

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Office of Economic Development
CMO: Mark McDaniel, 670-3256
MAPSCO: 42 R U V

SUBJECT

Authorize the nomination of United States Cold Storage (USCS) located at 2225 North Cockrell Hill Road to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank – Financing: No cost consideration to the City

BACKGROUND

The City of Dallas has been approached by USCS to nominate by resolution its application for an Enterprise Project designation to the Economic Development Bank, part of the Governor's Office of Economic Development and Tourism. The designation will allow for a rebate of state sales and use tax refunds on qualified expenditures of up to \$2,500 per job created or retained. This project has no cost consideration to the City of Dallas.

Since 2012, USCS has had a refrigerated warehouse facility located at 2225 North Cockrell Hill Road in Dallas. USCS has built over 200,000 square feet of warehouse space to date, investing approximately \$45 million in property and equipment into the facility. A third phase expansion of USCS's current refrigerated warehouse facility is being prepared for early 2017, which will include approximately 172,000 square feet of refrigerated warehouse space and the creation of 26 new employees with an average wage of \$38,000, including benefits. Section 2303.406(a)(4)(D) of the Texas Government Code allows a project or activity of a qualified business to be designated as an Enterprise Project and receive job retention benefits if "the business is able to employ individuals in accordance with Section 2303.402." To meet this requirement, USCS, located at 2225 North Cockrell Hill Road, in Census Tract 0105, Block Group 2, within the City of Dallas, will actively use Post-Employment forms to ensure that twenty five percent (25%) of new or replacement certified personnel are residents of an enterprise zone or are economically disadvantaged, as required for certified jobs over the next five years.

BACKGROUND (Continued)

Over the five-year designation period, USCS anticipates investing over \$23 million in capital investments and will hire 26 new, permanent Full-time Equivalent (FTE) jobs on-site at the aforementioned Dallas facility's third phase expansion. Specifically, USCS will invest approximately \$17 million in land improvements and new refrigerated warehouse space, along with an estimated additional \$6 million in funds for new IT, office and racking equipment. USCS currently employs, and commits to retain, 84 full-time employees at its Dallas facility. USCS has stated its application will qualify under government Code 2303.04 to receive the enterprise project designation because (1) it involves an expansion, renovation or new construction of its current operations, (2) it will be completed within a predetermined period of time not to exceed five years, and (3) it utilizes a cost center-based accounting system that allows for tracking of income and expenses related to its Dallas facilities.

For more than a century, USCS has provided refrigerated storage and distribution services, which today ranges from primary storage to integrated third party logistic solutions. USCS operates and manages 34 facilities in 12 states, and employs more than 1,600 people. With more than 194 million cubic feet of temperature-controlled warehouse and distribution space, their customers include many of the top American and international food companies. The company is an integral part of the global food distribution and supply chain with more than 35% of all goods it handles destined for international use or consumption.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

No cost consideration to the City.

CORPORATE REPRESENTATIVE

United States Cold Storage

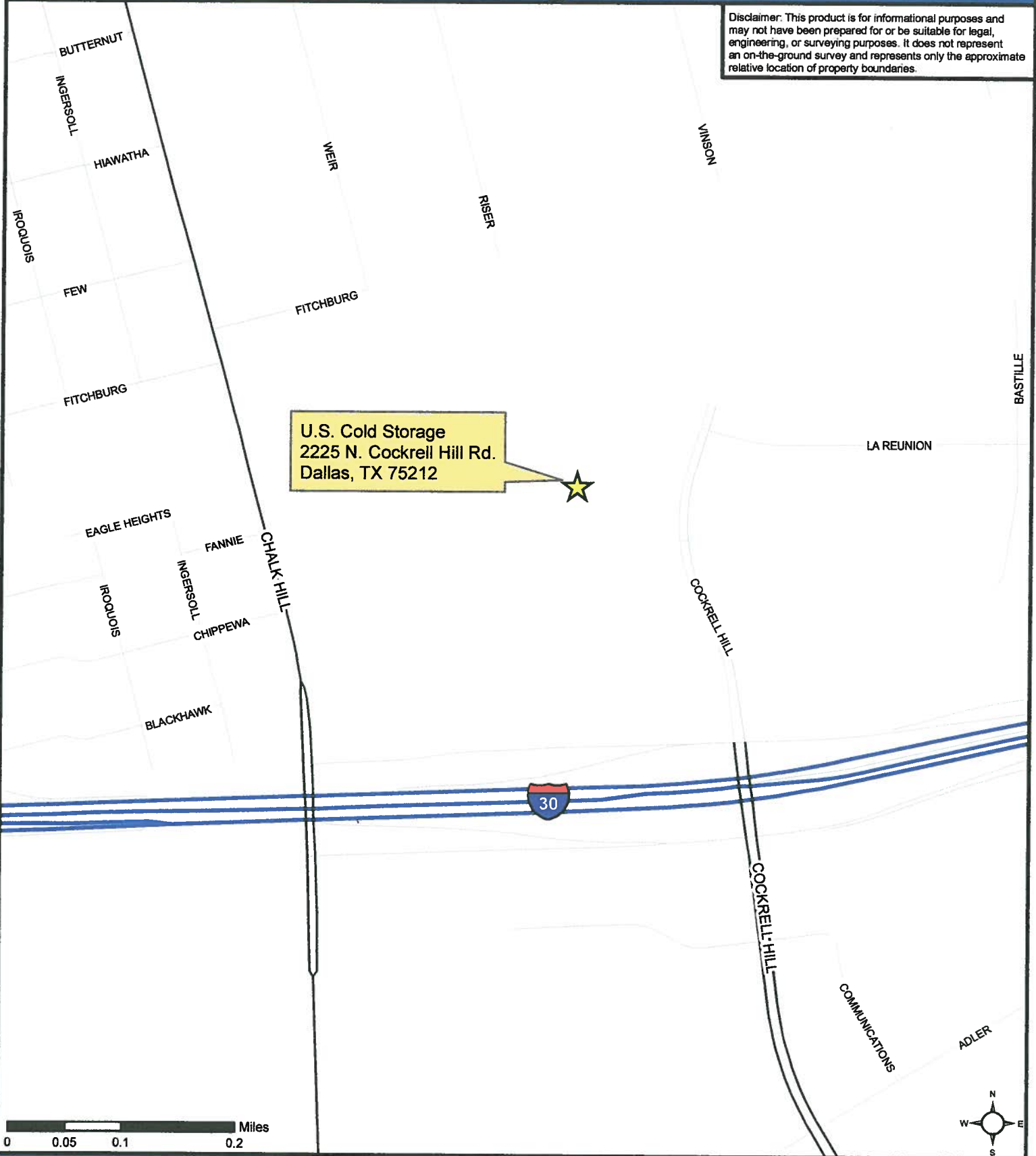
Erica Matthews, Corporate Secretary

MAP

Attached.

U.S. Cold Storage - Phase III

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



U.S. Cold Storage
2225 N. Cockrell Hill Rd.
Dallas, TX 75212

**DALLAS
ECONOMIC
DEVELOPMENT**
Research & Information Division
214.670.1685
dallas-ecodev.org

Legend
— Freeway
— Arterial
— Local Road

Source: City of Dallas, 2016

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Office of Economic Development
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 F

SUBJECT

Authorize a third amendment of the development agreement with AP-Prescott Stoneleigh Hotel LP, for the Stoneleigh Hotel redevelopment TIF project completed in 2008 to remove the requirement to obtain City Council approval prior to: **(1)** assign the development agreement and TIF Subsidy from AP-Prescott Stoneleigh Hotel LP to HEI Stoneleigh Hotel, LLC; **(2)** remove requirement to obtain City Council approval for future assignments; and **(3)** require Director of Office of Economic Development consent for future assignments - Financing: No cost consideration to the City

BACKGROUND

In 2006, City Council approved a TIF Subsidy for the Stoneleigh Hotel project. Completed in 2008, the project restored an historic 11-story building originally constructed in 1924. Approximately \$24M was invested to renovate the hotel and increase the number of hotel rooms. Since 2013, annual TIF payments have been made to the developer per the development agreement for the project. Annual payments will continue until the \$2.5M subsidy is fully paid.

The developer has requested to assign the development agreement, more specifically the remaining TIF payments, to a perspective purchaser of the hotel, HEI Stoneleigh Hotel, LLC. The project's development agreement requires City Council approval for an assignment to any entity other than the developer's lender or an affiliate of the developer. This request is to amend the development agreement to approve this requested assignment, remove the requirement to receive City Council approval for future assignments and only require consent of the Office of Economic Development Director.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 28, 2006, and October 11, 2006, City Council authorized the execution of this Agreement, and authorized the Downtown Connection TIF Board of Directors to pledge or to dedicate funding from future revenues of the Downtown Connection TIF District, subject to those limitations and superior interests outlined herein, in an amount not to exceed the lesser of: (a) the actual tax increment revenue collected on the Property after project completion through 2023; or (b) up to \$2,500,000 for TIF-eligible Project Costs expended by the Developer including, but not limited to, historic façade renovation, environmental remediation, interior and exterior demolition and other related TIF-eligible Project Costs, necessary for the renovation of the Property and as are necessary and convenient to the implementation of the Project and Financing Plan by Resolution Nos. 06-1830 and 06-2769.

On September 26, 2007, the City Council authorized and extension of the date for completion of construction to December 31, 2007 and authorized the Director of the Office of Economic Development to make reasonable adjustments to certain Project requirements by Resolution No. 07-2755.

On December 21, 2007, Administrative Action No. 07-3849 was made effective authorizing Supplemental Agreement No. 1 to the development agreement between AP/APH Stoneleigh, L.P. and the City of Dallas for the redevelopment of the Stoneleigh Hotel located at 2927 Maple Avenue in the Downtown Connection TIF District, to extend the project completion deadline from December 31, 2007 to April 15, 2008.

On June 29, 2012 Administrative Action No. 12-1778 was made effective authorizing Supplemental Agreement No. 2 to the development agreement between AP/APH Stoneleigh, L.P. and the City of Dallas for the redevelopment of the Stoneleigh Hotel located at 2927 Avenue in the Downtown Connection TIF District, to permit the Office of Economic Development to conduct the required post construction audit instead of the City Auditor's Office.

On October 13, 2016, the Downtown Connection TIF District Board of Directors reviewed and recommended approval of an amendment of the development agreement with AP-Prescott Stoneleigh Hotel LP, for the Stoneleigh Hotel redevelopment TIF project completed in 2008 to allow the assignment of the agreement without prior City Council approval.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

No cost consideration to the City

PROJECT COUNCIL DISTRICT

14

OWNER

AP-Prescott Stoneleigh Hotel LP

Jud Pankey, President

DEVELOPER

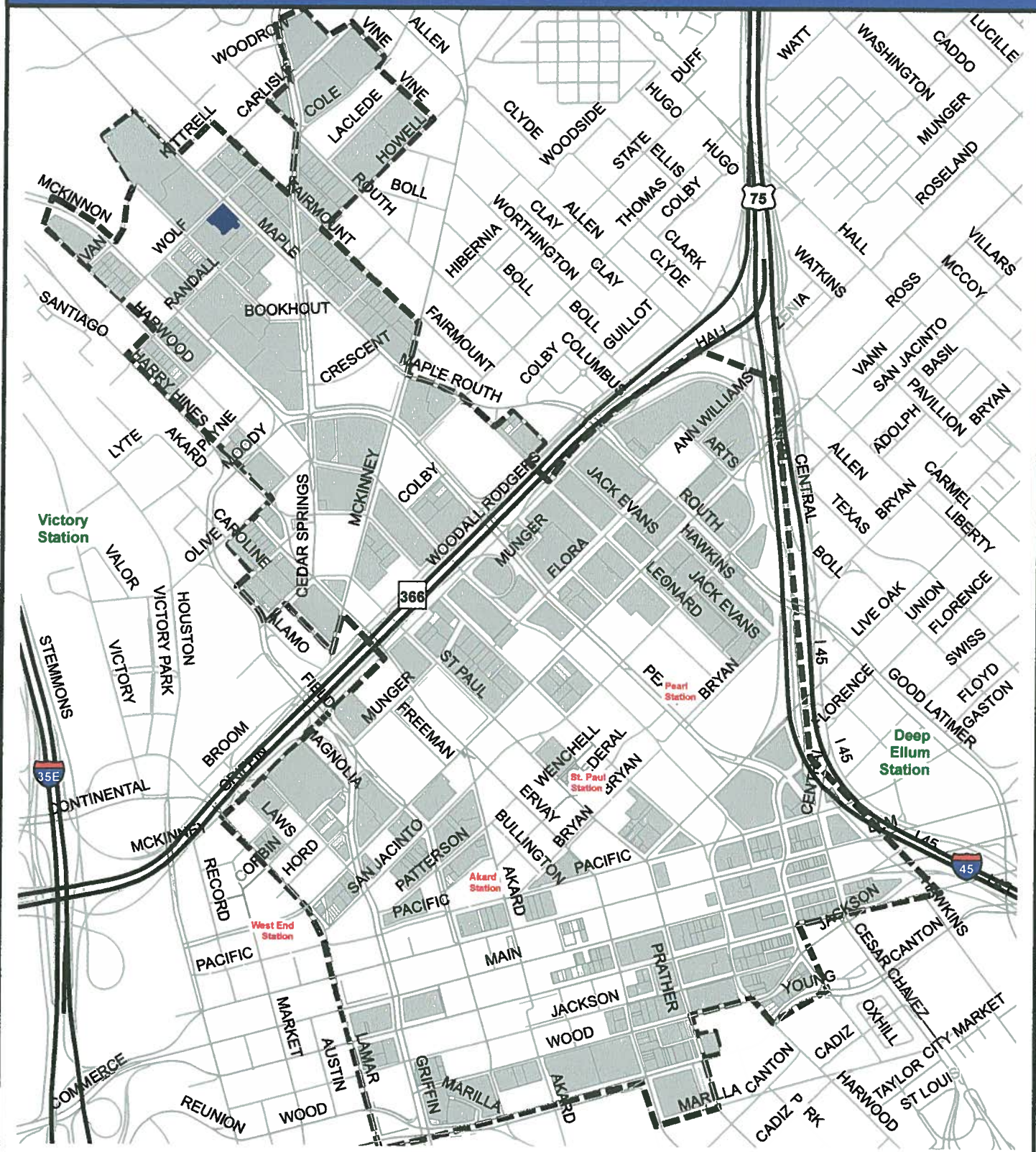
AP-Prescott Stoneleigh Hotel LP

Jud Pankey, President

MAP

Attached.

Stoneleigh Hotel



City of Dallas
Office of Economic Development

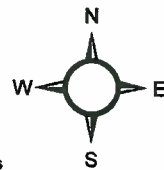


Area Redevelopment Division
<http://www.Dallas-EcoDev.org>

Created 2/2013

Legend

- Stoneleigh Hotel
- Downtown Connection TIF Boundary
- Downtown Connection TIF Parcels
- Properties Outside of TIF
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 8
DEPARTMENT: Office of Economic Development
CMO: Mark McDaniel, 670-3256
MAPSCO: 76 F G

SUBJECT

Trammell Crow Cedardale Distribution Center

- * Authorize a real property tax abatement with Cedardale Phase I, LLC for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for phase one of the Trammell Crow Cedardale Distribution Center, the first phase (consisting of approximately 50.55 acres) of a proposed two phase speculative commercial/industrial distribution development located on approximately 106 acres in the aggregate in the 3300-3900 blocks of Cedardale Road in southern Dallas within the International Inland Port of Dallas in accordance with the City's Public/Private Partnership Program - Financing: No cost consideration to the City
- * Authorize a real property tax abatement with Cedardale Phase II, LLC for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property for phase two of the Trammell Crow Cedardale Distribution Center, the second phase (consisting of approximately 56 acres) of a proposed two phase speculative commercial/industrial/warehouse distribution development located on approximately 106 acres in the aggregate in the 3300-3900 blocks of Cedardale Road in southern Dallas within the International Inland Port of Dallas in accordance with the City's Public/Private Partnership Program - Financing: No cost consideration to the City

BACKGROUND

In June 2016, Trammell Crow Company ("Trammell Crow") approached city staff regarding an opportunity to construct the Trammell Crow Cedardale Distribution Center, a two-phase speculative commercial/industrial/warehouse distribution development ("Development") on approximately 106 acres of land located in the 3300 to 3900 blocks of Cedardale Road within the International Inland Port of Dallas (IIPD) in southern Dallas. Upon completion, the proposed facilities will total approximately 1,500,000 square feet.

Trammell Crow Company will develop this project through two entities, one for each phase of the Development. Cedardale Phase I, LLC ("Cedardale LLC I") will develop phase one ("Phase One"), while Cedardale Phase II, LLC ("Cedardale LLC II") will develop phase two ("Phase Two"). Collectively, Cedardale LLC I and Cedardale LLC II ("Developers") will undertake the proposed Development. Locally, Trammell Crow has developed over 50 million square feet in industrial buildings, with over 3 million square feet developed in southern Dallas since 2001.

The proposed Development site is currently an assortment of properties, which include nine parcels with seven separate owners. An arrangement to sell the nine properties to the Developers has been made. Following favorable City Council consideration of requested development incentives, the Developers will finalize acquisition and assembly of the properties and undertake the proposed Development.

Cedardale LLC I anticipates spending \$11,000,000 on hard and soft costs to construct approximately 600,000 square feet of speculative commercial/industrial/warehouse space during Phase One of the Development. Cedardale LLC II anticipates spending \$16,500,000 on hard and soft costs to construct approximately 900,000 square feet of speculative commercial/industrial/warehouse space during Phase Two of the Development. The Developers will be considering multiple building footprint options to fulfill the proposed square feet of commercial/industrial/warehouse distribution space as required within each phase of the Development, with the goal of providing flexible commercial/industrial/warehouse building space based upon current market and client needs.

The Developers request City Council consideration of a 10-year 90 percent real property tax abatement for each of Phase One and Phase Two on added value resulting from each phase. The abatements for Phase One and Phase Two will go into effect no later than the year after construction is required to be substantially completed for each phase. Also, the Developers will be required to secure a tenant(s) occupancy of at least 51 percent of the minimum square feet of speculative commercial/industrial/warehouse space within an applicable phase before the abatement is granted for Phase One or Phase Two.

BACKGROUND (Continued)

An ancillary component to this project is the reconstruction of Cedardale Road west of Bonnie View which is necessary for this project to move forward. The Developers paid for the design of the street improvements and City Council will likely consider awarding the construction contract for Cedardale Road on December 14, 2016.

The material terms of the proposed two tax abatements are as follows:

- **Phase One:** Cedardale LLC I will invest a minimum of \$11,000,000 in hard and soft costs to construct approximately 600,000 square feet of speculative commercial/industrial/warehouse space during the first phase of the Development with a substantial completion date of December 31, 2020.

- **Phase Two:** Cedardale LLC II will invest a minimum of \$16,500,000 on hard and soft costs to construct approximately 900,000 square feet of speculative commercial/industrial/warehouse space during the second phase of the Development with a substantial completion date of December 31, 2022.

The Developers will only be eligible for their applicable tax abatement within their respective phase of the Development if (1) the phase secures a tenant(s) occupying at least 51 percent of the minimum square feet of speculative commercial/industrial/warehouse space as required and (2) meets the substantial completion date as required. If the required space in Phase One or Phase Two does not meet the minimal 51 percent occupancy requirement during a given year within the approved 10 year tax abatement period, the abatement for the applicable phase will be lost for that year.

The net fiscal impact from Phase One of the project after incentives is estimated at \$232,124 over 10 years and \$917,095 over 20 years. The net fiscal impact for Phase Two of the project after incentives is estimated at \$348,187 over 10 years and \$1,375,642 over 20 years. The total fiscal impact from the completed distribution center after incentives is estimated at \$580,311 over 10 years and \$2,292,737 over 20 years.

This proposed project conforms with the City's Public/Private Partnership Program guidelines and criteria as it has a private investment exceeding \$1 million. Staff recommends approval of the proposed incentives.

ESTIMATED SCHEDULE OF THE PROJECT

Begin Construction:	Phase One: June 1, 2017 Phase Two: February 1, 2020
Complete Construction:	Phase One: December 31, 2020 Phase Two: December 31, 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

**For Phase One:
Cedardale Phase I, LLC**

Scott Krikorian, Executive Vice President

**For Phase Two:
Cedardale Phase II, LLC**

Scott Krikorian, Executive Vice President

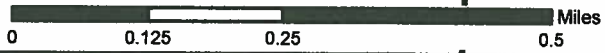
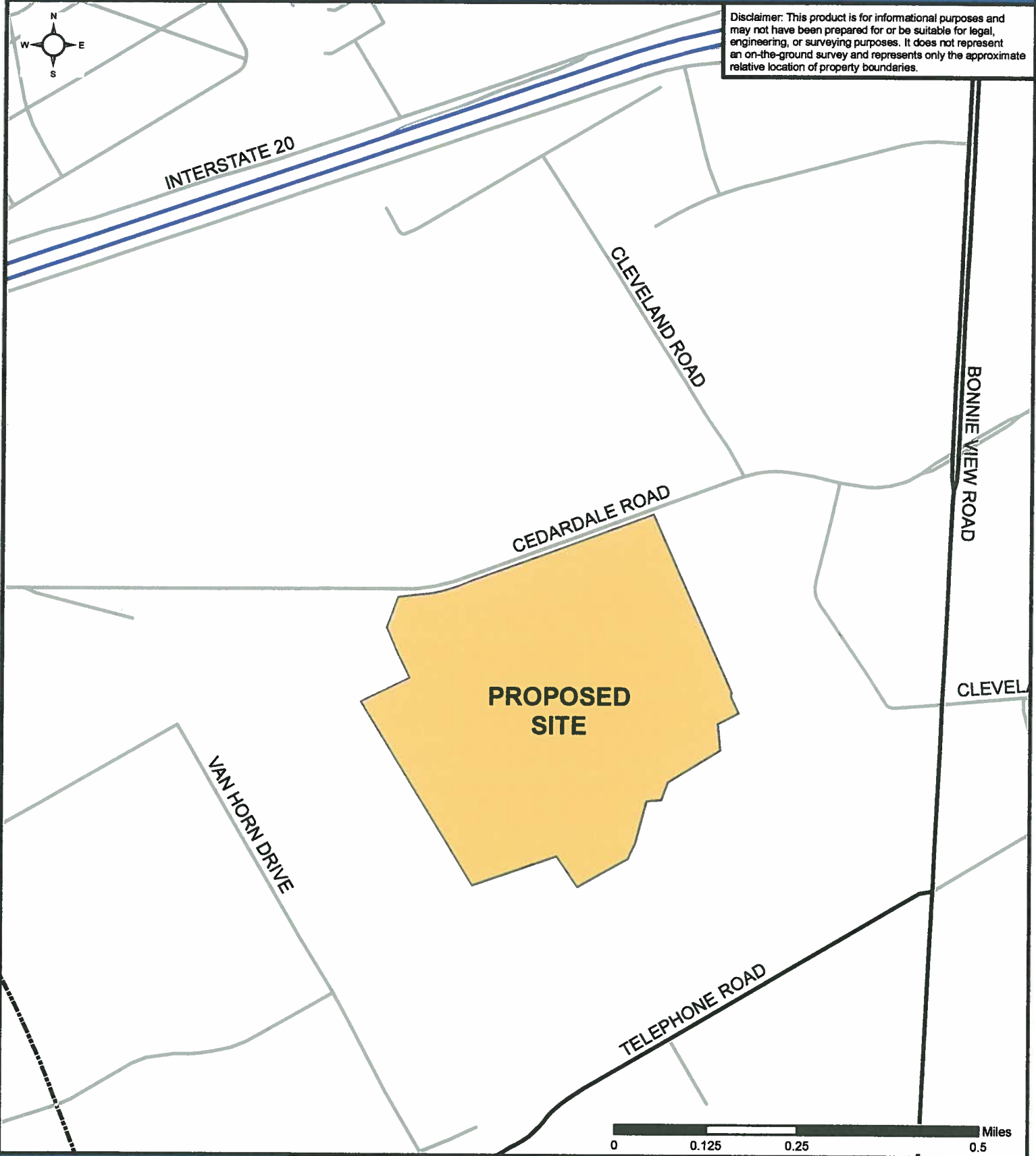
MAP

Attached.

Trammell Crow Cedardale Distribution Center



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC
DEVELOPMENT
Research & Information Division
214.670.1685
dallas-ecodev.org
Created 10/24/16, Last Updated 10/25/16 - Exhibit C

Legend

- Freeway (Blue line)
- Highway (Red line)
- Arterial (Black line)
- Local Road (Grey line)
- Proposed Site (Yellow fill)
- Dallas City Limits (Dashed line)

Data Source: City of Dallas

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2, 6, 14
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 E

SUBJECT

Authorize a grant agreement with Blocks GKM, L.P. and Victory Park UST Joint Venture I, L.P., to reimburse a portion of project costs associated with the construction of new retail space and renovation of existing vacant retail space totaling approximately 40,000 to 45,000 square feet in an amount not to exceed \$3,500,000 from revenues accruing to Tax Increment Financing Reinvestment Zone Seven (Sports Arena TIF District) and establish minimum investment, occupancy, and employment requirements as a condition of grant payment – Not to exceed \$3,500,000 – Financing: Sports Arena TIF District Funds (subject to appropriations)

BACKGROUND

When the City Council extended the term of the Sports Arena TIF District and expanded its boundaries in 2012, it approved an Amended and Restated Project Plan and Reinvestment Zone Financing Plan (the “Amended Plan”). The Amended Plan dedicated future increment to a number of additional projects, including funding now-complete parking improvements as well as infrastructure, pedestrian, bicycle and streetscape improvements. In addition to such projects, the Amended Plan authorized additional incentives and programs to achieve the District’s objectives of stimulating higher levels of retail occupancy and developing a more sustainable tenant mix for the area.

Specifically, the Amended Plan concluded that development of a vibrant, pedestrian-friendly retail environment requires (1) construction of additional retail space on Victory Park Lane to create continuous retail on both sides of the street; and (2) renovations/improvements to existing vacant retail space along Victory Park Lane and the AT&T Plaza adjacent to the American Airlines Center, bringing the space to a leasable condition. To support these activities, the City Council approved the addition of a Retail Incentive budget line item in the amount of \$10M.

BACKGROUND (Continued)

TIF Grants for Retail Incentives should complement the retail leasing and merchandising strategies recommended by district-wide retail/technical studies completed for the Victory Sub-district and adopted by City Council. The study indicated Retail Incentives should support the following recommendations:

- a. Implement district wide leasing strategy that incorporates new retail, dining, and entertainment uses to complement existing uses and complete the development
- b. Drive consistent daily non-event traffic with a diverse, unique tenant mix
- c. Attract quality grocery, and service retail tenants
- d. Pursue mix of restaurants, bars, live music, entertainment options and shops targeting the 25-40 year-old demographic

There is approximately 100,000 square feet of retail space that will be constructed or renovated within the Sports Arena Sub-district. The proposed project will construct new retail space and zoning required parking dedicated to new retail space and renovate existing vacant retail space within the Victory Sub-district. The project will provide 40,000 to 45,000 square feet of white box, tenant ready retail space in the sub-district. At least 50% of the retail space completed must be occupied, including the completion of tenant improvements.

The total project costs for the Victory Park Cinema Project is \$17,796,062. The grant will be paid over three years, with the first grant payment made upon completion of construction that brings the space to a leasable condition and occupancy of at least 50% of the space. After opening and receiving the first grant payment, remaining payments are contingent upon continued meeting the minimum occupancy requirement.

The project supports the City's investment in the American Airlines Center, pedestrian and bicycle improvements and the growing residential community in the sub-district and is consistent with the goals and recommendations of both the amended District plan and retail technical study.

ESTIMATED PROJECT SCHEDULE

Project Start Date February 2017
Project Completions Date December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 23, 2012, City Council conducted a public hearing and received comments on amendments to the Sports Arena TIF District Project and Reinvestment Zone Financing Plans and authorized an ordinance amending Ordinance No. 23688, previously approved on October 28, 1998, and Ordinance No. 24002, previously approved on August 25, 1999, to (1) add two new sub-districts within the Sports Arena TIF District: (a) Riverfront Gateway Sub-district and (b) West Dallas Sub-district; (2) increase the geographical area of the Sports Arena TIF District to add approximately: (a) 4.5 acres to the Victory Sub-district (generally the original Sports Arena TIF District boundary); (b) 33 acres in the Riverfront Gateway Sub-district; and (c) 89.2 acres in the West Dallas Sub-district; (3) extend the termination date of the Sports Arena TIF District for a 10 year period from the City Council established termination date of December 31, 2018, to December 31, 2028, for the Victory Sub-district and establish a termination date for the Riverfront Gateway and West Dallas Sub-districts of December 31, 2042; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the Sports Arena TIF District budget from \$25,498,568 NPV (approximately \$46,961,785 total dollars) to \$94,409,005 NPV (approximately \$273,599,175 total dollars), an increase of \$68,910,437 NPV (approximately \$226,637,390 total dollars); (6) create an Economic Development TIF Grant Program within the District and adopt program guidelines; (7) make corresponding modifications to the Sports Arena TIF District map, budget and Project and Reinvestment Zone Financing Plans by Ordinance No. 28672.

On June 27, 2012, City Council authorized a development agreement with Victory Park UST Joint Venture I, L.P., to reimburse costs related to planning efforts related to parking, vehicular and pedestrian circulation, place making and retail design for the Victory Sub-district of Tax Increment Financing Reinvestment Zone Seven (Sports Arena TIF District) in an amount not to exceed \$400,000 by Resolutions Nos. 12-1682 and 12-1683, as amended.

On August 15, 2016, the Sports Arena TIF District board of directors reviewed and recommended approval of a grant agreement with Blocks GKM, L.P. and Victory Park UST Joint Venture I, L.P., to reimburse a portion of project costs associated with the construction of new retail space and renovation of existing vacant retail space totaling approximately 40,000 to 45,000 square feet in an amount not to exceed \$3,500,000.

Information about this item was provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

\$3,500,000 – Sports Arena TIF District Funds (subject to appropriations)

PROJECT COUNCIL DISTRICT

2

OWNER

Blocks GKM, L.P.

Lance Fair, Vice President
3090 Olive Street, Ste. 210
Dallas, TX 75219

DEVELOPER

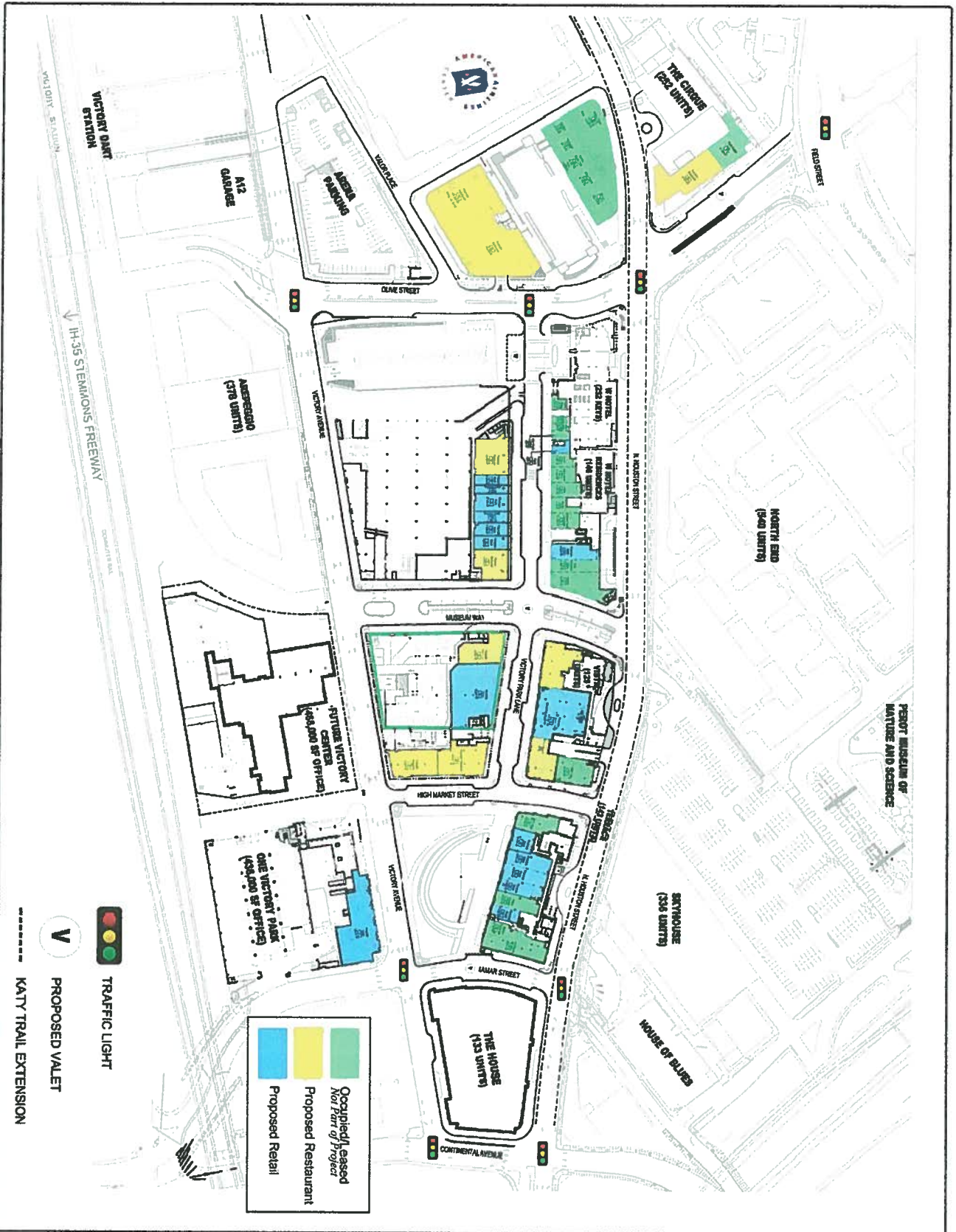
Victory Park UST Joint Venture I, L.P.

Lance Fair, Vice President
3090 Olive Street, Ste. 210
Dallas, TX 75219

MAP

Attached.

Victory Retail Project Location Map/Leasing Plan



TRADEMARK TM

LEASING CONTACT:

David Coakley
 National Project Company
 17100 Westpark Drive
 Fort Worth, Texas 76107
 817-410-5302
 817-410-5300 fax
 dcoakley@nationalproject.com
 www.tridivers.com

01-06-16
 DATE

GENERAL NOTES:

THIS DRAWING IS AN APPROXIMATE AND IS FOR
 GENERAL REFERENCE ONLY. IT IS NOT TO BE USED AS A
 PERSONAL, PERMANENT, OR CONSTRUCTION



NOT FOR CONSTRUCTION

LEASE PLAN

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Office of Economic Development
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 L

SUBJECT

Authorize PetroCorrigan Towers, LP's proposed assignment of TIF subsidies, described in its amended development agreement with the City, to a Wisconsin Public Finance Authority as security and the sole recourse for bonds issued pursuant to Wisconsin law for the purpose of financing the Tower Petroleum building (1907 Elm Street) and Corrigan Tower (1900 Pacific Avenue) redevelopment project - Financing: No cost consideration to the City

BACKGROUND

On June 10, 2015, City Council approved an amended development agreement, between the City of Dallas (the "City"), PetroCorrigan Towers, LP (the "Developer"), and committed TIF subsidies in the amounts of \$10,300,000 for the redevelopment of the Tower Petroleum building located at 1907 Elm Street, Dallas, Texas, and \$9,700,000 for the redevelopment of the Corrigan Tower building located 1900 Pacific Avenue, Dallas, TX 75201 (collectively, the "Project"). The Project is being developed in phases by the Developer with a total TIF subsidy for both buildings of \$20,000,000 (the "TIF Subsidy").

The Tower Petroleum building will be redeveloped into a boutique hotel (Saint Elm Hotel) containing approximately 150 guest rooms and a ground level restaurant. Levels 1 through 4 of the adjacent Corrigan Tower building will be renovated to provide three retail/restaurant spaces on the ground floor, as well as a small motor court for the project as part of the hotel project. The remaining level of the Corrigan Tower building will be converted into residential apartments.

BACKGROUND (Continued)

The developer desires to assign without recourse its TIF Subsidy up to \$20 million to a Public Finance Authority pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, commonly known as the "Joint Exercise of Powers Law" (the "Act"), and the terms of an Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement"), in order to issue revenue bonds in accordance with the Act for the purpose of financing various types of projects within or outside the State of Wisconsin.

The Authority has been authorized to approve the issuance of up to \$20 million of Bonds in one or more series (the "Bonds") to provide part of the financing for the Project. The Bonds are to be secured and payable solely by the TIF Subsidy committed pursuant to which the TIF Subsidy will be sold, transferred, conveyed and assigned to the Authority in one or more sales, and, as a result, will be paid directly by the City to the Authority or its bond trustee.

A Public Finance Authority may not issue bonds to finance a capital improvement in any state or territory or the United States unless a political subdivision within whose boundaries the project is to be located has approved the financing. Accordingly, the Authority is seeking approval by the City Council for this financing.

The following are conditions of this approval:

1. Developer shall indemnify the City for all claims arising from the bond issuance, actions/inactions of the trustee, and any and all actions by the parties related to the Bond issuance and not subject to the development agreement.
2. Authority agrees that the City shall have no responsibility or liability of any kind, direct or indirect, with respect to the terms, sale, issuance, security or payment of the Bonds, which shall be the sole responsibility of the Authority.
3. Authority agrees that the official statement and all offering documents for these bonds shall emphasize that the City has no obligation to pay anything beyond the TIF Subsidy and that the TIF Subsidy is subject to all the terms and conditions of the development agreement and the availability of future TIF revenues received, if any.
4. Authority agrees that the city shall not incur any additional obligations or liability, including any reporting or compliance obligations in connection with the issuance.

BACKGROUND (Continued)

- 5. Authority agrees that payment of the TIF Subsidy shall be subject to all contractual terms and contingencies in the development agreement including the superiority of prior projects such as the obligations issued for the Mercantile block and the increment allocation policy.
- 6. Authority agrees that all statements characterizing the project shall be accurately described.

To date, the Tower Petroleum building has been completely designed. Environmental remediation and interior demolition for the entire building is complete. Total project cost is approximately \$50M.

Corrigan Tower closed a HUD 221-D4 loan in August of 2016 in the amount of \$53 million and is currently under construction. Leasing of the Corrigan Apartments is anticipated to begin summer of 2017.

ESTIMATED PROJECT SCHEDULE

	Saint Elm Hotel	Corrigan Tower
Project Start Date	June 2015	December 2020
Project Completion Date	December 2017	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 22 2012, City Council authorized a development agreement with PetroCorrigan Towers, LP, and TIF funding for the redevelopment of the Tower Petroleum (1907 Elm Street) and Corrigan Tower (1900 Pacific Avenue) buildings in an amount not to exceed \$10,300,000 by Resolution Nos. 12-2124 and 12-2125.

On June 10, 2015, City Council authorized various amendments to the development agreement with PetroCorrigan Towers, LP, for the redevelopment of the Tower Petroleum (1907 Elm Street) and Corrigan Tower (1900 Pacific Avenue) buildings located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) to: (1) increase TIF incentives by \$9,700,000 from \$10,300,000 to an amount not exceed \$20,000,000, of which \$19,500,000 is in the form of an Economic Development TIF Grant, in consideration of an increase in private investment; (2) separate the project into two phases; (3) change the use of the buildings from residential to hotel, retail, and/or restaurant use in the Tower Petroleum building and commercial, retail, restaurant and/or residential uses in the Corrigan Tower building; and (4) amend project requirements and deadlines to reflect the change in project scope by Resolution No. 15-1077.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

No cost consideration to the City.

PROJECT COUNCIL DISTRICT

14

OWNER

PetroCorrigan Towers, LP

John Kirtland
2828 Routh Street, Ste. 500
Dallas, TX 75201

DEVELOPER

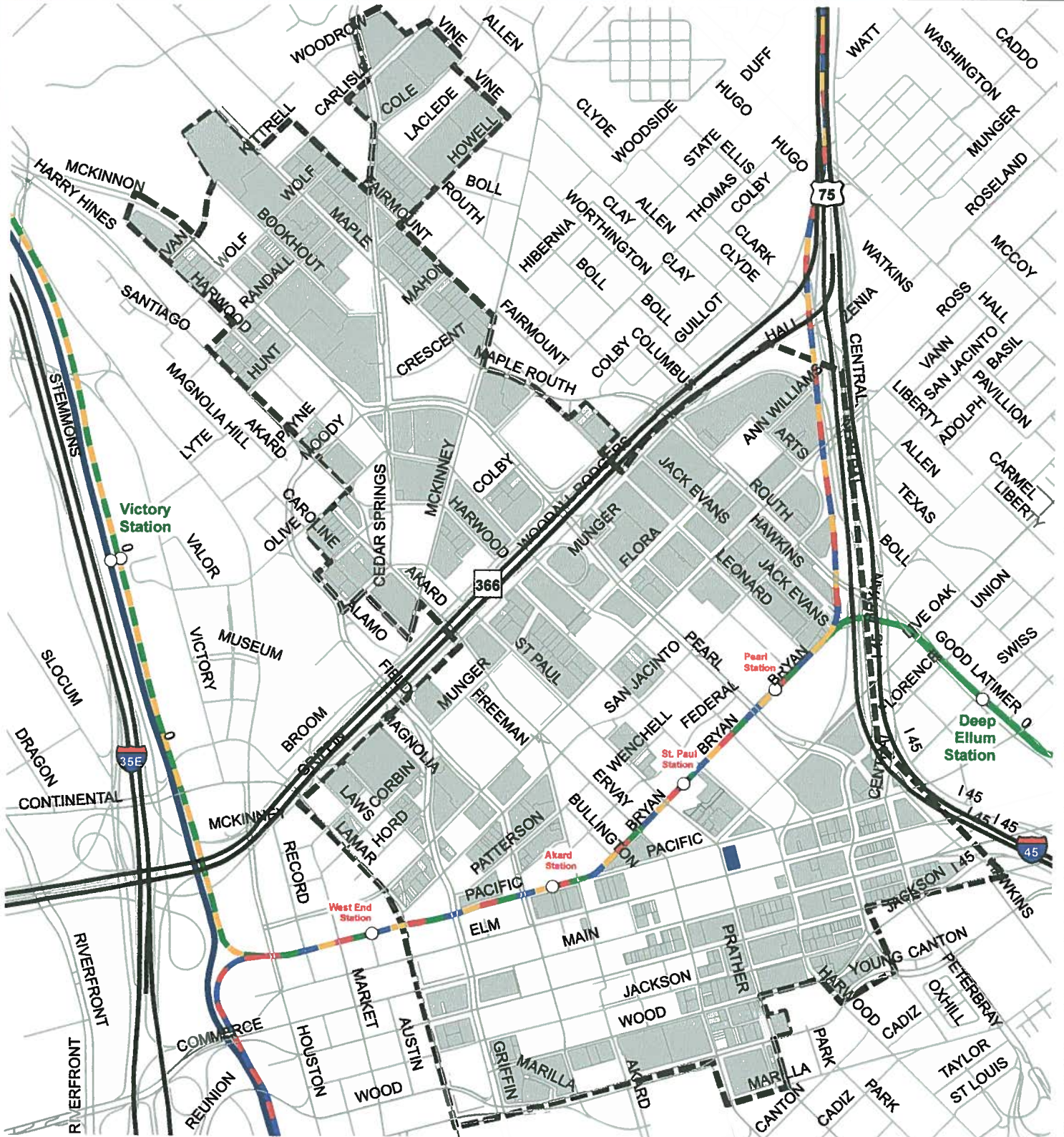
PetroCorrigan Towers, LP

John Kirtland
2828 Routh Street, Ste. 500
Dallas, TX 75201

MAP

Attached.

Saint Elm Hotel and Corrigan Tower Location Map













City of Dallas
Office of Economic Development

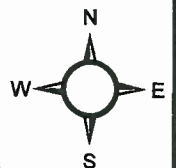


Area Redevelopment Division
<http://www.Dallas-EcoDev.org>

Created 4/2015

Legend

-  Tower Petroleum & Corrigan Tower
-  Downtown Connection TIF Boundary
-  Downtown Connection TIF Parcels
-  Properties Outside of TIF
-  Rail Station
-  DART Red Line
-  DART Blue Line
-  DART Green Line
-  DART Orange Line
-  Trinity Railway Express



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 4
DEPARTMENT: Office of Economic Development
CMO: Mark McDaniel, 670-3256
MAPSCO: 65 G

SUBJECT

Authorize an amendment to Resolution No. 16-0102, previously approved on January 13, 2016, to increase the Chapter 380 economic development grant agreement dated April 27, 2016 between the City of Dallas and City Wide Community Development Corporation from \$350,000 to \$1,175,000 to partially absorb an increase of \$496,000 for construction of a commercial office/retail building (1) Supplemental Agreement No. 1, to the Conditional Grant Agreement with City Wide Community Development Corporation, executed April 27, 2016, to secure development of a commercial office/retail building in the Lancaster Corridor; the proposed Supplemental Agreement will increase the City's grant amount by \$350,000, from \$825,000 to \$1,175,000 and as consideration, the City will receive 50% of all net cash proceeds, up to a maximum amount of \$350,000, in the event of a sale or refinance of the project; the City's interest is secured by a second mortgage on the property, located at 3111 - 3115 South Lancaster Road in Dallas, Texas, which will be subordinate to Legacy Texas's first lien; and (2) extension of the project completion date by 6 months, from March 31, 2017 to September 30, 2017 - Not to exceed \$350,000 - Financing: 2012 Bond Funds

BACKGROUND

~~City Wide Community Development Corporation (City Wide) is a 501(c)3 non profit corporation engaged in development and redevelopment activity throughout the city with a focus on Southeast Oak Cliff, primarily zip code 75216, in the Lancaster Corridor.~~

~~The commercial office/retail building project currently underway was presented to the City in November 2015 requesting financial participation of \$825,000. The total project cost of \$2,233,000 has increased by \$496,000 to \$2,729,000 due to steep increases in construction materials and costs over the past year. City Wide is relinquishing Developer and Commission Fees of \$121,000 and contributing \$25,000 in cash for a total of \$146,000 to partially offset cost increases.~~

BACKGROUND-(Continued)

~~Under a Tri Party Agreement with bank lender LegacyTexas Bank, proceeds of the City's funds are disbursed by LegacyTexas Bank prior to their funding under terms of their Loan Commitment which requires 78% of the building be pre-leased prior to any funding.~~

~~The Lancaster Corridor is a vital main street for South Central Dallas and is a high City Council priority for development and redevelopment options that will improve communities all along the corridor. In 2012, the Housing Committee approved the Lancaster Kiest Village development plan and Council approved \$3.4 million from 2006 Bond funds to acquire land and demolish structures to make way for the four (4) phase development in the northwest quadrant of Lancaster Road and Keist Boulevard.~~

~~Phase I has been completed with the Rudy's Chicken relocation and reconstruction. Phase II is an approximately 8,400 square foot two story retail/commercial building being developed pursuant to City Council approval of an \$825,000 Economic Development Grant by Resolution No. 16-0102, scheduled for completion by March 2017. Phase III includes approximately 32 live/work townhomes to be developed in the future. Phase IV has been completed with the opening of Serenity Place, permanent supportive housing for women and children in October 2015. City Wide has completed several single family homes, both new and rehab.~~

~~The office/retail commercial development is a mile north of the North Texas Veterans Administration Medical Center (VA). The VA, one of the largest employers in Dallas with over 1 million visitors annually continues to expand and has expressed a need for additional administrative space as well as parking. VA has leased 7,000 square feet of space in the Lancaster Urban Village complex and leases other less convenient locations throughout southern Dallas.~~

~~The City Council approved a Chapter 380 economic development grant agreement with City Wide Community Development Corporation in the amount of \$825,000 to complete financing needed for the \$2,233,000 project. LegacyTexas Bank is providing \$810,000 in bank financing. The land cost of \$548,200 was funded under City Wide's Lancaster Keist development loan and was acquired as part of the Rudy's Chicken project.~~

In December, 2012, City Council authorized expenditure of \$3.4 Million from 2006 bond funds to acquire land and demolish structures in anticipation of development of a four-phase project in Lancaster Corridor sited at the northeast quadrant of the intersection of Lancaster Road and Kiest Boulevard. The City executed a development agreement with City Wide Community Development Corporation to facilitate land assemblage, including space formerly occupied by the Lancaster-Kiest library.

BACKGROUND (Continued)

The four phases of the project include: (1) relocation of Rudy's Chicken (completed and opened, August, 2014); (2) Construction of Serenity Place, a 45-unit permanent supportive housing project serving homeless women and children (completed and opened October, 2015); (3) Construction of a 10,000 square foot Commercial Building containing office and retail space (in January 2016, Council approved a grant of \$825,000 in conjunction with an \$810,000 loan from Legacy Texas to construct the building); and (4) a future development tract (originally planned for live/work townhouses, may be developed as retail space). These projects are consistent with the Lancaster Corridor Station Area Plan, completed in February, 2013.

The two-story office/retail project was anticipated to have a construction period of 6-8 months and employ 35-45 construction workers. Eight tenant spaces will create 15 full-time jobs. Total project cost was estimated at \$2,233,000. Funding sources included: City of Dallas, \$1,428,000 (including \$598,000 land cost) and Legacy Texas bank, \$810,000. Original terms of project funding include: (1) City's existing first lien deed of trust is subordinated to Legacy Texas' conventional bank financing; (2) Legacy Texas administers all disbursements, including the City's grant; (3) City grant will be disbursed prior to bank funding; (4) No funding disbursed until 78% of eligible square footage has been leased; (5) City's grant terms mirror Legacy Texas's terms and conditions for disbursing funds; (6) Project completion March 31, 2017; (7) Upon issuance of a certificate of occupancy, the City's second lien will be released.

Total project cost has subsequently increased by \$496,000 to \$2,729,000, due to steep increases in materials costs in the past year. City Wide has agreed to contribute \$121,000 of developer and commission fees (funded by Legacy Texas) and \$25,000 in cash to partially offset these cost increases. Legacy Texas will increase its senior loan by \$50,000 and the City has been requested to increase its grant by \$350,000. As consideration, the City will receive 50% of all cash proceeds, up to a maximum of \$350,000, in the event of sale or refinance of the project. This obligation will be secured by a second lien in the amount of \$350,000 that will remain on the property after the project completion. Construction has been delayed by 6 months, due to materials contract negotiations and a 6 month completion deadline extension from March 31, 2017 to September 30, 2017 has been requested.

City Wide Community Development Corporation is a 501(c)(3) non-profit corporation engaged in development and redevelopment activity in southern Dallas, with a focus on Southeast Oak Cliff, primarily zip code 75216, in the Lancaster Corridor. Other City Wide projects include Lancaster Urban Village, a mixed-use development across from the VA Hospital, containing 193 residential units, 14,000 square feet of retail, and a 432-space parking garage.

ESTIMATED SCHEDULE OF REDEVELOPMENT

Complete development by ~~March 31, 2017~~ September 30, 2017

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 7, 2015 the Economic Development Committee was briefed regarding a Chapter 380 economic development forgivable loan agreement with City Wide Community Development Corporation for continued development of the Lancaster Kiest Project.

On January 13, 2016, City Council authorized a Chapter 380 Economic Development Grant in the amount of \$825,000 to City Wide Community Development Corporation for cost associated with development of a commercial office/retail building to be located at 3111 – 3115 S. Lancaster Road in Dallas, Texas that will address a shortage of business rental space and continue development in the Lancaster Corridor by Resolution No. 160102.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

\$350,000 - 2012 Bond Funds

OWNER

City Wide Community Development Corporation

Sherman Roberts, President/Chief Executive Officer

MAP

Attached.

Lancaster-Kiest Project

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC
DEVELOPMENT
Research & Information Division
214.670.1685
dallas-ecodev.org

Legend

- Roads
- Project Area
3111-3115 S. Lancaster Road

Created: 12.15.15; Last Updated: 12.15.15; File Name: Lancaster-Kiest

Data Source:

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Office of Economic Development
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 A B E F G K L P & Q

SUBJECT

Authorize an ordinance to: **(1)** amend Tax Increment Financing Reinvestment Zone Number Eleven's (Downtown Connection TIF District) Project and Reinvestment Zone Financing Plans to add the Statler/Library redevelopment project to the District's Project Plan; **(2)** approve the directed sale, for fair market value consideration and yet to be negotiated sale terms subject to City Council approval of a 0.129 acre (5,600 square feet) City owned tract of land addressed as 210 South Harwood Street, located in the Downtown Connection TIF District to Centurion Acquisitions, LP to complete the Statler/Library redevelopment project in accordance with the District's Project Plan; and **(3)** make corresponding modifications to the Downtown Connection TIF District's Project and Reinvestment Zone Financing Plans, consistent with the requirements and limitations of the Act - Financing: No cost consideration to the City

BACKGROUND

In order to foster the implementation of the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan, the City of Dallas is permitted to directly lease or sell City-owned/City-controlled property within the District without complying with auction and bidding requirements with the condition that the property is redeveloped in accordance with the Downtown Connection TIF District Plan.

Redevelopment construction is underway to convert the Statler building into 219 residential apartments, 161 hotel rooms and 60,000 square feet of ground level retail, restaurant and entertainment venues. Approximately 240 parking spaces will be constructed under the Statler building. The former public library building will be converted to 88,000 square feet of office and event space. As a part of the TIF funding for the Statler/Library project the developer was required to construct a new garage to provide parking for the project. Adjacent streetscape and landscaping improvements are components of the redevelopment project.

BACKGROUND (Continued)

To meet the project's parking requirements, Centurion Acquisitions, LP has acquired properties adjacent to the historic buildings to construct a 748 space parking garage. One of the properties adjacent to the project is a 5,600 square foot tract of land addressed as 210 South Harwood Street at the northeast corner of South Harwood Street and Jackson Street in the Downtown Connection TIF District. A directed sale of the City-owned property for fair market value considerations to Centurion Acquisitions, LP is proposed to complete the land assemblage for the proposed garage. Direct sale of the City-owned tract of land without an auction or bidding of the property allows it to be redeveloped as part of the Statler/Library project which is necessary to facilitate the implementation of the Downtown Connection TIF District Project Plan.

Centurion Acquisitions, LP proposes to exchange land they currently own in the southern portion of Dallas for the small City-owned parcel located across the street from the Statler/Library site. The property proposed to be exchanged for the property in downtown is approximately 3.733 acres and located on the west side of Lancaster Road, south of East Camp Wisdom Road. This property will be accepted by the Parks and Recreation Department. As such, this land exchange is mutually beneficial in that the downtown property supports the redevelopment, occupancy and long-term viability of the Statler/Library buildings, while the City of Dallas gains ownership of a sizeable tract of land that could be used for public benefit in an area that is anticipating increased private development.

The City finds the direct sale of the City-owned tract of land (without an auction or bidding process) to Centurion Acquisitions, LP, via a land exchange and fair market value considerations, is necessary to implement the Downtown Connection TIF Project Plan and its objectives to support redevelopment of existing, vacant building supply and encourage strategic development of parking in the District and downtown core. The terms of the land exchange/sale will require City Council approval and an item seeking approval of the transaction will be placed on a future council agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) by Ordinance No. 26020, as amended.

On August 29, 2005, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District); and authorized a participation agreement with Dallas County for the Downtown Connection TIF District by Ordinance No. 26096, as amended.

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

On October 19, 2005, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) to: (1) allow for commercial tax abatements pursuant to Chapter 312 of the Texas Tax Code, Vernon's Texas Codes Annotated (the Act); (2) designate the City's participation level of 90% in the Downtown Connection TIF District as required by Chapter 311 of the Act; (3) adjust the Dallas County's participation in the Downtown Connection TIF District from \$24,000,000 net present value to \$18,500,000 net present value; and (4) correct a typographical error in Section 2, Part VII of the Project Plan, titled Non-Project Cost, from an amount to exceed \$15,000,000 to an amount not to exceed \$15,000,000 by Ordinance No. 26143 and Resolution No. 05-2993.

On March 8, 2006, City Council authorized amendments to the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan to amend the Downtown Connection TIF District boundary to exclude 2400 Bryan Street and 2215 Bryan Street (Crozier Tech) by Ordinance No. 26291 and Resolution No. 07-3698.

On December 12, 2007, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) to: (1) provide for affordable housing program requiring Downtown Connection TIF District funded project to set aside ten percent of the units as affordable and specifying alternatives to providing such units within the TIF funding project; (2) reprogram \$2,500,000 from the Park and Plaza Design and Acquisition budget line item to a new budget line item for Retail Initiatives/Streetscape Improvements; (3) expand the use of TIF funds for Grants, in accordance with the Downtown Connection TIF District Grant Program and Criteria, and for affordable housing assistance; (4) correct the principal amount of bonds to be sold from \$65,000,000 to \$66,000,000; and (5) update Exhibits G, H and J, Appendix A and modify the plan to reflect 2007 property value and adjusted base year value and make any other necessary adjustments to implement the plan amendment by Ordinance No. 27032 and Resolution No. 07-3698.

On October 22, 2008, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) to permit the direct lease or sale of City-owned/City-controlled property without auction and bidding requirements on the condition that the property is redeveloped in accordance with the Downtown Connection TIF District Plan by Ordinance No. 27377 and Resolution No. 08-2917.

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

On December 10, 2008, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) to increase the geographic area of the Downtown Connection TIF District to include 2307 Caroline Street, 2311 Caroline Street, 1600 Ashland Street, and 1601 Cedar Springs Road by Ordinance No. 27434 and Resolution No. 08-3396.

On February 11, 2009, City Council authorized amendments to the Project and Reinvestment Zoning Financing Plan for Tax Increment Financing Reinvestment Zoning Number Eleven Downtown Connection TIF District) to: (1) expand the development goals and specific objectives to the Project Plan; (2) expand the Redevelopment of Vacant/ Underutilized Downtown Buildings budget line item to include the Development of Underdeveloped Parcels and Surface Parking Lots; and (3) update Exhibits G and J to reflect updated base value, 2008 increment corrections and future increment assumptions under the authority of the Tax Increment Financing Act by Ordinance No. 27489 and Resolution No. 09-0469.

On April 22, 2009, City Council authorized amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) to: (1) amend the affordable housing policy to: (a) permit additional assistance in the form of Affordable Housing Economic Development Grant to those projects providing affordable housing units, (b) extend the eligibility date for additional affordable housing assistance to projects which are approved by City Council from December 31, 2008 to December 31, 2011, (c) update the household income limit charts contained within to reflect the Dallas Area Median Household Income Limits for 2009; and (2) revise the budget to: (a) reprogram \$515,000 from the Retail Initiative/Streetscape Improvements budget line item to a new Downtown Area Plan budget line item; and (b) update Exhibit G to reflect the budget reprogramming and new additional budget line item and making any other necessary adjustments to implement the plan amendment by Ordinance No. 27529 and Resolution No. 09-1108.

On May 22, 2013, City Council conducted a public hearing and authorized amendments to the Downtown Connection TIF District's Project and Reinvestment Zone Financing Plans to: (1) increase the Downtown Connection TIF District's budget from \$189,807,592 NPV (approximately \$391,744,162 total dollars) to \$231,593,554 NPV (approximately \$545,726,096 total dollars, an increase of \$41,785,962 NPV (approximately \$153,981,934 total dollars); (2) expand the District's focus of redevelopment efforts; and (3) make corresponding modifications to the Downtown Connection TIF District's budget and Project and Reinvestment Zone Financing Plan, consistent with the requirements and limitations of the Act by Ordinance No. 29015 and Resolution No. 13-0894.

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

On September 11, 2013, City Council conducted a public hearing and authorized amendments to the Downtown Connection TIF District's Project and Reinvestment Zone Financing Plans to: (1) increase the geographic area of the district by adding approximately 4,950 square feet; (2) add to the District's Project Plan the provision for a land exchange of City owned property for privately owned property within the District allowing for the land swap of City-owned property without requiring an auction and/or bidding of the property; and (3) make corresponding modifications to the Downtown Connection TIF District's boundary map and Project and Reinvestment Zone Financing Plans and any other necessary adjustments to implement the plan amendments consistent with the requirements and limitations of the Act by Ordinance No. 29143 and Resolution No. 13-1622.

On April 23, 2014, City Council authorized a development agreement with Centurion Acquisitions, LP for eligible project costs, street and utility improvements in an amount not to exceed \$3,000,000 plus an Economic Development TIF Grant in an amount not to exceed \$43,500,000 for a total not to exceed \$46,500,000 for redevelopment of the buildings addressed as 1914 Commerce Street (Statler building) and 1954 Commerce Street (Old Dallas Central Library building) and properties addressed as 2002 Commerce Street, 210, 300 and 308 South Harwood Street and 2003 Jackson Street from revenues accruing to Tax Increment Financing Reinvestment Zone Eleven by Resolution Nos. 14-0684 and 14-0685.

On November 10, 2016, the Downtown Connection TIF District board of directors reviewed and recommended approval of an amendment of Tax Increment Financing Reinvestment Zone Number Eleven's (Downtown Connection TIF District) Project and Reinvestment Zone Financing Plans to: (1) add to the Statler/Library redevelopment project to the District's Project Plan; and (2) approve the directed sale of a 0.129 acre (5,600 square feet) City owned tract of land addressed as 210 South Harwood Street, located in the Downtown Connection TIF District to Centurion Acquisitions, LP to complete to Statler/Library redevelopment project in accordance with the District's Project Plan.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

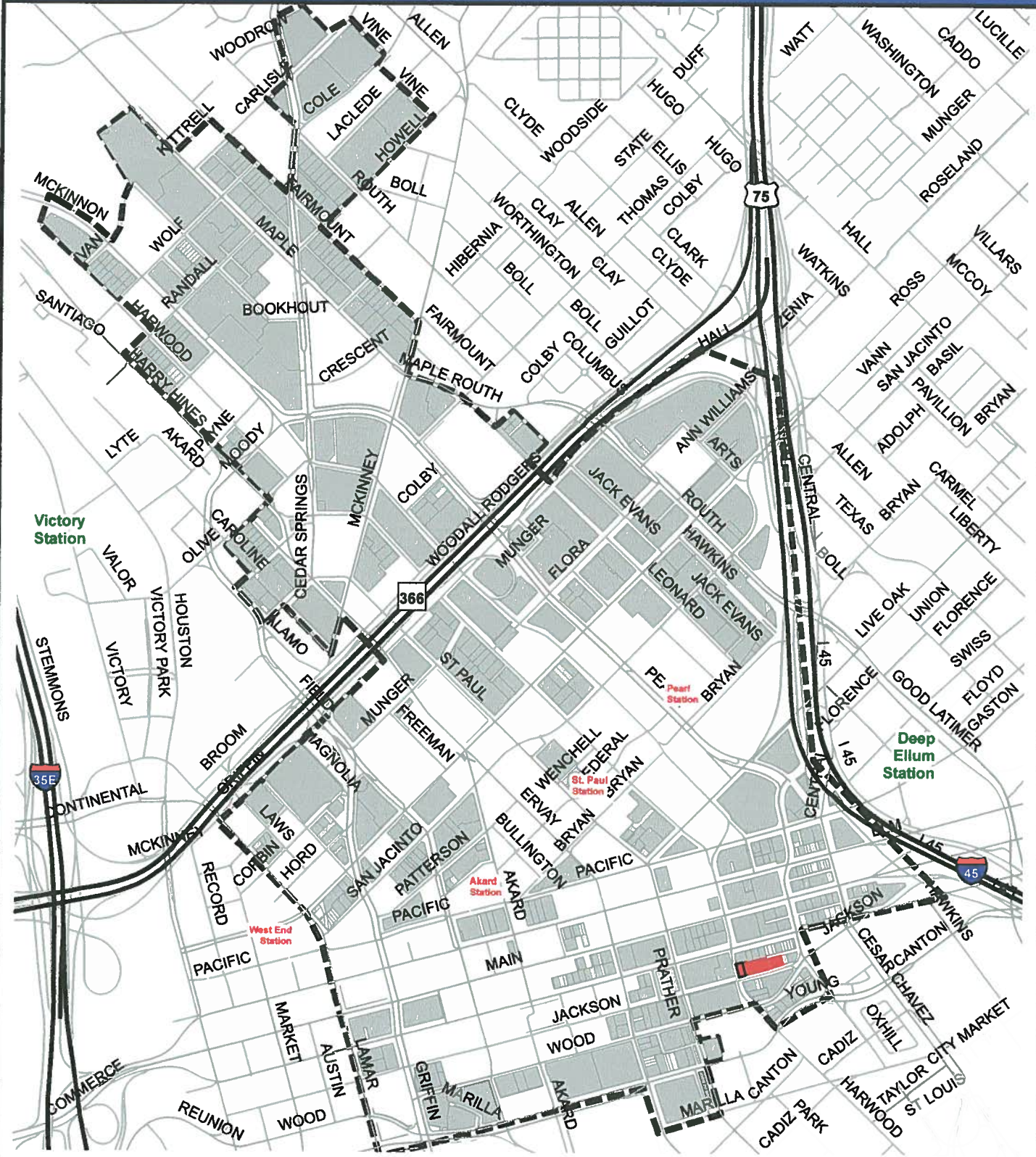
No cost consideration to the City

PROJECT COUNCIL DISTRICT

MAP(S)

Attached.

Proposed Jackson St. Garage - Statler/Library TIF Project



City of Dallas
Office of Economic Development

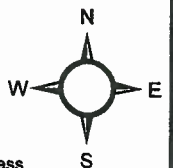


Area Redevelopment Division
<http://www.Dallas-EcoDev.org>

Created 2/2013

Legend

- Proposed Jackson Street Garage Location
- City Owned Property - Proposed Direct Sale
- Downtown Connection TIF Boundary
- Downtown Connection TIF Parcels
- Properties Outside of TIF
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 44R

SUBJECT

An ordinance abandoning a sanitary sewer easement and a water easement to West Commerce Investments LLC, the abutting owner, containing a total of approximately 1,555 square feet of land, located near the intersection of Commerce and Beatrice Streets - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a sanitary sewer easement and a water easement to West Commerce Investments LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a multi-family development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

Revenue: \$5,400, plus the \$20 ordinance publication fee

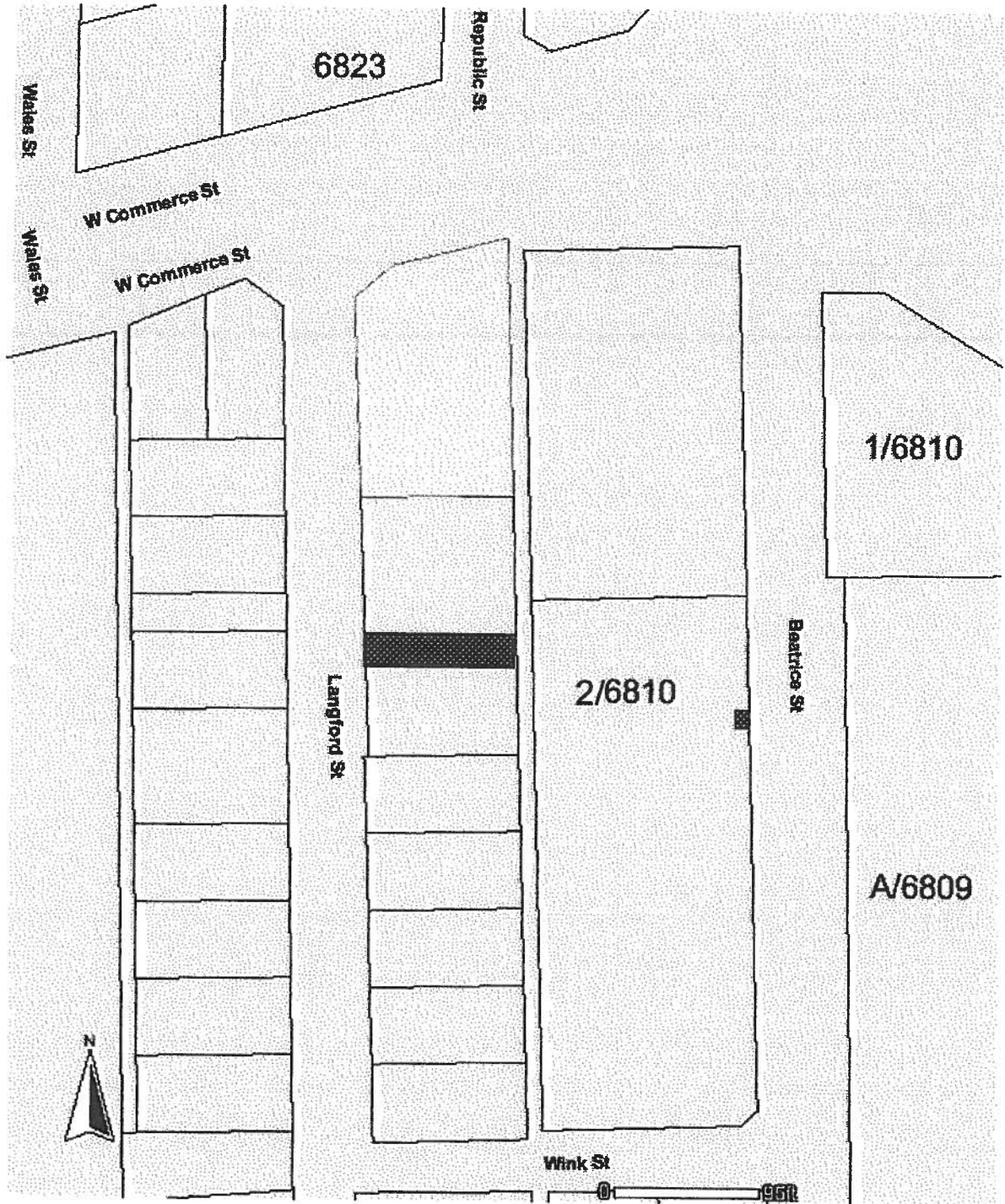
OWNER

West Commerce Investments LLC

Reid Beucler, Manager

MAP

Attached



Abandonment Areas: 

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY *Benjamin N. Spata #*
Assistant City Attorney

BY *Santa Williams*
SOK Assistant Director

Passed _____.

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a sanitary sewer easement and a water easement, located in City Block 2/6810 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to West Commerce Investments LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of West Commerce Investments LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

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

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

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

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

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (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 this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

BEING a 1,455 square foot tract of land situated in the William P. Overton Survey, Abstract No. 1106, City of Dallas, Dallas County, Texas; and being part of Lot 3A, Block 2/6810, Commerce-Langford Addition, an addition to the City of Dallas according to the plat recorded in Volume 94223, Page 4821 of the Deed Records of Dallas County, Texas; and being part of a 0.949 acre tract of land described in Special Warranty Deed to West Commerce Investments, LLC recorded in Instrument Number 201600049840 of the Official Public Records of Dallas County, Texas; and being all of the 15-foot wide Sanitary Sewer Easement dedicated by said Commerce-Langford Addition; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found for the northwest corner of Lot 2A of the Commerce-Langford Addition, an addition to the City of Dallas according to the plat recorded in Volume 94223, Page 4821 of the Deed Records of Dallas County, Texas, and the northwest corner of a called 0.342 acre tract of land described in Special Warranty Deed to West Commerce Investments, LLC recorded in Instrument No. 201600049839 of the Official Public Records of Dallas County, Texas, being in the southeast line of Tract No. 1, a called 173 square feet tract of land described in the matter of the State of Texas and County of Dallas VS Southwestern Land and Loan Company, John M. Stemmons, L.S. Stemmons, and Eliabeth Storey Stemmons, Harry Hargett and H.E. Raines, and Oak Cliff Bank & Trust Company, referenced in Cause No. 83785-A, as recorded in Volume 43, Page 14 of the Dallas County Court at Law No. 1 Records, and being in the south end of a right-of-way corner clip at the intersection of the current east right-of-way line of Langford Street (a variable width right-of-way, Vol. 119, Pg. 496 and Vol. 94223, Pg. 4821), and the current south right-of-way line of W. Commerce Street (a variable width right-of-way, Vol. 2613, Pg. 102 and Vol. 43, Pg. 14), formerly State Highway 1;

THENCE with said current east right-of-way line of Langford Street, the west line of said 0.342 acre tract, the west line of said 0.949 acre tract, and the west line of said Commerce-Langford Addition, South 1°03'51" East, a distance of 227.17 feet to the northwest corner of said 15-foot wide Sanitary Sewer Easement and being the **POINT OF BEGINNING**;

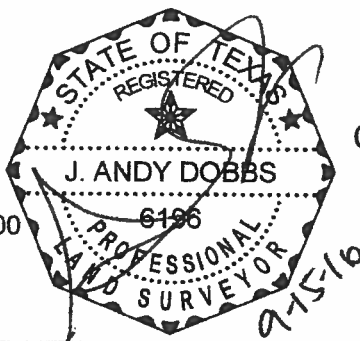
THENCE departing said current east right-of-way line of Langford Street, the west line of said 0.949 acre tract, and the west line of said Commerce-Langford Addition, and with the north line of said 15-foot wide Sanitary Sewer Easement, North 89°08'12" East, a distance of 97.00 feet to the northeast corner of said 15-foot wide Sanitary Sewer Easement, and being in the west line of a 10-foot wide public alley created by the revised map of the partial subdivision of A.P. Langston's Homestead, a subdivision of record as recorded in Volume 119, Page 496 of the Map Records of Dallas County, Texas, the east line of said 0.949 acre tract, and the east line of said Lot 3A;

THENCE with said west line of the 10-foot wide public alley, the east line of said 0.949 acre tract, the east line of said Lot 3A, and the east line of said 15-foot wide Sanitary Sewer Easement, South 1°03'51" East, a distance of 15.00 feet to the southeast corner of said 15-foot wide Sanitary Sewer Easement;

**SANITARY SEWER EASEMENT
ABANDONMENT
PART OF LOT 3A, BLOCK 2/6810
COMMERCE - LANGFORD ADDITION
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(For SPRG use only)
Reviewed By: David Scott
Date: 10.9.16
SPRG NO: 3702

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



<h1>Kimley»Horn</h1>					
12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820					
Scale N/A	Drawn by JAD	Checked by DAB	Date JAN. 2016	Project No. 084484300	Sheet No. 1 OF 3

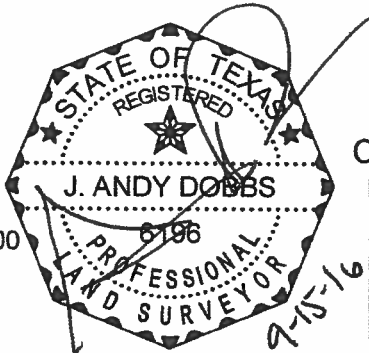
THENCE departing said west line of the 10-foot wide public alley, the east line of said 0.949 acre tract, and the east line of said Lot 3A, and with the south line of said 15-foot wide Sanitary Sewer Easement, South 89°08'12" West, a distance of 97.00 feet to the southwest corner of said 15-foot wide Sanitary Sewer Easement, being in said current east right-of-way line of Langford Street, the west line of said 0.949 acre tract, and the west line of said Lot 3A; from said point a 5/8-inch iron rod with "KHA" cap found for the southwest corner of said Lot 3A, and being in the north line of Lot 14, Block 2/6810 of said A.P. Langston's Homestead bears South 1°03'51" East, a distance of 56.42 feet;

THENCE with said current east right-of-way line of Langford Street, the west line of said 0.949 acre tract and Lot 3A, and the west line of said 15-foot wide Sanitary Sewer Easement, North 1°03'51" West, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 1,455 square feet or 0.033 acres of land.

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

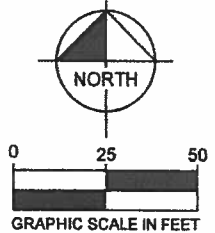
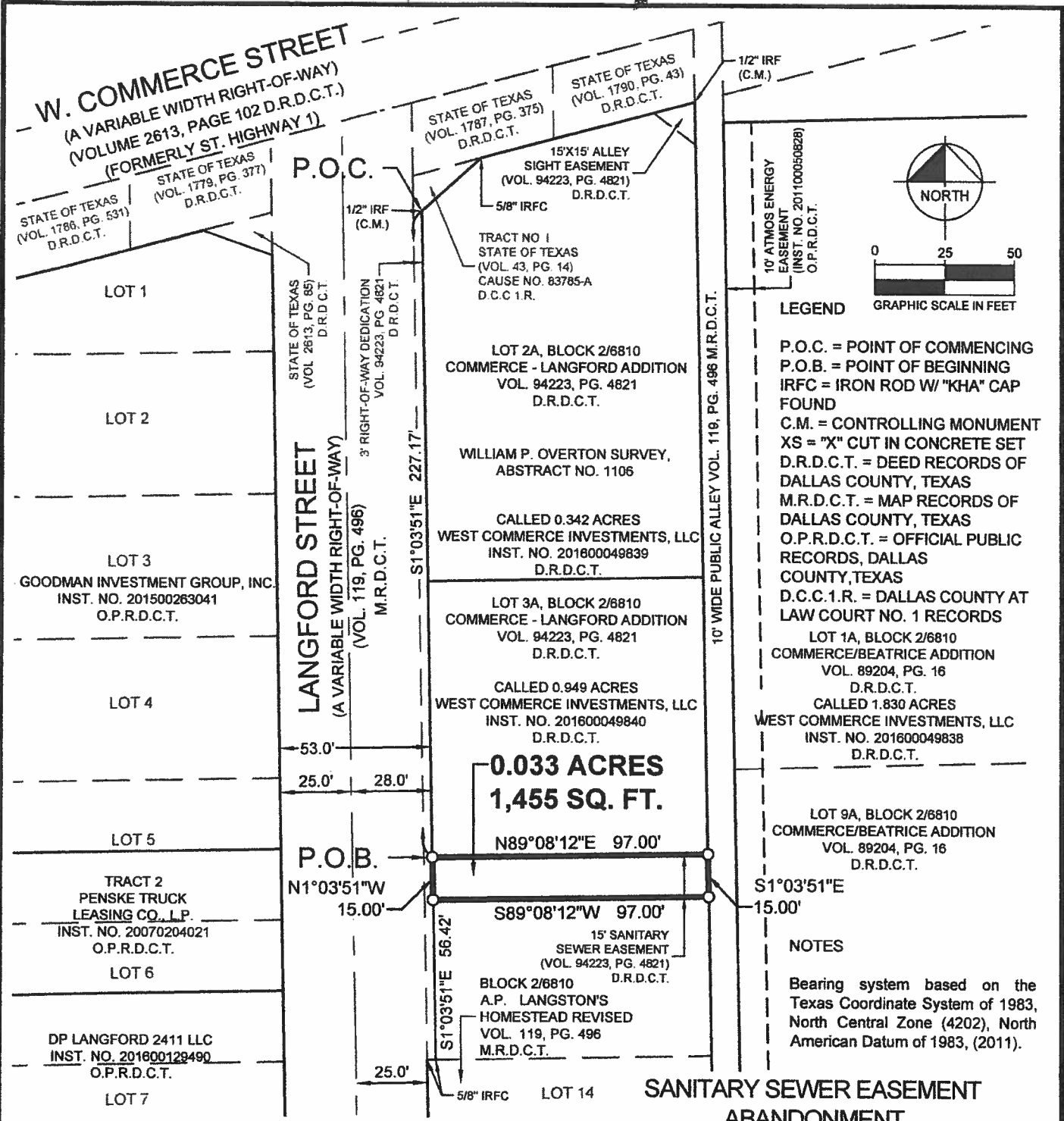
(For SPRG use only)
 Reviewed By: Dawn Scott
 Date: 10.9.16
 SPRG NO: 3702

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



SANITARY SEWER EASEMENT
 ABANDONMENT
 PART OF LOT 3A, BLOCK 2/6810
 COMMERCE - LANGFORD ADDITION
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

		12750 Merit Drive, Suite 1000 Dallas, Texas 75251		FIRM # 10115500		Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
		Scale N/A	Drawn by JAD	Checked by DAB	Date JAN. 2016	Project No. 064484300	Sheet No. 2 OF 3



LEGEND

P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/ "KHA" CAP FOUND
 C.M. = CONTROLLING MONUMENT
 XS = "X" CUT IN CONCRETE SET
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
 D.C.C.1.R. = DALLAS COUNTY AT LAW COURT NO. 1 RECORDS

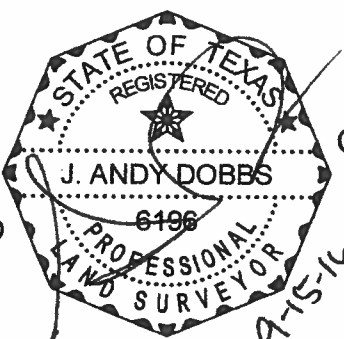
LOT 1A, BLOCK 2/6810
 COMMERCE/BEATRICE ADDITION
 VOL. 89204, PG. 16
 D.R.D.C.T.

CALLLED 1.830 ACRES
 WEST COMMERCE INVESTMENTS, LLC
 INST. NO. 201600049838
 D.R.D.C.T.

NOTES

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

(For SPRG use only)
 Reviewed By: David Scott
 Date: 10-9-16
 SPRG NO: 3702



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

**SANITARY SEWER EASEMENT
 ABANDONMENT**
 PART OF LOT 3A, BLOCK 2/6810
 COMMERCE - LANGFORD ADDITION
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 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 1" = 50'	Drawn by JAD	Checked by DAB	Date JAN. 2016	Project No. 064484300	Sheet No. 3 OF 3
-------------------	-----------------	-------------------	-------------------	--------------------------	---------------------

EXHIBIT A-TRACT C

BEING a 100 square foot tract of land situated in the William P. Overton Survey, Abstract No. 1106, City of Dallas, Dallas County, Texas; and being part of Lot 9A, Block 2/6810, Commerce/Beatrice Addition, an addition to the City of Dallas according to the plat recorded in Volume 89204, Page 16 of said Deed Records; and being part of a 1.830 acre tract of land described in Special Warranty Deed to West Commerce Investments, LLC recorded in Instrument Number 201600049838 of the Official Public Records of Dallas County, Texas; and being all of a 10'x10' Water Easement dedicated by said Commerce/Beatrice Addition; and being more particularly described as follows:

COMMENCING at a "X" cut in concrete found for the northeast corner of Lot 1A, Block 2/6810, Commerce/Beatrice Addition, an addition to the City of Dallas according to the plat recorded in Volume 89204, Page 16 of the Deed Records of Dallas County, Texas, and the northeast corner of said 1.830 acre tract, being in the south line of said Tract No. II, and being at the intersection of the current south right-of-way line of W. Commerce Street (a variable width right-of-way, Vol. 2613, Pg. 102 and Vol. 43, Pg. 14), formerly State Highway 1, and the current west right-of-way line of Beatrice Street (a variable width right-of-way, 53 feet wide at this point, Vol. 119, Pg. 496 and Vol. 89204, Pg. 16);

THENCE with said current west right-of-way line of Beatrice Street, the east line of said Commerce/Beatrice Addition, and the east line of said 1.830 acre tract, South 1°03'51" East, a distance of 312.25 feet to the northeast corner of said Water Easement and being the **POINT OF BEGINNING**;

THENCE continuing with said current west right-of-way line of Beatrice Street, the east line of said Lot 9A, and the east line of said 1.830 acre tract, and the east line of said Water Easement, South 1°03'51" East, a distance of 10.00 feet to the southwest corner of said Water Easement; from said point a 1/2-inch iron rod with "PRECISE" cap found at the north end of a right-of-way corner clip at the intersection of said west right-of-way line of Beatrice Street and the north right-of-way line of Wink Street (a variable width right-of-way) bears South 1°03'51" East, a distance of 239.50 feet;

THENCE departing said current west right-of-way line of Beatrice Street, the east line of said Lot 9A, and the east line of said 1.830 acre tract, with the south line of said Water Easement, South 88°56'09" West, a distance of 10.00 feet to the southwest corner of said Water Easement;

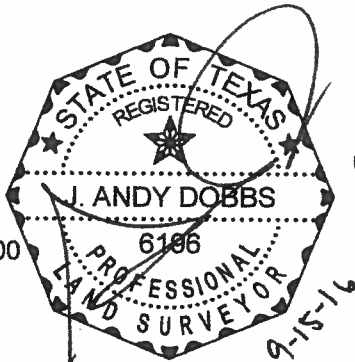
THENCE with the west line of said Water Easement, North 1°03'51" West, a distance of 10.00 feet to the northwest corner of said Water Easement;

THENCE with the north line of said Water Easement, North 88°56'09" East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 100 square feet or 0.002 acres of land.

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

(For SPRG use only)
 Reviewed By: David Scott
 Date: 10.9.16
 SPRG NO: 3703

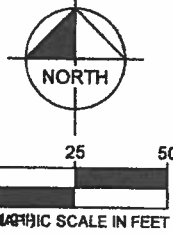
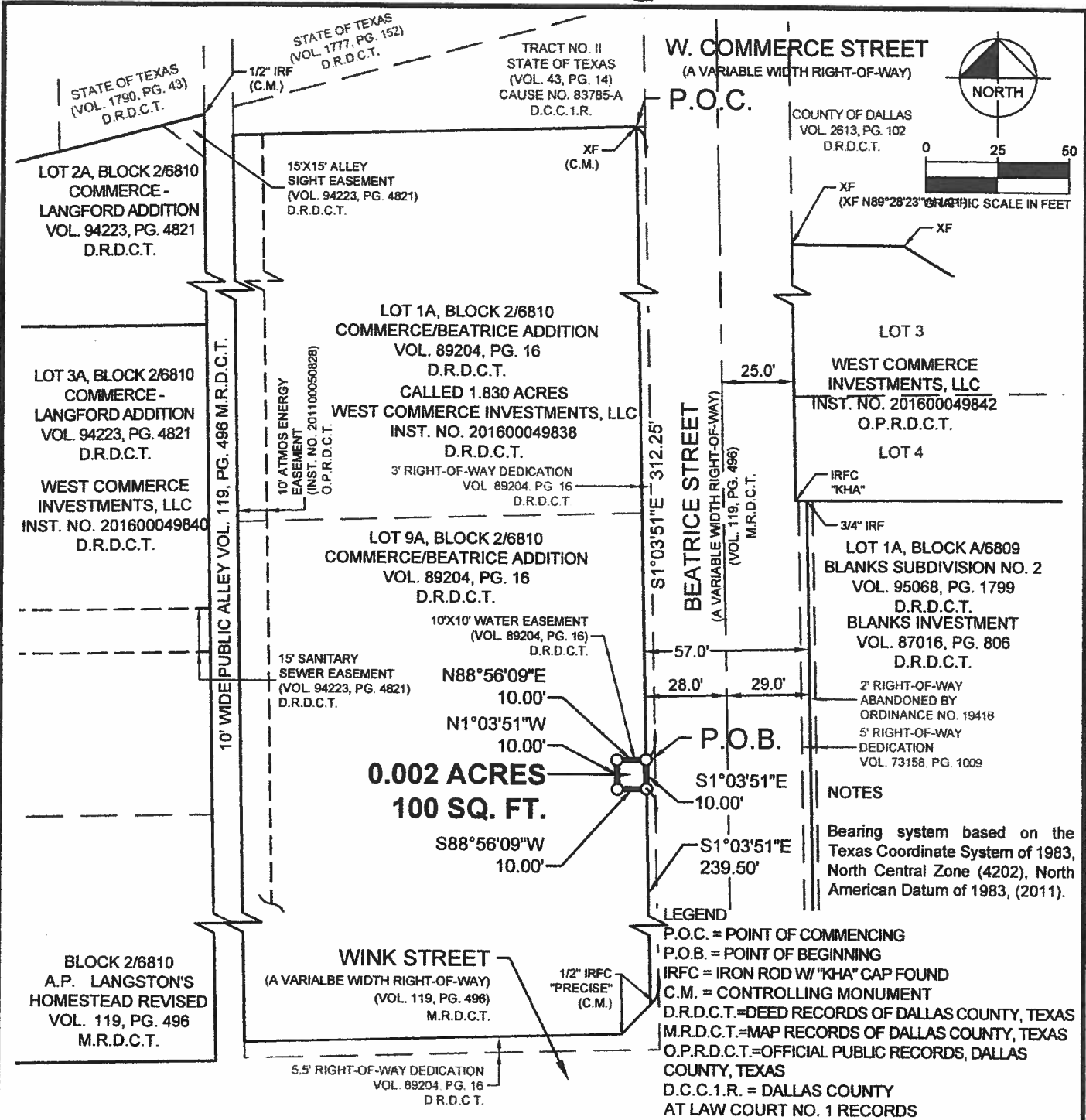
J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 12750 MERIT DRIVE, SUITE 1000
 DALLAS, TEXAS 75251
 PH. 972-770-1300
 andy.dobbs@kimley-horn.com



**WATER EASEMENT ABANDONMENT
 PART OF LOT 9A, BLOCK 2/6810
 COMMERCE /BEATRICE ADDITION
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 CITY OF DALLAS, DALLAS COUNTY, TEXAS**

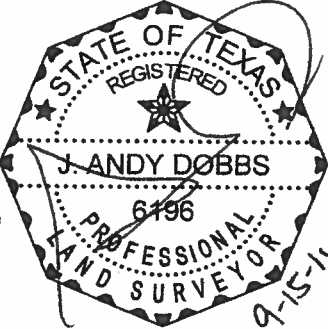
Kimley»Horn		12750 Merit Drive, Suite 1000 Dallas, Texas 75251		FIRM # 10115500		Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
		Scale N/A	Drawn by JAD	Checked by DAB	Date JAN. 2016	Project No. 064484300	Sheet No. 1 OF 2

EXHIBIT A-TRACT 2



(For SPRG use only)
Reviewed By: David Scott
Date: 10.9.16
SPRG NO: 3703

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



WATER EASEMENT ABANDONMENT
PART OF LOT 9A, BLOCK 2/6810
COMMERCE /BEATRICE ADDITION
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
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" = 50'	JAD	DAB	JAN. 2016	064484300	2 OF 2

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 34U

SUBJECT

An ordinance abandoning two sanitary sewer easements and one floodway easement to Platinum Storage Maple, LLC, the abutting owner, containing a total of approximately 11,722 square feet of land, located near the intersection of Maple Avenue and Butler Street, and providing for the dedication of approximately 10,147 square feet for a needed drainage, water, wastewater and detention area easement - Revenue: \$24,334, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of two sanitary sewer easements and one floodway easement to Platinum Storage Maple, LLC, the abutting owner. The area will be included with the property of the abutting owner for the new construction of two storage facilities. The owner will dedicate approximately 10,147 square feet for a needed drainage, water, wastewater and detention area easement. The abandonment fee is based on Dallas Central Appraisal District values.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

Revenue: \$24,334, plus the \$20 ordinance publication fee

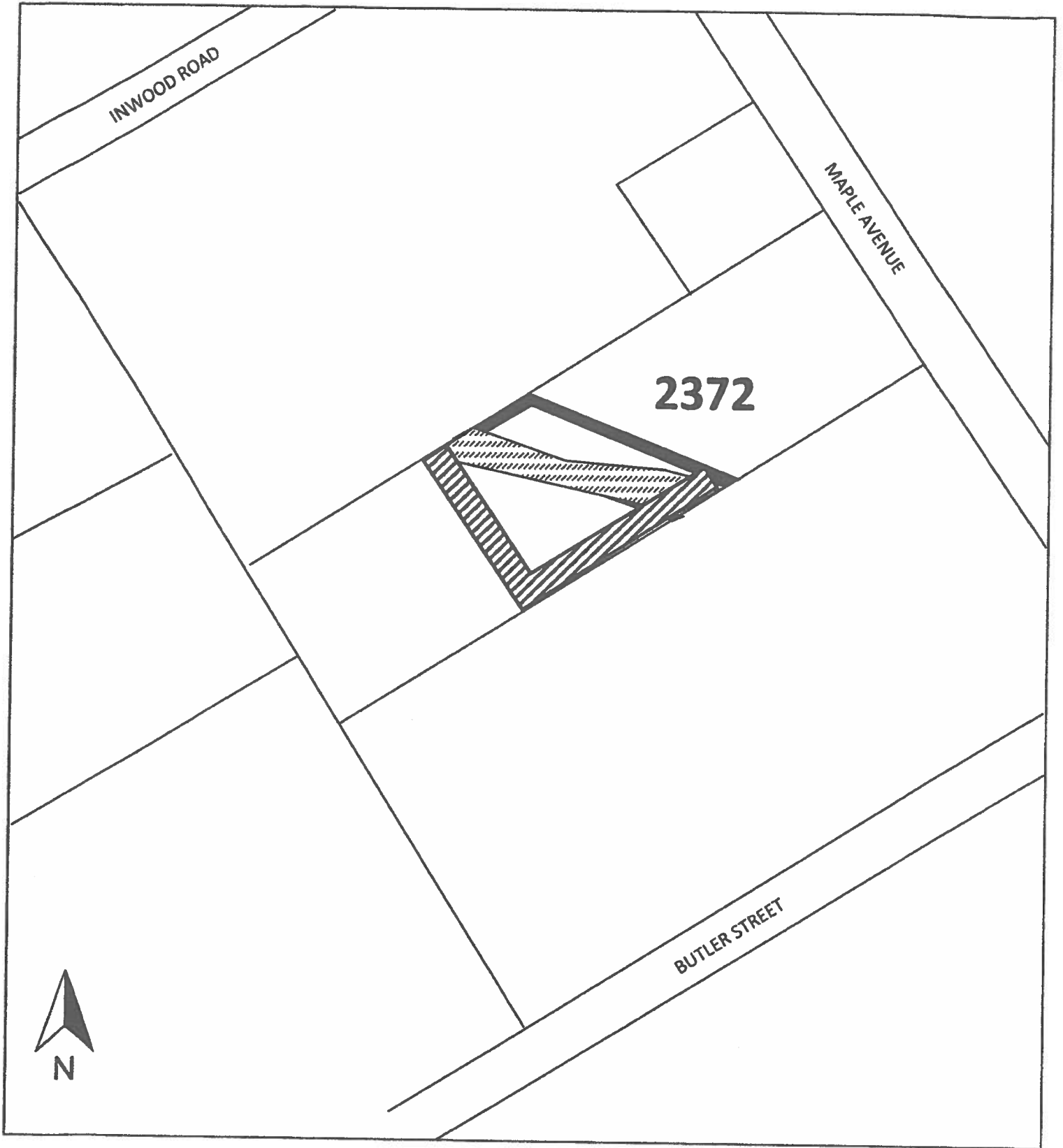
OWNER

Platinum Storage Maple, LLC

Shawn Valk, Manager

MAP

Attached



ABANDONMENT AREAS

- SANITARY SEWER EASEMENTS 
- FLOODWAY EASEMENT 

DEDICATION AREA 

Upon receipt of the monetary consideration set forth in Section 2 and the recording of the final replat as set forth in Section 10, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of two sanitary sewer easements and one floodway easement, located in City Block 2372 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Platinum Storage Maple, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Platinum Storage Maple, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

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

SECTION 2. That for and in monetary consideration of the sum of **TWENTY FOUR THOUSAND THREE HUNDRED THIRTY FOUR AND NO/100 (\$24,334.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (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 this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said two sanitary sewer easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new sanitary sewer easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 10,147 square feet for a 30-foot Drainage, Water, Wastewater and Detention Area easement in City Block 2372, a description of which is attached hereto and made a part hereof as Exhibit B, satisfactory to the Director of Department of Sustainable Development and Construction. This final plat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

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

Upon receipt of the monetary consideration set forth in Section 2 and the recording of the final replat as set forth in Section 10, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

ABANDONMENT
8' SANITARY SEWER EASEMENT
PART OF CITY BLOCK 2372
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 1

BEING 2,084 square feet of part of City Block 2372, situated in the Crawford Grigsby Survey, Abstract No. 533, in the City of Dallas, Dallas County, Texas and being part of that same tract of land described in Special Warranty Deed with Vendor's Lien to Platinum Storage Maple, LLC, recorded in Instrument Number 201500271994 of the Official Public Records of Dallas County, Texas; said 2,084 square foot tract being part of a Sanitary Sewer Easement created by that same document recorded in Volume 3080, Page 288 and by Correction Easement, recorded in Volume 3152, Page 411 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the present intersection of the northwest R.O.W. line of Butler Street (a 50' R.O.W.) with the southwest R.O.W. line of Maple Avenue (a 70' R.O.W.); THENCE N 46°09'54" W, 420.00' along the southwest line of Maple Avenue to a 5/8" iron rod found at the east corner of the above mentioned Platinum Storage Maple, LLC property; THENCE S 43°42'03" W, 182.00' along the southeast line of Platinum Storage Maple, LLC property to the Point of Beginning;

THENCE S 43°42'03" W, 8.00' along the southeast line of Platinum Storage Maple, LLC property to a point for corner;

THENCE N 46°09'54" W, 2.27' to a point for corner;

THENCE S 86°55'25" W, 187.75' to a point for corner;

THENCE S 43°47'36" W, 63.86' to a point for corner;

THENCE N 46°09'53" W, 8.00' to a point for corner in the northwest line of Platinum Storage Maple, LLC property;

THENCE N 43°47'36" E, 67.01' along the northwest line of Platinum Storage Maple, LLC property to a point for corner;

THENCE N 86°55'25" E, 194.38' to a point for corner;

THENCE S 46°09'54" E, 5.73' to the Point of Beginning and containing 2,084 square feet or 0.048 acres of land.



5/19/16

Scott Davis, Registered Professional Land Surveyor No. 5111



PAGE 2 OF 2

BEARINGS BASED ON STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN
DATUM OF 1983, (1986).

dlsci@sbcglobal.net

DATE: 2/11/16

JOB NO. 15024B-1

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

(FOR SPRG USE ONLY)

REVIEWED BY: JD

DATE: 5/20/2016

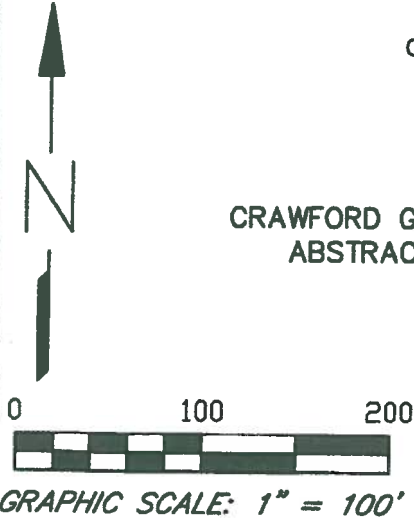
SPRG. NO. 3641

ABANDONMENT
 8' SANITARY SEWER EASEMENT
 PART OF CITY BLOCK 2372
 CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)
 REVIEWED BY: JD
 DATE: 5/20/2016
 SPRG. NO. 3641

EXHIBIT A-TRACT 1

CRAWFORD GRIGSBY SURVEY
 ABSTRACT NO. 533



LOT 1, BLOCK A/2372
 HOUSTON/MAPLE LAWN ELEMENTARY SCHOOL
 VOL. 96148, PG. 3261 & CORRECTION PLAT
 RECORDED IN VOL. 96192, PG. 4103
 M.R.D.C.T.

8' SANITARY SEWER EASEMENT
 VOL. 3089, PG. 288 D.R.D.C.T. &
 CORRECTION LOCATION VOL. 3152
 PG. 411 D.R.D.C.T.

8' SANITARY SEWER EASEMENT
 VOL. 3080, PG. 288 &
 CORRECTION EASEMENT VOL. 3152 PG. 411 D.R.D.C.T.
 2,084 SQ. FT. OR 0.048 ACRES
 S 43°42'03" W - 622.00'

8' SANITARY SEWER EASEMENT
 VOL. 3080, PG. 288 &
 CORRECTION EASEMENT VOL. 3152 PG. 411 D.R.D.C.T.
 2,084 SQ. FT. OR 0.048 ACRES
 S 43°42'03" W - 622.00'

LOT 18
 LOT 19
 LOT 20
 LOT 21
 LOT 22
 CITY BLOCK 5735
 W.G. LANGLEY'S SUBDIVISION
 VOL. 5, PG. 101 M.R.D.C.T.

PLATINUM STORAGE MAPLE, LLC
 INST. NO. 201500271994
 O.P.R.D.C.T.

LOT 1, BLOCK B/2372
 MAPLE AT BUTLER
 INST. NO. 201600036098 O.P.R.D.C.T.

BUTLER STREET
 (A 50' R.O.W. - BY USE AND OCCUPATION)
 COMMENCING POINT
 FD. 5/8" I.R. (CM)

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.00'	S43°42'03"W
L2	2.27'	N48°09'54"W
L3	187.75'	S86°55'25"W
L4	63.86'	S43°47'36"W
L5	8.00'	N48°09'53"W
L6	67.01'	N43°47'36"E
L7	194.38'	N86°55'25"E
L8	5.73'	S46°09'54"E

BEARINGS BASED ON STATE PLANE COORDINATE
 SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN
 DATUM OF 1983, (1986).

DAVIS LAND SURVEYING CO., INC.
 9777 FERGUSON ROAD, SUITE 105
 DALLAS, TEXAS 75228 214-321-0569

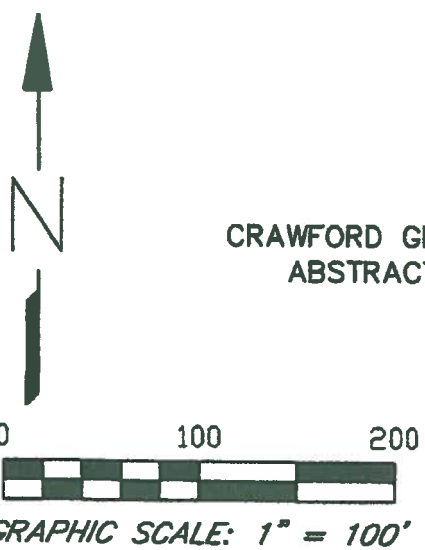
R.O.W. RIGHT-OF-WAY
 D.R.D.C.T. DEED RECORDS,
 DALLAS COUNTY, TEXAS
 M.R.D.C.T. MAP RECORDS,
 DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. OFFICIAL PUBLIC
 RECORDS, DALLAS COUNTY, TEXAS
 INST. INSTRUMENT
 NO. NUMBER
 VOL. VOLUME
 PG. PAGE
 FD. FOUND
 SQ. SQUARE
 FT. FEET
 (CM) CONTROLLING MONUMENT
 I.R. IRON ROD



LEGEND

ABANDONMENT
 12' SANITARY SEWER EASEMENT
 PART OF CITY BLOCK 2372
 CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

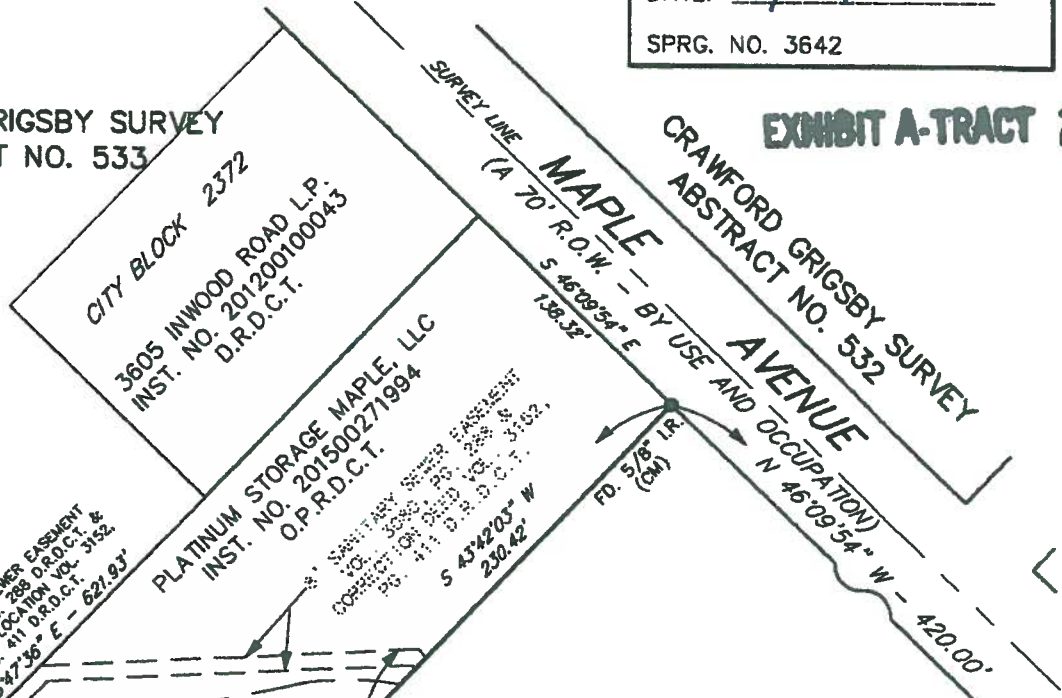
(FOR SPRG USE ONLY)
 REVIEWED BY: JD
 DATE: 3/18/2016
 SPRG. NO. 3642



CRAWFORD GRIGSBY SURVEY
 ABSTRACT NO. 533

EXHIBIT A-TRACT 2

LOT 1, BLOCK A/2372
 HOUSTON/MAPLE LAWN ELEMENTARY SCHOOL
 VOL. 96148, PG. 3261 & CORRECTION PLAT
 RECORDED IN VOL. 96192, PG. 4103
 M.R.D.C.T.



LOT 19
 LOT 20
 LOT 21
 LOT 22
 CITY BLOCK 5735
 W.G. LANGLEY'S SUBDIVISION
 VOL. 5, PG. 101 M.R.D.C.T.

LOT 1, BLOCK B/2372
 MAPLE AT BUTLER
 INST. NO. 201600036098 O.P.R.D.C.T.

LINE TABLE		
LINE	LENGTH	BEARING
L1	19.15'	S43°42'03"W
L2	187.94'	S82°29'50"W
L3	29.27'	N89°47'10"W
L4	16.56'	N43°47'36"E
L5	17.04'	S89°47'10"E
L6	202.06'	N82°29'50"E

BUTLER STREET
 (A 50' R.O.W. - BY USE AND OCCUPATION)

LEGEND

- R.O.W. RIGHT-OF-WAY
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- INST. INSTRUMENT
- NO. NUMBER
- VOL. VOLUME
- PG. PAGE
- FD. FOUND
- SQ. SQUARE
- FT. FEET
- (CM) CONTROLLING MONUMENT
- I.R. IRON ROD

PAGE 1 OF 2
 dlsci@sbcglobal.net
 DATE: 8/19/15
 JOB NO. 150248-2

BEARINGS BASED ON STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (1986).
DAVIS LAND SURVEYING CO., INC.
 9777 FERGUSON ROAD, SUITE 105
 DALLAS, TEXAS 75228 214-321-0569

3/16/16

ABANDONMENT
12' SANITARY SEWER EASEMENT
PART OF CITY BLOCK 2372
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 2

BEING 2,618 square feet of part of City Block 2372, situated in the Crawford Grigsby Survey, Abstract No. 533, in the City of Dallas, Dallas County, Texas and being part of that same tract of land described in Special Warranty Deed with Vendor's Lien to Platinum Storage Maple, LLC, recorded in Instrument Number 201500271994 of the Official Public Records of Dallas County, Texas; said 2,618 square foot tract being all of a Sanitary Sewer Easement created by that same document recorded in Volume 4344, Page 213 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the present intersection of the northwest R.O.W. line of Butler Street (a 50' R.O.W.) with the southwest R.O.W. line of Maple Avenue (a 70' R.O.W.); THENCE N 46°09'54" W, 420.00' along the southwest line of Maple Avenue to a 5/8" iron rod found at the east corner of the above mentioned Platinum Storage Maple, LLC property; THENCE S 43°42'03" W, 230.42' along the southeast line of Platinum Storage Maple, LLC property to the Point of Beginning;

THENCE S 43°42'03" W, 19.15' along the southeast line of Platinum Storage Maple, LLC property to a point for corner;

THENCE S 82°29'50" W, 187.94' to a point for corner;

THENCE N 89°47'10" W, 29.27' to a point for corner in the northwest line of Platinum Storage Maple, LLC property;

THENCE N 43°47'36" E, 16.56' along the northwest line of Platinum Storage Maple, LLC property to a point for corner;

THENCE S 89°47'10" E, 17.04' to a point for corner;

THENCE N 82°29'50" E, 202.06' to the Point of Beginning and containing 2,618 square feet or 0.06 acres of land.



3/16/16

Scott Davis, Registered Professional Land Surveyor No. 5111



PAGE 2 OF 2

BEARINGS BASED ON STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN
DATUM OF 1983, (1986).

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

(FOR SPRG USE ONLY)

REVIEWED BY: JD

DATE: 3/18/2016

SPRG. NO. 3642

llsci@sbcglobal.net

DATE: 8/19/15

JOB NO. 15024B-2

ABANDONMENT
FLOODWAY EASEMENT
PART OF CITY BLOCK 2372
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
CITY OF DALLAS, DALLAS COUNTY, TEXAS

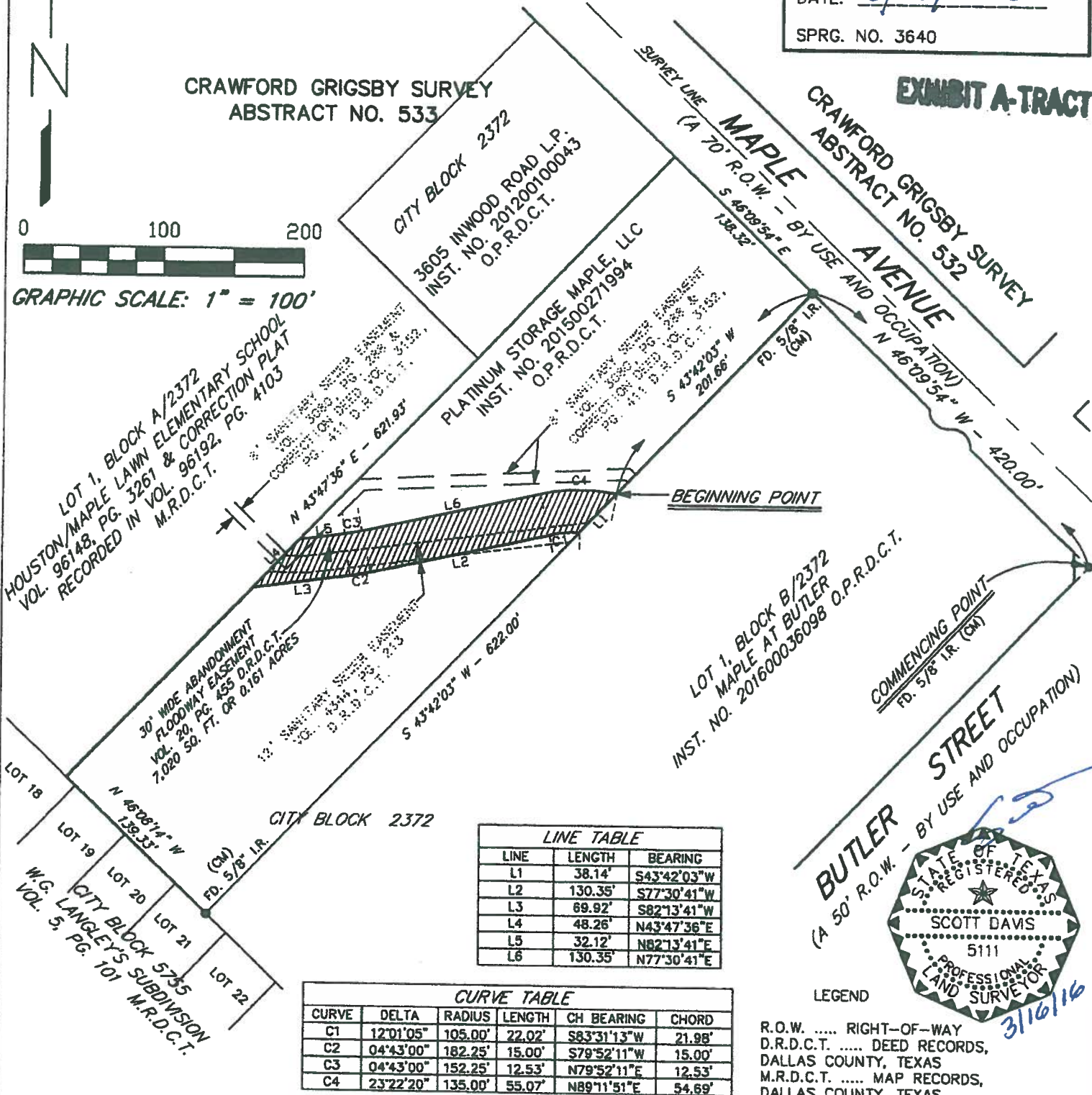
(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 3/18/2016
SPRG. NO. 3640

CRAWFORD GRIGSBY SURVEY
ABSTRACT NO. 533

EXHIBIT A-TRACT



GRAPHIC SCALE: 1" = 100'



LINE TABLE

LINE	LENGTH	BEARING
L1	38.14'	S43°42'03"W
L2	130.35'	S77°30'41"W
L3	69.92'	S82°13'41"W
L4	48.26'	N43°47'36"E
L5	32.12'	N82°13'41"E
L6	130.35'	N77°30'41"E

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CH BEARING	CHORD
C1	12°01'05"	105.00'	22.02'	S83°31'13"W	21.98'
C2	04°43'00"	182.25'	15.00'	S79°52'11"W	15.00'
C3	04°43'00"	152.25'	12.53'	N79°52'11"E	12.53'
C4	23°22'20"	135.00'	55.07'	N89°11'51"E	54.69'

LOT 1, BLOCK B/2372
MAPLE AT BUTLER
INST. NO. 201600036098 O.P.R.D.C.T.

COMMENCING POINT
FD. 5/8" I.R. (CM)

BUTLER STREET
(A 50' R.O.W. - BY USE AND OCCUPATION)

STATE OF TEXAS
REGISTERED
SCOTT DAVIS
5111
PROFESSIONAL
LAND SURVEYOR

3/16/16

LEGEND

R.O.W. RIGHT-OF-WAY
D.R.D.C.T. DEED RECORDS,
DALLAS COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS,
DALLAS COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC
RECORDS, DALLAS COUNTY, TEXAS
INST. INSTRUMENT
NO. NUMBER
VOL. VOLUME
PG. PAGE
FD. FOUND
SQ. SQUARE
FT. FEET
(CM) CONTROLLING MONUMENT
I.R. IRON ROD

BEARINGS BASED ON STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN
DATUM OF 1983, (1986).

dlsci@sbcglobal.net
DATE: 8/19/15
JOB NO. 15024B-3

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

ABANDONMENT
FLOODWAY EASEMENT
PART OF CITY BLOCK 2372
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 3

BEING 7,020 square feet of part of City Block 2372, situated in the Crawford Grigsby Survey, Abstract No. 533, in the City of Dallas, Dallas County, Texas and being part of that same tract of land described in Special Warranty Deed with Vendor's Lien to Platinum Storage Maple, LLC, recorded in Instrument Number 201500271994 of the Official Public Records of Dallas County, Texas; said 7,020 square foot tract being all of a Floodway Easement created by that same document recorded in Volume 20, page 455 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the present intersection of the northwest R.O.W. line of Butler Street (a 50' R.O.W.) with the southwest R.O.W. line of Maple Avenue (a 70' R.O.W.); THENCE N 46°09'54" W, 420.00' along the southwest line of Maple Avenue to a 5/8" iron rod found at the east corner of the above mentioned Platinum Storage Maple, LLC property; THENCE S 43°42'03" W, 201.66' along the southeast line of Platinum Storage Maple, LLC property to the Point of Beginning;

THENCE S 43°42'03" W, 38.14' along the southeast line of Platinum Storage Maple, LLC property to a point for corner and the beginning of a curve to the left having a central angle of 12°01'05" and a radius of 105.00' (Chord Bearing S 83°31'13" W, 21.98');

THENCE around said curve to the left, a distance of 22.02' to a point for corner;

THENCE S 77°30'41" W, 130.35' to the beginning of a curve to the right having a central angle of 04°43'00" and a radius of 182.25' (Chord Bearing S 79°52'11" W, 15.00');

THENCE around said curve to the right, a distance of 15.00' to a point for corner;

THENCE S 82°13'41" W, 69.92' to a point for corner in the northwest line of Platinum Storage Maple, LLC property;

THENCE N 43°47'36" E, 48.26' along the northwest line of Platinum Storage Maple, LLC property to a point for corner;

THENCE N 82°13'41" E, 32.12' to a point for corner at the beginning of a curve to the left having a central angle of 04°43'00" and a radius of 152.25' (Chord Bearing N 79°52'11" E, 12.53');

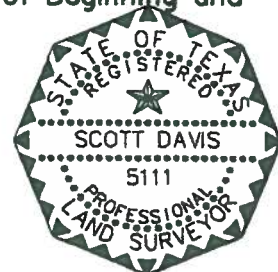
THENCE around said curve to the left, a distance of 12.53' to a point for corner;

THENCE N 77°30'41" E, 130.35' to a point for corner at the beginning of a curve to the right having a central angle of 23°22'20" and a radius of 135.00' (Chord Bearing N 89°11'51" E, 54.69');

THENCE around said curve to the right, a distance of 55.07' to the Point of Beginning and containing 7,020 square feet or 0.161 acres of land.

3/16/16

Scott Davis, Registered Professional Land Surveyor No. 5111



PAGE 2 OF 2

BEARINGS BASED ON STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (1986).

dlsci@sbcglobal.net

DATE: 8/19/15

JOB NO. 15024B-3

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

(FOR SPRG USE ONLY)

REVIEWED BY: JD

DATE: 3/18/2016

SPRG. NO. 3640

DRAINAGE, WATER, WASTEWATER & DETENTION AREA EASEMENT
 BEING IN 2.232 ACRES
 CITY BLOCK 2372
 CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)

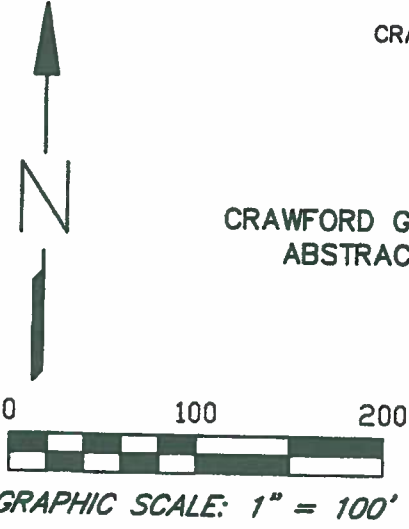
REVIEWED BY: JD
 DATE: 10/19/2016
 SPRG. NO. 3902

EXHIBIT B

CRAWFORD GRIGSBY SURVEY
 ABSTRACT NO. 533

CITY BLOCK 2372
 3605 INWOOD ROAD L.P.
 INST. NO. 201200100043
 D.R.D.C.T.

CRAWFORD GRIGSBY SURVEY
 ABSTRACT NO. 532
 MAPLE AVENUE
 CRAWFORD GRIGSBY SURVEY
 ABSTRACT NO. 532



LOT 1, BLOCK A/2372
 HOUSTON/MAPLE LAWN ELEMENTARY SCHOOL
 VOL. 96148, PG. 3261 & CORRECTION PLAT
 RECORDED IN VOL. 96192, PG. 4103
 M.R.D.C.T.

LOT 18
 LOT 19
 LOT 20
 LOT 21
 LOT 22
 CITY BLOCK 5755
 W.G. LANGLEY'S SUBDIVISION
 VOL. 5, PG. 101 M.R.D.C.T.

8' SANITARY SEWER EASEMENT
 VOL. 3080, PG. 288 D.R.D.C.T. &
 CORRECTED LOCATION VOL. 3152,
 PG. 411 D.R.D.C.T.

12' SANITARY SEWER EASEMENT
 VOL. 4344, PG. 213 D.R.D.C.T.

8' SANITARY SEWER EASEMENT
 VOL. 3080, PG. 288 &
 CORRECTION EASEMENT VOL.
 3152, PG. 411 D.R.D.C.T.

PLATINUM STORAGE MAPLE, LLC
 INST. NO. 201500271994
 O.P.R.D.C.T.

35' DRAINAGE &
 WASTEWATER EASEMENT
 INST. NO. 201600036098
 O.P.R.D.C.T.

DRAINAGE, WATER, WASTEWATER &
 DETENTION AREA EASEMENT
 10,147 SQ. FT. OR 0.233 ACRES

20' DETENTION AREA EASEMENT
 INST. NO. 201600036098
 O.P.R.D.C.T.

LOT 1, BLOCK B/2372
 MAPLE AT BUTLER
 INST. NO. 201600036098 O.P.R.D.C.T.

BUTLER STREET
 (A 50' R.O.W. - BY USE AND OCCUPATION
 AND BY KNIGHTS HOMESTEAD, UNRECORDED)
 COMMENCING POINT
 FD. 5/8" I.R. (CM)

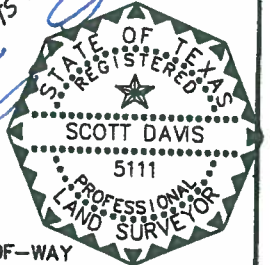
LINE TABLE		
LINE	BEARING	LENGTH
L1	S 43°42'03" W	211.10'
L2	N 46°12'24" W	138.99'
L3	N 43°47'36" E	35.00'
L4	S 46°12'24" E	108.93'
L5	N 43°42'03" E	176.12'
L6	S 46°09'54" E	30.00'

BEARINGS BASED ON STATE PLANE COORDINATE
 SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN
 DATUM OF 1983, (1986).

DAVIS LAND SURVEYING CO., INC.
 9777 FERGUSON ROAD, SUITE 105
 DALLAS, TEXAS 75228 214-321-0569

LEGEND

R.O.W. RIGHT-OF-WAY
 D.R.D.C.T. DEED RECORDS,
 DALLAS COUNTY, TEXAS
 M.R.D.C.T. MAP RECORDS,
 DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. OFFICIAL PUBLIC
 RECORDS, DALLAS COUNTY, TEXAS
 INST. INSTRUMENT
 NO. NUMBER
 VOL. VOLUME
 PG. PAGE
 FD. FOUND
 SQ. SQUARE
 FT. FEET
 (CM) CONTROLLING MONUMENT
 I.R. IRON ROD



PAGE 1 OF 2

dlsci@sbcglobal.net

REVISED 10/19/16

DATE: 9/27/16

JOB NO. 15024C

FIRM REG. NO. 1009600

DRAINAGE, WATER, WASTEWATER & DETENTION AREA EASEMENT
 BEING IN 2.2232 ACRES
 CITY BLOCK 2372
 CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT B

BEING 10,147 square feet of part of City Block 2372, situated in the Crawford Grigsby Survey, Abstract No. 533, in the City of Dallas, Dallas County, Texas and being part of that same tract of land described in Special Warranty Deed with Vendor's Lien to Platinum Storage Maple, LLC, recorded in Instrument Number 201500271994 of the Official Public Records of Dallas County, Texas, and said tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the present intersection of the northwest R.O.W. line of Butler Street (a 50' R.O.W.) with the southwest R.O.W. line of Maple Avenue (a 70' R.O.W.); THENCE N 46°09'54" W, 420.00' along the southwest line of Maple Avenue to a 5/8" iron rod found at the east corner of the above mentioned Platinum Storage Maple, LLC property; THENCE S 43°42'03" W, 203.87' along the southeast line of Platinum Storage Maple, LLC property to 60d nail set at the Point of Beginning;

THENCE S 43°42'03" W, 211.10' along the southeast line of Platinum Storage Maple, LLC property to a 60d nail set for corner;

THENCE N 46°12'24" W, 138.99' over and across said Platinum Storage Maple, LLC property to a 60d nail set for corner in the northwest line of Platinum Storage Maple, LLC property;

THENCE N 43°47'36" E, 35.00' along the northwest line of Platinum Storage Maple, LLC property to a 60d nail set for corner;

THENCE S 46°12'24" E, 108.93' over and across said Platinum Storage Maple, LLC property to a 60d nail set for corner;

THENCE N 43°42'03" E, 176.12' over and across said Platinum Storage Maple, LLC property to a 60d nail set for corner;

THENCE S 46°09'54" E, 30.00' over and across said Platinum Storage Maple, LLC property to the Point of Beginning and containing 10,147 square feet or 0.233 acres of land.



10/19/16

Scott Davis, Registered Professional Land Surveyor No. 5111



PAGE 2 OF 2

disci@sbcglobal.net	BEARINGS BASED ON STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (1986). DAVIS LAND SURVEYING CO., INC. 9777 FERGUSON ROAD, SUITE 105 DALLAS, TEXAS 75228 214-321-0569	(FOR SPRG USE ONLY) REVIEWED BY: <u>JD</u> DATE: <u>10/19/2016</u> SPRG. NO. 3902
REVISED 10/19/16		
DATE: 9/27/16		
JOB NO. 15024C		

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 23X Y

SUBJECT

An ordinance amending Ordinance No. 29383, amended by Ordinance No. 30094, previously approved on May 25, 2016, which abandoned a portion of Straightway Drive, located near the intersection of Northwest Highway and Straightway Drive, to Northwest Overlake, L.L.C. and Rizos Land Group Northwest Highway, LLC to extend the final replat from two years to 39 months and alter dedication requirements - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 29383, which abandoned a portion of Straightway Drive, amended by Ordinance No. 30094, previously approved on May 25, 2016, that extended final replat and dedication requirements from two years to 30 months to Northwest Overlake, L.L.C and Rizos Land Group Northwest Highway, LLC, the abutting owners.

This amendment will allow for the extension of the final replat from two years to 39 months and alter dedication requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, City Council approved Ordinance No. 29383.

On May 25, 2016, City Council approved Ordinance No. 30094.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

Revenue: \$5,400, plus the \$20 ordinance publication fee

OWNERS

Northwest Overlake, L.L.C.

Oxford Enterprises, Inc., Member

Anthony Swartz, President

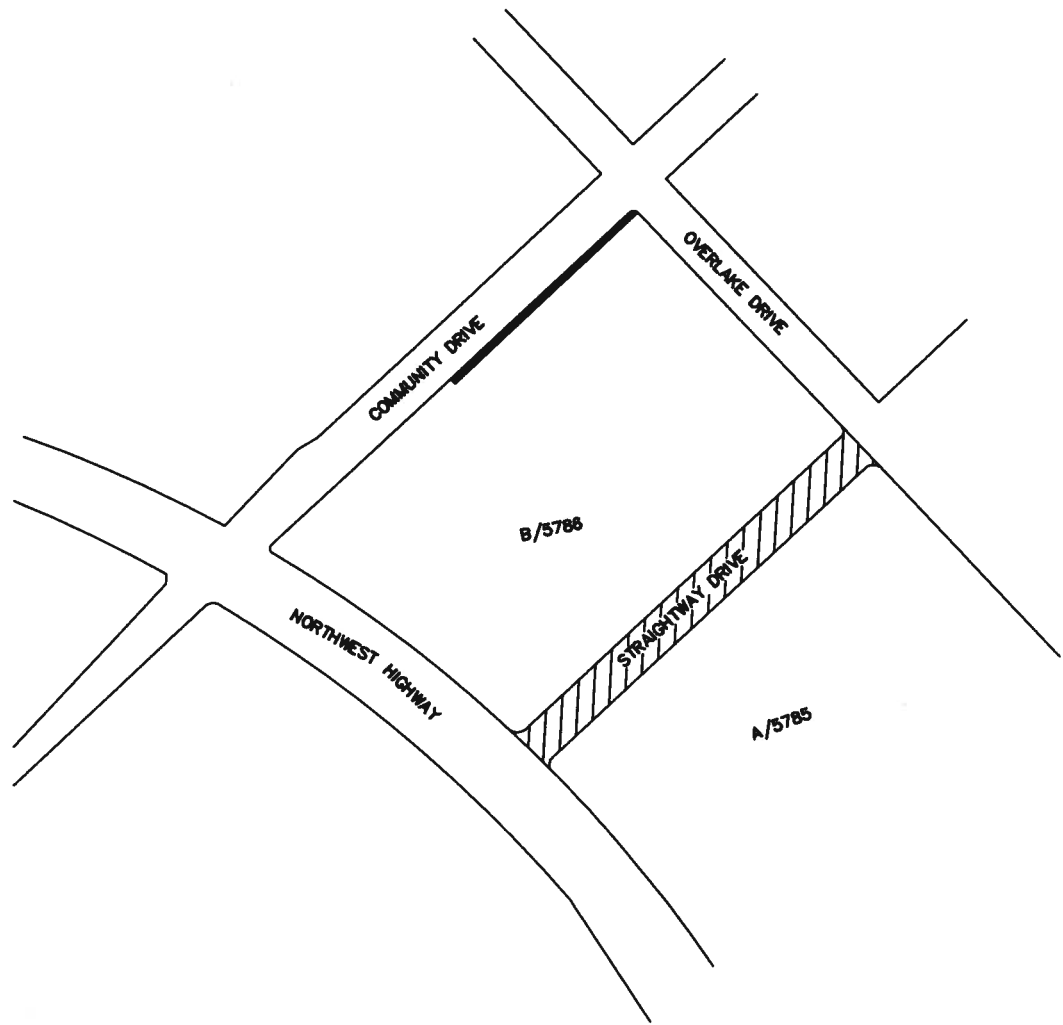
Rizos Land Group Northwest Highway, LLC



Olympic Pizza Inc., General Partner

Nick Rizos, President

MAP

Attached



	ABANDONMENT OF STRAIGHTWAY DRIVE
	DEDICATION AREA

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29383, as amended by Ordinance No. 30094, by deleting the one time extension, altering Section 9 thereof to extend the 30 month deadline to replat and dedicate needed easements, and altering Section 10 to clarify Grantee's obligations; providing for the altering of conditions of Section 9 as a part of the consideration for the quitclaim made herein; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

oooOooo

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

SECTION 1. That Ordinance No. 29383 adopted by the City Council of the City of Dallas on June 25, 2014, as amended by Ordinance No. 30094 adopted by City Council of the City of Dallas on May 25, 2016, be and the same is hereby amended by altering and amending Section 9:

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

- A) Submit application for a preliminary plat within one year of the effective date of this ordinance and record a final replat of the adjoining properties within ~~two years~~ 30 39 months of the effective date of this ordinance showing any dedication by easement made necessary as noted in Section 9B below and as shown in the replacement Exhibit C hereto attached. 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**.

- B) In conjunction with the preliminary plat submittal:
- (i) Submit landscape and parkway plans acceptable to the Department of Sustainable Development and Construction, Building Inspection Division and Engineering Division, for review and approval including the following:
 - 1) ~~Provide a Pedestrian Access Easement along Community Drive from Overlake Drive to a point approximately 280 feet northeast of Community Drive's intersection with Northwest Highway which shall include:~~
 - a) ~~a 5' landscape buffer within property where planted trees shall be included within the buffer; and~~
 - b) ~~a 3 parkway to curb within City right-of-way; and~~
 - c) ~~a 6' concrete sidewalk between the parkway and landscape buffer.~~
 - 2) ~~Provide a Pedestrian Access Easement along Northwest Highway from the abandonment area of Straightway Drive to a point approximately 237 feet east of Community Drive which shall include:~~
 - a) ~~a 5' landscape buffer within property; and~~
 - b) ~~a 5 parkway to curb within the State right-of-way; and~~
 - c) ~~a 6' concrete sidewalk between the parkway and landscape buffer.~~
 - 1) Provide a 6' sidewalk and utility easement on private property parallel to Community Drive for a distance of approximately 280 feet from the corner of Overlake and Community Drives, as shown in Exhibit C. Provide a 6' minimum concrete sidewalk in sidewalk and utility easement. Provide a 5' minimum landscape buffer on private property adjacent to the above sidewalk and utility easement with trees planted in buffer.

2) Provide a 6' minimum concrete sidewalk in the Northwest Highway right-of-way from the abandonment area of Straightway Drive to a point approximately 237 feet east of Community Drive. Provide a 5' minimum landscape buffer on private property adjacent to the above right-of-way with trees planted in buffer.

C) In conjunction with the filing of the final plat execute the approved plans by the Director of Sustainable Development and Construction and execute appropriate contracts for the construction of paving improvements.

This abandonment shall not be effective unless and until **GRANTEE** complies with this provision, and **GRANTEE's** failure to satisfy said conditions shall render this ordinance null and void and of no further effect.

SECTION 2. That Ordinance No. 29383 adopted by the City Council of the City of Dallas on June 25, 2014, as amended by Ordinance No. 30094 adopted by City Council of the City of Dallas on May 25, 2016, be and the same is hereby amended by altering and amending Section 10:

SECTION 10. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall, ~~immediately upon the effectiveness of this abandonment,~~ upon completion of all obligations contained herein, 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**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 3. That, as consideration for amending Ordinance No 29383, as amended by Ordinance No. 30094, Northwest Overlake, L.L.C. and Rizos Land Group Northwest Highway, LLC agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 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 terms and conditions of Ordinance No. 29383, as amended by Ordinance No. 30094, shall remain in full force and effect except as amended hereby.

SECTION 6. 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 3, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9, and completion of the dedications set forth in Section 9, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

EXHIBIT C

Overlake Drive
(50' Right-of-Way)

PARKWAY

FUTURE
RETAIL
9,835 SF

1ST FLOOR
RETAIL 13,437 SF
RESTAURANT 1,187 SF

2ND FLOOR
OFFICE 11,695 SF

5'
LANDSCAPE
BUFFER

6'
CONCRETE
SIDEWALK

SIDEWALK
& UTILITY EASEMENT

LOT 5B

PROPOSED
RESTAURANT
13,500 SF

Straightway Drive
(20.50' Right-of-Way)

EXISTING RETAIL
TO REMAIN
5,830 SF

EXISTING MOTOR
VEHICLE FUELING
STATION TO REMAIN

5' (MIN.)
LANDSCAPE
BUFFER

FUTURE
OFFICE
4,000 SF

5' LANDSCAPE BUFFER
PROPOSED 6' SIDEWALK

6' SIDEWALK
(PUBLIC)

PARKWAY

10' (TYP.)

Northwest Highway (Loop 12)
(100' TxDOT Right-of-Way)

Community Drive
(a 60' Right-of-Way)

(a 60' Right-of-Way)

Zone

EXISTING

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY *Ben N. Lynn II*
Assistant City Attorney

BY *Scott Williams*
Assistant Director

Passed _____.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
Park & Recreation
CMO: Mark McDaniel, 670-3256
Willis Winters, 670-4071
MAPSCO: 26A

SUBJECT

Authorize acquisition from Golden Venture, LTD., of approximately 21,874 square feet of vacant land located near the intersection of Northaven Road and US Highway 75 for the Northaven Trail Project - Not to exceed \$1,320,000 (\$1,310,000 plus closing cost and title expenses not to exceed \$10,000) - Financing: 2006 Bond Funds (to be reimbursed by Dallas County)

BACKGROUND

This item is on the addendum because additional review time was required. A Project Specific Agreement (PSA) with Dallas County was authorized on November 5, 2015, by the Park and Recreation Department Park Board, and authorized on December 9, 2015, by Resolution No. 15-2215 for the design, funding, and right-of-way acquisitions for the remainder of Northaven Trail Phase I. In accordance with the terms of the PSA Dallas County will provide the funding for this acquisition after signature by the property owner on a term sheet and the City Council's approval of the acquisition.

This item authorizes the acquisition of approximately 21,874 square feet of vacant land located near the intersection of Northaven Road and US Highway 75 for the Northaven Trail Project. This property will be used for the trailhead for the pedestrian flyover of U.S. Route 75/ North Central Expressway. The total consideration for this acquisition is \$1,320,000 Funding for the acquisition by and in the name of the City will be provided by Dallas County MCIP Fund in accordance with the terms of the PSA between the City of Dallas and Dallas County. In the event of termination of the PSA by the County, the City shall continue to have access to County funds to complete all acquisitions authorized by the City Council prior to the termination date. The dedication of this property as official parkland is not recommended until such time it is developed for park purposes. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the Project Specific Agreement on December 9, 2015, by Resolution No. 15-2215

On August 18, 2016, the Park and Recreation Board authorized acquisition of a tract of land.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$1,320,000 (\$1,310,000 plus closing cost and title expenses not to exceed \$10,000 (to be reimbursed by Dallas County)

OWNER

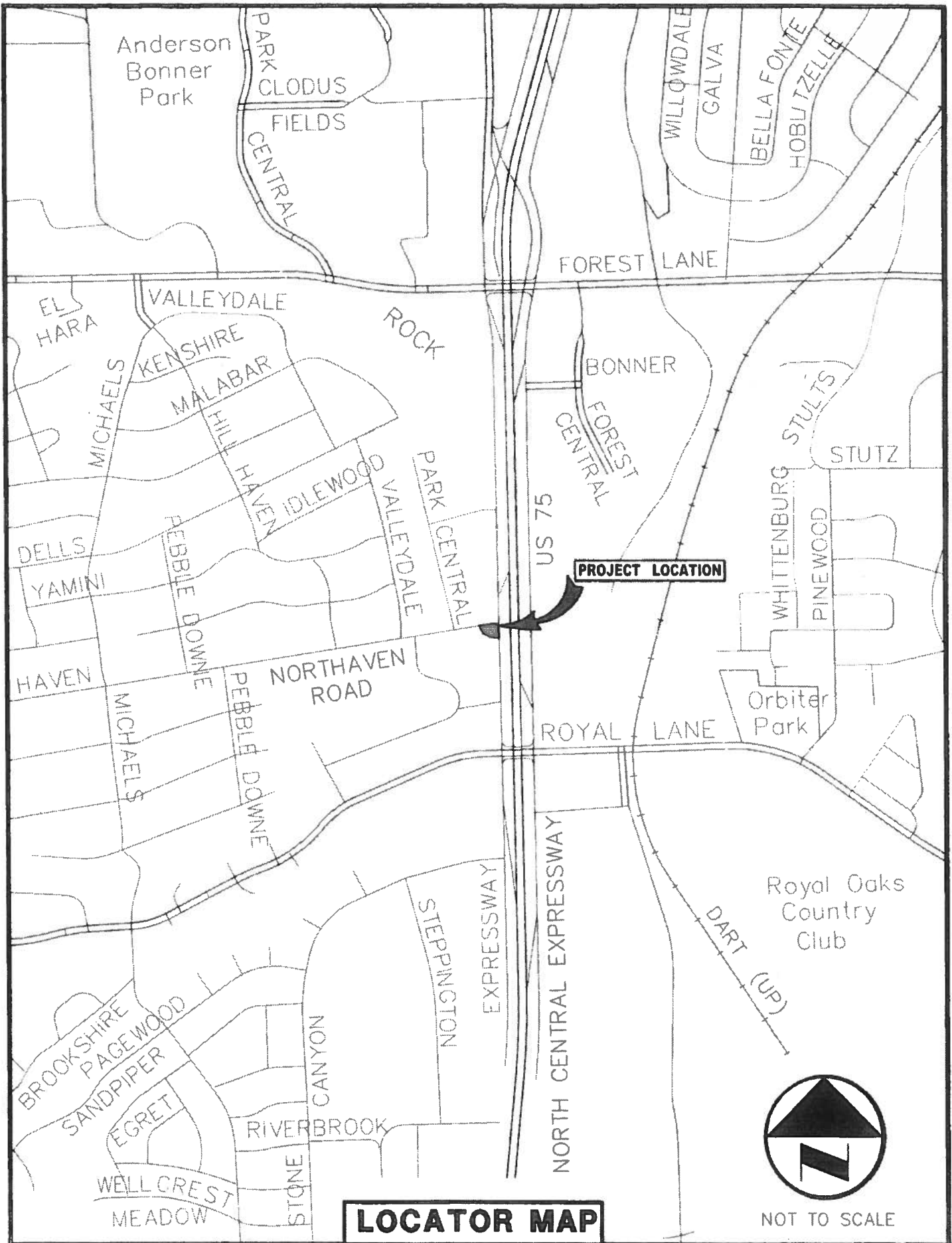
Golden Venture, LTD.

Target Investments, Inc.

Shula Netzer, President

MAP

Attached



LOCATOR MAP



NOT TO SCALE

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
Water Utilities
CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837
MAPSCO: 30 A-B

SUBJECT

A resolution authorizing the conveyance of two wastewater easements containing a total of approximately 33,399 square feet of land to the City of Rowlett for the construction and maintenance of wastewater drainage facilities across City-owned land at Lake Ray Hubbard located near the intersection of Lakeview Parkway and Edgewater Drive - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the conveyance of two wastewater easements to the City of Rowlett for the construction, maintenance and use of wastewater drainage facilities across City-owned land at Lake Ray Hubbard located near the intersection of Lakeview Parkway and Edgewater Drive. This property will be used for the Edgewater Lift Station Replacement with 12-inch Gravity Sewer Project. The operation, construction, repair and full maintenance of these facilities shall be at no cost to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

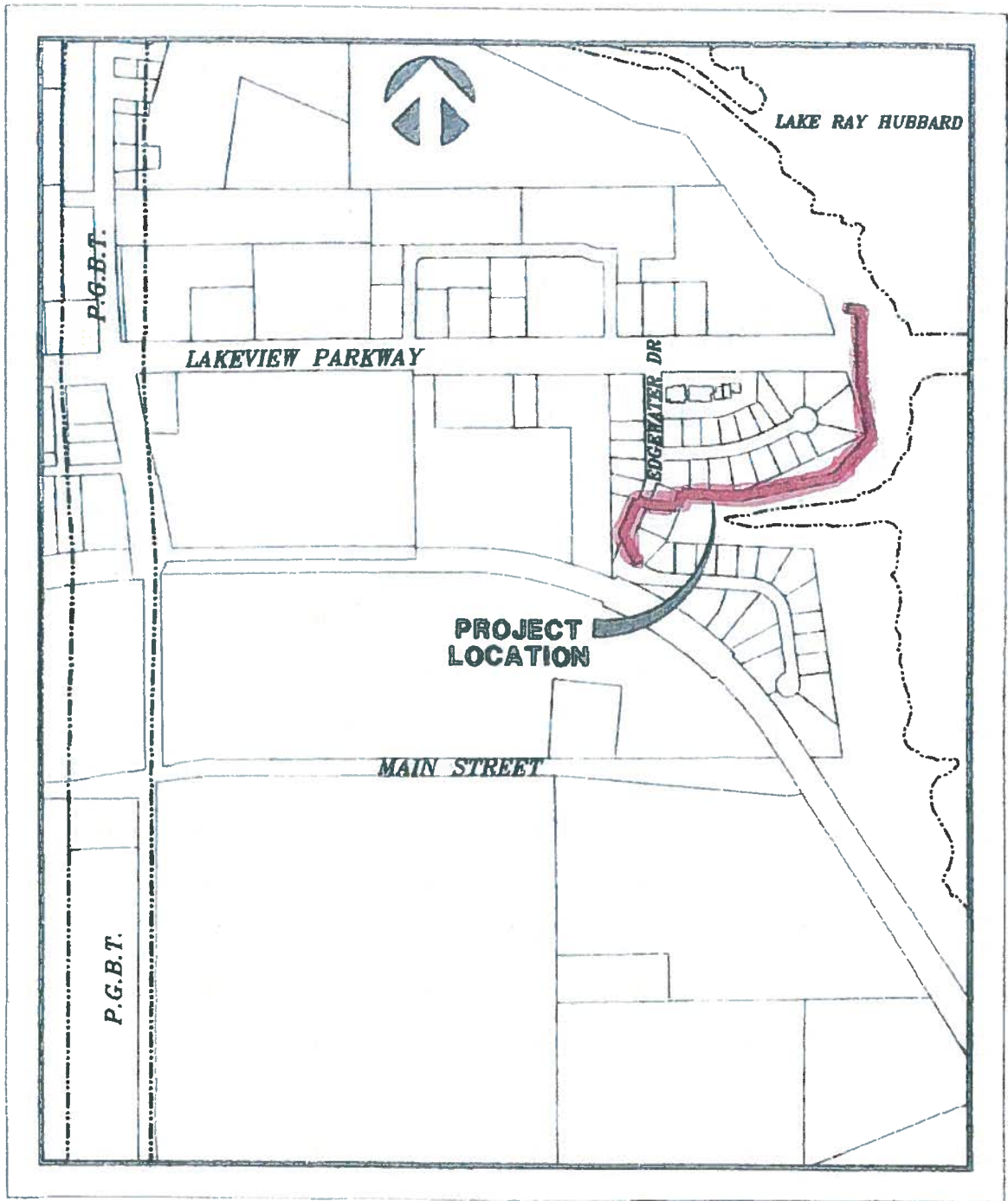
Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached



 PROJECT VICINITY MAP

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
Water Utilities
CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837
MAPSCO: 30 A-Q

SUBJECT

A resolution authorizing the conveyance of a wastewater easement containing approximately 149,176 square feet of land to the City of Rowlett for the construction and maintenance of wastewater facilities across City-owned land at Lake Ray Hubbard located near the intersection of La Costa and Fuqua Drives - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the conveyance of a wastewater easement to the City of Rowlett for the construction, maintenance and use of stormwater drainage facilities across City-owned land at Lake Ray Hubbard located near the intersection of La Costa and Fuqua Drives. This property will be used to provide service to the Bayside development. The operation, construction, repair and full maintenance of these facilities shall be at no cost to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

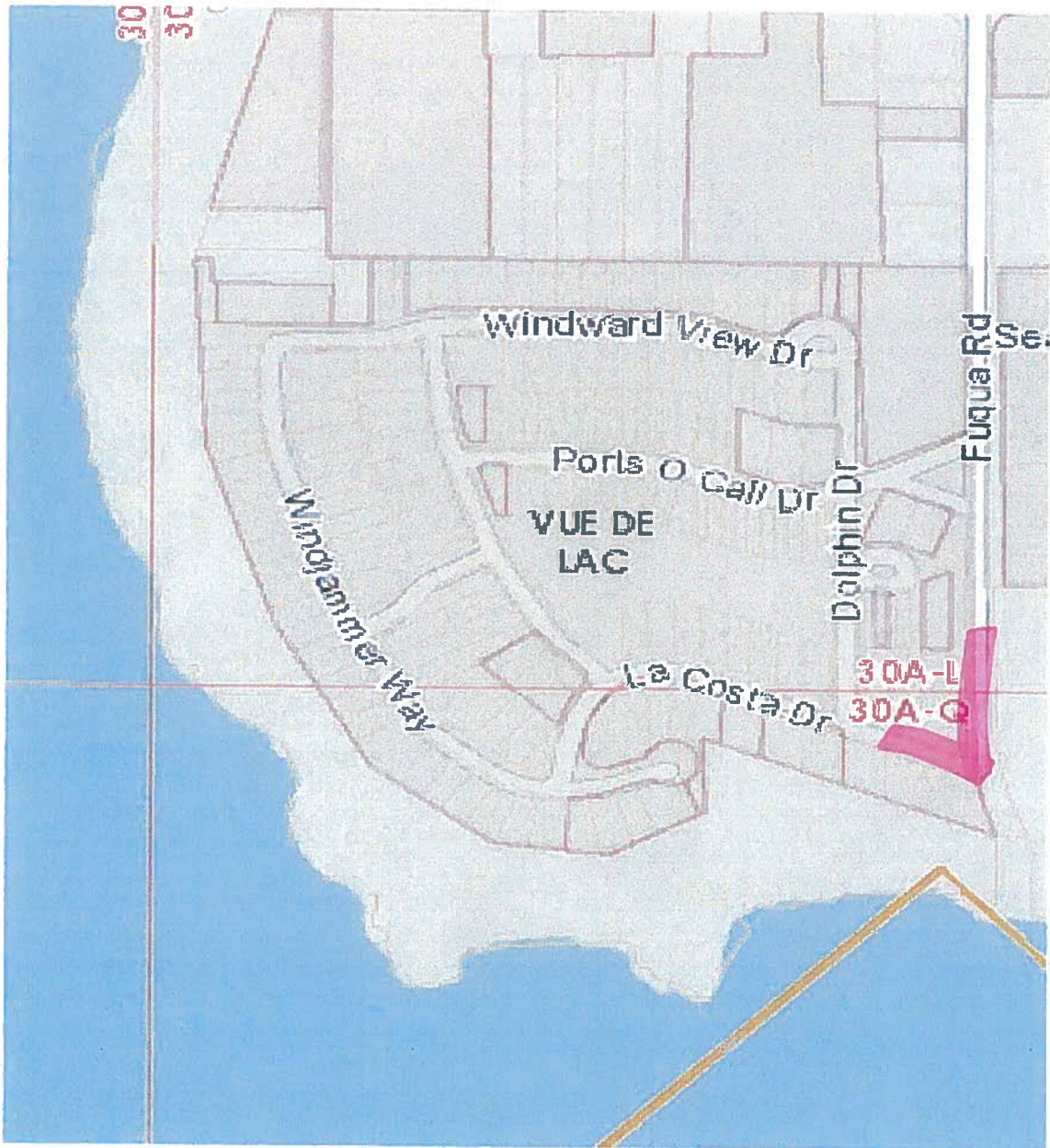
Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



WASTEWATER EASEMENT LOCATED BETWEEN LA COSTA AND FUQUA DRIVES



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
Water Utilities
CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837
MAPSCO: 30 A B

SUBJECT

A resolution authorizing the conveyance of two temporary working space easements containing a total of approximately 23,076 square feet of land to the City of Rowlett for the construction and maintenance of wastewater facilities across City-owned land at Lake Ray Hubbard located near the intersection of Lakeview Parkway and Edgewater Drive - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the conveyance of two temporary working space easements to the City of Rowlett for the construction of utility easements across City-owned land at Lake Ray Hubbard located near the intersection of Lakeview Parkway and Edgewater Drive. This property will be used for the Edgewater Lift Station Replacement with 12-inch Gravity Sewer Project. The operation, construction, repair and full maintenance of these facilities shall be at no cost to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

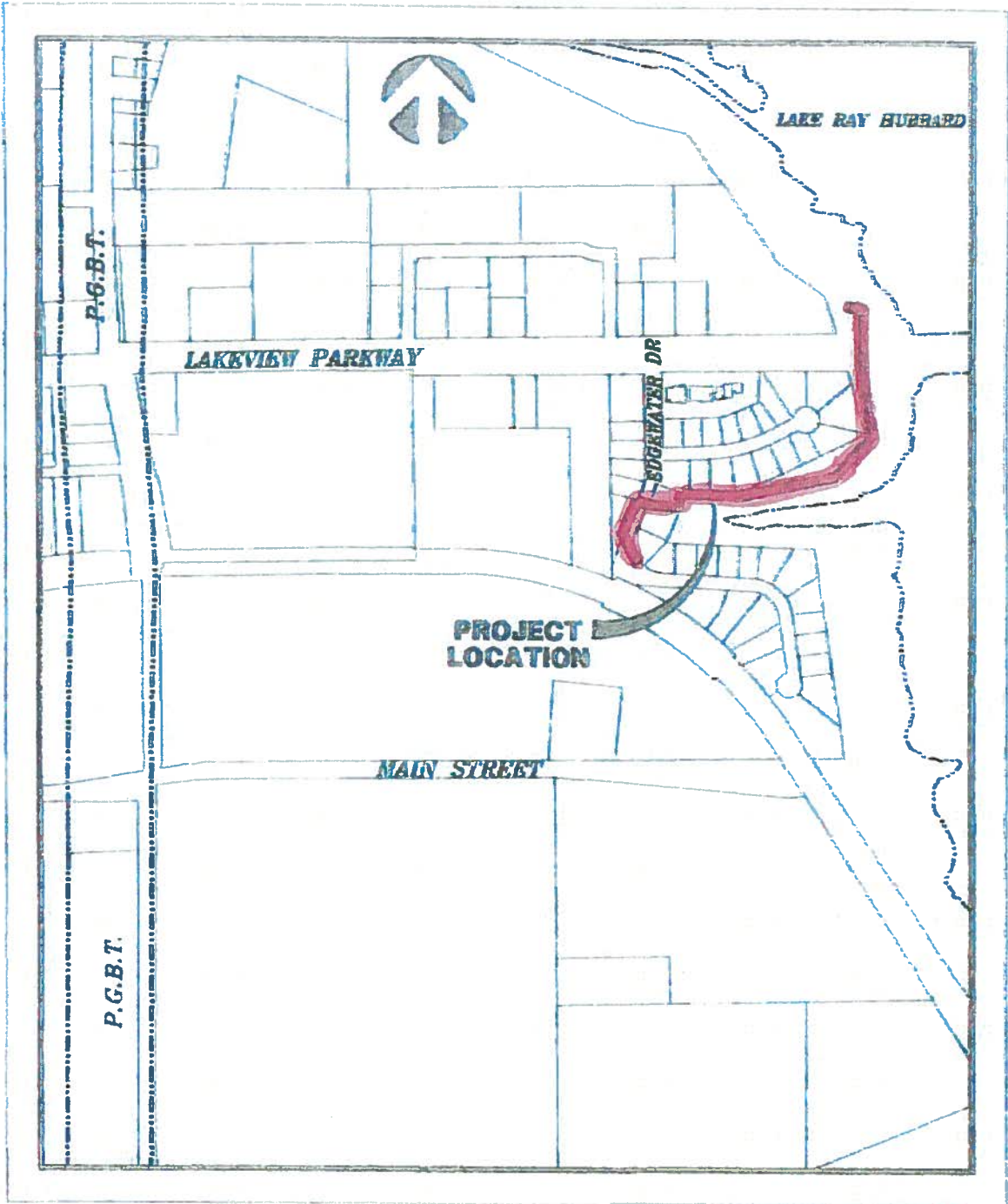
Information about this item will be provided to the Economic Development Committee on December 5 ,2016.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached



PROJECT VICINITY MAP

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 Q

SUBJECT

Authorize an historic preservation tax exemption for the Allen Building at 1700 Commerce Street for a ten-year period on 100% of the land and structure value - Revenue Foregone: First year tax revenue foregone estimated at \$18,730 (Estimated revenue foregone over ten years is \$187,295)

BACKGROUND

Article XI of the Dallas Development Code established the Historic Preservation Tax Incentive Program, which allows property owners to receive tax exemptions for restorations of historic properties. The Historic Tax Incentive Program was reviewed and approved by the Dallas City Council on November 26, 2007. Revisions to the program were approved by City Council on December 9, 2015, by Ordinance No. 29953. Dallas Development Code Section 11.201(e) requires City Council to review any exemption over \$50,000. The City Council may approve or deny any portion of the exemption over \$50,000.

The Allen Building, built in 1925, and addressed at 1700 Commerce Street in downtown Dallas, was designated a City of Dallas landmark in September 2015.

The owner, Supreme Bright Dallas, LLC, has applied for a historic tax exemption in support of approximately \$20 million in investment to redevelop the building into a 176-room Hampton Inn and Suites. The building qualifies under the "Urban Historic District" exemption which allows for up to a 100% exemption of the city portion of the property taxes for up to a ten year period. To qualify for this exemption, the cost of rehabilitation must exceed 75 percent of the pre-rehabilitation value of the structure.

The 2015 Dallas Central Appraisal District (DCAD) appraised value for 1700 Commerce Street account is \$2,350,000, with an improvement value of \$1,700,000 and land value of \$650,000. The applicant is therefore required to invest approximately \$1,275,000 into the property to qualify for the exemption. To date, the applicant has spent \$21,018,945.

BACKGROUND (Continued)

The new value after completion is estimated to be \$23,368,945, with an estimated annual tax assessment of \$167,521. It will take the city less than two years to recoup the historic tax exemption.

The revenue forgone is calculated based on the DCAD value as of the date of Landmark Commission's approval of the Certificate of Eligibility (in this case 2015). The assumption is that without the tax exemption, nothing would happen on this building and the value would not change. Therefore, revenue forgone for 10 years on a 100% abatement is the current (or in this case 2015) city taxes times 10 years.

The new value of the project after rehabilitation is calculated based on the current (as of Landmark Commission's approval of the Certificate of Eligibility) DCAD value plus the amount the applicant is proposing to spend on the project.

The estimated years to recoup is calculated by dividing the total revenue foregone by the annual new estimated taxes after completion, without adjustment for inflation.

Although the Allen Building is in the City Center TIF District, the owner has not applied for TIF funds for this building.

The Allen Building is part of a larger complex along with 1712 Commerce Street, 208 S. Ervay Street, and 1709 Jackson Street. 1712 Commerce Street is a separate project from this historic renovation project, is in the Downtown Connection TIF District, and did receive TIF funding. 208 S. Ervay Street and 1709 Jackson Street will be used for structured parking in support of the two projects.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 9, 2015, City Council established Historic Overlay District No. 146 (the Allen Building) by Ordinance No. 29846.

On March 7, 2016, the Landmark Commission approved the certificate of eligibility for the Allen Building.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

Revenue Foregone: First year tax revenue foregone estimated at \$18,730 (Estimated revenue foregone over ten years is \$187,295)

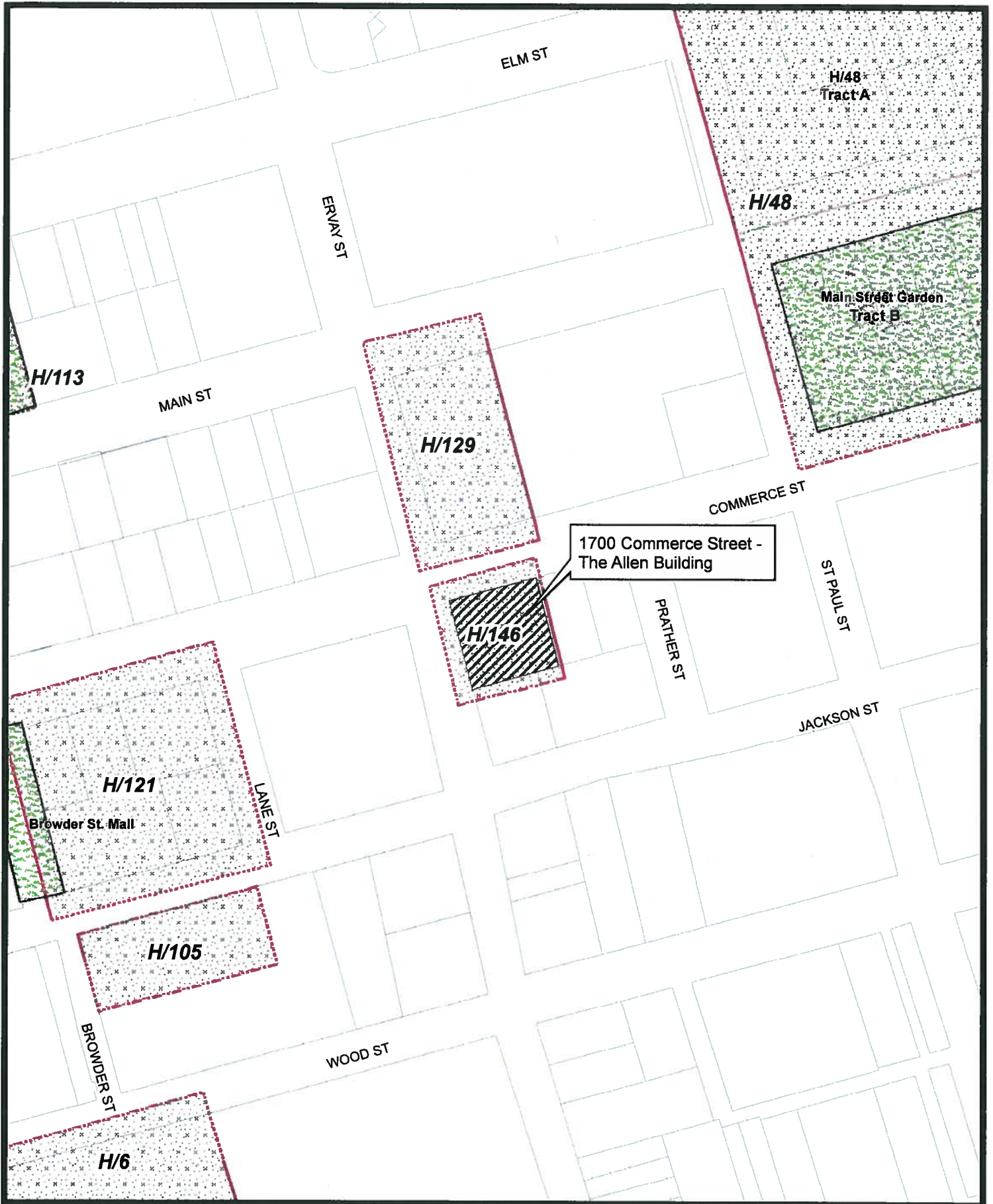
OWNER

Supreme Bright Dallas, LLC

Mehul Patel, Manager

MAP

Attached



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 14, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 33D

SUBJECT

Authorize a sixth amendment to the 1999 lease agreement with MLT Development Co. to provide rent abatement in consideration for City's temporary use of an undeveloped portion of approximately 163,349 square feet of the leased premises as a staging area for the Airfield Pavement Repair Project as well as four subsequent airfield related projects for sixteen months beginning January 1, 2017 at Dallas Love Field - Estimated Revenue Foregone: \$66,619, over the sixteen month period

BACKGROUND

MLT Development Co. ("MLT") currently leases approximately 29.269 acres of land at Dallas Love Field under that certain Lease of Land and Facilities approved on August 12, 1998 by Resolution No. 98-2271. The lease has a thirty year primary term plus two five-year options. As part of the Love Field's Airfield Pavement Repair Project, the project is necessary to adjust pavement markings, rehabilitate taxiways pavements and repair taxiway cracks with joint reseals. The City requires temporary use of an undeveloped portion of the MLT leased premises to accommodate the staging area for the project. The land will be used for storing earth work equipment, conduit, wiring, steel for the truss and components of airfield lighting, including contractor automobile parking and rubber tire construction equipment. MLT has agreed to provide the necessary area in consideration of abating rent for the needed tract during the time the City maintains possession of the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the original lease on August 12, 1998, by Resolution No. 98-2271.

Authorized the First Amendment on August 11, 1999, by Resolution No. 99-2286.

Authorized the Second Amendment on February 13, 2002, by Resolution No. 02-0627.

Authorized the Third Amendment on August 9, 2006, by Resolution No. 06-2000.

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

Authorized the Fourth Amendment on April 10, 2013, by Resolution No. 13-0604.

Authorized the Fifth Amendment on January 14, 2015, by Resolution No. 15-0104.

Information about this item will be provided to the Economic Development Committee on December 5, 2016.

FISCAL INFORMATION

\$66,618.61 - Estimated Foregone Revenue, over the sixteen (16) month period.

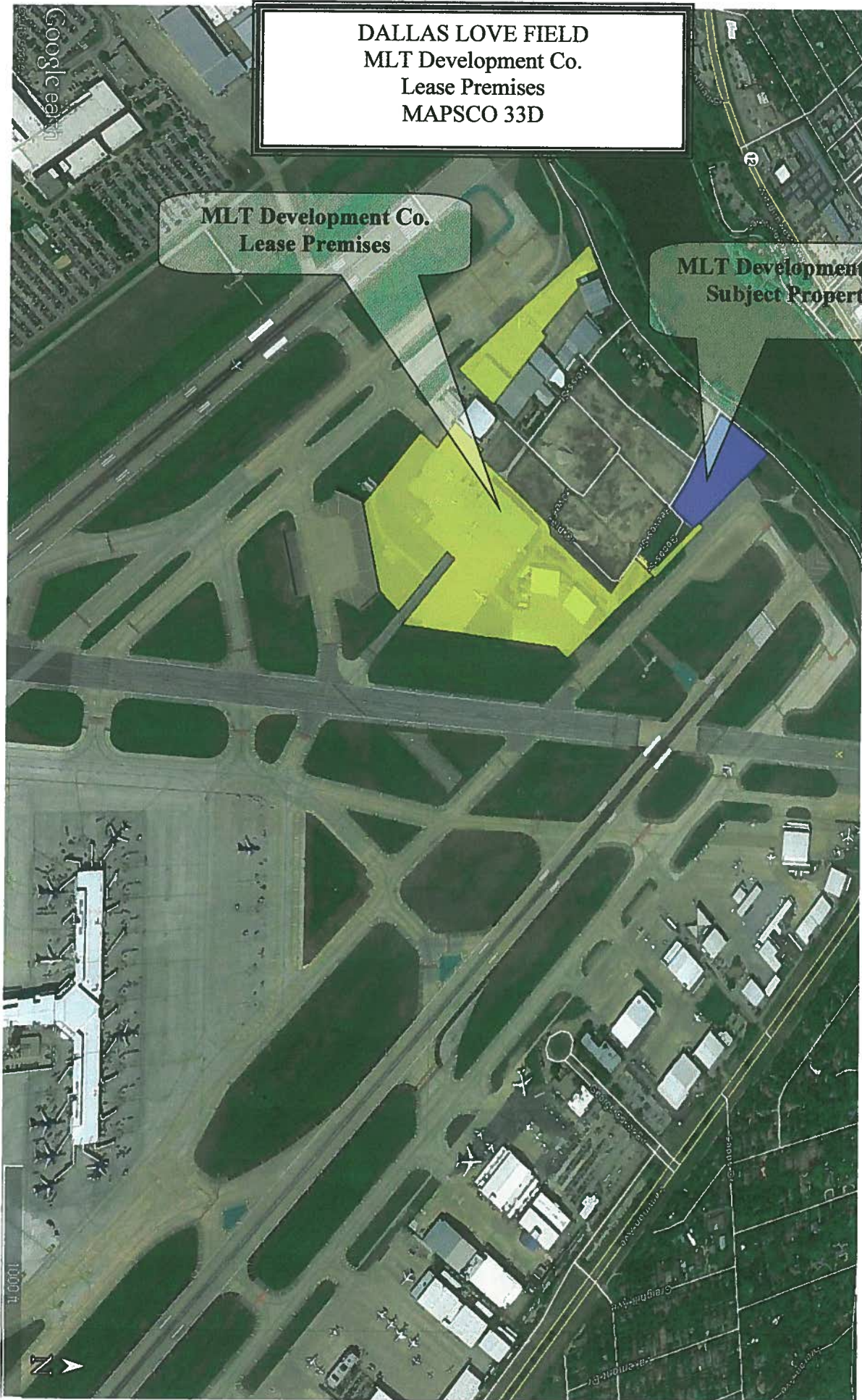
OWNER

MLT Development Co., a Texas Joint Venture,
acting by and through its Managing Partner, MLT Holding, L.P., a Texas limited partnership, acting through its sole General Partner, MLT GP, LLC

William D. Oates, President

MAP

Attached.



DALLAS LOVE FIELD
MLT Development Co.
Lease Premises
MAPSCO 33D

MLT Development Co.
Lease Premises

MLT Development Co.
Subject Property