SEPTEMBER 14, 2011 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated September 14, 2011. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

Mary K. Suhm
City Manager

9/9/11
Date

Edward Scott
City Controller

9/9/11
Date

RECEIVED
2011 SEP -9 PM 5:53
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 14, 2011
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES Item 1

CONSENT AGENDA Items 2 - 58

CONSENT ADDENDUM Items 1 - 8

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:15 a.m. Items 59 - 62
Addendum Items 9 - 11

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m. Items 63 - 84
Addendum Items 12 - 17

ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2011
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

CONSENT ADDENDUM

City Secretary's Office

1. A resolution designating an absence by Councilmember Angela Hunt as being for "official city business" - Financing: No cost consideration to the City

Communication and Information Services

2. Authorize a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2011 through September 8, 2014 - Revenue: $17,784

Convention and Event Services

3. Authorize an Amended and Restated Contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development services to: **(1)** amend the second renewal term of five-years with a two-year contract from October 1, 2011, through September 30, 2013, at $11,000,000 annually for a total of $22,000,000 and three automatic one-year renewal periods subject to annual appropriation; **(2)** document DCVB's specific contractual commitments for Dallas Convention Center improvements, marketing and the promotion of the City of Dallas as a location for motion pictures, television and other related creative media; and **(3)** the receipt and deposit of funds from the Dallas Convention & Visitors Bureau in the amount of $500,000 annually in the Convention & Event Services Current Fund - Not to exceed $22,000,000 - Financing: Convention and Event Services Current Funds (payment based on 32.6% of the City's 7% hotel occupancy tax receipts)

Office of Financial Services

4. Ordinances amending Ordinance No. 28016 (FY 2010-11 Operating Budget Appropriation Ordinance) and Ordinance No. 28017 (FY 2010-11 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2010-11 for the capital improvement program and for maintenance and operation of various departments and activities and to authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2011

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction

5. An ordinance amending Ordinance No. 28244, which abandoned a portion of an alley near the intersection of Mentor Avenue and Denley Drive to Sapphire Road Development, LLC by altering the preamble; adding a new Section for the waiver of certain provisions of the Dallas Development Code; amending Sections 1, 2, 3, 16 and 17; removing Sections 9, 10, 11, 12, 13, and 14; and renumbering all said Sections accordingly - Revenue: $5,400 plus the ordinance publication fee

6. An ordinance abandoning portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements to Cedar Crest Retail Investors, Ltd., the abutting owner, containing a total of approximately 27,865 square feet of land, located near the intersection of Bonnie View Road and Illinois Avenue - Revenue: $7,400 plus the $20 ordinance publication fee

7. An ordinance granting a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway - Z101-213 - Financing: No cost consideration to the City

Trinity Watershed Management

8. Authorize **(1)** execution of a Cooperating Technical Partners (CTP) Agreement with the Federal Emergency Management Agency (FEMA) for FY 2011-12 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(2)** the receipt and deposit of funds in an amount not to exceed $665,000 from FEMA; **(3)** establish appropriations in the amount of $665,000 in the FEMA Cooperating Technical Partnership Funds; and **(4)** Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. in the amount of $886,500, from $900,000 to $1,786,500, for updating certain flood studies in accordance with the Cooperating Technical Partners (CTP) Agreement with the FEMA for FY 2011-12 - Total not to exceed $886,500 - Financing: Stormwater Drainage Management Funds ($221,500) and FEMA Cooperating Technical Partnership Funds ($665,000)

ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2011

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

Office of Financial Services

9. A resolution amending Section 9 of the City Council Rules of Procedure to establish the Arts, Culture, and Libraries Committee as a standing committee of the City Council - Financing: No cost consideration to the City

10. A resolution to amend the 2011 City Calendar to: **(1)** add the City Council Retreat scheduled for October 20-21, 2011; and **(2)** reflect the City Council's updated committees and their meeting dates - Financing: No cost consideration to the City

11. A resolution to amend the 2011 City Calendar to cancel the City Council Briefing Meeting scheduled on September 21, 2011 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

12. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the northeast corner of Greenville Avenue and Prospect Avenue
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-260(JH)

13. A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, south of Oram Street
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-311(MW)

ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2011

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

14. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, north of Prospect Avenue
Recommendation of Staff: Approval for a one-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions
Z101-312(MW)

15. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the north side of Alta Avenue, west of Greenville Avenue
Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a site plan and conditions
Z101-318(MW)

16. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses, on the southwest corner of Greenville Avenue and Alta Avenue
Recommendation of Staff: Approval for the period ending September 30, 2013, subject to a site plan and conditions
Recommendation of CPC: Approval for the period ending September 30, 2013, subject to a site plan and conditions
Z101-323(RB)

ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2011

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

17. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, south of Sears Street
Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions
Z101-326(RB)

CORRECTION:

Sustainable Development and Construction

73. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for NS(A) Neighborhood Service District Uses, and an ordinance granting a D-1 Liquor Control Overlay, and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned an NS(A) Neighborhood Service District with a D Liquor Control Overlay within the Tract F portion of Historic District Overlay No. H/128 on the east corner of Junius Street and Henderson Avenue ~~and an ordinance granting a Planned Development District~~
Recommendation of Staff and CPC: Approval of a Planned Development District, subject to a development plan and conditions; retention of the D Liquor Control Overlay; and denial of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service
Z101-120(RB)

ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2011

DELETIONS:

Sustainable Development and Construction

60. An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," Chapter 53, Dallas Building Code," and Chapter 57, "Dallas One and Two Family Dwelling Code," of the Dallas City Code, as amended; amending the effective date and requirements of Phase 2 of the green building program - Financing: No cost consideration to the City

80. A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley on property zoned Planned Development District No. 842 for CR Community Retail District uses, on property bounded by Greenville Avenue, Lewis Street, Hope Street, and La Vista Court
Recommendation of Staff: Approval for a two-year period, subject to a site plan and staff conditions
Recommendation of CPC: Denial
Z101-211(JH)

ADDENDUM DATE September 14, 2011

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	C	SEC	NC	NA	NA	A resolution designating an absence by Councilmember Angela Hunt as being for "official city business"
2			All	C	CIS	REV $17,784	NA	NA	Authorize a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2011 through September 8, 2014
3			2	C	CES	$22,000,000.00	NA	NA	Authorize an Amended and Restated Contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development services to: amend the second renewal term of five-years with a two-year contract from October 1, 2011, through September 30, 2013, at $11,000,000 annually for a total of $22,000,000 and three automatic one-year renewal periods subject to annual appropriation; document DCVB's specific contractual commitments for Dallas Convention Center improvements, marketing and the promotion of the City of Dallas as a location for motion pictures, television and other related creative media; and the receipt and deposit of funds from the Dallas Convention & Visitors Bureau in the amount of $500,000 annually in the Convention & Event Services Current Fund
4			N/A	C	OFS	NC	NA	NA	Ordinances amending Ordinance No. 28016 (FY 2010-11 Operating Budget Appropriation Ordinance) and Ordinance No. 28017 (FY 2010-11 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2010-11 for the capital improvement program and for maintenance and operation of various departments and activities and to authorize the City Manager to implement those adjustments
5			5	C	DEV	REV $5,400	NA	NA	An ordinance amending Ordinance No. 28244, which abandoned a portion of an alley near the intersection of Mentor Avenue and Denley Drive to Sapphire Road Development, LLC by altering the preamble; adding a new Section for the waiver of certain provisions of the Dallas Development Code; amending Sections 1, 2, 3, 16 and 17; removing Sections 9, 10, 11, 12, 13, and 14; and renumbering all said Sections accordingly
6			7	C	DEV	REV $7,400	NA	NA	An ordinance abandoning portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements to Cedar Crest Retail Investors, Ltd., the abutting owner, containing a total of approximately 27,865 square feet of land located near the intersection of Bonnie View Road and Illinois Avenue
7			5	C	DEV	NC	NA	NA	An ordinance granting a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway (Z101-213)
8			All	C	TWM	$221,500.00	100.00%	25.63%	Authorize execution of a Cooperating Technical Partners (CTP) Agreement with the Federal Emergency Management Agency (FEMA) for FY 2011-12 to provide a 75% cost share for updating certain flood studies in the City of Dallas; and Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. for updating certain flood studies in accordance with the Cooperating Technical Partners (CTP) Agreement with the FEMA for FY 2011-12
9			N/A	I	OFS	NC	NA	NA	A resolution amending Section 9 of the City Council Rules of Procedure to establish the Arts, Culture, and Libraries Committee as a standing committee of the City Council
10			N/A	I	OFS	NC	NA	NA	A resolution to amend the 2011 City Calendar to: add the City Council Retreat scheduled for October 20-21, 2011; and reflect the City Council's updated committees and their meeting dates
11			N/A	I	OFS	NC	NA	NA	A resolution to amend the 2011 City Calendar to cancel the City Council Briefing Meeting scheduled on September 21, 2011
12			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the northeast corner of Greenville Avenue and Prospect Avenue

ADDENDUM DATE September 14, 2011

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
13			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, south of Oram Street
14			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, north of Prospect Avenue
15			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the north side of Alta Avenue, west of Greenville Avenue
16			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses, on the southwest corner of Greenville Avenue and Alta Avenue
17			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, south of Sears Street

TOTAL $22,221,500.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating an absence by Councilmember Angela Hunt as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

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

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

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 14, 2011

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part:

> If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation … for that year will be reduced proportionately by the number of meetings missed…. Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required… but will be counted as though the member had attended the meetings that are missed while so engaged in city business; and

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

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

WHEREAS, Councilmember Angela Hunt participated in an event as noted in **Exhibit A** attached, which required her to miss most of a city council meeting; and

WHEREAS, the purpose for participating in this event required Councilmember Angela Hunt to miss most of a city council meeting as noted in **Exhibit A** attached; **Now**, **Therefore**,

BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF DALLAS

September 14, 2011

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the purpose for Councilmember Angela Hunt being absent from most of a city council meeting as noted in **Exhibit A** attached, is hereby deemed to be for "official city business" and any absence will not be counted against Councilmember Angela Hunt in determining her annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11 of the City Council Rules of Procedure, the City Secretary shall maintain a record of this absence so that such absence will not count against Councilmember Angela Hunt in determining her annual compensation under Chapter III, Section 4 of the Dallas City Charter.

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

EXHIBIT A

CITY COUNCIL MEMBER(S)
TRIPS – REQUEST ABSENT ON OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	STATUS
Angela Hunt	Speaking engagement	Dallas, Texas	08/24/2011	Speaker at Ebby Halliday gathering	City Council agenda meeting – 08/24/2011	Complete

ADDENDUM ITEM # 2

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Communication and Information Services

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

MAPSCO: N/A

SUBJECT

Authorize a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2011 through September 8, 2014 - Revenue: $17,784

BACKGROUND

An Interlocal Agreement between the City of Dallas and the Town of Addison was entered into in October 1998. The current three year term of that agreement will end September 8, 2011. The Town of Addison has found that it is advantageous to have their emergency communication backup airtime provided by the City of Dallas. The Addison City Council will give concurrent authorization for The Town of Addison to enter into a new, three-year, Interlocal Agreement with the City of Dallas for these services. The previous Interlocal Agreement with The Town of Addison had no adverse impact on the City's ability to provide wireless service to its own users and it will have no adverse impact in the future.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 10, 2008, City Council authorized a three-year Interlocal Agreement with the Town of Addison by Resolution No. 08-3415 for emergency communication backup airtime.

FISCAL INFORMATION

Revenue: $17,784

September 14, 2011

WHEREAS, on October 8, 1998, Administrative Action No. 98-2877 authorized an Interlocal Agreement with the Town of Addison for emergency communication backup airtime; and

WHEREAS, On December 10, 2008, Resolution No. 08-3415 authorized a three-year Interlocal Agreement with the Town of Addison for emergency communication backup airtime.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2011 through September 8, 2014, after approval as to form by the City Attorney.

Section 2. That the City Controller be and is hereby authorized to receive funds from the Town of Addison and to deposit those funds in Fund 0197, Department DSV, Unit 1810, Revenue Source 7456.

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

ADDENDUM ITEM # 3

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2

DEPARTMENT: Convention and Event Services
Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize an Amended and Restated Contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development services to: **(1)** amend the second renewal term of five-years with a two-year contract from October 1, 2011, through September 30, 2013, at $11,000,000 annually for a total of $22,000,000 and three automatic one-year renewal periods subject to annual appropriation; **(2)** document DCVB's specific contractual commitments for Dallas Convention Center improvements, marketing and the promotion of the City of Dallas as a location for motion pictures, television and other related creative media; and **(3)** the receipt and deposit of funds from the Dallas Convention & Visitors Bureau in the amount of $500,000 annually in the Convention & Event Services Current Fund - Not to exceed $22,000,000 - Financing: Convention and Event Services Current Funds (payment based on 32.6% of the City's 7% hotel occupancy tax receipts)

BACKGROUND

On September 25, 1996, the City Council approved Resolution No. 96-3120, authorizing a contract with the Dallas Convention and Visitors Bureau (DCVB), a nonprofit Texas corporation, for convention facility promotion, advertising and tourism development services. The contract with the DCVB was for a ten year period, beginning October 1, 1996, and ending September 30, 2006, with two five year extension options. The City of Dallas pays the DCVB monthly an amount equal to 32.60% of the City's 7% Hotel Occupancy Tax received by the City. Section 44-35 of the Dallas City Code, as amended, provides for a Hotel Occupancy Tax and for the allocation of a portion of the City Hotel Occupancy Tax revenues to be used for advertising and conducting solicitations and promotional programs to acquaint potential users with public meeting and convention facilities.

BACKGROUND (Continued)

On September 13, 2006, the City Council approved Resolution No. 06-2490, authorizing Supplemental Agreement No. 8 to the contract with the DCVB exercising the first of two five-year renewal options to extend the contract for convention facility promotion, advertising and tourism development services for the period October 1, 2006 to September 30, 2011 in the amount $55,000,000. Approval of this item will amend the second and final renewal period of October 1, 2011 through September 30, 2013, and replace it with a two year contract with three one-year renewal periods subject to annual appropriations, and secure DCVB's commitment to the City to provide $500,000 in funding annually for Dallas Convention Center improvements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 12, 1999, the City Council authorized Supplemental Agreement No. 1 to the contract to remove the cap on the amount of compensation and decrease the percentage of compensation the DCVB receives from 33.57% to 32.6% of the 7% Hotel Occupancy Tax the City collects by Resolution No. 99-1652.

On June 26, 2002, the City Council authorized Supplemental Agreement No. 2 to the contract to provide $950,000 supplemental funding for additional marketing and promotion of the Dallas Convention Center expansion, and required DCVB to establish a reserve fund of not less than $1,000,000 to address future revenue shortfalls, and require DCVB to provide for future capital improvements at WRR Municipal Radio by Resolution No. 02-1986.

On December 11, 2002, the City Council authorized Supplemental Agreement No. 3 to the contract to provide $30,000 in funding for the promotion of the City of Dallas and the Dallas area as a location for the production of motion picture and television films by Resolution No. 02-3527.

On January 8, 2003, the City Council authorized Supplemental Agreement No. 4 to the contract to reduce the supplemental funding for additional marketing services from the DCVB from $950,000 to $715,000, and to reduce DCVB's required reserve fund from $1,000,000 to $800,000 to address future budget deficiencies, and to reduce DCVB's requirement to pay for capital improvements at WRR Municipal Radio from $1,050,000 to $790,280 by Resolution No. 03-0213.

On October 22, 2003, the City council authorized Supplemental Agreement No. 5 to the contract to defer DCVB's January 1, 2004, repayment in the amount of $197,570 until January 1, 2007, allowing DCVB to offer economic incentives to the clients to facilitate future convention center bookings by Resolution No. 03-2860.

On April 28, 2004, the City Council authorized Supplemental Agreement No. 6 to the contract to defer DCVB's requirement to establish a reserve account of $800,000 from September 30, 2006 to September 30, 2007, to enable DCVB to support or create special events to attract visitors downtown by Resolution No. 04-1442.

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

On October 12, 2005, the City Council authorized Supplemental Agreement No. 7 to the contract to provide $200,000 supplemental funding for DCVB to promote the City of Dallas and the North Texas area as a location for production of motion pictures and television films by Resolution No. 05-2924.

On September 13, 2006, the City Council approved authorizing Supplemental Agreement No. 8 to the contract with the Dallas Convention and Visitors Bureau, exercising the first of 2 five-year renewal options to extend the contract by Resolution No. 06-2490.

On October 28, 2009, the City Council authorized Supplemental Agreement No. 9 to the contract with the Dallas Convention and Visitors Bureau for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry (i.e. film, digital image and other) and other actions by Resolution No. 09-2672

FISCAL INFORMATION

Estimated at $11,000,000 annually for a total of $22,000,000 for two year period of October 1, 2011 to September 30, 2013 - Convention and Event Services Current Funds (payment based on 32.6% of City's 7% hotel occupancy tax receipts)

OWNER

Dallas Convention and Visitors Bureau

Phillip Jones, Chief Executive Officer

September 14, 2011

WHEREAS, on September 25, 1996, the City Council authorized a contract with the Dallas Convention and Visitors Bureau for ten years with two five-year options by Resolution No. 96-3120; and

WHEREAS, on May 12, 1999, the City Council authorized Supplemental Agreement No. 1 to the contract to remove the cap on the amount of compensation and decrease the percentage the Dallas Convention & Visitor receives from 33.57% to 32.6% and to require DCVB to meet performance measures that place priority on the Convention Center by providing a minimum of 95 percent utilization of leasable space and dates by Resolution No. 99-1652; and

WHEREAS, on June 26, 2002, the City Council authorized Supplemental Agreement No. 2 to the contract to provide supplemental funding for additional marketing and promotion of the Dallas Convention Center expansion, require DCVB to establish a reserve account for future revenue shortfalls, and require DCVB provide for future capital improvements at WRR Municipal Radio by Resolution No. 02-1986; and

WHEREAS, on December 11, 2002, the City Council authorized Supplemental Agreement No. 3 to the contract to provide $30,000 in funding for the promotion of the City of Dallas and the Dallas area as a location for the production of motion pictures and television films by Resolution No. 02-3527; and

WHEREAS, on January 8, 2003, the City Council authorized Supplemental Agreement No. 4 to reduce supplemental funding for additional marketing services from the Dallas Convention and Visitors Bureau from $950,000 to $715,000 and to reduce DCVB's required reserve account from $1,000,000 to $800,000 to address future budget deficiencies, and to reduce DCVB's requirement to pay for capital improvements at WRR Municipal Radio from $1,050,000 to $790,280 by Resolution No. 03-2860; and

WHEREAS, on October 22, 2003, the City Council authorized Supplemental Agreement No. 5 to the contract to defer DCVB's January 1, 2004, repayment in the amount of $197,570 until January 1, 2007, allowing DCVB to offer economic incentives to the clients to facilitate future convention center bookings by Resolution No. 04-1442; and

WHEREAS, on April 28, 2004, the City Council authorized Supplemental Agreement No. 6 to the contract to defer DCVB's requirement to establish a reserve account of $800,000 from September 30, 3006 to September 30, 2007, to enable DCVB to support or create special events to attract visitors downtown by Resolution No. 04-1442; and

WHEREAS, on October 12, 2005, the City Council authorized Supplemental Agreement No. 7 to the contract to provide $200,000 supplemental funding for DCVB to promote the City of Dallas and the North Texas area as a location for production of motion pictures and television films by Resolution No. 05-2924; and

September 14, 2011

WHEREAS, on September 13, 2006, the City Council authorized Supplemental Agreement No. 8 to the contract with the Dallas Convention and Visitors Bureau exercising the first of two five year renewal options to extend the contract for convention facility promotion, advertising and tourism development services for the period of October 1, 2006, to September 30, 2011, by Resolution No. 06-2490; and

WHEREAS, on October 28, 2009, the City Council authorized Supplemental Agreement No. 9 to the contract with the Dallas Convention and Visitors Bureau for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry (i.e. film, digital image and other) and other actions by Council Resolution No. 09-2672. **Now Therefore,**

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

Section 1. That upon approval as to form by the City Attorney, the City Manager is hereby authorized to execute an Amended and Restated Contract with the Dallas Convention & Visitors Bureau for convention facility promotion, advertising and tourism development services thereby replacing the second renewal term of five-years with a two-year contract from October 1, 2011, to September 30, 2013, at $11,000,000 annually for a total of $22,000,000 (payment based on 32.6% of the City's 7% hotel occupancy tax receipts) and three automatic one-year renewal periods subject to annual appropriation and documenting DCVB's specific contractual commitments for Dallas Convention Center improvements, marketing and the promotion of the City of Dallas as a location for motion pictures, television and other related creative media.

Section 2. That such Amended and Restated Contract shall also secure DCVB's commitment to the City to provide $500,000 in funding annually for Dallas Convention Center improvements.

Section 3. That such Amended and Restated Contract continue the provisions of CR 09-2672 and shall also secure DCVB's commitment to provide $180,000 in funding annually for marketing and the promotion of the City of Dallas as a location for the production of motion pictures, television and other related creative media.

Section 4. That the City Controller is hereby authorized to receive and deposit any additional funds from the DCVB to Fund 0029, Department ECO, Unit 1476, Revenue Code 8428.

Section 5. That the City Controller is hereby authorized to disburse funds to the Dallas Convention and Visitors Bureau in an amount not to exceed 32.6 percent of the 7% Hotel Occupancy Tax (estimated $11,000,000 annually) collected by the City, in accordance with the terms of the contract, as supplemented, from Fund 0080, Department CCT, Unit 7840, Object Code 3320, Vendor No. 519741.

Section 6. That the City Controller is hereby authorized to receive and deposit funds from the DCVB in an amount not to exceed $500,000 to Fund 0080, Department CCT, Unit 7840, Revenue Code (RSRC) 8428.

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

ADDENDUM ITEM # 4

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Ordinances amending Ordinance No. 28016 (FY 2010-11 Operating Budget Appropriation Ordinance) and Ordinance No. 28017 (FY 2010-11 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2010-11 for the capital improvement program and for maintenance and operation of various departments and activities and to authorize the City Manager to implement those adjustments – Financing: No cost consideration to the City

BACKGROUND

On September 22, 2010, the City Council passed Ordinance Nos. 28016 and 28017, which adopted the operating budget and capital budget appropriation ordinances for fiscal year 2010-2011. Management has closely monitored revenues and expenses throughout the fiscal year and adjusted spending to ensure there are revenues (or available fund balance) to cover projected costs. In order to avoid exceeding authorized appropriations, adjustments to budgets are needed in various departments that are forecast to be exceeded and to capital improvement funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council approved the FY 2010-11 operating budget and capital budget appropriation ordinances on September 22, 2010, by Resolution No. 10-2452 and Ordinance Nos. 28016 and 28017.

FISCAL INFORMATION

No cost consideration to the City

9/8/11

ORDINANCE NO. _____

An ordinance amending Ordinance No. 28016 (2010-2011 FY Operating Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for fiscal year 2010-11 for the maintenance and operation of various departments and activities and to authorize the city manager to implement those adjustments; providing a saving clause; and providing an effective date.

WHEREAS, on September 22, 2010, the city council passed Ordinance No. 28016, which adopted the operating budget appropriation ordinance for fiscal year 2010-2011; and

WHEREAS, shortages and excesses in various department and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 4 of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5 of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, therefore;

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

SECTION 1. That Section 1 of Ordinance No. 28016 (2010-2011 FY Operating Budget Appropriation Ordinance), passed by the city council on September 22, 2010, is amended by making adjustments to fund appropriations for fiscal year 2010-11 for the maintenance and operation of various departments and activities, to read as follows:

"SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2010 and ending September 30, 2011, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

DEPARTMENTS AND ACTIVITIES	**PROPOSED 2010-11**
Building Services	20,928,446 [~~20,838,446~~]
Business Development and Procurement Services	2,087,752 [~~2,028,752~~]
Central Appraisal Districts	3,216,092 [~~3,257,625~~]
City Attorney's Office	9,943,990
City Auditor's Office	2,157,106 [~~2,075,106~~]
City Manager's Office	1,545,834 [~~1,495,834~~]
City Secretary's Office	1,640,371 [~~1,470,371~~]
Civil Service	1,057,086 [~~1,012,086~~]
Code Compliance	26,895,708 [~~26,845,708~~]
City Controller's Office	3,558,235
Court and Detention Services	10,849,371
Dallas County Tax Collection	551,648 [~~575,854~~]
Elections	*2,790,402 [~~1,092,283~~]
Fire	197,226,528 [~~195,131,528~~]
Housing/Community Services	7,469,584 [~~7,437,584~~]
Human Resources	3,063,762 [~~3,052,762~~]
Independent Audit	1,072,000 [~~772,000~~]
Jail Contract - Lew Sterrett	8,116,058
Judiciary	2,963,566
Library	19,590,705
Mayor and Council	3,658,295 [~~3,618,295~~]
Non-Departmental	**30,696,853 [~~30,666,114~~]

**** An increase to $2,668,402 was previously approved by Resolution No. 11-1390.***
***** An increase to $31,916,114 was previously approved by Resolution No. 11-1155.***

Office of Cultural Affairs	12,679,820 [~~12,529,820~~]
Office of Economic Development	540,033 [~~492,033~~]
Office of Financial Services	1,531,745
Office of Management Services	2,524,487
Park and Recreation	63,700,049
Police	402,198,336 [~~403,070,336~~]
Public Works and Transportation	11,874,875
Sanitation Services	73,672,965 [~~72,747,965~~]
Street Lighting	17,337,556
Street Services	49,001,568 [~~48,911,568~~]
Sustainable Development and Construction	810,074 [~~915,074~~]
Trinity Watershed Management	275,550 [~~104,550~~]
Contingency Reserve	3,645,769
Salary and Benefits Reserve	1,432,000 [~~3,700,000~~]
Liability Reserve/Claims Fund	6,568,774
GENERAL FUND TOTAL	**$1,008,872,993 [~~1,006,046,874~~]**

GRANT FUNDS	**PROPOSED 2010-11**
Court and Detention Services	
State Law Enforcement Grant (S104)	7,979
Library	
Texas Latino Voices (F321)	4,275
Office of Cultural Affairs	
National Performance Network (F042)	17,000
TX Commission on the Arts - Bath House Cultural Center (S219)	6,500
TX Commission on the Arts - Latino Cultural Center (S220)	20,000 [~~10,000~~]
TX Commission on the Arts - South Dallas Cultural Center (S209)	4,288
TX Commission on the Arts - South Dallas Cultural Center (S221)	8,000
TX Commission on the Arts - Cultural Programming (S222)	18,500
TX Commission on the Arts - Sub-grant (S223)	40,000
Office of Management Services	
Justice Assistance Grant (TR07)	9,770
Fair Housing FHAP Award Fund (F218)	428,815
Park and Recreation	
Texas Forest Service Partnership (S166)	32,729
GRANT FUNDS TOTAL	**$597,856 [~~583,581~~]**

TRUST FUNDS	PROPOSED 2010-11
City Secretary's Office	
Municipal Archives Royalties and Donations (0432)	50,000
Code Compliance	
Animal Services On-Line Donations (0714)	10,000
Animal Control Enhancement (0878)	10,327
Ivor O'Conner (0320)	380,993 [~~8,713~~]
Communication and Information Services	
Public, Education, Government (PEG) Access (0560)	164,151
Convention and Event Services	
Sports Arena Lease (0A71)	3,400,000
Court and Detention Services	
Building Security (0G88)	680,961
Equipment and Building Services	
Cafeteria Fund (0268)	35,000
Fitness Center Fund (0232)	169,181
Fire	
Paramedic Activity (0302)	4,819
Housing/Community Services	
Gifts and Donations (0307)	34,227
TXU Energy Aid Trust (0312)	384,278
WDMPC – Carrie S. Orleans Trust (0T17)	96
Judiciary	
Juvenile Case Manager Fund (0396)	446,307
Library	
Ayres Newton Family Fund (0204)	1,699
Book End Fund (0012)	103,277
Benjamin and Selma Parrill Trust (0716)	4,226
Central Library Gift and Donations (0214)	142,436
Children's Center Fund (0T22)	20,028
Genealogy Fund (0687)	106,408
Hammond Fund (0458)	3,585
Heldt Fund (0212)	2,581
Kahn Fund (0208)	244,922

Library Automation Endowment Acquisition Fund (0456)	18,925
Meadows Fund (0734)	48,029
Office of Cultural Affairs	
Gifts and Donations (0388)	1,339
Office of Economic Development	
City of Dallas Regional Center (0067)	683,318
Dallas Housing Finance Corporation (0068)	41,000
New Market Tax Credit (0065)	550,000
South Dallas/Fair Park Trust Fund (0351)	578,601
Park and Recreation	
Athletic Field Maintenance (0349)	734,445
Capital Gifts and Donations (0530)	396,000
Community Fund - Anita Martinez (0926)	61,113
Community Fund - Arcadia (0941)	14,040
Community Fund - Arlington Park (0966)	13,333
Community Fund - Beckley Saner (0934)	4,285
Community Fund - Bachman (0967)	21,266
Community Fund - Campbell Green (0968)	30,929
Community Fund - Cummings (0935)	16,879
Community Fund - Eloise Lundy (0936)	24,465
Community Fund - Exline (0946)	43,782
Community Fund - Fireside (0961)	14,464
Community Fund - Fretz (0970)	33,381
Community Fund - Fruitdale (0937)	466
Community Fund - Grauwyler (0923)	14,403
Community Fund - Harry Stone (0930)	1,701
Community Fund - Janie C. Turner (0963)	2,296
Community Fund - J. C. Phelps (0939)	18,639
Community Fund - Juanita J. Craft (0948)	25,190
Community Fund - K. B. Polk (0974)	13,036
Community Fund - Kidd Springs (0942)	30,703
Community Fund - Kiest (0943)	74,799
Community Fund - Lake Highlands (0971)	22,138
Community Fund - Marcus (0972)	11,636
Community Fund - Marcus Annex (0973)	19,287
Community Fund - Martin Weiss (0944)	15,789
Community Fund - M. L. King, Jr. (0949)	12,283
Community Fund - Nash/Davis (0928)	16,475
Community Fund - Park in the Woods (0978)	36,921
Community Fund - Park Recreation Centers (0979)	600,000
Community Fund - Pike (0924)	4,353
Community Fund - Pleasant Oaks (0964)	34,908

Community Fund - Reverchon (0925)	29,470
Community Fund - Samuell Grand (0932)	148,820
Community Fund - Singing Hills (0940)	60,938
Community Fund - Thurgood Marshall (0945)	23,602
Community Fund - Walnut Hill (0976)	11,586
Community Fund - Willie B. Johnson (0977)	31,199
Dallas Zoo Education Fund (0358)	489,954
Fair Park Arts Enrichment Fund (0G43)	274,063
Fair Park Improvement Fund (0448)	559,503
Fair Park Special Maintenance Fund (0329)	298,134
Golf Improvement Trust Fund (0332)	2,776,903
Martin Weiss Endowment Fund (0333)	48,811
Meadows Foundation (0348)	2,766
Meadows - Fair Park Security Fund (0643)	1,000
Park Improvement Fund (0355)	3,053
Recreation Program Trust Fund (0341)	891,891
Southern Skates Roller Rink Fund (0327)	127,715
White Rock Endowment Fund (0354)	18,318
W. W. Samuell Park Fund (0330)	492,090
Police	
Confiscated Monies - State (0411)	1,697,403
Confiscated Monies - Federal (0412)	1,920,301
Gifts and Donations (0321)	20,159
Law Enforcement Officer Standard Education (0S1N)	136,691
Various Police Task Forces (0T69)	995,202
Public Works and Transportation	
Freeway Traffic Signals (0669)	685,872 [~~316,576~~]
TRUST FUNDS TOTAL	**$22,429,563 [~~20,412,330~~]**
GRANT AND TRUST FUNDS GRAND TOTAL	**$23,027,419 [~~20,995,911~~]**

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS	**PROPOSED 2010-11**
Aviation	47,006,853
Communication and Information Services:	
Information Technology	44,536,491
Radio Services	3,618,348
Convention and Event Services	59,835,607 [~~58,635,607~~]
Employee Benefits	512,035
Equipment Services	48,033,151 [~~44,933,151~~]

Express Business Center	4,224,464 [~~4,049,464~~]
Risk Management	1,268,062
Storm Water Drainage Management	50,118,965
Sustainable Development and Construction	16,791,073
Water Utilities	531,240,295
WRR - Municipal Radio	2,717,088
911 System Operations	13,911,597
ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL	**$823,814,029 [~~819,339,029~~]"**

SECTION 2. That the city manager is hereby authorized, upon written notice to the city controller, to transfer funds to make the adjustments to appropriations set forth in this ordinance.

SECTION 3. That it is the intent of the city council, by passage of this ordinance, to appropriate the funds for the city departments and activities. No office or position is created by the appropriation.

SECTION 4. That Ordinance No. 28016 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That this ordinance will 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:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/UC/0173U

9/8/11

ORDINANCE NO. _____

An ordinance amending Ordinance No. 28017 (2010-2011 FY Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for fiscal year 2010-11 for public improvements to be financed from bond funds and other revenues of the City of Dallas and to authorize the city manager to implement those adjustments; providing a saving clause; and providing an effective date.

WHEREAS, on September 22, 2010, the city council passed Ordinance No. 28017, which adopted the capital budget appropriation ordinance for fiscal year 2010-2011; and

WHEREAS, shortages and excesses in various project appropriations have created a need to adjust those appropriations and to establish new appropriations; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 4 of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5 of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, therefore;

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

SECTION 1. That Section 2 of Ordinance No. 28017 (2010-2011 FY Capital Budget Appropriation Ordinance), passed by the city council on September 22, 2010, is amended by making adjustments to fund appropriations for fiscal year 2010-11 for public improvements to be financed from bond funds and other revenues of the City of Dallas, to read as follows:

"SECTION 2. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2010-11 Capital Budget:

"**CAPITAL FUNDS**

From the Aviation Capital Construction Fund (0131)	6,400,000
From the Capital Construction Fund Fund (0671)	1,250,000
From the Capital Equipment Acquisition Fund (0588)	320,000
From the Capital Equipment Acquisition Fund (0595)	315,000
From the Capital Equipment Acquisition Fund (0598)	900,000
From the Capital Equipment Acquisition Fund (0600)	460,000
From the Cedars Tax Increment Financing District Fund (0033)	799,836
From the City Center Tax Increment Financing District Fund (0035)	2,509,184
From the City Hall, City Service and Maintenance Facilities Fund (0T60)	1,241,500 [~~3,107,900~~]
From the Cityplace Tax Increment Financing District Fund (0030)	50,000

[~~From the Cultural Arts Facilities Fund (0T49)~~	~~220,000~~]
From the Davis Garden Tax Increment Financing District Fund (0060)	116,382
From the Deep Ellum Tax Increment Financing District Fund (0056)	289,891
From the Design District Tax Increment Financing District Fund (0050)	1,084,685
From the Downtown Connection Tax Increment Financing District Fund (0044)	7,837,945
From the Economic Development in Southern Area of the City, and in Other Areas of the City in Connection with Transit-Oriented Development, by Providing Public Infrastructure and Funding the City's Economic Development Programs for Such Areas Fund (6T52)	30,000
[~~From the Economic Development in Southern Area of the City, and in Other Areas of the City in Connection with Transit-Oriented Development, by Providing Public Infrastructure and Funding the City's Economic Development Programs for Such Areas Fund (0T52)~~	~~10,808,958~~]
From the Farmers Market Tax Increment Financing District Fund (0036)	569,194
From the Flood Protection and Storm Drainage Facilities Improvement Fund (0P23)	80,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (1P23)	20,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (7T23)	200,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (0T23)	49,429,133 [~~120,514,630~~]
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	62,348

From the General Capital Reserve Fund (0625)	3,709,233
From the Grand Park South Tax Increment Financing District Fund (0054)	49,028
[~~From the Land Acquisition in the Cadillac Heights Area Fund (0T11)~~	~~2,427,121~~]
[~~From the Land Acquisition under the Land Bank Program for the Development of Low and Moderate Income Single Family Homes Fund (0T10)~~	~~1,200,000~~]
From the Library Facilities Improvement Fund (6R42)	100,000
[~~From the Library Facilities Improvement Fund (0T42)~~	~~4,821,662~~]
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,379,033
From the Park and Recreation Facilities Fund (0T00)	16,792,183 [~~52,812,535~~]
From the Public/Private Partnership Fund (0352)	8,800,000
[~~From the Public Safety Facilities Fund (0T33)~~	~~8,361,284~~]
From the Skillman Corridor Tax Increment Financing District Fund (0052)	743,238
From the Southwestern Medical Tax Increment Financing District Fund (0046)	426,081
From the Specified Street Projects Fund (3R21)	15,000
From the Specified Street Projects Fund (4R21)	30,000
From the Specified Street Projects Fund (6R21)	45,000
From the Sports Arena Tax Increment Financing District Fund (0038)	6,030,355
From the Street and Thoroughfare Improvement Fund (0P22)	460,000

From the Street and Transportation Improvement Fund (3R22)	40,000
From the Street and Transportation Improvement Fund (0T22)	28,887,837 [~~141,714,779~~]
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic Business Development in the Southern Area of the City Fund (8P52)	170,000
From the Trinity River Corridor Project Fund (1P14)	4,007,303
From the Trinity River Corridor Project Fund (3P14)	116,271
From the Trinity River Corridor Project Fund (4P14)	1,160,113
From the Trinity River Corridor Project Fund (5P14)	2,209,988
From the Trinity River Corridor Project Fund (6P14)	4,357,679
From the Trinity River Corridor Project Fund (9P14)	22,565
From the Vickery Meadow Tax Increment Financing District Fund (0048)	1,123,253
From the Wastewater Capital Construction Fund (0103)	9,196,000
From the Wastewater Capital Improvement Fund (0116)	100,000,000
From the Wastewater Capital Improvement Fund (2116)	5,500,000
From the Wastewater Capital Improvement Fund (1180)	39,848,000

From the Water and Wastewater Public Art Fund (0121)	768,000
From the Water Capital Construction Fund (0102)	19,820,000
From the Water Capital Improvement Fund (0115)	98,826,000
From the Water Capital Improvement Fund (2115)	13,500,000
From the Water Capital Improvement Fund (1170)	58,825,000
From the 2010A Certificates of Obligation - Equipment Acquisition Fund (0629)	19,591,400
From the 2010A Certificates of Obligation – Flood Protection and Storm Drainage Fund (0630)	52,000,000
CAPITAL FUNDS TOTAL	**$572,513,658 [~~822,151,874~~]**

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2010-11 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)	260,685,026
DEBT SERVICE FUNDS TOTAL	**$260,685,026**

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by city council resolution upon the recommendation of the city manager."

SECTION 2. That Section 4 of Ordinance No. 28017 (20010-2011 FY Capital Budget Appropriation Ordinance), passed by the city council on September 22, 2010, is amended by making adjustments to fund appropriations for fiscal year 2010-11 for public improvements to be financed from bond funds and other revenues of the City of Dallas, to read as follows:

"SECTION 4. That the city manager is authorized upon written notice to the city controller to make the following adjustments:

(1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.

(2) Decrease appropriation of any fund described in Section 2 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

(3) Transfer funds, not to exceed $1,540,000, to the General Obligation Debt Service Fund 0981, in the amounts of $15,000 from the Specified Street Projects Fund 3R21; $30,000 from the Specified Street Projects Fund 4R21; $45,000 from the Specified Street Projects Fund 6R21; $460,000 from the Street and Thoroughfare Improvement Fund 0P22; $40,000 from the Street and Transportation Improvement Fund 3R22; $80,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 0P23; $20,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 1P23; $200,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 7T23; $170,000 from the Street, Utility and Other Infrastructure Improvements in

Furtherance of Economic Business Development in the Southern Area of the City Fund 8P52; $30,000 from the Economic Development in Southern Area of the City, and in Other Areas of the City in Connection with Transit-Oriented Development, by Providing Public Infrastructure and Funding the City's Economic Development Programs for Such Areas Fund 6T52; $100,000 from the Library Facilities Improvement Fund 6R42; $40,000 from the Capital Equipment Acquisition Fund 0595; $150,000 from the Capital Equipment Acquisition Fund 0598, and $160,000 from the Capital Equipment Acquisition Fund 0600, for repayment of debt associated with general obligation bonds and equipment acquisition notes.

(4) Transfer funds, not to exceed $2,077,310, to the General Fund 0001, in the amounts of $1,245,000 from the Trinity River Corridor Project Fund 5P14; $96,959 from the Capital Gifts and Donations Fund 0530; $171,391 from the Park, Playground, Recreation, and Community Facilities Improvement Fund 0P00; $224,466 from the Park, Playground, Recreation, and Community Facilities Improvement Fund 1P00; $2,625 from the Park, Playground, Recreation, and Community Facilities Improvement Fund 8P00; $74,500 from the Park, Playground, Recreation, and Community Facilities Improvement Fund 9P00; $52 from the Park and Recreation Facilities Fund 6T00; $30,442 from the Park and Recreation Facilities Fund 7T00; $177,620 from the Park and Recreation Facilities Fund 8T00; and $54,255 from the Neighborhood and Community Park, Playground, and Recreational Facilities Fund 6R05, for reimbursement as needed for engineering, project coordination, inspection, survey, and other activities

associated with the implementation of the 1995, 1998, 2003, and 2006 bond programs.

(5) Transfer funds, not to exceed $1,019,028, to the General Fund 0001, in the amounts of $50,000 from the Cityplace Tax Increment Financing District Fund 0030; $50,000 from the Cedars Tax Increment Financing District Fund 0033; $50,000 from the Oak Cliff Gateway Tax Increment Financing District Fund 0034; $75,000 from the City Center Tax Increment Financing District Fund 0035; $40,000 from the Farmers Market Tax Increment Financing District Fund 0036; $30,000 from the Sports Arena Tax Increment Financing District Fund 0038; $225,000 from the Downtown Connection Tax Increment Financing District Fund 0044; $75,000 from the Southwestern Medical Tax Increment Financing District Fund 0046; $75,000 from the Vickery Meadow Tax Increment Financing District Fund 0048; $75,000 from the Design District Tax Increment Financing District Fund 0050; $50,000 from the Skillman Corridor Tax Increment Financing District Fund 0052; $49,028 from the Grand Park South Tax Increment Financing District Fund 0054; $50,000 from the Deep Ellum Tax Increment Financing District Fund 0056; $50,000 from the Fort Worth Avenue Tax Increment Financing District Fund 0058, and $75,000 from the Davis Garden Tax Increment Financing District Fund 0060, for reimbursement of tax increment financing administration costs.

(6) Transfer funds, not to exceed $29,784,000, from the Water Utilities Operating Fund 0100, in the amounts of $19,820,000 to the Water Capital Construction Fund 0102; $9,196,000 to the Wastewater Capital Construction

Fund 0103; and $768,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2010-11 Capital Budget.

(7) Transfer funds, not to exceed $13,293,889, to the General Obligation Debt Service Fund 0981 from the Storm Water Drainage Operating Fund 0061 for payment of the 2004 and 2005 Certificates of Obligation for compliance with the municipal separate sewer system (MS4) permit; the 2010A Certificates of Obligation for levee maintenance; and the 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2007A, 2008, and 2010 general obligation bonds for flood protection and storm drainage facilities.

(8) Transfer funds, not to exceed $1,638,054, to the General Obligation Debt Service Fund 0981 from the Convention Center Construction Fund 0082, for payment of the 2008 Certificates of Obligation for land acquisition.

(9) Transfer funds, not to exceed $7,879,355, to the General Obligation Debt Service Fund 0981 from the General Fund 0001 for payment of the 2006, 2007, 2008 and 2009 Equipment Acquisition Notes and the 2010 and 2010A Certificates of Obligation for sanitation collection and fleet replacement and for payment of the 2003 general obligation bonds for flood protection and storm drainage facilities for the McCommas Bluff Landfill.

(10) Transfer funds, not to exceed $3,261,401, to the General Obligation Debt Service Fund 0981 from the Information Technology Operating Fund 0198 for payment of the 2007 and 2009 Equipment Acquisition Notes for technology enhancements.

(11) Transfer funds, not to exceed $3,422, to the General Obligation Debt Service Fund 0981 from the Communications Services Fund 0197 for payment of the 2006 Equipment Acquisition Notes for fleet replacement.

(12) Transfer funds, not to exceed $181,013, to the General Obligation Debt Service Fund 0981 from the Fleet Services Fund 0196 for payment of the 2006, 2007, 2008, and 2009 Equipment Acquisition Notes for fleet replacement.

(13) Transfer funds, not to exceed $186,666, to the General Obligation Debt Service Fund 0981 from the Courts Technology Fund 0401 for payment of the 2010A Certificates of Obligation for technology enhancements.

(14) Transfer funds, not to exceed $3,709,233, to the General Fund 0001 from the General Capital Reserve Fund 0625 for the purpose of general fund operating and maintenance costs.

(15) Transfer funds, not to exceed $6,400,000, from the Aviation Operating Fund 0130 to the Aviation Capital Construction fund 0131 for projects listed in the FY 2010-11 Capital Budget.

(16) Transfer funds, not to exceed $30,408,849, to the General Obligation Debt Service Fund 0981 from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscal year 2010-11 for payment of debt service on the Pension Obligation Bonds Series 600, 601, and 602.

(17) Transfer funds, not to exceed $6,800,000, from the Storm Water Drainage Management Operating Fund 0061 to the Storm Water Drainage Management Capital Construction Fund 0063 for storm water capital projects."

SECTION 3. That the city manager is hereby authorized, upon written notice to the city controller, to transfer funds to make the adjustments to appropriations set forth in this ordinance.

SECTION 4. That Ordinance No. 28017 will remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That this ordinance will 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:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/UC/0172U

ADDENDUM ITEM # 5

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 65G

SUBJECT

An ordinance amending Ordinance No. 28244, which abandoned a portion of an alley near the intersection of Mentor Avenue and Denley Drive to Sapphire Road Development, LLC by altering the preamble; adding a new Section for the waiver of certain provisions of the Dallas Development Code; amending Sections 1, 2, 3, 16 and 17; removing Sections 9, 10, 11, 12, 13, and 14; and renumbering all said Sections accordingly - Revenue: $5,400 plus the ordinance publication fee

BACKGROUND

This item authorizes the amending of Ordinance No. 28244, which abandoned a portion of an alley to Sapphire Road Development, LLC, the abutting owner. This amendment will alter the preamble; add a new Section for the waiver of certain provisions of the Dallas Development Code; amend Sections 1, 2, 3, 16 and 17; remove Sections 9, 10, 11, 12, 13 and 14; and renumber all said Sections accordingly.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, Council approved Ordinance No. 28244.

FISCAL INFORMATION

Revenue: $5,400 plus the ordinance publication fee

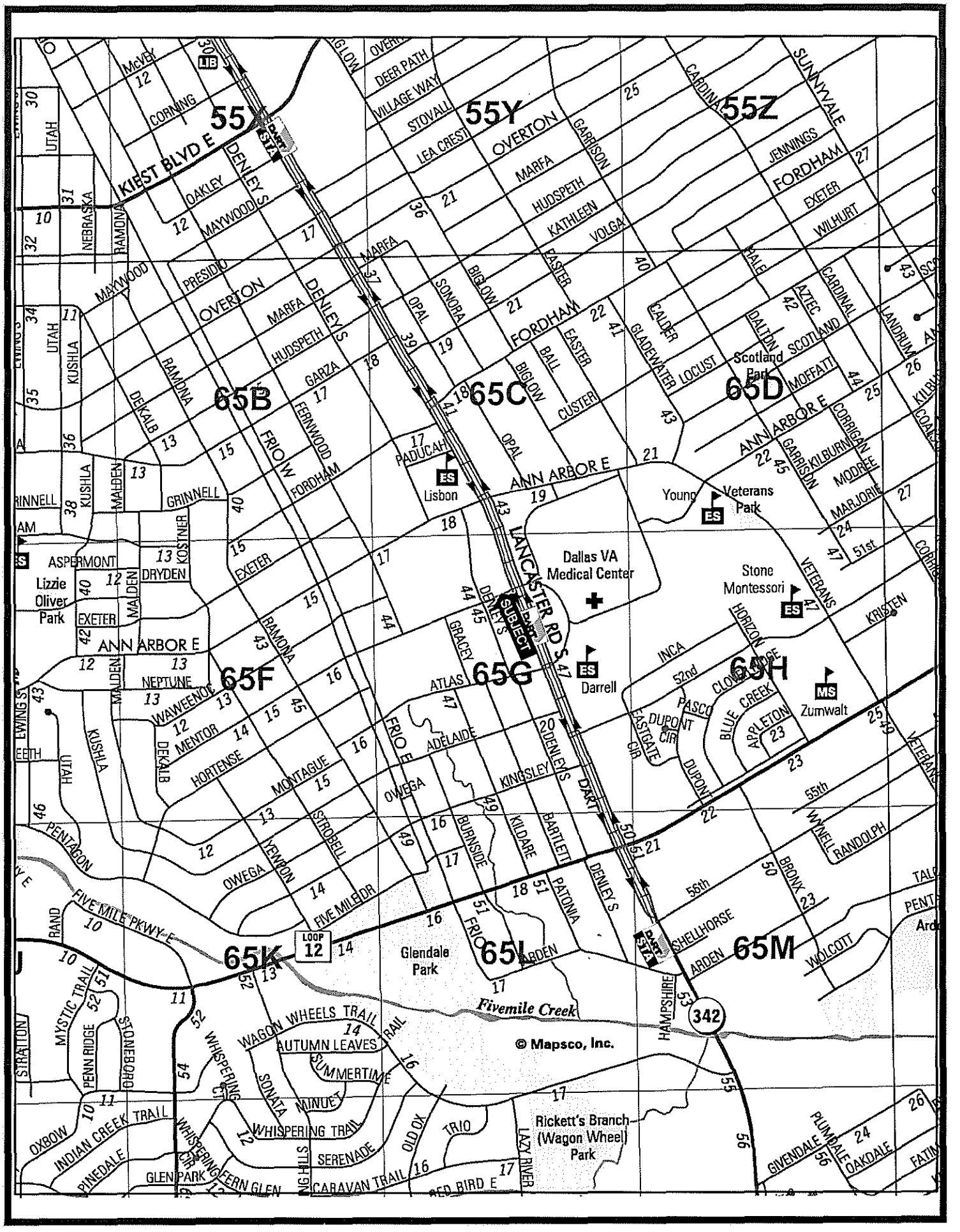
OWNER

Sapphire Road Development, LLC

Yigal Lelah, Manager

MAPS

Attached



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Map 65G

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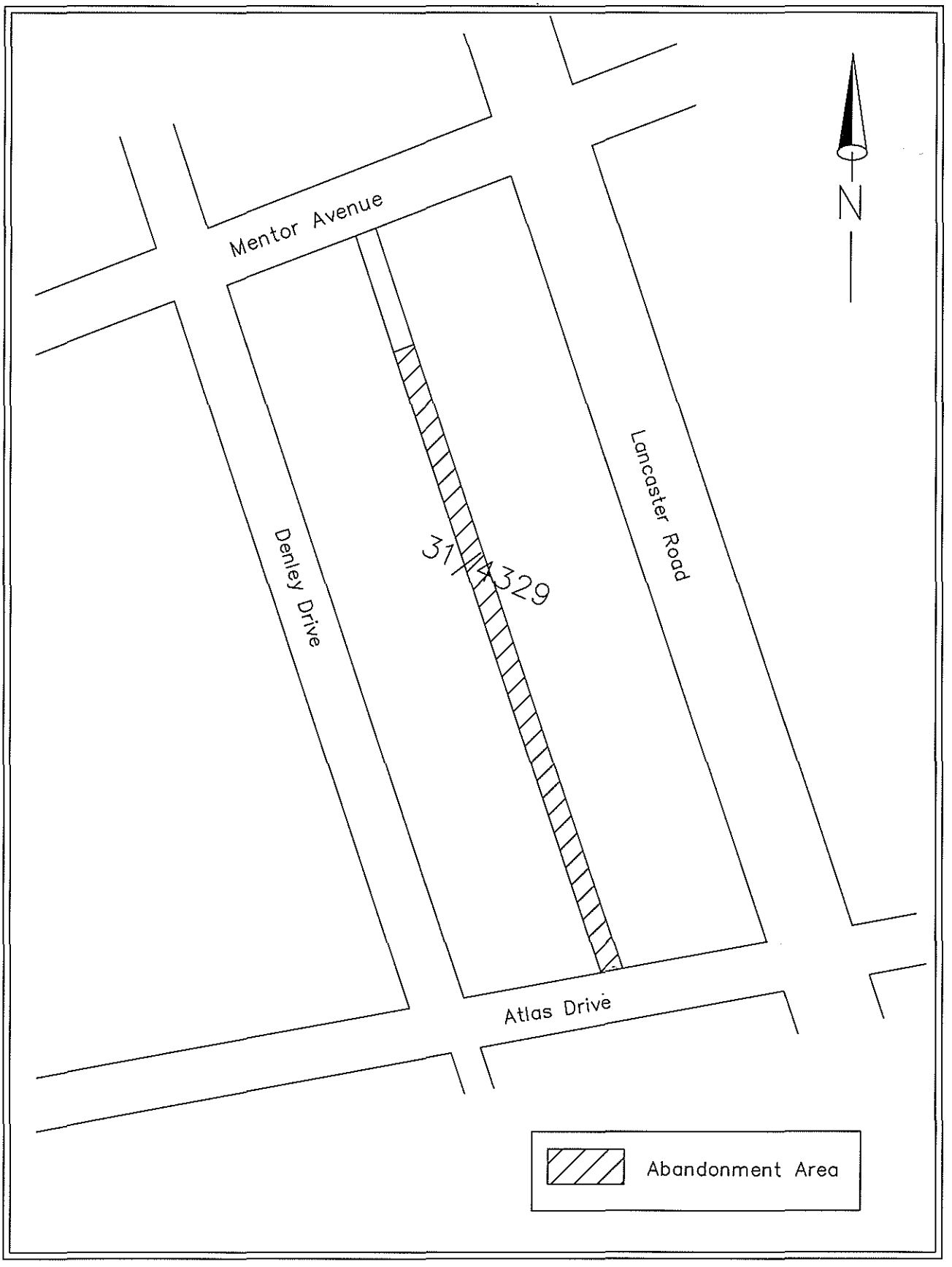

Mentor Avenue
Denley Drive
Lancaster Road
Atlas Drive
N
Abandonment Area

ORDINANCE NO. _____

An ordinance amending Ordinance No. 28244 by altering the preamble; providing for the waiver of certain provisions of the Dallas Development Code; removing the dedication requirement; 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. 28244 adopted by the City Council of the City of Dallas on June 22, 2011, be and the same is hereby amended by altering the preamble; adding a new Section for the waiver of certain provisions of the Dallas Development Code; amending Sections 1, 2, 3, 16 and 17; removing Sections 9, 10, 11, 12, 13, and 14; and renumbering all said Sections accordingly to read as follows:

> "An ordinance providing for the abandonment of a portion of an alley located in City Block 31/4329 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Sapphire Road Development, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; ~~[providing for the conveyance of needed land to the City of Dallas;]~~ providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; ~~[providing a future effective date for this abandonment;]~~ providing for the waiver of certain provisions of the Dallas Development Code; and providing an effective date for this ordinance."
>
> "**SECTION 1.** That those certain provisions of Section 51A-8.507(b) Dallas Development Code regarding dead-end alleys to the extent, not required by state law or City Charter, are hereby waived with respect to this ordinance."
>
> **"SECTION [~~1.~~] 2.** That the tract of land described in Exhibit A, which is attached

hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions [~~and future effective date~~] hereinafter more fully set out."

"SECTION [~~2~~] 3. That for and in monetary consideration of the sum of **EIGHTEEN THOUSAND ONE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS ($18,172.00)** paid by **GRANTEE**, and the further consideration described in Sections [~~8, 9, 12, 13, 14, 15 and 16~~] 9, 10, and 11, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said **GRANTEE**, subject to the conditions, reservations, [~~future effective date,~~] and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever."

"SECTION [~~3.~~] 4. That upon payment of the monetary consideration set forth in Section [~~2~~] 3, **GRANTEE** accepts the terms, provisions, [~~future effective date~~] and conditions of this ordinance."

"SECTION [~~4.~~] 5. That the City Controller 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.~~] 6. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or

non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B which is attached hereto and made a part hereof for all purposes."

"SECTION [~~6.~~] 7. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns."

"SECTION [~~7.~~] 8. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate."

"SECTION [~~8.~~] 9. 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 whole and harmless the City of Dallas of, from and against 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 area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A; which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC. Section 9601 as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section

26261 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 USC. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.SC. Section 6901 et seq., as amended and (f) any chemical substance' under the Toxic Substance Control Act, 15 U.SC. Section 2601 et sec., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder."

~~[**"SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by Street Easement to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block 31/4329, containing approximately 4,068 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect."]~~

~~[**"SECTION 10.** That at such time as the instrument described in Section 9 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record."]~~

~~**"SECTION 11.** That this ordinance and properly executed Street Easement, approved as to form by the City Attorney, be forwarded to a title insurance~~

~~company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record."]~~

~~[**"SECTION 12.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 9 above."]~~

~~[**"SECTION 13.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall within 180 days of the date of this ordinance 1) submit paving and drainage plans for the area to be replatted per Section 15 of this ordinance and the dedication area required by Section 9 of this ordinance to the Department of Sustainable Development and Construction Engineering Division for review and approval, and 2) execute a private development contract with the City of Dallas approved by the Director of Sustainable Development and Construction or his/her designee for the construction of said paving and drainage infrastructure. 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 14.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall within 180 days of the date of this ordinance 1) submit detailed plans for the construction of the alley turnout within the area described in Exhibit C to the Department of Sustainable Development and Construction Engineering Division for review and approval, and 2) execute a private development contract with the City of Dallas approved by the Director of Sustainable Development and Construction or his/her designee for the construction of said alley turnout. 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 [~~15.~~] 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas."

"SECTION [~~16.~~] 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the [~~effectiveness~~] passage of this [~~abandonment~~] ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Sustainable Development and Construction."

SECTION [~~17.~~] 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in [~~Sections 2 and 12~~] Section 3, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, [~~and the completion of the dedication set forth in Section 9,~~] the Director of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of 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 [~~18.~~] 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained."

SECTION 2. That, as consideration for amending Ordinance No. 28244, Sapphire Road Development, LLC, agrees to pay additional monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 3. That the City Controller 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 the General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 4. That the terms and conditions of Ordinance No. 28244 shall remain in full force and effect except as amended hereby.

SECTION 5. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or her designee. Upon receipt of the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction, or her designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Sustainable Development and Construction, or her designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney

BY_____
Assistant City Attorney

THERESA O'DONNELL
Director of Sustainable Development and Construction

BY_____
Assistant Director

Passed_____.

ADDENDUM ITEM # 6

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 56S

SUBJECT

An ordinance abandoning portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements to Cedar Crest Retail Investors, Ltd., the abutting owner, containing a total of approximately 27,865 square feet of land located near the intersection of Bonnie View Road and Illinois Avenue - Revenue: $7,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements, to Cedar Crest Retail Investors, Ltd., the abutting owner. The area will be included with the property of the abutting owner for the construction of a nursing home. The cost for this abandonment is the processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $7,400 plus the $20 ordinance publication fee

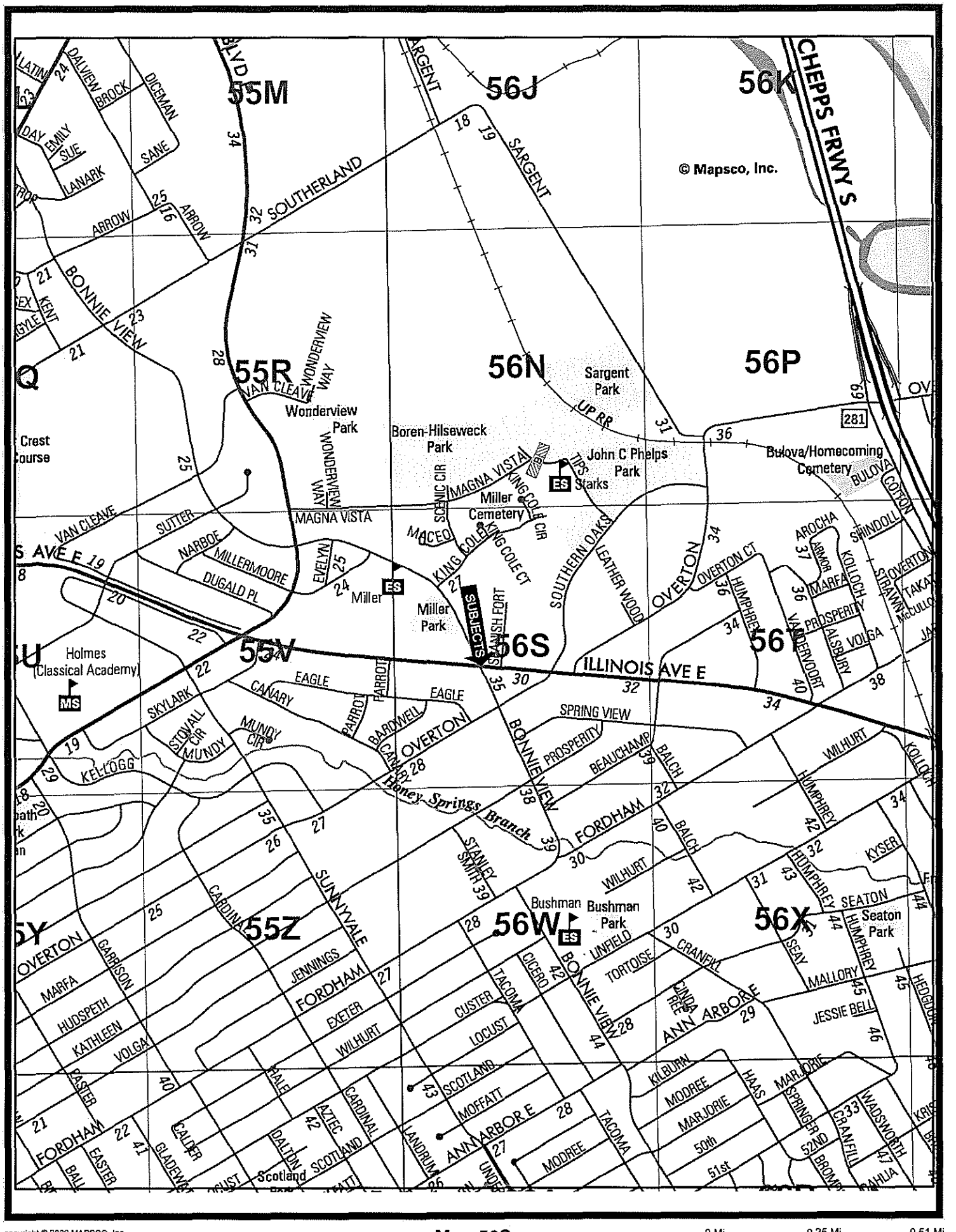
OWNER

Cedar Crest Retail Investors, LTD

Cedar Crest GP, LLC
Mitchell Fonberg, Manager

MAPS

Attached



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Map 56S

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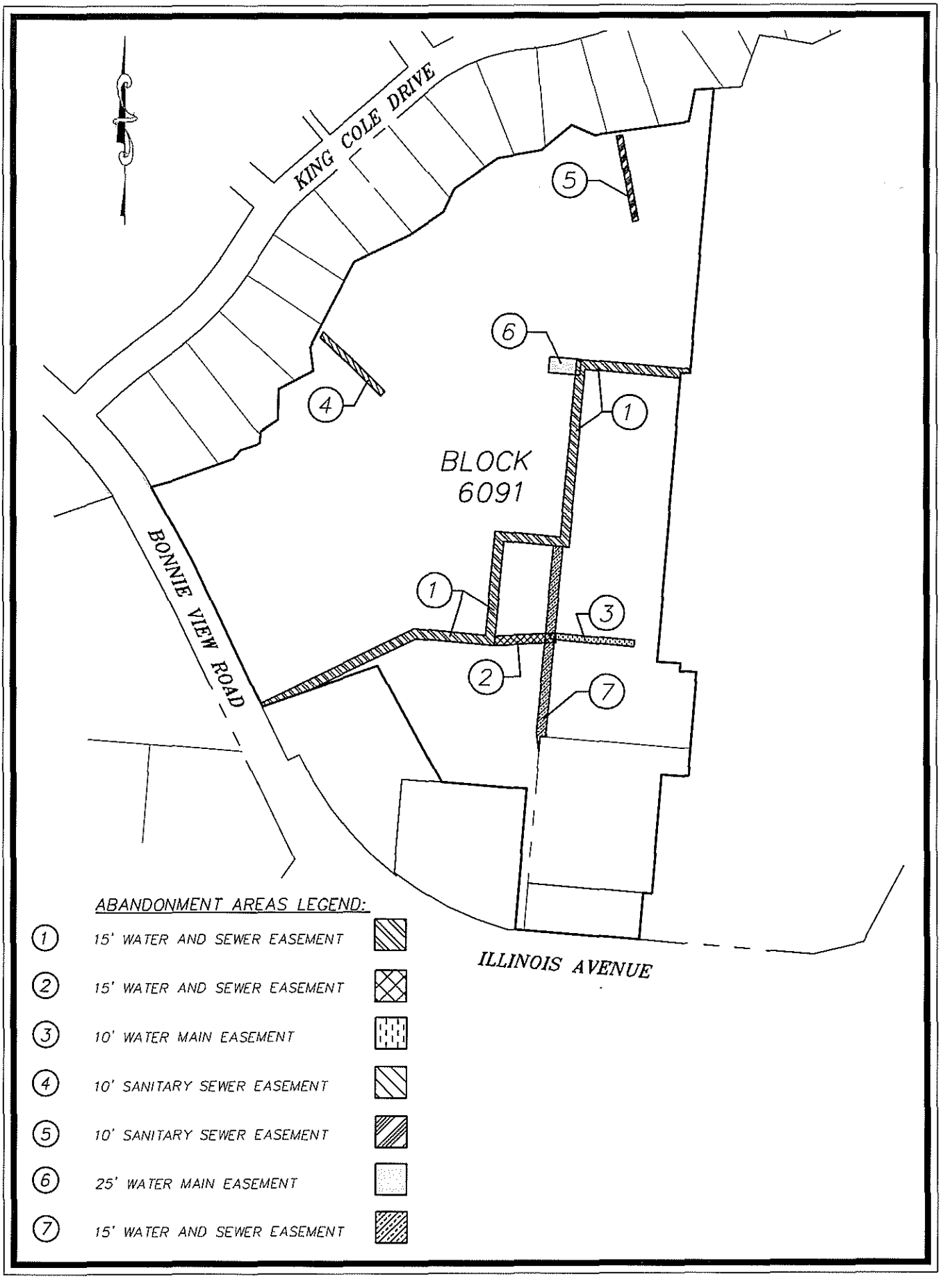
KING COLE DRIVE
BONNIE VIEW ROAD
ILLINOIS AVENUE
BLOCK
6091
1
2
3
4
5
6
7
ABANDONMENT AREAS LEGEND:
1 15' WATER AND SEWER EASEMENT
2 15' WATER AND SEWER EASEMENT
3 10' WATER MAIN EASEMENT
4 10' SANITARY SEWER EASEMENT
5 10' SANITARY SEWER EASEMENT
6 25' WATER MAIN EASEMENT
7 15' WATER AND SEWER EASEMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements, located in City Block 6091 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Cedar Crest Retail Investors, Ltd.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of new easements to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment 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.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Cedar Crest Retail Investors, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described 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 **SEVEN THOUSAND FOUR HUNDRED AND NO/100 ($7,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. **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 City Controller 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 the City of Dallas whole and harmless against 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 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 portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easements to be provided by **GRANTEE** and acceptable to the Director of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easements are approved by the Director of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director 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 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 Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director 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:
THOMAS P. PERKINS, JR.
City Attorney

BY _____
Assistant City Attorney

THERESA O'DONNELL
Director of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT
TIPS PARK ADDITION
EXHIBIT A-TRACT 1 **BLOCK 6091**
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 16,291 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being a portion of a 15' Water and Sanitary Sewer Easement (Tract Numbers 1) to the City of Dallas, filed for record in Volume 4300, Page 322, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 16,291 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a 5/8 inch iron rod found (controlling monument) for the northernmost corner of Lot 4, Block D/6091, HIG-FD Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20070249873, Official Public Records, Dallas County, Texas;

THENCE South 70 degrees 31 minutes 39 seconds West, along the north line of said Lot 4, a distance of 114.30 feet, to the **POINT OF BEGINNING**;

THENCE South 70 degrees 31 minutes 39 seconds West, continuing along said north line, a distance of 80.70 feet, to a point for corner, being on the northeast right-of-way line of Bonnie View Road, a 60.00' right-of-way;

THENCE North 25 degrees 47 minutes 11 seconds West, along said northeast right-of-way line, a distance of 6.13 feet, to a point for corner;

THENCE North 64 degrees 12 minutes 49 seconds East, departing said northeast right-of-way line, and over and across said called 16.7859 acre tract of land, a distance of 272.08 feet, to a point for corner;

THNCE Easterly, continuing over and across said called 16.7859 acre tract of land, the following calls:

South 84 degrees 47 minutes 11 seconds East, a distance of 114.58 feet, to a point for corner;

North 05 degrees 12 minutes 49 seconds East, a distance of 165.00 feet, to a point for corner;

South 84 degrees 47 minutes 11 seconds East, a distance of 104.00 feet, to a point for corner;

North 05 degrees 12 minutes 49 seconds East, a distance of 284.00 feet, to a point for corner;

South 84 degrees 47 minutes 11 seconds East, a distance of 181.64 feet, to a point for corner, being the northernmost northeast corner of the herein described tract of land, being on the east line of said called 16.7859 acre tract of land, common to the west line of Lot 2, Block D/6091, Southern Oaks Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 2003107, Page 37, Official Public Records, Dallas County, Texas;

REVIEWED BY
DBF
08·15·2011

SPRG NO. 2179

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT

EXHIBIT A-TRACT 1 **TIPS PARK ADDITION**

BLOCK 6091

CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE Southerly, along the east line of said called 16.7859 acre tract of land and the west line of said Southern Oaks Addition, the following calls:

South 04 degrees 41 minutes 01 seconds West, a distance of 7.25 feet, to a point for corner;

North 85 degrees 19 minutes 54 seconds West, a distance of 15.00 feet, to a point for corner;

South 04 degrees 40 minutes 48 seconds West, a distance of 7.60 feet, to a point for corner;

THENCE Westerly, departing said east line, and over and across said called 16.7859 acre tract of land, the following calls:

North 84 degrees 47 minutes 11 seconds West, a distance of 151.78 feet, to a point for corner;

South 05 degrees 12 minutes 49 seconds West, a distance of 284.00 feet, to a point for corner;

North 84 degrees 47 minutes 11 seconds West, a distance of 104.00 feet, to a point for corner;

South 05 degrees 12 minutes 49 seconds West, a distance of 165.06 feet, to a point for corner;

North 84 degrees 45 minutes 26 seconds West, a distance of 125.42 feet, to a point for corner;

South 64 degrees 12 minutes 49 seconds West, a distance of 187.71 feet, to the **POINT OF BEGINNING** and containing 16,291 square feet (0.374 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Pages 3 of 4 dated August 11, 2011 for survey map.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-11-11

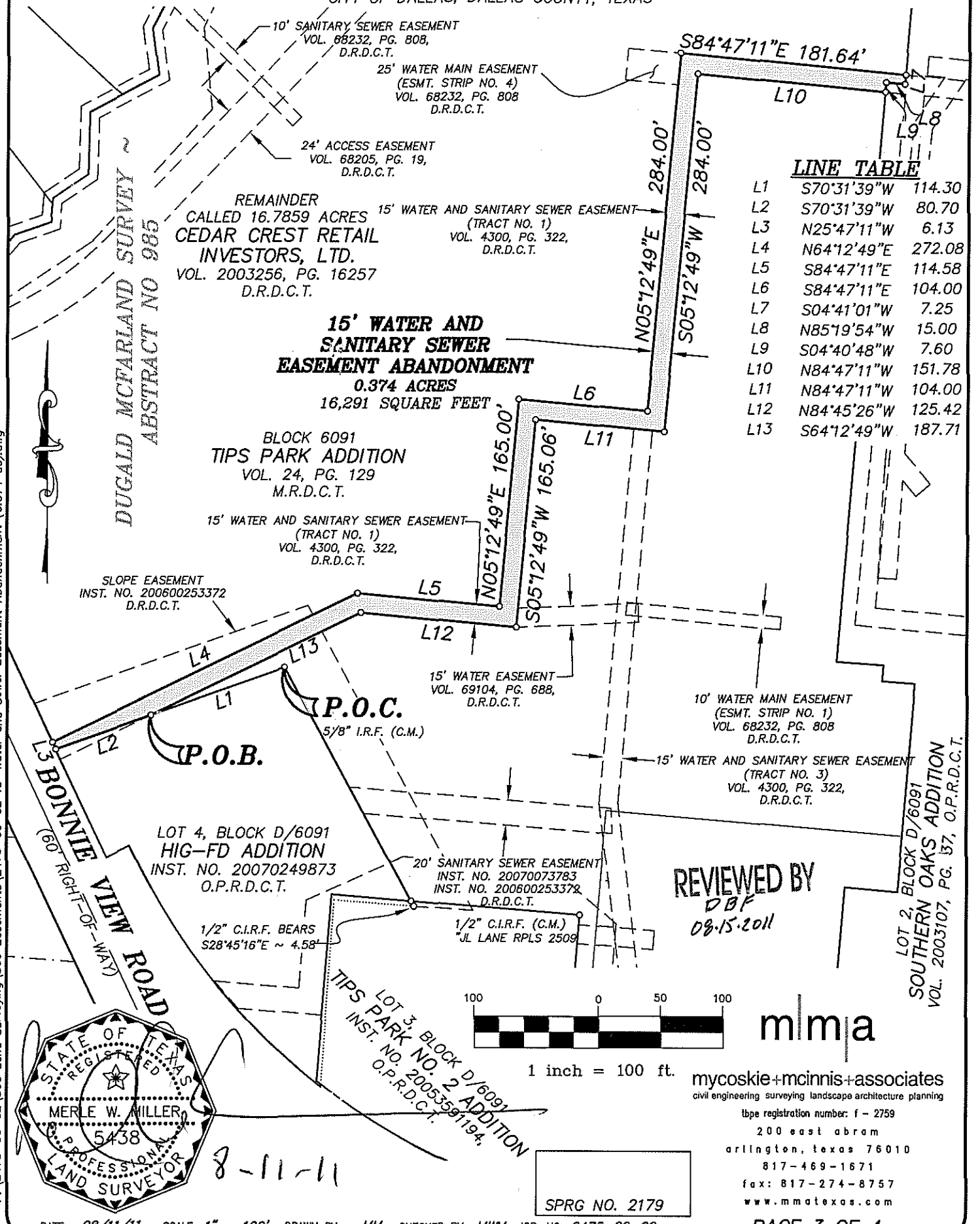
REVIEWED BY
DBF
08.15.2011

SPRG NO. 2179

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT

EXHIBIT A-TRACT 1

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LINE TABLE		
L1	S70°31'39"W	114.30
L2	S70°31'39"W	80.70
L3	N25°47'11"W	6.13
L4	N64°12'49"E	272.08
L5	S84°47'11"E	114.58
L6	S84°47'11"E	104.00
L7	S04°41'01"W	7.25
L8	N85°19'54"W	15.00
L9	S04°40'48"W	7.60
L10	N84°47'11"W	151.78
L11	N84°47'11"W	104.00
L12	N84°45'26"W	125.42
L13	S64°12'49"W	187.71

REVIEWED BY
DBF
08.15.2011

mma
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f - 2759
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

DATE: 08/11/11 SCALE: 1" = 100' DRAWN BY: MM CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 15' Water and Sewer Easement Abandonment (0.374 ac).dwg

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 1

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

REVIEWED BY
DBF
08·15·2011

SPRG NO. 2179

NOTES

1). BEARINGS SHOWN ON PAGE 3 OF 4 ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK.

2). SEE LEGAL DESCRIPTION ON PAGES 1 & 2 OF 4, DATED 08/11/11.

m|m|a
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f – 2759
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

DATE: 08/11/11 SCALE: 1" = 100' DRAWN BY: MM CHECKED BY: MWM JOB. NO.: 2475-00-02

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT

EXHIBIT A-TRACT 2

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,463 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being all of a 15' Water and Sanitary Sewer Easement to the City of Dallas, filed for record in Volume 69104, Page 688, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 1,463 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a 1/2 inch capped iron rod found stamped "J.L. Lane - RPLS 2509" (controlling monument) for the northeast corner of Lot 3, Block D/6091, Tips Park No. 2 Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in County Clerk's Instrument No. 20053591194, Official Public Records, Dallas County, Texas;

THENCE North 12 degrees 38 minutes 13 seconds West, over and across said called 16.7859 acre tract of land, a distance of 234.40 feet, to the **POINT OF BEGINNING** for the herein described tract of land, same being an exterior corner of a 15' Water and Sanitary Sewer Easement (Tract No. 1) filed for record in Volume 4300, Page 322, said Deed Records and being the southwest corner of said 15.00' wide Water and Sewer Easement;

THENCE Northerly, continuing over and across said called 16.7859 acre tract of land, the following calls:

North 05 degrees 12 minutes 49 seconds East, along the east line of said 15' Water and Sanitary Sewer Easement, a distance of 15.13 feet, to a point for corner, from which a 5/8 inch iron rod found (controlling monument) for the northernmost corner of Lot 4, Block D/6091, HIG-FD Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20070249873, Official Public Records, Dallas County, Texas, bears South 75 degrees 53 minutes 02 seconds West, a distance of 193.37 feet;

North 87 degrees 44 minutes 59 seconds East, departing said east line, a distance of 96.52 feet, to a point for corner;

South 02 degrees 15 minutes 01 seconds East, a distance of 15.00 feet, to a point for corner;

South 87 degrees 44 minutes 59 seconds West, a distance of 98.48 feet, to the **POINT OF BEGINNING** and containing 1,463 square feet (0.034 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Page 2 of 2 dated August 9, 2011 for survey map.

REVIEWED BY
DBF
08.11.2011

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

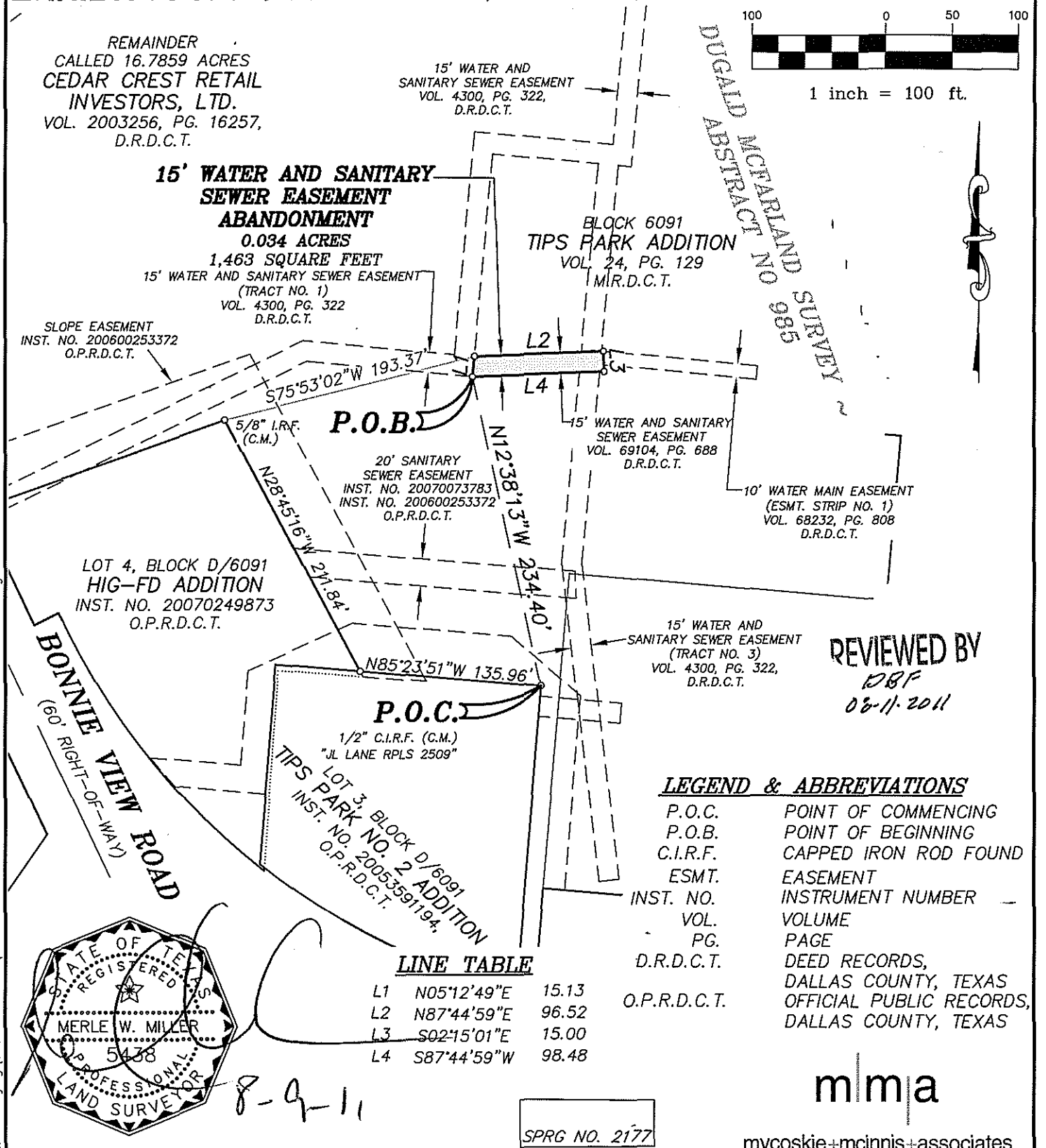
8-9-11

SPRG NO. 2177

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 2



REVIEWED BY
DBF
08-11-2011

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

LINE TABLE

L1	N05°12'49"E	15.13
L2	N87°44'59"E	96.52
L3	S02°15'01"E	15.00
L4	S87°44'59"W	98.48

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-9-11

SPRG NO. 2177

NOTES

1). BEARINGS SHOWN HEREON ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK.

2). SEE LEGAL DESCRIPTION PAGE 1 OF 2, DATED 08/9/11.

mma
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f – 2759
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

DATE: 08/9/11 SCALE: 1" = 100' DRAWN BY: MM CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 Water and Sewer Easement Abandonment.dwg

EXHIBIT A-TRACT 3

10' WATER MAIN EASEMENT ABANDONMENT
TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,250 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being all of a 10' Water Main Easement (Easement Strip No. 1 to the City of Dallas, filed for record in Volume 68232, Page 808, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, of said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 1,250 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a 1/2 inch capped iron rod found stamped "J.L. Lane - RPLS 2509" (controlling monument) for the northeast corner of Lot 3, Block D/6091, Tips Park No. 2 Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20053591194, Official Public Records, Dallas County, Texas;

THENCE North 08 degrees 47 minutes 28 seconds East, over and across said called 16.7859 acre tract of land, a distance of 241.15 feet, to the **POINT OF BEGINNING** for the herein described tract of land;

THENCE Northerly, continuing over and across said called 16.7859 acre tract of land, the following calls:

> North 05 degrees 12 minutes 49 seconds East, a distance of 10.00 feet, to a point for corner, from which a 5/8 inch iron rod found (controlling monument) for the northernmost corner of Lot 4, Block D/6091, HIG-FD Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20070249873, of said Official Public Records, bears South 79 degrees 22 minutes 14 seconds West, a distance of 280.00 feet;

SPRG NO. 2181

REVIEWED BY
DBF
08/11/2021

10' WATER MAIN EASEMENT ABANDONMENT
EXHIBIT A-TRACT 3 TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 84 degrees 47 minutes 11 seconds East, a distance of 125.00 feet, to a point for corner;

South 05 degrees 12 minutes 49 seconds West, a distance of 10.00 feet, to a point for corner;

North 84 degrees 47 minutes 11 seconds West, a distance of 125.00 feet, to the **POINT OF BEGINNING** and containing 1,250 square feet (0.029 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Page 3 of 3 dated August 9, 2011 for survey map.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-9-11

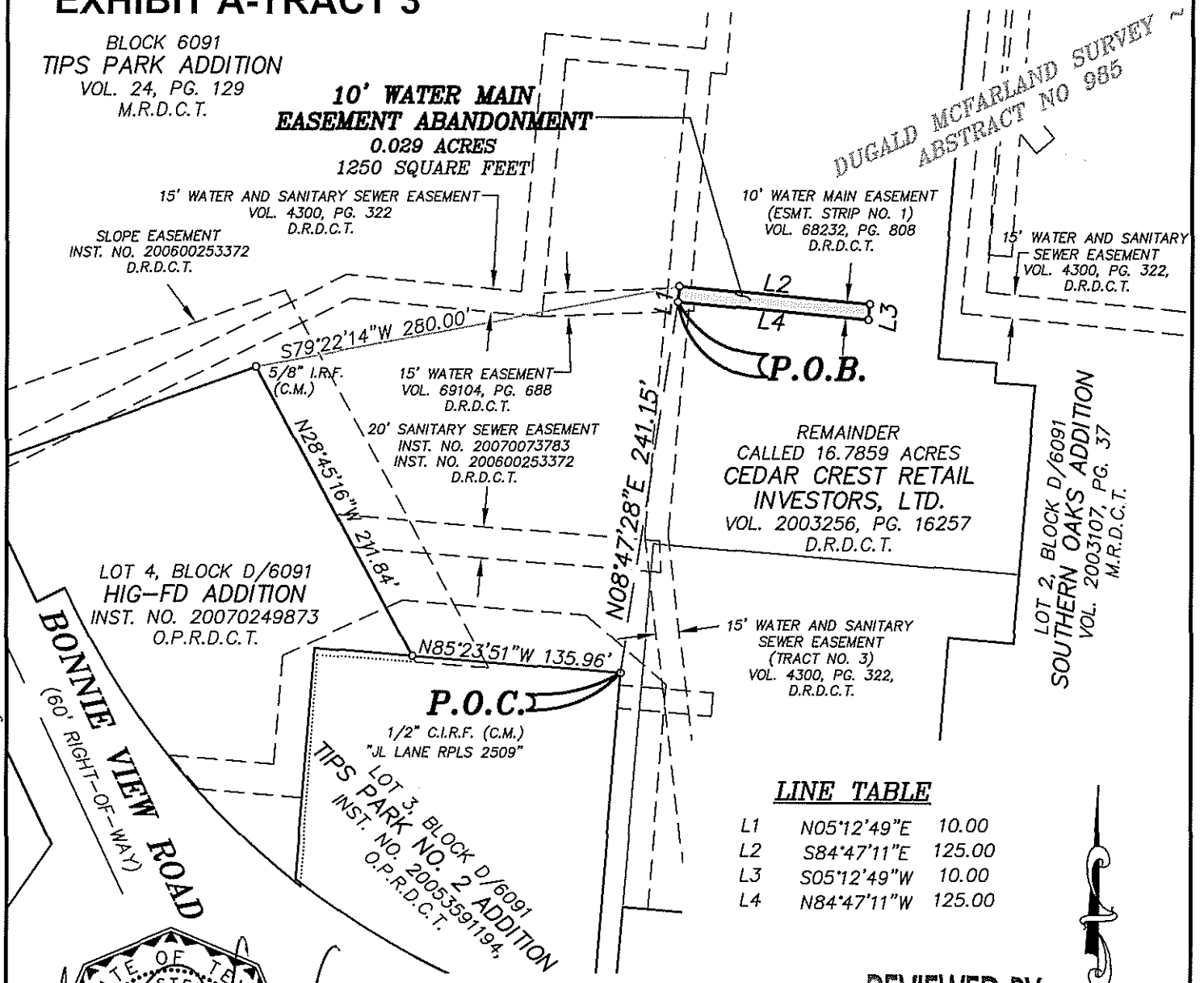
SPRG NO. 2181

REVIEWED BY
DBF
08.11.2011

10' WATER MAIN EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 3



LINE TABLE

L1	N05°12'49"E	10.00
L2	S84°47'11"E	125.00
L3	S05°12'49"W	10.00
L4	N84°47'11"W	125.00

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-9-11

REVIEWED BY
DBF
08-11-2011

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

100 0 50 100

1 inch = 100 ft.

SPRG NO. 2181

NOTES

1). BEARINGS SHOWN HEREON ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK.

2). SEE LEGAL DESCRIPTION PAGES 1 & 2 of 3, DATED 08/09/11.

mma
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f – 2759
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

DATE: 08/09/11 SCALE: 1" = 100' DRAWN BY: MLK CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 10' Water Main Abandonment.dwg

EXHIBIT A-TRACT 4

10' SANITARY SEWER EASEMENT ABANDONMENT
TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,430 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being all of a 10' Sanitary Sewer Easement (Easement Strip No. 2) to the City of Dallas, filed for record in Volume 68232, Page 808, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 1,430 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a 5/8 inch iron rod found (controlling monument) for the northeast corner of Lot 4, Block D/6091, HIG-FD Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20070249873, of the Official Public Records, Dallas County, Texas from which a 5/8 inch 5/8 inch capped iron rod set stamped "Mycoskie McInnis" for the west corner of said Lot 4 bears South 70 degrees 31 minutes 39 seconds West, a distance of 195.02 feet;

THENCE North 00 degrees 40 minutes 11 seconds East, over and across said called 16.7859 acre tract of land, a distance of 428.44 feet, to the **POINT OF BEGINNING**;

THENCE North 45 degrees 39 minutes 19 seconds West, continuing over and across said called 16.7859 acre tract of land, a distance of 141.47 feet, to a point for corner, being on the southeast line of Lot 4, Block C/6091, Cedar View Estates, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 555, Page 2105, of said Deed Records;

THENCE North 27 degrees 20 minutes 40 seconds East, along said southeast line, a distance of 10.46 feet, to a point for corner;

THENCE South 45 degrees 39 minutes 19 seconds East, departing said southeast line, and over and across said called 16.7859 acre tract of land, a distance of 144.53 feet, to a point for corner, from which a concrete floodway monument found (controlling monument) bears North 53 degrees 59 minutes 49 seconds East, a distance of 634.90 feet;

THENCE South 44 degrees 20 minutes 41 seconds West, a distance of 10.00 feet, to the **POINT OF BEGINNING** and containing 1,430 square feet (0.033 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Page 2 of 3 dated August 3, 2011 for survey map.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-4-11

SPRG No. 2176

REVIEWED BY
DBF
08.08.2011

10' SANITARY SEWER EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 4

KING COLE DRIVE
(50' RIGHT-OF-WAY)

7
6
5
4
3
2
1

15' SANITARY SEWER EASEMENT
VOL. 4373, PG. 154,
D.R.D.C.T.

CONC. MON. FND.
(C.M.)

634.90'

N53°59'49"E

LOT 2, BLOCK D/6091
SOUTHERN OAKS ADDITION
VOL. 2003107, PG. 37
M.R.D.C.T.

10' SANITARY SEWER EASEMENT ABANDONMENT
0.033 ACRES
1,430 SQUARE FEET

24.77'
5.35'
L1
L2
L3
L4

BLOCK C/6091
CEDAR VIEW ESTATES
VOL. 555, PG. 2105,
M.R.D.C.T.

10' SANITARY SEWER EASEMENT
(EASEMENT STRIP NO. 2)
VOL. 68232, PG. 808
D.R.D.C.T.

P.O.B.

LINE TABLE

L1	N45°39'19"W	141.47
L2	N27°20'40"E	10.46
L3	S45°39'19"E	144.53
L4	S44°20'41"W	10.00

BLOCK 6091
TIPS PARK ADDITION
VOL. 24, PG. 129
M.R.D.C.T.

FLOODWAY EASEMENT
VOL. 68211, PG. 1301
D.R.D.C.T.

N00°40'11"E 428.44'

REMAINDER
CALLED 16.7859 ACRES
CEDAR CREST RETAIL INVESTORS, LTD.
VOL. 2003256, PG. 16257,
D.R.D.C.T.

24' ACCESS & UTILITY EASEMENT
VOL. 68205, PG. 19
D.R.D.C.T.

DUGALD MCFARLAND SURVEY ~
ABSTRACT NO 985

15' WATER AND
SEWER EASEMENT
(TRACT NO. 1)
VOL. 4300, PG. 322
D.R.D.C.T.

BONNIE VIEW ROAD
(60' RIGHT-OF-WAY)

REVIEWED BY
PBF
08.08.2011

100 0 50 100

1 inch = 100 ft.

C.I.R.S.
NW CORNER LOT 4 BEARS
S70°31'39"W ~ 0.71'

SLOPE EASEMENT
INST. NO. 200600253372
D.R.D.C.T.

S70°31'39"W 195.02'

P.O.C.
5/8" I.R.F. (C.M.)

S28°45'16"E 211.84'

LOT 4, BLOCK D/6091
HIG-FD ADDITION
INST. NO. 20070249873
M.R.D.C.T.

C.I.R.S.
1/2" C.I.R.F.
"OK 1503 – TX 5415"
BEARS S28°45'16"E ~ 4.58'

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-4-11

SPRG NO. 2176

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mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f – 2759
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

DATE: 08/03/11 SCALE: 1" = 100' DRAWN BY: MM CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 10' Sanitary Sewer Easement Abandonment.dwg

10' SANITARY SEWER EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 4

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS

REVIEWED BY
DBF
08-08-2011

SPRG NO. 2176

NOTES

1). BEARINGS SHOWN ON PAGE 2 OF 3 ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK.

2). SEE LEGAL DESCRIPTION PAGE 1 OF 3, DATED 08/03/11.

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fax: 817-274-8757
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DATE: 08/03/11 SCALE: 1" = 100' DRAWN BY: MM CHECKED BY: MWM JOB. NO.: 2475-00-02

EXHIBIT A-TRACT 5

10' SANITARY SEWER EASEMENT ABANDONMENT
TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,450 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being all of a 10' Sanitary Sewer Easement (Easement Strip No. 3) to the City of Dallas, filed for record in Volume 68232, Page 808, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 1,450 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a concrete floodway monument found (controlling monument) in the east line of said called 16.7859 acre tract of land, being common to the west line of Lot 2, Block D/6091, Southern Oaks Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 2003107, Page 37, of said Deed Records, from which a concrete floodway monument bears North 52 degrees 55 minutes 18 seconds East, a distance of 77.75 feet;

THENCE South 46 degrees 47 minutes 39 seconds West, departing said common line, and over and across said called 16.7859 acre tract of land, a distance of 151.00 feet, to the **POINT OF BEGINNING**;

THENCE South 79 degrees 24 minutes 03 seconds West, continuing over and across said called 16.7859 acre tract of land, a distance of 10.00 feet, to a point for corner;

THENCE North 10 degrees 35 minutes 57 seconds West, continuing over and across said called 16.7859 acre tract of land, a distance of 145.26 feet, to a point for corner, being on the north line of said called 16.7859 acre tract of land, being common to the south line of Block C/6091, Cedar View Estates, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 555, Page 2105, of said Deed Records;

THENCE North 82 degrees 19 minutes 31 seconds East, along said common line, a distance of 10.01 feet, to a point for corner;

THENCE South 10 degrees 35 minutes 57 seconds East, departing said common line, and over and across said called 16.7859 acre tract of land, a distance of 144.74 feet, to the **POINT OF BEGINNING** and containing 1,450 square feet (0.033 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Page 2 of 2 dated August 3, 2011 for survey map.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

REVIEWED BY
DBF
08-08-2011

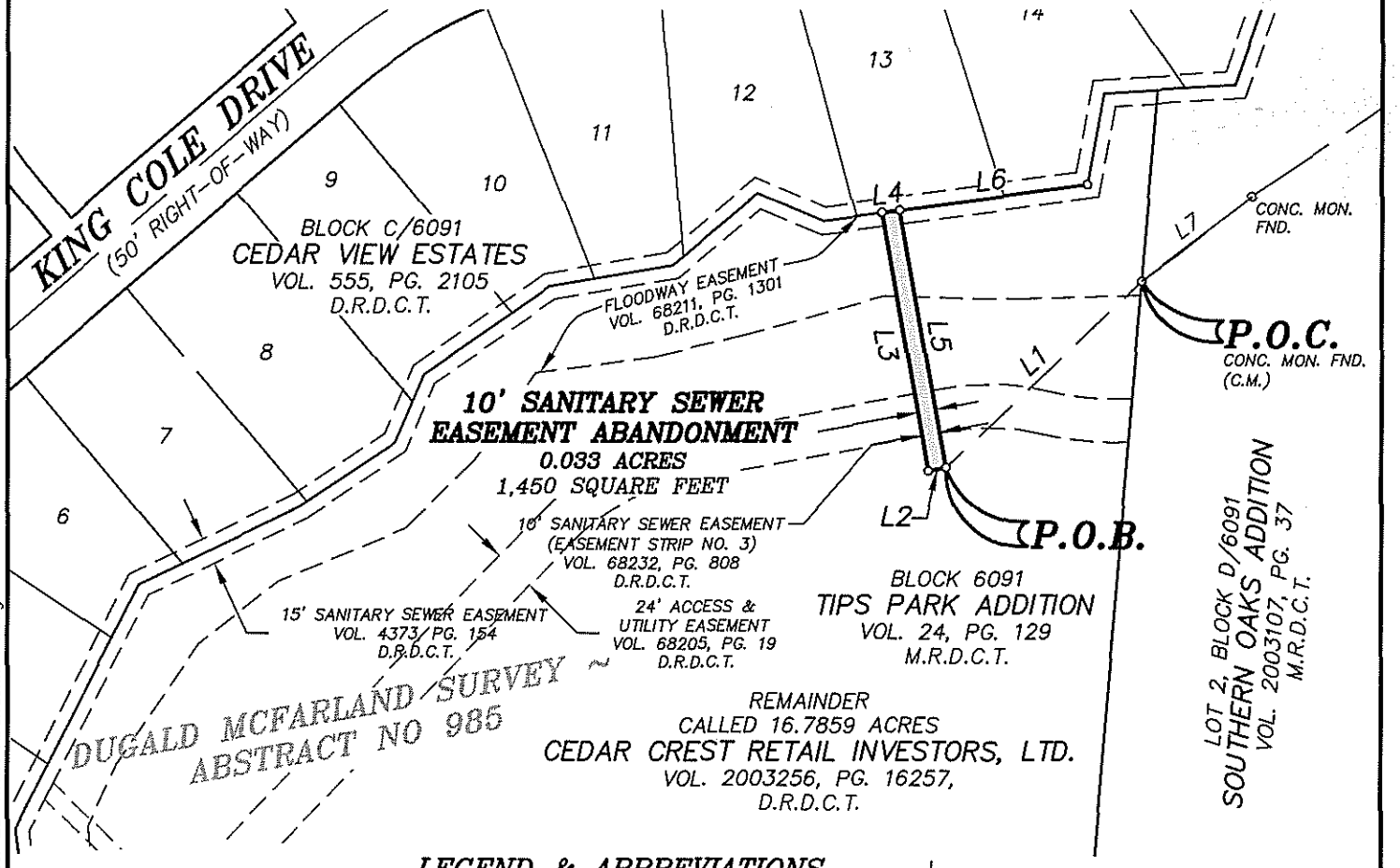
SPRG NO. 2178

8-4-11

10' SANITARY SEWER EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 5



REVIEWED BY
DBF
08-08-2011

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS

LINE TABLE

L1	S46°47'39"W	151.00'
L2	S79°24'03"W	10.00'
L3	N10°35'57"W	145.26'
L4	N82°19'31"E	10.01'
L5	S10°35'57"E	144.74'
L6	N82°19'31"E	106.99'
L7	N52°55'18"E	77.75'

100 0 50 100

1 inch = 100 ft.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-4-11

SPRG NO. 2178

NOTES

1). BEARINGS SHOWN HEREON ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK.

2). SEE LEGAL DESCRIPTION PAGE 1 OF 2, DATED 08/03/11.

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www.mmatexas.com

DATE: 08/03/11 SCALE: 1" = 100' DRAWN BY: MM CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 10' Sanitary Sewer Easement Abandonment.dwg

EXHIBIT A-TRACT 6

25' WATER MAIN EASEMENT ABANDONMENT
TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,250 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being all of a 25' Water Main Easement (Easement Strip No. 4) to the City of Dallas, filed for record in Volume 68232, Page 808, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, of said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 1,250 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a 1/2 inch capped iron rod found stamped "J.L. Lane - RPLS 2509" (controlling monument) for the northeast corner of Lot 3, Block D/6091, Tips Park No. 2 Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20053591194, Official Public Records, Dallas County, Texas;

THENCE North 07 degrees 20 minutes 43 seconds East, over and across said called 16.7859 acre tract of land, a distance of 662.64 feet, to the **POINT OF BEGINNING** for the herein described tract of land;

THENCE Westerly, continuing over and across said called 16.7859 acre tract of land, the following calls:

> North 84 degrees 47 minutes 11 seconds West, a distance of 50.00 feet, to a point for corner, from which a 5/8 inch iron rod found (controlling monument) for the northernmost corner of Lot 4, Block D/6091, HIG-FD Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20070249873, of said Official Public Records, bears South 30 degrees 21 minutes 07 seconds West, a distance of 538.99 feet;

SPRG NO. 2182

REVIEWED BY
DBF
08-11-2011

25' WATER MAIN EASEMENT ABANDONMENT
EXHIBIT A-TRACT 6 TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

North 05 degrees 12 minutes 49 seconds East, a distance of 25.00 feet, to a point for corner;

South 84 degrees 47 minutes 11 seconds East, a distance of 50.00 feet, to a point for corner;

South 05 degrees 12 minutes 49 seconds West, a distance of 25.00 feet, to the **POINT OF BEGINNING** and containing 1,250 square feet (0.029 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Page 3 of 4 dated August 9, 2011 for survey map.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-9-11

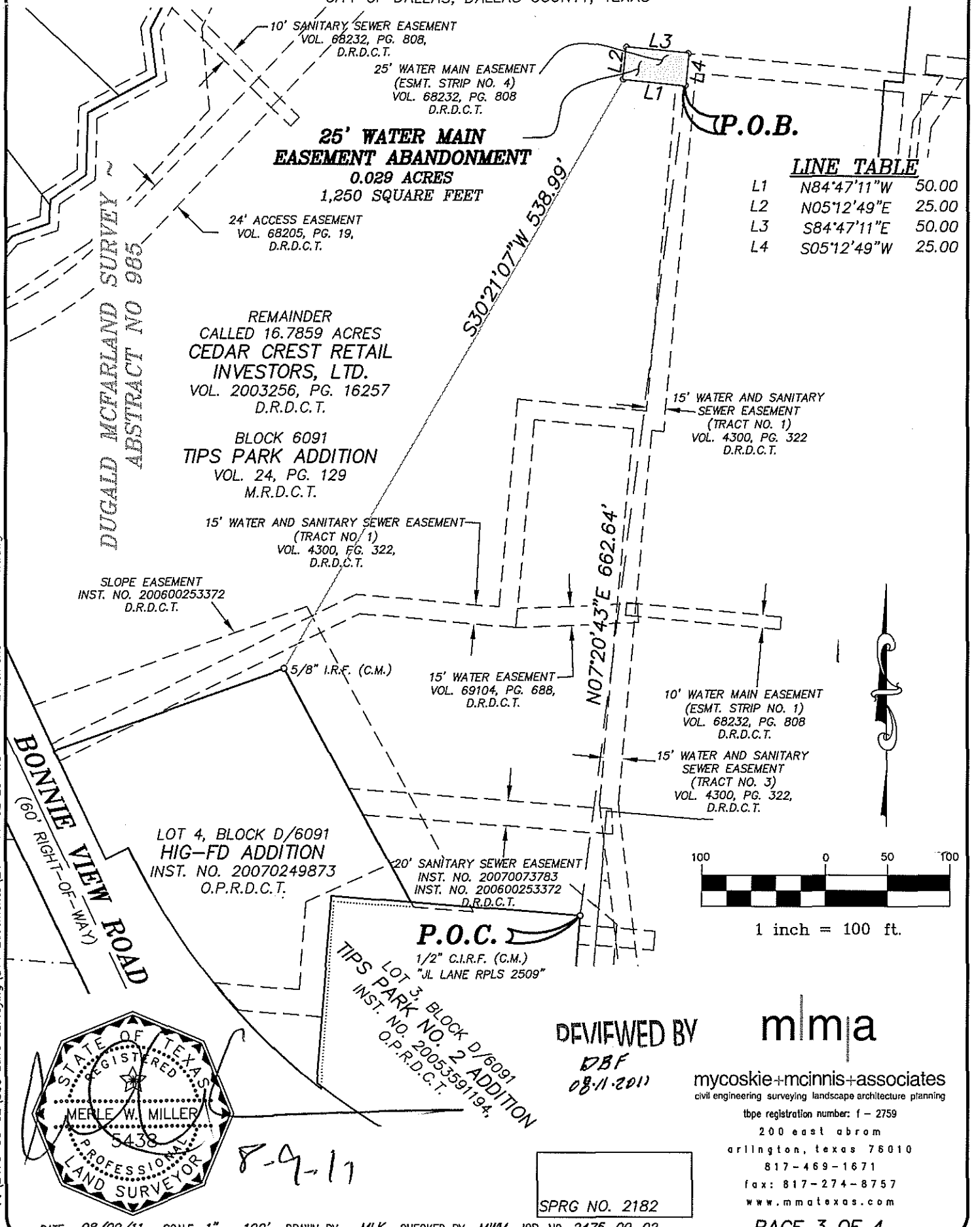
SPRG NO. 2182

REVIEWED BY
DBF
08·11·2011

25' WATER MAIN EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 6



LINE TABLE

L1	N84°47'11"W	50.00
L2	N05°12'49"E	25.00
L3	S84°47'11"E	50.00
L4	S05°12'49"W	25.00

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-9-11

REVIEWED BY
DBF
08-11-2011

SPRG NO. 2182

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fax: 817-274-8757
www.mmatexas.com

DATE: 08/09/11 SCALE: 1" = 100' DRAWN BY: MLK CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 25' Water Main Easement Abandonment.dwg

25' WATER MAIN EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 6

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

REVIEWED BY
DBF
08.11.2011

SPRG NO. 2182

NOTES

1). BEARINGS SHOWN ON PAGE 3 OF 4 ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM – NORTH CENTRAL ZONE, 4202, BASED ON GPS OBSERVATIONS UTILIZING THE LEICA GPS REFERENCE NETWORK.

2). SEE LEGAL DESCRIPTION ON PAGES 1 & 2 OF 4, DATED 08/09/11.

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DATE: 08/09/11 SCALE: 1" = 100' DRAWN BY: MLK CHECKED BY: MWM JOB. NO.: 2475-00-02

15' WATER AND SANTARY SEWER EASEMENT ABANDONMENT
EXHIBIT A-TRACT 7 TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 4,731 square foot tract of land located in the Dugald McFarland Survey, Abstract No. 985, in the City of Dallas, Dallas County, Texas, being a portion of a 15' Water and Sanitary Sewer Easement (Tract Number 3) to the City of Dallas, filed for record in Volume 4300, Page 322, Deed Records, Dallas County, Texas, and being a portion of a called 16.7859 acre tract of land as described in the Special Warranty Deed to Cedar Crest Retail Investors, Ltd., a Texas limited partnership, filed for record in Volume 2003256, Page 16257, said Deed Records, also being a portion of Block 6091, Tips Park Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 24, Page 129, Map Records, Dallas County, Texas, said 4,731 square foot tract of land being more particularly described by metes & bounds as follows:

COMMENCING at a 1/2 inch capped iron rod found stamped "J L LANE RPLS 2509" (controlling monument) for the northeast corner of Lot 3, Block D/6091, Tips Park No. 2 Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20053591194, Official Public Records, Dallas County, Texas;

THENCE North 18 degrees 08 minutes 58 seconds East, over and across said called 16.7859 acre tract of land, a distance of 61.84 feet, to the **POINT OF BEGINNING**;

THNCE Northerly, continuing over and across said called 16.7859 acre tract of land, the following calls:

North 06 degrees 47 minutes 11 seconds West, a distance of 30.28 feet, to a point for corner;

North 05 degrees 12 minutes 49 seconds East, a distance of 305.79 feet, to a point for corner from which a 5/8 inch iron rod found for the northeast corner Lot 4, Block D/6091, HIG-FD Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Instrument No. 20070249873, of said Official Public Records, bears South 54 degrees 59 minutes 41 seconds West, a distance of 342.94 feet;

South 84 degrees 47 minutes 11 seconds East, a distance of 15.00 feet, to a point for corner;

South 05 degrees 12 minutes 49 seconds West, a distance of 304.21 feet, to a point for corner;

REVIEWED BY
DBF
08·15·2011

SPRG NO. 2180

15' WATER AND SANTARY SEWER EASEMENT ABANDONMENT
EXHIBIT A-TRACT 7 TIPS PARK ADDITION
BLOCK 6091
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 06 degrees 47 minutes 11 seconds East, a distance of 7.20 feet, to a point for corner;

North 85 degrees 18 minutes 55 seconds West, a distance of 10.38 feet, to a point for corner;

South 04 degrees 47 minutes 25 seconds West, a distance of 24.06 feet, to the **POINT OF BEGINNING** and containing 4,731 square feet (0.109 acres) of land, more or less.

The bearings shown hereon are in reference to the Texas State Plane Coordinate System – North Central Zone, 4202, based on GPS observations utilizing the Leica GPS Reference Network.

See Pages 3 of 3 dated August 11, 2011 for survey map.

STATE OF TEXAS
REGISTERED
MERLE W. MILLER
5438
PROFESSIONAL
LAND SURVEYOR

8-11-11

SPRG NO. 2180

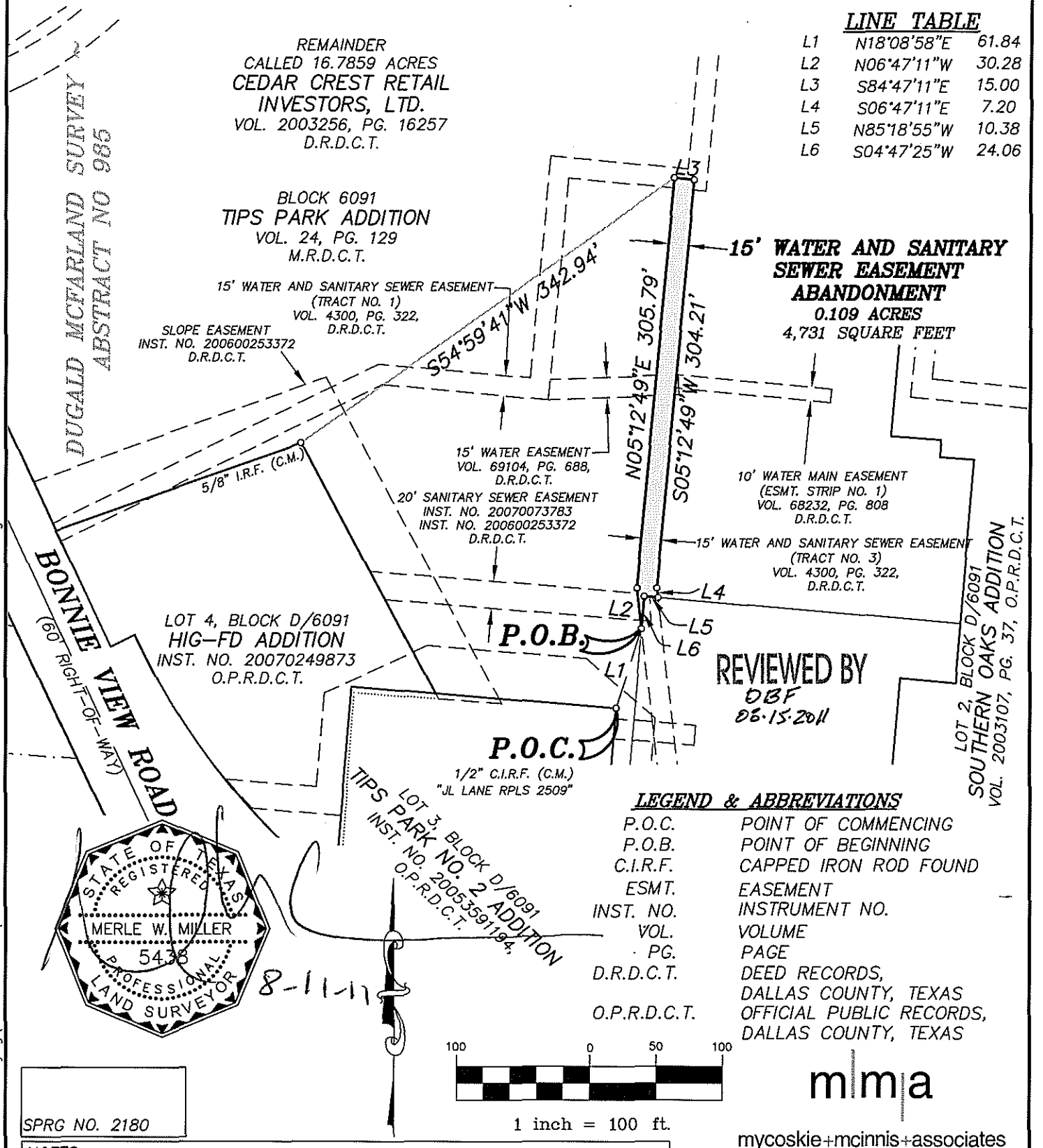
REVIEWED BY
DBF
08-15-2011

15' WATER AND SANITARY SEWER EASEMENT ABANDONMENT

TIPS PARK ADDITION
BLOCK 6091

EXHIBIT A-TRACT 7

CITY OF DALLAS, DALLAS COUNTY, TEXAS



LINE TABLE

L1	N18°08'58"E	61.84
L2	N06°47'11"W	30.28
L3	S84°47'11"E	15.00
L4	S06°47'11"E	7.20
L5	N85°18'55"W	10.38
L6	S04°47'25"W	24.06

LEGEND & ABBREVIATIONS

P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
C.I.R.F.	CAPPED IRON ROD FOUND
ESMT.	EASEMENT
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O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

SPRG NO. 2180

NOTES

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2). SEE LEGAL DESCRIPTION ON PAGES 1 & 2 OF 3, DATED 08/11/11.

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DATE: 08/11/11 SCALE: 1" = 100' DRAWN BY: MLK CHECKED BY: MWM JOB. NO.: 2475-00-02

P:\2475-00-02\500 Land Surveying\506 Easements\2475-00-02 15' Water and Sewer Easement Abandonment.dwg

ADDENDUM ITEM # 7

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 63-M R

SUBJECT

An ordinance granting a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway - Z101-213 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on August 24, 2011, approved a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway and asked that the ordinances be brought back on September 14, 2011.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On July 7, 2011, the City Plan Commission recommended denial of a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway.

On August 24, 2011, the City Council approved a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway and asked that the ordinances be brought back on September 14, 2011.

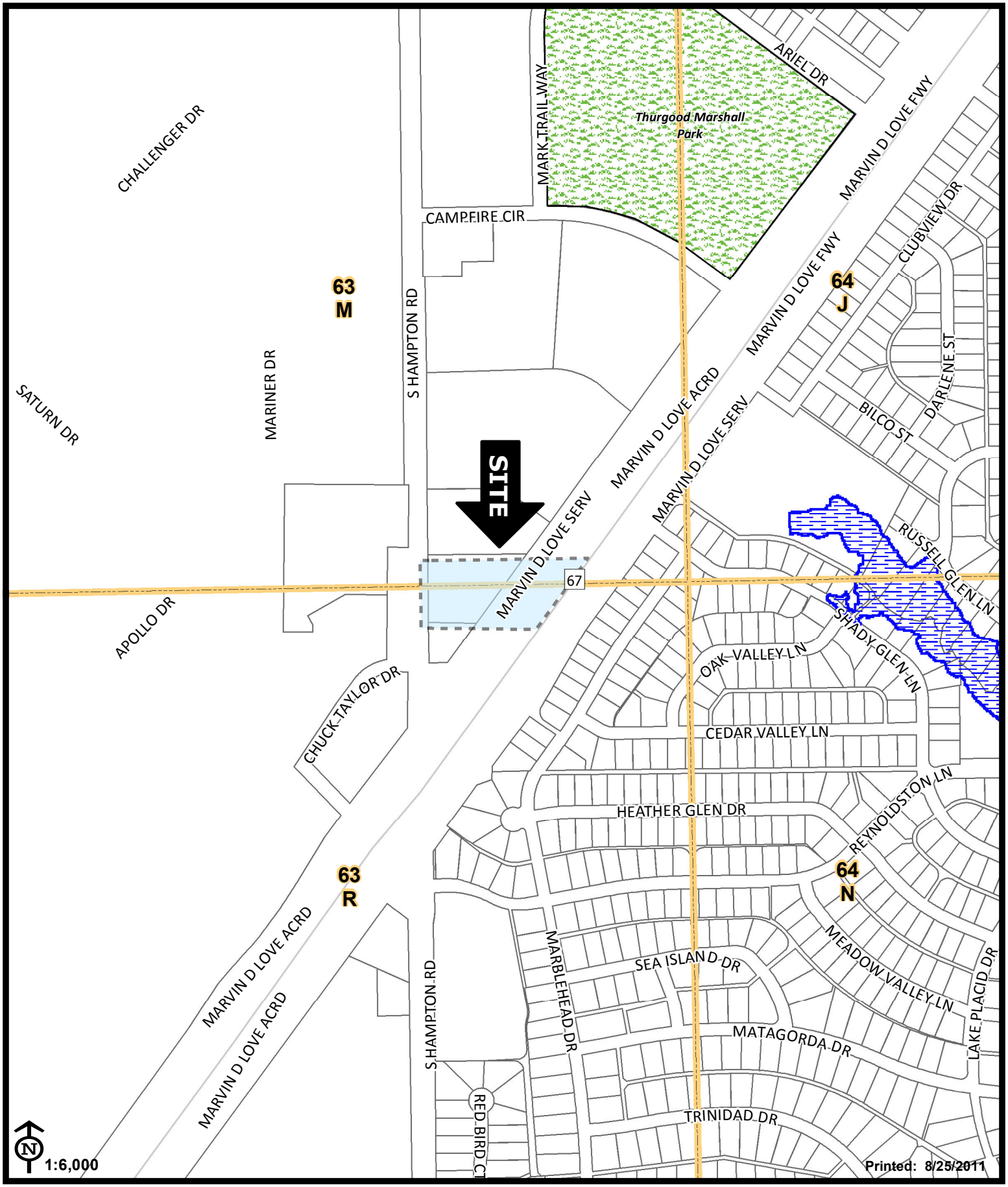
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

Vicinity Map



Z101-213

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, AUGUST 24, 2011**

ACM: Ryan S. Evans

FILE NUMBER:	Z101-213(WE)	**DATE FILED:**	March 11, 2011
LOCATION:	East line of S. Hampton Road, northwest of Marvin D. Love Freeway		
COUNCIL DISTRICT:	5	**MAPSCO:**	63-M, R
SIZE OF REQUEST:	Approx. 1.88 acres	**CENSUS TRACT:**	110.01

APPLICANT / OWNER: Hampton 67 Associates

REPRESENTATIVE: MASTERPLAN
Santos Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay

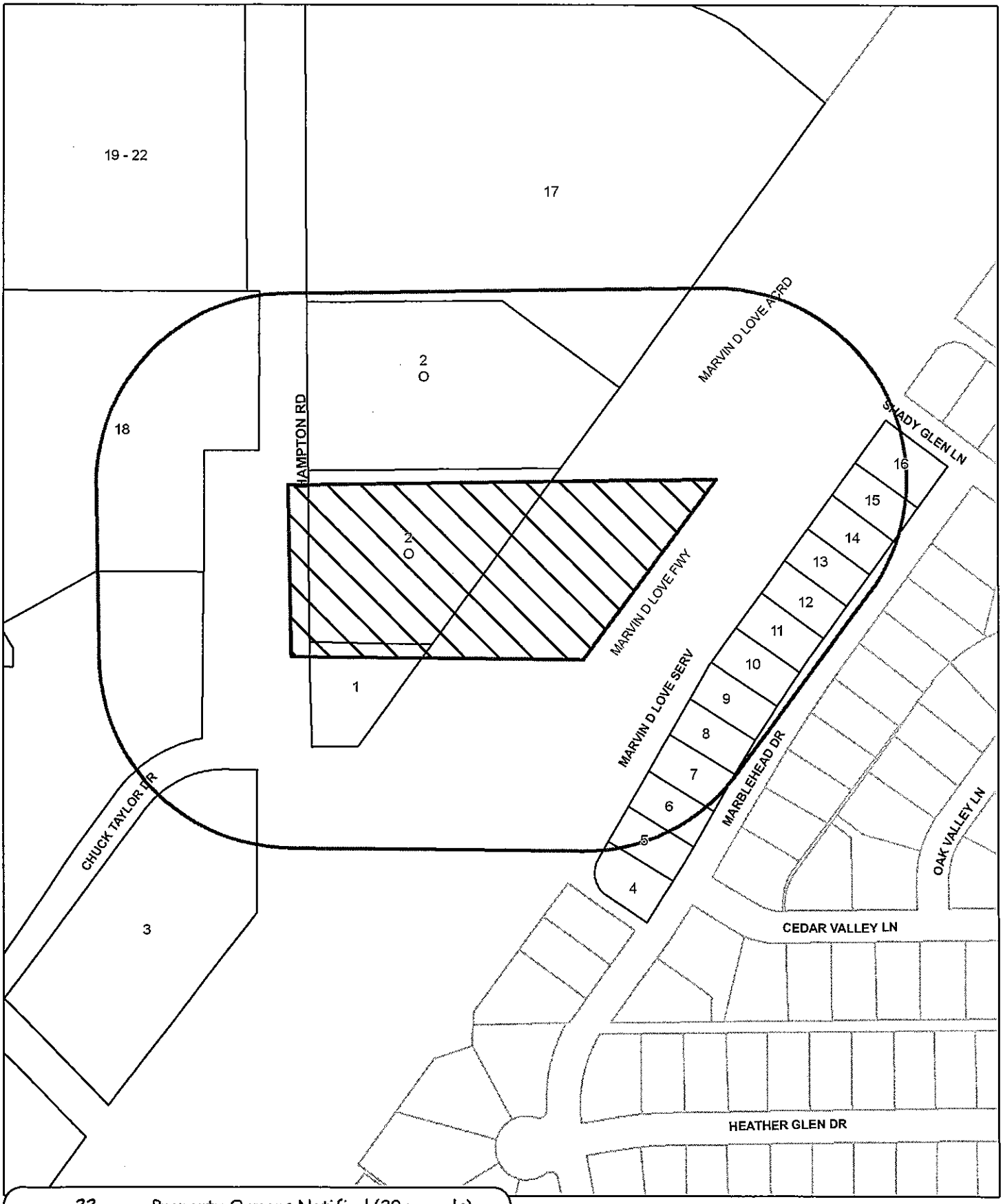
SUMMARY: The applicant proposes to sell alcohol for on-premise consumption within an existing restaurant.

CPC RECOMMENDATION: Denial

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

LIST OF OFFICERS
Hampton 67 Associates

- Stephen Katos Managing Partner
- Michel Katos Partner



22	Property Owners Notified (20 parcels)
1	Replies in Favor (2 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
8/24/2011	Date

Z101-213

O-6

CC

N W E S

1:2,400

8/23/2011

Notification List of Property Owners

Z101-213

22 Property Owners Notified *0 Property Owners Opposed* *1 Property Owner in Favor*

Vote	*Label #*	*Address*		*Owner*
	1	5707	HAMPTON	Z PETROLEUM INC
O	2	5538	HAMPTON	HAMPTON 67 ASSOCIATES
	3	5801	MARVIN D LOVE	IVY TWO WEST HILLS LP
	4	5707	MARBLEHEAD	HENDERSON VERDIE M
	5	5659	MARBLEHEAD	CASTLE SHIRLEANNE B
	6	5653	MARBLEHEAD	BRITO JOSE ISABEL &
	7	5649	MARBLEHEAD	MITCHELL MARGIE ANN
	8	5643	MARBLEHEAD	BROWN GLOVER
	9	5639	MARBLEHEAD	CARMOUCHE MERLE L
	10	5633	MARBLEHEAD	MCQUEEN BEVELYN
	11	5629	MARBLEHEAD	JONES ALVANETTA
	12	5623	MARBLEHEAD	BLUITT JOSEPH H & JEWEL D
	13	5619	MARBLEHEAD	DICKERSON FRANKLIN R
	14	5615	MARBLEHEAD	JONES BERTHA
	15	5609	MARBLEHEAD	RIVERA KATHRYN DIANE
	16	5605	MARBLEHEAD	CLARK GLENN E
	17	5520	HAMPTON	DALLAS AREA RAPID TRANSIT
	18	5701	HAMPTON	U S POSTAL SERVICE
	19	5787	HAMPTON	IVY REALTY TRUST
	20	4831	HAMPTON	SERVION
	21	4831	HAMPTON	MODERN AERO OF TEXAS
	22	4831	HAMPTON	J C AVIATION INV

ADDENDUM ITEM # 8

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: N/A

SUBJECT

Authorize **(1)** execution of a Cooperating Technical Partners (CTP) Agreement with the Federal Emergency Management Agency (FEMA) for FY 2011-12 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(2)** the receipt and deposit of funds in an amount not to exceed $665,000 from FEMA; **(3)** establish appropriations in the amount of $665,000 in the FEMA Cooperating Technical Partnership Funds; and **(4)** Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. in the amount of $886,500, from $900,000 to $1,786,500, for updating certain flood studies in accordance with the Cooperating Technical Partners (CTP) Agreement with the FEMA for FY 2011-12 - Total not to exceed $886,500 - Financing: Stormwater Drainage Management Funds ($221,500) and FEMA Cooperating Technical Partnership Funds ($665,000)

BACKGROUND

The Cooperating Technical Partners (CTP) program is FEMA's approach to creating partnerships between FEMA and participating National Flood Insurance Program (NFIP) communities to improve the flood hazard mapping program. In this program, FEMA provides a grant for 75% of the cost of the project while the participating city is responsible for the remaining 25%. In March 2010, the City of Dallas submitted an application for the CTP program, which includes a five-year plan to update several outdated flood studies for several streams. The application was subsequently approved by FEMA.

On November 10, 2010, City council approved year one (FY 2010-2011) which included three streams within the Joe’s Creek watershed and eleven streams within the White Rock Creek watershed.

BACKGROUND (Continued)

The FY 2011-2012 plan includes detailed studies of five streams within the headwater of White Rock Creek, eight streams within Floyd Branch/White Rock Creek watershed, and one stream within Five Mile Creek/Trinity River. The total cost of this project is $886,500, of which FEMA is reimbursing $665,000 to the City through its grant program. The City is ultimately responsible for $221,500. Halff Associates, Inc. has been selected to perform the work.

The remaining three program years will include the update of additional streams within the Five Mile Creek, Mountain Creek and Turtle Creek watersheds. Each year, the City Council will be asked to authorize that year's CTP agreement with FEMA and to authorize a supplemental agreement to the engineering contract with Halff Associates, Inc.

Participation in the CTP program allows Dallas to update its flood hazard mapping at substantial savings, since FEMA funds the larger share of the cost of the projects.

This action will authorize the execution of the CTP agreement with FEMA and authorize Supplemental Agreement No. 1 with Halff Associates, Inc. for updating the flood studies in accordance with the CTP agreement for FY 2011-12.

ESTIMATED SCHEDULE OF PROJECT

Begin Study	October 2011
Complete Study	September 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Cooperating Technical Partners (CTP) Agreement for FY 2010-11, the receipt and deposit of Grant Funds, an increase in appropriations, and a contract with Halff Associates, Inc. on November 10, 2010, by Resolution No. 10-2822.

FISCAL INFORMATION

Stormwater Drainage Management Funds - $221,500
FEMA Cooperating Technical Partnership Funds - $665,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic female	15	Hispanic male	68
Black female	12	Black male	9
Other female	12	Other male	7
White female	91	White male	280

OWNER

Halff Associates, Inc.

Walter E. Skipwith, P.E., Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** execution of a Cooperating Technical Partners (CTP) Agreement with the Federal Emergency Management Agency (FEMA) for FY 2011-12 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(2)** the receipt and deposit of funds in an amount not to exceed $665,000 from FEMA; **(3)** establish appropriations in the amount of $665,000 in the FEMA Cooperating Technical Partnership Funds; and **(4)** Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. in the amount of $886,500, from $900,000 to $1,786,500, for updating certain flood studies in accordance with the Cooperating Technical Partners (CTP) Agreement with the FEMA for FY 2011-12 - Total not to exceed $886,500 - Financing: Stormwater Drainage Management Funds ($221,500) and FEMA Cooperating Technical Partnership Funds ($665,000)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$886,500.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$886,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Garcia Land Data	HMMB48118N0112	$194,500.00	21.94%
Nathan D. Maier Consulting	WFWB49654Y0712	$33,000.00	3.72%
Total Minority - Local		$227,500.00	25.66%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$194,500.00	21.94%	$373,900.00	20.93%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$33,000.00	3.72%	$84,000.00	4.70%
Total	$227,500.00	25.66%	$457,900.00	25.63%

September 14, 2011

WHEREAS, on August 12, 2011, the Federal Emergency Management Agency (FEMA) approved Cooperating Technical Partners (CTP) program funding at 75% ($665,000) for the City of Dallas for FY2011-12;

WHEREAS, the City of Dallas will be responsible for the remaining 25% ($221,500) per the Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) Agreement; and,

WHEREAS, Halff Associates, Inc., under a previous contract for Floodplain Management Assistance, developed the five-year plan required for the CTP application including the FY2011-12 plan funded at 75% by FEMA.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute the Cooperating Technical Partners (CTP) Agreement with Federal Emergency Management Agency (FEMA) after it has been approved as to form by the City Attorney for FY 2011-12; whereby FEMA will provide a 75% cost share for updating certain flood studies for FY 2011-12 within the city of Dallas.

Section 2. That the City Controller is hereby authorized to deposit funds from the FEMA in an amount, not to exceed, $665,000 in Fund F343, Dept. SDM, Unit 9088, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund F343, Dept. SDM, Unit 9088, Object 3070 in an amount not to exceed $665,000, from $675,000 to $1,340,000.

Section 4. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1, after it has been approved as to form by the City Attorney, with Halff Associates, Inc. for updating certain flood studies in accordance with the Cooperating Technical Partners (CTP) Agreement with the Federal Emergency Management Agency (FEMA) for Fiscal Year 2011-12.

Section 5. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Storm Drainage Management Fund
Fund 0061, Dept. SDM, Unit 4908, Act. SD01
Obj. 3070, Program No. PBSWM004, CT PBWSWM004A1
Vendor No. 089861, in an amount not to exceed $221,500

Section 5. (Continued)

FEMA Cooperating Technical Partnership Funds Fund F343, Dept. SDM, Unit 9088, Act. PB40 Obj. 3070, Program No. PBSWM004, CT PBWSWM004A1 Vendor No. 089861, in an amount not to exceed	$665,000
Total	$886,500

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

ADDENDUM ITEM # 9

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A resolution amending Section 9 of the City Council Rules of Procedure to establish the Arts, Culture, and Libraries Committee as a standing committee of the City Council - Financing: No cost consideration to the City

BACKGROUND

This item would amend Subsection 9.1 of the City Council Rules of Procedure to establish the Arts, Culture, and Libraries Committee as a standing committee of the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 14, 2011

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

Section 1. That Paragraph (a) of Subsection 9.1, "Committees Established," of Section 9, "City Council Committees," of the City Council Rules of Procedure, as amended, is amended to read as follows:

"(a) The following standing committees of the city council are established:

(1) Economic development committee.

(2) Budget, finance, and audit committee.

(3) Quality of life and government services committee.

(4) Trinity River Corridor project committee.

(5) Public safety committee.

(6) Transportation and environment committee.

(7) Housing committee.

(8) Arts, culture, and libraries committee."

Section 2. That the City Council Rules of Procedure, as amended, will remain in full force and effect, save and except as amended by this resolution.

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By_____
Assistant City Attorney

ADDENDUM ITEM # 10

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A resolution to amend the 2011 City Calendar to: **(1)** add the City Council Retreat scheduled for October 20-21, 2011; and **(2)** reflect the City Council's updated committees and their meeting dates - Financing: No cost consideration to the City

BACKGROUND

This item would amend the 2011 City Calendar to: **(1)** add the City Council Retreat scheduled for October 20-21, 2011; and **(2)** reflect the City Council's updated committees and their meeting dates.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS

The City Council was briefed on the proposed 2011 City Calendar on October 6, 2010.

The City Council adopted the 2011 City Calendar on October 13, 2010, by Resolution No. 10-2646.

FISCAL INFORMATION

No cost consideration to the City.

September 14, 2011

WHEREAS, a City Council Retreat has been scheduled for October 20-21, 2011; and

WHEREAS, the City Council's standing committees have been revised to establish the Arts, Culture, and Libraries Committee; and

WHEREAS, the meeting dates and times of the City Council's committee meetings have been revised; and

WHEREAS, it has become necessary to revise the 2011 calendar for the remainder of the year to reflect these changes;

Now, Therefore,

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

Section 1. That the Dallas City Council authorizes an amendment to the 2011 City Calendar, per Attachment A, to **(1)** add the City Council Retreat scheduled for October 20-21, 2011; and **(2)** revise the dates and time of the City Council Committee meetings.

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

ATTACHMENT A

September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	**2**	**3**
4	**5** Council Committee Meetings Moved Labor Day/Cesar E. Chavez Day City Holiday	**6** Council Committees: 9:30am-Economic Development (6ES) ~~11:00amTrinity River Corridor Project~~ ~~12:00pm-Public Safety (6ES)~~ 2:00pm-Housing (6ES) Budget Town Hall Meetings End	**7** Council Briefing 9:00am Council Chambers and (6ES) Budget Workshop	**8**	**9**	**10**
11	**12** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00am - Public Safety 1:00pm- Transportation & Environment 3:00 pm - Trinity River Corridor Project	**13**	**14** Council Agenda 9:00am Council Chambers and (6ES) Vote to adopt Budget 1st Reading	**15**	**16**	**17**
18	**19** Council Committee Meetings Moved 9:00am Council Budget Amendments Workshop (6ES)	**20** Council Committees (Room 6ES) 9:00am-Economic Development 11:00am - Housing 1:00pm - Budget, Finance & Audit 3:00pm – Arts, Culture & Libraries	**21** Council Briefing 9:00am Council Chambers and (6ES) Council Budget Amendments Workshop (if necessary) (6ES)	**22**	**23**	**24**
25	**26** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00am - Public Safety 1:00pm- Transportation & Environment	**27**	**28** Council Agenda 9:00am Council Chambers and (6ES) (Adjourn by 2:00 p.m.) Budget Adoption 2nd Reading Rosh Hashanah (Begins at Sundown)	**29** Rosh Hashanah	**30** Rosh Hashanah	

2011

ATTACHMENT A

October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	**3** Council Committees (Room 6ES) 9:00am-Economic Development 11:00am - Housing 1:00pm - Budget, Finance & Audit 3:00pm – Trinity River Corridor Project	**4**	**5** Council Briefing 9:00am Council Chambers and (6ES)	**6**	**7** Yom Kippur (Begins at Sundown)	**8** Yom Kippur
9	**10** Council Committee Meetings Cancelled Council Agenda 9:00am Council Chambers and (6ES)	**11** Texas Municipal League Annual Conference – Houston, TX	**12** City Council Agenda Meeting Moved to October 10th Texas Municipal League Annual Conference – Houston, TX	**13** Texas Municipal League Annual Conference – Houston, TX	**14** Texas Municipal League Annual Conference – Houston, TX	**15**
16	**17** Council Committees (Room 6ES) 9:00am-Economic Development 11:00am - Housing 1:00pm - Budget, Finance & Audit 3:00pm – Arts, Culture & Libraries	**18**	**19** Council Briefing 9:00am Council Chambers and (6ES)	**20** City Council Retreat 5:00pm	**21** City Council Retreat 8:30am	**22**
23	**24** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00am - Public Safety 1:00pm- Transportation & Environment	**25**	**26** Council Agenda 9:00am Council Chambers and (6ES)	**27**	**28**	**29**
30	**31**					

2011

ATTACHMENT A

November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	**2** Council Briefing 9:00am Council Chambers and (6ES)	**3**	**4**	**5**
6	**7** Council Committee Meetings Cancelled Council Agenda 9:00am Council Chambers and (6ES)	**8** Council Committee Meeting Cancelled National League of Cities Conference – Phoenix, AZ	**9** City Council Agenda Meeting Moved to November 7th National League of Cities Conference – Phoenix, AZ	**10** National League of Cities Conference – Phoenix, AZ	**11** National League of Cities Conference – Phoenix, AZ	**12** National League of Cities Conference – Phoenix, AZ
13	**14** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00 am - Public Safety 1:00 pm- Transportation & Environment 3:00pm-Trinity River Corridor Project	**15**	**16** Council Briefing 9:00am Council Chambers and (6ES)	**17**	**18**	**19**
20	**21** Council Committee Meetings Cancelled	**22**	**23** City Council Meeting Cancelled	**24** Thanksgiving Day City Holiday	**25** September 11th Remembrance Day/Day after Thanksgiving Day City Holiday	**26**
27	**28** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00am - Public Safety 1:00pm- Transportation & Environment	**29**	**30** Fifth Wednesday – No City Council Meeting			

2011

ATTACHMENT A

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	**2**	**3**
4	**5** Council Committees (Room 6ES) 9:00am-Economic Development 11:00am - Housing 1:00pm - Budget, Finance & Audit	**6**	**7** Council Briefing 9:00am Council Chambers and (6ES)	**8**	**9**	**10**
11	**12** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00 am - Public Safety 1:00 pm- Transportation & Environment 3:00pm-Trinity River Corridor Project	**13**	**14** Council Agenda 9:00am Council Chambers and (6ES)	**15**	**16**	**17**
18	**19** Council Committee Meetings Cancelled	**20** Council Committee Meeting Cancelled Eight Days of Hanukkah (Begins at Sundown)	**21** City Council Meeting Cancelled Hanukkah	**22**	**23**	**24**
25 Christmas Day	**26** Council Committee Meetings Cancelled Christmas Day City Holiday	**27**	**28** City Council Meeting Cancelled	**29**	**30**	**31**

2011

ADDENDUM ITEM # 11

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A resolution to amend the 2011 City Calendar to cancel the City Council Briefing Meeting scheduled on September 21, 2011 - Financing: No cost consideration to the City

BACKGROUND

This item would amend the 2011 City Calendar to cancel the City Council Briefing Meeting scheduled on September 21, 2011.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS

The City Council was briefed on the proposed 2011 City Calendar on October 6, 2010.

The City Council adopted the 2011 City Calendar on October 13, 2010, by Resolution No. 10-2646.

FISCAL INFORMATION

No cost consideration to the City.

September 14, 2011

WHEREAS, the City Council Briefing Meeting, currently scheduled for September 21, 2011, should be cancelled; and

WHEREAS, it has become necessary to revise the 2011 calendar to reflect this change;

Now, Therefore,

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

Section 1. That the Dallas City Council authorizes an amendment to the 2011 City Calendar, per Attachment A, to cancel the City Council Briefing Meeting scheduled for September 21, 2011.

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

ATTACHMENT A

September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	**2**	**3**
4	**5** Council Committee Meetings Moved Labor Day/Cesar E. Chavez Day City Holiday	**6** Council Committees: 9:30am-Economic Development (6ES) ~~11:00amTrinity River Corridor Project~~ ~~12:00pm-Public Safety (6ES)~~ 2:00pm-Housing (6ES) Budget Town Hall Meetings End	**7** Council Briefing 9:00am Council Chambers and (6ES) Budget Workshop	**8**	**9**	**10**
11	**12** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00am - Public Safety 1:00pm- Transportation & Environment 3:00 pm - Trinity River Corridor Project	**13**	**14** Council Agenda 9:00am Council Chambers and (6ES) Vote to adopt Budget 1st Reading	**15**	**16**	**17**
18	**19** Council Committee Meetings Moved 9:00am Council Budget Amendments Workshop (6ES)	**20** Council Committees (Room 6ES) 9:00am-Economic Development 11:00am - Housing 1:00pm - Budget, Finance & Audit 3:00pm – Arts, Culture & Libraries	**21** Council Briefing Meeting Cancelled ~~Council Briefing~~ ~~9:00am Council Chambers and (6ES)~~ ~~Council Budget Amendments Workshop (if necessary) (6ES)~~	**22**	**23**	**24**
25	**26** Council Committees (Room 6ES) 9:00am- Quality of Life & Government Services 11:00am - Public Safety 1:00pm- Transportation & Environment	**27**	**28** Council Agenda 9:00am Council Chambers and (6ES) (Adjourn by 2:00 p.m.) Budget Adoption 2nd Reading Rosh Hashanah (Begins at Sundown)	**29** Rosh Hashanah	**30** Rosh Hashanah	

2011

ADDENDUM ITEM # 12

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 36 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the northeast corner of Greenville Avenue and Prospect Avenue
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-260(JH)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 14, 2011

ACM: Ryan S. Evans

FILE NUMBER: Z101-260(JH) **DATE SUBMITTED:** March 10, 2011

LOCATION: Greenville Avenue and Prospect Avenue, Northeast Corner

COUNCIL DISTRICT: 14 **MAPSCO:** 36 T

SIZE OF REQUEST: Approx. 3,968 Sq. Ft. **CENSUS TRACT:** 11.01

APPLICANT: Adriss Ata

REPRESENTATIVE: Jackie Herrrera

OWNER: Greenville 2100 Ltd.

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property within Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: The applicant is proposing to continue operation of an existing restaurant with late hours.

CPC RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The existing improvements are utilized for a restaurant without drive-in service. The current CO was issued based on asserted rights to delta credits for 100 percent of the required parking. Staff believes these delta credits were forfeited with additions to the building and use in accordance with the provisions of Modified Delta Overlay No. 1.

- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore requires an SUP for any retail and personal service uses operating after 12:00 a. m.

- The applicant is requesting an SUP for late hours to provide for daily operation between the hours of 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday.

- The applicant's site plan is showing a 1,380 square foot (approximate) patio along the southern building façade. The patio is presently covered and will need to be parked at 1 space per 100 s/f of covered area. A portion of the covered patio area encroaches into the required building setback and a portion encroaches into the required 40 ft visibility triangle at the intersection of Prospect Avenue and Greenville Avenue. The applicant has filed a variance request with the Board of Adjustment to permit the existing encroachment.

- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

Zoning History:

File No.	Request, Disposition, and Date
1. Z101-261	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. Approved by City Council on August 10, 2011. [Libertine]
2. Z101-264	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On July 21, 2011 CPC recommended approval for a three-year period, subject to a site plan and conditions. Approved by City Council on August 10, 2011. [Zubar]
3. Z101-270	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CC public hearing on September 14, 2011, CPC recommended approval. [Single Wide]

4. Z101-295 An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing. [Old Crow]

5. Z101-303: On August 18, 2011**,** the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to a limited to a restaurant without drive-in or drive-through service. The City Council hearing date is September 28, 2011. [Teppo]

6. Z101-314: An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission n on September 1, 2011. [Service Bar]

7. Z101-326: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission on September 1, 2011. [Greenville Avenue Pizza Company]

8. Z101-337: An application for a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern pending City Plan Commission and City Council Hearings. [Sofranos]

9. Z101-311: An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall pending City Plan Commission on September 1, 2011. [Billiard Bar]

10. Z101-312: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission September 1, 2011. [Shade]

Street	**Existing & Proposed ROW**
Greenville Avenue	Local; 50’ ROW

Comprehensive Plan: The request site lies within a Main Street Building Block. Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away

from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Area Plans: Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: In general terms, ‘delta theory’ means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The ‘modified delta’, in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three ‘Areas’ in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 (see attached Area 3 sketch). MD-1 was adopted by the City Council on October 1, 1987.

A June 14, 1995 City Council resolution provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area (1 space/300 square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for

12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

Land Use: The request site possesses improvements that are utilized for a restaurant without drive-in service. The applicant is requesting an SUP for a late-hours establishment to permit the existing restaurant to operate between 12:00 a.m. and 2:00 a.m., Monday through Sunday. The restaurant has been at this location since September, 2009. Lastly, the applicant has identified a patio area along the southern façade. All of this patio area has been covered. No building permit has been found that would have allowed the covered addition. A portion of the covered addition encroaches into the required building setback and a 40 ft required visibility triangle at the intersection of Prospect Avenue and Greenville Avenue. There was a Board of Adjustment case in 1992 that authorized a variance to the setback requirements for a portion of the addition, toward the western boundary of the property, but no building permit has been found related to the expansion. The applicant has now filed an application for a new variance to permit the additional encroachment.

The site is surrounded by a mix of retail, restaurant and bar uses.

The purpose of PDD No. 842 is to "ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues." As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP. All businesses may continue to operate without a late hours establishment SUP provided they close by 12:00 a.m.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

> (e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment (see Police Activity exhibit).

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Lastly, in an effort to assess the compatibility of a request for a late-hours establishment, the following information is requested for staff's review:

(1) Floor plan.

(2) Certificate of occupancy history.

(3) Location of required parking, including detail related to applicable delta credits, Board of Adjustment parking reductions, and/or city approved parking agreements.

(4) Existing or proposed improvements within the right-of-way, including copy of private license.

(5) For a restaurant, copy of menu and alcohol affidavit.

The applicant has provided necessary documentation related to Nos. 1, 2, and 5.

Other than the failure to obtain building permits for certain improvements, the applicant has operated in a generally responsible manner with minimal reported police activity at the location since its occupancy (see Police Activity, below).

As a result of staff's analysis, support for the request is being given, subject to the attached site plan and conditions. The applicant will need to show compliance with all parking requirements prior to obtaining a Certificate of Occupancy for the late hours use.

Traffic: The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system.

Parking: As noted above, the property is situated with the Area 3 portion of Modified Delta Overlay No. 1. As a result of additions to the building and use, staff has concluded all asserted delta credits have been forfeited, therefore a minimum of 16 off-street parking spaces for the interior of the restaurant are required. Additional spaces may be required for any covered patio area. Currently there is approximately 1,380 square feet of patio area indicated on the site plan which has been covered. This will require an additional 14 spaces if the patio cover remains (no building permit has been found to allow the covered additions and building permits would be required). The applicant will need to demonstrate parking meets all zoning requirements prior to being able to obtain a Certificate of Occupancy for the late hours use if the SUP is approved.

Landscaping: The existing development is void of landscape materials. The request will not trigger compliance with Article X.

CPC ACTION (September 1, 2011)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a restaurant for a two-year period, subject to a site plan and conditions on property zoned Planned Development District No. 842 for a CR Community Retail District on the northeast corner of Greenville Avenue and Prospect Avenue.

Maker: Peterson
Second: M. Davis
Result: Carried: 13 to 0

For: 13 - Wally, Anglin*, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - R. Davis, Lavallaisaa
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 20
Replies: For: 4 Against: 1

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Jackie Herrera, 2100 Greenville Ave., Dallas, TX, 75206
Against: Philip Kingston, 5901 Palo Pinto Ave., Dallas, TX, 75206

POLICE ACTIVITY
2100 Greenville Avenue – DBA Kush

1) No citations issued.

2) On January 11, 2010, Kush management was warned about the loud music. February 27, 2011, Kush management was warned about the loud music.

3) For 2010, six people associated with this establishment were arrested for public intoxication and one other was arrested for DWI. For 2011, no related public intoxication or disorderly conduct arrests associated with this establishment have been made.

4) No known TABC violations.

5) No violent crime originating inside the establishment.

Officers for Kush Inc.

Adriss Ata

Officers for Greenville 2100, LTD.

Susan B. Reese
Larry Vineyard

CPC RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This Specific Use Permit expires in two years

4. FLOOR AREA: Maximum floor area is 1,600 square feet in the location shown on the attached site plan.

5. OUTDOOR PATIO AREA:

   A. Maximum land area for the outdoor patio area is 1,380 square feet in the location shown on the attached site plan.

6. HOURS OF OPERATION:

   A. The late-hours establishment may only operate between 12:00 a.m. (midnight) and 2:00 a.m. (the next day), Monday through Sunday.

   B. All customers must leave the Property by 2:15 a.m.

7. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).

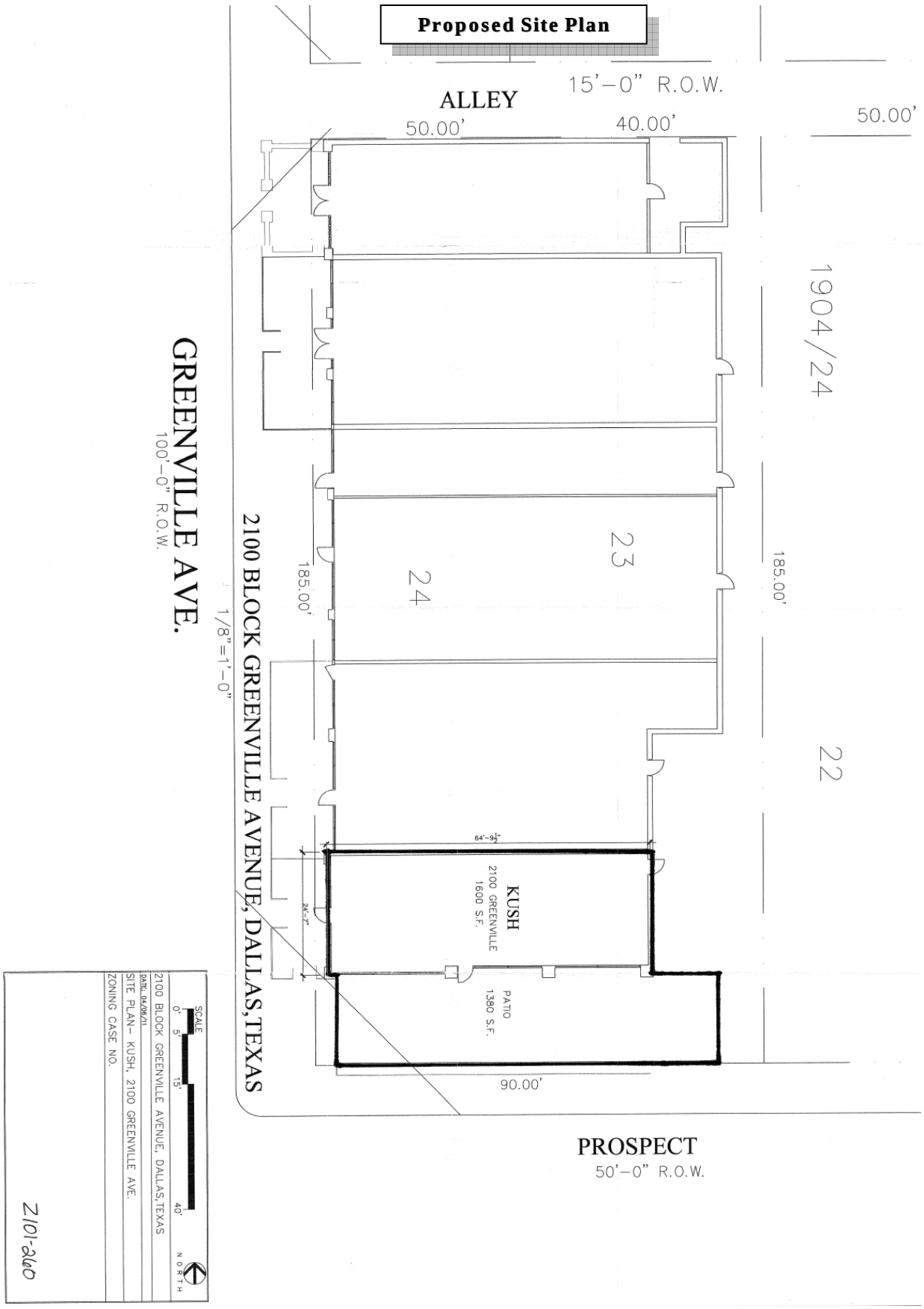
8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1. Any covered patio area must be parked to code.

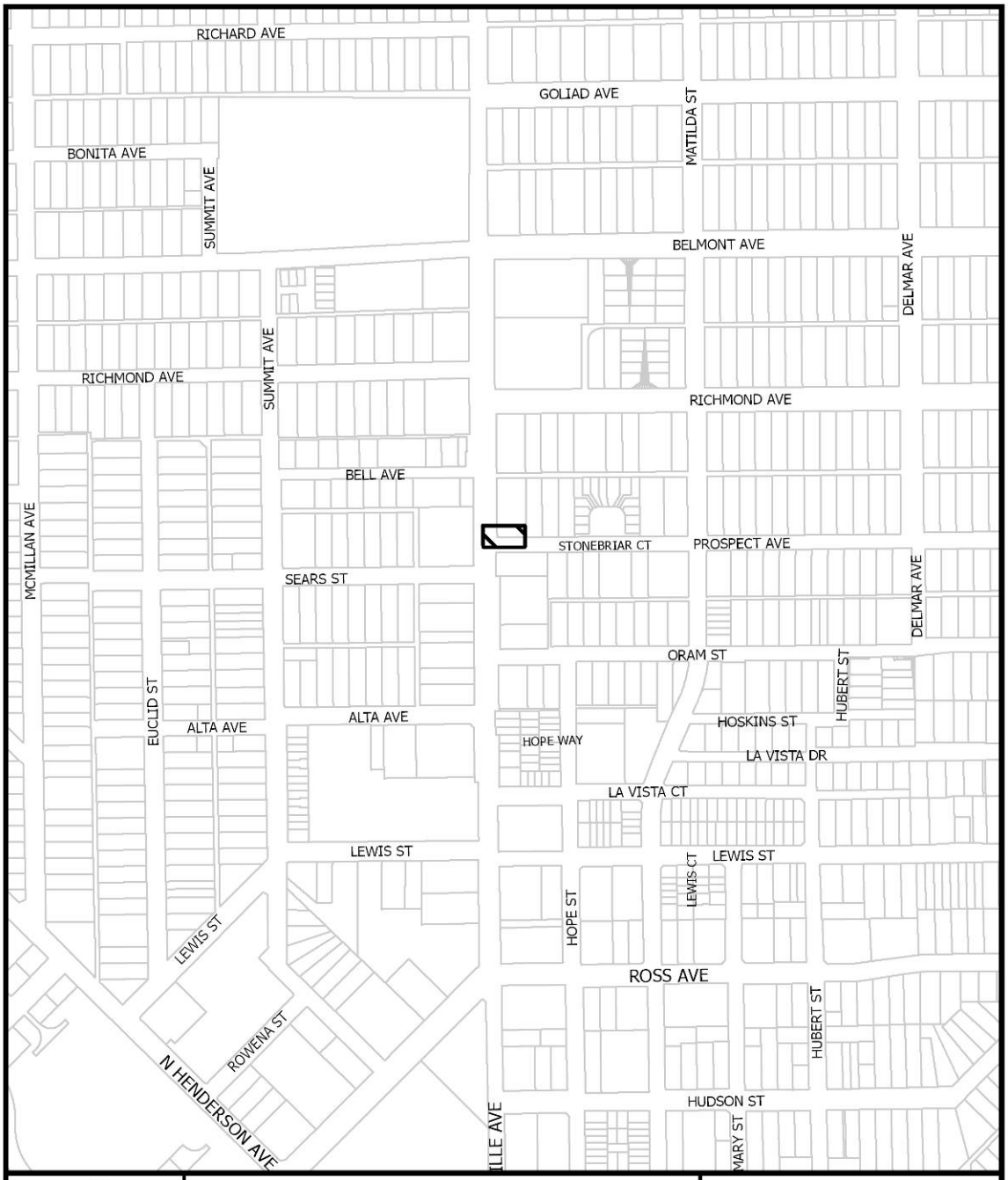
9. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited.

10. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

11. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan





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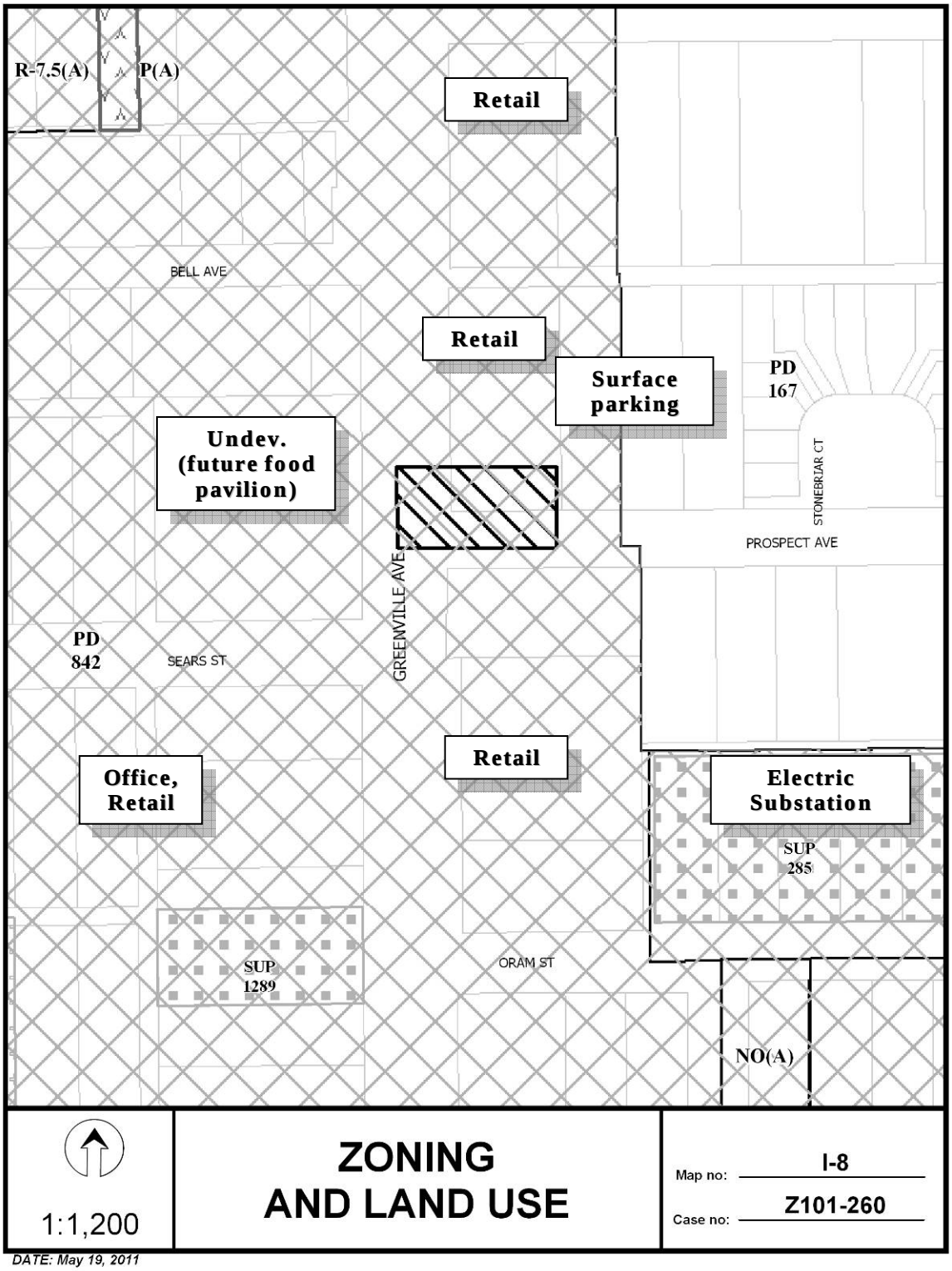
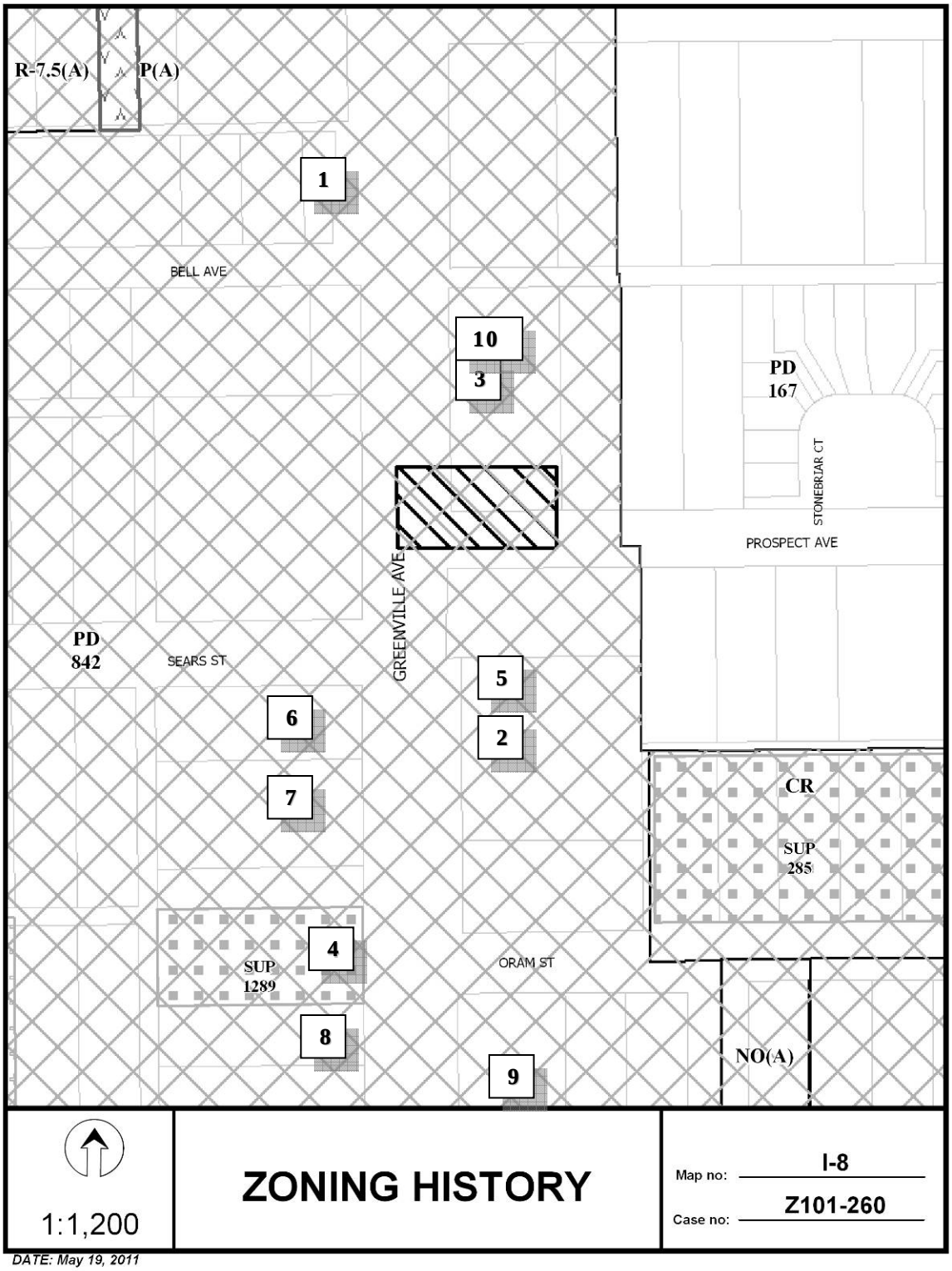
VICINITY MAP

Map no: I-8

Case no: Z101-260

DATE: May 19, 2011


R-7.5(A)
P(A)
Retail
BELL AVE
Retail
Surface parking
PD 167
Undev. (future food pavilion)
STONEBRIAR CT
PROSPECT AVE
GREENVILLE AVE
PD 842
SEARS ST
Retail
Office, Retail
Electric Substation
SUP 285
SUP 1289
ORAM ST
NO(A)
1:1,200
ZONING AND LAND USE
Map no: I-8
Case no: Z101-260
DATE: May 19, 2011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ORAM ST
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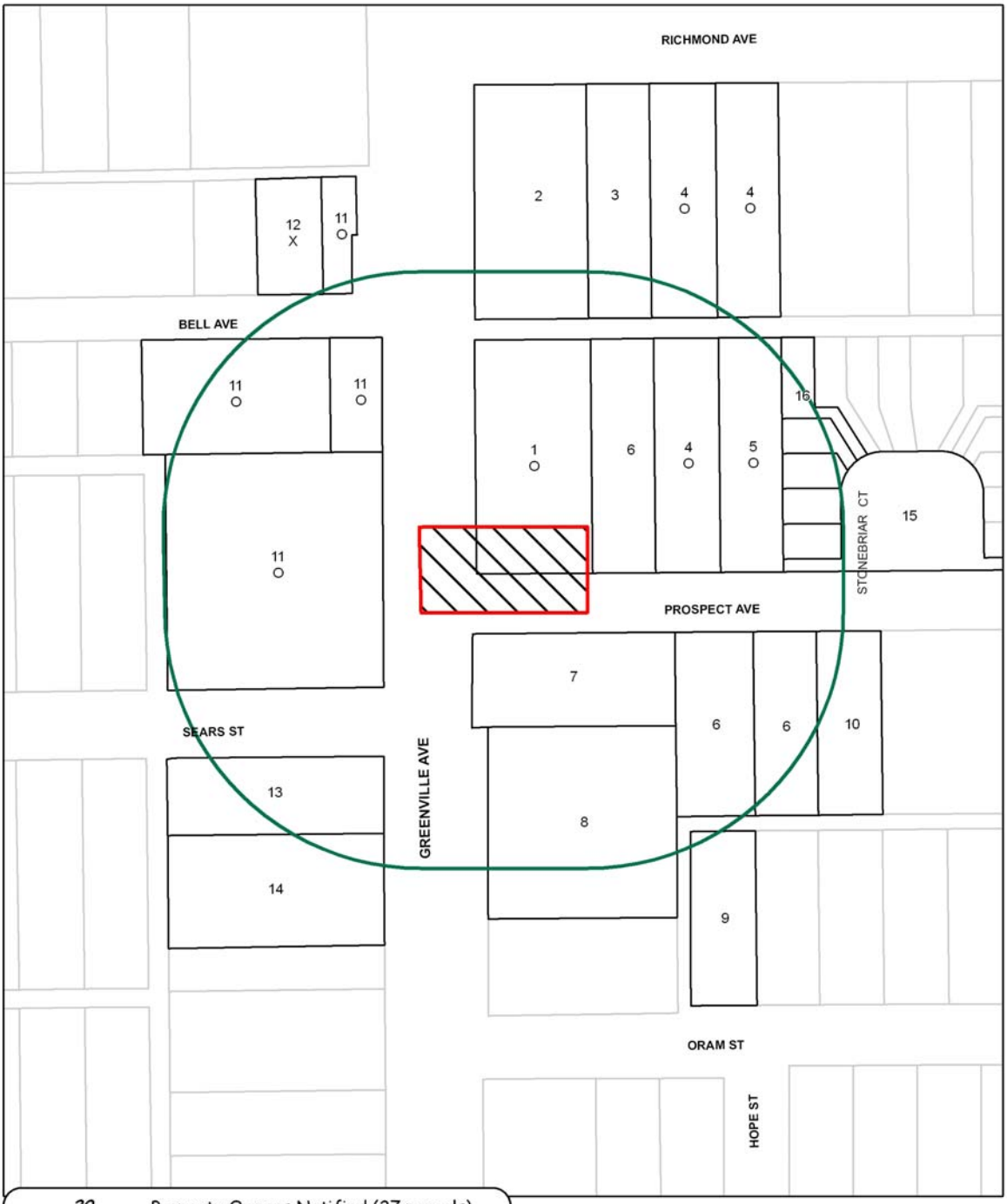
NO(A)
1:1,200
ZONING HISTORY
Map no: I-8
Case no: Z101-260
DATE: May 19, 2011

CPC REPLY FORMS



20	Property Owners Notified (27 parcels)
4	Replies in Favor (9 parcels)
1	Replies in Opposition (1 parcels)
200'	Area of Notification
9/1/2011	Date

Z101-260
I-8
CPC

N W E S

1:1,200

Notification List of Property

Z101-260

20 Property Owners Notified 1 Property Owner Opposed 4 Property Owners in

Vote	*Label*	*Address*		*Owner*
O	1	2100	GREENVILLE	GREENVILLE 2100 LTD
	2	5702	RICHMOND	GREENVILLE ROSS PTNR LTD
	3	5710	RICHMOND	SANCHEZ FIDENCIO &
O	4	5716	RICHMOND	REESE GRANDCHILDRENS
O	5	5719	PROSPECT	MADISON PACIFIC DEV COM
	6	5711	PROSPECT	ANDRES FAMILY TRUST
	7	2026	GREENVILLE	ANDRES FAMILY TRUST
	8	2008	GREENVILLE	WONDERFUL SEVEN A LP
	9	5715	ORAM	TEXAS UTILITIES ELEC CO
	10	5724	PROSPECT	ANDRES DAVE
O	11	2101	GREENVILLE	2001 GREENVILLE VENTURE
X	12	5643	BELL	BATM PROP LP
	13	1931	GREENVILLE	GENARO TRUST 1
	14	1919	GREENVILLE	1919 27 GREENVILLE LTD
	15	2100	STONEBRIAR	STONEBRIAR CT H O A
	16	5	STONEBRIAR	CUMMINGHAM CAROLINE
	17	4	STONEBRIAR	STOKES ROBERT CHARLES
	18	3	STONEBRIAR	MATTHEWS TEVIS C
	19	2	STONEBRIAR	WHITE SHARI
	20	1	STONEBRIAR	HOOPER NICOLE E

ADDENDUM ITEM # 13

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 36 X

SUBJECT

A public hearing to receive comments regarding an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, south of Oram Street
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-311(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 14, 2011**

ACM: Ryan S. Evans

FILE NUMBER: Z101-311(MW) **DATE FILED:** June 24, 2011

LOCATION: East side of Greenville Avenue, south of Oram Street

COUNCIL DISTRICT: 14 **MAPSCO:** 36-X

SIZE OF REQUEST: ±.4,706 square feet **CENSUS TRACT:** 11.01

APPLICANT/REPRESENTATIVE: Hechos A Mano, Inc.

OWNER: Lowgreen PS

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: This request would allow the existing establishment to continue to operate after midnight.

CPC RECOMMENDATION: **Approval** for a two-year period subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±4,706-square foot request site comprises ±3,810 square feet of floor area within a ±10,961-square foot structure. At the time of this application, the building has no other occupants.

- On November 9, 2004, a certificate of occupancy for a commercial amusement (inside) was issued for the request site.

- Per the 2004 certificate of occupancy, the occupancy load is 261.

- A private license was issued on August 11, 1993, granting the use of Greenville Avenue right-of-way for patio seating.

- The commercial amusement (inside) is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight.

- The request site is surrounded by bars and restaurants to the north; surface parking to the east; retail and personal service uses, restaurants, bars and residential to the south and surface parking to the west.

Zoning History:

1. Z101-211: On, July 21, 2011, the City Plan Commission recommended denial of a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley. The City Council hearing date is September 14, 2011.

2. Z101-263: On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern.

3. Z101-264: On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.

4. Z101-303: On August 18, 2011**,** the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to a limited to a restaurant without drive-in or drive-through service. The City Council hearing date is September 28, 2011.

5. Z101-314: An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission and City Council Hearings.

6. Z101-318: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.

7. Z101-323: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-through service pending City Plan Commission and City Council Hearings.

8. Z101-326: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.

9. Z101-337: An application for a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern pending City Plan Commission and City Council Hearings.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	50 feet

Land Use:

	Zoning	Land Use
Site	PDD No. 842	Commercial amusement (inside)
North	PDD No. 842	Bars and restaurants
East	PDD No. 842; NO(A)	Surface parking
South	PDD No. 842	Retail and personal service uses; restaurants; bars; residential
West	PDD No. 842	Surface parking

STAFF ANALYSIS:

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville

Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Comprehensive Plan:

The subject site is identified as being within a Main Street Building Block. Main streets are modeled after the American tradition of "main street" as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the "main street," density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the "main street" to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

In general, the applicant's proposal is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±4,706-square foot request site comprises ±3,810 square feet of floor area within a ±10,961-square foot structure. At the time of this application, the building has no other occupants.

On November 9, 2004, a certificate of occupancy for a commercial amusement (inside) was issued for the request site. Per the 2004 certificate of occupancy, the occupancy load is 261. A private license was issued on August 11, 1993, granting the use of Greenville Avenue right-of-way for patio seating. Once the Greenville Avenue improvements are complete, the applicant proposes to rebuild an uncovered patio at the location shown on the site plan.
The commercial amusement (inside) is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight.

The request site is surrounded by bars and restaurants to the north; surface parking to the east; retail and personal service uses, restaurants, bars and residential to the south and surface parking to the west.

Since the request site has residential adjacency, staff recommends a condition to prohibit outdoor speakers in association with the late-hours establishment.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. No establishments will be required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. A late-hours establishment must receive a Specific Use Permit no later than September 23, 2011 or cease operation during the hours of midnight and 6:00 a.m.

A late-hours establishment is defined in PDD No. 842 as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The PD gives additional criteria for evaluating a request for a specific use permit:

> (e) <u>Factors to be considered for a specific use permit for a late-hours establishment</u>. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
>
> (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
>
> (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The Dallas Police Department has provided responses to these criteria, which follow later in this report.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP. Therefore, staff recommends approval of the request for an initial time period of two years.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to §51A-4.210, a commercial amusement (inside) requires restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±3,800-square foot establishment requires 38 spaces. Since the request site is not a platted lot and is included within a larger building site, parking is evaluated for all uses on the building site. The building site on which the request site is located is within a Modified Delta Overlay, which terminates delta credits when there is an expansion or change in use. Currently, the ±3,800-square foot commercial amusement (inside) is the only use occupying the building site.

Based documentation provided by the applicant, 58 spaces are provided through parking agreements, which is adequate to serve the current occupancy i.e., the request site.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Police Report:

On August 12, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 1920 Greenville - DBA Billiard Bar:

Number of citations issued by police to patrons – 0

Number of citations issued by police for noise ordinance violations by the establishment – 0

Number of arrests for public intoxication or disorderly conduct associated with the establishment

3 public intoxication arrests in 2010
1 Possession of Cocaine arrest in 2010

Number of Texas Alcoholic Beverage Code violations – 0

Number of violent crimes associated with the establishment/ originating inside the establishment – 0

In addition, the Police Department has provided the following commentary:

1920 Greenville, Billiard Bar

This is a medium-sized location on the east side of Greenville. It has a patio, but no rooftop. Music is played in the patio and it can be heard in the street, but the noise is minimal and it not in violation of the city anti-noise ordinance. Many of this business' patron sit in the patio; they talk and drink and almost always they are well-behaved. Rarely, have we had to take any enforcement or give warnings to the employees or the patrons of this establishment. The employees and management of this location seem to operate the business well within our expectations.

The Billiard Bar has been relatively quiet as well. In 2011, no enforcement has been warranted for any violations. Last year, a total of three Public Intoxication arrests and one Possession of Cocaine arrest were made from this establishment. No other TABC, nuisance issues, or violent crimes have been observed or documented. The Billiard Bar remains one of the low key businesses in the area.

CPC Action: September 1, 2011:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall for a two-year period, subject to a site plan and conditions on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, south of Oram Street.

Maker: Peterson
Second: Bernbaum
Result: Carried: 13 to 1
For: 13 - R. Davis, Wally, Anglin, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 1 - M. Davis
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices:	Area:	200	Mailed:	52
Replies:	For:	2	Against:	0

Speakers: For: Jason Apino, 1920 Greenville Ave., Dallas, TX, 75206
Against: None

Partners/Principals/Officers:

Lowgreen P.S. Ltd. is a domestic limited partnership (LP) formed 8/15/1997 in Texas.

Charter # 0010051010

The executives are as follows:

Shula Netzer- President, Director

R L Andres- Vice President, Director

HECHOS A MANO INC.

OWNER - JASON APPINO

Z101-311

Z101-311
CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a commercial amusement (inside) for a billiard hall.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit automatically terminates on (two years).

4. FLOOR AREA: The maximum floor area is 3,810 square feet.

5. HOURS OF OPERATION: The late-hours establishment limited to a commercial amusement (inside) use may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.

6. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).

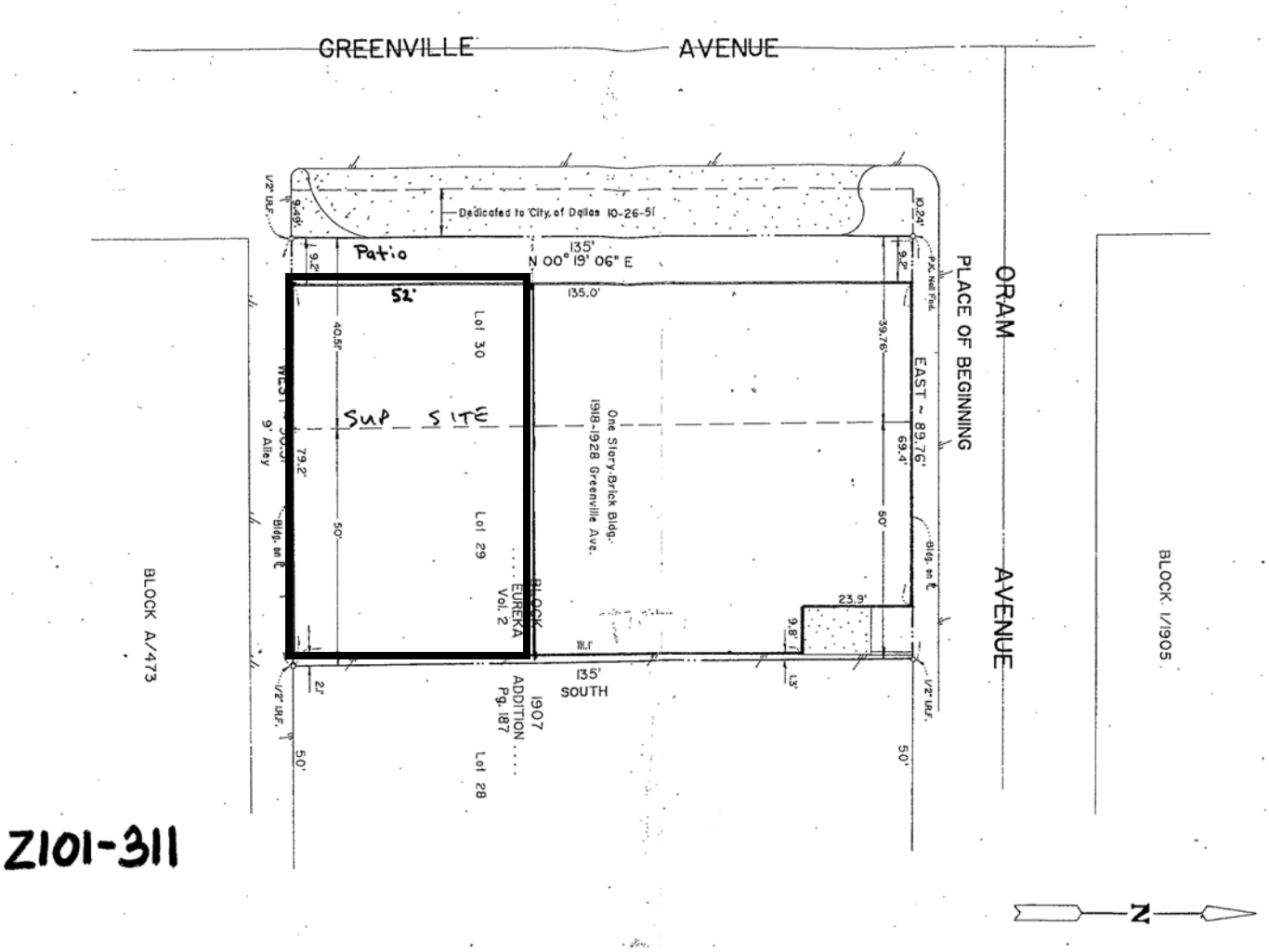
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.

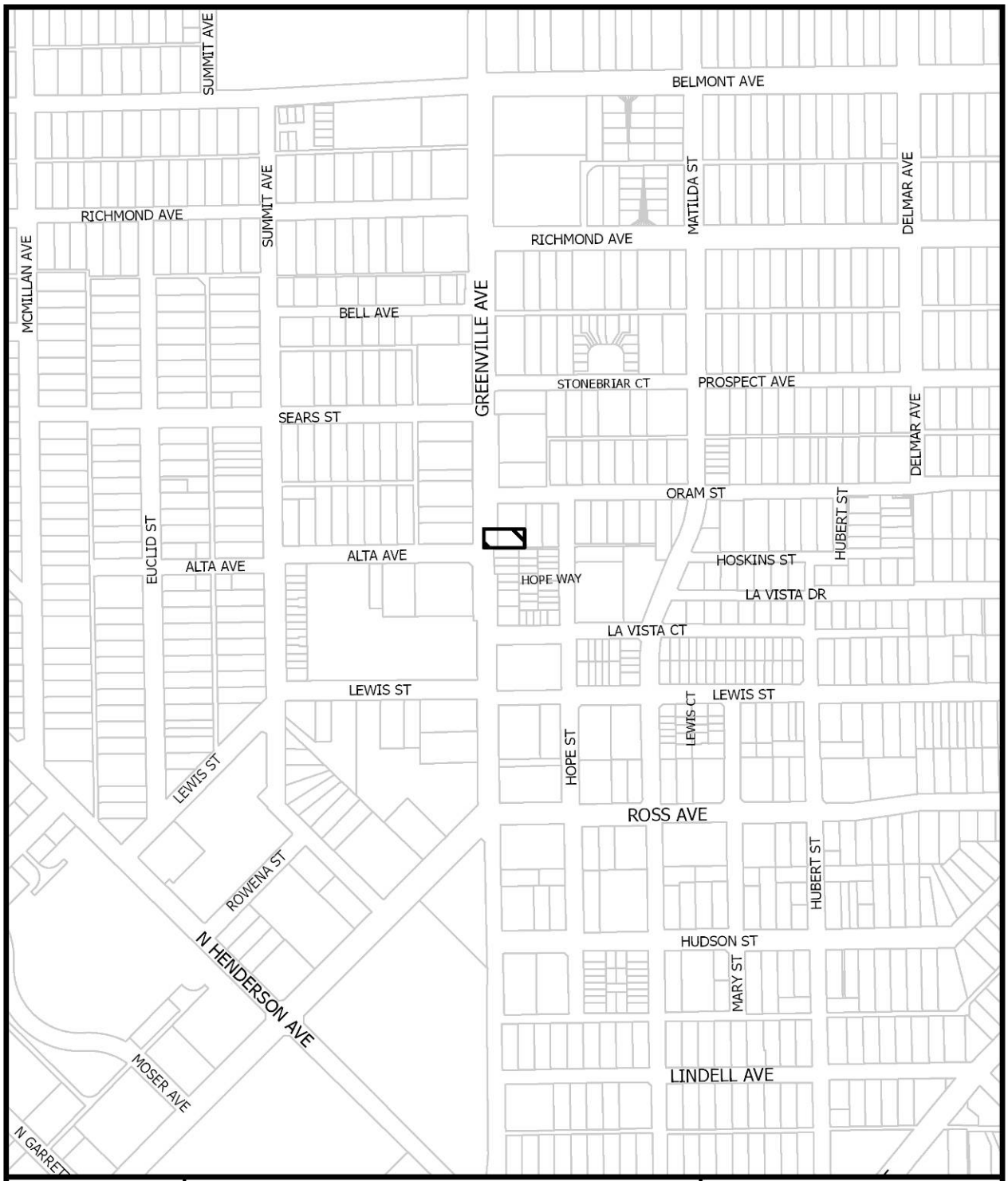
8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan





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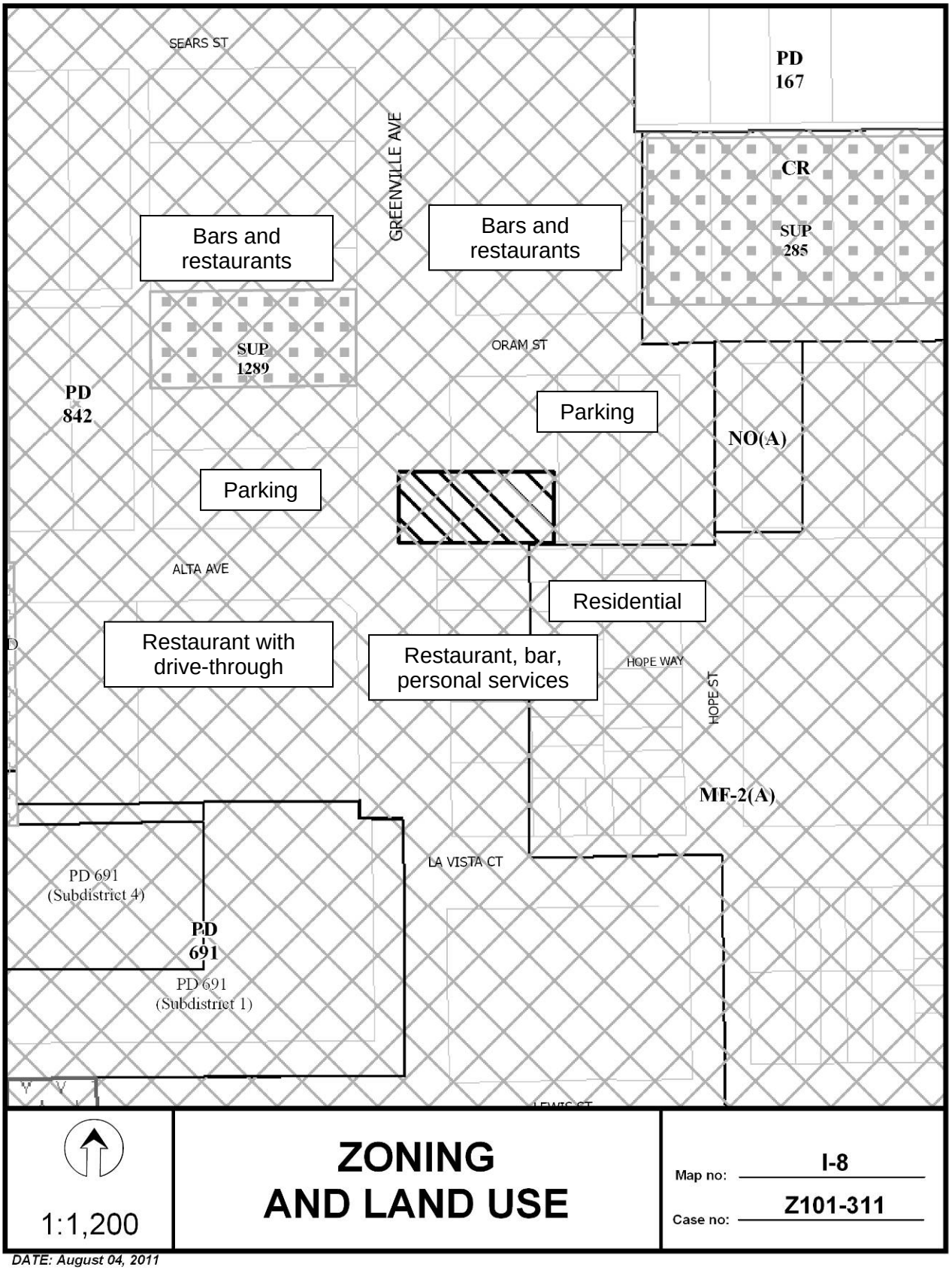
VICINITY MAP

Map no: I-8

Case no: Z101-311

DATE: August 04, 2011



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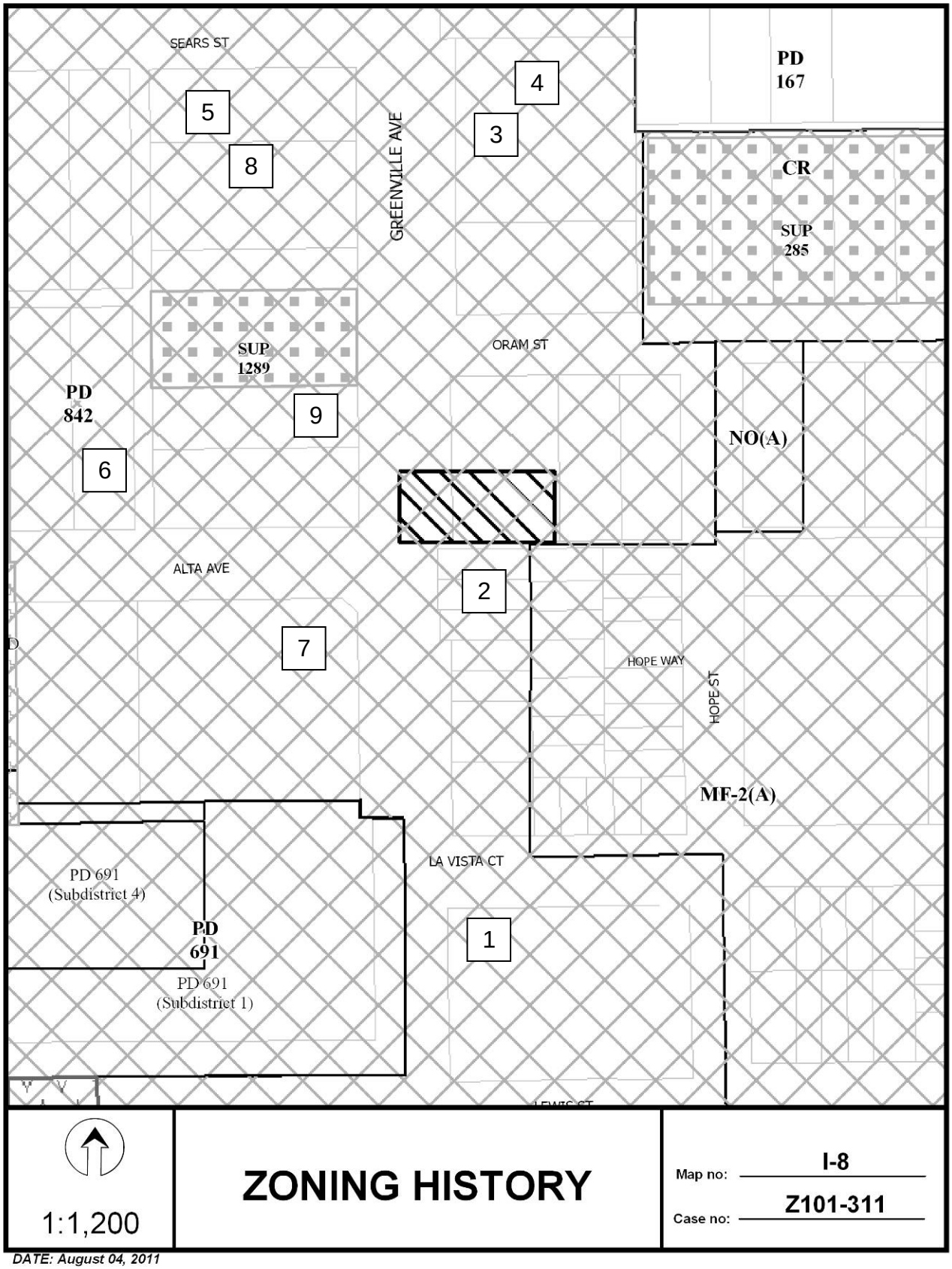
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(Subdistrict 4)
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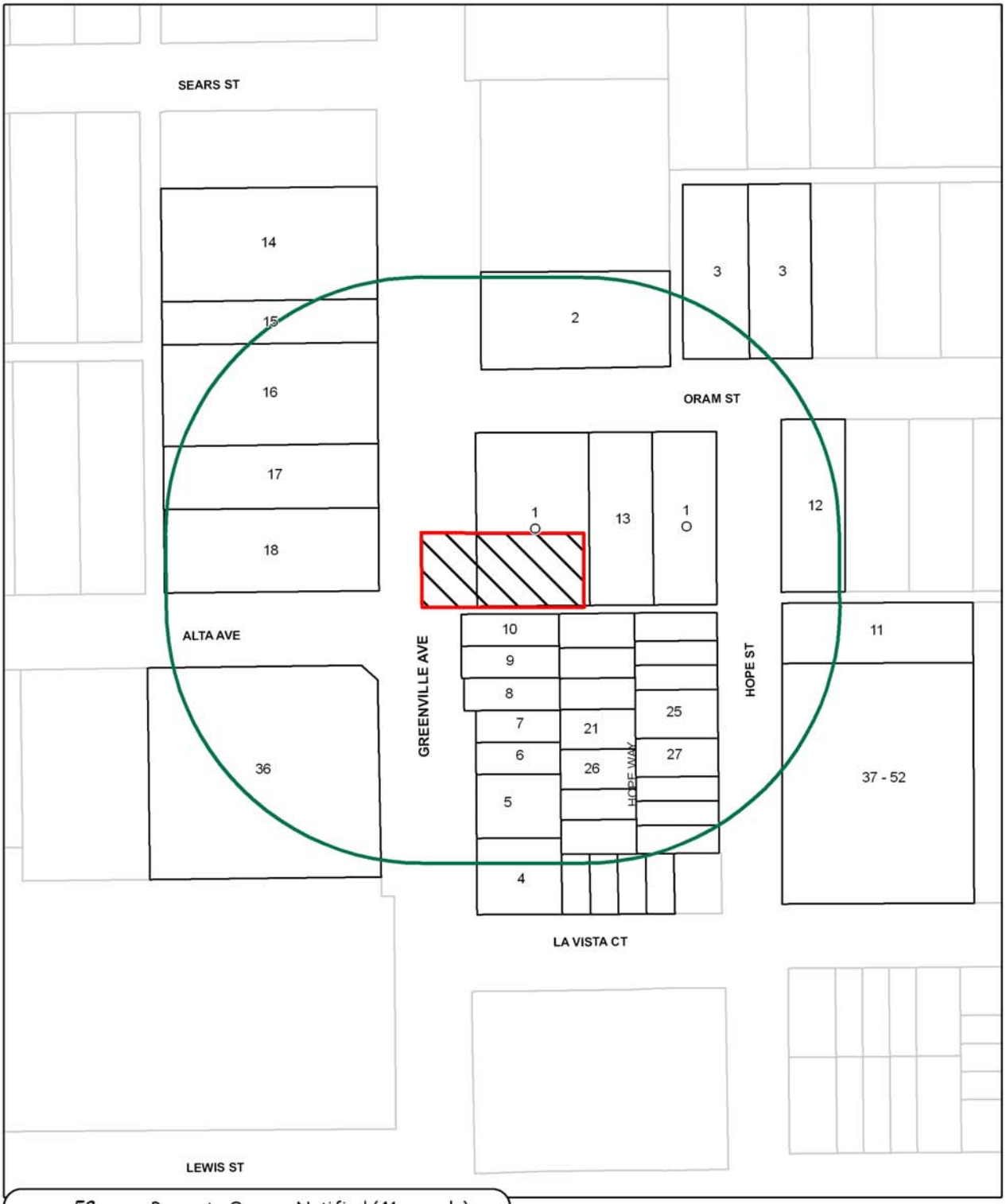
(Subdistrict 1)
1:1,200
ZONING HISTORY
Map no: I-8
Case no: Z101-311
DATE: August 04, 2011

CPC Replies



52	Property Owners Notified (41 parcels)
2	Replies in Favor (3 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
9/1/2011	Date

Z101-311
I-8
CPC

N W E S

1:1,200

Notification List of Property Owners

Z101-311

52 Property Owners Notified 0Property Owners Opposed 2Property Owners in Favor

Vote	*Label #*	*Address*		*Owner*
O	1	5712	ORAM	LOWGREEN PS
	2	2000	GREENVILLE	LANDE PAUL &
	3	5715	ORAM	TEXAS UTILITIES ELEC CO
	4	1900	GREENVILLE	TRUST REAL ESTATE
	5	1904	GREENVILLE	GALANIS CHRIS V ETAL
	6	1908	GREENVILLE	AK & ASSOCIATES
	7	1910	GREENVILLE	MORENO RICHARD
	8	1912	GREENVILLE	CAMPBELL OLIVER
	9	1914	GREENVILLE	CHAPLIN JACK ET AL
	10	1916	GREENVILLE	SHORT STACK LLC
	11	1916	HOPE	LOZANO CONCEPCION LOPEZ
	12	5722	ORAM	MCKINNEY FEARGAL &
	13	5710	ORAM	SOURIS MINOS
	14	1919	GREENVILLE	1919 27 GREENVILLE LTD
	15	1917	GREENVILLE	WORLD WIDE FOOD INC
	16	1911	GREENVILLE	INTERCITY INVESTMENT PROP
	17	1909	GREENVILLE	WORLDWIDE FOOD INC
	18	1903	GREENVILLE	LOWGREEN PS
	19	1919	HOPE WAY	NGUYEN NGOC DIEP
	20	1922	HOPE WAY	LEE SHI JIN
	21	1913	HOPE WAY	ARIES VENTURES INC
	22	1920	HOPE WAY	KUMEKPOR ELI M
O	23	1918	HOPE WAY	TROMBLEY DJANGO
	24	1915	HOPE WAY	ALARCON WALDO & YAZMIN
R				
	25	1916	HOPE WAY	LARES BRYAN
	26	1911	HOPE WAY	LOWENSTEIN MARK

Vote	Label #	Address		Owner
	27	1912	HOPE WAY	CRAVENS KIMBERLY A
	28	1910	HOPE WAY	DANISH DAVID
	29	1909	HOPE WAY	KEEPMAN MATTHEW
	30	1908	HOPE WAY	GANDHI ANUPAMA K
	31	1907	HOPE WAY	BAILEY TERRANCE V
	32	1906	HOPE WAY	PENNINGTON DREW &
	33	5713	LA VISTA	CHIANG THOMAS S &
	34	5711	LA VISTA	WHITE JULIUS
	35	5709	LA VISTA	SHANE MARIO M & RACHELLE
	36	1827	GREENVILLE	LOWGREEN PS
	37	1910	HOPE	MOJICA EDWARD
	38	1910	HOPE	ALLIE STEVEN C &
	39	1910	HOPE	ANAZAGASTY ROBERT A
	40	1910	HOPE	KUPERMAN YELENA
	41	1910	HOPE	CROUCH EDIE D
	42	1910	HOPE	DE LA CERDA PEDRO &
	43	1910	HOPE	VIALL TESSA
	44	1910	HOPE	HENDERSON ROY V & LAVERNE
	45	1910	HOPE	AGNEW STEPHANIE BARONE & JASON M
	46	1910	HOPE	KOBAYASHI AARON S &
	47	1910	HOPE	CALVERT REGINA K
	48	1910	HOPE	DRESCHER CLIFFORD T
	49	1910	HOPE	ANKERSEN KRISTEN A
	50	1910	HOPE	HENDERSON ROY V
	51	1910	HOPE	FREEMAN SHANE C
	52	1910	HOPE	MUIR DAVID E

ADDENDUM ITEM # 14

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 36 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, north of Prospect Avenue

Recommendation of Staff: Approval for a one-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions

Z101-312(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 14, 2011**

ACM: Ryan S. Evans

FILE NUMBER: Z101-312(MW) **DATE FILED:** June 24, 2011

LOCATION: East side of Greenville Avenue, north of Prospect Avenue

COUNCIL DISTRICT: 14 **MAPSCO:** 36-T

SIZE OF REQUEST: ±3,105 square feet **CENSUS TRACT:** 11.01

APPLICANT: MJN Partners, Ltd.

REPRESENTATIVE: MJN, Inc., Marty Carter

OWNER: Greenville 2100, Ltd.

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: This request would allow the existing establishment to continue to operate after midnight.

CPC RECOMMENDATION: **Approval** for a one-year period subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a one-year period subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±3,105-square foot request site includes ±2,682 square feet of floor area within a ±12,161-square foot structure and a ±475-square foot covered patio. Therefore, the total floor area associated with the use is 3,157 square feet.

- On December 15, 2004, a certificate of occupancy for a restaurant without drive-in service was issued for the request site.

- Per the 2004 certificate of occupancy, the occupancy load is 121.

- A private license was issued on February 12, 1997, granting the use of Greenville Avenue right-of-way for patio seating.

- The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight.

- The request site is surrounded by retail to the north; surface parking to the east; restaurants and bars to the south and surface parking to the west.

Zoning History:

1. Z101-260: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.

2. Z101-261: On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.

3. Z101-264: On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.

4. Z101-270: On August 4, 2011, the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge or tavern. The City Council hearing date is pending.

5. Z101-303: On August 18, 2011**,** the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to a limited to a restaurant without drive-in or drive-through service. The City Council hearing date is September 28, 2011.

6. Z101-314: An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission and City Council Hearings.

7. Z101-326: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	50 feet

Land Use:

	Zoning	Land Use
Site	PDD No. 842	Restaurant
North	PDD No. 842	Retail
East	PDD No. 842; PDD No. 167	Surface parking
South	PDD No. 842	Restaurant; bar
West	PDD No. 842	Surface parking

STAFF ANALYSIS:

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Comprehensive Plan:

The subject site is identified as being within a Main Street Building Block. Main streets are modeled after the American tradition of "main street" as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the "main street," density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the "main street" to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

In general, the applicant's proposal is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±3,105-square foot request site includes ±2,682 square feet of floor area within a ±12,161-square foot structure and a ±475-square foot covered patio. Therefore, the total floor area associated with the use is 3,157 square feet.

On December 15, 2004, a certificate of occupancy for a restaurant without drive-in service was issued for the request site. The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight.

The request site is surrounded by retail to the north; surface parking to the east; restaurants and bars to the south and surface parking to the west. The closest residential development is approximately 100 feet to the east of the request site; therefore, staff recommends a condition to prohibit outdoor speakers in association with the late-hours establishment.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential

neighborhoods. No establishments will be required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. A late-hours establishment must receive a Specific Use Permit no later than September 23, 2011 or cease operation during the hours of midnight and 6:00 a.m.

A late-hours establishment is defined in PDD No. 842 as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The PD gives additional criteria for evaluating a request for a specific use permit:

> (e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
>
> (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
>
> (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.
>
> The Dallas Police Department has provided responses to these criteria, which follow later in this report.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP. Therefore, staff recommends approval of the request for an initial time period of one year.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

The ±2,682-square foot restaurant and 475-square foot covered patio equate to 3,157 square feet of floor area for which parking must be provided. Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, 32 spaces are required.

However, since the request site is not a platted lot and is included within a larger building site, parking must is evaluated for all uses on the building site. The building site on which the request site is located is within a Modified Delta Overlay, which terminates delta credits when there is an expansion or change in use. The applicant is claiming delta credits, but based on staff's research, no delta credits exist for the use due to expansions and changes in use. Furthermore, parking is not provided on the building site. The combined uses on the building site (which include expansions) require a total of 134 spaces. Based on documentation provided by the applicant, 24 of the required spaces for the building site are provided through a parking agreement. The applicant will need to identify what use these parking spaces are applied to and demonstrate full compliance with parking requirements for this use prior to a late-hours certificate of occupancy being issued for the use.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Police Report:

On August 12, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 2114 Greenville Avenue – DBA Shade:

Number of citations issued by police to patrons:

1 Disorderly Conduct citation issued in 2011
4 Disorderly Conduct (fighting) citations issued in 2010

Number of citations issued by police for noise ordinance violations by the establishment :

2 Anti-Noise Ordinance citations issued in 2011

Number of arrests for public intoxication or disorderly conduct associated with the establishment:

1 public intoxication arrest in 2010

Number of Texas Alcoholic Beverage Code violations – 0

Number of violent crimes associated with the establishment/ originating inside the establishment – 0

Notations:

2 DWI arrests of patrons who had left Shade in 2010

1 Assault Misdemeanor A report made in 2011

In addition, the Police Department has provided the following commentary:

2114 Greenville, Shade

This is a medium-sized location that is located on the far north end of the east side of Greenville. It has a patio, but no rooftop. Music is played in the patio and it can be heard in the street; there have been a few occasions when this business has been warned and cited for the loud music coming from the patio. On some weekend nights, this business has a large crowd that congregates in the patio. Sometimes, they are loud because there are so many as they start talking and drinking. Most often, it has been our experience that the employees and management of this location will cooperate with police requests for compliance when they are warned.

In 2011, Officers have issued Shade management 2 anti-noise ordinance citations. In addition, personnel were warned a couple of times for loud music, both time were when a live band was playing inside. However, management immediately complied without

any further issues. A total of five Disorderly Conduct (fighting) citations were issued to patrons in 2010 (4) and 2011 (1). There was also one Public Intoxication arrest and two Driving While Intoxicated arrests stemming from Shade on 2010. Besides one Misdemeanor Assault offense reported in 2011, there have been no other notable violent crimes associated with this establishment. According to officers who work this area, besides the above listed incidents, Shade remains relatively low key.

CPC Action: September 1, 2011:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a one-year period, subject to a site plan and conditions on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, north of Prospect Avenue.

Maker: Peterson
Second: R. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices:	Area:	200	Mailed:	20
Replies:	For:	5	Against:	1

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Marty Carter, 2114 Greenville Ave., Dallas, TX, 75206
Against: None

Partners/Principals/Officers:

April 19, 2011

Officers for Greenville 2100, LTD.

Susan B. Reese
Larry Vineyard

Z101-312

Las Colinas FedEx Office

From: Marty Carter [lonestarcustompools@yahoo.com]
Sent: Friday, June 24, 2011 12:24 PM
To: usa0639@fedex.com
Subject: Fwd: mjn ptrs

2 copies

Sent from my iPhone

Begin forwarded message:

> **From:** Glenn LaBauve <glennlab@yahoo.com>
> **Date:** June 22, 2011 1:16:26 PM CDT
> **To:** Marty Carter <lonestarcustompools@yahoo.com>
> **Subject: mjn ptrs**

LABAUVE TAX CONSULTING

1127 COOMBS CREEK DRIVE

DALLAS TX 75211

214-337-2834

June 22, 2011

The following is partnership breakdown for M.J.N. Partners LTD, EIN 76-0771054.

Partnership name…

M.J.N PARTNERS LTD

5311 MAPLE LANE

Z101-312

1

COLLEYVILLE TX 76034

EIN 76-0771054

GENERAL PARTNER:

M.J.N, INC

5311 MAPLE LANE

COLLEYVILLE TX 76034

EIN 90-0188833

PERCENT OWNERSHIP ...1%

LIMITED PARTNERS

(In ascending order of ownership)

OSCAR RIMILO

520 FARMERS MARKET WAY APT 8106

DALLAS TX 75201

SSN 156-82-2743 PERCENT OWNERSHIP...5%

RENE REYES

1606 TRIBECA WAY

DALLAS TX 75204

SSN 641-84-7600 PERCENT OWNERSHIP...10%

JERMEY ADAMS BARNES

300 N AKARD APT 2901

DALLAS TX 75201

Z101-312

2

SSN 633-01-92[illegible] PERCENT OWNERSHIP 20%

MARTY L CARTER

5311 MAPLE AVE

COLLEYVILLE TX 76034

SSN 411-98-2554 PERCENT OWNERSHIP...64%

This document reflects the current ownership and the ownership presented for the 2010 tax year.

This document contains confidential tax information. Unauthorized disclosure may result in civil and criminal penalties.

Glenn LaBauve

Z101-312

3

Z101-312
CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit automatically terminates on (one year).

4. FLOOR AREA: The maximum floor area is 3,157 square feet.

5. HOURS OF OPERATION: The late-hours establishment limited to a restaurant without drive-in or drive-through service may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.

6. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).

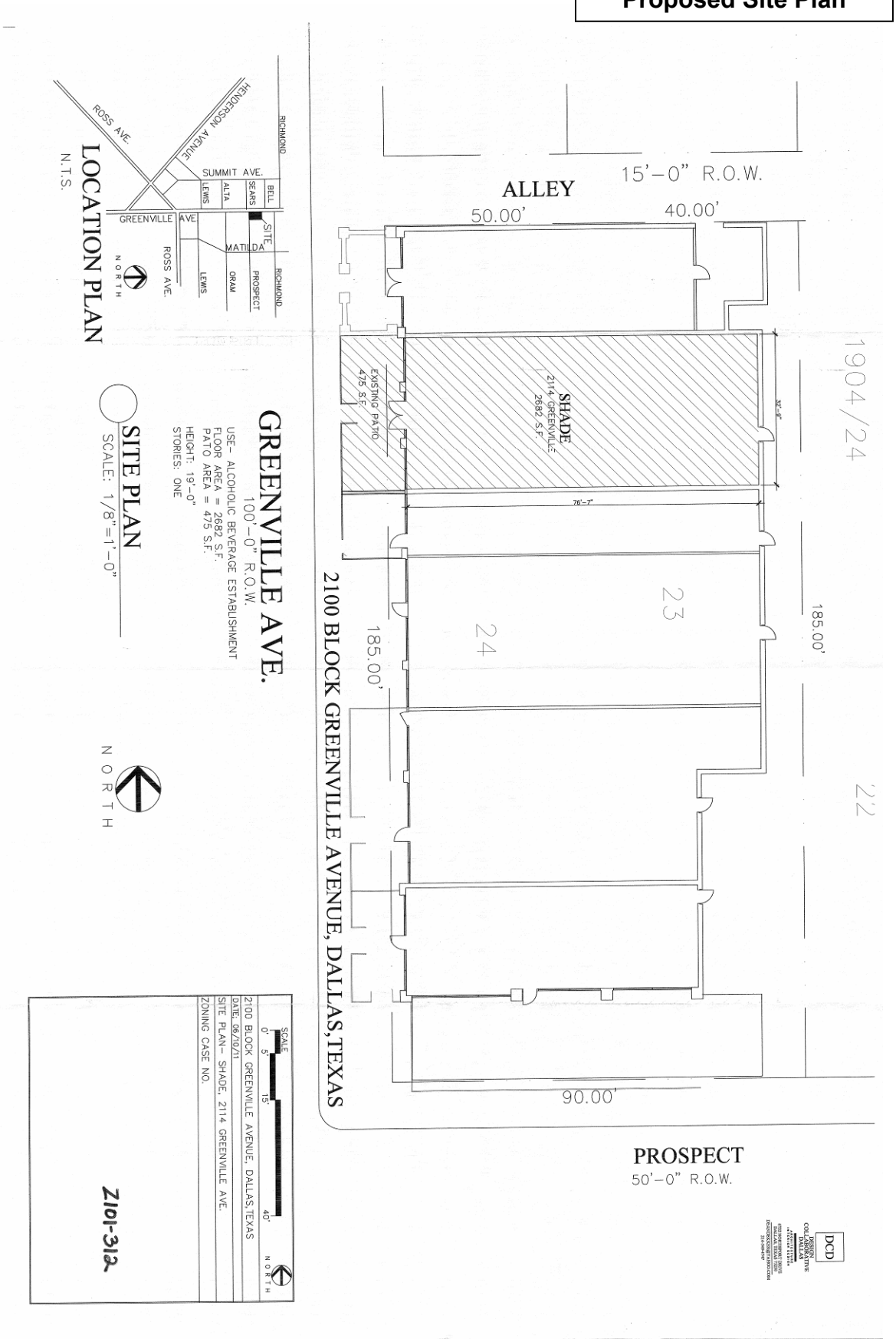
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.

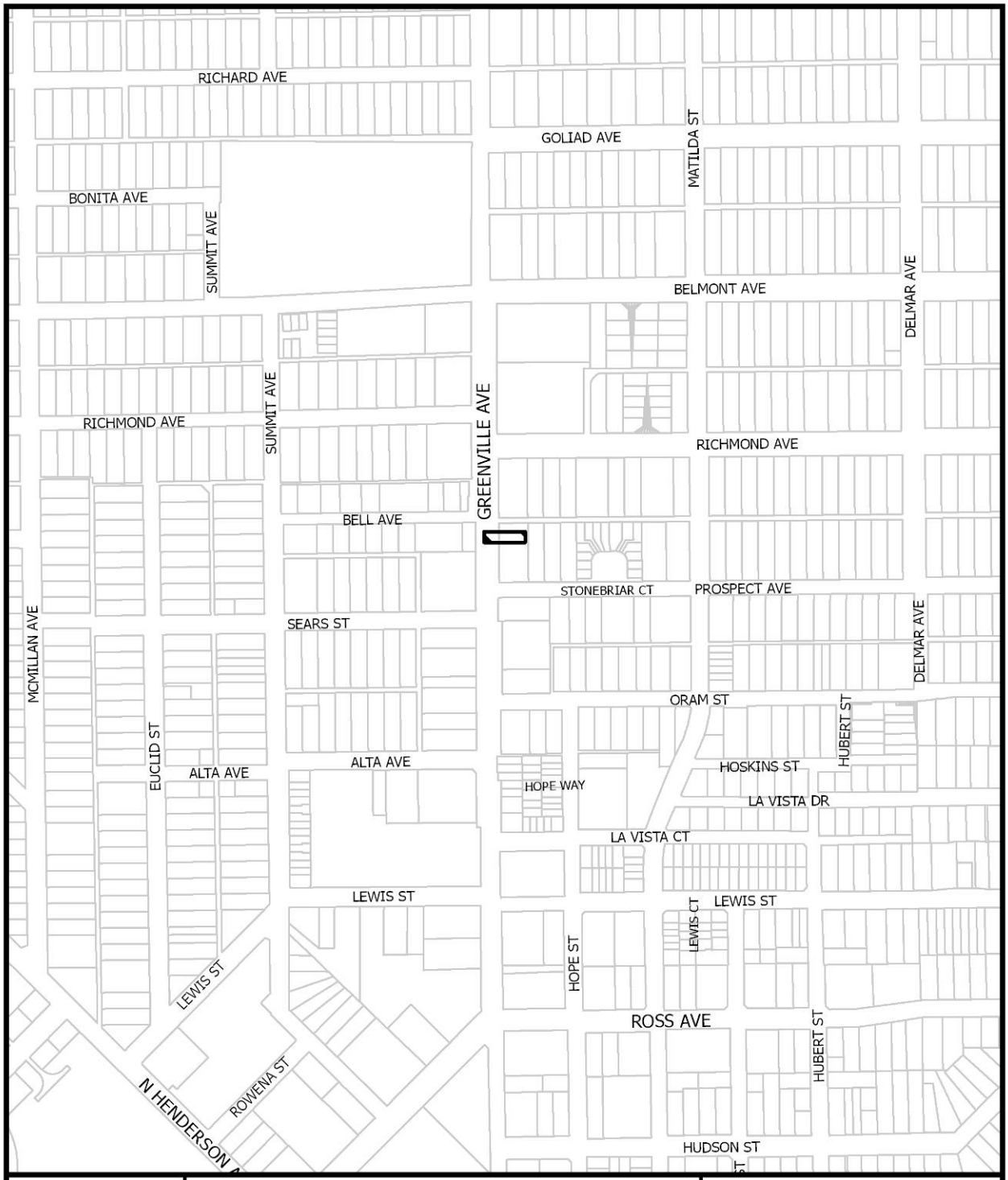
8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan





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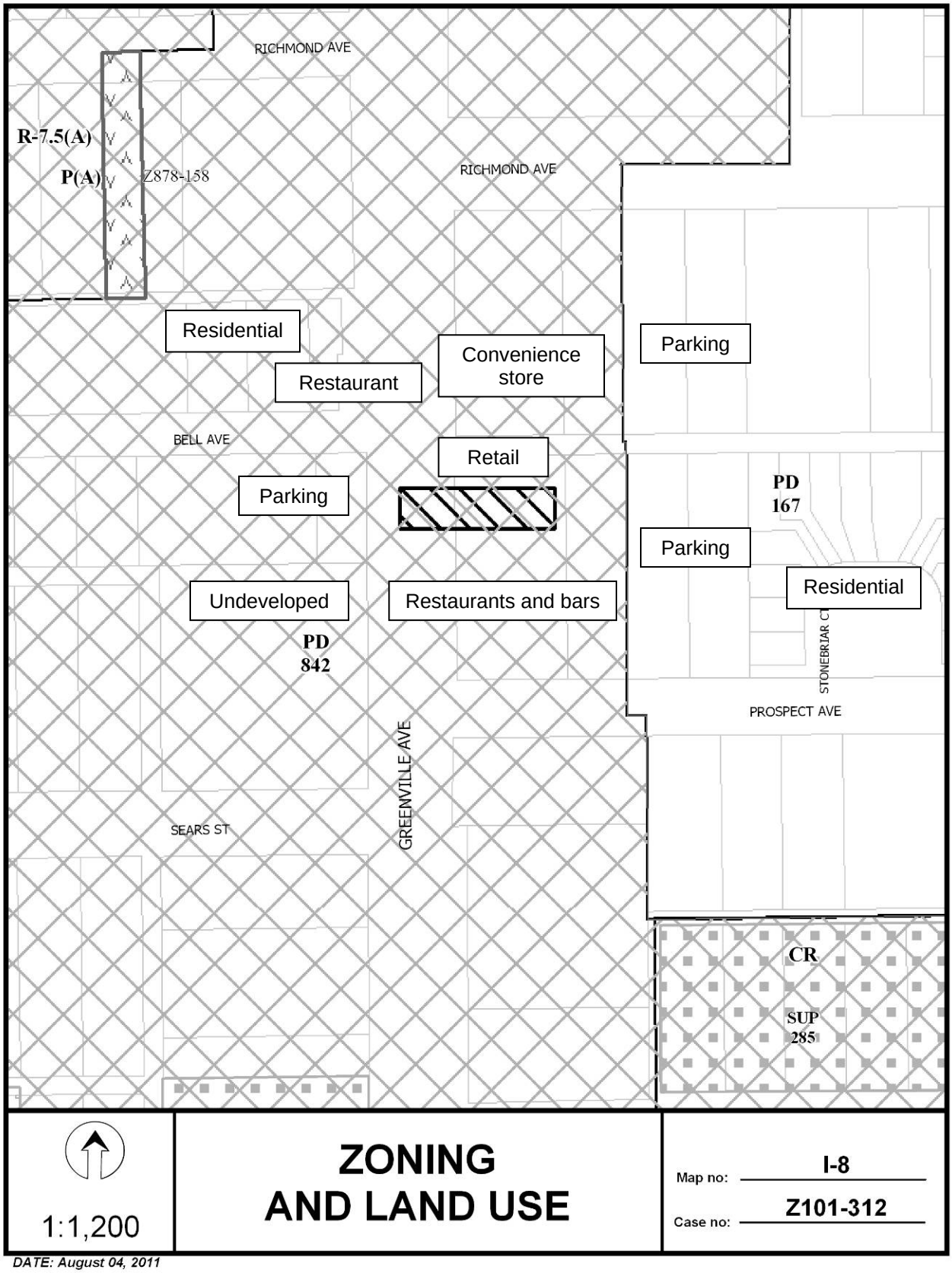
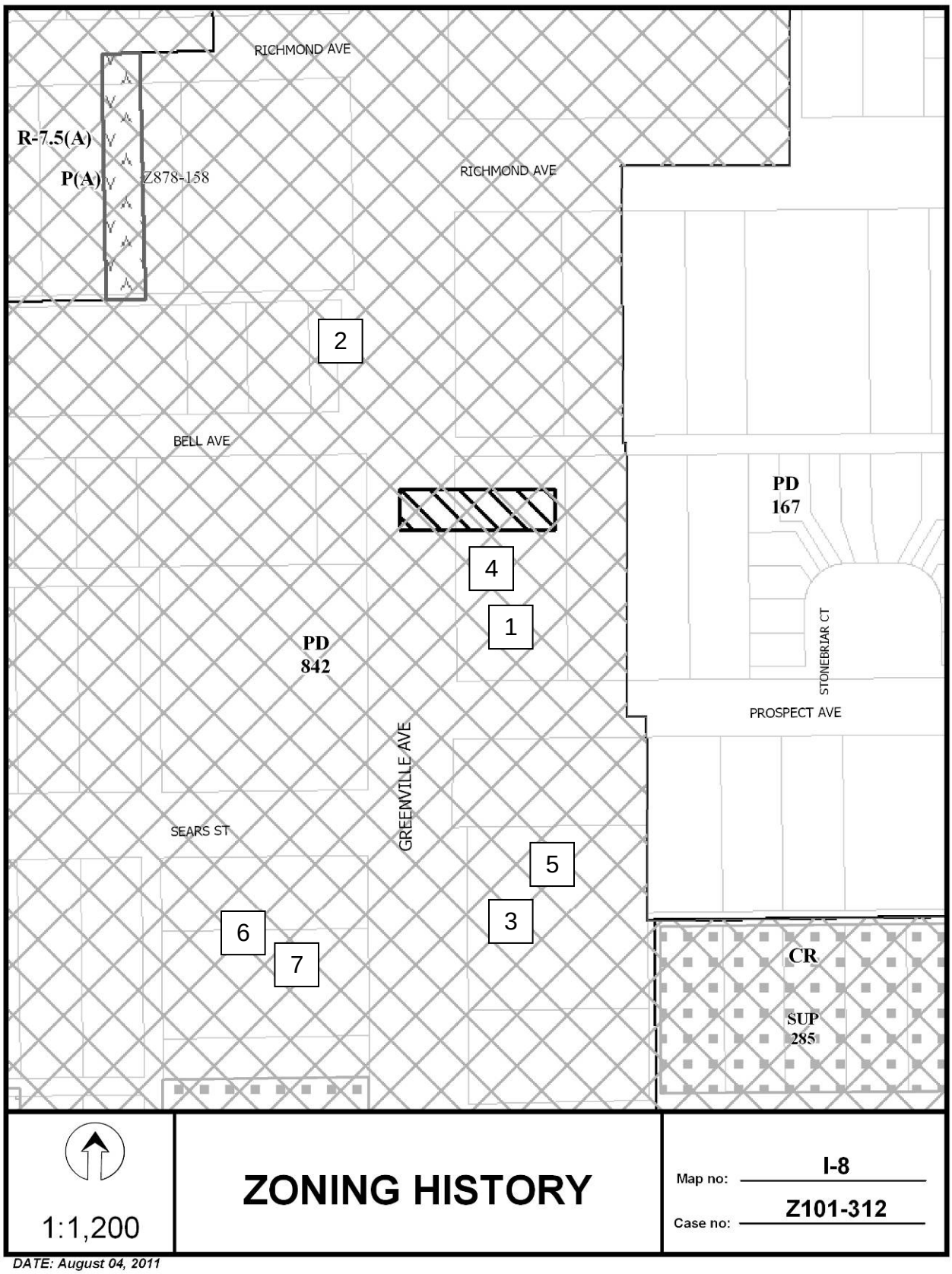
VICINITY MAP

Map no: I-8

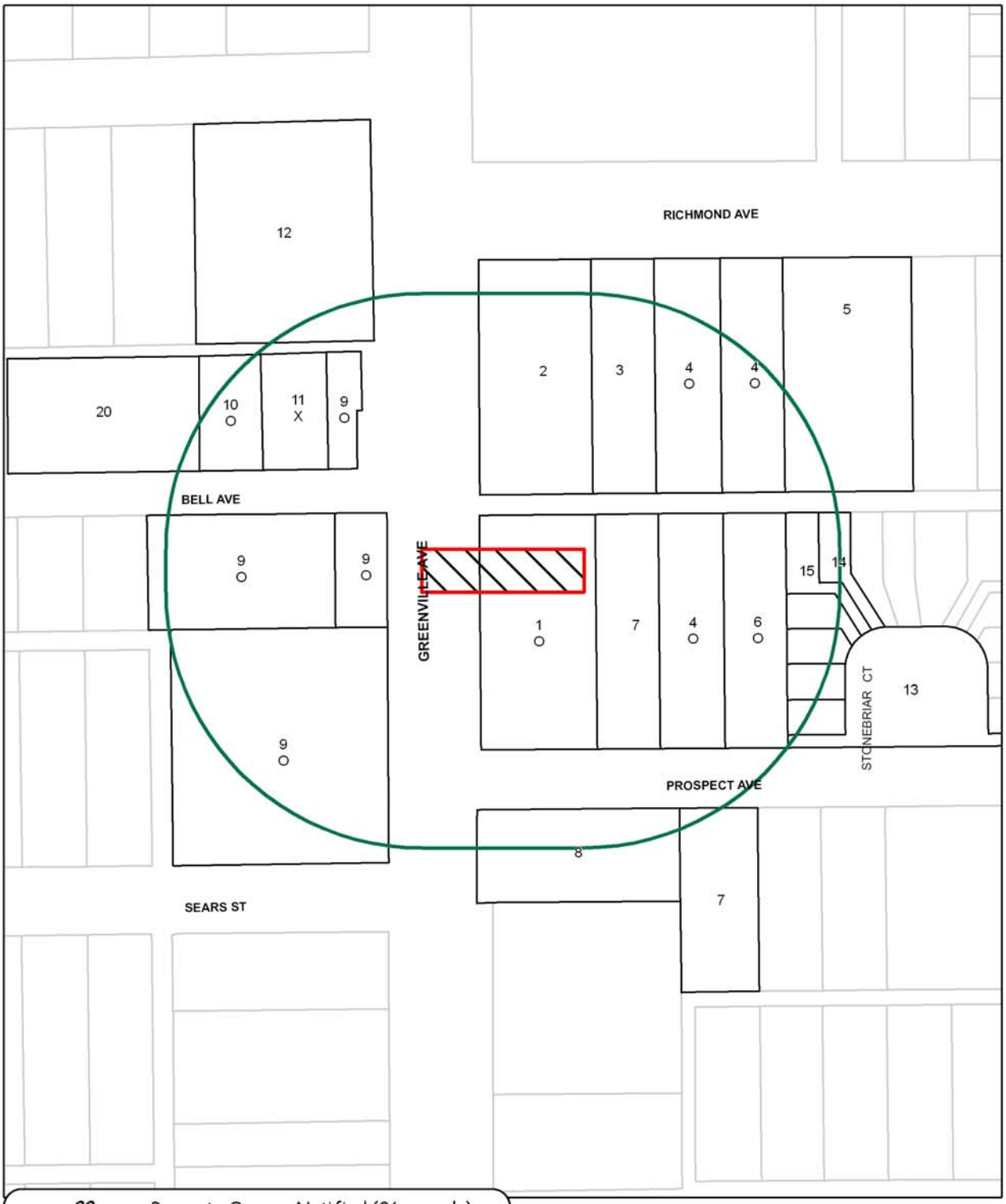
Case no: Z101-312

DATE: August 04, 2011


RICHMOND AVE
R-7.5(A)
P(A)
Z878-158
RICHMOND AVE
Residential
Restaurant
Convenience store
Parking
BELL AVE
Retail
Parking
PD 167
Parking
Residential
Undeveloped
Restaurants and bars
PD 842
STONEBRIAR CT
PROSPECT AVE
GREENVILLE AVE
SEARS ST
CR
SUP 285
1:1,200
ZONING AND LAND USE
Map no: I-8
Case no: Z101-312
DATE: August 04, 2011


RICHMOND AVE
R-7.5(A)
P(A)
Z878-158
RICHMOND AVE
2
BELL AVE
PD
167
4
1
PD
842
STONEBRIAR CT
PROSPECT AVE
GREENVILLE AVE
SEARS ST
5
3
6
7
CR
SUP
285
1:1,200
ZONING HISTORY
Map no: I-8
Case no: Z101-312
DATE: August 04, 2011

CPC Replies



20	Property Owners Notified (26 parcels)
5	Replies in Favor (10 parcels)
1	Replies in Opposition (1 parcels)
200'	Area of Notification
9/1/2011	Date

Z101-312
I-8
CPC

N W E S

1:1,200

Notification List of Property Owners

Z101-312

20 Property Owners Notified ***1 Property Owners Opposed*** ***5 Property Owners in Favor***

Vote	*Label #*	*Address*		*Owner*
O	1	2100	GREENVILLE	GREENVILLE 2100 LTD
	2	5702	RICHMOND	GREENVILLE ROSS PTNR LTD
	3	5710	RICHMOND	SANCHEZ FIDENCIO &
O	4	5716	RICHMOND	REESE GRANDCHILDRENS
	5	5722	RICHMOND	EUSTACHIO PIETRO
O	6	5719	PROSPECT	MADISON PACIFIC DEV COM
	7	5711	PROSPECT	ANDRES FAMILY TRUST
	8	2026	GREENVILLE	ANDRES FAMILY TRUST
O	9	5642	BELL	2001 GREENVILLE VENTURE
O	10	5639	BELL	EATON ROAD LTD
X	11	5643	BELL	BATM PROP LP
	12	2121	GREENVILLE	RICHMAN HARVEY A &
	13	2100	STONEBRIAR	STONEBRIAR CT H O A
	14	6	STONEBRIAR	KELLEY STEPHANIE C &
	15	5	STONEBRIAR	CUMMINGHAM CAROLINE
	16	4	STONEBRIAR	STOKES ROBERT CHARLES
	17	3	STONEBRIAR	MATTHEWS TEVIS C
	18	2	STONEBRIAR	WHITE SHARI
	19	1	STONEBRIAR	HOOPER NICOLE E
	20	5627	BELL	LEFEBVRE DALE

ADDENDUM ITEM # 15

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 36 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the north side of Alta Avenue, west of Greenville Avenue

Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a three-year period, subject to a site plan and conditions

Z101-318(MW)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 14, 2011**

ACM: Ryan S. Evans

FILE NUMBER: Z101-318(MW) **DATE FILED:** June 30, 2011

LOCATION: North side of Alta Avenue, west of Greenville Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 36-W

SIZE OF REQUEST: ±3,105 square feet **CENSUS TRACT:** 10.02

APPLICANT: Nakhon, Inc. dba Nandina

REPRESENTATIVE: Woot Lervisit

OWNER: WSVV, LLC

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: This request would allow the existing establishment to continue to operate after midnight.

CPC RECOMMENDATION: **Approval** for a three-year period subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±8,975-square foot request site is developed with a ±3,207-square foot structure which currently has a certificate of occupancy, issued on March 18, 2010, for a restaurant without drive-in or drive-through service.

- The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight.

- The request site is surrounded by a bar to the north; a restaurant, bars and surface parking to the east; a restaurant with drive-through service and an institutional use to the south; and an undeveloped lot (used for surface parking) and single family homes to the west.

Zoning History:

1. Z101-211: On, July 21, 2011, the City Plan Commission recommended denial of a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley. The City Council hearing date is September 14, 2011.

2. Z101-263: On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern.

3. Z101-311: An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) pending City Plan Commission and City Council Hearings.

4. Z101-314: An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission and City Council Hearings.

5. Z101-323: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-through service pending City Plan Commission and City Council Hearings.

6. Z101-326: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	50 feet

Land Use:

	Zoning	Land Use
Site	PDD No. 842	Restaurant without drive-through
North	PDD No. 842	Bar
East	PDD No. 842; SUP No. 1289	Restaurant, bars, surface parking
South	PDD No. 842	Restaurant with drive-through; institutional
West	PDD No. 842	Undeveloped, single family

STAFF ANALYSIS:

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Comprehensive Plan:

The subject site is identified as being within a Main Street Building Block. Main streets are modeled after the American tradition of "main street" as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the "main street," density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the "main street" to rear parking areas, sidewalk cafes,

outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

In general, the applicant's proposal is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±8,975-square foot request site is developed with a ±3,207-square foot structure which currently has a certificate of occupancy, issued on March 18, 2010, for a restaurant without drive-in or drive-through service.

The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight.

The request site is surrounded by a bar to the north; a restaurant, bars and surface parking to the east; a restaurant with drive-through service and an institutional use to the south; and an undeveloped lot (used for surface parking) and single family homes to the west. The closest residential development is approximately 50 feet to the west of the request site; therefore, staff recommends a condition to prohibit outdoor speakers in association with the late-hours establishment.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. No establishments will be required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. A late-hours establishment must receive a Specific Use Permit no later than September 23, 2011 or cease operation during the hours of midnight and 6:00 a.m.

A late-hours establishment is defined in PDD No. 842 as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment;

(2) the number of citations issued by police for noise ordinance violations by the establishment;

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The Dallas Police Department has provided responses to these criteria, which follow later in this report.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP. Therefore, staff recommends approval of the request for an initial time period of three years.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±3,207-square foot restaurant requires 32 spaces. As depicted on the site plan, 9 spaces will be provided onsite. The applicant owns the adjacent property to the west of the request site and utilizes the lot for restaurant parking. However, the property is currently unimproved. In order for the applicant to utilize the adjacent property to satisfy the parking requirements for the request site, the lot must be paved and striped, as depicted on the site plan, and a parking agreement must be implemented. The required 32 spaces must be provided onsite and/or through a parking agreement in order for the applicant to obtain a certificate of occupancy for late hours.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Police Report:

On August 12, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 5631 Alta Avenue – DBA Nandina:

Number of citations issued by police to patrons:

1 Urinating in Public citation issued in 2011

Number of citations issued by police for noise ordinance violations by the establishment – 0

Number of arrests for public intoxication or disorderly conduct associated with the establishment – 0

Number of Texas Alcoholic Beverage Code violations – 0

Number of violent crimes associated with the establishment/ originating inside the establishment – 0

In addition, the Police Department has provided the following commentary:

5631 Alta, Nandina
This is a medium-sized location that is located on the north side of Alta; west of Greenville and across the street from the Taco Cabana. This location is a restaurant where some of the crowd from Greenville will go and eat after the other locations close at 2:00 a.m. It remains open until 3:00 a.m. Rarely is police service required at this location. The employees and management of this location seem to operate the business well within our expectations.

Nandina also does not require a lot of attention. The only enforcement taken was one Urinating in Public citation in 2011. There were no other TABC, nuisance violations, or violent crimes stemming from this establishment.

CPC Action: September 1, 2011:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service for a three-year period, subject to a site plan and revised conditions t to include revised late-hours of operation: Monday thru Sunday between 12:00 a.m. to 3:00 a.m. with all customers removed by 4:30 a.m., on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the north side of Alta Avenue, west of Greenville Avenue.

Maker: Wally
Second: Peterson
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 200 Mailed: 20
Replies: For: 2 Against: 0

Speakers: For: Woot Lervisit, 5631 Alta Ave., Dallas, TX, 75206
Philip Kingston, 5901 Palo Pinto Ave., Dallas, TX, 75206
Against: None

Partners/Principals/Officers:

Nakhon, Inc., dba Nandina Restaurant

- Vivit Lervisit owns 100% of Nahkon, Inc. and is the President of the company.
- Nakhon, Inc. does business as Nandina Restaurant and is located at 5631 Alta Ave. Dallas, TX 75206.

WSVV, LLC.

- Vivit Lervisit is the sole owner and manager of WSVV, LLC.
- WSVV, LLC owns the real property at 5631 Alta Ave. Dallas, TX 75206 where Nandina Restaurant is located.

Z101-318

Z101-318
Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit automatically terminates on (two years).

4. FLOOR AREA: The maximum floor area is 3,207 square feet.

5. HOURS OF OPERATION: The late-hours establishment limited to a restaurant without drive-in or drive-through service may only operate between 12:00 a.m. (midnight) and 3:00 a.m., Monday through Sunday. All customers must be removed from the Property by 4:30 a.m.

6. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).

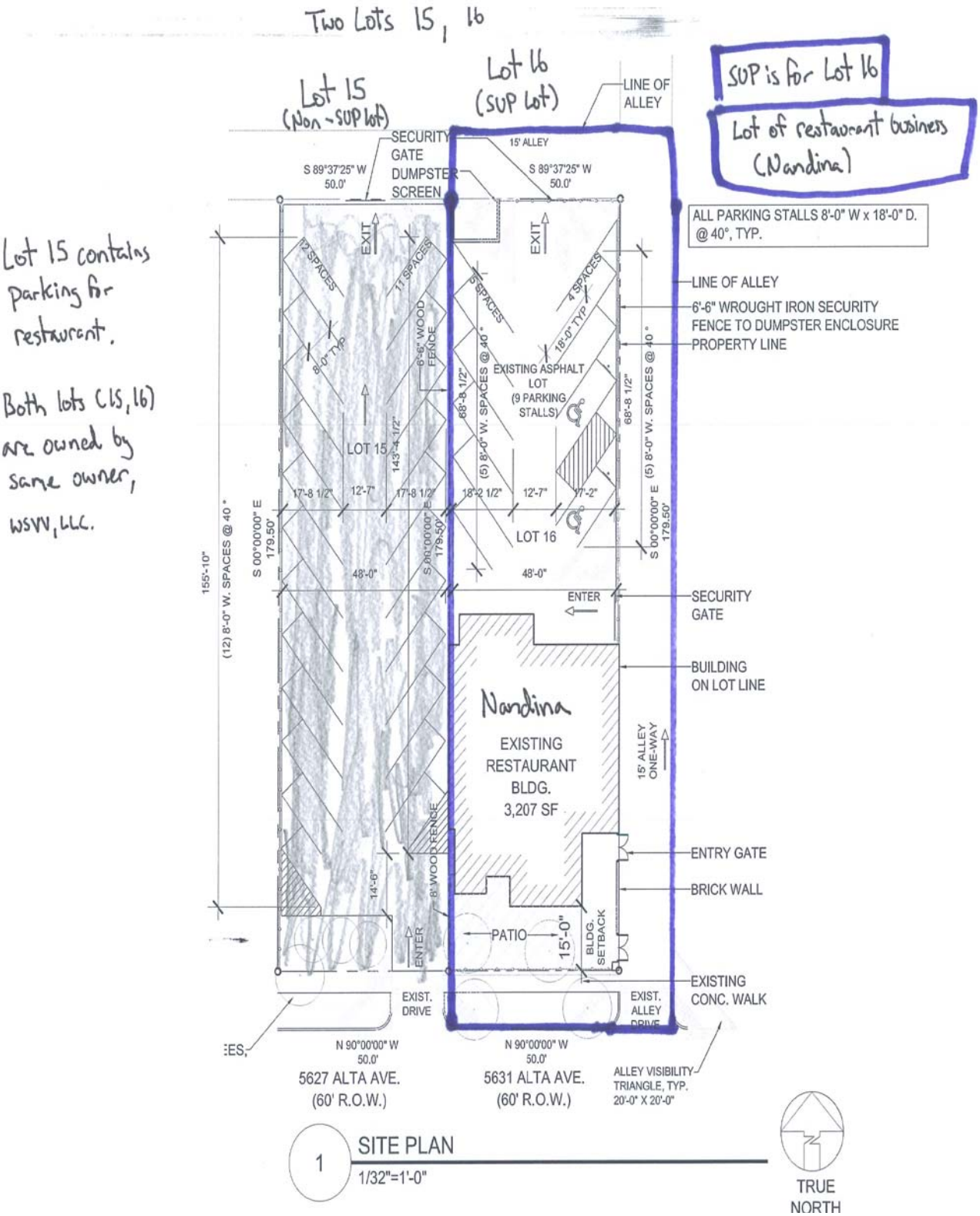
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.

8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan



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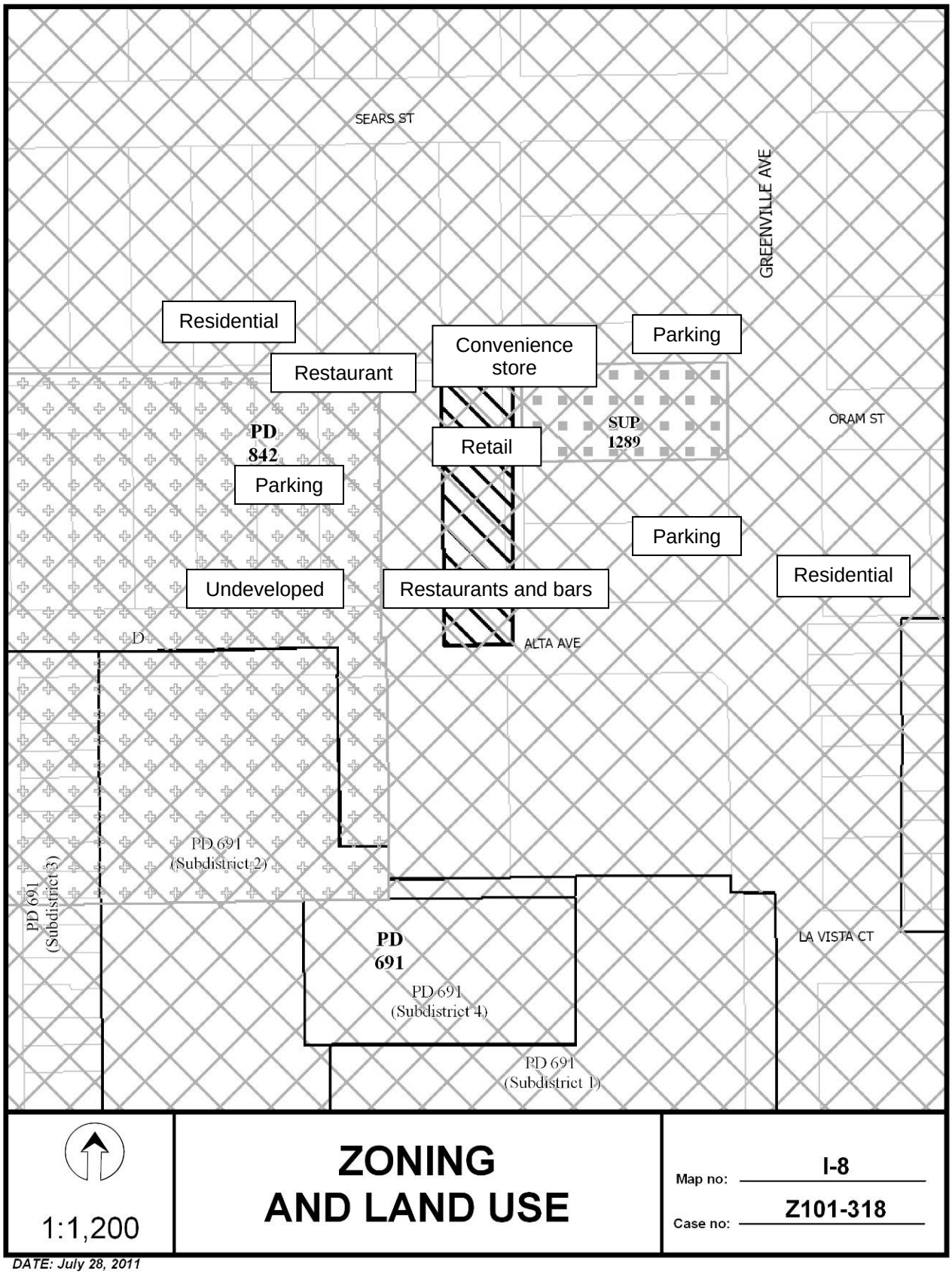
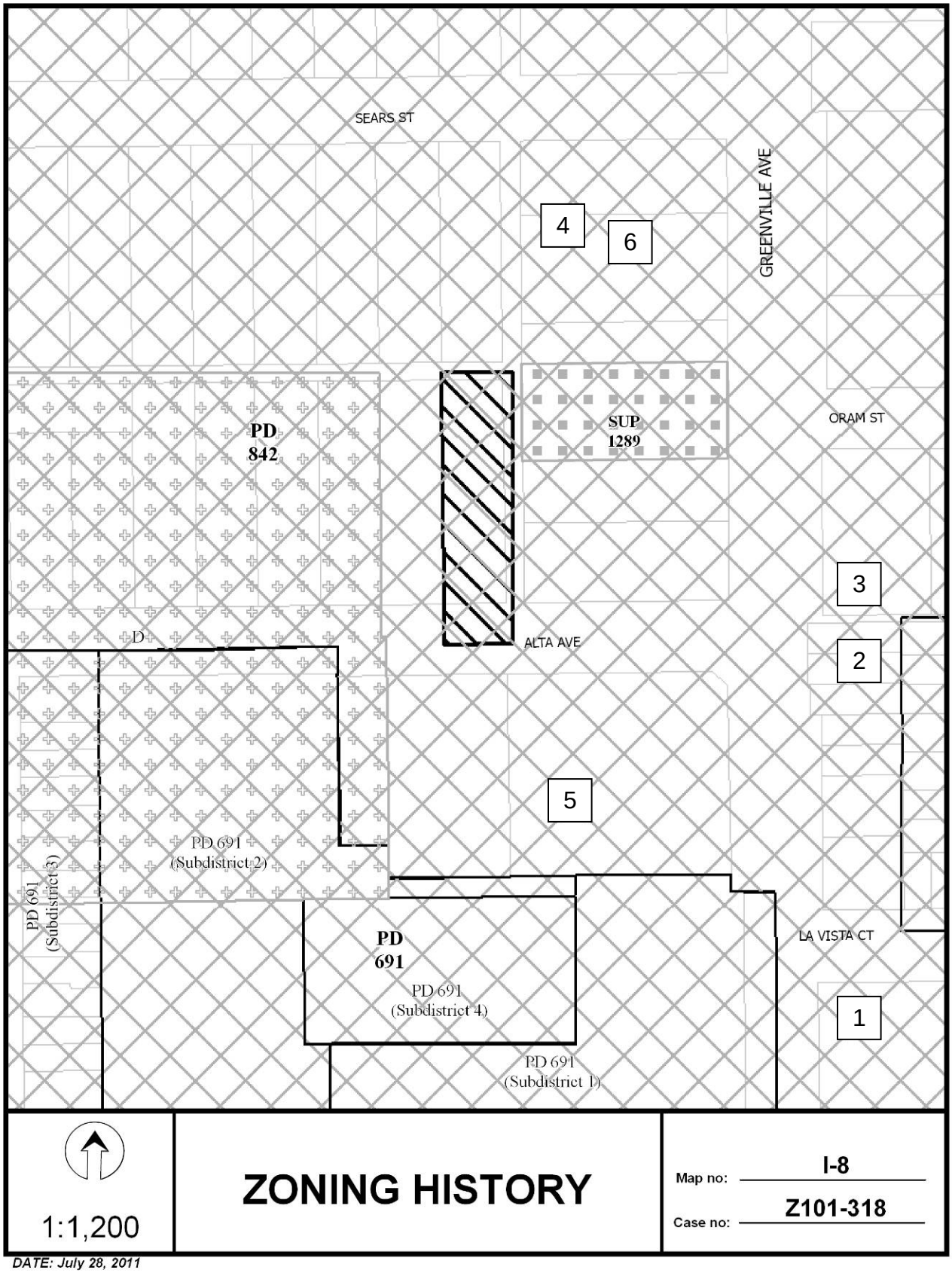
VICINITY MAP

Map no: I-8

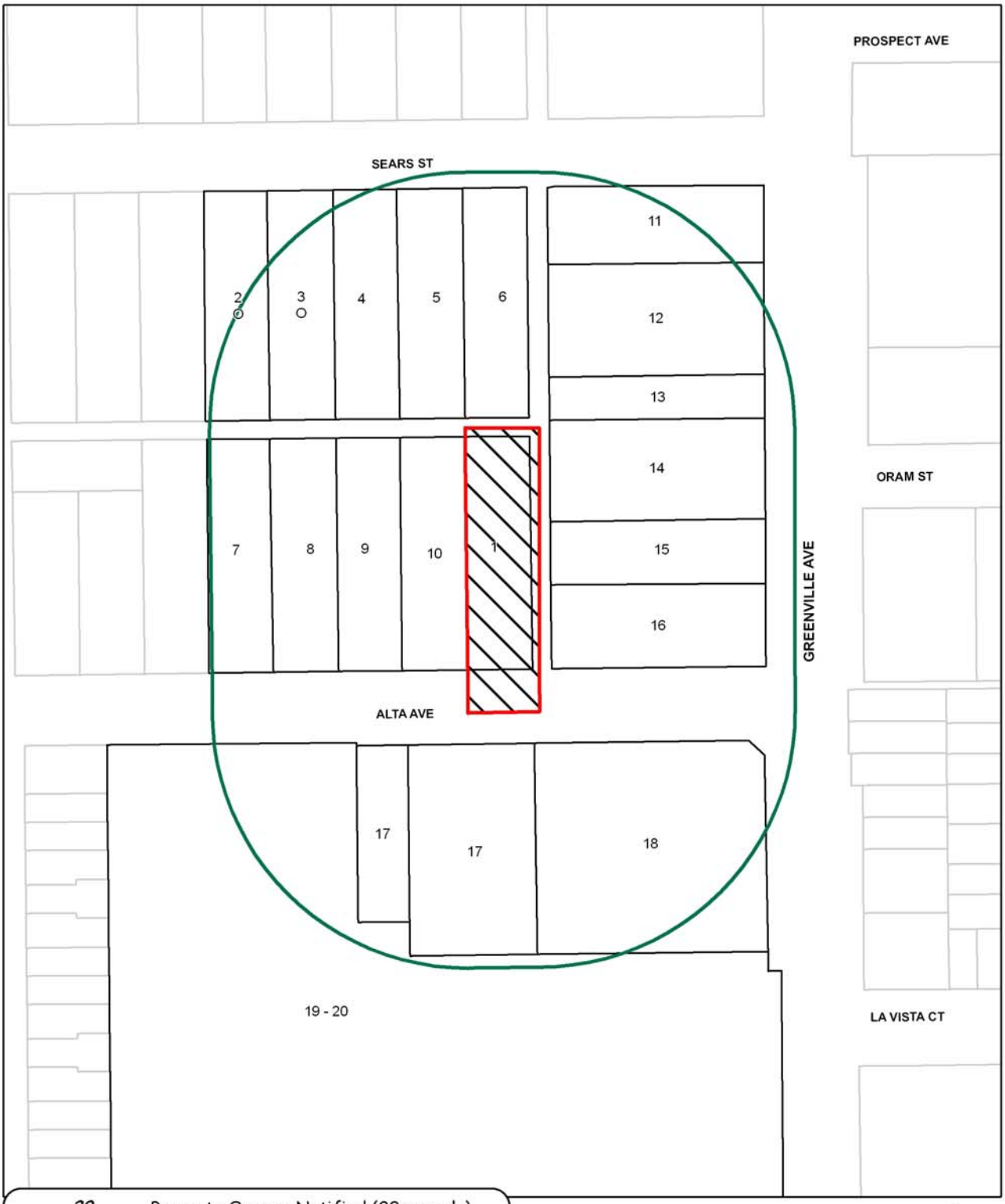
Case no: Z101-318

DATE: July 28, 2011


SEARS ST
GREENVILLE AVE
Residential
Restaurant
Convenience store
Parking
PD 842
Retail
SUP 1289
ORAM ST
Parking
Parking
Residential
Undeveloped
Restaurants and bars
D
ALTA AVE
PD 691 (Subdistrict 2)
PD 691 (Subdistrict 3)
PD 691
PD 691 (Subdistrict 4)
LA VISTA CT
PD 691 (Subdistrict 1)
1:1,200
ZONING AND LAND USE
Map no: I-8
Case no: Z101-318
DATE: July 28, 2011


SEARS ST
GREENVILLE AVE
4
6
PD
842
SUP
1289
ORAM ST
3
D
ALTA AVE
2
5
PD 691
(Subdistrict 2)
PD 691
(Subdistrict 3)
PD
691
PD 691
(Subdistrict 4)
LA VISTA CT
1
PD 691
(Subdistrict 1)
1:1,200
ZONING HISTORY
Map no: I-8
Case no: Z101-318
DATE: July 28, 2011

CPC Replies



20	Property Owners Notified (20 parcels)
2	Replies in Favor (2 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
9/1/2011	Date

Z101-318
I-8
CPC

N W E S

1:1,200

Notification List of Property Owners

Z101-318

20 Property Owners Notified ***0Property Owners Opposed*** ***2Property Owners in Favor***

Vote	*Label #*	*Address*		*Owner*
	1	5631	ALTA	WSVV LLC
O	2	5614	SEARS ST	GREENVILLE HOLDINGS INC
O	3	5618	SEARS ST	GREENVILLE HOLDINGS CO
	4	5622	SEARS ST	ROY MARION B
	5	5624	SEARS ST	5624 SEARS STREET LTD
	6	5628	SEARS ST	CHOTAS SOPHIE
	7	5615	ALTA	THACKER RICHARD E
	8	5619	ALTA	THACKER RICHARD E JR
	9	5623	ALTA	SHIELDS WILLIAM OLIVER
	10	5627	ALTA	WSVV
	11	1931	GREENVILLE	GENARO TRUST 1
	12	1919	GREENVILLE	1919 27 GREENVILLE LTD
	13	1917	GREENVILLE	WORLD WIDE FOOD INC
	14	1911	GREENVILLE	INTERCITY INVESTMENT PROP
	15	1909	GREENVILLE	WORLDWIDE FOOD INC
	16	1903	GREENVILLE	LOWGREEN PS
	17	5626	ALTA	LATORRE ROBERT INC
	18	1827	GREENVILLE	LOWGREEN PS
	19	1811	GREENVILLE	LRRP GREENVILLE LLC
	20	1811	GREENVILLE	GREENWAY GREENVILLE LP

ADDENDUM ITEM # 16

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 36 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses, on the southwest corner of Greenville Avenue and Alta Avenue

Recommendation of Staff: Approval for the period ending September 30, 2013, subject to a site plan and conditions

Recommendation of CPC: Approval for the period ending September 30, 2013, subject to a site plan and conditions

Z101-323(RB)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 14, 2011

ACM: Ryan S. Evans

FILE NUMBER: Z101-323(RB) **DATE FILED:** July 8, 2011

LOCATION: Southwest Corner of Greenville Avenue and Alta Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 36 X

SIZE OF REQUEST: Approx. 30,078 Sq. Ft. **CENSUS TRACT:** 10.02

APPLICANT: Texas Taco Cabana, L.P.

REPRESENTATIVE: Suzan Kedron

OWNER: Lowgreen PS

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a limited to a Restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: The applicant is proposing to continue operation of an existing restaurant with late hours.

CPC RECOMMENDATION: Approval for a period ending September 30, 2013, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a period ending September 30, 2013, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The existing improvements are utilized for a restaurant. The applicant has operated at this location since 1993.
- The restaurant occupies 3,983 square feet of floor area and possesses a 1,450 square foot uncovered patio located along the site's Greenville Avenue frontage.
- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore requires an SUP for any retail and personal service uses operating after 12:00 a. m.
- The applicant is requesting an SUP for late hours to provide for daily operation 24 hours per day.
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

Zoning History:

File No.	Request, Disposition, and Date
1. Z101-264	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 10, 2011, the City Council recommended approval for a two-year period, subject to a site plan and conditions.
2. Z101-270	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 4, 2011, the CPC recommended approval for a two-year period. Pending the September 14, 2011 CC public hearing.
3. Z101-295	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing.
4. Z101-303	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. On August 18, 2011, the CPC recommended approval for a five-year period. Pending the September 14, 2011 CC public hearing.
5. Z101-314	An SUP for a late-hours establishment limited to an Alcoholic beverage establishment limited to a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.

6. Z101-301 An SUP for a late-hours establishment limited to a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.

7. Z101-326 An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.

Street	**Existing & Proposed ROW**
Greenville Avenue	Local; 50' ROW
Alta Avenue	Local; 60' ROW

Comprehensive Plan: The request site lies within a Main Street Building Block. Main streets are modeled after the American tradition of "main street" as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the "main street," density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the "main street" to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Area Plans: Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies

are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: In general terms, 'delta theory' means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The 'modified delta', in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three 'Areas' in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 (see attached Area 3 sketch). MD-1 was adopted by the City Council on October 1, 1987.

A June 14, 1995 City Council resolution provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area (1 space/300 square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

Land Use: The request site possesses improvements that are utilized for a restaurant; 3,983 square feet of floor area and 1,450 square feet for an uncovered patio that fronts along the site's Greenville Avenue frontage. The applicant is requesting an SUP for a late-hours establishment to permit the existing use to operate daily, 24 hours per day. The restaurant has been at this location since 1993. Surface parking serving the use is located on-site.

In addition to the mix of retail and entertainment uses located along Greenville Avenue north and south of the site, residential uses (single family and multifamily structures) are found on properties further northwest/west towards Summit Avenue. A vacant office structure abuts the site's western boundary. There is a medium-density residential component (multifamily dwellings) associated with the mixed use development immediately south of the site.

The purpose of PDD No. 842 is to 'ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.' As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00

a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

> (e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
>
> (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
>
> (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Lastly, in an effort to assess the compatibility of a request for a late-hours establishment, the following information is requested for staff's review:

(1) Floor plan.

(2) Certificate of occupancy history.

(3) Location of required parking, including detail related to applicable delta credits, Board of Adjustment parking reductions, and/or city approved parking agreements.

(4) Existing or proposed improvements within the right-of-way, including copy of private license.

(5) For a restaurant, copy of menu and alcohol affidavit.

The applicant has provided necessary documentation related to Nos. 1, 2, and 5. Item Nos. 3 and 4 are not applicable; both required off-street parking as well as the patio area are located on the property.

The applicant's improvements are oriented along the north-south alignment of Greenville Avenue. Platted as a cornerside lot, the property provides access along both Greenville Avenue and Alta Avenue. The speaker box for the drive-through portion of the operation is located along the western façade, with the speaker facing the residential uses further west of the property. The applicant has operated in a responsible manner with minimal reported police activity at the location since its occupancy (see Police Activity, below).

There is some concern as to the orientation of the drive-thru operation, however, it should be noted that this use currently operates in a similar manner as a restaurant, which is permitted by right in a CR District. As a result of staff's analysis, support for the request is being given, subject to the attached site plan and conditions. With respect to the recommended time period, the applicant's representative has indicated this date allows the operator to finalize future business decisions and allow for an adequate time in which to submit an application to renew this SUP.

Traffic: The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system.

Parking: The existing restaurant requires one space for each 100 square feet of floor area. All required parking is provided as shown on the attached site plan.

Landscaping: The existing development provides for landscaping that complies with Article X as well as enhanced planting areas surrounding the patio. No revisions are proposed nor required with this application.

CPC ACTION

(September 1, 2011)

Police Analysis
1827 Greenville Taco Cabana

Number of citations issued by police to patrons – 0
Number of citations issued by police for noise ordinance violations by the establishment – 0
Number of arrests for public intoxication or disorderly conduct associated with the establishment –
2 public intoxication arrests in 2010, 3 public intoxication arrests in 2011
Number of Texas Alcoholic Beverage Code violations – 0
Number of violent crimes associated with the establishment/ originating inside the establishment – 0
Two notations:
1 other arrest for city warrants (outstanding tickets) in 2011
Taco Cabana has off-duty Dallas police officers hired to work at the location Thursday night thru Saturday nights which minimizes the chances of a disturbance from occurring at this establishment.

CPC ACTION

(September 1, 2011)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a Restaurant with drive-in or drive-through service for a period ending September 30, 2013, subject to a revised site plan and revised conditions to include revised hours of operation: Monday thru Sunday between 12:00 a.m. to 6:00 a.m., on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the southwest corner of Greenville Avenue and Alta Avenue.

Maker: Wally
Second: Peterson
Result: Carried: 13 to 0

For: 13 - Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar*

Against: 0
Absent: 2 - R. Davis, Lavallaisaa
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	39
Replies:	For:	4	Against:	0

Speakers: For: Suzan Kedron, 901 Main St., Dallas, TX, 75202
Against: None

T.C. Management, Inc. (DE, DOI: 10/26/1993) FID 74-2686352

Stockholder: Taco Cabana, Inc. 100%

0.9352% General Partner of Texas Taco Cabana, L.P.

*T.C. Management, Inc. is a holding company without any employees or tangible assets.

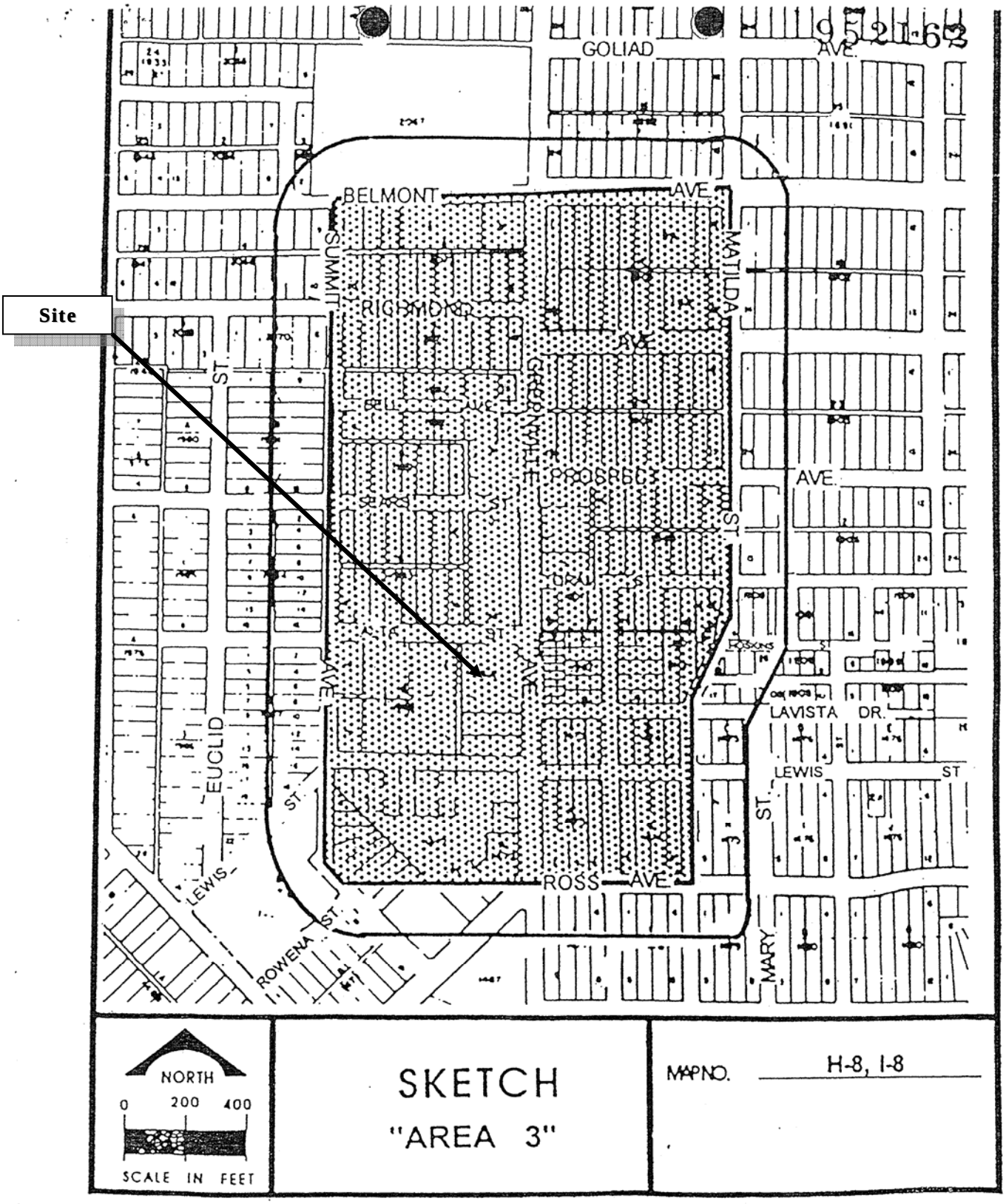
Director & Chairman	Alan Vituli
Director & President	Daniel T. Accordino
Executive VP	Michael A. Biviano
VP & Secretary	Joseph A. Zirkman
VP & Treasurer	Paul R. Flanders
VP & Asst. Secretary	Shanna M. Ramirez
VP	Richard G. Cross
VP	Bradley D. Smith
VP	William E. Myers

Z101-323

LOWGREEN PS
A TEXAS JOINT VENTURE

Marc Andres	Joint Venturer
Roger Andres	Joint Venturer
Aharon Netzer	Joint Venturer
Shula Netzer	Joint Venturer

Z101-323


Site
GOLIAD
AVE.
BELMONT
AVE.
SUMMIT
MATILDA
RICHMOND
ST.
AVE.
ST.
AVE.
ROSS
AVE.
LAVISTA
DR.
LEWIS
ST
ST.
EUCLID
ST.
LEWIS
ROWENA
ST.
MARY
NORTH
0
200
400
SCALE IN FEET
SKETCH
"AREA 3"
MAP NO.
H-8, I-8

CPC RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant with drive-in or drive-through service.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on September 31, 2013.

4. FLOOR AREA: Maximum floor area is 3,983 square feet in the location shown on the attached site plan.

5. OUTDOOR PATIO AREA:

   A. Maximum land area for the outdoor patio is 1,450 square feet in the location shown on the attached site plan.
   B. The outdoor patio must be uncovered.

6. HOURS OF OPERATION: The late-hours establishment limited to a restaurant with drive-in or drive-through service may only operate between 12:00 a.m. (midnight) and 6:00 a.m. (the next day), Monday through Sunday.

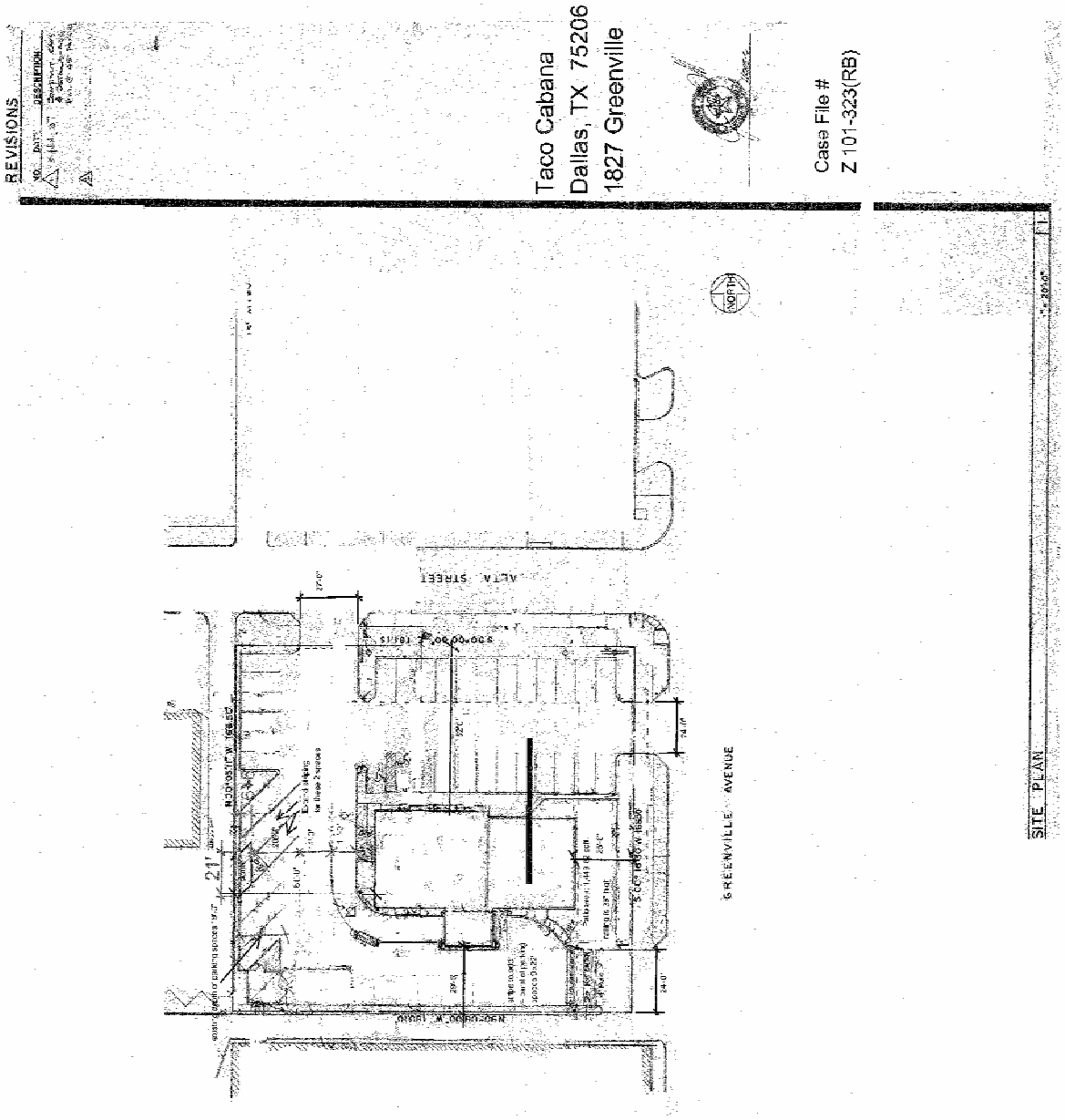
7. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).

8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.

9. OUTSIDE SPEAKERS: Except for the existing speaker box for use at the menu board located as shown on the site plan, outside speakers are prohibited.

10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

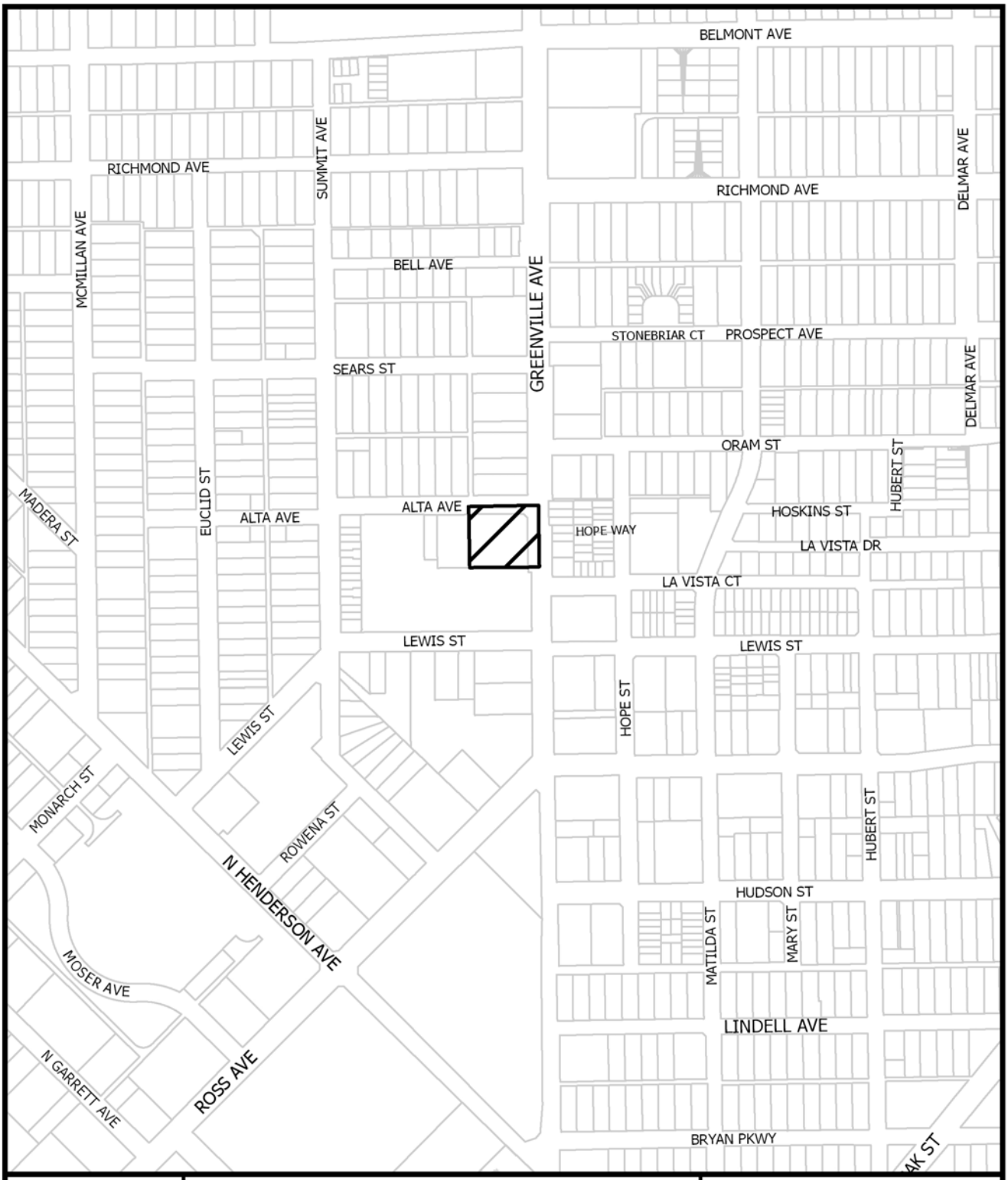
11. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas



Building Square footage breakdown	
Mazzanine area	814.00 sqft
Kitchen storage	121.26 sqft
Kitchen area	1,368.00 sqft
Lobby & dining area	1,680.00 sqft
Total Building Area	3,983.26 sqft
Total parking spaces required	40
Total parking spaces provided	40

Late hour's establishment for a restaurant with a drive-in or drive thru service

Proposed Site Plan



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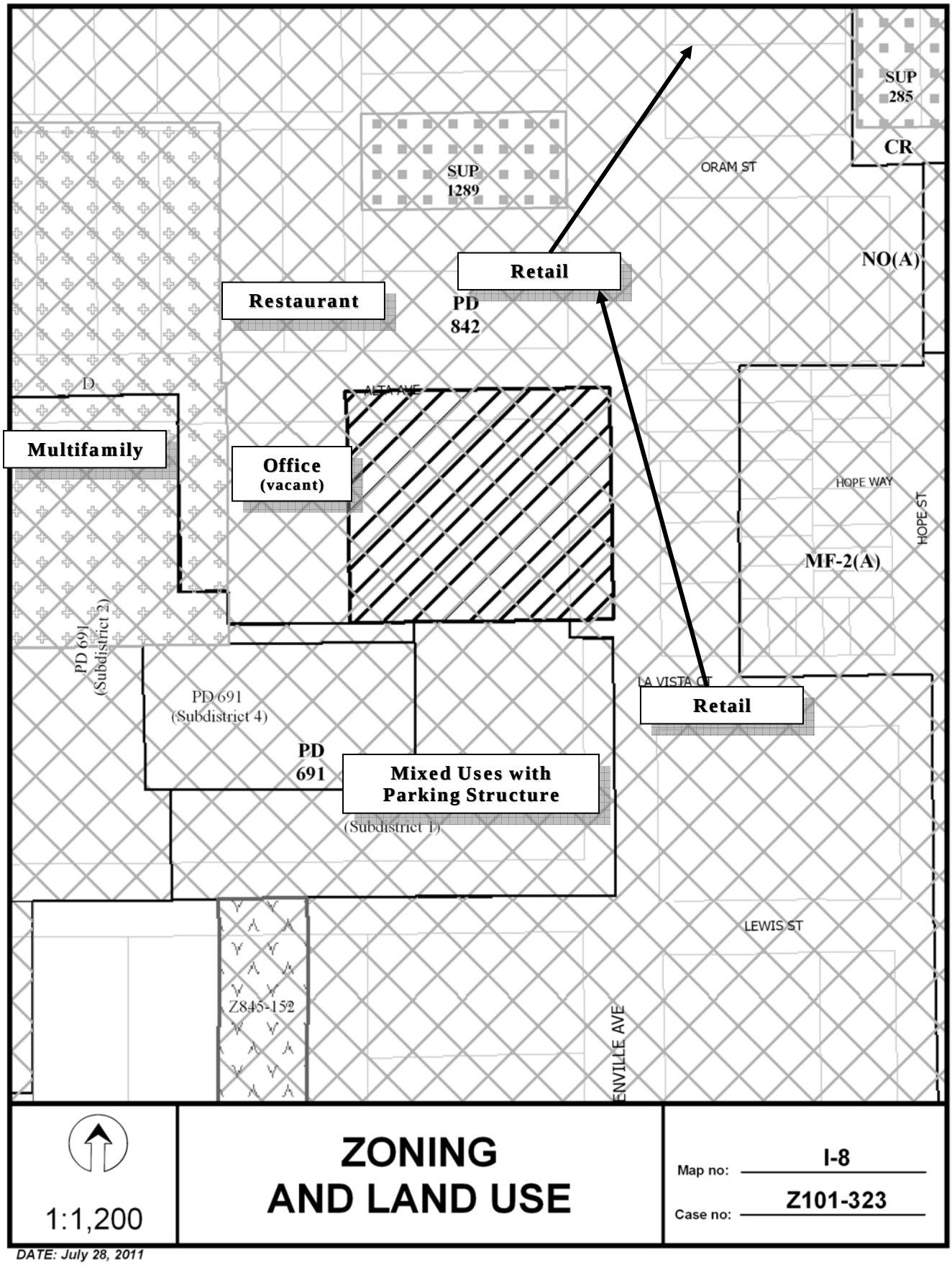
VICINITY MAP

Map no: I-8

Case no: Z101-323

DATE: July 28, 2011



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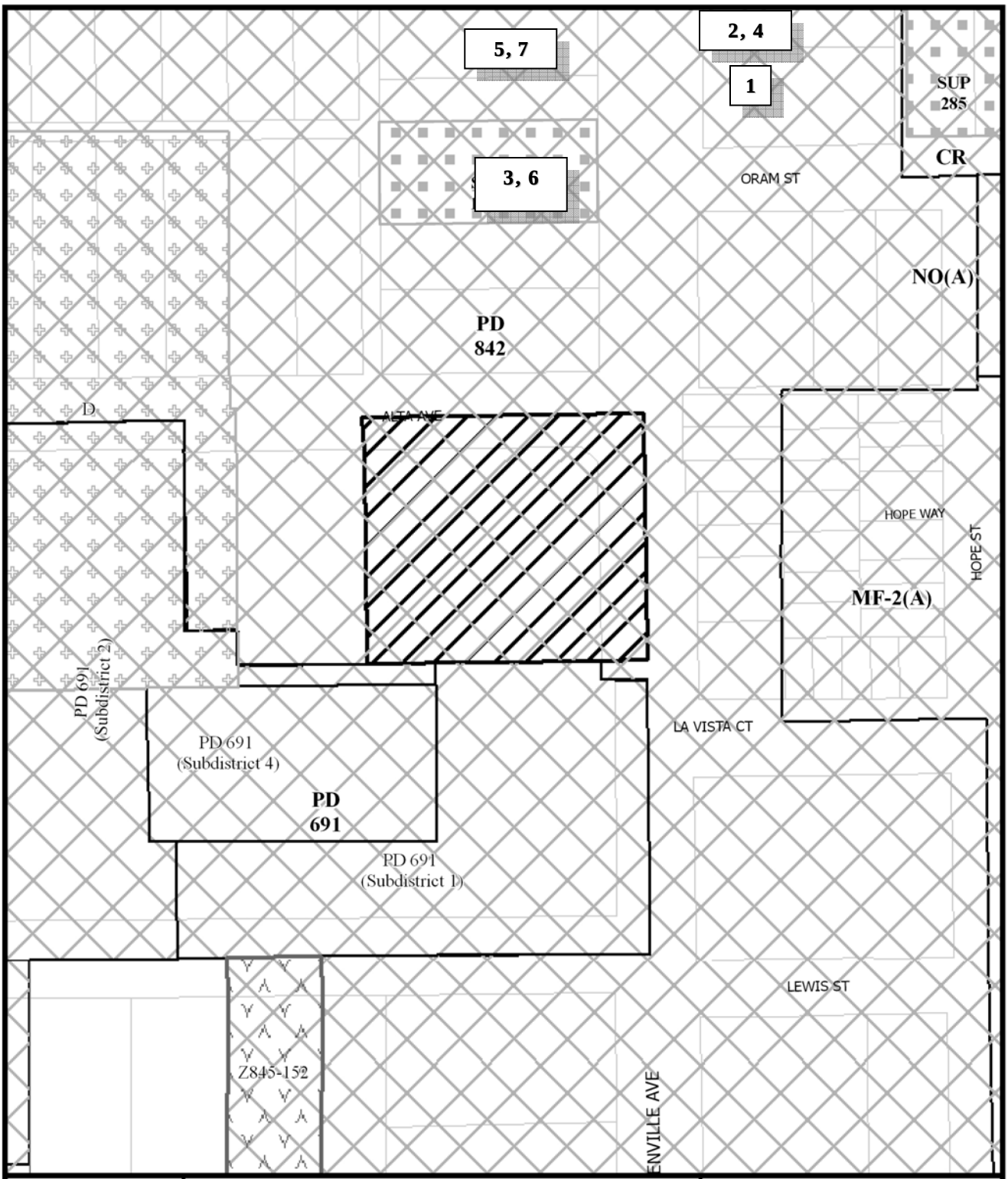
ZONING AND LAND USE

Map no: I-8

Case no: Z101-323

DATE: July 28, 2011



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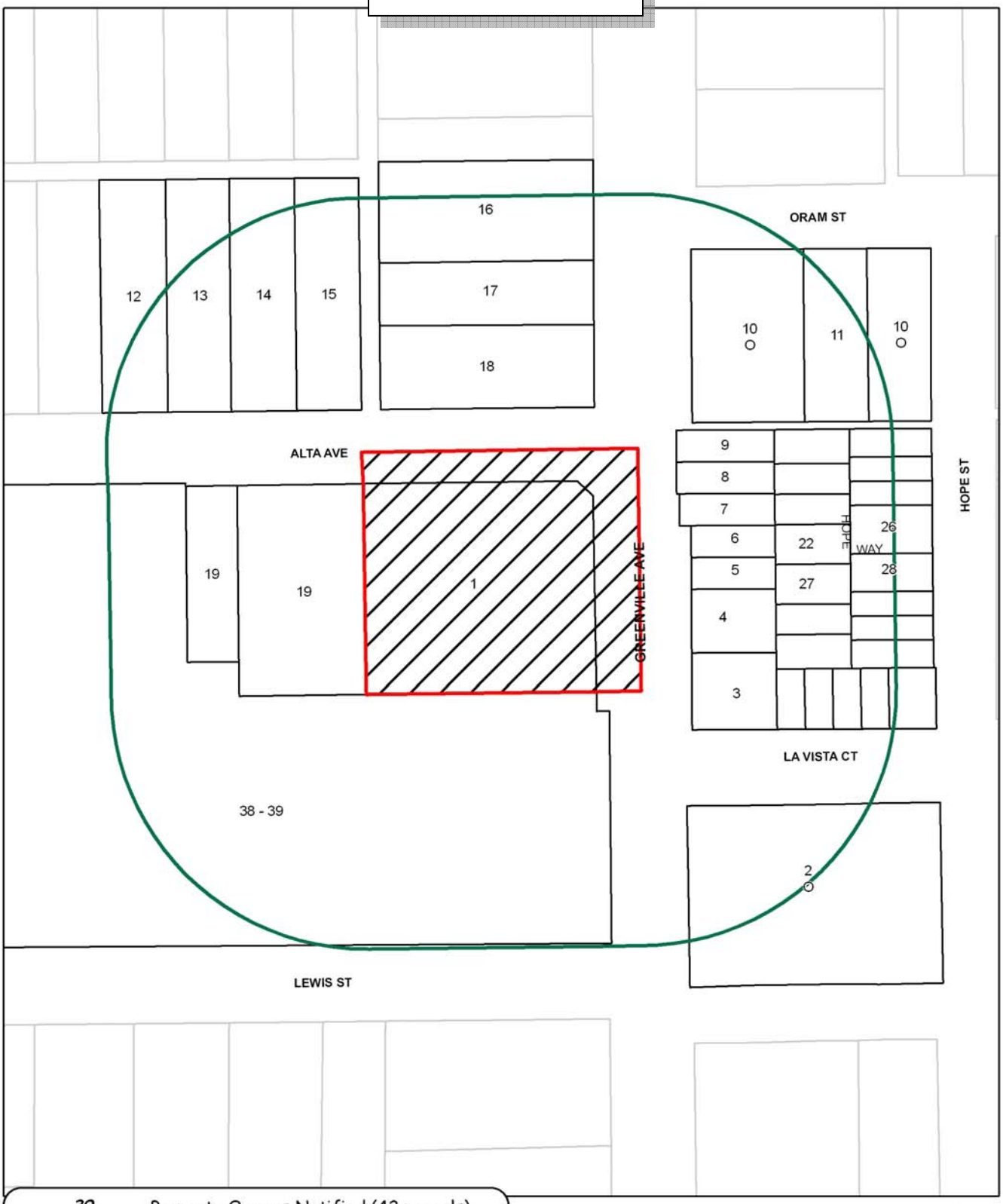
ZONING HISTORY

Map no: I-8

Case no: Z101-323

DATE: July 28, 2011

CPC RESPONSES



39	Property Owners Notified (42 parcels)
4	Replies in Favor (5 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
9/1/2011	Date

Z101-323
I-8
CPC

N W E S

1:1,200

Notification List of Property Owners

Z101-323

39 Property Owners Notified ***0 Property Owners Opposed*** ***4 Property Owners in Favor***

Vote	*Label #*	*Address*		*Owner*
	1	1827	GREENVILLE	LOWGREEN PS
O	2	1802	GREENVILLE	VETTER JAMES G JR TR
	3	1900	GREENVILLE	TRUST REAL ESTATE
	4	1904	GREENVILLE	GALANIS CHRIS V ETAL
	5	1908	GREENVILLE	AK & ASSOCIATES
	6	1910	GREENVILLE	MORENO RICHARD
	7	1912	GREENVILLE	CAMPBELL OLIVER
	8	1914	GREENVILLE	CHAPLIN JACK ET AL
	9	1916	GREENVILLE	SHORT STACK LLC
O	10	5712	ORAM	LOWGREEN PS
	11	5710	ORAM	SOURIS MINOS
	12	5619	ALTA	THACKER RICHARD E JR
	13	5623	ALTA	SHIELDS WILLIAM OLIVER
	14	5627	ALTA	WSVV
	15	5631	ALTA	WSVV LLC
	16	1911	GREENVILLE	INTERCITY INVESTMENT PROP
	17	1909	GREENVILLE	WORLDWIDE FOOD INC
	18	1903	GREENVILLE	LOWGREEN PS
	19	5626	ALTA	LATORRE ROBERT INC
	20	1919	HOPE WAY	NGUYEN NGOC DIEP
	21	1922	HOPE WAY	LEE SHI JIN
	22	1913	HOPE WAY	ARIES VENTURES INC
	23	1920	HOPE WAY	KUMEKPOR ELI M
O	24	1918	HOPE WAY	TROMBLEY DJANGO
	25	1915	HOPE WAY	ALARCON WALDO & YAZMIN R
	26	1916	HOPE WAY	LARES BRYAN

Vote	*Label #*	*Address*		*Owner*
	27	1911	HOPE WAY	LOWENSTEIN MARK
	28	1912	HOPE WAY	CRAVENS KIMBERLY A
	29	1910	HOPE WAY	DANISH DAVID
	30	1909	HOPE WAY	KEEPMAN MATTHEW
	31	1908	HOPE WAY	GANDHI ANUPAMA K
	32	1907	HOPE WAY	BAILEY TERRANCE V
	33	1906	HOPE WAY	PENNINGTON DREW &
O	34	5715	LA VISTA	CATHCART DAVID
	35	5713	LA VISTA	CHIANG THOMAS S &
	36	5711	LA VISTA	WHITE JULIUS
	37	5709	LA VISTA	SHANE MARIO M & RACHELLE
	38	1811	GREENVILLE	LRRP GREENVILLE LLC
	39	1811	GREENVILLE	GREENWAY GREENVILLE LP

Wednesday, September 07, 2011

ADDENDUM ITEM # 17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 36 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, south of Sears Street

Recommendation of Staff: Approval for a five-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions

Z101-326(RB)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 14, 2011

ACM: Ryan S. Evans

FILE NUMBER: Z101-326(RB) **DATE FILED:** July 13, 2011

LOCATION: West Line of Greenville Avenue, South of Sears Street

COUNCIL DISTRICT: 2 **MAPSCO:** 36 X

SIZE OF REQUEST: Approx. 15,073 Sq. Ft. **CENSUS TRACT:** 10.02

APPLICANT/REPRESENTATIVE: Samuel J. Mandell, III

OWNER: 1919-27 Greenville, Ltd.

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a limited to a Restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: The applicant is proposing to continue operation of an existing restaurant with late hours.

CPC RECOMMENDATION: Approval for a one-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The existing improvements are utilized for a restaurant. The applicant has operated at this location since July, 2007.
- The restaurant occupies 1,475 square feet of floor area and is requesting approval for a future 253 square foot uncovered patio located along the site's Greenville Avenue frontage; the latter subject to approval of a private license.
- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore requires an SUP for any retail and personal service uses operating after 12:00 a. m.
- The applicant is requesting an SUP for late hours to provide for daily operation until 2:00 a.m.
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

Zoning History:

File No.	Request, Disposition, and Date
1. Z101-260	An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
2. Z101-261	An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. On August 10, 2011, the City Council recommended approval for a four-year period, subject to a site plan and conditions.
3. Z101-264	An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern. On August 10, 2011, the City Council recommended approval for a two-year period, subject to a site plan and conditions.
4. Z101-270	An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern. On August 4, 2011, the CPC recommended approval for a two-year period. Pending the September 14, 2011 CC public hearing.

5. Z101-295 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern. Pending a CPC public hearing.

6. Z101-303 An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. On August 18, 2011, the CPC recommended approval for a five-year period. Pending the September 14, 2011 CC public hearing.

7. Z101-314 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.

8. Z101-323 An SUP for a late-hours establishment limited to a Restaurant with drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.

9. Z101-301 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.

Street	**Existing & Proposed ROW**
Greenville Avenue	Local; 50' ROW

Comprehensive Plan: The request site lies within a Main Street Building Block. Main streets are modeled after the American tradition of "main street" as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the "main street," density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the "main street" to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Area Plans: Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that "the City enforce premise code violations as it does in other parts of the City of Dallas". Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that "initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action." Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: In general terms, 'delta theory' means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The 'modified delta', in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three 'Areas' in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 (see attached Area 3 sketch). MD-1 was adopted by the City Council on October 1, 1987.

A June 14, 1995 City Council resolution provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area (1 space/300 square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

Land Use: The request site possesses improvements that are utilized for a restaurant; 1,475 square feet of floor area and a request for a future 253 square feet for an uncovered patio that fronts along the site's Greenville Avenue frontage. The applicant is requesting an SUP for a late-hours establishment to permit the existing use to operate past midnight; Monday through Sunday until 2:00a.m. The restaurant has been at this location since July, 2007.

In addition to the mix of retail and entertainment uses located along Greenville Avenue north and south of the site, residential uses (single family and multifamily structures) are found on properties further northwest/west towards Summit Avenue. A vacant office structure abuts the site's western boundary. There is a medium-density residential component (multifamily dwellings) associated with the mixed use development immediately south of the site.

The purpose of PDD No. 842 is to 'ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.' As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

> (e) <u>Factors to be considered for a specific use permit for a late-hours establishment</u>. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):
>
> (1) the number of citations issued by police to patrons of the establishment;
>
> (2) the number of citations issued by police for noise ordinance violations by the establishment;
>
> (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
>
> (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
>
> (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP

for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Lastly, in an effort to assess the compatibility of a request for a late-hours establishment, the following information is requested for staff's review:

(1) Floor plan.

(2) Certificate of occupancy history.

(3) Location of required parking, including detail related to applicable delta credits, Board of Adjustment parking reductions, and/or city approved parking agreements.

(4) Existing or proposed improvements within the right-of-way, including copy of private license.

(5) For a restaurant, copy of menu and alcohol affidavit.

At this point, the applicant has provided documentation for Nos. 2, 3, 4 (subject to the granting of a private license), and 5. At this time, a floor plan (No. 1) has not been received.

The applicant's improvements are oriented along the north-south alignment of Greenville Avenue with no direct access to the residential areas that are found beyond those uses along this street. The applicant has operated in a responsible manner with minimal reported police activity at the location since its occupancy (see Police Activity, below). As a result of staff's analysis, support for the request is being given, subject to the attached site plan and conditions.

Traffic: The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system.

Parking: The existing restaurant requires 15 off-street parking spaces. The property owner has indicated that required parking will be provided in the rear of the property as located on the site plan. It should be noted the applicant and the property owner are aware of the requirement that the off-street parking area must comply with the building code (wheel stops, adequate maneuvering, and striping) prior to the issuance of a certificate of occupancy for the requested late-hours establishment.

Landscaping: The existing development is void of landscape materials. The request will not trigger compliance with Article X.

Miscellaneous: It should be noted the certificate of occupancy is issued for a general merchandise or food store less than 3,500 square feet with a notation for carry-out food service. The applicant and property owner have indicated that tables and chairs do exist, thus classifying the use as a restaurant without drive-in or drive-through service. It should be noted that at the time of application for a late-hours establishment, the applicant will need to apply for the appropriate certificate of occupancy and provide off-street parking accordingly, consistent with this application.

Police Analysis
1923 Greenville - Greenville Ave Pizza Company

Number of citations issued by police to patrons – 0
Number of citations issued by police for noise ordinance violations by the establishment – 0
Number of arrests for public intoxication or disorderly conduct associated with the establishment – 0
Number of Texas Alcoholic Beverage Code violations – 0
Number of violent crimes associated with the establishment/ originating inside the establishment –
1 Resisting arrest of a patron made inside, but management of this establishment had asked for police assistance regarding this patron and her companion. 139619-Y
1 Assault Misdemeanor C report made in 2010
One notation:
This establishment primarily serves food and very little alcoholic beverages.

CPC ACTION

(September 1, 2011)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a late-hours establishment limited to a Restaurant without drive-in or drive-through service for a one-year period, subject to a site plan and conditions to include revised hours of operation: Tuesday, Wednesday, Thursday and Sunday between 12:00 a.m. and 3:00 a.m. and Friday and Saturday between 12:00 a.m. and 4:00 a.m. on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, south of Sears Street.

Maker: Wally
Second: Peterson
Result: Carried: 13 to 0

For: 13 - Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 2 - R. Davis, Lavallaisaa
Vacancy: 0

Notices: Area: 200 Mailed: 23
Replies: For: 4 Against: 0

Speakers: For: Samuel J. Mandell, III, 1923 Greenville Ave., Dallas, TX, 75206
Stephen Schwartz, 1919 Greenville Ave., Dallas, TX, 75206
Against: Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206

1919-27 GREENVILLE, LTD.
2622 Commerce Street
Dallas, Texas 75226

July 8, 2011

To Whom It May Concern:

The undersigned as tenants-in-common, are the owners of the property known as 1919 Greenville Avenue in Dallas County, Texas ("Property"). The undersigned have no objections to the application of Mandell Family Ventures, LLC for a specific use permit for the Property located at 1919 Greenville Avenue for a restaurant.

The partners of 1919-27 Greenville, Ltd., which own an undivided one hundred percent (100%) of the Property, are: Hope Street, LLC, a Texas limited liability company, Reese Children's Trust II, KTR Investments, LLC and AJ Associates.

Please contact the undersigned if you have any questions regarding this correspondence.

Sincerely,

1919-27 GREENVILLE, LTD.
a Texas limited partnership

By: Hope Street, LLC,
a Texas limited liability company
its general partner

By: AJ Associates, Member

By:
Name: Stephen Schwartz_
Title: Partner

Z101-326

CPC/STAFF RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommended:

3. TIME LIMIT: This specific use permit automatically terminates on (one year).

Staff recommended:

3. TIME LIMIT: This specific use permit automatically terminates on (five year).

4. FLOOR AREA:

A. The maximum floor area is 1,475 square feet.

B. The maximum outdoor patio area is 253 square feet in the location shown on the attached site plan.

C. The patio must be uncovered.

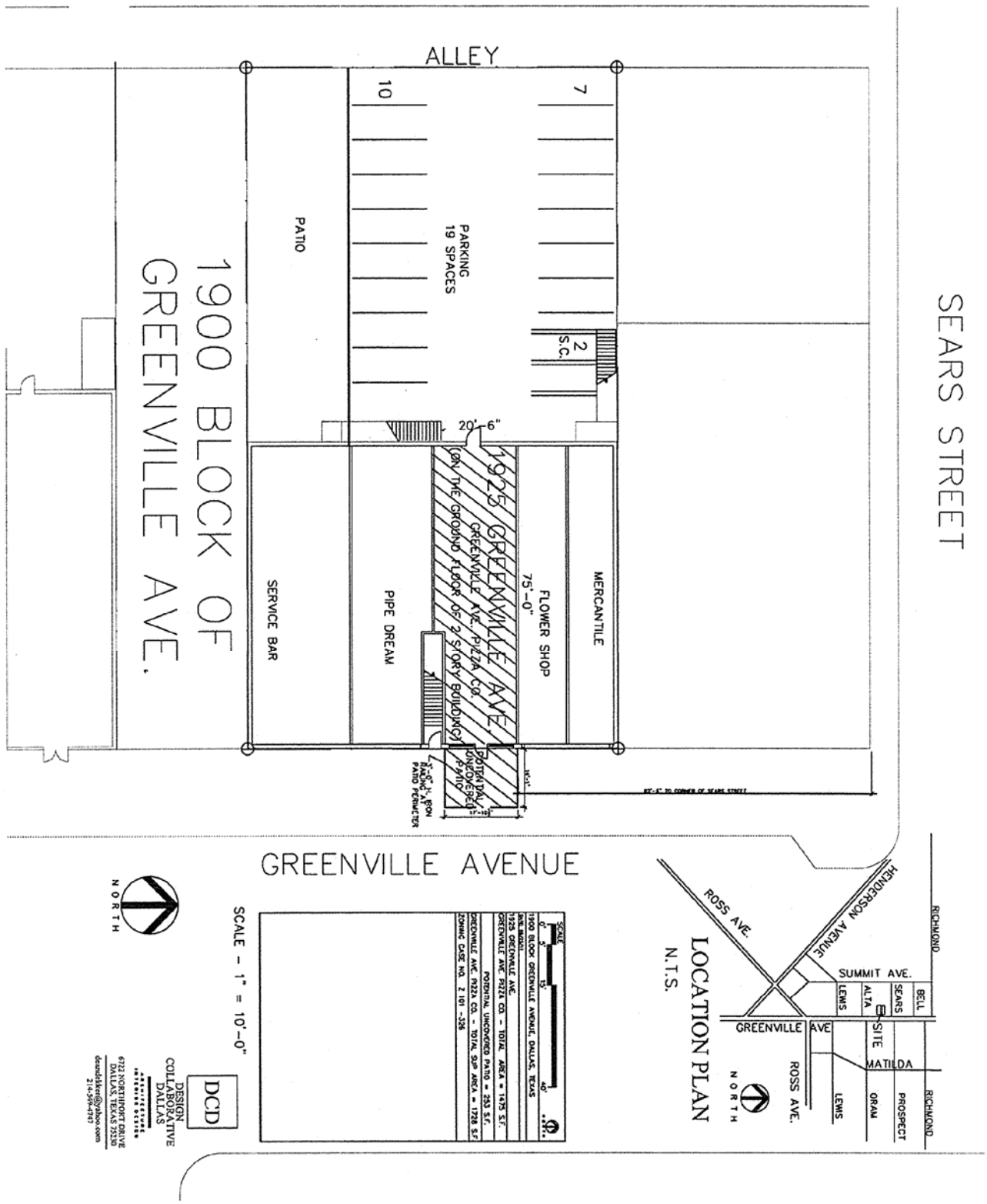
D. The owner or operator must obtain a private license for an outdoor patio, with copy provided to the building official, before the outdoor patio may be used by customers.

5. HOURS OF OPERATION: The late-hours establishment may only operate between 12:00 a.m. (midnight) and 3:00 a.m., Tuesday, Wednesday, Thursday, and Sunday, and between 12:00 a.m. (midnight) and 4:00 a.m., Friday and Saturday.

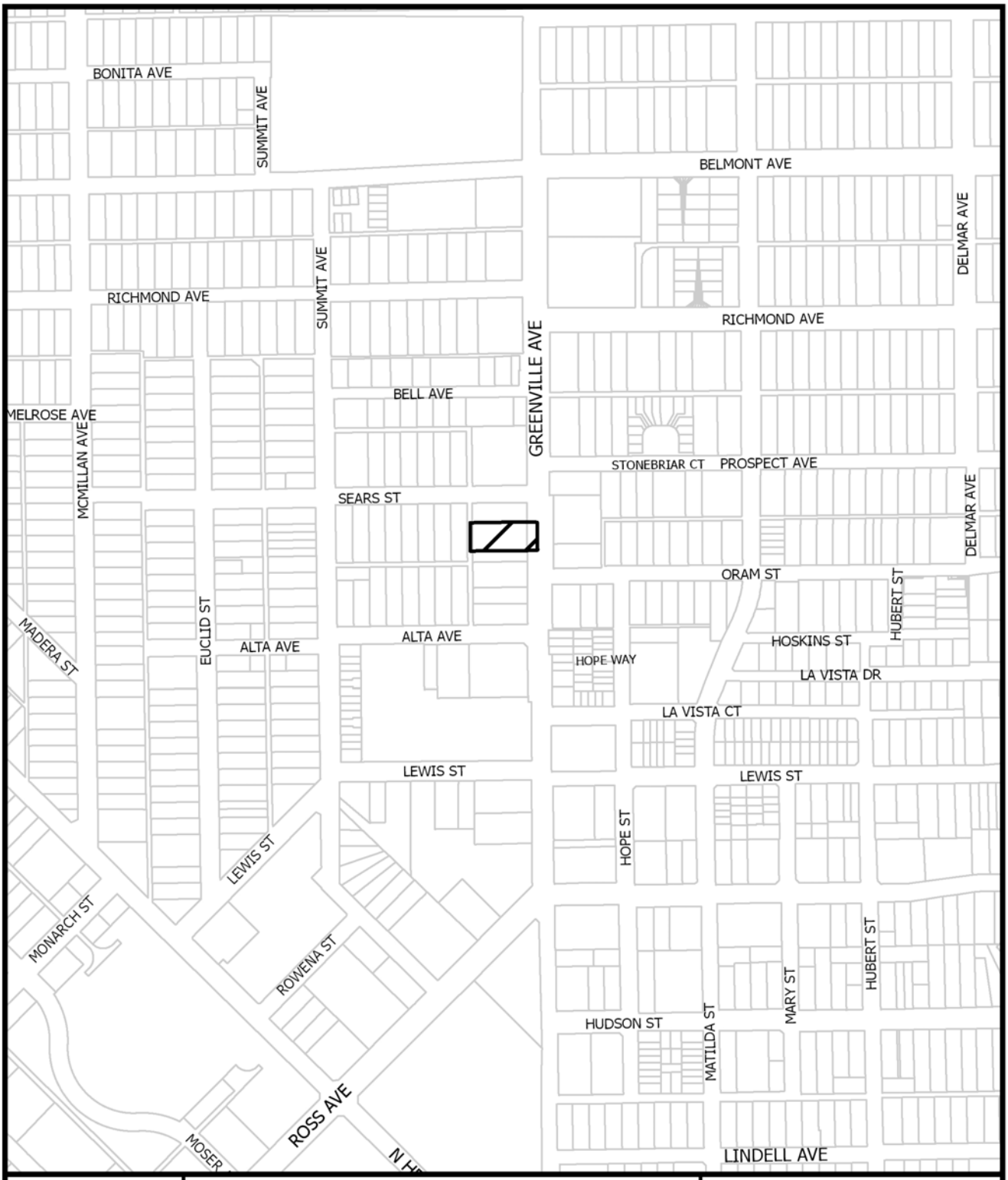
6. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



Proposed Site Plan



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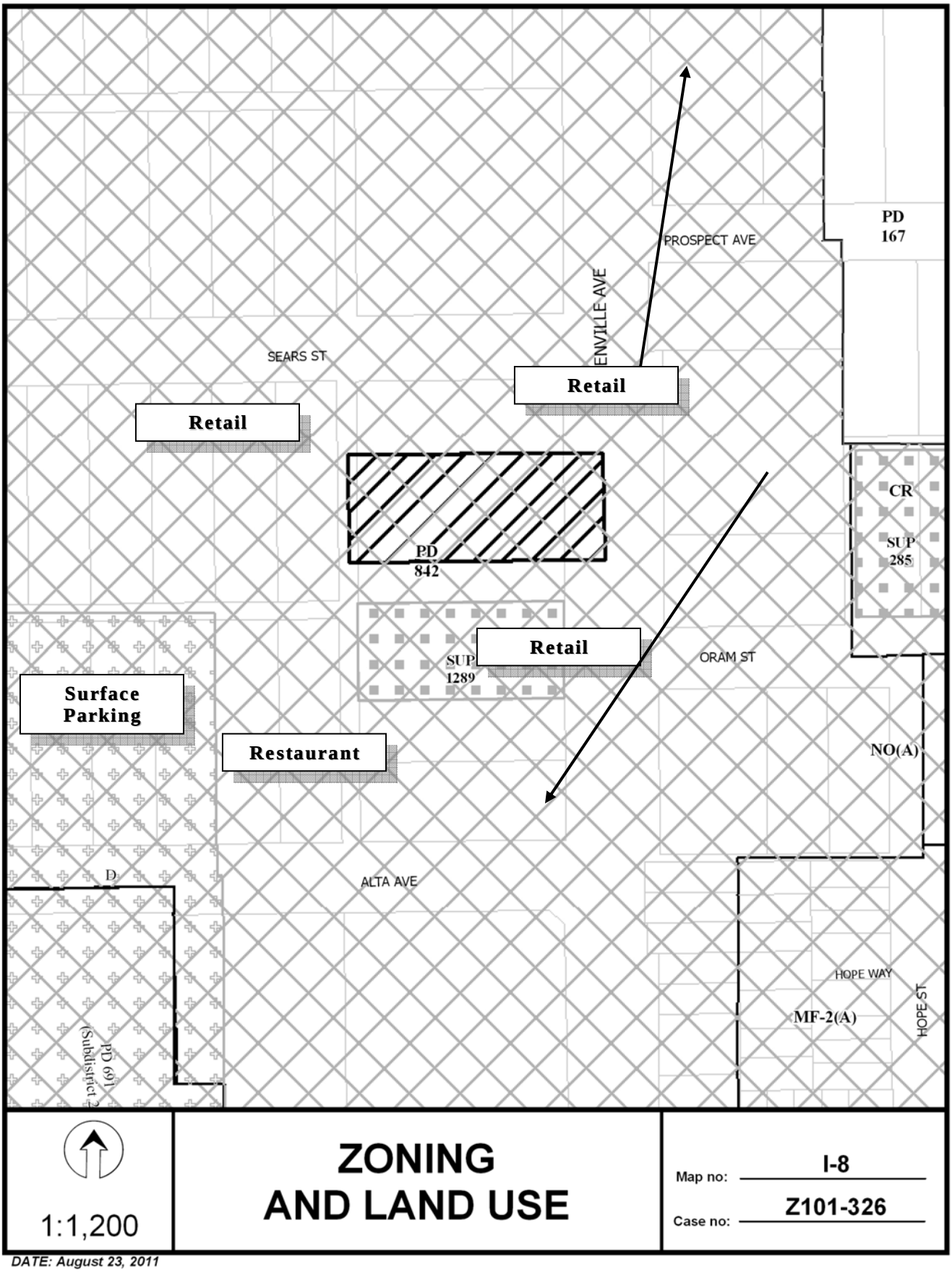
VICINITY MAP

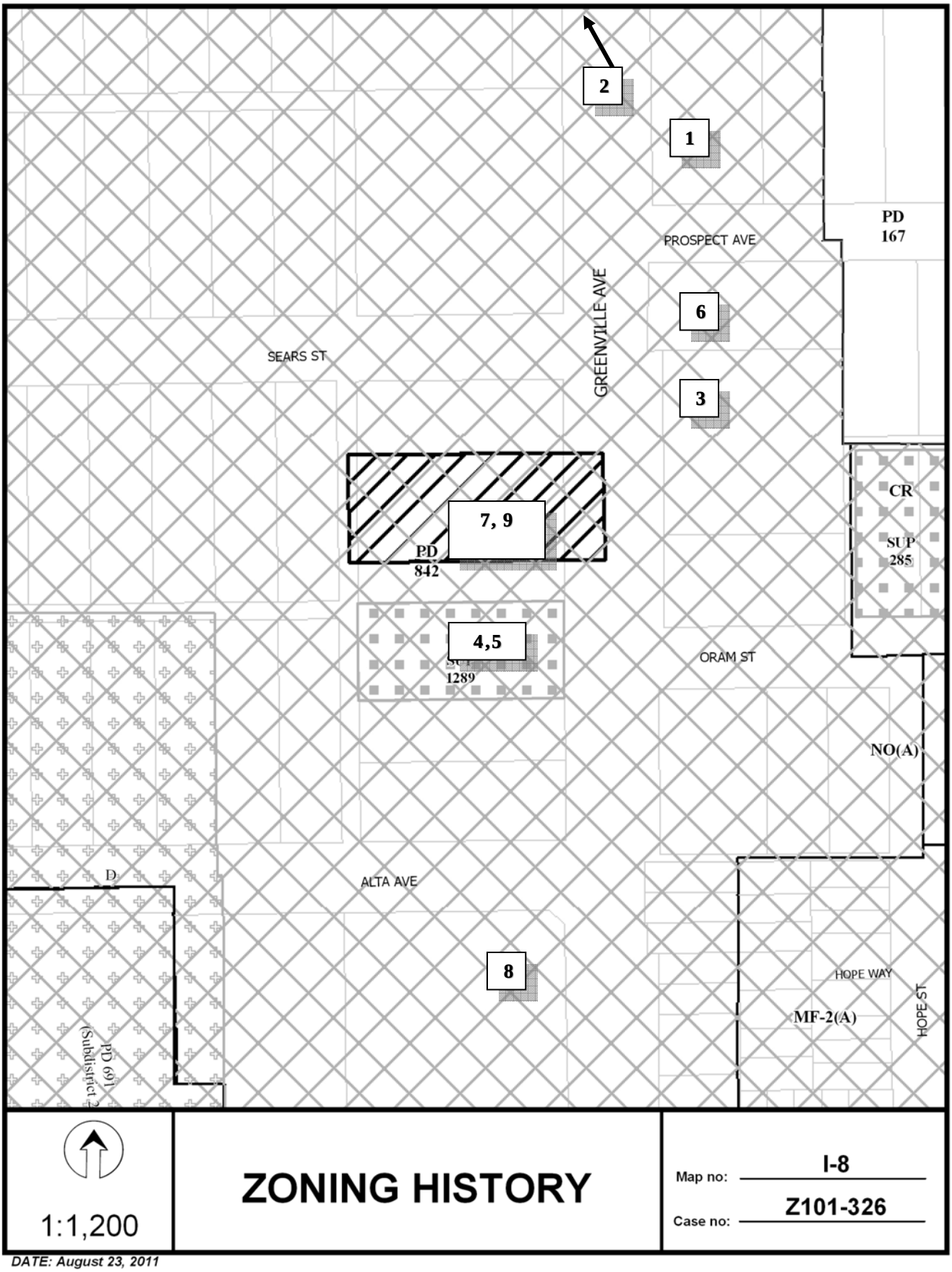
Map no: I-8

Case no: Z101-326

DATE: August 23, 2011



DATE: August 23, 2011



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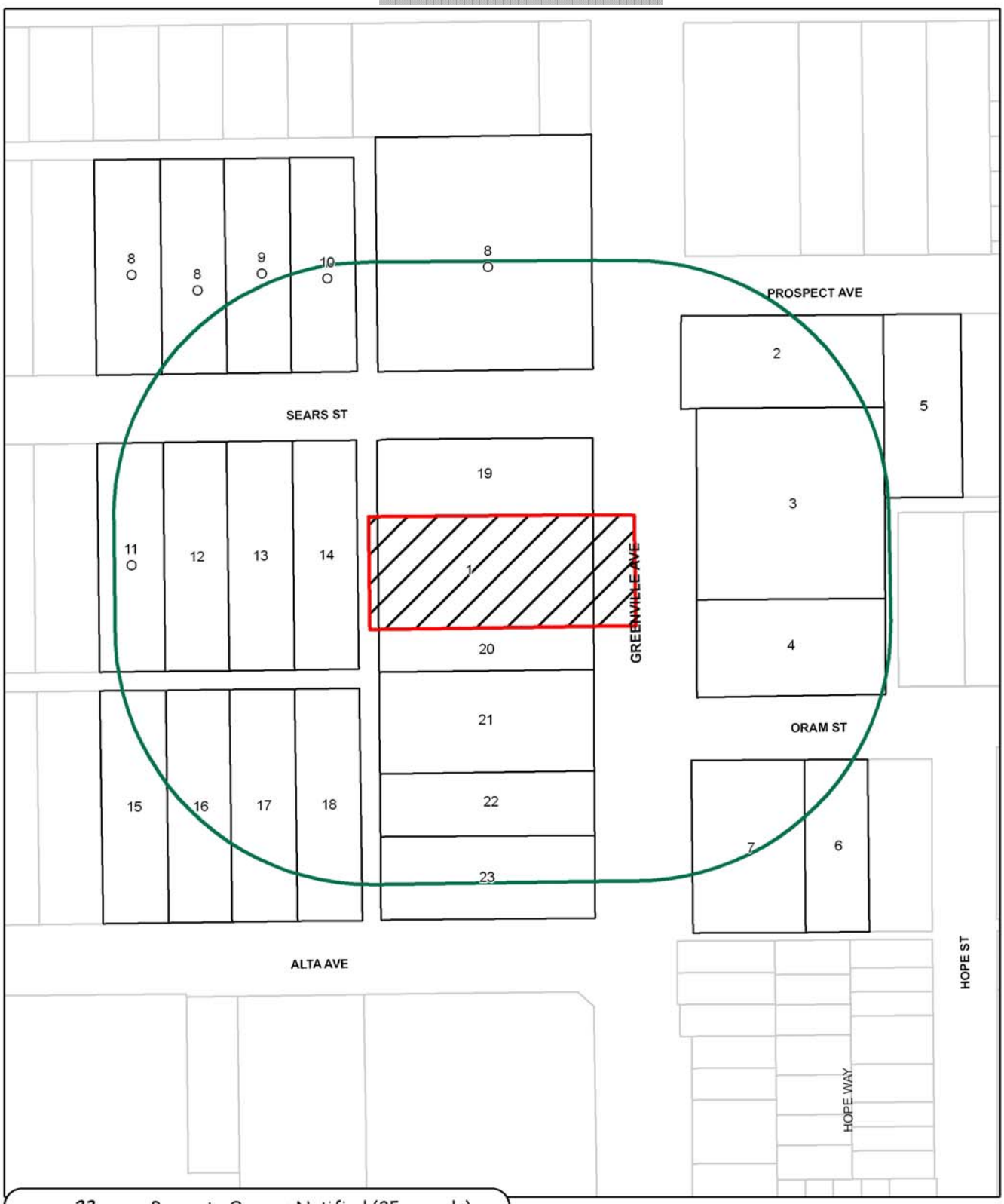
ZONING HISTORY

Map no: I-8

Case no: Z101-326

DATE: August 23, 2011

CPC RESPONSES



23	Property Owners Notified (25 parcels)
4	Replies in Favor (6 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
9/1/2011	Date

Z101-326
I-8
CPC

N W E S

1:1,200

Notification List of Property Owners

Z101-326

23 Property Owners Notified ***0 Property Owners Opposed*** ***4 Property Owners in Favor***

Vote	*Label #*	*Address*		*Owner*
	1	1919	GREENVILLE	1919 27 GREENVILLE LTD
	2	2026	GREENVILLE	ANDRES FAMILY TRUST
	3	2008	GREENVILLE	WONDERFUL SEVEN A LP
	4	2000	GREENVILLE	LANDE PAUL &
	5	5716	PROSPECT	ANDRES FAMILY TRUST
	6	5710	ORAM	SOURIS MINOS
	7	1920	GREENVILLE	LOWGREEN PS
O	8	5623	SEARS ST	2001 GREENVILLE VENTURE
O	9	5627	SEARS ST	2001 GREENVILLE VENTURE
O	10	5631	SEARS ST	LOWER GREENVILLE AVE TR
O	11	5618	SEARS ST	GREENVILLE HOLDINGS CO
	12	5622	SEARS ST	ROY MARION B
	13	5624	SEARS ST	5624 SEARS STREET LTD
	14	5628	SEARS ST	CHOTAS SOPHIE
	15	5619	ALTA	THACKER RICHARD E JR
	16	5623	ALTA	SHIELDS WILLIAM OLIVER
	17	5627	ALTA	WSVV
	18	5631	ALTA	WSVV LLC
	19	1931	GREENVILLE	GENARO TRUST 1
	20	1917	GREENVILLE	WORLD WIDE FOOD INC
	21	1911	GREENVILLE	INTERCITY INVESTMENT PROP
	22	1909	GREENVILLE	WORLDWIDE FOOD INC
	23	1903	GREENVILLE	LOWGREEN PS

AGENDA ITEM # 21

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 45 F G J K L M N P Q R

SUBJECT

Authorize **(1)** approval of the Dallas Downtown Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Dallas Downtown Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

Downtown Dallas, Inc., provided City staff with the proposed Dallas Downtown Improvement District (District) Service Plan for 2012 for review and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district proposed Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The nature of the services and improvements include Downtown Safety Patrol program, the purchase of supplemental equipment for the Dallas Police Department, safety awareness and education programs, Clean Team Program, landscaping, banner program, installation and maintenance of trash containers, EarthFest, marketing of downtown, Out to Lunch concert series, installation of lighting, matching grant program, implement signage and wayfinding system, development of new public and green space, and maintenance of these and other enhancements that are authorized by the Act. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately twenty-five million, eight hundred eight thousand, and two hundred seventy-six dollars ($25,808,276). The estimated average annual cost is approximately five million, one hundred sixty-one thousand, six hundred fifty-five dollars ($5,161,655). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The District is in the Dallas Central Business District, which is devoted primarily to commercial activity with a growing residential population. The boundaries of the District are described as the outer edges of Woodall Rodgers Freeway, North Central Expressway, Julius Schepps Freeway, R.L. Thornton Freeway and Stemmons Freeway. The boundaries of the District are shown on the attached Map of the District.

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Section 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment by the District on that portion of the assessed value of the property that is exempt from City real property taxes. The proposed 2011 assessment rate for the District is $0.1190 per $100.00 of appraised value as determined by the Dallas Central Appraisal District. The actual assessment rate and levies will be set by the Dallas City Council in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

BACKGROUND (Continued)

(e) Apportionment of Cost Between District and Municipality as a Whole. The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is responsible for payment of assessments against exempt City property in the District. City rights-of-way are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

The District shall generally pay the costs of the proposed improvements, except where project-specific opportunities exist for cost sharing with the municipality or other public or private sources.

For the FY 2011-12, the estimated City participation is approximately $578,576.06. The Convention Center Hotel property under the auspices of the Dallas Convention Center Hotel Development Corporation (a local government corporation, LGC) has an estimated assessment of $184,718.75. Every dollar of City assessment paid to the District will leverage approximately $25.00 of assessments paid by private property owners. As a contributor, the City of Dallas will be represented on the governing Board of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 1992, the City Council authorized the Dallas Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, the City Council authorized the renewal of the District for a seven-year period by Resolution Nos. 06-2048 and 06-2049.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2435 and Ordinance No. 28008.

On September 6, 2011, the Economic Development Committee was briefed regarding the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Downtown Improvement District (DID)

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.

Victory Station
West End Station
Union Station
Akard Station
Convention Center Station
St. Paul Station
Pearl Station
Deep Ellum Station
Baylor Station
Cedars Station

City of Dallas
Downtown PID

Miles
0 0.05 0.1 0.2

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Legend

- Downtown Improvement District
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Flood Plain

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation and renewal of public improvement districts; and

WHEREAS, on June 24, 1992, the City Council authorized the Downtown Improvement District (District) by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, the City Council authorized the renewal of the District, by Resolution Nos. 06-2048 and 06-2049; and

WHEREAS, Downtown Dallas, Inc., presented City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Dallas CBD Enterprises, Inc. evaluated the service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 28, 2011 ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Dallas Downtown Improvement District hereby approves the Service Plan for 2012 (**See Exhibit A**).

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The nature of the services and improvements include Downtown Safety Patrol program, the purchase of supplemental equipment for the Dallas Police Department, safety awareness and education programs, Clean Team Program, landscaping, banner program, installation and maintenance of trash containers, EarthFest, marketing of downtown, Out to Lunch concert series, installation of lighting, matching grant program, implement signage and wayfinding system, development of new public and green space, and maintenance of these and other enhancements that are authorized by the Act. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately twenty-five million, eight hundred eight thousand, and two hundred seventy-six dollars ($25,808,276). The estimated average annual cost is approximately five million, one hundred sixty-one thousand, six hundred fifty-five dollars ($5,161,655). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The District is in the Dallas Central Business District, which is devoted primarily to commercial activity with a growing residential population. The boundaries of the District are described as the outer edges of Woodall Rodgers Freeway, North Central Expressway, Julius Schepps Freeway, R.L. Thornton Freeway and Stemmons Freeway. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The method of assessment, **(Exhibit B)**, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Section 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment by the District on that portion of the assessed value of the property that is exempt from City real property taxes. The proposed 2011 assessment rate for the District is $0.1190 per $100.00 of appraised value as determined by the Dallas Central Appraisal District. The actual assessment rate and levies will be set by the Dallas City Council in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

Section 1. (Continued)

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is responsible for payment of assessments against exempt City property in the District. City rights-of-way are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

Section 4. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Vasavi Pilla, 2CN
City Attorney's Office - Barbara Martinez

Exhibit A

Dallas Downtown Improvement District (DID)

Service Plan 2012-2016

	2012 Budget	*2013 Budget*	*2014* Budget*	*2015* Budget*	*2016* Budget*
REVENUES & RESERVES					
Fund balance from previous year	$786,666.00	$3,821.00	$1,373.55	$2,038.73	$2,412.16
Net assessment revenue	$4,436,431.00	$4,658,252.55	$4,891,165.18	$5,135,723.44	$5,392,509.61
Exempt jurisdictions	$99,000.00	$99,000.00	$99,000.00	$103,950.00	$109,147.50
Interest on cash balances	$0.00	$300.00	$500.00	$700.00	$1,000.00
Other income & contributions	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL INCOME & RESERVES	**$5,322,097.00**	**$4,761,373.55**	**$4,992,038.73**	**$5,242,412.16**	**$5,505,069.27**
EXPENDITURES					
Organization & Administration	$541,774.00	$550,000.00	$580,000.00	$615,000.00	$650,000.00
Capital Improvements [1]	$613,357.00	$600,000.00	$650,000.00	$700,000.00	$725,000.00
Communications & Events [2]	$729,210.00	$650,000.00	$700,000.00	$750,000.00	$775,000.00
Landscape Improvements [3]	$1,081,634.00	$950,000.00	$1,020,000.00	$1,075,000.00	$1,150,000.00
Safety [4]	$2,352,301.00	$2,010,000.00	$2,040,000.00	$2,100,000.00	$2,200,000.00
TOTAL EXPENDITURES	**$5,318,276.00**	**$4,760,000.00**	**$4,990,000.00**	**$5,240,000.00**	**$5,500,000.00**
FUND BALANCE/RESERVES	$3,821.00	$1,373.55	$2,038.73	$2,412.16	$5,069.27

* The DID is authorized by the City Council through 2013. Expenses for 2014 thru 2016 are estimates pending successful renewal of the DID in 2013.

[1] Public Improvements, landscape and parks, Dealey Plaza Restoration, MATA, DCBDC capital improvements operating expenses

[2.] Program Services, special programs, entertainment and events, retail recruitment, environmental enhancements, DCBDC communications & events operating expenses

[3.] Sidewalk and landscape maintenance, community programs, Clean Team, DCBDC maintenance operating expenses

[4.] Downtown Safety Patrol, Homeless outreach, Education & coordination, DCBDE Safety operating expenses

Exhibit B

Dallas Downtown Improvement District 2011 Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The Dallas Downtown Improvement District proposed assessment rate for 2011 is $0.1190 per $100 of apprised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of $0.15 per $100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code.

As per prior agreement, the City of Dallas is responsible for payments of assessments against exempt municipal property in the District. Properties not liable for assessment include City rights-of-way and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract.

Downtown Improvement District (DID)

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Cedars Station

City of Dallas
Downtown PID

Miles
0 0.05 0.1 0.2

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Legend

- Downtown Improvement District
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Flood Plain

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

AGENDA ITEM # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 45 M & 46 J

SUBJECT

Authorize **(1)** approval of the Deep Ellum Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District (District) for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classification for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date – Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Rate for 2011 review, and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district is outlined in the following way:

(a) **Nature of the Services and Improvements**. The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, provide maintenance, conduct marketing and promotion activities, funding for long range planning for capital projects, construction and administration of capital projects, and other activities as authorized by the Act.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided during the next five years of the District is approximately nine hundred fifteen thousand, five hundred dollars ($915,500). The estimated average annual cost is approximately one hundred eighty-three thousand, one hundred dollars ($183,100). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The boundaries of the District are located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached Map of the District.

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The proposed 2011 assessment rate for the District is $0.12 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

(e) **Apportionment of costs between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, the City Council authorized the establishment of the Deep Ellum Public Improvement District by Resolution No. 99-2604.

On August 9, 2006, the City Council authorized a public hearing to be held on the renewal of the Deep Ellum Public Improvement District, closed that public hearing and authorized the renewal of the District by Resolution Nos. 06-2050 & 06-2051.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2434 and Ordinance No. 28007.

On September 6, 2011, the Economic Development Committee was briefed on the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

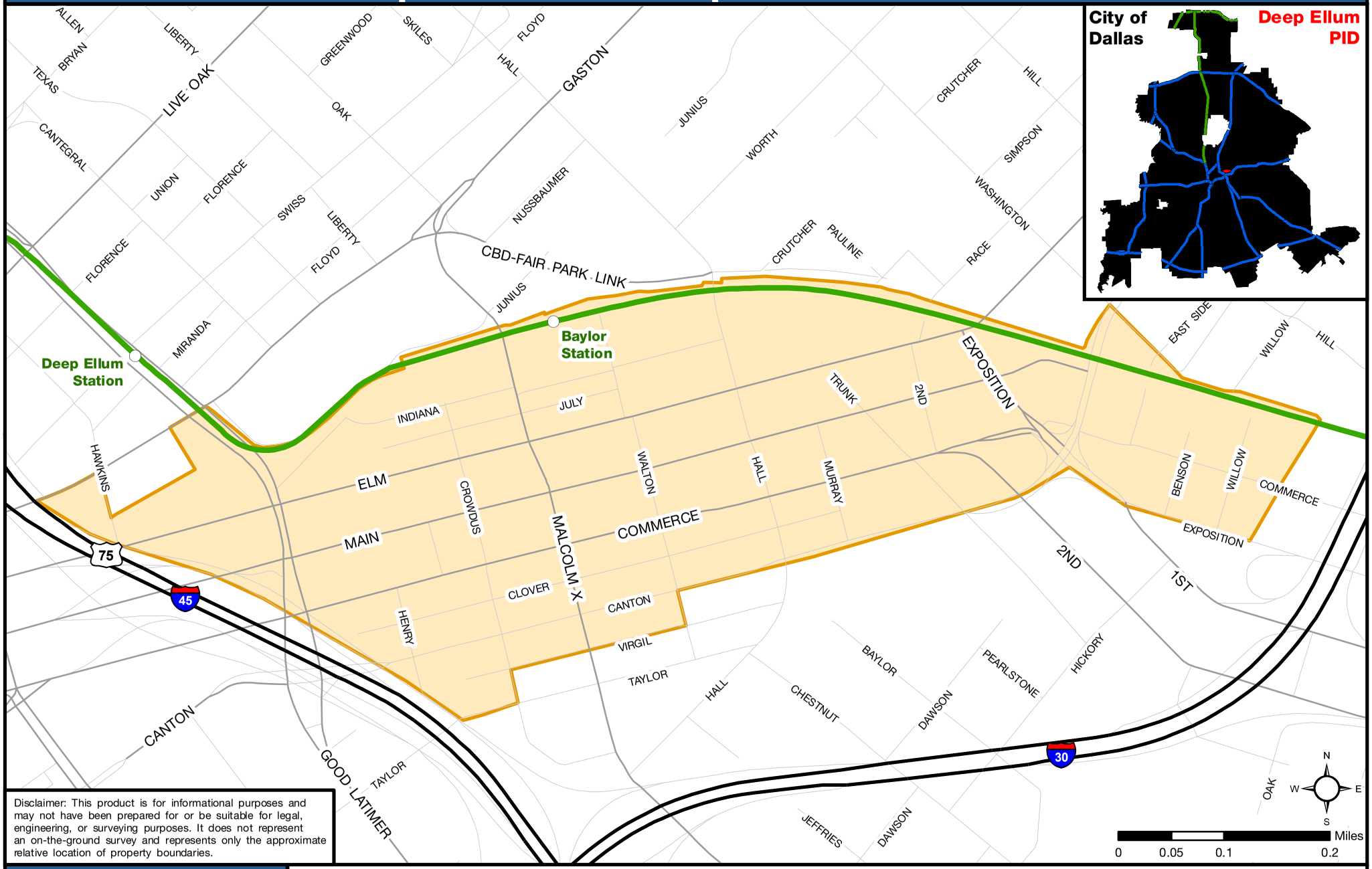
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Deep Ellum Public Improvement District



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Legend

- Deep Ellum PID
- Rail Station
- DART Green Line
- Freeway or Tollway
- Arterial
- Local Road

Source: City of Dallas, 2011

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 9, 2006, the City Council authorized the renewal of the Deep Ellum Public Improvement District (District), as a public improvement district in accordance with the provisions of Chapter 372 of the Texas Local Government Code and provided findings as to the advisability of the proposed supplemental services and improvements, to be funded by assessments on real property and real property improvements on property located in the District, exclusive of rights-of-way; designating Deep Ellum Foundation, as manager of the District and authorizing a contract for management services; and approving the District Service Plan, and annual updates by Resolution No. 06-2051; and

WHEREAS, the Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Rate for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Deep Ellum Foundation evaluated the service plan and assessment plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 28, 2011 ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the proposed 2011 assessment against real property and real property improvements exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Deep Ellum Public Improvement District hereby approves the Service Plan for 2012 (**See Exhibit A**).

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements**. The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, provide maintenance, conduct marketing and promotion activities, funding for long range planning for capital projects, construction and administration of capital projects, and other activities as authorized by the Act.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided during the next five years of the District (**Exhibit A**) is approximately nine hundred fifteen thousand, five hundred dollars ($915,500). The estimated average annual cost is approximately one hundred eighty-three thousand, one hundred dollars ($183,100). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The boundaries of the District are located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The method of assessment, **Exhibit B,** which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The proposed 2011 assessment rate for the District is $0.12 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

(f) **Apportionment of costs between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and parks are not subject to assessment.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

September 14, 2011

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the setting of an assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental public services and improvements.

Section 4. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Vasavi Pilla, 2CN
City Attorney's Office - Barbara Martinez

EXHIBIT A

DEEP ELLUM PID
Service Plan 2012-2016

		2012	2013	2014*	2015*	2016*
Revenues	Assessments received (.12 on core zone only) Apprec. is estimated.	$167,519.00	$182,519.00	$182,519.00	$182,519.00	$182,519.00
Reserves [6]		$53,000.00	$50,019.00	$50,038.00	$50,057.00	$50,076.00
Investments		$3,000.00	$3,000.00	$3,000.00	$3,000.00	$3,000.00
		$223,519.00				
Total		**$223,519.00**	**$235,538.00**	**$235,557.00**	**$235,576.00**	**$235,595.00**
Expenses	P.I.D. requirements					
	Audit:	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$6,000.00
	Insurance:	$7,000.00	$7,000.00	$7,000.00	$7,000.00	$7,000.00
	PID Renewal fee		$15,000.00			
	Area Improvements [1]	$43,500.00	$44,000.00	$45,000.00	$45,000.00	$45,000.00
	Professional Service[2]	$5,000.00	$2,500.00	$5,000.00	$5,000.00	$5,000.00
	Promotions[3]	$88,000.00	$86,000.00	$88,500.00	$88,500.00	$88,500.00
	Capital Improvements[4]	$0.00	$1,000.00	$10,000.00	$10,000.00	$10,000.00
	Administration [5]	$24,000.00	$24,000.00	$24,000.00	$24,000.00	$24,000.00
	Security	$0.00	$0.00	$0.00	$0.00	$0.00
Total Expenses		**$173,500.00**	**$185,500.00**	**$185,500.00**	**$185,500.00**	**$185,500.00**

* Deep Ellum PID is authorized by the City Council through 2013. Expenses for 2014 through 2016 are estimates pending successful renewal of the PID in 2013.

Service Plan by class

1. Mad Vac, weed control, litter control, graffiti removal.
2. Maps, rendering, neighborhood planning.
3. Promotional materials, coordinators, website, directors, promotional activities.
4. Signage, paint and sidewalk programs, Dog Park, Lighting, etc.
5. Office management and coordination, office utilities, supplies, public notice costs and mailings.

Reserves [6]: Gateway Light project, planned street improvements to coincide with bond projects and future Dog Park maintenance funds Future Dog Park maintenance funds.

Exhibit B

Deep Ellum Public Improvement District
2011 Assessment Plan

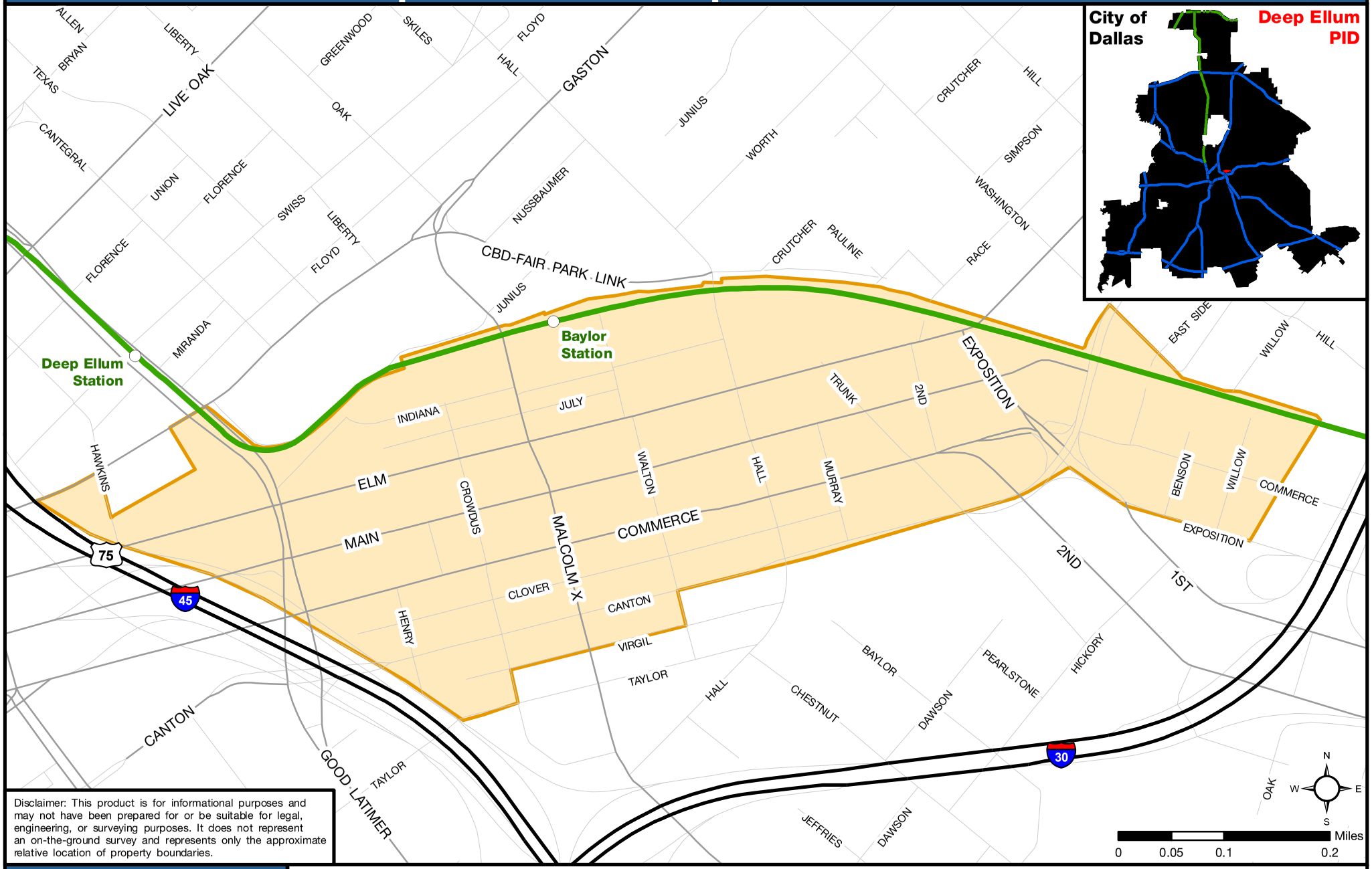
The cost of the services and improvements provided by the Deep Ellum Public Improvement District (DEPID) will be paid primarily by special assessments against property in the District. Annual assessments will be based on the total value of real property and improvements as certified by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. In 2011, the proposed rate continues to be $0.12 per $100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. DEPID will recognize and honor exemptions listed by the Dallas Central Appraisal District, including homestead, disability, senior citizen and exemptions for property owned by tax-exempt entities. Payment of the DEPID assessment by any exempt owners must be established by contract.

DEPID's assessments will be collected by Dallas County for the City of Dallas, in accordance with the management contract between the City of Dallas and The Deep Ellum Foundation, the non-profit corporation that manages the District.

Deep Ellum Public Improvement District



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

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Legend

- Deep Ellum PID
- Rail Station
- DART Green Line
- Freeway or Tollway
- Arterial
- Local Road

Source: City of Dallas, 2011

AGENDA ITEM # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 35 Q R U and 38 V

SUBJECT

Authorize **(1)** approval of the Knox Street Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Knox Street Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Knox Street Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date – Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Knox Street PID was created on June 23, 2010 and started operating from January 1, 2011. The Knox Street Improvement District Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 for review and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, lighting, sidewalk and streetscape, operation and maintenance of public improvements, landscaping improvements including plantings, hardscape, District marketing and promotion and related services and improvements that are authorized by the Act and approved by the Dallas City Council.

(b) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately nine hundred thirty-seven thousand, nine hundred twenty-eight dollars ($937,928). The average annual cost of services for the District is approximately one hundred eighty-seven thousand, five hundred eighty-six dollars ($187,586). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the Map of the District.

(d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2011 annual assessment rate in the District is $0.15 per $100.00 of appraised value by the Dallas Central Appraisal District. The assessment rate is requested to provide the necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way, City Parks, and other tax-exempt property in the District are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, the City Council authorized the creation of the Knox Street Public Improvement District for a period of seven-years and designated the Knox Street Improvement District Corporation as the management entity for the District by Resolution No. 10-1670.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2436 and Ordinance No. 28009.

On September 6, 2011, the Economic Development Committee was briefed regarding the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Knox Street Public Improvement District

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

LEXINGTON
ABBOTT
BUENA VISTA
TRAVIS
COLE
MCKINNEY
ARMSTRONG
KNOX
INSURANCE
CENTRAL
75

City of Dallas
Knox Street PID

N
W
E
S

Miles
0 0.02 0.04 0.08

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Created 6.24.10, Last Updated 8.31.11 - PID_KnoxStreet.TCG

Legend

- Knox Street PID
- DART Red Line
- DART Blue Line
- DART Orange Line
- Freeway or Tollway
- Arterial
- Local Road
- City of Dallas

Source: Rail Lines - DART, 2009; Parcel Data - DCAD, 2009; All Other Data - City of Dallas, 2010

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 2010, the City Council held and closed a public hearing and authorized the creation of the Knox Street Public Improvement District (the "District") and designated Knox Street Improvement District Corporation, as the management entity of the District by Resolution No. 10-1670; and

WHEREAS, the Knox Street Improvement District Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed assessment rate for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Knox Street Improvement District Corporation evaluated 2012 Service Plan to determine whether the services should be made as proposed by the service plan and found the plan to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 28, 2011, ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Knox Street Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, lighting, sidewalk and streetscape, operation and maintenance of public improvements, landscaping improvements including plantings, hardscape, District marketing and promotion and related services and improvements that are authorized by the Act and approved by the Dallas City Council.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District, **Exhibit A**, for the next five year period is approximately nine hundred thirty-seven thousand, nine hundred twenty-eight dollars ($937,928). The average annual cost of services for the District is approximately one hundred eighty-seven thousand, five hundred eighty-six dollars ($187,586). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the **Map of the District**.

(e) **Method of Assessment.** The proposed method of assessment, **Exhibit B**, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2011 annual assessment rate in the District is $0.15 per $100.00 of appraised value by the Dallas Central Appraisal District. The assessment rate is requested to provide the necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way, City Parks, and other tax-exempt property in the District are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

Section 4. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Vasavi Pilla, 2CN
Office of Economic Development – Sajid Safdar, 2CN
City Attorney's Office - Barbara Martinez

EXHIBIT A

Knox Street Public Improvement District
Service Plan 2012-2016

	2012	2013	2014	2015	2016
INCOME					
Net Assessment Revenue (1)	$176,401.00	$181,828.03	$187,417.87	$193,175.41	$199,105.67
TOTAL INCOME	$176,401.00	$181,828.03	$187,417.87	$193,175.41	$199,105.67
EXPENDITURES					
Capital Improvements (Landscaping, gateway markers, streetscape, lighting)	$36,401.00	$41,828.03	$47,417.87	$53,175.41	$59,105.67
Public Safety Services (Off-duty police, valet)	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00
Marketing & Promotion (Website, marketing, special events)	$100,000.00	$100,000.00	$100,000.00	$100,000.00	$100,000.00
Insurance & Audit	$8,000.00	$8,000.00	$8,000.00	$8,000.00	$8,000.00
Management (3rd Party Management)	$12,000.00	$12,000.00	$12,000.00	$12,000.00	$12,000.00
TOTAL EXPENDITURES	$176,401.00	$181,828.03	$187,417.87	$193,175.41	$199,105.67

**All budget values and items are preliminary and subject to revision prior to, concurrently with, or subsequent to submission to the City of Dallas and/or public hearings on the creation of the District and/or the imposition of District assessments for any given year.

(1) Assessments are proposed to be set at the maximum rate of $0.15 per $100 of taxable value until increases in taxable value through real property improvements and appreciation permit District expenditures to be met at a lower assessment rate. The Net Assessment Revenue growth of 3% per annum is merely a general assumption and could fluctuate.

EXHIBIT B
KNOX STREET PUBLIC IMPROVEMENT DISTRICT
ASSESSMENT PLAN 2011

The cost of the services and improvements provided by the Knox Street Public Improvement District will be paid primarily by assessments against real properties within the Knox Street Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment rate for the initial year is proposed to be set at $0.15 per $100.00 of appraised value. The annual assessment rate, during the seven-year life of the District, will not exceed $0.15 per $100.00 of appraised value as determined by the Dallas Central Appraisal District.

The Knox Street PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Knox Street Improvement District Corporation.

Knox Street Public Improvement District

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LEXINGTON
ABBOTT
BUENA VISTA
TRAVIS
COLE
MCKINNEY
ARMSTRONG
KNOX
INSURANCE
CENTRAL
75

City of Dallas
Knox Street PID

N
W
E
S

Miles
0 0.02 0.04 0.08

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214.670.1685
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Created 6.24.10, Last Updated 8.31.11 - PID_KnoxStreet.TCG

Legend

- Knox Street PID
- DART Red Line
- DART Blue Line
- DART Orange Line
- Freeway or Tollway
- Arterial
- Local Road
- City of Dallas

Source: Rail Lines - DART, 2009; Parcel Data - DCAD, 2009; All Other Data - City of Dallas, 2010

AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 9, 10

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 27 B C E F G H J K N P S T & 26 Z V

SUBJECT

Authorize **(1)** approval of the Lake Highlands Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Lake Highlands Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Lake Highlands Improvement District Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 for review and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure improvements, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

(b) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately one million, two hundred forty-five thousand, one hundred forty – two dollars ($1,245,142). The estimated annual average cost for the services and improvements provided by the District is approximately two hundred forty-nine thousand, twenty-eight dollars ($249,028). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached Map of the District.

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on annual assessment rate recommended by the Lake Highlands Improvement District Corporation and established by the City Council. The proposed rate per property owner for the 2011 assessment is $0.13 per $100.00 of valuation. The assessment rate is requested to provide the necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of valuation.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from an ad-valorem tax are not subject to assessment. Payment of assessments by exempt jurisdictions must be established by contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, the City Council authorized the establishment of the Lake Highlands Public Improvement District for a period of seven-years and named the Lake Highlands Improvement District Corporation as the management entity for the District by Resolution No. 08-1866.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2437 and Ordinance No. 28010.

On September 6, 2011, the Economic Development Committee was briefed on the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

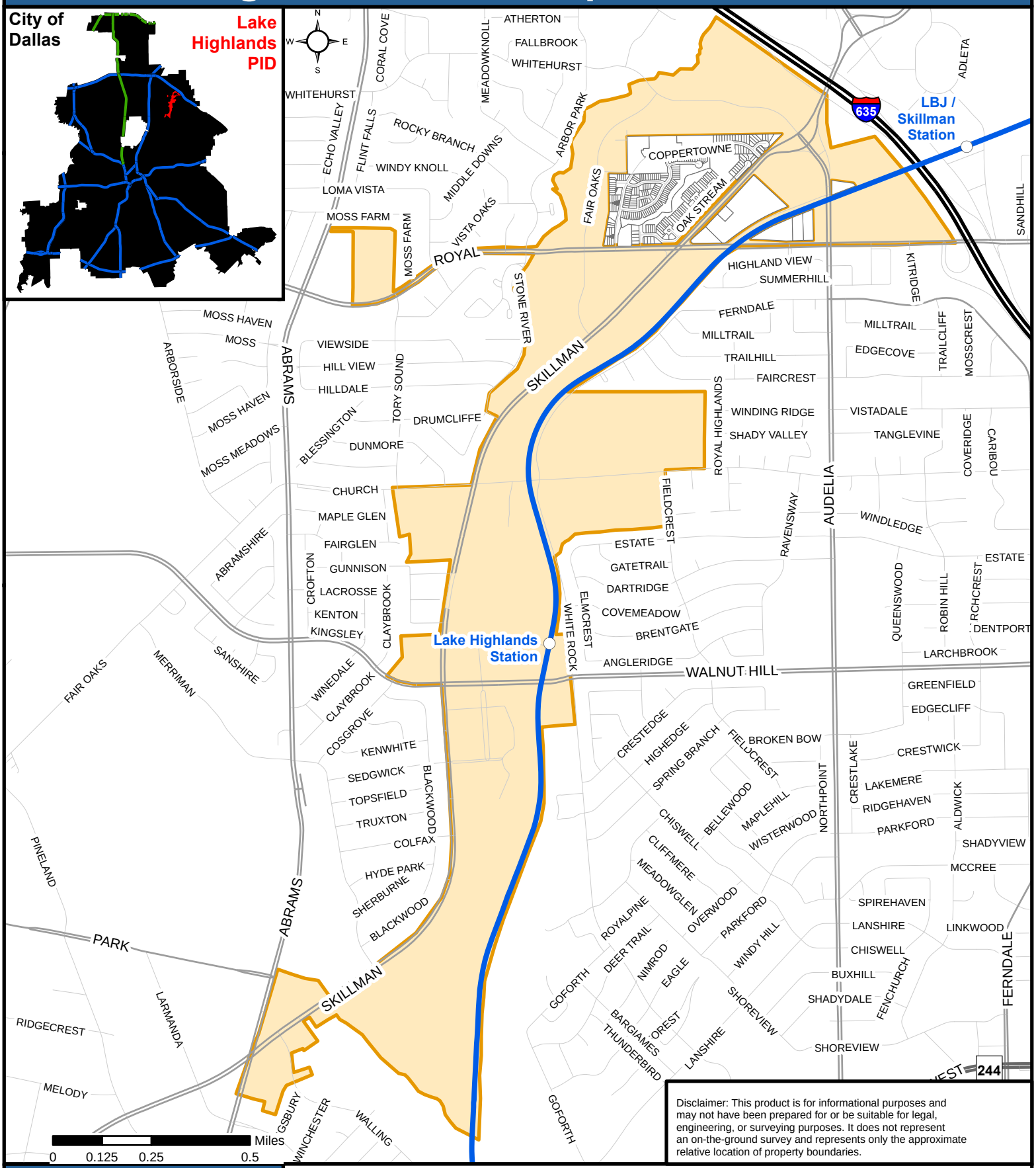
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Lake Highlands Public Improvement District



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Created 3.17.10, Updated 12.13.10 - PID_LakeHighlands.TCG

Legend

- Lake Highlands PID
- Rail Station
- DART Blue Line
- Freeway or Tollway
- Highway
- Arterial
- Local Road

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2008, the City Council held and closed a public hearing and authorized the creation of the Lake Highlands Public Improvement District (the "District") and designated Lake Highlands Improvement District Corporation, as the management entity of the District by Resolution No. 08-1866; and

WHEREAS, the Lake Highlands Improvement District Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed assessment rate for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Lake Highlands Improvement District Corporation evaluated the amended service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the Service Plan and Assessment Plan must be presented to the City Council for review and approval and a public hearing shall be held ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Lake Highlands Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure improvements, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District, **Exhibit A**, for the next five year period is approximately one million, two hundred forty-five thousand, one hundred forty – two dollars ($1,245,142). The estimated annual average cost for the services and improvements provided by the District is approximately two hundred forty-nine thousand, twenty-eight dollars ($249,028). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The method of assessment, **Exhibit B**, which may specify included or excluded classes of assessable property, is based on annual assessment rate recommended by the Lake Highlands Improvement District Corporation and established by the City Council. The proposed rate per property owner for the 2011 assessment is $0.13 per $100.00 of valuation. The assessment rate is requested to provide the necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of valuation.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from an ad-valorem tax are not subject to assessment. Payment of assessments by exempt jurisdictions must be established by contract.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

September 14, 2011

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of the 2011 assessment against real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

Section 4. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Vasavi Pilla, 2CN
Office of Economic Development – Sajid Safdar, 2CN
City Attorney's Office - Barbara Martinez

Exhibit A

LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
SERVICE PLAN 2012 -2016

	2012	2013	2014	2015	2016
INCOME					
Net assessment revenue	$229,555.00	$231,850.55	$238,806.07	$245,970.25	$253,349.36
Interest on cash balance	$500.00	$1,000.00	$800.00	$800.00	$800.00
Surplus Carried Forward [1]	$54,635.00	$12,285.00	$5,663.40	$4,463.16	$14,052.91
Total Income	**$284,690.00**	**$245,135.55**	**$245,269.47**	**$251,233.41**	**$268,202.27**
EXPENSES					
Public Safety [2]	$140,000.00	$130,000.00	$125,000.00	$125,000.00	$125,000.00
Improvements [3]	$51,200.00	$50,000.00	$50,000.00	$50,000.00	$62,000.00
Promotion [4]	$35,000.00	$15,000.00	$20,000.00	$15,000.00	$20,000.00
Administration [5]	$27,300.00	$25,000.00	$25,750.00	$26,522.50	$27,000.00
Audit	$5,000.00	$5,150.00	$5,304.50	$5,463.64	$5,627.55
Insurance	$13,905.00	$14,322.15	$14,751.81	$15,194.36	$15,650.19
Total Expenses	**$272,405.00**	**$239,472.15**	**$240,806.31**	**$237,180.50**	**$255,277.74**
Surplus Carried Forward	$12,285.00	$5,663.40	$4,463.16	$14,052.91	$12,924.53

Notes:

[1] Amount set aside for landscape improvement project in future

[2] Regular Security Patrol, patrol vehicle lease and related expenses

[3] Median improvements on portions of Skillman, landscape architecture planning and installation

[4] Website, marketing materials, promotion of commerce, director outreach

[5] Office supplies, administration, notice mailings, utilities

Exhibit B
LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
2011 ASSESSMENT PLAN

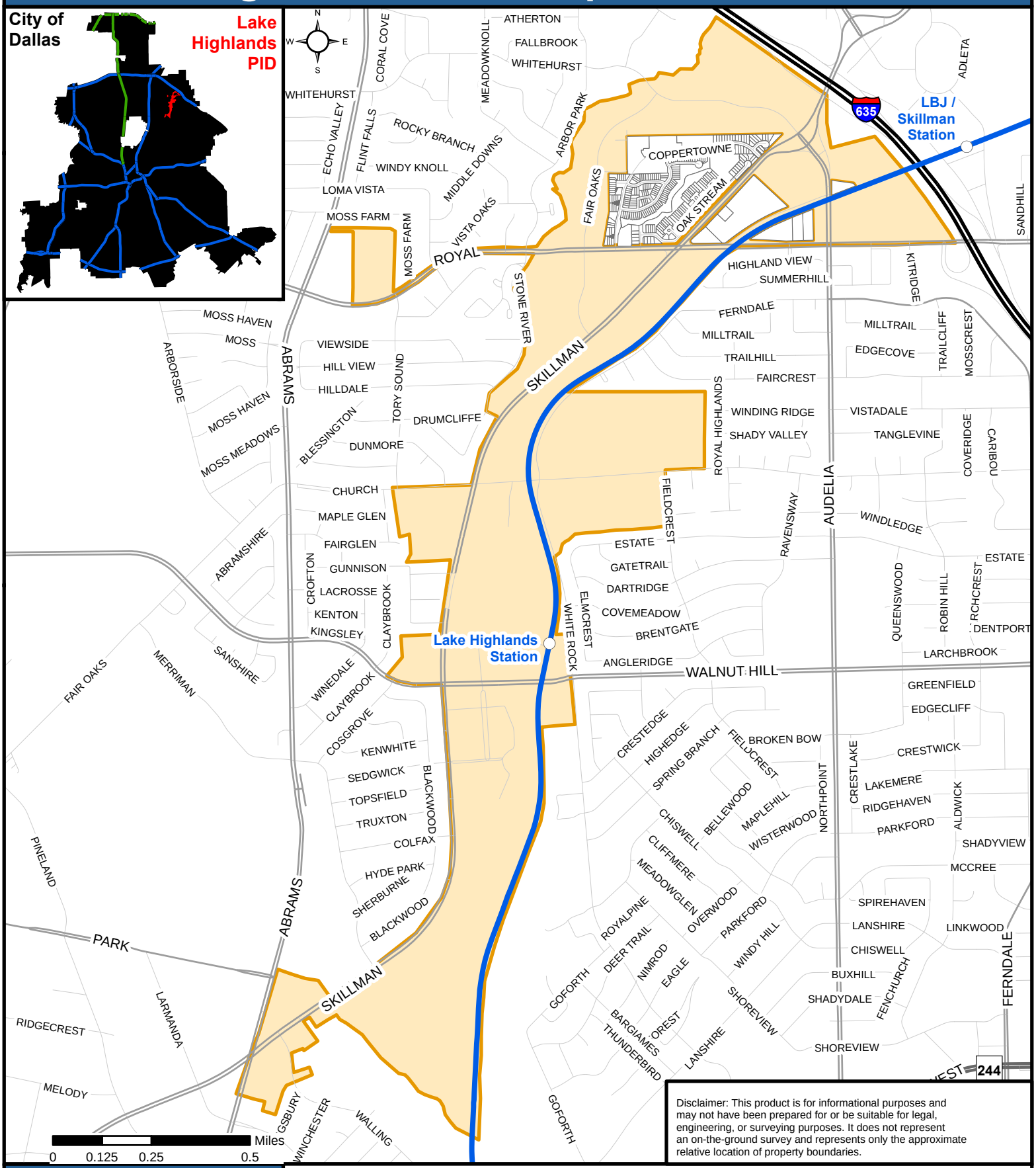
The cost of the services and improvements provided by the Lake Highlands Public Improvement District will be paid primarily by assessments against real properties within the Lake Highlands Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2011 assessment rate for the property in the Lake Highlands PID is proposed at $0.13 per $100.00 of taxable value. All properties will be assessed at a uniform rate. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

Properties not liable for assessment include City rights-of-way, City-owned park properties and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Section 11.24 and 11.28 of the Property Tax Code), and property owned by person already receiving and qualifying for the 65-or-older homestead exemption (under Section 11.12 (c) or (d) of the Texas Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract. No such contracts are in place at present.

The Lake Highlands PID's assessments will be collected by Dallas County or other collection agent as determined by the City of Dallas, in accordance with management contract between the City of Dallas and the Lake Highlands Improvement District Corporation, the non-profit management corporation for the District.

Lake Highlands Public Improvement District



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

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Legend

- Lake Highlands PID
- Rail Station
- DART Blue Line
- Freeway or Tollway
- Highway
- Arterial
- Local Road

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 44 H and 45 E

SUBJECT

Authorize **(1)** approval of the Oak Lawn-Hi Line Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Oak Lawn-Hi Line Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Oak Lawn-Hi Line Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date – Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 for review and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, litter and graffiti control, operation and maintenance of public improvements, landscape improvements including planting, hardscape and street furniture within public open space and public right-of-way and related services and improvements that are authorized by the Act.

(b) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District for the next five years period is approximately one million, five hundred twelve thousand, three hundred fourteen dollars ($1,512,314). The estimated average annual cost is approximately three hundred two thousand, four hundred sixty-three dollars ($302,463). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are as shown on the attached Map of the District.

(d) **Method of Assessment.** The method of Assessment attachment which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by the Oak Lawn-Hi Line Improvement District Corporation and established by the City Council. The proposed rate per property owners for the 2011 assessment is $0.15 per $100 of valuation. The assessment rate is requested to provide the necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, the City Council authorized the creation of the Oak Lawn-Hi Line Public Improvement District for a period of seven-years and designated the Oak Lawn-Hi Line Improvement District Corporation as the management entity for the District by Resolution No. 09-1679.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2438 and Ordinance No. 28011.

On September 6, 2011, the Economic Development Committee was briefed regarding the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

FISCAL INFORMATION

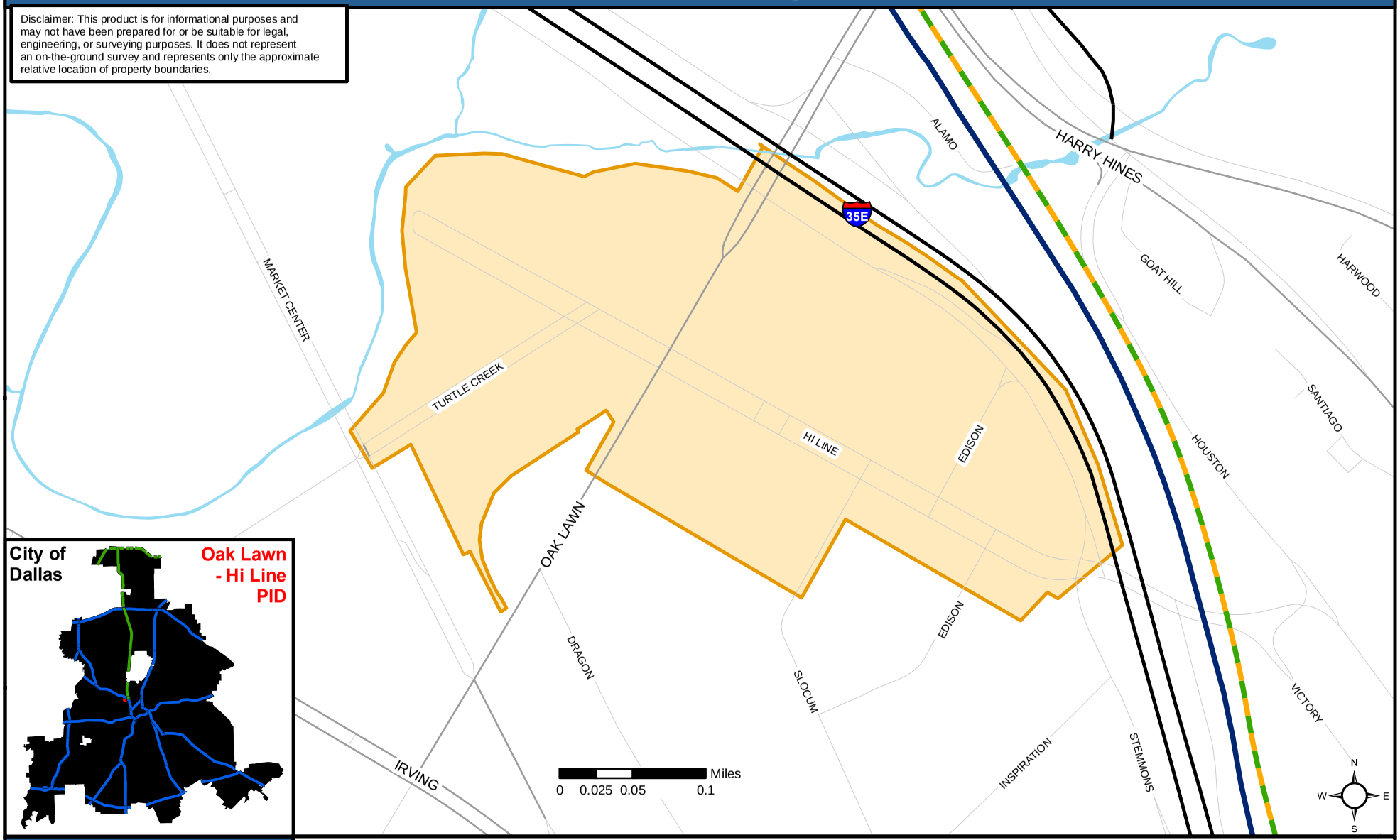
No cost consideration to the City

MAP

Attached.

Oak Lawn - Hi Line Public Improvement District

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



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Created 3.17.10, Updated 8.31.11 - PID_OakLawnHiLine.TCG

Legend

- Oak Lawn - Hi Line PID
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Water

Source: Rail Lines - DART, 2009; All Other Data - City of Dallas, 2010

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 24, 2009, the City Council held and closed a public hearing and authorized the creation of the Oak Lawn-Hi Line Public Improvement District (the "District") and designated Oak Lawn-Hi Line Improvement District Corporation, as the management entity of the District by Resolution No. 09-1679; and

WHEREAS, the Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed assessment rate for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Oak Lawn-Hi Line Improvement District Corporation evaluated the service plan to determine whether the services should be made as proposed by the service plan and found the plan to be viable; and

WHEREAS, the Service Plan and Assessment Plan must be presented to the City Council for review and approval and a public hearing shall be held ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Oak Lawn-Hi Line Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, litter and graffiti control, operation and maintenance of public improvements, landscape improvements including planting, hardscape and street furniture within public open space and public right-of-way and related services and improvements that are authorized by the Act.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided by the District for the next five years period is approximately one million, five hundred twelve thousand, three hundred fourteen dollars ($1,512,314). The estimated average annual cost is approximately three hundred two thousand, four hundred sixty-three dollars ($302,463). The District shall incur no bonded indebtedness, **Exhibit A**.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are as shown on the attached **Map of the District**.

(e) **Method of Assessment.** The method of Assessment attachment, **(Exhibit B)**, which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by the Oak Lawn-Hi Line Improvement District Corporation and established by the City Council. The proposed rate per property owners for the 2011 assessment is $0.15 per $100 of valuation. The assessment rate is requested to provide the necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of the 2011 assessment against real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements; and at the close of the hearing, City Council shall consider an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Oak Lawn-Hi Line Public Improvement District; approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 4. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Vasavi Pilla, 2CN
Office of Economic Development – Sajid Safdar, 2CN
City Attorney's Office - Barbara Martinez

EXHIBIT A

Oak Lawn-Hi Line Public Improvement District
Service Plan 2012 - 2016

	2012	2013	2014	2015	2016
INCOME					
BALANCE FORWARD					
Net assessment revenue	$147,404.22	$151,826.34	$156,381.13	$161,072.57	$161,072.57
Interest on cash balances	$267.70	$275.73	$284.00	$292.52	$301.30
Other income & contributions	$128,916.09	$138,315.33	$148,273.14	$158,820.10	$158,811.32
TOTAL INCOME	$276,588.00	$290,417.40	$304,938.27	$320,185.18	$320,185.18
EXPENDITURES					
Public Safety [1]	$114,500.00	$120,225.00	$126,236.25	$132,548.06	$132,548.06
Area Improvements [2]	$125,123.00	$131,379.15	$137,948.11	$144,845.51	$144,845.51
General Administrative [3]	$18,177.00	$19,085.85	$20,040.14	$21,042.15	$21,042.15
Promotion [4]	$1,000.00	$1,050.00	$1,102.50	$1,157.63	$1,157.63
Audit and Insurance [5]	$17,788.00	$18,677.40	$19,611.27	$20,591.83	$20,591.83
TOTAL EXPENDITURES	$276,588.00	$290,417.40	$304,938.27	$320,185.18	$320,185.18

1. Public Safety Consists of contract security patrols inside PID boundary.
2. Landscape maintenance to include turf, trees and periodic flower changes as well as litter and graffiti control.
3. General Administrative costs include management fee and postage for public notices
4. Promotion is public information dissemination primarily through the Lower Oak Lawn weblog
5. Insurance premium provides for liability coverage binder and professional audit fees

Exhibit B

OAK LAWN - HI LINE PUBLIC IMPROVEMENT DISTRICT
2011 ASSESSMENT PLAN

The cost of the services and improvements provided by the Oak Lawn-Hi Line Public Improvement District will be paid primarily by assessments against real properties within the Oak Lawn-Hi Line Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The 2011 assessment rate is proposed at $0.15 per $100.00 of appraised value. The annual assessments rate, during the seven-year life of the District, will not exceed $0.15 per $100.00 of appraised value as determined by the Dallas Central Appraisal District.

The Oak Lawn Hi Line PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Oak Lawn-Hi Line Improvement District Corporation.

Oak Lawn - Hi Line Public Improvement District

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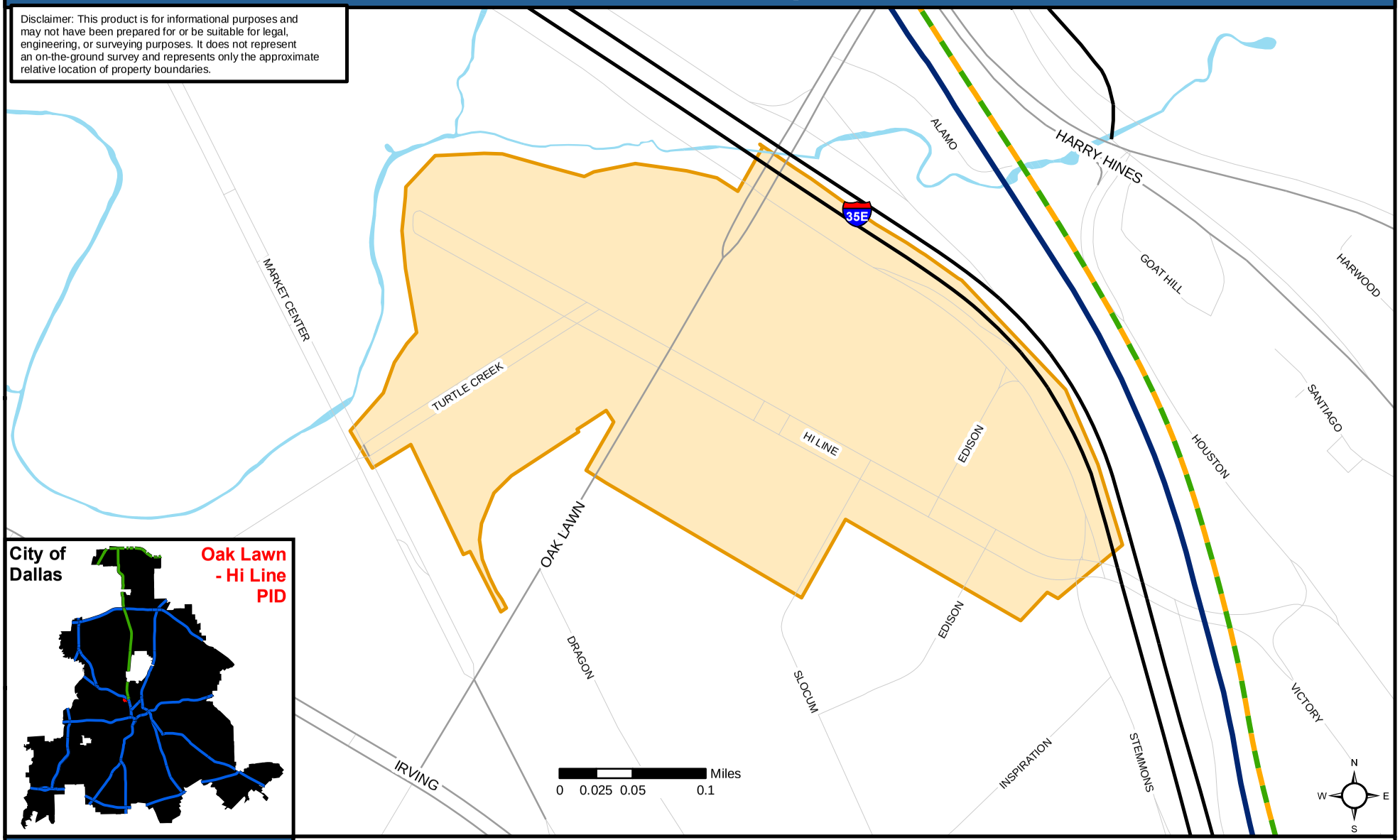

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Legend

- Oak Lawn - Hi Line PID
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Water

Source: Rail Lines - DART, 2009; All Other Data - City of Dallas, 2010

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 12

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 5 T U X Y

SUBJECT

Authorize **(1)** approval of the Prestonwood Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Prestonwood Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Prestonwood Homeowner's Association presented City staff with the proposed Service Plan for 2012 and the proposed Assessment Plan for 2011 for review and staff found the services and improvements to be advisable and recommended approval.

The assessment plan for 2011 proposes an increase in assessment rate from $0.0870 per $100 of appraisal value in 2010 to $0.0950 in 2011. This is an increase of 9.2% from 2010.

BACKGROUND (Continued)

The public improvement district proposed Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety and security related improvements within the District that are authorized by the Act and approved by the Dallas City Council.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the next five years period is approximately one million, five hundred eighty-eight thousand, forty-seven dollars ($1,588,047). The estimated average annual cost is approximately three hundred seventeen thousand, six hundred nine dollars ($317,609). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached Map of the District.

(d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2011 annual assessment rate in the District is $0.0950 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. The assessment rate will be reviewed and approved annually by the Dallas City Council and will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

(e) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way, parks and cemeteries are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract. No such contract is in place, nor is any proposed.

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

On May 14, 1997, the City Council authorized the establishment of the Prestonwood Public Improvement District, which approved the service plan, and named the Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 97-1575.

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

On August 11, 2004, the City Council authorized the renewal of the Prestonwood Public Improvement District for a period of seven-years by Resolution No. 04-2328.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2439 and Ordinance No. 28012.

On June 22, 2011, the City Council authorized the renewal of the Prestonwood Public Improvement District for a period of seven-years by Resolution No. 11-1796.

On September 6, 2011, the Economic Development Committee was briefed regarding the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

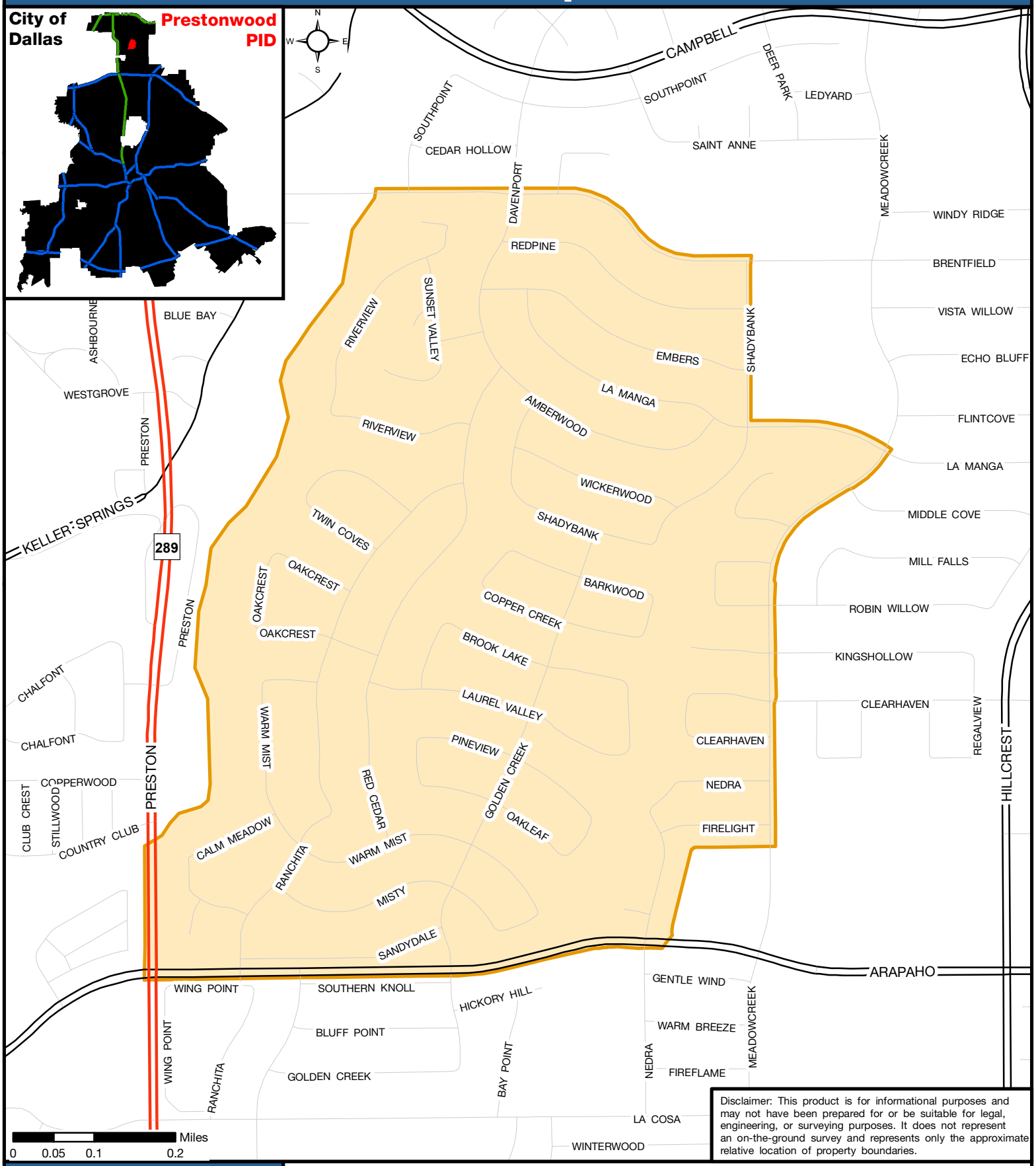
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Prestonwood Public Improvement District



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Legend

- Prestonwood PID
- Highway
- Arterial
- Local Road

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on May 14, 1997, the City Council held and closed a public hearing and authorized the establishment of the Prestonwood Public Improvement District (District) and designated Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 97-1575; and

WHEREAS, on August 11, 2004, the City Council held and closed a public hearing and authorized the renewal of the District and designated Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 04-2328; and

WHEREAS, on June 22, 2011, the City Council held and closed a public hearing and authorized the renewal of the District and designated Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 11-1796; and

WHEREAS, the Prestonwood Homeowners Association presented City staff with the proposed District Service Plan for 2012 and the proposed Assessment Rate for 2011, as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Prestonwood Homeowners Association, evaluated the service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 28, 2011 ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after considering the Service Plan for 2012 for the Prestonwood Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

Section 1. (Continued)

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety and security related improvements within the District that are authorized by the Act and approved by the Dallas City Council.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District, **Exhibit A**, for the next five years period is approximately one million, five hundred eighty-eight thousand, forty-seven dollars ($1,588,047). The estimated average annual cost is approximately three hundred seventeen thousand, six hundred nine dollars ($317,609). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The proposed method of assessment, **Exhibit B,** which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2011 annual assessment rate in the District is $0.0950 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate shall not exceed $0.15 per $100.00 valuation. The assessment rate will be reviewed and approved annually by the Dallas City Council and will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

(f) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way, parks and cemeteries are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract. No such contract is in place, nor is any proposed.

September 14, 2011

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment against real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

Section 4. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Vasavi Pilla, 2CN
Office of Economic Development – Sajid Safdar, 2CN
City Attorney's Office - Barbara Martinez

Exhibit A

Prestonwood Public Improvement District
Service Plan 2012-2016

	2012	2013	2014	2015	2016
Revenue & Reserves					
Calendar Year End Balance as of 12/31	$75,900.74	$81,437.84	$82,390.65	$86,335.30	$107,738.39
Net Assessment Revenue	$321,762.09	$318,283.21	$321,275.05	$338,733.49	$345,682.80
Exempt Jurisdictions	$0.00	$0.00	$0.00	$0.00	$0.00
Interest on Cash balances	$500.00	$500.00	$500.00	$500.00	$500.00
Other income & contributions	$0.00	$0.00	$0.00	$0.00	$0.00
Total Income & Reserves	$398,162.84	$400,221.05	$404,165.70	$425,568.79	$453,921.18
Disbursements					
Public Safety*	$283,650.00	$283,650.00	$283,650.00	$283,650.00	$283,650.00
Audit/Insurance	$22,050.00	$23,155.40	$23,155.40	$23,155.40	$23,155.40
Administrative Expenses	$11,025.00	$11,025.00	$11,025.00	$11,025.00	$11,025.00
PID Renewal Expenses	$0.00	$0.00	$0.00	$0.00	$0.00
Total Disbursements	$316,725.00	$317,830.40	$317,830.40	$317,830.40	$317,830.40
Funds Balance/Reserves	$81,437.84	$82,390.65	$86,335.30	$107,738.39	$136,090.78

*Security and security related improvements

PRESTONWOOD
A Special Community
Homeowners Association
P. O. Box 795682
Dallas, TX 75248

Exhibit B
PRESTONWOOD PUBLIC IMPROVEMENT DISTRICT
2011 ASSESSMENT PLAN

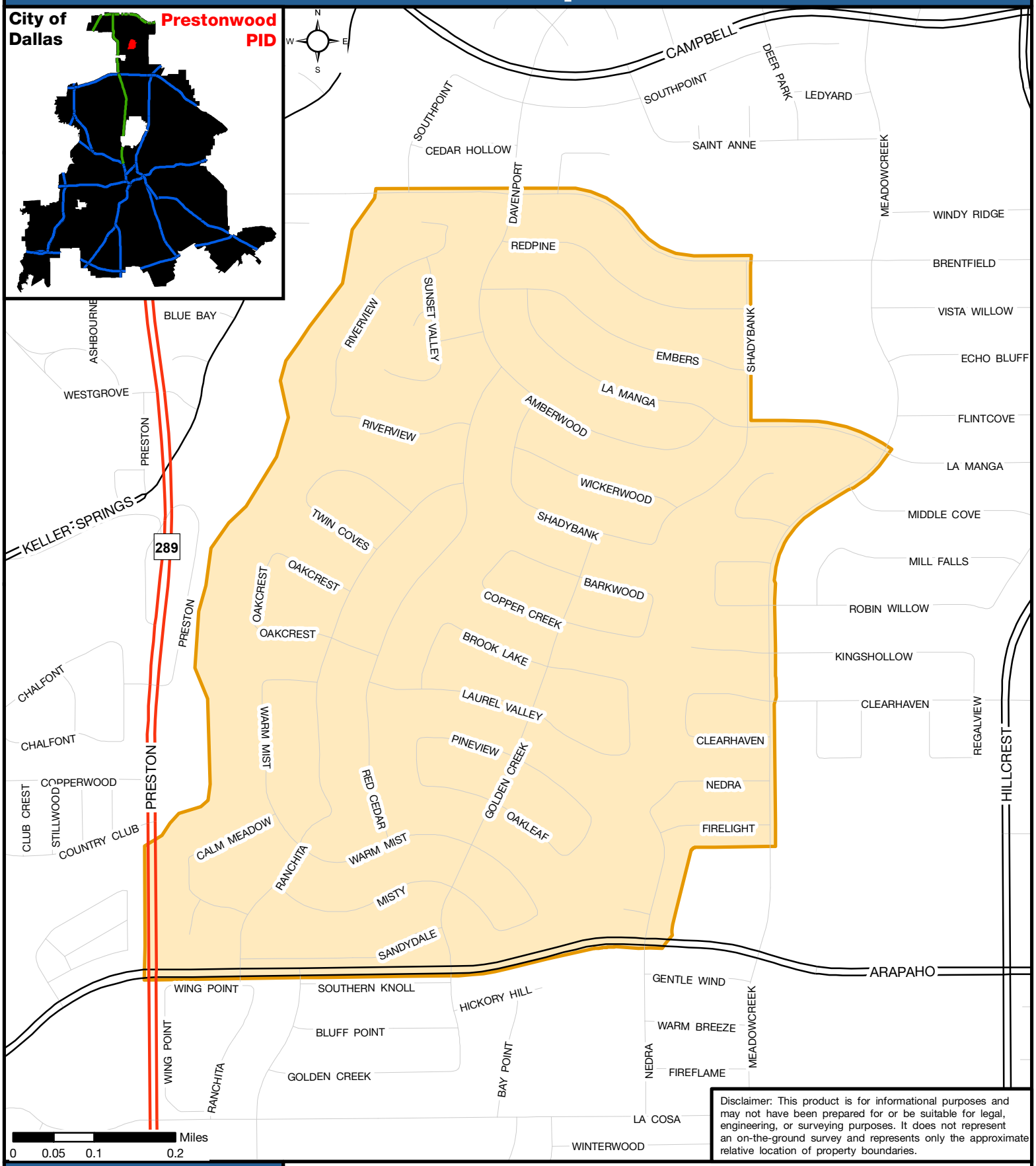
The cost of the services and improvements provided by the Prestonwood Public Improvement District will be paid primarily by assessments against real properties within the Prestonwood Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2011 assessment rate for the property in the Prestonwood PID is proposed at $0.0950 per $100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The Prestonwood PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Prestonwood Homeowners Association.

Prestonwood Public Improvement District



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

DALLAS
ECONOMIC DEVELOPMENT

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Created 3.17.2010, Last Updated 8.31.11 - PID_Prestonwood.TCG

Legend

- Prestonwood PID
- Highway
- Arterial
- Local Road

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 45 U V

SUBJECT

Authorize **(1)** approval of the South Side Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the South Side Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the South Side Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The South Side Quarter Development Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 for review, and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district Service Plan is outlined in the following way:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure improvements, maintain common areas and lighting, produce pedestrian amenities and linkages, and provide other improvements that are authorized by the Act.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided during the next five years of the District is approximately five hundred ninety-two thousand five hundred dollars ($592,500). The estimated annual average cost for the services and improvements is approximately one hundred eighteen thousand five hundred dollars ($118,500). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached Map of the District.

(e) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by the South Side Quarter Development Corporation and established by the Dallas City Council. The proposed rate per property owner for the 2011 assessment is $0.12 per $100.00 of value for the standard service area and $0.15 per $100.00 of value for the premium service area. The assessment rates are requested to provide the necessary revenue for the annual activities of the District, and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the service and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

BACKGROUND (Continued)

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place at present.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, the City Council held and closed a public hearing, authorized the creation of South Side PID for a period of seven years and designated the South Side Quarter Development Corporation as the management entity for the District by Resolution No. 05-2230.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2440 and Ordinance No. 28013.

On September 6, 2011, the Economic Development Committee was briefed on the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

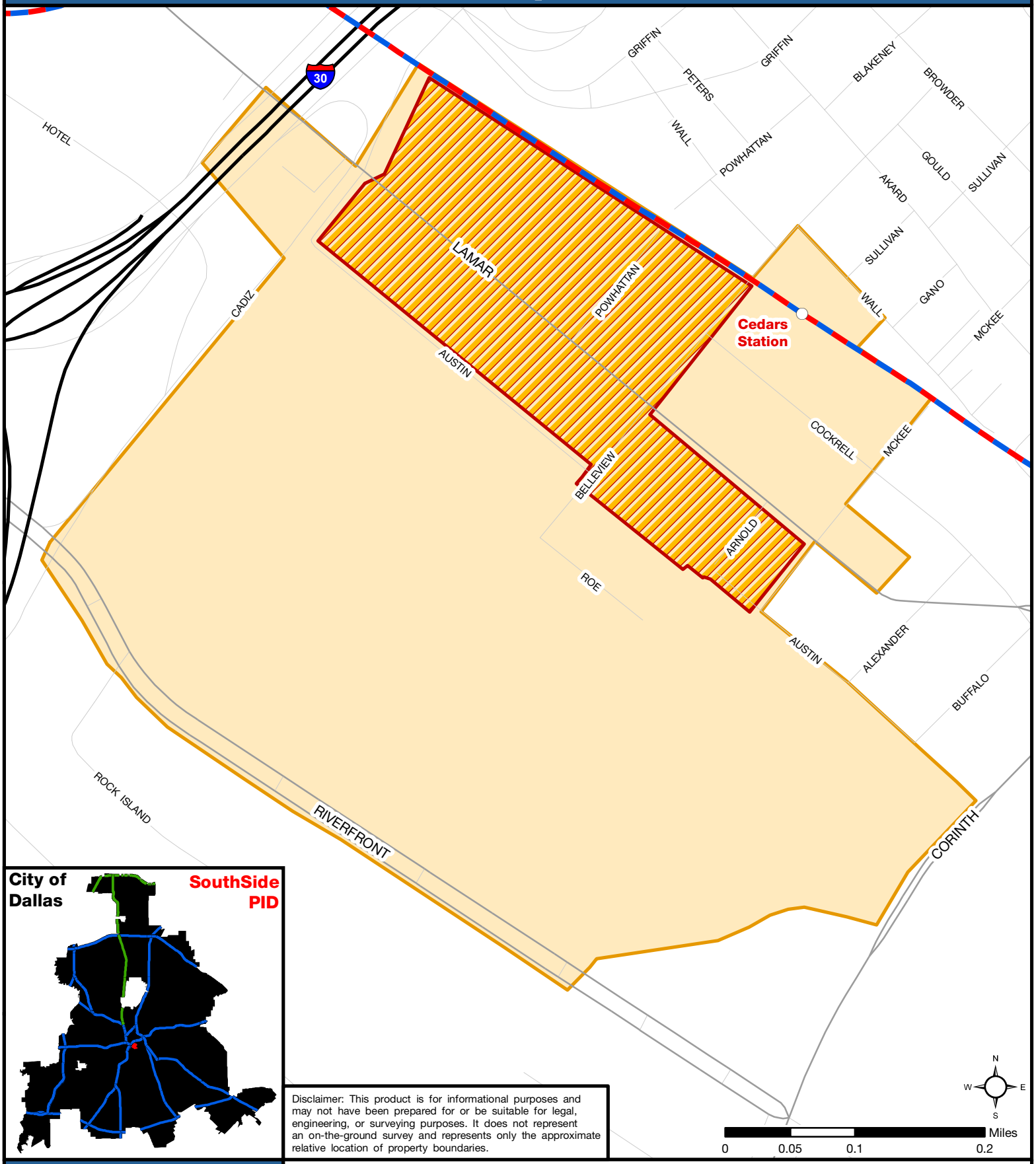
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

SouthSide Public Improvement District



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Legend

- SouthSide PID
- SouthSide PID Premium
- Rail Station
- DART Red Line
- DART Blue Line
- Freeway or Tollway
- Arterial
- Local Road

Source: Rail Lines - DART, 2010; All Other Data - City of Dallas, 2010

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2005, the City Council held and closed a public hearing and authorized the creation of the South Side Public Improvement District (District) and designated South Side Quarter Development Corporation as the management entity of the District by Resolution No. 05-2230; and

WHEREAS, the South Side Quarter Development Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed assessment rate for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the South Side Quarter Development Corporation, evaluated the amended service plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan, and a public hearing shall be held on September 28, 2011 ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the South Side Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

The City Council makes the following findings concerning the public improvement district Service Plan:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure improvements, maintain common areas and lighting, produce pedestrian amenities and linkages, and provide other improvements that are authorized by the Act.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided during the next five years of the District is approximately five hundred ninety-two thousand five hundred dollars ($592,500). The estimated annual average cost for the services and improvements is approximately one hundred eighteen thousand five hundred dollars ($118,500). The District shall incur no bonded indebtedness, **Exhibit A**.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The method of assessment, **(Exhibit B),** which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by the South Side Quarter Development Corporation and established by the Dallas City Council. The proposed rate per property owner for the 2011 assessment is $0.12 per $100.00 of value for the standard service area and $0.15 per $100.00 of value for the premium service area. The assessment rates are requested to provide the necessary revenue for the annual activities of the District, and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the service and improvements. The final assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place at present.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of the 2011 assessment against real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental services and public improvements; and at the close of the hearing, City Council shall consider an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the South Side Public Improvement District; approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 4. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving, adopting and filing with the City Secretary the 2011 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Vasavi Pilla, 2CN
City Attorney's Office - Barbara Martinez

Exhibit A

South Side Public Improvement District
Service Plan 2012-2016

	2012	2013*	2014*	2015*	2016*
NET TOTAL ASSESSMENTS	**$ 103,600.00**	**$ 111,550.00**	**$ 117,000.00**	**$ 116,950.00**	**$ 116,950.00**
Surplus/Deficit from previous year	**$ 31,683.00**	**$ 4,783.00**	**$ 833.00**	**$ 2,333.00**	**$ 3,783.00**
Estimated Annual Income to District	**$ 135,283.00**	**$ 116,333.00**	**$ 117,833.00**	**$ 119,283.00**	**$ 120,733.00**
Public Improvements					
Distinctive lighting/signs					
Bark Park Capital*					
Water, wastewater, drainage					
Fountains					
Special Supplemental Services					
Park Improvements	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00
Bark Park Improvements					
Public safety/security	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00
Public art projects					
Business recruitment/Marketing	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00
Cultural enhancements					
Cultural events	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 3,000.00
Administration	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00
Audit	$ 4,500.00	$ 4,500.00	$ 4,500.00	$ 4,500.00	$ 4,500.00
Insurance/Legal Fees	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 3,000.00	$ 3,000.00
PID Renewal Fee	$ 15,000.00				
Estimated Annual Expenses to District	**$ 130,500.00**	**$ 115,500.00**	**$ 115,500.00**	**$ 115,500.00**	**$ 115,500.00**
SURPLUS (DEFICIT)	**$ 4,783.00**	**$ 833.00**	**$ 2,333.00**	**$ 3,783.00**	**$ 5,233.00**

* The South Side PID is authorized by the City Council through 2012. Expenses for 2013 through 2016 are estimates pending successful renewal of the PID in 2012.

SOUTH SIDE QUARTER DEVELOPMENT CORPORATION
The Creative District in the Heart of Dallas

EXHIBIT B
SOUTH SIDE QUARTER PUBLIC IMPROVEMENT DISTRICT
2011 ASSESSMENT PLAN

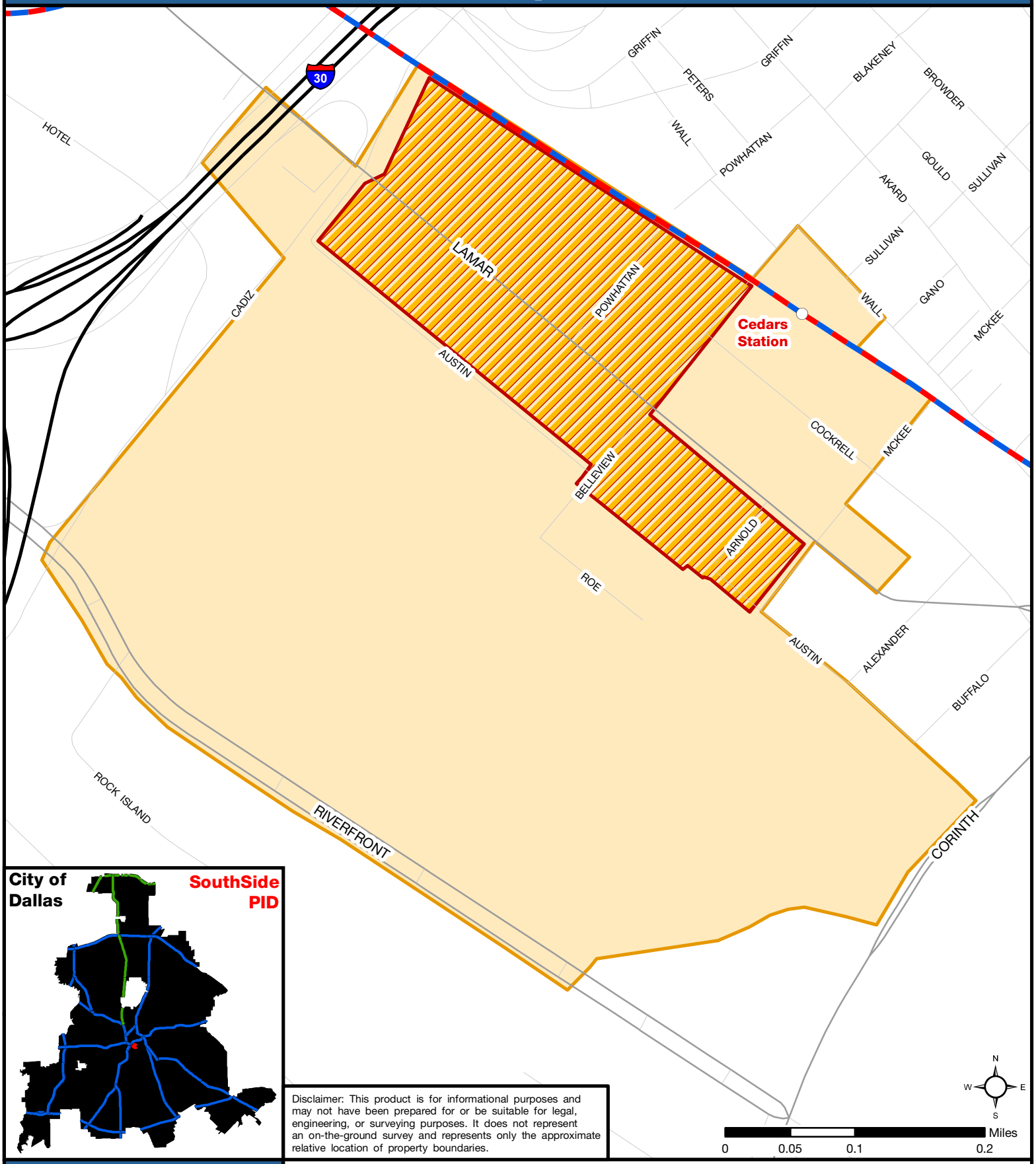
The cost of the services and improvements provided by the South Side Public Improvement District will be paid primarily by assessments against real properties within the South Side Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2011 assessment rate for the property in the premium service area is proposed at $0.15 per $100.00 of value. The 2011 assessment rate for the property in the standard service area is proposed at $0.12 per $100.00. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The South Side PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the South Side Quarter Development Corporation.

1401 S. Lamar Dallas, Texas 75215
(214) 426-0771 • Fax (214) 426-6217 • www.southsidequarter.org

SouthSide Public Improvement District



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Legend

- SouthSide PID
- SouthSide PID Premium
- Rail Station
- DART Red Line
- DART Blue Line
- Freeway or Tollway
- Arterial
- Local Road

Source: Rail Lines - DART, 2010; All Other Data - City of Dallas, 2010

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 45 B C F G

SUBJECT

Authorize **(1)** approval of the Uptown Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Uptown Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2011 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Uptown, Inc., presented City staff with the proposed Service Plan for 2012 and the proposed Assessment Plan for 2011 for review and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately six million, eight hundred ninety thousand, four hundred forty-three dollars ($6,890,443). The estimated annual average cost is approximately one million, three hundred seventy-eight thousand, eighty-nine dollars ($1,378,089). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached Map of the District.

(d) **Method of Assessment.** The method of Assessment attachment which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by The Uptown, Inc., and established by the City Council. The proposed rate per property owner for the 2011 assessment is $0.0450 per $100 of valuation. The assessment will provide necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned among the property owners on the basis of special benefits accruing to the property because of the services and improvements. The actual assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the cost of the services and improvements by special assessment against the real property and real property improvements. City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. The District's cemeteries which operate on a nonprofit basis and are not specifically benefited by most of the improvements and services are one class of tax-exempt properties.

BACKGROUND (Continued)

Accordingly, the cemeteries will be exempt from assessment. Property owned by tax-exempt religious organizations will be exempt from assessment, as will property owned by persons already receiving and qualifying for 65 or older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place, nor or any proposed. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad-valorem taxes are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, the City Council authorized the creation of the Uptown Public Improvement District by Resolution No. 93-2501.

On August 10, 2005, the City Council authorized the renewal of the Uptown PID for a period of seven years and designated Uptown, Inc. as the management entity for the District by Resolution No. 05-2231.

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2441 and Ordinance No. 28014.

On September 6, 2011, the Economic Development Committee was briefed on the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

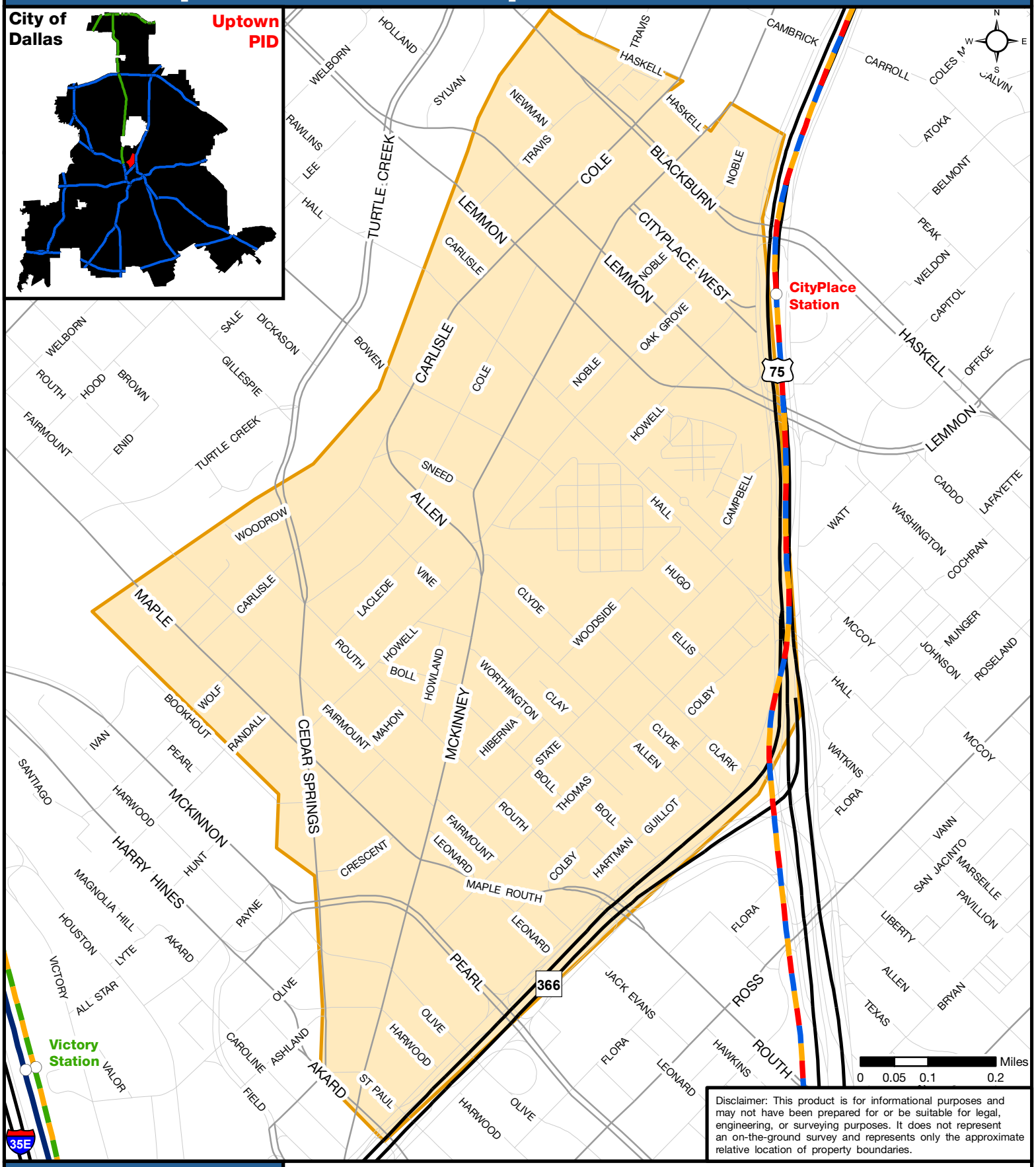
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Uptown Public Improvement District



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Legend

- Uptown PID
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road

Source: City of Dallas, 2011

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, the City Council held and closed a public hearing and authorized the establishment of the Uptown Public Improvement District by Resolution No. 93-2501; and

WHEREAS, on August 10, 2005, the City Council authorized the renewal of the Uptown Public Improvement District for a period of seven years, and authorized a contract between the City of Dallas and Uptown, Inc., for management of the District by Resolution No. 05-2231; and

WHEREAS, Uptown, Inc., presented City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Uptown, Inc., evaluated the 2012 Service Plan to determine whether the services should be made as proposed by the service plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 28, 2011, ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment against real property and real property improvements exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Uptown Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

The City Council makes the following findings concerning the Service Plan for the public improvement district:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District **(Exhibit A)** for the next five year period is approximately six million, eight hundred ninety thousand, four hundred forty-three dollars ($6,890,443). The estimated annual average cost is approximately one million, three hundred seventy-eight thousand, eighty-nine dollars ($1,378,089). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The method of Assessment attachment, **Exhibit B**, which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by The Uptown, Inc., and established by the City Council. The proposed rate per property owner for the 2011 assessment is $0.0450 per $100 of valuation. The assessment will provide necessary revenue for the annual activities of the District; and the costs of the District shall be apportioned among the property owners on the basis of special benefits accruing to the property because of the services and improvements. The actual assessment rate for 2011 will be established by City Council after the close of an assessment rate public hearing on September 28, 2011. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

Section 1. (Continued)

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the cost of the services and improvements by special assessment against the real property and real property improvements. City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specially benefited. The District's cemeteries which operate on a nonprofit basis and are not specifically benefited by most of the improvements and services are one class of tax-exempt properties. Accordingly, the cemeteries will be exempt from assessment. Property owned by tax-exempt religious organizations will be exempt from assessment, as will property owned by persons already receiving and qualifying for 65 or older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place, nor or any proposed. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad-valorem taxes are not subject to assessment.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

Section 4. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Vasavi Pilla, 2CN
City Attorney's Office - Barbara Martinez

Exhibit A

2012-2016 SERVICE PLAN
UPTOWN PUBLIC IMPROVEMENT DISTRICT

	2012	2013*	2014*	2015*	2016*
Assessments	$1,240,330.29	$1,379,349.00	$1,306,665.00	$1,346,314.00	$1,387,154.00
Interest	$3,000.00	$3,122.00	$3,153.00	$3,185.00	$3,216.00
Uptown Dallas, Inc. service fees	$23,153.00	$24,310.00	$25,526.00	$26,802.00	$28,142.00
Marketing Sponsorships	$16,391.00	$16,883.00	$17,389.00	$17,911.00	$18,448.00
Total Income	$1,282,874.29	$1,423,664.00	$1,352,733.00	$1,394,212.00	$1,436,960.00
Expenditures					
Capital Improvements (Median Landscaping, gateway markers, walking trails, parks, streetscape, Katy Trail).	$346,275.00	$410,000.00	$392,945.00	$404,850.00	$417,111.00
Services (Off-duty police, trolley operations, traffic & parking, marketing and promotion)	$524,497.00	$557,831.00	$471,566.00	$485,713.00	$500,285.00
Landscape Improvements (Landscape, tree care, street & sidewalk sweeping, trash cans, graffiti removal, grates).	$218,154.00	$224,699.00	$231,440.00	$238,383.00	$245,534.00
Finance & Administration (Staff Salaries & benefits, office expenses, audit, insurance).	$136,947.00	$153,406.00	$158,008.00	$162,749.00	$167,631.00
PID Renewal Fee	$15,000.00				
Contingency [1]	$21,000.00	$21,000.00	$21,000.00	$21,000.00	$21,000.00
Unallocated [2]	$21,001.29	$56,728.00	$77,774.00	$81,517.00	$85,399.00
Total Expenditure :	$1,282,874.29	$1,423,664.00	$1,352,733.00	$1,394,212.00	$1,436,960.00

* The Uptown PID is authorized by the City Council through 2012. Expenses for 2013 through 2016 are estimates pending successful renewal of the PID in 2012.

1. Contingency funds: Allowance made for anticipated tax refunds due to protests by property owners for reduction in assessments.

2. Unallocated funds: Set aside for projected $800,000 total investment in four phase-four year plan to renovate Griggs Park.

EXHIBIT B

2011 ASSESSMENT PLAN

Uptown Public Improvement District

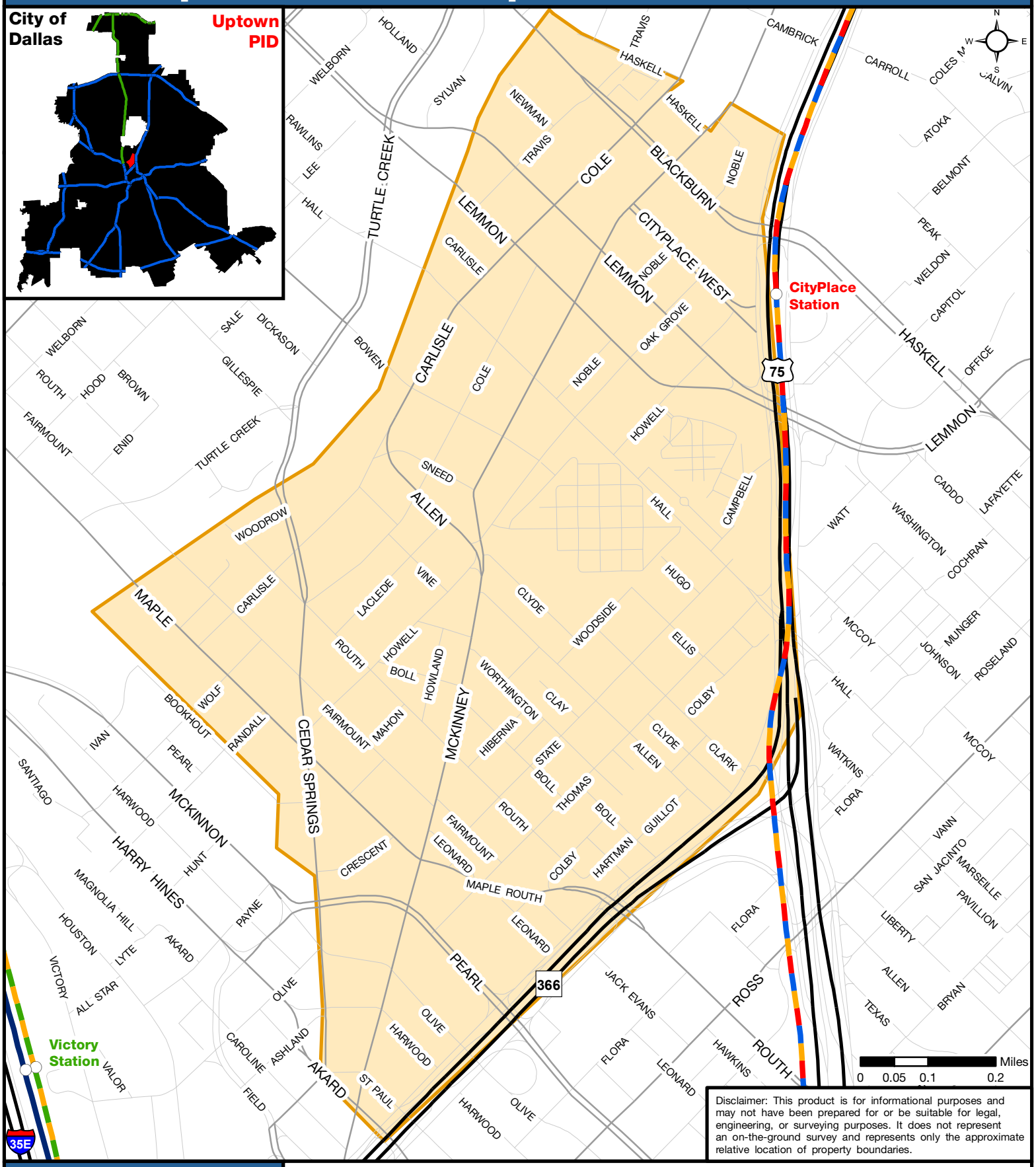
The cost of the services and improvements provided by the Uptown Public Improvement District will be paid primarily by special assessments against properties in the District. Annual assessments will be based on the total value of real property and improvements as determined by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. In 2011, the proposed rate continues to be 4.5 cents per $100 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. The District's cemeteries –which operate on a nonprofit basis and are not specifically benefited by most of the improvements and services-are one class of tax-exempt properties. Accordingly, the cemeteries will be exempt from assessment. Property owned by tax-exempt religious organizations will be exempt from assessment and property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place, nor are any proposed. City rights-of-way and city parks are exempt from assessment. Properties otherwise exempt from ad-valorem taxes are not subject to assessment.

UPID's assessments will be collected by Dallas County or other contractor chosen by the City of Dallas, in accordance with the management contract between the City of Dallas and Uptown Dallas, Inc., the non-profit corporation that manages the District.

Uptown Public Improvement District



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

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Legend

- Uptown PID
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road

Source: City of Dallas, 2011

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 9, 13

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 670-3314

MAPSCO: 26 F K-I P-Q T-Y

SUBJECT

Authorize **(1)** approval of the Vickery Meadow Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Vickery Meadow Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

The Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed Assessment Plan for 2011 for review and staff found the services and improvements to be advisable and recommended approval.

BACKGROUND (Continued)

The public improvement district Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, provide maintenance, conduct economic development activities, community services, special events and other services and activities that are authorized by the Act.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately three million, four hundred sixty-eight thousand, three hundred seventy dollars ($3,468,370). The average annual cost of services for the District is approximately six hundred ninety-three thousand, six hundred seventy-four dollars ($693,674). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached Map of the District.

(d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2011 annual assessment rate for the premium service area in the District is $0.10 per $100.00 of appraised value by the Dallas Central Appraisal District. The standard service area proposed 2011 assessment rate for the District is $0.05 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of valuation.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specifically benefited. City rights-of-way, City Parks, and other tax-exempt property in the District are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, the City Council authorized the establishment of Vickery Meadow PID by Resolution No. 93-2502.

On May 13, 1998, the City Council authorized the renewal of the Vickery Meadow PID by Resolution No. 98-1440.

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

On September 10, 2003, the City Council authorized the renewal of the Vickery Meadow PID by Resolution No. 03-2475.

On June 25, 2008, the City Council authorized the renewal of the Vickery Meadow PID and designated Vickery Meadow Management Corporation as the management entity for the District by Resolution No. 08-1867

On September 22, 2010, the City Council authorized the assessment rate for 2010 by Resolution No. 10-2442 and Ordinance No. 28015.

On September 6, 2011, the Economic Development Committee was briefed on the Assessment Rate for 2011 and Service Plan for 2012 for all nine of the City's Public Improvement Districts.

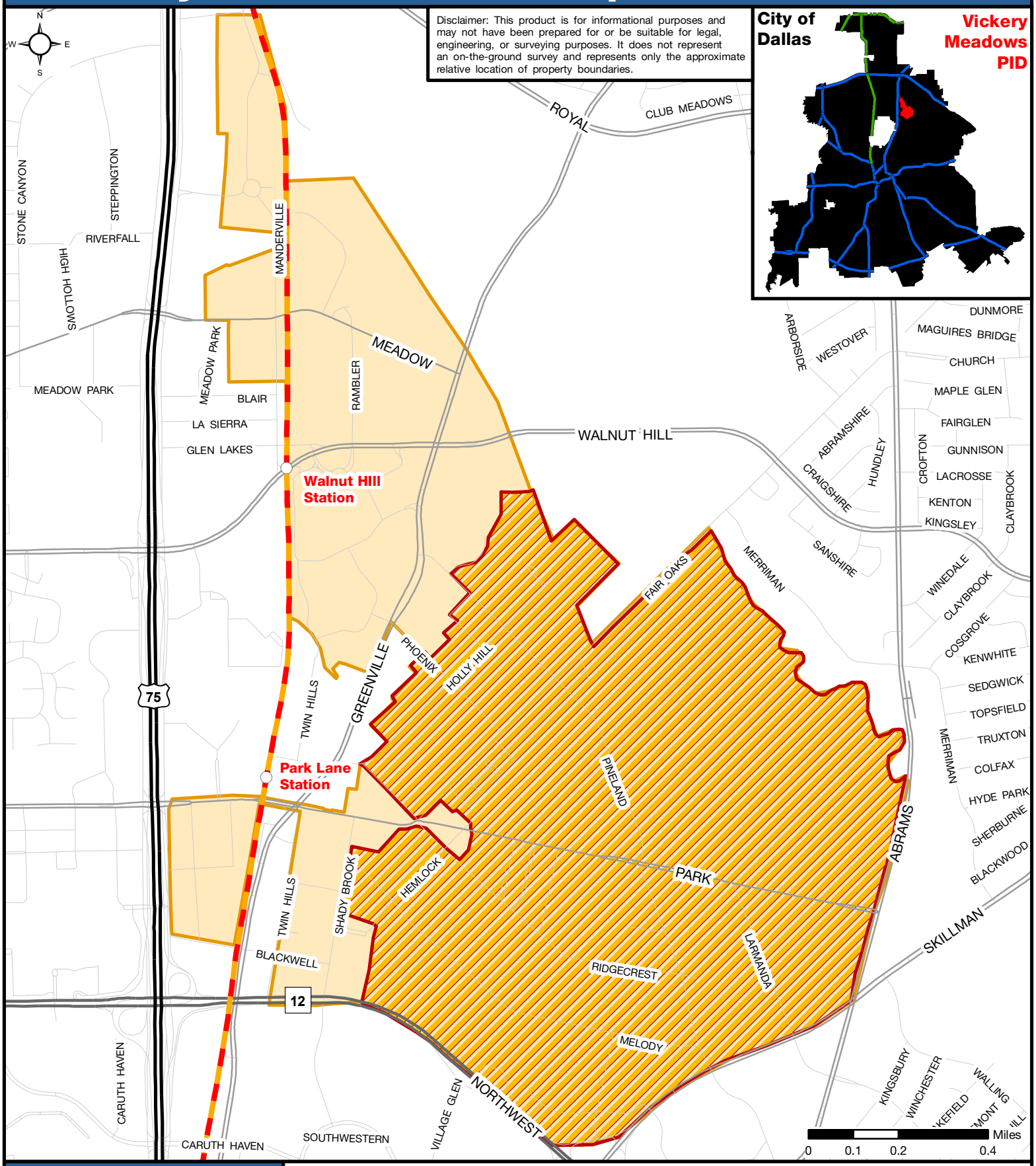
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Vickery Meadows Public Improvement District



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Legend

- Vickery Meadows PID Premium
- Vickery Meadows PID
- Rail Station
- DART Red Line
- DART Orange Line
- Freeway or Tollway
- Highway
- Arterial
- Local Road

Source: City of Dallas, 2011

September 14, 2011

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2008, the City Council authorized the renewal of the Vickery Meadow Public Improvement District (District), as a public improvement district in accordance with the provisions of Chapter 372 of the Texas Local Government Code and provided findings as to the advisability of the proposed supplemental services and improvements, to be funded by assessments on real property and real property improvements on property located in the District, exclusive of rights-of-way; designating Vickery Meadow Management Corporation, as manager of the District and authorizing a contract for management services; and approving the District Service Plan, and annual updates by Resolution No. 08-1867; and

WHEREAS, the Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2012 and the proposed assessment rates for 2011 as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Vickery Meadow Management Corporation evaluated the 2012 Service Plan to determine whether the services should be made as proposed by the Service Plan and found the services and improvements to be advisable; and

WHEREAS, the City Council must review and approve the Service Plan and Assessment Plan and a public hearing shall be held on September 28, 2011 ~~at 1:00 P.M.~~ no sooner than 10:00 a.m. to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2011 assessment rate for a special assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the Service Plan for 2012 for the Vickery Meadow Public Improvement District hereby approves the Service Plan for 2012, **Exhibit A**.

The City Council makes the following findings concerning the public improvement district Service Plan:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services and improvements described in this Resolution.

Section 1. (Continued)

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, provide maintenance, conduct economic development activities, community services, special events and other services and activities that are authorized by the Act.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the next five year period is approximately three million, four hundred sixty-eight thousand, three hundred seventy dollars ($3,468,370). The average annual cost of services for the District is approximately six hundred ninety-three thousand, six hundred seventy-four dollars ($693,674). The District shall incur no bonded indebtedness, **Exhibit A**.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached **Map of the District**.

(e) **Method of Assessment.** The proposed method of assessment, **Exhibit B**, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2011 annual assessment rate for the premium service area in the District is $0.10 per $100.00 of appraised value by the Dallas Central Appraisal District. The standard service area proposed 2011 assessment rate for the District is $0.05 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of valuation.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District, which is specifically benefited. City rights-of-way, City Parks, and other tax-exempt property in the District are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

September 14, 2011

Section 3. That a public hearing shall be held ~~at 1:00 p.m.~~ no sooner than 10:00 a.m. on September 28, 2011, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

Section 4. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving, adopting and filing with the City Secretary the 2011 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Vasavi Pilla, 2CN
Office of Economic Development – Sajid Safdar, 2CN
City Attorney's Office - Barbara Martinez

EXHIBIT A

VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT
SERVICE PLAN (2012-2016)

	2012 BUDGET	2013 BUDGET	2014 BUDGET	2015 BUDGET	2016 BUDGET
REVENUES:					
Net Assessment	$476,000.00	$527,562.00	$657,197.00	$805,797.00	$980,147.00
Interest Income	$2,000.00	$2,200.00	$2,500.00	$4,800.00	$5,700.00
Surplus Carried Forward	$18,967.00	$6,857.00	$8,159.00	$8,856.00	$12,553.00
TOTAL REVENUE	**$496,967.00**	**$536,619.00**	**$667,856.00**	**$819,453.00**	**$998,400.00**
DISBURSEMENTS:					
Administrative Expenses[1]	$47,352.00	$50,000.00	$50,000.00	$55,000.00	$60,000.00
Park Lane Place Improvements (VM TIF)[2]	$49,278.00	$53,660.00	$100,000.00	$127,000.00	$179,000.00
Valencia Development Improvements[3]	$0.00	$0.00	$32,000.00	$92,400.00	$142,400.00
Community Service Expenses[4]	$51,874.00	$60,000.00	$71,500.00	$75,000.00	$85,000.00
Property Standard Expenses[5]	$68,950.00	$78,000.00	$85,000.00	$95,000.00	$105,000.00
Safety & Security[6]	$242,583.00	$255,000.00	$280,000.00	$300,000.00	$335,000.00
Public Relations Expenses[7]	$10,959.00	$9,500.00	$15,000.00	$25,000.00	$32,000.00
Economic Development Expense[8]	$8,814.00	$12,000.00	$15,000.00	$27,000.00	$35,000.00
Insurance & Audit Expenses	$10,300.00	$10,300.00	$10,500.00	$10,500.00	$10,500.00
TOTAL DISBURSEMENTS	**$490,110.00**	**$528,460.00**	**$659,000.00**	**$806,900.00**	**$983,900.00**

Notes:

1. Office Management & Items Required by PID Contract
2. Maintenance of Common Areas in the Park Lane Development
3. Maintenance of Common Areas in the Mid-Town Development
4. Community Enrichment Activities, Youth Development Activities, & Special Events
5. Landscaping, Litter Removal, & Graffiti Abatement
6. Crime Database, Security Patrol, & Crime Prevention
7. Marketing & Promotional Activities
8. Neighborhood Planning

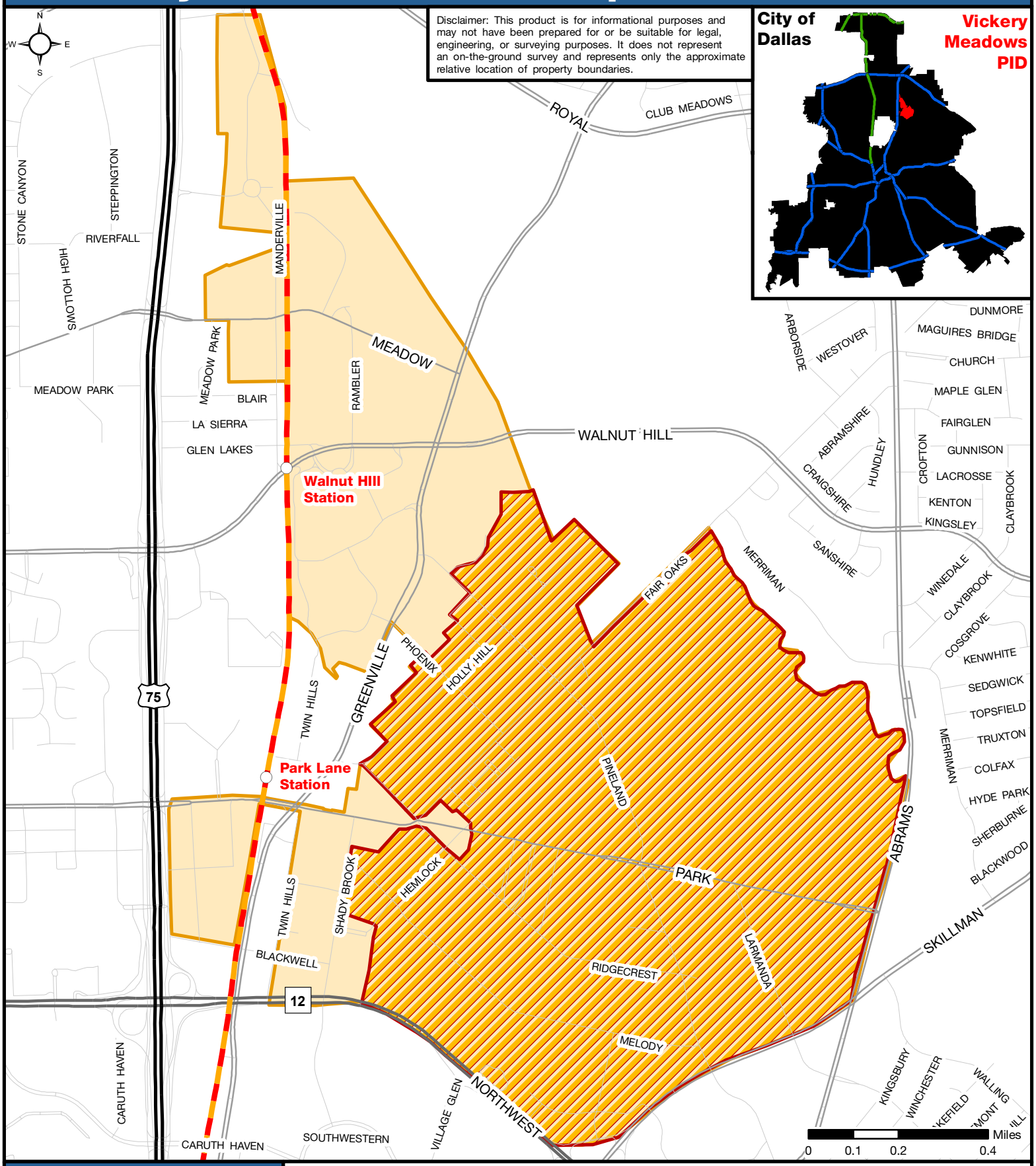
EXHIBIT B
VICKERY MEADOW IMPROVEMENT DISTRICT
2011 ASSESSMENT PLAN

The costs of the services and improvements by the Vickery Meadow Improvement District will be paid primarily by assessments against real properties within the District's boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District ("DCAD").

The 2011 assessment rate for the property in the premium service area is proposed at $.10 per $100 value. The 2011 assessment rate for the property in the standard service area is proposed at $.05 per $100 value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The Vickery Meadow PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Vickery Meadow Management Corporation.

Vickery Meadows Public Improvement District



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Legend

- Vickery Meadows PID Premium
- Vickery Meadows PID
- Rail Station
- DART Red Line
- DART Orange Line
- Freeway or Tollway
- Highway
- Arterial
- Local Road

Source: City of Dallas, 2011

REVISED AGENDA ITEM # 73

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2011

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 670-3314

MAPSCO: 46 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for NS(A) Neighborhood Service District Uses, and an ordinance granting a D-1 Liquor Control Overlay, and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned an NS(A) Neighborhood Service District with a D Liquor Control Overlay within the Tract F portion of Historic District Overlay No. H/128 on the east corner of Junius Street and Henderson Avenue ~~and an ordinance granting a Planned Development District~~

Recommendation of Staff and CPC: Approval of a Planned Development District, subject to a development plan and conditions; retention of the D Liquor Control Overlay; and denial of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service

Z101-120(RB)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, SEPTEMBER 14, 2011**

ACM: Ryan S. Evans

FILE NUMBER: Z101-120(RB) **DATE FILED:** November 9, 2010

LOCATION: Junius Street and Henderson Avenue, East Corner

COUNCIL DISTRICT: 14 **MAPSCO:** 46 B

SIZE OF REQUEST: Approx. 35,035 Sq. Ft. **CENSUS TRACT:** 13.02

APPLICANT/OWNER: Dale Wooton

REPRESENTATIVE: Roger Albright

REQUEST: An application for a Planned Development District for NS(A) Neighborhood Service District Uses; a D-1 Liquor Control Overlay; and, for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service On property zoned an NS(A) Neighborhood Service District with a D Liquor Control Overlay within the Tract F portion of Historic District Overlay No. H/128.

SUMMARY: The applicant is proposing to utilize the existing improvements for NS(A) District Uses with consideration of alternative off-street parking and landscaping regulations. Additionally, the applicant is requesting to terminate the D Liquor Control Overlay on a portion of the property and replace with the D-1 Liquor Control Overlay, thus providing for the requested SUP for the sale of alcoholic beverages.

CPC RECOMMENDATION: Approval of a Planned Development District, subject to a development plan and conditions; retention of the D Liquor Control Overlay; and denial of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.

STAFF RECOMMENDATION: Approval of a Planned Development District, subject to a development plan and conditions; retention of the D Liquor Control Overlay; and denial of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.

BACKGROUND INFORMATION:

- The request site consists of a multi-tenant structure with a surface parking area on the eastern third of the property. Additionally, there is a heavily landscaped outdoor seating area that is utilized by tenants and patrons.
- The application's main focus is to permit alcohol sales for an existing restaurant.
- A PDD is being requested for consideration of the following: 1) alternative off-street parking requirements, and 2) alternative landscape provisions.
- Certain existing NS(A) District uses will be retained.

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request

Street	Existing & Proposed ROW
Junius Street	Local; 40' ROW
Henderson Avenue	Local; 40' ROW

STAFF ANALYSIS

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

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility: The request site consists of a multi-tenant development with a surface parking area within the eastern third of the property. Additionally, there is a

heavily landscaped outdoor seating area that is utilized by tenants and patrons. A PDD is being requested for consideration of the following: 1) alternative off-street parking requirements, and 2) alternative landscape provisions.

Surrounding land use consists of low density residential uses, many of which are protected by various historic overlays and planned development districts that could be considered 'neighborhood friendly'. Munger Park, acquired in 1914 and encompassing approximately one-half acre, is situated on property across Junius Street. It should be noted the applicant has been proactive in reaching out to the community to discuss the request and gather support.

The applicant's main focus for the submission is to permit an existing restaurant the ability to serve alcoholic beverages. Current restrictions prevent this. As a means of options, the following best addresses the restrictions of each liquor control overlay:

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

Staff has worked with the applicant and surrounding community representatives to address certain provisions related to the request. It should be noted that staff does not support the removal of the current D Liquor Control Overlay, due to the proliferation of established low density residential uses along with a small city park across the street, all

of which surround the site. Should CC consider recommending approval of the request, staff has prepared SUP conditions that incorporate the applicant's requested regulations for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service. Due to residential adjacency, staff would recommend certain conditions that minimize impact on adjacent residential uses (i.e., restricted hours for outside seating area, lighting provisions) as well as a more restrictive time period than that requested. The attached requested SUP conditions have been reviewed by the city attorney for legal interpretation and format for CC's consideration.

Lastly, the applicant has had discussions with the community's representatives on the possibility of retaining the D Liquor Control Overlay on all but the restaurant portion floor area and outdoor area (see 'Subarea D-1' on attached development plan). At this point, the applicant has provided a legal description providing for this designated area.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not impact the surrounding street system.

Off-Street Parking: The applicant provided staff a parking analysis to address reductions in off-street parking requirements. It should be noted part of the request involves inclusion of existing on-street parallel spaces being considered to satisfy parking requirements. Due to the small scale of development of this neighborhood serving area, its location on local streets, and its long history as a community destination, staff supports the various revisions related to parking as noted in the attached conditions. As part of this support, it should be noted that maximum floor area for permitted uses will ensure the demands on parking are minimized. With respect to on-street parking, staff has been consistent with not supporting such an option for nonresidential developments throughout the city. However, in this situation, the 'history' of the presence of this development within the community along with the fact this development fronts on local streets (i.e., reduced speed limits and traffic patterns normally associated with developments fronting on thoroughfares) has allowed engineering to support this portion of the request.

Landscaping: The development possess street trees and a heavily landscaped outdoor seating area and rear area behind the improvements. In conjunction with the scale of improvements, staff has determined existing landscaping as noted on the development plan is acceptable.

CPC ACTION

(April 7, 2011)

In considering an application for a Planned Development District for NS(A) Neighborhood Service District within the Tract F portion of Historic District Overlay No. H/128 with a D Liquor Control Overlay and zoned an NS(A) Neighborhood Service District; an application for the removal of the D Liquor Control Overlay and the granting of a D-1 Liquor Control Overlay; and, an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on the east corner of Junius Street and Henderson Avenue, it was moved to **hold** this case under advisement until April 21, 2011.

Maker: Peterson
Second: Bernbaum
Result: Carried: 13 to 0

For: 13 - R. Davis, Wally, Anglin, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - M. Davis
Vacancy: 1 - District 6

Notices: Area: 500 Mailed: 109
Replies: For: 12 Against: 5

Speakers: None

(April 21, 2011)

Motion: In considering an application for a Planned Development District for NS(A) Neighborhood Service District within the Tract F portion of Historic District Overlay No. H/128 with a D Liquor Control Overlay; an application for the removal of the D Liquor Control Overlay and the granting of a D-1 Liquor Control Overlay; and, an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on the east corner of Junius Street and Henderson Avenue, it was moved to **hold** this case under advisement until May 5, 2011.

Maker: Peterson
Second: Bernbaum
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene,

Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 6

Notices: Area: 500 Mailed: 109
Replies: For: 15 Against: 9

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
For (Did not speak): Dale Wooton, Address not given
Against: Neil Emmons, P.O. Box 191474, Dallas, TX, 75219
Against (Did not speak): Steve Shaw, 5322 Junius St., Dallas, TX, 75214

(May 5, 2011)

Motion: In considering an application for a Planned Development District for NS(A) Neighborhood Service District within the Tract F portion of Historic District Overlay No. H/128 with a D Liquor Control Overlay; an application for the removal of the D Liquor Control Overlay and the granting of a D-1 Liquor Control Overlay; and, an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on the east corner of Junius Street and Henderson Avenue, it was moved to **hold** this case under advisement until May 19, 2011.

Maker: Peterson
Second: Bernbaum
Result: Carried: 13 to 0

For: 13 - Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson, Alcantar

Against: 0
Absent: 1 - R. Davis
Vacancy: 1 - District 6

Notices: Area: 500 Mailed: 109
Replies: For: 16 Against: 9

Speakers: For: Dale Wooton, 5306 Junius St., Dallas, TX, 75214
Joanna Hampton, 4924 Tremont St., Dallas, TX, 75214
Against: None

(May 19, 2011)

Motion: In considering an application for a Planned Development District for NS(A) Neighborhood Service District within the Tract F portion of Historic District Overlay No. H/128 with a D Liquor Control Overlay; an application for the removal of the D Liquor Control Overlay and the granting of a D-1 Liquor Control Overlay; and an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on the east corner of Junius Street and Henderson Avenue, it was moved to **hold** this case under advisement until July 21, 2011.

Maker: Peterson
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Bagley, Lavallaisaa, Tarpley, Shellene*, Bernbaum, Wolfish, Schwartz*, Peterson, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 109
Replies: For: 16 Against: 9
Speakers: For: Dale Wooton, 5306 Junius St., Dallas, TX, 75214
For (Did not speak): Joanna Hampton, 4924 Tremont St., Dallas, TX, 75214
Against: Steve Shaw, 5322 Junius St., Dallas, TX, 75214

(July 21, 2011)

Motion: It was moved to recommend **approval** of a Planned Development District for NS(A) Neighborhood Service District within the Tract F portion of Historic District Overlay No. H/128, subject to a revised development plan to include a green house addition with a maximum floor area of 260 sq. ft. and maximum height of 12 ft., and staff revised recommended conditions to not include the green house addition toward off-street parking requirements with the following two changes: 1) Under Section 115, Landscaping, (b), after “Plant materials” insert the following language “and garden vegetation”. 2) Under Section 117, (b) (C), correct the name to Peak’s Addition Homeowners Association; **retention** of the D Liquor Control Overlay; and **denial** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service; on the east corner of Junius Street and Henderson Avenue.

Maker: Peterson
Second: Wally
Result: Carried: 7 to 5

For: 7 - Wally, M. Davis, Rodgers, Bagley, Lavallaisaa*, Wolfish, Peterson

Against: 5 - R. Davis, Anglin, Tarpley, Bernbaum, Alcantar
Absent: 2 - Shellene, Schwartz
Vacancy: 1 - District 6

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 109
Replies: For: 15 Against: 11

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75201
Dale Wootton, 5306 Junius St., Dallas, TX, 75214
John Kenyon, 5300 Worth St., Dallas, TX, 75214
Laura Koppang, 5420 Worth St., Dallas, TX, 75214
Heather Smith, 5212 Worth St., Dallas, TX, 75214
Melissa Wright, 5304 Junius St., Dallas, TX, 75214
Against: Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214
Martha Heimberg, 1523 Abrams Rd., Dallas, TX, 75214
Anita Childress, 5421 Swiss Ave., Dallas, TX, 75214
Steve Shaw, 5322 Junius St., Dallas, TX, 75214
Neil Emmons, 2525 Turtle Creek Blvd., Dallas, TX, 75219
Steve Clicque, 6025 Reiger Ave., Dallas, TX, 75214
Against (Did not speak): Ron Sekerak, 1523 Abrams Rd., Dallas, TX, 75214

CPC RECOMMENDED CONDITIONS FOR A PDD FOR NS(A) DISTRICT USES

ARTICLE ____.

PD ____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. _____, passed by the Dallas City Council on_____.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD ___ is established on property located on _ The size of PD ___ is approximately _.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, GARDEN means open space to be maintained as a park-like area or used for growing and displaying trees, bushes, flowers, plants, vegetables, or fruits.

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

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

SEC. 51P-____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ___A: development plan.

SEC. 51P-____.105. SUBAREAS.

This district is divided into two subareas. Subarea D-1 and Subarea D-2 as shown on the development plan (Exhibit ___A).

SEC. 51P-____.106. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ____A). If there is of a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-____.107. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

(1) Agricultural uses.

Crop production.

(2) Commercial and business service uses.

None permitted.

(3) Industrial uses.

None permitted.

(4) Institutional and community service uses.

Adult day care facilities.
Child care facility.
Church *[SUP]*.
Community service center *[SUP]*.
Library, art gallery or museum.
Public school *[SUP]*.
Private school or open enrollment charter school *[SUP]*.

(5) Lodging uses.

None permitted.

(6) Miscellaneous uses.

Temporary construction or sales office.

(7) Office uses.

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

(8) Recreation uses.

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

(9) Residential uses.

None permitted.

(10) Retail and personal service uses.

Dry cleaning or laundry store.
General merchandise or food store 3500 square feet or less.
Restaurant without drive-in or drive-through service.

(11) Transportation uses.

Transit passenger shelter.

(12) Utility and public service uses.

Local utilities *[SUP]*.
Police or fire station.
Utility or government installation other than listed *[SUP]*.

(13) Wholesale, distribution, and storage uses.

None permitted.

SEC. 51P-____.108. ACCESSORY USES.

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

(b) The following accessory uses are not permitted:

Accessory game court (private).
Accessory pathological waste incineration.
General waste incinerator.
Home occupation.
Private stables.
Accessory helistop.
-- Accessory community center (private).
-- Accessory medical/infectious waste incinerator.
-- Amateur communication tower.

SEC. 51P-____.109. YARD, LOT, AND SPACE REGULATIONS.

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

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the NS(A) Neighborhood Service District apply.

(b) Floor area.

(1) Maximum floor area for all permitted uses is 10,731 square feet.

(2) Maximum floor area for a restaurant without drive-in or drive-through service is 1,776 square feet.

(3) Maximum floor area for a greenhouse is 252 square feet.

(c) Height.

(A) Except as provided in this paragraph, maximum structure height is 17 feet.

(B) Maximum structure height for a greenhouse is 12 feet.

(d) Stories. Maximum number of stories above grade is one.

(d) Patio. The improved patio area may be used in conjunction with the restaurant use but shall not exceed 825 square feet as shown on the development plan.

(e) Garden. The area delineated as "garden" on the development plan:

(1) may contain a children's playground area not to exceed 2,925 square feet. The typical equipment found in a children's playground or park are not considered a structure as that term is used in the definition of open space.

(2) may not be used for or contain:

(A) a game court for any game including, but not limited to, volleyball, badminton, or any similar games; or

(B) any course or layout for any game or activity including, but not limited to miniature golf, croquet, horse shoes ,or any similar games;

(3) does not include the existing concrete patio with open trellis and existing storage shed with concrete porch as shown on the development plan;

(4) may be used solely as an accessory to the allowed uses and not as a separate main use; and

(5) is not a part of the required landscaping as shown on the development plan.

SEC. 51P-____.110. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For office uses, one space per 602 square feet of floor area is required.

(c) Except as provided in this section, for retail and personal service uses, one space per 360 square feet of floor area is required.

(d) For a restaurant without drive-in or drive-through service, one space per 185 square feet of floor area is required.

(e) For a greenhouse, no off-street parking is required.

(f) Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.

SEC. 51P-___.111. ON-STREET PARKING REDUCTION.

(a) Except as provided in this section, the 10 on-street parking spaces shown on the development plan may be counted as a reduction of the parking requirements of the use adjacent to the on-street parking space.

(b) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(c) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(d) The on-street parking shown on the development plan must be striped as required by the director of public works and transportation.

SEC. 51P-____.112. RESTAURANT WITHOUT DRIVE-IN OR DRIVE-THROUGH SERVICE.

A restaurant without drive-in or drive-through service may only operate between 7:00 a.m. and 10:00 p.m., Monday through Sunday.

SEC. 51P-____.113. INGRESS AND EGRESS.

Ingress and egress must be provided as shown on the development plan. No other ingress and egress is permitted.

SEC. 51P-____.114. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.115. LANDSCAPING.

(a) Landscaping must be provided as shown on the development plan.

(b) Plant materials and the garden area must be maintained in a healthy, growing condition.

SEC. 51P-____.116. SIGNS.

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

SEC. 51P-____.117. NOTICE.

(a) At or before the time of filing an application as noted in this section, the applicant must provide a copy of the application and any plan to the entities listed in Paragraph (b):

(1) Change in zoning district classification or boundary.

(2) Development plan.

(3) Landscape plan.

(4) Site plan.

(5) Amendment, including minor amendment, to an approved development plan, site plan, or landscape plan.

(6) Variance or special exception.

(b) The following entities must be notified of the applications listed in Paragraph (a):

(A) Junius Heights Historic District.

(B) Munger Place Historic District Association.

(C) Peak's Addition Homeowners Association.

(D) Swiss Avenue Historic District Association.

(c) Addresses for the preceding entities may be revised by written notice to the director from that entity.

SEC. 51P-____.118. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.119. COMPLIANCE WITH CONDITIONS.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit automatically terminates on (three years).

4. FLOOR AREA: The maximum floor area is 1,776 square feet.

5. GARDEN AREA: The garden area may only be used under the following conditions:

   A. The maximum number of patrons in the restaurant, on the patio, and in the garden area at any one time is 115.

   B. No more than six restaurant patrons may be seated in the garden area at any one time.

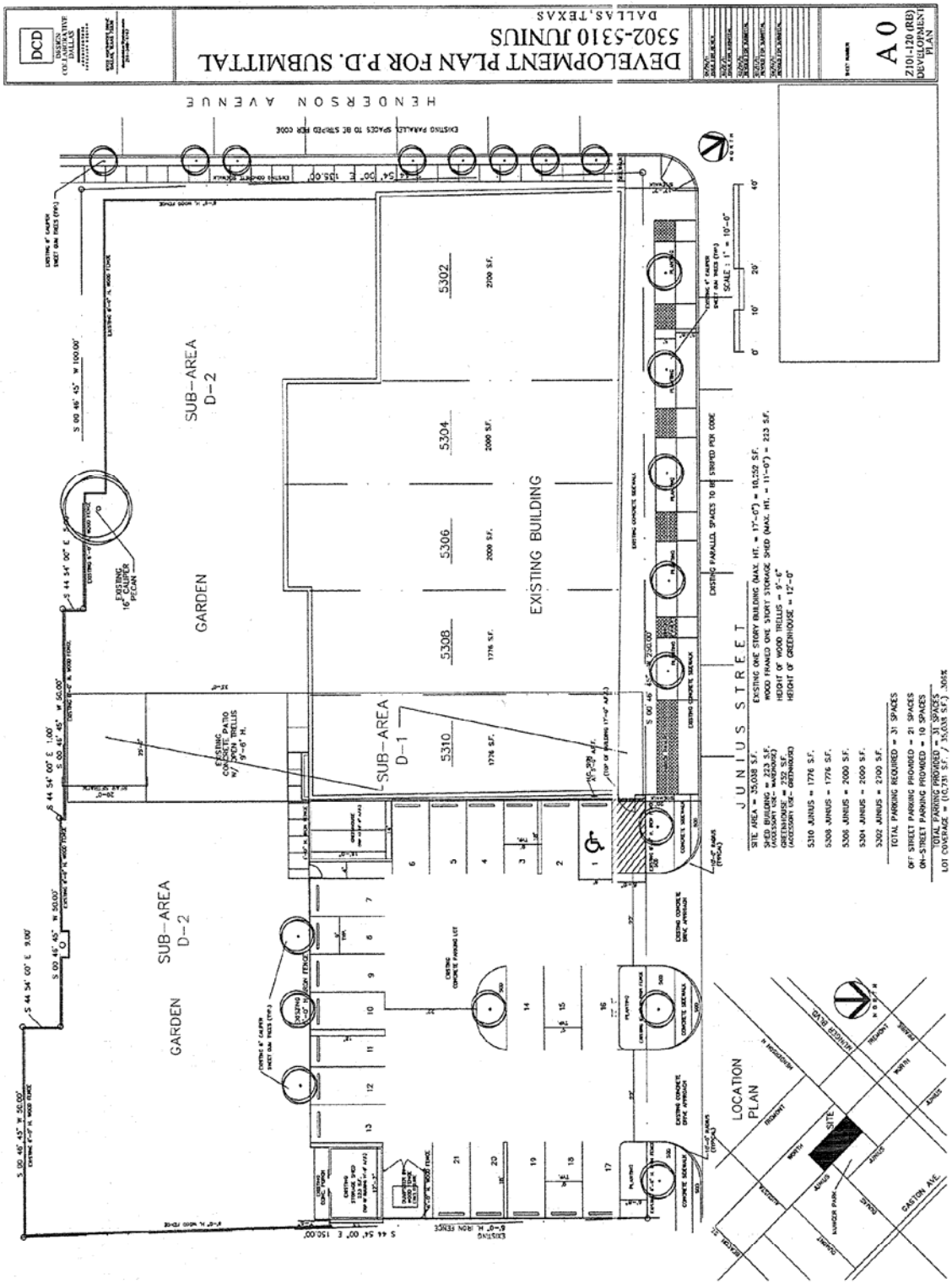
7. OUTDOOR AMPLIFIED SOUND: Outdoor amplified sound is prohibited.

8. OUTSIDE LIGHTING: Lights may not be placed higher than 12 feet above grade.

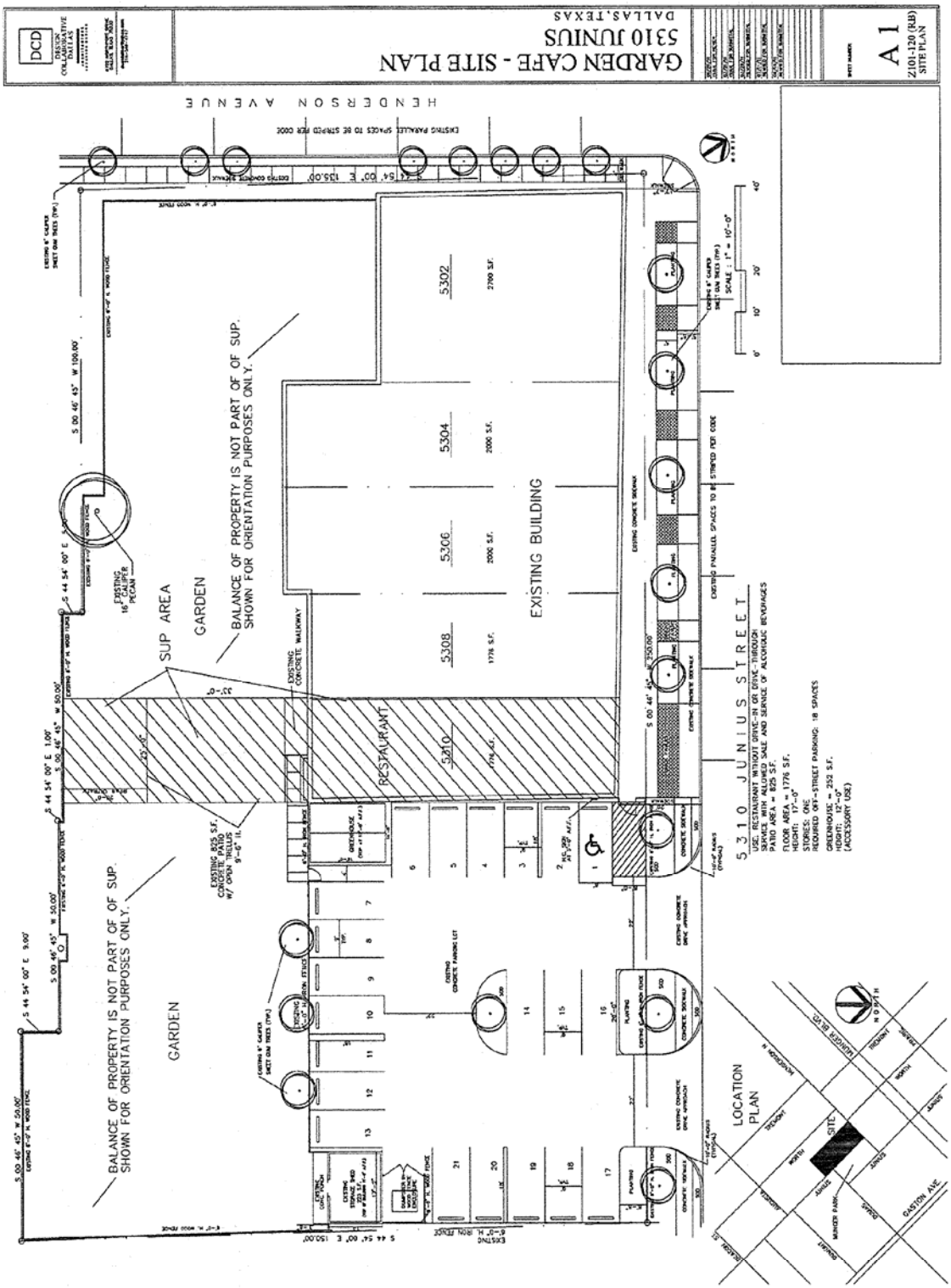
9. PATIO AREA: The maximum improved patio area associated with the restaurant is 825 square feet.

10. MAINTENANCE: The Property must be properly maintained and in a good state of repair and neat appearance.

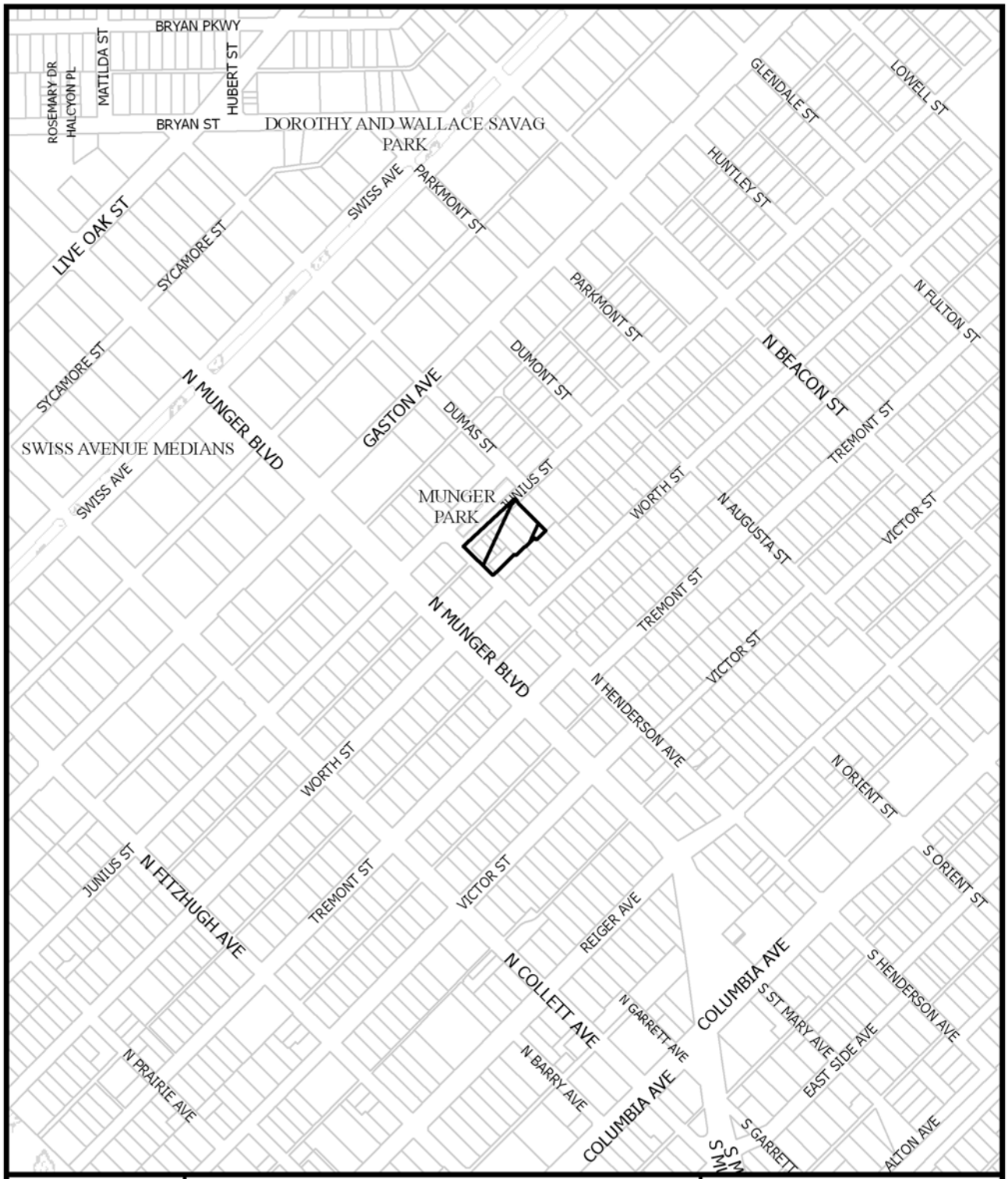
11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



Proposed Development Plan



Proposed Site Plan



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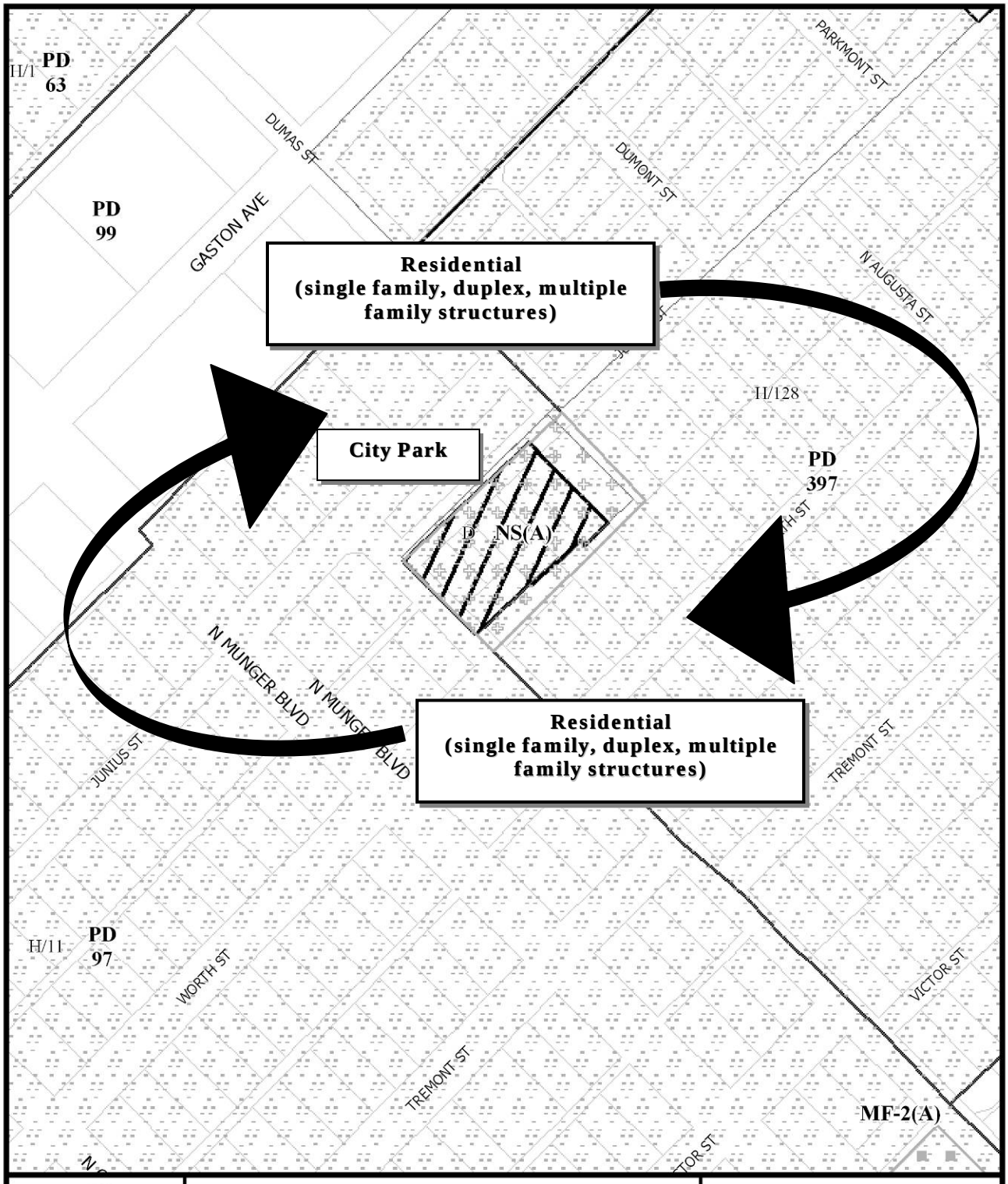
VICINITY MAP

Map no: I-8

Case no: Z101-120

DATE: January 21, 2011



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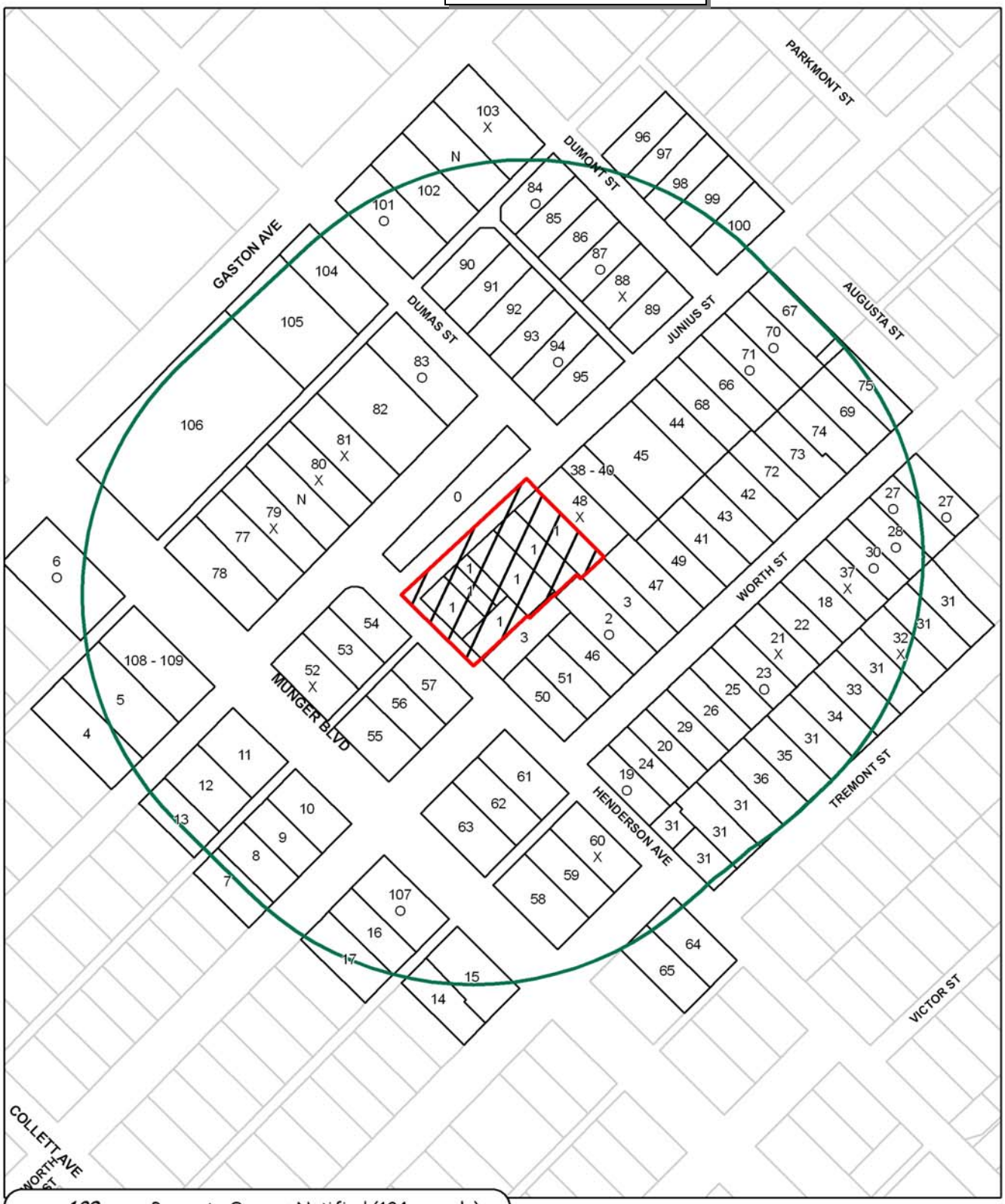
ZONING AND LAND USE

Map no: I-8

Case no: Z101-120

DATE: January 21, 2011

CPC RESPONSES



109	Property Owners Notified (124 parcels)
15	Replies in Favor (16 parcels)
11	Replies in Opposition (11 parcels)
500'	Area of Notification
7/21/2011	Date 5/19/2011 Under Advisement

Z101-120

I-8

CPC

N W E S

1:2,400

Notification List of Property

Z101-120

109 Property Owners Notified 11 Property Owners Opposed 15 Property Owners in

Vote	*Label*	*Address*		*Owner*
	1	5304	JUNIUS	WOOTTON ROBERT DALE
O	2	5315	WORTH	OBRIEN DEBORAH &
	3	612	HENDERSON	WOOTTON DALE
	4	5107	JUNIUS	WALKER JAMES & PEGGY
	5	5115	JUNIUS	WEIR BRAD & ANGELA
O	6	5122	GASTON	ASHCROFT FRITH INC &
	7	5115	WORTH	GIBSON JOANNE L &
	8	5119	WORTH	BOERNER JOHN R &
	9	5123	WORTH	JONES DOUGLAS M
	10	5127	WORTH	CAMP JOSEPH D
	11	5114	JUNIUS	ABSHIRE KEVIN G
	12	5110	JUNIUS	FULLER JEFFREY A &
	13	5106	JUNIUS	STASZAK THOMAS P
	14	5119	TREMONT	MILLS WILLIAM O III ET AL
	15	5123	TREMONT	CASSIDY DAVID C
	16	5120	WORTH	LOWERY THOMAS M &
	17	5118	WORTH	GOBUSH MATTHEW N & PENELOPE
	18	5410	WORTH	LOCKRIDGE SUZANNE
O	19	5300	WORTH	KENYON JOHN R
	20	5306	WORTH	ESCOBAR FELIPE P
X	21	5400	WORTH	LOUSTALOT PATRICIA J
	22	5406	WORTH	WHITNEY KERRY P
O	23	5326	WORTH	BROWN CHELSEA D
	24	5304	WORTH	ESCOBAR MARY S
	25	5320	WORTH	NELSON ERIK L
	26	5316	WORTH	CANTU JESUS H & PETRA S

Vote	*Label*	*Address*		*Owner*
O	27	5424	WORTH	KENYON JOHN
O	28	5420	WORTH	KOPPANG LAURA KAY
	29	5310	WORTH	SOTO RUTHIE A
O	30	5416	WORTH	BOUGHTON BETH E
	31	5417	TREMONT	CARROLL ROBERT W
X	32	5403	TREMONT	CABALLERO FAY ROBBINS
	33	5331	TREMONT	BRANDT MARLA
	34	5327	TREMONT	CARROLL SHAWN W &
	35	5319	TREMONT	CARROLL MARY J &
	36	5315	TREMONT	KING WELDON CRAIG &
X	37	5414	WORTH	LAWRENCE THOMAS W JR
	38	5326	JUNIUS	GRAHAM LINDSAY ETAL
	39	5326	JUNIUS	GRAHAM LINDSAY ETAL
	40	5328	JUNIUS	GRAHAM VICTORIA ETAL &
	41	5403	WORTH	PRINCE CHARLES
	42	5411	WORTH	KEESEE LEONARD RAY &
	43	5405	WORTH	ALLEN DAVID MORTON JR
	44	5336	JUNIUS	COX MARGARET
	45	5330	JUNIUS	SORRELLS MANAGEMENT LLC
	46	5311	WORTH	JIMENEZ RAYMOND
	47	5323	WORTH	BROWN JASON & TRACI
X	48	5322	JUNIUS	SHAW JOHN STEPHENS
	49	5327	WORTH	TABOR LUPE ESCOBAR
	50	5301	WORTH	CARROLL ROBERT W & MARY J
	51	5307	WORTH	HARRELL JANICE E
X	52	5204	JUNIUS	HENDERSON MARY W
	53	5208	JUNIUS	HANAGAN BRIAN
	54	5212	JUNIUS	NEWMAN RICHARD J
	55	5203	WORTH	J HUNTER & ASSOC III LP
	56	5209	WORTH	ROBSON CHARLES T &
	57	5211	WORTH	STAYER MARIANNE

Thursday, July 28, 2011

Vote	Label	Address		Owner
	58	5201	TREMONT	LONG CHRISTOPHER R
	59	5207	TREMONT	MALONE J C
X	60	5213	TREMONT	HARDMAN JOHN & PATRICIA H
	61	5212	WORTH	SMITH HEATHER M &
	62	5208	WORTH	RODEN ROBERT D &
	63	5204	WORTH	MACIAS RICHARD
	64	5212	TREMONT	CAPERTON RICHARD J &
	65	5208	TREMONT	MARSAW CORA A
	66	5406	JUNIUS	BLACKBURN HELEN R &
	67	5418	JUNIUS	CLOY GEORGE P
	68	5402	JUNIUS	FERNANDEZ ROCIO
	69	5425	WORTH	PATTON JEREMY
O	70	5414	JUNIUS	CASS KENNETH MICHAEL
O	71	5410	JUNIUS	TATGE DAVID
	72	5415	WORTH	QUIGLEY CARLA M &
	73	5419	WORTH	MEDINA ERNEST
	74	5421	WORTH	ORONA GABRIEL S &
	75	5429	WORTH	OVERBY CINDY
	76	5418	JUNIUS	CLOY GEORGE
	77	5211	JUNIUS	FRAZIER MARK &
	78	5203	JUNIUS	SOLARES BEATRICE
X	79	5215	JUNIUS	WHITEHEAD MICHAEL
X	80	5305	JUNIUS	MILLER DONNA C
X	81	5309	JUNIUS	HARRELL R KING JR
	82	5317	JUNIUS	HENLEY HUDSON
O	83	5327	JUNIUS	USREY TOM & CINDY E
O	84	723	DUMONT	KALABUS EDWARD A JR
	85	719	DUMONT	TURKYILMAZ JENNIFER D
	86	715	DUMONT	NAVARETTE DARLENE R
O	87	711	DUMONT	JANSEN JILL CHRISTINE
X	88	707	DUMONT	NICHOLS EMILY PAUL

Vote	*Label*	*Address*		*Owner*
	89	701	DUMONT	CIELO UNLIMITED INC
	90	722	DUMAS	PATEL RAKHEE
	91	718	DUMAS	BELMORE ERNEST R JR
	92	714	DUMAS	GONZALEZ RUDOLPH &
	93	710	DUMAS	HESTER VIRGINIA FAY
O	94	706	DUMAS	BARRETT SANDRA K
	95	700	DUMAS	CARBAJAL ADAN ARROYO &
	96	718	DUMONT	JACKSON DEBORAH GAIL
	97	714	DUMONT	LUTHY CONNIE L
	98	710	DUMONT	GLOVER EUGENE D & LINDA B
	99	706	DUMONT	COGILL GARY
	100	700	DUMONT	MACABARE SEBASTIAN B JR
O	101	5402	GASTON	BEAUMONDE TRUST
	102	5406	GASTON	ENDICOTT GEORGE R EST OF
X	103	5422	GASTON	HANLEY PETER M JR &
	104	5324	GASTON	M2001 MHL REALTY LLC
	105	5310	GASTON	POWER G A PARTNERS LP
	106	5300	GASTON	EDAL LTD
O	107	5124	WORTH	CRONIN ALEXANDER &
	108	5119	JUNIUS	C & B POWER INC
	109	5119	JUNIUS	COOPER GARY

Thursday, July 28, 2011