

**JANUARY 13, 2016 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 13, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



\_\_\_\_\_  
A.C. Gonzalez  
City Manager

1-8-16

\_\_\_\_\_  
Date



\_\_\_\_\_  
Jeanne Chipperfield  
Chief Financial Officer

1/8/2016

\_\_\_\_\_  
Date



**RECEIVED**

2016 JAN -8 PM 5: 39

CITY SECRETARY  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 13, 2016  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TX 75201  
9:00 A.M.**

**REVISED ORDER OF BUSINESS**

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

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

**OPEN MICROPHONE**

**CLOSED SESSION**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 37

**CONSENT ADDENDUM**

Items 1 - 7

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 38 - 44  
Addendum Items 8 - 9

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 45 - 61  
Addendum Items 10 - 11

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

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

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

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



**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 13, 2016  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

**Business Development & Procurement Services**

1. Authorize a three-year service contract for yard waste grinding services at the City's landfill and transfer stations - National Waste Management Louisiana, Inc., lowest responsible bidder of three - Not to exceed \$2,177,900 - Financing: Sanitation Current Funds (subject to annual appropriations)

**Code Compliance**

2. Authorize **(1)** an application for the Materials Management Call for Projects grant from the North Central Texas Council of Governments (NCTCOG) to support litter and illegal dumping abatement and community cleanup events for the period of April 2016 through June 2017; and **(2)** an In-Kind contribution in the amount of \$30,000, in the event the grant is awarded to the City - Financing: This action has no cost consideration to the City
3. An ordinance amending Chapter 7 of the Dallas City Code to adjust fees related to the redemption of impounded animals from the Dallas Animal Shelter - Revenue Foregone: \$200,093

**Planning and Urban Design**

4. Authorize **(1)** the receipt and deposit of funds in the amount of \$115,000 from the Trammel Crow Company and the Urban Land Institute Foundation; **(2)** an increase in appropriations in the amount of \$115,000; and **(3)** a professional services agreement with the Urban Land Institute in an amount not to exceed \$125,000 to conduct an Advisory Services Panel on affordable and mixed income housing to develop suggested policies and practices for inclusion in the City's new housing policy, with \$10,000 being funded by the city - Total not to exceed \$125,000 - Financing: Public/Private Partnership Funds

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 13, 2016**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

**Sustainable Development and Construction**

5. An ordinance abandoning an alley to Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia, the abutting owners, containing a total of approximately 5,250 square feet of land, located near the intersection of Illinois and Beckley Avenues and providing for the dedication of approximately 4,207 square feet of land needed for right-of-way - Revenue: \$11,734, plus the \$20 ordinance publication fee
6. An ordinance abandoning an alley to AH Apartments, L.P., the abutting owner, containing approximately 5,700 square feet of land, located near the intersection of Fitzhugh Avenue and Chambers Street - Revenue: \$215,000, plus the \$20 ordinance publication fee

**Trinity Watershed Management**

7. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Greenville Ross Partners, Ltd., et al., Cause No. CC-15-04756-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 7,621 square feet of land located on Live Oak Street at its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$30,436 (\$27,436 plus closing costs and title expenses not to exceed \$3,000); an increase of \$1,525 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

8. A resolution designating absences by Councilmember Scott Griggs and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 13, 2016**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION: (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

**Economic Development**

9. Authorize a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services - World Affairs Council of Dallas/Fort Worth, most advantageous proposer of three - Not to exceed \$187,500 - Financing: Public/Private Partnership Funds (\$137,500) and Current Funds (\$50,000) (subject to annual appropriations)

PUBLIC HEARINGS AND RELATED ACTIONS

**Sustainable Development and Construction**

ZONING CASE - INDIVIDUAL

10. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an Open-enrollment charter school and CR Community Retail District Uses on property zoned an MF-2(A) Multifamily District and a CR Community Retail District with the D-1 Liquor Control Overlay, on the east line of St. Augustine Drive, north of Bruton Road  
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions  
Z156-104(RB)

DESIGNATED ZONING CASE - INDIVIDUAL

11. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict E, North Zone portion within Planned Development District No. 521 on property generally along the east line of Mountain Creek Parkway, southwest of West Kiest Boulevard  
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and revised conditions  
Z145-333(RB)



## ADDENDUM DATE January 13, 2016

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
1			3, 6, 8, 13	C	PBD, SAN	\$2,177,900.00	0.00%	0.00%	Authorize a three-year service contract for yard waste grinding services at the City's landfill and transfer stations - National Waste Management Louisiana, Inc., lowest responsible bidder of three - Not to exceed \$2,177,900 - Financing: Sanitation Current Funds (subject to annual appropriations)
2			All	C	CCS, TWM	NC	NA	NA	Authorize (1) an application for the Materials Management Call for Projects grant from the North Central Texas Council of Governments (NCTCOG) to support litter and illegal dumping abatement and community cleanup events for the period of April 2016 through June 2017; and (2) an In-Kind contribution in the amount of \$30,000, in the event the grant is awarded to the City - Financing: This action has no cost consideration to the City
3			All	C	CCS	REV \$-200,093	NA	NA	An ordinance amending Chapter 7 of the Dallas City Code to adjust fees related to the redemption of impounded animals from the Dallas Animal Shelter - Revenue Foregone: \$200,093
4			All	C	PNV	\$125,000.00	NA	NA	Authorize (1) the receipt and deposit of funds in the amount of \$115,000 from the Trammel Crow Company and the Urban Land Institute Foundation; (2) an increase in appropriations in the amount of \$115,000; and (3) a professional services agreement with the Urban Land Institute in an amount not to exceed \$125,000 to conduct an Advisory Services Panel on affordable and mixed income housing to develop suggested policies and practices for inclusion in the City's new housing policy, with \$10,000 being funded by the city - Total not to exceed \$125,000 - Financing: Public/Private Partnership Funds
5			4	C	DEV	REV \$11,734	NA	NA	An ordinance abandoning an alley to Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia, the abutting owners, containing a total of approximately 5,250 square feet of land, located near the intersection of Illinois and Beckley Avenues and providing for the dedication of approximately 4,207 square feet of land needed for right-of-way - Revenue: \$11,734, plus the \$20 ordinance publication fee
6			2	C	DEV	REV \$215,000	NA	NA	An ordinance abandoning an alley to AH Apartments, L.P., the abutting owner, containing approximately 5,700 square feet of land, located near the intersection of Fitzhugh Avenue and Chambers Street - Revenue: \$215,000, plus the \$20 ordinance publication fee
7			2	C	TWM, ATT	\$30,436.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Greenville Ross Partners, Ltd., et al., Cause No. CC-15-04756-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 7,621 square feet of land located on Live Oak Street at its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$30,436 (\$27,436 plus closing costs and title expenses not to exceed \$3,000); an increase of \$1,525 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds
8			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Scott Griggs and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City
9			All	I	ECO	\$50,000.00	NA	NA	Authorize a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services - World Affairs Council of Dallas/Fort Worth, most advantageous proposer of three - Not to exceed \$187,500 - Financing: Public/Private Partnership Funds (\$137,500) and Current Funds (\$50,000) (subject to annual appropriations)
10			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an Open-enrollment charter school and CR Community Retail District Uses on property zoned an MF-2(A) Multifamily District and a CR Community Retail District with the D-1 Liquor Control Overlay, on the east line of St. Augustine Drive, north of Bruton Road

**ADDENDUM DATE January 13, 2016**

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
11				3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict E, North Zone portion within Planned Development District No. 521 on property generally along the east line of Mountain Creek Parkway, southwest of West Kiest Boulevard

**TOTAL            \$2,383,336.00**

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** January 13, 2016

**COUNCIL DISTRICT(S):** 3, 6, 8, 13

**DEPARTMENT:** Business Development & Procurement Services  
Sanitation Services

**CMO:** Jeanne Chipperfield, 670-7804  
Joey Zapata, 670-3009

**MAPSCO:** 26-R 33-F 63-E 67-P

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**SUBJECT**

Authorize a three-year service contract for yard waste grinding services at the City's landfill and transfer stations - National Waste Management Louisiana, Inc., lowest responsible bidder of three - Not to exceed \$2,177,900 - Financing: Sanitation Current Funds (subject to annual appropriations)

**BACKGROUND**

This item was placed on the addendum to allow for continued services without interruption.

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

This service contract will be utilized by Sanitation Services at the City's landfill and transfer stations for the grinding of yard and vegetated waste from shrub and tree trimming. This service contract allows for off-site yard waste grinding when delivery of the yard waste to the landfill or transfer station is not possible due to, but not limited to:

- Storm damage
- Non-weather related emergencies
- Neighborhood clean-up projects

An estimated two million cubic yards of waste will be processed through the grinding services provided at the McCommas Bluff Landfill and Bachman, Fair Oaks and Southwest Transfer Stations over the next three years. The yard waste, once ground, will be utilized at the landfill as a base material for growing new vegetation and erosion control. The excess mulch will be available at no cost to the residents of Dallas.

**BACKGROUND (Continued)**

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

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

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

On June 8, 2011, City Council authorized a three-year service contract for yard waste grinding service at the City's Landfill and transfer stations by Resolution No. 11-1506.

On April 8, 2015, City Council authorized (1) the rejection of bids received for yard waste grinding services; and (2) the re-advertisement for new bids by Resolution No. 15-0650.

Information about this item will be provided to the Quality of Life & Environment Committee on January 11, 2016.

**FISCAL INFORMATION**

\$2,177,900.00 - Sanitation Current Funds (subject to annual appropriations)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
3	\$ 298,450.00
6	\$ 443,750.00
8	\$1,137,250.00
13	<u>\$ 298,450.00</u>
Total	\$2,177,900.00



**M/WBE INFORMATION**

- 95 - Vendors contacted
- 94 - No response
  - 1 - Response (Bid)
  - 0 - Response (No Bid)
- 0 - Successful

695 M/WBE and Non-M/WBE vendors were contacted

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

**ETHNIC COMPOSITION**

National Waste Management Louisiana, Inc.

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

**BID INFORMATION**

The following bids were received from solicitation number BF1518 and were opened on July 9, 2015. This service contract is being awarded to the lowest responsive and responsible bidder in its entirety.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*National Waste Management Louisiana, Inc.	13901 Highway 28 East Deville, LA 71328	\$2,177,900.00
TFR Enterprises, Inc.	601 Leander Drive Leander, TX 78641	\$3,193,000.00
Earth Haulers, Inc.	11500 Mosier Valley Road Fort Worth, TX 76040	Non-Responsive**

\*\*Earth Haulers, Inc. was deemed non-responsive due to not meeting specifications.

**OWNER**

**National Waste Management Louisiana, Inc.**

Ramona Herron, President  
Melba Bales, Vice President  
Jennifer Roberts, Secretary  
Leiaoha Penton, Treasurer

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year service contract for yard waste grinding services at the City's landfill and transfer stations - National Waste Management Louisiana, Inc., lowest responsible bidder of three - Not to exceed \$2,177,900 - Financing: Sanitation Current Funds (subject to annual appropriations)

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

**PROJECT CATEGORY:** Other Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,177,900.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$2,177,900.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

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

January 13, 2016

**WHEREAS**, on June 8, 2011, City Council authorized a three-year service contract for yard waste grinding service at the City's Landfill and transfer stations by Resolution No. 11-1506; and,

**WHEREAS**, on November 21, 2014, Administrative Action No. 14-7186 authorized an extension of the master agreement for a three month period from November 21, 2014 to February 28, 2015; and,

**WHEREAS**, on April 8, 2015, City Council authorized (1) the rejection of bids received for yard waste grinding services; and (2) the re-advertisement for new bids by Resolution No. 15-0650;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is authorized to execute a service contract with National Waste Management Louisiana, Inc. (VS88591) for yard waste grinding services at the City's landfill and transfer stations for a term of three years in an amount not to exceed \$2,177,900.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to National Waste Management Louisiana, Inc., shall be based only on the amount of the services directed to be performed by the City and properly performed by National Waste Management Louisiana, Inc., under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,177,900.00 (subject to annual appropriations) from Service Contract number BF1518.

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

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** January 13, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Code Compliance  
Trinity Watershed Management

**CMO:** Joey Zapata, 670-3009  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** an application for the Materials Management Call for Projects grant from the North Central Texas Council of Governments (NCTCOG) to support litter and illegal dumping abatement and community cleanup events for the period of April 2016 through June 2017; and **(2)** an In-Kind contribution in the amount of \$30,000, in the event the grant is awarded to the City - Financing: This action has no cost consideration to the City

**BACKGROUND**

The grant will fund a minimum of 18 targeted litter and illegal dumping cleanup events that will include City staff and community volunteers. Code Compliance Services, in collaboration with Trinity Watershed Management, will conduct targeted removal of litter in problematic areas throughout Dallas and conduct events focused along the Trinity River and related bodies of water that experience periodic flooding. The project will also include community awareness and an educational outreach component.

This grant will fund the one-time purchase of small equipment and tools, and also fund overtime for weekend work crews. The City will provide in-kind service match of up to \$30,000 which will include heavy city equipment and staff from Code Compliance Services and Trinity Watershed Management Departments. If the City is awarded the grant, future Council action will be necessary to receive and deposit these funds.

This item is on the addendum due to the grant requiring approval by governing body authorized officials as part of reviewing the application and prior approval of awarding funds to the applicant.

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

Information about this item will be provided to Quality of Life & Environment Committee on January 11, 2016.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

January 13, 2016

**WHEREAS**, the North Central Texas Council of Governments (NCTCOG) is accepting proposals for grant funding that address regional goals and objectives outlined in the Regional Management Plan for Solid Waste; and

**WHEREAS**, these funds are generated by solid waste disposal fees collected by the Texas Commission on Environmental Quality (TCEQ) and made available to eligible local governments; and

**WHEREAS**, the solid waste funds are intended for local and cooperative implementation activities consistent with goals of the Regional Solid Waste Management Plan.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to apply for the Materials Management Call for Projects Grant from the North Central Texas Council of Governments to support a project that involves litter and illegal dumping cleanups and community cleanup events for an amount not to exceed \$200,000, and provide the City's in-kind match of \$30,000, in the event the grant is awarded to the City.

**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.





**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** January 13, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Code Compliance

**CMO:** Joey Zapata, 670-3009

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Chapter 7 of the Dallas City Code to adjust fees related to the redemption of impounded animals from the Dallas Animal Shelter - Revenue Foregone: \$200,093

**BACKGROUND**

In compliance with the City's Financial Performance Management Criteria (FMPC) #15, an annual review of selected fees and charges were conducted to determine the extent to which the full cost of associated services is being recovered by revenues. Ordinance No. 29879, previously approved by City Council on September 22, 2015, adjusted fees for redeeming an impounded animal from the Dallas Animal Shelter.

At the November 12, 2015 Animal Advisory Commission meeting, the commission recommended that the rabies, boarding, impounding and surgery fee adjustments adopted by City Council on September 22, 2015, and effective on October 1, 2015, be reduced to their FY 2014-15 amounts. These adjustments would reduce the cost to citizens when reunited with their pets, and would support current efforts to control the amount of unwanted pets in our communities. The recommended adjustments would result in a estimated reduction of up to \$200,093 in budgeted revenues for FY 2015-16, a decrease which would need to be managed over the course of the fiscal year.

This item was placed on the addendum following the December 8, 2015, Quality of Life & Environment Committee meeting.

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

The City Council was briefed on the City Manager's recommended FY 2015-16 budget on August 11, 2015.

The City Council approved Ordinance No. 29879 amending Chapter 7 of the Dallas City Code on September 22, 2015.

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

The Quality of Life & Environment Committee was briefed on December 8, 2015.

**FISCAL INFORMATION**

Revenue Foregone - \$200,093

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

An ordinance amending Chapter 7, "Animals," of the Dallas City Code by amending Section 7-2.6; adjusting fees for redeeming an impounded animal from a city animal shelter; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (a) of Section 7-2.6, "Redemption of Impounded Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:

(1) a redemption fee of:

(A) \$27 [~~50~~] for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) \$27 [~~50~~] for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) \$10 [~~15~~] for each night the animal is housed in a city animal shelter;

(3) \$10 [~~19~~] for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;

(4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;

(5) \$15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment; or

(B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons; and

(6) \$60 [~~139~~] for the sterilization of a dog or \$60 [~~139~~] for the sterilization of a cat, unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(D) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;

(E) the animal is a competition cat or competition dog;

(F) the animal is a service animal; or

(G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter.”

SECTION 2. That Chapter 7 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Planning and Urban Design  
**CMO:** Alan Sims, Chief of Neighborhood Plus, 670-1611  
**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** the receipt and deposit of funds in the amount of \$115,000 from the Trammel Crow Company and the Urban Land Institute Foundation; **(2)** an increase in appropriations in the amount of \$115,000; and **(3)** a professional services agreement with the Urban Land Institute in an amount not to exceed \$125,000 to conduct an Advisory Services Panel on affordable and mixed income housing to develop suggested policies and practices for inclusion in the City's new housing policy, with \$10,000 being funded by the city - Total not to exceed \$125,000 - Financing: Public/Private Partnership Funds

**BACKGROUND**

This item is being placed on the addendum because City Council to consider approval of City's \$10,000 contribution and accept \$115,000 in private contributions by 1/13/16 so that Urban Land Institute can begin assembling the panel in order to meet the March target.

The City of Dallas wishes to engage the Urban Land Institute (ULI) to conduct an Advisory Services Panel as part of the City's efforts to create a new housing policy. The Urban Land Institute (ULI) is a nonprofit education and research organization that fosters and encourages high standards of land use planning and development. Established in 1936, ULI is recognized as one of North America's most respected and widely quoted sources of objective information on urban planning, growth, and development. The members of this panel have been selected from the ULI membership for their expertise relevant to the problems and opportunities facing this project. At least two panel members will have expertise in HUD regulations and fair housing law, and none of the panelists will have a business tie to Dallas County. All panel members donate their time, effort, and expertise to the Advisory Services program as a personal contribution to further the Institute's work and objectives.

## **BACKGROUND** (Continued)

The Advisory Services Panel will meet over a period of five days. Day one will consist of a briefing and site tour; day two is reserved for interviews of interested parties and entities identified by the City and ULI. The report is prepared over the next two days and presented on Friday to stakeholders and the community at City Hall.

The City of Dallas has engaged ULI on two previous panels: in 2006 on the Inland Port and in 2009 on Southwest Center Mall.

The Advisory Services Panel will review the City's Voluntary Compliance Agreement with HUD, the recent Supreme Court decision regarding disparate impact under the Fair Housing Act, the recent HUD rule on Affirmatively Furthering Fair Housing, and the City's May 2015 Analysis of Impediments to Fair Housing, as well as any other materials provided by City to the panelists. Additionally, the panel will interview City staff and council members, representatives of profit and nonprofit developers, development advocacy groups, fair housing advocacy groups, and other groups and individuals identified by the City.

The final product of the panel will include a review of best practices and policies of other large cities, the outcomes of such practices and policies, and will produce a report that lays out core principles for a locally-focused housing strategy that complies with the Voluntary Compliance Agreement and recent changes to fair housing law, and that identifies short, medium, and long-term policy options for the City, including collaboration opportunities with surrounding jurisdictions.

The City's Contracting Policy, A.D. 4-5, Section 9.3.5 provides for the ability to contract for consulting services with a specific firm without utilizing the City's procurement process, if there is only one consultant that can best provide the required service. ULI is best and uniquely qualified to perform the services because they create panels of industry leaders from their diverse membership, which includes developers, planners, financiers, market analysts, designers, economists, architects, and public officials, to provide practical and objective advice that is not available from any other source, and has been offering this service for over 65 years.

The total cost of the panel is \$125,000. The City of Dallas is the project sponsor and contracting entity, and will provide \$10,000 to ULI for the week long Advisory Services panel. The remaining \$115,000 will come from the private donations to the City approved herein. It is anticipated that ULI will commence the panel in March 2016, and will report its findings to the Housing Committee in April 2016.

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

Information about this item was provided to the Housing Committee on January 4, 2016.



**FISCAL INFORMATION**

\$125,000 - Public/Private Partnership Funds



January 13, 2016

**WHEREAS**, in November of 2014, the City of Dallas and the U.S. Department of Housing and Urban Development entered into a voluntary compliance agreement; and

**WHEREAS**, in June of 2015, the U.S. Supreme Court ruled that disparate impact is cognizable under the Fair Housing Act, a ruling sought by the Dallas-based Inclusive Communities Project in a case in which the organization asserted that the State of Texas' administration of federal Low Income Housing Tax Credits in the City of Dallas had violated the Fair Housing Act by allocating a disproportionate share of credits to support affordable housing developments in minority neighborhoods in Dallas; and

**WHEREAS**, following the Supreme Court ruling, the U.S. Department of Housing and Urban Development (HUD) released its new rule, Affirmatively Furthering Fair Housing, which stated that cities have an affirmative obligation to take meaningful actions to address historic patterns of segregation and create inclusive communities, and that such obligations implicate all of a city's actions and funding related to housing or urban development; and

**WHEREAS**, the City of Dallas is in the midst of developing a new City-wide housing plan that takes into account these recent developments and activities; and

**WHEREAS**, the Urban Land Institute (ULI) is one of North America's most respected sources of objective information on urban planning, growth, and development; and

**WHEREAS**, the Urban Land Institute conducts five-day Advisory Services Panels to provide benefits to the general public through improved planning and utilization of urban land; and

**WHEREAS**, the City of Dallas desires to engage a ULI Advisory Services Panel to (1) interview stakeholder groups identified by the City; (2) review the City's existing housing policies and practices; (3) review best practices of other municipalities related to the development of affordable and mixed income housing; and (4) present to the Housing Committee suggested policies and practices for inclusion in the City's new housing policy.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approval as to the form by the City Attorney, is hereby authorized to enter into an agreement with the Urban Land Institute to conduct a five-day advisory services panel beginning on or before March 15, 2016.

January 13, 2016

**Section 2** That the Chief Financial Officer is hereby authorized to receive and deposit private funds into Fund 0352 Department ECO, Unit W055, Activity PPPF, Revenue Source 8411 in an amount not to exceed \$115,000.

**Section 3.** That the City Manager is hereby authorized to increase appropriations in Fund 0352, Department ECO, Unit W055, Activity PPPF, Object 3070 in an amount not to exceed \$115,000.

**Section 4.** That the Chief Financial Officer is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$125,000 from Fund 0352, Department ECO, Unit W055, Object 3070, Activity PPPF, CT ECOW055C266, Vendor No. 070137.

**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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 54V

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**SUBJECT**

An ordinance abandoning an alley to Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia, the abutting owners, containing a total of approximately 5,250 square feet of land, located near the intersection of Illinois and Beckley Avenues and providing for the dedication of approximately 4,207 square feet of land needed for right-of-way - Revenue: \$11,734, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of an alley to Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia, the abutting owners. The area will be included with the property of the abutting owners for the future sale of these properties to Orange Development for the construction of a CVS Pharmacy. The owners will dedicate approximately 4,207 square feet of land needed for right-of-way. The abandonment fee is based on an independent appraisal.

Notices were sent to 47 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

This item is associated with Zoning Case No. Z145-347 (WE), to be considered by Council on this agenda.

**FISCAL INFORMATION**

Revenue: \$11,734, plus the \$20 ordinance publication fee

**OWNERS**

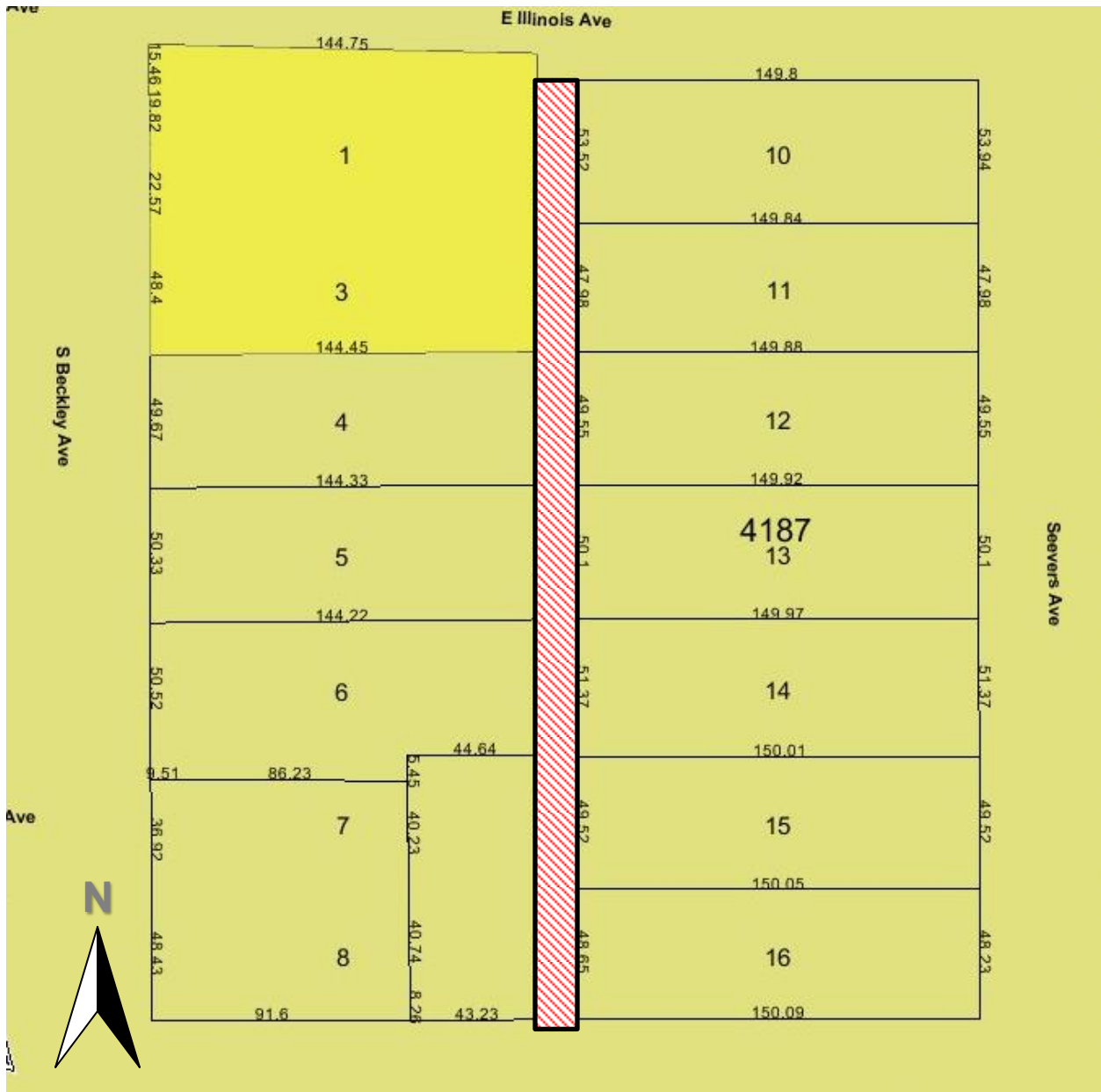
Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim

James Wesley Hutson, independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso

Roslyn Yvette Ratliff, independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, Rocio Segovia

**MAP**

Attached



**Log:** 42219

**Abandonment:** 

**Mapsc0:** 54V

**Applicant:** Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia





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

An ordinance providing for the abandonment of an alley located in City Block 4187 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia; 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 Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, James Walter Marks, Clemmie Skief, Maria Caseres, Veronica Barroso, Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, Fustino Islas and Maria Del Carmen Peralta, Victor Ornelas and Carolina Ontiveros, Rodrigo Mijares Segovia and Maria Segovia, and Rocio Segovia, as individuals, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said alley 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**,

**SECTION 1.** That the tracts 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 **ELEVEN THOUSAND SEVEN HUNDRED THIRTY FOUR DOLLARS AND NO/100 DOLLARS (\$11,734.00)** 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 of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A as follows: unto Kerry L. Owens, Court Appointed Receiver in Possession of the property of Andrew Ho Kim, all of its right, title and interest in Tract I of Exhibit A; unto James Wesley Hutson, as independent executor for the estate of Mable E. Hutson, all of its right, title and interest in Tract II of Exhibit A; and unto James Walter Marks, all of its right, title and interest in Tract III of Exhibit A; unto Clemmie Skief, all of its right, title and interest in Tract IV of Exhibit A; unto Maria Caseres, all of its right, title and interest in Tract V of Exhibit A; and unto Veronica Barroso, all of its right, title and interest in Tract VI of Exhibit A; unto Roslyn Yvette Ratliff, as independent executor for the estate of Annie J. Johnson, all of its right, title and interest in Tract VII of Exhibit A; unto Fustino Islas and Maria Del Carmen Peralta, all of its right, title and interest in Tract VIII of Exhibit A; and unto Victor Ornelas and Carolina Ontiveros, all of its right, title and interest in Tract IX of Exhibit A; unto Rodrigo Mijares Segovia and Maria Segovia, all of its right, title and interest in Tract X of Exhibit A; unto Rocio Segovia, all of its right, title and interest in Tract XI of 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 authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

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

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

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

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within 18 months of the effective date of this ordinance showing the fee simple dedication of not less than 4,207 square feet of needed right-of-way in City Block 4187. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) maintain 100 feet of right-of-way on Illinois Avenue and 60 feet of right-of-way on Beckley Avenue in accordance with City of Dallas Thoroughfare Plan, Section 51-9.101.
- b) obtain rezoning approval and ensure the approval also includes rezoning to a non-residential zoning district for the abandonment area.
- c) at no time during or after the project, cause any delay to emergency traffic or cause interruption to water supply in the area.

**SECTION 11.** 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**, and **GRANTEE's** heirs and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

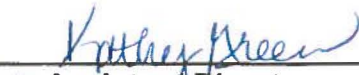
**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9, 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 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:**  
**WARREN M. S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY   
Assistant City Attorney

BY   
Assistant Director

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



# ALLEY ABANDONMENT

## BROADMOOR ADDITION

ADJACENT TO LOTS 2 & 3

OFFICIAL DALLAS CITY BLOCK 1/4187

CITY OF DALLAS, DALLAS COUNTY, TEXAS

### EXHIBIT A-TRACT 1

BEING a 0.017 acre (750 square feet) tract of land situated in the J.P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:


BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the West line of said 15-foot alley and a tract of land described in Special Warranty Deed with Vendor's Lien to Andrew Ho Kim, recorded in Volume 2004050, Page 3638, Deed Records, Dallas County, Texas, said point being the Southeast corner Lot 3, Block 1/4187, of said Broadmoor Addition, and the Northeast corner of Lot 4, Block 1/4187, or said Broadmoor Addition and a tract of land described in Warranty Deed with Single, Joint and Wife's separate Acknowledgments to W. W. Hutson and wife, Mabel E. Hutson as recorded in Volume 3899, Page 534, Deed Records, Dallas County, Texas;

THENCE North 00 deg 17 min 23 sec West, along the East line of said Lot 3, Lot 2, Block 1/4187, of said Broadmoor Addition, said Kim tract, and the West line of said 15-foot alley, a distance of 100.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for the Northeast corner of said Lot 2, and the Southeast corner of Lot 1, Block 1/4187, of said Broadmoor Addition;

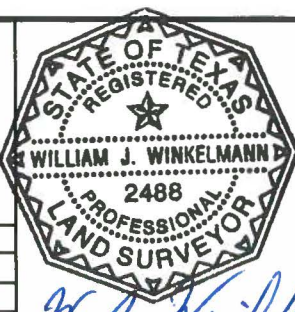
THENCE North 89 deg 42 min 37 sec East, departing the West line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE South 00 deg 17 min 23 sec East, along the centerline of said 15-foot alley, a distance of 100.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE South 89 deg 42 min 37 sec West, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.017 acres or 750 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

 **Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6780 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7080  
DALLAS, TEXAS 75230 (972) 480-7089 FAX  
Texas Engineers Registration No. 89  
Firm Registration/icense No. 10086600 Expires 12-31-16  
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Scale : N/A  
Date : 01.08.16  
Dwg. File : 70115-ABD-L2&3  
Project No. : 70115



*W. J. Winkelmann 1-8-16*

(For SPRG use only)  
Reviewed by:     JL      
Date:     1-8-16      
SPRG No.     3480    

**SHEET**  
**1**  
**OF**  
**2**

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

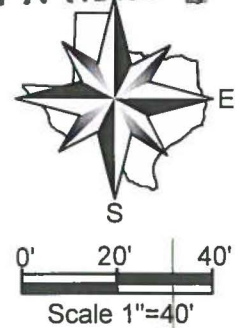
# ALLEY ABANDONMENT EXHIBIT A-TRACT 1

## BROADMOOR ADDITION

### ADJACENT TO LOTS 2 & 3

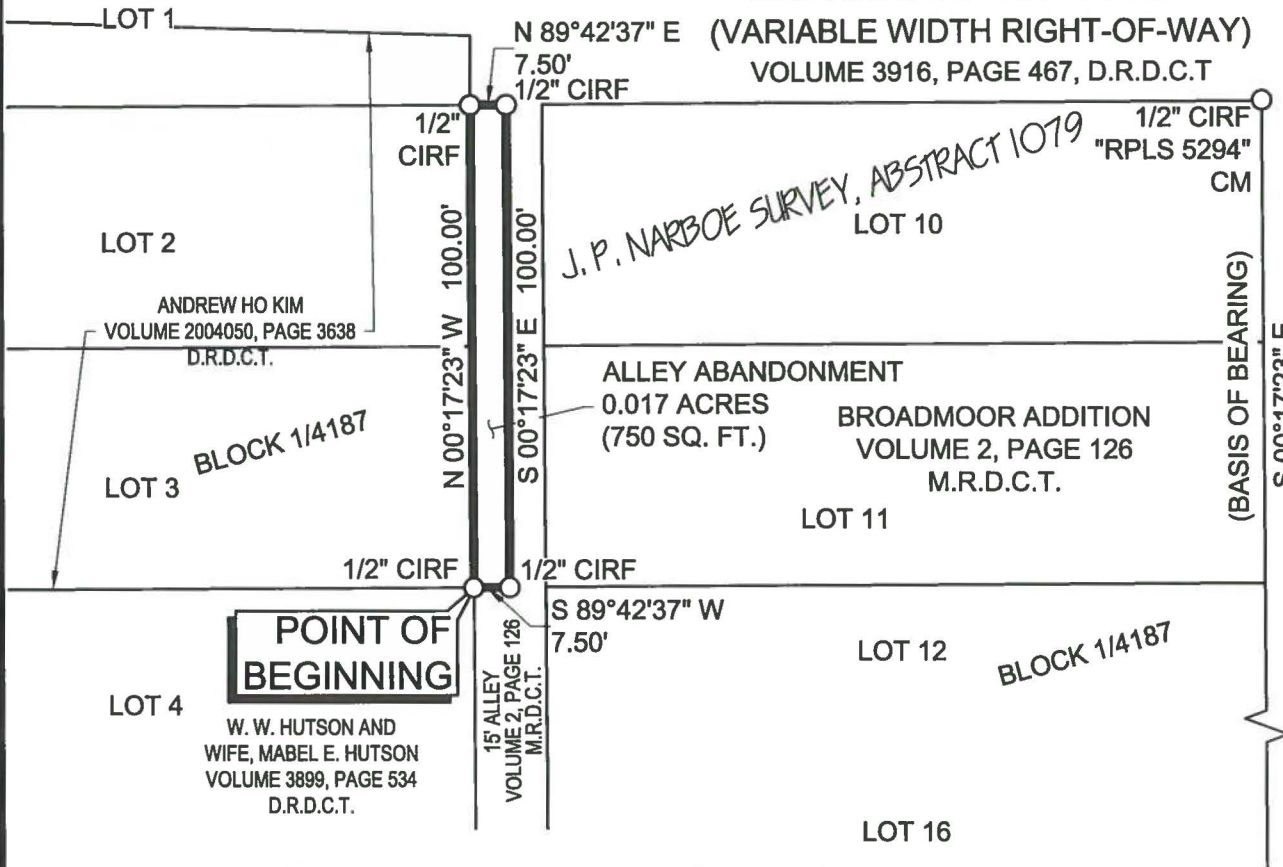
#### OFFICIAL DALLAS CITY BLOCK 1/4187

#### CITY OF DALLAS, DALLAS COUNTY, TEXAS



## ILLINOIS AVENUE

N 89°42'37" E (VARIABLE WIDTH RIGHT-OF-WAY)  
7.50'  
1/2" CIRF  
VOLUME 3916, PAGE 467, D.R.D.C.T



## SEEVERS AVENUE

(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T

## OHIO AVENUE

(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 128, D.R.D.C.T

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126, M.R.D.C.T.

1" IPF  
CM

**POINT OF BEGINNING**

- LEGEND**
- IPF Iron Pipe Found
  - 1/2" CIRF 1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
  - CM Controlling Monument
  - CC# County Clerks' Instrument No.
  - D.R.D.C.T. Deed Records, Dallas County, Texas
  - O.P.R.D.C.T. Official Public Records, Dallas County, Texas
  - M.R.D.C.T. Map Records, Dallas County, Texas
  - SQ. FT. Square Feet



**Winkelmann & Associates, Inc.**

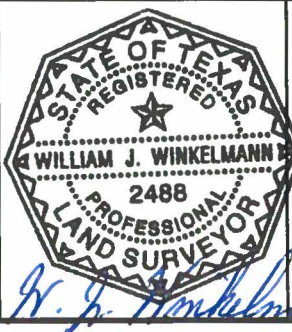
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
8750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
DALLAS, TEXAS 78230 (972) 490-7099 FAX  
Texas Engineers Registration No. 89  
Firm Registration/License No. 10086600 Expires 12-31-16  
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Scale: 1" = 40'

Date: 01.08.16

Dwg. File: 70115-ABD-L2&3

Project No.: 70115



*W. J. Winkelmann*

(For SPRG use only)  
Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3480

**SHEET**  
**2**  
**OF**  
**2**



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 4  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 2**

BEING a 0.009 acre (375 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official Dallas City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the West line of said 15-foot alley, said point being the Southeast corner Lot 4, Block 1/4187, of said Broadmoor Addition and the Southeast corner of a tract of land described in Warranty Deed with Single, Joint and Wife's separate Acknowledgments to W. W. Hutson and wife, Mabel E. Hutson as recorded in Volume 3899, Page 534, Deed Records, Dallas County, Texas, and the Northeast corner of Lot 5, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed (with Vendor's Lien) as recorded in Volume 5815, Page 317, Map Records, Dallas County, Texas;

THENCE North 00 deg 17 min 23 sec West, along the East line of said Lot 4 and said Hutson tract, and along the West line of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for the Northeast corner of said Lot 4 and said Hutson tract, and the Southeast corner of Lot 3, Block 1/4187, of said Broadmoor Addition and a tract of land to Andrew Ho Kim described in Special Warranty Deed with Vendor's Lien as recorded in Volume 2004050, Page 3638, Deed Records, Dallas County, Texas;

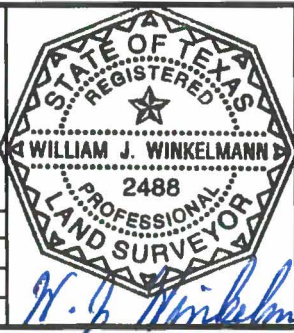
THENCE North 89 deg 42 min 37 sec East, departing the West line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE South 00 deg 17 min 23 sec East, continuing over and across said 15-foot alley, along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE South 89 deg 42 min 37 sec West, continuing over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 375 square feet or 0.009 acres of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**W Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (872) 490-7090  
DALLAS, TEXAS 78230 (872) 490-7099 FAX  
Texas Engineers Registration No. 89  
Firm Registration/License No. 10086500 Expires 12-31-16  
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Date: 01.08.16  
Dwg. File: 70115-ABD-L4  
Project No.: 70115



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Reviewed by:           JL            
Date:           1-8-16            
SPRG No.           3570          

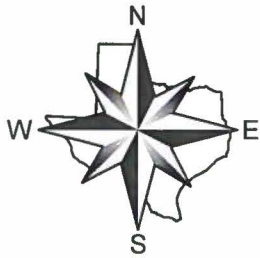
**SHEET  
1  
OF  
2**

# ALLEY ABANDONMENT

## BROADMOOR ADDITION

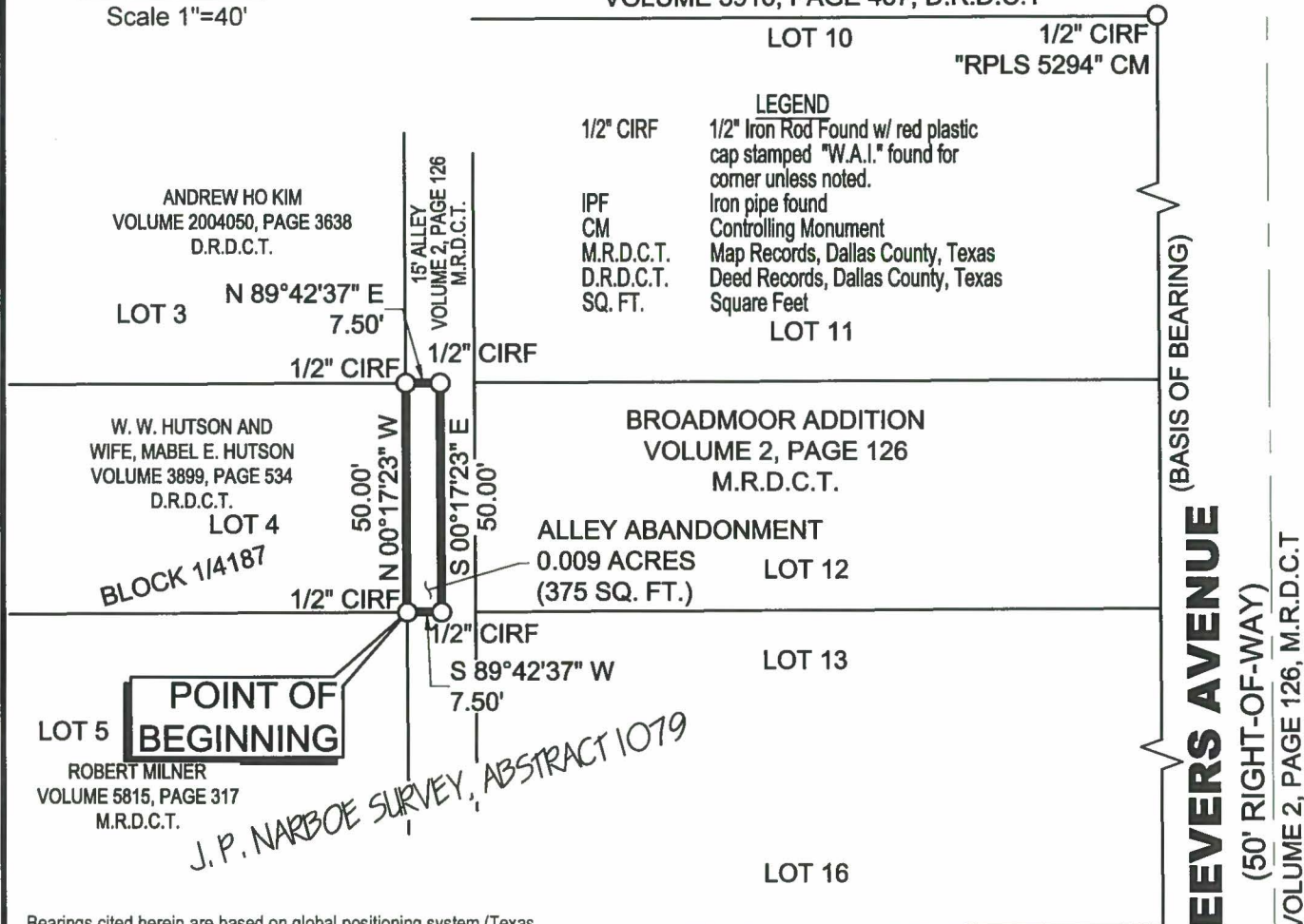
ADJACENT TO LOT 4  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 2**



0' 20' 40'  
Scale 1"=40'

## ILLINOIS AVENUE (VARIABLE RIGHT-OF-WAY) VOLUME 3916, PAGE 467, D.R.D.C.T



Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126, M.R.D.C.T.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS

6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7080  
DALLAS, TEXAS 75230 (972) 480-7089 FAX

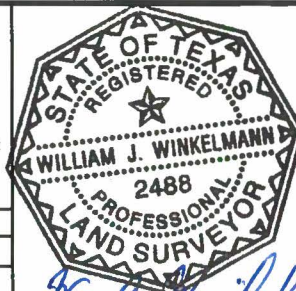
Texas Engineers Registration No. 89  
Firm Registration/icense No. 10086600 Expires 12-31-16  
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Scale: 1" = 40"

Date: 01.08.16

Dwg. File: 70115-ABD-L4

Project No.: 70115



*W. J. Winkelmann 1-8-16*

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Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3570

**SHEET  
2  
OF  
2**



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOTS 5 & 6  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 3**

BEING a 750 square feet (0.017 acres) tract of land situated in the J.P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187 Official City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found for corner on the West line of said 15-foot alley, said point being the Southeast corner Lot 6, Block 1/4187, of said Broadmoor Addition, the most Easterly Southeast corner of a tract of land described in Tract 1 Warranty Deed with Vendor's Lien to Robert Milner as recorded in Volume 5815, Page 317, Deed Records, Dallas County, Texas, and the Northeast corner of Lot 7, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Liens to Clemmie Skief as recorded in Volume 94234, Page 1753, Deed Records, Dallas County, Texas;

THENCE North 00 deg 17 min 23 sec West, along the West line of said 15-foot alley and the East line of said Lot 6 and Lot 5, Block 1/4187, of said Broadmoor Addition, and said Robert Milner tract, a distance of 100.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for the Northeast corner of said Lot 5 and said Milner tract, and the Southeast corner of Lot 4, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Single, Joint and Wife's separate Acknowledgments to W. W. Hutson and wife, Mabel E. Hutson as recorded in Volume 3899, Page 534, Map Records, Dallas County, Texas;

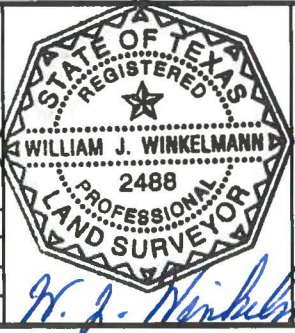
THENCE North 89 deg 42 min 37 sec East, departing the West line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE South 00 deg 17 min 23 sec East, along the centerline of said 15-foot alley, a distance of 100.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE South 89 deg 42 min 37 sec West, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.017 acres or 750 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**W Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7090  
DALLAS, TEXAS 75230 (972) 480-7099 FAX  
Texas Engineers Registration No. 89  
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Date: 01.08.16  
Dwg. File: 70115-ABD-L5&6  
Project No.: 70115



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Reviewed by:           JL            
Date:           1-8-16            
SPRG No.           3482          

**SHEET  
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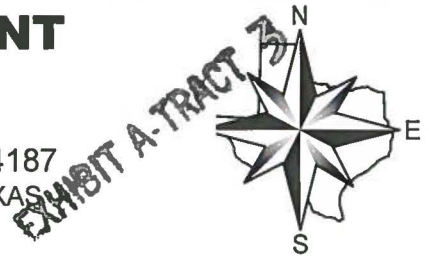
# ALLEY ABANDONMENT

## BROADMOOR ADDITION

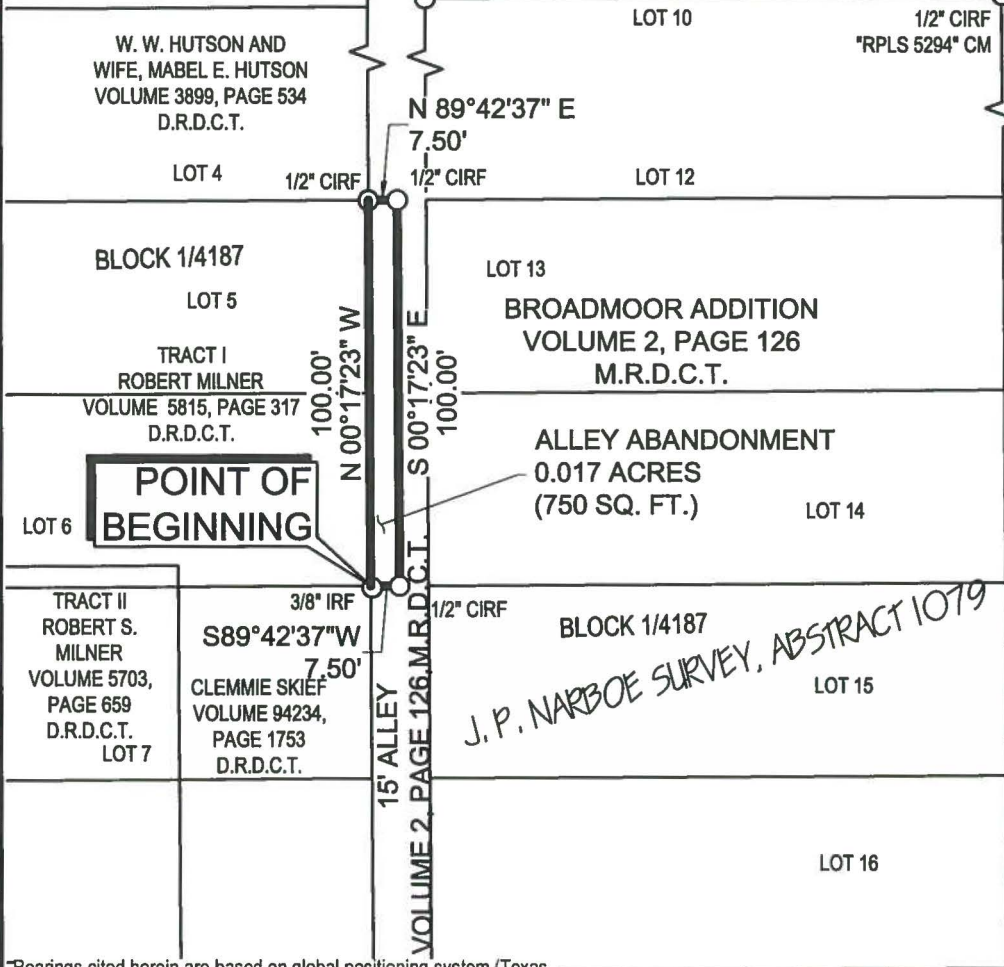
ADJACENT TO LOTS 5 & 6

OFFICIAL DALLAS CITY BLOCK 1/4187

CITY OF DALLAS, DALLAS COUNTY, TEXAS



## ILLINOIS AVENUE (VARIABLE WIDTH RIGHT-OF-WAY) VOLUME 3916, PAGE 467, D.R.D.C.T



- LEGEND**
- IRF Iron Rod Found
  - 1/2" CIRF 1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
  - C.M. Controlling Monument
  - D.R.D.C.T. Deed Records, Dallas County, Texas
  - M.R.D.C.T. Map Records, Dallas County, Texas
  - SQ. FT. Square Feet

**SEEVERS AVENUE**  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T

## OHIO AVENUE

(50' RIGHT-OF-WAY)

VOLUME 2, PAGE 126, M.R.D.C.T 1" IPF CM

\*Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126 M.R.D.C.T.



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7080  
DALLAS, TEXAS 75230 (972) 480-7089 FAX

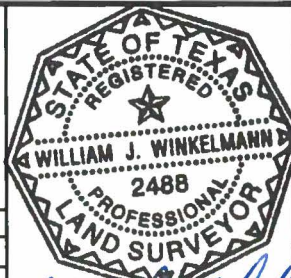
Texas Engineers Registration No. 89  
Firm Registration/License No. 10086600 Expires 12-31-16  
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Scale: 1" = 50'

Date: 01.08.16

Dwg. File: 70115-ABD-L5&6

Project No.: 70115



*W. J. Winkelmann 1-8-16*

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Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3482

SHEET

**2 OF 2**



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOTS 7 & 8  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 4**

BEING a 0.017 acre (728 square feet) tract of land situated in the J.P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official Dallas City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:


BEGINNING at a 3/8-inch iron rod found for corner on the West line of said 15-foot alley, said point being the Southeast corner Lot 6, Block 1/4187, of said Broadmoor Addition, the most Easterly Southeast corner of a tract of land described in Warranty Deed with Vendor's Lien to Robert Milner as recorded in Volume 5815, Page 317, Deed Records, Dallas County, Texas, and the Northeast corner of Lot 7, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to Clemmie Skief as recorded in Volume 94234, Page 1753, Deed Records, Dallas County, Texas;

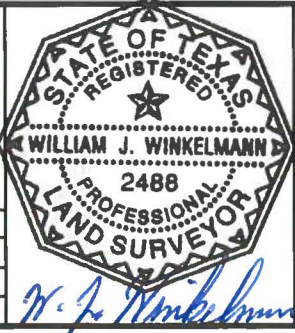
THENCE North 89 deg 42 min 37 sec East, departing the West line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod found for corner in the centerline of said 15-foot alley;

THENCE South 00 deg 17 min 23 sec East, along the centerline of said 15-foot alley, a distance of 97.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE South 89 deg 42 min 37 sec West, departing the centerline of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the West line of said 15-foot alley, and the East line of said Lot 8 and said Clemmie Skief tract;

THENCE North 00 deg 17 min 23 sec West, along the West line of said 15-foot alley, and along the East line of said Lot 8 and said Clemmie Skief tract, a distance of 97.00 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.017 acres or 728 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American Datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of SeEVERS Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

	<b>Winkelmann &amp; Associates, Inc.</b>
	CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230	(972) 480-7090 (972) 480-7099 FAX
Texas Engineers Registration No. 89 Firm Registration/License No. 10086500 Expires 12-31-16 COPYRIGHT © 2016, Winkelmann & Associates, Inc.	
Scale:	N/A
Date:	01.08.16
Dwg. File:	70115-ABD-L7&8
Project No.:	70115



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Reviewed by:	<u>    JC    </u>
Date:	<u>    1-8-16    </u>
SPRG No.	<u>    3491    </u>

**SHEET  
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OF  
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# ALLEY ABANDONMENT BROADMOOR ADDITION ADJACENT TO LOTS 7 & 8

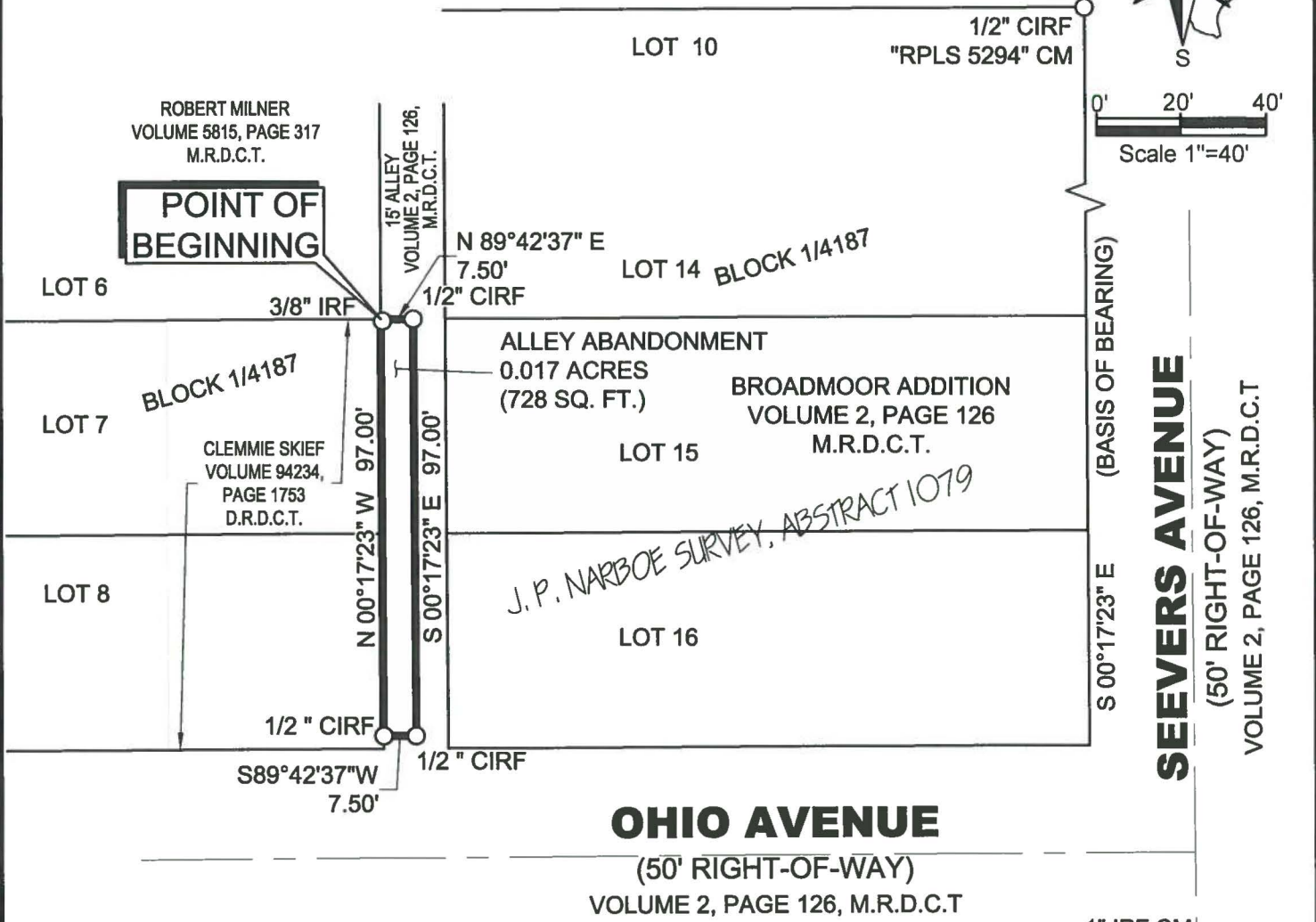
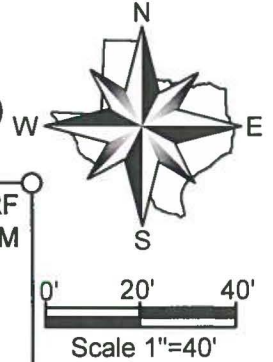
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT A

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

- LEGEND**
- IRF Iron Rod Found
  - IPF Iron Pipe Found
  - 1/2" CIRF 1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
  - C.M. Controlling Monument
  - D.R.D.C.T. Deed Records, Dallas County, Texas
  - M.R.D.C.T. Map Records, Dallas County, Texas
  - SQ. FT. Square Feet

**ILLINOIS AVENUE**  
(VARIABLE RIGHT-OF-WAY)  
VOLUME 3916, PAGE 467, D.R.D.C.T



1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

**OHIO AVENUE**  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126, M.R.D.C.T.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7090  
DALLAS, TEXAS 75230 (972) 480-7099 FAX

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Firm Registration License No. 10086600 Expires 12-31-16  
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Scale: 1" = 40'  
Date: 01.08.16  
Dwg. File: 70115-ABD-L7&8  
Project No.: 70115

STATE OF TEXAS  
REGISTERED  
WILLIAM J. WINKELMANN  
2488  
PROFESSIONAL  
LAND SURVEYOR

W. J. Winkelmann 1-8-16

(For SPRG use only)

Reviewed by:           JL          

Date:           1-8-16          

SPRG No.           3491

SHEET  
2  
OF  
2



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 10  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 5**

BEING a 375 square feet (0.009 acres) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the East line of said 15-foot alley at its intersection with the Southerly right-of-way line of Illinois Avenue, said point being the Northwest corner Lot 10, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Liens to Maria Caseres as recorded in County Clerk's Instrument No. 20080063993 Official Public Records, Dallas County, Texas, and the Southwest corner of Lot 9, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to Road District No. 1 of Dallas County, Texas, as recorded in Volume 3916, Page 466, Map Records, Dallas County, Texas;

THENCE South 00 deg 17 min 23 sec East, along the West line of said Lot 10 and the East line of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "RPLS 2437" found for the Southwest corner of said Lot 10 and said Caseres tract, and the Northwest corner of Lot 11, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Lien with Mineral Reservation to Veronica Barroso as recorded in County Clerk's Instrument No. 20080229659, Official Public Records, Dallas County, Texas;

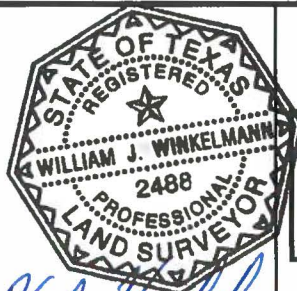
THENCE South 89 deg 42 min 37 sec West, departing the East line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.009 acres or 375 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of SeEVERS Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**W Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (872) 480-7080  
DALLAS, TEXAS 75230 (872) 480-7089 FAX  
Texas Engineers Registration No. 89  
Firm Registration/License No. 10085600 Expires 12-31-16  
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Date: 01.08.16  
Dwg. File: 70115-ABD-L10  
Project No.: 70115



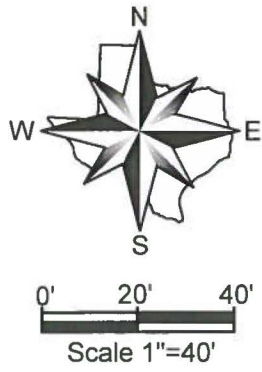
*W. J. Winkelmann* 1-8-16

(For SPRG use only)  
Reviewed by:     *JL*      
Date:     1-8-16      
SPRG No.     3484    

**SHEET  
1  
OF  
2**

**EXHIBIT A-TRACT 5**

**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 10  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

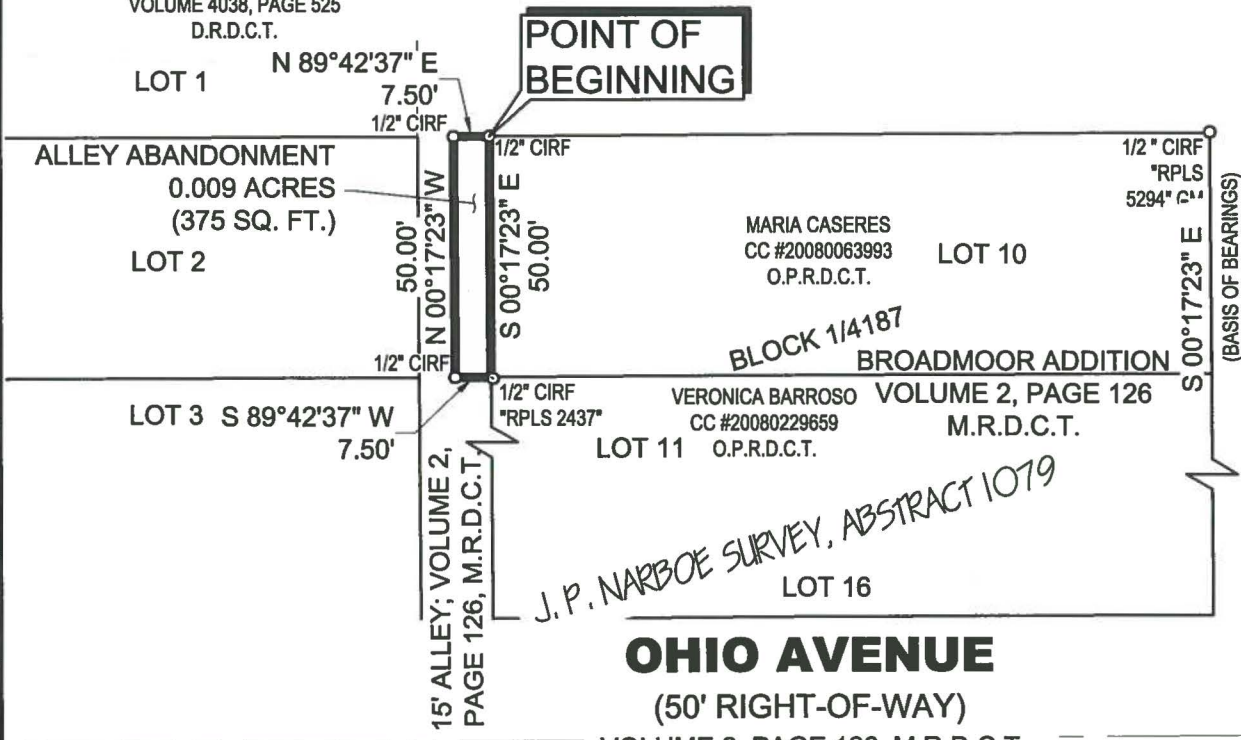


Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

IPF	Iron Pipe Found
1/2" CIRF	1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
C.M.	Controlling Monument
CC #	County Clerks' Instrument No.
D.R.D.C.T.	Deed Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
M.R.D.C.T.	Map Records, Dallas County, Texas
SQ. FT.	Square Feet

**ILLINOIS AVENUE  
(VARIABLE WIDTH RIGHT-OF-WAY)  
VOLUME 3916, PAGE 466, D.R.D.C.T**

ROAD DISTRICT #1  
OF DALLAS COUNTY  
(STREET EASEMENT)  
VOLUME 4038, PAGE 525  
D.R.D.C.T.



**SEEVERS AVENUE**  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T

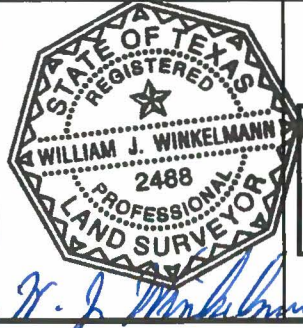
**OHIO AVENUE  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T**

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126, M.R.D.C.T. 1" IPF CM

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230 (972) 490-7090 (972) 490-7099 FAX  
Texas Engineers Registration No. 89  
Firm Registration/icense No. 10086600 Expires 12-31-16  
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Scale : 1" = 40"  
Date : 01.08.16  
Dwg. File : 70115-ABD-L10  
Project No. : 70115



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Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3484

**SHEET  
2  
OF  
2**



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 11  
DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 6**

BEING a 0.009 acre (375 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official Dallas City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "RPLS 2437" found for corner on the East line of said 15-foot alley, said point being the Northwest corner Lot 11, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Lien with Mineral Reservation to Veronica Barroso as recorded in County Clerk's Instrument No. 20080229659, Official Public Records, Dallas County, Texas, and the Southwest corner of Lot 10, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Liens to Maria Caseres as recorded in County Clerk's Instrument No. 20080063993 Official Public Records, Dallas County, Texas;

THENCE South 00 deg 17 min 23 sec East, along the West line of said Lot 11 and said Barroso tract, and the East line of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod found for the Southwest corner of said Lot 11 and said Barroso tract, and the Northwest corner of Lot 12, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to David L. Johnson and wife, Annie Johnson as recorded in Volume 2001011, Page 965, Deed Records, Dallas County, Texas (Affidavit of Heirship as recorded in County Clerk's Instrument No. 201500301702 Official Public Records, Dallas County, Texas);

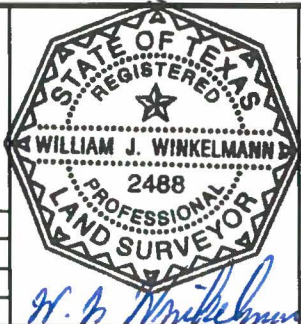
THENCE South 89 deg 42 min 37 sec West, departing the East line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.009 acres or 375 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (872) 490-7080  
DALLAS, TEXAS 75230 (872) 490-7089 FAX  
Texas Engineers Registration No. 89  
Firm Registration/license No. 10086600 Expires 12-31-16  
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Scale : N/A  
Date : 01.08.16  
Dwg. File : 70115-ABD-L11  
Project No. : 70115



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Reviewed by:     *JL*      
Date:     *1-8-16*      
SPRG No.     3489    

**SHEET  
1  
OF  
2**

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

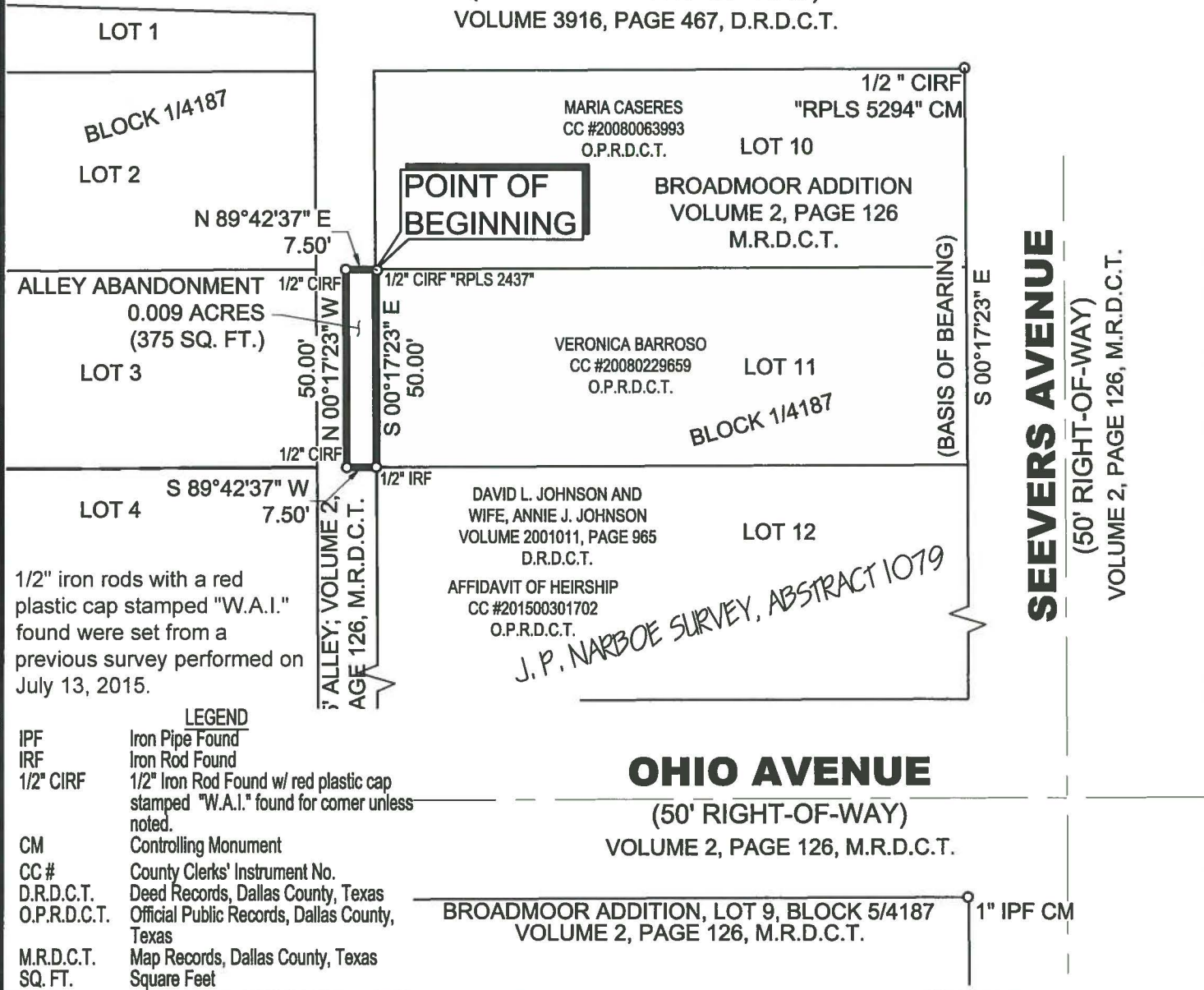
# ALLEY ABANDONMENT BROADMOOR ADDITION ADJACENT TO LOT 11 OFFICIAL DALLAS CITY BLOCK 1/4187 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 6**

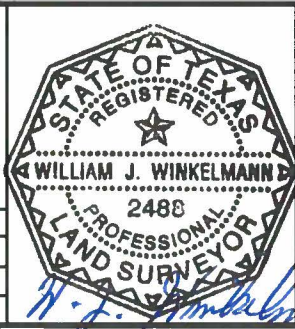


0' 20' 40'  
Scale 1"=40'

## ILLINOIS AVENUE (VARIABLE RIGHT-OF-WAY) VOLUME 3916, PAGE 467, D.R.D.C.T.



**Winkelmann & Associates, Inc.**  
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6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230  
(972) 480-7090 (972) 480-7090 FAX  
Texas Engineers Registration No. 89  
Firm Registration/icense No. 10086600 Expires 12-31-16  
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Date: 1-8-16

SPRG No. 3489

**SHEET**  
**2**  
**OF**  
**2**

Scale: 1" = 40'  
Date: 01.08.16  
Dwg. File: 70115-ABD-L11  
Project No.: 70115



**ALLEY ABANDONMENT**  
**BROADMOOR ADDITION**  
 ADJACENT TO LOT 12  
 OFFICIAL DALLAS CITY BLOCK 1/4187  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 7**

BEING a 0.009 acre (375 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official Dallas City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 128, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for corner on the East line of said 15-foot alley, said point being the Northwest corner Lot 12, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to David L. Johnson and wife, Anne J. Johnson as recorded in Volume 2001011, Page 965, Deed Records, Dallas County, Texas (Affidavit of Heirship as recorded in County Clerk's Instrument No. 201500301702, Official Public Records, Dallas County, Texas), and the Southwest corner of Lot 11, Block 1/4187, of said Broadmoor Addition, and the Southwest corner of a tract of land described in Warranty Deed with Vendor's Lien with Mineral Reservation to Veronica Barroso as recorded in County Clerk's Instrument No. 20080229659, Official Public Records, Dallas County, Texas;

THENCE South 00 deg 17 min 23 sec East, along the West line of said Lot 12 and said Johnson tract, and the East line of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for the Southwest corner of said Lot 12 and said Johnson tract, and the Northwest corner of Lot 13, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to Fustino Islas & Maria Del Carmen Peralta as recorded in County Clerk's Instrument No. 201300153963, Official Public Records, Dallas County, Texas;

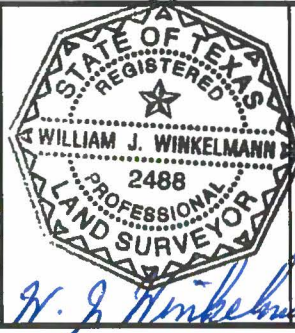
THENCE South 89 deg 42 min 37 sec West, departing the East line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 375 square feet or 0.009 acres of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**Winkelmann & Associates, Inc.**  
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
 6760 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
 DALLAS, TEXAS 75230 (972) 490-7099 FAX  
 Texas Engineers Registration No. 89  
 Firm Registration/ license No. 10086600 Expires 12-31-16  
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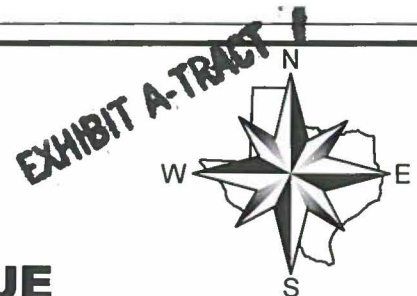
Scale : N/A  
 Date : 01.08.16  
 Dwg. File : 70115-ABD-L12  
 Project No. : 70115



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 Reviewed by: JL  
 Date: 1-8-16  
 SPRG No. 3485

**SHEET**  
**1**  
**OF**  
**2**

**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 12  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



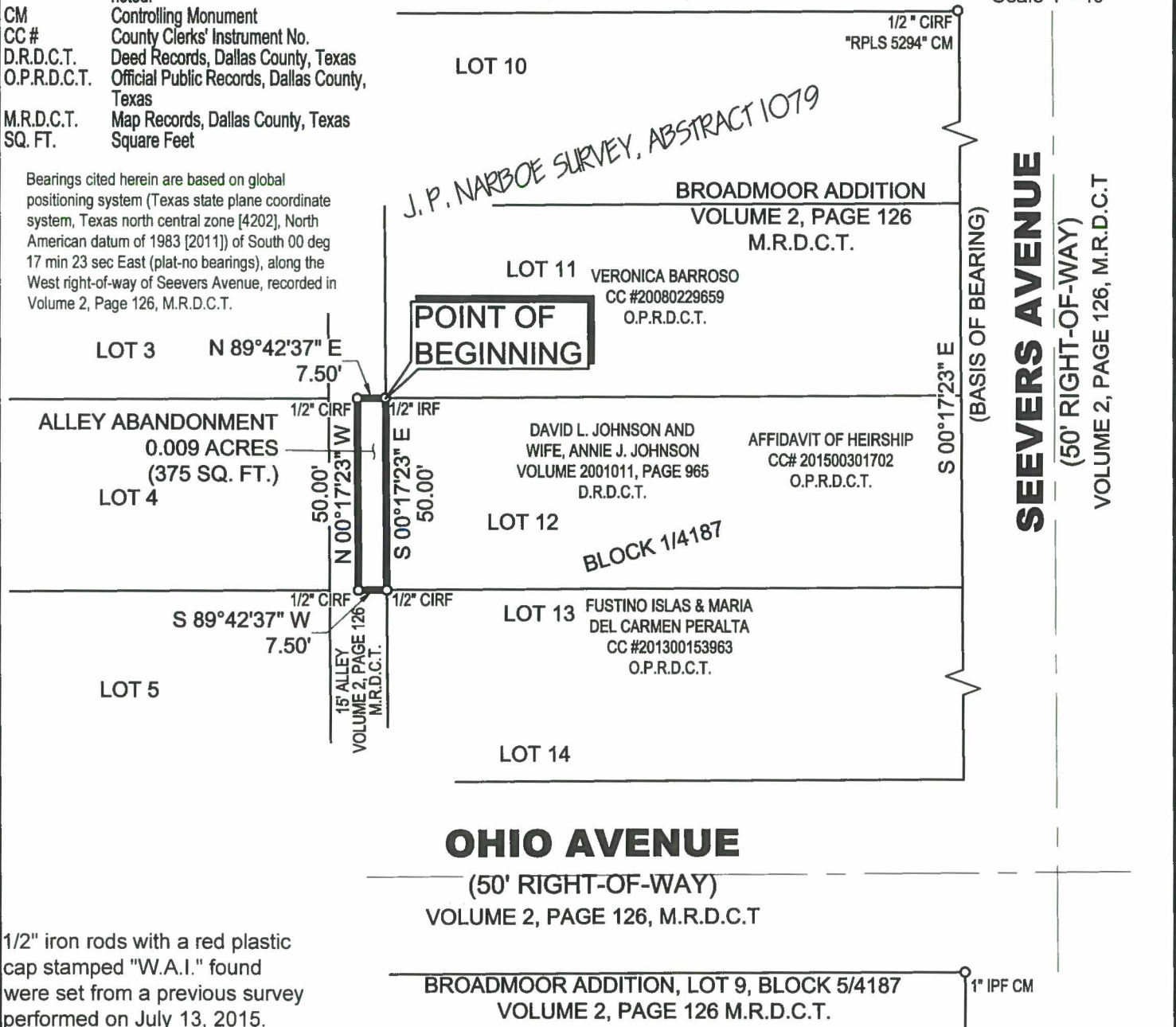
**ILLINOIS AVENUE**

(VARIABLE WIDTH RIGHT-OF-WAY)  
VOLUME 3916, PAGE 467

**LEGEND**

IRF	Iron Rod Found
1/2" CIRF	1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
CM	Controlling Monument
CC#	County Clerks' Instrument No.
D.R.D.C.T.	Deed Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
M.R.D.C.T.	Map Records, Dallas County, Texas
SQ. FT.	Square Feet

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.



**OHIO AVENUE**

(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T.

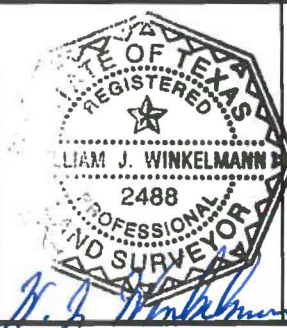
1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126 M.R.D.C.T.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (872) 480-7090  
DALLAS, TEXAS 75230 (872) 480-7099 FAX

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Firm Registration/License No. 10086600 Expires 12-31-16  
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Date : 01.08.16  
Dwg. File : 70115-ABD-L12  
Project No. : 70115



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Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3485

**SHEET  
2  
OF  
2**



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 13  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 8**

BEING a 0.009 acre (375 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the East line of said 15-foot alley, said point being the Northwest corner Lot 13, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to Fustino Islas & Maria Del Carmen Peralta as recorded in County Clerk's Instrument No. 201300153963, Official Public Records, Dallas County, Texas, and the Southwest corner of Lot 12, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed to David L. Johnson and wife, Annie Johnson as recorded in Volume 2001011, Page 965, Deed Records, Dallas County, Texas (Affidavit of Heirship as recorded in County Clerk's Instrument No. 201500301702, Official Public Records, Dallas County, Texas);

THENCE South 00 deg 17 min 23 sec East, along the East line of said 15-foot alley, and the West line of said Lot 13 and said Islas/Peralta tract, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for the Southwest corner of said Lot 13 and the Northwest corner of Lot 14, Block 1/4187, of said Broadmoor Addition and a tract of land described in General Warranty Deed with First and Second Vendor's Liens as described in deed to Victor Ornelas and Carolina Ontiveros as recorded in County Clerk's Instrument No. 20080022565, Official Public Records, Dallas County, Texas;

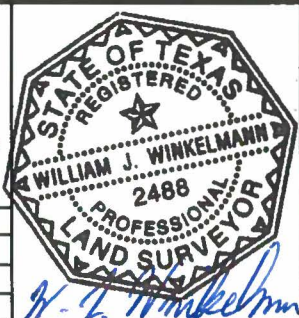
THENCE South 89 deg 42 min 37 sec West, departing the East line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.009 acres or 375 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**Winkelmann & Associates, Inc.**  
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Firm Registration/icense No. 10086600 Expires 12-31-16  
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Scale : N/A  
Date : 01.08.16  
Dwg. File : 70115-ABD-L13  
Project No. : 70115



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Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3494

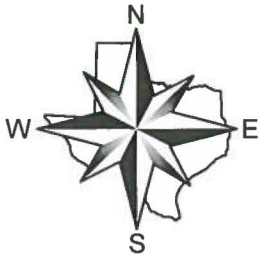
*W. J. Winkelmann 1-8-16*

**SHEET  
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OF  
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**EXHIBIT A-TRACT 8**

**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 13  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

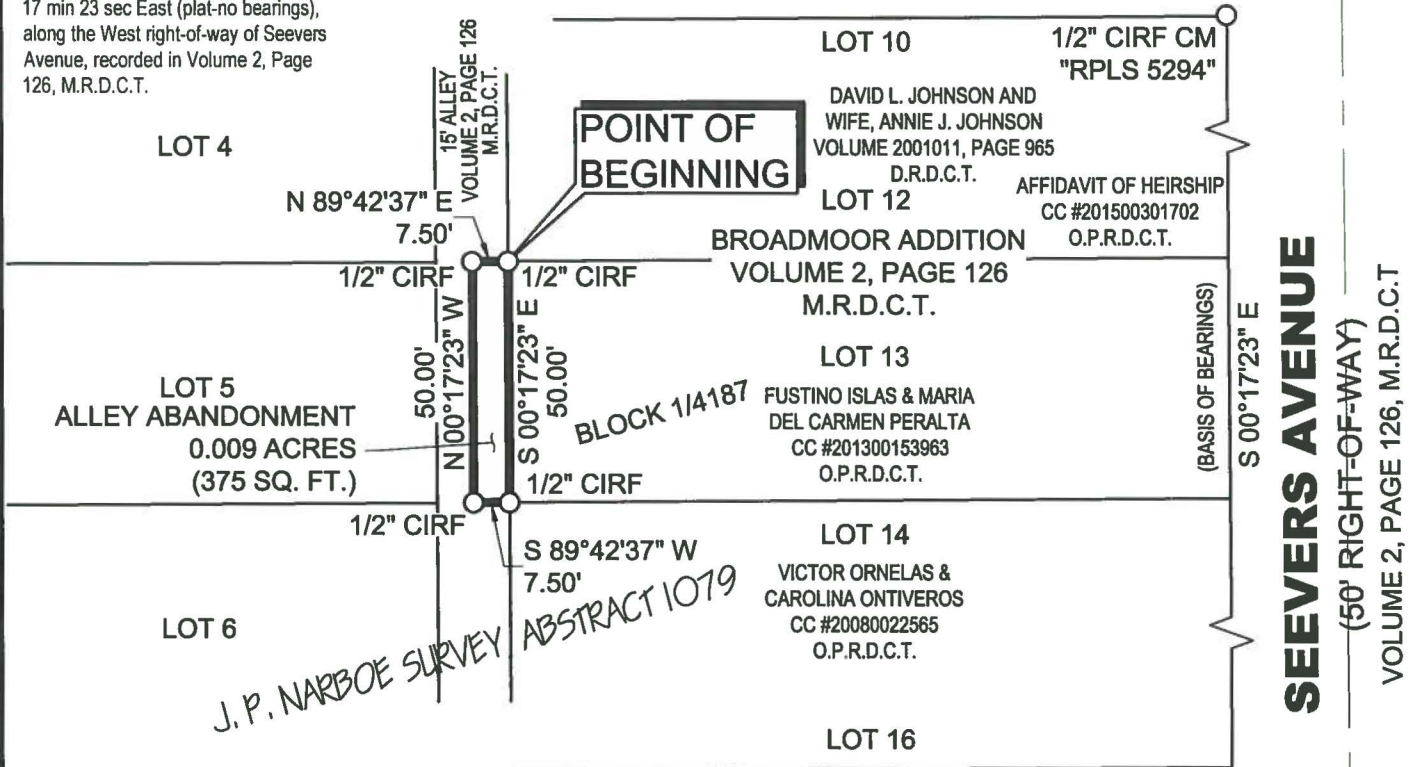
1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.



Scale 1"=40'

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

**ILLINOIS AVENUE  
(VARIABLE RIGHT-OF-WAY)  
VOLUME 3916, PAGE 467, D.R.D.C.T.**



**OHIO AVENUE  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T.**

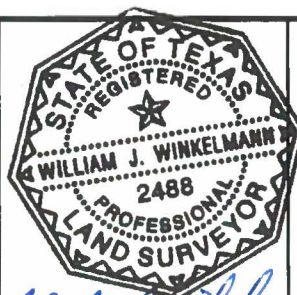
- LEGEND**
- IRF Iron Rod Found
  - 1/2" CIRF 1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
  - C.M. Controlling Monument
  - CC# County Clerks' Instrument No.
  - D.R.D.C.T. Deed Records, Dallas County, Texas
  - O.P.R.D.C.T. Official Public Records, Dallas County, Texas
  - M.R.D.C.T. Map Records, Dallas County, Texas
  - SQ. FT. Square Feet

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126, M.R.D.C.T.

**Winkelmann & Associates, Inc.**

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6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7080  
DALLAS, TEXAS 78230 (972) 490-7089 FAX

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SPRG No. 3494

**SHEET  
2  
OF  
2**

Scale: 1" = 40'

Date: 01.08.16

Dwg. File: 70115-ABD-L13

Project No.: 70115

*W. J. Winkelmann 1-8-16*



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 14  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 9**

BEING a 0.009 acre (375 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official City of Dallas Block Number, as shown on Plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for corner on the East line of said 15-foot alley, said point being the Northwest corner Lot 14, Block 1/4187, of said Broadmoor Addition and a tract of land described in General Warranty Deed with First and Second Vendor's Liens as described in deed to Victor Ornelas and Carolina Ontiveros as recorded in County Clerk's Instrument No. 20080022565, Official Public Records, Dallas County, Texas, and the Southwest corner of Lot 13, Block 1/4187, of said Broadmoor Addition, and a tract of land described in Warranty Deed to Fustino Islas & Maria Del Carmen Peralta as recorded in County Clerk's Instrument No. 201300153963, Official Public Records, Dallas County, Texas;

THENCE South 00 deg 17 min 23 sec East, along the West line of said Lot 14 and said Ornelas/Ontiveros tract, and the East line of said 15-foot alley, a distance of 50.00 feet to a railroad spike found for the Southwest corner of said Lot 14 and said Ornelas/Ontiveros tract, and the Northwest corner of Lot 15, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Lien to Rodrigo M. and Maria Segovia as recorded in Volume 79118, Page 2290, Deed Records, Dallas County, Texas;

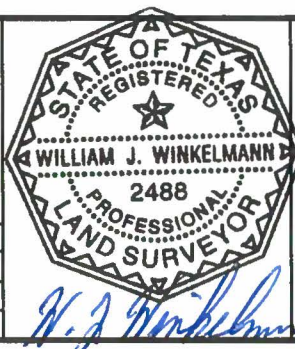
THENCE South 89 deg 42 min 37 sec West, departing the East line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, over and across and along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, departing the centerline of said 15-foot alley, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.009 acres or 375 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
DALLAS, TEXAS 75230 (972) 490-7099 FAX  
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Firm Registration/license No. 10086600 Expires 12-31-16  
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Date: 01.08.16  
Dwg. File: 70115-ABD-L14  
Project No.: 70115



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Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3571

**SHEET  
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OF  
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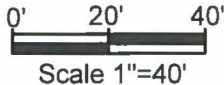
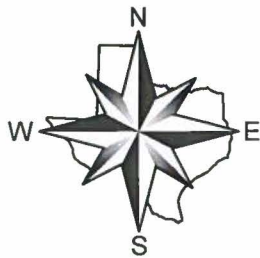
# ALLEY ABANDONMENT

## BROADMOOR ADDITION

ADJACENT TO LOT 14

OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

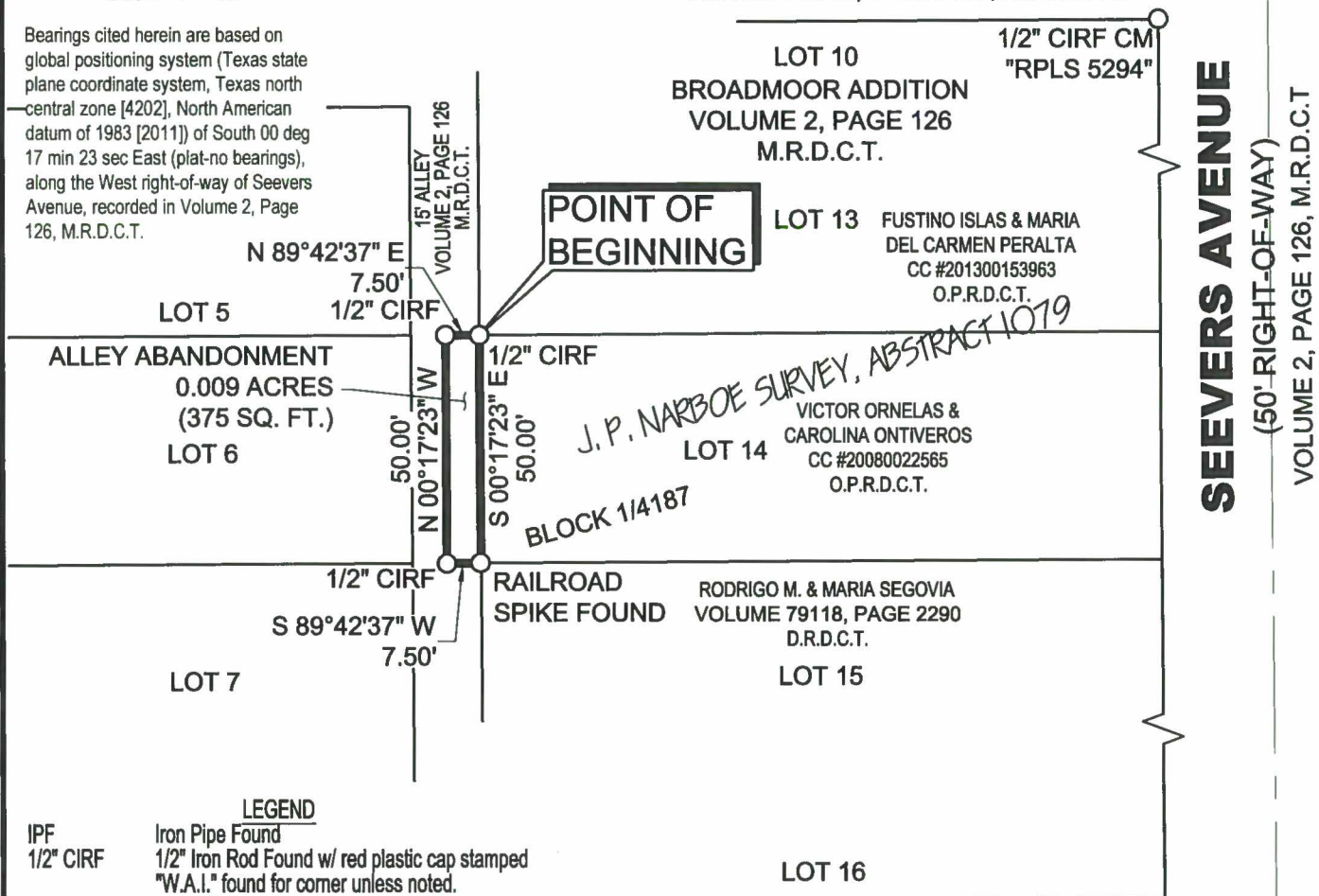
**EXHIBIT A-TRACT 9**



## ILLINOIS AVENUE (VARIABLE WIDTH RIGHT-OF-WAY)

VOLUME 3916, PAGE 467, D.R.D.C.T.

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.



**SEEVERS AVENUE**  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T.

### LEGEND

- IPF Iron Pipe Found
- 1/2" CIRF 1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
- C.M. Controlling Monument
- CC# County Clerks' Instrument No.
- D.R.D.C.T. Deed Records, Dallas County, Texas
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- M.R.D.C.T. Map Records, Dallas County, Texas
- SQ. FT. Square Feet

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

## OHIO AVENUE

(50' RIGHT-OF-WAY)

VOLUME 2, PAGE 126, M.R.D.C.T.

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187  
VOLUME 2, PAGE 126, M.R.D.C.T.

1" IPF CM



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6730 HILLCREST PLAZA DRIVE, SUITE 325 (872) 480-7090  
DALLAS, TEXAS 75230 (872) 480-7099 FAX

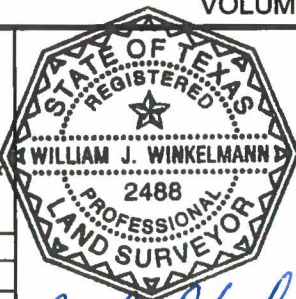
Texas Engineers Registration No. 89  
Firm Registration/License No. 10086600 Expires 12-31-16  
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Scale : 1" = 40'

Date : 01.08.16

Dwg. File : 70115-ABD-L14

Project No. : 70115



*W. J. Winkelmann 1-8-16*

(For SPRG use only)

Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3571

**SHEET**

**2  
OF  
2**



**ALLEY ABANDONMENT  
BROADMOOR ADDITION  
ADJACENT TO LOT 15  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A-TRACT 1U**

BEING a 0.009 acre (375 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187, Official City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:


BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the West line of said 15-foot alley, said point being the Southwest corner of Lot 15, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Lien to Rodrigo M. and Maria Segovia as recorded in Volume 79118, Page 2290, Deed Records, Dallas County, Texas, and the Northwest corner of Lot 16, Block 1/4187, of said Broadmoor Addition and a tract of land described in Special Warranty Deed with Vendor's Lien to Rocio Segovia as recorded in County Clerk's Instrument No. 201100050617, Official Public Records, Dallas County, Texas;

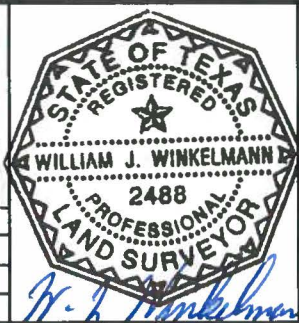
THENCE South 89 deg 42 min 37 sec West, departing the West line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, along the centerline of said 15-foot alley, a distance of 50.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, over and across said 15-foot alley, a distance of 7.50 feet to a railroad spike found for corner, said point being the Northwest corner of said Lot 15 and said Rodrigo Segovia tract, and the Southwest corner of Lot 14, Block 1/4187, of said Broadmoor Addition and a tract of land described in General Warranty Deed with First and Second Vendor's Liens as recorded in County Clerk's Instrument No. 20080022565, Official Public Records, Dallas County, Texas;

THENCE South 00 deg 17 min 23 sec East, along the East line of said 15-foot alley and the West line of said Lot 15 of said Rodrigo Segovia tract, a distance of 50.00 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.009 acres or 375 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas State Plane Coordinate System, Texas North Central Zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

	<b>Winkelmann &amp; Associates, Inc.</b>
	CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230	(872) 480-7090 (872) 480-7099 FAX
Texas Engineers Registration No. 89 Firm Registration/icense No. 10085600 Expires 12-31-16 COPYRIGHT © 2016, Winkelmann & Associates, Inc.	
Scale : N/A	
Date : 01.08.16	
Dwg. File : 70115-ABD-L15	
Project No. : 70115	



(For SPRG use only)	
Reviewed by:	<u>          JL          </u>
Date:	<u>          1-8-16          </u>
SPRG No.	<u>          3488          </u>

**SHEET  
1  
OF  
2**

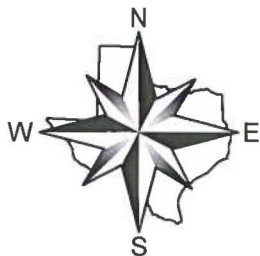
# ALLEY ABANDONMENT

## BROADMOOR ADDITION

ADJACENT TO LOT 15  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 1/D**

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seever's Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

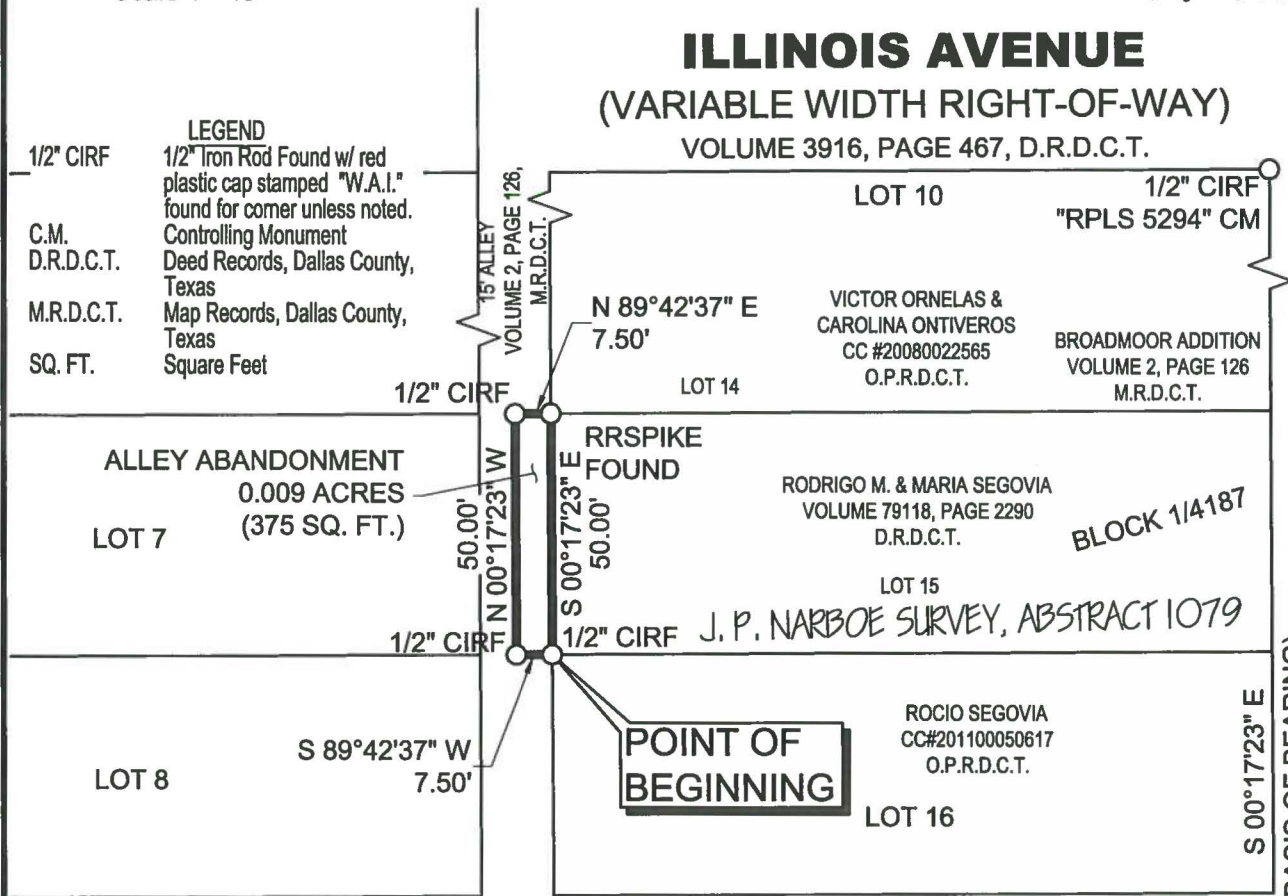


0' 20' 40'  
Scale 1"=40'

### ILLINOIS AVENUE (VARIABLE WIDTH RIGHT-OF-WAY)

VOLUME 3916, PAGE 467, D.R.D.C.T.

- LEGEND**
- 1/2" CIRF 1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
  - C.M. Controlling Monument
  - D.R.D.C.T. Deed Records, Dallas County, Texas
  - M.R.D.C.T. Map Records, Dallas County, Texas
  - SQ. FT. Square Feet



1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

BROADMOOR ADDITION, LOT 9, BLOCK 5/4187, VOLUME 2, PAGE 128 D.R.D.C.T.



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7080  
DALLAS, TEXAS 78230 (972) 480-7089 FAX

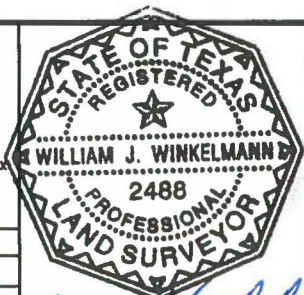
Texas Engineers Registration No. 89  
Firm Registration/License No. 10086600 Expires 12-31-16  
COPYRIGHT © 2016, Winkelmann & Associates, Inc.

Scale: 1" = 40"

Date: 01.08.16

Dwg. File: 70115-ABD-L15

Project No.: 70115



*W. J. Winkelmann 1-8-16*

(For SPRG use only)

Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3488

**SHEET**

**2  
OF  
2**



# ALLEY ABANDONMENT

## BROADMOOR ADDITION

ADJACENT TO LOT 16  
OFFICIAL DALLAS CITY BLOCK 1/4187  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 11

BEING a 0.008 acre (353 square feet) tract of land situated in the J. P. NARBOE SURVEY, ABSTRACT NO. 1079, in the City of Dallas, Dallas County, Texas, and being a portion of a 15-foot alley situated in City of Dallas Block 1/4187 Official City Block Number, as shown on plat of the Broadmoor Addition, an addition to the City of Dallas, Dallas County, Texas, created by the Plat recorded in Volume 2, Page 126, Map Records, Dallas County, Texas, and being more particularly described as follows:


BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner on the East line of said 15-foot alley, said point being the Northwest corner of Lot 16, Block 1/4187, of said Broadmoor Addition and a tract of land described in Special Warranty Deed with Vendor's Lien to Rocio Segovia as recorded in County Clerk's Instrument No. 201100050617, Official Public Records, Dallas County, Texas, and the Southwest corner of Lot 15, Block 1/4187, of said Broadmoor Addition and a tract of land described in Warranty Deed with Vendor's Lien to Rodrigo M. and Maria Segovia as recorded in Volume 79118, Page 2290, Deed Records, Dallas County, Texas;

THENCE South 00 deg 17 min 23 sec East, along the East line of said 15-foot alley, the West line of said Lot 16 and said Rocio Segovia tract, a distance of 47.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner;

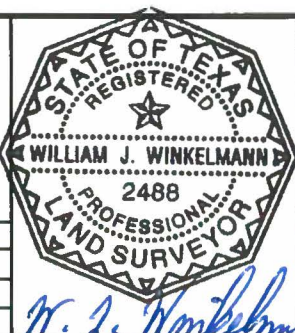
THENCE South 89 deg 42 min 37 sec West, departing the West line of said 15-foot alley, over and across said alley, a distance of 7.50 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner in the centerline of said 15-foot alley;

THENCE North 00 deg 17 min 23 sec West, along the centerline of said 15-foot alley, a distance of 47.00 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." found for corner;

THENCE North 89 deg 42 min 37 sec East, departing the centerline of said 15-foot alley, over and across said 15-foot alley, a distance of 7.50 feet to the POINT OF BEGINNING and CONTAINING within these metes and bounds 0.008 acres or 353 square feet of land, more or less. Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, Map Records, Dallas County, Texas.

 **Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 480-7090  
DALLAS, TEXAS 75230 (972) 480-7099 FAX  
Texas Engineers Registration No. 89  
Firm Registration/license No. 10086600 Expires 12-31-16  
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Scale: N/A  
Date: 01.08.16  
Dwg. File: 70115-ABD-L16  
Project No.: 70115



(For SPRG use only)

Reviewed by: JL  
Date: 1-8-16  
SPRG No. 3487

**SHEET**  
**1**  
**OF**  
**2**

# ALLEY ABANDONMENT

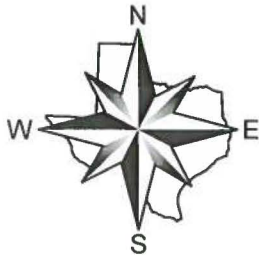
## BROADMOOR ADDITION

ADJACENT TO LOT 16

OFFICIAL DALLAS CITY BLOCK 1/4187

CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A-TRACT 11**



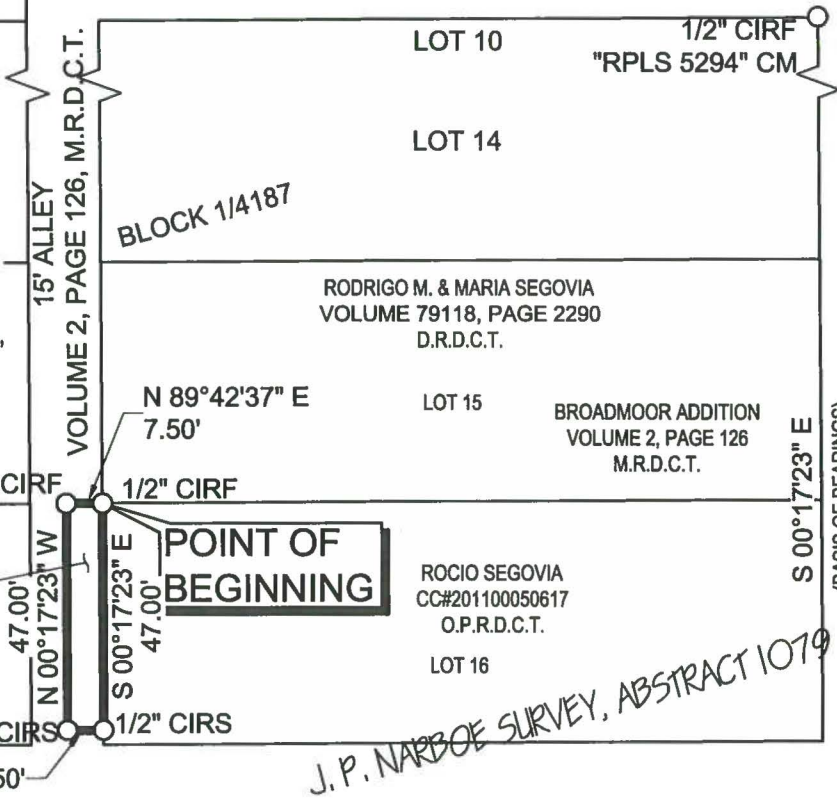
Scale 1"=40'

Bearings cited herein are based on global positioning system (Texas state plane coordinate system, Texas north central zone [4202], North American datum of 1983 [2011]) of South 00 deg 17 min 23 sec East (plat-no bearings), along the West right-of-way of Seevers Avenue, recorded in Volume 2, Page 126, M.R.D.C.T.

## ILLINOIS AVENUE (VARIABLE WIDTH RIGHT-OF-WAY)

VOLUME 3916, PAGE 467, D.R.D.C.T.

LEGEND	
IPF	Iron Pipe Found
1/2" CIRCS	1/2" Iron Rod Set w/ red plastic cap stamped "W.A.I." set for corner unless noted.
1/2" CIRF	1/2" Iron Rod Found w/ red plastic cap stamped "W.A.I." found for corner unless noted.
.C.M.	Controlling Monument
CC#	County Clerks' Instrument No.
D.R.D.C.T.	Deed Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
M.R.D.C.T.	Map Records, Dallas County, Texas
SQ. FT.	Square Feet



**SEEVERS AVENUE**  
(50' RIGHT-OF-WAY)  
VOLUME 2, PAGE 126, M.R.D.C.T.

## OHIO AVENUE

(50' RIGHT-OF-WAY)

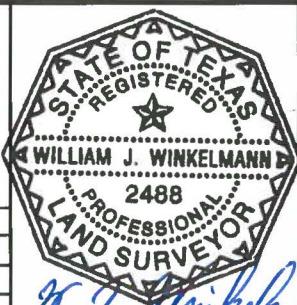
VOLUME 2, PAGE 126, M.R.D.C.T.

1/2" iron rods with a red plastic cap stamped "W.A.I." found were set from a previous survey performed on July 13, 2015.

BROADMOOR ADDITION LOT 9, BLOCK 5/4187, VOLUME 2, PAGE 126 M.R.D.C.T.

**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090  
DALLAS, TEXAS 75230 (972) 490-7099 FAX  
Texas Engineers Registration No. 89  
Firm Registration/license No. 10086600 Expires 12-31-16  
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Date: 1-8-16  
SPRG No. 3487

**SHEET**  
**2**  
**OF**  
**2**

Scale: 1" = 40'  
Date: 01.08.16  
Dwg. File: 70115-ABD-L16  
Project No.: 70115

*W. J. Winkelmann 1-8-16*

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 36W

---

**SUBJECT**

An ordinance abandoning an alley to AH Apartments, L.P., the abutting owner, containing approximately 5,700 square feet of land, located near the intersection of Fitzhugh Avenue and Chambers Street - Revenue: \$215,000, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of an alley to AH Apartments, L.P., the abutting owner. The area will be included with the property of the abutting owner for construction of a multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 47 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

This item is associated with Zoning Case No. Z145-238 (WE), approved by Council on November 10, 2015.

**FISCAL INFORMATION**

Revenue: \$215,000, plus the \$20 ordinance publication fee

**OWNER**

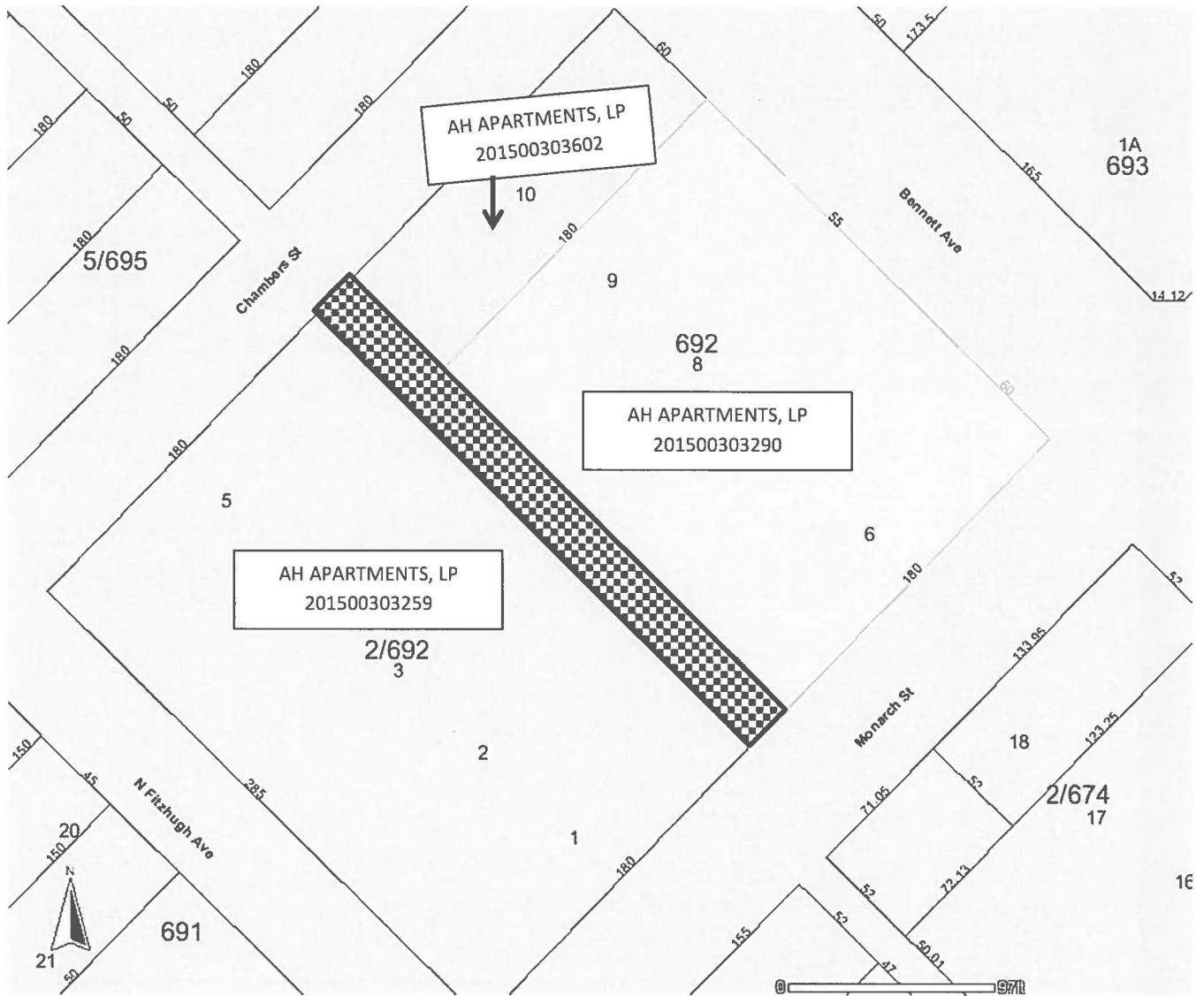
**AH Apartments, L.P.**

Kenneth J. Valach, President

**MAP**

Attached





Log #: 41266

OWNER: AH APARTMENTS, LP

MAPSCO: 36W

Abandonment area:







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

An ordinance providing for the abandonment of an alley located in City Block 2/692 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to AH Apartments, L.P.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of AH Apartments, L.P., a Delaware Limited Partnership, 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 alley 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 hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **TWO HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$215,000.00)** paid by **GRANTEE**, and the further consideration described in Section 8, 9, and 10, 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 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, and conditions of this ordinance.

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

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, 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; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) 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; and
- b) shall replat into one property.

This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, 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 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney.

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

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

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY

  
Assistant City Attorney

BY

  
Assistant Director

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

# EXHIBIT A

## LEGAL DESCRIPTION

**BEING** a 5,700 square foot tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and being all of a 20-foot wide alley across Block 2/692, dedicated and created per the plat of Monarch Place Revised, an addition to the City of Dallas according to the plat recorded in Volume 1, Page 148 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

**BEGINNING** at a 5/8-inch iron rod with "KHA" cap set at the intersection of the southeast right-of-way line of Chambers Street (a 50-foot wide right-of-way) and the southwest line of said 20-foot alley and being the north corner of Lot 5, Block 2/692 of said Monarch Place Revised; from said point a 1/2-inch iron rod found at the intersection of said southeast right-of-way line of Chambers Street and the northeast right-of-way line of Fitzhugh Avenue (a 50-foot wide right-of-way) bears South 44°16'22" West, a distance of 180.00 feet;

**THENCE** with said southeast right-of-way line of Chambers Street, North 44°16'22" East, a distance of 20.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner at the intersection of said southeast right-of-way line of Chambers Street and the northeast line of said 20-foot alley and being the west corner of Lot 10, Block 2/692 of said Monarch Place Revised; from said point a 5/8-inch iron rod found at the intersection of said southeast right-of-way line of Chambers Street and the southwest right-of-way line of Bennett Street (an 80-foot wide right-of-way) bears North 44°16'22" East, a distance of 180.00 feet;

**THENCE** with said northeast line of the 20-foot alley, South 45°23'44" East, a distance of 285.00 feet to an "X" cut in concrete set for corner at the intersection of said northeast line of the 20-foot alley and the northwest right-of-way line of Monarch Street (a 67-foot wide right-of-way) and being the south corner of Lot 6, Block 2/692 of said Monarch Place Revised;

**THENCE** with said northwest right-of-way line of Monarch Street, South 44°16'22" West, a distance of 20.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner at the intersection of said northwest right-of-way line of Monarch Street and said southwest line of the 20-foot alley and being the east corner of Lot 1, Block 2/692 of said Monarch Place Revised; from said point a 3/8-inch iron rod found bears South 17°00' West, a distance of 1.2 feet;

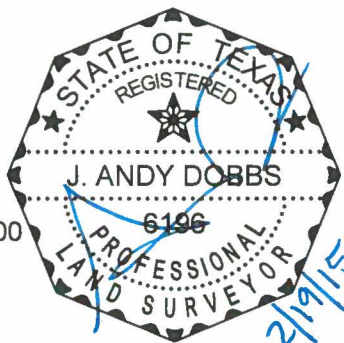
**THENCE** with said southwest line of the 20-foot alley, North 45°23'44" West, a distance of 285.00 feet to the **POINT OF BEGINNING** and containing 5,700 square feet or 0.131 acres of land.

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

(For SPRG use only)
Reviewed By: <u>JD</u>
Date: <u>2/19/2015</u>
SPRG NO: <u>3191</u>

20' ALLEY ABANDONMENT  
PART OF BLOCK 2/692  
JOHN GRIGSBY SURVEY  
ABSTRACT NO. 495  
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



<b>Kimley»Horn</b>					
12750 Merit Drive, Suite 1000 Dallas, Texas 75251			FIRM # 10115500		TEL. No. (972) 770-1300 Fax No. (972) 239-3820
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	JAD	DAB	JAN. 2015	064145028	1 OF 2



2002 FITZHUGH  
CONDOMINIUMS  
VOL. 2004145, PG. 9347  
O.P.R.D.C.T.

# EXHIBIT A

1

20' ALLEY

BLOCK 5/695  
MONARCH PLACE REVISED  
VOL. 1, PG. 148  
M.R.D.C.T.

VICEROY LIVING, LLC  
INST. NO. 201400215464  
O.P.R.D.C.T.

7

1/2-INCH IRON  
ROD FOUND (C.M.)

1/2-INCH IRON  
ROD FOUND (C.M.)

S44°16'22"W 180.00'

CHAMBERS STREET

(50' R.O.W.)

(FORMERLY FRANKLIN STREET)

VOL. 1, PG. 148

M.R.D.C.T.

N44°16'22"E

20.00'

N44°16'22"E 180.00'

IRSC

IRSC

THE J. ROBERT  
COMPANIES, INC.  
INST. NO. 201300342403  
O.P.R.D.C.T.

5 P.O.B.  
THE J. ROBERT  
COMPANIES, INC.  
INST. NO. 201300318669  
O.P.R.D.C.T.

5/8-INCH IRON  
ROD FOUND (C.M.)

10 GEORGE WRUCK, JR.  
VOL. 78016, PG. 2707  
D.R.D.C.T.

4 BLOCK 2/692  
MONARCH PLACE REVISED  
VOL. 1, PG. 148  
M.R.D.C.T.

3 THE J. ROBERT  
COMPANIES, INC.  
INST. NO. 201300318443  
O.P.R.D.C.T.

20' ALLEY ABANDONMENT  
0.131 ACRES  
5,700 SQ. FT.

N45°23'44"W 285.00'

S45°23'44"E 285.00'

20' ALLEY  
(VOL. 1, PG. 148, M.R.D.C.T.)

8 BENNETT 1909, LLC  
INST. NO. 201400213761  
O.P.R.D.C.T.

### LEGEND

P.O.B. = POINT OF BEGINNING  
IRSC = 5/8-INCH IRON ROD  
W/"KHA" CAP SET  
VOL. = VOLUME  
PG. = PAGE  
C.M. = CONTROLLING MONUMENT  
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

FITZHUGH AVENUE

(50' R.O.W.)  
VOL. 1, GP. 148 M.R.D.C.T.

BENNETT AVENUE

(80' R.O.W.)  
VOL. 1, PG. 148 M.R.D.C.T.

(For SPRG use only)

Reviewed By: JD  
Date: 2/19/2015  
SPRG NO: 3191

IRSC  
(3/8-INCH IRON  
ROD FOUND  
S17°00'W 1.2')  
S44°16'22"W  
20.00'

"X" CUT IN  
CONCRETE  
SET

MONARCH STREET

(67' R.O.W.)

(FORMERLY JULIETTE STREET)

VOL. 1, PG. 148

M.R.D.C.T.



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



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



20' ALLEY ABANDONMENT  
PART OF BLOCK 2/692  
JOHN GRIGSBY SURVEY  
ABSTRACT NO. 495  
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" = 60'	JAD	DAB	JAN. 2015	064145028	2 OF 2

# 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.



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 13, 2016

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Trinity Watershed Management  
City Attorney's Office

**CMO:** Mark McDaniel, 670-3256  
Warren M.S. Ernst, 670-3491

**MAPSCO:** 46E

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**SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Greenville Ross Partners, Ltd., et al., Cause No. CC-15-04756-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 7,621 square feet of land located on Live Oak Street at its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$30,436 (\$27,436 plus closing costs and title expenses not to exceed \$3,000); an increase of \$1,525 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

**BACKGROUND**

This item is being placed on the addendum requesting Council approval prior to the deadline to file objections to the Award of the Special Commissioners.

On June 17, 2015, the City Council authorized the acquisition of this property, by Resolution No. 15-1257. The property owner was offered \$25,911, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on December 16, 2015, the property owner was awarded \$27,436. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$1,525 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$3,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

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

Authorized acquisition on June 17, 2015, by Resolution No. 15-1257.

Council was briefed by memorandum regarding this item.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 11, 2016.

**FISCAL INFORMATION**

2006 Bond Funds - \$30,436 (\$27,436, plus closing costs and title expenses not to exceed \$3,000)

**OWNER**

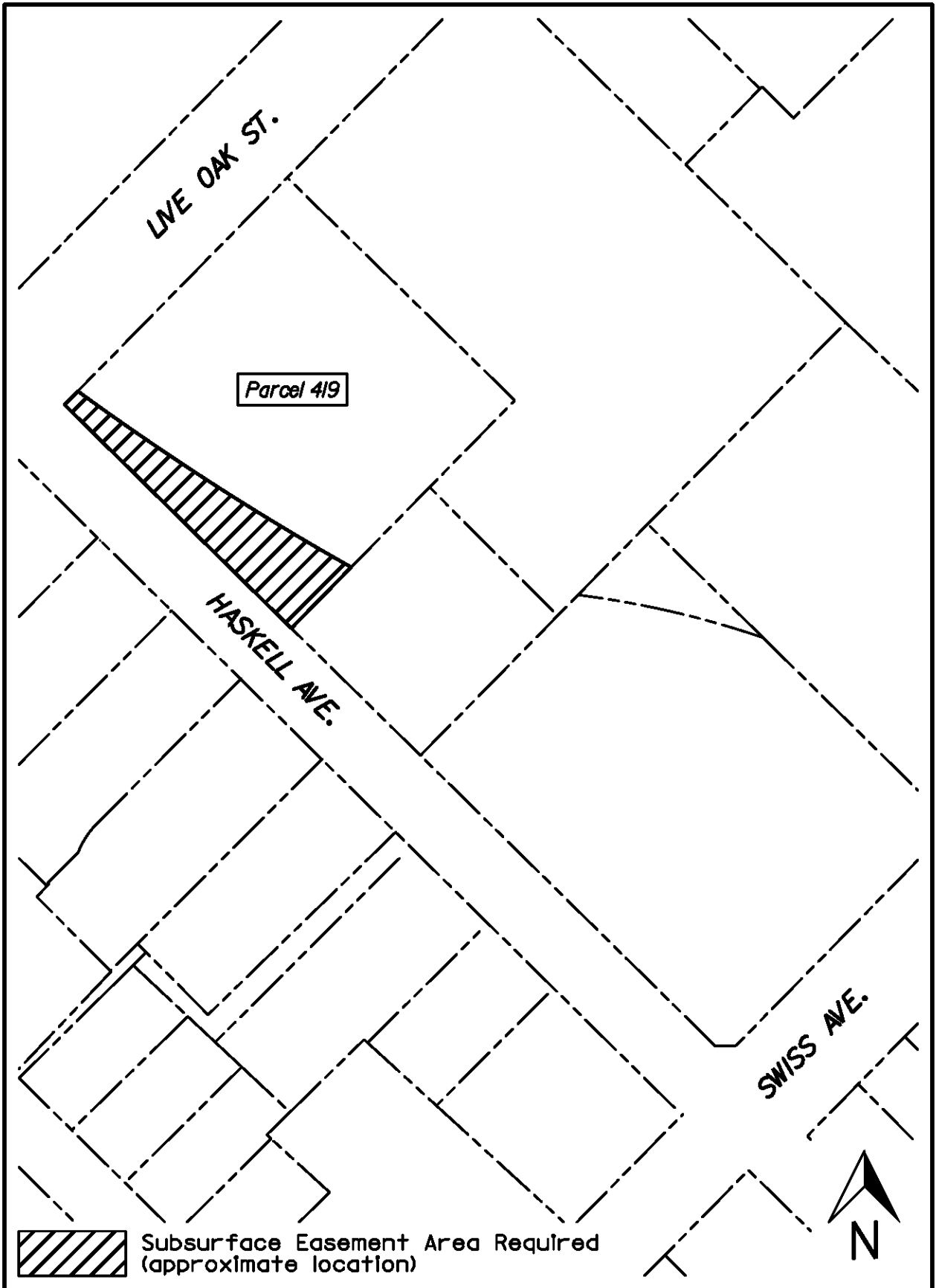
**Greenville Ross Partners, Ltd.**

**M&P LLC, General Partner**

Mitchell Rasansky, Member

**MAP**

Attached



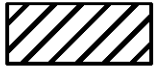
LIVE OAK ST.

Parcel 419

HASKELL AVE.

SWISS AVE.

N



Subsurface Easement Area Required (approximate location)



January 13, 2016

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, SETTLEMENT OF THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

CONDEMNATION PROCEEDING: Cause No. CC-15-04756-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. Greenville Ross Partners, Ltd., et al., filed pursuant to City Council Resolution No. 15-1257.

PROPERTY: Located under approximately 7,621 square feet in area located in Dallas County, as described in the CONDEMNATION PROCEEDING.

PROJECT: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

OFFICIAL OFFER: \$25,911.00

AWARD: \$27,436.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,000.00

AUTHORIZED AMOUNT: Not to exceed: \$30,436.00

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT- PBW06T525G80, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT- PBW06T525G81.

**WHEREAS**, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

**WHEREAS**, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

January 13, 2016

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 2.** That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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

**APPROVED AS TO FORM**

**Warren M. S. Ernst**

**City Attorney**

By:   
**Assistant City Attorney**

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa Rios, 670-5654  
**MAPSCO:** N/A

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**SUBJECT**

A resolution designating absences by Councilmember Scott Griggs and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

**BACKGROUND** (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.



January 13, 2016

**WHEREAS**, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

**WHEREAS**, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

**WHEREAS**, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

**WHEREAS**, Councilmember Scott Griggs and Councilmember Tiffinni A. Young participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

**Now, Therefore,**

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

January 13, 2016

**SECTION 1.** That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Scott Griggs and Councilmember Tiffinni A. Young because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 2.** That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Scott Griggs and Councilmember Tiffinni A. Young in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absences by Councilmember Scott Griggs and Councilmember Tiffinni A. Young as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A  
 CITY COUNCIL MEMBER(S)  
 REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

<b>COUNCILMEMBER</b>	<b>DATE</b>	<b>MEETING(S) MISSED</b>	<b>PURPOSE/LOCATION</b>	<b>ABSENCE TYPE</b>
<b>Scott T. Griggs</b>	12/7/2015	Arts, Culture & Libraries Committee	Worked on official city business related to a project in District 1/Dallas, Texas	Absent more than 50%
<b>Tiffinni A. Young</b>	1/11/2016	Public Safety Committee	Attending Educational Seminar January 9-17, 2016 as representative for Dallas/Israel	Absent
<b>Tiffinni A. Young</b>	1/11/2016	Quality of Life and Environment Committee	Attending Educational Seminar January 9-17, 2016 as representative for Dallas/Israel	Absent
<b>Tiffinni A. Young</b>	1/13/2016	City Council Meeting	Attending Educational Seminar January 9-17, 2016 as representative for Dallas/Israel	Absent



**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** N/A

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**SUBJECT**

Authorize a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services - World Affairs Council of Dallas/Fort Worth, most advantageous proposer of three - Not to exceed \$187,500 - Financing: Public/Private Partnership Funds (\$137,500) and Current Funds (\$50,000) (subject to annual appropriations)

**BACKGROUND**

This item is an economic development action that must be acted on before the next available agenda.

Under this service contract, the awarded vendor will provide protocol services to the City and specifically to the Office of Economic Development (OED). Responsibilities include supporting the International Business Division of the Office of Economic Development to promote foreign investment and attract foreign companies to Dallas, particularly in the southern sector; working with the office of the Mayor, City Councilmembers and City officials to market and promote Dallas to the international community, provide protocol and logistical support for international delegations visiting Dallas and managing the Sister Cities International Program.

A five member evaluation committee was selected from the following departments:

- Office of Economic Development (2)
- Public Information Office (1)
- Intergovernmental Services (1)
- Business Development and Procurement Services (1)\*

\*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan



**BACKGROUND** (Continued)

The successful proposer was selected by the committee on the basis of the following criteria:

- Strategic approach to the project 30 points
- Budgeting 30 points
- Capability and expertise 25 points
- Business Inclusion and Development Plan. 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,158 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

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

On December 8, 2010, City Council authorized a nine-month Chapter 380 grant agreement with four one-year renewals for the period January 1, 2011 through September 30, 2011, by Resolution No. 10-3037.

On September 14, 2011, City Council authorized the first of four twelve-month renewal terms to the grant agreement for the period October 1, 2011 through September 30, 2012, by Resolution No. 11-2425.

On September 16, 2012, City Council authorized the second of four twelve-month renewal terms to the grant agreement for the period October 1, 2012 through September 30, 2013, by Resolution No.12-2286.

On September 25, 2013, City Council authorized the third of four twelve-month renewal terms to the grant agreement for the period October 1, 2013 through September 30, 2014, by Resolution No. 13-1708.

On September 24, 2014, City Council authorized the fourth of four twelve-month renewal terms to the grant agreement for the period October 1, 2014 through September 30, 2015, by Resolution No. 14-1630.

On September 22, 2015, City Council authorized the execution of a three month extension to the grant agreement for the period October 1, 2015 through December 31, 2015, by Resolution No. 15-1797.

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

Information about this item was provided to City Council on December 18, 2015.

**FISCAL INFORMATION**

\$ 50,000.00 - Current Funds (subject to annual appropriations)  
\$137,500.00 - Public/Private Partnership Funds

**M/WBE INFORMATION**

210 - Vendors contacted  
208 - No response  
    2 - Response (Bid)  
    0 - Response (No bid)  
    0 - Successful

1,158 M/WBE and Non-M/WBE vendors were contacted

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

**ETHNIC COMPOSITION**

World Affairs Council of Dallas/Fort Worth

White Male	2	White Female	13
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	1
Other Male	1	Other Female	0

**PROPOSAL INFORMATION**

The following proposals were received from solicitation number BKZ1533 and were opened on October 23, 2015. This service contract is being awarded in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
*World Affairs Council of Dallas/Fort Worth	325 N. St Paul Street Suite 4200 Dallas, TX 75201	81%

**PROPOSAL INFORMATION** (Continued)

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
Shannon Enterprise	325 N. St. Paul Street Suite 3100 Dallas, TX 75201	51%
CA (Carl Ahmed) Associates	1920 N. Coit Road Suite 200-123 Richardson, TX 75080	48%

**OWNER**

**World Affairs Council of Dallas/Fort Worth**

James Falk, President

January 13, 2016

**WHEREAS**, on December 8, 2010, City Council authorized a nine-month Chapter 380 grant agreement with four one-year renewal options with the World Affairs Council of Dallas/Fort Worth for the period January 1, 2011 through September 30, 2011, by Resolution No. 10-3037; and

**WHEREAS**, on September 14, 2011, City Council authorized the first of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2011 through September 30, 2012, by Resolution No. 11-2425; and

**WHEREAS**, on September 16, 2012, City Council authorized the second of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2012 through September 30, 2013, by Resolution No.12-2286; and

**WHEREAS**, on September 25, 2013, City Council authorized the third of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2013 through September 30, 2014, by Resolution No. 13-1708; and

**WHEREAS**, on September 24, 2014, City Council authorized the fourth of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2014 through September 30, 2015, by Resolution No. 14-1630; and

**WHEREAS**, on September 22, 2015, City Council authorized the execution of a three month extension to the grant agreement with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period of October 1, 2015 through December 31, 2015, by Resolution No. 15-1797; and

**WHEREAS**, the City now desires to authorize a 9-month Chapter 380 grant agreement, with four one-year renewal options, with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period January 1, 2016 through September 30, 2016.

**NOW, THEREFORE,**

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

January 13, 2016

**Section 1.** That the City Manager is authorized to execute a service contract with World Affairs Council of Dallas/Fort Worth (509630) to provide economic development and protocol services for a term of nine months, with four one-year renewal options, in an amount not to exceed \$187,500, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to World Affairs Council of Dallas/Fort Worth shall be based only on the amount of the services directed to be performed by the City and properly performed by World Affairs Council of Dallas/Fort Worth under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$187,500 (subject to annual appropriations) from Service Contract MASC BKZ1533;

Fund 0352, Department ECO, Unit P476, Object 3016, Activity PPPF, in an amount not to exceed \$137,500;

Fund 0001, Department ECO, Unit 1192, Object 3072, Activity ECO8, in an amount not to exceed \$50,000.

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



**ADDENDUM ITEM # 10**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 59 B

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an Open-enrollment charter school and CR Community Retail District Uses on property zoned an MF-2(A) Multifamily District and a CR Community Retail District with the D-1 Liquor Control Overlay, on the east line of St. Augustine Drive, north of Bruton Road  
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions  
Z156-104(RB)

**FILE NUMBER:** Z156-104(RB)

**DATE FILED:** October 6, 2015

**LOCATION:** East line of St. Augustine Drive, north of Bruton Road

**COUNCIL DISTRICT:** 7

**MAPSCO:** 59 B

**SIZE OF REQUEST:** Approx. 5 Acres

**CENSUS TRACT:** 120.00

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**APPLICANT:** TA II Acquisition, LLC

**REPRESENTATIVES:** Tommy Mann and Laura Hoffman

**OWNER:** Iglesia Nueva Vision, Inc.

**REQUEST:** An application for a Planned Development District for an Open-enrollment charter school and CR Community Retail District Uses on property zoned an MF-2(A) Multifamily District and a CR Community Retail District with the D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to develop the property with an open-enrollment charter school with a maximum of 48 classrooms for elementary and junior high/middle school aged children.

**CPC RECOMMENDATION:** Approval, subject to a development plan, traffic management plan, and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a development plan, traffic management plan, and conditions.

**GUIDING CRITERIA FOR RECOMMENATION:**

Staff recommends approval of the request, subject to a development plan, traffic management plan, and staff’s recommended conditions based upon:

1. *Performance impacts upon surrounding property* – The physical location of improvements as well as anticipated operational characteristics associated with such a use will not impact adjacent uses, It should be noted that staff is recommending conditions that will ensure the location of the illuminated outdoor athletic field does not impact adjacent residential uses to the north and east.
2. *Traffic impact* – As the site is exclusively accessed from a thoroughfare, impact on adjacent local streets that serve area residents will be minimal. Furthermore, the attached traffic management plan will ensure queuing for unloading/loading operations are confined to the applicant’s site.
3. *Comprehensive Plan or Area Plan Conformance* – The request is in compliance with the designated Building Block for the area.
4. While the applicant has worked with adjacent property owners to address all aspects of the school’s operation, staff’s support is solely contingent on the attached recommended amending conditions.

**Zoning History:** There has been no zoning activity in the immediate area within the past five years.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and traffic management plan and determined that it has not significantly impacted the surrounding roadway system. Furthermore, staff’s recommended conditions will require scheduled updates of the TMP to ensure all queuing for unloading/loading is contained on the property.

**Thoroughfare**

St. Augustine Drive

**Designation; Existing & Proposed ROW**

Collector; 60’ & 60’ ROW

**STAFF ANALYSIS:**

**Comprehensive Plan:** The request site is located in an area considered a Residential Neighborhood Building Block. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and

religious centers that serve neighborhood residents may be located at the edges or at key intersections.

**Land Use Compatibility:** The request site is undeveloped and possesses significant topography, rising approximately 20 feet across 540 feet, from west to east. The applicant proposes to develop the site with an open-enrollment charter school, providing for 48 classrooms serving elementary and junior high/middle school students. Additional improvements will include surface parking areas, adequate circulation to accommodate unloading/loading of students, and an athletic field within the eastern third of the site. A PDD is being requested for the following reasons: 1) establish a unified zoning base [northern approx. one acre is zoned MF-2(A) and would trigger certain standards for building mass developed on the balance of the site, zoned a CR District); 2) permit the open-enrollment charter school by right, in lieu of a Specific Use Permit. The property will be developed in three phases, with the third phase being a gymnasium within the southeastern quadrant of the site.

Surrounding land use transitions from retail uses (south to north from the intersection of St. Augustine Drive and Bruton Road) to residential uses (multifamily and single family structures). It should be noted that construction of multifamily uses to the west/southwest will incorporate a retail component (oriented at the intersection of St. Augustine Drive and Bruton Road). In addition SUP Nos. 717 (Fire Station). 883 (Private recreation area). and 1573 (Tower, antenna for cellular communication) exists in close proximity to the site. Lastly, a public elementary school (Edward Titche Elementary) is located in the area, approximately 1,200 feet to the northwest.

The applicant has reached out to area property owners to discuss the vision for the school operation. Staff and the applicant have been able to work through the majority of the request, however there remains concern as to the proximity, and operational flexibility, associated with the athletic field. Specific recommendations are noted in the attached conditions. With regard to the attached TMP, staff is recommending annual updates for the first five years to better measure the impact of initial and increased enrollment (360 to 1,119 within five years), with biennial updates after this period.

As this school is anticipated to accommodate enrollments as noted above, staff is recommending a requirement that the applicant make application of a school zone plan to the Streets Department prior to the issuance of a certificate of occupancy.

As a result of this analysis, staff is supportive of the request, subject to the attached development plan, traffic management plan, and staff's recommended conditions.

**Landscaping:** The site possesses native vegetation (limited to the center of the site and along the eastern property line) and will be shown on a tree survey prior to issuance

Z156-104(RB)

of any building permits. The applicant has proposed compliance with Article X landscaping. As such, a landscape plan (that works within the confines of the attached development plan) will be provided to the building official during permit review.



**CPC ACTION**

(December 3, 2015)

**Motion:** It was moved to recommend **approval** of a Planned Development District for an Open-enrollment charter school and CR Community Retail District Uses, subject to a revised development plan to include the following modification: 1) Prohibit solid screen on North St. Augustine, 2) Establish and indicate maximum number of gates per property frontage, 3) Maximum gate height of 6ft., and 4) Prohibit outdoor lighting on the field, traffic management plan and revised staff's recommended conditions on property zoned an MF-2(A) Multifamily District and a CR Community Retail District with the D-1 Liquor Control Overlay, on property on the east line of St. Augustine Drive, north of Bruton Road.

Maker: Abtahi  
Second: Ridley  
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Houston, Davis, Shidid, Abtahi, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Anantasomboon  
Vacancy: 0

**Notices:** Area: 300 Mailed: 14  
**Replies:** For: 1 Against: 0

**Speakers:** For: Tommy Mann, 500 Winstead Bldg., Dallas, TX  
Against: None

**OFFICERS AND DIRECTORS**

Owner:           **IGLESIA NUEVA VISION, INC.**

Director:	Victor Manuel Gomez
Director:	Rosa Imelda Gomez
Director:	Carlos Gomez
Senior Pastor:	Victor Manuel Gomez
Secretary:	Rosa Imelda Gomez
Coordinator:	Carlos Gomez

OFFICERS AND DIRECTORS

Applicant:        **TA II ACQUISITION LLC**

Vice President:

Daniel Millman

Vice President:

Bari Cooper Sherman

President:

K. Robert Turner

**CPC RECOMMENDED CONDITIONS FOR A PLANNED DEVELOPMENT  
DISTRICT**

**SEC. 51P \_\_\_\_ .101.            LEGISLATIVE HISTORY.**

PD \_ was established by Ordinance No. \_\_, passed by the Dallas City Council on \_.

**SEC. 51P \_\_\_\_ .102.            PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property generally located on the east line of St. Augustine Drive, north of Bruton Road. The size of PD \_\_\_\_ is approximately 5 acres.

**SEC. 51P- \_\_\_\_ .103.            DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P- \_\_\_\_ .104.            EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_A: development plan.
- (2) Exhibit \_\_B: traffic management plan.

**SEC. 51P- \_\_\_\_ .105.            DEVELOPMENT PLAN.**

(a) For an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit \_\_A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

**SEC. 51P- \_\_\_\_\_.106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail 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 CR Community Retail District is subject to DIR in this district, etc.

(b) An open-enrollment charter school is permitted by right.

**SEC. 51P- \_\_\_\_\_.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P- \_\_\_\_\_.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls).

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the CR Community Retail District apply.

(b) Retaining walls. Retaining walls a maximum of six feet in height may encroach into a required setback.

**SEC. 51P- \_\_\_\_\_.109. 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- \_\_\_\_\_.110. TRAFFIC MANAGEMENT PLAN.**

(a) In general. The operation of an open-enrollment charter school must comply with the traffic management plan (Exhibit \_\_\_\_B).

(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.

(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, 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 year for the first five years (2018, 2019, 2020, 2021, and 2012) and then 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) 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.

(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.

**SEC. 51P- \_\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.113. LANDSCAPING.**

Landscaping must be provided in accordance with Article X.

**SEC. 51P- \_\_\_\_\_.114. FENCES FOR AN OPEN-ENROLLMENT CHARTER SCHOOL.**

(a) Fencing along the perimeter of the property must be provided in the location as shown on the development plan.

(b) Access gates may be provided along each respective Property boundary in the general location as shown on the development plan, with no more than the following per fence section:

- (1) North Property line: A maximum of \_\_ access gates.
- (2) East Property line: A maximum of \_\_ access gates.
- (3) South Property line. A maximum of \_\_ access gates.

(c) Final location of the access gates may vary along each respective Property line and will not require a minor amendment to the development plan.

(d) Access gates may be locked.

**SEC. 51P- \_\_\_\_\_.115. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_ .116.                      ADDITIONAL PROVISIONS.**

- (a) Open-enrollment charter school.
  - (1) The maximum number of classrooms is 48.
  - (2) An open-enrollment charter school may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.
  - (3) The gymnasium may be used for recreational use during non-operating hours. Use of the soccer field is prohibited before 9:00 a.m., Monday through Sunday.
  - (4) Prior to the issuance of a certificate of occupancy, the Property owner must submit an application for a school zone plan to the Streets Department, inclusive of the financial responsibility for the improvements, with final design and construction approved by the department.
  - (5) Prior to the issuance of a certificate of occupancy, a minimum of 7,582 square feet of outdoor play area must be provided in the locations as shown on the development plan.
  - (6) Illumination of the soccer field is prohibited.
- (b) The Property must be properly maintained in a state of good repair and neat appearance.
- (c) 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- \_\_\_\_ .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 director 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 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.

**Traffic Management Plan and Queuing Analysis  
Proposed KIPP Pleasant Grove Elementary School ZXXX-XXX  
2200 N. St. Augustine Drive, Dallas, TX  
October 6, 2015**

**Introduction:**

The proposed public charter school campus is a development of a vacant parcel of land located on Saint Augustine Drive north of the intersection with Bruton Road.

The school will start with approximately 360 students (Kindergarten – 2<sup>nd</sup> Grade) for the 2016-2017 school year, and may ultimately grow to up to 1,119 students after five years. The building has a total of 48 classrooms. The following table shows the proposed distribution of classrooms and students at buildout, actual student distribution may vary by year:

Grade	Classrooms	Students	Drop-Off Time	Dismissal Time
Pre-K	3	60	7:15-7:30 AM	3:30-3:50 PM
Kindergarten	33	120	7:15-7:30 AM	3:30-3:50 PM
1 <sup>st</sup> Grade		120	7:15-7:30 AM	3:30-3:50 PM
2 <sup>nd</sup> Grade		120	7:15-7:30 AM	3:30-3:50 PM
3 <sup>rd</sup> Grade		120	7:15-7:30 AM	3:30-3:50 PM
4 <sup>th</sup> Grade		120	7:15-7:30 AM	3:30-3:50 PM
5 <sup>th</sup> Grade		120	7:10-7:30 AM	4:30-5:00 PM
6 <sup>th</sup> Grade	12	116	7:10-7:30 AM	4:30-5:00 PM
7 <sup>th</sup> Grade		113	7:10-7:30 AM	4:30-5:00 PM
8 <sup>th</sup> Grade		110	7:10-7:30 AM	4:30-5:00 PM
<b>Total</b>	<b>48</b>	<b>1,119</b>		

Morning drop-off is from 7:15-7:30 AM for students from Pre-K to 4<sup>th</sup> grade and from 7:10-7:30 AM for students from 5<sup>th</sup> to 8<sup>th</sup> grade, with school starting at 7:30 AM. Afternoon pick-up is between 3:30-3:50 PM for students from Pre-K to 4<sup>th</sup> grade and 4:30-5:00 PM for students from 5<sup>th</sup> to 8<sup>th</sup> grade. The pick-up and drop-off times can be modified to match the school operations. When the student population using the pick-up loading areas grows beyond a certain point, separate dismissals will be required. The pick-up time periods can be modified as long as pick-ups are divided into groups that are separated by at least 15 minutes.

Public charter schools can achieve bus usage of around 50%. While a similar percentage is possible at this campus, a bus usage of 20% for Pre-K – Grade 1 and 40% for Grades 2 – 8 is assumed for the queue calculations in order to ensure a conservative analysis of the queuing demand. The TMP is expandable to handle all 1,119 students in the unlikely event that buses are not used.

**Proposed TMP Operation:**

The proposed TMP has two loading areas which will operate the same in both the drop-off and pick-up time periods.

The Bus Loading Area is entered from Saint Augustine Drive at the northern driveway, Drive 1. Buses will enter the right lane, separate from vehicles in the left lane, and circulate through a separate loop around the school. Just after the loading zone, a staffer will manage the crossing between buses and vehicles. Buses will exit the site first, then vehicles will be allowed to queue into the overlapping zone. Buses will continue through the parking lot and exit via the southern driveway, Drive 2, connection to Saint Augustine Drive. Separate left- and right-turn lanes are available for outbound movements at the intersection of Drive 2 and Saint Augustine Drive. Space is available for temporary bus stacking if necessary, but no buses will be stored on the site overnight. The Bus Loading Area can accommodate multiple buses loading or unloading at the same time.

The Loading Area is entered from Saint Augustine Drive at the northern driveway, Drive 1. Vehicles will enter the left lane, separate from buses. Starting from the entrance of the school to right before the loading area, vehicles will be queued in a single-stack manner. While the buses are loading, vehicles will be held at stop line in front of the gymnasium. After the buses are done loading and have exited the Bus Loading Area, the vehicles will be allowed to move to the loading zone. The Loading Area has approximately 1,460' (73 vehicles) of queuing distance available within the site. Staff members will assist with loading and unloading. Once loaded or unloaded, the vehicles will continue through the parking lot, merge with the buses, and exit via the southern driveway, Drive 2, connection to Saint Augustine Drive. Just after the loading zone, a staffer will manage the merging between buses and vehicles. Separate left- and right-turn lanes are available for outbound movements at the intersection of Drive 2 and Saint Augustine Drive.

At all locations loading is performed on the passenger side, and students have to cross the bus loading zone via a crosswalk to reach the loading zone. For the afternoon pick-up time period, arriving vehicles will display a sticker or placard indicating which student(s) they are picking up. The traffic administrator posted in advance of the loading stations looks for this information and calls ahead to the loading station so that the appropriate students are waiting at the correct loading station when the vehicle arrives. When the vehicles have come to a stop at the loading station, the students are loaded into the vehicles with the assistance of the staff member at each loading station.

The school will use multiple pick-up groups depending on the number of students. The school can accommodate up to 365 students with a single dismissal time. When the student population using one dismissal time grows above 365, the students will be split in two groups with dismissals separated by at least 15 minutes. In the initial year after the busing assumptions, the elementary school of 360 students would have a parent pick-up of 264 students, which can be accommodated to one dismissal period. The elementary school will eventually grow to have a parent pick-up of 456 students at buildout, which will require two dismissal times.

At buildout the middle school (grades 5-8) will have 459 students being dismissed at 4:30-5:00PM, which is 275 students after the busing assumptions. This number of students can be accommodated within one dismissal time.

Even if there is no busing from the school, the full 1,119 students can be accommodated with four dismissal times (two for elementary school, two for middle school).

**Queuing Analysis:**

Based on observations of queuing at other public charter schools in the DFW area, KHA uses a design standard for projecting queue demands at similar sites. The expected maximum queue in vehicles is equal to 20% of the largest number of students dismissed at one time. Students using buses or walking/biking are deducted from the student number since they do not attract personal vehicles to the campus. This method accounts for the differences in how schools divide up the pick-up time period, as some dismiss all students in one group and therefore have higher vehicle demands in a short time period, while some spread out the dismissals over two or more groups. The projected queue formula can be stated as:

$$(\text{Students dismissed in time period} - \text{Students using other modes}) * 0.20 = \text{Number of vehicle in queue}$$

By design of the TMP, the largest single dismissal that would be the middle school grades 5 – 8, with 459 students at buildout. Therefore, the projected maximum queue length is:

$$(459 \text{ students dismissed} - 184 \text{ Students using buses}) * 0.20 = 55 \text{ vehicles in queue}$$

The projected queue of 55 vehicles translates to 1,100' of queuing distance. This distance is well in excess of the recommended values for equivalent Texas schools found in the Texas Transportation Institute (TTI) research report 0-4286 *Operations and Safety Around Schools* published in January 2004. The more conservative (longer queues) KHA method reflects the nature of charter schools which draw from a large area and tend to have fewer students arriving as pedestrians or by bicycle than traditional public schools.

The projected maximum queue demand of 1,100' can easily be accommodated within the queue distance available in the Loading Area. The Loading Area has 1,460' of distance available in the TMP, which is approximately 360' of queuing distance available in excess of the demand.

Projected Queue Demand:	1,100'	55 Vehicles
Available Queuing Distance:	1,460'	73 Vehicles
Surplus (Deficiency):	360'	18 Vehicles

While the TMP allows the school flexibility of schedule and dismissals within the TMP limits of 340 students picked up by parents per dismissal period, the following table shows the projected conditions at school buildout. As noted, the elementary dismissals are divided in two groups, while the grades 5-8 can be dismissed at one time. All dismissal groups have a comfortable amount of unused space in the available queue.

Group	Dismissal Time	Students Dismissed	Bus / Bike / Walk	Parent Pickup	Maximum Queue	Available Queue	Surplus (Deficiency)
Elementary 1 PreK, K, 1	3:30 PM	300	60	240	48 Vehicles 960'	73 Vehicles 1,460	25 Vehicles 500'
Elementary 2 2, 3, 4	3:50 PM	360	144	216	43 Vehicles 860'	73 Vehicles 1,460	30 Vehicles 600'
Middle Sch. 1 5, 6, 7, 8	4:30 PM	459	184	275	55 Vehicles 1,100	73 Vehicles 1,460	18 Vehicles 360'

**Parking:**

The KIPP school property contains 109 parking spaces. The school use, with 32 elementary classrooms at 1.5 spaces each and 16 middle school (grades 6-8 or specialized) classroom at 3.5 spaces each, will require 109 parking spaces at buildout per Dallas City Code §51A-4.202(17)(C).

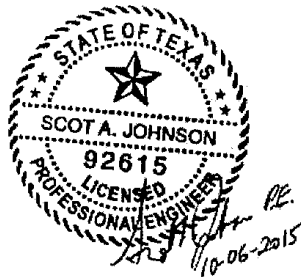
**Summary:**

This TMP and the attached TMP plan define the drop-off and pick-up procedures for the KIPP Truth Academy at 2200 N. Saint Augustine Drive with a maximum of 1,119 students. The TMP vehicle routes provide an available queue distance within the site that is greater than the projected maximum expected queue for the school's operations. The school traffic will never be allowed to queue vehicles in the ROW of any City street or alley, nor will the traffic on any City street be stopped or diverted. The property owner/school administrator is responsible for the administration of the TMP and minimizing the impact of the vehicle queue on the City streets. Only uniformed police officers should be allowed to direct and control traffic operating within the public right-of-way.

Based on the vehicle queuing analysis conducted and the resulting Traffic Management Plan, I, Scot A. Johnson, P.E. #92615, certify that the results indicate that no queuing of vehicles dropping off or picking up students at 2220 N. Saint Augustine Drive will extend onto City of Dallas rights-of-way as a result of internal queuing constraints.

In order to ensure that all queuing of vehicles is completely accommodated on school property, the school administrative officials should implement the proposed Traffic Management Plan, monitor the operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it.

Prepared by:  
**Kimley-Horn and Associates, Inc.**  
Scot A. Johnson, P.E., PTOE  
12750 Merit Drive, Suite 1000  
Dallas, TX 75251  
(972) 770-1300





# KIPP: PLEASANT GROVE ELEMENTARY SCHOOL 2200 N St. Augustine Dr. - Dallas, TX

**KIPP:**  
KIPP is a national network of public charter schools that are focused on providing a rigorous, college-preparatory education for all students, regardless of their background or economic status.

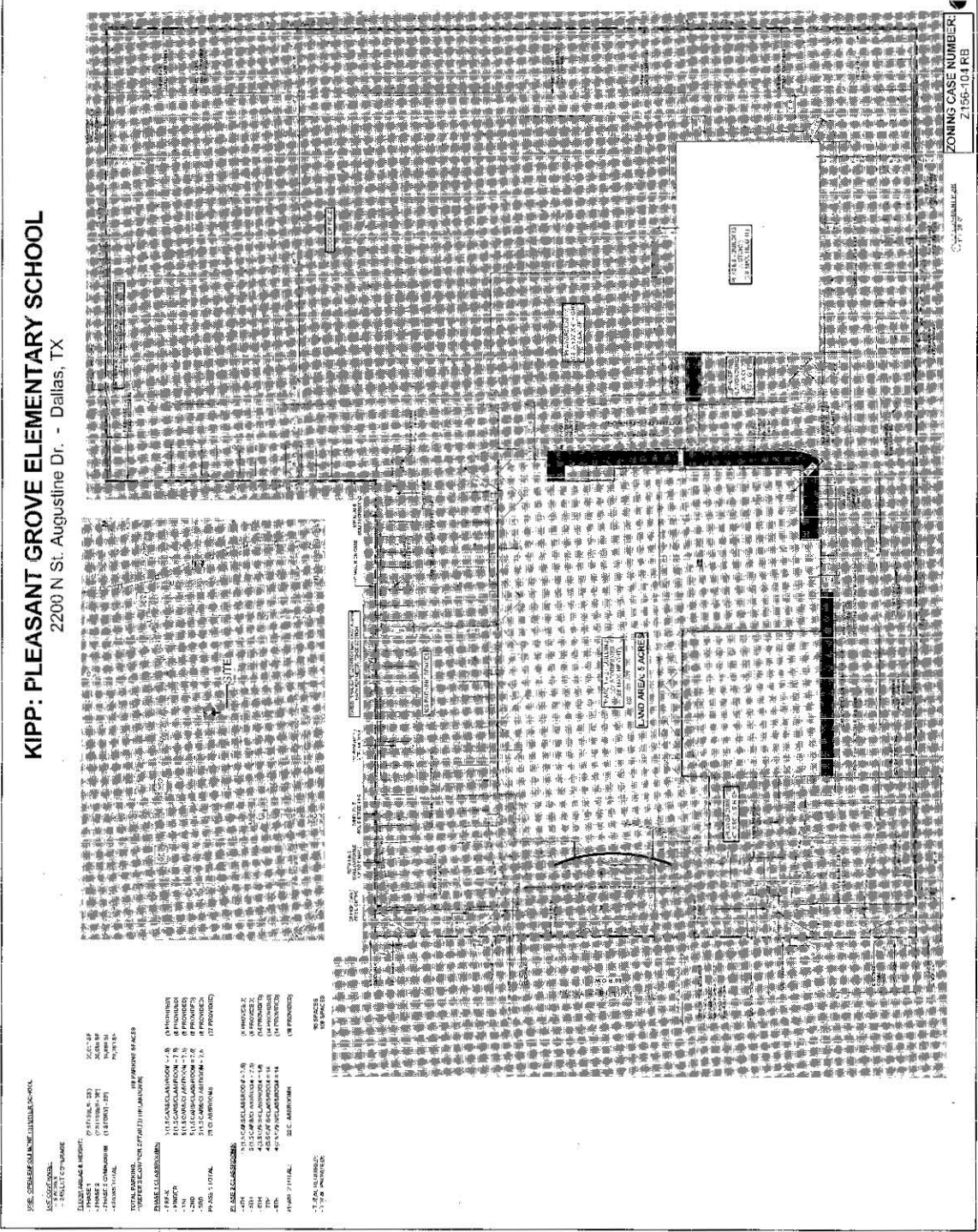
**PLANNING AND DESIGN:**  
KIPP: Pleasant Grove Elementary School  
2200 N. St. Augustine Dr.  
Dallas, TX 75245  
Phone: (214) 353-3333  
www.kippdallas.org

**ARCHITECT:**  
KIPP: Pleasant Grove Elementary School  
2200 N. St. Augustine Dr.  
Dallas, TX 75245  
Phone: (214) 353-3333  
www.kippdallas.org

**ENGINEER:**  
KIPP: Pleasant Grove Elementary School  
2200 N. St. Augustine Dr.  
Dallas, TX 75245  
Phone: (214) 353-3333  
www.kippdallas.org

**LANDSCAPE ARCHITECT:**  
KIPP: Pleasant Grove Elementary School  
2200 N. St. Augustine Dr.  
Dallas, TX 75245  
Phone: (214) 353-3333  
www.kippdallas.org

**DATE:** 08/15/17  
**SCALE:** AS SHOWN  
**PROJECT:** KIPP: Pleasant Grove Elementary School - Phase 1  
**CLIENT:** KIPP: Pleasant Grove Elementary School  
**LOCATION:** 2200 N. St. Augustine Dr., Dallas, TX



**USE, CONSTRUCTION, MATERIALS, FINISHES**

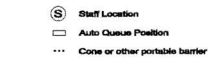
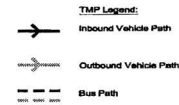
USE	CONSTRUCTION	MATERIALS	FINISHES
1.00	CONCRETE	CONCRETE	CONCRETE
2.00	ASPHALT	ASPHALT	ASPHALT
3.00	GRAVEL	GRAVEL	GRAVEL
4.00	WOOD	WOOD	WOOD
5.00	STEEL	STEEL	STEEL
6.00	GLASS	GLASS	GLASS
7.00	BRICK	BRICK	BRICK
8.00	STONE	STONE	STONE
9.00	ROOFING	ROOFING	ROOFING
10.00	PAINT	PAINT	PAINT
11.00	LANDSCAPE	LANDSCAPE	LANDSCAPE
12.00	UTILITIES	UTILITIES	UTILITIES
13.00	MECHANICAL	MECHANICAL	MECHANICAL
14.00	ELECTRICAL	ELECTRICAL	ELECTRICAL
15.00	PLUMBING	PLUMBING	PLUMBING
16.00	HAZARDOUS WASTE	HAZARDOUS WASTE	HAZARDOUS WASTE
17.00	ASBESTOS	ASBESTOS	ASBESTOS
18.00	LEAD	LEAD	LEAD
19.00	PCB	PCB	PCB
20.00	OTHER	OTHER	OTHER

**LAND AREA'S ACRES:**  
TOTAL AREA: 10.00  
TOTAL VOLUME: 100,000

**Kimley»Horn**

GRAPHIC SCALE  
1" = 30' on 24x36" Plot

REGISTERED P.E.C. NO. 1-002  
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY  
BOB A. WARDEN, P.E. 0015 ON 08/08/00  
ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER  
NOTIFICATION TO THE ENGINEER, DESIGNER OR SEAL  
OFFICER UNDER THE TEXAS ENGINEERING PRACTICE ACT.



**Note:**  
Queue calculations are made using linear feet.  
Auto queue positions shown are illustrative only.

Starting Enrollment: Approx 360 Students  
Anticipated Maximum Enrollment: Approx 1,119 Students

School Hours:	Students	Start	End
Elementary School Grades PreK - 5	660	7:30 AM	3:30-5:00 PM
Middle School Grades 5 - 8	459	7:30 AM	4:30-6:00 PM

Available queue distance in the Loading Area is 1,460' (73 buses at 45' each).  
Available bus queue distance is 495', accommodating up to 11 buses at 45' each.

Drop-off/Pick-up assignments and times should be actively managed in response to conditions.

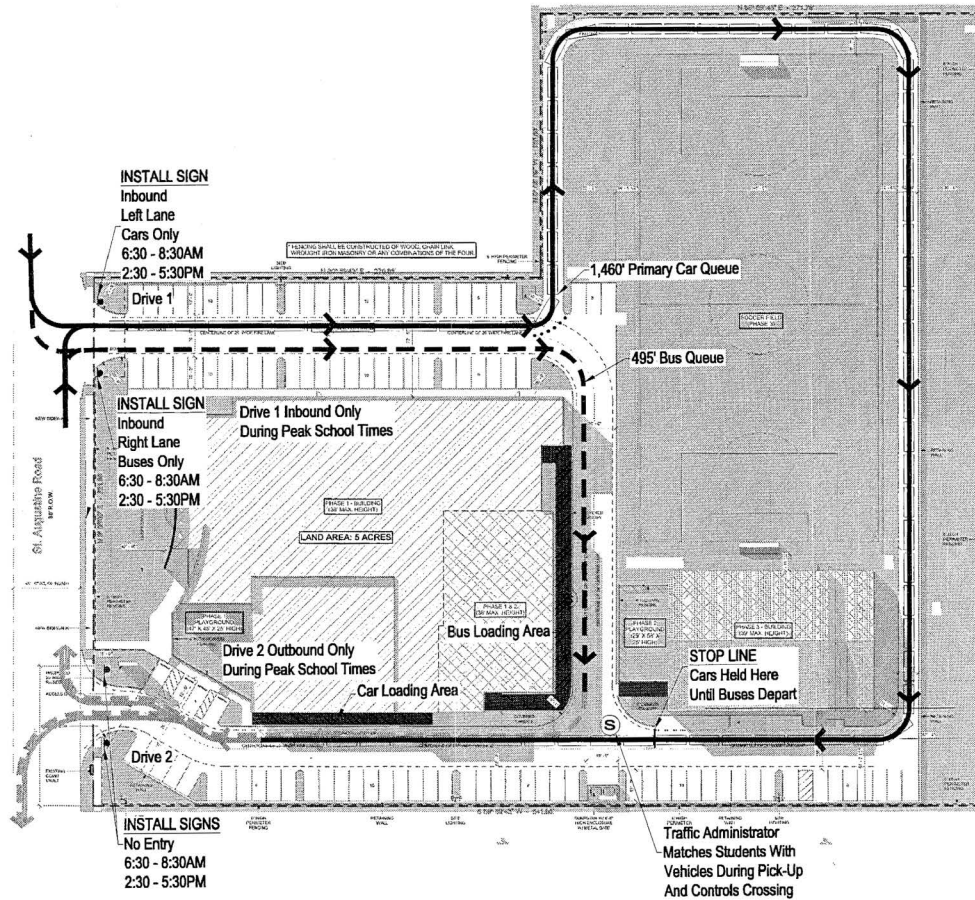
The loading area can accommodate up to 365 students in a single pick-up period. For loading over 365 students at the Loading Area, there shall be at least two pick-up time periods separated by at least 15 minutes.

This table illustrates the projected queue conditions at the school buildout condition:

Group	Drop-off Time	Students	Bus/Bike	Parent Pickup	Maximum Queue	Available Distance	Surplus (Deficiency)
Elementary PreK - 5	5:30 PM	300	60	240	807	1,460	653
Elementary 2, 3, 4	2:50 PM	360	144	216	43	73	33
Middle Sch 1, 5, 6, 7, 8	4:30 PM	459	184	275	55	73	18

No queuing is allowed in City of Dallas ROW. In order to ensure that all queuing of vehicles is completely accommodated on school property, school administrative officials should implement the proposed Traffic Management Plan, monitor the operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it.

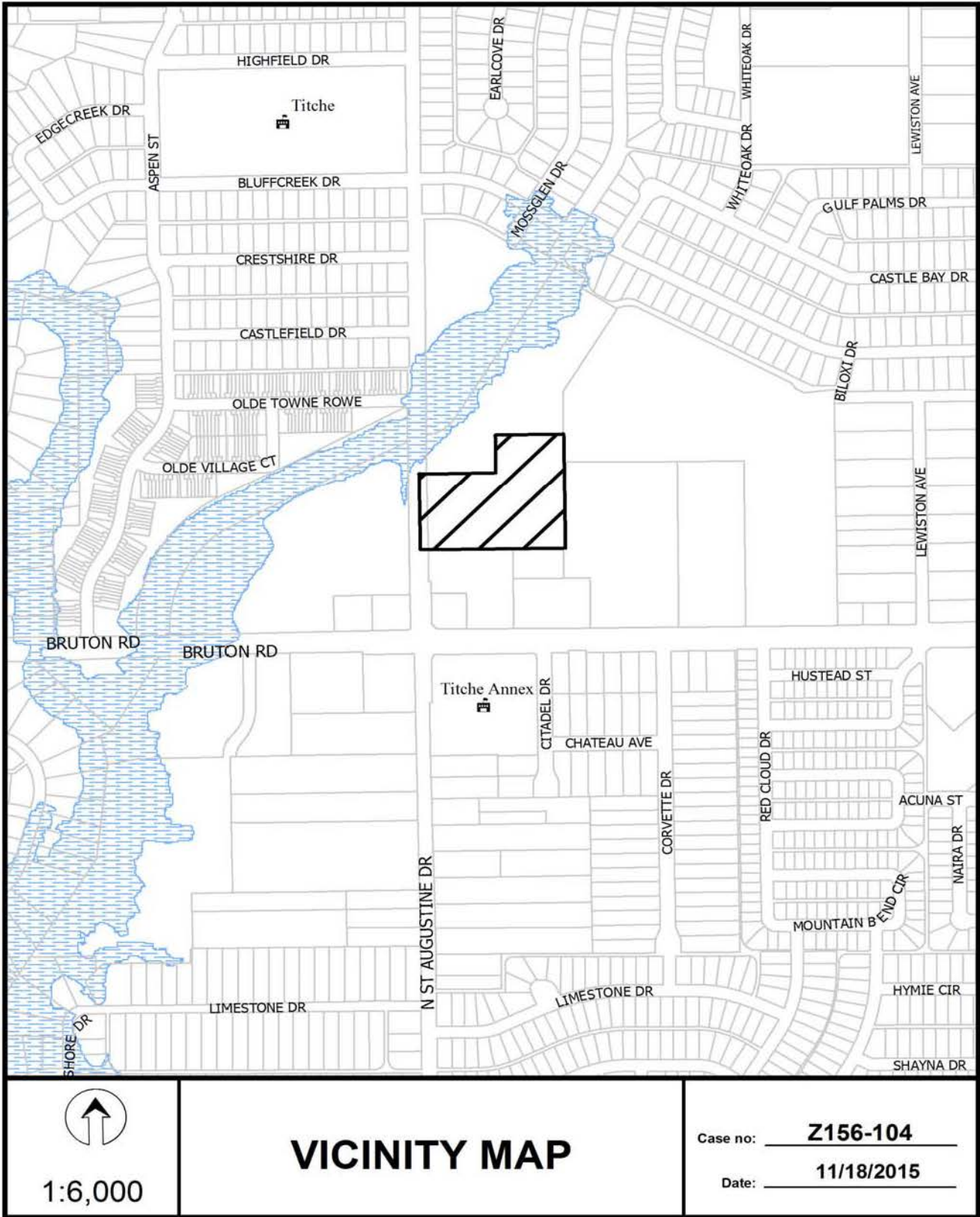
Only uniformed police officers should be allowed to direct and control traffic operating within the public right-of-way.



Z156-104 (RB)

School Traffic Management Plan (TMP)  
2200 N. Saint Augustine Drive, Dallas, TX

Sheet No. **TMP-1**







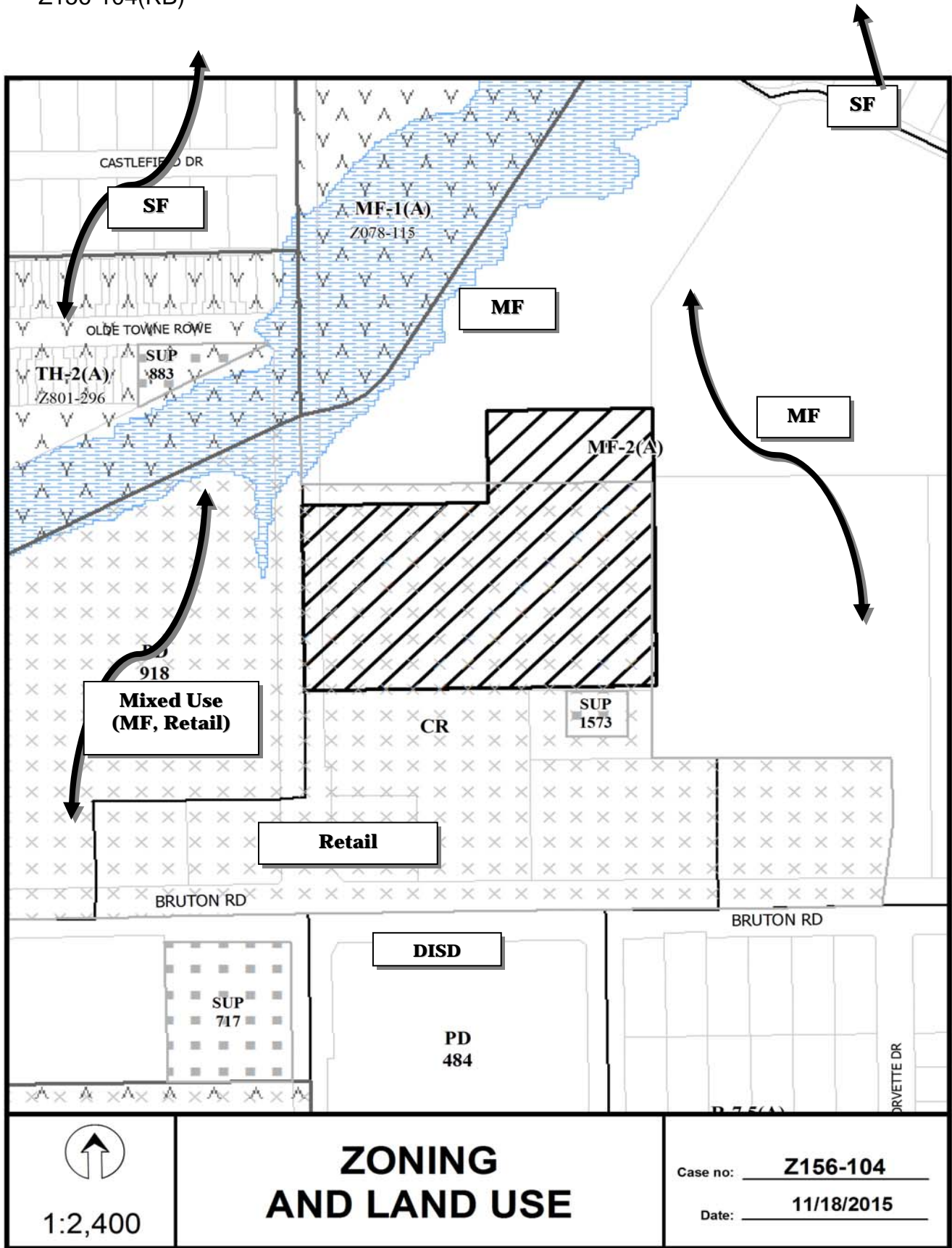
1:2,400

# AERIAL MAP

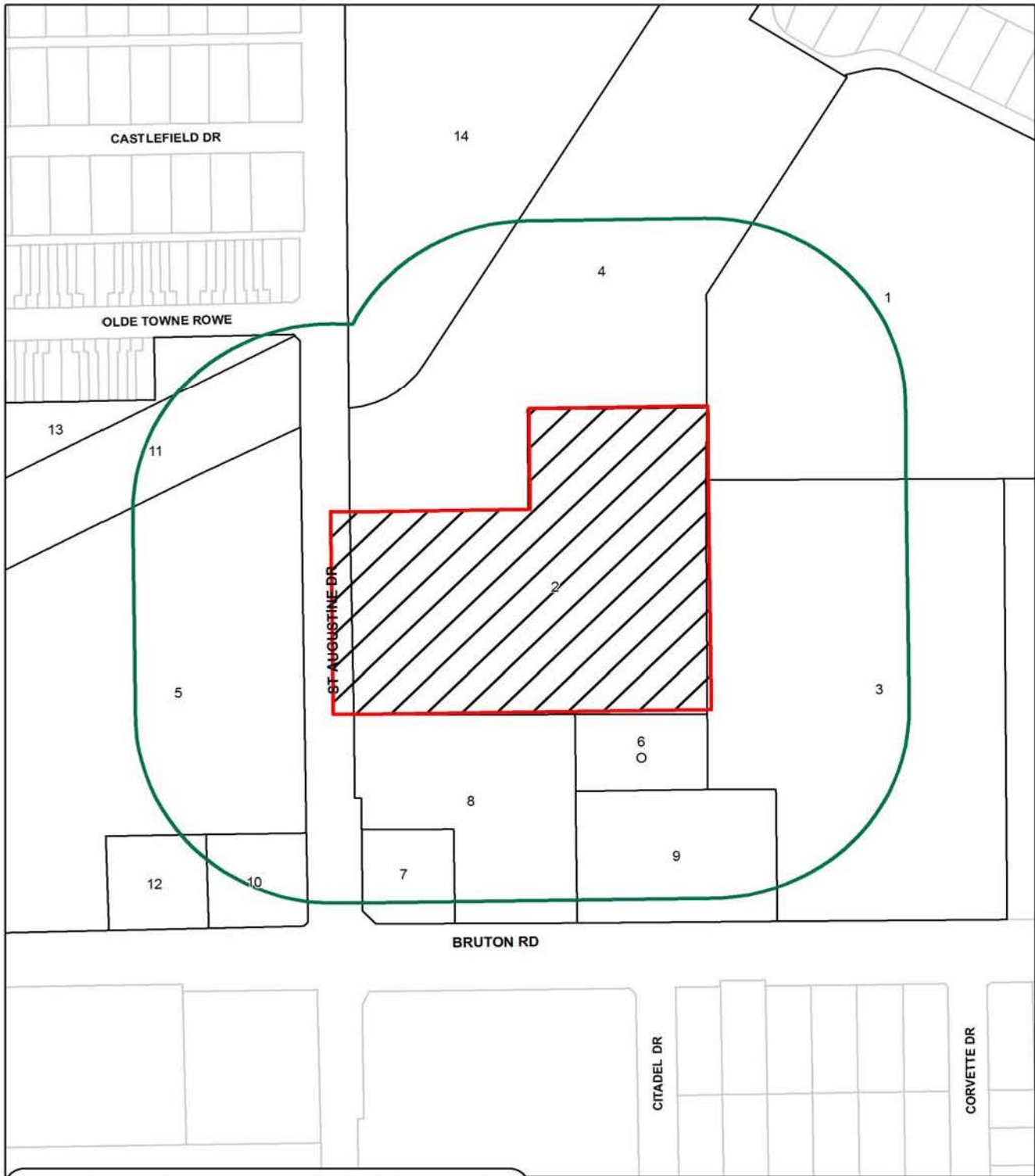
Case no:           Z156-104          

Date:           11/18/2015





**CPC RESPONSES**



<u>14</u>	Property Owners Notified (14 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/3/2015</u>	Date

**Z156-104**  
**CPC**



1:2,400



12/02/2015

## ***Reply List of Property Owners***

### ***Z156-104***

***14 Property Owners Notified***

***1 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	9901 BRUTON RD	EL RANCHO APARTMENTS LLC
	2	2200 N ST AUGUSTINE DR	IGLESIA NUEVA VISION INC
	3	9797 BRUTON RD	OMNI AG THE FALLS LLC
	4	2222 N ST AUGUSTINE DR	ST AUGUSTINE ESTATE APTS
	5	9415 BRUTON RD	CITY OF DALLAS HSING FINANCE CORP
O	6	2300 N ST AUGUSTINE DR	SANDVIC INV LTD &
	7	9607 BRUTON RD	SILWAD INC
	8	2120 N ST AUGUSTINE DR	MAHAL PROPERTIES LTD
	9	9709 BRUTON RD	DALLAS MEDICAL HOLDINGS
	10	9535 BRUTON RD	VU TRAM PHUONG
	11	9203 BRUTON RD	VLG BY CREEK HOMEOWNERS
	12	9513 BRUTON RD	AKITA PARTNERS LLC
	13	9999 OLDE TOWNE ROWE	VILLAGE BY THE CREEK HOA
	14	2314 N ST AUGUSTINE DR	CRESTSHIRE VILLAGE LTD

**ADDENDUM ITEM # 11**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 61B A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict E, North Zone portion within Planned Development District No. 521 on property generally along the east line of Mountain Creek Parkway, southwest of West Kiest Boulevard  
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and revised conditions  
Z145-333(RB)

**FILE NUMBER:** Z145-333(RB)

**DATE FILED:** August 24, 2015

**LOCATION:** East Line of Mountain Creek Parkway, Southwest of West Kiest Boulevard

**COUNCIL DISTRICT:** 3

**MAPSCO:** 61B-A

**SIZE OF REQUEST:** Approximately 161.607 Acres

**CENSUS TRACT:** 165.21

**APPLICANT/OWNER:** Courtland Farms, LLC-Jon Napper, Manager

**REPRESENTATIVE:** Elsie Thurman

**REQUEST:** An application for an amendment to Subdistrict E, North Zone portion within Planned Development District No. 521.

**SUMMARY:** The applicant is requesting an amendment to the existing Subdistrict E entitlements to permit the following: 1) permit a warehouse use and the office and retirement housing uses by right; 2) create a new use (utility or government installation other than listed for an indoor gun range for the exclusive use of the Dallas Police Department); 3) increase floor area; 4) increase density for residential uses; 5) increase height for nonresidential uses; and, 6) permit business zoning district sign regulations.

**CPC RECOMMENDATION:** Approval, subject to a revised conceptual plan and revised conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised conceptual plan and revised conditions.

**DESIGNATED ZONING CASE**

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval of the request based upon:

1. *Performance impacts upon surrounding property* – The request will expand upon permitted densities for residential uses and floor area for nonresidential uses within this subdistrict. Due to environmentally sensitive areas (i.e., significant topography) across the site affecting anticipated development, anticipated setbacks for building mass will ensure adjacent commercial, warehouse/distribution uses will not impact future residents within the eastern portion of this site (anticipated residential development). As the surrounding properties permit similar densities and floor area maximums as that requested (abutting the south side of the western half of the site), the requested increase in development rights are not expected to impact adjacent properties.
2. *Traffic impact* – Due to the site’s accessibility to adjacent interstate roadways, typical trip generations will have efficient and safe access to the proposed residential development.
3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the goals and policies of *Forward Dallas!*

**Zoning History:**

**Request, Disposition, and Date**

- |             |   |
|-------------|---|
| 1. Z012-290 | Amend the Subdistrict E portion of PDD No. 521. On October 20, 2003, application returned to applicant as incomplete (initial submission date of August 28, 2002).                          |
| 2. Z012-291 | On June 25, 2003, the City Council approved an ordinance creating Planned Development District No. 655 for residential and retail uses on property formally in Planned Development No. 521. |

**Thoroughfares:**

**Designation; Existing & Proposed ROW**

- |                        |  |
|------------------------|--|
| IH 20                  | Freeway; Variable width ROW            |
| Mountain Creek Parkway | Principal Arterial; Variable width ROW |
| West Kiest Boulevard   | Principal Arterial; 100’ & 100’ ROW    |

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant’s request and traffic impact analysis and determined it will not negatively impact the surrounding street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The request complies with the following land use goals and policies of Forward Dallas! The subject site is a business park located in the Southern Sector. The proposed amendments will encourage the continued development of this area and provide needed residential options.

LAND USE ELEMENT

GOAL 1.1           ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.1           PROMOTE BALANCED GROWTH

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

**Land Use Compatibility:** On November 10, 1998, the City Council passed Ordinance No. 23711 which established Planned Development District No. 521 for Residential, Office and Retail Uses. The PDD is divided into both north and south subzones (IH 20 being the dividing line). PDD No. 521 possesses approximately 2,925 acres.

The applicant is requesting an amendment to Subdistrict E for consideration of the following: 1) permit a warehouse use and the office and retirement housing uses by right; 2) create a new use (utility or government installation other than listed for an indoor gun range for the exclusive use of the Dallas Police Department); 3) increase floor area; 4) increase density for residential uses; 5) increase height for nonresidential uses; 6) permit business zoning district sign regulations; and, 7) alternate tree mitigation.

The site is undeveloped and possesses significant topography, rising approximately 60'-70' from west to east through the middle of the site, with warehouse uses being developed within the western half of the site and providing access to these distribution uses from Mountain Creek Parkway. The applicant has envisioned approximately 20 acres within the northeast quadrant for residential uses (anticipated multifamily and/or retirement housing) which will utilize a to-be-determined alignment of the extension of Capella Park Avenue from the east. This portion of the site rises approximately 60 feet

from the center of the northern half of the site. Lastly, a conservation easement is anticipated within the southeastern quadrant of the site.

Surrounding land use is a mix of nonresidential uses along Mountain Creek Parkway, specifically the Dallas Police Department's Firearms Training Center abutting the site's northern boundary and a service area for Dallas Water Utilities at this site's northwest corner. Various warehouse/distribution and office uses are developed (or being developed) south along both sides of Mountain Creek Parkway. The site abuts PDD No. 655 to the east/southeast with the immediate adjacency within the PDD being single family uses. Lastly, park land and Mountain Creek Lake are situated along the western line of Mountain Creek Parkway.

The proposed increase in development rights is consistent with those found on adjacent properties. It should be noted that final development of the site will be somewhat restricted in that the challenges with developing across the topography within the eastern half of the site will surely lessen the building mass when compared to sites that are relatively flat. It should be noted that any development will require a development plan to be approved by the City Plan Commission.

Staff's only concern has been any development (that currently permitted as well as the submitted request) in close proximity to the above referenced Firearms Training Center. The facility has been at this location since the early 1960's, but has not had any issues regarding stray rounds leaving the various target trap locations. As a means of information to better understand the characteristics of this use and any impact on adjacent properties, the facility generally operates per the following:

- 1) daily use of the facilities utilizing both outside (three) and inside (one) shooting areas;
- 2) early morning/night activities-generally 20 times per year, beginning at 4 a.m. and/or ending at 10 p.m.; and,
- 3) each respective target trap is situated within berms approximately 20 feet tall.

As such, the applicant has agreed to an enhanced setback from the southern northern property line for any residential use. The building code will address any required sound attenuation to be incorporated into any residential development. In summary, staff is supportive of the request, subject to the attached revised conceptual plan and amending conditions.

**Traffic:** As noted within this material, the request will, in part, increase development rights over that currently permitted. As such, the applicant provided a traffic impact analysis that captures the applicant's vision, with an ability to adjust floor area (from warehouse) to other permitted uses. This methodology is consistent in assessing peak



hour trip generations when a mixed use project is anticipated. Staff has reviewed this analysis and supports its findings.

**Landscaping and Tree Mitigation:** All properties in PDD No. 521 are subject to the Article X landscape requirements and tree preservation criteria. The applicant has worked with the chief arborist to provide for a minimum 20 acre conservation easement to address anticipated tree mitigation. Due to existing topography along with certain anticipated tree inventory (based on a sampling across the site), alternate mitigation of 25 percent of protected trees will be required, with the above referenced conservation easement dedicated to the city prior to the issuance of the first certificate of occupancy on the property.

With respect to landscaping, Article X is enhanced by requiring various perimeter landscape buffers, ranging in depth depending on the whether a thoroughfare is divided or undivided, as well as requiring various landscape planting requirements that exceed Article X requirements.

As the applicant is anticipating the dominate use along the Mountain Creek frontage being nonresidential, staff is recommending this subdistrict comply with the above referenced summary for landscaping/buffering (see attached ordinance for specific detail) as typically found for those respective nonresidential developments along both sides of the thoroughfare, south of the site. Additionally, site trees will be provided at one tree for each 6,000 square feet of site area for industrial uses and wholesale, distribution, and storage uses.

<b>Provision</b>	<b>Existing Subdistrict E</b>	<b>Proposed Revision</b>
<b>USES</b>	MIX OF CERTAIN USES	ADD WAREHOUSE, GOVT INSTALL. FOR DPD GUN RANGE; PERMIT OFFICE, RETIREMENT HOUSING BY RIGHT
<b>F/S/R YARD SETBACKS</b>	15'/5'/5'	15'/0'/0' WITH MINIMUM 100' SETBACK FROM NORTHERN P/L FOR A RESIDENTIAL USE
<b>DENSITY</b>	5 DU/AC W/MINIMUM LOT SIZE OF 2,000 SF	24 DU/AC WITH NO MINIMUM LOT SIZE FOR MF OR RETIREMENT HOUSING
<b>FLOOR AREA RATIO</b>	.195 FOR CERTAIN USES; .05 FOR ALL OTHER	PROVIDE FOR WAREHOUSE (1.6M SF), WITH INCREASES FOR IND. (INSIDE), RETAIL, OFFICE USES
<b>STRUCTURE HEIGHT/STORIES</b>	36 FEET/3 STORIES-RES.; 75' NO MAX-NONRESIDENTIAL	RESIDENTIAL-36'/3 STORIES NONRESIDENTIAL-160'/NO MAXIMUM
<b>LOT COVERAGE</b>	60%	60%
<b>LANDSCAPING</b>	ARTICLE X PLUS SPECIFIC REGULATIONS RELATED TO THOROUGHFARE, INDUSTRIAL FRONTAGES	ART X PLUS SPECIFIC REGULATIONS RELATED TO THOROUGHFARE, INDUSTRIAL FRONTAGES; FOR INDUST., AND WHSE/DIST/STORAGE USES, 1 SITE TREE/6,000 SF OF SITE AREA
<b>OFF-STREET PARKING</b>	CODE	CODE
<b>MITIGATION</b>	ART X	ALTERNATE TREE MITIGATION WITH MINIMUM 20 CONSERVATION EASEMENT
<b>SIGNS</b>	NON-BUSINESS DISTRICT REGULATIONS	BUSINESS DISTRICT REGULATIONS

Z145-333(RB)

**CPC ACTION**

On November 19, 2015, the City Plan Commission held the request under advisement until December 17, 2015.

December 17, 2015

**Z145-333(RB)**

Planner: Richard Brown

**Motion:** It was moved to recommend **approval** of an amendment to the Subdistrict E, North Zone portion within Planned Development District No. 521, subject to a revised conceptual plan and staff’s revised conditions with the following revisions: 1) prohibit extension of Cappella Park Avenue to Mountain Creek Parkway, 2) alternative tree mitigation for Subdistrict E, inclusive of revised site tree requirements, 3) maximum structures height for nonresidential uses is 75 feet, 4) maximum dwelling unit density is five dwelling units per acre, and 5) warehouse structures must utilize muted tones for all facades and rooftop finishes on property generally along the east line of Mountain Creek Parkway, southwest of West Kiest Boulevard.

Maker: Houston  
Second: Abtahi  
Result: Carried: 8 to 6

For: 8 - Anglin, Houston, Shidid, Abtahi, Jung, Housewright, Ridley, Tarpley

Against: 6 - Emmons, Davis, Haney, Schultz, Peadon, Murphy

Absent: 0

Vacancy: 0

Abstained: 1 - Anantasomboon\*\*

\*\* Abstained from voting, due to bus tour requirements

**Notices:** Area: 500 Mailed: 11

**Replies:** For: 0 Against: 0

**Speakers:** For: Jon Napper, 300 N. Akard St., Dallas, TX, 75201  
Alvin James, 3635 Dan Morton Dr., Dallas, TX, 75236  
For (Did not speak): Elsie Thurman, 9406 Biscayne Blvd., Dallas, TX, 75218  
Against: Wes Keys, 6949 Clay Academy Blvd., Dallas, TX, 75236  
Frank Wright, 3632 Patience Blvd., Dallas, TX, 75236  
Audry Peterson, 6930 Clay Academy Blvd., Dallas, TX, 75236  
William Gietema, 8142 Garland Rd., Dallas, TX, 75218  
Helen Foley, 3519 Los Angeles Blvd., Dallas, TX, 75233  
Against (Did not speak): Colin Laison, 3644 Patience Blvd., Dallas, TX, 75236  
Staff: Phil Erwin, Chief Arborist, City of Dallas Building Inspections

**CPC RECOMMENDED AMENDING CONDITIONS  
ARTICLE 521.**

**PD 521.**

**SEC. 51P-521.101. LEGISLATIVE HISTORY.**

PD 521 was established by Ordinance No. 23711, passed by the Dallas City Council on November 11, 1998. Ordinance No. 23711 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 23711 was amended by Ordinance No. 24190, passed by the Dallas City Council on February 23, 2000, and Ordinance No. 24425, passed by the Dallas City Council on October 11, 2000.

**SEC. 51P-521.102. PROPERTY LOCATION AND SIZE.**

PD 521 is established on property generally located along both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west. The size of PD 521 is approximately 2924.4699 acres.

**SEC. 51P-521.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) **SUBDISTRICT** means one of the subdistricts in this district. Each zone in this district contains several subdistricts.

(2) **THIS DISTRICT** means the entire planned development district created by this article.

(2.1) **GOVERNMENT INSTALLATION FOR AN INDOOR GUN RANGE** means an installation owned or leased by a government agency limited for the exclusive use of the Dallas Police Department for operations related to firing and training of firearms.

(3) **ZONE** means the North Zone or the South Zone.

(4) **PARKWAY** means the portion of a street right-of-way between the projected curb and the lot line of the Property.

(b) Unless otherwise stated, all references to code articles, divisions, or sections are to Chapter 51A.

(c) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10 are considered to be business zoning districts.

(d) Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E are considered to be non-business zoning districts.

**SEC. 51P-521.103.1. EXHIBIT.**

The following exhibits are incorporated into this article:

- (1) Exhibit 521A: concept development plan – north zone and concept development plan – south zone.
- (2) Exhibit 521B: zone descriptions.
- (3) Exhibit 521C: subdistrict property descriptions.
- (4) Exhibit 521C1: Subdistricts B and B-1 property descriptions.
- (5) Exhibit 521C2: Subdistrict B-2 property description.
- (6) Exhibit 521D: single family subdivision plats.
- (7) Exhibit 521E: PD 187 development plans.
- (8) Exhibit 521F: side and rear yard landscape buffer for shared truck courts.
- (9) Exhibit 521G: business park entry feature.
- (10) Exhibit 521H: Subdistrict B-2 development plan.

**SEC. 51P-521.104. CREATION OF SEPARATE ZONES AND SUBDISTRICTS.**

(a) In general. This district is divided into a series of separate zones and subdistricts as described in this article. The boundaries of all zones and subdistricts are shown on the conceptual plans (Exhibit 521A).

(b) Zones. The largest subdivided areas in this district are the "zones." There are two zones: the North Zone and the South Zone. Both zones are described in Exhibit 521B.

(c) Subdistricts.

- (1) The North Zone is divided into seven subdistricts: A, B, B-1, B-2, C, D, and E.
- (2) The South Zone is divided into 14 subdistricts: S-1a, S-1b, S-1c, S-1d, S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and S-10.
- (3) Subdistricts B and B-1 are described in Exhibit 521C1. Subdistrict B-2 is described in Exhibit 521C2. All other subdistricts are described in Exhibit 521C.

**SEC. 51P-521.105. CONCEPTUAL PLANS.**

Development and use of the Property must comply with the conceptual plans entitled, "Concept Development Plan - North Zone" and "Concept Development Plan - South Zone." In the event of a conflict between the provisions of this article and the conceptual plans, the provisions of this article control.

**SEC. 51P-521.106. DEVELOPMENT PLAN.**

(a) A development plan for each phase of development must be approved by the city plan commission before issuance of any building permit within that phase. (See Subsection 51P-521.118(c) for additional requirements.)

(b) There is no time requirement for the submittal of a development plan within this district, and the portion of Paragraph (4) of Subsection (c), "Site Plan Procedure," of Section 51A-4.702, providing for submission of a development plan within six months of the city council approval of the PD ordinance, does not apply.

(c) For any single family detached development, an approved preliminary plat may be submitted to the city plan commission for approval as a development plan.

(d) Single family subdivision plats, approved and recorded at the county records building as of the date of passage of Ordinance No. 23711, for property located in this district, are recognized as approved development plans. Refer to Exhibit 521D for copies of these plats.

(e) The development plans that were approved pursuant to Planned Development District No. 187 are recognized as approved development plans within this district. Refer to Exhibit 521E for copies of these development plans.

(f) In Subdistrict B-2, development and use of the Property must comply with the Subdistrict B-2 development plan (Exhibit 521H). If there is a conflict between the text of this article and the Subdistrict B-2 development plan, the text of this article controls.

(g) If an applicant simultaneously submits a specific use permit request along with a request for development plan approval, no site plan is required for the specific use permit portion of the request.

**SEC. 51P-521.107. MAIN USES.**

(a) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10. The following main uses are permitted in Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10.

(1) Agricultural uses.

-- Animal production. [*Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, and S-1d only.*]

-- Commercial stable. [*Subdistricts A, B, B-1, B-2, C, and D only.*]

-- Crop production. [*Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, and S-1d only.*]

(2) Commercial and business service uses.

-- Building repair and maintenance shop. [*Subdistricts B, B-1, and B-2 only.*]

-- Catering service.

-- Commercial cleaning or laundry plant. [*Subdistricts B, B-2, and B-2 only; SUP required.*]

-- Custom business services.

-- Electronics service center.

-- Job or lithographic printing.



- Machinery, heavy equipment, or truck sales and services. *[Subdistricts B, B-1 and B-2 only.]*
- Medical or scientific laboratory.
- Technical school.
- Tool and equipment rental. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.]*

(3) Industrial uses.

- Gas drilling and production. *[By SUP only in Subdistrict B-1.]*
- Industrial (inside) for light manufacturing. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.] [In Subdistrict B, the floor area limitation for industrial (inside) for light manufacturing in Chapter 51A does not apply; however, this use is limited to the FAR requirements in Sec. 51P-521.109(a)(3)(c).]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

- Adult day care facility. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Cemetery or mausoleum. *[Subdistricts A, B, B-1, B-2, C, and D only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Child-care facility. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Church. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- College, university, or seminary. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Community service center. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Convent or monastery. *[Subdistricts A, B, B-1, B-2, C, D, and S-10 only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Hospital. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Library, art gallery, or museum. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Public or private school. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*

(5) Lodging uses.

- Hotel or motel. *[In Subdistricts B, B-1, and B-2, SUP required for hotel or motel containing 80 rooms or less; otherwise, by right.]*

(6) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*

-- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house. *[Subdistricts A, B, B-1, B-2, C, and D only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Duplex. *[Subdistricts A, B, B-1, B-2, C, and D only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Multifamily. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, and S-10 only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Retirement housing. *[Subdistricts A, B, B-1, B-2, C, D, S-1a, and S-10 only. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Single family. *[Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3) is not met. Not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase.]*

(10) Retail and personal service uses.

- Ambulance service. *[Subdistricts B, B-1, and B-2 only.]*
- Animal shelter or clinic with outside run. *[Subdistricts B, B-1, and B-2 only.]*
- Animal shelter or clinic without outside run. *[Subdistricts B, B-1 and B-2 only.]*
- Auto service center. *[Subdistricts B, B-1, and B-2 only.]*
- Alcoholic beverage establishments. *[Subdistricts B, B-1, and B-2 only; SUP required.]*
- Business school.
- Carwash. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Commercial amusement (inside). *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only. SUP required in Subdistrict B; otherwise, by right.]*
- Commercial amusement (outside). *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only. SUP required in Subdistrict B; otherwise, by right.]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*

- Furniture store. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- General merchandise or food store 3,500 square feet or less. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- General merchandise or food store greater than 3,500 square feet. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Home improvement center, lumber, brick, or building materials sales yard. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Household equipment or appliance repair. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Mortuary, funeral home, or commercial wedding chapel. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Outside sales. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Personal service use.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[SUP required in Subdistrict B; otherwise, by right.]*
- Surface parking.
- Temporary retail use. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*
- Theater. *[Subdistricts B, B-1, D, S-1b, S-1c, S-1d, and S-10 only. SUP required in Subdistrict B; otherwise, by right.]*
- Truck stop. *[Subdistrict B-2 only].*
- Vehicle display, sales, and service. *[Subdistricts B, B-1, B-2, S-1a, S-1b, S-1c, S-1d, and S-10 only.]*

(11) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Private street or alley.
- Transit passenger shelter. *[SUP required in Subdistricts B, B-1, and B-2; otherwise, by right.]*
- Transit passenger station or transfer center. *[SUP required in Subdistricts B, B-1, and B-2; otherwise, by right.]*

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication. *[Permitted as if located in a CR Community Retail District; see Section 51A-4.212(10.1).]*
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Auto auction. *[Subdistricts A, C, and D only; SUP required.]*
- Freight terminal. *[Subdistricts A, B, B-1, B-2, C, and D only. SUP required in Subdistricts B, B-1, and B-2; otherwise, by right.]*
- Manufactured building sales lot. *[Subdistricts A, C, and D only; SUP required.]*
- Mini-warehouse. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10; SUP required.]*
- Office showroom/warehouse.
- Trade center. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.]*
- Warehouse. *[Subdistricts A, B, B-1, B-2, C, D, S-1b, S-1c, S-1d, and S-10 only.]*

(b) Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E. The following main uses are permitted in Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E.

(1) Agricultural uses.

- Animal production. *[Subdistricts S-2a and E only.]*
- Commercial stable. *[Subdistrict E only.]*
- Crop production. *[Subdistricts E and S-6 only.]*

(2) Industrial uses.

- Industrial (inside) for light manufacturing. *[Subdistrict E only.]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(3) Institutional and community service uses.

- Adult day care facility. *[Subdistrict E only.]*
- Child-care facility.
- Church.
- College, university, or seminary. *[Subdistricts S-7 and S-9 only; SUP required.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[Subdistricts E, S-7, and S-9 only; SUP required.]*
- Convent or monastery. *[Subdistricts S-7 and S-9 only; SUP required.]*
- Public or private school. *[SUP]*

(4) Miscellaneous uses.

- Temporary construction or sales office.

(5) Office uses.

- Office. *[Subdistricts S-7, ~~and~~ S-9, and E only; SUP required only in Subdistricts S-7 and S-9.]*

(6) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.

-- Public park, playground, or golf course.

(7) Residential uses.

-- Duplex. *[Subdistrict E only.]*

-- Multifamily. *[Subdistricts S-2a, S-2b, S-9, and E only.]*

-- Retirement housing. *[Subdistricts S-2a, S-2b, S-7, S-9, and E only; SUP required only in Subdistricts S-2a, S-2b, S-7, and S-9.]*

-- Single family.

-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*

-- Group residential facility. *[This use must comply with the provisions of Section 51A-4.209(b)(3). Subdistrict E only.]*

-- College dormitory, fraternity, or sorority house. *[Subdistricts E, S-7, and S-9 only; SUP required.]*

(8) Retail and personal service uses.

-- Dry cleaning or laundry store. *[Subdistrict E only.]*

-- General merchandise or food store 3,500 square feet or less. *[Subdistrict E only.]*

-- Motor vehicle-fueling station. *[Subdistrict E only.]*

-- Personal service use. *[Subdistrict E only.]*

-- Surface parking. *[Subdistrict E only.]*

-- Temporary retail use. *[Subdistrict E only.]*

(9) Transportation uses.

-- Private street or alley.

-- Transit passenger shelter.

(10) Utility and public service uses.

-- Electrical substation. *[SUP]*

-- Government installation for an indoor gun range. *[Subdistrict E only.]*

-- Local utilities.

-- Police or fire station. *[SUP]*

-- Tower/antenna for cellular communication. *[SUP]*

-- Utility or government installation other than listed. *[SUP]*

(11) Wholesale, distribution, and storage uses.

-- Warehouse. *[Subdistrict E only.]*

**SEC. 51P-521.108.**

**ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-521.109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10.

(1) Front yard. Minimum front yard is 15 feet.

(2) Side and rear yard.

(A) No minimum side and rear yard in Subdistricts A, C, D, S-1a, and S-10.

(B) Minimum side and rear yard in Subdistricts S-1b, S-1c, and S-1d is five feet.

(C) Minimum side and rear yard in Subdistricts B, B-1, and B-2 are 10 feet.

(3) Maximum floor area ratios (FAR), maximum floor areas, net developable acres, and maximum dwelling unit densities. In these subdistricts, floor area ratio applies only to nonresidential development.

(A) Maximum floor area, dwelling unit density, and net developable acres for Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10 are as follows:

Subdistrict	Net Developable Acres	Maximum Permitted Floor Area (In square feet)	Dwelling Unit Density (Units Per Acre)
A	150.0	Refer to Paragraph (4) below	24
B, B-1, and B-2	501.10	Refer to Paragraph (4) below	24
C	150.0	Refer to Paragraph (4) below	24
D	51.77	Refer to Paragraph (4) below	7
S-1a	11.3	113,212	12
S-1b	52.9	345,648	5
S-1c	44.8	292,723	5
S-1d	35.4	231,303	5
S-10	15.5	155,792	24

(B) For Subdistrict A, maximum FAR is as follows:

(i) 0.39 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, office uses, recreation uses, utility and public service uses, and wholesale, distribution, and storage uses.

(ii) 0.10 for all other uses.



(C) For Subdistricts B, B-1, and B-2, maximum FAR is as follows:

(i) 0.75 for office uses.

(ii) 0.45 for the warehouse use.

(iii) 0.30 for retail and personal service uses.

(iv) 0.5538 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, recreation uses, utility and public service uses, and, excluding the warehouse use, wholesale, distribution, and storage uses.

(v) 0.1420 for all other uses.

(D) For Subdistrict C, maximum FAR is as follows:

(i) 0.39 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, office uses, recreation uses, utility and public service uses, and wholesale, distribution, and storage uses.

(ii) 0.10 for all other uses.

(E) For Subdistrict D, maximum FAR is as follows:

(i) 0.507 for the industrial (inside) for light manufacturing use, institutional and community service uses, lodging uses, office uses, recreation uses, utility and public service uses, and wholesale, distribution, and storage uses.

(ii) 0.13 for all other uses.

(F) For Subdistrict S-1a, maximum FAR is 0.23.

(G) For Subdistricts S-1b, S-1c, and S-1d, maximum FAR is 0.15.

(H) For Subdistrict S-10, maximum FAR is 0.23.

(4) Maximum permitted floor areas in Subdistricts A, B, B-1, B-2, C, and D.

(A) Maximum permitted floor area in Subdistrict A is 653,400 square feet of retail floor area, or its equivalent.

(B) Maximum permitted floor area in Subdistricts B, B-1, and B-2 combined is 3,099,564 square feet of retail floor area, or its equivalent.

(C) Maximum permitted floor area in Subdistrict C is 653,400 square feet of retail floor area, or its equivalent.

(D) Maximum permitted floor area in Subdistrict D is 293,163 square feet of retail floor area, or its equivalent.

(E) To calculate the maximum permitted floor area of uses other than retail uses, the following floor area equivalencies apply.

(i) For the following uses or category of uses, 3.9 square feet of floor area is equivalent to 1 square foot of retail floor area:

- Industrial (inside) for light manufacturing use.
- Institutional and community service uses.
- Lodging uses.
- Office uses.
- Recreation uses.
- Utility and public service uses.
- Wholesale, distribution, and storage uses.

(ii) For all other uses, one square foot of floor area is equivalent to one square foot of retail floor area.

(5) Height.

(A) Subdistricts A, B, B-1, B-2, C, D, and S-10.

(i) Except as provided in this provision and in provision (iii), maximum structure height for non-residential structures is 160 feet. For a gas drilling and production use, maximum structure height for a temporary structure, which must be authorized by the building official, is 170 feet.

(ii) Maximum structure height for residential structures is 36 feet.

(iii) In Subdistricts A, B, B-1, B-2, C, and D, maximum structure height for wholesale, distribution, and storage uses is 45 feet north of Grady Niblo Road and 75 feet south of Grady Niblo Road.

(B) Subdistricts S-1a, S-1b, S-1c, and S-1d.

(i) Maximum structure height for non-residential structures is 54 feet.

(ii) Maximum structure height for residential structures is 36 feet.

(6) Lot coverage.

(A) Subdistricts B, B-1, and B-2.

(i) Maximum lot coverage for office uses is 30 percent.

(ii) Maximum lot coverage for all other uses is 60 percent.

(B) Subdistricts A, C, D, S-1a, S-1b, S-1c, S-1d, and S-10. Maximum lot coverage is 60 percent.

(7) Lot size. Minimum lot size for a single family residential use is:

(A) 2,000 square feet in Subdistricts A, B, B-1, B-2, C, D, S-1a, and S-10;  
and

(B) 5,000 square feet in Subdistricts S-1b, S-1c, and S-1d.

(8) Stories.

(A) Maximum number of stories for non-residential structures is 12.

(B) Maximum number of stories for residential structures is three.

(9) Lighting.

(A) Subdistricts B, B-1, and B-2. Light fixtures attached to poles may not be located above 35 feet in height. All light sources mounted on poles or attached to buildings must utilize a 15-degree below horizontal, full, visual cut-off fixture.

(B) Subdistricts A, C, D, S-1a, S-1b, S-1c, S-1d, and S-10. Lighting must comply with all applicable height and lighting requirements in Chapter 51A.

(b) Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, and E.

(1) Front yard. Minimum front yard is 15 feet.

(2) Side and rear yard.

(A) Subdistricts S-2a, S-2b, S-3, S-4, S-6, and S-9, and ~~E~~. Minimum side and rear yard in Subdistricts S-2a, S-2b, S-3, S-4, S-6, and S-9, and ~~E~~ is five feet.

(B) Subdistricts S-5, S-7, and S-8. No minimum side and rear yard in Subdistricts S-5, S-7, and S-8.

(C) Subdistrict E.

(i) Except as provided in this paragraph, no minimum side and rear yard.

(ii) For a residential use, a minimum setback of 100 feet must be provided from the northern property line.

(3) Maximum dwelling unit density and minimum lot size.

<u>DISTRICT</u>	<u>DENSITY</u>	<u>MINIMUM LOT SIZE</u>
S-2a	15.0 units per acre	N/A
S-2b	20.0 units per acre	N/A
S-3	6.0 units per acre	5,000 sq. ft
S-4	5.0 units per acre	6,000 sq. ft.
S-5	7.5 units per acre	2,000 sq. ft.
S-6	5.5 units per acre	5,000 sq. ft.
S-7	5.0 units per acre	2,000 sq. ft.
S-8	5.5 units per acre	2,000 sq. ft.
S-9	24.0 units per acre	N/A
E	5.0 units per acre	2,000 sq. ft. <u>(no minimum for multifamily and retirement housing)</u>

(4) Floor area ratio.

(A) Subdistrict E. Maximum floor area ratio in Subdistrict E is:

(i) 0.195 for institutional and community service uses, ~~the office use~~, recreation uses, and utility and public service uses; ~~and~~

(ii) 0.30 for industrial (inside) for light manufacturing;

(ii) 0.25 for office uses;

(iii) 0.15 for retail and personal service uses;

(iv) 0.25 for warehouse uses; and,

(v) 0.05 for all other uses.

(B) Subdistricts S-7 and S-9. Maximum floor area ratio in Subdistricts S-7 and S-9 is 0.15.

(C) Applicability of floor area ratio. In Subdistricts S-7, S-9, and E, maximum floor area ratio applies only to non-residential development.

(5) Maximum permitted floor area in Subdistrict E.

(A) Maximum permitted floor area is 293,163 square feet of retail floor area, or its equivalent. To calculate the maximum permitted floor area of uses other than retail uses, the floor area equivalencies below apply.

(B) For the following uses or categories of uses, 3.9 square feet of floor area is equivalent to 1 square foot of retail floor area:

- Industrial (inside) for light manufacturing use.
- Institutional and community service uses.
- Lodging uses.
- Office uses.
- Recreation uses.
- Utility and public service uses.
- Wholesale, distribution, and storage uses.

(C) For all other uses, one square foot of floor area is equivalent to one square foot of retail floor area.

(6) Height.

(A) Except as provided in this paragraph, m Maximum structure height is 36 feet.

(B) Subdistrict E. Maximum structure height is 36 feet for residential uses and 75 feet for non-residential uses.

(7) Lot coverage. Maximum lot coverage is 60 percent.

(8) Stories. Maximum number of stories for residential structures is three. For non-residential structures, no maximum number of stories.

**SEC. 51P-521.110. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this article, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(b) In Subdistricts B, B-1, and B-2. In addition to the authority of the board of adjustment to consider parking special exceptions under Section 51A-4.311, the board of adjustment may grant a special exception to authorize a reduction of up to 75 percent of the number of off-street parking spaces for wholesale, distribution, and storage uses in Subdistricts B, B-1, and B-2. All other provisions of Section 51A-4.311 shall apply to such an exception.

(c) Government installation for an indoor gun range. One space for each 200 square feet of floor area.

**SEC. 51P-521.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-521.112. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided in compliance with Article X.

(b) In Subdistricts B, B-1, ~~and B-2,~~ and E, the following additional landscaping requirements apply.

(1) A landscape buffer, a minimum of 35 feet in width, is required along the entire length of lot frontage adjacent to a divided thoroughfare, excluding points of ingress and egress.

(2) A landscape buffer, a minimum of 20 feet in width, is required along the entire length of lot frontage adjacent to an undivided thoroughfare, excluding points of ingress and egress.

(3) Prior to the issuance of a certificate of occupancy for a use with loading docks that face Mountain Creek Parkway, the following must be provided:

(A) A landscape buffer, a minimum of 60 feet in width, along the entire length of lot frontage adjacent to Mountain Creek Parkway, excluding points of ingress and egress.

(B) A minimum five-foot-high landscaped earthen berm with continuous three-foot-high evergreen plantings located within the 60-foot-wide landscape buffer.

(4) Except as provided in this paragraph, a side and rear yard landscape buffer, a minimum of 10 feet in width, is required. If two or three contiguous lots share truck loading areas, no

landscape buffer is required along the shared side yard used for truck loading and maneuvering. See Exhibit 521F for an illustration of this landscaping provision.

(A) For industrial uses and wholesale, distribution, and storage uses, a minimum of one large canopy tree must be provided for each 150 linear feet of a side and rear yard landscape buffer, to be planted no closer together than 50 feet on center.

(B) Where a rear yard backs up to a floodway management area or floodway easement, the 10-foot buffer minimum planting requirements do not apply. This provision does not apply to drainage easements erected under direction of the U.S. Army Corps of Engineers.

(5) For the uses listed, a minimum of the following area must be landscaped:

(A) For industrial and wholesale, distribution, and storage uses, a landscaped area consisting of grass, shrubs, or trees equal to five percent of the lot area.

(B) For office uses, a landscaped area consisting of grass, shrubs, or trees equal to 10 percent of the lot area.

(C) For retail and personal service uses and commercial and business service uses, a landscaped area consisting of grass, shrubs, or trees equal to 15 percent of the lot area.

(6) Subdistrict E. For industrial uses and wholesale, distribution, and storage uses, site trees must be provided at a ratio of one tree for each 6,000 square feet of site area.

(7) In Subdistrict E, the total caliper of replacement trees may equal 25 percent of the total caliper of protected trees removed or seriously injured if:

(A) the building official approves a tree removal and mitigation plan, and

(B) a conservation easement covering at least 20 acres of the Property that complies with Article X rules is dedicated to the city prior to the issuance of the first certificate of occupancy.

(c) Private license granted in Subdistricts B, B-1, ~~and~~ B-2, and E.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants ("property owner") of all property in this subdistrict for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit in accordance with the Dallas Building Code, or Subsection (d) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(2) A property owner is not required to comply with any landscaping requirement if compliance is made impossible due to the director's revocation of a landscape permit or the revocation of the license granted herein affecting landscaping.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the property owner shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(4) Each property owner shall be responsible for maintaining the landscaping and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping and related amenities. The granting of a license for landscaping and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(d) Parkway landscape permit in Subdistricts B, B-1, ~~and B-2~~, and E.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.



**SEC. 51P-521.113. SIGNS.**

(a) Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1b, S-1c, S-1d, and S-10, and E.

(1) In general. Except as provided in this subsection, signs in Subdistricts A, B, B-1, B-2, C, D, S-1a, S-1c, S-1d, ~~and S-10,~~ and E must comply with the provisions for nonresidential zoning districts in Article VII.

(2) Signs in Subdistricts B, B-1, and B-2. The following additional sign regulations apply:

(A) Detached non-premise signs are prohibited.

(B) Roof top signs are prohibited.

(C) No sign attached to a pole support may exceed 25 feet in height.

(D) No detached sign may exceed 400 square feet in effective area.

(E) A detached sign with a maximum effective area of 60 feet may be located up to the property line if the sign does not exceed six feet in height above grade.

(3) Business Park Entry Feature.

(A) In Subdistrict B, a Business Park Entry Feature that meets the specifications in Exhibit 521G is allowed at the entrance of the Mountain Creek Business Park located at the intersection of Mountain Creek Parkway and the LBJ Freeway (I-20), in a location that is between 160 to 165 feet from the centerline of the LBJ service road.

(B) A Business Park Entry Feature means an entry feature that identifies and contributes to the character or type of development; it is an entry feature which is located at a primary entrance and indicates a uniform development. A Business Park Entry Feature is a monument-style premise sign situated on a grade-level support structure (not a pole support) with no separation.

(C) The city retains its rights to the public right-of-way and easements as may be necessary or convenient for the purpose of erecting, constructing, maintaining, and operating utility over, across, under and through the premises in the designated set-back areas, or within the public right-of-way.

(D) The city retains its rights to remove the Business Park Entry Feature or any sign within the public right-of-way should the director determine that these features have become a nuisance or public safety issue.

(E) The city shall not be responsible for any expenses involved in removal or reconstruction of the Business Park Entry Feature should the director deem it necessary in accordance with Subparagraphs (C) or (D).

(4) Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this subdistrict for the exclusive purpose of Business Entry Feature. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

(B) Upon the installation of a Business Park Entry Feature, a detached sign, and related amenities, in the public rights-of-way, the property owner shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy shall be on an “occurrence” basis and the city shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(C) Each property owner shall be responsible for maintaining the landscaping and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping and related amenities. The granting of a license for landscaping and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(b) All other subdistricts. Signs in all other subdistricts must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P-521.114. FLOOD PLAIN AND ESCARPMENT ZONE REGULATIONS.**

Development within this district must comply with Article V.

**SEC. 51P-521.115. DEVELOPMENT PHASING SCHEDULE.**

(a) Notwithstanding any other provision in this article, development within this district must be phased in accordance with the provisions of this section.

(b) To determine the applicability of roadway improvements as specified in Subsections (c) through (e), the following equivalency chart must be used to calculate maximum permitted floor areas for permitted uses other than retail uses.

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(1) For the following uses, 3.90 square feet of floor area will be considered as 1.0 square foot of retail floor area.

- Industrial (inside) for light manufacturing.
- Adult day care facility.
- Cemetery or mausoleum.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing home, hospice care, and related institutions.
- Convent or monastery.
- Hospital.
- Library, art gallery, or museum.
- Public or private school.
- Hotel or motel.
- Financial institution without drive-in window.
- Financial institution with drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.
- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.
- College dormitory, fraternity, or sorority house.
- Commercial radio and television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.
- Auto auction.
- Freight terminal.
- Manufactured building sales lot.
- Mini-warehouse.
- Office showroom/warehouse.
- Trade center.
- Warehouse.

(2) For all residential uses, except the college dormitory, fraternity, or sorority house use, one dwelling unit or suite is equivalent to 222 square feet of retail floor area.

(3) For all other uses, one square foot of floor area is equivalent to one square foot of retail floor area.

(c) Except as provided in this subsection, no building permit may be issued to authorize work that would cause the total floor area within Subdistrict A and the southern half of Subdistrict C to exceed 204,800 square feet of floor area or its equivalent, until Merrifield Road from Mountain Creek Parkway to Grady Niblo Road has been improved to the width and cross-section required by the City of Dallas Thoroughfare Plan. A building permit may be issued if a development contract has been executed

for the construction of the required improvement. A certificate of occupancy, however, may not be issued authorizing the use of the additional floor area until the improvement has been completed.

(d) Except as provided in this subsection, no building permit may be issued to authorize work that would cause the total floor area within Subdistrict D and the Northern half of Subdistrict C to exceed 204,800 square feet of retail floor area or its equivalent, until Grady Niblo Road from Mountain Creek Parkway to Merrifield Road has been improved to the width and cross-section required by the City of Dallas Thoroughfare Plan. A building permit may be issued if a development contract has been executed for the construction of the required improvement. A certificate of occupancy, however, may not be issued authorizing the use of the additional floor area until the improvement has been completed.

(e) Except as provided in this subsection, no building permit may be issued to authorize work that would cause the total floor area within Subdistricts S-1a, S-1b, S-1c, S-1d, S-2a, S-2b, S-3, S-4, S-5, and S-6 to exceed 1,482,140 square feet of retail floor area or its equivalent, until Mountain Creek Parkway from Camp Wisdom Road to IH-20 has been improved to the width and cross section required by the City of Dallas Thoroughfare Plan. A building permit may be issued if a development contract has been executed for the construction of the required improvement. A certificate of occupancy, however, may not be issued authorizing the use of the additional floor area until the improvement has been completed.

(f) Before a building permit to authorize work that would cause the number of dwelling units to exceed 900 within Subdistricts A and C combined, the Property owner must submit in writing to the building official a signal warrant study prepared by a professional traffic engineer that analyzes the impact that over 900 dwelling units will have on the intersection of Mountain Creek Parkway and Interstate Highway 20. If the signal warrant study shows that a traffic signal or other infrastructure is required, the traffic signal or other infrastructure must be provided. Final design and construction of a traffic signal or other infrastructure must be approved by the transportation division of the streets department.

**SEC. 51P-521.116. TRANSPORTATION IMPROVEMENTS.**

(a) Median openings on Mountain Creek Parkway may be spaced no closer than 1000 feet apart unless closer spacing is approved in writing by the director of public works and transportation.

(b) In order to provide free right turn lanes and dual left turn lanes within this district, where a principal arterial intersects with another principal arterial, a minor arterial, or a freeway, the public right-of-way must be a minimum of 20 feet wider than the right-of-way required for the through lanes for a distance of 400 feet from the intersection.

**SEC. 51P-521.117. NET DEVELOPABLE AREA CALCULATIONS.**

All residential densities (dwelling units per acre) and all floor area ratios are calculated by using the "net developable area." The net developable area is calculated by subtracting the following from the gross acreage of each subarea:

- (1) Thoroughfares shown on the conceptual plans.
- (2) Land areas where slopes exceed a 25 percent grade.
- (3) Drainage ways.

- (4) The escarpment zone.

**SEC. 51P-521.117.1. SIDEWALKS.**

(a) Except as otherwise provided in this article, the standards, provisions, and requirements of the Dallas City Code, as amended, apply to all sidewalks.

(b) In Subdistrict B, a sidewalk a minimum of six feet in width must be provided along the eastern frontage of Mountain Creek Parkway. The location of this sidewalk is subject to the approval of the director, but should be generally located in that area parallel to and between five and 15 feet from the back of the projected street curb. Notwithstanding Subsection (a) above, the sidewalk requirements along the western frontage of Mountain Creek Parkway are waived until the director deems it necessary to construct such sidewalk for safety and mobility issues.

(c) Should the director waive the required sidewalks in Subdistrict B, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation.

**SEC. 51P-521.118. ADDITIONAL PROVISIONS.**

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

NOTE: Due to the presence of highly expansive soil conditions on property within this district, the building official, in accordance with the provisions of the Dallas Building Code, currently requires that all building permit applications submitted for structures in this district be accompanied by a letter bearing the seal and signature of a professional engineer registered in the State of Texas and must contain the street address and lot and block of the building site and a statement that the foundation has been designed to soil conditions based on a soil analysis prepared by a recognized testing laboratory in accordance with the Dallas Building Code.

(c) Prior to development plan approval or action on a specific use permit request by the city plan commission in Subdistricts S-2a, S-2b, S-3, S-4, S-5, S-6, S-7, S-8, S-9, or S-10, written notification must be sent to all owners of real property lying within 500 feet of the boundary of the area of request. Measurements and the mailing of notices must be made pursuant to the requirements of Section 51A-4.701(b)(5).

(d) Truck stop.

(1) Showering facilities are prohibited.

(2) Commercial vehicles may not remain on the Property for more than one hour.

(3) Before the issuance of a certificate of occupancy for a truck stop in Subdistrict B-2, an access easement must be recorded to provide vehicular ingress and egress from the northern

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Property line. The access easement must be in the location shown on the Subdistrict B-2 development plan (Exhibit 521H).

(e) Subdistrict E.

(1) Industrial uses and Warehouse, distribution, and storage uses. Ingress and egress is limited to Mountain Creek Parkway.

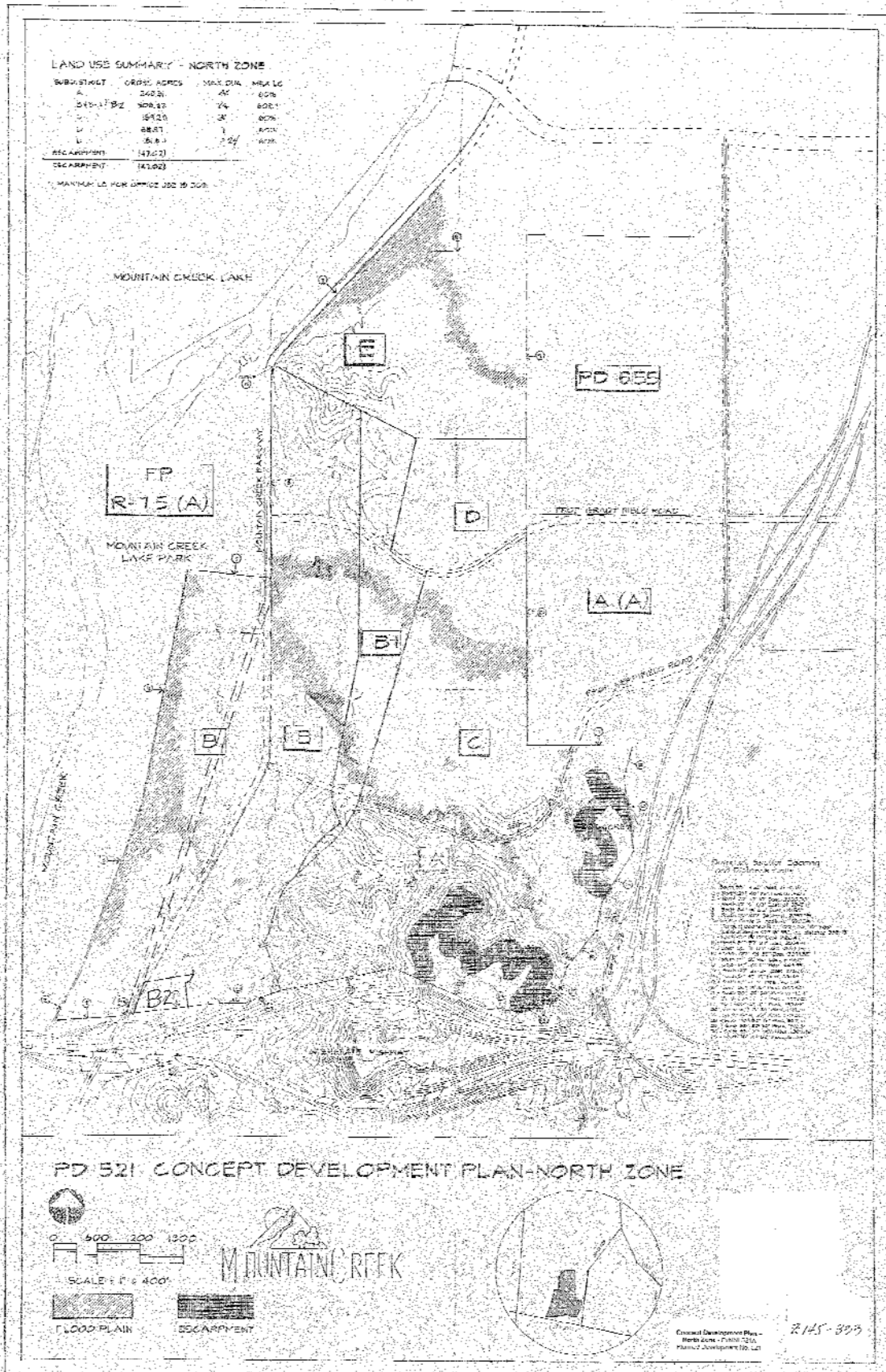
(2) The extension of Capella Park Avenue through the Property to Mountain Creek Parkway is prohibited.

(3) For warehouse uses, exterior colors on all facades and the roof top are limited to earth tones, including tan, brown, and green.

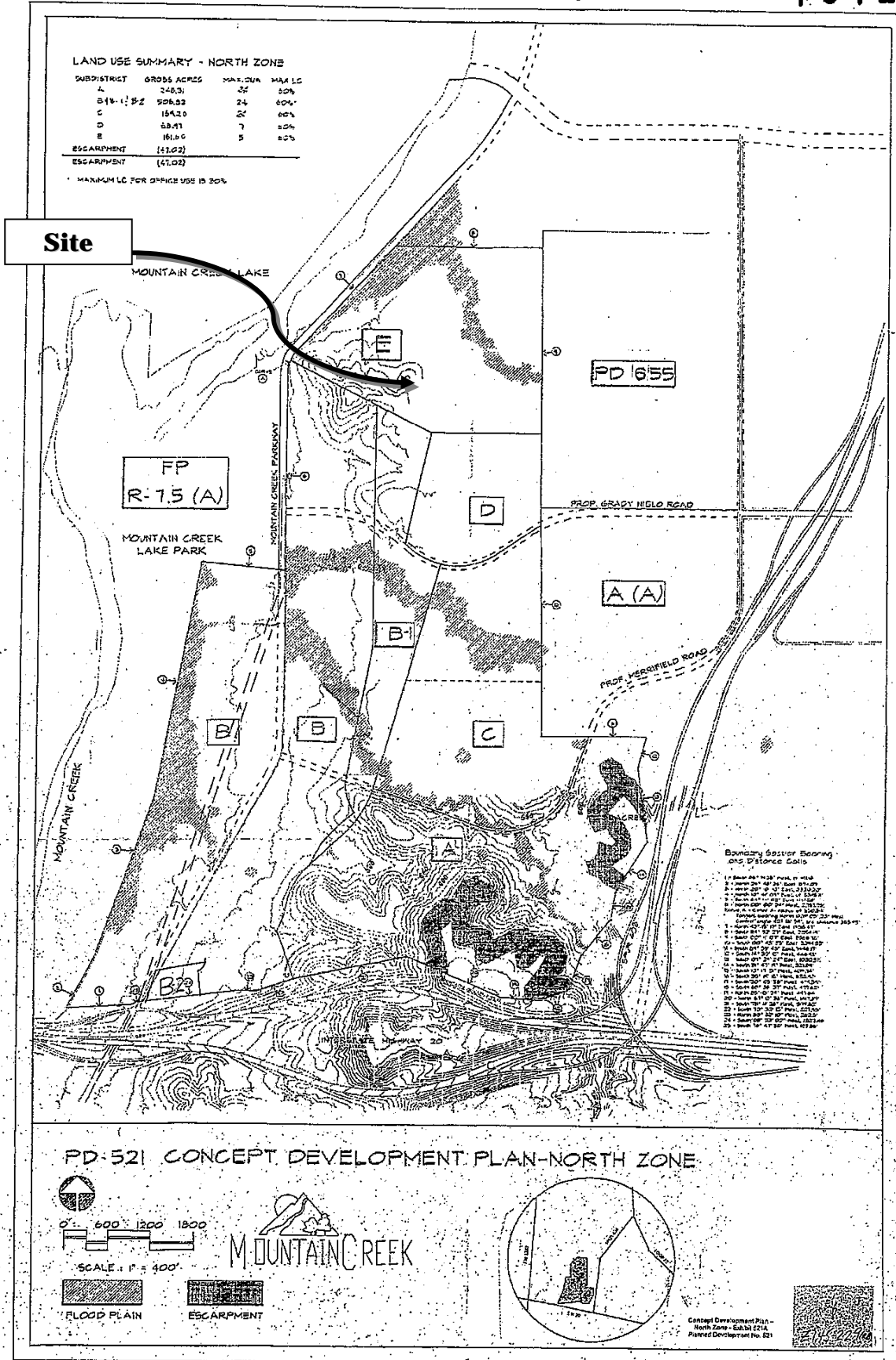
**SEC. 51P-521.119. COMPLIANCE WITH CONDITIONS.**

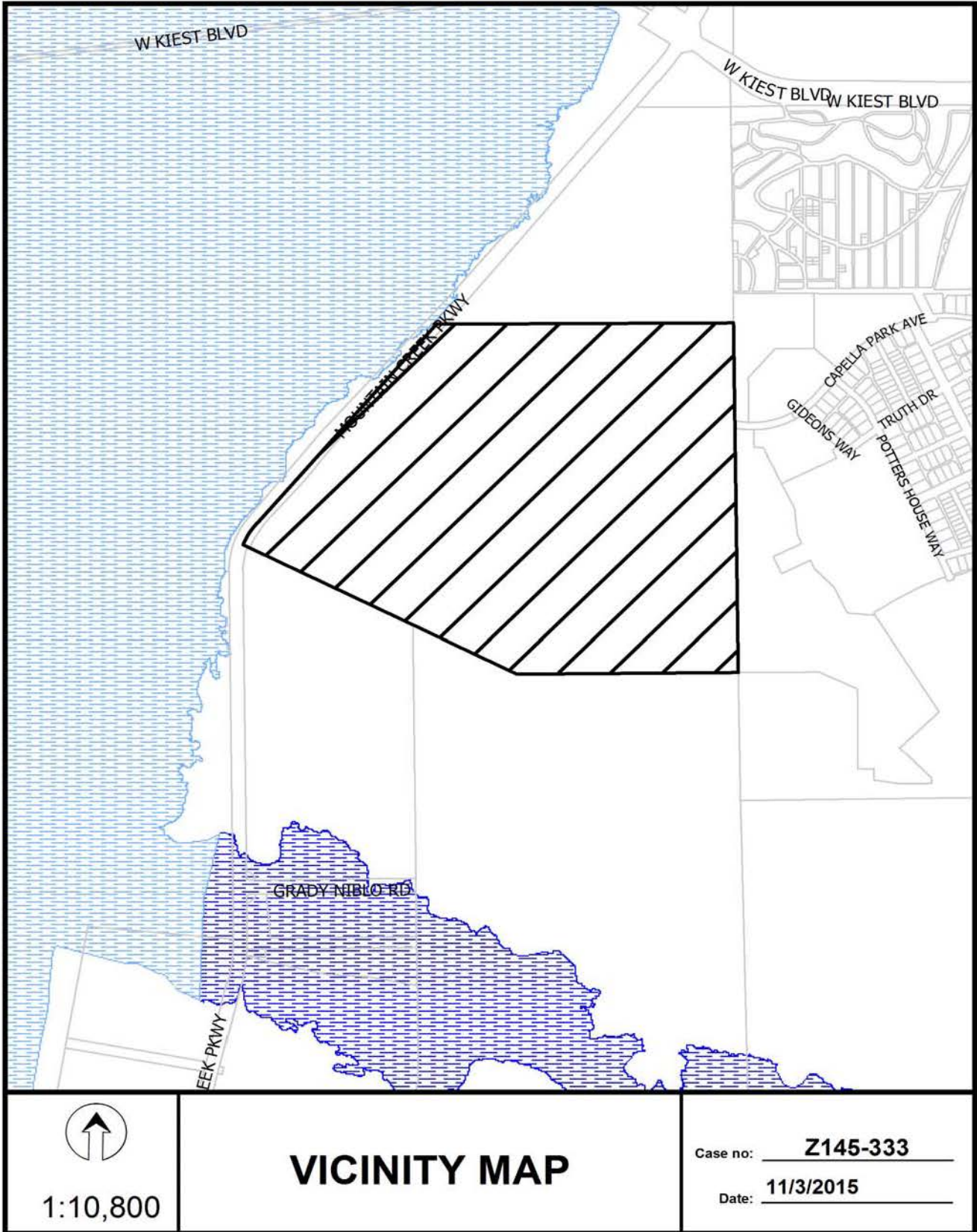
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.













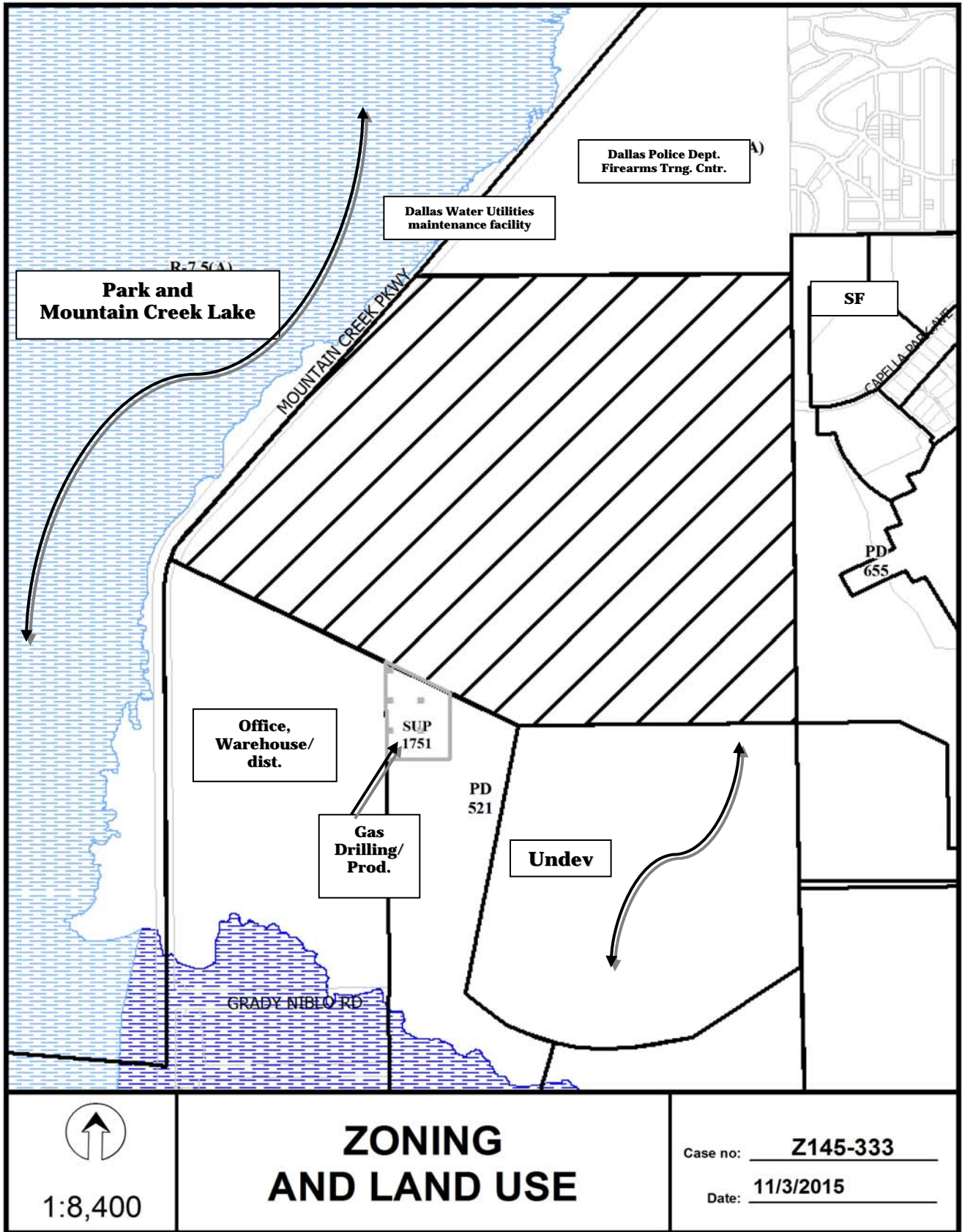
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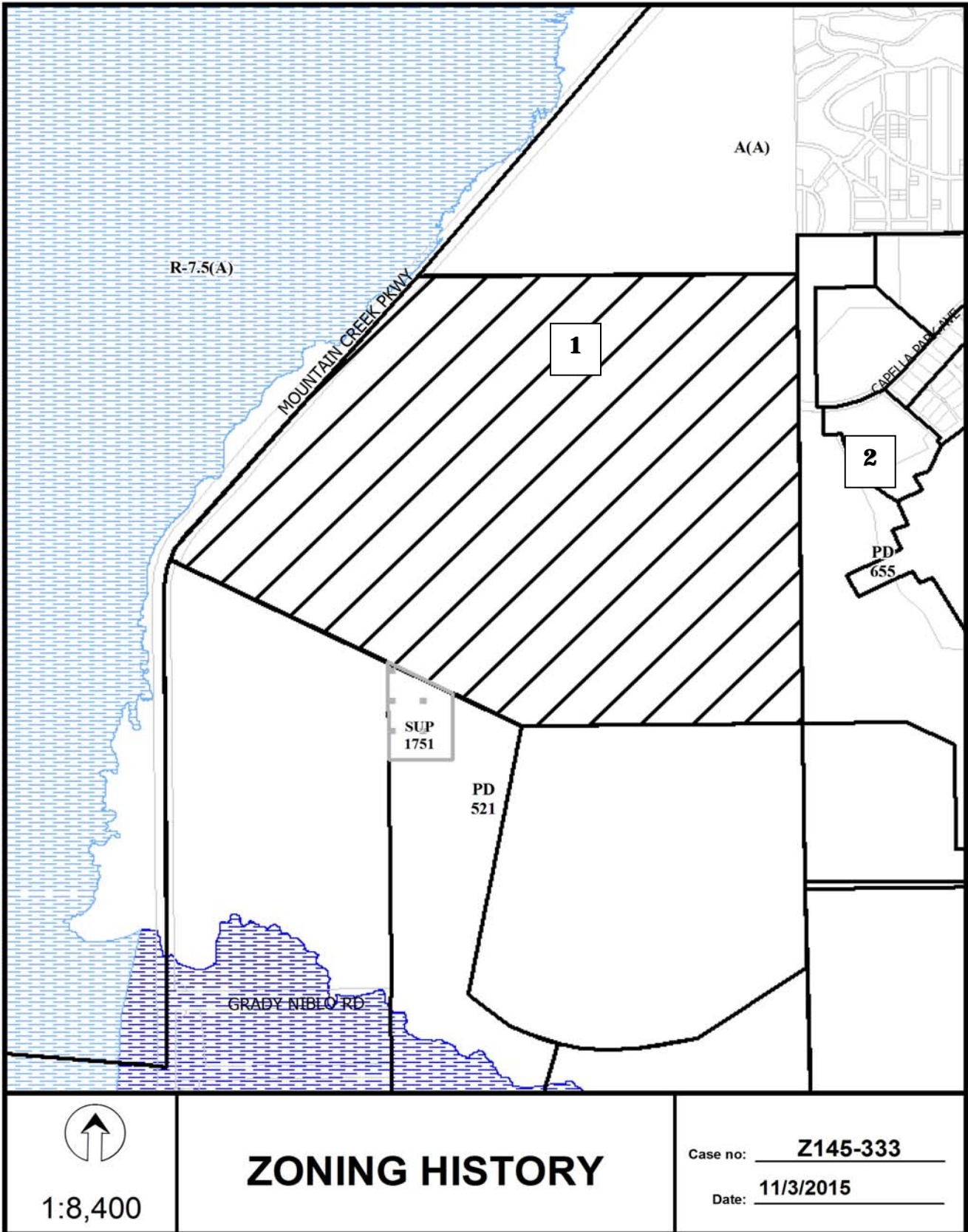
# AERIAL MAP

Case no:     Z145-333    

Date:     11/3/2015

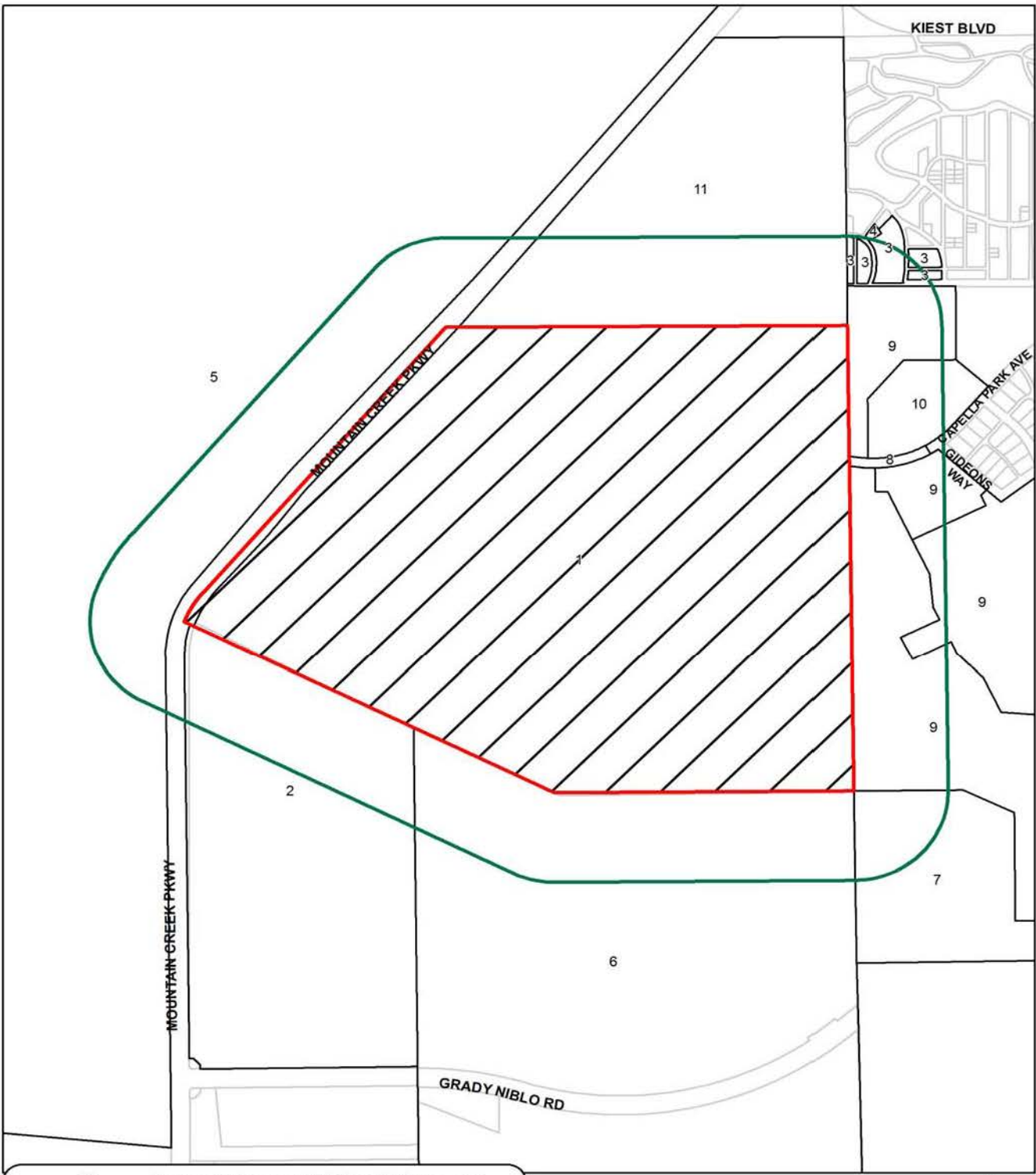








**CPC RESPONSES**



<u>11</u>	Property Owners Notified (18 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>12/17/2015</u>	Date

**Z145-333**  
**CPC**



1:8,400

12/16/2015

## ***Reply List of Property Owners***

***Z145-333***

***11 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4006 MOUNTAIN CREEK PKWY	POTTERS HOUSE OF DALLAS
2	3730 MOUNTAIN CREEK PKWY	COSTCO WHOLESALE CORP
3	100 MOUNTAIN SHORES RD	DALLAS BAPTIST UNIVERSITY
4	7 MOUNTAIN SHORES RD	DALLAS BAPTIST UNIVESITY
5	2600 MOUNTAIN CREEK PKWY	EXTEX LAPORTE L P
6	4000 MOUNTAIN CREEK PKWY	COURTLAND FARMS LLC
7	6900 Kiest BLVD	POTTERS HOUSE OF DALLAS INC
8	6900 Kiest BLVD	CAPELLA PARK REALTY CO
9	6900 Kiest BLVD	CLAY ACADEMY INC
10	6900 Kiest BLVD	POTTERS HOUSE OF DALLAS INC
11	3200 MOUNTAIN CREEK PKWY	DALLAS CITY OF



**KEY FOCUS AREA:** Public Safety  
**AGENDA DATE:** January 13, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police  
**CMO:** Eric Campbell, 670-3255  
**MAPSCO:** N/A

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**SUBJECT**

A public hearing to receive comments on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors, and, at the close of the hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

**BACKGROUND**

Enforcement of the Dallas juvenile curfew ordinance began May 1, 1994. Section 370.002 of the Texas Local Government Code requires that the curfew ordinance be reviewed every three years after conducting public hearings to receive citizen comments on whether the curfew ordinance should be abolished, continued, or modified. The last renewal of the Dallas juvenile curfew ordinance (which contained nighttime curfew hours) was approved on April 25, 2012 and became effective May 1, 2012. The daytime curfew hours were added to the juvenile curfew ordinance on May 13, 2009 and became effective May 18, 2009. The juvenile curfew ordinance expired on May 1, 2015.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

This item was briefed to the Public Safety Committee on November 9, 2015.

Public hearings authorized by the City Council on November 10, 2015.

Public hearing held on December 9, 2015.

**FISCAL INFORMATION**

No cost consideration to the City.

## ORDINANCE NO. \_\_\_\_\_

An ordinance reinstating Section 31-33 of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended; providing for the continuation of the city's juvenile curfew ordinance as required by state law; continuing daytime and nighttime curfew hours for minors; readopting definitions; continuing provisions for offenses and defenses for minors, parents and guardians of minors, and business establishments violating curfew requirements; continuing provisions for enforcement of curfew requirements by the police department; continuing provisions for waiver by the municipal court of jurisdiction over a minor when required under the Texas Family Code; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date and an expiration date.

WHEREAS, on June 12, 1991, the city council of the city of Dallas adopted Ordinance No. 20966, which added Section 31-33 to the Dallas City Code to establish nighttime curfew hours for minors, which was amended by Ordinance No. 21309 on June 10, 1992; and

WHEREAS, the city voluntarily delayed enforcement of this juvenile curfew ordinance pending adjudication of a challenge to the ordinance's constitutionality; and

WHEREAS, on August 10, 1992, the United States District Court for the Northern District of Texas permanently enjoined the city from enforcing the juvenile curfew ordinance; on November 19, 1993, the United States Fifth Circuit Court of Appeals overturned the district court's decision and upheld the city's ordinance as constitutional; and in April 1994, the United States Supreme Court declined to review the Fifth Circuit's decision; and

WHEREAS, on May 1, 1994, the city began initial enforcement of the juvenile curfew ordinance; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that, before the third anniversary of the adoption of a juvenile curfew ordinance and every third year thereafter, the governing body of a home rule city must review the ordinance's effects on the community and on the problems the ordinance was intended to remedy, conduct public hearings on the need to continue the ordinance, and abolish, continue, or modify the ordinance, or else the ordinance will automatically expire; and

WHEREAS, after conducting public hearings on the need to continue the juvenile curfew ordinance, the city council adopted Ordinance No. 23079 (passed April 9, 1997; effective May 1, 1997), Ordinance No. 24235 (passed April 26, 2000; effective May 1, 2000), Ordinance No. 25231 (passed April 9, 2003; effective May 1, 2003), Ordinance No. 26336 (passed April 26, 2006; effective May 1, 2006), and Ordinance No. 27527 (passed April 22, 2009; effective May 1, 2009), each of which readopted and continued in effect the juvenile curfew ordinance establishing nighttime curfew hours for minors; adopted Ordinance No. 27538 (passed May 13, 2009; effective May 18, 2009), which added daytime curfew hours for minors to the juvenile curfew ordinance; and adopted Ordinance No. 28639 (passed April 25, 2012; effective May 1, 2012), which readopted and continued in effect the juvenile curfew ordinance establishing daytime and nighttime curfew hours for minors; and

WHEREAS, although the juvenile curfew ordinance automatically expired on May 1, 2015, the city council has reviewed the ordinance and determined that the daytime and nighttime curfew hours for minors established by the ordinance have had a positive effect on the community and have had a significant effect on reducing crimes committed by and against juveniles in the city, which problems the ordinance was intended to remedy; and

WHEREAS, on December 9, 2015 and January 13, 2016, the city council conducted public hearings on the need to continue the juvenile curfew ordinance; and

WHEREAS, the city council has determined that a need exists to continue in effect the juvenile curfew ordinance to further the health, safety, and welfare of juveniles, and other persons, residing in or visiting the city of Dallas; Now, Therefore,

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

SECTION 1. That Section 31-33, "Curfew Hours for Minors," of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended, is reinstated as follows, with an amendment to Subsection (f):

**"SEC. 31-33. CURFEW HOURS FOR MINORS.**

(a) Definitions. In this section:

(1) CURFEW HOURS means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) GUARDIAN means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

(6) MINOR means any person under 17 years of age.

(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(8) PARENT means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person;  
or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(10) REMAIN means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(11) SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

- (A) accompanied by the minor's parent or guardian;
- (B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (C) in a motor vehicle involved in interstate travel;
- (D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (E) involved in an emergency;
- (F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;
- (G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;
- (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

- (A) the school in which the minor was enrolled or otherwise required to attend was not in session;
- (B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;



(C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the work-study program without any detour or stop;

(D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

(E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

(F) the minor was a high school graduate or had received a high school equivalency certificate.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to or arrest a parent or guardian of a minor for a violation of Subsection (b)(2) of this section relating to the curfew hours described in Subsection (a)(1)(C), unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) relating to the curfew hours described in Subsection (a)(1)(C). In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian will be counted, regardless of whether the warnings relate to the same minor.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section relating to the curfew hours described in Subsection (a)(1)(C), unless the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3) relating to the curfew hours described in Subsection (a)(1)(C). In calculating the number of warnings received by an establishment in a calendar year, all warnings issued to any owner, operator, or employee of the establishment will be counted, regardless of whether the warnings relate to the same minor.

(e) Penalties.

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on January 18, 2019 [~~May 1, 2015~~], unless sooner terminated or extended by city council ordinance.”

SECTION 2. That Chapter 31 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on January 18, 2016.

APPROVED AS TO FORM:

WARREN M. S. ERNST., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_