MAY 10, 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 May 10, 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.

T.C. Broadnax
City Manager

4/28/2017
Date

for Elizabeth Reich
Chief Financial Officer

4/28/2017
Date

RECEIVED
2017 APR 28 PM 5:52
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

May 10, 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 Secretaria del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties Act*. ***La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita***.

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben de abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*pagers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

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

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MAY 10, 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 - 22
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 23 - 28
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 29 - 44

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

AGENDA

CITY COUNCIL MEETING

MAY 10, 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 April 19, 2017 City Council Meeting

CONSENT AGENDA

Civil Service

2. Authorize a one-year corporate membership to LinkedIn Corporation - Not to exceed $137,147 - Financing: Current Funds (subject to appropriations)

Convention and Event Services

3. Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Housing & Neighborhood Revitalization

4. Authorize the **(1)** second amendment to Contract No. 2015-047695-001 with the Department of State Health Services, Family and Community Health Service, Office of Title V and Family Health for the Lactation Center Support Services Strategic Expansion Program that would complement and expand the Women, Infants, and Children (WIC) Lactation Center Program to **(a)** revise the budget and extend the term of the contract from August 31, 2017 to August 31, 2018 to allow for successful completion of the WIC Project for Fiscal Year (FY) 2018 grant allocation; and **(b)** accept grant funds in an amount not to exceed $260,000 for FY 2018 allocation (Amendment No. 2 Contract No. 2015-047695-002A) for the period of September 1, 2017 through August 31, 2018; **(2)** receipt and deposit of grant funds in an amount not to exceed $260,000 into the WIC Lactation Resource and Training Expansion Grant Fund; **(3)** establishment of appropriations in an amount not to exceed $260,000 in the WIC Lactation Resource and Training Expansion Grant Fund; and **(4)** execution of the amendment and all terms, conditions, and documents required by the contract - Not to exceed $260,000, from $650,000 to $910,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds

Mobility and Street Services

5. Authorize a Highway Overpass Modification and Construction Agreement between the State of Texas, acting by and through the Texas Department of Transportation, the City of Dallas, the City of Carrollton, Dallas Area Rapid Transit (DART), and AGL Constructors in order to improve the safety of the traveling public and train operations along a portion of the 30-mile section of Interstate Highway 35E from Interstate Highway 635 to U.S. Highway 380 in Denton County specifically at Belt Line Road and DART/Madill Corridor - Financing: No cost consideration to the City

6. Authorize **(1)** street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; 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 June 14, 2017, to receive comments - Financing: No cost consideration to the City

7. Authorize **(1)** the receipt and deposit of funds in an amount not to exceed $200,000 from the Thomas M. Gaubert Irrevocable Trust for the construction of a new traffic signal at Clark Road and Clarkridge Drive; and **(2)** an increase in appropriations in an amount not to exceed $200,000 in the Capital Projects Reimbursement Fund - Not to exceed $200,000 - Financing: Capital Projects Reimbursement Funds

8. Authorize **(1)** the Third Amendment to the Project Supplemental Agreement with Dallas County for the East Dallas Veloway Phase III Project from Lawther Drive to Mockingbird Lane and the SoPAC Trail Gaston Avenue YMCA Connection Trail Project improvements; and **(2)** payment to Dallas County for the City's share of estimated final design and construction costs - Not to exceed $818,600 - Financing: General Obligation Commercial Paper Funds

CONSENT AGENDA (continued)

Office of Financial Services

9. Authorize a public hearing to be held on May 24, 2017 to receive comments on the FY 2017-18 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

Sustainable Development and Construction

10. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. LS Investments, et al., Cause No. CC-16-03529-B, pending in Dallas County Court at Law No. 2, to acquire a total of approximately 125,973 square feet of land located near the intersection of Beltline and Fish Roads for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed $29,319, increased from $78,000 ($72,688, plus closing costs and title expenses not to exceed $5,312) to $107,319 ($102,007 being the award, plus closing costs and title expenses not to exceed $5,312) - Financing: Water Utilities Capital Construction Funds

11. Authorize acquisition from Lorean D. Thomas and James W. Thomas, of approximately 7,085 square feet of vacant land located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project - Not to exceed $4,000 ($2,500, plus closing cost and title expenses not to exceed $1,500) - Financing: 2012 Bond Funds

12. A resolution authorizing the conveyance of an easement containing approximately 200 square feet of land to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electric transformer facilities across City-owned land located near the intersection of Chalk Hill Road and Hiawatha Street - Financing: No cost consideration to the City

13. An ordinance granting a revocable license to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard, for the use of approximately 1,368 square feet of aerial space to install, occupy, maintain and utilize an aerial sign over and above a portion of Commerce Street right-of-way, located near the intersection of Commerce and Pryor Streets - Revenue: $1,779 annually, plus the $20 ordinance publication fee

14. An ordinance abandoning a portion of Electronic Lane to Parker University, a Texas non-profit corporation, the abutting owner, containing approximately 44,860 square feet of land, located near its intersection with Program Drive and authorizing the quitclaim, and providing for the dedication of approximately 44,860 square feet of needed land for a water and wastewater easement - Revenue: $228,786, plus the $20 ordinance publication fee

15. An ordinance abandoning a utility easement to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 20,760 square feet of land, located near the intersection of Oak Park Drive and Vista Wood Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee

CONSENT AGENDA (continued)

Sustainable Development and Construction (continued)

16. An ordinance abandoning a portion of a fire lane easement, sanitary sewer easement and a 10' temporary construction easement to DRI/Maple AF3 Apartments, LLC, the abutting owner, containing a total of approximately 9,079 square feet of land, located near the intersection of Throckmorton and Fairmount Streets - Revenue: $5,400, plus the $20 ordinance publication fee

17. An ordinance abandoning a portion of a storm sewer easement to Old Parkland Unit K, L.L.C., the abutting owner, containing approximately 609 square feet of land, located near the intersection of Maple Avenue and Throckmorton Street - Revenue: $5,400, plus the $20 ordinance publication fee

18. An ordinance abandoning portions of four drainage easements, two water and wastewater easements, and two wastewater easements to Texas Intownhomes, LLC, the abutting owner, containing a total of approximately 29,598 square feet of land, located near the intersection of Production Drive and Hawthorne Avenue; and providing for the dedication of approximately 31,287 square feet of land needed for wastewater easements, a drainage easement, water and wastewater easements, and a wastewater and drainage easement - Revenue: $8,400, plus the $20 ordinance publication fee

Trinity Watershed Management

19. Authorize acquisition from Dallas Independent School District, of a subsurface easement located under a total of approximately 11,455 square feet of land located on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed $55,442 ($51,942, plus closing costs and title expenses not to exceed $3,500) - Financing: 2006 Bond Funds

20. Authorize an increase in the contract with Omega Contracting, Inc. for modifications to the construction of storm drainage improvements along Knights Branch channel between the Dallas Area Rapid Transit and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road, and the extension of an existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed $209,400, from $921,667 to $1,131,067 - Financing: Stormwater Drainage Management Capital Construction Funds

21. Authorize Supplemental Agreement No. 3 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional engineering design services necessary to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road - Not to exceed $33,973, from $490,374 to $524,347 - Financing: 2003 Bond Funds

CONSENT AGENDA (continued)

Water Utilities

22. Authorize a contract for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant located at 1440 Whitlock Lane - Archer Western Construction, LLC, lowest responsible bidder of five - Not to exceed $25,486,500 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

23. 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)

ITEMS FOR FURTHER CONSIDERATION

Economic Development

24. Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training with Transformance, Inc. in the amount of $375,000, Christian Transformation Foundation dba Serve West Dallas in the amount of $375,000, City Square in the amount of $375,000 and Dallas Area Habitat for Humanity in the amount of $375,000, most advantageous proposers of nine - Total not to exceed $1,500,000 - Financing: Public/Private Partnership Funds

Housing & Neighborhood Revitalization

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

Sustainable Development and Construction

26. An ordinance granting a private license to AERC Turtle Creek, LLC for the use of approximately 7,086 square feet of land to occupy, maintain, and utilize nine private street lights, three tree up-lights and twenty-three trees on a portion of Hood and Brown Streets rights-of-way, located near the intersection of Hood and Brown Streets - Revenue: $300 one-time fee, plus the $20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION (continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

Note: Item Nos. 27 and 28 must be considered collectively.

Sports Arena TIF District Victory Sub-district

27. * Authorize **(1)** a management and operating agreement with Center Operating Company, L.P., the American Airlines Center (Arena) operator, for the management and operation of the City-owned North Parking Garage (Silver Garage) addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District, as a public parking garage and Arena event parking for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees and revenue sharing; and **(2)** a grant to Center Operating Company, L.P. in an amount not to exceed $1,521,114, as consideration from increment accruing to Tax Increment Financing Reinvestment Zone Seven (Sports Arena TIF District) Victory Sub-district - Not to exceed $1,521,114 - Financing: Sports Arena TIF District Funds (subject to appropriations)

28. * Authorize **(1)** the establishment of appropriations in the Sports Arena TIF North Parking Garage Fund in an amount not to exceed $200,000 to fund capital expenditures for the North Parking Garage (Silver Garage); **(2)** the receipt and deposit into the account all of the City's share of revenue generated by the Silver Garage from Center Operating Company, L.P., for the term of the management agreement; **(3)** dedication of monthly parking revenue received by the Sports Arena TIF District-Victory Sub-district as a source for annual payments to the account for the term of the management agreement in an amount not to exceed $100,000 annually or $1,450,000 over the term of the contract; and **(4)** a one-time payment of $200,000 to the account on or before December 31, 2019, from increment accruing to the Victory Sub-district of the Sports Arena TIF District - Not to exceed $1,650,000 - Financing: Sports Arena TIF District Funds (subject to appropriations)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

29. A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an R-5(A) Single Family District on the north side of Life Avenue, east of Puget Street
Recommendation of Staff and CPC: Approval, subject to a site/landscape plan
Z156-301(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

30. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses and hotel use by right on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the south corner of Fairmount Street and Carlisle Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-134(OTH)

31. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side of Joseph Hardin Drive, between Country Creek Drive and the terminus of Exchange Service Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised Tract 2 site plan, revised traffic management plan, and conditions
Z167-145(SM)

32. A public hearing to receive comments regarding an application for and a resolution accepting an amendment to the existing deed restrictions on property zoned a CS Commercial Service District on the northwest corner of LBJ Freeway and Cedar Ranch Drive
Recommendation of Staff and CPC: Approval
Z167-167(SM)

33. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, west of Lawnview Avenue, south of Samuell Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z167-196(WE)

34. A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an R-5(A) Single Family District, on the west side of Bonnie View Road, south of East 11th Street
Recommendation of Staff and CPC: Approval
Z167-197(PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

35. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 703 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school in an area bounded by Hillcrest Road, Lakehurst Avenue, Airline Road and Aberdeen Avenue
Recommendation of Staff and CPC: Approval, subject to a revised development plan, a landscape plan, a revised traffic management plan, and conditions
Z167-198(PD)

36. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subarea within Planned Development District No. 899 on the northeast corner of Royal Lane and Grissom Lane
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, revised development plan and conditions
Z167-199(WE)

37. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 721 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school in an area bounded by Chariot Drive, Berridge Lane, St. Francis Avenue and Trace Road
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan, a revised traffic management plan and conditions
Z167-200(PD)

38. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 748 to allow changes to front yard setbacks for Tract 2 on the northwest and northeast corner of Medical District Drive and Southwestern Medical Avenue
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z167-202(JM)

ZONING CASES - INDIVIDUAL

39. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan, elevation and conditions
Z167-165(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

40. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bail bonds office on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the west side of South Riverfront Boulevard, north of Bessemer Street
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions
Z167-193(KK)
Note: This item was considered by the City Council at a public hearing on April 26, 2017, and was deferred until May 10, 2017, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

41. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Phase 1 within Planned Development District No. 114 on the northeast corner of Belt Line Road and Prestonwood Boulevard
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, revised development plan and conditions
Z156-313(WE)

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

42. A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called "Paraphernalia Shop," and related regulations and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 156-004

FLOODPLAIN APPLICATIONS

Trinity Watershed Management

43. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 5.9 acres of the current 14.7 acres of land, located at 5800 Keller Springs, within the floodplain of White Rock Creek, Fill Permit 15-05 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

MISCELLANEOUS HEARINGS

Housing & Neighborhood Revitalization

44. A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, under the House Bill 110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: $8,585

Land Bank (DHADC) Sale of Lots to
KW New Vision Properties and Land, Inc.
Agenda Item # 25

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 4818 Owenwood	47J	7	$12,984.62
2. 4612 Silver	47N	7	$ 3,027.93

Tax Foreclosure and Seizure Property Resale
Agenda Item # 44

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Zoning
1.	2723 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
2.	2726 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
3.	3015 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
4.	3027 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,600	$1,585.00	V	PD-595
5.	2907 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
6.	2932 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
7.	3000 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
8.	3014 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595

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 May 10, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the April 19, 2017 City Council Meeting
2			N/A	C	CVS	$137,146.75	NA	NA	Authorize a one-year corporate membership to LinkedIn Corporation - Not to exceed $137,147 - Financing: Current Funds (subject to appropriations)
3			2	C	CES	NC	NA	NA	Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City
4			All	C	HOU	GT	NA	NA	Authorize the (1) second amendment to Contract No. 2015-047695-001 with the Department of State Health Services, Family and Community Health Service, Office of Title V and Family Health for the Lactation Center Support Services Strategic Expansion Program that would complement and expand the Women, Infants, and Children (WIC) Lactation Center Program to (a) revise the budget and extend the term of the contract from August 31, 2017 to August 31, 2018 to allow for successful completion of the WIC Project for Fiscal Year (FY) 2018 grant allocation; and (b) accept grant funds in an amount not to exceed $260,000 for FY 2018 allocation (Amendment No. 2 Contract No. 2015-047695-002A) for the period of September 1, 2017 through August 31, 2018; (2) receipt and deposit of grant funds in an amount not to exceed $260,000 into the WIC Lactation Resource and Training Expansion Grant Fund; (3) establishment of appropriations in an amount not to exceed $260,000 in the WIC Lactation Resource and Training Expansion Grant Fund; and (4) execution of the amendment and all terms, conditions, and documents required by the contract - Not to exceed $260,000, from $650,000 to $910,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds
5			All	C	STS, PKR, WTR	NC	NA	NA	Authorize a Highway Overpass Modification and Construction Agreement between the State of Texas, acting by and through the Texas Department of Transportation, the City of Dallas, the City of Carrollton, Dallas Area Rapid Transit (DART), and AGL Constructors in order to improve the safety of the traveling public and train operations along a portion of the 30-mile section of Interstate Highway 35E from Interstate Highway 635 to U.S. Highway 380 in Denton County specifically at Belt Line Road and DART/Madill Corridor - Financing: No cost consideration to the City
6			4	C	STS, WTR	NC	NA	NA	Authorize (1) street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; 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 June 14, 2017, to receive comments - Financing: No cost consideration to the City
7			3	C	STS	GT	NA	NA	Authorize (1) the receipt and deposit of funds in an amount not to exceed $200,000 from the Thomas M. Gaubert Irrevocable Trust for the construction of a new traffic signal at Clark Road and Clarkridge Drive; and (2) an increase in appropriations in an amount not to exceed $200,000 in the Capital Projects Reimbursement Fund - Not to exceed $200,000 - Financing: Capital Projects Reimbursement Funds
8			9	C	STS	$818,600.00	NA	NA	Authorize (1) the Third Amendment to the Project Supplemental Agreement with Dallas County for the East Dallas Veloway Phase III Project from Lawther Drive to Mockingbird Lane and the SoPAC Trail Gaston Avenue YMCA Connection Trail Project improvements; and (2) payment to Dallas County for the City's share of estimated final design and construction costs - Not to exceed $818,600 - Financing: General Obligation Commercial Paper Funds
9			N/A	C	OFS	NC	NA	NA	Authorize a public hearing to be held on May 24, 2017 to receive comments on the FY 2017-18 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City
10			8	C	DEV, ATT, WTR	$29,319.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. LS Investments, et al., Cause No. CC-16-03529-B, pending in Dallas County Court at Law No. 2, to acquire a total of approximately 125,973 square feet of land located near the intersection of Beltline and Fish Roads for the Southwest 120/96-inch Water Transmission Pipeline Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed $29,319, increased from $78,000 ($72,688, plus closing costs and title expenses not to exceed $5,312) to $107,319 ($102,007 being the award, plus closing costs and title expenses not to exceed $5,312) - Financing: Water Utilities Capital Construction Funds

AGENDA DATE May 10, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
11			7	C	DEV, STS	$4,000.00	NA	NA	Authorize acquisition from Lorean D. Thomas and James W. Thomas, of approximately 7,085 square feet of vacant land located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project - Not to exceed $4,000 ($2,500, plus closing cost and title expenses not to exceed $1,500) - Financing: 2012 Bond Funds
12			6	C	DEV, STS	NC	NA	NA	A resolution authorizing the conveyance of an easement containing approximately 200 square feet of land to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electric transformer facilities across City-owned land located near the intersection of Chalk Hill Road and Hiawatha Street - Financing: No cost consideration to the City
13			2	C	DEV	REV $1,779	NA	NA	An ordinance granting a revocable license to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard, for the use of approximately 1,368 square feet of aerial space to install, occupy, maintain and utilize an aerial sign over and above a portion of Commerce Street right-of-way, located near the intersection of Commerce and Pryor Streets - Revenue: $1,779 annually, plus the $20 ordinance publication fee
14			6	C	DEV	REV $228,786	NA	NA	An ordinance abandoning a portion of Electronic Lane to Parker University, a Texas non-profit corporation, the abutting owner, containing approximately 44,860 square feet of land, located near its intersection with Program Drive and authorizing the quitclaim, and providing for the dedication of approximately 44,860 square feet of needed land for a water and wastewater easement - Revenue: $228,786, plus the $20 ordinance publication fee
15			4	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a utility easement to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 20,760 square feet of land, located near the intersection of Oak Park Drive and Vista Wood Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee
16			2	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a portion of a fire lane easement, sanitary sewer easement and a 10' temporary construction easement to DRI/Maple AF3 Apartments, LLC, the abutting owner, containing a total of approximately 9,079 square feet of land, located near the intersection of Throckmorton and Fairmount Streets - Revenue: $5,400, plus the $20 ordinance publication fee
17			2	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a portion of a storm sewer easement to Old Parkland Unit K, L.L.C., the abutting owner, containing approximately 609 square feet of land, located near the intersection of Maple Avenue and Throckmorton Street - Revenue: $5,400, plus the $20 ordinance publication fee
18			2	C	DEV	REV $8,400	NA	NA	An ordinance abandoning portions of four drainage easements, two water and wastewater easements, and two wastewater easements to Texas Intownhomes, LLC, the abutting owner, containing a total of approximately 29,598 square feet of land, located near the intersection of Production Drive and Hawthorne Avenue; and providing for the dedication of approximately 31,287 square feet of land needed for wastewater easements, a drainage easement, water and wastewater easements, and a wastewater and drainage easement - Revenue: $8,400, plus the $20 ordinance publication fee
19			14	C	TWM	$55,442.00	NA	NA	Authorize acquisition from Dallas Independent School District, of a subsurface easement located under a total of approximately 11,455 square feet of land located on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed $55,442 ($51,942, plus closing costs and title expenses not to exceed $3,500) - Financing: 2006 Bond Funds
20			6	C	TWM	$209,400.00	100.00%	100.00%	Authorize an increase in the contract with Omega Contracting, Inc. for modifications to the construction of storm drainage improvements along Knights Branch channel between the Dallas Area Rapid Transit and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road, and the extension of an existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed $209,400, from $921,667 to $1,131,067 - Financing: Stormwater Drainage Management Capital Construction Funds
21			8	C	TWM, STS	$33,972.06	100.00%	23.01%	Authorize Supplemental Agreement No. 3 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional engineering design services necessary to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road - Not to exceed $33,973, from $490,374 to $524,347 - Financing: 2003 Bond Funds
22			Outside	C	WTR	$25,486,500.00	86.83%	10.18%	Authorize a contract for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant located at 1440 Whitlock Lane - Archer Western Construction, LLC, lowest responsible bidder of five - Not to exceed $25,486,500 - Financing: Water Utilities Capital Improvement Funds
23			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)

AGENDA DATE May 10, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
24			All	I	ECO	$1,500,000.00	NA	NA	Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training with Transformance, Inc. in the amount of $375,000, Christian Transformation Foundation dba Serve West Dallas in the amount of $375,000, City Square in the amount of $375,000 and Dallas Area Habitat for Humanity in the amount of $375,000, most advantageous proposers of nine - Total not to exceed $1,500,000 - Financing: Public/Private Partnership Funds
25			7	I	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by KW New Vision Properties and Land, Inc. for the construction of houses; (2) the sale of two vacant lots from Dallas Housing Acquisition and Development Corporation to KW New Vision Properties and Land, Inc.; and (3) execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City
26			14	I	DEV	REV $300	NA	NA	An ordinance granting a private license to AERC Turtle Creek, LLC for the use of approximately 7,086 square feet of land to occupy, maintain, and utilize nine private street lights, three tree up-lights and twenty-three trees on a portion of Hood and Brown Streets rights-of-way, located near the intersection of Hood and Brown Streets - Revenue: $300 one-time fee, plus the $20 ordinance publication fee
27			2, 6, 14	I	ECO	$1,521,114.00	NA	NA	Sports Arena TIF District Victory Sub-District: Authorize (1) a management and operating agreement with Center Operating Company, L.P., the American Airlines Center (Arena) operator, for the management and operation of the City-owned North Parking Garage (Silver Garage) addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District, as a public parking garage and Arena event parking for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees and revenue sharing; and (2) a grant to Center Operating Company, L.P. in an amount not to exceed $1,521,114, as consideration from increment accruing to Tax Increment Financing Reinvestment Zone Seven (Sports Arena TIF District) Victory Sub-district - Not to exceed $1,521,114 - Financing: Sports Arena TIF District Funds (subject to appropriations)
28			2, 6, 14	I	ECO	$1,650,000.00	NA	NA	Sports Arena TIF District Victory Sub-District: Authorize (1) the establishment of appropriations in the Sports Arena TIF North Parking Garage Fund in an amount not to exceed $200,000 to fund capital expenditures for the North Parking Garage (Silver Garage); (2) the receipt and deposit into the account all of the City's share of revenue generated by the Silver Garage from Center Operating Company, L.P., for the term of the management agreement; (3) dedication of monthly parking revenue received by the Sports Arena TIF District-Victory Sub-district as a source for annual payments to the account for the term of the management agreement in an amount not to exceed $100,000 annually or $1,450,000 over the term of the contract; and (4) a one-time payment of $200,000 to the account on or before December 31, 2019, from increment accruing to the Victory Sub-district of the Sports Arena TIF District - Not to exceed $1,650,000 - Financing: Sports Arena TIF District Funds (subject to appropriations)
29			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an R-5(A) Single Family District on the north side of Life Avenue, east of Puget Street
30			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 GR General Retail Subdistrict uses and hotel use by right on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the south corner of Fairmount Street and Carlisle Street
31			3	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. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side of Joseph Hardin Drive, between Country Creek Drive and the terminus of Exchange Service Drive
32			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and a resolution accepting an amendment to the existing deed restrictions on property zoned a CS Commercial Service District on the northwest corner of LBJ Freeway and Cedar Ranch Drive
33			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 recycling buy-back center for household metals and industrial metals on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, west of Lawnview Avenue, south of Samuell Boulevard

AGENDA DATE May 10, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
34			4	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 R-5(A) Single Family District, on the west side of Bonnie View Road, south of East 11th Street
35			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 703 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school in an area bounded by Hillcrest Road, Lakehurst Avenue, Airline Road and Aberdeen Avenue
36			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subarea within Planned Development District No. 899 on the northeast corner of Royal Lane and Grissom Lane
37			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 721 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school in an area bounded by Chariot Drive, Berridge Lane, St. Francis Avenue and Trace Road
38			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 748 to allow changes to front yard setbacks for Tract 2 on the northwest and northeast corner of Medical District Drive and Southwestern Medical Avenue
39			8	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 tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road
40			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 bail bonds office on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the west side of South Riverfront Boulevard, north of Bessemer Street
41			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Phase 1 within Planned Development District No. 114 on the northeast corner of Belt Line Road and Prestonwood Boulevard
42			All	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called "Paraphernalia Shop," and related regulations and an ordinance granting the amendments
43			11	PH	TWM	NC	NA	NA	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 5.9 acres of the current 14.7 acres of land, located at 5800 Keller Springs, within the floodplain of White Rock Creek, Fill Permit 15-05 - Financing: No cost consideration to the City
44			7	PH	HOU	REV $8,585	NA	NA	A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, under the House Bill 110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any - Revenue: $8,585

TOTAL $31,445,493.81

AGENDA ITEM # 2

KEY FOCUS AREA: E-Gov

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Civil Service

CMO: T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

Authorize a one-year corporate membership to LinkedIn Corporation - Not to exceed $137,147 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This corporate membership will provide the City capabilities to improve recruitment efforts in support of the Hire Dallas initiative through the use of technology. Having access to LinkedIn's 467 million members will give the City a unique opportunity to utilize LinkedIn's extensive network of resources, online tools and talent solutions to accomplish extensive recruiting efforts such as posting current job openings, targeted outreach through membership database searches, specialized City branding through customizable company career pages and the ability to emphasize focus on hard-to-fill positions. Utilizing these unique tools and services offered under the corporate membership increases the number of qualified and highly skilled candidates informed about and possibly applying for City jobs while improving the perception and appeal of the City as a great place to work.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed on the Hire Dallas initiative on June 1, 2016.

Information about this item will be provided to the Public Safety Committee on May 8, 2017.

FISCAL INFORMATION

Current Funds - $137,146.75 (subject to appropriations)

May 10, 2017

WHEREAS, arrangements with professional organizations provide the City of Dallas access to information of benefit to the City, enhanced communication with entities and persons interested in learning more about City job openings, opportunities for information exchange and professional development, as well as effective lobbying on matters of municipal interest; and

WHEREAS, the City of Dallas benefits through its relationships with these professional organizations.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with LinkedIn Corporation (VC16071), approved as to form by the City Attorney, for a one-year corporate membership.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $137,146.75 (subject to appropriations) from Master Agreement Service Contract No. CVS-2017-00001830, for payment of membership fees.

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: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Convention and Event Services

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City

BACKGROUND

The Articles of Incorporation for the Dallas Convention Center Hotel Development Corporation (DCCHDC) state that the DCCHDC should consist of three board members, who are employed by, and reside in, the City of Dallas. Each board member serves for a period of two years, may be reappointed, and can serve for six consecutive years. This action appoints Raquel Favela as President, reappoints Shelia Robinson as Vice President, and appoints John P. Johnson, Jr. as Treasurer and Secretary, all for a period of two years.

Effective January 13, 2016, Juanita Ortiz was appointed to serve on the DCCHDC Board of Directors as Treasurer and Secretary. However, due to a change in eligibility, the City Manager recommends John P. Johnson, Jr. to replace Mrs. Ortiz on the Board of Directors. The City Manager also recommends Raquel Favela to replace Mr. Zapata on the Board of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 10, 2010, City Council authorized the replacement of Shelia Robinson with Jo M. (Jody) Puckett to serve as a Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0454.

On April 14, 2010, City Council authorized the replacement of Frank Poe with Al (Alberto) Rojas to serve as Secretary of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0918.

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

On October 10, 2011, City Council authorized the replacement of Ryan Evans with Forest Turner to serve as President and replaced Jo M. (Jody) Puckett with Shelia Robinson to serve as Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 11-2719.

On August 28, 2013, City Council authorized the replacement of Forest Turner with Jose (Joey) Zapata to serve as President of the Dallas Convention Center Hotel Development Corporation by Resolution No. 13-1422.

On January 13, 2016, City Council authorized the replacement of Al (Alberto) Rojas with Juanita Ortiz to serve on the Dallas Convention Center Hotel Development Corporation by Resolution No. 16-0077.

FISCAL INFORMATION

No cost consideration to the City.

May 10, 2017

WHEREAS, the Articles of Incorporation, upon the recommendation of the City Manager, authorize the City Council to approve changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation; and

WHEREAS, on February 10, 2010, City Council authorized the replacement of Shelia Robinson with Jo M. (Jody) Puckett to serve as a Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0454; and

WHEREAS, on April 14, 2010, City Council authorized the replacement of Frank Poe with Al (Alberto) Rojas to serve as Secretary of the Dallas Convention Center Hotel Development Corporation by Resolution No. 10-0918; and

WHEREAS, on October 10, 2011, City Council authorized the replacement of Ryan Evans with Forest Turner to serve as President and replaced Jo M. (Jody) Puckett with Shelia Robinson to serve as Board Member of the Dallas Convention Center Hotel Development Corporation by Resolution No. 11-2719; and

WHEREAS, on August 28, 2013, City Council authorized the replacement of Forest Turner with Jose (Joey) Zapata to serve as President of the Dallas Convention Center Hotel Development Corporation by Resolution No. 13-1422; and

WHEREAS, on January 13, 2016, City Council authorized the replacement of Al (Alberto) Rojas with Juanita Ortiz to serve on the Dallas Convention Center Hotel Development Corporation by Resolution No. 16-0077.

Now, Therefore,

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

SECTION 1. That Raquel Favela is appointed to serve as the President of the Dallas Convention Center Hotel Development Corporation for a two-year term.

SECTION 2. That Shelia Robinson is reappointed to serve as the Vice President of the Dallas Convention Center Hotel Development Corporation for a two-year term.

SECTION 3. That John P. Johnson, Jr. is appointed to serve as the Treasurer and Secretary of the Dallas Convention Center Hotel Development Corporation for a two-year term.

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 # 4

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Alan Sims, 670-3302

MAPSCO: N/A

SUBJECT

Authorize the **(1)** second amendment to Contract No. 2015-047695-001 with the Department of State Health Services, Family and Community Health Service, Office of Title V and Family Health for the Lactation Center Support Services Strategic Expansion Program that would complement and expand the Women, Infants, and Children (WIC) Lactation Center Program to **(a)** revise the budget and extend the term of the contract from August 31, 2017 to August 31, 2018 to allow for successful completion of the WIC Project for Fiscal Year (FY) 2018 grant allocation; and **(b)** accept grant funds in an amount not to exceed $260,000 for FY 2018 allocation (Amendment No. 2 Contract No. 2015-047695-002A) for the period of September 1, 2017 through August 31, 2018; **(2)** receipt and deposit of grant funds in an amount not to exceed $260,000 into the WIC Lactation Resource and Training Expansion Grant Fund; **(3)** establishment of appropriations in an amount not to exceed $260,000 in the WIC Lactation Resource and Training Expansion Grant Fund; and **(4)** execution of the amendment and all terms, conditions, and documents required by the contract - Not to exceed $260,000, from $650,000 to $910,000 - Financing: Department of State Health Services, Office of Title V and Family Health Grant Funds

BACKGROUND

Since 2010, the Department of State Health Services funded the Dallas Lactation Care Center through a grant contract with the City of Dallas Women, Infant, Children Program. The Dallas Lactation Care Center is a specialty walk-in clinic located in the heart of the Dallas Medical District. The staff includes a Registered Nurse, Internationally Board Certified Lactation Consultants (IBCLC) and Senior Breastfeeding Peer Counselors who provide comprehensive breastfeeding support and assistance to mothers currently enrolled in the WIC Program. The Dallas Lactation Care Center also serves as a training center for students and resident physicians who want to expand their knowledge in the field of lactation. In 2014, the Dallas Lactation Care Center received the IBCLC Care Award which is recognition by the International Board of Lactation Consultant Examiners (IBCLE) and International Lactation Consultant Association (ILCA) for excellence in lactation care.

BACKGROUND (continued)

The Lactation Resource Training Center Strategic Expansion Program through the Dallas Lactation Care Center shall provide population-based public health services and implement strategies that will increase accessibility, quality and coordination of breastfeeding support services in the contractor's service delivery area. The services provided under this contract complement and expand upon the services by the Contractor under the DSHS contract, Special Provision #9, by which the DSHS WIC Program pays Contractor to act as: **(1)** a lactation resource center for the Special Supplemental Nutrition Program for WIC mothers with breastfeeding problems; **(2)** a training center for WIC local agency staff and other health providers to receive clinical experience working with breastfeeding mothers; and **(3)** a statewide Breastfeeding Resource Center for health providers to utilize for information and assistance when working with pregnant and breastfeeding women.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2015, City Council authorized a contract with the Department of State Health Services, Office of Title V and Family Health, Division for the City of Dallas WIC Program to develop and implement the Lactation Resource and Training Center Strategic Expansion Program for the period February 15, 2015 through August 31, 2016 by Resolution No. 15-0272.

On June 10, 2015, City Council authorized an amendment to Resolution No. 15-0272 to revise the contract term to April 1, 2015 through August 31, 2016 and Schedule A by Resolution No. 15-1053.

On August 24, 2016, City Council authorized a contract for the period September 1, 2016 through August 31, 2017 to continue the Lactation Support Center Services Strategic Expansion Program (LSCS-SEP) by Resolution No. 16-1332.

City Council will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

Department of State Health Services, Office of Title V and Family Health Grant Funds - $260,000

May 10, 2017

WHEREAS, on February 11, 2015, City Council authorized a contract with the Department of State Health Services, Office of Title V and Family Health, Division for the City of Dallas WIC Program Lactation Support Center Services Strategic Expansion Program for the Women, Infants, and Children (WIC) Program to develop and implement the Lactation Resource and Training Center Strategic Expansion Program for the period February 15, 2015 through August 31, 2016, in an amount not to exceed $390,000, by Resolution No. 15-0272; and

WHEREAS, on June 10, 2015, City Council authorized an amendment to Resolution No. 15-0272 to revise the contract term to April 1, 2015 through August 31, 2016 and Schedule A by Resolution No. 15-1053; and

WHEREAS, on August 24, 2016, City Council authorized a contract for the period September 1, 2016 through August 31, 2017 to continue the Lactation Support Center Services Strategic Expansion Program (LSCS-SEP), in an amount not to exceed $260,000, by Resolution No. 16-1332; and

WHEREAS, there is a continued need for the Lactation Support Center Services Strategic Expansion Program for Women, Infants and Children, funded through the Department of State Health Services; and

WHEREAS, the Department of State Health Services and the City desire to revise the budget for the WIC Program from $650,000 to $910,000 of which $260,000 is allocated toward Fiscal Year (FY) 2018 Lactation Support Center Services Strategic Expansion Program for the WIC Program; and

WHEREAS, the City of Dallas will benefit in this contract amendment that includes an additional year for the FY 2018 grant allocation.

Now, Therefore,

May 10, 2017

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

SECTION 1. That the City Manager is hereby authorized to **(1)** amend the contract (Contract No. 2015-047695-001) with the Department of State Health Services, Family and Community Health Service, Office of Title V and Family Health for the Lactation Center Support Services Strategic Expansion Program that would complement and expand the Women, Infants, and Children (WIC) Lactation Center Program to **(a)** revise the budget and extend the term of the contract from August 31, 2017 to August 31, 2018 to allow for successful completion of the project for FY 2018 grant allocation; and **(b)** accept grant funds for FY 2018 allocation (Amendment No. 2 Contract No. 2015-047695-002A) for continuation of the Lactation Support Center Services Strategic Expansion Program for the WIC Program in the amount of $260,000 for the period September 1, 2017 through August 31, 2018, increasing the total contract amount from $650,000 to $910,000; and **(2)** sign the amendment and execute all terms, conditions, and documents required by the contract, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for the FY 2018 allocation in the WIC Lactation Resource and Training Expansion Grant Fund, Fund S312, Department HOU, Unit 2745, Revenue Code 6509, in an amount not to exceed $260,000.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $260,000 in the WIC Lactation Resource and Training Expansion Grant Fund, Fund S312, Department HOU, Unit 2745, various Object Codes, according to the attached Schedule.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds from Fund S312, Department HOU, Unit 2745, various Object Codes, according to the attached Schedule, in an amount not to exceed $260,000.

SECTION 5. That the City Manager is hereby authorized to reimburse the Department of State Health Services any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final 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.

SCHEDULE

Department of State Health Services
Family and Community Health Services, Office of Title V and Family Health and
The City of Dallas Women, Infants and Children Program
Lactation Resource and Training Center Strategic Expansion Program
September 1, 2017 through August 31, 2018

Fund S312, Department HOU, Unit 2745, Revenue Code 6509

Object Code	Description	Amount
1101	Salaries	$141,309
1301	Pension	$ 20,250
1303	Life Insurance	$ 48
1304	Health Insurance	$ 12,334
1306	FICA (Medicare Only)	$ 2,049
1309	Wellness	$ 50
2140	Light & Power (10%)	$ 480
2200	Chemical/Med/Surgical	$ 66,785
3091	Custodial Services (10%)	$ 708
3099	Miscellaneous Special Services	$ 156
3330	Rent (15%)	$ 11,452
3361	Professional Development	$ 4,379
	Total	**$260,000**

AGENDA ITEM # 5

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Mobility and Street Services
Park & Recreation
Water Utilities

CMO: Majed Al-Ghafry, 670-3302
Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 12B C

SUBJECT

Authorize a Highway Overpass Modification and Construction Agreement between the State of Texas, acting by and through the Texas Department of Transportation, the City of Dallas, the City of Carrollton, Dallas Area Rapid Transit (DART), and AGL Constructors in order to improve the safety of the traveling public and train operations along a portion of the 30-mile section of Interstate Highway 35E from Interstate Highway 635 to U.S. Highway 380 in Denton County specifically at Belt Line Road and DART/Madill Corridor - Financing: No cost consideration to the City

BACKGROUND

Interstate Highway (IH) 35E, originally constructed in the 1950's and 1960's, now functions as a major artery for hundreds of thousands of commuters as well as a primary link to major universities in the City of Denton. This corridor accommodates over 12,000 trucks daily and handles almost 200,000 total vehicles daily near IH 635. Due to the lack of continuous frontage roads, specifically across Lewisville Lake, there are no viable north-south commuting alternatives to IH 35E at this crossing. Therefore, it is imperative to provide motorists reliable alternatives with a combination of continuous frontage roads and managed lanes.

In 2015, the City of Dallas was working with Dallas Area Rapid Transit (DART) to establish guidelines for granting hike and bike trail easements within DART rights-of-way.

BACKGROUND (continued)

On June 10, 2015, City Council authorized a Supplemental Agreement to the Master Interlocal Agreement between the City and DART for the granting of easements for hike and bike trail purposes across DART-owned-or-controlled property in exchange for the conveyance of the Madill Corridor by the City to DART, subject to the retention of a water transmission line and other terms and conditions; receipt and acceptance of said hike and bike trail easements; and conveyance of the Madill Corridor by the City to DART.

The City of Dallas retained an easement for a water transmission line and a future hike and bike trail within the "Madill Corridor". The proposed project will cross the Madill Corridor, therefore an agreement is required between the State of Texas, City of Dallas, City of Carrollton, DART and AGL Constructors.

The highway construction includes rebuilding Belt Line Road as a highway overpass within the City of Carrollton, across DART-owned Madill Corridor. The $4.8 billion project, proposed to be constructed in phases, would rebuild the entire 30-mile corridor and provide managed lanes that feature dynamic pricing to keep traffic moving at 50 miles per hour. Approximately $1.4 billion in funding has been identified for Phase 1 of this project which includes: adding one additional general purpose lane in each direction from north of State Highway 121 to U.S. Highway 380; a new southbound bridge over Lewisville Lake along with various intersection improvements in Denton County; two reversible managed toll lanes from IH 635 to near Lake Dallas, Texas; and Belt Line Road intersection reconstruction. Phase 2 will occur when additional funding becomes available.

It is now necessary to enter into a Highway Overpass Modification and Construction Agreement with the State of Texas, the City of Dallas, the City of Carrollton, DART, and AGL Constructors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Committee on May 8, 2017.

FISCAL INFORMATION

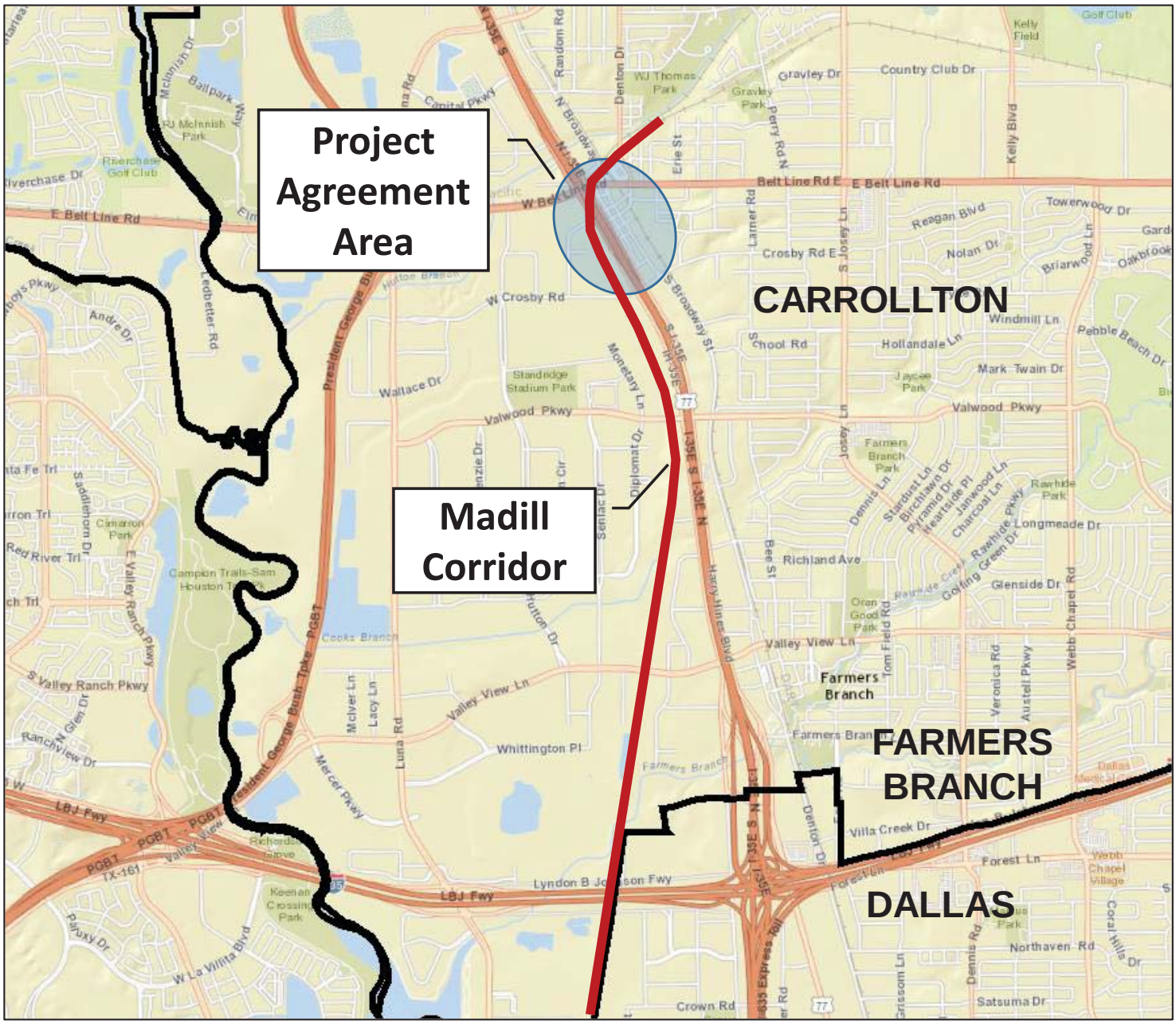
No cost consideration to the City.

MAP

Attached

Highway Overpass Modification and Construction Agreement

Council Districts: All



MAPSCO: 12B C

May 10, 2017

WHEREAS, the City recognizes the emerging evolution of transportation infrastructure in the City of Dallas and the importance of providing an integrated transportation system that balances the needs of pedestrians, public transit, bicycles, and automobiles; and

WHEREAS, the Texas Department of Transportation began the administration of the 35 Express Design-Build Project along the 30-mile section of Inerstate Highway (IH) 35 E from IH 635 to U. S. Highway 380 in Denton County; and

WHEREAS, on June 10, 2015, City Council authorized a Supplemental Agreement to the Master Interlocal Agreement with Dallas Area Rapid Transit ("DART"), establishing a process for the locating and granting of hike and bike trail easements upon DART-owned-or-controlled property in exchange for the conveyance of the Madill Corridor by the City of Dallas to DART, subject to the retention of a water transmission line easement, including a hike and bike trail and other terms and conditions; and

WHEREAS, it is now necessary to authorize a Highway Overpass Modification and Construction Agreement between the State of Texas, acting by and through the Texas Department of Transportation, the City of Dallas, the City of Carrollton, DART, and AGL Constructors in order to improve the safety of the traveling public and train operations along a portion of the 30-mile section of IH 35 from IH 635 to U. S. Highway 380 in Denton County, specifically at Belt Line Road and DART/Madill Corridor.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Highway Overpass Modification and Construction Agreement between the State of Texas, acting by and through the Texas Department of Transportation, the City of Dallas, the City of Carrollton, Dallas Area Rapid Transit (DART), and AGL Constructors, approved as to form by the City Attorney, in order to improve the safety of the traveling public and train operations along a portion of the 30-mile section of IH 35 from IH 635 to U. S. Highway 380 in Denton County, specifically at Belt Line Road and DART/Madill Corridor.

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

AGENDA ITEM # 6

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	May 10, 2017
COUNCIL DISTRICT(S):	4
DEPARTMENT:	Mobility and Street Services Water Utilities
CMO:	Majed Al-Ghafry, 670-3302 Jill A. Jordan, P.E., 670-5299
MAPSCO:	55J

SUBJECT

Authorize **(1)** street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; 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 June 14, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue was included in the 2012 Bond Program as a Thoroughfare Project. On September 25, 2013, City Council authorized a professional services contract for the design of this project by Resolution No. 13-1731. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The improvements will consist of a 36-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water and wastewater main improvements.

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 first and second steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2017
Begin Construction	August 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract for engineering services by Resolution No. 13-1731.

Information about this item will be provided to the Transportation and Trinity River Project Committee on May 8, 2017.

FISCAL INFORMATION

Design	$ 170,732
Construction	
Paving & Drainage - STS	$ 986,850 (est.)
Water & Wastewater - WTR	$ 707,466 (est.)
Total Project Cost	$1,865,048 (est.)

This project does involve assessments.

MAP

Attached

SOUTH EWING AVENUE - GENOA AVENUE TO GALLOWAY AVENUE

MAPSCO 55J

May 10, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street 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

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue

shall be improved in the following manner, to wit:

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

(2) That said street shall be paved from curb to curb with 10-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch and 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 4 and 5 feet wide where specified; so that the roadway shall be 36 feet in width; 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.

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 water main, and also all the cost of improving intersections of said street with other street, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets.

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

SECTION 1. (continued)

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.

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.

SECTION 1. (continued)

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 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:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue

West Side of Street

Subdivision	**Block**	**Lot**
T. J. Oliver's	8/3750	Pt of Lt 4, 80x140
T. J. Oliver's	8/3750	TR 2, 80x140, McDowell & Ewing Vol. 69181 Pg. 1092
T. J. Oliver's	8/3749	TR 1, 80x140, Vol. 69181 Pg. 1092
T. J. Oliver's	8/3749	Being a Tract of Land 80X140 out of Lt 1, Vol. 5954 Pg. 60
Solid Rock First Baptist Church	1/3747	Lt 2B Acs. 0.402
J. T. Piranio's	1/3747	Lt 3 & 12.5 ' off the rear adjoining end of Lt 10, Inst.#201300190710
J. T. Piranio's	1/3747	Lt 4 & 50x27.5 Lt 9
J. T. Piranio's	1/3747	Lt 5 & Pt Lt 8
J. T. Piranio's	1/3747	Lt 6 & E. 50x36 Lt 7
Sphinx At Reese Court	1/3747	Lt 1B Acs. 4.771

East Side of Street

Subdivision	**Block**	**Lot**
Midway Heights Addition	1/3444	1
Midway Heights Addition	1/3444	2
Midway Heights Addition	1/3444	3
Midway Heights Addition	1/3444	4
Midway Heights Addition	1/3444	5
Midway Heights Addition	1/3444	6
Midway Heights Addition	1/3444	7
Midway Heights Addition	1/3444	8 & N 3' Lt 9
Midway Heights Addition	1/3444	S 50' Lt 9
Cedar Haven Addition/Sam Sutton's	L1/3444	1/2 Lt 4
Cedar Haven Addition/Sam Sutton's	L1/3444	1/2 Lt 5
Cedar Haven Addition/Sam Sutton's	M/3741	6
Glenwood	10/3741	3
Glenwood	10/3741	4
Glenwood	10/3741	5
Glenwood	10/3741	6
Glenwood	10/3741	7
Glenwood	10/3741	8
Glenwood	10/3741	9
Glenwood	10/3741	10
Glenwood	10/3741	11
Glenwood	10/3741	12

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

May 10, 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:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue

for a part of the cost of improving said street, 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 10-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch and 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 4 and 5 feet wide where specified; so that the roadway shall be 36 feet in width; 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 Department 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.

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 Department, 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, 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:

SECTION 2. (continued)

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue

shall be improved from curb to curb with 10-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch and 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 4 and 5 feet wide where specified; so that the roadway shall be 36 feet in width; and

The estimated cost of the improvements is **$1,694,316.06 (est.)**

a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **$53.46/S. Y.**

b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

Where Property Classification is WSR-I (Residential)

The front rate for 10-inch adjusted to 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **$98.24/L. F.**
The side frontage rate for 10-inch adjusted to 6-inch thick reinforced pavement 2.5 feet wide with curb: **20.52/L.F.**
The front rate for 4-inch thick reinforced concrete sidewalk is: **$10.35/L.F.**
The side frontage rate for 4-inch thick reinforced concrete sidewalk is**: $5.17/L. F.**

Where Property Classification is WSR-II (Multifamily)

The rate for 10-inch adjusted to 8-inch thick reinforced concrete pavement 18.5 feet wide with curb: **$133.57/L. F.**
The rate for 4-inch thick reinforced concrete sidewalk is: **$10.35/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 **14th** day of **June,** 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.

May 10, 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 South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue. That said street shall be paved curb to curb with 10-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch and 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 4 and 5 feet wide where specified; so that the roadway shall be 36 feet in width; and with estimates of the cost of improving the street 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:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to East Waco Avenue to Galloway Avenue

Total Property Owners' Cost – Assessments		$193,994.23
Total Estimated City of Dallas' Cost - Paving	$688,522.77	
Total Estimated City of Dallas' Cost - Drainage	$104,333.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$707,466.06	
Total Estimated City of Dallas' Cost		$1,500,321.83
Total Estimated Cost of Improvements		$1,694,316.06

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to E. Waco Avenue to Galloway Avenue

Total Property Owners' Cost – Assessments		$193,994.23
Total Estimated City of Dallas' Cost - Paving	$688,522.77	
Total Estimated City of Dallas' Cost - Drainage	$104,333.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$707,466.06	
Total Estimated City of Dallas' Cost		$1,500,321.83
Total Estimated Cost of Improvements		$1,694,316.06

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on this street, and found that the existing roadway have a narrow asphalt surface with shallow earth diches; which have accessibility and drainage issues. Taking this into consideration, plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said street, 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 & Street Services Department

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
			J.T. OLIVER'S			
JOYCE ARCHULETA	Pt. Lt. 4	8/3750	130 FT PVMT	$20.52	$2,667.60	
743 GENOA AVENUE	80X140		120 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			12.2 SY DR (10'Wide)	$53.46	$652.21	
						$3,319.81
EWING AVENUE BAPTIST CH	Tr 2	8/3750	135 FT PVMT	$20.52	$2,770.20	
1323 S EWING AVENUE	80X140		117 FT WALK	$5.17	$604.89	
DALLAS, TX 75216	McDowell		18 FT DRIVE	No Cost	$0.00	
	& Ewing					**$3,375.09**
	V. 69181					
	P.1092					
	742					
	McDowell St					
MCDOWELL ST INTERSECTS						
EWING AVENUE BAPTIST CH	Tr 1	8/3749	135 FT PVMT	$20.52	$2,770.20	
1323 S EWING AVENUE	80x140		135 FT WALK	$5.17	$697.95	
DALLAS, TX 75216	V.69181					**$3,468.15**
	P.1092					
	743					
	McDowell St					
RUTH P CONQUEST	Being a	8/3749	135 FT PVMT	$20.52	$2,770.20	
2820 THOMAS AVENUE	Tract of Land		135 FT WALK	$5.17	$697.95	
DALLAS, TX 75204	80x140 out of					**$3,468.15**
	Lt 1, V. 5954 P.60					
	744					
	Winters St					

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WINTERS ST INTERSECTS							
		SOLID ROCK FIRST BAPTIST CHURCH					
SOLID ROCK FIRST	2B	1/3747	90	FT PVMT	$98.24	$8,841.60	
BAPTIST CHURCH	Acs 0.402		75	FT WALK	No Cost	$0.00	
1247 S. EWING AVE			18.9	SY DR(20'Wide)	$53.46	$1,010.39	
DALLAS, TX. 75216							**$9,851.99**
		J. T. PIRANIO'S SUBDIVISION					
DAVID EDWARDS	3 & 12.5'	1/3747	50	FT PVMT	$98.24	$4,912.00	
1239 S. EWING AVE	off the rear		40	FT WALK	No Cost	$0.00	
DALLAS, TX 75216	adjoining end of		9.4	SY DR(10'Wide)	$53.46	$502.52	
	Lt 10, Inst.#201300190710						**$5,414.52**
MARIA J LOREDO	4 &	1/3747	50	FT PVMT	$98.24	$4,912.00	
1235 S EWING AVE	50X27.5' Lt 9		40	FT WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT DRIVE	No Cost	$0.00	
							$4,912.00
JUAN & FELIPA SALAS	5 & Pt Lt 8	1/3747	47	FT PVMT	$98.24	$4,617.28	
5502 BONITA AVENUE	**1231**		37	FT WALK	No Cost	$0.00	
DALLAS, TX 75206	**S Ewing Ave**		10	FT DRIVE	No Cost	$0.00	
							$4,617.28
KRYSTLE CALDERON	6 & E.	1/3747	49	FT PVMT	$98.24	$4,813.76	
1203 S COCKRELL HILL RD	50X36 Lt 7		39	FT WALK	No Cost	$0.00	
DALLAS, TX 752116	**1227**		10	FT DRIVE	No Cost	$0.00	
	S Ewing Ave						**$4,813.76**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			SPHINX AT REESE COURT			
SDC EWING COURT LP	1B	1/3747	320 FT PVMT	$133.57	$42,742.40	
3030 LBJ FWY STE 880	ACS 4.771		292 FT WALK	No Cost	$0.00	
DALLAS, TX 75234	**1201**		28 FT DRIVE	No Cost	$0.00	
	S Ewing Ave					**$42,742.40**
GENERAL ASSEMBLY	2A	A/3443	NO ASSESSMENT			
CHURCH OF THE LIVING GOD	**1121**		PAVEMENT IN PLACE			
1112 S EWING AVE	**S Ewing Ave**					
DALLAS, TX 75216						
JOSEPH GEORGE K ETAL	Pt Lts 1&2	A/3443	NO ASSESSMENT			
PO BOX 4140	**1107**		PAVEMENT IN PLACE			
DALLAS, TX 75208	**S Ewing Ave**					
HOGG FRANK	N 66Ft Lt 1	A/3443	NO ASSESSMENT			
% FRANKS AUTO CLINIC			PAVEMENT IN PLACE			
1101 S EWING AVE						
DALLAS, TX 75216						
EAST SIDE OF STREET						
C C BERRY JR &	1A.1	B/3380				
BILLIE J BERRY	Acs 0.2537		NO ASSESSMENT			
616 REGALWOOD DRIVE	**1102**		PAVEMENT IN PLACE			
DESOTO, TX 75115	**S Ewing Ave**					

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
CHURCH OF THE LIVING GOD 616 REGALWOOD DR DESOTO, TX 75115	Pt Lt 1A Acs 0.0764 **1102** **S Ewing Ave**	B/3380	NO ASSESSMENT PAVEMENT IN PLACE			
CHURCH OF THE LIVING GOD 4119 ELK HORN TRL DALLAS, TX 75216	2A Acs 0.5085 **1112** **S Ewing Ave**	B/3380	NO ASSESSMENT PAVEMENT IN PLACE			
WACO AVE INTERSECTS						
GENERAL ASSEMBLY OF CHURCH OF THE LIVING GOD 1130 S EWING AVE DALLAS, TX 75216	Lts A-B&2 40531 SQFT	C/3381	NO ASSESSMENT PAVEMENT IN PLACE			
		MIDWAY HEIGHTS ADDITION				
EIGHTEENTH ST INTERSECTS						
ARTRALLIA A WEST 841 FAIRWOOD DR DALLAS, TX 75232	1 **1202** **S Ewing Ave**	1/3444	49 FT PVMT 49 FT WALK	$98.24 $10.35	$4,813.76 $507.15	**$5,320.91**
ARTRALLIA A WEST 841 FAIRWOOD DR DALLAS, TX 75232	2 **1204** **S Ewing Ave**	1/3444	45 FT PVMT 45 FT WALK	$98.24 $10.35	$4,420.80 $465.75	**$4,886.55**
MAUDIE L JEFFERSON 3525 HAVANA ST DALLAS, TX 75215	3 **1210** **S Ewing Ave**	1/3444	46 FT PVMT 46 FT WALK	$98.24 $10.35	$4,519.04 $476.10	**$4,995.14**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			MIDWAY HEIGHTS ADDITION			
CAZARES CASAS LLC	4	1/3444	47 FT PVMT	$98.24	$4,617.28	
3122 ROCKFORD DR	**1214**		47 FT WALK	$10.35	$486.45	
DALLAS, TX 75211	**S Ewing Ave**					**$5,103.73**
DESOTO REAL ESTATE	5	1/3444	48 FT PVMT	$98.24	$4,715.52	
RESOURCE LLC	**1216**		48 FT WALK	No Cost	$0.00	
816 BRIDGEPORT DR	**S Ewing Ave**					**$4,715.52**
DESOTO, TX 75115						
JAMES T ROGER	6	1/3444	47 FT PVMT	$98.24	$4,617.28	
C/O DENNIS L WHITE	**1222**		47 FT WALK	No Cost	$0.00	
1620 STONEMAN ST	**S Ewing Ave**					**$4,617.28**
DALLAS, TX 75215						
JIMMIE L GASTON	7	1/3444	47 FT PVMT	$98.24	$4,617.28	
1117 S HIGH HILL PL APT A	**1226**		47 FT WALK	$10.35	$486.45	
DALLAS, TX 75203	**S Ewing Ave**					**$5,103.73**
WILLIAM L DAVIS	8 & N. 3'	1/3444	45 FT PVMT	$98.24	$4,420.80	
1230 S EWING AVE	Lt 9		23 FT WALK	No Cost	$0.00	
DALLAS, TX 75216			22 FT DRIVE	No Cost	$0.00	
						$4,420.80
CRUSADE FOR CHRIST CH	S 50 Ft	1/3444	51 FT PVMT	$98.24	$5,010.24	
OF GOD IN CHRIST	Lt 9		27 FT WALK	No Cost	$0.00	
1234 S EWING AVE			21.6 SY DR(24'Wide)	$53.46	$1,154.74	
DALLAS, TX 75216						**$6,164.98**

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT
			CEDAR HAVEN-SAM SUTTON'S					
CRUSADE FOR CHRIST CH	1/2 Lt 4	L1/3444	50	FT	PVMT	$98.24	$4,912.00	
OF GOD IN CHRIST	**1238**		30	FT	WALK	No Cost	$0.00	
1234 S EWING AVE	**S Ewing Ave**		16.2	SY	DR(20'Wide)	$53.46	$866.05	
DALLAS, TX 75216								**$5,778.05**
JUAN ACOSTA &	1/2 Lt 5	L1/3444	110	FT	PVMT	$20.52	$2,257.20	
LUIS ACOSTA			98	FT	WALK	No Cost	$0.00	
803 WINTERS ST			12	FT	DRIVE	No Cost	$0.00	
DALLAS, TX 75216								**$2,257.20**
WINTERS ST INTERSECTS								
CLARENCE W LONDON	6	M/3741	95	FT	PVMT	$20.52	$1,949.40	
802 WINTERS ST			85	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT	DRIVE	No Cost	$0.00	
								$1,949.40
			GLENWOOD					
ROSIE J RICHARD	3	10/3741	49	FT	PVMT	$98.24	$4,813.76	
1310 S EWING AVE			39	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			14.7	SY	DR(10'Wide)	$53.46	$785.86	
								$5,599.62
NICOL SHAED PROPERTIES	4	10/3741	50	FT	PVMT	$98.24	$4,912.00	
LLC	**1314**		32	FT	WALK	No Cost	$0.00	
2242 S STEMMONS FWY	**S Ewing Ave**		14.7	SY	DR(18'Wide)	$53.46	$785.86	
STE 233								**$5,697.86**
DALLAS, TX 75247								
ARTURO GONZALEZ	5	10/3741	49	FT	PVMT	$98.24	$4,813.76	
1318 S EWING AVE	**1318**		31	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216	**S Ewing Ave**		17.5	SY	DR(18'Wide)	$53.46	$935.55	
								$5,749.31

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT
		GLENWOOD						
CONSTANCIA B SANTINANEZ	6	10/3741	49	FT	PVMT	$98.24	$4,813.76	
1322 S EWING AVE			39	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			12.2	SY	DR(10'Wide)	$53.46	$652.21	
								$5,465.97
LOUISE WILLIAMS	7	10/3741	50	FT	PVMT	$98.24	$4,912.00	
1326 S EWING AVE			28	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			11.5	SY	DR(22'Wide)	$53.46	$614.79	
								$5,526.79
HELEN HOLLAND	8	10/3741	50	FT	PVMT	$98.24	$4,912.00	
1330 S EWING AVE			40	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT	DRIVE	No Cost	$0.00	
								$4,912.00
		GLENWOOD						
LAWRENCE WRIGHT	9	10/3741	48	FT	PVMT	$98.24	$4,715.52	
1334 S EWING AVE			38	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT	DRIVE	No Cost	$0.00	
								$4,715.52
FERNANDO BENITEZ &	10	10/3741	50	FT	PVMT	$98.24	$4,912.00	
CARLINA BENITEZ	**1338**		32	FT	WALK	No Cost	$0.00	
1542 HARLANDALE	**S Ewing Ave**		18	FT	DRIVE	No Cost	$0.00	
DALLAS, TX 75216								**$4,912.00**
JUAN NINO	11	10/3741	49	FT	PVMT	$98.24	$4,813.76	
1342 S EWING AVE			39	FT	WALK	No Cost	$0.00	
DALLAS, TX 75216			10	FT	DRIVE	No Cost	$0.00	
								$4,813.76

SOUTH EWING AVENUE FROM GENOA AVENUE TO MCDOWELL STREET TO WINTERS STREET TO 18TH STREET TO EAST WACO AVENUE TO GALLOWAY AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH AND 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 AND 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			GLENWOOD			
EST OF KELLY DAVIS	12	10/3741	54 FT PVMT	$98.24	$5,304.96	
3422 CEDARDALE DR	**1346**		54 FT WALK	No Cost	$0.00	
DALLAS, TX 75241	**S Ewing Ave**					**$5,304.96**

AGENDA ITEM # 7

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 61BT BU

SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed $200,000 from the Thomas M. Gaubert Irrevocable Trust for the construction of a new traffic signal at Clark Road and Clarkridge Drive; and **(2)** an increase in appropriations in an amount not to exceed $200,000 in the Capital Projects Reimbursement Fund - Not to exceed $200,000 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

The intersection of Clark Road and Clarkridge Drive was previously studied by the City of Dallas in October 2015 and was found to meet traffic volume criteria for warranting a new traffic signal. The Thomas M. Gaubert Irrevocable Trust has agreed to contribute funds in the amount of $200,000 towards the construction of a traffic signal at this location. The signal will be constructed using an existing City of Dallas master agreement contractor.

The Thomas M. Gaubert Irrevocable Trust understands that, upon City Council approval of the required funding, in an amount not to exceed $200,000 are to be deposited with the City of Dallas before any construction activity by the City's contractor can begin.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that the Thomas M. Gaubert Irrevocable Trust will be refunded any unused funds.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	May 2017
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on May 8, 2017.

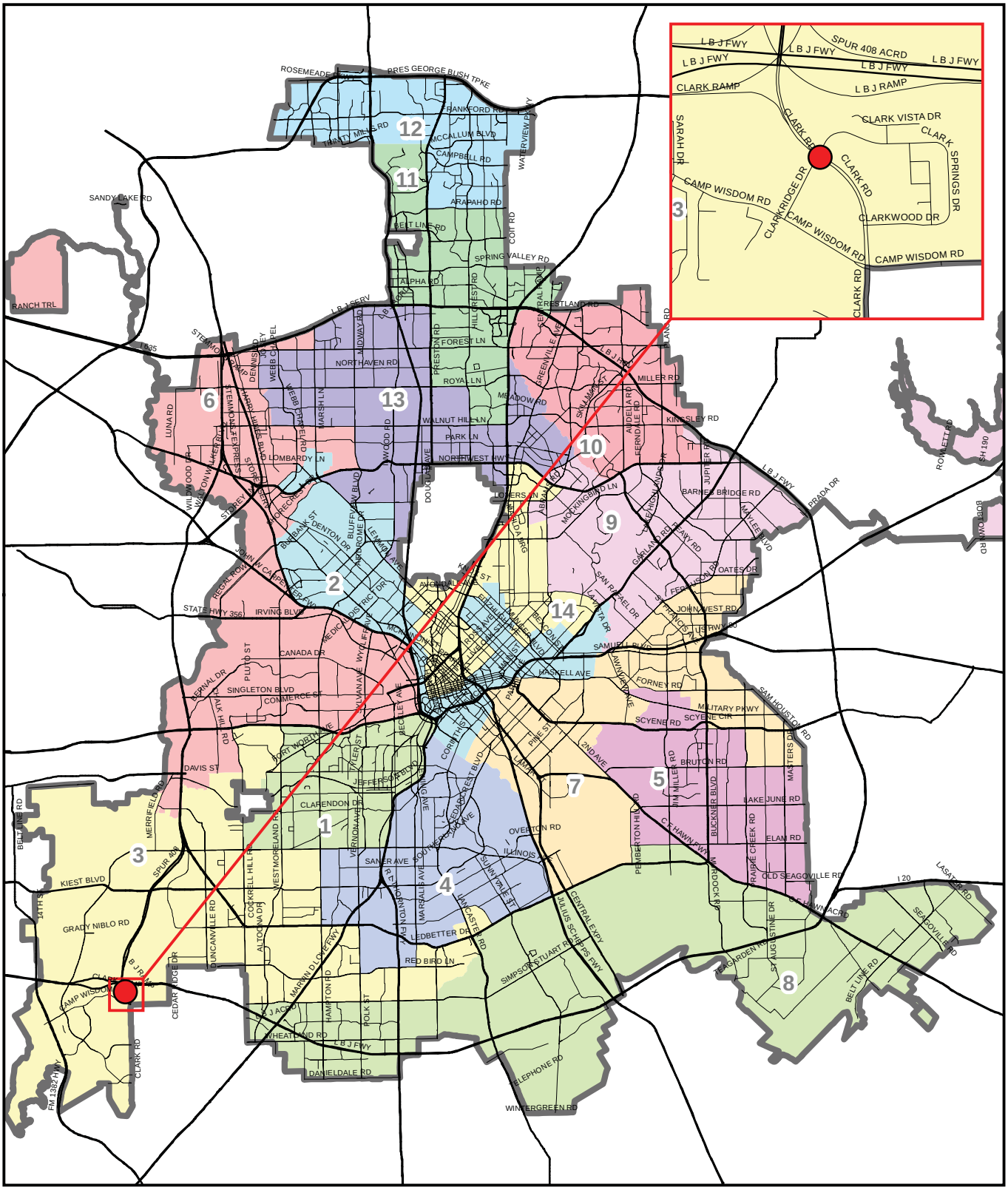
FISCAL INFORMATION

Capital Projects Reimbursement Funds - $200,000

MAP

Attached

New Traffic Signal
Clark Road and Clarkridge Drive



Council District 3
Mapsco Page 61BT 61BU

Map by Transportation GIS, February 2017

May 10, 2017

WHEREAS, the Thomas M. Gaubert Irrevocable Trust is contributing $200,000 of the construction costs for a new traffic signal at the intersection at Clark Road and Clarkridge Drive; and

WHEREAS, the intersection was studied by the City of Dallas in October 2015 and was found to meet the traffic volume criteria for warranting a new traffic signal; and

WHEREAS, the Thomas M. Gaubert Irrevocable Trust has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of the traffic signal being built at the intersection of Clark Road and Clarkridge Drive, in an amount not to exceed $200,000.

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from the Thomas M. Gaubert Irrevocable Trust, in an amount not to exceed $200,000 in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W172, Revenue Code 8492.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $200,000 in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W171, Object 4820, Activity THRG, Program TP17W172.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds received from the Thomas M. Gaubert Irrevocable Trust in an amount not to exceed $200,000 from Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W172, Object 4820, Activity THRG, Program TP17W172 for services related to the construction of the new traffic signal.

SECTION 4. That the Chief Financial Officer is hereby authorized to refund the Thomas M. Gaubert Irrevocable Trust any unused funds.

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

AGENDA ITEM # 8

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 9

DEPARTMENT: Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 37 E J N P X

SUBJECT

Authorize **(1)** the Third Amendment to the Project Supplemental Agreement with Dallas County for the East Dallas Veloway Phase III Project from Lawther Drive to Mockingbird Lane and the SoPAC Trail Gaston Avenue YMCA Connection Trail Project improvements; and **(2)** payment to Dallas County for the City's share of estimated final design and construction costs - Not to exceed $818,600 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

On December 9, 2009, City Council authorized a Project Supplemental Agreement (PSA) with Dallas County for a Master Plan Study and the preliminary design for the East Dallas Veloway (SoPAC Trail) Phase III Project from Lawther Drive to Mockingbird Lane, Phase IV from Northwest Highway to north of Royal Lane, and the YMCA Connection Trail Project near the intersection of Gaston Avenue and Garland Road trail improvement projects. Per the PSA, Dallas County is the lead agency responsible for administering the design and construction for the trail improvement projects, and project costs are split 50/50 between the City and the County. The YMCA Connection Trail Project was completed in May 2015. SoPAC Trail Phase IV-A is currently under construction. The design for Phase III has been completed and construction is anticipated to start Fall 2017. The City has made two previous Council-authorized project payments to Dallas County in the amounts of $368,400.00 and $2,081,700.00 in 2009 and 2014, respectively, based on previous project cost estimates. However, due to escalating construction prices and additional needed drainage and erosion control improvements that have been included in the project, the City's share of the project costs has increased to $3,268,700.00. Thus an additional payment to the County in the amount of $818,600 is needed at this time. This action will authorize the Third Amendment with Dallas County for the City's share of estimated final design and construction costs for the trail improvements projects.

BACKGROUND (continued)

The SoPAC Trail Phase III and Phase IV projects were submitted and selected in Dallas County's Major Capital Improvement Program (MCIP) Fourth Call for Projects in 2006. The various phases of the SoPAC Trail System make up a proposed network of 14-foot wide concrete hike-and–bike trails along Dallas Area Rapid Transit (DART) owned right-of-way (formerly Southern Pacific Railroad right-of-way) from Lawther Drive to north of Royal Lane. Once completed, the trail will provide a continuous connection between the Santa Fe Trail and Katy Trail.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2009
Completed Design	March 2017
Begin Construction	September 2017
Complete Construction	March 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 10, 2001, City Council authorized a Master Agreement with Dallas County by Resolution No. 01-0104.

On August 24, 2005, City Council authorized Dallas County's Fourth Call for Projects by Resolution No. 05-2432.

On December 9, 2009, City Council authorized a Project Agreement with Dallas County for preliminary design and the master plan study on the East Dallas Veloway Phase III from Lawther Drive to Mockingbird Lane and Phase IV from Northwest Highway to north of Royal Lane, including the YMCA Extension near the intersection of Gaston Avenue and Garland Road; and payment to Dallas County for the City's share of design costs,in an amount not to exceed $500,000, by Resolution No. 09-2965.

On April 13, 2011, City Council authorized a ten-year Master Agreement with Dallas County governing transportation Major Capital Improvement Projects (MCIP) by Resolution No. 11-0927.

On December 10, 2014, City Council authorized the First Amendment to the Project Supplemental Agreement with Dallas County for the final design and construction of the East Dallas Veloway (SoPAC Trail) Phase III from Lawther Drive to Mockingbird Lane and the YMCA Extension near the intersection of Gaston Avenue and Garland Road; and payment to Dallas County for the City's share of final design and construction costs, in an amount not to exceed $2,081,700, by Resolution No. 14-2110.

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

On May 11, 2016, City Council authorized the Second Amendment to the Project Supplemental Agreement with Dallas County for the design and construction of the East Dallas Veloway (SoPAC Trail) Phase IV-A and IV-B, a 14-foot wide concrete hike-and-bike-trail from Northwest Highway to north of Royal Lane by Resolution No. 16-0741.

Information about this item will be provided to the Transportation and Trinity River Project Committee on May 8, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - $818,600

SoPAC 3 Project Cost Estimate:

Design	$ 550,000
Construction	$4,100,000
Administrative Cost (County)	$ 457,000
Material Testing	$ 75,000
Estimated Total Cost	$5,182,000

SoPAC YMCA Connection Project Cost Estimate:

Design	$ 150,000
Construction	$ 750,000
Administrative Cost (County)	$ 230,400
Material Testing	$ 25,000
Estimated Total Cost	$1,155,400

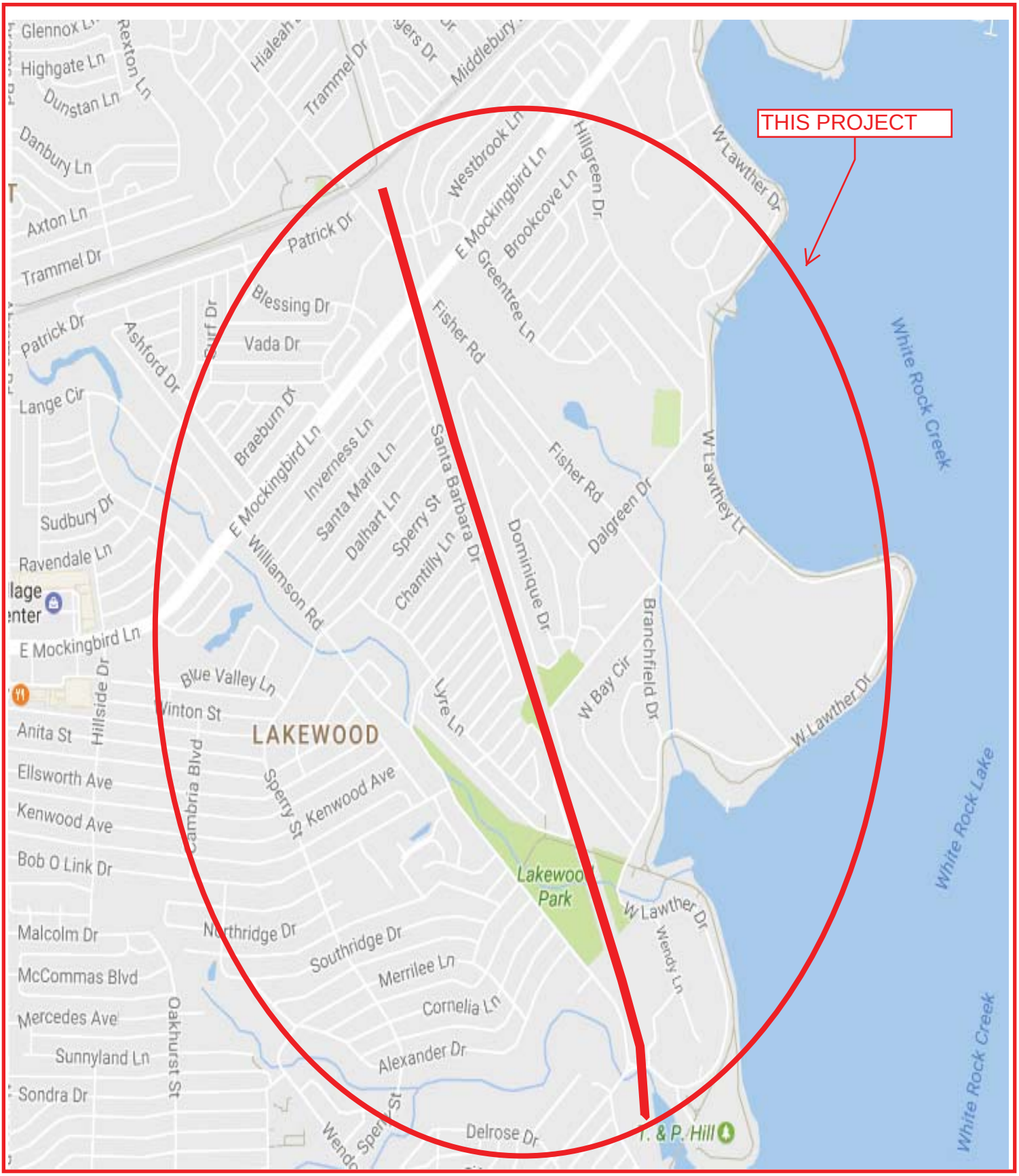
Total Project Cost Estimate (SoPAC Phase 3 + YMCA Connection) $6,337,400.

*City's share of project cost $3,268,700 ($2,450,100 was authorized by Council previously)

MAPS

Attached

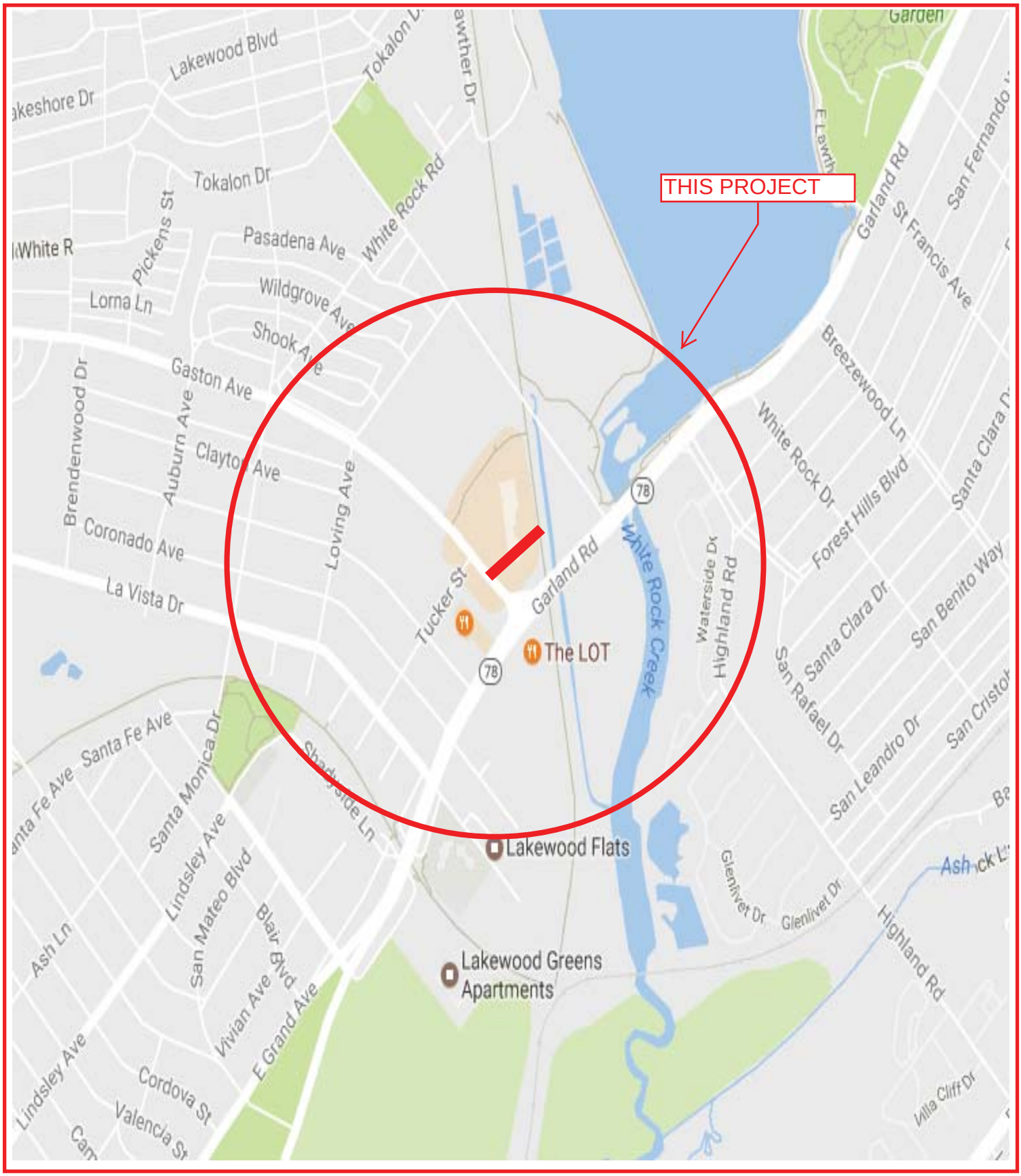
East Dallas Veloway (SoPAC Trail) Phase 3
From Lawther Drive to Mockingbird Lane



MAPSCO 37E,J,N,P,X

East Dallas Veloway (SoPAC Trail) YMCA Connection

Near the Intersection of Gaston Avenue and Garland Road



MAPSCO 37X

May 10, 2017

WHEREAS, on January 10, 2001, City Council authorized the Master Agreement with Dallas County governing future transportation major improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, on August 24, 2005, City Council authorized submission, acceptance, and implementation of the list of City of Dallas candidate projects to Dallas County for Dallas County's Major Capital Improvement Fund Thoroughfare Program's 2005 Call for Projects by Resolution No. 05-2432; and

WHEREAS, the East Dallas Veloway Phase III Project from Lawther Drive to Mockingbird Lane and Phase IV from Northwest Highway to north of Royal Lane were selected for participation and funding by Dallas County in the Fourth Call for Projects in 2006; and

WHEREAS, on December 9, 2009, City Council authorized the Project Supplemental Agreement with Dallas County for preliminary design and the master plan study on the East Dallas Veloway, Phase III from Lawther Drive to Mockingbird Lane and Phase IV from Northwest Highway to north of Royal Lane, including the YMCA Extension near the intersection of Gaston Avenue and Garland Road; and payment to Dallas County for the City's share of design costs, in an amount not to exceed $500,000.00 by Resolution No. 09-2965; and

WHEREAS, on April 13, 2011, City Council authorized a new ten-year Master Agreement with Dallas County governing transportation Major Transportation Capital Improvement Projects by Resolution No. 11-0927; and

WHEREAS, Dallas County is the lead agency administering the design and construction of the East Dallas Veloway (SoPAC Trail) Phase III, Phase IV, and the YMCA Connection Trail Projects; and

WHEREAS, on December 10, 2014, City Council authorized the First Amendment to the Project Supplemental Agreement with Dallas County for the final design and construction of the East Dallas Veloway (SoPAC Trail), Phase III from Lawther Drive to Mockingbird Lane and the YMCA Extension near the intersection of Gaston Avenue and Garland Road, and payment to Dallas County for the City's share of the final design and construction costs, in an amount not to exceed $2,081,700.00 by Resolution No. 14-2110; and

WHEREAS, on May 11, 2016, City Council authorized the Second Amendment to the Project Supplemental Agreement with Dallas County for the design and construction of the East Dallas Veloway (SoPAC Trail), Phase IV-A and IV-B, a 14-foot wide concrete hike-and-bike-trail from Northwest Highway to north of Royal Lane by Resolution No. 16-0741; and

May 10, 2017

WHEREAS, it is now necessary to authorize the Third Amendment to the Project Supplemental Agreement with Dallas County and payment to Dallas County for the City's share of the estimated final design and construction costs associated with the East Dallas Veloway (SoPAC Trail) Phase III from Lawther Drive to Mockingbird Lane and YMCA Connection Trail Project in an amount not exceed $818,600.

Now, Therefore,

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

SECTION 1. That the City Manager is authorized to sign the Third Amendment to the Project Supplemental Agreement with Dallas County, approved as to form by the City Attorney, for the City's share of estimated final design and construction costs associated with the East Dallas Veloway (SoPAC Trail) Phase III Project from Lawther Drive to Mockingbird Lane and the YMCA Connection Trail Project in an amount not to exceed $818,600.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds, in an amount not to exceed $818,600 to Dallas County, in accordance with the terms and conditions of the agreement from Street and Transportation Improvements Fund, Fund 4T22, Department STS, Unit. S621, Activity INGV, Object 4510, Program PB12S621, Encumbrance CT - PBW06U208C1.

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit any unused bond funds advanced to Dallas County pertaining to this project into the Street and Transportation Improvements Fund, Fund 4T22, Department STS, Unit S621, Activity INGV, 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.

AGENDA ITEM # 9

KEY FOCUS AREA: E-Gov

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a public hearing to be held on May 24, 2017 to receive comments on the FY 2017-18 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds a series of public hearings to provide the citizens of Dallas the opportunity to speak on next year's budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

May 10, 2017

WHEREAS, the City Council is committed to providing the citizens of Dallas with the opportunity to speak on the City's FY 2017-18 Operating, Capital, and Grant & Trust Budgets.

Now, Therefore,

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

SECTION 1. That a public hearing on the City's FY 2017-18 Operating, Capital, and Grant & Trust Budgets will be held on May 24, 2017 in the City Council Chambers.

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

AGENDA ITEM # 10

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction
City Attorney's Office
Water Utilities

CMO: Majed Al-Ghafry, 670-3302
Larry Casto, 670-3491
Jill A. Jordan, P.E., 670-5299

MAPSCO: 70B

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. LS Investments, et al., Cause No. CC-16-03529-B, pending in Dallas County Court at Law No. 2, to acquire a total of approximately 125,973 square feet of land located near the intersection of Beltline and Fish Roads for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed $29,319, increased from $78,000 ($72,688, plus closing costs and title expenses not to exceed $5,312) to $107,319 ($102,007 being the award, plus closing costs and title expenses not to exceed $5,312) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

On April 22, 2015, City Council authorized the acquisition of this property by Resolution No. 15-0764. The property owner was offered $72,688, plus closing cost and title expenses not to exceed $5,312, 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 on March 28, 2017, the Special Commissioners awarded the property owner $102,007.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is $29,319 more than the City Council originally authorized for this acquisition.

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)

On April 22, 2015, City Council authorized acquisition by Resolution No. 15-0764.

The Economic Development Committee will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $29,319

Resolution No. 15-0764	$ 78,000
Additional Amount (this action)	$ 29,319
Total Authorized Amount	$107,319

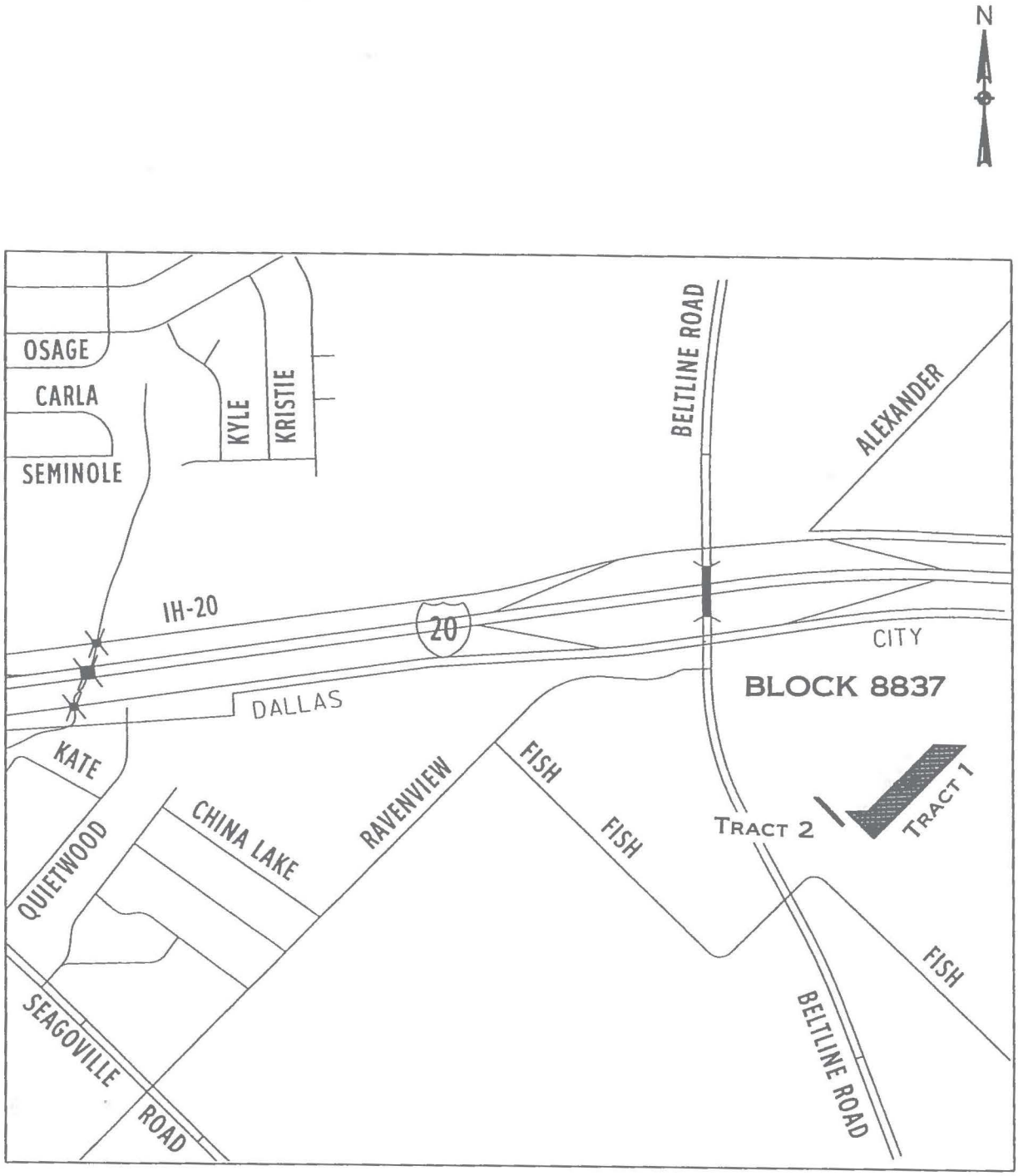
OWNER

LS Investments

Gene Streetman, Chief Executive Officer and Manager

MAP

Attached



PROJECT SITE

TRACT 1

TRACT 2

May 10, 2017

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD, AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING FOR THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

"CONDEMNATION PROCEEDING": Cause No. CC-16-03529-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. LS Investments, et al., filed pursuant to City Council Resolution No. 15-0764.

"PROPERTY": Approximately 125,973 square feet of land located in Dallas County, as described in the Condemnation Suit.

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

"OFFICIAL OFFER": $72,688

"AWARD": $102,007

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $5,312

"AUTHORIZED AMOUNT": Not to exceed $107,319

"DESIGNATED FUNDS":

$78,000 from Water Utilities Improvement Funds, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706623, Object 4210, CT-DWU706623CPCJ

$29,319 from Water Utilities Capital Construction Funds, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706623, Object 4210, CT-DWU706623ENAZ

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 an 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 owner of the PROPERTY objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; and

May 10, 2017

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.

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 District Clerk of Dallas County, Texas, to be deposited by the City Attorney with the 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

AGENDA ITEM # 11

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction
Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 56Z

SUBJECT

Authorize acquisition from Lorean D. Thomas and James W. Thomas, of approximately 7,085 square feet of vacant land located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project - Not to exceed $4,000 ($2,500, plus closing cost and title expenses not to exceed $1,500) – Financing: 2012 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 7,085 square feet of land located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project. This property will be used for the planned improvements for Yancy Street. The consideration is based on an independent appraisal. There are no relocation costs associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

2012 Bond Funds - $4,000 ($2,500, plus closing cost and title expenses not to exceed $1,500)

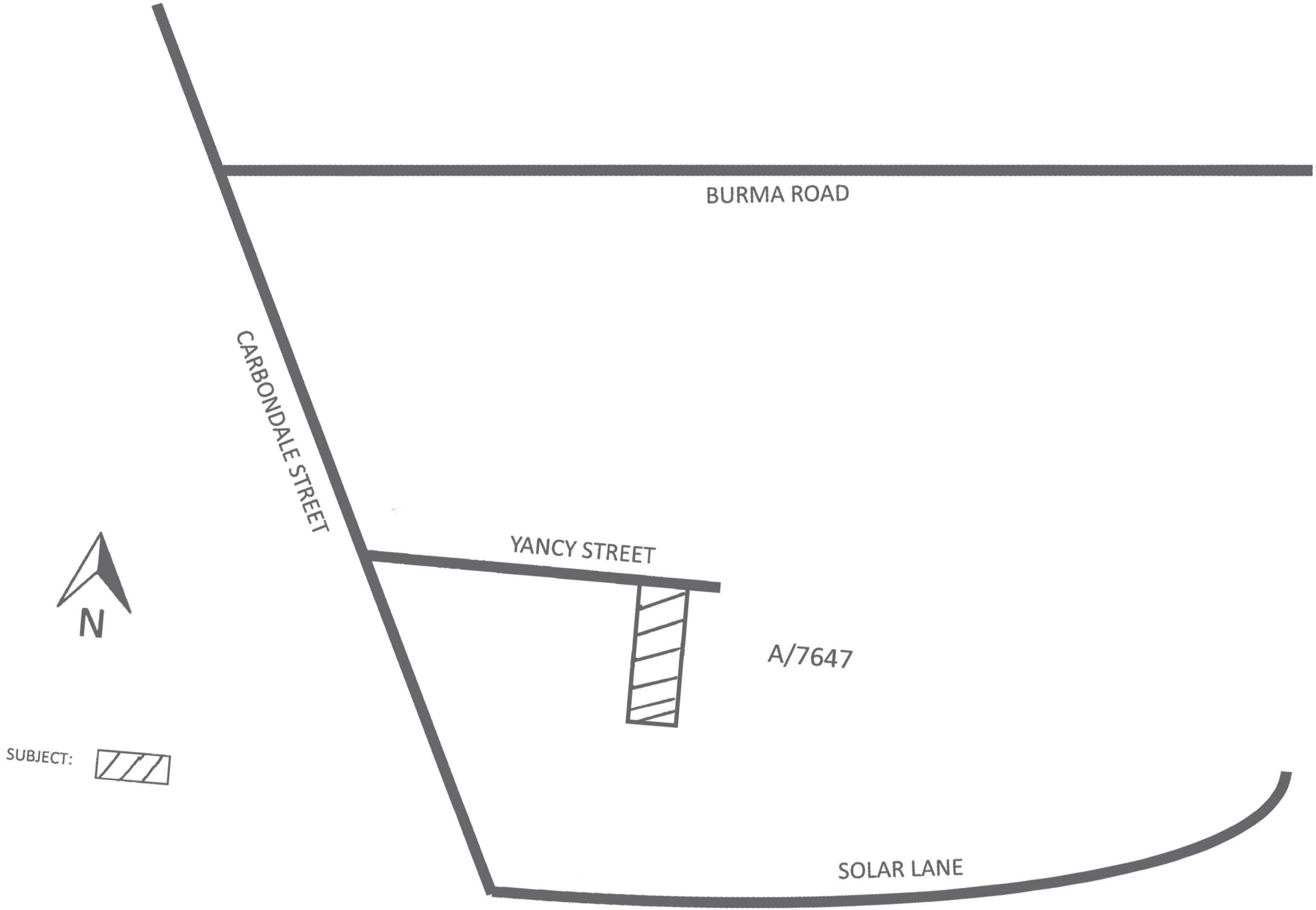
OWNERS

Lorean D. Thomas

James W. Thomas

MAP

Attached


BURMA ROAD
CARBONDALE STREET
YANCY STREET
A/7647
N
SUBJECT:
SOLAR LANE

May 10, 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 7,085 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": Yancy Street Improvement Project

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

"PROPERTY INTEREST": Fee Simple 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": Lorean D. Thomas and James W. Thomas, 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": $2,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $1,500

"AUTHORIZED AMOUNT": Not to exceed $4,000

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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager or designee, 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 hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2012 Bond Funds, Fund 3U22, Department STS, Unit S610, Activity TGTN, Program PB12S610, Object 4210, CT-SUSSDS61074. 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

EXHIBIT A

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK A/7647 FROM JAMES W. THOMAS

BEING situated in the L. Van Cleve Survey, Abstract No. 1503, Dallas County, Texas, and being all of Lot 11 in Block A/7647, of Central Avenue Addition. No. 2 Addition, an addition to the City of Dallas, according to the map of plat thereof, recorded in Volume 8, Page 183, Map Records Dallas County, Texas and being all of the property conveyed to James W. Thomas in a Quitclaim Deed dated February 21, 2003 and recorded in Volume 2003046, Page 128, Deed Records Dallas County, Texas, and containing approximately 7,085 square feet or 0.163 acres of land, based on the dimensions of the above referenced plat.

This description is approved as to form.

Scott Holt

Scott Holt, R.P.L.S.
Survey Program Manager

Date: 7/5/2016

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.

WARRANTY DEED

THE STATE OF TEXAS §
§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That Lorean D Thomas, a single person and Jame W. Thomas aka James W. Thomas, a single person (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($2,500.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: None

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

_____
Lorean D. Thomas

_____
James W. Thomas

Approved As To Form:
LARRY E. CASTO
City Attorney

By: _____
Assistant City Attorney ONN

EXHIBIT B

* *

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ _____, 2017, by Lorean D. Thomas.

_____
Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ _____, 2017, by James W. Thomas.

_____
Notary Public, State of Texas

* *

EXHIBIT B

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Shaun Davis

Warranty Deed Log No. 43688

EXHIBIT B

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK A/7647 FROM JAMES W. THOMAS

BEING situated in the L. Van Cleve Survey, Abstract No. 1503, Dallas County, Texas, and being all of Lot 11 in Block A/7647, of Central Avenue Addition. No. 2 Addition, an addition to the City of Dallas, according to the map of plat thereof, recorded in Volume 8, Page 183, Map Records Dallas County, Texas and being all of the property conveyed to James W. Thomas in a Quitclaim Deed dated February 21, 2003 and recorded in Volume 2003046, Page 128, Deed Records Dallas County, Texas, and containing approximately 7,085 square feet or 0.163 acres of land, based on the dimensions of the above referenced plat.

This description is approved as to form.

Scott Holt

Scott Holt, R.P.L.S.
Survey Program Manager

Date: 7/5/2016

AGENDA ITEM # 12

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction
Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 42Q

SUBJECT

A resolution authorizing the conveyance of an easement containing approximately 200 square feet of land to Oncor Electric Delivery Company, LLC for the construction, maintenance and use of power lines and electric transformer facilities across City-owned land located near the intersection of Chalk Hill Road and Hiawatha Street - Financing: No cost consideration to the City

BACKGROUND

This item authorizes the conveyance of an easement to Oncor Electric Delivery Company, LLC across City-owned land located near the intersection of Chalk Hill Road and Hiawatha Street. This easement will allow for the construction, maintenance and use of power lines and electric transformer facilities to the relocated power poles at the existing Fire Station 16.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

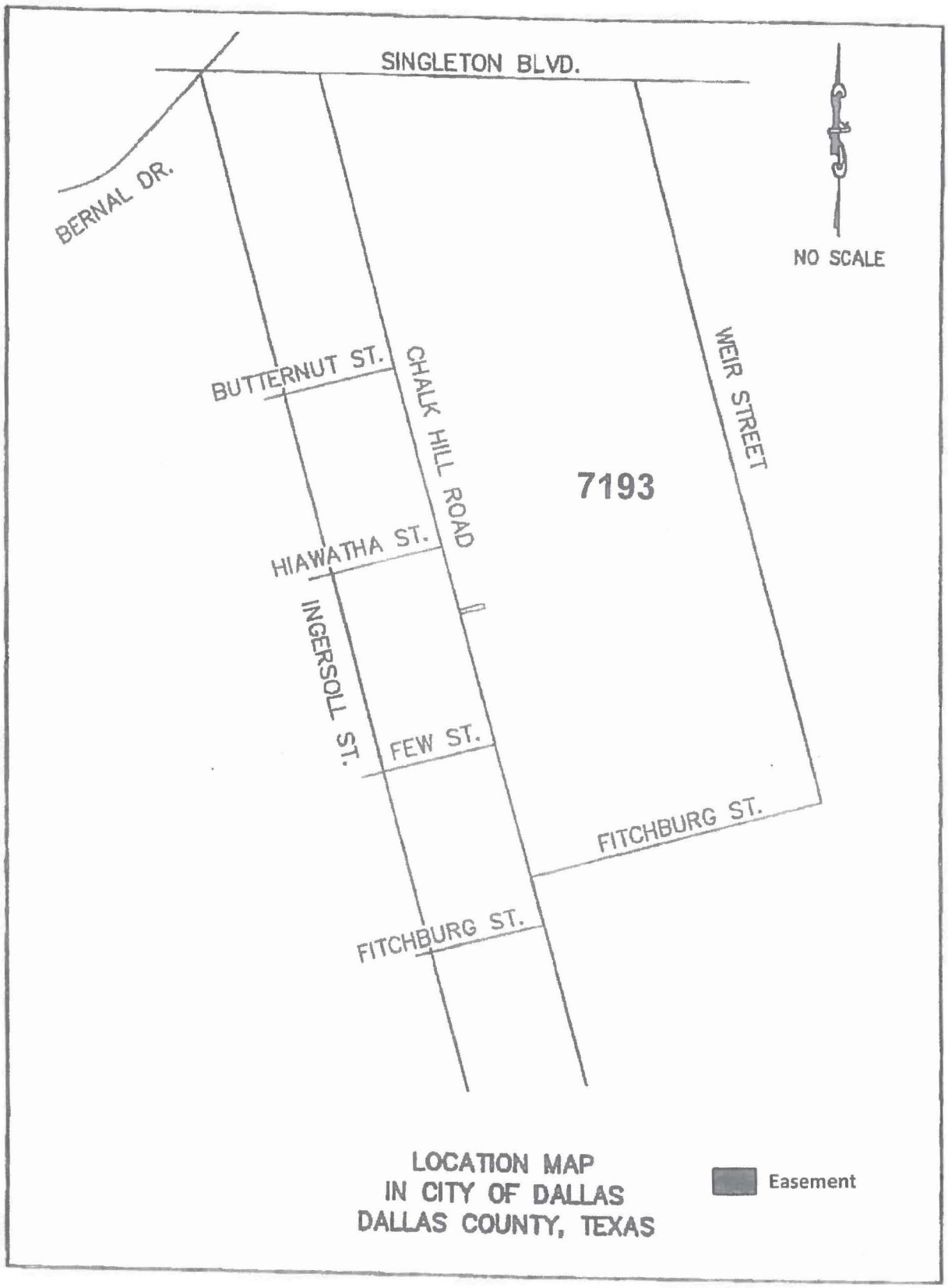
The Economic Development Committee will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



LOCATION MAP
IN CITY OF DALLAS
DALLAS COUNTY, TEXAS

May 10, 2017

WHEREAS, the City of Dallas owns certain land in the B.B.B. & C. Railroad Survey, Abstract No. 207, and being a part of that certain unplatted tract of land in the City of Dallas, Block 7193 called 3.237 acres in a Warranty Deed to the City of Dallas, a Texas Municipal Corporation, recorded in Volume 5140, Page 312, Deed Records of Dallas County, Texas; and

WHEREAS, Oncor Electric Delivery Company, LLC has requested an easement containing approximately 200 square feet of land, being more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes, for the construction, maintenance and use of power lines and electric transformer facilities to Fire Station 16; and

WHEREAS, the City of Dallas needs and desires said utility service to provide service to Fire Station 16.

Now, Therefore,

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

SECTION 1. That the City Manager or designee is hereby authorized to execute and deliver an easement to Oncor Electric Delivery Company, LLC, upon approval as to form by the City Attorney and attested by the City Secretary, for approximately 200 square feet of land located in Dallas County, and as more particularly described in Exhibit "A", for the construction, maintenance and use of power lines and electric transformer facilities to service Fire Station 16.

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

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

BY: _____
Assistant City Attorney

EXHIBIT "A"

Field Notes Describing
a 200 Square Foot (0.000459 Acre)
Easement
In City Block No. 7193

Being 200.00 square feet (0.000459 acres) of land lying and situated in the City and County of Dallas, Texas, the B.B.B. & C. Railroad Survey, Abstract No. 207, and being a part of that certain unplatted tract of land in the City of Dallas Block 7193 called 3.237 acres in a Warranty Deed to the City of Dallas, a Municipal corporation, recorded in Volume 5140, page 312, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 2-inch aluminum disk stamped "RPLS 4873 MLA" found at the intersection of the northeast right of way line of Chalk Hill Road (a 100 foot wide right of way) with the southeast line of the above described 3.237 acre tract and being the northwest corner of Lot 1, Block A/7195 of Lilly Addition, an addition to the City of Dallas according to the map or plat thereof recorded in Volume 85200, page 2423, Map Records of Dallas County, Texas;

THENCE N 15° 05' 00" W, along said northeast right of way line, a distance of 5.00 feet;

THENCE N 74° 55' 00" E, departing said right of way line, a distance of 40.00 feet;

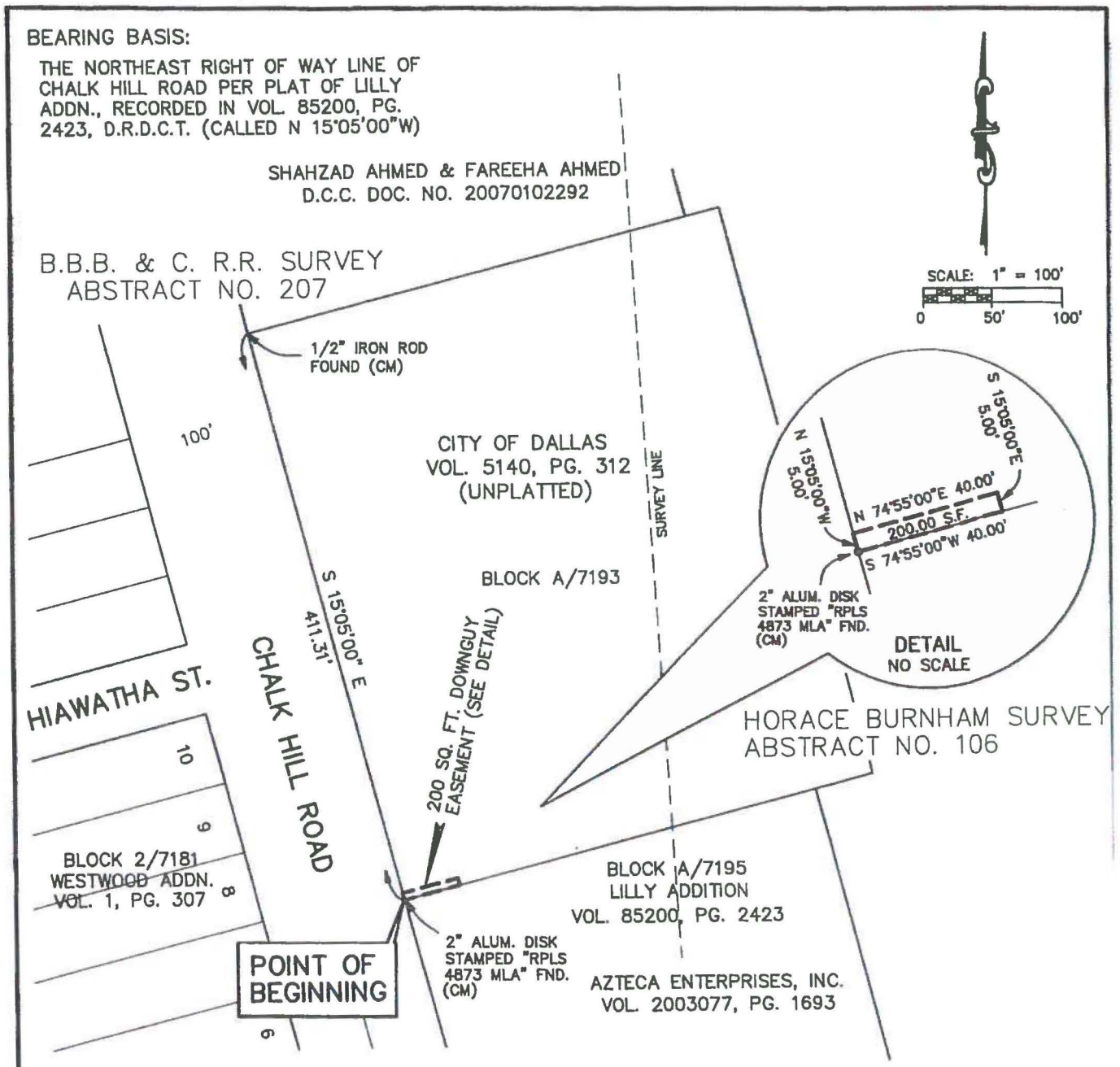
THENCE S 15° 05' 00" E, a distance of 5.00 feet to the southeast line of said tract;

THENCE S 74° 55' 00" W, along said southeast line, 40.00 feet to the POINT OF BEGINNING;

Bearings are based on the northeast right of way line of Chalk Hill Road (N 15° 05' 00" W) per plat of Lilly Addition recorded in Volume 85200, page 2423, Deed Records of Dallas County, Texas.

FIELD NOTES APPROVED:
DER 12-2-16

Exhibit A



NOTE:
EASEMENT CORNERS NOT MONUMENTED UNLESS OTHERWISE NOTED.

CM = CONTROLLING MONUMENT FOR BOUNDARY AND BEARING BASIS

STATE OF TEXAS
REGISTERED
WILLIAM B. WARD
4238
PROFESSIONAL
LAND SURVEYOR

EXHIBIT "A"
FIELD NOTES DESCRIBING A 200 SQ. FT. (0.00459 AC.) EASEMENT FOR ONCOR ELECTRIC DOWNGUY IN CITY OF DALLAS BLOCK 7193 DALLAS COUNTY, TEXAS

CORNERSTONE SURVEYING, INC
200 WEST MARSHALL
P.O BOX 699 , PALMER, TEXAS 75152
TEL. (972) 845-2505 – FAX. (972) 845-2455
FIRM NO. 100215-00

AGENDA ITEM # 13

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45M

SUBJECT

An ordinance granting a revocable license to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard, for the use of approximately 1,368 square feet of aerial space to install, occupy, maintain and utilize an aerial sign over and above a portion of Commerce Street right-of-way, located near the intersection of Commerce and Pryor Streets – Revenue: $1,779 annually, plus the $20 ordinance publication fee

BACKGROUND

This item grants a revocable license to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard, for the use of approximately 1,368 square feet of aerial space to install, occupy, maintain and utilize an aerial sign over and above a portion of Commerce Street right-of-way, located near the intersection of Commerce and Pryor Streets. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

Revenue - $1,779 annually, plus the $20 ordinance publication fee

OWNER

Big D Lil' d LLC dba Dot's Hop House & Cocktail Courtyard

Jeff Brightwell, Governing Person

MAP

Attached

LICENSE AREA

ORDINANCE NO. _____

An ordinance granting a revocable license to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard to occupy, maintain and utilize a portion of Commerce Street right-of-way located near the intersection of Commerce and Pryor Streets adjacent to City Block 183 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing an attached aerial sign without premise; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Big D Lil'd LLC dba Dot's Hop House & Cocktail Courtyard; a Texas limited liability company, its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of nine (9) years unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **ONE THOUSAND SEVEN HUNDRED SEVENTY-NINE NO/100 ($1,779.00) DOLLARS** annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **ONE THOUSAND SEVEN HUNDRED SEVENTY-NINE NO/100 ($1,779.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2017.

SECTION 3. (continued)

Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of the Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupying, maintaining and utilizing an attached aerial sign without premise.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any

SECTION 6. (continued)

improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** shall adhere to a minimum height clearance above sidewalk of 13 feet and 6 inches.

b) **GRANTEE** shall apply for and obtain approved right-of-way permit prior to any work within the right-of-way.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval

SECTION 10. (continued)

for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

MG/44272

Exhibit A

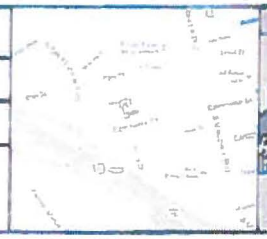
Survey Completed By:

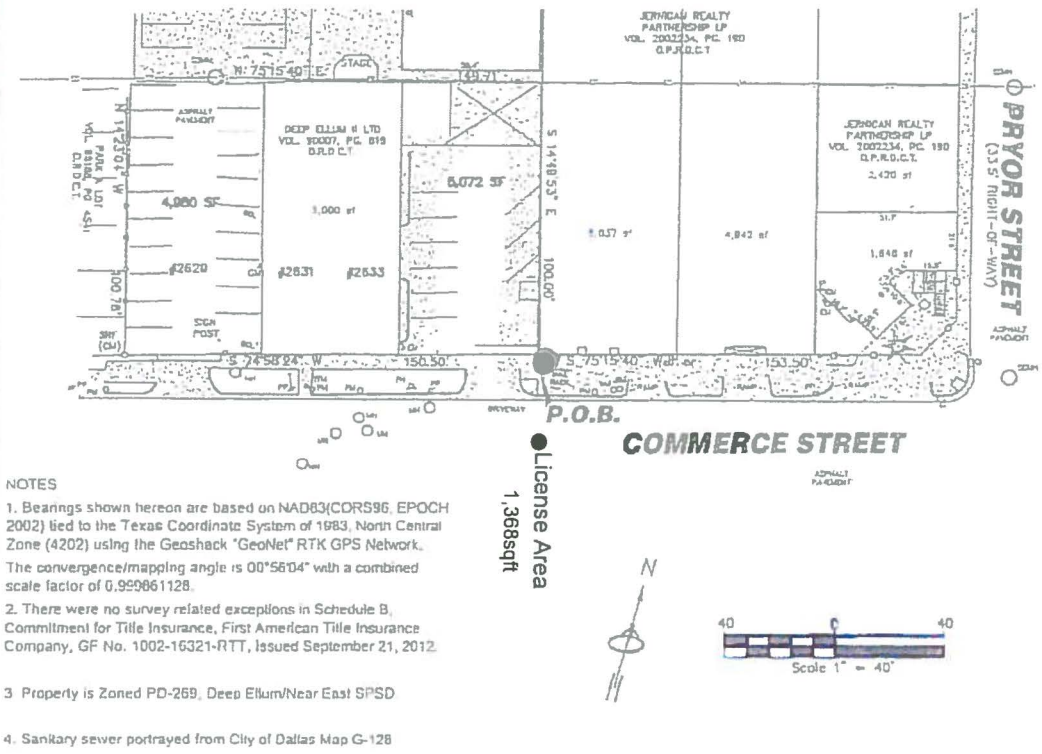
TerraCorp

TerraCorp Associates LLC #101858-00
3960 Broadway Blvd.
Suite 236
Garland, TX 75043

www.terracorpsurvey.com
orders@terracorpsurvey.com
(P) 972-805-4126
(F) 972-805-4527

Property Address: 2629, 2631-2633 Commerce Street, Dallas, TX 75226	TerraCorp Order No.: TX1212104
Client Order Number: CASS	Completed Date: 12/25/2012
Certified To: 42 Deep Ellum, LP; 42 Real Estate, LLC; First American Title Insurance Company; Republic Title of Texas, Inc.; Texas Capital Bank, N.A.	
Legal Description: Please See Drawing Below	





NOTES

1. Bearings shown hereon are based on NAD83(CORS96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202) using the Geoshack "GeoNet" RTK GPS Network.

The convergence/mapping angle is 00°56'04" with a combined scale factor of 0.999861128.

2. There were no survey related exceptions in Schedule B, Commitment for Title Insurance, First American Title Insurance Company, GF No. 1002-16321-RTT, Issued September 21, 2012.

3. Property is Zoned PD-269, Deep Ellum/Near East SPSD

4. Sanitary sewer portrayed from City of Dallas Map G-128

LEGEND

BOL	BOLLARD
C.F.	CHAIN LINK FENCE
(CM)	CONTROLLING MONUMENT
CO	CLEANOUT
ED.BX	ELECTRIC BOX
EM	ELECTRIC METER
FH	FIRE HYDRANT
GI	GRATE INLET
GM	GAS METER
GT	GREASE TRAP
LS	LIGHT STANDARD
MH	MANHOLE
OHL	OVERHEAD UTIL. LINES
PM	PARKING METER
PP	POWER POLE
S.R.F.	STEEL ROD FOUND
( )	PLAT/DEED CALLS
W.O.F.	WOOD FENCE
W.F.	WROUGHT IRON FENCE
WV	WATER VALVE
WM	WATER METER
	WOOD FENCE
	CHAIN LINK FENCE
	WIRE FENCE
	WROUGHT IRON FENCE

DESCRIPTION OF PROPERTY SURVEYED

BEING all that certain lot, tract or parcel of land situated in the City of Dallas, Texas, out of Block 183, according to the official Map of the City of Dallas, Texas, and being more particularly described as follows:

BEGINNING at a point in the North line of Commerce Street,South 75°15'40" West, 153.50 feet Westerly from its present intersection with the Westerly line of Pryor Street (a 33.5 foot wide right-of-way);

THENCE South 74°58'24" West along the North line Commerce Street, a distance of 150.50 feet to a steel rod found ;

THENCE North 14°23'04" West along a building wall wall 100.00 feet to a point for corner;

THENCE North 75°15'40" East a distance of 149.71 feet to a point,

THENCE South 14°49'53" with the center of said party wall, 100.00 feet to the PLACE OF BEGINNING

FLOOD NOTE

According to the F.I.R.M. #48113C0345 J this property does lie in "Zone X" and does not lie within the 100-year flood zone.

To: 42 Deep Ellum, LP; 42 Real Estate, LLC; First American Title Insurance Company, Republic Title of Texas, Inc. and Texas Capital Bank, N.A.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items of Table A thereof. The field work was completed on 30th day of October, 2012.

Signed 26nd day of December, 2012

STATE OF TEXAS
REGISTERED
NEAL E. COLVER
5211
PROFESSIONAL
LAND SURVEYOR

REVISED 2/06/13

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

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

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

AGENDA ITEM # 14

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 22R

SUBJECT

An ordinance abandoning a portion of Electronic Lane to Parker University, a Texas non-profit corporation, the abutting owner, containing approximately 44,860 square feet of land, located near its intersection with Program Drive and authorizing the quitclaim, and providing for the dedication of approximately 44,860 square feet of needed land for a water and wastewater easement - Revenue: $228,786, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Electronic Lane to Parker University, a Texas non-profit corporation, the abutting owner. The area will be included with the property of the abutting owner for the expansion of the Parker University Campus. The owner will dedicate approximately 44,860 square feet of needed land for a water and wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 10 property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

Revenue - $228,786, plus the $20 ordinance publication fee

OWNER

Parker University, a Texas non-profit corporation

Brian J. McAulay, President

MAP

Attached

Log: 43631

Applicant: Parker College of Chiropractic

Mapsco: 22R

Abandonment:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Electronic Lane located adjacent to City Blocks B/6509 and C/6509 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Parker University; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Parker University, a Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim 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 Electronic Lane 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 hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-SIX AND NO/100 DOLLARS ($228,786.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 12, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **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, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

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

SECTION 8. (continued)

(e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by separate instrument a water and wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Blocks B/6509 and C/6509 and containing approximately 44,860 square feet of land, a description is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 13. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 10, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
SDR Assistant Director

Passed _____.

Exhibit A

STREET ABANDONMENT
PART OF ELECTRONIC LANE ADJACENT TO BLOCKS B/6509 AND C/6509
JOHN L. HUNT SURVEY, ABSTRACT NO. 588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 1.0298 ACRE TRACT OF LAND BEING PART OF THE JOHN L. HUNT SURVEY, ABSTRACT NO. 588 LOCATED IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING A PORTION OF ELECTRONIC LANE, DEDICATED AS PUBLIC RIGHT OF WAY BY PLATS OF WALNUT STEMMONS INDUSTRIAL PARK, AN ADDITION TO THE CITY OF DALLAS, TEXAS AS RECORDED IN VOLUME 70011, PAGE 1962 AND WALNUT-STEMMONS INDUSTRIAL PARK, SECOND INSTALLMENT RECORDED IN VOLUME 70217, PAGE 1855 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING ADJACENT TO BLOCK B/6509 AND BLOCK C/6509, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF BLOCK B/6509 OF FIRST SAID ADDITION BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ABLES (60 FOOT WIDE) LANE WITH THE NORTH RIGHT OF WAY LINE OF ELECTRONIC LANE (60 FOOT WIDE);

THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 213.58 FEET TO A 1/2 INCH IRON ROD FOUND AT THE POINT OF TANGENT CURVATURE;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 172.78 FEET, WITH A CENTRAL ANGLE OF 89 DEGREES 54 MINUTES 02 SECONDS (WHICH CHORD BEARS SOUTH 45 DEGREES 45 MINUTES 40 SECONDS EAST, A CHORD DISTANCE OF 244.13 FEET) THROUGH AN ARC DISTANCE OF 271.10 FEET TO A MAG NAIL WITH WASHER STAMPED COLE DESIGN GROUP SET FOR POINT OF TANGENCY;

THENCE CONTINUING WITH THE EAST RIGHT OF WAY LINE OF ELECTRONIC LANE, SOUTH 00 DEGREES 48 MINUTES 39 SECONDS EAST, A DISTANCE OF 310.16 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "COLE 10193871" SET FOR CORNER OF THE HEREINAFTER DESCRIBED PORTION OF ELECTRONIC LANE;

THENCE CROSSING SAID ELECTRONIC LANE, SOUTH 89 DEGREES 17 MINUTES 18 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "COLE 10193871" SET FOR CORNER ON THE WEST RIGHT OF WAY LINE OF SAID ELECTRONIC LANE, BEING THE SOUTHEAST CORNER OF SAID BLOCK C/6509, AND BEING IN THE NORTH RIGHT OF WAY LINE OF PROGRAM DRIVE (60 FOOT WIDE);

THENCE ALONG THE WEST RIGHT OF WAY LINE OF ELECTRONIC LANE, NORTH 00 DEGREES 48 MINUTES 39 SECONDS WEST, A DISTANCE OF 310.00 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "COLE 10193871" SET AT THE POINT OF TANGENT CURVATURE;

THENCE CONTINUING WITH SAID RIGHT OF WAY LINE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 112.78 FEET, WITH A CENTRAL ANGLE OF 89 DEGREES 54 MINUTES 02 SECONDS (WHICH CHORD BEARS NORTH 45 DEGREES 45 MINUTES 40 SECONDS WEST, A CHORD DISTANCE OF 159.44 FEET) THROUGH AN ARC DISTANCE OF 177.07 FEET TO A MAG NAIL WITH WASHER STAMPED COLE DESIGN GROUP SET FOR POINT OF TANGENCY;

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Date:	10.31.2016
SPRG No.	3823

Exhibit A

STREET ABANDONMENT
PART OF ELECTRONIC LANE ADJACENT TO BLOCKS B/6509 AND C/6509
JOHN L. HUNT SURVEY, ABSTRACT NO. 588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE CONTINUING WITH THE SOUTH RIGHT OF WAY LINE OF ELECTRONIC LANE, SOUTH 89 DEGREES 17 MINUTES 19 SECONDS WEST, A DISTANCE OF 213.41 FEET TO A MAG NAIL WITH WASHER STAMPED COLE DESIGN GROUP SET FOR CORNER OF THE HEREINAFTER DESCRIBED PORTION OF ELECTRONIC LANE;

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THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 44,860 SQUARE FEET OR 1.0298 ACRES.

BASIS OF BEARINGS: REFERENCED TO TEXAS STATE PLANE COORDINATES SYSTEM, NAD 1983, (TEXAS NORTH CENTRAL ZONE). THE COORDINATES WERE DETERMINED USING A TRIMBLE R10 GNSS RECEIVER, TRIMBLE TSC3 CONTROLLER, TRIMBLE ACCESS AND ASSOCIATED SOFTWARE, AND THE RTKNET 2011 REAL TIME NETWORK OF GNSS CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) OBSERVED ON MAY 10, 2016.

Terry D. Westerman
Registered Professional Land Surveyor
State of Texas No. 6381

Cole Design Group, Inc.
Registration Number 10193871

STATE OF TEXAS
REGISTERED
TERRY WESTERMAN
6381
PROFESSIONAL
LAND SURVEYOR

OCT 19, 2016

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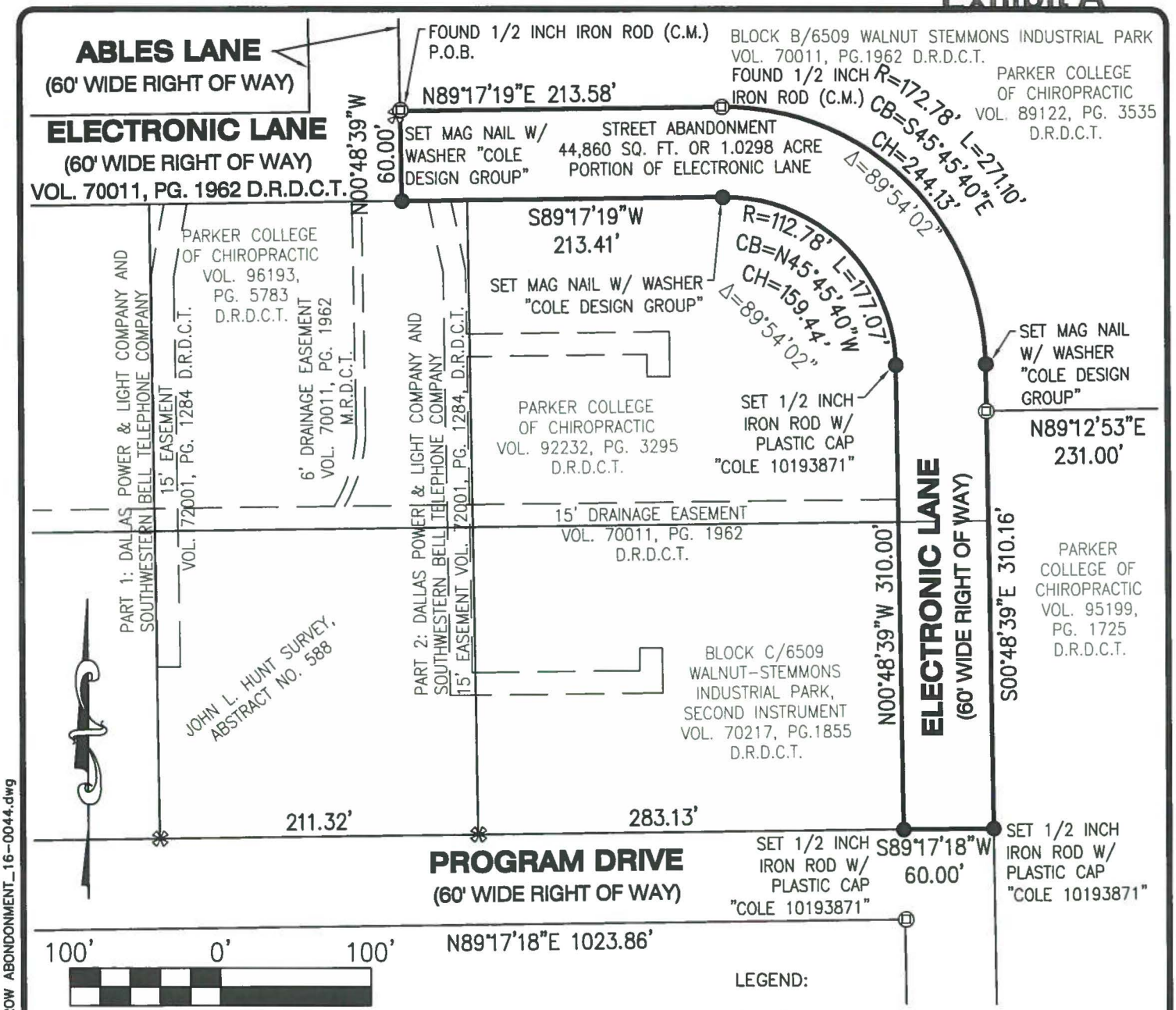
Date:	10.31.2016
SPRG No.	3823

Exhibit A



THIS PLAT AND CORRESPONDING DESCRIPTION WERE PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

TERRY D. WESTERMAN DATE: OCTOBER 19, 2016
REGISTERED PROFESSIONAL SURVEYOR
STATE OF TEXAS NO. 6381

COLE DESIGN GROUP, INC.
REGISTRATION NUMBER 10193871

STATE OF TEXAS
REGISTERED
TERRY WESTERMAN
6381
PROFESSIONAL
LAND SURVEYOR

LEGEND:

(C.M.)	CONTROLLING MONUMENT
VOL.___PG.	VOLUME___PAGE____
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING

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SHEET 3 OF 3

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Texas Registered Engineering Firm, F-10253
Texas Board of Professional Land Surveying Corporate Registration #10193871
Cole & Associates, Inc. is a Missouri Corporation d.b.a. Cole Design Group, Inc. in Arizona & Texas herein referred to as "Cole"

STREET ABANDONMENT

PART OF ELECTRONIC LANE
ADJACENT TO BLOCKS B/6509 AND C/6509
JOHN L. HUNT SURVEY, ABSTRACT NO. 588
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

For SPRG use only

Reviewed By: JR
Date: 10.31.2016
SPRG No. 3823

DATE: Oct 19, 2016 - 9:55am
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EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

EXHIBIT C

WATER & WASTEWATER EASEMENT
PART OF ELECTRONIC LANE ADJACENT TO BLOCKS B/6509 AND C/6509
JOHN L. HUNT SURVEY, ABSTRACT NO. 588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Date:	02.10.2017
SPRG No.	3961

EXHIBIT C

WATER & WASTEWATER EASEMENT
PART OF ELECTRONIC LANE ADJACENT TO BLOCKS B/6509 AND C/6509
JOHN L. HUNT SURVEY, ABSTRACT NO. 588
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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Terry D. Westerman
Registered Professional Land Surveyor
State of Texas No. 6381

Cole Design Group, Inc.
Registration Number 10193871

STATE OF TEXAS
REGISTERED
TERRY WESTERMAN
6381
PROFESSIONAL
LAND SURVEYOR

FEB. 3, 2017

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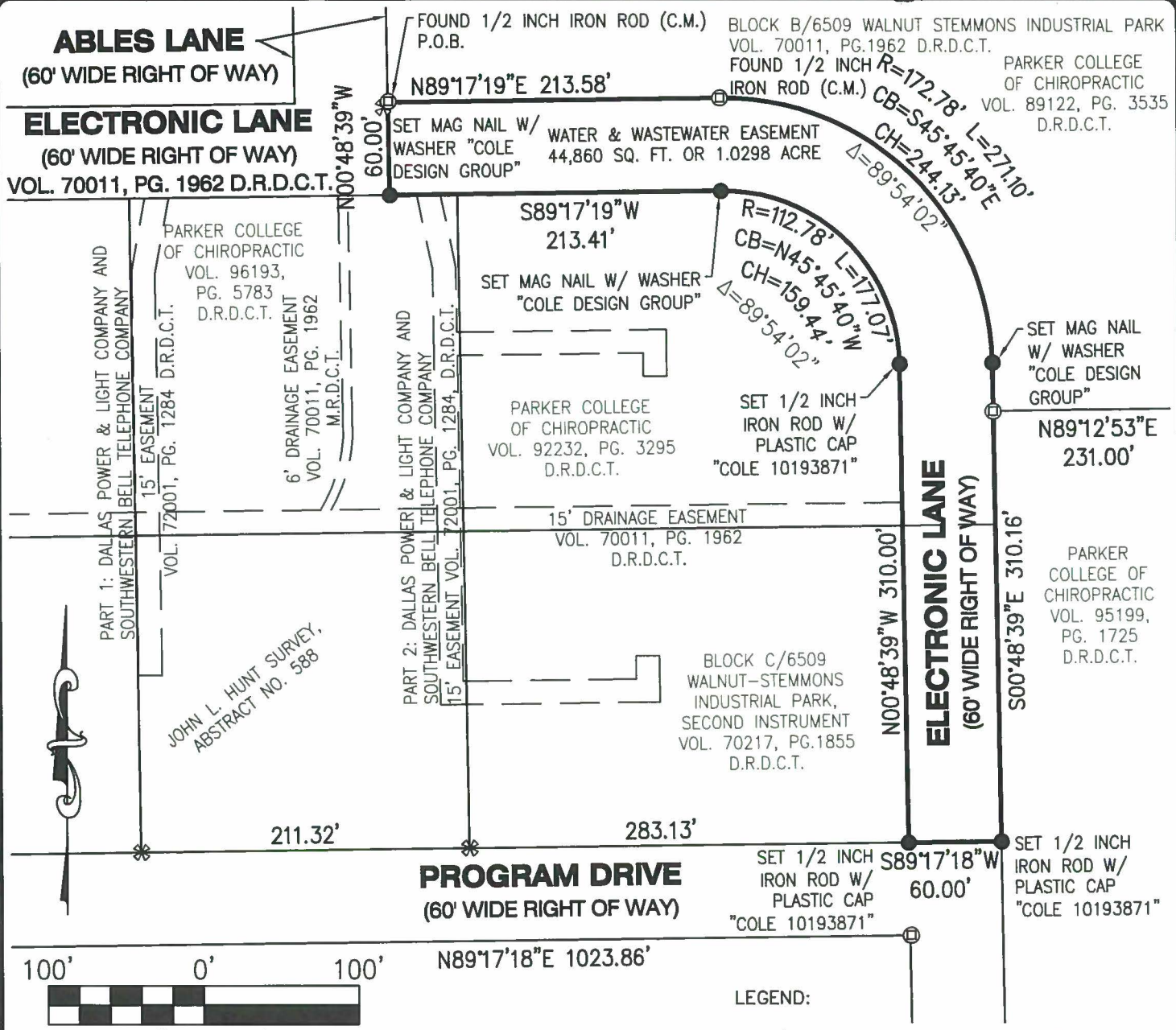
Reviewed By:	JB
Date:	02.10.2017
SPRG No.	3961

EXHIBIT C



THIS PLAT AND CORRESPONDING DESCRIPTION WERE PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

TERRY D. WESTERMAN DATE: FEBRUARY 3, 2017
REGISTERED PROFESSIONAL SURVEYOR
STATE OF TEXAS NO. 6381

COLE DESIGN GROUP, INC.
REGISTRATION NUMBER 10193871

STATE OF TEXAS REGISTERED TERRY WESTERMAN 6381 PROFESSIONAL LAND SURVEYOR

LEGEND:

(C.M.)	CONTROLLING MONUMENT
VOL.__PG.	VOLUME__PAGE____
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SHEET 3 OF 3

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WATER & WASTEWATER EASEMENT

PART OF ELECTRONIC LANE
ADJACENT TO BLOCKS B/6509 AND C/6509
JOHN L. HUNT SURVEY, ABSTRACT NO. 588
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

For SPRG use only

Reviewed By: JR
Date: 02.10.2017
SPRG No. 3961

DATE: Feb 03, 2017 - 3:03pm
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AGENDA ITEM # 15

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 64G L

SUBJECT

An ordinance abandoning a utility easement to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 20,760 square feet of land, located near the intersection of Oak Park Drive and Vista Wood Boulevard - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a utility easement to Corinth I-35 & Ledbetter, LLC, the abutting owner. The area will be included with the property of the abutting owner for the development and construction of a Taco Bell. 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 matter on April 28, 2017.

FISCAL INFORMATION

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

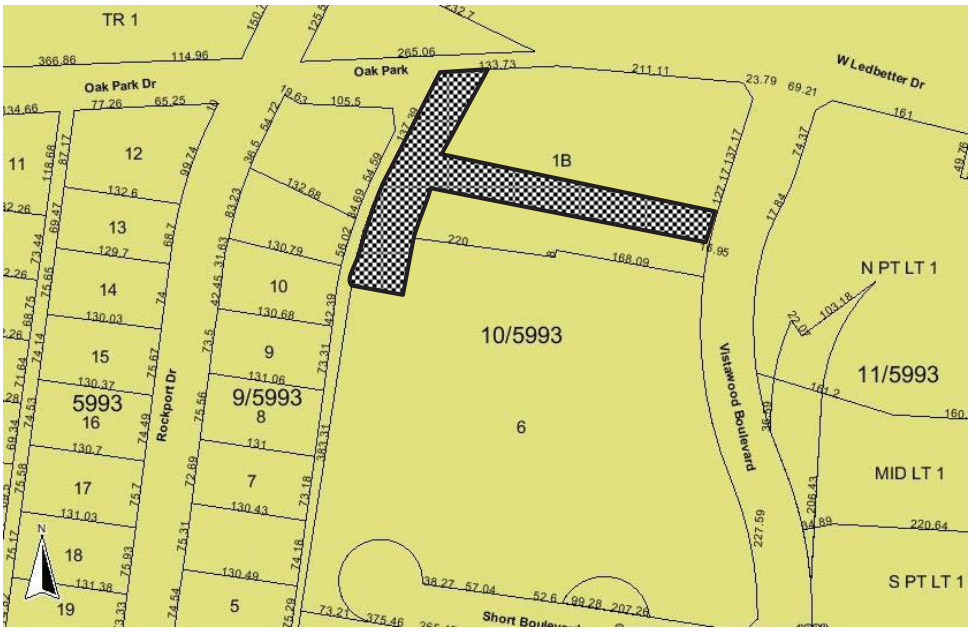
OWNER

Corinth I-35 & Ledbetter, LLC

Maryann Mihalopoulos, Member

MAP

Attached



Log: 42535

Abandonment:

Applicant: CORINTH I35 & LEDBETTER LLC

Mapsco: 64G & 64L

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a utility easement, located in City Block 10/5993 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Corinth I-35 & Ledbetter, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made; 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 Corinth I-35 & Ledbetter, LLC, a Texas 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 easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

Now, Therefore,

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

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

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

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

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

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

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

UTILITY EASEMENT ABANDONMENT

PART OF LOTS 1B AND 6, BLOCK 10/5993
GLEN OAKS CENTER NO. 2 ADDITION
Paul Narboe Survey, Abstract No. 1077
City of Dallas, Dallas County, Texas

Exhibit A

BEING a 20,760 square foot tract of land situated in the Paul Narboe Survey, Abstract No. 1077, part of Official City Block Number 10/5993 in the City of Dallas, Dallas County, Texas, being a part of Lots 1B and 6, Block 10/5993 of Glen Oaks Center No. 2 Addition, an addition to the City of Dallas created by the plat recorded in Instrument Number 201500202206 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), same being part of a tract of land owned by Corinth I-35 & Ledbetter, LLC and described in the Warranty Deed recorded in Document Number 201200224305, O.P.R.D.C.T., also being all of a 50' Utility Easement and part of a 25' Utility Easement, both as shown on the plat of First Section, Glen Oaks Village, recorded in Volume 36, Page 13 of the Map Records, Dallas County, Texas (M.R.D.C.T.), said 20,760 square foot tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a railroad spike found (controlling monument) for the northwest corner of said Lot 1B and being at the intersection of the south right of way line of Oak Park Drive (a 40 foot wide right-of-way) and the east line of an alley created by the plat of Glen Oaks, Second Addition, recorded in Volume 23, Page 247, M.R.D.C.T.;

THENCE along said south right of way line of Oak Park Drive, N87° 08' 03"E, for a distance of 57.70 feet to a point for corner;

THENCE leaving said south right of way line of Oak Park Drive, S27° 04' 03"W, for a distance of 119.08 feet to a point for corner;

THENCE S76° 09' 27"E, for a distance of 314.61 feet to a point for corner in the west right of way line of Vista Wood Boulevard (a variable width right-of-way) and at the beginning of a non-tangent curve to the left having a central angle of 03° 11' 04", a radius of 450.00 feet and a chord which bears S12° 26' 16"W, for a distance of 25.01 feet;

THENCE along said west right of way line of Vista Wood Boulevard and said curve to the left, for an arc distance of 25.01 feet to a point for the northeast corner of a tract of land owned by Corinth I-35 & Ledbetter, LLC and described as "Tract 1" in the Special Warranty Deed with Vendor's Lien recorded in Document Number 20070171828, O.P.R.D.C.T. and corrected in Special Warranty Deed with Vendor's Lien recorded in Document Number 20070178877, O.P.R.D.C.T.;

THENCE leaving said west right of way line of Vista Wood Boulevard, non-tangent to the previously defined curve, and along the north line of said Tract 1, the following four (4) courses and distances:

N76° 09' 27"W, for a distance of 321.10 feet to a point for corner;

S27° 04' 03"W, for a distance of 21.42 feet to a point for corner and at the beginning of a tangent curve to the left having a central angle of 18° 09' 00", a radius of 305.00 feet and a chord which bears S17° 59' 33"W, for a distance of 96.21 feet;

Along said curve to the left, for an arc distance of 96.62 feet to a point for corner;

N81° 04' 57"W, non-tangent to the previously defined curve, for a distance of 50.00 feet to a 1/2 inch iron pipe found for corner on said east line of alley and at the beginning of a non-tangent curve to the right having a central angle of 18° 09' 00", a radius of 355.00 feet and a chord which bears N17° 59' 33"E, for a distance of 111.99 feet;

THENCE along said east line of alley and said curve to the right, for an arc distance of 112.46 feet to an aluminum monument found for corner;

THENCE continuing along said east line of alley, N27° 04' 03"E, for a distance of 137.39 feet to the POINT OF BEGINNING and containing 20,760 square feet or 0.4766 acres of land.

(For SPRG use only)
Reviewed by: GH
Date: 12-3-2015
SPRG NO.: 3550

STATE OF TEXAS
REGISTERED
DENNIS R. MALONEY JR.
5431
PROFESSIONAL
LAND SURVEYOR

12-02-2015

BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers
Civil & Structural Engineering · Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

BASIS OF BEARING:
The basis of bearings shown hereon, N87°08'03"E, is the southerly right-of-way line of Oak Park Drive per Warranty Deed to Corinth I-35 & Ledbetter, LLC recorded in Inst. No. 201200224305 of the Official Public Records, Dallas County, Texas.

UTILITY EASEMENT ABANDONMENT

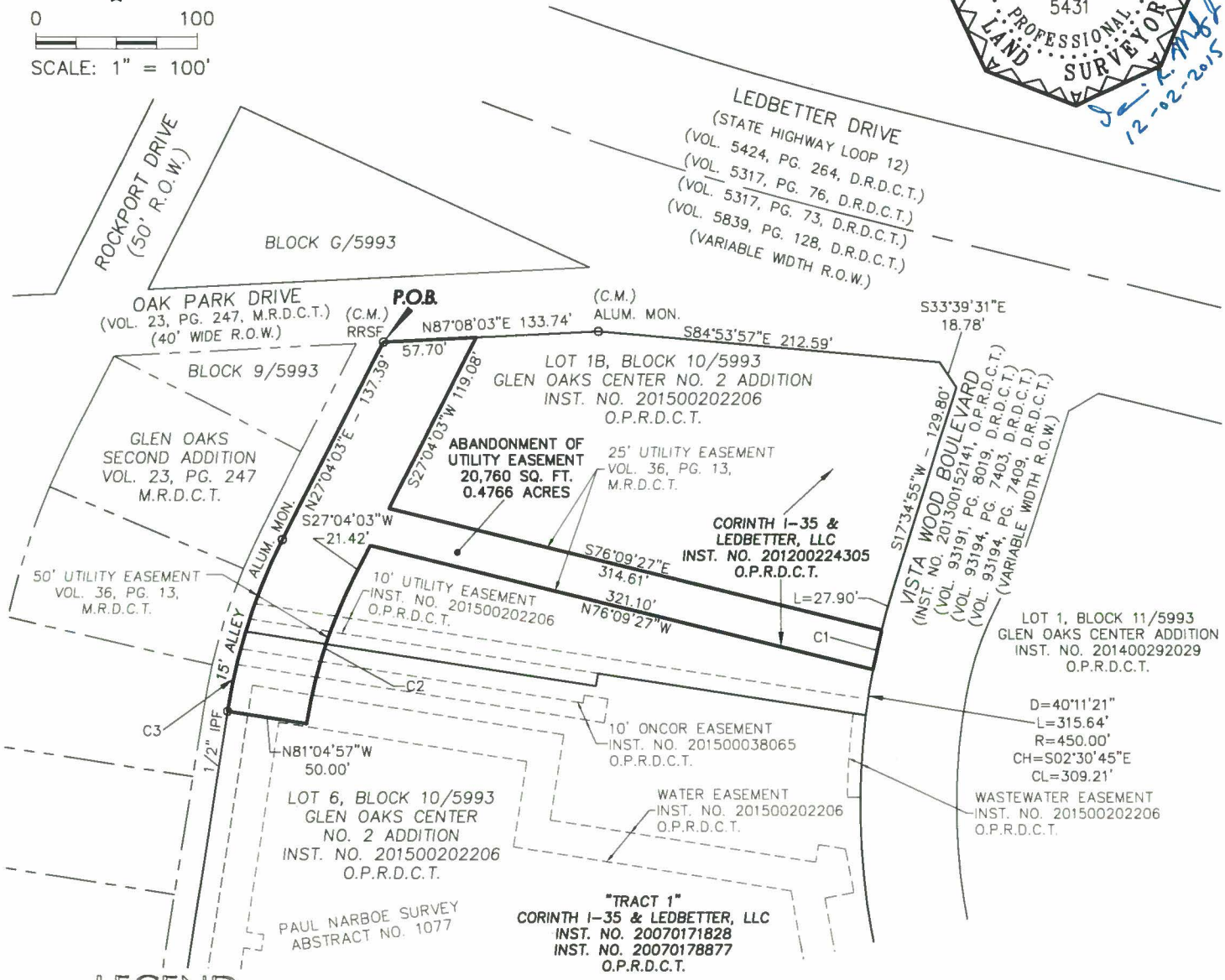
PART OF LOTS 1B AND 6, BLOCK 10/5993
GLEN OAKS CENTER NO. 2 ADDITION
Paul Narboe Survey, Abstract No. 1077
City of Dallas, Dallas County, Texas

Exhibit A

STATE OF TEXAS
REGISTERED
DENNIS R. MALONEY JR.
5431
PROFESSIONAL
LAND SURVEYOR

12-02-2015

0 100
SCALE: 1" = 100'



LEGEND

O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
P.O.B.	POINT OF BEGINNING
RRSF	RAILROAD SPIKE FOUND
IPF	IRON PIPE FOUND
ALUM. MON.	ALUMINUM MONUMENT FOUND
C.M.	CONTROL MONUMENT

(For SPRG use only)
Reviewed by: GA
Date: 12-3-2015
SPRG NO.: 3550

BASIS OF BEARING:
The basis of bearings shown hereon, N87°08'03"E, is the southerly right-of-way line of Oak Park Drive per Warranty Deed to Corinth I-35 & Ledbetter, LLC recorded in Inst. No. 201200224305 of the Official Public Records, Dallas County, Texas.

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UTILITY EASEMENT ABANDONMENT

PART OF LOTS 1B AND 6, BLOCK 10/5993
GLEN OAKS CENTER NO. 2 ADDITION
Paul Narboe Survey, Abstract No. 1077
City of Dallas, Dallas County, Texas

Exhibit A

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	450.00'	25.01'	S12°26'16"W	25.01'	03°11'04"	12.51'
C2	305.00'	96.62'	S17°59'33"W	96.21'	18°09'00"	48.72'
C3	355.00'	112.46'	N17°59'33"E	111.99'	18°09'00"	56.70'

(For SPRG use only)
Reviewed by: CJH
Date: 12-3-2015
SPRG NO.: 3550

BASIS OF BEARING:
The basis of bearings shown hereon, N87°08'03"E, is the southerly right-of-way line of Oak Park Drive per Warranty Deed to Corinth I-35 & Ledbetter, LLC recorded in Inst. No. 201200224305 of the Official Public Records, Dallas County, Texas.

BROCKETTE · DAVIS · DRAKE , inc.
consulting engineers
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4144 North Central Expressway, Suite 1100 Dallas,Texas 75204
(214)824-3647, fax (214) 824-7064

AGENDA ITEM # 16

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35W

SUBJECT

An ordinance abandoning a portion of a fire lane easement, sanitary sewer easement and a 10' temporary construction easement to DRI/Maple AF3 Apartments, LLC, the abutting owner, containing a total of approximately 9,079 square feet of land, located near the intersection of Throckmorton and Fairmount Streets - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a fire lane easement, sanitary sewer easement and a 10' temporary construction easement to DRI/Maple AF3 Apartments, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a new multi-family development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

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

OWNER

DRI/Maple AF3 Apartments, LLC

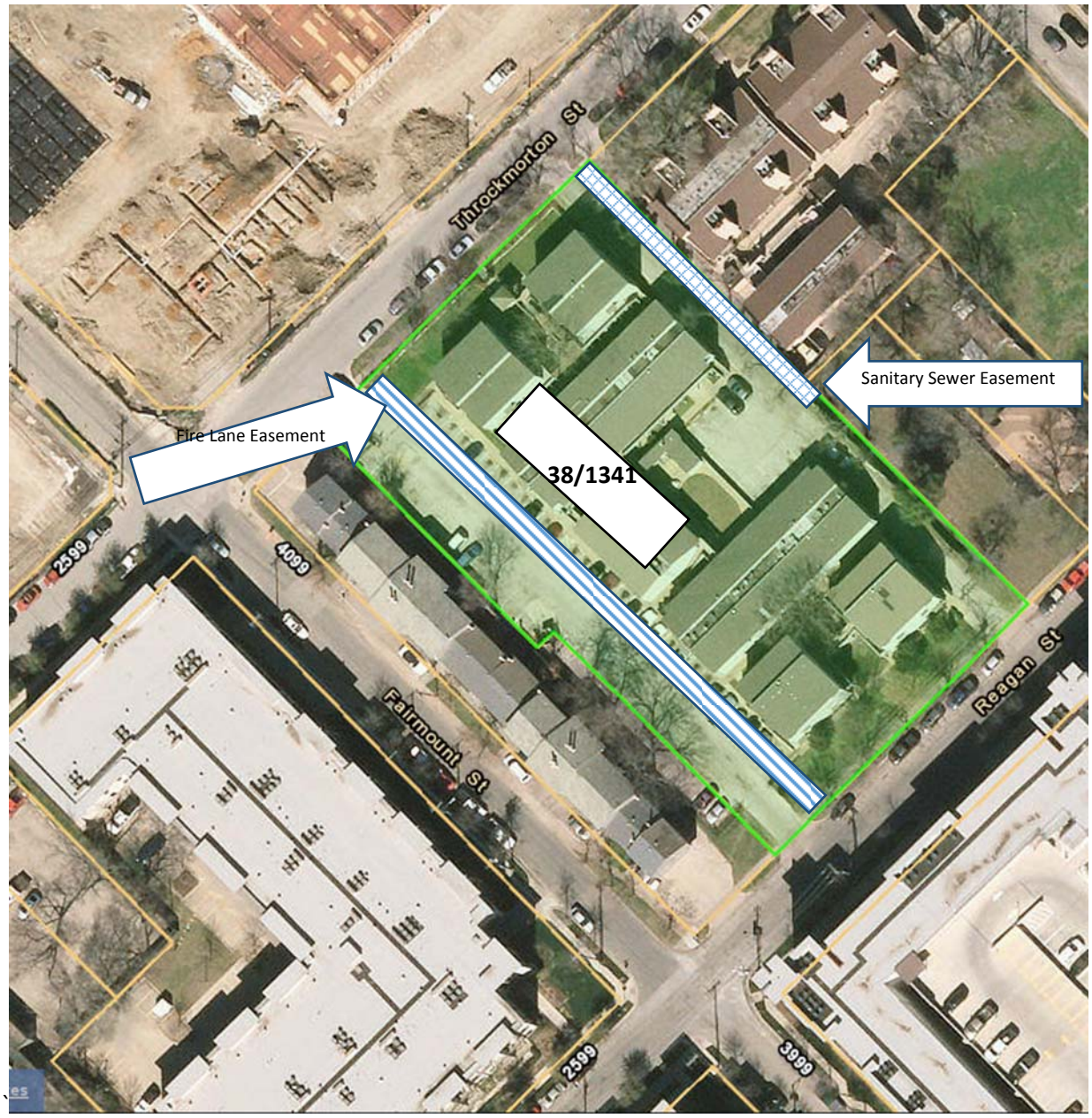
DCH 120 Maple, LP

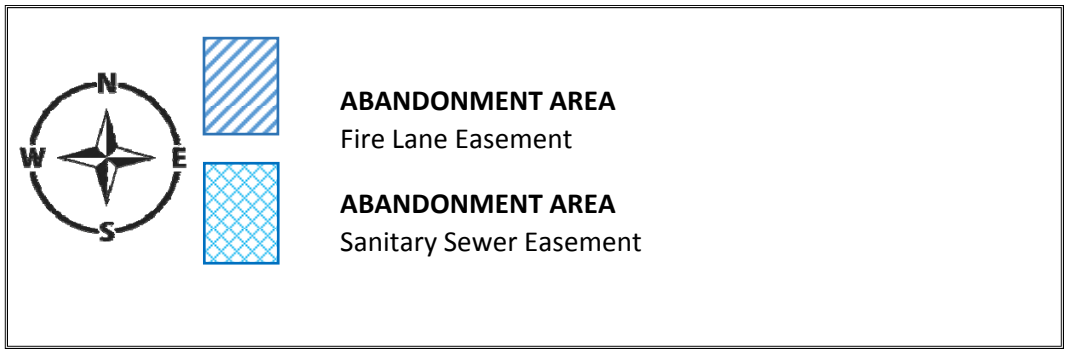
Maple Multi-Family Development LLC

Kenneth J. Valach, President

MAP

Attached


Throckmorton St
Sanitary Sewer Easement
Fire Lane Easement
38/1341
2599
4099
Fairmount St
Reagan St
2599
3999


N
W
E
S
ABANDONMENT AREA
Fire Lane Easement
ABANDONMENT AREA
Sanitary Sewer Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a fire lane easement, sanitary sewer easement and a 10' temporary construction easement, located in City Block 38/1341 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to DRI/Maple AF3 Apartments, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; 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 DRI/Maple AF3 Apartments, 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 tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

Now, Therefore,

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

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

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

SECTION 8. (continued)

(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, relinquishment and quitclaim made herein, **GRANTEE** shall obtain a Private Development Contract (P-Contract) with the City of Dallas and City shall retain easements until the existing main is relocated.

SECTION 10. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said fire lane easement, sanitary sewer easement and 10' temporary construction easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of the Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the 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 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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
SDR Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

BEING a 6,423 SQ. FT. (0.1474 acre) tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas; and being part of Lots 8 and 11, Block 38/1341, P.B. Yeargan's Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 146 of the Map Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to DRI/Maple AF3 Apartments, L.L.C. recorded in Instrument No. 201600276624 of the Official Public Records of Dallas County, Texas; and being all of a 20' fire lane easement recorded in Volume 68033, Page 713 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at an "X" cut in concrete found at the intersection of the southeast right-of-way line of Throckmorton Street (a 60-foot wide right-of-way) dedicated by Clifton Place Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 438 of said Map Records, and the northeast right-of-way line of Fairmount Street (a 40-foot wide right-of-way) dedicated by said P.B. Yeargan's Addition; and being the west corner of Block 38/1341 of said P.B. Yeargan's Addition;

THENCE with said southeast right-of-way line of Throckmorton Street, North 45°29'29" East, a distance of 73.45 feet to a mag nail set for the **POINT OF BEGINNING**;

THENCE continuing with the northwest line of said fire lane easement and said southeast right-of-way line of Throckmorton Street, North 45°29'29" East, a distance of 20.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the north corner of said fire lane easement;

THENCE departing said southeast right-of-way line of Throckmorton Street and with the northeast line of said fire lane easement, South 45°20'36" East, a distance of 320.96 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the east corner of said fire lane easement and in the northwest right-of-way line of Reagan Street (a 55-foot wide right-of-way) dedicated by said P.B. Yeargan's Addition and in the southeast line of said Lot 8;

THENCE with the southeast line of said Lot 8 and said fire lane easement and with said northwest right-of-way line of Reagan Street, South 44°33'43" West, a distance of 20.00 feet to a mag nail set for the south corner of said fire lane easement; from which a 1/2" iron rod found at the intersection of said northwest right-of-way line of Reagan Street and said northeast right-of-way line of Fairmount Street, bears South 44°33'43" West, a distance of 73.00 feet;

THENCE departing said northwest right-of-way line of Reagan Street and with the southwest line of said fire lane easement, North 45°20'36" West, a distance of 321.29 feet to the **POINT OF BEGINNING** and containing 6,423 square feet or 0.1474 acres of land.

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

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/12/16
SPRG NO: 3945

20' FIRE LANE
EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 11 & 8, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY,
ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

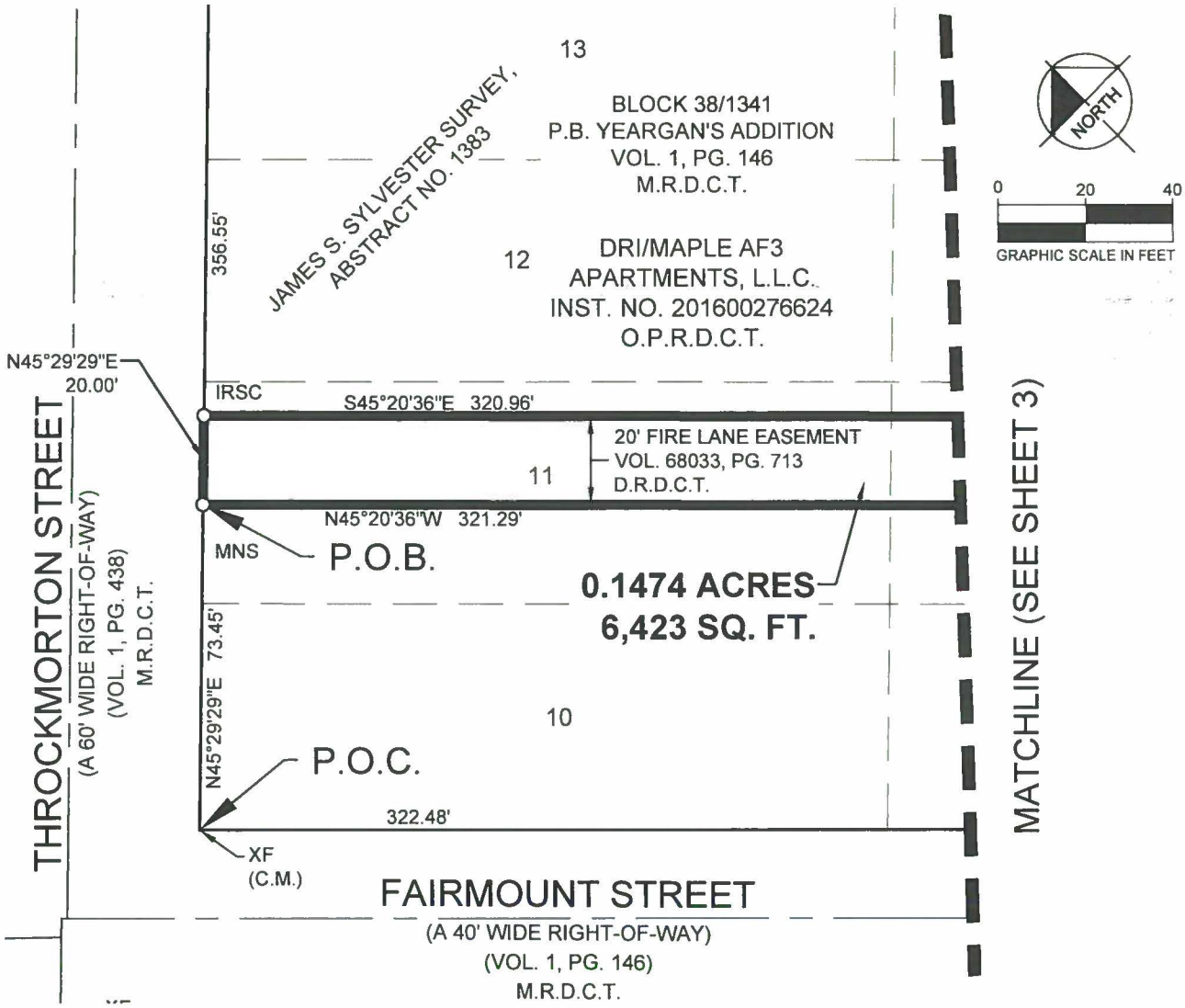
STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
12-8-16

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	AUG. 2016	064145036	1 OF 3

EXHIBIT A-TRACT 1



NOTES

All corners of easement to be abandoned are a 5/8" iron rod with "KHA" cap set unless otherwise noted.

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

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/12/16
SPRG NO: 3945

LEGEND

XF = "X" CUT IN CONCRETE FOUND
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/ "KHA" CAP FOUND
IRF = IRON ROD FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
C.M. = CONTROLLING MONUMENT
MNS = MAG NAIL SET
VOL., PG. = VOLUME AND PAGE
INST. NO. = INSTRUMENT NUMBER

20' FIRE LANE EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 11 & 8, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com

STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
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PROFESSIONAL
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12-8-16

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
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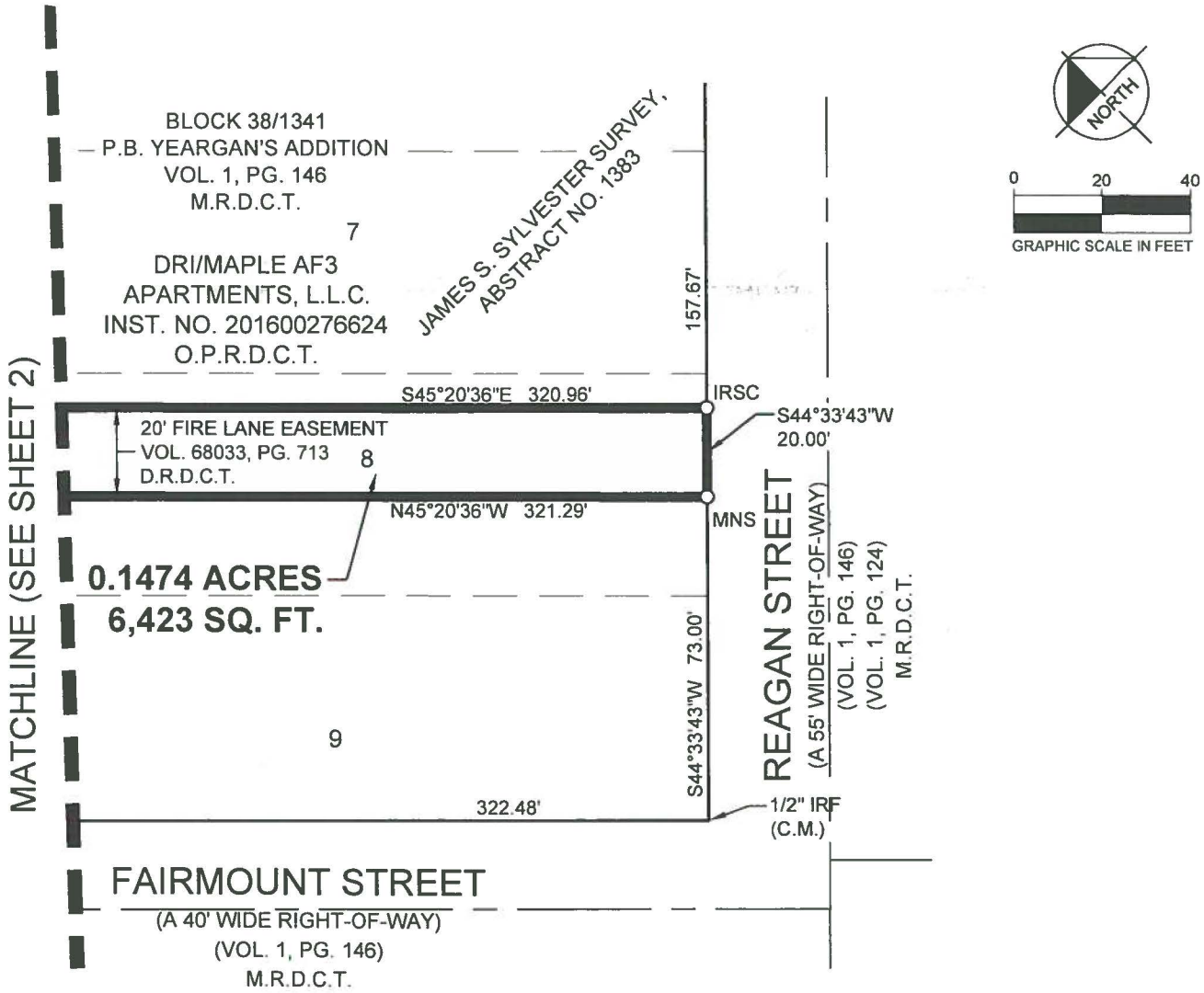
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	MTC	JAD	AUG. 2016	064145036	2 OF 3

EXHIBIT A-1 PART 1



NOTES

All corners of easement to be abandoned are a 5/8" iron rod with "KHA" cap set unless otherwise noted.

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

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/12/16
SPRG NO: 3945

LEGEND

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LAND SURVEYOR NO. 6196
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DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com

STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
12-8-16

20' FIRE LANE EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 11 & 8, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	MTC	JAD	AUG. 2016	064145036	3 OF 3

BEING a 996 SQ. FT. (0.0229 acre) tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas; and being part of Lots 5 and 14, Block 38/1341, P.B. Yeargan's Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 146 of the Map Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to DRI/Maple AF3 Apartments, L.L.C. recorded in Instrument No. 201600276624 of the Official Public Records of Dallas County, Texas; and being all of 6-foot Sanitary Sewer Easement recorded in Volume 68055, Page 611 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with "KHA" cap set at the intersection of the southeast right-of-way line of Throckmorton Street (a 60-foot wide right-of-way) dedicated by Clifton Place Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 438 of said Map Records, and the southwest right-of-way line of Brown Street (a 50-foot wide right-of-way) formerly known as Routh Street dedicated by said P.B. Yeargan's Addition and formerly known as Clifton Avenue dedicated by J.D. Cullum's Oak Lawn Addition, an addition to the City of Dallas according to the plat recorded in Volume 124, Page 23 of said Map Records; and being the north corner of a tract of land described in Condominium Declaration for Horizon West Condominiums recorded in Volume 83092, Page 1731 of the Deed Records of Dallas County, Texas; from said point a 3/8-inch iron rod found bears North 40°53'24" East, a distance of 1.39 feet;

THENCE with said southeast right-of-way line of Throckmorton Street, South 45°29'29" West, a distance of 198.86 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the north corner of said Lot 14, the west corner of Lot 15 of said P.B. Yeargan's Addition, for the north corner of said 6-foot Sanitary Sewer Easement and for the **POINT OF BEGINNING**;

THENCE departing said southeast right-of-way line of Throckmorton Street, with the common line between Lots 14 and 15 and the northeast line of said Sanitary Sewer Easement, South 45°20'36" East, passing at a distance of 156.07 feet a 3/8-inch iron rod found for the east corner of said Lot 14, the south corner of said Lot 15 and the north corner of said Lot 5, continuing with the northeast line of said Lot 5, in all a total distance of 166.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the east corner of said Sanitary Sewer Easement;

THENCE departing said northeast line of said Lot 5 and with the southeast line of said Sanitary Sewer Easement, South 45°29'29" West, a distance of 6.00 feet to a mag nail set for the south corner of said Sanitary Sewer Easement;

THENCE with the southwest line of said Sanitary Sewer Easement, North 45°20'36" West, a distance of 166.00 feet to a mag nail set for the west corner of said Sanitary Sewer Easement and in said southeast right-of-way line of Throckmorton Street;

THENCE with the northeast line of said Sanitary Sewer Easement and said southeast right-of-way line of Throckmorton Street, North 45°29'29" East, a distance of 6.00 feet to the **POINT OF BEGINNING** and containing 996 square feet or 0.0229 acres of land.

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

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/12/16
SPRG NO: 3946

6' SANITARY SEWER
EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 14 & 5, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY,
ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com

STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
12-8-16

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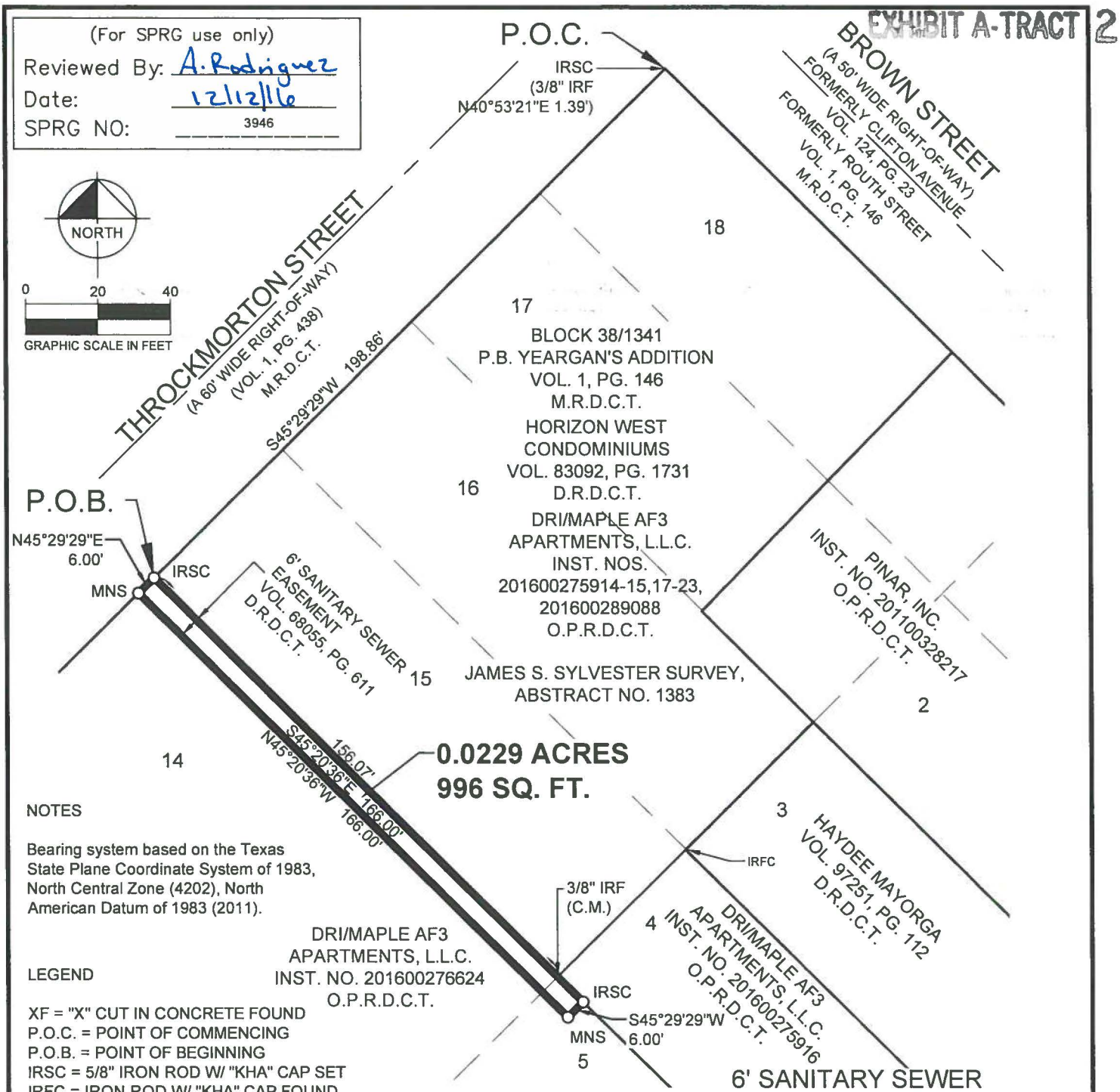
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	AUG. 2016	064145036	1 OF 2

EXHIBIT A-TRACT 2

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/12/16
SPRG NO: 3946



NOTES

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

LEGEND

XF = "X" CUT IN CONCRETE FOUND
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/ "KHA" CAP FOUND
IRF = IRON ROD FOUND
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
C.M. = CONTROLLING MONUMENT
MNS = MAG NAIL SET
VOL., PG. = VOLUME AND PAGE
INST. NO. = INSTRUMENT NUMBER

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STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
12-8-16

6' SANITARY SEWER EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 14 & 5, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	MTC	JAD	AUG. 2016	064145036	2 OF 2

BEING a 1,660 square feet (0.0381 acre) tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas, and being part of Lots 5 and 14, Block 38/1341, P.B. Yeargan's Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 146 of the Map Records of Dallas County, Texas, and being part of a tract of land described in Special Warranty Deed to DRI/Maple AF3 Apartments, L.L.C. recorded in Instrument No. 201600276624 of the Official Public Records of Dallas County, Texas, and being all of 10-foot Temporary Construction Easement recorded in Volume 68055, Page 611 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with "KHA" cap found at the intersection of the southeast right-of-way line of Throckmorton Street (a 60-foot wide right-of-way) dedicated by Clifton Place Addition, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 438 of said Map Records, and the southwest right-of-way line of Brown Street (a 50-foot wide right-of-way) formerly known as Routh Street dedicated by said P.B. Yeargan's Addition and formerly known as Clifton Avenue dedicated by J.D. Cullum's Oak Lawn Addition, an addition to the City of Dallas according to the plat recorded in Volume 124, Page 23 of said Map Records; and being the north corner of a tract of land described in Condominium Declaration for Horizon West Condominiums recorded in Volume 83092, Page 1731 of the Deed Records of Dallas County, Texas; from said point a 3/8-inch iron rod found bears North 40°53'24" East, a distance of 1.39 feet;

THENCE with said southeast right-of-way line of Throckmorton Street, South 45°29'29" West, passing at a distance of 198.86 feet a 5/8" iron rod with plastic cap stamped "KHA" found for the north corner of said Lot 14, the west corner of Lot 15 of said P.B. Yeargan's Addition, and being the north corner of a 6-foot Sanitary Sewer Easement recorded in Volume 68055, Page 611 of the Deed Records of Dallas County, Texas, in all a total distance of 204.86 feet a mag nail found in northwest line of said Lot 14, and being the west corner of said 6-foot Sanitary Sewer Easement, and for the **POINT OF BEGINNING**;

THENCE departing said southeast right-of-way line of Throckmorton Street and said northwest line of Lot 14, and with the southwest line of said Sanitary Sewer Easement, South 45°20'36" East, a distance of 166.00 feet to mag nail found for the south corner of said Sanitary Sewer Easement;

THENCE with the southeast line of said Temporary Construction Easement, South 45°29'29" West, a distance of 10.00 feet to a mag nail set for the south corner of said Temporary Construction Easement;

THENCE with the southwest line of said Temporary Construction Easement, North 45°20'36" West, a distance of 166.00 feet to a mag nail set in said southeast right-of-way line of Throckmorton Street, and said northwest line of Lot 14, and being the west corner of said Temporary Construction Easement;

THENCE with said southeast right-of-way line of Throckmorton Street, said northwest line of Lot 14, and the northeast line of said Temporary Construction Easement, North 45°29'29" East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 1,660 square feet or 0.0381 acres of land.

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

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/6/17
SPRG NO: 4081

STATE OF TEXAS
REGISTERED
J. ANDY DOBBS
6196
PROFESSIONAL
LAND SURVEYOR
3-14-17

J. ANDY DOBBS
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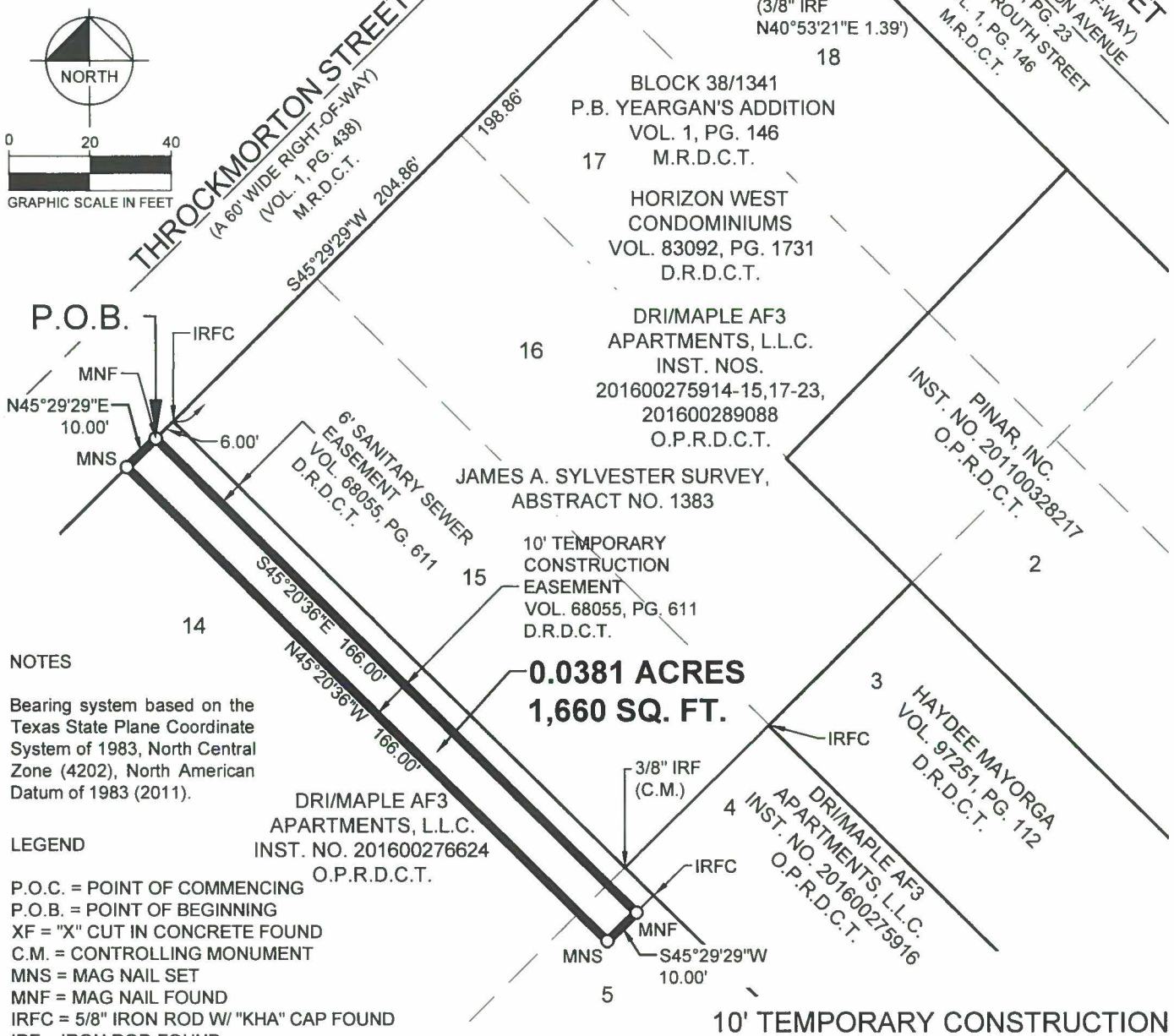
10' TEMPORARY CONSTRUCTION
EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 14 & 5, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY,
ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	JAD	MAR. 2017	064145036	1 OF 2

EXHIBIT A-TRACT 3

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 4/6/17
SPRG NO: 4081



NOTES

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

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
XF = "X" CUT IN CONCRETE FOUND
C.M. = CONTROLLING MONUMENT
MNS = MAG NAIL SET
MNF = MAG NAIL FOUND
IRFC = 5/8" IRON ROD W/ "KHA" CAP FOUND
IRF = IRON ROD FOUND
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D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

10' TEMPORARY CONSTRUCTION EASEMENT ABANDONMENT
P.B. YEARGAN'S ADDITION
PART OF LOTS 14 & 5, BLOCK 38/1341
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS
DALLAS COUNTY, TEXAS

J. ANDY DOBBS
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LAND SURVEYOR
3-14-17

Kimley»Horn
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Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	JBH	JAD	MAR. 2017	064145036	2 OF 2

HOPPER, BRADIN 3/14/2017 8:37 AM K:\DAL_SURVEY\064145036-ALEXAN FAIRMOUNT III\DWG\064145036 ALEXAN FAIRMOUNT III_ABMT_TCE.DWG

AGENDA ITEM # 17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45A

SUBJECT

An ordinance abandoning a portion of a storm sewer easement to Old Parkland Unit K, L.L.C., the abutting owner, containing approximately 609 square feet of land, located near the intersection of Maple Avenue and Throckmorton Street - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a storm sewer easement to Old Parkland Unit K, L.L.C., the abutting owner. The area will be included with the property of the abutting owner for a new office 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 matter on April 28, 2017.

FISCAL INFORMATION

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

OWNER

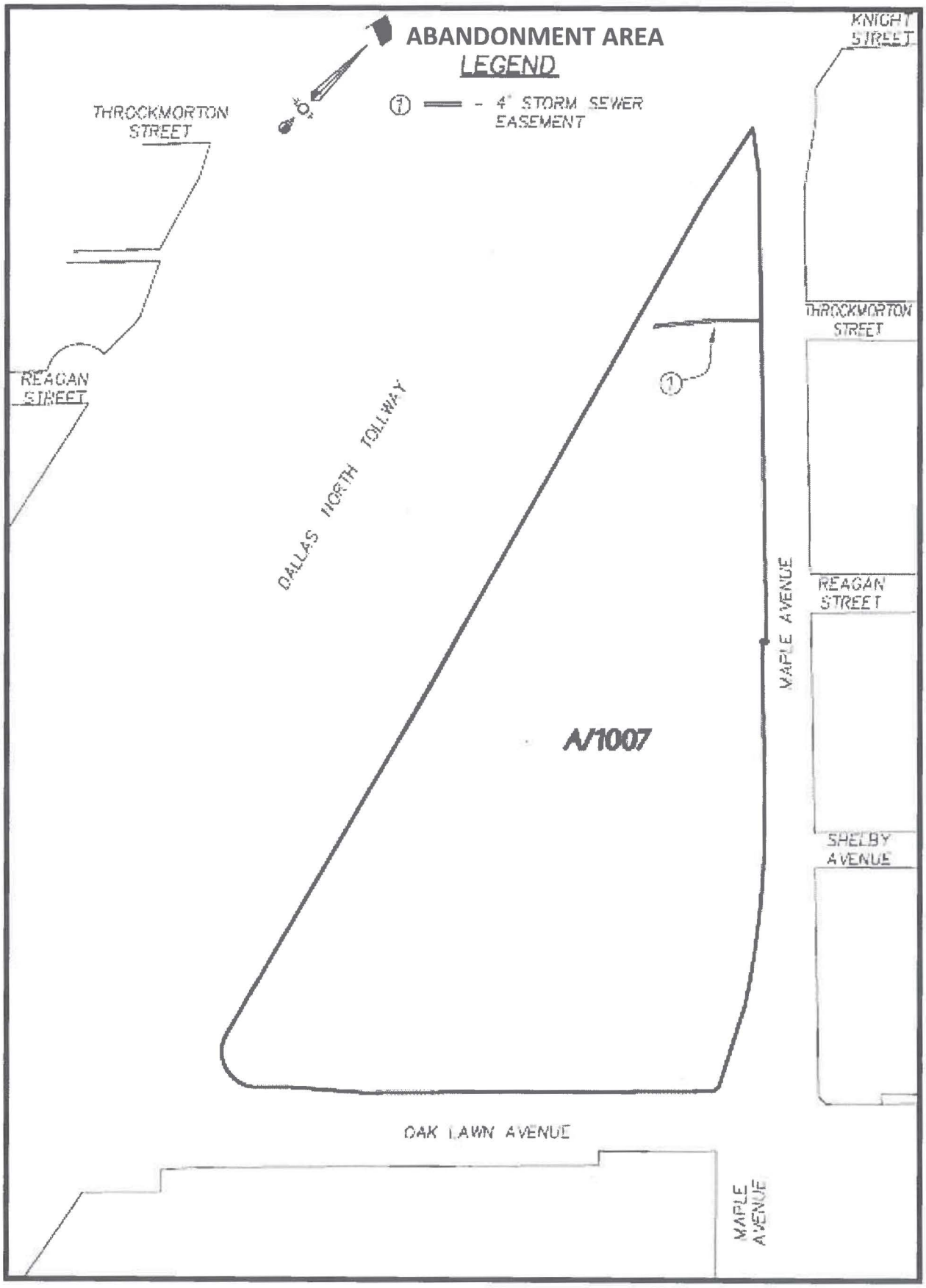
Old Parkland Unit K, L.L.C.

CH/OP Campus Services, Inc.

Anne L. Raymond, Director/President
Cathey Golden, Vice President
M. Kevin Bryant, Vice President/Secretary
Jackie L. Close, Assistant Secretary

MAP

Attached


ABANDONMENT AREA
LEGEND
① — 4' STORM SEWER EASEMENT
THROCKMORTON STREET
REAGAN STREET
DALLAS NORTH TOLLWAY
KNIGHT STREET
THROCKMORTON STREET
REAGAN STREET
SHELBY AVENUE
MAPLE AVENUE
A/1007
OAK LAWN AVENUE
MAPLE AVENUE

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a storm sewer easement, located in City Block A/1007 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Old Parkland Unit K, L.L.C.; 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 Old Parkland Unit K, L.L.C. , a Texas limited liability company; hereinafter referred 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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

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

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: Linda Williams
Assistant Director

Passed _____.

EXHIBIT A

STORM SEWER EASEMENT ABANDONMENT

LOT 1B, BLOCK A/1007,
WOODLAWN - OLD PARKLAND CAMPUS NO. 2
James A. Sylvester Survey, Abstract No. 1383
City of Dallas, Dallas County, Texas

BEING a 609 square foot tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, being part of Lot 1B, Block A/1007, Woodlawn – Old Parkland Campus No. 2, an addition to the City of Dallas, by Final Plat recorded in Instrument Number 201100328198 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), same being a portion of that tract of land conveyed to Old Parkland Unit K, L.L.C. by Deed without Warranty recorded in Instrument No. 201100329639, O.P.R.D.C.T., also being all of a 4 foot storm sewer easement, created in Volume 3453, Page 348, of the Map Records, Dallas County, Texas (M.R.D.C.T.) and being more particularly described as follows:

COMMENCING at a pk nail found at the intersection of the southwest right–of–way line of Maple Avenue (variable width R.O.W.) and the northeast right–of–way line of the Dallas North Tollway (variable width R.O.W.), same being the North corner of said Lot 1B, Block A/1007;

THENCE S52°53'09"E, departing the northeast line of said Dallas North Tollway and along the southwest line of said Maple Avenue, a distance of 61.17 feet to a 3–1/2 inch aluminum monument stamped "WOODLAWN – OLD PARKLAND CAMPUS NO. 2" and "BDD" set for corner;

THENCE S45°57'26"E, continuing along the southwest line of said Maple Avenue, a distance of 208.94 feet to a 5/8–inch steel rebar with yellow plastic cap stamped "BDD" set for the POINT OF BEGINNING;

THENCE S45°57'26"E, continuing along the southwest line of said Maple Avenue, a distance of 4.01 feet to a 5/8–inch steel rebar with yellow plastic cap stamped "BDD" set for corner, same being the beginning of a non–tangent curve to the right, having a radius of 239.68 feet;

THENCE departing the southwest line of said Maple Avenue and along said curve to the right, through a central angle of 03°41'59", an arc distance of 15.48 feet, having a chord bearing and distance of S43°02'56"W, 15.47 feet to a 5/8–inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE S44°25'22"W, a distance of 42.82 feet to a 5/8–inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of a curve to the left, having a radius of 276.99 feet;

THENCE along said curve to the left, through a central angle of 05°05'58", an arc distance of 24.65 feet, having a chord bearing and distance of S41°45'18"W, 24.64 feet to a 5/8–inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE S39°17'09"W, a distance of 71.01 feet to a 5/8–inch steel rebar with yellow plastic cap stamped "BDD" set for corner in the northeast line of the Remainder of South Tollway 3920, L.P.'s tract, conveyed by Special Warranty Deed, recorded in County Clerk's File Number 201000312189, (O.P.R.D.C.T.);

(For SPRG use only)
Reviewed by: David Scott
Date: 6.17.16
SPRG NO.: 3185

BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers
Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824–3647, fax (214) 824–7064

BASIS OF BEARING:
The basis of bearings shown hereon, S45°57'26"E, is the southwest right–of–way line of Maple Avenue per Final Plat of the Woodlawn – Old Parkland Campus No.2 recorded in Instrument Number 201100328198 of the Official Public Records, Dallas County, Texas.

EXHIBIT A

STORM SEWER EASEMENT ABANDONMENT

LOT 1B, BLOCK A/1007,
WOODLAWN - OLD PARKLAND CAMPUS NO. 2
James A. Sylvester Survey, Abstract No. 1383
City of Dallas, Dallas County, Texas

THENCE N09°36'23"W, along the northeast line of said Remainder of South Tollway 3920, L.P.'s tract, a distance of 5.31 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE N39°17'09"E, a distance of 67.52 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of curve to the right, having a radius of 280.99 feet;

THENCE along said curve to the right, through a central angle of 05°05'58", an arc distance of 25.01 feet, having a chord bearing and distance of N41°45'18"E, 25.00 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner;

THENCE N44°25'22"E, a distance of 42.82 feet to a 5/8-inch steel rebar with yellow plastic cap stamped "BDD" set for corner at the beginning of a curve to the left, having a radius of 235.68 feet;

THENCE along said curve to the left, through a central angle of 03°44'53", an arc distance of 15.42 feet, having a chord bearing and distance of N43°01'29"E, 15.41 feet to the POINT OF BEGINNING and containing 609 square feet or 0.0140 acres of land.

STATE OF TEXAS
REGISTERED
STANLEY RAY FELTS
4625
PROFESSIONAL
LAND SURVEYOR

6-6-16

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	15.48	239.68	003°41'59"	S43°02'56"W	15.47
C2	24.65	276.99	005°05'58"	S41°45'18"W	24.64
C3	25.01	280.99	005°05'58"	N41°45'18"E	25.00
C4	15.42	235.68	003°44'53"	N43°01'29"E	15.41

Line Table		
Line #	Direction	Length
L1	S45°57'26"E	4.01
L2	S44°25'22"W	42.82
L3	S39°17'09"W	71.01
L4	N09°36'23"W	5.31
L5	N39°17'09"E	67.52
L6	N44°25'22"E	42.82

(For SPRG use only)
Reviewed by: David Scott
Date: 6.17.16
SPRG NO.: 3185

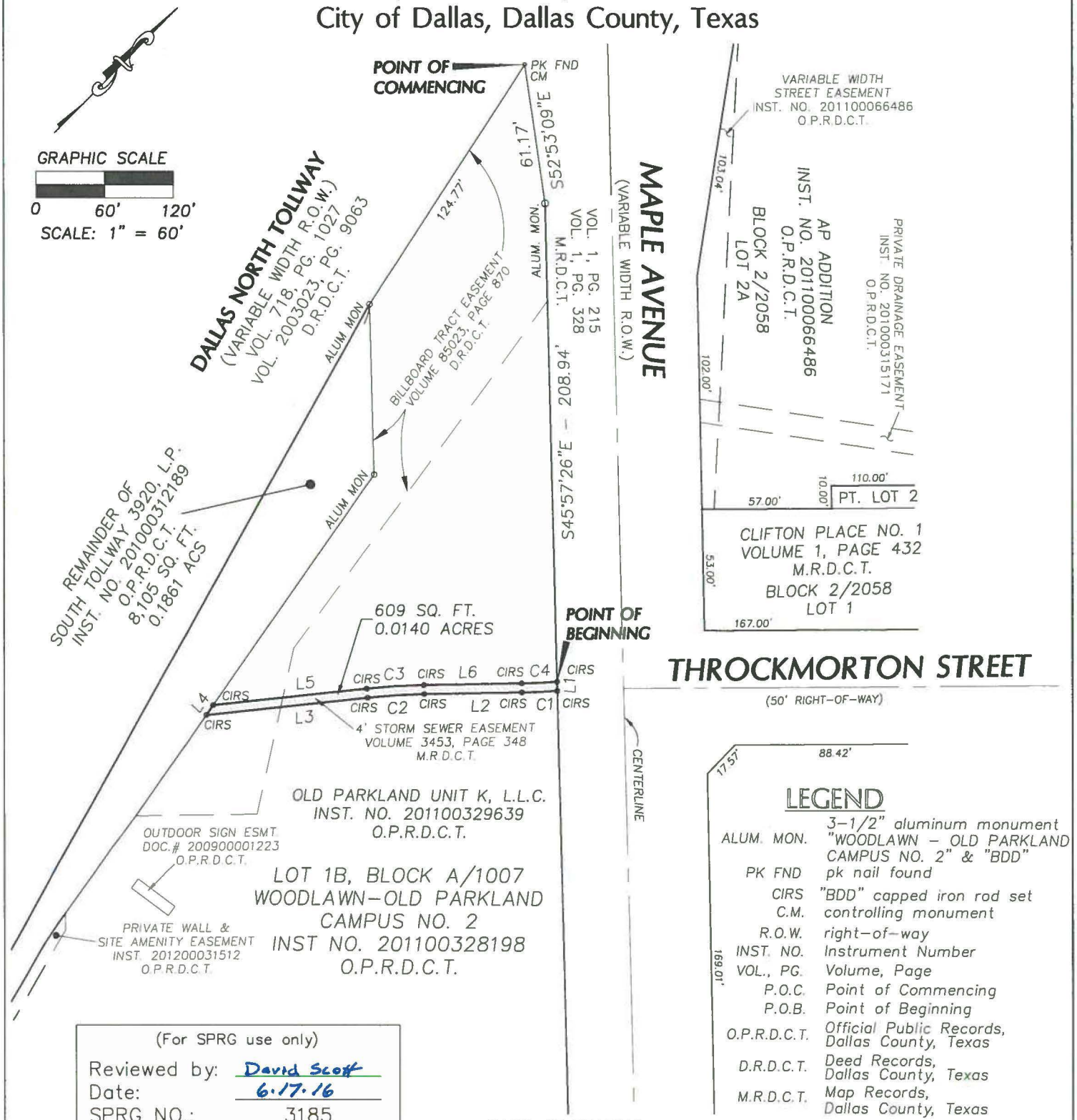
BROCKETTE · DAVIS · DRAKE, Inc.
consulting engineers
Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

BASIS OF BEARING:
The basis of bearings shown hereon, S45°57'26"E, is the southwest right-of-way line of Maple Avenue per Final Plat of the Woodlawn - Old Parkland Campus No.2 recorded in Instrument Number 201100328198 of the Official Public Records, Dallas County, Texas.

EXHIBIT A

STORM SEWER EASEMENT ABANDONMENT

LOT 1B, BLOCK A/1007,
WOODLAWN - OLD PARKLAND CAMPUS NO. 2
James A. Sylvester Survey, Abstract No. 1383
City of Dallas, Dallas County, Texas



LEGEND

ALUM. MON.	3-1/2" aluminum monument "WOODLAWN – OLD PARKLAND CAMPUS NO. 2" & "BDD"
PK FND	pk nail found
CIRS	"BDD" capped iron rod set
C.M.	controlling monument
R.O.W.	right-of-way
INST. NO.	Instrument Number
VOL., PG.	Volume, Page
P.O.C.	Point of Commencing
P.O.B.	Point of Beginning
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records, Dallas County, Texas

(For SPRG use only)

Reviewed by: David Scott
Date: 6.17.16
SPRG NO.: 3185

BASIS OF BEARING:
The basis of bearings shown hereon, S45°57'26"E, is the southwest right-of-way line of Maple Avenue per Final Plat of the Woodlawn – Old Parkland Campus No.2 recorded in Instrument Number 201100328198 of the Official Public Records, Dallas County, Texas.

BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers
Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34Y

SUBJECT

An ordinance abandoning portions of four drainage easements, two water and wastewater easements, and two wastewater easements to Texas Intownhomes, LLC, the abutting owner, containing a total of approximately 29,598 square feet of land, located near the intersection of Production Drive and Hawthorne Avenue; and providing for the dedication of approximately 31,287 square feet of land needed for wastewater easements, a drainage easement, water and wastewater easements, and a wastewater and drainage easement - Revenue: $8,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of four drainage easements, two water and wastewater easements, and two wastewater easements to Texas Intownhomes, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction and development of new townhomes. The owner will dedicate approximately 31,287 square feet of land needed for wastewater easements, a drainage easement, water and wastewater easements, and a wastewater and drainage easement. The cost for this abandonment is 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 matter on April 28, 2017.

FISCAL INFORMATION

Revenue - $8,400, plus the $20 ordinance publication fee

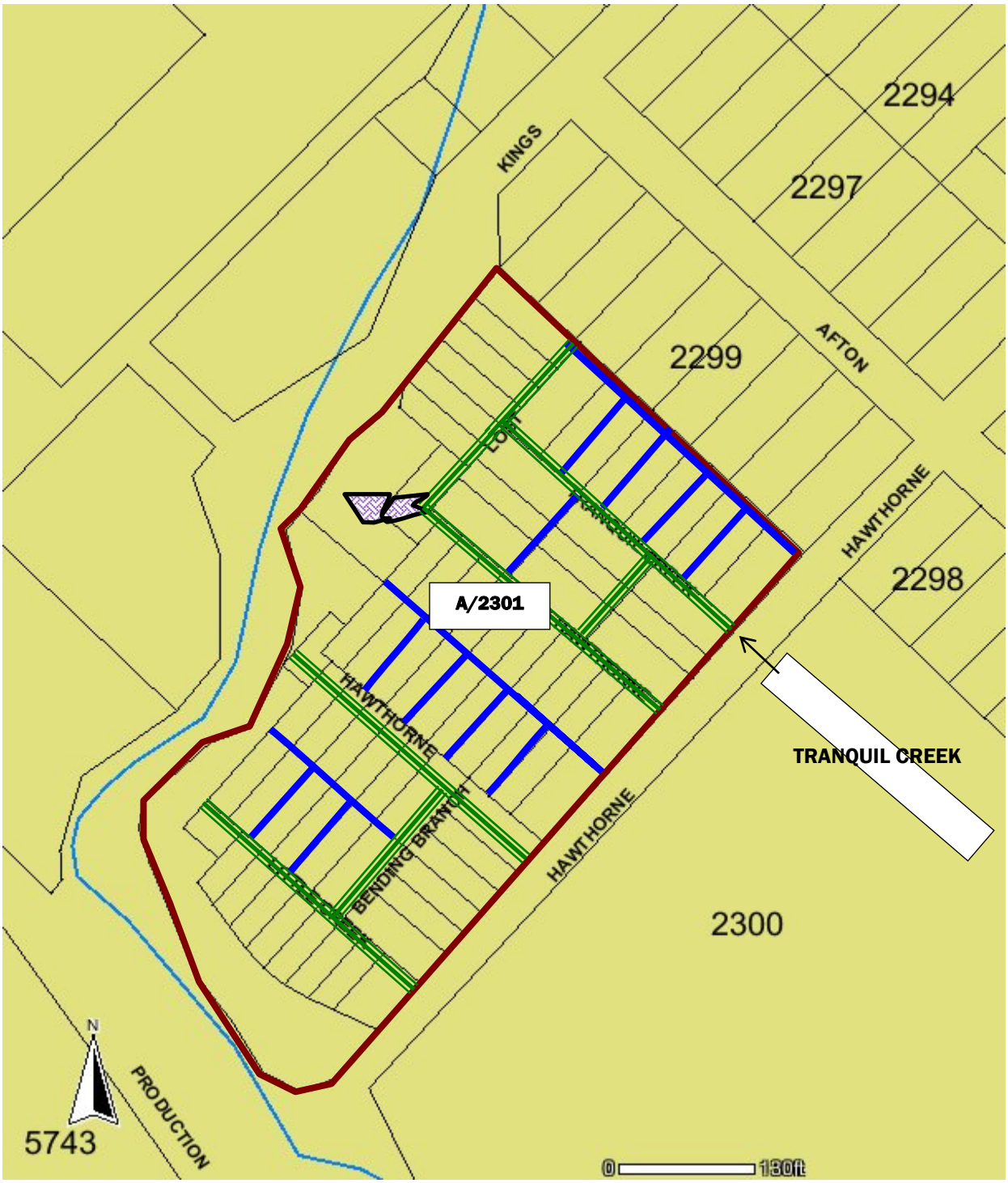
OWNER

Texas Intownhomes, LLC

Ross Wang, Manager

MAP

Attached



Log# 39235 **TEXAS INTOWNHOMES, LLC** **Mapsco 34Y**

Wastewater Easements

Water and Wastewater Easements

Drainage Easements

DISCLAIMER: This map is intended for viewing depiction of subject area only. Verification, accuracy and completeness of the proposed abandonment area should be made from metes and bounds description of field notes supplied by a registered surveyor.

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portions of four drainage easements, two water and wastewater easements, and two wastewater easements, located in City Block A/2301 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Texas Intownhomes, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of new easements, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment relinquishment and quitclaim made herein; 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 Texas Intownhomes, LLC, a Texas 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 tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

Now, Therefore,

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

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

SECTION 2. That for and in monetary consideration of the sum of **EIGHT THOUSAND FOUR HUNDRED AND NO/100 ($8,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A-Tracts I, II, III, IV, V, VI, VII and VIII. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

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

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

SECTION 8. (continued)

(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 to **GRANTEE** herein, **GRANTEE** shall execute and complete the terms of a Private Development Contract (P-Contract) with the City and retain the four drainage easements, two water and wastewater easements, and the two wastewater easements until the mains are abandoned or relocated per Section 10 below.

SECTION 10. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portions of four drainage easements, two water and wastewater easements, and two wastewater easements shall not become effective until and unless: (i) the existing Dallas Water Utilities installations and facilities are relocated, at **GRANTEE's** expense, to the new easements, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easements are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easements, at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing dedications of not less than the following: a) 5,670 square feet for wastewater easements in City Block A/2301; b) 1,947 square feet for a drainage easement in City Block A/2301; c) 21,464 square feet for water and wastewater easements in City Block A/2301; and d) 2,206 square feet for a wastewater and drainage easement in City Block A/2301, all satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this Section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, and the recording of the final replat as set forth in Section 11, 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 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT I

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 59 THROUGH 63
BLOCK A/2301

Being a 2,025 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, Block A/2301, City of Dallas, Dallas County, Texas, said tract being part of Lots 59 through 63, Block A/2301 of Hawthorne Townhomes, Phase 2, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 36, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition and the south corner of Lot 35, Block A/2301 of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 180.00 feet to a point at the south corner of Lot 54 and the east corner of Lot 55, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition;

THENCE, N 47°50'00" W, departing the northwest line of Hawthorne Avenue and with the common line of said Lots 54 and 55, passing at a distance of 96.25 feet the common corner of said Lots 54 and 55 and Lots 51 and 58, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition, continuing in all a total distance of 136.25 feet to the Point of Beginning, said point being the common corner of said Lots 51, 58 and 59 and Lot 50, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition;

THENCE, S 42°10'00" W, with the common line of said Lots 58 and 59, a distance of 10.00 feet to a point for a corner;

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lot 59, a distance of 24.00 feet to a point for a corner;

(For SPRG Use Only)

Reviewed By: JR

Date: 09.06.2013

SPRG No 2715

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 59 THROUGH 63
BLOCK A/2301

THENCE, S 42°10'00" W, parallel with and 2.5 feet southeast of the common line of said Lots 59 and 60, a distance of 70.00 feet to a point for a corner in the northeast line of a 20 foot Shared Access Area Easement created by Instrument Number 20070027185, Official Public Records, Dallas County, Texas;

THENCE, N 47°50'00" W, along said northeast line of Shared Access Area Easement, passing at a distance of 2.5 feet the common line of said Lots 59 and 60, continuing in all a total distance of 5.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 2.5 feet northwest of the said common line of Lots 59 and 60, a distance of 70.00 feet to a point for a corner;

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lots 60 and 61, a distance of 48.00 feet to a point for a corner;

THENCE, S 42°10'00" W, parallel with and 2.5 feet southeast of the common line of said Lots 61 and 62, a distance of 70.00 feet to a point for a corner in said northeast line of Shared Access Area Easement;

THENCE, N 47°50'00" W, along said northeast line of Shared Access Area Easement, passing at a distance of 2.5 feet the common line of said Lots 61 and 62, continuing in all a total distance of 5.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 2.5 feet northwest of the common line of said Lots 61 and 62, a distance of 70.00 feet to a point for a corner;

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lots 62 and 63, a distance of 50.50 feet to a point for a corner in the northwest line of said Lot 63;

(For SPRG Use Only)

Reviewed By: JR

Date: 09.06.2013

SPRG No 2715

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 59 THROUGH 63
BLOCK A/2301

THENCE, N 42°10'00" E, with the northwest line of said Lot 63, a distance of 10.00 feet to a point for a corner at the north corner of said Lot 63 and the west corner of Lot 46, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition;

THENCE, S 47°50'00" E, with the common line of said Lots 46, 50, and 59 through 63, and Lots 47 through 49, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition, a distance of 132.50 feet to the Point of Beginning and Containing 2,025 square feet or 0.046 acres of land.

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Dated: June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)

Reviewed By: _____

Date: 09.06.2013

SPRG No 2715

EXHIBIT A-TRACT I

DRAINAGE EASEMENT ABANDONMENT

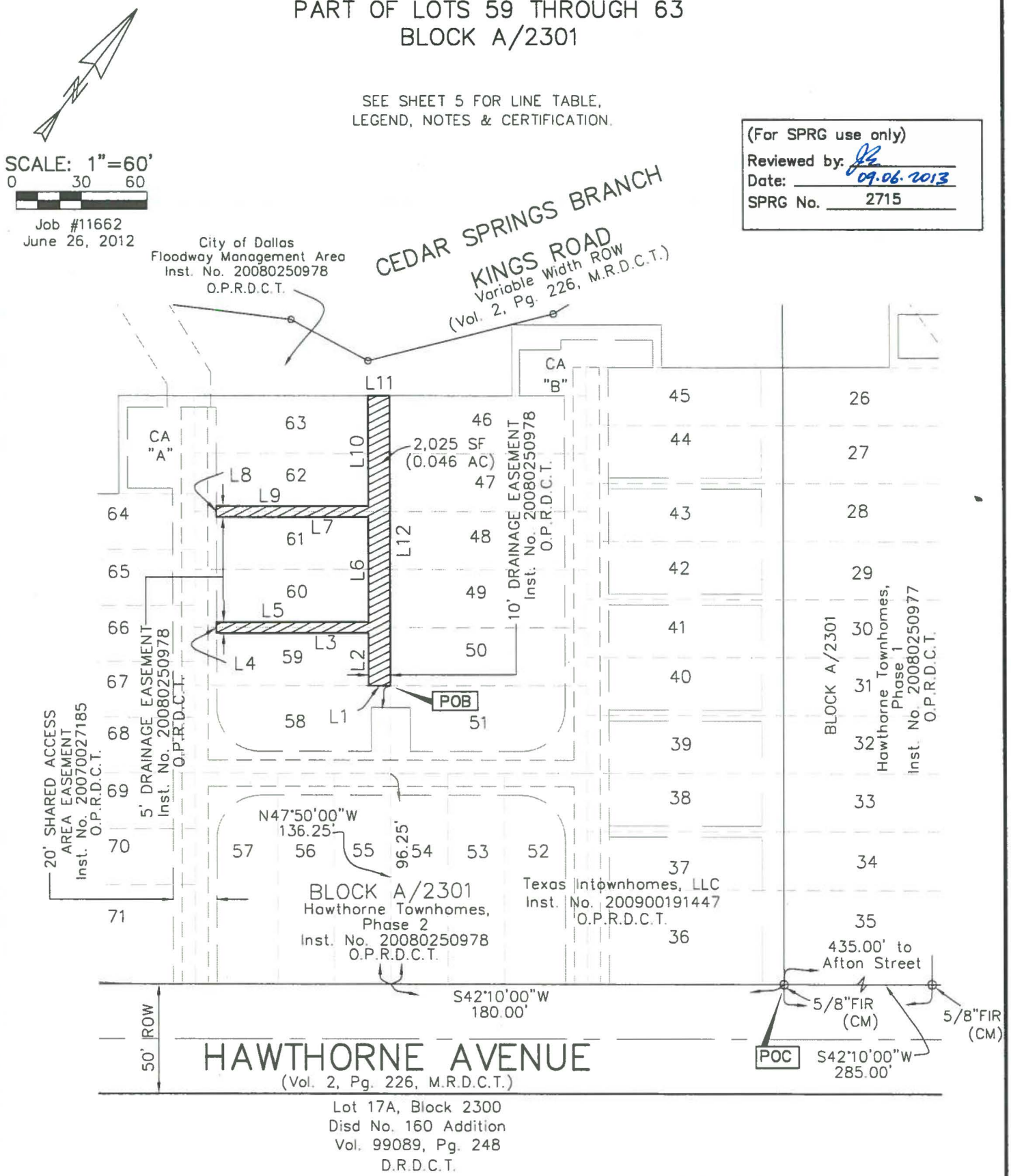
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 59 THROUGH 63
BLOCK A/2301

SEE SHEET 5 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

(For SPRG use only)
Reviewed by: JG
Date: 09.06.2013
SPRG No. 2715

SCALE: 1"=60'
0 30 60

Job #11662
June 26, 2012



PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 59 THROUGH 63
BLOCK A/2301

(For SPRG use only)
Reviewed by: JR
Date: 09.06.2013
SPRG No. 2715

LINE TABLE

NUM	BEARING	DISTANCE
L1	S42°10'00"W	10.00'
L2	N47°50'00"W	24.00'
L3	S42°10'00"W	70.00'
L4	N47°50'00"W	5.00'
L5	N42°10'00"E	70.00'
L6	N47°50'00"W	48.00'
L7	S42°10'00"W	70.00'
L8	N47°50'00"W	5.00'
L9	N42°10'00"E	70.00'
L10	N47°50'00"W	50.50'
L11	N42°10'00"E	10.00'
L12	S47°50'00"E	132.50'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
Pg.	Page
Vol.	Volume
//////	Abandonment Area

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

NOTE:
The bearings are based on the northwesterly right of way line of Hawthorne Avenue with a bearing of S 42°10'00" W as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.

Job #11662
June 26, 2012

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

EXHIBIT A-TRACT II

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 45
BLOCK A/2301

Being a 4,218 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, said tract being part of Lots 36 through 45, Block A/2301 of Hawthorne Townhomes, Phase 2, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 36, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition and the south corner of Lot 35, Block A/2301 of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 10.00 feet to a point for a corner;

THENCE, N 47°50'00" W, departing the northwest line of Hawthorne Avenue, a distance of 67.25 feet to a point for a corner;

THENCE, S 42°10'00" W, parallel with and 2.5 feet southeast of the common line of said Lots 37 and 38, a distance of 70.00 feet to a point for a corner in the northeast line of a 20 foot Shared Access Area Easement created by Instrument Number 20070027185, Official Public Records of Dallas County, Texas;

THENCE, N 47°50'00" W, passing at a distance of 2.5 feet the common line of said Lots 37 and 38, continuing in all a total distance of 5.00 feet to a point for a corner;

(For SPRG Use Only)

Reviewed By: _____

Date: 08·28·2013

SPRG No 2637

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 45
BLOCK A/2301

THENCE, N 42°10'00" E, parallel with and 2.5 feet northwest of the said common line of Lots 37 and 38, a distance of 70.00 feet to a point for a corner;

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lots 38 and 39, a distance of 48.00 feet to a point for a corner;

THENCE, S 42°10'00" W, parallel with and 2.5 feet southeast of the common line of said Lots 39 and 40, a distance of 70.00 feet to a point for a corner in the northeast line of the said Shared Access Area Easement;

THENCE, N 47°50'00" W, passing at a distance of 2.5 feet the common line of said Lots 39 and 40, continuing in all a total distance of 5.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 2.5 feet northwest of the common line of said Lots 39 and 40, a distance of 70.00 feet to a point for a corner;

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lots 40 and 41, a distance of 48.00 feet to a point for a corner;

THENCE, S 42°10'00" W, parallel with and 2.5 feet southeast of the common line of said Lots 41 and 42, a distance of 70.00 feet to a point for a corner in the northeast line of the said Shared Access Area Easement;

THENCE, N 47°50'00" W, passing at a distance of 2.5 feet the common line of said Lots 41 and 42, continuing in all a total distance of 5.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 2.5 feet northwest of the common line of said Lots 41 and 42, a distance of 70.00 feet to a point for a corner;

(For SPRG Use Only)

Reviewed By: _____

Date: 08·28·2013

SPRG No 2637

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 45
BLOCK A/2301

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lots 42 and 43, a distance of 48.00 feet to a point for a corner;

THENCE, S 42°10'00" W, parallel with and 2.5 feet southeast of the common line of said Lots 43 and 44, a distance of 70.00 feet to a point for a corner;

THENCE, N 47°50'00" W, passing at a distance of 2.5 feet the common line of said Lots 43 and 44, continuing in all a total distance of 5.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 2.5 feet northwest of the common line of said Lots 43 and 44, a distance of 70.00 feet to a point for a corner;

THENCE, N 47°50'00" W, parallel with and 10.0 feet southwest of the northeast line of said Lots 44 and 45, a distance of 50.50 to a point for a corner in the northwest line of said Lot 45;

THENCE, N 42°10'00" E, a distance of 10.00 feet to a point for a corner at the north corner of said Lot 45 and the west corner of Lot 26, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition;

THENCE, S 47°50'00" E, with the common line of the said Hawthorne Townhomes, Phase 1 and the said Hawthorne Townhomes, Phase 2 addition, a distance of 281.75 feet the Point of Beginning and Containing 4,218 square feet or 0.097 acres of land.

(For SPRG Use Only)

Reviewed By: _____

Date: 08·28·2013

SPRG No 2637

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 45
BLOCK A/2301

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Dated: June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)
Reviewed By:
Date: 08-28-2013
SPRG No 2637

EXHIBIT A-TRACT II

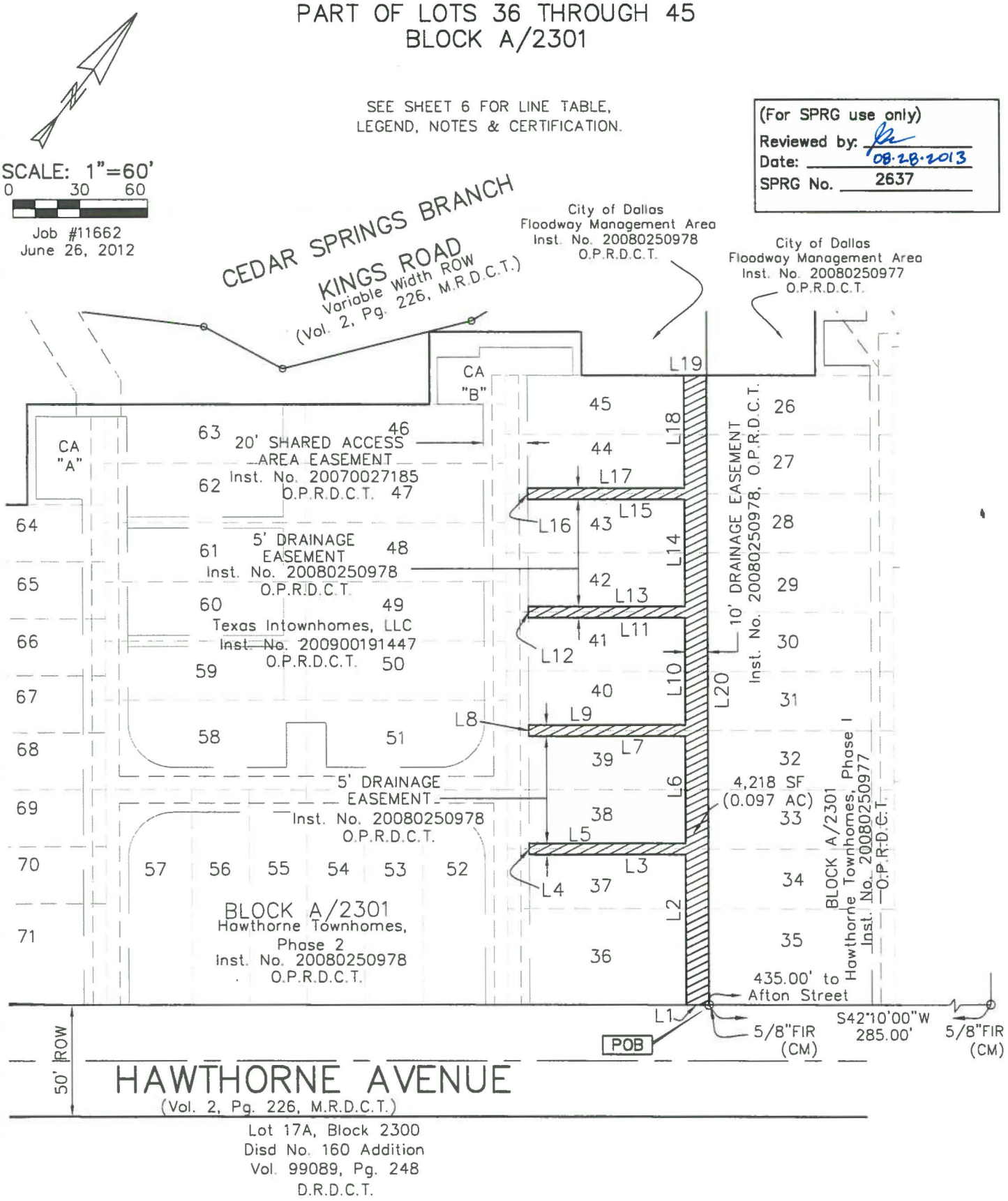
DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 45
BLOCK A/2301

SEE SHEET 6 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

(For SPRG use only)
Reviewed by: [illegible]
Date: 08-28-2013
SPRG No. 2637

SCALE: 1"=60'
0 30 60

Job #11662
June 26, 2012



PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 45
BLOCK A/2301

(For SPRG use only)
Reviewed by: _____
Date: 08-28-2013
SPRG No. 2637

LINE TABLE

NUM	BEARING	DISTANCE
L1	S42°10'00"W	10.00'
L2	N47°50'00"W	67.25'
L3	S42°10'00"W	70.00'
L4	N47°50'00"W	5.00'
L5	N42°10'00"E	70.00'
L6	N47°50'00"W	48.00'
L7	S42°10'00"W	70.00'
L8	N47°50'00"W	5.00'
L9	N42°10'00"E	70.00'
L10	N47°50'00"W	48.00'
L11	S42°10'00"W	70.00'
L12	N47°50'00"W	5.00'
L13	N42°10'00"E	70.00'
L14	N47°50'00"W	48.00'
L15	S42°10'00"W	70.00'
L16	N47°50'00"W	5.00'
L17	N42°10'00"E	70.00'
L18	N47°50'00"W	50.50'
L19	N42°10'00"E	10.00'
L20	S47°50'00"E	281.75'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
Pg.	Page
Vol.	Volume
▨	Abandonment Area

NOTE:
The bearings are based on the northwesterly right of way line of Hawthorne Avenue with a bearing of S 42°10'00" W as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

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ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

Job #11662
June 26, 2012

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 20 THROUGH 25
BLOCK A/2301

Being a 425 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, Block A/2301, City of Dallas, Dallas County, Texas, said tract being part of Lots 20 through 25, Block A/2301 of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 16, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition and said point being the south corner of Lot 1, Block 16/2299 of Second Installment of Maplewood, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2, Page 175, Map Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 96.50 feet to a point at the south corner of said Lot 16 and the east corner of Lot 17, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition;

THENCE, N 47°50'00" W, departing the northwest line of Hawthorne Avenue and with the northeast line of said Lot 17, passing at a distance of 100.00 feet the north corner of said Lot 17 and the east corner of said Lot 22, continuing in all a distance of 195.83 feet to a point at the north corner of said Lot 22 and the east corner of said Lot 23;

THENCE, S 42°10'00" W, with the common line of said Lots 22 and 23, a distance of 10.00 feet to the Point of Beginning

THENCE, S 42°10'00" W, continuing with the common line of said Lots 20 through 22 and Lots 23 through 25, a distance of 85.00 feet to a point for a corner on the northeast line of a 20 foot Shared Access Area Easement created by Instrument Number 20070027186, Official Public Records of Dallas County, Texas;

(For SPRG Use Only)

Reviewed By: JR

Date: 08-28-2013

SPRG No 2636

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 20 THROUGH 25
BLOCK A/2301

THENCE, N 47°50'00" W, a distance of 5.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 5.0 feet northwest of the said common line of Lots 20 through 22 and Lots 23 through 25, a distance of 85.00 feet to a point for a corner in the southwest line of the said Shared Access Area Easement;

THENCE, S 47°50'00" E, a distance of 5.00 feet to the Point of Beginning and Containing 425 square feet or 0.010 acres of land.

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Dated: June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)
Reviewed By:
Date: 08.28.2013
SPRG No. 2636

EXHIBIT A-TRACT III

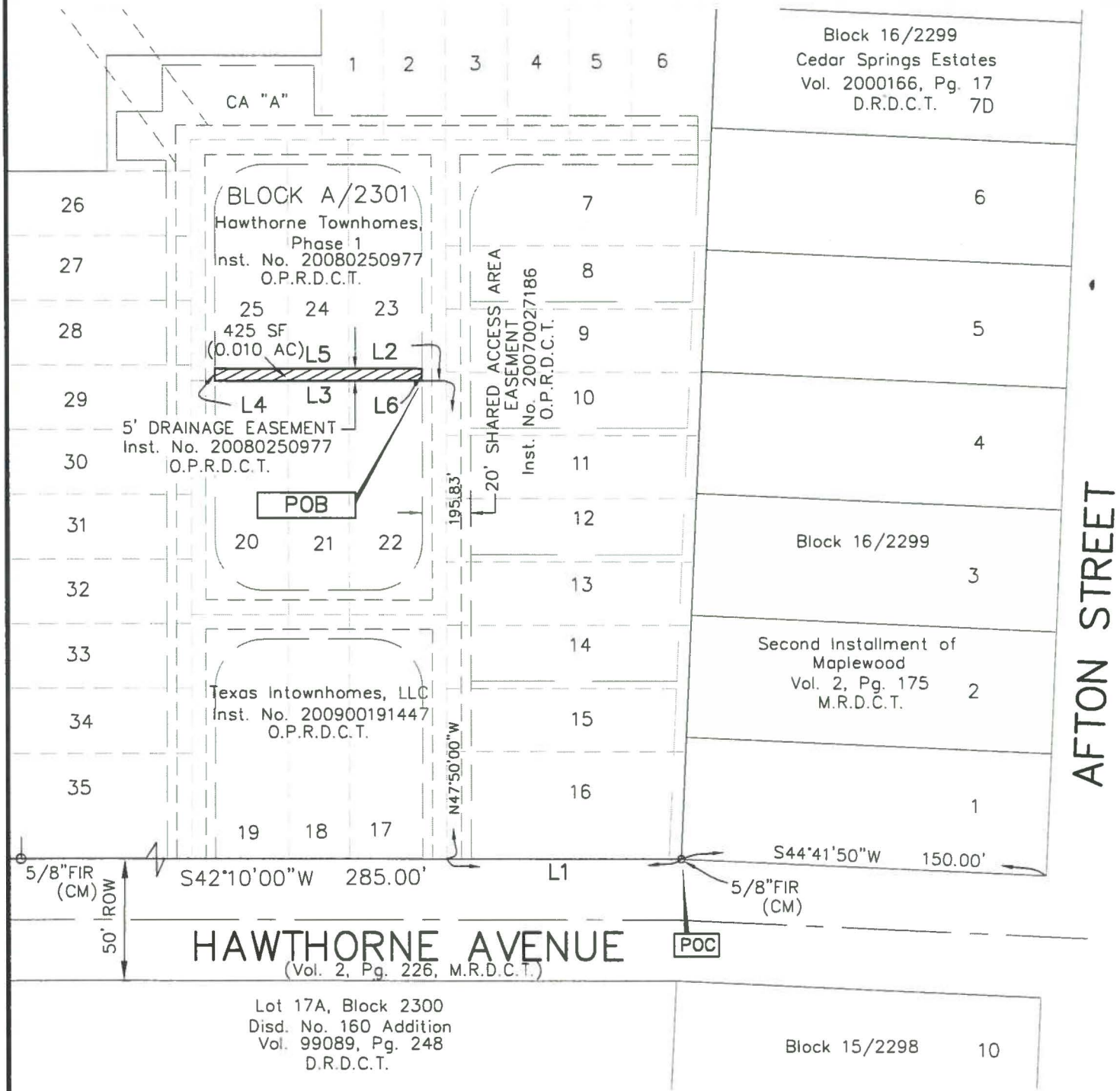
DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE I
PART OF LOTS 20 THROUGH 25
BLOCK A/2301

SCALE: 1"=60'
0 30 60

Job #11662
June 26, 2012

SEE SHEET 4 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

(For SPRG use only)
Reviewed by: JB
Date: 08-28-2013
SPRG No. 2636



PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

EXHIBIT A-TRACT III

DRAINAGE EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I
PART OF LOTS 20 THROUGH 25
BLOCK A/2301

(For SPRG use only)
Reviewed by: JK
Date: 08-28-2013
SPRG No. 2636

LINE TABLE

NUM	BEARING	DISTANCE
L1	S42°10'00"W	96.50'
L2	S42°10'00"W	10.00'
L3	S42°10'00"W	85.00'
L4	N47°50'00"W	5.00'
L5	N42°10'00"E	85.00'
L6	S47°50'00"E	5.00'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
Pg.	Page
Vol.	Volume
▨	Abandonment Area

NOTE:
The bearings are based on the northwesterly right of way line of Hawthorne Avenue with a bearing of S 42°10'00" W as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
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PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

PREPARED BY
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2000 N. CENTRAL EXPY. SUITE 113
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TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

Job #11662
June 26, 2012

EXHIBIT A-TRACT IV

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 7 THROUGH 16
BLOCK A/2301

Being a 2,533 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, Block A/2301, City of Dallas, Dallas County, Texas, said tract being part of Lots 7 through 16, Block A/2301 of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 16, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition and said point being the south corner of Lot 1, Block 16/2299 of Second Installment of Maplewood, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2, Page 175, Map Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 5.00 feet to a point for a corner;

THENCE, N 45°18'15" W, departing the northwest line of Hawthorne Avenue, a distance of 69.91 feet to a point for a corner in the common line of said Lots 14 and 15;

THENCE, S 42°10'00" W, with the common line of said Lots 14 and 15, a distance of 84.58 feet to a point for a corner in the northeast line of a 20 foot Shared Access Area Easement created by Instrument Number 20070027186, Official Public Records, Dallas County, Texas;

THENCE, N 47°50'00" W, along said northeast line of 20 foot Shared Access Area Easement, a distance of 3.00 feet to a point for a corner;

(For SPRG Use Only)

Reviewed By: JB

Date: 09.06.2013

SPRG No 2714

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 7 THROUGH 16
BLOCK A/2301

THENCE, N 42°10'00" E, parallel with and 3.0 feet northwest of the said common line of Lots 14 and 15, a distance of 84.71 feet to a point for a corner;

THENCE, N 45°18'15" W, a distance of 48.89 feet to a point for a corner in the common line of said Lots 12 and 13;

THENCE, S 42°10'00" W, with the common line of said Lots 12 and 13, a distance of 86.87 feet to a point for a corner in said northeast line of 20 foot Shared Access Area Easement;

THENCE, N 47°50'00" W, along said northeast line of 20 foot Shared Access Area Easement, a distance of 3.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 3.0 feet northwest of the common line of said Lots 12 and 13, a distance of 87.00 feet to a point for a corner;

THENCE, N 45°18'15" W, a distance of 48.89 feet to a point for a corner in the common line of said Lots 10 and 11;

THENCE, S 42°10'00" W, with the common line of said Lots 10 and 11, a distance of 89.16 feet to a point for a corner in said northeast line of 20 foot Shared Access Area Easement;

THENCE, N 47°50'00" W, along said northeast line of 20 foot Shared Access Area Easement, a distance of 3.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 3.0 feet northwest of the common line of said Lots 10 and 11 a distance of 89.29 feet to a point for a corner;

THENCE, N 45°18'15" W, a distance of 48.89 feet to a point for a corner in the common line of said Lots 8 and 9;

(For SPRG Use Only)

Reviewed By: JB

Date: 09.06.2013

SPRG No 2714

DRAINAGE EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 7 THROUGH 16
BLOCK A/2301

THENCE, S 42°10'00" W, with the common line of said Lots 8 and 9, a distance of 91.45 feet to a point for a corner in said northeast line of 20 foot Shared Access Area Easement;

THENCE, N 47°50'00" W, along said northeast line of 20 foot Shared Access Area Easement, a distance of 3.00 feet to a point for a corner;

THENCE, N 42°10'00" E, parallel with and 3.0 feet northwest of the common line of said Lots 8 and 9, a distance of 91.58 feet to a point for a corner;

THENCE, N 45°18'15" W, a distance of 56.36 feet to a point for a corner;

THENCE, N 47°50'00" W, a distance of 10.00 feet to a point for a corner in the common line of Lot 6, Block A/2301, said Hawthorne Townhomes, Phase 1 and said Lot 7;

THENCE, N 42°10'00" E, with the common line of said Lots 6 and 7, a distance of 5.45 feet to a point for a corner at the north corner of said Lot 7, the east corner of said Lot 6, and in the southwest line of the said Maplewood addition;

THENCE, S 45°18'15" E, with the southwest line of the said Maplewood addition, a distance of 294.95 feet to the Point of Beginning and Containing 2,533 square feet or 0.058 acres of land.

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

Dated: June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

(For SPRG Use Only)
Reviewed By:
Date: 09.06.2013
SPRG No 2714

EXHIBIT A-TRACT IV

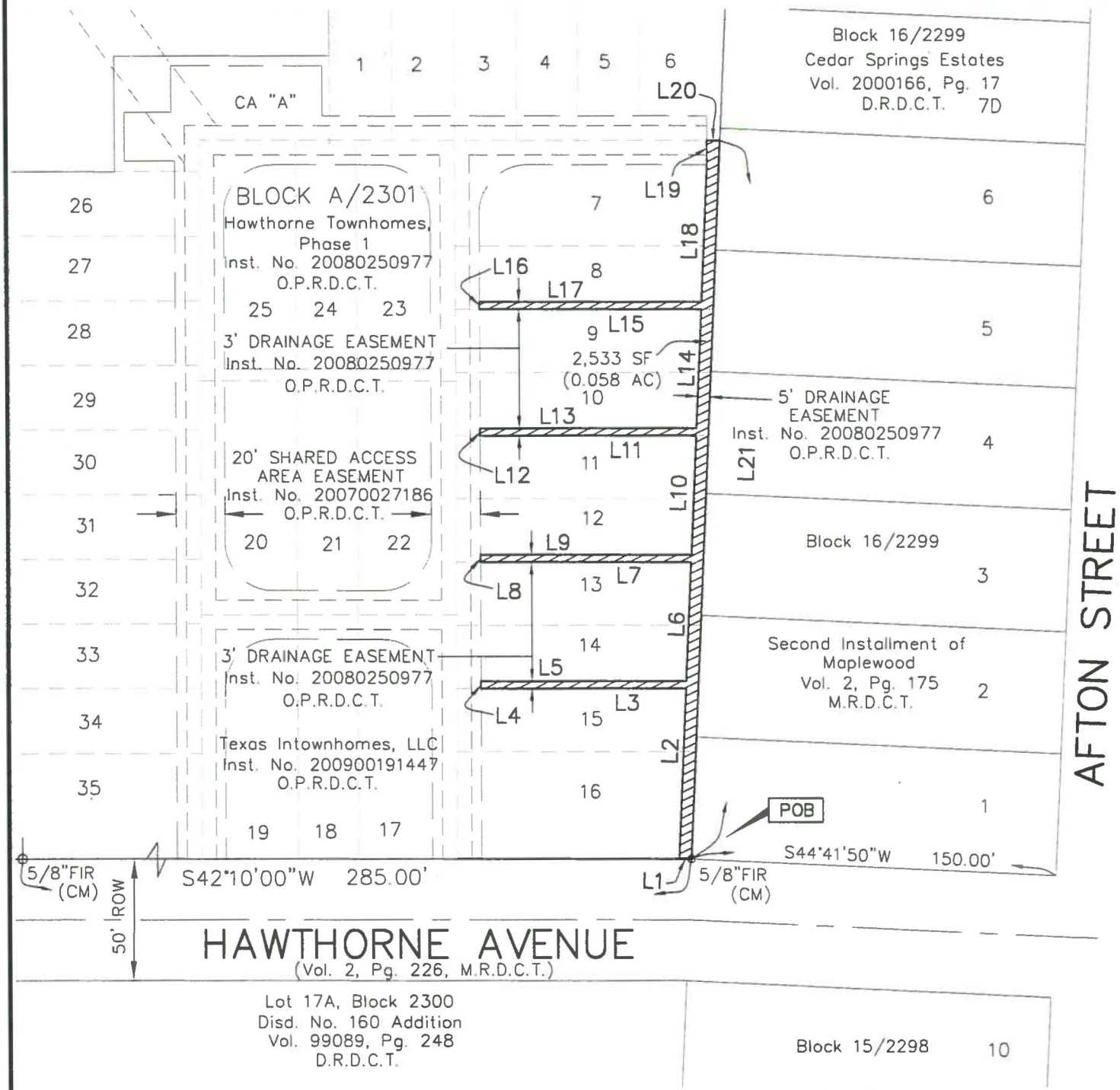
DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE I
PART OF LOTS 7 THROUGH 16
BLOCK A/2301

SCALE: 1"=60'
0 30 60

Job #11662
June 26, 2012

SEE SHEET 5 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

(For SPRG use only)
Reviewed by: [illegible]
Date: 09.06.2013
SPRG No. 2714



PREPARED BY
KADLECK & ASSOCIATES
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2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

DRAINAGE EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE I
PART OF LOTS 7 THROUGH 16
BLOCK A/2301

(For SPRG use only)
Reviewed by: JB
Date: 09.06.2013
SPRG No. 2714

LINE TABLE

NUM	BEARING	DISTANCE
L1	S42°10'00"W	5.00'
L2	N45°18'15"W	69.91'
L3	S42°10'00"W	84.58'
L4	N47°50'00"W	3.00'
L5	N42°10'00"E	84.71'
L6	N45°18'15"W	48.89'
L7	S42°10'00"W	86.87'
L8	N47°50'00"W	3.00'
L9	N42°10'00"E	87.00'
L10	N45°18'15"W	48.89'
L11	S42°10'00"W	89.16'
L12	N47°50'00"W	3.00'
L13	N42°10'00"E	89.29'
L14	N45°18'15"W	48.89'
L15	S42°10'00"W	91.45'
L16	N47°50'00"W	3.00'
L17	N42°10'00"E	91.58'
L18	N45°18'15"W	56.36'
L19	N47°50'00"W	10.00'
L20	N42°10'00"E	5.45'
L21	S45°18'15"E	294.95'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
Pg.	Page
Vol.	Volume
▨	Abandonment Area

NOTE:
The bearings are based on the northwesterly right of way line of Hawthorne Avenue with a bearing of S 42°10'00" W as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
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PROFESSIONAL
LAND SURVEYOR

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PREPARED BY
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2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

Job #11662
June 26, 2012

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 71 AND COMMON AREAS A AND B,
BLOCK A/2301

Being a 8,557 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, said tract being a 12 foot Water and Wastewater Easement created by the plat of Hawthorne Townhomes, Phase 2, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas and said easement being part of Lots 36 through 71 and Common Areas A and B, Block A/2301 of the said Hawthorne Townhomes, Phase 2 addition, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of said Lot 36 and the south corner of Lot 35, Block A/2301 of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Texas according to the map thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas; Thence, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 84.00 feet to the Point of Beginning, said point being the east corner of the said 12 foot water and wastewater easement;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 12.00 feet to a point for a corner, said point being the most easterly south corner of the said 12 foot water and wastewater easement;

THENCE, N 47°50'00" W, departing the northwest line of Hawthorne Avenue, a distance of 90.25 feet to a point for a corner;

(For SPRG Use Only)

Reviewed By: _____

Date: 08.28.2013

SPRG No 2635

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 71 AND COMMON AREAS A AND B,
BLOCK A/2301

THENCE, S 42°10'00" W, a distance of 168.00 feet to a point for a corner;

THENCE, S 47°50'00" E, a distance of 90.25 feet to a point for a corner in the northwest line of Hawthorne Avenue;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 12.00 feet to a point for a corner;

THENCE, N 47°50'00" W, a distance of 263.33 feet to a point for a corner;

THENCE, N 42°10'00" E, a distance of 12.00 feet to a point for a corner;

THENCE, S 47°50'00" E, a distance of 161.08 feet to a point for a corner;

THENCE, N 42°10'00" E, a distance of 168.00 feet to a point for a corner;

THENCE, N 47°50'00" W, a distance of 179.50 feet to a point for a corner;

THENCE, N 42°10'00" E, a distance of 12.00 feet to a point for a corner;

THENCE, S 47°50'00" E, a distance of 281.75 feet to the Point of Beginning and Containing 8,557 square feet or 0.196 acres of land.

(For SPRG Use Only)

Reviewed By: _____

Date: 08·28·2013

SPRG No 2635

EXHIBIT A-TRACT V

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 71 AND COMMON AREAS A AND B,
BLOCK A/2301

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

Date: June 26, 2012

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)

Reviewed By: _____

Date: 08-28-2013

SPRG No 2635

EXHIBIT A-TRACT V

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT

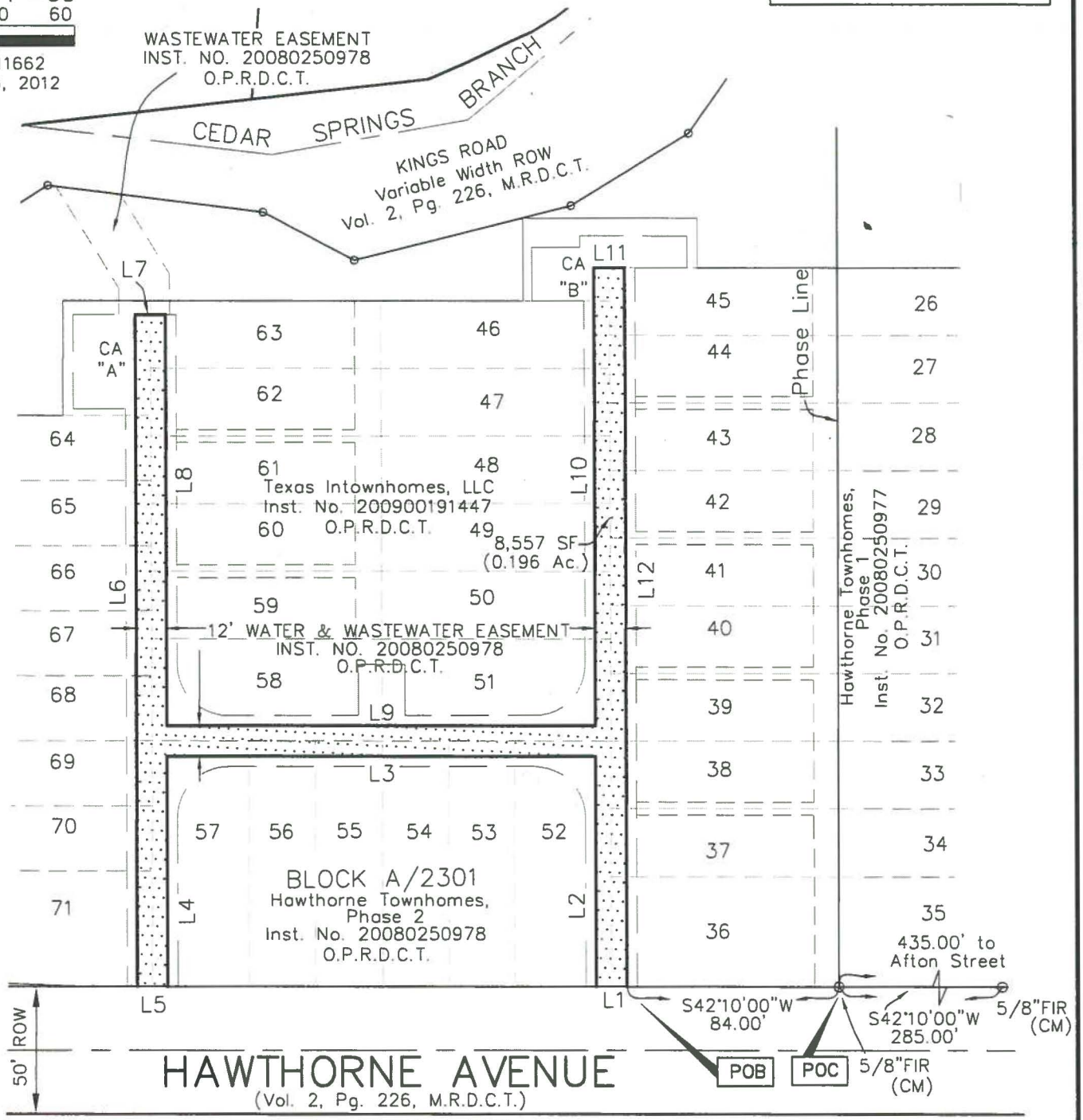
HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 71 AND COMMON AREAS A AND B, BLOCK A/2301

SEE SHEET 5 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

(For SPRG use only)
Reviewed by: JK
Date: 08·28·2013
SPRG No. 2635

SCALE: 1"=60'
0 30 60

Job #11662
June 26, 2012



Lot 17A, Block 2300
Disd No. 160 Addition
Vol. 99089, Pg. 248
D.R.D.C.T.

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
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(972) 881-0771 75074
TBPE Reg. No. F-6460/TBPLS Reg. No. 100555-00

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE 2
PART OF LOTS 36 THROUGH 71 AND COMMON AREAS A AND B, BLOCK A/2301

(For SPRG use only)
Reviewed by: JR
Date: 08-28-2013
SPRG No. 2635

LINE TABLE

NUM	BEARING	DISTANCE
L1	S42°10'00"W	12.00'
L2	N47°50'00"W	90.25'
L3	S42°10'00"W	168.00'
L4	S47°50'00"E	90.25'
L5	S42°10'00"W	12.00'
L6	N47°50'00"W	263.33'
L7	N42°10'00"E	12.00'
L8	S47°50'00"E	161.08'
L9	N42°10'00"E	168.00'
L10	N47°50'00"W	179.50'
L11	N42°10'00"E	12.00'
L12	S47°50'00"E	281.75'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
Pg.	Page
Vol.	Volume
	Abandonment Area

NOTE:
The bearings are based on the northwesterly right of way line of Hawthorne Avenue with a bearing of S 42°10'00" W as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Job #11662
June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPRESSWAY SUITE 113
(972) 881-0771 75074
TBPE Reg. No. F-6460/TBPLS Reg. No. 100555-00

EXHIBIT A-TRACT VI

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 1 THROUGH 35 AND COMMON AREA A
BLOCK A/2301

Being a 10,625 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, said tract being a 12 foot Water and Wastewater Easement created by the map of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas and said easement being part of Lots 1 through 35 and Common Area A, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 16, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition and said point being the south corner of Lot 1, Block 16/2299 of Second Installment of Maplewood, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2, Page 175, Map Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 90.50 feet to the Point of Beginning, said point being the east corner of said 12 foot water and wastewater easement;

THENCE, S 42°10'00" W, continuing with said northwest line of Hawthorne Avenue, a distance of 12.00 feet to a point for a corner;

THENCE, N 47°50'00" W, departing said northwest line of Hawthorne Avenue, a distance of 94.00 feet to a point for a corner;

THENCE, S 42°10'00" W, a distance of 93.00 feet to a point for a corner;

(For SPRG Use Only)

Reviewed By: JR

Date: 09.05.2013

SPRG No 2634

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 1 THROUGH 35 AND COMMON AREA A
BLOCK A/2301

THENCE, S 47°50'00" E, a distance of 94.00 feet to a point for a corner in the northwest line of Hawthorne Avenue;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 12.00 feet to a point for a corner;

THENCE, N 47°50'00" W, a distance of 300.66 feet to a point for a corner;

THENCE, N 42°10'00" E, a distance of 215.07 feet to a point for a corner;

THENCE, S 47°50'00" E, a distance of 12.00 feet to a point for a corner;

THENCE, S 42°10'00" W, a distance of 98.07 feet to a point for a corner;

THENCE, S 47°50'00" E, a distance of 288.66 feet to the Point of Beginning and Containing 27,612 square feet of land, SAVE AND EXCEPT the following described tract of land;

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 16, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition and said point being the south corner of Lot 1, Block 16/2299 of Second Installment of Maplewood, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2, Page 175, Map Records of Dallas County, Texas;

(For SPRG Use Only)

Reviewed By: JR

Date: 09.05.2013

SPRG No 2634

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF LOTS 1 THROUGH 35 AND COMMON AREA A
BLOCK A/2301

THENCE, S 42°10'00" W, with said northwest line of Hawthorne Avenue, a distance of 102.50 feet;

THENCE, N 47° 50'00" W, departing the said northwest line of Hawthorne Avenue, a distance of 106.00 feet to the Point of Beginning of the Save and Except tract;

THENCE, S 42°10'00" W, a distance of 93.00 feet to a point for a corner;

THENCE, N 47°50'00" W, a distance of 182.66 feet to a point for a corner;

THENCE, N 42°10'00" E, a distance of 93.00 feet to a point for a corner;

THENCE, S 47°50'00" E, a distance of 182.66 feet to the Point of Beginning and containing 16,987 square feet, leaving a net area of 10,625 square feet or 0.244 acre of land.

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Dated: June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)

Reviewed By: JB

Date: 09.05.2013

SPRG No 2634

EXHIBIT A-TRACT VI

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I

PART OF LOTS 1 THROUGH 35 AND COMMON AREA A

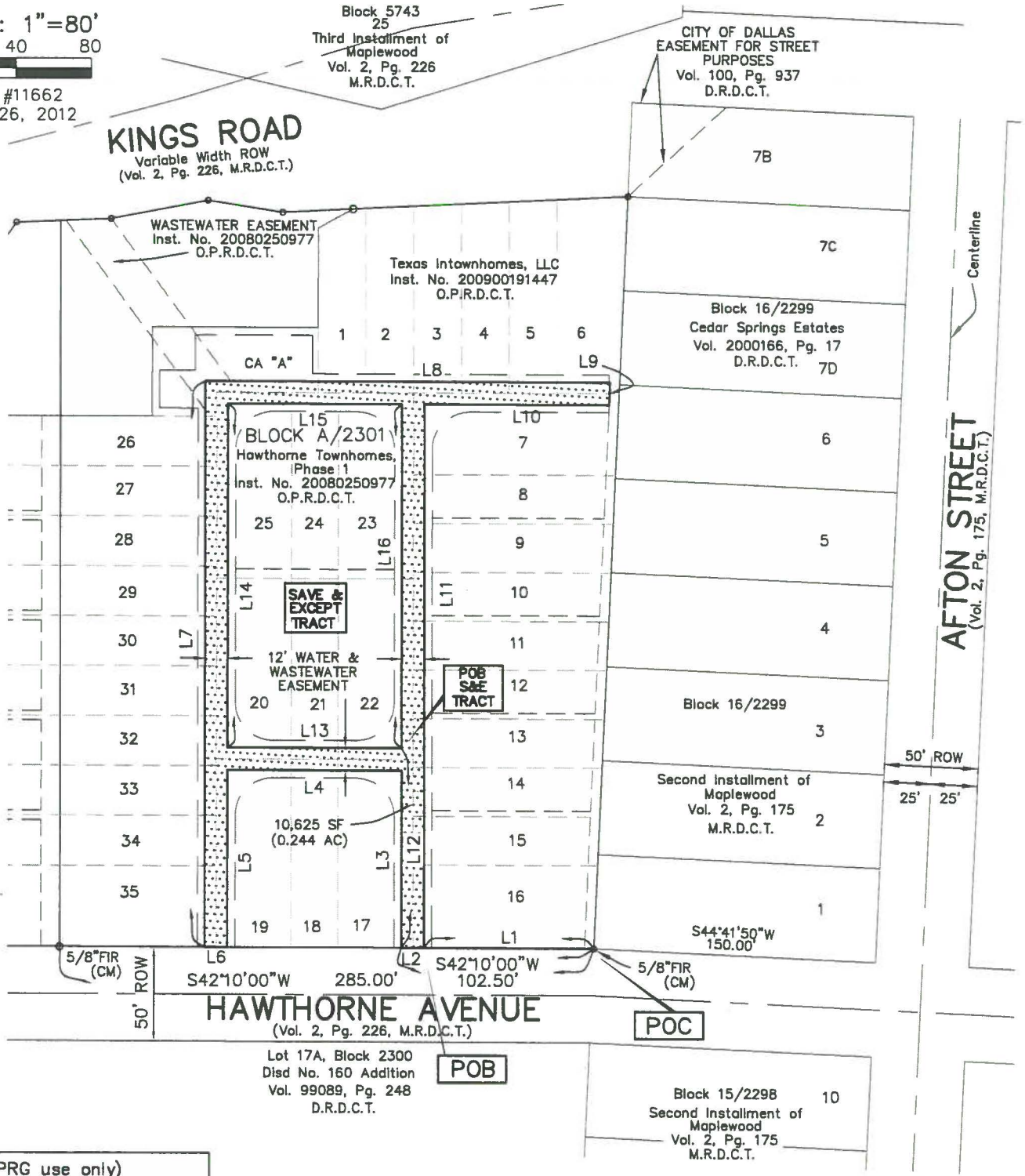
BLOCK A/2301

SEE SHEET 5 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

SCALE: 1"=80'

0 40 80

Job #11662
June 26, 2012



(For SPRG use only)
Reviewed by: JR
Date: 09.05.2013
SPRG No. 2634

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

EXHIBIT A-TRACT VI

12 FOOT WATER & WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I
PART OF LOTS 1 THROUGH 35 AND COMMON AREA A
BLOCK A/2301

(For SPRG use only)
Reviewed by: JR
Date: 09.05.2013
SPRG No. 2634

LINE TABLE

NUM	BEARING	DISTANCE
L1	S42°10'00"W	90.50'
L2	S42°10'00"W	12.00'
L3	N47°50'00"W	94.00'
L4	S42°10'00"W	93.00'
L5	S47°50'00"E	94.00'
L6	S42°10'00"W	12.00'
L7	N47°50'00"W	300.66'
L8	N42°10'00"E	215.07'
L9	S47°50'00"E	12.00'
L10	S42°10'00"W	98.07'
L11	S47°50'00"E	288.66'
L12	N47°50'00"W	106.00'
L13	S42°10'00"W	93.00'
L14	N47°50'00"W	182.66'
L15	N42°10'00"E	93.00'
L16	S47°50'00"E	182.66'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
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NOTE:
The bearings are based on the northwesterly right of way line of Hawthorne Avenue with a bearing of S 42°10'00" W as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.

STATE OF TEXAS REGISTERED L. LYNN KADLECK 3952 PROFESSIONAL LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

Job #11662
June 26, 2012

EXHIBIT A-TRACT VII

20 FOOT WASTEWATER EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 1
FLOODWAY MANAGEMENT AREA
BLOCK A/2301

Being a 426 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, said tract being part of a 20 foot Wastewater Easement created by the map of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas and said easement being part of a Floodway Management Area, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition, said tract being part of a tract of land dedicated to the City of Dallas, by said plat of Hawthorne Townhomes, Phase 1, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 16, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition and said point being the south corner of Lot 1, Block 16/2299 of Second Installment of Maplewood, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2, Page 175, Map Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 207.50 feet to a point, said point being the most southerly corner of a 12 foot water and wastewater easement created by the plat of the said Hawthorne Townhomes, Phase 1 addition;

THENCE, N 47°50'00" W, departing the northwest line of Hawthorne Avenue and with the southwest line of the said 12 foot water and wastewater easement, a distance of 285.09 feet to a point, said point being the southeast corner of the said 20 foot Wastewater Easement;

THENCE, N 84°20'48" W, with the south line of said 20 foot Wastewater Easement, a distance of 47.89 feet to the Point of Beginning; said point being in the common line of Common Area A, as created by the plat of said Hawthorne Townhomes, Phase 1, and the said Floodway Management Area;

(For SPRG Use Only)

Reviewed By: JB

Date: 09.06.2013

SPRG No 2713

20 FOOT WASTEWATER EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
FLOODWAY MANAGEMENT AREA,
BLOCK A/2301

THENCE, N 84°20'48" W, with said south line of 20 foot Wastewater Easement, a distance of 16.82 feet to a point for a corner;

THENCE, N 13°48'59" W, over and across said 20 foot Wastewater Easement, a distance of 21.21 feet to a point for a corner in the north line of said 20 foot Wastewater Easement;

THENCE, S 84°20'48" E, with said north line of 20 foot Wastewater Easement, a distance of 31.65 feet to a point for a corner in said common line of Common Area A and the Floodway Management Area;

THENCE, S 42°10'00" W, with the said common line, a distance of 20.69 feet to a point for a corner;

THENCE, S 47°50'00" E, continuing with the said common line, a distance of 5.57 feet to the Point of Beginning and Containing 426 square feet or 0.010 acre of land.

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

Dated: June 26, 2012

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)
Reviewed By:
Date: 09.06.2013
SPRG No 2713

EXHIBIT A TRACT VII

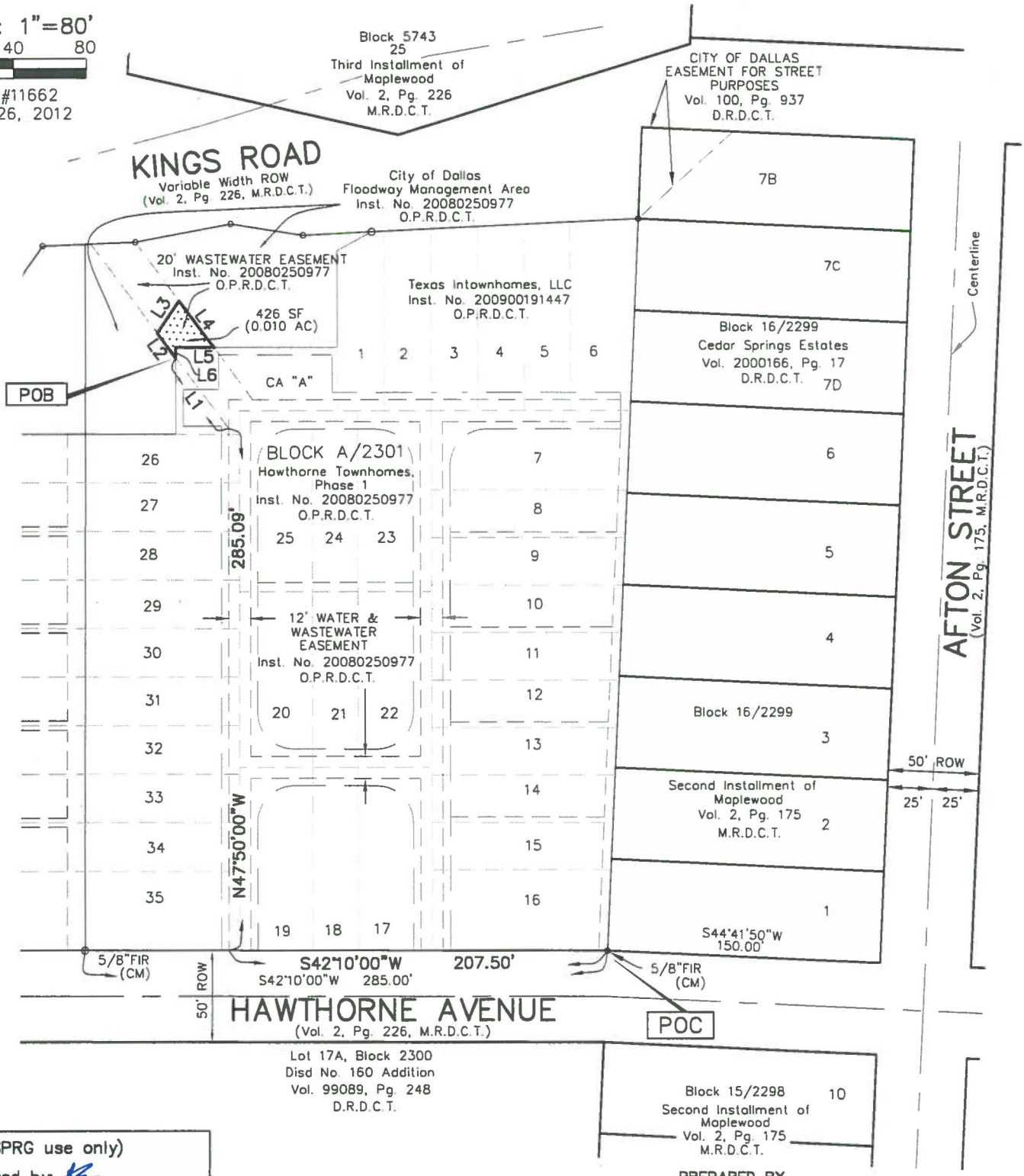
20 FOOT WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I
FLOODWAY MANAGEMENT AREA
BLOCK A/2301

SEE SHEET 4 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

SCALE: 1"=80'
0 40 80

Job #11662
June 26, 2012



(For SPRG use only)
Reviewed by: [illegible]
Date: 09.06.2013
SPRG No. 2713

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

EXHIBIT A-TRACT VII

20 FOOT WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I
FLOODWAY MANAGEMENT AREA
BLOCK A/2301

(For SPRG use only)
Reviewed by: JB
Date: 09.06.2013
SPRG No. 2713

LINE TABLE

NUM	BEARING	DISTANCE
L1	N84°20'48"W	47.89'
L2	N84°20'48"W	16.82'
L3	N13°48'59"W	21.21'
L4	S84°20'48"E	31.65'
L5	S42°10'00"W	20.69'
L6	S47°50'00"E	5.57'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
Pg.	Page
Vol.	Volume
	Abandonment Area

NOTE:
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STATE OF TEXAS
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L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

PREPARED BY
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ENGINEERING PLANNING SURVEYING
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TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

Job #11662
June 26, 2012

EXHIBIT A-TRACT VIII

20 FOOT WASTEWATER EASEMENT ABANDONMENT
HAWTHORNE TOWNHOMES, PHASE 1
PART OF COMMON AREA A
BLOCK A/2301

Being a 789 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, said tract being part of a 20 foot Wastewater Easement created by the map of Hawthorne Townhomes, Phase 1, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Instrument Number 20080250977, Official Public Records of Dallas County, Texas and said easement being part of Common Area A, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition, said tract being part of a tract of land conveyed to Texas Intownhomes, LLC by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200900191447, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod for a corner in the northwest line of Hawthorne Avenue (a 50 foot right of way), said point being the east corner of Lot 16, Block A/2301 of the said Hawthorne Townhomes, Phase 1 addition and said point being the south corner of Lot 1, Block 16/2299 of Second Installment of Maplewood, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 2, Page 175, Map Records of Dallas County, Texas;

THENCE, S 42°10'00" W, with the northwest line of Hawthorne Avenue, a distance of 207.50 feet to a point, said point being the most southerly corner of a 12 foot water and wastewater easement created by the plat of the said Hawthorne Townhomes, Phase 1 addition;

THENCE, N 47°50'00" W, departing the northwest line of Hawthorne Avenue and with the southwest line of the said 12 foot water and wastewater easement, a distance of 285.09 feet to the Point of Beginning, said point being the southeast corner of the said 20 foot Wastewater Easement;

THENCE, N 84°20'48" W, with the south line of said 20 foot Wastewater Easement, a distance of 47.89 feet to a point for a corner in the southwest line of said Common Area A;

(For SPRG Use Only)

Reviewed By: JR

Date: 09.06.2013

SPRG No 2712

20 FOOT WASTEWATER EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF COMMON AREA A
BLOCK A/2301

THENCE, N 47°50'00" W, departing said south line of 20 foot Wastewater Easement and with southwest line of said Common Area A, a distance of 5.67 feet to a point for a corner being the west corner of said Common Area A;

THENCE, N 42°10'00" E, with the northwest line of said Common Area A, a distance of 20.69 feet to a point for a corner in the north line of the said 20 foot Wastewater Easement;

THENCE, S 84°20'48" E, with said north line of 20 foot Wastewater Easement, a distance of 35.57 feet to a point for a corner being on the northwest line of said 12 foot water and wastewater easement and being the northeast corner of said 20 foot Wastewater Easement;

THENCE, S 42°10'00" W, along said northwest line of 12 foot water and wastewater easement and along the east line of said 20 foot Wastewater Easement, a distance of 13.35 feet to a point for a corner being the west corner of said 12 foot water and wastewater easement;

THENCE, S 47°50'00" E, along said southwest line of 12 foot water and wastewater easement and along said east line of 20 foot Wastewater Easement, a distance of 15.58 feet to the Point of Beginning and Containing 789 square feet or 0.018 acre of land.

(For SPRG Use Only)

Reviewed By: JR

Date: 09.06.2013

SPRG No 2712

EXHIBIT A-TRACT VIII

20 FOOT WASTEWATER EASEMENT ABANDONMENT (continued)
HAWTHORNE TOWNHOMES, PHASE 1
PART OF COMMON AREA A
BLOCK A/2301

(The bearing basis for this description is a bearing of S 42°10'00" W for the northwest line of Hawthorne Avenue as indicated on the plat recorded in Instrument Number 20080250978, Official Public Records of Dallas County, Texas.)

(A sketch of even date herewith accompanies this description.)

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Dated: June 26, 2012

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

(For SPRG Use Only)

Reviewed By: _____

Date: 09.06.2013

SPRG No 2712

~~EXHIBIT A-TRACT VIII~~

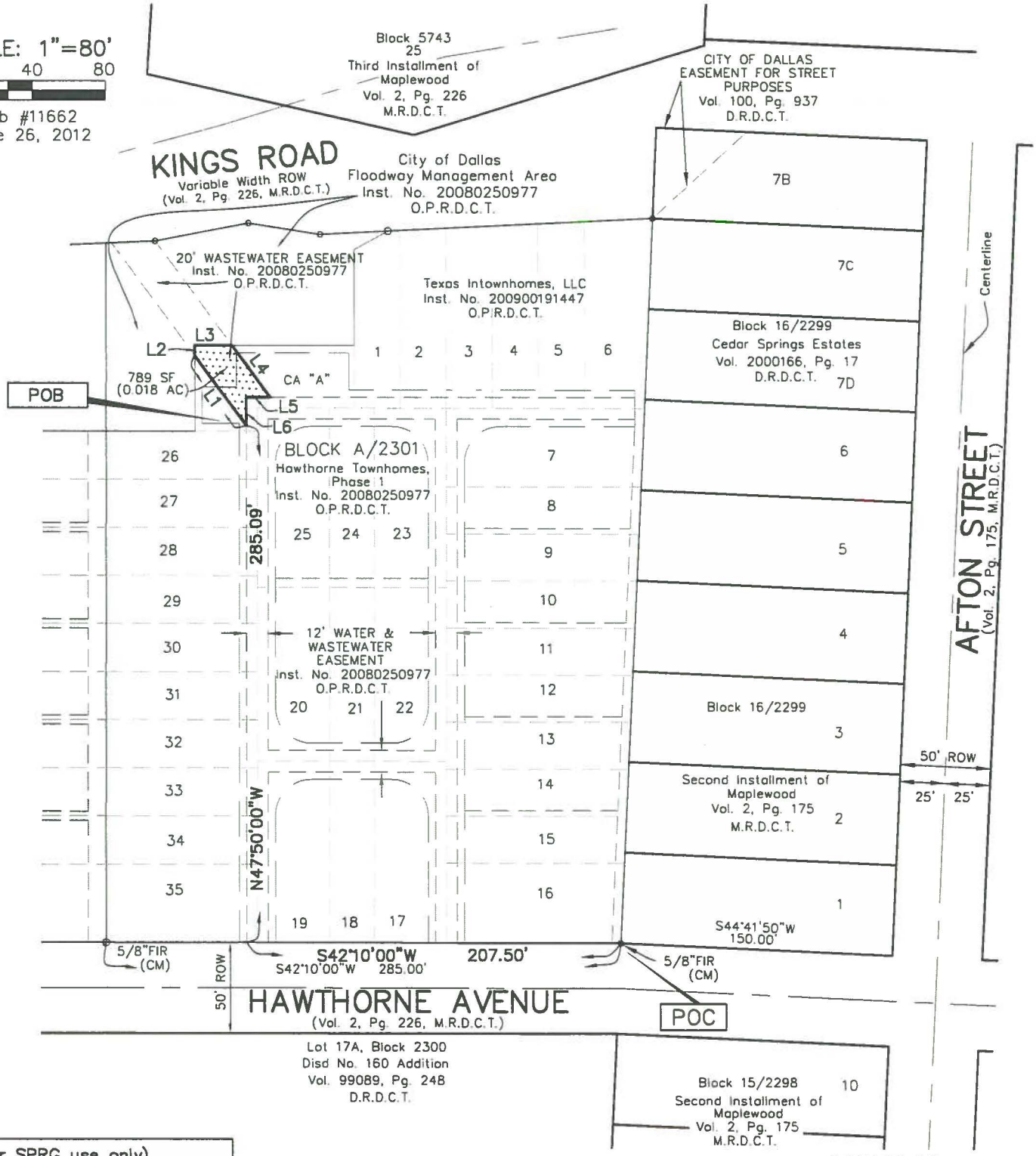
20 FOOT WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I
PART OF COMMON AREA A
BLOCK A/2301

SEE SHEET 5 FOR LINE TABLE, LEGEND, NOTES & CERTIFICATION.

SCALE: 1"=80'
0 40 80

Job #11662
June 26, 2012



(For SPRG use only)
Reviewed by: JR
Date: 09.06.2013
SPRG No. 2712

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

EXHIBIT A TRACT VIII

20 FOOT WASTEWATER EASEMENT ABANDONMENT

HAWTHORNE TOWNHOMES, PHASE I
PART OF COMMON AREA A
BLOCK A/2301

(For SPRG use only)
Reviewed by: JB
Date: 09.06.2013
SPRG No. 2712

LINE TABLE

NUM	BEARING	DISTANCE
L1	N84°20'48"W	47.89'
L2	N47°50'00"W	5.67'
L3	N42°10'00"E	20.69'
L4	S84°20'48"E	35.57'
L5	S42°10'00"W	13.35'
L6	S47°50'00"E	15.58'

LEGEND

CA	Common Area
CM	Controlling Monument
FIR	Found Iron Rod
Inst. No.	Instrument Number
POB	Point of Beginning
POC	Point of Commencing
D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records of Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
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NOTE:
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TBPE Reg. No. F-6460 TBPLS Reg. No. 100555-00

Job #11662
June 26, 2012

AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Trinity Watershed Management

CMO: Jody Puckett, 670-3390

MAPSCO: 45H

SUBJECT

Authorize acquisition from Dallas Independent School District, of a subsurface easement located under a total of approximately 11,455 square feet of land located on Ross Avenue at its intersection with Washington Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed $55,442 ($51,942, plus closing costs and title expenses not to exceed $3,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under a total of approximately 11,455 square feet of land from Dallas Independent School District. This property is located on Ross Avenue at its intersection with Washington Avenue and will be used for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. The consideration is based on 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 May 8, 2017.

FISCAL INFORMATION

2006 Bond Funds - $55,442 ($51,942 plus closing costs and title expenses not to exceed $3,500)

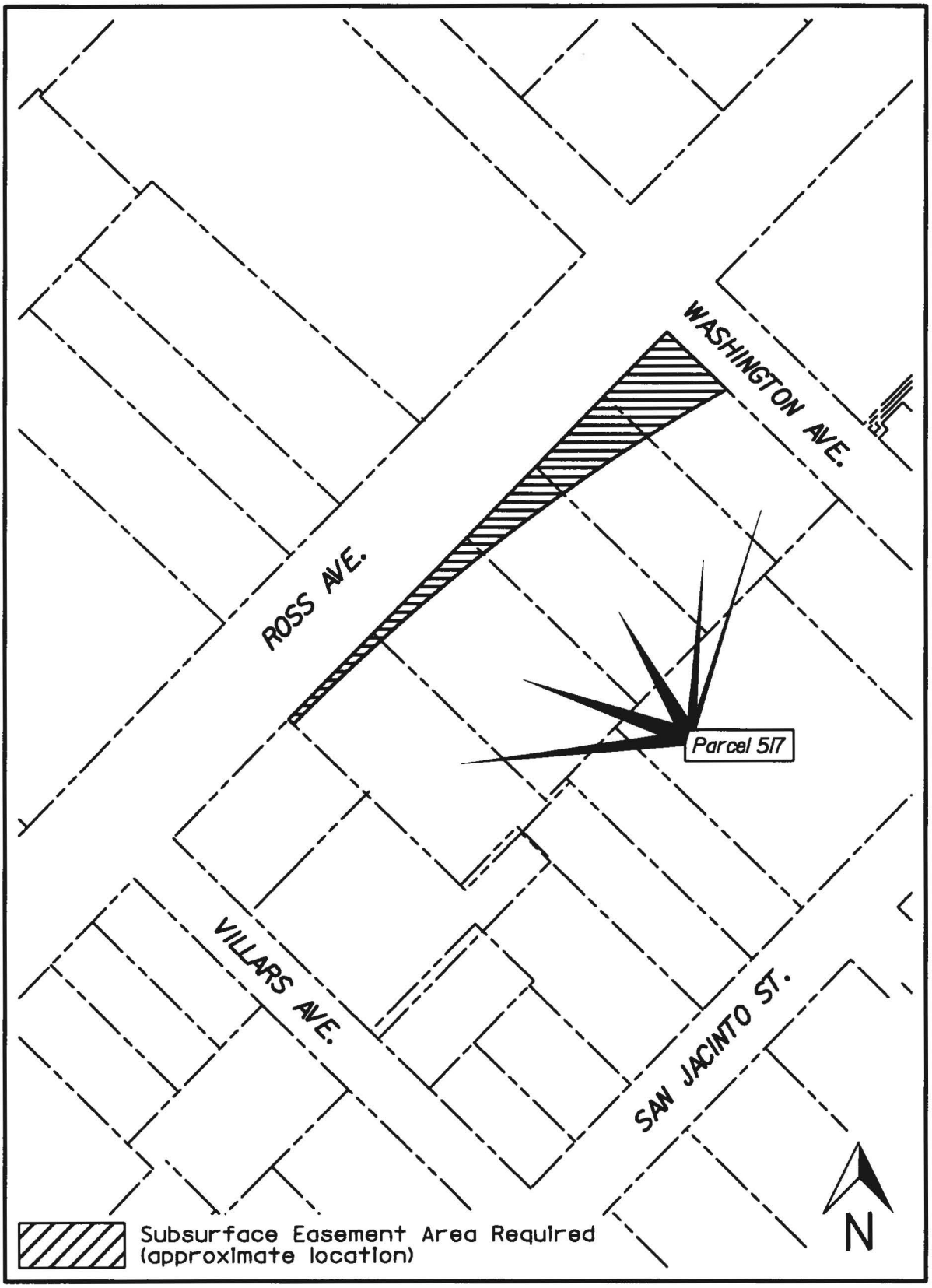
OWNER

Dallas Independent School District

Michael Hinojosa, Superintendent

MAP

Attached


WASHINGTON AVE.
ROSS AVE.
Parcel 517
VILLARS AVE.
SAN JACINTO ST.
N
Subsurface Easement Area Required
(approximate location)

May 10, 2017

A RESOLUTION AUTHORIZING THE NEGOTIATION AND ACQUISITION OF REAL PROPERTY FOR A PUBLIC USE.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council desires to authorize the City Manager and/or the City Manager's designees to engage in good faith negotiations with OWNER for the PROPERTY INTEREST in the PROPERTY; and

WHEREAS, the OFFICIAL OFFER AMOUNT is based on a written appraisal from a certified appraiser of the value of the PROPERTY INTEREST in the PROPERTY, together with damages, if any, to any remaining property; and

WHEREAS, the Dallas City Council desires to authorize the City Manager and/or the City Manager's designees to make an offer to purchase the PROPERTY INTEREST in the PROPERTY for the OFFICIAL OFFER AMOUNT stated herein:

Now, Therefore,

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

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

"CITY": The City of Dallas

"PROPERTY": Located under a total of approximately 11,455 square feet in area, lying between the subsurface elevations of 232 feet and 407 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"OWNER": Dallas Independent School District, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": $51,942

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,500

"AUTHORIZED AMOUNT": $55,442 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": OFFICIAL OFFER AMOUNT payable out of 2006 Bond Funds: Fund 3T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4210, Encumbrance CT-TWM06T525H17, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund 3T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4230, Encumbrance CT-TWM06T525H18.

SECTION 2. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 3. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 4. That the City Manager and/or the City Manager's designees are hereby authorized to make an initial and final offer to the OWNER to purchase the PROPERTY INTEREST in the PROPERTY for the OFFICIAL OFFER AMOUNT, and if said offer is accepted, to purchase, 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 the transaction.

SECTION 5. That to the extent the PROPERTY INTEREST in the PROPERTY is being purchased wholly or partly with bond proceeds, CITY has obtained an independent appraisal of the market value of the PROPERTY INTEREST in the PROPERTY.

SECTION 6. That OWNER has been and/or will be provided with a copy of the Landowner's Bill of Rights as contemplated by applicable statute.

SECTION 7. That in the event this acquisition closes, 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 OFFICIAL OFFER AMOUNT payable to OWNER, the then current owner(s) of record, or the title company closing the transaction described herein and another check payable to the title company closing the transaction described herein, in the amount of the CLOSING COSTS and TITLE EXPENSES. The OFFICIAL OFFER AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

May 10, 2017

SECTION 8. That CITY is to have possession and/or use, as applicable, of the PROPERTY INTEREST in 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 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY _____
Assistant City Attorney

Exhibit A

FIELD NOTES DESCRIBING A 9,968 SQUARE FOOT (0.2288 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A)
TO BE DEDICATED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE CITY OF DALLAS

BEING a 9,968 square foot (0.2288 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in City Block 514 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 634, Page 543 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) as affected by City of Dallas Ordinance No. 6034 recorded in Volume 3955, Page 628, D.R.D.C.T., and being part of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 358, Page 295, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, and being part of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 358, Page 296, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, said tract being further described in Warranty Deed to the City of Dallas recorded in Volume 340, Page 130, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the intersection of the southeast right-of-way line of Ross Avenue (a variable width right-of-way, 65.2 feet wide at this point), same being the northwest line of said City of Dallas tract recorded in Volume 634, Page 543 and the northwest line of said City Block 514, with the southwest right-of-way line of Washington Avenue (a variable width right-of-way, 50 feet wide at this point), same being the northeast line of said City of Dallas tract recorded in Volume 634, Page 543 and the northeast line of said City Block 514, for the north corner of said City of Dallas tract recorded in Volume 634, Page 543 having coordinates of N=6977472.7972, E=2495079.3679 (not monumented), same being the north corner of said City Block 514, from whence a 2.5-inch diameter brass monument stamped "RAYMOND L. GOODSON JR. INC." found (controlling monument) on the projection of said southwest right-of-way line of Washington Avenue for the most easterly corner of a right-of-way dedication by the plat of Pilgrim Rest Baptist Church, an addition to the City of Dallas recorded in Volume 89234, Page 3084, D.R.D.C.T. bears North 45 degrees 50 minutes 41 seconds West a distance of 464.96 feet;

THENCE South 45 degrees 50 minutes 41 seconds East, with said southwest right-of-way line of Washington Avenue, same being said northeast line of said City of Dallas tract recorded in Volume 634, Page 543 and said northeast line of said City Block 514, a distance of 72.88 feet to the beginning of a non-tangent curve to the left having coordinates of N=6977422.0363, E=2495131.6483 (not monumented), said curve having a central angle of 08 degrees 46 minutes 08 seconds, a radius of 1,355.00 feet, a tangent of 103.89 feet and a chord which bears South 55 degrees 55 minutes 33 seconds West a distance of 207.17 feet;

FIELD NOTES APPROVED:
DER 4/17/15

FIELD NOTES DESCRIBING A 9,968 SQUARE FOOT (0.2288 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A)
TO BE DEDICATED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE CITY OF DALLAS

THENCE Southwesterly, departing said southwest right-of-way line of said Washington Avenue, said northeast line of said City of Dallas tract recorded in Volume 634, Page 543 and said northeast line of said City Block 514 and with said curve to the left, over and across said City of Dallas tract recorded in Volume 634, Page 543, at an arc distance of 65.14 feet passing the southwest line of said City of Dallas tract recorded in Volume 634, Page 543, same being the northeast line of said City of Dallas tract recorded in Volume 358, Page 295, and continuing with said curve to the left and over and across said City of Dallas tract recorded in Volume 358, Page 295, at a cumulative arc distance of 136.60 feet passing the southwest line of said City of Dallas tract recorded in Volume 358, Page 295, same being the northeast line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, and continuing with said curve to the left and over and across said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 for a total arc distance of 207.37 feet to the end of said curve having coordinates of N=6977305.9807, E=2494960.0676 (not monumented), said end of curve being in the southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, same being the northeast line of that called 0.365 acre tract described in warranty deed to the Dallas Independent School District recorded in Volume 273, Page 443, D.R.D.C.T.;

THENCE North 45 degrees 47 minutes 10 seconds West, departing said curve and with said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 and said northeast line of said called 0.365 acre tract and over a portion of said City Block 514, at a distance of 15.82 feet passing the east corner of that tract of land whose title is vested in the City of Dallas by judgment according to Cause No. 59308-B recorded in Volume 19, Page 422, County Court-at Law No. 2, same being an ell corner in said southeast right-of-way line of Ross Avenue (80.2 feet wide at this point) and the northwest line of said City Block 514, from whence a 5/8-inch iron rod with cap stamped "GSES INC. RPLS 4804" (controlling monument) bears South 44 degrees 12 minutes 50 seconds West a distance of 295.38 feet, and from which said 5/8-inch iron rod with cap stamped "GSES INC. RPLS 4804" an "X" cut in concrete found (controlling monument) at the intersection of the northeast right-of-way line of Villars Street (a variable width right-of-way, 40.1 feet wide at this point) with the northwest right-of-way line of San Jacinto Street (a variable width right-of-way) for the south corner of that tract of land condemned and acquired by the Dallas Independent School District according to Judgment rendered in Cause No. CC-67-6180-D recorded in Volume 7, Page 642, County Court At Law No. 4, same being the south corner of said City Block 514, bears South 45 degrees 30 minutes 18 seconds East a distance of 352.31 feet, and with the northeast line of said Cause No. 59308-B tract and continuing with said southeast right-of-way line of Ross Avenue, said northwest line of said City Block 514 and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 for a total distance of 30.82 feet to the west corner of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, having coordinates of N=6977327.4728, E=2494937.9776 (not monumented), same being the north corner of said Cause No. 59308-B tract and an ell corner in said southeast right-of-way line of Ross Avenue (65.2 feet wide at this point) and said northwest line of said City Block 514;

FIELD NOTES APPROVED:
JER 4/17/15

FIELD NOTES DESCRIBING A 9,968 SQUARE FOOT (0.2288 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A)
TO BE DEDICATED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE CITY OF DALLAS

THENCE North 44 degrees 12 minutes 50 seconds East, departing said northeast line of said Cause No. 59308-B and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 and with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514, at a distance of 69.93 feet passing the north corner of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, same being the west corner of said City of Dallas tract recorded in Volume 358, Page 295, and continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line of said City of Dallas tract recorded in Volume 358, Page 295, at a cumulative distance of 139.86 feet passing the north corner of said City of Dallas tract recorded in Volume 358, Page 295, same being the west corner of said City of Dallas tract recorded in Volume 634, Page 543, and continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line said City of Dallas tract recorded in Volume 634, Page 543 for a total distance of 202.78 feet to the POINT OF BEGINNING and containing 9,968 square feet (0.2288 acre) of land, more or less.

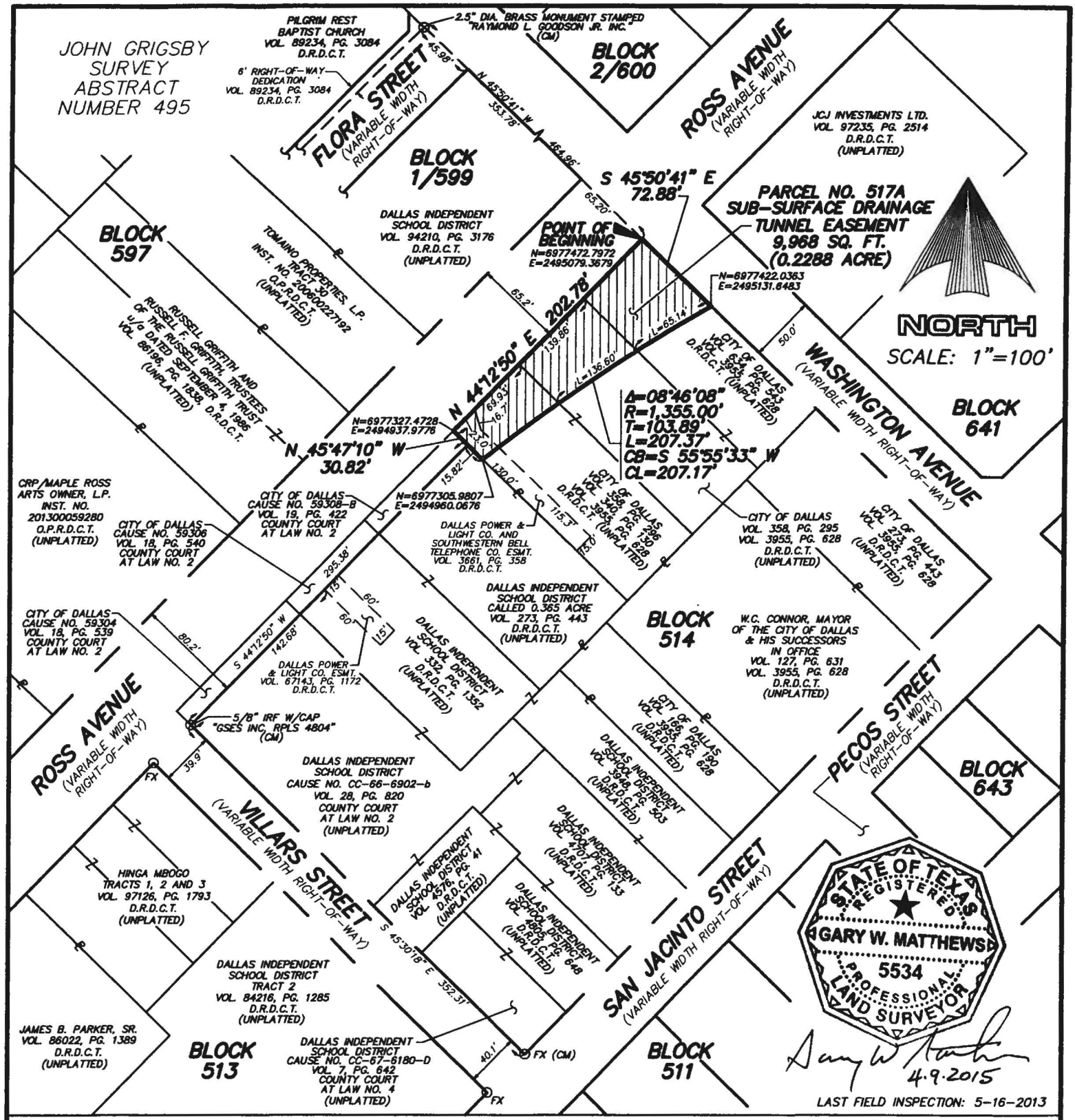
Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 4.9.2015

STATE OF TEXAS
REGISTERED
GARY W. MATTHEWS
5534
PROFESSIONAL
LAND SURVEYOR

FIELD NOTES APPROVED:
DGR 4/17/15



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS		RIGHT-OF-WAY LINE
			EASEMENT LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS		SUBDIVISION LINE
			PROPERTY LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	IRF	IRON ROD FOUND
		IPF	IRON PIPE FOUND
INST. NO.	INSTRUMENT NUMBER	CM	CONTROLLING MONUMENT
VOL., PG.	VOLUME, PAGE	FPK	FOUND PK NAIL
ESMT.	EASEMENT	FX	FOUND "X"
SQ. FT.	SQUARE FEET	O	MONUMENT (AS NOTED)

9,968 SQ. FT. (0.2288 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517A) TO BE DEDICATED IN CITY OF DALLAS BLOCK 514, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM THE CITY OF DALLAS.

NDM
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8030 Park Lane / Suite 500
Dallas, Texas 75231 / (214) 739-4741

04/09/2015	PARCEL-517A.DWG

Exhibit A

FIELD NOTES DESCRIBING A 1,487 SQUARE FOOT (0.0341 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT

BEING a 1,487 square foot (0.0341 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in City Block 514 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in Special Warranty Deed to the Dallas Independent School District recorded in Volume 332, Page 1352 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of that called 0.365 acre tract of land described in Warranty Deed to the Dallas Independent School District recorded in Volume 273, Page 443, D.R.D.C.T., and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

COMMENCING at a 5/8-inch iron rod with cap stamped "GSES INC. RPLS 4804" found (controlling monument) having coordinates of N=6977105.3312, E=2494742.7748 (not monumented) for the intersection of the northeast right-of-way line of Villars Street (a variable width right-of-way, 39.9 feet wide at this point) with the southeast right-of-way line of Ross Avenue (a variable width right-of-way, 80.2 feet wide at this point) and the west corner of said City Block 514, same being the west corner of that tract of land condemned and acquired by the Dallas Independent School District according to Judgment rendered in Cause No. CC-66-6902-b recorded in Volume 28, Page 820, County Court At Law No. 2, from whence an "X" cut in concrete found (controlling monument) at the intersection of the northeast right-of-way line of said Villars Street (40.1 feet wide at this point) with the northwest right-of-way line of San Jacinto Street (a variable width right-of-way) for the south corner of that tract of land condemned and acquired by the Dallas Independent School District according to Judgment rendered in Cause No. CC-67-6180-D recorded in Volume 7, Page 642, County Court At Law No. 4, same being the south corner of said City Block 514, bears South 45 degrees 30 minutes 18 seconds East a distance of 352.31 feet;

THENCE North 44 degrees 12 minutes 50 seconds East, with said southeast right-of-way line of Ross Avenue, the northwest line of said City Block 514 and the northwest line of said Cause No. CC-66-6902-b tract, a distance of 116.56 feet to the POINT OF BEGINNING having coordinates of N=6977188.8639, E=2494824.0462 (not monumented), same being the most northerly corner of said Cause No. CC-66-6902-b tract and the west corner of said Dallas Independent School District tract recorded in Volume 332, Page 1352;

FIELD NOTES APPROVED:
DER 4/17/15

FIELD NOTES DESCRIBING A 1,487 SQUARE FOOT (0.0341 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT

THENCE North 44 degrees 12 minutes 50 seconds East, continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352, at a distance of 84.92 feet passing the north corner of said Dallas Independent School District tract recorded in Volume 332, Page 1352, same being the west corner of said called 0.365 acre tract, and continuing with said southeast right-of-way line of Ross Avenue and said northwest line of said City Block 514 and with the northwest line of said called 0.365 acre tract for a total distance of 178.82 feet to the north corner of said called 0.365 acre tract having coordinates of N=6977317.0142, E=2494948.7272 (not monumented), said corner being in the southwest line of that tract of land described in Warranty Deed to the City of Dallas recorded in Volume 358, Page 296, D.R.D.C.T., as affected by City of Dallas Ordinance No. 6034 recorded in Volume 3955, Page 628, D.R.D.C.T., said tract being further described in Warranty Deed to the City of Dallas recorded in Volume 340, Page 130, D.R.D.C.T. as affected by said City of Dallas Ordinance No. 6034, from which north corner a 2.5-inch diameter brass monument stamped "RAYMOND L. GOODSON JR. INC." found (controlling monument) on the projection of said southwest right-of-way line of Washington Avenue for the most easterly corner of a right-of-way dedication by the plat of Pilgrim Rest Baptist Church, an addition to the City of Dallas recorded in Volume 89234, Page 3084, D.R.D.C.T. bears North 45 degrees 47 minutes 10 seconds West a distance of 15.00 feet, North 44 degrees 12 minutes 50 seconds East a distance of 202.78 feet and North 45 degrees 50 minutes 41 seconds West a distance of 464.96 feet;

THENCE South 45 degrees 47 minutes 10 seconds East, departing said southeast right-of-way line of Ross Avenue, said northwest line of said City Block 514 and said northwest line of said called 0.365 acre tract, and with the northeast line of said called 0.365 acre tract and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130, a distance of 15.82 feet to the beginning of a non-tangent curve to the left having coordinates of N=6977305.9807, E=2494960.0676 (not monumented), said curve having a central angle of 07 degrees 19 minutes 40 seconds, a radius of 1,355.00 feet, a tangent of 86.77 feet and a chord which bears South 47 degrees 52 minutes 40 seconds West, a distance of 173.18 feet;

THENCE Southwesterly, departing said northeast line of said called 0.365 acre tract and said southwest line of said City of Dallas tract recorded in Volume 358, Page 296 and Volume 340, Page 130 and with said curve to the left, over and across said called 0.365 acre tract, at an arc distance of 94.33 feet passing the southwest line of said called 0.365 acre tract and the northeast line of said Dallas Independent School District tract recorded in Volume 332, Page 1352, and continuing with said curve to the left, over and across said Dallas Independent School District tract recorded in Volume 332, Page 1352 for a total arc distance of 173.29 feet to the point of tangency having coordinates of N=6977189.8451, E=2494831.6380 (not monumented);

FIELD NOTES APPROVED:
DER 4/17/15

FIELD NOTES DESCRIBING A 1,487 SQUARE FOOT (0.0341 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT

THENCE South 44 degrees 12 minutes 50 seconds West, departing said curve and continuing over and across said Dallas Independent School District tract recorded in Volume 332, Page 1352 with a line parallel to and 4.76 feet southeast of said southeast right-of-way line of Ross Avenue, said northwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352 and said northwest line of said City Block 514, a distance of 6.00 feet to the intersection of said parallel line with the southwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352 and the northeast line of the aforementioned Cause No. CC-66-6902-b tract, said intersection having coordinates of N=6977185.5466, E=2494827.4559 (not monumented);

THENCE North 45 degrees 47 minutes 10 seconds West, departing said parallel line and with said southwest line of said Dallas Independent School District tract recorded in Volume 332, Page 1352 and said northeast line of said Cause No. CC-66-6902-b tract and over a portion of said City Block 514, a distance of 4.76 feet to the POINT OF BEGINNING and containing 1,487 square feet (0.0341 acre) of land, more or less.

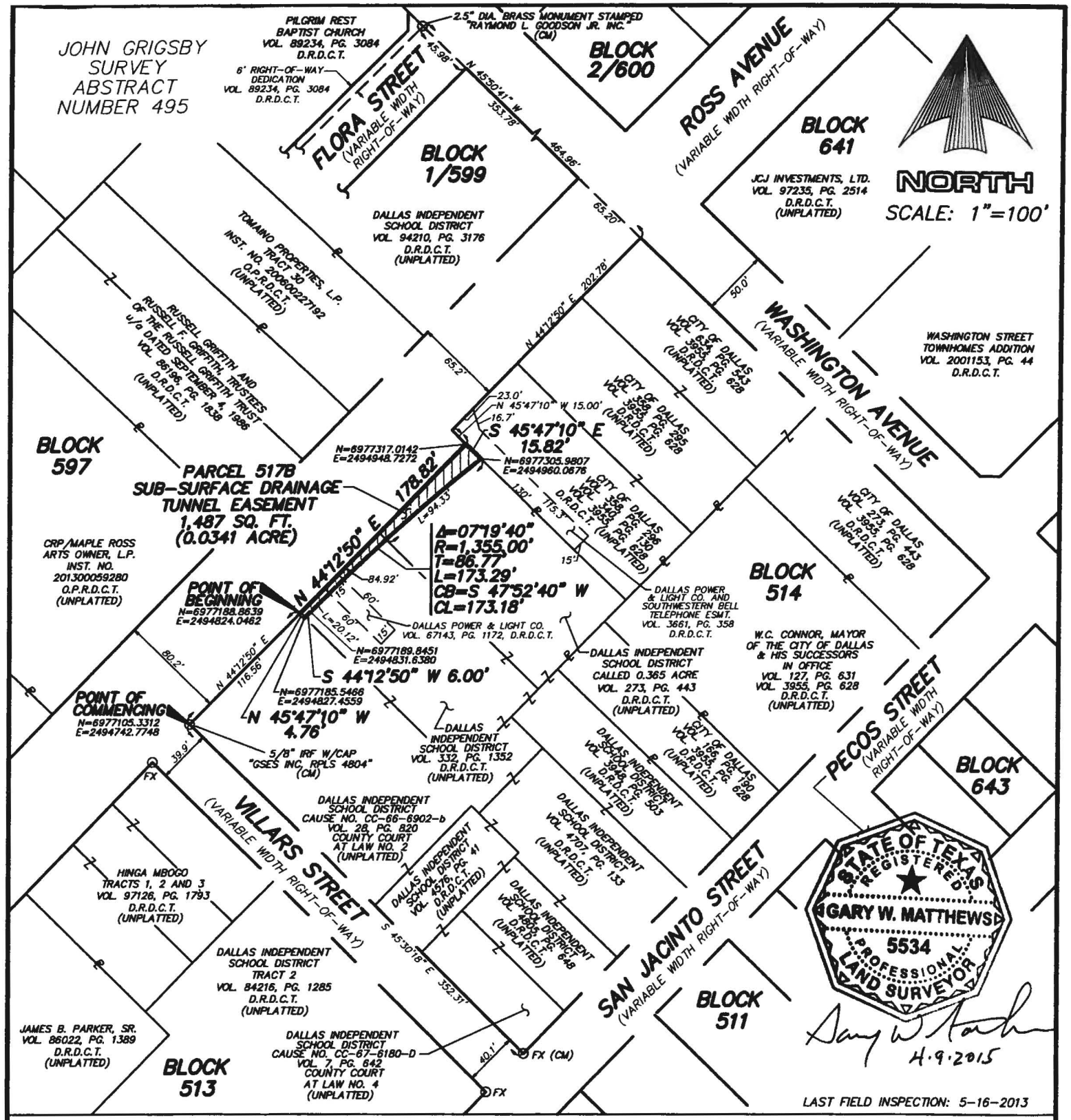
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 4·9·2015

STATE OF TEXAS
REGISTERED
GARY W. MATTHEWS
5534
PROFESSIONAL
LAND SURVEYOR

FIELD NOTES APPROVED:
DOR 4/17/15



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

1,487 SQ. FT. (0.0341 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 517B) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 514, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM THE DALLAS INDEPENDENT SCHOOL DISTRICT.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS		RIGHT-OF-WAY LINE
			EASEMENT LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS		SUBDIVISION LINE
		℄	PROPERTY LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	IRF	IRON ROD FOUND
		IPF	IRON PIPE FOUND
INST. NO.	INSTRUMENT NUMBER	CM	CONTROLLING MONUMENT
VOL., PG.	VOLUME, PAGE	FPK	FOUND PK NAIL
ESMT.	EASEMENT	FX	FOUND "X"
SQ. FT.	SQUARE FEET	○	MONUMENT (AS NOTED)

NDM

TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

04/09/2015	PARCEL-517B.DWG

FLOOD CONTROL TUNNEL EASEMENT

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DALLAS §

That Dallas Independent School District, a political subdivision of the State of Texas, of the County of Dallas, State of Texas, (hereinafter called "GRANTOR"), for and in consideration of the sum of FIFTY-ONE THOUSAND NINE HUNDRED FORTY-TWO AND NO/100 DOLLARS ($51,942.00) in hand paid by **City of Dallas, a Texas municipal corporation, whose address is 1500 Marilla Street, Dallas, Dallas County, Texas 75201**, (hereinafter called "GRANTEE"); the potential benefits to be derived by GRANTOR's property as a result of the projected public improvements for which this easement is intended; and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, sold, and conveyed and does hereby grant, sell, and convey to GRANTEE, for the purposes described below, an exclusive, irrevocable, and perpetual subsurface easement (the "Easement") as to the area lying between the elevations of 232 feet and 407 feet (U.S. Survey Feet) North American Vertical Datum of 1988, located under the surface of and through the lots, tracts, or parcels of land described in Exhibit "A", attached hereto and incorporated herein for all purposes (the "Property"). The above described consideration for the Easement herein conveyed shall be considered full and complete compensation for same.

GRANTEE shall have the right to use the Easement for any and all purposes necessary, incidental, or convenient to GRANTEE's construction, reconstruction, repair, replacement, operation, and maintenance of a subsurface flood control tunnel and any and all related facilities (individually and collectively, herein called the "Tunnel Facilities") and related uses GRANTEE may now or hereafter deem appropriate. GRANTEE will access the subsurface area subject to the Easement from shafts located on other GRANTEE-controlled properties and easements and not from the surface of the Property. Construction, reconstruction, repair, replacement, operation and maintenance of the Tunnel Facilities will be accomplished by typical tunneling machinery and techniques, including but not limited to rotary tunnel boring machine, road header, and other mechanical, mining-type excavators. GRANTEE shall have the right to remove, keep, use, and dispose of, as its property and without further compensation to GRANTOR, any and all sand, gravel, dirt, rock, soil, and other materials and spoils, associated with or produced by GRANTEE's use of the Easement.

GRANTOR reserves and retains full and unqualified ownership and right to use the Property (aerial, surface and subsurface) other than the subsurface area comprising this Easement for any and all purposes that will not adversely impact, endanger, obstruct or interfere with this Easement and GRANTEE's use of same, now or in the future. No use of the Property by GRANTOR shall penetrate or otherwise physically enter or encroach upon the subsurface area comprising this Easement.

This Easement may be enforced by injunctive and other equitable relief prohibiting interference and commanding compliance, without the necessity of proof of inadequacy of legal remedies or irreparable harm. The act of obtaining injunctive or other equitable relief will not be deemed to be an election of remedies or a waiver of any other rights or remedies at law or in equity.

This Easement is appurtenant to and shall run with all real property now owned or hereafter acquired by GRANTEE as a part of this project, which includes underground tunnels and related facilities constituting a part of the project, and shall inure to the benefit of GRANTEE, its successors and assigns. The Easement shall be binding on the Property, GRANTOR, and GRANTOR's heirs, successors and assigns.

This instrument may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument. This instrument contains the complete agreement of the parties and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this instrument. If any provision in this instrument is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this instrument will be construed as if the unenforceable provision had never been a part of the instrument. Whenever context requires, the singular will include the plural and the neuter will include the masculine or feminine gender, and vice versa. This instrument will not be construed more or less favorably between the parties by reason of authorship or origin of language.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto GRANTEE, its successors and assigns forever, and GRANTOR binds GRANTOR and GRANTOR's heirs, executors, successors and assigns, to Warrant and Forever Defend all and singular the said Easement unto GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, 2017.

GRANTOR:
Dallas Independent School District,
a political subdivision of the State of Texas

_____
Dan Micciche, Board President

Grantor's Address:
3701S. Lamar
Dallas, Texas 75215

* * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on _____ day of _____, 2017 by Dan Micciche, Board President of Dallas Independent School District, a political subdivision of the State of Texas, on behalf of said political subdivision.

_____
Notary Public, State of Texas

* * * * * * * * * * * * * * * * * * * *

After recording return to:
City of Dallas
Trinity Watershed Management
Real Estate Division
1500 Marilla Street, 6B South
Dallas, Texas 75201
Attn.: Ann Carraway Bruce

Flood Control Tunnel Easement Log No. MC 517A and B

AGENDA ITEM # 20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management

CMO: Jody Puckett, 670-3390

MAPSCO: 34W

SUBJECT

Authorize an increase in the contract with Omega Contracting, Inc. for modifications to the construction of storm drainage improvements along Knights Branch channel between the Dallas Area Rapid Transit and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road, and the extension of an existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed $209,400, from $921,667 to $1,131,067 - Financing: Stormwater Drainage Management Capital Construction Funds

BACKGROUND

The existing channel banks along Knights Branch channel between the Dallas Area Rapid Transit (DART) and the Fort Worth Transportation Authority rail line and Interstate Highway (IH) 35 Frontage Road and the channel banks located at Inwood Road and Lupo Drive at the Hampton Gate House are in poor condition and have significant erosion. The drainage improvements will repair the channel banks to prevent damage to roads and other public infrastructure.

During construction of the culvert at Inwood Road and Lupo Drive, it was determined that the existing field conditions require increased bedding material under the culvert for foundation support. It was also determined that extending the proposed culvert in lieu of a manhole would provide better conditions for maintenance. This change order is to provide additional bedding material, concrete headwall, concrete wingwalls, box culvert, channel excavation and other miscellaneous items necessary to complete the project.

This action will authorize Change Order No. 1 to the contract with Omega Contracting, Inc. for modifications to the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road, and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2014
Completed Design	December 2015
Began Construction	October 2016
Complete Construction	May 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 23, 2013, City Council authorized a professional services contract for emergency repairs to a 72-inch drainage pipe in an alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue and Annex Street and channel repairs along the Hampton/Oak lawn Sump and Baker Sump by Resolution No. 13-1894.

On March 23, 2016, City Council authorized a contract with Omega Contracting, Inc. for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House by Resolution No. 16-0452.

Information about this item will be provided to the Transportation and Trinity River Project Committee on May 8, 2017.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - $209,400.00

Design	$ 204,366.00
Original Construction Contract	$ 921,666.93
Change Order No. 1 (this action)	$ 209,400.00
Total Project Cost	$1,131,066.93

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Omega Contracting, Inc.

Hispanic Female	3	Hispanic Male	104
African-American Female	0	African-American Male	6
Other Female	0	Other Male	0
White Female	0	White Male	10

OWNER

Omega Contracting, Inc.

Mark Reinhardt, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Omega Contracting, Inc. for modifications to the construction of storm drainage improvements along Knights Branch channel between the Dallas Area Rapid Transit and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road, and the extension of an existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed $209,400, from $921,667 to $1,131,067 - Financing: Stormwater Drainage Management Capital Construction Funds

Omega Contracting, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$209,400.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$209,400.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Quick Set Concrete,Inc.	HMDB53039Y0617	$158,299.48	75.60%
Omega Contracting, Inc.	HMMB86253Y1118	$51,100.52	24.40%
Total Minority - Local		$209,400.00	100.00%

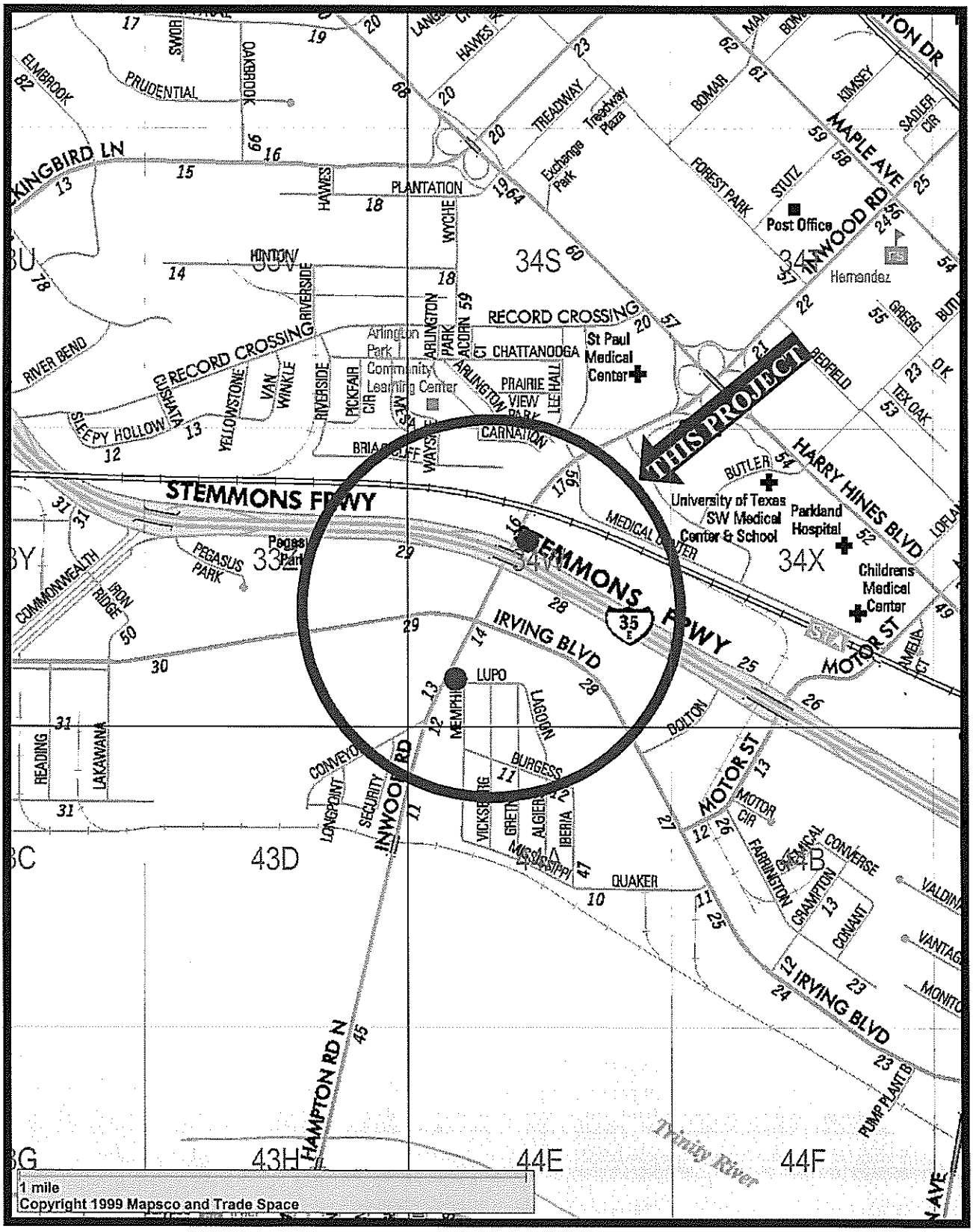
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$209,400.00	100.00%	$1,131,066.93	100.00%
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	$209,400.00	100.00%	$1,131,066.93	100.00%

Knights Branch Channel



Mapsco 34-W

May 10, 2017

WHEREAS, on October 23, 2013, City Council authorized a professional services contract with Lim & Associates, Inc. for emergency repairs to a 72-inch drainage pipe in an alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue and Annex Street and channel repairs along the Hampton/Oak Lawn Sump and Baker Sump, in an amount not to exceed $204,366, by Resolution No. 13-1894; and

WHEREAS, on March 23, 2016, City Council authorized a contract with Omega Contracting, Inc. for the construction of storm drainage improvements along Knights Branch channel between the Dallas Area Rapid Transit (DART) and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House, in an amount not to exceed $921,979.83, by Resolution No. 16-0452; and

WHEREAS, this action will authorize Change Order No. 1 to the contract with Omega Contracting, Inc. for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road, and the extension of an existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House, in an amount not to exceed $209,400.00, from $921,979.83 to $1,131,379.83.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Change Order No. 1 with Omega Contracting, Inc., approved as to form by the City Attorney, for the construction of storm drainage improvement along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and Interstate Highway 35 Frontage Road, and the extension of an existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House, in an amount not to exceed $209,400.00, increasing the contract amount from $921,979.83, to $1,131,379.83.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $209,400 to Omega Contracting, Inc. from Storm Water Drainage Management Capital Construction Fund, Fund 0063, Department SDM, Unit 4793, Activity SD01, Object 4599, Program SDMFC002, Encumbrance CT SDM4793VHF2, Vendor 345379.

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: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Trinity Watershed Management
Mobility and Street Services

CMO: Jody Puckett, 670-3390
Majed Al-Ghafry, 670-3302

MAPSCO: 65Z 75C D

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional engineering design services necessary to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road - Not to exceed $33,973, from $490,374 to $524,347 - Financing: 2003 Bond Funds

BACKGROUND

On April 9, 2008, City Council authorized a professional services contract with Lockwood, Andrews & Newnam, Inc. for the engineering design of a thoroughfare project for Wheatland Road from the Lancaster city limits to Lancaster Road, in an amount not to exceed $399,397, by Resolution No. 08-1057. On April 14, 2010, Administrative Action No. 10-2200 authorized Supplemental Agreement No. 1 for placing monuments at property corners, in an amount not to exceed $6,534, from $399,397 to $405,931. On April 23, 2014, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional surveying and engineering design services necessary for the realignment of Wheatland Road from the Lancaster city limits to Lancaster Road at Plaza Drive, in an amount not to exceed $84,443, from $405,931 to $490,374, by Resolution No. 14-0674.

The construction plans were completed in November 2015. During the right-of-way acquisition process, constraints were encountered which negatively impact the construction start date. In order to begin construction in early 2017, it was determined that the project limits need to be modified.

BACKGROUND (continued)

This Supplemental Agreement includes additional engineering design work to redesign portions of the drainage, paving plan and profile, cross sections, typical sections and pavement markings needed to modify the original project limits so that construction can be phased. The additional design work will allow for an accelerated construction start date.

This action will authorize Supplemental Agreement No. 3 with Lockwood, Andrews & Newnam, Inc. for additional engineering design services necessary to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2008
Completed Design	December 2016
Began Construction	March 2017
Complete Construction	June 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 9, 2008, City Council authorized a professional services contract by Resolution No. 08-1057.

On April 23, 2014, City Council authorized Supplemental Agreement No. 2 to the professional services contract by Resolution No. 14-0674.

Information about this item will be provided to the Transportation and Trinity River Project Committee on May 8, 2017.

FISCAL INFORMATION

2003 Bond Funds - $33,972.06

Engineering Design Contract	$ 399,397.00
Supplemental Agreement No. 1	$ 6,534.00
Supplemental Agreement No. 2	$ 84,443.00
Supplemental Agreement No. 3 (this action)	$ 33,972.06
Total Cost	$ 524,346.06

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Lockwood, Andrews & Newnam, Inc.

Hispanic Female	21	Hispanic Male	34
African-American Female	4	African-American Male	14
Other Female	13	Other Male	19
White Female	167	White Male	55

OWNER

Lockwood, Andrews & Newnam, Inc.

Devarati Rastogi, P.E., Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional engineering design services necessary to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road - Not to exceed $33,973, from $490,374 to $524,347 - Financing: 2003 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$33,972.06	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$33,972.06	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

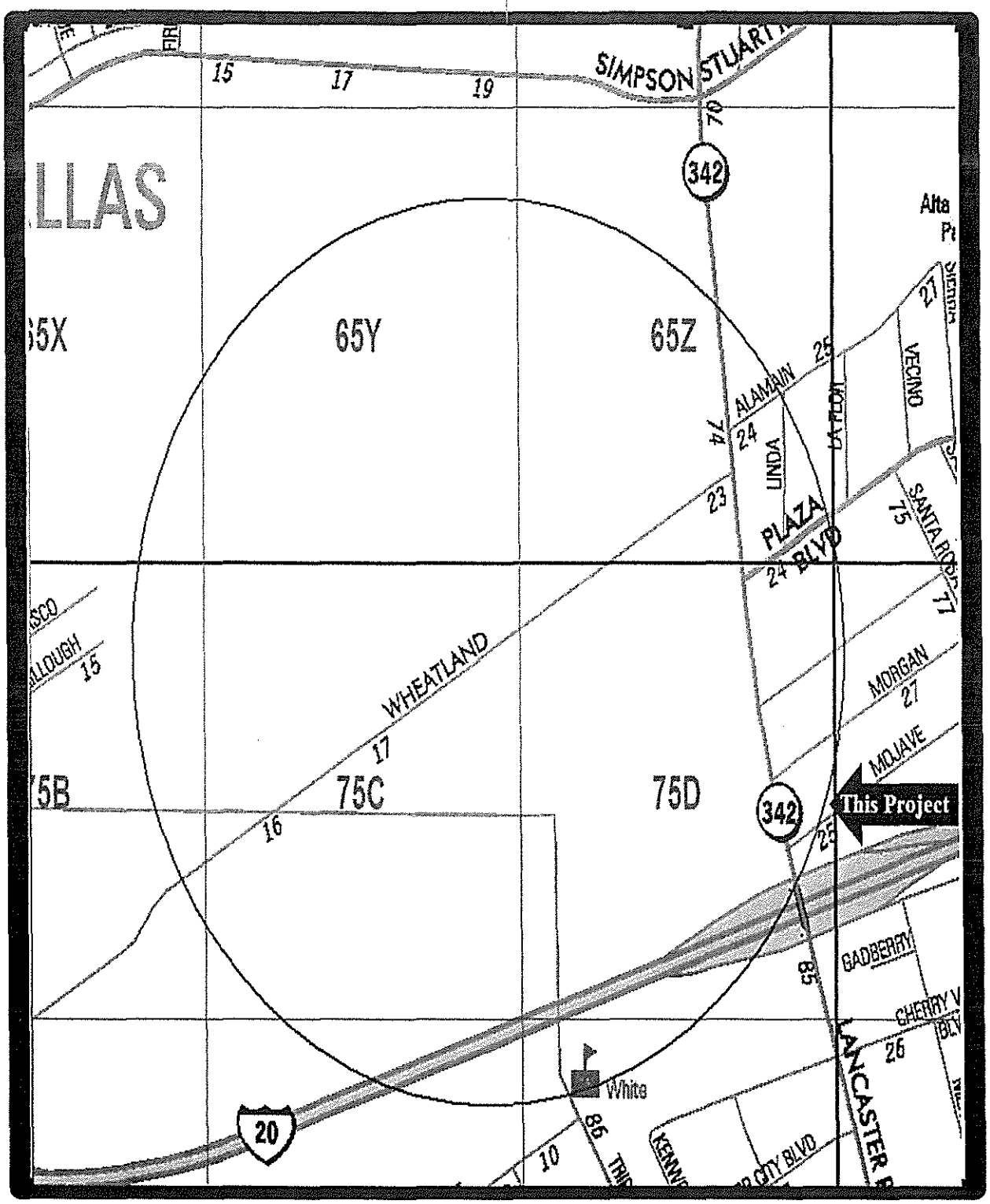
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
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%	$120,650.00	23.01%
Total	$0.00	0.00%	$120,650.00	23.01%

WHEATLAND ROAD
FROM LANCASTER CITY LIMITS TO LANCASTER ROAD



MAPSCO 65 Z, 75C, D

May 10, 2017

WHEREAS, on April 9, 2008, City Council authorized a professional services contract with Lockwood, Andrews & Newnam, Inc. for the engineering design of a thoroughfare project for Wheatland Road from the Lancaster city limits to Lancaster Road, in an amount not to exceed $399,397, by Resolution No. 08-1057; and

WHEREAS, on April 14, 2010, Administrative Action No. 10-2200 authorized Supplemental Agreement No. 1 to the professional services contract for placing monuments at property corners, in an amount not to exceed $6,534, from $399,397 to $405,931; and

WHEREAS, on April 23, 2014, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional surveying and engineering design services necessary for the realignment of Wheatland Road from the Lancaster city limits to Lancaster Road at Plaza Drive, in an amount not to exceed $84,443, from $405,931 to $490,374; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 3 to the professional services contract for additional engineering design services to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign Supplemental Agreement No. 3 to the professional services contract with Lockwood, Andrews & Newnam, Inc., approved as to form by the City Attorney, for additional engineering design services necessary to modify the project limits of Wheatland Road from the Lancaster city limits to Lancaster Road, in an amount not to exceed of $33,972.06, increasing the contract amount from $490,374.00 to $524,346.06.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $33,972.06 to Lockwood, Andrews & Newnam, Inc. from Street and Transportation Improvements Fund, Fund 6R22, Department STS, Unit U803, Activity THRF, Object 4111, Program PB06U803, Encumbrance CT PBW06U803F1, Vendor 181310.

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 # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: 2 T

SUBJECT

Authorize a contract for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant located at 1440 Whitlock Lane - Archer Western Construction, LLC, lowest responsible bidder of five - Not to exceed $25,486,500 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action will authorize the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant. 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. On May 27, 2015, City Council authorized a contract for the cleaning and rehabilitation of a 145 acre residuals basin site to be used for the collection of treatment process residuals by Resolution No. 15-0978. This project will construct a new residuals pump station and transfer lines to connect to the new residuals basin site. Both projects were recommended by the 2010 Water Quality Study and are the first two projects associated with the $300 million dollar Elm Fork Water Quality Improvements program.

This project also includes gravity thickeners which will improve overall efficiency of the solids handling process, reduce the use of raw water and improve the overall quality of the treated water. Also included are polymer feed systems, mechanical piping, and site grading necessary for a complete and functional facility. This project will improve residuals handling operations at the plant and allow for the implementation of the remaining water quality projects.

BACKGROUND (continued)

Archer Western Construction, LLC completed contractual activities in the past three years:

	STS	DWU	PKR
Projects Completed	0	4	0
Change Orders	0	8	1
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2011
Completed Design	November 2016
Begin Construction	June 2017
Complete Construction	March 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized a professional services contract with Malcolm Pirnie, Inc. to provide engineering services for the Elm Fork Water Treatment Plant water quality improvements by Resolution No. 10-1641.

On September 14, 2011, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services for the Elm Fork Water Treatment Plant water quality improvements by Resolution No. 11-2422.

On August 28, 2013, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services associated with water quality improvements at the Elm Fork Water Treatment Plant by Resolution No. 13-1469.

On May 27, 2015, City Council authorized a contract for the cleaning and rehabilitation of a residuals basins site at the Elm Fork Water Treatment Plant by Resolution No. 15-0978.

Information about this item will be provided to the Transportation & Trinity River Project Committee on May 8, 2017.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $25,486,500

Design	$ 7,562,770
Supplemental Agreement No. 1	$ 6,500,000
Supplemental Agreement No. 2	$ 5,622,236
Construction	$46,464,646
Construction (this action)	$25,486,500
Total Project Cost	$91,636,152

M/WBE INFORMATION

See attached.

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

BID INFORMATION

The following bids with quotes were opened on January 20, 2017:

*Denotes successful bidder

Bidders	Bid Amount
*Archer Western Construction, LLC 1411 Greenway Drive Irving, Texas 75038	$25,486,500
Quest Civil Constructors, Inc.	$28,633,633
BAR Constructors, Inc.	$29,838,700
Oscar Renda Contracting, Inc.	$29,929,000
Eagle Contracting, LP	$29,983,000

OWNER

Archer Western Construction, LLC

Daniel P. Walsh, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant located at 1440 Whitlock Lane - Archer Western Construction, LLC, lowest responsible bidder of five - Not to exceed $25,486,500 - Financing: Water Utilities Capital Improvement Funds

Archer Western Construction, LLC 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

	Amount	Percent
Total local contracts	$22,129,588.00	86.83%
Total non-local contracts	$3,356,912.00	13.17%
TOTAL CONTRACT	$25,486,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Texas Star Trucking	HFDB73806Y0218	$297,747.00	1.35%
Romero Steel	HMMB75966N1118	$479,695.00	2.17%
James C. Paris	NMDB10973Y0717	$729,220.00	3.30%
Total Minority - Local		$1,506,662.00	6.81%

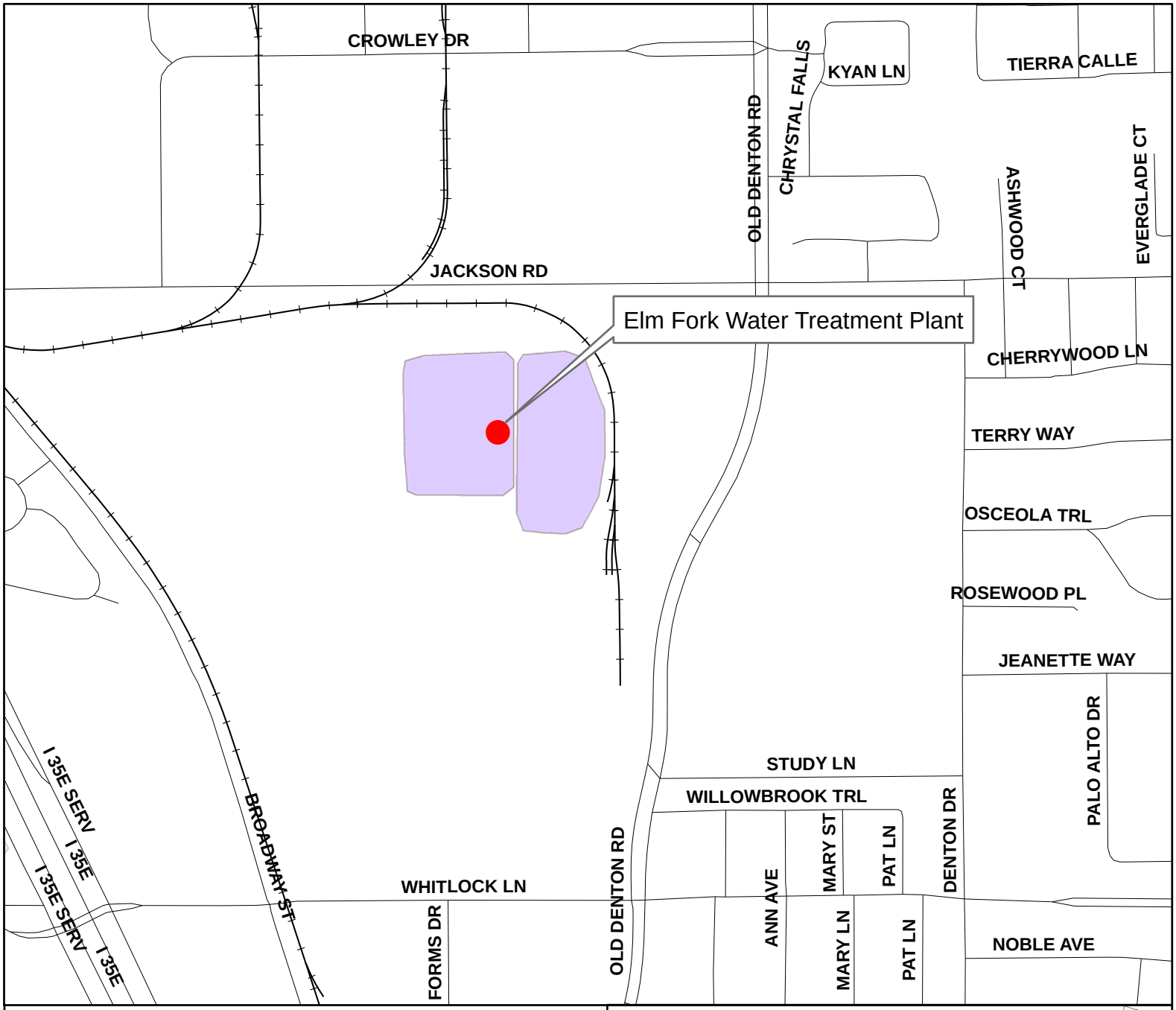
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Greenscaping	HFDB63808Y0817	$12,250.00	0.36%
Partnering for Success	HFMB42467Y0618	$7,000.00	0.21%
JML Distributing, Inc.	WFDB72845Y0417	$503,742.00	15.01%
Ram Tool	WFWB10044N0518	$274,129.00	8.17%
JD Bodine	WFWB22904N0618	$156,532.00	4.66%
Eagle Aggregate Transportation	WFDB33718Y0617	$73,008.00	2.17%
Ricochet Fuel Distributors	WFWB69066Y0219	$60,000.00	1.79%
Brock Environmental	WFWB96114Y1118	$2,000.00	0.06%
Total Minority - Non-local		$1,088,661.00	32.43%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$777,442.00	3.51%	$796,692.00	3.13%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$729,220.00	3.30%	$729,220.00	2.86%
WBE	$0.00	0.00%	$1,069,411.00	4.20%
Total	$1,506,662.00	6.81%	$2,595,323.00	10.18%



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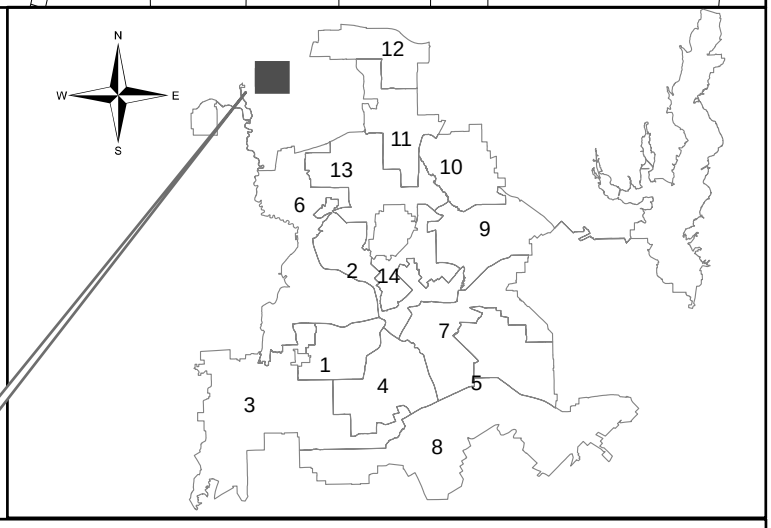


Council District: Outside City Limits

Dallas Water Utilities
Contract No. 16-305
Elm Fork Water Treatment Plant
Residuals Handling Facility

May 10, 2017

WHEREAS, bids were received on January 20, 2017 for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant, Contract No. 16-305, listed as follows:

BIDDERS	**BID AMOUNT**
Archer Western Construction, LLC	$25,486,500
Quest Civil Constructors, Inc.	$28,633,633
BAR Constructors, Inc.	$29,838,700
Oscar Renda Contracting, Inc.	$29,929,000
Eagle Contracting, LP	$29,983,000

WHEREAS, the bid submitted by Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, in the amount of $25,486,500, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by Archer Western Construction, LLC in the amount of $25,486,500, for doing the work covered by the plans, specifications, and contract documents, Contract No. 16-305, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a contract with Archer Western Construction, LLC, approved as to form by the City Attorney, for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant, in an amount not to exceed $25,486,500.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $25,486,500 to Archer Western Construction, LLC from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW31, Object 4320, Program 716305, Encumbrance CT-DWU716305CP, Vendor VS0000064407.

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.

DEPARTMENT: City Secretary

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): N/A

SUBJECT

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 670-3309

MAPSCO: N/A

SUBJECT

Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training with Transformance, Inc. in the amount of $375,000, Christian Transformation Foundation dba Serve West Dallas in the amount of $375,000, City Square in the amount of $375,000 and Dallas Area Habitat for Humanity in the amount of $375,000, most advantageous proposers of nine – Total not to exceed $1,500,000 – Financing: Public/Private Partnership Funds

BACKGROUND

On March 2, 2016, JPMorgan Chase consultants presented to the City Council an overview of the skills gap report, New Skills at Work. According to the report, the City of Dallas (City) has one of the highest concentrations of Poverty in the nation. Many residents, especially in high poverty areas throughout the City, are unemployed and/or underemployed, have low skills and lack specific industry skills which prevents them from benefitting from the region's economic growth.

Companies in high-demand industries have voiced a concern regarding the lack of work-ready talent to fill entry-level and middle-skilled positions. This opportunity gap represents a large pool of potential entry-level and middle-skill workers needed to fill the talent pipeline for growing industries within the area.

The Chase New Skills at Work report, made recommendations that will begin to address the skills gap needs of individuals in our most disconnected/high poverty areas. Two key recommendations are: develop Career Pathways Programs in specific fields for in demand jobs and provide programs for low skilled/low income individual in entry level jobs to advance to middle skill positions in growth industries.

In response to the Chase report, the City's Office of Economic Development developed the Workforce Readiness, Placement and Retention Program.

BACKGROUND (continued)

Through the Request for Competitive Sealed Proposals (RFCSP) process, the City sought proposals from entities to provide cohort-based, industry certified, career-pathways training; wrap-around support services, and sustainable employment. The intent of this Workforce Program is to fund an integrated continuum of neighborhood organizations, educational institutions, and employers who can train and prepare low income, targeted groups (formerly incarcerated, out-of-school youth, and single parents) for placement in permanent career opportunities in growing industries within the City of Dallas. Identified Industries include Healthcare, Logistics/Warehouse distribution, Construction, Information Technology, and Advanced Manufacturing.

Funding was based on awards to geographic areas as defined by the RFCSP. Award areas are divided geographically into four zones. All applicants were required to identify their geographic service areas as well as their targeted group.

During the term of this agreement Grantees serve as Lead Agencies and are responsible for overall project coordination and administration; fiscal management; flow of services; goal attainment of "continuum" partners; and responsible for city invoicing and submission of required program reports. Partnering education institutions and neighborhood based organizations will provide industry certificate training, soft skills training, case management, support services, on-the-job training, placement, and post-employment follow-up services. All Grantees are required to have an Industry Partner. Under the terms of the contract, all awardees have a goal to assure that at least 75 percent of program participants secure permanent employment and retain employment for more than six months. Participants will be provided comprehensive support services to assist with completion of job skills/career training and in securing permanent employment with the employer partner.

The lead agencies, industry training partner, industry and employers are listed below. (see Attachment A).

Transformance: Mountain View College, Warehouse/Logistics, Amazon
Serve West Dallas: El Centro College, Healthcare, Baylor University Medical Center
Dallas Area Habitat for Humanity (DAHfH): North Lake College, Construction, DAFfH/Construction Education Foundation
City Square: North Lake College, Construction, Mas-Tek Engineering/Construction Education Foundation

The majority of training and services will be completed within the first year, with placement and retention occurring in second year. This is a results-driven, performance-based reimbursement program.

BACKGROUND (continued)

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

- Office of Economic Development (2)
- Housing and community Services (1)
- Fair Housing (1)
- Neighborhood Vitality (1)
- Business Development and Procurement Services (1)*

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

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

- Capability & Expertise 25%
- Program Budget 30%
- Approach & Methodology 30%
- Business Inclusion & Development Plan 15%

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 2,390 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS used historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 2, 2016, JPMorgan Chase & Co. provided an overview of the skills gap report, New Skills at Work to the City Council.

On June 20, 2016, Office of Economic Development provided an overview of the proposed Workforce Readiness, Placement and Retention “Continuum of Service” Pilot Program, in response to the Chase Report, to the Economic Development Committee.

The Economic Development Committee was briefed by memorandum regarding this matter on April 17, 2017.

On April 26, 2017, this item was deferred by Councilmember Casey Thomas.

FISCAL INFORMATION

Public/Private Partnership Funds - $1,500,000

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Transformance, Inc.

White Male	4	White Female	12
Black Male	4	Black Female	6
Hispanic Male	4	Hispanic Female	13
Other Male	0	Other Female	2

Christian Transformation Foundation dba Serve West Dallas

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

City Square

White Male	28	White Female	37
Black Male	29	Black Female	57
Hispanic Male	11	Hispanic Female	41
Other Male	3	Other Female	10

Dallas Area Habitat for Humanity

White Male	30	White Female	27
Black Male	36	Black Female	22
Hispanic Male	12	Hispanic Female	15
Other Male	3	Other Female	3

PROPOSAL INFORMATION

The following proposals were received from solicitation number BQZ1703 and opened on December 2, 2016. This service contract is being awarded to the most advantageous proposers by group.

*Denotes successful proposers

Proposers	Address	Score
*Transformance, Inc.	8737 King George Drive Dallas, TX 75235	Group A – 78.4% Group B – NO BID Group C – NO BID Group D – NO BID
*Christian Transformation Foundation dba Serve West Dallas	2215 Canada Drive Dallas, TX 75212	Group A – NO BID Group B – 76.0% Group C – NO BID Group D – NO BID
*City Square, Inc.	511 N. Akard Street Suite 302 Dallas, TX 75201	Group A – 78.4% Group B – 79.0% Group C – 79.6%** Group D – 79.8%
*Dallas Area Habitat For Humanity	2800 N. Hampton Road Dallas, TX 75212	Group A – NO BID Group B – NO BID Group C – NO BID Group D – 78.0%
Center for Employment Opportunities	50 Broadway, Suite 1604 New York, NY 10004	Group A – 67.2% Group B – 67.0% Group C – 68.0% Group D – 68.8%
The Oak Cliff Chamber Charitable Foundation, Inc.	1001 N. Bishop Avenue Dallas, TX 75208	Group A – NO BID Group B – 66.8% Group C – 68.8% Group D – NO BID
Year Up Dallas Fort Worth	801 Main Street Dallas, TX 75202	Group A – NO BID Group B – NO BID Group C – 75.0% Group D – 75.0%

PROPOSAL INFORMATION (continued)

City Wide Community Development Corp.	3730 S. Lancaster Road Suite 100 Dallas, TX 75213	Group A – NO BID Group B – NO BID Group C – 74.6% Group D – NO BID
Skill QUEST	1111 W. Mockingbird Lane Suite 570 Dallas, TX 75247	Group A – NO BID Group B – NO BID Group C – NO BID Group D – 74.2%

**A vendor could only be awarded one Group. If the vendor was ranked the highest in more than one group, the vendor was able to determine which group they were awarded. City Square, Inc. selected Group C for consideration of award.

OWNERS

Transformance, Inc.

Daniel Prescott, Interim Chief Executive Officer

Christian Transformation Foundation dba Serve West Dallas

Scott Hanson, President
Jan Nelson, Secretary
Scott Turpin, Treasurer

City Square

John Siburt, President, Chief Operating Officer
Larry James, Chief Executive Officer
Ed Rosentel, Chief Financial Officer
Annie Lord, Chief People Officer
Jarie Bradley, Chief People Officer
Gerald Britt, Vice President of External Affairs
Dave Shipley, Board Chair
Jon Halbert, Vice Chair
Stan Shipley, Board Secretary

Dallas Area Habitat for Humanity

Bill Hall, Chief Executive Officer

MAP

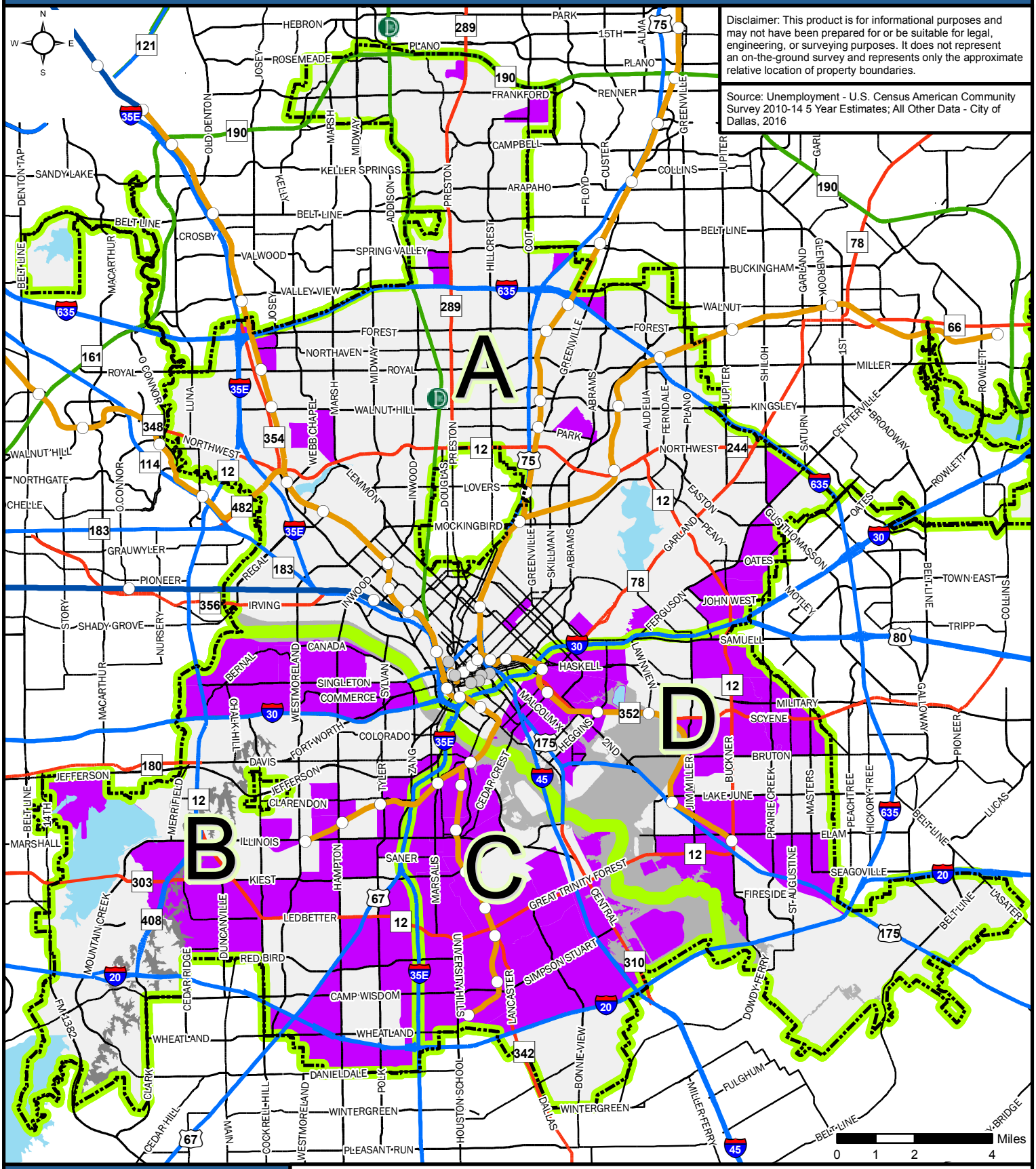
Attached

Attachment A

Grantees Industry Partners List

Lead Agency	Total Served	Industry Training	Support Services	Industry	Employer
Transformance, Inc.	100	Mountain View College Warehouse/Logistics	• The Wright Resource Group • Services of Hope • Northwest Community Center • Workforce Solutions Greater Dallas/Rescare	Warehouse/ Logistics	Amazon
Serve West Dallas	30	El Centro College Patient Care Technician	• Anthem Strong Families • DISD • Young Life Ministries • Mercy Street Ministries • United Way • Workforce Solutions Greater Dallas/Rescare	Healthcare	Baylor University Medical Center
Dallas Area Habitat for Humanity (DAHfH)	20	North Lake College Plumbing/Electrical/ Residential HVAC/ OSHA10	• DAHfH • Workforce Solutions Greater Dallas/Rescare	Construction	• DAHfH • Construction Education Foundation
City Square	60	North Lake College Plumbing/Electrical/ Residential HVAC/ OSHA10	• City Square • Workforce Solutions Greater Dallas/Rescare	Construction	• Mas-Tek Engineering • Construction Education Foundation

High Unemployment Neighborhoods & Award Areas A-D



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.

Source: Unemployment - U.S. Census American Community Survey 2010-14 5 Year Estimates; All Other Data - City of Dallas, 2016

DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 6.15.16, Updated 10.20.16 - Unemp_State_Quads.TCG

Legend

- Greater than 150% of State Rate (11.53%+)
- Rail Station
- Future Station
- Award Areas
- Lake
- Dallas
- DART Light Rail
- Commuter Rail
- Future DART Light Rail
- Freeway
- Tollway
- Highway
- Arterial
- Local Road
- Escarpment
- Flood Plain

May 10, 2017

WHEREAS, on March 2, 2016, JPMorgan Chase & Co. provided an overview of the skills gap report, New Skills at Work to the City Council; and

WHEREAS, the New Skills at Work report states the City of Dallas has the highest concentrations of poverty in the nation; and

WHEREAS, the New Skills at Work recommends a career pathway system which prepares low-skilled, un-employed/underemployed individuals for career opportunities in high-growth sectors; and

WHEREAS, on June 20, 2016, Office of Economic Development provided an~~d~~ overview of the proposed Workforce Readiness, Placement and Retention "Continuum of Service", Career Pathways Pilot Program, in response to the Chase Report, to the Economic Development Committee.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with Transformance, Inc. in the amount of $375,000, Christian Transformation Foundation dba Serve West Dallas in the amount of $375,000, City Square in the amount of $375,000 and Dallas Area Habitat for Humanity in the amount of $375,000, approved as to the form by the City Attorney, for a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training as defined in the RFSCP. Reimbursement payments will be made to Grantees and will be based on a unit price basis per amount of services/tasks directed to be performed by the City and properly performed by Grantees under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to encumber and disburse funds as follows:

Public/Private Partnership Fund Fund 0352, Department ECO, Unit W178, Object 3072 Activity PPPF, Service Contract No. MASCECO17W178G310 Vendor VS0000063662 (Transformance, Inc.)	$ 375,000
Public/Private Partnership Fund Fund 0352, Department ECO, Unit W178, Object 3072 Activity PPPF, Service Contract No. MASCECO17W178G311 Vendor VS94484 (Christian Transformation Foundation dba Serve West Dallas)	$ 375,000

SECTION 2. (continued)

Public/Private Partnership Fund Fund 0352, Department ECO, Unit W178, Object 3072 Activity PPPF, Service Contract No. MASCECO17W178G312 Vendor VS0000000497 (CitySquare)	$ 375,000
Public/Private Partnership Fund Fund 0352, Department ECO, Unit W178, Object 3072 Activity PPPF, Service Contract No. MASCECO17W178G313 Vendor VC0000002756 (Dallas Area Habitat for Humanity)	$ 375,000
Total amount not to exceed	$1,500,000

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.

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 47J N

SUBJECT

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

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of 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.

KW New Vision Properties and Land, Inc. has submitted a proposal and development plan to DHADC for two lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the two lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by KW New Vision Properties and Land, Inc., the sale of those lots from DHADC to KW New Vision Properties and Land, Inc. and the release of lien for any non-tax liens on the two properties 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.

BACKGROUND (continued)

DHADC's Deed without Warranty to KW New Vision Properties and Land, Inc. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by KW New Vision Properties and Land, Inc. and construction financing is not closed within three years of conveyance.

KW New Vision Properties and Land, Inc. will build houses on the lots. The approximate square footage and sale prices of the houses will be from 1,400 to 1,600 square feet and from $110,000 to $140,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive $10,000 for the sale price of the vacant lots to KW New Vision Properties and Land, Inc., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, 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 by Resolution No. 04-0458.

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 January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of two lots from DHADC to KW New Vision Properties and Land, Inc.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

On April 12, 2017, this item was deferred by Councilmember Tiffinni A. Young.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

KW New Vision Properties and Land, Inc.

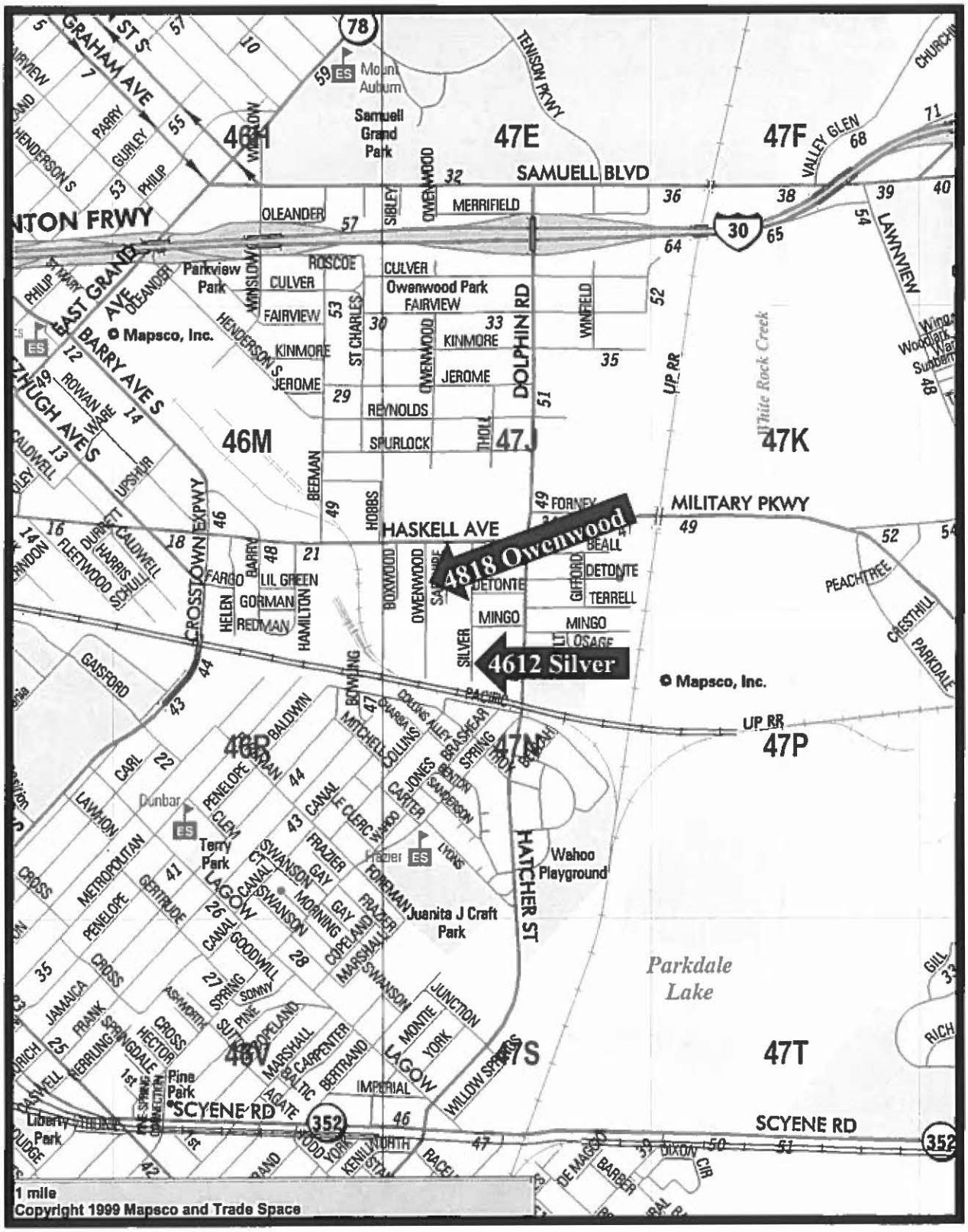
Kelvin Williams, President

MAP

Attached

Land Bank (DHADC) Sale of Lots to
KW New Vision Properties and Land, Inc.

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 4818 Owenwood	47J	7	$12,984.62
2. 4612 Silver	47N	7	$ 3,027.93



MAPSCO 47J & 47N

May 10, 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, KW New Vision Properties and Land, Inc. submitted a proposal and development plan to DHADC for two 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 sale price ranges of the proposed houses submitted by KW New Vision Properties and Land, Inc. and authorize the sale of two lots from DHADC to KW New Vision Properties and Land, Inc. 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 sale price ranges of the proposed houses submitted by KW New Vision Properties and Land, Inc. and the sale of two lots shown on Exhibit "A" from DHADC to KW New Vision Properties and Land, Inc. is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release 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	**4818 Owenwood** Lot 5, Sapphire Addition Block 2619	KW New Vision Properties and Land, Inc.	1	$5,000.00
2	**4612 Silver** Lot 11, White Rock Heights Addition Block E/2624	KW New Vision Properties and Land, Inc.	1	$5,000.00
TOTAL				**$10,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 2

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

4818 Owenwood, Dallas; 4612 Silver, Dallas

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 2
Square Footage range of each home 1400-1600
Number of Bedrooms/Baths in each home 3-4 / 2
Number of Garages 1-2 Number of Carports ____ Detached ____ Attached X
Type of Exterior Veneer Brick Which sides ____ Front _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer 110-140K

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 _____ 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____ 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: __ 30_____ days after completion of first house

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45A

SUBJECT

An ordinance granting a private license to AERC Turtle Creek, LLC for the use of approximately 7,086 square feet of land to occupy, maintain, and utilize nine private street lights, three tree up-lights and twenty-three trees on a portion of Hood and Brown Streets rights-of-way, located near the intersection of Hood and Brown Streets - Revenue: $300 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item grants a private license to AERC Turtle Creek, LLC, for a use of approximately 7,086 square feet of land to occupy, maintain, and utilize nine private street lights, three tree up-lights and twenty-three trees on a portion of Hood and Brown Streets rights-of-way, near its intersection of Hood and Brown Streets. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on April 10, 2017.

On April 26, 2017, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue - $300 one-time fee, plus the $20 ordinance publication fee

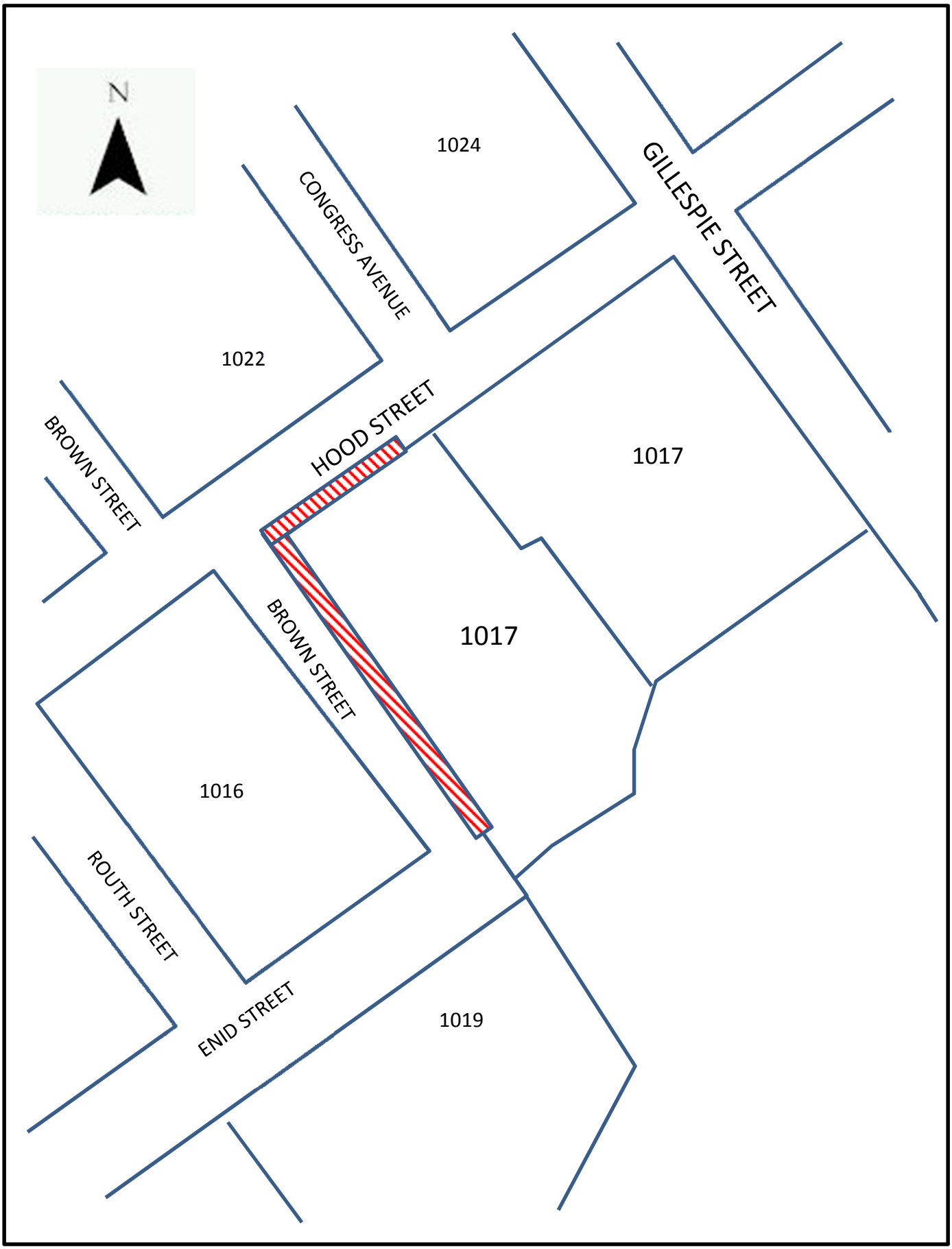
OWNER

AERC Turtle Creek, LLC

Jeffrey I. Friedman, President

MAP

Attached



LICENSE AREA

ORDINANCE NO. _____

An ordinance granting a private license to AERC Turtle Creek, LLC, to occupy, maintain and utilize portions of Hood and Brown Streets rights-of-way located near the intersection of Hood and Brown Streets, adjacent to City Block 11/1017 within the limits hereinafter more fully described, for the purpose of installing, maintaining, and utilizing nine private street lights, three tree up-lights, and twenty-three trees; providing for the terms and conditions of this license; providing for the one-time fee to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

ooo0ooo

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to AERC Turtle Creek, LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee of **THREE HUNDRED AND NO/100 ($300.00) DOLLARS** for the license herein granted, said sum to be paid prior to final passage of this ordinance and shall cover the consideration for the license term in accordance with special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Code 8200.

SECTION 3. (continued)

In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: install, use and maintain nine private street lights, three tree up-lights, and twenty-three trees.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** must ensure all trees are trimmed as necessary to allow traffic control devices to be seen as city traffic engineers require for traffic safety operations.

b) **GRANTEE** acknowledges that Atmos has active facilities within the rights-of-way (ROW) of Hood and Brown Streets and if conflicts exist **GRANTEE** would be responsible to relocate those facilities.

c) **GRANTEE** shall enure a right-of-way permit prior to any work in the field.

d) **GRANTEE** must ensure that the Texas Department of Licensing and Regulation and Americans with Disability Act (TDLR/ADA) requirements for slope, clearance, widths and surface treatment are adhered to throughout the TDLR/ADA Accessible Route.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within ten days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas.

SECTION 10. (continued)

Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A

PRIVATE LICENSE AREA
Part of Hood Street and Brown Street,
Adjacent to Lot 1K, Block 11/1017,
Plaza At Turtle Creek VI
J. A. Sylvester Survey, Abstract No. 1383
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 7,086 square foot (0.163 acre) tract of land situated in the J. A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas; said tract being part of that certain portion of Hood Street right-of-way dedicated by Ed C. Smith Oak Lawn Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 93, Page 232 of the Deed Records of Dallas County, Texas, part of that certain portion of the Hood Street right-of-way dedicated by The Plaza At Turtle Creek, an addition to the City of Dallas, Texas according to the plat recorded in Volume 95246, Page 7288 of said Deed Records and part of Brown Street right-of-way dedicated by Oak Lawn Place, an addition to the City of Dallas, Texas according to the plat recorded in Volume 130, Page 131 of said Deed Records, the last two portions being adjacent to Lot 1K, Block 11/1017, Plaza at Turtle Creek VI, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 200600377727 of the Official Public Records of Dallas County, Texas; said tract also being adjacent to that certain tract of land described in Special Warranty Deed to AERC Turtle Creek, LLC recorded in Instrument No. 201100332383 of said Official Public Records; said 7,086 square foot tract being more particularly described as follows (bearing system for this survey based on a bearing of North 44 degrees, 56 minutes, 40 seconds West for the northeast right-of-way line of said Brown Street according to said plat of Plaza At Turtle Creek VI):

BEGINNING, at a 1/2-inch iron rod with "PACHECO-KOCH" cap found for corner in the southeast right-of-way line of said Hood Street (a variable width right-of-way, 45 feet wide at this point); said point being the northernmost corner of said Lot 1K and the westernmost corner of Lot 1H, Block 11/1017, Plaza at Turtle Creek IV, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2001083, Page 13 of said Deed Records;

THENCE, South 45 degrees, 00 minutes, 00 seconds West, along the said southeast line of Hood Street and the northwest line of said Lot 1K, a distance of 208.47 feet to a 1/2-inch iron rod with "PACHECO-KOCH" cap found for corner; said point being at the north end of a right-of-way corner clip at the intersection of the said southeast line of Hood Street and the northeast right-of-way line of said Brown Street (a 50-foot wide right-of-way) and the northernmost west corner of said Lot 1K;

THENCE, South 00 degrees, 01 minutes, 48 seconds West, departing the said southeast line of Hood Street and along said right-of-way corner clip and the west line of said Lot 1K, a distance of 14.11 feet to a 1/2-inch iron rod with "PACHECO-KOCH" cap found for corner; said point being at the south end of said right-of-way corner clip and the southernmost west corner of said Lot 1K;

THENCE, South 44 degrees, 56 minutes, 40 seconds East, departing the said right-of-way corner clip and along the northeast line of Brown Street and the southwest line of said Lot 1K, a distance of 448.30 feet to a 60D nail found for corner; said point being the southernmost corner of said Lot 1K and the westernmost corner of that certain tract of land described in Special Warranty Deed to Republic Tower Property, LP recorded in Instrument No. 201400297278 of said Official Public Records;

(For SPRG use only)	
Reviewed By:	JD
Date:	5/26/2016
SPRG NO:	3340

EXHIBIT A

PRIVATE LICENSE AREA
Part of Hood Street and Brown Street,
Adjacent to Lot 1K, Block 11/1017,
Plaza At Turtle Creek VI
J. A. Sylvester Survey, Abstract No. 1383
City of Dallas, Dallas County, Texas

THENCE, South 45 degrees, 03 minutes, 20 seconds West, departing the said northeast line of Brown Street and the said southwest line of Lot 1K, a distance of 9.50 feet to a point for corner (not monumented);

THENCE, North 44 degrees, 56 minutes, 40 seconds West, a distance of 460.01 feet to a point for corner (not monumented);

THENCE, North 00 degrees, 01 minutes, 48 seconds East, a distance of 14.50 feet to a point for corner (not monumented);

THENCE, North 45 degrees, 00 minutes, 00 seconds East, a distance of 217.68 feet to a point for corner (not monumented);

THENCE, South 45 degrees, 00 minutes, 00 seconds East, a distance of 12.00 feet to the POINT OF BEGINNING;

CONTAINING, 7,086 square feet or 0.163 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

05/07/2015

STATE OF TEXAS REGISTERED MICHAEL C. CLOVER 5225 PROFESSIONAL LAND SURVEYOR

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10008000
Revised: 06/08/2015

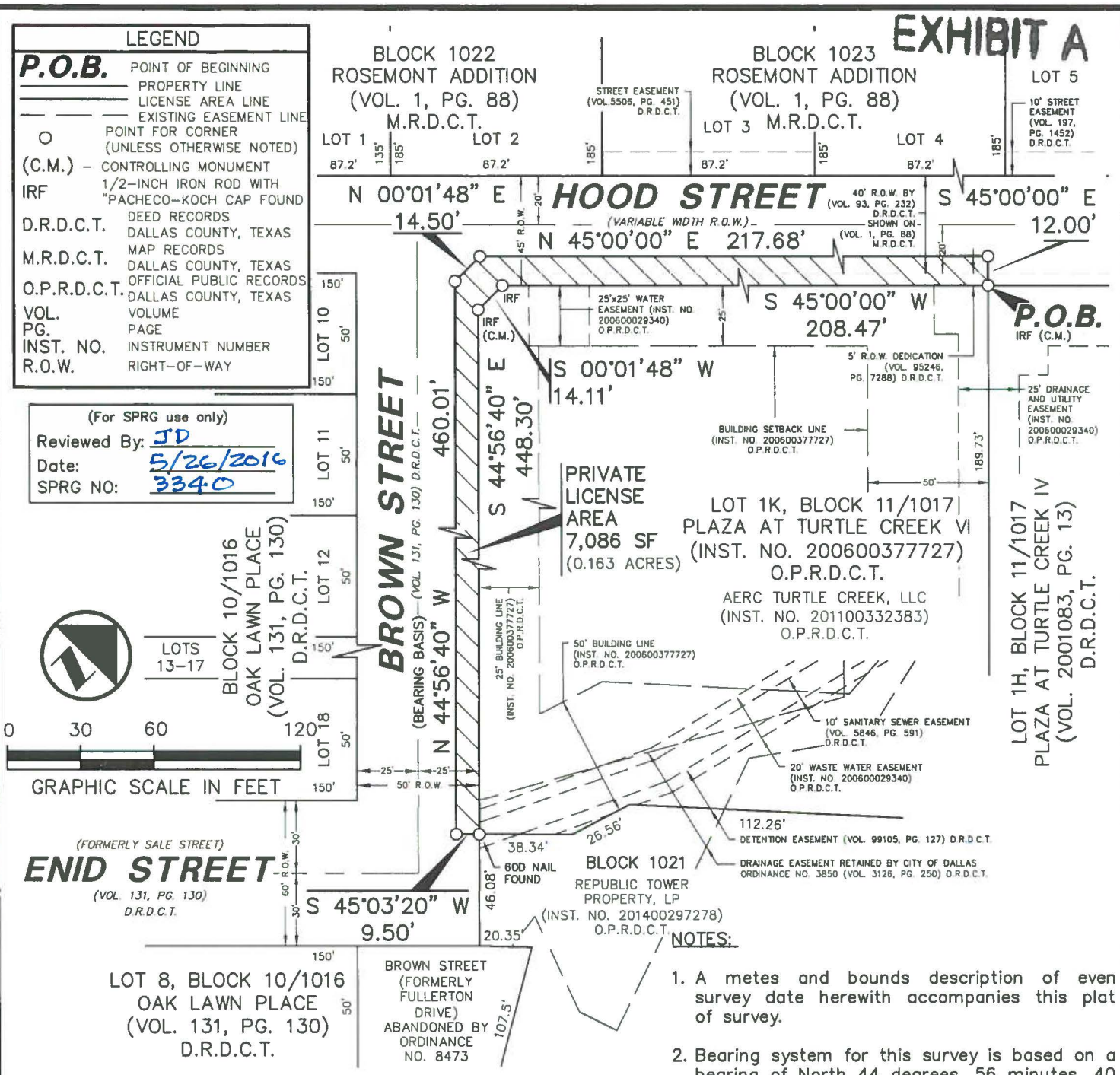
1445-11.302EX6.doc
1445-11.302EX6.dwg initials

(For SPRG use only)	
Reviewed By:	JD
Date:	5/26/2016
SPRG NO:	3340

EXHIBIT A

LEGEND	
P.O.B.	POINT OF BEGINNING
	PROPERTY LINE
	LICENSE AREA LINE
	EXISTING EASEMENT LINE
O	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.) –	CONTROLLING MONUMENT
IRF	1/2-INCH IRON ROD WITH "PACHECO-KOCH CAP FOUND
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY

(For SPRG use only)
Reviewed By: JD
Date: 5/26/2016
SPRG NO: 3340



NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 44 degrees, 56 minutes, 40 seconds West for the northeasterly right-of-way line of Brown Street according to the plat of Plaza at Turtle Creek VI, an addition to the City of Dallas, Texas recorded in Instrument No. 200600377727 of the Official Public Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

STATE OF TEXAS REGISTERED MICHAEL C. CLOVER 5225 PROFESSIONAL LAND SURVEYOR

Michael C. Clover
Registered Professional
Land Surveyor No. 5225
Revised: 06/08/2015
06/10/2015

Date 05/07/2015

Pacheco Koch
DALLAS • FORT WORTH • HOUSTON
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
RMT	MCC/PMD	1"=60	MAY 2015	1445-11.302

PRIVATE LICENSE AREA

PART OF BROWN STREET AND HOOD STREET AND BEING
ADJACENT TO LOT 1K, BLOCK 11/1017
PLAZA AT TURTLE CREEK V1
J. A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS
PAGE 3 OF 3

DWG FILE: 1445-11.302EX6.DWG

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EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

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

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

AGENDA ITEMS # 27,28

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2, 6, 14

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 670-3309

MAPSCO: 45 E

SUBJECT

Sports Arena TIF District Victory Sub-district

* Authorize **(1)** a management and operating agreement with Center Operating Company, L.P., the American Airlines Center (Arena) operator, for the management and operation of the City-owned North Parking Garage (Silver Garage) addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District, as a public parking garage and Arena event parking for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees and revenue sharing; and **(2)** a grant to Center Operating Company, L.P. in an amount not to exceed $1,521,114, as consideration from increment accruing to Tax Increment Financing Reinvestment Zone Seven (Sports Arena TIF District) Victory Sub-district – Not to exceed $1,521,114 – Financing: Sports Arena TIF District Funds (subject to appropriations)

* Authorize **(1)** the establishment of appropriations in the Sports Arena TIF North Parking Garage Fund in an amount not to exceed $200,000 to fund capital expenditures for the North Parking Garage (Silver Garage); **(2)** the receipt and deposit into the account all of the City's share of revenue generated by the Silver Garage from Center Operating Company, L.P., for the term of the management agreement; **(3)** dedication of monthly parking revenue received by the Sports Arena TIF District-Victory Sub-district as a source for annual payments to the account for the term of the management agreement in an amount not to exceed $100,000 annually or $1,450,000 over the term of the contract; and **(4)** a one-time payment of $200,000 to the account on or before December 31, 2019, from increment accruing to the Victory Sub-district of the Sports Arena TIF District – Not to exceed $1,650,000 – Financing: Sports Arena TIF District Funds (subject to appropriations)

BACKGROUND

In May of 2015, Anland, GP, L.P., completed construction of the Silver Garage, in accordance with the development agreement approved by City Council in 2012. The garage was constructed primarily to provide parking for Arena events freeing surface parking lots within the district for redevelopment. In accordance with the district's Parking Rights Agreements, the garage was designated as an Arena parking tract and the 1,257 parking spaces now count towards the district's 5,000 parking space requirement. The Parking Rights Agreements also require **(1)** operation of the garage in a way that ensures the 1,257 parking spaces are available during an Arena event, as well as two hours before and two hours after the event; and **(2)** that the operator of the Arena (Center Operating Company, L.P.) (COC) receives all revenue generated by Arena event parking regardless of how the parking is provided (surface parking lots or parking garages) or who operates the parking. On July 20, 2015, the City took ownership of the Silver Garage ("Garage"), subject to the Parking Rights Agreements.

COC is uniquely qualified to manage the Silver Garage during both Arena event and non-Arena event times because of its ability to effectively operate the garage in accordance with existing Parking Rights Agreements. COC currently operates the Platinum Garage, Arena event parking in the South Parking Garage and event parking on surface lots throughout the district, all of which are governed by the district's Parking Rights Agreements. As operator of the Arena, COC is uniquely positioned to maximize revenue generated by the sale of garage naming rights because of its ability to cross-market within the Arena.

The agreement with COC provides multiple benefits to the City. Expenses the City would be responsible for if a different group operated the garage includes an annual management fee and a significant portion of annual garage expenses (i.e. security, cleaning, utilities, maintenance, etc.). Under the proposed agreement, COC has agreed to the following: **(1)** waiver of an annual management fee (estimated value is $60,000 annually); and **(2)** payment of all annual garage expenses (estimated cost is $187,000 – City's share $131,250). Over the remaining 14½ years on the Arena lease, these concessions represent over $2,700,000 in savings for the City alone. As consideration for the cost savings detailed above and additional benefits to the City over the term of the agreement, a TIF Grant for COC is requested in an amount not to exceed $1,521,114.

While COC has agreed to fund annual maintenance costs, the City, as the Garage Owner, retains responsibility for any capital improvements required throughout the term of the lease. In accordance with the proposed agreement, the City will create an account to fund its obligation to complete future capital improvements. The account will be funded in an amount not to exceed $100,000 annually, or $1,450,000 for the term. The funding will come from two sources. The first source is the City's share of all revenue generated under this proposed agreement, including but not limited to naming rights, interior/exterior signage, non-Arena event parking, etc.

BACKGROUND (continued)

If such revenue generated by the garage and deposited into the account is less than $100,000, revenues received by the TIF District from a parking lease in the Victory Sub-district will be deposited into the account to make up the balance. Additionally, a one-time payment of $200,000 from sub-district TIF increment will be deposited into the account to ensure sufficient funding is available for any unforeseen capital costs (i.e. replacement of elevator or escalator).

A brief synopsis of the terms of the negotiated management agreement is below:

1. **Capital Account** – City will create a capital account to fund capital expense obligations for the garage. The Capital Account will be funded by the following:
    a. Annual funding commitment of $100,000 made up the following (first year partial payment of $50,000)
        i. First, City's share of all revenue generated by this agreement, including, but not limited to naming rights, interior/exterior signage, non-Arena event parking for operation of the garage during non-Arena event times
        ii. Secondly, monthly parking revenue received by the Victory Sub-district from South Parking Garage Lease Agreement
    b. One-time payment of $200,000 for Victory Sub-district TIF increment by December 2019

2. **Arena Event Parking Operations** – Pursuant to the Parking Rights Agreements, COC will operate the parking garage two hours before the start of an arena event, continuing through and including two hours after completion of event. COC will receive parking revenue generated by event parking operations

3. **Non-Arena Event Parking Operations** – COC will maintain, manage and operate the garage as a public parking garage during non-arena event hours and assure non-interference with arena event parking operations
    a. Provide public parking in the garage for **(1)** ongoing construction projects in the district or district wide events requiring short term public parking; **(2)** monthly parking agreements with individual members of the public
    b. COC may implement parking controls – valet service, installation of electronic gates or access control devices, etc to assure non-interference with arena event parking operations
    c. 50 percent of gross revenues generated during non-arena event parking will be deposited in City's Capital Account

4. **Lower Level Operations** – COC has the right to use the lower level for ancillary uses associated with Arena operations:

BACKGROUND (continued)

a. Third-Party Use – COC may license the lower level as additional staging and event truck parking ancillary to the American Airlines Center (Arena), or public purposes (e.g. uses that promote the City such as filming within the City or staging of other District events)
b. 50 percent of revenue generated from lower level, third-party use deposited in City's Capital Account
c. City Use – City may use the lower level during non-event periods, subject to prior notice and coordination with COC and limited to once a quarter, for no longer than two days

5. **Environmental Signage** – COC has the right to prepare, install, maintain and periodically change garage signage
   a. 50 percent of gross revenue from signage rights deposited in City's Capital Account

6. **Naming Rights** – COC has the right to market the garage to permit one or more third-party sponsors' name and other branding materials to be placed on the exterior or within the garage
   a. For amounts up to $125,000, 25 percent of annual gross revenues from sale of naming rights deposited in the City's Capital Account.
   b. For amounts above $125,000, 50 percent of annual gross revenues from sale of naming rights deposited in the City's Capital Account

7. **Staffing** – COC will provide staff sufficient to operate the garage full-time

8. **Facility Maintenance** – COC will provide for routine maintenance of equipment and facilities including **(1)** operation and maintenance of elevators, escalators and back-up generator; **(2)** obtain and pay for annual service agreements for elevators and escalators; and **(3)** operation and maintenance of lighting facilities

9. **M/WBE Participation** – COC shall meet established goals or shall demonstrate and document a good faith effort to include the participation of Minority/Women Owned Business Enterprises (M/WBE) in providing services and improvements to the Silver Garage in compliance with the City's Business Inclusion and Development Plan

10. **Security** – COC will secure and control access to garage

11. **Insurance** – COC will provide City required insurance

12. **Audit, Examination and Inspection** – City has the right to audit, examine or inspect, at the City's election, all records related to the performance of and revenue arising from non-Arena event operation of the garage or uses granted by the proposed agreement

ESTIMATED SCHEDULE OF PROJECT

Contract Begins May 2017
Contract Ends December 2031
Runs concurrent with Arena Lease with 14.5 years remaining

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 28, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Seven, City of Dallas, Texas ("Sports Arena TIF District") in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment through the use of tax increment financing by Resolution No. 98-3137 (Ordinance No. 23688); as amended.

On August 25, 1999, City Council authorized the Sports Arena Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan by Resolution No. 99-2628 (Ordinance No. 24002); as amended.

On May 23, 2012, City Council authorized a public hearing and to receive comments on amendments to the Sports Arena TIF District Project and Reinvestment Zone Financing Plans and authorized an ordinance amending Ordinance No. 23688, previously approved on October 28, 1998, and Ordinance No. 24002, previously approved on August 25, 1999, to **(1)** add two new sub-districts within the Sports Arena TIF District: **(a)** Riverfront Gateway Sub-district and **(b)** West Dallas Sub-district; **(2)** increase the geographical area of the Sports Arena TIF District to add approximately: **(a)** 4.5 acres to the Victory Sub-district (generally the original Sports Arena TIF District boundary); **(b)** 33 acres in the Riverfront Gateway Sub-district; and **(c)** 89.2 acres in the West Dallas Sub-district; **(3)** extend the termination date of the Sports Arena TIF District for a 10-year period from the City Council established termination date of December 31, 2018, to December 31, 2028, for the Victory Sub-district and establish a termination date for the Riverfront Gateway and West Dallas Sub-districts of December 31, 2042; **(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 Sports Arena TIF District budget from $25,498,568 NPV (approximately $46,961,785 total dollars) to $94,409,005 NPV (approximately $273,599,175 total dollars), an increase of $68,910,437 NPV (approximately $226,637,390 total dollars); **(6)** create an Economic Development TIF Grant Program within the District and adopt program guidelines; and **(7)** make corresponding modifications to the Sports Arena TIF District map, budget and Project and Reinvestment Zone Financing Plans by Resolution No. 12-1424 (Ordinance No. 28672).

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

On June 13, 2012, City Council authorized a development agreement with Anland GP, L.P., and dedication of TIF funding for the construction of a single use public parking garage on the northwest corner of the intersection of Victory Avenue and Olive Street by Resolution Nos. 12-1568 and 12-1569.

On April 10, 2013, City Council authorized a development agreement with Anland GP, L.P., and dedication of TIF funding for design enhancements to be incorporated into the North Parking Garage by Resolution Nos. 13-0648 and 13-0649.

On June 26, 2013, City Council authorized an amendment to the development agreement with Anland GP, L.P. for the development and construction of a public parking garage (the "North Parking Garage") at the northwest corner of the intersection of Victory Avenue and Olive Street, to **(1)** remove the execution of separate Operation/Management Agreements by the City for operation of the garage during event and non-event times as a condition of TIF Reimbursement for the North Parking Garage; and **(2)** clarify minimum parking space requirements may be subject to reduction depending on size of parking spaces by Resolution No. 13-1137.

On November 12, 2013, City Council authorized the City Manager, upon completion of the North Parking Garage, to execute **(1)** a Special Warranty Deed; and **(2)** a Designation of Third Party Parcel and Designation/Move instrument approved as to form by the City Attorney, and to accept the conveyance of the North Parking Garage as a single use public parking garage to the City of Dallas, or an entity designated by the City, from Victory North Parking Garage, LLC, in accordance with the Development Agreement approved by Resolution Nos. 12-1568 and 12-1569 previously approved on June 13, 2012, as amended, and subject to such customary and reasonable closing documents as may be required by the City Attorney by Resolution No. 13-1922.

On March 30, 2017, the Sports Arena TIF District Board of Directors reviewed and recommended approval of **(1)** a management and operating agreement with Center Operating Company L.P., the American Airlines Center (Arena) operator, for the management and operation of the City-owned North Parking Garage (Silver Garage) addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District, as a public parking garage for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees and revenue sharing; and **(2)** a grant in an amount not to exceed $1,521,114 as consideration.

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

On March 30, 2017, the Sports Arena TIF District Board of Directors reviewed and recommended approval of dedication of **(1)** monthly parking revenue received by the Sports Arena TIF District- Victory Sub-district as the source for annual payments to a Capital Account to be created to fund capital expenditures for the North Parking Garage (Silver Garage) for the term of the management agreement in an amount not to exceed $100,000 annually; and **(2)** a one-time payment of $200,000 to the Capital Account on or before December 31, 2019, from increment accruing to the Victory Sub-district of the Sports Arena TIF District.

The Economic Development Committee was briefed by memorandum regarding this matter on April 17, 2017.

FISCAL INFORMATION

Sports Arena TIF District/Victory Sub-district Funds - $1,521,114 (subject to availability of TIF increment and appropriation)
Sports Arena TIF District/Victory Sub-district Funds - $1,650,000

Project's Council District

2

OPERATOR

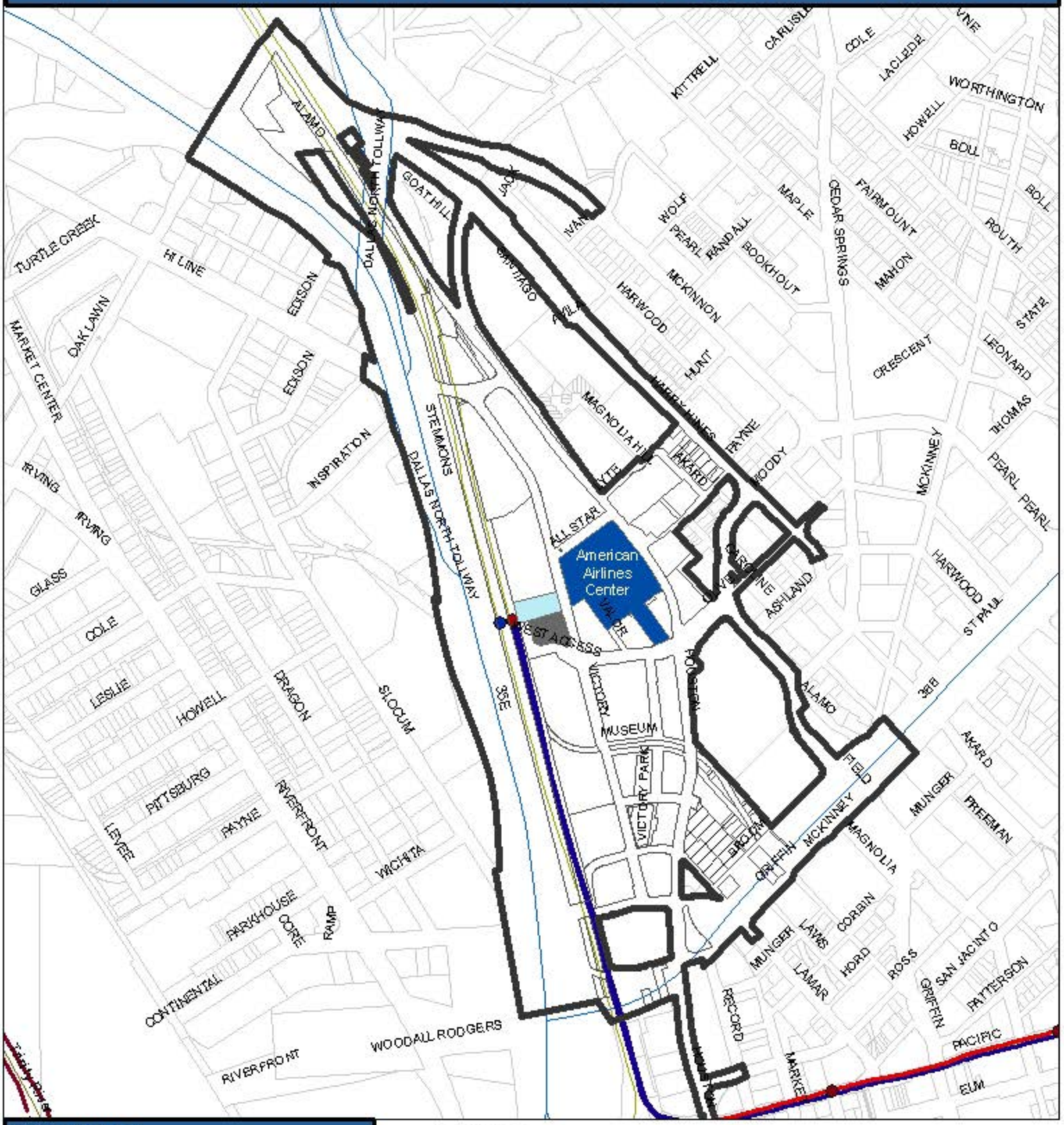
Center Operating Company, L.P.

Craig Courson, Chief Executive Officer
2500 Victory Avenue
Dallas, Texas 75219

MAP

Attached

North Parking Garage Location Map
Sports Arena TIF District - Victory Sub-district



City of Dallas
Office of Economic Development

Area Redevelopment Division
http://www.Dallas-EcoDev.org

Created 05/2012

Legend

- Victory Sub-district
- DART Plaza (Victory LRT Station)
- North Parking Garage

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May 10, 2017

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on October 28, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Seven, City of Dallas, Texas ("Sports Arena TIF District") in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment through the use of tax increment financing by Resolution No. 98-3137 (Ordinance No. 23688); as amended; and

WHEREAS, on August 25, 1999, City Council authorized the Sports Arena Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan by Resolution No. 99-2628 (Ordinance No. 24002); as amended; and

WHEREAS, on May 23, 2012, City Council authorized a public hearing to receive comments on amendments to the Sports Arena TIF District Project and Reinvestment Zone Financing Plans and authorized an ordinance amending Ordinance No. 23688, previously approved on October 28, 1998, and Ordinance No. 24002, previously approved on August 25, 1999, to: **(1)** add two new sub-districts within the Sports Arena TIF District: **(a)** Riverfront Gateway Sub-district and **(b)** West Dallas Sub-district; **(2)** increase the geographical area of the Sports Arena TIF District to add approximately: **(a)** 4.5 acres to the Victory Sub-district (generally the original Sports Arena TIF District boundary); **(b)** 33 acres in the Riverfront Gateway Sub-district; and **(c)** 89.2 acres in the West Dallas Sub-district; **(3)** extend the termination date of the Sports Arena TIF District for a 10-year period from the City Council established termination date of December 31, 2018, to December 31, 2028 for the Victory Sub-district, and establish a termination date for the Riverfront Gateway and West Dallas Sub-districts of December 31, 2042; **(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 Sports Arena TIF District budget from $25,498,568 NPV (approximately $46,961,785 total dollars) to $94,409,005 NPV (approximately $273,599,175 total dollars), an increase of $68,910,437 NPV (approximately $226,637,390 total dollars); **(6)** create an Economic Development TIF Grant Program within the District and adopt program guidelines; and **(7)** make corresponding modifications to the Sports Arena TIF District map, budget and Project and Reinvestment Zone Financing Plans by Resolution No. 12-1424 (Ordinance No. 28672); and

WHEREAS, City zoning, the Arena Master Agreement and Parking Rights Agreements require a total of 5,000 parking spaces to be available at all times for American Airlines Center event parking; and

May 10, 2017

WHEREAS, on June 13, 2012, City Council authorized a development agreement with Anland GP, L.P., and dedication of TIF funding for the construction of a public parking garage (North Parking Garage) that will provide American Airlines Center event parking on the northwest corner of the intersection of Victory Avenue and Olive Street, in an amount not to exceed $33,271,841, by Resolution Nos. 12-1568 and 12-1569; and

WHEREAS, on April 10, 2013, City Council authorized a development agreement with Anland GP, L.P., and dedication of TIF funding for design enhancements to be incorporated into the North Parking Garage, in an amount not to exceed $3,600,000, by Resolution Nos. 13-0648 and 13-0649; and

WHEREAS, on June 26, 2013, City Council authorized an amendment to the development agreement with Anland GP, L.P. to **(1)** remove the execution of separate Operation/Management Agreements by the City for operation of the garage during event and non-event times as a condition of TIF Reimbursement for the North Parking Garage; and **(2)** clarify minimum parking space requirements which may be subject to reduction depending on size of parking spaces by Resolution No. 13-1137; and

WHEREAS, on November 12, 2013, City Council authorized the City Manager, upon completion of the North Parking Garage, to execute a **(1)** Special Warranty Deed; and **(2)** Designation of Third Party Parcel and Designation/Move instrument, approved as to form by the City Attorney, and to accept the conveyance of the North Parking Garage as a single use public parking garage to the City of Dallas, or an entity designated by the City, from Victory North Parking Garage, LLC, in accordance with the Development Agreement approved by Resolution Nos. 12-1568 and 12-1569 previously approved on June 13, 2012, as amended, and subject to such customary and reasonable closing documents as may be required by the City Attorney by Resolution No. 13-1922; and

WHEREAS, on July 20, 2015, the City took ownership of the North Parking Garage, now called the Silver Garage (the "Garage"), and entered into an interim management and operation agreement with Anland GP, L.P. for the Garage; and

WHEREAS, the Garage is subject to the Amended and Restated Parking Rights Agreement recorded in Volume 99243, Page 699 of the Real Property Records of Dallas County (the "City Parking Agreement") and the Easement and Parking Rights Agreement recorded in Volume 99243, Page 803 of the Real Property Records of Dallas County (the "Lender Parking Agreement") (collectively, the "Parking Rights Agreements") under which Center Operating Company L.P., as the operator of the American Airlines Center (the "Arena"), has the right to operate the Garage during the period of time commencing two hours before the start of an Arena event through two hours after the actual completion of the Arena event; and

WHEREAS, the City recognizes the value of making the Garage available as a public parking garage during non-Arena event times and desires to enter into an operating and management agreement for that purpose; and

WHEREAS, Center Operating Company L.P., as the operator of the Garage during Arena event times, is in a position to ensure maximum public access to the Garage without violating the restrictions of the Parking Rights Agreements; and

WHEREAS, the City, as the owner of the Garage, is responsible for certain capital costs associated with the Garage and desires to enter into a management and operating agreement that provides a source of revenue to be applied to its capital cost obligations; and

WHEREAS, on March 30, 2017, the Sports Arena TIF District Board of Directors reviewed and recommended approval of: **(1)** a management and operating agreement with Center Operating Company L.P., the American Airlines Center's operator, for the management and operation of the city-owned Garage addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District, as a public parking garage for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees and revenue sharing; and **(2)** a grant in an amount not to exceed $1,521,114 as consideration; and

WHEREAS, on March 30, 2017, the Sports Arena TIF District Board of Directors reviewed and recommended approval of dedication of: **(1)** monthly parking revenue received by the Sports Arena TIF District- Victory Sub-district as the source for annual payments to a Capital Account to be created to fund capital expenditures for the Garage for the term of the management agreement in an amount not to exceed $100,000 annually; and **(2)** a one-time payment of $200,000 to the Capital Account on or before December 31, 2019, from increment accruing to the Victory Sub-district of the Sports Arena TIF District; and

WHEREAS, on April 17, 2017, the Economic Development Committee reviewed a memo and recommended approval of the item; and

WHEREAS, in furtherance of the Sports Arena TIF District Project Plan and Reinvestment Zone Financing Plan, as amended, and to promote within the Sports Arena TIF District: **(1)** development and diversification of the economy; **(2)** elimination of unemployment and underemployment; and **(3)** development and expansion of commerce, the City desires to enter in to a management and operating agreement with Center Operating Company L.P., the Arena operator, for the management and operation of the city-owned Garage addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District; and

WHEREAS, the expenditure of TIF funds supporting this management and operating agreement is consistent with promoting development and redevelopment of the Sports Arena 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 Sports Arena TIF District; and

WHEREAS, the City Council recognizes that entering into an agreement to make the Garage available to the public for the maximum time available, subject to the pre-existing Parking Rights Agreements, furthers the public purpose of development and diversification of the economy of the state and the expansion of commerce in the state by supporting the emerging retail, commercial, and employment opportunities in the District; and

WHEREAS, the City Council further recognizes the public purpose of an agreement that provides revenue to defray future capital expenses associated with the Garage, and that provides for maintenance of the public Garage; and

WHEREAS, the City Council further recognizes that the public benefit achieved through this Agreement includes, among other value, a waiver of an annual management fee for operation of the Garage during non-Arena event times, the payment by the Operator of all annual garage maintenance expenses, and other concessions by the Operator of costs that the City would otherwise bear and that are in addition to Operator's existing obligations; and

WHEREAS, the City Council finds that these savings, together with the public benefit, exceed the value of the public funds granted by the City through this Agreement.

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 and sign a management and operating agreement between the City of Dallas and Center Operating Company, L.P. ("COC') , approved as to form by the City Attorney, for the management and operation of the city-owned Garage as a public parking garage for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees, and revenue sharing on behalf of the Sports Arena TIF District. The revenue sharing may include, in addition to revenues derived from the use of the Garage during non-Arena event hours, revenues derived from the sale of naming rights to the Garage (the "Agreement").

SECTION 2. That the Sports Arena TIF District Board of Directors is authorized to dedicate current and future Sports Arena TIF District revenues, attributable to the Victory Sub-district, in an amount not to exceed $1,521,114 in the form of an Economic Development TIF Grant to COC as consideration for the public benefit achieved through the Agreement including, among other value, a waiver of an annual management fee for operation of the Garage during non-Arena event times, the payment by the Operator of all annual garage maintenance expenses, and other concessions by the Operator of costs that the City would otherwise bear and that are in addition to Operator's existing obligations.

SECTION 3. That the Chief Financial Officer is hereby authorized to encumber and disburse funds in an amount not to exceed $1,521,114 to COC, upon execution of the Agreement, from current and future tax increments generated in the Victory Sub-district from Sports Arena TIF District Fund, Fund 0038, Department ECO, Unit Q049, Object 3016, Activity NPKG, Encumbrance CT ECOQ049G314, Vendor 356798, subject to appropriations.

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.

May 10, 2017

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on October 28, 1998, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Seven, City of Dallas, Texas ("Sports Arena TIF District") in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment through the use of tax increment financing by Resolution No. 98-3137 (Ordinance No. 23688); as amended; and

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WHEREAS, City zoning, the Arena Master Agreement and Parking Rights Agreements require a total of 5,000 parking spaces to be available at all times for American Airlines Center event parking; and

May 10, 2017

WHEREAS, on June 13, 2012, City Council authorized a development agreement with Anland GP, L.P., and dedication of TIF funding for the construction of a public parking garage (North Parking Garage) that will provide American Airlines Center event parking on the northwest corner of the intersection of Victory Avenue and Olive Street, in an amount not to exceed $33,271,841, by Resolution Nos. 12-1568 and 12-1569; and

WHEREAS, on April 10, 2013, City Council authorized a development agreement with Anland GP, L.P., and dedication of TIF funding for design enhancements to be incorporated into the North Parking Garage, in an amount not to exceed $3,600,000, by Resolution Nos. 13-0648 and 13-0649; and

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WHEREAS, on July 20, 2015, the City took ownership of the North Parking Garage, now called the Silver Garage (the "Garage"), and entered into an interim management and operation agreement with Anland GP, L.P. for the Garage; and

WHEREAS, the Garage is subject to the Amended and Restated Parking Rights Agreement recorded in Volume 99243, Page 699 of the Real Property Records of Dallas County (the "City Parking Agreement") and the Easement and Parking Rights Agreement recorded in Volume 99243, Page 803 of the Real Property Records of Dallas County (the "Lender Parking Agreement") (collectively, the "Parking Rights Agreements") under which Center Operating Company L.P., as the operator of the American Airlines Center (the "Arena"), has the right to operate the Garage during the period of time commencing two hours before the start of an Arena event through two hours after the actual completion of the Arena event; and

WHEREAS, the City recognizes the value of making the Garage available as a public parking garage during non-Arena event times and desires to enter into an operating and management agreement for that purpose; and

WHEREAS, Center Operating Company L.P., as the operator of the Garage during Arena event times, is in a position to ensure maximum public access to the Garage without violating the restrictions of the Parking Rights Agreements; and

WHEREAS, the City, as the owner of the Garage, is responsible for certain capital costs associated with the Garage and desires to enter into a management and operating agreement that provides a source of revenue to be applied to its capital cost obligations; and

WHEREAS, on March 30, 2017, the Sports Arena TIF District Board of Directors reviewed and recommended approval of: **(1)** a management and operating agreement with Center Operating Company L.P., the American Airlines Center's operator, for the management and operation of the city-owned Garage addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District, as a public parking garage for a term concurrent with the Arena Lease, subject to existing Arena parking rights restrictions, no annual management and maintenance fees and revenue sharing; and **(2)** a grant in an amount not to exceed $1,521,114 as consideration; and

WHEREAS, on March 30, 2017, the Sports Arena TIF District Board of Directors reviewed and recommended approval of dedication of: **(1)** monthly parking revenue received by the Sports Arena TIF District- Victory Sub-district as the source for annual payments to a Capital Account to be created to fund capital expenditures for the Garage for the term of the management agreement in an amount not to exceed $100,000 annually; and **(2)** a one-time payment of $200,000 to the Capital Account on or before December 31, 2019, from increment accruing to the Victory Sub-district of the Sports Arena TIF District; and

WHEREAS, on April 17, 2017, the Economic Development Committee reviewed a memo and recommended approval of the item; and

WHEREAS, in furtherance of the Sports Arena TIF District Project Plan and Reinvestment Zone Financing Plan, as amended, and to promote within the Sports Arena TIF District: **(1)** development and diversification of the economy; **(2)** elimination of unemployment and underemployment; and **(3)** development and expansion of commerce, the City desires to enter in to a management and operating agreement with Center Operating Company L.P., the Arena operator, for the management and operation of the city-owned Garage addressed as 2503 Victory Avenue in the Victory Sub-district of the Sports Arena TIF District; and

WHEREAS, the expenditure of TIF funds supporting this management and operating agreement is consistent with promoting development and redevelopment of the Sports Arena 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 Sports Arena TIF District; and

WHEREAS, the City Council recognizes that entering into an agreement to make the Garage available to the public for the maximum time available, subject to the pre-existing Parking Rights Agreements, furthers the public purpose of development and diversification of the economy of the state and the expansion of commerce in the state by supporting the emerging retail, commercial, and employment opportunities in the District; and

WHEREAS, the City Council further recognizes the public purpose of an agreement that provides revenue to defray future capital expenses associated with the Garage, and that provides for maintenance of the public Garage; and

WHEREAS, the City Council further recognizes that the public benefit achieved through this Agreement includes, among other value, a waiver of an annual management fee for operation of the Garage during non-Arena event times, the payment by the Operator of all annual garage maintenance expenses, and other concessions by the Operator of costs that the City would otherwise bear and that are in addition to Operator's existing obligations; and

WHEREAS, the City Council finds that these savings, together with the public benefit, exceed the value of the public funds granted by the City through this Agreement.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to establish appropriations in the Sports Arena TIF North Parking Garage Fund, Fund 0514 in the NI Category, Department ECO, Unit 5094, Object 4315 for capital expenditures and revenues for the Garage for the term of the agreement, in an amount not to exceed $200,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed $200,000 by December 31, 2019 from future tax increments generated in the Victory Sub-district, from Sports Arena TIF District Fund, Fund 0038, Department ECO, Unit Q049, Object 3690, Activity SATI, to Sports Arena TIF North Parking Garage Fund, Fund 0514, Department ECO, Unit 5094, Revenue Code 9201 to support capital expenditures in accordance with the agreement, subject to future appropriations.

SECTION 3. That the Chief Financial Officer is hereby authorized to encumber and disburse funds to Center Operating Company, L.P. accumulated in the Sports Arena TIF North Parking Garage Fund, Fund 0514, Department ECO, Unit 5094, Object 4315, Vendor 356798 and various other Objects to reimburse major capital expense maintenance costs for the parking Garage, subject to appropriations.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive, collect and deposit any and all revenues received annually in accordance with the agreement, in Sports Arena TIF North Parking Garage Fund, Fund 0514, Department ECO, Unit 5094, Revenue Code 7845 for parking revenues received from the North Parking Garage, Revenue Code 8218 for naming rights, and Revenue Code 8428 for miscellaneous revenues.

SECTION 5. That the Chief Financial Officer is hereby authorized to transfer cash generated from Victory South Parking Garage revenues, from Sports Arena TIF Fund, Fund 0038, Department ECO, Inter-Fund elimination account 0960, Balance Sheet Cash Account 0001, to Sports Arena TIF North Parking Garage Fund, Fund 0514, Department ECO, Inter-Fund elimination account 0960, Balance Sheet Cash Account 0001 in an estimated amount up to $100,000 annually, subject to cash balance, and future TIF appropriations.

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

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 44 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an R-5(A) Single Family District on the north side of Life Avenue, east of Puget Street
Recommendation of Staff and CPC: Approval, subject to a site/landscape plan
Z156-301(OTH)

HONORABLE MAJOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z156-301(OTH)	**DATE FILED:**	July 11, 2016
LOCATION:	North side of Life Avenue, east of Puget Street		
COUNCIL DISTRICT:	6	**MAPSCO:**	44-J
SIZE OF REQUEST:	Approx. 0.25 acres	**CENSUS TRACT:**	101.01

APPLICANT/ OWNER: Greater Progressive Baptist Church

REPRESENTATIVE: The Dimension Group

REQUEST: An application for a P(A) Parking District on property zoned an R-5(A) Single Family District.

SUMMARY: The purpose of this request is to use the two lots for parking for the Greater Progressive Baptist Church located across Life Avenue.

CPC RECOMMENDATION: **Approval,** subject to a site/landscape plan.

STAFF RECOMMENDATION: **Approval**, subject to a site/landscape plan.

BACKGROUND:

- The property is comprised of two lots currently zoned an R-5(A) Single Family District. The church has owned the lots since 1999 according to the Dallas Central Appraisal District. Because of the existing conditions of the lots, it appears that the lots have been used as parking for a period of time. During the site visit, staff noticed that the church parks a van in the property.

- The property is surrounded by single family residential. However, it appears that the adjacent property, to the west of the request site, is used as a duplex. To the north of the property is a child-care facility.

- The church is requesting the zoning change to be able to use the two lots for church parking.

- The hours of operation for the parking lot are Sundays from 9:00 a.m. to 7:00 p.m.; Monday 10:00 a.m. to 12 p.m. and 7:00 p.m. to 9:00 p.m.; Wednesday 6:30 p.m. to 9:00 p.m.; and Saturday 9:00 a.m. to 11:00 a.m.

Zoning History: There have been no zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Life Avenue	Local	50 feet
Puget Street	Local	50 feet

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it 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 comprehensive plan neither supports nor discourages the proposed use of the property.

	Zoning	Land Use
Site	R-5(A)	Parking lot
North	R-5(A), SUP No. 1576	Single Family & child-care facility
East	R-5(A)	Single Family
South	R-5(A)	Single family & church
West	R-5(A)	Single family

Land Use Compatibility:

The property is zoned an R-5(A) Single Family District and the applicant is proposing to use the property as a parking lot for the church located across Life Avenue. The surrounding uses are residential, a child-care facility and a church.

The request is compatible with the surrounding residential uses. Furthermore, the parking lot will be required to maintain a front yard setback of 10 feet. Sec. 51A-4.302 requires that a Parking District provide a minimum of 10 feet front yard setback.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing							
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family
Proposed							
P(A) Parking	10*	10*					Surface parking

* The applicant is providing a 10' landscape buffer where adjacent to residential district.

Landscaping:

The request does trigger landscape requirements. The applicant must comply with the landscape requirements as shown in the site/landscape plan.

Parking:

The following items must be considered for a P(A) Parking District within Chapter 51A, Dallas Development Code:

1) Parking must be contiguous or directly across an alley or street from the main use(s) is serves.

2) Ownership of the lot in a Parking District contiguous to an R, R(A) district shall provide and maintain a minimum front yard of ten feet.
3) The lot must detail all landscaping required, including screening, that meets the requirements of Article X;
4) All parking lot lighting must meet the requirements of Sec.51A-4.301(e).
5) The site plan must show curb cuts for vehicular access designed to direct traffic to the nearest thoroughfare and must meet all requirements set forth in the Off-Street Parking and Driveway Handbook.

CPC ACTION:
April 6, 2017

Motion: It was moved to recommend **approval** of a P(A) Parking District, subject to a site plan and landscape plan on property zoned an R-5(A) Single Family District on the north side of Life Avenue, east of Puget Street.

Maker: Anantasomboon
Second: Davis
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz*, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	30
Replies:	For:	0	Against:	0

Speakers: None

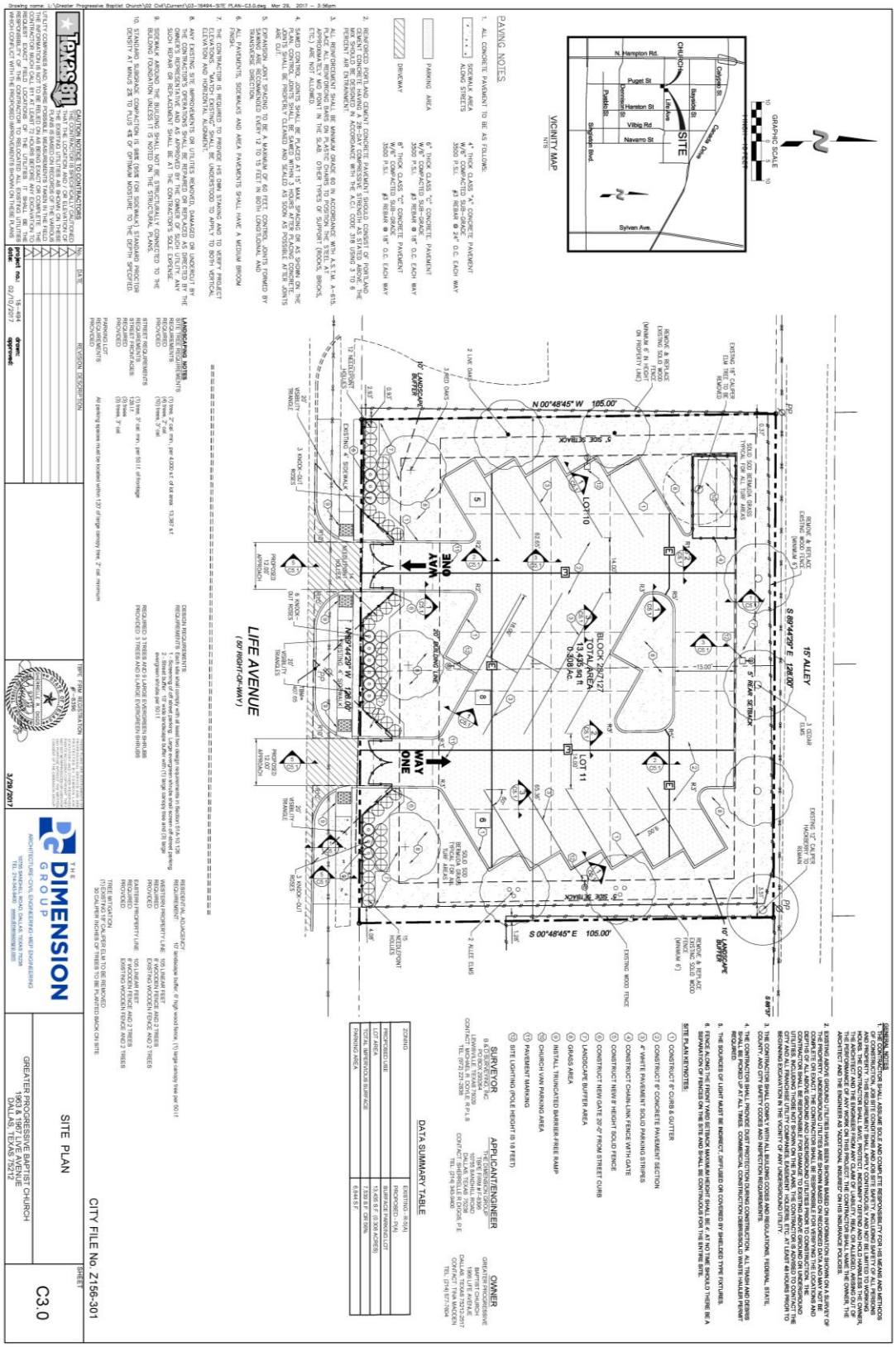
Officers and Partners
Greater Progressive Baptist Church

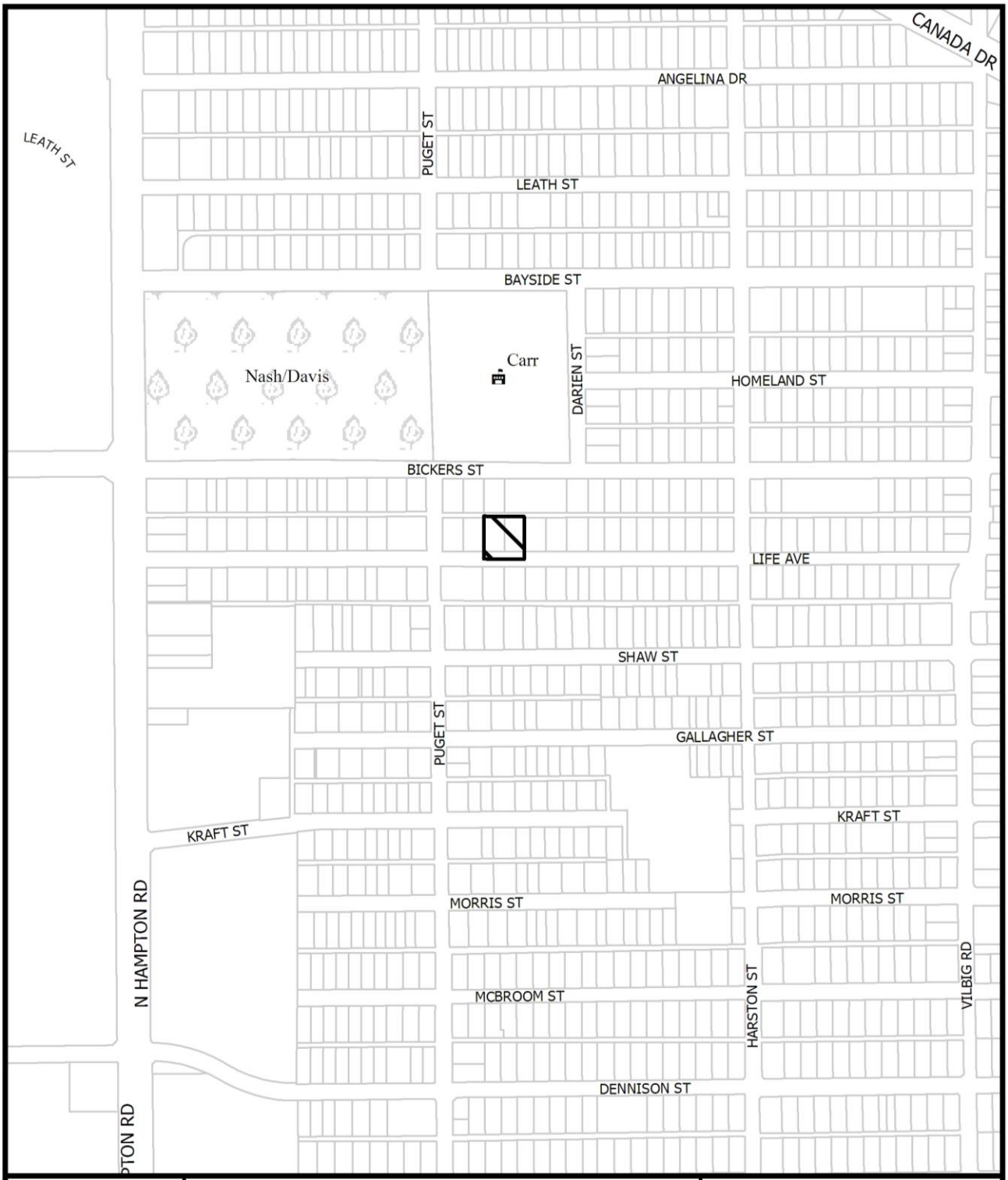
ARTICLE NINE

THE NUMBER OF TRUSTEES CONSTITUTING THE BOARD OF TRUSTEES SHALL BE FIVE (5). THE NAMES AND ADDRESSES OF THE PERSONS WHO ARE TO SERVE AS THE INITIAL TRUSTEES ARE AS FOLLOWS:

J. J. RAVEN	2105 E. ILLINOIS	DALLAS, TX 75216
CHARLES B. RAVEN	7630 GREENSPAN	DALLAS, TX 75232
LARRY LEONARD	1028 INDIAN CREEK TRAIL	DALLAS, TX 75241
ROBERT MEACHEM	6903 FIELD LARK	ARLINGTON, TX 76002
PERCY HARRIS	1955 PUEBLO STREET	DALLAS, TX 75212

PROPOSED SITE PLAN





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VICINITY MAP

Case no: Z156-301

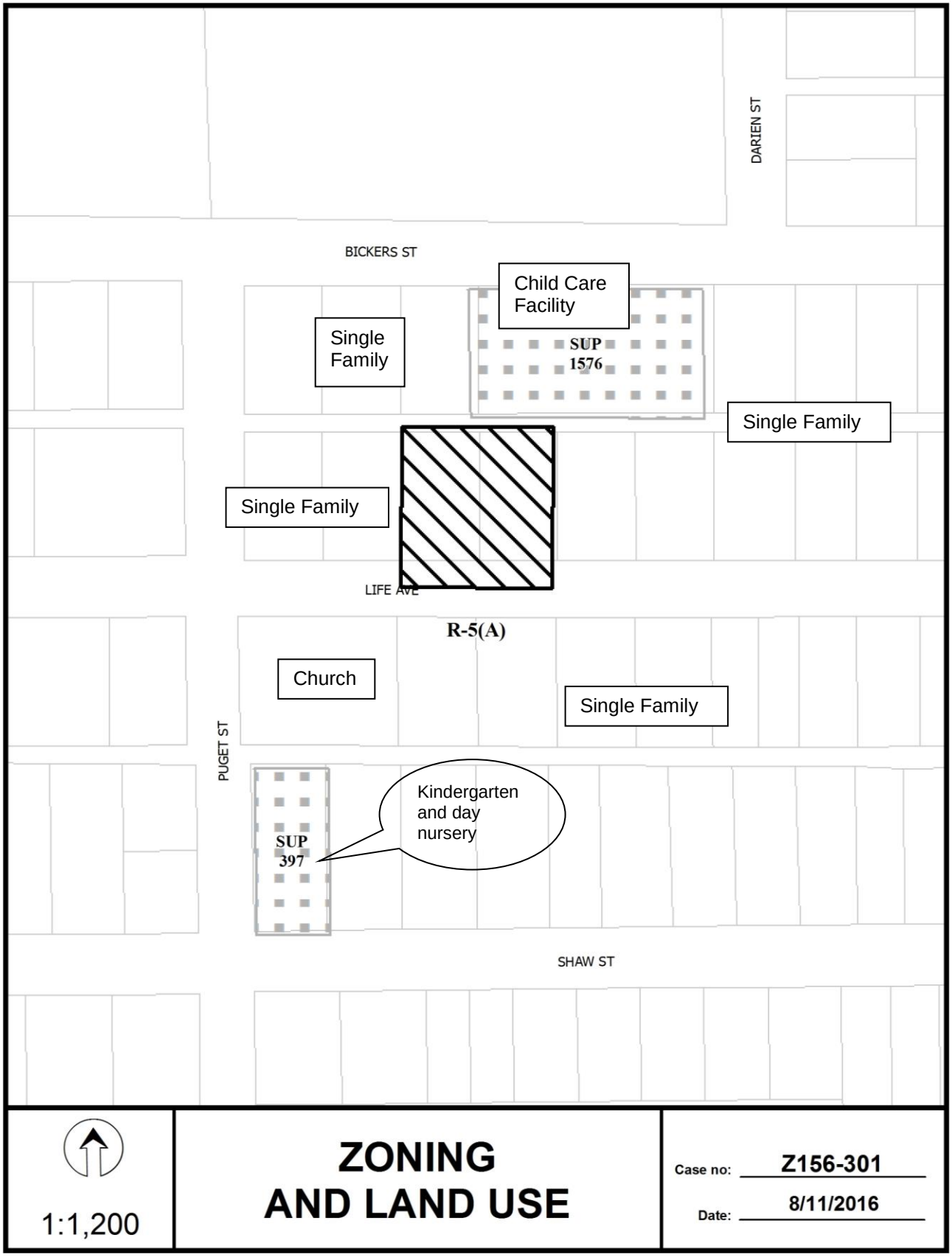
Date: 8/11/2016

1:1,200

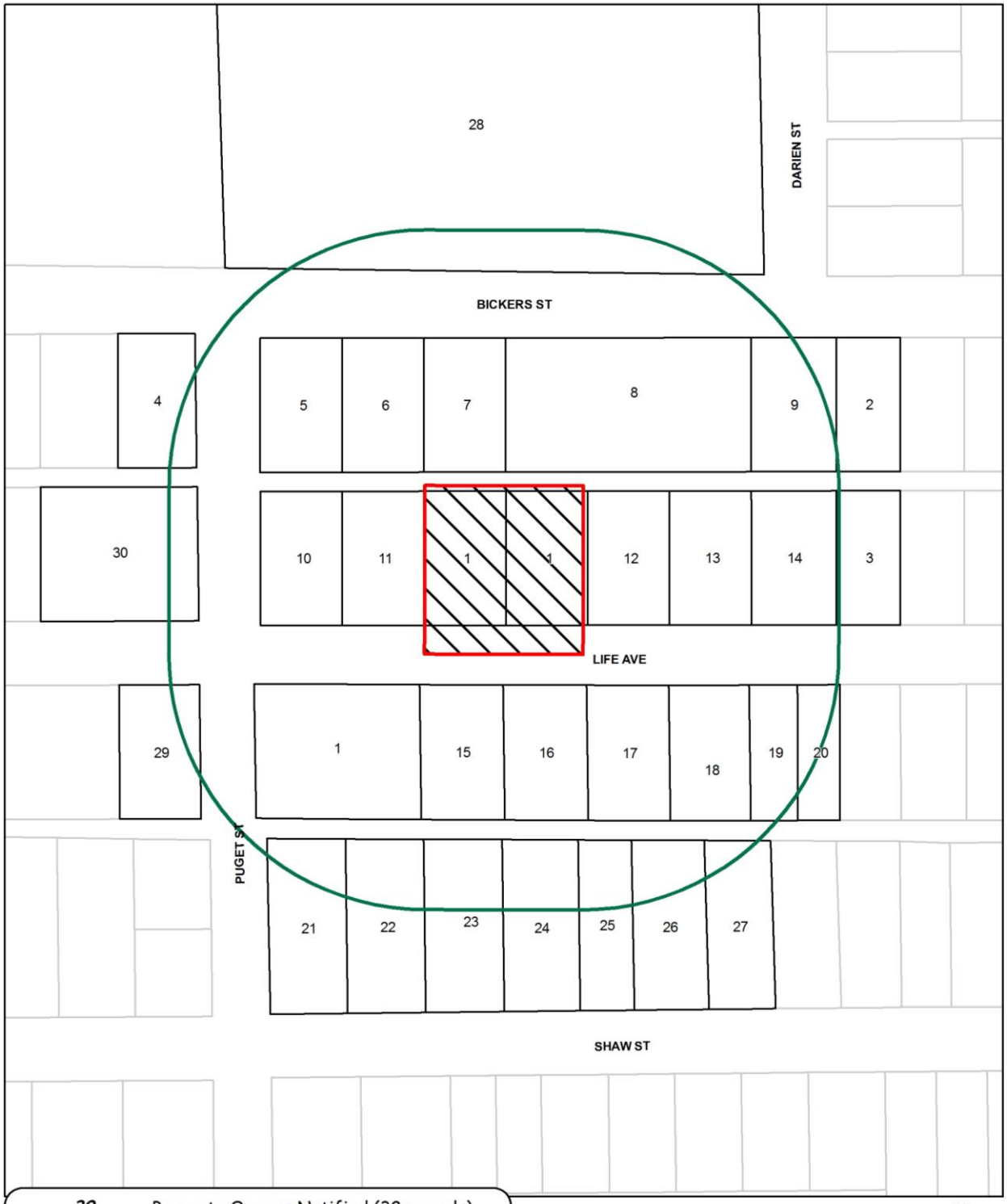
AERIAL MAP

Case no: Z156-301

Date: 8/11/2016


DARIEN ST
BICKERS ST
Child Care Facility
Single Family
SUP 1576
Single Family
Single Family
LIFE AVE
R-5(A)
Church
Single Family
PUGET ST
Kindergarten and day nursery
SUP 397
SHAW ST
1:1,200
ZONING AND LAND USE
Case no: Z156-301
Date: 8/11/2016

CPC RESPONSES



30	Property Owners Notified (32 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
4/6/2017	Date

Z156-301
CPC

N
W E
S

1:1,200

03/01/2017

Reply List of Property Owners

Z156-301

30 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*	*Owner*
	1	1957 LIFE AVE	GREATER PROGRESSIVE
	2	1934 BICKERS ST	GUTIERREZ ROBERTO &
	3	1935 LIFE AVE	SHETH HEMANG A
	4	2002 BICKERS ST	ROMERO GILBERT
	5	3620 PUGET ST	THOMPSON KISHA LAKIA
	6	1962 BICKERS ST	HMK LTD
	7	1956 BICKERS ST	CASTILLO MARTHA
	8	1948 BICKERS ST	HILL OTIS JR
	9	1938 BICKERS ST	SMITH LILA R
	10	1967 LIFE AVE	HERNANDEZ TOMASA &
	11	1963 LIFE AVE	THOMAS BELINDA EST OF
	12	1949 LIFE AVE	SINDIHOKUBWABO NOEL &
	13	1945 LIFE AVE	THOMAS ARCHIE R
	14	1941 LIFE AVE	FELDER JAMES ANTHONY
	15	1956 LIFE AVE	MARTINEZ MARIO & ALICIA
	16	1950 LIFE AVE	GUERRA CLEMENTE
	17	1946 LIFE AVE	WILLIS TIM H
	18	1940 LIFE AVE	THOMAS FINE EST OF
	19	1938 LIFE AVE	DILLARD MARY
	20	1936 LIFE AVE	LANG CAROL ANN EST OF
	21	3530 PUGET ST	JOHNSON VENETTA J
	22	1975 SHAW ST	DALLAS AREA HABITAT FOR
	23	1971 SHAW ST	GREATER PROGRESSIVE
	24	1965 SHAW ST	LOPEZ CLEMENTE GUERRA &
	25	1961 SHAW ST	LAND FREDDIE L
	26	1957 SHAW ST	LAND J D

03/01/2017

Reply	*Label #*	*Address*	*Owner*
	27	1953 SHAW ST	FERGUSON ROSIE LEE
	28	1952 BAYSIDE ST	Dallas ISD
	29	2002 LIFE AVE	SOLLY SARAH
	30	3603 PUGET ST	MUNSON CLARA

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses and hotel use by right on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the south corner of Fairmount Street and Carlisle Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-134(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-134(OTH) **DATE FILED:** November 15, 2016

LOCATION: South corner of Fairmount Street and Carlisle Street

COUNCIL DISTRICT: 14 **MAPSCO:** 45 - B

SIZE OF REQUEST: ± 0.77 acres **CENSUS TRACT:** 18.00

APPLICANT: Alamo Manhattan Properties, Inc.

OWNER: Greenway 3005 Fairmount, LP
3005 Fairmount FP, LLC, General Partner

REPRESENTATIVE: Karl A. Crawley, MASTERPLAN

REQUEST: An application for a Planned Development Subdistrict for GR General Retail Subdistrict uses and hotel use by right on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant proposes to demolish the existing building and build a 13-story hotel and office building. The new building will have an underground parking garage.

CPC RECOMMENDATION; **Approval**, subject to a development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions.

Background:

- The proposed 0.77 acres of land is currently developed with 13 condominium units and a single dwelling unit.

- The applicant is proposing to demolish the existing structures and build a 13-story building for a hotel and office uses with an underground parking garage.

- The applicant is requesting a PDS to allow a hotel by right; increase the floor area ratio from 2:1 to 5.85:1; limit the floor area ratio for office uses to 0.5:1; increase the height to 175 feet with a maximum of 13 floors. The applicant is providing underground parking and proposing open space along Fairmount Street and Carlisle Street.

Zoning History: There have been three zoning requests and one Board of Adjustment case in the area within the last five years.

1. BDA 134-065 On September 15, 2014, the Board of Adjustment granted a special exception to the landscape regulation, subject to compliance with an alternative landscape plan on property located at 3005 Fairmount Street.

2. Z134-353 On January 13, 2016, the City Council approved a Planned Development Subdistrict for GR General Retail Subdistrict and an outdoor dining area use on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District located on southwest line of Fairmount Street, west of Cedar Springs Road.

3. Z123-146 On February 27, 2013, the City Council approved an amendment to Zone 1 of Planned Development District No. 184 for office, retail and residential uses on the northeast corner Carlisle Street and Cedar Springs Road.

4. Z101-265 On December 11, 2011, the City Council approved a Planned Development Subdistrict for GR General Retail Subdistrict Uses on property zoned a GR General Retail Subdistrict with a D-1 Liquor Control Overlay on a portion of the site within Planned Development District No. 193, the Oak Lawn Special Purpose District, located on the northwest line of Carlisle Street between Fairmont Street and Routh Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Fairmount Street	Local	50 feet
Carlisle Street	Local	50 ft.

Land Use:

	Zoning	Land Use
Site	GR Subdistrict within PD No. 193	Residential
Northeast	GR Subdistrict within PD No. 193	Office, residential & parking garage
Southeast	GR & PDS 120 within PD No. 193	Parking garage, residential, restaurant
Southwest	LC Subdistrict within PD No. 193	Restaurant
Northwest	GR Subdistrict within PD No. 193	Office, restaurant, residential

STAFF ANALYSIS:

COMPREHENSIVE PLAN:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

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.

Urban Design

GOAL 5.1 Promote a Sense of Place, Safety and Walkability

Policy 5.1.2 Define urban character in Downtown and urban cores.

Area Plans:

Planned Development District No. 193, The Oak Lawn Special Purpose District, and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request to increase the floor area ratio (FAR) for a hotel complies with items 1, 2, 3, 4, and 7. The proposed hotel and office uses promote pedestrian amenities along the street frontage by providing open space and a patio area that will encourage people to walk to nearby restaurants and businesses encouraging a more urban environment. The applicant is encouraging walkability by providing a uses compatible with the surrounding areas and discouraging driving to nearby businesses. Moreover, the applicant is providing all the required parking underground which means no queuing will take place on the street.

Land Use Compatibility:

The proposed site encompasses two properties: one is currently developed with 13 condominiums and the other with a single family dwelling unit.

The request site is surrounded by multifamily, office and a parking garage to the northeast; a parking garage, retail and restaurant to the southeast; restaurant and office uses on the southwest; and office, retail and multifamily to the northwest.

The proposed development includes a 220 room hotel and offices for the applicant's headquarters. The proposed height of the building is 175 feet; proposed FAR is 5.85:1 for the hotel use with an office component not to exceed 0.5:1 FAR. The existing GR zoning allows a maximum height of 120 feet and a maximum FAR of 2:1. The applicant is proposing additional parkway landscaping and open space along Fairmount Street and Carlisle Street. The applicant is proposing to have a six-foot sidewalk and landscaping along Fairmount Street and Carlisle Street, thus, creating a pedestrian friendly environment that will encourage people to walk to nearby amenities in the area. The applicant's request to increase the FAR and the height is limited to the hotel proposed development. In all other uses, the applicant must adhere to the GR subdistrict regulations.

The applicant is requesting that the hotel be allowed by right. All other uses remain the same as those allowed in a GR Subdistrict with the exception of the hotel use, which is allowed by SUP if the number of rooms is 80 or more.

The applicant is proposing to build a parking garage to provide all the parking requirements underneath the building.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has determined that the proposed use will not significantly impact the surrounding roadway system in the area.

Parking:

The applicant is not requesting any changes for parking requirements for the proposed new Subdistrict. Parking requirements must comply with PD No. 193. The parking requirements will be provided in an underground garage.

Landscaping:

Landscaping must comply with the landscape provisions in Section 193.126 of Planned Development District No. 193. In addition, the applicant is proposing a five-foot parkway landscape area, a six-foot minimum sidewalk, and open space along Fairmount Street and Carlisle Street.

CPC ACTION:
April 6, 2017

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for GR General Retail Subdistrict uses and hotel use by right, subject to a development plan and conditions on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property on the south corner of Fairmount Street and Carlisle Street.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0
For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 85
Replies: For: 5 Against: 0

Speakers: For: None
For (Did not speak): Benjamin Ralston, 3205 Dartmouth Ave., Dallas, TX, 75205
Against: None

Partners and Principles

OWNERS:

1.	3005 Fairmount St	Greenway 3005 Fairmount, LP. 2808 Fairmount Street, Ste 100 Dallas TX 75201 3005 Fairmount GP, LLC, general partner. Gerald H. Stool, Manager Todd Petty, Vice President
2.	3033 Fairmount St.	Waldemar N. Giancaspero
3.	3019 Fairmount St.	Jennifer Anne Baker
4.	3011 Fairmount St.	Justin Nowell
5.	3013 Fairmount St.	Marvin and Shavonn Allensworth
6.	3015 Fairmount St.	Alexander Schiess
7.	3027 Fairmount St.	David Krummrey
8.	3017 Fairmount St.	Satyam Sarma
9.	3012 Fairmount St.	Lana R Medina Family Living Trust
10.	3023 Fairmount St.	Carol A and Jeff L Hirzel
11.	3025 Fairmount St.	Katherine Garner
12.	3029 Fairmount St.	Kevin Leung
13.	3031 Fairmount St.	Carol A Moore

BUYER:

Alamo Manhattan Properties, LLC
G.H. Stool, Member
Matt Segrest, Member
D. Todd Petty, Member

PROPOSED CONDITIONS
Division S-___. PD Subdistrict ____.

SEC. S-___.101. LEGISLATIVE HISTORY.

PD Subdistrict ___ was established by Ordinance No. ____, passed by the Dallas City Council on ____ ____, ____.

SEC. S-___.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ___ is established on property located at the southeast corner of Carlisle Street and Fairmount Street. The size of PD Subdistrict ___ is approximately 32,568 square feet.

SEC. S-___.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division,

SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-___.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-___A: development plan.

SEC. S-___.105. DEVELOPMENT PLAN.

(a) For a hotel, 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.

(b) 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, development schedule, and landscape plan do not apply.

SEC. S-___.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following additional main uses are permitted by right:

-- Hotel.

SEC. S-___.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

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 of the GR General Retail Subdistrict apply.

(b) Hotel.

(1) Floor area ratio. Maximum floor area ratio is 5.85:1. A hotel with a floor area ratio greater than 2.5:1 may include a maximum floor area ratio of 0.5:1 for office use.

(2) Height. Maximum structure height is 175 feet.

SEC. S-___.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this subsection, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Hotel. Required off-street parking must be located in an underground parking structure. If valet is used for required off-street parking, the valet stand must be located within the underground parking structure.

SEC. S-___.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-___.111. LANDSCAPING.

Landscaping and screening must be provided in accordance with Part I of this article.

SEC. S-___.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-___.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.

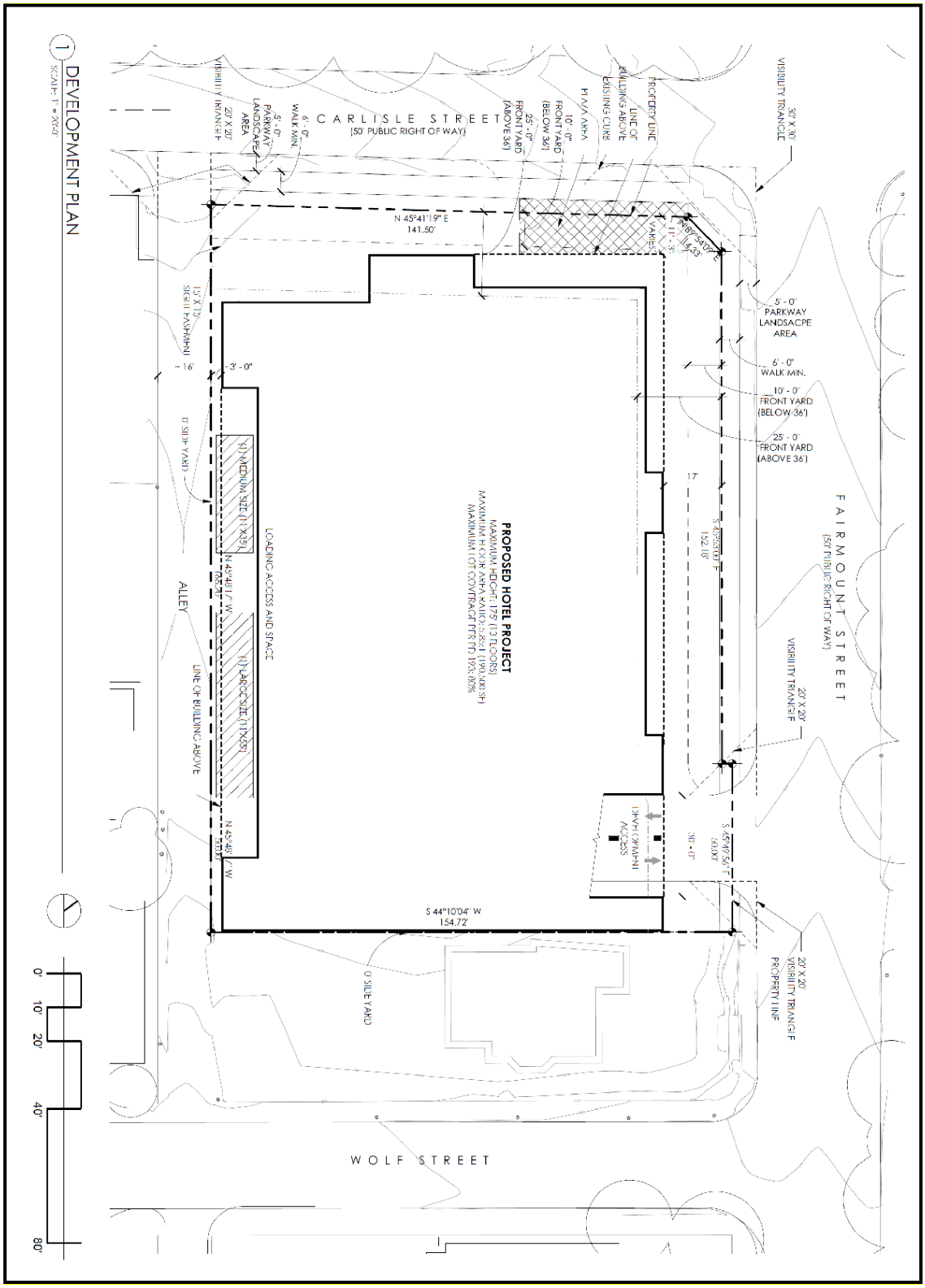
(c) Development and use of the Property must comply with Part I of this article.

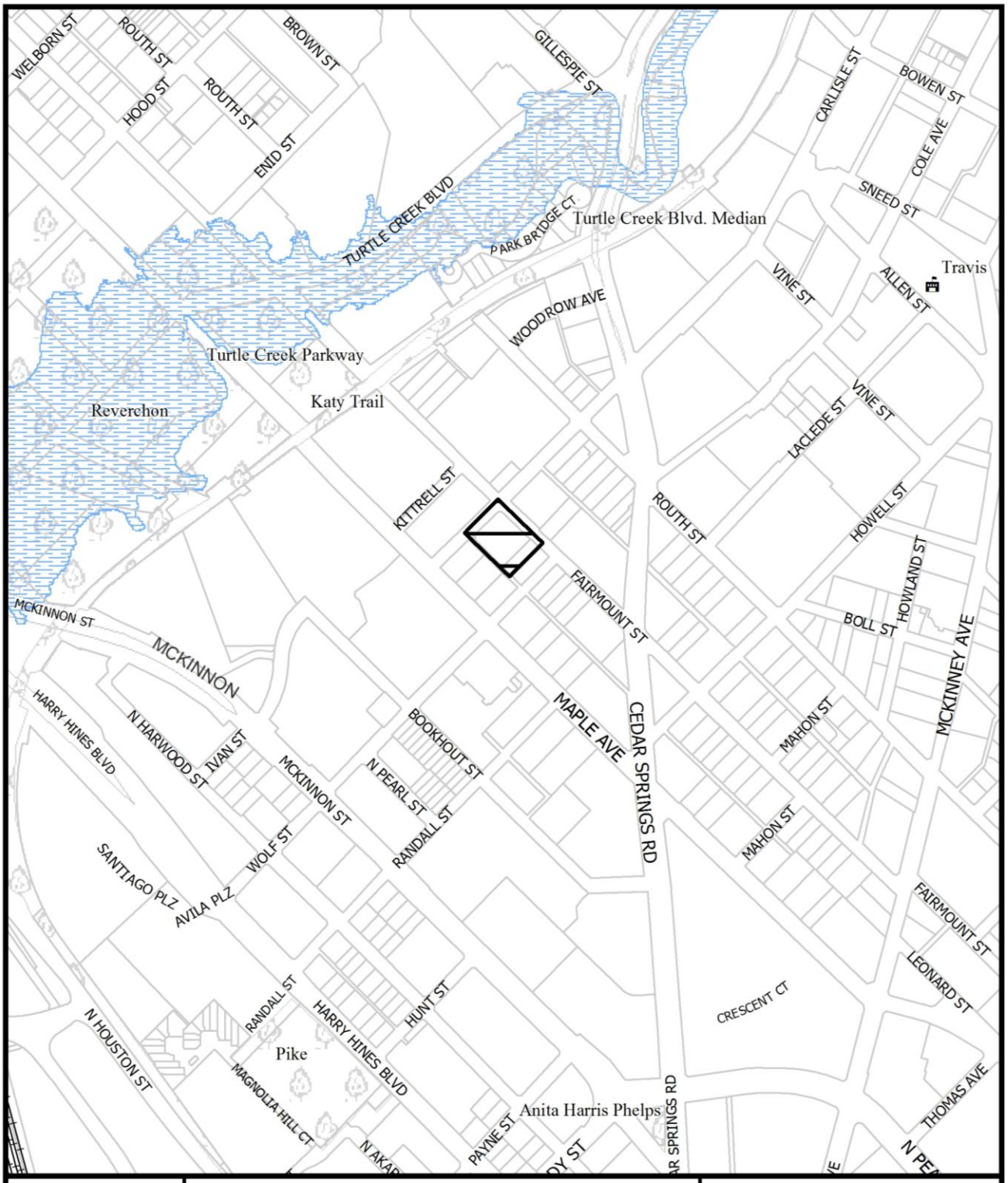
SEC. S-___.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED DEVELOPMENT PLAN





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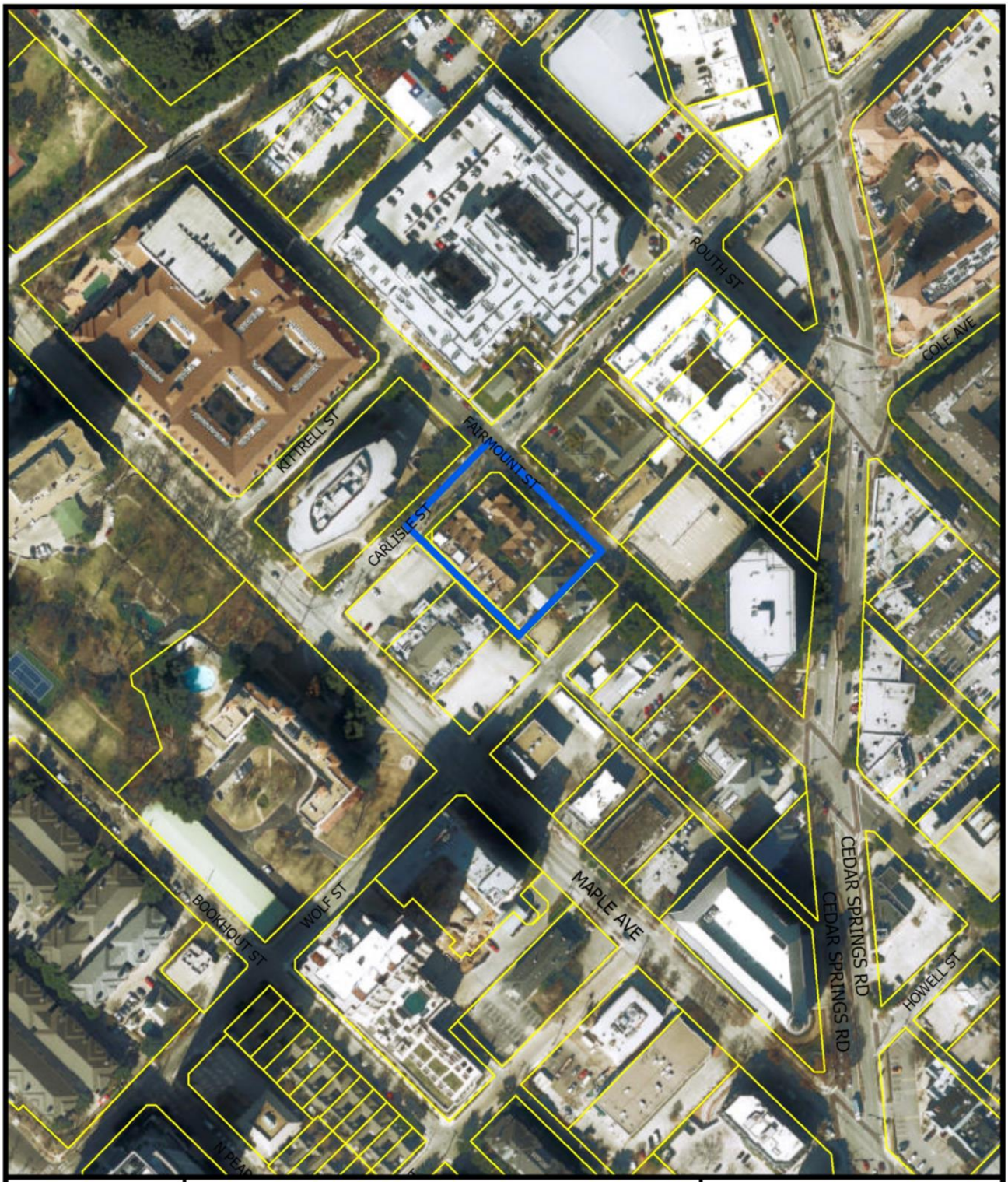
VICINITY MAP

Case no: Z167-134

Date: 12/22/2016



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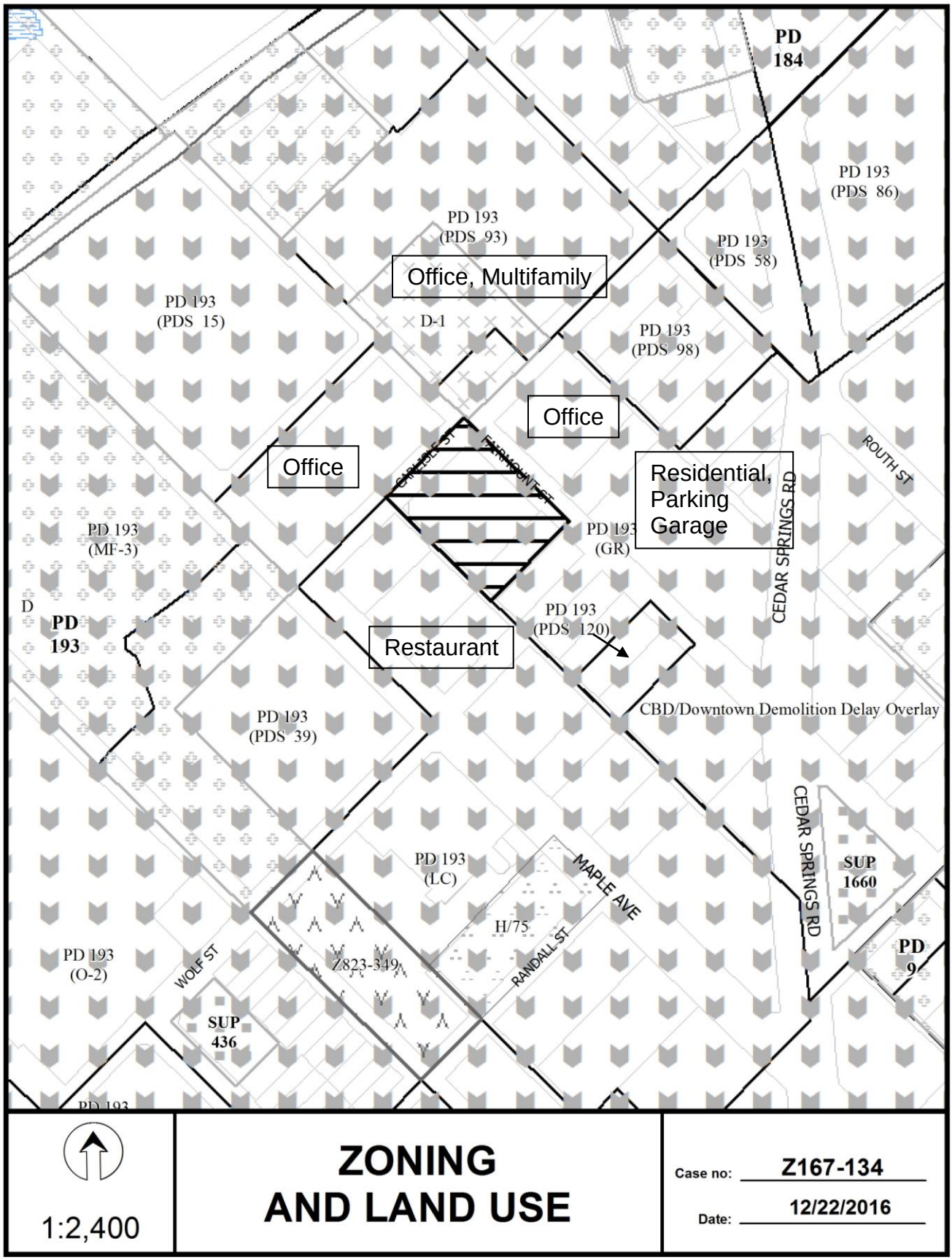
AERIAL MAP

Case no: Z167-134

Date: 12/22/2016



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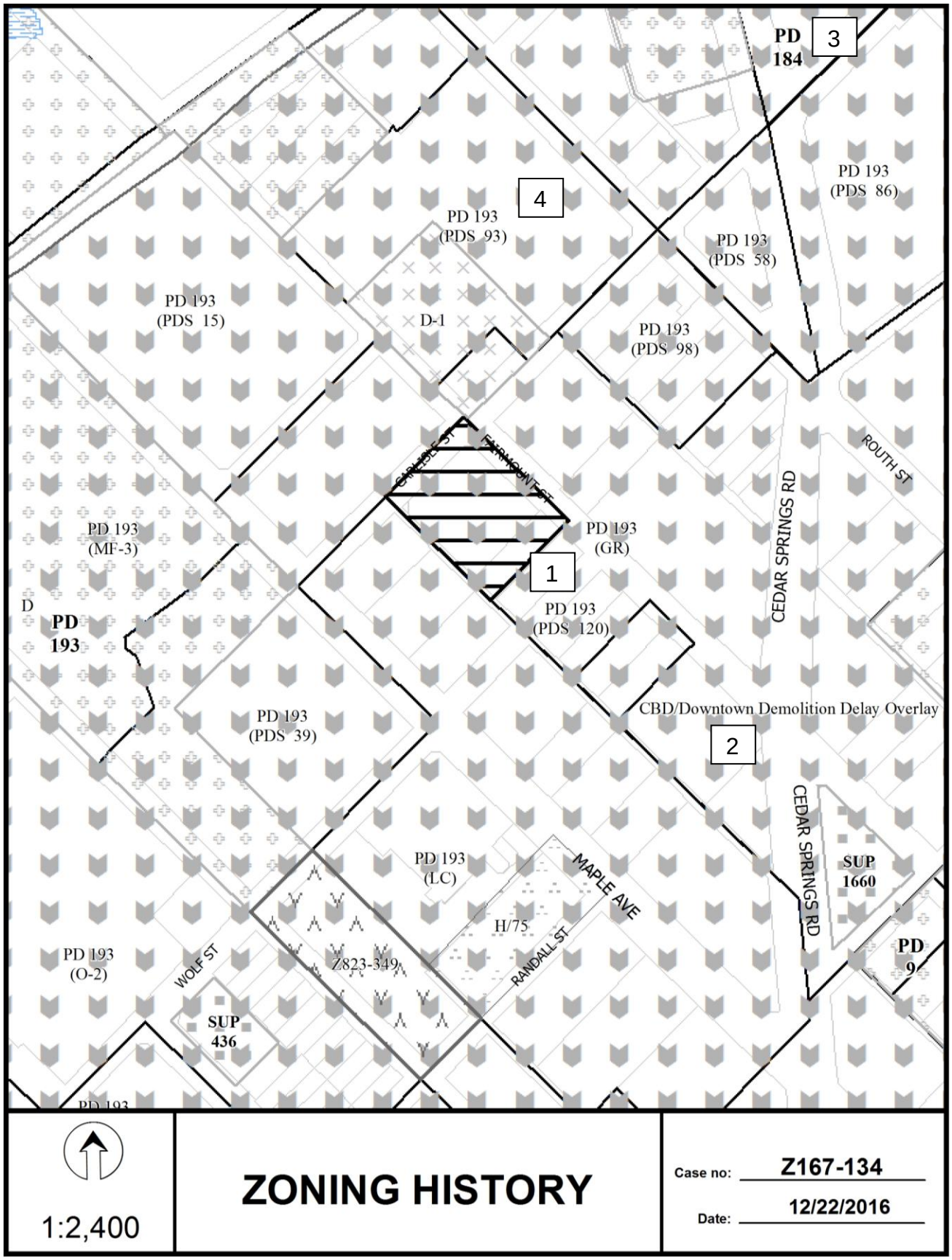
ZONING AND LAND USE

Case no: Z167-134

Date: 12/22/2016


PD 184
3
4
PD 193 (PDS 86)
PD 193 (PDS 93)
PD 193 (PDS 58)
PD 193 (PDS 15)
D-1
PD 193 (PDS 98)
CARUTHERS ST
FAIRMOUNT ST
ROUTH ST
CEDAR SPRINGS RD
PD 193 (MF-3)
PD 193 (GR)
1
D
PD 193
PD 193 (PDS 120)
CBD/Downtown Demolition Delay Overlay
PD 193 (PDS 39)
2
CEDAR SPRINGS RD
SUP 1660
PD 193 (LC)
MAPLE AVE
H/75
RANDALL ST
Z823-349
PD 193 (O-2)
WOLF ST
SUP 436
PD 9
PD 193
1:2,400
ZONING HISTORY
Case no: Z167-134
Date: 12/22/2016

CPC RESPONSES

85	Property Owners Notified (55 parcels)
5	Replies in Favor (9 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
4/6/2017	Date

Z167-134
CPC

N W E S

1:2,400

04/05/2017

Reply List of Property Owners

Z167-134

85 Property Owners Notified ***5 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	3005	FAIRMOUNT ST	GREENWAY 3005 FAIRMOUNT
	2	3000	FAIRMOUNT ST	3000 FAIRMOUNT TOWNHOMES INC
	3	3033	FAIRMOUNT ST	GIANCASPERO WALDEMAR N
	4	3011	FAIRMOUNT ST	NOWELL JUSTIN
	5	3013	FAIRMOUNT ST	ALLENSWORTH MARVIN & SHAVONN
	6	3015	FAIRMOUNT ST	SCHIESS ALEXANDER
	7	3017	FAIRMOUNT ST	SARMA SATYAM
	8	3019	FAIRMOUNT ST	BAKER JENNIFER ANNE
	9	3021	FAIRMOUNT ST	MEDINA LANA R FAMILY LIVING TR THE
	10	3023	FAIRMOUNT ST	HIRZEL JEFF L & CAROL A
	11	3025	FAIRMOUNT ST	GARNER KATHERINE
	12	3027	FAIRMOUNT ST	KRUMMREY DAVID
	13	3029	FAIRMOUNT ST	LEUNG KEVIN
	14	3031	FAIRMOUNT ST	MOORE CAROL A
	15	2905	MAPLE AVE	2905 MAPLE LLC
	16	2425	CEDAR SPRINGS RD	MARLETT CHRISTOPHER A &
	17	2912	MAPLE AVE	2912 MAPLE LLC
	18	2917	FAIRMOUNT ST	CALABAZA HOLDINGS LLC
	19	2926	MAPLE AVE	SHIELDS LTD PS
	20	2923	FAIRMOUNT ST	CALABAZA HOLDINGS LLC
	21	2925	FAIRMOUNT ST	REILLY PARKWAY LTD PTNS
	22	3000	MAPLE AVE	GREENWAY 3000 MAPLE LTD
	23	3008	MAPLE AVE	MAPLE TREE PARTNERS LTD
	24	3001	FAIRMOUNT ST	FRENCH JAMES F &
	25	2902	MAPLE AVE	2902 MAPLE LP
	26	3102	MAPLE AVE	MAPLE COUNTRY LTD

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	27	3001	MAPLE AVE	KENSINGTON MAPLE LLC
	28	3131	MAPLE AVE	L & L REALTY CORP
	29	2501	CEDAR SPRINGS RD	GH CEDAR SPRINGS INC
	30	2521	CEDAR SPRINGS RD	THORNTON LAURIE L &
	31	2537	CEDAR SPRINGS RD	SPURGIN ROBERT B & SALLY
	32	2535	CEDAR SPRINGS RD	SPURGIN ROBERT B
	33	3005	ROUTH ST	JEH FAMILY TRUST
	34	3011	ROUTH ST	ALAMO MANHATTAN ROUTH STREET LLC
O	35	3004	FAIRMOUNT ST	ALAMO MANHATTAN FAIRMOUNT LLC
O	36	3012	FAIRMOUNT ST	ALAMO MANHATTAN FAIRMOUNT LLC
	37	3108	ROUTH ST	KATY TRAIL ICE HOUSE LP
	38	3104	ROUTH ST	ASEL ART SUPPLY INC
O	39	2816	FAIRMOUNT ST	GREENWAY CEDAR SPRINGS LP
	40	3210	FAIRMOUNT ST	TEXAS UTILITIES ELEC CO
	41	3104	FAIRMOUNT ST	RIDDELL ROYD L & CONNIE J
	42	2927	MAPLE AVE	CWI DALLAS HOTEL LP
	43	2927	MAPLE AVE	DFW DALLAS HOTEL LP
	44	2401	CEDAR SPRINGS RD	GUIDESTONE FINANCIAL RES
	45	2913	FAIRMOUNT ST	GUIDESTONE FINANCIAL RESOURCES OF THE SOUTHERN
	46	2906	MAPLE AVE	2906 MAPLE AVE LLC
	47	3200	MAPLE AVE	VILLAS AT KATY TRAIL GRANTOR TRUST
O	48	2605	CEDAR SPRINGS RD	GREENWAY-CARLISLE LP
	49	3120	ROUTH ST	CUBESMART LP
	50	2600	COLE AVE	GABLES REALTY LTD PS
	51	2525	CARLISLE ST	FAIRMOUNT G/ U LLC
	52	2300	WOLF ST	SORACI BEN A
	53	2300	WOLF ST	BOWDON KENNETH & BOBBEYE
	54	2300	WOLF ST	MAPLE WOLF STONELEIGH LLC
	55	2300	WOLF ST	BROWN JOSHUA M & INETTE S REVOCABLE TRUST
	56	2300	WOLF ST	MAPLE WOLF STONELEIGH LLC
	57	2300	WOLF ST	SANDERS GEORGE O

Reply	*Label #*	*Address*		*Owner*
	58	2300	WOLF ST	PETERSON GALE & ALLAN
	59	2300	WOLF ST	CORBELLINI LIVING TRUST
	60	2300	WOLF ST	GOSS TIM K &
	61	2300	WOLF ST	YAKER NATAN &
	62	2300	WOLF ST	GOTTLIEB PETER R &
	63	2300	WOLF ST	PALACIOS ANTIONIO &
	64	2300	WOLF ST	ELLENBOGEN PAUL H &
	65	2300	WOLF ST	KALEV BARBARA
	66	2300	WOLF ST	CARLISLE RICHARD P &
	67	2300	WOLF ST	COLE THOMAS B
	68	2300	WOLF ST	ZOLLARS ROBERT & MARY CATHERINE
	69	2300	WOLF ST	BORICUA ENTERPRISES LP
	70	2300	WOLF ST	BENSYL WILLIAM R & CATHERINE NAN REV TR
	71	2300	WOLF ST	BHARGAVA & PANKAJ RAJ & LORI ANNETTE
	72	2300	WOLF ST	REDFIELD VANCE & SUSAN
	73	2300	WOLF ST	STONER SUSAN K & EUGENE C JR
	74	2300	WOLF ST	HOGAN PATRICK F TRUST THE &
	75	2300	WOLF ST	SMDLC STONELEIGH LLC
	76	2300	WOLF ST	EAST JOHN WAYNE DR
	77	2300	WOLF ST	EAST JOHN WAYNE
	78	2300	WOLF ST	ETTER TODD F
	79	2300	WOLF ST	MASSAD GENE F & BARBARA J
	80	2300	WOLF ST	GREER CHARLES SCOTT & LINDA L
	81	2300	WOLF ST	MONTGOMERY WILLIAM A &
	82	2300	WOLF ST	REGARD BETTY S
	83	2300	WOLF ST	REDFIELD VANCE & SUSAN
	84	2300	WOLF ST	KUNKLE DAVID &
	85	2300	WOLF ST	CARTER DONALD J & LINDA JO

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 62 G; H

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. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side of Joseph Hardin Drive, between Country Creek Drive and the terminus of Exchange Service Drive

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised Tract 2 site plan, revised traffic management plan, and conditions

Z167-145(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-145(SM) **DATE FILED:** November 30, 2016

LOCATION: Southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side Joseph Hardin Drive, between Country Creek Drive and the terminus of Exchange Service Drive

COUNCIL DISTRICT: 3 **MAPSCO:** 62 G; H

SIZE OF REQUEST: Approx. 3.1527 Acres **CENSUS TRACT:** 165.20

APPLICANT: Eagle Advantage Schools, Inc.; Owner

REPRESENTATIVE: Karl A. Crawley, Masterplan Consultants

REQUEST: An application to amend and expand Specific Use Permit No. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes 1) to continue the operation of an open-enrollment charter school on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and 2) construct additions to the south of the existing open-enrollment charter school on the west line of Joseph Hardin Drive.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised Tract 2 site plan, revised traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised Tract 2 site plan, revised traffic management plan, and conditions.

BACKGROUND INFORMATION:

- 4009 Joseph Hardin Drive, or the existing Tract 2 of SUP No. 1496 which is located on the west side of Joseph Hardin Drive and the terminus of Exchange Service Drive, was originally approved by the City Council on April 14, 1999 as SUP No. 1384 for a ten-year period with eligibility for automatic renewal for additional five-year periods.

- 4010 Joseph Hardin Drive, or the existing Tract 1 of SUP No. 1496 which is located on the southeast corner of Exchange Service Drive and Joseph Hardin Drive, was originally approved by the City Council on November 13, 2002 for a three-year period with eligibility for automatic renewal for one additional two-year period.

- SUP No. 1496 was amended on May 10, 2006 which provided for a time period to expire on April 14, 2009. In conjunction with this amendment, deed restrictions were volunteered by the applicant that address certain operational issues (hours of operation and permitted grade levels) associated with the applicant's school site across Joseph Hardin Drive.

- On December 16, 2008, the applicant submitted an application to renew SUP No. 1384. Due to the City Council directive, this application was withdrawn and included a separate request to expand SUP No. 1496.

- On June 9, 2010, City Council terminated SUP No. 1384 as well as terminated the existing deed restrictions and approved the expansion of SUP No. 1496 to the west side of Joseph Hardin Drive, Tract 2.

- An automatic renewal was approved on June 5, 2015 that extended the time period for SUP No.1496 to June 8, 2020.

- Tract 1 is developed with 18 elementary classrooms and is proposed to move the fourth and fifth grades to Tract 2 but no physical changes to the Tract 1 site plan.

- Tract 2 is developed with 10 middle school classrooms. Tract 2 is proposed to house 12 elementary classrooms and 14 middle school classrooms for a total of 26 open-enrollment charter school classrooms.

Zoning History: There have been no recent zoning requests in the area.

Street	Designation; Existing & Proposed ROW
Joseph Hardin Drive	Local; 60' ROW
Exchange Service Drive	Local; 60' ROW

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.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

> Policy 5.1.3 Encourage complementary building height, scale, design and character.

The applicant has agreed to provide enhanced sidewalk crossings, a crossing guard, and parking in the rear in order to create a safer environment for students traversing the campus on foot and the school provides a complementary building to transition from multifamily to adjacent industrially developed and undeveloped properties.

Land Use Compatibility:

As mentioned in the background information, the request area now consists of two tracts, each currently regulated by an SUP for an open-enrollment charter school. Surrounding land uses to Tract 1 remain unchanged from the 2006 ordinance and consists of a governmental office building with surface parking to the north, a financial institution with drive through window to the east, undeveloped land to the south, and Tract 2 to the west.

Surrounding land uses to Tract 2 also remain unchanged from the previous ordinance amending SUP No. 1496 but since this request expands Tract 2, the development moves closer to the undeveloped industrial zoned land to the south and a storage facility to the southeast. The surrounding property that remains unchanged since the previous ordinance consists of surface parking to the north for a federal governmental office building to the northeast, Tract 1 to the east, and medium-density multifamily uses to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP

for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

Staff has determined the location and use of both school campuses are compatible with the surrounding uses because it acts as a buffer between the adjacent multifamily and the industrial areas. Additionally, since the traffic management plan requires periodic review that alleviates circulation conflicts with surrounding properties and streamlines the school's drop-off and pick-up operations over time, staff supports an automatic renewal provision at this location.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not impact the surrounding street system subject to a revised Traffic Management Plan being attached to the ordinance and providing for updates every two years. The last known update to the Traffic Management Plan was from the previous change to SUP No. 1496 in 2010; however, an automatic renewal was reviewed and approved June 5, 2015 that sent notices to adjacent property owners within 200 feet of the existing boundaries of SUP No. 1496. Ten property owners were notified, four responded in favor and no responses were received in opposition.

Conflicts were reported between the lower school dismissal time and the northern property owner, AAFES. Therefore, the flow of traffic was reversed at the lower school, on the east side of Joseph Hardin Drive, where now parents would enter the queue on Joseph Hardin Drive and exit on Exchange Service Drive. The reversal resolved the conflict of parents turning into the queue while staff at AAFES was exiting the northern property. Finally, the expansion of the upper school on the west line of Joseph Hardin lane will allow parents to enter the queue on Country Creek Drive and exit on Joseph Hardin.

A traffic study was also produced by the applicant's traffic engineers. Mobility and Street Services Department of the City of Dallas reviewed the traffic study and has no objections to the request.

Landscaping: The applicant's request to enlarge the facilities on the expanded Tract 2 will trigger additional landscape requirements that will comply with Article X.

CPC ACTION – February 16, 2017:

Motion: In considering an application to amend and expand Specific Use Permit No. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side Joseph Hardin Drive between Country Creek Drive and the terminus of Exchange Service Drive, it was moved to **hold** this case under Advisement until March 16, 2017.

Maker: Davis
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 11
Replies: For: 0 Against: 1

Speakers: None

CPC ACTION – March 16, 2017:

***De minimus* Significate Change Motion:** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the proposed change in the Commission's judgment is *de minimus* in nature.

Maker: Houston
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0

Motion: In considering an application to amend and expand Specific Use Permit No. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side Joseph Hardin Drive between Country Creek Drive and the terminus of Exchange Service Drive, it was moved to **hold** this case under Advisement until April 6, 2017.

Maker: Houston
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0

Notices: Area: 300 Mailed: 11
Replies: For: 0 Against: 1

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC ACTION – April 6, 2017:

Motion: It was moved to recommend **approval** of an amendment to and an expansion of Specific Use Permit No. 1496 for an open-enrollment charter school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a Tract 2 site plan, revised traffic management plan, and conditions on property zoned an IR Industrial Research District, on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and on the west side Joseph Hardin Drive between Country Creek Drive and the terminus of Exchange Service Drive.

Maker: Houston
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 300 Mailed: 11
Replies: For: 1 Against: 1

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
David Nevarez, 400 S. Houston St., Dallas, TX, 75202
Angela McDonald, 618 W. Wheatland Rd., Duncanville, TX, 75116
For (Did not speak): Darketsha William, 4009 Joseph Hardin Dr., Dallas, TX, 75236
Against: None

Board of Directors

Mrs. Angela McDonald – Board President
Mr. Jerry Zielke – Treasurer
Mr. Robert Nickell, Jr. – Board Member
Mrs. Kristina Blake - Board Member
Mrs. Wilma Mallory-Sneed – Board Appointed Secretary

CPC Recommended Amending Conditions for SUP 1496

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.

2. SITE PLAN: Use and development of the Property must comply with the attached Tract 1 site plan and the attached Tract 2 site plan.

3. TIME LIMIT: This specific use permit expires on (five years) [~~June 9, 2015~~], 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 the specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th day but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. LANDSCAPING:

   A. Landscaping must be provided as shown on the attached Tract 1 site plan [~~and the attached Tract 2 site plan~~].

   B. For Tract 2, landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

   C. Plant materials must be maintained in a healthy, growing condition.

5. HOURS OF OPERATION:

   A. In Tract 1, the open-enrollment charter school may only operate between 7:00 a.m. and 4:30 p.m., Monday through Friday.

   B. In Tract 2, the open-enrollment charter school may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.

6. CLASSROOMS:

   A. In Tract 1, the maximum number of classrooms is 18.

   B. In Tract 2, the maximum number of classrooms is 26 [~~10~~].

7. GRADE LEVELS PERMITTED:

A. In Tract 1, Kindergarten through fifth grade only.

B. In Tract 2, Kindergarten [~~sixth grade~~] through eighth grade only.

8. INGRESS AND EGRESS: Ingress and egress must be provided in the locations shown on the attached Tract 1 site plan and the attached Tract 2 site plan. No other ingress or egress is permitted.

9. CROSSWALK: The building official shall not issue a certificate of occupancy for a use authorized by this specific use permit until a crosswalk has been provided at the intersection of Joseph Hardin Drive and Exchange Service Drive. A uniformed crossing guard must be provided in this location to facilitate student and school personnel crossing between tracts at all times during school hours.

10. SIDEWALK CROSSINGS: At each intersection of driveway and sidewalk, sidewalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.

11. PARKING: Parking must be located as shown on the attached Tract 1 site plan and the attached Tract 2 site plan.

12[~~11~~]. TRAFFIC MANAGEMENT PLANS:

A. In general. Operation of an open-enrollment charter school must comply with the attached Tract 1 traffic management plan and the attached Tract 2 traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plans. The initial traffic study must be submitted to the director by November 1, 2019[~~2012~~]. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1 of each odd[~~even~~]-numbered year.

ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

a. ingress and egress points;

b. queue lengths;

c. number and location of personnel assisting with loading and unloading of students;

d. drop-off and pick-up locations;

e. drop-off and pick-up hours for each grade level;

f. hours for each grade level; and

g. circulation.

iii. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plans are sufficient.

a. If the director determines that the current traffic management plans are sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plans result in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

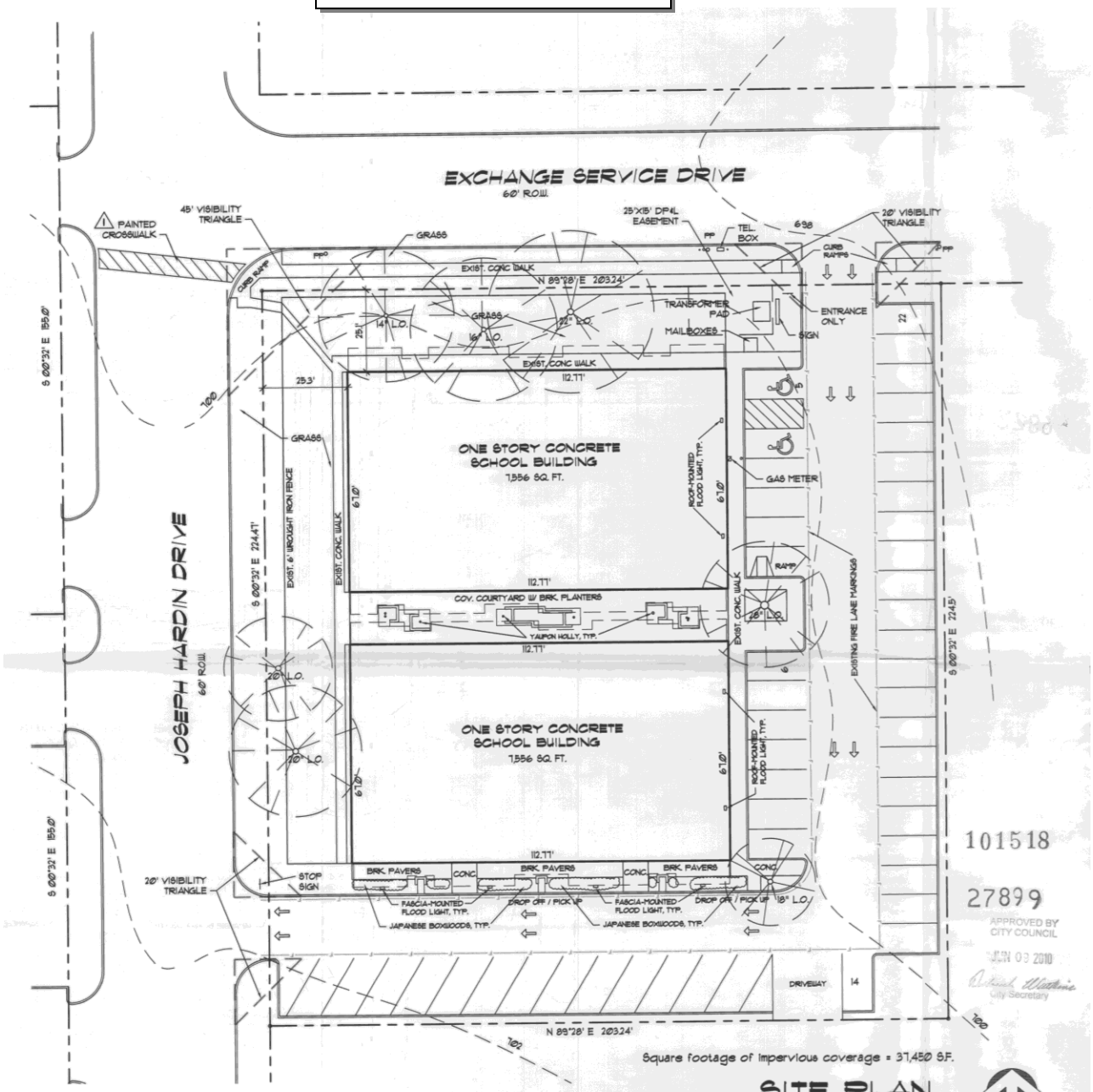
i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

ii. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

13[~~12~~]. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

14[~~13~~]. 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 Tract 1
Site Plan (no changes)



SITE PLAN
SCALE: 1" = 20.0'
0 20' 40' 60'

GROSS FLOOR AREA:

EXISTING BUILDINGS (2) 7,556 sq. ft. each
TOTAL SQUARE FOOTAGE = 15,112

PARKING CAPACITY:

NUMBER OF CLASSROOMS = 18

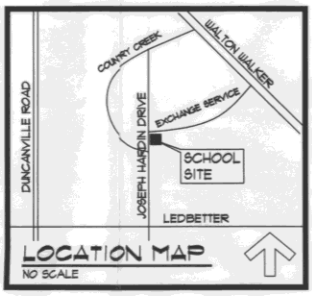
K THRU 3:	12 CLASSROOMS x 1.5 SPACES/ CLASSROOM	= 18 SPACES
4th - 5th:	6 CLASSROOMS x 3.5 SPACES/ CLASSROOM	= 21 SPACES
	TOTAL SPACES REQUIRED FOR CLASSROOMS	= 39 SPACES

ADMINISTRATIVE OFFICES

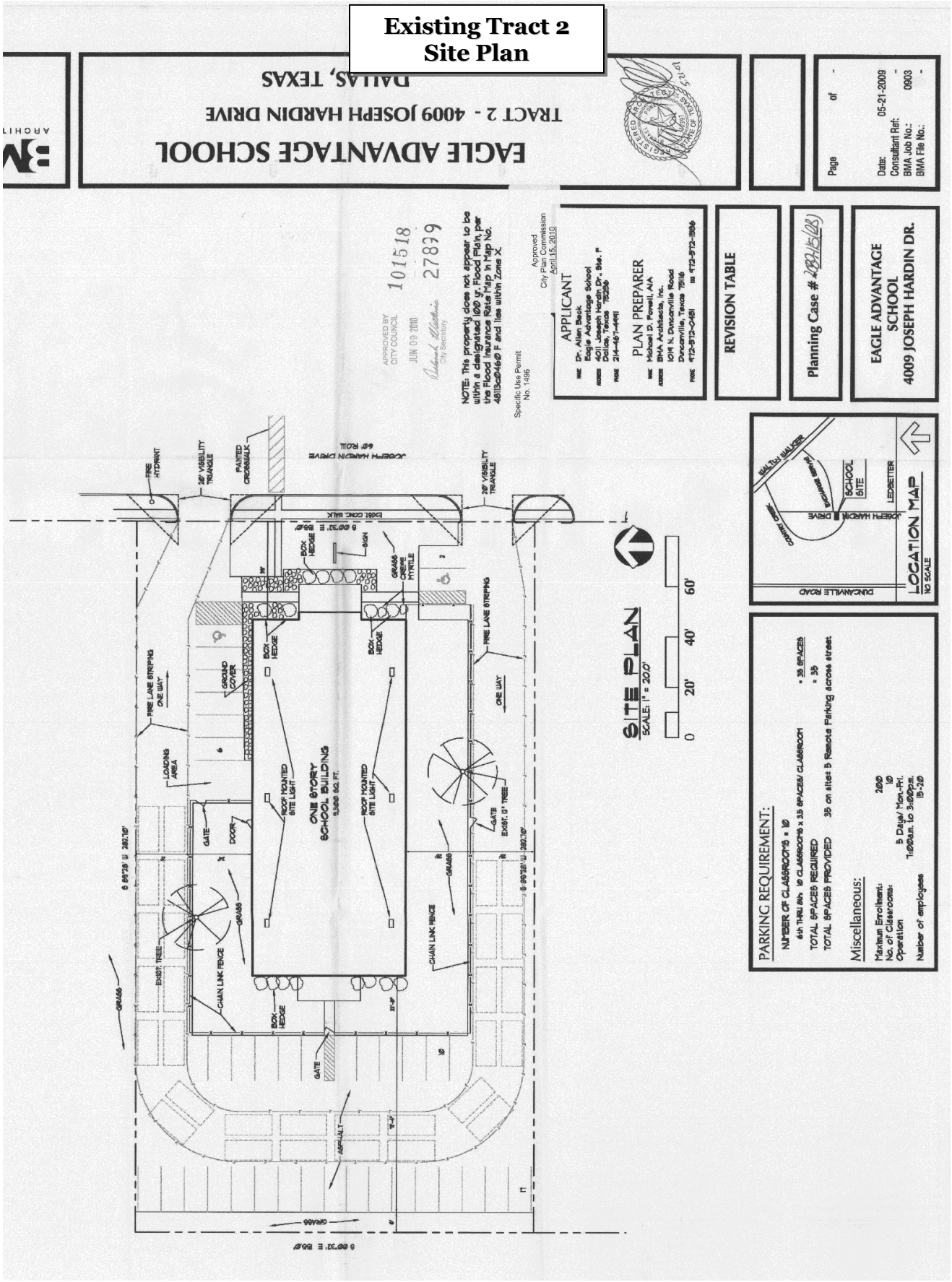
OFFICE SPACE	= 1,430 SF x 1 SPACE/ 300 SF	= 5 SPACES
STORAGE/ MECHANICAL SPACE	= 840 SF x 1 SPACE/ 1000 SF	= 1 SPACE
	TOTAL SPACES REQUIRED FOR OFFICE/ STORAGE	= 6 SPACES

TOTAL SPACES REQUIRED	= 45
TOTAL SPACES PROVIDED	= 54

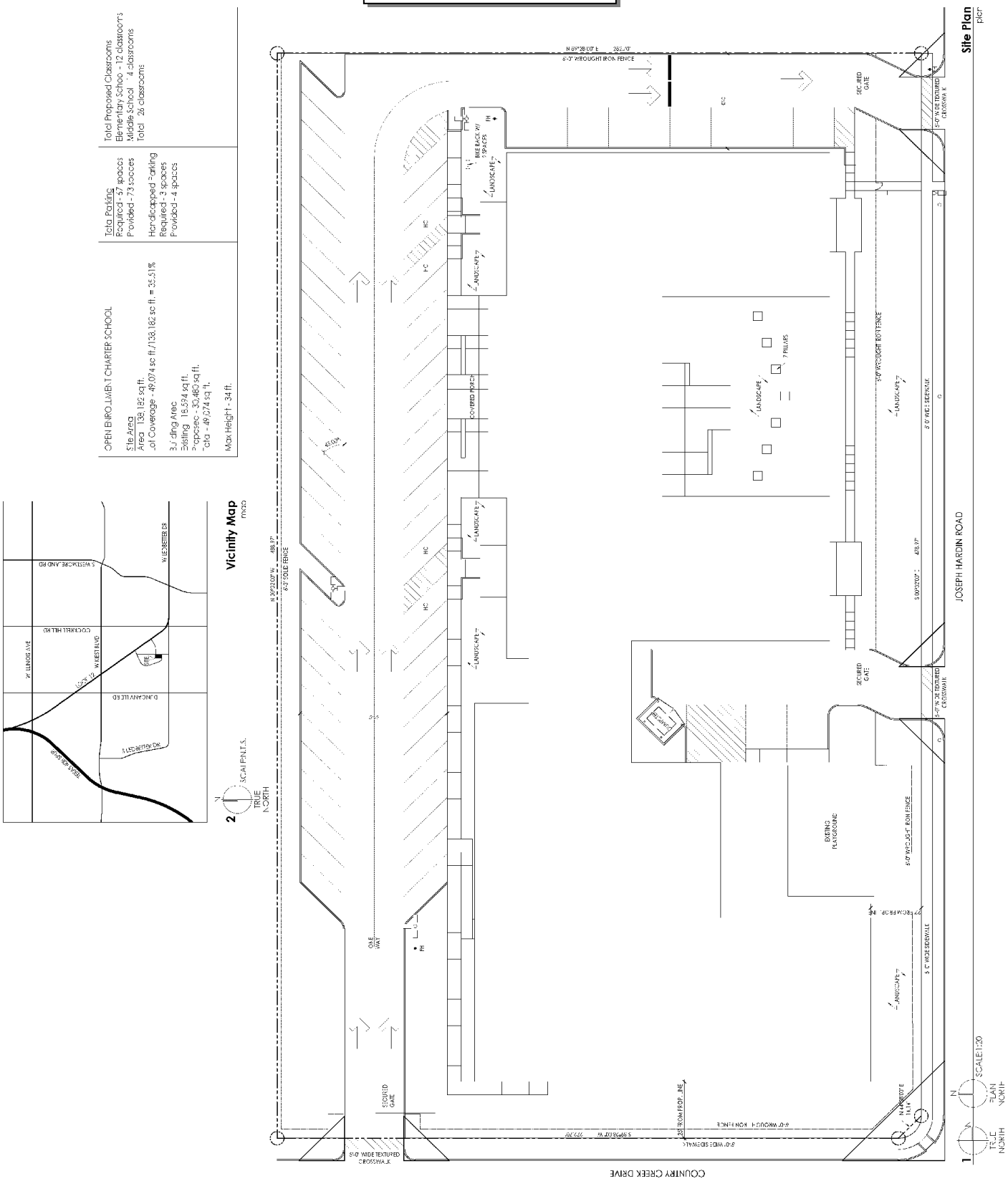
NOTE: TYPICAL PARKING SPACE = 9'x18'



Existing Tract 2
Site Plan



Proposed Tract 2 Site Plan



Traffic Management Plan

TRAFFIC MANAGEMENT PLAN FOR

THE ADVANTAGE ACADEMY NORTH DUNCANVILLE CAMPUS

DALLAS, TEXAS

DeShazo Project No. 16133

Z167-145

Prepared for:

Advantage Academy

618 W Wheatland Road

Duncanville, Texas 75116

Prepared by:

DeShazo Group, Inc.

Texas Registered Engineering Firm F-3199

400 South Houston Street, Suite 330

Dallas, Texas 75202

214.748.6740

February 8, 2017

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Traffic Management Plan for

Advantage Academy – North Duncanville Campus

~ DeShazo Project No. 16133 ~

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Site Access and Circulation *2*
Passenger Loading and Vehicular Queue *3*
Recommendations *4*
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Table 2. Peak Vehicles Parked and In Queue during Afternoon Pick-Up Period

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Exhibit 2. Traffic Management Plan for 4010 Joseph Hardin Drive (Pre-K – 3rd grade)
Exhibit 3A. Traffic Management Plan for 4009 Joseph Hardin Drive (4th – 5th grade)
Exhibit 3B. Traffic Management Plan for 4009 Joseph Hardin Drive (6th – 8th grade)

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Technical Memorandum

To: *Angela McDonald – Advantage Academy*

From: *David Nevarez, PE, PTOE* — DeShazo Group, Inc.

Date: February 8, 2017

Re: Traffic Management Plan for Advantage Academy North Duncanville Campus in Dallas, Texas

DeShazo Project Number 16133; Zoning No. Z167-145

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm based in Dallas, Texas providing licensed professional engineers and urban planners skilled in the field of traffic/transportation engineering. The services of DeShazo were retained by Building Solutions ("the client") on behalf of Advantage Academy to provide a requisite traffic management plan (TMP) for a proposed expansion of their North Duncanville campus in Dallas, Texas.

Advantage Academy is an open-enrollment charter school serving students from pre-kindergarten to eighth grade. The "North Duncanville" campus currently operates in two separate city blocks. Students in Pre-Kindergarten through Grade 5 attend classes at 4010 Joseph Hardin Drive. A separate building across the street, located at 4009 Joseph Hardin Drive serves grades 6, 7 and 8. The current school enrollment is 487 students. DeShazo previously prepared a TMP update on October 8, 2015. **Exhibit 1** presents a site location map with all the properties associated with the North Duncanville Campus.

The proposed expansion of the school campus plans to retain Pre-Kindergarten through 3rd grade of 4010 Joseph Hardin Drive building and relocate 4th and 5th grade with 6th through 8th grade to proposed expansion of 4011 Joseph Hardin Drive.

The school property is zoned Industrial Research (IR) District and is regulated by Chapter 51A of the Dallas Development Code. City of Dallas approval is required to gain entitlements for the proposed expansion. As part of the approval process, submittal of a TMP is required as a record of the preferred strategies to be used by the school to ensure overall traffic safety and efficiency. This TMP is intended to assess existing and anticipated traffic conditions during the school's peak periods on the basis of satisfying these objectives. By consent of the TMP submittal, the school agrees to the strategies for which the school will be held self-accountable until and unless the City of Dallas deems further measures are appropriate.

400 S Houston St, Suite 330 Dallas, TX 75202 P. 214.748.6740 F. 214.748.7037 www.deshazogroup.com

TRAFFIC MANAGEMENT PLAN

A school Traffic Management Plan (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. Properly managing the vehicular traffic generated during the critical periods inherently improves the safety and efficiency of all modes of travel and also minimizes the operational impact on the public street system. 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 passenger loading/unloading and vehicle queuing (i.e. stacking) that occur at the school in order to accommodate the observed peak demands within the site. A concerted effort and full participation by the school administration, staff, students, and parents are encouraged to provide and maintain safe and efficient traffic operations.

School Operational Characteristics

Table *1* summarizes operational characteristics for Advantage Academy assumed in this analysis:

Table 1. School Operational Characteristics

	Existing Conditions	Proposed Conditions
Enrollment (by grade)	4010 Joseph Hardin: Pre-K – 5th Grade, 315 Students 4009 Joseph Hardin: 6th – 8th Grade, 172 Students Total Enrollment: 487 Students	4010 Joseph Hardin: Pre-K – 3rd Grade, 260 Students 4009 Joseph Hardin: 4th – 5th Grade, 176 Students 6th – 8th Grade, 264 Students Total Enrollment: 700 Students
Daily Schedule	• Pre-K – 5th Grade: 9:15 AM – 3:20 PM • 6th – 8th Grade – 7:50 AM – 3:40 PM	Same as existing
Mode of Transportation:	By Bus/Van ≅0% By Walking ≅0% Parent Pick-Up ≅100%	Same as existing

Site Access and Circulation

The proposed expansion of the school property at 4009 Joseph Hardin Drive has frontage on both Joseph Hardin Drive and Country Creek Drive. There is one driveway on County Creek Drive that serves as an entrance only with direct access to Joseph Hardin Drive. This driveway entrance is 24 feet wide and can accommodate two parallel queues inbound. One plan was prepared to accommodate the traffic operations based on student population. **Exhibit 2** presents recommendations at 4010 Joseph Hardin Drive that can support up to 260 students per dismissal time at 3:20 pm—an anticipated proposed condition for the site expansion. **Exhibit 3A** presents recommendations at 4009 Joseph Hardin Drive that can support up to 176 students in 4th and 5th grade students per dismissal time at 3:20 pm and **Exhibit 3B** presents recommendations at 4009 Joseph Hardin Drive that can support up to 264 students in grades 6th through 8th per dismissal time at 3:40 pm—an anticipated proposed condition for the site expansion. Based upon actual observations of existing traffic operations at the existing sites, parents have no problem exiting sequentially upon leaving the loading area. Exiting traffic drives towards the egress driveway along the designated route.

Passenger Loading and Vehicular Queue

During the afternoon pick-up period, the proposed school site will implement a managed "carpool" system. Parents will arrive to the site with identification name tags that pairs them with the corresponding student. During the pick-up period, the names of students are on display through the vehicle's windshield while parents circulate through the prescribed route. School staff is positioned at strategic locations to relay the sequence of parent arrival back to the loading area. In the meantime, students are prepped for pick-up as parents approach their corresponding loading area. Several vehicles are loaded simultaneously with the assistance of other school staff stationed at the loading area. Only one single loading zone in front of the main building entrance will serve pick-up operations. In general, the site provides ample queuing space with vehicles forming two rows. Once loaded, vehicles are cleared by school staff to carefully exit the site along the designated route.

School observations consistently indicate that maximum queues occur during the afternoon peak period when students are being picked-up—the morning period is typically not a significant traffic issues since drop-off activities are more temporally distributed and occur much more quickly than student pick-up. DeShazo empirically quantified the peak number of parent-vehicles on site during the afternoon pick-up period based upon field observations commissioned during typical school-day conditions (on Tuesday, September 20, and Thursday, September 22, 2016). Assuming that the number of vehicles generated during the afternoon pick-up period is directly proportional to the number of students enrolled, the peak queue for the future conditions at full occupancy can be estimated. The projected peak number of vehicles during each dismissal time is summarized in **Table *2***.

Table 2. Peak Vehicles Parked and In Queue during Afternoon Pick-Up Period

Group	Dismissal Time	Existing Max Queue *(observed)*
Grades Pre-K – 5th	3:20 PM	36 cars *315 students*
Grades 6, 7, 8	3:40 PM	22 cars *172 students*

Table 3. Queueing Summary for Pick-Up

Group	Dismissal Time	Vehicular Traffic
Grades Pre-K – 3rd 260 Students	3:20 PM	Provided: 705 LF (30 cars) Required: 681 LF (29 cars) Surplus: 23.5 LF (1 car)
Grades 4th – 5th 176 Students	3:20 PM	Provided: 705 LF (30 cars) Required: 470 LF (20 cars) Surplus: 235 LF (10 cars)
Grades 6th – 8th 264 Students	3:40 PM	Provided: 1,200 LF (51 cars) Required: 799 LF (34 cars) Surplus: 401 LF (17 cars)

School Traffic Impact to Adjacent Roadways

DeShazo commissioned turning movement counts—including pedestrian traffic—in 15-minute increments at the intersection of Joseph Hardin Drive and Exchange Service Drive on Wednesday, January 25, 2017. The morning data was collected between 6:00 and 10:00 AM while the afternoon data was collected from 2:30 to 6:30 PM. Detailed traffic data of Joseph Hardin Drive is provided in **Appendix A**.

Peak hour volumes provide a technical variable to evaluate levels of performance based upon professional judgment and observations of current traffic operations at the intersection of Joseph Hardin Drive and Exchange Service Drive. An evaluation of peak hour traffic volumes indicates that existing school traffic constitutes a small portion of the total capacity of the intersection. Furthermore, an evaluation of proposed conditions indicates that adjacent streets provide adequate capacity to support the school traffic without any adverse impact to the adjacent properties—particularly Army & Air Force Exchange Services (AAFES) traffic that coincides with the morning school peak hour.

Recommendations

The following recommendations are provided by DeShazo to the Advantage Academy Charter School 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, the recommendations provided herein pertain specifically to the afternoon period operations.

1. This TMP was designed with the intent of optimizing vehicular circulation and retention of vehicle queuing in a manner that promotes safety and operational efficiency. The plan includes a recommended configuration of temporary traffic control devices that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.
   - The recommended plan presented in **Exhibit 2** provides approximately 705 linear feet of on-site vehicular queuing at 4010 Joseph Hardin Drive for Pre–Kindergarten through 3rd grade students. This capacity provides enough storage for a projected maximum queue of 29 vehicles at 3:20 PM.
   - The recommended plan presented in **Exhibit 3A** provides approximately 705 linear feet of on-site vehicular queuing at 4009 Joseph Hardin Drive for 4th-5th grade students at 3:20 PM. This capacity provides enough storage for a maximum queue of 20 vehicles and yields a surplus of 325 feet.

     Note: An additional 470 linear feet is provided for early arrivals of 6th – 8th grade students dismissal period.
   - The recommended plan presented in **Exhibit 3B** provides approximately 1,200 linear feet of on-site vehicular queuing at 4009 Joseph Hardin Drive for 6th-8th grade students at 3:40 PM. This capacity provides enough storage for a maximum queue of 34 vehicles and yields a surplus of 400 feet.
2. The plan also includes a recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff should be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.

3. Staff directing traffic at the intersecting point of two queue lanes (and other areas, where appropriate) should procure and use reversible hand-paddle signs with the messages (and symbols) for STOP and for SLOW (i.e., proceed slowly). Optional additional equipment used by staff may include whistles (for audible warnings) and flashlights (for visual warnings) in order to better-gain the attention of motorists.

The full cooperation of all school staff members, students, and parents is crucial for the success of any traffic management plan. Proper training of school staff on duties and expectations pertaining to the plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

Passenger loading and unloading within public right-of-way should be avoided at all times. To the extent possible, all queuing and parking should be accommodated within the school site boundaries. For circumstances where this cannot be avoided, the school should coordinate with City staff responsible for traffic operations in the area to investigate appropriate mitigation measures. Also, to minimize liabilities, no person(s) other than deputized officers of the law should engage or attempt to influence traffic operations in public right-of-way to minimize liabilities.

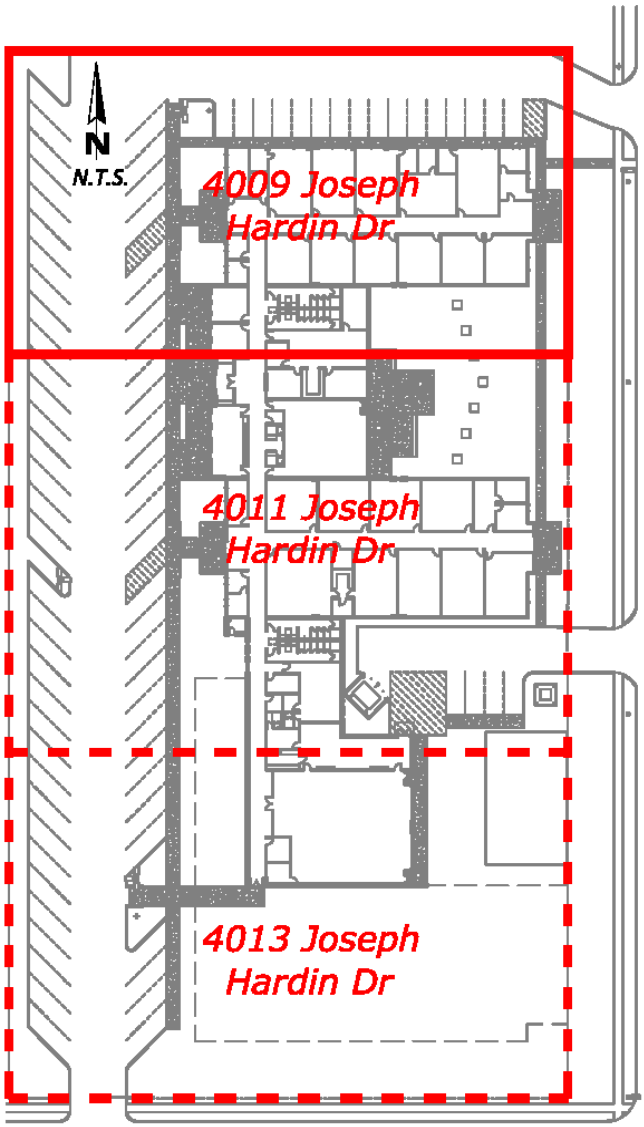
SUMMARY

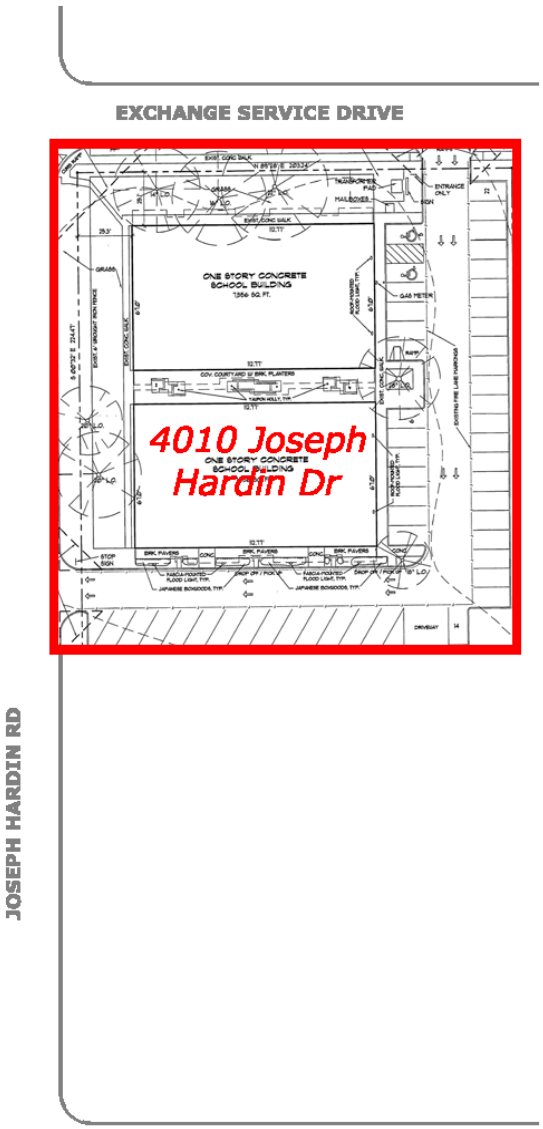
Observations of the existing traffic management and a cursory review of carpool procedures indicate that current operations are optimal and should remain in practice in the future. This TMP is to be used by Advantage Academy to provide safe and efficient transportation of students, staff, and faculty 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

DeShazo Group

Z167-145 (SM)





Pick-Up Location	Student Group	Student Enroll.	Schedule
EXISTING CONDITIONS			
4010 Joseph Hardin Dr	Pre-School to 5th Grade	315 Students	7:50 AM-3:20 PM
4009 Joseph Hardin Dr	6-8th Grade	172 Students	7:50 AM-3:40 PM
PROPOSED CONDITIONS			
4010 Joseph Hardin Dr	Pre-School to 3rd Grade	260 Students	7:50 AM-3:20 PM
4009-4013 Joseph Hardin Dr	4-5th Grade	176 Students	7:50 AM-3:20 PM
4009-4013 Joseph Hardin Dr	6-8th Grade	264 Students	7:50 AM-3:40 PM

Legend

- Existing School Property: 4009 & 4010 Joseph Hardin Drive
- Proposed Advantage Academy School Expansion (4-8th Grades): 4009, 4011, 4013 Joseph Hardin Drive

EXHIBIT **1**

Site Location Map
Advantage Academy - North Duncanville Campus
4009 Joseph Hardin Drive, Dallas, Texas

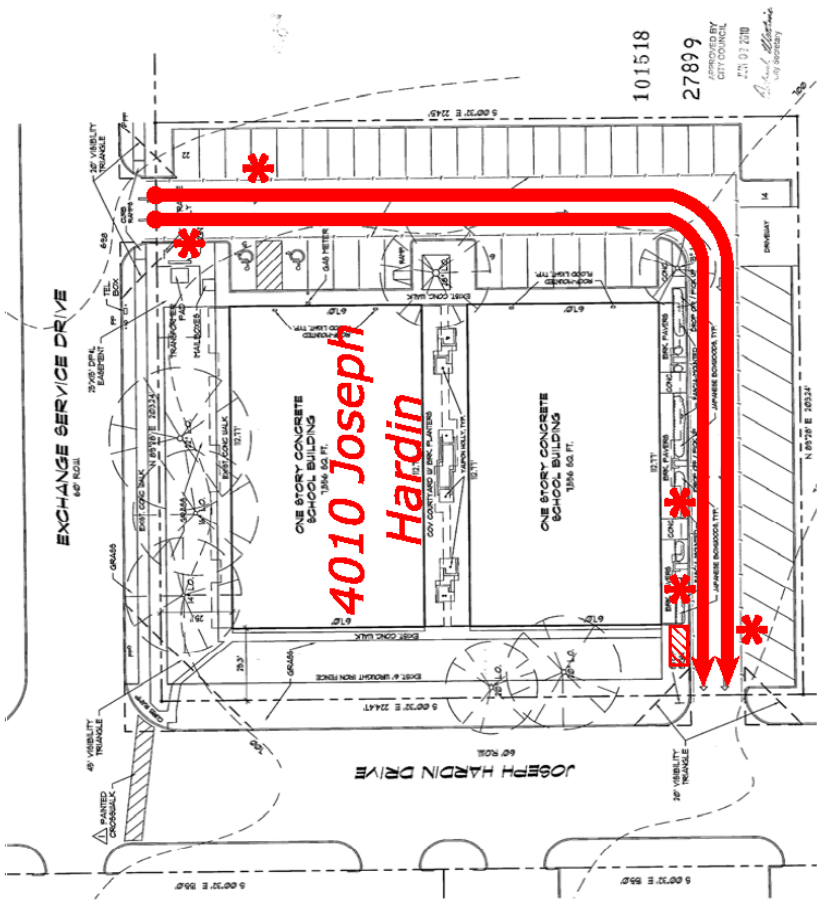
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740

DeShazo Group, Inc. Job No. 16113 Exhibit Created on 08-01-2017

DeShazo Group

PRE K - 3RD

Z167-145(SM)



Queuing Summary

Grades & Student Enrollment	Dismissal Times	Vehicular Traffic
Grades Pre K - 3rd 260 Students	3:20 PM	Provided: 705 LF (30 cars) Required: 682 LF (29 cars) Surplus: 23.5 LF (1 car)

Legend

- School Staff
- Loading Area
- Queue Capacity
- Traffic Cones

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.

I, David Nevarez, P.E. #106200, certify that the results of the queuing analysis—upon complete enforcement of this Traffic Management Plan—indicate that no queuing of vehicles will extend into City of Dallas rights-of-way as a result of internal queuing constraints during the study peak hours of school operation.

**Vehicular queue calculated at 23.5 feet/car based on field observations.*

DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740

EXHIBIT 2A

Traffic Management Plan *(Existing Conditions)*

Advantage Academy

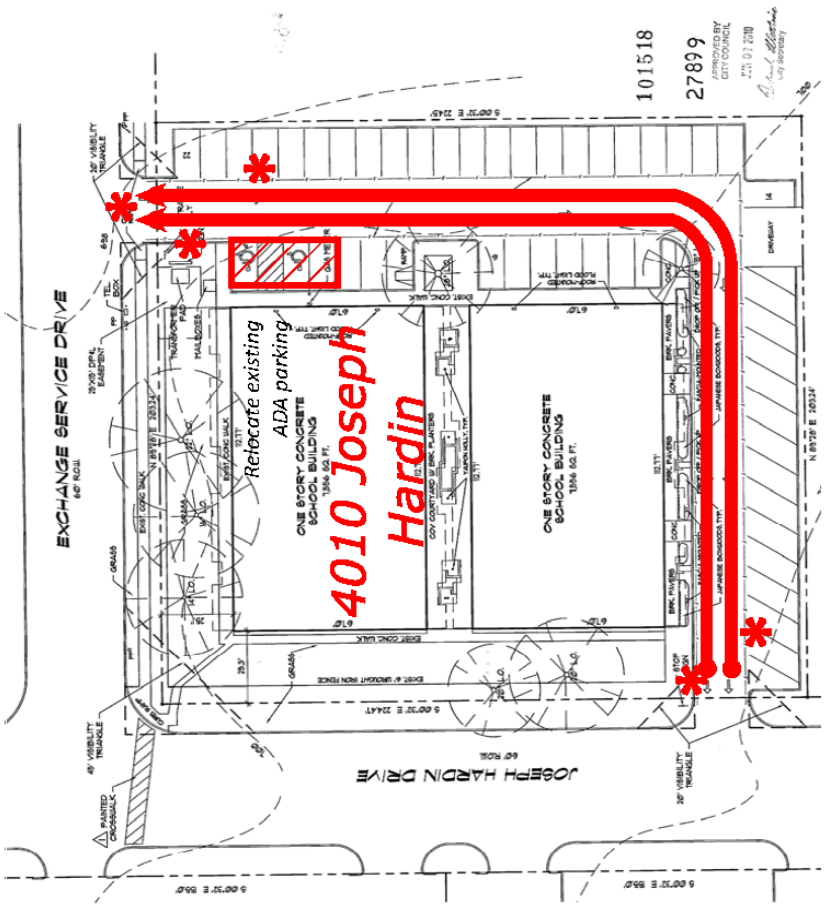
4010 Joseph Hardin Road, Dallas, Texas

DeShazo Group, Inc. Job No. 16133 Exhibit Created on 09-28-2016

Z167-145(SM)

DeShazo Group

PRE K - 3RD



Queuing Summary

Grades & Student Enrollment	Dismissal Times	Vehicular Traffic
Grades Pre K - 3rd 260 Students	3:20 PM	Provided: 705 LF (30 cars) Required: 682 LF (29 cars) Surplus: 23.5 LF (1 car)

Legend

- * - School Staff
- - Loading Area
- - Queue Capacity
- - Traffic Cones

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.

I, David Nevarez, P.E. #106200, certify that the results of the queuing analysis–upon complete enforcement of this Traffic Management Plan–indicate that no queuing of vehicles will extend into City of Dallas rights-of-way as a result of internal queuing constraints during the study peak hours of school operation.

**Vehicular queue calculated at 23.5 feet/car based on field observations.*

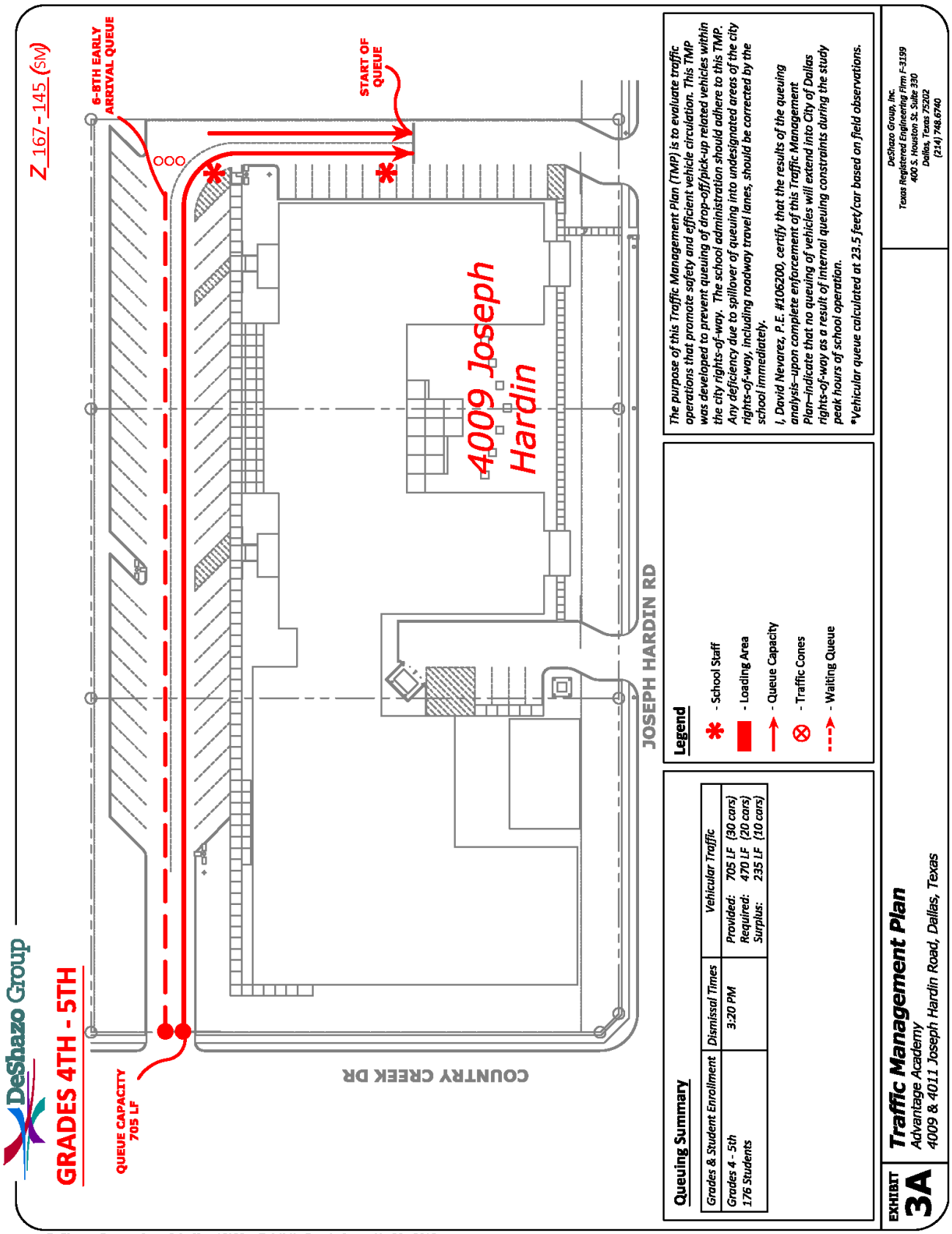
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748-6740

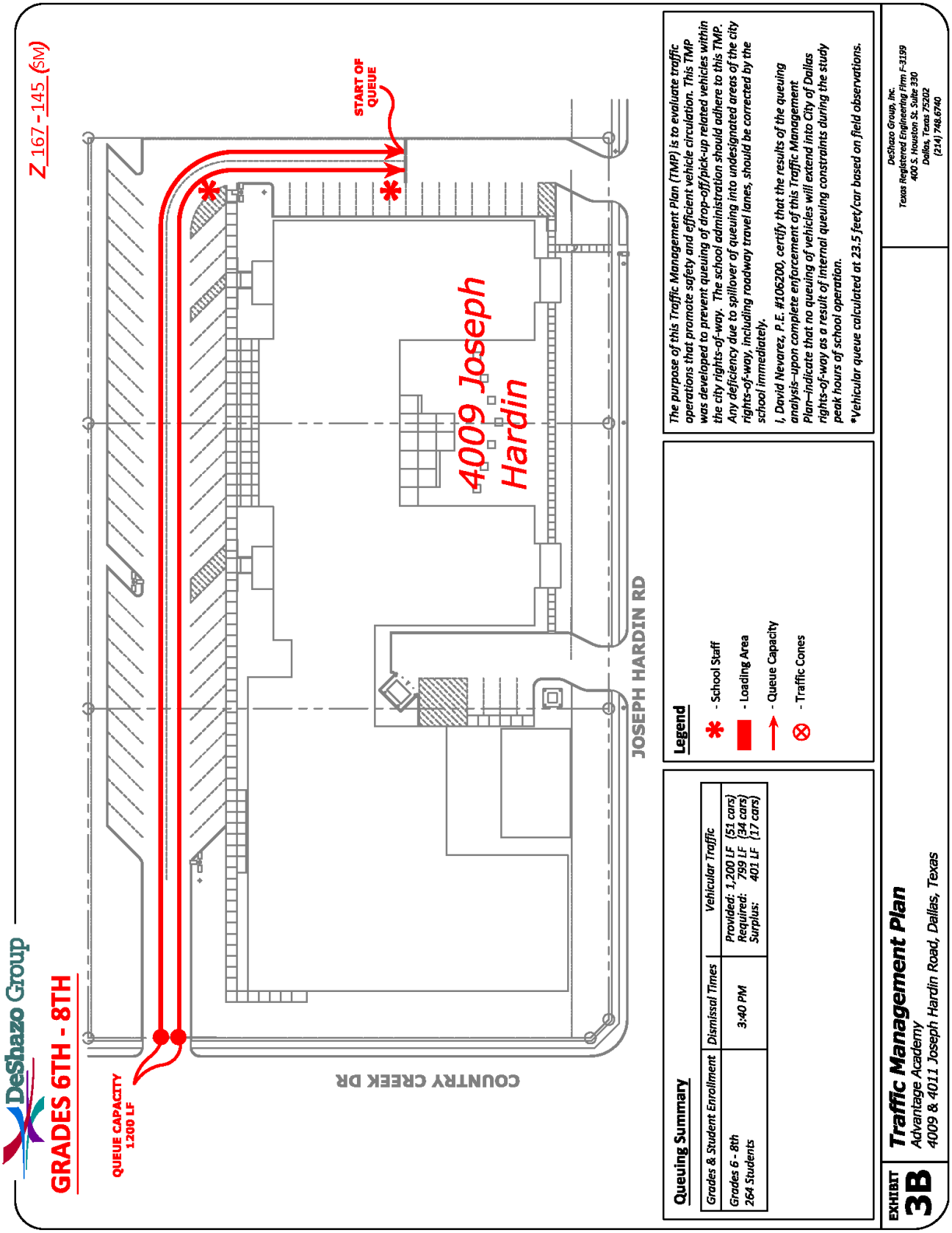
EXHIBIT **2B**

Traffic Management Plan *(Proposed Conditions, Pending Approval by City of Dallas)*

Advantage Academy
4010 Joseph Hardin Road, Dallas, Texas

DeShazo Group, Inc. Job No. 16133 Exhibit Created on 09-23-2016; Revised 03-07-2017


Z 167 - 145 (SM)
DeShazo Group
GRADES 4TH - 5TH
QUEUE CAPACITY 705 LF
6-8TH EARLY ARRIVAL QUEUE
START OF QUEUE
4009 Joseph Hardin
COUNTRY CREEK DR
JOSEPH HARDIN RD
Queuing Summary
Grades & Student Enrollment | Dismissal Times | Vehicular Traffic
Grades 4 - 5th 176 Students | 3:20 PM | Provided: 705 LF (30 cars) Required: 470 LF (20 cars) Surplus: 235 LF (10 cars)
Legend
- School Staff
- Loading Area
- Queue Capacity
- Traffic Cones
- Waiting Queue
The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.
I, David Nevarez, P.E. #106200, certify that the results of the queuing analysis--upon complete enforcement of this Traffic Management Plan--indicate that no queuing of vehicles will extend into City of Dallas rights-of-way as a result of internal queuing constraints during the study peak hours of school operation.
*Vehicular queue calculated at 23.5 feet/car based on field observations.
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740
EXHIBIT 3A
Traffic Management Plan
Advantage Academy
4009 & 4011 Joseph Hardin Road, Dallas, Texas
DeShazo Group, Inc. Job No. 16133 Exhibit Created on 11-09-2016



DeShazo Group, Inc. Job No. 16133 Exhibit Created on 11-09-2016

Appendix

Intersection Traffic Movements — *DeShazo Group, Inc.*

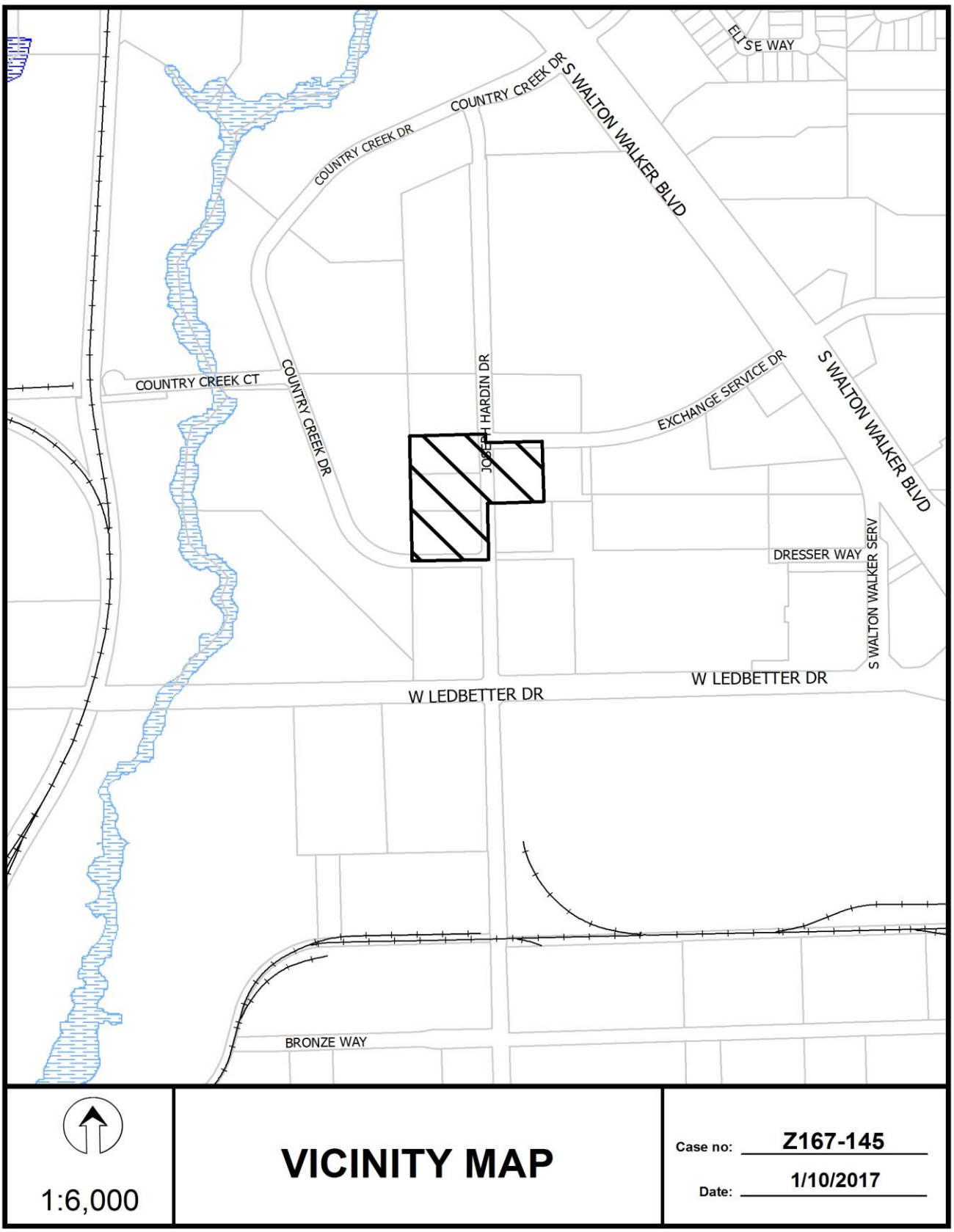
Location: *Joseph Hardin Drive and Exchange Services Drive*
City/State: *Dallas, TX*
Day/Date: *Wednesday, January 25, 2017*
Project-ID #: *16133-01*
Data Source: *CJ Hensch*
Data Collector(s): *Camera*
Weather Conditions: *Mild/Normal Conditions*
Traffic Control: *Unsignalized*
Description: *Minor-Street STOP Controlled*

Time of Count		Northbound on *Joseph Hardin Drive*				Southbound on *Joseph Hardin Drive*				Eastbound on *School Driveway*				Westbound on *Exchange Services Drive*			
Begin	End	Ped	L	T	R	Ped	L	T	R	Ped	L	T	R	Ped	L	T	R
6:00 AM	6:15 AM	0	0	14	21	0	1	3	0	1	0	0	0	2	4	0	4
6:15 AM	6:30 AM	0	1	29	43	0	1	2	1	1	0	0	0	0	0	0	4
6:30 AM	6:45 AM	0	0	46	43	0	1	0	0	0	0	0	0	0	2	0	1
6:45 AM	7:00 AM	0	0	64	50	0	1	3	0	0	0	0	0	0	2	0	3
7:00 AM	**7:15 AM**	**1**	**0**	**56**	**50**	**3**	**5**	**5**	**0**	**7**	**4**	**4**	**2**	**5**	**2**	**1**	**5**
7:15 AM	**7:30 AM**	**0**	**0**	**56**	**106**	**1**	**3**	**8**	**0**	**42**	**1**	**8**	**3**	**27**	**4**	**0**	**9**
7:30 AM	**7:45 AM**	**0**	**0**	**51**	**82**	**2**	**6**	**12**	**0**	**39**	**8**	**16**	**16**	**30**	**7**	**0**	**5**
7:45 AM	**8:00 AM**	**0**	**0**	**67**	**54**	**0**	**7**	**6**	**0**	**26**	**6**	**10**	**7**	**22**	**2**	**0**	**6**
8:00 AM	8:15 AM	0	0	43	14	0	3	1	0	5	0	0	0	7	5	0	9
8:15 AM	8:30 AM	0	0	19	21	0	1	2	0	1	0	0	0	4	3	0	5
8:30 AM	8:45 AM	0	0	14	12	0	2	2	0	5	0	0	0	3	3	0	4
8:45 AM	9:00 AM	0	0	2	10	0	2	2	0	6	0	1	0	5	3	0	7
9:00 AM	9:15 AM	0	0	4	2	0	1	0	0	2	0	0	0	1	3	0	0
9:15 AM	9:30 AM	0	0	7	5	0	1	3	0	0	1	0	0	1	2	0	2
9:30 AM	9:45 AM	0	0	5	7	0	1	2	0	5	0	1	0	5	2	0	3
9:45 AM	10:00 AM	0	0	5	3	1	0	0	0	7	0	0	0	4	5	0	2
Intersection PHV:			*0*	*230*	*292*		*21*	*31*	*0*		*19*	*38*	*28*		*15*	*1*	*25*
PHF:			*0.00*	*0.86*	*0.69*		*0.75*	*0.65*	*0.00*		*0.59*	*0.59*	*0.44*		*0.54*	*0.25*	*0.69*
Intersection Peak Hour: 7:00 AM - 8:00 AM														*Intersection PHF: 0.86*			
Study Area PHV:			**0**	**230**	**292**		**21**	**31**	**0**		**19**	**38**	**28**		**15**	**1**	**25**
PHF:			**0.00**	**0.86**	**0.69**		**0.75**	**0.65**	**0.00**		**0.59**	**0.59**	**0.44**		**0.54**	**0.25**	**0.69**
Study Peak Hour: 7:00 AM - 8:00 AM														**Study Area PHF: 0.86**			
2:30 PM	2:45 PM	0	0	15	26	0	6	27	0	21	7	17	16	33	11	0	2
2:45 PM	3:00 PM	0	0	9	17	0	1	11	0	23	7	7	12	55	5	0	2
3:00 PM	3:15 PM	0	0	13	16	0	4	32	0	10	0	0	2	7	13	0	4
3:15 PM	3:30 PM	0	0	4	13	0	4	11	0	7	1	2	0	2	13	0	1
3:30 PM	3:45 PM	0	0	7	7	0	6	86	0	2	0	0	1	2	31	0	15
3:45 PM	4:00 PM	0	0	5	6	0	1	31	0	2	0	0	0	3	13	0	3
4:00 PM	**4:15 PM**	**0**	**0**	**4**	**3**	**0**	**8**	**78**	**0**	**3**	**0**	**0**	**1**	**0**	**39**	**0**	**8**
4:15 PM	**4:30 PM**	**0**	**0**	**9**	**4**	**0**	**5**	**36**	**0**	**2**	**1**	**0**	**2**	**5**	**20**	**0**	**8**
4:30 PM	**4:45 PM**	**0**	**0**	**7**	**12**	**0**	**6**	**65**	**0**	**2**	**0**	**2**	**3**	**0**	**39**	**1**	**7**
4:45 PM	**5:00 PM**	**0**	**0**	**6**	**7**	**0**	**7**	**37**	**1**	**2**	**0**	**0**	**0**	**3**	**22**	**0**	**1**
5:00 PM	5:15 PM	0	0	15	3	0	7	36	0	0	0	1	0	1	32	0	5
5:15 PM	5:30 PM	0	0	4	3	0	2	18	0	2	0	0	0	2	19	0	2
5:30 PM	5:45 PM	0	0	6	2	0	2	28	0	1	0	2	0	1	20	0	6
5:45 PM	6:00 PM	0	0	2	4	0	4	14	0	1	0	1	1	1	10	0	2
6:00 PM	6:15 PM	0	0	4	2	0	3	14	1	0	0	0	1	0	13	0	5
6:15 PM	6:30 PM	0	0	5	3	1	6	9	1	1	1	0	1	0	7	0	1
Intersection PHV:			*0*	*26*	*26*		*26*	*216*	*1*		*1*	*2*	*6*		*120*	*1*	*24*
PHF:			*0.00*	*0.72*	*0.54*		*0.81*	*0.69*	*0.25*		*0.25*	*0.25*	*0.50*		*0.77*	*0.25*	*0.75*
Intersection Peak Hour: 4:00 PM - 5:00 PM														*Intersection PHF: 0.79*			
Study Area PHV:			**0**	**26**	**26**		**26**	**216**	**1**		**1**	**2**	**6**		**120**	**1**	**24**
PHF:			**0.00**	**0.72**	**0.54**		**0.81**	**0.69**	**0.25**		**0.25**	**0.25**	**0.50**		**0.77**	**0.25**	**0.75**
Study Peak Hour: 4:00 PM - 5:00 PM														**Study Area PHF: 0.79**			

Observations:

DeShazo Group

File: C2X3HRS - 4L&12Mv_Peds.XLS

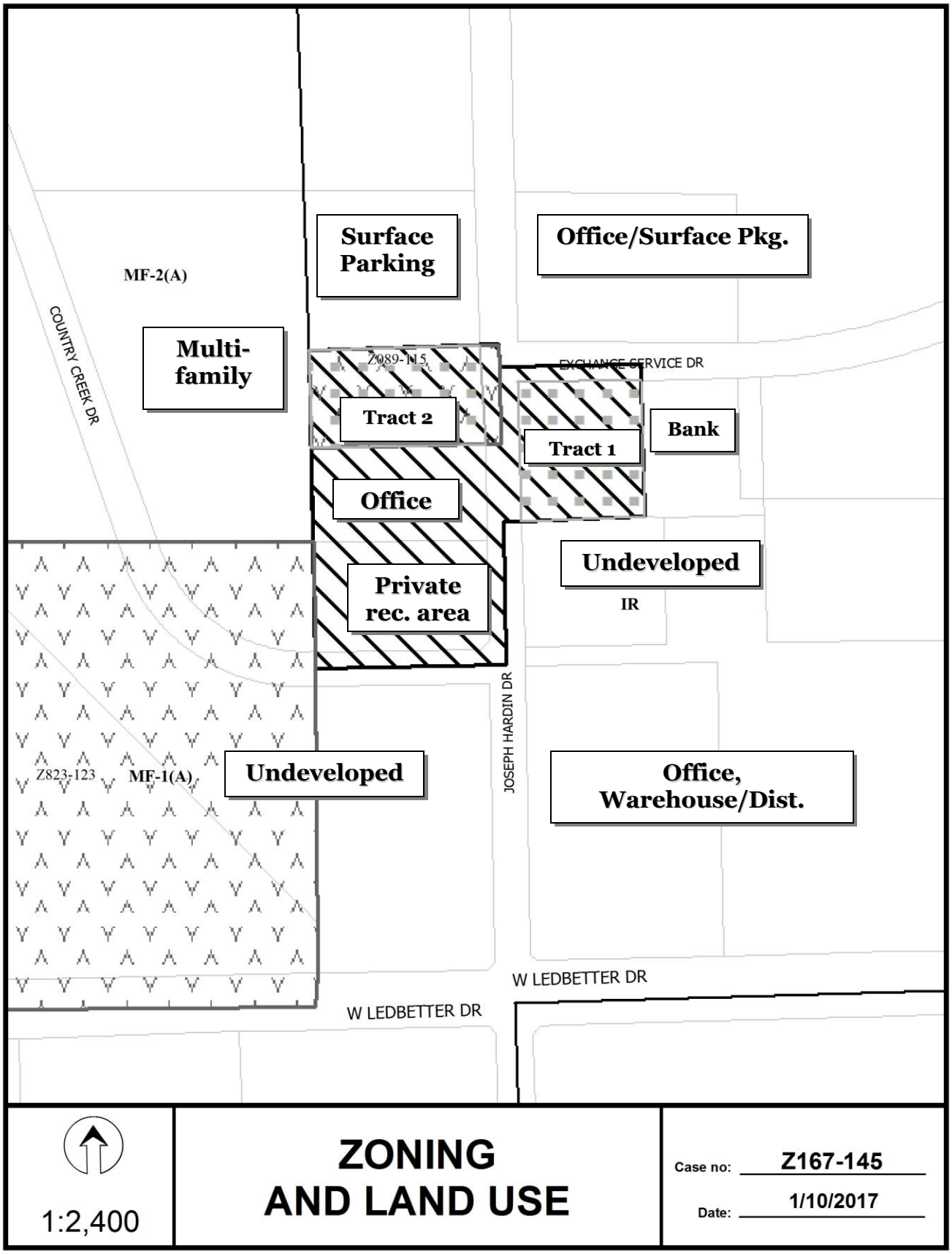

ELISE WAY
COUNTRY CREEK DR
COUNTRY CREEK DR
S WALTON WALKER BLVD
COUNTRY CREEK CT
COUNTRY CREEK DR
JOSEPH HARDIN DR
EXCHANGE SERVICE DR
S WALTON WALKER BLVD
DRESSER WAY
S WALTON WALKER SERV
W LEDBETTER DR
W LEDBETTER DR
BRONZE WAY
1:6,000
VICINITY MAP
Case no: Z167-145
Date: 1/10/2017

1:2,400

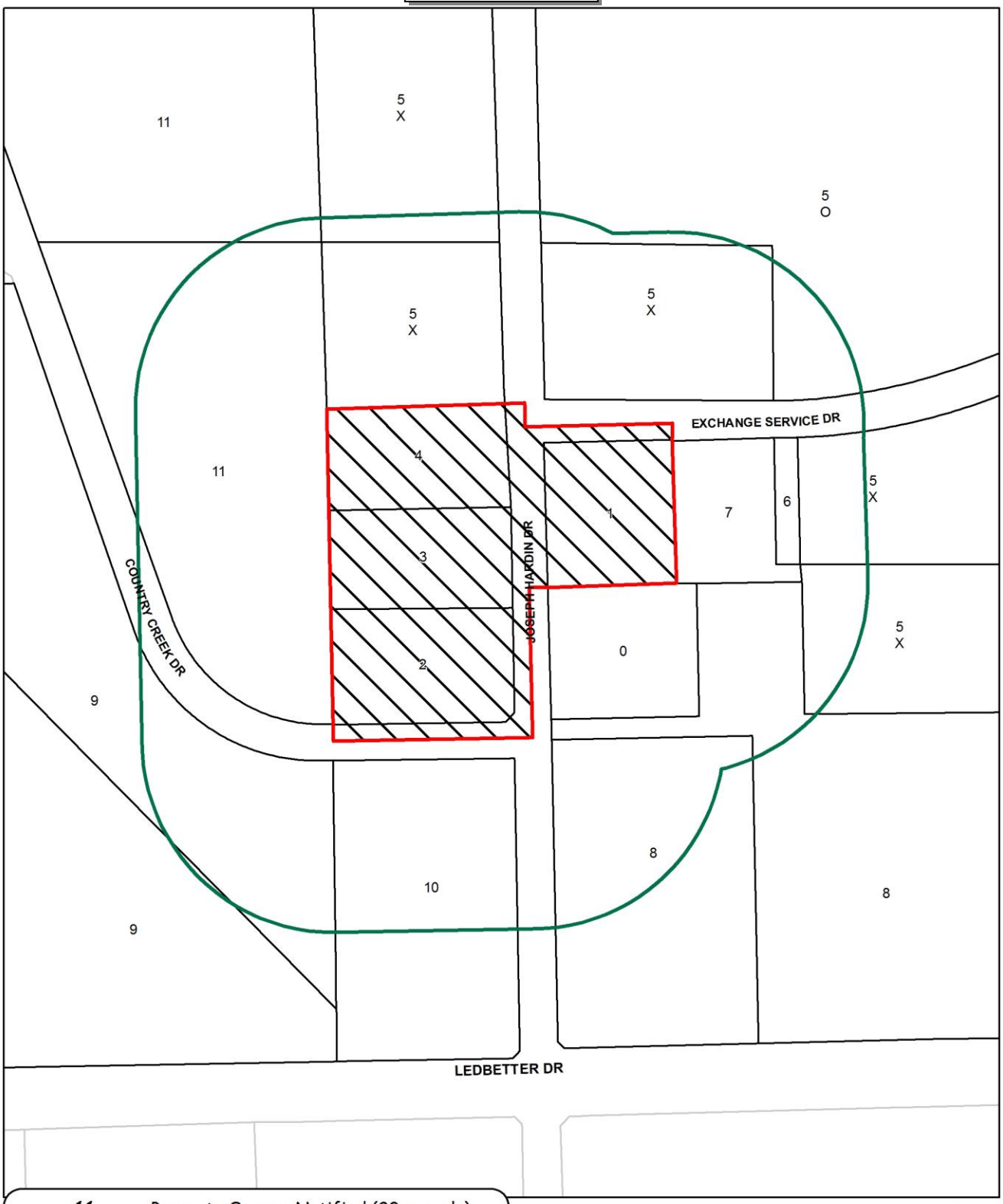
AERIAL MAP

Case no: Z167-145

Date: 1/10/2017


Surface Parking
Office/Surface Pkg.
MF-2(A)
COUNTRY CREEK DR
Multi-family
Z089-115
EXCHANGE SERVICE DR
Tract 2
Tract 1
Bank
Office
Private rec. area
Undeveloped
IR
JOSEPH HARDIN DR
Z823-123
MF-1(A)
Undeveloped
Office, Warehouse/Dist.
W LEDBETTER DR
W LEDBETTER DR
1:2,400
ZONING AND LAND USE
Case no: Z167-145
Date: 1/10/2017

CPC Responses



11	Property Owners Notified (20 parcels)
1	Replies in Favor (1 parcels)
1	Replies in Opposition (5 parcels)
300'	Area of Notification
4/6/2017	Date

Z167-145
CPC

N
W E
S

1:2,400

04/05/2017

Reply List of Property Owners

Z167-145

11 Property Owners Notified ***1 Property Owner in Favor*** ***1 Property Owner Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4010	JOSEPH HARDIN DR	EAGLE ADVANTAGE SCHOOLS
	2	4013	JOSEPH HARDIN DR	EAGLE ADVTG SCHOOLS INC
	3	4011	JOSEPH HARDIN DR	EAGLE ADVANTAGE SCHOOLS INC
	4	4009	JOSEPH HARDIN DR	EAGLE ADVANTAGE SCHOOLS
X	5	4542	EXCHANGE SERVICE DR	ARMY & AIR FORCE
	6	4634	EXCHANGE SERVICE DR	ARMY & AIR FORCE EXCHG
	7	4630	EXCHANGE SERVICE DR	ARMY & AIR FORCE EXCHG
	8	4601	W LEDBETTER DR	WALLACE H DALTON
	9	4800	COUNTRY CREEK DR	INDEPENDENT BUILDERS INC
	10	4019	JOSEPH HARDIN DR	EAGLE ADVANTAGE SCHOOL INC
	11	4700	COUNTRY CREEK DR	DALLAS HOUSING AUTHORITY
O	A1	3911	S WALTON WALKER BLVD	ARMY & AIR FORCE

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 66 X; 76 B

SUBJECT

A public hearing to receive comments regarding an application for and a resolution accepting an amendment to the existing deed restrictions on property zoned a CS Commercial Service District on the northwest corner of LBJ Freeway and Cedar Ranch Drive
Recommendation of Staff and CPC: Approval
Z167-167(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-167(SM)	**DATE FILED:**	December 28, 2016
LOCATION:	Northwest corner of LBJ Freeway and Cedar Ranch Drive		
COUNCIL DISTRICT:	8	**MAPSCO:**	66-X, 76-B
SIZE OF REQUEST:	Approx. 4.03 acres	**CENSUS TRACT:**	167.01

OWNER: Michael Eisenberg and Allen National Investments, LLC

APPLICANT: Duff Real Estate, LLC

REPRESENTATIVE: Keven Haddox

REQUEST: An application to amend existing deed restrictions on property zoned a CS Commercial Service District.

SUMMARY: The request is to amend the current deed restrictions to allow a restricted auto service center use. The applicant proposes to open a machinery, heavy equipment, truck sales or service use to primarily service large commercial vehicles and tires. The proposal would allow the ability to service up to four passenger vehicles that are rated Class III or smaller in addition to the currently allowed use to service commercial vehicles. Additional existing restrictions on retail and restaurant uses are proposed to be retained with this proposal.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- On March 17, 1958, the area of request was annexed into the City of Dallas.
- On September 4, 1986, an application was submitted to change the subject property from an R-7,500 Single Family District to an I-1 Industrial District.
- In January 1987, the City first transitioned some low density areas of Dallas from districts in Chapter 51 to equivalent districts in Chapter 51A (e.g. R-7.5, D, NO, etc. transitioned to R-7.5(A), D(A), and NO(A), respectively).
- On August 19, 1987, Council approved the application to change the subject property to an I-1 Industrial District that restricted uses to the LC Light Commercial District by deed restrictions.
- According to permit records, building permit no. 1501221104 was issued October 16, 2015 for a 13,950 square foot shell building. The permit is currently in the process of periodically obtaining inspections.

Zoning History: There have been no zoning cases in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Cedar Ranch Drive	Local	60 feet
LBJ Freeway	US Highway	Variable

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.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following 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.

The Plan identifies the request site being within a Commercial Corridor Building Block. The proposed amendment to the existing deed restrictions to allow a restricted auto service center use is characteristic of the Commercial Corridor Building Block because it allows for commercial activity along the LBJ Corridor but preserves protections for the established residential neighborhood to the north.

ECONOMIC ELEMENT

GOAL 2.1 Promote Balanced Growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use Compatibility:

At first it may appear that many changes are proposed with the proposed deed restriction amendments; however, with one exception, the amendments only update the deed restrictions to consolidate and update the restrictions into current standard form and terminology of City codes.

The current deed restrictions were approved by City Council on August 19, 1987. According to a generalized schedule described in the *Zoning Transition Program* document, the City first transitioned some low density areas of Dallas from districts in Chapter 51 to equivalent districts in Chapter 51A in January of 1987 (e.g. R-7.5, D, NO, etc. transitioned to R-7.5(A), D(A), and NO(A), respectively). According to the document, in the second quarter of 1988, industrially zoned properties in the southeast quadrant of Dallas transitioned from their current variety of Chapter 51 industrial district to one of the prescribed Chapter 51A districts. Thus in the spring of 1988, after the deed restrictions were filed in Dallas County deed records, the subject property transitioned from an Industrial-1 District of Chapter 51 to a CS Commercial Service District of Chapter 51A. Therefore, because deed restrictions were outside of the scope of the transition, the text of the 1987 deed restrictions remained unchanged by the transition but the restrictions remain enforceable because the Dallas Development Code's terminology was amended with the transition. Additionally, because staff was aware the City was in transition, the August 1987 volunteered deed restrictions contain terms and standards of both Chapters 51 and 51A.

Therefore, because of the duality of the 1987 deed restrictions terminology, amendments are proposed to update the existing deed restrictions to avoid confusion and update the terminology. Sections two and five were combined and reworded into current standard form and restrict bar and restaurant uses and retail uses on the property. Sections three and four are redundant to the CS Commercial Service District and therefore were deleted in the proposed deed restriction amendment.

The first section of the current deed restrictions lists six auto-related uses that are prohibited and are listed below in both Chapters 51 and 51A terms.

Land use in Chapter 51	Equivalent land use in Chapter 51A
Automobile or motorcycle display, sales, and service (inside display)	Vehicle display, sales, and service
Automobile or motorcycle display, sales, and service (outside display)	
Auto glass, muffler, or seat cover shop	Auto service center
Auto repair garage (inside)	
Auto painting or body rebuilding shop (inside)	Vehicle or engine repair or maintenance
Car wash	Car wash

The substantive change in the proposed amendment to the deed restrictions proposes to allow the currently prohibited auto service center use but impose additional restrictions that would prevent a typical retail-oriented auto service center use. One restriction prohibits exterior advertising signs that advertises the auto service center use (e.g. a sign that says, “State inspections done here”) and the second limits the number of Class III or smaller vehicles, or passenger vehicles, to four or less. These additional restrictions allow the applicant, who intends to sell tires for and service large commercial vehicles, called a *machinery, heavy equipment, truck sales and service use* in Chapter 51A terminology, to provide a minor amount of services or tires for passenger vehicles. This amendment makes an allowance for an employee or customer to occasionally request one or both of these services. A typical discount tire store, brake and transmission shop, or other conventional auto service center establishment is not allowed with the proposed amendment because those auto service center uses typically have more than four Class III or smaller vehicles are serviced, awaiting services, or are being serviced at any one time and will require exterior signs advertising the use.

	Zoning	Land Use
Site	CS, DR No. Z856-266	Shell Building
North	R-5(A)	Single Family
East	CS	Undeveloped; Utilities; Machinery, heavy equipment, truck sales and service; Vehicle or engine repair or maintenance
South	IR, DR No. Z890-185	Undeveloped
West	CR	Undeveloped

The subject site was recently issued a building permit and currently consists of a shell building and surface parking lot. Undeveloped parcels are to the south, east, and west of the property and a single family subdivision was constructed circa 2006 to the north. An undeveloped lot is on the northeast line of Cedar Ranch Drive to the east, then an overhead electric utility line separates the undeveloped lot from a multi-tenant

development that contains machinery, heavy equipment, truck sales and service uses and a vehicle or engine repair or maintenance use.

Staff supports the proposed amendment to the deed restrictions because the original intent to prohibit retail establishments, including the prohibition of a primarily retail-oriented auto service center use, is preserved with the proposed amendments and the proposed amendment is not foreseen to significantly impact the compatibility of the existing zoning restrictions on the property with the surrounding land uses.

Parking: As this request proposes to amend current deed restrictions, parking will be provided according to the Dallas Development Code.

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

CPC ACTION – April 6, 2017:

Motion: It was moved to recommend **approval** of an amendment to existing deed restrictions on property zoned a CS Commercial Service District on the northwest corner of LBJ Freeway and Cedar Ranch Drive.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area:	300	Mailed:	37
Replies:	For:	1	Against:	2

Speakers: None

List of Officers

Owners:

Michael Eisenberg

Allen National Investments, LLC

Jerry Allen, President

Applicant:

Duff Real Estate, LLC

Thomas Duff, Manager

Existing Deed Restrictions

That the undersigned owner does hereby impress all of the herein described property with the following deed restrictions:

1. The following land uses are prohibited on the property:

   a. Automobile or motorcycle display, sales, and service (inside display);

   b. Automobile or motorcycle display, sales, and service (outside display);

   c. Auto glass, muffler, or seat cover shop;

   d. Auto repair garage (inside);

   e. Auto painting or body rebuilding shop (inside); and

   f. Car wash.

2. No more than one bar and restaurant use is permitted on the property and the floor area of any bar or restaurant use on the property must not exceed six thousand (6,000) square feet.

3. Permit applications for the following land uses must comply with the Residential Adjacency Provisions and Review procedure as provided in Chapter 51A Section 4.803(d)(2) of Part II of the Dallas Development Code (herein DDC):

   a. Commercial cleaning shop;
   b. Commercial laundry or dry cleaning;
   c. Machinery sales and service;
   d. Plumbing, electrical, air conditioning, and heating shops;
   e. Gummed label printing;

f. Job printing, lithographer, printing, or blueprinting plant;
g. Public or private school;
h. Hotel or motel;
i. Bank or savings and loan office (with drive-in-window);
j. Ambulance service;
k. Animal clinic without outside runs;
l. Bar, lounge, or tavern;
m. Home improvement center;
n. Restaurant with alcoholic beverages and/or entertainment;
o. Retail food store;
p. Service station;
q. Railroad passenger station;
r. Radio, television or microwave tower;
s. Utility or governmental installation other than listed; and
t. Warehouse.

4. The property is subject to the development standards applicable to a Light Commercial zoning district except as follows:

a. Side yard. All buildings on the property must observe a minimum side yard setback of 20 feet where adjacent to or directly across an alley from a residential district;

b. Rear yard. All buildings on the property must observe a minimum rear yard setback of 20 feet where adjacent to or directly across an alley from a residential district;

c. Floor area ratio. Maximum floor area ratio is: (i) 0.5 for any combination of lodging, office and retail/personal service uses; and (ii) 1.0 for all uses combined;

d. Height. Unless further restricted under Section 51A - 4.123(a)(4)(E)(i) of Part II of the Dallas Development Code (herein DDC), as amended, maximum structure height is 45 feet.

e. Stories. Maximum number of stories is three.

5. The floor area of all retail uses in the property must not exceed twenty-five percent (25%) of the gross floor area of all structures on the property.

6. All definitions of the DDC, as amended, apply and are incorporated into this document as if recited verbatim herein.

Volunteered Deed Restriction Amendment

AMENDMENT TO DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS)

I.

The undersigned, **ALLEN NATIONAL INVESTMENTS, LLC** and **MICHAEL EISENBERG** (collectively referred to herein as "the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Levi Dixon Survey, Abstract No. 380, City Block 8291, City of Dallas ("City"), Dallas County, Texas, and being a part of that same tract of land conveyed to Allen National Investments, LLC by Jerry Allen, by deed dated January 2, 1998, and recorded in Volume 9813, Page 4576, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated July 30, 1987, signed by Jerry W. Allen and recorded in Volume _____, Page _____, of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.

That the Owner does hereby amend the Original Restrictions to read as follows:

"1. The following uses are prohibited on the Property:

a. Car wash.

b. Vehicle display, sales, and service.

c. Vehicle or engine repair or maintenance.

2. Additional provisions for an auto service center use:

a. Exterior advertising signs on the same lot are prohibited.

b. A maximum of four vehicles, rated Class I, II, and III, are allowed on the Property at any one time that are awaiting service, are being serviced, or have completed service.

3. A maximum of one alcoholic beverage establishment or restaurant use is allowed on the Property and is limited to a maximum 6,000 square feet of floor area.

4. A maximum 25 percent of the gross floor area of all structures on the Property may be retail uses.

[~~1. The following land uses are prohibited on the property:~~

~~a. Automobile or motorcycle display, sales, and service (inside display);~~

~~b. Automobile or motorcycle display, sales, and service (outside display);~~

~~c. Auto glass, muffler, or seat cover shop;~~

~~d. Auto repair garage (inside);~~

~~e. Auto painting or body rebuilding shop (inside); and~~

~~f. Car wash.~~

~~2. No more than one bar and restaurant use is permitted on the property and the floor area of any bar or restaurant use on the property must not exceed six thousand (6,000) square feet.~~

~~3. Permit applications for the following land uses must comply with the Residential Adjacency Provisions and Review procedure as provided in Chapter 51A Section 4.803 (d) (2) of Part II of the Dallas Development Code (herein DDC):~~

~~a. Commercial cleaning shop;~~

~~b. Commercial laundry or dry cleaning;~~

~~c. Machinery sales and service;~~

~~d. Plumbing, electrical, air conditioning, and heating shops;~~

~~e. Gummed label printing;~~

~~f. Job printing, lithographer, printing, or blueprinting plant;~~

~~g. Public or private school;~~

h. ~~Hotel or motel;~~

~~i. Bank or savings and loan office (with drive-in window);~~

~~j. Ambulance service;~~

~~k. Animal clinic without outside runs;~~

~~l. Bar, lounge, or tavern;~~

~~m. Home improvement center;~~

~~n. Restaurant with alcoholic beverages and/or entertainment;~~

~~o. Retail food store;~~

~~p. Service station;~~

~~q. Railroad passenger station;~~

~~r. Radio, television or microwave tower;~~

~~s. Utility or governmental installation other than listed; and~~

~~t. Warehouse~~

~~4. The property is subject to the development standards applicable to a Light Commercial zoning district except as follows:~~

~~a. Side yard. All buildings on the property must observe a minimum side yard setback of 20 feet where adjacent to or directly across an alley from a residential district;~~

~~b. Rear yard. All buildings on the property must observe a minimum rear yard setback of 20 feet where adjacent to or directly across an alley from a residential district;~~

~~c. Floor area ratio. Maximum floor area ratio is: (i) 0.5 for any combination of lodging, office and retail/personal service uses; and (ii) 1.0 for all uses combined;~~

~~d. Height. Unless further restricted under Section 51A-4.123 (a) (4) (E) (i) of Part II of the Dallas Development Code (herein DDC), as amended, maximum structure height is 45 feet.~~

~~e. Stories. Maximum number of stories is three.~~

~~5. The floor area of all retail uses in the property must not exceed twenty-five percent (25%) of the gross floor area of all structures on the property.~~

~~6. All definitions of the DDC, as amended, apply and are incorporated into this document as if recited verbatim herein.~~]"

IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions, and notice of such public hearing was given as would have been required by law for a zoning change on the Property. The Owner must file this instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment becomes effective.

V.

That the Owner certifies and represents that there are no liens or mortgages, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

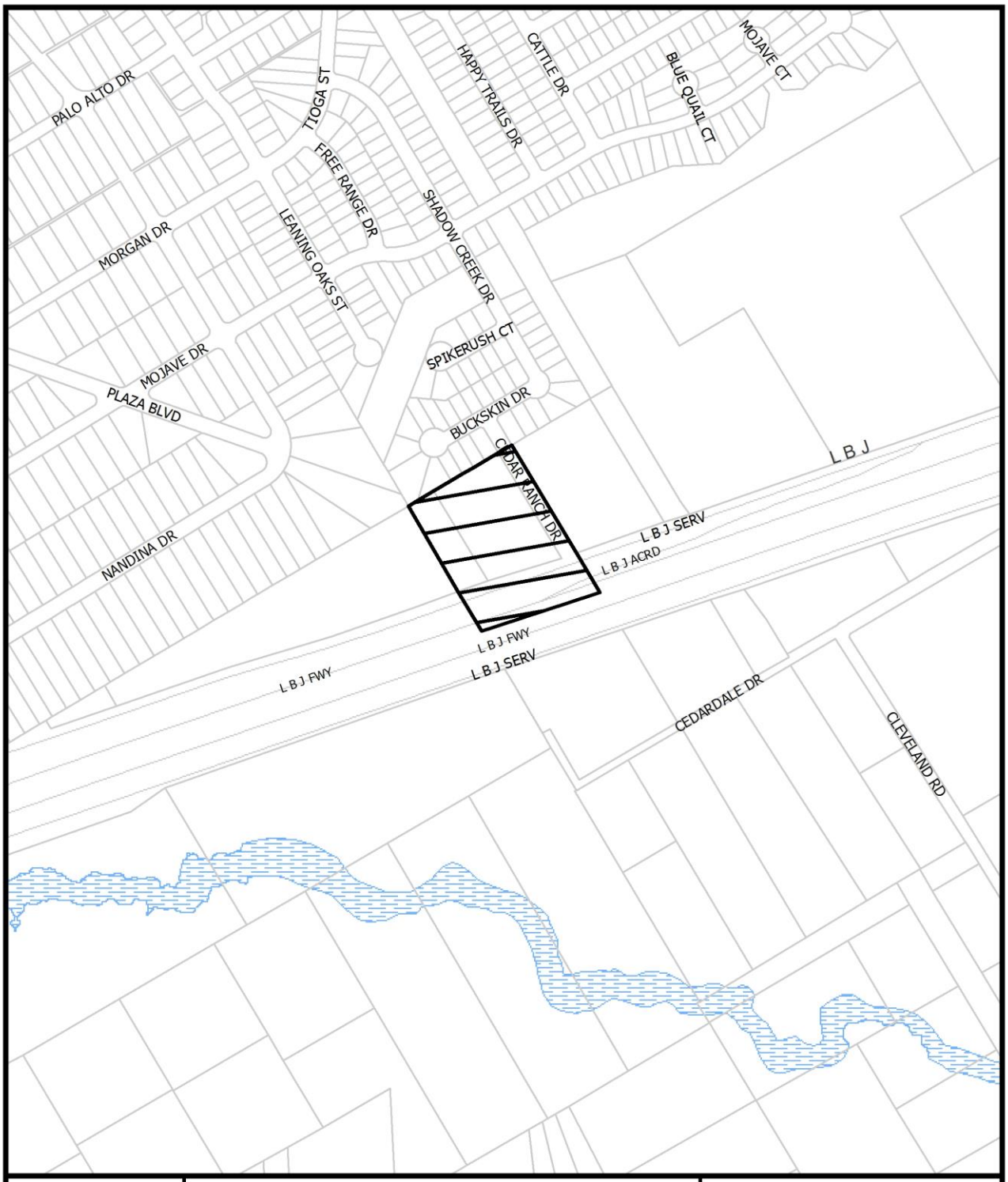
VI.

That the invalidation of any provision in this instrument by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

VII.

That it is expressly stipulated and understood that the preceding amendment of the original deed restrictions accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated July 30, 1987, and recorded in Clerk's File No. _____ of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this instrument. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED at the City of Dallas, Dallas County, Texas, this the ____ day of _____, 2017.



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VICINITY MAP

Case no: Z167-167

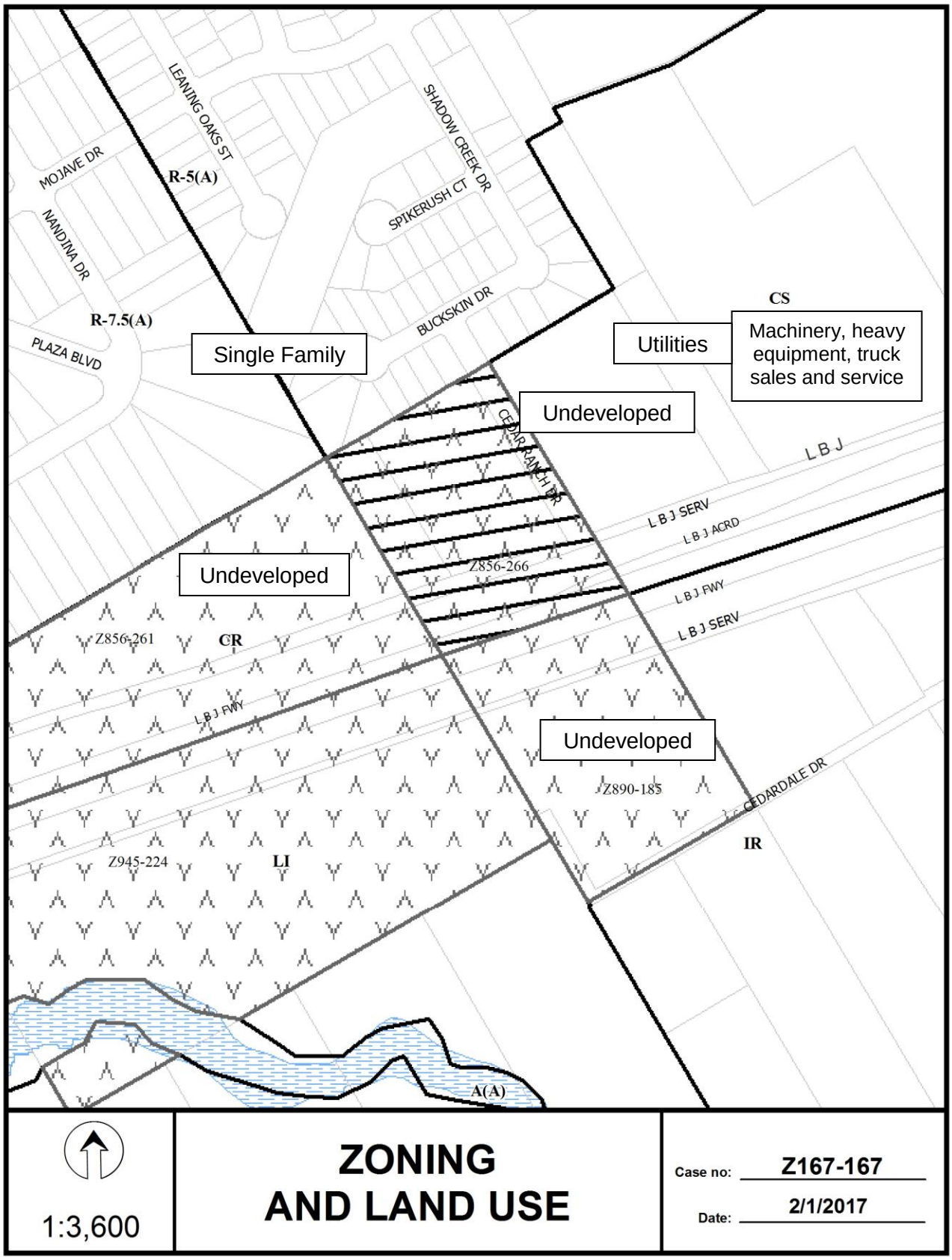
Date: 2/1/2017

1:3,600

AERIAL MAP

Case no: Z167-167

Date: 2/1/2017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SHADOW CREEK DR
MOJAVE DR
R-5(A)
SPIKERUSH CT
NANDINA DR
BUCKSKIN DR
R-7.5(A)
PLAZA BLVD
Single Family
CS
Utilities
Machinery, heavy equipment, truck sales and service
Undeveloped
CEDAR RANCH DR
L B J
L B J SERV
L B J ACRD
Undeveloped
Z856-266
L B J FWY
L B J SERV
Z856-261
CR
L B J FWY
Undeveloped
Z890-185
CEDARDALE DR
IR
Z945-224
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A(A)
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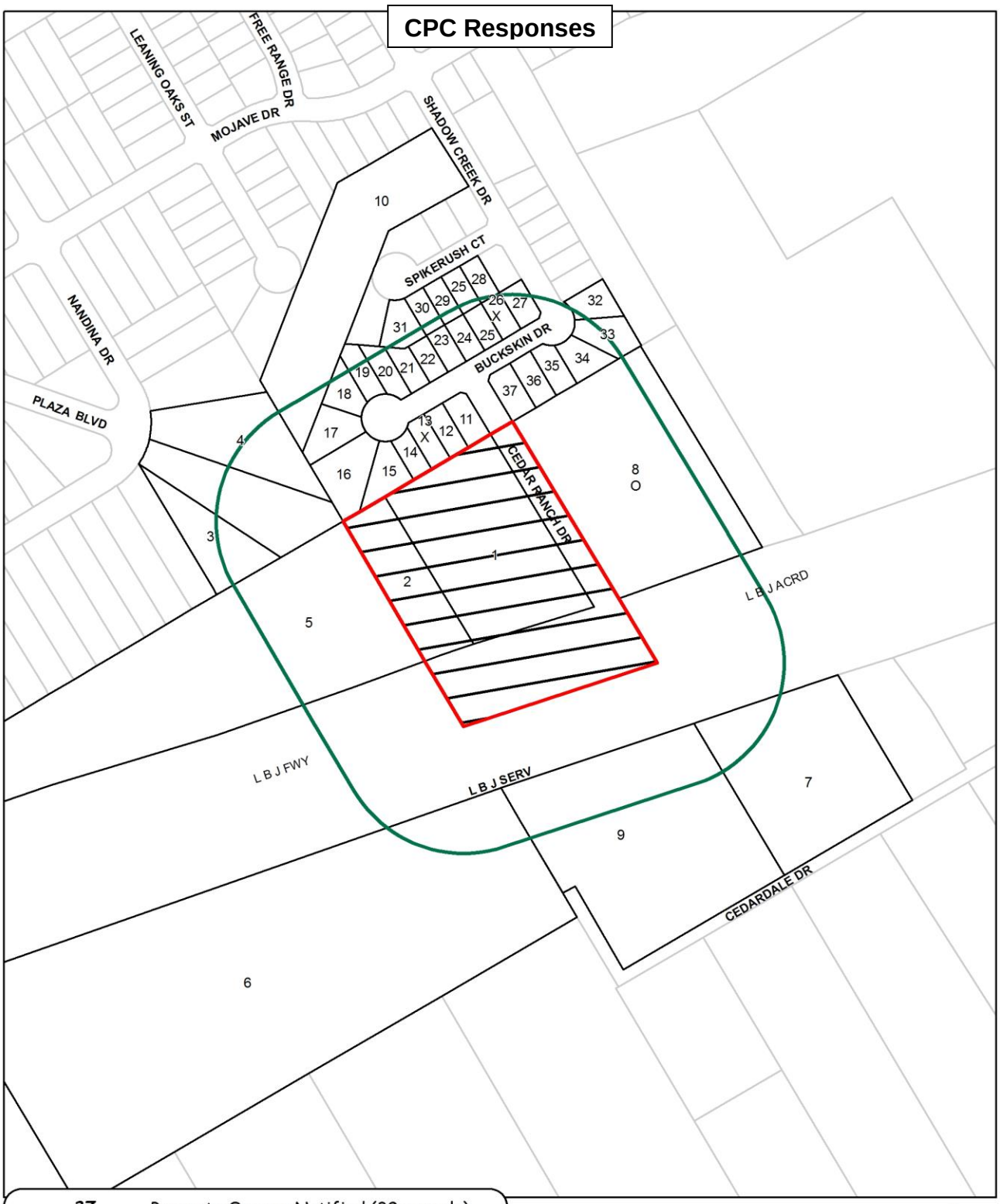
ZONING
AND LAND USE
Case no: Z167-167
Date: 2/1/2017



37	Property Owners Notified (39 parcels)
1	Replies in Favor (1 parcels)
2	Replies in Opposition (2 parcels)
300'	Area of Notification
4/6/2017	Date

Z167-167
CPC

N W E S

1:3,600

04/05/2017

Reply List of Property Owners

Z167-167

37 Property Owners Notified ***1 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3211	LBJ FWY	ALLEN NATIONAL
	2	3201	LBJ FWY	ALLEN NATIONAL INVEST
	3	3262	NANDINA DR	THOMAS FAMILY TRUST
	4	7642	NANDINA DR	WASHINGTON BRENT
	5	3111	LBJ FWY	S & N DALLAS LLC
	6	34980	LBJ FWY	HCH FARMS LTD
	7	34850	LBJ FWY	VENABLE SHARON &
O	8	3221	LBJ FWY	GARCIA ROBERT
	9	34954	LBJ FWY	ANDERSON W D
	10	3100	PALO ALTO DR	H& K ALTA MESA INV LP
	11	3222	BUCKSKIN DR	MCCLINTON MILTON
	12	3218	BUCKSKIN DR	FIGUEROA PEDRO & MARIA
X	13	3214	BUCKSKIN DR	HATCHERSIMPSON DIANA
	14	3210	BUCKSKIN DR	HAWKINS CHAUNCEY
	15	3206	BUCKSKIN DR	SCOTT AUTRELLE
	16	3202	BUCKSKIN DR	MARKS SEQUETTA
	17	3203	BUCKSKIN DR	PARCHER M WILLIAM & ADRIENNE LISA FAM 1998 TRUST
	18	3207	BUCKSKIN DR	SARGENT KENNETH & DELIA
	19	3211	BUCKSKIN DR	ABUELAZAIM HAITHAM M
	20	3215	BUCKSKIN DR	AMH 2014 3 BORROWER LLC
	21	3219	BUCKSKIN DR	JACKSON ANTIONETTE D
	22	3223	BUCKSKIN DR	LEMUS TERESA
	23	3227	BUCKSKIN DR	SHELLEY ROTANDA
	24	3231	BUCKSKIN DR	TRAHAN DOROTHY
	25	3235	BUCKSKIN DR	DALLAS AREA HABITAT FOR HUMANITY INC
X	26	3239	BUCKSKIN DR	TAYLOR ADRYON

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	27	3243	BUCKSKIN DR	LOPEZ NORMAN
	28	3224	SPIKERUSH CT	LUNA FRANCES
	29	3216	SPIKERUSH CT	KSOR HAI &
	30	3212	SPIKERUSH CT	RENTERIA EDGAR
	31	3208	SPIKERUSH CT	NAY NAT
	32	6752	SHADOW CREEK DR	JAMAL & SINGAM LLC
	33	6756	SHADOW CREEK DR	LUSTER DESMOND &
	34	3246	BUCKSKIN DR	LA MONTESA PROPERTIES LLC
	35	3242	BUCKSKIN DR	DALLAS AREA HABITAT FOR HUMANITY INC
	36	3238	BUCKSKIN DR	WALKER BEVERLY A
	37	3234	BUCKSKIN DR	LOPEZ JESSE

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 47 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, west of Lawnview Avenue, south of Samuell Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z167-196(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-196(WE)	**DATE FILED:**	May 11, 2015
LOCATION:	West of Lawnview Avenue, south of Samuell Boulevard		
COUNCIL DISTRICT:	7	**MAPSCO:**	47-F
SIZE OF REQUEST:	Approx. 1.05 acres	**CENSUS TRACT:**	84.00

APPLICANT: Yousef Shahabi Azad

OWNER: Almira Industrial & Trading Corporation

REPRESENTATIVE: Kaveh Shahabi Azad

REQUEST: An application for a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to permit the operation of a recycling buy-back center within an existing 10,000 square foot building. The center will collect primarily household and industrial metals at this location.

The Development Code limits the maximum time period for the recycling buy-back center for household metals and industrial metals to a two-year period.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request for a Specific Use Permit will allow the applicant to operate, collect and store various types of industrial and household metals in an existing 10,000 square foot building.

- In 1959, the one story, 15,000 square foot structure was built. Prior to the existing use being an industrial (inside) for light manufacturing, the use was an office showroom warehouse.

- The request site is located in an area where the underlying zoning provides a variety of industrial type uses.

Zoning History: There has not been any recent zoning case in the area over the past 5 years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lawnview Avenue	Collector	60 ft.	60 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 applicant's proposal for a Specific Use Permit for a recycling buy-back center for household metals and industrial metals is located within an Industrial District. The code requirement that the SUP for this be limited to two years allows continuous re-evaluation of the compatibility with the surrounding area.

LAND USE ELEMENT:

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.3 Embrace environmental sustainability

ENVIRONMENT USE

GOAL 6.6 INCREASE RECYCLING AND CONSERVATION OF RENEWABLE RESOURCES

Policy 6.6.1 Increase recycling and composting

Land Use:

	Zoning	Land Use
Site	LI-D-1	office warehouse showroom, industrial (inside) for light manufacturing
North	LI-D-1	Industrial, Commercial
South	LI-D-1	Industrial, Commercial
East	LI-D-1	Industrial, Commercial
West	LI-D-1	Undeveloped

Land Use Compatibility: The site is developed with a one-story, 15,000 square foot building. The applicant has two certificates of occupancy: an office warehouse showroom and an industrial (inside) for light manufacturing. The applicant proposes to use the portion of the building previously use for an industrial (inside) for light manufacturing for a recycling buy-back center for household metals and industrial metals [suite B]. This portion is located towards the rear of the building. The remaining 5,000 square feet of floor area will remain as an office warehouse showroom [suite A]. The proposed recycling buy-back center will occupy approximately 10,000 square feet of floor area. The applicant's hours of operation are 8:00 a.m. and 5:00 p.m., Monday through Friday and 8:00 a.m. and 3:00 p.m., Saturday.

In addition, the development code requires specific requirements in which a recycling buy-back center must comply with during their operations: Such provisions include:

- The floor are of this use may not exceed 10,000 square feet of floor area. The applicant is proposing to use 10,000 square feet of floor.

- Materials stored at this use must be removed at least once a week or before reaching capacity.

- No more than one recycling use is permitted on a building site.

- This use must be located at least 1,000 feet from another recycling use. There is no other recycling buy back center within 1,000 feet of this site.

The request site is located within an industrial area and surrounded by warehouse and industrial uses. The industrial area is also within a floodplain. The property west of the site is being used for storage of various types of materials. The closest driveway approach to drop-off the various household and industrial metals is located on Lawnview Avenue. The proposed use should not impact the surrounding uses negatively from a land use perspective because the use will be located within an existing warehouse building. The development code restricts the SUP for this use to no more than a two year period. The short time period will also allow the Dallas police Department to monitor for compliance with Chapter 40B in operating the proposed recycling buy-back center.

The Development Code requires additional provisions for this use in order to mitigate any impact the use may have on the adjacent properties. These provisions include restricting the floor area to a maximum of 10,000 square feet, removing the materials from the site at least once a week or before reaching capacity and limiting one recycling use on a building site. In addition, the Dallas Police Department requires a license to operate a recycling buy-back center as well as monitors the site.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
LI Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: The request site is located within an existing structure and the landscaping requirements will not be triggered

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.

Police Department: The Dallas Police Department requires a license for a recycling buy-back center. The Dallas Police Department will monitor the proposed site and determine if the applicant is in compliance with Chapter 40B in operating the proposed recycling buy-back center.

Parking: A recycling buy-back center does not require any off-street parking, however, the applicant has provided approximately eight spaces on northern portion of the site.

CPC Action
April 6, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a recycling buy-back center for household metals and industrial metals for a two-year period, subject to a site plan and conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay west of Lawnview Avenue, south of Samuell Boulevard.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area:	300	Mailed:	12
Replies:	For:	2	Against:	0

Speakers: None

LIST OF OFFICERS

- Yousef Shahabi Azad — President and Chairman of the Board
- Kaveh Shahabi Azad — Managing Director and member of the board
- Sasan Shahabi Azad — Managing Director and member of the board

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a recycling buy-back center for the collection of household and industrial metals. No other materials may be collected or recycled.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on _____(two years from the passage of this ordinance).

4. FLOOR AREA: Maximum floor area is 10,000 square feet.

5. HOURS OF OPERATION: The recycling buy-back center for the collection of household and industrial metals may only operate between 8:00 a.m. and 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 3:00 p.m. on Saturday.

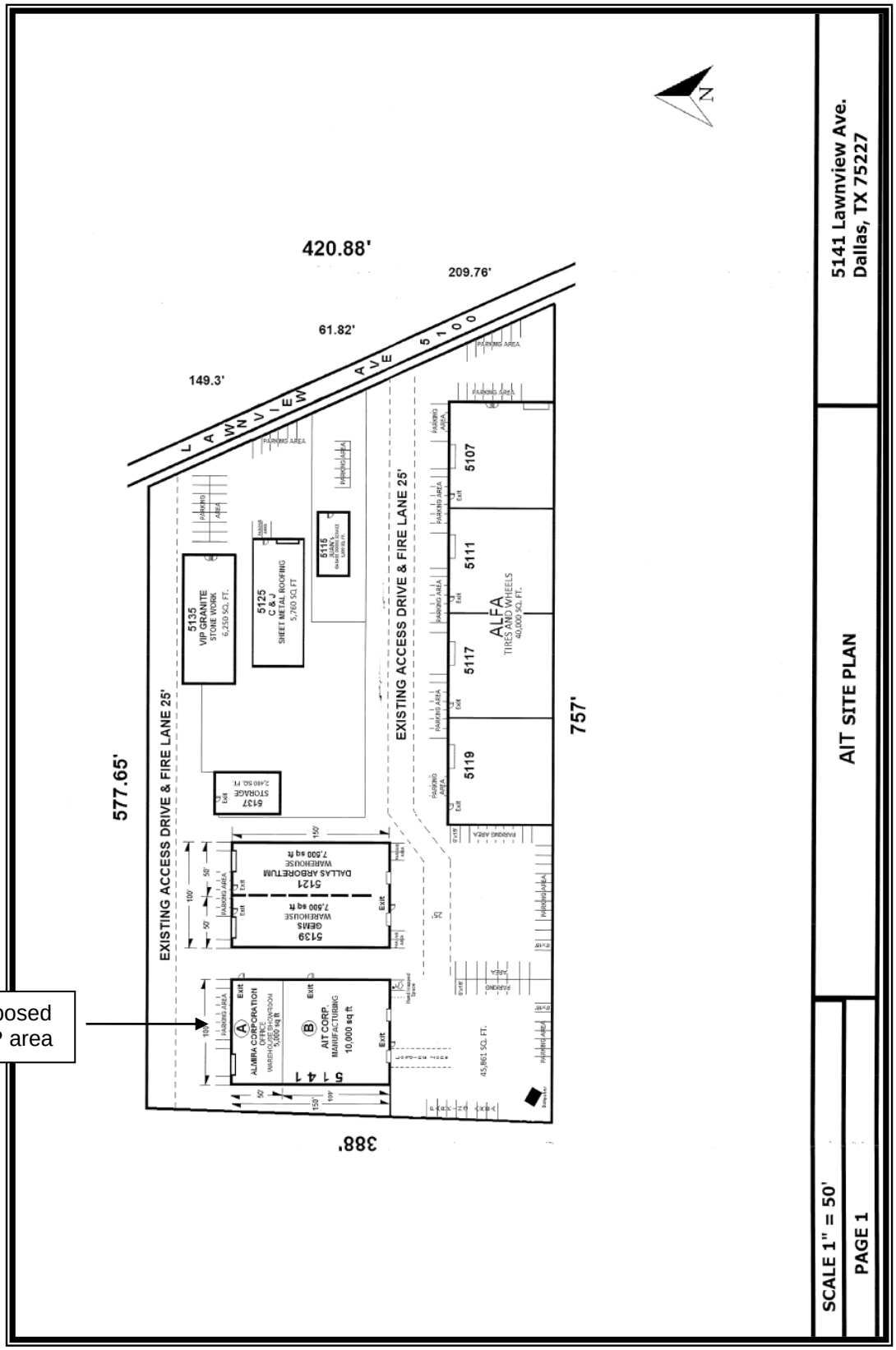
6. INGRESS/ EGRESS: Ingress and egress must be provided in the location on the attached site plan. No other ingress or egress is permitted.

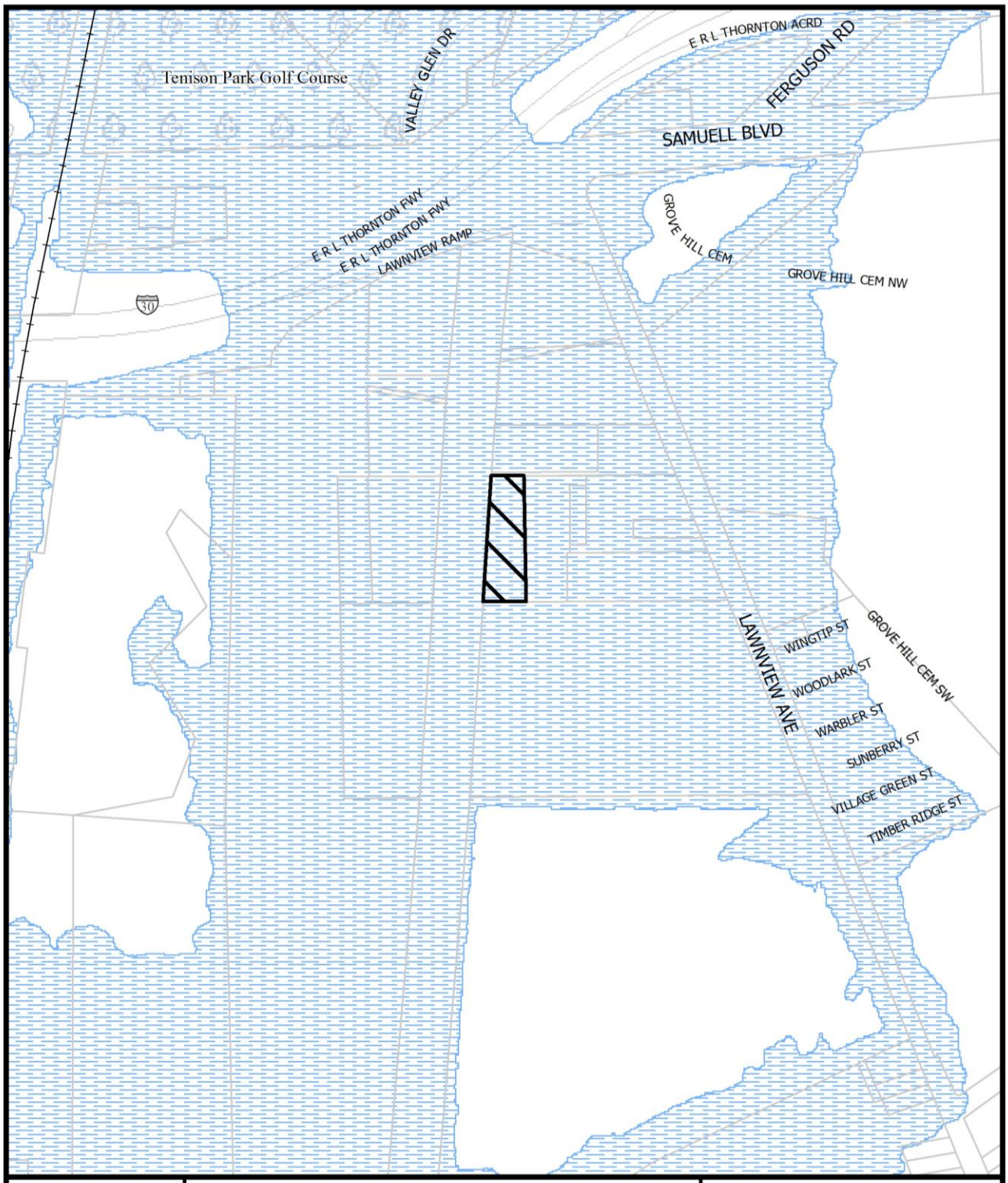
7. LICENSE: The operator of the recycling buy-back center for the collection of household and industrial metals must obtain a secondary metal recyclers license in accordance with Chapter 40B of the Dallas City Code within 45 days after the passage of this ordinance.

8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN





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VICINITY MAP

Case no: Z167-196

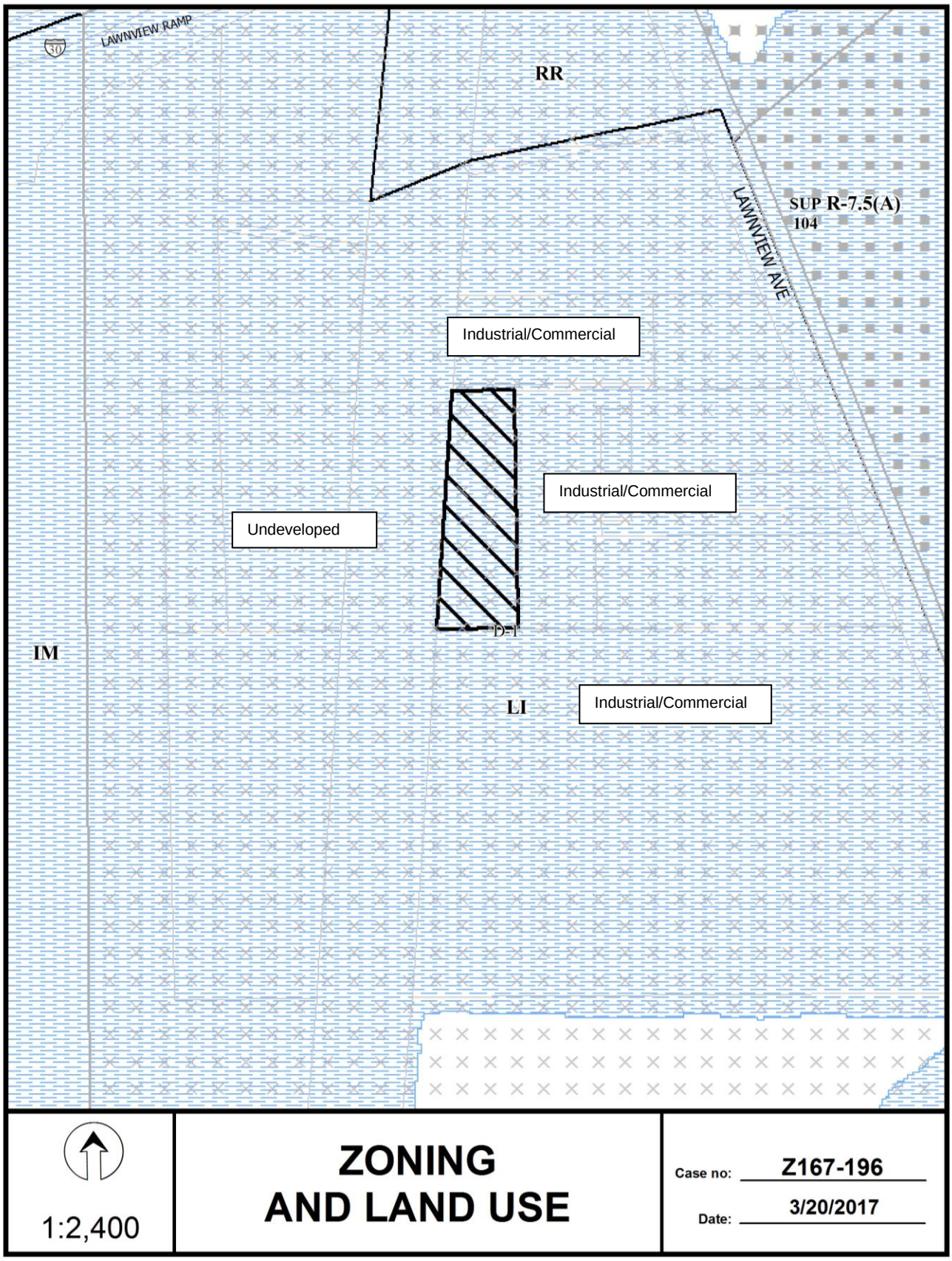
Date: 3/20/2017

1:2,400

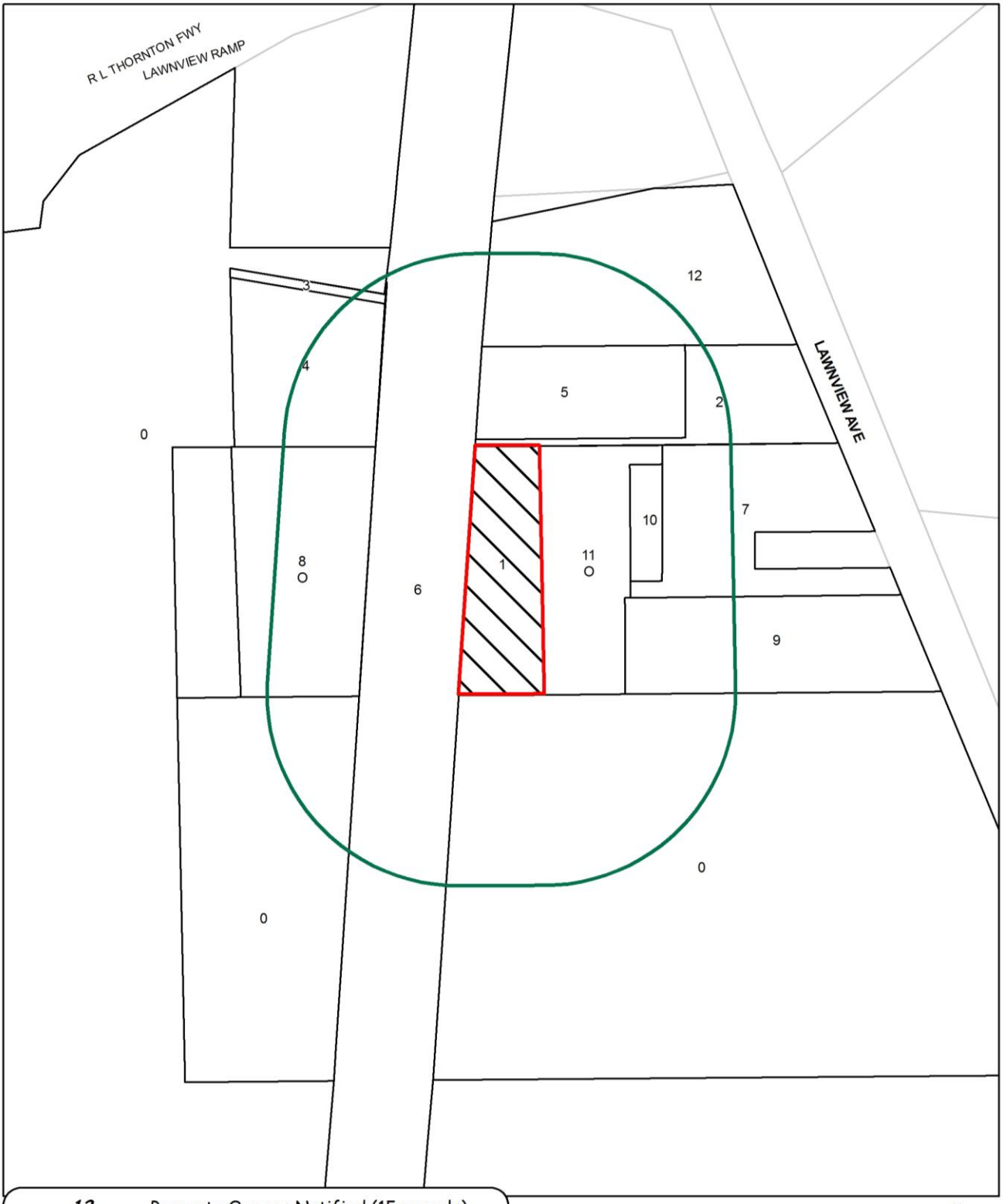
AERIAL MAP

Case no: Z167-196

Date: 3/20/2017


LAWNVIEW RAMP
30
RR
SUP R-7.5(A)
104
LAWNVIEW AVE
Industrial/Commercial
Industrial/Commercial
Undeveloped
D-1
IM
LI
Industrial/Commercial
1:2,400
ZONING
AND LAND USE
Case no: Z167-196
Date: 3/20/2017

CPC RESPONSES



12	Property Owners Notified (15 parcels)
2	Replies in Favor (2 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
4/6/2017	Date

Z167-196
CPC

N W E S

1:2,400

Notification List of Property Owners

Z167-196

12 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	5141	LAWNVIEW AVE	ALMIRA INDUSTRIAL AND TRADING CORP
	2	5215	LAWNVIEW AVE	FERGUSON DON & JANET FAMILY PARTNERSHIP
	3	5377	LAWNVIEW AVE	ROWAN JAMES W
	4	5377	LAWNVIEW AVE	FERGUSON DON & JANET
	5	5215	LAWNVIEW AVE	FERGUSON DON & JANET
	6	6700	E R L THORNTON FWY	TEXAS UTILITIES ELEC CO
	7	5337	LAWNVIEW AVE	ROWAN PROPERTIES
O	8	5337	LAWNVIEW AVE	ALMIRA INDUSTRIAL AND TRADING CORP
	9	5107	LAWNVIEW AVE	ANI PROPERTIES LLC
	10	5137	LAWNVIEW AVE	MUNOZ FRANCISCO
O	11	5337	LAWNVIEW AVE	ALMIRA INDUSTRIAL & TRADING CORP
	12	5217	LAWNVIEW AVE	ALMASI BABAK

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 55 G

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 R-5(A) Single Family District, on the west side of Bonnie View Road, south of East 11th Street
Recommendation of Staff and CPC: Approval
Z167-197(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-197(PD) **DATE FILED:** January 30, 2017

LOCATION: West side of Bonnie View Road, south of E. 11th Street

COUNCIL DISTRICT: 4 **MAPSCO:** 55-G

SIZE OF REQUEST: ±20,280 sf **CENSUS TRACT:** 89.00

OWNER/APPLICANT: 308 BView, LLC

REPRESENTATIVE: John Gilbert

REQUEST: An application for an MF-1(A) Multifamily District on property zoned an R-5(A) Single Family District.

SUMMARY: The applicant is requesting the zoning change in order to allow an existing multifamily use consisting of an approximately 5,856 square foot structure.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND:

- The proposed 20,280 square foot site is currently developed with a vacant multifamily structure and zoned an R-5(A) Single Family District.

- The applicant originally proposed renovation of 12 dwelling units on the lot. After discussions with staff, the applicant indicated his proposal may decrease the number of dwelling units in an effort to meet the parking requirement. No deed restrictions were offered to limit the number of units however the development regulations and parking requirements will limit both.

- The existing multifamily structure was constructed in 1949.

- Zoning maps dating back to 1947, 1965-1971, and 2003 indicate R-5(A) zoning.

- Building permits from 1949 show the existing use with a 17 dwelling unit structure was legally obtained.

Zoning History: While there have not been any zoning changes in the vicinity within the last five years, the site is adjacent to an authorized public hearing[Z145-310] (authorized by City Council 2/25/15) to determine proper zoning on property zoned: IR Industrial Research; CS Commercial Service; P(A) Parking; CR Community retail; and RR Regional Retail. The case is likely to be considered at CPC in May.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
11th Street	Community Collector	60 foot

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 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Surrounding Land Uses:

	Zoning	**Land Use**
Site	R-5(A)	Vacant multifamily structure
North	CS, R-5(A)	Vacant
East	R-5(A)	Single Family
South	R-5(A)	Undeveloped, Single Family
West	R-5(A), CS	Single Family, Undeveloped

Land Use Compatibility:

The request site is currently developed with a 5,856 square foot vacant multifamily structure. While the structure contains 17 dwelling units the applicant is proposing to remodel the property with fewer units.

The property is currently surrounded by undeveloped, commercial to the north; single family to the east; undeveloped, single family to the south; and single family, undeveloped land to the west.

The footprint of the lot is 65 x 312 and currently provides a ±11 foot front yard setback while a 15 foot front, side and rear yard setbacks are required for an MF-1(A) District. The R-5(A) District requires a 20 foot front yard setback with 5 foot side and rear yards. Even with a zoning change, the existing front yard setback would not meet the required 20 foot front yard to maintain the block continuity of the adjacent R-5(A) zoned lots nor the 15 foot side yard setback required to the north.

Currently City Code allows the remodeling of a nonconforming structure provided the work does not enlarge the nonconforming structure. Therefore the structure could continue to be used as a multifamily structure with the proposed zoning change as long as the nonconforming use is not demolished or enlarged. The applicant has been informed and is aware that any demolition or enlargement of the structure will trigger full compliance of zoning regulations and parking requirements. Further because of the irregular shape of the lot, if the structure is ever demolished single family or townhouse uses are more likely than multifamily uses.

The property to the west across Bonnie View is zoned a CS Commercial Service District and is heavily wooded and undeveloped. The property north of the request site is also zoned CS with all other surrounding zoning being R-5(A). Staff recommends approval of the request as the multifamily use has been in operation for nearly 70 years and given the irregular shape of the lot with it not being very deep staff recognizes that traditional single family uses are unlikely.

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
R-5(A) Single Family	20’	5’	1 Dwelling Unit/ 5,000 sq. ft.	30’	45%		Single family
Proposed							
MF-1(A) Multifamily	15’*	15’	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36’	60%	Proximity Slope	Multifamily, duplex, single family

*Due to continuity of the blockface, the lot has a 20 foot front yard setback and could not be constructed per the MF-1(A) front yard setback.

Parking:

While the applicant intends to renovate the existing vacant multifamily structure, specific information was requested regarding the parking requirement when the structure was built. However specific parking regulation information has not been obtained. The applicant provided a permit from the 1950s indicating 17 units.

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. For multifamily development, one parking space is required per bedroom. If the property is revitalized as proposed, the minimum number required will be 17 parking spaces that cannot be located in the required front yard setback. The applicant will need to work with Building Inspections to determine what the parking requirements were when the structure was built and if they delta credits exist or they will need to comply with the current parking regulations.

Landscaping:

The proposed development must comply with Article X requirements.

List of Partners, Principles & Officers

Windchime Investments, LLC
Mr. Ruel Hamilton
325 N. Saint Paul St. Suite 3350
Dallas, TX 75201

Mercantile Resources, Inc.
John C. Gilbert
325 N. Saint Paul St. Suite 3350
Dallas, TX 75201

City Plan Commission Action:
April 6, 2017

Z167-197(PD)

Motion: It was moved to recommend **approval** of an MF-1(A) Multifamily District on property zoned an R-5(A) Single Family District, on the west side of Bonnie View Road, south of E. 11th Street.

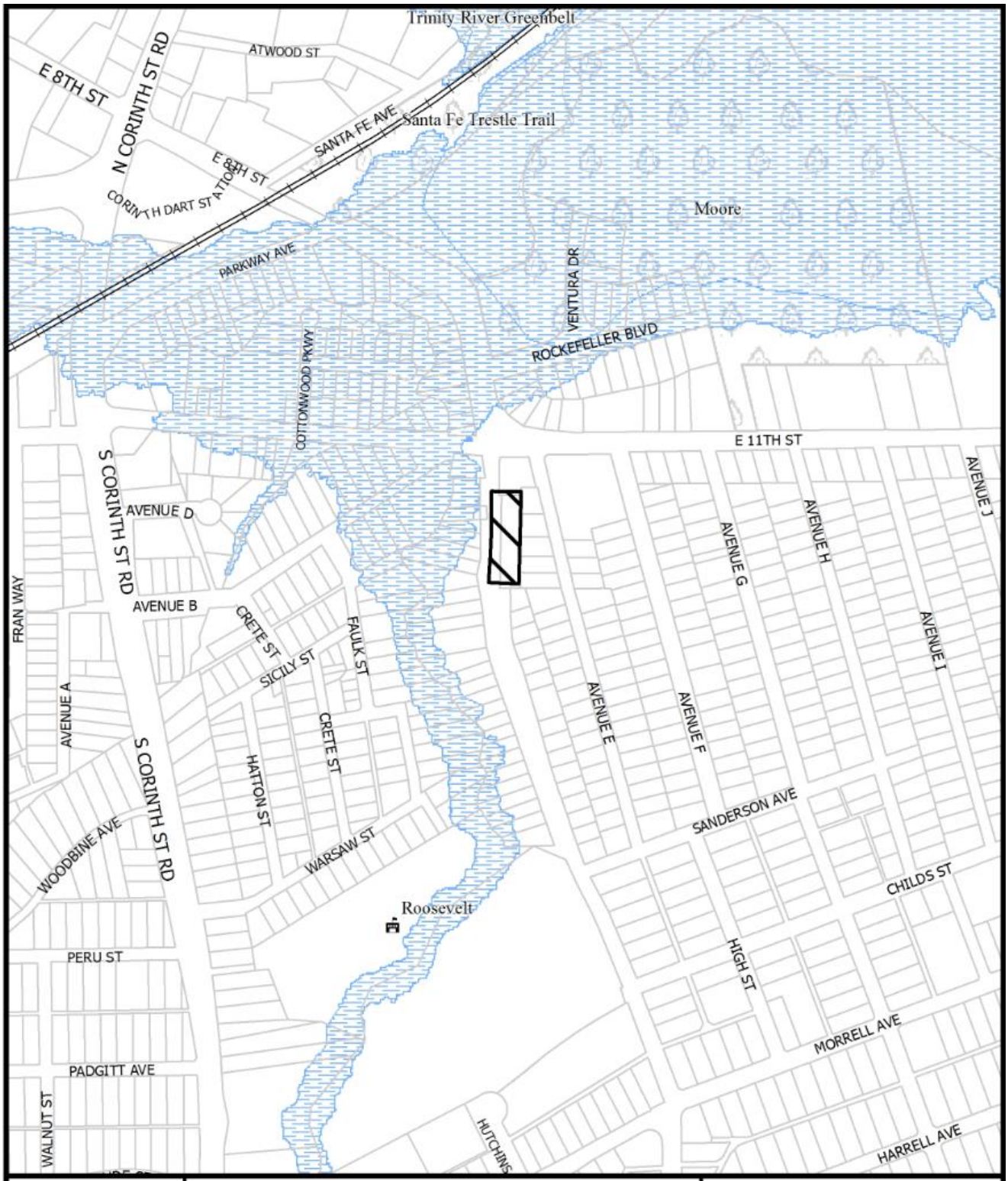
Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 32
Replies: For: 0 Against: 1

Speakers: For (Did not speak): John Gilbert, 11325 Hillcrest Rd., Dallas, TX, 75230
Against: None



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VICINITY MAP

Case no: Z167-197

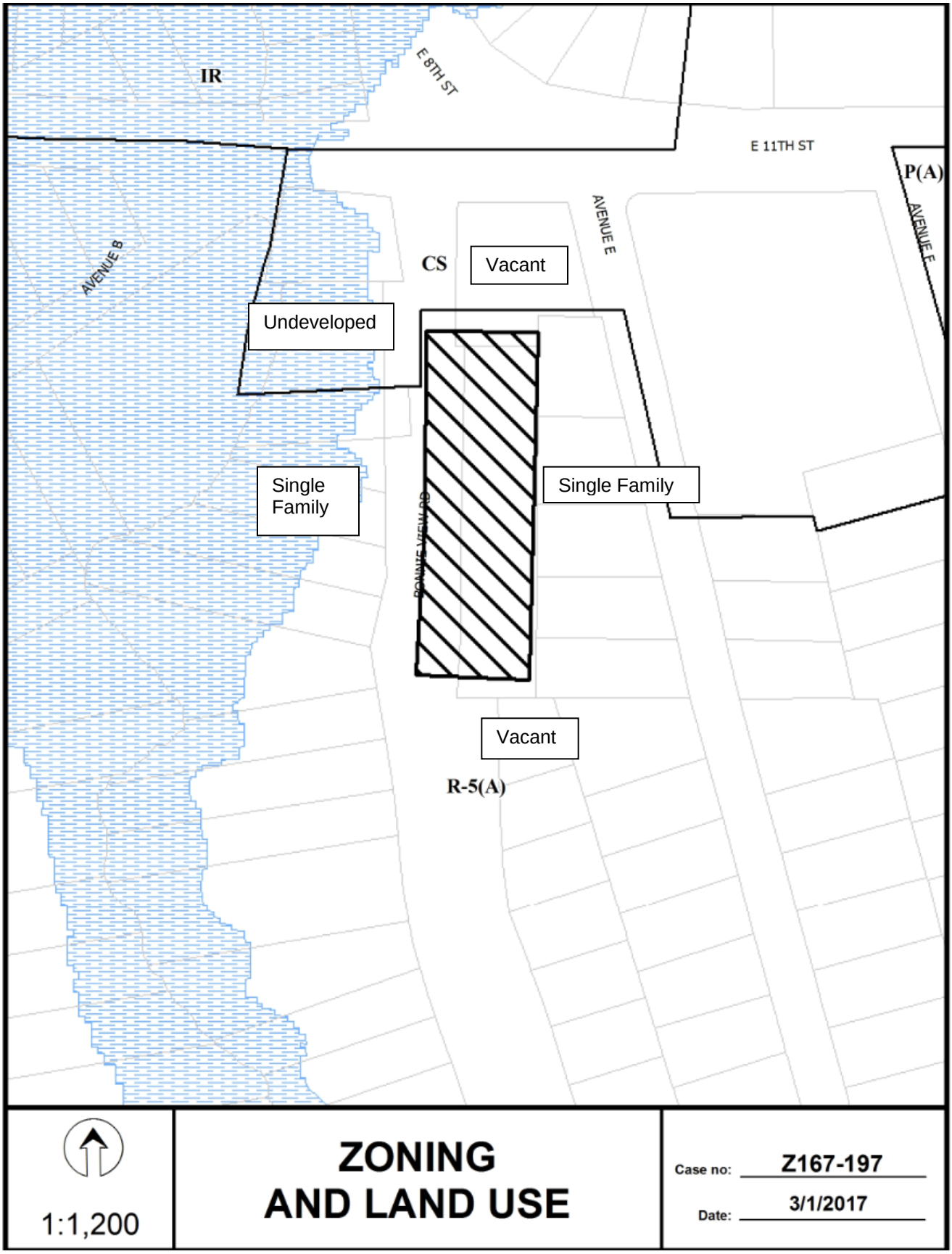
Date: 3/1/2017

1:1,200

AERIAL MAP

Case no: Z167-197

Date: 3/1/2017


IR
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P(A)
AVENUE E
AVENUE E
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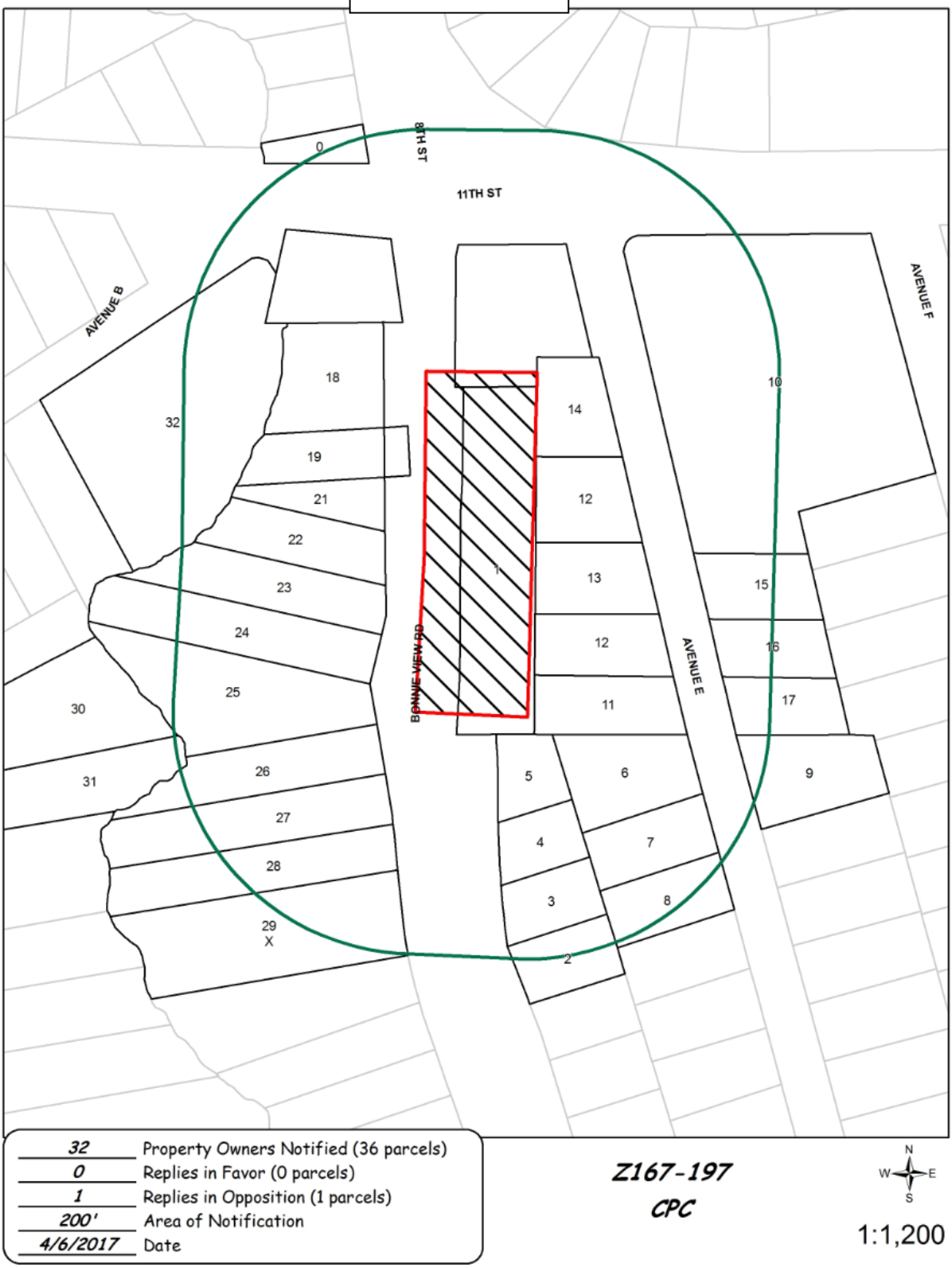
CS
Vacant
Undeveloped
Single Family
Single Family
BONNIE VIEW DR
Vacant
R-5(A)
1:1,200
ZONING
AND LAND USE
Case no: Z167-197
Date: 3/1/2017

CPC Responses



32	Property Owners Notified (36 parcels)
0	Replies in Favor (0 parcels)
1	Replies in Opposition (1 parcels)
200'	Area of Notification
4/6/2017	Date

Z167-197
CPC

1:1,200

04/05/2017

Reply List of Property Owners

Z167-197

32 Property Owners Notified ***0 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	308	BONNIE VIEW RD	308 BVIEW LLC
	2	344	BONNIE VIEW RD	APARICIO EFREN ET AL
	3	342	BONNIE VIEW RD	CHECKERED ENTERPRISES LP
	4	336	BONNIE VIEW RD	DANIELS SHERMAN
	5	332	BONNIE VIEW RD	BREWER & SONS HOMES
	6	339	AVE E	GEIGER PATTI L
	7	343	AVE E	SERRATO DOLORES SOLIS
	8	347	AVE E	MARTINEZ VICTOR & SANDRA
	9	338	AVE E	SOLORZANO DIANA EVELIN
	10	2100	E 11TH ST	GREATER EMMANUEL BAPTIST
	11	335	AVE E	MORENO GLORIA CHAVEZ & ISRAEL
	12	331	AVE E	POUNDERS STANLEY G
	13	327	AVE E	POUNDERS STANLEY ETAL
	14	317	AVE E	GREATER EMMANUEL BAPTIST
	15	324	AVE E	GREATER EMMANUEL BAPTISH CHURCH
	16	328	AVE E	TRUSTEES OF GREATER
	17	332	AVE E	SCOTT TERESIA
	18	311	BONNIE VIEW RD	MOODY VIRGIL
	19	315	BONNIE VIEW RD	NORTH AMERICAN ACCEP CORP
	20	13	BONNIE VIEW RD	E T I MANAGEMENT CO INC
	21	319	BONNIE VIEW RD	GOLDEN GATE FUNERAL HOME
	22	323	BONNIE VIEW RD	MEDINA BENNY
	23	327	BONNIE VIEW RD	MCCULLOUGH C J ESTATE OF
	24	331	BONNIE VIEW RD	RAMIERZ RAY
	25	333	BONNIE VIEW RD	JOHNSON MARY WILLIAMS
	26	337	BONNIE VIEW RD	MILK FAMILY TRUST

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	27	341	BONNIE VIEW RD	OZGUR TIMUR A &
	28	345	BONNIE VIEW RD	JACKSON ALICE FAYE
X	29	349	BONNIE VIEW RD	ADIA PARTNERSHIP LLC
	30	420	FAULK ST	ELLIS WILLIE L
	31	424	FAULK ST	ELLIS LYNETTE
	32	1810	AVE B	SWANN J A & S A

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 25 M; R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 703 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school in an area bounded by Hillcrest Road, Lakehurst Avenue, Airline Road and Aberdeen Avenue

Recommendation of Staff and CPC: Approval, subject to a revised development plan, a landscape plan, a revised traffic management plan, and conditions

Z167-198(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-198(PD) **DATE FILED:** January 30, 2017

LOCATION: Area bounded by Hillcrest Road, Lakehurst Avenue, Airline Road and Aberdeen Avenue.

COUNCIL DISTRICT: 11 **MAPSCO:** 25-M; R

SIZE OF REQUEST: ±16.268 acres **CENSUS TRACT:** 131.02

APPLICANT/ OWNER: Dallas Independent School District

REPRESENTATIVE: Karl A. Crawley, Masterplan

REQUEST: An application for an amendment to Planned Development District No. 703 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school.

SUMMARY: The applicant proposes to 1) demolish a portion of the existing structure, 2) construct a new parking lot, 3) construct a gymnasium, 4) construct a locker room, 5) construct a storm shelter adjacent to existing buildings, 6) increase the maximum height to 45 feet and 7) increase lot coverage to 30 percent. The proposed addition of approximately 82,500 square feet will consist of one two-story structure, one one-story structure and a one one-story structure with a basement. The construction will facilitate the removal of 22 portable classrooms currently located to the north of the existing school. The additions will be compatible with the architecture of the existing school and will increase the total building area to 172,808 square feet with the existing number of classrooms to remain the same. The amendment will also include a separate landscape plan to allow for trees to be planted in an area near the new construction.

CPC RECOMMENDATION: **Approval**, subject to a revised development plan, a landscape plan, a revised traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development plan, a landscape plan, a revised traffic management plan, and conditions.

BACKGROUND INFORMATION:

- On October 13, 2004, PD No. 703 was approved by City Council.
- On February 28, 2008, City Planning Commission approved a minor amendment to the development plan for relocation of a portion of an internal expansion area northward and adjacent to the baseball field.
- On April 13, 2016, City Council approved amendments to PD No. 703 to amend the parking requirements and provide a new development/landscape plan and a Traffic Management Plan. The amendments were needed as a result of the inclusion of a parking lot the school used into the PD for the pump station and water storage facility to the south of the school.
- The purpose of this request is to amend the planned development district to revise the development plan to include new parking and a total of 82,500 square feet in additions. The applicant is also proposing a separate landscape plan and will install new landscaping concentrated in the area surrounding the new construction. The interior portion of the school is will be demolished to allow for a proposed courtyard with landscape.
- The proposed amendments will allow for the continued operation of the Hillcrest High School.

Zoning History: There have been no recent zoning cases in the vicinity in the last five years.

Thoroughfare/Street	Designation	Dimension Explanation
Hillcrest Road	Principal Arterial	60' ROW

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request is consistent with the following goal and policies of the Comprehensive Plan.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

The request site is developed with the Hillcrest High School built in 1999. Surrounding uses consist of single family on the east and west, a public school use to the north and a local utility use the south.

The existing school contains 16 acres and is approximately 90,000 square feet not including the existing portables. The new addition will be approximately 82,500 square feet. The addition will facilitate the construction of a new parking lot, gymnasium, locker room and storm shelter, along the removal of an older portion of the school and two new additions, one one-story and one two-story. The proposed parking lot will allow additional teacher parking with the additions adding classrooms which will facilitate the removal of the portable classrooms however these additions are not intended to increase the school capacity. The request proposes to increase maximum structure height to 45 feet allowed and increase the maximum lot coverage to 30 percent.

The proposed amendment also proposes text that will allow “swing space portables”. This language allows Building Inspection to permit temporary structures/classrooms for use during the renovation and construction of new classroom space on the property. While this language is not typical in most Planned Development Districts, staff believes that clarification in the text is warranted due to the issuance of building permits for schools.

Landscaping:

The changes to the landscaping shown on the revised landscape plan, essentially adds trees around the areas where the new addition is proposed and inside the interior of the school where a portion of the structure will be demolished. The landscape plan has been reviewed and recommended for approval by City Arborist.

Parking:

Hillcrest High School includes 61 classrooms and, therefore, requires 430 off-street parking spaces. Pursuant to the conditions of PDD No. 703 for a public school use, required parking may be provided on the parking lot south of Aberdeen Avenue (the referenced 1.47 acre portion of the site) and by using surplus parking spaces at Franklin Field stadium north of Lakehurst Avenue. Currently, Hillcrest High School has 300 parking spaces at Franklin Field stadium and proposes a total of 183 with the addition of 69 new spaces on-site, for a total of 483.

DISD supplied a parking study which concluded that the parking increase as proposed would meet the parking demand of the site. The application includes a request to increase the amount of off-street parking by 69 spaces which will increase the number of parking spaces from the existing 114 to 183. The Engineering Division of Sustainable

Development and Construction reviewed the parking study and has recommended approval based on the findings in the study.

DALLAS INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

District 1	Edwin Flores,	1st Vice President
District 2	Dustin Marshall	
District 3	Dan Micciche,	President
District 4	Nancy Bingham,	Board Secretary
District 5	Lew Blackburn, Ph.D.	
District 6	Joyce Foreman	
District 7	Audrey Pinkerton,	2nd Vice President
District 8	Miguel Solis	
District 9	Bernadette Nutall	

City Plan Commission Action:
April 6, 2017

Z167-198(PD)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 703 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school, subject to a revised development plan, a landscape plan, a revised traffic management plan and conditions in an area bounded by Hillcrest Road, Lakehurst Avenue, Airline Road and Aberdeen Avenue.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 138
Replies: For: 8 Against: 3

Speakers: For (Did not speak): Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

ARTICLE 703.

PD 703.

SEC. 51P-703.101. LEGISLATIVE HISTORY.

PD 703 was established by Ordinance No. 25769, passed by the Dallas City Council on October 13, 2004. (Ord. 25769)

SEC. 51P-703.102. PROPERTY LOCATION AND SIZE.

PD 703 is established on property located east of Hillcrest Road and south of Lakehurst Avenue. The size of PD 703 is approximately 16.268 acres. (Ord. Nos. 25769; 29536)

SEC. 51P-703.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, COMPACT PARKING SPACE means a parking space that is 7.5 feet wide.

(b) **SWING SPACE PORTABLE means a portable classroom for use during the renovation and construction of new classroom space on the Property.**

(c) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(d) This district is considered to be a residential zoning district. (Ord. Nos. 25769; 30066)

SEC. 51P-703.103.1. EXHIBITS.

The following exhibits are incorporated into the article:

(1) Exhibit 703A: development/~~**landscape plan**~~.

(2) **Exhibit 703B: landscape plan.**

(3) Exhibit 703C: traffic management plan. (Ord. 30066)

SEC. 51P-703.104. DEVELOPMENT/~~**LANDSCAPE**~~ PLAN.

(a) For a public school use, development and use of the Property must comply with the development/~~**landscape**~~ plan (Exhibit 703A). If there is a conflict between the text of this article and the development/~~**landscape**~~ 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. (Ord. Nos. 25769; 30066)

SEC. 51P-703.105. MAIN USES PERMITTED.

The only main uses permitted in this district are:

(1) a public school other than an open enrollment-charter school (permitted by right); and

(2) all other main 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 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 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 district; etc. (Ord. 25769)

SEC. 51P-703.106. 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 in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 25769)

SEC. 51P-703.107. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Front yard. For a public school use, the minimum front yard is as shown on the development/landscape plan.

(c) Side and rear yard. For a public school use, the minimum side and rear yard is as shown on the development/landscape plan.

(d) Height. For a public school use, maximum structure height is **44** **45** feet.

(e) Lot coverage. For a public school, maximum lot coverage is ~~27~~ **30** percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. (Ord. Nos. 25769; 30066)

SEC. 51P-703.108. 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 a public school use, off-street parking is allowed in the required yards.

(c) For a public school use with up to 61 classrooms a minimum of 430 parking spaces must be provided. Additional parking in the amount required by Division 51A-4.200 must be provided for any classrooms beyond the initial 61 classrooms.

(d) For a public school use, off-street parking must be provided as shown on the development/~~**landscape plan**~~ and by using any surplus parking spaces at Franklin Field stadium north of Lakehurst Avenue.

(e) For a public school use, the head-in parking adjacent to Aberdeen Avenue, as shown on the development/~~**landscape**~~ plan, may be counted as required parking. For purposes of this provision, "head-in parking" means parking where maneuvering of the vehicle in entering or leaving the parking space is done within the public right-of-way.

(f) Compact parking spaces do not count towards the off-street parking requirement. (Ord. Nos. 25769; 29536; 30066)

SEC. 51P-703.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25769)

SEC. 51P-703.110. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a public school use, landscaping must be provided as shown on the ~~**development**~~/landscape plan. If there is a conflict between the text of this article and the ~~**development**~~/landscape plan, the text of this article controls.

(c) Plant materials must be maintained in a healthy, growing condition.

(d) For a public school use, street trees must be planted along the portion of the street within a 300 foot radius of any structure within the expansion area shown on the

~~**development**~~/landscape plan. The trees listed in Subsection (2), "Species," of Section 51A-10.134, "Replacement of Removed or Seriously Injured Trees," must be used. These trees must be a minimum of three caliper inches. Any trees required by this provision must be planted so that the spacing of trees along the street does not exceed 30 feet on center. Additional street trees do not need to be planted where street trees have already been provided pursuant to this provision. (Ord. Nos. 25769; 30066)

SEC. 51P-703.111. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) For a public school use, signs must be provided as shown on the development plan.

(c) For a public school use, signs may be located within required yards. (Ord. 25769)

SEC. 51P-703.112. FENCES.

For a public school, fencing is permitted at the height and in the locations shown on the development plan. (Ord. 25769)

SEC. 51P-703.113. 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. (Ord. 25769)

(c) All swing space portables located on the Property must be removed within ninety (90) days of the issuance of a certificate of occupancy or final inspection of the new additions shown on the development plan.

SEC. 51P-703.113.1. TRAFFIC MANAGEMENT PLAN.

(a) In general. The operation of a public school other than an open enrollment-charter school must comply with the traffic management plan (Exhibit 703B).

(b) Queuing. Queuing for student drop-off and pick-up in the city right-of-way is prohibited on Hillcrest Road. Only single line queuing is permitted.

(c) 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 February 1, 2017. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1 of each even-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) number of students;

(B) number of students travelling by each transportation mode other than parent drop-off and pick-up;

(C) ingress and egress points;

(D) queue lengths and location;

(E) number and location of personnel assisting with loading and unloading of students;

(F) drop-off and pick-up locations;

(G) drop-off and pick-up hours for each grade level;

(H) hours for each grade level; and

(I) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) <u>Amendment process.</u>

(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).

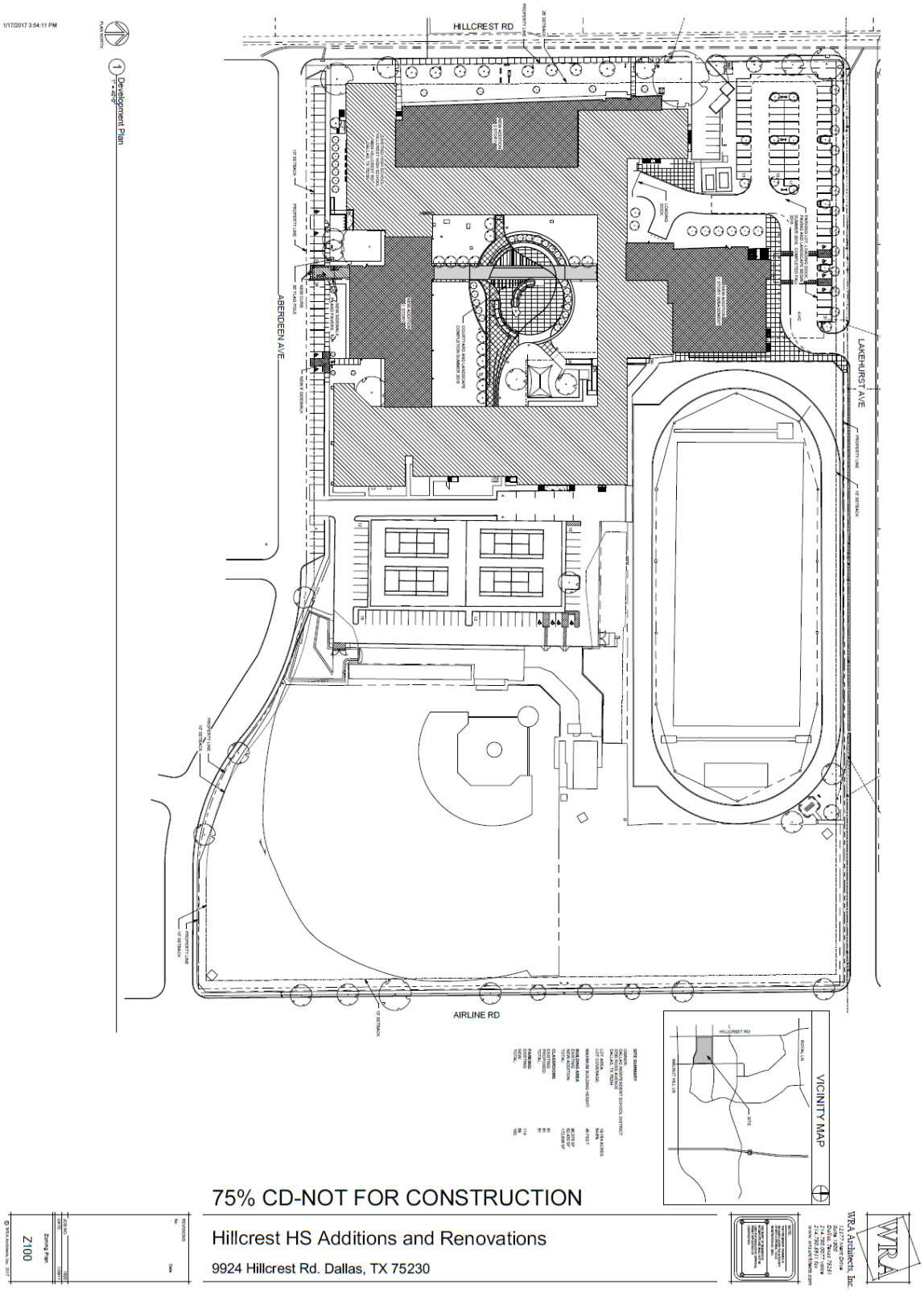
(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion. (Ord. 30066)

SEC. 51P-703.114. COMPLIANCE WITH CONDITIONS.

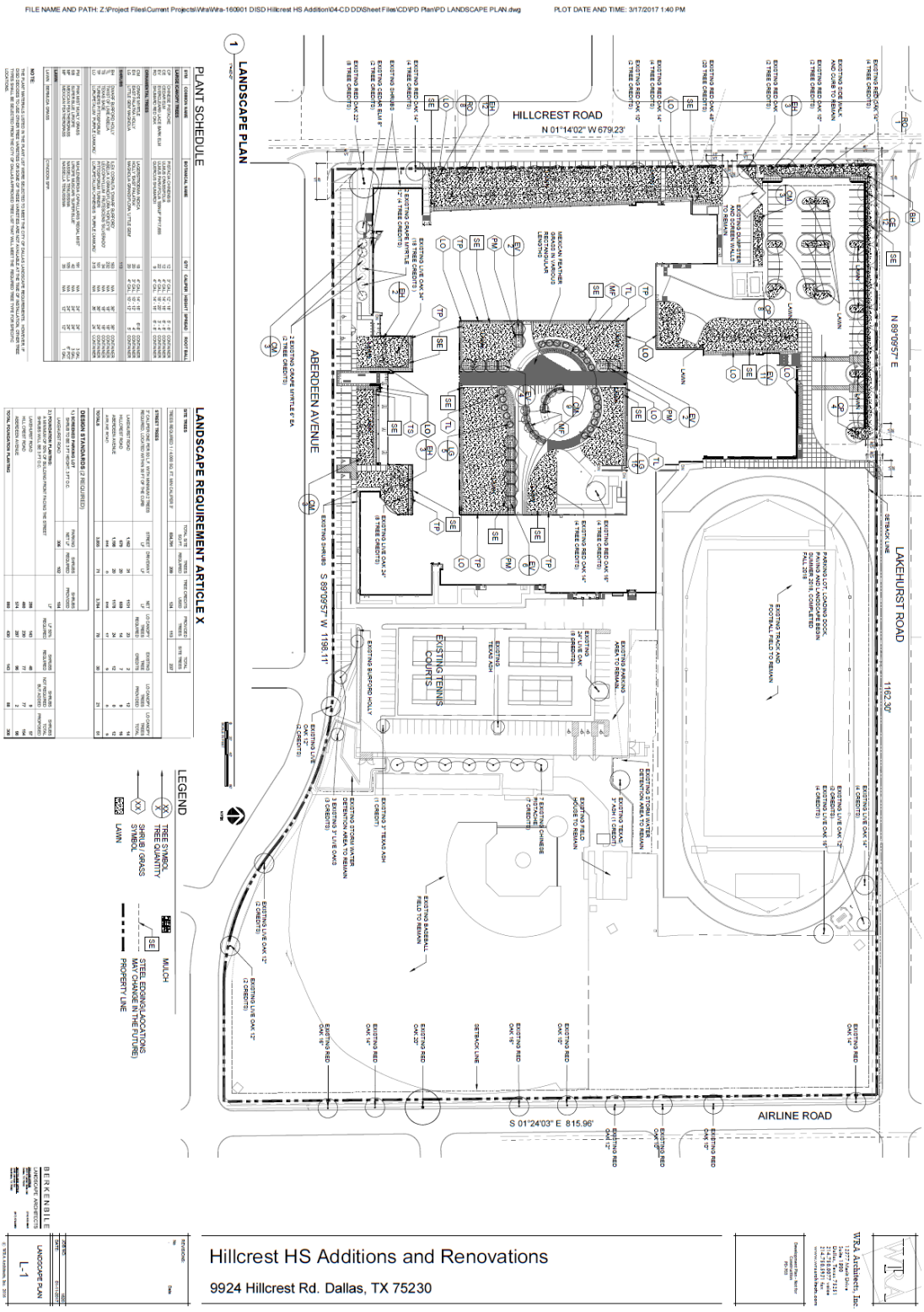
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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. 25769)

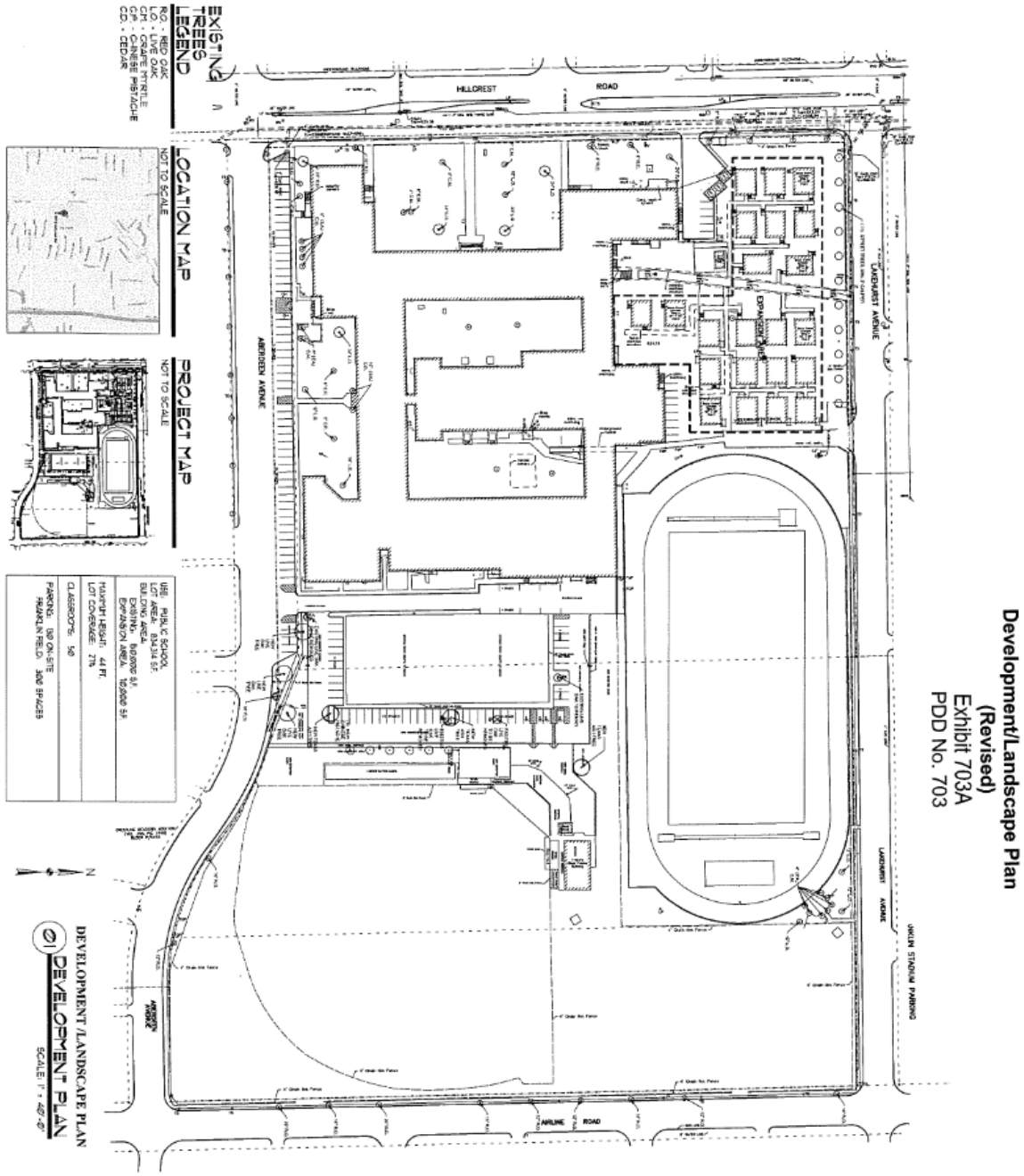
Proposed Development Plan



Proposed Landscape Plan



Existing Development/Landscape Plan



TRAFFIC MANAGEMENT PLAN FOR

DISD HILLCREST HIGH SCHOOL

IN DALLAS, TEXAS

DESHAZO PROJECT NO. 17003

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

January 23, 2017

STATE OF TEXAS
GABRIEL DAVID NEVAREZ
106200
LICENSED
PROFESSIONAL ENGINEER
January 23, 2017

Z167-198

Traffic Management Plan for

DISD Hillcrest High School

~ DeShazo Project No. 17003 ~

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PRELIMINARY SITE PLAN I

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- ***Site Access and Circulation*** ***3***
- ***Passenger Unloading/Loading and Vehicular Queuing*** ***3***
- ***Recommendations*** ***3***

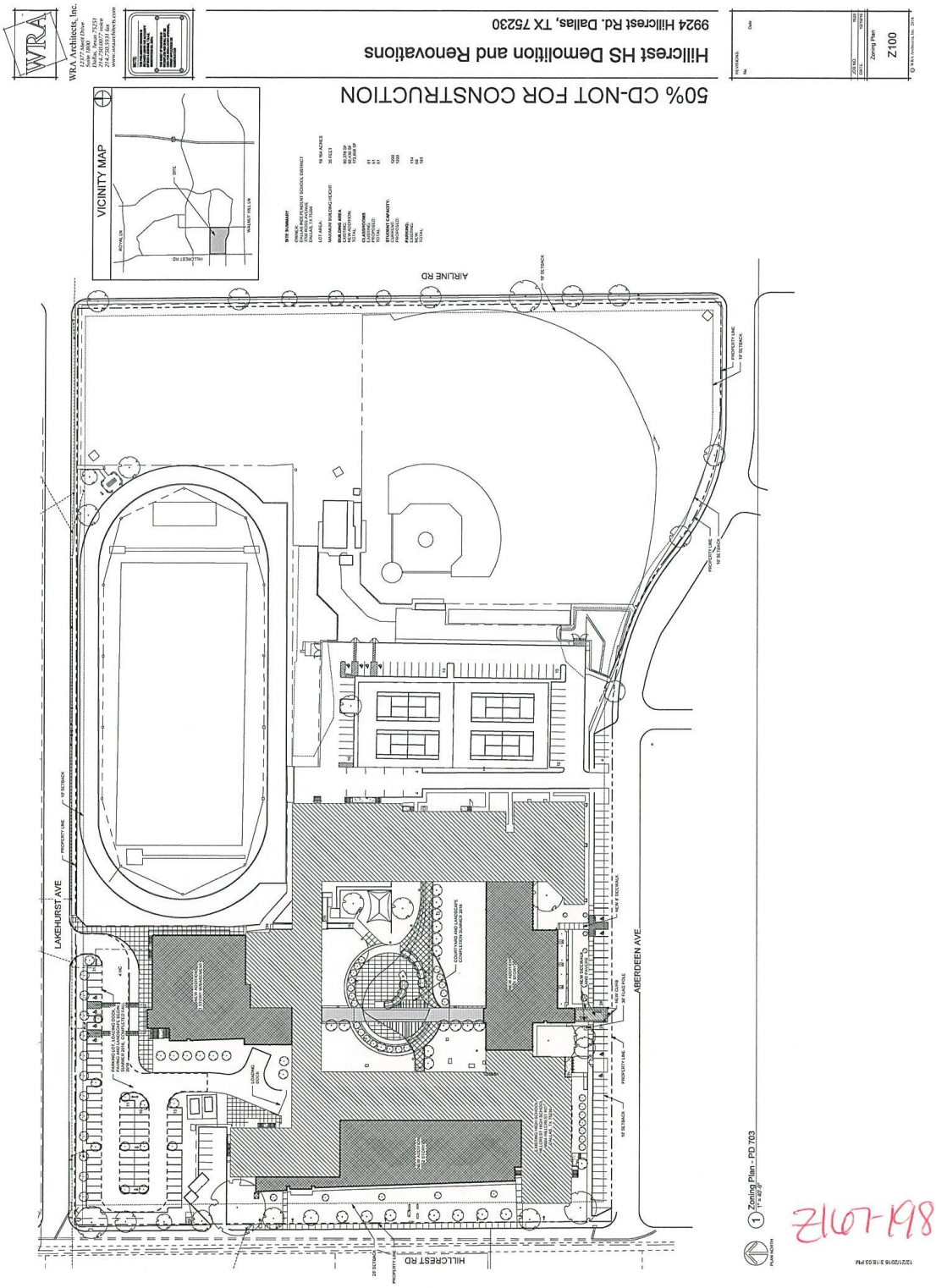
SUMMARY 4

LIST OF TABLES:

Table 1. School Operational Characteristics

LIST OF EXHIBITS:

Exhibit 1. Traffic Management Plan for Peak School Traffic
Exhibit 2. Existing Traffic Signs


WRA
WRA Architects, Inc.
12377 Merit Drive
Suite 1000
Dallas, Texas 75251
214-239-9333 Voice
214-239-9331 fax
www.wraarchitects.com
50% CD-NOT FOR CONSTRUCTION
Hillcrest HS Demolition and Renovations
9924 Hillcrest Rd. Dallas, TX 75230
VICINITY MAP
SITE
ROYAL LN
WALNUT HILL LN
HILLCREST RD
SITE SUMMARY
OWNER:
DALLAS INDEPENDENT SCHOOL DISTRICT
CONTACT:
DAVID HOLT, AIA
LOT AREA:
19.164 ACRES
MAXIMUM BUILDING FACEPT:
35 FEET
BUILDING AREA:
EXISTING:
90,378 SF
PROPOSED:
52,839 SF
TOTAL:
143,217 SF
CLASSROOMS
EXISTING:
61
PROPOSED:
51
TOTAL:
112
STUDENT CAPACITY:
EXISTING:
1200
PROPOSED:
1200
PARKING:
EXISTING:
174
PROPOSED:
19
TOTAL:
193
AIRLINE RD
50' SETBACK
PROPERTY LINE
10' SETBACK
LAKEHURST AVE
ABERDEEN AVE
HILLCREST RD
EXISTING ACADEMIC BUILDING
PROPOSED ACADEMIC BUILDING
COURTYARD AND LANDSCAPE COMPLETION DURING 2018
LOADING DOCK
4 HC
PARKING AREA DEVELOPED DURING PHASE 1 (2016)
PROPOSED ACADEMIC BUILDING
EXISTING ACADEMIC BUILDING
NEW SIDEWALK
NEW CURB
50' FLAGPOLE
1 Zoning Plan - PD 703
1" = 40'-0"
Z167-198
12/21/2016 3:18:03 PM

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Technical Memorandum

To: Mr. Karl Crawley — *Masterplan*

From: David Nevarez, P.E., PTOE — *DeShazo Group, Inc.*

Date: January 23, 2017

Re: Traffic Management Plan for DISD Hillcrest High School in Dallas, Texas
DeShazo Project Number 17003

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 prepare an update of the Traffic Management Plan (TMP) for the Hillcrest High School (the School) located at 9924 Hillcrest Road in Dallas, Texas.

The 9-12th grade school has a current enrollment of approximately 1200 students. The school is planning an expansion of their current facilities. The expansion is attributed to additional didactical area as a replacement for the portable classrooms, and additional off-street parking spaces. The school capacity and student enrollment is not anticipated to increase or change as a result of this request. The attached site plan depicts the proposed modifications.

The school site is zoned Planned Development (PD) District 703. In order to gain entitlements for the proposed improvements, the school administration is seeking approval of a change to the development plan. As part of the approval process, the City of Dallas requires submittal of a TMP update as a record of the preferred traffic control strategies and to ensure overall traffic safety and efficient operations.

This report contains DeShazo's review of the current traffic conditions on and around the school campus as well as an evaluation of the proposed conditions. The plan is intended to assess anticipated traffic conditions during the School peak activities. By consent of the TMP submittal, the school agrees to the strategies presented herein. 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.]

400 S Houston St, Suite 330 Dallas, TX 75202 P. 214.748.6740 F. 214.748.7037
www.deshazogroup.com

Z167-198

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 operations. By properly managing the vehicular traffic generated during critical periods, the safety and efficiency of school carpool operations will also inherently improve. This TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it is a tool that aims to facilitate a safer and more efficient environment.

The analysis summarized below identifies the projected vehicle demand—including parking and queuing space (i.e. vehicle stacking)—needed on site to accommodate projected school traffic demands during peak periods. A concerted effort and full participation by the school administration, staff, students and parents are essential to maintain safe and efficient traffic operations. The use of designated parking and queuing areas is necessary to minimize the operational impact on adjacent properties and the public street system.

School Operational Characteristics

DeShazo conducted field observations of the school on Thursday, November 19, 2015 during all student dismissal periods. **Table *1*** summarizes the operational characteristics for DISD Hillcrest High School at the time of these observations.

Table 1. School Operational Characteristics

Enrollment:	1,250 students
Daily Start/Dismissal Schedule:	9 – 12th Grade: > 8:30 – 4:15 PM
Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up:	By DISD Bus: ≅ 20-25% By Walking: ≅ 0% By Self-Driving: ≅ 5%
Approximate Number of Students with Alternate Schedules (i.e. Depart Outside of Normal Peak):	10% (extracurricular activities, early dismissals, etc.)

NOTE #1: To the highest degree practical, the accounts of existing conditions presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for proposed conditions are based upon evaluations of existing conditions and may be supplemented by DeShazo's professional judgment and experience. Proposed conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

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 subject site provides a small parking area for faculty and staff, which is accessed from Aberdeen Avenue. However, no off-street area is available for student loading and unloading—all traffic activities take place within public right-of-way. In order to accommodate school traffic demands during peak periods, parents line up in queue in front of the school on Aberdeen and idle while waiting for students to be dismissed. Most school buses load students along the north curb of the school on Lakehurst Avenue. Some parents and students also park on Lakehurst Ave, which currently operates as a one-way (eastbound) operation.

Upon egress, westbound traffic on Aberdeen Avenue is not allowed to turn left onto the southbound lanes of Hillcrest Road. Pavement and traffic signs restrict movement to turn right. However, field observations indicate that a small number of vehicles still attempt to turn left when traffic gaps allow it.

No school operations are planned as part of the proposed changes; student loading/unloading will continue to occur on public rights-of-way.

Passenger Unloading/Loading and Vehicular Queuing

During the afternoon pick-up period, the majority of students are transported by parents in personal vehicles. The School provides loading areas along Aberdeen Avenue and Lakehurst Avenue between Hillcrest Road and Airline Road. However, most of the loading operations occur in front of the school on Aberdeen Avenue. Aberdeen Avenue is 66 feet—wide enough to accommodate 90-degree parking on the north side plus four lanes of traffic (including parallel on-street parking on the south side of the road). While waiting for the student dismissal bell, parents form queue lines in both directions of the road and leave the center lane for by pass traffic (in either direction).

Vehicle queue on Aberdeen Avenue extends into the intersection with Hillcrest Road to the west and approximately up to Crest Meadow Drive to the east. Hence, the vehicles turning left from Hillcrest Road to Aberdeen Avenue are queued on in the left-turn bay for about 5 minutes, waiting to join the queue. Vehicles also park on Aberdeen Avenue, Airline Road, Lakehurst Road, and Briarmeadow Drive and wait for the students. The maximum queue and parked vehicles was determined based on the observed start and end of queue lines. Field observations indicate a maximum queue of approximately 40 vehicles on Aberdeen Avenue and 35 vehicles parked on-street. The maximum queue, however, was only evident for no more than 10 minutes during the afternoon school peak hour.

DeShazo's school observations consistently indicate that maximum queues occur during the afternoon peak period when students are being picked-up—the morning period is typically not a significant traffic issue since drop-off activities are more temporally distributed and occur much more quickly than student pick-up. In general, the same operation is in effect during the morning peak period; however, the overall volume of vehicles is less concentrated than the afternoon peak hour volume. The evaluation of the traffic in this report is thus based upon the afternoon pick-up period.

Recommendations

DeShazo conducted field observations of the school on Wednesday, January 11, 2017 during the student dismissal period. The following set of traffic operations are recommended for the Hillcrest High School administration during peak traffic conditions:

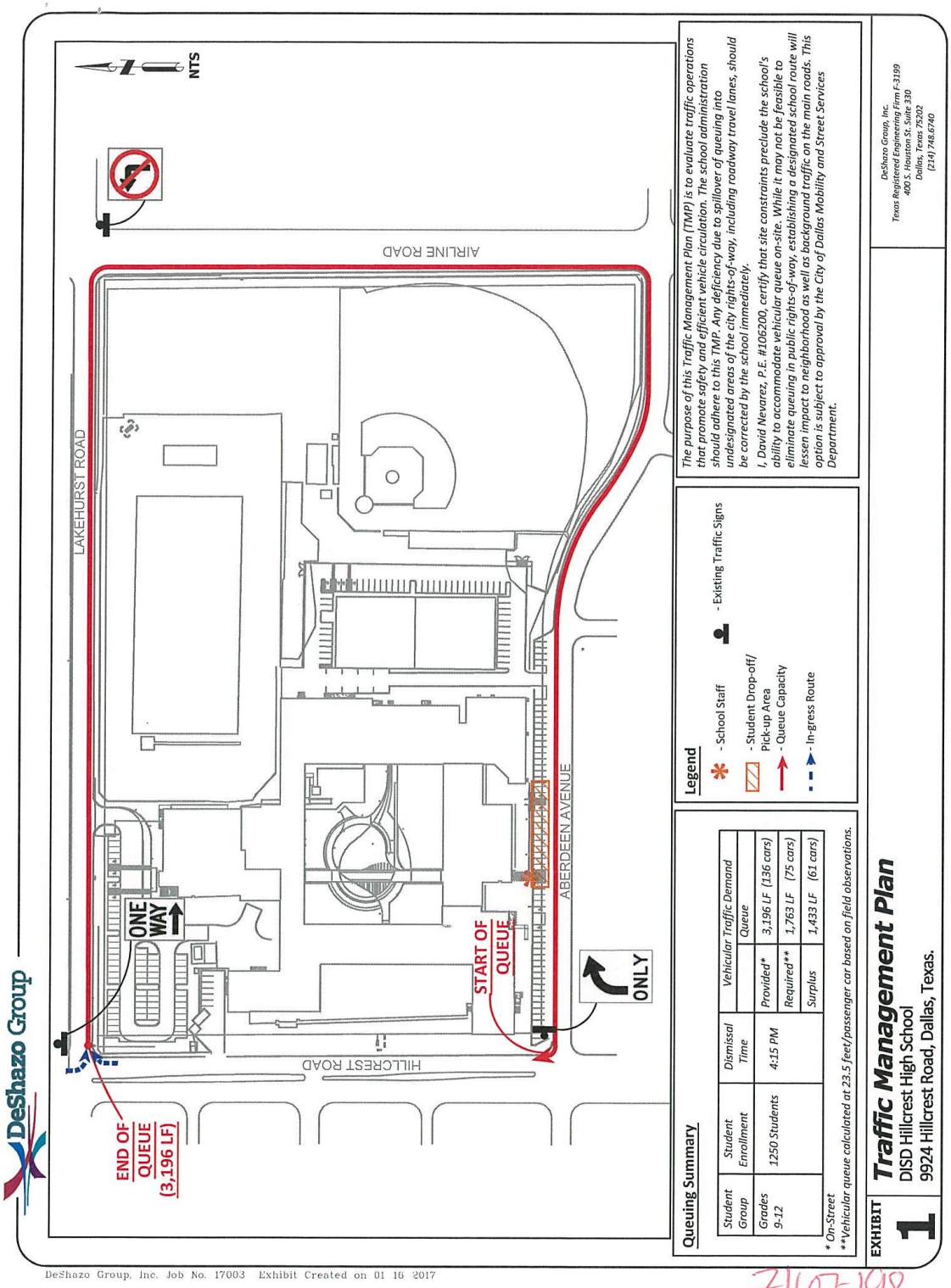
- **The school administration is responsible for establishing procedures, and communicating an outline of this Traffic Management Plan to all parents, students, and staff.** Alternatively, the City of Dallas could consider the installation of permanent traffic signs to enforce one-way traffic flow on Aberdeen Avenue during school peak hours as depicted in **Exhibit 1**.
- The traffic circulation plan depicted in **Exhibit 1** is based upon observations of existing traffic during peak conditions. The plan provides a designated route for parents:
    - The school provides no vehicular queuing or storage on-site. However, a single queue adjacent to the site on Aberdeen Avenue, Airline Road and Lakehurst Avenue provides approximately 3,196 linear feet of curb—enough capacity for 136 vehicles. This capacity accommodates a peak vehicle queue of approximately 75 vehicles and provides a surplus of 1,433 feet.
- "Right Turn Only" operations on the westbound approach of Aberdeen Avenue at Hillcrest should remain in effect.
- School should issue parking permits to students and staff to regulate parking.
- School should designate at least two DISD employees on Aberdeen Avenue and Lakehurst Avenue, respectively, during peak school hours to monitor the flow of traffic and aid students crossing Hillcrest Road. However, in order to minimize liabilities, the School should allow no school staff other than DISD police and/or deputized officers of the law to engage or attempt to influence traffic operations in public right-of-way.

SUMMARY

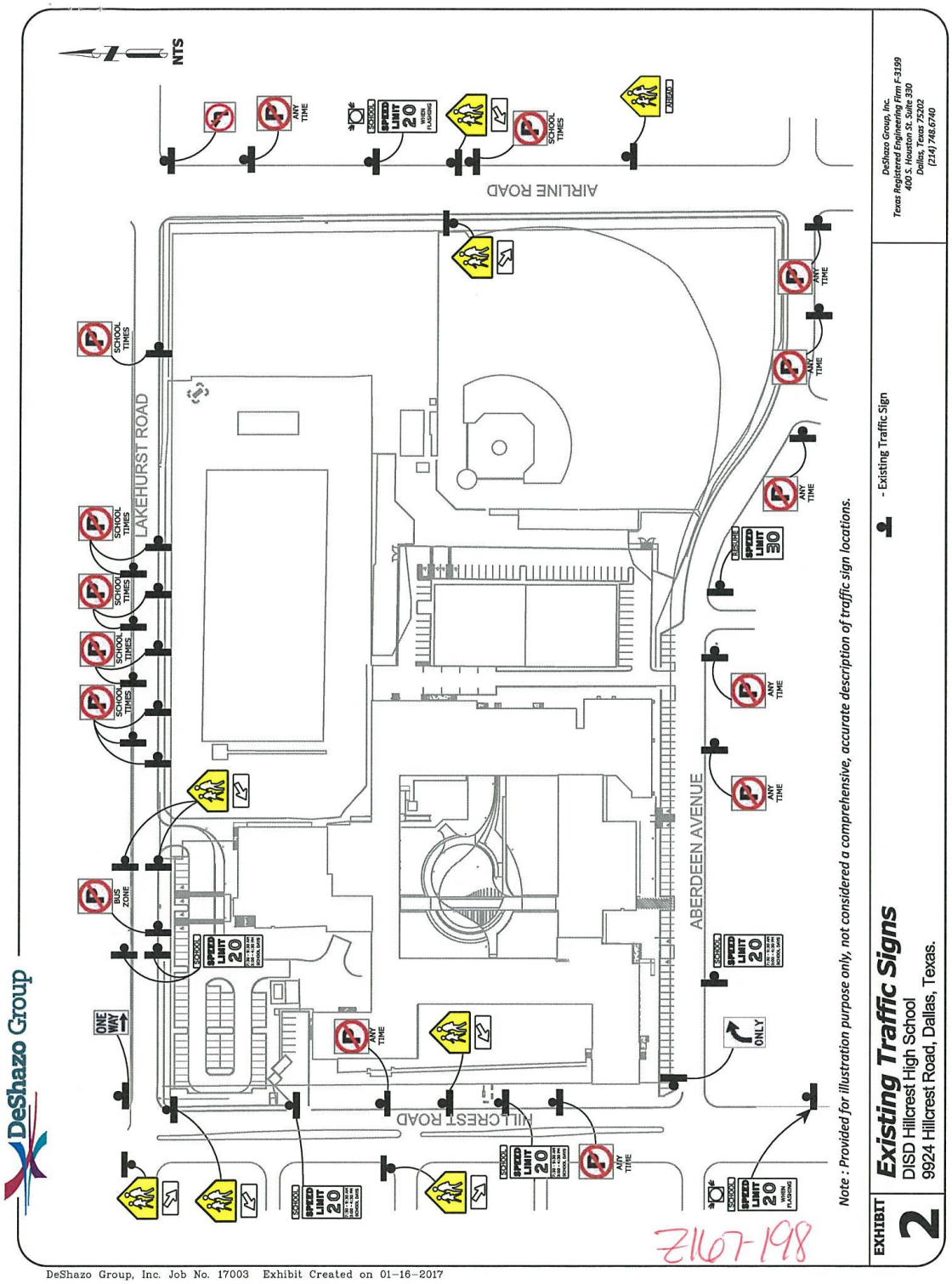
The subject site provides a parking area for faculty and staff. Field observations of existing conditions indicate that student loading/unloading activities operate within public right-of-way. In order to accommodate school traffic demands during peak periods, most parents line up in queue in front of the school on Aberdeen.

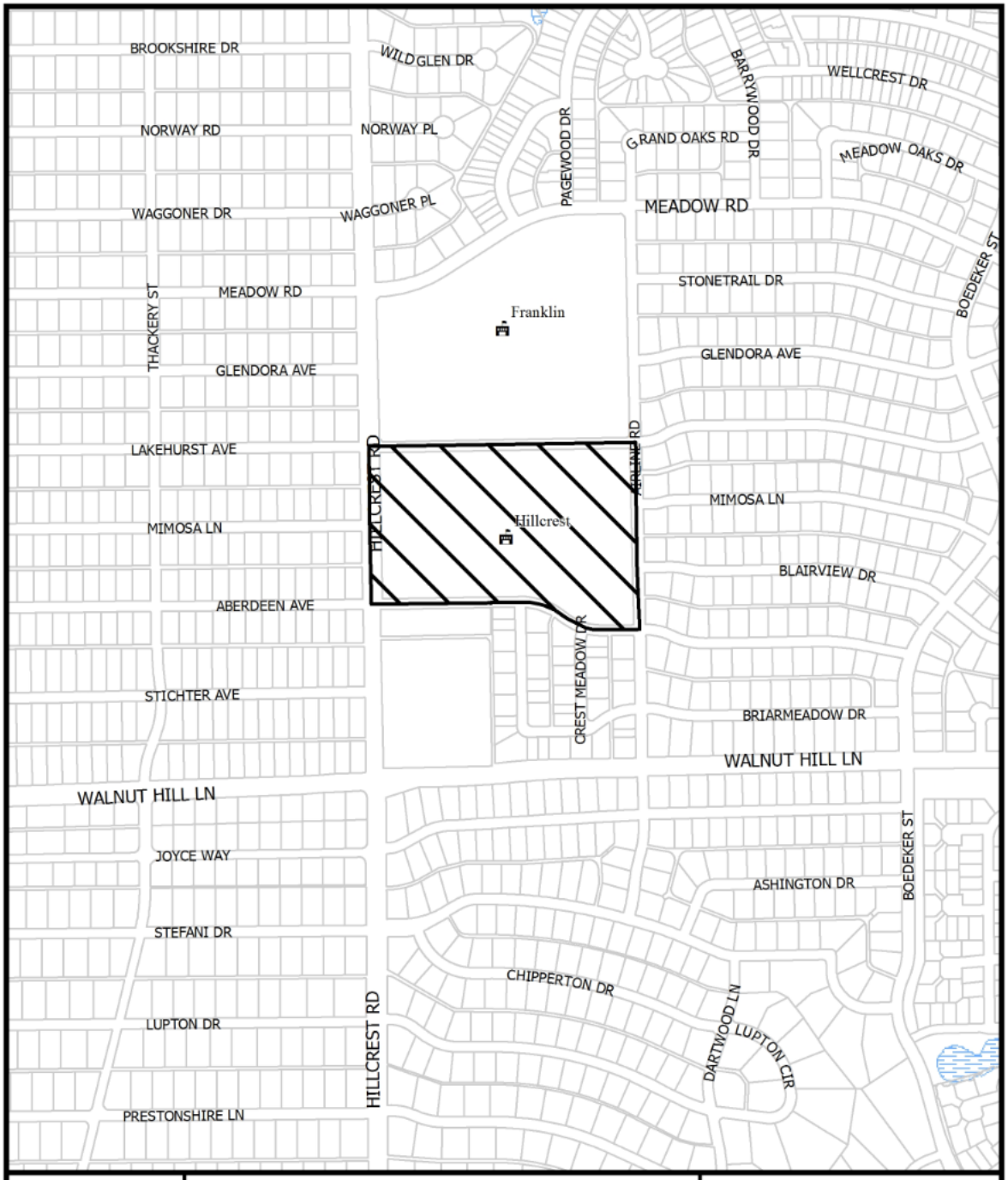
The plan presented in this report should be enforced by DISD Hillcrest High School to provide safe and efficient transportation of students, staff, and faculty to and from the site. Full cooperation of all school staff members, students, and parents is crucial for the continuing success of this traffic management plan. The plan was developed with the intent of optimizing safety and efficiency and the goal of establishing a designated route for vehicular traffic generated by the school at peak traffic periods. The school should review details of this plan on a regular basis to confirm its effectiveness.

END OF MEMO


DeShazo Group
NTS
AIRLINE ROAD
LAKEHURST ROAD
HILLCREST ROAD
ABERDEEN AVENUE
ONE WAY
END OF QUEUE (3,196 LF)
START OF QUEUE
ONLY
Queuing Summary
Student Group
Student Enrollment
Dismissal Time
Vehicular Traffic Demand
Queue
Grades 9-12
1250 Students
4:15 PM
Provided*
3,196 LF (136 cars)
Required**
1,763 LF (75 cars)
Surplus
1,433 LF (61 cars)
* On-Street
**Vehicular queue calculated at 23.5 feet/passenger car based on field observations.
Legend
- School Staff
- Existing Traffic Signs
- Student Drop-off/ Pick-up Area
- Queue Capacity
- In-gress Route
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. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.
I, David Nevarez, P.E. #106200, certify that site constraints preclude the school's ability to accommodate vehicular queue on-site. While it may not be feasible to eliminate queuing in public rights-of-way, establishing a designated school route will lessen impact to neighborhood as well as background traffic on the main roads. This option is subject to approval by the City of Dallas Mobility and Street Services Department.
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740
EXHIBIT
1
Traffic Management Plan
DISD Hillcrest High School
9924 Hillcrest Road, Dallas, Texas.
DeShazo Group, Inc. Job No. 17003 Exhibit Created on 01 16 2017

Z167-198


NTS
AIRLINE ROAD
LAKEHURST ROAD
HILLCREST ROAD
ABERDEEN AVENUE
SCHOOL TIMES
ANY TIME
BUS ZONE
ONE WAY
ONLY
SCHOOL SPEED LIMIT 20
SCHOOL SPEED LIMIT 20 WHEN FLASHING
SCHOOL SPEED LIMIT 30
Note : Provided for illustration purpose only, not considered a comprehensive, accurate description of traffic sign locations.
- Existing Traffic Sign
DeShazo Group
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740
EXHIBIT 2
Existing Traffic Signs
DISD Hillcrest High School
9924 Hillcrest Road, Dallas, Texas.
Z167-198
DeShazo Group, Inc. Job No. 17003 Exhibit Created on 01-16-2017



1:7,200

VICINITY MAP

Case no: Z167-198

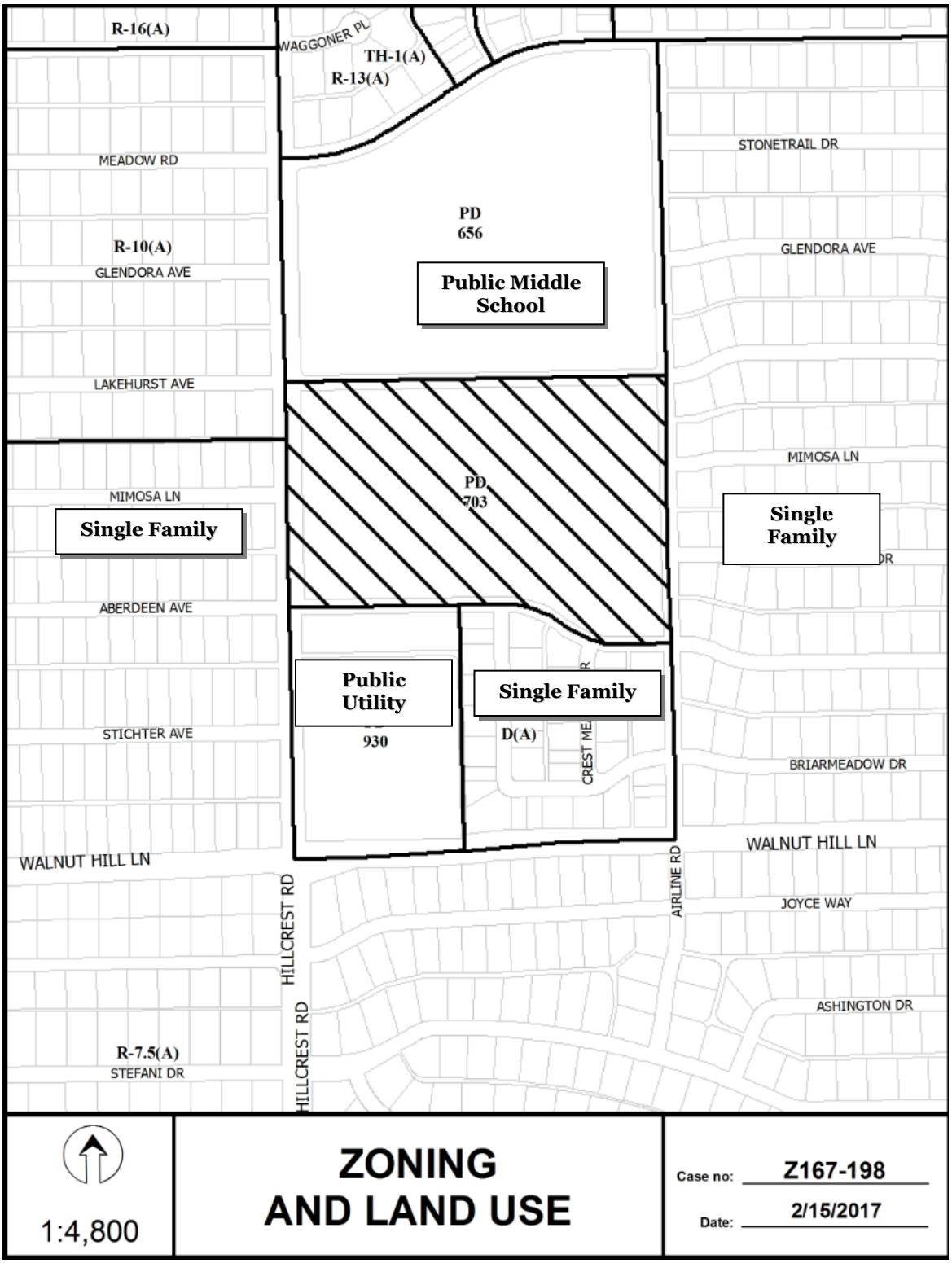
Date: 2/15/2017

1:4,800

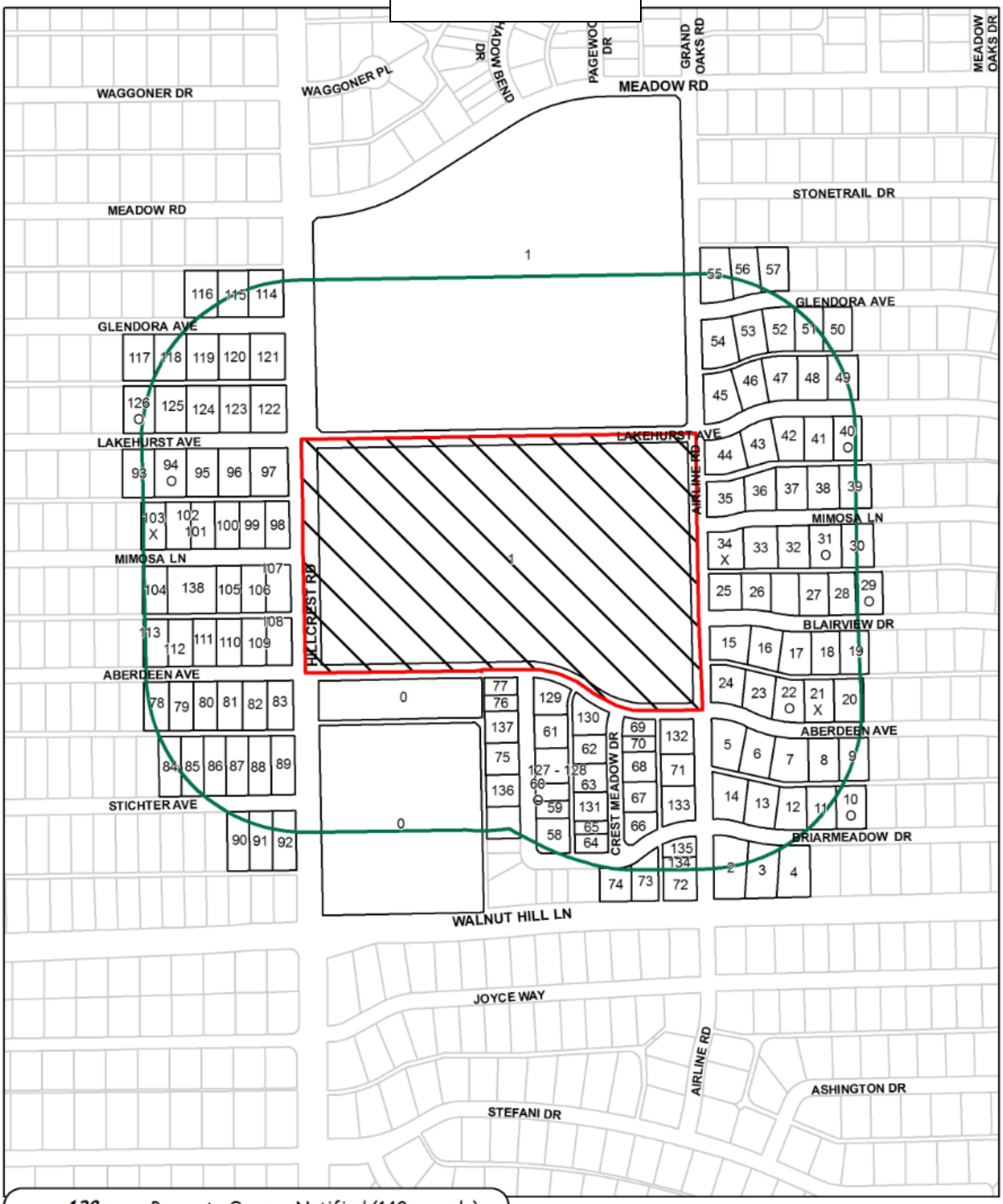
AERIAL MAP

Case no: Z167-198

Date: 2/15/2017


R-16(A)
WAGGONER PL
TH-1(A)
R-13(A)
MEADOW RD
R-10(A)
GLENDORA AVE
LAKEHURST AVE
PD
656
Public Middle
School
STONETRAIL DR
GLENDORA AVE
MIMOSA LN
PD
703
MIMOSA LN
Single Family
Single
Family
ABERDEEN AVE
Public
Utility
930
Single Family
D(A)
STICHTER AVE
BRIARMEADOW DR
WALNUT HILL LN
WALNUT HILL LN
HILLCREST RD
AIRLINE RD
JOYCE WAY
HILLCREST RD
ASHINGTON DR
R-7.5(A)
STEFANI DR
1:4,800
ZONING
AND LAND USE
Case no: Z167-198
Date: 2/15/2017

CPC Reponses



138	Property Owners Notified (142 parcels)
8	Replies in Favor (8 parcels)
3	Replies in Opposition (3 parcels)
500'	Area of Notification
4/6/2017	Date

Z167-198
CPC

N W E S

1:4,800

04/05/2017

Reply List of Property Owners

Z167-198

138 Property Owners Notified ***8 Property Owners in Favor*** ***3 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	9924	HILLCREST RD	Dallas ISD
	2	7108	BRIARMEADOW DR	CAESAR CRAIG & SUZANNE
	3	7116	BRIARMEADOW DR	OWEN GUS A
	4	7124	BRIARMEADOW DR	THOMPSON JOHN STUART
	5	7108	ABERDEEN AVE	BERNSTEIN SCOT B
	6	7116	ABERDEEN AVE	SHARP JEANNE
	7	7122	ABERDEEN AVE	MACFARLANE MARY D TRUSTEE
	8	7130	ABERDEEN AVE	ROSS ELLA L
	9	7136	ABERDEEN AVE	SUREKA DIMPLE L & ASHISH O
O	10	7139	BRIARMEADOW DR	ATKINS JAMES B &
	11	7131	BRIARMEADOW DR	HARRIS JOHN C & KAREN L
	12	7123	BRIARMEADOW DR	RANDALL SUSAN L
	13	7115	BRIARMEADOW DR	BROWN REBECCA L &
	14	7107	BRIARMEADOW DR	BRANCH MADIE M
	15	7108	BLAIRVIEW DR	MILLER ZOE J
	16	7116	BLAIRVIEW DR	KINNEY ELIZABETH NEEL
	17	7122	BLAIRVIEW DR	MCCALLUM RONALD C &
	18	7130	BLAIRVIEW DR	KNIGHT CHARLES E &
	19	7136	BLAIRVIEW DR	WILLIAMS JOSEPH S
	20	7135	ABERDEEN AVE	KEATING JOHN J & KATHY
X	21	7129	ABERDEEN AVE	GUPTA RISHI
O	22	7121	ABERDEEN AVE	CLARK CARLA MOORE
	23	7115	ABERDEEN AVE	BERRY ROSS JR EST OF
	24	7107	ABERDEEN AVE	GIBBY FAMILY LIVING TRUST
	25	7107	BLAIRVIEW DR	MIRICK EDWARD M
	26	7115	BLAIRVIEW DR	JAMIESON ANDREW &

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	27	7129	BLAIRVIEW DR	CARTER CARRIE L
	28	7135	BLAIRVIEW DR	LIU KUEN YU & FANG YANG
O	29	7141	BLAIRVIEW DR	FINN STEVEN C & KATHY R
	30	7130	MIMOSA LN	CRAWFORD PATRICK
O	31	7124	MIMOSA LN	MCFERRIN VIVIAN R
	32	7118	MIMOSA LN	VICK TANNER SCOTT & JENNIFER CHANEY
	33	7112	MIMOSA LN	COHEN RONALD E
X	34	7106	MIMOSA LN	HOLT MARY A
	35	7105	MIMOSA LN	TILL LEE ROY
	36	7111	MIMOSA LN	COMBES RUSTIN BRADLEY
	37	7117	MIMOSA LN	ARON JAIME & LORI W
	38	7123	MIMOSA LN	BRAGA BRUNO PEROCCO &
	39	7129	MIMOSA LN	KRAMER NANETTE E &
O	40	7128	LAKEHURST AVE	SHELTON ROBERT M &
	41	7122	LAKEHURST AVE	C A C PROPERTIES LLC
	42	7118	LAKEHURST AVE	BURNETT JOE B
	43	7110	LAKEHURST AVE	PHILLIPS GREGORY M & JENNIFER S
	44	7106	LAKEHURST AVE	MURO BENJAMIN P JR &
	45	7107	LAKEHURST AVE	LOMBARDIA GROUP LLC
	46	7111	LAKEHURST AVE	GOLDSTEIN LYNN E
	47	7117	LAKEHURST AVE	KYLE L LLOYD MD
	48	7121	LAKEHURST AVE	CULLUM BELTON A & VICTORIA M
	49	7127	LAKEHURST AVE	DOSHER ANNA
	50	7128	GLENDORA AVE	MANSUR PETER R & CAROLE T
	51	7124	GLENDORA AVE	LYSSY ANTHONY L & SARAH JANE
	52	7118	GLENDORA AVE	CROW ALDEN S &
	53	7110	GLENDORA AVE	SALANON EMMANUEL & SONIA
	54	7106	GLENDORA AVE	GLENDORA DALLAS LAND TRUST
	55	7107	GLENDORA AVE	LEONARD JAMES J &
	56	7111	GLENDORA AVE	SEARS ANNA NICOLE
	57	7117	GLENDORA AVE	STERLING DONALD W &

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	58	7041	BRIARMEADOW DR	WINSTON GARRETT
	59	7031	BRIARMEADOW DR	BOLES MITCHEM C
O	60	7033	BRIARMEADOW DR	APPLEBOME LOUISE
	61	7015	BRIARMEADOW DR	LAMAY BRIAN W &
	62	9831	CREST MEADOW DR	SANFORD BETTY A
	63	9823	CREST MEADOW DR	BLAIR KATHERINE L
	64	9807	CREST MEADOW DR	MERRITT DAVID V &
	65	9809	CREST MEADOW DR	MERRITT DAVID & SHERRY
	66	9808	CREST MEADOW DR	YOUNGBLOOD BRIAN
	67	9816	CREST MEADOW DR	TSAI FREDDY
	68	9824	CREST MEADOW DR	HORLOCK SUSAN WALKER
	69	9834	CREST MEADOW DR	AVERY ROBERT LEE
	70	9832	CREST MEADOW DR	AVERY ROBERT LEE
	71	9815	AIRLINE RD	MURO BENJAMIN P JR &
	72	9707	AIRLINE RD	TAYLOR REVOUS
	73	7084	BRIARMEADOW DR	MCCALL LAVERNE FAMILY TRUST
	74	7078	BRIARMEADOW DR	WALTERS RICHARDS KEITH
	75	7022	BRIARMEADOW DR	DAUTERMAN FAMILY
	76	7008	BRIARMEADOW DR	FLANAGAN ANDREA H
	77	7006	BRIARMEADOW DR	FLANAGAN JESSE N
	78	6806	ABERDEEN AVE	BEALL DENNIS R &
	79	6810	ABERDEEN AVE	BEARDEN REVOCABLE TRUST
	80	6816	ABERDEEN AVE	MELUCCI JEFFREY
	81	6822	ABERDEEN AVE	NORDVEDT RICHARD T & LILIANA
	82	6828	ABERDEEN AVE	HOME ALONE CORP THE
	83	6834	ABERDEEN AVE	NIGHT SCOTT GORDON & CATHERINE ANITA
	84	6809	STICHTER AVE	VANBUREN THOMAS M &
	85	6815	STICHTER AVE	SOUTHER ROY ELIHU
	86	6821	STICHTER AVE	CROCKETT TOMMY L
	87	6825	STICHTER AVE	WALLIS ITHA M PAT
	88	6831	STICHTER AVE	RATLIFF BRENT & SUSIE

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	89	6837	STICHTER AVE	WELLSFRY JOHN L & ANDREA B
	90	6826	STICHTER AVE	COOK BARRY L &
	91	6832	STICHTER AVE	WILLIAMS HENRY BYRON
	92	6838	STICHTER AVE	SALEM KAREEM T &
	93	6738	LAKEHURST AVE	LANNEN RICHARD J & SHIELA H
O	94	6806	LAKEHURST AVE	ONEACRE LEE P & DIXIE S
	95	6814	LAKEHURST AVE	ANDERSON DANA D
	96	6822	LAKEHURST AVE	SLACK JAMES YOUNG
	97	6830	LAKEHURST AVE	FAULKNER SCOTT HUNTER
	98	6835	MIMOSA LN	NGUYEN KEVIN K
	99	6827	MIMOSA LN	YOUNG JOSEPH K
	100	6823	MIMOSA LN	ELLIS JOHN MICHAEL & CATHERINE ASHLEY
	101	6817	MIMOSA LN	DENESUK MARK &
	102	6811	MIMOSA LN	TROTT DAVID
X	103	6805	MIMOSA LN	BERRY BRUCE W & DONNA J
	104	6804	MIMOSA LN	FLEISHER RANDALL L &
	105	6822	MIMOSA LN	BIGHAM BRYAN & DEBORAH
	106	6828	MIMOSA LN	SENISE JAIRO
	107	6834	MIMOSA LN	BOOTHMAN DAVID A
	108	6835	ABERDEEN AVE	VALDEZ LILLIAN
	109	6829	ABERDEEN AVE	RAMIREZ DANIEL
	110	6823	ABERDEEN AVE	POUNDERS NOLAND M
	111	6817	ABERDEEN AVE	BODWELL MICHAEL R &
	112	6811	ABERDEEN AVE	KICKIRILLO VINCENT M
	113	6805	ABERDEEN AVE	EAGLE LIVING TRUST
	114	6831	GLENDORA AVE	BERAN CHARLOTTE C &
	115	6823	GLENDORA AVE	MCGEATH KIMBERLEY ANN &
	116	6815	GLENDORA AVE	HARLAN PETER L &
	117	6738	GLENDORA AVE	KALKA MELISSA D &
	118	6806	GLENDORA AVE	TROCHU JEAN-LOUIS A R & CYNTHIA ANN HOFF TRUSTEES

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	119	6814	GLENDORA AVE	GORE MICHAEL
	120	6822	GLENDORA AVE	KESMAN BRYAN J & PAIGE
	121	6830	GLENDORA AVE	GARRETT DONNA NICKENS
	122	6831	LAKEHURST AVE	MITTAL NAVEEN &
	123	6823	LAKEHURST AVE	RUBLE TOD A &
	124	6815	LAKEHURST AVE	CANNATA MARK P & EDNA C
	125	6807	LAKEHURST AVE	MELWANI SANJIV &
O	126	6739	LAKEHURST AVE	KRYSTINIK JOHN R &
	127	7023	BRIARMEADOW DR	DUSENBERRY DAVID W TR
	128	7025	BRIARMEADOW DR	DUSENBERRY DAVID W
	129	7007	BRIARMEADOW DR	BAKER LINDA WATTS
	130	9839	CREST MEADOW DR	CASIPIT CALVIN M &
	131	9817	CREST MEADOW DR	WISLEY DAVID &
	132	9823	AIRLINE RD	BOMAR HENRY H III &
	133	9805	AIRLINE RD	ZACARIAS REALTY CAPITAL LLC
	134	9715	AIRLINE RD	SAYE ELLECIA LESHON
	135	9717	AIRLINE RD	HOYES FRANCES ALLEN
	136	7030	BRIARMEADOW DR	HURST JUDITH
	137	7016	BRIARMEADOW DR	SLAVOV LACHEZAR
	138	6810	MIMOSA LN	ARMES JOSEPH B &

AGENDA ITEM # 36

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 23 A; E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subarea within Planned Development District No. 899 on the northeast corner of Royal Lane and Grissom Lane
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, revised development plan and conditions
Z167-199(WE)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, MAY 10, 2017
ACM: Majed Al-Ghafry

FILE NUMBER: Z167-199(WE) **DATE FILED:** February 1, 2017

LOCATION: Royal Lane and Grissom Lane, northeast corner

COUNCIL DISTRICT: 6 **MAPSCO:** 23-A; E

SIZE OF REQUEST: Approx. 1.582 acres **CENSUS TRACT:** 96.10

APPLICANT / OWNER: Mountain Prize, Inc.

REPRESENTATIVE: Tommy Mann & Laura Hoffmann
Winstead PC

REQUEST: An application to create a new subarea within Planned Development District No. 899.

SUMMARY: The purpose of the new subarea will permit the development of an approximately 5,500 square foot retail store [RaceTrac]. Currently Planned Development District No. 899 requires a minimum six-foot perimeter fence. The new subarea will retain the conditions in the PDD but will remove the language that requires the perimeter fence.

CPC RECOMMENDATION: **Approval**, subject to a revised conceptual plan, revised development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised conceptual plan, revised development plan and conditions.

BACKGROUND INFORMATION:

- On December 11, 2013, the City Council approved Planned Development District No. 899.

- In October 2015, the City Plan Commission approved a development plan for a general merchandise or food store greater than 3,500 square feet and a fueling station. The development plan showed a fence along the eastern and northern property lines but not along Royal Lane and Grissom Lane.

- During the permitting process, the applicant was informed that a fence is required along Royal Lane and Grissom Lane, per the ordinance. As a result, the applicant filed an application to create a new subarea to remove the fence requirement along Royal Lane and Grissom Lane. The main uses and development regulations and standards will remain.

Zoning History: There has been one recent zoning case in the area over the past 5 years.

1. Z123-238 On December 11, 2013, the City Council approved a Planned Development District for MU-2 Mixed Use District uses and denied a Specific Use Permit for outside sales on property zoned an IR Industrial Research District and Planned Development District No. 498 on a portion, the Harry Hines Corridor Special Purpose District

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.

ECONOMIC DEVELOPMENT

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

Land Use:

	Zoning	Land Use
Site	PDD No. 899	Undeveloped, vacant structure
North	IR	Commercial & Industrial
South	PDD No. 498	Post Office, Retail and personal service
East	IR	Undeveloped, Car wash, Commercial & Industrial
West	PDD No. 498 w/ SUP No. 1664, IR with SUP No. 1664, IR	DART, Commercial

Land Use Compatibility: The site is developed with a vacant, one-story building. The land use surrounding the site consists of a variety of industrial and commercial to the north and east, retail and personal service use to the south, across Royal Lane. A DART light rail station and surface parking is located west of the site, across Grissom Lane.

The applicant proposes to develop a 5,500 square foot general merchandise or food store and fueling station on site; however, due to a provision in the ordinance that requires a perimeter fence in PDD No. 899, the proposed development cannot proceed.

In October 2015, the City Plan Commission approved a development plan for a general merchandise or food store greater than 3,500 square feet and a fueling station. The development plan showed a fence along the eastern and northern property lines but not along Royal Lane and Grissom Lane. During the permitting process, the applicant was informed that a fence is required along Royal Lane and Grissom Lane, per the ordinance. As a result, the applicant filed an application for to create a new subarea within PDD No. 899 to remove the fence along Royal Lane and Grissom Lane. The main uses and development regulations and standards will remain.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 899- Existing Mixed use	15'	20' adjacent to residential OTHER: No Min.	400 units 0.25 FAR for office and retail uses	4 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential
PDD No. 899- New Subarea Mixed use	15'	20' adjacent to residential OTHER: No Min.	400 units 0.25 FAR for office and retail uses	4 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

Landscaping: Landscaping will be in accordance with Article X, as amended

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Royal Lane	Principal Arterial	80 ft.	80 ft.
Grissom Lane	Local	50 ft.	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provides during the application submittal.

Parking: The off-street parking requirement for a general merchandise or food store greater than 3,500 square feet is one space for each 200 square feet of floor area and two spaces for the fuel station. Based on the total floor area of the 5,500 square foot general merchandise or food store, the proposed development will be required to provide 30 spaces. The applicant is proposing 34 spaces per the attached development plan.

CPC Action (April 6, 2017)

Motion: It was moved to recommend **approval** of the creation of a new subarea within Planned Development District No. 899, subject to a revised conceptual plan, revised development plan and conditions on the northeast corner of Royal Lane and Grissom Lane.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area:	500	Mailed:	58
Replies:	For:	2	Against:	1

Speakers: None

LIST OF OFFICERS & DIRECTORS

Owner/Applicant: **MOUNTAINPRIZE, INC.**

Allison Bolch Moran	Chief Executive Officer
Allison Bolch Moran	Director
Allison Bolch Moran	Chief Executive Officer
Allison Bolch Moran	Director
Max V. Lenker	Director
Carl E. Bolch, Jr.	Chairman
Carl E. Bolch, Jr.	Director
Melanie Bolch Isbill	Director
Susan Bass Bolch	Secretary
Susan Bass Bolch	Director
William C. Milam III	President
Jordan Bolch	Director
Joseph H. Akers	General Counsel
Natalie Bolch Morhous	Director

CPC PROPOSED PDD CONDITIONS

ARTICLE 899.

PD 899.

SEC. 51P-899.101. LEGISLATIVE HISTORY.

PD 899 was established by Ordinance No. 29219, passed by the Dallas City Council on December 11, 2013.

SEC. 51P-899.102. PROPERTY LOCATION AND SIZE.

PD 899 is established on property located on the northeast corner of Royal Lane and Grissom Lane. The size of PD 899 is approximately 14.0642 acres.

SEC. 51P-899.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, BLADE SIGN means a sign projecting perpendicularly from a main building facade, visible from both sides, and made of rigid or soft materials.

(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-899.103.1 CREATION OF SUBAREAS.

This district is divided into the following subarea: Subarea 1 and Subarea 2

SEC. 51P-899.104. EXHIBIT.

The following exhibit is incorporated into this article:

Exhibit 899A: conceptual plan.

Exhibit 899B: Subarea 2 development plan

SEC. 51P-899.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 899A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-899.106. DEVELOPMENT PLAN.

(a) Subarea 1. 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.

(b) Subarea 2. Development and use of the Property must comply with the development plan (Exhibit). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

SEC. 51P-899.107. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MU-2 Mixed Use District, subject to the same conditions applicable in the MU-2 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-2 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-2 Mixed Use District is subject to DIR in this district; etc.

SEC. 51P-899.108. 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 not permitted:

-- Private stable.

(c) The following accessory use is permitted by SUP only:

-- Accessory helistop.

(d) The following accessory use may require an SUP:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(b)(3.1).]

SEC. 51P-899.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-2 Mixed Use District apply.

(b) Density. Maximum number of dwelling units is 400.

(c) Floor area ratio. Maximum floor area ratio is 0.25 for office and retail uses.

(d) Stories. Maximum number of stories above grade is four.

SEC. 51P-899.110. FENCE.

Except along Grissom Lane and Royal Lane in Subarea 2, a [~~A~~] minimum six-foot-high [~~perimeter~~] fence is required. The perimeter fence may be constructed of any combination of wrought iron, masonry, or wood.

SEC. 51P-899.111. SIDEWALKS.

A minimum unobstructed sidewalk width of eight feet must be provided along all street frontages.

SEC. 51P-899.112. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-899.113. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-899.114. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-899.115. SIGNS.

(a) Signs must comply with the provisions for business zoning districts in Article VII.

(b) Blade signs projecting over the sidewalk are permitted if an eight foot clearance is provided.

SEC. 51P-899.116. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

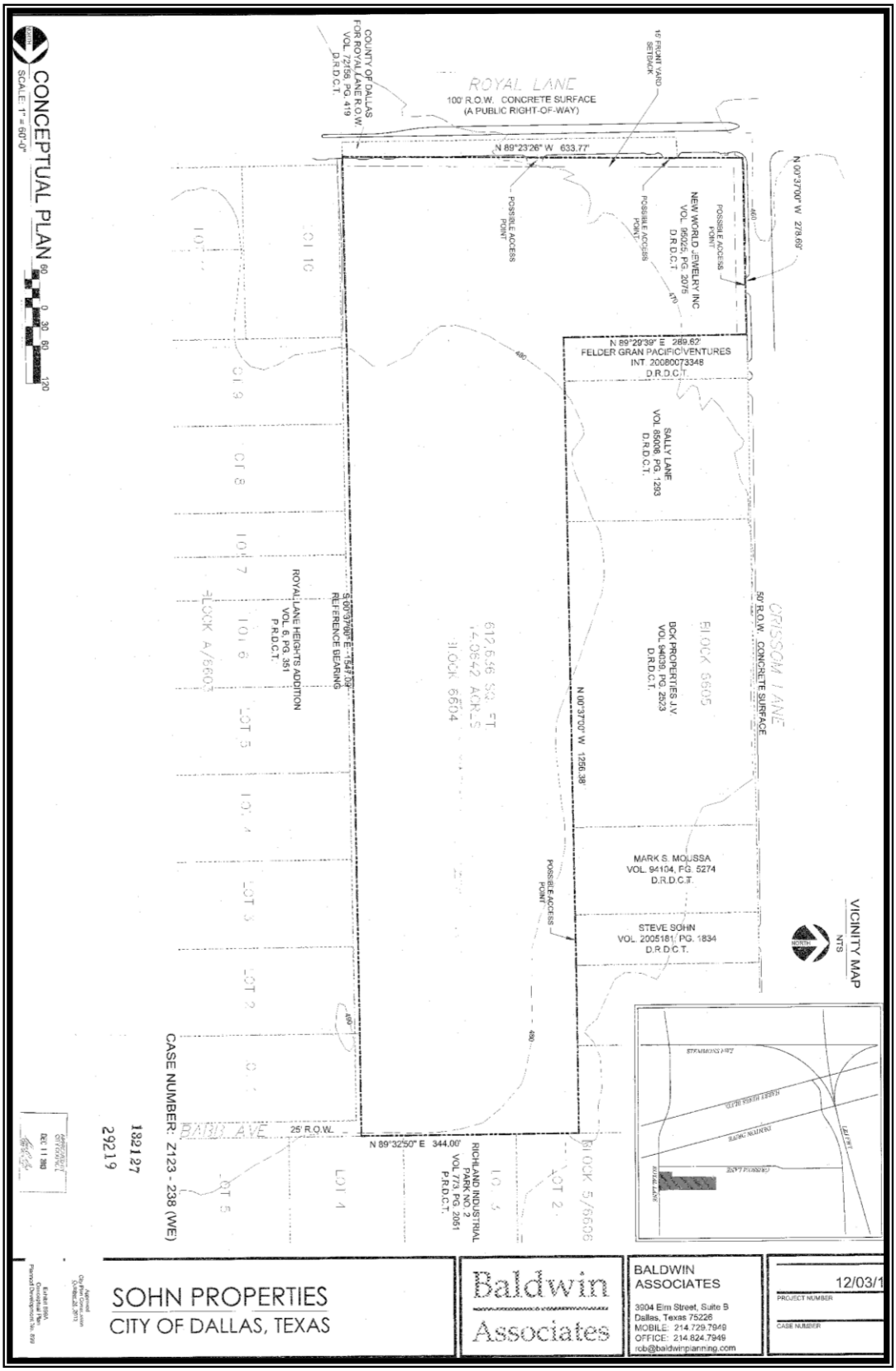
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-899.117. COMPLIANCE WITH CONDITIONS.

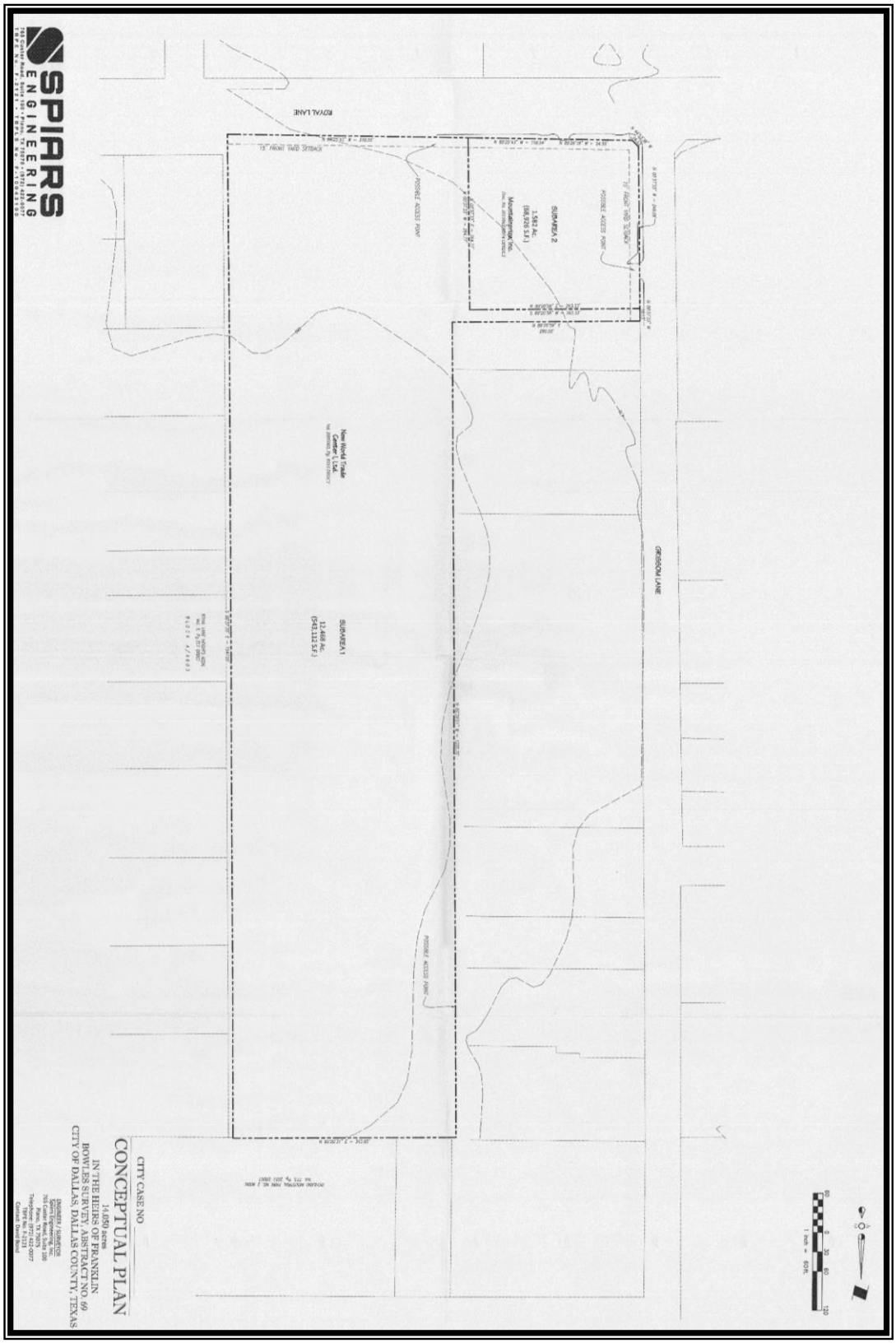
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(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.)

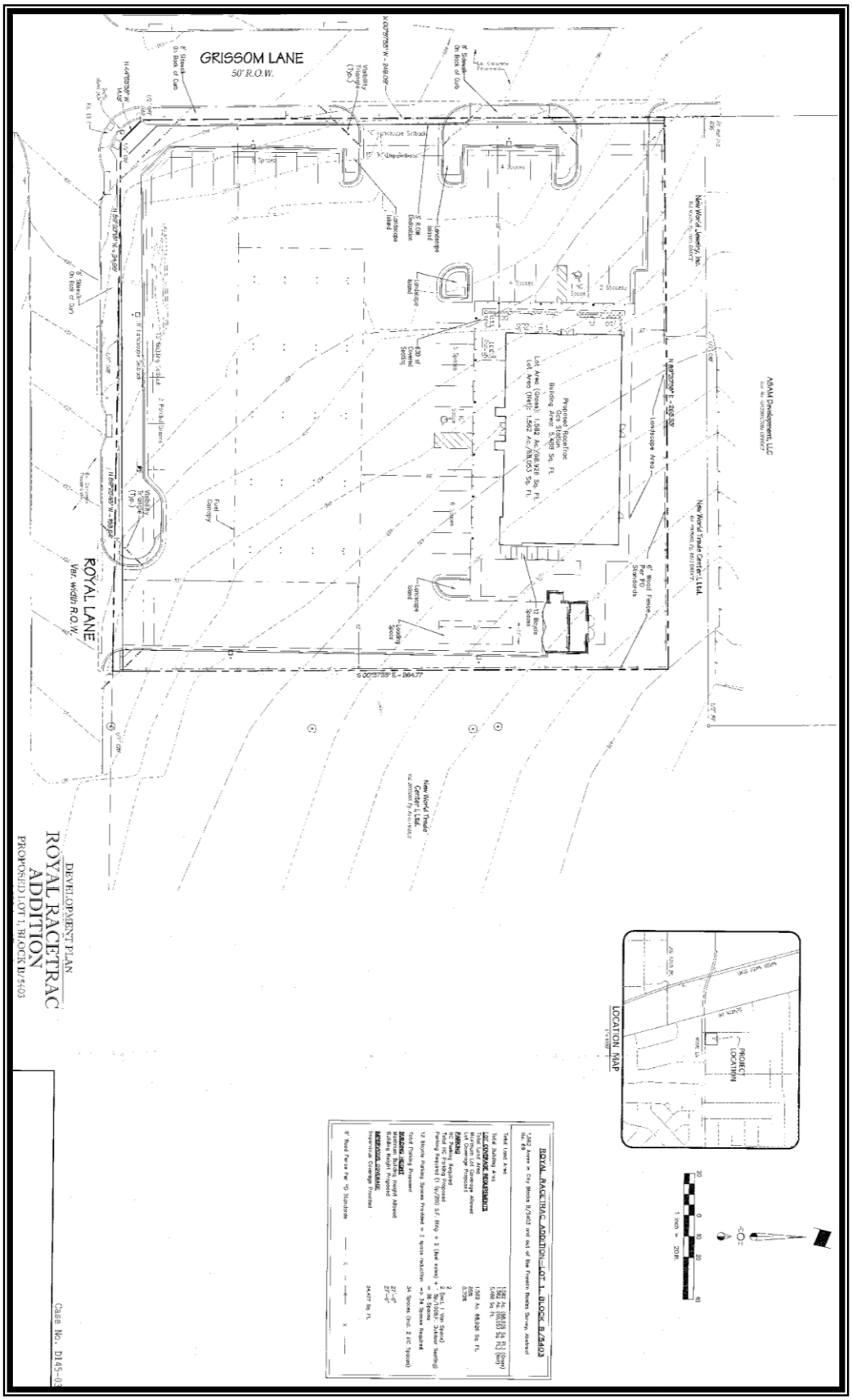
EXISTING CONCEPTUAL PLAN

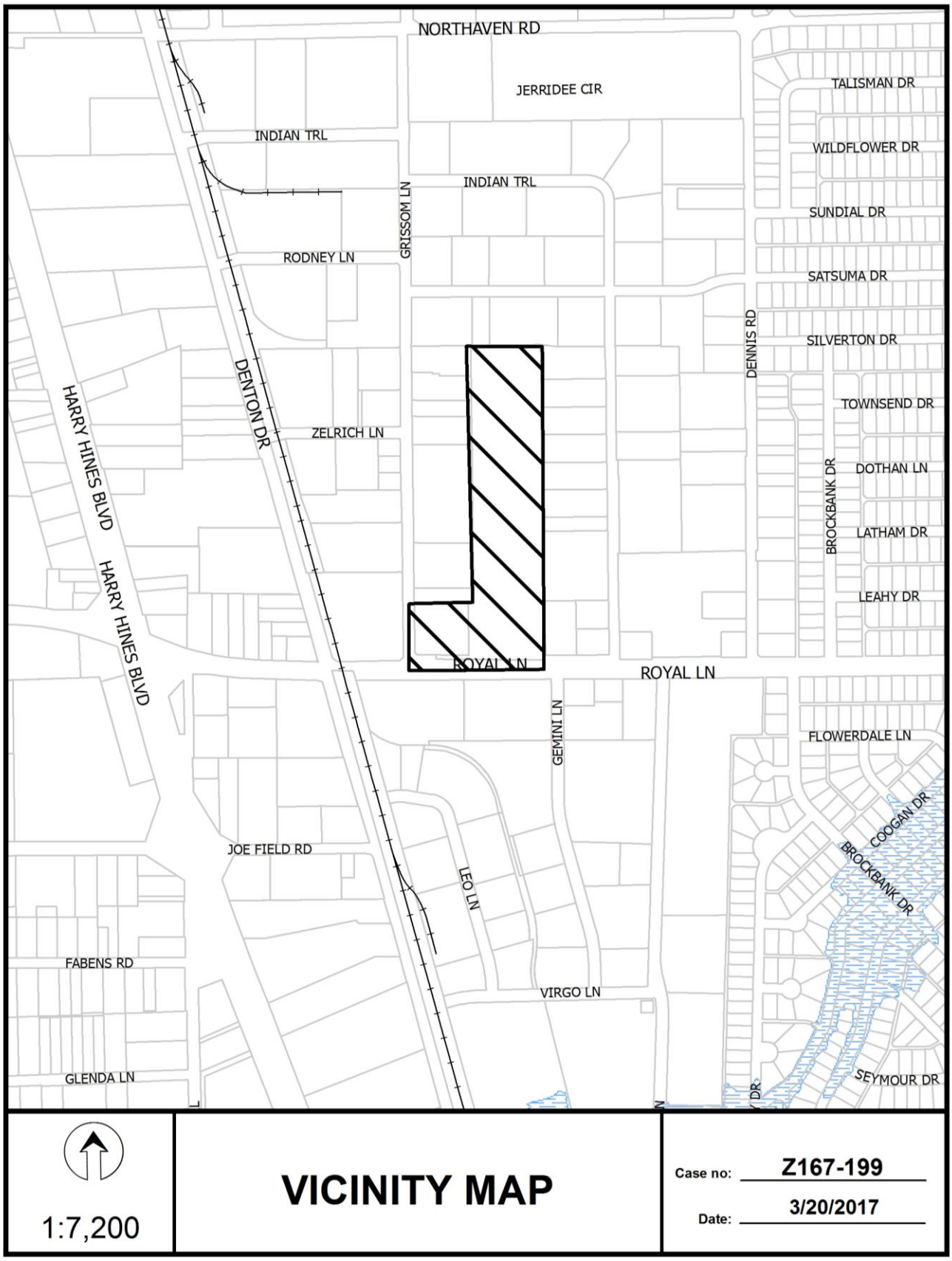


PROPOSED CONCEPTUAL PLAN



PROPOSED DEVELOPMENT PLAN





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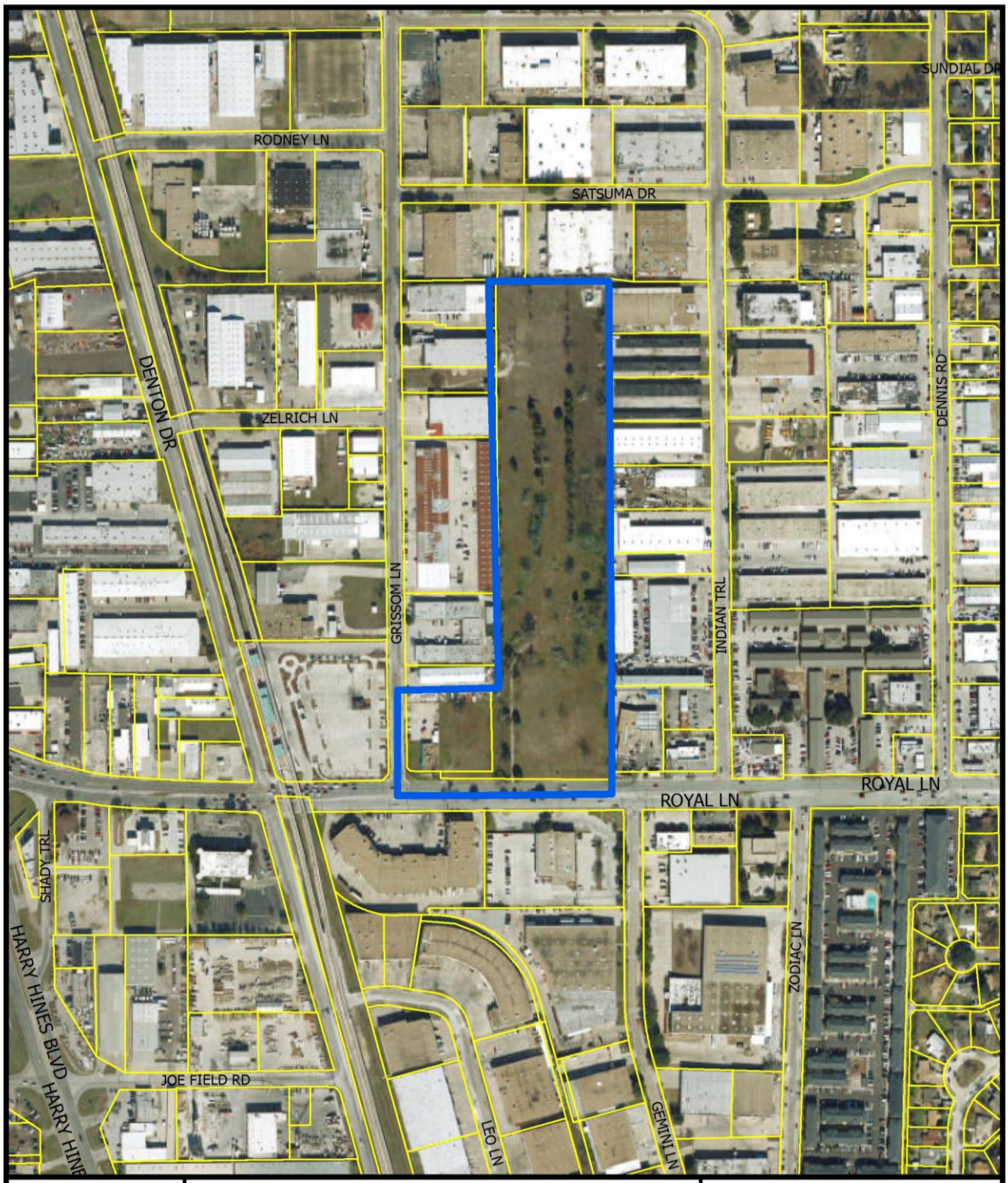
VICINITY MAP

Case no: Z167-199

Date: 3/20/2017



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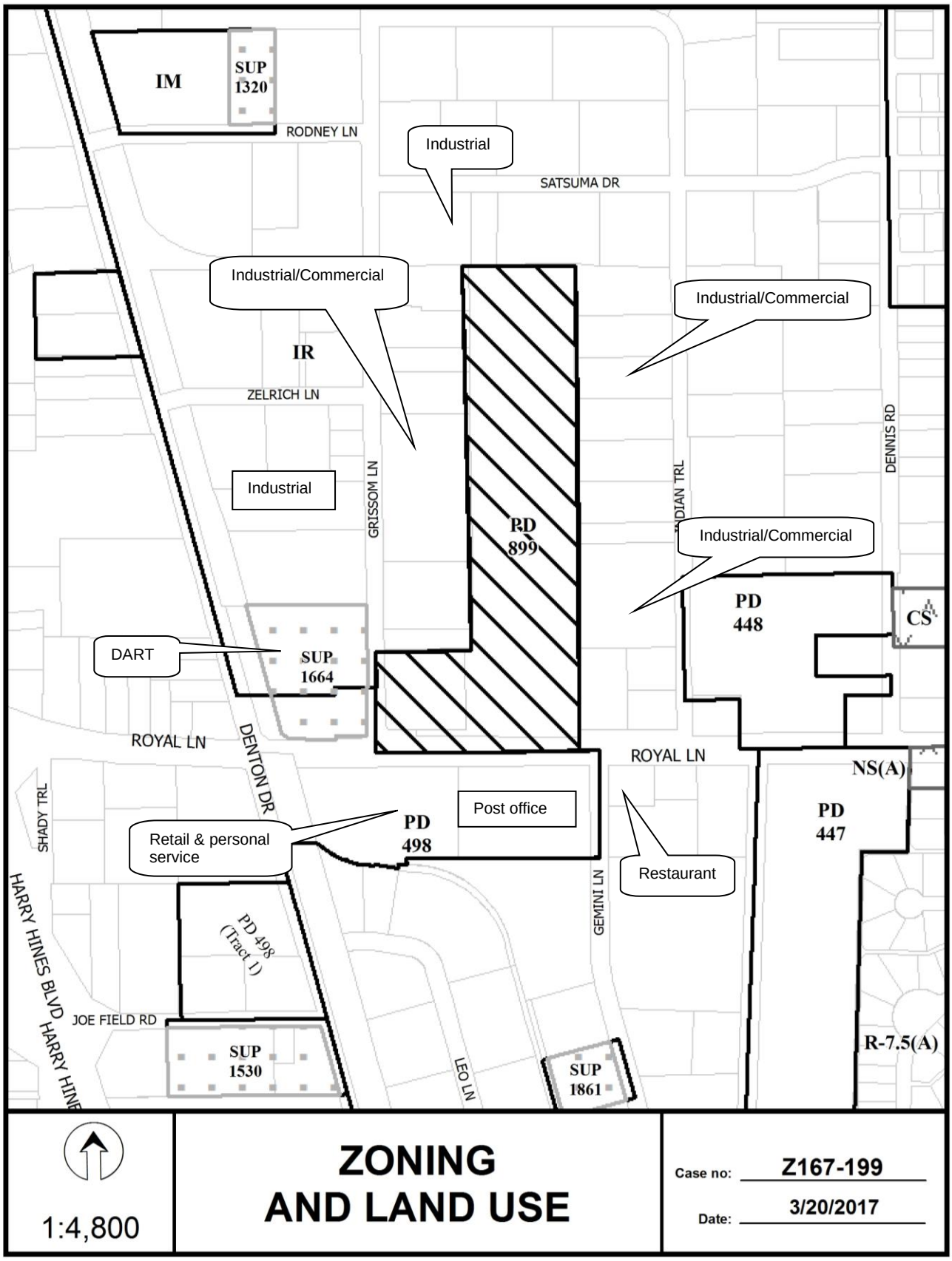
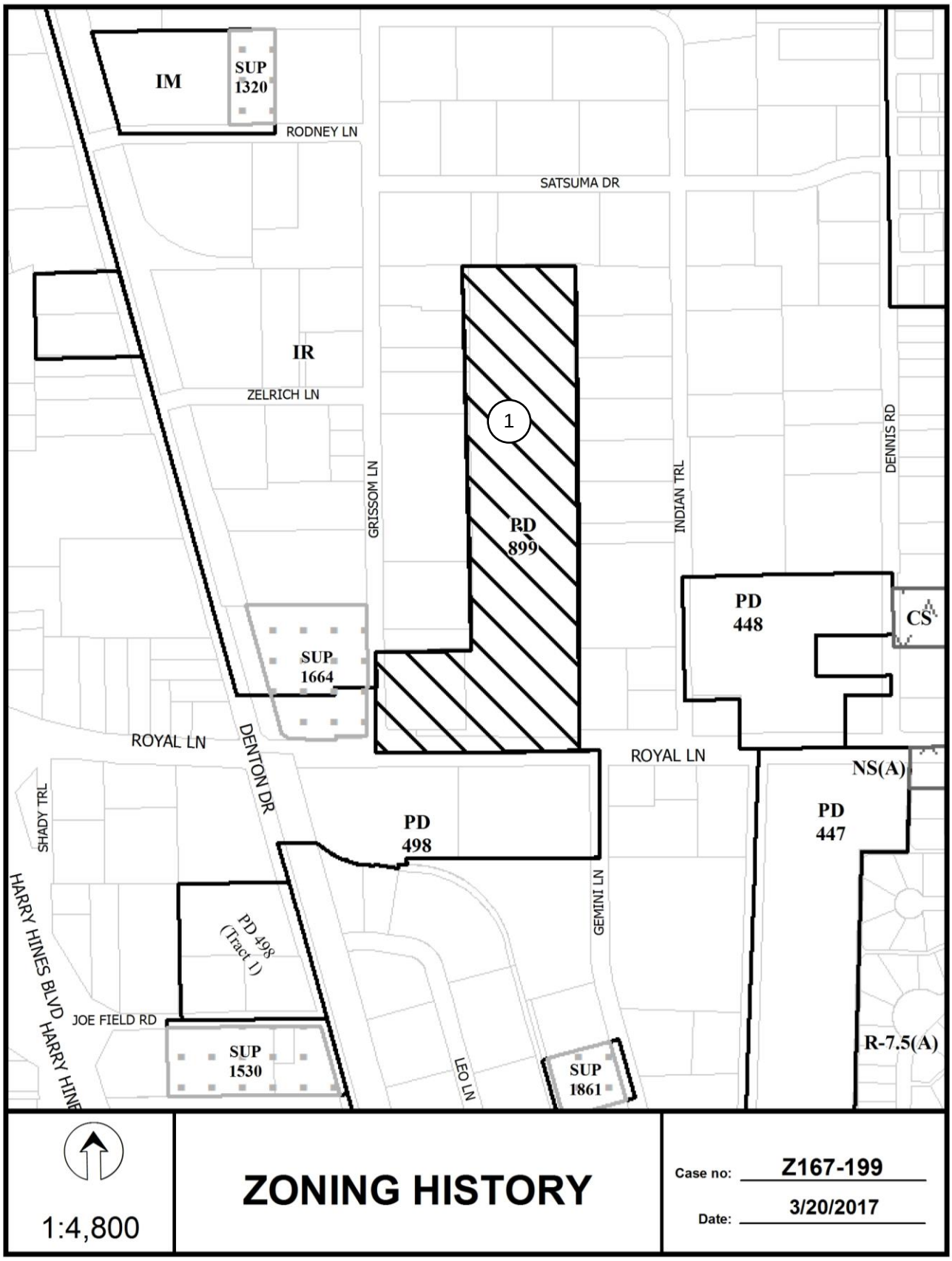
AERIAL MAP

Case no: Z167-199

Date: 3/20/2017


IM
SUP 1320
RODNEY LN
Industrial
SATSUMA DR
Industrial/Commercial
Industrial/Commercial
IR
ZELRICH LN
Industrial
GRISSOM LN
PD 899
INDIAN TRL
DENNIS RD
Industrial/Commercial
PD 448
CS
DART
SUP 1664
ROYAL LN
DENTON DR
ROYAL LN
NS(A)
SHADY TRL
Post office
PD 498
PD 447
Retail & personal service
Restaurant
GEMINI LN
HARRY HINES BLVD
PD 498 (Tract 1)
JOE FIELD RD
SUP 1530
LEO LN
SUP 1861
R-7.5(A)
1:4,800
ZONING AND LAND USE
Case no: Z167-199
Date: 3/20/2017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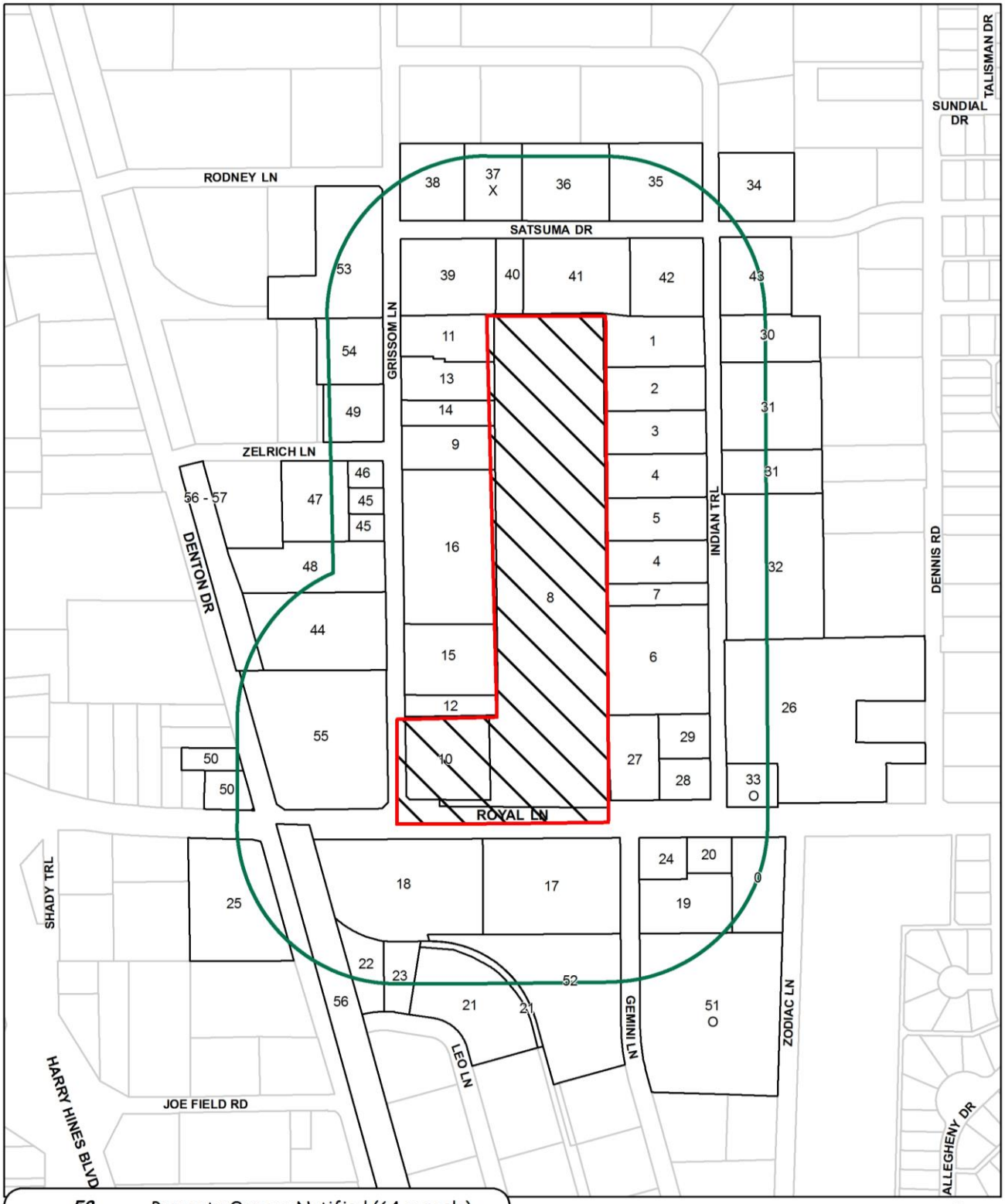
SUP 1320
RODNEY LN
SATSUMA DR
IR
ZELRICH LN
1
GRISSOM LN
PD 899
INDIAN TRL
DENNIS RD
PD 448
CS
SUP 1664
ROYAL LN
DENTON DR
ROYAL LN
NS(A)
SHADY TRL
PD 498
PD 447
GEMINI LN
HARRY HINES BLVD
PD 498 (Tract 1)
JOE FIELD RD
SUP 1530
LEO LN
SUP 1861
R-7.5(A)
1:4,800
ZONING HISTORY
Case no: Z167-199
Date: 3/20/2017

CPC RESPONSES



58	Property Owners Notified (64 parcels)
2	Replies in Favor (2 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
4/6/2017	Date

Z167-199
CPC

N W E S

1:4,800

Notification List of Property Owners

Z167-199

58 Property Owners Notified 2 Property Owners in Favor 1 Property Owners Opposed

Reply	Label #	Address		Owner
	1	11035	INDIAN TRAIL	J R V CO INC
	2	11025	INDIAN TRAIL	ANYFILL SELF STORAGE INC
	3	11011	INDIAN TRAIL	ANYFILL SELF STORAGE INC
	4	11005	INDIAN TRAIL	PUBLIC INDUSTRIAL
	5	10931	INDIAN TRAIL	STARCAM LLC
	6	10909	INDIAN TRAIL	AWAD HASSAN &
	7	10917	INDIAN TRAIL	BIALEK WILLIAM P &
	8	2737	ROYAL LN	NEW WORLD TRADE CENTER I
	9	11010	GRISSOM LN	TEXAS HAT COMPANY INC
	10	2707	ROYAL LN	MOUNTAIN PRIZE INC
	11	11036	GRISSOM LN	VAN NEST KEVIN H &
	12	10830	GRISSOM LN	ASAM DEVELOPMENT LLC
	13	11034	GRISSOM LN	TENNINGTON INV LLC
	14	11018	GRISSOM LN	SOHN STEVEN
	15	10836	GRISSOM LN	LANE SALLY
	16	10944	GRISSOM LN	BCK PROPERTIES JOINT
	17	2736	ROYAL LN	U S POSTAL SERVICE
	18	2720	ROYAL LN	ROYAL PARK 30 LTD
	19	11330	GEMINI LN	SOLORZANO JOSE LUIS & SUSANA S ZAVALA
	20	2802	ROYAL LN	SU LEE S
	21	11272	LEO LN	ANBREN II INC
	22	11292	LEO LN	DALLAS TOBACCO & IMPORTS
	23	11282	LEO LN	CHAUDHRY & ASSOCIATES INC
	24	2780	ROYAL LN	SRAN INVESTMENT INC
	25	2650	ROYAL LN	FIRST TEXAS BANK
	26	2825	ROYAL LN	ROYAL LANE APARTMENTS LLLP

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	27	2757	ROYAL LN	HAESUN ENTERPRISES INC
	28	2771	ROYAL LN	KAA INC
	29	10815	INDIAN TRAIL	BELTLINE TEXAS SPIRIT CARWASH LLC
	30	11034	INDIAN TRAIL	R RESERVATION III LTD
	31	11024	INDIAN TRAIL	LEVY MILTON B & SON
	32	10920	INDIAN TRAIL	DENNIS ROAD INDUSTRIAL LP
O	33	2809	ROYAL LN	SILA PROPERTIES LP
	34	11212	INDIAN TRAIL	F & F INVESTMENTS
	35	2741	SATSUMA DR	MANNY NASER INC
	36	2731	SATSUMA DR	OCEAN DREAMS LTD
X	37	2717	SATSUMA DR	P & H INVESTMENTS
	38	2707	SATSUMA DR	SATSUMA PROPERTIES LLC
	39	11048	GRISSOM LN	TJC PROPERTIES
	40	2712	SATSUMA DR	AFSAR PALAVAN ENTERPRISES
	41	2750	SATSUMA DR	PERL FAMILY TRUST
	42	11103	INDIAN TRAIL	SATSUMA PERL LLC
	43	11120	INDIAN TRAIL	LENTZ RICHARD V
	44	10909	GRISSOM LN	J ONE ENTERPRISES INC
	45	10933	GRISSOM LN	BURNS SERVICE COMPANY INC
	46	10955	GRISSOM LN	ROBERTS STAN
	47	11424	DENTON DR	MCDERMOTT ASSOCIATES INC
	48	10929	GRISSOM LN	SIXTY EIGHTH LLC
	49	2625	ZELRICH LN	E INVESTMENTS
	50	11343	DENTON DR	KNW LLC
O	51	11310	GEMINI LN	PEPCO REAL ESTATE LLC
	52	11325	GEMINI LN	AUTOMOTIVE PROPERTIES LP
	53	2646	RODNEY LN	MAGNOLIA CHEMICAL CO
	54	11031	GRISSOM LN	MCGRAY GROUP II LLC
	55	11310	DENTON DR	DALLAS AREA RAPID TRANSIT
	56	401	S BUCKNER BLVD	DART
	57	401	S BUCKNER BLVD	DART

04/05/2017

Reply	***Label #***	***Address***		***Owner***
	58	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 48 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 721 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school in an area bounded by Chariot Drive, Berridge Lane, St. Francis Avenue and Trace Road
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan, a revised traffic management plan and conditions
Z167-200(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-200(PD) **DATE FILED:** February 1, 2017

LOCATION: Area bounded by Chariot Drive, Berridge Lane, St. Francis Avenue and Trace Road

COUNCIL DISTRICT: 7 **MAPSCO:** 48-K

SIZE OF REQUEST: ±11.944 acres **CENSUS TRACT:** 122.07

APPLICANT/ OWNER: Dallas Independent School District

REPRESENTATIVE: Karl A. Crawley, Masterplan

REQUEST: An application for an amendment to Planned Development District No. 721 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school.

SUMMARY: The applicant proposes to amend the condition to increase the existing lot coverage from 18% to 25% and proposes to construct an addition along the southeast portion of the existing school. The proposed addition of approximately 6,300 square feet will facilitate the addition of four new classrooms.

CPC RECOMMENDATION: **Approval**, subject to a revised development/landscape plan, a revised traffic management plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development/landscape plan, a revised traffic management plan and conditions.

BACKGROUND INFORMATION:

- On April 13, 2005, PD No. 721 for R-7.5(A) Single Family District Uses and a public school other than an open-enrollment charter school was approved by City Council.

- The proposed amendments will allow for the continued operation of the Frank Guzick Elementary School, a public school for students grades K-5.

Zoning History: There have been no recent zoning cases in the vicinity in the last five years.

Thoroughfare/Street	Designation	Dimension Explanation
N. Jim Miller	Minor Arterial	100' ROW
Samuell Blvd	Collector	80' ROW
S. Buckner Blvd	Principal Arterial	107' ROW

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 is consistent with the following goal and policy of the Comprehensive Plan.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

The request site is developed with improvements that have supported Frank Guzick Elementary School since its establishment in 2006. Surrounding uses consist of single family on the north, east and west with a public school use to the south.

The purpose of this request is to amend the planned development district to revise the development plan to include a 6,300 square foot addition and to increase the lot coverage from 18% to 25%. The structure is proposed as one one-story structure and will not exceed the maximum height of 35 feet as allowed by the PD.

The existing PD allows maximum lot coverage of 18 percent. When the PD originated the area had not been platted. Therefore the lot coverage included existing streets and

street easements versus right-of-way to be calculated in the lot coverage. During the construction process, the lot was platted and the street easements dedicated as right-of-way which reduced the site area. This reduction in area essentially made the existing lot coverage of the school nonconforming. The proposed amendment would replace the existing development plan, increase the lot coverage and provide a Traffic Management Plan.

Staff recommends approval of the amendment to the planned development regulations because the applicant has obtained approval from both the Traffic Safety Engineering Section of the Street Services Department and the Engineering Division of the Sustainable Development and Construction Department and the addition is compatible in size and character to the existing school.

Landscaping: The changes to the landscaping shown on the revised landscape plan essentially adds trees around the area where the new addition is proposed. The installation will be concentrated in the area along the new construction. The landscape plan has been reviewed and recommended for approval by City Arborist.

Parking: The application proposes no changes to the existing number of parking spaces provided. Currently the school has an enrollment of 685 students in Pre K through 5th grade with 45 elementary classrooms. The parking requirement is 1.5 per each elementary classroom; requiring 68 parking spaces. With the addition of four new classrooms, a minimum of 74 parking spaces will be required. The school currently provides 91 parking spaces which exceeds the minimum spaces required. While the school is undergoing a revision of their existing plan to allow for the proposed addition these changes are solely attributed to additional classrooms with no change to student capacity. The Engineering Section of Sustainable Development and Construction reviewed the parking study and has recommended approval based on the findings in the study.

DALLAS INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

District 1	Edwin Flores,	1st Vice President
District 2	Dustin Marshall	
District 3	Dan Micciche,	President
District 4	Nancy Bingham,	Board Secretary
District 5	Lew Blackburn, Ph.D.	
District 6	Joyce Foreman	
District 7	Audrey Pinkerton,	2nd Vice President
District 8	Miguel Solis	
District 9	Bernadette Nutall	

City Plan Commission Action:
April 6, 2017

Z167-200(PD)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 721 for R-7.5(A) Single Family District uses and a public school other than an open-enrollment charter school, subject to a revised development/landscape plan, traffic management plan and conditions in an area bounded by Chariot Drive, Berridge Lane, St. Francis Avenue and Trace Road.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area:	500	Mailed:	178
Replies:	For:	5	Against:	5

Speakers: None

ARTICLE 721.

PD 721.

SEC. 51P-721.101. LEGISLATIVE HISTORY.

PD 721 was established by Ordinance No. 25945, passed by the Dallas City Council on April 13, 2005. (Ord. 25945)

SEC. 51P-721.102. PROPERTY LOCATION AND SIZE.

PD 721 is established on property bounded by Berridge Lane, St. Francis Avenue, Trace Road and Chariot Drive. The size of PD 721 is approximately 9.8 acres. (Ord. 25945)

SEC. 51P-721.103. 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 residential zoning district. (Ord. 25945)

SEC. 51P-721.104. DEVELOPMENT PLAN.

(a) For a public school other than an open enrollment charter school, development and use of the Property must comply with the development plan (Exhibit 721A). In the event of 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. (Ord. 25945)

SEC. 51P- 721.105. MAIN USES PERMITTED.

The only main uses permitted in this district are:

(1) a public school other than an open-enrollment charter school (permitted by right); and

(2) all other main 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 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 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 district; etc. (Ord. 25945)

SEC. 51P-721.106. 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 in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 25945)

SEC. 51P-721.107. 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. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as otherwise provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply in this district.

(b) Front yard.

(1) For a public school other than an open enrollment charter school, minimum front yard is as shown on the development plan.

(2) For a public school other than an open enrollment charter school, required off-street parking is permitted in the front yard.

(c) Side and rear yard. For a public school other than an open enrollment charter school, minimum side and rear yard is as shown on the development plan.

(d) Height. For a public school other than an open enrollment charter school, maximum height is 35 feet.

(e) Lot coverage. For a public school other than an open enrollment charter school, maximum lot coverage is **~~18~~** **25** percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. (Ord. 25945)

SEC. 51P-721.108. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations contained in Division 51A4.200 for the specific off-street parking/loading requirements for each use.

(b) For a public school other than an open enrollment charter school, the minimum number of required off-street parking and loading spaces is 91 spaces in the location shown on the development plan; any additional spaces required in accordance with Division 51A-4.200 are not required to be provided in any specific location on the Property. (Ord. 25945)

SEC. 51P-721.109. TRAFFIC MANAGEMENT PLAN.

(a) In general. The operation of a public school other than an open enrollment-charter school must comply with the traffic management plan (Exhibit 721B).

(b) Queuing. Queuing for student drop-off and pick-up in the city right-of-way permitted at the "Entry Only" driveway on Chariot Drive. Only single line queuing is permitted.

(c) 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 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) number of students;

(B) number of students travelling by each transportation mode other than parent drop-off and pick-up;

(C) ingress and egress points;

(D) queue lengths and location;

(E) number and location of personnel assisting with loading and unloading of students;

(F) drop-off and pick-up locations;

(G) drop-off and pick-up hours for each grade level;

(H) hours for each grade level; and

(I) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(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. (Ord. 30066)

SEC. 51P-721.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25945)

SEC. 51P-721.111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) For a public school other than an open enrollment charter school, landscaping must be provided as shown on the development plan.

(c) All plant materials must be maintained in a healthy, growing condition. (Ord. 25945)

SEC. 51P-721.112. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) For a public school other than an open enrollment charter school, signs are permitted at the sizes and in the locations shown on the development plan. (Ord. 25945)

SEC. 51P-721.113. 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. (Ord. 25945)

SEC. 51P-721.114. COMPLIANCE WITH CONDITIONS.

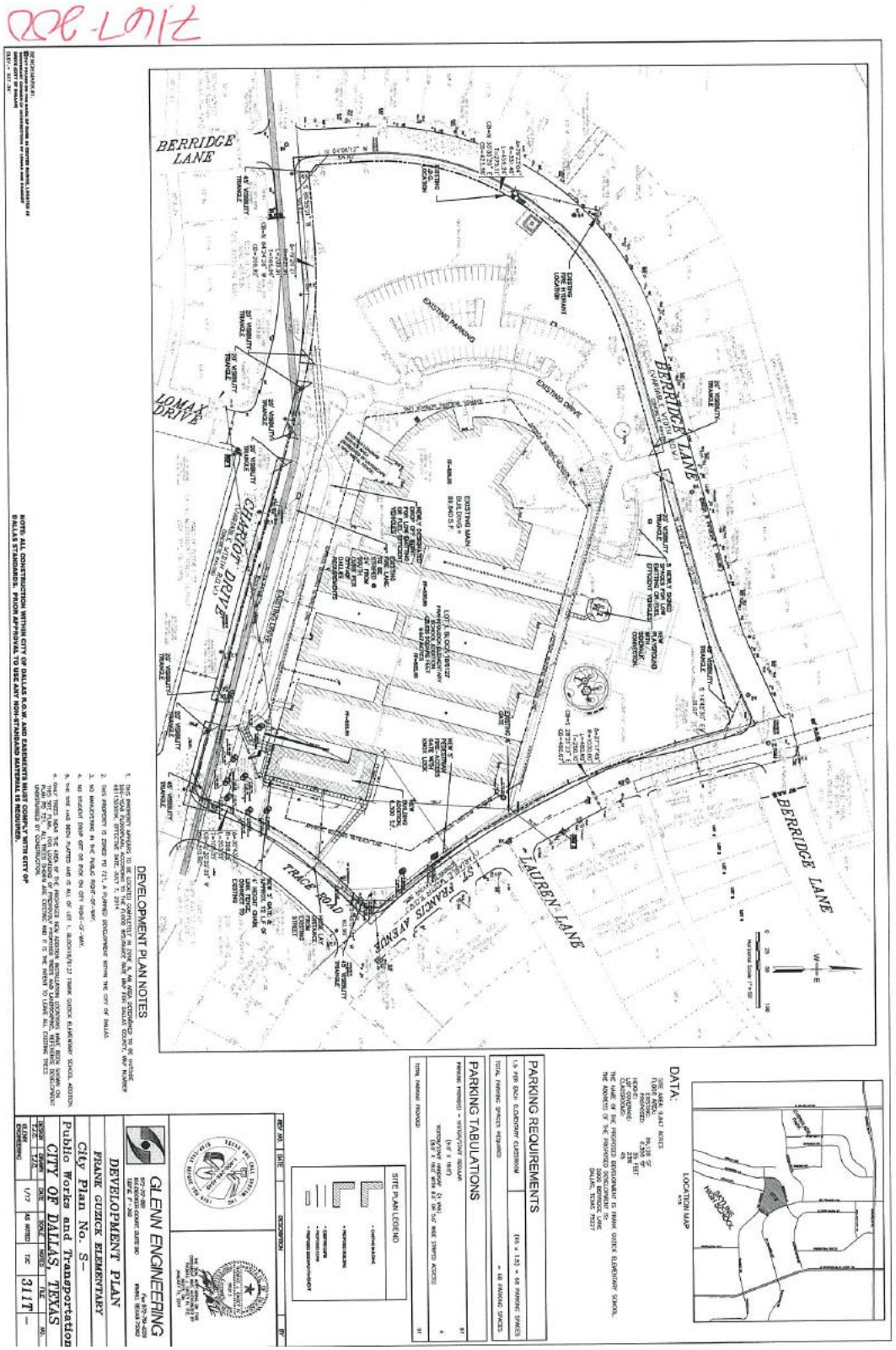
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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. 25945)

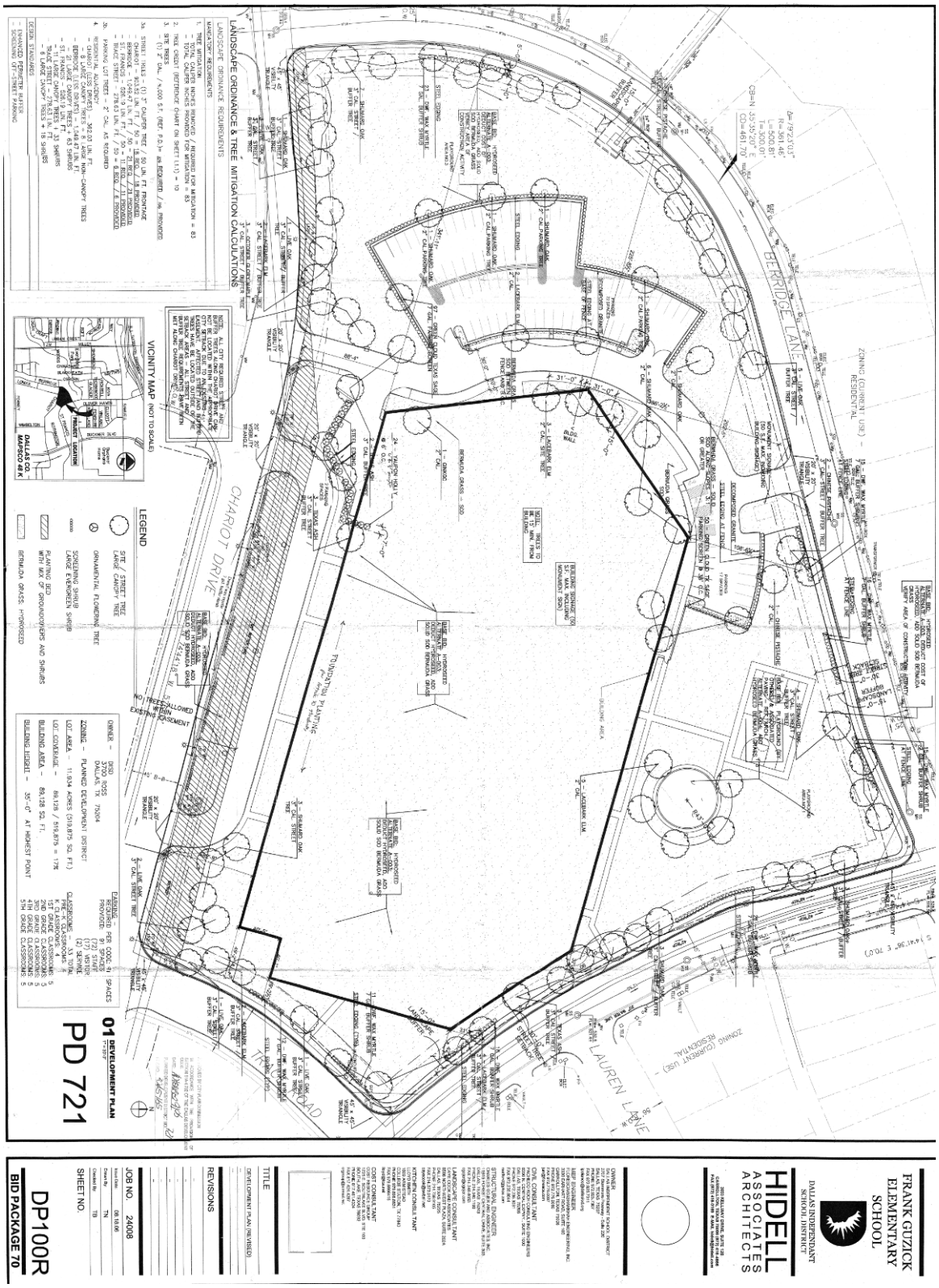
SEC. 51P-721.115. ZONING MAP.

PD 721 is located on Zoning Map No. J-10. (Ord. 25945)

Proposed Development/Landscape Plan



Existing Development/Landscape Plan



TRAFFIC MANAGEMENT PLAN FOR

FRANK GUZICK ELEMENTARY SCHOOL

DALLAS, TEXAS

DeShazo Project No. 17015

Prepared for:

Masterplan Consultants
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

January 31, 2017

STATE OF TEXAS
GABRIEL DAVID NEVAREZ
106200
LICENSED
PROFESSIONAL ENGINEER
January 31, 2017

Z167-200

Traffic Management Plan for

Frank Guzick Elementary School

~ DeShazo Project No. 17015 ~

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PRELIMINARY SITE PLAN I
INTRODUCTION 1
TRAFFIC MANAGEMENT PLAN 2
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Site Access and Circulation 2
Passenger Unloading/Loading and Vehicle Queuing 3
Recommendations to Facilitate Queue Operations 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. Traffic Management Plan

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Technical Memorandum

To: Karl Crawley — Masterplan Consultants

From: David Nevarez, P.E., PTOE — DeShazo Group, Inc.

Date: January 31, 2017

Re: Traffic Management Plan for Frank Guzick Elementary School in Dallas, Texas
DeShazo Project Number 17015

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing professional service in traffic engineering, transportation planning and related fields. Masterplan Consultants retained the services of DeShazo on behalf of the Dallas Independent School District (DISD) to provide a requisite Traffic Management Plan (TMP) for Frank Guzick Elementary School. The school is located at 5000 Berridge Lane in Dallas, Texas.

At the time of this study, the school had an enrollment of 685 students in Pre K through 5th grade. The school is undergoing a revision of their existing plan. Proposed changes are mainly attributed to additional classrooms with no change to student capacity. The proposed site plan showing proposed building modifications is attached as reference.

The school site is zoned Planned Development [PD] District 721. In order to gain entitlements for the proposed improvements, the school administration is seeking approval of a change to the development plan. As part of the approval process, the City of Dallas requires submittal of 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.]

Z167-200

400 S Houston St, Suite 330 Dallas, TX 75202 P. 214.748.6740 F. 214.748.7037 www.deshazogroup.com

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 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 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 Frank Guzick Elementary School assumed in this analysis:

Table 1. School Operational Characteristics

	Existing Conditions
Enrollment:	Pre-K - 5th Grade, 685 students
Daily Start/End Schedule:	>Start: 7:55 AM >End: 2:55 PM
Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up:	By School Bus: ≅ 10% By Walking: ≅ 0% By Other: ≅ 0%
Approximate Number of Students With Alternate Schedules (i.e., Arrive/ Depart Outside Normal Peak Times):	10% (extracurricular activities, etc.)

NOTE #1: To the highest degree practical, the accounts of existing conditions presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from 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 three driveways on Chariot Drive: two ingress and one egress. One more driveway on Berridge Lane provides egress only. The school provides parking spaces for staff on site with entry access on Chariot Drive and exit on Berridge Lane. During peak school hours, traffic operations concentrate on segments adjacent to the school on Berridge Lane, St. Francis Avenue, Trace Road, Chariot Drive, and Lauren Lane. In the afternoon dismissal time, most parents queue in the driveways on Chariot Drive, and on Trace Road, or park on Berridge Lane, St. Francis Avenue, and Lauren Lane. The school provides loading for school buses and vans with entry access from the western driveway on Chariot Drive and exit on Berridge Lane.

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Passenger Unloading/Loading and Vehicle Queuing

DeShazo conducted field observations during typical school-day conditions on Tuesday, January 24, 2017. The peak number of parent-vehicles on site was quantified during the afternoon pick-up period. A summary of the peak number of vehicles is provided in **Table *2***.

Table 2. Peak Vehicles Parked and In Queue during Afternoon Pick-Up Period

# of Students	Peak Vehicle Accumulation (Observed)
685 students	Approximately 97 parent vehicles, 3 private vans/shuttles, and 1 school bus

* Includes vehicles on- and off-site at time of peak demand, including vehicles in queue, standing, and/or parked.

The school currently operates a student pick-up identification system. Parents are issued hangtags with a unique identification that pairs them with their corresponding student(s). During the pick-up period, the tags are on display through the vehicle's windshield while parents enter the pick-up queue. The school staff identify families based on this number and students are notified in the school building. With the assistance of other school staff stationed at the designated area, vehicles are loaded. Vehicles are cleared to carefully exit the queue along the designated route. The queue spillback extends beyond the driveway and into Trace Road.

Some parents park on street, wait outside the school building and walk students back to their cars. Two adult crossing guards with "STOP" paddles aid pedestrians at the intersections of Chariot Drive and Trace Road, and at Trace Road and Berridge Lane.

Recommendations to Facilitate Queue Operations

Queue pick-up participation is a challenge that schools face constantly. Despite the anticipated practices and operational characteristics at the school, full cooperation of all school staff members, students and parents is crucial for the success of the systematic queue. Proper training of school staff on the duties and expectations pertaining to this plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

The following recommendations are also provided 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 pick-up periods is notably greater than the traffic generated during the morning drop-off period due to timing and traffic concentration. In most instances, achieving efficiencies during the afternoon period is most critical, while the morning traffic operations require nominal active management.

- DeShazo recommends the implementation of the traffic circulation plan depicted in**Exhibit *1*** based upon a detailed review of existing traffic conditions. This plan was designed with the intent of optimizing vehicular circulation and retention of vehicle queuing in a manner that promotes safety and operational efficiency. The plan includes a recommended configuration of temporary traffic control devices that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.
- The school should continue to operate the student pick-up identification system at the "Entry Only" driveway on Chariot Drive. An appropriate number of staff is required to identify arrival of the family and to help the student loading process.

Z167-200

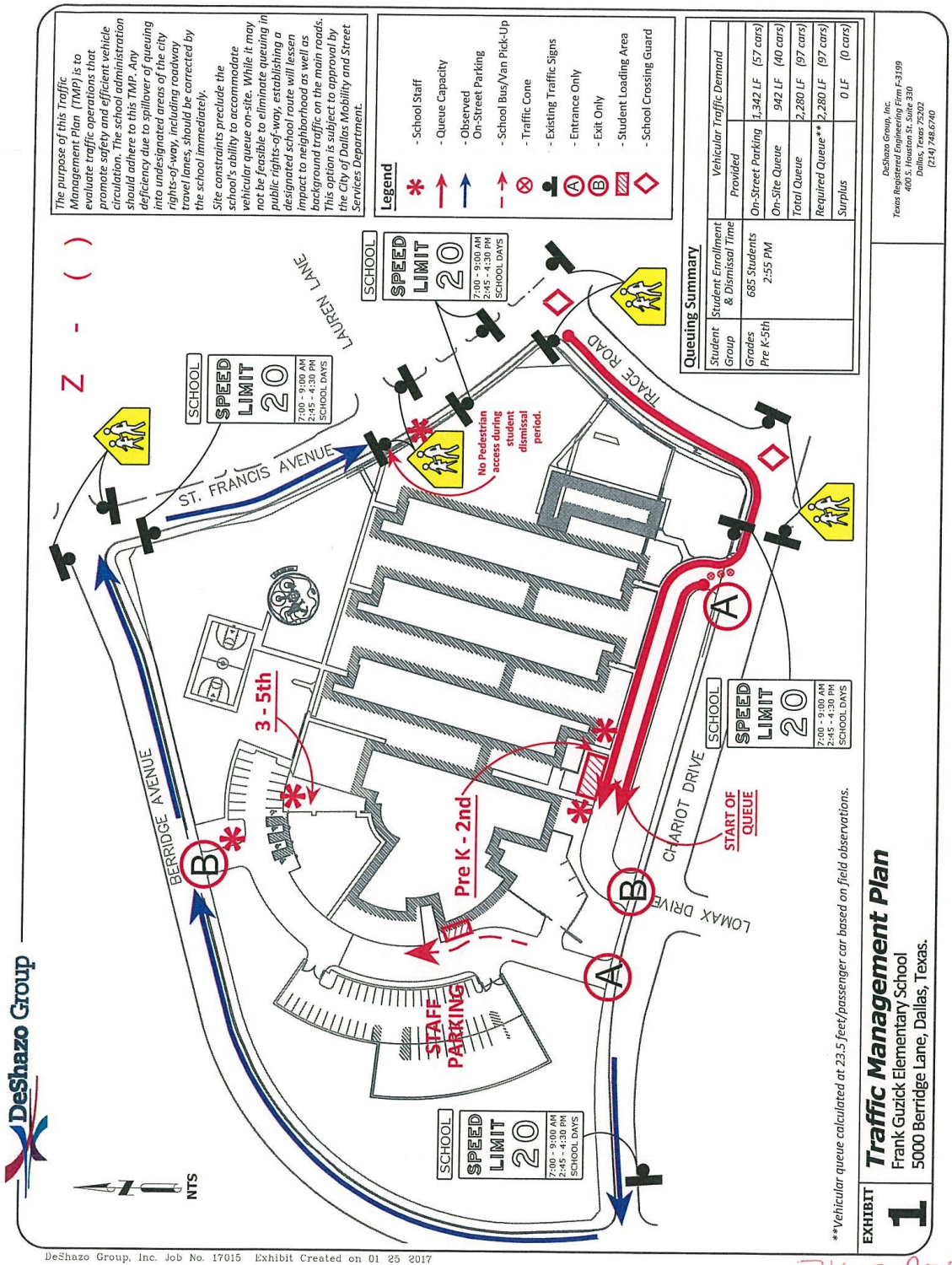
- Parents who do not participate in the queueing, should be encouraged to park at the curb adjacent to the school to improve student safety.
- In order to discourage unnecessary parking/standing of parent-vehicles on Lauren Lane, school should consider restricting all pedestrian access along St. Francis Avenue during the student dismissal period.
- School bus and vans should continue to load on-site; all other vehicles should be restricted access from the westernmost driveway on Chariot Drive.
- School administration should consider assignment of designated dismissal areas by student grade. Students in Pre-K – 2nd grade should be dismissed and picked-up in the queuing area on Chariot drive, while 3 – 5th grade students are assigned to the school access on Berridge Drive. Specific allocation of students will inherently distribute parent arrivals and corresponding queuing while providing specific attention to younger students. Siblings should be prepped and guided towards the designated pick-up area of the younger students.
- Staff should install temporary traffic control devices (such as traffic cones, etc.) at the driveway to control queuing operations.
- School should encourage parents to load/unload students within the school property to maximize personal safety. As needed, staff should direct traffic and coordinate the loading of students on School property. However, the School should allow no school staff other than DISD police and/or deputized officers of the law to engage or attempt to influence traffic operations in public right-of-way.
- There is no clear evidence of any students walking home after school. School administration should investigate any potential opportunity to encourage students to walk home.

SUMMARY & RECOMMENDATIONS

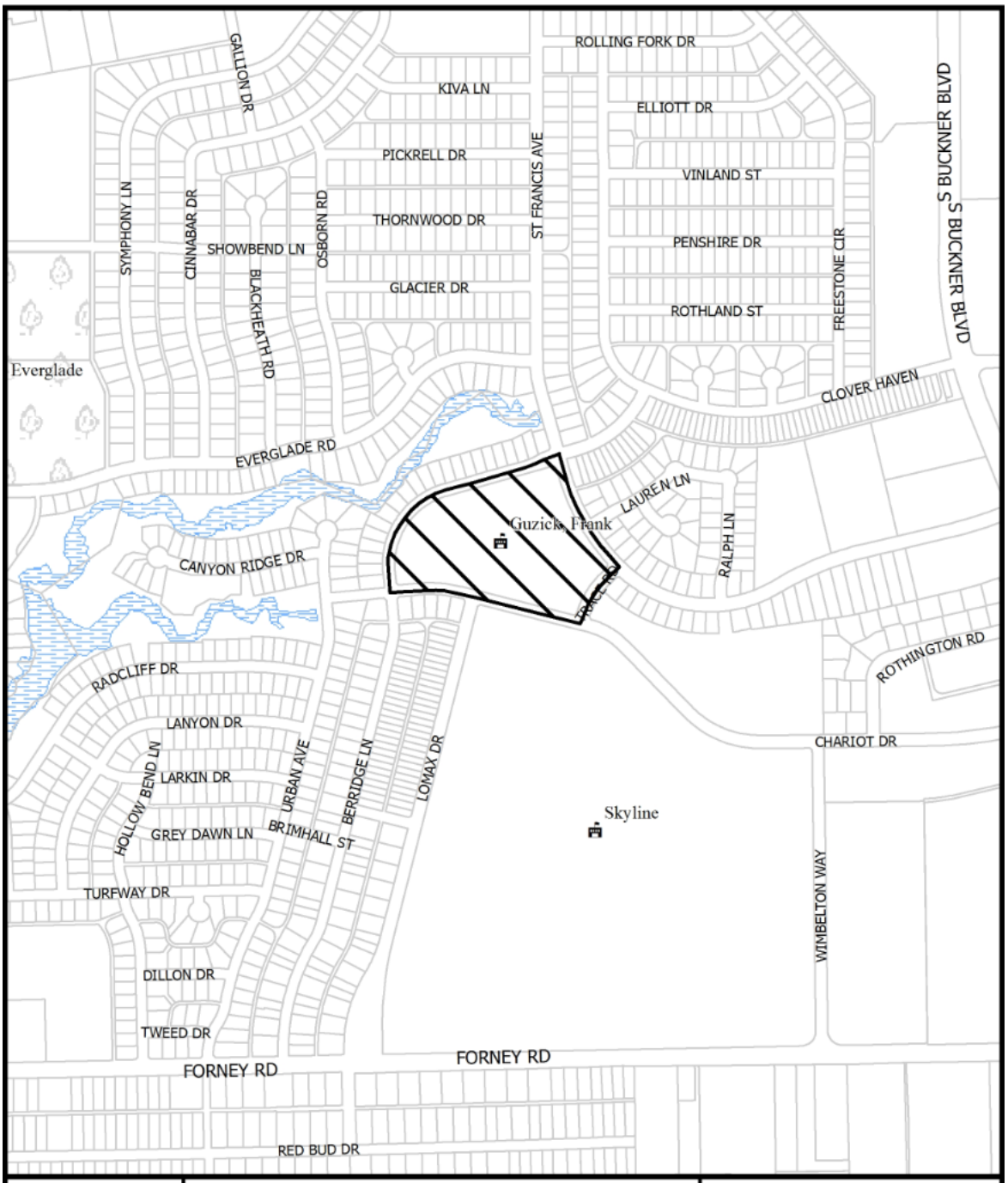
This TMP is to be used by Frank Guzick Elementary School to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school 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

Z167-200


DeShazo Group
NTS
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. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.
Site constraints preclude the school's ability to accommodate vehicular queue on-site. While it may not be feasible to eliminate queuing in public rights-of-way, establishing a designated school route will lessen impact to neighborhood as well as background traffic on the main roads. This option is subject to approval by the City of Dallas Mobility and Street Services Department.
Legend
- School Staff
- Queue Capacity
- Observed On-Street Parking
- School Bus/Van Pick-Up
- Traffic Cone
- Existing Traffic Signs
- Entrance Only
- Exit Only
- Student Loading Area
- School Crossing Guard
Queuing Summary
Student Group: Grades Pre K-5th
Student Enrollment & Dismissal Time: 685 Students 2:55 PM
Vehicular Traffic Demand
Provided
On-Street Parking 1,342 LF (57 cars)
On-Site Queue 942 LF (40 cars)
Total Queue 2,280 LF (97 cars)
Required Queue** 2,280 LF (97 cars)
Surplus 0 LF (0 cars)
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740
ST. FRANCIS AVENUE
BERRIDGE AVENUE
LAUREN LANE
TRACE ROAD
CHARIOT DRIVE
LOMAX DRIVE
SCHOOL
SPEED LIMIT 20
7:00 - 9:00 AM
2:45 - 4:30 PM
SCHOOL DAYS
No Pedestrian access during student dismissal period.
3 - 5th
Pre K - 2nd
STAFF PARKING
START OF QUEUE
**Vehicular queue calculated at 23.5 feet/passenger car based on field observations.
EXHIBIT 1
Traffic Management Plan
Frank Guzick Elementary School
5000 Berridge Lane, Dallas, Texas.
DeShazo Group, Inc. Job No. 17015 Exhibit Created on 01 25 2017

Z167-200



1:7,200

VICINITY MAP

Case no: Z167-200

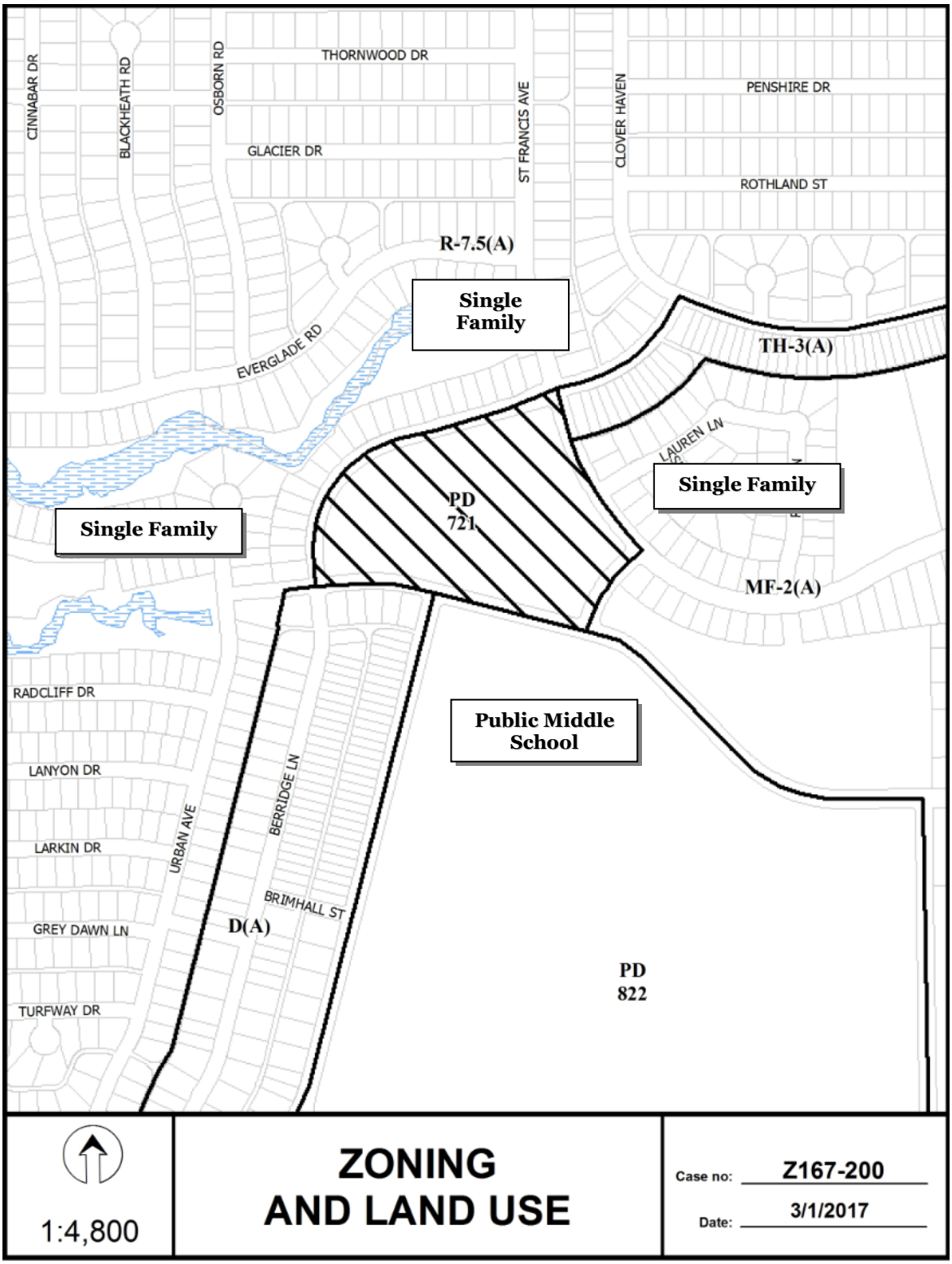
Date: 3/1/2017

1:4,800

AERIAL MAP

Case no: Z167-200

Date: 3/1/2017



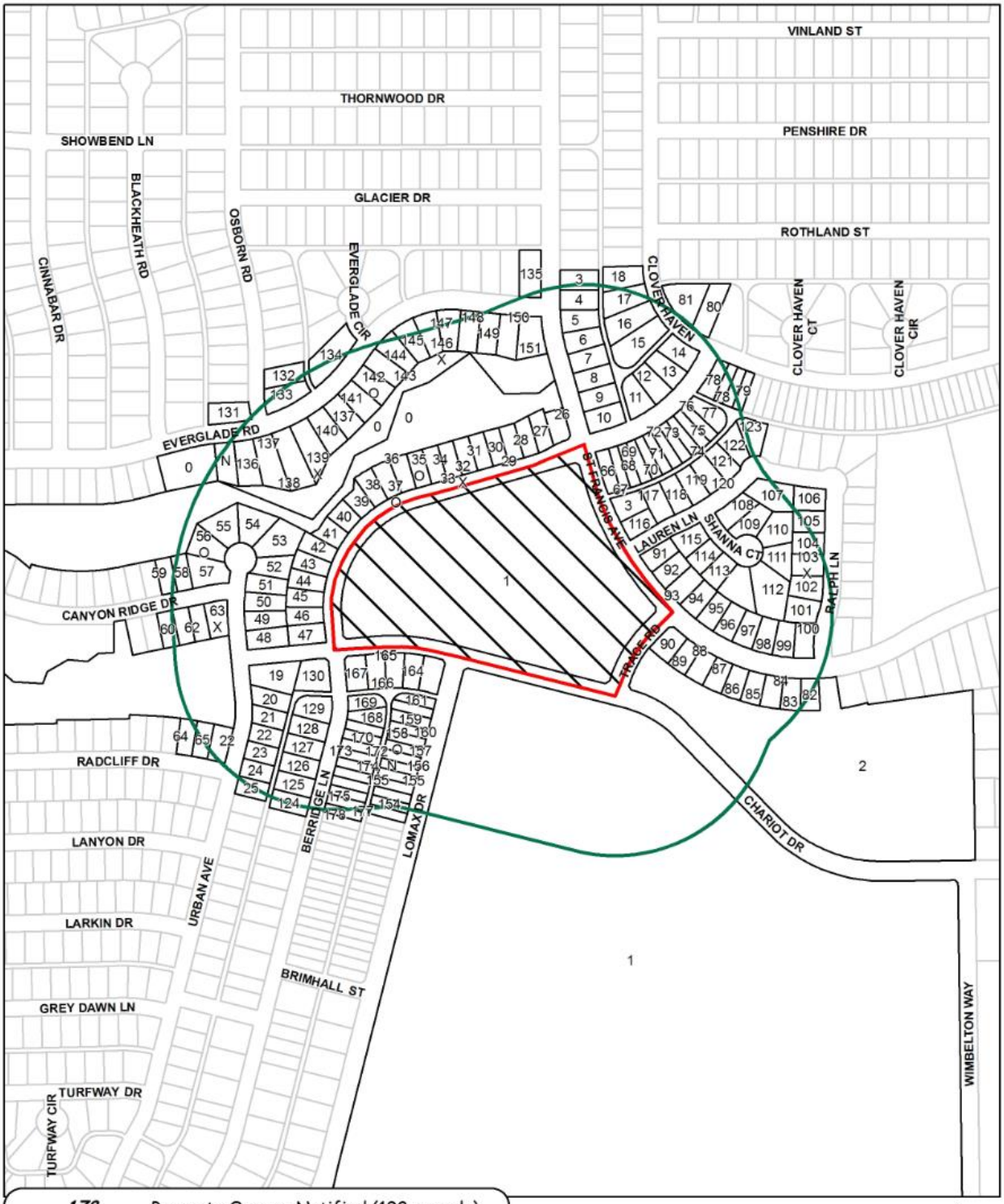
1:4,800

ZONING AND LAND USE

Case no: Z167-200

Date: 3/1/2017

CPC Responses



178	Property Owners Notified (192 parcels)
5	Replies in Favor (5 parcels)
5	Replies in Opposition (5 parcels)
500'	Area of Notification
4/6/2017	Date

Z167-200
CPC

N W E S

1:4,800

04/05/2017

Reply List of Property Owners

Z167-200

178 Property Owners Notified ***5 Property Owners in Favor*** ***5 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	5000	BERRIDGE LN	Dallas ISD
	2	4502	ST FRANCIS AVE	GREENLEAF VENTURES LLC
	3	4420	ST FRANCIS AVE	ELEGANT INVESTMENT GROUP INC
	4	4424	ST FRANCIS AVE	MARTINEZ BENJAMIN
	5	4428	ST FRANCIS AVE	NWOKOLO JAYNE
	6	4432	ST FRANCIS AVE	EVERS CHARLESETTA
	7	4436	ST FRANCIS AVE	MORELAND STEPHANIE M &
	8	4440	ST FRANCIS AVE	SOSA JESUS A
	9	4444	ST FRANCIS AVE	MILLER BRIDGETT M
	10	4448	ST FRANCIS AVE	ZUNIGA JOSE F &
	11	5125	BERRIDGE LN	FOBBS ROBERT J & LINDA N
	12	5139	BERRIDGE LN	HENDERSON DEMARD &
	13	5153	BERRIDGE LN	RILEY MARGARET J
	14	5167	BERRIDGE LN	GORDON MARY
	15	5107	CLOVER HAVEN	RICHARDSON CLEATTIS
	16	5111	CLOVER HAVEN	DIAZ VICTORIA &
	17	5115	CLOVER HAVEN	DAVIS RAYE MCSHAN
	18	5119	CLOVER HAVEN	WALLACE CHERYL F
	19	5028	URBAN AVE	MURIMI NAOMI
	20	5024	URBAN AVE	LEWIS MICHAEL &
	21	5020	URBAN AVE	LARA HOMERO &
	22	5016	URBAN AVE	LUO XIAOYING
	23	5012	URBAN AVE	ANDERSON KIMBERLY
	24	5008	URBAN AVE	RICHARDSON ELIZABETH
	25	4946	URBAN AVE	CASTILLO EDUARDO M &
	26	5087	BERRIDGE LN	KOL BONNA

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	27	5083	BERRIDGE LN	GODINEZ JOSE
	28	5079	BERRIDGE LN	SNOWDEN MIKE LAVEL
	29	5075	BERRIDGE LN	JASABE LOVETTE L
	30	5071	BERRIDGE LN	NOLASCO MARIO A
	31	5067	BERRIDGE LN	SERVELLON JOSE O
X	32	5063	BERRIDGE LN	CORDOVA MARIA SOCORRO
	33	5059	BERRIDGE LN	RICHARDSON JUDITH B
	34	5055	BERRIDGE LN	JENKINS ROBERT JAMES &
O	35	5051	BERRIDGE LN	MACKAY MICHAEL L & SITI K
	36	5047	BERRIDGE LN	ARAGAW AYALEW
O	37	5043	BERRIDGE LN	ADEKANMBI AKEEM A
	38	5039	BERRIDGE LN	SANCHEZ RICHARD &
	39	5035	BERRIDGE LN	MORENO MARIA
	40	5031	BERRIDGE LN	CAMPUZANO RAFAEL &
	41	5027	BERRIDGE LN	FENNELL RODERICK L
	42	5023	BERRIDGE LN	AGUILAR JOSE A &
	43	5019	BERRIDGE LN	JOHN MATHEW K &
	44	5015	BERRIDGE LN	GONZALEZ ALFONSO &
	45	5011	BERRIDGE LN	TREJO MARISSA
	46	5007	BERRIDGE LN	TANDOC PRIMO C & LEAH S
	47	5003	BERRIDGE LN	AMOR JOCELYN S
	48	5032	URBAN AVE	CARREON JAVIER SR &
	49	5036	URBAN AVE	TERAN ERIC CELESTINO
	50	5040	URBAN AVE	BRANCH DAVID R
	51	5044	URBAN AVE	ESCOBAR LUIS JAVIER &
	52	5048	URBAN AVE	HO CAM N &
	53	5052	URBAN AVE	SIMMONS KARL &
	54	5056	URBAN AVE	MOLINA JUAN & ALICIA
	55	5049	URBAN AVE	ISIDAHOMEN EHIMEN
O	56	5045	URBAN AVE	PEREZ ESPERANZA A
	57	5041	URBAN AVE	JACKSON PATRICE L

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	58	7157	CANYON RIDGE DR	HERRIN RICHARD A
	59	7153	CANYON RIDGE DR	CARBAJAL JOSE
	60	7132	CANYON RIDGE DR	VARELA GUSTAVO &
	61	7136	CANYON RIDGE DR	AMH 2015 2 BORROWER LLC
	62	7140	CANYON RIDGE DR	MCDONALD ARTHUR H III
X	63	7144	CANYON RIDGE DR	MURRAY MATTHEW
	64	7183	RADCLIFF DR	HERNANDEZMERCED VICTOR MANUEL
	65	7187	RADCLIFF DR	MINOR TERREE C
	66	5104	BERRIDGE LN	AMAYA VIRGINIA
	67	5108	BERRIDGE LN	TADESSE MELAKU &
	68	5112	BERRIDGE LN	SANTILLAN JESUS &
	69	5116	BERRIDGE LN	GRIFFIN JERRY & SHIRLEY M
	70	5120	BERRIDGE LN	LITTLETON IRENE M
	71	5124	BERRIDGE LN	TEFERI SOLOMON L
	72	5128	BERRIDGE LN	BRUNDRETT PATRICIA WOLFF
	73	5132	BERRIDGE LN	LUJAN MICHAEL S
	74	5136	BERRIDGE LN	BIDDLE WALTER G
	75	5140	BERRIDGE LN	HAWKINS SHIRLEY
	76	5144	BERRIDGE LN	MENDOZA JUAN & MONICA
	77	5148	BERRIDGE LN	LOPEZ RUBEN
	78	5039	CLOVER HAVEN	OMOGAH NKECHI EMELIA
	79	5027	CLOVER HAVEN	PETTY JOHN T JR
	80	5104	CLOVER HAVEN	BEAVERS JANICE M
	81	5108	CLOVER HAVEN	AKABUE STACY OLUCHI
	82	4625	ST FRANCIS AVE	DAVIS MILTON & SHIRRELL
	83	4621	ST FRANCIS AVE	FLORES JULIO
	84	4617	ST FRANCIS AVE	BOOKMAN DARRYL &
	85	4613	ST FRANCIS AVE	VAUGHN LILLIE
	86	4609	ST FRANCIS AVE	AGUERO AMALIA & ROBERT
	87	4605	ST FRANCIS AVE	FLYNT ROBERT & JOCELYN AMOR
	88	4571	ST FRANCIS AVE	GOMEZ SYLVIA LETICIA

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	89	4567	ST FRANCIS AVE	BASS DELORIS
	90	4563	ST FRANCIS AVE	GEBREMESKEL BERHANE
	91	4512	ST FRANCIS AVE	BALVEK ENTERPRISES INC
	92	4516	ST FRANCIS AVE	SAMARELLI MARIA A &
	93	4520	ST FRANCIS AVE	COLEMAN BENJAMIN K &
	94	4524	ST FRANCIS AVE	LOPEZ ANTONIO &
	95	4528	ST FRANCIS AVE	BROWN BERTHA
	96	4532	ST FRANCIS AVE	ANYANWU DONATUS
	97	4536	ST FRANCIS AVE	PIERSON JUNE
	98	4606	ST FRANCIS AVE	REYNOSO HECTOR &
	99	4610	ST FRANCIS AVE	ORDONEZ BYRON
	100	4614	ST FRANCIS AVE	RICHETTI VICTOR M
	101	4535	RALPH LN	GONZALEZ SERGIO &
	102	4531	RALPH LN	ROBERSON CASSANDRA
X	103	4527	RALPH LN	PRATT DEBBIE
	104	4523	RALPH LN	PANIAGUA MARGARITA O &
	105	4519	RALPH LN	WILLIAMS JAMES &
	106	4515	RALPH LN	DELA ROSA ANDRES &
	107	5142	LAUREN LN	ARP 2014-1 BORROWER LLC
	108	4510	SHANNA CT	ANDERSON DIAN
	109	4514	SHANNA CT	FIELDS DONNA
	110	4518	SHANNA CT	VALLE DENNIS & MARTA O
	111	4522	SHANNA CT	ASCENCIO HECTOR
	112	4526	SHANNA CT	POPE KELVIN D
	113	4517	SHANNA CT	WARREN SERENA
	114	4513	SHANNA CT	SANCHEZ RITA &
	115	4509	SHANNA CT	GRACIANO ROSARIO BERENISE &
	116	4508	ST FRANCIS AVE	DAVIS CAPRI N &
	117	5113	LAUREN LN	POUGH TIMOTHY & SHIRLEY
	118	5117	LAUREN LN	WEBER GISELA E
	119	5121	LAUREN LN	UDAVE JOEL

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	120	5125	LAUREN LN	HATTEN TIMOTHY G &
	121	5129	LAUREN LN	RENTIE ROBERT M JR &
	122	5133	LAUREN LN	LOPEZ RUBEN & MARIA
	123	5137	LAUREN LN	AGATIC LUKA
	124	4929	BERRIDGE LN	EDWARDS TOMMY & BARBARA
	125	4933	BERRIDGE LN	PHILLIPS CORNELIUS
	126	4937	BERRIDGE LN	WIDEMON MANUEL L & SANDRA
	127	4941	BERRIDGE LN	ANDERSON CLARICE
	128	4945	BERRIDGE LN	ARELLANO DANIEL &
	129	4949	BERRIDGE LN	ARRINGTON CAROL
	130	4953	BERRIDGE LN	SAENZ SONYA
	131	4203	OSBORN RD	JOHNSON PHYLLIS M &
	132	4208	OSBORN RD	JENKINS SAMUEL & DELORISE
	133	4204	OSBORN RD	WILLIAMS THOMAS
	134	6323	EVERGLADE CIR	REGALADO HUMBERTO
	135	6431	EVERGLADE RD	DAWKINS JAMES L
	136	6316	EVERGLADE RD	GILDON TRENTON L &
	137	6320	EVERGLADE RD	RAMOS FERNANDO
	138	6324	EVERGLADE RD	RATCLIFF BILLY J &
X	139	6328	EVERGLADE RD	PANNELL TIMOTHY C SR
	140	6332	EVERGLADE RD	TORRES CLAUDIA V
	141	6340	EVERGLADE RD	QUINTERO MACEDONIO &
O	142	6344	EVERGLADE RD	NWORIE BENNETT C & OLIVE I
	143	6348	EVERGLADE RD	JONES JOSEPH M & NAOMI
	144	6404	EVERGLADE RD	VOORHEES BRENT A & ABIGAIL M
	145	6408	EVERGLADE RD	CASTILLO FRANCISCO &
X	146	6412	EVERGLADE RD	GRAY JULIANA
	147	6416	EVERGLADE RD	RAMOS GLORIA & EDGAR
	148	6420	EVERGLADE RD	LE SAU V & CUC T TRAN
	149	6424	EVERGLADE RD	DOW AARON & THOA KIM LE
	150	6428	EVERGLADE RD	ANAGO JOE

04/05/2017

Reply	*Label #*	*Address*		*Owner*
	151	6432	EVERGLADE RD	DAVIS GEORGE & JANICE
	152	4935	LOMAX DR	CLIFFORD JAMES L &
	153	4939	LOMAX DR	BARNETT TIFFANY ANNE
	154	4937	LOMAX DR	SCOTT VIVIAN
	155	4943	LOMAX DR	DALLAS J.O.C.S. LLC
	156	4947	LOMAX DR	PERALTA JESUS NOE
	157	4949	LOMAX DR	OSLER CHARLES EDWARD
O	158	4951	LOMAX DR	FRETER BETTY STRAWN
	159	4955	LOMAX DR	CUNNINGHAM MARGARET D
	160	4953	LOMAX DR	CALLAHAN SHREILL DANNETTE
	161	4957	LOMAX DR	JAMES BILL DON &
	162	4959	LOMAX DR	JENNINGS SEBASTIAN
	163	7428	CHARIOT DR	HERRERA LUIS &
	164	7422	CHARIOT DR	VENTERS JOYCE MARIE
	165	7416	CHARIOT DR	MOLINA MIGUEL &
	166	7410	CHARIOT DR	HURD DEBORAH S
	167	7406	CHARIOT DR	BYRD JAMES L & ELIDA C
	168	4956	BERRIDGE LN	RAMIREZ BLANCA E
	169	4958	BERRIDGE LN	MACIAS EFRAIN &
	170	4952	BERRIDGE LN	CASSINI INVESTMENTS LLC
	171	4954	BERRIDGE LN	WRIGHT HOWARD L &
	172	4950	BERRIDGE LN	DAVISON TIMOTHY R
	173	4948	BERRIDGE LN	AMIYA INVESTMENT LLC
	174	4946	BERRIDGE LN	BROWN EBONY J
	175	4940	BERRIDGE LN	HOUSE JC
	176	4942	BERRIDGE LN	MCGREW R & K LIVING TRUST THE
	177	4938	BERRIDGE LN	DWYER STACEY BENNETT
	178	4936	BERRIDGE LN	ESTRADA MARIA ANGELA

AGENDA ITEM # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 748 to allow changes to front yard setbacks for Tract 2 on the northwest and northeast corner of Medical District Drive and Southwestern Medical Avenue
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z167-202(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-202(JM) **DATE FILED:** February 6, 2017

LOCATION: On the northwest and northeast corner of Medical District Drive and Southwestern Medical Avenue.

COUNCIL DISTRICT: 2 **MAPSCO:** 34-X

SIZE OF REQUEST: ± 11.9 acres **CENSUS TRACT:** 100

OWNER/APPLICANT: Children's Medical Center

REPRESENTATIVE: Karl A. Crawley, Masterplan

REQUEST: An application to amend Planned Development District No. 748 to allow changes to front yard setbacks for Tract 2.

SUMMARY: Additional right-of-way dedication for the expansion of Medical District Drive requires amending front yard regulation to allow existing items to remain. This includes relocating an existing generator within the required front yard area. The applicant would like to amend the front yard regulations to allow the generator to remain in the vicinity of the current location, but out of the new right-of-way area.

CPC RECOMMENDATION: **Approval**, subject to a revised development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development plan and conditions.

BACKGROUND INFORMATION:

- PD No. 748 was created in 2006, containing 10.5 acres with an MU-3 Mixed Use District base.
- Street names in the area have changed. Motor Street aka Amelia Street is now Medical District Drive--still with a variable right-of-way.
- Originally, a 20 foot front yard setback was required for the west section (Tract 2) per conditions and provided as per the existing development plan.
- New right-of-way dedication of 20 feet will leave a generator with a 0 foot setback, but screened (still) along the new property line. Other items including a small section (about 5 feet) of the Bright Building will be in the setback under existing conditions.
- The applicant would like to replace the generator and allow for the existing Bright Building to become conforming as constructed. Therefore, a PD amendment is required to match the new right-of-way and 15 foot setback for this section of Tract 2, with an exception for the generator to have a 0 foot setback.
- A 20 foot front yard will still be required from the new property line along the northwest section of Medical District Drive, where the Children's Hospital is located.

Zoning History: There have been three recent zoning cases in the vicinity in the last five years.

1. **Z123-174:** On April 10, 2013, the City Council approved a Planned Development District No. 882 for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District on the north side of Stemmons Freeway, east of Medical District Drive.

2. **Z134-243:** On October 8, 2014, the City Council approved a Planned Development District No. 925 for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District on the northeast line of Stemmons Freeway east of Medical District Drive.

3. **Z134-139:** On November 12, 2014, the City Council approved a Planned Development District No. 929 for IR Industrial Research District uses on property zoned an IR Industrial Research District on the east corner of Medical District Drive and Farrington Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Southwestern Medical Avenue	Local	46 feet
Medical District Drive (Motor/Amelia)	Collector	Variable

Land Use:

	Zoning	Land Use
Site	PD 748	Hospital
NW	MU-3	Hospital
N&NE	PD 386	Hospital & Office
East	PD 386	Pharmacy & Medical clinic or ambulatory surgical center
SE	PD 882 & PD 925	Medical clinic or ambulatory surgical center & Proton treatment center
South	MU-3	Restaurant & GMFS w/Motor fueling station
SW	CS	College, university, or seminary
West	MU-3	Hospital

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 development already exists and is not seeking expansion.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.1 Implement the Trinity River Corridor Plan.

GOAL 1.4 COORDINATE PLANNING ACTIVITIES TO BALANCE TRANSPORTATION, LAND USE, INFRASTRUCTURE AND THE ENVIRONMENT

Policy 1.4.1 Coordinate development and planning activities.

TRANSPORTATION ELEMENT

GOAL 4.1 PROVIDE A FUNDAMENTAL LAND USE/ TRANSPORTATION LINKAGE

Policy 4.1.1 Design and improve thoroughfares to balance the need for traffic mobility.

Policy 4.1.2 Encourage distribution of traffic among multiple routes.

Policy 4.2.3 Promote efficient, cost-effective and environmentally friendly movement of vehicles.

The request is consistent with the above mentioned goals because it will provide for the new right-of-way required to continue to improve transportation in the area. Transportation improvement and employment centers are priorities in *The Stemmons Corridor—Southwestern Medical District Area Plan* and the *Trinity River Corridor Comprehensive Land Use Plan.*

Land Use Plan:
The Stemmons Corridor—Southwestern Medical District Area Plan was completed in January 2009 and includes numerous medical institutions working together as a functional, identifiable destination. These medical institutions together account for four major hospitals and three medical teaching institutions that cover the gamut of medical specialties. According to the U.S. Census Bureau and the Texas Workforce Commission, Medical services accounts for over twenty thousand jobs in the area and this sector of the economy continues to grow. An opportunity exists to enhance the cohesiveness of the various medical institutions through collaboration, improving area infrastructure, circulation and district identity.

This plan identifies the area of request as being a part of the Medical Campus. Several elements of the plan support transportation-related improvements to grow the region

and support existing needs. Specifically, the plan identifies the following for Medical District Drive: This collector runs from Maple Avenue to Irving Boulevard. It is currently undergoing reconstruction. The long-term vision for this collector is as a connection from the Medical District to the Trinity Strand Trail. Medical District Drive should have an on-street bicycle path. The possibility of separating bicycle from automotive traffic should be examined, particularly at narrow points such as crossing under the Stemmons Freeway.

The Trinity River Land Use Plan covers most of the Stemmons Corridor – Southwestern Medical District Area Plan mass. "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 Regional Employment land use module.

Land Use Compatibility:

The request site is developed with a hospital. The area operates as a medical campus, with several medical offices, hospitals, clinics/ambulatory surgical centers, and supporting uses in the vicinity. The current request will not change allowable uses.

While the generator is being moved, and new right-of-way is being dedicated, a fence and all of the structures currently exist without impediment. This will not change; therefore, remaining compatible with the area. The thing that could change with the requested setback allowance is the dedication of right-of-way to allow for the expansion of Medical District Drive, and the implementation of several goals within *The Stemmons Corridor—Southwestern Medical District Area Plan* and *the Trinity River Corridor Comprehensive Land Use Plan.* Both plans laud an improved transportation network including bike lanes as a priority. This would achieve those goals.

When PD No. 748 was created, the required 20 feet front yard setback was provided along with new right-of-way dedication for Medical District Drive. Now, the site is developed and Medical District Drive is slated for new improvements to improve transportation options in the area. Dedication of an additional 20 feet leaves a five foot section of the existing Bright Building at the southwest corner of Medical District Drive and Southwestern Avenue within the required 20 feet front yard setback. Rather than remaining nonconforming, the applicant has chosen to include this in the request and change the front yard for this section to 15 feet, as provided. Additionally, this request creates an exception to front yard requirements in the southwest section of Tract 2 to allow for existing mechanical equipment and generators to become conforming. No other changes are being sought with this request. A revised development plan indicates the change in right-of-way and the new setback requirements for Tract 2. A "Detail A" was added to clarify the heights and objects currently exempt from providing a front yard setback, ensuring they comply with visual obstruction regulations for traffic safety.

Development Standards:

District	Setbacks		Height	Lot Coverage	FAR	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: PD No.748 Tract 2	20’	20’ w/res. adj. 0’ all others	270’	80%	2,600,000 ft^2	RPS No Urban Form/Tower Spacing	MU-3 Mixed Uses
Proposed: PD No. 748 Tract 2	20’ for NW 15’ for SW 0’ for mech. equip. and generator	No change	No change	No change	No change	No change	No change

Landscaping:

No changes to landscaping are proposed. The site must comply with Article X.

Parking:

No changes to parking are proposed. The site must comply with Chapter 51A.

CPC Action:
April 6, 2017

Z167-202(JM)

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 748 to allow changes to front yard setbacks for Tract 2, subject to a revised development plan and conditions on the northwest and northeast corner of Medical District Drive and Southwestern Medical Avenue.

Maker: Jung
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0
Conflict: 1 - Rieves

Notices:	Area:	500	Mailed:	20
Replies:	For:	3	Against:	0

Speakers: None

List of Officers/Partners

Children's Health – Board of Directors

Christopher Durovich

David Berry

Bret Christopher

Michele Chulick

Lawrene Foust

Richard Goode

W. Robert Morrow

Peter Roberts

Pamela Arora

Kimberly Besse

Matthew Davis

Doris Hunt

Keri Kaiser

Pete Perialas

Mary Stowe

Tay Tsai

Michael Wiggins

Z167-202

Proposed Revisions to PD Conditions

ARTICLE 748.
PD 748.

SEC. 51P-748.101. LEGISLATIVE HISTORY.

PD 748 was established by Ordinance No. 26383, passed by the Dallas City Council on June 28, 2006. (Ord. 26383)

SEC. 51P-748.102. PROPERTY LOCATION AND SIZE.

PD 748 is established on property located on ~~**Motor Street**~~ **Medical District Drive** and Amelia Court, southwest of Harry Hines Boulevard. The size of PD 748 is approximately 10.5 acres. (Ord. Nos. 26383; 26423)

SEC. 51P-748.103. 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. (Ord. 26383)

SEC. 51P-748.104. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 748A). In the event of a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 26383)

SEC. 51P-748.105. MAIN USES PERMITTED.

The only main uses permitted in this district 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. (Ord. 26383)

SEC. 51P-748.106. 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 51A4.217.

(b) In this district, accessory uses not permitted in an MU-3 Mixed Use District are not permitted. (Ord. 26383)

SEC. 51P-748.107. 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. In the event of 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 Section 51A-4.125(f), "MU-3 and MU-3(SAH) Districts," apply.

(b) No minimum front yard along ~~**Motor Street**~~ **Medical District Drive** in Tract 1.

(c) Minimum front yard along ~~**Motor Street**~~ **Medical District Drive** ~~is 20 feet~~ in Tract 2 is 20 feet on the northwest side of Medical District Drive and Southwestern Medical Avenue, and 15 feet on the southwest side of Medical District Drive and Southwestern Medical Avenue**, as shown on the development plan.** In the southwest section, mechanical equipment and generators are allowed in the required setbacks subject to compliance with visual obstruction regulations in Sec. 51A-4.602.(d).

(d) Tower spacing and urban form setback do not apply.

(e) Supports for pedestrian skybridges are allowed in required setbacks subject to approval of their location by the director of public works and transportation.

(f) Maximum floor area is 525,000 square feet in Tract 1.

(g) Maximum floor area is 2,600,000 square feet in Tract 2.

(h) Maximum number of stories above grade is 15. (Ord. 26383)

SEC. 51P-748.108. 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) Tract 1 and Tract 2 are considered one lot for purposes of this section. (Ord. 26383)

SEC. 51P-748.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 26383)

SEC. 51P-748.110. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

(c) Trees must be preserved as required in Article X. The requirements for protective fencing and the mitigation of tree removal apply to all uses in this district. No grading may occur and no building permit may be issued to authorize work on the Property until any required protective fencing is inspected and approved by the building official or his designated representative. (Ord. 26383)

SEC. 51P-748.111. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Exterior signs may be applied to a pedestrian skybridge. The maximum effective area of exterior signage attached to a skybridge is 120 square feet for each side of the skybridge, with a maximum of two sides permitting signage. Exterior signage attached to a pedestrian skybridge may not be illuminated. Elevations required for approval of a specific use permit for a pedestrian skybridge must show exterior signage.

(c) Movement control signs are limited to a maximum height of 16 feet, a maximum effective area of 35 square feet, and may contain an institutional use name and logo. (Ord. 26383)

SEC. 51P-748.112. 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) The regulations concerning pedestrian skybridges in Section 51A-4.217 are amended as follows:

(1) No more than two pedestrian skybridges may be located within any block or 80 feet of frontage, whichever is less.

(2) Pedestrian skybridges must have clearance above the public right-of-way of at least 15 feet above grade.

(3) At least 15 percent of the side walls must be open, glass, or other transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than 6 percent. (Ord. Nos. 26383; 26543)

SEC. 51P-748.113. COMPLIANCE WITH CONDITIONS.

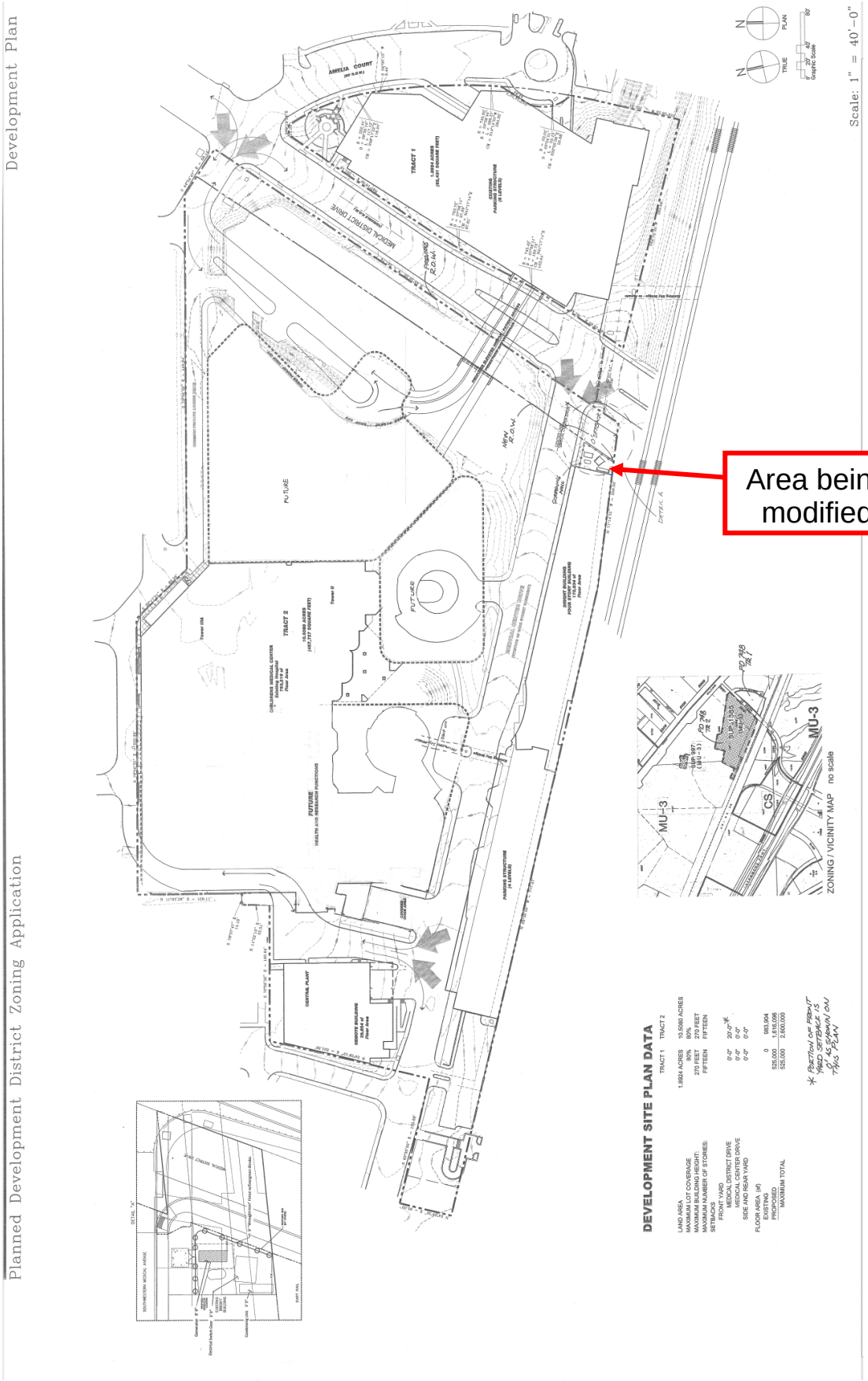
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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. 26383)

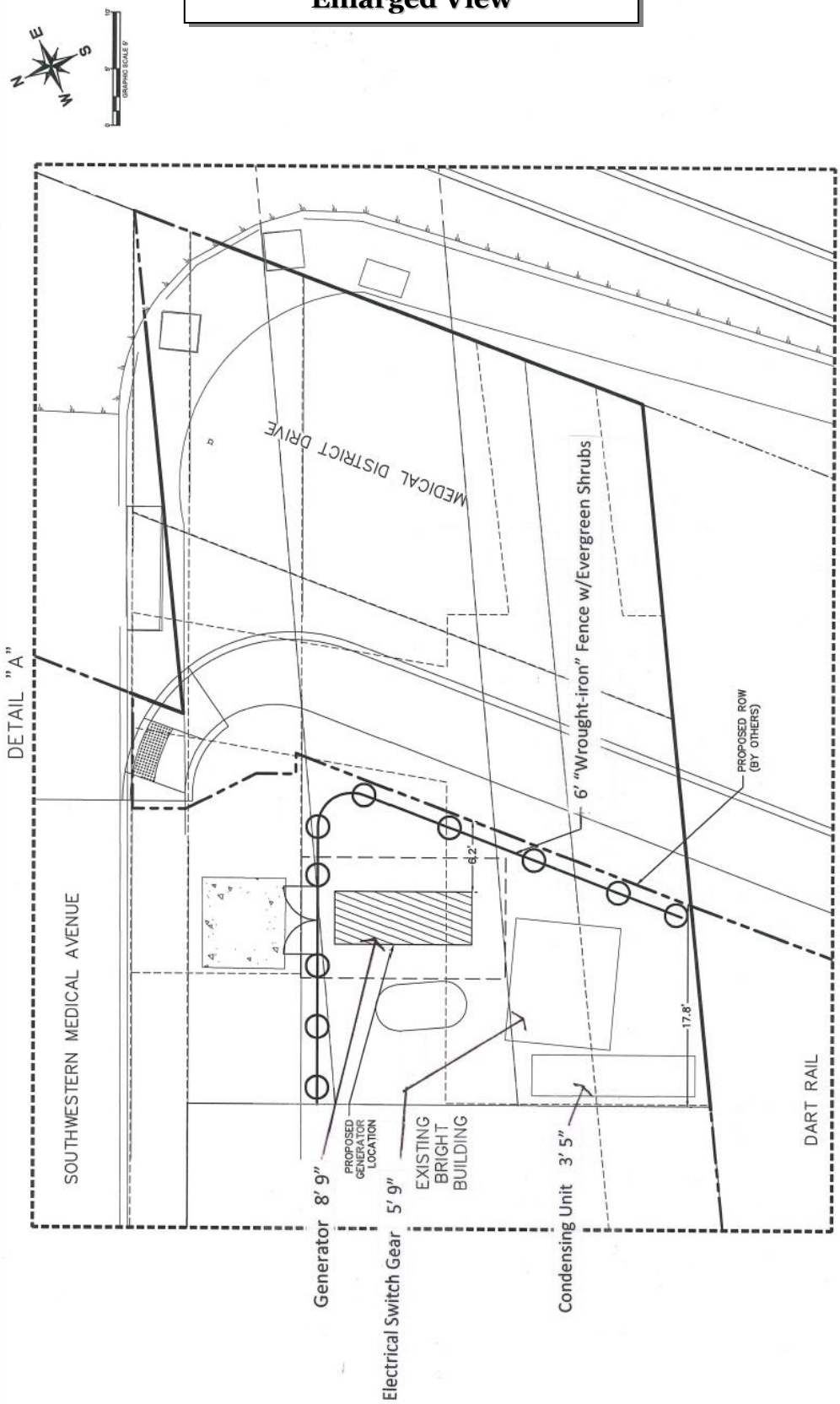
SEC. 51P-748.114. ZONING MAP.

PD 748 is located on Zoning Map No. I-6. (Ord. 26383)

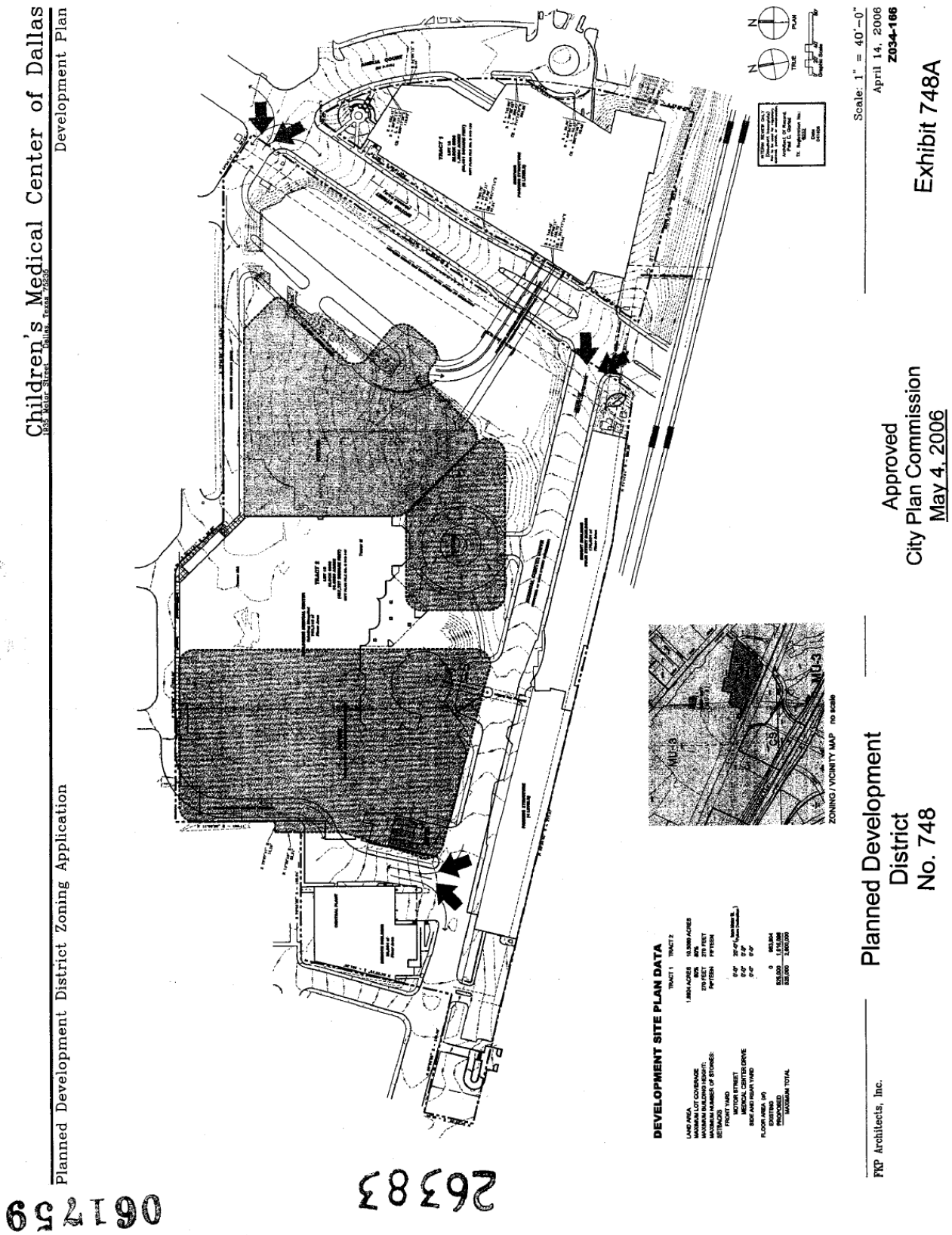
Proposed Development Plan



Enlarged View

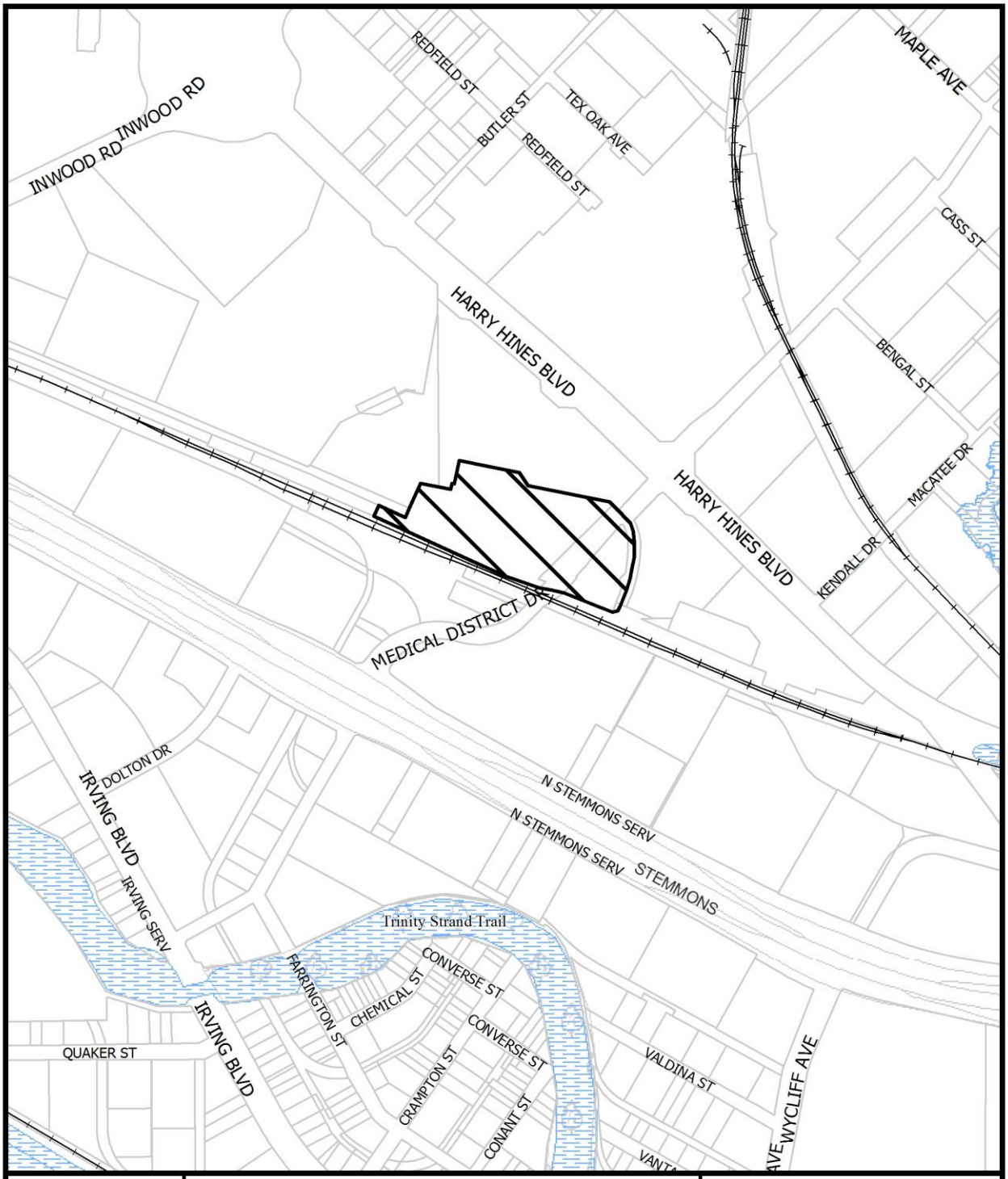


Existing Development Plan



061759

26383



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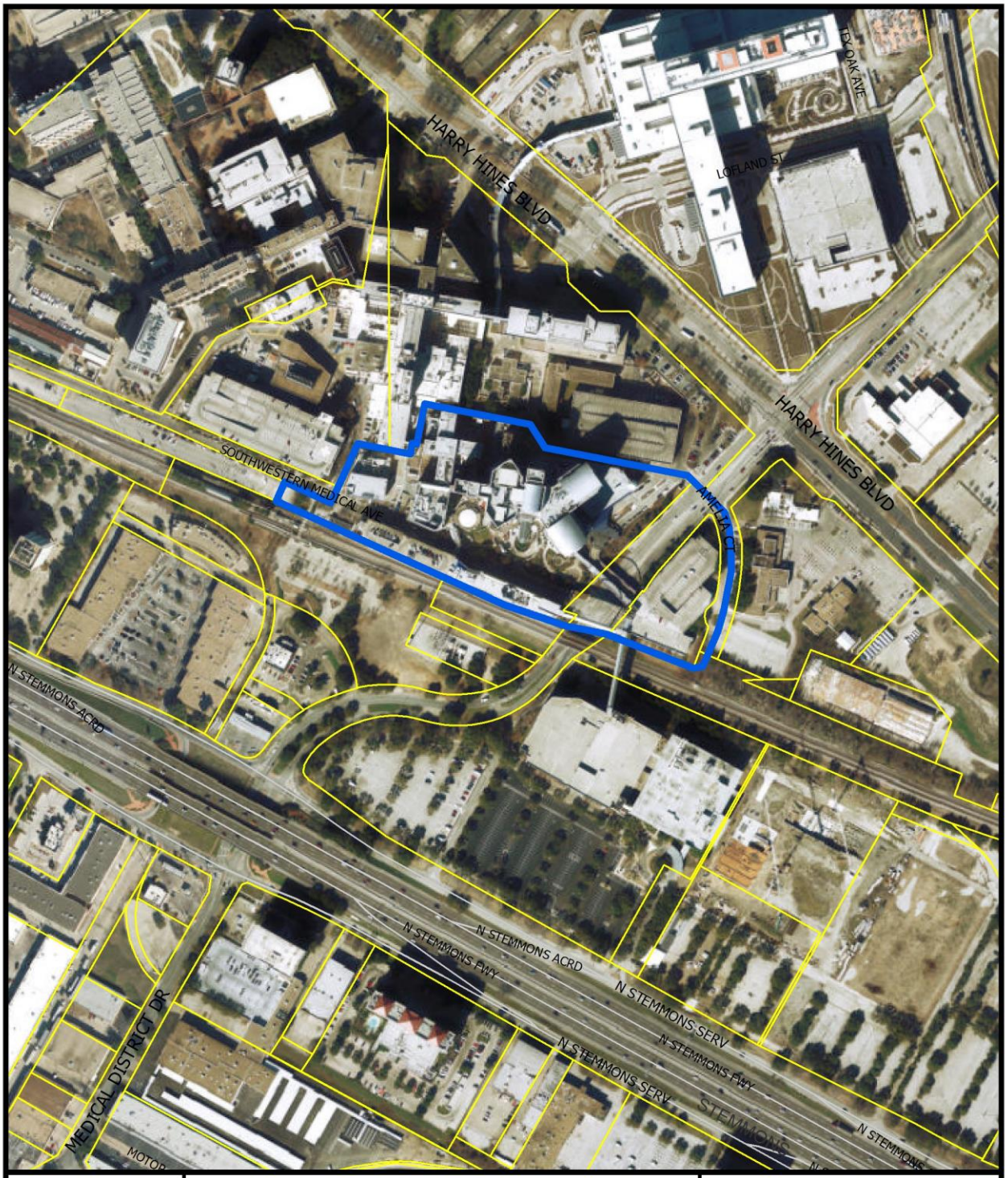
VICINITY MAP

Case no: Z167-202

Date: 2/15/2017



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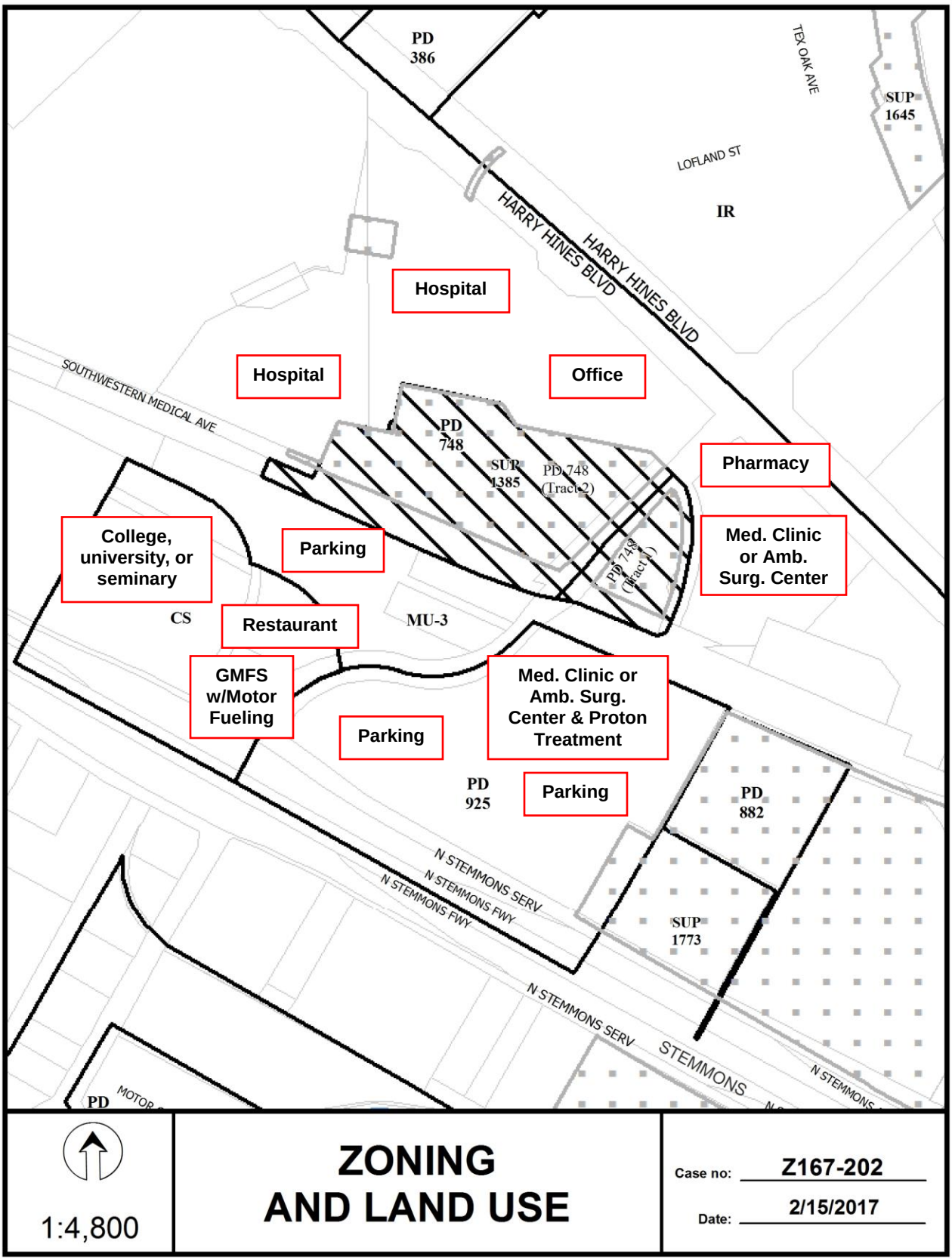
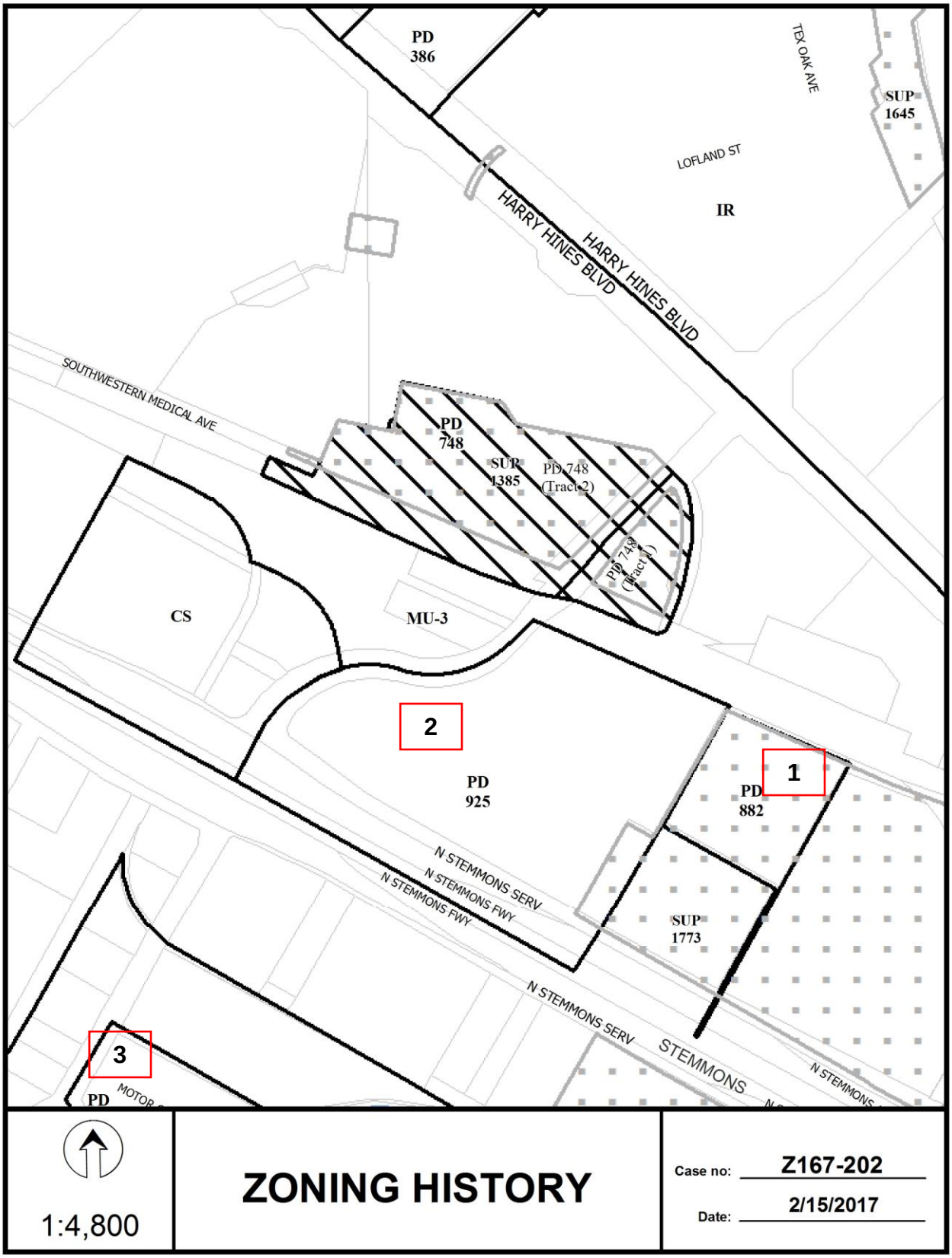
AERIAL MAP

Case no: Z167-202

Date: 2/15/2017


PD 386
TEX OAK AVE
SUP 1645
LOFLAND ST
IR
HARRY HINES BLVD
HARRY HINES BLVD
Hospital
Hospital
Office
SOUTHWESTERN MEDICAL AVE
PD 748
SUP 1385
PD 748 (Tract 2)
PD 748 (Tract 1)
Pharmacy
College, university, or seminary
Parking
Med. Clinic or Amb. Surg. Center
CS
Restaurant
MU-3
GMFS w/Motor Fueling
Med. Clinic or Amb. Surg. Center & Proton Treatment
Parking
PD 925
Parking
PD 882
N STEMMONS SERV
N STEMMONS FWY
N STEMMONS FWY
SUP 1773
N STEMMONS SERV
STEMMONS
N STEMMONS
PD
MOTOR
1:4,800
ZONING AND LAND USE
Case no: Z167-202
Date: 2/15/2017



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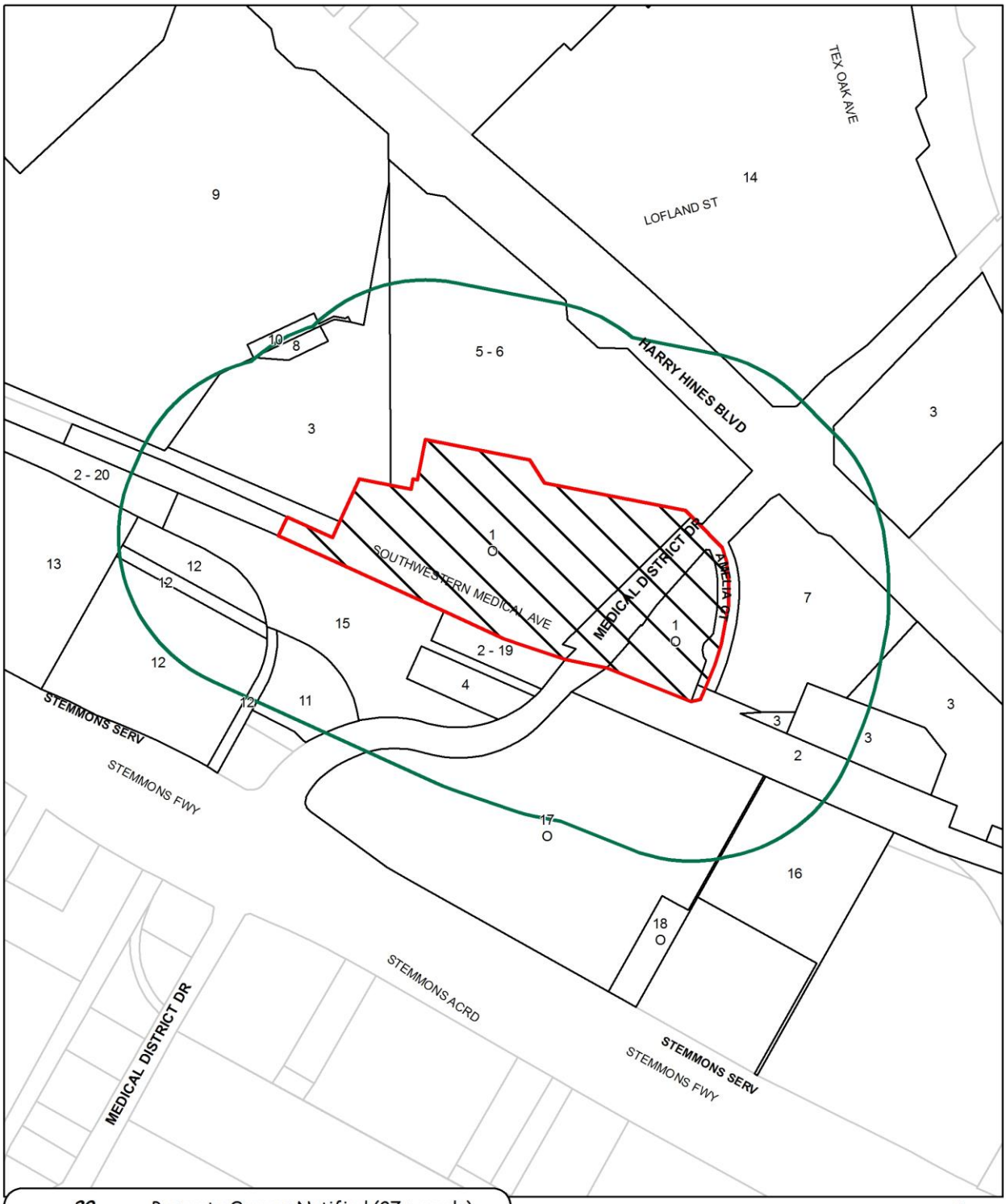
ZONING HISTORY

Case no: Z167-202

Date: 2/15/2017

CPC Responses



20	Property Owners Notified (27 parcels)
3	Replies in Favor (4 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
4/6/2017	Date

Z167-202
CPC

N W E S

1:4,800

04/05/2017

Reply List of Property Owners

Z167-202

20 Property Owners Notified ***3 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	1935	MEDICAL DISTRICT DR	CHILDRENS MEDICAL CENTER
	2	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
	3	4900	HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT
	4	1443	MEDICAL DISTRICT DR	TEXAS UTILITIES ELEC CO
	5	5201	HARRY HINES BLVD	PARKLAND HOSPITAL
	6	5203	HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT
	7	4801	HARRY HINES BLVD	PARKLAND HOSPITAL
	8	5300	HARRY HINES BLVD	County of Dallas
	9	5401	HARRY HINES BLVD	TEXAS STATE OF
	10	5300	HARRY HINES BLVD	BOARD OF REGENTS OF THE UNIVERSITY
	11	1415	MEDICAL DISTRICT DR	MOORE DAVID J INC
	12	2600	N STEMMONS FWY	POLLOCK REALTY CORP
	13	2730	N STEMMONS FWY	2700 STEMMONS LP ETAL
	14	5134	HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT
	15	1419	MEDICAL DISTRICT DR	DALLAS & FT WORTH CITIES
	16	2300	N STEMMONS FWY	DALLAS PROTON TREATMENT CENTER LLC
O	17	2350	N STEMMONS FWY	CHILDRENS MEDICAL CENTER OF DALLAS
O	18	2320	N STEMMONS FWY	CHILDRENS MEDICAL CENTER OF DALLAS
	19	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
	20	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 69A R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan, elevation and conditions
Z167-165(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z167-165(OTH)	**DATE FILED:**	October 28, 2016
LOCATION:	South side of CF Hawn Freeway, southeast of South Belt Line Road		
COUNCIL DISTRICT:	8	**MAPSCO:**	69A-R
SIZE OF REQUEST:	Approx. 2.64 acres	**CENSUS TRACT:**	170.01

OWNER: Rim Investments LLC

APPLICANT: Eco-Site, Inc.

REPRESENTATIVE: Dave Kirk

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to construct a stealth monopole tower for cellular communication. The tower will be a 100 feet and with a 10-foot lightning rod for a total height not to exceed 110 feet above ground level [T-Mobile].

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, elevation and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation and conditions.

BACKGROUND:

- The proposed site is currently zoned a CS-D-1 Commercial Service District with Liquor Control Overlay. The lot is currently undeveloped.

- The applicant is proposing to build a 100 feet tower/antenna with a 10-foot lightning rod for a total height not to exceed 110 feet above ground level on the southwest side of the property.

- The lease area for the tower is approximately 2,500 square-feet.

- Because the height of the proposed tower requires an SUP based upon the height exceeding 65 feet, the height of the tower must be taken into consideration during the SUP process. If Council deems appropriate, the tower may be exempt from the RPS requirements per Chapter 51A.

Zoning History: There has been one zoning case in the area over the past five years.

Z167-153 An application for an Specific Use Permit for outside sales on property zoned a CS-D-1 Commercial Service District with D-1 Liquor Control Overlay and an R-10(A) Single Family District located on the east side of CF Hawn, southeast of South Belt Line Rd. The zoning case has not been scheduled for CPC.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Beckley Avenue	Local	60 feet
Ohio Street	Local	50 ft.

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.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

	Zoning	Land Use
Site	CS-D-1	Undeveloped
Northeast	CS-D-1, SUP No. 1883	Retail, undeveloped and auto sales
Southeast	MF-1(A) (SAH)	Multifamily
Southwest	CS-D-1	Undeveloped
Northwest	CR-D-1 & SUP No. 1911	Retail, fueling station & undeveloped

Land Use Compatibility:

The proposed site is currently undeveloped. The proposed area for the tower is 2,500 square-feet. The applicant is proposing to locate the 100 foot cell tower to the southwest of the property away from the existing residential development.

The request site is surrounded by retail, undeveloped and auto sales to the northeast; multifamily to the southeast; undeveloped to the southwest; undeveloped, retail and motor vehicle fueling station to the northwest.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff was concerned with the originally proposed location of the tower, which was on the property line adjacent to a multifamily district. After discussion with the applicant's representative, the applicant agreed to locate the tower away from the residential development to the northwest of the property. Since the point of origination is an MF District, the required slope is a 45 degree slope which is a 1 to 1 projection angle and will terminate at 50 feet. The proposed cell tower is located approximately 110 feet from the multifamily district.

Staff discussed the option of a stealth tower in lieu of a typical cellular tower with the applicant. The applicant decided against a stealth tower due to the limitations this type of tower presents. A monopole tower allows more flexibility in adjusting the arrays and also allows for more coverage. Staff is supportive of a monopole tower because of the location of the property and the existing surrounding uses. The applicant did move the tower away from the multifamily district to be more compatible with the nearby multifamily development.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Landscaping: In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Fence: The applicant is proposing a chain link fence around the lease area.

Parking: Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than a 120 square feet. The applicant is providing one parking space within the interior of the lease area.

CPC ACTION:
April 6, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a five-year period, subject to a site plan, elevation and conditions on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the south side of CF Hawn Freeway, southeast of South Belt Line Road.

Maker: Davis
Second: Schultz
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices:	Area:	500	Mailed:	20
Replies:	For:	0	Against:	1

Speakers: None

Partners and Principles

Eco-Site is a corporation owned predominantly by Eco-Site Investor, LLC. 85.6% and by other shareholder (mostly individuals).

Principals, Board of Directors:

- Mark Feidler
- Barry Boniface,
- Ryan Leach of MSouth, a 50% owner of Eco-Site Investor, LLC.
- Russ Cassella, a representative of Project Echo, LLC, a 50% owner of Eco-Site Investor, LLC., Dale Carey

Officers:

- Dale Carey - Chairman of the Board
- Bob Glosson - President and Chief Operating Officer,
- Rich Stern - Executive Vice President and Secretary

RIM Investments LLC.

Mariano Hernandez
Redolfo Deanda
Yadin Barriga

PROPOSED CONDITIONS
Z167-165(OTH)

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication limited to a monopole cellular tower.

2. SITE PLAN/TOWER ELEVATION: Use and development of the Property must comply with the attached site plan/tower elevation.

3. TIME LIMIT: This specific use permit expires on _____ (ten years), but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

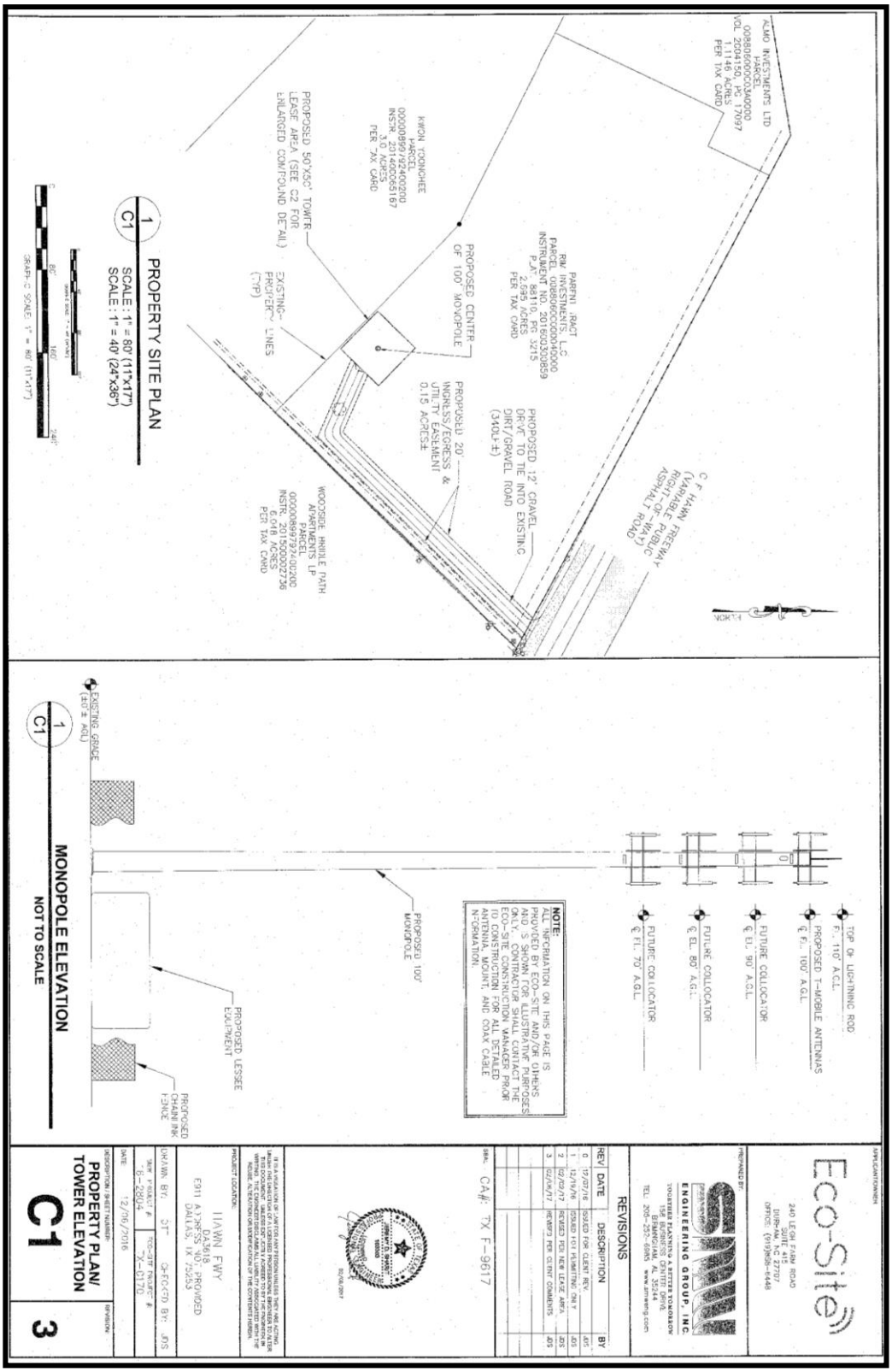
4. HEIGHT: The tower/antenna for cellular communication may not exceed 100 feet in height, with a ten-foot lightning rod, for a total height not to exceed 110 feet above ground level.

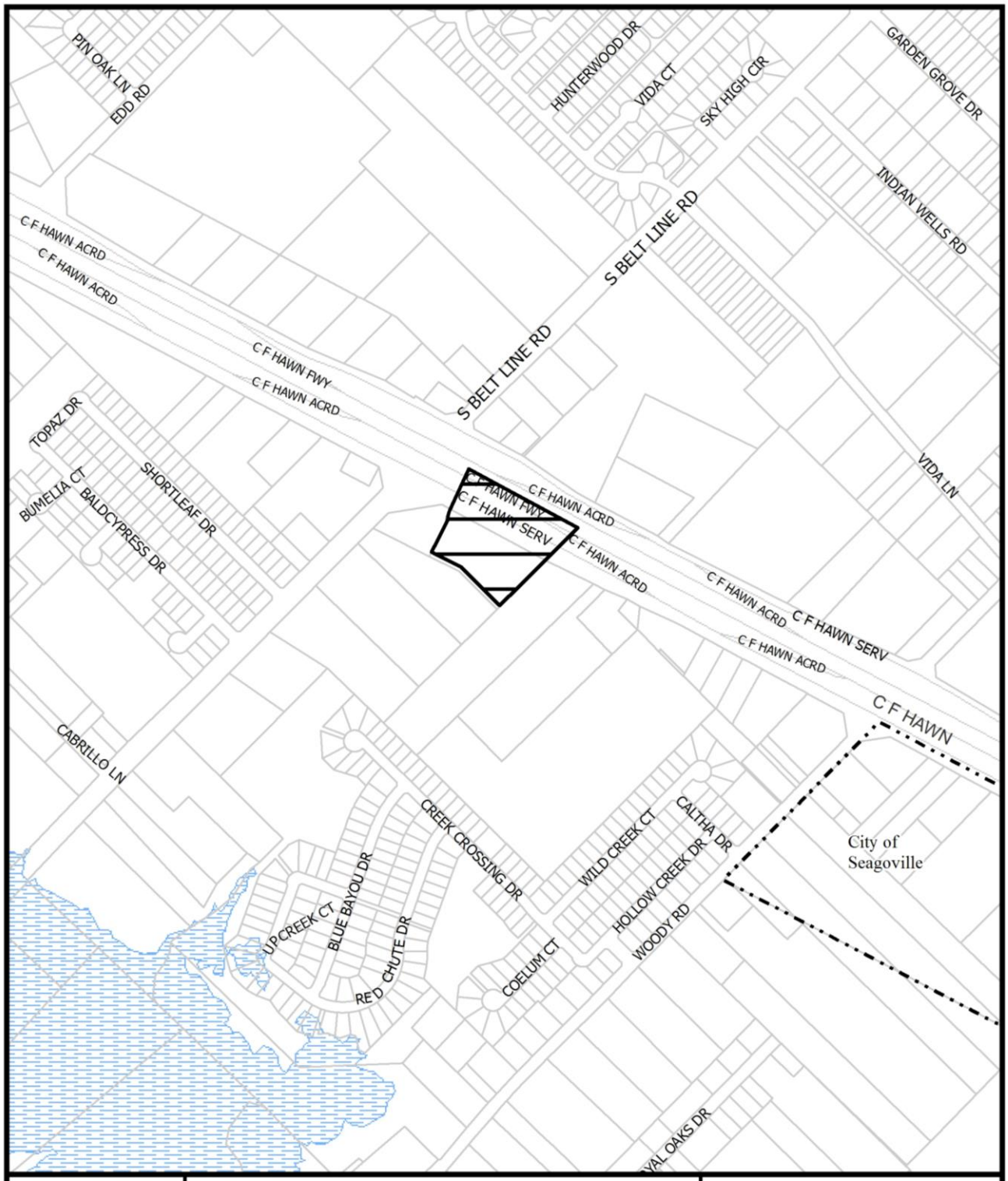
5. COLLOCATION: Any tower/antenna support structure at this site authorized by this specific use permit that exceeds 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.

6. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN





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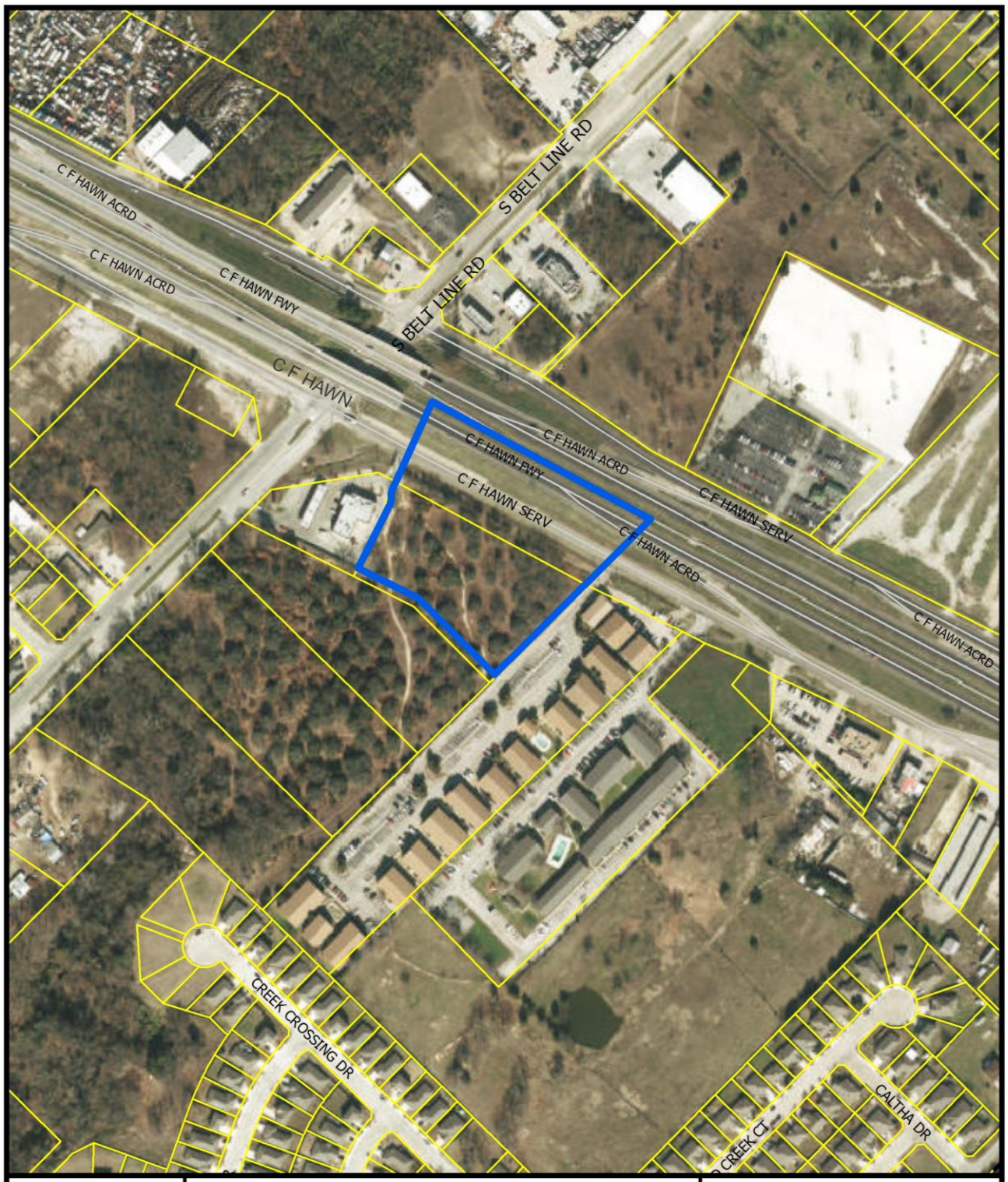
VICINITY MAP

Case no: Z167-165

Date: 3/8/2017



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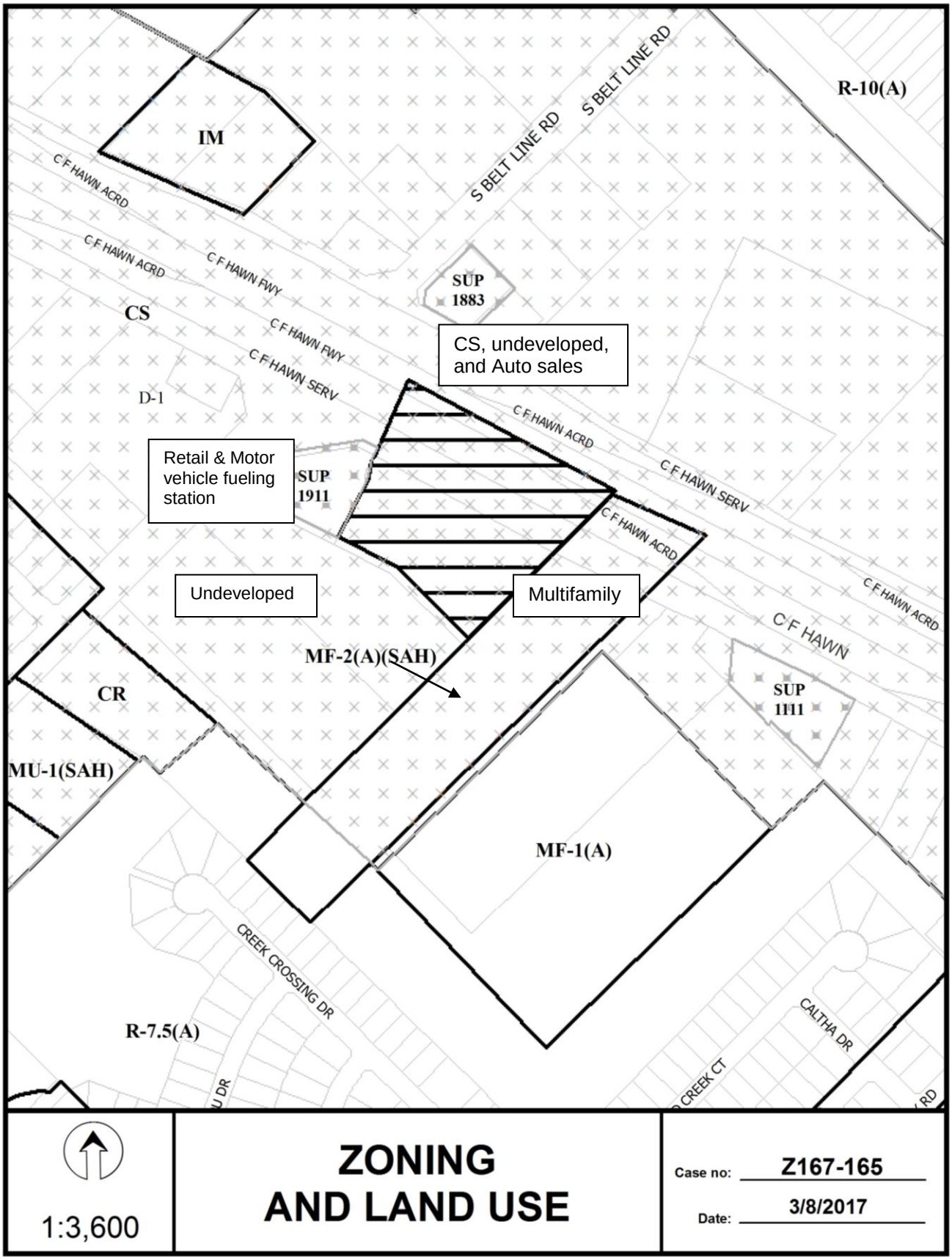
AERIAL MAP

Case no: Z167-165

Date: 3/8/2017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R-10(A)
S BELT LINE RD
S BELT LINE RD
C F HAWN ACRD
C F HAWN ACRD
C F HAWN FWY
C F HAWN FWY
C F HAWN SERV
SUP 1883
CS
CS, undeveloped, and Auto sales
D-1
C F HAWN ACRD
C F HAWN SERV
Retail & Motor vehicle fueling station
SUP 1911
C F HAWN ACRD
Undeveloped
Multifamily
C F HAWN ACRD
C F HAWN
MF-2(A)(SAH)
CR
SUP 1111
MU-1(SAH)
MF-1(A)
CREEK CROSSING DR
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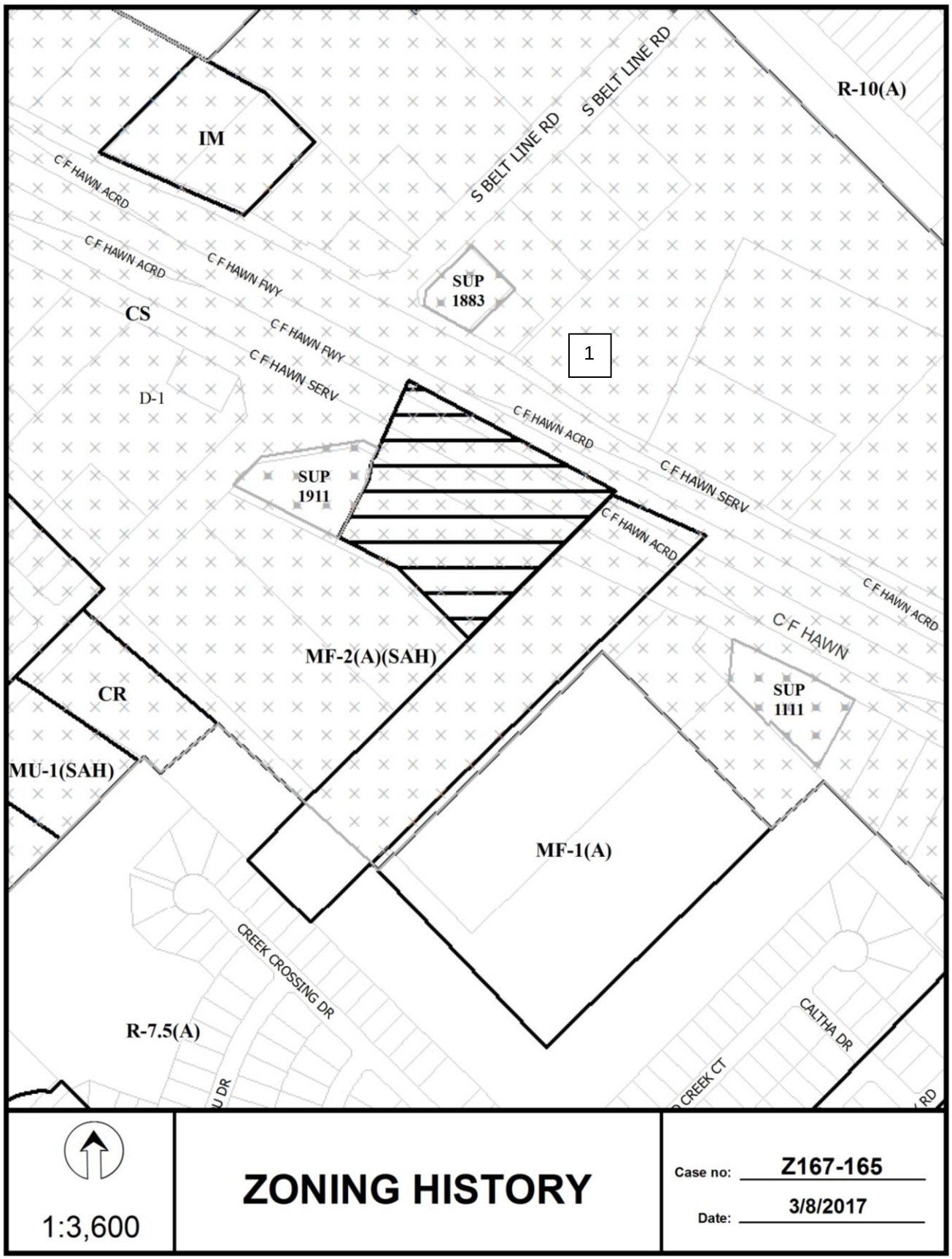
1:3,600
ZONING AND LAND USE
Case no: Z167-165
Date: 3/8/2017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D-1
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SUP
1911
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CR
SUP
1111
MU-1(SAH)
MF-1(A)
CREEK CROSSING DR
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CALTHA DR
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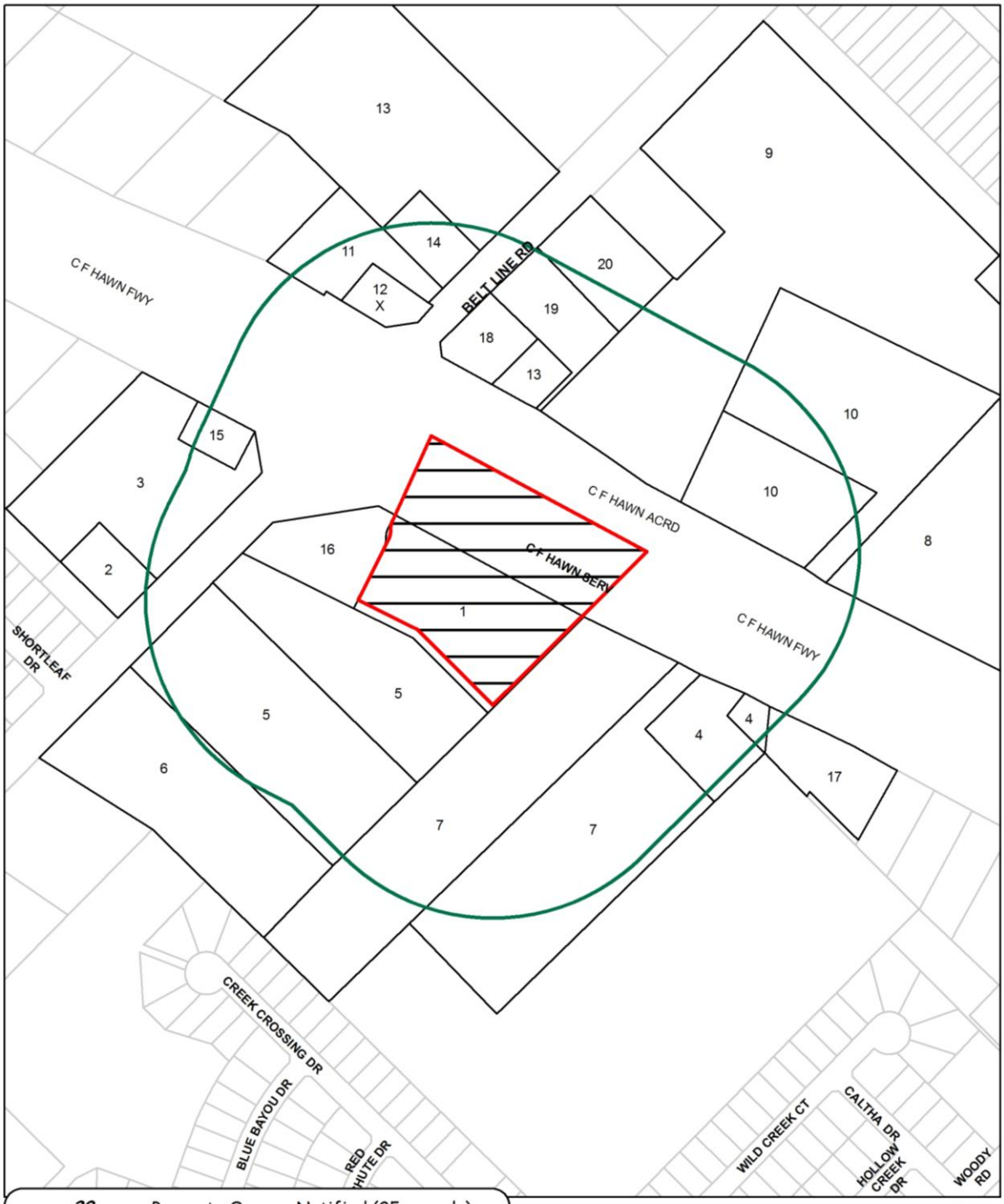
ZONING HISTORY
Case no: Z167-165
Date: 3/8/2017

CPC RESPONSES



20	Property Owners Notified (25 parcels)
0	Replies in Favor (0 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
4/6/2017	Date

Z167-165
CPC

N W E S

1:3,600

04/05/2017

Reply List of Property Owners

Z167-165

20 Property Owners Notified ***0 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	13558	C F HAWN FWY	COMEDA REAL ESTATE
	2	1931	S BELTLINE RD	MORAN JOSEPH P
	3	13508	C F HAWN FWY	ALMO INVESTMENT II LTD
	4	13830	C F HAWN FWY	SOTO JOSE OMER
	5	1904	S BELTLINE RD	KWON YOONGHEE
	6	1900	S BELTLINE RD	SANTILLAN CANDIDO
	7	13700	C F HAWN FWY	WOODSIDE BRIDLE PATH APARTMENTS
	8	13943	C F HAWN FWY	KLEBERG MARKET PLACE INC
	9	13710	C F HAWN FWY	BELTLINE & HAWN INC
	10	13701	C F HAWN FWY	KLEBERG MARKET PLACE INC
	11	13415	C F HAWN FWY	OM SHANTI ARP LLC
X	12	13525	C F HAWN FWY	POWERS J D &
	13	1811	S BELTLINE RD	KAMY REAL PPTY TRUST
	14	1800	S BELTLINE RD	CRARE INC
	15	13510	C F HAWN FWY	MASRI ABDELRAZAK
	16	1920	S BELTLINE RD	ALMO INVESTMENTS LTD
	17	13838	C F HAWN FWY	BECERRA LEONARDO
	18	13601	C F HAWN FWY	SEJ ASSET MANAGEMENT & INVESTMENT COMPANY
	19	1800	S BELTLINE RD	MCDONALDS CORP 42 524
	20	1790	S BELTLINE RD	SEAGOVILLE ONE LP

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bail bonds office on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the west side of South Riverfront Boulevard, north of Bessemer Street

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

Z167-193(KK)

Note: This item was considered by the City Council at a public hearing on April 26, 2017, and was deferred until May 10, 2017, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, May 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-193(KK) **DATE FILED:** January 23, 2016

LOCATION: West side of South Riverfront Boulevard, north of Bessemer Street

COUNCIL DISTRICT: 6 **MAPSCO:** 45-S

SIZE OF REQUEST: Approx. 0.12 acres **CENSUS TRACT:** 100.00

APPLICANT/ OWNER: Jamal Qaddura/Mehmood and Melik Lakhani

REPRESENTATIVE: Jamal Qaddura

REQUEST: An application for a Specific Use Permit for a bail bonds office on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District.

SUMMARY: The applicant proposes to operate a bail bonds office in an existing one-story, 3,405 square foot building. A Specific Use Permit is required because the land use is located more than 500 feet from a detention facility.

CPC RECOMMENDATION: **Approval** for a two-year period, with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- On September 24, 2008, the City Council approved the creation of Planned Development District No. 784, the Trinity River Corridor Special Purpose District. The request site is located within the Mixmaster Riverfront Subarea.

- On February 8, 2012, the City Council approved Specific Use Permit No. 1934 for a bail bonds office for a two year period with eligibility for automatic renewals for additional two-year periods on the request site. A renewal was not applied for and this SUP expired February 8, 2014. Per the applicant there was miscommunication between the individual handling the SUP renewal and ownership. Due to this lack of communication, the SUP renewal time period lapsed and the SUP expired.

- The applicant's request for a Specific Use Permit will allow for the continued operation of the bail bonds office at this location. The requirement of the specific use permit is because the bail bonds office is located more than 500 feet away from a detention center per PDD No. 784.

- The request site is surrounded by PDD No. 784. Adjacent uses include an existing bail bonds office and general merchandise to the north, to the far north is the Lew Sterrett Justice Center. A construction staging area and undeveloped land is to the east, further east is downtown Dallas. To the west are industrial and warehouse uses, to the south is the I30 and 35 Hwy Mixmaster.

Zoning History: There has not been any zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Riverfront Boulevard	Principal Arterial	130 ft.
Bessemer Street	Local	40 ft.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it will not impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being located within the Commercial Corridor.

The request of an SUP for a bail bonds office at this location is characteristic of the Commercial Corridor Building Block. 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 located at the intersection of major streets, are easily accessed via automobiles. Given the close proximity to Lew Sterrett Justice Center this is an understandable proposal. The following goal and policy supports the proposed request.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Surrounding Land Uses:

	Zoning	**Land Use**
Site	PDD No.784	Proposed Bail Bonds Office
North	PDD No.784	Bail Bond Office, Gen Merch w/ Motor Vehicle Fueling
South	PDD No.784	I30 & 35 Hwy Mixmaster
East	PDD No.784	Undeveloped, Construction Staging Area
West	PDD No.784	Industrial & Warehouse Uses

Land Use Compatibility:

The request site is developed with a 3,405 square foot structure with five off-street parking spaces located along the eastern facade. The applicant proposes to continue to operate a bail bonds office within the building. Per PDD No. 784, the requested use

requires an SUP when located more than 500 feet from a detention facility. The site is situated approximately 1,300 feet south of the Lew Sterrett Justice Center (Riverfront Boulevard and Commerce Street); therefore, requiring a Specific Use Permit per PDD No. 784.

Surrounding land use consists of a mix of nonresidential uses in all directions, while the uses to the south are separated from the site by the elevated portion of westbound access to IH 30. The commercial/industrial uses to the west, along Rock Island Street, abut the levee. It should be noted there are numerous bail bonds offices on properties concentrated along Riverfront Boulevard.

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 site is located approximately 65 feet from the nearest bail bond office and approximately 1,296 feet from the nearest detention facility (Lew Sterrett Justice Center) and is compatible with the surrounding uses. The conditions associated with the land use, and short initial time period will help to mitigate any potentially negative issues. The SUP may not be renewed if the property is not compliant with the conditions set forth. Staff has determined the applicant's request, subject to the attached site plan and conditions, complies with the intent of the requirements for a specific use permit.

Parking:

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200. The Dallas Development Code requires off-street parking to be provided for a bail bonds office is one space per 333 square feet of floor area for uses with a floor area. The required off-street parking for this use at a total floor area of 3,405 square feet is 10 off-street parking spaces required. The site plan provides 4 spaces, the balance of the required parking will be provided by means of a parking agreement, which will require the building official's approval prior to the issuance of a

certificate of occupancy. A new certificate of occupancy will have to be obtained by ownership because building inspection has placed a hold on their tax parcel for the requirement of an SUP. Once the SUP is obtained, a certificate of occupancy can be applied for; a plan review will take place and this is when the parking will be resolved.

Landscaping:

The applicant is not proposing additional floor area or nonpermeable surface area that would trigger Article X landscaping requirements. The existing planters along the northern and eastern building facades will be maintained with landscaping to meet the SUP conditions.

CPC Action

March 16, 2017:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a bail bonds office for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the west side of South Riverfront Boulevard, north of Bessemer Street.

Maker: Rieves
Second: Houston
Result: Carried: 14 to 0

For: 9 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murhpy, Ridley, Tarpley

Against: 0
Absent: 1 – Haney
Vacancy: 0

Notices: Area: 200 Mailed: 4
Replies: For: 0 Against: 0

Speakers: None

List of Partners/Prinicpals/Officers

Mehmood and Malik Lakhani

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a bail bonds office.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance), but is eligible for automatic renewal for additional two-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

4. LANDSCAPING: Landscaping must be maintained per the attached site plan. Landscaping must be maintained in a healthy, growing condition.

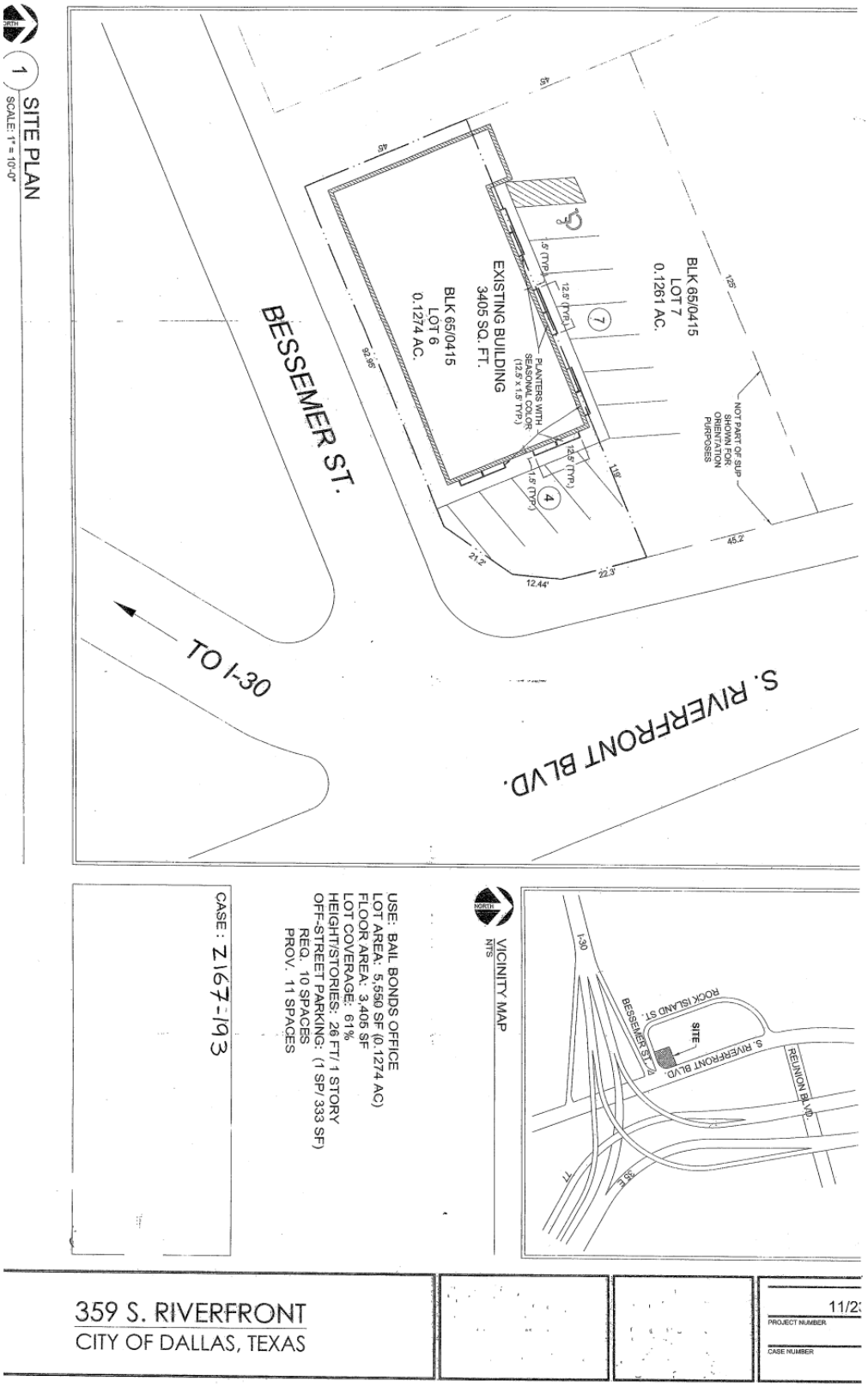
5. FLOOR AREA: Maximum floor area for a bail bonds office is 3,405 square feet.

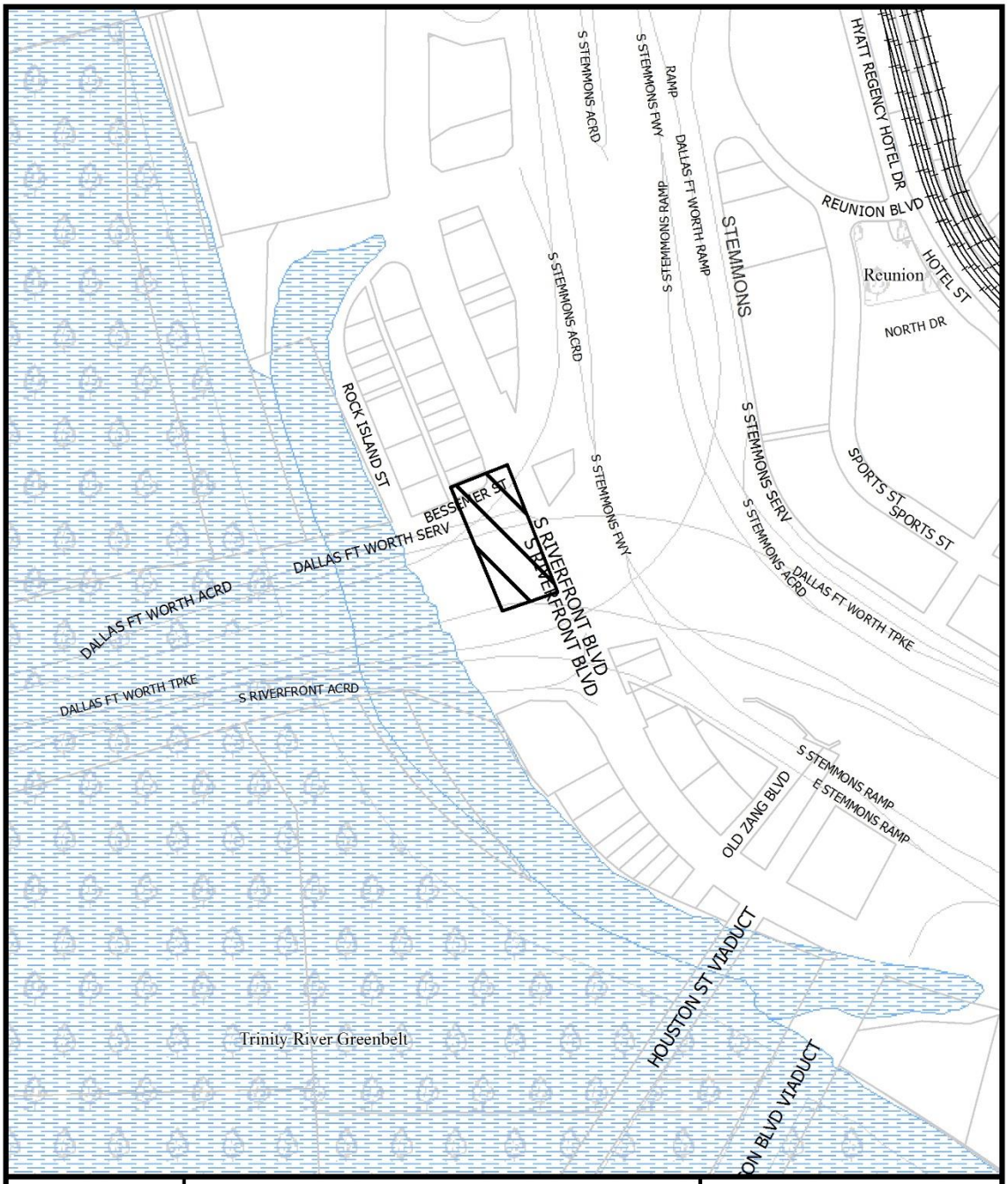
6. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

7. 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





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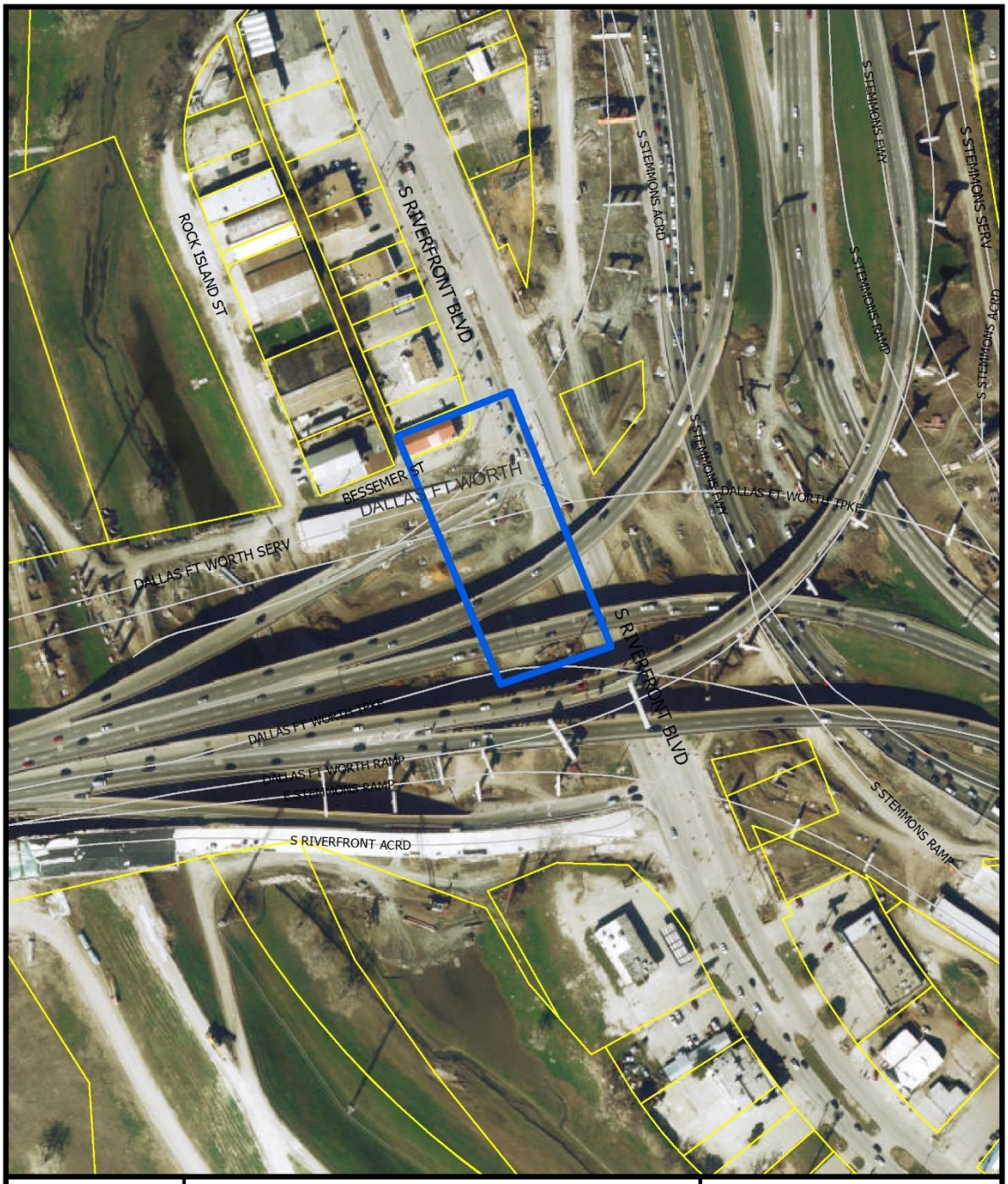
VICINITY MAP

Case no: Z167-193

Date: 3/2/2017



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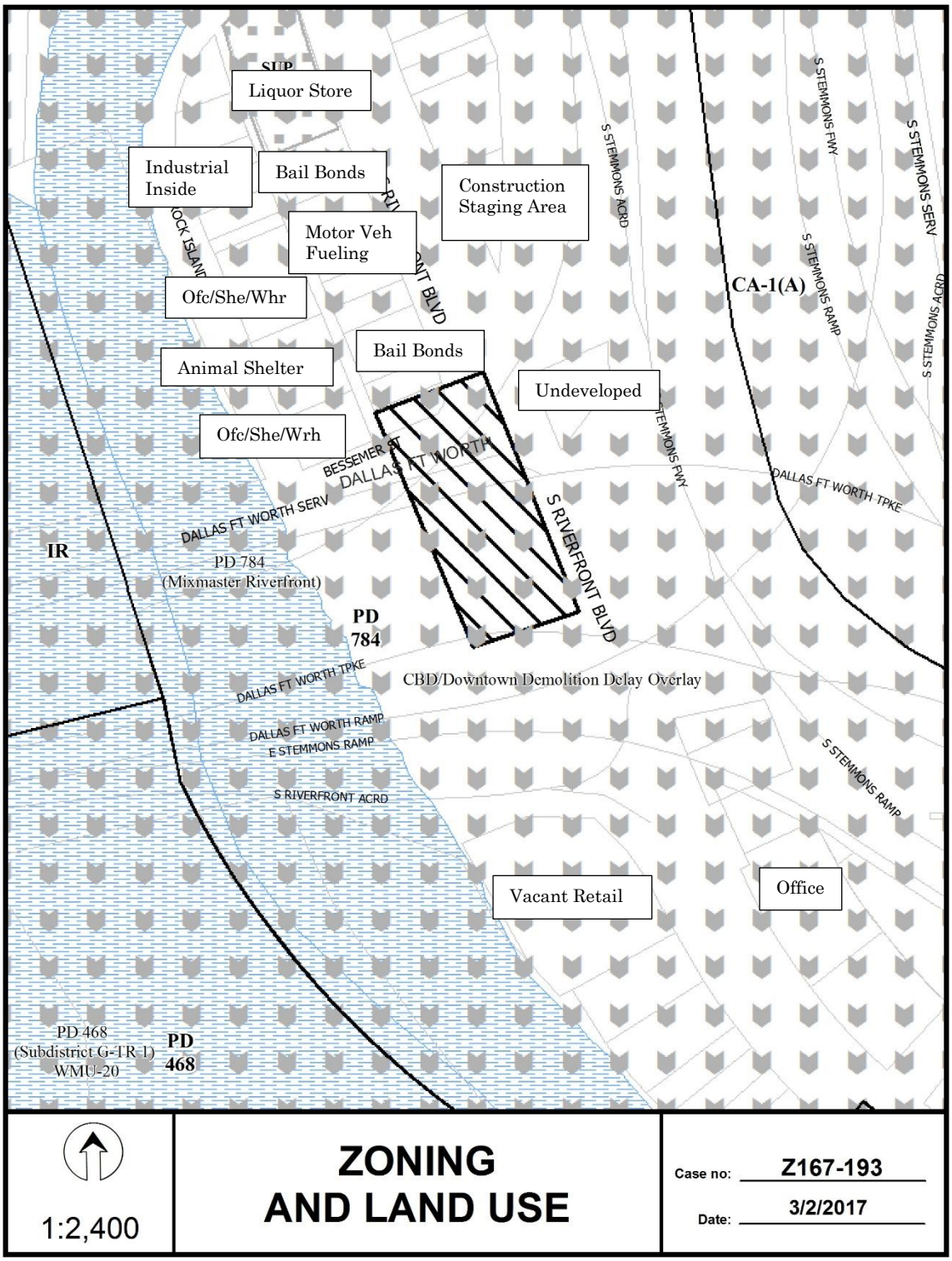
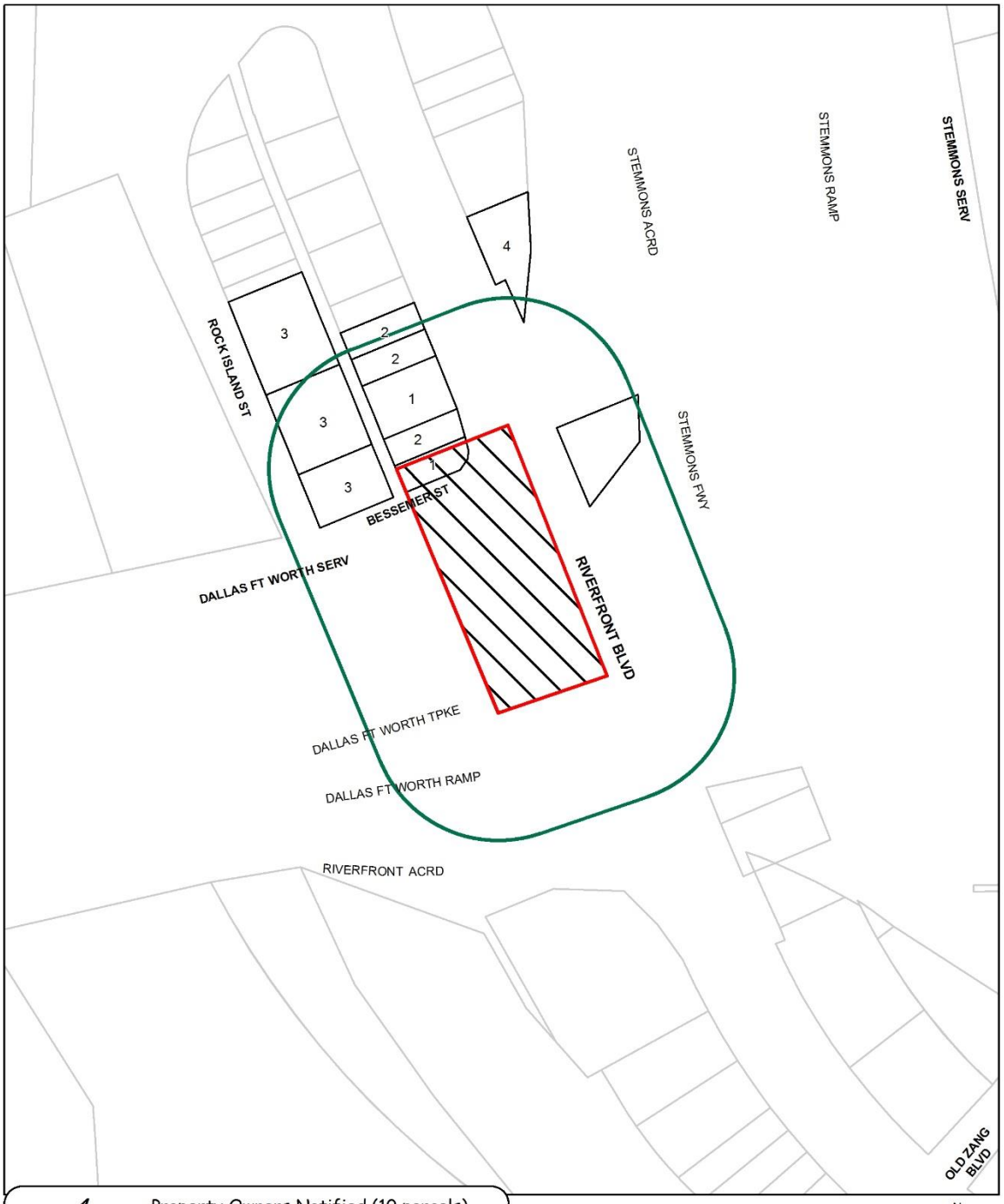
AERIAL MAP

Case no: Z167-193

Date: 3/2/2017


SUP
Liquor Store
Industrial Inside
Bail Bonds
Construction Staging Area
Motor Veh Fueling
Ofc/She/Whr
Animal Shelter
Bail Bonds
Undeveloped
Ofc/She/Wrh
CA-1(A)
IR
PD 784
(Mixmaster Riverfront)
PD 784
CBD/Downtown Demolition Delay Overlay
Vacant Retail
Office
PD 468
(Subdistrict G-1R-1)
WMU-20
PD 468
S STEMMONS ACRD
S STEMMONS FWY
S STEMMONS SERV
S STEMMONS RAMP
BESSEMER ST
DALLAS FT WORTH
DALLAS FT WORTH SERV
DALLAS FT WORTH TPKE
S RIVERFRONT BLVD
DALLAS FT WORTH RAMP
E STEMMONS RAMP
S RIVERFRONT ACRD
1:2,400
ZONING
AND LAND USE
Case no: Z167-193
Date: 3/2/2017

CPC RESPONSES



4	Property Owners Notified (10 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
3/16/2017	Date

Z167-193
CPC

N W E S

1:2,400

03/15/2017

Reply List of Property Owners

Z167-193

4 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	359	S RIVERFRONT BLVD	LAKHANI MEHMOOD &
	2	355	S RIVERFRONT BLVD	LAKHANI MEHMOOD
	3	326	ROCK ISLAND ST	HARGETT ELECTRIC COMPANY LP
	4	362	S RIVERFRONT BLVD	SANTIAGO GP LLC

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 15 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Phase 1 within Planned Development District No. 114 on the northeast corner of Belt Line Road and Prestonwood Boulevard
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, revised development plan and conditions
Z156-313(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-313(WE) **DATE FILED:** July 22, 2016

LOCATION: Belt Line Road and Prestonwood Boulevard, northeast corner

COUNCIL DISTRICT: 11 **MAPSCO:** 15-A

SIZE OF REQUEST: Approx. 11.8514 acres **CENSUS TRACT:** 136.20

APPLICANT / OWNER: PWC Associates, LLC

REPRESENTATIVE: Robert Reeves
Robert Reeves & Associates

REQUEST: An application for an amendment to Phase 1 within Planned Development District No. 114.

SUMMARY: The purpose of the request is to amend the conceptual plan, development plan, and PD conditions to allow for the development of senior housing and convalescent and nursing homes and related institutions. Currently the conditions permit the development of office and retail uses. A major portion of the proposed mixed use development will be oriented towards the adjacent golf course.

CPC RECOMMENDATION: **Approval**, subject to a revised conceptual plan, revised development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised conceptual plan, revised development plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- On December 5, 1979, the City Council approved Planned Development District No. 114. There have been subsequent amendments to Planned Development District No. 114, with the latest amendment being approved by the City Council on April 10, 1996.

- The applicant proposes to amend the conditions, conceptual plans, development plan to Phase 1 of Planned Development District No. 114 to allow for the development of retirement housing and convalescent and nursing homes, hospice care and related institutional, retail and office uses. In addition, the applicant is proposing to deviate slightly from the code's definition of "retirement housing" which is designed for persons 55 years of age and older. The applicant is proposing to define the term "Senior housing" as persons 55 years and older and any person that is physically handicapped that requires medical care. The proposed residential development will permit any person with a physical handicap that requires medical care to reside in the development.

- Phase I of Planned Development District No. 114 permits a maximum of 300 multiple-family units that must be part of mixed use development and limits the retail uses to a maximum of 50,500 square feet of floor area.

- The applicant's request to redevelop Phase I will include the construction of two mixed use towers. The towers will not exceed the maximum allowable height of 240 feet and will be built in phases. The mixed use development will be primarily residential with a retail and/or office component on the ground floor level. The retail uses that are oriented towards the surface parking areas must be at least 50 percent transparency. The applicant is requesting that the residential proximity slope not apply as well as increase the maximum number of dwelling from 300 units to 480 units.

Zoning History: There have not been any zoning changes requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Belt Line Road	Principal Arterial	120 ft.	120 ft.
Prestonwood Blvd.	Collector	80 ft.	80 ft.

Land Use:

	Zoning	Land Use
Site	PD No. 114 (Phase I)	Office, Restaurant, Theatre
North	PD No. 114 (Phase II)	Multifamily
South	Town of Addison	Park, Office
East	PDD No. 26, R-16(A), SUP No. 425	Golf Course
West	PD No. 114 (Phase II), PD No. 614	Retail, Townhouse, Office

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.

ECONOMIC DEVELOPMENT:

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other

STAFF ANALYSIS:

Land Use Compatibility: The site is developed with a variety of uses, which includes a theatre, restaurant, two office towers and surface parking. The land uses contiguous to the site, are developed with multiple-family uses [Phase II of PDD No. 114] and a golf course. Planned Development District No. 614, which is west of the request site, across Prestonwood Boulevard, is developed with townhouses and retail uses. The property south of the site, across Belt Line Road, is in the City of Addison area is developed with offices and a park.

The applicant's request for an amendment to Phase I of Planned Development District No. 114 will permit the redevelopment of the eastern portion of the site. At this time, the portion of site that consists of the theatre is not slated for redevelopment. The applicant proposes to construct two mixed use towers. The towers will not exceed the maximum

allowable height of 240 feet and will be built in phases. The mixed use development will be primarily residential with a retail and/or office component on the ground floor level. The retail uses that are oriented towards the surface parking areas must be at least 50 percent transparency. The applicant is requesting the residential proximity slope not apply as well as increase the maximum number of dwelling from 300 units to 480 units. Even though the PDD conditions allow for a maximum structure height of 240 feet in Phase I, the request to remove the RPS is due to a portion of the golf course being zoned an R-16(A) District. The minimum distance of the proposed 240 foot development will need to at least 720 feet from the R-16(A) property line. The R-16(A) District is approximately 226.60 feet from the closest office building.

In addition, the PDD conditions state the following for buildings within the Planned Development District regarding structures exceeding 213 feet. "No building permit may be issued for a building exceeding 213 feet above grade, or 800 feet above mean sea level, unless the Federal Aviation Administration has issued a letter stating that the building will not be a hazard to aeronautical navigation. In no case may the maximum building height exceed 240 feet."

In addition, the applicant proposes to amend the conceptual plan and development plan to Phase 1 of Planned Development District No. 114 to allow for the development of retirement housing and convalescent and nursing homes, hospice care and related institutional, retail and office uses. The applicant is proposing to deviate slightly from the code's definition of "retirement housing" which is designed for persons 55 years of age and older. The applicant is proposing to define the term "Senior housing" as persons 55 years and older and any person that is physically handicapped that requires medical care. The proposed development will also have kitchens in the suites. The kitchens will allow the tenants the option to prepare meals in their rooms or dine in the central dining area.

Staff has met with the applicant to discuss the proposed development and is recommending approval, subject to conceptual plan, development plan and conditions. As the proposed development is constructed in phases, each phase of the development will meet the requirements in the Planned Development conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 114 - existing Phase I	Tr 1 - 5' Tr. II & III – 15'	Tr. 1 – no min. Tr. II & III – 5'	Max. fl. area 66,677 sq. ft. Max Tr.1 – 43,820 Max. Tr.2- 15,047	36'	80%	Proximity Slope Visual Intrusion	Industrial (inside), wholesale, Office, retail

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Traffic: The Engineering Section 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.

CPC Action (April 6, 2017)

Motion: It was moved to recommend **approval** of an amendment to Phase 1, subject to a revised conceptual plan, revised development plan (as briefed) and revised conditions within Planned Development District No. 114 on the northeast corner of Belt Line Road and Prestonwood Boulevard.

Maker: Schultz
Second: Murphy
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 25
Replies: For: 1 Against: 0

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Against: None

LIST OF OFFICERS/PARTNERS

PWC Associates, LLC

- Robert K. Carlin Member
- Mike R. Ward Member

CPC PROPOSED PDD CONDITIONS

SEC. 51P-114.102. PROPERTY LOCATION AND SIZE.

PD 114 is established on property generally located at the northeast corner of Belt Line Road and Prestonwood Boulevard. The size of PD 114 is approximately 59.272 acres.

SEC. 51P-114.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article. In this article, SENIOR HOUSING means a residential facility principally, but not totally, for persons 55 years of age or older and any person that is physically handicapped that requires medical care. This use does not include a convalescent or nursing home, which is defined as a separate main use.

(i) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities and a kitchen.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

SEC. 51P-114.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 114A: conceptual plan 1.

(2) Exhibit 114B: conceptual plan 2.

(3) Exhibit 114C: detailed development plan for Phase I.

(4) Exhibit 114D: shared use parking chart for Phase I.

SEC. 51P-114.103.2 VISION STATEMENT FOR PHASE I.

In order to maximize its strategic location, it is envisioned that Phase I will be a vibrant mixed-use development focused on residential, retail, restaurant uses, and/or office uses. The development will be pedestrian-friendly with usable open space dispersed throughout the site resulting in pedestrian connectivity. The development will take advantage of the spectacular view to the east by orienting buildings to capture the views. The ground level of parking structures will be integrated with uses other than parking, which will enhance the pedestrian experience.

SEC. 51P-114.104. CONCEPTUAL PLAN.

Use of the Property must comply with the conceptual plans (Exhibits 114A and 114B). These plans supersede all previous conceptual plans and the detailed development plan approved August 14, 1986. [Note: Ordinance No. 22728 provided a revised conceptual plan for Phase III. See Exhibit 114B]

SEC. 51P-114.105. DEVELOPMENT PLAN.

(a) Phase I. Phase I is currently built on the Property. Development of Phase I must comply with the detailed development plan (Exhibit 114C).[~~, which shall supersede all previous conceptual or detailed development plans approved for Phase I.~~]

(1) Minor amendments.

(a) Except as provided in this subsection, an amendment to a development plan and landscape plan shall comply with provisions of Chapter 51A-4.702 (h) and (i).

(b) A minor amendment to an original development plan is not required for:

(i) modifications to existing entrances/exits or construction of new entrances/exists to the existing parking garage shown in Exhibit 114E in order to accommodate phased development for the approved development plan, Exhibit 114C.

(b) Phases II and III. A detailed development plan for Phases II and III or portions thereof must be submitted to and approved by the city plan commission prior to the issuance of any building permit for that portion of the Property not included in a detailed development plan.

(c) Detailed development plans. The applicant for development plan approval must furnish copies of the plan to the Far North Dallas Homeowner's Coalition; the Prestonwood Sections 19, 20, and 21 Homeowner's Association; and the Woodstream Property Association, or the designee of each, prior to the date the city plan commission considers the plan. The detailed development plan must include the site plan requisites listed in the "Development Impact Review" section of the Dallas Development Code. In deciding whether to approve or deny a development plan, the city plan commission shall follow the standards set out for the director of development services in the "Development Impact Review" section of the Dallas Development Code.

SEC. 51P-114.106. USES, USE REGULATIONS, AND DENSITIES.

(a) Hotel.

(1) Density. A maximum of 175,000 square feet of hotel use including no more than 200 hotel rooms may be constructed on the Property.

(2) Other uses permitted within each hotel.

(A) Each hotel is permitted restaurant; restaurant with alcoholic beverages and/or entertainment; bar, lounge, or tavern; and private club uses anywhere within the hotel. These uses combined may not exceed a maximum of 10,000 square feet of floor area per hotel, excluding kitchen and service areas. The location of these uses is not limited to the ground floor.

(B) Each hotel is permitted retail, personal, professional, and custom craft uses, subject to the requirements of the MO Mid Rise Office District set forth in the Dallas Development Code. The location of these uses within each hotel is not limited to the ground floor.

(C) The floor area of the additional uses permitted is included in the maximum floor area permitted for hotel use set forth in this subsection.

(3) Kitchen facilities permitted in rooms. For purposes of this PD, each individual hotel room may contain kitchen facilities.

(b) Office.

(1) Definition. For purposes of this PD, "office use" means all permitted and limited uses authorized in the MO Mid-Range Office Matrix District as defined by the Dallas Development Code, subject to all of the applicable provisions for uses in that district.

(2) Density. Except as otherwise provided in this paragraph, a maximum of 667,300 square feet of floor area of office uses is permitted north of Arapaho Road, and a maximum of 800,000 square feet of floor area of office uses is permitted south of Arapaho Road; however the total floor area of office uses on the Property may not exceed 1,300,543 square feet. If multiple-family dwelling units are constructed on Phase III, the maximum floor area of office uses permitted north of Arapaho Road is 290,821 square feet. These density figures include the existing office uses in Phase I.

(c) Multiple-family and /or Senior Housing suite.

(1) Phase I.

(A) No more than [~~300~~] 480 multiple-family units may be constructed on Phase I.

(B) A multiple-family use, which includes senior housing, must be part of a mixed use project. To qualify as a mixed use project, a development must contain uses from [~~three~~] two or more categories and must meet or exceed the percentages of total floor area of the project for an MU-1 Mixed Use District per Section 51A-4.125(b). For a mixed use project, Phase I is treated as a single building site.

(C) Kitchen facilities permitted in suites. For purposes of this PD, each individual senior housing suites may contain kitchen facilities.

(D) For the purpose of a mixed use project and complying with the provisions of Section 51A-4.125, convalescent and nursing homes and related institutions are considered residential uses and a theater is considered a retail and personal service use.

(2) Phase II. No more than 250 multiple-family units may be constructed on Phase II.

(3) Phase III. Multiple-family development on Phase III must comply with the following requirements.

(A) No more than 392 multiple-family dwelling units may be constructed on Phase III, and the maximum dwelling unit density is 24 dwelling units per acre.

(B) A minimum 30-foot-wide landscaped buffer must be provided along the Arapaho Road frontage and along the western boundary of Phase III adjacent to the existing private drive for the first 200 linear feet north of Arapaho Road. Prior to the issuance of a certificate of occupancy on Phase III, a minimum of one four-inch-caliper live oak or red oak tree must be planted for each 20 linear feet of frontage within the landscaped buffer areas along Arapaho Road and the western boundary line. Additional landscape features must be provided within the buffer areas including, but not limited to, shrubbery, grass, ground cover, flower beds, and berms. All landscaping must be automatically irrigated and maintained in a healthy growing condition. The owner shall replace any dying, damaged, or unhealthy trees or other plant material with substantially similar materials within 30 days of receipt of written notice to do so from the city.

(C) All surface parking must be screened from an adjacent street by a minimum three and one-half foot high earthen berm with turf grass or ground cover recommended for local use by the director of park and recreation. The berms may not have a slope that exceeds one foot in height for each three feet of width.

(D) All heating and air conditioning units, other utility or mechanical equipment, and trash collection receptacles and equipment must be screened from all perimeter streets, and be maintained in a clean and sanitary condition. Screening required by this condition must comply with the screening requirements contained in Section 51A-4.602(b).

(E) Fences may be constructed within the required front yards provided that they do not exceed eight feet in height and are setback at least 20 feet from the property line.

(F) All common areas, parking areas, and main points of ingress and egress must be illuminated during all nighttime hours (from dusk until dawn).

(G) Construction of the first multiple-family dwelling unit on Phase III must begin within two and one-half years of April 10, 1996, the date of passage of

Ordinance No. 22728, with reasonable and continuous progress maintained until completion. If the property owner fails to comply with this condition, the city plan commission may call a public hearing to determine the property zoning of Phase III.

(d) Theater.

(1) In general. All theater uses combined in this district are limited to a maximum of 2,000 seats and 49,000 square feet of floor area.

(2) Phases II and III. Theater uses in Phases II and III are, limited to 2,000 seats and 22,468 square feet of floor area.

(e) Retail.

(1) Retail, and bar and restaurant uses, listed as permitted uses in a GR General Retail District in the Dallas Development Code, are limited to a total of 107,000 square feet. A maximum of 50,500 square feet is permitted on Phase I, and a maximum of 25,000 square feet is permitted on Phase II.

(2) A pawn shop is not permitted in this district.

(3) Stores that sell primarily tobacco products and accessories for tobacco products are prohibited in Phase I.

(4) A bar, lounge, or tavern requires an SUP in Phase I.

(f) Golf course. The private golf course as shown on the conceptual plan is permitted.

(g) Additional main uses permitted in Phase I.

(1) Residential uses.

-- Duplex.
-- Handicapped group dwelling unit.
-- Single-family.

(2) Medical uses.

[~~-- Ambulance service.~~]
-- Medical appliance fitting and sales.
-- Optical shop.

(3) Recreation and entertainment uses.

-- Inside commercial amusement.
[~~-- Outside commercial amusement. [SUP.]~~]
-- Private recreation club or area.

[~~-- Wax museum.~~]

(4) Professional, personal service, and custom craft uses.

-- Barber and beauty shop.
-- Custom cleaning shop.
[~~-- Commercial wedding chapel.~~]
-- Handcrafted art work studio.
-- Handcraft bookbinding.
-- Health studio.
-- Instructional arts studio.
-- Key shop.
-- Laundry or cleaning pickup and receiving station.
-- Photography studio.
-- Safe deposit boxes.
-- Self-service laundry or dry cleaning.
-- Shoe repair.
-- Tailor, custom sewing, and millinery.
-- Travel bureau.

(5) Motor vehicle related uses.

[~~-- Auto parts sales (inside only).~~]
-- Commercial parking lot or garage.

(6) Commercial uses.

[~~-- Appliance fix-it shop.~~]
[~~-- Building repair and maintenance shop.~~]
-- Custom print shop.
-- Duplication shop.
-- Garden shop, plant sales, or greenhouse.
[~~-- Gummed label printing.~~]
[~~-- Plumbing, electrical, air conditioning, and heating shops.~~]
[~~-- Tool and equipment rental (inside display only).~~]

(7) Storage and waste disposal uses.

-- Office/showroom warehouse.

[~~(8) Animal related uses.~~]

[~~-- Animal clinic without outside run.~~]

(8) Institutional uses.

-- Convalescent and nursing homes and related institutions. [limited to 480 beds]

(h) Accessory use prohibited in Phase I. The following accessory use is prohibited in Phase I:

-- Pedestrian skybridge.

(i) Phase I Residential Proximity slope. In Phase I, the residential proximity slope does not apply.

SEC. 51P-114.107. LANDSCAPING.

(a) Landscape plan. Except for Phase I, a detailed landscape plan which complies with this article and the landscaping regulations contained in the Dallas Development Code must be submitted to the city plan commission concurrent with each detailed development plan, and must be approved prior to the issuance of any building permit on the Property.

(b) Tree preservation for Phase III. In addition to those caliper inches of trees required pursuant to Fill Permit F.P. 92-08, granted by the city council on September 9, 1992, an additional 662 caliper inches of replacement trees must be provided for those trees removed between 1992 and 1996. For any trees removed after April 10, 1996, the date of passage of Ordinance No. 22728, compliance with Division 51A-10.130 is required. The planting of trees required by this subsection may be done in phases, as long as the phasing schedule is shown on the approved landscape plan for Phase III and complies with the following.

(1) All trees required to be planted within the 30-foot-wide landscaped buffers along the Arapaho Road frontage and along the western boundary of Phase III, as provided for in Section 51P- 114.106(c)(3)(B), must be planted within 12 months of the issuance of the first building permit.

(2) All remaining trees must be planted within 30 months from the issuance of the first building permit.

(c) Phase I. Except as provided in this subsection, landscaping must be provided in accordance with Article X.

(1) Parking lot screening.

(A) Off-street parking lots must be screened:

(i) prior to the issuance of a certificate of occupancy for a theater exceeding 22,468 square feet or 2,000 seats;

(ii) when more than 10,000 square feet of new floor area is constructed; or

(iii) when remodeling permits have been issued for more than 25 percent of the floor area of existing retail and personal service uses within a 24-month period. (B) Required parking lot screening must be at least three feet in height along the entire street frontage of the parking lot exclusive of driveways and visibility triangles.

(2) Landscaping for large projects. The following landscaping is required when more than 10,000 square feet of new floor area is constructed or when remodeling permits have been issued for more than 25 percent of the floor area for existing retail and personal service uses, except a theater use, within a 24-month period.

(A) Foundation planting.

(i) Large shrubs are required along the foundation of the main building.

(ii) The shrub planting area must be at least three feet wide and extend along at least 50 percent of the foundation that faces a street.

(iii) The shrubs must be spaced no more than six feet apart measured from trunk to trunk.

(B) Street trees.

(i) Street trees must be provided in accordance with Section 51A- 10.125(b)(4) except the building official may approve small trees to substitute for large canopy trees where a utility conflict exists.

(ii) Small trees and large trees must comply with the minimum size requirements in Section 51A-10.125(b)(6).

(iii) Street trees may be planted in the parkway.

(C) Parking lot trees.

(i) No required parking space may be located more than 80 feet from the trunk of a large canopy tree.

(ii) Each tree required by this paragraph must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot.

(D) Perimeter landscape buffer strip. A 10-foot-wide perimeter landscape buffer strip must be provided along the entire length of the portion of a lot where a residential adjacency exists, exclusive of driveways and accessways at points of ingress and egress to and from the lot.

(3) Maintenance. Plant materials must be maintained in a healthy, growing condition.

(4) 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 Phase I for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. “Parkway” means the portion of a street right-of-way between the street curb and the lot line. 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 parkway 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 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 subsection.

(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 subsection, 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 subsection 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.

(5) Parkway landscape permit.

(A) 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 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 parkway 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 parkway 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 parkway landscaping requirement of this article if compliance is made impossible due to the building official's denial of a parkway landscape permit.

(D) A parkway 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 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 building official's revocation of a parkway landscape permit.

(E) The issuance of a parkway 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.

SEC. 51P-114.108. BUILDING SETBACK.

(a) In general. All buildings and structures on the Property must comply with the minimum building setbacks set forth for an MO Mid-Rise Office District in the Dallas Development Code, except as modified below.

(b) St. Louis and Southwestern Railroad setback. Minimum setback from the southerly right-of-way line of the St. Louis and Southwestern Railroad as shown on the conceptual plan is 20 feet.

(c) Parking structure exemption. Parking structures that are constructed below the existing grade of Prestonwood Boulevard are permitted within the front yard setback.

(d) Phase I.

(1) The minimum front yard along Prestonwood Boulevard is 15 feet as shown on the detailed development plan.

(2) The minimum front yard along Belt Line Road is 25 feet as shown on the detailed development plan.

(3) No minimum side or rear yard is required.

SEC. 51P-114.109. FLOOR AREA CONVERSIONS.

In addition to the maximums indicated in Section 51P-114.106, the following conversions are permitted.

(1) Office floor area may be converted to a maximum of 225,000 square feet of additional retail and theater floor area at a ratio of two and one-half square feet of office floor area to one square foot of retail and theater floor area.

(2) The total nonresidential floor area, including conversions, may not exceed 1,600,000 square feet, nor the following maximum floor areas by use.

USE CATEGORY	MAXIMUM FLOOR AREA WITH CONVERSION (in square feet)
Office	1,300,543
Retail & Theater combined	332,000
Theater located in Phases II & III	22,468
Theater located in Phases I, II, & III	49,000
Hotel	175,000

SEC. 51P-114.110. MAXIMUM HEIGHT.

Maximum permitted heights are as shown on the conceptual site plan. Structures housing multiple-family uses that are located on Phase II may not exceed 50 feet in height. Structures housing multiple-family uses that are located on Phase III may not exceed 45 feet in height. No building permit may be issued for a building exceeding 213 feet above grade, or 800 feet above mean sea level, unless the Federal Aviation Administration has issued a letter stating that the building will not be a hazard to aeronautical navigation. In no case may the maximum building height exceed 240 feet.

SEC. 51P-114.111. PHASED OFFICE PARKING LIMIT.

(a) In general. In order to promote the development of transportation alternatives, the maximum number of parking spaces for office uses on the Property is restricted in accordance with the regulations below. In order to permit adequate parking for initial phases of development, the restrictions are phased in to gradually reduce the ratio of parking spaces to office floor area from 3.0 spaces for each 1,000 square feet to 2.38 spaces for each 1,000 feet square as development progresses. For the purposes of this

phased office parking limit, "office use" does not include medical clinics, nor retail uses permitted as limited uses or by SUP.

(b) Maximum office parking. The maximum number of parking spaces for office use is 3.0 spaces per 1,000 square feet until building permits have been issued for construction of 800,000 square feet of office use. When building permits have been issued for construction of more than 800,000 square feet of office use, but less than 1,100,000 square feet, the maximum number of parking spaces is 2.5 spaces per 1,000 square feet of office use. The maximum number of parking spaces for office use when building permits have been issued for construction of more than 1,100,000 square feet of office use is 2.38 spaces per 1,000 square feet.

(c) Minimum office parking. The minimum permissible number of parking spaces provided for office use at any stage of development is 2.0 spaces per 1,000 square feet.

(d) Minimum multiple-family parking for Phase III. Off-street parking for multiple-family uses on Phase III must be provided at a minimum ratio of 1.8 spaces per dwelling unit. Required off-street parking spaces may consist of garage spaces and tandem parking spaces located in front of garages.

(e) Requirements for other uses. All uses other than office and multiple-family uses in Phase III must supply parking in compliance with the minimum requirements of the Dallas Development Code however, no off-street parking may be supplied in excess of the minimum number of spaces permitted.

(f) Mixed use reduction. The provisions of Section 51-4.301(c)(6) (the mixed use parking reduction bonus) do not act to restrict the maximum number of spaces permitted, but may be used to calculate the minimum number of spaces permitted.

(g) Phase I.

(1) Building site. For the purposes of providing required parking, Phase I is considered one building site.

(2) Shared parking. In addition to the requirement of Section 51A-4.324(e), uses sharing parking may utilize the adjusted parking requirements specified in the shared use parking chart for calculating the adjusted parking requirement standard (Exhibit 114D) in order to comply with the required parking provisions.

(3) Structured parking. Parking structures must either be concealed from the street by the facade or roof structure of a main building, or have facades with the appearance of a multiple story building constructed with materials architecturally compatible with either the main building on the site or the closest building in Phase I. This paragraph applies to an expansion to the current parking structure or redevelopment of the parking structure.

(4) New parking structures with a façade located in the area that is required to have non-parking uses on the ground level as shown on the development plan must

either be concealed by the facade of a main building, or have facades with the appearance of a multiple story building constructed with materials architecturally compatible with either the main building on the site or the closest building in Phase I.

(5) Parking structures at ground level. For any building with a parking structure on the ground level, at least 20 percent of the perimeter of the ground level of the parking structure shown on the development plan must include one or more uses other than parking to a minimum depth of 20 feet. These uses must be located in the area identified on the development plan. The total façade area on the ground level must have at least 50 percent transparency, excluding garage and window openings.

(6) Surface parking lighting Every surface parking space located on the development plan must be located within 100 feet of a lighting standard no taller than 20 feet in height.

SEC. 51P-114.112. "NO PARKING" SIGNS.

The owner(s) must pay for the posting of "no-parking" signs on all dedicated streets traversing and bordering the Property at the direction of the director of public works and transportation.

SEC. 51P-114.113. STREET IMPROVEMENTS.

Street improvements must be designed and constructed at the owner's expense, to specifications that are approved by the director of public works and transportation. The following improvements must be completed prior to the issuance of any certificate of occupancy for office uses within Phase II or III of this PD:

(1) Three lanes on the southbound approach at Arapaho Road and Prestonwood Boulevard and realign the approach as deemed necessary by the director of public works and transportation.

(2) A right turn lane on the westbound approach of Arapaho Road at Prestonwood Drive.

(3) Deceleration lanes and median modifications as required by the department of public works and transportation to serve each phase of development.

SEC. 51P-114.114. ACCESS.

Curb cuts for vehicular ingress-egress are limited to the number and approximate locations shown on the conceptual site plan.

SEC. 51P-114.115. PAVING.

(a) All street, driveways, parking spaces, and maneuvering areas for parking areas must comply with the requirements of the Dallas Development Code.

(b) 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.

SEC. 51P-114.116. SIGNS.

(a) General regulations. All signs must comply with the provisions for business zoning districts contained in the Dallas Development Code, except that non-premise signs other than signs identifying a development project on the Property are prohibited.

(b) Additional sign regulations for multiple-family uses on Phase III. A maximum of two signs are permitted on Phase III. Signs must either be (1) monument signs with a maximum height of four feet and 32 square feet of effective area, or (2) attached signs with a maximum effective area of 12 square feet. Non-premise and all other detached signs are prohibited.

(c) Phase I. For the purpose signage, phase I is considered as one lot.

SEC. 51P-114.117. TRANSPORTATION SYSTEMS MANAGEMENT.

(a) In general. The owner(s) shall establish and operate a TSM program to encourage carpool, vanpool, and other transportation alternatives. A specific TSM action program must be submitted to the city plan commission concurrent with the submission of a detailed development plan that includes office use which would exceed an aggregate total floor area of 160,000 square feet for all office uses combined. When office floor area exceeds 800,000 square feet, the owner(s) must submit a parking demand study to the director of public works and transportation. An annual report must be furnished to the director of public works and transportation.

(b) Reports. The first report must be submitted within two years after the issuance of the first certificate of occupancy in Phase II or Phase III, whichever is issued first, and must be submitted annually thereafter until being directed otherwise by the director of public works and transportation. The final report must be submitted two years after the issuance of the certificate of occupancy which would permit occupancy of 90 percent of the final building shown on the detailed development plan(s).

(c) Alternative. In lieu of the requirements in Paragraph (a), the owner(s) may participate in and fund, on a pro rata basis with other local area property owners, an area-wide transportation management organization (TMO) that is approved by the city.

SEC. 51P-114.118. LOT COVERAGE.

(a) In general. Except as provided in Subsection (b) below, lot coverage, including parking structures above the existing grade of Prestonwood Boulevard, may not exceed 80 percent. (b) Multiple-family uses on Phase III. For multiple-family uses located on Phase III, the maximum permitted lot coverage is 50 percent. Garages and carports are included in lot coverage calculations. In addition, a minimum 20 percent open space, excluding surface parking areas, must also be provided on Phase III.

SEC. 51P-114.119. PROPERTY OWNERS ASSOCIATION IMPLEMENTATION PLAN.

(a) In general. It is contemplated that the ownership of the Property may be divided among different owners prior to any development occurring. In order to insure compliance with this article and to clearly apprise any potential owner of the Property of his responsibilities as an owner of any tract within the Property, a property owners association implementation plan ("PIP") must be submitted to and approved by the city plan commission prior to the approval of any development plan for the Property. Any amendment to the PIP must also be approved by the city plan commission.

(b) Requirements. The PIP must include at least the following:

(1) Reference to Ordinance No. 19255 by number.

(2) A plan to provide funding for required construction and maintenance of the improvements in common areas and rights-of-way.

(3) A plan to provide funding for required "no parking" signs.

(4) A requirement that the PIP be included in all instruments of conveyance of tracts within the Property.

(5) A plan for property owner participation in transportation systems management.

(6) A method of apportionment among owners of tracts within the Property of the cost of fulfilling the requirements of this article.

SEC. 51P-114.120. ORDINANCE NO. 16427.

Ordinance No. 16427, as amended by Ordinance No. 17108, remains in full force and effect unless amended by Ordinance No. 19255, as amended.

SEC. 51P-114.121. GENERAL REQUIREMENTS.

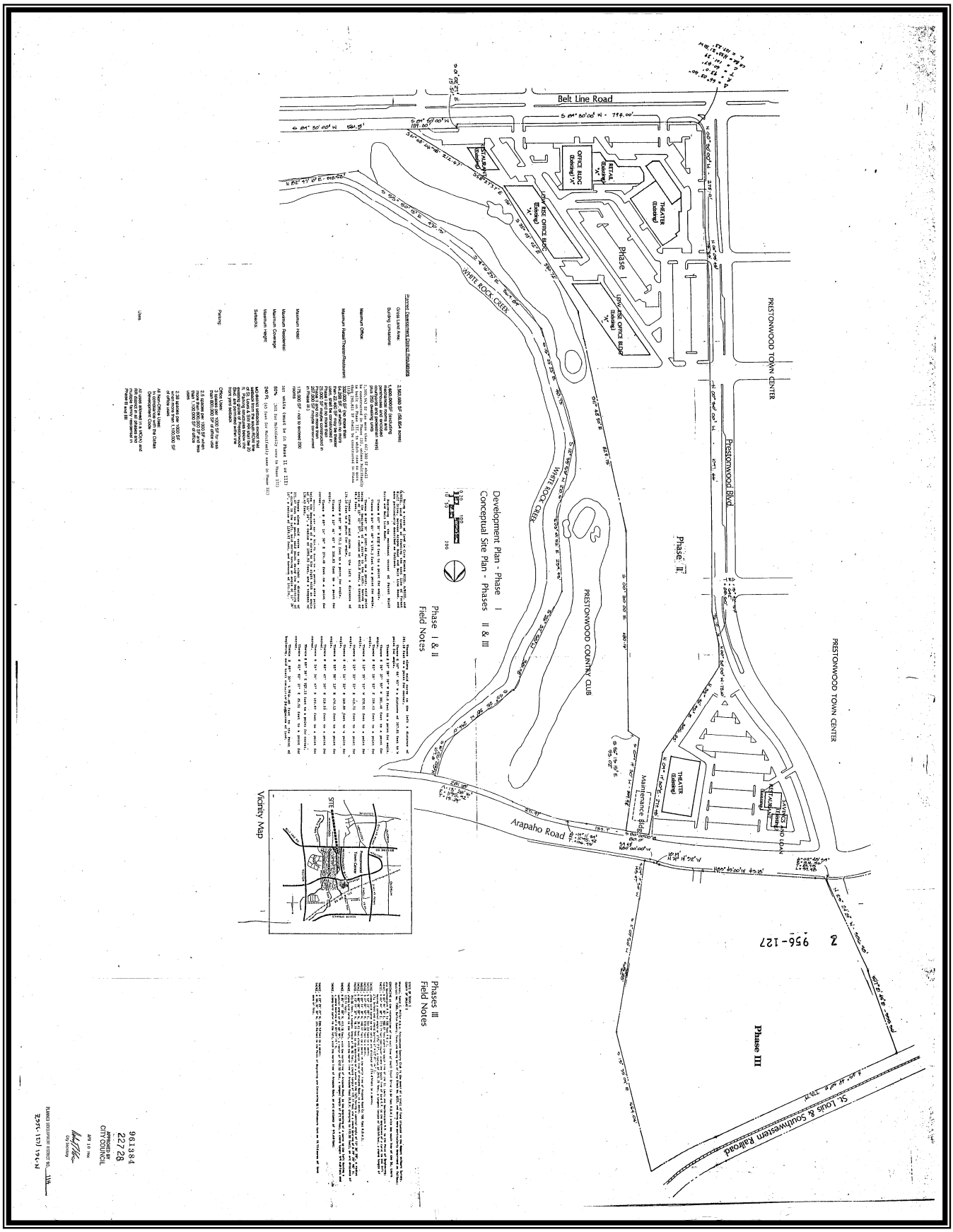
(a) Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city.

(b) The building official shall not issue a certificate of occupancy until there has been full compliance with this article and any applicable provisions of the Comprehensive General Zoning Ordinance of the city and the Dallas Building Code.

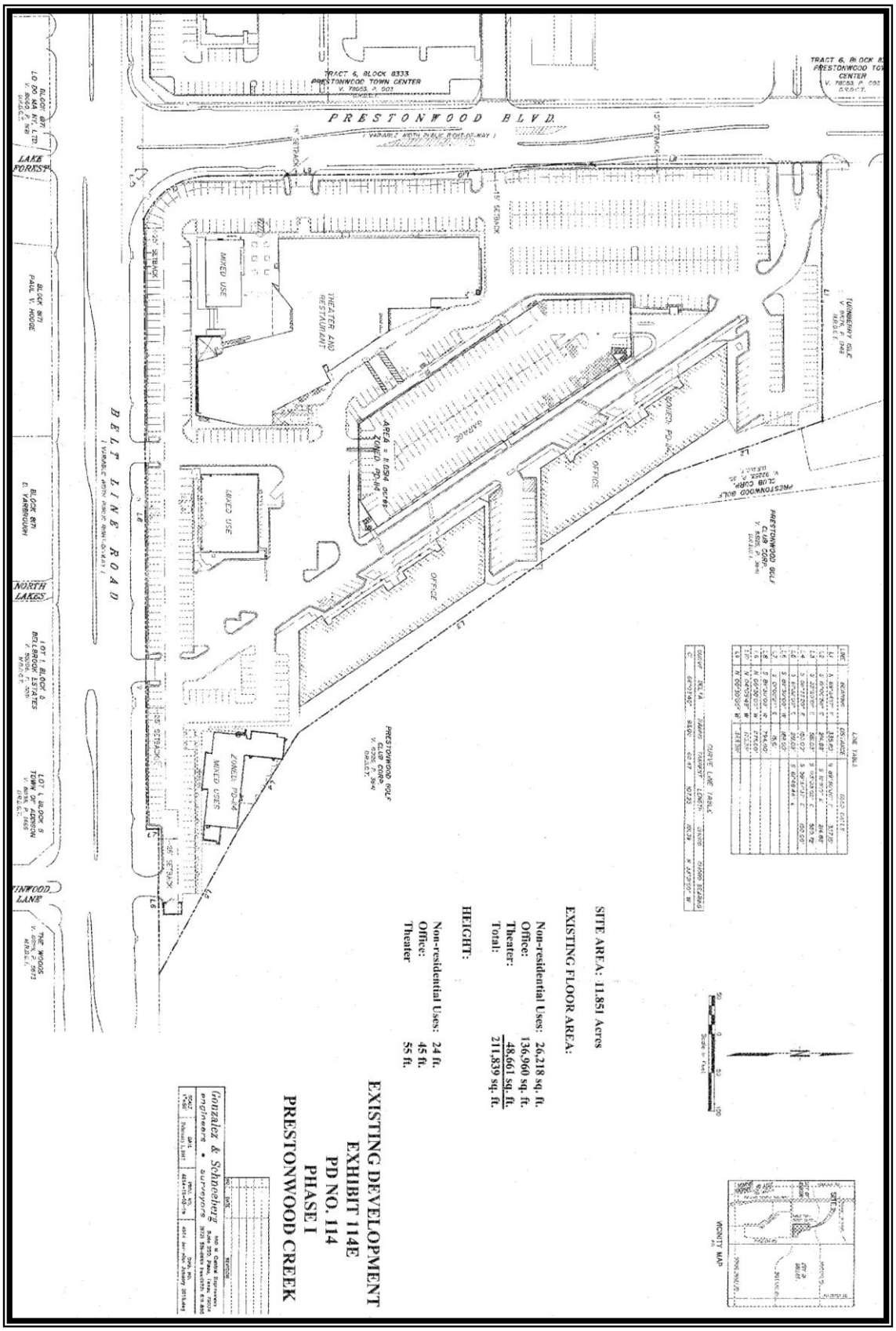
[~~ZONING MAP.~~]

[~~PD 114 is located on Zoning Map No. B-7.~~]

EXISTING CONCEPTUAL PLAN



EXISTING DEVELOPMENT PLAN



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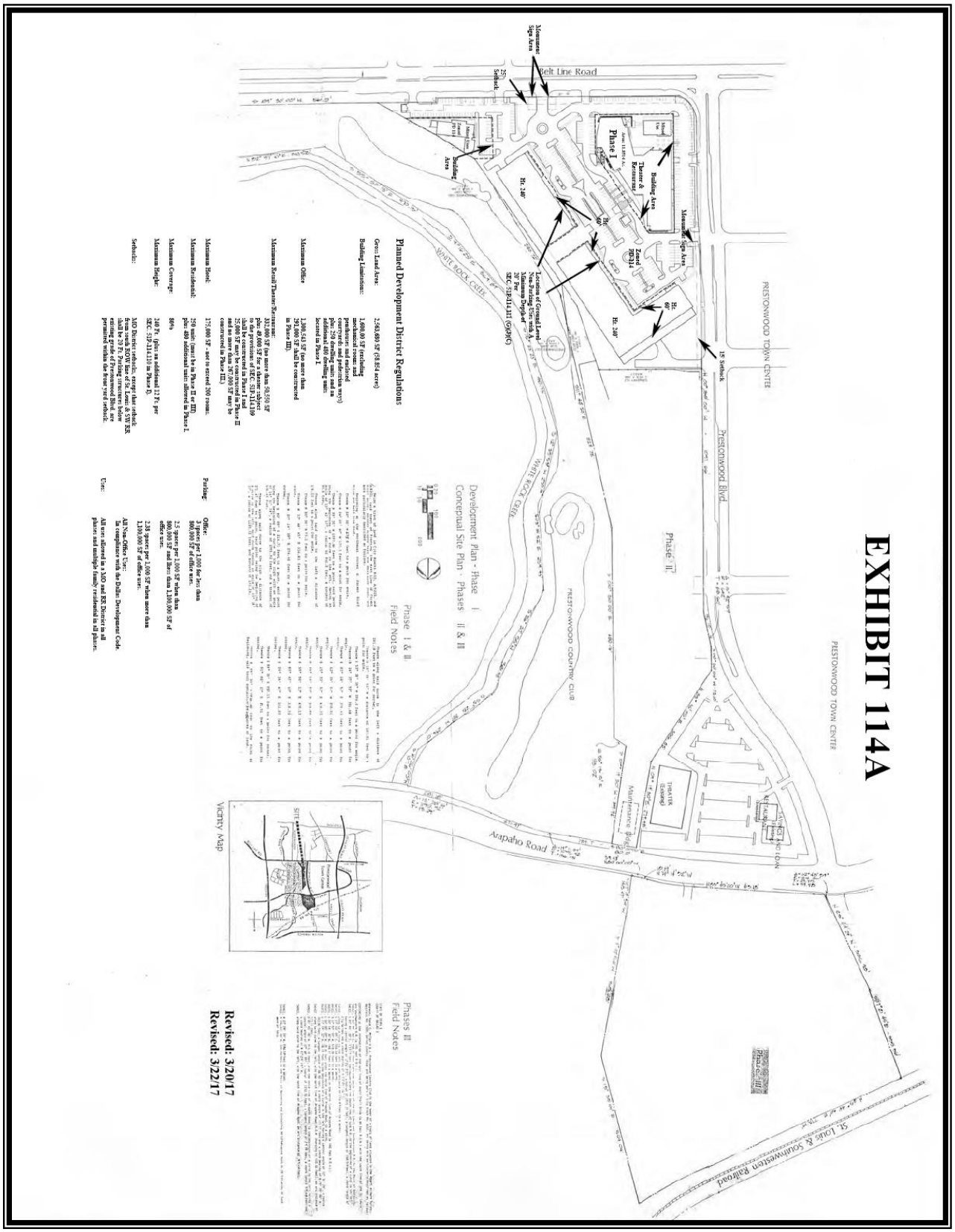
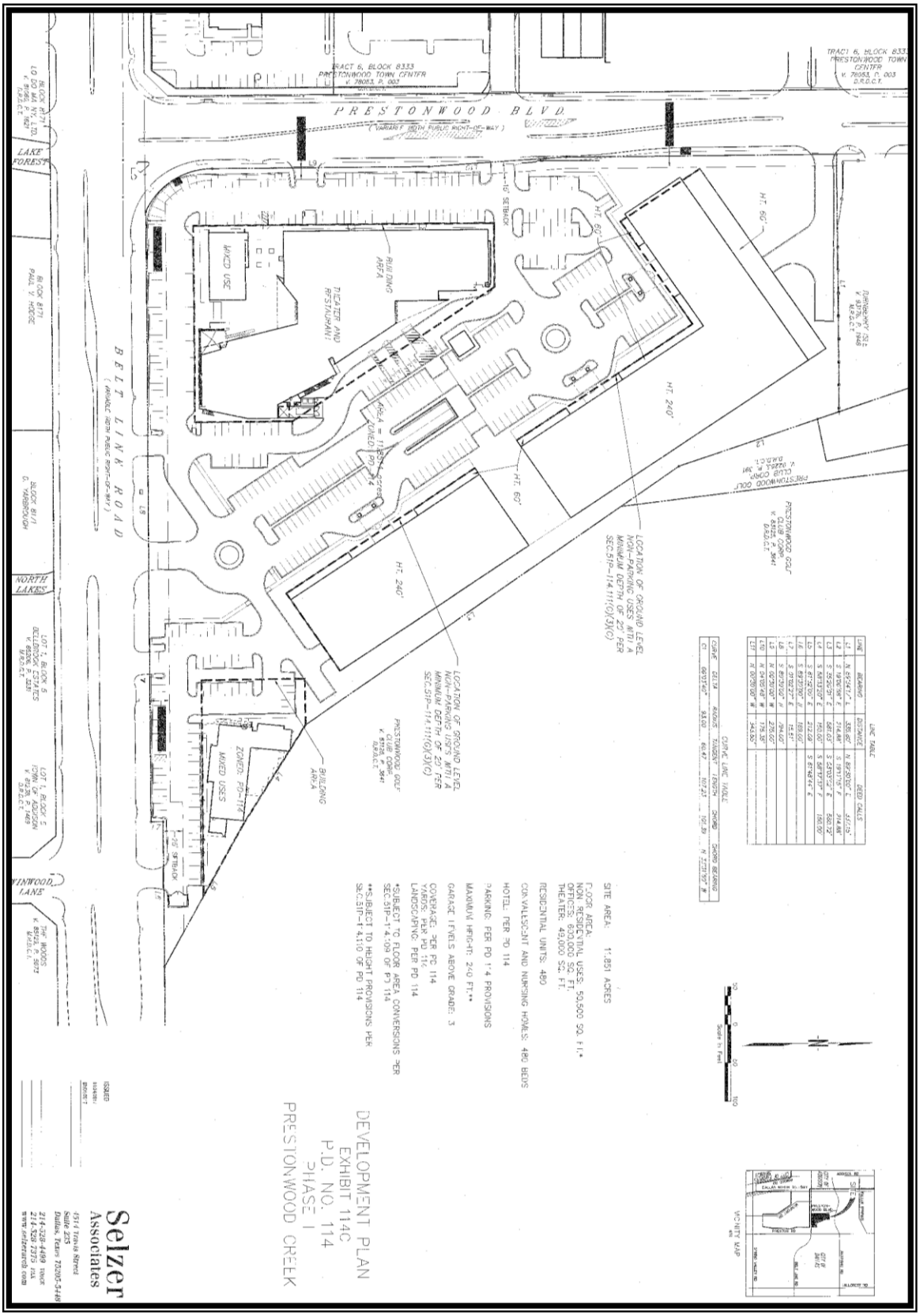
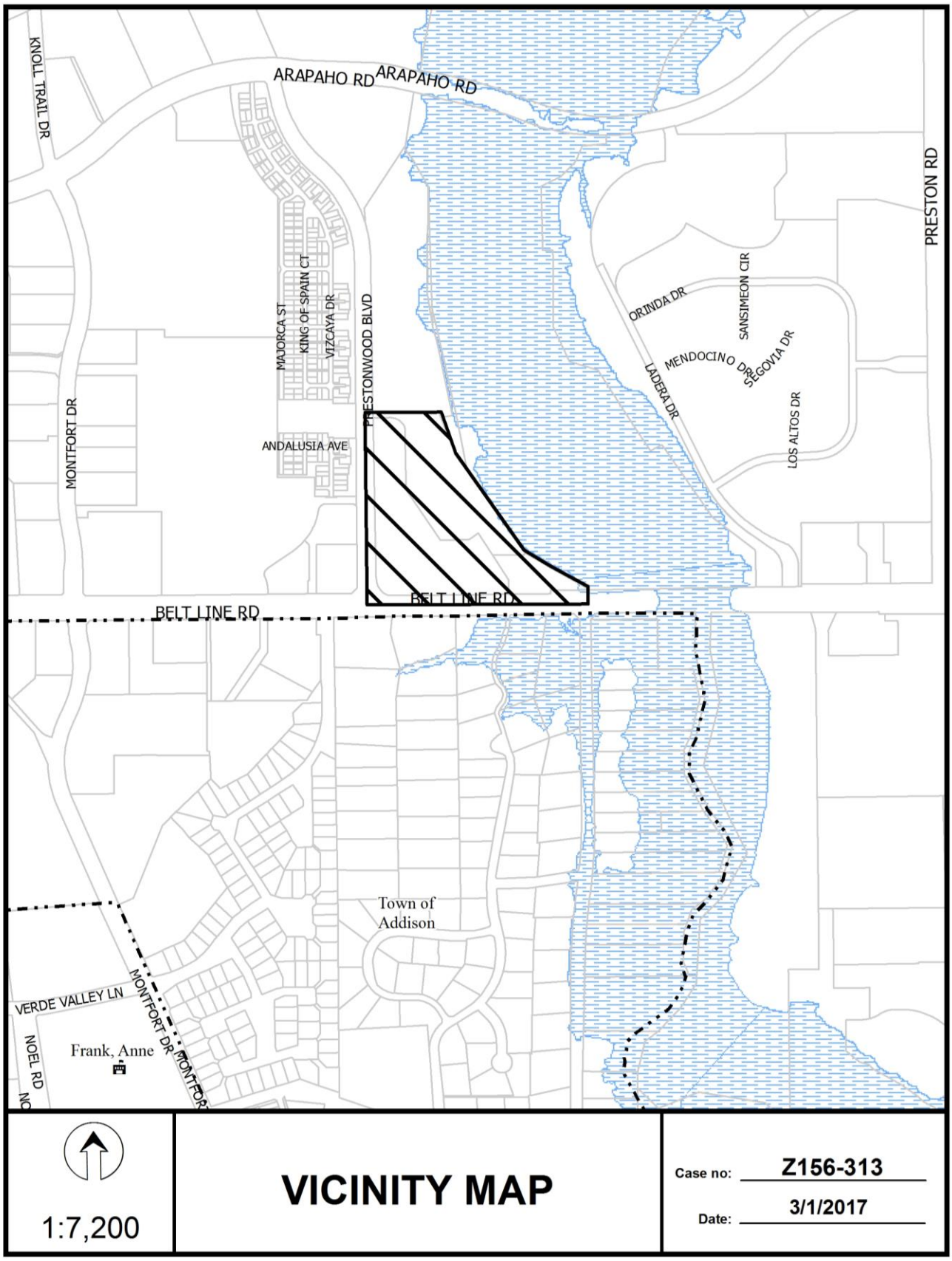


PROPOSED DEVELOPMENT PLAN

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ARAPAHO RD
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VIZCAYA DR
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ORINDA DR
SANSIMEON CIR
MENDOCINO DR
SEGOVIA DR
LADERA DR
LOS ALTOS DR
MONTFORT DR
ANDALUSIA AVE
BELT LINE RD
BELT LINE RD
Town of Addison
VERDE VALLEY LN
MONTFORT DR
NOEL RD
Frank, Anne
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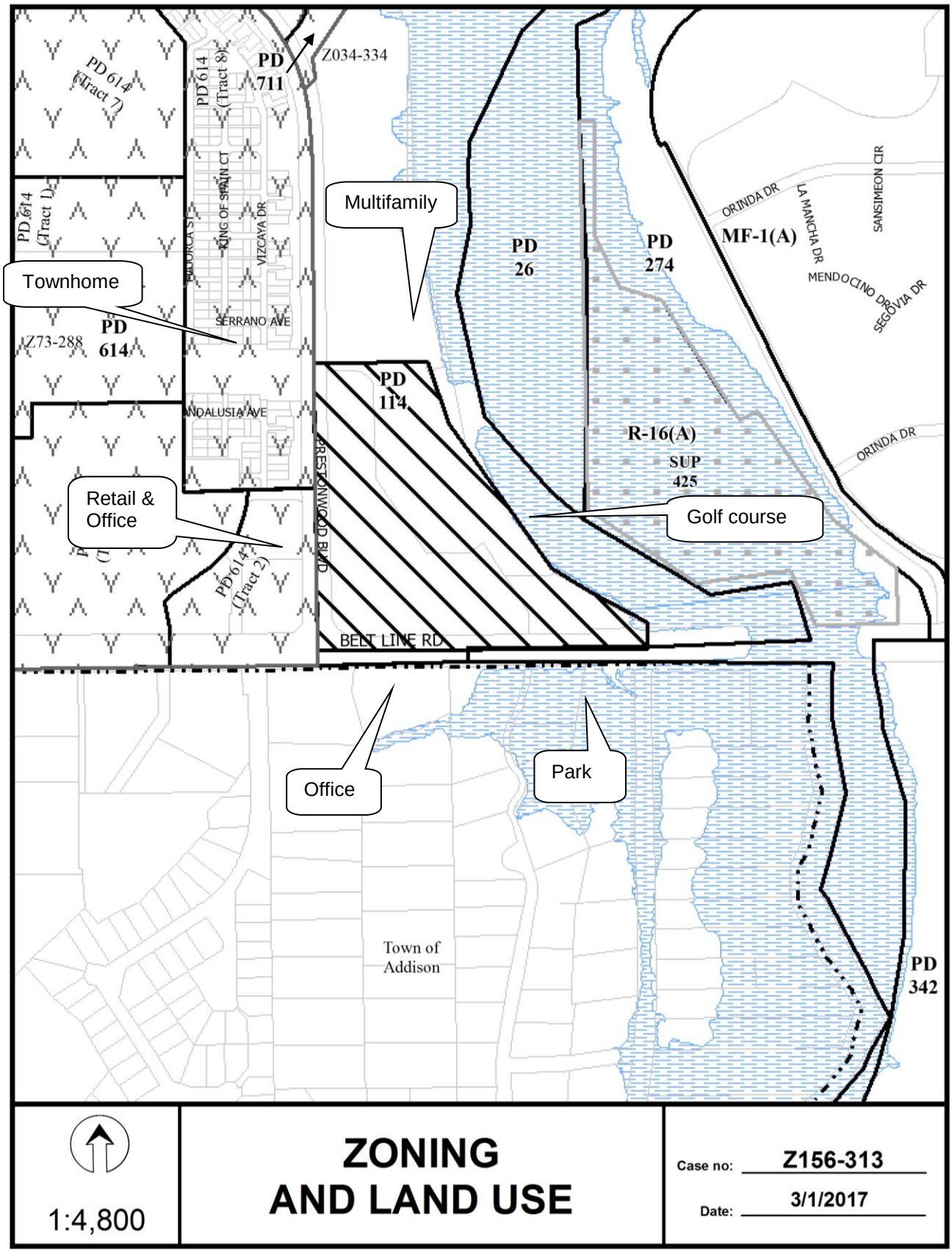
VICINITY MAP
Case no: Z156-313
Date: 3/1/2017

1:4,800

AERIAL MAP

Case no: Z156-313

Date: 3/1/2017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PD 711
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PD 614 (Tract 1)
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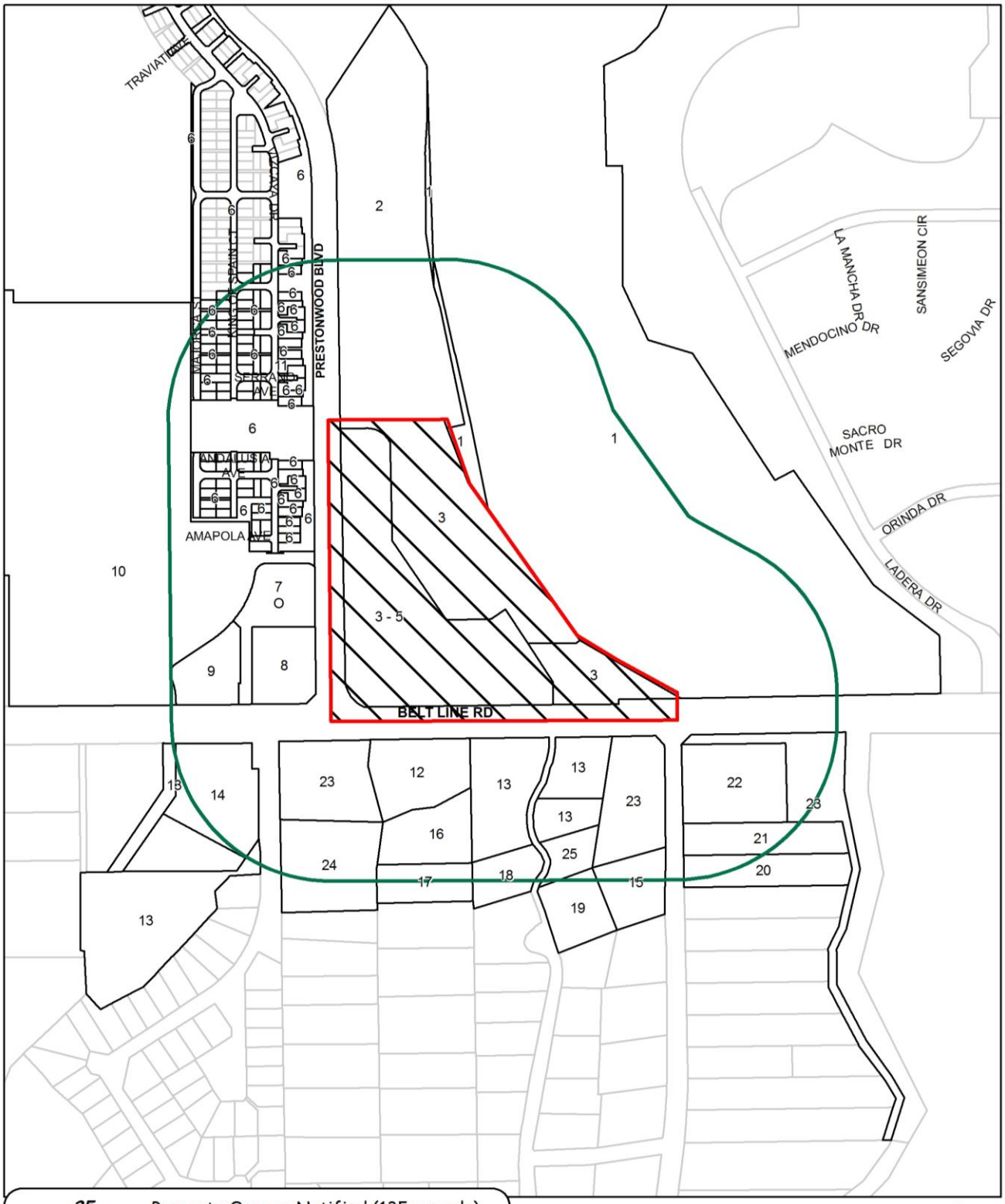
VIZCAYA DR
MALLORCA ST
Multifamily
Townhome
PD 614
Z73-288
SERRANO AVE
ANDALUSIA AVE
PD 26
PD 274
MF-1(A)
ORINDA DR
LA MANCHA DR
SANSIMEON CIR
MENDOCINO DR
SEGOVIA DR
PD 114
PRESTONWOOD BLVD
R-16(A)
SUP 425
Golf course
Retail & Office
PD 614 (Tract 2)
BELT LINE RD
Office
Park
Town of Addison
PD 342
1:4,800
ZONING AND LAND USE
Case no: Z156-313
Date: 3/1/2017

CPC RESPONSES



25	Property Owners Notified (135 parcels)
1	Replies in Favor (1 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
4/6/2017	Date

Z156-313
CPC

N W E S

1:4,800

Notification List of Property Owners

Z156-313

25 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	5840	ARAPAHO RD	CLUBCORP NV V LLC
	2	15190	PRESTONWOOD BLVD	TURNBERRT TRUST
	3	5409	BELT LINE RD	PWC ASSOCIATES LLC
	4	5409	BELT LINE RD	VINES OVER ADDISON LP
	5	5409	BELT LINE RD	LOOK PRESTONWOOD HOLDINGS LLC
	6	100	VIZCAYA DR	BMIRF ESTANCIA LLC
O	7	15123	PRESTONWOOD BLVD	784 GUNCLUB LLC
	8	5353	BELT LINE RD	CENTRAL NORTHAVEN LTD
	9	5325	BELT LINE RD	VAZIRI HANS &
	10	5301	BELT LINE RD	INLAND AMERICAN DALLAS PRESTONWOOD
	11	15154	VIZCAYA DR	BIR ESTANCIA LIMITED PS
	12	5400	BELT LINE RD	HASHMI SULEMAN & MAARJAN
	13	5300	BELT LINE RD	ADDISON TOWN OF
	14	5330	BELT LINE RD	TOWN HALL ASSOCIATES LLC
	15	15001	WINNWOOD RD	WINNWOOD REVOCABLE RESIDENCE TRUST
	16	14918	LAKE FOREST DR	HERSHMAN SCOTT S
	17	14914	LAKE FOREST DR	HORAN JOHN JOSEPH JR
	18	15019	BELLBROOK DR	LOEWEN DONALD R
	19	15004	BELLBROOK DR	BECKERT RICHARD N &
	20	15016	WINNWOOD RD	HENSLEY DALLAS W & VIRGINIA K
	21	15032	WINNWOOD RD	DEVEREAUX MICHAEL G
	22	15060	WINNWOOD RD	BRANCH JOHN R & SUSAN H
	23	15000	WINNWOOD RD	ADDISON CITY OF
	24	14917	LAKE FOREST DR	BUTLER CHARLES L &
	25	15022	BELLBROOK DR	COLEGROVE BARBARA

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding amendments to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called "Paraphernalia Shop," and related regulations and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA 156-004

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MAY 10, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: DCA 156-004 **DATE INITATED**: February 8, 2016

TOPIC: Paraphernalia Shop Regulations

COUNCIL DISTRICT: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of an amendment to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called "Paraphernalia Shop," and related regulations.

SUMMARY: The proposed Chapter 51 and Chapter 51A Dallas Development Code amendments establish a land use category for the paraphernalia shop use, provides that the use be allowed in certain districts by SUP only, establishes distance requirements from certain land uses, and prohibits the use from being an accessory use to another main use. Specifically after the adoption of this ordinance, any new establishment that displays or offers for sale paraphernalia items, equipment, or products may only do so under a valid certificate of occupancy for "paraphernalia shop."

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND

On February 8, 2016, the Dallas Police Department (DPD) briefed the Public Safety Committee on the drug K2, paraphernalia shops, and related public safety issues. DPD outlined steps that could be taken to define and regulate paraphernalia shops, including: creating an inspection component (using the existing convenience store registration as a model) and establishing paraphernalia free zones around schools, churches, and within proximity of similar stores.

On April 11, 2016, the Public Safety Committee was briefed by the Sustainable Development & Construction Department, the Dallas Police Department, and the City Attorney's Office on tobacco & paraphernalia shops. The briefing outlined how these establishments are currently regulated by the Dallas Development Code, public safety issues related to these types of establishments, and a proposed two-prong approach to possible code amendments.

On August 18, 2016 and September 1, 2016, the Zoning Ordinance Advisory Committee considered this item at two public meetings and on September 1, 2016 voted to recommend the proposed regulations to the City Plan Commission.

On October 6, 2016, the City Plan Commission considered the proposal and recommended approval.

On February 13, 2017, the Public Safety Committee was briefed on the proposal and recommended forwarding it to City Council for a full briefing.

On April 5, 2017, the City Council was briefed on this item. City Council discussed adding distance requirements from the the proposed paraphernalia shop use to the following additional land uses: churches, daycares, and universities.

This amendment is one prong of the proposed approach. The second prong is an amendment to Dallas City Code, Chapter 12B (the Convenience Store Registration) that will be managed by the City Attorney's Office and the Dallas Police Department.

GENERAL INFO/STAFF ANALYSIS:

While Dallas City Code 31-32.1 prohibits illegal smoking products and related paraphernalia, these items are only illegal if they contain illegal smoking products. As such, these items are widely sold. However, these types of shops frequently harbor illegal activities such as gambling (eight-liners), synthetic marijuana and other drug sales, and prostitution. The Dallas City Code defines "Illegal Smoking Paraphernalia" as any equipment, device, or utensil that is used or intended to be used in ingesting, inhaling, or otherwise introducing into the human body an illegal smoking product. Paraphernalia includes but is not limited to: a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe; a water pipe; a carburetion tube or device; a smoking or carburetion mask; a chamber pipe; a carburetor pipe; an electric pipe; an air-driven pipe; a chillum; a bong; or an ice pipe or chiller.

Currently, the Dallas Development Code does not have a land use that is specific to shops that sell paraphernalia (i.e., shops that sell any equipment, device, or utensil that is used or intended to be used in ingesting, inhaling, or otherwise introducing into the human body an illegal smoking product). These businesses are issued certificates of occupancy under the general merchandise or food stores classification, which makes it difficult for the Dallas Police Department to know the exact location of these stores.

The proposal establishes a land use category for the paraphernalia shop use and prohibits the use from being an accessory use to another main use. Specifically after the adoption of this ordinance, any new establishment that displays or offers for sale paraphernalia items, equipment, or products may only do so under a valid certificate of occupancy for "paraphernalia shop."

Further, the use would only be allowed by Specific Use Permit in certain zoning districts and will have minimum distance requirements from similar shops, residential districts, and schools. Additionally, to discourage illegal activities, drive-in, drive-through, and walk-up windows will be prohibited.

PROPOSED AMENDMENTS TO CHAPTER 51A

Definition:

A Paraphernalia Shop is an establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

Where permitted:

By SUP only, in the CR Community Retail District, RR Regional Retail District, CS Commercial Service District, Industrial Districts (LI, IR, and IM), and the Mixed Use Districts (MU-1, MU-2, MU-3) and by SUP only in the following Chapter 51 districts: NS Neighborhood Service District, SC Shopping Center District, GR General Retail District, LC Light Commercial District, HC Heavy Commercial District, Industrial Districts (I-1, I-2 and I-3).

Additional provisions:

- A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217.
- The outside sale, display, or storage of products is prohibited.
- A paraphernalia shop may not have a drive-in, drive-through or walk-up window.

- A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a public or private school.

Discussed adding at the April 5, 2017, City Council Briefing:

- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a church.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a university.
- A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a day-care facility.

CPC ACTION

October 6, 2016

Motion: It was moved to recommend **approval** of an amendment to Chapter 51 and Chapter 51A of the Dallas Development Code, Section 51-4.211 Retail Uses and Section 51A-4.210 Retail and Personal Service Uses, to define a new use, called "Paraphernalia Shop," and related regulations with an additional correction to the ordinance under additional provisions (iv) to read as follows: "(iv) A paraphernalia shop may not have a drive-in, drive-through or walk-up window."

Maker: Shidid
Second: Murphy
Result: Carried 13 to 0

For: 13 - Anglin, Rieves, Davis, Anantasomboon, Shidid, Haney, Jung, Housewright, Schultz, Peadon*, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7 (Young)

*out of the room, shown voting in favor

Notices: Area 500 Mailed: 108
Replies: For: 2 Against: 41

Speakers: None

CPC RECOMMENDED AMENDMENT

DRAFT

1-30-17

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.211 and 51A-4.210; creating a new paraphernalia shop land use; providing appropriate standards for paraphernalia shops; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 51-4.211, "Retail Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (23), "Paraphernalia Shops," to read as follows:

"(23) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

(B) Districts permitted: By SUP only in SC, GR, LC, HC, I-1, I-2, and I-3.

(C) Required off-street parking: One space per 200 square feet of floor area.

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(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(v) The outside sale, display, or storage of products is prohibited.

(vi) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51-4.217."

SECTION 2. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "Community Retail (CR) District," of Section 51A-4.122, "Retail Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) <u>Retail and personal service uses</u>.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Ambulance service. *[RAR]*
-- Animal shelter or clinic without outside runs. *[RAR]*
-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[DIR]*

DRAFT

-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial amusement (outside). *[SUP]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[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.
-- 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.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. *[SUP]*
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Swap or buy shop. *[SUP]*
-- Temporary retail use.
-- Theater."

SECTION 3. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "Regional Retail (RR) District," of Section 51A-4.122, "Retail Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

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-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Ambulance service. *[RAR]*
-- Animal shelter or clinic without outside runs. *[RAR]*
-- Animal shelter or clinic with outside runs. *[SUP]*
-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial amusement (outside). *[SUP]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[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.
-- General merchandise or food store 100,000 square feet or more.
-- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Outside sales. *[SUP]*
-- Paraphernalia shop. *[SUP]*
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Swap or buy shop. *[SUP]*
-- Temporary retail use.
-- Theater.
-- Vehicle display, sales, and service. *[RAR]*"

SECTION 4. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "Commercial Service (CS) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.100,

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"Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Ambulance service. *[RAR]*
-- Animal shelter or clinic without outside runs. *[RAR]*
-- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial amusement (outside). *[DIR]*
-- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[SUP]*
-- Drive-in theater. *[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.
-- General merchandise or food store 100,000 square feet or more. *[SUP]*
-- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. *[SUP]*
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Outside sales. *[SUP]*
-- Paraphernalia shop. *[SUP]*
-- Pawn shop.
-- Personal service uses.

DRAFT

-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Swap or buy shop. *[SUP]*
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[RAR]*"

SECTION 5. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "Light Industrial (LI) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs.
-- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
-- 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 100,000 square feet or more. *[SUP]*
-- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
-- Household equipment and appliance repair.

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-- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
-- Motor vehicle fueling station.
-- Paraphernalia shop. *[SUP]*
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[RAR]*"

SECTION 6. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "Industrial/Research (IR) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs.
-- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[SUP]*
-- Dry cleaning or laundry store.
-- Furniture store.

DRAFT

-- General merchandise or food store 3,500 square feet or less.
-- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
-- Motor vehicle fueling station.
-- Paraphernalia shop. *[SUP]*
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[RAR]*"

SECTION 7. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (d), "Industrial Manufacturing (IM) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs.
-- Animal shelter or clinic with outside runs. *[SUP may be required. See Section 51A-4.210(b)(2).]*
-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*

DRAFT

-- Commercial motor vehicle parking. *[By SUP only if within 500 feet of a residential district.]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[SUP]*
-- Drive-in theater. *[SUP]*
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- Home improvement center, lumber, brick or building materials sales yard. *[RAR]*
-- Household equipment and appliance repair.
-- Liquefied natural gas fueling station. *[By SUP only if the use has more than four fuel pumps or is within 1,000 feet of a residential zoning district or a planned development district that allows residential uses.]*
-- Motor vehicle fueling station.
-- Paraphernalia shop. *[SUP]*
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Taxidermist.
-- Temporary retail use.
-- Theater.
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[RAR]*"

SECTION 8. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (d), "MU-1 and MU-1 (SAH) Districts," of Section 51A-4.125, "Mixed Use Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs. *[RAR]*

DRAFT

-- Auto service center. *[RAR]*
-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial amusement (outside). *[SUP]*
-- 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.
-- General merchandise or food store 100,000 square feet or more. *[SUP]*
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. *[SUP]*
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Swap or buy shop. *[SUP]*
-- Temporary retail use.
-- Theater."

SECTION 9. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (e), "MU-2 and MU-2 (SAH) Districts," of Section 51A-4.125, "Mixed Use Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs. *[RAR]*
-- Auto service center. *[RAR]*
-- Business school.

DRAFT

-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial amusement (outside). *[SUP]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[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.
-- General merchandise or food store 100,000 square feet or more. *[SUP]*
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. *[SUP]*
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Swap or buy shop. *[SUP]*
-- Temporary retail use.
-- Theater."

SECTION 10. That Subparagraph (J), "Retail and Personal Service Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (f), "MU-3 and MU-3 (SAH) Districts," of Section 51A-4.125, "Mixed Use Districts," of Division 51A-4.100, "Establishment of Zoning Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Animal shelter or clinic without outside runs. *[RAR]*
-- Auto service center. *[RAR]*

DRAFT

-- Business school.
-- Car wash. *[RAR]*
-- Commercial amusement (inside). *[SUP may be required. See Section 51A-4.210(b)(7)(B).]*
-- Commercial amusement (outside). *[SUP]*
-- Commercial parking lot or garage. *[RAR]*
-- Convenience store with drive-through. *[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.
-- General merchandise or food store 100,000 square feet or more. *[SUP]*
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Paraphernalia shop. *[SUP]*
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. *[RAR]*
-- Restaurant with drive-in or drive-through service. *[DIR]*
-- Swap or buy shop. *[SUP]*
-- Temporary retail use.
-- Theater."

SECTION 11. That Subsection (b), "Specific Uses," of Section 51A-4.210, "Retail and Personal Service Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Paragraph (21.1), "Paraphernalia Shops," to read as follows:

"(21.1) Paraphernalia shop.

(A) Definition: An establishment that displays or offers for sale paraphernalia, items, equipment, or products commonly used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of tobacco or illegal substances. For purposes of this paragraph, rolling papers are not considered paraphernalia.

DRAFT

(B) Districts permitted: By SUP only in CR, RR, CS, industrial, and mixed use districts.

(C) Required off-street parking: One space per 200 square feet of floor area.

(D) Required off-street loading: One space.

(E) Additional provisions:

(i) A paraphernalia shop may not be located within 1,500 feet, measured from property line to property line, of any other paraphernalia shop.

(ii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot in a residential district.

(iii) A paraphernalia shop may not be located within 1,000 feet, measured from property line to property line, of a lot with a school.

(iv) A paraphernalia shop may not have a drive-in or drive-through or walk-up window.

(v) The outside sale, display, or storage of products is prohibited.

(vi) A paraphernalia shop may only be a main use that requires a certificate of occupancy. A paraphernalia shop may not be an accessory use within the meaning of Section 51A-4.217."

SECTION 12. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 13. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 14. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 15. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

DRAFT

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 11

DEPARTMENT: Trinity Watershed Management

CMO: Jody Puckett, 670-3390

MAPSCO: 5S

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 5.9 acres of the current 14.7 acres of land, located at 5800 Keller Springs, within the floodplain of White Rock Creek, Fill Permit 15-05 - Financing: No cost consideration to the City

BACKGROUND

This request is to fill approximately 5.9 acres of the current 14.7 acres of land, to be used for a future residential development. The proposed fill is located at 5800 Keller Springs, within the floodplain of White Rock Creek.

A neighborhood meeting was held at the Campbell Green Recreation Center on November 3, 2015. There were two nearby property owners present. Attendees included the developer's engineer, the developer's representative, the developer's attorney, and six city staff members. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/APPLICANT

Mr. Steve Dieb
171720 Dallas Parkway, Suite 235
Dallas, Texas 75248

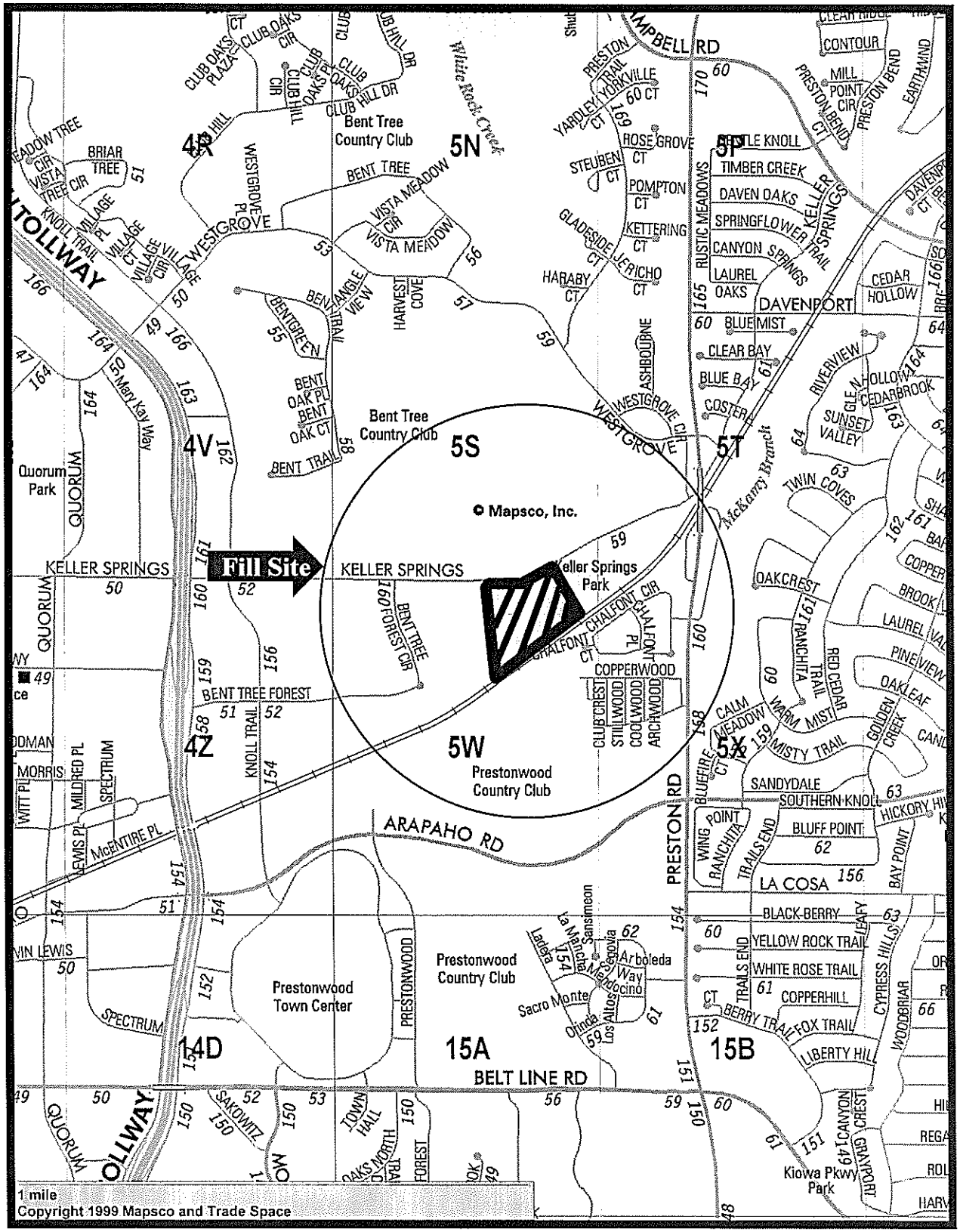
ENGINEER

Mr. Victor Lissiak, Jr.
Viewtech Inc.
4205 Beltway Drive
Addison, Texas 75001

MAP

Attached

Fill Permit 15-05



Mapsco 5-S

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 10, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 56H

SUBJECT

A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, under the House Bill 110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: $8,585

BACKGROUND

The House Bill (HB)110 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, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed that includes 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. The quitclaim deed must also include deed restrictions that require 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.

BACKGROUND (continued)

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

Dallas Neighborhood Alliance for Habitat (DNAH) submitted a proposal to construct eight single-family homes containing approximately 1,378 square feet on eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by a low to moderate income homebuyers at a proposed sales price of $95,000 to $110,000 with construction to begin in May 2020.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of eight unimproved properties to DNAH, and, at the close of the public hearing, authorizes the sale of the properties to DNAH, 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 was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 12, 2017, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat by Resolution No. 17-0588.

City Council will be briefed by memorandum regarding this matter on April 28, 2017.

FISCAL INFORMATION

Revenue - $8,585

OWNER

Dallas Neighborhood Alliance for Habitat

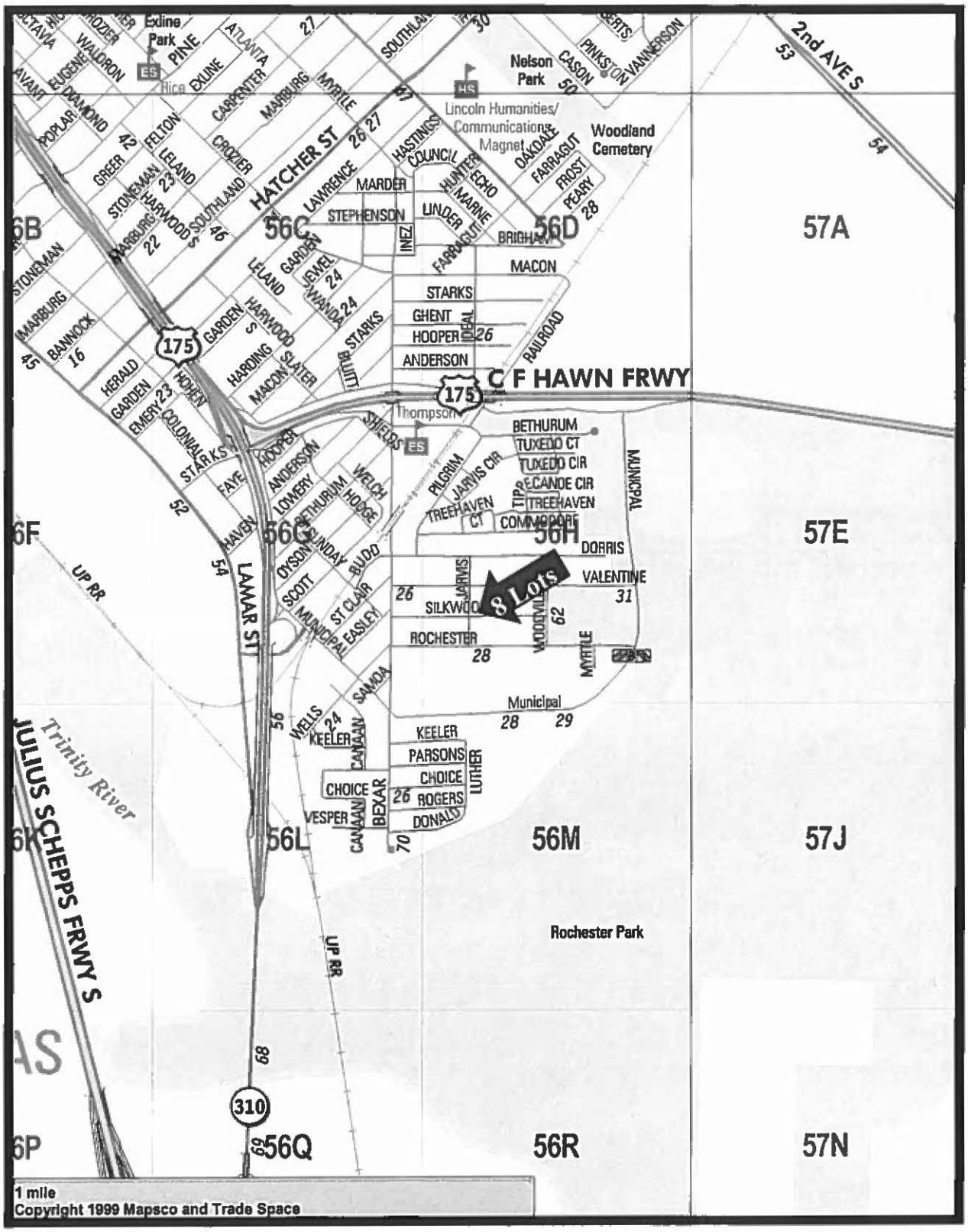
William Hall, Chief Executive Officer

MAP

Attached

Tax Foreclosure and Seizure Property Resale

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Zoning
1.	2723 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
2.	2726 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
3.	3015 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
4.	3027 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,600	$1,585.00	V	PD-595
5.	2907 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
6.	2932 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
7.	3000 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
8.	3014 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595


Edline Park
Nelson Park
Lincoln Humanities/ Communications Magnet
Woodland Cemetery
2nd AVE S
HATCHER ST
C F HAWN FRWY
LAMAR ST
JULIUS SCHEPPS FRWY S
Trinity River
UP RR
Thompson
Rochester Park
8 Lots
56B
56C
56D
57A
6F
56G
56H
57E
6K
56L
56M
57J
6P
56Q
56R
57N
1 mile
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MAPSCO 56H

May 10, 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, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, 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 House Bill (HB)110 process of the City's Land Transfer Program must be sold by quitclaim deed that includes 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 deed must also include deed restrictions that require 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 provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land; and

WHEREAS, Dallas Neighborhood Alliance for Habitat, submitted a proposal to construct eight single-family homes containing approximately 1,378 square feet on eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached hereto and made a part hereof (hereinafter the "property"), for purchase by a low to moderate income homebuyer at a proposed sales price of $95,000 to $110,000 with construction to begin in May 2020; and

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

Now, Therefore,

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

SECTION 1. That upon receipt of the requisite monetary consideration from Dallas Neighborhood Alliance for Habitat (hereinafter the "non-profit organization") and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a quitclaim deed, approved as to form by the City Attorney and attested by the City Secretary, quitclaiming the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

SECTION 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

SECTION 3. That the non-profit organization's proposal for the development of affordable housing on the property, described in Exhibit A, is hereby approved.

SECTION 4. That the quitclaim deed shall contain:

(a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the non-profit organization develop the property in accordance with the proposal, including the timetable specified in the proposal.

(b) A possibility of reverter with right of re-entry if the Director of Housing & Neighborhood Revitalization determines that the non-profit organization:

(i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;

(ii) has failed to complete construction of affordable housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;

(iii) is not developing the property in compliance with the timetable specified in the non-profit organization's proposal;

(iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and

SECTION 4. (continued)

(vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed.

(c) Deed restrictions requiring the purchaser to:

(i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

(ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and

(iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.

(d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.

(e) A statement and acknowledgment that the quitclaim deed for the property is subject to all redemption rights provided by state law.

SECTION 4. (continued)

(f) The non-profit organization's representation and agreement that it did not purchase the property on behalf of a "prohibited person" and will not sell or lease the property to a "prohibited person" for five years from the date of the quitclaim deed. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

SECTION 5. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the property upon compliance with all terms and conditions of Section 2-26 of the Code and the quitclaim deed, including the deed restrictions and the proposal.

SECTION 6. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the quitclaim deed.

SECTION 7. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

SECTION 8. That the monetary consideration received from the non-profit organization shall be distributed pursuant to the Section 34.06 of the Texas Tax Code.

SECTION 9. That any and all proceeds for the City's sale of the property to the non-profit organization be deposited in General Fund, Fund 0001, Department DEV, Balance Sheet 0519.

SECTION 10. That upon receipt of the monetary consideration from the non-profit organization, the Chief Financial Officer is hereby authorized to disburse proceeds of the sale of the property in accordance with Section 34.06 of the Texas Tax Code, which calculations for disbursement shall be provided by the Director of Sustainable Development and Construction, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 9 above.

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.

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2723 Silkwood** Lot 13, Rochester Park Block 1/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
2	**2726 Silkwood** Lot 14, Rochester Park Block 2/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
3	**3015 Valentine** TR 15 - 40x120, 170'FR Woodville Block 7068	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
4	**3027 Valentine** TR 17 - 100x120, 250'FR Woodville Block 7068	Dallas Neighborhood Alliance for Habitat	1	$1,585.00
5	**2907 Rochester** Lot 24, Rochester Park Block 7/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
6	**2932 Rochester** Lot 15, Rochester Park Block 8/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
7	**3000 Rochester** TR 1 - 50x127.5, Rochester and Woodville Block 7070	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
8	**3014 Rochester** TR 4 Block 7070	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
TOTAL				**$8,585.00**