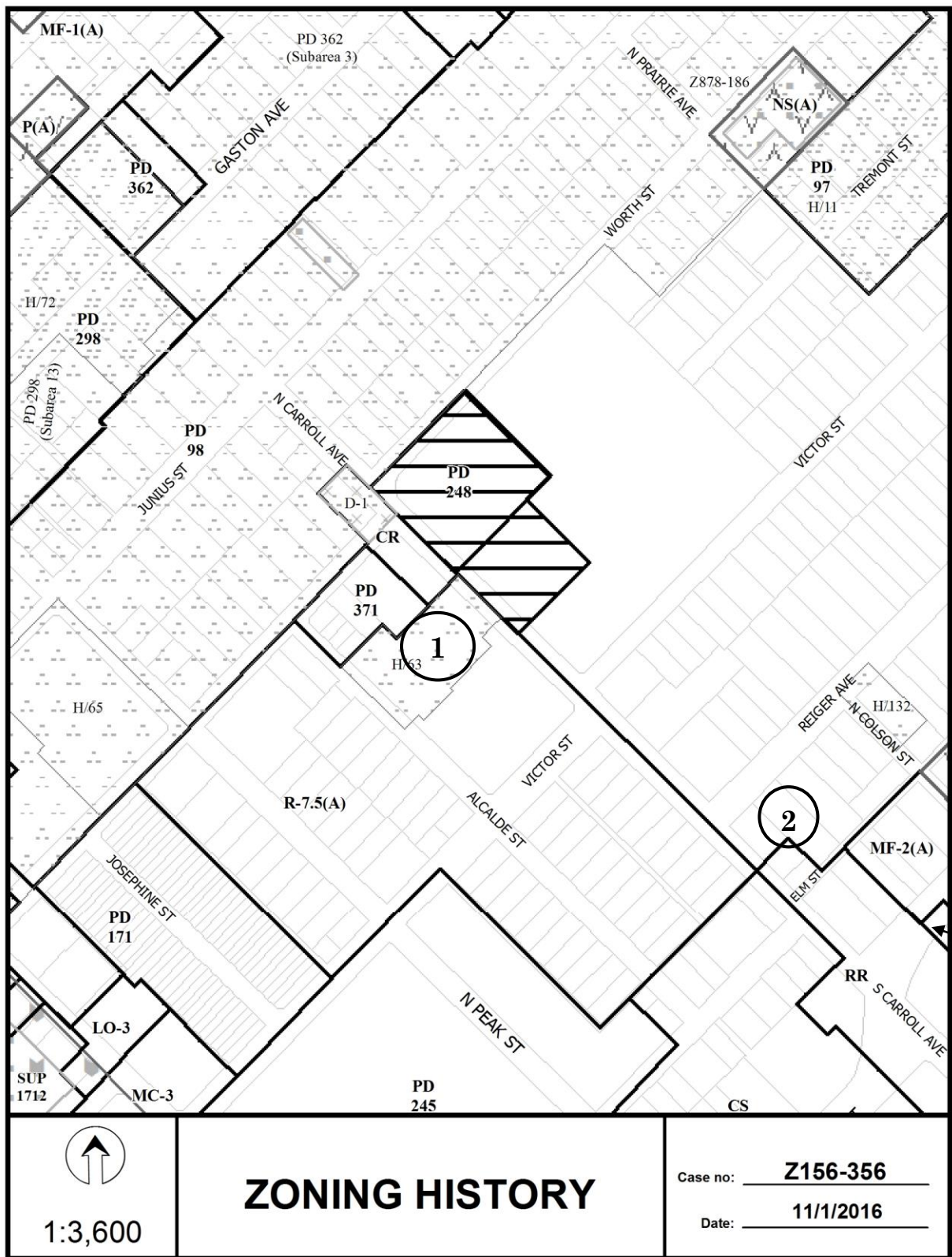
I, David Navarro, P.E. #106200, certify that site constraints preclude the school's ability to accommodate all vehicular queue on site. While it may not be feasible to eliminate queuing on public rights-of-way, establishing and implementing a designated school route will lessen the impact to neighborhood and background traffic. This option is subject to approval from the City of Dallas Department of Street Services.

EXHIBIT 1
Traffic Management Plan
Ignacio Zaragoza Elementary School
4550 Worth Street, Dallas, Texas.

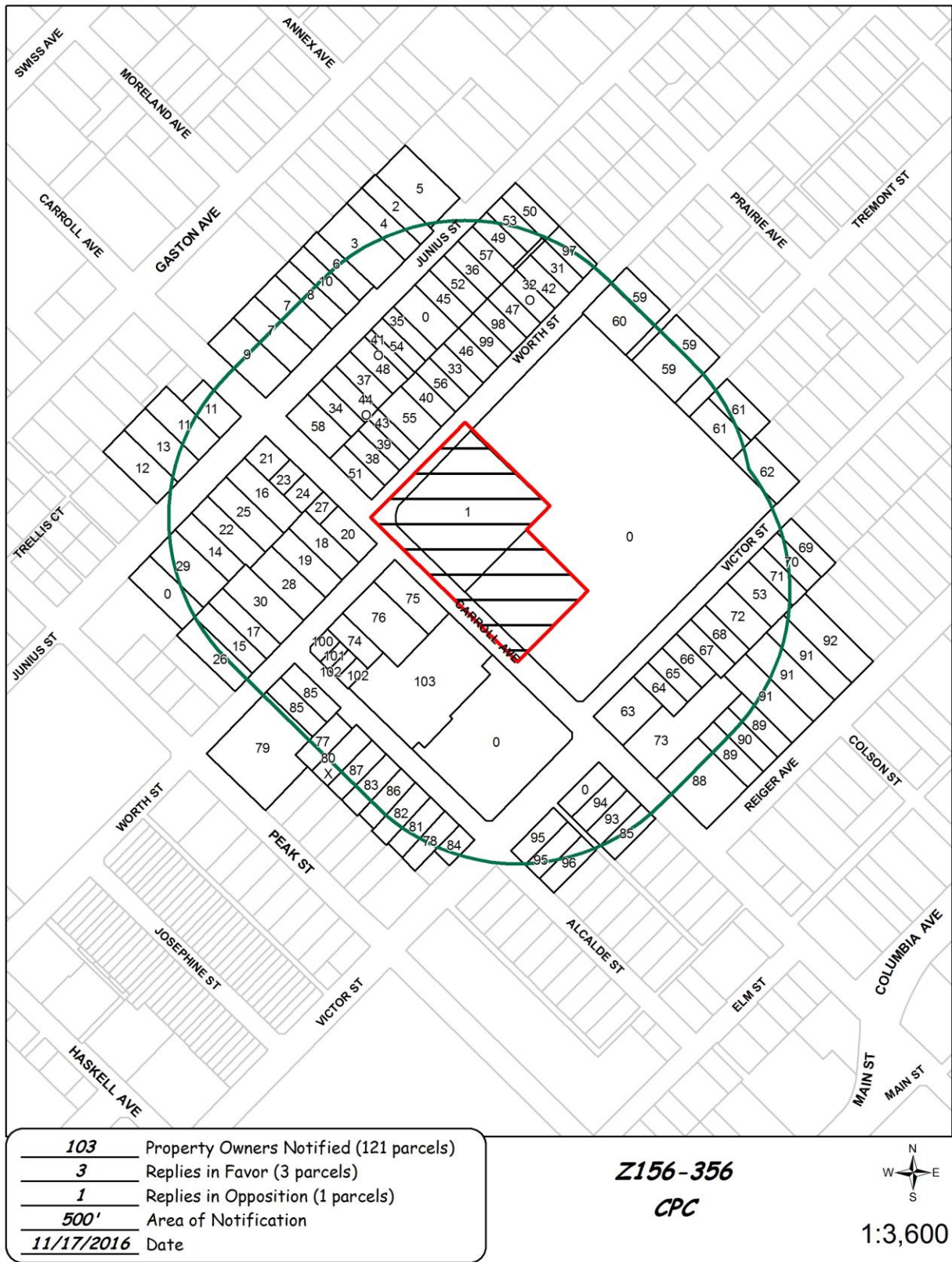
Deshazo Group, Inc.
Texas Registered Engineering Firm F-3139
4605 Ross Road, Suite 330
Dallas, Texas 75202
(214) 748-6700







CPC Responses



11/16/2016

Reply List of Property Owners***Z156-356******103 Property Owners Notified******3 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4550	WORTH ST	Dallas ISD
2	4615	JUNIUS ST	FUENTES JOSE R
3	4603	JUNIUS ST	JUNIUS LP
4	4609	JUNIUS ST	PHAM PHUOC VAN & HA CHAN
5	4625	JUNIUS ST	CUTCHINC PPTIES LLC PPTY SERIES 4625 JUNIUS
6	4601	JUNIUS ST	ZAVALA MARIA MAYELA
7	4511	JUNIUS ST	WR JUNIUS LLC
8	4523	JUNIUS ST	WAHL THOMAS MICHAEL
9	4503	JUNIUS ST	HAH PAUL S &
10	4525	JUNIUS ST	KNOCKEMUS REBECCA
11	4419	JUNIUS ST	MIELKE LEROY W
12	4403	JUNIUS ST	ROGERS ANNALISA MARIE & SHAWN MICHAEL
13	4407	JUNIUS ST	JOHNSON GEOFFREY H &
14	4318	JUNIUS ST	4318 JUNIUS ST LLC
15	4317	WORTH ST	KARA FAYZAL
16	4412	JUNIUS ST	PRIEBE TOM S &
17	4323	WORTH ST	VENTURA HECTOR
18	4417	WORTH ST	YIP CHUN KEUNG
19	4413	WORTH ST	HALL DANIEL W &
20	4423	WORTH ST	JIYUN CHANG
21	4422	JUNIUS ST	SMITH ROBERT A &
22	4404	JUNIUS ST	ROBINSON LARRY
23	621	N CARROLL AVE	621 CARROLL LLC
24	617	N CARROLL AVE	WILLIAMS WILLIAM RUSSELL
25	4408	JUNIUS ST	KAMMAN JOSHUA
26	4313	WORTH ST	GRANADO ROBERT & VICKI

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	615 N CARROLL AVE	TAVAREZ IRIS &
	28	4409 WORTH ST	LEVKOFF LINDA M
	29	4316 JUNIUS ST	HO RATHHANN
	30	4403 WORTH ST	YARBROUGH DON & ELIZABETH
	31	4637 WORTH ST	WORTH FAMILY TRUST
O	32	4625 WORTH ST	MYERS MARGARET HEATHER
	33	4527 WORTH ST	BOURN STEVEN L
	34	4508 JUNIUS ST	CLUFF MICHAEL A & CHRISTINE M
	35	4606 JUNIUS ST	GARCIA ROSA G TR
	36	4620 JUNIUS ST	HUGHES CARIN A
	37	4516 JUNIUS ST	TERPSTRA J
	38	4507 WORTH ST	SOCIETY HILL HOMES LLC
	39	4509 WORTH ST	LAND ETEBARI HOLDINGS LLC
	40	4521 WORTH ST	LOBNITZ JESSICA R
O	41	4522 JUNIUS ST	THREE JANES LLC
	42	4629 WORTH ST	ALPHA EXCLUSIVE BUILDERS LLC
	43	4511 WORTH ST	COUNTS RYAN THOMAS
O	44	4512 JUNIUS ST	NELSON ANDREW T
	45	4612 JUNIUS ST	ROLNICK MATTHEW
	46	4533 WORTH ST	SOCIETY HILL HOMES LLC
	47	4619 WORTH ST	KASERMAN SCOTT A & DANIELLE L
	48	4520 JUNIUS ST	HALL ROBERT E & LINDA H
	49	4630 JUNIUS ST	NIEVES JOSE L
	50	4638 JUNIUS ST	WILSON JUSTIN A
	51	4501 WORTH ST	KIM WHA P
	52	4616 JUNIUS ST	BAXAVANIS NICHOLAS
	53	4632 JUNIUS ST	CPP 5X5 TRUST
	54	4602 JUNIUS ST	JIMENEZ JUAN MANUEL &
	55	4517 WORTH ST	ELLIFF JACOB &
	56	4525 WORTH ST	SANTACRUZ BERNARDO &
	57	4624 JUNIUS ST	MEEHAN COLIN RYDER

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4500 JUNIUS ST	OUR FRIENDS PLACE
	59	4708 WORTH ST	PARKMORE JV
	60	4700 WORTH ST	PARKMORE J V
	61	4706 TREMONT ST	CASA TREMONT
	62	4703 VICTOR ST	JUREK PROPERTIES LTD
	63	328 N CARROLL AVE	VICTOR STREET BIBLE CHAPEL
	64	4512 VICTOR ST	HERNANDEZ MARGARITA C
	65	4516 VICTOR ST	PEDRAZA ELIAZAR & LORENZA
	66	4520 VICTOR ST	ESCOBEDO JESUS
	67	4524 VICTOR ST	MARRUFO MARGARITA MICHELLE
	68	4530 VICTOR ST	DELEON ANNA Y
	69	4622 VICTOR ST	YOHANNES FISSEHA
	70	4616 VICTOR ST	LAI CHI WAI
	71	4612 VICTOR ST	DIAZ TOMATEO & ROSA
	72	4600 VICTOR ST	AN JADHAVJI INVESTMENTS LLC
	73	316 N CARROLL AVE	ALBERTANO LINDA J TRUST
	74	4408 WORTH ST	MAY DAWN
	75	4420 WORTH ST	YARA GROUP LLC
	76	4414 WORTH ST	MOD SQUAD PPTIES LP
	77	509 ALCALDE ST	DUBAI INVESTMENTS INC
	78	405 ALCALDE ST	SILVERIO ANGEL & JUANA LEYVA
	79	4300 WORTH ST	EAST DALLAS CHRISTIAN
X	80	505 ALCALDE ST	FUENTES JAIME JR
	81	407 ALCALDE ST	KEMP JACK
	82	413 ALCALDE ST	NAVA ALEJANDRO &
	83	421 ALCALDE ST	TITUS LAURENCE
	84	401 ALCALDE ST	ESCOBEDO FRANK L LIFE EST
	85	4320 WORTH ST	SAFE CAPITAL INVESTMENTS LLC
	86	417 ALCALDE ST	LOERA JOSE
	87	501 ALCALDE ST	FRANCIS DENNY &
	88	4503 REIGER AVE	LEGGIO RICHARD F

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	4515	REIGER AVE	TONGRA LP
90	4517	REIGER AVE	WATSON MAELISSA TR
91	4523	REIGER AVE	CAVALIER EL CORP
92	4609	REIGER AVE	PETROVICH CHRISTIAN M
93	315	N CARROLL AVE	LUPIAN RAFAEL & MARIA
94	317	N CARROLL AVE	GARZA VICTORIA GUADALUPE
95	322	ALCALDE ST	PENFOLD CRAIG PPTIES INC
96	312	ALCALDE ST	ALVAREZ GLORIA &
97	4701	WORTH ST	CHRISTOPHER R LONG PROPERTIES LLC
98	4609	WORTH ST	DHARMAGUNARTNE CHARAKA
99	4601	WORTH ST	DHARMAGUNARATNE CHARAKA
100	532	ALCALDE ST	WORTH CONSOLIDATED INVESTMENTS LLC
101	528	ALCALDE ST	WORTH CONSOLIDATED INVESTMENTS LLC
102	520	ALCALDE ST	WORTH CONSOLIDATED INVESTMENTS LLC
103	401	N CARROLL AVE	DAVID CROCKETT BUILDING LLC

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 64 V

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 west line of Altaire Avenue, south of East Millett Drive

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z156-361(JM)

FILE NUMBER: Z156-361(JM)

DATE FILED: September 9, 2016

LOCATION: On the west line of Altaire Avenue, south of East Millett Drive

COUNCIL DISTRICT: 3

MAPSCO: 64-V

SIZE OF REQUEST: ± 0.33 acres

CENSUS TRACT: 112.00

APPLICANT/OWNER: Aaron & Iris Logan

REPRESENTATIVE: Versie Logan Merchant

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 proposes to expand an existing photography business located along the RL Thorton Service Road which is contiguous to the east of the request area. Deed restrictions being volunteered would limit 23 uses. In addition, the applicant will restrict access to Altaire Avenue, directing traffic solely to the RL Thorton Service Road.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The subject parcel is undeveloped land adjacent to a property developed with a personal service use (photography studio). The photography studio received a certificate of occupancy on May 16, 2000.
- The applicant owns both parcels and would like to expand their business easterly into the existing R-7.5(A) District. No retail or personal service uses are allowed in the residential district; therefore, the applicant is seeking to rezone the property to a CR Community Retail District.
- The proposed CR District would allow 51 new uses. Volunteered deed restrictions limit 23 of the 51 new uses. Eleven of the remaining 28 new uses are conditional uses that require an SUP, DIR, RAR, or other special zoning consideration. A total of 25 uses, either new or previously controlled as a conditional use, would be allowed by right.
- Volunteered deed restrictions also limit vehicular traffic/access onto Altaire Avenue in an effort to minimize impact on the local residential road traffic.

Zoning History: There have not been any zoning cases in the vicinity in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Altaire Avenue	Local	50'

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

The Plan identifies the request site as being between a *Residential Neighborhood* Building Block and a *Commercial Center or Corridor* Building Block. Residential Neighborhoods represent traditional neighborhoods with single-family detached homes as the dominate land use. At times, there are shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents located at the edges or at key intersections. *Commercial Center or Corridor* Building Blocks

primarily function as service and job destinations. The area of request is interesting because it faces the *Residential Neighborhood* Building Block, while abutting a *Commercial Center or Corridor* Building Block. Since the request at hand stems from a proposed expansion of the abutting commercial property, it does not align with the *Residential Neighborhood* Building Block, but with the *Commercial Center or Corridor* Building Block. The nature of the *Vision Illustration* allows these transitional areas to develop based on patterns of use consistent with the area. Several businesses along RL Thorton Freeway are choosing to utilize the abutting properties facing Altaire Avenue, although the majority of the block is undeveloped. Overall, with the proximity of RL Thorton Freeway and other office, retail and personal service uses along this corridor, the request generally supports the changes occurring on this block.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

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.

Land Use Compatibility: The request site is undeveloped and abuts an existing retail and personal service use (photography studio) facing the RL Thornton Freeway. The request to rezone is to allow for the expansion of the photography studio towards property facing Altaire Avenue and single family uses. CR Community District would introduce a wide range of uses which could potentially be incompatible with the single family neighborhood.

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped Land
North	R-7.5(A)	Undeveloped Land
East	R-7.5(A)	Single Family
South	R-7.5(A)	Undeveloped Land
West	RR Regional Retail	Retail and Personal Service

Surrounding properties to the west, northwest, and southwest are zoned an RR Regional Retail District and provide a variety of office and retail and personal services uses. Directly adjacent to the north and south are undeveloped parcels zoned for single family use. Across Altaire Avenue to the northeast, east, and southeast are all existing single family uses.

The applicant volunteered deed restrictions to limit 23 higher intensity uses. Additionally, they have offered to restrict access through Altaire Avenue in an effort to minimize impact on the local residential road traffic.

The Dallas Development Code provides additional protective measures to shield residential uses from commercial or higher intensity uses. These include required screening, landscape buffers, and height restrictions.

In this case, the code requires screening for the rear or service side of a nonresidential building if located closer than 150 feet to the boundary line of a residential district. Altaire Avenue, a 50' right-of-way, separates the proposed expansion of the retail and personal service use from a residential district. Therefore, screening must be not less than six feet in height and constructed of a solid material, or combination of landscape, fence, and/or earthen berm, as allowed by the code. Article X of the Dallas Development Code requires a 10 foot perimeter landscape buffer strip to shield residential uses from nonresidential uses. Finally, the residential proximity slope provision applies to this request and will limit the development height at a 1:3 slope, infinitely. This means that for every foot over 26 feet in height, the structure must be setback an additional 3 feet.

Staff recommends approval of the zoning request because the proposed zoning district, constrained by volunteered deed restrictions and the above regulations provide an ideal opportunity for expansion of an existing business.

Development Standards: The proposed development standards will allow for reduced setbacks and greater lot coverage. Additional provisions like residential proximity slope, required screening, and landscape buffering will help to protect existing single family uses to the west.

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: R-7.5(A)	25'	5'/5' res. 10'/15' nonres.	30'	45% res. 25% nonres.	RPS	Single family
Proposed: CR Community Retail with Deed Restrictions	15'	0'/0'	54'	80%	RPS	Commercial and Business Service; Institutional and Community Service; Retail and Personal Service; Office; and Recreation

Land Use Comparison: The following table identifies the changes in allowable uses from the existing zoning designation of R-7.5(A), to the proposed CR. Fifty-one new uses would be allowed under the new CR Community Retail District. These 51 uses are not exclusive of all uses allowed in the CR District. Volunteered deed restrictions limit 23 of the 51 new uses. Eleven of the remaining 28 new uses are conditional uses that require an SUP, DIR, RAR, or other special zoning consideration. A total of 25 uses, either new or previously controlled as a conditional use, would be allowed by right.

	Proposed	Existing
Use	CR	R-7.5(A)
Building repair and maintenance shop.	DR	
Catering Service.	X	
Custom business services.	X	
Electronics service center.	X	
Medical or scientific laboratory.	SUP	
Tool or equipment rental.	DR	
Adult daycare facility.	X	SUP
Child-care facility.	X	SUP
College, university, or seminary.	X	SUP
Convent or monastery.	X	SUP
Foster home.		SUP
Hospital.	SUP	
Library, art gallery, or museum.	X	SUP
Foster home.		SUP
Open-enrollment charter school or private school.	SUP	

Z156-361(JM)

Public school other than an open-enrollment charter school.	RAR	
Public or private school.	See above.	SUP
Hotel and motel.	DR	
Lodging or boarding house.	DR	
Overnight general purpose shelter.	DR	
Attached non-premise sign.	SUP	
Alternative financial establishment.	SUP	
Financial institution without drive-in window.	X	
Financial institution with drive-in window.	DR	
Medical clinic or ambulatory surgical center.	X	
Office.	X	
Country club with private membership.	X	SUP
Private recreation center, club, or area.	X	SUP
Handicapped group dwelling unit.		Check Use
Single family.		X
College dormitory, fraternity, or sorority house.	X	
Alcoholic beverage establishments.	DR	
Ambulance service.	DR	
Animal shelter or clinic without outside runs.	RAR	
Auto service center.	RAR	
Business school.	X	
Car wash.	DIR	
Commercial amusement (inside).	Check Use (SUP)	
Commercial amusement (outside).	DR	
Commercial parking lot or garage.	DR	
Convenience store with drive through.	DR	
Dry cleaning or laundry store.	X	
Furniture store.	X	
General merchandise or food store greater than 3,500 square feet.	X	
General merchandise or food store greater than 3,500 square feet.	X	
General merchandise or food store 100,000 square feet or more.	DR	

Home improvement center, lumber, brick or building materials sales yard.	DR	
Household equipment and appliance repair.	X	
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Motor vehicle fueling station.	DR	SUP
Nursery, garden shop, or plant sales.	X	
Pawn shop.	X	
Personal service uses.	X	
Restaurant without drive-in or drive-through service.	RAR	
Restaurant with drive-in or drive-through service.	DR	
Swap or buy shop.	DR	
Temporary retail use.	X	
Theater.	X	
Private street or alley.		SUP
Transit passenger shelter.	X	Check Use
Transit passenger station or transfer center.	Check Use SUP	SUP
Commercial radio and television transmitting station.	X	
Electrical substation.	X	SUP
Police or fire station.	X	SUP
Post office.	X	
Mini-warehouse.	DR	
Recycling buy back center.	DR	
Recycling collection center.	DR	
<p><i>X indicates permitted by right.</i> <i>SUP indicates permitted with a Specific Use Permit.</i> <i>RAR indicates permitted, but subject to Residential Adjacency Review.</i> <i>DIR indicates permitted, but subject to Development Impact Review.</i> <i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i> <i>By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official.</i> <i>Strikethrough text indicates items which are being voluntary deed restricted (DR). Those uses will not be allowed.</i></p>		
Alternating color pattern indicates a new category of uses.		

CPC Action

November 17, 2016:

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 west line of Altaire Avenue, south of East Millett Drive.

Maker: Houston

Second: Jung

Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Housewright

Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 13

Replies: For: 1 Against: 0

Speakers: For (Did not speak): Versie Merchant, 6636 S.R.L. Thornton Fwy., Dallas, TX, 75232
Against: None

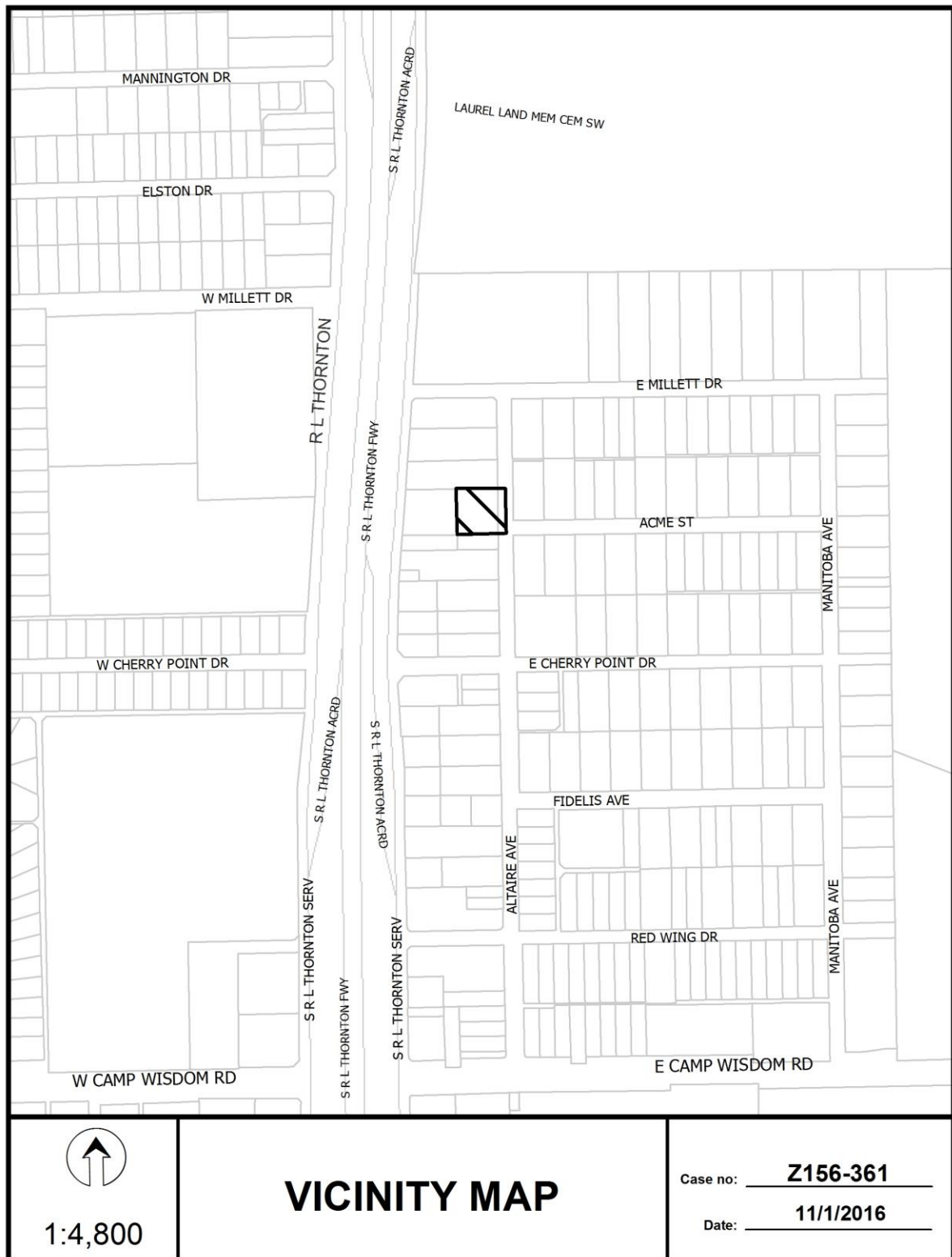
Volunteered Deed Restrictions

The following uses are prohibited:

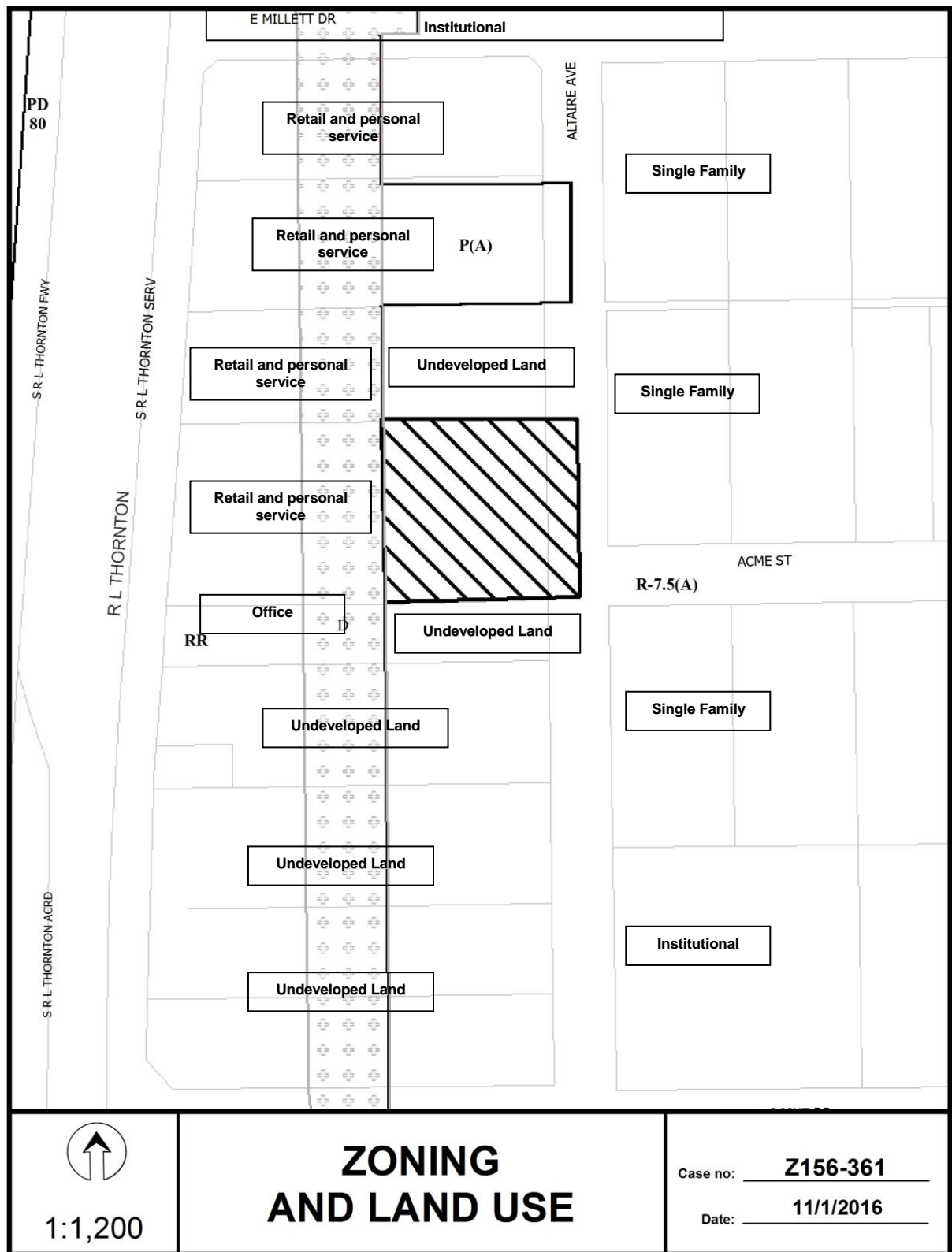
- (1) Commercial and business service uses.
 - Building repair and maintenance shop.
 - Tool or equipment rental.
- (2) Lodging uses.
 - Hotel and motel.
 - Lodging or boarding house.
 - Overnight general purpose shelter.
- (3) Office uses.
 - Financial institution with drive-in window.
- (4) Retail and personal service uses.
 - Alcoholic beverage establishments.
 - Ambulance service.
 - Auto service center.
 - Commercial amusement (outside).
 - Commercial parking lot or garage.
 - Convenience store with drive-through.
 - General merchandise or food store greater than 3,500 square feet.
 - General merchandise or food store 100,000 square feet or more.
 - Home improvement center, lumber, brick or building materials sales yard.
 - Household equipment and appliance repair.
 - Liquor store.
 - Motor vehicle fueling station.
 - Restaurant with drive-in or drive-through service.
 - Swap or buy shop.
- (5) Wholesale, distribution, and storage uses.
 - Mini-warehouse.
 - Recycling buy-back center.
 - Recycling collection center.

Additional Conditions:

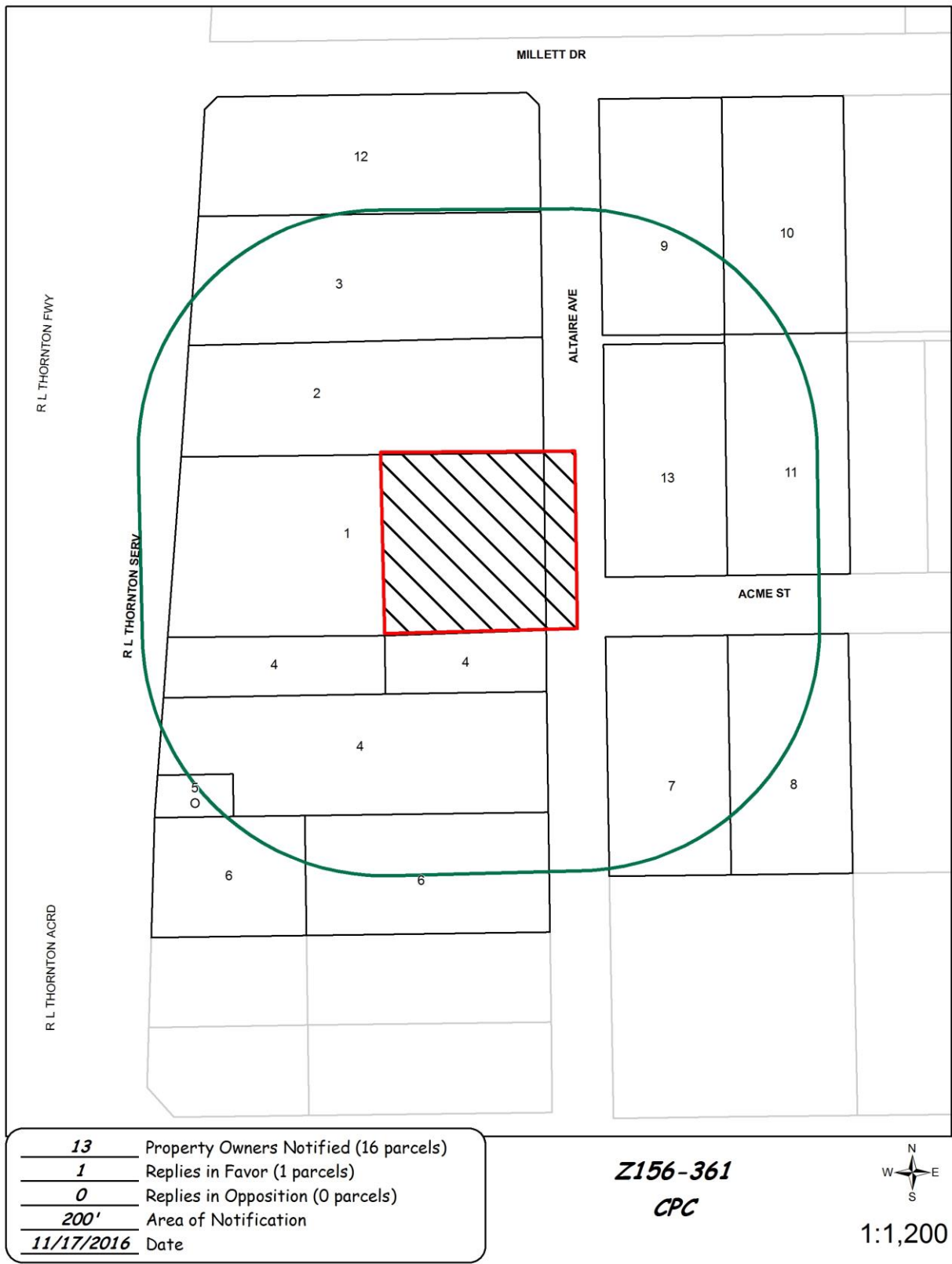
- (1) No vehicular access will be provided along the east property line, onto Altaire Avenue, unless required by the Fire Marshal.







CPC Responses



11/16/2016

Reply List of Property Owners

Z156-361

13 Property Owners Notified

1 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6636	S R L THORNTON FWY LOGAN AARON & IRIS D
	2	6626	S R L THORNTON FWY LILLY JANICE &
	3	6614	S R L THORNTON FWY HURST RODRICK L
	4	6704	S R L THORNTON FWY HURST RODRICK
O	5	6708	S R L THORNTON FWY PRESCOTT INTERESTS BILLBOARDS LTD
	6	6718	S R L THORNTON FWY TRUE VINE OF HOLINESS MISSIONARY
	7	206	ACME ST OSORIO MARIA SANTOS
	8	214	ACME ST CARTER BRENT CARTER
	9	202	E MILLETT DR LAGADI PETE REYES
	10	214	E MILLETT DR LAGADI PETE R JR
	11	215	ACME ST FLOREZ JOE MAURO &
	12	6606	S R L THORNTON FWY MARCOS GONZALEZ HAULING LP
	13	207	ACME ST BLACKMON MALCOLIM &

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 36 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District and animal shelter or clinic with outside runs uses on property zoned an MU-3 Mixed Use District on the north line of Dyer Street, west of Greenville Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-362(JM)

FILE NUMBER: Z156-362(JM)

DATE FILED: September 12, 2016

LOCATION: On the north line of Dyer Street, west of Greenville Avenue

COUNCIL DISTRICT: 14

MAPSCO: 36-E

SIZE OF REQUEST: ± 0.34 acres

CENSUS TRACT: 79.14

APPLICANT: Barking Hound Village (Texas), LLC

OWNER: WLB3 Properties, Inc.

REPRESENTATIVE: Laura Hoffmann & Tommy Mann, Winstead PC

REQUEST: An application for a Planned Development District for MU-3 Mixed Use District and animal shelter or clinic with outside runs uses on property zoned an MU-3 Mixed Use District.

SUMMARY: The applicant proposes to renovate an existing office building to provide a dog daycare and grooming facility with the addition of a secure outdoor play area (also known as outside runs). The applicant is requesting a parking reduction to allow for 10 parking spaces to serve the business after the remodel. The office is currently served by eight parking spaces.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- According to DCAD records, the existing one-story structure is located on two parcels. The parcel adjacent to the alley on the west has a structure that was built in 1959. The second parcel to the east has an adjoining structure that was built in 1971. The total square footage is approximately 7,885 square feet.
- The existing use, an office showroom/warehouse, has had a CO since 1991.
- The addition of the outdoor relief area is what triggers the zoning change.
- The applicant is proposing a planned development district to allow the following:
 - An animal shelter or clinic with outside runs by right, rather than by SUP;
 - To allow the existing nonconforming front yard setback by allowing a 0 foot front yard setback;
 - To provide reduced parking for the proposed use (10 proposed/26 required); and,
 - To amend the animal shelter or clinic with outside runs use by stipulating that the facility is limited to the harboring of domestic animals including, but not limited to dogs and cats. The facility may not harbor large animals, such as horses or other livestock. Diagnosis, treatment, or hospitalization of animals for an animal shelter or clinic with outside runs is not permitted.
- An additional provision was added to the proposed PD conditions to control noxious odors from animal waste on a daily basis.

Zoning History: There has been one recent zoning case in the vicinity in the last five years.

1. **Z145-288:** On October 28, 2015, the City Council approved an amendment to Planned Development District No. 847 and development plans for Subareas 1 & 2.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Dyer Street	Local	50'

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site as being within an Urban Mixed Use Building Block. The mixed-use zoning plus the new use will continue to provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use Compatibility: The request site is developed with a one-story building containing approximately 7,885 square feet and has been in operation with an office showroom/warehouse use since 1991.

	Zoning	Land Use
Site	MU-3 Mixed Use	Office showroom/warehouse
North	City of University Park	Retail and Personal Service
East	MU-3 Mixed Use	Office showroom/warehouse
South	MU-3 Mixed Use	Office showroom/warehouse
West	MU-3 Mixed Use	DART ROW

Surrounding land uses are mostly office showroom/warehouse and retail and personal service uses. The applicant proposes to renovate the structure and provide additional site improvements to screen the outdoor portion of the use to adjacent commercial properties to the north with a six-foot screening wall (alley area). The request also proposes outdoor runs, or also known as an outdoor relief area, for animals. This relief area, or outside run, is located at the north end of the property, along the alley access, with no nearby residential structures. The alley provides an additional buffer to nearby businesses. The screening fence will add to that protection.

Furthermore while there are currently no nearby residences, since the area is mixed-use it helps to have protection from possible disturbances associated with this use. Chapter 7 of the Dallas City Code puts restrictions on animals, including dogs that surrounding neighbors may report to find relief if ever the animals on the request site disturb the peace or neighborhood animals disturb the peace.

Staff recommends approval of the planned development district because the proposed use, constrained by a development plan, conditions, and other City regulations provides a desirable service in an urban, mixed-use neighborhood that is appropriate in an existing commercial building.

Development Standards: The proposed development standards continue to follow the existing zoning of the MU-3 Mixed Use District, while removing the requirement of a minimum front yard setback. This is consistent with the block face of the developed area. Most properties along this section of Dyer Street were developed with little to no front yard. Additionally, bringing structures up to the street creates a vibrant atmosphere consistent with an urban mixed-use area. The structure is already constructed and no lot coverage changes are proposed.

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: MU-3 Mixed Use	15'	0'/0'	270'	80%	RPS	Mixed-Use
Proposed: PDD	0'	0'/0'	270'	80%	RPS	Mixed-Use

Landscaping: Landscaping must be provided in accordance with Article X of the Dallas Development Code.

Parking: If the owner chooses to change uses for the existing building, parking is required for the new use based on the Dallas Development Code. The Dallas Development Code requires one space per 300 square feet of floor area for an animal shelter or clinic use with outside runs. The site has 7,885 square feet of floor area; therefore, 26 spaces are required. Considering the size of the building, it would be difficult to park any use at today's standards.

The applicant hired a professional engineer to conduct a parking study based on their existing business at a different location. The parking study was reviewed by the Engineering Division. The study found that 10 parking spaces are sufficient for the use. The applicant has offered 10 parking spaces, as reflected in the proposed PD conditions and development plan. Eight of those spaces are provided on the site as head-in parking off of Dyer Street. Two will be added at the rear alley-access of the property. An additional provision in the proposed off-street parking regulations allow a credit for on-street parking.

OFFICERS AND DIRECTORS

Tenant: **BARKING HOUND VILLAGE (TEXAS), LLC**

Lisa Jones	Managing Member
Jeremy Jones	Member

OFFICERS AND DIRECTORS

Owner: **WLB3 PROPERTIES, INC.**

William L. Ballard, III	President
William L. Ballard, III	Director
Claudette B. Ballard	Vice-President
Claudette B. Ballard	Director

CPC Action
November 17, 2016:

Motion: It was moved to recommend **approval** of a Planned Development District for MU-3 Mixed Use District and animal shelter or clinic with outside runs uses, subject to a development plan and conditions to include that the 8 foot fence be a solid wooded fence on property zoned an MU-3 Mixed Use District on the north line of Dyer Street, west of Greenville Avenue.

Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 81
Replies: For: 5 Against: 0

Speakers: None

Proposed PDD Conditions

ARTICLE ____.
PD ____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. _____, passed by the Dallas City Council on ____.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located on the north line of Dyer Street between Central Expressway and Greenville Avenue. The size of PD ____ is approximately 0.34 acre.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit __A: development plan.

SEC. 51P-____.105. DEVELOPMENT PLAN.

(a) For an animal shelter or clinic use with outside runs, development and use of the Property must comply with the development plan (Exhibit __A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-____.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only uses permitted are those main uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this district; etc.

(b) The following additional main use is permitted:

- Animal shelter or clinic with outside runs. *[Limited to the harboring of domestic animals including, but not limited to dogs and cats. The facility may not harbor large animals, such as horses or other livestock. Diagnosis, treatment, or hospitalization of animals for an animal shelter or clinic with outside runs is not permitted.]*

SEC. 51P-____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Except as provided in this section, the yard, lot, and space regulations in the MU-3 Mixed Use District apply.

(b) Front yard. No minimum setback is required.

SEC. 51P-____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A 4.200 for the specific off-street parking and loading requirements for each use.

(b) For an animal shelter or clinic with outside runs, a minimum of 10 off-street parking spaces are required.

(c) Parking reduction for on-street parking.

(1) Any on-street parking spaces may be counted toward the parking requirement of the use adjacent to the on-street parking space.

(2) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(3) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 = \text{one-third}$).

The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(4) On-street parking spaces must be marked per city regulations and must be approved by the director of mobility and streets.

SEC. 51P-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-____.112. SIGNS.

Signs must comply with the provisions for business zoning districts contained in Article VII.

SEC. 51P-____.113. ADDITIONAL PROVISIONS.

(a) For an animal shelter or clinic with outside runs, animal waste must be removed from outside runs daily and placed in an odor-controlled container.

(b) Fencing identified on the development plan shall be solid wood.

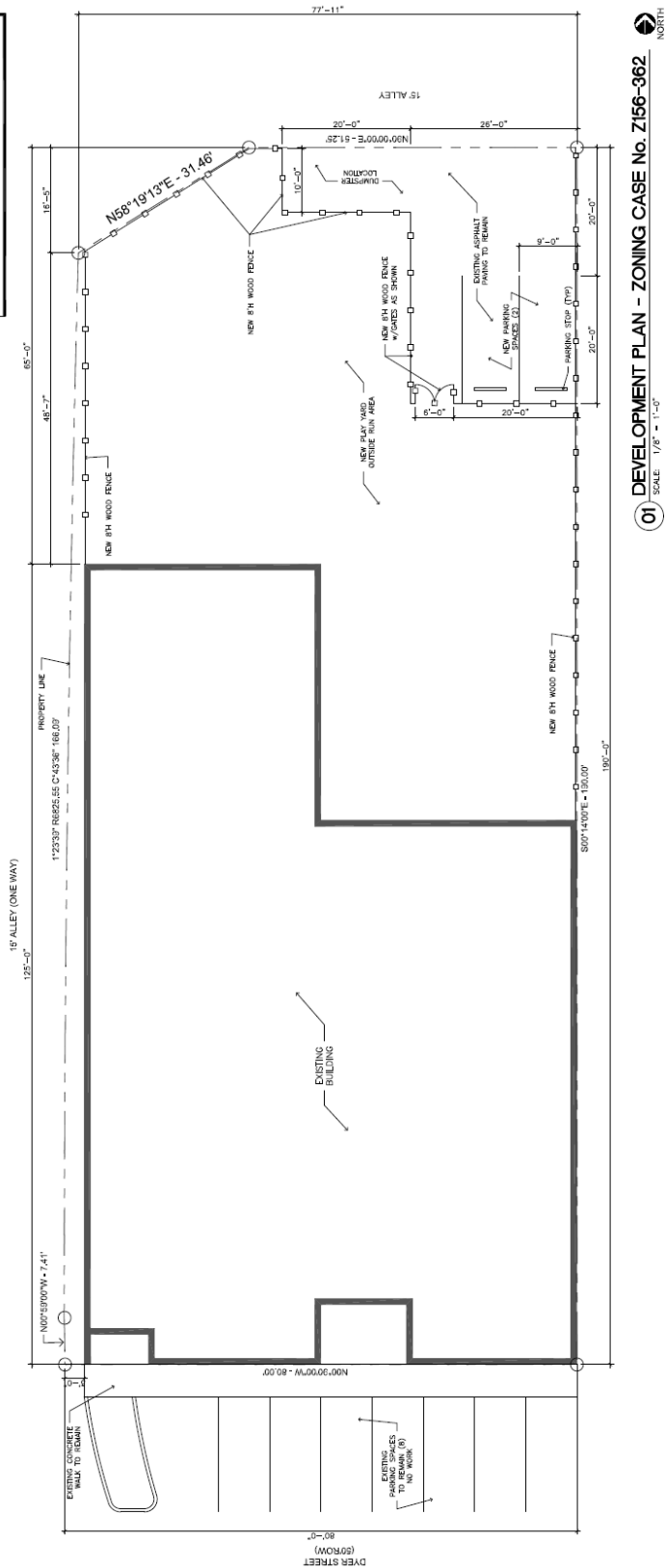
(b) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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.

[illegible]

Parking Study

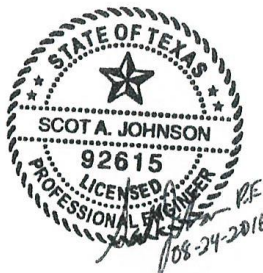
**MEMORANDUM**

To: Ms. Lisa Jones
Barking Hound Village

From: Scot A. Johnson, P.E., PTOE
Allyson Richey
Kimley-Horn and Associates, Inc.

Date: August 24, 2016

Subject: Barking Hound Village Parking Study

**Summary**

Based on the observed parking demand at two existing sites, it is recommended that the new Barking Hound Village location at 5601 and 5605 Dyer Street should provide 10 on-site parking spaces. This supply will completely cover the expected parking demand for the dog boarding and daycare use.

Introduction

Kimley-Horn and Associates, Inc. (KH) was retained by Barking Hound Village (BHV) to conduct a parking study to examine the actual parking demand at their existing BHV pet boarding facility, to assist in identifying the proper parking supply at their new BHV location at 5601 and 5605 Dyer Street. The study observed the existing parking behavior at the existing site and a similar competitor's site, identified the peak parking demands for the pet boarding land use, and then made recommendations about an appropriate parking supply for a similar facility.

Parking Observations

The existing Barking Hound Village location that was evaluated for parking demand is at 5922 Cedar Springs Road. Parking is exclusive to the site, with at least 36 parking spots available near the building. The business offers dog boarding and daycare only, with limited grooming services (e.g., baths) that are part of the boarding service. There are no other pet-related services like training, veterinary care, detailed grooming, or significant retail sales. The business uses 4 staff members on site at a time. Most of the customer activity occurs near the morning and evening commuter peak hours as owners drop off and pick up their pets around a traditional work schedule.

A competitor's site was also identified for study, the Pet Resort Dallas location at 2737 W. Mockingbird Lane. Pet Resort Dallas operates the same type of pet boarding and daycare facility, without other uses on the site. Pet Resort Dallas is part of a mixed commercial development, but has at least 24 spaces available for use immediately adjacent to the facility.

kimley-horn.com

12750 Merit Drive, Suite 1000, Dallas, TX 75251

972-770-1300

Z156-362

The existing BHV site and the competitor's site were observed on August 3, 2016 for both parking supply and parking occupancy. A physical count and examination of each available parking space was made. Observations were conducted on a typical Thursday and included both AM and PM peak hours. AM peak hours included 7 AM to 9 AM, with PM peak hours being 5 PM to 7 PM. No midday peak hours were identified as they were not considered significant enough for study. The hours identified as peaks correlated to drop-off and pick-up around a standard, 9-5 work day. During each peak time, counts were taken at ten-minute intervals at each site, recording the number of spaces occupied by vehicles parked or in the process of parking or unparking. The parking occupancy numbers included any staff vehicles.

Parking Demand Data

A graph summarizing the parking observations for the BHV site can be seen in **Figure 1**. Observations from the data revealed neither the AM nor PM peak proved to be more significant; the parking demand in each peak was virtually identical. The AM peak time period had a noticeable peak where occupancy rose to a maximum and then tapered off. This could be attributed to more consistency in workplace arrivals and start times. The PM peak time period did not peak at any one time, tending more to fluctuate throughout the period. Traffic delays and differences in work day conclusions could be factors in this lack of peak behavior. The maximum observed parking demand at the BHV site was 7 vehicles in the AM time period and 6 vehicles in the PM time period. With 36 parking spots available, most of the on-site parking spaces are never used.

Figure 2 shows the AM and PM occupancy for the Pet Resort Dallas location. Similar trends can be seen between this location and Barking Hound Village, validating observations as a regular trend for similar land uses. The maximum observed parking demand at the Pet Resort Dallas site was 7 vehicles in the AM time period and 6 vehicles in the PM time period. As with the BHV site, most of the available parking spaces are never used.

Figure 1: AM and PM Parking Occupancy for Existing Barking Hound Village

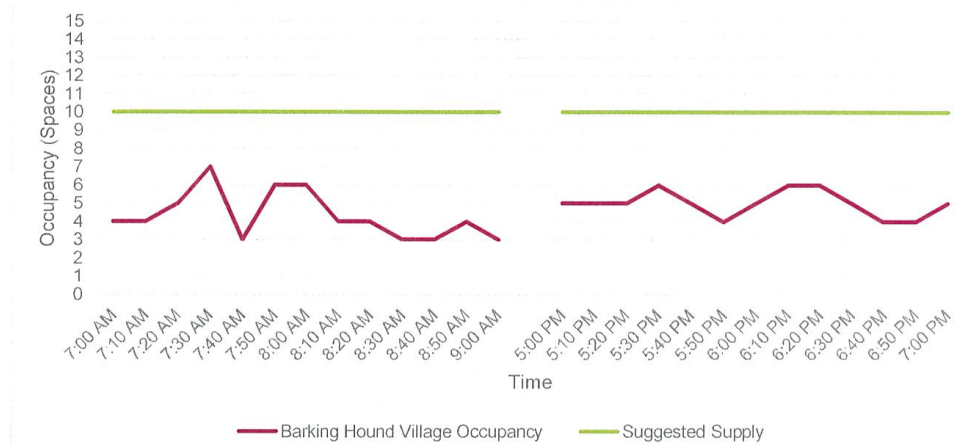


Figure 2: AM and PM Parking Occupancy for Pet Resort Dallas





Proposed New BHV Location

The potential new location of Barking Hound Village is at 5601 and 5605 Dyer Street, between US 75 and Greenville Avenue, just north of SMU Boulevard. The new facility will have the same dog boarding and daycare-only facilities as the existing BHV site on Cedar Springs Road. The facility will have the same staff level of 4 employees at a time, and is expected to have the same customer usage profile as the existing site.

The Dyer site currently has 8 on-site parking spots available on the Dyer Street frontage, and some additional area for parking at the rear of the site. Adjacent to the site are some public on-street parallel parking spaces on Dyer Street, and additional public angled parking on Prentice Street.

Recommended Parking Supply

The observations of two similar facilities showed no parking demand over 7 spaces, including employee parking. This observed demand matches the customer profile of the boarding and daycare users, where customers are on site only for short periods to drop off or pick up pets. With no other activity to prolong the customer visit, there is no significant parking accumulation on the observed sites.

It is recommended that the new Barking Hound Village site should provide 10 on-site parking spaces. This 10 spaces represents a buffer of over 40% above the highest observed parking demand at similar sites, which will ensure that that site can comfortably handle any temporary spikes in parking demand. The nearby public parking provides an additional buffer for exceptional events, but is never expected to be used.

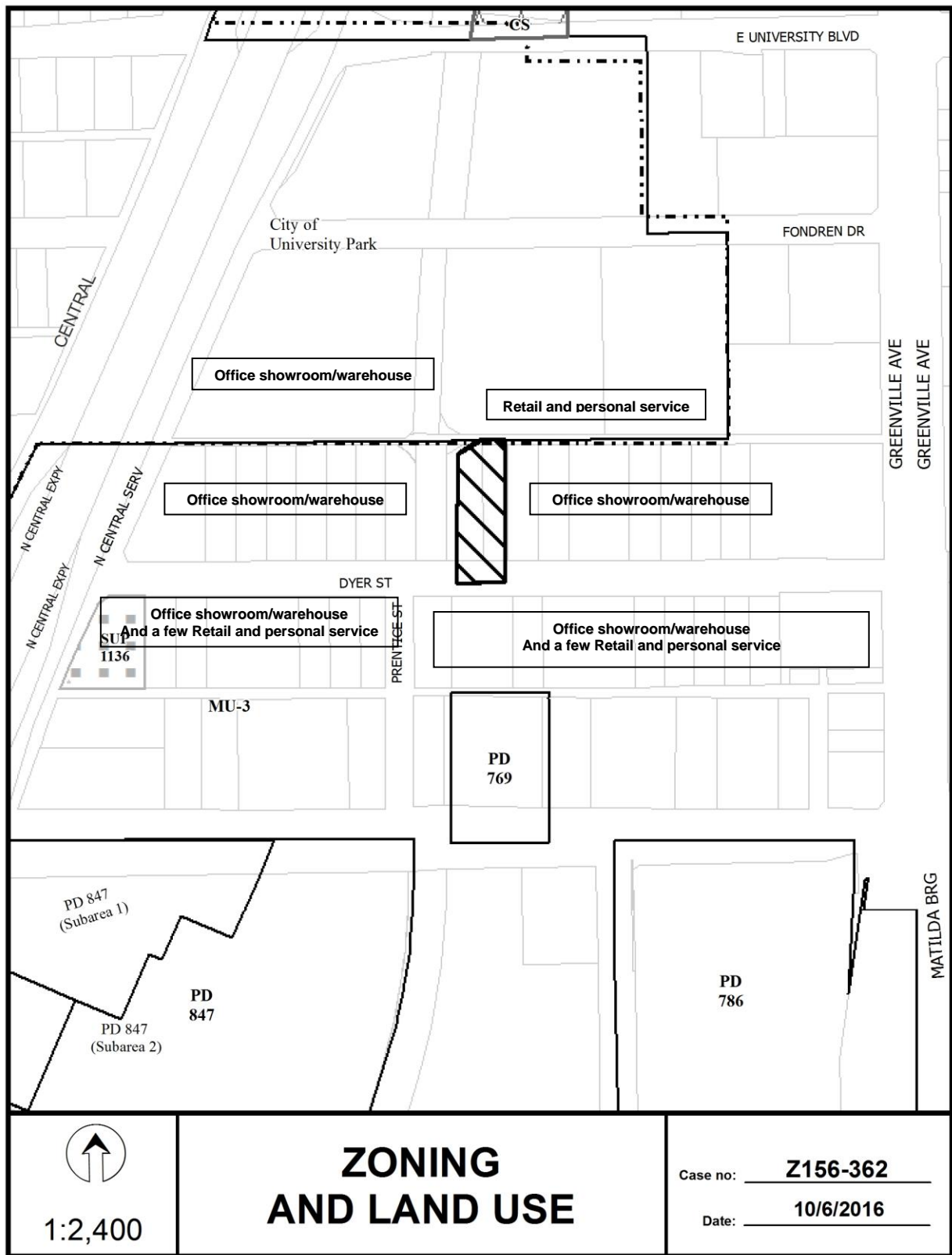
The pet boarding and daycare use is significantly different from other retail or personal services uses, so having a reduced parking requirement is reasonable. This recommendation of 10 spaces is the appropriate supply, preventing the wasteful oversupply of parking spaces which are never used. Excess parking requirements have negative effects on many urban design elements such as neighborhood walkability, storm water runoff, and urban heat island effects.

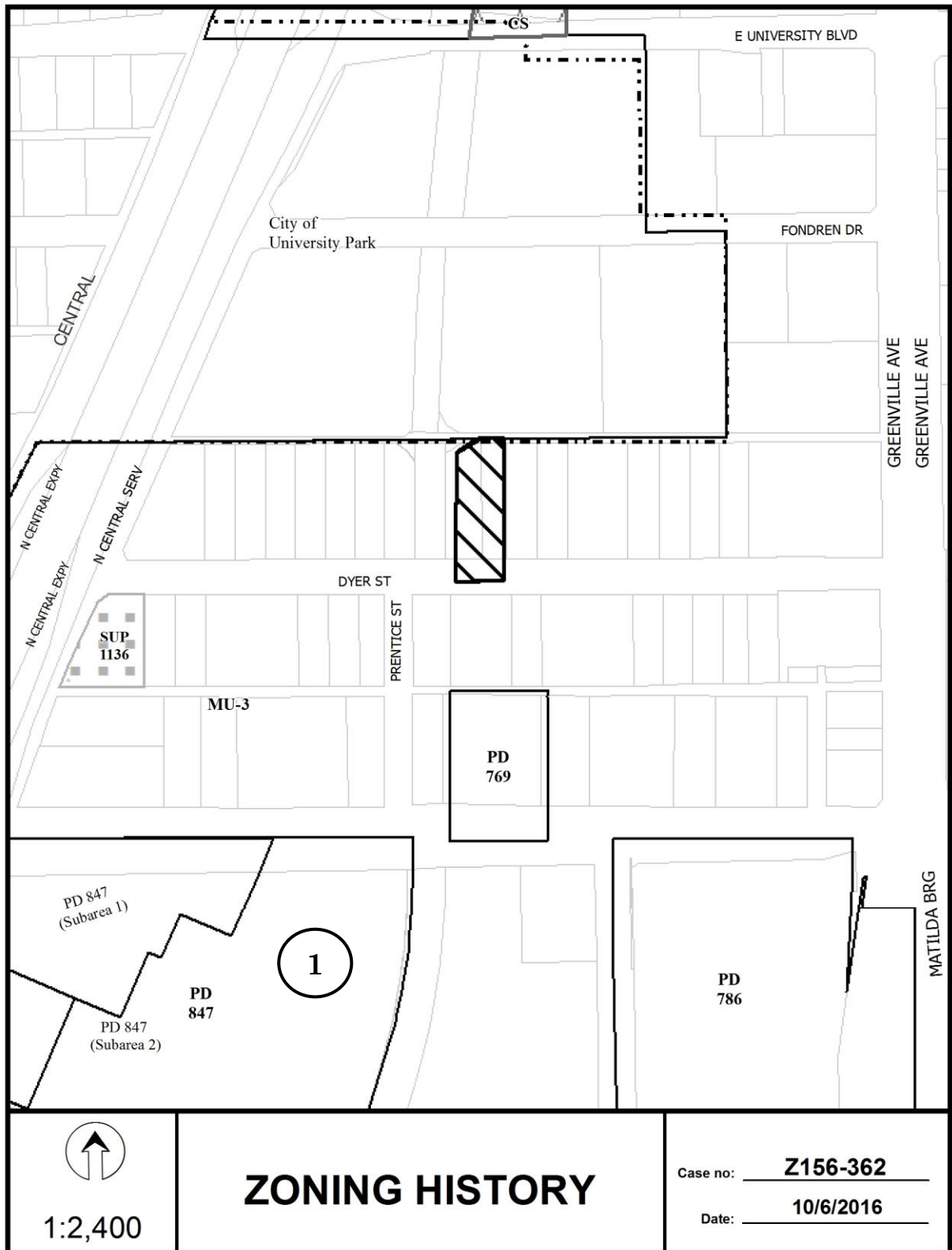
Summary

Based on the observed parking demand at two existing sites, it is recommended that the new Barking Hound Village location at 5601 and 5605 Dyer Street should provide 10 on-site parking spaces. This supply will completely cover the expected parking demand for the dog boarding and daycare use.

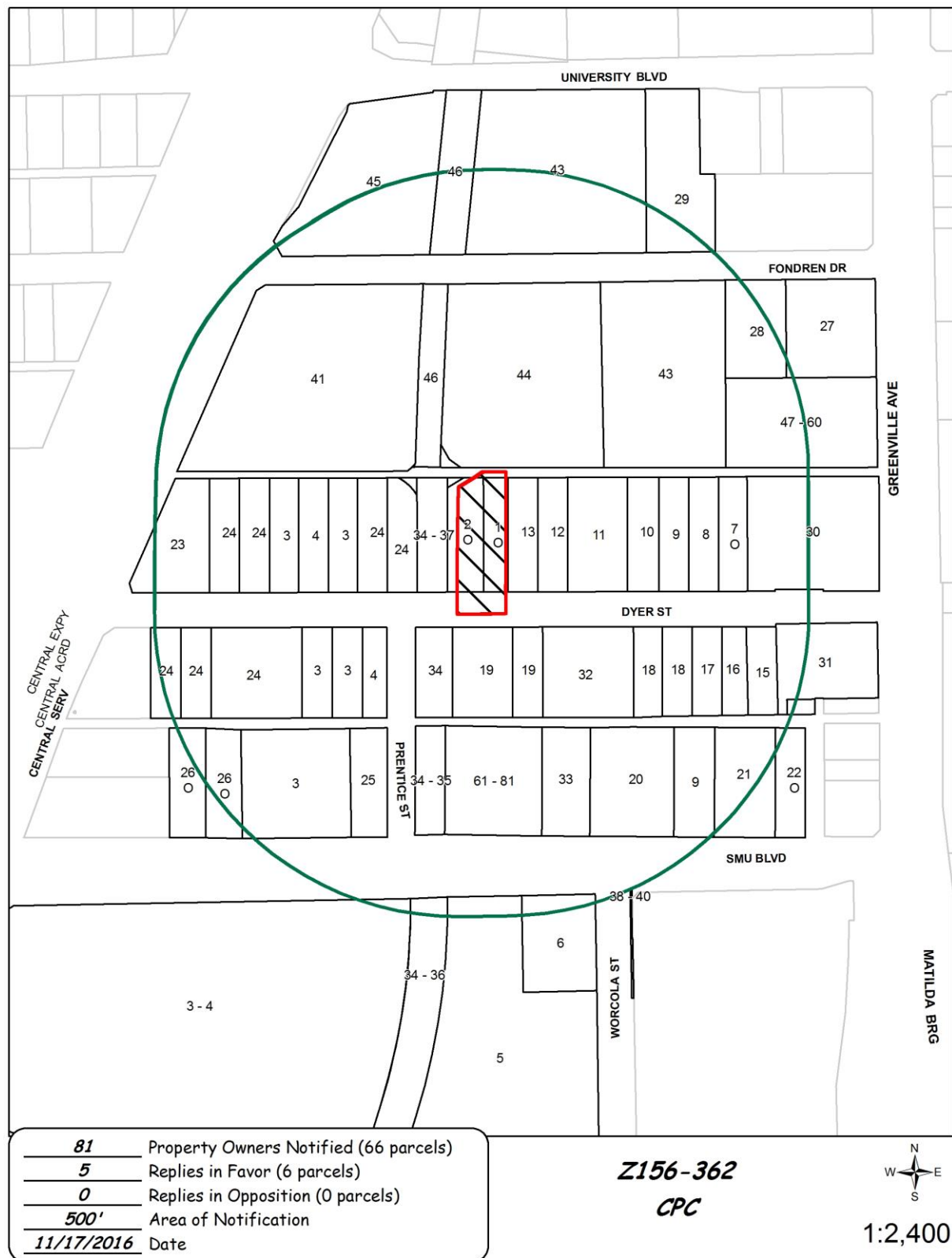
END







CPC Responses



11/16/2016

Reply List of Property Owners***Z156-362******81 Property Owners Notified******5 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	5605 DYER ST	WLB3 PROPERTIES INC
O	2	5601 DYER ST	WLB3 PROPERTIES INC
	3	6116 N CENTRAL EXPY	SOUTHERN METHODIST UNIVERSITY
	4	5533 DYER ST	SOUTHERN METHODIST
	5	5606 SMU BLVD	U S POSTAL SERVICE
	6	5612 SMU BLVD	YALE CENTRAL LLC
O	7	5641 DYER ST	SHELBY SHARON A
	8	5639 DYER ST	PORTMANN W KRISTIN &
	9	5631 DYER ST	JACKSON LEASING PTNRS LTD
	10	5627 DYER ST	GRINNAN JOHN MANNING JR &
	11	5619 DYER ST	DYER STREET INVESTORS LP
	12	5615 DYER ST	HAYS JERRY
	13	5607 DYER ST	SKYLINE 5607 DYER LLC
	14	5650 DYER ST	SMITH M NED
	15	5644 DYER ST	HOLLYWOOD OVERHEAD
	16	5642 DYER ST	HOLLYWOOD OVERHEAD
	17	5634 DYER ST	SKYLINE 5634 DYER LLC
	18	5630 DYER ST	JACKSON LEASING PARTNERS
	19	5610 DYER ST	NAK JOINT VENTURE LTD
	20	5629 SMU BLVD	SMU DHG LLC
	21	5641 SMU BLVD	5641 YALE LTD PS
O	22	5645 SMU BLVD	SMITH NED
	23	6300 N CENTRAL EXPY	MANHATTAN CONSTRUC CO INC
	24	5523 DYER ST	PERUNA EAST CORPORATION
	25	5555 SMU BLVD	PERUNA EAST CORP
O	26	5535 SMU BLVD	RAS PROPERTIES LTD

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4645	GREENVILLE AVE	SAYAH INVESTMENTS LP
28	5620	FONDREN DR	DDW PROPERTIES LLC
29	5614	E UNIVERSITY BLVD	EMPIRE BAKING COMPANY LP
30	4615	GREENVILLE AVE	MOONDANCE INVESTMENTS LTD
31	4529	GREENVILLE AVE	MOONDANCE INV LTD
32	5622	DYER ST	DYER STREET INVESTORS LP
33	5619	SMU BLVD	HOLTVET HOLDINGS LLC
34	555	2ND AVE	DART
35	555	2ND AVE	DART
36	555	2ND AVE	DART
37	555	2ND AVE	DART
38	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
39	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
40	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
41	6400	N CENTRAL EXPY	MUSTANG MOCKINGBIRD PROPERTIES
42	6400	N CENTRAL EXPY	DALLAS AREA RAPID TRANSIT
43	2525	UNIVERSITY BLVD	UNIVERSITY PARK CITY OF
44	2651	FONDREN DR	JARRELL CREDIT EQUIVALENT
45	6440	N CENTRAL EXPY	TURLEY WINDLE & SHIRLEY A
46	2600	FONDREN DR	DALLAS AREA RAPID TRANSIT
47	4625	GREENVILLE AVE	G R PARTNERS INC
48	4625	GREENVILLE AVE	STONECOURT INC
49	4625	GREENVILLE AVE	ROUND HILL ROYALTY LP
50	4625	GREENVILLE AVE	GIFFORD MYRTLE REVOCABLE TRUST
51	4625	GREENVILLE AVE	OLIVER FRED L
52	4625	GREENVILLE AVE	BT FAMILY PARTNERSHIP
53	4625	GREENVILLE AVE	MARTINEAU DAVID T
54	4625	GREENVILLE AVE	BRYAN WOODBINE PURCHASING LLC
55	4625	GREENVILLE AVE	MARTINEAU DAVID T &
56	4625	GREENVILLE AVE	HALPIN MARILYN K
57	4625	GREENVILLE AVE	E & M WATERS LTD

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4625 GREENVILLE AVE	ROLLIN COBBS C LP
	59	4625 GREENVILLE AVE	EUBANK RAY H &
	60	4625 GREENVILLE AVE	COBBS ROLLIN C LP
	61	5609 SMU BLVD	DB 5609 RESIDENCES LTD
	62	5609 SMU BLVD	ELDORE MARK &
	63	5609 SMU BLVD	NATHAN KAREN
	64	5609 SMU BLVD	WINTERS ELIZABETH WYNN
	65	5609 SMU BLVD	CL LUXURY PROPERTIES INC
	66	5609 SMU BLVD	BAUGHMAN MICHAEL JAMES &
	67	5609 SMU BLVD	DALAL JAYNEIL H
	68	5609 SMU BLVD	SCHLINKERT ROY J &
	69	5609 SMU BLVD	SCHIFANO ANTHONY M
	70	5609 SMU BLVD	RONDPOINT LLC
	71	5609 SMU BLVD	ANDERSON REALTY PARTNERS LLC
	72	5609 SMU BLVD	BILLINGTON MARK
	73	5609 SMU BLVD	DARLING MICHAEL BLAKE &
	74	5609 SMU BLVD	HERZ PAUL F SR
	75	5609 SMU BLVD	REYKRAFFT ARTURO
	76	5609 SMU BLVD	CARNEVALE KAREN CASSIE
	77	5609 SMU BLVD	PEREIRA CECILIO &
	78	5609 SMU BLVD	LACARRA ANTONIO &
	79	5609 SMU BLVD	LIGHT JORDAN BARNETT
	80	5609 SMU BLVD	BREMER VICTORIA
	81	5609 SMU BLVD	LAUGHX3 LLC

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 53 B

SUBJECT

A public hearing to receive comments regarding an application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road

Recommendation of Staff and CPC: Denial

Z156-223(SM)

FILE NUMBER: Z156-223(SM)

DATE FILED: March 1, 2016

LOCATION: Southwest corner of West Davis Street and North Westmoreland Road

COUNCIL DISTRICT: 1

MAPSCO: 53-B

SIZE OF REQUEST: Approx. 0.85 Acres

CENSUS TRACT: 67.00

APPLICANT/OWNER: POP Holdings, LP – Guillermo Perales, Sole owner

REPRESENTATIVE: Marty Brown

REQUEST: An application for a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to renovate and construct additions to the existing structure to (1) enlarge the existing restaurant with drive-in or drive-through service (Popeye's) onto the adjacent undeveloped property to the south and (2) modify landscaping requirements.

CPC RECOMMENDATION: Denial

STAFF RECOMMENDATION: Denial

BACKGROUND INFORMATION:

- The existing nonconforming drive through restaurant was built in 1981 when the property was located within the GR General Retail District, according to permit records, and contains a nonconforming drive through restaurant with approximately 1,592 square feet, according to Dallas Central Appraisal District records.
- The West Davis Land Use Study was adopted March 27, 2002 and established three goals which eventually created Planned Development District No. 631 that was established by Ordinance No. 25209 on March 26, 2003. The West Davis Land Use Study's identified goals were to: 1) protect residential areas from undesirable land uses; 2) increase the commercial viability along West Davis Street; and, 3) improve the image of West Davis Street.
- The southern residentially zoned portion of the request site has not contained a residential use since at least 1952, according to aerial photography and permit records.

Zoning History: There have been no recent zoning changes requested in the area within the last five years.

<u>Thoroughfare/Street:</u>	<u>Function</u>	<u>Proposed Dimension</u>
West Davis Street	Minor Arterial	Minimum-6 lanes-Divided; 100' ROW
North Westmoreland Road	Principal Arterial	Minimum-6 lanes-Divided; 100' ROW

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

IMPLEMENTATION MEASURE 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The Vision Illustration depicts the request site as within a *Residential Neighborhood* and along a *Multi-Modal Corridor*. The request is inconsistent with the Residential Neighborhood Building Block. The request would be more consistent with a Multi-Modal Corridor Building Block if it provided an enhanced landscape buffer to the south. Therefore, staff recommends denial.

West Davis Land Use Study

The West Davis Land Use Study was adopted on March 27, 2002 and was the guiding document for the creation of PD No 631. It identified uses that were incompatible with residential neighborhoods and found the residential adjacency review (RAR) "insufficient review to ensure that residential uses are protected and buffered from these [incompatible] uses" (p. iv). The study also found that the majority of the existing nonresidential building stock was constructed prior to landscaping requirements and has not improved the image of the street; ultimately PD No. 631 relies upon Article X landscaping requirements but makes the applicability much more stringent by requiring compliance with Article X for any increases in floor area or nonpermeable coverage.

On the third and fourth pages of the appendix, the study identifies the uses that should be allowed in the request's land use category, called *Light Retail/Commercial Office*, and are included below (emphasis added).

First, uses that rely on large amounts of parking to be successful will not be allowed here. This is due either to site constraints or that the amount of traffic would be too great for the amount of residential next to the site. Second, any uses that generate large amounts of noise or other types of pollution will need to locate elsewhere. Again, proximity to residential means that these uses do not

belong here. Finally, **uses such as drive through restaurants**, car washes, gas stations, or banks **will not be allowed here**. While they do not require large amounts of parking, the amount of traffic generated by these uses is too great for the adjacent residential. Examples of uses encouraged here are bridal shops, cellular phone shops, tax preparation services, small grocery store, and small offices (for architects, lawyers, etc.). These are uses that operate mainly during the day and do not encourage large amounts of vehicular traffic.

Staff recommends denial of the request because the West Davis Land Use Study specifically recommends that drive through restaurants should be prohibited.

Surrounding Land Uses and Zoning:

Direction	Zoning	Land Use
Site	PD No. 631 (LCO Tract 2), R-7.5(A)	Nonconforming drive through restaurant, undeveloped
North	PD No. 631 (MCO Tract 1),	Auto repair and Shopping center
East	PD No. 631 (LMU Tract 2), DR No. Z823-180	Retail and gas station
South	R-7.5(A)	Single family
West	PD No. 631 (LCO Tract 2), R-7.5(A)	Vacant to-go only restaurant, Single family

Land Use Compatibility:

The 0.85 acre site is comprised of four 50-foot wide lots (lots one through four, numbered from the north to the south) and is located on the corner of two arterial roadways and contains a nonconforming drive through restaurant. Lots one and two are currently located within PD No. 631 (LCO Tract 2) and lots three and four are located within the R-7.5(A) District. The applicant requests to expand the nonconforming drive through restaurant site that currently occupies lots one through three further into the undeveloped residentially zoned portion of the property in the south, lot four. Opposite the alley to the west of the request site, there is a vacant to-go only restaurant that occupies lots 11 through 13 of the same block and is also split-zoned with R-7.5(A) and PD No. 631 (LCO Tract 2). To the south of the vacant to-go only restaurant and west of the request site, on lot 14 is a single family structure. Directly to the south of the request site is lot 5, which also contains a single family structure. Because the proposed expansion pushes the drive through restaurant closer to these two existing single family structures, special care and consideration is needed.

Lot 5 is directly south of the request site and is very close to the proposed expansion. The lack of physical separation, both with the lack of landscape buffer and nearness to the drive through lane, makes the compatibility of the proposed use to the single family use very difficult to support.

In summary, the request site contains a nonconforming restaurant with drive through window and an undeveloped residential lot adjacent to single family to the south. The applicant has situated the ordering station and pick up window to the west and east, respectively, in an effort to decrease noise generated from those elements towards the single family residences to the south.

Staff recommends denial of the new subdistrict because a drive through restaurant is incompatible when immediately adjacent to single family residential areas.

Landscaping:

PDD No. 631 requires landscaping per Article X of the Dallas Development Code. Due to the site's adjacency to residential uses and in conjunction with the applicant's requested use, additional landscape materials should be provided along the site's southern property line. An enhanced landscape buffer, in contrast to the applicant's proposed absence of landscape buffer, would ensure additional screening/buffering of the site from this residential area and make the application more suitable but still not desirable for the location. Further, the narrow planting beds proposed on the southern property line are unsuitable to create a healthy growing environment for five large canopy trees as proposed.

Therefore, the proposed plans shrink the residential landscape buffer on the south to a point where the large canopy trees that are shown will not be in a healthy planting bed. Due to the lack of landscape buffer and the inadequate tree planting beds, staff recommends denial.

Prior CPC Action – December 1, 2015:

Motion: It was moved to recommend **denial** of a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District on property on the southwest corner of West Davis Street and North Westmoreland Road.

Maker: Anglin
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves*, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 77
Replies: For: 3 Against: 3

Speakers: For: Marty Brown, 1811 Marydale Dr., Dallas, TX, 75208
Against: None

APPLICANT'S PROPOSED AMENDING CONDITIONS

Note: Due to the size of the PD, only the portions of the conditions pertinent to this request are included in this report.

ARTICLE 631.

PD 631.

West Davis Special Purpose District

SEC. 51P-631.101. LEGISLATIVE HISTORY.

PD 631 was established by Ordinance No. 25209, passed by the Dallas City Council on March 26, 2003. (Ord. 25209)

SEC. 51P-631.102. PROPERTY LOCATION AND SIZE.

PD 631 is established on property generally located along West Davis Street, bounded by Walton Walker (Loop 12) on the west and Hampton Road on the east. The size of PD 631 is approximately 523 acres. (Ord. Nos. 25209; 27949)

SEC. 51P-631.103. CREATION OF SUBDISTRICTS.

- (a) This district contains one residential subdistrict: Residential R-7.5(A).
- (b) This district is divided into the following nonresidential subdistricts:
 - (1) Light Commercial/Office.
 - (2) Light Commercial/Office Area 1.
 - (3) Light Commercial/Office Area 2.
- (4) Medium Commercial/Office.
 - (5[4]) Medium Commercial/Office Plus.
 - (6[5]) Light Mixed Use. The Light Mixed Use Subdistrict includes the area labelled Light Mixed Use Area-1 on the West Davis Special Purpose District and subdistrict boundary map.
 - (7[6]) Medium Mixed Use.
- (c) A map showing the boundaries of this district and its subdistricts is provided in this article and labelled as Exhibit 631A. A detailed description of the boundaries of this district and its subdistricts is provided in Exhibit 631D. (Ord. Nos. 25209; 27890; 28915)

SEC. 51P-631.104. DEFINITIONS.

Unless otherwise stated, the definitions contained in Chapter 51A apply to this article. In this district:

(1) DISTRICT means the entire planned development district (the West Dallas Special Purpose District) created by this article.

(1.1) MACHINE SHOP means a facility where material is processed and manufactured by machining, cutting, grinding, welding, or similar processes and is assembled or disassembled wholly within an enclosed building. This use does not include the repair of automobiles, commercial vehicles, engines, or other automobile parts.

(2) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(3) SUBDISTRICT means one of the subdistricts referred to in Section 51P-631.103 of this article.

(4) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. (Ord. Nos. 25209; 27890)

SEC. 51P-631.105. INTERPRETATIONS.

(a) Unless otherwise stated, all references to articles, divisions, or sections in this article are references to articles, divisions, or sections in Chapter 51A.

(b) No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(c) Section 51A-2.101, "Interpretations," applies to this article.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, “Limited Uses.”)

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only. [“SUP” means “specific use permit.” For more information regarding specific use permits, see Section 51A-4.219, “Specific Use Permit (SUP).”]

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, “Site Plan Review.” (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800, “Development Impact Review.”)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, “Site Plan Review,” a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”)

(e) If there is a conflict, the text of this article controls over the charts or any other graphic display. (Ord. Nos. 25209; 27890; 28554)

SEC. 51P-631.105.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 631A: West Davis Special Purpose District and subdistrict boundary map.
- (2) Exhibit 631B: land use chart.
- (3) Exhibit 631C: development standards summary chart.
- (4) Exhibit 631D: property description.
- (5) Exhibit 631E: Light Commercial/Office Area 1 topography exhibit.
- (6) Exhibit 631F: Light Commercial/Office Area 2 development plan.
- (7) Exhibit 631G: Light Commercial/Office Area 2 landscape plan. (Ord. Nos. 27890; 28554; 28915)

SEC. 51P- .105.2. DEVELOPMENT PLAN.

(a) In the Light Commercial/Office Area 2, development and use of the Property must comply with the Light Commercial/Office Area 2 development plan (Exhibit 631F). If

there is a conflict between the text of this article and the Light Commercial/Office Area 2 development plan, the text of this article controls.

(b) In the rest of the district, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-631.106. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE RESIDENTIAL R-7.5(A) SUBDISTRICT.

(a) Main uses permitted. The uses permitted in this subdistrict are those uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this planned development district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this planned development district; etc.

(b) Accessory uses. As a general rule, an accessory use is permitted in any area in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(c) Yard, lot, and space regulations. The yard, lot, and space regulations contained in Section 51A-4.112(f), "R-7.5(A) District," apply to this subdistrict.

(d) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(e) Environmental performance standards. See Article VI.

(f) Landscape regulations. See Article X, except as modified by Section 51P-631.112, "Landscaping." (Ord. 25209)

SEC. 51P-631.107. USE REGULATIONS AND DEVELOPMENT STANDARDS IN THE LIGHT COMMERCIAL/ OFFICE AND LIGHT COMMERCIAL/ OFFICE AREA 2 SUBDISTRICTS.

(a) Main uses permitted.

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

-- Catering service. [SUP]

- (3) Industrial uses.
- Temporary concrete or asphalt batching. *[By special authorization of the building official.]*
- (4) Institutional and community service uses.
- Adult day care facility.
- Cemetery or mausoleum. *[SUP]*
- Child-care facility.
- Church.
- College, university, or seminary. *[SUP]*
- Community service center. *[SUP]*
- Library, art gallery, or museum.
- Public or private school. *[SUP]*
- (5) Lodging uses.
- None permitted.
- (6) Miscellaneous uses.
- Temporary construction or sales office.
- (7) Office uses.
- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.
- (8) Recreation uses.
- Public park, playground, or golf course.
- (9) Residential uses.
- None permitted.
- (10) Retail and personal service uses.
- Dry cleaning or laundry store.
- Furniture store. *[SUP]*
- General merchandise or food store 3,500 square feet or less.
- Personal service uses. *[Massage establishment and tattoo studio not allowed.]*
- Restaurant with drive-in or drive-through service. *[In LCO Area 2 only.]*
- Restaurant without drive-in or drive-through service.

(11) Transportation uses.

- Transit passenger shelter.

(12) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [See Section 51A-4.212(4). Treat as if in the NS(A) Neighborhood Service District.]
- Police or fire station. [SUP]
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1). Treat as if in the NS(A) Neighborhood Service District.]
- Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Recycling drop-off container. [See Section 51A-4.213(11.2).]

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any area in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in this subdistrict:

- Accessory community center (private).
- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- General waste incinerator.
- Private stable.
- Pedestrian skybridges.

(c) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400, "Yard, Lot, and Space Regulations." In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard. Minimum front yard is 15 feet. In LCO Area 2, light poles with a maximum height of 20 feet are allowed in the required front yard as shown on the Light Commercial/Office Area 2 development plan.

(2) Side yard. Minimum side yard is:

(A) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district, or a planned development district considered to be a residential zoning district; and

(B) no minimum in all other cases.

(C) In LCO Area 2, light poles with a maximum height of 20 feet are allowed in the required side yard as shown on the Light Commercial/Office Area 2 development plan.

(3) Rear yard. Minimum rear yard is:

(A) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district, or a planned development district considered to be a residential zoning district; and

(B) no minimum in all other cases.

(4) Density. Not applicable. (Residential uses are not permitted.)

(5) Floor area ratio. Maximum floor area ratio is 0.5.

(6) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 30 feet.

(7) Lot coverage. Maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(8) Lot size. No minimum lot size.

(9) Stories. Maximum number of stories above grade is two. Parking garages are exempt from this requirement, but must comply with the height regulations of Paragraph (6), "Height."

(d) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(e) Environmental performance standards. See Article VI.

(f) Landscape regulations. Except as provided in this paragraph, s[§]ee Article X, except as modified by Section 51P-631.112, "Landscaping." In LCO Area 2, landscaping must be provided as shown on the Light Commercial/Office Area 2 landscape plan (Exhibit 631G).

SEC. 51P-631.112. LANDSCAPING.

(a) In general. Except as modified in this section, the regulations in Article X, “Landscape and Tree Preservation Regulations,” apply to this district. In the event of a conflict between this section and Article X, this section controls.

(b) Application. Subsection (c) of Section 51A-10.121, “Application of Division,” of Division 51A-10.120, “Landscaping,” is modified to read as follows: This division becomes applicable to a lot or tract when an application is made for a building permit for construction work that within a 24-month period:

- (1) increases the number of stories in a building on the lot;
- (2) increases the combined floor areas of all buildings on the lot; or
- (3) increases the nonpermeable coverage on the lot.

(c) Light Mixed Use Area-1.

(1) Machine shop.

(A) Prior to the issuance of a certificate of occupancy, landscaping must be provided as shown on the Light Mixed Use Area-1 development plan.

(B) Automatic sprinkler systems are not required for landscaping located within a public right-of-way. Landscaping within a public right-of-way must be located within 100 feet of a verifiable water source.

(2) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in Light Mixed Use Area-1 for the exclusive purpose of authorizing compliance with the landscaping requirements of this subsection. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of to the director of public works and transportation.

(B) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council’s revocation of the private license granted by this paragraph.

(C) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full

force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this paragraph, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(D) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this paragraph does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(3) Landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a landscape permit before locating trees, landscaping, or related amenities in the right-of-way. An application for a landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the right-of-way affected and the planting or other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official 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 building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a landscape permit to the property owner; otherwise, the building official shall deny the permit.

(C) A property owner is not required to comply with any landscaping requirement of this subsection if compliance is made impossible due to the building official's denial of a landscape permit.

(D) A landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official 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. The property owner is not required to comply with any landscaping requirement of this subsection if compliance is made impossible due to the building official's revocation of a landscape permit.

(E) The issuance of a landscape permit under this paragraph does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. Nos. 25209; 27890)

SEC. 51P-631.113. SIGNS.

Signs must comply with the provisions for business zoning districts contained in Article VII, “Sign Regulations.” (Ord. 25209)

SEC. 51P-631.114. ADDITIONAL PROVISIONS.

(a) Property within this district must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of property within this district must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. (Ord. Nos. 25209; 26102)

SEC. 51P-631.115. COMPLIANCE WITH CONDITIONS.

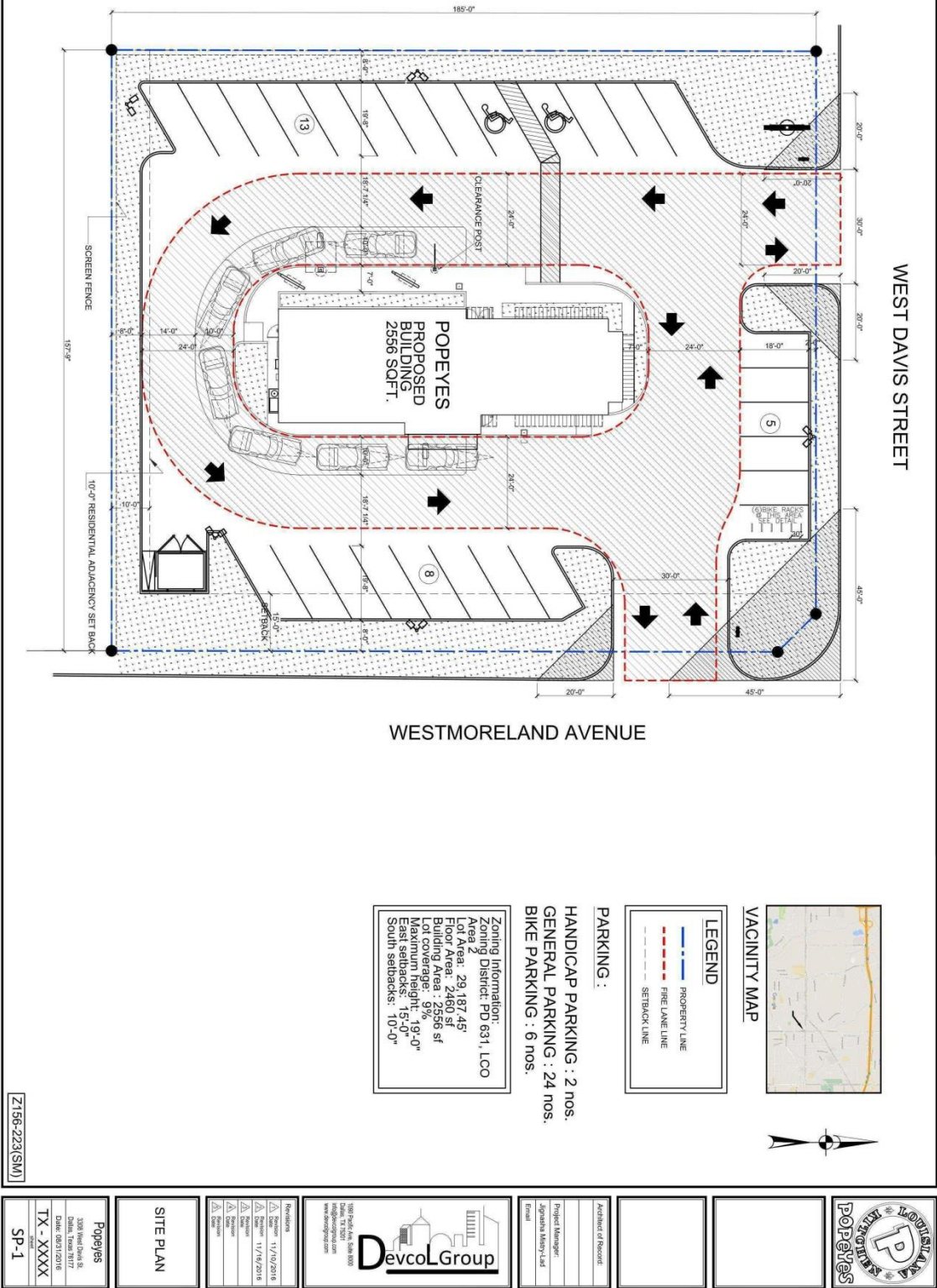
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25209; 26102)

SEC. 51P-631.116. LAND USE AND DEVELOPMENT STANDARDS CHARTS.

A land use chart is provided in this article and labeled as Exhibit 631B, and a development standards chart is provided in this article and labeled as Exhibit 631C. In the event of a conflict between these charts and the text of this article, the text controls. (Ord. Nos. 25209; 28915)

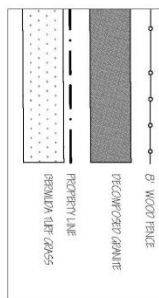
Applicant's Proposed Development Plan



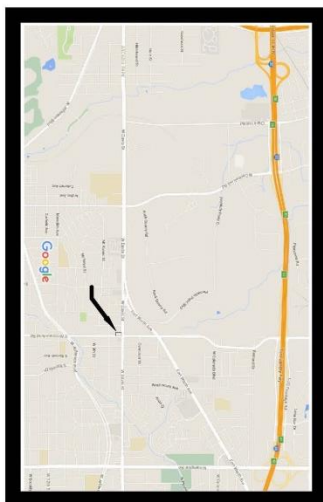


Common Name	Botanical Name	Size	QY	Remarks
Cedar tree	<i>Juniperus virginiana</i>	Tree	Yes	65 gal 6" x 3"
Cypress Myrtle	<i>Leucocarpus v. laevis</i>	Shrub	No	13 gal 6" x 3"
Dwarf Burford Holly	<i>Ilex cornuta 'Burfordii'</i>	Shrub	No	15 gal 6" x 3"
Live Oak	<i>Quercus virginiana</i>	Tree	Yes	65 gal 7" x 3"
Salvia fragrant leaf	<i>Salvia elegans</i>	Perennial	Yes	1 gal 48"
Shamash Red Oak	<i>Quercus shumacheri</i>	Tree	Yes	65 gal 1" x 3"
Teas Sage Compact	<i>Leucosiphium frutescens 'Compactum'</i>	Shrub	Yes	3 gal 9"
Decomposed Cranite				2.5 sq ft.

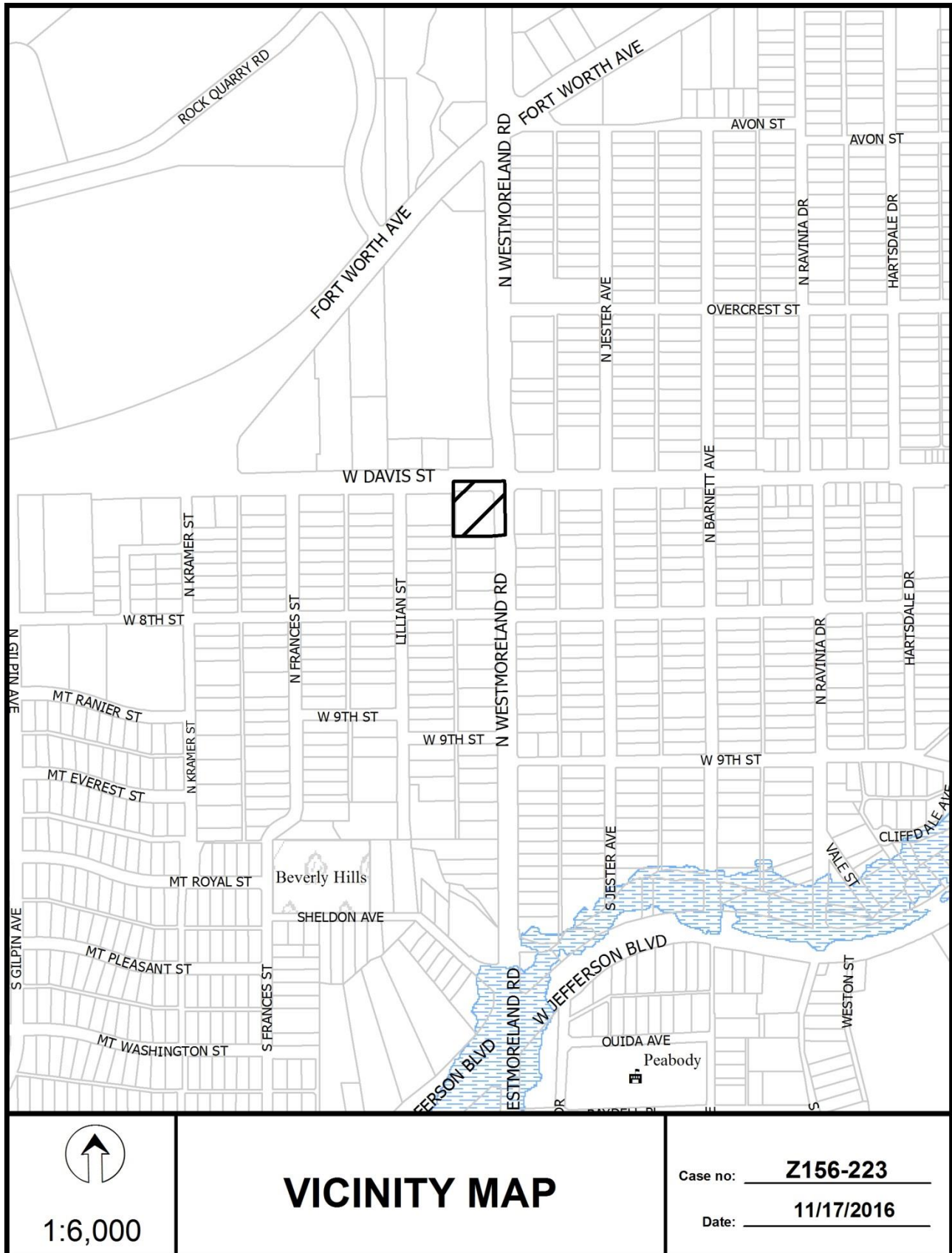
C

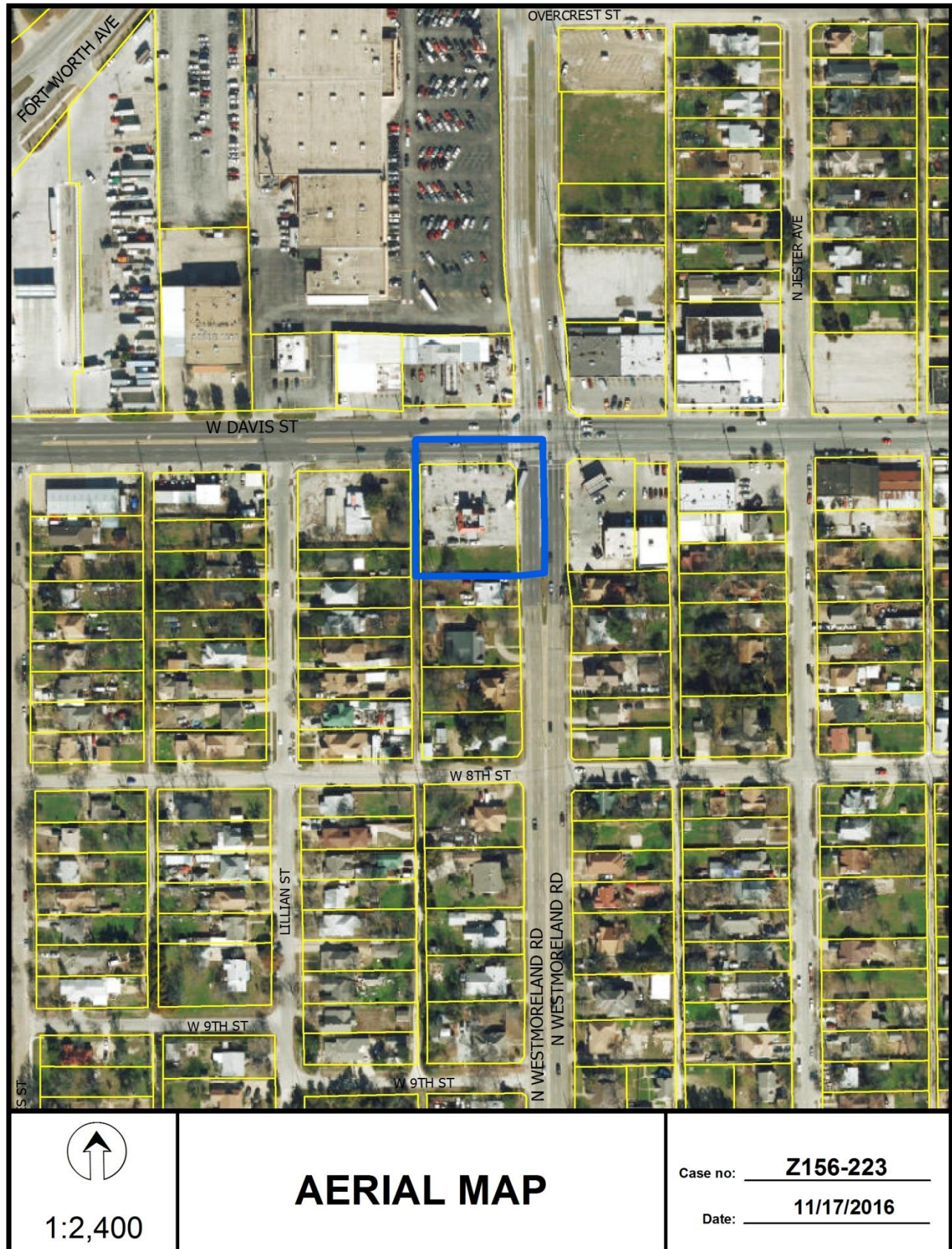


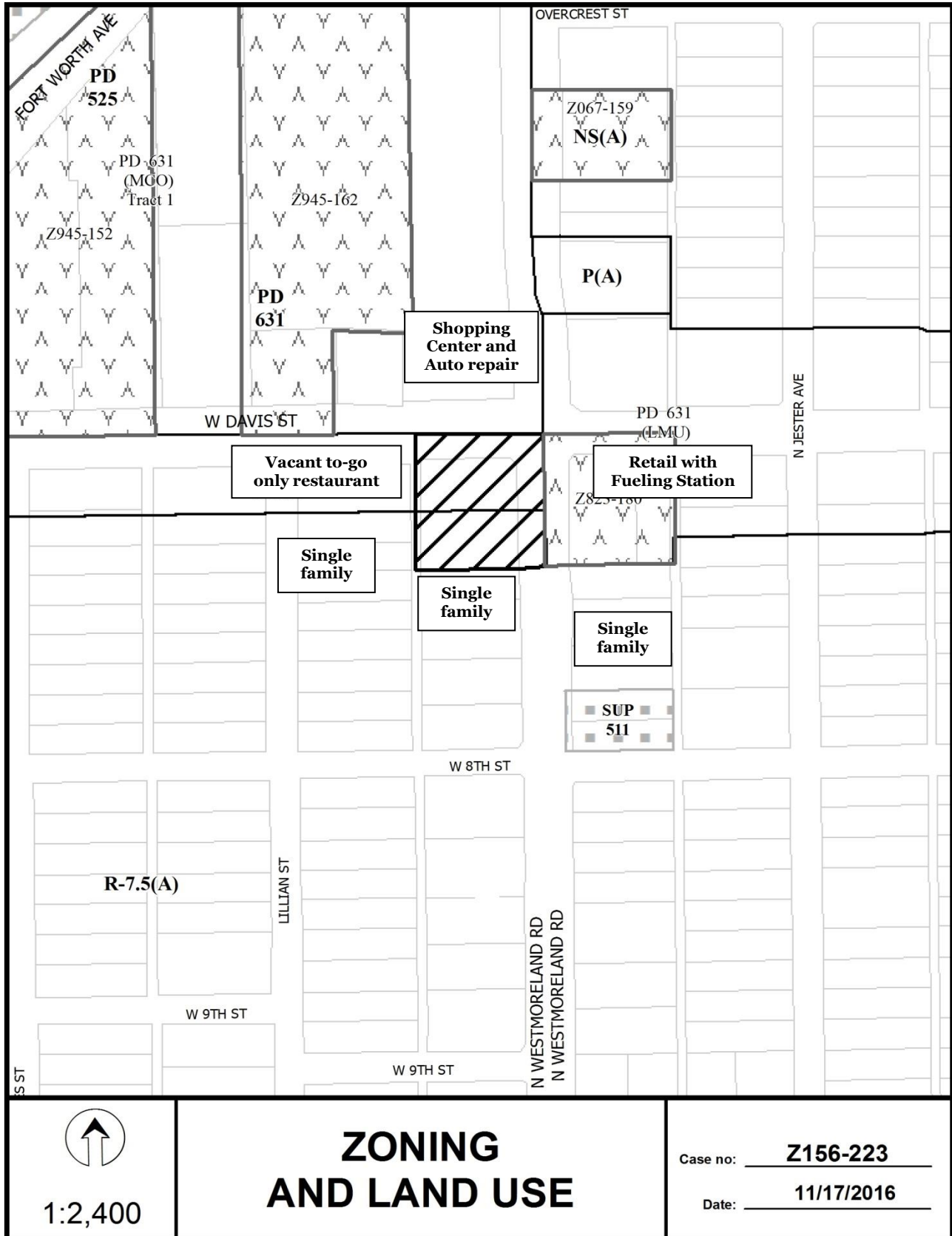
1

OWNER
SINHO DINGS LLC

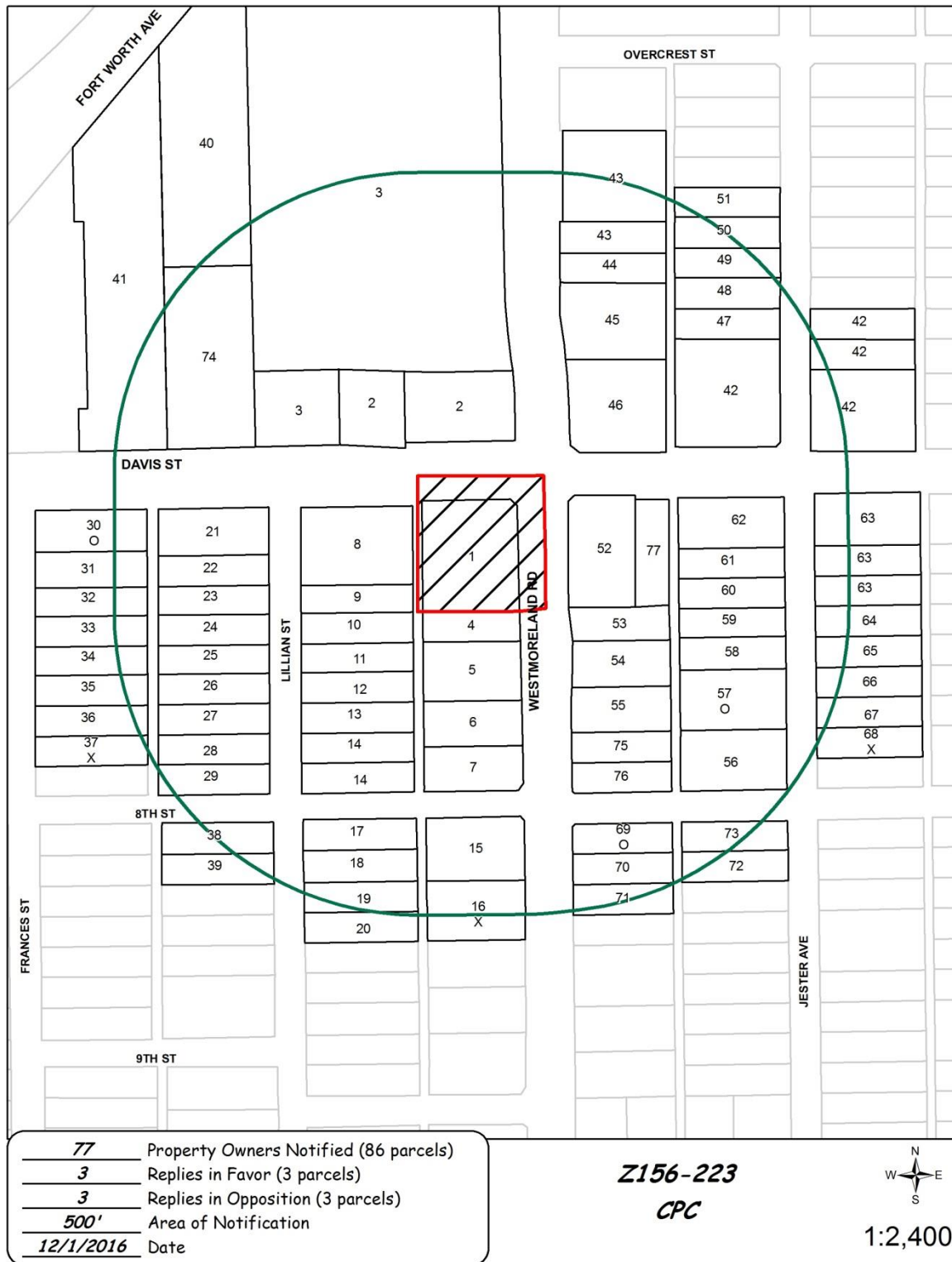
SEIN HOLDINGS, LLC
C/O ARMANDO PALACIOS
3818 FOREST LANE, #200, DALLAS, TX 75234
214-551-4921







CPC Responses



11/30/2016

Reply List of Property Owners***Z156-223******77 Property Owners Notified******3 Property Owners in Favor******3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3308 W DAVIS ST	POP HOLDINGS LP
	2	3317 W DAVIS ST	KANAN NADER
	3	3333 W DAVIS ST	WESTMORELAND PLAZA JV
	4	503 N WESTMORELAND RD	GONZALEZ FELIPE N
	5	415 N WESTMORELAND RD	ROBERTS LUKE J
	6	409 S WESTMORELAND RD	MARTINEZ SILVERIO
	7	403 N WESTMORELAND RD	PALLARES VICTOR M &
	8	3320 W DAVIS ST	SEAFOOD SHACK INC
	9	506 LILLIAN ST	HUERTA MARTA &
	10	504 LILLIAN ST	ESPINOSA VERONICA
	11	418 LILLIAN ST	VILLAGOMEZ R M
	12	414 LILLIAN ST	HERRERA CRISTINA
	13	410 LILLIAN ST	BADILLO SERGIO & OLGA
	14	406 LILLIAN ST	CHAIDES ELIAS
	15	315 N WESTMORELAND RD	MARTINEZ MARIANO & CRYSTAL
X	16	311 N WESTMORELAND RD	HUERTA AMADOR & ROSA
	17	334 LILLIAN ST	GUTIERREZ AMY N
	18	330 LILLIAN ST	JAYME FLORINA B
	19	326 LILLIAN ST	VILLATORO JOSE R &
	20	322 LILLIAN ST	ALCALA ELEAZAR SR & LISA
	21	519 LILLIAN ST	AKPUNKU EMEKA ET AL
	22	517 LILLIAN ST	MARQUEZ SEFERINA SOSA &
	23	507 LILLIAN ST	ARGUMEDO OSCAR &
	24	503 LILLIAN ST	CRAIG VERA LOPEZ
	25	419 LILLIAN ST	VERACRUZ SIMONE
	26	415 LILLIAN ST	LOPEZ TERESA V

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	411 LILLIAN ST	RAFAMAN INVESTMENTS LLC
	28	407 LILLIAN ST	GARCIA JESSIE
	29	403 LILLIAN ST	MARTINEZ IVAN
O	30	3434 W DAVIS ST	MILLER NORMAN A II &
	31	510 N FRANCES ST	RESENDIZ HILARIO O &
	32	506 N FRANCES ST	MARTINEZ DANIEL &
	33	502 N FRANCES ST	COUCH TAWANA YVONNE
	34	418 N FRANCES ST	ARELLANO FIDELMAR
	35	414 N FRANCES ST	GARZA LUIS A
	36	410 N FRANCES ST	ARVIZU EUSTACIA
X	37	406 N FRANCES ST	GARCIA DAVID P & MARIA
	38	327 LILLIAN ST	LOPEZ MARTIN &
	39	323 LILLIAN ST	CERPA JESUS FRANCISCO &
	40	3400 FORT WORTH AVE	BRYANT BRADY W
	41	3410 FORT WORTH AVE	FORT DAVIS CAVAZOS I LLC
	42	618 N JESTER AVE	TEMPLO DE PODER Y GOZO
	43	702 N WESTMORELAND RD	SOS CUSTOM HOMES INC
	44	626 N WESTMORELAND RD	ASH LIZ PROPERTIES INC
	45	614 N WESTMORELAND RD	GARZA RICARDO
	46	3217 W DAVIS ST	M CACERES ENTERPRISES INC
	47	619 N JESTER AVE	CAMACHO MIGUEL
	48	623 N JESTER AVE	VASQUEZ ALICIA
	49	625 N JESTER AVE	ALVAREZ MARY LOU &
	50	703 N JESTER AVE	WEBB LARRY M
	51	707 N JESTER AVE	BONILLA ERICK & SONIA
	52	3230 W DAVIS ST	SEJ ASSET MGMT & INV CO
	53	502 N WESTMORELAND RD	GONZALEZ LUCIANO & MARIA D
	54	418 N WESTMORELAND RD	AZPEITIA PEDRO M
	55	414 N WESTMORELAND RD	RIVERA ARMANDO & JUANTIA
	56	403 N JESTER AVE	YPINA ERICA
O	57	415 N JESTER AVE	KREMPIN LINDA R

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	419 N JESTER AVE	PEREZ JOSE & ALICIA
	59	503 N JESTER AVE	CERPA CARLOS & VIRGINIA
	60	507 N JESTER AVE	AGUILERA CRISPIN &
	61	511 N JESTER AVE	SANASEROS JESSE
	62	3206 W DAVIS ST	DAVIS NP LLC
	63	3116 W DAVIS ST	MARTINEZ RAUL & LETICIA
	64	502 N JESTER AVE	ESPINOZA DOMINGO ROMAN &
	65	418 N JESTER AVE	RANGEL RIGOBERTO
	66	414 N JESTER AVE	YPINA ISMAEL & EPIFANIA
	67	410 N JESTER AVE	ZARATE ERCILIA C
X	68	406 N JESTER AVE	CORTEZ CRESENCIO RIVAS &
O	69	318 N WESTMORELAND RD	LEONARD J P
	70	314 N WESTMORELAND RD	RODRIGUEZ GILBERTO &
	71	310 N WESTMORELAND RD	RODRIGUEZ GILBERTO &
	72	315 N JESTER AVE	OROZCO CECILIA
	73	319 N JESTER AVE	MARQUEZ ENRIQUE & MARTHA
	74	3407 W DAVIS ST	MARTINEZ FERNANDO &
	75	406 N WESTMORELAND RD	RUIZ JESSE M &
	76	402 N WESTMORELAND RD	MARQUEZ DANIEL H
	77	3220 W DAVIS ST	STANDAR LP

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 69A M; 70 J

SUBJECT

A public hearing to receive comments regarding an application for **(1)** a CR Community Retail District with deed restrictions volunteered by the applicant, and **(2)** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, with an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on the west corner of South Beltline Road and Garden Grove Drive

Recommendation of Staff: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; 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 revised site plan and conditions

Recommendation of CPC: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant; and denial of a Specific Use Permit
Z156-289(JM)

FILE NUMBER: Z156-289(JM)

DATE FILED: June 20, 2016

LOCATION: On the west corner of South Beltline Road and Garden Grove Drive

COUNCIL DISTRICT: 8

MAPSCO: 69A-M, 70-J

SIZE OF REQUEST: ±2.3 acres

CENSUS TRACT: 0171.01

REPRESENTATIVE: Michael R. Coker Company

APPLICANT/OWNER: 1500 S. Beltline, LLC

REQUEST: An application for 1) a CR Community Retail District with deed restrictions volunteered by the applicant; and 2) a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow the applicant to sell alcohol for off-premise consumption in a convenience store. The CR District allows a fueling station by right, and a variety of different sized retail uses. Furthermore, the applicant proposes to volunteer deed restrictions that prohibit certain uses. An amended site plan has been provided.

CPC RECOMMENDATION: **Approval** of a CR Community Retail District with deed restrictions volunteered by the applicant; and **denial** of a Specific Use Permit.

STAFF RECOMMENDATION: **Approval** of a CR Community Retail District with deed restrictions volunteered by the applicant; 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 revised site plan and conditions.

BACKGROUND INFORMATION:

- This development was carefully negotiated to ensure limited disruption to the residential uses along the northwest and southwest boundaries of the site. Staff feels that the proposed development will not be disruptive to the single-family neighborhoods in proximity.
- The site is currently undeveloped. There are several residential developments all along the northwest and southwest boundaries of the site. Land uses along South Beltline and Garden Grove Drive range from commercial at the intersection, and shift rapidly to less intensive residential and agricultural uses.
- The request is made to rezone the parcel from an NS(A) District to a CR District to allow for certain uses to complement the proposed development and surrounding residential uses. A use such as a dry cleaning or laundry store is allowed by right in the current district, but restricted to being less than 3,500 square feet. The applicant would like the right to develop a larger facility. To ease concerns over other uses allowed by the proposed CR District, the applicant has volunteered deed restrictions (attached to this report). The deed restrictions make 30 uses no longer allowed. Some of those uses are currently allowed in an NS(A) District.
- The deed restrictions provide the following conditions:
 - No parking or vehicular traffic along the northeast of the property.
 - No parking along the west of the property.
 - An additional landscape buffer will be provided as follows:
 - 5' along the northeast
 - 3' along the west.

Zoning History:

1. **Z123-223:** On June 11, 2013, staff approved an application for the auto renewal of SUP No. 1886 for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property within Planned Development District No. 777 for NS(A) Neighborhood Service District uses with a D-1 liquor Control Overlay.

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.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
S. Beltline Road	Principal Arterial	80 ft.
Garden Grove Road	Residential Collector	60 ft.

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 Plan identifies the request site is within a Commercial Center or Corridor.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

The proposed CR Community Retail District is described as being for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. This district ultimately supports the intended Building Block and is a less intensive industrial-type of zoning.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

West Kleberg Community Plan (2007):

The West Kleberg Community Plan identified a vision statement: 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.

The subject site is located within Sub-area 1, which is comprised of approximately 2,047 acres of which 46% was vacant or undeveloped, and 33% was comprised of Single Family (SF) uses at publication in 2007.

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 in nearby Balch Springs or the city of Mesquite. Retail facilities are not sufficiently available. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections for these types of services needed within this sector of Dallas.

The Future Vision Map shows a 1000-foot buffer zone as idea for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such a hospital, bank, mix use project 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 Road. The subject site is within that buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the top 20 Community "Needs & Desires" as indicated on the following page.

The proposed development could satisfy a few of those desires, namely numbers 8, 16, 18, 19, and/or 20.

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 requested change in zoning and the SUP for the sale of alcohol support the following goals within the community plan:

Land Use & Zoning—Goal 1: Protect the rural character of the community by encouraging commercial development along the commercial corridors.

Economic Development—Goal 1: Economic development that encourages business retention and attracts new “neighborhood serving” business uses to the community.

Surrounding Land Uses:

	Zoning	Land Use
Site	NS(A), D-1 Overlay	Undeveloped
North	R-10(A)	Undeveloped
East/SE	PD No. 777, SUP No. 1886, NS(A), D-1 Overlay	Retail Center, Personal Service Uses, Restaurants, and Undeveloped
South	CR w/ DR	Office and Carwash
West/SW	R-7.5(A)	Single family homes

Land Use Compatibility:

The subject site is currently zoned an NS(A) Neighborhood Service District. The purpose of this district is to accommodate convenience retail shopping, services, and professional offices principally servicing and compatible in scale and intensity of use with adjacent residential uses. Limited institutional and community service, office, and

retail and personal services uses are allowed. The current request is to change the zoning to a CR Community Retail District to allow for general merchandise or food store use larger than the 3,500 square feet or less allowed in the NS(A) District.

Surrounding single family, residential developments to the northwest and southwest must be properly screened from the potential retail development. The Dallas Development Code provides greater consideration when residential adjacency exists. To develop the subject site, a ten foot landscape buffer would have to separate the uses. All off-street loading spaces must be screened from the residential development, as well as the public streets. The dumpster must also be screened. All screening is a minimum of six feet high and solid in nature. The SUP site plan provided identifies screening in compliance with the Dallas Development Code.

There are other retail uses across South Beltline Road and Garden Grove Drive. The overall development of this intersection as a business center or corridor is consistent with the area plan and comprehensive plan. The voluntary deed restrictions will provide for desired development while remaining sensitive to surrounding residential adjacency. The addition of new businesses along this corridor will further promote the long-term vision for land use and development within this area.

The proposed zoning district primarily allows an expanded list of Commercial and business service, Retail and personal service, and Wholesale, distribution, and storage uses.

The proposed development will enhance the area by providing sidewalks for connectivity to nearby neighborhoods. Additionally, the applicant has worked with staff to provide a 15' landscape buffer along the northeast of the property; an additional 5' from what code requires. The applicant has adjusted their building footprint to restrict traffic flow near residential adjacency. No access has been provided along those areas. The revised dumpster location will be accommodated in the furthest area from residences, while allowing for adequate maneuverability for collection trucks. This is subject to the revised plan pending submittal as of November 3rd.

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.

Although the SUP request is for alcohol sales, the store and fueling station will provide immediate access to items not found in immediate walking distance. The nearest general merchandise or food store is across Beltline Road. The heavily residential areas to the north and west do not have walkable access to stores. The public improvements of added sidewalks will help connect the residents to convenience items.

Staff supports this request for an initial short time period with the eligibility for automatic renewals. CPC recommended denial of the SUP. The applicant does not wish to move forward with the SUP request but as it was part of the original request, Council will need to act on both portions of the request.

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	FAR	Stories	Primary Uses
	Front	Side/Rear						
Existing: NS(A)	15'	0' 0'	30' to 35'	40%	RPS	0.5	2	Institutional, few Office, Recreation, and Retail and personal service uses.
Proposed: CR with Deed Restrictions	15'	0' 0'	54'	60%	RPS	0.5 to 0.75	4	Retail and personal service, Commercial and business service, Institutional, Lodging, Office, Recreation, and added Wholesale, distribution, and storage uses. Proposed voluntary deed restrictions will restrict several uses.

Parking:

Parking will be provided according to the Dallas Development Code. The assumption of all uses requiring one space for every 200 square feet of retail floor area has been used, providing 108 parking spaces.

The SUP site area is 3,500 square feet or less. At the maximum of 3,500 square feet divided by the ratio of one space for every 200 square feet of floor area, 18 spaces are required for this use. Handicap parking must be provided as per Sec. 51A. 4.305.

Landscaping and Screening:

Landscaping and screening will be provided per Article X, as amended. In addition, the developer has agreed to provide an extra five foot landscape buffer along the northeast residential adjacent line.

Land Use Comparison:

	Proposed	Existing
Use	CR	NS(A)
Building repair and maintenance shop.	RAR	
Catering Service.	X	
Custom business services.	X	
Electronics service center.	X	
Medical or scientific laboratory.	X	
Tool or equipment rental.	X	
College, university, or seminary.	X	SUP
Hospital.	SUP	
Hotel and motel.	SUP	
Lodging or boarding house.	SUP	
Overnight general purpose shelter.	Check Use	
Alternative financial establishment.	SUP	
Financial institution with drive-in window.	DIR	
Private recreation center, club, or area.	X	SUP
College dormitory, fraternity, or sorority house.	X	SUP
Alcoholic beverage establishments.	Check Use	
Ambulance service.	RAR	
Animal shelter or clinic without outside runs.	RAR	
Auto service center.	RAR	
Business school.		
Car wash.	DIR	
Commercial amusement (inside).	Check Use (SUP)	
Commercial amusement (outside).	SUP	
Commercial parking lot or garage.	RAR	
Convenience store with drive-through.	SUP	
Furniture store.	X	
General merchandise or food store greater than 3,500 square feet.	X	
General merchandise or food store 100,000 square feet or more.	SUP	

Home improvement center, lumber, brick or building materials sales yard.	DIR	
Household equipment and appliance repair.	X	
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Motor vehicle fueling station.	X	SUP
Nursery, garden shop, or plant sales.	X	
Pawn shop.	X	
Restaurant with drive-in or drive-through service.	DIR	
Swap or buy shop.	SUP	
Temporary retail use.	X	
Theater.	X	
Commercial radio and television transmitting station.	X	
Electrical substation.	X	SUP
Police or fire station.	X	SUP
Post office.	X	SUP
Mini-warehouse.	SUP	
Recycling buy-back center.	Check Use	
Recycling collection center.	Check Use	
Accessory helistop.	SUP	
Accessory medical/infectious waste incinerator.	Check Use	
<p>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. Strikethrough text indicates items which are being voluntary deed restricted. Those uses will not be allowed. Furthermore, they have proposed additional deed restrictions, but for uses which are typically allowed by right in the NS(A) District. Those are supplemental and can be seen in the full listed deed restrictions attached.</p>		
Alternating color pattern indicates a new category of uses.		

LIST OF OFFICERS

1500 S. Beltline, LLC

Noorallah Jooma, Manager

Z156-289

CPC Action

November 10, 2016:

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant; and **denial** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay, on the west corner of South Beltline Road and Garden Grove Drive.

Maker: Haney

Second: Ridley

Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 0

Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 54

Replies: For: 0 Against: 9

Speakers: For: Michael Coker, 3111 Canton St., Dallas, TX, 75226

Against: None

VOLUNTEERED DEED RESTRICTIONS

The following uses are prohibited:

- (1) Industrial uses.
 - Gas drilling and production.
 - Temporary concrete or asphalt batching plant.
- (2) Institutional and community service uses.
 - Adult day care facility.
 - Cemetery or mausoleum.
 - College, university, or seminary.
 - Hospital.
- (3) Lodging uses.
 - Hotel and motel.
 - Lodging or boarding house.
 - Overnight general purpose shelter.
- (4) Miscellaneous uses.
 - Carnival or circus (temporary).
- (5) Residential uses.
 - College dormitory, fraternity, or sorority house.
- (6) Retail and personal service uses.
 - Alcoholic beverage establishments.
 - Ambulance service.
 - Animal shelter or clinic without outside runs.
 - Auto service center.
 - Car wash.
 - Commercial amusement (inside).
 - Commercial amusement (outside).
 - Commercial parking lot or garage.
 - General merchandise or food store 100,000 square feet or more.
 - Liquor store
 - Mortuary, funeral home, or commercial wedding chapel.
 - Pawn shop.
 - Swap or buy shop.
- (7) Utility and public service uses.
 - Commercial radio and television transmitting station.
 - Tower/antenna for cellular communication.
- (8) Wholesale, distribution, and storage uses.
 - Recycling buy-back center.
 - Recycling collection center.
 - Recycling drop-off container.
 - Recycling drop-off for special occasion collection.

Additional Conditions:

- (1) No parking or vehicular traffic along the northeast of the property.
- (2) No parking along the west of the property.
- (3) An additional landscape buffer will be provided as follows:
 - a. 5' along the northeast
 - b. 3' along the west

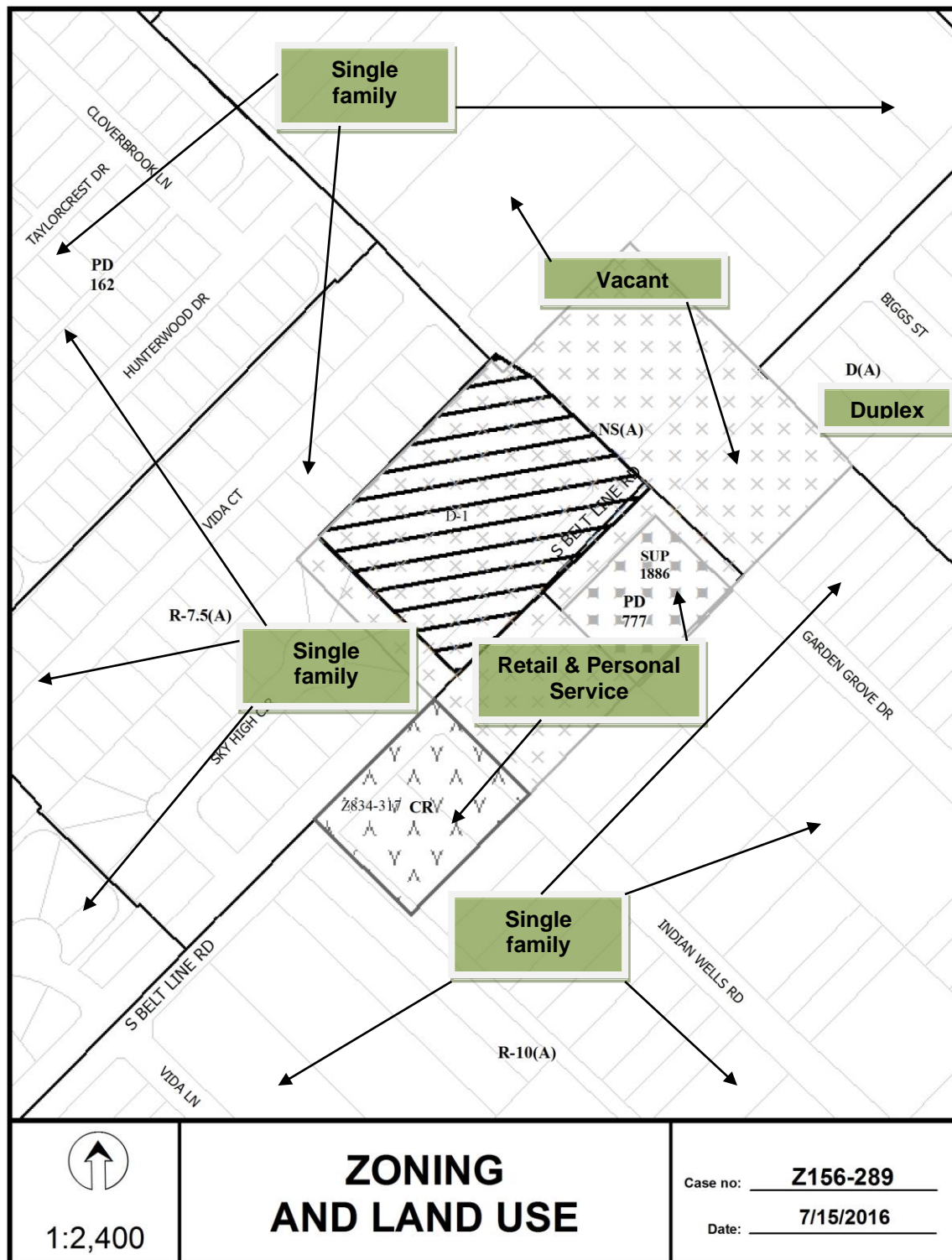
PROPOSED SUP CONDITIONS

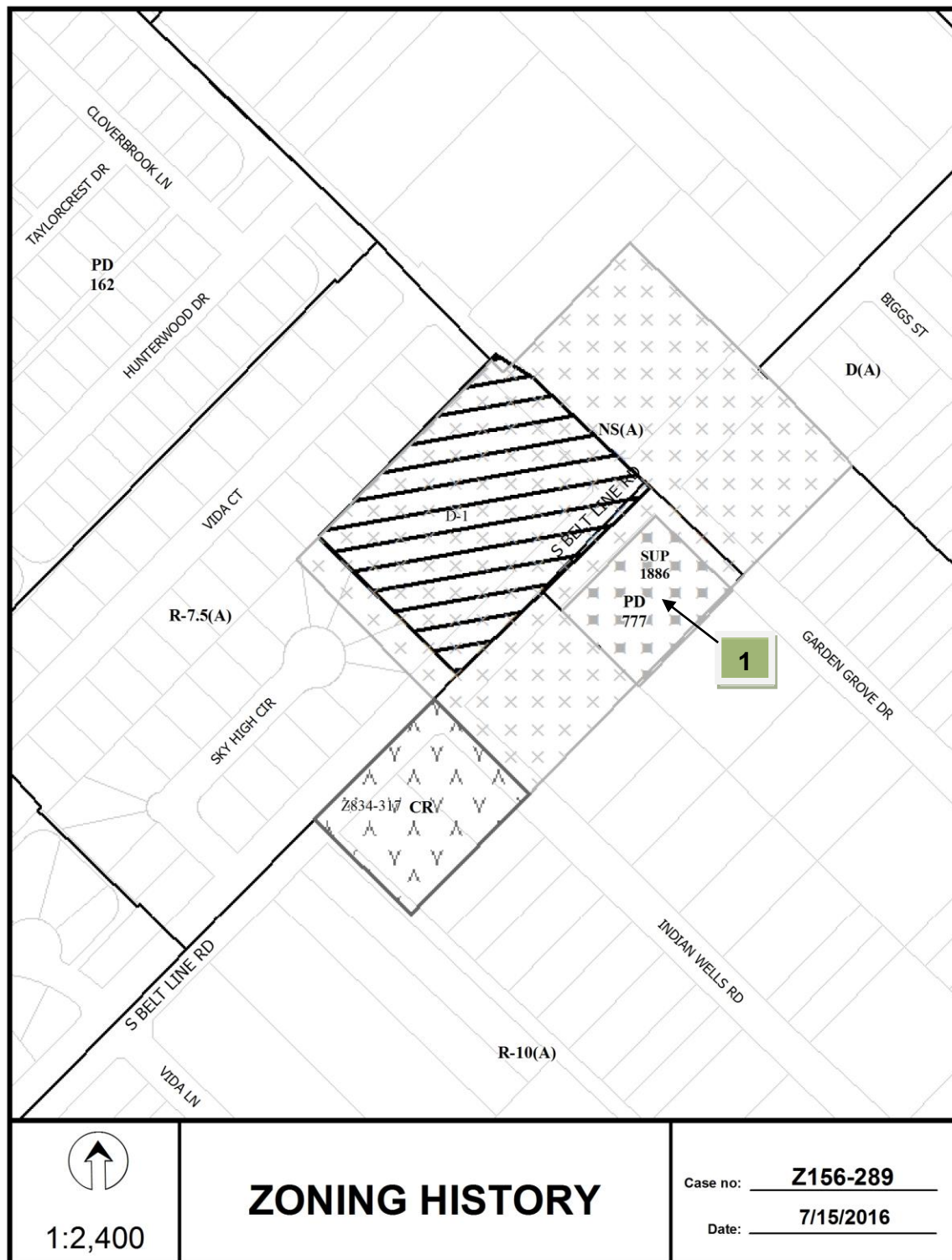
1. **USE:** The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



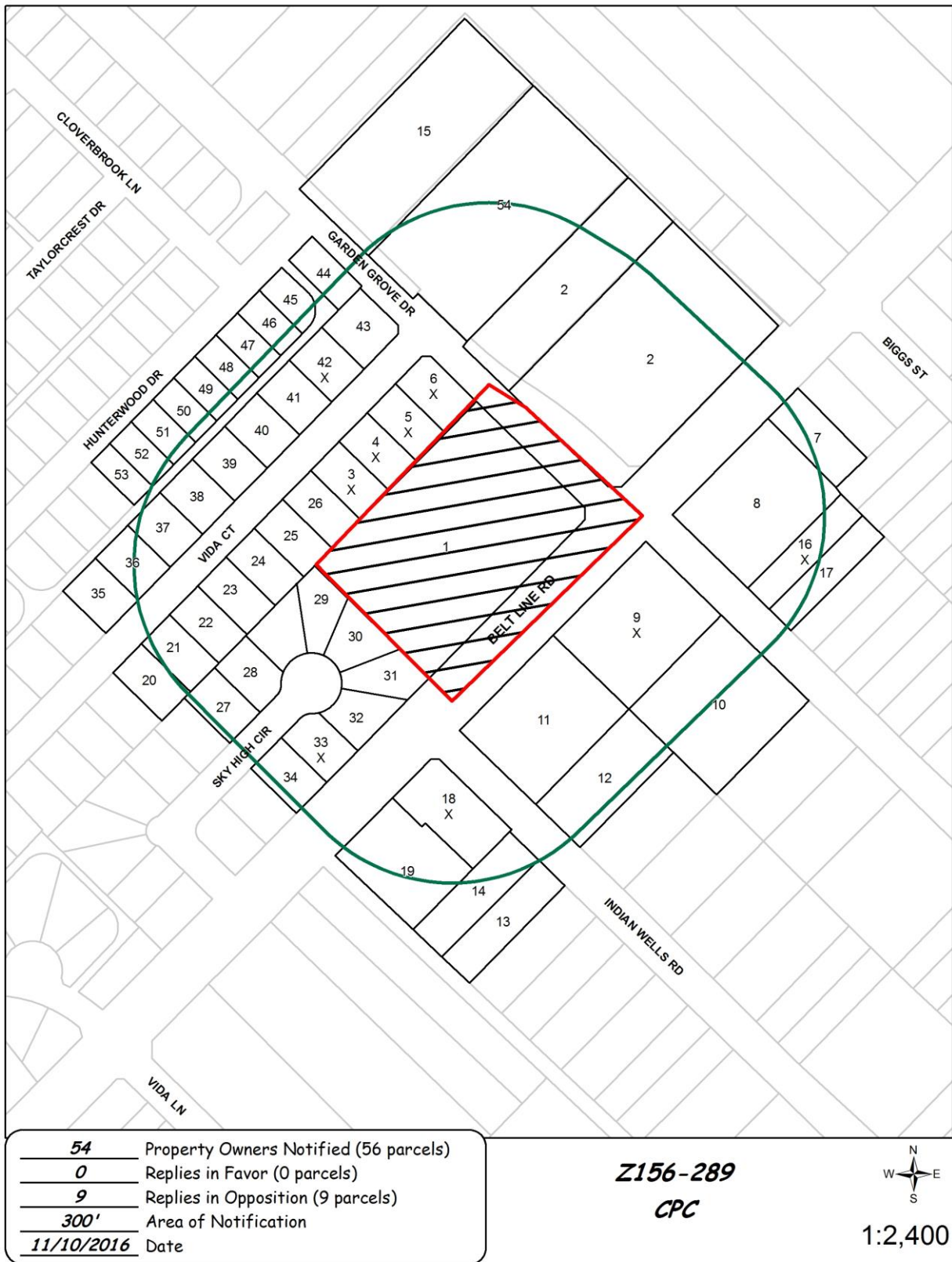








CPC RESPONSES



11/09/2016
Reply List of Property Owners
Z156-289

54 Property Owners Notified**0 Property Owners in Favor****9 Property Owners Opposed**

Reply	Label #	Address	Owner	
	1	1500	S BELTLINE RD	HALL PATRICIA
	2	1429	S BELTLINE RD	MCDANIEL JOE DOYLE
X	3	1512	VIDA CT	HUNTSBERRY JACQUELINE
X	4	1508	VIDA CT	DIAZ LUIS C & NANCY
X	5	1504	VIDA CT	GASPARMARTINEZ JHONATAN MISCHER
X	6	1500	VIDA CT	GUILLEN ISAIAS
	7	1442	S BELTLINE RD	HUMPHRIES KENNETH
	8	1448	S BELTLINE RD	MORALES ELSA
X	9	1512	BELT LINE RD	WALNUT HILLTOP CORP
	10	13624	GARDEN GROVE DR	LUNA RUBEN
	11	13601	INDIAN WELLS RD	CHAVEZ RAQUEL &
	12	13621	INDIAN WELLS RD	BANDA MARIA ROSA BELTRAN
	13	13624	INDIAN WELLS RD	YAWS ALYENE
	14	13620	INDIAN WELLS RD	MUNIZ ALBERTO
	15	13405	GARDEN GROVE DR	AMADOR JOSE
X	16	13621	GARDEN GROVE DR	DELEON JOEL &
	17	13625	GARDEN GROVE DR	ROGERS KRYSTAL M &
X	18	1602	S BELTLINE RD	FRANKS J D
	19	1610	S BELTLINE RD	MUNCRIEF MATT
	20	1540	VIDA CT	LOPEZ JESUS & LAURA E MARTINEZ
	21	1536	VIDA CT	RODRIGUEZ JESSIE R
	22	1532	VIDA CT	KIRK CLINTON
	23	1528	VIDA CT	KIKS PPTY DEV LLC
	24	1524	VIDA CT	RICHARDSON VERNON
	25	1520	VIDA CT	ROBINSON NAOMI & KENNETH
	26	1516	VIDA CT	KULICK RONIT

11/09/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1615 SKY HIGH CIR	AMERICAN RESIDENTIAL LEASING CO
	28	1611 SKY HIGH CIR	CENDEJAS VICENTE
	29	1603 SKY HIGH CIR	GASPAR MARTIN & SANDRA SALAZAR
	30	1602 SKY HIGH CIR	MACHADO ROSI
	31	1606 SKY HIGH CIR	NAVARRO GLENDA X
	32	1610 SKY HIGH CIR	SBY 2014 I BORROWER LLC
X	33	1614 SKY HIGH CIR	EQUITY TRUST CO
	34	1618 SKY HIGH CIR	KNOSP ROBERT R
	35	1539 VIDA CT	ROLLAND CLEOPHUS
	36	1535 VIDA CT	TRINIDAD RUBEN
	37	1531 VIDA CT	SHAW EDDIE
	38	1527 VIDA CT	RICHMOND KHIANTA
	39	1523 VIDA CT	HOWARD BELVA Z
	40	1519 VIDA CT	WAGGONER DON & ELVIA
	41	1515 VIDA CT	EUCEDA INVESTMENTS CORP
X	42	1511 VIDA CT	KENTVILLE LLC
	43	1507 VIDA CT	KIRKS PROPERTY DEVELOPMENT LLC
	44	1504 HUNTERWOOD DR	GM CAPITAL LLC
	45	1508 HUNTERWOOD DR	WARD OPELENE
	46	1512 HUNTERWOOD DR	CHILDS BRIAN
	47	1516 HUNTERWOOD DR	NASCIMENTO JOAQUIM CARLOS
	48	1520 HUNTERWOOD DR	COBBIN CURTIS L &
	49	1524 HUNTERWOOD DR	JACKSON YVONNE
	50	1528 HUNTERWOOD DR	BENNETT BONNIE K &
	51	1532 HUNTERWOOD DR	RODRIGUEZ OSCAR
	52	1536 HUNTERWOOD DR	MARTINEZ RICARDO Z &
	53	1540 HUNTERWOOD DR	BROOKS JERRY D
	54	13435 GARDEN GROVE DR	ORTIZ JOSE & BELEN

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 58 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road

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

Recommendation of CPC: Approval for a three-year period, subject to conditions
Z156-310(OTH)

FILE NUMBER: Z156-310(OTH)

DATE FILED: July 20, 2016

LOCATION: Southwest corner of Great Trinity Forest Way and North Jim Miller Road.

COUNCIL DISTRICT: 8

MAPSCO: 58-W

SIZE OF REQUEST: ± 0.22 acre

CENSUS TRACT: 116.01

REPRESENTATIVE: Parvez Malik, Business Zoom

APPLICANT: Mohammad Sidiqi

OWNER: Juneja Property Holdings, Inc.
Wazir Juneja, President/Secretary

REQUEST: An application to renew Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions.

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store [BZ Food Mart].

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The ±0.22-acre request site is developed with a ±2,167-square-foot general convenience store with fuel pumps. No new construction is proposed by this application.
- The general merchandise or food store (convenience store) is permitted by right, but the sale of alcoholic beverages for off-premise consumption in conjunction with the convenience store requires a Specific Use Permit due to the D-1 Liquor Control Overlay.
- Deed restrictions volunteered on July 16, 1986 limit the uses to those allowed in the Chapter 51 General Retail District and limit multifamily uses to no more than 26 units per acre.
- As depicted on the alcohol measurement survey submitted with the application, the request site complies with the 300 foot door-to-door distance requirement from the church to the south.
- SUP No. 2099 was originally approved on December 10, 2014 for a two-year period.

Surrounding Zoning History:

- 1. Z134-166:** December 11, 2013, the City Council approved Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions. Tentative CPC hearing is December 15, 2016.
- 2. Z167-104:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.
- 3. Z123-337:** On December 11, 2013, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Great Trinity Forest Way	Principal Arterial	160 feet
North Jim Miller Road	Principal Arterial	100 feet

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	CR with SUP No. 2099	General merchandise or food store with sale of alcohol and motor vehicle fueling stations
North	CR-D-1, deed restrictions	Auto service center, church, restaurant
East	CR-D-1, deed restrictions	Undeveloped
South	R-7.5(A), MF-1(A)	Church, undeveloped, single family, multifamily
West	CR-D-1, deed restrictions	Carwash, hotel, undeveloped

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.15 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.

Land Use Compatibility:

The proposed site is developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant is requesting that the existing SUP be renewed to continue the sale of alcoholic beverages for off-premise consumption.

The property is adjacent to a car wash to the west. The surrounding uses are auto service center, restaurant, church, undeveloped, and restaurant under construction; to the east undeveloped; to the south undeveloped, single family, church and multifamily; to the west hotel and undeveloped.

An existing church is behind the proposed site. The site meets the minimum required distance to be able to sell alcoholic beverages. The church measurements are from door-to-door and staff estimates that there is a distance of over 450 feet.

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,

The applicant's request conforms to the zoning regulations and standards of the Dallas Development Code. The applicant is in compliance with the convenience store regulations. The proposed sale of alcoholic beverages in conjunction with the existing convenience store does not seem to negatively impact the adjacent properties as shown in the police calls for the past four years. The use is compatible with the surrounding non-residential uses and provides an alternative shopping venue for the neighborhood. The short initial time period will allow re-evaluation of the request to ensure ongoing compliance with the conditions and other City regulations.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR-D-1 Community retail	15'	20' adjacent to residential Other: No min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	RPS Visual Intrusion	Retail and personal service, office

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area; the off-street parking requirement for a motor vehicle fueling station is two spaces. Therefore, the ±2,167-square-foot convenience store with fuel pumps requires 13 parking spaces. The applicant is providing 16 spaces as shown on the existing site plan.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

Police Report:

The Dallas Police Department's provided an incident report for the period from July 1, 2011 to August, 2015 revealed the following results:

Offenses	2011	2012	2013	2014	2015	2016
Forge & Counterfeit	2	0	4	2	0	0
Assault	1	0	0	0	0	1
Robbery individual	0	2	0	4	2	2
Other thefts	0	1	0	1	0	0
Vandalism & Criminal Mischief	1	0	0	0	2	0
Criminal trespass	0	0	0	1	1	6
UUMV	0	0	2	0	2	0
Total	37	3	6	8	7	9

CPC ACTION:
November 17, 2016

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2099 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Great Trinity Forest Way and North Jim Miller Road.

Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 13
Replies: For: 0 Against: 0

Speakers: For: Parvez Malik, P.O. Box 54803, Hurst, TX, 76054
Against: None

**Proposed SUP Conditions
Z134-166(OTH)**

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 use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

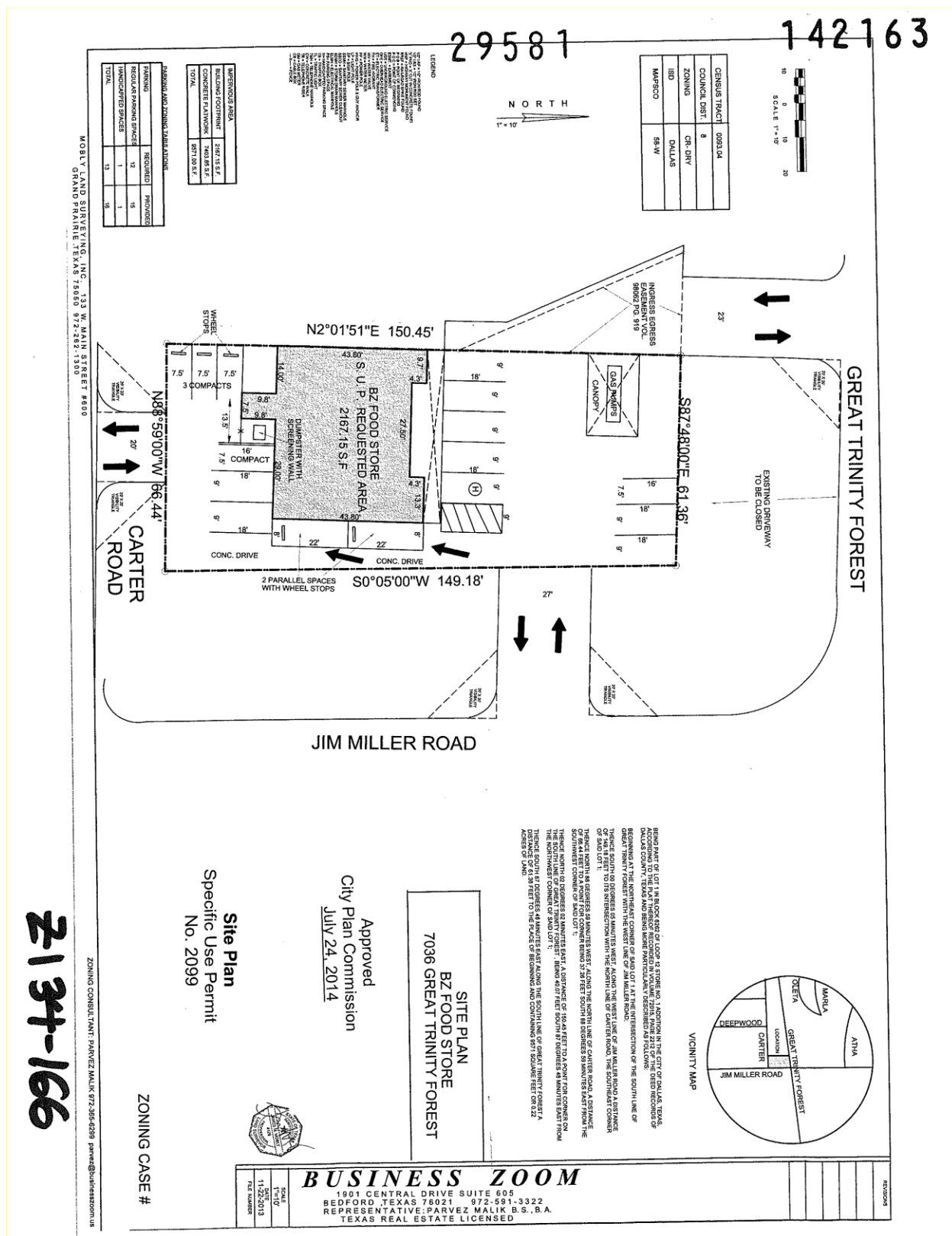
CPC recommendation:

3. TIME LIMIT: This specific use permit expires on (three years) ~~December 10, 2016~~.

Staff recommendation:

4. TIME LIMIT: This specific use permit expires on (two years) ~~December 10, 2016~~, but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING PLAN



Existing deed restrictions

THENCE 01 degrees, 05 minutes, 08 seconds, East, with said North Jim Miller Road a distance of 245.89 feet to an Iron Rod for corner;

THENCE North 89 degrees, 24 minutes, 20 seconds, West, a distance of 20.0 feet to a point for corner;

THENCE North 01 degree, 12 minutes, 00 seconds, East, a distance of 105.00 feet to the PLACE OF BEGINNING and containing 187,146.301 square feet or 4.296 acres of land.

That the undersigned, Paul L. Adams and Jack Kellam, do hereby impress all of the following described property with the following deed restrictions, to-wit:

(1) The only permitted uses on the property are those uses allowed in a General Retail District as defined in the Dallas Development Code, as amended (the "Code").

(2) Multiple-family uses are limited to no more than 26 units per acre in density, as defined in the Code.

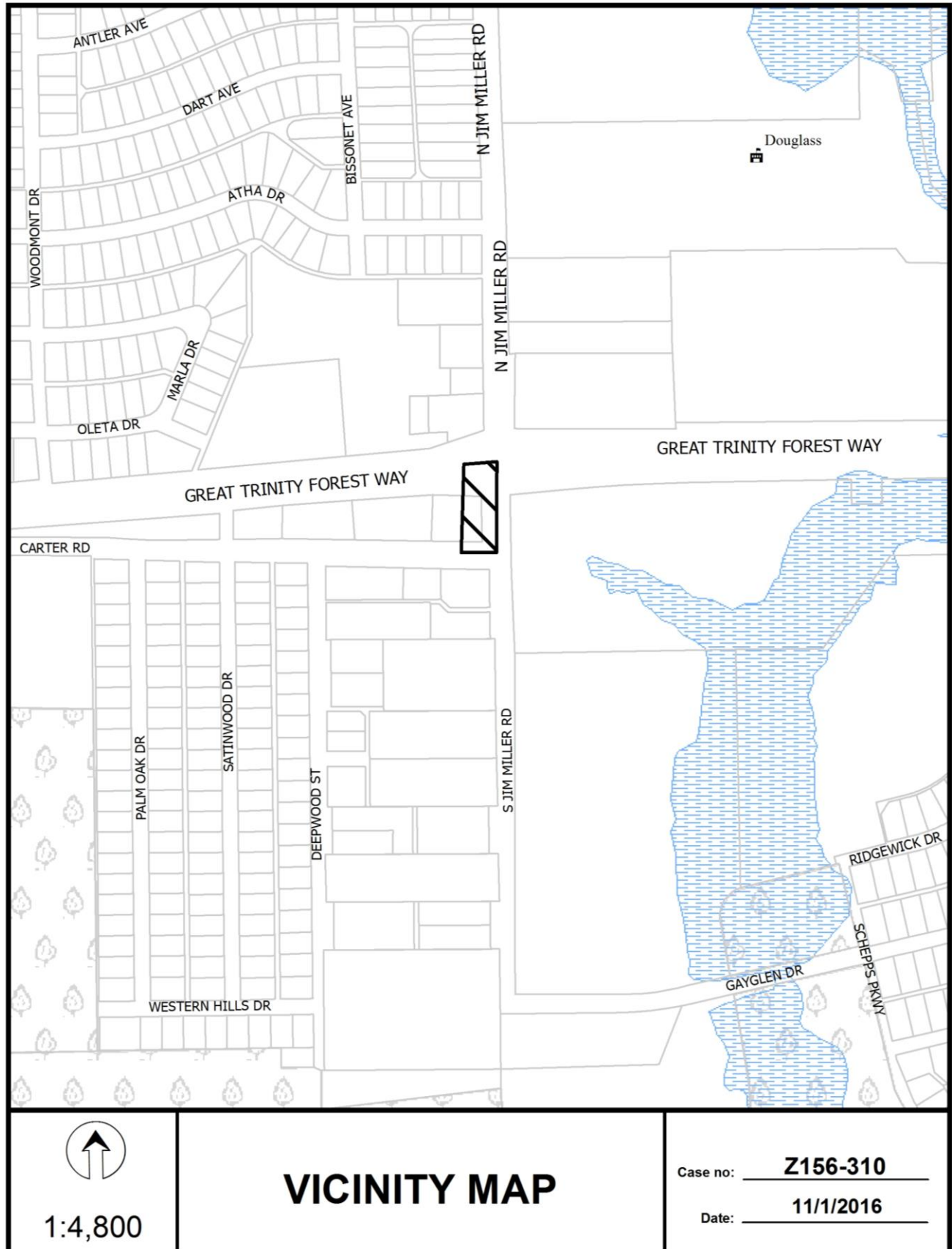
These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional period of ten (10) years unless terminated in the manner specified herein.

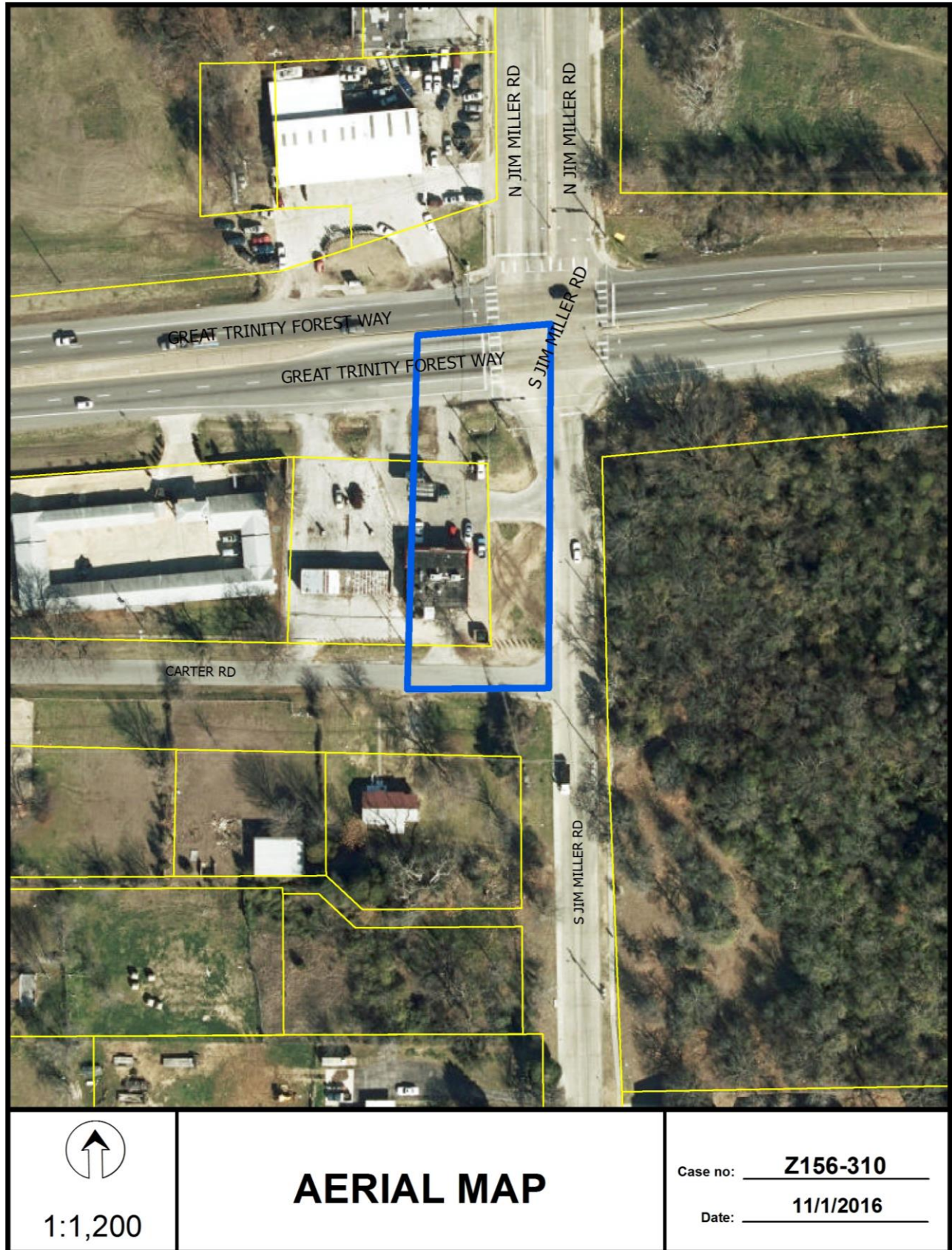
These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

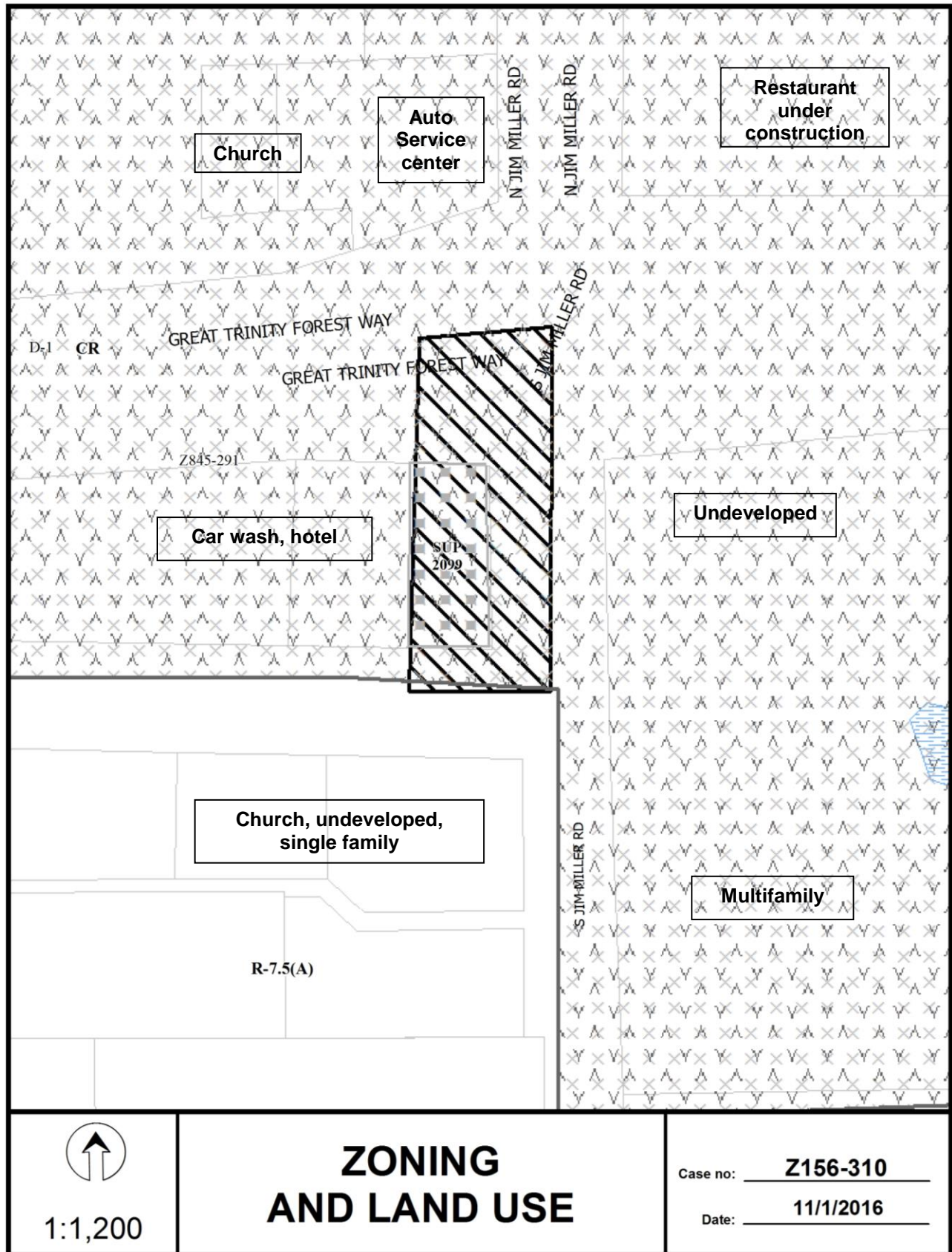
The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

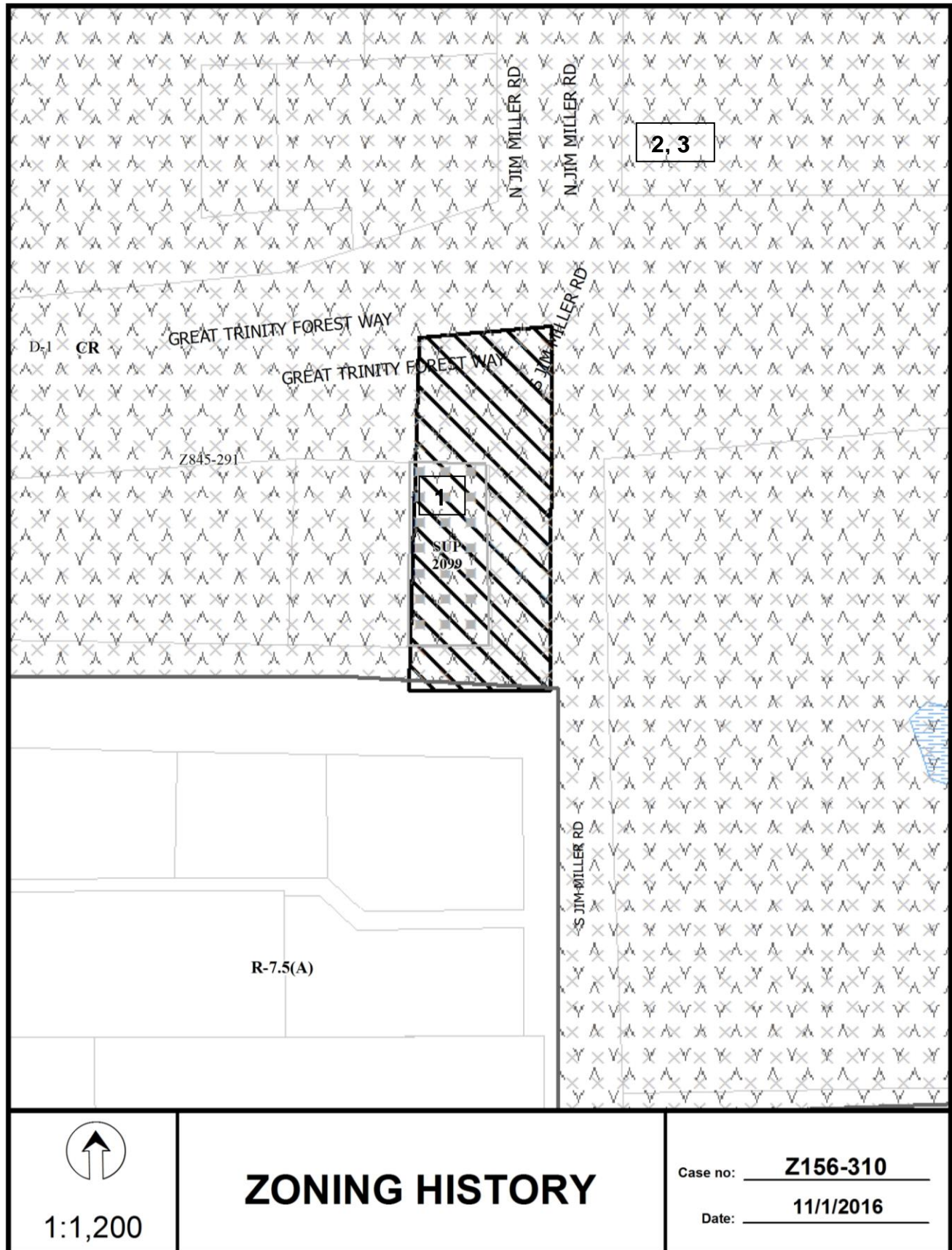
These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does grant to the City of Dallas the right to

86140 2745









1:1,200

ZONING HISTORY

Case no: **Z156-310**

Date: **11/1/2016**

CPC RESPONSES



11/16/2016

Reply List of Property Owners

Z156-310

13 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7036	GREAT TRINITY FOREST WAY	JUNEJA PROPERTY HOLDINGS
2	7028	GREAT TRINITY FOREST WAY	PHILLIPS LEO &
3	6901	GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
4	7015	GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
5	120	DEEPWOOD ST	COX ERMA
6	137	S JIM MILLER RD	MENDOZA JUAN
7	7100	GREAT TRINITY FOREST WAY	VSB INVESTMENTS LLC
8	116	N JIM MILLER RD	SANABEL INVESTMENT LP
9	7020	GREAT TRINITY FOREST WAY	JUNEJA HOSPITALITY HOLDINGS
10	7071	GREAT TRINITY FOREST WAY	ALEJANDRE ARCANGEL
11	7004	CARTER RD	LOVE OF GOD CHURCH
12	7026	CARTER RD	GIBSON KENNETH E
13	7040	CARTER RD	HOUSE OF PRAYER

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 58 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2137 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with D-1 Liquor Control Overlay on the south side of Lake June Road, west of Oak Hill Circle

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

Recommendation of CPC: Approval for a two-year period, subject to conditions
Z156-359(OTH)

FILE NUMBER: Z156-359(OTH)

DATE FILED: September 9, 2016

LOCATION: On the south side of Lake June Road, west of Oak Hill Circle

COUNCIL DISTRICT: 5

MAPSCO: 58-M

SIZE OF REQUEST: ± 2.2 acres

CENSUS TRACT: 92.02

OWNER/APPLICANT: Sikka Investments, LLC

REPRESENTATIVE: Tailim Song and Jin Kim, Tailim Song Law Firm

REQUEST: An application to renew Specific Use Permit No. 2137 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcoholic beverages for off-premise consumption. The building is currently under construction and the applicant plans to sell alcoholic beverages in the convenience store section of the building [Fox].

CPC RECOMMENDATION: Approval for a two-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals of additional five-year periods, subject to conditions.

Background:

- On February 11, 2015, the City Council approved a CR Community Retail District, a D-1 Liquor Control Overlay, a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet, and termination of deed restrictions on the subject property.
- The property is presently being developed with an approximately 10,000 square foot structure for a laundromat, convenience store, and a motor vehicle fueling station.

Zoning History of Surrounding Area: There have been five zoning cases within the last five years.

1. **Z123-297** On October 8, 2013 the City Council approved the renewal of Specific Use Permit No. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.
2. **Z123-161** On March 19, 2013, staff approved the automatic renewal of SUP No. 1866 for the sale of alcohol in conjunction with a general merchandise or food store 3,500 square feet or less, for an additional five-year period.
3. **Z123-228** On June 26, 2013, the City Council approved Specific Use Permit No. 1867 for the sale of alcohol in conjunction with a general merchandise or food store 3,500 square feet or less.
4. **Z123-369** On December 12, 2013, staff approved the automatic renewal for an additional five-year period of SUP No. 1932 for the sale of alcohol in conjunction with a general merchandise or food store greater than 3,500 square feet.
5. **Z134-242** On February 11, 2015, the City Council approved a CR Community Retail District, a D-1 Liquor Control Overlay, a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet, and termination of deed restrictions on the subject property.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Lake June Road	Principal Arterial	85 feet
Oak Hill Circle	Local	50 feet

Land Use:

	Zoning	Land Use
Site	CR-D-1, SUP No. 2137	C-Store, laundromat, motor vehicle fueling station – under construction
North	R-7.5(A)	Single family; undeveloped; car wash, auto service center
East	R-7.5(A); CR-D	Auto service center; single family, retail and related uses
South	R-7.5(A), MF-1(A)	Undeveloped, Single family, park
West	CR-D; R-7.5(A)	Carwash; single family, retail and related uses

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.

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.15 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.

Land Use Compatibility:

The request site is adjacent to an auto service center and residential to the east, undeveloped, single family and park to the south; a car wash to the northwest corner of the property and an auto service center to the northeast corner of the property. The property is surrounded by undeveloped land and single family to the north; single family residential, retail and related uses and undeveloped land to the east; a public park and single family residential to the south; and single family residential, retail and related uses to the west. There are some businesses along Lake June Road combined with single family residential and undeveloped land.

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 original SUP was approved by City Council on February 11, 2015. The proposed development is along a major thoroughfare with vehicular ingress and egress to the property on Lake June Road. The applicant will also provide a pedestrian access to the site from Oak Hill Circle. These elements help to make the proposed development more compatible in scale with the surrounding single family uses. It is not anticipated that the use will be detrimental to the surrounding area and a short time period will provide an opportunity for evaluation after the construction of the property.

Since the property is still under construction staff is recommending an initial two year period. Once the business is in operation, staff can review the site plan, police records, conditions and other issues in evaluating the automatic renewal.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

Parking:

Pursuant to §51A-4.204 of the Dallas Development Code, the off-street parking requirement for a Laundromat and convenience store is one space per 200 square feet, and the motor vehicle fueling station requires two parking spaces. This will total 50 required parking spaces for the proposed uses. The applicant is providing 57 off-street parking spaces, as depicted on the site plan.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

CPC ACTION:
November 17, 2016

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2137 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to conditions on property zoned a CR-D-1 Community Retail District with D-1 Liquor Control Overlay on the south side of Lake June Road, west of Oak Hill Circle.

Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices:	Area: 300	Mailed: 53
Replies:	For: 0	Against: 0

Speakers: None

Z156-359(OTH)

Partners/Principals/Officers

Sikka Investments, LLC

Alex Daredia, Officer
Shazeb Deredia, Officer

**Proposed SUP Conditions
Z156-359(OTH)**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan. The sale of alcoholic beverages in conjunction with a general merchandise or food stores greater than 3,500 square feet is allowed only in the location shown in the site plan.

CPC Recommendation:

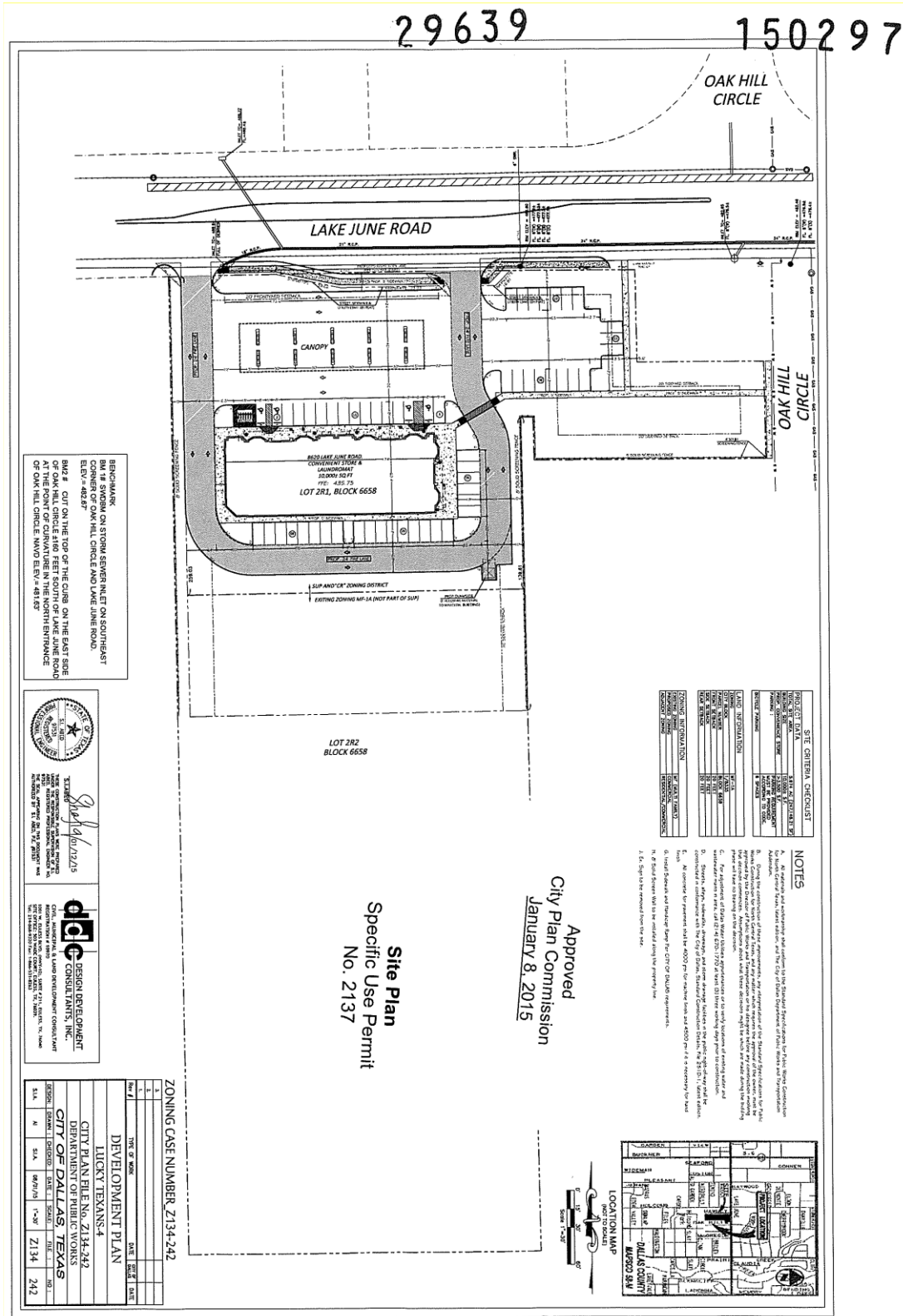
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on <u>(three years)</u> February 11, 2017 . |
|--|

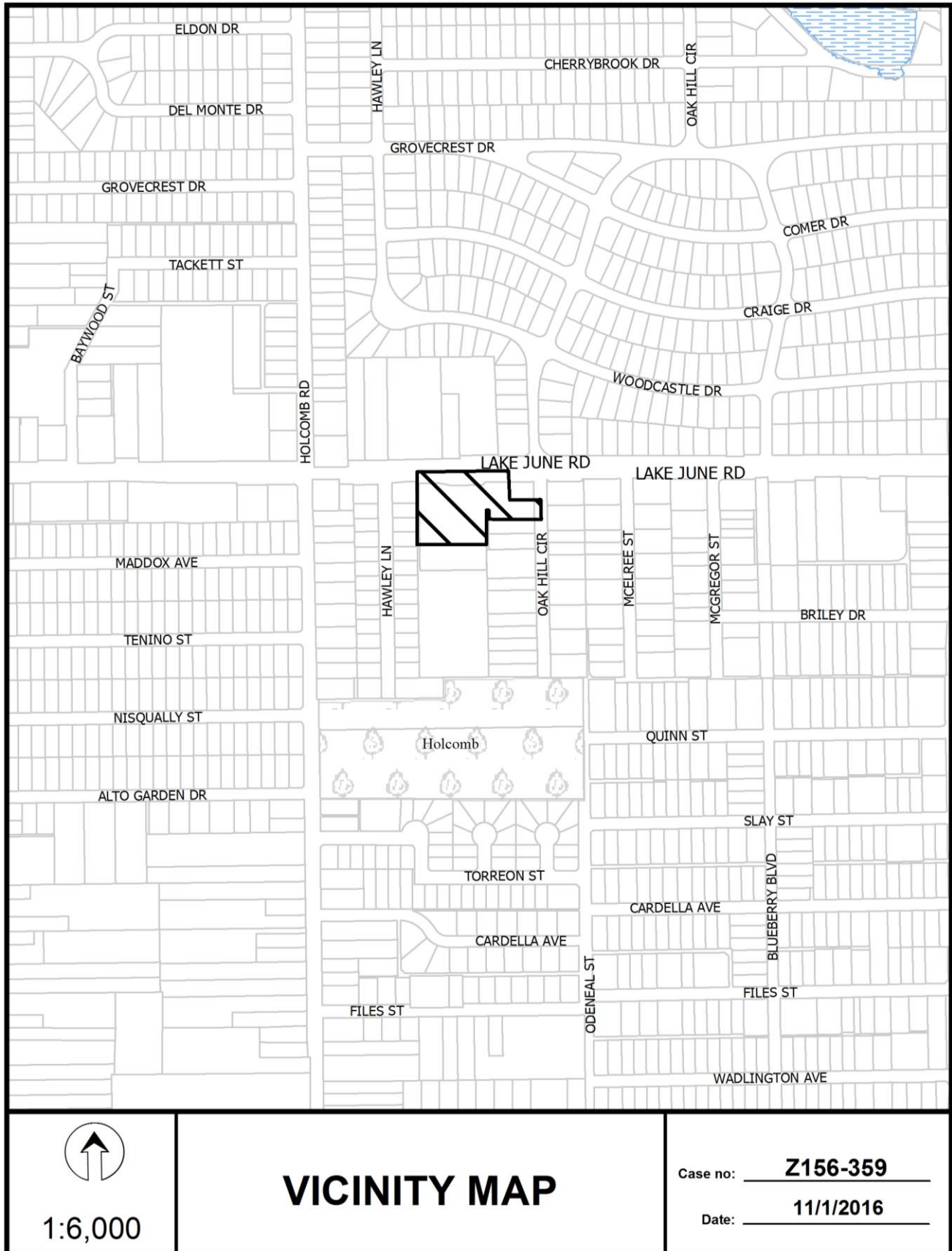
Staff's Recommendation:

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on <u>(two years)</u> February 11, 2017, but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|--|

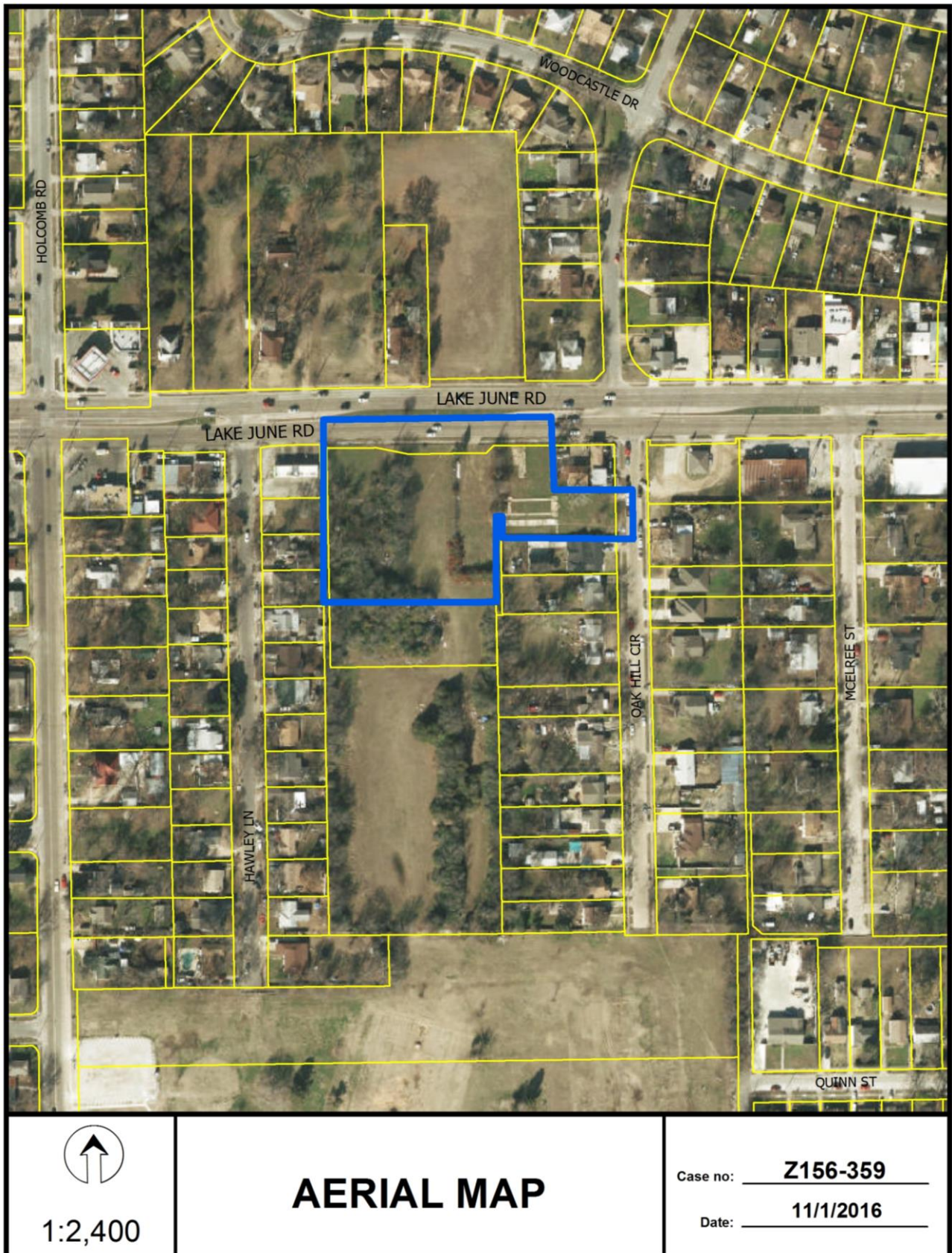
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

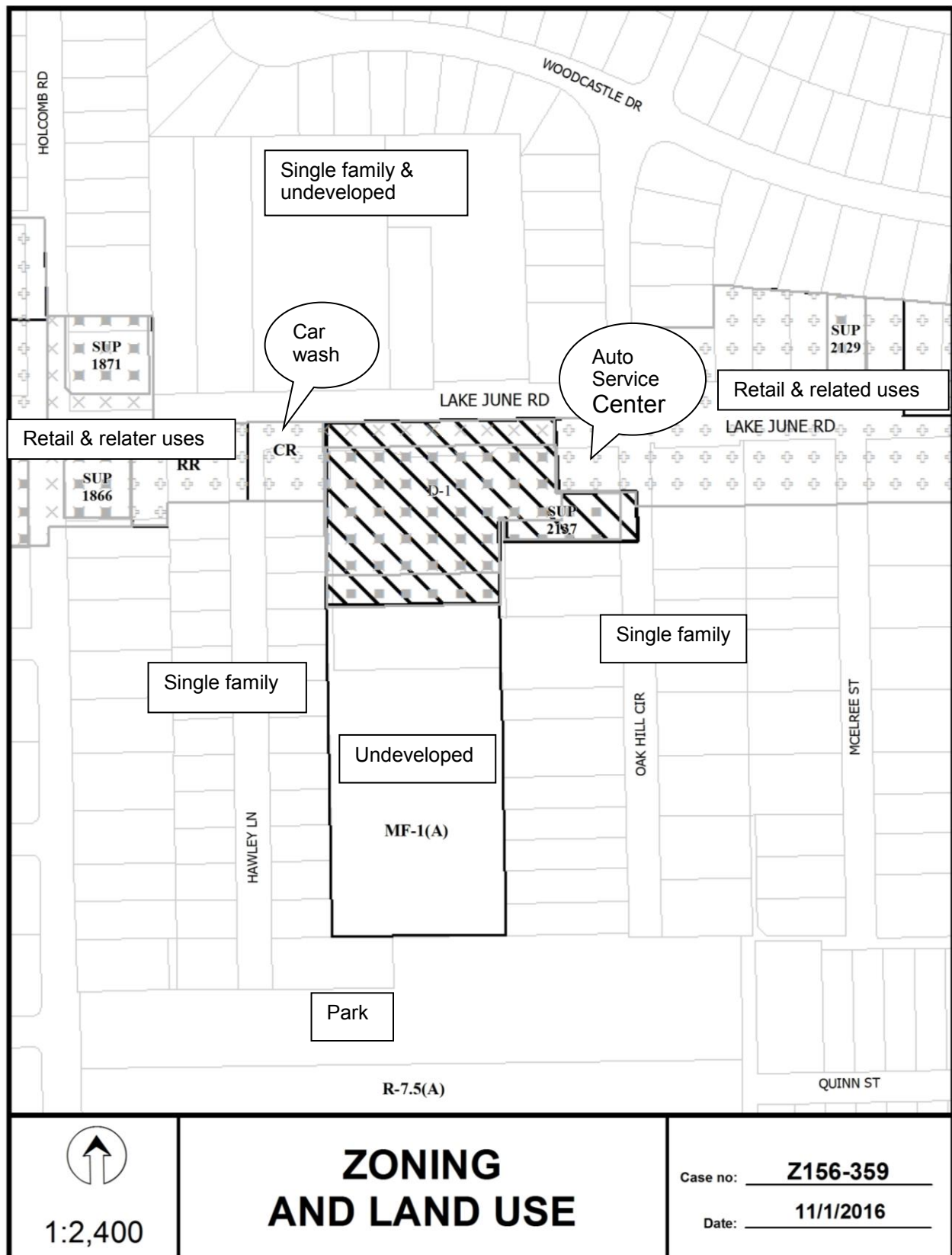
EXISTING SITE PLAN

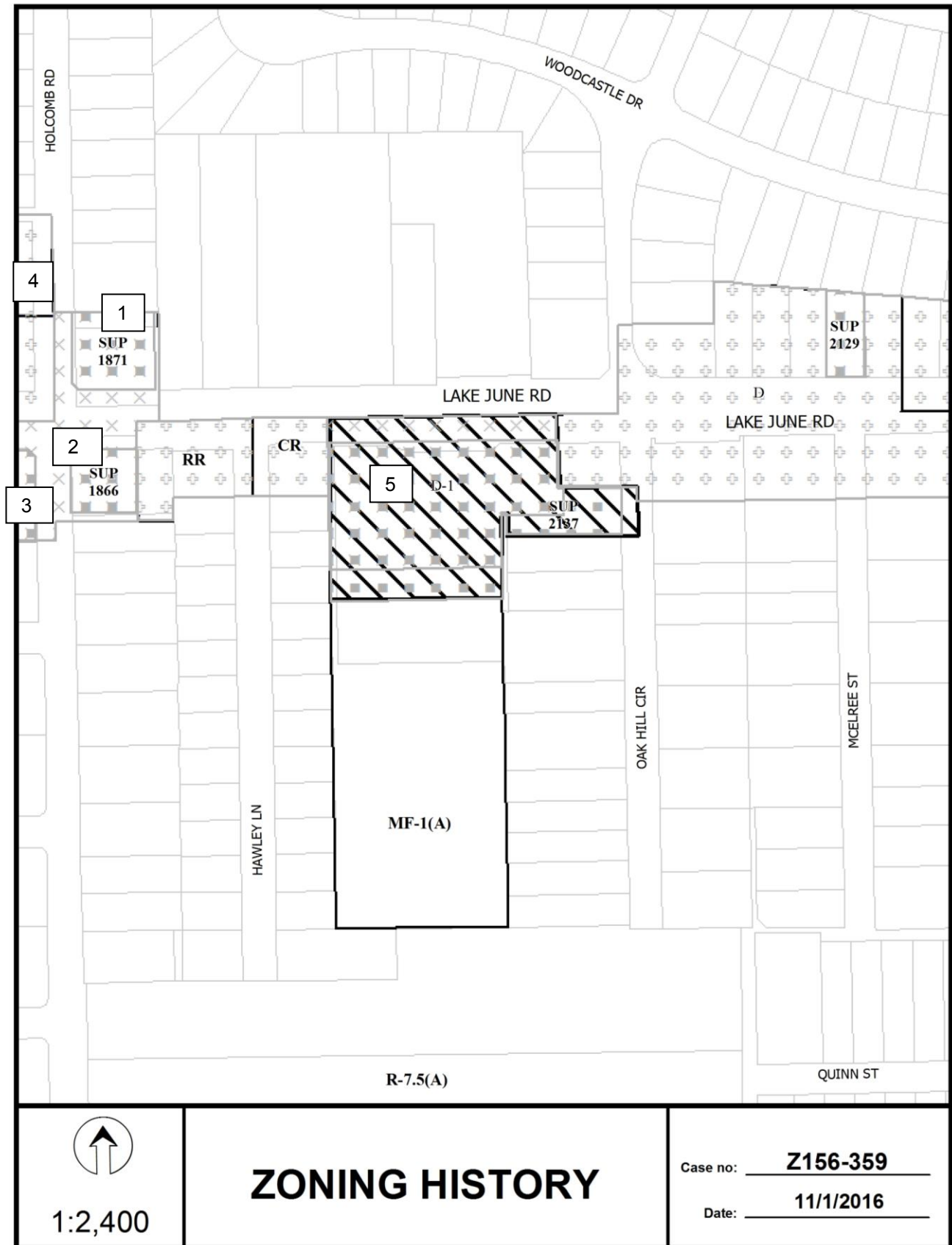




Z156-359(OTH)







CPC RESPONSES



11/16/2016

Reply List of Property Owners
Z156-359

53 Property Owners Notified***0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8640	LAKE JUNE RD	VILLEGAS VICTOR & MARIA
2	8620	LAKE JUNE RD	SIKKA INVESTMENTS LLC
3	8601	LAKE JUNE RD	MUMITH FAHIM
4	8555	LAKE JUNE RD	MUMITH OMRAN
5	8713	LAKE JUNE RD	GARCIA ROSALBA S
6	8709	LAKE JUNE RD	LIVAY LLC
7	8701	LAKE JUNE RD	MONSIVAIS AMALIA A &
8	1306	OAK HILL CIR	FISHER MICHAEL W & BETTY R
9	1310	OAK HILL CIR	HERNANDEZ CYNTHIA
10	8639	LAKE JUNE RD	MONSIVAIS GUADALUPE & YOMHARA
11	1309	OAK HILL CIR	BENITEZ NORMA
12	1313	OAK HILL CIR	HENDERSON LYNDELL &
13	1236	HOLCOMB RD	DURAN JOSE JORGE
14	1224	HOLCOMB RD	MARTINEZ JACINTO &
15	1218	HOLCOMB RD	MAGANA MARIA
16	1212	HOLCOMB RD	LOPEZ JUAN JOSE
17	1232	HOLCOMB RD	DURAN YOENA
18	1231	HAWLEY LN	HERNANDEZ ROGELIO
19	1227	HAWLEY LN	MENDEZ BELEN V
20	1223	HAWLEY LN	RODRIGUEZ LISA ANN
21	1219	HAWLEY LN	HARPER EARLIE B
22	1213	HAWLEY LN	ESTRADA JOSE L
23	1209	HAWLEY LN	PEREZ CANDELARIO ETUX
24	1203	HAWLEY LN	JASSO ANTONIO &
25	1135	HAWLEY LN	GARCIA PAUL M
26	8600	LAKE JUNE RD	MUMITH FAHIM & OMRAN

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1230	HAWLEY LN	BEDOLLA MARTIN
28	1226	HAWLEY LN	MECCA APRIL INC
29	1222	HAWLEY LN	GONZALEZ EFRAIN & ANDREA
30	1218	HAWLEY LN	GARZA ARTEMIO & CLAUDINA
31	1212	HAWLEY LN	DENOVA CELESTINO & NORMA P
32	1208	HAWLEY LN	ORTIZ EUGENIO JR
33	1202	HAWLEY LN	BRIASHE MANAGEMENT LLC
34	1134	HAWLEY LN	SORIANO HUBER MALDONADO
35	1130	HAWLEY LN	GUERRERO UVALDO
36	1219	OAK HILL CIR	SMITH JIMMIE R EST OF
37	1207	OAK HILL CIR	BASSDALE INVESTMENTS LLC
38	1131	OAK HILL CIR	RUEDA JESUS
39	1203	OAK HILL CIR	ORTIZ JOSE E & VERONICA MENDEZ
40	1229	OAK HILL CIR	GUERRERO MIGUEL JR
41	1225	OAK HILL CIR	RUEDA ALFREDO & MAYELA
42	8700	LAKE JUNE RD	MENDOZA JUAN R &
43	1232	OAK HILL CIR	THOMAS EMMA EST OF
44	1214	OAK HILL CIR	MARTINEZ ANTONIO
45	1208	OAK HILL CIR	SEGOVIA JOSE L
46	8718	LAKE JUNE RD	LACY INVESTMENTS ENTERPRISE LLC
47	1231	MCELREE ST	GUZMAN BULMARO F
48	1221	MCELREE ST	CANO ISABEL C &
49	1217	MCELREE ST	LLAMAS MARIA C &
50	1215	MCELREE ST	MENDOZA STEPHANIE N & EDUARDO M
51	8505	LAKE JUNE RD	CLUB CREEK RENTAL PROPERTY LLC
52	1228	OAK HILL CIR	RANGEL ISABEL
53	1224	OAK HILL CIR	EWING MARK

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 48 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay, on the east side of South Buckner Boulevard, south of Scyene Circle

Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions

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

Z156-208(OTH)

Note: This item was considered by the City Council at a public hearing on November 9, 2016, and was deferred until January 11, 2017, with the public hearing open

FILE NUMBER: Z156-208(OTH)

DATE FILED: February 17, 2016

LOCATION: On the east side of South Buckner Boulevard, south of Scyene Circle

COUNCIL DISTRICT: 7

MAPSCO: 48-U

SIZE OF REQUEST: ±1.22 acres

CENSUS TRACT: 90.00

APPLICANT/ OWNER: Teresa Hernandez

REQUEST: An application for a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to use the property for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use. The applicant proposes to have events such as quinceañeras, graduations, weddings, sweet sixteen and other types of celebrations and allow alcohol to be served during the events.

The City Council, at its August 10, 2016, Council hearing, remanded the case to City Plan Commission to include the alcohol sales and service portion in the SUP. The applicant is not proposing to sell alcohol as part of the business, but would like the ability for patrons to serve it during events.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

Background:

- The 53,318 square feet property is developed with 6,708 square feet separated in two suites. The property is currently vacant and was formerly used as a pawn shop.
- The applicant proposes to use the property as a commercial amusement (inside) use for a dance hall to rent for events such as quinceañeras, graduations, etc. The applicant would like to have the option to allow patrons to serve alcohol during the events.

Zoning History: There has been one zoning requests in the area within the last five years.

1. Z134-105 On November 10, 2015, the City Council approved a new subarea and Specific Use Permit No. 2160 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a one year period on property zoned Tract 2A, Subarea 1 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay for a period of one year, located on the northwest corner of Scyene Road and South Buckner Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Buckner Boulevard	Principal Arterial	Variable

Land Use:

	Zoning	Land Use
Site	Subarea 6 w/in PD No. 366 with D-1 Overlay	Vacant structure
North	Subarea 6 w/in PD No. 366 with D Overlay, PD No. 75 and CR	Convalescent nursing home/ medical facility, multifamily & Retail
East	Subarea 6 w/in PD No. 366 with D Overlay	Multifamily & Retail
South	Subarea 6 w/in PD No. 366 with D Overlay	Retail and Mini-warehouse
West	Subarea 2 w/in PD No. 366 with D Overlay	Mini-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 for an SUP for a commercial amusement (inside) limited to a dance hall is located on a property surrounded by retail uses and a major thoroughfare. The property is not adjacent to residential.

The forwardDallas! Comprehensive Plan outlines several goal and policy to support 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.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Land Use Compatibility:

The 1.22 acres request site is developed with a one story, 6,708 square feet vacant building. The request site is surrounded by a convalescent nursing home/medical facility, multifamily and retail to the north (across Scyene Circle, a six-lane thoroughfare); multifamily development to the east; mini-warehouse and cemetery to the west (across Buckner Boulevard); and mini-warehouse and retail uses to the south.

The applicant proposes to utilize the property for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use. The applicant is proposing to use the property for events such as weddings, birthday parties, 15th and Sweet 16th birthday parties, baptisms, and graduations. The proposed hours of operation for the dance hall and the sale or service of alcohol in conjunction with the dance hall are from Tuesday through Sunday from 12:00 noon until 2:00 a.m. (the following day). The applicant would like the opportunity for patrons to serve alcohol as part of the events.

In addition to the events center, the applicant proposes to have Zumba and exercise classes seven days a week from 9:00 a.m. to 6:00 p.m. in the building.

A commercial amusement (inside) for a dance hall is required to have an SUP within Subarea 6 of PD No. 366. The sale or service of alcohol in conjunction with a commercial amusement (inside) is also required to have an SUP due to the D-1 Liquor Control Overlay. Some commercial amusement (inside) uses are allowed by right (billiard hall, bowling alley or skate rink) and others, like the dance hall, require an SUP. The SUP request would only regulate a dance floor.

The zoning regulations for the property do not allow alcoholic beverage establishments such as a bar, lounge or tavern; a microbrewery, microdistillery, or winery; and private-club bar. A zoning change would be required to allow such uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed use is compatible with the surrounding commercial uses. Staff does not foresee any potential adverse effects on the adjacent uses as the operation will cease at a specific time. A short time period is suggested to allow the evaluation of the operations of the use and the impact in the neighboring area.

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.

Parking:

The property will have two suites, each with a dance floor. Suite A is approximately 2,416 with a 180 square feet dance floor. Suite B is approximately 3,112 square feet and will have a 320 square feet dance floor. Parking must be provided pursuant to Sec. 51A-4.200 of the Dallas Development Code.

The commercial amusement (inside) for a dance hall requires one (1) space per 100 square feet of floor area; the dance hall portion requires one (1) space per 25 square feet of dance floor. For the two suites combined, 5,528 square feet, the parking requirement is 55 spaces. For the two dance floors combined, 500 square feet, the parking requirement is 20 spaces. A total of 75 parking spaces is required for the

Z156-208(OTH)

proposed uses. The applicant is providing 86 parking spaces as depicted on the site plan.

Landscaping:

Landscaping is required in accordance with PD No. 366. The applicant is not proposing any additions to the existing structure. The construction of the off-street parking will require a building permit, which will include landscaping of the site.

CPC ACTION:
October 6, 2016

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction with a commercial amusement inside use for a two-year period, subject to a site plan and conditions on property zoned Subarea 6 within Planned Development District No. 366–D-1 with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, south of Scyene Circle.

Maker: Shidid

Second: Schultz

Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon*, Haney, Jung, Housewright*,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Houston

Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 15

Replies: For: 1 Against: 2

Speakers: For (Did not speak): Teresa Hernandez, 804 Trailwood Dr., Desoto, TX, 75115
Against: None

Proposed SUP Conditions

Z156-208

1. USE: The only uses authorized by this specific use permit are a commercial amusement (inside) for a dance hall and the sale or service of alcohol in conjunction of a commercial amusement (inside) use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

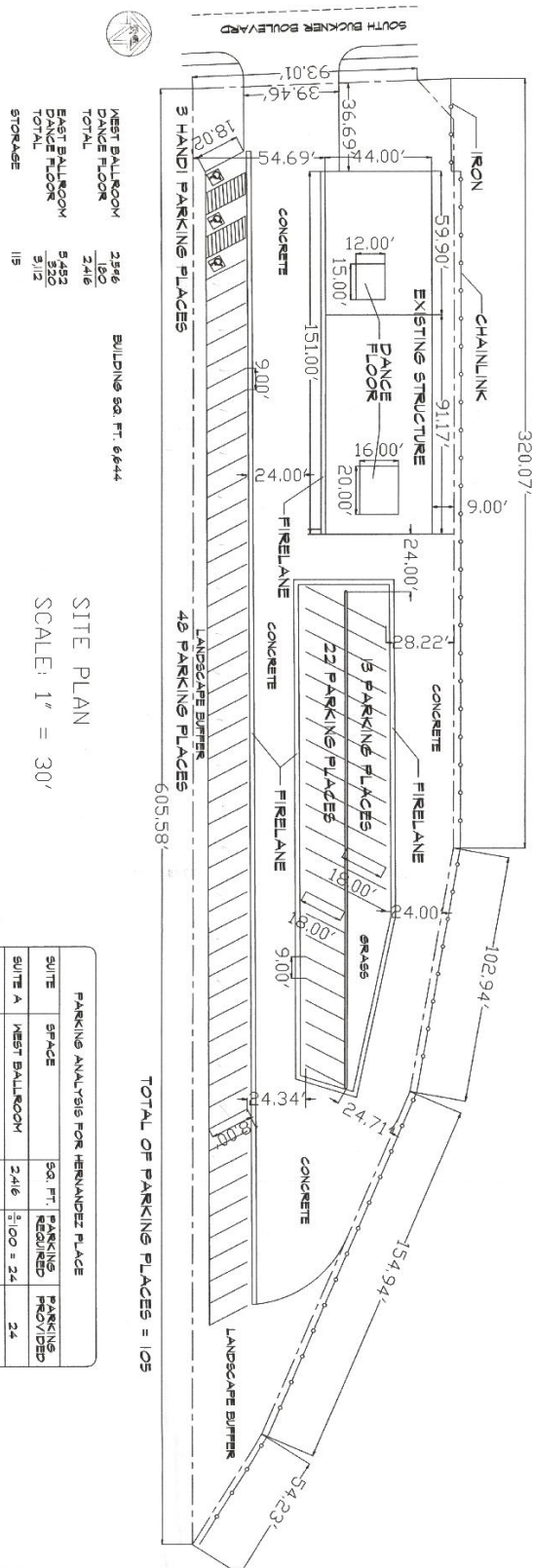
3. TIME LIMIT: This specific use permit expires on (two years).

Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on (three years).

4. DANCE FLOOR AREA: The dance floor area for suite A is limited to 180 square feet. The dance floor for suite B is limited to 320 square feet.
5. FLOOR AREA: The floor area for suite A is limited to 2,416 square feet. The floor area for suite B is limited to 3,112 square feet.
6. HOURS OF OPERATION: The dance hall may only operate from 12:00 p.m. (noon) to 2:00 a.m. Tuesdays to Sundays.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



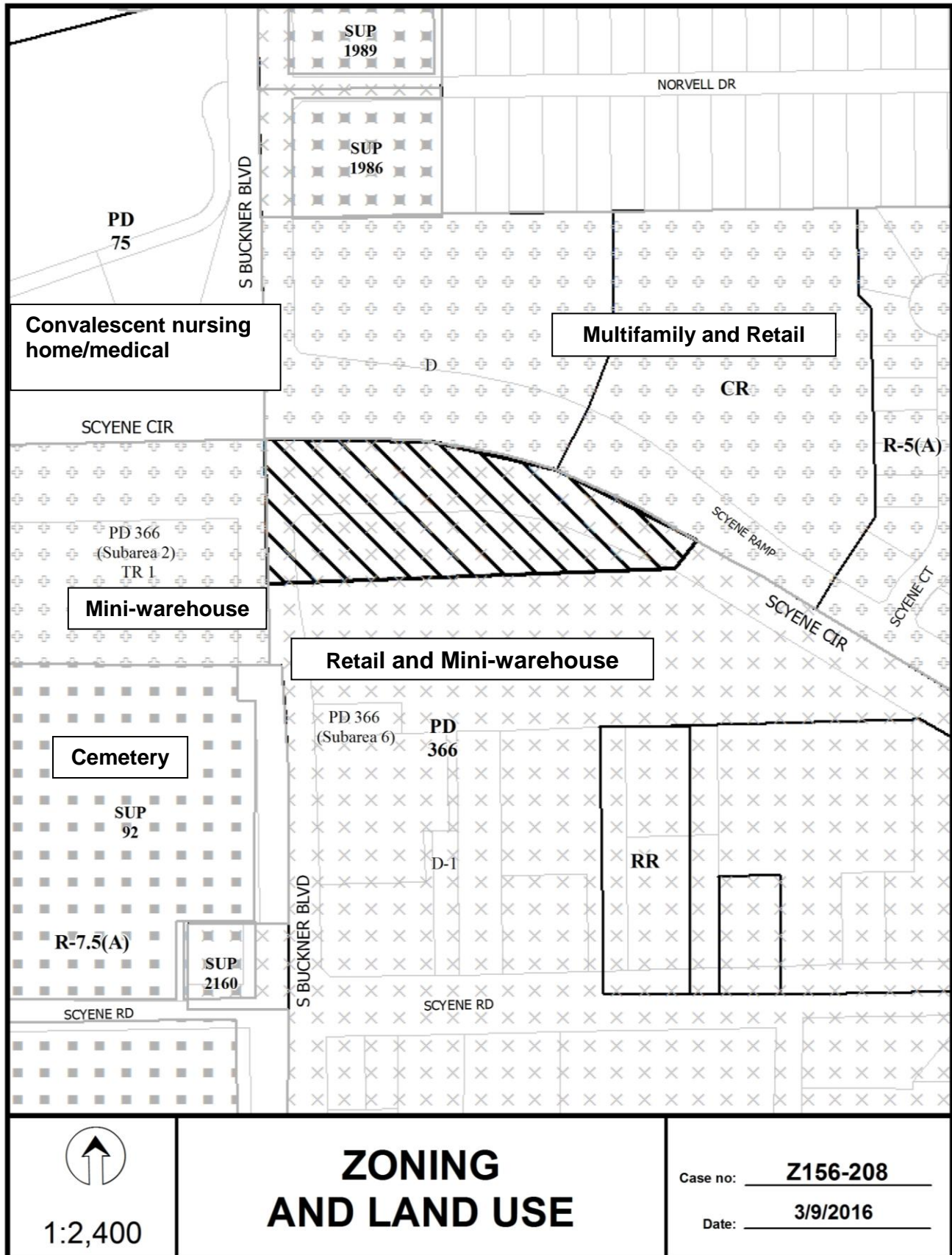
PARKING ANALYSIS FOR HERNADEZ PLACE			
SUITE	SPACE	SQ. FT.	PAVING PROVIDED
SUITE A	MEET BALLROOM	246	100 = 24
SUITE A	DANCE FLOOR	180	23 = 7
SUITE B	MEET BALLROOM	312	100 = 31
SUITE B	DANCE FLOOR	320	23 = 13
	HAND CAP		TOTAL 5
			TOTAL 18
			TOTAL 86

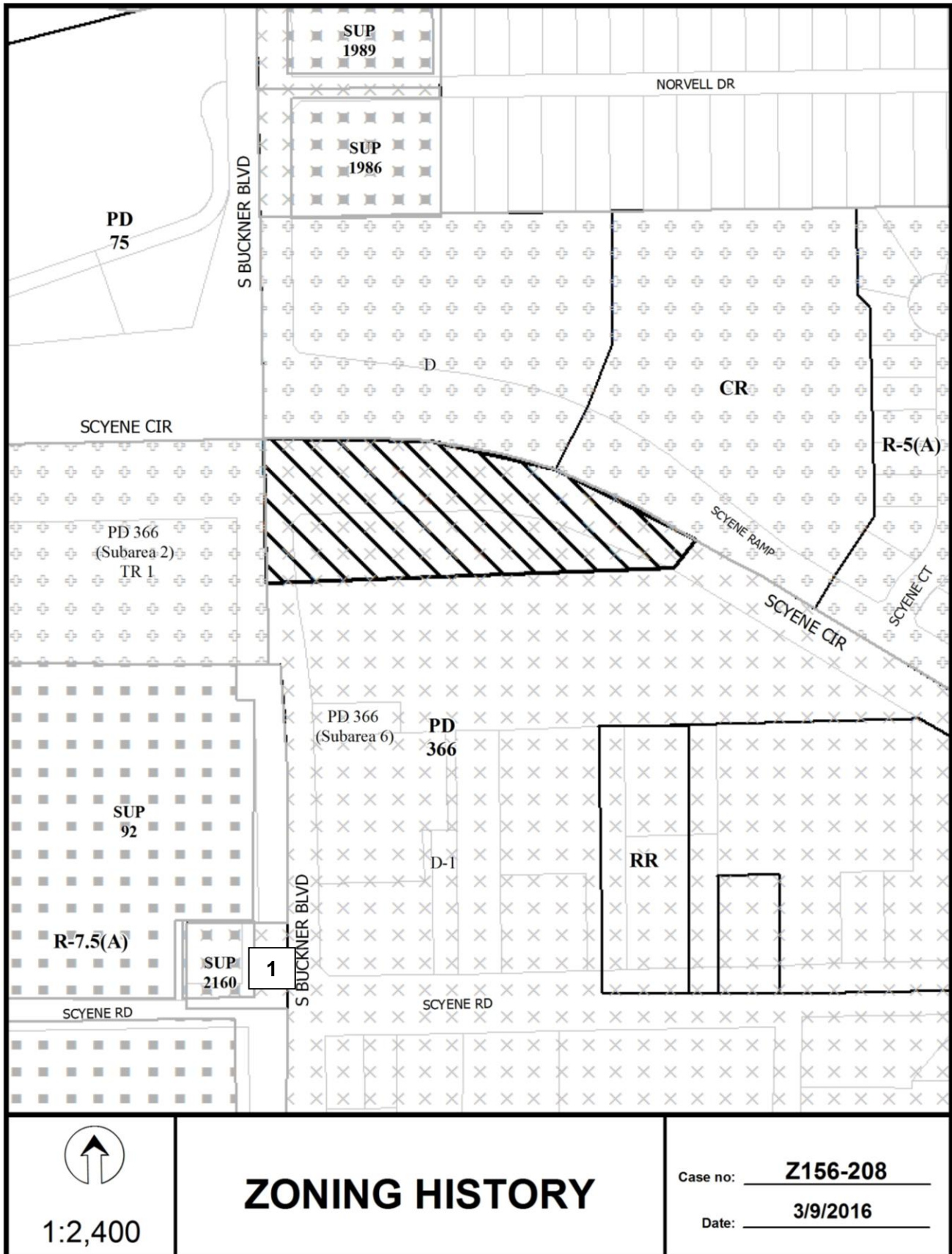
Total spaces required	75
Total spaces provided	86

Z156-208(OTH)

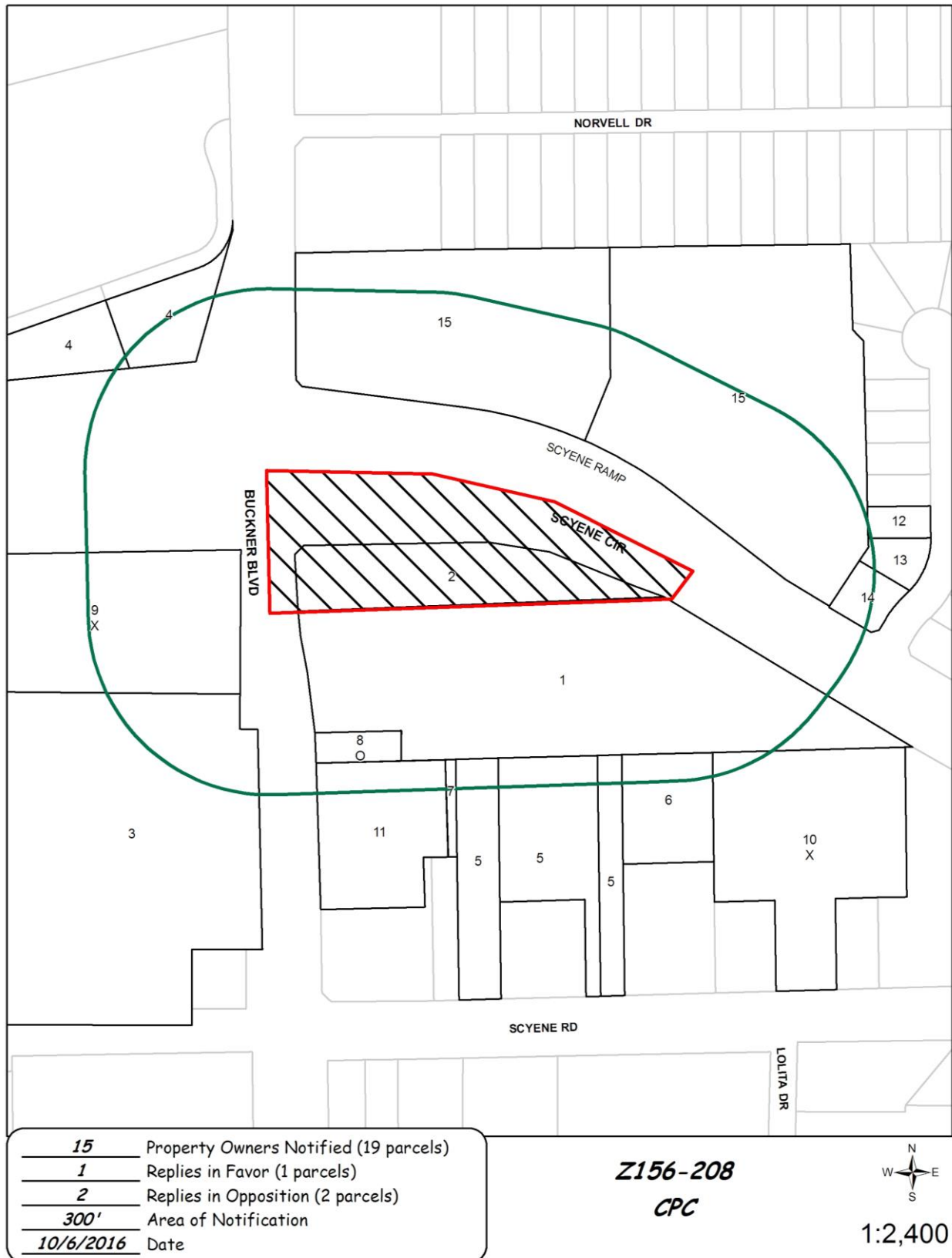








CPC RESPONSES



10/05/2016

Reply List of Property Owners
Z156-208

15 Property Owners Notified***1 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3210 S BUCKNER BLVD	SH 708-716 LLC
	2	3230 S BUCKNER BLVD	MOSLEY L G & JYNNIFER
	3	3151 S BUCKNER BLVD	PLEASANT MOUND CEMETERY
	4	3505 S BUCKNER BLVD	BUCKNER SCYENE SNF LTD
	5	8149 SCYENE RD	WIMBERLY JOANNE
	6	8151 SCYENE RD	VALDEZ ANGEL
	7	8127 SCYENE RD	JACKSON WILLIE RAY
O	8	3118 S BUCKNER BLVD	UGWONALI FELIX C &
X	9	3241 S BUCKNER BLVD	ACCESS-BUCKNER LTD
X	10	8201 SCYENE RD	FORD ROBERT L
	11	3110 S BUCKNER BLVD	FIRST CASH LTD
	12	3311 SCYENE CT	RYAN TIM & KATHLEEN
	13	3307 SCYENE CT	COAHUILAS RAUL B
	14	3303 SCYENE CT	GUEVARA BENITO &
A1	3402	S BUCKNER BLVD	TACP DCREEK LP
A2	8181	SCYENE CIR	TACP DCREEK LP

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 49 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road

Recommendation of Staff and CPC: Approval

Z156-234(JM)

Note: This item was considered by the City Council at public hearings on September 28, 2016 and October 26, 2016, and was deferred until January 11, 2017, with the public hearing open

FILE NUMBER: Z156-234(JM)

DATE FILED: March 15, 2016

LOCATION: Southwest corner of Forney Road and North Prairie Creek Road

COUNCIL DISTRICT: 7

MAPSCO: 49-N

SIZE OF REQUEST: ±2.4496 acres

CENSUS TRACT: 121.00

APPLICANT/OWNER: West Texas Rebar Placers, Inc.

REPRESENTATIVE: Marco A. Hernandez

REQUEST: An application for a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant is requesting the zoning change in order to operate a contractor maintenance yard. The intent is to store heavy equipment on-site, and do necessary maintenance and repairs to that equipment. An office is intended to be on-site, as well.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district allows uses that are similar, but with greater restrictions for height. The Commercial Service District adds 18 uses, primarily in the retail and personal services, and wholesale, distribution, and storage uses categories. More information is provided under Development Standards and Land Use Comparison sections of this report.
2. Development on this block is similar to the requested use, but not allowed. The property is not currently in use, although there is some machinery being stored pending the outcome of this case.
3. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
4. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Business Center or Corridor Building Block. While the proposed district is inconsistent with this building block, it generally supports economic goals within the comprehensive plan. Additionally, the proposed district and use are consistent with surrounding land use patterns.

Zoning History: There have been no recent zoning cases in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Forney Road	Community Collector (S-4-D)	80 feet
Prairie Creek Road	Principal Arterial (M-6-D(A))	100 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Business Center or Corridor*. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

The proposed CS Commercial Service District is described as being for the development of commercial and business serving uses that may involve outside storage, service, or display. This district ultimately supports the intended Building Block and is a less intensive industrial-type of zoning.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

Vision: Embrace all types of land use. Workshop participants were interested in having a wide range of land use options and scale in Dallas. While some land use types reflect a definite nod toward autos, others focused more heavily on walking and bicycling. Variety is the key in what workshop participants wanted for land use types throughout the city, recognizing differences in appropriateness and scale from place to place.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

Land Use Compatibility:

	Zoning	Land Use
Site	LI w/D-1 Overlay	Vacant (storage of equipment)
North	LI w/D-1 Overlay	Vacant land, warehouse & distribution centers (freight terminal)
East	LI w/D-1 Overlay	Tool or equipment rental
South	LI w/D-1 Overlay	Cell tower, railroad, vacant land
West	LI w/D-1 Overlay	Tool or equipment rental

The request site is ± 2.5 acres situated between several industrial parks and business centers. Immediately adjacent zoning is Light Industrial. Surrounding land uses are of an industrial nature. Many have outside storage of semi-trucks and trailers. The proposed CS Commercial Service District and contractor's maintenance yard use seems compatible with the area.

The request to rezone is to allow for a contractor's maintenance yard use, which includes the outside storage of equipment. This will require screening of the entire site. The screening will provide a transitional buffer as the area continues to change over time. While an industrial zoning district like CS Commercial Service is not typically a zoning district that is envisioned for Business Center or Corridor Building Blocks, given that LI is the existing zoning on the property, and because the site and surrounding area are being commercially utilized for industrial uses, the request can be supported. The subject site is adjacent to industrial and business parks on the fringe of Dallas city limits and Mesquite city limits.

Development Standards:

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
Existing						
LI Light Industrial	15'	0'	0.5 to 1.0	70'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.
Proposed						
CS Commercial Service	0'	0'	0.75 to 1.0	45'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.

Land Use Comparison:

	Proposed	Existing
Use	CS	LI
Vehicle or engine repair or maintenance.	RAR	X
Alcoholic beverage manufacturing.		RAR
Inside industrial.		RAR
Temporary concrete or asphalt batching plant.		By CBO authorization
Convent or monastery.	X	
Public School.	RAR	SUP
College dormitory, fraternity, or sorority house.	X	
Ambulance service.	RAR	
Animal shelter or clinic without outside run.	RAR	X
Alcoholic beverage establishments*	SUP	Check Use
Commercial amusement (outside).	DIR	
Convenience store with drive-through.	SUP	
Drive-in theater.	SUP	
General merchandise or food store greater than 3,500 square feet.	X	
Liquefied natural gas fueling station.	SUP	Check Use
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Nursery, garden shop, or plant sales.	X	
Use	CS	LI
Outside sales.	SUP	
Pawn shop.	X	
Swap or buy shop.	SUP	
Auto auction.	SUP	
Building mover's temporary storage yard.	SUP	
Contractor's maintenance yard.	RAR	
Petroleum product storage and wholesale.	SUP	

Sand, gravel, or earth sales and storage.	SUP	
Vehicle storage lot.	SUP	
Accessory pathological waste incinerator.	X	
<p><i>X indicates permitted by right.</i></p> <p><i>SUP indicates permitted with a Specific Use Permit.</i></p> <p><i>RAR indicates permitted, but subject to Residential Adjacency Review.</i></p> <p><i>DIR indicates permitted, but subject to Development Impact Review.</i></p> <p><i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i></p> <p><i>By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official.</i></p>		

WEST TEXAS REBAR PLACERS, INC.

**10209 Plano Rd. Suite 101
Dallas, Texas 75238**

**PHONE: (214) 221-1333
FAX: (214) 221-1303**

Marco A. Hernandez – President

Magno A. Hernandez – Vice-President

Z156-234

CPC Action:

September 1, 2016

Motion: It was moved to recommend **approval** of a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road.

Maker: Anantasomboon

Second: Davis

Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid*,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 0

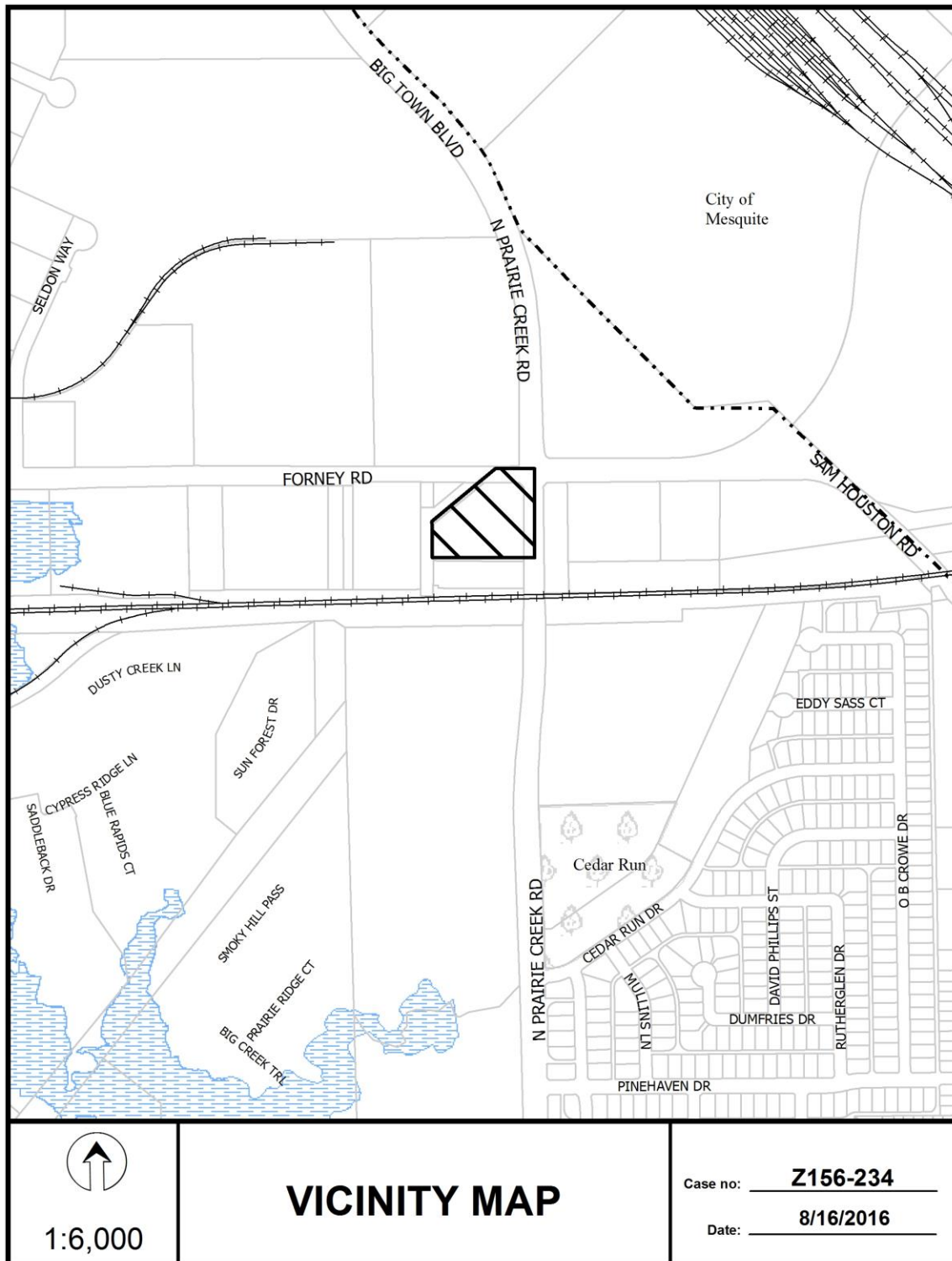
Vacancy: 1 - District 7

*out of the room, shown voting in favor

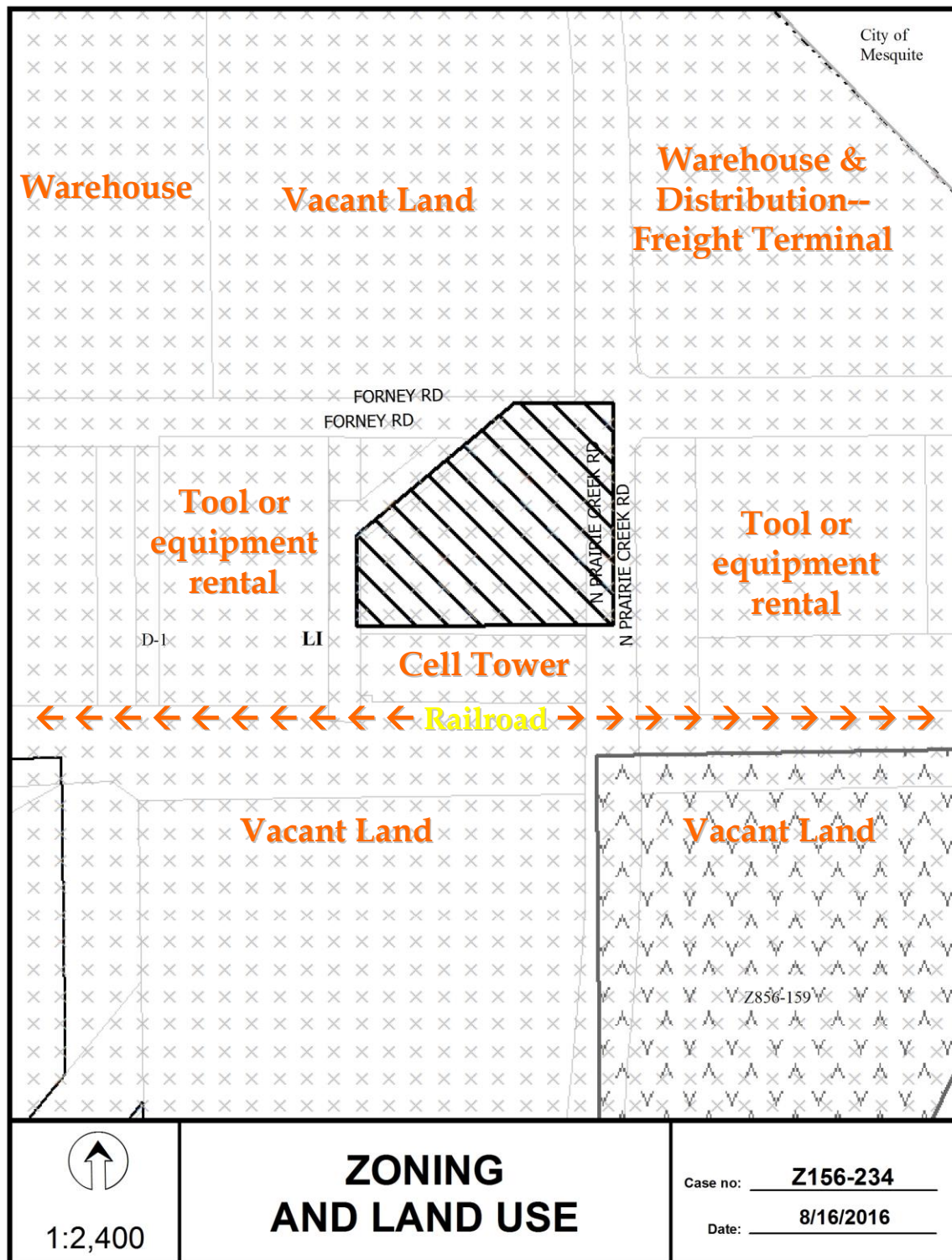
Notices: Area: 300 Mailed: 14

Replies: For: 4 Against: 1

Speakers: None









08/31/2016

Reply List of Property Owners***Z156-234******14 Property Owners Notified******4 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9202 FORNEY RD	COUNTY OF DALLAS
O	2	9124 FORNEY RD	WEST TEXAS REBAR PLACERS INC
	3	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	4	9999 NO NAME ST	UNION PACIFIC RR CO
	5	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	6	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	7	1201 BIG TOWN BLVD	BAPTIST FOUNDATION OF TX
O	8	9090 FORNEY RD	GILLIS EDWARD T &
O	9	9090 FORNEY RD	GILLIS EDDIE
	10	4501 PRAIRIE CREEK RD	TEXAS UTILITIES ELEC CO
O	11	9124 FORNEY RD	GILLIS EDWARD TRAVIS & DEBORAH KAY GILLIS
	12	4401 PRAIRIE CREEK RD	DAL TILE CORP
X	13	4400 N PRAIRIE CREEK RD	DWL REAL ESTATE INC
	14	9208 FORNEY RD	BERRY MARK W &

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 22 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned IM Industrial Manufacturing District with deed restrictions, on the north side of Mañana Drive, west of Newkirk Street

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

Z156-331(AR)

Note: This item was considered by the City Council at a public hearing on December 14, 2016, and was deferred until January 11, 2017, with the public hearing open

FILE NUMBER: Z156-331(AR)

DATE FILED: August 11, 2016

LOCATION: North side of Mañana Drive, west of Newkirk Street

COUNCIL DISTRICT: 6

MAPSCO: 22-P

SIZE OF REQUEST: Approx. 6.76 acres

CENSUS TRACT: 99.00

APPLICANT/REPRESENTATIVE: Steven M. Free

OWNER: Steven M. Free, LP

REQUEST: An application for the renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing on property zoned IM Industrial Manufacturing District with deed restrictions.

SUMMARY: The applicant proposes to renew Specific Use Permit No. 1653 to continue the operation of a wood or lumber processing use. Deed restrictions on the property limit the potentially incompatible industrial (outside) uses to wood or lumber processing by SUP only.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently being used for an outside wood processing facility as allowed by SUP No. 1653 and is surrounded by undeveloped land and industrial uses.
- SUP No. 1653 for a potentially incompatible industrial (outside) use, limited to a wood or lumber processing use was first approved by City Council on February 14, 2007, for a time limit of two years. SUP No. 1653 was amended to clarify parking requirements in the conditions and renewed for three years on January 28, 2009.
- SUP No. 1653 was amended to clarify parking requirements and renewed for three years on January 28, 2009, and renewed for two years on January 14, 2015
- Deed restrictions on the property limit the uses to those in the IR Industrial Research District, allow all industrial (outside) not potentially incompatible uses, and allow the potentially incompatible industrial (outside) use limited to wood or lumber processing by Specific Use Permit.
- The site plan is being revised to add ingress and egress to come into compliance with the existing SUP conditions.
- On February 24, 1982, the City Council approved a Specific Use Permit No. 817 for a Concrete Batching Plant on property zoned a Flood Plain (Industrial-2) District located to the southwest of the subject site.
- On February 21, 1972, the City Council approved a Specific Use Permit No. 563 for a Salvage and Reclamation Yard on property zoned a Flood Plain (Industrial-3) District located to the southeast of the subject site.

Zoning History:

1. Z134-338 On January 14, 2015, the City Council approved an amendment and renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use, limited to wood or lumber processing on property zoned an IM Industrial Manufacturing District (subject site).

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Mañana Drive	Minor Arterial	30 ft.
Newkirk Street	Minor Arterial	30 ft.
Spangler Road	Minor Arterial	30 ft.

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 generally supports the characteristics of the *Industrial Area Building Block*. The applicant's use provides jobs in the industrial sector and is located in one of the City's industrial areas. Additionally, there are limited sidewalks in the area, a trait of industrial areas.

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.

Area Plans:

Elm Fork Athletic Complex Master Plan (2007) - identifies the 28 acre floodplain parcel immediately north of the request site as future nature trails. The plan recommends the development of a nature and boardwalk trail that will be integrated into the overall Elm Fork trail system and soccer field complex. The existing wood or lumber processing use is not compatible with the proposed nature trails adjacent to the subject site. However, staff is recommending a short time period so the use can be re-evaluated as the Master Plan is implemented.

Trinity River Corridor Comprehensive Land Use Plan (2009) – this plan designates the area of the subject site as a Heavy Industrial land use. The existing wood or lumber processing use is considered a Heavy Industrial use in the language of this plan and follows the recommendation of the land use in this area.

Land Use Compatibility:

The subject site is approximately 6.76 acres located in an IM Industrial Manufacturing District and is adjacent to an IM District to the north and south and an IR Industrial Research District to the east and west. The subject site is an industrial use and is surrounded by other industrial uses, warehouses, vacant land, and undeveloped land. There are two Specific Use Permits for a concrete batching plant (SUP No. 817) and a salvage yard (SUP No. 563) located to the south of the subject site. The Elm Fork soccer complex is located north of the site and is buffered by a heavily wooded area.

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 existing wood and lumber processing use is compatible with the surrounding industrial uses in the area. The use is one that is needed in the city and should be located in an industrial area. The conditions of the SUP help limit any detrimental aspects of the use by limiting the hours of operation to provide relief for surrounding uses on nights and weekends. The conditions also limit the height of the stacking areas to prevent visual intrusion to the surrounding area. The subject site is screened along Mañana Drive by fencing and trees and is surrounded by a heavily wooded area to the north and east.

The applicant is requesting automatic renewals. However, staff does not support this because of the potential for change in the area due to the new soccer park to the north of the site.

CPC ACTION
October 29, 2016

Motion: It was moved to recommend **approval** of renewal of Specific Use Permit No. 1653 for a potentially incompatible industrial (outside) use limited to wood or lumber processing for a three-year period, subject to a revised site plan and conditions on property zoned IM Industrial Manufacturing District with deed restrictions, on the north side of Mañana Drive, west of Newkirk Street.

Maker: Anantasomboon
Second: Davis
Result: Carried: 13 to 0

For: 13 - Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Anglin
Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 4
Replies: For: 0 Against: 0

Speakers: For: Steven Free, 7017 Spanky Branch Court, Dallas, TX, 75248
Against: None

List of Partners
Steven M. Free, LP

- Steven Free

CPC Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a potentially incompatible industrial (outside) use limited to wood or lumber processing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. *CPC Recommendation*

TIME LIMIT: This specific use permit expires on (three-years from the passage of this ordinance).

4. *Applicant Request*

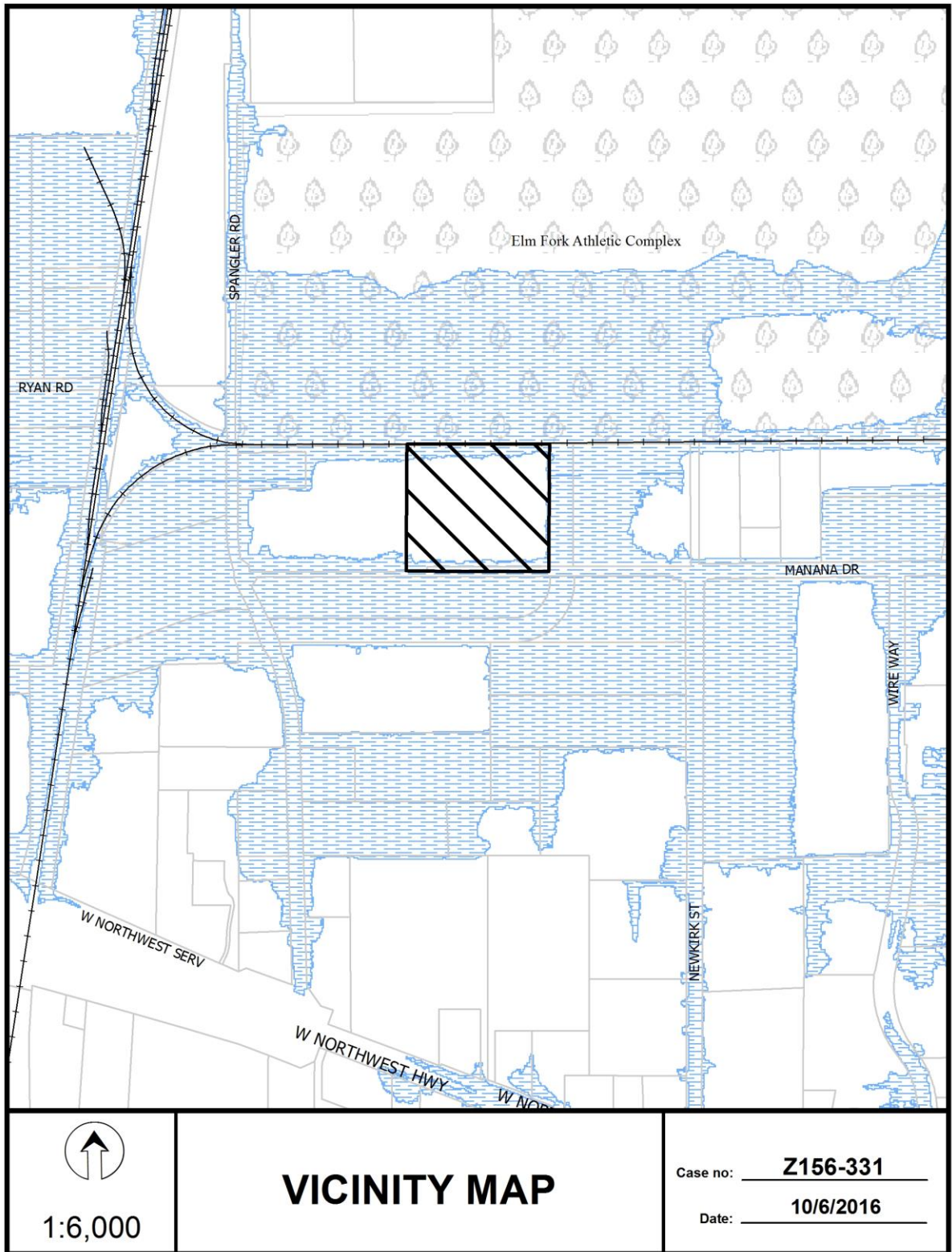
TIME LIMIT: This specific use permit ~~expires~~automatically terminates on (five years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

5. PARKING: A minimum of eight off-street parking spaces must be provided in the location shown on the attached site plan. All parking, driveways that connect to a street or alley, and vehicle maneuvering areas must comply with Division 51A-4.300, "Off-Street Parking and Loading Regulations," of the Dallas Development Code, as amended.
6. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
7. HOURS OF OPERATION: The wood or lumber processing use may only operate between 6:00 a.m. and 5:00 p.m., Monday through Friday, and between 6:00 a.m. and 12:00 p.m., Saturday.
8. STACKING: The maximum stacking height of materials stored outside is 18 feet in the locations shown on the attached site plan.

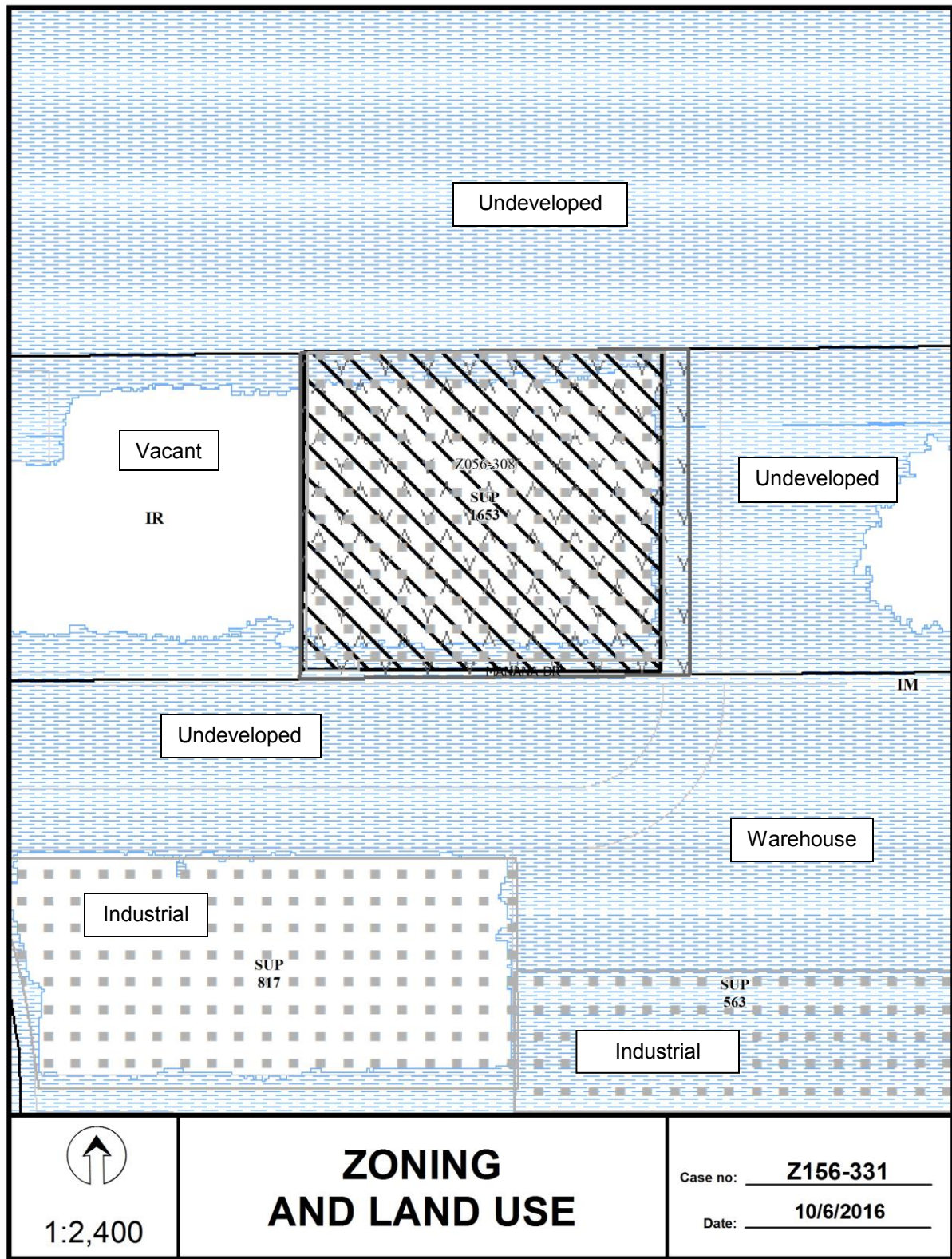
9. MANUFACTURING AREA: The maximum area for wood or lumber processing is 5,000 square feet in the location shown on the attached site plan as "Manufacturing Area."
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

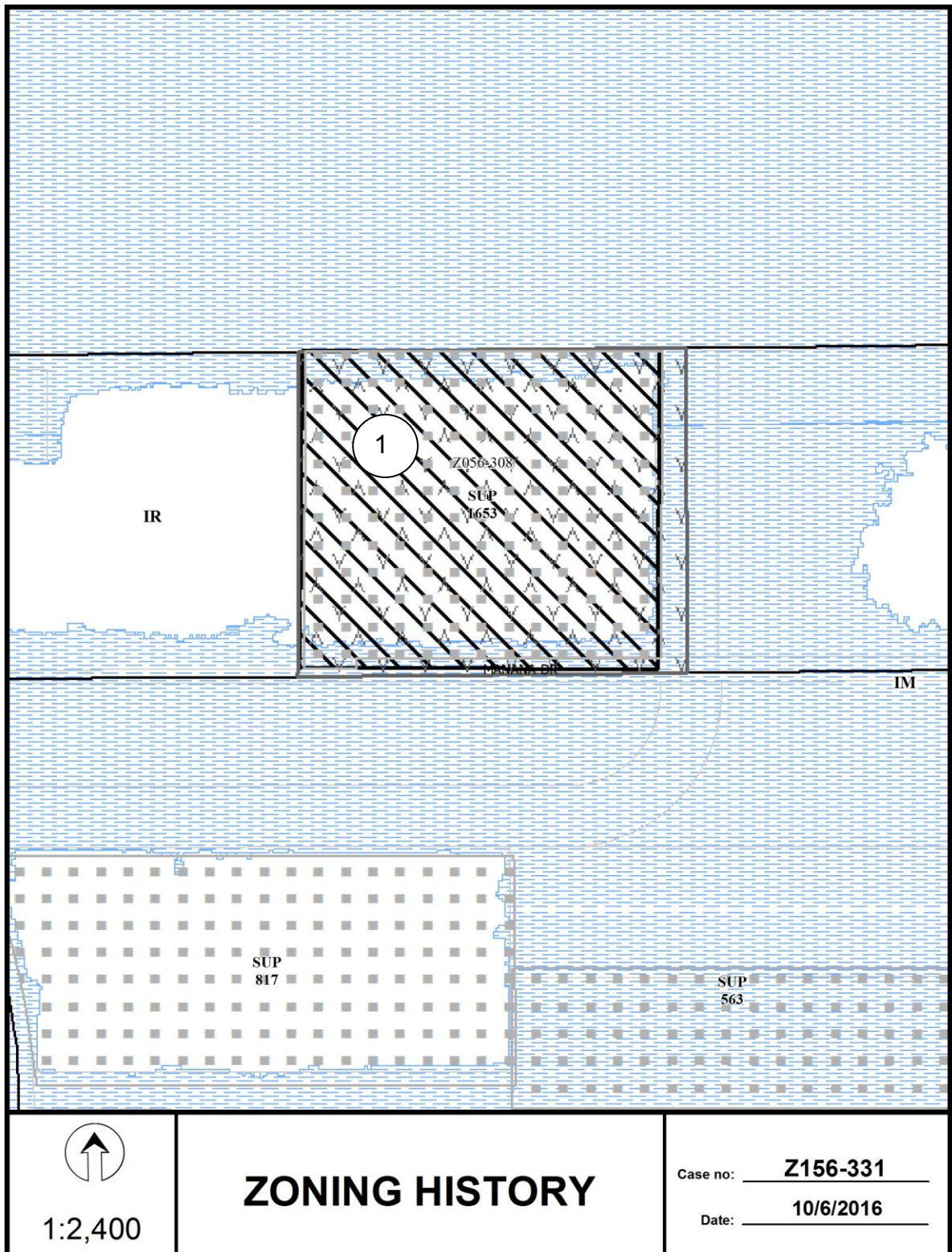




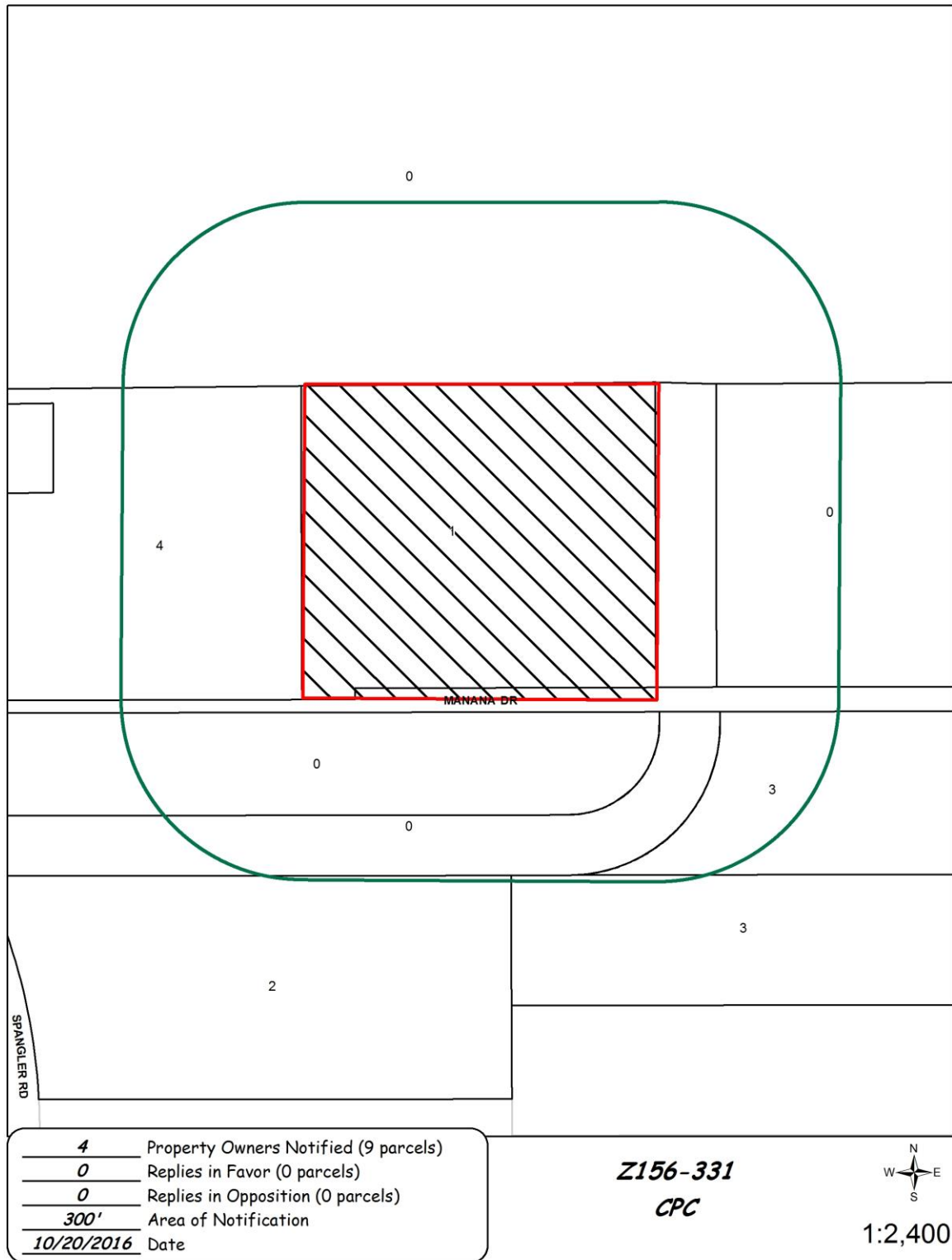








CPC Responses



Z156-331(AR)

10/20/2016

Reply List of Property Owners

Z156-331

4 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2101	MANANA RD	STEVEN M FREE LIMITED PARTNERSHIP
2	10610	SPANGLER RD	TXI OPERATIONS LP
3	10733	NEWKIRK ST	BARKER & BRATTON STEEL
4	2001	MANANA DR	GT MGMT INC

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 45 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict for mixed uses on property zoned Subdistrict A within Planned Development District No. 466 and a portion of Planned Development District No. 466 (not assigned a subdistrict), on property generally bounded by North Hall Street, Flora Street, Watkins Avenue, and Cochran Street

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions

Z145-358(LE)

FILE NUMBER: Z145-358(LE)

DATE FILED: September 15, 2015

LOCATION: Bounded by North Hall Street, Flora Street, Watkins Avenue, and Cochran Street

COUNCIL DISTRICT: 14

MAPSCO: 45-G

SIZE OF REQUEST: +5.049 acres

CENSUS TRACT: 16.00

APPLICANT: Tommy Mann, Winstead PC

OWNER: Kroger Texas LP

REPRESENTATIVE: Tommy Mann, Winstead PC

REQUEST: An application for a new subdistrict for mixed uses on property zoned Subdistrict A within Planned Development District No. 466 and a portion of Planned Development District No. 466 (not assigned a subdistrict)

SUMMARY: The applicant proposes to (1) create a new subdistrict and (2) provide new development and landscape plans for a mixed-use development consisting of multifamily dwelling units and general merchandise or food store greater than 3,500 square feet.

CPC RECOMMENDATION: Approval, subject to a development plan, landscape plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan, landscape plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- On February 26, 1997, the City Council passed Ordinance No. 23048, which established PDD No. 466, a nonresidential zoning district that allows various commercial, institutional, residential, retail, and personal service uses.
- On April 28, 2005, the City Plan Commission approved a development plan for a mixed-use development located within PDD No. 466, which includes the property on the proposed development plan.
- The applicant amended the original request after CPC direction to be more in line with the purpose of PD No. 466. The amended request included a new proposed subdistrict, amended PD conditions, a new development plan, and a new landscape plan.
- The City's M Department requested an additional study for the intersection at Hall Street and Munger Street to determine if a dedicated left turn only lane will be required due to the increased traffic from the development. It was found that stripping Hall Street to three, 10-foot lanes at Munger Avenue/Hall Street intersection to provide a left-turn lane and a through shared right-turn lane on Hall Street in each direction will reduce traffic queuing conditions and improve the traffic operation at the intersection.
- The City Attorney's office has taken the opportunity to update the PD language to what is used today. PD conditions for the new subdistrict have been highlighted for clarity.

Zoning History:

1. Z134-103(MW)

On March 25, 2015, the City Council approved two new subdistricts (A & B) and a development plan within Planned Development District No. 466.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
North Hall Street	Minor Arterial	20' and 45'
Flora Street	Minor Arterial	36'
Watkins Avenue	Minor Arterial	36'
Cochran Street	Minor Arterial	36'

Traffic: The City's Mobility and Street Services Department requested an additional study for the intersection at Hall and Munger to determine if a dedicated left turn only lane will be required due to the increased traffic from the development.

It was found that stripping Hall Street to three, 10-foot lanes at Munger Avenue/Hall Street intersection to provide a left-turn lane and a through shared right-turn lane on Hall Street in each direction will reduce traffic queuing conditions and improve the traffic operation at the intersection

Comprehensive Plan: The request site is located in an area considered an Urban Mixed-Use neighborhood in *forwardDallas!* The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum.

Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The proposed development shares these Urban Mixed-Use characteristics by adding amenities which can be enjoyed at ground level, such as bicycle parking, benches, a six-foot sidewalk along North Hall Street, a pedestrian-only entrance via the patio, as well as an enhanced façade along North Hall Street and Flora Street. The addition of a four-story multifamily complex above the general merchandise or food store creates a mixed-use development, giving residents an area where they can live, work, and play.

STAFF ANALYSIS:

Land Use Compatibility: The site is undeveloped. The areas directly east and south of the site are zoned PD No. 298 and MF-2(A) respectively and have been developed with multifamily residences. The area directly west of the site is undeveloped and abuts to Highway 75. Retail/personal service/office uses are developed along the north area of the site, which is zoned PD No. 466 and WR-5, with multifamily directly adjacent to the north.

The general objectives of PDD No. 466 are to protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, foster economic vitality in the area, promote and develop an urban character along Hall Street, promote diverse housing options and residential development, and to preserve the community characteristics of the neighborhood. A mixed-use development that includes multifamily

as well as a general merchandise or food store, along with amenities such as a parking structure, bicycle parking, benches, a six-foot sidewalk along North Hall Street, a pedestrian-only entrance via a patio for the food store, as well as an enhanced façade along North Hall Street and Flora Street help meet these objectives.

Land Use:

	Zoning	Land Use
Site	PDD No. 466	Undeveloped
North	PDD No. 466, WR-5	Retail/Personal Service, Multifamily
East	PDD No. 298	Multifamily
South	MF-2(A)	Multifamily
West	PDD No. 466, Subdistrict B	Undeveloped; Highway 75

Existing and Proposed Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Parking	Landscaping
	Front	Side/Rear						
Existing								
PD 466	10' min. 15' max.	20' adjacent to res. Other: No Min.	No maximum dwelling unit density	54'7/4 Stories	80'	RPS	Division 51A-4.200, plus each ratio is increased by 20% & first 2500sf not used in calculation	Article X
Proposed								
PD 466 New Subdistrict	10'	20' adjacent to res. Other: No Min.	No maximum dwelling unit density	85'6 Stories	85%	all required setbacks are measured from the property lines depicted on the development plan	Same as above, plus design standards & on-street spaces may count as required parking	Per Landscape Plan

Parking: Current Chapter 51A Single Family parking standards regulate the site. The PD conditions states that the initial 2,500 square feet of floor area is not calculated in the parking or loading and that the parking ratio for each use in 51A-4.200 are increased by 20 percent.

The proposed development requires 323 spaces for the general merchandise or food store and 375 for the multifamily use. Thirty bicycle spaces are also required. The development complies with these regulations by providing 734 parking spaces and 30 bicycle spaces.

In the proposed conditions, parking in the required front yard setback would not be prohibited on lots fronting Hall Street.

Landscaping: The current regulations for landscaping in PD No. 466 are in accordance with Article X. The applicant is proposing a landscape plan for the new Subdistrict, while the rest of the PD will be in accordance with Article X.

The reasoning for having a landscape plan rather than complying with Article X is because the developer is unable to meet buffer requirement of the adjacent multifamily to the west of the project as well as the requirement of one tree per 4,000 square feet of lot area due to the size of the property.

CPC Action
November 10, 2016

Motion: It was moved to recommend **approval** of a new subdistrict for mixed uses, subject to a revised development plan, landscape plan and conditions on property zoned Subdistrict A within Planned Development District No. 466 and a portion of Planned Development District No. 466 (not assigned a subdistrict), on property generally bounded by North Hall Street, Flora Street, Watkins Avenue, and Cochran Street.

Maker: Ridley
Second: Murphy
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 103
Replies: For: 11 Against: 0

Speakers: For: Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201
Against: None

List of Partners, Principals, and Officers

Kroger Texas LP

Senior Management

Kathleen Barclay, Senior Vice President of Human Resources

Robert W. Clark, Group Vice President Non-Perishables

Geoffrey J. Covert, Senior Vice President

David B. Dillon, Chairman of the Board

Michael J. Donnelly, Senior Vice President of Merchandising

Kevin M. Dougherty, Group Vice President, Chief Supply Chain Officer

Michael L. Ellis, President and Chief Operating Officer

Christopher T. Hjelm, Senior Vice President and Chief Information Officer

Lynn Marmer, Group Vice President for Corporate Affairs

W. Rodney McMullen, Chairman and Chief Executive Officer

M. Marnette Perry, Senior Vice President, Strategic Initiatives and Operations

J. Michael Schlotman, Senior Vice President and Chief Financial Officer

Reuben Shaffer, Chief Diversity Officer

Erin Sharp, Group Vice President, Manufacturing

Mark Tuffin, Senior Vice President

Board of Directors

Reuben V. Anderson

Robert D. Beyer

David B. Dillon

Susan J. Kropf

David B. Lewis

W. Rodney McMullen

Jorge P. Montoya

Clyde R. Moore

Susan M. Phillips

Steven R. Rogel

James A. Runde

Ronald L. Sargent

Bobby S. Shakouls

PROPOSED PD CONDITIONS

ARTICLE 466

PD 466

Hall Street Special Purpose District

SEC. 51P-466.101. LEGISLATIVE HISTORY.

PD 466 was established by Ordinance No. 23048, passed by the Dallas City Council on February 26, 1997. Ordinance No. 23048 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. (Ord. Nos. 19455; 23048; 26042; _____)

SEC. 51P-466.102. PROPERTY LOCATION AND SIZE.

PD 466 is established on property generally located on both sides of Hall Street and on the northeast side of Watkins Street between Central Expressway (U.S. Highway 75) and Flora Street/Roseland Avenue. The size of PD 466 is approximately ~~13.47~~12.494 acres. (Ord. Nos. 23048; 26042; _____)

SEC. 51P-466.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A. In this district, TANDEM PARKING means one parking space in front of another parking space making it necessary to pass through one parking space to gain vehicular access to the other parking space.

(c) This district has ~~two~~ three subdistricts. Subdistrict A, Subdistrict B, and Subdistrict C. A map, ~~labelled~~labeled Exhibit 466A, shows the boundaries of Subdistrict A, Subdistrict B, and Subdistrict ~~B~~C.

(d) This district is considered to be a nonresidential zoning district. (Ord. Nos. 23048; 26042; 29281; _____)

SEC. 51P-466.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 466A: subdistrict boundary map.

- (2) Exhibit 466B: Subdistrict B development plan.
- (3) Exhibit 466C: Subdistrict C development plan.
- (4) Exhibit 466D: Subdistrict C landscape plan. (Ord. Nos. 29281; _____)

SEC. 51P-466.104. PURPOSE.

(a) In general. This article provides standards specifically tailored to meet the needs of the Hall Street area of the city. The general objectives of these standards are to protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, achieve the following:

- (1) To foster economic vitality in the area.
- (2) To promote and develop an urban character along Hall Street.
- (3) To promote diverse housing options and residential development.
- (4) To preserve the community characteristics of the neighborhood.

(b) Subdistrict C. Within Subdistrict C, the following additional purposes apply:

- (1) To encourage the efficient design and utilization of space while providing adequate view corridors, light, and air to nearby properties; and
- (2) To encourage reduced natural resource consumption, enhanced occupant comfort and health, lower utility consumption, minimized strain on local infrastructures, and improved quality of life. (Ord. Nos. 23048; 26042; _____)

SEC. 51P-466.105. DEVELOPMENT PLAN.

(a) Except as provided in this section, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work on a building site in this district. If there is a conflict between the text of this article and a development plan, the text of this article controls.

(b) In Subdistrict B, development and use of the Property must comply with the Subdistrict B development plan (Exhibit 466B). If there is a conflict between the text of this article and the Subdistrict B development plan, the text of this article controls.

(c) In Subdistrict C, development and use of the Property must comply with the Subdistrict C development plan (Exhibit 466C). If there is a conflict between the text of this article and the Subdistrict C development plan, the text of this article controls.

(d) Except in Subdistrict B, the provisions of Section 51A-4.702(c)(2) through (e) do not apply to this ~~PD~~district. (Ord. Nos. 23048; 26042; 29281; _____)

SEC. 51P-466.106. MAIN USES PERMITTED.

(a) Agricultural uses.

-- None permitted.

(b) Commercial and business service uses.

-- Catering service. [SUP]
-- Custom business services.
-- Electronics service center.
-- Medical or scientific laboratory. [SUP]

(c) Industrial uses.

-- None permitted.

(d) Institutional and community service uses.

-- Adult day care facility. [SUP]
-- Child-care facility. [SUP]
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions.
[SUP]
-- Library, art gallery, or museum.
-- Public or private school. [RAR]

(e) Lodging uses.

-- Hotel or motel. [SUP]

(f) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(g) Office uses.

-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.

- Office.
- (h) Recreation uses.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.
- (i) Residential uses.
 - College dormitory, fraternity, or sorority house.
 - Duplex.
 - Group residential facility.
 - Handicapped group dwelling unit.
 - Multifamily.
 - Retirement housing.
 - Single family.
- (j) Retail and personal service uses.
 - Business school. *[SUP]*
 - Commercial amusement (inside). *[SUP]*
 - Commercial amusement (outside). *[SUP]*
 - 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.
 - Nursery, garden shop, or plant sales.
 - Personal service uses.
 - Restaurant without drive-in or drive-through service. *[RAR]*
 - Restaurant with drive-in or drive-through service. *[Subdistrict B only.]*

[RAR]

 - Temporary retail use.
 - Theater.
- (k) Transportation uses.
 - Transit passenger shelter.
 - Transit passenger station or transfer center. *[SUP]*
- (l) Utility and public service uses.
 - Electrical substation. *[SUP]*
 - Local utilities. *[SUP]*
 - Police or fire station.
 - Post office.
 - Utility or government installation other than listed. *[SUP]*

- (m) Wholesale, distribution, and storage uses.

-- Recycling drop-off for special occasion collection. [SUP]
(Ord. Nos. 23048; 26042; 29281)

SEC. 51P-466.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. (Ord. Nos. 23048; 26042)

SEC. 51P-466.108. YARD, LOT, AND SPACE REGULATIONS.

- (a) Front yard.

(1) In general. Except as otherwise provided in this subsection, minimum front yard is 10 feet and maximum front yard is 15 feet.

(2) Subdistrict A. Minimum front yard in Subdistrict A is 15 feet. There is no maximum front yard.

(3) ~~To~~ Subdistrict C. Minimum front yard is 10 feet; however, canopies, fences, railings, screening walls, stoops, steps, and retaining walls may extend to the property line if a minimum 10-foot vertical clearance is maintained above the sidewalk. In addition, required pedestrian amenities and on-street parallel parking are permitted within the required front yard. There is no maximum front yard.

(4) Corner lots. Except in Subdistrict C, to encourage construction of plazas and open spaces at the corners on Hall Street, Hall Street lots adjoining a street intersection may have additional setbacks up to 25 percent of the total building length parallel to Hall Street added to the setback for the portion of the building closest to the corner. For example, if a building on a corner lot has a building length parallel to Hall Street of 100 feet, the 25-foot by 25-foot square area of the building closest to the corner may be added to the regular setback, as demonstrated below.

- (b) Side and rear yard. Minimum side and rear yard is:

(1) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), ~~THE TH~~, ~~THE TH~~(A), CH, MF, or MF(A) district; and

(2) no minimum in all other cases.

- (c) Density. No maximum dwelling unit density.

- (d) Floor area ratio. No maximum floor area ratio.

(e) Height. ~~Maximum~~

(1) Generally. ~~Except as provided in this subsection, maximum structure height is 54 feet. Section 51A-4.412, "Residential Proximity Slope," does not apply to this PD in this district.~~

(2) Subdistrict C. Maximum structure height is 85 feet.

(f) Stories.

(1) Generally. ~~Except as otherwise provided herein, maximum number of stories above grade is four.~~

(2) Subdistrict C. Maximum number of stories above grade is ~~four~~ six.

(g) Lot coverage.

(1) Generally. ~~Except as provided in this subsection, maximum lot coverage is 80 percent.~~

(2) Subdistrict C. Maximum lot coverage is ~~80~~ 85 percent.

(h) Measurement of setbacks. ~~In Subdistrict C, all required setbacks are measured from the property lines depicted on the Subdistrict C development plan (Exhibit 466C). (Ord. Nos. 23048; 26042; _____)~~

SEC. 51P-466.109. OFF-STREET PARKING AND LOADING.

(a) Generally. ~~In conjunction with the criteria below, consult the use regulations contained in Division 51A- 4.200 for the specific off-street parking/loading requirements for each use.~~

(b) Parking reductions.

(1) The initial 2,500 square feet of floor area is not calculated in the parking/loading requirements for uses with a minimum of 5,000 square feet of floor area.

(e2) Parking ratios for each use contained in Section 51A-4.200 are increased by 20 percent. For example, the parking ratio for a restaurant is changed from one space per 100 square feet of floor area to one space per 120 square feet of floor area.

(d) ~~Parking~~ (c) Location. ~~Except as provided in this section, parking is prohibited in the required front yard on lots fronting on Hall Street. (Ord. Nos. 23048; 26042)~~

(d) Subdistrict C parking. The following, additional regulations are applicable in Subdistrict C.

(1) Unassigned spaces. Unassigned spaces are a portion of, and not in addition to, the required off-street parking.

(2) Tandem parking. Parking spaces reserved for specific dwelling units may be tandem parking spaces.

(3) Loading areas. Operation of a loading dock is limited to the hours between 6:00 a.m. and 12:00 a.m. The loading area must be gated, with the gate remaining closed except for deliveries. An intercom and remote opening system must be installed and must be operated so that delivery drivers must contact building security for admittance through the gate.

(4) Design standards for off-street parking. Surface parking and parking structures must:

(A) be visually compatible with the surrounding development, convenient for users, and mitigate the negative impact of vehicle noise, headlights, lighting, and mechanical systems;

(B) be functionally and apparently integrated into building groups so as to minimize negative impacts on public space and the pedestrian environment; and

(C) reflect the predominant fenestration patterns of area buildings, if applicable.

(5) Ground level design. Except as provided in this paragraph, parking structures must have at least 40 percent ground floor transparency, which may be achieved through the use of windows, faux windows, glazing, spandrel glass, framed or punched building wall openings, or similar means. All levels of a parking structure at or above grade must provide solid screening at least 30 inches in height that prevents automobile headlight projection into neighboring properties. A heavily layered landscape buffer is required where the first floor of a garage structure is present and the garage openings make up more than 70 percent of the street facing facade.

(6) Prohibitions.

(A) No parking structure ramps may be located along façade openings that face any public right-of-way or publicly accessible open space.

(B) Head-in parking may not be located in the required front yard along Hall Street. (Ord. Nos. 23048; 26042; _____)

SEC. 51P-466.109.1. ON-STREET PARKING REDUCTION IN SUBDISTRICT C.

(a) Except as provided in this section, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(b) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(c) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 = \text{one-third}$). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space. (Ord. No. _____).

SEC. 51P-466.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 23048; 26042)

SEC. 51P-466.111. LANDSCAPING.

(a) Application of section. ~~Except in Subdistrict C,~~ Article X becomes applicable to a lot when an application is made for a building permit for construction work that, within a 24-month period:

- (1) increases the number of stories in a building on the lot;
- (2) increases by more than 25 percent or 5,000 square feet, whichever is less, the combined floor areas of all buildings on the lot; or
- (3) increases nonpermeable coverage on the lot by more than 1,000 square feet.

(b) Street trees. ~~A~~Except as provided in this section, a large tree must be provided for each 30 feet of frontage, with a minimum of two trees being provided.

(c) Landscape plan required. ~~A~~Except as provided in this section, a landscape plan must be submitted with each development plan and approved by the city plan commission before issuance of a building permit. ~~(Ord. Nos. 23048;~~

~~26042)~~(d) Subdistrict C. Landscaping must be provided as shown on the Subdistrict C landscape plan (Exhibit 466D). At time of building permit, the building official may approve minor deviations in the location of landscaping and other improvements shown on the Subdistrict C landscape plan due to conflicts with utilities, driveways, or other infrastructure. If there is a conflict between the text of this article and the Subdistrict C landscape plan, the text of this article controls. (Ord. Nos. 23048; 26042; _____)

SEC. 51P-466.112. SIGNS.

Signs must comply with the provisions for business zoning districts contained in Article VII, except that detached non-premise signs are prohibited. (Ord. Nos. 23048; 26042)

SEC. 51P-466.112.1. SUBDISTRICT C URBAN DESIGN STANDARDS.

(a) Purpose. These design standards are intended to ensure that large retail uses are compatible with the surrounding area and mitigate the impact of large retail uses while allowing creativity, flexibility, and variety in design.

(b) Applicability.

(1) These design standards apply to the ground level of general merchandise or food store of 30,000 square feet or more.

(2) If there is a conflict between this section and Section 51A-4.605(a), these design standards control.

(c) Definitions. The following definitions apply to these design standards:

(1) FAÇADE WALL means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are considered as part of a single facade wall.

(2) PEDESTRIAN AMENITY ZONE means the areas designated on the Subdistrict C development plan where the pedestrian amenities required under this section must be provided.

(3) PRIMARY BUILDING means a structure for the support or shelter of any use or occupancy.

(4) PRIMARY ENTRANCE means the door opening of a structure accommodating the majority of pedestrian traffic.

(5) PRIMARY FAÇADE WALL means the facade wall containing the primary entrance. If two or more facade walls have entrances of equal significance, each facade wall will be considered a primary facade wall.

(6) REAR FAÇADE WALL means the façade wall containing service areas.

(7) SECONDARY ENTRANCE means a door opening of a structure that accommodates pedestrian traffic and is not the PRIMARY ENTRANCE.

(8) SIDE FAÇADE WALL means any facade wall that is not a primary façade wall or a rear façade wall.

(9) SERVICE AREA means any area for loading docks, outdoor storage (other than an outdoor display, sales, and storage area), trash collection or compaction, truck parking, or other similar functions.

(d) Sidewalks. A minimum six-foot sidewalk with a minimum four-foot wide unobstructed path and a minimum five-foot planting zone between the back-of-curb and the sidewalk must be provided. The five-foot planting zone is not required when the curb is adjacent to parallel parking.

(e) Pedestrian amenities. Each pedestrian amenities zone must include at least one of the following amenities; provided, however, that at least two of each of the following pedestrian amenities must be provided within this subdistrict:

(1) Benches.

(2) Trash receptacles.

(3) Bicycle racks. Bicycle racks must be able to park a minimum of five bicycles and must be located near primary entrances. Bicycle racks may be provided under the cover of parking structures.

(f) Facade walls.

(1) Design elements. All façade walls must incorporate at least two of the following design elements, the cumulative length of which must extend for at least 40 percent of the facade wall's horizontal length, excluding any service areas:

(A) A repeating pattern of wall recesses and projections (such as bays, offsets, reveals, or projecting ribs) with relief of at least eight inches along the façade walls for the ground level retail use;

(B) Arcades, awnings, canopies, covered walkways, or porticos; or

(C) Display space, faux windows, or decorative windows.

(2) Changes. Facade walls must have at least one of the following changes on the entire building facade from ground floor to roof structure:

(A) Changes of color, texture, or material (either diagonally, horizontally, or vertically) at intervals of not less than 20 feet and not more than 100 feet; or

(B) Changes in plane with a depth of at least 24 inches (either diagonally, horizontally, or vertically) at intervals of not less than 20 feet and not more than 100 feet.

(g) Entrances. At least one primary or secondary entrance is required along Hall Street. To ensure the entrance is architecturally prominent and clearly visible from Hall Street, at least two of the following design elements must be incorporated at the entrance:

(1) Architectural details such as enhanced materials, arches, friezes, tile work, murals, or moldings for the ground level;

(2) Integral planters or wing walls that incorporate landscaping and or seating;

(3) Prominent, three-dimensional features, such as canopies, signage, or awnings;

(4) A repeating pattern of pilasters or wall panels projecting from the façade wall by a minimum of four inches or architectural or decorative columns; or

(5) A minimum two-foot recess or projection in the primary façade plane.

(h) Materials and colors. No more than 85 percent of the area of a facade wall exclusive of fenestration may have a single material or color.

(i) Miscellaneous design standards.

(1) Service areas. Service areas must be screened and designed in a manner that is sensitive to adjacent residential zoning districts. Service areas must be oriented so that they are not visible from abutting public rights-of-way or residential zoning districts, or must be screened from abutting public rights-of-way or residential zoning districts by, for example, rolling doors and gates.

(2) Mechanical equipment. Mechanical equipment on the ground must be screened using materials matching the materials and colors used on the main building, including masonry or louvers. Chain link fence may not be used as a screening material. Mechanical equipment must not be placed in the public right-of-way.

(3) Cart storage. Shopping cart storage areas may not be located outside the footprint of the occupiable building or parking structure shown on the Subdistrict C development plan. Parking spaces utilized for shopping cart storage may not be counted toward the required parking. No more than two shopping cart storage areas (one on each side of an entrance) may be provided on any facade wall. Shopping cart storage areas may not exceed 20 feet in length.

(4) Transparency. Transparency along Hall Street must be a minimum of 40 percent at the ground floor level. Windows, faux windows, glazing, spandrel glass, framed or punched building wall openings, or similar means may be used when building uses or elements prohibit actual transparency.

(j) Required pedestrian connections. An on-site system of pedestrian walkways must be designed to provide direct access and convenient connections to and between the following:

- (1) Primary entrances to each primary building, including pad site buildings;
- (2) All off-street parking areas or parking structures;
- (3) All site amenities or public gathering places;
- (4) The public sidewalk system along the perimeter streets abutting the development (or to the curb of an abutting street where there are no public sidewalks); and
- (5) Public and private sidewalks on adjacent properties that extend to adjoining land uses, developments, and public facilities such as parks, greenways, schools, recreational facilities and public office buildings. (Ord. No. _____)

SEC. 51P-466.113. MANDATORY REASSESSMENT.

Five years after February 26, 1997, staff shall report to the commission its assessment of the district. Following such a report, the commission may exercise its power pursuant to the Dallas Development Code to call a public hearing to determine proper zoning if the commission determines ~~that~~ the calling of a hearing is warranted. (Ord. Nos. 23048; 26042)

SEC. 51P-466.114. ADDITIONAL PROVISIONS.

- (a) The entire Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (c) ~~Residential~~ Except in Subdistrict C, residential uses may not be located on the first floor of any development fronting Hall Street. (~~Ord. Nos. 23048; 26042~~)
- (d) No certificate of occupancy may be issued in Subdistrict C until the left-turn lanes located on Hall Street at the intersection of Munger Avenue, as shown on the Subdistrict C development plan (Exhibit 466C) are completed. One year after the issuance of the first certificate of occupancy in Subdistrict C, an updated traffic study must be conducted to determine if any deficiency in circulation exists. (Ord. Nos. 23048; 26042; _____)

SEC. 51P-466.115. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 23048; 26042)

SEC. 51P-466.116. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or certificate of occupancy for a use in this ~~PD~~district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 23048; 26042)

Proposed Landscape Plan

Z145-358(LE)

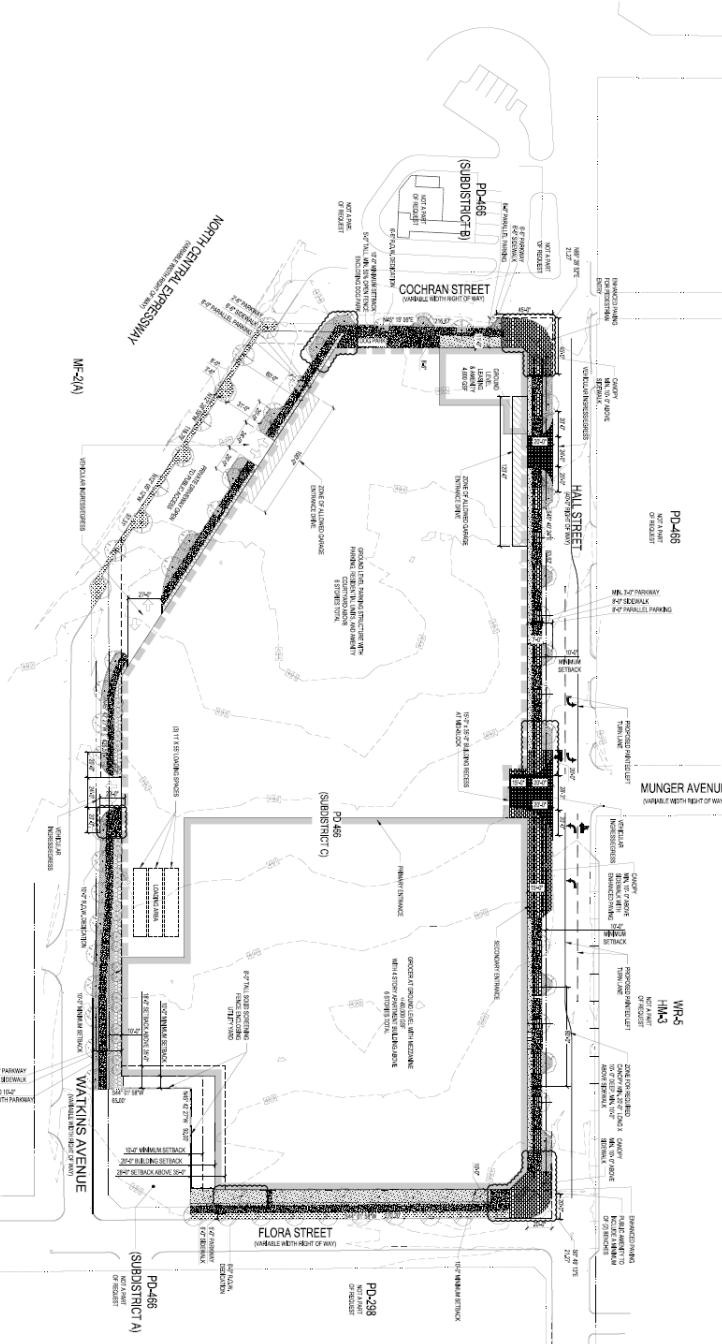
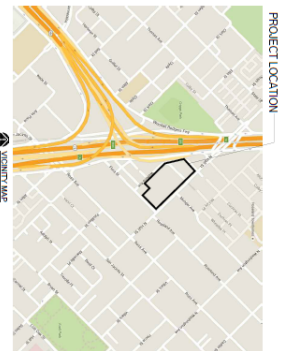
LANDSCAPE DEVELOPMENT
PLAN
Trinsic & Kroger - Hall, US-75 Mixed Use
Dallas, Texas

Job #: 15047.00
File Name: Landscape Development-Plan.dwg
Date: 11/28/2016
Drawn by: MSB



2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

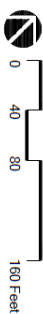


PROJECT NAME	2200 3RD S.W. ACRES
SITE	
MAJOR USE: FAMILY, GROCERY, OFFICE, DRIVE THROUGH SERVICE.	
FLOOR AREA	40,000 SF
NEIGHBORHOOD	40,000 SF
EXISTING USE: NON-RESIDENTIAL, GROUND-LEVEL, LEASING A MENHUT AREA	40,000 SF
PROPOSED FLOOR AREA	44,000 SF
EXISTING FOOTPRINT	181,000 SF
PROPOSED FOOTPRINT	375 MAX. DWELLING UNITS
DENSITY	60%
LOT COVERAGE	80%
TRUNCATED HEIGHT	20.000 SF
EXISTING PRIVATE OPEN SPACE ADJACENT SPACE	

STREET NAME	TOTAL GREENS	SAFE N/A	2000 RATED	2007 RATED
HALL STREET	687	135	18	14
FLORA STREET	286	12	8	10
WATSON AVENUE	418	153	10	13
PARKWAY DRIVE	496	59	N/A	15
COORAN STREET	216	75	5	6
TOTAL TREES			41	58

PEDESTRIAN AMPLIFIES		
PROJECT NAME	TOTAL # OF PEDESTRIAN CROSSINGS	# OF PEDESTRIAN ACCIDENTS (2002)
HALL STREET	687	6,300*
FLORA STREET	265	2,500*
WATSON AVENUE	418	4,100*
COCHRAN STREET	216	2,100*

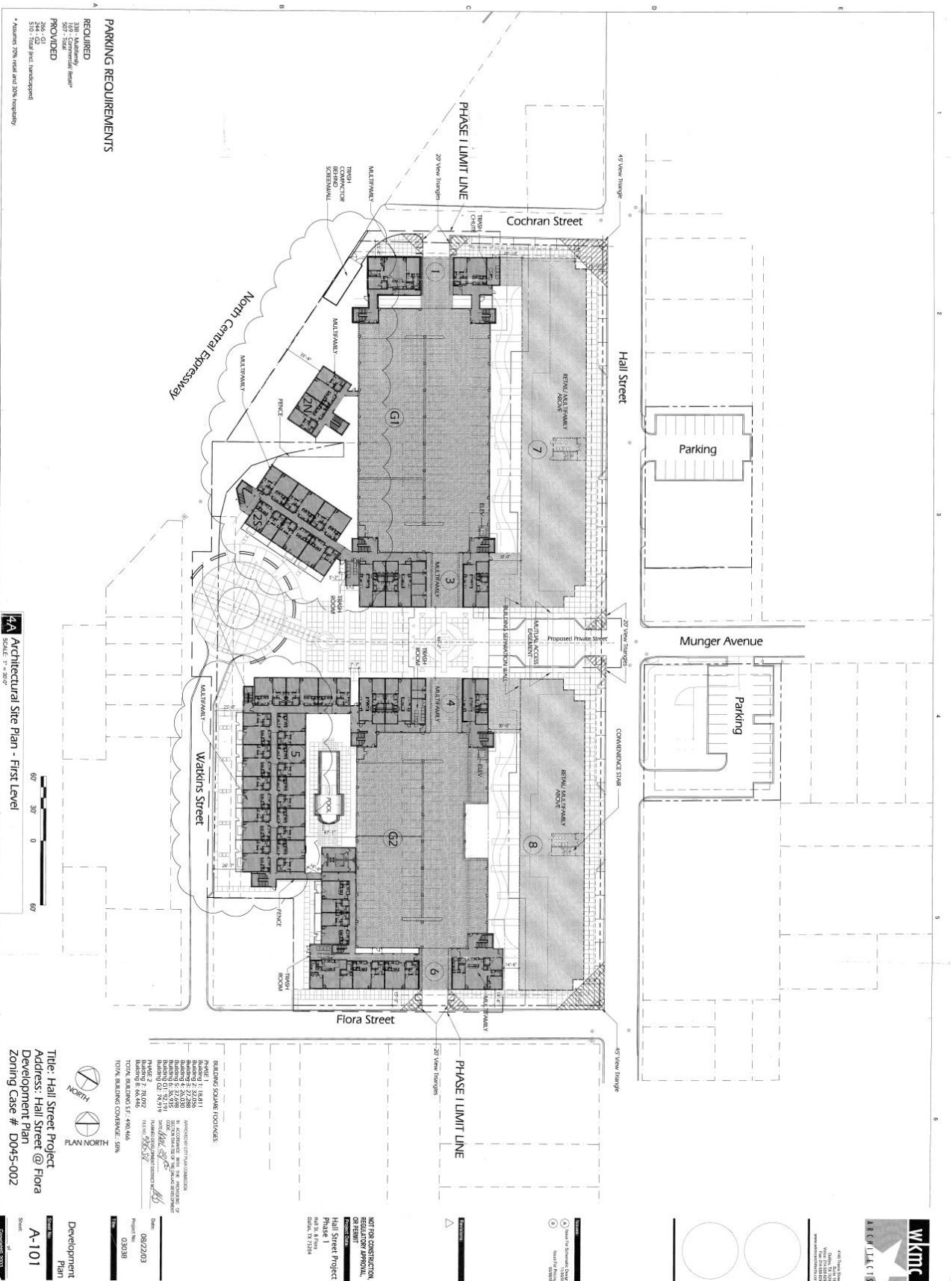
- | | |
|--|---|
| <p>IRRIGATION NOTE</p> <p>ALL IRRIGATION MATERIALS ARE SPECIFIED BY A FIELD CONTRACTOR. CONTRACTOR SHALL PROVIDE A WRITTEN CONTRACTOR MATERIAL SPECIFICATION. CONTRACTOR WILL BE RESPONSIBLE THAT ALL IRRIGATION MATERIALS ARE USED IN ACCORDANCE WITH THE SPECIFICATIONS.</p> <p>SOIL NOTE</p> <p>ALL SOILS ARE TO BE ANALYZED WITHIN 1000 FEET OF THE SITE. THE ANALYSIS SHALL BE COMPLETED WITHIN 100 DAYS OF THE DATE OF THE CONTRACT. THE ANALYSIS SHALL BE COMPLETED WITHIN 100 DAYS OF THE DATE OF THE CONTRACT. THE ANALYSIS SHALL BE COMPLETED WITHIN 100 DAYS OF THE DATE OF THE CONTRACT.</p> | <p>PLANTING LOCATION NOTE</p> <p>ALL PLANTING MATERIALS ARE TO BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>STREET TREE SUBSTITUTION NOTE</p> <p>ALL STREET TREE SUBSTITUTIONS SHALL BE APPROVED BY THE CITY ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.</p> |
|--|---|

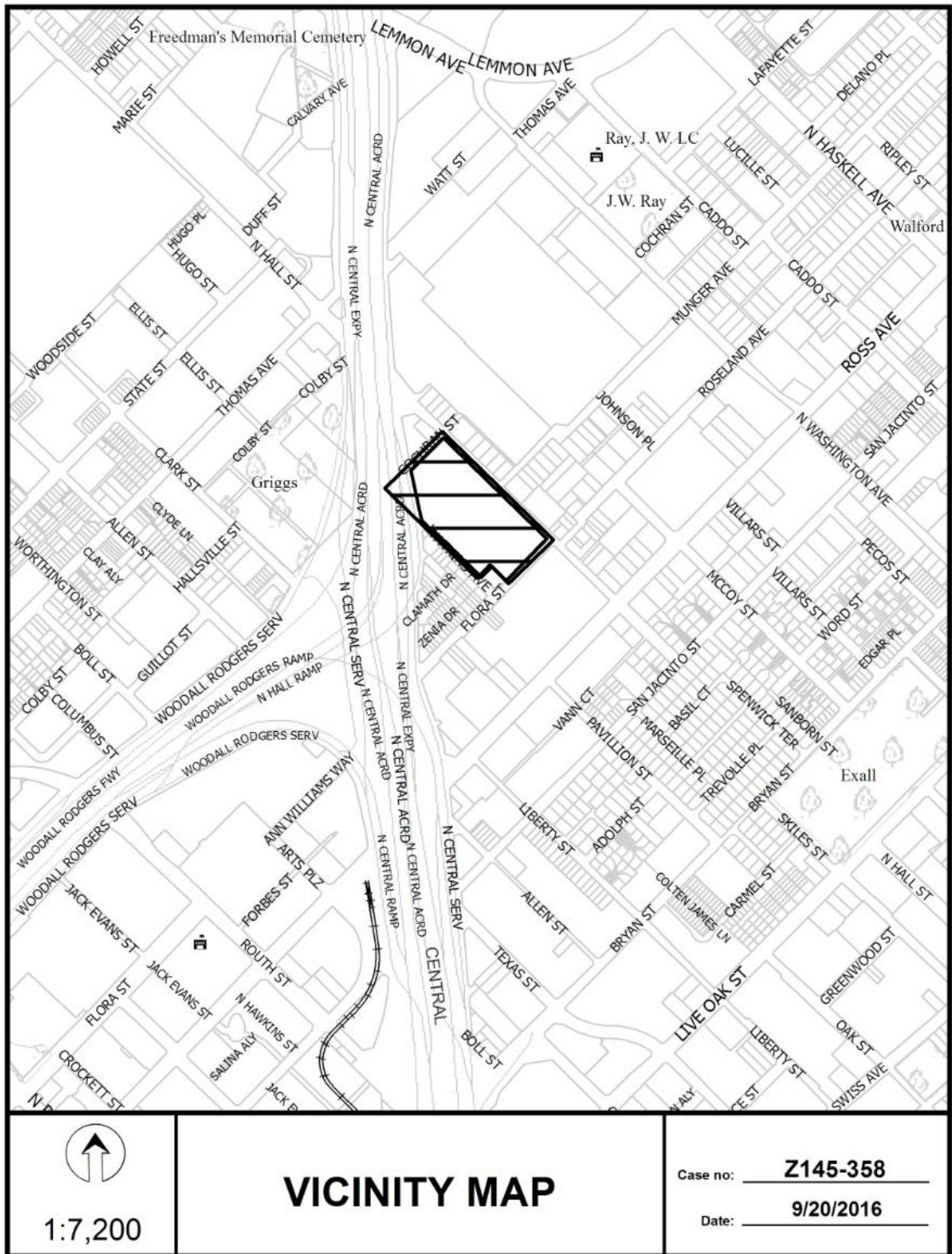


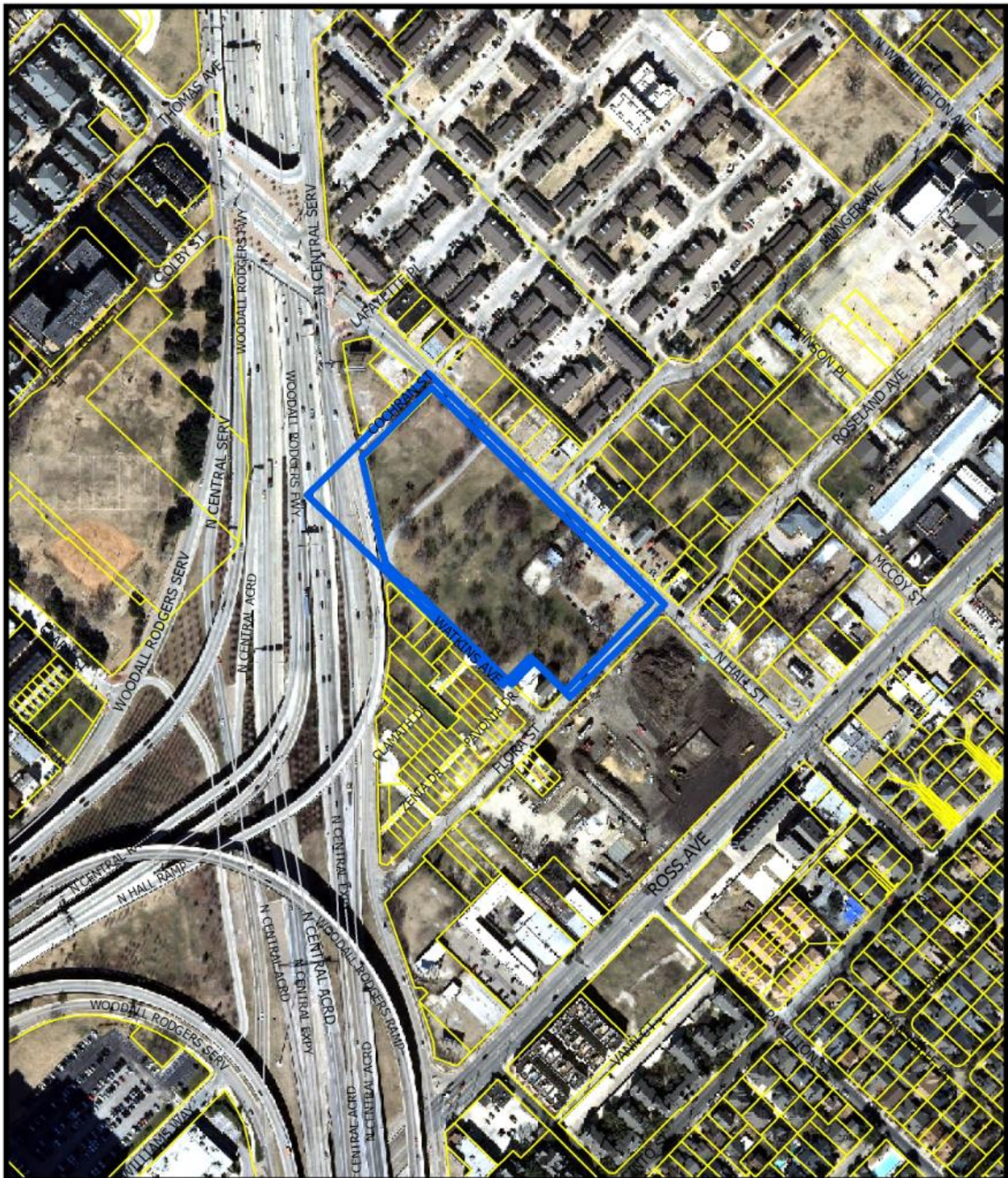
Z 145-358

Existing Development Plan

XREF1
XREF2
XREF3
XREF4





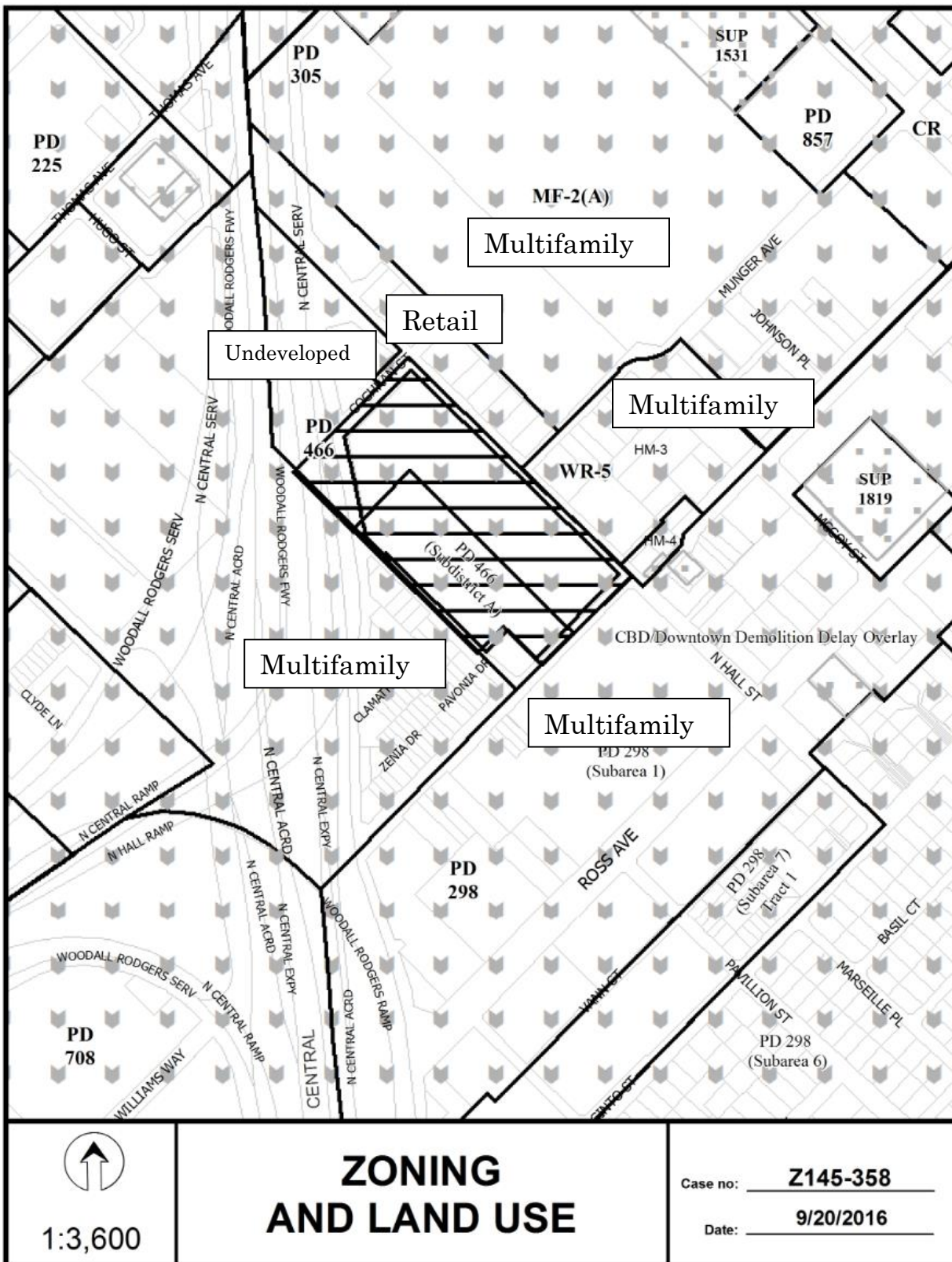


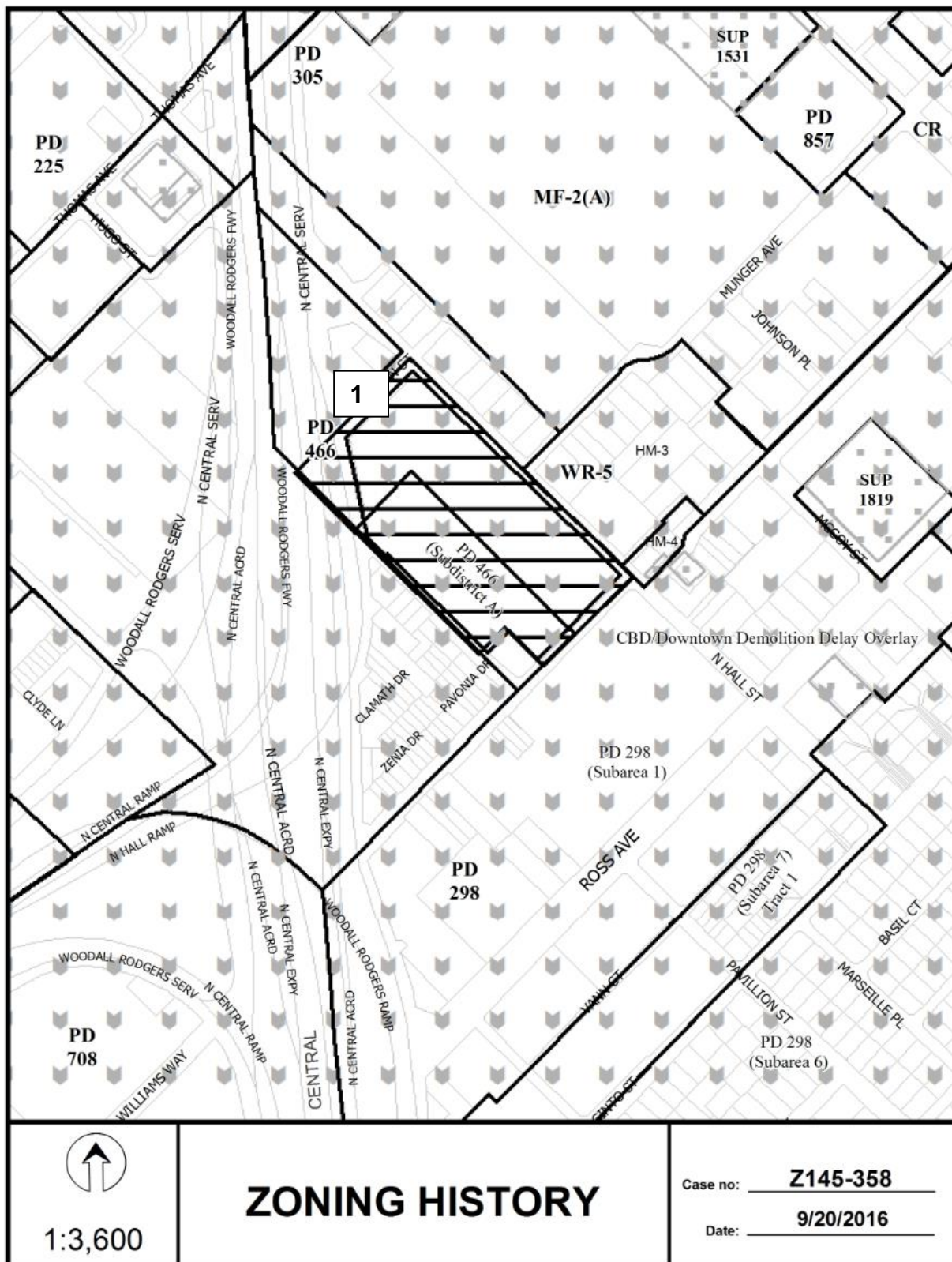
1:3,600

AERIAL MAP

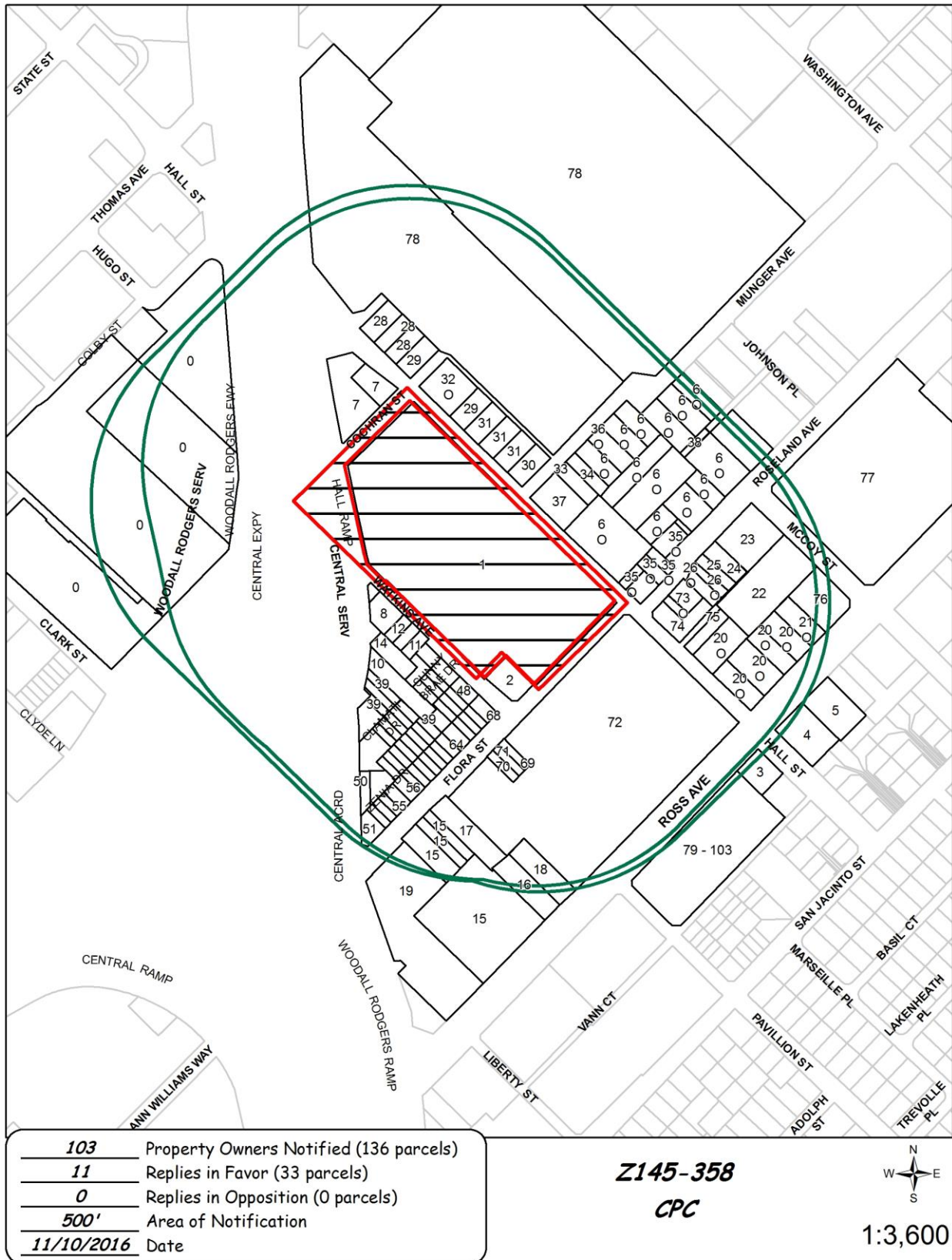
Case no: **Z145-358**

Date: 9/20/2016





CPC Responses



11/09/2016

Reply List of Property Owners***Z145-358******103 Property Owners Notified 11 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1823 N HALL ST	KROGER TEXAS LP
	2	3201 FLORA ST	FLORA STREET PROP INC
	3	1623 N HALL ST	SCHWARTZ HYMIE TESTAMENTARY
	4	3300 ROSS AVE	BSK SCHWARTZ LTD
	5	3310 ROSS AVE	BSK SCHWARTZ LTD
O	6	3508 MUNGER AVE	IMP MCR HALL STREET VENTURE LLC
	7	3213 COCHRAN ST	RAIN SCOTT INVESTMENTS LLC
	8	1829 WATKINS AVE	SUBDIVISIONS REALTY 4 LLC
	9	1823 WATKINS AVE	BELMORE ERNEST
	10	3108 MUNGER AVE	TWIN LAKES PLAZA LP
	11	1821 WATKINS AVE	1821 WATKINS LAND TRUST
	12	1825 WATKINS AVE	LEVIN M L
	13	1825 WATKINS AVE	TOPLETZ DENNIS D
	14	3114 MUNGER AVE	TEXAS STATE OF
	15	3020 FLORA ST	PATRONMARCHE LLC
	16	3125 ROSS AVE	RESOURCES ASSISTANTS CORP
	17	3024 FLORA ST	CROW STUART
	18	3129 ROSS AVE	IVEY HOLDINGS LLC
	19	3101 ROSS AVE	DUCKINS PARTNERS LTD A TX
O	20	3311 ROSS AVE	3405 DHG LLC
O	21	3405 ROSS AVE	1507 DRAGON STREET LLC
	22	1711 MCCOY ST	GIRMA ASKE
	23	1723 MCCOY ST	HOUSING AUTHORITY OF THE
	24	3404 ROSELAND AVE	ROSE LIMITED PS
	25	3402 ROSELAND AVE	KIM RACHEL
O	26	3400 ROSELAND AVE	WOODARD JOHN R JR

<i>Reply</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
O	27	3304 ROSELAND AVE	WOODARD JULIA J ET AL
	28	2012 N HALL ST	HALL STREET PPTIES LLC
	29	2000 N HALL ST	RAZA PERVEZ
	30	1900 N HALL ST	AMOR REAL ESTATE INVESTMENTS INC
	31	1906 N HALL ST	LG NORTH HALL ST LLC
O	32	1922 N HALL ST	RAZA PERVIZ
	33	3310 MUNGER AVE	LUPSHIRE RESTORATION IN
	34	3312 MUNGER AVE	LUPSHIRE RESTORATION INC
O	35	1800 N HALL ST	IMP MCR HALL STREET VENTURE LLC
O	36	3402 MUNGER AVE	IMP MCR HAPP STREET VENTURE LLC
	37	1828 N HALL ST	LUPSHIRE RESTORATION INC
	38	3505 ROSELAND AVE	LAMPO CATALINA LILLIAN ROSE & ETAL
	39	3027 CLAMATH DR	MEGATEL HOMES INC
	40	3018 CLAMATH DR	GREEN JAMES AARON
	41	3020 CLAMATH DR	MABERRY DONNIE R & MELISSA
	42	3022 CLAMATH DR	CRESCENT ESTATES CUSTOM HOMES LP
	43	3026 CLAMATH DR	SCHNEIDER PENNY
O	44	3027 ZENIA DR	SEBASTIAN KRISTEN
	45	3021 ZENIA DR	SHELTON CHRISTOPHER
	46	3017 ZENIA DR	COVER ERIN N
	47	3015 ZENIA DR	CHRISTOPHER NITIN & RACHEL
	48	3113 PAVONIA DR	MEGATEL HOMES INC
	49	3009 ZENIA DR	SINGH AMRIK
	50	3001 ZENIA DR	BIRMINGHAM ANDREW
	51	3002 ZENIA DR	GARCIA RAUL
	52	3004 ZENIA DR	PETERSON ERIK N &
	53	3006 ZENIA DR	CORELLO DANIEL P & DANIELLE M TUCCIO
	54	3008 ZENIA DR	LAPLANTE MARK
	55	3010 ZENIA DR	BENNICK LAUREN ASHLEE
	56	3012 ZENIA DR	ROGERS SCOTT & EUGENIE B
	57	3014 ZENIA DR	HUDSON MICHAEL JAMES &

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3016 ZENIA DR	GENO CHRISTOPHER A &
O	59	3018 ZENIA DR	PREISZ MATHIAS
	60	3020 ZENIA DR	DEERING STEVEN L & CHRISTINA K
	61	3022 ZENIA DR	CARPENTER CRAIG C &
	62	3024 ZENIA DR	DEVILLE DAVID SHANE
	63	3026 ZENIA DR	PEKAR CASSANDRA
	64	3102 PAVONIA DR	TOWNSON WALTER K & DONNA S DIZON
	65	3106 PAVONIA DR	JOHNSON AIDEN
	66	3108 PAVONIA DR	KHATTAK ASIF
	67	3110 PAVONIA DR	PRATT ANDREW CLIFFORD
	68	3112 PAVONIA DR	BROWN STEWART
	69	3108 FLORA ST	DELANNEY WENDELL
	70	3108 FLORA ST	STEWART OWEN
	71	3108 FLORA ST	GUIVA ALEXANDER
	72	1707 N HALL ST	SHF I ICON LLC
O	73	3306 ROSELAND AVE	WOODARD JOHN O JR
	74	1722 N HALL ST	HALL & ROSS LTD PS
	75	1716 N HALL ST	HALL & ROSS LTD
	76	3407 ROSS AVE	R & F INVESTMENTS II LTD
	77	3606 ROSELAND AVE	WW ROSS AVENUE LP
	78	3305 MUNGER AVE	DALLAS HOUSING AUTHORITY
	79	3200 ROSS AVE	MERIDIAN BANK TEXAS
	80	3200 ROSS AVE	DASGUPTA INDRANI
	81	3200 ROSS AVE	NOWELL GRANT D &
	82	3200 ROSS AVE	HUNT SELWYN E
	83	3200 ROSS AVE	NIEMAND NOELLE &
	84	3200 ROSS AVE	LIAN HONGBING
	85	3200 ROSS AVE	BYRNES DAVID R JR
	86	3200 ROSS AVE	WESTPHAL MICHAEL F
	87	3200 ROSS AVE	RECORDS JACOB P &
	88	3200 ROSS AVE	YU XIAOYING

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	3200 ROSS AVE	ALLISON JEFFREY B
	90	3200 ROSS AVE	CRABBE LINDSEY &
	91	3200 ROSS AVE	ANDERSON JOHN R
	92	3200 ROSS AVE	LEE DANIEL
	93	3200 ROSS AVE	KUHN DANIEL E
	94	3200 ROSS AVE	BYERS DENISE L
	95	3200 ROSS AVE	OLATUNBOSUN SAOSAT M
	96	3200 ROSS AVE	SMITH MICHAEL
	97	3200 ROSS AVE	HOWARD ASHLEY L
	98	3200 ROSS AVE	FIGUEROA JOSE G
	99	3200 ROSS AVE	SHIDA GEORGE D JR
	100	3200 ROSS AVE	STILLER WILLIAM REID &
	101	3200 ROSS AVE	KLOCKE JOSH A &
	102	3200 ROSS AVE	CHRISTOPHER NITIN & RACHEL
	103	3200 ROSS AVE	3200 ROSS AVE LP

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 25 V; 26 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 30 for cemetery burial sites and a maintenance facility, on property zoned an R-7.5(A) Single Family District, on the northwest corner of West Northwest Highway and Boedeker Street

Recommendation of Staff and CPC: Approval, subject to a revised site plan and conditions

Z156-280(OTH)

FILE NUMBER: Z156-280(OTH)

DATE FILED: June 10, 2016

LOCATION: Northwest corner of West Northwest Highway and Boedeker Street

COUNCIL DISTRICT: 13

MAPSCO: 25-V, 26-S

SIZE OF REQUEST: Approx. 91.123 acres

CENSUS TRACT: 78.01

OWNER/ APPLICANT: SCI Texas Funeral Services, Inc. a DE corporation

REPRESENTATIVE: Robert Reeves & Associates, Inc.

REQUEST: An application to amend and expand Specific Use Permit No. 30 for cemetery burial sites and a maintenance facility, on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is proposing to: 1) amend the SUP for a cemetery, updating the name of the use per City Code to a cemetery or mausoleum, 2) build two new structures and expand two existing ones in the site, 3) expand the SUP area on the north side of the property facing Boedeker Street, and 4) amend the site plan to reflect changes.

CPC RECOMMENDATION: Approval subject to a revised site plan and conditions.

STAFF RECOMMENDATION: Approval subject to a revised site plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND:

- The applicant is requesting to amend and expand Specific Use Permit No. 30. The applicant wants to expand the property by 0.3841-acre of land for a total area of 91.123-acre site. The cemetery and mausoleum of the property is 88.775 acres and the mortuary/funeral home is in a 2.348-acre site.
- The SUP was originally approved in 1964 for a permanent time period for a flower shop, mortuary, church, day nursery, greenhouse and plant nursery.
- On February 24, 1964, the City Council approved an ordinance for Specific Use Permit No. 30.
- On April 19, 1985, and on March 5, 1986, the City Council approved amendments to the SUP.
- On September 14, 1987, the City Council amended the SUP to incorporate a landscape plan and amend the size of the SUP. However, the landscape plan does not comply with Article X and the applicant is requesting that the landscape plan be removed from the SUP requirements. The applicant will comply with Article X for the landscaping required when the additions occur.
- The property is operating with a certificate of occupancy for a cemetery or mausoleum.
- The mortuary, funeral home or wedding chapel use is not a permitted use in an R-7.5(A) Single Family District. However, the existing funeral home or mortuary has been in existence since 1964, and it is listed as a use in the original conditions of the SUP. The Certificate of Occupancy for the mortuary and funeral home was issued on March 10, 1966. Staff has determined this use is non-conforming.

Zoning History: There have been three zoning changes in the area within the last five years.

- 1. Z123-236** On June 26, 2013, the City Council an amendment approved an amendment to Planned Development District No. 463, subject to a revised conceptual plan, a Tract III (Zone A and B) development plan, and conditions.
- 2. Z134-342** On August 12, 2015, the City Council approved an amendment to Specific Use Permit No. 1447 for a private school on property zoned an R-7.5(A) Single Family District.
- 3. Z145-203** On November 10, 2015, the City Council approved an amendment to Planned Development District No. 463.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
W. Northwest Highway	Principal Arterial	100 feet
Boedeker Street	Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined it will not significantly impact the surrounding street system.

Parking:

Pursuant to the Dallas Development Code, off-street and loading required parking must be provided in accordance with Division 51A-4.200 for each use.

The Development Code requires that the funeral home, mortuary or wedding chapel use provides 1 space per 300 square feet of floor area other than the chapel, plus one space for each two seats in the chapel. The Code establishes that a seat is 18 inches. The cemetery or mausoleum requires two parking spaces.

Summary of parking calculations:

Funeral home: 19,215 sq. ft.

Funeral home minus chapel: 17,049 sq. ft.

One space/300 sq. ft. of non-chapel area: $17,049 \text{ sq. ft.} / 300 \text{ sq. ft.} = 57$ spaces

Chapel: 2,166 sq. ft.

Pews in chapel: 416 linear feet

Chapel: one space per two seats or 3 ft.: $416 \text{ ft.} / 3 \text{ ft.} = 139$ spaces

Total required parking for the funeral home, mortuary or wedding chapel use is:

$57 + 139 = 196$ spaces

Total required parking for a cemetery or mausoleum: 2 spaces.

Total required parking: $196 + 2 = 198$ spaces

Parking provided: 206 spaces

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 Plan classifies the area as green space.

There are no specific goals and policies that support a cemetery.

Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A) with SUP No. 30	Cemetery, mausoleum
North	PD No. 125, PD No. 275 with SUP No. 472 on a portion	Institutional, residential
East	RR	Retail
West	R-7.5(A)	Church
South	PD No. 963, MF-1(A), R-7.5(A), City of University Park	Retail, residential, church, school

Land Use Compatibility:

The request site is approximately 91.123 acres of land and is currently developed with a cemetery and several buildings with an accumulated 120,598 square feet of floor area. The uses for these buildings are mausoleum, a maintenance building, a pavilion, and a funeral home. The existing funeral home is not a permitted use in the R-7.5(A) Single Family District; however, the use has been allowed on the property since the approval of the SUP. The SUP was originally approved on February 24, 1964.

Sec. 51A-4-210(b)(3) defines Cemetery as a place designated for burial of the dead and mausoleum as a building with places for the entombment of the dead. The use is permitted by SUP only in all residential and nonresidential districts except the P(A) and urban corridor districts.

Sec. 51A-4-210(b)(18) defines a mortuary or funeral home as a facility in which dead bodies are prepared for burial, cremation or funeral services are conducted. The use is permitted by right in CR, RR, CS, central area, mixed use, and multiple commercial districts.

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 continued use of the property as a cemetery or mausoleum and funeral home is compatible with the surrounding uses of other institutional and retail uses. The proposed use has existed for over 50 years on a major thoroughfare and serves as an enhancement to the area by providing green space. The cemetery and mortuary use provide necessary services to the City and metroplex. The conditions of the SUP should help mitigate any detrimental aspects of the use.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
Existing							
	Front	Side/Rear					
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family

Landscaping:

The applicant is requesting to remove the existing landscape plan that was incorporated into the SUP on September 16, 1987. The applicant is proposing some landscaping as indicated on the site plan. In addition to that, the applicant will provide any additional required landscaping in according with Article X regulations.

Additional provisions in the SUP Conditions:

The applicant worked closely with the neighborhood and City Plan Commissioner to ensure the proposed expansion complies with certain design standards such as landscaping, exterior facades and material to be used, and that the construction of the proposed additions are timed in a manner that the impact on the adjacent uses is minimized.

Legislative history of the property:

Date	Ordinance No.	Uses Authorized	Existing Zoning
February 24, 1964	10209	Flower shop, mortuary, church, day nursery, greenhouse and plant nursery	R-7.5
April 19, 1985	10976	Cemetery, church, day nursery, flower shop, mortuary, green house and plant nursery	R-7.5
March 5, 1986	19046	Cemetery, burial sites and maintenance facility	R-7.5
September 14, 1987	19667	Incorporates a landscape plan, reduces the size, and amends the size of the SUP.	R-7.5

Revised Site Plan:

The existing site plan is 28 years old and illegible. The applicant is providing an updated site plan that includes the entire property and shows all existing buildings and future development of the property.

CPC ACTION:
November 17, 2016

Motion: It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 30 for cemetery burial sites and a maintenance facility, subject to a revised site plan and revised conditions (1:30 p.m. handout) on property zoned an R-7.5(A) Single Family District, on the northwest corner of West Northwest Highway and Boedeker Street.

Maker: Murphy
Second: Davis
Result: Carried: 11 to 0

For: 11 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Peadon, Murphy,
Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7
Conflict: 2 - Jung, Schultz

Notices:	Area: 500	Mailed: 337
Replies:	For: 25	Against: 9

Speakers: None

OFFICERS AND DIRECTORS

SCI Texas Funeral Services, Inc.

Director	Janet S Key
Director	Susan L Garrett
Director	Michael White
President	Michael White
Vice President	James J Kriegshauser
Vice President	Curtis G Briggs
Vice President	James R Rosson
Vice President	Michael L Decell
Vice President	Rodney D Molitor
Vice President	Lori E Spilde
Vice President	Aaron Garner Foley
Vice President	Angela Michelle Lacour
Vice President	Maria E Bateman
Secretary	Janet S Key
Assistant Secretary	Susan L Garrett
Assistant Secretary	Brenda K Gibbs
Treasurer	Michael Gene Triesch
Assistant Treasurer	Yuliya Aleksandra Lyubkina

CPC CONDITIONS
Amendment to Specific Use Permit No. 30
Z156-280(OTH)

1. SITE PLAN: Use and development of the Property must comply with the attached site plan. Development of the property must be in compliance with the site plan attached to and made a part of this ordinance.

2. USES: The only uses authorized by this specific use permit are any use permitted in an Apartment-1 District, plus the following uses: flower shop, mortuary, church, day nursery, greenhouse and plant nursery, cemetery burial sites, maintenance facility, cemetery, mausoleum uses.

3. TIME LIMIT: This specific use permit has no expiration date.

4. LANDSCAPE PLAN:

Except as provided, landscaping must comply with Article X of the Dallas Development Code, as amended.

b) Landscape Buffer Area:

i) Proposed landscaping must be installed within one year from the passage of this ordinance to complement existing vegetation within the buffer.

ii) Nine Southern Live Oak trees must be a minimum of 2.5 caliper inches and planted greater than 30 feet on-center along the entire southern edge of the drainage area.

iii) Ten East Palatka Holly trees must be a minimum of 2.5 caliper inches and planted greater than 20 feet on-center along, and within 30 feet of the north edge of the property, beginning from the east end of the drainage area and extending for a distance of 400 feet.

iv) A minimum of 80 New Nellie R. Stevens Holly and Texas Privet Hedge combined must be 10 to 12 feet in height at the time of planting and planted no greater than 8 feet on-center along the north edge of the property in alignment with the existing hedge row.

c) Future Building Area 4: In addition to Article X requirements, three Southern Live Oak trees must be a minimum of 2.5 caliper inches and must be planted within 100 feet of the northern corner of the existing maintenance building within one year from the passage of this ordinance.

Landscaping of the Property must be in compliance with the landscape plan attached to and made a part of this ordinance. All plant material must be installed within six months of the passage of this ordinance and must be maintained in a healthy growing condition at all times.

5. URBAN DESIGN: The exterior façades of a columbarium, mausoleum, or above ground crypts, which are used for the entombment of the dead must be constructed with a minimum of 70 percent brick, granite, stone, concrete, decorative concrete blocks, or tile excluding doors and windows.

6. FUTURE BUILDING AREA 3:

a) Future Building Area 3, as shown on the approved site plan, may only be used for the burial of the dead, inurnment, or entombment of the dead in a columbarium, mausoleum, or crypt.

b) No certificate of occupancy shall be issued for structures located in Future Building Area 3 within five years from the passage of this ordinance.

7. PARKING/LOADING: Parking and loading requirements must comply with the Dallas Development Code, as amended.

~~1. Front Yard required: There shall be a minimum front yard setback of twenty-five feet after dedication, deemed necessary, unless a greater front yard shall be required by a building line established by ordinances.;~~

~~2. That all driveways, entrances and parking areas shall have a minimum surfacing of six inches compacted gravel and two coats of penetration asphalt. The developer shall bear the total cost and maintenance of all such improvements including curb and drainage structures that may be necessary;~~

~~3. That off street parking shall be provided at a minimum ratio of one and one half spaces for each apartment unit and other uses shall provide one parking space for 200 square feet on floor area.;~~

~~4. That no signs or billboards other than those pertaining to the occupancy of premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type, except standard pole signs, not exceeding thirty six square feet shall be permitted for any filling station, drive in grocery, drive in laundry pick up station or similar drive in facility located within the special area. No sign or billboard shall be permitted of a flashing or intermittently lighted type. Special signs may be approved by the City Plan Commission after submission of plans for same.;~~

~~5. HEIGHT: No building or structure shall exceed two standard stories in height.;~~

~~6. A side yard that is adjacent to any residentially zoned or developed property not separated by an alley, shall provide a 10 foot side yard set back.;~~

~~8.~~ 7. Rear Yard Required: No main building may be located nearer than fifteen feet to the rear property line and no accessory building may be located nearer than five feet to the rear property line nor nearer than three feet to any to any side lot line, nor nearer than fifteen feet to any side street.;

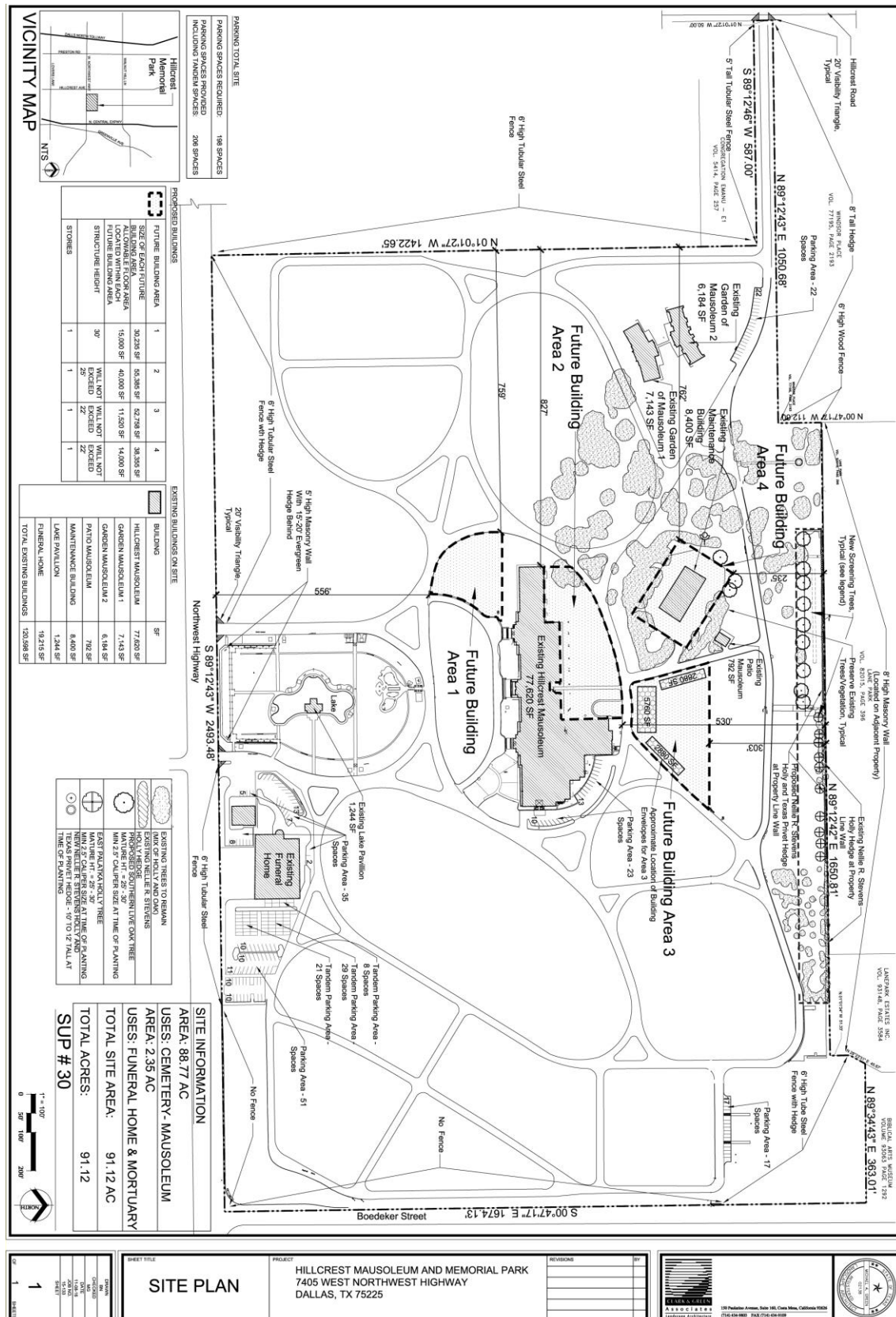
~~8. Prior to the issuance of a building permit, that a subdivision plat of the property should be approved by the City Plan Commission and filed for record at the County;~~

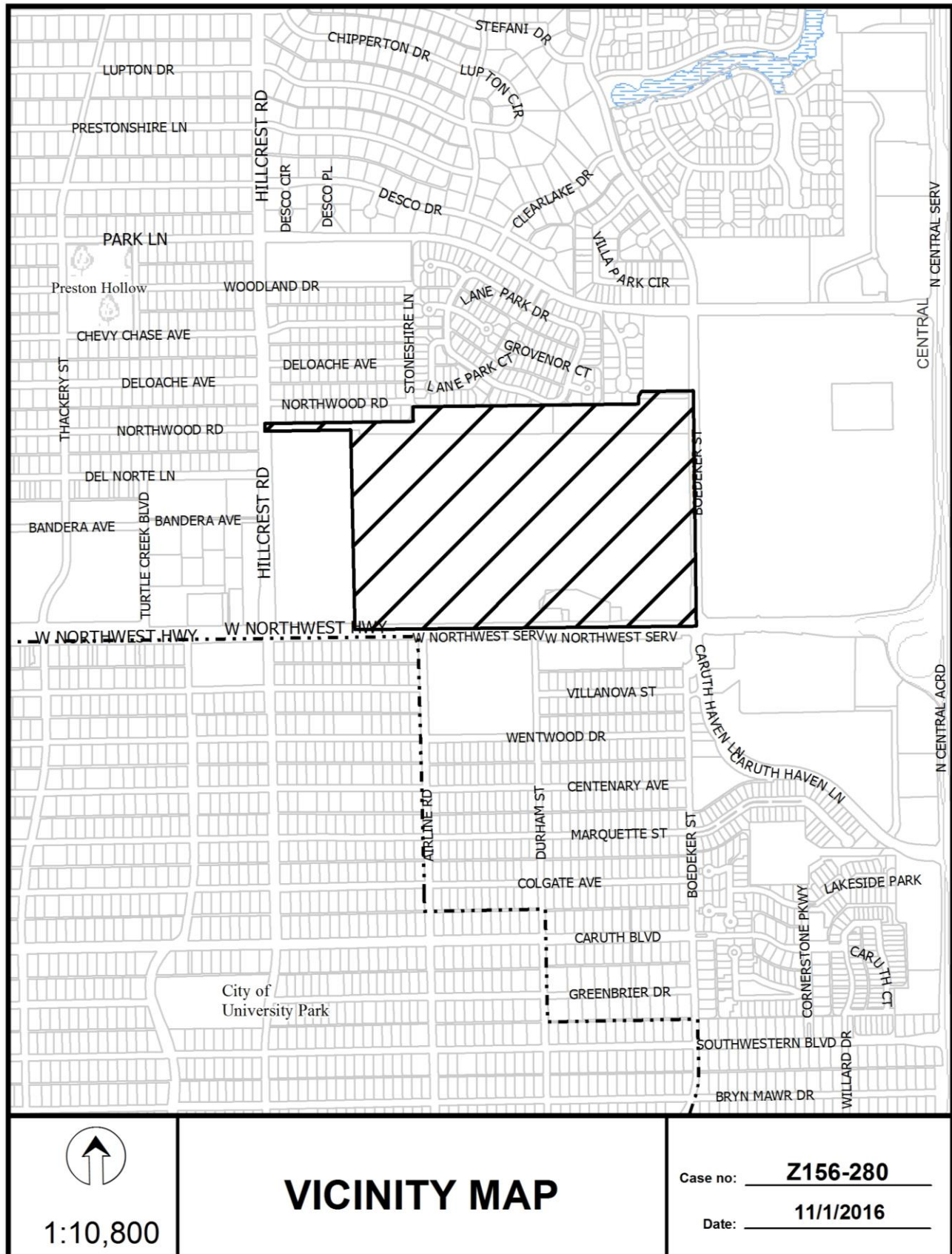
~~9. That prior to the issuance of a building permit, proof must be submitted that a Judgment has been entered in a District Court of Dallas County, Texas, removing the dedication of the above described property for cemetery purposes.~~

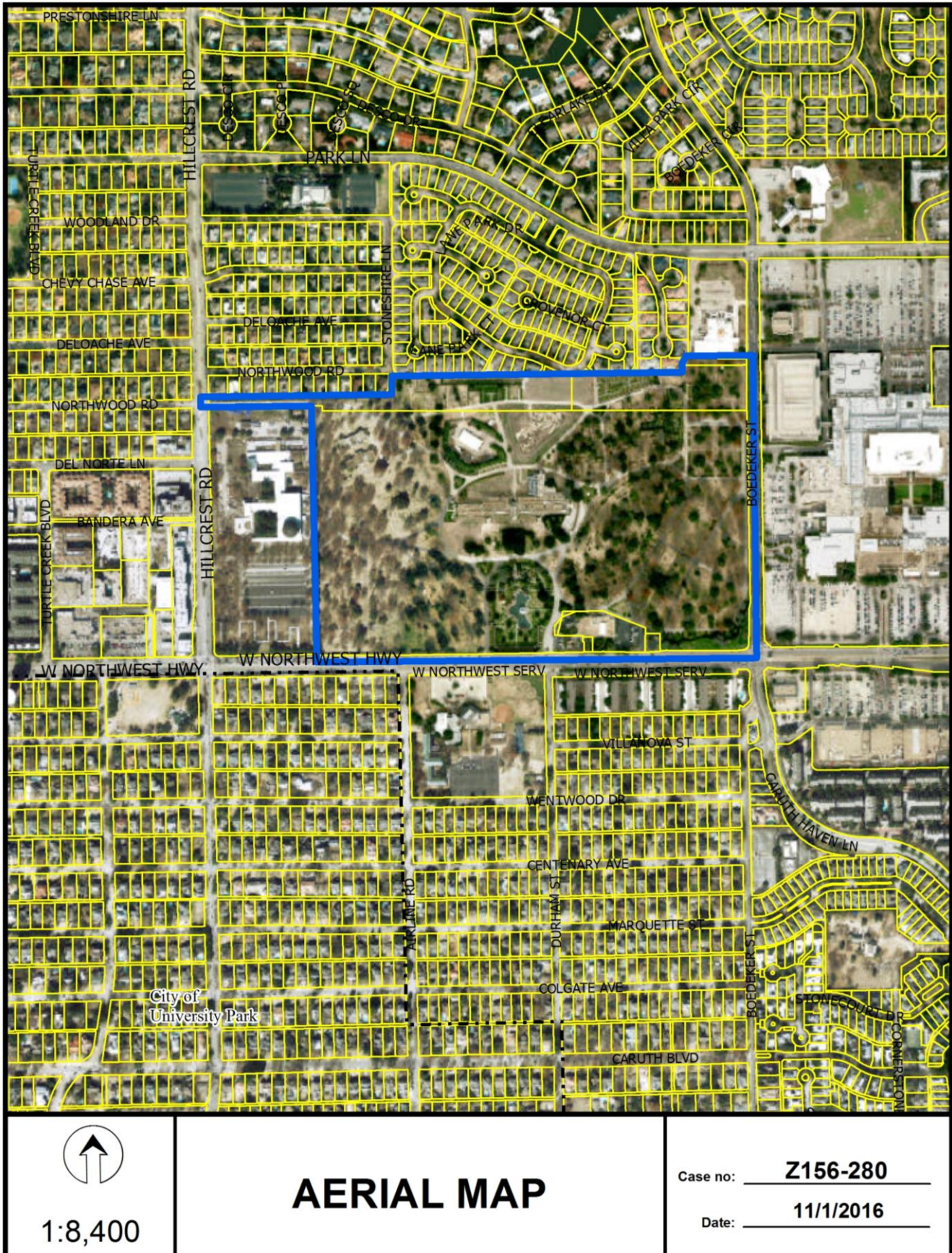
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

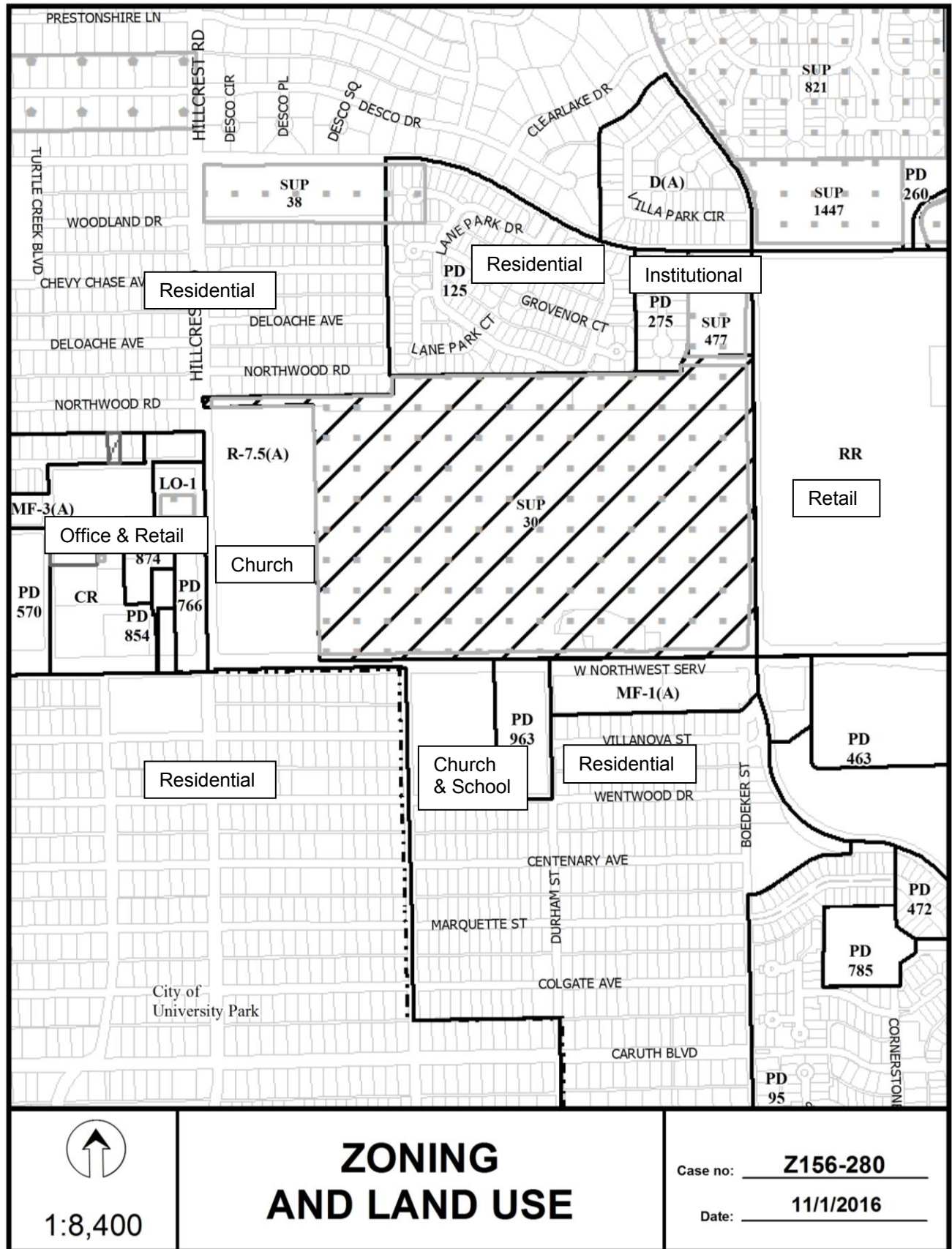
10. GENERAL REQUIRMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinance, rules, and regulations of the City of Dallas.

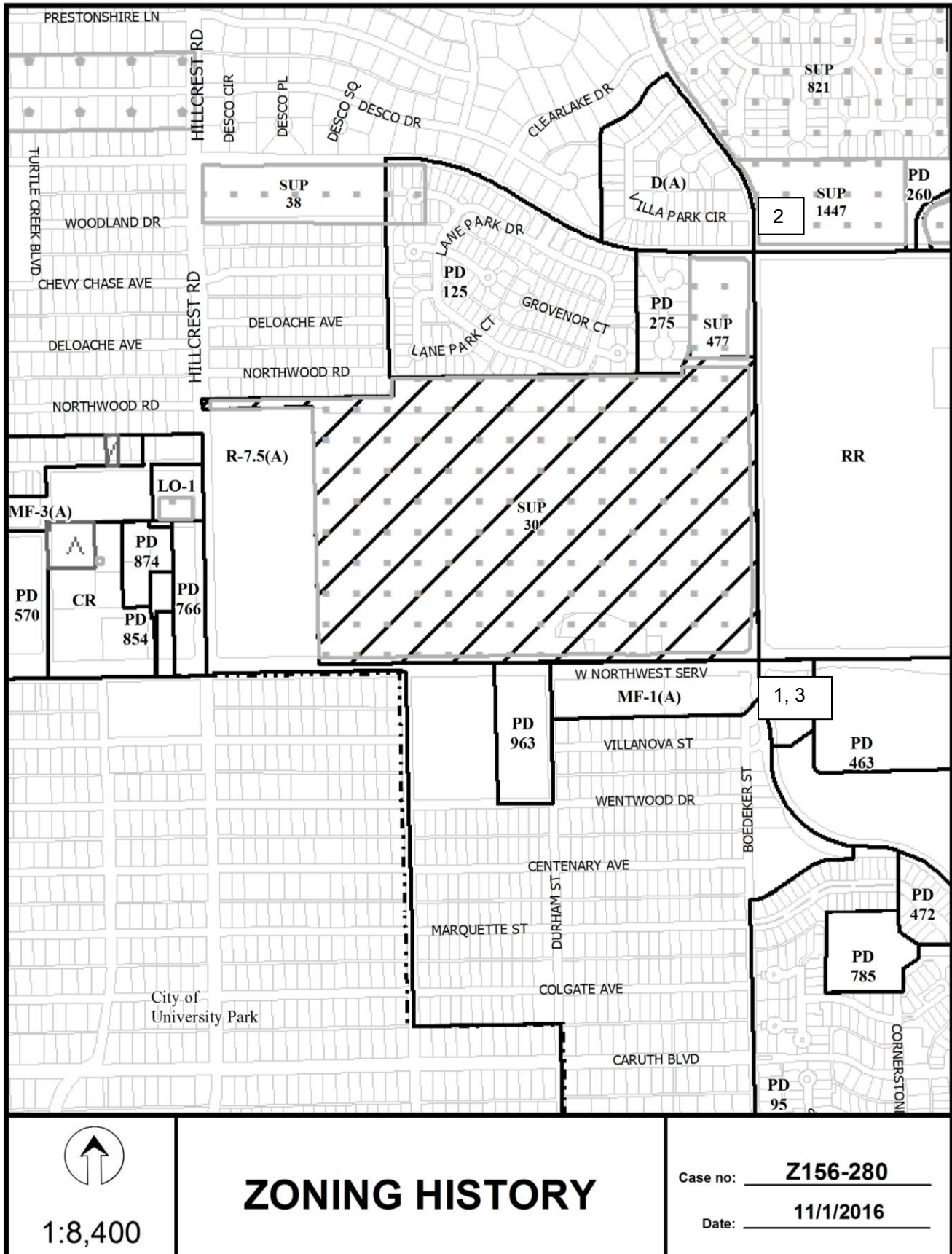
PROPOSED REVISED SITE PLAN



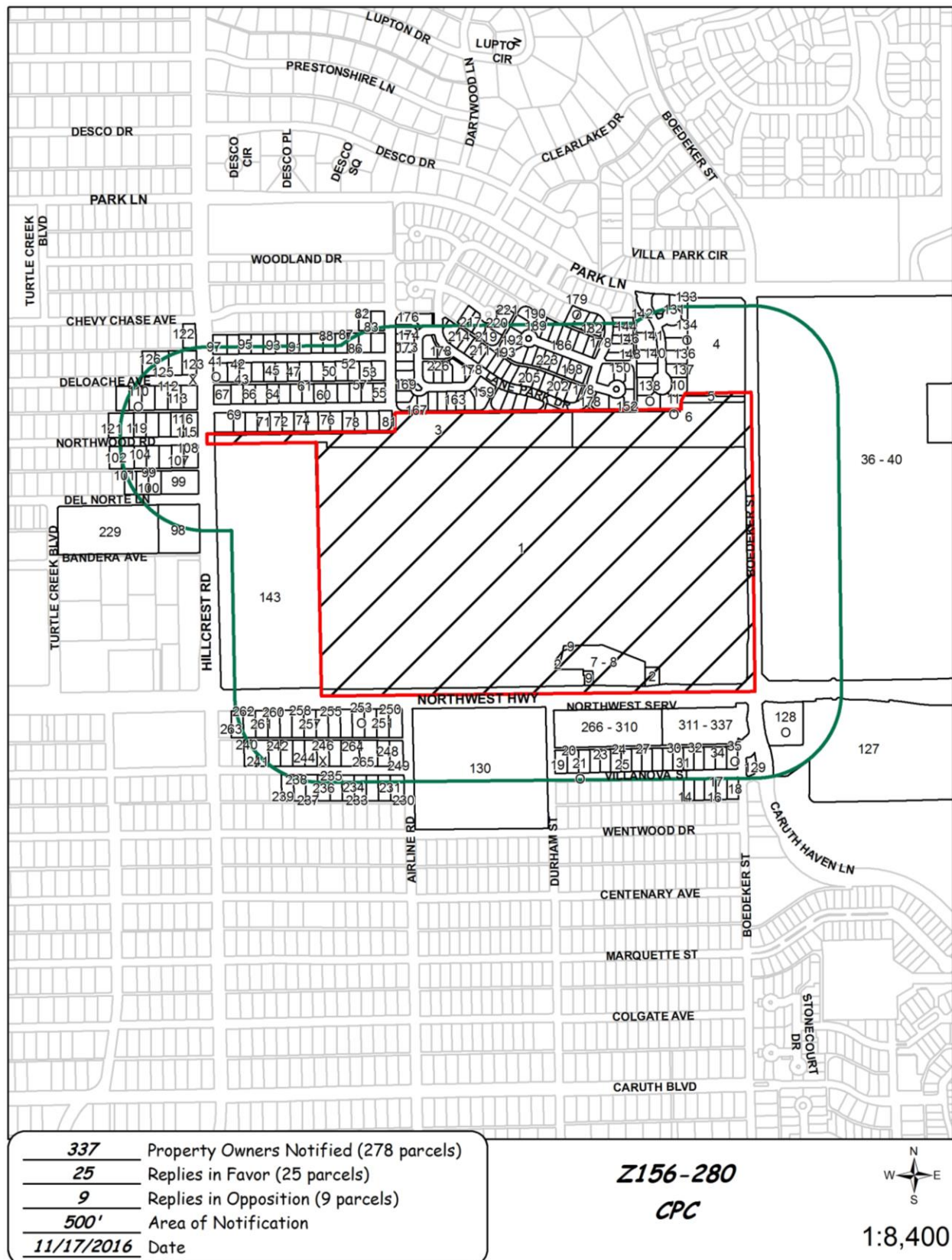








CPC RESPONSES



11/16/2016

Reply List of Property Owners***Z156-280******337 Property Owners Notified******25 Property Owners in Favor******9 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	7323 W NORTHWEST HWY	HILLCREST MEMORIAL PARK
	2	7401 W NORTHWEST HWY	SPARKMAN HILLCREST INC
	3	7323 PARK LN	HILLCREST MEM PARK INC
	4	7500 PARK LN	MIRACLE AT PENTECOST
	5	8800 BOEDEKER ST	HILLCREST MEM PARK INC
	6	8500 BOEDEKER CIR	HILLCREST MEM PARK INC
	7	7405 W NORTHWEST HWY	SPARKMAN HILLCREST INC
	8	7403 W NORTHWEST HWY	HILLCREST MEM PARK INC
	9	7405 W NORTHWEST HWY	HILLCREST MEMORIAL PARK
	10	14 SARAHNASH CT	TUROFF STEVEN S & JUNE
O	11	16 SARAHNASH CT	BROWN STEVE F & CHERYL A
	12	13 SARAHNASH CT	KRIEG JOHN B
	13	7361 LANE PARK DR	LANEPARK HOMEOWNERS ASSN
	14	7520 VILLANOVA ST	MESEC NICHOLAS ROBERT
	15	7524 VILLANOVA ST	KING SARAH COKE
	16	7530 VILLANOVA ST	SPETMAN MICHELLE KAY
	17	7534 VILLANOVA ST	JONES RODNEY B & JEANNE V
	18	7540 VILLANOVA ST	PRIDE KARON ASHLEY & MICHAEL M
	19	7403 VILLANOVA ST	THOMPSON GREGORY R &
	20	7407 VILLANOVA ST	HOLMSEN ERIK W & JACQUELYN K
O	21	7415 VILLANOVA ST	RYAN ELIZABETH J
	22	7419 VILLANOVA ST	TUCKER LORI MICHELLE
	23	7425 VILLANOVA ST	WILLIAMS JANA & KYLE
	24	7429 VILLANOVA ST	PERRY JAMES C
	25	7433 VILLANOVA ST	MERCIER DAVID
	26	7439 VILLANOVA ST	WILSON SCOTT & KRISTI

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7503 VILLANOVA ST	WILLIAMSON JERRY
	28	7507 VILLANOVA ST	LAIRD GREGORY P &
	29	7511 VILLANOVA ST	SHANNON ROBERT REGAN &
	30	7517 VILLANOVA ST	WITTEN GEORGE R
	31	7521 VILLANOVA ST	ALLEMAN MARTIN J & SARA B
	32	7525 VILLANOVA ST	DAKAN WILL F & KELLY SMITH
	33	7531 VILLANOVA ST	CERCONE ALBERT B
	34	7535 VILLANOVA ST	RAWLINS PATRICIA LOUISE
O	35	7541 VILLANOVA ST	REDDICK EDITH DALE
	36	8850 BOEDEKER ST	NORTHPARK NATIONAL BANK
	37	0 NORTHPARK	NEIMAN MARCUS CO LESSEE
	38	8687 N CENTRAL EXPY	NORTHPARK LAND PARTNERS
	39	8687 N CENTRAL EXPY	NORTHPARK NE PARKING DECK LLC
	40	7901 W NORTHWEST HWY	NORDSTROM
O	41	6902 DELOACHE AVE	WILLIAMS BRADLEY RYAN & KELSEY ANNE
	42	6906 DELOACHE AVE	PATOUT ROBERT
	43	6910 DELOACHE AVE	MILLER DEAN & BRENDA
O	44	6914 DELOACHE AVE	FINLAY RICHARD R
	45	6918 DELOACHE AVE	OBRECHT VERONIKA MANCUSO
	46	6922 DELOACHE AVE	MOOR MALINDA GOLDSMITH &
	47	6926 DELOACHE AVE	ABRAMSON SUSAN B ESTATE OF
X	48	7002 DELOACHE AVE	LAIRD BRANT B
	49	7006 DELOACHE AVE	SLAUGHTER CAROLYN M EST OF
	50	7010 DELOACHE AVE	MJDJ PPTIES LLC
	51	7014 DELOACHE AVE	PATTON HEIDE I
	52	7018 DELOACHE AVE	VAREL LESLIE D
	53	7022 DELOACHE AVE	BOGGESS GLORIA
	54	7026 DELOACHE AVE	BROWN THOMAS L & MARTHA C
	55	7027 NORTHWOOD RD	HUNT JAMES R & BARBARA R
	56	7023 NORTHWOOD RD	UDASHEN LISA
	57	7019 NORTHWOOD RD	COLLINS STEPHEN H

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	7015 NORTHWOOD RD	SAGE STEPHEN R REVOCABLE
	59	7009 NORTHWOOD RD	ANDERSON GARRY D
	60	7005 NORTHWOOD RD	DRAKE ELEANOR G
	61	7001 NORTHWOOD RD	HEIFNER ANNETTE B
	62	6927 NORTHWOOD RD	GRAFFY GEORGE M
	63	6923 NORTHWOOD RD	CLARKE BAXTER B
	64	6919 NORTHWOOD RD	HOWARD JOHN & DIANE
O	65	6915 NORTHWOOD RD	HOLLIS BARBARA H REVOCABLE TRUST
	66	6909 NORTHWOOD RD	VO LOC
	67	6901 NORTHWOOD RD	MARINO BEATRICE M TR LIFE EST
	68	6902 NORTHWOOD RD	BRUCE DON & MARY E
	69	6906 NORTHWOOD RD	BIRNBAUM STEPHEN L & ROBIN C
O	70	6910 NORTHWOOD RD	HILOU SUSANNE
	71	6914 NORTHWOOD RD	GERON DONNIE T
	72	6918 NORTHWOOD RD	PUGLIESES TIMOTHY M & MIRIAM B
	73	6922 NORTHWOOD RD	ANDROS LAWRENCE R &
	74	6926 NORTHWOOD RD	XI WANG
	75	7002 NORTHWOOD RD	CAIN DOROTHY A
	76	7006 NORTHWOOD RD	HANLEY DONALD W FAMILY TRUST EST OF
	77	7010 NORTHWOOD RD	ARRINGTON WAYNE C & MARGARET S
	78	7014 NORTHWOOD RD	SANDERS ZORA ELIZABETH
	79	7018 NORTHWOOD RD	COLLINS GODFREY M &
	80	7022 NORTHWOOD RD	MCDONALD STEVEN P & GAIL M
	81	7026 NORTHWOOD RD	RAUB ALLEN ANDREW &
	82	7022 CHEVY CHASE AVE	GRANT MARY CARLIN
	83	7026 CHEVY CHASE AVE	FAIN JAMES B
	84	7027 DELOACHE AVE	RESTER D H
	85	7023 DELOACHE AVE	KLIMASZEWSKI DAVID
	86	7019 DELOACHE AVE	BROOME BEVERLY
	87	7015 DELOACHE AVE	WALKER WILLIAM E JR & MARIA MOY
	88	7009 DELOACHE AVE	BROWN MELVILLE M JR & ANNE B

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	7005 DELOACHE AVE	CARTER TERI A
O	90	7001 DELOACHE AVE	HECKMANN KENNETH H & BRENDA H
	91	6925 DELOACHE AVE	KOCH JANE
	92	6923 DELOACHE AVE	SIBLEY H C
	93	6919 DELOACHE AVE	MORCHOWER CALOLYN L
O	94	6915 DELOACHE AVE	HAMPTON DONALD R &
	95	6909 DELOACHE AVE	CRISSEY HOWARD D JR TR &
O	96	6905 DELOACHE AVE	MONTGOMERY CYNTHIA
	97	6901 DELOACHE AVE	HILGART SARAH PATRICIA
	98	8643 HILLCREST RD	SOUTHWESTERN BELL
	99	6827 DEL NORTE LN	CORRIGAN HOLDINGS INC
	100	6809 DEL NORTE LN	JG RESIDENTIAL PROPERTIES LLC
	101	6801 DEL NORTE LN	CHILDS HAROLD K
	102	6732 NORTHWOOD RD	VERSKA NICHOLAS & MEREDITH
	103	6804 NORTHWOOD RD	MAST HEIDI C &
	104	6810 NORTHWOOD RD	ALOLABI MOHAMAD RAGHID
	105	6816 NORTHWOOD RD	MITCHELL NOAH MALONE IV & FRANCES CANNON
	106	6822 NORTHWOOD RD	IVY RESIDENTIAL LLC
	107	6826 NORTHWOOD RD	RAMSEY SANDRA
	108	6832 NORTHWOOD RD	6832 NORTHWOOD LLC
	109	6804 DELOACHE AVE	DAVIDSOHN REUBEN S
O	110	6810 DELOACHE AVE	LESLIE CRAIG B & ANNETTE
	111	6816 DELOACHE AVE	HEATH CUSTOM HOMES LLC
	112	6822 DELOACHE AVE	NEIL WHITNEY E & FRANCIS J III
	113	6828 DELOACHE AVE	OGDEN JACK &
	114	6834 DELOACHE AVE	WARBURTON DEBRA
	115	6833 NORTHWOOD RD	JORDAN JAMES R
	116	6827 NORTHWOOD RD	SEQUEL HOMES BUILDERS LLC
X	117	6823 NORTHWOOD RD	POTTS BRENNAN RANDALL &
	118	6817 NORTHWOOD RD	MATTHEWS JEFFREY M
	119	6811 NORTHWOOD RD	MOON WILLIAM D & BETSY E

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	6805 NORTHWOOD RD	DRAPER THOMAS K
	121	6731 NORTHWOOD RD	WILLIAMS JUDITH K
	122	6838 CHEVY CHASE AVE	KASHATA MARSHA MCCRORY
X	123	6835 DELOACHE AVE	COLLIER ROBERT D
O	124	6829 DELOACHE AVE	FOSTER SUSAN L
	125	6823 DELOACHE AVE	FAHR TREVOR & LEIGH
	126	6817 DELOACHE AVE	FERBER DOUGLAS E
	127	7700 W NORTHWEST HWY	INLAND WESTERN DALLAS
O	128	7600 W NORTHWEST HWY	FIRST NATIONAL BANK OF
	129	8420 BOEDEKER ST	RIKE HAZEL M
	130	7202 W NORTHWEST HWY	NORTHWAY CHRISTIAN CHURCH
	131	1 SARAHNASH CT	LANEPARK ESTATES INC
	132	2 NANWAY CIR	VARDEMAN JOE REX
	133	4 NANWAY CIR	ROSE FAMILY LIVING TRUST THE
O	134	6 SARAHNASH CT	IVEY-PETERSEN PATRICIA
	135	8 SARAHNASH CT	HAMMOND LESTER & BARBARA
	136	10 SARAHNASH CT	JOHNSTON DAVID & DI ANN
	137	12 SARAHNASH CT	CANON CRAIG O &
O	138	11 SARAHNASH CT	BRACKBILL ROBERT M
X	139	9 SARAHNASH CT	SALVINO VICTOR E JR
	140	7 SARAHNASH CT	BLACK ROBERT C &
	141	5 SARAHNASH CT	CRAWFORD SHARON J
	142	3 SARAHNASH CT	JACOBSON ROBERT &
	143	8500 HILLCREST RD	CONGREGATION EMANUEL
	144	7266 LANE PARK DR	BAIR JOHN W & JEANNE M CO TRUSTEES
	145	7270 LANE PARK DR	RODGERS LEO M &
	146	7274 LANE PARK DR	HOPKINS HAMMOND W &
	147	7278 LANE PARK DR	KING LOUIS & JO ANN
	148	7282 LANE PARK DR	KARAHAL GEORGE A & GLENDA
X	149	1 CRANSBROOK CT	KNOX LYNN S
	150	2 CRANSBROOK CT	SQUIBB MARTHA

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	151	3 CRANSBROOK CT	KEARINS MICHAEL J & SUSAN M
	152	4 CRANSBROOK CT	SMITH GEORGE REVERE
	153	5 CRANSBROOK CT	BURKE MARK A
X	154	6 CRANSBROOK CT	COLLIER ROBERT D
O	155	7359 LANE PARK DR	KNOX EDWARD CHRISTOPHER &
X	156	7355 LANE PARK DR	BROWN WILLIAM LAWRENCE
O	157	7351 LANE PARK DR	KEENE DANIEL WARD & BONNIE KAYE
O	158	7347 LANE PARK DR	CRAVY C MCCLAIN & SHARON
	159	7375 LANE PARK CT	BRYAN CHARLES T &
	160	7371 LANE PARK CT	ELLIOTT DAVID B
	161	7367 LANE PARK CT	ROGERS H J JR &
	162	7363 LANE PARK CT	TAYLOR ROBERT L JR & BETTY F
	163	7357 LANE PARK CT	HAMILTON WILLIAM N
	164	7353 LANE PARK CT	HANDLEY ROBERT & JANE
	165	7349 LANE PARK CT	RODGERS FAMILY LIVING TRUST
	166	7345 LANE PARK CT	JONES R CLARK & MARILYN
	167	7343 LANE PARK CT	LITTLEJOHN JAMES R & JANA J
	168	7339 LANE PARK CT	LIPSCOMB FORREST F
	169	7335 LANE PARK CT	ELDER WILLIAM L &
	170	7331 LANE PARK CT	HOPKINS ALTON F JR &
X	171	7327 LANE PARK CT	TAYLOR GAYLE
	172	7323 LANE PARK CT	WITHROW NANCY L
	173	7319 LANE PARK CT	ANDERSON ELIZABETH L
	174	7315 LANE PARK CT	WRIGHT LINUS D &
	175	7311 LANE PARK CT	MCDONOUGH JOANN YORK &
	176	7307 LANE PARK CT	BRAYMER GAYL J
	177	7303 LANE PARK CT	ABNEY JAMES K JR &
	178	7 CRANSBROOK CT	LANEPARK HOMEOWNERS ASSN
O	179	7251 LANE PARK DR	WEST DIANE F
	180	7255 LANE PARK DR	WATKINS RICHARD
	181	7259 LANE PARK DR	DOBBS WILLIAM H &

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	7263 LANE PARK DR	TIPPETT DEBRA L
	183	19 GROVENOR CT	BLACK GEORGIA SUE
O	184	18 GROVENOR CT	MAHONEY JOSEPH E & MARY LOUISE
	185	17 GROVENOR CT	DOOLEY FRANCIS T JR
	186	16 GROVENOR CT	RITTER A WAYNE
	187	15 GROVENOR CT	RIDDLESERGER JANE J
	188	14 GROVENOR CT	DONOHOO MARK B
	189	13 GROVENOR CT	EUBANK RAY H &
	190	12 GROVENOR CT	LAUGHLIN WILLIAM ROBERT & MARY O
	191	11 GROVENOR CT	IANNACONE SUSAN T
	192	10 GROVENOR CT	KIMMER LINDLEY &
	193	9 GROVENOR CT	PRICE JAMES G & LAURA K
	194	8 GROVENOR CT	MAHONEY DANIEL M & LINDY HILL
	195	7 GROVENOR CT	NASSEN JOHN W & CORINNE W
	196	4 GROVENOR CT	CLEMENTS DAVID E &
	197	3 GROVENOR CT	EPHE623 LLC
	198	2 GROVENOR CT	HAYES JERE G & JEAN
	199	1 GROVENOR CT	JESKE EDWARD P TR &
	200	7362 LANE PARK DR	KROEKER CHARLOTTE & ROBERT C MANN
	201	7358 LANE PARK DR	LUTZ EDWARD G & DEBRA B
	202	7354 LANE PARK DR	COPPS PATRICIA A
	203	7350 LANE PARK DR	WILBUR ROBERT E & NANCY H
O	204	7346 LANE PARK DR	SEBEL MAY L TRUST THE
	205	7342 LANE PARK DR	BRILL JAMES B & DAWN S
	206	7338 LANE PARK DR	TURPIN JACK A
O	207	7334 LANE PARK DR	SPIVEY SUSAN
	208	7330 LANE PARK DR	BABCOCK EVELYN E
	209	7326 LANE PARK DR	CLAYTON JAMES B III & SUSAN H
	210	7322 LANE PARK DR	BAIER ROGER R & SUSAN T
	211	7318 LANE PARK DR	RAINWATER PATRICIA
	212	7314 LANE PARK DR	FULKERSON JOHN D

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	7310 LANE PARK DR	SLEEPER TERESA A
	214	7306 LANE PARK DR	OBRIEN DAVID &
	215	7302 LANE PARK DR	BROWN JACK P & DEANNA R
	216	13 CAVENDISH CT	WOO GEORGE CHOU-TSE &
	217	12 CAVENDISH CT	WHEELER SUSAN WILLIAMSON
O	218	11 CAVENDISH CT	MARTIN JOHN LAURENCE &
	219	10 CAVENDISH CT	SHIELDS JOEL B &
	220	9 CAVENDISH CT	MAIN JAMES E & CAMILLE D
	221	8 CAVENDISH CT	TATUM JOHN P II & LEEANN
	222	6 GROVENOR CT	BLOEDE VICTOR JR &
	223	5 GROVENOR CT	ADAMS STEVEN & LAURA S
	224	7304 LANE PARK CT	ALCANTAR JOSEPH
	225	7348 LANE PARK CT	WILSON TERRY M & BONNIE
	226	7352 LANE PARK CT	SURLS KATHRYN L & LYNN O
	227	7356 LANE PARK CT	HILL THOMAS L & MARY ANN
	228	7360 LANE PARK CT	CARTER HAROLD DEE &
	229	6800 DEL NORTE LN	INTERCITY INVESTMENTS
	230	3201 VILLANOVA ST	RHODES JOHN A & SUSAN S
	231	3205 VILLANOVA ST	ROGERS MICHAEL A & ELIZABETH W
	232	3209 VILLANOVA ST	DENNIS EDWARD J &
	233	3213 VILLANOVA ST	HECKSEL DAVID L & ELIZABETH B
	234	3217 VILLANOVA ST	WRIGHT ANDREW M & LAURA M
	235	3221 VILLANOVA ST	GRASSO ELLEN S
	236	3225 VILLANOVA ST	CARTER FRANK &
	237	3229 VILLANOVA ST	BASSETT CHRISTOPHER B &
	238	3233 VILLANOVA ST	AHMED FAISAL J & DEBORAH
	239	3301 VILLANOVA ST	RIDLEY MATTHEW DAVID
	240	3312 VILLANOVA ST	NEWBERRY RYAN JAY & DIANA
	241	3308 VILLANOVA ST	COSGROVE RYAN
	242	3304 VILLANOVA ST	GALVAN HILDA C & MIKE A
	243	3300 VILLANOVA ST	WARREN JEFFREY L & STACY S

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	3232 VILLANOVA ST	TERRY TIMOTHY ANDREW &
	245	3228 VILLANOVA ST	WHITE CHASE & KRISTEN
X	246	3224 VILLANOVA ST	3224 VILLANOVA LLC
	247	3220 VILLANOVA ST	PERON STEPHAN P & ASHLEY
	248	3204 VILLANOVA ST	HOLMGREN ERIK B SR &
	249	3200 VILLANOVA ST	GODFREY DAVID G
	250	3201 NORTHWEST PKWY	BROWN CLINTON CARLTON &
	251	3205 NORTHWEST PKWY	BRAY CHARLOTTE ANN
	252	3209 NORTHWEST PKWY	STANLEY FLOYD & BRADLEY IRIS L
O	253	3213 NORTHWEST PKWY	PEABODY D C TR ETAL
	254	3217 NORTHWEST PKWY	HALE CHARLES C &
	255	3221 NORTHWEST PKWY	WATKINS RONALD D & SUSAN L
	256	3225 NORTHWEST PKWY	SRISHNAMOORTHY SREEKANTH S &
	257	3229 NORTHWEST PKWY	WALKER CHRISTOPHER L
	258	3233 NORTHWEST PKWY	SHIPES JOHN K & CINDY Y
	259	3301 NORTHWEST PKWY	HARPER MAX III & ELLEN DEANE
	260	3305 NORTHWEST PKWY	BLAIR KATHERINE L
	261	3309 NORTHWEST PKWY	SUMNER JUSTIN & KATHRYN
	262	3313 NORTHWEST PKWY	PUCKETT JONATHAN A &
	263	3317 NORTHWEST PKWY	STAFFORD AMY M & JAMES B
	264	3216 VILLANOVA ST	EVANS G SCOTT & TERESA C CO TRUSTEES
	265	3208 VILLANOVA ST	BROWNING HAROLD J TRUST
	266	7404 W NORTHWEST HWY	KEELAND KAY L
	267	7404 W NORTHWEST HWY	HACKNEY TATE LOUISE
	268	7404 W NORTHWEST HWY	VICINELLI GINA
	269	7404 W NORTHWEST HWY	DOYLE JAMES J III & LEIGH A
	270	7404 W NORTHWEST HWY	WEBER ELIZABETH P & WILLIAM R
	271	7404 W NORTHWEST HWY	LOFTIS CARRIE J
	272	7404 W NORTHWEST HWY	DIBELLA HANA S
	273	7404 W NORTHWEST HWY	BURNS RAPLH D & ROBIN
	274	7404 W NORTHWEST HWY	ZEIGER DIMPLE L

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
275	7414	W NORTHWEST HWY	GAROFANELLO JOSEPH &
276	7414	W NORTHWEST HWY	E P W PROPERTIES LLC
277	7414	W NORTHWEST HWY	BIRES ANDRE G & SUZANN
278	7414	W NORTHWEST HWY	HARTMANN THEODORE R
279	7414	W NORTHWEST HWY	ANDERSON PATRICIA F
280	7414	W NORTHWEST HWY	LEUSCHEL JANICE P
281	7414	W NORTHWEST HWY	SPOONER THEODORE ROGERS TRUST THE
282	7414	W NORTHWEST HWY	SOSNOSKIE KEITH D &
283	7414	W NORTHWEST HWY	DILLARD MARY BEECHERL
284	7424	W NORTHWEST HWY	HILL JENNIFER & JEREMY
285	7424	W NORTHWEST HWY	KNEE PATRICIA L
286	7424	W NORTHWEST HWY	CLARK MARY TITUS &
287	7424	W NORTHWEST HWY	SLIGER SUNNY L
288	7424	W NORTHWEST HWY	TAYLOR WILLIAM W &
289	7424	W NORTHWEST HWY	FORESTWOOD VENTURES LP
290	7424	W NORTHWEST HWY	HARTMANN ELSA V
291	7424	W NORTHWEST HWY	FORESTWOOD VENTURES LP
292	7424	W NORTHWEST HWY	ELGALAD AHMED MOKHTAR
293	7430	W NORTHWEST HWY	BENES MARTIN & SARAH
294	7430	W NORTHWEST HWY	SMARTT MICHAEL &
295	7430	W NORTHWEST HWY	OBOYLE JOHN JAMES & ELIZABETH ANN
296	7430	W NORTHWEST HWY	BURNS RALPH & ROBIN
297	7430	W NORTHWEST HWY	RICHER EDMOND & GABRIELA
298	7430	W NORTHWEST HWY	BOBADILLA ELADIO
299	7430	W NORTHWEST HWY	GRILLE THEODORE P
300	7430	W NORTHWEST HWY	SANDER CAROLYN GAIL M
301	7430	W NORTHWEST HWY	ELLIOTT JOHN R &
302	7506	W NORTHWEST HWY	WASHAM GERALDINE
303	7506	W NORTHWEST HWY	EPW PROPERTIES LLC &
304	7506	W NORTHWEST HWY	SLIGER STEVEN G
305	7506	W NORTHWEST HWY	SLIGER STEVEN & KATHRYN TR

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
306	7506	W NORTHWEST HWY	CLIFFORD MARY NELSON
307	7506	W NORTHWEST HWY	STILWELL LAURA
308	7506	W NORTHWEST HWY	HEFNER CHARLES ROBERT JR &
309	7506	W NORTHWEST HWY	KERLICK DENNIS BRADFORD
310	7506	W NORTHWEST HWY	SUESSMANN WERNER TR &
311	7510	W NORTHWEST HWY	MYERS AMY JO
312	7510	W NORTHWEST HWY	FOSTER TIM & DEBORA
313	7510	W NORTHWEST HWY	MOORE EDWARD &
314	7510	W NORTHWEST HWY	CHAPMAN ROBERT J
315	7510	W NORTHWEST HWY	JONES ORVIL &
316	7510	W NORTHWEST HWY	FORT DANA & ROBERT
317	7510	W NORTHWEST HWY	TPR LLC
318	7510	W NORTHWEST HWY	DARST MARTHA A
319	7510	W NORTHWEST HWY	MOORE ELIZABETH F D
320	7520	W NORTHWEST HWY	NEFF PAMELA J
321	7520	W NORTHWEST HWY	BELL ELIZABETH J
322	7520	W NORTHWEST HWY	SOETENGA DOUWE H & SUE
323	7520	W NORTHWEST HWY	WOLLENMAN NANCY
324	7520	W NORTHWEST HWY	BLACKBURN NORMA
325	7520	W NORTHWEST HWY	GREENHAW LARRY D
326	7520	W NORTHWEST HWY	OWENS TAMMY J
327	7520	W NORTHWEST HWY	SCIORTINO DOMENICA
328	7520	W NORTHWEST HWY	DONNELLY MARGARET
329	7526	W NORTHWEST HWY	PATRICK JAMES MICHAEL & ANGIE LYNN
330	7526	W NORTHWEST HWY	FORD BEULAH A
331	7526	W NORTHWEST HWY	HORN DAVID & BARBARA INTERVIVOS TRUST
332	7526	W NORTHWEST HWY	OLALISA LLC
333	7526	W NORTHWEST HWY	THRASHER DIANE T
334	7526	W NORTHWEST HWY	DUBORG GEORGE & JANET
335	7526	W NORTHWEST HWY	COCANOUGH ANDREW MARK
336	7526	W NORTHWEST HWY	CONNER ERNEST JR

Z156-280(OTH)

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	337	7526 W NORTHWEST HWY	THRASHER DIANE T

AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 35 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and along the northwest line of McKinney Avenue, south of Monticello Avenue

Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions

Recommendation of CPC: Approval, subject to a development plan, landscape plan, conceptual rendering, and conditions

Z156-299(SH)

FILE NUMBER: Z156-299(SH) **DATE FILED:** July 26, 2016**LOCATION:** Northwest line of McKinney Avenue, south of Monticello Avenue**COUNCIL DISTRICT:** 14 **MAPSCO:** 35-R**SIZE OF REQUEST:** Approx. 0.97 acres **CENSUS TRACT:** 7.02

OWNER: Chateau Condominiums Owners Association, Inc.**APPLICANT:** Trinsic Acquisition Company, LLC**REPRESENTATIVE:** Tommy Mann & Laura Hoffman, Winstead PC**REQUEST:** An application for a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.**SUMMARY:** The purpose of this request is to allow for the redevelopment of the 0.97-acre subject site with a new multifamily development comprised of a maximum of 125 dwelling units. The proposed development will be served by a ground level parking garage with primary access from McKinney Street. It will incorporate private open space and urban design elements that the applicant contends will promote a walkable and pedestrian-friendly infill housing development. The requested conditions allow for an increased floor area ratio of 3.5 to 1 and an increase in maximum structure height to 85 feet. A minimum 6-foot wide sidewalk will be provided along McKinney Avenue and all adjacent ground-level dwelling units will be required to provide direct access to the sidewalk through private stoops or open space.**CPC RECOMMENDATION:** Approval, subject to a development plan, landscape plan, conceptual rendering, and conditions**STAFF RECOMMENDATION:** Approval, subject to a development plan, landscape plan, and staff's recommended conditions**DESIGNATED ZONING CASE**

BACKGROUND INFORMATION:

- The request site is currently improved with a 32-unit multifamily development that was originally constructed in 1972.
- The applicant proposes to demolish the existing structure and redevelop the 0.97-acre site with a new multifamily development consisting of a maximum of 125 dwelling units. The proposed development will be served by a ground level parking garage with primary access from McKinney Street.
- The applicant's proposed Planned Development District provides for a floor area ratio of 3.5 to 1 and increases the maximum structure height from 36 feet to 85 feet.

Zoning History: There has been one recent zoning change requested in the area.

1. Z134-147 – On August 27, 2014, City Council approved an amendment to and expansion of Planned Development Subdistrict (PDS) No. 71 for MF-2 Multiple Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of McKinney Avenue and Hester Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
McKinney Avenue	Minor Arterial	60 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed redevelopment will have no significant impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 193 (MF-2)	Multifamily
Northeast	PDD No. 193 (LC)	Auto Service
Southeast	PDD No. 193 (MF-2)	Multifamily
Southwest	PDD No. 193 (MF-2)	Multifamily
Northwest	PDD No. 193 (LC)	Retail

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 1.1.5 Use Vision Building Blocks as a general guide for desired development patterns.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

NEIGHBORHOOD PLUS

GOAL 6 ENHANCE RENTAL HOUSING OPTIONS

Policy 6.1 Raise the quality of rental property through better design standards.

The Plan classifies the area as an Urban Corridor Building Block. Urban corridor areas are predominately residential with a wide array of housing options & access to transit and retail. The proposed redevelopment of the site will provide for additional housing opportunities within close proximity to various shops and offices in these areas so that the residents can get services and job opportunities within a walkable distance.

AREA PLAN: The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.

The proposed development meets this objective by proposing design elements that are more urban in form with ground-level units that have direct access to the sidewalk, as well as pedestrian amenities and enhanced sidewalks and landscaping along McKinney Street.

- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

Sidewalk improvements and attractive landscaping along the McKinney Street frontage supports this objective by providing pedestrian friendly access to nearby retail spaces.

- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

By providing a ground level parking garage that will serve the subject site, this objective will be met.

- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

In order to provide a development that will be more compatible with the surrounding uses with respect to scale and adjacency issues, staff is requesting that an additional setback be provided along the rear and side property lines to mitigate for the requested increase in height.

- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

The site is currently within the MF-2 subdistrict of PDD No. 193. The applicant is proposing to utilize the majority of the zoning regulations within the existing MF-2 subdistrict as a basis for redeveloping this site.

- (6) To discourage variances or zoning changes, which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

Similar to Objective 5, the existing MF-2 subdistrict standards will be incorporated into the proposed PD conditions.

- (7) To promote landscape/streetscape quality and appearance.

Similar to Objective 2, sidewalk improvements and attractive landscaping along the McKinney Street frontage supports this objective by providing pedestrian friendly access to nearby retail spaces

STAFF ANALYSIS:

Land Use Compatibility: The site is currently improved with a 32-unit multifamily development that was originally constructed in 1972. Adjacent to the site to the northeast and southeast are additional multifamily developments in an MF-2 Subdistrict of PDD No. 193. Retail and auto service uses are located immediately to the northeast and northwest of the site in an LC Subdistrict of PDD No. 193. Office uses are further north of the subject site, across Monticello Avenue, and also within an LC Subdistrict of PDD No. 193.

The applicant proposes to demolish the existing structures and redevelop the 0.97-acre site with a new multifamily development consisting of a maximum of 125 dwelling units. The proposed development will be served by a ground level parking garage with primary access from McKinney Street.

In order to promote a more walkable, pedestrian-friendly development, the applicant is proposing sidewalks along McKinney Avenue with a minimum width of six feet and a minimum five foot tree planting zone between the back of curb and the sidewalk. The sidewalk will be enhanced with a minimum of two pedestrian amenities for every 300 linear feet of street frontage.

Staff supports the request with staff's proposed conditions. The proposed multifamily development will be consistent with the objectives of the Oak Lawn Special Purpose District and will provide a new housing opportunity that will enhance the McKinney Street corridor.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Max FAR	PRIMARY Uses
	Front	Side/Rear					
<i>Existing</i> PDD 193 MF-2	15'	10'/15'	800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	50%	None	Multifamily
<i>Applicant Request</i> PDD 193 MF-2	15'	12'/10'	800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	85'	80%	3.5:1	Multifamily
<i>Staff Proposed</i> PDD 193 MF-2	15'	12'/10**	800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	85'	80%	N/A	Multifamily

*increased setback for portion of building over 36' in height

Height and Setback:

The applicant is requesting a maximum building height of 85 feet, with a minimum rear yard setback of 12 feet and minimum side yard setback of 10 feet. While staff believes that the increased height is consistent with the objective of achieving buildings that are more urban in form, it is equally important for the development to be compatible with the

adjacent land uses with respect to building scale. As such, staff is recommending that for every three feet in height over 36 feet, an additional setback of one foot is provided for both the rear and side yards, up to a total setback of 20 feet. PDD No. 193 requires a similar tower spacing setback for the MF-3 and MF-4 subdistricts whereby if a building exceeds 36 feet in height, an additional setback must be provided that is equal to one-half of the total height of the building, up to a maximum setback of 50 feet. Since the proposed development is requesting an increase in lot coverage to 80 percent, staff believes that the additional setback is reasonable and should be provided so that the new building will not infringe significantly upon the adjacent land uses.

Landscaping and Screening:

Landscaping for the multifamily development will be provided as shown on the proposed landscape plan. The proposed landscaping will meet the requirements outlined in PDD No. 193 with the exception of the front yard fencing. The applicant is proposing to install a fence that is a maximum of four feet in height and that is at least 40 percent open in the front yard and a fence that is a maximum six feet in height with no restriction on its percentage of openness within the side and rear yards in the locations depicted on the development plan for the purpose of enclosing private open space or an amenity area. Since the ground-level units on McKinney Avenue are proposed to have direct access to the sidewalk through private stoops or open space, staff believes that these fences are necessary to provide adequate privacy and safety to those residing in these ground level units.

Conceptual Rendering:

The conceptual rendering that has been offered by the applicant provides us with a general idea of how the final development may possibly look upon completion. However, it does not specify detailed information such as building materials, facade colors, articulation guidelines, and other design features that would be needed to utilize it as an enforcement tool. As such, staff recommends that it be removed from the proposed PD conditions and used for illustrative purposes only. Staff notes that the conceptual rendering has been offered as a way to appease concerns that have been raised by some of the adjacent property owners. However, because of its limitations with respect to enforcement, staff has recommended that the applicant revise the PD conditions to incorporate design standards in lieu of the conceptual rendering. The applicant is not in favor of this option.

CPC ACTION – November 17, 2016:

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multifamily Subdistrict uses, subject to a revised development plan, landscape plan and revised conditions to include the following modifications: 1) Sec.104 – adopt the applicant's request to require an exhibit of the conceptual rendering be attached to the ordinance, 2) Sec.105 – adopt the applicant's request referencing the conceptual rendering, 3) Sec. 108 – require the rear and side yard setbacks as shown on the development plan dated November 16, 2016, and 4) finding that the modifications to the plan (dated 11-16-16) and conditions are not a significant change on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and along the northwest line of McKinney Avenue, south of Monticello Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis*, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7
*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 174
Replies: For: 2 Against: 0

Speakers: For: Tommy Mann, 500 Winstead Building, Dallas, TX, 75201
Chuck Cole, 4831 McKinney Ave., Dallas, TX, 75206
Against: None

Officers

OFFICERS AND DIRECTORS

Applicant: **TRINSIC ACQUISITION COMPANY, L.L.C.**

Brian Tusa	President
Brian Tusa	Director
S. Joseph Barrett	Vice President
S. Joseph Barrett	Director
Greg Jones	Vice President
Greg Jones	Director
Adam Brown	Vice President
Adam Brown	Director
Vince Spencer	Vice President
Vince Spence	Director
Jack Paauw	Vice President
Jack Paauw	Director
Manny Martinez	Vice President
Manny Martinez	Director

OFFICERS AND DIRECTORS

Owner: **CHATEAU CONDOMINIUMS OWNERS ASSOCIATION, INC.**

Rachel Secore	Secretary
Rachel Secore	Director
Lloyd McDaniel	Vice-President
Lloyd McDaniel	Director
Robert Harrell	President
Robert Harrell	Director
Dawn Dizos	Director
Barbara McDaniel	Director
Dawn Rizos	Treasurer
Barbara McDaniel	Member

PDD CONDITIONS**"DIVISION S-_____
PD 193 SUBDISTRICT.****SEC. S-____.101. LEGISLATIVE HISTORY.**

Planned Development Subdistrict ____ was established by Ordinance No. _____ passed by the Dallas City Council on _____.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD 193 Subdistrict ____ is established on property generally located along the northwest line of McKinney Avenue, between Monticello Avenue and Hester Avenue. The size of PD Subdistrict ____ is approximately 0.97 acre.

SEC. S-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division:

(1) **MULTIPLE FAMILY PROJECT** means a multiple family development on the Property that has one or more portions of a structure greater than 36 feet in height.

(2) **STOOP** means a small porch and stairs leading to the entrance of a residence.

(3) **SUBDISTRICT** means a subdistrict of PD 193.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this ordinance are to articles, divisions, or sections in Chapter 51.

(c) This district is considered to be a residential zoning district.

SEC. S-____.104 EXHIBITS.

(a) The following exhibits are incorporated into this division:

(1) Exhibit S-__A: development plan.

Staff Recommendation

~~(2) Exhibit S-__B: conceptual rendering.~~

Applicant's Request

~~(2) Exhibit S-__B: conceptual rendering.~~

(3) Exhibit S-__C: landscape plan.

SEC. S-____.105. DEVELOPMENT PLAN AND CONCEPTUAL RENDERING.

(a) For a multiple family project, development and use of the Property must comply with the development plan (Exhibit S-____A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

Staff's Recommendation

~~(b) — For a multiple family project, development of the multiple family structure must comply with the conceptual rendering (Exhibit S-____C) If there is a conflict between the text of this article and the conceptual rendering, the text of this article controls.~~

Applicant's Request

(b) For a multiple family project, development of the multiple family structure must comply with the conceptual rendering (Exhibit S-____C) If there is a conflict between the text of this article and the conceptual rendering, the text of this article controls.

(c) For all other uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. S-____.106. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple-Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple-Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple-Family subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP, and a use subject to development impact review (DIR) in the MF-2 Multiple-Family Subdistrict is subject to DIR in this subdistrict, etc.

SEC. S-____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard lot and space regulations for the MF-2 Multiple-Family Subdistrict apply in this district.

(b) Multiple family project.

(1) Front yard.

(A) For any portion of a building 15 feet or less in height, minimum front yard is 15 feet.

(B) For any portion of a building more than 15 feet in height, minimum front yard is 20 feet.

(2) Rear yard. Except as shown on the development plan, minimum rear yard is 12 feet.

(3) Side yard. Except as shown on the development plan, minimum side yard is 10 feet.

(4) Allowed encroachments into required yards.

(A) Stoops, steps, handrails, guardrails, planters, retaining walls up to a maximum of six feet in height, patios, transformers and other utility equipment, benches, pots, raised planters, sculptures, and other decorative landscape features may be located within the required front, side, or rear yards with no projection limitation.

(B) Balconies may encroach into a rear or side yard up to a maximum of five feet if they are a minimum of 10 feet in height above the ground.

(5) Density. Maximum number of dwelling units is 125.

(6) Floor area ratio. Maximum floor area ratio is 3.5:1.

(7) Height.

(A) Except as provided in this subsection, maximum structure height is 75 feet.

(B) Maximum structure height for mezzanine levels is 85 feet in the locations shown on the development plan (Exhibit S-__A).

(C) The following structures may project a maximum of 12 feet above the maximum structure height:

(i) Elevator penthouse or bulkhead.

(ii) Mechanical equipment room.

(iii) Visual screens which surround roof mounted mechanical equipment.

(iv) Parapet walls and guard rails, limited to a height of four feet.

(8) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(9) Lot size. No minimum lot size.

(10) Stories. No maximum number of stories.

SEC. S-____.109. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

SEC. S-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-____.111. LANDSCAPING.

(a) Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) For a multiple family project, landscaping must be provided as shown on the landscape plan (Exhibit S-____C).

(c) A fence that is a maximum of four feet in height and that is at least 40 percent open may be located in the front yard and a fence that is a maximum six feet in height with no restriction on its percentage of openness may be located within the side and rear yards in the locations depicted on the landscape plan for the purpose of enclosing private open space or amenity area.

(d) Urban design requirements.

(A) Sidewalks along McKinney Avenue must have a minimum unobstructed width of six feet with a minimum five foot tree planting zone between the back of curb and the sidewalk.

(B) A minimum of two of each of the following pedestrian amenities must be provided along McKinney Avenue for each 300 linear feet of street frontage or fraction thereof:

(i) benches

(ii) trash receptacles, and

(iii) bicycle racks (at least one five-bike rack must be provided).

(C) Ground-level units on McKinney Avenue must have direct access to the sidewalk through private stoops or open space.

- (e) Plant materials must be maintained in a healthy, growing condition.

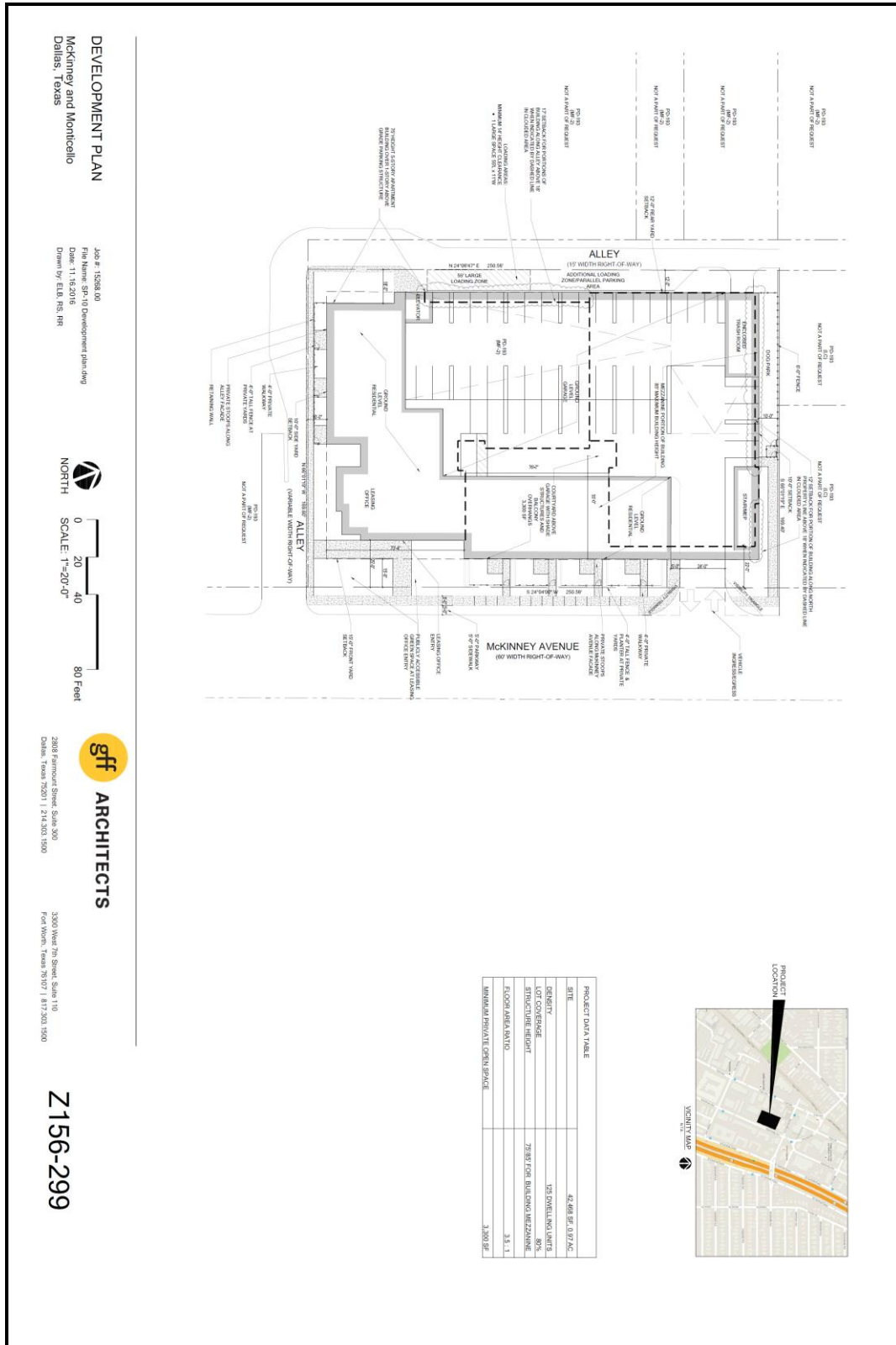
SEC. S-____.112. ADDITIONAL PROVISIONS.

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (c) Development and use of the Property must comply with Part I of this article.

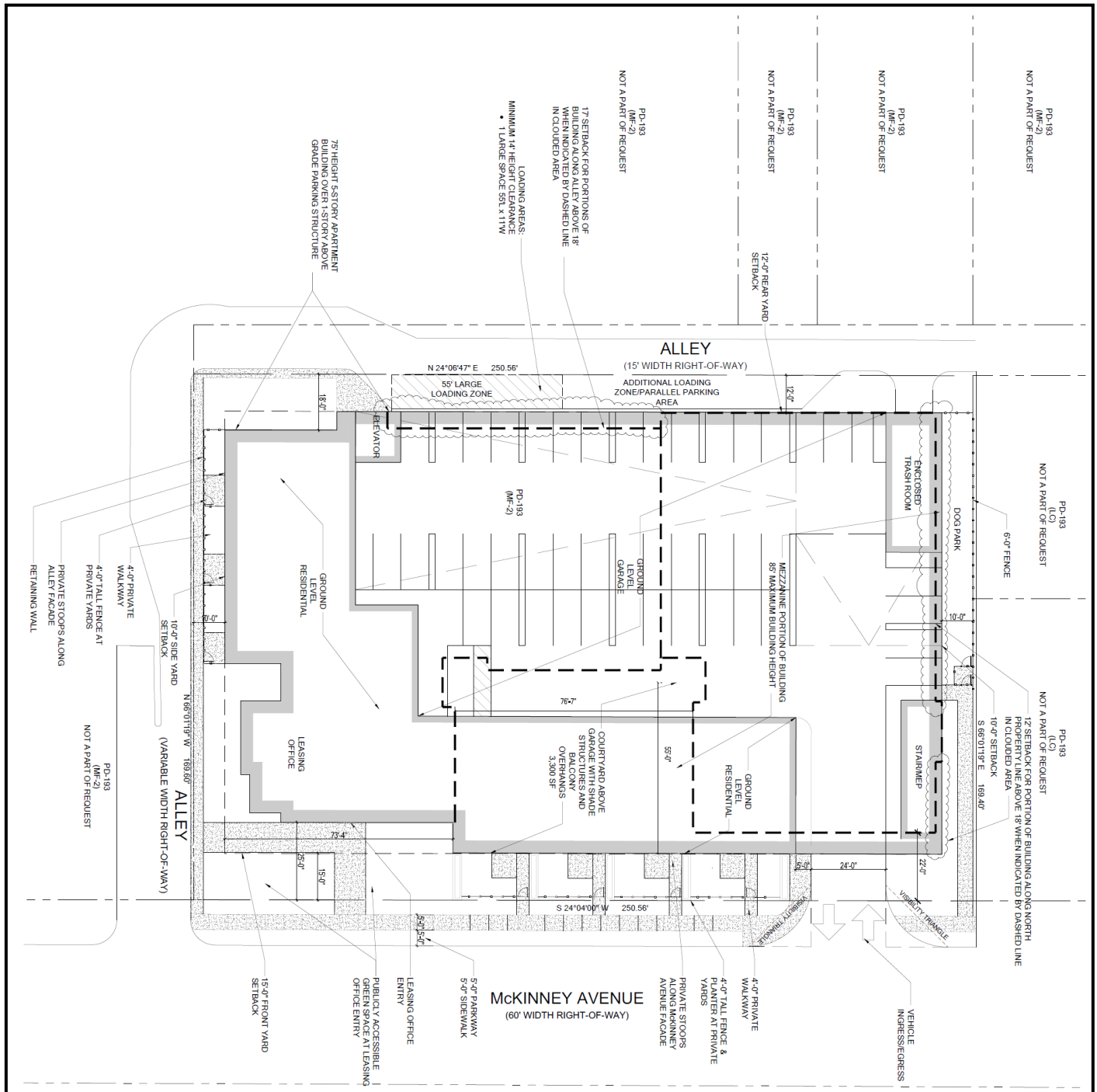
SEC. S-____.113. COMPLIANCE WITH CONDITIONS

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of thy city, as applicable.

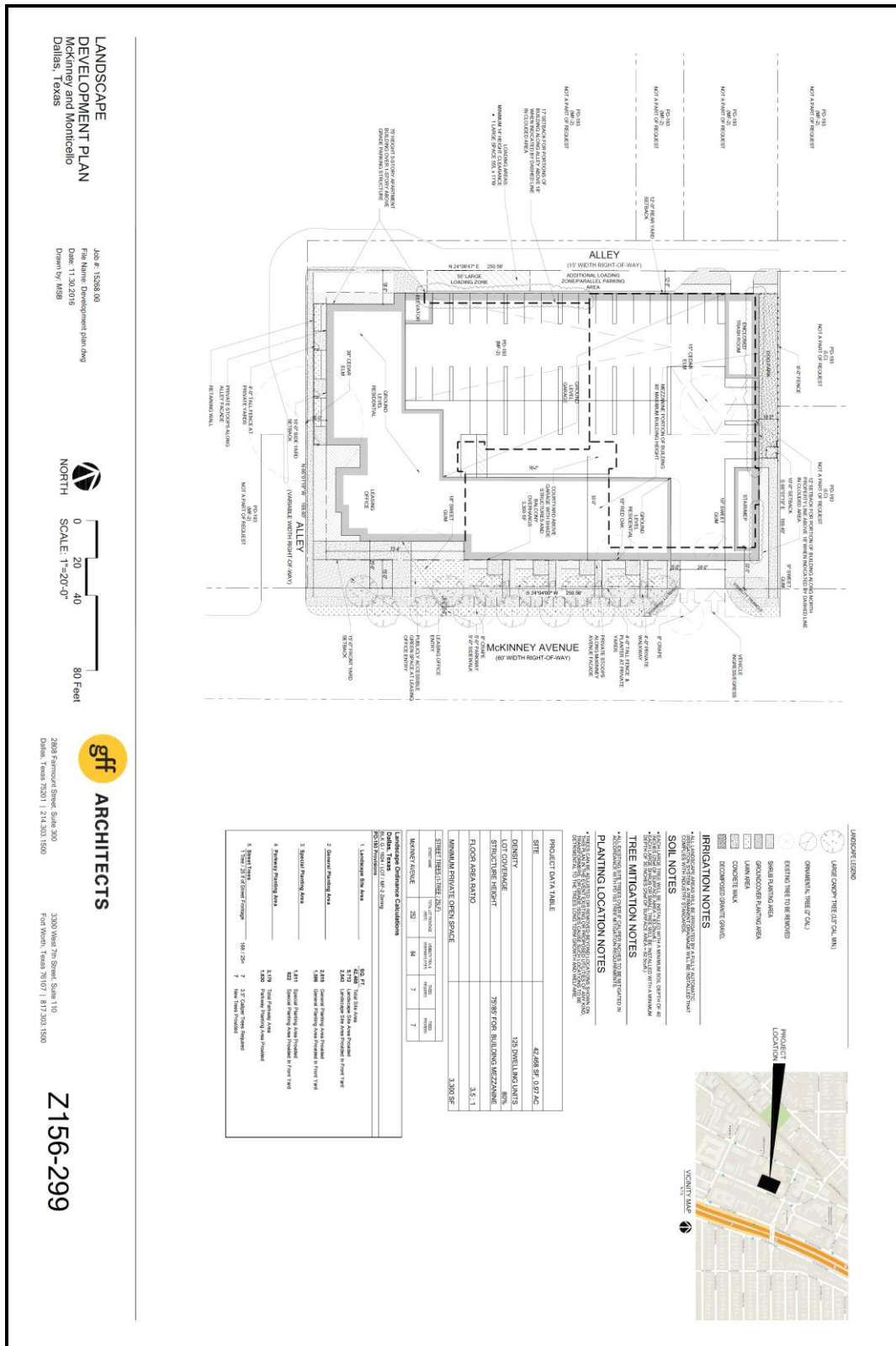
PROPOSED DEVELOPMENT PLAN



ENLARGED DEVELOPMENT PLAN

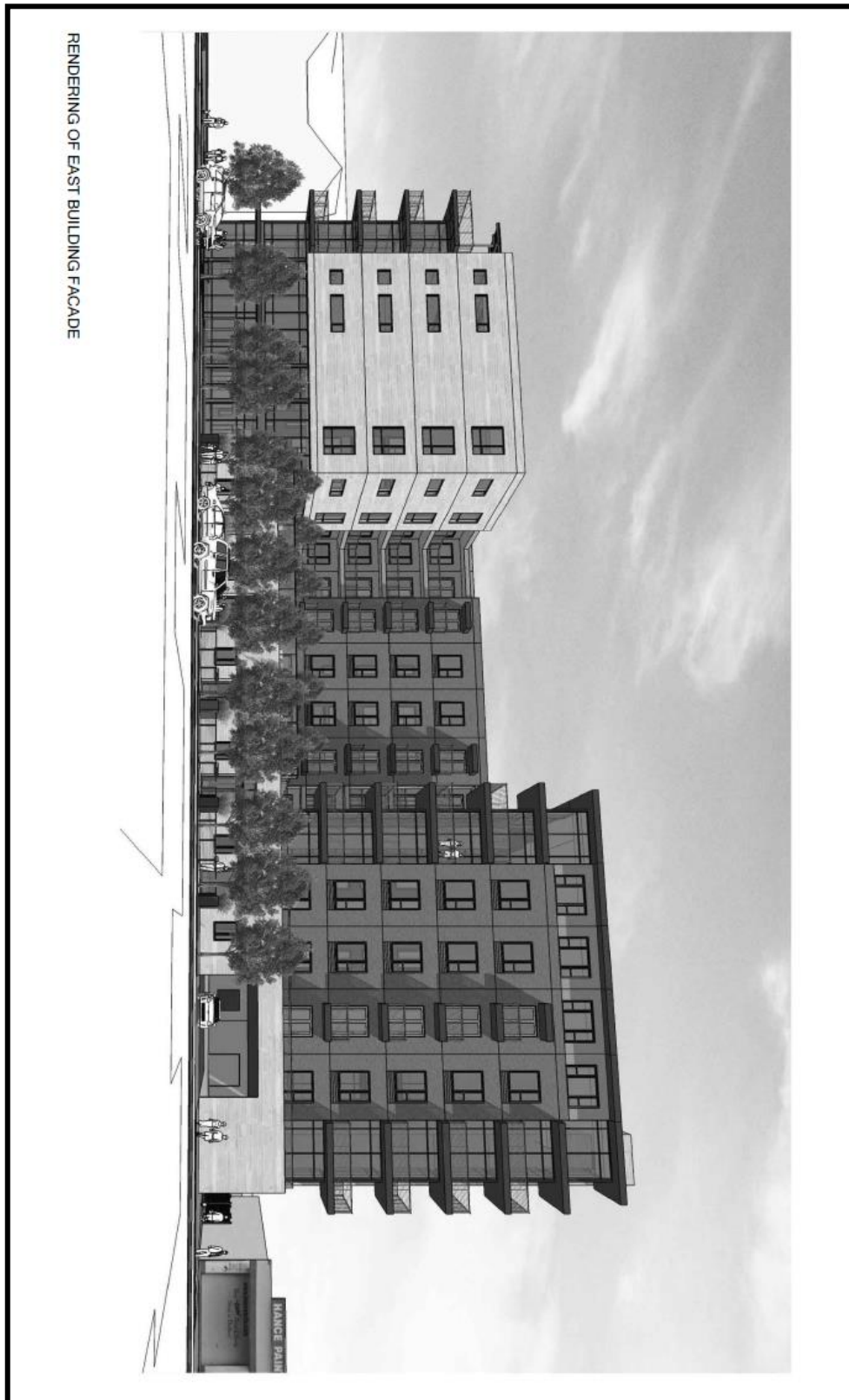


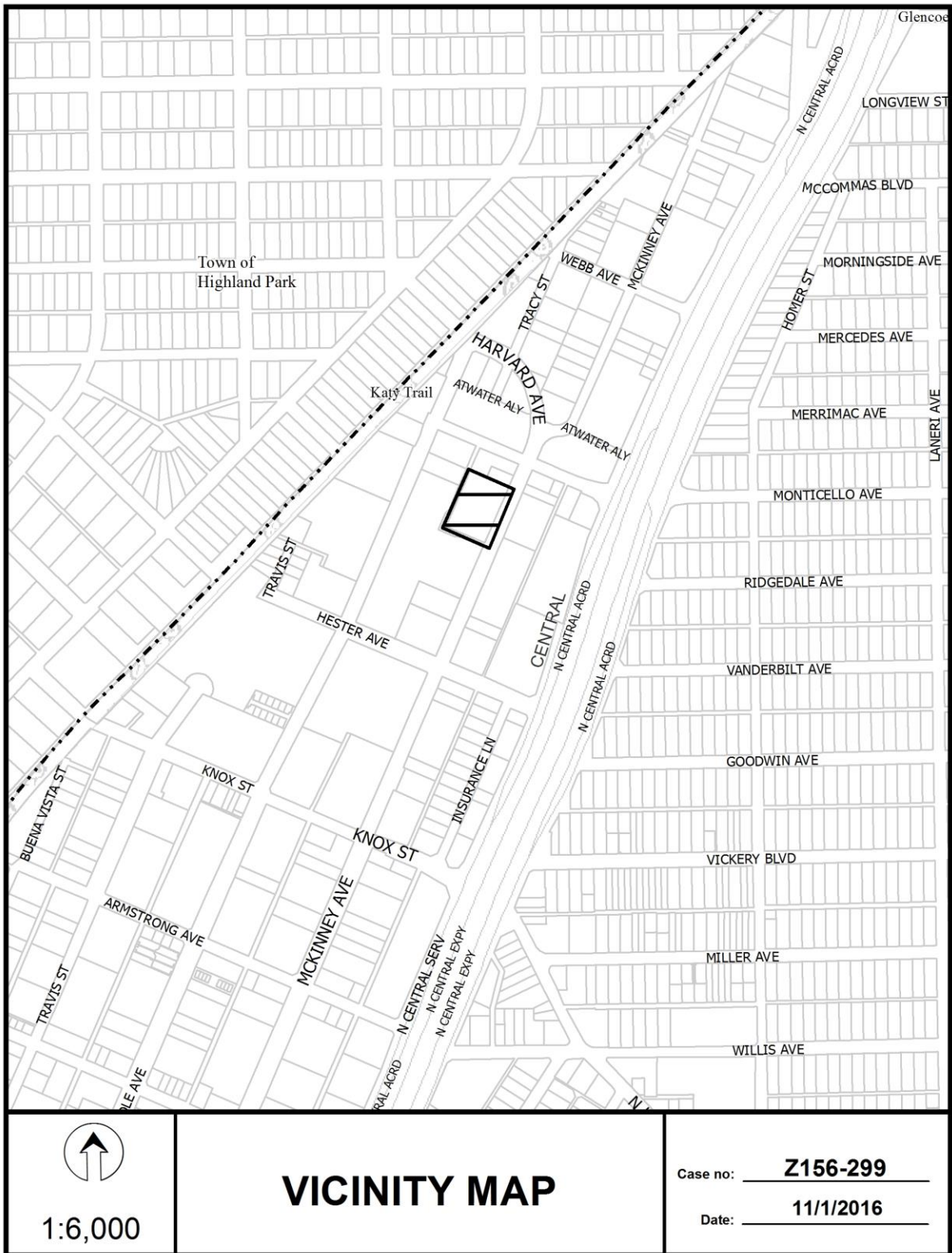
PROPOSED LANDSCAPE PLAN



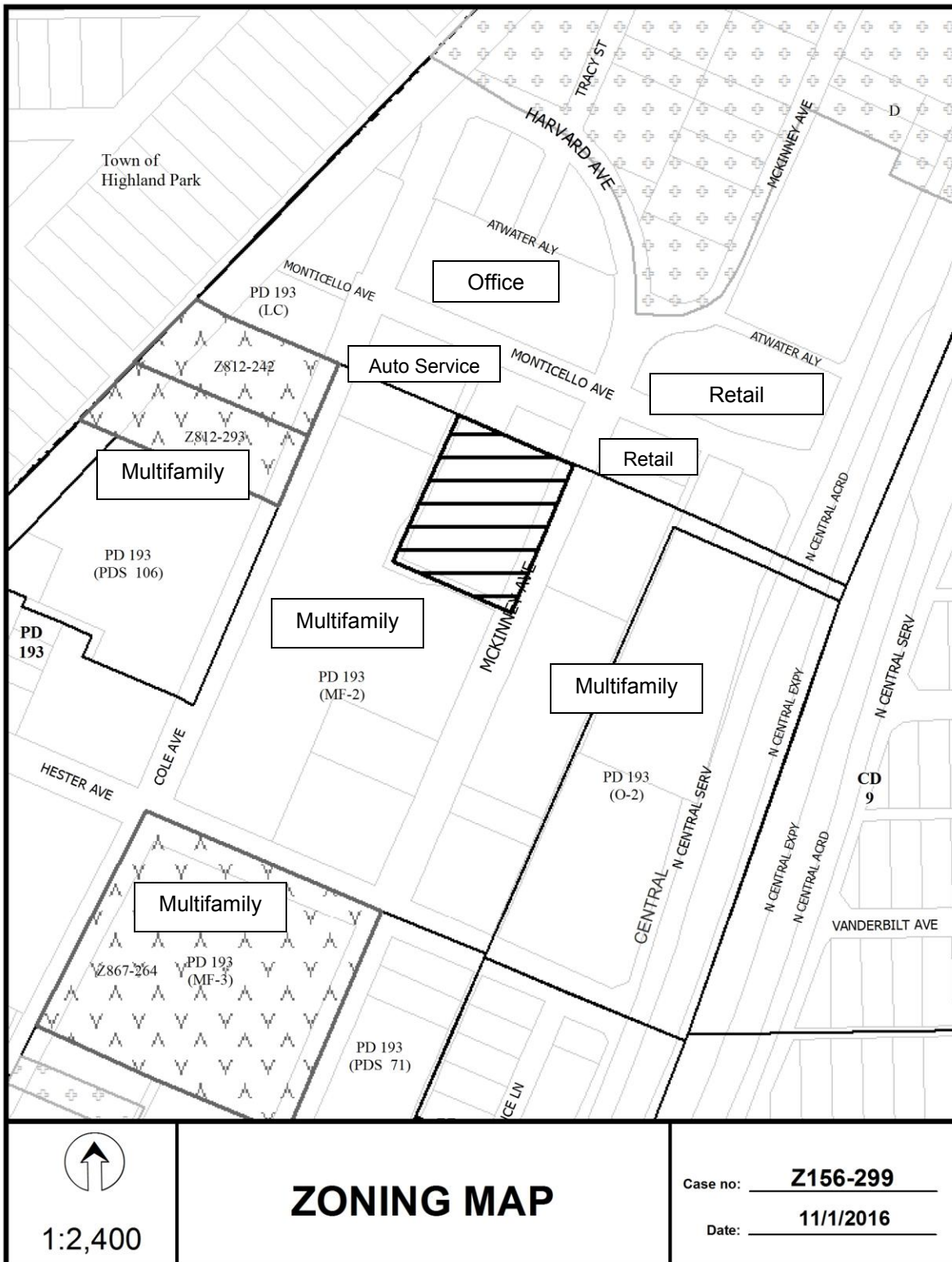


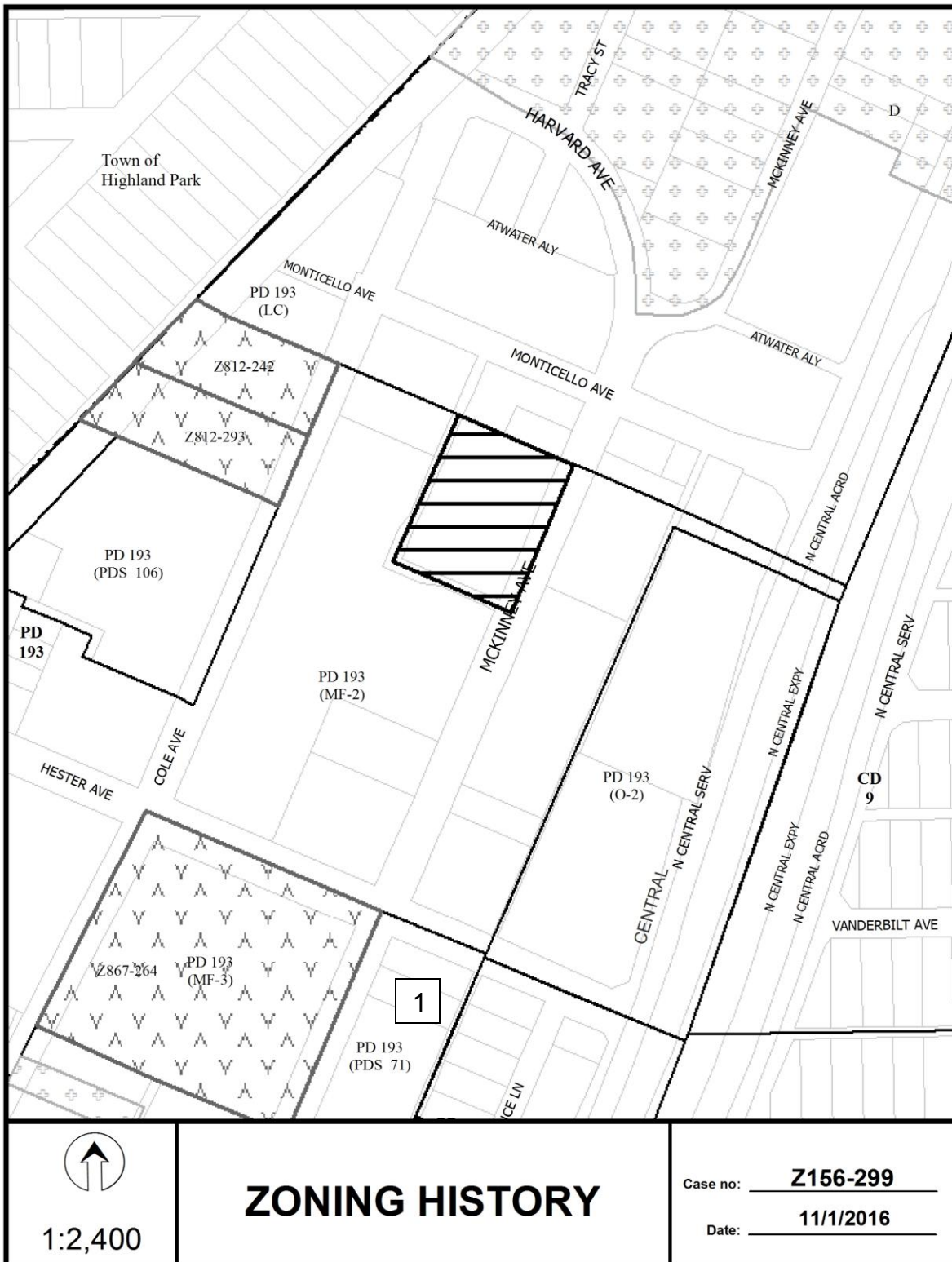
PROPOSED CONCEPTUAL RENDERING











CPC Responses



<u>174</u>	Property Owners Notified (46 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>11/17/2016</u>	Date

Z156-299
CPC



1:2,400

11/16/2016

Reply List of Property Owners***Z156-299******174 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4805 MCKINNEY AVE	MCDANIEL LLOYD H &
	2	4805 MCKINNEY AVE	NOLLEY FRANCES EMILY
	3	4805 MCKINNEY AVE	JONES SANDRA G
	4	4805 MCKINNEY AVE	JONES LAURA E
	5	4805 MCKINNEY AVE	GEIGER KAREN
	6	4805 MCKINNEY AVE	WILDBERGER PAUL L &
	7	4805 MCKINNEY AVE	LLAUDER FITZGERALD
	8	4805 MCKINNEY AVE	SHIN TITUS N
	9	4805 MCKINNEY AVE	SURLS LYNN D
	10	4805 MCKINNEY AVE	DANG YION LLC
	11	4805 MCKINNEY AVE	VILLAGRAN ABEL
	12	4805 MCKINNEY AVE	MCCLURE MICHAEL L & JANIS
	13	4805 MCKINNEY AVE	RIZOS DAWN M
	14	4805 MCKINNEY AVE	RIZOS DAWN M
	15	4805 MCKINNEY AVE	HARRELL ROBERT R
	16	4805 MCKINNEY AVE	SINGHAL VAIBHAV
	17	4805 MCKINNEY AVE	SECORE RACHEL M
	18	4805 MCKINNEY AVE	FISHER MARCIA
	19	4805 MCKINNEY AVE	AHMED MUSTAQUE
	20	4805 MCKINNEY AVE	WIMAN ROSALIE
	21	4805 MCKINNEY AVE	GRAY JAMES & CAROL L
	22	4805 MCKINNEY AVE	RIZOS STRATIS NICK
	23	4805 MCKINNEY AVE	CHEN DANNY S & CELESTINA LIFE ESTATE
	24	4805 MCKINNEY AVE	CHEN DANNY S TR&
	25	4805 MCKINNEY AVE	RIZOS MAX MICKEY
	26	4805 MCKINNEY AVE	MCDANIEL LLOYD H &

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4805 MCKINNEY AVE	KEPLER JERRY &
	28	4805 MCKINNEY AVE	LEE YEW KEONG
	29	4805 MCKINNEY AVE	MCDANIEL BARBARA & LLOYD
	30	4805 MCKINNEY AVE	MCDANIEL BARBARA G
	31	4805 MCKINNEY AVE	DAIL WILLIAM EARL
	32	4855 N CENTRAL EXPY	BLACK VALLEY LLC
O	33	3017 MONTICELLO AVE	NICHOLS MELVIN
	34	4714 MCKINNEY AVE	4714 MCKINNEY LLC
	35	4830 MCKINNEY AVE	BLAINE ROBERT A III
	36	4826 MCKINNEY AVE	HANCE RANDA BARTON
	37	3027 MONTICELLO AVE	FAIREY JEFF
	38	4901 COLE AVE	4901 COLE INC
	39	4900 MCKINNEY AVE	MONTICELLO WEST LTD ET AL
	40	4824 COLE AVE	DUNLAP SWAIN CO
	41	4824 COLE AVE	DUNLAP SWAIN LESSEE
	42	3109 MONTICELLO AVE	COLE CLAUDETTE C &
	43	4719 COLE AVE	TRAVIS COLE APARTMENTS 2012 LP
	44	4825 COLE AVE	WESTDALE MONTICELLO LP
	45	3131 HARVARD AVE	STREETLIGHTS RESIDENTIAL
	46	4920 TRACY ST	BANKERS LIFE INS CO
	47	3130 HARVARD AVE	GUTIERREZ JAVIER
	48	4919 MCKINNEY AVE	SHELLY LAMB ENTERPRISES
	49	4925 MCKINNEY AVE	BANKERS LIFE INS CO
	50	4910 COLE ST	4901 COLE INC
	51	3030 HESTER AVE	BELL FUND V KNOX HENDERSON LLC
	52	4712 COLE AVE	CIM/4649 COLE AVENUE LP
	53	4701 MCKINNEY AVE	MONTICELLO DEVELOPMENT
	54	4809 COLE AVE	RAIM COLE AVENUE LP
	55	4920 MCKINNEY AVE	ESS PRISA II TX LP
	56	401 S BUCKNER BLVD	DART
	57	4902 ABBOTT AVE	DP ABBOTT 4902 LLC

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4904 ABBOTT AVE	DAVIDOW SETH
	59	4906 ABBOTT AVE	RUBIN MARTIN JAY
	60	4908 ABBOTT AVE	MORGAN BLANCHE WILLIAMS
	61	4910 ABBOTT AVE	LECHTENBERG ROBERT K &
	62	4912 ABBOTT AVE	ISTRE TODD
	63	4914 ABBOTT AVE	MARTHENS WILLIAM R
	64	4916 ABBOTT AVE	MARTHENS WILLIAM R &
	65	4918 ABBOTT AVE	BOWER THOMAS K
O	66	4920 ABBOTT AVE	DEMARCO DANIEL C &
	67	4810 MCKINNEY AVE	FALCONE A WAYNE &
	68	4810 MCKINNEY AVE	FALCONE A WAYNE
	69	4810 MCKINNEY AVE	FALCONE A W FAMILY LTD PS THE
	70	4810 MCKINNEY AVE	FALCONE A W FAMILY LTD PS THE
	71	4810 MCKINNEY AVE	A W FALCONE FAMILY LTD PS THE
	72	4810 MCKINNEY AVE	BOLES MARGARET
	73	4810 MCKINNEY AVE	FALCONE A W FAMILY LTD PS
	74	4810 MCKINNEY AVE	BEASLEY NORMA L
	75	4810 MCKINNEY AVE	FALCONE A W FAMILY LTD PS THE
	76	4810 MCKINNEY AVE	B & W INVESTMENTS
	77	4810 MCKINNEY AVE	VICK BURNICE JIM
	78	4810 MCKINNEY AVE	FALCONE A W FAMILY THE
	79	4722 MCKINNEY AVE	HOOVER JENNIFER
	80	4728 MCKINNEY AVE	TIMMERMAN MICHAEL A & SUSAN H
	81	4728 MCKINNEY AVE	NUNEZ RAUL &
	82	4728 MCKINNEY AVE	WEISFELD RONALD A
	83	4728 MCKINNEY AVE	KNOBLER DONALD R
	84	4802 MCKINNEY AVE	RICHARD MICHAEL
	85	4728 MCKINNEY AVE	GALLAGHER KATHLEEN C
	86	4728 MCKINNEY AVE	WEISERT TARI LIFE ESTATE
	87	4728 MCKINNEY AVE	GIANNASI TAYLOR
	88	4728 MCKINNEY AVE	STANTON LIVING TRUST

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	89	4722	MCKINNEY AVE	BUCK JAMES L
	90	4728	MCKINNEY AVE	SCHIMMING VERNON H &
	91	4728	MCKINNEY AVE	ROCHESTER SARAH
	92	4728	MCKINNEY AVE	VILLANUEVA JORGE A
	93	4722	MCKINNEY AVE	CASSADA ROBERT HOWARD JR & CHARLOTTE MCIVOR
	94	4728	MCKINNEY AVE	ESCAMILLA CONSUELO V
	95	4728	MCKINNEY AVE	ESCAMILLA CONSUELO V
	96	4728	MCKINNEY AVE	CRUZ MANUEL
	97	4728	MCKINNEY AVE	CUELLAS JOSHUA J
	98	4728	MCKINNEY AVE	CRONK JOHN A
	99	4728	MCKINNEY AVE	4728 MCKINNEY LLC
	100	4728	MCKINNEY AVE	MALINA JAMES
	101	4728	MCKINNEY AVE	SCHUTZ ERIK R
	102	4728	MCKINNEY AVE	SINGER SUSAN E
	103	4728	MCKINNEY AVE	SYNODIS DONNA L &
	104	4728	MCKINNEY AVE	KILGORE CHRISTOPHER H
	105	4722	MCKINNEY AVE	PASCOE STEVEN J & DEBRA A
	106	4722	MCKINNEY AVE	MCDONALD BILLY LANE
	107	4722	MCKINNEY AVE	KNIGHT WILLIAM R
	108	4722	MCKINNEY AVE	KNOBLER DONALD RICHARD
	109	4722	MCKINNEY AVE	GAUKLER JOSEPH E & LYNNE
	110	4717	MCKINNEY AVE	MCCUTCHEN MARK D
	111	4717	MCKINNEY AVE	BIEGLER MALLORY
	112	4717	MCKINNEY AVE	SCHAFER CHRISTOPHER & TRACI R
	113	4717	MCKINNEY AVE	FREDERICKS ANDREW S & KATHERINE N
	114	4717	MCKINNEY AVE	ROHLEDER MARCIE M
	115	4717	MCKINNEY AVE	ODONNELL GARY & JULIE
	116	4717	MCKINNEY AVE	TRIMMELL JOHN D & SUSAN
	117	4719	MCKINNEY AVE	MURRY SCOTT M
	118	4719	MCKINNEY AVE	BEHNAM SOROUGH
	119	4719	MCKINNEY AVE	MATTHEWS AMANDA L

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	120	4719	MCKINNEY AVE	BUSH DARLA S
	121	4719	MCKINNEY AVE	TRAN HONG
	122	4719	MCKINNEY AVE	AYATS MAS OTILIA
	123	4719	MCKINNEY AVE	BAUMANN RACHEL K
	124	4803	N CENTRAL EXPY	HOPKINS DIANA P
	125	4805	N CENTRAL EXPY	VANSTRAATEN MARINUS P
	126	4807	N CENTRAL EXPY	PHILLIPS DAVID G &
	127	4809	N CENTRAL EXPY	CHUNG YU LIN
	128	4811	N CENTRAL EXPY	CLINE MARY M
	129	4815	N CENTRAL EXPY	BARTELL ANGELLE
	130	4817	N CENTRAL EXPY	BERRY LISA E &
	131	4819	N CENTRAL EXPY	FRANKLIN CHARLESZETTA
	132	4821	N CENTRAL EXPY	PHILLIPS ANN
	133	4823	N CENTRAL EXPY	VAN STRAATEN M P
	134	4825	N CENTRAL EXPY	GARCIA PATRICIA E
	135	4827	N CENTRAL EXPY	VAN STRAATEN MARINUS P
	136	4829	N CENTRAL EXPY	MORRIS TAMECA
	137	4831	N CENTRAL EXPY	KING CHRISTEN C
	138	4833	N CENTRAL EXPY	CERVANTES JULIO CESAR
	139	4837	N CENTRAL EXPY	COSBY DIANA &
	140	4839	N CENTRAL EXPY	LINE WINSTON B
	141	4839	N CENTRAL EXPY	LEE MICHAEL EDWARD
	142	4839	N CENTRAL EXPY	CODDINGTON CAROLYN P
	143	4839	N CENTRAL EXPY	GARCIA WAYNE
	144	4841	N CENTRAL EXPY	PECK ROBBIN M
	145	4841	N CENTRAL EXPY	SUMLIN RICHARD K
	146	4841	N CENTRAL EXPY	ROSE GREGORY D
	147	4841	N CENTRAL EXPY	COSBY DIANA C
	148	4843	N CENTRAL EXPY	JJ REAL ESTATE LLC
	149	4843	N CENTRAL EXPY	MARCOULIDES JAMES E
	150	4843	N CENTRAL EXPY	IPENEMA INVESTMENTS LTF

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	151	4843	N CENTRAL EXPY	MORALES ADRIANA
	152	4845	N CENTRAL EXPY	THRESHER BRENDA ANN
	153	4845	N CENTRAL EXPY	LEWIS DON V
	154	4847	N CENTRAL EXPY	CLORE CHRISTINE W &
	155	4847	N CENTRAL EXPY	KRAUSE MARTHA H
	156	4847	N CENTRAL EXPY	SMITH REBECCA KAY
	157	4847	N CENTRAL EXPY	LOPEZ BENJAMIN
	158	4849	N CENTRAL EXPY	COSBY COLE THOMAS &
	159	4849	N CENTRAL EXPY	COSBY DIANA
	160	4849	N CENTRAL EXPY	SPARKS KRISTEN A
	161	4708	MCKINNEY AVE	COWAN GERALDINE
	162	4708	MCKINNEY AVE	APPLE JAROLD LEE
	163	4708	MCKINNEY AVE	GRAY JUSTIN L
	164	4708	MCKINNEY AVE	J & O BLAKE FAMILY LLC
	165	4708	MCKINNEY AVE	4708 MCKINNEY 202 LLC
	166	4708	MCKINNEY AVE	VEVERA MARK C
	167	4708	MCKINNEY AVE	KOCSI WILLIAM & KATHLEEN
	168	4704	MCKINNEY AVE	BLUE MH TEXAS LLC
	169	4704	MCKINNEY AVE	SUTLIFF ELIZABETH
	170	4704	MCKINNEY AVE	MUELLER JASON E &
	171	4708	MCKINNEY AVE	OWENS GARY ALLEN
	172	4704	MCKINNEY AVE	LOERA SANDRA V
	173	4818	COLE AVE	LESZINSKI LAWOMIR TRUSTEE
	174	4818	COLE AVE	LESZINSKI SLAWOMIR TR

AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 61A U; V; Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting **(1)** an amendment to and an expansion of the Subdistrict S-1c, South Zone portion on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521; and **(2)** rezone a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone on property generally along the east line of Mountain Creek Parkway, north of Camp Wisdom Road

Recommendation of Staff and CPC: Approval, subject to conceptual plan and conditions

Z156-327(SH)

FILE NUMBER: Z156-327(SH) **DATE FILED:** August 19, 2016

LOCATION: East line of Mountain Creek Parkway, north of Camp Wisdom Road.

COUNCIL DISTRICT: 3 **MAPSCO:** 61A-U, V, Z

SIZE OF REQUEST: Approx. 104.51 acres **CENSUS TRACT:** 165.21

OWNER/APPLICANT: First Industrial LP

REPRESENTATIVE: Santos Martinez with Masterplan

REQUEST: An application for 1) an amendment to, and an expansion of the Subdistrict S-1c, South Zone portion on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521 and 2) rezone a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone.

SUMMARY: The applicant is requesting an amendment to, and expansion of, the existing Subdistrict S-1c, South Zone as follows: 1) combine Subdistrict S-1c, South Zone with portions of Subdistricts S-1d and S-2a, South Zone; 2) rezone part of S-1d to S-2a, South Zone; 3) create a new use (data center) and corresponding off-street parking requirement; 4) establish regulations for yard, lot, and space, landscaping, and signage; 5) create architectural design standards; 6) identify designated open space and developable areas; and, 7) provide for required transportation improvements, including vehicular access and pedestrian sidewalks.

CPC RECOMMENDATION: Approval, subject to conceptual plan and conditions

STAFF RECOMMENDATION: Approval, subject to conceptual plan and conditions

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The subject site is comprised of approximately 104.51 acres of undeveloped land and is currently undeveloped and zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521.
- On November 10, 1998, the City Council passed Ordinance No. 23711 which established Planned Development District No. 521. It is divided into both north and south subzone with Interstate Highway 20 being the dividing line. PDD No. 521 possesses approximately 2,925 acres and allows for a wide variety of land uses.
- The proposed PDD provides for an amendment to and expansion of the existing Subdistrict S-1c, South Zone as follows: 1) combine Subdistrict S-1c, South Zone with portions of Subdistricts S-1d and S-2a, South Zone; 2) rezone part of S-1d to S-2a, South Zone; 3) create a new use (data center) and corresponding off-street parking requirement; 4) establish regulations for yard, lot, and space, landscaping, and signage; 5) create architectural design standards; 6) identify designated open space and developable areas; and, 7) provide for required transportation improvements, including vehicular access and pedestrian sidewalks
- The site will be developed with industrial uses with a maximum building area of 1,205,280 square feet. The proposed conceptual plan depicts designated open space and developable areas with three access points to the site from Mountain Creek Parkway.

Zoning History:

1. Z145-229 On June 17, 2015, the City Council approved a new subdistrict on property zoned Subdistrict B, North Zone within Planned Development District No. 521.
2. Z134-290 On December 10, 2014, the City Council approved an amendment to Subdistricts A and C within Planned Development District No. 521.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Camp Wisdom Road	Principal Arterial	80 feet
Mountain Creek Parkway	Principal Arterial	100 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed redevelopment will have no significant impact on the surrounding street system.

Surrounding Land Uses:

	Zoning within PDD 521	Land Use
Site	Subdistricts S-1c, S-1d, and S-2a, South Zone	Undeveloped Land
North	Subdistrict B-2 North Zone	Undeveloped Land
East	Subdistrict S-2a South Zone	Undeveloped Land
South	Subdistricts S-2B and S-6 South Zone	Single Family and Open Enrollment Charter School
West	Subdistrict S-1b South Zone	Undeveloped Land

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

Dallas' future development opportunities and much of the projected growth capacity lie in the Southern Sector, offering a great opportunity to guide development and direct economic activity. The vast majority of vacant land in the city is located in the Southern Sector. As such, developments similar to the proposed request are necessary in order to promote and encourage efforts for continued investment in these underutilized areas of the city.

STAFF ANALYSIS:

Land Use Compatibility:

The 107.51-acre subject site is currently undeveloped. The property is bordered by Interstate Highway 20 to the north, with industrial uses located beyond. A single family residential development and open enrollment charter school are located to the south of the site, across Camp Wisdom Road. The remaining adjacent areas to the east and west are undeveloped.

The subject site is currently zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521. The applicant is requesting to 1) combine Subdistrict S-1c, South Zone with portions of Subdistricts S-1d and S-2a, South Zone; 2) rezone part of S-1d to S-2a, South Zone.

Subdistrict S-1c will be developed with industrial uses with a maximum building area of 1,205,280 square feet. The proposed conceptual plan depicts a minimum 26 acres of open space and designates developable areas within the site. The development will be served by three access points from Mountain Creek Parkway.

The PDD proposes to create a new use classified as a data center which is defined as a facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including not limited to web hosting organizations and internet service organizations. The only other uses that will be permitted within Subdistrict S-1c are: industrial (inside) for light manufacturing; church; temporary construction or sales office; local utilities; police or fire station; mini-warehouse; office showroom/warehouse; trade center; and warehouse.

The proposed PDD conditions provide for modifications to the development standards that currently apply to Subdistrict S-1c. While the PDD proposes to double the land area of Subdistrict S-1c, the proposed maximum permitted floor area will be increased from 292,723 square feet to 1,205,280 square feet. Likewise, the proposed FAR will be increased from 0.15 to 0.27. The previous development standards allowed for a FAR of 0.15 and lot coverage of 60 percent, which essentially contradicted one another. Further, with a maximum height provision of 54 feet, the allowable maximum stories of 12 could never be achieved. The PDD proposes to reduce the maximum stories to two feet, reduce the maximum lot coverage to 30 percent, and increase setbacks, allowing for a development that is more compatible with the surrounding neighborhood.

The following table compares the development standards of the existing subdistrict to the proposed PDD conditions:

Development Standards:

<u>DISTRICT</u>	SETBACKS		FAR	Height	Max Stories	Lot Coverage	PRIMARY Uses
	Front	Side/Rear					
<i>Existing</i> PDD No. 521 (S-1c)	15'	5'	0.15	54'	12	60%	Variety
<i>Applicant Request</i> Proposed PDD (S-1c)	*See below	100' – north property line 335' – east property line	0.27	54'	2	30%	Limited

*A minimum setback of 270 feet from Mountain Creek Parkway for a main use. An accessory guard house is permitted with a minimum setback of 100 feet from Mountain Creek Parkway. A minimum setback of 480 feet along Camp Wisdom Road for a main use. An accessory guard house is permitted with a minimum setback of 350 feet along Camp Wisdom Road

Design standards

Architectural design standards have been incorporated into the PDD conditions to encourage quality development that will be compatible to the adjacent built environment. The conditions provide for building articulation standards, allowable exterior building colors and façade material, and regulations for monument signs to ensure that the signs will be aesthetically pleasing.

Landscaping:

Landscaping will be provided in accordance with Article X regulations with the following exceptions. 1) Street trees may be planted within 70 feet from the back of the established curb line, and 2) a landscape buffer, a minimum of 60 feet in width, along the entire length of lot frontage adjacent to Mountain Creek Parkway, excluding points of ingress or egress. In addition to this, the PDD stipulates that sidewalks located along public right-of-way may be placed within the area located behind the back of an established or projected curb line and required berms. If not located in the right-of-way, a sidewalk easement must be dedicated. The sidewalk located in the Open Area A on the Conceptual Plan will be a meandering. Staff is supportive of these modifications as they result from negotiations between the applicant, the City Arborist, and the adjacent residential community.

Parking:

Minimum off-street parking requirements will be subject to Chapter 51A regulations. The PDD proposes a parking requirement for the data center use at a ratio of one space for every 2,000 square feet of floor area. A warehouse use requires 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. Staff believes that the proposed

Z156-327(SH)

parking ratio for the data center use is consistent with this requirement and is supportive of the request.

CPC ACTION – November 17, 2016:

Motion: It was moved to recommend **approval** of an amendment to and an expansion of the Subdistrict S-1c, South Zone portion, subject to conceptual plan and conditions to include a provision that canopy trees must be at or within 20 feet of the crest of the berm (to be shown on the plan) on property zoned Subdistricts S-1c, S-1d, and S-2a, South Zone, within Planned Development District No. 521; and to rezone a portion of Subdistrict S-1d, South Zone into Subdistrict S-2a, South Zone on property generally along the east line of Mountain Creek Parkway, north of Camp Wisdom Road.

Maker: Houston
Second: Anglin
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 53
Replies: For: 3 against: 4

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Ellen Taft, 7924 Glenway Dr., Dallas, TX, 75249
For (Did not speak): Royal Pratt, 513 Homeplace, Fairview, TX, 75069
Robert Allen, 6431 Chesley Ln., Dallas, TX, 75214
Staff: Phil Erwin, Chief Arborist, City of Dallas
Against: None

List of Officers

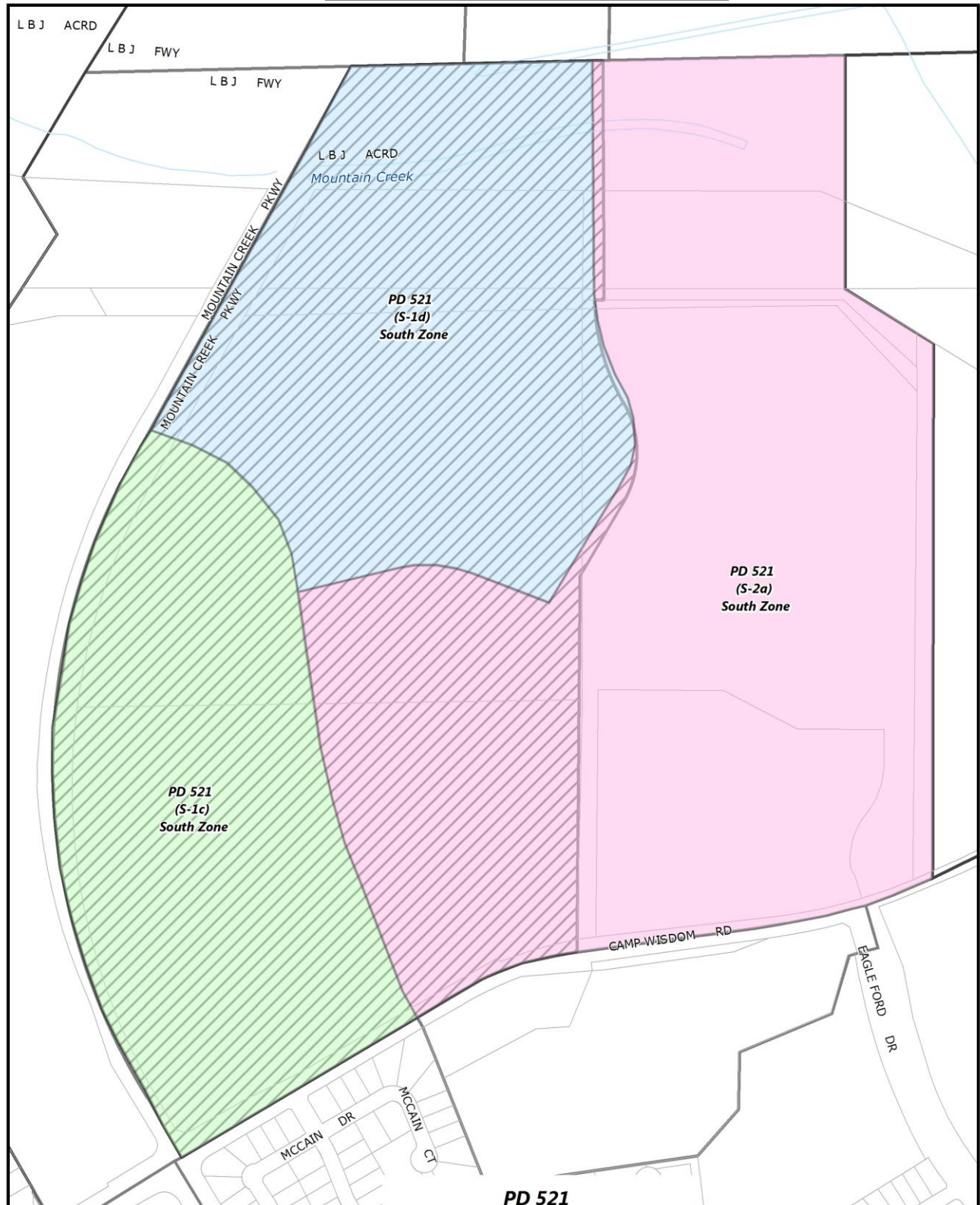
First Industrial LP

General Partner is First Industrial Realty Trust Inc.

List of Officers for
First Industrial Realty Trust, Inc.

W. Ed Tyler	Chairman of the Board of Directors
Bruce W. Duncan	President and Chief Executive Officer
Matthew Dominski	Director
H. Patrick Hackett, Jr.	Director
John Rau	Director
L. Peter Sharpe	Director

CURRENT SUBDISTRICTS



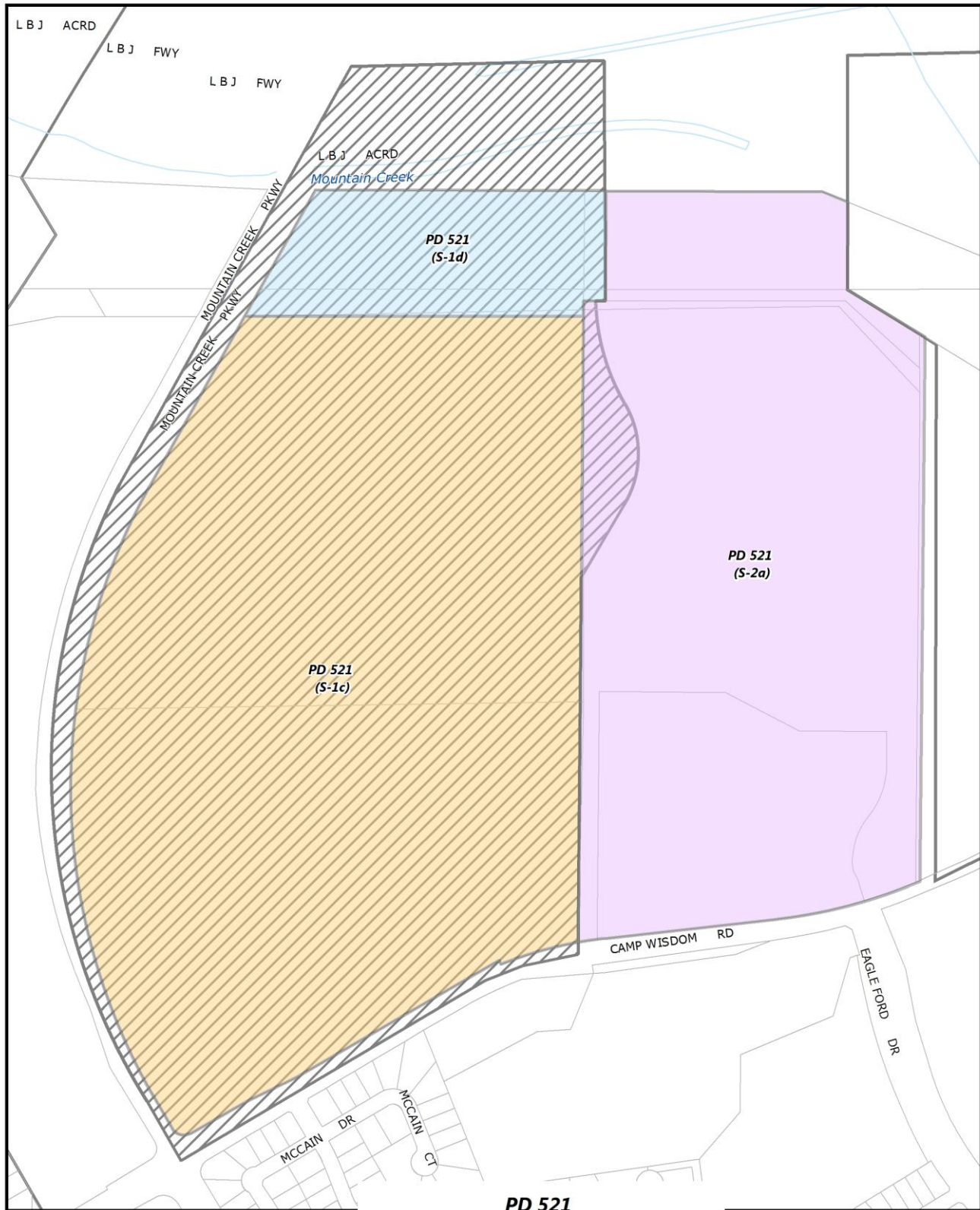
1:5,200

Printed Date: 11/11/2016

PD 521
Current South Zone Subdistricts:
(S-1d) (S-1c) (S-2a)

Z156-327

PROPOSED SUBDISTRICTS



1:5,200

Printed Date: 11/11/2016

PD 521
Reconfigured South Zone Subdistricts:
(S-1d) (S-1c) (S-2a)

Z156-327

PROPOSED PDD CONDITIONS

Note: Due to the size of the PD, only the portions of the conditions pertinent to this request are included in this report.

SEC. 51P-521.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) **SUBDISTRICT** means one of the subdistricts in this district. Each zone in this district contains several subdistricts.

(2) **THIS DISTRICT** means the entire planned development district created by this article.

(3) **ZONE** means the North Zone or the South Zone.

(4) **PARKWAY** means the portion of a street right-of-way between the projected curb and the lot line of the Property.

(5) **DATA CENTER** means a facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including not limited to web hosting organizations and internet service organizations.

(b) Unless otherwise stated, all references to code articles, divisions, or sections are to Chapter 51A.

(c) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10 are considered to be business zoning districts.

(d) Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E are considered to be non-business zoning districts. (Ord. Nos. 24425; 24914; 25481; 27716; 29785)

SEC. 51P-521.107. MAIN USES.

(a) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10. The following main uses are permitted in Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10.

(1) **Agricultural uses.**

- Animal production. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, ~~S-1c~~, and S-1d only.]*
- Commercial stable. *[Subdistricts A, B, B-1, B-2, C, and D only.]*
- Crop production. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, ~~S-1c~~, and S-1d only.]*

(2) Commercial and business service uses.

- Building repair and maintenance shop. *[Subdistricts B, B-1, and B-2 only.]*
- Catering service. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Commercial cleaning or laundry plant. *[Subdistricts B, B-1, and B-2 only; SUP required.]*
- Custom business services. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Electronics service center. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Job or lithographic printing. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Machinery, heavy equipment, or truck sales and services. *[Subdistricts B, B-1, and B-2 only.]*
- Medical or scientific laboratory. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Technical school. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Tool and equipment rental. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*

(3) Industrial uses.

- Gas drilling and production. *[By SUP only in Subdistrict B-1.]*
- Industrial (inside) for light manufacturing. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.] [In Subdistrict B and S-1c, the floor area limitation for industrial (inside) for light manufacturing in Chapter 51A does not apply; however, this use is limited to the FAR requirements in Sec. 51P-521.109(a)(3)(eC) and (H).]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

- Adult day care facility. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]* *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Cemetery or mausoleum. *[Subdistricts A, B, B-1, B-2, C, and D only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Child-care facility. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]* *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Church. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*

- College, university, or seminary. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Community service center. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Convent or monastery. *[Subdistricts A, B, B-1, B-2, C, D, and S-10 only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Hospital. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Library, art gallery, or museum. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Public or private school. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*

(5) Lodging uses.

- Hotel or motel. *[In Subdistricts B, B-1, and B-2, SUP required for hotel or motel containing 80 rooms or less; otherwise, by right.] [Subdistricts A, C, D, S-1a, S-1b, S-1d, and S-10 by right]*

(6) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Financial institution with drive-in window. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Medical clinic or ambulatory surgical center. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Office.

(8) Recreation uses.

- Country club with private membership. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Private recreation center, club, or area. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house. [*Subdistricts A, B, B-1, B-2, C, and D only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.*]
- Duplex. [*Subdistricts A, B, B-1, B-2, C, and D only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.*]
- Multifamily. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, and S-10 only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.*]
- Retirement housing. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, and S-10 only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.*]
- Single family. [*Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.*] [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Handicapped group dwelling unit. [*SUP required if spacing component of Section 51A-4.209(3) is not met. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.*] [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]

(10) Retail and personal service uses.

- Ambulance service. [*Subdistricts B, B-1, and B-2 only.*]
- Animal shelter or clinic with outside run. [*Subdistricts B, B-1, and B-2 only.*]
- Animal shelter or clinic without outside run. [*Subdistricts B, B-1 only.*]
- Auto service center. [*Subdistricts B, B-1, and B-2 only.*]
- Alcoholic beverage establishments. [*Subdistricts B, B-1, and B-2 only; SUP required.*]
- Business school. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Carwash. [*Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1e~~, S-1d, and S-10 only.*]
- Commercial amusement (inside). [*Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1e~~, S-1d, and S-10 only. SUP required in Subdistrict B; otherwise, by right.*]
- Commercial amusement (outside). [*Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1e~~, S-1d, and S-10 only. SUP required in Subdistrict B; otherwise, by right.*]
- Commercial parking lot or garage. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Dry cleaning or laundry store. [*Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1e~~, S-1d, and S-10 only.*]

- Furniture store. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- General merchandise or food store 3,500 square feet or less. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- General merchandise or food store greater than 3,500 square feet. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Home improvement center, lumber, brick, or building materials sales yard. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Household equipment or appliance repair. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Mortuary, funeral home, or commercial wedding chapel. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Motor vehicle fueling station. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Nursery, garden shop, or plant sales. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Outside sales. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Personal service use. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Restaurant without drive-in or drive-through service. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Restaurant with drive-in or drive-through service. *[SUP required in Subdistrict B; otherwise, by right.] [Subdistricts A, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 by right]*
- Surface parking. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Temporary retail use. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*
- Theater. *[Subdistricts B, B-1, B-2, D, S-1b, ~~S-1c~~, S-1d, and S-10 only. SUP required in Subdistrict B; otherwise, by right.]*
- Truck stop. *[Subdistrict B-2 only.]*
- Vehicle display, sales, and service. *[Subdistricts B, B-1, B-2, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10 only.]*

(11) Transportation uses.

- Heliport. *[SUP] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Helistop. *[SUP] [Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Private street or alley. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only]*
- Transit passenger shelter. *[SUP required in Subdistricts B, B-1, and B-2; otherwise, by right.] [Subdistricts A, C, D, S-1a, S-1b, S-1d, and S-10 by right]*
- Transit passenger station or transfer center. *[SUP required in Subdistricts B, B-1, and B-2; otherwise, by right.] [Subdistricts A, C, D, S-1a, S-1b, S-1d, and S-10 by right]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Electrical substation. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Local utilities.
- Police or fire station.
- Post office. [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Radio, television, or microwave tower. [SUP] [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Tower/antenna for cellular communication. [*Permitted as if located in a CR Community Retail District; see Section 51A-4.212(10.1).*] [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]
- Utility or government installation other than listed. [SUP] [*Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1d, and S-10 only*]

(13) Wholesale, distribution, and storage uses.

- Auto auction. [*Subdistricts A, C, and D only; SUP required.*]
- Data Center. [*Subdistrict S-1c*]
- Freight terminal. [*Subdistricts A, B, B-1, B-2, C, and D only. SUP required in Subdistricts B, B-1, and B-2; otherwise, by right.*]
- Manufactured building sales lot. [*Subdistricts A, C, and D only; SUP required.*]
- Mini-warehouse. [*Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10; SUP required.*]
- Office showroom/warehouse.
- Trade center. [*Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.*]
- Warehouse. [*Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.*]

(b) Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E. The following main uses are permitted in Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E.

(1) Agricultural uses.

- Animal production. [*Subdistricts S-2a and E only.*]
- Commercial stable. [*Subdistrict E only.*]
- Crop production. [*Subdistricts E and S-6 only.*]

(2) Industrial uses.

- Temporary concrete or asphalt batching plant. [*By special authorization of the building official.*]

(3) Institutional and community service uses.

- Adult day care facility. *[Subdistrict E only.]*
- Child-care facility.
- Church.
- College, university, or seminary. *[Subdistricts S-7 and S-9 only; SUP required.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[Subdistricts E, S-7, and S-9 only; SUP required.]*
- Convent or monastery. *[Subdistricts S-7 and S-9 only; SUP required.]*
- Public or private school. *[SUP]*

(4) Miscellaneous uses.

- Temporary construction or sales office.

(5) Office uses.

- Office. *[Subdistricts S-7 and S-9 only; SUP required.]*

(6) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(7) Residential uses.

- Duplex. *[Subdistrict E only.]*
- Multifamily. *[Subdistricts S-2a, S-2b, S-9, and E only.]*
- Retirement housing. *[Subdistricts S-2a, S-2b, S-7, S-9, and E only; SUP required.]*
- Single family.
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*
- Group residential facility. *[This use must comply with the provisions of Section 51A-4.209(b)(3). Subdistrict E only.]*
- College dormitory, fraternity, or sorority house. *[Subdistricts E, S-7, and S-9 only; SUP required.]*

(8) Retail and personal service uses.

- Dry cleaning or laundry store. *[Subdistrict E only.]*
- General merchandise or food store 3,500 square feet or less. *[Subdistrict E only.]*
- Motor vehicle-fueling station. *[Subdistrict E only.]*
- Personal service use. *[Subdistrict E only.]*
- Surface parking. *[Subdistrict E only.]*
- Temporary retail use. *[Subdistrict E only.]*

(9) Transportation uses.

- Private street or alley.
- Transit passenger shelter.

(10) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities.
- Police or fire station. [SUP]
- Tower/antenna for cellular communication. [SUP]
- Utility or government installation other than listed. [SUP]

(Ord. Nos. 24425; 24914; 25481; 27716; 29785)

SEC. 51P-521.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. Nos. 24425; 24914)

SEC. 51P-521.109. 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 contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10.

(1) Front yard. Minimum front yard is 15 feet.

(2) Side and rear yard.

- (A) No minimum side and rear yard in Subdistricts A, C, D, S-1a, and S-10.
- (B) Minimum side and rear yard in Subdistricts S-1b, ~~S-1c~~, and S-1d is five feet.
- (C) Minimum side and rear yard in Subdistricts B, B-1, and B-2 are 10 feet.
- (D) Subdistrict S-1c.

(1) Front yard.

A minimum setback of 270 feet from Mountain Creek Parkway for a main use. An accessory guard house is permitted with a minimum setback of 100 feet from Mountain Creek Parkway. A minimum setback of 480 feet along Camp Wisdom Road for a main use. An accessory guard house is permitted with a minimum setback of 350 feet along Camp Wisdom Road.

(2) Side and rear yard.

A minimum side yard of 100 feet along the northern property line. A minimum side yard of 335 feet along the eastern property line.

(3) Maximum floor area ratios (FAR), maximum floor areas, net developable acres, and maximum dwelling unit densities. In these subdistricts, floor area ratio applies only to nonresidential development.

(A) Maximum floor area, dwelling unit density, and net developable acres for Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10 are as follows:

Subdistrict	Net Developable Acres	Maximum Permitted Floor Area (In square feet)	Dwelling Unit Density (Units Per Acre)
A	150.0	Refer to Paragraph (4) below	24
B, B-1, and B-2	501.10	Refer to Paragraph (4) below	24
C	150.0	Refer to Paragraph (4) below	24
D	51.77	Refer to Paragraph (4) below	7
S-1a	11.3	113,212	12
S-1b	52.9	345,648	5
S-1c	44.8 104.51	292,723 1,205,280	5 0
S-1d	35.4 12.53	231,303 81,871.02	5
S-10	15.5	155,792	24

(B) For Subdistrict A, maximum FAR is as follows:

(i) 0.39 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, office uses, recreation uses, utility and public service uses, and wholesale, distribution, and storage uses.

(ii) 0.10 for all other uses.

(C) For Subdistricts B, B-1, and B-2, maximum FAR is as follows:

(i) 0.75 for office uses.

(ii) 0.45 for the warehouse use.

(iii) 0.30 for retail and personal service uses.

(iv) 0.5538 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, recreation uses, utility and public service uses, and, excluding the warehouse use, wholesale, distribution, and storage uses.

(v) 0.1420 for all other uses.

(D) For Subdistrict C, maximum FAR is as follows:

(i) 0.39 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, office uses, recreation uses, utility and public service uses, and wholesale, distribution, and storage uses.

(ii) 0.10 for all other uses.

(E) For Subdistrict D, maximum FAR is as follows:

(i) 0.507 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, office uses, recreation uses, utility and public service uses, and wholesale, distribution, and storage uses.

(ii) 0.13 for all other uses.

(F) For Subdistrict S-1a, maximum FAR is 0.23.

(G) For Subdistricts S-1b, ~~S-1c~~, and S-1d, maximum FAR is 0.15.

(H) For Subdistrict S-1c, maximum FAR is .27.

(I) For Subdistrict S-10, maximum FAR is 0.23.

(5) Height.

(B) Subdistricts S-1a, S-1b, S-1c, and S-1d.

(i) Maximum structure height for non-residential structures is 54 feet.

(ii) Maximum structure height for residential structures is 36 feet.

(6) Lot coverage.

(A) Subdistricts B, B-1, and B-2.

(i) Maximum lot coverage for office uses is 30 percent.

(ii) Maximum lot coverage for all other uses is 60 percent.

(B) Subdistricts A, C, D, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10. Maximum lot coverage is 60 percent.

(C) Subdistrict S-1c. maximum lot coverage is 30 percent.

(7) Lot size. Minimum lot size for a single family residential use is:

(A) 2,000 square feet in Subdistricts A, B, B-1, B-2, C, D, S-1a, and S-10; and

(B) 5,000 square feet in Subdistricts S-1b, ~~S-1c~~, and S-1d.

(8) Stories.

(A) Maximum number of stories for non-residential structures is 12.

(B) Maximum number of stories for residential structures is three.

(C) Maximum number of stories in Subdistrict S-1c is two.

(9) Lighting.

(A) Subdistricts B, B-1, and B-2, and S-1c. Light fixtures attached to poles may not be located above 35 feet in height. All light sources mounted on poles or attached to buildings must utilize a 15-degree below horizontal, full, visual cut-off fixture. In Subdistrict S-1c, lighting shall be LED or similar lighting and fixtures to lessen the glare and light spillover to neighboring properties.

(B) Subdistricts A, C, D, S-1a, S-1b, ~~S-1c~~, S-1d, and S-10. Lighting must comply with all applicable height and lighting requirements in Chapter 51A.

(10) Subdistrict S-1c. Structures, except guardhouses, will be limited to the area described as, Building Area on the Conceptual Plan. Guardhouses, parking, drives (except the three drives shown on the Conceptual Plan from Mountain Creek Parkway into Subdistrict S-1c), and other access/maneuvering areas are limited to the area describes as, Developable Area or Building Area, as shown on the Conceptual Plan.

SEC. 51P-521.110.

OFF-STREET PARKING AND LOADING.

(a) In general. Except as otherwise provided in this article, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(b) In Subdistricts B, B-1, and B-2. In addition to the authority of the board of adjustment to consider parking special exceptions under Section 51A-4.311, the board of adjustment may grant a special exception to authorize a reduction of up to 75 percent of the number of off-street parking spaces for wholesale, distribution, and storage uses in Subdistricts B, B-1, and B-2. All other provisions of Section 51A-4.311 shall apply to such an exception. (Ord. Nos. 24425; 24914; 25481; 27716; 29785)

- (b) Data center use requires one space for every 2,000 square feet of floor area.

SEC. 51P-521.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24425; 24914)

SEC. 51P-521.112. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in compliance with Article X.

(b) In Subdistricts B, B-1, and B-2, the following additional landscaping requirements apply.

(1) A landscape buffer, a minimum of 35 feet in width, is required along the entire length of lot frontage adjacent to a divided thoroughfare, excluding points of ingress and egress.

(2) A landscape buffer, a minimum of 20 feet in width, is required along the entire length of lot frontage adjacent to an undivided thoroughfare, excluding points of ingress and egress.

(3) Prior to the issuance of a certificate of occupancy for a use with loading docks that face Mountain Creek Parkway, the following must be provided:

(A) A landscape buffer, a minimum of 60 feet in width, along the entire length of lot frontage adjacent to Mountain Creek Parkway, excluding points of ingress and egress.

(B) A minimum five-foot-high landscaped earthen berm with continuous three-foot-high evergreen plantings located within the 60-foot-wide landscape buffer.

(4) Except as provided in this paragraph, a side and rear yard landscape buffer, a minimum of 10 feet in width, is required. If two or three contiguous lots share truck loading areas, no landscape buffer is required along the shared side yard used for truck loading and maneuvering. See Exhibit 521F for an illustration of this landscaping provision.

(A) For industrial uses and wholesale, distribution, and storage uses, a minimum of one large canopy tree must be provided for each 150 linear feet of a side and rear yard landscape buffer, to be planted no closer together than 50 feet on center.

(B) Where a rear yard backs up to a floodway management area or floodway easement, the 10-foot buffer minimum planting requirements do not apply. This provision does not apply to drainage easements erected under direction of the U.S. Army Corps of Engineers.

(5) For the uses listed, a minimum of the following area must be landscaped:

(A) For industrial and wholesale, distribution, and storage uses, a landscaped area consisting of grass, shrubs, or trees equal to five percent of the lot area.

(B) For office uses, a landscaped area consisting of grass, shrubs, or trees equal to 10 percent of the lot area.

(C) For retail and personal service uses and commercial and business service uses, a landscaped area consisting of grass, shrubs, or trees equal to 15 percent of the lot area.

(c) Subdistrict S-1c, the following landscaping requirements apply for any use:

- A. Street trees may be planted within seventy (70) feet from the back of established curb line.
- B. A landscape buffer, a minimum of sixty (60) feet in width, along the entire length of lot frontage adjacent to Mountain Creek Parkway, excluding points of ingress or egress.

(1) A berm with a minimum height of ten (10) feet tall, minimum width of 100 feet and a maximum slope of 5:1, shall be located on the South side of the Developable Area per the Conceptual Plan. The berm shall be covered in native grasses and within twenty feet from the crest of the berm along the top of the berm a large canopy tree planted a minimum of one for every 150 linear feet of the berm. A continuous evergreen planting of a three foot minimum height shall also be included along the top portion of the berm. The trees located on the berm will be irrigated. The berm landscaping to be maintained by owner.

(2) Three berms with minimum height of ten (10) feet tall, minimum width of 100 feet and a maximum slope of 5:1 shall be located on the West side of the Developable Area per the Conceptual Plan. Each berm shall be covered with native grasses and the top of the berm a large canopy tree planted a minimum of one for every 150 linear feet of the berm. A continuous evergreen planting of a three foot minimum height shall also be included along the top portion of the berm. The trees located on the berm will be irrigated. At each drive off of Mountain Creek Parkway into the property 10 flowering trees (Texas Mountain Laurel, Crepe Myrtle, American Red Bud or similar) will be planted and an approximately 1,000 lb natural stone will be placed on either side of the drive. The berm landscaping to be maintained by owner.

(3) There will be two open space areas per the Conceptual Plan. The Open Space will have a minimum total of 26 acres.

(4) A large canopy tree will be planted and maintained every 150 linear feet along the North side of the PD along the Oncor property.

(5) A large canopy tree will be planted and maintained every 150 linear feet along the South side of the PD along Camp Wisdom Rd.

(6) A large canopy tree will be planted and maintained every 150 linear feet along Mountain Creek Pkwy. (large canopy trees planted on the berms will count towards this landscaping requirement)

(7) A minimum of 5% of the total lot area shall be landscaped

(8) Landscaping will be designed with “water-wise” and native plant materials as approved by the building official.

(9) As approved by the building official, and to the extent the developed site reasonably allows, any required tree mitigation will be done on the Property.

(10) Open space shall remain natural and undistributed except as required for utilities, emergency access, landscaping/mitigation or excavation/grading. If distributed (other than for emergency access, landscaping/mitigation, and/or sidewalks) the area shall be returned to a natural state using native plant materials. Emergency access through the open areas will be constructed using permeable paving material as approved by the building official.

(d) Private license granted in Subdistricts B, B-1, B-2, and S-1c.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this subdistrict for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit in accordance with the Dallas Building Code, or Subsection ~~(de)~~ of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any landscaping requirement if compliance is made impossible due to the director's revocation of a landscape permit or the revocation of the license granted herein affecting landscaping.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the property owner shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an “occurrence” basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(4) Each property owner shall be responsible for maintaining the landscaping and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping and related amenities. The granting of a license for landscaping and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(e) Parkway landscape permit in Subdistricts B, B-1, ~~and B-2~~ and S-1c.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director 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 construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way. (Ord. Nos. 24425; 24914; 25481; 27716; 29785)

SEC. 51P-521.113. SIGNS.

(a) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10.

(1) In general. Except as provided in this subsection, signs in Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1c, S-1d, and S-10 must comply with the provisions for nonresidential zoning districts in Article VII.

(2) Signs in Subdistricts B, B-1, and B-2. The following additional sign regulations apply:

- (A) Detached non-premise signs are prohibited.
- (B) Roof top signs are prohibited.

- (C) No sign attached to a pole support may exceed 25 feet in height.
- (D) No detached sign may exceed 400 square feet in effective area.
- (E) A detached sign with a maximum effective area of 60 feet may be located up to the property line if the sign does not exceed six feet in height above grade.

(3) Signs in Subdistrict S-1c. The following additional sign regulations apply:

(A) Detached non-premise signs are prohibited.

(B) Roof top signs are prohibited.

(C) A detached monument sign will have a maximum effective area of 60 feet may be located up to the property line if the sign does not exceed six feet in height above grade.

(D) A maximum of three monument signs shall be permitted along Mountain Creek Parkway. One monument sign may be located at each access point to the Property on Mountain Creek Parkway.

(E) Owner to maintain Mountain Creek parkway signage

(F) Attached signs are limited to a maximum of 400 square feet and are not permitted to face Camp Wisdom Road.

~~(3)~~(4) Business Park Entry Feature.

(A) In Subdistrict B, a Business Park Entry Feature that meets the specifications in Exhibit 521G is allowed at the entrance of the Mountain Creek Business Park located at the intersection of Mountain Creek Parkway and the LBJ Freeway (I-20), in a location that is between 160 to 165 feet from the centerline of the LBJ service road.

(B) A Business Park Entry Feature means an entry feature that identifies and contributes to the character or type of development; it is an entry feature which is located at a primary entrance and indicates a uniform development. A Business Park Entry Feature is a monument-style premise sign situated on a grade-level support structure (not a pole support) with no separation.

(C) The city retains its rights to the public right-of-way and easements as may be necessary or convenient for the purpose of erecting, constructing, maintaining, and operating utility over, across, under and through the premises in the designated set-back areas, or within the public right-of-way.

(D) The city retains its rights to remove the Business Park Entry Feature or any sign within the public right-of-way should the director determine that these features have become a nuisance or public safety issue.

(E) The city shall not be responsible for any expenses involved in removal or reconstruction of the Business Park Entry Feature should the director deem it necessary in accordance with Subparagraphs (C) or (D).

~~(4)~~(5) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this subdistrict for the exclusive purpose of Business Entry Feature. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(B) Upon the installation of a Business Park Entry Feature, a detached sign, and related amenities, in the public rights-of-way, the property owner shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an “occurrence” basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(C) Each property owner shall be responsible for maintaining the landscaping and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping and related amenities. The granting of a license for landscaping and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(b) All other subdistricts. Signs in all other subdistricts must comply with the provisions for non-business zoning districts in Article VII. (Ord. Nos. 24425; 24914; 25481; 26102; 27716; 29785)

SEC. 51P-521.114. FLOOD PLAIN AND ESCARPMENT ZONE REGULATIONS.

Development within this district must comply with Article V. (Ord. Nos. 24425; 24914)

SEC. 51P-521.116. TRANSPORTATION IMPROVEMENTS.

(a) Median openings on Mountain Creek Parkway may be spaced no closer than 1000 feet apart unless closer spacing is approved in writing by the director of public works and transportation.

(b) In order to provide free right turn lanes and dual left turn lanes within this district, where a principal arterial intersects with another principal arterial, a minor arterial, or a freeway, the public right-of-way must be a minimum of 20 feet wider than the right-of-way required for the through lanes for a distance of 400 feet from the intersection. (Ord. Nos. 24425; 24914)

(c) Subdistrict S-1c

1. Median openings located between Camp Wisdom Road and the northern boundary of Subdistrict S-1c shall be located per the Conceptual Plan.
2. Median openings, stacking lane in protected left-turns and driveways openings will be designed to accommodate commercial vehicles for length, width and turning radius.

SEC. 51P-521.117. NET DEVELOPABLE AREA CALCULATIONS.

All residential densities (dwelling units per acre) and all floor area ratios are calculated by using the "net developable area." The net developable area is calculated by subtracting the following from the gross acreage of each subarea:

- (1) Thoroughfares shown on the conceptual plans.
- (2) Land areas where slopes exceed a 25 percent grade.
- (3) Drainage ways.
- (4) The escarpment zone. (Ord. Nos. 24425; 24914)

SEC. 51P-521.117.1. SIDEWALKS.

(a) Except as otherwise provided in this article, the standards, provisions, and requirements of the Dallas City Code, as amended, apply to all sidewalks.

(b) In Subdistrict B, a sidewalk a minimum of six feet in width must be provided along the eastern frontage of Mountain Creek Parkway. The location of this sidewalk is subject to the approval of the director, but should be generally located in that area parallel to and between five and 15 feet from the back of the projected street curb. Notwithstanding Subsection (a) above, the sidewalk requirements along the western frontage of Mountain Creek Parkway are waived until the director deems it necessary to construct such sidewalk for safety and mobility issues.

(c) Should the director waive the required sidewalks in Subdistrict B, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. (Ord. 25481)

(d) In Subdistrict S-1c, sidewalks located along public right-of-way may be placed within the area located behind the back of an established or projected curb line and required berms. If not located in the right-of-way, a sidewalk easement must be dedicated. The sidewalk located in the Open Area A on the Conceptual Plan will be a meandering sidewalk.

SEC. 51P-521.118. ARCHITECTURAL DESIGN STANDARDS

For all uses in Subdistrict S-1c the following design standards must be met:

(a) Building Wall Articulation

1. The height of the exterior walls fronting on a public roadway shall have vertical articulation. Such articulation shall be a minimum of 2'-0" in vertical height in every 150'-0" of horizontal length.
2. At the entry and planned office areas of the building, horizontal recesses and indentations shall be incorporated. Such recesses and indentations shall be a minimum of 3'-0" deep and occur no less than every 25' of horizontal wall distance. The horizontal recess feature shall occur within the first 60' of a corner at any planned office area.
3. At entry and planned office areas of the building, canopies and/or sunscreens shall be incorporated to provide protection from the elements and "shade and shadow" visual effects on the walls.

(b) Exterior Stone

Acknowledging that a wholesale, distribution and storage use has a major portion of the exterior walls accommodating dock doors, trailers, and truck traffic and are generally screened from public view, natural stone veneer shall be incorporated at the entry and planned office areas of the building which are fronting on a public roadway only, which generally occur at the corners of the building. Such stone shall cover a minimum of 20% of the non-glazed portions of those walls to a minimum height of 10'-0" above ground, within a maximum distance of 60'-0" of the corners of the building and not within the truck dock portion of the building.

(c) Exterior Building Colors

The exterior walls of the building, not covered in glazing, stone or other masonry veneer, shall be painted. There shall be a minimum of 2 colors, which shall be complimentary to each other. The colors shall be in "earth-tone" hues, incorporating, but limited to, shades of off-whites, tans, beiges, browns, warm grays, and muted reds, greens, and golds.

(d) Monument Signs

All monument signs adjacent to a public roadway shall be designed and constructed to blend with the building and be complimentary to it. They shall incorporate aesthetics, materials, and colors from the building. Such materials shall include 20% natural stone used on the building. Monument signs shall be externally illuminated utilizing ground-mounted light fixtures, and shall have groundcover and low shrubbery around the sign and screening the light fixtures from view.

SEC. 51P-521.118. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

NOTE: Due to the presence of highly expansive soil conditions on property within this district, the building official, in accordance with the provisions of the Dallas Building Code, currently requires that all building permit applications submitted for structures in this district be accompanied by a letter bearing the seal and signature of a professional engineer registered in the State of Texas and must contain the street address and lot and block of the building site and a statement that the foundation has been designed to soil conditions based on a soil analysis prepared by a recognized testing laboratory in accordance with the Dallas Building Code.

(c) Prior to development plan approval or action on a specific use permit request by the city plan commission in Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, or S-10, written notification must be sent to all owners of real property lying within 500 feet of the boundary of the area of request. Measurements and the mailing of notices must be made pursuant to the requirements of Section 51A-4.701(b)(5).

(d) Truck stop.

(1) Showering facilities are prohibited.

(2) Commercial vehicles may not remain on the Property for more than one hour.

(3) Before the issuance of a certificate of occupancy for a truck stop in Subdistrict B-2, an access easement must be recorded to provide vehicular ingress and egress from the northern Property line. The access easement must be in the location shown on the Subdistrict B-2 development plan (Exhibit 521H). (Ord. Nos. 24425; 24914; 26102; 29785)

(e) In Subdistrict S-1c:

1. no access shall be permitted onto Camp Wisdom Road, except as required by the City for emergency access.

2. for an industrial, wholesale, distribution and storage use, a minimum queuing length of 600 feet shall be provided on private property between a guard house and the entry point onto the property for commercial motor vehicles entering the queue lane for the guard house.

3. A minimum distance of 1,000 feet shall be provided between the centerline of any ingress or egress point for commercial motor vehicles and the west bound travel lanes of Camp Wisdom Road at the intersection of Mountain Creek Parkway.

4. No commercial motor vehicle queuing is allowed from the property into the public right-of-way.

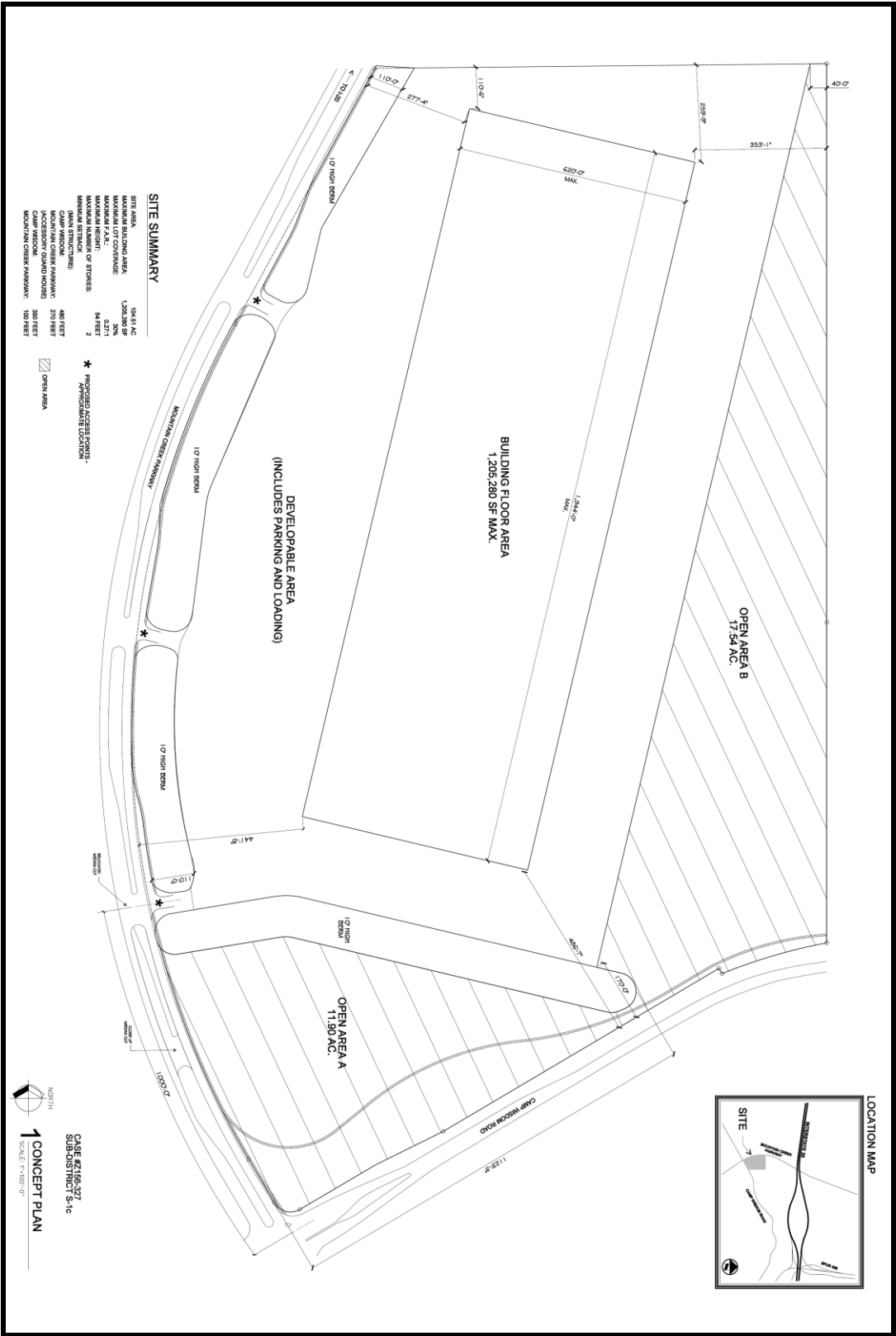
5. Vehicle access to the property from the east of the Subdistrict is limited to emergency access only and shall be controlled by a Knox-box or similar controlled access device limited to public safety access only.

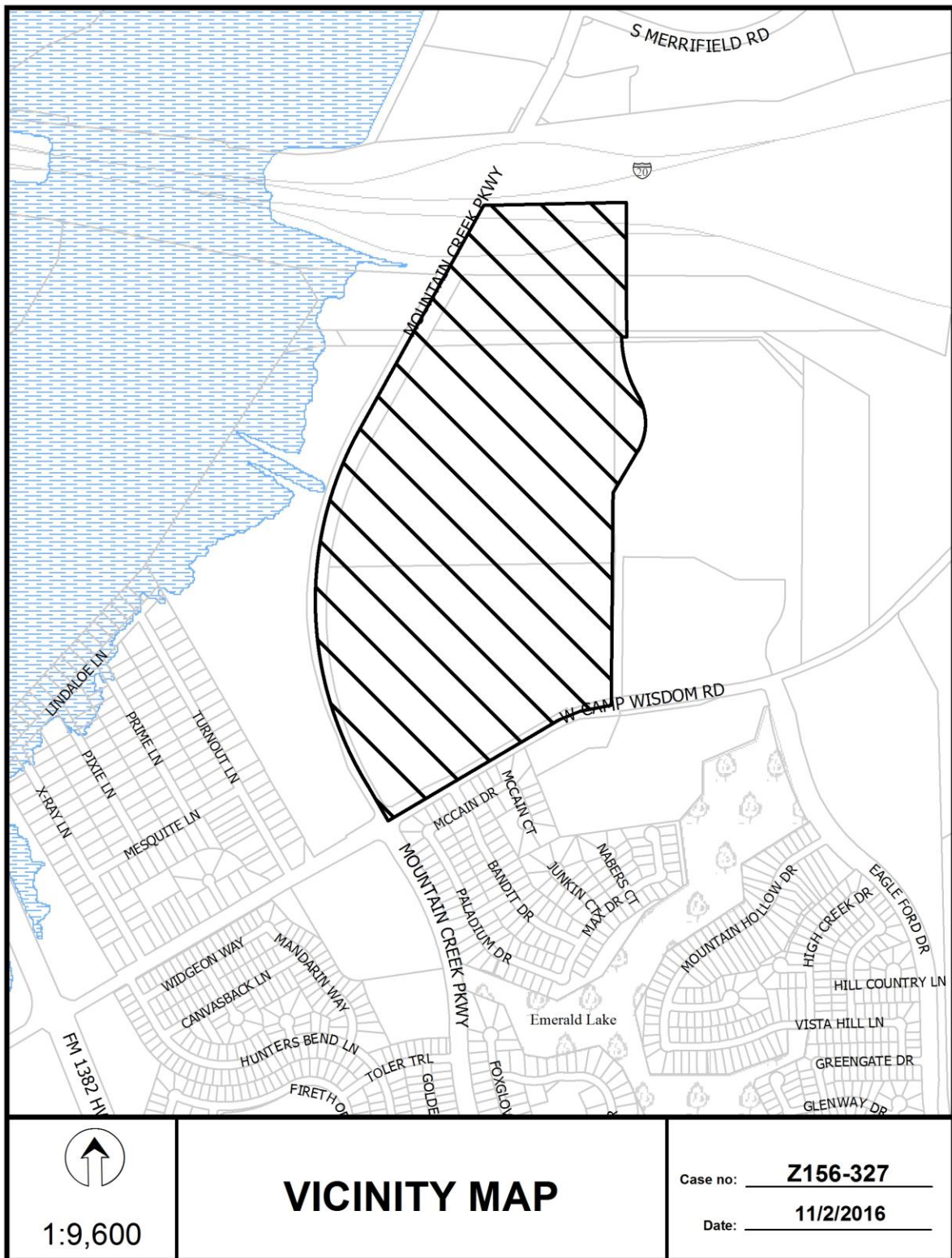
SEC. 51P-521.119. COMPLIANCE WITH CONDITIONS.

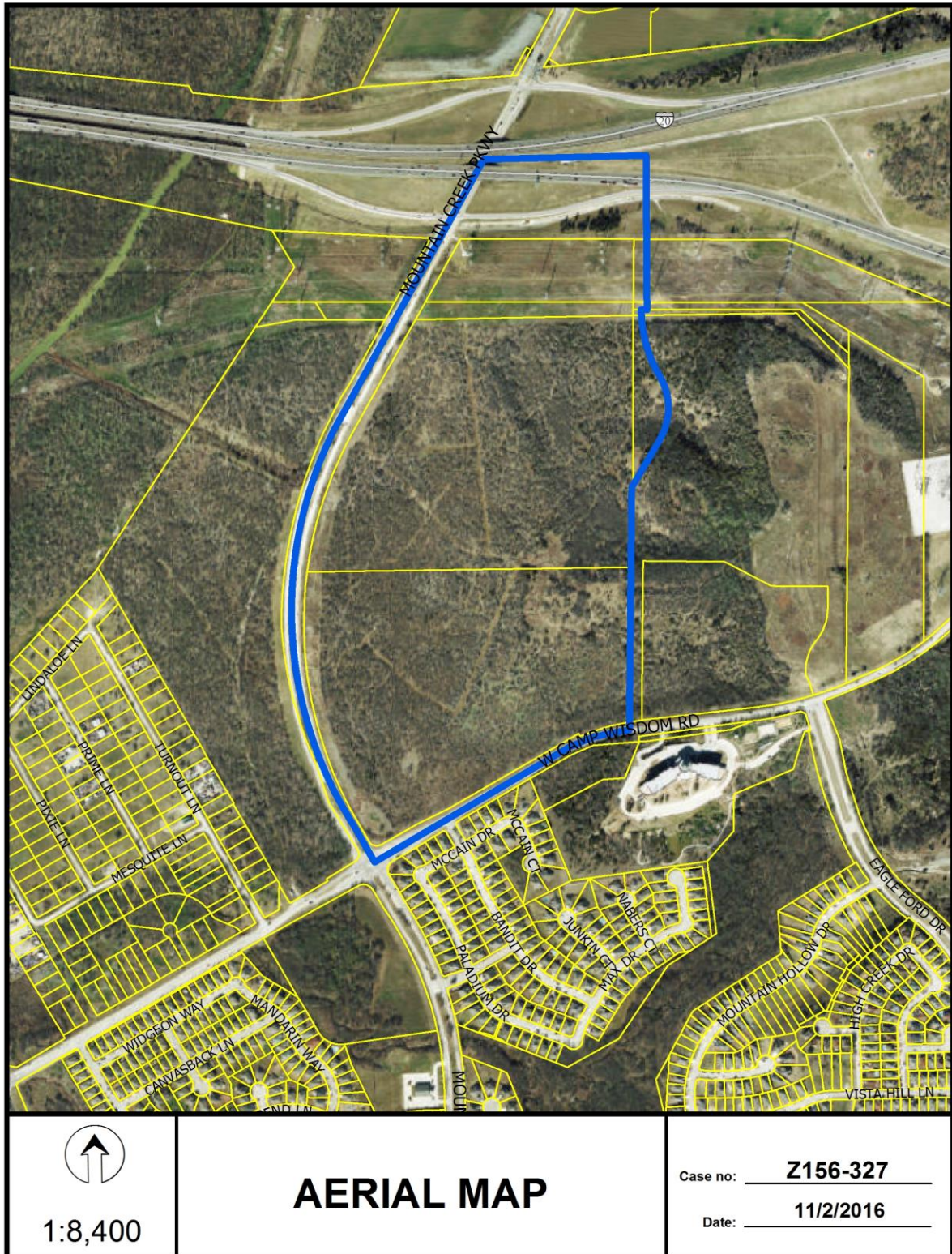
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

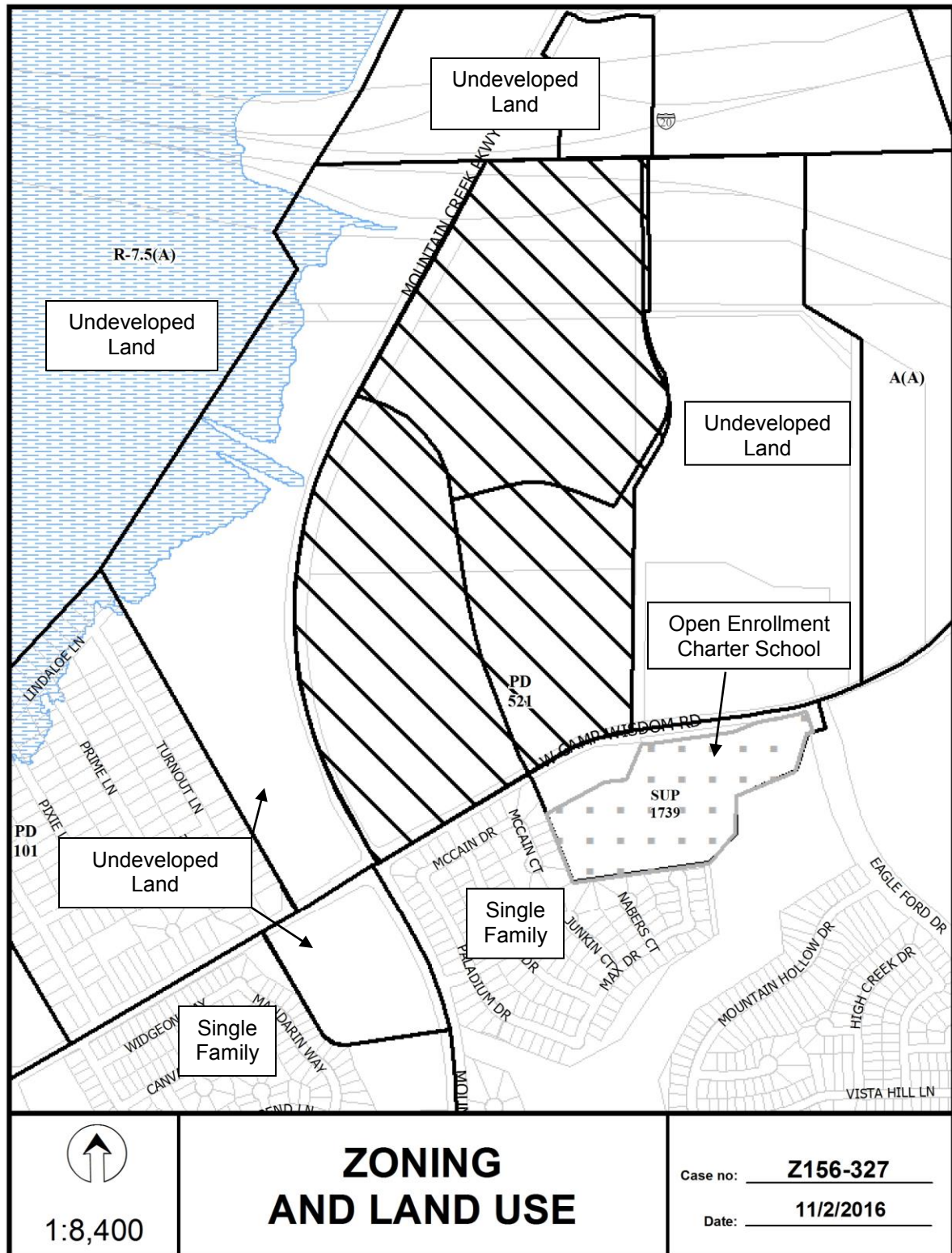
(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24190; 24914; 26102)

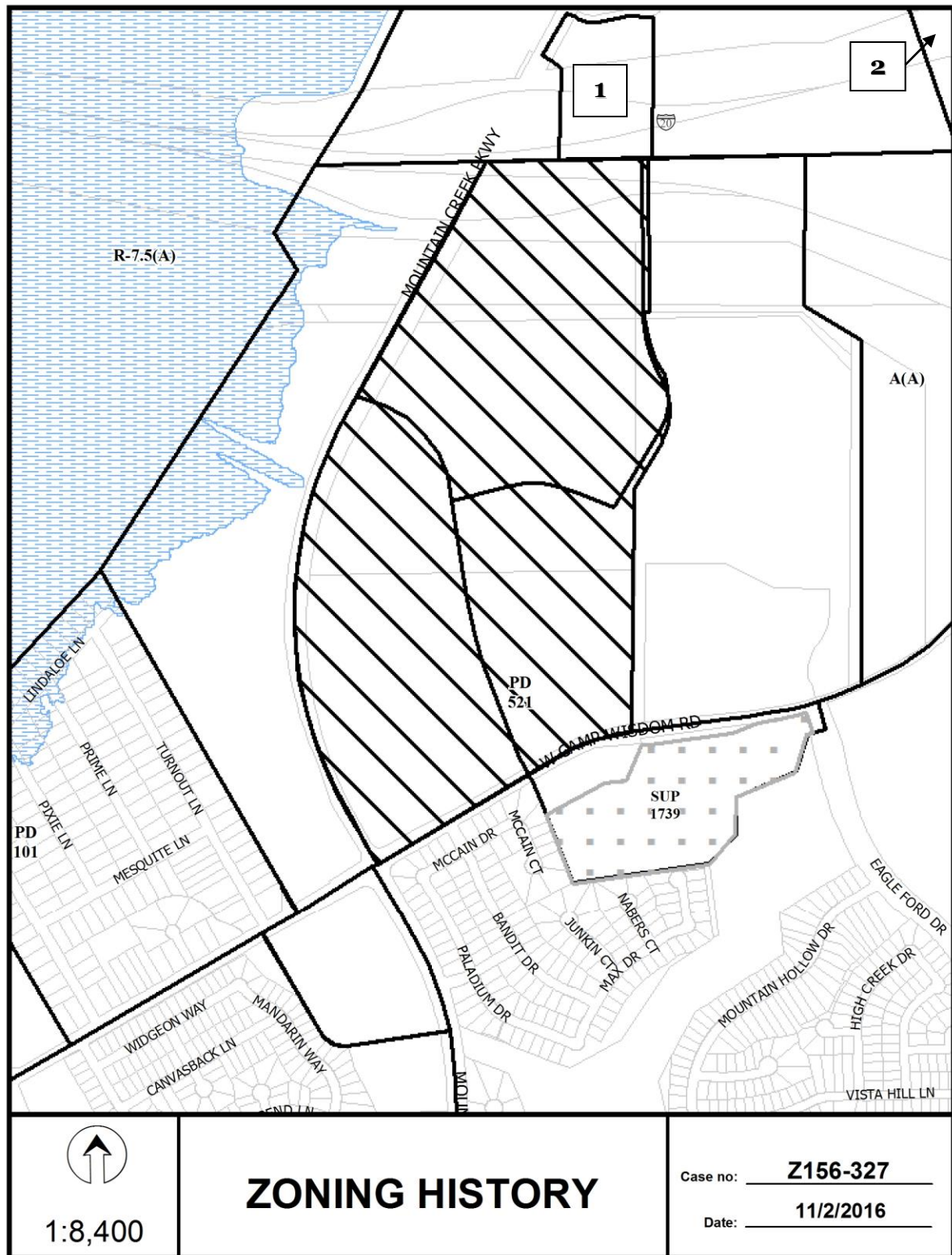
PROPOSED CONCEPTUAL PLAN



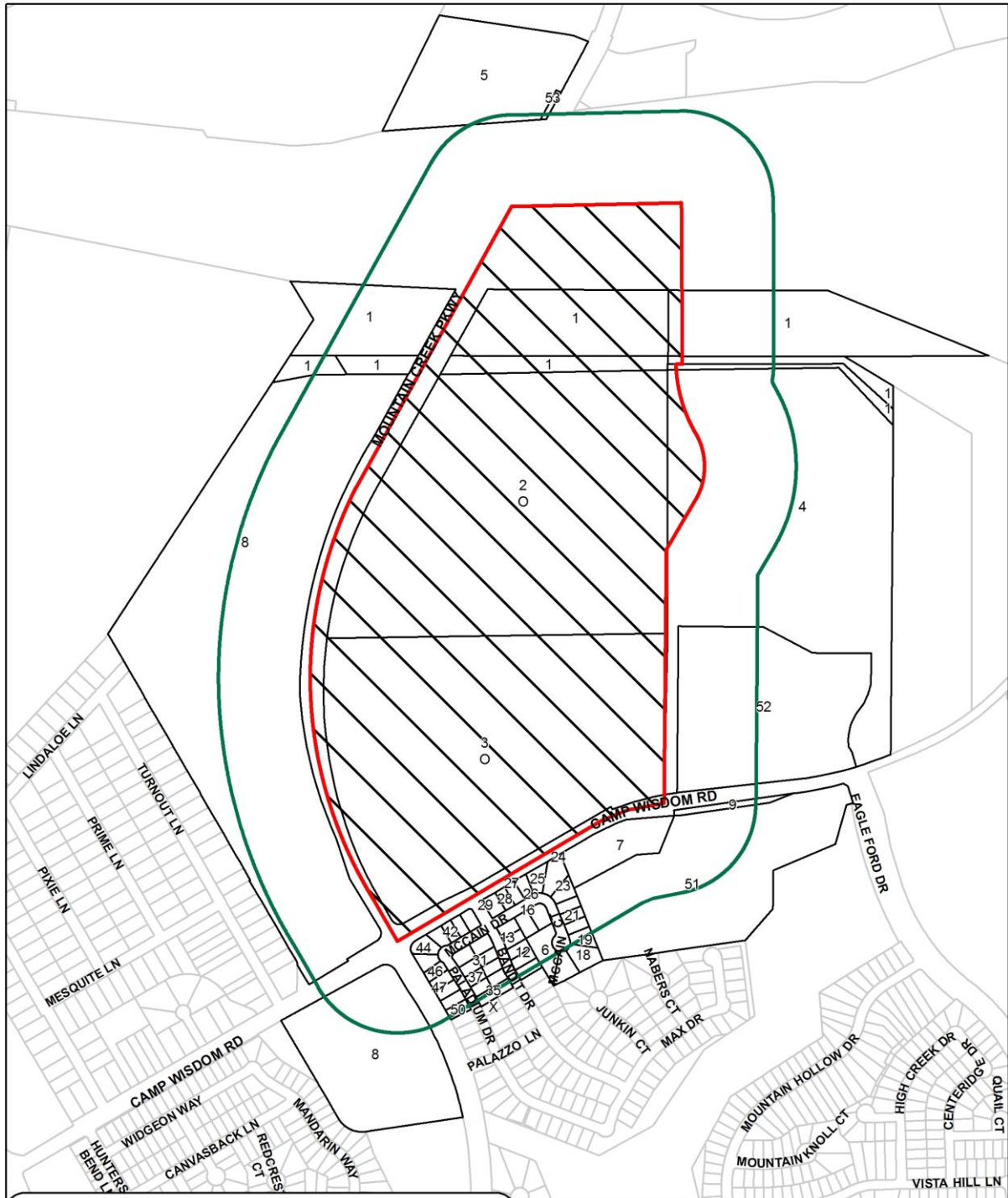








CPC Responses



53	Property Owners Notified (61 parcels)
3	Replies in Favor (3 parcels)
4	Replies in Opposition (4 parcels)
500'	Area of Notification
11/17/2016	Date

Z156-327
CPC



1:8,400

11/16/2016

Reply List of Property Owners***Z156-327******53 Property Owners Notified******3 Property Owners in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5000 MOUNTAIN CREEK PKWY	TEXAS UTILITIES ELEC CO
O	2	5100 MOUNTAIN CREEK PKWY	FIRST INDUSTRIAL LP
O	3	8101 CAMP WISDOM RD	FIRST INDUSTRIAL LP
	4	7901 CAMP WISDOM RD	H198 LLC
	5	4895 MOUNTAIN CREEK PKWY	TC MT CREEK DEVELOPMENT PARTNERS
	6	5520 MC CAIN CT	SBJV RESLAND PARTNERS LTD
	7	8120 W CAMP WISDOM RD	COSMOS FOUNDATION INC
	8	8410 W CAMP WISDOM RD	165 HOWE LP
	9	8120 W CAMP WISDOM RD	HARMONY PUBLIC SCHOOLS
	10	5520 BANDIT DR	EDSON ROBERTA & JON
	11	5516 BANDIT DR	LAFLEUR DIANE D
	12	5512 BANDIT DR	SEIDMEYER ROBERT E &
	13	5508 BANDIT DR	QASEM KARIM & SUZANNE
	14	5504 BANDIT DR	LAWAL SOLARIN SAHEED & KOFO
X	15	8210 MC CAIN DR	BREWER STEVEN T
	16	8206 MC CAIN DR	VAUGHAN DENITREA F
	17	5524 MC CAIN CT	JONES VANESSA
	18	5527 MC CAIN CT	LEWIS LACY P
	19	5523 MC CAIN CT	DRAPER IVAN &
	20	5519 MC CAIN CT	JAMES RUDY JR & ALLISHA
	21	5515 MC CAIN CT	WRIGHT KENNETH
	22	5511 MC CAIN CT	VILLALOBOS JESUS
	23	5507 MC CAIN CT	GORE SHAROLYN L
	24	5503 MC CAIN CT	BUCHANAN ANGELA CAMILLE
	25	8201 MC CAIN DR	GARZA ANGELA P & ERIK PEDRAZA
	26	8205 MC CAIN DR	TIMKO NANCY

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8209 MC CAIN DR	JOHNSON KIMBERLY A
	28	8213 MC CAIN DR	WRIGHT ANGELA R
	29	8217 MC CAIN DR	SALONE SHUNITA L
	30	5505 BANDIT DR	WIGGINS LARYTA
	31	5509 BANDIT DR	JORDAN MONICA
	32	5513 BANDIT DR	LOVE FELICIA N
	33	5517 BANDIT DR	PEART ROBERTO A & KAREN G
	34	5521 BANDIT DR	MENDEZ JOSE
X	35	5522 PALADIUM DR	MCCUIN ROSIE M
	36	5518 PALADIUM DR	ALDRIDGE STACY
	37	5514 PALADIUM DR	YANCEY JAMES JR &
	38	5510 PALADIUM DR	ODELUSI KEVIN
	39	5506 PALADIUM DR	BROWN KARL A &
X	40	8221 MC CAIN DR	CERVANTES EDGAR
	41	8225 MC CAIN DR	ARMOUR REGINALD B & AGNES E
	42	8229 MC CAIN DR	HARRISON HARLAN & FELICIA
	43	8233 MC CAIN DR	MENDOZA CHRISTOPHER J & LAURA PATRICIA
	44	8237 MC CAIN DR	TARBET LLC
X	45	5507 PALADIUM DR	PEREZ KIM
	46	5511 PALADIUM DR	AMH 2014 1 BORROWER LLC
	47	5515 PALADIUM DR	MENLADRGLH NEBIYOU A
	48	5519 PALADIUM DR	HOBSON DONNA B
O	49	5523 PALADIUM DR	SZAFRAN VIRGINIA M
	50	5527 PALADIUM DR	SHINE BRYAN P
	51	8120 CAMP WISDOM RD	COSMOS FOUNDATION INC
	52	7901 CAMP WISDOM RD	EAGLE CROSSING APARTMENTS LP
	53	4800 MOUNTAIN CREEK PKWY	MOUNTAIN CREEK BUSINESS

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 35 X; Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a WR-20 Walkable Urban Residential District with a Height Map Overlay and a resolution accepting the deed restrictions volunteered by the applicant on property zoned Subdistrict B-1, West Residential Subzone within Planned Development District No. 305 bounded by Blackburn Street, Cole Avenue, Travis Street, and Lemmon Avenue East

Recommendation of Staff and CPC: Approval, subject to a height map overlay and deed restrictions volunteered by the applicant

Z156-333(SH)

FILE NUMBER: Z156-333(SH) **DATE FILED:** August 11, 2016
LOCATION: Bounded by Blackburn Street, Cole Avenue, Travis Street, and Lemmon Avenue East
COUNCIL DISTRICT: 14 **MAPSCO:** 35-X, Y
SIZE OF REQUEST: Approx. 7.06 acres **CENSUS TRACT:** 7.01

APPLICANT/OWNER: LG Cityplace, LP

REPRESENTATIVE: Susan Mead and Suzan Kedron, Jackson Walker LLP

REQUEST: An application for a WR-20 Walkable Urban Residential District with a Height Map Overlay and deed restrictions volunteered by the applicant on property zoned Subdistrict B-1, West Residential Subzone within Planned Development District No. 305.

SUMMARY: The purpose of this request is to allow for the redevelopment of the site with a multifamily development consisting of a maximum of 750 units. Deed restrictions have been volunteered by the applicant to help protect the adjacent uses from any potential negative impacts that may be caused by the proposed development. The applicant has provided a height map overlay that will regulate the height of the proposed development to help reduce and create a height separation from the existing adjacent uses. The WR-20 District permits a maximum height of 300 feet, and the proposed development will not exceed this requirement. The proposed multifamily development will comply with the remaining WR-20 development standards.

CPC RECOMMENDATION: Approval, subject to a height map overlay and deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to a height map overlay and deed restrictions volunteered by the applicant.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- In February 2009, the City Council approved Article XIII, which created the form based zoning districts. The Form Based Districts provides an additional tool for the implementation of ForwardDallas! and to create walkable urban neighborhoods where higher density mixed uses and mixed housing types promote less dependence on the automobiles.
- The request site is currently improved with a multifamily development consisting of 232 dwelling units that was constructed in 1994.
- The applicant is proposing to demolish the existing structures and redevelop the 7.06-acre site with a new multifamily development consisting of a maximum of 750 dwelling units and landscaped open space.
- In order to accommodate the proposed development, the applicant is requesting to rezone the site to a WR-20 Walkable Urban Residential District with a Height Map Overlay. This will allow for a maximum height of 20 stories, or 300 feet. However, the proposed Height Map Overlay proposes various zones that will limit the maximum height along portions of the perimeter of the development to five stories.
- In order to protect the surrounding land uses from any potential negative impacts from the proposed development, the applicant has volunteered the following deed restrictions: 1) no stucco will be used on a new construction façade facing public streets and Travis Streets; 2) no direct vehicular access to the site will be allowed from Blackburn Street; 3) the property will be restricted to a maximum of 750 units; and, 4) garage access gates on Lemmon Avenue will be setback a minimum of 30 feet from the public right-of-way.

Zoning History: There have been two recent zoning request in the area over the past 5 years.

1. Z156-119 On Wednesday, April 27, 2011, City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge, or tavern on property within Subdistrict C of the West Mixed Use Sub-zone of Planned Development District No. 305, the City Place Planned Development District. The SUP was automatically renewed on March 22, 2016.
2. Z134-318 On October 23, 2014, the City Plan Commission recommended denial without prejudice of an application for a Specific Use Permit for a drive-through restaurant on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Cole Avenue	Minor Arterial	50 ft.
Lemmon Avenue East	Principal Arterial	50 ft.
Blackburn Street	Collector	80 ft.
Travis Street	Local	Variable lane widths

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	Subdistrict B-1, West Residential Subzone, within PDD No. 305	Multifamily
Northeast	Subdistricts B and B-1, West Residential within PDD No. 305	Multifamily
Southeast	Subdistricts C and C-1, West Mixed Use, within PDD No. 305	Mixed Uses (Retail, Restaurant, Multifamily, and Office)
Northwest	PD 193, PDS 99 and Subdistrict B, West Residential, within PDD No. 305	Office and Multifamily
Southwest	PD 193 (MF-2 and O-2) and PD 193 (LC)	Multifamily and Fueling Station

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 Plan identifies the request site as being within the Urban Mixed Use Building Block.

Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings typically range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. The applicant has asserted that the proposed use of the request area is for a master planned walkable urban residential block, consisting of multifamily uses, live

work units, and landscaped open space. They have stated that the redevelopment aims to promote walkability, reduce vehicular trip generation, and reduce parking demand which meets the intent of the Urban Mixed Use Building Block.

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.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1: Encourage a balance of land uses within walking distance of each other.

STAFF ANALYSIS:

Land Use Compatibility:

The site is currently improved with a 232-unit multifamily development that was originally constructed in 1994. Adjacent to the site to the northeast are additional multifamily developments in Subdistricts B and B-1, West Residential Subzone, within PDD No. 305. Mixed uses including retail, restaurant, multifamily, and office are located to the southeast in Subdistricts C and C-1, West Mixed Use Subzone, within PDD No. 305. The properties to the northwest of the subject site are zoned PD 193, PDS 99 and Subdistrict B, West Residential, within PDD No. 305 and improved with office and multifamily uses. To the southwest of the site are additional multifamily uses and a motor vehicle fueling station within the LC, MF-2, and O-2 Subdistricts of PDD No. 193.

The applicant is proposing to demolish the existing structures and redevelop the 7.06-acre site with a new multifamily development consisting of a maximum of 750 dwelling units and landscaped open space. In order to accommodate the proposed development, the applicant is requesting to rezone the site to a WR-20 Walkable Urban Residential District with a Height Map Overlay. This will allow for a maximum height of 20 stories, or 300 feet. However, the proposed Height Map Overlay will limit the maximum height along portions of the perimeter of the development to five stories.

The WR-20 Walkable Urban Residential District with a Height Map Overlay is intended to provide and meet the following criteria:

- The Walkable Urban Residential (WR) Districts are intended to create residential neighborhoods with mixed housing options in a pedestrian environment.

- The WR District is divided in three intensities: low (WR-3, 5), medium (WR-8, 12), and high (WR-20, 40).

- The WR Districts are intended to accommodate a limited set of development types. In the WR 20 District these development types are limited to apartment, civic building, and open space lot. The applicant's proposed development is classified as an apartment development type.

- Parcels of any size are eligible for a WR District. There is no minimum acreage required for an application for WR District. The WR Districts are intended for locations where a sufficient critical mass of dense, walkable urban mixed use development exists or is definitely planned. The area of request meets this intent as it is surrounded by an area that is comprised of a vast mix of uses including dense residential, commercial, and office which encourages increased walkability, as well as access to transit systems that allow reduced vehicular trip generation and reduced parking demand.

- The WR Districts are intended for use in the vicinity of rail transit station, making this district appropriate for major job centers and concentrations of multifamily housing. The proposed development is within close proximity to the Cityplace/Uptown DART station and is accessible to the Uptown Trolley system.

The table below provides a summary comparison of the development standards for a multifamily use in the proposed WR-20 District against the existing zoning of the subject site (Subdistrict B-1, West Residential Subzone, within PDD No. 305).

Development Standards:

DISTRICT	SETBACKS		Density	Max Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
PDD No. 305 (Subdistrict B-1) <i>Existing</i>	15'	10'/15'	54 du/a	60'	75%	Multifamily
WR-20 <i>Proposed</i>	Primary Street – 5'/15' Side Street – 5'/15' Service Street - none	0' or 15'/5'	N/A	300'	80%	Multifamily

The height map overlay will minimize the impact of the proposed development on surrounding land uses by reducing the structure height along portions of the perimeter of the site to five stories. This height limitation will facilitate a development that is more compatible to the adjacent multifamily development across Blackburn Street which has a maximum height of 60 feet, or five stories. Even though the properties immediately adjacent to the site have maximum height limits that range between 48 feet to 120 feet, there are developments within the vicinity that extend to a height of at least 240 feet, which is consistent with the height of the proposed development. The redevelopment of the site with a maximum 750-unit multifamily development will strengthen the character

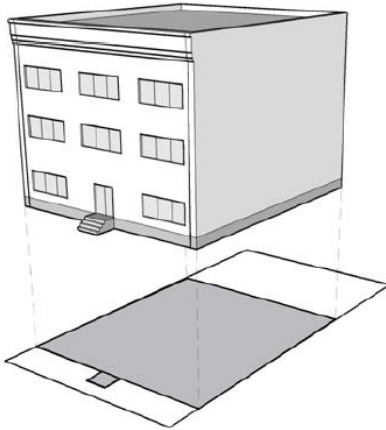
Z156-333(SH)

of the mixed use neighborhood by providing an additional housing option in a pedestrian friendly environment.

The regulations on the following page apply to the Apartment development type within the WR-20 district.

Apt

apartment

(e) Apartment.**(1) Definition.**

A development type containing three or more dwelling units consolidated into a single structure.

An apartment contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building must be pulled up to the street. No on-site surface parking is permitted between the building and the street. On-site surface parking must be located to the rear of the building. The building often shares a common entrance. Primary entrances must be prominent and street-facing. An elevated ground floor for residential uses is recommended to ensure privacy.

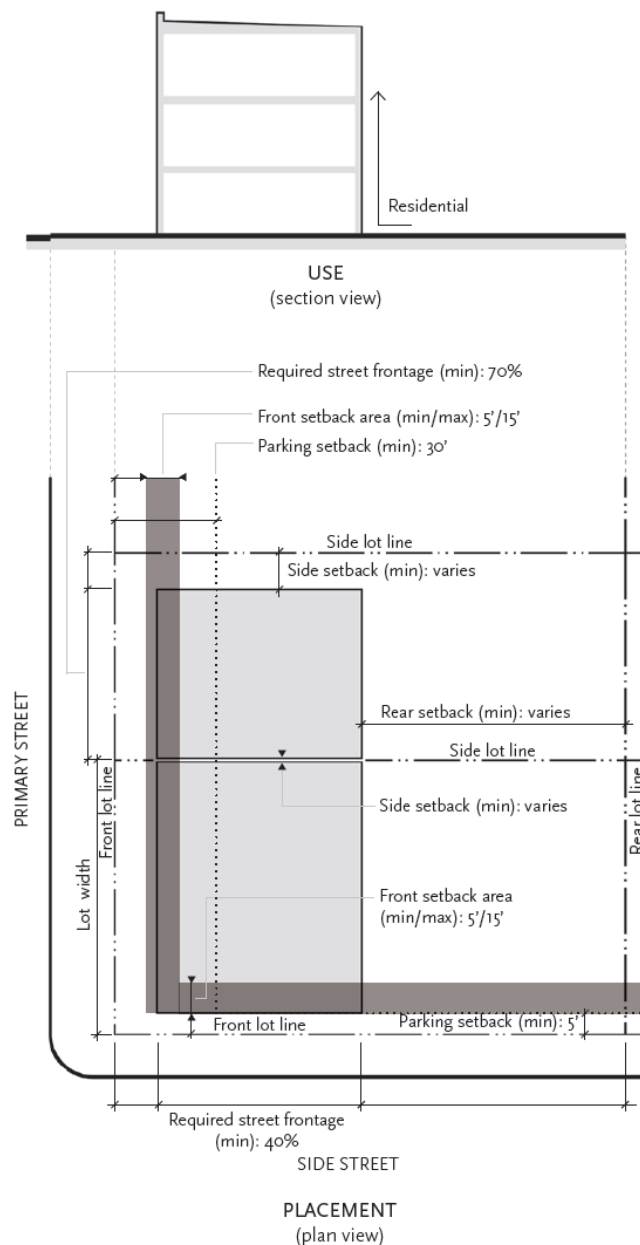
(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.

**(3) Districts Permitted.**

LOW:	WMU-3, WMU-5	WR-3, WR-5
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12
HIGH:	WMU-20, WMU-40	WR-20, WR-40

(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

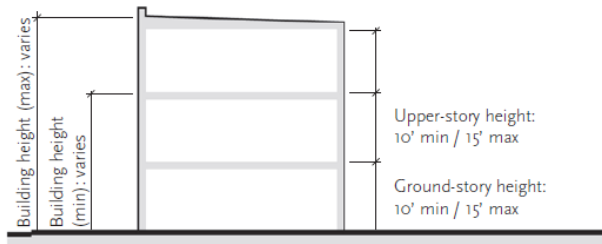
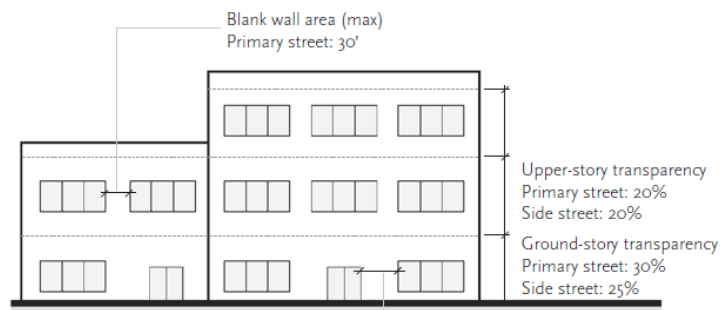
From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

SIDE SETBACK

Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK

Abutting 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

(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
<i>Measured from floor to floor.</i>	

UPPER-STORY TRANSPARENCY

Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
<i>Measured from floor to 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



apartment

(6) Landscaping.

(A) General landscaping standards are set forth in Section 51A-13.304(a) (2), "Landscaping."

(B) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of four site trees must be provided, whichever is greater.

(C) Site trees must be evenly distributed throughout the development.

(D) Required landscaping may be provided aboveground when configured as on-site open space in accordance with Section 51A-13.303, "Open Space."

LIST OF OFFICERS Gables GP LLC

<u>Name</u>	<u>Title</u>	<u>Address</u>
Susan M. Ansel	President and Chief Executive Officer	3811 Turtle Creek Blvd. Suite 1500 Dallas, TX 75219
Dawn H. Severt	Executive Vice President, Chief Financial Officer, Secretary and Treasurer	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Cristina F. Sullivan	Executive Vice President – Chief Operations Officer and Assistant Secretary	225 N.E. Mizner Blvd. Suite 400 Boca Raton, FL 33432
Dennis E. Rainosek	Senior Vice President, Assistant Secretary, and Assistant Treasurer	5847 San Felipe Street Suite 3250 Houston, TX 77057
Ashley I. Tewell	Senior Vice President and Assistant Secretary	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Philip E. Altschuler	Senior Vice President	8300 Greensboro Drive Suite 650 McLean, VA 22102
David K. Reece	Senior Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Donna E. Summers	Senior Vice President	3811 Turtle Creek Blvd. Suite 1500 Dallas, TX 75219
Joseph G. Wilber	Senior Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Jean M. Anton	Vice President	225 N.E. Mizner Blvd Suite 400 Boca Raton, FL 33442
Jennifer B. Antos	Vice President	225 N.E. Mizner Blvd. Suite 400 Boca Raton, FL 33432
Tiffany Bakewell	Vice President	3811 Turtle Creek Blvd. Suite 1500 Dallas, TX 75219
Matthew C. Bearden	Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
P. Darin Botelho	Vice President	3811 Turtle Creek Blvd. Suite 1500 Dallas, TX 75219

LIST OF OFFICERS Gables GP LLC

<u>Name</u>	<u>Title</u>	<u>Address</u>
Kenna R. Coulter	Vice President	3811 Turtle Creek Blvd. Suite 1500 Dallas, TX 75219
Cole R. Ferguson	Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
F. Gregory Gasior	Vice President	225 N.E. Mizner Blvd. Suite 400 Boca Raton, FL 33432
Genevieve Giannoni	Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
William A. Gosnell	Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Mary O. Hollands	Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Robert D. Lamb	Vice President	225 N.E. Mizner Blvd. Suite 400 Boca Raton, FL 33432
Rosemary LaPrete	Vice President	225 N.E. Mizner Blvd. Suite 400 Boca Raton, FL 33432
Robert K. Presley	Vice President	5847 San Felipe Street Suite 3250 Houston, TX 77057
Pamela A. Wade	Vice President	5847 San Felipe Street Suite 3250 Houston, TX 77057
Michael L. Brown	Regional Vice President	3399 Peachtree Rd., NE Suite 600 Atlanta, GA 30326
Jorgen Punda	Regional Vice President	8300 Greensboro Drive Suite 650 McLean, VA 22102
David Skinner	Regional Vice President	8300 Greensboro Drive Suite 650 McLean, VA 22102
Nicholas R. Venghaus	Regional Vice President	5847 San Felipe Street Suite 3250 Houston, TX 77057
Anna R. Frenzel	Area Vice President	101 University Blvd. Suite 240 Denver, CO 80206

LIST OF OFFICERS Gables GP LLC

<u>Name</u>	<u>Title</u>	<u>Address</u>
Timothy R. Hutchinson	Area Vice President	8300 Greensboro Drive Suite 650 McLean, VA 22102
Joshua A. Landry	Area Vice President	5847 San Felipe Street Suite 3250 Houston, TX 77057

CPC ACTION - DECEMBER 1, 2016:

Motion: It was moved to recommend **approval** of a WR-20 Walkable Urban Residential District, subject to a height map overlay with deed restrictions volunteered by the applicant with the following changes: 1) Add provision to require access gate to parking along Lemmon have a 30 ft. setback from the right-of-way to allow for stacking space, pursuant to 51A-8.604(d)(12) and 2) Strike language related to Market Rate within Section III to read as follows: "The property shall be restricted to a maximum of 750 units", on property zoned Subdistrict B-1, West Residential Subzone within Planned Development District No. 305 bounded by Blackburn Street, Cole Avenue, Travis Street, and Lemmon Avenue East.

Maker: Ridley
Second: Shidid
Result: Carried: 10 to 4

For: 10 - Anglin, Rieves, Shidid, Anantasomboon, Jung,
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 4 - Houston, Davis, Haney, Schultz
Absent: 0
Vacancy: 1 - District 7

Notices: Area: 400 Mailed: 274
Replies: For: 84 Against: 15

Speakers: For: Katy Slade, 3711 Cole Ave., Dallas, TX, 75204
Jim Garrett, 3304 Blackburn St., Dallas, TX, 75204
Kevin Curley, 6941 Kenwood Ave., Dallas, TX, 75214
Ryan Garcia, 3901 Travis St., Dallas, TX, 75204
Neal Sleeper, 3324 Blackburn St., Dallas, TX, 75204
David Boldrick, 3223 N. Haskell Ave., Dallas, TX, 75204
For (Did not speak): Suzan Kedron, 2323 Ross Ave., Dallas, TX, 75201
Vickie Klise, 3318 Blackburn St., Dallas, TX, 75204
Against: David Flick, 3310 Blackburn St., Dallas, TX, 75204
Karla Barber, 3510 Turtle Creek Blvd., Dallas, TX, 75219
Jane Idzi, 3305 N. Haskell Ave., Dallas, TX, 75204
Leslie Kennedy Barnett, 3821 Travis St., Dallas, TX, 75204
Against (Did not speak): Holly S. Gill, 3510 Turtle Creek Blvd., Dallas, TX, 75219
Frank Cacopardo, 3510 Turtle Creek Blvd., Dallas, TX, 75219
Shirley Black, 3510 Turtle Creek Blvd., Dallas, TX, 75219
Kyle Vannguyen, 3314 Blackburn St., Dallas, TX, 75204

Volunteered Deed Restrictions

(1) No stucco will be used on a new construction façade facing public streets and

Travis Street. For purposes of this paragraph:

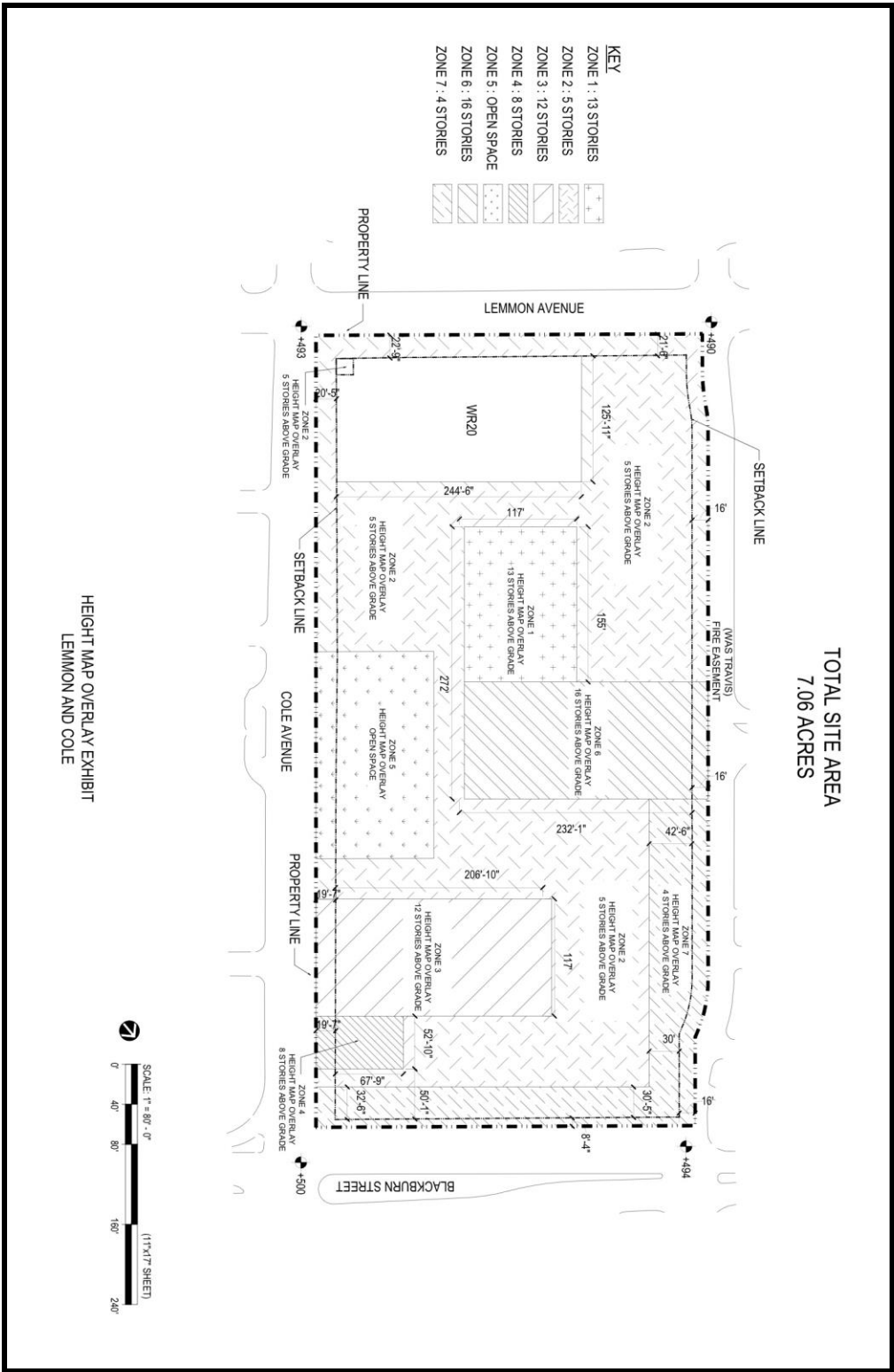
- a. NEW CONSTRUCTION means the erection of new foundation, wall, and ceiling to create a structure. It does not include the physical alteration, rehabilitation, renovation, or modernization of an existing structure.
- b. STUCCO means a cladding of fine plaster used to coat exterior surfaces which includes portland cement and Exterior Insulation and Finish System (EIFS) products.

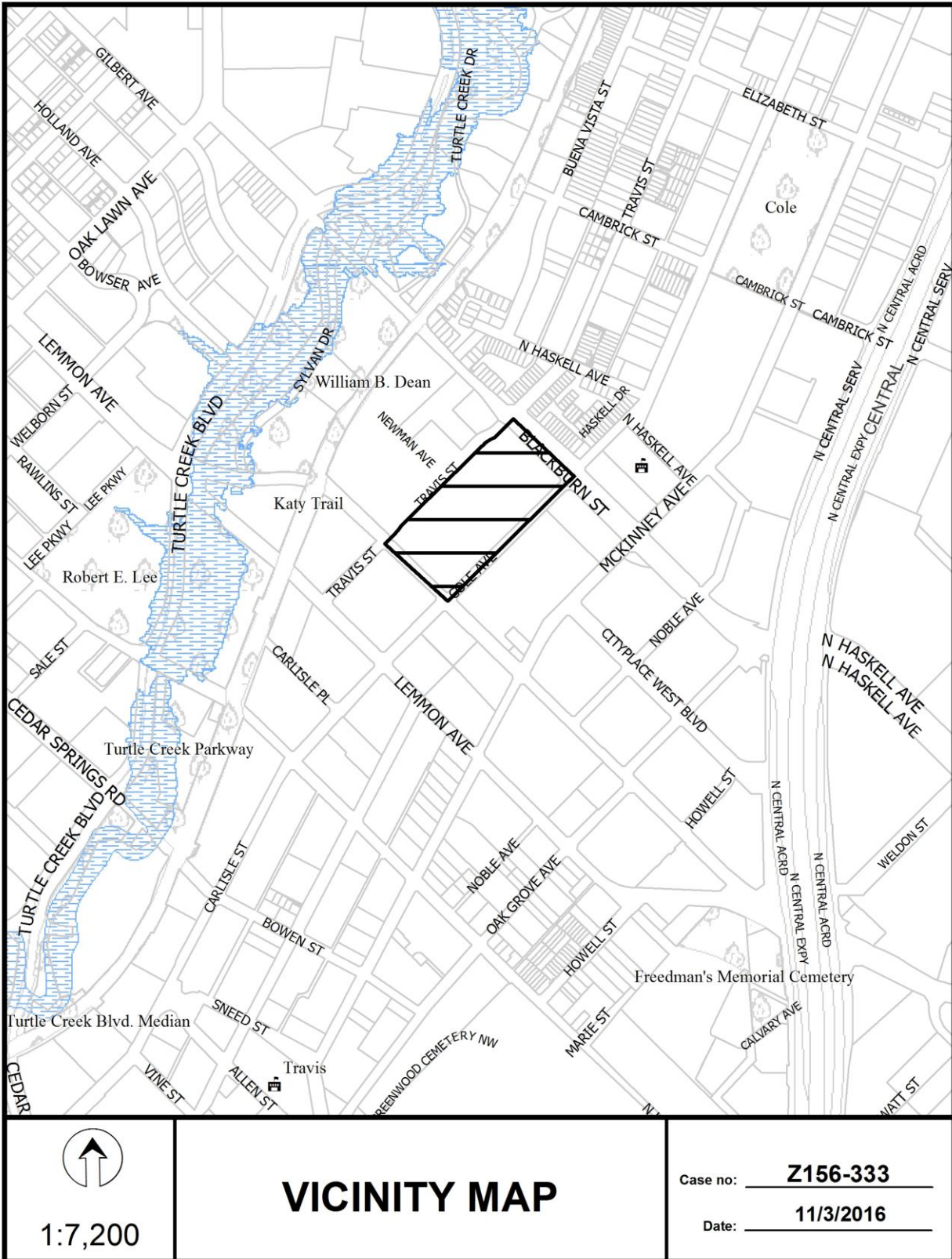
(2) No direct vehicular access to the Property will be allowed from Blackburn Street.

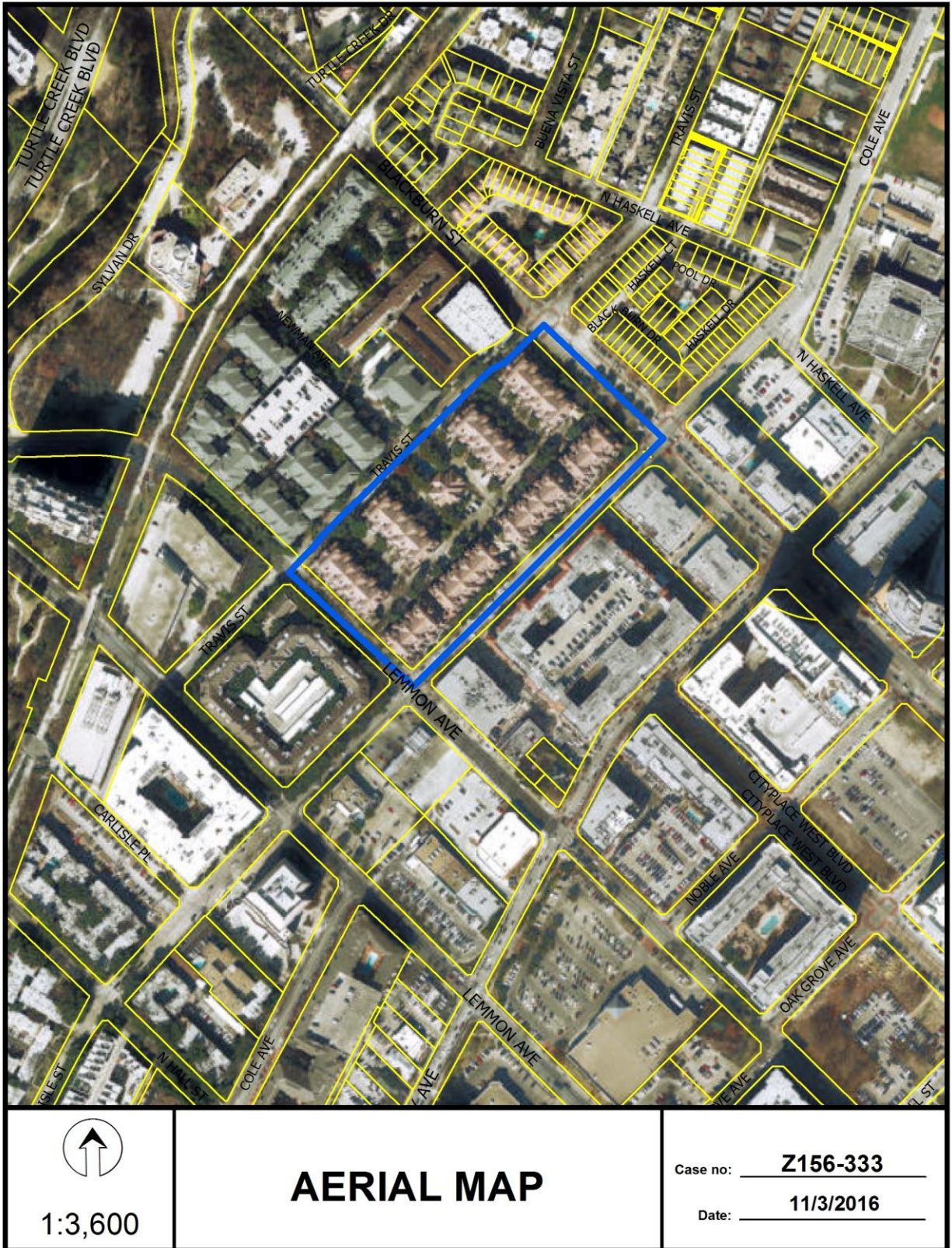
(3) The Property shall be restricted to a maximum of 750 units.

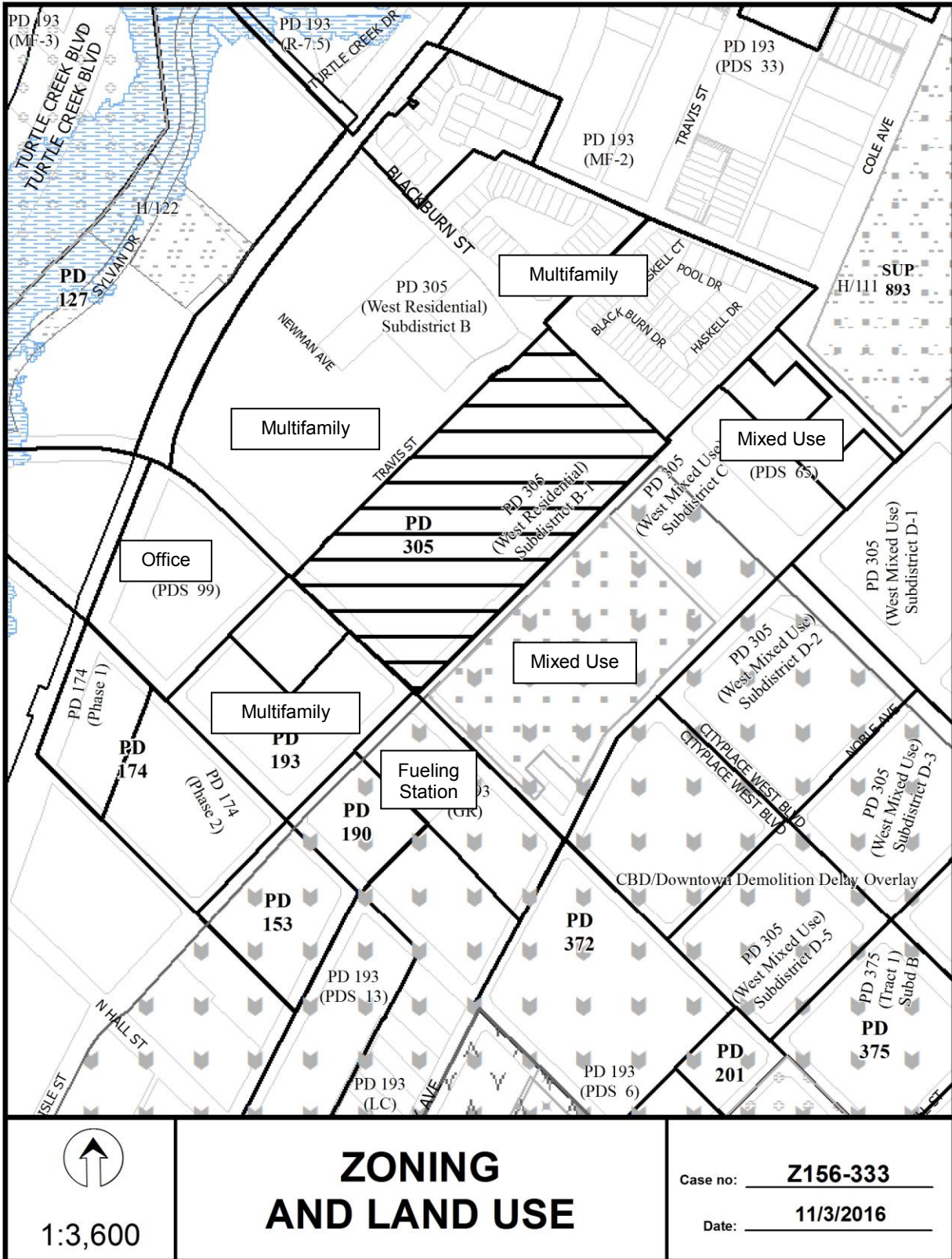
(4) Section 51A-8.604(D)(12) of the Dallas Development Code shall apply to garage access gates on Lemmon Avenue.

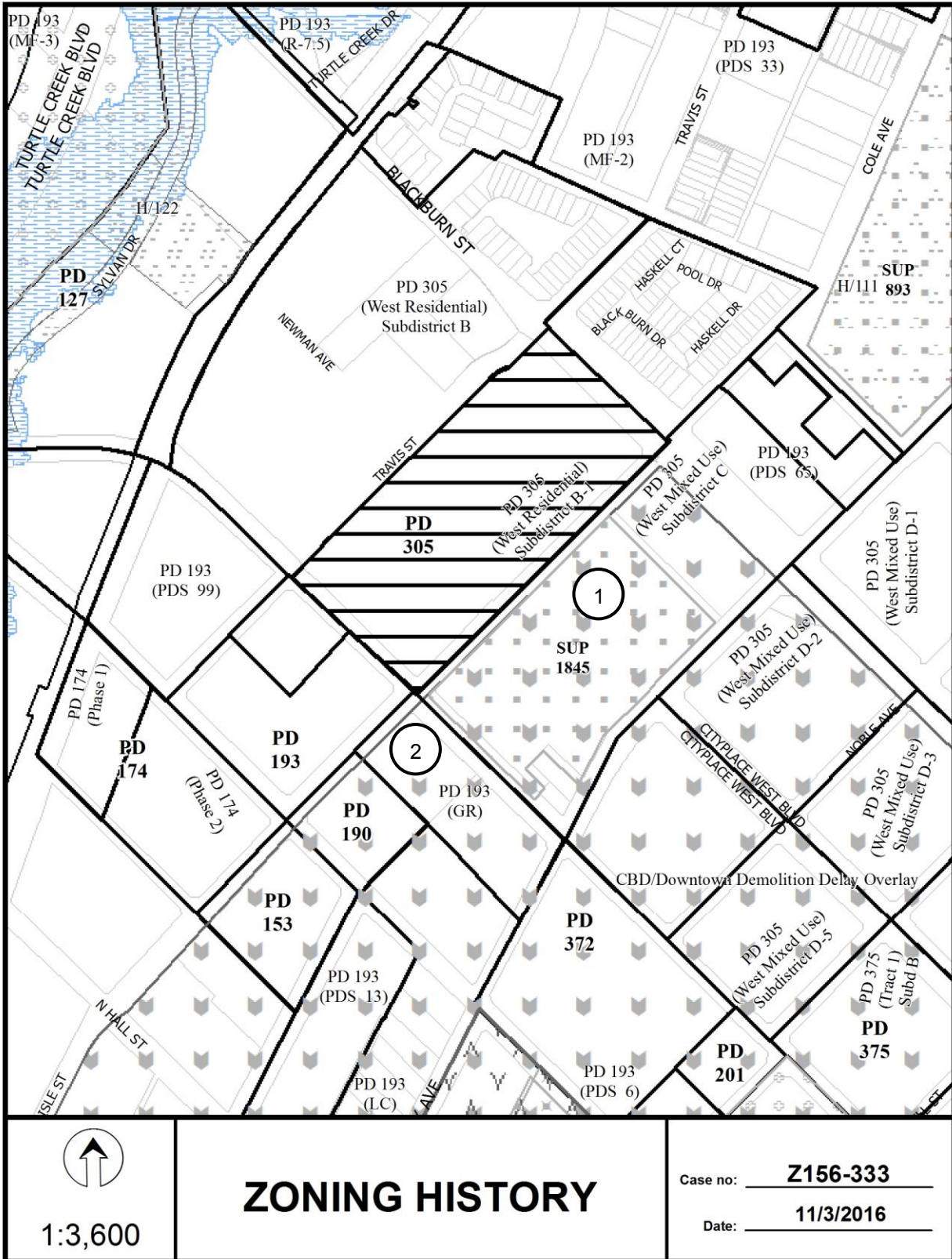
Height Map Overlay



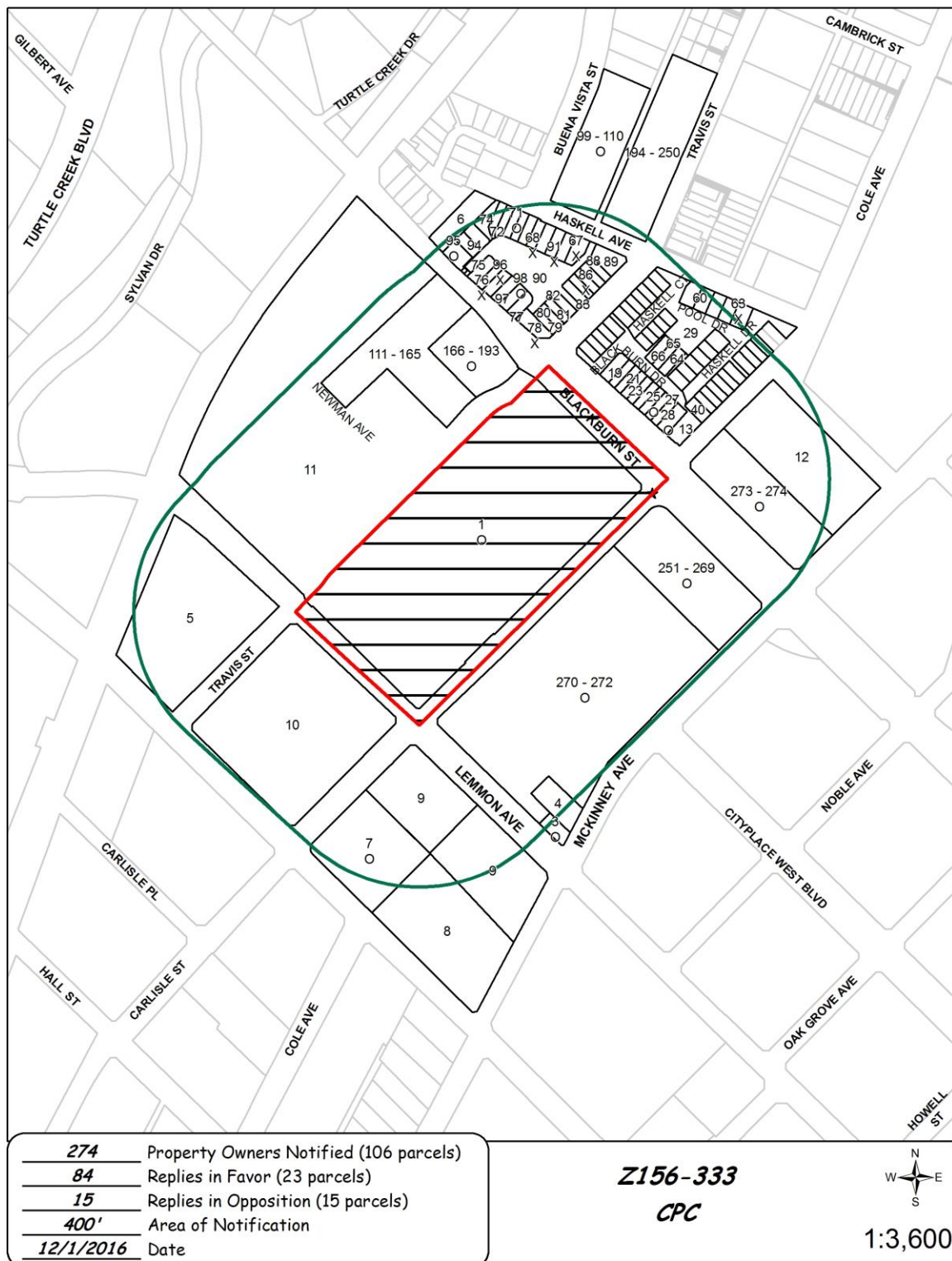








CPC Responses



11/30/2016

Reply List of Property Owners***Z156-333******274 Property Owners Notified******84 Property Owners in Favor******15 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	2	11111 COLE AVE	CITY PLACE - DALLAS TIF 920
O	3	3128 LEMMON AVE	BLACKBURN CTRL HLDG LP
	4	3605 MCKINNEY AVE	MESSINA MARIO L
	5	3535 TRAVIS ST	CFO2 DALLAS II LLC
	6	3326 BLACKBURN ST	CRISMAN THOMAS L & TINA M
O	7	3130 LEMMON AVE	LEMMON & COLE PARTNERS LP
	8	3501 MCKINNEY AVE	3501 MCKINNEY LTD
	9	3133 LEMMON AVE	RP TOWN & COUNTRY SC
	10	3530 TRAVIS ST	3530 TRAVIS ST APARTMENTS
	11	3377 BLACKBURN ST	TC BLACKBURN
	12	3813 MCKINNEY AVE	Dallas ISD
	13	3201 HASKELL AVE	BLVD BLDRS/VALENCIA LP
	14	3810 TRAVIS ST	SANDERS ANGELA L
	15	3808 TRAVIS ST	BARNETT ROBERT TRACY
	16	3806 TRAVIS ST	METZLER JONATHAN
O	17	3804 TRAVIS ST	MCKENDRY PATRICIA & MATTHEW
	19	3224 BLACKBURN DR	DELPINO CARLOS M & DEBORAH A
X	20	3222 BLACKBURN DR	DOUD BRIAN &
	21	3220 BLACKBURN DR	BARRETT JOHN & LISA
O	22	3218 BLACKBURN DR	MORTENSON TIMOTHY & KATHLEEN
	23	3216 BLACKBURN DR	DUNN JOHN R
	24	3214 BLACKBURN DR	SONTAG GAVIN
	26	3210 BLACKBURN DR	FL DALLAS LLC
	27	3208 BLACKBURN DR	KUMAR RAJESWARI V
	29	3223 POOL DR	HOA OF VALENCIA TOWNHOMES
	30	3835 COLE AVE	HARRIS DARRIUN & KRISTINA HARRIS

11/30/2016

	<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
		31	3833 COLE AVE	MAGEE LAURIE LIVING TRUST THE
		32	3831 COLE AVE	HOFF NANCY A
		33	3829 COLE AVE	PARKER RONALD C
		34	3825 COLE AVE	OZBILEK LEVENT & ZEYNEP BURCU
		35	3823 COLE AVE	MINARYJOLANDAN MAJID &
		36	3821 COLE AVE	CHEUNG KENNETH
		37	3819 COLE AVE	DOAN DUC H
		38	3817 COLE AVE	BRYANT DAVID B
		39	3815 COLE AVE	CHRISTOPHERSON AARON M &
		40	3811 COLE AVE	SCIANDRA DANIEL F & LESLIE A
	O	41	3815 HASKELL DR	PRITCHARD JEFFREY M &
		43	3819 HASKELL DR	WEIDE MARK
		44	3821 HASKELL DR	WALLACE CHRIS
	O	45	3823 HASKELL DR	DE NAPOLI TOM
		46	3825 HASKELL DR	BALL JOHN G
	X	47	3820 HASKELL CT	MICHAEL M VICK MANAGEMENT TRUST
		48	3818 HASKELL CT	CONNERS CHRISTOPHER
		49	3816 HASKELL CT	MAH JEFFERY
		50	3814 HASKELL CT	MURPHY CHRISTINE & WILLIAM
		51	3812 HASKELL CT	ETHRIDGE JACOB J & AMANDA B
		52	3812 TRAVIS ST	SMITH TOBIAS
	O	53	3814 TRAVIS ST	KAMINSKI ANDRZEJ S
	O	54	3816 TRAVIS ST	ASINOF PAULA
		55	3818 TRAVIS ST	LIN XIA
		56	3820 TRAVIS ST	LIN JULIE
		57	3822 TRAVIS ST	ABERNETHY JULIE
		58	3824 TRAVIS ST	MASON ASHLEY L
		59	3231 HASKELL AVE	HAAS CHRISTOPHER M
		60	3227 HASKELL AVE	VELING MARIA
	O	61	3223 HASKELL AVE	BOLDRICK DAVID B & SUSAN B
	O	62	3219 HASKELL AVE	MESCIOGLU KUTLAY

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	63	3215 HASKELL AVE	HAMMETT DENNIS R
	64	3230 BLACKBURN DR	MAZUR ORLY & LEONARD
	65	3232 BLACKBURN DR	AK MACK PPTIES LLC
	66	3234 BLACKBURN DR	FARROW PAUL
X	67	3305 N HASKELL AVE	IDZI JANE S
X	68	3317 N HASKELL AVE	HARRINGTON FRANK B &
	69	3319 N HASKELL AVE	NEWELL CHARLES M
X	70	3321 N HASKELL AVE	POLDER BRANDI L
O	71	3323 N HASKELL AVE	KAYE THOMAS &
	72	3325 N HASKELL AVE	WELTY ELIZABETH
X	73	3327 N HASKELL AVE	WATKINS CONSTRUCTION CO LLC
	74	3329 N HASKELL AVE	PERRY ALEXANDER
	75	3314 BLACKBURN ST	VANNGUYEN KYLE
X	76	3312 BLACKBURN ST	GUILTINAN RICHARD J JR & EILEEN R
	77	3302 BLACKBURN ST	RUTHE MARK & KIMBERLY
X	78	3803 TRAVIS ST	HENRY LAUREY
	79	3805 TRAVIS ST	BERRY ROBERT E
	80	3807 TRAVIS ST	STAIGER GARY
	81	3809 TRAVIS ST	DO TUAN & THUY LAM
	82	3811 TRAVIS ST	QUDAH FAIGA J
	83	3817 TRAVIS ST	OLDHAM JOHN W & SUZANNE
	84	3307 N HASKELL AVE	MURPHY SUE P
X	85	3819 TRAVIS ST	MAGNESS SUE ANN
X	86	3821 TRAVIS ST	KENNEDY LESLIE A
	87	3823 TRAVIS ST	BERMAN GEORGE &
	88	3825 TRAVIS ST	BREVELLE JOHNA LAINE ALMARIA
	89	3827 TRAVIS ST	PARKER GWENDOLYN
	90	3300 BLACKBURN ST	PORTOBELLO LTD
X	91	3309 N HASKELL AVE	FIELDING JULIA R &
X	92	3315 N HASKELL AVE	MICHEL DONALD H & DEBRA R
X	93	3318 BLACKBURN ST	WISE VICKIE

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	94	3320 BLACKBURN ST	KULKARNI NITIN KRISHNAJI &
O	95	3324 BLACKBURN ST	SLEEPER NEAL D
X	96	3310 BLACKBURN ST	MOOS ROBERT V &
	97	3306 BLACKBURN ST	KINGSTON ADEAN
O	99	3906 BUENA VISTA ST	GRANBERRY JEFFREY D
O	100	3906 BUENA VISTA ST	IPENEMA INVESTMENTS LTD
O	101	3906 BUENA VISTA ST	BOUCHER SUSAN
O	102	3906 BUENA VISTA ST	TOBIN ASHLEY
O	103	3906 BUENA VISTA ST	MARKWALD MICHAEL KENNETH
O	104	3906 BUENA VISTA ST	NASKAR ANJALI MAYA
O	105	3906 BUENA VISTA ST	WEBER KIRSTEN E
O	106	3906 BUENA VISTA ST	WALKER LINDA ENGLAND
O	107	3906 BUENA VISTA ST	MARTIN ANGELA M
O	108	3910 BUENA VISTA ST	LESZINSKI SLAWOMIR TR
O	109	3910 BUENA VISTA ST	IPENEMA INVESTMENTS LTD
O	110	3910 BUENA VISTA ST	BUENA VISTA REALTY LLC
	111	3311 BLACKBURN ST	GEOFFRION TRACY R
	112	3311 BLACKBURN ST	BICHLER BRANDON CLARK
	113	3311 BLACKBURN ST	SMITH WILLIAM
	114	3311 BLACKBURN ST	CITALAN ELVIA M & STEFANO MORO
	115	3311 BLACKBURN ST	SULIT MARIO A
	116	3311 BLACKBURN ST	KATEB MEDHI
	117	3311 BLACKBURN ST	TRAN JOHN
	118	3311 BLACKBURN ST	DUNN CHANELLE L
	119	3311 BLACKBURN ST	BARLOW ERIN MARIE
	120	3311 BLACKBURN ST	MAK NANCY MAN FONG
	121	3311 BLACKBURN ST	BOYLE JAMILA J
	122	3311 BLACKBURN ST	YU KEVIN K
	123	3311 BLACKBURN ST	DANE EUGENE
	124	3311 BLACKBURN ST	COOKE CARRIE A
	125	3311 BLACKBURN ST	PANDYA AMIT & REEMA SHAH

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
126	3311	BLACKBURN ST	NUNEZ CARLOS A
127	3311	BLACKBURN ST	WILSON DEBORAH &
128	3311	BLACKBURN ST	WEBB RONALD J
129	3311	BLACKBURN ST	CONSEMIU REYMUNDO JR
130	3311	BLACKBURN ST	CASH ERIN TIFFANY
131	3311	BLACKBURN ST	ASH ELIZABETH
132	3311	BLACKBURN ST	BRESLIN ALYSON L
133	3311	BLACKBURN ST	MEADOR KIRSTEN M
134	3311	BLACKBURN ST	ELLIS RYAN WINSTON
135	3311	BLACKBURN ST	TCHEN DEXTER & GRACE CHENG
136	3311	BLACKBURN ST	BUKOLT MARK & CAROLINE
137	3311	BLACKBURN ST	ARSIANTO JANESA
138	3311	BLACKBURN ST	SNYDER ANA
139	3311	BLACKBURN ST	MURPHY MAUREEN J
140	3311	BLACKBURN ST	MOTLAGH AL
141	3311	BLACKBURN ST	ROBERTS DIANA
142	3311	BLACKBURN ST	RUNNELS CASEY
143	3311	BLACKBURN ST	TORRES DULCE
144	3311	BLACKBURN ST	NGO HONGVIEN
145	3311	BLACKBURN ST	CUNNINGHAM JUDITH B
146	3311	BLACKBURN ST	GREEN PHILLIP WISTER
147	3311	BLACKBURN ST	TORRES DULCE M
148	3311	BLACKBURN ST	HERNANDEZ DANIELLE
149	3311	BLACKBURN ST	J & J LEE COMPANY LLC
150	3311	BLACKBURN ST	HABERER STEFAN M & ELIZABETH
151	3311	BLACKBURN ST	KRIVACIC ROBYN
152	3311	BLACKBURN ST	MAYBEN MICHAEL PAUL
153	3311	BLACKBURN ST	WONG DEBBY HOI YEE
154	3311	BLACKBURN ST	SPENSIERI AUTUMN &
155	3311	BLACKBURN ST	LAROCCA ASHLEY
156	3311	BLACKBURN ST	GUEST KIM

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	157	3311 BLACKBURN ST	FRANK ROBERT EDWARD
	158	3311 BLACKBURN ST	REYES GARY & FAITH
	159	3311 BLACKBURN ST	MCKINLEY SHARON RUTH
	160	3311 BLACKBURN ST	KROCHESKI MATTHEW J
	161	3311 BLACKBURN ST	FOLEY NICHOLAS & MANJULA
	162	3311 BLACKBURN ST	GAMINI ARSHIN &
	163	3311 BLACKBURN ST	HERRERA MARIA S
	164	3311 BLACKBURN ST	TIMMS RYAN
	165	3311 BLACKBURN ST	GOLDBERG ERIC
O	167	3303 BLACKBURN ST	STRADTMAN CAROL C
O	168	3303 BLACKBURN ST	ABBOTT LUIS
O	169	3303 BLACKBURN ST	RANDALL WESLEY SPENCER & ANGELA
O	170	3303 BLACKBURN ST	THOMAS ATTICUS H &
O	171	3303 BLACKBURN ST	DEAN GLENN MITCHELL JR
O	172	3303 BLACKBURN ST	JOHNSON CAMERON T & JAMIRA V
O	173	3303 BLACKBURN ST	WHITE NOEL FREDERICK &
O	174	3303 BLACKBURN ST	GREEN WILLIAM H & SUE ANN
O	175	3303 BLACKBURN ST	LEOPOLDI ROBERT & DEBRA
O	176	3303 BLACKBURN ST	RODRIGUEZ MARIA E F
O	177	3303 BLACKBURN ST	KURIVILLA MERIN ELIZABETH
O	178	3303 BLACKBURN ST	CULPEPPER SUSAN LOUISE
O	179	3303 BLACKBURN ST	WHEELER JOHN T
O	180	3303 BLACKBURN ST	COMER JOSHUA & SHELLEY
O	181	3303 BLACKBURN ST	MULLEN JOHN M & JANE A
O	182	3303 BLACKBURN ST	ESTES STEVEN E &
O	183	3303 BLACKBURN ST	BHA LLC
O	184	3303 BLACKBURN ST	MOU JAMES & PAMELA
O	185	3303 BLACKBURN ST	PELFREY PATRIZIA
O	186	3303 BLACKBURN ST	BASSETT JOHN W & NOLANA K
O	187	3303 BLACKBURN ST	KEGLEVIC PAUL & KAREN
O	188	3303 BLACKBURN ST	KEENAN TERESA A

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	189	3303 BLACKBURN ST	SCOTT CAROL
O	190	3303 BLACKBURN ST	DELAURENTIS BRUCE
O	191	3303 BLACKBURN ST	MENDELSON BARRY
O	192	3303 BLACKBURN ST	BROWN DAVID & ANGIE
O	193	3303 BLACKBURN ST	GORDEN CHADD LINDQUIST &
	194	3901 TRAVIS ST	KLINGLER COREY E &
	195	3901 TRAVIS ST	TRANHAM LAUREN E
	196	3901 TRAVIS ST	GARCIA RYAN
	197	3901 TRAVIS ST	HENNINGSSEN JOSEPH H JR
	198	3901 TRAVIS ST	GILLETTE KRISTINE
	199	3901 TRAVIS ST	JEON TINA
	200	3901 TRAVIS ST	DILLOW DANIELLE LEIGH
	201	3901 TRAVIS ST	KISSANE ERIN
	202	3901 TRAVIS ST	WEINBERG ELANDRA B
	203	3901 TRAVIS ST	GILG TERRANCE L
	204	3901 TRAVIS ST	TSAI ROGER W & MARGARET S C
	205	3901 TRAVIS ST	MCMANUS SEAN
	206	3901 TRAVIS ST	BAKER JONATHAN A
	207	3901 TRAVIS ST	GAMPPER CLOYD JOSEPH
	208	3901 TRAVIS ST	CCCC PROPERTY MGMT LLC
	209	3901 TRAVIS ST	SULLIVAN JOHN P REVOCABLE TRUST
	210	3901 TRAVIS ST	DOTLINK LLC
	211	3901 TRAVIS ST	SHERIDAN THOMAS M
	212	3901 TRAVIS ST	SHADLE KATHERINE A &
	213	3901 TRAVIS ST	FRIEDMAN JASON
	214	3901 TRAVIS ST	BRITTENHAM DAVID
	215	3901 TRAVIS ST	CUARTELON ADELE S
	216	3901 TRAVIS ST	WEEDMAN JONATHAN
	217	3901 TRAVIS ST	TSAI TAI CHUN
	218	3901 TRAVIS ST	MOSLEY JULIA E
	219	3901 TRAVIS ST	THOMAS DARIUS & FALLYN

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
220	3901	TRAVIS ST	HALAYDA STEPHEN J
221	3901	TRAVIS ST	PLEITEZ CLAUDIA
222	3901	TRAVIS ST	CCCC PPTY MGMT LLC
223	3901	TRAVIS ST	SENOR CHARLES DAVID & JANE ALLEN
224	3901	TRAVIS ST	ROUSSON GEORGE & BEATA
225	3901	TRAVIS ST	WOOD CHARLES MARK
226	3901	TRAVIS ST	MCALEAVEY DAVID J
227	3901	TRAVIS ST	REYES JOSHUA P
228	3901	TRAVIS ST	SMITH ROBERT DAVID
229	3901	TRAVIS ST	JOHNSON CARRIE L
230	3901	TRAVIS ST	SMITH SCOTT N & ALYSSA L
231	3901	TRAVIS ST	MELCHER MARIAH B
232	3901	TRAVIS ST	APPEL DANIELLE B
233	3901	TRAVIS ST	COWICK JEFFERY DUANE & CARMEN
234	3901	TRAVIS ST	BURNLEY ROBERT
235	3901	TRAVIS ST	HAZELTON GAYLE M
236	3901	TRAVIS ST	WESTBROOK ASHLY
237	3901	TRAVIS ST	FOERSTER ASHLEY
238	3901	TRAVIS ST	HERRERA IGNACIO NICOLAS
239	3901	TRAVIS ST	SANCHEZ VICTOR G
240	3901	TRAVIS ST	IVCHENKO NATALIA A
241	3901	TRAVIS ST	CHEN SHYHDAH &
242	3901	TRAVIS ST	GOMEZ MARK D
243	3901	TRAVIS ST	MUNS CHRISTINE AMANDA
244	3901	TRAVIS ST	FACCA THOMAS PAUL &
245	3901	TRAVIS ST	MILLER LINDSEY R
246	3901	TRAVIS ST	CARDASCIA KATHERINE &
247	3901	TRAVIS ST	BEARIST GROUP LLC
248	3901	TRAVIS ST	TATUM JOHN & MARGARET
249	3901	TRAVIS ST	ALESSANDRA LITA
250	3901	TRAVIS ST	BUIE THOMAS M & CAROLINE P

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	251	3699 MCKINNEY AVE	WEST VILLAGE 2004 PO LTD
O	252	3699 MCKINNEY AVE	WILLIAMSON ANA
O	253	3699 MCKINNEY AVE	KAPORIS HELEN
O	254	3699 MCKINNEY AVE	WILLIAMSON ANA R
O	255	3699 MCKINNEY AVE	SAVAGE TAMARA ANN
O	256	3699 MCKINNEY AVE	STEFKA BRIAN PAUL
O	257	3699 MCKINNEY AVE	WOODWARD MICHAEL BRYAN
O	258	3699 MCKINNEY AVE	SHERWOOD STEVEN TRUST
O	259	3699 MCKINNEY AVE	ROGERS MARTIN
O	260	3699 MCKINNEY AVE	SCHULZE MARK
O	261	3699 MCKINNEY AVE	JOHNSON GLENN
O	262	3699 MCKINNEY AVE	LIVINGSTON WILLIAM CHRISTOPHER &
O	263	3699 MCKINNEY AVE	LEMMA YONATAN SOLOMON
O	264	3699 MCKINNEY AVE	PHILZACH LLC
O	265	3699 MCKINNEY AVE	REBELLO EUPHRASON G
O	266	3699 MCKINNEY AVE	YOUNG FREDERICK C
O	267	3699 MCKINNEY AVE	SEBASTIAN RICHARD
O	268	3699 MCKINNEY AVE	MULVANY STEPHEN J
O	269	3699 MCKINNEY AVE	SHAH SUMMIT J &
O	270	3699 MCKINNEY AVE	3700 COLE AVE LLC
O	272	3699 MCKINNEY AVE	MILLER ANGELA AMHADI
O	273	3839 MCKINNEY AVE	CIM 3839 MCKINNEY AVE LP
O	A1	3802 TRAVIS ST	CURLEY BRINDA HOLT
O	A2	3212 BLACKBURN DR	LATHAM VAN & LYNN
O	A3	3304 BLACKBURN ST	GARRETT JAMES P & TR
O	A4	3303 BLACKBURN ST	PELLETIER BRENT A & MARY A
O	A5	3906 BUENA VISTA ST	IPENEMA INVESTMENTS LTD
O	A6	3910 BUENA VISTA ST	IPENEMA INVESTMENTS LTD
O	A7	3711 COLE AVE	LG CITYPLACE LP
O	A8	3206 BLACKBURN DR	EDGERTON JAMES & LINDA L
O	A9	3817 HASKELL DR	CULLEN JOHN M & CONSTANCE L
O	A10	3839 MCKINNEY AVE	WVII LP

Z156-333(SH)

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A11	3699 MCKINNEY AVE	SOUTH ALLEY LOFT LLC
O	A12	3699 MCKINNEY AVE	WEST VILLAGE 2004 PO LTD

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 76 F; G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for nonresidential uses on property zoned an A(A) Agricultural District generally on the south line of Cedardale Road, west of Cleveland Road

Recommendation of Staff and CPC: Approval, subject to conceptual plan and conditions

Z156-354(SH)

FILE NUMBER: Z156-354(SH) **DATE FILED:** September 2, 2016**LOCATION:** South line of Cedardale Road, west of Cleveland Road**COUNCIL DISTRICT:** 8 **MAPSCO:** 76 F, G**SIZE OF REQUEST:** Approx. 106.55 acres **CENSUS TRACT:** 167.03

OWNERS: Gregory London, Sr.; Betty Garrett; Mack Cumby; Shirley Davis; Jose Carmen Esparza & Maria Luisa Esparza; Santiago Rivera; Vivian Taylor; and Rosalind Perry**APPLICANT:** TCDFW Acquisitions, LLC**REPRESENTATIVE:** TCDFW Acquisitions, LLC**REQUEST:** An application for a Planned Development District for nonresidential uses on property zoned an A(A) Agricultural District.**SUMMARY:** The applicant is proposing to develop the site with an industrial warehouse use on 106.55 acres of land. The proposed development is adjacent to Planned Development District No. 761, the Dallas Logistics Port Special Purpose District, and will utilize strategies within this special purpose district as a guide for development. The proposed PDD provides for the following: 1) designate permitted uses and corresponding yard, lot, and space regulations; 2) permit alternative landscape and tree mitigation regulations; 3) specify screening and height regulations for outside storage; and, 4) identify design guidelines, including lighting and sign standards.**CPC RECOMMENDATION:** Approval, subject to conceptual plan and conditions**STAFF RECOMMENDATION:** Approval, subject to conceptual plan and conditions**DESIGNATED ZONING CASE**

BACKGROUND INFORMATION:

- The request site is approximately 106.55 acres of agricultural land that is heavily wooded and mostly undeveloped, with a few residential dwelling units scattered throughout the site.
- The applicant proposes to develop the site with an industrial warehouse use. The proposed development is adjacent to Planned Development District No. 761, the Dallas Logistics Port Special Purpose District, and will utilize strategies within this special purpose district as a guide for development.
- Per the proposed conceptual plan, the development will consist of two warehouse buildings totaling 1.75 million square feet. Access to the site will be from four proposed driveways along Cedardale Road.

Zoning History: There have been no zoning cases in the area within the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Cedardale Road	Community Collector	60 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will have no significant impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	A(A)	Agricultural
North	LI and IR	Agricultural/Residential
East	A(A)	Agricultural/Residential
South	A(A) and LI	Agricultural
West	A(A) and LI	Agricultural

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

Policy 2.2.4 Focus on logistics-related jobs for the expansion of employment opportunities, particularly in the Southern Sector.

Dallas' future development opportunities and much of the projected growth capacity lie in the Southern Sector, offering a great opportunity to guide development and direct economic activity. The vast majority of vacant land in the city is located in the Southern Sector. As such, developments similar to this are necessary in order to promote and encourage efforts for continued investment in these underutilized areas of the city.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is approximately 106.55 acres of agricultural land that is heavily wooded and mostly undeveloped, with a few residential dwelling units scattered throughout the site. The area immediately surrounding the site is comprised mainly of agricultural farmland with few residential uses. The site is in close proximity to Planned Development District No. 761, commonly known as the Dallas Logistics Port Special Purpose District. The applicant proposes to develop the site using strategies that are consistent with the development guidelines within this special purpose district.

Per the proposed conceptual plan, the development will consist of two warehouse buildings totaling 1.75 million square feet. Access to the site will be from four proposed driveways along Cedardale Road. The proposed PDD provides for the following: 1) designate permitted uses and corresponding yard, lot, and space regulations; 2) permit alternative landscape and tree mitigation regulations; 3) specify an increase of height from six feet to nine feet for required screening of outside storage; and, 4) identify design guidelines, including lighting and sign standards.

To ensure compatibility with other industrial developments in the area, the applicant has proposed land uses that are consistent with the permitted uses in the Dallas Logistics Port Special Purpose District. In addition, the regulations that have been provided for

screening, landscaping and tree preservation, sign standards, and lighting are identical to those in the adjacent special purpose district. Off-street parking and loading will be provided per the requirements outlined in Chapter 51A.

Design Guidelines:

The PDD also proposes design guidelines for the purpose of encouraging quality development that will contribute to the overall aesthetics of the district as a unique place by enhancing the built environment. The conditions specify allowable materials for exterior walls that face a public street, residential use, or public open space. Provisions for vertical articulation stipulate that walls facing a public right-of-way must have vertical accent bands spaced no greater than 150 feet apart. These accent bands must be a minimum of 10 feet in length and must change height by a minimum of three feet materials have been specified. Lastly, roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they are not visible from a point five feet, six inches above grade at the property line. Screening materials must match the materials and colors used on the main building, and chain link fencing may not be used as a screening material. Staff supports these proposed design guidelines as they are intended to ensure that new development and redevelopment will be similar to the Dallas Logistics Port Special Purpose District.

Landscaping

The proposed landscaping is similar to the standards outlined in the Dallas Logistics Port Special Purpose District. Article X requirements of the Development Code will be met, with the additional provisions that at least 15 percent of the area of the street yard must be landscaped and required parking spaces must be within 100 feet of a landscape island as opposed to 120 feet as stipulated in the Code.

Parking

The minimum required parking will be provided per the regulations in Chapter 51A of the Development Code.

CPC ACTION – November 17, 2016:

Motion: It was moved to recommend **approval** of a Planned Development District for nonresidential uses, subject to conceptual plan and conditions on property zoned an A(A) Agricultural District generally on the south line of Cedardale Road, west of Cleveland Road.

Maker: Houston
Second: Jung
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices:	Area: 500	Mailed: 33
Replies:	For: 1	Against: 0

Speakers: None

List of Officers

TCDFW Acquisitions, LLC Officers

A Delaware limited Liability Company
doing business in Texas as TCDFW Acquisitions I, LLC

By: **TCDFW Development, Inc.**
A Delaware corporation
Its Managing Member
Scott Krikorian, CEO and President

Chief Executive Officer	Scott A. Krikorian
President	Scott A. Krikorian
Executive Vice President	Adam Saphier
Executive Vice President	James H. Matoushek
Executive Vice President	John A. Stirek
Executive Vice President	Matthew J. Nickels, III
Executive Vice President	Michael S. Duffy
Executive Vice President	Scott A. Dyche
Executive Vice President	T. Christopher Roth
Senior Vice President	Joel Behrens
Vice President	S. Denton Walker, III
Vice President	Valarie Gonzales
Secretary	Rebecca M. Savino
Assistant Secretary	Scott A. Dyche
Treasurer	James H. Matoushek
General Counsel	Scott A. Dyche
Director	Michael S. Duffy
Director	Scott A. Dyche

PROPOSED PDD CONDITIONS

ARTICLE XXX.

PD XXX.

SEC. 51P-XXX.101. LEGISLATIVE HISTORY.

PD XXX was established by Ordinance No. _____, passed by the Dallas City Council on _____. (Ordinance No. _____)

SEC. 51P-XXX.102. PROPERTY LOCATION AND SIZE.

PD XXX is established on property along the south line of Cedardale Road east of Floyd Branch Creek. The size of PD XXX is approximately 106.55 acres. (Ord. No. _____)

SEC. 51P-XXX.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

- (1) REVEAL means a recess in a material that is a minimum of ¾” deep and ¾” wide
- (2) STREET-YARD means that portion of a lot between a building facade facing a street and the property line.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

(d) In this district, a single family, duplex, or multifamily use creates a residential adjacency as defined in Chapter 51A.

SEC. 51P-XXX.104. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit XXXA: conceptual plan; and
- (2) Exhibit XXXB: vertical articulation

SEC. 51P-XXX.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ____A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-XXX.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. Development plans may be submitted in phases. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-XXX.107. MAIN USES PERMITTED.

- (1) Agricultural uses.
 - Crop production.
- (2) Commercial and business service uses.
 - Building repair and maintenance shop. *[RAR]*
 - Bus or rail transit vehicle maintenance or storage facility. *[RAR]*
 - Catering service.
 - Custom business services.
 - Custom woodworking, furniture construction, or repair.
 - Electronics service center.
 - Machine or welding shop. *[Inside only. RAR]*
 - Machinery, heavy equipment, or truck sales and services. *[RAR]*
 - Medical or scientific laboratory.
 - Technical school.
 - Tool or equipment rental.
 - Vehicle or engine repair or maintenance. *[RAR]*
- (3) Industrial uses.
 - Industrial (inside). *[SUP required if the use is potentially incompatible; otherwise with RAR. See Section 51A-4.203(a).]*
 - Industrial (inside) for light manufacturing.
 - Industrial (outside). *[RAR]*
 - Mining. *[Limited to oil and gas exploration and production; by SUP only; and must be spaced a minimum of 1,000 feet from single family, duplex, or multifamily uses.]*
 - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
- (4) Institutional and community service uses.
 - None permitted.

- (5) Lodging uses.
 - Extended stay hotel or motel. *[SUP]*
 - Hotel or motel. *[By SUP for a hotel or motel with fewer than 60 rooms; otherwise, with RAR.]*
 - Lodging or boarding house. *[SUP]*
- (6) Miscellaneous uses.
 - Temporary construction or sales office.
- (7) Office uses.
 - Financial institution without drive-in window.
 - Financial institution with drive-in window. *[RAR]*
 - Medical clinic or ambulatory surgical center.
 - Office.
- (8) Recreation uses.
 - Country club with private membership.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.
- (9) Residential uses.
 - None permitted.
- (10) Retail and personal service uses.
 - Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4). Treat as if in an industrial district.]*
 - Commercial amusement (inside). *[SUP required if required in an industrial district. See Section 51A-4.210(b)(7). Gun range and dance hall uses are not permitted.]*
 - Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential use.]*
 - 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 *[SUP]*
 - General merchandise or food store 100,000 square feet or more

[SUP Subject to the design standards in section 51A-4.605(a), rather than the design guidelines in Section 51P-XXX.116.]

- Home improvement center, lumber, brick, or building materials sales yard. *[RAR]*
- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Personal service uses. *[Tattoo studios and piercing salons are not permitted.]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Restaurant with drive-in or drive-through service. *[DIR]*
- Temporary retail use.
- Theater.
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[RAR]*

(11) Transportation uses.

- Airport or landing field. *[SUP]*
- Commercial bus station and terminal. *[RAR]*
- Heliport. *[RAR]*
- Helistop. *[RAR]*
- Intermodal railroad facility.
- Railroad passenger station. *[SUP]*
- Railroad yard, roundhouse, or shops. *[RAR]*
- STOL (short takeoff or landing) port. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211(10).]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical generating plant. *[SUP]*
- Electrical substation.
- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1). Treat as if in an industrial district.]*
- Utility or government installation other than listed. *[SUP]*
- Water treatment plant. *[RAR]*

(13) Wholesale, distribution, and storage uses.

- Building mover's temporary storage yard. *[SUP]*
- Contractor's maintenance yard. *[RAR]*
- Freight terminal.
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening). *[See Section 51P-XXX.110.]*
- Outside storage (without visual screening). *[See Section 51P-XXX.110.]*
- Petroleum product storage and wholesale. *[RAR]*
- Recycling buy-back center. *[See Section 51A-4.213(11). Treat as if in an industrial district.]*
- Recycling collection center. *[See Section 51A-4.213(11.1). Treat as if in an industrial district.]*
- Recycling drop-off container. *[See Section 51A-4.213 (11.2). Treat as if in an industrial district.]*
- Recycling drop-off for special occasion collection. *[See Section 51A- 4.213(11.3). Treat as if in an industrial district.]*
- Sand, gravel, or earth sales and storage. *[RAR]*
- Trade center.
- Vehicle storage lot.
- Warehouse. *[RAR]*

SEC. 51P-XXX.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-XXX.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) Front yard.

- (1) Except as provided in this subsection, minimum front yard is 50 feet.
- (2) Minimum front yard may be reduced to 25 feet if the adjacent right-of-way is less than 72 feet wide, measured from back-of-curb to back-of-curb.

(b) Side yard.

- (1) Except as provided in this subsection, minimum side yard is 25 feet.
- (2) Minimum side yard for lots abutting single family, duplex, or multifamily uses is 100 feet.
- (3) No minimum side yard for lots abutting railroad rights-of-way or rail spurs.

(c) Rear yard.

- (1) Except as provided in this subsection, minimum rear yard is 25 feet.
- (2) Minimum rear yard for lots abutting single family, duplex, or multifamily uses is 100 feet.
- (3) No minimum rear yard for lots abutting railroad rights-of-way or rail spurs.

(d) Floor area.

- (1) Except as provided in this paragraph, maximum floor area ratio for all uses combined is 2.0.
- (2) No maximum floor area for industrial (inside), industrial (inside) for light manufacturing, or office showroom /warehouse uses.

(e) Height.

- (1) Except as provided in this subsection, maximum structure height is 200 feet.
- (2) Except as provided in this paragraph, if any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. For purposes of this paragraph, the site of origination is any single family, duplex, or multifamily use.
 - (A) Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less.
 - (B) Chimneys may project through the residential proximity slope to a height not to exceed 12 feet above the maximum structure height or 12 feet above the residential proximity slope, whichever is less.

(f) Lot coverage.

- (1) Maximum lot coverage is 55 percent.

(2) 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 17. Parking garages are exempt from this requirement, but must comply with the height regulations in Section 51P-XXX.109(e).

SEC. 51P-XXX.110. SCREENING AND HEIGHT OF OUTSIDE STORAGE.

(a) Screening. If an outside storage area is visible from a public right-of-way, visible from a single family, duplex, or multifamily use, or visible from and within 100 feet of an adjoining property with a use other than a residential use, screening of outside storage must be constructed and maintained as follows:

(1) Screening must be constructed of:

(A) brick, stone, or concrete masonry;

(B) earthen berm planted with turf grass or ground cover recommended for local area use by the city arborist;

(C) evergreen plant materials recommended for local area by the city arborist; or

(D) any combination of the above

(2) Screening must be a minimum of nine feet in height and must be provided before the issuance of a certificate of occupancy for the use.

(3) A required screening wall or fence may not have more than 10 square inches of openings in any give square foot of surface.

(4) The berm may not have a slope that exceeds one foot of height for each two feet of width.

(5) Plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. 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. Plant materials must be capable of providing a solid appearance and must provide a visual barrier of the required height within three years of their initial planting.

(b) Height.

(1) Except as provided in this paragraph, maximum stacking height of outside storage is 30 feet.

(2) Maximum stacking height of outside storage within 40 feet of screening is eight feet.

SEC. 51P-XXX.111. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Consult Division 51A-4.300 for information regarding off-street parking and loading generally.

SEC. 51P-XXX.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-XXX.113. LANDSCAPING

(a) Site trees.

(1) One tree having a caliper of at least two inches must be provided for each 6000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(2) Credit for existing trees. Existing trees may be used to satisfy the site tree requirement pursuant to Section 51A-10.125(b)(3)(B).

(b) Street-yard landscaping.

(1) In addition to any buffer landscaping required under Subsection (c), at least 15 percent of the area of the street-yard must be landscaped.

(2) One tree must be provided within the street-yard for every 50 feet of street frontage.

(3) Trees required in the street-yard also qualify for site trees under Subsection (a) but do not qualify as buffer trees under Subsection (c).

(4) Street-yard landscaping must be provided before the issuance of a certificate of occupancy.

(c) Buffers.

(1) Perimeter buffer. A minimum 10-foot-wide perimeter landscape buffer must be provided along a lot abutting a single family use. One large canopy tree must be provided for every 50 feet of landscape buffer.

(2) Parking lot buffer.

(A) Except as provided in this subsection, a 20-foot-wide landscape buffer must be provided between a parking lot and an adjacent divided thoroughfare.

(B) Except as provided in this subsection, a 10-foot-wide landscape buffer must be provided between a parking lot and an adjacent undivided street.

(C) A parking lot landscape buffer must consist of large shrubs placed a maximum of 36 inches on center over the entire length of the buffer. The large shrubs must be maintained at a minimum height of three feet and must be capable of providing a solid appearance within three years.

(D) The parking lot buffer may be within the street-yard.

(E) Trees required for street-yard landscaping may be provided within a parking lot buffer if the parking lot buffer is located within a street-yard.

(d) Parking lot landscaping.

(1) Parking lot landscaping must comply with the following standards:

(A) Every required parking space must be within 100 feet of a landscape island.

(B) Twenty square feet of landscape area within a landscape island must be provided for every required parking space

(C) Landscape islands must be a minimum of eight feet in width measured from inside-of-curb to inside-of-curb.

(D) Each landscape island must have a minimum of one canopy tree. Trees in landscape islands qualify as site trees under Subsection (a), but do not qualify as buffer tree under Subsection (c).

(E) Section 51A-10.104, "Planting Area Requirements," applies to the parking lot landscape areas.

(2) Parking lot landscape requirements apply only to passenger car parking lots, not parking lots used exclusively for trucks.

(e) Dumpster screening. Dumpsters visible from a public street must be screened on three sides with a minimum six-foot-high opaque screening material (not chain link or wooden fences). The fourth side must be a metal gate.

(f) Artificial lot.

(1) Section 51A-10.122, "Artificial Lot Delineation," applies to this district.

(2) An artificial lot within this district is not required to have street frontage.

(g) Irrigation.

(1) Except as provided in this subsection, all required plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.

(2) A facility that is landscaped to comply with the LEED NC credit system, LEED certification, or equivalent rating system, including Texas Smartscape, may provide an alternative landscape maintenance program certified as appropriate by a licensed landscape architect or licensed irrigator.

(3) A water maintenance program must be specified on a landscape plan approved by the building official that identifies water sources and the areas where alternative irrigation measures will be used.

(4) If irrigation is provided by an optional collection system, it should be noted on the landscape plan.

(h) Landscape maintenance. Plant materials must be maintained in a healthy growing condition.

SEC. 51P-XXX.114. TREE PRESERVATION.

(a) In general. Except as provided in this section, the tree preservation regulations in Article X apply.

(b) Applicability. Tree preservation regulations do not apply to the following:

(1) Lots smaller than two acres in size that contain single family or duplex uses.

(2) A tree that endangers the public health, welfare, or safety and that must be immediately removed because of poor structural integrity.

(3) Trees planted and growing on the premises of a licensed plant or tree nursery that are planted and growing for the sale to the general public.

(4) A tree that is diseased or infected, damaged beyond the point of recovery, or in danger of falling.

(5) A tree located within designated rights-of-way.

(6) A tree within a designated building foundation area.

(7) A tree within an existing or designated public utility easement area or public drainage easement area.

(8) Trees with a caliper of 12 inches or less.

(9) Cedar (juniper) trees. and Bois D'Arc(Osage Orange(*Maclura pomifera*)

(c) Tree removal permit. In lieu of a tree survey, an applicant for a tree removal permit

may provide an estimate of caliper inches to be removed based on a sampling of trees within the lot or tract to be developed. The sampling must be a minimum of 10 percent of the lot or tract from which the trees are to be removed and approved by the building official.

(d) Alternative methods of compliance.

(1) In addition to the alternative methods of compliance with tree replacement requirements in Section 51A-10.135, an applicant for tree replacement may:

(A) donate land within the city limits to the city for tree preservation purposes using the same standards and procedures as in Section 51A-10.135(a)(4) and (d) (but in fee simple rather than as an easement);

(B) plant replacement trees *on other property* within the district; or

(C) plant replacement trees on property that is within five miles of the tree removal property but still within the city limits.

(2) Trees planted in public property, including public right-of-way, may be used to mitigate trees removed.

(e) Tree replacement credits.

(1) A credit against replacement trees is available for protected trees with a caliper greater than 12 inches preserved within tree preservation areas at a ratio of four caliper inches of credit for each one caliper inch preserved in the tree preservation area. Tree preservation areas must be shown on a landscape plan. The amount of credit for a tree preservation area is determined by:

(A) For tree preservation areas with more than five acres, a sampling of trees in 10 percent of the area to be preserved.

(B) For tree preservation areas five acres or less, a tree survey of preserved trees.

(2) For any platted lot abutting a designated floodplain, a credit against replacement trees is available for protected trees greater than 18 inches preserved in floodplain areas at a ratio of one caliper inch of credit for each one caliper inch preserved. Floodplain areas receiving tree replacement credits must be shown on a landscape plan. If a credit is given for trees preserved in a floodplain area, the floodplain area is not eligible for reclamation under Article V.

(3) Credit against replacement trees is available for meeting the most recent version of the LEED Reference Guide for New Construction and Major Renovations, (the "LEED Guide"). Each LEED credit under the Sustainable Sites or Water Efficiency categories counts as two credits for the purposes of this paragraph.

(A) Sites with 5 credits qualify for a five percent reduction in the total caliper inches of trees required to be mitigated.

(B) Sites with between 6 and 10 credits qualify for a 10 percent reduction

in the total caliper inches of trees required to be mitigated.

(C) Sites with between 11 and 15 credits qualify for a 20 percent reduction in the total caliper inches of trees required to be mitigated.

(D) Sites with between 16 and 20 credits qualify for a 30 percent reduction in the total caliper inches of trees required to be mitigated.

(E) Sites with between 21 and 25 credits qualify for a 40 reduction in the total caliper inches of trees required to be mitigated.

(F) Sites with more than 25 credits qualify for a 50 percent reduction in the total caliper inches of trees required to be mitigated.

(4) No credit may be given for tree preservation that is outside the city.

(f) Location of replacement trees.

(1) Replacement trees may be planted in a parkway provided that they are at least 10 feet from any underground utility and at least 20 feet from overhead utility lines.

(2) Replacement trees may not be planted outside of the city.

(g) Timing for tree planting. Replacement trees must be planted within 12 months after issuance of a tree removal permit in conjunction with a grading permit, or with the completion of a building permit for construction on the tree removal property submitted within 12 months after issue of the tree removal permit.

SEC. 51P-XXX.115. SIGNS.

(a) General. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) District identification signs.

(1) For purposes of this subsection, the premise is the entire district.

(2) A district identification sign may:

thoroughfare;

(A) be located within 500 feet of an interstate highway or designated

(B) not contain more than 200 square feet of effective area;

(C) not exceed 40 feet in height; and

(D) be externally illuminated.

(3) No more than one district identification sign is permitted for every 2,000 feet of street frontage, or portion thereof, if located within 500 feet of an interstate highway or designated thoroughfare.

(4) HBA signs are not permitted.

(c) Movement control signs.

(1) Movement control signs must direct vehicular or pedestrian movement within the district and may include the name, address, logo, and directional symbol of any use located within the district.

(2) Movement control signs may be externally or internally illuminated.

(3) A movement control sign must be located at least 1,000 feet from another movement control sign.

(4) Movement control signs may:

(A) be attached or detached signs;

(B) not exceed 60 square feet in effective area;

(C) not exceed 15 feet in height;

(D) be erected anywhere within the district without limit as to number.

(5) A movement control sign may be located in a public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter; Article VI of Chapter 43 of the Dallas City Code; the Dallas Building Code; and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(6) The director of mobility and streets must review the location of any sign located in the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

(7) A movement control sign located outside the public right-of-way must have a minimum setback of 15 feet from the property line. No sign may be located in the visibility triangle.

(8) HBA signs are not permitted.

SEC. 51P-XXX.116. DESIGN GUIDELINES.

(a) Introduction. The purpose of these design guidelines is to encourage quality development that will contribute to the overall aesthetics of the district as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with and enhance the overall appearance of the district.

(b) Materials.

(1) The surface of each exterior wall (excluding doors and windows) facing a public street, residential use, or public open space must consist of stone, brick, glass block, tile, cast

metal, cast or cultured stone, concrete, or a combination of these materials.

(2) Other cement products (such as stucco, Hardy Plank, or other similar materials) are limited to 50 percent of the buildings' exterior finishes.

(3) EIFS is allowed but must be located at least eight feet above grade.

(c) Facades.

(1) Vertical articulation. Walls facing a public right-of-way must have vertical accent bands spaced no greater than 150 feet apart. Such accent bands must be a minimum of 10 feet in length and must change height by a minimum of three feet (see Exhibit XXXB: vertical articulation).

(2) Accent bands. Accent bands must be further accentuated with one of the following:

- (A) reveals;
- (B) textures;
- (C) different colors; or
- (D) a combination of the above finishes

(3) Roofs. Roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they are not visible from a point five feet, six inches above grade at the property line. Screening materials must match the materials and colors used on the main building. Chain link fence may not be used as a screening material.

SEC. 51P-XXX.117. LIGHTING.

(a) In general. All lighting must be designed in accordance with Illuminating Engineering Society of North America (IESNA) practices.

(b) Lighting plan review. A lighting plan that complies with the requirements of this section must be approved by the building official with the application for a building permit for work on the building site. Photometric plans must graphically depict illumination layout and foot candle values within the area being lighted and at the property lines. All photometric plans and pertinent illumination design information (including fixtures, electrical design data, and IESNA data for luminaries) must be signed and sealed by a licensed engineer in the state of Texas.

(c) General design. Except as provided in this section, all lighting must provide proper site illumination while directing illumination away from any adjacent property.

(1) Street lighting. Street lighting must conform at a minimum to the Texas Department of Transportation Highway Illumination Manual.

(2) Site lighting. Uses that operate between sunset and sunrise must provide illumination not to exceed a maintained average of two-and-one-half foot-candles at ground level, and must not distribute more than one-quarter of one foot-candle of light on adjacent residential property.

(3) Parking lot lighting.

(A) Parking lot lighting must provide no more than a maintained average of one-and-a-half foot-candles at ground level, and must not distribute more than one quarter of one foot- candle of light on adjacent residential property.

(B) A minimum average of the greater of either one foot candle (maintained) or that required by applicable IESNA practice must be maintained.

(4) Sign lighting. All sign lighting must be designed to minimize uplight. Floodlight use to illuminate signs must be done in a manner that eliminates glare along adjacent roadways and properties.

(d) Light trespass control measures.

(1) Fixture design and location. Any fixture whose distance from a lot line is less than three times its height must be shielded so that all direct light cast in the direction of streets or abutting residential lots is cut off at an angle of no more than 70 degrees measured from a vertical line directly below the fixture. The cut-off may be accomplished either by the fixture photometric properties or by a supplementary external shield.

(2) Lighting shield design. Shields that are installed to control light trespass and glare must be designed so that the parts of the shields that are exposed to the direct light of the fixture and visible from streets or abutting residential lots shall have a flat-black, low reflectivity finish.

SEC. 51P-XXX.118. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

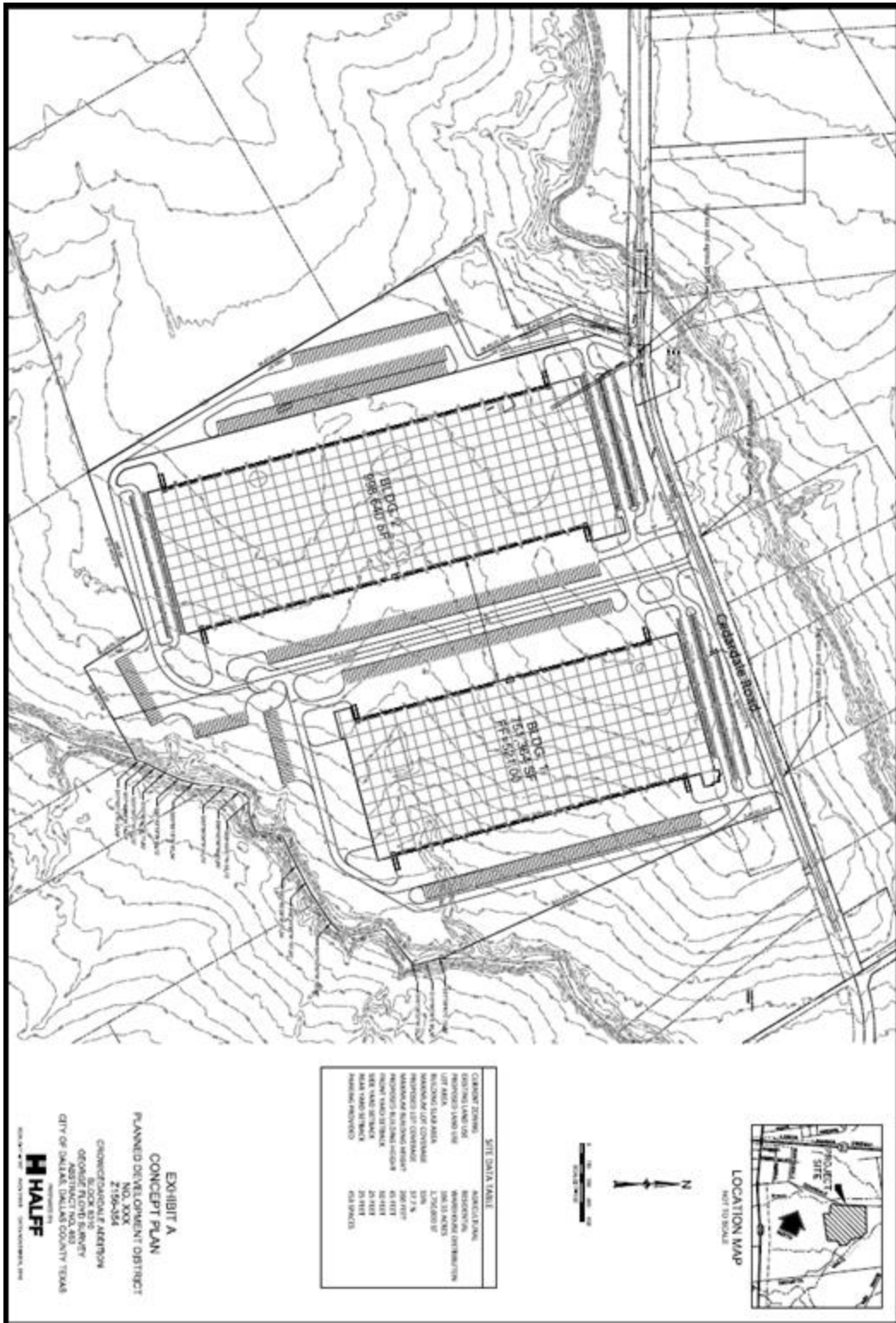
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-XXX.119. COMPLIANCE WITH CONDITIONS.

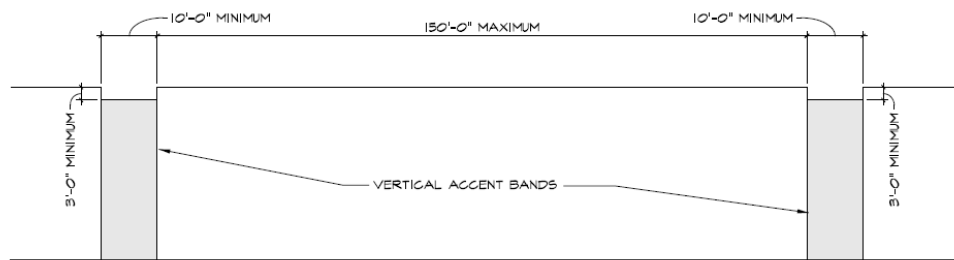
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

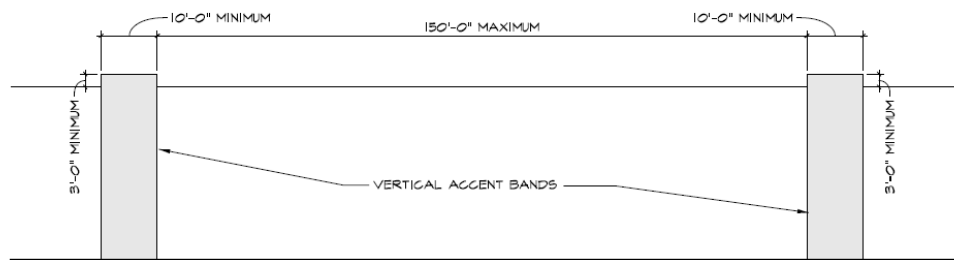
PROPOSED CONCEPTUAL PLAN



VERTICAL ARTICULATION

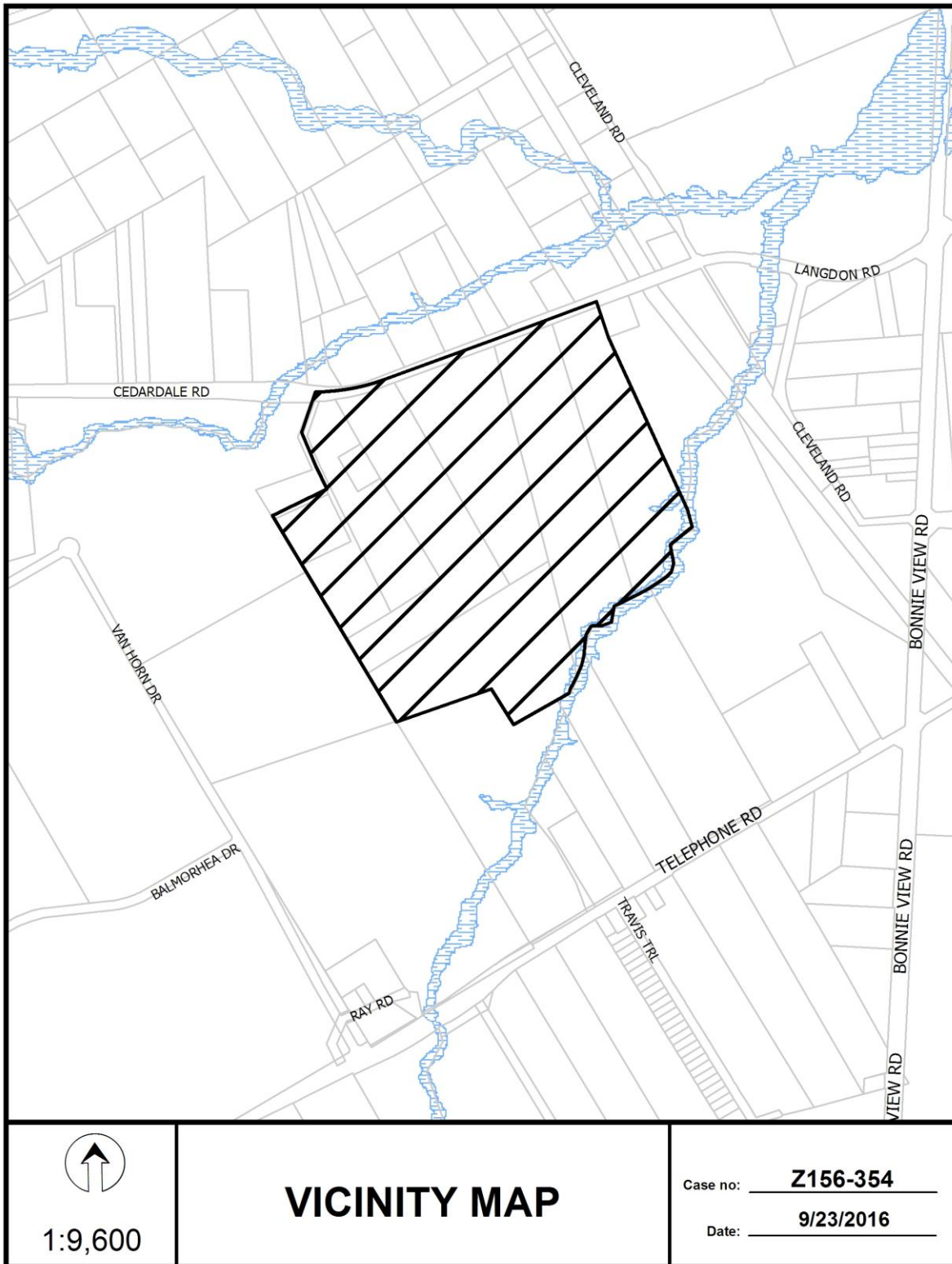


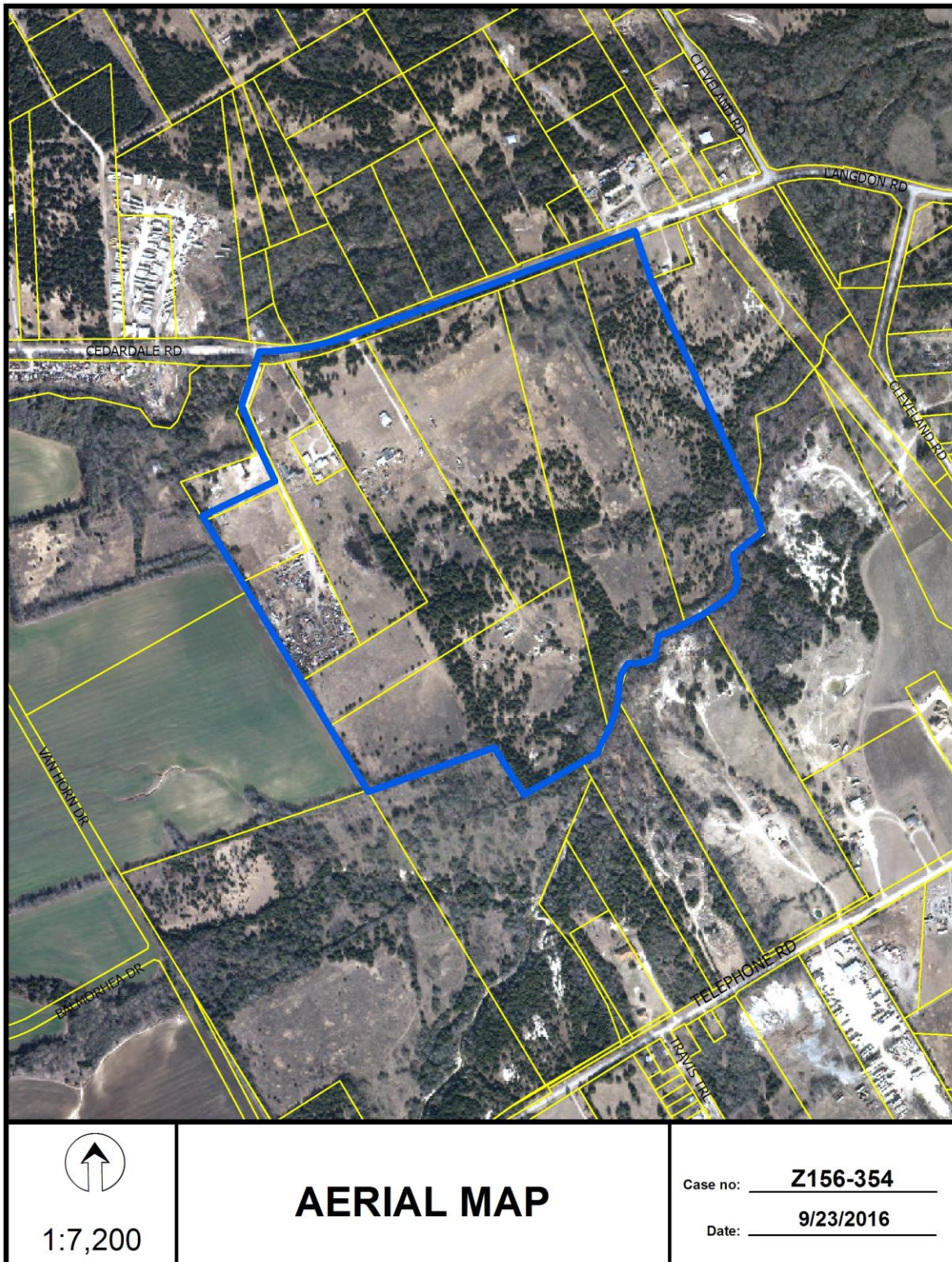
OPTION 1

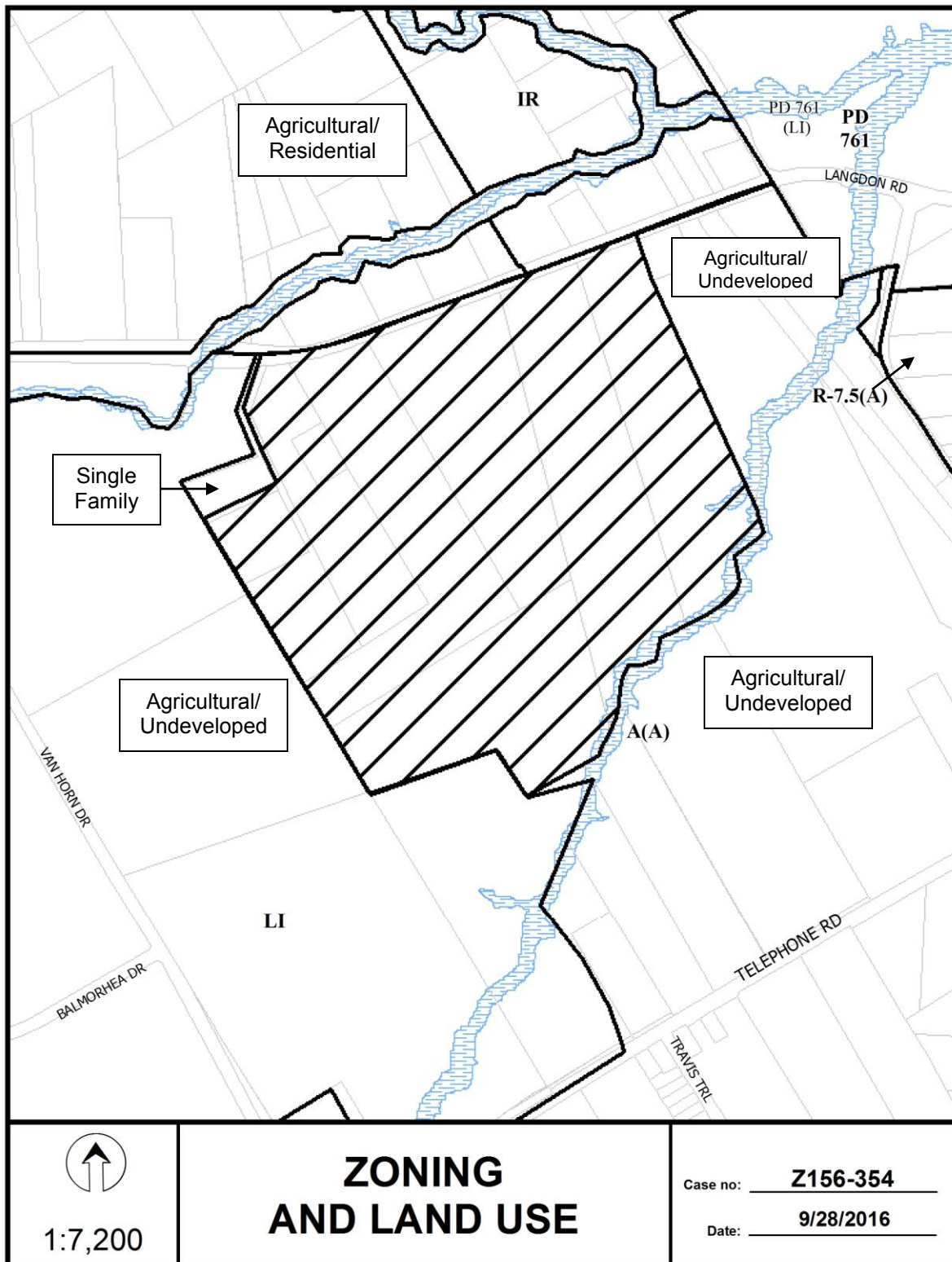


OPTION 2

FIGURE 1: VERTICAL ARTICULATION







CPC Responses



<u>33</u>	Property Owners Notified (40 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>11/17/2016</u>	Date

Z156-354
CPC



1:7,200

11/16/2016

Reply List of Property Owners***Z156-354******33 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3501 TELEPHONE RD	TEJAS INVESTORS
	2	3935 TELEPHONE RD	GIDDENS DONNIE L
	3	4041 TELEPHONE RD	ADAMS JOHN H
	4	4241 TELEPHONE RD	SKIEF CLEMMIE
	5	3930 CEDARDALE RD	MEXTEGA KRISTINA
	6	3900 CEDARDALE RD	TAYLOR JOSEPH &
	7	3422 CEDARDALE RD	DAVIS SHIRLEY
	8	3400 CEDARDALE RD	ESPARZA J CARMEN
O	9	3310 CEDARDALE DR	LONDON GREGORY SR ETAL
	10	3800 CEDARDALE RD	PERRY ROSALIND A &
	11	3434 CEDARDALE RD	PERRY ROSALIND ETAL &
	12	3424 CEDARDALE RD	ESPARZA JOSE CARMEN &
	13	3800 CEDARDALE RD	RIVERA SANTIAGO
	14	3420 CEDARDALE RD	ESPARZA SANTIAGO & IRENE
	15	3609 CEDARDALE RD	MARTINEZ FERNANDO &
	16	3601 CEDARDALE RD	HUERTA PLACIDO VETO &
	17	3605 CEDARDALE RD	LEIB JUNE CAROLE
	18	2946 CEDARDALE RD	KEETON PAUL L JR
	19	3925 TELEPHONE RD	FONSECA GUILLERMO & ELVA J TORRES
	20	3901 TELEPHONE RD	CURRIE JULIAN & GLORIA
	21	4000 CEDARDALE RD	TEXAS UTILITIES ELEC CO
	22	3915 CEDARDALE RD	TRANSATLAS FINANCIAL INC
	23	3923 CEDARDALE RD	DAWSON CHARLES
	24	3423 CEDARDALE RD	ESPARZA JOSE CARMEN & MARIA
	25	3401 CEDARDALE RD	BARAJAS NICOLAS
	26	3525 CEDARDALE RD	CARTER LINDA JO &

Z156-354(SH)

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3521	CEDARDALE RD	BARAJAS NICOLAS
28	3521	CEDARDALE RD	MCCLUNEY MARSHALL W & NIKKI
29	1	VAN HORN DR	RIDGE SOUTH DALLAS I
30	1	VAN HORN DR	DALLAS RIDGE INDUSTRIAL II LLC
31	3400	CEDARDALE RD	MARTINEZ FERNANDO
32	3700	CEDARDALE RD	DAWSON CHARLES
33	3883	CEDARDALE RD	NELL ROBERT

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 45L

SUBJECT

A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way; and, at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas Mobility and Street Services Department, Engineering Services Division, (formerly the Public Works Department), has requested an amendment to the City of Dallas Central Business District (CBD) Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway. The proposed change was initially analyzed and recommended in the Comprehensive Transportation Plan for the Central Business District. The plan, unanimously endorsed by the Dallas City Council in June 2005, made several recommendations regarding changes in traffic operations within the CBD including one-way to two-way street conversions.

The proposed segment of roadway is under construction and being realigned to match the segment of Pearl Expressway between Pacific Avenue and Marilla Street (south of the current proposal) approved by Dallas City Council on May 23, 2007. The City Council also adopted the Downtown Parks Master Plan Update in April 2013 designating Carpenter Park as one of the park priorities in Downtown. This project will facilitate the proposed design of planned Carpenter Park improvements and create a more walkable environment. The reconstruction of Pearl Street was funded with 2006 Bond funds.

BACKGROUND (Continued)

Staff recommends approval of the amendment to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Plan Commission Transportation Committee acted on this item on May 5, 2016 and followed staff recommendation.

The City Plan Commission acted on this item on May 19, 2016 and referred this case back to City Plan Commission Transportation Committee.

The City Plan Commission Transportation Committee acted on this item on October 20, 2016 and followed staff recommendation of approval.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

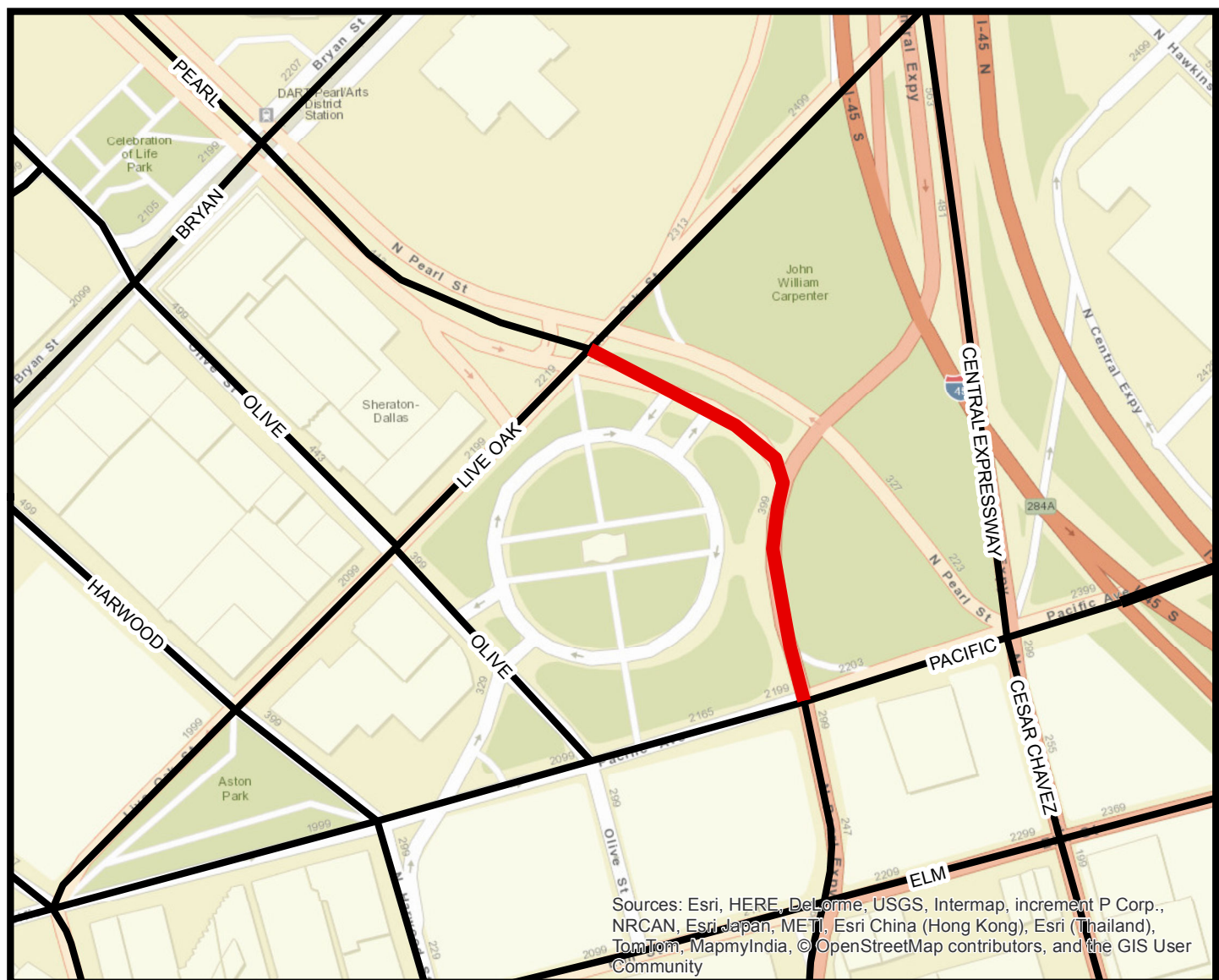
Pearl Expressway

Live Oak Street to Pacific Avenue

Council District: 14

MAPSCO: 45-L

Central Business District Vehicle Circulation Plan Amendment Map



KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office Of Environmental Quality

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

MAPSCO: 22 Z 32 D

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by TPUSA - FHCS, Inc., located near the intersection of Connector Drive and Technology Boulevard West and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 9999 Technology, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by a groundwater bearing zone that is encountered at approximately 15 feet below ground surface (bgs) and extends to approximately 17 to 35 feet bgs where the Eagle Ford formation is encountered. The estimated thickness of the Eagle Ford formation in the area is approximately 200-300 feet thick and consists of shale, sandstone and limestone. The direction of groundwater flow beneath the designated property is to the north and northwest. This shallow groundwater has been affected by arsenic at concentrations above groundwater ingestion standards. The suspected onsite and offsite source of the arsenic is unknown fill material in a former gravel mine located on the northwest portion of the designated property that extends offsite. Part of a gravel mining operation was located on the northwest portion of the property from at least 1942 to 1964, when the property was graded using fill material. Mining activities appeared to cease by 1971. Unknown fill material was used to fill the former gravel mining operation and is believed to be of anthropogenic origin.

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in January 2014 and is designated as VCP Facility ID No. 2630.

BACKGROUND (Continued)

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on January 4, 2017 to receive comments and concerns. Notices of the meeting were sent to 112 property owners within 2,500 feet of the property and 124 private well owners within 5 miles of the property. The City of Irving is the only other municipality located within one-half mile of the designated property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Connector Drive and Technology Boulevard West including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently the designated property is occupied by a customer service call center. The future use of the designated property is anticipated to be similar to the current use.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

No cost consideration to the City

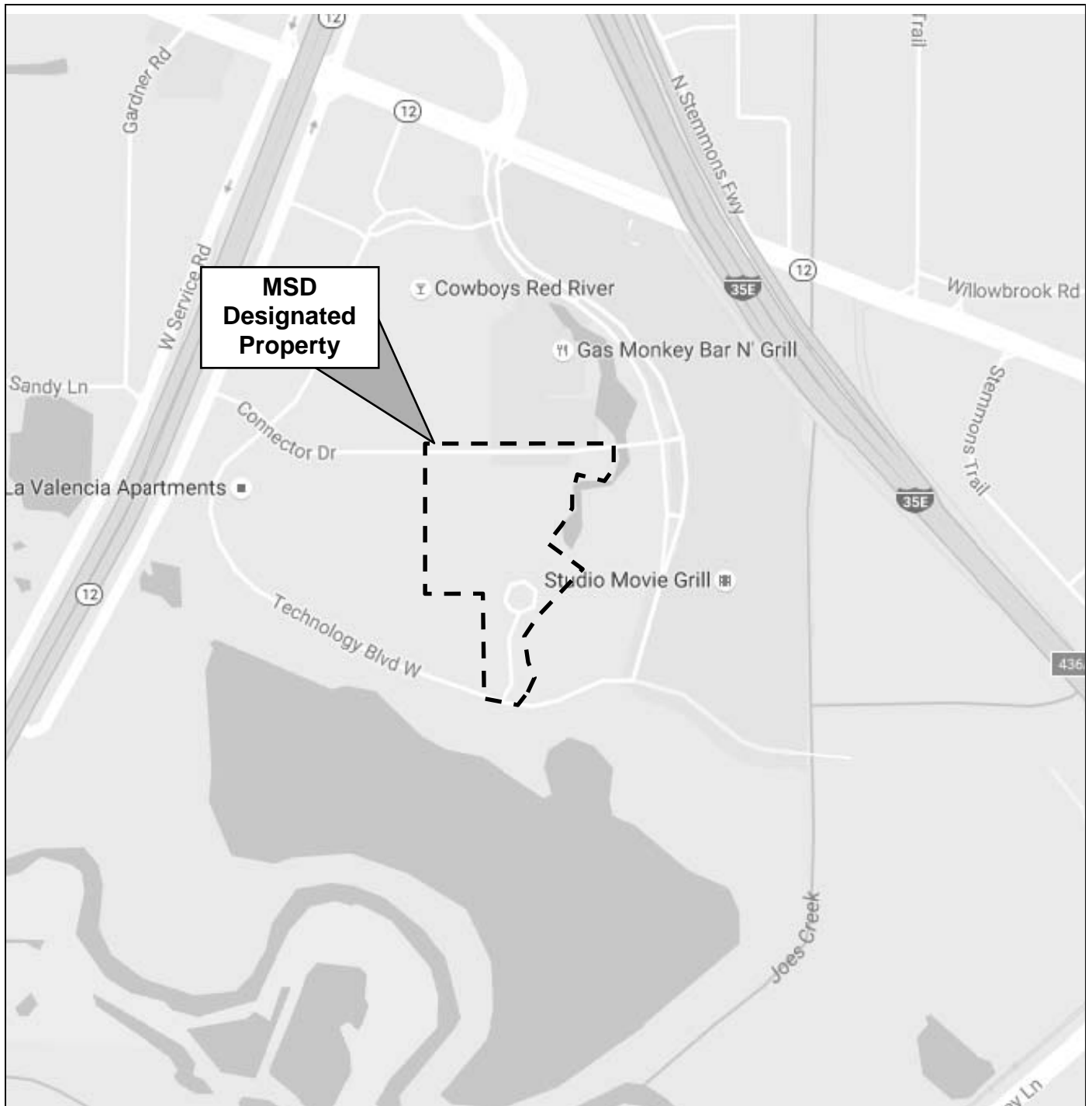
OWNER

TPUSA-FHCS, Inc.

Sandip Sen, President

MAP

Attached



CITY OF DALLAS



**Municipal Setting Designation
Designated Property Boundary Map
MSD Log OEQ0062
Applicant – 9999 Technology, LP
Designated Property Address
9999 Technology Boulevard West
Dallas, TX 75220**

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 9999 Technology Boulevard West and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned TCEQ Voluntary Cleanup Program Identification No. 2630 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than January 11, 2019.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than January 11, 2019. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedance zone;

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____



0 100 200

LOT 4 BLOCK D/6499
STEMMONS LAKEFRONT ADDITION
Vol. 2003007, Pg. 158
D.R.D.C.T.

Technology Blvd West
56' R.O.W.

15' S.W. Sew. Emt.
Vol. 2003007, Pg. 72

NORTH 375.00'

Q. DALUS HOLDINGS, L.P.
Doc. #20060034873

Lot 1C, Block E/6499
Glamour Addition No.2
Clerk's File No. 201300236019

WEST 350.00'

9999 Technology, L.P.
Vol. 98085, Pg. 8194

LOT 2 BLOCK E/6499
JEFFERSON AT THE LAKE
Vol. 99078, Pg. 0084

Crest MA, L.P.
Doc. #2007033011

3" METAL DISK STAMPED
GLAMOUR ADDITION NO. 2
D&D SURVEYING #4369

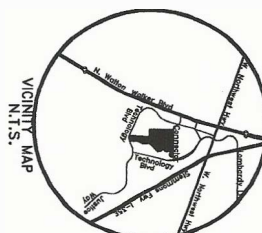
15' Drainage Emt.
Clerk's File No. 201300236019

15' Sanitary Sewer Emt.
Clerk's File No. 201300236019
O.P.R.D.C.T.

10'x15' ESMT.
D.P. & L. ESMT.
(V. 83336, P. 4149)
D.R.D.C.T.

RED RIVER ENTERPRISES LLC
VOLUME 2003009, PAGE 1549
D.R.D.C.T.

OUTBACK STEAKHOUSE #4470
RELEASE 10/21/15
VOLUME 88121, PAGE 3518
D.R.D.C.T.



15' D.P. & L. ESMT.
(V. 83336, P. 4149)
D.R.D.C.T.

10'x15' ESMT.
D.P. & L. ESMT.
(V. 83336, P. 4149)
D.R.D.C.T.

RB 10153 TBE, L.P.
Vol. 2003001, Pg. 14732

LINE BEARING LENGTH

LINE	BEARING	LENGTH
1	S01°08'21"E	52.22
2	S05°35'15"W	23.13
3	S31°17'14"W	23.91
4	S34°04'25"W	30.62
5	S50°50'48"W	14.52
6	S73°10'22"W	19.21
7	S79°34'02"W	24.32
8	S88°42'23"W	24.32
9	N81°58'51"W	26.55
10	N75°32'51"W	44.55
11	S66°51'29"W	36.54
12	S32°16'01"W	24.89
13	S01°06'37"E	24.58
14	S16°34'40"E	26.88
15	S19°21'49"E	27.46
16	S03°00'28"W	22.86
17	S28°05'40"W	26.42
18	S52°05'40"W	45.90
19	S39°55'51"W	25.60
20	S18°41'47"W	31.43
21	S18°17'29"E	31.62
22	S29°58'37"E	17.01
23	S35°57'09"E	28.14
24	S37°26'27"E	18.25
25	S30°17'27"E	24.92
26	S25°12'39"E	29.07
27	S16°04'33"E	26.51
28	S13°12'51"E	26.30
29	S24°29'28"E	10.54

LOT 1A, BLOCK E/6499
GLAMOUR ADDITION
Vol. 98351, Pg. 8417

3" METAL DISK STAMPED
GLAMOUR ADDITION NO. 2
D&D SURVEYING #4369

Rosebrier Stemmons II, L.P.
Vol. 2000171, Pg. 3245

Rosebrier Stemmons II, L.P.
Vol. 99007, Pg. 4807
Remainder

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CH. BRG.	CH. DIST
C1	133.04	115.00	66°16'53"	S13°47'08"W	125.74
C2	248.39	270.00	52°42'37"	S07°00'00"W	239.72
C3	70.67	428.00	09°27'39"	N72°07'18"W	70.59
C4	244.58	2204.09	06°21'29"	N86°49'16"E	244.45



POINT OF BEGINNING

MUNICIPAL SETTING DESIGNATION EXHIBIT

LOT 1B, BLOCK E/6499 - GLAMOUR ADDITION No.2

Benjamin Merrell Survey, Abstract No.932

City of Dallas, Dallas County, Texas

9999 Technology Blvd. West

NOTE: Bore of Bearing is the south line (EAST) of Connector Drive as recorded in Volume 85199, Page 3322, D.R.D.C.T.

D&D Surveying, Inc.
FIRM No. 10011190

105 S.W. 2ND ST. GRAND PRAIRIE, TX 75051
OFFICE (972)262-3898 : Fax (972)262-3941

DRAWN TDH BY CHECKED WRD BY

16 NOV 2015

Being a 16.615 acre tract of land situated in the City of Dallas, Dallas County, Texas in the Benjamin Merrell Survey, Abstract No. 932 and being all of Lot 1B, Block E/6499, of the Glamour Addition No. 2 as recorded in Clerk's File No. 201300236019 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and a portion of Connector Drive and Technology Boulevard West as recorded in Volume 85199, Page 3322, Deed Records, Dallas County, Texas, (D.R.D.C.T.), and being more fully described as follows:

BEGINNING at a found in 3" metal disc stamped "GLAMOUR ADDITION NO. 2 D&D SURVEYING #4369" set in concrete in the south line of Connector Drive (56' right-of-way) as recorded in Volume 85199, Page 3322, Deed Records, Dallas County, Texas, (D.R.D.C.T.), being the northeast corner of the said Glamour Addition No.2 and also being the northwest corner of a tract of land conveyed to Rosebriar Stemmons II, L.P. as recorded in Volume 2000171, Page 3245, D.R.D.C.T.;

THENCE leaving the south line of said Connector Drive and along the westerly line of said Rosebriar Stemmons II, L.P. tract along the westerly and northerly meanders of an existing lake the following courses and distances:

South 01 degrees 08 minutes 21 seconds East, a distance of 52.22 feet to an angle point;
South 05 degrees 35 minutes 15 seconds West, a distance of 23.13 feet to an angle point;
South 31 degrees 17 minutes 14 seconds West, a distance of 23.91 feet to an angle point;
South 34 degrees 04 minutes 25 seconds West, a distance of 30.62 feet to an angle point;
South 50 degrees 50 minutes 48 seconds West, a distance of 14.52 feet to an angle point;
South 73 degrees 10 minutes 22 seconds West, a distance of 19.21 feet to an angle point;
South 79 degrees 34 minutes 02 seconds West, a distance of 24.52 feet to an angle point;
South 88 degrees 42 minutes 23 seconds West, a distance of 24.32 feet to an angle point;
North 81 degrees 58 minutes 51 seconds West, a distance of 26.55 feet to an angle point;
North 75 degrees 32 minutes 51 seconds West, a distance of 44.55 feet to an angle point;
South 66 degrees 51 minutes 29 seconds West, a distance of 36.54 feet to an angle point;
South 32 degrees 16 minutes 01 seconds West, a distance of 24.89 feet to an angle point;
South 01 degrees 06 minutes 37 seconds East, a distance of 24.58 feet to an angle point;
South 16 degrees 34 minutes 40 seconds East, a distance of 26.88 feet to an angle point;
South 19 degrees 21 minutes 49 seconds East, a distance of 27.46 feet to an angle point;
South 03 degrees 00 minutes 28 seconds West, a distance of 22.86 feet to an angle point;
South 28 degrees 05 minutes 40 seconds West, a distance of 26.42 feet to an angle point;
South 52 degrees 05 minutes 40 seconds West, a distance of 45.90 feet to an angle point;
South 39 degrees 55 minutes 51 seconds West, a distance of 25.60 feet to an angle point;
South 18 degrees 41 minutes 47 seconds West, a distance of 31.43 feet to an angle point;
South 18 degrees 17 minutes 29 seconds East, a distance of 31.62 feet to an angle point;
South 29 degrees 58 minutes 37 seconds East, a distance of 17.01 feet to an angle point;
South 35 degrees 57 minutes 09 seconds East, a distance of 28.14 feet to an angle point;
South 37 degrees 26 minutes 27 seconds East, a distance of 18.25 feet to an angle point;
South 30 degrees 17 minutes 27 seconds East, a distance of 24.92 feet to an angle point;
South 25 degrees 12 minutes 39 seconds East, a distance of 29.07 feet to an angle point;
South 16 degrees 04 minutes 33 seconds East, a distance of 26.51 feet to an angle point;
South 13 degrees 12 minutes 51 seconds East, a distance of 26.30 feet to an angle point;

South 24 degrees 29 minutes 28 seconds East, a distance of 10.54 feet to a found 3" metal disc stamped "GLAMOUR ADDITION NO. 2 D&D SURVEYING #4369" in the north line of Lot 1A of the ADVO Addition, as recorded in Volume 93131, Page 8417, D.R.D.C.T.;

THENCE South 46 degrees 55 minutes 34 seconds West, departing the west line of said Rosebriar Stemmons II, L.P. tract and along the north line of said Lot 1A of the ADVO Addition, a distance of 376.17 feet to a found 3" metal disc stamped "GLAMOUR ADDITION NO. 2 D&D SURVEYING #4369" for the point of curvature of a curve to the left having a radius of 115.00 feet, which long chord bears South 13°47'08"West, a distance of 125.74 feet;

THENCE Southerly, along said curve to the left, through a central angle of 66°16'53", an arc distance of 133.04 feet to a found 3" metal disc stamped "GLAMOUR ADDITION NO. 2 D&D SURVEYING #4369" for the point of reverse curvature of a curve to the right having a radius of 270.00 feet, which long chord bears South 07°00'00"West, a distance of 239.72 feet;

THENCE Southerly, along said curve to the right, through a central angle of 52°42'37", an arc distance of 248.39 feet to a found 3" metal disc stamped "GLAMOUR ADDITION NO. 2 D&D SURVEYING #4369" for a corner, said point being on the north line of Technology Boulevard West (56' right-of-way) as recorded in Volume 85199, Page 3322, D.R.D.C.T.;

THENCE South 13°08'53" West a distance of 56.00 feet to a point being on the south line of said Technology Boulevard West and being on a curve to the right having a radius of 428.00 feet, which long chord bears North 72°07'18"West, a distance of 70.59 feet;

THENCE Westerly, along said south line and curve to the right, through a central angle of 09°27'39", an arc distance of 70.67 feet to a point of tangency;

THENCE North 67 degrees 23 minutes 28 seconds West, along said north line, a distance of 103.79 feet to an angle point;

THENCE NORTH, passing at 60.66 feet a found 1/2" iron rod at the southeast corner of Lot 1C and continuing along the common line between Lot 1B and Lot 1C a total distance of 554.67 feet to a 1/2" iron rod found for an angle point at the northeast corner of Lot 1C;

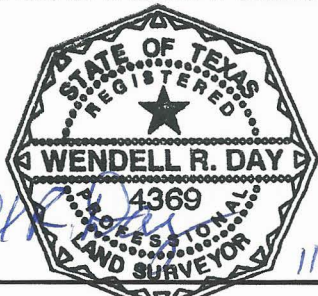
THENCE WEST continuing along the common line between Lot 1B and Lot 1C a distance of 350.00 feet to a 1/2" iron rod found in the west line of said Glamour Addition No.2, said point also being the northwest corner of Lot 1C;

THENCE NORTH, along the west line of said Glamour Addition No.2, passing at 593.16 feet a found 3" metal disc stamped "GLAMOUR ADDITION NO. 2 D&D SURVEYING #4369" at the northwest corner of said Lot 1B and also being in the south line of said Connector Drive and continuing for a total distance of 649.16 feet to a point in the north line of said Connector Drive;

THENCE EAST, along said north line of Connector Drive, a distance of 805.00 feet to the point of curvature of a curve to the left having a radius of 2204.09 feet, which long chord bears North 86°49'16"East, a distance of 244.45 feet;

THENCE Easterly, along said north line and curve to the left, through a central angle of 06°21'29", an arc distance of 244.58 feet to a point for corner;

THENCE South 6°21'29" East a distance of 56.00 feet to the POINT OF BEGINNING and CONTAINING 16.615 acres of land.



D & D Surveying, Inc.

FIRM No. 10011100

105 S.W. 2ND ST. GRAND PRAIRIE, TX 75051
OFFICE (972)262-3898 : Fax (972)262-3941

SHEET 1 OF 1

DRAWN BY TDH

CHECKED BY WRD

16 NOV 2015

AGENDA ITEM # 59

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

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 45-L

SUBJECT

A public hearing **(1)** to receive comments on the proposed use of a portion of parkland for an open space easement, totaling approximately 879 square feet of land at Federal Plaza located at 1900 Federal Street; and at the close of the public hearing, a resolution authorizing the proposed use of parkland for an open space easement pursuant to Chapter 26 of the Texas Parks and Wildlife Code; and **(2)** accepting payment for an open space easement - Revenue: \$99,785

BACKGROUND

The City of Dallas owns approximately 7,290 square feet of land known as Federal Plaza located at 1900 Federal Street. The adjacent landowners, the Dalton Family, First Baptist Church, et al. located at 502 North St. Paul Street, are entering into a long term lease with Fortis Property Group, who desires to construct a new parking garage adjacent to the parkland to support the corporate headquarters relocation of Jacobs Engineering to downtown Dallas. Jacobs Engineering intends to relocate its corporate headquarters to the Harwood Center, owned by Fortis Property Group, however a condition of their relocation to the Harwood Center is the construction of a parking garage to support their operation. Due to the location and configuration of the parking garage, City building code requires that an open space easement be obtained from the adjacent landowner. The open space easement will be approximately 879 square feet and will be maintained as a non-building improvement area compatible with the adjacent parkland. The owners will pay the City fair market value for the open space easement based on an appraisal.

In compliance with the law, the City has determined that there is a need for an open space easement, that no feasible and prudent alternative exists, and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

BACKGROUND (Continued)

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2016, the Park and Recreation Board authorized the public hearing.

City Council authorized the public hearing on December 14, 2016, by Resolution No. 16-1937.

FISCAL INFORMATION

Revenue: \$99,785.00

MAP

Attached



A horizontal number line labeled "Feet" with tick marks at 0, 20, 40, 80, and 120.

M 2, 2016

Federal Plaza
(1900 Federal St)

Mapsco
45 L

District
14

January 11, 2017

WHEREAS, the City of Dallas owns land in Dallas known as Federal Plaza located at 1900 Federal Street, which has been maintained as parkland since 1980; and

WHEREAS, adjacent landowners, the Dalton Family, First Baptist Church, et al. located at 502 North St. Paul Street, has requested the use of approximately 879 square feet of land as an Open Space Easement to satisfy City code requirements for the configuration and construction of a parking garage with natural ventilation adjacent to Federal Plaza, said easement area more fully described in Exhibit A, attached hereto and made a part hereof and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

WHEREAS, in consideration for the grant of the Open Space Easement, the Dalton Family, First Baptist Church, et al. will pay the fair market value of this easement (\$99,785.00), as determined by an independent appraisal; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Federal Plaza has been taken.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That, City of Dallas hereby approves and authorizes the grant of an Open Space Easement, by form instrument as approved by the City Attorney, to the Dalton Family, First Baptist Church, et al. to satisfy City code requirements for the configuration and construction of a parking garage with natural ventilation adjacent to Federal Plaza, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

January 11, 2017

SECTION 3. That, upon receipt of NINETY-NINE THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS AND NO/100 (\$99,785.00) from the Dalton Family, First Baptist Church, et al, the City Manager or designee, upon approval as to form by the City Attorney is authorized to execute an Open Space Easement for the benefit of Dalton Family, First Baptist Church, et al. for the purposes authorized herein and to provide the following:

Within the Open Space Easement The City is permitted to:

1. Install typical improvements in a yard space such as pavement, plantings, benches, guardrails, etc. which do not exceed forty-two inches in height. Trees with a maximum canopy of six feet wide spaced five feet or more from the property line and a minimum of fifteen feet apart are permitted.

The Open Space Easement holder shall covenant to the City:

1. The Open Space Easement shall revert to the City if a structure is not constructed on the adjacent property or is removed thereafter;
2. To be responsible for all expenses to the City for the cleanup, repairs, and any and all damages or actions deleterious to the park resultant of its actions or negligence.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit funds paid by **GRANTEE** for the open space easement into Capital Gifts, Donation and Development Fund, Fund 0530; Department PKR; Unit 919A; Revenue Code 8428 in an amount not to exceed \$99,785.00.

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.

OPEN SPACE EASEMENT

CITY BLOCK 2/243

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

Being a 879 square foot (0.0202 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, City Block 2/243, Official City of Dallas Block Numbers and being a part of that certain tract of land as described in a special warranty deed to the City of Dallas, and recorded in Volume 77171, Page 2952, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a "X" found for corner, said corner being in the Northeast right of way line of N. St. Paul Street (60 foot right of way) and being the South corner of that tract of land conveyed to First Baptist Church of Dallas, Texas, a non-profit Corporation, by deed recorded in Instrument Number 200600196306, Official Public Records, Dallas County, Texas and the West corner of said City of Dallas tract;

THENCE North 44 degrees 36 minutes 35 seconds East, along the Southeast line of said First Baptist Church tract and along the Northwest line of said City of Dallas tract, a distance of 87.86 feet to a PK nail found for corner and being the West corner of that tract of land conveyed to St. Paul Holdings, LP, a Texas Limited Partnership, by deed recorded in Instrument Number 201200376535, Official Public Records, Dallas County, Texas;

THENCE South 45 degrees 20 minutes 17 seconds East, along the Southwest line of said St Paul Holdings tract, a distance of 10.00 feet to a 1/2" inch iron rod with yellow cap stamped "TXHS" set for corner;

THENCE South 44 degrees 36 minutes 35 seconds West, a distance of 87.92 feet to a "X" set for corner; said "X" being in the Northeast right of way line of said N. St. Paul Street;

THENCE North 45 degrees 00 minutes 00 seconds West, along said Northeast right of way line, a distance of 10.00 feet to the POINT OF BEGINNING and containing 879 square feet or 0.0202 acre of land.



REVIEWED BY: JD
DATE: 12/14/2016
SPRG NO: 3938



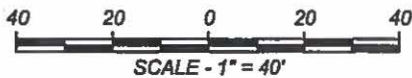
TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
AS RECORDED IN INSTRUMENT NO.
201300077120 O.P.R.D.C.T.
(N44°40'00"E)

JOB #: 1603982-01
DATE: 11/15/2016
PAGE: 1 OF 2
SCALE: 1" = 40'
DRAWN BY: BM

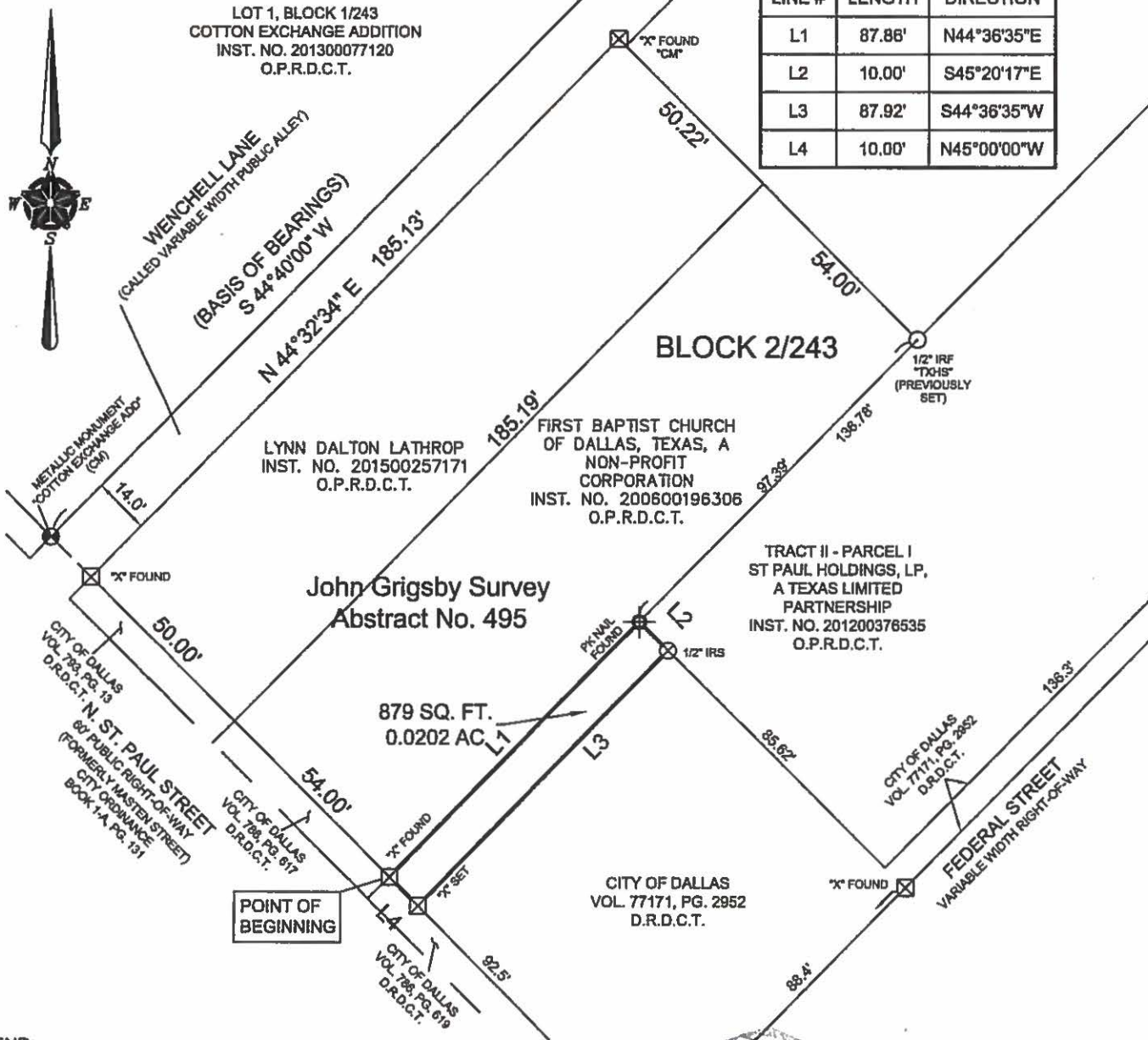
OPEN SPACE EASEMENT

CITY BLOCK 2/243
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LOT 1, BLOCK 1/243
COTTON EXCHANGE ADDITION
INST. NO. 201300077120
O.P.R.D.C.T.

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	87.88'	N44°36'35"E
L2	10.00'	S45°20'17"E
L3	87.92'	S44°36'35"W
L4	10.00'	N45°00'00"W



LEGEND:

AC ACRES
CM CONTROLLING MONUMENT
IRF IRON ROD FOUND
"X" FND. X FOUND IN CONCRETE
SQ. FT. SQUARE FEET
D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
IRS IRON ROD SET WITH YELLOW CAP STAMPED "TXHS"



REVIEWED BY: JD
DATE: 12/14/2016
SPRG NO. 3938



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
AS RECORDED IN INSTRUMENT NO.
201300077120 O.P.R.D.C.T.
(N44°40'00"E)

JOB #: 1603982-01
DATE: 11/15/2016
PAGE: 2 OF 2
SCALE: 1" = 40'
DRAWN BY: BM

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Mark McDaniel, 670-3256
Willis Winters, 670-4071

MAPSCO: 45L

SUBJECT

An ordinance abandoning aerial rights over a portion of Wenchell Lane to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffery Davis and Pamela Jane Dalton, the abutting owners, containing approximately 1,977 square feet of air space, located near the intersection of St. Paul Street and Wenchell Lane, and authorizing the quitclaim - Revenue: \$276,780, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of aerial rights over a portion of Wenchell Lane to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffery Davis and Pamela Jane Dalton, the abutting owners.

The area will be included with the property of the abutting owners to construct cantilever supports for the development of a new parking garage. The new garage will allow for increased tenant parking which directly influences a headquarters relocation of the Jacobs Corporation to the City of Dallas.

The new garage will be designed to provide for a display window on the St. Paul Street building façade, north of the garage entrance, of a width of at least 3/4 of the length of the façade. The display area will host art or displays on a rotating basis. The southern building façade will be a Green Wall/Green Screen or Green Wall/Living Wall vertical vegetation system. Curb ramping will also occur so that it maximizes the width of a leveled sidewalk.

BACKGROUND (Continued)

The abandonment fee is based on an independent appraisal.

Notices were sent to 16 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on January 9, 2017.

FISCAL INFORMATION

Revenue: \$276,780, plus the \$20 ordinance publication fee

OWNERS

First Baptist Church of Dallas, Texas

Jerry Grissom, President

William E. Dalton, Jr.

David Dalton

Jennifer Davis Sanders

Elizabeth Powell Gallian

Lynn Dalton Lathrop

Jeffrey Davis

Margaret Shea Powell

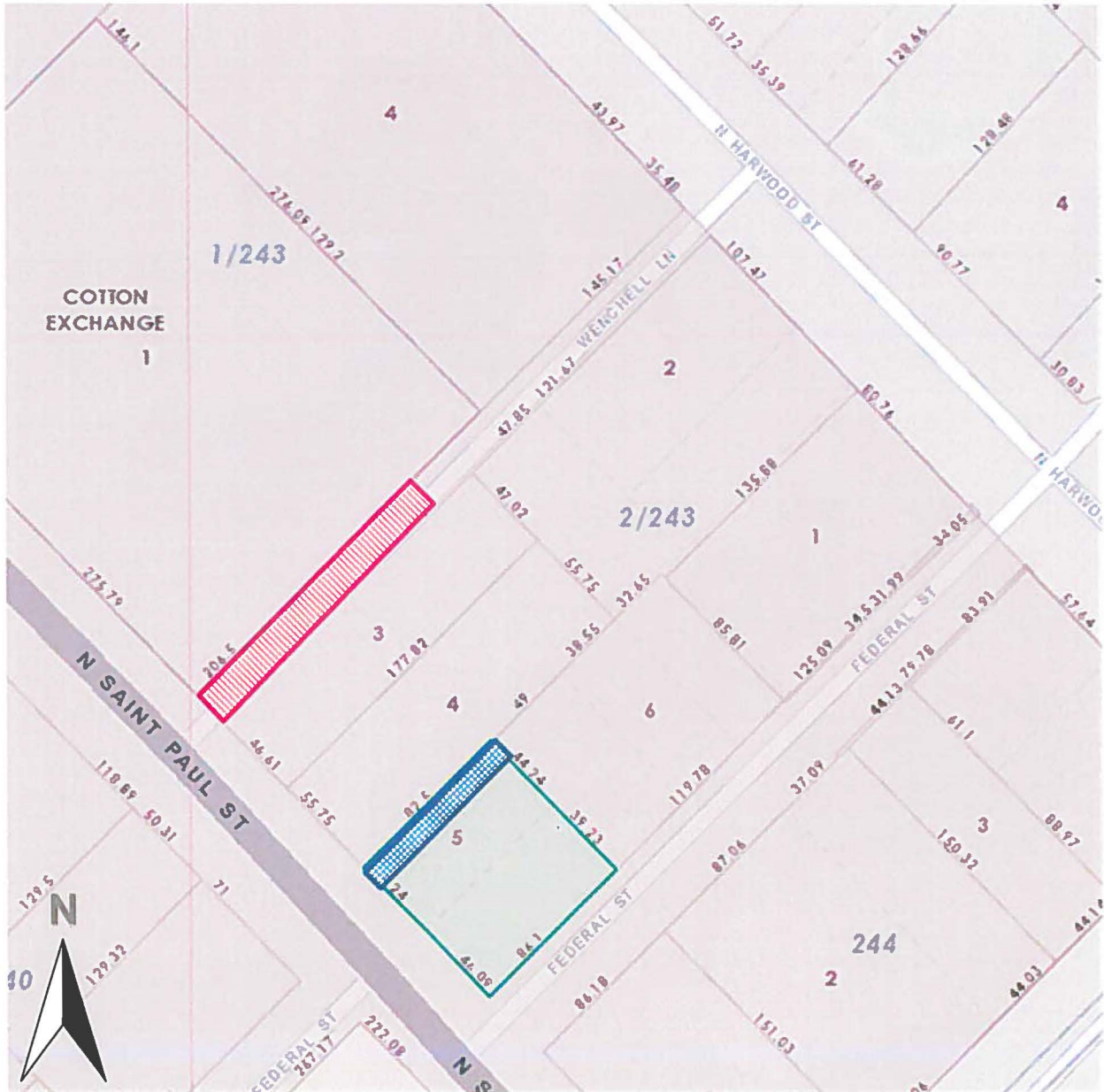
W. E. Dalton, Jr., Power of Attorney

Pamela Jane Dalton

W. E. Dalton, Jr., Power of Attorney

MAP

Attached



Log: 43218

Applicant: First Baptist Church of Dallas, Texas and William E Dalton, Jr., Patricia Dalton Caolo, Margaret Shea Powell, Mary Francis Tart, and Pamela Jane Dalton

Mapsc0: 45L

Abandonment area: 

Open Space Easement: 

ORDINANCE NO. _____

An ordinance providing for the abandonment of aerial rights over a portion of Wenchell Lane located adjacent to City Blocks 1/243 and 2/243 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffrey Davis, and Pamela Jane Dalton; subject to reverter, providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of First Baptist Church of Dallas, Texas, a Texas non-profit corporation, William E. Dalton, Jr., an individual, Margaret Shea Powell, an individual, David Dalton, an individual, Jennifer Davis Sanders, an individual, Elizabeth Powell Gallian, an individual, Lynn Dalton Lathrop, an individual, Jeffery Davis, an individual, and Pamela Jane Dalton, an individual, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described space, to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of aerial rights, beginning at an elevation of 477.25 feet above mean sea level and extending to an elevation to 665.25 feet above mean sea level, 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 and 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 aerial rights, beginning at an elevation of 477.25 feet above mean sea level and extending to an elevation to 665.25 feet above mean sea level over the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and conditions, and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$276,780.00)** 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, future effective date, and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to the certain area of aerial rights, beginning at an elevation of 477.25 feet above mean sea level and extending to an elevation of 665.25 feet above mean sea level over the tract of land hereinabove described in Exhibit A. Provided however, that if the tract or parcel of land situated on and adjacent to the area to be abandoned is ever: (i) partially demolished, removed or damaged and is not promptly thereafter repaired or rebuilt; (ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by **GRANTEE** and **GRANTEE'S** heirs, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2 and 10, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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:

- a) maintain a building entrance on St. Paul Street and provide for allowable use other than parking in accordance to definition of Article XIII of Dallas City Code.
- b) adhere to Dallas City Code minimum height requirements above and over Wenchell Lane that must allow for truck, City of Dallas fire and police services to pass through and must have low clearance signs. Clearance signs must be present if construction, installation or maintenance shall occur that is lower than 20 feet of the described area in Exhibit A.
- c) allow city to retain easement rights of existing 6 foot sewer main within the alley until evidence has been provided to Dallas Water Utilities Engineering department that the existing 6 foot sewer main has been killed.

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 ordinance and upon City Council approval of the Parks and Recreation Department resolution, substantially in the form attached hereto as Exhibit B, that authorizes the grant of an open space easement to **GRANTEE**, in the form as approved by the City Attorney, and in the location described in Exhibit C attached hereto and made a part hereof, pay the monetary consideration required in said Parks and Recreation Department resolution in the sum of **NINETY-NINE THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$99,785.00)**.

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

AERIAL ABANDONMENT

EXHIBIT A

PART OF WENCHELL LANE
ADJACENT TO CITY BLOCKS 1/243 & 2/243
BETWEEN THE ELEVATIONS OF 477.25 FEET AND 665.25 FEET MEAN SEA LEVEL
OR BETWEEN 17.00 FEET AND 188.00 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 1,977 square foot (0.045 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, being adjacent to City Blocks 1/243 and 2/243, Official City of Dallas Block Numbers and being a portion of Wenchell Lane (formerly Walker Lane) (a variable width public right-of-way, no dedication found) between the elevations of 477.25 feet and 665.25 feet mean sea level or between 17.00 feet and 188.00 feet above the crown of the road, and being more particularly described by metes and bounds as follows:

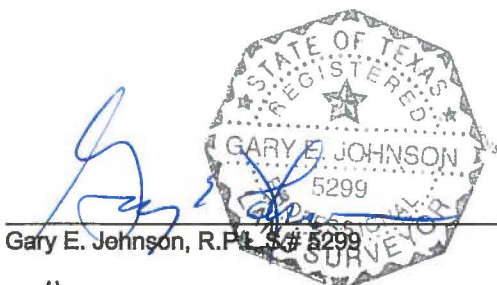
Beginning at an "X" found in concrete for corner at the intersection of the Southeast right-of-way line of said Wenchell Lane and the Northeast right-of-way line of St. Paul Street (60 foot public right-of-way), created by Ordinance Book 1-A, Page 131, Volume 787, Page 502, Volume 793, Page 13 and Volume 791, Page 336, Deed Records of Dallas County, Texas, said point being the South corner of herein described tract;

Thence North 45 Degrees 00 Minutes 00 Seconds West, along said northeast right-of-way line of said St Paul Street, a distance of 11.50 feet to a "X" set for corner lying in the Northeast right-of-way line of said St. Paul Street same being the West corner of herein described tract;

Thence North 44 Degrees 40 Minutes 00 Seconds East, 2.5 feet southeast and parallel with the Southeast line of Lot 1, City Block 1/243 of Cotton Exchange Addition, an addition to the City of Dallas, Dallas County, Texas, created by the plat thereof recorded in Instrument No. 201300077120 of the Official Public Records of Dallas County, Texas, a distance of 174.75 feet to a "X" set for corner, said point being the North corner of herein described tract;

Thence South 45 Degrees 00 Minutes 00 Seconds East, a distance of 11.12 feet to a PK nail set in the Northwest line of a tract of land conveyed to Lynn Dalton Lathrop, by deed recorded in Instrument No. 201500257171 Official Public Records, Dallas County, Texas;

Thence South 44 Degrees 32 Minutes 34 Seconds West, along the Northwest line of said Dalton tract, a distance of 174.76 feet to the POINT OF BEGINNING and containing 1,977 square feet or 0.045 acres of land.



REVIEWED BY: JD
DATE: 10/27/2016
SPRG No: 3799



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
(N44°40'00"E)

JOB #: 1300503-4
DATE: 07/05/2016
LAST REVISED: 10/24/2016
PAGE: 1 OF 2
SCALE: 1" = 40'
DRAWN BY: ER/JWR

AERIAL ABANDONMENT

PART OF WENCHELL LANE

ADJACENT TO CITY BLOCKS 1/243 & 2/243

BETWEEN THE ELEVATIONS OF 477.25 FEET AND 665.25 FEET MEAN SEA LEVEL

OR BETWEEN 17.00 FEET AND 188.00 FEET ABOVE THE CROWN OF THE ROAD

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	11.50'	N45°00'00"W
L2	11.12'	S45°00'00"E

JOHN GRIGSBY SURVEY, ABSTRACT No 495

COTTON EXCHANGE ADDITION

LOT 1, BLOCK 1/243

INST. NO. 201300077120

O.P.R.D.C.T.

FIRST BAPTIST CHURCH OF DALLAS, TEXAS,

A TEXAS NON-PROFIT CORPORATION

INST. NO. 200600196305

O.P.R.D.C.T.

AERIAL ABANDONMENT

1,977 SQ.FT. 0.045 ACRES

15'x15' SIGHT ESMT

INST No 201300077120

O.P.R.D.C.T.

3" ALUMINUM DISK
FOUND IN CONCRETE
"CM"

"X" SET

"X" FOUND

POINT OF
BEGINNING

ST. PAUL STREET
60' RIGHT-OF-WAY
(ORD. BOOK 1-A, PG 131, VOL. 787, PG
VOL. 793, PG. 13, VOL. 791, PG
D.R.D.C.T.)

CITY BLOCK
1/243

WC 717 N HARWOOD
PROPERTY, LLC, A
DELAWARE LIMITED LIABILITY
COMAPNY

INST. NO. 201400070070

O.P.R.D.C.T.

PK NAIL
FOUND
"CM"

(BY USE AND OCCUPATION
NO DEDICATION FOUND)

"X" SET

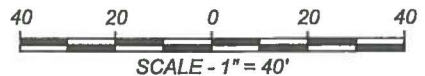
PK NAIL
SET

MAHER PROPERTIES TWO,
A TEXAS LIMITED PARTNERSHIP
VOL. 82177, PG. 3913
D.R.D.C.T.

CITY BLOCK
2/243

LYNN DALTON LATHROP
INST. NO. 201500257171
O.P.R.D.C.T.

FIRST BAPTIST CHURCH OF DALLAS, TEXAS,
A TEXAS NON-PROFIT CORPORATION
INST. NO. 200600196306
O.P.R.D.C.T.



LEGEND:

CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
"X" FND.	X FOUND IN CONCRETE
SQ.FT	SQUARE FEET
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
IRS	IRON ROD SET WITH YELLOW CAP STAMPED "TXHS"



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
(N44°40'00"E)

REVIEWED BY: JP
DATE: 10/27/2016
SPRG No: 3799

JOB #: 1300503-4
DATE: 07/05/2016
LAST REVISED: 10/24/2016
PAGE: 2 OF 2
SCALE: 1" = 40'
DRAWN BY: ER/JWR

EXHIBIT B

COUNCIL CHAMBER

January 11, 2017

WHEREAS, the City of Dallas owns land in Dallas known as Federal Plaza located at 1900 Federal Street, which has been maintained as parkland since 1980; and

WHEREAS, adjacent landowners, the Dalton Family, First Baptist Church, et al. located at 502 North St. Paul Street, has requested the use of approximately 879 square feet of land as an Open Space Easement to satisfy City code requirements for the configuration and construction of a parking garage with natural ventilation adjacent to Federal Plaza, said easement area more fully described in Exhibit A, attached hereto and made a part hereof and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

WHEREAS, in consideration for the grant of the Open Space Easement, the Dalton Family, First Baptist Church, et al. will pay the fair market value of this easement (\$99,785.00), as determined by an independent appraisal; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Federal Plaza has been taken.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That, City of Dallas hereby approves and authorizes the grant of an Open Space Easement, by form instrument as approved by the City Attorney, to the Dalton Family, First Baptist Church, et al. to satisfy City code requirements for the configuration and construction of a parking garage with natural ventilation adjacent to Federal Plaza, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

EXHIBIT B

January 11, 2017

SECTION 3. That, upon receipt of NINETY-NINE THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS AND NO/100 (\$99,785.00) from the Dalton Family, First Baptist Church, et al, the City Manager or designee, upon approval as to form by the City Attorney is authorized to execute an Open Space Easement for the benefit of Dalton Family, First Baptist Church, et al. for the purposes authorized herein and to provide the following:

Within the Open Space Easement The City is permitted to:

1. Install typical improvements in a yard space such as pavement, plantings, benches, guardrails, etc. which do not exceed forty-two inches in height. Trees with a maximum canopy of six feet wide spaced five feet or more from the property line and a minimum of fifteen feet apart are permitted.

The Open Space Easement holder shall covenant to the City:

1. The Open Space Easement shall revert to the City if a structure is not constructed on the adjacent property or is removed thereafter;
2. To be responsible for all expenses to the City for the cleanup, repairs, and any and all damages or actions deleterious to the park resultant of its actions or negligence.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit funds paid by **GRANTEE** for the open space easement into Capital Gifts, Donation and Development Fund, Fund 0530; Department PKR; Unit 919A; Revenue Code 8428 in an amount not to exceed \$99,785.00.

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.

OPEN SPACE EASEMENT

CITY BLOCK 2/243

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

EXHIBIT C

Being a 879 square foot (0.0202 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, City Block 2/243, Official City of Dallas Block Numbers and being a part of that certain tract of land as described in a special warranty deed to the City of Dallas, and recorded in Volume 77171, Page 2952, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a "X" found for corner, said corner being in the Northeast right of way line of N. St. Paul Street (60 foot right of way) and being the South corner of that tract of land conveyed to First Baptist Church of Dallas, Texas, a non-profit Corporation, by deed recorded in Instrument Number 200600196306, Official Public Records, Dallas County, Texas and the West corner of said City of Dallas tract;

THENCE North 44 degrees 36 minutes 35 seconds East, along the Southeast line of said First Baptist Church tract and along the Northwest line of said City of Dallas tract, a distance of 87.86 feet to a PK nail found for corner and being the West corner of that tract of land conveyed to St. Paul Holdings, LP, a Texas Limited Partnership, by deed recorded in Instrument Number 201200376535, Official Public Records, Dallas County, Texas;

THENCE South 45 degrees 20 minutes 17 seconds East, along the Southwest line of said St Paul Holdings tract, a distance of 10.00 feet to a 1/2" inch iron rod with yellow cap stamped "TXHS" set for corner;

THENCE South 44 degrees 36 minutes 35 seconds West, a distance of 87.92 feet to a "X" set for corner; said "X" being in the Northeast right of way line of said N. St. Paul Street;

THENCE North 45 degrees 00 minutes 00 seconds West, along said Northeast right of way line, a distance of 10.00 feet to the POINT OF BEGINNING and containing 879 square feet or 0.0202 acre of land.



REVIEWED BY: JD
DATE: 12/14/2016
SPRG NO. 3938



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
AS RECORDED IN INSTRUMENT NO.
201300077120 O.P.R.D.C.T.
(N44°40'00"E)

JOB #: 1603982-01
DATE: 11/15/2016
PAGE: 1 OF 2
SCALE: 1" = 40'
DRAWN BY: BM

OPEN SPACE EASEMENT

CITY BLOCK 2/243
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

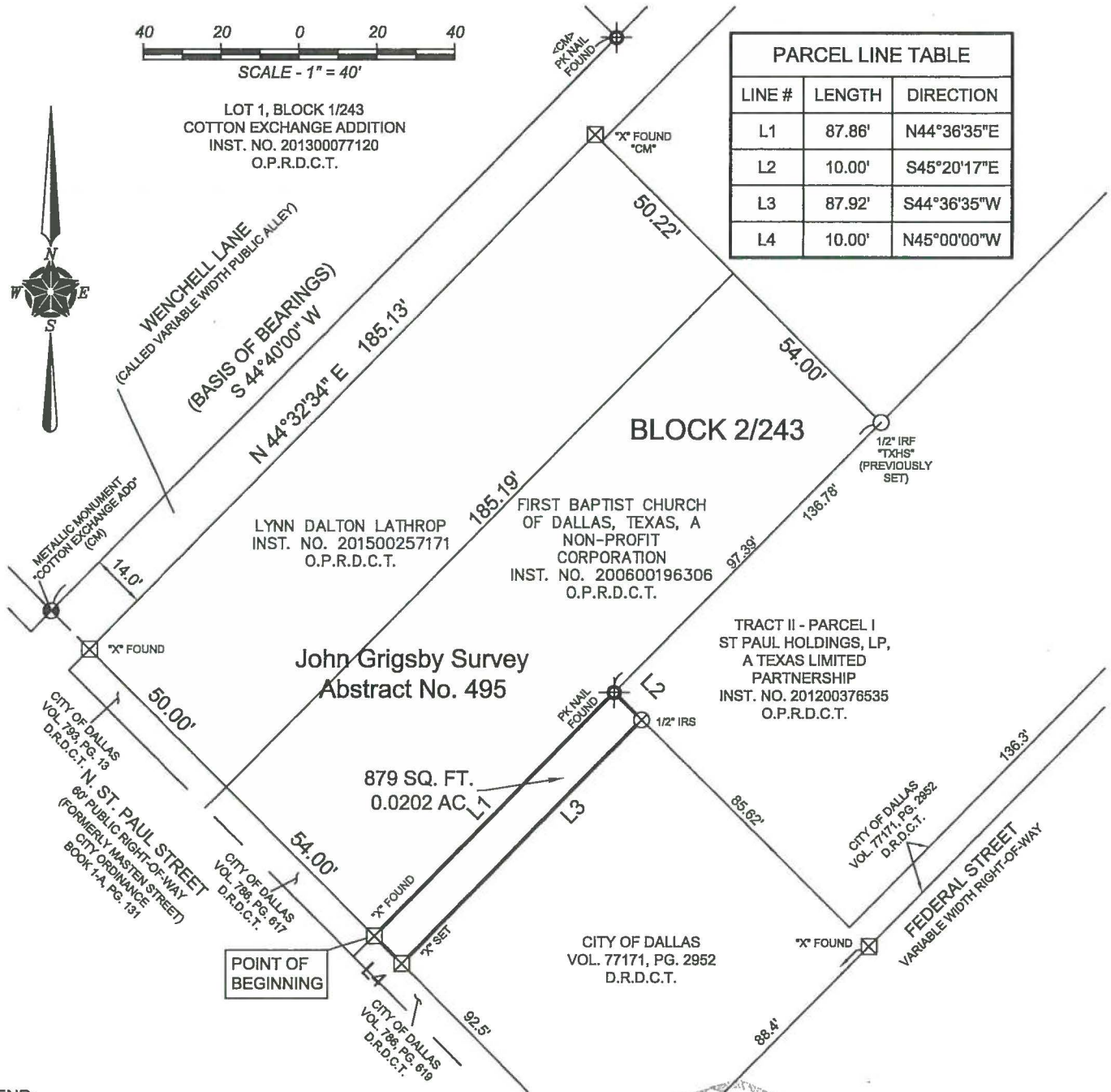
EXHIBIT C



LOT 1, BLOCK 1/243
COTTON EXCHANGE ADDITION
INST. NO. 201300077120
O.P.R.D.C.T.



PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	87.86'	N44°36'35"E
L2	10.00'	S45°20'17"E
L3	87.92'	S44°36'35"W
L4	10.00'	N45°00'00"W

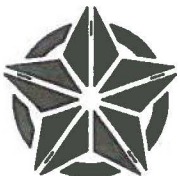


LEGEND:

AC	ACRES
CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
"X" FND.	X FOUND IN CONCRETE
SQ.FT	SQUARE FEET
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
IRS	IRON ROD SET WITH YELLOW CAP STAMPED "TXHS"



REVIEWED BY: JD
DATE: 12/14/2016
SPRG NO. 3938



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
AS RECORDED IN INSTRUMENT NO.
201300077120 O.P.R.D.C.T.
(N44°40'00"E)

JOB #: 1603982-01
DATE: 11/15/2016
PAGE: 2 OF 2
SCALE: 1" = 40'
DRAWN BY: BM

**JANUARY 11, 2017 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 11, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

1-6-17

Date



Elizabeth Reich
Chief Financial Officer

1-6-17

Date

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 11, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

RECEIVED

2017 JAN -6 PM 3:41

CITY SECRETARY
DALLAS, TEXAS

REVISED ORDER OF BUSINESS

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

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 30

CONSENT ADDENDUM

Items 1 - 9

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 31 - 35
Addendum Items 10 - 11

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 36 - 60

Handgun Prohibition Notice for Meetings of Government Entities

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

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el 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."

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues related to the Dallas Police & Fire Pension System.

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize the sale of one track loader, one street sweeper, one dump truck, one grader, and one concrete truck through a public auction on December 16, 2016 to Hoerr Machinery in the amount of \$37,500, Club Leasing, Inc. in the amount of \$23,700, Genaro Maldonado in the amount of \$21,100, Fred Hathorn in the amount of \$30,500, and National Stone in the amount of \$25,200, highest bidders - Revenue: \$138,000
2. Authorize a three-year service contract for background screening services - Quicksius, LLC dba Quick Search through an intergovernmental agreement with the City of Fort Worth - Not to exceed \$2,715,383 - Financing: Current Funds (\$331,883) and Aviation Current Funds (\$2,383,500) (subject to annual appropriations)

Economic Development

3. Authorize an amendment to the Chapter 380 Forgivable Loan Agreement to Two Podner's Retail Eateries, LLC, authorized by Resolution No. 14-0316 to: **(1)** decrease square footage of the commercial building located at 1441 Robert B. Cullum Boulevard in Dallas, Texas, from 11,000 square feet to 8,933 square feet; **(2)** increase conventional financing from the original amount of \$1,000,000 to \$2,300,000; and **(3)** subordinate the City's lien position to the primary bank lender - Financing: This action has no cost consideration to the City

Mobility and Street Services

4. Authorize a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations (list attached) - Not to exceed \$171,000 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2017**

ADDITIONS:(Continued)

CONSENT ADDENDUM (Continued)

Mobility and Street Services (Continued)

5. Authorize an increase to the contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project - Not to exceed \$19,079, from \$15,572,876 to \$15,591,955 - Financing: 2012 Bond Funds (-\$235,075), General Obligation Commercial Paper Funds (\$168,380), 2006 Bond Funds (-\$528,226), and Water Utilities Capital Construction Funds (\$614,000)

Office of Financial Services

6. A resolution suspending the effective date of the rate filing made by Oncor Electric Delivery Company LLC on December 16, 2016 for an additional 90 days - Financing: No cost consideration to the City

Park & Recreation

7. Authorize **(1)** a fifteen-year concession contract, with one five-year renewal option, with Elm Fork Clay Sports, Incorporated for management, operation and development of the Elm Fork Shooting Range (shotgun area) located at 10751 Luna Road with an Estimated Annual Revenue of \$163,724; and **(2)** a fifteen-year concession contract, with one five-year renewal option, with Elm Fork Rifle and Pistol, Incorporated for management, operation and development of the Elm Fork Shooting Range (rifle and pistol range area) located at 10751 Luna Road with an Estimated Annual Revenue of \$106,276 - Total Estimated Annual Revenue: \$270,000

Sustainable Development and Construction

8. Authorize a five-year lease agreement with SPCA of Texas, Inc. for the continued use of approximately 6,000 square feet of office space located at 4830 Village Fair Drive, to be used as a low cost spay/neuter and pet wellness clinic for the period January 12, 2017 through January 11, 2022 - Annual Revenue: \$1,992
9. An ordinance abandoning a sanitary sewer easement to 2000 Ross Avenue LP, the abutting owner, containing approximately 329 square feet of land, located near the intersection of Ross Avenue and Harwood Street - Revenue: \$5,400, plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2017**

ADDITIONS:(Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Controller's Office

10. Authorize approval of the City of Dallas 401(k) Retirement Savings Plan, as amended and restated, effective January 11, 2017 - Financing: No cost consideration to the City

City Secretary's Office

11. A resolution designating absences by Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

CORRECTION:

Human Resources

15. Authorize **(1)** approval of revised salary schedules for Fire and Police uniform executive staff, adding a 2% top pay step; **(2)** and eliminating the start step in each executive rank; and **(3)** implementing ~~step~~ pay increases for Police and Fire uniform executive staff, effective October 1, 2016 - Financing: This action no cost consideration to the City

DELETIONS:

Park & Recreation

22. Authorize a twenty-year license agreement with the Old Lake Highlands Neighborhood Association for approximately 930 square feet of land in Norbuck Park located near the intersection of Classen Drive and Northwest Highway - Revenue: \$10 one-time fee

Economic Development

35. Authorize a development agreement with GPIWE Limited Partnership, to reimburse TIF eligible project costs for streetscape and redevelopment project improvements for the Factory Six03 Project located at 603 Munger Avenue from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

On-Street Bicycle Facilities
Addendum Item # 4

<u>Council District</u>	<u>Location</u>	<u>Amount</u>
2	Akard Street	\$ 24,000
11	Alpha Road	\$ 19,000
2	Cadiz Street	\$ 15,500
2	Canton Street	\$ 15,500
14	Matilda Street	\$ 26,500
1	Eldorado Avenue	\$ 8,000
1	Elsbeth Street	\$ 6,500
2, 7	Ervay Street	\$ 29,500
2	St. Paul Street	\$ 15,500
1	Zang Boulevard	\$ 7,500
All	Project Mgmt/Admin.	<u>\$ 3,500</u>
Total		\$171,000

ADDENDUM DATE January 11, 2017

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	PBD	REV \$138,000	NA	NA	Authorize the sale of one track loader, one street sweeper, one dump truck, one grader, and one concrete truck through a public auction on December 16, 2016 to Hoerr Machinery in the amount of \$37,500, Club Leasing, Inc. in the amount of \$23,700, Genaro Maldonado in the amount of \$21,100, Fred Hathorn in the amount of \$30,500, and National Stone in the amount of \$25,200, highest bidders - Revenue: \$138,000
2			All	C	PBD, AVI, SEC, HOU, HRD, OCA	\$2,715,382.50	NA	NA	Authorize a three-year service contract for background screening services - Quicksius, LLC dba Quick Search through an intergovernmental agreement with the City of Fort Worth - Not to exceed \$2,715,383 - Financing: Current Funds (\$331,883) and Aviation Current Funds (\$2,383,500) (subject to annual appropriations)
3			7	C	ECO	NC	NA	NA	Authorize an amendment to the Chapter 380 Forgivable Loan Agreement to Two Podner's Retail Eateries, LLC, authorized by Resolution No. 14-0316 to: (1) decrease square footage of the commercial building located at 1441 Robert B. Cullum Boulevard in Dallas, Texas, from 11,000 square feet to 8,933 square feet; (2) increase conventional financing from the original amount of \$1,000,000 to \$2,300,000; and (3) subordinate the City's lien position to the primary bank lender - Financing: This action has no cost consideration to the City
4			1, 2, 7, 11, 14	C	STS	\$171,000.00	54.39%	45.61%	Authorize a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations (list attached) - Not to exceed \$171,000 - Financing: Current Funds
5			2, 14	C	STS, WTR	\$19,078.34	1948.84%	28.72%	Authorize an increase to the contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project - Not to exceed \$19,079, from \$15,572,876 to \$15,591,955 - Financing: 2012 Bond Funds (-\$235,075), General Obligation Commercial Paper Funds (\$168,380), 2006 Bond Funds (-\$528,226), and Water Utilities Capital Construction Funds (\$614,000)
6			N/A	C	OFS	NC	NA	NA	A resolution suspending the effective date of the rate filing made by Oncor Electric Delivery Company LLC on December 16, 2016 for an additional 90 days - Financing: No cost consideration to the City
7			6	C	PKR	REV \$270,000	NA	NA	Authorize (1) a fifteen-year concession contract, with one five-year renewal option, with Elm Fork Clay Sports, Incorporated for management, operation and development of the Elm Fork Shooting Range (shotgun area) located at 10751 Luna Road with an Estimated Annual Revenue of \$163,724; and (2) a fifteen-year concession contract, with one five-year renewal option, with Elm Fork Rifle and Pistol, Incorporated for management, operation and development of the Elm Fork Shooting Range (rifle and pistol range area) located at 10751 Luna Road with an Estimated Annual Revenue of \$106,276 - Total Estimated Annual Revenue: \$270,000
8			4	C	DEV, CCS	REV \$1,992	NA	NA	Authorize a five-year lease agreement with SPCA of Texas, Inc. for the continued use of approximately 6,000 square feet of office space located at 4830 Village Fair Drive, to be used as a low cost spay/neuter and pet wellness clinic for the period January 12, 2017 through January 11, 2022 - Annual Revenue: \$1,992
9			14	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a sanitary sewer easement to 2000 Ross Avenue LP, the abutting owner, containing approximately 329 square feet of land, located near the intersection of Ross Avenue and Harwood Street - Revenue: \$5,400, plus the \$20 ordinance publication fee
10			All	I	CON	NC	NA	NA	Authorize approval of the City of Dallas 401(k) Retirement Savings Plan, as amended and restated, effective January 11, 2017 - Financing: No cost consideration to the City

ADDENDUM DATE January 11, 2017

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
11			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

TOTAL \$2,905,460.84

ADDENDUM ITEM # 1

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize the sale of one track loader, one street sweeper, one dump truck, one grader, and one concrete truck through a public auction on December 16, 2016 to Hoerr Machinery in the amount of \$37,500, Club Leasing, Inc. in the amount of \$23,700, Genaro Maldonado in the amount of \$21,100, Fred Hathorn in the amount of \$30,500, and National Stone in the amount of \$25,200, highest bidders - Revenue: \$138,000

BACKGROUND

This item is on the addendum for the sale of the equipment and trucks from a public auction held on December 16, 2016, after the deadline to meet the regular council agenda. We request approval in order to complete the transactions in a timely manner and to transfer the equipment to the purchasers.

This action seeks approval to sell one track loader (Equipment #009004), one street sweeper (Equipment #059003), one dump truck (Equipment #063041), one grader (Equipment #049035), and one concrete truck (Equipment #013107) which were auctioned publicly on December 16, 2016. The equipment and trucks have reached their useful life, have met their replacement criteria, and are no longer cost effective for the City to maintain.

The City used its current contract auctioneer, Lone Star Auctioneers, Inc., to auction this equipment. The auctioneer charges a buyer's premium instead of the City paying a fee.

Dallas City Code 2-37.4 requires that when the highest bid for property is more than \$20,000.00, the City Council must approve this sale to the highest bidder.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety Committee on January 9, 2017.

FISCAL INFORMATION

\$138,000.00 - Revenue

BID INFORMATION

The following bids were received at public auction on December 16, 2016.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Hoerr Machinery (Equipment #009004)	7904 State Route 91 Peoria, IL 61615	\$37,500.00
*Club Leasing, Inc. (Equipment #059003)	4361 Cedar Lake Dr. Dallas, TX 75227	\$23,700.00
Genaro Maldonado (Equipment #063041)	615 Bedford St. Dallas, TX 75212	\$21,100.00
Fred Hathorn (Equipment #049035)	P.O. Box 215 Vanderpool, TX 78885	\$30,500.00
National Stone (Equipment #013107)	3102 Sylvan Ave. Dallas, TX 75212	\$25,200.00

OWNERS

Hoerr Machinery

Ryan Hoerr, Owner

Club Leasing, Inc.

Timothy Pannell, Owner

Genaro Maldonado

Individual

Fred Hathorn

Individual

OWNERS (Continued)

National Stone

Stephen Broussard, Owner

January 11, 2017**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager or designee is hereby authorized to sell one track loader (Equipment #009004), one street sweeper (Equipment #059003), one dump truck (Equipment #063041), one grader (Equipment #049035), and one concrete truck (Equipment #013107) through a public auction on December 16, 2016, to the highest bidders, Hoerr Machinery in the amount of \$37,500.00, Club Leasing, Inc. in the amount of \$23,700.00, Genaro Maldonado in the amount of \$21,100.00, Fred Hathorn in the amount of \$30,500.00, and National Stone in the amount of \$25,200.00, for a total amount of \$138,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds received from the proceeds of the sale to:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
0196	EBS	1701	8414	\$117,300.00
0199	POM	1232	8420	\$ 20,700.00

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

ADDENDUM ITEM # 2

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
City Secretary
Housing/Community Services
Human Resources
Office of Cultural Affairs

CMO: Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
Rosa Rios, 670-3738
Alan Sims, Chief of Neighborhood Plus, 670-1611
A. C. Gonzalez, 670-3302
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for background screening services - Quicksius, LLC dba Quick Search through an intergovernmental agreement with the City of Fort Worth - Not to exceed \$2,715,383 - Financing: Current Funds (\$331,883) and Aviation Current Funds (\$2,383,500) (subject to annual appropriations)

BACKGROUND

This item is on the addendum in order to allow for continued services without interruption.

This action does not encumber funds; the purpose of this 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 background screening services for Human Resources, Aviation, Housing/Community Services, City Secretary, and the Office of Cultural Affairs. Human Resources will utilize this service to obtain pre-employment background checks on all applicants offered employment with the City. The purpose of conducting pre-employment background checks is to verify that applicants do not have a history of activity that would make them unsuitable for positions for which they are being considered.

BACKGROUND (Continued)

Pre-employment background checks provide the City with information to determine if prospective employees meet the eligibility criteria for employment. Due to the complexity and sensitive nature of the pre-employment background checks conducted for Police and Fire employee candidates, these departments will continue to perform this function internally.

Aviation will utilize this contract to conduct background screenings on transportation-for-hire drivers. On December 12, 2014, Council passed a new Transportation-for-Hire ordinance (Ordinance No. 29596) which requires extensive national background searches of drivers and adds new operating authorities and drivers who are not regulated under the previous ordinance. The purpose of conducting extensive national background searches is to verify that transportation-for-hire drivers meet all the requirements of Chapter 47A of the City Ordinance. Under the requirement of the new ordinance, companies seeking to permit their drivers will utilize a third party screening company to conduct background screening in order to meet the permitting requirements. Since April of 2015, approximately 963 permits per month have been processed. This contract will provide Aviation with an efficient method of auditing these third party screenings. Additionally, this contract will allow Aviation to conduct timely screenings on drivers who do not wish to utilize a third party company. Costs associated with audit function and screening services will be recovered through fees paid for Transportation-for-Hire permits.

The Housing/Community Services Homeless Assistance Programs provide support services to homeless persons, including non-violent ex-offenders seeking employment, housing, educational opportunities, and other community services. Background screenings check for outstanding warrants and criminal background. This screening is used, in part, to determine what support services and referrals best fit the client. Additionally, background screenings provide important information to apartment vendors who are willing to work with clients with certain violent criminal backgrounds or who have a history of late rental payments.

The Office of Cultural Affairs will utilize this service to perform background checks on artists and other cultural providers that interact with minors in the performance of their cultural services contract. The City Secretary's office will utilize this service to perform background checks on board and commission applicants.

This intergovernmental agreement 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 which 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)

On September 12, 2012, City Council authorized a three-year service contract for civilian pre-employment background checks by Resolution No. 12-2226.

On February 25, 2015, City Council authorized a two-year service contract for background screening services by Resolution No. 15-0336.

Information about this item will be provided to the Public Safety Committee on January 9, 2017.

FISCAL INFORMATION

\$ 331,882.50 - Current Funds (subject to annual appropriations)

\$2,383,500.00 - Aviation Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

Quicksius, LLC dba Quick Search

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

OWNER

Quicksius, LLC dba Quick Search

Dale Wolter, General Manager

John Page, Vice President

January 11, 2017

WHEREAS, on September 12, 2012, City Council authorized a three-year service contract for civilian pre-employment background checks by Resolution No. 12-2226; and,

WHEREAS, on February 25, 2015, City Council authorized a two-year service contract for background screening services by Resolution No. 15-0336; and,

WHEREAS, on November 1, 2016, Administrative Action No. 16-6725 authorized Supplemental Agreement No. 1 to increase the service contract and extend the term from February 25, 2017 to August 24, 2017 in an amount not to exceed \$50,000.00, increasing the service contract from \$623,200.00 to \$673,200.00;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Quicksius, LLC dba Quick Search (VC13967) through an intergovernmental agreement with the City of Fort Worth for background screening services for a term of three years in an amount not to exceed \$2,715,382.50, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Quicksius, LLC dba Quick Search shall be based only on the amount of the services directed to be performed by the City and properly performed by Quicksius, LLC dba Quick Search under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,715,382.50 (subject to annual appropriations) from Service Contract number BK1707.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 46 P

SUBJECT

Authorize an amendment to the Chapter 380 Forgivable Loan Agreement to Two Podner's Retail Eateries, LLC, authorized by Resolution No. 14-0316 to: **(1)** decrease square footage of the commercial building located at 1441 Robert B. Cullum Boulevard in Dallas, Texas, from 11,000 square feet to 8,933 square feet; **(2)** increase conventional financing from the original amount of \$1,000,000 to \$2,300,000; and **(3)** subordinate the City's lien position to the primary bank lender - Financing: This action has no cost consideration to the City

BACKGROUND

This item is being placed on the addendum to expedite bank loan closing.

The original project was to demolish the current Two Podner's restaurant and build a 11,000 square foot building to house a 4,500 square foot restaurant for Two Podner's as the anchor tenant and 6,500 square feet of space for additional retail tenants. Space for the Two Podner's restaurant is complete and was increased to 6,743 square feet. The balance of the space currently 2,190 square feet, will include two (2) other retail tenants, for a combined total of 8,933 square feet.

Street abandonment and parking constraints caused delays, reduction in square footage and price increases. Original total project cost was \$1,835,000. Original financing included \$460,000 of Developers equity, \$1,000,000 in conventional bank financing for construction, a \$100,000 loan from the South Dallas/Fair Park Trust Fund and a \$275,000 Chapter 380 Forgivable Loan from the City for signage and equipment, secured by a subordinate lien. Delays, cost over runs, price increases and pad site finish out escalated project cost to \$2.3 million dollars.

The City's Chapter 380 loan for signage and equipment has been expended. The Two Podner's Restaurant space has been completed and signage and equipment installed. Opening is tentatively scheduled for mid-January. The current restaurant site will be demolished to make way for adding the pad for additional retail tenants. The Trust Fund loan was not used.

BACKGROUND (Continued)

The Developers have been approved for bank financing in the amount of \$2.3 million dollars to refinance the cost of completed facility and additional retail space, subject to the City's subordination of its lien to bank financing.

Two Podner's Retail Eateries LLC is a development company created by Fred Conwright and James Runnels, owners of Two Podner's Barbeque and Seafood restaurant to develop a building for an expanded restaurant and other retail eateries. Two Podner's has operated in a 2,500 square foot facility at their current location in the South Dallas/Fair Park area for over 30 years.

The developers are in discussions with other retailers interested in locating in South Dallas/Fair Park and are negotiating for additional land that would bring the footprint to the original 11,000 square feet plan. The new development when fully tenanted and operational is expected to create 40 – 50 FTE jobs.

Development of the Property furthers the City's goals for redevelopment of the South Dallas/Fair Park area in accordance with the original Agreement. The Chapter 380 Forgivable Loan will be forgiven and the subordinate lien released upon completion of redevelopment and the issuance of a Certificate of Occupancy of the subject site within three (3) years from the date of the Loan Agreement, December 9, 2015. Time may be extended by the Director of the City of Dallas Office of Economic Development. All other terms of Resolution No. 14-0316 remain the same.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 12, 2014, City Council by Resolution No. 14-0316 authorized a Chapter 380 Forgivable Loan in the amount of \$275,000 to Two Podner's Retail Eateries, LLC for gap financing to develop a 11,000 square foot commercial building located at 1441 Robert B. Cullum Boulevard in Dallas to expand Two Podner's Barbeque and Seafood Restaurant and add 6,500 square feet of retail space.

On April 23, 2014, City Council by Resolution No. 14-0691 authorized (1) a south Dallas/Fair Park Trust Fund Special Economic Development Loan Agreement with Two Podner's Retail Eateries, LLC in the amount of \$100,000 to partially underwrite the cost of development of an 11,000 square foot structure to be located at 1441 Robert B. Cullum Boulevard in Dallas Texas to expand Two Podner's Barbeque and Seafood Restaurant and add 6,500 square feet of tenant space; and (2) an increase in appropriations in the amount of \$100,000.

FISCAL INFORMATION

This action has no cost consideration to the City

OWNER

Two Podner's Retail Eateries, LLC

Fred Conwright, Partner
James Runnels, Partner

DEVELOPER

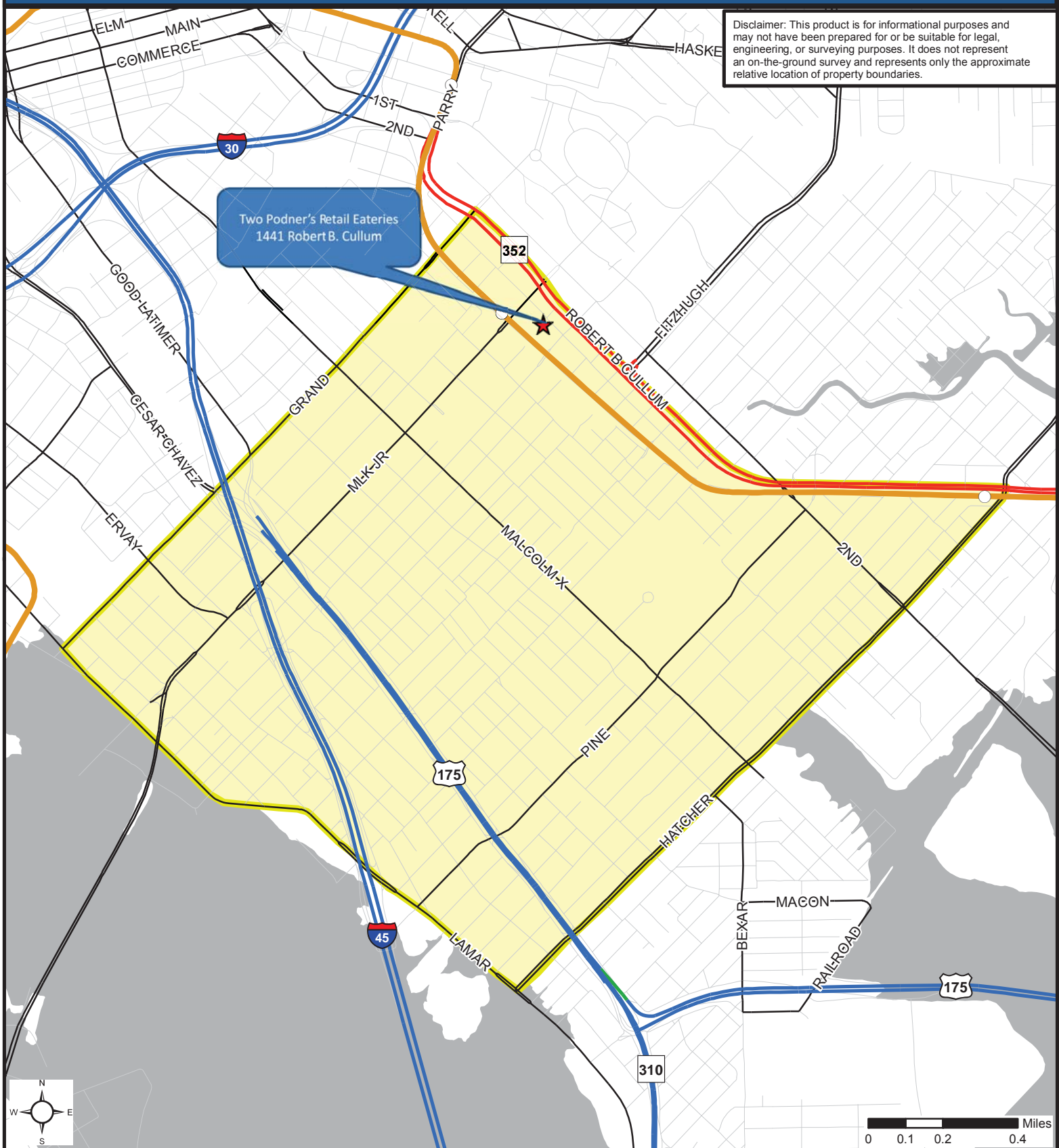
Two Podner's Retail Eateries, LLC

Fred Conwright, Partner
James Runnels, Partner

MAP

Attached.

Two Podner's Retail Eateries, LLC



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 10.17.2012 - 12.10.16 Venus Cobb.TCG

Legend

- Program Boundary
- Rail Station
- DART Light Rail

- Freeway
- Highway
- Arterial

- Local Road
- Flood Plain

Source: City of Dallas, 2012

January 11, 2017

WHEREAS, Two Podner's Retail Eateries, LLC wishes to partner with the City of Dallas to develop a commercial building at 1441 Robert B. Cullum in Dallas to expand Two Podner's Barbeque and Seafood Restaurant; and

WHEREAS, on June 13, 2012, City Council, pursuant to Resolution No. 12-1520 authorized the approval to: (1) adopt revised 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) establish 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 provision under chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, on June 13, 2012, City Council elected to continue its participation in economic development loans and grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 12-1520, as amended; and

WHEREAS, on February 12, 2014, City Council authorized a Chapter 380 Forgivable Economic Development Loan Agreement in the amount of \$275,000 to Two Podner's Retail Eateries, LLC for gap financing to develop a 11,000 square foot commercial building located at 1441 Robert B. Cullum Boulevard in Dallas to expand Two Podner's Barbeque and Seafood Restaurant, which also included 6,500 square feet of new retail space by Resolution No. 14-0316; and

WHEREAS, on April 23, 2014, City Council authorized (1) a South Dallas/Fair Park Trust Fund Special Economic Development Loan Agreement with Two Podner's Retail Eateries, LLC in the amount of \$100,000 to partially underwrite the cost of development of an 11,000 square foot structure to be located at 1441 Robert B. Cullum Boulevard in Dallas, Texas to expand Two Podner's Barbeque and Seafood Restaurant and add 6,500 square feet of tenant space; and (2) an increase in appropriations in the amount of \$100,000, by Resolution No. 14-0691; and

WHEREAS, certain amendments to the Chapter 380 Forgivable Economic Development Loan are now necessary due to new project financing and a decrease in square footage.

NOW, THEREFORE,

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

January 11, 2017

Section 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute an Amendment to the Chapter 380 Forgivable Loan Agreement to Two Podner's Retail Eateries, LLC, authorized by Resolution No. 14-0316 to: (1) decrease square footage of the commercial building located at 1441 Robert B. Cullum Boulevard in Dallas, Texas, from 11,000 square feet to 8,933 square feet; (2) increase conventional financing from original amount of \$1,000,000 to \$2,300,000; and (3) subordinate the City's lien position to the primary bank lender.

Section 2. That the project shall be 8,933 square feet in total. The space for the Two Ponder's restaurant shall be 6,743 square feet and the remaining 2,190 square feet, shall be occupied by other retail tenants, for a combined 8,933 square foot site.

Section 3. That the loan be secured by a subordinate lien on the real property. Loan is forgivable if development of site is completed within the three year period from date of Loan Agreement, subject to the terms and conditions of the Chapter 380 Forgivable Economic Development Loan agreement.

Section 4. That upon satisfactory completion of the project and compliance with the Chapter 380 Forgivable Economic Development Loan agreement, the lien may be released by the Director of City of Dallas Office of Economic Development. Time may be extended by the Director of City of Dallas, Office of Economic Development

Section 5. That all other terms of City Council Resolution No. 14-0316 shall remain the same.

Section 6. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available funding, and there will be no liability or obligation on the City until final contract documents are approved, executed and final closing complete.

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.

ADDENDUM ITEM # 4

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 1, 2, 7, 11, 14

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 15P, Q, R 36K, P, T, X 44Y, Z 45Q, T, U, V, Z 46S, W

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations (list attached) - Not to exceed \$171,000 - Financing: Current Funds

BACKGROUND

This item is moved forward on the addendum at the request of Council and was expedited to avoid further delays with implementation of the 2011 Dallas Bike Plan.

With the adoption of the 2011 Dallas Bike Plan, the City of Dallas committed to implementing an interconnected, dedicated on-street bicycle transportation network. To facilitate implementation of this plan, it became necessary to solicit qualified firms for the engineering design of on-street bicycle facilities. The consulting firm, Kimley-Horn and Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines. Kimley-Horn and Associates, Inc. will provide design and engineering consulting services for on-street bicycle facilities.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	February 2017
Complete Design	October 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

Current Funds - \$171,000

<u>Council District</u>	<u>Amount</u>
1	\$ 22,700
2	\$ 92,100
7	\$ 9,300
11	\$ 19,700
14	<u>\$ 27,200</u>
Total	\$171,000

MWBE/INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

African-American Male	43	African-American Female	32
Hispanic Male	132	Hispanic Female	82
Other Male	134	Other Female	97
White Male	1,550	White Female	753

OWNER

Kimley-Horn and Associates, Inc.

John Atz, P.E., President, Chief Executive Officer

MAP

Attached.

On-Street Bicycle Facilities

<u>Council District</u>	<u>Location</u>	<u>Amount</u>
2	Akard Street	\$ 24,000
11	Alpha Road	\$ 19,000
2	Cadiz Street	\$ 15,500
2	Canton Street	\$ 15,500
14	Matilda Street	\$ 26,500
1	Eldorado Avenue	\$ 8,000
1	Elsbeth Street	\$ 6,500
2, 7	Ervay Street	\$ 29,500
2	St. Paul Street	\$ 15,500
1	Zang Boulevard	\$ 7,500
All	Project Mgmt/Admin.	<u>\$ 3,500</u>
	Total	\$171,000

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations (list attached) - Not to exceed \$171,000 – Financing: Current Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$93,000.00	54.39%
Total non-local contracts	\$78,000.00	45.61%
TOTAL CONTRACT	\$171,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

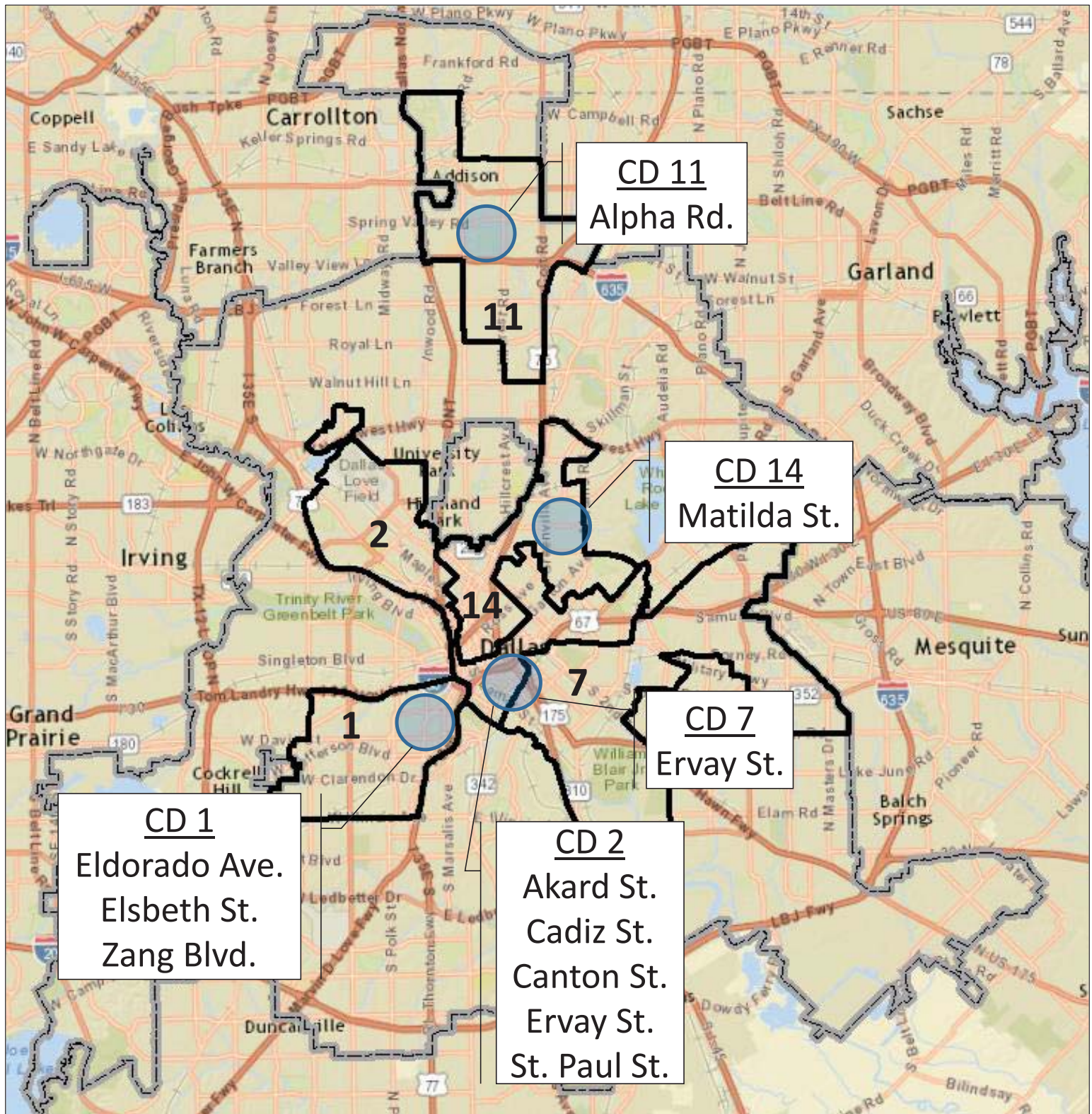
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Toole Design Group	WFDB61012N0917	\$78,000.00	100.00%
Total Minority - Non-local		\$78,000.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$78,000.00	45.61%
Total	\$0.00	0.00%	\$78,000.00	45.61%

On-Street Bicycle Facility Design Contract

Initial Project Locations



MAPSCO: 15P,Q,R 36K,P,T,X 44Y,Z
45Q,T,U,V,Z 46S,W

January 11, 2017

WHEREAS, Kimley-Horn and Associates, Inc. was selected to provide the engineering design services for the on-street bicycle facilities; and,

WHEREAS, with the adoption of the 2011 Dallas Bike Plan, the City of Dallas committed to implementing an interconnected, dedicated on-street bicycle transportation network at various locations.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations, in an amount not to exceed \$171,000.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Current Funds	
Fund 0001, Department STS, Unit 1579, Act. HIBT	
Object 4111, Program #STCUR001, CT STSCUR001D1	
Vendor #135447, in an amount not to exceed	\$171,000

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.

ADDENDUM ITEM # 5

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 45L

SUBJECT

Authorize an increase to the contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project - Not to exceed \$19,079, from \$15,572,876 to \$15,591,955 - Financing: 2012 Bond Funds (-\$235,075), General Obligation Commercial Paper Funds (\$168,380), 2006 Bond Funds (-\$528,226), and Water Utilities Capital Construction Funds (\$614,000)

BACKGROUND

This item is submitted as an addendum item in order to avoid further construction delays on the Cesar Chavez Boulevard roadway construction project.

On September 28, 2011, Resolution No. 11-2548 authorized a construction contract with Tiseo Paving Company for street paving, storm drainage, streetscape, landscape, traffic signal, water and wastewater improvements on Cesar Chavez Boulevard and Pearl Expressway. This action will authorize a change order to the contract with Tiseo Paving Company for additional construction work needed to complete the project and construction cost increases due to delays resulting from unforeseen site conditions.

The change order items include (1) tunneling the proposed 30-inch water main across Elm Street, Main Street, Commerce Street and Pacific Avenue to clear existing conflicting utilities; (2) cost increases to some construction items resulting from delays experienced due to unforeseen site conditions such as large deposits of debris, a buried fuel tank which had to be removed and abandoned basement structures discovered during construction; (3) required modification to the traffic signal poles and electrical components; and (4) other associated construction items needed.

BACKGROUND (Continued)

This action will authorize deleting the existing pay items for Pearl Expressway between Live Oak Street and Pacific Avenue from this contract to pay for some additional construction items needed for this change order. Other existing pay items are being increased or reduced as needed to facilitate the completion of the project. The street improvements on Pearl Expressway between Live Oak Street and Pacific Avenue that are being deleted from this contract in order to create the needed capacity in the contract are planned to be constructed later as part of a separate contract. Construction along this section of Pearl Expressway was already on hold as the roadway is being redesigned to accommodate planned improvements to John W. Carpenter Park. The proposed redesign of Pearl Expressway will reduce the street cross-section from the originally planned six-lane divided roadway to a four-lane divided roadway. The proposed redesign will serve to slow vehicular traffic and create a more pedestrian friendly roadway conducive to the urban park environment envisioned for the future improved John W. Carpenter Park. Construction on Pearl Expressway is estimated to recommence mid 2017 and be complete an estimated six months later.

The breakdown for the amounts being reduced, increased, or deleted are as follows: (1) the paving, drainage, signal, landscaping and basement debris removal on Cesar Chavez Boulevard is being increased (\$168,379.55); (2) the water main work on Cesar Chavez Boulevard and on Pearl Expressway is being increased (\$614,000.00); (3) the paving, drainage, removal, signal, and landscaping on Pearl Expressway is being decreased (-\$492,408.00); (4) sidewalk quantities for work adjacent to Klyde Warren Park that was previously change ordered are being reduced (-\$235,074.71); (5) items of work on Taylor Street adjacent to Farmers Market that was previously change ordered are being reduced (-\$35,818.51).

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2007
Completed Design	June 2011
Began Construction	March 2012
Complete Construction	August 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services for Cesar Chavez (formerly Central Street) on December 12, 2007, by Resolution No. 07-3794.

Authorized a professional services contract for engineering services for Pearl Expressway on April 23, 2008, by Resolution No. 08-1278.

Authorized approval of the recommended plan for the proposed alignment of Cesar Chavez (formerly Central Street) on April 22, 2009, by Resolution No. 09-1082.

Authorized a Development and Reimbursement Agreement with the Museum of Nature and Science on September 8, 2010, by Resolution No. 10-2321.

Authorized a construction contract with Tiseo Paving Company on September 28, 2011, by Resolution No. 11-2548.

Authorized Change Order No. 1 to the construction contract with Tiseo Paving Company on September 12, 2012, by Resolution No. 12-2309.

Authorized Change Order No. 3 to the construction contract with Tiseo Paving Company on March 26, 2014, by Resolution No. 14-0559.

Authorized Change Order No. 4 to the construction contract with Tiseo Paving Company on March 26, 2014, by Resolution No. 14-0560.

Authorized Change Order No. 7 to the construction contract with Tiseo Paving Company on April 22, 2015, by Resolution No. 15-0757.

Authorized Change Order No. 8 to the construction contract with Tiseo Paving Company on December 9, 2015, by Resolution No. 15-2274.

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$168,379.55

2006 Bond Funds - (\$528,226.51)

2012 Bond Funds - (\$235,074.70)

Water Utilities Capital Construction Funds - \$614,000.00

FISCAL INFORMATION (Continued)

Design

Cesar Chavez and Pearl	\$ 1,732,954.22
Museum of Nature and Science Streetscape Improvements	\$ 148,500.00

Construction

Paving & Drainage - STS	\$ 9,460,374.37
Water & Wastewater - DWU	\$ 3,013,544.94
Change Order No. 1	\$ 870,854.75
Change Order No. 2	\$ 49,500.00
Change Order No. 3	\$ 582,303.00
Change Order No. 4	\$ 776,713.30
Change Order No. 5	\$ 41,285.00
Change Order No. 6	\$ 0.00
Change Order No. 7	\$ 488,095.06
Change Order No. 8	\$ 290,205.57
Change Order No. 9 (this action)	<u>\$ 19,078.34</u>

Total Project Cost \$17,473,408.55

Council District**Amount**

2
14

\$ 9,539.17
\$ 9,539.17

Total

\$19,078.34

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION**Tiseo Paving Company**

Hispanic Female	1	Hispanic Male	82
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	2	White Male	25

OWNER

Tiseo Paving Company

Arthur Tiseo, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase to the contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project - Not to exceed \$19,079, from \$15,572,876 to \$15,591,955 - Financing: 2012 Bond Funds (-\$235,075), General Obligation Commercial Paper Funds (\$168,380), 2006 Bond Funds (-\$528,226), and Water Utilities Capital Construction Funds (\$614,000)

Tiseo Paving Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$371,807.06	1,948.84%
Non-local contracts	(\$352,728.72)	(1,848.84%)
TOTAL THIS ACTION	\$19,078.34	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
WOE Construction	WFWB22300N0517	(\$134,235.00)	(36.10%)
Total Minority - Local		(\$134,235.00)	(36.10%)

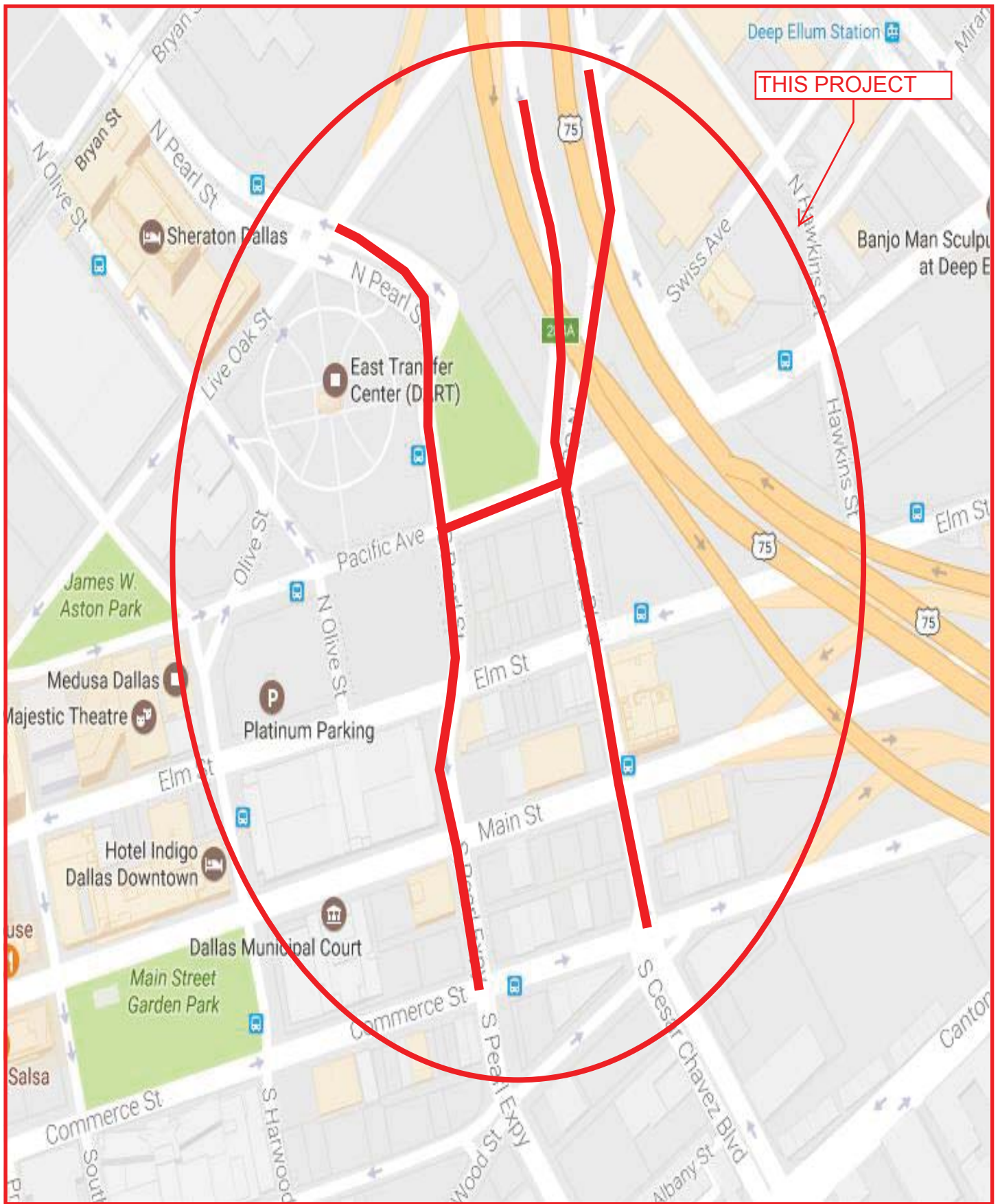
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Brock Environmental	WFWB96114Y1118	(\$5,582.00)	1.58%
Axis Contracting Inc.	WFDB96976Y0717	(\$212,419.72)	60.22%
Total Minority - Non-local		(\$218,001.72)	61.80%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	(\$352,236.72)	(1,846.27%)	\$4,477,296.66	28.72%
	-----	-----	-----	-----
Total	(\$352,236.72)	(1,846.27%)	\$4,477,296.66	28.72%

CESAR CHAVEZ BOULEVARD AND PEARL EXPRESSWAY FROM COMMERCE STREET TO PACIFIC AVENUE



MAPSCO 45L

January 11, 2017

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized a construction contract with Tiseo Paving Company for the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-2198 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, from \$13,344,774.06 to \$13,394,274.06; and,

January 11, 2017

WHEREAS, on March 26, 2014, Resolution No. 14-0559 authorized Change Order No. 3 to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Expressway, and the installation of new communication cables and traffic signal upgrades at Pearl Expressway and Cesar Chavez Boulevard in the amount of \$582,303.00, from \$13,394,274.06 to \$13,976,577.06; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0560 authorized Change Order No. 4 to the construction contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Expressway at Farmers Market in the amount of \$776,713.30, from \$13,976,577.06 to \$14,753,290.36; and,

WHEREAS, on October 20, 2014, Administrative Change Order No. 14-1739 authorized Change Order No. 5 to the construction contract with Tiseo Paving Company to build and remove a temporary loading dock on Taylor Street from Cesar Chavez Boulevard to Pearl Expressway at Farmers Market in the amount of \$41,285.00, from \$14,753,290.36 to \$14,794,575.36; and,

WHEREAS, on January 29, 2015, Administrative Change Order No. 15-0221 authorized Change Order No. 6 to the construction contract with Tiseo Paving Company to reduce and add pay items for work on Taylor Street from Cesar Chavez Boulevard to Pearl Expressway at Farmers Market in the amount of \$0.00, and the contract amount will not increase; and,

WHEREAS, on April 22, 2015, Resolution No. 15-0757 authorized Change Order No. 7 to the construction contract with Tiseo Paving Company to construct a 24-inch water main along Pacific Avenue from Pearl Expressway to Cesar Chavez Boulevard in the amount of \$488,095.06, from \$14,794,575.36 to \$15,282,670.42; and,

WHEREAS, on December 9, 2015, Resolution No. 15-2274 authorized Change Order No. 8 to the construction contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base in the amount of \$290,205.57, from \$15,282,670.42 to \$15,572,875.99; and,

January 11, 2017

WHEREAS, it is now necessary to authorize Change Order No. 9 to the construction contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project in the amount of \$19,078.34, from \$15,572,875.99 to \$15,591,954.33.

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 Change Order No. 9 to the construction contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard/Pearl Expressway project in the amount of \$19,078.34, from \$15,572,875.99 to \$15,591,954.33, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit U779, Act. THRF Obj. 4510, Program #PB06U779, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	\$168,379.55
--	--------------

Farmers Market Fund Fund 7T40, Department PBW, Unit T820, Act. FMIM Obj. 4510, Program #PB06T820, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	(\$35,818.51)
--	---------------

Street and Transportation Improvements Fund Fund 8T22, Department PBW, Unit U798, Act. THRF Obj. 4510, Program #PB06U798, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	(\$492,408.00)
--	----------------

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S414, Act. SIDI Obj. 4530, Program #PB12S414, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	(\$235,074.70)
--	----------------

January 11, 2017

Water Construction Fund	
Fund 0102, Department DWU, Unit CW42	
Obj. 4550, Program #710047, CT DWU710047CP	
Vendor #011466, in an amount not to exceed	<u>\$614,000.00</u>
 Total in an amount not to exceed	 \$ 19,078.34

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.

ADDENDUM ITEM # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A resolution suspending the effective date of the rate filing made by Oncor Electric Delivery Company LLC on December 16, 2016 for an additional 90 days - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum as moved forward based on the Budget, Finance, and Audit Committee on January 3, 2017.

Oncor Electric Delivery Company LLC ("Oncor" or "the Company") filed an application on or about December 16, 2016 with the City of Dallas seeking to implement proposed Tariff for Retail Delivery Services Section 6.1.1.1.8.2 Lighting Service. The Company asks the City to approve the new tariff to provide for an option for LED street lighting within the City of Dallas.

This resolution suspends the January 23, 2017 effective date of the Company's rate request for the maximum period permitted by law to allow the City to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine if the requested rates are appropriate.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

No cost consideration to the City

January 11, 2017

WHEREAS, on or about December 16, 2016, Oncor Electric Delivery Company LLC (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Dallas a Statement of Intent Tariff for Retail Delivery Service Section 6.1.1.1.8.2 Lighting Service in the City of Dallas effective January 22, 2017; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the suspension of the effective date is necessary to provide the City sufficient time to adequately review the proposed tariff; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

NOW, THEREFORE,

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

SECTION 1. That the January 22, 2017 effective date of the rate request submitted by Oncor on or about December 16, 2016, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

SECTION 3. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 4. A copy of this resolution shall be sent to Oncor, care of Don J. Clevenger, Oncor Electric Delivery Company, 1601 Bryan St., Suite 22-070, Dallas, Texas 75201.

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.

ADDENDUM ITEM # 7

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

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 21B-M, R, V, 22J, N, S

SUBJECT

Authorize **(1)** a fifteen-year concession contract, with one five-year renewal option, with Elm Fork Clay Sports, Incorporated for management, operation and development of the Elm Fork Shooting Range (shotgun area) located at 10751 Luna Road with an Estimated Annual Revenue of \$163,724; and **(2)** a fifteen-year concession contract, with one five-year renewal option, with Elm Fork Rifle and Pistol, Incorporated for management, operation and development of the Elm Fork Shooting Range (rifle and pistol range area) located at 10751 Luna Road with an Estimated Annual Revenue of \$106,276 - Total Estimated Annual Revenue: \$270,000

BACKGROUND

Department staff was working with the City Attorney's Office, Office of Environmental Quality and the Concessionaire to finalize contract documents for the Elm Fork Clay Sports, Inc. (shotgun) and the Elm Fork Rifle and Pistol, Inc. which was not completed in time to make the agenda.

The Elm Fork Shooting Range is divided into two components. One area of the range is for rifle and pistol shooting, and the other area is for shotgun. On August 13, 2003, the City, Resolution No. 03-2166, authorized a ten-year contract with one five-year renewal option with Elm Fork Shooting Park, Incorporated to manage and operate both areas of the shooting range.

On February 11, 2004, Administrative Action No. 15-1683, authorized Supplemental Agreement No. 1 to assign the shotgun range area of the shooting park from Elm Fork Shooting Park, Inc. to Elm Fork Clay Sports, Inc. On November 7, 2007, Administrative Action No. 07-3415, authorized Supplemental Agreement No. 2 to assign the rifle and pistol range area of the shooting park from Elm Fork Shooting Park, Inc. to Elm Fork Rifle and Pistol, Inc. Scott Robertson is the President of both entities operating and managing the two shooting ranges.

BACKGROUND (Continued)

On September 20, 2011, Administrative Action No. 11-3090, authorized Supplemental Agreement No. 3 for the purpose of allowing Concessionaire to utilize a percentage of the gross receipts being deposited in a revenue retention fund for future improvements to the premises; and on October 9, 2013, Administrative Action No. 13-6618, authorized an extension to the contract was extended for a period of five years. Its current end date is October 31, 2018.

Over the last eleven years, Mr. Robertson has made significant safety and environmental improvements and financial investments in property and building upgrades and enhancements to both ranges. This has made the Elm Fork Shooting Ranges a destination for outdoor enthusiasts, which has created opportunities for several events to be scheduled throughout the year. He has also worked with various government and law enforcement agencies to provide the ranges as training facilities including law enforcement agencies and the Department of Homeland Security, specifically the FFDO (Federal Flight Deck Officers) and FAMS (Federal Air Marshal Service).

Mr. Robertson is requesting consideration of new contracts in consideration of the primary needs: 1) need to complete repairs to the premises due to flooding in 2015 which will require substantial funds to facilitate needed repairs; 2) ability to secure reasonable financing from the lending source; and 3) complete planned capital improvements which are estimated at around \$2 million dollars including, but not limited to, constructing new clubhouses including office and restaurant space, constructing new picnic areas, new parking and 1.2 miles of concrete trails.

In order to allow time to make these improvements and recoup the required financial investment, approval of new fifteen-year, with one (1) five-year renewal option, contracts are being requested.

Proposed Contract Deal Points:

City Obligations:

1. City shall maintain the entrance road to the Premises leading to the parking lots of both the Clay and Shotgun Premises and the Rifle and Pistol Premises.
2. City shall trim any and all trees necessary to maintain safe entry onto the Premises and shall provide trees for planting as required.
3. In the event that operations are forced to close due to unavoidable circumstances for a period of at least 15 days, City shall waive its required commissions for the same number of days as operations were closed beginning on the day that operations can resume.

BACKGROUND (Continued)

4. City may review any and all services performed by the Concessionaire and shall have the right to audit, at reasonable times and upon reasonable notice, all of the Concessionaire's records and billing relating to the performance of the Agreements.

Concessionaire Obligations:

1. Concessionaire shall raise monies to fund improvements to the Premises. Concessionaire shall on a monthly basis pay to the City a percentage of gross receipts.
2. Concessionaire will enter into (in its own name) and perform all contracts necessary to fully complete the improvements.
3. City shall have no liability for any claims that may arise out of design or construction of the improvements.
4. The Director of the Park and Recreation Department, or his designated representative (Director) has the right to review and approve the selection of any design consultants, contractors, and subcontractors used on the improvements.
5. Fee simple title to the improvements, when made, shall automatically vest in the City without any further actions by either party.
6. Concessionaire shall be responsible for actions and cost associated with the operation, management and maintenance of the improvements.
7. Concessionaire shall submit annually an Examination-Level Attestation Report from an independent auditor/accountant, performed in accordance with the attestation standards established by the American institute of Certified Public Accountants.
8. Concessionaire shall be allowed to host events in which alcohol is sold provided the caterer has provided a valid license from the Texas Alcoholic Beverage Commission, the Premises has been closed to general public for the time of the event, and all firearms owned by both the Concessionaire and private citizens have been locked away and secured.
9. Concessionaire has reviewed the City's environmental policy and shall adhere to the policy including being responsible to submit a Lead Reclamation Plan and submittal of document pertaining to that plan.
10. Concessionaire will annually submit a full operating budget.

BACKGROUND (Continued)

Concessionaire Obligations: (Continued)

11. Concessionaire shall not assign or sublet any part of the Agreements or the concession rights without the express prior written approval of the Director.
12. Concessionaire shall not mortgage, pledge, or otherwise encumber its rights and interests under the Agreements to secure financing.
13. Concessionaire shall purchase and maintain insurance in accordance with contractual requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was deferred by the Park and Recreation Board on December 17, 2015.

The Park and Recreation Board was briefed on January 7, 2016.

On September 15, 2016, the Park and Recreation Board authorized a fifteen-year, plus one five-year renewal concession contract with Elm Fork Clay Sports, Incorporated.

On September 15, 2016, the Park and Recreation Board authorized a fifteen-year, plus one five-year renewal concession contract with Elm Fork Rifle and Pistol, Incorporated.

Council was briefed by memorandum regarding this matter on September 30, 2016.

Information about this item was provided to the Quality of Life & Environment Committee on October 10, 2016.

FISCAL INFORMATION

Total Estimated Annual Revenue: \$270,000

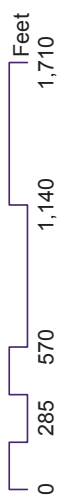
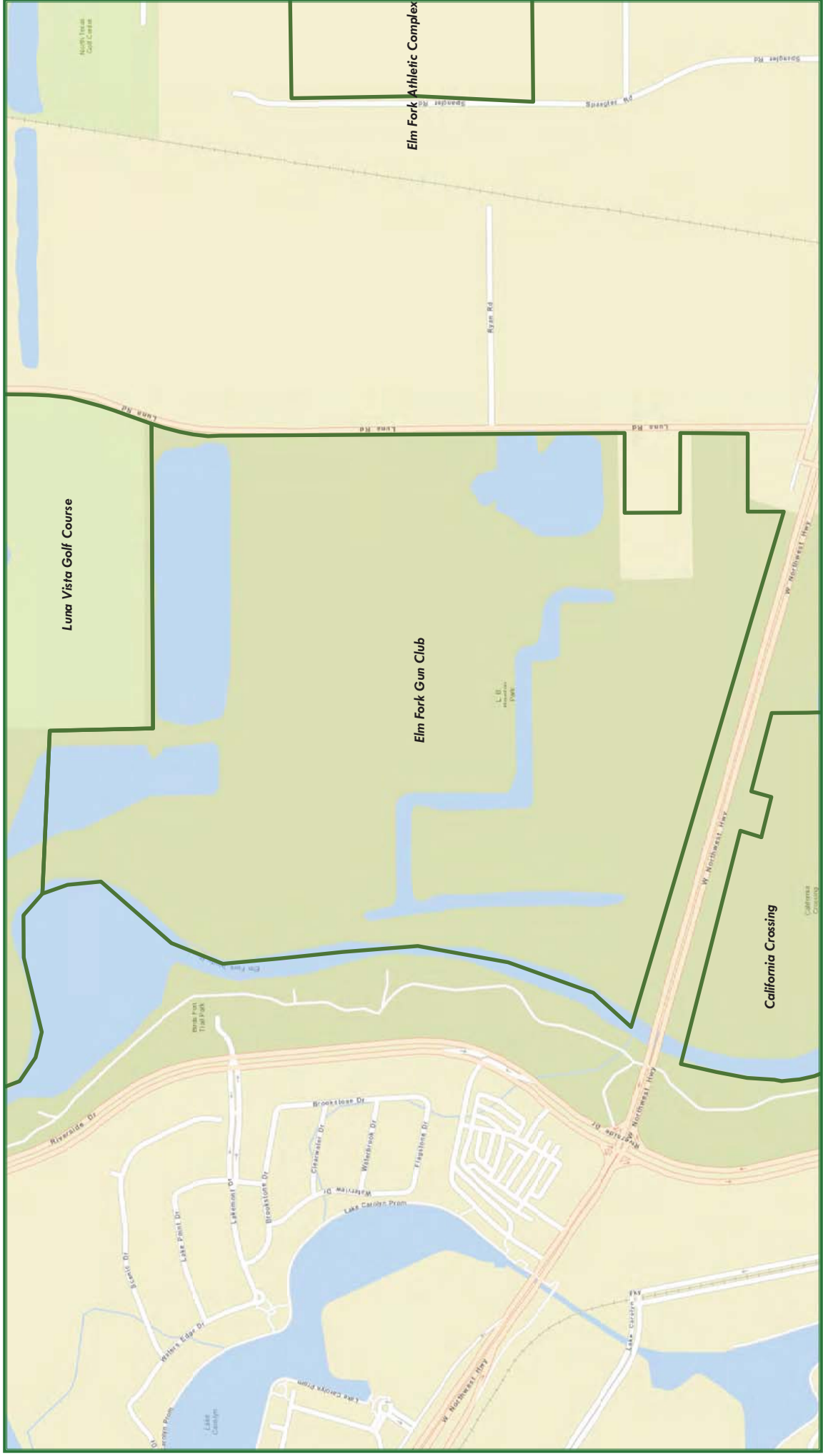
OWNERS

Elm Fork Clay Sports, Inc.

Scott Robertson, President

Elm Fork Rifle and Pistol, Inc.

Scott Robertson, President



Elm Fork Shooting Sports

10751 Luna Road

Mapsco
21B M R V
22 J N S

CD
6

January 5, 2017

January 11, 2017

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements with park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the City owns approximately 467 acres of land located in Dallas, Dallas County, Texas, at 10751 Luna Road ("Premises") in the L.B. Houston Park; and

WHEREAS, pursuant to Resolution No. 03-2166, the City and Elm Fork Shooting Park Inc. entered into a concession contract on August 13, 2003 ("Concession Contract") for a term of ten years ending on October 31, 2013 with one five-year option to renew; and

WHEREAS, the Concession Contract was entered into between the City and Elm Fork Shooting Park Inc. for Elm Fork Shooting Park Inc. to manage and operate the Premises in accordance with the Concession Contract; and

WHEREAS, the City and Elm Fork Shooting Park Inc. entered into Supplemental Agreement No. 1 by Administrative Action No. 15-1683 dated February 11, 2004 whereby City consented to Elm Fork Shooting Park Inc. assigning the clay and shot gun portion of the Premises to Elm Fork Clay Sports Inc.; and

WHEREAS, the City and Elm Fork Shooting Park Inc. entered into Supplemental Agreement No. 2 by Administrative Action No. 07-3415 dated October 24, 2007 whereby City consented to Elm Fork Shooting Park Inc. assigning the rifle and pistol portion of the Premises to Elm Fork Rifle and Pistol, Inc.; and

WHEREAS, the City and Elm Fork Shooting Park Inc. entered into September 20, 2011, Administrative Action No. 11-3090, authorized Supplemental Agreement No. 3 for the purpose of allowing Concessionaire to utilize a percentage of the gross receipts being deposited in a revenue retention fund for future improvements to the premises; and

WHEREAS, pursuant to Administrative Action No. 13-6618, the Concession Contract was extended for an additional five years ending on October 31, 2018; and

WHEREAS, the parties agree and desire to terminate the five-year extension of the Concession Contract upon the execution of this Agreement and for this Agreement to supersede the prior Concession Contract, including any renewals or supplements.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

January 11, 2017

SECTION 1. That the City Manager is authorized to execute concession contracts with Elm Fork Clay Sports, Inc. in the amount of \$163,724.00 and Elm Fork Rifle and Pistol, Inc. in the amount of \$106,276.00 for management and operation of the Elm Fork Gun Ranges for a term of fifteen-years with one five-year renewal option each, for an estimated annual net revenue amount of \$270,000.00, upon approval as to form by the City Attorney.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are authorized to execute the concession contracts after approval as to form by the City Attorney.

SECTION 3. That the City of Dallas shall receive a percentage of gross revenues.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit funds from these contracts in Fund 0641, Department PKR, Unit 8018, Revenue Source 8481 in a total estimated annual net revenue amount of \$270,000.00.

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.

ADDENDUM ITEM # 8

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Code Compliance

CMO: Mark McDaniel, 670-3256
Joey Zapata, 670-3009

MAPSCO: 64H

SUBJECT

Authorize a five-year lease agreement with SPCA of Texas, Inc. for the continued use of approximately 6,000 square feet of office space located at 4830 Village Fair Drive, to be used as a low cost spay/neuter and pet wellness clinic for the period January 12, 2017 through January 11, 2022 - Annual Revenue: \$1,992

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes a five-year lease agreement with SPCA of Texas, Inc. for approximately 6,000 square feet of office space located at 4830 Village Fair Drive. This lease will provide for the continued use of a pet wellness center and a low cost spay/neuter clinic.

SPCA of Texas, Inc. is affiliated with the SPCA, a large, state-wide animal welfare organization.

The lease will begin on January 12, 2017 through January 11, 2022.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a lease agreement on January 11, 1995, by Resolution No. 95-0220.

Authorized an assignment of lease on August 26, 1998, by Resolution No. 98-2490.

Authorized a lease agreement on August 11, 1999, by Resolution No. 99-2290.

Authorized an assignment of lease on March 28, 2001, by Resolution No. 01-0988.

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

Authorized an assignment of lease on January 11, 2006, by Resolution No. 06-0121.

The Economic Development Committee will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Annual Revenue: \$1,992.00

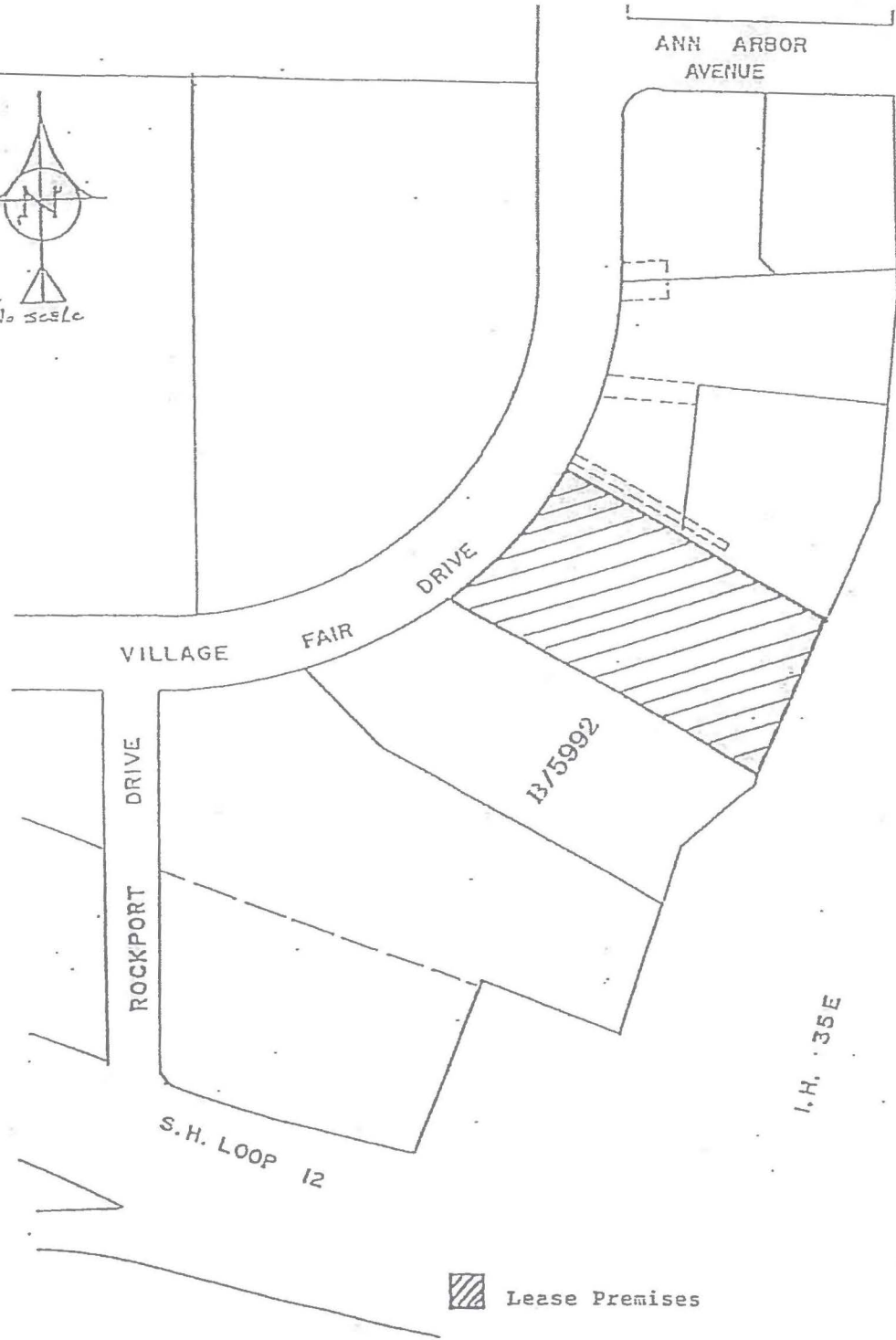
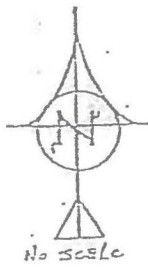
OWNER

SPCA of Texas, Inc.

James Bias, Director

MAP

Attached



 Lease Premises

I.H. 35E

January 11, 2017

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a lease agreement (the "Lease") between SPCA of Texas, Inc., a Texas non-profit corporation, or its successor and assigns, as tenant, hereinafter referred to as "Lessee", and the City of Dallas, as landlord, hereinafter referred to as "City" for approximately 6,000 square feet of office space located at 4830 Village Fair Drive, Dallas, Dallas County, Texas ("Premises") to be used as a low-cost spay/neuter clinic for the City of Dallas.

Section 2. That the special terms and conditions of the lease are:

- a) The lease is for a term of five (5) years beginning January 12, 2017 and ending January 11, 2022.
- b) Monthly rental payments during the term shall be as follows:

January 12, 2017 – January 11, 2022 \$166.00 per month
- c) The Landlord shall pay all real estate taxes on the Premises during the lease term.
- d) Lessee shall pay the cost of all utility services and initial connection charges, and including but not limited to, all charges for gas, water and electricity serving the Premises.
- e) Lessee shall be responsible for the installation, maintenance and expense of its own telephone, communication and security services to the Premises.
- f) Lessee shall pay all charges for sanitation and janitorial services to the Premises and repair and maintenance of common areas, including without limitation parking areas.
- g) Lessee shall be responsible for the installation, maintenance and expense of any outdoor signage.
- h) Lessee shall be responsible for all advertising and promotional expenses and all recruiting, training and travel expenses for veterinarian.
- i) Lessee shall establish an initial working capital reserve of approximately \$50,000.00 to pay all costs of operating the clinic, including, but not limited to: (1) personnel salaries and related payroll expenses; (2) all utility charges; and (3) maintenance and repair costs. In addition, Lessee shall provide for the short-fall between revenue and operating expenses.

January 11, 2017

- j) Lessee agrees to perform the services as an independent contractor and not as an agent or employee of City.
- k) Lessee is required to submit an annual report to the Director of Code Compliance or designee by the first day of September which shall include the following:
 - a) number of surgeries provided for animals adopted from the City's Animal Shelter (s).
 - b) number of low-cost and free services provided to clients through internal funding programs.
 - c) number of free sterilizations provided for feral cats provided by the Lessee through their partners.
- l) Lessee agrees that the Premises shall be used by Lessee for the following purposes in compliance with applicable law and licenses relating to the conduct of Lessee's activities on the Premises, all in accordance with the standards and practices followed by Lessee in its operation of similar facilities in the State of Texas:
 - a) Operation of a low cost spay/neuter clinic and operation and maintenance of a free and low cost animal wellness clinic providing vaccinations, heartworm testing and prevention, feline leukemia and feline aids testing, flea/tick prevention, leashes, collars, tags, and identification services for dogs and cats belonging to the general public and Dallas Animal Services.
 - b) The clinic shall be open a minimum of four (4) days per week, excluding holiday weeks. The hours shall include access to drop off and pick up at least one day per week starting at 7:00 a.m. and one evening pick up per week through 6:00 p.m. The clinic will be open at least one weekend day per month.
 - c) Lessee agrees that any changes to prices and services provided on Exhibit C, must be authorized by City of Director of Code Compliance or designee on a yearly basis.
 - d) Lessee shall perform a minimum of 6,000 spay/neuter surgeries per year, to be re-assessed after initial term of lease.

January 11, 2017

- e) For high-risk clients that are slow to recover post-surgery, Lessee shall contact the owner and arrange an overnight stay at a 24 hour emergency veterinarian, the cost of which shall be given on a list of full-service and emergency veterinarians upon check-out. Each client at checkout, both via verbal check-out and written surgical aftercare instructions, shall be advised of symptoms and signs that would necessitate a visit to an emergency veterinarian. The listed emergency clinics shall have SPCA's Medical Services Administrator's contact information on file so that clients are not required to pay for after-hours care for their animals when the SPCA of Texas clinics are closed. The Dallas SPCA of Texas clinics shall provide walk-in incision and post-surgical rechecks at no cost to the owner during business hours Monday through Saturday.
- f) Lessee shall be a vendor for pet registration at the clinic and submit rabies certificates to petlicense@dallascityhall.com on a weekly basis.
- g) The following services shall be added by Lessee:
 - (i) deceased pet drop off with free pick up by city services
 - (ii) euthanasia services for ill/injured pets
 - (iii) vaccination, deworming, micro chipping, heartworm and flea treatments
 - (iv) parvo/mange treatments
 - (v) wound triage
 - (vi) x-rays

Additional services may be added with notification to Director of Code Compliance or designee.

- m) Lessee agrees to make all improvements and repairs to the Premises and all other improvements, repairs and maintenance necessary to keep the Premises safe and in good condition and repair (ordinary wear and tear expected), at no expense to City and that City shall be absolutely exempt from making any improvements or repairs, or undertaking any maintenance to the Premises or other appurtenances during the Term.
- n) Lessee agrees to allow City, upon reasonable prior notice to Lessee, to inspect Premises during Lessee's normal business hours at City's discretion, to ensure compliance with Lessee's maintenance responsibilities set out in this lease.

January 11, 2017

- o) Lessee agrees to allow City, upon reasonable prior notice to Lessee, to inspect Premises during Lessee's normal business hours at City's discretion, to ensure compliance with Lessee's maintenance responsibilities set out in this lease.
- p) Lessee shall comply with all State, Federal and local laws, ordinances, rules and regulations and all provisions of the City of Dallas Charter and Code applicable to the Premises because of Lessee's use of the Premises during the Term.
- q) Lessee shall obtain and pay for all licenses, permits and certificates required by statute, ordinance, rule, or regulation of any regulatory body having jurisdiction over the conduct of its operations hereunder.
- r) Lessee assumes all liability resulting from any and all environmental contamination in the building or on the grounds that is introduced to the Premises, building or grounds by Lessee, its agents employees, clients or contractors. Lessee shall not be responsible for any loss, liability, claim or expense resulting from, or for compliance with any law, order or directive relating to, any environmental contamination or hazardous substances that existed on, in or under the Premises, building or grounds prior to the commencement of the Term.
- s) Lessee shall not assign this lease or sublet the Premises or any part thereof without the prior written consent of City.
- t) Lessee shall not make leasehold improvements to the Premises without the review and approval by the City, which consent shall not be unreasonably withheld. All leasehold improvements to be made by Lessee shall be made in a good and workmanlike manner.
- u) Lessee shall not occupy or allow the Premises to be occupied for any business or purpose deemed extra hazardous because of the threat of fire or otherwise.
- v) Lessee shall pay, before they are delinquent, all real estate taxes pertaining to the Premises during the Lease Term. Lessee may, however, contest and dispute any real estate taxes, at Lessee's sole expense; in such case(s), the disputed item(s) need not be paid until finally adjudged as valid.
- w) Such other terms and requirements of the lease and/or disclaimers as the City deems necessary, convenient or appropriate.

Section 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Lease Agreement in Fund 0001, Dept. DEV, Unit 1181, Revenue Source 8410.

January 11, 2017

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.

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

EXHIBIT C
PRICING SHEET

**CANINE
SPAY
(FEMALE)**

All prices include
post-operative pain control

Weight Range	Cost
3-30 lbs	\$60
31-69 lbs	\$70
70+ lbs	\$80

**CANINE
NEUTER
(MALE)**

All prices include
post-operative pain control

Weight Range	Cost
3-30 lbs	\$55
31-69 lbs	\$65
70+ lbs	\$75

**FELINE
SPAY
(FEMALE)**

All prices include
post-operative pain control

Feline Spay	\$55
-------------	------

**FELINE
NEUTER
(MALE)**

All prices include
post-operative pain control

Feline Neuter	\$50
---------------	------

- For your pet's safety, all animals 5 years and older will receive pre-Anesthesia blood work at a cost of \$60.
- If the pet you bring in to be spayed or neutered is pregnant, in heat or is a cryptorchid male (un-descended testicles), you may be charged additional fees ranging from \$22 to \$60.

Required Vaccinations (or proof of) for Surgery Patients:

Cost

EXHIBIT C

Rabies (Canines & Felines)	\$10
Distemper/Parvo (Canines)	\$12
FVRCP (Felines)	\$12

Optional Vaccines Available:

	Cost
Bordatella (Canines)	\$15
Lepto 4 (Canines)	\$15
Canine Influenza (Canines)	\$15
FeLv (Felines)	\$15

Teeth Cleaning

Our teeth cleaning service includes anesthesia, scaling and polishing of your pet's teeth. Please note, we cannot remove or repair broken teeth.

In addition, animals undergoing a teeth cleaning must be under the age of 7 years and undergo a physical exam prior to scheduling a teeth cleaning appointment.

Teeth Cleaning Pricing

	Cost
Felines	\$145
Canines (2-24 lbs)	\$158
Canines (25-49 lbs)	\$183
Canines (50 lbs & up)	\$209

Vaccine Packages

Please bring a fecal sample with you to your pet's appointment. Packages are subject to change pending the veterinarian's recommendation.

EXHIBIT C

CANINE PACKAGE FELINE PACKAGE

If no prior vaccine history, we will recommend boosters in 3-4 weeks

If no prior vaccine history, we will recommend boosters in 3-4 weeks

Office Visit/Exam	\$35	Office Visit/Exam	\$35
Rabies Vaccine	\$10	Rabies Vaccine	\$10
Distemper/Parvo Vaccine	\$12	FVRCP Vaccine	\$12
Bordatella Vaccine	\$15	FelV Vaccine	\$15
Heartworm Cite Test	\$25	Fecal Floatation Test	\$18
Fecal Floatation Test	\$18		
Sub-Total	\$115	Sub-Total	\$90
15% Savings	-\$17.25	15% Savings	-\$13.50
Cost: \$97.75		Cost: \$76.50	

Individual Pricing

	Cost
Office Visit/Exam	\$35
Office Visit/Re-Check Exam	\$25
Microchip	\$25
Nail Trim	\$10
Rabies Vaccine (Feline and Canine)	\$10
Owner Requested Euthanasia	\$75

EXHIBIT C

*Euthanasia services only available at the Mary Spencer & Myron Martin Clinics.

An exam fee of \$35 may be required in addition to the services below:

	Cost
Bordatella Vaccine	\$15
Distemper/Parvo Vaccine	\$12
Lepto4	\$15
FVRCP Vaccine	\$12
FeLV Vaccine	\$15
FeLV / FIV Combo Test	\$35
Fecal Floatation Test	\$18
Heartworm (Feline & Canine)	\$25

Free Heartworm testing w/purchase of 12 months heartworm prevention!

An office visit/exam fee of \$35 and an anesthesia fee of \$40 may be required in addition to the services below:

X-Ray	\$75
X-Ray Additional Views	\$40

Heartworm & Flea Control

ADDENDUM ITEM # 9

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 45K L

SUBJECT

An ordinance abandoning a sanitary sewer easement to 2000 Ross Avenue LP, the abutting owner, containing approximately 329 square feet of land, located near the intersection of Ross Avenue and Harwood Street - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a sanitary sewer easement to 2000 Ross Avenue LP, the abutting owner. The area will be included with the property of the abutting owner for a mixed-use 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)

The Economic Development Committee will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

OWNER

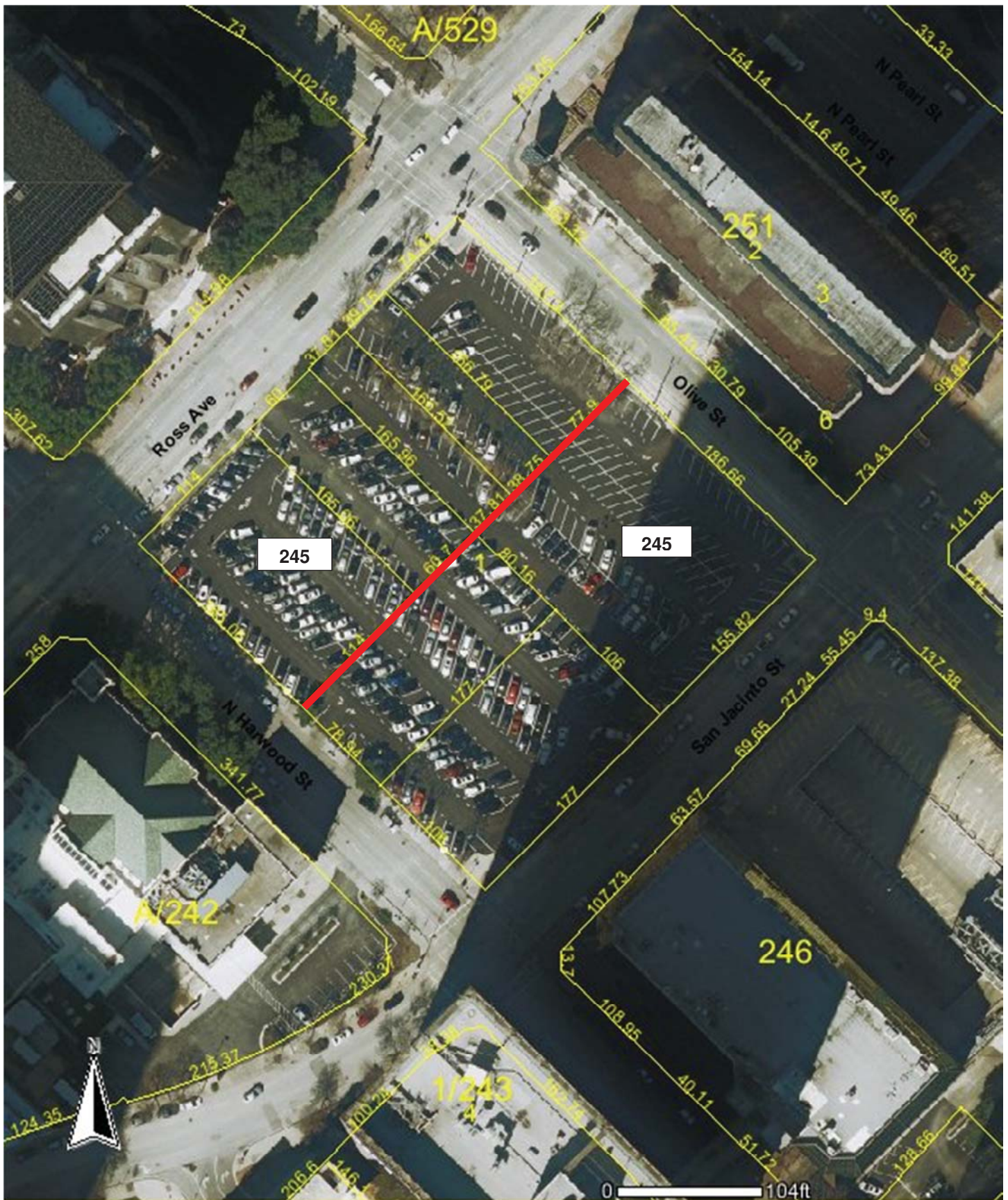
2000 Ross Avenue LP

2000 Ross Avenue GP LLC

Scott McDonald, Vice President

MAP

Attached



BLOCK 245

LOG# 43204

ABANDONMENT OF A SANITARY SEWER EASEMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portion of a sanitary sewer easement, located in City Block 245 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to 2000 Ross Avenue LP; 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 2000 Ross Avenue LP, a Delaware limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions 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 authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein **GRANTEE** shall retain the wastewater easement until the wastewater main is abandoned and disconnected.

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

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

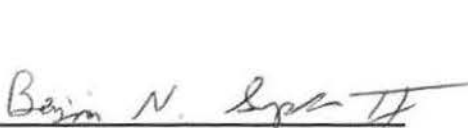
APPROVED AS TO FORM:

LARRY E. CASTO

City Attorney

DAVID COSSUM

**Director of Department of Sustainable
Development and Construction**

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A

Being an easement for a 6-inch sanitary sewer, by use and occupation, having no specified width, situated in the JOHN GRIGSBY LEAGUE AND LABOR SURVEY, Abstract No. 495, City of Dallas, Dallas County, Texas, said 6-inch sanitary sewer being shown on City of Dallas Water Utility Engineers Drawing 411Q-1599, Sheet 154, as found in the City of Dallas Water Utility Archive Vault, currently located at 320 E. Jefferson Boulevard, Room 215, Dallas, Texas, said 6-inch sanitary sewer being in a called 2.6610 acre tract of land in Block 245 as described in Special Warranty Deed to 2000 Ross Avenue L.P., being recorded in Instrument No. 201400218515, Official Public Records, Dallas County, Texas, said 6-inch sanitary sewer location being more particularly described by metes and bounds as follows:

COMMENCING at a mark "X" found in concrete (control monument) for south corner of said Block 245 at the intersection of the northwest right-of-way line of San Jacinto Street (having a 55 foot right-of-way) and the northeast right-of-way line of North Harwood Street (having a 60 foot right-of-way) and then run North 45°00'00" West (basis for bearings per deed call) along the southwest line of said Block 245 and said northeast right-of-way line of North Harwood Street a distance of 173.69 feet to the southwest and **BEGINNING** of easement being abandoned, from which a mark "X" found in concrete (control monument) for the west corner of said Block 245 bears North 45°00'00" West, a distance of 176.30 feet.

THENCE North 44°09'00" East, departing said southwest line of Block 245 and said northeast right-of-way line of North Harwood Street, along the centerline of said easement to be abandoned, a distance of 329.34 feet to the northeast and **ENDING** point of said easement being abandoned and being in the northeast line of said Block 245 and being in the southwest right-of-way line of North Olive Street (having a 60 foot right-of-way).

Basis for bearings is deed call (North 45°00'00" West) along the southwest line of the 2.6610 acre tract described in the deed to 2000 Ross Avenue LP as recorded in Instrument No. 201400218515 of the Official Public Records of Dallas County, Texas

(For SPRG use only)

Reviewed By: David Scott

Date: 10.7.16

SPRG NO: 3710

JAMES PAUL WARD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5606
801 CHERRY STREET, UNIT 11
SUITE 950
FORT WORTH, TEXAS 76102
PH. 817-335-6511
paul.ward@kimley-horn.com



SANITARY SEWER EASEMENT ABANDONMENT

2.6610 ACRES CITY OF DALLAS BLOCK 245
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 950
Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511
www.kimley-horn.com

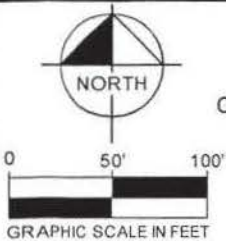
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
NA	JPW	DAB	09/30/2016	068213035	1 OF 2

EXHIBIT A

NORTH HARWOOD STREET DEDICATED B

- ① VOLUME 750, PAGE 122
- ② VOLUME 750, PAGE 119
- ③ VOLUME 750, PAGE 120
- ④ VOLUME 750, PAGE 129
- ⑤ VOLUME 750, PAGE 131
- ⑥ VOLUME 750, PAGE 132
- ⑦ VOLUME 750, PAGE 134

TO
CP 2100 ROSS LLC
INSTRUMENT NO.
201200232490
OPRDCT



TRACT 1
2.182 ACRES
TO
CRESCENT ROSS AVENUE
INVESTORS LLC
INSTRUMENT NO.
201100093734
OPRDCT

CITY OF DALLAS
BLOCK 529

ROSS AVENUE
(80' RIGHT OF WAY)

CITY OF DALLAS
BLOCK 251

NORTH OLIVE STREET
(60' RIGHT OF WAY)

DEDICATED BY ORDINANCE
BOOK 28, PAGE 546

CITY OF DALLAS
BLOCK 246

TRACT III
109148.142 SQUARE FEET
2.506 ACRES
TO
EQUITABLE - CROW TOWER
2001, LTD
VOLUME 95247, PAGE 1626
OPRDCT

SAN JACINTO STREET
(55' RIGHT OF WAY)

EASEMENT OF
UNDETERMINED WIDTH
TO BE ABANDONED
(SHOWN ON 411Q-1599
SHEET 154)

P.O.B.

P.O.C.

(For SPRG use only)

Reviewed By: David Scott

Date: 10-7-16

SPRG NO: 3710



Basis for bearings is deed call (North 45°00'00" West) along the southwest line of the 2.6610 acre tract described in the deed to 2000 Ross Avenue LP as recorded in Instrument No. 201400218515 of the Official Public Records of Dallas County, Texas

LEGEND

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- P.O.E. = POINT OF ENDING
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- CM = CONTROL MONUMENT

SANITARY SEWER EASEMENT ABANDONMENT

2.6610 ACRES CITY OF DALLAS BLOCK 245
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 950 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	JPW	DAB	09/30/2016	068213035	2 OF 2

ADDENDUM ITEM # 10

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): All
DEPARTMENT: City Controller
CMO: Elizabeth Reich, 670-7804
MAPSCO: N/A

SUBJECT

Authorize approval of the City of Dallas 401(k) Retirement Savings Plan, as amended and restated, effective January 11, 2017 - Financing: No cost consideration to the City

BACKGROUND

This item was placed on the addendum for approval of the City of Dallas 401(k) Retirement Savings Plan as amended and restated effective January 11, 2017 because the 401(k) plan is required periodically to be reviewed by the Internal Revenue Service, which recently conducted such a review and issued a favorable determination letter for the plan on November 18, 2016. This determination was made by the Internal Revenue Service on the condition that the City of Dallas adopts the proposed amendments and the proposed restated plan.

The 401(k) plan revisions include (1) amending the definition of an eligible employee to include employees who are employed on a permanent, part-time, or temporary basis or elected to serve on the City Council, (2) adding a Roth in-plan conversion option to allow a participant to convert non-Roth balances to Roth balances, (3) deleting annuity options as a form of payment that is available following a participant's termination of employment, and (4) replacing language pertaining to the election of two members to the Board by stating that elections shall be held during May every four years instead of stating that elections shall be held during May in odd-numbered years.

The restated plan document also includes non-substantive amendments for clarification and incorporates previously approved amendments to the core investments in the plan. Other minor changes are included to update the plan for new regulations or because the Internal Revenue Service requested additional language.

BACKGROUND (Continued)

The 401(k) plan is governed by the provisions set forth in the plan document and the Board of the 401(k) plan has reviewed the plan provisions and consulted with the City Attorney's Office and, on December 15, 2016, voted to approve the City of Dallas 401(k) Retirement Savings Plan As Amended and Restated effective January 11, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the City of Dallas 401(k) Retirement Savings Plan As Amended and Restated effective November 7, 2011, by Resolution No. 11-3000.

Information about this item was provided to the Budget, Finance, & Audit Committee on January 3, 2017.

FISCAL INFORMATION

No cost consideration to the City

January 11, 2017

WHEREAS, the City of Dallas has adopted a 401(k) Retirement Savings Plan for City Employees; and

WHEREAS, on December 2, 2011, the core investment options of the City of Dallas 401(k) Retirement Savings Plan were revised by, Administrative Action No. 11-3171; and

WHEREAS, on July 18, 2012, the core investment options of the City of Dallas 401(k) Retirement Savings Plan were revised by, Administrative Action No. 12-1856; and

WHEREAS, on March 26, 2013, the core investment options of the City of Dallas 401(k) Retirement Savings Plan were revised by Administrative Action No. 13-5510; and

WHEREAS, on December 20, 2013, the core investment options of the City of Dallas 401(k) Retirement Savings Plan were revised by Administrative Action No. 14-5233; and

WHEREAS, on March 20, 2015, the core investment options of the City of Dallas 401(k) Retirement Savings Plan were revised by Administrative Action No. 15-5739; and

WHEREAS, on March 29, 2016, the core investment options of the City of Dallas 401(k) Retirement Savings Plan were revised by and Administrative Action No. 16-5998; and

WHEREAS, it is desirable to amend and restate the 401(k) Retirement Savings Plan Document at no cost to the City; and

WHEREAS, the City of Dallas has obtained a favorable determination letter from the Internal Revenue Service for the plan amendments; and

WHEREAS, the Plan Board has approved the amendments and recommend that the City Council approve the amendments to the Plan.

NOW, THEREFORE,

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

Section 1. That the 401(k) Retirement Savings Plan for City Employees, As Amended and Restated Effective January 11, 2017 (Attachment 1) be approved and that the City is authorized to take all other actions deemed necessary or appropriate to implement the amended and restated Plan.

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.

**CITY OF DALLAS
401(k) RETIREMENT SAVINGS PLAN**

**As Amended and Restated
Effective January 11, 2017**

**City of Dallas 401(k) Retirement Savings Plan
As Amended and Restated Effective January 11, 2017**

City of Dallas previously established the City of Dallas Employees Salary Savings Plan, as renamed effective July 1, 1988, the City of Dallas Employees 401(k) Deferred Compensation Plan, and as subsequently renamed the City of Dallas 401(k) Retirement Savings Plan effective July 1, 1995, and as subsequently amended and restated the City of Dallas 401(k) Retirement Savings Plan effective December 31, 2005, and as subsequently amended and restated the City of Dallas 401(k) Retirement Savings Plan effective January 11, 2017 for the benefit of its eligible employees, former eligible employees and beneficiaries thereof. The Plan is intended to constitute a qualified profit sharing plan, as described in Code section 401(a), which includes a qualified cash or deferred arrangement, as described in Code section 401(k).

The provisions of this Plan and the related Trust Agreement which is entered into by and between City of Dallas and Fidelity Trust Management Company together provide the provisions of the Plan and Trust Agreement. The Trust is intended to be tax exempt as described under Code section 501(a).

The Plan constitutes an amendment and restatement of the City of Dallas Employees Salary Savings Plan, as renamed effective July 1, 1988, the City of Dallas Employees 401(k) Deferred Compensation Plan, as renamed the City of Dallas 401(k) Retirement Savings Plan effective July 1, 1995, and as subsequently amended and restated the City of Dallas Retirement Savings Plan effective December 31, 2005, and as subsequently amended and restated the City of Dallas 401(k) Retirement Savings Plan effective January 11, 2017 which was originally established effective as of July 1, 1984, and its related trust agreement. The City of Dallas 401(k) Retirement Savings Plan, as set forth in this document, is hereby amended and restated effective as of January 11, 2017.

By: _____ Date: _____, 2017
Shelia Robinson
Chair, Board of City of Dallas 401(k) Retirement Savings Plan

CITY OF DALLAS
A.C. Gonzalez, City Manager

By: _____ Date: _____, 2017
A.C. Gonzalez

APPROVED AS TO FORM:

Larry E. Casto
City Attorney

By: _____ Date: _____, 2017
Assistant City Attorney

TABLE OF CONTENTS

1.	DEFINITIONS	1
2.	ELIGIBILITY	7
2.1	Eligibility	7
2.2	Ineligible Participants	7
3.	PARTICIPANT CONTRIBUTION	8
3.1	401(k) Retirement Savings Contribution Election	8
3.2	Transfer Contributions	8
3.3	Changing a Contribution Election	8
3.4	Limitation on Deferrals	8
3.5	Catch-Up Contributions	8
3.6	Refunds When Contribution Dollar Limit Exceeded	9
3.7	Timing, Posting and Tax Considerations	9
3.8	Distribution of Elective Contributions	9
3.9	Military Service	10
4.	ROLLOVERS AND ROTH IN-PLAN CONVERSIONS	11
4.1	Rollover Contributions Accepted	11
4.2	Rollovers From Former Employees	11
4.3	Roth In-Plan Conversions	12
5.	ACCOUNTING	13
5.1	Individual Participant Accounting	13
5.2	Accounting for Investment Funds	13
5.3	Payment of Fees and Expenses	13
5.4	Accounting for Participant Loans	14
5.5	Error Correction	14
5.6	Participant Statements	14
5.7	Special Accounting During Conversion Period	14
5.8	Accounts for QDRO Beneficiaries	14
6.	INVESTMENT FUNDS	16
6.1	Investment Funds	16
6.2	Investment Fund Elections	16
6.3	Responsibility for Investment Choice	16
6.4	Default If No Election	16
6.5	Timing	16
7.	VESTING	17
7.1	Fully Vested Contribution Accounts	17
8.	PARTICIPANT LOANS	18
8.1	Participant Loans Permitted	18
8.2	Loan Application, Note and Security	18
8.3	Loan Approval	18
8.4	Loan Funding Limits, Account Sources and Funding Order	18
8.5	Maximum Number of Loans	18

8.6	Source and Timing of Loan Funding	18
8.7	Interest Rate	19
8.8	Loan Payment	19
8.9	Loan Payment Hierarchy	19
8.10	Repayment Suspension	19
8.11	Loan Default	19
8.12	Call Feature	20
9.	IN-SERVICE WITHDRAWALS	21
9.1	In-Service Withdrawals Permitted	21
9.2	In-Service Withdrawal Application and Notice	21
9.3	In-Service Withdrawal Approval	21
9.4	Minimum Amount, Payment Form and Medium	21
9.5	Source and Timing of In-Service Withdrawal Funding	21
9.6	Hardship Withdrawals	22
9.7	Rollover Account Withdrawals	23
9.8	Over Age 59 1/2 Withdrawals	24
10.	DISTRIBUTIONS ONCE EMPLOYMENT ENDS	25
10.1	Benefit Information, Notices and Election	25
10.2	Payment Form and Medium	25
10.3	Distribution of Small Amounts	25
10.4	Source and Timing of Distribution Funding	26
10.5	Latest Commencement Permitted	26
10.6	Payment Within Life Expectancy	26
10.7	Incident Benefit Rule	27
10.8	Payment to Beneficiary	27
10.9	Beneficiary Designation	27
10.10	Direct Rollovers from Roth Accounts to an Eligible Plan	28
11.	MAXIMUM CONTRIBUTION AND BENEFIT LIMITATIONS	29
11.1	“Annual Addition” Defined	29
11.2	Maximum Annual Addition	29
11.3	Avoiding an Excess Annual Addition	29
11.4	Correcting an Excess Annual Addition	29
11.5	Correcting a Multiple Plan Excess	30
12.	PLAN ADMINISTRATION	31
12.1	Plan Delineates Authority and Responsibility	31
12.2	Employer is Code Section 414(g) Plan Administrator	31
12.3	Plan Administrator Duties	31
12.4	Agents and Advisors May be Used	32
12.5	Delegation of Administrative Duties	32
12.6	Membership of the Board	32
12.7	Board Operating Rules	33
12.8	Reliance by Custodian and TPA	33

13.	MANAGEMENT OF INVESTMENTS.....	35
13.1	Trust Agreement	35
13.2	Investment Funds.....	35
13.3	Authority to Hold Cash.....	35
13.4	Custodian to Act Upon Instructions	35
13.5	Right to Vote Registered Investment Company Shares	36
13.6	Self-Directed Brokerage	36
13.7	Authority to Segregate Assets	36
14.	TRUST ADMINISTRATION	37
14.1	Custodian to Construe Trust	37
14.2	Custodian To Act As Owner of Trust Assets	37
14.3	United States Indicia of Ownership.....	37
14.4	Tax Withholding and Payment	38
14.5	Trust Accounting	38
14.6	Valuation of Certain Assets	38
14.7	Legal Counsel	38
14.8	Fees and Expenses	38
14.9	Custodian Duties and Limitations	39
15.	RIGHTS, PROTECTION, CONSTRUCTION AND JURISDICTION	40
15.1	Plan Does Not Affect Employment Rights.....	40
15.2	Limited Return of Contributions	40
15.3	Assignment and Alienation.....	40
15.4	Facility of Payment.....	40
15.5	Reallocation of Lost Participant's Accounts	41
15.6	Claims Procedure.....	41
15.7	Construction.....	41
15.8	Jurisdiction and Severability.....	41
16.	AMENDMENT, MERGERS AND TERMINATION	42
16.1	Amendment.....	42
16.2	Merger.....	42
16.3	Plan Termination	42
16.4	Resignation or Removal of the Custodian	43
16.5	Final Settlement and Accounting of Custodian	43
	APPENDIX A – INVESTMENT FUNDS	44
	APPENDIX B – LOAN INTEREST RATE	46

1. DEFINITIONS

When capitalized, the words and phrases below have the following meanings unless different meanings are clearly required by the context:

- (a) “Account” The records maintained for purposes of accounting for a Participant’s interest in the Plan. “Account” may refer to one or all of the following accounts which have been created on behalf of a Participant to hold specific types of Contributions under the Plan:
- i “401(k) Retirement Savings Account” An account created to hold 401(k) Retirement Savings Contributions.
 - ii “Roth 401(k) Retirement Savings Account” An account created to hold Roth 401(k) Retirement Savings Contributions.
 - iii “401(a) Rollover Account” An account created to hold Rollover Contributions from plans qualified under section 401(a) of the Code other than Rollover Contributions from designated Roth accounts.
 - iv “457 Rollover Account” An account created to hold Rollover Contributions from plans described as eligible under section 457(b) of the Code other than Rollover Contributions from designated Roth accounts.
 - v “403(b) Rollover Account” An account created to hold Rollover contributions from plans described by section 403(b) of the Code other than Rollover Contributions from designated Roth accounts.
 - vi “IRA Rollover Account” An account created to hold Rollover Contributions from individual retirement accounts described in section 408(a) of the Code.
 - vii “After-Tax Rollover Account” An account created to hold Rollover Contributions that relate to after-tax contributions in a retirement plan described in section 401(a), 403(b), or 457 of the Code.
 - viii “Pre-Tax DROP Account” An account created to hold amounts transferred to the Plan that relate to pre-tax contributions to the “Deferred Retirement Option Plan” of the Dallas Police and Fire Pension System.
 - ix “After-Tax DROP Account” An account created to hold amounts transferred to the Plan that relate to after-tax contributions to the “Deferred Retirement Option Plan” of the Dallas Police and Fire Pension System.
 - x “Pre-Tax DROP Rollover Account” An account created to hold amounts that are rolled over (after a distributable event) to the Plan as pre-tax assets held in the “Deferred Retirement Option Plan” of the Dallas Police and Fire Pension System.
 - xi “After-Tax DROP Rollover Account” An account created to hold amounts that are rolled over (after a distributable event) to the Plan as after-tax assets held in the “Deferred Retirement Option Plan” of the Dallas Police and Fire Pension System.
 - xii “Designated Roth Rollover Account” An account created to hold Rollover Contributions from designated Roth accounts of other plans as described in section 402A(e)(1) of the Code only to the extent the rollover is permitted under the rules of section 402(c) of the Code.

- (b) "Alternate Payee" The person entitled to receive benefits in accordance with a domestic relations order that is honored by the Plan.
- (c) "Beneficiary" The person or persons who is to receive benefits after the death of the Participant pursuant to the "Beneficiary Designation" paragraph in Section 10.
- (d) "Board" The board to whom the Employer has delegated the duties to administer the Plan in accordance with Section 12.5, the members of which have been appointed by the City or elected by the Participants in accordance with Section 12.6. The Board is a plan administrator as such term is used in section 609 of the Texas Government Code and section 414(g) of the Code.
- (e) "City" or "Employer" The City of Dallas, Dallas County, Texas or any of its agencies, departments subdivisions or instrumentalities for which services are performed by a Participant.
- (f) "City Council" The governing body of the City of Dallas, a municipal corporation located in Dallas County, Texas.
- (g) "Code" The Internal Revenue Code of 1986, as amended. Reference to any specific Code section shall include such section, any valid regulation promulgated thereunder, and any comparable provision of any future legislation amending, supplementing or superseding such section.
- (h) "Compensation" The sum of a Participant's Taxable Income reported by the City as "Wages, tips, other compensation" on Form W-2, plus salary reductions not included in income by reason of the application of Code sections 125, 132(f), 402(g)(3), or 457. The amount of Compensation considered for all purposes of the Plan is limited to \$235,840, as adjusted per Plan Year, except that for Plan Years beginning after December 31, 1995, "\$150,000 (as adjusted for the cost of living pursuant to Code sections 401(a)(17) and 415(d) per Plan Year" shall be substituted for the preceding reference to "\$235,840, as adjusted per Plan Year". The \$150,000 limit as set forth above shall not apply to a Participant to the extent that the amount of Pay which would then be able to be taken into account under this Plan would be less than the amount which was otherwise permitted to be taken into account under the Plan as in effect on July 1, 1993. For purposes of the preceding sentence Participants shall only include Participants who commenced participation in the Plan before January 1, 1996.

Effective January 1, 2008, the definition of "Compensation" in this Section 1(g) of the Plan, includes payments made by the later of two and one half (2½) months after severance from employment, or the end of the limitation year that includes the date of severance from employment, if, absent a severance from employment, such payments would have been paid to the employee while the employee continued in employment with the employer, and are regular compensation for services during the employee's regular working hours, compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar compensation."

- (i) “Contribution” An amount contributed to the Plan by an Eligible Employee, and allocated by contribution type to Participants’ Accounts, as described in Section 1.1. Specific types of contribution include:
 - i “401(k) Retirement Savings Contribution” An amount contributed by an active Participant in conjunction with his or her Code section 401(k) salary deferral election which shall be treated as made by the Employer on an active Participant’s behalf; and
 - ii “Transfer Contribution” An amount contributed by an active Participant by a trustee-to-trustee transfer from another plan of the Employer.
 - iii “Roth 401(k) Retirement Savings Contribution” An amount contributed by an active Participant in conjunction with his or her election and designation of such election as a Roth 401(k) Retirement Savings Contribution; and
 - iv “Rollover Contribution” An amount contributed by a Participant which originated from another employer’s or an Employer’s qualified plan or an individual retirement account, as described in section 401(a)(31) of the Code.
 - v “Roth Rollover Contribution” An amount contributed by a Participant which originated from another employer’s or an Employer’s Roth account in a qualified plan or a Roth individual retirement account.
- (j) “Contribution Dollar Limit” The annual limit placed on the sum of each Participant’s 401(k) Retirement Savings Contributions and Roth 401(k) Retirement Savings Contributions, which shall be the maximum allowable amount pursuant to Code section 402(g) per Calendar year (as adjusted for the cost of living).
- (k) “Conversion Period” The period of converting the prior accounting system of the Plan and its related Trust or the prior accounting system of any plan and trust which is merged into this Plan and its related Trust subsequent to the Effective Date, to the accounting system described in Section 5.
- (l) “Custodian” The organization(s) with whom the City contracts to provide recordkeeping services and to hold the assets of the Plan. This term includes the entity described as “trustee” by sections 609 and 802 of the Texas Government Code and Trustee as described below and in the related Trust Agreement.
- (m) “Direct Rollover” An Eligible Rollover Distribution that is paid directly to an Eligible Retirement Plan for the benefit of a Distributee.
- (n) “Distributee” An Employee or former Employee, the surviving spouse of an Employee or former Employee and a spouse or former spouse of an Employee or former Employee determined to be an Alternate Payee under a QDRO. A Distributee may also be a non-spousal beneficiary for purposes of a Direct Rollover.
- (o) “Effective Date” The date upon which the provisions of this document become effective. This date is January 11, 2017, unless stated otherwise. In general, the provisions of this document only apply to Participants who are Employees on or after the Effective Date. However, investment and distribution provisions apply to all Participants with Account balances to be invested or distributed after the Effective Date.
- (p) “Eligible Employee” An Employee of the Employer who is employed on a permanent, part-time, or temporary basis or elected to serve on the City Council. Eligible Employee shall therefore not include an Employee who is a Leased

Employee, a non-salaried appointive member of an administrative board or commission, or a person employed under contract for a definite period or for the performance of a particular service.

- (q) “Eligible Retirement Plan” An individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403(a), or a qualified trust described in Code section 401(a), that accepts a Distributee’s Eligible Rollover Distribution, except that with regard to an Eligible Rollover Distribution to a surviving spouse, an Eligible Retirement Plan is an individual retirement account or individual retirement annuity. Effective December 31, 2001, an Eligible Retirement Plan shall also mean an annuity contract described in section 403(b) of the Code and an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of Eligible Retirement Plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relation order, as defined in section 414(p) of the Code.
- (r) “Eligible Rollover Distribution” A distribution of all or any portion of the balance to the credit of a Distributee, excluding a distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of a Distributee or the joint lives (or joint life expectancies) of a Distributee and the Distributee’s designated Beneficiary, or for a specified period of ten years or more; a distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of a distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to Employer securities). Effective January 1, 2002, for purposes of the direct rollover provisions in Section 4 of the Plan, any amount that is distributed on account of a hardship shall not be an Eligible Rollover Distribution and the distributee may not elect to have any portion of such distribution paid directly to an Eligible Retirement Plan.
- (s) “Employee” An individual who is:
 - i directly employed by the Employer and for whom any income for such employment is subject to withholding of income or payroll taxes, or
 - ii a Leased Employee.
- (t) “Employer” or “City” The City of Dallas, Dallas County, Texas or any of its agencies, departments subdivisions or instrumentalities for which services are performed by a Participant.
- (u) “ERISA” The Employee Retirement Income Security Act of 1974, as amended. Reference to any specific section shall include such section, any valid regulation promulgated thereunder, and any comparable provision of any future legislation amending, supplementing or superseding such section.
- (v) “Ineligible” The Plan status of an individual during the period in which he or she is:
 - i an Employee, but not an Eligible Employee or;
 - ii not an Employee.

- (w) “Investment Fund” or “Fund” An investment fund as described in Section 13.2. The Investment Funds authorized by the Plan Administrator to be offered under the Plan as of the Effective Date are set forth in Appendix A.
- (x) “Leased Employee” Any person who is not an employee of the City and who provides services to the City if:
 - i such services are provided pursuant to an agreement between the City and any other person;
 - ii such person has performed such services for the City on a substantially full-time basis for a period of at least one year; and
 - iii such services are performed under the primary direction or control by the City.
- (y) “Leave of Absence” A period during which an individual is deemed to be an Employee, but is absent from active employment, provided that the absence:
 - i was authorized by the Employer; or
 - ii was due to military service in the State of Texas or United States military forces and the individual returns to active employment within the period during which he or she retains employment rights under state or federal law.
- (z) “Loan Account” The record maintained for purposes of accounting for a Participant’s loan and payments of principal and interest thereon.
- (aa) “Participant” An Eligible Employee who begins to participate in the Plan after completing the eligibility requirements. An Eligible Employee who makes a Rollover Contribution prior to completing the eligibility requirements as described in Section 2.1 shall also be considered a Participant, except that he or she shall not be considered a Participant for purposes of provisions related to Contributions, other than a Rollover Contribution, until he or she completes the eligibility requirements as described in Section 2.1. A Participant’s participation continues until his or her employment with the Employer ends and his or her Account is distributed or forfeited.
- (bb) “Plan” The City of Dallas 401(k) Retirement Savings Plan set forth in this document, as from time to time amended. The Plan is used by the City to compensate its employees which is an essential governmental function; and is authorized by chapter 609 of the Texas Government Code as a vehicle to compensate municipal employees. The Plan is a governmental plan described in section 414(d) of the Code. Any income related to the Plan and its related Trust is exempt from taxation pursuant to section 115 of the Code. The Plan is also a qualified plan meeting the requirements of section 401(a) of the Code; and the Plan’s assets are held in a trust that is exempt from taxation pursuant to section 501(a) of the Code because the Plan meets the qualification requirements of section 401(a) of the Code.
- (cc) “Plan Administrator” The Employer, which has delegated the administrative duties under the Plan to a Board in accordance with Section 12.5.
- (dd) “Plan Year” The annual accounting period of the Plan and its related Trust which ends on each December 31.
- (ee) “QDRO” A domestic relations order which the Plan Administrator has determined to be a qualified domestic relations order acceptable to the Plan.
- (ff) “Section” A section of this Plan.

- (gg) "Service Agreement" The agreement between the Custodian and the Plan as executed by representatives of the Custodian and the Plan.
- (hh) "Third Party Administrator" or "TPA" The vendor with whom the Board and City contracts to provide recordkeeping services.
- (ii) "Trust" The legal entity created by those provisions of this document which relate to the Custodian. The Trust is part of the Plan and holds the Plan assets which are comprised of the aggregate of Participants' Accounts and any unallocated funds invested in deposit or money market type assets pending allocation to Participants' Accounts or disbursement to pay Plan fees and expenses.
- (jj) "Trustee" means Fidelity Management Trust Company.

2. ELIGIBILITY

2.1 Eligibility

All Participants as of January 11, 2017 shall continue their eligibility to participate. Each other Eligible Employee shall become a Participant, on the first day of the next payroll period after the date he or she completes one hour of service or, if a member of the City Council, takes the oath of office; and completes the enrollment process required by the TPA.

2.2 Ineligible Participants

Except as specifically provided in this Plan document, a Participant may not make Plan Contributions, nor generally be eligible for a new Plan loan, except as described in Section 8.1, during the period he or she is Ineligible, but he or she shall continue to participate for all other purposes. An Ineligible Participant or former Participant shall automatically become an active Participant on the date he or she again becomes an Eligible Employee.

3. PARTICIPANT CONTRIBUTION

3.1 401(k) Retirement Savings Contribution Election

At any time, an Eligible Employee may elect to defer a whole percentage of his or her Compensation up to ninety-nine percent (99%); provided, however, that the Participant's paycheck must be greater than zero for each pay period. The Eligible Employee may irrevocably and prospectively designate any whole percentage deferred to be a Roth 401(k) Retirement Savings Contribution.

3.2 Transfer Contributions

If under the terms of another qualified plan sponsored by the Employer, a Participant is eligible to transfer assets to Plan, such contribution will be a Transfer Contribution; will be subject to any restrictions on distributions that applied to the assets prior to transferring the assets to this Plan; and will be subject to separate accounting. The plan administrator of the source plan will be required to provide the tax status of the assets and a description of any distribution restrictions that apply to the assets at the time of the transfer.

3.3 Changing a Contribution Election

A Participant who is an Eligible Employee may change his or her 401(k) Retirement Savings Contribution or Roth 401(k) Retirement Savings Contribution election at any time in such manner and with such advance notice as prescribed by the Plan Administrator, and such election shall be effective as soon as administratively feasible. Participants' Contribution election percentages shall automatically apply to Compensation increases or decreases. Such change in the designation shall be effective as soon as administratively feasible and will apply to prospective deferrals.

3.4 Limitation on Deferrals

Except to the extent permitted under Section 3.5 and section 414(v) of the Code, 401(k) Retirement Savings Contributions, Roth 401(k) Retirement Savings Contributions and the elective deferrals (within the meaning of section 402(g)(3) of the Code) under all other plans, contracts and arrangements of the City on behalf of any Participant for any calendar year shall not exceed the dollar limitation contained in section 402(g) of the Code in effect for such calendar year.

3.5 Catch-Up Contributions

All Eligible Employees who are eligible to make 401(k) Retirement Savings Contributions or Roth 401(k) Retirement Savings Contributions to the Plan pursuant to Section 3.1 above and who will have attained age 50 before the close of a Plan Year shall be eligible to make additional contributions to the Plan for such Plan Year in accordance with, and subject to the limitations of, section

414(v) of the Code (“Catch-Up Contributions”). Catch-Up Contributions shall not be taken into account for purposes of the provisions of the Plan implementing the required limitations of sections 402(g) and 415 of the Code, as described, respectively, in Sections 3.3 and 11.2 of the Plan. The Plan shall not be treated as failing to satisfy the provisions of the Plan implementing the requirements of sections 401(k)(3), 401(k)(11), 410(b), or 416 of the Code, as applicable, by reason of the making of such catch-up contributions. Catch-Up Contributions made by a Participant pursuant to this Section 3.4 shall be treated as 401(k) Retirement Savings Contributions or Roth 401(k) Retirement Savings Contributions for all purposes of the Plan except as otherwise specifically provided.

3.6 Refunds When Contribution Dollar Limit Exceeded

A Participant who makes 401(k) Retirement Savings Contributions and/or Roth 401(k) Retirement Savings Contributions for a calendar year to this Plan and comparable contributions to any other qualified defined contribution plan in excess of the Contribution Dollar Limit shall notify the Plan Administrator in writing by the following March 1 that an excess has occurred. In this event, the amount of the excess specified by the Participant, adjusted for investment gain or loss, shall be refunded to him or her by April 15 and shall not be included as an Annual Addition, as defined in Section 11.1, under Code section 415 for the year contributed. Any investment gain or loss for the period between the end of the applicable calendar year and the date of distribution shall be distributed to the Participant. Excess amounts shall be taken from the Participant’s 401(k) Retirement Savings Account and/or Roth 401(k) Retirement Savings Account, in the same proportion as the most recent salary deferral(s). Each salary deferral shall be reversed beginning with the most recent payroll deduction during the applicable year until the full amount of the excess Contribution for the year is distributed.

3.7 Timing, Posting and Tax Considerations

Participants’ Contributions, other than Rollover Contributions, may only be made through payroll deduction. Such amounts shall be paid to the Custodian in cash and posted to each Participant’s Account(s) as soon as such amounts can reasonably be separated from the Employer’s general assets and balanced against the specific amount made on behalf of each Participant.

3.8 Distribution of Elective Contributions

Elective Contributions may not be distributed earlier than upon one of the following events:

1. The Participant’s retirement, death, disability or severance from employment;

2. The termination of the Plan without establishment or maintenance of another defined contribution plan (other than an ESOP, a SEP, a SIMPLE IRA plan, a section 403(b) plan or section 457 plan);
3. In the case of a qualified reservist distribution described in section 72(t)(2)(G), the date the Participant is ordered or called to active duty; or
4. Participant is affected by a natural disaster as described in section 401(k)(2)(B), (7)(C) and (10) and related Treasury Regulations.

3.9 Military Service

Notwithstanding any provision of this Plan to the contrary, effective December 12, 1994 contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the Code. Effective January 1, 2007, if a Participant dies while performing qualified military service (as defined in section 414(u) of the Code), the survivors of such Participant will be entitled to receive any additional benefits that would be provided to the survivors of an actively employed Participant upon his death (other than benefit accruals relating to the period of qualified military service). Such additional Plan benefits, if any, will be provided as if the Participant had resumed active employment and subsequently experienced a termination of employment on account of death.

4. ROLLOVERS AND ROTH IN-PLAN CONVERSIONS

4.1 Rollover Contributions Accepted

The Plan shall accept rollover contributions, within the meaning of Code section 402(c) or 408(d)(3)(A)(ii), in cash, either directly from an Eligible Employee or as a Direct Rollover from another qualified plan described in section 401(a) or 403(a) of the Code; an annuity contract described in section 403(b) of the Code; or an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. In addition, the Plan will accept a Rollover Contribution of the portion of a distribution received by an Eligible Employee from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code that is eligible to be rolled over and would otherwise be includable in gross income. The Plan only accepts rollover contributions made in cash. In kind contributions shall not be accepted.

The Employee shall be responsible for furnishing satisfactory evidence, in such manner as prescribed by the Plan Administrator, that the amount is eligible for rollover treatment. Each rollover contribution will be reviewed by the Custodian to verify the source of the contribution for treatment as a rollover contribution. The Custodian will use its professional judgment to verify the source of rollover contribution based on available information; including recorded phone calls and vendor statements verifying the status of the source plan. A rollover contribution received directly from an Eligible Employee must be paid to the Custodian in cash within 60 days after the date received by the Eligible Employee from a qualified plan or conduit individual retirement account. Contributions described in this paragraph shall be posted to the Employee's applicable account as of the date received by the Custodian.

If it is later determined that an amount contributed pursuant to the above paragraph did not in fact qualify as a rollover contribution under Code section 402(c) or 408(d)(3)(A)(ii), the balance credited to the Employee's Account shall immediately be (1) segregated from all other Plan assets, (2) treated as a nonqualified trust established by and for the benefit of the Participant, and (3) distributed to the Participant. Any such nonqualifying rollover shall be deemed never to have been a part of the Plan.

4.2 Rollovers From Former Employees

The Plan shall accept rollover contributions from any Participant, regardless of whether or not the Participant is also an Eligible Employee if the rollover contribution is received directly from either the Employees' Retirement Fund of the City of Dallas or the Dallas Police and Fire Pension System.

4.3 Roth In-Plan Conversions

Any Participant may elect, using a prescribed form, to convert any amount currently held by the Custodian (other than an outstanding loan) in any of the following Accounts:

- (a) 401(k) Retirement Savings Account
- (b) 401(a) Rollover Accounts (including Pre-Tax DROP Rollover Account and After-Tax DROP Rollover Account)
- (c) 457 Rollover Account
- (d) 403(b) Rollover Account
- (e) IRA Rollover Account
- (f) After-Tax Rollover Account
- (g) Pre-Tax DROP Account
- (h) After-Tax DROP Account

5. ACCOUNTING

5.1 Individual Participant Accounting

The Third Party Administrator shall maintain an individual set of Accounts for each Participant in order to reflect transactions both by type of Contribution and investment medium. Financial transactions shall be accounted for at the individual Account level by posting each transaction to the appropriate Account of each affected Participant. Participant Account values shall be maintained in shares for the Investment Funds and in dollars for the Loan Accounts. At least annually, each Account in the Plan shall be valued.

5.2 Accounting for Investment Funds

Investment in each Investment Fund shall be maintained in shares. The Custodian is responsible for determining the share values of each Investment Fund.

5.3 Payment of Fees and Expenses

Except to the extent Plan fees and expenses related to Account maintenance, transaction and Investment Fund management and maintenance, as set forth below, are paid by the Plan Administrator directly, such fees and expenses shall be paid as set forth below. The Plan Administrator may pay a lower portion of the fees and expenses allocable to the Accounts of Participants who are no longer Employees or who are not Beneficiaries, unless doing so would result in discrimination.

- (a) Account Maintenance: Account maintenance fees and expenses may include, but are not limited to, administrative, Custodian, audit, legal and fees for any other special services. Account maintenance fees shall be charged to Participants on a per Participant basis provided that no fee shall reduce a Participant's Account balance below zero.
- (b) Transaction: Transaction fees and expenses may include, but are not limited to, periodic installment payment, Investment Fund election change, self-directed brokerage service, and loans. Transaction fees shall be charged to the Participant's Account involved in the transaction provided that no fee shall reduce a Participant's Account balance below zero.
- (c) Investment Fund Management and Maintenance: Management and maintenance fees and expenses related to the Investment Funds shall be charged at the Investment Fund level and reflected in the net gain or loss of each Fund.

The Custodian shall have the authority to pay any such fees and expenses, which remain unpaid by the Plan Administrator for 60 days, from the Trust.

5.4 Accounting for Participant Loans

Participant loans shall be held in a separate Loan Account of the Participant and accounted for in dollars as an earmarked asset of the borrowing Participant's Account.

5.5 Error Correction

The Plan Administrator may correct any errors or omissions in the administration of the Plan by restoring any Participant's Account balance with the amount that would be credited to the Account had no error or omission been made. Funds necessary for any such restoration shall be provided through payment made by the Employer, or by the Custodian to the extent the error or omission is attributable to actions or inactions of the Custodian or Employer.

5.6 Participant Statements

The Plan Administrator shall provide Participants with statements of their Accounts as soon after the end of each quarter of the Plan Year as administratively feasible.

5.7 Special Accounting During Conversion Period

The Plan Administrator and Custodian may use any reasonable accounting methods in performing their respective duties during any Conversion Period. This includes, but is not limited to, the method for allocating net investment gains or losses and the extent, if any, to which contributions received by and distributions paid from the Trust during this period share in such allocation.

5.8 Accounts for QDRO Beneficiaries

A separate Account shall be established for an Alternate Payee entitled to any portion of a Participant's Account under a QDRO as of the date and in accordance with the directions specified in the QDRO. In addition, a separate Account may be established during the period of time the Plan Administrator, a court of competent jurisdiction or other appropriate person is determining whether a domestic relations order qualifies as a QDRO. Such a separate Account shall be valued and accounted for in the same manner as any other Account.

- (a) Distributions Pursuant to QDROS: If a QDRO so provides, the portion of a Participant's Account payable to an Alternate Payee may be distributed in a form, as permissible under Section 10, to the Alternate Payee at the time specified in the QDRO, regardless of whether the Participant is entitled to a distribution from the Plan at such time.
- (b) Participant Loans: Except to the extent required by law, an Alternate Payee, on whose behalf a separate Account has been established, shall not be entitled to borrow from such Account. If a QDRO specifies that the Alternate Payee is entitled to any portion of the Account of a Participant who has an outstanding loan balance, all outstanding loans shall generally continue to be held in the Participant's Account and

shall not be divided between the Participant's and Alternate Payee's Accounts.

- (c) Investment Direction: Where a separate Account has been established on behalf of an Alternate Payee and has not yet been distributed, the Alternate Payee may direct the investment of such Account in the same manner as if he or she were a Participant.

6. INVESTMENT FUNDS

6.1 Investment Funds

The Trust shall be maintained in various Investment Funds. The Plan Administrator shall select the Investment Funds offered to Participants and may change the number or composition of the Investment Funds, subject to the terms and conditions agreed to with the Custodian. As of the Effective Date, a list of the Investment Funds offered under the Plan is set forth in Appendix A, and may be changed from time to time by the Plan Administrator, in writing, and as agreed to by the Custodian, without the necessity of amending this Plan and its related Trust.

6.2 Investment Fund Elections

Each Participant shall direct the investment of all of his or her investment Accounts.

A Participant shall make his or her investment election in any combination of one or any number of the Investment Funds offered. However, during any Conversion Period, Trust assets may be held in any investment vehicle permitted by the Plan, as directed by the Plan Administrator, irrespective of Participant investment elections.

6.3 Responsibility for Investment Choice

Each Participant shall be solely responsible for the selection of his or her investment choices. No fiduciary nor City staff member with respect to the Plan is empowered to advise a Participant as to the manner in which his or her Accounts are to be invested, and the fact that an investment is offered shall not be construed to be a recommendation for investment.

6.4 Default If No Election

The Plan Administrator shall specify one or more default Investment Funds for the investment of that portion of a Participant's Account which is not yet held in an Investment Fund for which no valid investment election is on file. The default Investment Funds specified as of the Effective Date are set forth in Appendix A, and may be changed from time to time by the Plan Administrator, in writing, without the necessity of amending this Plan and its related Trust.

6.5 Timing

A Participant shall make his or her initial investment election upon becoming a Participant and may change his or her investment election at any time in accordance with the procedures established by the Plan Administrator and Custodian.

7. VESTING

7.1 Fully Vested Contribution Accounts

A Participant shall be fully vested in all Accounts at all times.

8. PARTICIPANT LOANS

8.1 Participant Loans Permitted

Loans to Participants are permitted pursuant to the terms and conditions set forth in this Section 8. A loan to a Participant who is no longer an Eligible Employee or to a Beneficiary shall not be permitted.

8.2 Loan Application, Note and Security

A Participant shall apply for a loan in such manner and with such advance notice as prescribed by the Plan Administrator. All loans shall be evidenced by a promissory note, secured only by the portion of the Participant's Account from which the loan is made, and the Plan shall have a lien on this portion of his or her Account.

8.3 Loan Approval

The Plan Administrator, or the TPA, if otherwise authorized by the Plan Administrator and agreed to by the TPA, is responsible for determining that a loan request conforms to the requirements described in this Section 8 and granting such request.

8.4 Loan Funding Limits, Account Sources and Funding Order

The loan amount must meet all of the following limits as determined as of the date the loan is processed and shall be funded from the Participant's Accounts as follows:

- (a) Plan Minimum Limit: The minimum amount for any loan is \$1,000.
- (b) Plan Maximum Limit: The maximum a Participant may borrow, including the outstanding balance of existing Plan loans, is 50% of his or her vested Account balance, not to exceed \$50,000. However, the \$50,000 maximum is reduced by the Participant's highest outstanding loan balance during the 12-month period ending on the day before the date as of which the loan is made. For purposes of this paragraph, all the plans of the Employer shall be treated as though they are part of this Plan to the extent it would decrease the maximum loan amount.
- (c) Account Sources and Funding Order: Loans will be funded pro rata from each of a Participant's fully vested Accounts.

8.5 Maximum Number of Loans

A Participant may have no more than two loans outstanding at any given time.

8.6 Source and Timing of Loan Funding

A loan to a Participant shall be made solely from the assets of his or her own Account. The available assets shall be taken pro rata by Account type; and

amounts shall be taken by Investment Fund in direct proportion to the market value of the Participant's interest in each Investment Fund. The Custodian shall make payment to the Participant as soon as administratively feasible.

8.7 Interest Rate

The interest rate charged on Participant loans shall be a fixed reasonable rate of interest, determined from time to time by the Plan Administrator, which provides the Plan with a return commensurate with the prevailing interest rate charged by persons in the business of lending money for loans which would be made under similar circumstances. As of the Effective Date, the interest rate is determined as set forth in Appendix B, and may be changed from time to time by the Plan Administrator, in writing, without the necessity of amending this Plan and its related Trust.

8.8 Loan Payment

Substantially level amortization shall be required of each loan with payments made at least monthly, generally through payroll deduction. Loans may be prepaid in full or in part at any time. The Participant may choose the loan repayment period, not to exceed 5 years, except that the repayment period may be for any period not to exceed 20 years if the purpose of the loan is to acquire the Participant's principal residence.

8.9 Loan Payment Hierarchy

Loan principal payments shall be credited pro rata to the Participant's Accounts. Loan interest shall be credited to the Participant's Accounts in direct proportion to the principal payment. Loan payments are credited to the Investment Funds based upon the Participant's current investment election for new Contributions.

8.10 Repayment Suspension

The Plan Administrator may agree to a suspension of loan payments for up to (12) months for a Participant who is on a Leave of Absence without pay, except a Leave of Absence covered by a state or federal law that requires otherwise. During the suspension period interest shall continue to accrue on the outstanding loan balance. At the expiration of the suspension period all outstanding loan payments and accrued interest thereon shall be due unless otherwise agreed upon by the Plan Administrator.

8.11 Loan Default

A loan is treated as a default if scheduled loan payments are more than 90 days late. A Participant shall then have 30 days from the time he or she receives written notice of the default and a demand for past due amounts to cure the default before it becomes final. In the event of default, the Plan Administrator may direct the TPA to report the outstanding principal balance of the loan and accrued interest thereon as a taxable distribution. As soon as a Plan withdrawal or

distribution to such Participant would otherwise be permitted, the Plan Administrator may instruct the Custodian to execute upon its security interest in the Participant's Account by distributing the note to the Participant.

8.12 Call Feature

The Plan Administrator shall have the right to call any Participant loan once a Participant's employment has terminated or if the Plan is terminated.

9. IN-SERVICE WITHDRAWALS

9.1 In-Service Withdrawals Permitted

In-service withdrawals to a Participant who is an Employee are permitted pursuant to the terms and conditions set forth in this Section 9.

9.2 In-Service Withdrawal Application and Notice

A Participant shall apply for any in-service withdrawal in such manner and with such advance notice as prescribed by the Plan Administrator. The Participant shall be provided the notice prescribed by Code section 402(f).

If an in-service withdrawal is one to which Code section 401(a)(11) and 417 do not apply, such in-service withdrawal may commence less than 30 days after the aforementioned notice is provided, if:

- (a) the Participant is clearly informed that he or she has the right to a period of at least 30 days after receipt of such notice to consider his or her option to elect or not elect a Direct Rollover for all or a portion, if any, of his or her in-service withdrawal which shall constitute an Eligible Rollover Distribution; and
- (b) the Participant, after receiving such notice, affirmatively elects a Direct Rollover for all or a portion, if any, of his or her in-service withdrawal which shall constitute an Eligible Rollover Distribution or alternatively elects to have all or a portion made payable directly to him or her, thereby not electing a Direct Rollover for all or a portion thereof.

9.3 In-Service Withdrawal Approval

The Plan Administrator, or the Custodian, if otherwise authorized by the Plan Administrator and agreed to by the Custodian, is responsible for determining that an in-service withdrawal request conforms to the requirements described in this Section 9 and granting such request.

9.4 Minimum Amount, Payment Form and Medium

There is no minimum amount for any type of withdrawal. With regard to the portion of a withdrawal representing an Eligible Rollover Distribution, a Participant may elect a Direct Rollover for all or a portion of such amount. The form of payment for an in-service withdrawal shall be a single lump sum and payment shall be made in cash.

9.5 Source and Timing of In-Service Withdrawal Funding

An in-service withdrawal to a Participant shall be made solely from the assets of his or her own Account and shall be based on the Account values as of the date the in-service withdrawal is processed. The available assets shall be determined first by Account type and then within each Account used for funding an in-service

withdrawal, amounts shall be taken by Investment Fund in direct proportion to the market value of the Participant's interest in each Investment Fund (which excludes his or her Loan Account balance) as of the date on which the in-service withdrawal is processed. The Custodian shall make payment as soon thereafter as administratively feasible.

9.6 Hardship Withdrawals

(a) Requirements

A Participant who is an Employee may request the withdrawal of up to the amount necessary to satisfy a financial need including amounts necessary to pay any federal, state or local income taxes or penalties reasonably anticipated to result from the withdrawal. Only requests for withdrawals (1) on account of a Participant's "Deemed Financial Need" or "Demonstrated Financial Need", and (2) which are "Deemed Necessary" to satisfy the financial need shall be approved.

(b) "Deemed Financial Need"

An immediate and heavy financial need relating to:

- (1) the payment of unreimbursable medical expenses described under Code section 213(d) incurred (or to be incurred) by the Employee, his or her spouse or dependents;
- (2) the purchase (excluding mortgage payments) of the Employee's principal residence;
- (3) the payment of unreimbursable tuition, related educational fees and room and board for up to the next twelve (12)months of post-secondary education for the Employee, his or her spouse or dependents;
- (4) the payment of amounts necessary for the Employee to prevent losing his or her principal residence through eviction or foreclosure on the mortgage; or
- (5) any other circumstance specifically permitted under Code section 401(k)(2)(B)(i)(IV).

(c) "Demonstrated Financial Need" A determination by the Plan Administrator that an immediate and heavy financial need exists relating to:

- (1) a sudden and unexpected illness or accident to the Employee or his or her spouse or dependents;
- (2) the loss, due to casualty, of the Employee's property other than nonessential property (such as a boat or a television); or
- (3) some other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Employee.

(d) "Deemed Necessary" A withdrawal is "deemed necessary" to satisfy the financial need only if the withdrawal amount does not exceed the financial need and both of these conditions are met:

- (1) the Employee has obtained all possible withdrawals (other than hardship withdrawals) and nontaxable loans available from this Plan and all other plans maintained by the Employer; and
 - (2) the Plan Administrator shall suspend the Employee from making any elective contributions to this Plan and all other qualified and nonqualified plans of deferred compensation maintained by the Employer for six (6) months from the date the withdrawal payment is made.
- (e) Account Sources and Funding Order: The withdrawal amount shall come pro rata based on tax status and within each tax status from the following of the Participant's fully vested Accounts:
- 401(a) Rollover Accounts (including Pre-Tax and After-Tax DROP Rollovers)
 - 457 Rollover Account
 - 403(b) Rollover Account
 - IRA Rollover Account
 - After-Tax Rollover Account
 - 401(k) Retirement Savings Account
 - Roth 401(k) Retirement Savings Account
 - Designated Roth Rollover Account
- The amount that may be withdrawn from a Participant's 401(k) Retirement Savings Account shall not include any earnings credited to his or her 401(k) Retirement Savings Account after the start of the first Plan Year beginning after December 31, 1988.
- (f) Permitted Frequency: There is no restriction on the number of Hardship withdrawals permitted to a Participant.
 - (g) For purposes of the direct rollover provisions in Section 4 of the Plan, any amount that is distributed on account of a hardship shall not be an Eligible Rollover Distribution and the distributee may not elect to have any portion of such a distribution paid directly to an Eligible Retirement Plan.

9.7 Rollover Account Withdrawals

- (a) Requirements: A Participant who is an Employee may withdraw from the Accounts listed in paragraph (b) below.
- (b) Account Sources and Funding Order: The withdrawal amount shall come pro rata based on tax status and pro rata within each tax status from a Participant's Rollover Accounts:
 - 401(a) Rollover Accounts (including Pre-Tax and After-Tax DROP Rollovers)
 - 457 Rollover Account
 - 403(b) Rollover Account
 - IRA Rollover Account
 - After-Tax Rollover Account
 - Designated Roth Rollover Account

- (c) Permitted Number: There is no restriction on the number of Rollover Account withdrawals permitted to a Participant.
- (d) Suspension from Further Contribution: A Rollover Account withdrawal shall not affect a Participant's ability to make or be eligible to make further Contributions.

9.8 Over Age 59 1/2 Withdrawals

- (a) Requirements: A Participant who is an Employee and over age 59 1/2 may withdraw from the Accounts listed in paragraph (b) below.
- (b) Account Sources and Funding Order: The withdrawal amount shall come pro rata based on tax status and pro rata within each tax status from the following of the Participant's fully vested Accounts:
 - 401(a) Rollover Accounts (including Pre-Tax and After-Tax DROP Rollovers)
 - 457 Rollover Account
 - 403(b) Rollover Account
 - IRA Rollover Account
 - After-Tax Rollover Account
 - 401(k) Retirement Savings Account
 - Roth 401(k) Retirement Savings Account
 - Designated Roth Rollover Account
- (c) Permitted Number: There is no restriction on the number of Over Age 59 1/2 Withdrawals permitted to a Participant.
- (d) Suspension from Further Contributions: An Over Age 59 1/2 Withdrawal shall not affect a Participant's ability to make or be eligible to make further Contributions.

10.DISTRIBUTIONS ONCE EMPLOYMENT ENDS

10.1 Benefit Information, Notices and Election

A Participant, or his or her Beneficiary in the case of his or her death, shall be provided with information regarding all optional times and forms of distribution available, to include the notice prescribed by Code section 402(f). Subject to the other requirements of this Section 10, a Participant, or his or her Beneficiary in the case of his or her death, may elect, in such manner and with such advance notice as prescribed by the Plan Administrator, to have his or her vested Account balance paid to him or her following the Participant's termination of employment with the Employer.

A distribution may commence less than 30 days after the aforementioned notices are provided, if:

- (a) the Participant is clearly informed that he or she has the right to a period of at least 30 days after receipt of such notices to consider the decision as to whether to elect a distribution and if so, to elect a particular form of distribution and to elect or not elect a Direct Rollover for all or a portion, if any, of his or her distribution which shall constitute an Eligible Rollover Distribution; and
- (b) the Participant, after receiving such notices, affirmatively elects a distribution and a Direct Rollover for all or a portion, if any, of his or her distribution which shall constitute an Eligible Rollover Distribution or alternatively elects to have all or a portion made payable directly to him or her, thereby not electing a Direct Rollover for all or a portion thereof.

10.2 Payment Form and Medium

Except to the extent otherwise provided by Section 10.3, a Participant may elect to be paid in any of these forms:

- (a) a single lump sum, or
- (b) a portion paid in a lump sum, and the remainder paid later, or
- (c) periodic installments over a period not to exceed the life expectancy of the Participant and his or her Beneficiary.

With regard to the portion of a distribution representing an Eligible Rollover Distribution, a Distributee may elect a Direct Rollover for all or a portion of such amount.

10.3 Distribution of Small Amounts

If both,

- (a) the sum of a Participant's Accounts other than the Participant's Roth 401(k) Retirement Savings Contribution Account and Designated Roth Rollover Account is \$1,000 or less; and
- (b) the sum of the Participant's Roth 401(k) Retirement Savings Contribution Account and Designated Roth Rollover Account is \$1,000 or less;

the Participant's benefit shall be paid as a single lump sum as soon as administratively feasible in accordance with procedures prescribed by the Plan Administrator.

10.4 Source and Timing of Distribution Funding

A distribution to a Participant shall be made solely from the assets of his or her own Accounts and shall be based on the Account values as of the date the distribution is processed. The available assets shall be determined first by Account type and then within each Account used for funding a distribution, amounts shall be taken by Investment Fund in direct proportion to the market value of the Participant's interest in each Investment Fund as of the date on which the distribution is processed.

The distribution shall be funded and the Custodian shall make payment as soon as administratively feasible.

10.5 Latest Commencement Permitted

A Participant's failure to elect in such manner as prescribed by the Plan Administrator to have his or her vested Account balance paid to him or her, shall be deemed an election by the Participant to defer his or her distribution. Notwithstanding, benefit payments shall begin by the later of the April 1 immediately following the end of the calendar year in which the Participant attains age 70 1/2 or the April 1 immediately following the end of the calendar year in which the Participant's employment with the Employer has terminated. If benefit payments cannot begin at the time required because the location of the Participant cannot be ascertained (after a reasonable search), the Plan Administrator shall deposit the amount to be distributed in an account that will be temporarily held until it can be distributed in accordance with Section 15.5.

10.6 Payment Within Life Expectancy

The Participant's payment election must be consistent with the requirement of Code section 401(a)(9) that all payments are to be completed within a period not to exceed the lives or the joint and last survivor life expectancy of the Participant and his or her Beneficiary. The life expectancies of a Participant and his or her Beneficiary, if such Beneficiary is his or her spouse, may be recomputed annually. If a Participant fails to make a life expectancy calculation election, the life expectancy of the Participant and his or her Beneficiary, if such Beneficiary is his or her spouse, shall be recomputed annually.

10.7 Incident Benefit Rule

The Participant's payment election must be consistent with the requirement that, if the Participant's spouse is not his or her sole primary Beneficiary, the minimum annual distribution for each calendar year, beginning with the year in which he or she attains age 70 1/2 (or such later date as provided otherwise in Section 10), shall not be less than the quotient obtained by dividing (a) the Participant's vested Account balance as of December 31st of the preceding year by (b) the applicable divisor as determined under the incidental benefit requirements of Code section 401(a)(9).

10.8 Payment to Beneficiary

Payment to a Beneficiary must either: (1) be completed by the end of the calendar year that contains the fifth anniversary of the Participant's death or (2) begin by the end of the calendar year that contains the first anniversary of the Participant's death and be completed within the period of the Beneficiary's life or life expectancy, except that:

- (a) If the Participant dies after the later of the April 1 immediately following the end of the calendar year in which he or she attains age 70 1/2 or the April 1 immediately following the end of the calendar year in which he or she terminated employment with the Employer, payment to his or her Beneficiary must be made at least as rapidly as provided in the Participant's distribution election;
- (b) If the surviving spouse is the Beneficiary, payments need not begin until the end of the calendar year in which the Participant would have attained age 70 1/2 and must be completed within the spouse's life or life expectancy; and
- (c) If the Participant and the surviving spouse who is the Beneficiary die (1) before the later of the April 1 immediately following the end of the calendar year in which the Participant would have attained age 70 1/2 or the April 1 immediately following the end of the calendar year in which he or she terminated employment with the Employer and (2) before payments have begun to the spouse, the spouse shall be treated as the Participant in applying these rules.

10.9 Beneficiary Designation

Each Participant may complete a beneficiary designation form indicating the Beneficiary who is to receive the Participant's remaining Plan interest at the time of his or her death. The designation may be changed at any time. If no proper designation is in effect at the time of a Participant's death or if the Beneficiary does not survive the Participant, the Beneficiary shall be the Participant's estate.

10.10 Direct Rollovers from Roth Accounts to an Eligible Plan

Notwithstanding Section 10.1 of the Plan, a Direct Rollover of a distribution from a Roth Account under the Plan will only be made to another Roth elective deferral account under an applicable retirement plan described in section 402A(e)(1) of the Code or to a Roth IRA described in section 408A of the Code, and only to the extent the Direct Rollover is permitted under the rules of section 402(c) of the Code.

11. MAXIMUM CONTRIBUTION AND BENEFIT LIMITATIONS

11.1 “Annual Addition” Defined

The sum of the following amounts credited to a Participant’s Account for the Plan Year for all the defined contribution plans of the City:

- (a) Employer contributions;
- (b) Participant contributions;
- (c) Forfeitures;
- (d) Amounts allocated to an individual medical account, as defined in section 415(l)(2) of the Code , which is part of a pension or annuity plan maintained by the employer are treated as annual additions to a defined contribution plan. Also, amounts derived from contributions paid or accrued which are attributable to post-retirement medical benefits, allocated to the separate account of a key employee, as defined in section 419A(d)(3) of the Code, under a welfare benefit fund, as defined in section 419(e) of the Code, maintained by the Employer are treated as annual additions to a defined contribution plan.

11.2 Maximum Annual Addition

The Annual Addition to a Participant’s accounts under this Plan and any other defined contribution plan maintained by the Employer for any Plan Year shall not exceed the lesser of (1) 99% of his or her Compensation or (2) \$40,000 (as adjusted for the cost of living pursuant to Code section 415(d)).

11.3 Avoiding an Excess Annual Addition

If, at any time during a Plan Year, the allocation of any additional Contributions would produce an excess Annual Addition for such year, Contributions to be made for the remainder of the Plan Year shall be limited to the amount needed for each affected Participant to receive the maximum Annual Addition.

11.4 Correcting an Excess Annual Addition

Before the close of each Plan Year, and upon the discovery of an excess Annual Addition to a Participant’s Account (resulting from forfeitures, allocations, reasonable error in determining Participant compensation or the amount of elective contributions, or other facts and circumstances acceptable to the Internal Revenue Service) the excess amount (adjusted to reflect investment gains) shall first be returned to the Participant to the extent of his or her individual medical account maintained by any plan sponsored by the City. If there is not an individual medical account for the Participant or Annual Additions to such account are less than the excess amount; any remaining excess amount shall be returned to the Participant to the extent of his or her 401(k) Retirement Savings Contributions.

11.5 Correcting a Multiple Plan Excess

If a Participant, whose Account is credited with an excess Annual Addition, received allocations to more than one defined contribution plan, the excess shall be corrected by reducing the Annual Addition to this Plan only after all possible reductions have been made to the other defined contribution plans, other than eligible plans under section 457 of the Code.

12. PLAN ADMINISTRATION

12.1 Plan Delineates Authority and Responsibility

Plan fiduciaries include the Employer, the Board, the TPA, and/or the Custodian/Trustee, as applicable, whose specific duties are delineated in this Plan and its related Trust. In addition, Plan fiduciaries also include any other person to whom fiduciary duties or responsibility is delegated with respect to the Plan. Any person or group may serve in more than one fiduciary capacity with respect to the Plan. To the extent described under ERISA section 405, no fiduciary shall be liable for a breach by another fiduciary without regard as to whether ERISA section 405 applies.

12.2 Employer is Code Section 414(g) Plan Administrator

The Employer is the Plan Administrator, within the meaning of Code section 414(g), which is responsible for compliance with all reporting and disclosure requirements, except those that are explicitly the responsibility of the Custodian under applicable law. The Plan Administrator shall have any necessary authority to carry out such functions through the actions of the Plan Administrator, duly appointed officers of the Employer and/or any other agents it appoints.

12.3 Plan Administrator Duties

The Plan Administrator shall have the discretionary authority to construe this Plan and its related Trust (other than those provisions which the Custodian has the discretionary authority to construe as described in Section 14.1) and to do all things necessary or convenient to effect the intent and purposes thereof, whether or not such powers are specifically set forth in this Plan and its related Trust. Actions taken in good faith by the Plan Administrator shall be conclusive and binding on all interested parties, and shall be given the maximum possible deference allowed by law. In addition to the duties listed elsewhere in this Plan and its related Trust, the Plan Administrator's authority shall include, but not be limited to, the discretionary authority to:

- (a) promulgate policies, rules and regulations governing the operation of the Plan;
- (b) determine who is eligible to participate, if a contribution qualifies as a rollover contribution, the allocation of Contributions, and the eligibility for loans, withdrawals and distributions;
- (c) prepare and distribute to each Participant information explaining the Plan;
- (d) furnish upon request, such annual reports related to the entire Plan as are reasonable and appropriate;
- (e) determine the fact of a Participant's death and of any Beneficiary's right to receive the deceased Participant's interest based upon such proof and evidence as it deems necessary;
- (f) establish and review at least annually a funding policy bearing in mind both the short-run and long-run needs and goals of the Plan and to the extent Participants may direct their own investments, the funding policy shall focus on which Investment Funds are available for Participants to use; and
- (g) adjudicate claims pursuant to the claims procedure described in Section 15.

12.4 Agents and Advisors May be Used

The Plan Administrator may use such agents and advisors (including attorneys, accountants, actuaries, consultants, record keepers, investment counsel and administrative assistants) as it considers necessary to assist it in the performance of its duties.

12.5 Delegation of Administrative Duties

The Employer, as 414(g) administrator of the Plan, has delegated to the Board the duties of the Plan Administrator under the Plan. The Employer shall provide the Custodian and TPA with the names and specimen signatures of any persons authorized to serve as members of the Board and act as or on its behalf. Except to the extent that the Employer otherwise provides, any delegation of duties to the Board shall carry with it the full discretionary authority of the Plan Administrator to complete such duties.

12.6 Membership of the Board

The Board shall consist of seven members and each member shall be an Eligible Employee and a Participant. Five members shall be appointed by the Employer's City Manager and shall serve at the pleasure of the Employer. Two members shall be elected by the Participants.

The Board shall adopt rules and procedures for the election by Participants of two members to the Board. Elections shall be held during May every four years. Such rules and procedures shall include the rules and procedures by which the Board shall fill the unexpired term of any elected member who vacates his or her

position by reason of resignation, retirement, death or otherwise. The members of the Board shall serve without compensation from the Plan for such services.

12.7 Board Operating Rules

The Board shall adopt such operating rules, as it deems necessary, desirable or appropriate. These operating rules shall include, but are not limited to the following:

- (a) Rules and Decisions: Rules and decisions of the Board shall be uniformly and consistently applied to all Participants in similar circumstances. When making a determination, the Board shall be entitled to rely upon information furnished to it by the Employer, an agent or advisor used in accordance with Section 12.4 or a Participant.
- (b) Officers of the Board: The Board shall elect from among its members a chairman and a vice chairman and shall appoint a secretary, who may or may not be from among its members. The election of a chairman and a vice chairman shall be held, and the appointment of a secretary shall be made, during June in odd-numbered years, unless postponed for a period of not more than two months. A special election shall be held to fill the unexpired term of the chairman or vice chairman, and a special appointment shall be made to fill the unexpired term of the secretary, who vacates his or her position by reason of resignation, retirement, death or otherwise.
- (c) Actions of Majority: Any act delegated by the Employer to the Board may be done at a meeting in attendance by at least four members of the Board thereby constituting a quorum. The approval of four members of the Board (a majority) is necessary to carry out business at a meeting. The majority may be expressed by a vote at a meeting, and a majority action shall be equivalent to an action of all members of the Board.
- (d) Meetings: The Board shall hold meetings upon such notice, place and times as it determines necessary to conduct its functions properly. The secretary shall keep a record of all meetings and forward all necessary communications to the Employer or any agent or advisor used in accordance with Section 12.4.
- (e) Authority to Direct Custodian and TPA: The Board may authorize one or more of its members to execute documents on its behalf and may authorize one or more of its members or other individuals who are not members to give written direction to the Custodian and TPA in the performance of its duties. The Board shall provide such authorization in writing to the Custodian and TPA with the names and specimen signatures of any persons authorized to act on its behalf.

12.8 Reliance by Custodian and TPA

The Custodian and TPA shall accept direction from any person authorized by the Employer or the Board in writing to provide direction to the Custodian and TPA. The Custodian and TPA shall act and rely upon direction from any such person

until notified in writing that the Employer or the Board has revoked the authorization to give such direction. The Custodian and TPA shall not be deemed to be on notice of any change in the membership of the Board, parties authorized to direct the Custodian and TPA in the performance of its duties, or the duties delegated to and by the Board until notified in writing.

13.MANAGEMENT OF INVESTMENTS

13.1 Trust Agreement

All Plan assets shall be held by the Custodian in trust, in accordance with those provisions of this Plan and its related Trust which relate to the Custodian, for use in providing Plan benefits and paying Plan fees and expenses not paid directly by the Employer. Plan benefits shall be drawn solely from the Trust and paid by the Custodian as directed by the Plan Administrator. Notwithstanding, the Plan Administrator may appoint, with the approval of the Custodian, another trustee to hold and administer Plan assets which do not meet the requirements of Section 13.2.

13.2 Investment Funds

The Plan Administrator is hereby granted authority to direct the Custodian to invest Trust assets in one or more Investment Funds. The number and composition of Investment Funds may be changed from time to time, without the necessity of amending this Plan and its related Trust. Each of the Investment Funds may be comprised of any of the following:

- (a) shares of a registered investment company, whether or not the Custodian or any of its affiliates is an advisor to, or other service provider to, such company; and
- (b) any other investment that is not in violation of any applicable law and that the Custodian, with reasonable effort, is able to administer, which determination shall be made by the Plan Administrator and the Custodian in advance of any such investment. Any Investment Fund assets invested in a collective investment fund, shall be subject to all the provisions of the instruments establishing and governing such fund. These instruments, including any subsequent amendments, are incorporated herein by reference.

13.3 Authority to Hold Cash

The Custodian shall have the authority to cause the investment manager of each Investment Fund to maintain sufficient deposit or money market type assets in each Investment Fund to handle the Fund's liquidity and disbursement needs.

13.4 Custodian to Act Upon Instructions

The Custodian shall carry out instructions to invest assets in the Investment Funds as soon as practicable after such instructions are received from the Plan Administrator, Participants or Beneficiaries. Such instructions shall remain in effect until changed by the Plan Administrator, Participants or Beneficiaries.

13.5 Right to Vote Registered Investment Company Shares

The Plan Administrator shall be entitled to vote proxies or exercise any shareholder rights relating to shares held on behalf of the Plan in a registered investment company or investment fund.

13.6 Self-Directed Brokerage

The Plan Administrator may, with the consent of the Custodian (which consent shall not be unreasonably withheld), establish a Self-Directed Brokerage which is a service that allows Participants to invest in securities other than Investment Funds. Participants may avail themselves of this service by making application and transferring funds from an Investment Fund to a Self-Directed Brokerage account. Participants' utilization of the Self-Directed Brokerage service and account is subject to policies, parameters and administrative procedures as established and agreed upon from time to time by the Plan Administrator, Custodian, and Third Party Administrator.

13.7 Authority to Segregate Assets

The Plan Administrator may direct the Custodian to split an Investment Fund into two or more funds in the event any assets in the Fund are illiquid or the value is not readily determinable. In the event of such segregation, the Plan Administrator shall give instructions to the Custodian on what value to use for the split-off assets and may use agents and advisors (which may include the Custodian) to assist it in determining such value.

14. TRUST ADMINISTRATION

14.1 Custodian to Construe Trust

The Custodian shall have the discretionary authority to (1) construe only those provisions of this Plan and its related Trust that relate primarily to the management and control of the Trust assets (except to the extent the provision relates to a matter expressly reserved to the Plan Administrator) and (2) do all things necessary or convenient to the administration of the Trust, thereto, whether or not such powers are specifically set forth in this Plan and its related Trust. Actions taken in good faith by the Custodian shall be conclusive and binding on all interested parties, and shall be given the maximum possible deference allowed by law.

14.2 Custodian To Act As Owner of Trust Assets

Subject to its fiduciary duties and the specific conditions and limitations set forth in this Plan and its related Trust, the Custodian shall have all the power, authority, rights and privileges of an absolute owner of the Trust assets and, not in limitation but in amplification of the foregoing, may:

- (a) receive, hold, manage, invest and reinvest, sell, tender, exchange, dispose of, encumber, hypothecate, pledge, mortgage, lease, grant options respecting, repair, alter, insure, or distribute any and all property in the Trust;
- (b) borrow money, participate in reorganizations, pay calls and assessments, vote or execute proxies, exercise subscription or conversion privileges, exercise options and register any securities in the Trust in the name of the nominee, in federal book entry form or in any other form as shall permit title thereto to pass by delivery;
- (c) renew, extend the due date, compromise, arbitrate, adjust, settle, enforce or foreclose, by judicial proceedings or otherwise, or defend against the same, any obligations or claims in favor of or against the Trust; and
- (d) lend, through a collective investment fund, any securities held in such collective investment fund to brokers, dealers or other borrowers and to permit such securities to be transferred into the name and custody and be voted by the borrower or others.

14.3 United States Indicia of Ownership

The Custodian shall not maintain the indicia of ownership of any Trust assets outside the jurisdiction of the United States, except as would be authorized by ERISA section 404(b).

14.4 Tax Withholding and Payment

- (a) **Withholding:** The Custodian shall calculate and withhold federal (and, if applicable, state) income taxes with regard to any Eligible Rollover Distribution that is not paid as a Direct Rollover in accordance with the Participant's withholding election or as required by law if no election is made or the election is less than the amount required by law. With regard to any taxable distribution that is not an Eligible Rollover Distribution, the Custodian shall calculate and withhold federal (and, if applicable, state) income taxes in accordance with the Participant's withholding election or as required by law if no election is made.
- (b) **Taxes Due From Investment Funds:** The Custodian shall pay from the Investment Fund any taxes or assessments imposed by any taxing or governmental authority on such Fund or its income, including related interest and penalties.

14.5 Trust Accounting

- (a) **Annual Report:** Within 60 days (or other reasonable period acceptable to the Plan Administrator) following the close of the Plan Year, the Custodian shall provide the Plan Administrator with a certified annual accounting of Trust assets.
- (b) **Periodic Reports:** The Custodian shall maintain records and provide sufficient reporting to allow the Plan Administrator to properly monitor the Trust's assets and activity.

14.6 Valuation of Certain Assets

If the Custodian determines the Trust holds any asset which is not readily tradable and listed on a national securities exchange registered under the Securities Exchange Act of 1934, as amended, the Custodian may engage a qualified independent appraiser to determine the fair market value of such property, and the appraisal fees shall be paid from the Investment Fund containing the asset.

14.7 Legal Counsel

The Custodian may consult with legal counsel of its choice, including counsel for the Employer or counsel of the Custodian, upon any question or matter arising under this Plan and its related Trust. When relied upon by the Custodian, the opinion of such counsel shall be evidence that the Custodian has acted in good faith.

14.8 Fees and Expenses

The Custodian's fees for its services as Custodian shall be such as may be mutually agreed upon by the Plan Administrator and the Custodian. Custodian fees and all reasonable expenses of counsel and advisors retained by the Custodian shall be paid in accordance with Section 5. The Custodian shall advise the Plan Administrator in advance of retaining any counsel or advisors if the

Custodian expects to assess any part of the expenses of such counsel or advisors as additional charges against the Trust.

14.9 Custodian Duties and Limitations

The Custodian's duties, unless otherwise agreed to by the Custodian, shall be confined to construing the terms of the Plan and its related Trust to the extent described in Section 14.1, receiving funds on behalf of and making payments from the Trust, safeguarding and valuing Trust assets, investing and reinvesting Trust assets in the Investment Funds as directed by the Plan Administrator, Participants or Beneficiaries and those duties as described in this Section 14.

The Custodian shall discharge its duties in accordance with this Plan and its related Trust to the extent they are consistent with ERISA, to the extent ERISA applies, and shall use that degree of care, skill, prudence and diligence that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

The Custodian shall have no duty or authority to ascertain whether Contributions are in compliance with the Plan, to enforce collection or to compute or verify the accuracy or adequacy of any amount to be paid to it by the Employer or whether any disbursement made at the direction of the Plan Administrator is in compliance with the Plan, provided that the Custodian has no reason to believe that any such disbursement is not in compliance with the Plan.

15. RIGHTS, PROTECTION, CONSTRUCTION AND JURISDICTION

15.1 Plan Does Not Affect Employment Rights

The Plan does not provide any employment rights to any Employee. The Employer expressly reserves the right to discharge an Employee at any time, with or without cause, without regard to the effect such discharge would have upon the Employee's interest in the Plan.

15.2 Limited Return of Contributions

Except as provided in this paragraph, (1) Plan assets shall not revert to the Employer nor be diverted for any purpose other than the exclusive benefit of Participants or their Beneficiaries; and (2) a Participant's vested interest shall not be subject to divestment. The actual amount of a Contribution made by the Employer (or the current value of the Contribution if a net loss has occurred) may revert to the Employer if:

- (a) such Contribution is made by reason of a mistake of fact; or
- (b) initial qualification of the Plan under Code section 401(a) is not received and a request for such qualification is made within the time prescribed under Code section 401(b) (the existence of and Contributions under the Plan are hereby conditioned upon such qualification).

The reversion to the Employer must be made (if at all) within one year of the mistaken payment of the Contribution or the date of denial of qualification, as the case may be. A Participant shall have no rights under the Plan with respect to any such reversion.

15.3 Assignment and Alienation

To the extent not otherwise required by law, no benefit provided by the Plan may be anticipated, assigned or alienated, except:

- (a) to create, assign or recognize a right to any benefit with respect to a Participant pursuant to a QDRO, or
- (b) to use a Participant's vested Account balance as security for a loan from the Plan which is permitted pursuant to Code section 4975.

15.4 Facility of Payment

If a Plan benefit is due to be paid to a minor or if the Plan Administrator reasonably believes that any payee is legally incapable of giving a valid receipt and discharge for any payment due him or her, the Plan Administrator shall have the payment of the benefit, or any part thereof, made to the person (or persons or institution) whom it reasonably believes is caring for or supporting the payee, unless it has received due notice of claim from a duly appointed guardian or conservator of the payee. Any payment shall, to the extent thereof, be a complete discharge of any liability under the Plan to the payee.

15.5 Reallocation of Lost Participant's Accounts

If the Plan Administrator cannot locate a person entitled to payment of a Plan benefit after a reasonable search, the Plan Administrator shall set aside the amount to be distributed in an account where it shall be held temporarily until it can be distributed.

15.6 Claims Procedure

The Board may appoint a committee to make all determinations as to the right of any interested party to a benefit under the Plan. Any denial by the committee of the claim for benefits under the Plan by an interested party shall be stated in writing and delivered or mailed to the interested party. The written notice of denial shall set forth the specific reasons for the denial. The committee shall provide a reasonable opportunity to an interested party whose claim for benefits has been denied for a review of the decision. The interested party may then make a written appeal of the committee's decision to the Board. The Board's decision shall be final.

15.7 Construction

Headings are included for reading convenience. The text shall control if any ambiguity or inconsistency exists between the headings and the text. The singular and plural shall be interchanged wherever appropriate. References to Participant shall include Beneficiary when appropriate and even if not otherwise already expressly stated.

15.8 Jurisdiction and Severability

The Plan and its related Trust shall be construed, regulated and administered under applicable federal laws and, where not otherwise preempted, by the laws of the State of Texas. Venue for any action arising from this Plan and its related Trust, including but not limited to matters concerning validity, construction, performance or enforcement, shall lie exclusively in the State or Federal courts located in Dallas, Dallas County, Texas. If any provision of this Plan and its related Trust shall become invalid or unenforceable, that fact shall not affect the validity or enforceability of any other provision of this Plan and its related Trust. All provisions of this Plan and its related Trust shall be so construed as to render them valid and enforceable in accordance with their intent.

16.AMENDMENT, MERGERS AND TERMINATION

16.1 Amendment

The Employer reserves the right to amend this Plan and its related Trust at any time, to any extent and in any manner it may deem necessary or appropriate. The Employer shall be responsible for adopting any amendments necessary to maintain the qualified status of this Plan and its related Trust under Code sections 401(a) and 501(a). The Board, acting as the Plan Administrator in accordance with Section 12.5, shall have the authority to adopt Plan and its related Trust amendments which do not (1) affect the number, appointment and election of its members, (2) affect the Employer's right to terminate the Plan, (3) require the Employer to make Employer Matching Contributions, (4) change the vesting schedule, (5) require the Employer to pay Plan fees and expenses or (6) provide employment rights under the Plan to an Employee. All interested parties shall be bound by any amendment, provided that no amendment shall:

- (a) except to the extent permissible under the Code, make it possible for any portion of the Trust assets to revert to an Employer or to be used for, or diverted to, any purpose other than for the exclusive benefit of Participants and Beneficiaries entitled to Plan benefits and to defray reasonable expenses of administering the Plan; or
- (b) permit an Employee to be paid the balance of his or her 401(k) Retirement Savings Account unless the payment would otherwise be permitted under Code section 401(k).

The Custodian shall be provided a copy of any amendment and no amendment affecting the duties of the Custodian in its capacity as Custodian, or in any other capacity, shall become effective until it is accepted and signed by the Custodian (which acceptance and signature shall not unreasonably be withheld).

16.2 Merger

This Plan and its related Trust may not be merged or consolidated with, nor may its assets or liabilities be transferred to, another plan and trust unless:

- (a) each Participant and Beneficiary would, if the resulting plan were then terminated, receive a benefit just after the merger, consolidation or transfer which is at least equal to the benefit which would be received if either plan had terminated just before such event; and
- (b) such other plan and trust are qualified under Code section 401(a) and Code section 501(a).

16.3 Plan Termination

The Employer may, at any time and for any reason, terminate the Plan or completely discontinue contributions. If no successor plan is established or maintained, lump sum distributions shall be made in accordance with the terms of the Plan as in effect at the time of the Plan's termination or as thereafter amended

provided that a post-termination amendment shall not be effective to the extent that it violates Section 16.1 unless it is required in order to maintain the qualified status of the Plan upon its termination. The Custodian's and Employer's authority shall continue beyond the Plan's termination date until all trust assets have been liquidated and distributed.

16.4 Resignation or Removal of the Custodian

The Custodian may resign as Custodian under this Plan and its related Trust or may be removed by the Plan Administrator in accordance with the timing and procedure set forth in the Service Agreement.

16.5 Final Settlement and Accounting of Custodian

- (a) Final Settlement: As soon as administratively feasible after its resignation or removal as Custodian, the Custodian shall transfer to the successor custodian all property currently held by the Trust. However, the Custodian is authorized to reserve such sum of money as it may reasonably deem advisable for payment of its accounts and expenses in connection with the settlement of its accounts or other fees or expenses payable by the Trust. Any balance remaining after payment of such fees and expenses shall be paid to the successor custodian as soon as administratively feasible thereafter.
- (b) Final Accounting: The Custodian shall provide a certified final accounting of Trust assets to the Plan Administrator within 90 days of the date Trust assets are transferred to the successor custodian.
- (c) Plan Administrator Approval: Approval of the certified final accounting of Trust assets shall automatically occur 90 days after such accounting has been received by the Plan Administrator, unless the Plan Administrator files a written objection with the Custodian within such time period. Such approval shall be final as to all matters and transactions stated or shown therein and binding upon the Plan Administrator.

APPENDIX A – INVESTMENT FUNDS

I. Investment Funds Available

As of the Effective Date, the Investment Funds, all of which are daily valued, offered by the Plan are:

American Beacon Small Cap Value Institutional Class
Baron Asset – Institutional Class
Davis New York Venture Y
Fidelity® Blue Chip Growth Class K
Fidelity® Diversified International Class K
Fidelity® Dividend Growth Class K
Fidelity® Equity Dividend Income Class K
Fidelity Freedom K® Income
Fidelity Freedom K® 2005
Fidelity Freedom K® 2010
Fidelity Freedom K® 2015
Fidelity Freedom K® 2020
Fidelity Freedom K® 2025
Fidelity Freedom K® 2030
Fidelity Freedom K® 2035
Fidelity Freedom K® 2040
Fidelity Freedom K® 2045
Fidelity Freedom K® 2050
Fidelity Freedom K® 2055
Fidelity Freedom K® 2060
Fidelity® Growth Strategies Class K
Fidelity® Low-Priced Stock Class K
Fidelity® Magellan® Class K
Fidelity® Puritan® Class K
Franklin Mutual Beacon Class Z
Invesco Diversified Dividend Class R6
Lord Abbett Developing Growth Class R6
Managed Income Portfolio II – Class 2
Morgan Stanley Institutional Mid Cap Growth Portfolio Class IS
PIMCO Total Return Institutional Class
Fidelity® 500 Index Institutional Class
Fidelity® Extended Market Index – Premium Class
Fidelity® International Index – Premium Class
Fidelity® U.S. Bond Index – Premium Class

II. Default Investment Funds

As of the Effective Date, there are thirteen Default Investment Funds. The specific Default Investment Fund to which a Participant's Contributions will be directed is determined by his/her birth date as follows:

Participant Date of Birth	<u>Default Investment Fund</u>
1/1/1900 -- 12/31/1937	Fidelity Freedom K® Income Fund
1/1/1938 -- 12/31/1942	Fidelity Freedom K® 2005 Fund
1/1/1943 -- 12/31/1947	Fidelity Freedom K® 2010 Fund
1/1/1948 -- 12/31/1952	Fidelity Freedom K® 2015 Fund
1/1/1953 -- 12/31/1957	Fidelity Freedom K® 2020 Fund
1/1/1958 -- 12/31/1962	Fidelity Freedom K® 2025 Fund
1/1/1963 -- 12/31/1967	Fidelity Freedom K® 2030 Fund
1/1/1968 -- 12/31/1972	Fidelity Freedom K® 2035 Fund
1/1/1973 -- 12/31/1977	Fidelity Freedom K® 2040 Fund
1/1/1978 -- 12/31/1982	Fidelity Freedom K® 2045 Fund
1/1/1983 -- 12/31/1987	Fidelity Freedom K® 2050 Fund
1/1/1988 -- 12/31/1992	Fidelity Freedom K® 2055 Fund
1/1/1993 and later	Fidelity Freedom K® 2060 Fund

APPENDIX B – LOAN INTEREST RATE

As of the Effective Date, the interest rate charged on Participant loans shall be equal to the Prime Rate as published in the Wall Street Journal plus one percent (1%).

As of the Effective Date, the rate is set on the first business day of each month and applies to all loans made during the month.

ADDENDUM ITEM # 11

KEY FOCUS AREA: E-Gov

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

January 11, 2017

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Philip T. Kingston participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

January 11, 2017

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Philip T. Kingston because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember Philip T. Kingston in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absences by Councilmember Philip T. Kingston as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	MEETING DATE	MEETING EXEMPTION	PURPOSE/LOCATION	ABSENCE TYPE
Philip T. Kingston	12/12/2016	Quality of Life and Environment Committee	Meeting with a TEX-21 Transportation consultant on city business. Dallas, Texas	Absent
Philip T. Kingston	1/3/2017	Budget, Finance and Audit Committee	Meeting with neighborhood leaders on city business. Dallas, Texas	Absent

KEY FOCUS AREA: E-Gov
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize **(1)** approval of revised salary schedules for Fire and Police uniform executive staff, adding a 2% top pay step; **(2)** and eliminating the start step in each executive rank; and **(3)** implementing step pay increases for Police and Fire uniform executive staff, effective October 1, 2016 - Financing: This action no cost consideration to the City

BACKGROUND

This item will authorize revised salary schedules as a result of revised program goals and budget decisions recently recommended to the City Council.

In an effort to address compensation and improve pay for fire and police uniformed executive staff, the Executive Uniformed Fire and Police salary schedule is revised to add a two percent (2%) top pay step for each uniformed executive rank. This action also authorizes the elimination of the pay step one from FY 15-16 pay schedule, in each Uniformed Fire and Police executive rank. This item also authorizes implementing pay increases for uniform executive fire and police staff, effective October 1, 2016, as shown on the attached Pay Progression Charts. These pay increases are similar to the pay increases that were implemented for Police and Fire uniformed staff for the three year Meet and Confer Agreement, effective October 1, 2016.

~~This item also authorizes implementing double merit pay step for uniform executive fire and police staff, effective October 1, 2016. Executive Officers who have at least two steps remaining on the pay schedule for their rank will receive two pay step increases (double steps) if they meet all pay step eligibility requirements. Officers who have one step remaining on the pay schedule for their rank will receive one pay step increase if they meet all pay step eligibility. Steps will be awarded on the executive officers' normal step date.~~

~~This action authorizes the elimination of the start pay step in each Uniformed Fire and Police executive rank, effective October 1, 2016.~~

It is necessary to ratify these actions to the executive uniformed pay plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed on the proposed FY 2016-17 Budget on August 9, 2016.

FISCAL INFORMATION

Funding for this item is included as part of the adoption for the FY 2016-17 budget.

January 11, 2017

WHEREAS, the City Council of the City of Dallas has adopted a budget for the year beginning October 1, 2016; and

WHEREAS, the budget adopted is predicated upon approved salary schedules authorizing a plan of equitable pay; and

WHEREAS, the Executive Uniformed Fire and Police salary schedule is revised to include an addition of a new two percent (2%) top pay step for uniformed Fire and Police executive officers, effective October 1, 2016; and

~~**WHEREAS**, the Executive Uniformed Fire and Police salary schedule is revised to implement merit pay increase for uniformed Fire and Police executive officers, effective October 1, 2016; and~~

WHEREAS, the FY 2016-17 Executive Uniformed Fire and Police salary schedules eliminates the start pay step from the FY15-16 pay schedule in each executive rank, effective October 1, 2016; and

WHEREAS, it is considered desirable and necessary to ratify these actions and to amend the uniform pay schedules together with the budget providing for these changes.

NOW, THEREFORE,

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

Section 1. That the Executive Uniform Police salary schedule (Police Major and above) reflect an additional two percent (2%) top pay step. ~~All other police salary schedules are revised per the Meet and Confer agreement. (Attachment B-4)~~

Section 2. That the Executive Uniform Police salary schedule (Police Major and above) eliminates step one from the FY16-17 schedule, effective October 1, 2016. ~~That the Executive Uniform Fire salary schedule (Deputy Chief and above) reflect an additional two percent (2%) top pay step. All other fire salary schedules are revised in the Meet and Confer agreement. (Attachment B-5)~~

Section 3. ~~That pay steps be implemented for Executive Uniformed Fire staff effective October 1, 2016.~~ That the Executive Uniform Fire salary schedule (Deputy Chief and above) reflect an additional two percent (2%) top pay step.

Section 4. ~~That merit pay steps be implemented for Executive Uniformed Police staff effective October 1, 2016.~~ That the Executive Uniform Fire salary schedule (Deputy Chief and above) eliminates step one from the FY16-17 schedule, effective October 1, 2016.

January 11, 2017

Section 5. ~~That the start pay steps for each Executive Uniformed Fire and Police rank be eliminated effective October 1, 2016. That pay step increases be implemented for Executive Uniformed Fire staff as outlined in the attached Pay Progression Charts.~~

Section 6. ~~That the City Manager or designee be authorized, upon recommendation from the Director of Human Resources, to make any administrative changes necessary to maintain equity. That pay increases, for Executive Uniformed Police and Fire staff be effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date)~~

Section 7. That the City Manager or designee be authorized, upon recommendation from the Director of Human Resources, to make any administrative changes necessary to maintain equity.

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.

**CITY OF DALLAS
EXECUTIVE
UNIFORM FIRE SALARY SCHEDULE**
Effective October 1, 2016

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
24447	Fire Deputy Chief, 1 Year	F7 - 1	\$6,122	\$ 73,464
24447	Fire Deputy Chief, 1 Year	F7 - 2	\$6,459	\$ 77,505
24447	Fire Deputy Chief, 1 Year	F7 - 3	\$6,917	\$ 82,999
24447	Fire Deputy Chief, 1 Year	F7 - 4	\$7,262	\$ 87,150
24447	Fire Deputy Chief, 1 Year	F7 - 5	\$7,626	\$ 91,506
24447	Fire Deputy Chief, 1 Year	F7 - 6	\$8,007	\$ 96,079
24447	Fire Deputy Chief, 1 Year	F7 - 7	\$8,407	\$100,887
24447	Fire Deputy Chief, 1 Year	F7 - 8	\$8,828	\$105,931
24447	Fire Deputy Chief, 1 Year	F7 - 9	\$9,269	\$111,228
24448	Fire Deputy Chief	F7 - 10	\$9,454	\$113,452
44011	Fire Assistant Chief, 1 Year	F8 - 1	\$6,158	\$ 73,895
44011	Fire Assistant Chief, 1 Year	F8 - 2	\$6,466	\$ 77,590
44011	Fire Assistant Chief, 1 Year	F8 - 3	\$6,789	\$ 81,469
44011	Fire Assistant Chief, 1 Year	F8 - 4	\$7,129	\$ 85,543
44011	Fire Assistant Chief, 1 Year	F8 - 5	\$7,485	\$ 89,820
44011	Fire Assistant Chief, 1 Year	F8 - 6	\$7,871	\$ 94,454
44011	Fire Assistant Chief, 1 Year	F8 - 7	\$8,265	\$ 99,176
44011	Fire Assistant Chief, 1 Year	F8 - 8	\$8,678	\$104,135
44011	Fire Assistant Chief, 1 Year	F8 - 9	\$9,112	\$109,342
44011	Fire Assistant Chief, 1 Year	F8 - 10	\$9,570	\$114,841
44011	Fire Assistant Chief, 1 Year	F8 - 11	\$10,049	\$120,583
44011	Fire Assistant Chief, 1 Year	F8 - 12	\$10,551	\$126,613
44011	Fire Assistant Chief, 1 Year	F8 - 13	\$11,079	\$132,943
44011	Fire Assistant Chief, 1 Year	F8 - 14	\$11,633	\$139,591
44011	Fire Assistant Chief	F8 - 15	\$11,865	\$142,382

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
24311	Fire Chief, 1 Year	F9 - 1	\$8,065	\$ 96,783
24311	Fire Chief, 1 Year	F9 - 2	\$8,428	\$101,138
24311	Fire Chief, 1 Year	F9 - 3	\$8,807	\$105,689
24311	Fire Chief, 1 Year	F9 - 4	\$9,234	\$110,808
24311	Fire Chief, 1 Year	F9 - 5	\$9,696	\$116,348
24311	Fire Chief, 1 Year	F9 - 6	\$10,180	\$122,166
24311	Fire Chief, 1 Year	F9 - 7	\$10,690	\$128,274
24311	Fire Chief, 1 Year	F9 - 8	\$11,224	\$134,688
24311	Fire Chief, 1 Year	F9 - 9	\$11,785	\$141,423
24311	Fire Chief, 1 Year	F9 - 10	\$12,374	\$148,494
24311	Fire Chief, 1 Year	F9 - 11	\$12,993	\$155,918
24311	Fire Chief, 1 Year	F9 - 12	\$13,643	\$163,715
24311	Fire Chief, 1 Year	F9 - 13	\$14,325	\$171,900
24311	Fire Chief, 1 Year	F9 - 14	\$15,041	\$180,495
24311	Fire Chief, 1 Year	F9 - 15	\$15,793	\$189,520
24311	Fire Chief, 1 Year	F9 - 16	\$16,583	\$198,996
24311	Fire Chief, 1 Year	F9 - 17	\$17,412	\$208,946
24311	Fire Chief	F9 - 18	\$17,760	\$213,124


The police and fire chiefs will receive any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement for the same length of time that the other police and fire personnel receive the additional holidays under the meet and confer or collective bargaining agreement.


Although pay steps for uniformed staff generally occur in one-year increments, if officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step. Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

Executive
Fire Annual Salary and Pay Progression

The charts below indicate how executive uniformed staff pay will be adjusted for FY2016-2017. Because steps are being dropped and added, executives should NOT focus on the the STEP NUMBERS but rather on the Annual Salary.

These charts should be read left to right to determine pay adjustments. For example, a Fire Deputy Chief who is paid at Step 4 at the end of FY15-16 (F7-4 at \$82,999) will be moved to the F7-5 pay rate (\$91,506) on the FY16-17 pay schedule.

Fire Deputy Chief					
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.			FY16-17	
Fire Deputy Chief	Grade & Step	Annual Salary		Grade & Step	Annual Salary
Fire Deputy Chief, Start	F7 - 1	\$69,437		F7 - 2	\$77,505
Fire Deputy Chief, 1 Year	F7 - 2	\$73,464		F7 - 3	\$82,999
Fire Deputy Chief, 1 Year	F7 - 3	\$77,505		F7 - 4	\$87,150
Fire Deputy Chief, 1 Year	F7 - 4	\$82,999		F7 - 5	\$91,506
Fire Deputy Chief, 1 Year	F7 - 5	\$87,150		F7 - 6	\$96,079
Fire Deputy Chief, 1 Year	F7 - 6	\$91,506		F7 - 7	\$100,887
Fire Deputy Chief, 1 Year	F7 - 7	\$96,079		F7 - 8	\$105,931
Fire Deputy Chief, 1 Year	F7 - 8	\$100,887		F7 - 9	\$111,228
Fire Deputy Chief, 1 Year	F7 - 9	\$105,931		F7 - 10	\$113,453
Fire Deputy Chief, 1 Year	F7 - 10	\$111,228		F7 - 10	\$113,453
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).					

Fire Assistant Chief				
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.			FY16-17
Fire Assistant Chief	Grade & Step	Pay Rate		Grade & Step Pay Rate
Fire Assistant Chief, Start	F8 -1	\$70,376		F8 -2 \$77,590
Fire Assistant Chief, 1 Year	F8 -2	\$73,895		F8 -3 \$81,469
Fire Assistant Chief, 1 Year	F8 -3	\$77,590		F8 -4 \$85,543
Fire Assistant Chief, 1 Year	F8 -4	\$81,469		F8 -5 \$89,820
Fire Assistant Chief, 1 Year	F8 -5	\$85,543		F8 -6 \$94,454
Fire Assistant Chief, 1 Year	F8 -6	\$89,820		F8 -7 \$99,176
Fire Assistant Chief, 1 Year	F8 -7	\$94,454		F8 -8 \$104,135
Fire Assistant Chief, 1 Year	F8 -8	\$99,176		F8 -9 \$109,342
Fire Assistant Chief, 1 Year	F8 -9	\$104,135		F8 -10 \$114,841
Fire Assistant Chief, 1 Year	F8 -10	\$109,342		F8 -11 \$120,583
Fire Assistant Chief, 1 Year	F8 -11	\$114,841		F8 -12 \$126,613
Fire Assistant Chief, 1 Year	F8 -12	\$120,583		F8 -13 \$132,943
Fire Assistant Chief, 1 Year	F8 -13	\$126,613		F8 -14 \$139,591
Fire Assistant Chief, 1 Year	F8 -14	\$132,943		F8 -15 \$142,382
Fire Assistant Chief, 1 Year	F8 -15	\$139,591		F8 -15 \$142,382
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).				

Executive
Fire Annual Salary and Pay Progression

Fire Chief				
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.			FY16-17
Fire Chief	Grade & Step	Annual Salary		Grade & Step Annual Salary
Fire Chief, Start	F9 - 1	\$92,615		F9 - 2 \$101,138
Fire Chief, 1 Year	F9 - 2	\$96,783		F9 - 3 \$105,689
Fire Chief, 1 Year	F9 - 3	\$101,138		F9 - 4 \$110,808
Fire Chief, 1 Year	F9 - 4	\$105,689		F9 - 5 \$116,348
Fire Chief, 1 Year	F9 - 5	\$110,808		F9 - 6 \$122,166
Fire Chief, 1 Year	F9 - 6	\$116,348		F9 - 7 \$128,274
Fire Chief, 1 Year	F9 - 7	\$122,166		F9 - 8 \$134,688
Fire Chief, 1 Year	F9 - 8	\$128,274		F9 - 9 \$141,423
Fire Chief, 1 Year	F9 - 9	\$134,688		F9 - 10 \$148,494
Fire Chief, 1 Year	F9 - 10	\$141,423		F9 - 11 \$155,918
Fire Chief, 1 Year	F9 - 11	\$148,494		F9 - 12 \$163,715
Fire Chief, 1 Year	F9 - 12	\$155,918		F9 - 13 \$171,900
Fire Chief, 1 Year	F9 - 13	\$163,715		F9 - 14 \$180,495
Fire Chief, 1 Year	F9 - 14	\$171,900		F9 - 15 \$189,520
Fire Chief, 1 Year	F9 - 15	\$180,495		F9 - 16 \$198,996
Fire Chief, 1 Year	F9 - 16	\$189,520		F9 - 17 \$208,946
Fire Chief, 1 Year	F9 - 17	\$198,996		F9 - 18 \$213,124
Fire Chief	F9 - 18	\$208,946		F9 - 18 \$213,124
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).				

**CITY OF DALLAS
EXECUTIVE
UNIFORMED POLICE SALARY SCHEDULE**
Effective October 1, 2016

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
46017	Police Major, 1 Year	P6 - 1	\$5,669	\$68,025
46017	Police Major, 1 Year	P6 - 2	\$5,951	\$71,410
46017	Police Major, 1 Year	P6 - 3	\$6,250	\$74,996
46017	Police Major, 1 Year	P6 - 4	\$6,563	\$78,759
46017	Police Major, 1 Year	P6 - 5	\$6,890	\$82,685
46017	Police Major, 1 Year	P6 - 6	\$7,234	\$86,812
46017	Police Major, 1 Year	P6 - 7	\$7,597	\$91,163
46017	Police Major, 1 Year	P6 - 8	\$7,977	\$95,729
46017	Police Major, 1 Year	P6 - 9	\$8,376	\$100,515
46017	Police Major, 1 Year	P6 - 10	\$8,795	\$105,541
46018	Police Major	P6 - 11	\$8,971	\$107,652

24433	Police Deputy Chief, 1 Year	P7 - 1	\$6,122	\$73,464
24433	Police Deputy Chief, 1 Year	P7 - 2	\$6,459	\$77,505
24433	Police Deputy Chief, 1 Year	P7 - 3	\$6,917	\$82,999
24433	Police Deputy Chief, 1 Year	P7 - 4	\$7,262	\$87,150
24433	Police Deputy Chief, 1 Year	P7 - 5	\$7,626	\$91,506
24433	Police Deputy Chief, 1 Year	P7 - 6	\$8,007	\$96,079
24433	Police Deputy Chief, 1 Year	P7 - 7	\$8,407	\$100,887
24433	Police Deputy Chief, 1 Year	P7 - 8	\$8,828	\$105,931
24433	Police Deputy Chief, 1 Year	P7 - 9	\$9,269	\$111,228
24434	Police Deputy Chief	P7 - 10	\$9,454	\$113,452

<u>CLASS CODE</u>	<u>RANK</u>	<u>GRADE- STEP</u>	<u>MONTHLY</u>	<u>ANNUAL</u>
46027	Police Assistant Chief, 1 Year	P8 - 1	\$6,158	\$73,895
46027	Police Assistant Chief, 1 Year	P8 - 2	\$6,466	\$77,590
46027	Police Assistant Chief, 1 Year	P8 - 3	\$6,789	\$81,469
46027	Police Assistant Chief, 1 Year	P8 - 4	\$7,129	\$85,543
46027	Police Assistant Chief, 1 Year	P8 - 5	\$7,485	\$89,820
46027	Police Assistant Chief, 1 Year	P8 - 6	\$7,871	\$94,454
46027	Police Assistant Chief, 1 Year	P8 - 7	\$8,265	\$99,176
46027	Police Assistant Chief, 1 Year	P8 - 8	\$8,678	\$104,135
46027	Police Assistant Chief, 1 Year	P8 - 9	\$9,112	\$109,342
46027	Police Assistant Chief, 1 Year	P8 - 10	\$9,570	\$114,841
46027	Police Assistant Chief, 1 Year	P8 - 11	\$10,049	\$120,583
46027	Police Assistant Chief, 1 Year	P8 - 12	\$10,551	\$126,613
46027	Police Assistant Chief, 1 Year	P8 - 13	\$11,079	\$132,943
46027	Police Assistant Chief, 1 Year	P8 - 14	\$11,633	\$139,591
46028	Police Assistant Chief	P8 - 15	\$11,865	\$142,382

24312	Police Chief, 1 Year	P9 - 1	\$8,065	\$96,783
24312	Police Chief, 1 Year	P9 - 2	\$8,428	\$101,138
24312	Police Chief, 1 Year	P9 - 3	\$8,807	\$105,689
24312	Police Chief, 1 Year	P9 - 4	\$9,234	\$110,808
24312	Police Chief, 1 Year	P9 - 5	\$9,696	\$116,348
24312	Police Chief, 1 Year	P9 - 6	\$10,180	\$122,166
24312	Police Chief, 1 Year	P9 - 7	\$10,690	\$128,274
24312	Police Chief, 1 Year	P9 - 8	\$11,224	\$134,688
24312	Police Chief, 1 Year	P9 - 9	\$11,785	\$141,423
24312	Police Chief, 1 Year	P9 - 10	\$12,374	\$148,494
24312	Police Chief, 1 Year	P9 - 11	\$12,993	\$155,918
24312	Police Chief, 1 Year	P9 - 12	\$13,643	\$163,715
24312	Police Chief, 1 Year	P9 - 13	\$14,325	\$171,900
24312	Police Chief, 1 Year	P9 - 14	\$15,041	\$180,495
24312	Police Chief, 1 Year	P9 - 15	\$15,793	\$189,520
24312	Police Chief, 1 Year	P9 - 16	\$16,583	\$198,996
24312	Police Chief, 1 Year	P9 - 17	\$17,412	\$208,946
24313	Police Chief	P9 - 18	\$17,760	\$213,124


The police and fire chiefs will receive any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement for the same length of time that the other police and fire personnel receive the additional holidays under the meet and confer or collective bargaining agreement.


Although pay steps for uniformed staff generally occur in one-year increments, if officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step. Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

Executive
Police Annual Salary and Pay Progression


The charts below indicate how executive uniformed staff pay will be adjusted for FY2016-2017. Because steps are being dropped and added, executives should NOT focus on the the STEP NUMBERS but rather on the Annual Salary.

These charts should be read left to right to determine pay adjustments. For example, a Police Major who is paid at Step 6 at the end FY15-16 (P6-6 at \$82,685) will be moved to the P6-7 pay rate (\$91,163) on the FY16-17 pay schedule.


Police Major					
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.		FY16-17		
Police Major	Grade & Step	Annual Salary		Grade & Step	Annual Salary
Police Major, Start	P6 - 1	\$63,500		P6 - 2	\$71,410
Police Major, 1 Year	P6 - 2	\$68,025		P6 - 3	\$74,996
Police Major, 1 Year	P6 - 3	\$71,410		P6 - 4	\$78,759
Police Major, 1 Year	P6 - 4	74,996		P6 - 5	\$82,685
Police Major, 1 Year	P6 - 5	78,759		P6 - 6	\$86,812
Police Major, 1 Year	P6 - 6	82,685		P6 - 7	\$91,163
Police Major, 1 Year	P6 - 7	\$86,812		P6 - 8	\$95,729
Police Major, 1 Year	P6 - 8	\$91,163		P6 - 9	\$100,515
Police Major, 1 Year	P6 - 9	\$95,729		P6 - 10	\$105,541
Police Major, 1 Year	P6 - 10	\$100,515		P6 - 11	\$107,653
Police Major	P6 - 11	\$105,541		P6 - 11	\$107,653
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).					

Police Deputy Chief					
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.		FY16-17		
Police Deputy Chief	Grade & Step	Annual Salary		Grade & Step	Annual Salary
Police Deputy Chief, Start	P7 - 1	\$69,437		P7 - 2	\$77,505
Police Deputy Chief, 1 Year	P7 - 2	\$73,464		P7 - 3	\$82,999
Police Deputy Chief, 1 Year	P7 - 3	\$77,505		P7 - 4	\$87,150
Police Deputy Chief, 1 Year	P7 - 4	\$82,999		P7 - 5	\$91,506
Police Deputy Chief, 1 Year	P7 - 5	\$87,150		P7 - 6	\$96,079
Police Deputy Chief, 1 Year	P7 - 6	\$91,506		P7 - 7	\$100,887
Police Deputy Chief, 1 Year	P7 - 7	\$96,079		P7 - 8	\$105,931
Police Deputy Chief, 1 Year	P7 - 8	\$100,887		P7 - 9	\$111,228
Police Deputy Chief, 1 Year	P7 - 9	\$105,931		P7 - 10	\$113,453
Police Deputy Chief	P7 - 10	\$111,228		P7 - 10	\$113,453
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).					

Executive
Police Annual Salary and Pay Progression

Police Assistant Chief					
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.		FY16-17		
Police Assistant Chief	Grade & Step	Annual Salary		Grade & Step	Annual Salary
Police Assistant Chief, Start	P8 - 1	\$70,376		P8 - 2	\$77,590
Police Assistant Chief, 1 Year	P8 - 2	\$73,895		P8 - 3	\$81,469
Police Assistant Chief, 1 Year	P8 - 3	\$77,590		P8 - 4	\$85,543
Police Assistant Chief, 1 Year	P8 - 4	\$81,469		P8 - 5	\$89,820
Police Assistant Chief, 1 Year	P8 - 5	\$85,543		P8 - 6	\$94,454
Police Assistant Chief, 1 Year	P8 - 6	\$89,820		P8 - 7	\$99,176
Police Assistant Chief, 1 Year	P8 - 7	\$94,454		P8 - 8	\$104,135
Police Assistant Chief, 1 Year	P8 - 8	\$99,176		P8 - 9	\$109,342
Police Assistant Chief, 1 Year	P8 - 9	\$104,135		P8 - 10	\$114,841
Police Assistant Chief, 1 Year	P8 - 10	\$109,342		P8 - 11	\$120,583
Police Assistant Chief, 1 Year	P8 - 11	\$114,841		P8 - 12	\$126,613
Police Assistant Chief, 1 Year	P8 - 12	\$120,583		P8 - 13	\$132,943
Police Assistant Chief, 1 Year	P8 -13	\$126,613		P8 -14	\$139,591
Police Assistant Chief, 1 Year	P8 - 14	\$132,943		P8 - 15	\$142,383
Police Assistant Chief	P8 - 15	\$139,591		P8 - 15	142,383
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).					

Executive
Police Annual Salary and Pay Progression

Police Chief					
	IF YOU'RE PAID AT THIS STEP AND ANNUAL SALARY IN FY15-16, your Pay Rates & Steps will progress as follows for FY16-17.		FY16-17		
Police Chief	Grade & Step	Annual Salary		Grade & Step	Annual Salary
Police Chief, Start	P9 - 1	\$92,615		P9 - 2	\$101,138
Police Chief, 1 Year	P9 - 2	\$96,783		P9 - 3	\$105,689
Police Chief, 1 Year	P9 - 3	\$101,138		P9 - 4	\$110,808
Police Chief, 1 Year	P9 - 4	\$105,689		P9 - 5	\$116,348
Police Chief, 1 Year	P9 - 5	\$110,808		P9 - 6	\$122,166
Police Chief, 1 Year	P9 - 6	\$116,348		P9 - 7	\$128,274
Police Chief, 1 Year	P9 - 7	\$122,166		P9 - 8	\$134,688
Police Chief, 1 Year	P9 - 8	\$128,274		P9 - 9	\$141,423
Police Chief, 1 Year	P9 - 9	\$134,688		P9 - 10	\$148,494
Police Chief, 1 Year	P9 - 10	\$141,423		P9 - 11	\$155,918
Police Chief, 1 Year	P9 - 11	\$148,494		P9 - 12	\$163,715
Police Chief, 1 Year	P9 - 12	\$155,918		P9 - 13	\$171,900
Police Chief, 1 Year	P9 -13	\$163,715		P9 -14	\$180,495
Police Chief, 1 Year	P8 - 14	\$171,900		P9 - 15	\$189,520
Police Chief, 1 Year	P8 - 15	\$180,495		P9 - 16	\$198,996
Police Chief, 1 Year	P9 - 16	\$189,520		P9 - 17	\$208,946
Police Chief, 1 Year	P9 -17	\$198,996		P9 -18	\$213,125
Police Chief	P9 - 18	\$208,946		P9 - 18	\$213,125
Executives will have their pay adjusted effective on their normal pay step increase date (anniversary of their hire date or anniversary of their promotion date).					

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 5, 7

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 48Y

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road; **(2)** the receipt and deposit of funds from the Texas Department of Transportation in the amount of \$21,346; and **(3)** the establishment of appropriations in the amount of \$21,346 in the Texas Department of Transportation Grant Fund - Not to exceed \$21,346 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The City of Dallas was awarded grant funding totaling \$6.17 million from the 2015 Highway Safety Improvement Program (HSIP) administered by the Texas Department of Transportation (TxDOT) to upgrade several high accident intersections in the City of Dallas. After further TxDOT review, TxDOT awarded the City an additional intersection (Loop 12 and Scyene Road) for safety improvements and traffic signal replacement.

TxDOT will advertise for construction in February 2017. Intersection improvements will include upgrades to pedestrian features, signage, pavement markings and reconstruction of traffic signals.

To remain consistent with other equipment in the city-wide system, the City of Dallas will provide labor and material for installation of traffic signal controllers, controller cabinets, traffic signs and other traffic control equipment for the project. TxDOT has agreed to reimburse the City for 100% of the above cost which includes labor and material.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	June 2017
Complete Construction	February 2018

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - \$21,345.28

<u>Council District</u>	<u>Amount</u>
5	\$ 16,008.96 (75% of the intersection)
7	<u>\$ 5,336.32</u> (25% of the intersection)
Total	\$ 21,345.28

MAP

Attached

This map illustrates the 14 numbered precincts of Dallas, Texas. The precincts are color-coded and numbered as follows:

- Precinct 1:** Red, located in the central-eastern part of the city.
- Precinct 2:** Cyan, located in the central-western part of the city.
- Precinct 3:** Yellow, located in the western part of the city.
- Precinct 4:** Blue, located in the central-southern part of the city.
- Precinct 5:** Pink, located in the southern part of the city.
- Precinct 6:** Orange, located in the western part of the city.
- Precinct 7:** Green, located in the southern part of the city.
- Precinct 8:** Light green, located in the southern part of the city.
- Precinct 9:** Light pink, located in the eastern part of the city.
- Precinct 10:** Red, located in the eastern part of the city.
- Precinct 11:** Light blue, located in the northern part of the city.
- Precinct 12:** Blue, located in the northern part of the city.
- Precinct 13:** Purple, located in the central part of the city.
- Precinct 14:** Light blue, located in the central part of the city.

The map also shows major highways, streets, and geographical features. A red dot is located in Precinct 5, near the intersection of Military and Scyene roads.

Map by Transportation GIS, November 2016

January 11, 2017

WHEREAS, the Texas Department of Transportation (TxDOT) will provide reimbursement to the City of Dallas for material and labor costs incurred for traffic signal improvements at one on-system location at Loop 12 (Buckner Boulevard) and Scyene Road; and,

WHEREAS, TxDOT will reimburse 100% of labor and material costs in an amount not to exceed \$21,345.28; and,

WHEREAS, the City of Dallas desires to enter into an agreement with TxDOT to receive cost reimbursement for material and labor costs incurred for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road, in the amount of \$21,345.28.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration (Agreement number CSJ #0581-01-144/CFDA No. 20.205) for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road, in the amount of \$21,345.28 after it has been approved as to form by the City Attorney. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$21,345.28 in Fund F8FT, Dept. STS, Unit 88FT, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$21,345.28 in Fund F8FT, Dept. STS, Unit 88FT, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FT16.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F8FT, Dept. STS, Unit 88FT, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FT16, in an amount not to exceed \$21,345.28.

January 11, 2017

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and 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 granting agency monitoring reports not later than 30 days after the receipt of the report.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 42 R V

SUBJECT

Authorize a Project Specific Agreement to the Master Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard - Not to exceed \$6,305,000 - Financing: General Obligation Commercial Paper Funds (\$3,090,498), 2006 Bond Funds (\$2,709,502) and Water Utilities Capital Construction Funds (\$505,000)

BACKGROUND

Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard Project is a partnership project between the City of Dallas and Dallas County. This project was submitted and subsequently selected in Dallas County's Major Capital Improvement Program (MCIP) Third Call for Projects in 2004, and the cost of the project is to be split 50/50 between the City and Dallas County. This action will authorize a Project Specific Agreement with and payment to Dallas County for the City's share of design and construction costs associated with the project.

The project is defined as a new roadway extension of Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard across the Union Pacific railroad tracks with a new bridge and widening 1500 linear feet of Vinson Road north of the bridge. The bridge section will be four lanes divided and the roadway section will consist of five lanes with a two way left turn lane. This project will also provide a new traffic signal at the intersection of Cockrell Hill Road/Weisenberger Drive and Singleton Boulevard, sidewalks, drainage improvements, and water and wastewater upgrades. Dallas County is the lead/implementing agency responsible for administering the design and construction. The design for this project is near completion and Dallas County is working on right-of-way acquisition and utility relocations. Construction is estimated to commence in Spring 2018. The current estimated project cost including design, right-of-way acquisition, and construction is \$12,105,000.

BACKGROUND (Continued)

The City of Dallas is responsible for \$6,305,000 of which \$505,000 is for Dallas Water Utilities' water and wastewater improvements. Dallas County is responsible for the remaining project costs of \$5,800,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2010
Complete Design	January 2017
Complete Property Acquisition	March 2017
Complete Utility Relocation	December 2017
Begin Construction	March 2018
Complete Construction	April 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Master Agreement with Dallas County governing Major Capital Improvement Program on January 10, 2001, by Resolution No. 01-0104.

Authorized submission, acceptance, and implementation of the City of Dallas candidate projects for Dallas County's MCIP Third Call for Projects on August 27, 2003, by Resolution No. 03-2345.

Authorized a new Master Agreement with Dallas County governing Major Capital Improvement Program on April 13, 2011, by Resolution No. 11-0927.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

General Obligation Commercial Paper Funds (2006 Bond Program) - \$3,090,498.25
2006 Bond Funds - \$2,709,501.75
Water Utilities Capital Construction Funds - \$505,000.00

FISCAL INFORMATION (Continued)

City's share

Engineering Design (this action)	\$ 762,500.00
Union Pacific Railroad Agreement (this action)	\$ 925,000.00
Right-of-way Acquisition (this action)	\$ 175,000.00
Utility Relocations (this action)	\$ 75,000.00
Construction (Water) - DWU (this action)	\$ 505,000.00
Construction (Paving & Drainage) - STS (this action)	<u>\$3,862,500.00</u>
Total	\$6,305,000.00

County's share

Engineering Design	\$ 762,500.00
Union Pacific Railroad Agreement	\$ 925,000.00
Right-of-way Acquisition	\$ 175,000.00
Utility Relocations	\$ 75,000.00
Construction (Paving & Drainage) - STS	<u>\$3,862,500.00</u>
Total	\$5,800,000.00

Total Estimated Project Costs	\$12,105,000.00
-------------------------------	-----------------

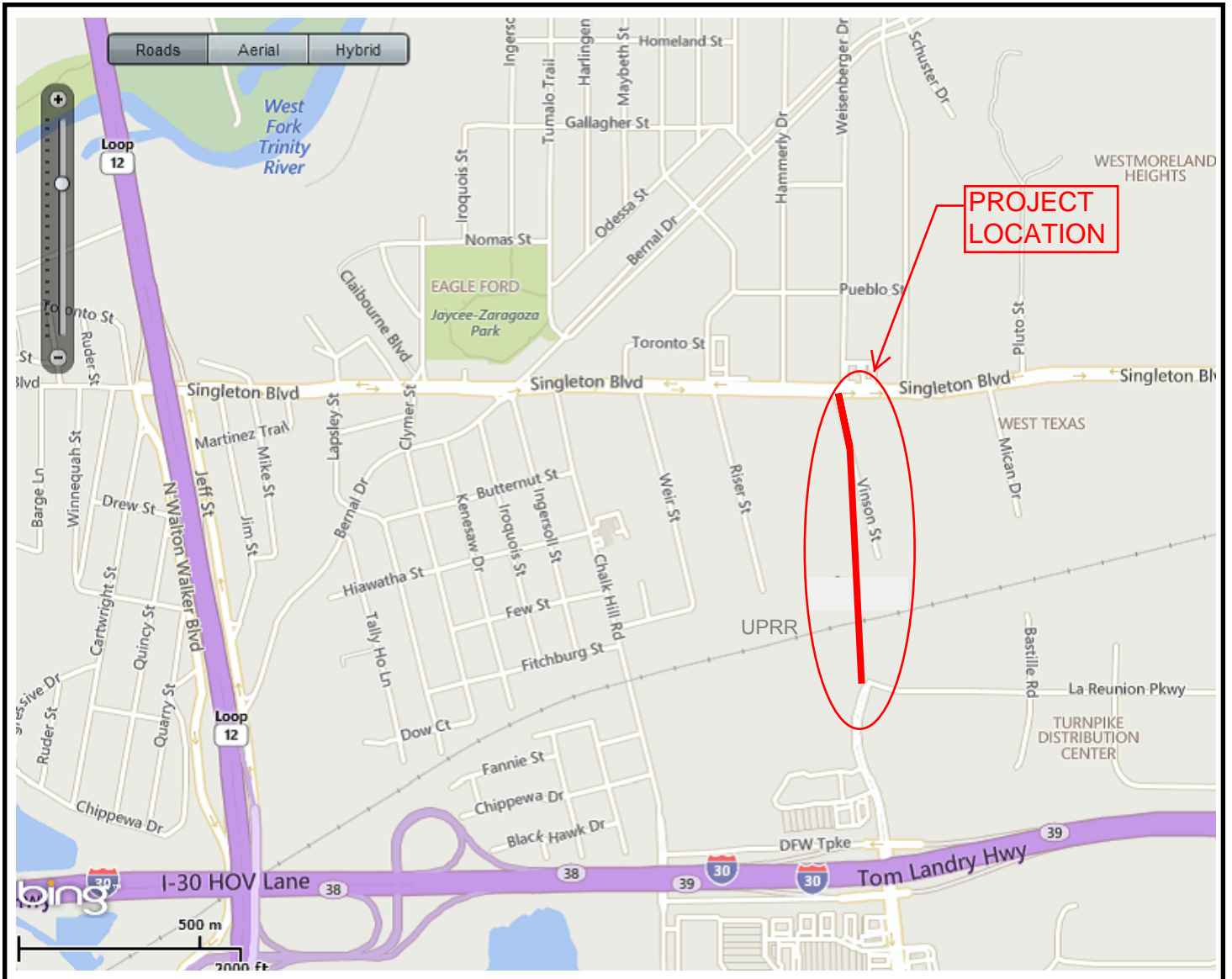
Project Share Cost

City of Dallas (STS)	\$5,800,000.00
City of Dallas (DWU)	\$ 505,000.00
Dallas County	\$5,800,000.00

MAP

Attached.

COCKRELL HILL ROAD PROJECT FROM LA REUNION PARKWAY TO SINGLETON BOULEVARD



MAPSCO 42R & 42V

January 11, 2017

WHEREAS, on January 10, 2001, Resolution No. 01-0104 authorized a Master Agreement with Dallas County governing Major Capital Improvement Program (MCIP) to be jointly funded and developed by Dallas County and the City of Dallas; and,

WHEREAS, on August 27, 2003, Resolution No. 03-2345 authorized submission, acceptance, and implementation of the City of Dallas candidate projects for the Dallas County's MCIP Third Call for Projects; and,

WHEREAS, Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard was selected for participation and funding by the Dallas County's MCIP Third Call for Projects in 2004; and,

WHEREAS, on April 13, 2011, Resolution No. 11-0927 authorized a new Master Agreement with Dallas County governing MCIP with Dallas County; and,

WHEREAS, Dallas County is the lead agency for administering the design and construction of the Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard project; and,

WHEREAS, it is now necessary to authorize the Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund
Fund 2T22, Department STS, Unit U205, Act. INGV
Obj 4510, Program #PB06U205, CT STS06U205D1
Vendor #014003, in an amount not to exceed

\$ 209,644.59

January 11, 2017

Street and Transportation Improvements Fund Fund 3T22, Department STS, Unit U205, Act. INGV Obj 4510, Program #PB06U205, CT STS06U205D1 Vendor #014003, in an amount not to exceed	\$2,499,857.16
Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit U205, Act. INGV Obj 4510, Program #PB06U205, CT STS06U205D1 Vendor #014003, in an amount not to exceed	\$3,090,498.25
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj 3222, Program #714146X, CT DWU714146EN Vendor #014003, in an amount not to exceed	\$ 4,000.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj 3221, Program #714145X, CT DWU714145EN Vendor #014003, in an amount not to exceed	\$ 20,000.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj 4560, Program #714146, CT DWU714146CP Vendor #014003, in an amount not to exceed	\$ 220,310.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj 4550 Program #714145, CT DWU714145CP Vendor #014003, in an amount not to exceed	<u>\$ 260,690.00</u>
Total amount not to exceed	\$6,305,000.00

Section 3. That the Chief Financial Officer is hereby authorized to deposit any unused Bond Funds advanced to Dallas County pertaining to the project into Fund 4T22, Department STS, Unit U205, Object 4510.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 23R 24N 34A 42G

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Palacios Avenue from Ottawa Road to Canada Drive was requested by property owner petition and accepted on April 24, 2007. The alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane was requested by property owner petition and accepted on December 14, 2007. The alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane was requested by property owner petition and accepted on May 27, 2008. The alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane was requested by property owner petition and accepted on November 17, 2010. All of these projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvement will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alleys with 10-foot wide concrete pavement; drainage improvements and water 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

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

Design	\$ 109,355.50
Construction	
Paving&Drainage (MSS)	\$1,030,285.00 (est.)
Water & Wastewater (WTR)	<u>\$ 527,324.30 (est.)</u>
Total Project Cost	\$1,666,964.80 (est.)

<u>Council District</u>	<u>Amount</u>
6	\$1,432,744.30 (est.)
13	<u>\$ 124,865.00 (est.)</u>
Total	\$1,557,609.30 (est.)

This project does involve assessments.

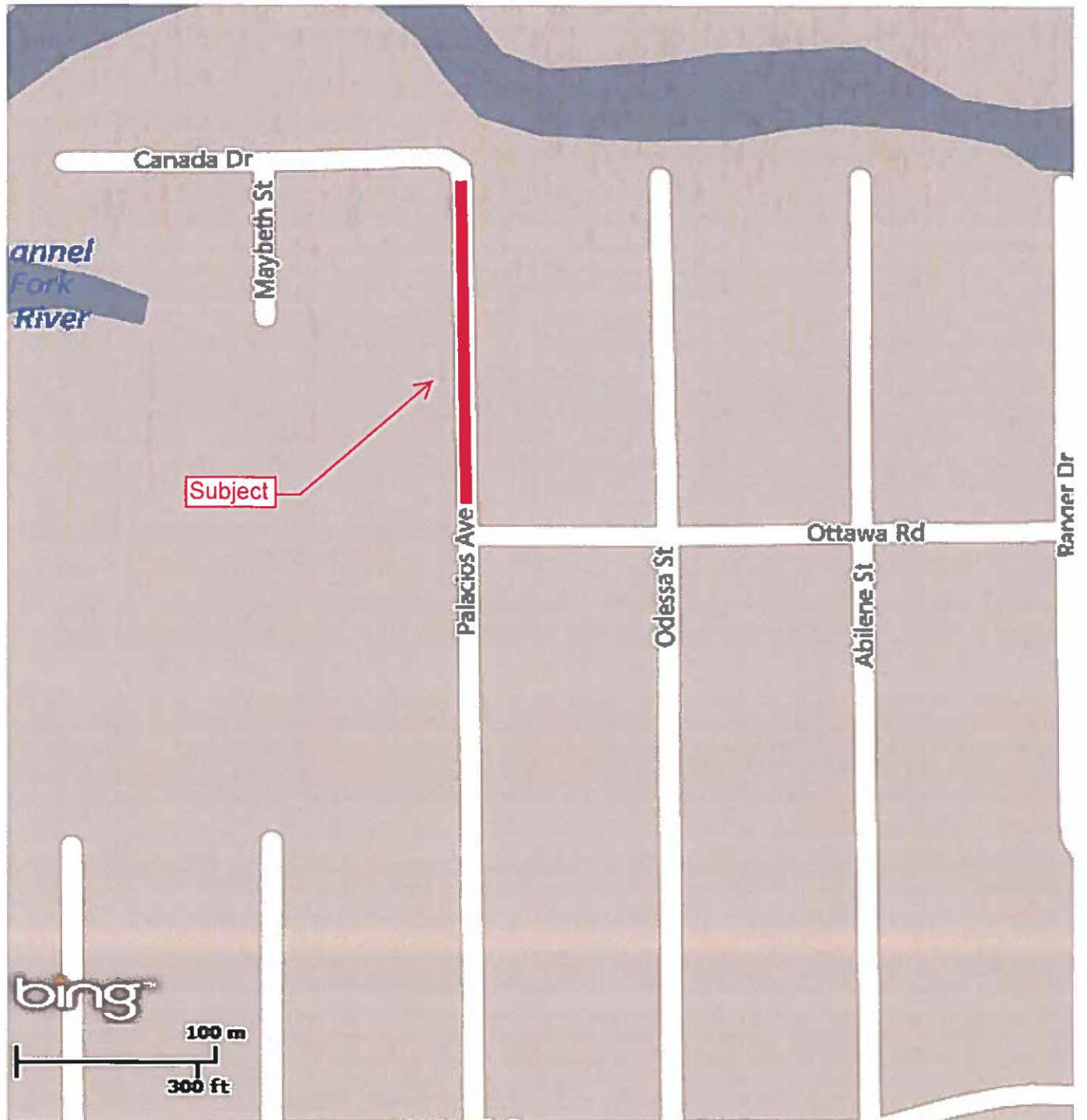
MAPS

Attached.

Project Group 12-3001

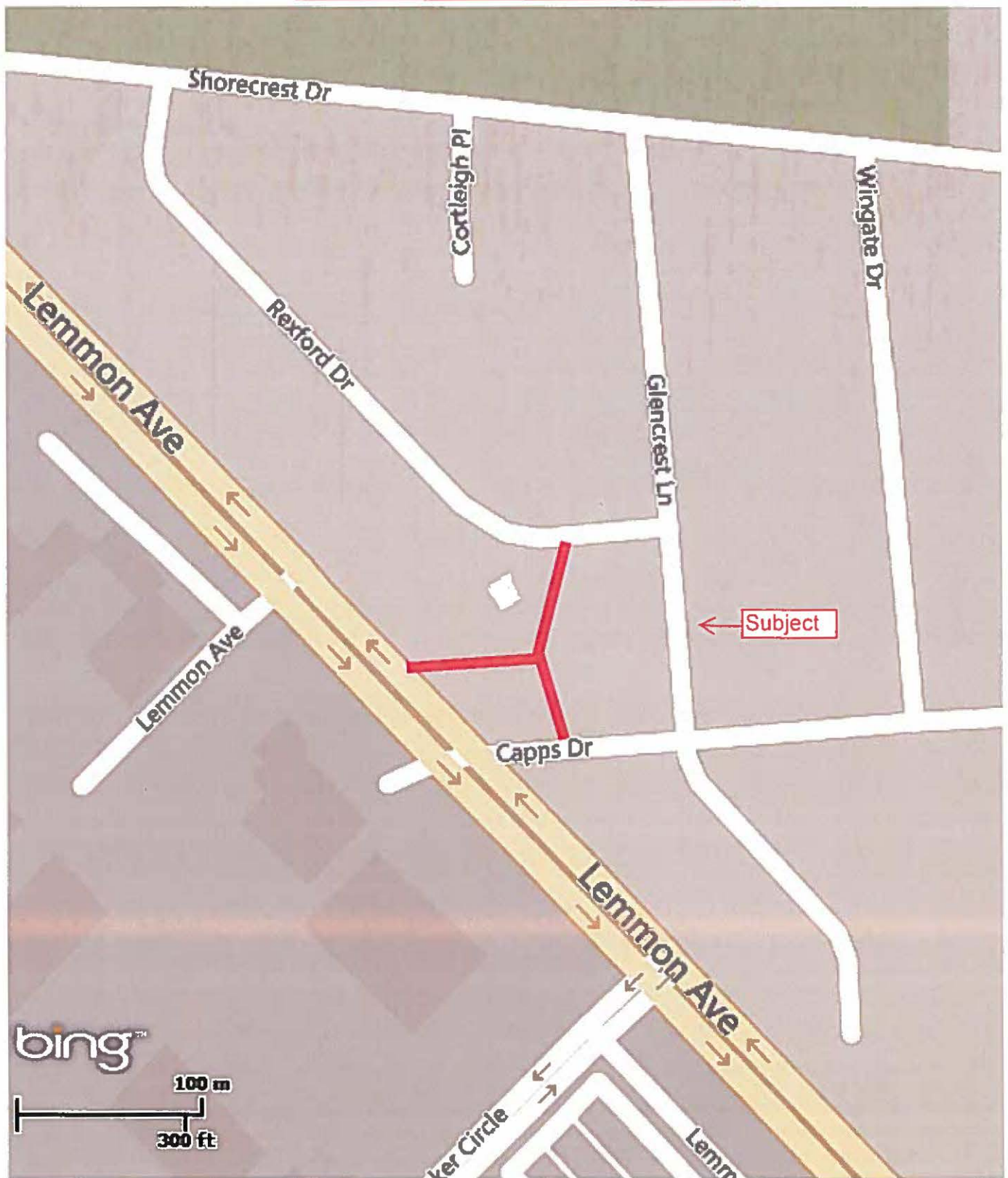
<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Palacios Avenue	from Ottawa Road to Canada Drive	6
Alley between Capps Drive and Rexford Drive	from Lemmon Avenue parallel to Glencrest Lane	13
Alley between Hurley Way and Lenel Place	from Williamsburg Road to "T" alley south of Walnut Hill Lane	6
Alley between Manana Drive and Park Lane	from Larga Drive to Marsh Lane	6

PROJECT GROUP 12-3001



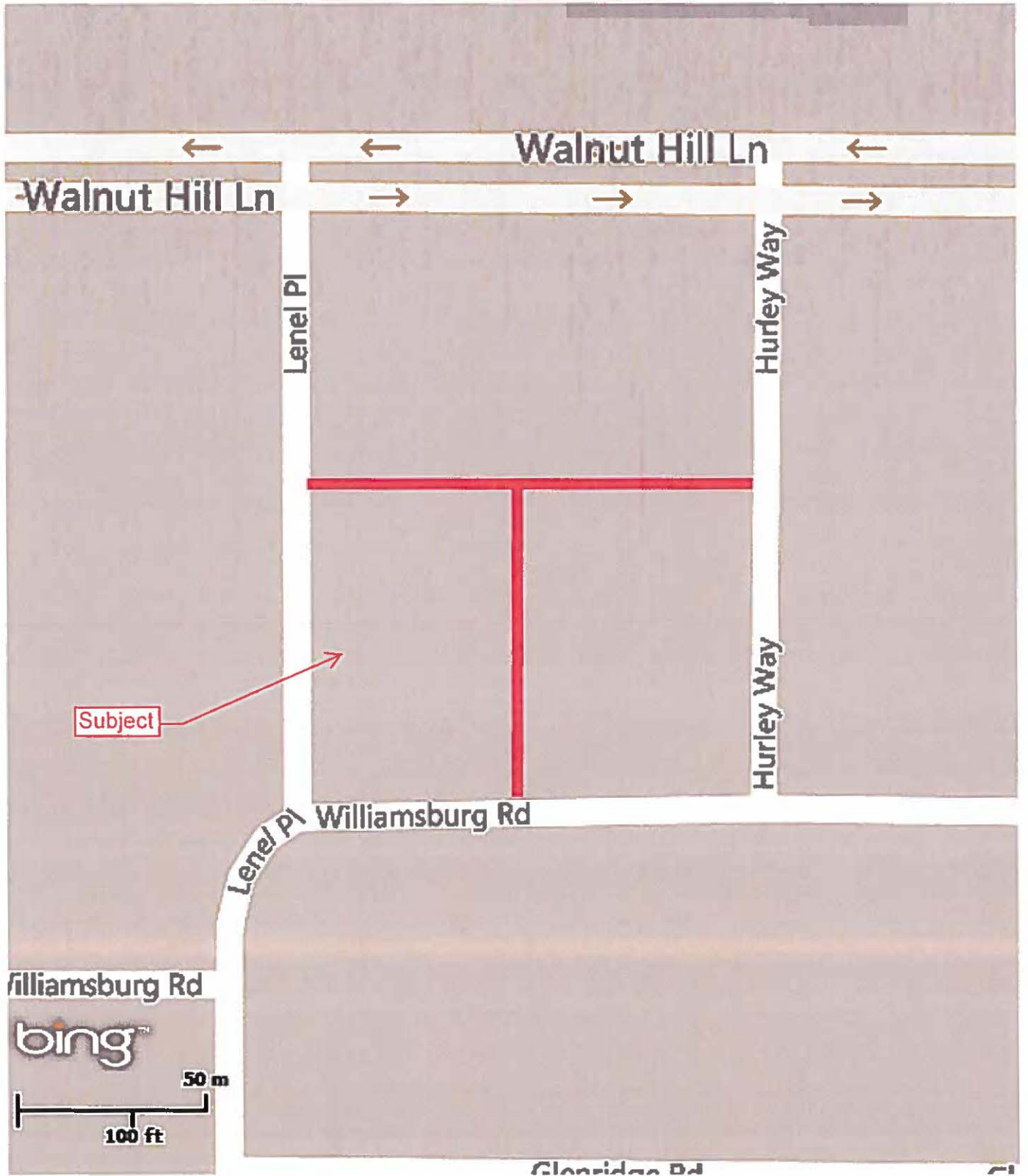
MAPSCO 42G

PROJECT GROUP 12-3001



MAPSCO 34A

PROJECT GROUP 12-3001



MAPSCO 24N

PROJECT GROUP 12-3001



MAPSCO 23R

January 11, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street and alleys within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street and alleys

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

shall be improved in the following manner, to wit:

(1) That said street and alleys shall be profiled so as to bring same to design grade.

(2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and,

(3) That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

January 11, 2017

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said street and alleys with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

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 an 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.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

January 11, 2017

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____ has ordered and directed that the following street in said City be improved, to wit:

Project Group 12-3001

1. Palacios Avenue from Ottawa Road to Canada Drive

West Side of Street			East Side of Street		
<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Joe A Irwin 2	2/7163	12	Joe A Irwin 2	3/7163	1
Joe A Irwin 2	2/7163	11	Joe A Irwin 2	3/7163	2
Joe A Irwin 2	2/7163	10	Joe A Irwin 2	3/7163	3
Joe A Irwin 2	2/7163	9	Joe A Irwin 2	3/7163	4
Joe A Irwin 2	2/7163	8	Joe A Irwin 2	3/7163	5
Joe A Irwin 2	2/7163	19	Joe A Irwin 2	3/7163	6
Joe A Irwin 2	2/7163	18	Joe A Irwin 2	3/7163	7
Joe A Irwin 2	2/7163	17	Joe A Irwin 2	3/7163	8
Joe A Irwin 2	2/7163	16	Joe A Irwin 2	3/7163	9
Joe A Irwin 2	2/7163	15	Joe A Irwin 2	3/7163	10
Joe A Irwin 2	2/7163	13&14	Joe A Irwin 2	3/7163	11
			Joe A Irwin 2	3/7163	12
			Joe A Irwin 2	3/7163	13
			Joe A Irwin 2	3/7163	14

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue to parallel to Glencrest Lane

Northwest Side of Alley			East Side of Alley		
<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>	<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Shore Crest Terrace	3/5065	10	Shore Crest Terrace	3/5065	5
Shore Crest Terrace	3/5065	9	Shore Crest Terrace	3/5065	4
Shore Crest Terrace	3/5065	6	Shore Crest Terrace	3/5065	3
			Shore Crest Terrace	3/5065	1
Southwest Side of Alley					
<u>Subdivision</u>					
Shore Crest Terrace	3/5065	7			
Shore Crest Terrace	3/5065	8			

3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane

West Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Glenridge Estate 3	C/6220	8
Glenridge Estate 3	C/6220	9
Glenridge Estate 3	C/6220	10
Glenridge Estate 3	C/6220	11

East Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Glenridge Estate 3	C/6220	4
Glenridge Estate 3	C/6220	5
Glenridge Estate 3	C/6220	6
Glenridge Estate 3	C/6220	7

North Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Glenridge Estate 3	C/6220	1
Glenridge Estate 3	C/6220	2
Glenridge Estate 3	C/6220	3

4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

North Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Brownwood Park	E/6144	1
Brownwood Park	E/6144	3
Brownwood Park	E/6144	4
Brownwood Park	E/6144	5
Brownwood Park	E/6144	6
Brownwood Park	E/6144	7
Brownwood Park	E/6144	8
Brownwood Park	E/6144	9
Brownwood Park	E/6144	10
Brownwood Park	E/6144	11
Brownwood Park	E/6144	12
Brownwood Park	E/6144	13
Brownwood Park	E/6144	14
Brownwood Park	E/6144	15
Brownwood Park	E/6144	16
Brownwood Park	E/6144	17
Brownwood Park	E/6144	18
Brownwood Park	E/6144	19
Brownwood Park	E/6144	20
Brownwood Park	E/6144	21

South Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Walnut Hill Estates	26/6144	20
Walnut Hill Estates	26/6144	19
Walnut Hill Estates	26/6144	18
Walnut Hill Estates	26/6144	17
Walnut Hill Estates	26/6144	16
Walnut Hill Estates	26/6144	15
Walnut Hill Estates	26/6144	14
Walnut Hill Estates	26/6144	13
Walnut Hill Estates	26/6144	12
Walnut Hill Estates	26/6144	11
Walnut Hill Estates	26/6144	10
Walnut Hill Estates	26/6144	9
Walnut Hill Estates	26/6144	8
Walnut Hill Estates	26/6144	7
Walnut Hill Estates	26/6144	6
Walnut Hill Estates	26/6144	5
Walnut Hill Estates	26/6144	4
Walnut Hill Estates	26/6144	3
Walnut Hill Estates	26/6144	2
Walnut Hill Estates	26/6144	1

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

January 11, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

for a part of the cost of improving said street and alleys, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alleys enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

January 11, 2017

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and alleys, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$1,557,609.30 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$18.24/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

January 11, 2017

Where Property Classification is WSR-I (R-5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90.00/L. F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **22nd** day of **February**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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

January 11, 2017

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of Project Group 12-3001. That said street shall be paved curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and that said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade and with estimates of the cost of improving the street and alley as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Total Property Owners' Cost - Assessments	\$121,249.29
Total Estimated City of Dallas' Cost - Paving	\$206,490.71
Total Estimated City of Dallas' Cost - Drainage	\$72,950.00
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$223,572.16
Total Estimated City of Dallas' Cost	\$503,012.87
Total Estimated Cost of Improvements	\$624,262.16

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane

Total Property Owners' Cost - Assessments	\$11,018.47
Total Estimated City of Dallas' Cost - Paving	\$113,846.53
Total Estimated City of Dallas' Cost	\$113,846.53
Total Estimated Cost of Improvements	\$124,865.00

3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane

Total Property Owners' Cost - Assessments	\$16,452.48
Total Estimated City of Dallas' Cost - Paving	\$155,247.52
Total Estimated City of Dallas' Cost	\$155,247.52
Total Estimated Cost of Improvements	\$171,700.00

4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

Total Property Owners' Cost - Assessments	\$47,357.14
Total Estimated City of Dallas' Cost - Paving	\$262,172.86
Total Estimated City of Dallas' Cost - Drainage	\$23,500.00
Total Estimated Water Utilities Department Cost Water Main Improvements	\$303,752.14
Total Estimated City of Dallas' Cost	\$589,425.00
Total Estimated Cost of Improvements	\$636,782.14

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

Grand Total Property Owners' Cost - Assessments \$196,077.38

Estimated Grand Total City of Dallas' Cost - Paving \$737,757.62

Estimated Grand Total City of Dallas' Cost - Drainage \$96,450.00

Estimated Grand Total Water Utilities Department Cost \$527,324.30
Water and Wastewater Main Improvements

Estimated Grand Total City of Dallas' Cost \$1,361,531.92

Estimated Grand Total Cost of Improvements \$1,557,609.30

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



Director, Mobility and Street Services Department

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET							
<i>JOE A IRWIN 2</i>							
JESUS V MASCORRO	12	2/7163	83	FT PVMT	\$90.00	\$7,470.00	
4028 HAMMERLY DR	4107		57	FT WALK	\$9.43	\$537.51	
DALLAS, TX 75212	Palacios Ave		24.4	SY DR(15'Wide)	\$47.21	\$1,151.92	
							\$9,159.43
REYNALDO MARTINEZ & SYLVIA MARTINEZ	11	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4111 PALACIOS AVE			35	FT WALK	\$9.43	\$330.05	
DALLAS, TX 75212			12	FT DRIVE	No Cost	\$0.00	
							\$4,830.05
REYNALDO MARTINEZ & SYLVIA MARTINEZ	10	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4111 PALACIOS AVE	4115		50	FT WALK	\$9.43	\$471.50	
DALLAS, TX 75212	Palacios Ave						\$4,971.50
PAUL ALEMAN JR & MARGARITA ALEMAN	9	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4564 CEDAR PATH DR	4119		50	FT WALK	\$9.43	\$471.50	
DALLAS, TX 75211	Palacios Ave						\$4,971.50
SUSANA BARJAS	8	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4123 PALACIOS AVE			31	FT WALK	\$9.43	\$292.33	
DALLAS, TX 75212			14	FT DRIVE	No Cost	\$0.00	
							\$4,792.33

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
JOE A IRWIN							
CLAUDIA T PRECIADO	19	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4127 PALACIOS AVE			17	FT WALK	\$9.43	\$160.31	
DALLAS, TX 75212			16.3	SY DR(12'Wide)	\$47.21	\$769.52	
							\$5,429.83
DANIEL ESTRADA	18	2/7163	50	FT PVMT	\$90.00	\$4,500.00	
4131 PALACIOS AVE			34	FT WALK	\$9.43	\$320.62	
DALLAS, TX 75212			21.3	SY DR(15'Wide)	\$47.21	\$1,005.57	
							\$5,826.19
DALIA SANCHEZ & SAUL SORIA	17	2/7163	40	FT PVMT	\$90.00	\$3,600.00	
4809 BERNAL DR	4135		24	FT WALK	\$9.43	\$226.32	
DALLAS, TX 75212	Palacios Ave		16	FT DRIVE	No Cost	\$0.00	
							\$3,826.32
BRENDA HINOJOSA	16	2/7163	39	FT PVMT	\$90.00	\$3,510.00	
4146 MAYBETH ST	4139		39	FT WALK	\$9.43	\$367.77	
DALLAS, TX 75212	Palacios Ave						
							\$3,877.77
JOSE A ESCAMILLA	15	2/7163	38	FT PVMT	\$90.00	\$3,420.00	
4143 PALACIOS AVE			25	FT WALK	\$9.43	\$235.75	
DALLAS, TX 75212			17.7	SY DR(12'Wide)	\$47.21	\$835.62	
							\$4,491.37

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
JOE A IRWIN 2						
JUSTO HERNANDEZ	13 & 14	2/7163	88 FT PVMT	\$90.00	\$7,920.00	
CONNIE HERNANDEZ			63 FT WALK	\$9.43	\$594.09	
4147 PALACIOS AVE			24.4 SY DR(15'Wide)	\$47.21	\$1,151.92	
DALLAS, TX 75212						\$9,666.01
EAST SIDE OF STREET						
SAUL SORIA	1	3/7163	45 FT WALK	\$9.43	\$424.35	
4142 PALACIOS AVE	4154					\$424.35
DALLAS, TX 75212	Palacios Ave					
SAUL SORIA	2	3/7163	34 FT PVMT	\$90.00	\$3,060.00	
4142 PALACIOS AVE	4150		34 FT WALK	\$9.43	\$320.62	
DALLAS, TX 75212	Palacios Ave		17.7 SY DR(12'Wide)	\$47.21	\$835.62	
						\$4,216.24
SAUL SORIA	3	3/7163	35 FT PVMT	\$90.00	\$3,150.00	
4142 PALACIOS AVE	4146		35 FT WALK	\$9.43	\$330.05	
DALLAS, TX 75212	Palacios Ave					\$3,480.05
SAUL SORIA & DALIA SORIA	4	3/7163	42 FT PVMT	\$90.00	\$3,780.00	
4809 BERNAL DR	4142		22 FT WALK	\$9.43	\$207.46	
DALLAS, TX 75212	Palacios Ave					\$3,987.46

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
JOE A IRWIN 2							
DALIA SANCHEZ	5	3/7163	42	FT PVMT	\$90.00	\$3,780.00	
4809 BERNAL DR	4138		42	FT WALK	\$9.43	\$396.06	
DALLAS, TX 75212	Palacios Ave						\$4,176.06
DALIA SANCHEZ	6	3/7163	44	FT PVMT	\$90.00	\$3,960.00	
4809 BERNAL DR	4134		44	FT WALK	\$9.43	\$414.92	
DALLAS, TX 75212	Palacios Ave						\$4,374.92
FRANCISCO SANCHEZ	7	3/7163	45	FT PVMT	\$90.00	\$4,050.00	
4130 PALACIOS AVE			27	FT WALK	\$9.43	\$254.61	
DALLAS, TX 75212			18.4	SY DR(13'Wide)	\$47.21	\$868.66	
							\$5,173.27
FRANCISCO SANCHEZ	8	3/7163	45	FT PVMT	\$90.00	\$4,050.00	
4130 PALACIOS AVE	4126		45	FT WALK	\$9.43	\$424.35	
DALLAS, TX 75212	Palacios Ave						\$4,474.35
ROY L THORNE	9	3/7163	47	FT PVMT	\$90.00	\$4,230.00	
P O BOX 566	4122		29	FT WAK	\$9.43	\$273.47	
DESOTO, TX 75123	Palacios Ave		18.9	SY DR(13'Wide)	\$47.21	\$892.27	
							\$5,395.74

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
JOE E IRWIN 2						
RUBEN C MAGANA TR & MARY V MAGANA TR 4118 PALACIOS AVE DALLAS, TX 75212	10	3/7163	48 FT PVMT 32 FT WALK 16 FT DRIVE	\$90.00 \$9.43 No Cost	\$4,320.00 \$301.76 \$0.00	\$4,621.76
BENITO HERNANDEZ 4114 PALACIOS AVE DALLAS, TX 75212	11	3/7163	50 FT PVMT 38 FT WALK 12 FT DRIVE	\$90.00 \$9.43 No Cost	\$4,500.00 \$358.34 \$0.00	\$4,858.34
QUIRINO MEDINA 5230 BRYCE CANYON RD DALLAS, TX 75211	12 4110	3/7163 Palacios Ave	49 FT PVMT 49 FT WALK	\$90.00 \$9.43	\$4,410.00 \$462.07	\$4,872.07
RAFAEL MEDINA 3126 HAMMERLY DR DALLAS, TX 75212	13 4106	3/7163 Palacios Ave	48 FT PVMT 36 FT WALK 12 DRIVE	\$90.00 \$9.43 No Cost	\$4,320.00 \$339.48 \$0.00	\$4,659.48
BEATRICE ORNELAS 4102 PALACIOS AVE DALLAS, TX 75212	14	3/7163	49 FT PVMT 30 FT WALK 19 FT DRIVE	\$90.00 \$9.43 No Cost	\$4,410.00 \$282.90 \$0.00	\$4,692.90

PROJECT GROUP 12-3001

1. PALACIOS AVENUE FROM OTTAWA ROAD TO CANADA DRIVE

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$121,249.29
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$206,490.71	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$72,950.00	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$223,572.16	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$503,012.87
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$624,262.16

PROJECT GROUP 12-3001

**2. ALLEY BETWEEN CAPPS DRIVE AND REXFORD DRIVE FROM LEMMON AVENUE
PARALLEL TO GLENCREST LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTHWEST SIDE OF ALLEY						
<i>SHORE CREST TERRACE</i>						
D MICHAEL CANNADY REVOCABLE TRUST 8723 REXFORD DR DALLAS, TX 75209	10	3/5065	34 FT PMVT	\$18.24	\$620.16	\$620.16
ROBERT L SORRELLS TRUST 8201 PRESTON RD STE 520 DALLAS, TX 75225	9 8719 Rexford Dr	3/5065	62 FT PMVT	\$18.24	\$1,130.88	\$1,130.88
THOMAS L ARNOLD LANA M ARNOLD 8715 REXFORD DR DALLAS, TX 75209	6	3/5065	52 FT PMVT	\$18.24	\$948.48	\$948.48
EAST SIDE OF ALLEY						
TRAVIS B SINGLETON 8623 GLENCREST LN DALLAS, TX 75209	5 Acs. 0.230	3/5065	57 FT PMVT	\$18.24	\$1,039.68	\$1,039.68
CHANNING E MILFELD & CHRISTOPHER P MILFELD 8619 GLENCREST LN DALLAS, TX 75209	4	3/5065	63 FT PMVT	\$18.24	\$1,149.12	\$1,149.12
THE BROYLES GROUP LLC 25 HIGHLAND PARK VLG #100 DALLAS, TX 75205	3 8615 Glencrest Ln	3/5065	61 FT PMVT	\$18.24	\$1,112.64	\$1,112.64

PROJECT GROUP 12-3001

**2. ALLEY BETWEEN CAPPS DRIVE AND REXFORD DRIVE FROM LEMMON AVENUE
PARALLEL TO GLENCREST LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
SHORE CREST TERRACE						
JASON & YVETTE COFFMAN 8609 GLENCREST LN DALLAS, TX 75209	2	3/5065	63 FT PMVT 20 FT DRIVE	\$18.24 No Cost	\$1,149.12 \$0.00	\$1,149.12
DENNIS SCOTT DAVIS JR & COURTENAY L DAVIS 8603 GLENCREST LN DALLAS, TX 75209	1	3/5065	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
SOUTHWEST SIDE OF ALLEY						
MARIVILLA M PARRAMORE & DAVID PARRAMORE 3843 CAPPS DR DALLAS, TX 75209	7	3/5065	57 FT PMVT 6.6 SY DR(15'Wide)	\$18.24 \$47.21	\$1,039.68 \$311.59	\$1,351.27
SING YEE POONG & NYOK CHING CHEONG 4401 LONE TREE DRIVE PLANO, TX 75093	8 3839 Capps Dr	3/5065	78 FT PMVT	\$18.24	\$1,422.72	\$1,422.72

PROJECT GROUP 12-3001

**2. ALLEY BETWEEN CAPPS DRIVE AND REXFORD DRIVE FROM
LEMMON AVENUE PARALLEL TO GLENCREST LANE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$11,018.47
---	-------------

ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$113,846.53
---	--------------

ESTIMATED TOTAL CITY OF DALLAS' COST	\$113,846.53
--------------------------------------	--------------

ESTIMATED TOTAL COST OF IMPROVEMENTS	\$124,865.00
--------------------------------------	--------------

PROJECT GROUP 12-3001

**3. ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD
TO "T" ALLEY SOUTH OF WALNUT HILL LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF ALLEY						
<i>GLENRIDGE ESTATES 3</i>						
SALVADOR IMPASTATO & LORI IMPASTATO 9918 LENEL PL DALLAS, TX 75220	8	C/6620	76 FT PVMT	\$18.24	\$1,386.24	\$1,386.24
ELINORE C GONDOLF 9922 LENEL PL DALLAS, TX 75220	9	C/6220	70 FT PVMT	\$18.24	\$1,276.80	\$1,276.80
BLAIR W CARPENTER & SUSAN C CARPENTER 9926 LENEL PL DALLAS, TX 75220	10	C/6220	69 FT PVMT	\$18.24	\$1,258.56	\$1,258.56
MARTHA DORA VASQUEZ 9934 LENEL PL DALLAS, TX 75220	11	C/6220	55 FT PVMT	\$18.24	\$1,003.20	\$1,003.20
NORTH SIDE OF ALLEY						
GUIDO BOUMAN 4006 WALNUT HILL LN DALLAS, TX 75229	1	C/6220	122 FT PVMT	\$18.24	\$2,225.28	\$2,225.28

PROJECT GROUP 12-3001

**3. ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD
TO "T" ALLEY SOUTH OF WALNUT HILL LANE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
<i>GLENRIDGE ESTATES 3</i>							
ANTONIA GUERRERO 4016 WALNUT HILL LN DALLAS, TX 75229	2	C/6220	121 FT	PVMT	\$18.24	\$2,207.04	\$2,207.04
WILLIAM E JOHNSON 4026 WALNUT HILL LN DALLAS, TX 75229	3	C/6220	120 FT	PVMT	\$18.24	\$2,188.80	\$2,188.80
EAST SIDE OF ALLEY							
RONALD R DOWD 9923 HURLEY WAY DALLAS, TX 75220	4	C/6220	54 FT	PVMT	\$18.24	\$984.96	\$984.96
A H SYLVESTER 9915 HURLEY WAY DALLAS, TX 75220	5	C/6220	69 FT	PVMT	\$18.24	\$1,258.56	\$1,258.56
WILLIAM A GALLAGHER 9911 HURLEY WAY DALLAS, TX 75220	6	C/6220	70 FT	PVMT	\$18.24	\$1,276.80	\$1,276.80
KELLI A LAOS 9905 HURLEY WAY DALLAS, TX 75220	7	C/6220	76 FT	PVMT	\$18.24	\$1,386.24	\$1,386.24

PROJECT GROUP 12-3001

**3. ALLEY BETWEEN HURLEY WAY AND LENEL PLACE FROM WILLIAMSBURG ROAD
TO "T" ALLEY SOUTH OF WALNUT HILL LANE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$16,452.48
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$155,247.52
ESTIMATED TOTAL CITY OF DALLAS' COST	\$155,247.52
ESTIMATED TOTAL COST OF IMPROVEMENTS	\$171,700.00

PROJECT GROUP 12-3001**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE****SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
NORTH SIDE OF ALLEY						
BROWNWOOD PARK						
ISMAEL GARDUNO & MARIA I GARDUNO 9816 LARGA DR DALLAS, TX 75220	1	E/6144	54 FT PMVT	\$18.24	\$984.96	\$984.96
ANTONIO R CRUZ & MARIA J CRUZ 3538 PARK LN DALLAS, TX 75220	3	E/6144	60 FT PMVT 4.1 SY DR(10'Wide)	\$18.24 \$47.21	\$1,094.40 \$193.56	\$1,287.96
ANTONIO F HUARINGA 3606 PARK LN DALLAS, TX 75220	4	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
GUADALUPE HERRERA 3548 PARK LN DALLAS, TX 75220	5	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
AURELIANO URESTI & MARIA URESTI 3554 PARK LN DALLAS, TX 75220	6	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40

PROJECT GROUP 12-3001**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE****SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
BROWNWOOD PARK						
CHARLES VILLASANA & KAY L VILLASANA 11429 SNOW WHITE DR DALLAS, TX 75229	7 3558 Park Ln	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
JOSE A CORDERO & BALBINA P CORDERO 3564 PARK LN DALLAS, TX 75220	8	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
ALFRED L GONZALES 3568 PARK LN DALLAS, TX 75220	9	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
PRUDENCIO PINEDA JR 2608 DRISKILL DR EULESS, TX 76039	10 3602 Park Ln	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
ANTONIO HUARINGA 3606 PARK LN DALLAS, TX 75220	11	E/6144	60 FT PMVT 12 FT DRIVE	\$18.24 No Cost	\$1,094.40 \$0.00	\$1,094.40
ANTONIO F HUARINGA 3606 PARK LN DALLAS, TX 75220	12 3612 Park Ln	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
BROWNWOOD PARK						
ANTONIO F HUARINGA 3616 PARK LN DALLAS, TX 75220	13	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
MARTHA DUNGEY 3622 PARK LN DALLAS, TX 75220	14	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
PEDRO A SANCHEZ 3626 PARK LN DALLAS, TX 75220	15	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
DAVID C OLIVAREZ 3630 PARK LN DALLAS, TX 75220	16	E/6144	60 FT PMVT 5 SY DR(10'Wide)	\$18.24 \$47.21	\$1,094.40 \$236.05	\$1,330.45
DAVID URIOSTEGUI & YOLANDA ARAND 3636 PARK LN DALLAS, TX 75220	17	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
EDUWIGES RAMIREZ & MARIA R RAMIREZ 3640 PARK LN DALLAS, TX 75220	18	E/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
BROWNWOOD PARK						
FERNANDO QUEZADA 3644 PARK LN DALLAS, TX 75220	19	E/6144	60 FT PMVT 21 FT DRIVE	\$18.24 No Cost	\$1,094.40 \$0.00	\$1,094.40
BETTY JOE SCOTT 3650 PARK LN DALLAS, TX 75220	20	E/6144	60 FT PMVT 5 SY DR(10'Wide)	\$18.24 \$47.21	\$1,094.40 \$236.05	\$1,330.45
RAQUEL H SANCHEZ 1404 LINCOLN DR CARROLLTON TX 75006	21 3654	E/6144	79 FT PMVT 9.3 SY DR(23'Wide)	\$18.24 \$47.21	\$1,440.96 \$439.05	\$1,880.01
SOUTH SIDE OF ALLEY						
WALNUT HILL ESTATES						
WILLIAM M KEEL ANDREA BRIDEN 3653 MANANA DR DALLAS, TX 75220	20	26/6144	75 FT PMVT	\$18.24	\$1,368.00	\$1,368.00
ZISHA WARIS & SHAZIE YUSUF 1100 DAMSEL GINER LN LEWISVILLE, TX 75056	19 3647	26/6144	65 FT PMVT 5 SY DR(10'Wide)	\$18.24 \$47.21	\$1,185.60 \$236.05	\$1,421.65
BENITO LUNA BAEZ & MARIA G LUNA 3631 MANANA DR DALLAS, TX 75220	18	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
WALNUT HILL ESTATES						
JOSE C CHAVEZ & GILBERTO GUTIERREZ 3635 MANANA DR DALLAS, TX 75220	17	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
BENITO LUNA 3631 MANANA DR DALLAS, TX 75220	16	26/6144	65 FT PMVT 12 FT DRIVE	\$18.24 No Cost	\$1,185.60 \$0.00	\$1,185.60
EDUARDO L GOMEZ 3625 MANANA DR DALLAS, TX 75220	15	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
SALVADOR TORRES & NICOLASA TORRES 3621 MANANA DR DALLAS, TX 75220	14	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
ADOLFA B CRUZ 3615 MANANA DR DALLAS, TX 75220	13	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
FELIPE MARTINEZ 3611 MANANA DR DALLAS, TX 75220	12	26/6144	65 FT PMVT 14 FT DRIVE	\$18.24 No Cost	\$1,185.60 \$0.00	\$1,185.60

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
WALNUT HILL ESTATES						
GEORGIA MACA 6551 CLIFFBROOK DR DALLAS, TX 75254	11 3603 Manana Dr	26/6144	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
GEORGIA MACA 6551 CLIFFBROOK DR DALLAS, TX 75254	10 3549 Manana Dr	26/6144	80 FT PMVT	\$18.24	\$1,459.20	\$1,459.20
JOSE C SOTO & DINA E BARRIOS 3543 MANANA DR DALLAS, TX 75220	9	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
JAIME CHAVEZ TREJO & NERI ELSA TREJO 3539 MANANA DR DALLAS, TX 75220	8	26/6144	60 FT PMVT	\$18.24	\$1,094.40	\$1,094.40
JULIA ELIZABETH MERID/ 3533 MANANA DR DALLAS, TX 75220	7	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
JOSE L LOPEZ 3529 MANANA DR DALLAS, TX 75220	6	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

**SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
WALNUT HILL ESTATES						
HAYDEN J LAND 3523 MANANA DR DALLAS, TX 75220	5	26/6144	65 FT PMVT	\$18.24	\$1,185.60	\$1,185.60
JOHN P FOWLER & NANCY V FOWLER 4331 SOUTHCREST RD DALLAS, TX 75229	4 3519 Manana Dr	26/6144	55 FT PMVT	\$18.24	\$1,003.20	\$1,003.20
GASPAR M RODRIGUEZ 3515 MANANA DR DALLAS, TX 75220	3	26/6144	55 FT PMVT	\$18.24	\$958.00	\$958.00
DINORAH CRUZ 3509 MANANA DR DALLAS, TX 75220	2	26/6144	55 FT PMVT 6.3 SY DR(14'Wide)	\$18.24 \$47.21	\$1,003.20 \$297.42	\$1,300.62
DONNA LEHMAN 3503 MANANA DR DALLAS, TX 75220	1	26/6144	66 FT PMVT	\$18.24	\$1,203.84	\$1,203.84

PROJECT GROUP 12-3001

**4. ALLEY BETWEEN MANANA DRIVE AND PARK LANE FROM LARGA DRIVE
TO MARSH LANE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$47,357.14
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$262,172.86	
ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$23,500.00	
ESTIMATED TOTAL WATER UTILITIES DEPARTMENT COST WATER MAIN IMPROVEMENTS	\$303,752.14	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$589,425.00
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$636,782.14

REVISED AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 9, 10

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 27T U 38L

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street was requested by property owner petition and accepted on August 9, 2010. The alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail was requested by property owner petition and accepted on January 22, 2009. These projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvements will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot to 36-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alley with 10-foot wide concrete pavement and water 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

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

Design	\$ 61,069.75
Construction	
Paving&Drainage (MSS)	\$733,805.00 (est.)
Water & Wastewater (WTR)	<u>\$152,923.76 (est.)</u>
Total Project Cost	\$947,798.51 (est.)

<u>Council District</u>	<u>Amount</u>
9	\$664,746.74 (est.)
10	<u>\$221,982.02 (est.)</u>
Total	\$886,728.76 (est.)

This project does involve assessments.

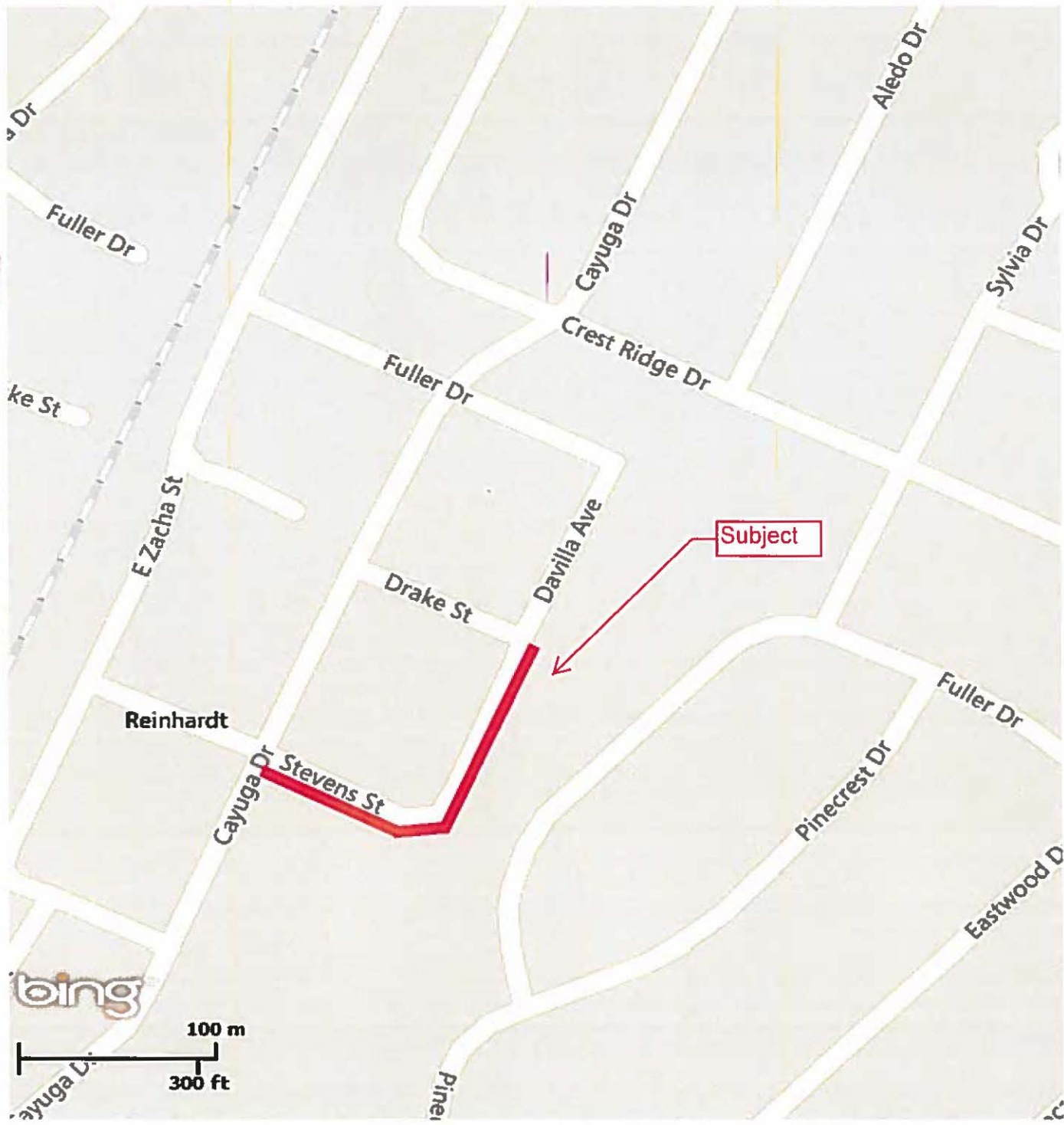
MAPS

Attached.

Project Group 12-3004

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

PROJECT GROUP 12-3004



MAPSCO 38L



PROJECT GROUP 12-3004



MAPSCO 27T, U



January 11, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street and alley within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street and alley

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

shall be improved in the following manner, to wit:

- (1) That said street and alley shall be profiled so as to bring same to design grade.
- (2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and,
- (3) That said alley shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

January 11, 2017

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said street and alley with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

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 an 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.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

January 11, 2017

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____ has ordered and directed that the following street in said City be improved, to wit:

Project Group 12-3004

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

West Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Reinhart Town of	14/5358	1 & S 1/2 of Lt 2
Reinhart Town of	14/5358	12 & S 1/2 Lt 11
Eastwood Park	2/5344	21
Reinhardt	14/5358	9
Reinhardt	14/5358	8
Reinhart Town of	14/5358	7

East Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Eastwood Park	2/5344	10
Eastwood Park	2/5344	9
Eastwood Park	2/5344	8
Eastwood Park	2/5344	Pt 20
Wincorn Add	13/5357	3A
		Ac. 6451

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

Northwest Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
White Rock North 3rd Inst	A/5705	14
Lake Ridge Estates	A/5705	13
Lake Ridge Estates	A/5705	12
Lake Ridge Estates	A/5705	11
Lake Ridge Estates	A/5705	10
Lake Ridge Estates	A/5705	9
Lake Ridge Estates	A/5705	8
Lake Ridge Estates	A/5705	7
Lake Ridge Estates	A/5705	6
White Rock North 34d Inst	A/5705	5

Southeast Side of Alley

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
White Rock Highlands	9/5445	16
White Rock Highlands	9/5445	15
White Rock Highlands	8/5445	14
White Rock Highlands	8/5445	13

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

January 11, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

for a part of the cost of improving said street and alley, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alley enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

January 11, 2017

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and alley, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$886,728.76 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$18.24/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

January 11, 2017

Where Property Classification is WSR-I (Residential R-7.5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90/L. F.**

The side frontage rate for 6-inch thick reinforced concrete pavement 2.5 feet wide with curb: **\$18.82/L.F.**

The rear rate for 6-inch thick reinforced concrete pavement 10 feet wide with curb: **\$18.24/L.F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

The side frontage rate for 4-inch thick reinforced concrete sidewalk is: **\$4.71/L.F.**

Where Property Classification is WSR-III (Commercial)

The rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90.00/L.F.**

The rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **22nd** day of **February**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

January 11, 2017

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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

Engineer's Report

January 11, 2017

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of Project Group 12-3004. That said street shall be paved curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and that said alley shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade and with estimates of the cost of improving the street and alley as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Total Property Owners' Cost - Assessments	\$61,901.49
Total Estimated City of Dallas' Cost - Paving	\$475,185.51
Total Estimated City of Dallas' Cost - Drainage	\$35,388.00
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$92,271.74
Total Estimated City of Dallas' Cost	\$602,845.25
Total Estimated Cost of Improvements	\$664,746.74

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

Total Property Owners' Cost - Assessments		\$18,154.18
Total Estimated City of Dallas' Cost - Paving	\$143,175.82	
Total Estimated Water Utilities Department Cost Water Main Improvements	\$60,652.02	
Total Estimated City of Dallas' Cost		\$203,827.84
Total Estimated Cost of Improvements		\$221,982.02

Project Group 12-3004

Street:

- 1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street**

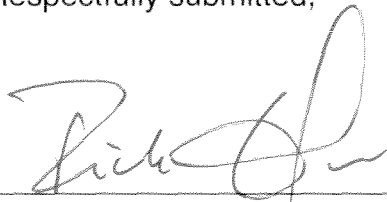
Alley:

- 2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail**

Grand Total Property Owners' Cost - Assessments	\$80,055.67
Estimated Grand Total City of Dallas' Cost - Paving	\$618,361.33
Estimated Grand Total City of Dallas' Cost - Drainage	\$35,388.00
Estimated Grand Total Water Utilities Department Cost Water and Wastewater Main Improvements	\$152,923.76
Estimated Grand Total City of Dallas' Cost	\$806,673.09
Estimated Grand Total Cost of Improvements	\$886,728.76

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



Director, Mobility and Street Services Department

1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 AND 36 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET							
REINHART TOWN OF							
RICHARD WINCORN	1 &	14/5358	130	FT PVMT	\$18.82	\$2,446.60	
10118 CAYUGA ST STE 1	S 1/2 Lt 2		108	FT WALK	\$4.71	\$508.68	
DALLAS, TX 75228	10202		17	SY DR(12"Wide)	\$47.21	\$802.57	
	Cayuga Dr						\$3,757.85
KENNETH W OCHS	12 &	14/5358	67	FT PVMT	\$90.00	\$6,030.00	
1212 ELMWOOD DR	S 1/2 Lt 11		47	FT WALK	\$9.43	\$443.21	
RICHARDSON, TX 75080	1638		15	SY DR(10"Wide)	\$47.21	\$708.15	
	Stevens St						\$7,181.36
EASTWOOD PARK							
KENNETH W OCHS	21	2/5344	58	FT PVMT	\$90.00	\$5,220.00	
1212 ELMWOOD DR	1600		58	FT WALK	\$9.43	\$546.94	
RICHARDSON, TX 75080	Stevens St						\$5,766.94
REINHARDT							
ARNULFO LOPEZ	9	14/5358	35	FT PVMT	\$90.00	\$3,150.00	
10215 DAVILLA AVE			23	FT WALK	\$9.43	\$216.89	
DALLAS, TX 75228			12	FT DRIVE	No Cost	\$0.00	
							\$3,366.89
ESTATE OF	8	14/5358	50	FT PVMT	\$90.00	\$4,500.00	
FAUSTO RODRIGUEZ			38	FT WALK	\$9.43	\$358.34	
10219 DAVILLA AVE			12	FT DRIVE	No Cost	\$0.00	
DALLAS, TX 75228							\$4,858.34

PROJECT GROUP 12-3004

**1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET
SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 AND 36 FEET IN WIDTH**

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
REINHART TOWN OF							
JESUS RODRIGUEZ	7	14/5358	50	FT PVMT	\$18.82	\$941.00	
1641 DRAKE ST			30	FT WALK	\$4.71	\$141.30	
DALLAS, TX 75228			18.3	SY DR(10"Wide)	\$47.21	\$863.94	
							\$1,946.24
EAST SIDE OF STREET							
EASTWOOD PARK							
NEVILLE CROWELL & ANN R CROWELL 1122 CORDOVA ST DALLAS, TX 75223	11 10243 Sylvia Dr	2/5344		NO ASSESSMENT EASEMENT INTERVENING			
NICHOLAS J BALTHROP	10	2/5344	60	FT PVMT	\$18.24	\$1,094.40	
10239 SYLVIA DR			19.4	SY DR(20"Wide)	\$47.21	\$915.87	
DALLAS, TX 75228							\$2,010.27
DAVID CLEMENTS	9	2/5344	51	FT PVMT	\$18.24	\$930.24	\$930.24
5505 ANGLEBLUFF PL PLANO, TX 75093	10233 Sylvia Dr						
HAWKINS WILLIE & ANITA WILLIE 10227 SYLVIA DR DALLAS, TX 75228	8	2/5344	32	FT PVMT	\$18.24	\$583.68	\$583.68

PROJECT GROUP 12-3004

- 1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET
SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 AND 36 FEET IN WIDTH**

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
EASTWOOD PARK							
JESUS ALVAREZ & PATRICIA C ALVAREZ 1651 STEVENS ST DALLAS, TX 75228	Pt 20	2/5344	152 FT PVMT 119 FT WALK 21.7 SY DR(23'Wide)		\$90.00 \$9.43 \$47.21	\$13,680.00 \$1,122.17 \$1,024.46	\$15,826.63
RICHARD WINCORN 10118 CAYUGA DR STE 1 DALLAS, TX 75228	3A Acs. 6451	13/5357	160 FT PVMT 135 FT WALK 25 FT DRIVE		\$90.00 \$9.43 No Cost	\$14,400.00 \$1,273.05 \$0.00	\$15,673.05

PROJECT GROUP 12-3004

**1. STEVENS STREET FROM CAYUGA DRIVE TO DAVILLA AVENUE AND
DAVILLA AVENUE FROM STEVENS STREET TO DRAKE STREET**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$61,901.49
---	-------------

ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$475,185.51
---	--------------

ESTIMATED TOTAL CITY OF DALLAS' COST - DRAINAGE	\$35,388.00
---	-------------

ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$92,271.74
---	-------------

ESTIMATED TOTAL CITY OF DALLAS' COST	\$602,845.25
--------------------------------------	--------------

ESTIMATED TOTAL COST OF IMPROVEMENTS	\$664,746.74
--------------------------------------	--------------

PROJECT GROUP 12-3004

**2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL TO
EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTHWEST SIDE OF ALLEY						
WHITE ROCK NORTH 3RD INST						
MATTHEW HOPE & JENNIE-LAURIE DEVANE 9246 SHOREVIEW ROAD DALLAS, TX 75238	14	A/5705	70 FT PVMNT	\$18.24	\$1,276.80	\$1,276.80
LAKE RIDGE ESTATES						
GEORGE B DAVIS 9252 SHOREVIEW RD DALLAS, TX 75238	13	A/5705	70 FT PVMT	\$18.24	\$1,276.80	\$1,276.80
SUZANNE BLACKNELL LARRY FLOURNOY JR 9306 SHOREVIEW RD DALLAS, TX 75238	12	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
ERIC THOMAS BARNHART JENNIFER ADAY 9310 SHOREVIEW RD DALLAS, TX 75238	11	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
BRIAN ANDERSON & STACIE ANDERSON 9316 SHOREVIEW RD DALLAS, TX 75238	10	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80

PROJECT GROUP 12-3004

- 2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL TO
EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
LAKE RIDGE ESTATES						
SCOTT BREEDLOVE & JULIE BREEDLOVE 9320 SHOREVIEW RD DALLAS, TX 75238	9	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
THOMAS LAMSON & ESTRELLA LAMSON 9326 SHOREVIEW RD DALLAS, TX 75238	8	A/5705	70 FT PMVT	\$18.24	\$1,276.80	\$1,276.80
DAVID E HARNDEN & LYNN HARNDEN 9330 SHOREVIEW RD DALLAS, TX 75238	7	A/5705	80 FT PMVT	\$18.24	\$1,459.20	\$1,459.20
THOMAS J HOWELL & JANE D HOWELL 9336 SHOREVIEW RD DALLAS, TX 75238	6	A/5705	80 FT PMVT	\$18.24	\$1,459.20	\$1,459.20
TONI SCOTT REED & JOE REED 9342 SHOREVIEW RD DALLAS, TX 75238	5	A/5705	100 FT PMVT	\$18.24	\$1,824.00	\$1,824.00

PROJECT GROUP 12-3004

2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL TO
EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
SOUTHEAST SIDE OF ALLEY						
<i>WHITE ROCK HIGHLANDS</i>						
VIRGIL V POPE 8061 FOREST TRL DALLAS, TX 75238	16	9/5445	50 FT PMVT	\$18.24	\$912.00	\$912.00
VIRGIL V POPE 8061 FOREST TRL DALLAS, TX 75238	15	9/5445 8058 EAGLE TRL	50 FT PMVT	\$18.24	\$912.00	\$912.00
EAGLE TRAIL INTERSECTS						
PHILLIP G POLITO 8057 EAGLE TRL DALLAS, TX 75238	14	A/5445	50 FT PMVT 17.5 SY DR(15'Wide) 10 FT DRIVE	\$18.24 \$47.21 No Cost	\$912.00 \$826.18 \$0.00	\$1,738.18
ROY C LIERMAN 8051 NIMROD TRL DALLAS, TX 75238	13	8/5445	50 FT PMVT 10 FT DRIVE	\$18.24 No Cost	\$912.00 \$0.00	\$912.00

PROJECT GROUP 12-3004

- 2. ALLEY SOUTHWEST AND PARALLEL TO SHOREVIEW ROAD FROM FOREST TRAIL
TO EAGLE TRAIL TO NIMROD TRAIL
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH
REINFORCED CONCRETE 10 FEET WIDE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		\$18,154.18
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	\$143,175.82	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN CONSTRUCTION	\$60,652.02	
ESTIMATED TOTAL CITY OF DALLAS' COST		\$203,827.84
ESTIMATED TOTAL COST OF IMPROVEMENTS		\$221,982.02

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 42U Y 52C

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040, from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

BACKGROUND

On January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for two projects with Parsons Brinckerhoff, Inc. for the engineering design of street paving, storm drainage, railroad crossing, water and wastewater main improvements on Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard.

The Park and Recreation Department has requested widening the 5-foot sidewalk proposed for Chalk Hill Road to a 12-foot wide bicycle facility to connect the project's dedicated on-street bicycle lanes with the planned Dallas County Chalk Hill Trail project. This will require substantial cutting through the escarpment zone. In an effort to minimize impacts to the escarpment, it is necessary to provide precast concrete panel retaining walls to support the bicycle facility.

This action will authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design services needed to design the precast concrete panel retaining wall required to support the 12-foot wide bicycle trail, modify the drainage design as needed to accommodate the proposed widening, tree survey, wetlands investigation and the preparation of a Corps of Engineers Wetland Permit, if required.

ESTIMATED SCHEDULED OF PROJECTS

Began Design	February 2008
Complete Design	June 2017
Begin Construction	July 2017
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Parsons Brinckerhoff, Inc. on January 23, 2008, by Resolution No. 08-0324.

Authorized approval of the proposed alignments for Chalk Hill Road between Davis Street and Singleton Boulevard on May 26, 2010, by Resolution No. 10-1330.

Authorized Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff, Inc. on December 8, 2010, by Resolution No. 10-3076 and Resolution No. 10-3077.

Authorized paving improvements and a benefit assessment hearing for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road held on November 10, 2015 to receive comments on September 22, 2015, by Resolution No. 15-1772.

Authorized a construction contract with Pavecon Public Works, LP for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2130.

Authorized a benefit assessment hearing and ordinance levying assessment on November 10, 2015, by Resolution No. 15-2131.

Authorized a professional services contract with Alliance Geotechnical Group, Inc. for construction material testing services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2131.

Authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. on December 9, 2015, by Resolution No. 15-2221.

Authorized Change Order No. 1 to the construction contract with Pavecon Public Works, LP on September 14, 2016, by Resolution No. 16-1458.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$86,039.14

Design	\$	971,714.50
Supplemental Agreement No. 1	\$	236,037.80
Supplemental Agreement No. 2	\$	94,000.70
Supplemental Agreement No. 3	\$	42,857.14
Supplemental Agreement No. 4 (this action)	\$	86,039.14

Construction (Chalk Hill Road from Davis Street to 800 feet south of IH-30)

Paving & Drainage - STS	\$	7,676,673.42
Water & Wastewater - DWU	\$	1,422,988.82
Construction Material Testing	\$	90,924.50
Change Order No. 1	\$	357,142.86

Construction (Chalk Hill Road from the IH-30 to Singleton Boulevard)

Paving & Drainage - STS	\$	6,400,000.00 (est.)
Water & Wastewater - DWU	\$	<u>1,200,000.00 (est.)</u>

Total Project Cost \$18,578,378.88 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Parsons Brinckerhoff, Inc.

African American Female	1	African American Male	5
Hispanic Female	2	Hispanic Male	5
White Female	9	White Male	31
Other Female	4	Other Male	10

OWNER

Parsons Brinckerhoff, Inc.

Robert M. Brown, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040 from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$86,039.14	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$86,039.14	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Caye Cook & Associates	WFWB56133Y0618	\$398.75	0.46%
Total Minority - Local		\$398.75	0.46%

Non-Local Contractors / Sub-Contractors

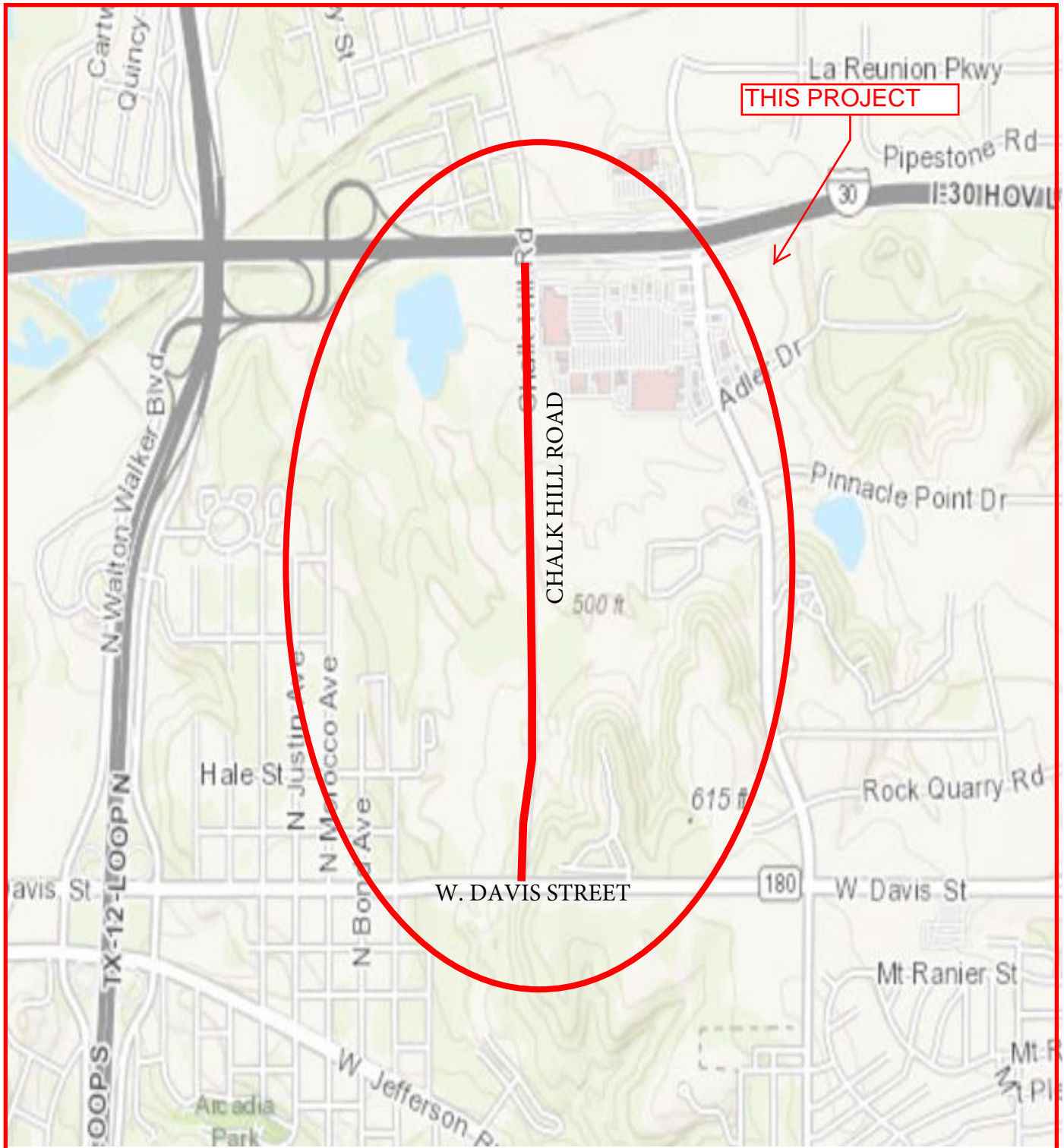
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$20,325.00	2.74%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$129,460.00	17.46%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$398.75	0.46%	\$56,421.25	7.61%
Total	\$398.75	0.46%	\$206,206.25	27.81%

CHALK HILL ROAD

FROM DAVIS STREET TO 800 FEET SOUTH OF IH-30



MAPSCO 42U, Y, 52C

January 11, 2017

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for the design of thoroughfares projects for: Chalk Hill Road from IH-30 frontage road to Singleton Boulevard and Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$971,714.50; and,

WHEREAS, on May 26, 2010, Resolution No. 10-1330 established and approved the alignment of Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard, from its current alignment to the proposed alignment; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3076 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$54,551.50, from \$464,096.20 to \$518,647.70; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3077 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$181,486.30, from \$507,618.30 to \$689,104.60; and,

WHEREAS, Resolution No. 10-3076 and Resolution No. 10-3077 should have been authorized as Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services under the same action in the amount of \$236,037.80, from \$971,714.50 to \$1,207,752.30; and,

WHEREAS, on September 4, 2015, bids were received for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road; and,

WHEREAS, on September 22, 2015, Resolution No. 15-1772 authorized street paving improvements and a benefit assessment hearing for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road; and a construction contract with Pavecon Public Works, LP for the construction of street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$9,099,662.24; and,

January 11, 2017

WHEREAS, on November 10, 2015, Resolution No. 15-2130 authorized a benefit assessment hearing; an ordinance levying assessment; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2131 authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$90,924.50; and,

WHEREAS, on December 9, 2015, Resolution No. 15-2221 authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from Davis Street to 800 feet south of the IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$518,647.70 to \$612,648.40; and,

WHEREAS, Resolution No. 15-2221 should have authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$1,207,752.30 to \$1,301,753.00; and,

WHEREAS, on September 13, 2016, Administrative Action No. 16-6617 authorized Supplemental Agreement No. 3 for additional engineering services and geotechnical investigation services for Chalk Hill Road from Davis Street to 800 feet South of IH-30 with Parsons Brinckerhoff in the amount of \$42,857.14, from \$1,301,753.00 to \$1,344,610.14; and,

WHEREAS, on September 14, 2016, Resolution No. 16-1458 authorized Change Order No. 1 to the construction contract for Chalk Hill Road from Davis Street to 800 feet South of IH-30 with Pavecon Public Works, LP for additional work associated with the construction of a 12-foot wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project in the amount of \$357,142.86, from \$9,099,662.24 to \$9,456,805.10; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$86,039.14, from \$1,344,610.14 to \$1,430,649.28.

January 11, 2017

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$86,039.14 from \$1,344,610.14 to \$1,430,649.28, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 3T22, Department STS, Unit U781, Act. THRF	
Obj. 4111, Program #PB06U781, CT PBW06U780D1	
Vendor #134356, in an amount not to exceed	\$86,039.14

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

REVISED AGENDA ITEM # 23

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 16W

SUBJECT

An ordinance abandoning a portion of a utility easement to HCP DR MCD, LLC, the abutting owner, containing approximately 763 square feet of land, located near the intersection of Dollar Lane and Coit Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a utility easement to HCP DR MCD, LLC, the abutting owner. The area will be included with the property of the abutting owner for the installation of electrical components needed to upgrade the electrical system serving three buildings and two parking garages. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Economic Development Committee on January 9, 2017.~~

The Economic Development Committee will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

OWNER

HCP DR MCD, LLC

Lauralee E. Martin, President

MAP

Attached



Abandonment area = **—**

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block A/7739 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to HCP DR MCD, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing 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 HCP DR MCD, LLC, a Delaware limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of 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 authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

SECTION 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.

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY Laura Williams
SPR Assistant Director

Passed _____.

EXHIBIT A
6' UTILITY EASEMENT
PARTIAL ABANDONMENT
FOURTH REVISION, MEDICAL CITY-DALLAS ADDITION
LOT 1C, BLOCK A/7739
IN THE
M.J. SANCHEZ SURVEY, ABSTRACT No. 1272
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 763 square foot tract of land situated in the M.J. Sanchez Survey, Abstract No. 1272, City of Dallas, Dallas County, Texas, being part of a 6' Utility Easement as created by plat recorded in Volume 83070, Page 3495, Deed Records, Dallas County, Texas, being part of Lot 1C, Block A/7739, Fourth Revision, Medical City-Dallas Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 2003234, Page 45, Official Public Records, Dallas County, Texas, being part of that tract conveyed to HCP DR MCD, LLC by Special Warranty Deed recorded in Instrument Number 20070051667, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, said rod being a north ell corner of said Lot 1C and the southwest corner of Lot 1, Block 2/7737, Green Oaks Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 83033, Page 2621, Deed Records, Dallas County, Texas, said rod being the northwest corner of said 6' Utility Easement;

THENCE South 89° 30' 55" East along the north line of said Lot 1C and the south line of said Lot 1 a distance of 127.18 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, said rod being the southwest corner of a 15'x40' Water Easement created by said plat of Green Oaks Addition;

THENCE South 00° 29' 05" West, departing the north line of said Lot 1C and the south line of said Lot 1, a distance of 6.00 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner on the south line of said 6' Utility Easement;

THENCE North 89° 30' 55" West along the south line of said 6' Utility Easement a distance of 127.18 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, said rod being the southwest corner of said 6' Utility Easement;

THENCE North 00° 29' 05" East along the west line of said 6' Utility Easement a distance of 6.00 feet to the **POINT OF BEGINNING**, containing 763 square feet or 0.0175 acres more or less.

Basis of Bearings: The most easterly north line (S89°30'55"E) of Lot 1C, Block A/7739, Fourth Revision, Medical City-Dallas Addition recorded in Volume 2003234, Page 45, Deed Records, Dallas County, Texas.



Dale R. White R.P.L.S. No. 4762
03-08-2016
09-29-2016 Revised



(For SPRG use only)	
Reviewed By:	<u>JD</u>
Date:	<u>10/5/2016</u>
SPRG NO.:	<u>3868</u>

CLODUS FIELD DRIVE

(VARIABLE WIDTH RIGHT-OF-WAY)

VOL. 38, PG. 215, M.R.D.C.T.

VOL. 83033, PG. 2621 D.R.D.C.T.

0 50 100 200

(FEET)

1 inch = 100 ft.

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°30'55"E	127.18'
L2	S00°29'05"W	6.00'
L3	N89°30'55"W	127.18'
L4	N00°29'05"E	6.00'

LOT 1, BLOCK 2/7737
GREEN OAKS ADDITION
VOLUME 83033, PAGE 2621
D.R.D.C.T.

UTILITY EASEMENT
ABANDONMENT
763 SQUARE FEET
0.0175 ACRES

15' WATER EASEMENT
VOLUME 83033, PAGE 2621
D.R.D.C.T.

15' SEWER EASEMENT
VOLUME 83033, PAGE 2621
D.R.D.C.T.

WATER & SANITARY
SEWER EASEMENT
VOLUME 82207, PAGE 1564
D.R.D.C.T.

15' WATER MAIN EASEMENT
VOLUME 79037, PAGE 746
D.R.D.C.T.

LOT 1A, BLOCK 1/7737
RESERVE AT PARK CENTRAL
VOLUME 98241, PAGE 4620

25' UTILITY EASEMENT
VOLUME 72219, PAGE 2451
D.R.D.C.T.

LOT 1C, BLOCK A/7739
FOURTH REVISION
MEDICAL CITY DALLAS ADDITION
VOLUME 2003234, PAGE 45
O.P.R.D.C.T.

10' WATER EASEMENT
VOLUME 2003234, PAGE 45
O.P.R.D.C.T.

10' WATER EASEMENT
VOLUME 82207, PAGE 1569
D.R.D.C.T.

15' D.P.&L. & S.W.B.T. EASEMENT
VOLUME 77005, PAGE 2008
D.R.D.C.T.

25' UTILITY EASEMENT
VOLUME 76244, PAGE 313
D.R.D.C.T.

25'X60' UTILITY EASEMENT
VOLUME 77010, PAGE 887
D.R.D.C.T.

HCP DR DCD, LLC
INSTRUMENT NO. 20070051667
O.P.R.D.C.T.

6' UTILITY EASEMENT
VOLUME 83070, PAGE 3495
D.R.D.C.T.

LEGEND

- ABANDONMENT
- LOT LINE
- EASEMENT LINE
- POB POINT OF BEGINNING
- YCIRS 1/2" IRON ROD WITH YELLOW PLASTIC
CAP STAMPED "RLG INC" SET
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TX

CONTROLLING MONUMENTS: 1/2" IRON ROD FOUND AT
THE MOST NORTHERLY NORTHWEST CORNER AND A
HILTI NAIL FOUND IN THE WEST LINE AT THE SOUTH
END OF 263.38 FOOT TANGENT LINE OF LOT 1C, BLOCK
A/7739, FOURTH REVISION, MEDICAL CITY-DALLAS
ADDITION RECORDED IN VOLUME 2003234, PAGE 45,
DEED RECORDS, DALLAS COUNTY, TEXAS.

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



Dale R. White

DALE R. WHITE R.P.L.S. No. 4762
03-08-2016
09-29-2016 REVISED

6' UTILITY EASEMENT PARTIAL ABANDONMENT FOURTH REVISION, MEDICAL CITY-DALLAS ADDITION LOT 1C, BLOCK A/7739

IN THE
M.J. SANCHEZ SURVEY, ABSTRACT No. 1272
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: JD
Date: 10/5/2016
SPRG NO.: 3868

SCALE	1" = 100'	DATE	03-09-2016	SHEET	2 OF 2
JOB NO.	15083.20	E-FILE	15083.20AB	DWG NO.	26,328X

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 47 J

SUBJECT

An ordinance amending Ordinance No. 29966, previously approved on January 13, 2016, which abandoned a portion of Hobbs Street, located near the intersection of Haskell and Beeman Avenues to Southern Foods Group, LLC to extend the final replat from one year to 18 months - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 29966, which abandoned a portion of Hobbs Street, previously approved on January 13, 2016, that will allow for the extension of the final replat from one year to 18 months to Southern Foods Group, LLC, the abutting owner.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council approved Ordinance No. 29966.

~~Information about this item will be provided to the Economic Development Committee on January 9, 2017.~~

The Economic Development Committee will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

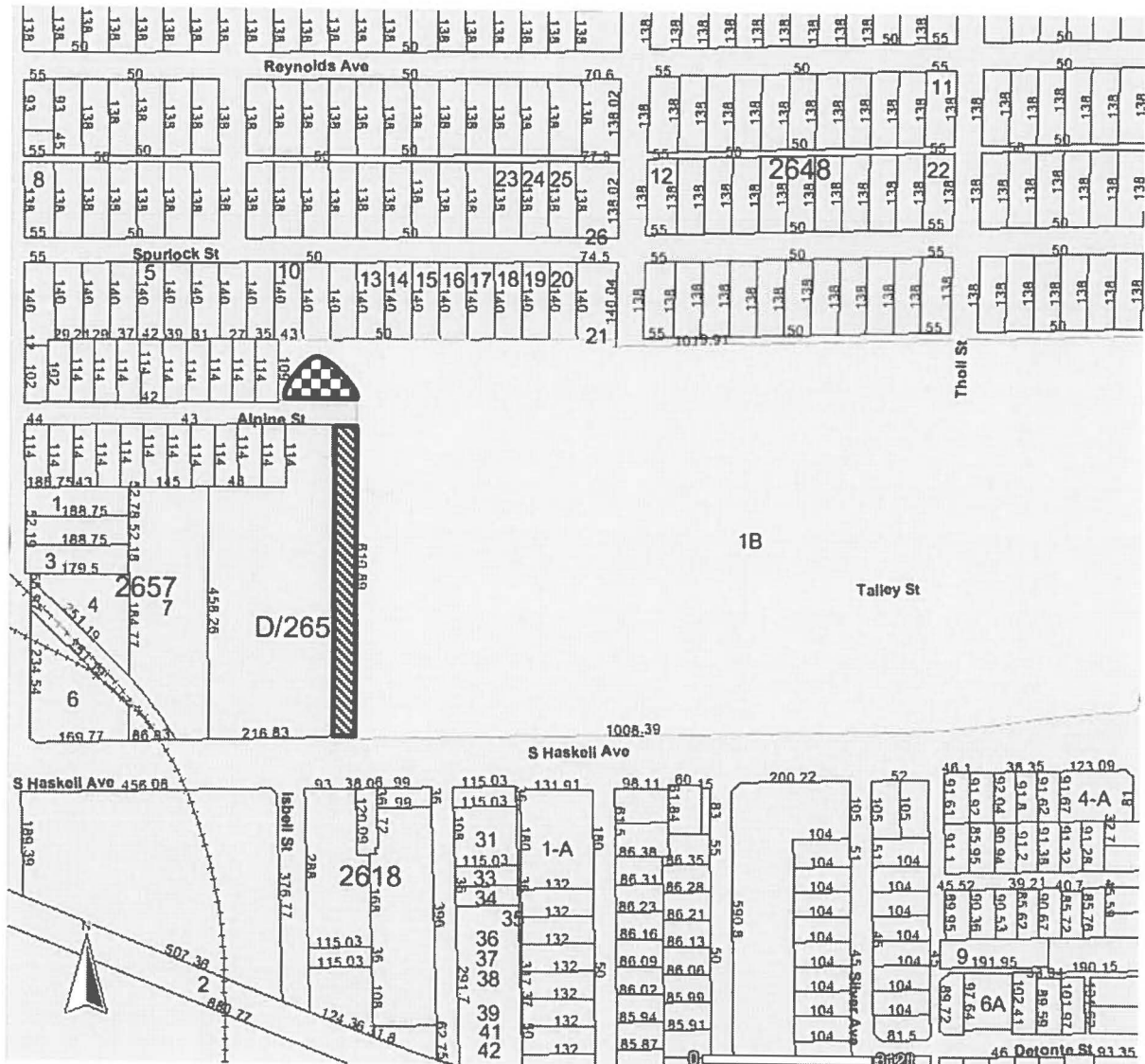
OWNER

Southern Foods Group, LLC

Gregg A. Tanner, Chief Executive Officer

MAP

Attached



Log #: 40373



= Abandonment Area

Mapsc0: 47J

Applicant: Southern Foods Group, LLC



= Dedication Area

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29966, by altering Section 9 to extend the 12 month deadline to record the final replat; 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. 29966 adopted by the City Council of the City of Dallas on January 13, 2016, be and the same is hereby amended by altering Section 9 to read as follows:

“SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within ~~one year~~ 18 months of the effective date of this ordinance showing the fee simple dedication of not less than 4,469 square feet of needed right-of-way in City Block 2656. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE.**”

SECTION 2. That, as consideration for amending Ordinance No. 29966, Southern Foods Group, LLC agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** 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 authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV,

Balance Sheet 0519 and Department of Sustainable Development and Construction – Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General FUND 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 4. That the terms and conditions of Ordinance No. 29966 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. 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 the filing of the final replat set forth in Section 9, and completion of the dedication 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 shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO

City Attorney

DAVID COSSUM

Director of Department of Sustainable Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____

REVISED AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

CMO: Mark McDaniel, 670-3256
Larry Casto, 670-3491

MAPSCO: 47T

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Mamie Lee McKnight, et al., Cause No. CC-16-03466-E, pending in Dallas County Court at Law No. 5, to acquire an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$31,000 (\$28,000 plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,102 from the amount Council originally authorized for this acquisition) - Financing: 2006 Bond Funds

BACKGROUND

On March 23, 2016, the City Council authorized the acquisition of this property, by Resolution No. 16-0465. The property owner was offered \$25,898, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on November 17, 2016, the property owner was awarded \$28,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$2,102 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$3,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on March 23, 2016, by Resolution No. 16-0465.

Council will be briefed by memorandum on January 4, 2017.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

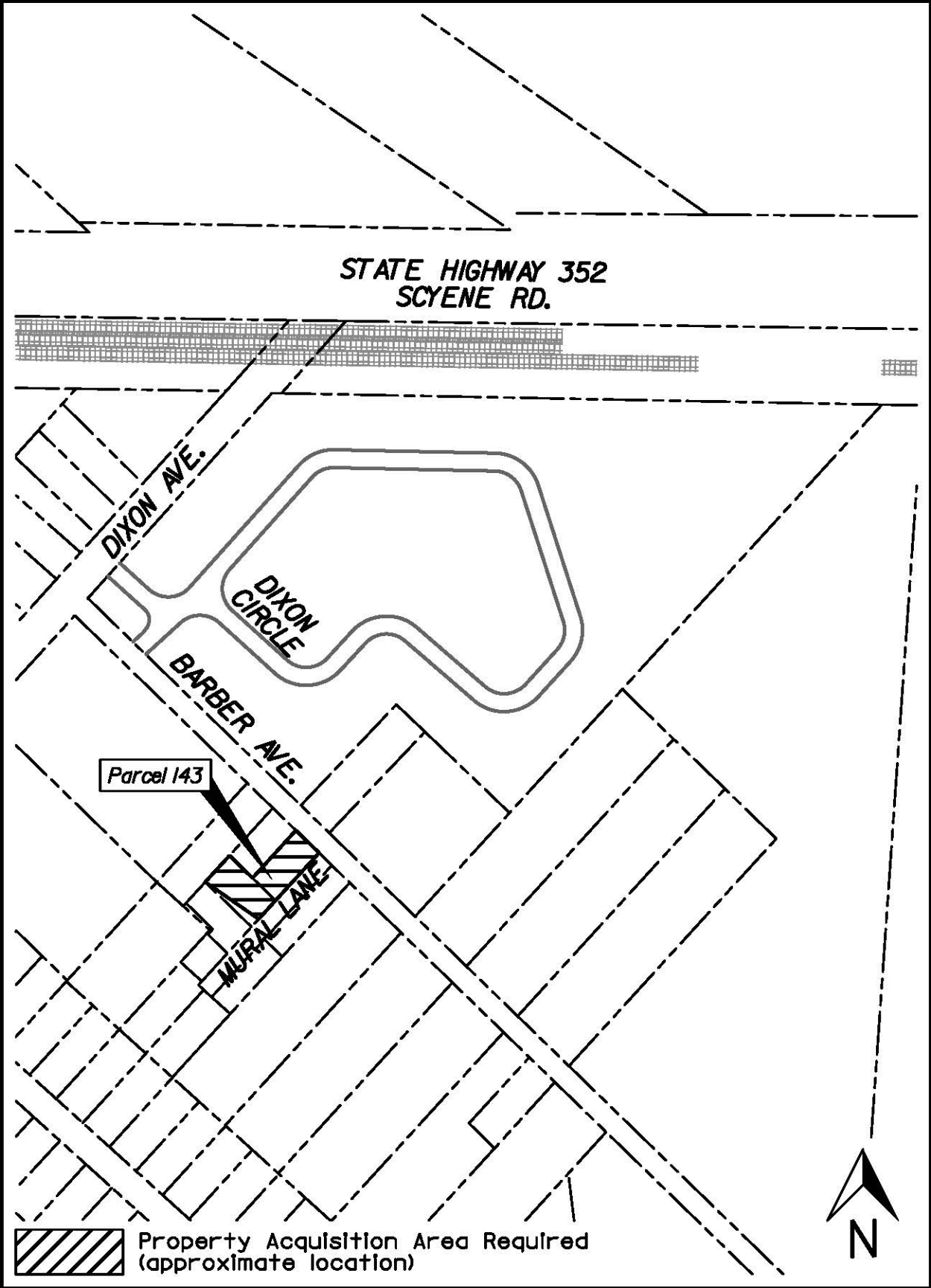
2006 Bond Funds - \$31,000 (\$28,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,012 from the amount Council originally authorized for this acquisition)

OWNER

Mamie Lee McKnight

MAP

Attached



January 11, 2017

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, SETTLEMENT OF THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION PROCEEDING: Cause No. CC-16-03466-E, in Dallas County Court at Law No. 5, and styled City of Dallas v. Mamie Lee McKnight, et al., filed pursuant to City Council Resolution No. 16-0465.

PROPERTY: Approximately 8,545 square feet of property located in Dallas County, as described in the CONDEMNATION PROCEEDING.

PROJECT: Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

OFFICIAL OFFER: \$25,898.00

AWARD: \$28,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,000.00

AUTHORIZED AMOUNT: Not to exceed: \$31,000.00

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT- TWM06T525H15, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT- TWM06T525H16.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

January 11, 2017

Now, Therefore,

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

SECTION 1. That 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 AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

By: 
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management
Mobility and Street Services

CMO: Mark McDaniel, 670-3256
Jill A. Jordan, P.E., 670-5299

MAPSCO: 45N

SUBJECT

Authorize acquisition from the County of Dallas, of an improved tract of land containing approximately 2,092 square feet located on North Riverfront Boulevard at its intersection with Commerce Street for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project - Not to exceed \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 2,092 square feet of land improved with trees, grass and a sprinkler system, from the County of Dallas. This property is located on North Riverfront Boulevard at its intersection with Commerce Street and will be used for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road (UPRR) Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500)

OWNER

County of Dallas

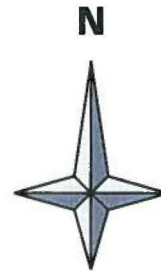
MAP

Attached

**BLOCK
6826**

**AREA TO BE
ACQUIRED**

NORTH RIVERFRONT BOULEVARD



**BLOCK
6825**

COMMERCE STREET

**BLOCK
3401**

**BLOCK
3400**

January 11, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 2,092 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, 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 here provided.

"PROPERTY INTEREST": Fee Simple title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": County of Dallas, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$44,572.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,500.00

"AUTHORIZED AMOUNT": Not to exceed \$48,072.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

January 11, 2017

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. 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 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Improvements Fund, Fund No 2T22, Department STS, Unit U215, Activity INGV, Program No. PB06U215, Object 4210, Encumbrance No. STS06U215L1. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and 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.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY


Assistant City Attorney

**Parcel 4 – Riverfront Boulevard
Field Notes Describing a 2,092 Square Foot (0.0480 Acre)
Right of Way to be Acquired In Block 6826
From "DALLAS COUNTY, TEXAS"**

EXHIBIT A

BEING a 2,092 square foot (0.0480 acre) of land situated in the John Beeman Survey, Abstract No. 209, in the City of Dallas, Dallas County, Texas, (Official City of Dallas Block No. 6826) and being part of Tract B, a called 225,699 square foot tract of land conveyed to "Dallas County, Texas" by Warranty Deed recorded in Volume 78085, Page 0313 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being further described as part of Lot 1 in Block 6826 of the "Dallas County Criminal Courts Facility", an addition to the City of Dallas, Texas as recorded in Volume 89122, Page 0663 (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" capped iron rod (controlling monument) found at the most southerly corner of said Lot 1, Block 6826, same being the most southerly corner of a called 10.160 acre tract of land conveyed to Dallas County, Texas by deed recorded in Volume, 78085, Page 3585 (D.R.D.C.T.), and located in the existing northerly right of way line of Commerce Street (a variable width R.O.W.);

THENCE North 75°09'08" East, along the common southerly line of said Lot 1, Block 6826 and the existing northerly right of way line of said Commerce Street, passing the most southerly southeast corner of said Dallas County 10.160 acre tract and the most southerly corner of said Tract B at a distance of 517.31 feet, and continuing for a total distance of 796.34 feet to a set 5/8" iron rod with cap marked "LTRA" (hereafter referred to as set 5/8" iron rod) at the **POINT OF BEGINNING**;

THENCE North 00°19'43" West, departing the common southerly line of said Lot 1, Block 6826, same being the southerly line of said Tract B, and the existing northerly right of way line of said Commerce Street, over and across said Lot 1 in Block 6826, being 8.0 feet perpendicularly distant westerly from and parallel with the existing west line of Riverfront Boulevard (130.00 foot R.O.W.), a distance of 262.52 feet to an "X" Cut set in concrete;

THENCE North 89°40'17" East, continuing over and across said Lot 1 in Block 6826, a distance of 8.00 feet to an "X" Cut set in the common easterly line of said Lot 1, Block 6826, same being the easterly line of said Tract B, and located in the existing westerly right of way line of Riverfront Boulevard (130.00 foot R.O.W.);

THENCE South 00°19'43" East, along the last stated common line, a distance of 260.45 feet to the common existing southeast corner of said Lot 1, the existing southeast corner of said Tract B, the northeast corner of a called 2,695 sq. ft. right of way dedication as conveyed in said Dallas County Criminal Courts Facility Addition, and located in the existing northerly right of way line of said Commerce Street, from which point an "X" Cut found (controlling monument) bears North 71°44'45" East, a distance of 0.27 feet;



**Parcel 4 – Riverfront Boulevard
Field Notes Describing a 2,092 Square Foot (0.0480 Acre)
Right of Way to be Acquired in Block 6826
From "DALLAS COUNTY, TEXAS"**

EXHIBIT A


THENCE South 75°09'08" West, departing the common easterly line of said Lot 1, Block 6826 and the existing westerly right of way line of said Riverfront Boulevard, and along the common existing southerly line of said Lot 1, the existing southerly line of said Tract B, the northerly line of said 2,695 sq. ft. right of way dedication, and the existing northerly right of way line of said Commerce Street, a distance of 8.26 feet to the **POINT OF BEGINNING** and containing approximately 2,092 square feet or 0.0480 acre of land more or less.

BASIS OF BEARING: State Plane Coordinate System, Texas, North Central Zone 4202, North American Datum of 1983.

A Survey Plat of even date accompanies this property description.

I, Isaac Worley, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.



 8/20/2015
Isaac Worley, R.P.L.S. Date
Texas Registration No. 4559

Lina T. Ramey & Associates, Inc.
3320 Belt Line Road
Farmers Branch, Texas 75234
Ph. 214-979-1144
TBPLS FIRM NO. 10140700



FIELD NOTES APPROVED:
DER 9-15-15

N

JOHN BEEMAN SURVEY
ABSTRACT NO. 209

Dallas County, Texas
225,699 Sq. Ft., Tract B
Vol. 78085, Pg. 0313
D.R.D.C.T.

Dallas County Criminal Courts Facility
Vol. 89122, Pg. 0663
D.R.D.C.T.

LOT 1
CITY BLOCK 6826

Dallas County, Texas
10.160 Ac.
Vol. 78085, Pg. 3585
D.R.D.C.T.

8.00'
N89°40'17"EEXISTING RIGHT
OF WAY LINE

EXHIBIT A

AREA TO BE
ACQUIRED
2,092 SQ. FT.
0.0480 Acres

N00°19'43"W 262.52'

S00°19'43"E 260.45'

RIVERFRONT BOULEVARD
(130' Right-of-Way)
Vol. 5, Pg. 5
D.R.D.C.T.

NEW RIGHT
OF WAY LINEPOINT OF
BEGINNING

FND. "X" CUT
CONTROLLING MONUMENT
BEARS N71°44'45"E
0.27'

8.26'
S75°09'08"W

ROW DEDICATION
2,695 SQ. FT.
VOL. 89122, PG. 0663
D.R.D.C.T.

517.31'

N75°09'08"E

796.34'

EXISTING RIGHT OF WAY LINE

FND. "X" CUT

POINT OF
COMMENCING
FND. 5/8" IR WCAP
CONTROLLING MONUMENT

COMMERCE STREET
(Variable width Right-of-Way)
Vol. 5, Pg. 5
D.R.D.C.T.

- Set 5/8" I.R. with "LTRA" Cap
(Unless Otherwise Noted)
- ⊙ Set Magnetic Nail
- ⊙ Found Monument (As Noted)
- ⊗ Set "X" Cut

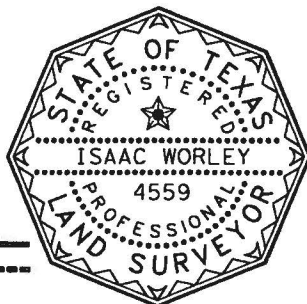
Right of Way
To Be Acquired

Common Ownership

M.R.D.C.T. = Map Records Dallas
County Texas
D.R.D.C.T. = Deed Records Dallas
County Texas
O.P.R.D.C.T. = Official Public Records
Dallas County Texas
INST. NO. = Instrument Number

ADDITION LINE = -----
R.O.W. LINE = -----

BASIS OF BEARING: Bearings are
based upon State Plane
Coordinate System, Texas, North
Central Zone 4202, North
American Datum 1983 (NAD83).



ISAAC WORLEY, R.P.L.S. NO. 4559 DATE 8/20/2015

Sheet 3 of 3

		LINA T. RAMEY & ASSOCIATES, INC. 3320 Belt Line Road Farmers Branch, Texas 75234 - 214-979-1144 FIRM REGISTRATION NO. F-782 TBPLS REGISTRATION NO. 10140700	
		DEPT. OF PUBLIC WORKS & TRANSPORTATION	
		Parcel 4 - Block 6826	
RIVERFRONT BOULEVARD		OWNER: Dallas County, Texas	
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
B. Herrera	RiverfrontParcel4.dgn	1" = 50'	8-20-2015
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
R. Holley	I. Worley		

EXHIBIT B

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from any Instrument that transfers an interest in real property before it is filed for record in the public records: Your social security number or your driver's license number.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF DALLAS §

That the **County of Dallas**, a political subdivision of the State of Texas, ("Grantor"), pursuant to a duly executed Commissioners Court Order No. 2017- _____ dated _____, 2017, for and in consideration of the sum of FORTY-FOUR THOUSAND FIVE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$44,572.00), has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey, without warranty, express or implied, and subject to the terms, covenants, conditions, reservations, restrictions and exceptions hereinafter made unto the **City of Dallas**, a Texas municipal corporation, of 1500 Marilla Street, Dallas, Texas, 75201 ("Grantee"), all of the property as described in Exhibit A, which is attached hereto and made a part hereof ("Property").

Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee to take and use all other minerals and materials thereon, therein and thereunder.

This conveyance is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appears of record in the Real Property Records of Dallas County, Texas, or apparent on the ground, and to all encroachments, zoning, regulations and ordinances of municipal and/or other governmental authorities, if any, which affect the property herein conveyed, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence of any environmental

EXHIBIT B

substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

TO HAVE AND TO HOLD the premises herein described and conveyed, together with all and singular the rights, appurtenances and hereditaments thereto in anywise belonging unto the said Grantee, its successors and assigns, forever; and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the rights and title to said premises unto the Grantee, its successors and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof, by through, or under Grantor; but not otherwise.

(signature page follows)

EXECUTED this _____ day of _____, 2017.

*Approved as to Form:

SUSAN HAWK
DALLAS COUNTY DISTRICT ATTORNEY

COUNTY OF DALLAS, TEXAS

By: _____
Sherri L. Turner
Assistant District Attorney

By: _____
Clay Lewis Jenkins
Dallas County Judge

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2017, by Clay Lewis Jenkins, County Judge for the County of Dallas, Texas, on behalf of the County of Dallas, Texas, a political subdivision of the State of Texas.

Notary Public, State of Texas
My Commission Expires _____

GRANTORS ADDRESS: RETURN ORIGINAL TO GRANTOR:

County of Dallas
411 Elm Street, 3rd Floor
Dallas, Texas 75202
Attn: Assistant Director
Public Works Property Division

CoD_SW Deed Riverfront Blvd P-4 FINAL Page 3 of 6
COD 11 30 16 (002)
11/22/2016 11:49:00 AM

Project: No. PB06U215 Riverfront Blvd. & Street
Improvements
(Seg. B - Cadiz Street to Union Pacific Railroad)
Parcel: 4

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 55D 56A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

BACKGROUND

The Upper Chain of Wetlands (UCOW) Cells A, B, and C are being constructed by the U. S. Army Corps of Engineers (USACE) on a site located within the Dallas Floodway Extension on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated soil concentrations of lead above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

The City of Dallas is required to remediate the lead contaminated soil prior to the start of the USACE's UCOW construction project. This contract with Modern Geosciences, LLC will assist with the remediation design, prepare the required soil treatability study, and finalize the Soil Management Plan for the UCOW as required by TCEQ. Additional subsurface investigation is needed during construction to verify soil acceptance at all three designated landfills and complete the project.

This action will include technical support and further investigation of 45 soil borings necessary to aid in soil characterization and reuse decisions. This work will determine if further stabilization is required or if soil can be disposed of as non-hazardous waste.

ESTIMATED SCHEDULE OF PROJECT

Began Design	August 2013
Complete Design	January 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC on August 14, 2013, by Resolution No. 13-1383.

Authorized Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC, on March 26, 2014, by Resolution No. 14-0562.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

1998 Bond Funds - \$32,150.00

Professional Services Contract	\$ 73,950.00
Supplemental Agreement No. 1	\$ 49,000.00
Supplemental Agreement No. 2 (this action)	<u>\$ 32,150.00</u>

Total	\$155,100.00
-------	--------------

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Modern Geosciences, LLC

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	1	Other Male	0
White Female	4	White Male	7

OWNER

Modern Geosciences, LLC

Kenneth Tramm, Principal

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

Modern Geosciences, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$32,150.00	100.00%
TOTAL THIS ACTION	\$32,150.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

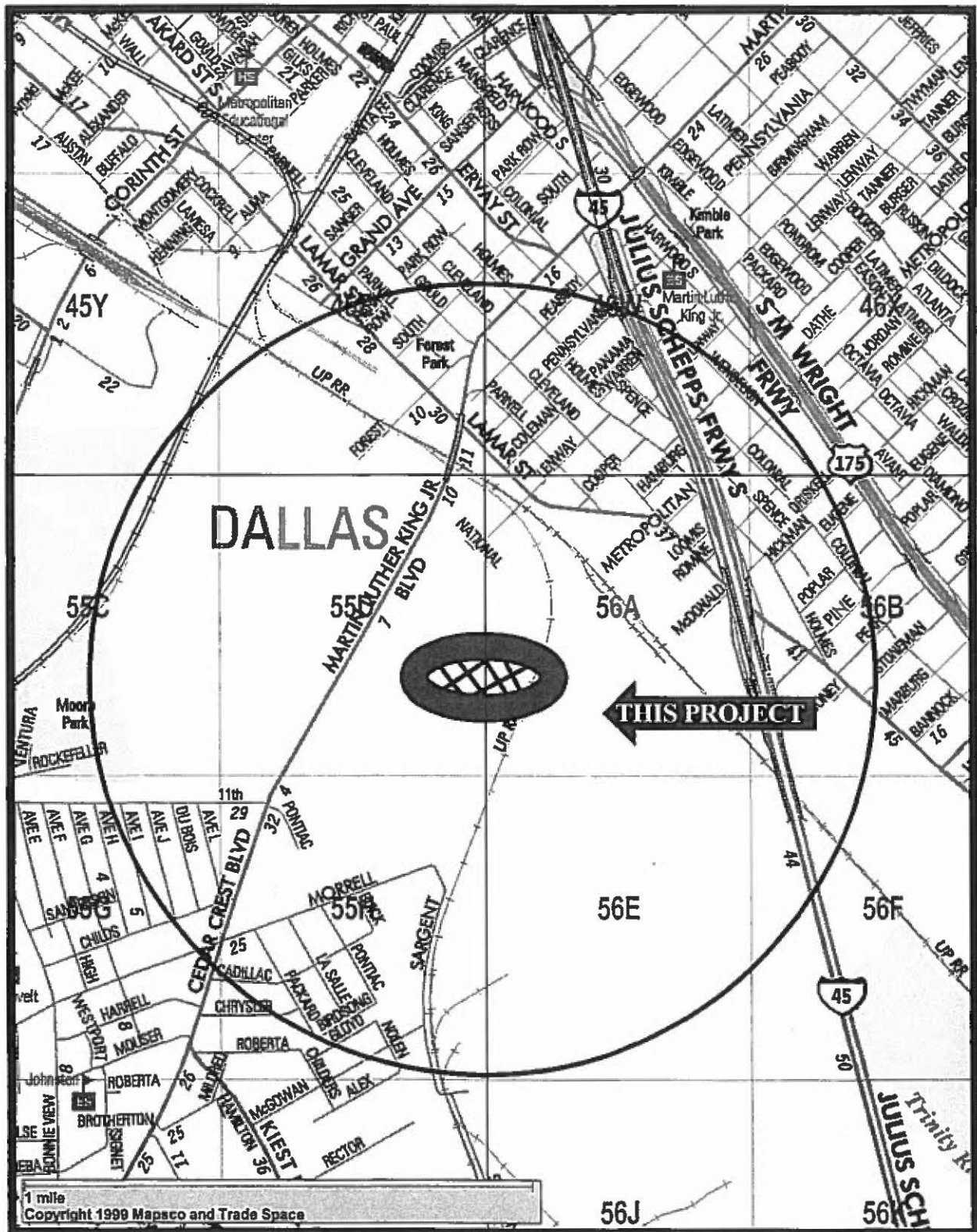
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Sunbelt Industrial Services	WFWB64135Y0217	\$5,750.00	17.88%
Total Minority - Non-local		\$5,750.00	17.88%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$5,750.00	17.88%	\$14,000.00	9.02%
Total	\$5,750.00	17.88%	\$14,000.00	9.02%

UCOW REMEDIATION



MAPSCO 55D, 56A

January 11, 2017

WHEREAS, on August 14, 2013, Resolution No. 13-1383 authorized a professional services contract with Modern Geosciences, LLC, for the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0562 authorized Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$32,150, increasing the contract from \$122,950 to \$155,100.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$32,150, increasing the contract from \$122,950 to \$155,100, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

1998 Bond Fund
Fund 5P14, Dept. TWM, Unit N962, Act. TRPP
Obj. 4113, Program PB98N962, CT PBW98N962L4
Vendor # VS0000063453, in an amount not to exceed \$32,150

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 11
DEPARTMENT: Water Utilities
CMO: Ryan S. Evans, 671-9837
MAPSCO: 16 S W

SUBJECT

Authorize an increase in the construction contract with Archer Western Construction, LLC for emergency erosion repairs along the bank of White Rock Creek to protect an 84-inch water transmission main - Not to exceed \$226,146, from \$17,668,400 to \$17,894,546 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of work associated with emergency erosion repairs along the bank of White Rock Creek adjacent to Park Central Drive between Merit Drive and Churchill Way. This work is needed to protect the existing Dallas Water Utilities 84" White Rock water transmission main.

Trinity Watershed Management is currently designing permanent erosion repairs to White Rock Creek at this location and anticipates awarding the construction project in Spring of 2017. While coordinating with their Engineer, it became evident that the erosion was progressing at a higher rate than anticipated. Not only had the erosion forced the relocation of the White Rock Trail, but it also had the potential to undermine the embedment of the 84" White Rock transmission main, resulting in its failure.

The White Rock water transmission line is a fifteen mile, 84-inch diameter pipeline which is used to transfer treated water from Jim Miller Reservoir located on Jim Miller Road, just south of R.L. Thornton Freeway, to Beltwood Reservoir in far north Dallas. The water main supplies over 25 percent of the potable water within the City of Dallas, including service delivery to customer cities. The failure of this line could jeopardize DWU's ability to distribute potable water to the citizens of Dallas and customer cities, fire suppression capabilities and lead to possible institution of emergency water use restrictions.

ESTIMATED SCHEDULE OF PROJECT

Began Repairs November 2016
Complete Repairs December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Archer Western Construction, LLC for the construction of rehabilitation improvements to the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant on August 26, 2015, by Resolution No. 15-1576.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

\$226,146.00 - Water Utilities Capital Improvement Funds

Construction Contract	\$17,668,400.00
Change Order No. 1 (this action)	\$ <u>226,146.00</u>

Total Construction Cost	\$17,894,546.00
-------------------------	-----------------

ETHNIC COMPOSITION

Archer Western Construction, LLC

Hispanic Female	38	Hispanic Male	1,258
Black Female	26	Black Male	219
White Female	38	White Male	575
Other Female	9	Other Male	87

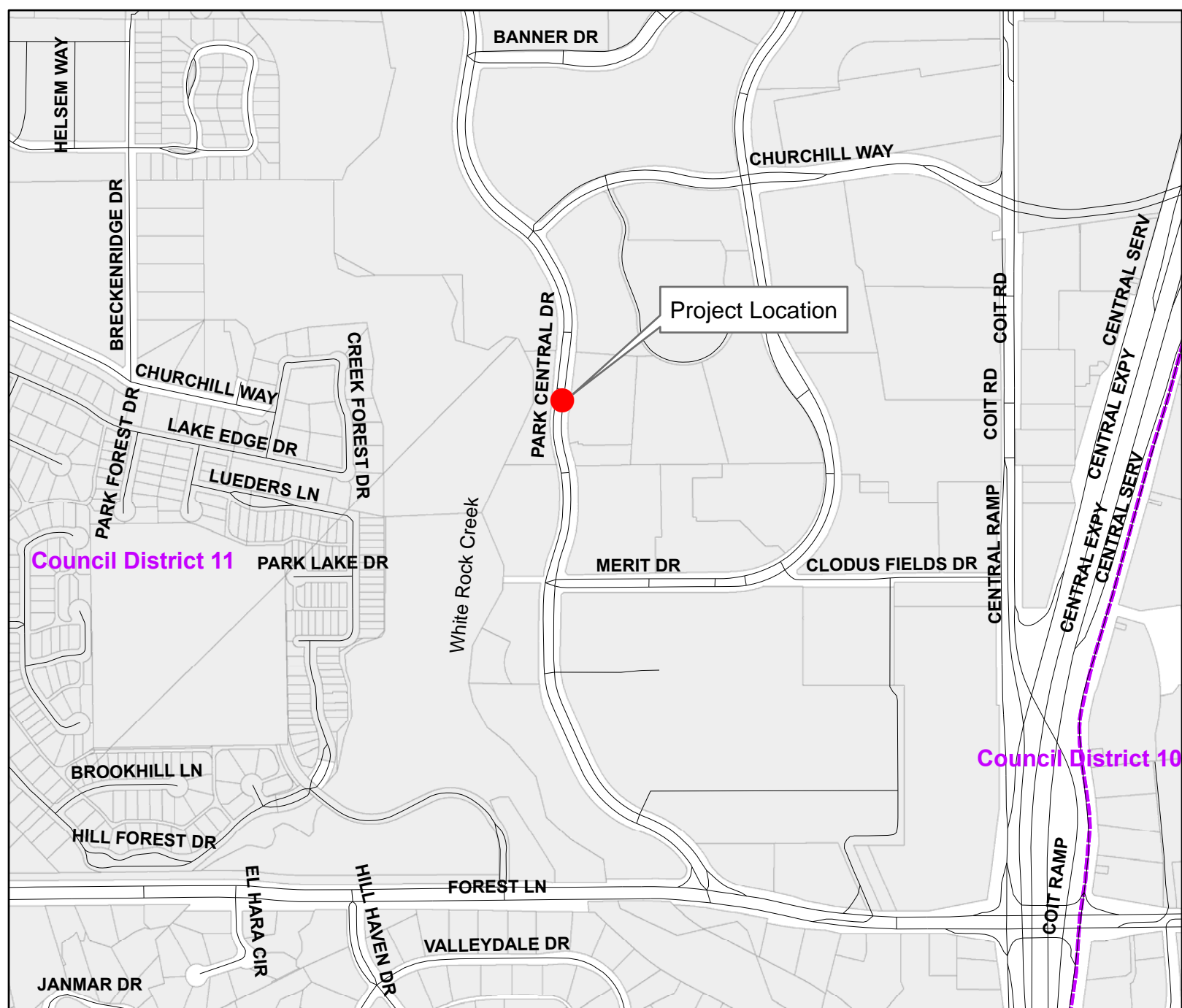
OWNER

Archer Western Construction, LLC

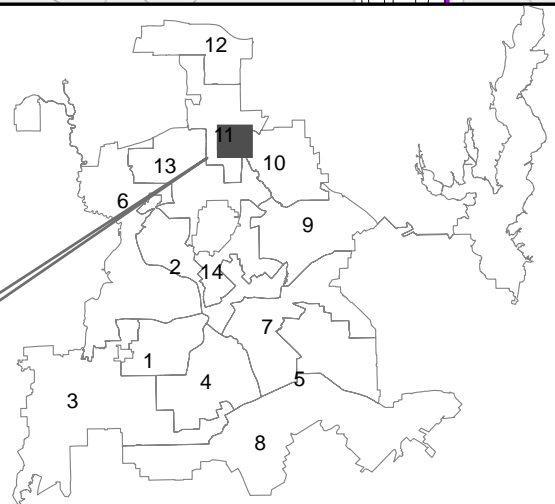
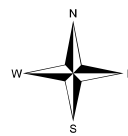
Daniel P. Walsh, President

MAP

Attached



Mapsc0: 16 S, W



Council District: 11

Dallas Water Utilities
Contract No. 15-060, Change Order No. 1
Emergency Erosion Repairs to Protect
84-inch White Rock Water Transmission Main

January 11, 2017

WHEREAS, on August 26, 2015, the City Council awarded Contract No. 15-060 in the amount of \$17,668,400.00, by Resolution No. 15-1576, to Archer Western Construction, LLC, for the construction of rehabilitation improvements to the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant; and,

WHEREAS, the City of Dallas has identified a need to proceed with emergency erosion repairs to protect an 84-inch water transmission main along the bank of the White Rock Creek adjacent to Park Central Drive between Merit Drive and Churchill Way; and,

WHEREAS, Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-060 be increased by \$226,146.00, from \$17,668,400.00 to \$17,894,546.00.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 15-060 with Archer Western Construction, LLC, be revised accordingly.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$226,146.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
3116	DWU	PS30	4330	715060	CT-DWU715060CP	VS0000064407

Archer Western Construction, LLC - (Contract No. 15-060) - \$226,146.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

CMO: Ryan S. Evans, 671-9837

MAPSCO: 2 T

SUBJECT

Authorize an increase in the 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 \$1,777,361, from \$46,464,646 to \$48,242,007 - 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 additional work identified as a result of unforeseen subsurface site conditions during the construction of the residuals basin site improvements. This work includes an additional 281,000 cubic yards of soil excavation to reach suitable foundation soils for the basin site berms, as well as the blending of 318,000 cubic yards of soil to achieve the desired soil properties needed for the construction of the berms. Also included in this work is the realignment of a new storm water box culvert around an existing, unmarked fiber optic ductbank and the removal of excess debris in the 54-inch sediment discharge line.

This project is the first one associated with the implementation of the \$300 million dollar Elm Fork Water Quality Improvements program and will help facilitate implementation of upcoming projects at the plant. This project is needed to address 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 a sedimentation process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2012
Completed Design	January 2015
Began Construction	June 2015
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Quest Civil Constructors, Inc. for the cleaning and rehabilitation of residuals basins site at the Elm Fork Water Treatment Plant on May 27, 2015, by Resolution No. 15-0978.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

\$1,777,360.46 - Water Utilities Capital Improvement Funds

Construction Contract	\$46,464,646.00
Change Order No. 1 (this action)	\$ <u>1,777,360.46</u>
Total Construction Cost	\$48,242,006.46

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Quest Civil Constructors, Inc.

Hispanic Female	1	Hispanic Male	10
Black Female	0	Black Male	1
White Female	0	White Male	18
Other Female	0	Other Male	1

OWNER

Quest Civil Constructors, Inc.

Howard Birch III, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the 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 \$1,777,361, from \$46,464,646 to \$48,242,007 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$246,095.00	13.85%
Non-local contracts	\$1,531,265.46	86.15%
TOTAL THIS ACTION	\$1,777,360.46	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
RAMA Enterprises, LLC	HMDB97541Y0717	\$94,550.00	38.42%
QN Management Solutions, Inc.	PMDB31601Y0717	\$7,200.00	2.93%
Total Minority - Local		\$101,750.00	41.35%

Non-Local Contractors / Sub-Contractors

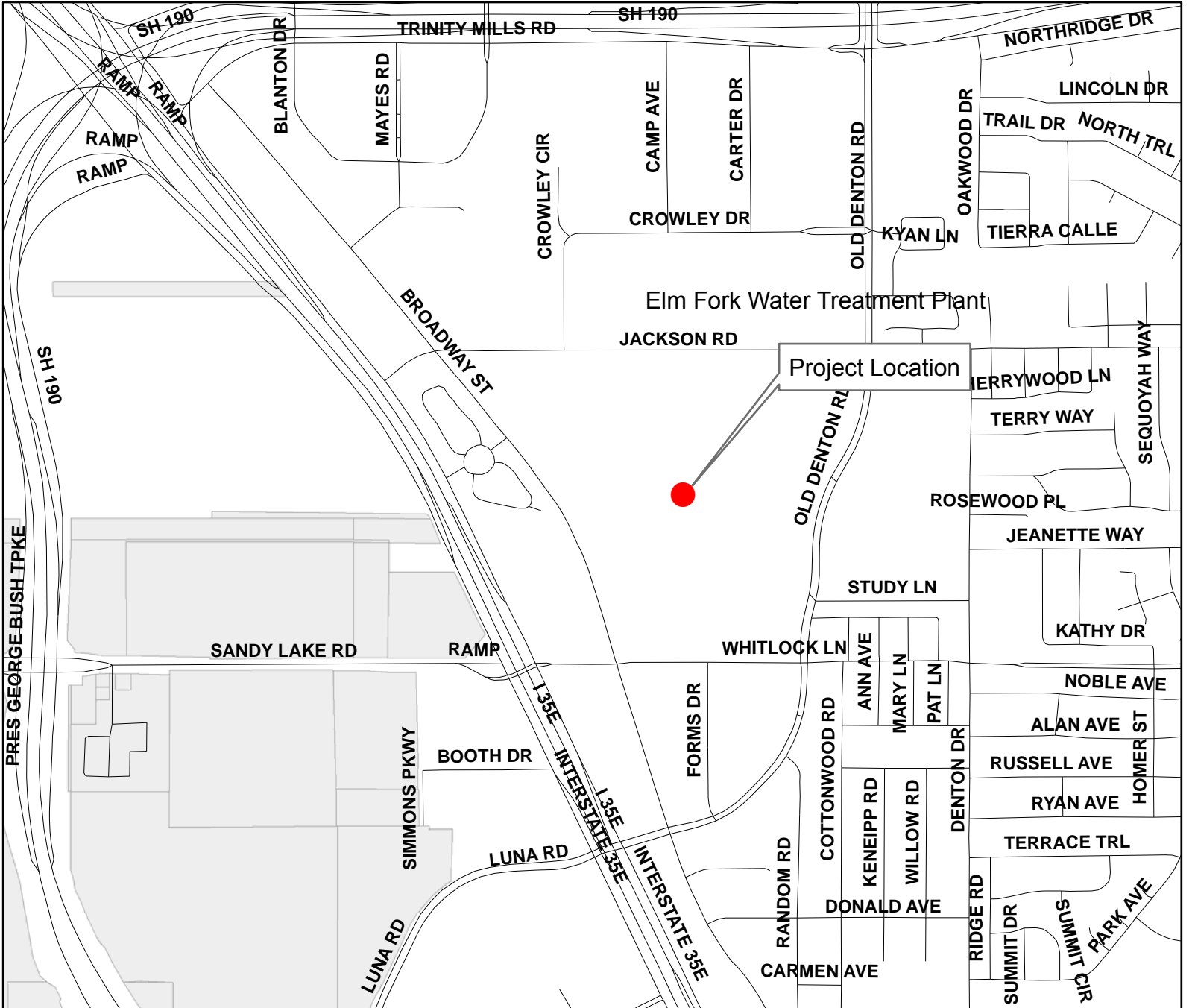
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ricochet Fuel Distributors, Inc.	WFWB63913Y0117	\$100,000.00	6.53%
Fleet-Lube, LLC	WFDB11375Y0717	\$10,000.00	0.65%
Sunbelt Industrial Services	WFW864135Y0217	(\$4,500,000.00)	-293.87%
Total Minority - Non-local		(\$4,390,000.00)	(286.69%)

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

Page 2

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$94,550.00	5.32%	\$2,766,732.00	5.74%
Asian American	\$7,200.00	0.41%	\$49,750.00	0.10%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	(\$4,390,000.00)	(247.00%)	\$5,374,184.00	11.14%
Total	(\$4,288,250.00)	(241.27%)	\$8,190,666.00	16.98%



Mapsc0: 2 T

Council District: Outside City Limits



January 11, 2017

WHEREAS, on May 27, 2015, the City Council awarded Contract No. 15-005 in the amount of \$46,464,646.00, by Resolution No. 15-0978, to Quest Civil Constructors, Inc., for the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant; and,

WHEREAS, Dallas Water Utilities has a need to perform additional work 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 \$1,777,360.46, from \$46,464,646.00 to \$48,242,006.46.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 15-005 with Quest Civil Constructors, Inc., be revised accordingly.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,777,360.46 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2115	DWU	PW31	4320	715005	CT-DWU715005CP	VS0000038219

Quest Civil Constructors, Inc. - (Contract No. 15-005) - \$1,777,360.46

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

REVISED AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Trinity Watershed Management
City Attorney's Office
Mobility and Street Services

CMO: Mark McDaniel, 670-3256
Larry Casto, 670-3491
Jill A. Jordan, P.E., 670-5299

MAPSCO: 75D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, from Veterans Land Board of the State of Texas and King E. Rhodes. This property is located on East Wheatland Road near its intersection with Lancaster Road and will be used for the Wheatland Road Improvement Project. The consideration is based upon an independent appraisal, reviewed and adjusted by staff.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on December 14, 2016, by Resolution No. 16-1941.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

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

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000)

OWNERS

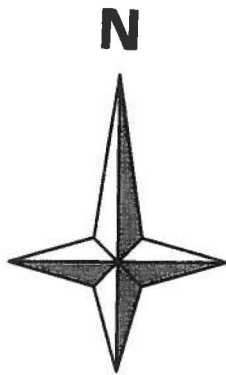
Veterans Land Board of the State of Texas

Matthew Elledge, Executive Secretary

King E. Rhodes

MAP

Attached



E. WHEATLAND ROAD

LANCASTER ROAD

Slope
Easement

Drainage
Easement

Right-of-Way
Acquisition

Drainage
Easement

Slope
Easement

Slope
Easement

Right-of-Way to be Acquired



Slope Easements to be Acquired



Drainage Easements to be Acquired



January 11, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROPERTY": Six tracts containing a total of approximately 105,251 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Wheatland Road Improvement Project

"USE": The construction, installation, use, and maintenance of a new section of roadway, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Parcel No. 3 - Fee Simple, Parcel Nos. 3A, 3B & 3C - Slope Easement, and Parcel Nos. 3-ia & 3-ib - Drainage Easement

"OWNER": Veterans Land Board of the State of Texas and King E. Rhodes, 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.

"OFFER AMOUNT": \$88,176.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$92,176.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

January 11, 2017

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4210, Encumbrance No. CT-STS06U803A3, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4230, Encumbrance No. CT-STS06U803A4. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons 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 proceedings or suit(s).

SECTION 8. 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 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

January 11, 2017

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 11. 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 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

Being a 65,699 Square Foot (1.5082 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the most Westerly corner of said 22.0197 Acre tract, lying on the Southeast Right-of-Way line of Wheatland Road (a 50' Right-of-Way) and being also the most Northerly corner of a tract of land conveyed to Crescent Real Estate Equities Limited Partnership by deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch dia. Iron Rod found bears North 33°44'10" West a distance of 1.24 feet:

THENCE South 37°05'20" East, departing the last said Southeast Right-of-Way line of Wheatland road and with the common line between said Rhodes and Crescent Real Estate tracts, a distance of 394.78 feet to a 5/8 in dia. Iron Rod with cap marked "DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the Northwest corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 90°00'00" East, departing the last said common line between said Rhodes and Crescent Real Estate tracts, a distance of 275.64 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Left:

THENCE Northeasterly along said Curve, having a Radius of 660.00 feet, a Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears North 74°21'38" East a distance of 355.85 to a 5/8" I.R. w/COD cap set at the Point of Tangency:

THENCE North 58°43'17" East a distance of 211.47 feet to a 5/8" I.R. w/COD cap set at the Northeast corner of the herein described tract of land, on the common line with a tract of land conveyed to the Sun NLF Ltd. Partnership by deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas:

THENCE South 7°19'12" East with the common line between said Rhodes and Sun NLF Ltd. tracts a distance of 87.54 feet to a 5/8" I.R. w/COD cap set at the Southeast corner of the herein described tract of land:

THENCE South 58°43'17" West, departing the last said common line between the Rhodes and Sun NLF Ltd. tracts, a distance of 175.92 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Right:

**Field Notes Describing a 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE Southwesterly along said Curve, having a Radius of 740.00 feet, a Central Angle of $31^{\circ}16'43''$, an Arc Length of 403.98 feet and a Chord which bears South $74^{\circ}21'38''$ West a distance of 398.98 feet to a $5/8''$ I.R. w/COD cap set at the Point of Tangency:

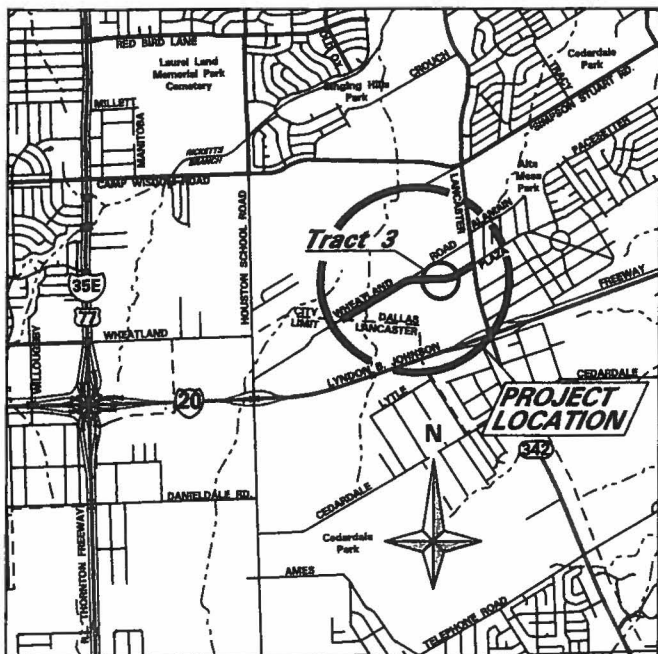
THENCE South $90^{\circ}00'00''$ West a distance of 215.16 feet to a $5/8''$ I.R. w/COD cap set at the Southwest corner of the herein described tract of land, on the above referenced common line between the Rhodes and Crescent Real Estate tracts:

THENCE North $37^{\circ}05'17''$ West along the common line between said Rhodes and Crescent Real Estate tracts a distance of 100.29 feet to the **POINT OF BEGINNING**, containing 65,699 Square Feet, or 1.5082 Acres of land.

BASIS OF BEARINGS: Bearings are based on the common line between the King E. Rhodes and Crescent Real Estate Equities Limited Partnership tracts, at South $37^{\circ}05'17''$ East, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

Scott Holt
7/6/2016





LOCATOR MAP

NOT TO SCALE

1/2" I.R. Fnd.; Bears 1.24'
N33°44'20"W. POINT OF
COMMENCING

King E. Rhodes
Vol. 2002187, Pg. 0125

**65,699 Square Foot
(1.5082 Acre) Tract
To Be Acquired**

Rad. = 660.00'
Δ = 31°16'43"
Length = 360.31'
Chord Brs: 355.85'
N74°21'38"E

58" I.R. wCOD Cap Set
POINT OF BEGINNING

100.29'
N37°05'17"W

275.64'
N90°00'0"E

215.16'
S90°00'0"W

Rad. = 740.00'
Δ = 31°16'43"
Length = 403.98'
Chord Brs: 398.98'
S74°21'38"W

**Crescent Real Estate
Equities Limited Partnership**
Vol. 97092, Pg. 2778

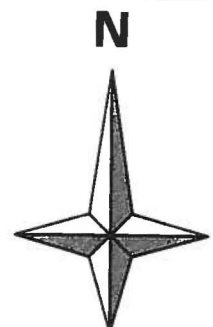
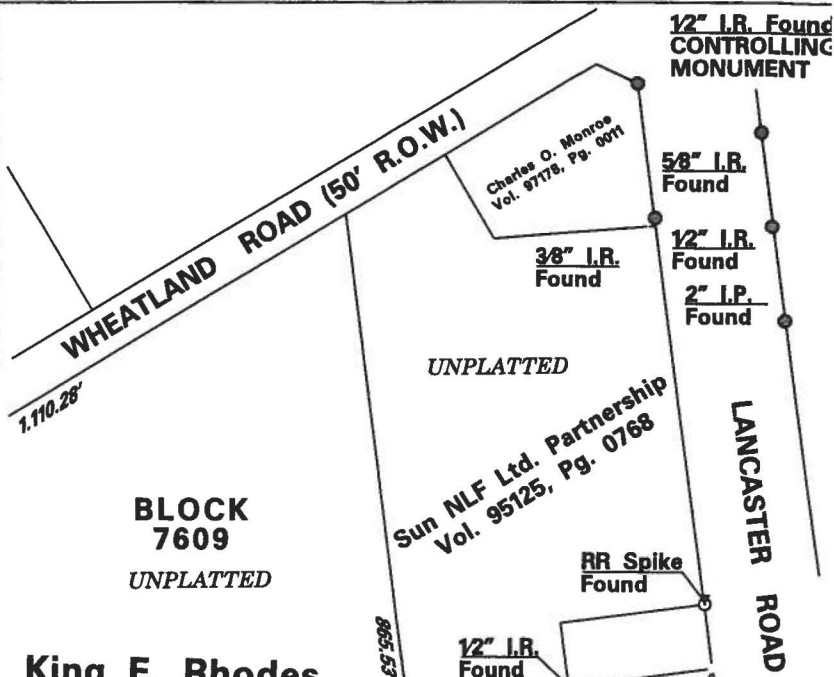
**ROBERT SIMONTON
SURVEY**
Abstract #1277

**BLOCK
7609**
UNPLATTED

1/2" I.R. Found
CONTROLLING
MONUMENT

⊙ 58" I.R. wCOD Cap Set

□ **Property to be Acquired**



0 100 200 300

Sheet 3 of 3

LOCATOR MAP: Parcel No. 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	5-27-10
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-12

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-A:

Being a 10,619 Square Foot (0.244 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a 1/2 inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 655.22 feet:

THENCE North 90°00'00" East with the said approved South line of Wheatland Road, departing the common line between said King E. Rhodes and Crescent Real Estate properties, over and across a portion of said King E. Rhodes property a distance of 215.16 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Left:

THENCE Northeasterly, continuing with the said approved South line of Wheatland Road and along said Curve to the Left, having a Radius of 740 feet, a Central Angle of 15°50'11", an Arc Length of 205.54 feet and a Chord which bears North 82°04'54" East a distance of 203.88 feet to the most Easterly corner of the herein described tract of land (not monumented):

Thence South 66°41'28" West, departing the said approved South line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 70.88 feet to the Point of Curvature of a Curve to the Right (not monumented):

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 454.76 feet, a Central Angle of 27°55'21", an Arc Length of 221.62 feet and a Chord

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

which bears South 80°39'09" West a distance of 219.43 feet to the Point of Tangency (not monumented):

THENCE North 85°23'10" West, continuing over and across a portion of said King E. Rhodes property a distance of 116.01 feet to the intersection with the above said common line with the Crescent Real Estate property, being also the Southwest corner of the herein described tract of land (not monumented):

THENCE North 37°05'17" West with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 32.93 feet to the **POINT OF BEGINNING**, containing 10,619 Square Feet, or 0.244 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).

Scott Holt
12/28/2016



**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-B:

Being a 3,558 Square Foot (0.081 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 86.79 feet:

THENCE South 07°19'12" East, departing the last said approved South line of Wheatland Road and with the common line between said King E. Rhodes and Sun NLF Limited Partnership properties a distance of 19.88 feet to the Southeast corner of the herein described tract of land (not monumented):

THENCE South 61°07'54" West, departing the common line between said King E. Rhodes and Sun NLF Limited Partnership properties, over and across a portion of said King E. Rhodes property a distance of 147.93 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 62°15'33" West, continuing over and across a portion of said King E. Rhodes property a distance of 52.24 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 66°44'50" West, continuing over and across a portion of said King E. Rhodes property a distance of 46.70 feet to the Point of Curvature of a Curve to the Right (not monumented):

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 524.98 feet, a Central Angle of $10^{\circ}55'50''$, an Arc Length of 100.15 feet and a Chord which bears South $72^{\circ}12'44''$ West a distance of 100.00 feet to the intersection with the said approved South line of Wheatland Road, being also the most Westerly corner of the herein described tract of land (not monumented):

THENCE Northeasterly, continuing over and across a portion of said King E. Rhodes property and with the approved South line of Wheatland Road, along a curve to the Left having a Radius of 740.00 feet, a Central Angle of $13^{\circ}43'29''$, an Arc Length of 177.26 feet and a Chord which bears North $65^{\circ}35'01''$ East a distance of 176.84 feet to a $5/8''$ I.R. w/COD cap set at the Point of Tangency:

THENCE North $58^{\circ}43'17''$ East, continuing with the said approved South line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 175.92 feet to the **POINT OF BEGINNING**, containing 3,558 Square Feet, or 0.081 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).

Scott Holt
12/20/2016



**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-C:

Being a 21,682 Square Foot (0.498 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the North line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 174.51 feet:

THENCE South 58°43'17" West, over and across a portion of said King E. Rhodes property and with the said approved North line of Wheatland Road a distance of 211.47 feet to a 5/8" I.R. w/COD Cap set at the Point of Curvature of a Curve to the Right:

THENCE Southwesterly, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 660.00 feet, an Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears South 74°21'38" West a distance of 355.85 feet to a 5/8" I.R. w/COD Cap set at the Point of Tangency:

THENCE South 90°00'00" West, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 275.64 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 788.44 feet:

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE North 37°05'17" West, departing the said approved North line of Wheatland Road and with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 18.43 feet to the Northwest corner of the herein described tract of land (Not monumented):

THENCE North 83°02'39" East, departing the common line with said Crescent Real Estate property, over and across a portion of said King E. Rhodes property a distance of 39.21 feet to an outside corner of the herein described tract of land (not monumented):

THENCE Easterly and Northeasterly, continuing over and across a portion of said King E. Rhodes property the following courses and distances:

North 88°33'03" East, a distance of 127.99 feet to an outside corner of the herein described tract of land (not monumented):

South 85°50'27" East a distance of 72.24 feet to an inside corner of the herein described tract of land (not monumented).

South 86°07'45" East a distance of 144.10 feet to an inside corner of the herein described tract of land (not monumented).

North 76°45'04" East a distance of 47.07 feet to an inside corner of the herein described tract of land (not monumented).

North 60°03'00" East a distance of 140.31 feet to an inside corner of the herein described tract of land (not monumented).

North 52°52'07" East a distance of 45.38 feet to an outside corner of the herein described tract of land (not monumented).

North 56°50'17" East a distance of 46.57 feet to an inside corner of the herein described tract of land (not monumented).

North 53°20'07" East a distance of 61.88 feet to an outside corner of the herein described tract of land (not monumented).

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

North 59°58'58" East a distance of 149.21 feet to the intersection with the above referenced common line with the Sun NLF Limited Partnership tract, being also the Northeast corner of the herein described tract of land (not monumented).

THENCE South 07°19'12" East with the said common line between the King E. Rhodes and Sun NLF Limited Partnership properties a distance of 47.69 feet to the **POINT OF BEGINNING**, containing 21,682 Square Feet, or 0.498 Acres of Land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).

Scott Holt
12/28/2016



WHEATLAND ROAD
(50' Right-of-Way.)

ROBERT SIMONTON
SURVEY
Abstract #1277

King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

PARCEL 3-A - 10,619 Sq. Ft. (0.244 Ac.)
PARCEL 3-B - 3,558 Sq. Ft. (0.081 Ac.)
PARCEL 3-C - 21,682 Sq. Ft. (0.498 Ac.)

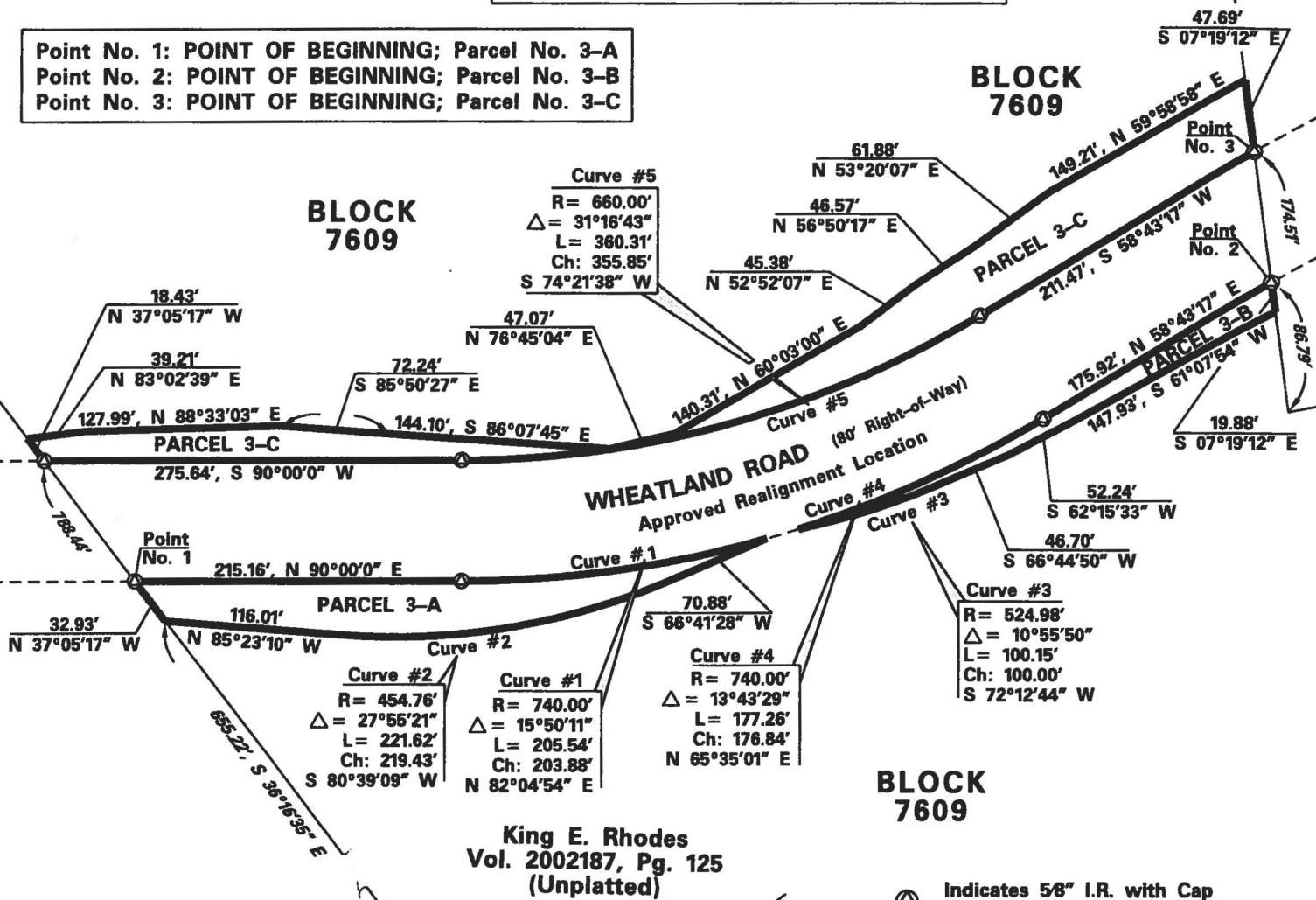
Point No.	Coordinates
1	N = 6924636.8496 E = 2495823.6732
2	N = 6924556.8496 E = 2495884.1505
3	N = 6924755.7459 E = 2496633.8698
4	N = 6924842.5753 E = 2496622.7159

Sun NLF Limited Partnership
Vol. 95125, Pg. 768
(Unplatted)

Point No. 1: POINT OF BEGINNING; Parcel No. 3-A
Point No. 2: POINT OF BEGINNING; Parcel No. 3-B
Point No. 3: POINT OF BEGINNING; Parcel No. 3-C

BLOCK
7609

BLOCK
7609



King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

BLOCK
7609

⊙ Indicates 5/8" I.R. with Cap
Marked "CITY OF DALLAS"

Crescent Real Estate
Vol. 97092, Pg. 2778
(Unplatted)

1/2" I.R. Found
CONTROLLING
MONUMENT

Parcels 3-A, 3-B & 3-C Sheet 8 of 8

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\EIGN\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	7-29-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-9

**Field Notes Describing a 501 Square Foot (0.012 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-ia:

Being a 501 Square Foot (0.012 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Southeast Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 36.72 feet to the most Southerly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Northerly corner of the herein described tract of land (not monumented):

Thence South 30°44'14" East, departing the said approved Southeast line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 20.04 feet to the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 59°15'46" West, continuing over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Southerly corner of the herein described tract of land (not monumented):

THENCE North 30°44'14" West, continuing over and across a portion of said King E. Rhodes property a distance of 19.80 feet to the **POINT OF BEGINNING**, containing 501 Square Feet, or 0.012 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).

Scott Holt
12/28/2016



**Field Notes Describing a 3,192 Square Foot (0.073 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-ib:

Being a 3,192 Square Foot (0.073 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Northwest Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Northwest line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 9.74 feet to the most Southerly corner and **POINT OF BEGINNING**, of the herein described tract of land (not monumented):

THENCE North 31°16'43" West, departing the last said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 39.90 feet to the most Westerly corner of the herein described tract of land (not monumented):

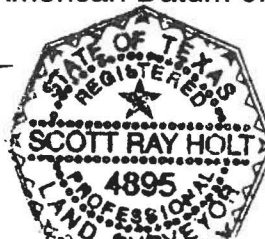
THENCE North 58°43'17" East, continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the most Northerly corner of the herein described tract of land (not monumented):

THENCE South 31°16'43" East, continuing over and across apporportion of said King E. Rhodes property a distance of 39.90 feet to the intersection with the above said approved Northwest line of Wheatland Road, being also the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 58°43'17" West, with the said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the **POINT OF BEGINNING**, containing 3,192 Square Feet, or 0.073 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
12/28/2014



Please Note: Unable to show Controlling Monumentation on this Drawing.
For Information Concerning Controlling Monuments, Please See Drawing
311D-4147, on File in the City of Dallas Survey Records Vault.

WHEATLAND RD.

LANCASTER ROAD

PLAZA BLVD.

Sun NLF
Limited Partnership
Vol. 95125
Pg. 768

BLOCK
7616

R.R. Spike
Found

12" I.R.
Found

PK Nail
Found

Yvonne Simmons
Vol. 2005151, Pg. 3183

25.63'
N 25°35'43" E

38.89'
S 62°59'43" E

38" I.R.
Found

38" I.R.
Found

38" I.R.
Found

POINT OF
COMMENCING
N=6924732.78
E=2496441.98

POINT OF
BEGINNING

BLOCK
7609
Unplatted

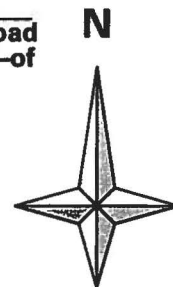
Drainage
Easement 3-ib

King E.
Rhodes
Vol. 2002187
Pg. 125

Approved Realignment
Location Wheatland Road
Planned 80-Foot Right-of-
-Way Width.

BLOCK
7616
Unplatted

King E.
Rhodes
Vol. 2002187
Pg. 125



⊙ Indicates 5/8" I.R. with Cap
Marked "CITY OF DALLAS"

501 Sq. Ft. (0.012 Ac.)
Drainage Easement
To Be Acquired

POINT OF
BEGINNING

36.72'
N 58°43'17" E

POINT OF
COMMENCING
N=6924664.41
E=2496483.52

Drainage
Easement 3-ia

Parcel 3-ia, 3-ib

Sheet 3 of 3



Wheatland Road

From Lancaster City Limits
to
Lancaster Road

DEPT. OF PUBLIC WORKS & TRANSPORTATION

SURVEY DIVISION CITY OF DALLAS, TEXAS

OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	10-30-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7609	311D-4147-12

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Mobility and Street Services

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

MAPSCO: 45L

SUBJECT

A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way; and, at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas Mobility and Street Services Department, Engineering Services Division, (formerly the Public Works Department), has requested an amendment to the City of Dallas Central Business District (CBD) Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway. The proposed change was initially analyzed and recommended in the Comprehensive Transportation Plan for the Central Business District. The plan, unanimously endorsed by the Dallas City Council in June 2005, made several recommendations regarding changes in traffic operations within the CBD including one-way to two-way street conversions.

The proposed segment of roadway is under construction and being realigned to match the segment of Pearl Expressway between Pacific Avenue and Marilla Street (south of the current proposal) approved by Dallas City Council on May 23, 2007. The City Council also adopted the Downtown Parks Master Plan Update in April 2013 designating Carpenter Park as one of the park priorities in Downtown. This project will facilitate the proposed design of planned Carpenter Park improvements and create a more walkable environment. The reconstruction of Pearl Street was funded with 2006 Bond funds.

BACKGROUND (Continued)

Staff recommends approval of the amendment to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Plan Commission Transportation Committee acted on this item on May 5, 2016 and followed staff recommendation.

The City Plan Commission acted on this item on May 19, 2016 and referred this case back to City Plan Commission Transportation Committee.

The City Plan Commission Transportation Committee acted on this item on October 20, 2016 and followed staff recommendation of approval.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

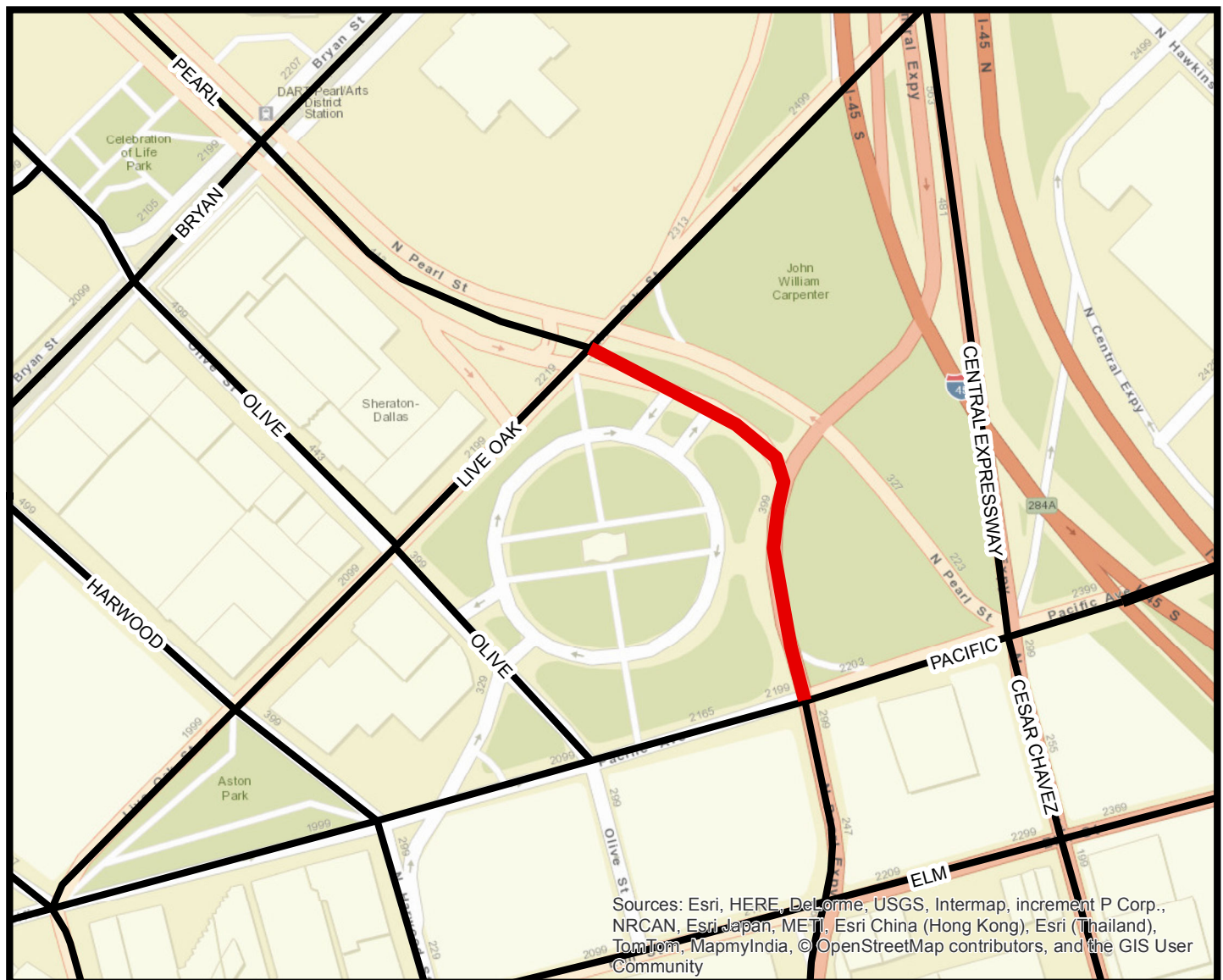
Pearl Expressway

Live Oak Street to Pacific Avenue

Council District: 14

MAPSCO: 45-L

Central Business District
Vehicle Circulation Plan
Amendment Map



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Mark McDaniel, 670-3256
Willis Winters, 670-4071

MAPSCO: 45L

SUBJECT

An ordinance abandoning aerial rights over a portion of Wenchell Lane to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffery Davis and Pamela Jane Dalton, the abutting owners, containing approximately 1,977 square feet of air space, located near the intersection of St. Paul Street and Wenchell Lane, and authorizing the quitclaim - Revenue: \$276,780, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of aerial rights over a portion of Wenchell Lane to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffery Davis and Pamela Jane Dalton, the abutting owners.

The area will be included with the property of the abutting owners to construct cantilever supports for the development of a new parking garage. The new garage will allow for increased tenant parking which directly influences a headquarters relocation of the Jacobs Corporation to the City of Dallas.

The new garage will be designed to provide for a display window on the St. Paul Street building façade, north of the garage entrance, of a width of at least 3/4 of the length of the façade. The display area will host art or displays on a rotating basis. The southern building façade will be a Green Wall/Green Screen or Green Wall/Living Wall vertical vegetation system. Curb ramping will also occur so that it maximizes the width of a leveled sidewalk.

BACKGROUND (Continued)

The abandonment fee is based on an independent appraisal.

Notices were sent to 16 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Economic Development Committee on January 9, 2017.~~

Information about this item was provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

Revenue: \$276,780, plus the \$20 ordinance publication fee

OWNERS

First Baptist Church of Dallas, Texas

Jerry Grissom, President

William E. Dalton, Jr.

David Dalton

Jennifer Davis Sanders

Elizabeth Powell Gallian

Lynn Dalton Lathrop

Jeffrey Davis

Margaret Shea Powell

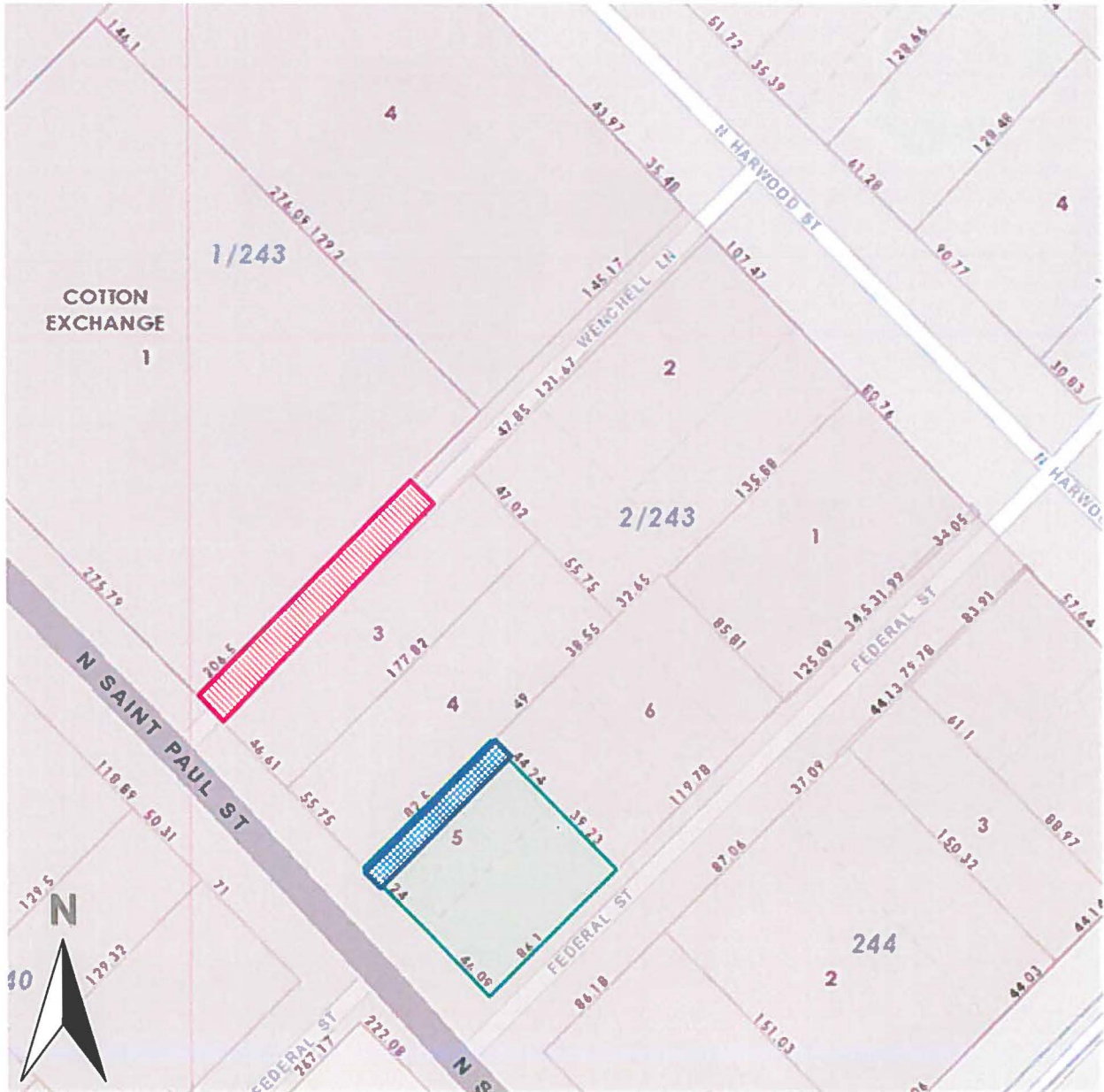
W. E. Dalton, Jr., Power of Attorney

Pamela Jane Dalton

W. E. Dalton, Jr., Power of Attorney

MAP

Attached



Log: 43218

Applicant: First Baptist Church of Dallas, Texas and William E Dalton, Jr., Patricia Dalton Caolo, Margaret Shea Powell, Mary Francis Tart, and Pamela Jane Dalton

Mapsc0: 45L

Abandonment area: 

Open Space Easement: 

ORDINANCE NO. _____

An ordinance providing for the abandonment of aerial rights over a portion of Wenchell Lane located adjacent to City Blocks 1/243 and 2/243 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to First Baptist Church of Dallas, Texas, William E. Dalton, Jr., Margaret Shea Powell, David Dalton, Jennifer Davis Sanders, Elizabeth Powell Gallian, Lynn Dalton Lathrop, Jeffrey Davis, and Pamela Jane Dalton; subject to reverter, providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of First Baptist Church of Dallas, Texas, a Texas non-profit corporation, William E. Dalton, Jr., an individual, Margaret Shea Powell, an individual, David Dalton, an individual, Jennifer Davis Sanders, an individual, Elizabeth Powell Gallian, an individual, Lynn Dalton Lathrop, an individual, Jeffery Davis, an individual, and Pamela Jane Dalton, an individual, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described space, to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of aerial rights, beginning at an elevation of 477.25 feet above mean sea level and extending to an elevation to 665.25 feet above mean sea level, 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 and 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 aerial rights, beginning at an elevation of 477.25 feet above mean sea level and extending to an elevation to 665.25 feet above mean sea level over the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and conditions, and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS (\$276,780.00)** 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, future effective date, and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to the certain area of aerial rights, beginning at an elevation of 477.25 feet above mean sea level and extending to an elevation of 665.25 feet above mean sea level over the tract of land hereinabove described in Exhibit A. Provided however, that if the tract or parcel of land situated on and adjacent to the area to be abandoned is ever: (i) partially demolished, removed or damaged and is not promptly thereafter repaired or rebuilt; (ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by **GRANTEE** and **GRANTEE'S** heirs, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2 and 10, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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** and **GRANTEE'S** heirs, 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:

- a) maintain a building entrance on St. Paul Street and provide for allowable use other than parking in accordance to definition of Article XIII of Dallas City Code.
- b) adhere to Dallas City Code minimum height requirements above and over Wenchell Lane that must allow for truck, City of Dallas fire and police services to pass through and must have low clearance signs. Clearance signs must be present if construction, installation or maintenance shall occur that is lower than 20 feet of the described area in Exhibit A.
- c) allow city to retain easement rights of existing 6 foot sewer main within the alley until evidence has been provided to Dallas Water Utilities Engineering department that the existing 6 foot sewer main has been killed.

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 ordinance and upon City Council approval of the Parks and Recreation Department resolution, substantially in the form attached hereto as Exhibit B, that authorizes the grant of an open space easement to **GRANTEE**, in the form as approved by the City Attorney, and in the location described in Exhibit C attached hereto and made a part hereof, pay the monetary consideration required in said Parks and Recreation Department resolution in the sum of **NINETY-NINE THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$99,785.00)**.

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

AERIAL ABANDONMENT

EXHIBIT A

PART OF WENCHELL LANE
ADJACENT TO CITY BLOCKS 1/243 & 2/243
BETWEEN THE ELEVATIONS OF 477.25 FEET AND 665.25 FEET MEAN SEA LEVEL
OR BETWEEN 17.00 FEET AND 188.00 FEET ABOVE THE CROWN OF THE ROAD
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 1,977 square foot (0.045 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, being adjacent to City Blocks 1/243 and 2/243, Official City of Dallas Block Numbers and being a portion of Wenchell Lane (formerly Walker Lane) (a variable width public right-of-way, no dedication found) between the elevations of 477.25 feet and 665.25 feet mean sea level or between 17.00 feet and 188.00 feet above the crown of the road, and being more particularly described by metes and bounds as follows:

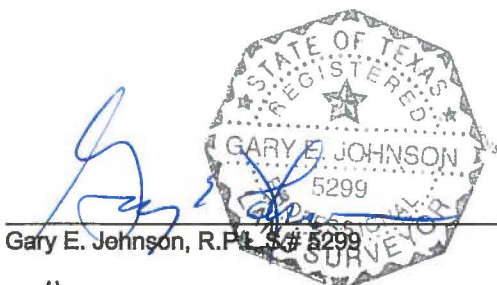
Beginning at an "X" found in concrete for corner at the intersection of the Southeast right-of-way line of said Wenchell Lane and the Northeast right-of-way line of St. Paul Street (60 foot public right-of-way), created by Ordinance Book 1-A, Page 131, Volume 787, Page 502, Volume 793, Page 13 and Volume 791, Page 336, Deed Records of Dallas County, Texas, said point being the South corner of herein described tract;

Thence North 45 Degrees 00 Minutes 00 Seconds West, along said northeast right-of-way line of said St Paul Street, a distance of 11.50 feet to a "X" set for corner lying in the Northeast right-of-way line of said St. Paul Street same being the West corner of herein described tract;

Thence North 44 Degrees 40 Minutes 00 Seconds East, 2.5 feet southeast and parallel with the Southeast line of Lot 1, City Block 1/243 of Cotton Exchange Addition, an addition to the City of Dallas, Dallas County, Texas, created by the plat thereof recorded in Instrument No. 201300077120 of the Official Public Records of Dallas County, Texas, a distance of 174.75 feet to a "X" set for corner, said point being the North corner of herein described tract;

Thence South 45 Degrees 00 Minutes 00 Seconds East, a distance of 11.12 feet to a PK nail set in the Northwest line of a tract of land conveyed to Lynn Dalton Lathrop, by deed recorded in Instrument No. 201500257171 Official Public Records, Dallas County, Texas;

Thence South 44 Degrees 32 Minutes 34 Seconds West, along the Northwest line of said Dalton tract, a distance of 174.76 feet to the POINT OF BEGINNING and containing 1,977 square feet or 0.045 acres of land.



REVIEWED BY: JD
DATE: 10/27/2016
SPRG No: 3799



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
(N44°40'00"E)

JOB #: 1300503-4
DATE: 07/05/2016
LAST REVISED: 10/24/2016
PAGE: 1 OF 2
SCALE: 1" = 40'
DRAWN BY: ER/JWR

AERIAL ABANDONMENT

PART OF WENCHELL LANE

ADJACENT TO CITY BLOCKS 1/243 & 2/243

BETWEEN THE ELEVATIONS OF 477.25 FEET AND 665.25 FEET MEAN SEA LEVEL

OR BETWEEN 17.00 FEET AND 188.00 FEET ABOVE THE CROWN OF THE ROAD

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

PARCEL LINE TABLE

LINE #	LENGTH	DIRECTION
L1	11.50'	N45°00'00"W
L2	11.12'	S45°00'00"E

JOHN GRIGSBY SURVEY, ABSTRACT No 495

COTTON EXCHANGE ADDITION

LOT 1, BLOCK 1/243

INST. NO. 201300077120

O.P.R.D.C.T.

FIRST BAPTIST CHURCH OF DALLAS, TEXAS,

A TEXAS NON-PROFIT CORPORATION

INST. NO. 200600196305

O.P.R.D.C.T.

AERIAL ABANDONMENT

1,977 SQ.FT. 0.045 ACRES

15'x15' SIGHT ESMT

INST No 201300077120

O.P.R.D.C.T.

3" ALUMINUM DISK
FOUND IN CONCRETE
"CM"

"X" SET

"X" FOUND

POINT OF
BEGINNING

ST. PAUL STREET
60' RIGHT-OF-WAY
(ORD. BOOK 1-A, PG 131, VOL. 787, PG
VOL. 793, PG. 13, VOL. 791, PG
D.R.D.C.T.)

CITY BLOCK
1/243

WC 717 N HARWOOD
PROPERTY, LLC, A
DELAWARE LIMITED LIABILITY
COMAPNY

INST. NO. 201400070070

O.P.R.D.C.T.

PK NAIL
FOUND
"CM"

(BY USE AND OCCUPATION
NO DEDICATION FOUND)

"X" SET

PK NAIL
SET

MAHER PROPERTIES TWO,
A TEXAS LIMITED PARTNERSHIP
VOL. 82177, PG. 3913
D.R.D.C.T.

CITY BLOCK
2/243

LYNN DALTON LATHROP
INST. NO. 201500257171
O.P.R.D.C.T.

FIRST BAPTIST CHURCH OF DALLAS, TEXAS,
A TEXAS NON-PROFIT CORPORATION
INST. NO. 200600196306
O.P.R.D.C.T.



40 20 0 20 40
SCALE - 1" = 40'

LEGEND:

CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
"X" FND.	X FOUND IN CONCRETE
SQ.FT	SQUARE FEET
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
IRS	IRON ROD SET WITH YELLOW CAP STAMPED "TXHS"



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
(N44°40'00"E)

REVIEWED BY: JP
DATE: 10/27/2016
SPRG No: 3799

JOB #: 1300503-4
DATE: 07/05/2016
LAST REVISED: 10/24/2016
PAGE: 2 OF 2
SCALE: 1" = 40'
DRAWN BY: ER/JWR

EXHIBIT B

COUNCIL CHAMBER

January 11, 2017

WHEREAS, the City of Dallas owns land in Dallas known as Federal Plaza located at 1900 Federal Street, which has been maintained as parkland since 1980; and

WHEREAS, adjacent landowners, the Dalton Family, First Baptist Church, et al. located at 502 North St. Paul Street, has requested the use of approximately 879 square feet of land as an Open Space Easement to satisfy City code requirements for the configuration and construction of a parking garage with natural ventilation adjacent to Federal Plaza, said easement area more fully described in Exhibit A, attached hereto and made a part hereof and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

WHEREAS, in consideration for the grant of the Open Space Easement, the Dalton Family, First Baptist Church, et al. will pay the fair market value of this easement (\$99,785.00), as determined by an independent appraisal; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Federal Plaza has been taken.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That, City of Dallas hereby approves and authorizes the grant of an Open Space Easement, by form instrument as approved by the City Attorney, to the Dalton Family, First Baptist Church, et al. to satisfy City code requirements for the configuration and construction of a parking garage with natural ventilation adjacent to Federal Plaza, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

EXHIBIT B

January 11, 2017

SECTION 3. That, upon receipt of NINETY-NINE THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS AND NO/100 (\$99,785.00) from the Dalton Family, First Baptist Church, et al, the City Manager or designee, upon approval as to form by the City Attorney is authorized to execute an Open Space Easement for the benefit of Dalton Family, First Baptist Church, et al. for the purposes authorized herein and to provide the following:

Within the Open Space Easement The City is permitted to:

1. Install typical improvements in a yard space such as pavement, plantings, benches, guardrails, etc. which do not exceed forty-two inches in height. Trees with a maximum canopy of six feet wide spaced five feet or more from the property line and a minimum of fifteen feet apart are permitted.

The Open Space Easement holder shall covenant to the City:

1. The Open Space Easement shall revert to the City if a structure is not constructed on the adjacent property or is removed thereafter;
2. To be responsible for all expenses to the City for the cleanup, repairs, and any and all damages or actions deleterious to the park resultant of its actions or negligence.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit funds paid by **GRANTEE** for the open space easement into Capital Gifts, Donation and Development Fund, Fund 0530; Department PKR; Unit 919A; Revenue Code 8428 in an amount not to exceed \$99,785.00.

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.

OPEN SPACE EASEMENT

CITY BLOCK 2/243

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

EXHIBIT C

Being a 879 square foot (0.0202 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, City Block 2/243, Official City of Dallas Block Numbers and being a part of that certain tract of land as described in a special warranty deed to the City of Dallas, and recorded in Volume 77171, Page 2952, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a "X" found for corner, said corner being in the Northeast right of way line of N. St. Paul Street (60 foot right of way) and being the South corner of that tract of land conveyed to First Baptist Church of Dallas, Texas, a non-profit Corporation, by deed recorded in Instrument Number 200600196306, Official Public Records, Dallas County, Texas and the West corner of said City of Dallas tract;

THENCE North 44 degrees 36 minutes 35 seconds East, along the Southeast line of said First Baptist Church tract and along the Northwest line of said City of Dallas tract, a distance of 87.86 feet to a PK nail found for corner and being the West corner of that tract of land conveyed to St. Paul Holdings, LP, a Texas Limited Partnership, by deed recorded in Instrument Number 201200376535, Official Public Records, Dallas County, Texas;

THENCE South 45 degrees 20 minutes 17 seconds East, along the Southwest line of said St Paul Holdings tract, a distance of 10.00 feet to a 1/2" inch iron rod with yellow cap stamped "TXHS" set for corner;

THENCE South 44 degrees 36 minutes 35 seconds West, a distance of 87.92 feet to a "X" set for corner; said "X" being in the Northeast right of way line of said N. St. Paul Street;

THENCE North 45 degrees 00 minutes 00 seconds West, along said Northeast right of way line, a distance of 10.00 feet to the POINT OF BEGINNING and containing 879 square feet or 0.0202 acre of land.



REVIEWED BY: JD
DATE: 12/14/2016
SPRG NO. 3938



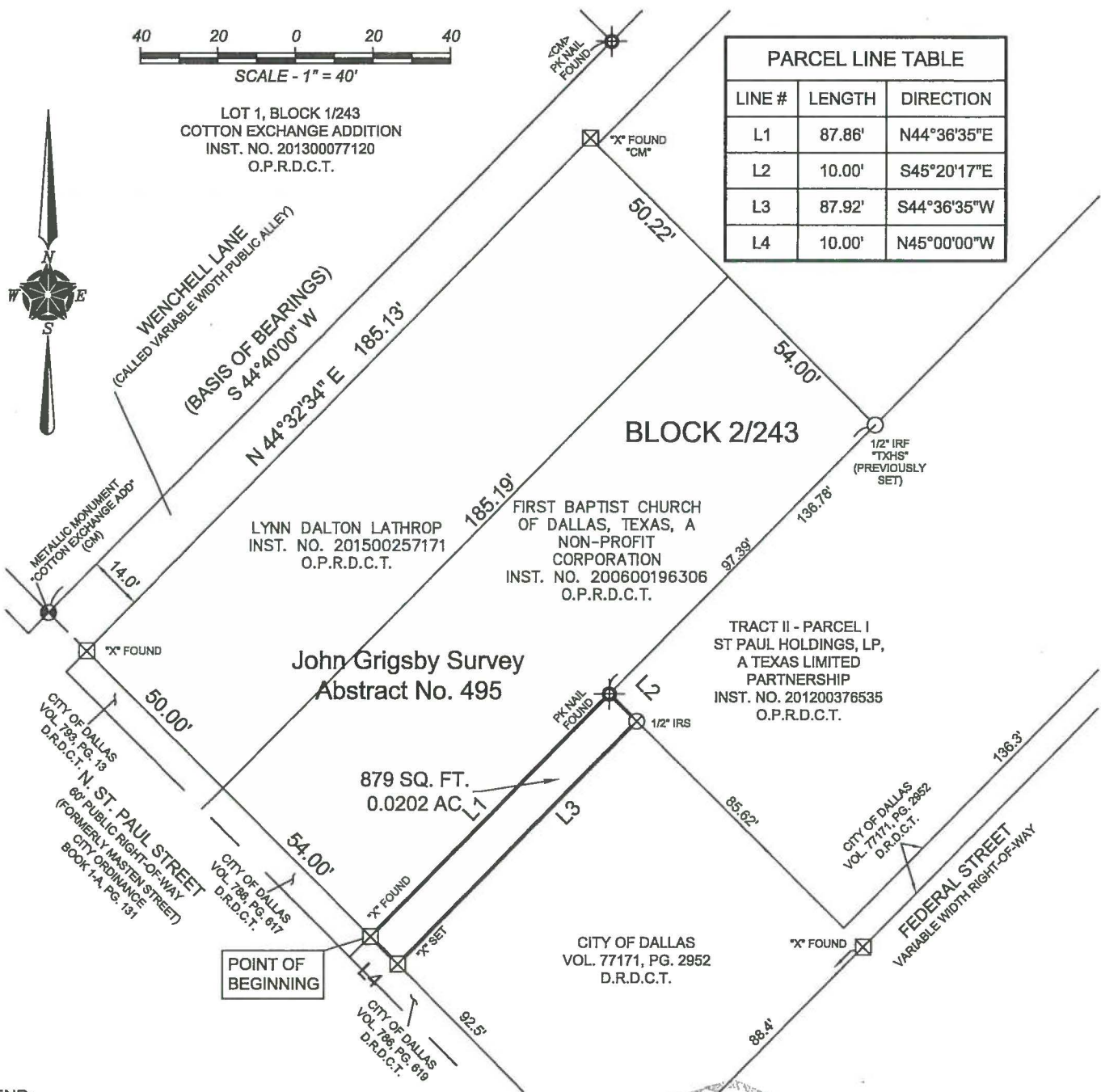
TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
AS RECORDED IN INSTRUMENT NO.
201300077120 O.P.R.D.C.T.
(N44°40'00"E)

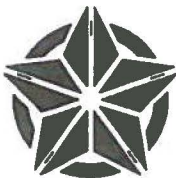
JOB #: 1603982-01
DATE: 11/15/2016
PAGE: 1 OF 2
SCALE: 1" = 40'
DRAWN BY: BM

CITY BLOCK 2/243
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT C



AC	ACRES
CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
"X" FND.	X FOUND IN CONCRETE
SQ.FT	SQUARE FEET
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
IRS	IRON ROD SET WITH YELLOW CAP STAMPED "TXHS"



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

BEARINGS ARE BASED ON THE
NORTHWEST LINE OF WENCHELL LANE
PER PLAT OF COTTON EXCHANGE
ADDITION, LOT 1, CITY BLOCK 1/243
AS RECORDED IN INSTRUMENT NO.
201300077120 O.P.R.D.C.T.
(N44°40'00"E)

REVIEWED BY: JD
DATE: 12/14/2016
SPRG NO. 3938

JOB #: 1603982-01
DATE: 11/15/2016
PAGE: 2 OF 2
SCALE: 1" - 40'
DRAWN BY: BM