FEBRUARY 13, 2008 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated February 13, 2008. 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

Edward Scott  
City Controller

2-1-08  
Date

2/11/08  
Date
February 13, 2008

DATE

COUNCIL AGENDA

(For general information and rules of courtesy please see opposite side.)

(La información general y reglas de cortesía que deben observarse durante las asambleas del Consejo Municipal aparecen en el lado opuesto, favor de leerlas.)
The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on AT&T CityCable Channel 6B. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary’s Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary’s Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TTD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request**

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

**Rules of Courtesy**

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

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

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

**Informacion General**

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaria Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TTD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimientos, Americans with Disabilities Act. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

**Reglas de Cortesia**

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

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

“Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción.” Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.
AGENDA
CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 13, 2008
ORDER OF BUSINESS

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

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

OPEN MICROPHONE

MINUTES  Item 1

CONSENT AGENDA  Items 2 - 47

ITEMS FOR INDIVIDUAL CONSIDERATION
No earlier  Items 48 - 49
than 9:30 a.m.

PUBLIC HEARINGS AND RELATED ACTIONS
1:00 p.m.  Items 50 - 67

NOTE:  A revised order of business may be posted prior to the date of the council meeting if necessary.
AGENDA
CITY COUNCIL MEETING
FEBRUARY 13, 2008
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA
1. Approval of Minutes of the January 23, 2008 City Council Meeting

CONSENT AGENDA

Aviation
2. Authorize an environmental restrictive covenant prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas for a 300 square foot portion of City-owned land at Dallas Love Field located west of Cedar Springs Road between the Dallas Love Field Terminal and Mockingbird Lane - Revenue: $273

Business Development & Procurement Services
3. Authorize a professional services contract for validation of physical fitness testing standards for the Dallas Police Department - Fitness Intervention Technologies, only proposer - Not to exceed $52,500 - Financing: Current Funds
CONSENT AGENDA (Continued)

Business Development & Procurement Services (Continued)

4. Authorize a forty-eight-month service contract for hazardous and non-hazardous material clean-up and disposal services for City departments - Green Planet, Inc., only bidder - Not to exceed $1,042,221 - Financing: Current Funds ($1,027,484), Convention and Event Services Current Funds ($14,737) (subject to annual appropriations)

5. Authorize a thirty-six-month master agreement for the purchase of traffic cones and delineator panels - BKW Environmental Services, LLC in the amount of $318,469, Fastenal-Datx in the amount of $209,704, and Comade, Inc. in the amount of $111,112, lowest responsible bidders of eight - Total not to exceed $639,285 - Financing: Current Funds ($424,485), Water Utilities Current Funds ($214,800)

6. Authorize a thirty-six-month service contract for parking lot cleaning - H & W Cleaning Systems, Inc., lowest responsible bidder of four - Not to exceed $435,228 - Financing: Current Funds (subject to annual appropriations)

7. Authorize a thirty-six-month master agreement for fire hydrants and replacement parts - Clow Valve Company in the amount of $852,954, and HD Supply Waterworks, LTD in the amount of $52,285, lowest responsible bidders of four - Total not to exceed $905,239 - Financing: Water Utilities Current Funds

8. Authorize a twelve-month master agreement for the purchase of heavy equipment - Conley Lott Nichols Machinery in the amount of $370,645, Equipment Southwest, Inc. in the amount of $187,195, and Bane Machinery, Inc. in the amount of $101,266, lowest responsible bidders of four - Total not to exceed $659,106 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes ($633,775), 2006 Equipment Acquisition Contractual Obligation Notes ($25,331)

9. Authorize the purchase of three crack seal pots to be used by Street Services - Cimline Pavement Maintenance Group, lowest responsible bidder of three - Not to exceed $115,275 - Financing: 2006 Equipment Acquisition Contractual Obligation Notes

City Attorney's Office

10. Authorize a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for legal services necessary in the lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N - Not to exceed $35,000 - Financing: Current Funds

11. Authorize settlement of the lawsuit styled Meredith and William Barnes, Individually, and as Guardian for Rosalie Barnes v. City of Dallas, Cause No. 06-06917-C - Not to exceed $16,500 - Financing: Current Funds
CONSENT AGENDA (Continued)

City Attorney’s Office (Continued)

12. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for additional legal services related to the Simpkins property at the Elam Landfill and South Loop Landfill - Not to exceed $35,000, from $65,000 to $100,000 - Financing: Current Funds

13. Authorize an ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2007-10-269 to amend the Construction and Fire Prevention Standards Resolution, previously approved by Resolution No. 88-147, as amended, to adopt the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc., and to amend the overall gas exploration and production program contained in Part Nine - Oil and Gas Exploration and Production of the Construction and Fire Prevention Standards Resolution - Financing: No cost consideration to the City

Communication and Information Services

14. Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc. - Not to exceed $468,024, from $2,291,954 to $2,759,978 - Financing: Current Funds (subject to annual appropriations)

Department of Development Services

15. A resolution authorizing the rejection of a bid received from JS Funding, Ltd. for tax foreclosure property improved with a single family residence located at 4603 Idaho Avenue and its re-advertisement for sale - Financing: No cost consideration to the City

16. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Metropolitan Sand & Gravel Co., L.L.C., for a total of approximately 1,400 acres of land located near the intersection of Loop 12 and Pemberton Hill Road for the Trinity River Corridor Project - $1,975,000 - Financing: Private Funds ($975,000) and 2006 Bond Funds ($1,000,000)

17. Authorize the deposit of a Special Commissioners’ Award and settlement of the condemnation suit for the award in City of Dallas vs. Horace H. Elam, et al., Cause No. 05-06467-b, pending in the County Court at Law No. 2, for acquisition from Horace H. Elam and Ella Elam of approximately 83 acres of land located at the intersection of Dowdy Ferry and Rylie Roads for the Trinity River Corridor project - $585,500 - Financing: Private Funds ($439,500) and 1998 Bond Funds ($146,000)

18. Authorize an amendment to Kaufman County Municipal Utility District No. 4, previously approved on October 8, 2003, by Resolution No. 03-2751, to amend district boundaries by the addition of approximately 114 acres in accordance with the amendment petition dated October 26, 2007 - Financing: No cost consideration to the City
February 13, 2008

CONSENT AGENDA (Continued)

Department of Development Services (Continued)

**Tax Foreclosed Property at 3603 Borger Street**

19. * Authorize the sale by quitclaim deed of a tax foreclosed property located at 3603 Borger Street acquired by the taxing authorities from a Sheriff’s Sale to the City of Dallas - Revenue: $8,500

20. * Authorize acquisition of a tax foreclosed property located at 3603 Borger Street near its intersection with Bickers Street for the expansion of Bickers Park - $8,500 - Financing: 2003-04 Community Development Grant Reprogramming Funds

21. An ordinance abandoning a portion of a drainage easement to MA Creekside, LP, the abutting owner, containing approximately 2,121 square feet of land located near the intersection of Audelia Road and Shadow Way - Revenue: $5,400 plus the $20 ordinance publication fee

22. An ordinance abandoning portions of various easements to Next Block-Dallas I, L.P., the abutting owner, containing a total of approximately 5 acres of land located near the intersection of Manderville Lane and Meadow Road - Revenue: $5,400 plus the $20 ordinance publication fee

23. An ordinance authorizing a correction to Ordinance No. 27057, previously approved on January 9, 2008, for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm Street and Crowdus Street to correct the time limit and certificate of occupancy conditions Z067-336 - Financing: No cost consideration to the City

Economic Development

**Niagara Bottling, LLC**

24. * Authorize a new business personal property tax abatement agreement for 10 years with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway in the amount of 60 percent on new business personal property for years 1 through 5 and 45 percent for years 6 through 10 - Revenue: First year revenue estimated at $94,235; 10-year revenue estimated at $1,595,406; (Estimated revenue foregone for 10-year business personal property tax abatement estimated at $1,806,212)

25. * Authorize a Chapter 380 grant agreement with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to offset certain project costs including but not limited to site work, infrastructure improvements and development fees - Not to exceed $100,000 - Financing: Public/Private Partnership Program Funds
CONSENT AGENDA (Continued)

Economic Development (Continued)  

**Niagara Bottling, LLC** (Continued)  

**Note:** Item Nos. 24, 25 and 26 must be considered collectively.

26. * Authorize an application to the Office of the Governor Economic Development and Tourism through the Economic Development Bank nominating Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) - Financing: No cost consideration to the City

Environmental & Health Services

27. Authorize (1) rescinding the acceptance of a grant with Texas Workforce Commission, previously approved on October 10, 2007 by Resolution No. 07-2967, (2) the acceptance of a grant for the Texas Workforce Commission to provide child care subsidies for low to moderate income parents for the period October 1, 2007 through September 30, 2008 in the amount of $547,703, (3) a local match in an amount not to exceed $250,000, and (4) execution of the grant agreement - Total not to exceed $797,703 - Financing: Texas Workforce Commission Grant Funds ($547,703) and 2007-08 Community Development Grant Funds ($250,000)

Equipment & Building Services

28. Authorize (1) the rejection of the bid received for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center located at 2828 Fish Trap Road, and (2) the re-advertisement for new bids - Financing: No cost consideration for the City

29. Authorize a contract for construction of the heating, ventilation, and air conditioning system at Marcus Recreation Center located at 3003 Northaven Road - Mac Koshnoodi d.b.a. MK Construction Company, lowest responsible bidder of two - $159,142 - Financing: Capital Construction Funds ($68,560) and 2006 Bond Funds ($90,582)

30. Authorize a professional services contract with Clampett Industries d.b.a. EMG Consulting to provide facility condition assessment services for 690 City owned buildings located throughout the City of Dallas - $735,540 - Financing: 2006 Bond Funds

31. Ratify an emergency purchase for roof deck and shingle replacement at 2727 Municipal Street - Castro Roofing of Texas, Inc. - Not to exceed $59,875 - Financing: Current Funds

32. Authorize a contract for the installation of a new passenger elevator and the modernization of two existing elevators for the parking garage at the Dallas Museum of Art located at 1717 North Harwood Street - EMR Elevator, Inc., only bidder - $269,000 - Financing: 2003 Bond Funds ($200,000) and Capital Construction Funds - ($69,000)
CONSENT AGENDA

Housing

33. Authorize acquisition of a parcel improved with a vacant single-family residence at 2428 Hooper Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - $25,000 including estimated closing costs - Financing: 2006-07 Community Development Grant Reprogramming Funds

34. Authorize an amendment to the Architectural\Engineering contract with Good Fulton and Farrell Architects to extend the completion date from December 31, 2006 to December 31, 2009 and increase the contract by $20,000 thereby increasing the total from $20,000 to $40,000 for additional architectural/engineering services for the Bexar Street Redevelopment Project - $20,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds

Office of Environmental Quality

35. Authorize execution of a Memorandum of Agreement with the Texas Commission on Environmental Quality to delegate authority to the City to enforce Ordinance No. 26766, previously approved on May 23, 2007, which restricts idling by motor vehicles with a gross weight rating of over 14,000 pounds - Financing: No cost consideration to the City

Office of Financial Services

36. Authorize an extension through September 30, 2008 for Community Development Block Grant projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City

Park & Recreation

37. Authorize (1) a contract for construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike with Riverway Contractors and Management, Inc., lowest responsible bidder of three, in the amount of $1,051,047; (2) establishment of appropriations in Collin County Grant Fund in the amount of $480,750; and (3) execution of a license agreement with ONCOR to allow the trail to be built and maintained in the ONCOR right-of-way for the Preston Ridge Trail - Total not to exceed $1,051,047 - Financing: 2003 Bond Funds ($615,270) and Collin County Grant Funds ($435,777)

Public Works & Transportation

38. Authorize a contract for the construction of the Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard - Jeske Construction Company, lowest responsible bidder of four - $4,327,182 - Financing: 2003 Bond Funds ($3,734,797) and Water Utilities Capital Construction Funds ($592,385)
CONSENT AGENDA (Continued)

Public Works & Transportation (Continued)

39. Authorize a contract for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for Sidewalk Replacement Group 01-07 (list attached) - MACVAL Associates, L.L.C., lowest responsible bidder of seven - $459,471 - Financing: 2006 Bond Funds ($420,721) and Water Utilities Capital Construction Funds ($38,750)

40. Authorize a professional services contract with Freese and Nichols, Inc. to update the City of Dallas Storm Water Design Criteria Manual to incorporate the criteria of the Integrated Storm Water Management (iSWM) Design Manual for Site Development - Not to exceed $153,200 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

41. Authorize professional services contracts with 2 consulting firms for the engineering design of 7 erosion control projects and 2 street reconstruction projects (list attached) - $271,050 - Financing: 2006 Bond Funds ($263,030) and Water Utilities Capital Construction Funds ($8,020)

42. Authorize (1) a contract for Union Station Vertical Transportation Upgrade - Escalators with KONE, Inc., the only responsible bidder, in an amount not to exceed $750,000; (2) assignment of the construction contract to Hunt - Woodbine Realty Corporation as the City's construction manager for all purposes, including contract administration, inspection, supervision and coordination of construction work; and (3) an amendment to the Development and Reimbursement Agreement between City of Dallas and Hunt - Woodbine Realty Corporation to provide for this assignment - Not to exceed $750,000 - Financing: 2006 Bond Funds

43. Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Walnut Hill Branch Library located at 9480 Webb Chapel Road - $64,987, from $4,104,100 to $4,169,087 - Financing: 2003 Bond Funds

44. Authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for the expansion and renovation of Fire Station No. 10 located at 4451 Frankford Road - $360,800 - Financing: 2006 Bond Funds

Establish Rail Road Quiet Zone along Cotton Belt Rail Line Corridor

Note: Item Nos. 45, 46 and 47 must be considered collectively.

45. * Authorize a professional services contract with LopezGarcia Group, Inc. for engineering services to prepare the schematic design for Quiet Zone improvements along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road - $157,527 - Financing: 2003 Bond Funds
CONSENT AGENDA (Continued)

Public Works & Transportation (Continued)

**Establish Rail Road Quiet Zone along Cotton Belt Rail Line Corridor** (Continued)  
*Note:* Item Nos. 45, 46 and 47 must be considered collectively.

46. * Authorize an Interlocal Agreement with the Texas Department of Transportation for Quiet Zone improvements along the Cotton Belt rail corridor from Dallas Parkway to Coit Road - $6,220 - Financing: 2003 Bond Funds

47. * Authorize the City Manager to provide Notice of Intent to create a new Quiet Zone along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No Cost Consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary’s Office

48. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary’s Office)

Equipment & Building Services

49. Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed $593,735, from $713,900 to $1,307,635 - Financing: Convention and Event Services Current Funds ($39,516), Aviation Current Funds ($56,452), Current Funds ($169,356), Water Utilities Current Funds ($328,411)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

**ZONING CASES - CONSENT**

50. A public hearing to receive comments regarding an application for and an ordinance granting an NS(A) Neighborhood Service District and a resolution accepting deed restriction volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the east line of Westmoreland Road between Overcrest Street and Davis Street  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
\[Z067-159(RB)]
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - CONSENT (Continued)

51. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 689 on property zoned Planned Development District No. 689 and an LO-3 Limited Office District, in an area generally bounded by Willoughby Boulevard, Beckleymeade Avenue, and the I-20 Access Road
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z067-326(OTH)

52. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1601 for commercial amusement (inside) limited to a Class A Dance Hall on property zoned a CS Commercial Service District, on the west corner of East Grand Avenue and St. Mary Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z078-111(JH)

53. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within Subdistrict E of Planned Development District No. 305 for mixed uses, on the northeast side of Haskell Avenue and the northwest side of Capitol Avenue
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z078-112(WE)

54. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the conceptual plan and conditions for Planned Development District No. 711 for Multifamily Uses and Regional Retail District Uses on the southeast corner of Arapaho Road and Prestonwood Boulevard
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z078-118(RB)

55. A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an expansion of and amendment to Historic Overlay District No. 33 (Fair Park), on property zoned a CS Commercial Service District, an MF-2(A) Multifamily District, a CR Community Retail District, an NS(A) Neighborhood Service District, and Planned Development District No. 288 at 3809 Grand Avenue between Parry Avenue and Fitzhugh Avenue and an ordinance granting the expansion of and amendment to the Historic Overlay
Recommendation of Staff and CPC: Approval, subject to staff’s recommended conditions
Z078-121(MD)
56. A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an NS(A) Neighborhood Service District on the four corners of the intersection of South Beltline Road and Garden Grove Drive with consideration being given to a Planned Development District and an ordinance granting the Planned Development District on a portion of the request area Recommendation of Staff and CPC: Approval of a Planned Development District for NS(A) Neighborhood Service District uses subject to a site plan and conditions on the southeast corner of South Belt Line Road and Garden Grove Drive with no change to the remainder of the request area Z078-143(MAW)

57. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and an ordinance granting a Specific Use Permit for a commercial motor vehicle parking on property zoned an R-5(A) Single Family District, located on the north line of Toronto Street, east of Bataan Street Recommendation of Staff: Denial Recommendation of CPC: Approval of a CS Commercial Service District and approval of the Specific Use Permit for a five-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions Z056-290(WE)

58. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for retail uses, certain IM Industrial Manufacturing District uses and certain IR Industrial Research District Uses, on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart Road and Interstate 45 Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions Z056-311(OTH)

59. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for multifamily, nursing/convalescent/retirement home, single family and office uses, on property zoned an MF-1(A) Multifamily District, on the north side of Harvest Hill, between Montfort Drive and Noel Road Recommendation of Staff: Approval, subject to a conceptual plan and staff’s recommended conditions Recommendation of CPC: Approval, subject to a conceptual plan and conditions Z067-306(OTH)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - INDIVIDUAL (Continued)

60. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of Oak Lawn Avenue and Rawlins Street with consideration for a Specific Use Permit for a bank or savings and loan with drive-through window service

Recommendation of Staff: Approval, of a Specific Use Permit for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to staff’s recommended site plan, staff’s recommended landscape plan, and conditions in lieu of a Planned Development Subdistrict for GR General Retail Subdistrict uses

Recommendation of CPC: Approval, of a Planned Development Subdistrict, subject to a development plan and conditions

Z067-309(JH)

61. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other nonresidential uses on property zoned an LC Light Commercial Subdistrict and an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and the termination of the Dry Liquor Control Overlay that encumbers portions of the site in an area generally bounded by McKinnon Street, Ivan Street, North Harwood Street, and Wolf Street

Recommendation of Staff: Approval, subject to a conceptual plan and staff’s recommended conditions and retention of the Dry Liquor Control Overlay

Recommendation of CPC: Approval, subject to a conceptual plan and conditions and removal of the Dry Liquor Control Overlay

Z078-110(JH)

62. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an MU-3 Mixed Use District on property zoned an MU-3 Mixed Use District on the east corner of Northwest Highway and Willowbrook Road with consideration being given to an IR Industrial Research District

Recommendation of Staff: Approval of an IR Industrial Research District in lieu of a Planned Development District for an MU-3 Mixed Use District

Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions

Z078-116(WE)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - INDIVIDUAL (Continued)

63. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement for a bar, lounge, or tavern and a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Main Street between Malcolm X Boulevard and Crowdus Street
Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z078-124(MAW)

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

64. A public hearing to receive comments regarding consideration of amendments to Article VII, “Sign Regulations,” of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter
Recommendation to Staff: Approval
Recommendation of CPC: Denial
DCA067-008

MISCELLANEOUS HEARINGS

Economic Development

Reinvestment Zone No. 69

Note: Item Nos. 65, 66 and 67 must be considered collectively.

65. * A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 69, incorporating property north of Northwest Highway and west of Lullwater Drive, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP - Financing: No cost consideration to the City

66. * An ordinance designating property north of Northwest Highway and west of Lullwater Drive, as City of Dallas Reinvestment Zone No. 69, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP, establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

67. * Authorize a 90 percent real property tax abatement agreement for 10 years with Chartwell at Lake Highlands, LP located north of Northwest Highway and west of Lullwater Drive - Revenue: First year revenue estimated at $ 13,836; ten-year revenue estimated at $ 219,135 (Estimated revenue foregone for ten-year real property tax abatement estimated at $ 2,000,000)
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<td>503 Monte Vista Drive</td>
<td>14</td>
</tr>
<tr>
<td>523 Monte Vista Drive</td>
<td>14</td>
</tr>
<tr>
<td>5000 Victor Street</td>
<td>14</td>
</tr>
<tr>
<td>6827 Sante Fe Avenue</td>
<td>14</td>
</tr>
</tbody>
</table>
Professional Services Contract with 2 Consulting Firms  
Agenda Item #41

<table>
<thead>
<tr>
<th>Council District</th>
<th>Firm</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Erosion Control Improvements</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>15012 Cypress Hills Drive</td>
<td>Alan Plummer Associates, Inc. $8,688.00</td>
</tr>
<tr>
<td>7</td>
<td>2804 Ripplewood Drive</td>
<td>Alan Plummer Associates, Inc. $48,274.00</td>
</tr>
<tr>
<td>7</td>
<td>2832 Ripplewood Drive</td>
<td>Alan Plummer Associates, Inc. $14,482.00</td>
</tr>
<tr>
<td>10</td>
<td>Rocky Branch Drive @ Middle Downs</td>
<td>Alan Plummer Associates, Inc. $33,792.00</td>
</tr>
<tr>
<td>9</td>
<td>9203 Springwater Drive</td>
<td>Alan Plummer Associates, Inc. $11,586.00</td>
</tr>
<tr>
<td>9</td>
<td>6129 Summer Creek Circle</td>
<td>Alan Plummer Associates, Inc. $13,903.00</td>
</tr>
<tr>
<td>9</td>
<td>1231 Tranquilla Drive</td>
<td>Alan Plummer Associates, Inc. $13,903.00</td>
</tr>
<tr>
<td></td>
<td>Street Reconstruction</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Lone Star Drive from Commerce Street to Dead End</td>
<td>Jaster-Quintanilla Dallas, LLP $50,937.12</td>
</tr>
<tr>
<td>3</td>
<td>Terre Colony Court from Lone Star Drive north 1200 Feet</td>
<td>Jaster-Quintanilla Dallas, LLP $75,484.36</td>
</tr>
</tbody>
</table>
A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.

2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.

3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.

4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.

5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.

Thursday, February 7, 2008

Community Development Commission
6:00 p.m.
City Hall, Room 6ES
# OK DEF DISTRICT TYPE DEPT. DOLLARS LOCAL MWBE DESCRIPTION

1 All V NA NA NA NA Approval of Minutes of January 23, 2008 City Council Meeting

2 14 C AVI REV $273 NA NA Authorize an environmental restrictive covenant prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas for a 300 square foot portion of City-owned land at Dallas Love Field located west of Cedar Springs Road between the terminal & Mockingbird Lane.

3 All C PBD, POL $52,500.00 100.00% 0.76% Authorize a professional services contract for validation of physical fitness testing standards for the Dallas Police Department

4 All C PBD, POL, FIR, PKR, SAN, STS, CES $1,042,221.00 0.00% 97.94% Authorize a forty-eight-month service contract for hazardous and non-hazardous material clean-up and disposal services for City departments

5 All C PBD, WTR, POL, STS $318,469.00 0.00% 0.00% Authorize a thirty-six-month master agreement for fire hydrants and replacement parts

6 All C PBD, EBS, FIR, PKR $435,228.00 100.00% 0.00% Authorize a thirty-six-month service contract for parking lot cleaning

7 All C PBD, WTR $905,239.00 5.78% 0.00% Authorize a thirty-six-month master agreement for the purchase of traffic cones and delineator panels

8 All C PBD, EBS, PKR, STS $659,106.00 100.00% 0.00% Authorize a twelve-month master agreement for the purchase of heavy equipment

9 All C PBD, STS $115,276.00 0.00% 0.00% Authorize the purchase of three crack seal pots to be used by Street Services

10 N/A C ATT $35,000.00 100.00% 0.00% Authorize settlement of the lawsuit styled Meredith and William Barnes, Individually, and as Guardian for Rosalie Barnes v. City of Dallas, Cause No. 06-06917-C

11 N/A C ATT $16,500.00 NA NA Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for additional legal services related to the Simpkins property at the Elam and South Loop Landfills

12 All C ATT, IGS NC NA NA Authorize an ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2007-10-269 to amend the Construction and Fire Prevention Standards Resolution, previously approved by Resolution No. 88-147, as amended, to adopt the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc., and to amend the overall gas exploration and production program contained in Part Nine - Oil and Gas Exploration and Production of the Construction and Fire Prevention Standards Resolution

13 All C CIS $468,024.00 NA NA Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc.

14 All C DDS $1,975,000.00 NA NA Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Metropolitan Sand & Gravel Co., L.L.C., for a total of approximately 1,400 acres of land located near the intersection of Loop 12 and Pemberton Hill Road for the Trinity River Corridor Project

15 4 C DDS $585,500.00 NA NA Authorize an amendment to Kaufman County Municipal Utility District No. 4, previously approved on October 8, 2003, by Resolution No. 03-2751 to amend district boundaries by the addition of approximately 114 acres in accordance with the amendment petition dated October 26, 2007

16 5 C DDS $8,500 NA NA Tax Foreclosed Property at 3603 Borger Street: Authorize the sale by quitclaim deed of a tax foreclosed property located at 3603 Borger Street acquired by the taxing authorities from a Sheriff's Sale to the City of Dallas

17 6 C DDS $5,000 NA NA Tax Foreclosed Property at 3603 Borger Street: Authorize acquisition of a tax foreclosed property located at 3603 Borger Street near its intersection with Bickers Street for the expansion of Bickers Park
<table>
<thead>
<tr>
<th>ITEM</th>
<th>OK</th>
<th>DEF</th>
<th>DISTRICT</th>
<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>10</td>
<td>C</td>
<td>DDS</td>
<td>REV</td>
<td>$5,400</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning a portion of a drainage easement to MA Creekside, LP, the abutting owner, containing approximately 2,121 square feet of land located near the intersection of Audelia Road and Shadow Way</td>
</tr>
<tr>
<td>22</td>
<td>13</td>
<td>C</td>
<td>DDS</td>
<td>REV</td>
<td>$5,400</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning portions of various easements to Next Block-Dallas I, L.P., the abutting owner, containing a total of approximately 5 acres of land located near the intersection of Manderville Lane and Meadow Road</td>
</tr>
<tr>
<td>23</td>
<td>2</td>
<td>C</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance authorizing a correction to Ordinance No. 27057, previously approved on January 9, 2008, for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm &amp; Crowds Street to correct the time limit &amp; the certificate of occupancy conditions - Z067-336</td>
</tr>
<tr>
<td>24</td>
<td>3</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Niagara Bottling, LLC: Authorize a new business personal property tax abatement agreement for 10 years with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway in the amount of 60% on new personal property for years 1 - 5, and 45% for years 6 - 10</td>
</tr>
<tr>
<td>25</td>
<td>3</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>$100,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Niagara Bottling, LLC: Authorize a Chapter 380 grant agreement with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to offset certain project costs including but not limited to site work, infrastructure improvements &amp; development fees</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>3</td>
<td>C</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Niagara Bottling, LLC: Authorize an application to the Office of the Governor Economic Development and Tourism through the Economic Development Bank nominating Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to receive designation as an Enterprise Project under the Texas Enterprise Zone Act</td>
</tr>
<tr>
<td>27</td>
<td>All</td>
<td>C</td>
<td>EHS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize rescinding the acceptance of a grant with Texas Workforce Commission, previously approved on October 10, 2007 by Resolution No. 07-2967, the acceptance of a grant for the Texas Workforce Commission to provide child care subsidies for low to moderate income parents for the period October 1, 2007 through September 30, 2008 &amp; execution of the grant agreement</td>
</tr>
<tr>
<td>28</td>
<td>3</td>
<td>C</td>
<td>EBS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the rejection of the bid received for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center located at 2828 Fish Trap Road &amp; the re-advertisement for new bids</td>
</tr>
<tr>
<td>29</td>
<td>13</td>
<td>C</td>
<td>EBS</td>
<td>$159,142.00</td>
<td>100.00%</td>
<td>29.74%</td>
<td>NA</td>
<td>Authorize a contract for construction of the heating, ventilation, and air conditioning system at Marcus Recreation Center located at 3003 Northaven Road</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>All</td>
<td>C</td>
<td>EBS, PWT</td>
<td>$735,540.00</td>
<td>25.66%</td>
<td>25.66%</td>
<td>NA</td>
<td>Authorize a professional services contract with Clampett Industries d.b.a. EMG Consulting to provide facility condition assessment services for 690 City owned buildings located throughout the City of Dallas</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>4</td>
<td>C</td>
<td>EBS</td>
<td>$59,875.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>NA</td>
<td>Ratify an emergency purchase for roof deck and shingle replacement at 2727 Municipal Street</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>14</td>
<td>C</td>
<td>EBS</td>
<td>$269,000.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>NA</td>
<td>Authorize a contract for the installation of a new passenger elevator and the modernization of two existing elevators for the parking garage at the Dallas Museum of Art located at 1717 North Harwood Street</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>7</td>
<td>C</td>
<td>HSG</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition of a parcel improved with a vacant single-family residence at 2428 Hooper Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>7</td>
<td>C</td>
<td>HSG</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize execution of a Memorandum of Agreement with the Texas Commission on Environmental Quality to delegate authority to the City to enforce Ordinance No. 26766, previously approved on May 23, 2007, which restricts idling by motor vehicles with a gross weight rating of over 14,000 pounds</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>All</td>
<td>C</td>
<td>OEQ</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an extension through September 30, 2008 for Community Development Block Grant projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>All</td>
<td>C</td>
<td>OFS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a contract for construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike &amp; execution of a license agreement with ONCOR to allow the Preston Ridge Trail to be built &amp; maintained in the ONCOR right-of-way</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>12</td>
<td>C</td>
<td>PKR</td>
<td>$1,051,047.00</td>
<td>81.81%</td>
<td>8.39%</td>
<td>NA</td>
<td>Authorize a contract for the construction of the Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard</td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>IND</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
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<tr>
<td>39</td>
<td>1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14</td>
<td>C</td>
<td>PWT, WTR</td>
<td>$459,470.30</td>
<td>100.00%</td>
<td>100.00%</td>
<td>Authorize a contract for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for Sidewalk Replacement Group 01-07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>All</td>
<td>C</td>
<td>PWT</td>
<td>$153,200.00</td>
<td>100.00%</td>
<td>24.15%</td>
<td>Authorize a professional services contract with Freese and Nichols, Inc. to update the City of Dallas Storm Water Design Criteria Manual to incorporate the criteria of the Integrated Storm Water Management (ISWM) Design Manual for Site Development</td>
<td></td>
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</tr>
<tr>
<td>41</td>
<td>3, 7, 9, 10, 11</td>
<td>C</td>
<td>PWT, WTR</td>
<td>$271,049.48</td>
<td>48.06%</td>
<td>53.60%</td>
<td>Authorize professional services contracts with 2 consulting firms for the engineering design of 7 erosion control projects and 2 street reconstruction projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>2</td>
<td>C</td>
<td>PWT, CES</td>
<td>$750,000.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Walnut Hill Branch Library located at 9480 Webb Chapel Road</td>
<td></td>
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</tr>
<tr>
<td>43</td>
<td>6</td>
<td>C</td>
<td>PWT, LIB</td>
<td>$64,987.00</td>
<td>16.00%</td>
<td>32.03%</td>
<td>Authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for the expansion and renovation of Fire Station No. 10 located at 4451 Frankford Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>12</td>
<td>C</td>
<td>PWT, FIR</td>
<td>$360,800.00</td>
<td>100.00%</td>
<td>32.41%</td>
<td>Establish Rail Road Quiet Zone along Cotton Belt Rail Line Corridor: Authorize a professional services contract with LopezGarcia Group, Inc. for engineering services to prepare the schematic design for Quiet Zone improvements from Dallas Parkway to Coit Road</td>
<td></td>
<td></td>
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<tr>
<td>45</td>
<td>11, 12</td>
<td>C</td>
<td>PWT</td>
<td>$157,527.00</td>
<td>NA</td>
<td>NA</td>
<td>Establish Rail Road Quiet Zone along Cotton Belt Rail Line Corridor: Authorize an Interlocal Agreement with the Texas Department of Transportation for Quiet Zone improvements from Dallas Parkway to Coit Road</td>
<td></td>
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</tr>
<tr>
<td>46</td>
<td>11, 12</td>
<td>C</td>
<td>PWT</td>
<td>$6,220.00</td>
<td>NA</td>
<td>NA</td>
<td>Establish Rail Road Quiet Zone along Cotton Belt Rail Line Corridor: Authorize the City Manager to provide Notice of Intent to create a new Quiet Zone from Dallas Parkway to Coit Road as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 &amp; 229</td>
<td></td>
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</tr>
<tr>
<td>47</td>
<td>11, 12</td>
<td>C</td>
<td>PWT</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Establish Rail Road Quiet Zone along Cotton Belt Rail Line Corridor: Authorize a professional services contract with Freese and Nichols, Inc. for engineering services to prepare the schematic design for Quiet Zone improvements from Dallas Parkway to Coit Road</td>
<td></td>
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<tr>
<td>48</td>
<td>All</td>
<td>I</td>
<td>SEC</td>
<td>NC</td>
<td>N/A</td>
<td>N/A</td>
<td>Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>All</td>
<td>I</td>
<td>EBS, AVI, CES, WTR</td>
<td>$593,735.00</td>
<td>52.40%</td>
<td>31.04%</td>
<td>Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market &amp; emerging technologies</td>
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<tr>
<td>50</td>
<td>3</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an NS(A) Neighborhood Service District and a resolution accepting deed restriction voluntarily executed by the applicant on property zoned an R-7.5(A) Single Family District on the east line of Westmoreland Road between Overcrest &amp; Davis Streets</td>
<td></td>
<td></td>
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<tr>
<td>51</td>
<td>8</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 689 on property zoned Planned Development District No. 689 and an LO-3 Limited Office District, in the area generally bounded by Willoughby Boulevard, Beckleymeade Avenue &amp; the I-20 Access Road</td>
<td></td>
<td></td>
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<tr>
<td>52</td>
<td>2</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1601 for commercial amusement (inside) limited to a Class A Dance Hall on property zoned a CS Commercial Service District, on the west corner of East Grand &amp; St. Mary Avenues</td>
<td></td>
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<tr>
<td>53</td>
<td>2</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within Subdistrict E of Planned Development District No. 305 for mixed uses, on the northeast side of Haskell Avenue &amp; the northwest side of Capitol Avenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
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</tr>
<tr>
<td>54</td>
<td>11</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the conceptual plan and conditions for Planned Development District No. 711 for Multifamily Uses and Regional Retail District Uses on the southeast corner of Arapaho Road &amp; Prestonwood Boulevard</td>
</tr>
<tr>
<td>55</td>
<td>7</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an expansion of and amendment to Historic Overlay District No. 33 (Fair Park), on property zoned a CS Commercial Service District, an MF-2(A) Multifamily District, a CR Community Retail District, an NS(A) Neighborhood Service District, and Planned Development District No. 288 at 3809 Grand Avenue between Parry Avenue and Fitzhugh Avenue and an ordinance granting the expansion of and amendment to the Historic Overlay</td>
</tr>
<tr>
<td>56</td>
<td>8</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an NS(A) Neighborhood Service District on the four corners of the intersection of South Beltline Road and Garden Grove Drive with consideration being given to a Planned Development District and an ordinance granting the Planned Development District on a portion of the request area</td>
</tr>
<tr>
<td>57</td>
<td>6</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and an ordinance granting a Specific Use Permit for a commercial motor vehicle parking on property zoned an R-5(A) Single Family District, located on the north line of Toronto Street, east of Bataan Street</td>
</tr>
<tr>
<td>58</td>
<td>5</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for retail uses, certain IM Industrial Manufacturing District uses and certain IR Industrial Research District Uses, on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart Road &amp; Interstate 45</td>
</tr>
<tr>
<td>59</td>
<td>13</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for multifamily, nursing/convalescent/retirement home, single family and office uses, on property zoned an MF-1(A) Multi Family District, on the north side of Harvest Hill, between Montfort Drive and Noel Road</td>
</tr>
<tr>
<td>60</td>
<td>14</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of Oak Lawn Avenue and Rawlins Street with consideration for a Specific Use Permit for a bank or savings and loan with drive-through window service</td>
</tr>
<tr>
<td>61</td>
<td>2</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other nonresidential uses on property zoned an LC Light Commercial Subdistrict and an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and the termination of the Dry Liquor Control Overlay that encumbers portions of the site in an area generally bounded by McKinnon Street, Ivan Street, North Harwood Street, and Wolf Street</td>
</tr>
<tr>
<td>62</td>
<td>6</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an MU-3 Mixed Use District on property zoned an MU-3 Mixed Use District on the east corner of Northwest Highway and Willowbrook Road with consideration being given to an IR Industrial Research District</td>
</tr>
<tr>
<td>63</td>
<td>2</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement for a bar, lounge, or tavern and a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Main Street between Malcolm X Boulevard and Crowds Street</td>
</tr>
<tr>
<td>64</td>
<td>All</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding consideration of amendments to Article VII, “Sign Regulations,” of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter</td>
</tr>
<tr>
<td>65</td>
<td>10</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Reinvestment Zone No. 69: A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 69, incorporating property north of Northwest Highway &amp; west of Lullwater Drive, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP</td>
</tr>
<tr>
<td>66</td>
<td>10</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Reinvestment Zone No. 69: An ordinance designating property north of Northwest Highway and west of Lullwater Drive, as City of Dallas Reinvestment Zone No. 69, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP, establishing the boundaries of the Reinvestment Zone &amp; providing an effective date</td>
</tr>
<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>------</td>
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<td>--------------</td>
</tr>
<tr>
<td>67</td>
<td>10</td>
<td>PH</td>
<td>ECO</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Reinvestment Zone No. 69: Authorize a 90 percent real property tax abatement agreement for 10 years with Chartwell at Lake Highlands, LP located north of Northwest Highway and west of Lullwater Drive</td>
</tr>
</tbody>
</table>

**TOTAL**  $16,161,836.78
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Aviation

CMO: Ramon F. Miguez, P.E., 670-3308

MAPSCO: 34K

SUBJECT

Authorize an environmental restrictive covenant prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas for a 300 square foot portion of City-owned land at Dallas Love Field located west of Cedar Springs Road between the Dallas Love Field Terminal and Mockingbird Lane - Revenue: $273

BACKGROUND

This item authorizes a restrictive covenant on city-owned property at Dallas Love Field, prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas. Total combined airport property potentially impacted by the operational releases and identified in the environmental investigation is approximately 300 square feet.

An environmental site investigation conducted by MECX, LLC revealed minor levels of contaminants at the site due to jet aircraft maintenance operations related to a former tenant of the facility. Groundwater samples collected and analyzed during the most recent Texas Commission on Environmental Quality's (TCEQ) required groundwater monitoring event, did not contain volatile organic compounds above TCEQ-approved cleanup goals. In a letter dated June 1, 2006, TCEQ determined that cleanup of the site has attained minimum risk reduction standards and is prepared to issue a Conditional Certificate of Completion for the site subject to a restrictive covenant for the 300 square feet.

The level of groundwater, subject of the restrictive covenant, resides between 10 feet and 25 feet below ground surface and sporadically contains very low concentrations of dissolved volatile organic compounds which are barely above the laboratory method quantitation limits and reporting limits. MECX, LLC has evaluated excavation as a means to remediate the groundwater in the restrictive covenant.
BACKGROUND (continued)

However, due to the proximity of Cedar Springs Road and the high number of utilities in the restrictive covenant area, excavation activities would be extremely costly and time consuming and would cause major disruption to the main point of egress from Dallas Love Field for an extended period of time.

Based on the City's formula as stated in the Environmental Deed Restrictions Policy, the value for loss of groundwater rights in the 300 square feet area is $273.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $273

OWNER

Jet Aviation Texas, Inc.

Terrance P. Kelly, President

MAPS

Attached.
WHEREAS, the City, as record owner of fee title to land known as Dallas Love Field; and

WHEREAS, Jet East, Inc. (Jet East), former tenant of the facility, has identified environmental impacts to groundwater under portions of City-owned land containing approximately 300 square feet (Site) at Dallas Love Field from operational releases documented at the Site, currently leased to Jet Aviation Texas, Inc; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) required groundwater monitoring of the Site; and

WHEREAS, groundwater samples collected and analyzed during the most recent Texas Commission on Environmental Quality (TCEQ) required groundwater monitoring event, did not contain volatile organic compounds above TCEQ-approved cleanup goals; and

WHEREAS, TCEQ determined that cleanup of the Site has attained minimum risk reduction standards and is prepared to issue a Conditional Certificate of Completion for the Site subject to a restrictive covenant prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas; and

WHEREAS, the restrictive covenant will be submitted to the TCEQ as the permanent remedy for protection of human health and the completion of the spill investigation;

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 restrictive covenant on property at Dallas Love Field to satisfy the institutional control provisions by the State of Texas Commission on Environmental Quality, after they have been approved as to form by the City Attorney.

Section 2. The restrictive covenant for the Dallas Love Field property shall:

1. Identify affected areas by metes and bounds descriptions and plat maps;
2. State that no groundwater from the affected areas shall be used for residential, recreational, agricultural, industrial or commercial purposes without the express written pre-approval from the State of Texas;
3. Be a covenant running with the land; and
4. Only be amended and/or terminated by a mutual written agreement executed by the State and City, provided, groundwater concentrations have naturally attenuated to maximum contaminant levels.
5. Be subject to Jet East paying the City $273.00 as compensation for restricting the land.

**Section 3.** That the City Manager is hereby authorized to file the approved restrictive covenant in the real property records for Dallas County, Texas.

**Section 4.** That the City Controller be and is hereby authorized to deposit funds in Fund 0130, Department AVI, Unit 7722, Revenue Source 8416.

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

Distribution: Dan Weber, Aviation Department, Dallas Love Field  
Brenda Hozak, Aviation Department, Dallas Love Field  
Bob Sims, City Attorney Office, 7DN
AGENDA ITEM # 3

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

CMO: Dave Cook, 670-7804
Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize a professional services contract for validation of physical fitness testing standards for the Dallas Police Department - Fitness Intervention Technologies, only proposer - Not to exceed $52,500 - Financing: Current Funds

BACKGROUND

The Dallas Police Department (DPD) established and validated a Physical Agility Test for all new applicants in 1977, revised it in 2000 and used the test through 2002. Subsequently, DPD initiated a new test designed to reflect current teachings and standards. The statistics and records since 2003 have not been professionally evaluated to establish a validated, minimum passing score or job related standard for the department. This requested validation study will set fitness standards for a Dallas Police Officer and will include a training program. Neither the department nor the City has a person with the experience, background or knowledge to conduct a validation study that would meet federal criteria.

Dr. Tom Collingwood, PHD, Fitness Intervention Technologies, is a certified Health/Fitness Program Director from the American College of Sports Medicine, licensed Psychologist and has held law enforcement positions to include that of Military Police (U.S. Army), Police Psychologist (Dallas Police Department) and Training Director (Kentucky Department of Justice) and has conducted validation studies for over 180 agencies in the past 25 years including police departments from Phoenix, Minneapolis, and the Texas Department of Public Safety in Austin.
BACKGROUND (Continued)

Dr. Collingwood's guidelines for the validation services are as follows:

- review and analyze existing data
- analyze a physical job task
- define job task simulation test
- define physical fitness test
- train fitness coordinators
- evaluation testing of officers
- define standards
- prepare a written final report
- follow up support
- provision of expert testimony as needed

The purpose of a physical fitness standard is to provide a reasonable assurance that applicants, recruits and incumbents are physically able to train and perform the strenuous, essential tasks of the job.

As part of the bid process, 22 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$52,500.00 - Current Funds

M/WBE INFORMATION

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

22 - M/WBE and non-M/WBE vendors were contacted.

The recommended awardee has fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.
**ETHNIC COMPOSITION**

Fitness Intervention Technologies

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

**PROPOSAL INFORMATION**

The following proposal was received from solicitation number BR0719 and opened on June 6, 2007. This professional services contract is being awarded to the only proposer.

**Proposer**

Fitness Intervention Technologies

**Address**

2505 Canyon Creek Dr.
Richardson, TX 75080

**Note:** This single proposal has been reviewed by the City Auditor's Office and they have no objection to awarding it to Fitness Intervention Technologies.

**OWNER**

Fitness Intervention Technologies

Thomas R. Collingwood, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract for validation of physical fitness testing standards for the Dallas Police Department - Fitness Intervention Technologies, only proposer - Not to exceed $52,500 - Financing: Current Funds

Fitness Intervention Technologies is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$52,500.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$52,500.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox Quality Printing</td>
<td>$400.00</td>
<td>0.76%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td>$400.00</td>
<td>0.76%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$400.00</td>
<td>0.76%</td>
<td>$400.00</td>
<td>0.76%</td>
</tr>
<tr>
<td>Total</td>
<td>$400.00</td>
<td>0.76%</td>
<td>$400.00</td>
<td>0.76%</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is authorized to execute a professional services contract with Fitness Intervention Technologies (520041) for validation of physical fitness testing standards for the Dallas Police Department in an amount not exceed $52,500.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Fitness Intervention Technologies shall be based only on the amount of the services directed to be performed by the City and properly performed by Fitness Intervention Technologies under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed $52,500.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
<th>AMOUNT</th>
<th>ENCUMBRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0001</td>
<td>DPD</td>
<td>2115</td>
<td>3070</td>
<td>$52,500</td>
<td>RQS-DPD00000040882</td>
</tr>
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</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Police
AGENDA ITEM # 4

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
              Police
              Fire
              Park & Recreation
              Sanitation Services
              Street Services
              Convention and Event Services

CMO: Dave Cook, 670-7804
     Ryan S. Evans, 670-3314
     Paul D. Dyer, 670-4071
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize a forty-eight-month service contract for hazardous and non-hazardous material clean-up and disposal services for City departments - Green Planet, Inc., only bidder - Not to exceed $1,042,221 - Financing: Current Funds ($1,027,484), Convention and Event Services Current Funds ($14,737) (subject to annual appropriations)

BACKGROUND

This service contract will be used for the disposal of a large selection of confiscated materials which includes biologically hazardous, environmentally hazardous and non-hazardous matter such as:

- blood
- body fluids and others
- corrosive/flammable materials
- liquor, beer, wine, etc.
- ammunition, fireworks, etc.
- automobile and equipment solid batteries
- counterfeit clothing, etc.
BACKGROUND (Continued)

This service contract will also serve other City departments in collecting and disposing of used spill cleaning materials, paints and pesticides as it is the goal of the City to ensure compliance with the Environmental Management Program. These products need to be recycled in accordance with specifications for toxic substances separately from regular trash pick up and the recycling of bottles and cans.

The unit prices for this service contract are approximately 37% lower than the previous contract awarded in October, 2002 on comparable lines.

As part of the bid process, 99 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 9, 2002, City Council authorized a rescinding of earlier awarded contract and authorized award to next low bidder by Resolution #02-2937.

On May 8, 2002, City Council authorized a thirty-six-month service contract for hazardous and non-hazardous clean-up and disposal service by Resolution #02-1469.

FISCAL INFORMATION

$1,027,484.00 - Current Funds
$  14,737.00 - Convention and Event Services Current Funds (subject to annual appropriations)

M/WBE INFORMATION

16 - Vendors contacted
15 - No response
  1 - Response (Bid)
  0 - Response (No bid)
  1 - Successful

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

The recommended awardee has fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.
ETHNIC COMPOSITION

Green Planet, Inc.

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

BID INFORMATION

The following bids were received from solicitation number BC0711 and opened on August 8, 2007. This service contract is being awarded in its entirety to the only bidder.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Planet, Inc.</td>
<td>6297 Hwy. 276 W</td>
<td>$1,042,221.00</td>
</tr>
<tr>
<td></td>
<td>Royse City, TX 75189</td>
<td></td>
</tr>
</tbody>
</table>

Note: The City Auditor has reviewed this procurement and has no objections to awarding this agreement to Green Planet, Inc.

OWNER

Green Planet, Inc.

Virginia Belmore, President
Hassan Aicha, Vice President/Secretary/Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a forty-eight-month service contract for hazardous and non-hazardous material clean-up and disposal services for City departments - Green Planet, Inc., only bidder - Not to exceed $1,042,221 - Financing: Current Funds ($1,027,484), Convention and Event Services Current Funds ($14,737) (subject to annual appropriations)

Green Planet, Inc. is a non-local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$1,042,221.00</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$1,042,221.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Planet, Inc</td>
<td>WFDB35193Y1008</td>
<td>$1,020,777.85</td>
<td>97.94%</td>
</tr>
<tr>
<td><strong>Total Minority - Non-local</strong></td>
<td></td>
<td><strong>$1,020,777.85</strong></td>
<td><strong>97.94%</strong></td>
</tr>
</tbody>
</table>

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
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<tr>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
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<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
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<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$1,020,777.85</td>
<td>97.94%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0.00</td>
<td>0.00%</td>
<td><strong>$1,020,777.85</strong></td>
<td><strong>97.94%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on October 9, 2002, City Council authorized a rescinding of earlier awarded contract and authorized award to next low bidder by Resolution #02-2937; and,

WHEREAS, on May 8, 2002, City Council authorized a thirty-six-month service contract for hazardous and non-hazardous clean-up and disposal service by Resolution #02-1469;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Green Planet, Inc. (357112) for hazardous and non-hazardous material clean-up and disposal services for City departments for a term of forty-eight months in an amount not to exceed $1,042,221.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Green Planet, Inc., shall be based only on the amount of the services directed to be performed by the City and properly performed by Green Planet, Inc., under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed $1,042,221.00 (subject to annual appropriations):

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>AMOUNT</th>
</tr>
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</table>
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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Convention Center
Fire
Park and Recreation
Police
Sanitation
Streets
KEY FOCUS AREA: Public Safety Improvements

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities
Police
Street Services

CMO: Dave Cook, 670-7804
Ryan S. Evans, 670-3314
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month master agreement for the purchase of traffic cones and delineator panels - BKW Environmental Services, LLC in the amount of $318,469, Fastenal-Datx in the amount of $209,704, and Comade, Inc. in the amount of $111,112, lowest responsible bidders of eight - Total not to exceed $639,285 - Financing: Current Funds ($424,485), Water Utilities Current Funds ($214,800)

BACKGROUND

This master agreement will be for the purchase of various size traffic cones and delineator panels. A delineator panel is a plastic panel approximately 8” wide by 3’ tall on a flexible base. The base of the panel is approximately 17” x 27” made of recycled rubber. A delineator panel is made of a two-piece collapsible design to help keep the panel from being destroyed in a work area. The panel has a sheeting that enhances their visibility by reflecting automotive headlights up to 1,000 feet.

These items will be used by Water Utilities and Street Services to identify hazardous construction work sites resulting from repairs of water and wastewater mains located in streets, alleyways, easements, parking lots and sidewalks throughout the City. These items will also be used by the Dallas Police Department to detour traffic around accidents, spill sites and special events. The approximate usage of traffic cones and delineator panels for a thirty-six month period for all departments is 50,000 units. The City will see a 25% savings over the previous master agreement that was awarded by unit price three years ago.
BACKGROUND (Continued)

As part of the bid process, 33 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 24, 2006 City Council authorized a thirty-six-month master agreement for traffic cones by Resolution #06-1477.

FISCAL INFORMATION

$214,800.00 - Water Utilities Current Funds
$424,485.00 - Current Funds

M/WBE INFORMATION

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

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

The recommended awardee has fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

BKW Environmental Services, LLC

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Female</th>
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</thead>
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Fastenal- Datx

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<tr>
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**ETHNIC COMPOSITION (Continued)**

Comade, Inc.

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<th>Black Female</th>
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<th>Other Male</th>
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<th>White Male</th>
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**BID INFORMATION**

The following bids were received from solicitation number BH0724 and were opened on August 30, 2007. This master agreement is being awarded to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

<table>
<thead>
<tr>
<th>Bidders</th>
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<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*BKW Environmental Services, LLC</td>
<td>2330 Pasadena Blvd. Pasadena, TX 77502</td>
<td>Multiple Groups</td>
</tr>
<tr>
<td>*Fastenal-Datx</td>
<td>P.O. Box 1286 Winona, MN 55987-1286</td>
<td>Multiple Groups</td>
</tr>
<tr>
<td>*Comade, Inc.</td>
<td>P.O. Box 894397 Los Angeles, CA 90189-4397</td>
<td>Multiple Groups</td>
</tr>
<tr>
<td>Safe-T-Glove, Inc.</td>
<td>1121 Fountain Pkwy. Grand Prairie, TX 75050</td>
<td>Multiple Groups</td>
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<tr>
<td>Work Area Protection Corp.</td>
<td>2500 Production Dr. St.Charles, IL 60174-9081</td>
<td>Multiple Groups</td>
</tr>
<tr>
<td>NTS Mikedon, LLC</td>
<td>1602 East 6th Street Irving, TX 75060</td>
<td>Multiple Groups</td>
</tr>
<tr>
<td>Mind Space, Inc.</td>
<td>28 Silver Oaks Crescent Markham Ontario, Canada L6C2Z5</td>
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<tr>
<td>GT Distributors, Inc.</td>
<td>2545 Brockton Dr., Ste. 100 Austin, TX 78758</td>
<td>Multiple Groups</td>
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</table>
OWNERS

BKW Environmental Services, LLC
Kevin Whatley, President
Lita Whatley, Vice President

Fastenal-Datx
Dave Stephens, President

Comade, Inc.
Chris Schaller, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month master agreement for the purchase of traffic cones and delineator panels - BKW Environmental Services, LLC in the amount of $318,469, Fastenal-Datx in the amount of $209,704, and Comade, Inc. in the amount of $111,112, lowest responsible bidders of eight - Total not to exceed $639,285 - Financing: Current Funds ($424,485), Water Utilities Current Funds ($214,800)

BKW Environmental Services, LLC, Fastenal-Datx and Comade, Inc. are non-local, non-minority firms, have signed the "Good Faith Effort" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

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</thead>
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<tr>
<td>Total local contracts</td>
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</tr>
<tr>
<td>Total non-local contracts</td>
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</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$657,151.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
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<td>$0.00</td>
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</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
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<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
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<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
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<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
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<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on May 24, 2006, City Council authorized a thirty-six-month master agreement for traffic cones by Resolution #06-1477;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of traffic cones and delineator panels is authorized with BKW Environmental Services, LLC (VC0000000547) in the amount of $318,469.00, Fastenal-Datx (VS0000004326) in the amount of $209,704.00, and Comade, Inc. (508782) in the amount of $111,112.00, for a term of thirty-six months in a total amount not to exceed $639,285.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $639,285.00.

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Water Utilities
AGENDA DATE: February 13, 2008
COUNCIL DISTRICT(S): All
DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services
Fire
Park & Recreation
CMO: Dave Cook, 670-7804
David O. Brown, 670-3390
Ryan S. Evans, 670-3314
Paul D. Dyer, 670-4071

SUBJECT
Authorize a thirty-six-month service contract for parking lot cleaning – H & W Cleaning Systems, Inc., lowest responsible bidder of four - Not to exceed $435,228 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND
Dirt, debris and fluids from personal vehicles, service vehicles and heavy equipment accumulate in parking lots, service center lots, sidewalks and other paved, City-owned areas. This service contract for parking lot cleaning will be used for the sweeping, scraping and high pressure washing of those areas, reclaiming the waste water and allowing for proper disposal. The cost savings from the previous bid, on like services, is approximately 7%.

Parking areas owned by the City and sidewalks on Park and Recreation’s 23,000 acres will be cleaned under this service contract. Major Park and Recreation facilities to be cleaned include the Zoo, Fair Park, athletic fields, golf courses and service centers. Dallas Fire-Rescue will use this service contract for parking lots and service areas on their approximately 40 acre training and maintenance facility. Equipment and Building Services will use this service for cleaning the City’s main service center as well as parking lots at municipal buildings located throughout the City.

The use of environmentally friendly Green Seal certified cleaning products and supplies was a requirement in the specifications. Further, when additional products become certified, the vendor is required to use those products.
BACKGROUND (Continued)

As part of the bid process, 63 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 28, 2005, City Council authorized a thirty-six-month contract for parking lot cleaning by Resolution #05-2774.

On May 12, 2004, City Council authorized a thirty-six-month contract for parking lot cleaning by Resolution #04-1545.

FISCAL INFORMATION

$435,228.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

H & W Cleaning Systems, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
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BID INFORMATION

The following bids were received from solicitation number BL0802 and were opened on November 1, 2007. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

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<th>Bidders</th>
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<th>Amount of Bid</th>
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</thead>
<tbody>
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<tr>
<td>Harman Commercial Services</td>
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<td>Midwest Services</td>
<td>1920 W. Airfield Dr.</td>
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<tr>
<td>MDR Commercial Services</td>
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<td></td>
<td>Rockwall, TX 75087</td>
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OWNER

H & W Cleaning Systems, Inc.

Le'Wilburne Maurice Williams, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month service contract for parking lot cleaning – H & W Cleaning Systems, Inc., lowest responsible bidder of four - Not to exceed $435,228 - Financing: Current Funds (subject to annual appropriations)

H & W Cleaning Systems, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
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<tr>
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<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Total local contracts</td>
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<tr>
<td>Total non-local contracts</td>
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<tr>
<td>TOTAL CONTRACT</td>
<td>$435,228.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors
None

Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tbody>
<tr>
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<td>Native American</td>
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<td>WBE</td>
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<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
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</table>
WHEREAS, on May 12, 2004, City Council authorized a thirty-six-month contract for parking lot cleaning by Resolution #04-1545; and,

WHEREAS, on September 28, 2005, City Council authorized a thirty-six-month contract for parking lot cleaning by Resolution #05-2774; NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with H & W Cleaning Systems, Inc. (242072) for scraping, sweeping and pressure washing of parking lots for a term of thirty-six months in an amount not to exceed $435,228.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to H & W Cleaning Systems, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by H & W Cleaning Systems, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed $435,228.00 (subject to annual appropriations):

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE</th>
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<td>5276</td>
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<td>$   5,000.00</td>
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</tbody>
</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Equipment & Building Services
Fire
Park & Recreation
AGENDA ITEM # 7

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Dave Cook, 670-7804
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month master agreement for fire hydrants and replacement parts - Clow Valve Company in the amount of $852,954, and HD Supply Waterworks, LTD in the amount of $52,285, lowest responsible bidders of four - Total not to exceed $905,239 - Financing: Water Utilities Current Funds

BACKGROUND

This master agreement will allow Dallas Water Utilities (DWU) to maintain operational standards of fire hydrants by providing replacement parts and new hydrants when needed throughout the City. The replacement parts will be used to ensure that pressure in hydrants are maintained, leaks are repaired, and hydrants are operationally ready for fire emergencies. DWU stocks hydrants for prompt replacement of non-repairable hydrants. This master agreement ensures the hydrants are completely functional for the Fire Department’s use in case of emergencies.

A comparison of the current bids from 2007 showed an approximate 21 percent increase in total cost when comparing equivalent line items with bids from September 2005.

In 2007 HD Supply Waterworks, LTD was recognized by National Institute of Governmental Purchasing as a company using environmentally preferred products. HD Supply Waterworks, LTD ductile or cast iron parts are made of recycled scrap iron, and the brass is made of recycled brass.

As part of the bid process, 76 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 14, 2005, City Council authorized a thirty-six-month price agreement for fire hydrants and accessory parts by Resolution #05-2618.

On January 23, 2002, City Council authorized a thirty-six-month price agreement for valves, fittings, fire hydrants, and fire hydrant parts by Resolution #02-0326.

FISCAL INFORMATION

$905,239.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501, as amended.

ETHNIC COMPOSITION

Clow Valve Company

<table>
<thead>
<tr>
<th></th>
<th>White Female</th>
<th>White Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic Female</td>
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<tr>
<td>Other Female</td>
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HD Supply Waterworks, LTD

<table>
<thead>
<tr>
<th></th>
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<th>White Male</th>
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</thead>
<tbody>
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<tr>
<td>Other Female</td>
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BID INFORMATION

The following bids were received from solicitation number BM0730 and opened on September 26, 2007. This master agreement is being awarded to the lowest responsive and responsible bidders by line.
BID INFORMATION (Continued)

*Denotes successful bidders

<table>
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<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Clow Valve Company</td>
<td>902 S. 2nd St. Oskaloosa, IA 52577</td>
<td>Multiple Lines</td>
</tr>
<tr>
<td>*HD Supply Waterworks, LTD</td>
<td>4333 Irving Blvd. Dallas, TX 75242</td>
<td>Multiple Lines</td>
</tr>
<tr>
<td>Mueller Company</td>
<td>500 West Eldorado St. Decatur, IL 62522</td>
<td>Multiple Lines</td>
</tr>
<tr>
<td>Kennedy Valve, Division of McWane, Inc.</td>
<td>1021 East Water St. Elmira, NY 14901</td>
<td>Multiple Lines</td>
</tr>
</tbody>
</table>

OWNERS

Clow Valve Company

Leon McCullough, Executive Vice President
Jim Wakefield, Assistant General Manager
Mike Vore, General Sales Manager

HD Supply Waterworks, LTD

Jerry Webb, President
Phillip W. Keipp, Vice President
Donald W. Clayton, Secretary
Kurt R. Bruenning, Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month master agreement for fire hydrants and replacement parts - Clow Valve Company in the amount of $852,954, and HD Supply Waterworks, LTD in the amount of $52,285, lowest responsible bidders of four - Total not to exceed $905,239 - Financing: Water Utilities Current Funds

Clow Valve Company is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce. HD Supply Waterworks, LTD is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Total local contracts</td>
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<td>Total non-local contracts</td>
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</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$905,239.32</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors
None

Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tbody>
<tr>
<td>African American</td>
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<td>$0.00</td>
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<tr>
<td>Hispanic American</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
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<td>Native American</td>
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<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on January 23, 2002, City Council authorized a thirty-six-month price agreement for valves, fittings, fire hydrants, and fire hydrant parts by Resolution #02-0326; and,

WHEREAS, on September 14, 2005, City Council authorized a thirty-six-month price agreement for fire Hydrants and accessory parts by Resolution #05-2618;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of fire hydrants and accessory parts is authorized with Clow Valve Company (049362) in the amount of $852,954.00, and HD Supply Waterworks, LTD (512860) in the amount of $52,285.00, for a term of thirty-six months in a total not to exceed $905,239.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $905,239.00.

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Water Utilities
AGENDA ITEM # 8

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

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services
Park & Recreation
Street Services

CMO: Dave Cook, 670-7804
David O. Brown, 670-3390
Paul D. Dyer, 670-4071
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT
Authorize a twelve-month master agreement for the purchase of heavy equipment - Conley Lott Nichols Machinery in the amount of $370,645, Equipment Southwest, Inc. in the amount of $187,195, and Bane Machinery, Inc. in the amount of $101,266, lowest responsible bidders of four - Total not to exceed $659,106 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes ($633,775), 2006 Equipment Acquisition Contractual Obligation Notes ($25,331)

BACKGROUND
This master agreement will allow for the purchase of 8 pieces of heavy equipment. Departments purchasing equipment through this master agreement include Park and Recreation and Street Services.

Park and Recreation will purchase 3 units as follows:

2 - 8,100-Pound Skid Steer Loader
1 - 9,700-Pound Compact Track Loader

Park and Recreation maintains over 23,000 acres of property which includes the Zoo, Fair Park, six 18-hole golf courses, over 200 athletic fields, as well as City parks and facility properties.

All of the units are replacements for units that range in age from 11 to 23 years. These units will be utilized throughout the City parks for grounds maintenance.
**BACKGROUND (Continued)**

**Street Services** will purchase 5 units as follows:

- 2 - Three and a Half Ton Pad Foot Vibratory Roller with Blade
- 1 - Self-Propelled Chip Spreader
- 1 - Truck Mounted Mechanical Sweeper
- 1 - 8,100-Pound Skid Steer Loader

Street Services maintains 11,500 lane miles of street and 1,364 miles of paved alleys.

All of the units are replacements for units that range in age from 6 to 14 years. These units will be used in the repair and maintenance of City streets and alleys.

Replacement vehicles have gone through an evaluation process using an established criteria to ensure that only vehicles that have exceeded their regular maintenance program are replaced.

The evaluation process uses a criteria that includes life to date maintenance costs, recommended replacement mileage, recommended replacement life, and a point system that includes down time, and number of work orders to determine a vehicles productivity. Before a vehicle is considered or recommended for replacement, the vehicle must meet at least two of four factors. All equipment have met replacement criteria.

As part of the bid process, 603 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

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

On March 28, 2007, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution # 07-1036.

On February 28, 2007, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution # 07-0748.

On May 10, 2006, City Council authorized a twelve-month price agreement for automobiles, heavy equipment and motorcycles by Resolution # 06-1381.

On November 9, 2005, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution # 05-3293.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)


On December 8, 2003, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution #03-3330.

FISCAL INFORMATION

$633,775.00 - 2007 Equipment Acquisition Contractual Obligation Notes
$ 25,331.00 - 2007 Equipment Acquisition Contractual Obligation Notes

M/WBE INFORMATION

79 -Vendors Contacted
79 -No response
  0 -Response (bid)
  0 -Response (no bid)
  0 -Successful

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

Conley Lott Nichols Machinery

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Female</th>
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</thead>
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<tr>
<td>White</td>
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Equipment Southwest, Inc.

<table>
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ETHNIC COMPOSITION (Continued)

Bane Machinery, Inc.

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<tr>
<th>Ethnicity</th>
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<th>Male</th>
</tr>
</thead>
<tbody>
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BID INFORMATION

The following bids were received from solicitation number BP0708 and opened on August 17, 2007. This master agreement is being awarded to the lowest responsive and responsible bidders by line.

*Denotes successful bidders

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<tr>
<td>*Conley Lott Nichols</td>
<td>415 N. Loop 12</td>
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<tr>
<td>Machinery</td>
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<tr>
<td>*Equipment Southwest, Inc.</td>
<td>425 S. Loop 12</td>
<td>Multiple Lines</td>
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<tr>
<td></td>
<td>Irving, TX 75060</td>
<td></td>
</tr>
<tr>
<td>*Bane Machinery, Inc.</td>
<td>2449 Manana Rd.</td>
<td>Multiple Lines</td>
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<tr>
<td></td>
<td>Dallas, TX 75220</td>
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<tr>
<td>Equipment Support Services</td>
<td>2019 Airport Frwy.</td>
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<td></td>
<td>Euless, TX 76040</td>
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OWNERS

Conley Lott Nichols Machinery

Robert Nichols, President
Justin Young, Vice President

Equipment Southwest, Inc.

Mike Foley, President

Bane Machinery, Inc.

Scott Bane, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twelve-month master agreement for the purchase of heavy equipment - Conley Lott Nichols Machinery in the amount of $370,645, Equipment Southwest, Inc. in the amount of $187,195, and Bane Machinery, Inc. in the amount of $101,266, lowest responsible bidders of four - Total not to exceed $659,106 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes ($633,775), 2006 Equipment Acquisition Contractual Obligation Notes ($25,331)

Conley Lott Nichols Machinery, Equipment Southwest, Inc., and Bane Machinery, Inc. are local, non-minority firms, have signed the "Good Faith Effort" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<td>Total local contracts</td>
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<tr>
<td>Total non-local contracts</td>
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<td>TOTAL CONTRACT</td>
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<td>100.00%</td>
</tr>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
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<th>Local</th>
<th>Percent</th>
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<th>Percent</th>
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<tr>
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<td><strong>Total</strong></td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on December 8, 2003, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution #03-3330; and,

WHEREAS, on November 10, 2004, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution #04-3262; and,

WHEREAS, on November 5, 2005, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution #05-3293; and,

WHEREAS, on February 28, 2007, City Council authorized a twelve-month master agreement for automobiles, light trucks and vans by Resolution #07-0748; and,

WHEREAS, on March 28, 2007, City Council authorized a twelve-month master agreement for automobiles, light trucks and vans, by Resolution # 07-1036;

NOW, THEREFORE,

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

Section 1. That a twelve-month master agreement for the purchase of heavy equipment is authorized with Conley Lott Nichols Machinery (025241) in the amount of $370,645.00, Equipment Southwest, Inc. (255843) in the amount of $187,195.00 and Bane Machinery, Inc. (269065) in the amount of $101,266.00 for a term of twelve months in a total amount not to exceed $659,106.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $659,106.00.

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Equipment and Building Services
Park & Recreation
Street Services
AGENDA ITEM # 9

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
               Street Services

CMO: Dave Cook, 670-7804
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize the purchase of three crack seal pots to be used by Street Services - Cimline Pavement Maintenance Group, lowest responsible bidder of three - Not to exceed $115,275 - Financing: 2006 Equipment Acquisition Contractual Obligation Notes

BACKGROUND

The purchase of three crack seal pots will help Street Services proactively perform preventative maintenance on streets to minimize damage and deterioration. The three crack seal pots will replace three units that are eleven years old. At the current time Street Services currently has four crack seal crews.

Crack sealing seals asphalt cracks preventing water from filtering into the base by filling the cracks with an elastomeric asphaltic compound. When applied at the right time, crack sealing will prevent or delay pothole formation. Crack sealing is utilized by Street Services during the winter months when cooler temperatures cause cracks to widen and allow more effective sealing.

After a period of time, an existing asphalt surface will begin to breakdown and start to display signs of wear and tear. These signs often appear as surface cracks in the pavement. As the crack develops within the surface, natural run-off and freeze-thaw conditions begin to deteriorate the pavement. If left untreated, these cracks will begin to widen and jeopardize the structural integrity of the roadway.
BACKGROUND (Continued)

The purchase of three crack seal pots will allow Street Services to have a cost effective way to:

- Perform preventive maintenance programs for repairing larger cracks in asphalt and concrete streets with a quick setting liquid sealant
- Prevent water from penetrating and damaging the street base material
- Prevent water and other foreign matter from entering into off the road surfaces
- Extend the time between re-sealing the road surface
- Extend the life of the road infrastructure
- Help to minimize future deterioration of road infrastructure
- Reduce cracking in the new surface by sealing the cracks before re-sealing of the road surface.

The purchase of these three crack seal pots will result in an 18% per unit savings from the previous one crack seal pot purchased on August 27, 2007.

As part of the bid process, 237 vendor notices were sent electronically by the City’s web base procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$115,275.00 - 2006 Equipment Acquisition Contractual Obligation Notes

M/WBE INFORMATION

25 - Vendors Contacted
25 - No response
  0 - Response (bid)
  0 - Response (no bid)
  0 - Successful

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.
ETHNIC COMPOSITION

Cimline Pavement Maintenance Group

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0</td>
<td>0</td>
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<td>Black</td>
<td>0</td>
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<tr>
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<td>13</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids were received from solicitation number BP0804 and opened on November 8, 2007. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

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<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
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</thead>
<tbody>
<tr>
<td>*Cimline Pavement Maintenance Group</td>
<td>2601 Niagara Ln. Plymouth, MN 55447</td>
<td>$115,275.00</td>
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<tr>
<td>Crafco Texas, Inc. Maintenance Group</td>
<td>105 Tower Dr. San Antonio, TX 78232</td>
<td>$138,300.00</td>
</tr>
<tr>
<td>Paving Maintenance Supply, Inc.</td>
<td>6600 N. Industrial Blvd. Edmond, OK 73034</td>
<td>$154,162.44</td>
</tr>
</tbody>
</table>

OWNER

Cimline Pavement Maintenance Group

Mark Hefty, President
Steve Johnson, Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of three crack seal pots to be used by Street Services - Cimline Pavement Maintenance Group, lowest responsible bidder of three - Not to exceed $115,275 - Financing: 2006 Equipment Acquisition Contractual Obligation

Notes

Cimline Pavement Maintenance Group is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
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<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
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</tr>
<tr>
<td>Total non-local contracts</td>
<td>$115,275.00</td>
<td>100.00%</td>
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<tr>
<td>TOTAL CONTRACT</td>
<td>$115,275.00</td>
<td>100.00%</td>
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</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tbody>
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<td>Native American</td>
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</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the purchase of three crack seal pots to be used by Street Services is authorized with Cimline Pavement Maintenance Group (VS0000026954) in an amount not to exceed $115,275.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for three crack seal pots to be used by Street Services. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $115,275.00:

<table>
<thead>
<tr>
<th>FUND</th>
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<th>UNIT</th>
<th>OBJECT</th>
<th>ACTV</th>
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<td>E270</td>
<td>4720</td>
<td>ST02</td>
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Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Street Services
AGENDA ITEM # 10

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

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for legal services necessary in the lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N - Not to exceed $35,000 - Financing: Current Funds

BACKGROUND

Council was briefed in Closed Session on February 6, 2008.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

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

$35,000 - Current Funds

M/WBE INFORMATION

See attached.
**ETHNIC COMPOSITION**

Adorno Yoss White & Wiggins, L.L.P.

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<td>Other Male</td>
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**OWNER**

Adorno Yoss White & Wiggins, L.L.P.

Kevin B. Wiggins, Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for legal services necessary in the lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N - Not to exceed $35,000 - Financing: Current Funds

Adorno Yoss White & Wiggins, L.L.P. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

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Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<td>Native American</td>
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<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
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<td>$0.00</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
WHEREAS, the City of Dallas is involved in a lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N; and

WHEREAS, the expertise of the law firm of Adorno Yoss White & Wiggins, L.L.P. is necessary for the representation of the City in this lawsuit; Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for legal services necessary to represent the City of Dallas in the lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N, and any other proceedings related to the subject matter of this lawsuit, in an amount not to exceed $35,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Adorno Yoss White & Wiggins, L.L.P., an amount not to exceed $35,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT38908B0094, Vendor No. 344317.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 11

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

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Meredith and William Barnes, Individually, and as Guardian for Rosalie Barnes v. City of Dallas, Cause No. 06-06917-C - Not to exceed $16,500 - Financing: Current Funds

BACKGROUND

Plaintiff is represented by attorney Barrett W. Stetson.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on February 6, 2008.

FISCAL INFORMATION

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

$16,500 - Current Funds
WHEREAS, a lawsuit styled Meredith and William Barnes, Individually, and as Guardian for Rosalie Barnes v. City of Dallas, Cause No. 06-06917-C, was filed by Plaintiffs seeking compensation from the City of Dallas for damages allegedly caused by an automobile accident on August 25, 2005 involving a Dallas Police Department vehicle; and

WHEREAS, Plaintiffs, Meredith and William Barnes as Guardian of Rosalie Barnes, through their attorney, Barrett W. Stetson, have agreed to settle this lawsuit for the amount of $16,500; Now, therefore,

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

SECTION 1. That the settlement of the lawsuit styled Meredith and William Barnes, Individually, and as Guardian for Rosalie Barnes v. City of Dallas, Cause No. 06-06917-C, in the amount of $16,500 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Meredith and William Barnes as Guardian of Rosalie Barnes and Barrett W. Stetson, the amount of $16,500 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for additional legal services related to the Simpkins property at the Elam Landfill and South Loop Landfill - Not to exceed $35,000, from $65,000 to $100,000 - Financing: Current Funds

BACKGROUND

The original professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., in the amount of $25,000 was authorized by Administrative Action No. 06-1893 on July 12, 2006.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 14, 2007, by Resolution No. 07-0489, the City Council authorized Supplemental Agreement No. 1 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., in an amount not to exceed $40,000, increasing the original contract amount from $25,000 to $65,000.

Council was briefed in Closed Session on February 6, 2008.

FISCAL INFORMATION

$35,000 – Current Funds

M/WBE INFORMATION

See attached.
ETHNIC COMPOSITION

Carrington, Coleman, Sloman & Blumenthal, L.L.P.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
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<tr>
<td>White Male</td>
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<td>Hispanic Male</td>
<td>1</td>
<td>7</td>
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<tr>
<td>Other Male</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

OWNER

Carrington, Coleman, Sloman & Blumenthal, L.L.P.

James E. Coleman, Jr., Partner
Charles C. Jordan, Partner
Marvin S. Sloman, Partner
Robert L. Blumenthal, Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for additional legal services related to the Simpkins property at the Elam Landfill and South Loop Landfill - Not to exceed $35,000, from $65,000 to $100,000 - Financing: Current Funds

Carrington, Coleman, Sloman & Blumenthal, L.L.P., is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

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LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
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<th>Amount</th>
<th>Percent</th>
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<tr>
<td>Local contracts</td>
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<tr>
<td>Non-local contracts</td>
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<tr>
<td>TOTAL THIS ACTION</td>
<td>$35,000.00</td>
</tr>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

This Action | Participation to Date

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
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<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
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<td>0.00%</td>
<td>$0.00</td>
</tr>
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<tr>
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</tr>
<tr>
<td>WBE</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
WHEREAS, the City of Dallas is involved in legal and administrative proceedings related to an approximately 1,400-acre tract of land located in southeast Dallas near the intersection of South Loop 12 and Pemberton Hill Road known as the Simpkins property, including the Elam Landfill and South Loop Landfill; and

WHEREAS, pursuant to Administrative Action No. 06-1893, approved on July 12, 2006, the City entered into a professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., in an amount not to exceed $25,000 to represent and provide legal advice and counsel to the City concerning the Simpkins property; and

WHEREAS, on February 14, 2007, pursuant to Resolution No. 07-0489, the City entered into a Supplemental Agreement No. 1 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., in an amount not to exceed $40,000, increasing the original contract amount from $25,000 to $65,000; and

WHEREAS, the legal services of Carrington, Coleman, Sloman & Blumenthal, L.L.P., continue to be necessary for representation of the City in this matter; Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for additional legal services and related expenses necessary to represent and provide legal advice and counsel to the City concerning the Simpkins property in an amount not to exceed $35,000, increasing the original contract amount, as supplemented, from $65,000 to $100,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to Carrington, Coleman, Sloman & Blumenthal, L.L.P., an amount not to exceed $35,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT38908C0103, Vendor No. 351508.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 13

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

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: City Attorney's Office
Intergovernmental Services

CMO: Thomas P. Perkins, Jr., 670-3491
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize an ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2007-10-269 to amend the Construction and Fire Prevention Standards Resolution, previously approved by Resolution No. 88-147, as amended, to adopt the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc., and to amend the overall gas exploration and production program contained in Part Nine - Oil and Gas Exploration and Production of the Construction and Fire Prevention Standards Resolution - Financing: No cost consideration to the City

BACKGROUND

This ordinance amends the DFW Airport Construction and Fire Prevention Standards to adopt the following model codes, each with local amendments:

- 2006 International Building Code
- 2006 International Fire Code
- 2005 National Electrical Code
- 2006 International Mechanical Code
- 2006 International Plumbing Code
- 2006 International Fuel Gas Code
- 2006 International Energy Conservation Code
BACKGROUND  (Continued)

This ordinance also amends Part Nine of the Construction and Fire Prevention Standards for Oil and Gas Exploration and Production, to make local standards consistent with, and in some cases more stringent than, regulations of the Texas Railroad Commission and the United States Department of Transportation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.
An ordinance approving Resolution No. 2007-10-269 adopted by the Dallas-Fort Worth International Airport Board on October 4, 2007, to amend the Construction and Fire Prevention Standards Resolution (adopted by Resolution No. 88-147), as amended, to adopt the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc., and to amend the overall gas exploration and production program contained in Part Nine – Oil and Gas Exploration and Production of the Construction and Fire Prevention Standards Resolution; providing that the full text of Resolution No. 2007-10-269 and any attachments to it are on file in the principal office of the Dallas-Fort Worth International Airport Board to be read by any interested party; providing a penalty not to exceed $2,000; providing a severability clause; providing a saving clause; and providing an effective date.

WHEREAS, Section 8.F. of the 1968 Contract and Agreement, as amended, between the City of Dallas, Texas and the City of Fort Worth, Texas, provides that the Dallas-Fort Worth International Airport Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient, and sanitary operation of the airport and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, state law currently authorizes fines of up to $500 for all violations of the Board’s rules, regulations, except for those violations relating to fire safety, public health and sanitation, or the dumping of refuse, for which the maximum fine is $2,000, and except when another fine is fixed by state law; and

WHEREAS, Sections 22.082 of the Texas Transportation Code, as amended, and Section 8.F. of the 1968 Contract and Agreement, as amended, provide that all such rules, regulations or orders by the Dallas-Fort Worth International Airport Board will become effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth and proper publication; and

WHEREAS, on October 4, 2007, the Dallas-Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2007-10-269, which amends the Construction and Fire Prevention Standards Resolution (adopted by Resolution No. 88-147), as amended, adopts the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc., and amends the overall gas exploration and production program contained in Part Nine – Oil and Gas Exploration and Production of the Construction and Fire Prevention Standards Resolution; and
WHEREAS, in accordance with Section 3 of Chapter 9 of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended, the Dallas-Fort Worth International Airport Board has requested that the City Councils of the Cities of Dallas and Fort Worth approve its Resolution No. 2007-10-269 in order that it may become effective; Now, Therefore,

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

SECTION 1. That all of the declarations and findings contained in the preambles of this ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this ordinance.

SECTION 2. That Resolution No. 2007-10-269 of the Dallas-Fort Worth International Airport Board, a duly certified copy of which is attached hereto as Exhibit A and made a part of this ordinance by reference, is hereby approved.

SECTION 3. That, after publication of a substantive statement relating to the contents of Resolution No. 2007-10-269 of the Dallas-Fort Worth International Airport Board in a newspaper of general circulation in each of the counties of Dallas and Tarrant, stating that a breach of any provision of Resolution No. 2007-10-269 will subject the violator to a penalty and stating that the full text of Resolution No. 2007-10-269 and any attachments to it are on file in the principal office of the Dallas-Fort Worth International Airport Board to be read by any interested party, Resolution No. 2007-10-269 shall thereafter have the same force and effect within the boundaries of the Dallas-Fort Worth International Airport as an ordinance by the City Council of the City of Dallas would have in the City of Dallas, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the City of Dallas are enforced.

SECTION 4. That the sections, paragraphs, sentences, clauses, and phrases of this ordinance and Resolution No. 2007-10-269 are severable, and if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance or Resolution No. 2007-10-269, since the same would have been enacted without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

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 _______________________
October 16, 2007

STATE OF TEXAS

COUNTY OF DALLAS

COUNTY OF TARRANT

I, Mari Teneyuque, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2007-10-269 approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on October 4, 2007.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this the 16th day of October, 2007.

Mari Teneyuque
Board Secretary
DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD
OFFICIAL BOARD ACTION/RESOLUTION

<table>
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<tr>
<th>Date</th>
<th>Committee</th>
<th>Subject</th>
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**Action**
That the Airport Board approve amendments to the Construction and Fire Prevention Standards, including amendments to the various Codes adopted thereunder as reflected in the attached Exhibit A. By approving this action, the Airport Board also recommends to the Cities of Dallas and Fort Worth that the two cities approve these amendments to the Construction and Fire Prevention Standards of the Dallas/Fort Worth International Airport Board.

**Description**
- Approve amendments to the Construction and Fire Prevention Standards to adopt the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc. (ICC) as listed in Exhibit A, each with proposed local amendments.
- Approve amendments to Part Nine of the Construction and Fire Prevention Standards for Oil and Gas Exploration and Production. The proposed amendments to Part Nine include variances to Part Nine previously approved for limited application by the Variance Resolution Committee. However, it has been determined that there is a need to apply the approved variances to the Airport’s overall gas exploration and production program. Therefore, it is requested that the Airport Board approve these variances as amendments to the Part Nine standards as highlighted in Exhibit A.

**Justification**
- It is important to update the Construction and Fire Prevention Standards from time to time to ensure the health, safety and welfare of the public and to stay current with state and federal regulations.
- By approving this action, the Board also recommends to the Cities of Dallas and Fort Worth that the two cities approve these amendments to the Construction and Fire Prevention Standards of the Dallas/Fort Worth International Airport Board.

**D/M/WBE Information**
- N/A

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For Information contact
Perfecto Solis
4–8131

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<td></td>
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</tr>
</tbody>
</table>
Resolution # 2007–10–269

Additional Information

- Resolution No. 88–147, the Construction and Fire Prevention Standards Resolution was approved by the Board on June 7, 1988, to establish standards for construction and fire prevention.
- Updated model construction and fire codes are adopted from time to time to ensure the health, safety and welfare of the public and to stay current with state and federal regulations.
- On March 2, 2006, the Board approved the addition of Part Nine to these Standards to regulate the exploration, development and production of oil and gas on Airport property by establishing uniform limitations, safeguards and requirements for operations related to these activities to protect the health, safety and welfare of the public, minimize the potential impact to property, protect the quality of the environment and encourage the orderly production and transportation of available mineral and natural gas resources.

BE IT RESOLVED BY THE DALLAS–FORT WORTH INTERNATIONAL AIRPORT BOARD

That the Airport Board approve amendments to the Construction and Fire Prevention Standards, including amendments to the various Codes adopted thereunder as reflected in the attached Exhibit A. By approving this action, the Airport Board also recommends to the Cities of Dallas and Fort Worth that the two cities approve these amendments to the Construction and Fire Prevention Standards of the Dallas/Fort Worth International Airport Board.

Approved as to Form by

Gary Keane
General Counsel
Sep 27, 2007 9:18 am

Approved as to Funding by

Max Underwood
Vice President
Finance
Sep 27, 2007 2:26 pm

Approved as to MWBE by

Don O’Bannon
Vice President
Small & Emerging Business
Sep 26, 2007 6:23 pm

SIGNATURE REQUIRED FOR APPROVAL

Approved by

Gary Keane
Department Head
Airport Development
Sep 26, 2007 6:13 pm

Jeffrey P. Sago
Chief Executive Officer
Date

Oct 4, 2007 1:26 pm
EXHIBIT A

DALLAS-FORT WORTH INTERNATIONAL AIRPORT

CONSTRUCTION AND FIRE PREVENTION STANDARDS RESOLUTION

AND

AMENDMENTS TO THE CODES

October 2007
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TOC 4
PART ONE -- CONSTRUCTION AND FIRE PREVENTION STANDARDS RESOLUTION

A Board Resolution creating the Board of Appeals (BOA) of the Dallas-Fort Worth International Airport (the Airport); providing for the selection and term of office of members; providing for public hearings, meetings and procedures therefore; prescribing the authority and powers of the Board of Appeals; providing for appeal from decisions of the Building Official and Fire Chief; providing for a stay of proceedings upon appeal; providing for the adoption of the Building Code; providing for the adoption of the Fire Code; providing for the adoption of the Electrical Code; providing for the adoption of the Mechanical Code; providing for the adoption of the Plumbing Code; providing for the adoption of the Fuel Gas Code; providing for the adoption of the Energy Code; providing for the regulation of oil and gas exploration and production; making it unlawful to perform construction work or oil and gas exploration and production without a permit; making it unlawful to undertake the contracted installation of fire protection, mechanical, plumbing, irrigation or electrical equipment without a proper license to do such work; providing for the termination of the Board of Airport Building Code of Appeals; providing that this resolution shall be cumulative; providing a severability clause; providing a penal clause; providing a savings clause; providing for publication in pamphlet form; providing for publication in a newspaper; and providing an effective date.

SECTION 1
TITLE

This resolution shall be known as the Dallas-Fort Worth International Airport Construction and Fire Prevention Standards Resolution, and referred to herein as (this Resolution).

SECTION 2
PURPOSE

It is the specific intent of the Dallas-Fort Worth International Airport Board (the Airport Board) that standards for construction and fire prevention be used for the health, safety and welfare of all persons at the Airport. The Airport Board finds that construction and fire prevention standards change from time to time and that these standards should stay current with modern practices of construction and fire safety. In carrying out these purposes, it is the intent of the Airport Board that such construction and fire prevention standards be adopted as outlined herein and that a Board of Appeals (BOA) be given limited authority over matters pertaining thereto. The scope of the BOA is as set forth below.

It is the intent of the Airport Board that compliance with the construction and fire prevention standards contained herein is the responsibility of those persons and businesses to which they apply; and that neither the BOA nor the Airport Board, its members, agents and employees, shall
be liable or responsible for any errors or omissions arising out of the enforcement or failure to enforce these standards.

SECTION 3
CREATION OF BOARD OF APPEALS (BOA)

The Airport Board hereby establishes a Board of Appeals (BOA) for the purpose of determining the acceptability and adequacy of materials, equipment and methods of construction and for interpretation of these standards. The Airport Board shall adopt construction and fire prevention standards, which will be applicable throughout the Airport. The Construction and Fire Prevention Standards shall include but not be limited to the Building Code, Fire Code, Electrical Code, Mechanical Code, Plumbing Code, Fuel Gas Code and Energy Code and Part Nine of this Resolution for Oil and Gas Exploration and Production as may be adopted by the Airport Board and amended from time to time.

SECTION 4
COMPOSITION OF BOA

The BOA shall consist of seven voting members who shall serve without compensation and shall be selected in the following manner:

Place 1: An architect, registered to practice as an architect in the State of Texas - The selection of the architect shall be made alternatively by the Dallas and Fort Worth Chapters of the American Institute of Architects and shall be confirmed by the Airport Board. The initial term will be filled by a selection of the Dallas Chapter and will extend from the Airport Board's confirmation of the selection through December 31, 1990. Thereafter, terms will be for two years extending from January 1 of odd-numbered years through December 31 of even-numbered years.

Place 2: An electrical engineer, registered to practice as a professional engineer in the State of Texas whose practice is or has been the design of electrical systems for buildings - The selection of the electrical engineer shall be made alternatively by the Dallas and Fort Worth Chapters of the Texas Society of Professional Engineers and shall be confirmed by the Airport Board. The initial term will be filled by a selection of the Fort Worth Chapter and will extend from the Airport Board’s confirmation of the selection through December 31, 1990. Thereafter, terms will be for two years extending from January 1 of odd-numbered years through December 31 of even-numbered years.

Place 3: A mechanical engineer, registered to practice as a professional engineer in the State of Texas whose practice is or has been the design of mechanical systems for buildings - The selection of the mechanical engineer shall be made alternatively by the Dallas and Fort Worth Chapters of the Texas Society of Professional
Engineers and shall be confirmed by the Airport Board. The initial term will be filled by a selection of the Fort Worth Chapter and will extend from the Airport Board’s confirmation of the selection through December 31, 1991. Thereafter, terms will be for two years extending from January 1 of even-numbered years through December 31 of odd-numbered years.

Place 4: A structural engineer, registered to practice as a professional engineer in the State of Texas whose practice is or has been the design of structural systems for buildings - The selection of the structural engineer shall be made alternatively by the Dallas and Fort Worth Chapters of the Texas Society of Professional Engineers and shall be confirmed by the Airport Board. The initial term will be filled by a selection of the Fort Worth Chapter and will extend from the Airport Board’s confirmation of the selection through December 31, 1991. Thereafter, terms will be for two years extending from January 1 of even-numbered years through December 31 of odd-numbered years.

Place 5: A fire protection specialist - The selection of the fire protection specialist shall be made by the Dallas/Fort Worth Chapter of the Society of Fire Protection Engineers and shall be confirmed by the Airport Board. The initial term will extend from the Airport Board’s confirmation of the selection through December 31, 1991. Thereafter, terms will be for two years extending from January 1 of even-numbered years through December 31 of odd-numbered years.

Place 6: A design professional, registered to practice as an architect or as a professional engineer in the State of Texas, and whose profession relates to the design of facilities, structures or systems that are constructed – The selection of the design professional for Place 6 shall be made by the Dallas Metroplex Alumni Extension Chapter of the National Society of Black Engineers and shall be confirmed by the Airport Board. The initial term shall extend from the Airport Board’s confirmation of the selection through December 31, 2005. Thereafter, terms will be for two years extending from January 1 of even-numbered years through December 31 of odd-numbered years.

Place 7: A design professional registered to practice as an architect or as a professional engineer in the State of Texas, and whose profession relates to the design of facilities, structures or systems that are constructed – The selection of the design professional for Place 7 shall be made by the Dallas-Fort Worth Chapter of the Society of Hispanic Professional Engineers and shall be confirmed by the Airport Board. The initial term will extend from the Airport Board’s confirmation of the selection through December 31, 2004.* Thereafter, terms will be for two years extending from January 1 of odd-numbered years through December 31 of even-numbered years.
*Since the selection for Place 7 was made near the end of the year 2004 and therefore could not be confirmed by the Airport Board until after January 1, 2005; the initial term for Place 7 was extended to December 31, 2006.

There is no limit on the number of terms an individual may serve on the BOA; however, only in Places 5, 6 and 7 may an individual serve in consecutive terms. Any term scheduled to end on December 31, shall be automatically extended until a successor for that place is selected, confirmed, and sworn in.

In the event that any professional organization, designated to select a candidate to fill a term on the BOA, is unable to make such a selection, and the professional organization notifies the Building Official that a selection cannot be made, then the Building Official shall designate the unfilled seat as officially vacant, and it shall remain vacant until the next scheduled term for that seat.

SECTION 5
EX-OFFICIO MEMBERS

The Building Official and the Fire Chief or their designated representatives shall be ex-officio non-voting members of the BOA. The BOA may make recommendations through the Building Official or Fire Chief to the Airport Board for amendments to the standards accordingly.

The Building Official of the Dallas/Fort Worth International Airport Board is the official in charge of the Building Standards Code Compliance Section of the Energy and Asset Management Department Airport Development and Engineering Department.

The Director of the Department of Public Safety of the Dallas/Fort Worth International Airport Board or his designee is hereby designated as the Fire Chief.

SECTION 6
MEETINGS: QUORUM

All meetings of the BOA shall be open to the public except as permitted by law and as is in the interest of the Airport. Three (3) members of the BOA shall constitute a quorum to transact business. Every matter before the BOA for vote shall require for final passage the affirmative vote of a majority of the members present and voting. The first meeting of the BOA following its appointment shall be at such time and place as called by the Building Official. Thereafter the BOA shall hold meetings at such time and place as called by the Chairman or one lawfully acting in that capacity.
SECTION 7
BYLAWS AND RECORDS

At its first meeting the BOA shall elect one of its members as Chairman, and he shall keep a record of the proceedings and decisions, and a copy of same shall be filed in the office of the Building Official. Each year thereafter, following the Airport Board's confirmation of the composition of the BOA, the BOA shall hold an organizational meeting, at which time it shall elect a Chairman before proceeding to other matters of business. The BOA shall establish its own rules of procedure and shall amend them from time to time as it deems necessary. The Building Official shall serve as Secretary to the BOA.

SECTION 8
AUTHORITY AND POWER

The BOA shall have the authority and power to:

1. Hear appeals on interpretations by the Building Official of the Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fuel Gas Code and Energy Code. The BOA may modify in whole or in part or may affirm the interpretation of the Building Official. The Building Official shall render a written interpretation within thirty (30) days of a request by a person who has been aggrieved by a decision of the Building Official. No interpretations shall be heard by the BOA until the Building Official has rendered a written interpretation.

2. Hear appeals on interpretations by the Fire Chief of the Fire Code. The BOA may modify in whole or in part or may affirm the interpretation of the Fire Chief. The Fire Chief shall render a written interpretation within thirty (30) days of a request by a person who has been aggrieved by a decision of the Fire Chief. No interpretations shall be heard by the BOA until the Fire Chief has rendered a written interpretation.

3. Approve alternate methods of construction and fire prevention where it is impractical to meet the adopted construction and fire prevention standards, provided that the BOA finds the same degree of suitability, strength, effectiveness, fire resistance, durability, sanitation and safety exists in the alternate method as intended by the standards.

4. Approve new methods of construction and fire prevention not covered by the construction and fire prevention standards, provided that the BOA finds the same degree of suitability, strength, effectiveness, fire resistance, durability, sanitation and safety exists in the new method as intended by the standards.

The BOA shall have no power to otherwise limit, modify or change these construction and fire prevention standards.
SECTION 9
RIGHT OF APPEAL

Any person, firm, company or corporation aggrieved by any decision or order of the Building Official or Fire Chief may appeal such decision or order to the BOA. Every appeal must be in writing and must be filed in triplicate with the Building Official within thirty (30) days from the date of the decision or order appealed from. The BOA shall not consider any appeal that is filed after the thirty (30) day period. Such appeal shall contain appropriate reference to the decision or order appealed from, as well as the grounds for the appeal.

SECTION 10
AGENDA AND RECORDS

The agenda for the BOA shall be prepared by the Building Official and shall be posted as required by law. All records and evidence pertinent to any appeal shall be transmitted to the BOA and to the aggrieved party prior to the hearing. Records of all appeals shall be kept in the office of the Building Official. The Building Official shall transmit copies of appeal records to the Fire Chief.

SECTION 11
HEARING

The BOA shall fix a reasonable time for the hearing of an appeal and shall give notice of the hearing in writing to the parties in interest. Parties may appear before the BOA in person, by agent or by attorney. The BOA shall establish rules for the fair and efficient conduct of the hearing and the just resolution to an appeal. The BOA shall notify the appellant of its decision.

SECTION 12
STAY OF PROCEEDINGS

An appeal shall stay all proceedings in connection with the decision or order appealed from, unless and until the Building Official or Fire Chief shall have certified to the BOA after notice of appeal has been filed that a stay would cause an unreasonable risk of harm to life or damage to property. Any work done contrary to the order of the Building Official or Fire Chief after filing an appeal hereunder, pending the determination of such appeal, shall be subject to removal or repair should the order be affirmed. The cost of removal or repair of the work done shall be borne solely by the person, firm, company or corporation who was responsible for the work without consideration of mitigating or extenuating circumstances.
SECTION 13
2006 INTERNATIONAL BUILDING CODE ADOPTED

The Building Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 2006 International Building Code of the International Code Council, Inc. except as amended by separate exhibit attached hereto and is hereby adopted as the Building Code and forms a part of the Construction and Fire Prevention Standards from the effective date hereof.

SECTION 14
2006 INTERNATIONAL FIRE CODE ADOPTED

The Fire Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 2006 International Fire Code of the International Code Council, Inc. except as further amended by separate exhibit attached hereto and is hereby adopted as the Fire Code and forms a part of the Construction and Fire Prevention Standards from the effective date hereof.

SECTION 15
1999 2005 NATIONAL ELECTRICAL CODE ADOPTED

The Electrical Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 1999 2005 National Electrical Code of the National Fire Protection Association and the 2006 ICC Electrical Code Administrative Provisions of the International Code Council, Inc. except as amended by separate exhibit attached hereto and together are hereby adopted as the Electrical Code and form a part of the Construction and Fire Prevention Standards from the effective date hereof.

SECTION 16
2006 INTERNATIONAL MECHANICAL CODE ADOPTED

The Mechanical Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 2006 International Mechanical Code of the International Code Council, Inc. except as amended by separate exhibit attached hereto and is hereby adopted as the Mechanical Code and forms a part of the Construction and Fire Prevention Standards from the effective date hereof.

SECTION 17
2006 INTERNATIONAL PLUMBING CODE ADOPTED

The Plumbing Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 2006 International Plumbing Code of the International Code Council, Inc. except as amended by separate exhibit attached hereto and is hereby adopted as the
SECTION 18
2000 2006 INTERNATIONAL FUEL GAS CODE ADOPTED

The Fuel Gas Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 2000 2006 International Fuel Gas Code of the International Code Council, Inc. except as amended by separate exhibit attached hereto and is hereby adopted as the Fuel Gas Code and forms a part of the Construction and Fire Prevention Standards from the effective date hereof.

SECTION 19
2000 2006 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED

The Energy Code of the Dallas-Fort Worth International Airport Board is hereby revised and amended to conform to the 2000 2006 International Energy Conservation Code of the International Code Council, Inc. except as amended by separate exhibit attached hereto and is hereby adopted as the Energy Code and forms a part of the Construction and Fire Prevention Standards from the effective date hereof.

SECTION 20
REQUIRED PERMITS

The following activities shall not be performed within the boundaries of the Dallas-Fort Worth International Airport unless a permit for such work has first been obtained from the building official.

1. Construction
2. Oil and Gas Exploration and Production
3. Erection or Alteration of Signs

A permit shall not be required for Airport Board maintenance-related construction work for replacement in like kind under either of the following conditions:

All of the work is performed by Airport Board personnel, and the cost of the work does not exceed $50,000.

All or part of the work is contracted by the Airport Board, and the cost of the work does not exceed $5,000.
SECTION 21
REQUIRED FEES

All construction projects for which construction permits are required are subject to a construction permit fee and a plan review fee except where otherwise prohibited by law. Permit and plan review fees shall not be imposed for Airport Board construction projects funded from operating and maintenance funds or seized funds.

SECTION 22
LICENSES REQUIRED

Contractors providing the following work within the boundaries of Dallas-Fort Worth International Airport shall be licensed respectively for the category of work performed as regulated by the following:

28 TEX. ADMIN. CODE, Part 1, Subchapter E, Fire Extinguisher Rules § 34.511, Fire Extinguisher Licenses

28 TEX. ADMIN. CODE, Part 1, Subchapter F, Fire Alarm Rules § 34.611, Licenses

28 TEX. ADMIN. CODE, Part 1, Subchapter G, Fire Sprinkler Rules § 34.710, Certificates of Registration

The Air Conditioning and Refrigeration Contractor License Law, TEX. REV. STAT. ANN. art. 8861-1 with State endorsement for the category of work performed Title 8, Occupations Code, Chapter 1302

The Plumbing License Law, TEX. REV. CIV. STAT. ANN. art. 6243-101 Occupations Code, Chapter 1301

TEX. WATER CODE ANN. § 34.001 et seq.; Irrigators. Occupations Code, Chapter 1903

Contracted electrical work regulated by the Electrical Code must be performed under the license and general control of a master electrician and under the direct supervision of a licensed master electrician or licensed journeyman electrician. Licenses to perform said electrical work must be obtained from the City of Dallas or the City of Fort Worth. Electricians, Title 8, Occupations Code, Chapter 1305

SECTION 23
ENFORCEMENT

The Building Official and Fire Chief shall enforce and execute all decisions and orders of the BOA for which they are respectively responsible. Upon adoption by the Airport Board and the City Councils of the Cities of Dallas and Fort Worth, this resolution shall become effective and
shall be enforceable in the municipal courts of a municipality within whose boundaries a violation occurs.

SECTION 24
SPECIAL ENACTMENT

The provisions of this Resolution and the Codes which are a part hereof constitute a special enactment in effect only within the boundaries of the Dallas-Fort Worth International Airport, and are adopted in recognition of the unique and special requirements connected with the planning, building, improvement, maintenance, operation, regulation, protection and policing of the Dallas-Fort Worth International Airport. Neither the Resolution nor the Codes shall be construed to waive or set aside any provisions contained in any law of the State of Texas.

SECTION 25
CONFLICTING PROVISIONS

This resolution shall be cumulative of all provisions of previous actions of the Airport Board except where the provisions of this resolution are in direct conflict with the provisions of previous Board Actions, in which event conflicting provisions of such previous Board Actions are hereby repealed.

SECTION 26
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the Airport Board that the sections, paragraphs, sentences, clauses and phrases of this resolution are severable, and if any phrase, clause, sentence, paragraph or section of this resolution shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this resolution, since the same would have been enacted by the Airport Board without the incorporation in this resolution of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 27
PENAL CLAUSE

Section 8.F. of the 1968 Contract and Agreement, as amended, between the City of Dallas, Texas and the City of Fort Worth, Texas, provides that the Dallas-Fort Worth International Airport Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the airport and to prescribe penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law. State law currently authorizes fines of up to $500 for all violations of the airport's rules and regulations, except for those violations relating to fire safety, public health and sanitation, or the
dumping of refuse, for which the maximum fine is $2,000, and except when another fine is fixed by state law. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 28
SAVINGS CLAUSE

All rights and remedies of the Airport Board are expressly saved as to any and all violations of the provisions of the Building Code, the Fire Code or any other codes affecting construction or fire prevention which have accrued at the time of the effective date of this resolution and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such codes, same shall not be affected by this resolution but may be prosecuted until final disposition by the courts.

SECTION 29
PUBLICATION

The Building Official is hereby authorized to publish this resolution in pamphlet form for general distribution among the public, and the operative provisions of this resolution as so published shall be admissible in evidence in all courts without further proof than the production thereof. The Building Official is hereby directed to publish a caption of this Resolution which summarizes the purposes thereof for two (2) days in major newspapers of the Cities of Dallas and Fort Worth Texas, as authorized by V.T.C.A., Local Government Code '52.013.

SECTION 30
EFFECTIVE DATE

This resolution shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.
PART TWO – BUILDING CODE AMENDMENTS

SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:

101.1 Title. The 2006 International Building Code as amended herein is the Building Code of Dallas-Fort Worth International Airport. References to the International Building Code shall be construed to reference the Building Code as adopted herein with its local amendments.

SECTION 101.4
REFERENCED CODES

Amend Section 101.4 to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 (except 101.4.5) and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted. Delete all references to the International Property Maintenance Code.

SECTION 102.6
EXISTING STRUCTURES

Amend Section 102.6 to read as follows:

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code, the International Property Maintenance Code, or the Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

SECTION 103
DEPARTMENT OF BUILDING SAFETY

Amend Section 103.1 as follows:
103.1 **Creation of enforcement agency.** The department of building safety is hereby created, and the official in charge thereof shall be known as the building official. References to the Department of Building Safety shall mean the Code Compliance Section of the Airport Development and Engineering Department.

**SECTION 105**

**PERMITS**

Amend Section 105.1 as follows:

**105.1 Required.** Refer to Part One, Section 20 for general permit requirements. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Delete Sections 105.1.1, Annual permit and Section 105.1.2, Annual permit records.

**SECTION 105.2**

**WORK EXEMPT FROM PERMIT**

Amend Section 105.2 as follows:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).

2. Fences not over 6 feet (1829 mm) high.

3. Oil derricks.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work if installation of such is a replacement in like kind and when not associated with other construction work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings or other playground equipment accessory to one- and two-family dwellings.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height, except in Airport terminal buildings.

Electrical:

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

The remainder of Section 105.2 shall be unchanged.
SECTION 106.1
SUBMITTAL DOCUMENTS

Amend the first paragraph under Section 106.1 to read as follows:

106.1 Submittal documents. Unless approved otherwise by the building official, construction documents, statement of special inspections and other data shall be submitted in one or more eight sets with each permit application. For building construction projects, provide on the drawings information required under Section 110.2 of this Code for Items 1, 2, 3, 7, 8, 9, 10 and 11. Vehicular parking count and building areas listed by floor level and occupancy group shall also be included. For all projects, include a north arrow and graphic scale where applicable. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

SECTION 106.3.1
APPROVAL OF CONSTRUCTION DOCUMENTS

Add the following sentence at the beginning Section 106.3.1:

106.3.1 Approval of construction documents. Where construction documents are required to be prepared by a registered design professional, a construction permit cannot be issued before the building official receives two sets of final construction documents sealed by the registered design professional.

SECTION 108
FEES

Following Section 108.6, add Table 1A – Construction Permit and Plan Review Fees.

CONSTRUCTION PERMIT AND PLAN REVIEW FEES

All construction projects for which construction permits are required are subject to a construction permit fee and a plan review fee except where otherwise prohibited by law. Refer to Part One, Section 21 for exceptions. The construction permit fee is based upon the value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. Where proposed maintenance work is limited to replacement in like kind, and in the opinion of the Building Official a construction permit fee or plan review fee is not justified, the Building Official may waive such fees. The plan review fee is an additional fee equal to 65% of the construction permit fee. The following table shall be used to determine the
construction permit fee. The plan review fee shall be added thereto. These fees shall be paid prior to the issuance of a construction permit unless otherwise approved.

<table>
<thead>
<tr>
<th>VALUE OF CONSTRUCTION WORK</th>
<th>CONSTRUCTION PERMIT FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500.00</td>
<td>$23.50</td>
</tr>
<tr>
<td>$501.00 to $2,000.00</td>
<td>$23.50 for the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00</td>
</tr>
<tr>
<td>$2,001.00 to $25,000.00</td>
<td>$69.25 for the first $2,000.00 plus $14.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00</td>
</tr>
<tr>
<td>$25,001.00 to $50,000.00</td>
<td>$391.75 for the first $25,000.00 plus $10.10 for each additional $1,000.00, or fraction thereof, to and including $50,000.00</td>
</tr>
<tr>
<td>$50,001.00 to $100,000.00</td>
<td>$643.75 for the first $50,000.00 plus $7.00 for each additional $1,000.00, or fraction thereof, to and including $100,000.00</td>
</tr>
<tr>
<td>$100,001.00 to $500,000.00</td>
<td>$993.75 for the first $100,000.00 plus $5.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00</td>
</tr>
<tr>
<td>$500,001.00 to $1,000,000.00</td>
<td>$3,233.75 for the first $500,000.00 plus $4.75 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00</td>
</tr>
<tr>
<td>$1,000,001.00 and up</td>
<td>$5,608.75 for the first $1,000,000.00 plus $3.65 for each additional $1,000.00, or fraction thereof</td>
</tr>
</tbody>
</table>

**Other Inspections and Fees:**
(These fees are payable upon services rendered and receipt of invoice.)

1. Inspections outside of normal business hours.......................... $47.00 per hour\(^1\)
   (minimum charge – two hours)

2. Reinspection fees ............................................................. $47.00 per hour\(^1\)

3. Inspections for which no fee is specifically indicated............... $47.00 per hour\(^1\)
   (minimum charge – one-half hour)

4. Additional plan review for changes, additions or revisions to plans...... $47.00 per hour\(^1\)
   (minimum charge – one-half hour)

5. For use of outside consultants for plan checking and inspections or both...... Actual costs\(^2\)

\(^1\) Or the total hourly cost to the Airport Board, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

\(^2\) Actual costs include administrative and overhead costs.
SECTION 110.2
CERTIFICATE ISSUED

Delete from list at the bottom of Section 110.2 Items 7 through 11.

SECTION 112
BOARD OF APPEALS

Amend Section 112 to read as follows:

Section 112 – Board of Appeals Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.

SECTION 113.4
VIOLATION PENALTIES

Add the following sentence at the bottom of Section 113.4:

Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

SECTION 202
DEFINITIONS

Following the definition of ADDITION, add the following definition:

ADDRESSABLE FIRE DETECTION SYSTEM. Any fire alarm system capable of providing identification of each individual alarm-initiating device. The identification shall be in clear English and shall identify the type and location of the device in alarm. The system shall have the ability of alarm verification.

Following the definition of AGRICULTURE BUILDING, add the following definition:

AIRPORT. Airport is the area within the boundaries of the Dallas-Fort Worth International Airport. Following the definition of ADDITION, add the following definition:

Following the definition of ALTERNATING TREAD DEVICE, add the following definition:

ANALOG INTELLIGENT ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at
which a detector maintenance signal shall be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.

Following the definition of **HIGHLY TOXIC**, add the following definition:

**HIGH-RISE BUILDINGS.** Buildings with a floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Amend the definition of **SELF-SERVICE STORAGE FACILITY** to read as follows:

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**SECTION 403.1 APPLICABILITY FOR HIGH-RISE BUILDINGS**

Amend Section 403.1 as follows: (Exceptions 1 through 5 to remain and add Exception 6.)

**403.1 Applicability.** The provisions of this section shall apply to buildings having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

**Exceptions:**

6. Train platforms for fixed guideway transit systems in accordance with Section 412.7.

**SECTION 412.6 FUELING RAMP DRAINAGE AND AIRCRAFT LOADING WALKWAYS**

Add new section as follows:

**412.6 Aircraft fueling ramp drainage and aircraft loading walkways.** Except for references to airport terminal buildings, comply with NFPA 415, 2008 Edition for aircraft fueling ramp drainage and aircraft loading walkways.

**Exceptions:**

1. Attached or adjacent fixed loading walkways, gate houses and similar structures accessory to airport terminal buildings may be constructed of Type II-A Construction, provided the floor area of individual structures does not exceed 500 square feet. An approved automatic sprinkler system in accordance with Section 903.3.1.1 shall be allowed to be substituted for 1-
hour fire-resistance-rated construction. If the automatic sprinkler system substitution is provided, exterior walls of such structures shall not be required to be of 1-hour fire-resistance-rated construction and openings in such walls shall not be required to be protected.

2. Canopies over baggage conveyors attached to or adjacent to airport terminal buildings may be of Type II-B Construction.

**SECTION 412.7**
**FIXED GUIDEWAY TRANSIT SYSTEMS**

Add new section as follows:

**412.7 Fixed guideway transit systems.** Fixed guideway transit systems shall comply with NFPA 130, 2000 Edition.

**SECTION 903.2**
**AUTOMATIC SPRINKLER SYSTEMS – WHERE REQUIRED**

Delete exception in Section 903.2 for spaces and areas in telecommunications buildings.

**SECTION 903.2.7.1**
**AUTOMATIC SPRINKLER SYSTEMS – GROUP R OCCUPANCIES**

Add Section 903.2.7 as follows:

**[F] 903.2.7.1 Fire sprinklers.** An approved automatic sprinkler system shall be installed in new one and two-family dwellings and town homes constructed in accordance with Section 903.3.1.3.

**SECTION 903.2.10.3**
**BUILDINGS 55 FEET OR MORE IN HEIGHT**

Amend Section 903.2.10.3 to read as follows and delete two exceptions:

**[F] 903.2.10.3 Buildings more than 55 feet in height.** An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 having an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

**Exception:**

1. Airport control towers
2. Open parking structures.

3. Occupancies in Group F-2.

SECTION 903.2.10.4
HIGH-PILE COMBUSTIBLE STORAGE

Add Section 903.2.10.4 as follows:

[F] 903.2.10.4 High-piled combustible storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 23 to determine if those provisions apply.

SECTION 903.2.10.5
SPRAY BOOTHS AND ROOMS

Add Section 903.2.10.5 as follows:

[F] 903.2.10.5 Spray booths and rooms. Spray booths and rooms shall be protected by an approved automatic fire-extinguishing system.

SECTION 903.2.10.6
BUILDING AREAS EXCEEDING 6,000 SQUARE FEET

Add Section 903.2.10.6 as follows:

[F] 903.2.10.6 Buildings with floor areas exceeding 6,000 square feet. An automatic sprinkler system shall be installed throughout all buildings with a building area exceeding 6,000 square feet. For purposes of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages

2. Group A-5 Occupancies

SECTION 903.2.10.7
SELF-SERVICE STORAGE FACILITY

Add Section 903.2.10.7 as follows:
Self-service storage facilities. An approved automatic sprinkler system shall be installed throughout all self-storage facilities.

Exception:

Open parking garages

SECTION 907.2
FIRE ALARM AND DETECTION SYSTEMS – WHERE REQUIRED

Add the following two paragraphs after the second paragraph under Section 907.2:

All buildings or occupancies, occupied, operated, maintained or monitored by the Dallas-Fort Worth International Airport Board shall have a complete operational manual and automatic fire alarm system in accordance with this code. The system shall be designed and installed in accordance with the DFW Airport Design Criteria Manual and applicable standards.

All buildings or occupancies, other than those described in the preceding paragraph, hereafter constructed or moved on to the airport and having a total floor area of 1,000 square feet or more, regardless of height or occupant load shall have a complete operational manual and automatic fire alarm system in accordance with the requirements of this code.

Exceptions:

1. Open parking garages may use other approved means for fire department notification.

2. Temporary structures or buildings erected for less than 365 days when approved by the fire chief.

SECTION 907.2.1.1
FIRE ALARM ACTIVATION – GROUP A OCCUPANCIES

Amend Section 907.2.1.1 to read as follows:

System initiation in Group A occupancies with an occupant load of 1,000 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with NFPA 72.

Exceptions:
1. Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

2. Where approved by the code official in airport terminal buildings, and where the fire alarm is monitored directly by the Dallas/Fort Worth International Airport Board Department of Public Safety, the activation of the fire alarm notification signal shall be manually initiated by emergency responders.

SECTION 907.2.12
HIGH-RISE BUILDINGS – FIRE ALARM SYSTEM

Amend Section 907.2.12 as follows with the exceptions unchanged:

[F] 907.2.12 High-rise buildings. Buildings having floors used for human occupancy located more than 75 55 feet (22 860 mm) (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with Section 907.2.12.2.

SECTION 907.3
MANUAL FIRE ALARM BOXES

Amend Section 907.3 to read as follows:

[F] 907.3 Manual fire alarm boxes. Manual fire alarm boxes shall be installed in accordance with Sections 907.3.1 through 907.3.5. Manual alarm actuating devices shall be an approved double action type.

SECTION 907.3.1
MANUAL FIRE ALARM BOXES – LOCATION

Amend Section 907.3.1 to read as follows:

[F] 907.3.1 Location. Manual fire alarm boxes shall be located not more than 5 feet (1524 mm) from the entrance to each exit. Additional manual fire alarm boxes shall be located so that travel distance to the nearest box does not exceed 200 feet (60 960 mm).

SECTION 907.8.2
HIGH-RISE BUILDINGS – FIRE ALARM ZONES

Amend Section 907.8.2 as follows:

907.8.2 High-rise buildings. In buildings used for human occupancy that have floors located more than 75 55 feet (22 860) (16 764 mm) above the lowest level of fire department
vehicle access, a separate zone by floor shall be provided all of the following types of alarm initiating devices where provided.

1. Smoke detectors.
2. Sprinkler water-flow devices.
4. Other approved types of automatic fire detection devices or suppression systems.

SECTION 1003.5
ELEVATION CHANGE

Amend Exception 1 under Section 1003.5 to read as follows:

1. A single step with a maximum height of 7 inches (178 mm) is permitted for buildings with occupancies in Groups F, H, R-2 and R-3 and Groups S and U at exterior doors not required to be accessible by Chapter 11, and at entrances to mechanical penthouses from roofed areas, the door sill elevation may be up to 8 inches (203 mm) above the elevation of the landing on either or both sides of the door.

SECTION 1004.3
POSTING OF OCCUPANT LOAD

Amend Section 1004.3 to read as follows:

**1004.3 Posting of occupant load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. Assembly occupancies within airport terminal buildings are not required to have the occupant load posted unless required by the Building Official.

SECTION 1020.1.7
SMOKEPROOF ENCLOSURES

Amend Section 1020.1.7 as follows:

**10.20.1.7 Smokeproof enclosures.** In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where the floor surface is located more than 75 55 feet (22–860 mm) (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.20.

Exception:
Fixed guideway train stations.

CHAPTER 11
ACCESSIBILITY

Replace Chapter 11 as follows:

Spaces and elements of buildings and facilities shall be designed and constructed to standards consistent with the Texas Accessibility Standards as administered by the Texas Department of Licensing and Regulation, except for the following:

Unisex toilet rooms. Assembly areas shall be provided with one unisex toilet room for each instance where the total fixture count (water closets and urinals) in a set of men and women’s toilet rooms exceeds 20 fixtures. In assembly areas of airport terminal buildings, one unisex toilet room shall be provided in each instance where the total fixture count (water closets and urinals) in a set of men and women’s toilet rooms exceeds 6 fixtures. The unisex toilet room shall be located adjacent to the men and women’s toilet rooms, which are used to determine that the unisex toilet room is required.

CHAPTER 29
PLUMBING SYSTEMS

Replace Chapter 29 as follows:

Plumbing systems and the minimum number of plumbing fixtures shall comply with the Plumbing Code.

SECTION 3002.4
ELEVATOR CAR TO ACCOMMODATE AMBULANCE STRETCHER

Amend Section 3002.4 to read as follows:

3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are provided in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such size and arrangement to accommodate a 24-31- by 84-90-inch (640 mm by 1930 mm) (788 mm by 2068 mm) ambulance stretcher in the horizontal open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.
CHAPTER 35
REFERENCED STANDARDS

Amend the NFPA standard reference number for National Fire Alarm Code as follows:

NFPA

Standard Reference Number 72-02 72-07 National Fire Alarm Code

ADOPTION OF APPENDIX CHAPTER H
SIGNS

Appendix Chapter H – Signs is specifically adopted as part of the Building Code.

SECTION H-101.2
SIGNS EXEMPT FROM PERMITS

Amend Section H101.2 as follows:

H- 101.2 Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Painted nonilluminated signs.

2. Temporary signs announcing the sale or rent of property.

3. Signs erected by transportation authorities.

4. Projecting signs not exceeding 2.5 square feet (0.23 m²).

5. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.

SECTION H105.2
PERMITS, DRAWINGS AND SPECIFICATIONS FOR SIGNS

Amend Section H105.2 as follows:

H105.2 Permits, drawings and specifications. Where a permit is required, as provided in Chapter 1 Part One, Section 20, construction documents shall be required. These documents shall show the dimensions, material and required details of construction, including loads, stresses and anchors.
PART THREE – FIRE CODE AMENDMENTS

SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:

101.1 Title. The 2006 International Fire Code as amended herein is the Fire Code of Dallas-Fort Worth International Airport. References to International Fire Code shall be construed to reference the Fire Code as adopted herein with its local amendments.

SECTION 102.6
REFERENCED CODES AND STANDARDS

Amend Section 102.6 to read as follows:

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45, and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

SECTION 103.1
DEPARTMENT OF FIRE PREVENTION

Amend Section 103.1 as follows:

103.1 General. The department of fire prevention is established within the jurisdiction under the direction of the code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code. References to the department of fire prevention shall mean the Department of Public Safety, Fire Prevention Office.

SECTION 105.4.1
CONSTRUCTION DOCUMENTS – SUBMITTALS

Amend Section 105.4.1 to read as follows:
105.4.1 Submittals. Construction documents required by the Fire Code shall be submitted in two sets to the Fire Prevention Office. The construction documents shall be legible and scalable and shall be prepared by a design professional as required by Texas law.

SECTION 105.6.7
COMBUSTIBLE DUST-PRODUCING OPERATIONS

Amend Section 105.6.7 to read as follows:

105.6.7 Combustible dust-producing operations. Combustible dust-producing operations, as defined in this code, shall be prohibited within the airport.

SECTION 105.6.18
FRUIT AND CROP RIPENING

Amend Section 105.6.18 to read as follows:

105.6.18 Fruit and crop ripening. Fruit and crop ripening operations using ethylene or other flammable gases shall be prohibited within the airport.

SECTION 105.6.30
OPEN BURNING

Delete exception for Recreational fires.

SECTION 105.6.33
ORGANIC COATINGS

Amend Section 105.6.33 to read as follows:

105.6.33 Organic coatings. The manufacturing or application of organic coatings, as defined in this code, shall be prohibited within the airport.

SECTION 105.6.37
PYROXYLIN PLASTICS

Amend Section 105.6.37 as follows:

105.6.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) any amount of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.
SECTION 107.2.2
REINSPECTION AND TESTING

Add a second paragraph under Section 107.2.2 to read as follows:

Fees for reinspections or for inspections outside of normal business hours shall be reimbursed as required by the fire chief in accordance with the Building Code, Section 108 – Fees.

SECTION 108
BOARD OF APPEALS

Amend Section 108 to read as follows:

108 Board of appeals. Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.

SECTION 109.3
VIOLATION PENALTIES

Amend Section 109.3 to read as follows:

109.3 Violation penalties. Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

SECTION 202
DEFINITIONS

Following the definition of ACCESSIBLE MEANS OF EGRESS, add the following definition:

ADDRESSABLE FIRE DETECTION SYSTEM. Any fire alarm system capable of providing identification of each individual alarm-initiating device. The identification shall be in clear English and shall identify the type and location of the device in alarm. The system shall have the ability of alarm verification.

Following the definition of AMMONIUM NITRATE, add the following definition:

ANALOG INTELLIGENT ADDRESSABLE FIRE DETECTION SYSTEM. Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be capable of compensating for long-term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at
which a detector maintenance signal shall be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.

Following the definition of **HIGH PILED STORAGE AREA**, add the following definition:

**HIGH-RISE BUILDINGS.** Buildings with a floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Following the definition of **SELF-SERVICE MOTOR FUEL-DISPENSING FACILITY** add the following definition:

**SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis

### SECTION 307.4.1
**BONFIRES**

Amend Section 307.4.1 to read as follows:

**307.4.1 Bonfires.** Bonfires shall be prohibited within the airport.

### SECTION 503.1.1
**FIRE APPARATUS ACCESS ROADS – BUILDINGS AND FACILITIES**

Amend Section 503.1.1 as follows: (Exceptions remain in effect.)

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereinafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility.

### SECTION 503.2.1
**FIRE APPARATUS ACCESS ROADS – DIMENSIONS**

Amend Section 503.2.1 to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) (6706 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm) (4267 mm).
SECTION 508.5.1
FIRE HYDRANT SYSTEMS – WHERE REQUIRED

Delete Section 508.5.1 including exceptions and substitute the following:

508.5.1 Where required. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site to be protected or both as required by the fire chief. Fire hydrants shall be installed at intervals not to exceed 250 feet (76 200 mm) along new roadways, and at such locations that no part of a building exterior wall is in excess of a hose lay, 300 feet (91 440 mm) in length from the hydrant as measured along an approved route around the exterior of the building.

SECTION 704.1
FLOOR OPENINGS AND SHAFTS

Section 704.1; amend section to read as follows:

704.1 Enclosure. Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as specified in Table 704.1.

SECTION 903.2
AUTOMATIC SPRINKLER SYSTEMS – WHERE REQUIRED

Delete the exception under Section 903.2.

SECTION 903.2.7.1
GROUP R

Add Section 903.2.7.1 as follows:

903.2.7.1 Fire Sprinklers. An approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings and townhomes constructed under the International Residential Code in accordance with Section 903.3.1.3.

SECTION 903.2.10.3
BUILDINGS 55 FEET OR MORE IN HEIGHT

Amend Section 903.2.10.3 to read as follows:

903.2.10.3 Buildings more than 55 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with
Section 1509 of the Building Code, located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.

SECTION 903.2.10.4
HIGH-PILE COMBUSTIBLE STORAGE

Add Section 903.2.10.4 as follows:

903.2.10.4 High-piled combustible storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 23 to determine if those provisions apply.

SECTION 903.2.10.5
SPRAY BOOTHS AND ROOMS

Add Section 903.2.10.5 as follows:

903.2.10.5 Spray booths and rooms. Spray booths and rooms shall be protected by an approved automatic fire-extinguishing system.

SECTION 903.2.10.6
BUILDINGS WITH A FLOOR AREA EXCEEDING 6,000 SQUARE FEET

Add Section 903.2.10.6 as follows:

903.2.10.6 Buildings with a floor area exceeding 6,000 square feet. An automatic sprinkler system shall be installed throughout all buildings with a building area exceeding 6,000 square feet. For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages.
2. Group A-5 Occupancies.
SECTION 903.2.14
SELF-SERVICE STORAGE FACILITY

Add to Section 903.2.14

903.2.14 Self-service storage facilities. An approved automatic sprinkler system shall be installed throughout all self-storage facilities.

SECTION 905.2
STANDPIPE SYSTEMS - INSTALLATION STANDARD

Amend Section 905.2 to read as follows:

905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. New manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure and shall be equipped with a high/low alarm.

SECTION 907.2
FIRE ALARM AND DETECTION SYSTEMS – WHERE REQUIRED

Add the following two paragraphs after the second paragraph under Section 907.2.

All buildings or occupancies, occupied, operated, maintained or monitored by the Dallas-Fort Worth International Airport Board shall have a complete operational manual and automatic fire alarm system in accordance with this code. The system shall be designed and installed in accordance with the DFW Airport Design Criteria Manual and applicable standards.

All buildings, other than those described in the preceding paragraph, hereafter constructed or moved on to the airport and having a total floor area of 1,000 square feet or more, regardless of height or occupant load, shall have a complete operational manual and automatic fire alarm system in accordance with the occupancy requirements of this code.

Exceptions:

1. Open parking garages may use other approved means for fire department notification.

2. Temporary structures or buildings erected for less than 365 days when approved by the fire chief.

SECTION 907.2.1.1
FIRE ALARM ACTIVATION – GROUP A OCCUPANCIES

Add Exception 2 under Section 907.2.1.1 to read as follows:
907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more.
Activation of the fire alarm in Group A occupancies with an occupant load of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with NFPA 72.

Exceptions:

1. Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

2. Where approved by the code official in airport terminal buildings, and where the fire alarm is monitored directly by the Dallas/Fort Worth International Airport Board Department of Public Safety, the activation of the fire alarm notification signal shall be manually initiated by emergency responders.

SECTION 907.2.12
HIGH-RISE BUILDINGS

With exceptions unchanged, amend Section 907.2.12 to read as follows:

907.2.12 High-rise buildings. Buildings having floors used for human occupancy located more than 75 55 feet (22.860) (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communication system in accordance with Section 907.2.12.2.

SECTION 907.4
MANUAL FIRE ALARM BOXES

Amend Section 907.4 to read as follows:

907.4 Manual fire alarm boxes. Manual fire alarm boxes shall be installed in accordance with Sections 907.4.1 through 907.4.5. Manual alarm actuating devices shall be of an approved double action type.

SECTION 907.4.1
MANUAL FIRE ALARM BOXES – LOCATION

Amend Section 907.4.1 to read as follows:
907.4.1 Location. Manual fire alarm boxes shall be located not more than 5 feet (1524 mm) from the entrance to each exit. Additional manual fire alarm boxes shall be located so that the travel distance to the nearest box does not exceed 200 feet (60.960 mm).

SECTION 907.9.2
FIRE ALARM ZONES – HIGH-RISE BUILDINGS

Amend Section 907.9.2 to read as follows:

907.9.2 High-rise buildings. In buildings with a floor used for human occupancy that is located more than 75 55 feet (22,860 mm) (16,764 mm) above the lowest level of fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
4. Other approved types of automatic fire detection devices or suppression systems.

SECTION 1003.5
ELEVATION CHANGE

Amend Exception 1 under Section 1003.5 to read as follows:

1. A single step with a maximum height of 7 inches (178 mm) is permitted for buildings with occupancies in Groups F, H, R-2 and R-3 and Groups S and U at exterior doors not required to be accessible by Chapter 11, and at entrances to mechanical penthouses from roofed areas, the door sill elevation may be up to 8 inches (203 mm) above the elevation of the landing on either or both sides of the door.

SECTION 1004.3
POSTING OF OCCUPANT LOAD

Amend Section 1004.3 to read as follows:

[B] 1004.3 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. Assembly
occupancies within airport terminal buildings are not required to have the occupant load posted unless required by the Building Official

**SECTION 1020.1.7**
**SMOKEPROOF ENCLOSURES**

Amend Section 1020.1.7 as follows:

**10.20.1.7 Smokeproof enclosures.** In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where the floor surface is located more than 75 feet (22 860 mm) (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such floor levels shall be a smokeproof enclosure or pressurized stairway in accordance with Section 909.20.

**Exception:**

Fixed guideway train stations.

**SECTION 2705.1.8**
**HAZARDOUS MATERIALS – FIRE EXTINGUISHING SYSTEMS**

Add a second paragraph under Section 2705.1.8 to read as follows:

Gas cabinets, exhaust enclosures and exhaust ducts with a cross sectional dimension of 10 inches (255 mm) or greater shall be internally sprinklered.

**SECTION 3301**
**EXPLOSIVES AND FIREWORKS – GENERAL**

Add Section 3301- General as follows:

**3301 General.** The manufacture and sale of explosive material shall be prohibited within the airport.

**SECTION 3301.2.4**
**FINANCIAL RESPONSIBILITY**

Amend Section 3301.2.4 to read as follows:

**3301.2.4 Financial responsibility.** Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of $100,000 $1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of
any act authorized by the permit upon which any judicial judgment results. The code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

SECTION 3406.3.1.3.3
NATURAL GAS PIPELINE SETBACK FROM BUILDINGS

Add Section 3406.1.3.3 to read as follows:

3406.3.1.3.3 Natural gas pipeline setback from buildings. No building hereinafter erected shall be located within 50 feet (15 240 mm) of a natural gas gathering or transmission pipeline.

SECTION 3703.2.5
OUTDOOR STORAGE AND WEATHER PROTECTION

Add an exception under Section 3703.2.5 to read as follows:

Exception:

Sprinklers are not required for certain water reactive materials when sprinklers would not be effective in controlling the fire.

CHAPTER 45
REFERENCED STANDARDS

Amend the NFPA standard reference number for National Fire Alarm Code as follows:

NFPA
Standard Reference Number 72-02 72-07 National Fire Alarm Code

ADOPTION OF APPENDIX CHAPTERS

The following appendix chapters are specifically adopted as part of the Fire Code.

Appendix B  Fire Flow Requirements for Buildings

Appendix C  Fire Hydrant Locations and Distribution (Except hydrant spacing as required by Section 508.5.1.)

Appendix D  Fire Apparatus Access Roads (except that minimum width of fire apparatus access roads shall be in accordance with Section 503.2.1 of the Fire Code)

Appendix G  Cryogenic Fluids – Weight and Volume Equivalents
PART FOUR – ELECTRICAL CODE AMENDMENTS

Local Amendments to the
2006 International Code Council Electrical Code
Administrative Provisions

SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:


SECTION 301.1
CREATION OF ENFORCEMENT AGENCY

Amend Section 301.1 to read as follows:

301.1 Creation of enforcement agency. The department of electrical inspection is hereby created and the official in charge thereof shall be known as the building official. The function of the department shall be to assist the building official in the administration and enforcement of the provisions of this code. References to the department of electrical inspection shall mean the Code Compliance Section of the Airport Development and Engineering Department.

SECTION 404.2
SCHEDULE OF PERMIT FEES

Amend Section 404.2 to read as follows:

404.2 Schedule of permit fees. Refer to Part Two, Building Code Amendments, Section 108 for fees.

SECTION 501.1
SUBMITTAL DOCUMENTS

Add the following sentence below Section 501.1:
Refer to Part Two, Building Code Amendments, Section 106.1 for additional requirements related to submittal of construction documents.

SECTION 1003.1
PELALTIES

Add the following sentence below Section 1003.1:

Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

CHAPTER 11
MEANS OF APPEAL

Replace Chapter 11 with the following reference.

Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.

Local Amendments to NFPA 70
2005 National Electrical Code

NEC SECTION 230.71(A)
MAXIMUM NUMBER OF DISCONNECTS – GENERAL

Add the following exception below Section 230.71(A) to read as follows:

Exception: In multi-occupant buildings, individual service disconnecting means is limited to six for each occupant. In this context, the number of individual disconnects at one location may exceed six.

NEC SECTION 300.11(A)
SECURED IN PLACE

Add the following exception below Section 300.11(A) to read as follows:

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area. No more than two raceways or cables may be supported per support wire, with a maximum nominal metric designation 16 (trade size ½”).
SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:

101.1 Title. The 2006 International Mechanical Code as amended herein is the Mechanical Code of Dallas-Fort Worth International Airport. References to the International Mechanical Code shall be construed to reference the Mechanical Code as adopted herein with its local amendments.

SECTION 103.1
DEPARTMENT OF MECHANICAL INSPECTION – GENERAL

Amend Section 103.1 as follows:

103.1 General. The department of mechanical inspection is hereby created and the executive official in charge thereof shall be known as the building official. References to the department of mechanical inspection shall mean the Code Compliance Section of the Airport Development and Engineering Department.

SECTION 106.3.1
CONSTRUCTION DOCUMENTS

Add the following sentence below Section 106.3.1:

Refer to Part Two, Building Code Amendments, Section 106.1 for additional requirements related to submittal of construction documents.

SECTION 106.5.2
FEE SCHEDULE

Amend Section 106.5.2 to read as follows:

106.5.2 Fee schedule. Refer to Part Two, Building Code Amendments, Section 108 for fees.
SECTION 106.5.3
FEE REFUNDS

Amend Section 106.5.3 to read as follows:

106.5.3 Fee refunds. The building official is authorized to establish a refund policy.

SECTION 108.4
VIOLATION PENALTIES

Amend Section 108.4 to read as follows:

108.4 Violation penalties. Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

SECTION 109
MEANS OF APPEAL

Replace Section 109 with the following reference:

Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.
PART SIX - PLUMBING CODE AMENDMENTS

SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:

101.1 Title. The 2006 International Plumbing Code as amended herein is the Plumbing Code of Dallas-Fort Worth International Airport. References to the International Plumbing Code shall be construed to reference the Plumbing Code as adopted herein with its local amendments.

SECTION 103.1
DEPARTMENT OF PLUMBING INSPECTION – GENERAL

Amend Section 103.1 as follows:

103.1 General. The department of Plumbing inspection is hereby created and the executive official in charge thereof shall be known as the code building official. References to the department of plumbing inspection shall mean the Code Compliance Section of the Airport Development and Engineering Department.

SECTION 106.3.1
CONSTRUCTION DOCUMENTS

Add the following sentence below Section 106.3.1:

Refer to Part Two, Building Code Amendments, Section 106.1 for additional requirements related to submittal of construction documents.

SECTION 106.6.2
FEE SCHEDULE

Amend Section 106.6.2 to read as follows:

106.6.2 Fee schedule. Refer to Part Two, Building Code Amendments, Section 108 for fees.

SECTION 106.6.3
FEE REFUNDS

Amend Section 106.6.3 to read as follows:
106.6.3 Fee refunds. The building official is authorized to establish a refund policy.

SECTION 108.4
VIOLATION PENALTIES

Amend Section 108.4 to read as follows:

108.4 Violation penalties. Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

SECTION 109
MEANS OF APPEAL

Replace Section 109 with the following reference:

Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.

SECTION 312.9
INSPECTION AND TESTING OF BACKFLOW PREVENTION ASSEMBLIES

Replace Section 312.9 with the following reference:

312.9 Inspection and testing of backflow prevention assemblies. Backflow prevention assemblies shall be inspected and tested as required by Texas Administrative Code, Title 30, Part 1, Chapter 290 Public Drinking Water.

TABLE 403.1
MINIMUM NUMBER OF PLUMBING FACILITIES

Amend public assembly areas of passenger terminals in Table 403.1 as follows:

<table>
<thead>
<tr>
<th>OCCUPANCY</th>
<th>WATER CLOSETS (Urinals see Section 419.2)</th>
<th>LAVATORIES</th>
<th>BATHTUBS/SHOWER</th>
<th>DRINKING FOUNTAINS (See Section 410.1)</th>
<th>OTHERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public assembly areas of passenger terminals and transportation facilities</td>
<td>1 per 100</td>
<td>1 per 100</td>
<td>1 per 200</td>
<td>---</td>
<td>1 per 1,000</td>
</tr>
</tbody>
</table>

1 service sink
SECTION 404
ACCESSIBLE PLUMBING FACILITIES

Replace Section 404 as follows:

Refer to Part One, Building Code Amendments, Chapter 11 for accessibility standards.

SECTION 1106.1
CONDUCTORS, LEADERS AND STORM DRAINS

Amend to read as follows:

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers and any horizontal branches of such drains or sewers shall be based on 5 inches per hour rainfall rate.

SECTION 1108
COMBINED SANITARY AND STORM SYSTEM

Delete Section 1108. Combined sanitary and storm sewer systems shall be prohibited within the airport.
PART SEVEN - FUEL GAS CODE AMENDMENTS

SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:


SECTION 103.1
DEPARTMENT OF INSPECTION – GENERAL

Amend Section 103.1 to read as follows:

103.1 General. The Department of Inspection is hereby created and the executive official in charge thereof shall be known as the building official. References to the department of inspection shall mean the Code Compliance Section of the Airport Development and Engineering Department.

SECTION 106.3.1
CONSTRUCTION DOCUMENTS

Add the following sentence under Section 106.3.1:

Refer to Part Two, Building Code Amendments, Section 106.1 for additional requirements related to submittal of construction documents.

SECTION 106.5.2
FEE SCHEDULE

Amend Section 106.5.2 to read as follows:

106.5.2 Fee schedule. Refer to Part Two, Building Code Amendments, Section 108 for fees.

SECTION 106.5.3
FEE REFUNDS

Amend Section 106.5.3 to read as follows:

Part Seven – Fuel Gas Code Amendments
Part Seven – Pg. 1
106.5.3 Fee refunds. The building official is authorized to establish a refund policy.

SECTION 108.4
VIOLATION PENALTIES

Amend Section 108.4 to read as follows:

108.4 Violation penalties. Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

SECTION 109
MEANS OF APPEAL

Replace Section 109 with the following reference:

Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.
PART EIGHT - ENERGY CODE AMENDMENTS

SECTION 101.1
TITLE

Amend Section 101.1 to read as follows:


SECTION 101.1.1
DEPARTMENT OF INSPECTION – GENERAL

Add Section 101.1.1 as follows:

101.1.1 General. The Department of Inspection is hereby created and the executive official in charge thereof shall be known as the building official. References to the department of inspection shall mean the Code Compliance Section of the Airport Development and Engineering Department.

SECTION 101.2
SCOPE

Amend Section 101.2 to read as follows:

101.2 Scope. This code applies to residential and commercial buildings.

SECTION 101.4.5
MIXED OCCUPANCY

Amend Section 101.4.5 to read as follows:

101.4.5 Mixed occupancy. Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of Chapter 4 for residential and Chapter 5 for commercial.
SECTION 101.5
COMPLIANCE

Amend Section 101.5 to read as follows:

101.5 Compliance. Residential buildings shall meet the provisions of Chapter 4 Texas Building Energy Performance Standards. Commercial buildings shall meet the provisions of Chapter 5.

SECTION 104.1
CONSTRUCTION DOCUMENTS - GENERAL

Add the following sentence after the first paragraph under Section 104.1:

Refer to Part Two, Building Code Amendments, Section 106.1 for additional requirements related to submittal of construction documents.

SECTION 108
FEE SCHEDULE

Add Section 108 to read as follows:

108 Fee schedule. Refer to Part Two, Building Code Amendments, Section 108 for fees.

SECTION 109
FEE REFUNDS

Add Section 109 to read as follows:

109 Fee refunds. The building official is authorized to establish a refund policy.

SECTION 110
VIOLATION PENALTIES

Add Section 110 as follows:

110 Violation penalties. Refer to Part One, Construction and Fire Prevention Standards Resolution, Section 27, Penal Clause.

SECTION 111
MEANS OF APPEAL

Add Section 111 as follows:
111 Means of Appeal. Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.

CHAPTER 2
DEFINITIONS

Amend definition of code official as follows:

CODE OFFICIAL. The building official is charged with the administration and enforcement of this code.

CHAPTER 4
RESIDENTIAL ENERGY EFFICIENCY

Delete Chapter 4 in its entirety. For residential energy efficiency requirements, refer to Texas Building Energy Performance Standards.

SECTION 501.3
COMPLIANCE SOFTWARE TOOLS

Add Section 501.3 as follows:

501.3 Compliance software tools. Software tools used to demonstrate compliance with the Energy Code will be deemed acceptable to the building official if they utilize either this code or the 2004 Edition of ASHRAE 90.1 - Energy Standard for Buildings Except Low Rise Residential Buildings.

SECTION 505.2.1
INTERIOR LIGHTING CONTROLS

Amend Section 505.2.1 to read as follows with the exceptions to remain unchanged:

505.2.1 Interior lighting controls. Each area enclosed by walls or floor-to-ceiling partitions shall have at least one manual control for the lighting serving that area. The required controls shall be located within the area served by the controls or be a remote switch that identifies the lights served and their status. Each control device shall control a maximum of 2,500 square feet (232.26 square meters) of floor area for a space 10,000 square feet (929.03 square meters) or less and a maximum of 10,000 square feet (929.03 square meters) for a space greater than 10,000 square feet (929.03 square meters).
PART NINE – OIL AND GAS EXPLORATION AND PRODUCTION

SECTION 1
GENERAL INFORMATION

The Exploration, development and Production of Gas on the Airport property are activities which make necessary regulations to establish uniform limitations, safeguards and requirements for operations related to the Exploration, Drilling, developing, producing, transporting and storing of Gas and other substances produced in association with Gas within the Airport to protect the health, safety and general welfare of the public, minimize the potential impact to property, protect the quality of the environment and encourage the orderly production of available mineral, and gas resources.

SECTION 2
DEFINITIONS

The following words, terms and phrases, when used in this Part, shall have the meanings ascribed to them in this section:

Abandonment: means “abandonment” as defined by the Commission and includes the plugging of a Well and the restoration of the area used during the Production of a Well as required by this Part.

All-Weather Hard Surface: means a permanent surface that as a minimum is a base course constructed such that it meets the requirements of the Fire Code, is at least twenty two feet (22') wide, has an overhead clearance of fourteen feet (14'), drains appropriately, remains water resistant, is free of litter, debris, weeds, grass or other objectionable materials or objects and is visibly dust free.

API: means the American Petroleum Institute.

Berm: means a mound of soil, either natural or man made, used to obstruct a view. The side slope shall not exceed a three-foot (3’) horizontal and a one-foot (1’) vertical slope.

Blowout Preventer: means a mechanical, hydraulic, pneumatic or other device or combination of such devices, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe, or other tubular goods which completely close the top of the casing and are designed for preventing blowouts.

Brackish Water: means flow back water used in the fracturing and re-fracturing process and other waste liquids produced in association with the production, treatment, processing or transportation of hydrocarbons.
Building: means any structure used or intended for supporting or sheltering any use or occupancy. Buildings with an occupant load of 3 or fewer in accordance with Table 1004.1.1 of the Building Code are not subject to the setback requirements of this Part.

Building Code: as defined in Part Two.

Building Official: as defined in Section 5, Part 1.

Closed Loop System: means a system utilized while Drilling so that reserve pits are not used and instead steel bins are used to collect all drilling waste.

Commission: means the Texas Railroad Commission and all state rules.

Completion: means the earlier of the date the work is completed for the Drilling, re-drilling or reworking of a Well and the crew involved in such activities is released or the date the rig is released.

Derrick: means any portable framework, tower, mast and/or structure, which is required or used in connection with Drilling or re-working a Well for the production of Gas.

Disposal Well: means a well drilled for the purpose of disposing of waste generated during the process of Fracturing Brackish Water.

Drilling: means digging or boring a new Well for the purpose of exploring for, developing or producing Gas or for the purpose of injecting Gas, water or any other fluid or substance into the earth.

Drill Site: means the immediate area used during the Drilling, re-drilling or re-working of a Well.

Electrical Code: as defined in Part Four.

Emergency Response Plan: means a plan put in place to deal with emergency situations that may occur at the Drill Site and/or the Operation Site.

Energy Code: as defined in Part Eight.

Exploration: means geologic or geophysical activities, including seismic surveys, related to the search for Gas or other subsurface hydrocarbons.


FIRM: means the Flood Insurance Rate Map.
Fire Chief: as defined in Section 5, Part 1

Fire Code: as defined in Part Three.

Fire Department: means the Fire Department of the Airport.

Frac Tank: means an enclosed steel tank used to hold Brackish Water.

Fracturing: means the injecting of a substance into a Well or formation so as to cause underground channels in hydro-carbon-bearing formations to open.

Fresh Water Fracing Pit: means a pond, open to the atmosphere, used to hold fresh water for Fracturing.

Fuel Gas Code: as defined in Part Seven.

Gas: means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or Gas.

Gas Well: means any Well drilled, to be drilled, or used for the intended or actual production of natural gas.

Mechanical Code: as defined in Part Five.

Oil: means crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from Gas, other than gas produced in association with oil and commonly known as casinghead gas.

Oil Well: means any Well drilled, to be drilled, or used for the intended or actual production of Oil.

Operation Site: means the area used for development and production and all operational activities associated with Gas after Drilling activities are complete.

Operator: means, for each Well, the person listed on the Commission’s Form W-1 or Form P-4 for a Gas Well or Oil Well that is, or will be actually in charge and in control of Drilling, maintaining, operating, pumping or controlling any Well, including, without limitation, a unit operator.

Permit: means any written license granted by the Airport authorizing the Operator to undertake activity on the Airport.
**Plumbing Code:** as defined in Part Six.

**Production:** means the period between Completion of Drilling and the Abandonment of the Well.

**Re-Drill:** means the Drilling of a new Well located in essentially the same place as an earlier Well or the re-completion of an existing Well by deepening or sidetrack operations extending more than one hundred fifty feet (150') from the existing Well bore.

**Re-working:** means re-completion or re-entry of an existing Well within the existing bore hole or by deepening or sidetrack operations which do not extend more than one hundred fifty feet (150') from the existing well bore, or replacement of well liners or casings.

**Street:** means any street, highway, sidewalk, alley, or avenue that is open to public use or is in support of Airport operations.

**SWPPP:** means stormwater pollution prevention plan.

**TCEQ:** means the Texas Commission on Environmental Quality.

**USEPA:** means the United States Environmental Protection Agency.

**Well:** means any single hole or bore to any horizon, formation, or strata, for the purpose of producing Gas and/or Oil from the Airport.

### SECTION 3
**AIRPORT OVERSIGHT**

The Building Official is charged with the administration and enforcement of this part. The Building Official and the Fire Chief shall have the authority to enter and inspect any Drill Site or Operation Site to determine compliance with this Resolution and all applicable laws, rules, regulations, standards or directives adopted by the Airport Board or State. Failure of any person to permit access to the Building Official or Fire Chief shall constitute a violation of this Resolution. Additionally, the Building Official or Fire Chief and other Airport officials shall have the authority to issue any orders or directives required to implement the intent and purpose of this Resolution and its provisions. The Building Official or Fire Chief shall have the authority to request and receive any records, including any records sent to the Commission, logs, reports and the like, relating to the status or condition of any Well necessary to establish and determine compliance with a Permit. Failure of any person to provide any such requested material shall be deemed a violation of this Resolution.
SECTION 4
OPERATOR'S AGENT

Every Operator shall designate an agent, who is a resident of the State of Texas, upon whom all orders and notices provided in this Resolution may be served in person or by registered or certified mail. Every Operator designating such agent shall within ten (10) days notify the Building Official in writing of any change in such agent or such mailing address unless operations within the Airport are discontinued. Failure to do so shall be deemed a violation of this Resolution.

SECTION 5
SEISMIC SURVEY PERMIT REQUIREMENTS

A Permit shall be required for all geophysical tests, including but not limited to seismic surveys. All applications for a Permit to conduct geophysical tests, including but not limited to seismic surveys, shall be submitted to the Building Official for approval. No geophysical tests shall begin prior to the issuance of a Permit from the Airport Board. A Permit application shall include, but is not limited to, the following information:

(a) Operator/applicant name, phone number, fax number, physical address, and e-mail address.

(b) Detailed mapping of location and extent of the proposed geophysical test.

(c) Detailed explanation of the survey or testing method to be used.

(d) Frequency and strength of all radio frequency (RF) signals.

(e) Under no circumstances may explosive charges, including, but not limited to, the use of dynamite, be used in any way related to the preparation for and/or conducting of a geophysical test.

SECTION 6
GAS WELL AND DISPOSAL WELL PERMIT REQUIREMENTS

(a) No person acting either for himself or acting as an agent, employee, independent contractor, or servant of any person shall drill any Well or Disposal Well, assist in any way in the site preparation, re-working, Fracturing or operation of any Well or Disposal Well or to conduct any activity related to the production of Gas without first obtaining a Permit issued by the Building Official in accordance with this Resolution. Such activities include, but are not limited to, initial site preparation, re-working, Drilling, operations, construction of rigs, Fresh Water Fracing Pit or tank batteries, Fracturing and pressurizing.
(b) The Operator must apply for and obtain a Permit for the Drilling of each Well or Disposal Well. The Operator shall neither apply for nor obtain a “blanket” Permit for more than one (1) Well. A Disposal Well permit will only be issued for disposal of Brackish Water from oil and gas exploration and production, treatment or transportation of hydrocarbons within the boundaries of Dallas/Fort Worth International Airport property. All Disposal Wells must deposit Brackish Water into the Ellenberger formation. Brackish Water must be tested for contaminants, any only if the water is clear of contaminants, will a Disposal Well permit be issued. Each new Well or Disposal Well established at the ground surface will be considered a new Well or Disposal Well as applicable.

(c) An existing Permit shall not constitute authority for the re-entering and Drilling of a Well the subject of Abandonment. An Operator shall obtain a new Permit in accordance with the provisions of this Resolution if the Operator is re-entering and Drilling an abandoned Well.

(d) When a Permit has been issued to the Operator for the Drilling, re-entering, activating or converting of a Well, such Permit shall constitute sufficient authority for Drilling, operation, production gathering or production maintenance, repair, re-working, testing, plugging and Abandonment of the Well and/or any other activity associated with mineral exploration at an Operation Site. An amended Permit shall be obtained before such Well may be modified for purposes of re-drilling, deepening or converting such Well to a depth or use other than that set forth in the then-current Permit for such Well.

(e) Any person who intends to re-work a Well using a Drilling rig or to engage in Fracturing a Well after initial Completion shall give written notice to, and receive written approval from, the Building Official. The notice must identify where the activities will be conducted and must describe the activities in detail, including, but not limited to the duration of the activities and the time the activities will be conducted. The notice must also provide the address and twenty-four (24) hour telephone number of the person conducting the activities.

(f) A Permit shall automatically terminate, unless extended, if Drilling is not commenced within ninety (90) days one year from the date of the issuance of the Permit. A Permit may be extended by the Building Official for an additional ninety (90) days upon written request by the Operator and proof that the regulatory standards of the requested Permit for such location have not changed.

(g) Permits required by this Resolution are in addition to and are not in lieu of any permit, which may be required by any other governmental agency.

(h) No Permit shall be issued for any Well to be drilled within the floodway identified by FEMA on the most current FIRM. Wells proposed in the floodplain outside of the floodway shall comply with the requirements of the Building Official.
(i) No Permit shall be issued for any Well to be drilled that is not in compliance with this Resolution.

(j) By acceptance of any Permit issued pursuant to this Resolution, the Operator expressly stipulates and agrees to be bound by and comply with the provisions of this Resolution. The terms of this Resolution shall be deemed to be incorporated in any Permit issued pursuant to this Resolution with the same force and effect as if this Resolution was set forth verbatim in such Permit.

(k) Operator must provide to the Building Official, a copy of all H-5 and mechanical integrity tests required by the Commission.

SECTION 7
PERMIT APPLICATION

(a) Every application for a Permit issued pursuant to this Resolution shall be on forms required by the Building Official, shall include payment of the construction permit and plan review fees and shall be signed by the Operator, or some person duly authorized to sign on his behalf, and filed with the Building Official. The application shall include the following information:

(1) The date of the application and type of Permit requested.

(2) Map showing proposed transportation route and road(s) for equipment, chemicals or waste products used or produced under the Permit.

(3) Proposed Well name and Well depth.

(4) Name, telephone number, fax number, physical address of individual designated to receive notice, and, if possible, e-mail address.

(5) Names and addresses of representatives or Operator’s agent with supervisory authority over the Drill Site or Operation Site and a twenty-four (24) hour telephone number.

(6) Location and description of all improvements and structures within eight hundred feet (800’) of the Well. Such locations and descriptions shall be prepared by a Registered Professional Land Surveyor.

(7) A site plan of the proposed Drill Site and Operation Site showing the location of all improvements and equipment, including the location of the proposed Well and other facilities including, but not limited to, Fresh Water Fracing Pit, Disposal Well, tanks, pipelines, compressors, separators and storage tanks or storage sheds. All site plans must include the following criteria:
a. Location of proposed Buildings and structures indicating sizes in square feet.

b. The location and intensity of exterior lighting fixtures.

c. The location of mechanical equipment.

d. Outside storage areas.

e. Curb cut locations.

f. Parking, loading, and maneuvering areas.

g. The location, materials and dimensions of screening improvements as required.

h. Waste disposal locations.

i. Streets immediately adjacent to the Operation Site.

j. Drill Site and Operation Site plans shall be submitted on a sheet size of 24” x 36” minimum, or as approved by the Building Official, or as approved by the Building Official.

k. Airport boundaries where applicable.

l. Date the drawing was prepared with name, address, and phone number of preparer.

m. North arrow, at a maximum scale of 1:50 immediately adjacent to the Drill Site or Operation Site.

n. Title Block identifying the Drill Site or Operation Site location.

o. Vicinity location map at 1” = 2000’.

p. Location of 100-year flood limits where applicable.

q. Texas NAD83 State Plane Coordinates for all four corners.

(8) Copy of all reports and permits required by the Commission, specifically including a copy of the approved Commission Form W-1, H-5 and/or P-4.

(9) A description of public utilities required during Drilling and Production.
(10) A description of the water source to be used during Drilling.

(11) A copy of the SWPPP-Erosion Control Plan as required by the TCEQ, the USEPA, and the Airport Board.

(12) A copy of the determination by the TCEQ of the depth of useable quality ground water.

(13) A copy of the TCEQ permit.

(14) A statement, under oath, signed by the Operator or designated representative, that the information submitted with the application is, to the best knowledge and belief of the Operator or designated representative, true and correct.

(15) Three copies of a Hazardous Material Management Plan and additionally, all material safety data sheets for all hazardous materials that will be located, stored, transported and/or temporarily used on the Drill Site shall be provided to the Building Official.


(17) Operator shall submit to the Building Official, for review and approval, an Emergency Response Plan establishing written procedures to minimize any hazard resulting from Drilling, Completion or producing of a Gas Well. Said plan shall use existing guidelines established by the Commission, TCEQ, Texas Department of Transportation, the Fire Code and/or the USEPA. A copy of the Emergency Response Plan shall be kept on site.

(18) A map showing the location of all underground transmission pipelines.

SECTION 8
PERMITTING PROCEDURE

(a) All Well Permit applications will be filed through the Building Official.

(b) It is the responsibility of the Building Official to review and approve or disapprove all applications for Permits based on the criteria established by this Resolution.

(c) After the filing of a completed application, payment of permit and plan review fees and remittance of all insurance and security per the requirements of this Resolution for a Permit, the Building Official will determine whether the Permit application shall be approved or denied.
(d) The provisions of this Resolution shall apply to any application for a Permit that is filed with the Building Official.

(e) If all the requirements of this Resolution are met, the Building Official shall issue a Permit for the activity for which the Permit application was made.

(f) If the Building Official denies a Permit application, the Building Official shall notify the Operator in writing of such denial stating the reasons for the denial. The Operator may cure those conditions that caused the denial and resubmit the application to the Building Official for approval and issuance of the Permit.

SECTION 9
AMENDED GAS WELL PERMITS

(a) An amended Permit may be issued for, but not limited to, the following changes in Drill Site or Operation Site activities:

(1) Re-drilling;

(2) Deepening beyond one hundred fifty feet (150') of the permitted depth;

(3) Site access; and

(4) Locations and/or quantities of equipment as determined by the Building Official;

(b) Applications for amended Permits shall be in writing, shall be signed by the Operator, and shall include the following:

(1) A description of the proposed amendments;

(2) Any changes to the information submitted with the application for the existing Permit (if such information has not previously been provided to the Airport Board);

(3) Such additional information as is reasonably required by the Building Official to demonstrate compliance with the Permit;

(4) Such additional information as is reasonably required by the Building Official to prevent imminent destruction of property or injury to persons; and

(5) An amended site plan.

(c) All applications for amended Permits shall be filed with the Building Official for review. Incomplete applications may be returned to the applicant, in which case the Building Official shall provide a written explanation of the deficiencies.
(d) If the activities proposed by the amendment are not materially different from the activities covered by the existing Permit then the Building Official shall approve or disapprove the amendment after the application is filed.

(e) If the activities proposed by the amendment are materially different from the activities covered by the existing Permit, and do not create a risk of destruction of property or injury to persons, then the Building Official shall approve or disapprove the amendment. If, however, the activities proposed by the amendment are materially different and, in the judgment of the Building Official might create a risk of destruction of property or injury to persons that were not associated with the activities covered by the existing Permit or that were not otherwise taken into consideration by the existing Permit, the Building Official may require the amendment to be processed as a new Permit application.

SECTION 10
SUSPENSION OR REVOCATION OF WELL PERMITS

(a) If an Operator (or its officers, employees, agents, contractors, or representatives) fails to comply with any requirement of a Permit (including any requirement incorporated by reference as part of the Permit), the Airport Board shall give written notice to the Operator specifying the nature of the failure and giving the Operator a reasonable time to cure, taking into consideration the nature and extent of the failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the public. In no event, however, shall the cure period be less than ten (10) days unless the failure presents a risk of imminent danger to property or injury to persons or unless the failure involves the Operator’s failure to provide periodic reports as required by this Resolution.

(b) If the Operator fails to correct the noncompliance, the Airport Board may suspend or revoke the Permit pursuant to the provisions of this Resolution.

(c) No person shall carry on any operations performed under the terms of a Permit issued under this Resolution during any period of any suspension or revocation of the Permit or pending a review of the decision or order of the Airport Board in suspending or revoking the Permit. Nothing contained herein shall be construed to prevent the necessary, diligent and bona fide efforts to cure and remedy the default or violation for which the suspension or revocation of the Permit was ordered for the safety of persons or as required by the Building Official or the Fire Chief.

(d) If the Operator does not cure the noncompliance within the time specified in this Resolution, the Airport Board, upon written notice to the Operator, may notify the Commission and request that the Commission take any appropriate action.
SECTION 11
PERIODIC REPORTS

(a) The Operator shall notify the Building Official of any changes to the following information within ten (10) days after the change occurs:

1. The name, physical address, telephone number, and fax number of the Operator;

2. The name, address, and telephone number of the person designated to receive notices from the Airport Board (which person must be a resident of Texas that can be served in person or by registered or certified mail); and

3. The Operator's emergency action response plan (including “drive-to-maps” from rights-of-way to each Drill Site or Operation Site).

(b) The Operator shall notify in writing the Building Official of any change to the name, address, and twenty-four (24) hour phone number of the person(s) with supervisory authority over Drilling or operations activities within one (1) business day.

(c) The Operator shall provide a copy of any “incident reports” or written complaints submitted to the Commission and a copy to the Airport Board within thirty (30) days after the Operator has notice of the existence of such reports or complaints.

(d) Beginning on December 31st after each Well is completed, and continuing on each December 31st thereafter until the Operator notifies the Building Official that there has been an Abandonment of the Well and the Operation Site is restored, the Operator shall submit a written report to the Building Official identifying any changes to the information that was included in the application for the applicable Permit that have not been previously reported to the Building Official.

SECTION 12
BOND, LETTERS OF CREDIT, INDEMNITY INSURANCE

(a) General requirements. The Operator shall be required to:

1. Comply with the terms and conditions of this Resolution and the Permit issued hereunder.

2. Promptly clear each Drill Site and Operation Site of all litter, trash, waste and other substances used, allowed, or occurring in the operations, and after Abandonment or Completion grade, level and restore such property to the same surface conditions as nearly as possible as existed before operations as determined by the Building Official.
(3) Promptly pay all fines, penalties and other assessments imposed due to breach of any terms of the Permit.

(4) Promptly restore to its former condition any property damaged by the Operator.

(b) Bond, irrevocable letter of credit. Prior to the issuance of a Permit the Operator shall provide the Building Official with a security instrument in the form of a bond or an irrevocable letter of credit as follows:

(1) Bond. A bond shall be executed by a reliable bonding or insurance institution authorized to do business in Texas, acceptable to the Airport Board. The bond shall become effective on or before the date the Permit is issued and shall remain in force and effect for at least a period of six (6) months after the expiration of the Permit term or until there has been an Abandonment of the Well and the Operation Site is restored, whichever occurs last. The Operator shall be listed as principal and the instrument shall run to the Airport Board, as obligee, and shall be conditioned that the Operator will comply with the terms and regulations of this Resolution and all other laws and regulations. The original bond shall be submitted to the Building Official.

(2) Letter of Credit. A letter of credit shall be issued by a reliable bank authorized to do business in Texas and shall become effective on or before the date the Permit is issued. The letter of credit shall remain in force and effect for at least a period of six (6) months after the expiration of the Permit term or until there has been an Abandonment of the Well and the Drill Site or Operation Site is restored, whichever occurs last. The Airport Board shall be authorized to draw upon such letter of credit to recover any fines, penalties or costs to remedy assessed under this Resolution. Evidence of the execution of a letter of credit shall be submitted to the Building Official by submitting an original signed letter of credit from the banking institution.

(3) The principal amount of any security instrument shall be fifty thousand dollars ($50,000) for any single Well. After Completion of a Well, the Operator may submit a request to the Building Official to reduce the existing bond to ten thousand dollars ($10,000) for the remainder of the time the Well produces without reworking. During reworking operations, the amount of the bond or letter of credit shall be maintained at fifty thousand dollars ($50,000). If at any time after no less than a fifteen (15) day written notice to the Operator, the Airport Board shall deem any Operator's bond or letter of credit to be insufficient, it may require the Operator to increase the amount of the bond or letter of credit up to a maximum of two hundred fifty thousand dollars ($250,000) per Well.

(4) Whenever the Building Official finds that a default has occurred in the performance of any requirement or condition imposed by this Resolution, a written notice shall be given to the Operator. Such notice shall specify the work to be done, the
estimated cost and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. After receipt of such notice, the Operator shall, within the time therein specified, either cause or require the work to be performed, or failing to do so, shall pay over to the Airport Board one hundred twenty-five percent (125%) of the estimated cost of doing the work as set forth in the notice. In no event, however, shall the cure period be less than thirty (30) days unless the failure presents a risk of imminent destruction of property or injury to persons or unless the failure involves the Operator’s failure to provide periodic reports as required by this Resolution. The Airport Board shall be authorized to draw against any irrevocable letter of credit or bond to recover such amount due from the Operator. Upon receipt of such monies, the Airport Board shall proceed by such mode as deemed convenient to cause the required work to be performed and completed, but no liability shall be incurred other than for the expenditure of said sum in hand. In the event there has not been a proper Abandonment of the Well under the regulations of the Commission, such additional money may be demanded from the Operator as is necessary to properly plug and abandon the Well and restore the Drill Site or Operation Site in conformity with the regulations of this Resolution.

(5) In the event the Operator does not cause the work to be performed and fails or refuses to pay over to the Airport Board the estimated cost of the work to be done as set forth in the notice, or the issuer of the security instrument refuses to honor any draft by the Airport Board against the applicable irrevocable letter of credit or bond, the Airport Board may proceed to obtain compliance and abate the default by way of civil action against the Operator, or by criminal action against the Operator, or by both such methods.

(6) When there has been a proper Abandonment of the Well or Wells covered by said irrevocable letters of credit or bond in conformity with all regulations of this Resolution, and in conformity with all regulations of the Commission and notice to that effect has been received by the Airport Board, or upon receipt of a satisfactory substitute, the irrevocable letter of credit or bond issued in compliance with these regulations shall be terminated and cancelled.

(c) Insurance. The Operator must at all times maintain the specific coverages listed below.

(1) Environmental pollution liability coverage. Operator shall purchase and maintain in force for the duration of the Permit, insurance for environmental pollution liability applicable to bodily injury; property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least one million dollars ($1,000,000) per loss, with an annual aggregate of at least ten million dollars ($10,000,000).
a. Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants.

b. The Operator shall maintain continuous coverage and shall purchase extended coverage period insurance when necessary. The extended coverage period insurance must provide that any retroactive date applicable to coverage under the policy precedes the effective date of the issuance of the Permit by the Building Official.

(2) Control of Well. The policy should cover the cost of controlling a Well that is out of control, re-drilling or restoration expenses, seepage and pollution damage as first party recovery for the Operator and related expenses, including, but not limited to, loss of equipment, experts and evacuation of residents, in the amount of five million dollars ($5,000,000) per occurrence/no aggregate, if available, otherwise an aggregate of ten million dollars ($10,000,000). Five hundred thousand dollars ($500,000) sub-limit endorsement may be added for damage to property for which the Operator has care, custody and control.

SECTION 13
SETBACK REQUIREMENTS

The following are minimum setbacks.

(a) It shall be unlawful to drill, re-drill, deepen, re-enter, activate or convert any Well or Disposal Well, the center of which, at the surface of the ground, is located:

1. Within six hundred feet (600') from any Building; or

2. Within one hundred feet (100') from any Building accessory to, but not necessary to the operation of the well; or

3. Within seventy-five feet (75') of any existing or planned right of way for street, highway or rail; or

4. Within two hundred feet (200') of any existing potable water well.

(b) Tank batteries, separators and compressors and their associated vents and flares shall be located at least three hundred feet (300') from any Street or Building not used in operations on the Drill Site or Operations Site, nor less than five hundred feet (500') from any flammable bulk storage facility.
(c) Fresh Water Fracing Pits shall be located at least one hundred feet (100’) from any Street or Building.

(d) The measurement of all distances shall be calculated from the proposed Well bore, Disposal Well bore, tank battery, separator, compressor or Fresh Water Fracing Pit in a straight line, without regard to intervening structures or objects to the closest exterior point of the object listed in items (a) through (c) above. The above calculations shall be prepared by a Registered Professional Land Surveyor.

(e) As to any public park, residence, religious institution, hospital building, school or other public building that is outside the boundaries of the Airport, the distances set out in subsections (a) through (c) of this section may not be reduced without both of the following:

1) Written notarized waivers granted by all the surface owners must be filed, at the expense of the Operator, in the applicable county records. All waivers must identify the property address, block and lot number, subdivision name and plat volume and page number.

2) With an approved variance obtained in accordance with procedures outlined under Section 20 of this Part.

(f) As to any Building that is within the boundaries of the Airport, the distances set out in subsections (a) through (c) of this section may be reduced with an approved variance in accordance with procedures outlined under Section 20 of this Part but may not be reduced to less than that permitted by the Fire Code.

SECTION 14
ON SITE AND TECHNICAL REGULATIONS

(a) Abandoned Wells. All Wells shall be abandoned in accordance with the rules of the Commission; however, all Well casings shall be cut and removed to a depth of at least three feet (3’) below the surface unless the Airport Board agrees in writing otherwise. No Building shall be built over an abandoned Well. A well marker, with the well number displayed on it, must be welded to the top of the cut off well pipe.

(b) Blowout prevention. In all cases, blowout prevention equipment shall be used on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during petroleum or gas operations as required by and in conformance with the requirements of the Commission and the recommendations of the American Petroleum Institute. The Operator must equip all Drilling Wells with adequate blowout preventers, flow lines and valves commensurate with the working pressures involved as required by the Commission.
The ram-type blowout preventers, valves, and manifolds shall be pressure tested as follows:
1.) at the time of installation,
2.) whenever any seal subject to test pressure is broken,
3.) following related repairs and
4.) at 30 day intervals thereafter.

A period of more than thirty (30) days between blowout preventer tests may be allowed, with the Building Official's approval, when well operations prevent testing, provided the tests will be conducted as soon as possible before normal operations resume. The record of communications with the Building Official shall be entered in the driller's log.

During drilling and completion operations, the ram-type blowout preventers shall be tested by closing at least once each trip, and the annular-type preventer shall be tested by closing on drill pipe once each week. All of the above described tests and/or drills shall be recorded in the drilling log and made available to the Building Official upon request.

(c) Chemical and Hazardous materials storage. All chemicals and/or hazardous materials shall be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material. Operator shall have all material safety data sheets for all hazardous materials on site. All applicable federal and state regulatory requirements for the proper labeling of containers shall be followed. All hazardous materials and/or special hazards at the Well sites shall be protected in accordance with National Fire Protection Association standards, and the Fire Code. Appropriate pollution prevention actions shall be required and include, but are not limited to, chemical and materials raised from the ground (e.g., wooden pallets), bulk storage, installation and maintenance of secondary containment systems, and protection from stormwater and weather elements.

(d) The following requirements shall apply to all Fracturing operations performed on a Well:

(1) A watchperson shall be required at all times during such operations; and

(2) At no time shall the Well be allowed to flow or vent directly to the atmosphere without first directing the flow through separation equipment or into a portable tank.

(e) Compliance. Operator shall comply at all times with all applicable federal, state and Airport Board requirements. In the event of any conflicts between the provisions of this Resolution, and the Commission rules and regulations, the more restrictive provision shall apply. Whenever necessary to protect health, safety or welfare, the Building
Official or the Fire Chief may direct any Operator to locate, relocate, remove or replace any Well surface facilities located within a particular Operation Site.

(f) Discharge. No person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances or any refuse including wastewater or brine from any gas operation or the contents of any container used in connection with any gas operation into, into, or upon any Streets, lots, storm drain, ditch or sewer, sanitary drain or any body of water or any property of the Airport.

(g) Drill stem testing. All open hole formation or drill stem testing shall be done during daylight hours, with adequate advance notification thereof to the Building Official to enable him to be present during such testing. Drill stem tests may be conducted only if the Well effluent during the test is produced through an adequate gas separator to storage tanks and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.

(h) Drip pans and other containment devices. Drip pans and other containment devices shall be placed or installed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections, and any other areas or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials. All materials on location (liquids, semi-liquids and solids) and any tanks, containers, pumps, lubricating systems, engines, fuel and chemical storage tanks or systems containing such materials shall be provided with drips pans or other containment devices appropriate to the risks and hazards that those materials pose to workers, the public and the environment.

(i) Dust, vibration, odors. All Drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices incident to Drilling for the production of Gas and other hydrocarbon substances. All equipment used shall be so constructed and operated so that, vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any Drilling or production site or from anything incident thereto; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements as identified by the Building Official in industry standards of Drilling and production in this area may be adopted as they become available if capable of reducing dust, vibration and odor.

(j) Electric lines. All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area.

(k) Emergency Response Plan. Prior to the commencement of any Gas or other hydrocarbons site activities, Operator shall submit to the Building Official an
Emergency Response Plan establishing written procedures to minimize any hazard resulting from Drilling, Completion or producing of a Gas Well. Said plan shall use existing guidelines established by the Commission, TCEQ, Texas Department of Transportation and/or the USEPA. The Emergency Response Plan shall be kept current with any additions, modifications, and/or amendments concerning all construction-related activities, natural gas operations and, and/or natural gas production. Updated plans shall be submitted to the Building Official within two (2) business days. Those updates to the Plan which might materially impact the needs or actions of first responders or the DFW Airport Emergency Management Plan shall be submitted to the approved distribution list as soon as practical. A copy of the Emergency Response Plan shall be kept on site.

(l) Explosives. Use of explosives within Airport property shall require an Operational Permit issued by the DFW Department of Public Safety Fire Prevention Office. Each use of explosives will be limited to a single period of time, individual locations and use for jet perforation of wells or other technical applications such as pipe recovery, as described to, and approved by, the DFW DPS Fire Prevention Office prior to use.

(m) Fire prevention; sources of ignition. Firefighting apparatus and supplies as approved by the Fire Department and required by any applicable federal, state, local law, or the Fire Code shall be provided by the Operator, at the Operator’s cost, and shall be maintained on the Drill Site and Operation Site at all times. The Operator shall be responsible for the maintenance and upkeep of such equipment. At a minimum, the Operator shall provide at each Drill Site and Operation Site at least four portable fire extinguishers, the size, rating, distribution and maintenance of which shall be in accordance with the National Fire Protection Association Standard #10 and Standard #30. The Fire Department may require more fire extinguishers based on an evaluation of the hazards at the individual sites. Each Well shall be equipped with an automated valve that closes the Well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line. Lightning protection equipment shall be installed as required at every site in accordance with the National Fire Protection Association Standard 780. Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system.

(n) Gas emission or burning restricted. No person shall allow, cause or permit Gas to be vented into the atmosphere or to be burned by open flame except as provided by law or as permitted by the Commission. If the venting of Gas into the atmosphere or the burning of Gas by open flame is authorized as provided by law or as permitted by the Commission, then such vent or open flame shall not be located closer than five hundred feet (500') from any Building not used in operations on the Drill Site or Operation Site and such vent or open flame shall be screened in such a way as to minimize detrimental effects.

(o) Grass, weeds, trash. Each Drill Site and Operation Site shall be kept clear of high grass, weeds, and combustible trash.
(p) Lights. No person shall permit any lights located on any Drill Site or Operation Site to be directed in such a manner so that they shine directly on Streets or Buildings. To the extent practicable, and taking into account safety considerations, Drill Site and Operation Site lighting shall be directed downward and shielded so as to both prevent direct illumination of and minimize glare on Streets and Buildings within six hundred feet (600').

(q) Muffling exhaust. Exhaust from any internal combustion engine, stationary or mounted on wheels, used in connection with the Drilling or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and prevent the escape of noxious gases, fumes or ignited carbon or soot. All Fracturing operations shall be conducted during daylight hours unless the Operator has notified the Building Official that Fracturing will occur before or after daylight hours, and the Building Official has approved of such procedures.

(r) Organic solvents. Organic solvents, such as trichloroethylene and carbon tetrachloride, shall not be used for cleaning any element, structure, or component of the Derrick, drilling rig, platform, and/or associated equipment, tools, or pipes. To the maximum extent practicable, high flash point Varsol mineral spirits shall be used.

(s) Pipe dope for thread protection. Lead-free, biodegradable pipe dope shall be substituted for API specified pipe dope.

(t) Pits. All Drilling and Wells drilled shall utilize a Closed Loop System. The only permitted type of container open to the atmosphere is a Fresh Water Fracing Pits which must be netted at all times to exclude access by waterfowl.

(u) Private roads and Drill Sites. Prior to the commencement of any Drilling, all roads used for access to the Drill Site and the Operation Site itself shall be at least twenty-two feet (22') wide, have an overhead clearance of fourteen feet (14') and shall be an All-Weather Hard Surface and maintained in accordance with the Fire Code, and to be non-erodible. In particular cases these requirements governing surfacing of roads may be altered at the discretion of the Fire Chief after consideration of all circumstances including, but not limited to, the following: distances from Streets and Buildings; topographical features; nature of the soil; and exposure to wind. All access roads must be kept clean and unobstructed at all times.

(v) Signs (Refer to Part 2 for sign permitting requirements).

(1) A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing erected pursuant to this Resolution. Such sign shall be of durable material, maintained in good condition and, unless otherwise required by the Commission, shall have a surface area of not less than
sixteen (16) square feet with contrasting lettering not less than four inches (4") tall
and shall be lettered with the following:

a. Well-Location Name and number-Pad Name;

b. Name of Operator;

c. The emergency 911 number; and

d. 24 Hour telephone numbers of two (2) persons responsible for the Well who
may be contacted in case of emergency.

(2) Permanent weatherproof signs reading “DANGER NO SMOKING ALLOWED”
in both English and Spanish shall be posted immediately upon Completion at the
Operation Site fencing at the entrance of each Operation Site and tank battery or
in any other location approved or designated by the Fire Department. Sign
lettering shall be four inches (4") in height and shall be red on a white background
or white on a red background. Each sign shall include the emergency notification
numbers of the Fire Department and the Operator, and Well and lease
designations required by the Commission. Well and lease designation signage
shall be posted in those locations and sizes as required by the Commission in Rule
3.3 Identification of Properties, Wells, and Tanks.

(w) Storage of equipment. On-site storage is prohibited on the Operation Site. No
equipment shall be stored on the Drill Site or Operation Site, unless it is necessary to
the everyday operation of the Well. Lumber, pipes, tubing and casing shall not be left
on the Operation Site except when Drilling or Well servicing operations are being
conducted on the Operation Site. No vehicle or item of machinery shall be parked or
stored on any Street, or upon any Operation Site which constitutes a fire hazard or an
obstruction to or interference with fighting or controlling fires except that equipment
which is necessary for Drilling or production operations on the Drill Site or Operation
Site. The Fire Department shall determine whether equipment constitutes a fire hazard.
No refinery, processing, treating or absorption plant of any kind shall be constructed,
established or maintained within the Airport.

(x) Storage tanks. All tanks intended to contain hydrocarbons and permanent structures
shall conform to the API specifications unless other or additional specifications are
approved by the Fire Department. All tanks shall require a Fire Code permit and
application must be made in accordance with the Fire Code. All storage tanks shall be
equipped with a secondary containment system including lining with an impervious
material. The secondary containment system shall be a minimum of three feet (3') in
height and one and one-half (1-1/2) times the contents of the largest tank in accordance
with the Fire Code, and buried at least one foot (1') below the surface. Drip pots shall
be provided at the pump out connection to contain the liquids from the storage tank.
All tanks shall be set back pursuant to the standards of the Commission and the Fire
Code. Each storage tank system shall be equipped with a level control device that will automatically activate a valve to close the Well in the event of excess liquid accumulation in the tank system. No meters, storage tanks, separation facilities, or other above ground facilities, other than the wellhead and flow lines, shall be placed in a floodway identified by FEMA on the most current FIRMs. Meters, storage tanks, separation facilities, or other above ground facilities proposed in the floodplain shall be outside of the floodway and shall be subject to approval by the Building Official.

(y) Swabbing, bailing and purging Wells. No person shall begin the operation of swabbing a Well without first complying with the provisions of this Section. In swabbing, bailing or purging a Well, all deleterious substances removed from the borehole shall be placed in appropriate tanks and no substances shall be permitted to pollute any surface or subsurface fresh water. No Well shall be swabbed before a device, commonly known as a lubricator, has been placed on the flow casing above all outlets or flow lines of the Well. The lubricator shall be not less in diameter than the flow casing and equipped with an adequate oil saver or stuffing box at the top. The total inside length of the lubricator shall be not less than five feet (5') more than the total length of swab and turn back on swab line. The lubricator shall have a nipple not less than two inches (2") in diameter nor more than four inches (4") in length, placed not more than six inches (6") from the top of the flow line or lines between the gate valve on the flow lines and flow casings. The nipple shall be provided with a gate valve not less than two inches (2") in size. All equipment and parts of the lubricator shall be of a type designed and tested to withstand a pressure of 3,000 pounds per square inch. All pressure tests shall be by the hydrostatic method.

(z) Tank battery facilities. Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system. No refinery, processing, treating or absorption plant of any kind, shall be constructed, established or maintained within the Airport except as necessary to render gas into a quality suitable for delivery to third party pipelines. Natural gas fractionation will require a separate permit.

(aa) Surface casing. Surface casing shall be run and set to a minimum depth of 1,400 feet below the surface of the ground or a minimum of 200 feet below the deepest freshwater zone found in the eight sections adjacent to the Operation Site, whichever is greater, and in full compliance with the applicable rules and regulations of the Commission. Surface casing shall have a centralizer in the middle of the shoe shoe joint, a centralizer on the top of the second joint of casing, and centralizers no more than 100 feet apart above the second centralizer every fourth joint. Surface casing must be new pipe of API grade J or K or higher grade and have a minimum burst pressure rating of 2,900 psi. In the event a rupture, break or opening occurs in the surface or production casing, the Operator or drilling contractor shall promptly report the incident to the Building Official. Immediate action shall be taken to repair such casing and the repairs shall be witnessed by the Building Official shall be given the opportunity to witness the repairs.
(bb) Valves. Each Well must have a shutoff valve to terminate the Well’s production. The Fire Department shall have access to the Well site to enable it to close the shut-off valve in an emergency.

(cc) Storage. Waste disposal. All permitted waste disposal including, but not limited to, Brackish Water, shall only be from oil and gas exploration and production sources within the boundaries of Dallas/Fort Worth Airport. Unless otherwise directed by the Commission, all tanks used for storage shall conform to the following: Operator must use portable closed steel storage tanks for storing liquid hydrocarbons. Tanks must meet the API standards. All tanks must have a vent line, flame arrester and pressure relief valve. All tanks must be enclosed by a fence applicable to the issued permit classification. Drilling mud, cuttings, liquid hydrocarbons and all other field waste derived or resulting from or connected with the Drilling, re-working or deepening of any Well shall be discharged into an above-ground self-contained tank or, after authorization by the Building Official, a lined pit. All disposals must be in accordance with the rules of the Commission and any other appropriate local, state or federal agency. Unless otherwise directed by the Commission and approved by the Building Official waste materials shall be removed from the Drill Site and/or Operation Site and transported to an approved off-site disposal facility not less often than every thirty (30) days. Water stored in on-site tanks shall be removed as necessary. All waste shall be disposed of in such a manner as to comply with the air and water pollution control regulations of the Federal Government, the State, this Resolution and any other applicable requirement of the Airport Board. Any permanent, temporary or portable tank, vessel, container, pit or impoundment used for storage of products, materials or wastes shall be selected and maintained to be fit for the purpose and capacity in which it will be used. Any such storage shall only be used for materials and wastes from oil and gas exploration and production activities within the boundaries of Dallas/Fort Worth Airport. All waste shall be disposed of in such time, place and manner as to comply with the air and water pollution control regulations of the Federal Government, the State, this Resolution and any other applicable requirement of the Airport Board.

(dd) Watchperson. The Operator must keep a watchman or security personnel on site during the Drilling or re-working of a Well when other workers are not on the premises.

(ee) Installation of pipelines on, under or across Airport property. The Operator shall apply to the Airport Board for a Permit to use the Airport for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines. Prior to installation, the owner of the pipeline shall submit to the Building Official the pipeline design criteria, including but not limited to, operating pressures, pipeline gradient and elevation to sea level, location, pipe ASTM grade, pipe manufacturer, and pipe wall thickness, pipeline capacity and volume. Prior to and subsequent to installation of each segment of new or replacement pipeline, the pipe and pipeline must receive and pass on-site inspection of compliance with the design criteria and the process of installation. All new or replacement pipe or pipelines shall be covered and must be at least 48
inches below the existing ground level as verified and approved by the Building
Official. Operator shall:

(1) Not interfere with or damage existing water, sewer or gas lines or the facilities of
public utilities located on, under or across a Street.

(2) Furnish to the Building Official a site plan showing the location of such pipelines.

(3) Design, construct, maintain and operate natural gas pipelines in accordance with
Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident
Reports, and Safety-Related Condition Reports; 49 CFR Part 192, Transportation
of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards; and 49

(4) Grade, level and restore such property to the same surface condition, as nearly as
practicable, as existed prior to the laying of the pipeline.

(5) If a pipeline becomes unsafe or is not properly maintained, or if any of the
contents escape, the person in control of the line shall immediately discontinue its
use and shut off all its contents until the line is repaired or in the event a leak is
detected, the Operator of the line shall immediately evaluate the leak or release
and either shut in the pipeline or, as soon as possible, shall initiate repairs
according to the procedure in section (00) below.

(6) As mandated by DOT requirements under CFR 192.701, each owner or operator
of a gas pipeline for which a Permit is required under this Resolution shall have it
surveyed at least twice each year with intervals not to exceed 7.5 months for the
purpose of determining whether it is in safe condition and free from leaks, breaks
or open spaces. The owner or operator shall provide a copy of the leakage survey
report required under DOT CFR 192.706 supported by an affidavit by the person
making the survey to the DFW Department of Public Safety Fire Prevention
Office, within 30 days of completion of the survey. For failure to timely make the
survey and report, or if the report discloses or it otherwise appears that any line is
leaking, defective or unsafe, the pipeline shall be closed and shut-in until such
time as it is repaired or a proper report is filed; the leak has been repaired, or a
repair plan or report has been approved by the Building Official.

(7) The location of all new or replacement pipe or pipelines shall be marked by the
owner(s) thereof or by the person installing or operating the pipe or pipeline.
Marker signs shall be placed at all locations where pipe or pipelines cross property
boundary lines and at each side of a Street which the pipe or pipeline crosses. The
top of all marker signs shall be a minimum of four feet (4') above ground level,
and the support post must be sufficient to support the marker sign and shall be
painted yellow or such other color as may be approved by the Building Official.
All marker signs shall comply with US Department of Transportation standards regarding size, shape, color, installation, positioning, maintenance and other related signage requirements. They shall be a minimum of 12 inches square and shall be marked as “Gas Pipe Line”. All marker signs shall contain the name of the owner and operator of the pipeline. It is the joint and severable responsibility of the owner and the operator of any and all pipelines to maintain the markers in accordance with this Section.

(ff) Streets. No Permit shall be issued for any Well to be drilled within any Street, and no Street shall be blocked, encumbered, or closed due to any Exploration, Drilling or production operations.

(gg) Vehicle routes. Vehicles associated with Drilling and/or production in excess of three (3) tons shall be restricted to those arterials or routes designated by the Airport.

(hh) Tank specifications for a Gas Well. All tanks and permanent structures shall conform to the API specifications unless other specifications are approved by the Airport Board. The top of the tanks shall be no higher than twelve feet (12’) above the terrain surrounding the tanks.

(ii) All Drilling, re-entry and operations at any Well shall be conducted using the best available technology. All casing, valves, Blowout Preventers, drilling fluids, tubing, bradenhead, Christmas tree and wellhead connections shall be of a type and quality consistent with the best available technology and engineering practices. The setting and cementing of casing and running of drill stem tests shall be performed in a manner consistent with the best available technology. All persons engaged in Drilling or production operations shall observe and follow the recommendations and regulations of the API and the Commission, except in those instances specifically addressed by this Resolution.

(jj) Upon Completion of the Well, the Operator shall provide a copy of the Commission Completion Report W15, and certify by affidavit that the Well has been completed according to good engineering practices. The affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, final pumping pressure and whether checkvalves held the pressure. Commencement and completion times of such operation shall be stipulated. The affidavit must be completed by a cementing service company and signed by both the Operator and the cementing service company.

(kk) No person shall commence any operation to change the equipment of a Well for the purpose of converting from natural to artificial production of oil and gas, or commence any operation for the purpose of cleaning, repairing or reconditioning any such Well, before notifying the Building Official that such operation is to be commenced. No person shall commence such operation unless he receives approval. The Building
Official shall give approval for converting from natural to artificial production if it appears that the provisions of this Resolution have been and are being complied with.

(ii) In no case shall Gas or air be transported through any pipeline at a working pressure in excess of 1,000 pounds. If it is necessary to use greater working pressure, a gas or air booster plant shall be installed not closer than 75 feet from the Derrick floor of a Well or tank battery and the compressor unit not less than 100 feet from the Derrick floor of the Well being served. In no event shall more than 1,500 pounds working pressure be used in flowing a Well by artificial means.

(mm) All Gas gathering lines and pipelines on DFW Airport shall be designed, installed, tested and maintained in accordance with the most current version of 49CFR192 - Transportation of Natural or Other Gas by Pipeline: Minimum Federal Safety Standards. All permanent fresh water and Brackish water HDPE lines shall be tested to ASTM D-2837 following installation or repair. A pipe used for the transportation of air or Gas ranging from 600 to 1,000 pounds pressure shall be from two inches (2") to ten inches (10") in outer diameter and shall be seamless pipe with welded or screwed couplings. Any new or replacement pipe shall be covered and not less than 48 inches below the regular ground level. These lines shall be tested before being used and every six (6) months thereafter. The test shall be made with water and the pipe shall stand a pressure of 2,000 pounds.

(nn) At each Well where air or gas lift is used, there shall be placed on the air or gas lift an indicating pressure gauge which shall show the working pressure of air or gas delivered to the Well at all times. All gauges installed on lines shall be tested and corrected every six (6) months.

(oo) The Building Official shall inspect all pressure lines in use at any Well or at any project to ensure that tubing, fittings, equipment or connections are reasonably tight, safe and free from leaks. If it becomes necessary to change or remove any pipeline, the entire expense of change or removal shall be borne by the owner of the line requiring repair. The removal or change shall be made within five (5) days after notice by the Building Official. Each leak noted shall be classified by a qualified person as to its risk to people and property based on the leak location, line use and content, line pressure, surrounding land use and other considerations. Each leak shall be classified upon discovery, and a repair schedule shall be developed to make repairs as soon as possible, but not to exceed one month. The leak shall be monitored regularly until repairs are made. All such repair plans shall be submitted to and approved by the Building Official.

(pp) All pipelines, connections and fixtures installed or used for the purpose of gas transportation shall be operated and maintained in a safe manner at all times so as to prevent all leakage or escape of their contents.

(qq) The Building Official shall have the authority to require the immediate shutting in or closing of any Well if he finds there exists, within a 100-foot radius of any Well, any Gas or gasoline vapor in a quantity sufficient to constitute, in his sole judgment, or in
the sole judgment of the Fire Chief, a fire hazard. The Well shall remain shut in or closed in until the hazard and its cause have been remedied.

(rr) In the event of a fire or discovery of a fire, smoke, or unauthorized release of flammable or hazardous materials, the Operator shall immediately report such condition to the Fire Department.

(ss) Every enhanced recovery or Disposal Well shall be constructed so as to seal the injection zone from the upper portion of the casing. Cement shall be circulated to the surface for injection zone casing. The annulus between the casings shall be filled with a non-corrosive fluid, then sealed and a 1/4-inch female fitting with cutoff valve shall be attached so that the pressure annulus may be measured by the Building Official by attaching a gauge with a ¼-inch male fitting. The annulus between the production casing and the injection tubing shall be pressure tested to a pressure at least 250 psi greater than the injection pressure proposed for the Well. The pressure testing shall be witnessed and approved by the Building Official. The Building Official shall be given the opportunity to witness and approve the pressure testing. A copy of all H-5 test reports must be provided to the Building Official. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the Well, and may result in cancellation of the operating Permit, until the established pressure can once again be maintained.

(1) The DFW Airport Permit for an enhanced recovery or Disposal Well shall state reflect the maximum injection pressure as permitted by the Commission. Exceeding this injection pressure shall be considered a violation of this Section.

(2) Injection lines for such wells shall be buried to a minimum depth of four feet (4’), and shall be pressure tested (static) annually at a minimum of 150 percent of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the Building Official. The Building Official shall be notified in writing five (5) days in advance of such test and may supervise it. Test results shall be filed with the Building Official upon completion.

(3) Before performing any down-hole work on an enhanced recovery or Disposal Well, the Operator shall notify the Building Official at least five (5) days in advance of performing this the work, or as soon as practical in the event of emergency repair work. The Building Official shall be given the opportunity to witness the installation of tubing and packer in the an enhanced recovery or Disposal Well. The annulus between the injection tubing and the production casing shall then be pressure tested to a pressure at least 250 psi in excess of the approved injection pressure as required by Commission Rule 3.9.12 Testing. The Building Official shall be given the opportunity to witness the pressure testing of this annulus. The pressure test shall be repeated at least every six (6) months and shall be witnessed by the Building Official.
(4) The Operator of the well shall submit to the Building Official a monthly report stating the amount of water injected during the month and the maximum tubing pressure. All reports and notifications at the same frequency that such reports and notifications are required under TX RRC Rule 3.9 Disposal Wells, or its equivalent.

SECTION 15
SCREENING

(a) Throughout the entire Exploration, Drilling, and production process there shall be screening improvements (fences, walls, Berms and landscaping) required during each phase of the process if the Drill Site or Operation Site is visible from a Building or Street, exclusive of construction roads, haul roads or access roads. Without regard to visibility, each Fresh Water Fracing Pit that is open to the atmosphere or surface shall be screened.

(1) During Drilling. A temporary chain link fence with all-weather screening fabric at least six feet (6') in height shall be established around the entire Operation Site to obscure view of the Drilling activities. A secured entrance gate shall be required. All gates are to be kept locked when the Operator or his employees are not within the enclosure. A “Knox Padlock” or “Knox Box with a key” shall be provided to access the Well site to be used only in case of an emergency.

(2) Completion through Abandonment (production phase). A painted architectural metal fence or other approved fencing and/or screening shall be required to enclose and visually screen the Well and all associated equipment. An earthen Berm may also be required. The masonry walls, Berms, and landscaping shall be in compliance with standard engineering and design practices and shall meet the following minimum requirements:

a. The painted architectural fence or other approved fencing and/or screening material and design shall be generally compatible with the design of similar facilities, Building and structures on and/or adjacent to the site as approved by the Building Official; and

b. Painted architectural fences shall be at least eight feet (8') in height.

(3) Each Fresh Water Fracing Pit shall be surrounded by a temporary chain link fence with all-weather screening fabric at least six feet (6') in height. A secured entrance gate shall be required. All gates are to be kept locked when the Operator or his employees are not within the enclosure. A “Knox Padlock” or “Knox Box with a key” shall be provided to access the Well site to be used only in case of an emergency. If the Fresh Water Fracing Pit is open to the atmosphere or the
surface, it shall be covered by netting sufficient to inhibit access to the pit by fowl.

(b) Gate specifications. All temporary fences and masonry walls shall be equipped with at least one (1) gate. The gate shall meet the following specifications:

1. Each gate shall be not less than twelve feet (12') wide and be composed of two (2) gates, each of which is not less than six feet (6') wide, or one (1) sliding gate not less than twelve feet (12') wide. If two (2) gates are used, gates shall latch and lock in the center of the span;

2. The gates shall be of chain link construction, with all-weather screening fabric, that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as a chain link fence;

3. The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and

4. Operator must provide the Fire Department with a “Knox Padlock” or “Knox Box with a key” to access the Well site to be used only in case of an emergency.

SECTION 16
CLEANUP AND MAINTENANCE

(a) Cleanup after well servicing. After the Well has been completed or there has been an Abandonment, the Operator shall clean the Drill Site or Operation Site, complete restoration activities and repair all damage to property caused by such operations within sixty (60) days.

(b) Clean-up after spills, leaks and malfunctions. After any spill, leak or malfunction, the Operator shall remove or cause to be removed to the satisfaction of the Fire Department and the Building Official all waste materials from any property affected by such spill, leak or malfunction. Clean-up operations must begin immediately. If the Operator fails to begin clean-up within twenty-four (24) hours, the Airport Board shall have the right to contact the Commission in order to facilitate the removal of all waste materials from the property affected by such spill, leak or malfunction.

(c) Painting. All production equipment shall be painted and maintained at all times, including wellheads, pumping units, tanks, and Buildings. When requiring painting of such facilities, the Building Official shall consider the deterioration of the quality of the material of which such facility or structure is constructed, the degree of rust, and its appearance. Paint shall be non-reflective and of a neutral color, compatible with
surrounding uses. Neutral colors shall include sand, gray and unobtrusive shades of green, blue and brown, or other neutral colors approved by the Building Official.

(d) Blowouts. In the event of the loss of control of any Well, Operator shall immediately take all reasonable steps to regain control regardless of any other provision of this Resolution and shall notify the Building Official and Fire Chief as soon as practicable. If in the opinion of the Building Official or the Fire Chief, a danger to persons and/or property exists because of such loss of Well control and that the Operator is not taking or is unable to take all reasonable and necessary steps to regain control of such Well, the Building Official may then employ any well control expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material which the Building Official deems necessary to regain control of such Well. The Airport Board shall then have a valid lien against the interest in the Well of all working interest owners to secure payment of any expenditure made by the Airport Board pursuant to such action of the Building Official in gaining control of said Well.

SECTION 17
PLUGGED AND ABANDONED WELLS

(a) Surface requirements for the Abandonment of a Well. Whenever Abandonment occurs pursuant to the requirements of the Commission, the Operator shall be responsible for the restoration of the Well site to its original condition as nearly as practicable, in conformity with the regulation of this Resolution.

(b) Abandonment shall be approved by the Building Official after restoration of the Drill Site and/or Operation Site has been accomplished in conformity with the following requirements at the discretion of the Building Official:

(1) The Derrick and all appurtenant equipment thereto shall be removed from the site;

(2) All tanks, towers, and other surface installations shall be removed from the site;

(3) All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing, shall be removed from the site, unless otherwise directed by the Commission;

(4) If any soil was contaminated, it shall be removed in accordance with local, State and Federal regulations;

(5) All holes and depressions shall be filled to grade with clean, compactable soil;

(6) All waste, refuse or waste material shall be removed; and
(7) During Abandonment, Operator shall comply with all applicable sections in this Resolution.

c) Abandoned Well requirement. The Operator shall furnish the following to the Building Official:

(1) A copy of the approval of the Commission confirming compliance with all Abandonment proceedings under state law; and

(2) A notice of intention to abandon under the provisions of this Section and stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.

d) Abandonment requirements prior to new construction. A Well Site or Drill Site where there has been an Abandonment shall meet the most current Abandonment requirements of the Commission prior to the issuance of any Permit for development of the property. No structure shall be built over an abandoned Well.

e) The Operator can only abandon a Well if the Building Official has reviewed and approved the Abandonment.

SECTION 18
TECHNICAL ADVISOR

The Airport Board may from time to time employ a technical advisor or advisors who are experienced and educated in the gas industry or the law as it pertains to gas matters. The function of such advisor(s) shall be to advise, counsel or represent the Airport Board on such matters relating to gas operations within the Airport as the Airport Board may want or require and the effect thereof, both present and future, on the health, welfare, comfort and safety of the public. In the event such technical advisor(s) is (are) employed for the purpose of advising, counseling or representing the Airport Board relative to an Operator’s unique and particular set of circumstances, case or request relating to this Resolution, then the cost for such services of such technical advisor(s) shall be assessed against and paid for by such Operator in addition to any fees or charges assessed pursuant to this Resolution. Prior to the employment of a technical advisor, the Airport Board shall inform the Operator of the intended scope of work and the estimated costs and expenses.

SECTION 19
MEANS OF APPEAL

Refer to Part One, Construction and Fire Prevention Standards Resolution for Board of Appeals.
SECTION 20
VARIANCE RESOLUTION COMMITTEE

The Airport Board hereby establishes a Variance Resolution Committee for Gas Exploration and Production, hereinafter referred to as the Variance Resolution Committee, for the purpose of considering variances to the requirements of Part Nine. The Variance Resolution Committee shall consist of the following Airport staff positions:

Vice President, Commercial Development or successor department
Vice President, Department of Public Safety or successor department
Vice President, Finance or successor department
Vice President, Operations or successor department
Vice President, Airport Development and Engineering Planning or successor department

(a) An Applicant for a Permit required by this Part may apply for a variance from the requirements of this Part by submitting to the Building Official a written request for variance. The request must include the following:

(1) Description of the requested variance and an explanation of why it should be granted;

(2) Description of alternatives considered and why each is not the preferred alternative;

(3) Description of the economic consequences if the variance is not granted; and

(4) Description of how the level of health, safety and welfare of the public will be maintained if the variance is granted.

(b) The Building Official shall forward copies of the variance request to the Variance Resolution Committee members. On a case-by-case basis, the Variance Resolution Committee shall consider the following in granting a variance:

(1) Whether the operations proposed are safe and reasonable under the circumstances and conditions prevailing in the area, considering the particular location and the character of the improvements located there;

(2) How the operations proposed compare to available alternatives;

(3) Whether the operations proposed would conflict with the orderly growth and development of the Airport;

(4) The economic consequence if the variance is not granted;

(5) Whether the operations proposed adequately protect the health, safety and welfare of the public; and
Whether the operations proposed provide acceptable access for fire personnel and fire fighting equipment.

(c) Approval of a variance requires that a minimum of three Variance Resolution Committee members vote in favor of the approval. The Variance Resolution Committee shall notify the Airport tenants affected by any request for variance and allow them to address the request in writing within twenty (20) days of the notice. Only variances that would result in a setback distance between any Well or Disposal Well and a Building to less than the minimum setback outlined in Section 13 of this Part will be deemed to affect an Airport tenant.

The Variance Resolution Committee shall not be required to hold public hearings, except upon request of two Committee members. The Variance Resolution Committee shall notify the Airport Board in writing of each variance request at least twenty (20) days prior to the granting of such variance. Upon request of two voting Airport Board members, a variance shall be placed on a public meeting agenda of the Airport Board. The Variance Resolution Committee shall not thereafter grant the variance request without consent of the Airport Board.

The details of each action granting or denying the requested variance shall be recorded and entered in the files of the Office of the Building Official, and the Building Official shall forward a letter to the Applicant stating whether the Variance Resolution Committee has approved or denied the variance request and listing any conditions placed upon an approval. The Variance Resolution Committee shall report each such action to the Airport Board on at least a quarterly basis.

SECTION 21
SEVERABILITY CLAUSE

It is the intention of the Airport that the phrases, clauses, sentences, paragraphs and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.
AGENDA ITEM # 14

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

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Communication and Information Services

CMO: Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc. - Not to exceed $468,024, from $2,291,954 to $2,759,978 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item will extend the current maintenance and support for critical mainframe computer software. This software includes the mainframe security system, backup systems and the databases currently servicing Dallas Water Utilities, Public Works and Transportation, Courts, Police, Fire, and Streets Departments. The existing software products were initially purchased via the competitive sealed bid process from various companies (Applied Data Research, Inc., Goal Systems International, Inc., and On-Line Software, Inc.) which have since been acquired by Computer Associates International, Inc.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 27, 2004, City Council authorized the purchase of thirty-six months of computer mainframe maintenance and support, by Resolution #04-3034.

On September 8, 1999, City Council authorized the purchase of sixty months of computer mainframe maintenance and support, by Resolution #99-2828.

On May 26, 1993, City Council authorized the purchase of computer mainframe maintenance and support, by Resolution #93-2013.

On May 26, 1993, City Council authorized the purchase of computer mainframe maintenance and support, by Resolution #93-2012.
**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)**

On May 26, 1993, City Council authorized the purchase of computer mainframe maintenance and support, by Resolution #93-2010.

On January 13, 1993, City Council authorized the purchase of a mainframe database management system and maintenance and support, by Resolution #93-0193.

On June 24, 1992, City Council authorized the purchase of a mainframe database management system and maintenance and support, by Resolution #92-2368.

On September 9, 1987, City Council authorized the purchase of computer mainframe maintenance and support, by Resolution #87-2830.

On August 19, 1987, City Council authorized the purchase of computer mainframe maintenance and support, by Resolution #87-2586.

On February 27, 1985, City Council authorized the purchase of software and maintenance, by Resolution #85-0679.

**FISCAL INFORMATION**

$468,024.00 - Current Funds

**M/WBE INFORMATION**

There are no M/WBEs on the bid list for this commodity.

**ETHNIC COMPOSITION**

**Computer Associates International, Inc.**

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<tr>
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**OWNER**

**Computer Associates International, Inc.**

John Swainson, CEO
WHEREAS, the City has the following agreements with Computer Associates International, Inc. ("Vendor"): Datacom/Database and related software products acquired through Council Resolution # 85-0679 from Applied Data Research, Inc. and said company was acquired by VENDOR in 1989; Faver/MVS mainframe software was acquired through Purchase Order # DX0764A0111 from Goal Systems International Inc. and said company was acquired by Vendor in 1995; CA-Top Secret mainframe software was acquired through Council Resolution # 87-2586 from VENDOR; and

WHEREAS, the City Council authorized to execute an amendment to the original software license agreement to continue the term for an additional sixty months extension of computer mainframe maintenance and support with the VENDOR on September 8, 1999, by Resolution #99-2828; and

WHEREAS, the City Council authorized to execute an amendment to the original software license agreement to continue the term for an additional thirty-six-month extension of computer mainframe maintenance and support with the VENDOR on October 27, 2004, not to exceed $441,534, from $1,850,420 to $2,291,954, by Resolution #04-3034; and

WHEREAS, the City and the VENDOR desire to execute an amendment to the above described original software license agreements to continue the term of the original agreements for an additional thirty-six months of maintenance and support.

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to execute a thirty-six-month extension of the maintenance and support agreement with Computer Associates International, Inc. (#024714F) not to exceed $468,024, from $2,291,954 to $2,759,978.

Section 2. That the City Controller is hereby authorized to disburse funds from the following appropriations in an amount not to exceed $468,024:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Unit</th>
<th>Object Code</th>
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<td>1667</td>
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<td>1667</td>
<td>3438</td>
<td>DSVCOMPASSOC10</td>
<td>$156,008</td>
</tr>
</tbody>
</table>

Total in amount not to exceed $468,024 (subject to annual appropriations)
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.

Distribution:

Office of Financial Services
City Auditor
City Attorney
Office of Business Development and Procurement Services
Communication and Information Services
SUBJECT
A resolution authorizing the rejection of a bid received from JS Funding, Ltd. for tax foreclosure property improved with a single family residence located at 4603 Idaho Avenue and its re-advertisement for sale - Financing: No cost consideration to the City

BACKGROUND
This item authorizes the rejection of the bid received from JS Funding, Ltd. on September 27, 2007, for tax foreclosure property located at 4603 Idaho Avenue in the amount of $16,871. This property was advertised in the Dallas Morning News on September 8 and 9, 2007, and on the City of Dallas’ Real Estate website. Notices of the sale were sent to property owners within the block and a “for sale” sign was posted on the property.

The property was advertised for the September 27, 2007, tax foreclosure sale as improved property with a minimum bid of $16,400. Two bids were received with the highest bid being in the amount of $16,871 from JS Funding, Ltd.

Subsequent to the receipt of the high bid from JS Funding, Ltd., the structure was destroyed by fire. Due to the current condition of the property, the bid should be rejected, and the deposit in the amount of $1,687 plus the $50 recording fee should be refunded and the property re-advertised for sale as an unimproved tract of land.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)
This item has no prior action.

FISCAL INFORMATION
No cost consideration to the City
OWNER

JS Funding, Ltd.

Jump Start Investments, L.L.C., General Partner
Timothy L. Stover, Member

MAP

Attached
WHEREAS, the City of Dallas, the State of Texas, ("State"), the County of Dallas, ("County"), and/or the Dallas Independent School District, ("DISD"), acquired a Sheriff's Deed to the property, ("Property"), at a sheriff's tax sale, ("the First Sale"), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure ("the Judgment") in a tax foreclosure sale or a Seizure Warrant, ("Warrant") and the subsequent Sheriff's Deed was filed in the Real Property Records of Dallas County, Texas, all as described on "Exhibit A", attached hereto and made a part hereof; and

WHEREAS, the Property was advertised for resale and offered for sale via sealed bid in the Dallas Morning News on the dates as indicated on Exhibit A; and

WHEREAS, two sealed bids were received and opened on September 27, 2007, with the highest bid received from JS Funding, Ltd. in the amount of $16,871 for the property located at 4603 Idaho Avenue; and

WHEREAS, the property was destroyed by fire which reduced the market value; Now, Therefore,

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

SECTION 1. That all sealed bids received and opened on September 27, 2007, for the property located at 4603 Idaho Avenue, as more fully described in Exhibit A, are hereby rejected.

SECTION 2. That the funds received for the Property in the amount of $1,737.10 from JS Funding, Ltd. that have been deposited into the General Fund 0001, Department DEV, Balance Sheet Account 0519, shall be refunded to JS Funding, Ltd. upon approval of this resolution.

SECTION 3. That the Property located at 4603 Idaho Avenue will be re-advertised for sale in the Dallas Morning News for the next sealed bid auction following the demolition of the structure.

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

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

BY [Signature] Assistant City Attorney

Distribution: City Attorney's Office - Sarah Hasib
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<thead>
<tr>
<th>PARCEL NUMBER</th>
<th>STREET ADDRESS LEGAL DESCRIPTION</th>
<th>TF/SW</th>
<th>VACANT IMPROVED</th>
<th>OWNED BY</th>
<th>DEED VOLUME PAGE</th>
<th>DMN DATES ADVERTISED</th>
<th># BIDS</th>
<th>BIDDER</th>
<th>BID AMOUNT</th>
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<td>1</td>
<td>4603 Idaho Lot 7, George F. Sleeth’s Addition, Block D/6009</td>
<td>TF</td>
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</tbody>
</table>

TOTAL: $16,871

* 1=CITY, 2=DISD, 3=COUNTY, 4=STATE  All properties are located in the City of Dallas, Dallas County, Texas
AGENDA ITEM # 16

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 57P Q T U 67B C D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Metropolitan Sand & Gravel Co., L.L.C., for a total of approximately 1,400 acres of land located near the intersection of Loop 12 and Pemberton Hill Road for the Trinity River Corridor Project - $1,975,000 - Financing: Private Funds ($975,000) and 2006 Bond Funds ($1,000,000)

BACKGROUND

This item authorizes the acquisition for a total of approximately 1,400 acres of unimproved land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand & Gravel Co., L.L.C. This property will be used for the Trinity River Corridor project. The consideration is based upon independent appraisals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Private Funds - $975,000
2006 Bond Funds - $1,000,000

OWNER

Metropolitan Sand & Gravel Co., L.L.C.

Linda Kahn, Managing Member

MAPS

Attached
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

“PROPERTY”: The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROJECT”: The Trinity River Corridor Project

"PROPERTY INTEREST": Fee Simple

"OWNER": Metropolitan Sand & Gravel Co., L.L.C., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $1,975,000.00

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

SECTION 1. That the PROJECT is a municipal and public purpose and a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.
SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of the Trinity River Corridor Project Fund as follows: $228,000 Fund No. TP14, Department PBW, Unit N962, Program No. PB98N962, Object 4210; $747,000 Fund No. 5P14, Department PBW, Unit N966, Program No. PB98N966, Object 4210, Encumbrance No. CT-DEVN966LJ17 and $1,000,000 Payable out of 2006 Park and Recreation Facility Improvement, Fund No. 7T00, Department PKR, Activity PKLA, Unit T291, Object 4210, Program No. PK06T291, Commodity 57863, Encumbrance No. PKR08018947.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.
SECTION 9. That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY
Assistant City Attorney

COUNCIL CHAMBER

February 13, 2008
EXHIBIT A

TRACT 1
TRINITY RIVER FLOODWAY
527.27 ACRES
CITY BLOCK NOS. 6239, 6257 AND 7948

FIELD NOTES FOR 527.27 ACRES OR 22,968.075 SQUARE FEET OF LAND BEING OUT OF THAT CERTAIN TRACT OF LAND KNOWN AS TRACT NO. 4 AND DESCRIBED IN QUIT CLAIM DEEDS DATED DECEMBER 17, 1998 TO METROPOLITAN SAND AND GRAVEL CO., L.L.C., RECORDED IN VOLUME 98253, PAGE 01933 AND VOLUME 98253, PAGE 01948, DEED RECORDS DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEING IN CITY BLOCK NOS. 6239, 6257, AND 7948, CITY OF DALLAS, LOCATED IN THE PATRICK MCCLARY SURVEY, ABSTRACT NO. 953, JOHN BEEMAN SURVEY, ABSTRACT NO. 97, I.L. HILL SURVEY, ABSTRACT NO. 648, CORNELIUS COX SURVEY, ABSTRACT NO. 284 AND ISAAC ELAM SURVEY, ABSTRACT NO. 443, DALLAS COUNTY, TEXAS. (Bearings are referenced to the Texas Coordinate System, North Central Zone, North American datum of 1983).

BEGINNING at a 1/2 inch iron rod found in the common line of said Isaac Elam and Cornelius Cox surveys for the southwest corner of a tract of land described in warranty deed dated September 6, 2000 to Mario Lira and Mario A. Lira recorded in Volume 200328, Page 04492, D.R.D.C.T. in City Block No. 6257;

THENCE N 88°52'54" E, along the south line of said Mario Lira and Mario A. Lira tract, a distance of 450.19 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI” set in the northwest right of way line of State Highway Loop 12 and described in the following right of way deeds to the State of Texas: dated July 7, 1943 and recorded in Volume 2429, Page 538; dated July 1, 1943 and recorded in Volume 2429, Page 533; dated August 12, 1943 and recorded in Volume 2435, Page 217; dated July 7, 1943 and recorded in Volume 2435, Page 214; dated July 22, 1947 and recorded in Volume 2899, Page 368; dated October 15, 1947 and recorded in Volume 2916, Page 544; dated December 18, 1939 and recorded in Volume 2191, Page 380; dated January 14, 1947 and recorded in Volume 2849, Page 448; dated January 14, 1947 and recorded in Volume 2849, Page 453; dated July 3, 1943 and recorded in Volume 2435, Page 218, D.R.D.C.T. for a corner of the herein described tract, said 5/8 inch iron rod with cap being in a non-tangent curve to the left whose center bears S 19°24'46" E, 2,984.79 feet and from which a found 1/2 inch iron rod bears S 78°20' W, 6.9 feet;

THENCE in a southwesterly direction, along the northwest right of way line of said State Highway Loop 12, with said non-tangent curve to the left, having a radius of 2984.79 feet, an arc length of 279.69 feet, a central angle of 05°22'08" and a chord which bears S67°54'10"W, 279.58 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI” set for a corner of the herein described tract, from which a found Type I Concrete Monument bears S 61°48' W, 0.9 feet;
EXHIBIT A

TRACT 1
TRINITY RIVER FLOODWAY
527.27 ACRES
CITY BLOCK NOS. 6239, 6257, AND 7948

THENCE S 65°13'07" W, continuing along the northwesterly right of way line of said State Highway Loop 12, a distance of 1,860.95 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for a corner of the herein described tract;

THENCE N 24°46'53" W, continuing along the northwest right of way line of said State Highway Loop 12, a distance of 25.00 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for a corner of the herein described tract;

THENCE S 65°13'07" W, continuing along the northwest right of way line of said State Highway Loop 12, a distance of 1,675.00 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for a corner of the herein described tract;

THENCE S 45°25'11" W, continuing along the northwest right of way line of said State Highway Loop 12, a distance of 132.85 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for a corner of the herein described tract;

THENCE S 65°13'07" W, continuing along the northwest right of way line of said State Highway Loop 12, a distance of 412.75 feet to a point on the gradient boundary line of the Trinity River for a corner of the herein described tract;

THENCE along the gradient boundary line of said Trinity River as surveyed by William C. Boden, Licensed State Land Surveyor during July, 2003 the following courses and distances:

N 22°17'21" W, a distance of 78.49 feet;
N 11°35'27" W, a distance of 216.03 feet;
N 01°26'36" W, a distance of 254.12 feet;
N 02°01'06" E, a distance of 181.74 feet;
N 15°21'57" E, a distance of 222.69 feet;
N 17°47'53" E, a distance of 196.32 feet;
N 20°46'12" E, a distance of 156.81 feet;
N 30°25'53" E, a distance of 212.27 feet;
TRACT 1
TRINITY RIVER FLOODWAY
527.27 ACRES
CITY BLOCK NOS. 6239, 6257 AND 7948

N 20°43'35" E, a distance of 173.23 feet;
N 33°13'27" E, a distance of 197.87 feet;
N 11°36'20" E, a distance of 152.13 feet;
N 37°09'05" E, a distance of 118.08 feet;
N 26°38"26" E, a distance of 169.96 feet;
N 24°05'34" E, a distance of 129.61 feet;
N 18°02'56" E, a distance of 103.30 feet;
N 36°06'17" E, a distance of 163.28 feet;
N 19°26'10" E, a distance of 246.16 feet;
N 19°50'22" E, a distance of 170.33 feet;
N 25°21'41" E, a distance of 195.91 feet;
N 23°31'45" E, a distance of 179.88 feet;
N 19°05'49" E, a distance of 123.20 feet;
N 04°04'10" E, a distance of 150.80 feet;
N 12°18'29" E, a distance of 90.08 feet;
N 15°31'56" E, a distance of 152.39 feet;
N 06°46'21" E, a distance of 149.26 feet;
N 13°42'59" E, a distance of 130.33 feet;
EXHIBIT A

TRACT 1
TRINITY RIVER FLOODWAY
527.27 ACRES
CITY BLOCK NOS. 6239, 6257 AND 7948

N 00°18'39" E, a distance of 258.04 feet;

N 05°22'20" W, a distance of 218.99 feet;

N 10°04'04" E, a distance of 205.39 feet;

N 05°21'40" W, a distance of 99.55 feet;

N 16°59'25" W, along the gradient boundary line of said Trinity River, a distance of 242.84 feet to a point for the most southerly corner of a tract of described in an agreed judgment dated December 20, 1989 to the City of Dallas recorded in Volume 90020, Page 1793, D.R.D.C.T. in City Block No. 7948 and a corner of the herein described tract;

THENCE N 15°36'58" E, along the easterly line of said City of Dallas tract, a distance of 1,019.78 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for the point of curvature of a curve to the right;

THENCE in a northeasterly direction, continuing along the easterly line of said City of Dallas tract, with said curve to the right, having a radius of 3,725.00 feet, an arc length of 1,741.01 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for the point of tangency;

THENCE N 42°38'43" E, continuing along the easterly line of said City of Dallas tract, a distance of 507.05 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set in the southwest line of a tract of land and described in warranty deed dated October 15, 1959 to Dallas, Power And Light Company recorded in Volume 5212, Page 435, D.R.D.C.T. in City Block No. 6239 for a corner of the herein described tract;

THENCE S 45°00'00 E, along the southwest line of said Dallas, Power And Light Company tract, a distance of 201.73 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for the southwest corner of said Dallas, Power And Light Company tract and a corner of the herein described tract;
EXHIBIT A

TRACT 1
TRINITY RIVER FLOODWAY
527.27 ACRES
CITY BLOCK NOS. 6239, 6257 AND 7948

THENCE N 89°32'59" E, along the south line of said Dallas, Power And Light Company tract, a distance of 2,672.68 feet to a 5/8 inch iron rod with cap stamped "LCI" set in the existing west line of Pemberton Hill Road (width varies, no record deed found) for the northeast corner of the herein described tract, from which a found 1/2 inch iron pipe bears S 89°32'59" W, 3.73 feet;

THENCE S 00°24'42" E, along the existing west line of said Pemberton Hill Road, a distance of 3,284.01 feet to a 5/8 inch iron rod with cap stamped "LCI" set in the north right of way line of Elam Road (60 feet wide) per Volume 2234, Page 336, D.R.D.C.T. for a corner of the herein described tract;

THENCE S 88°51'37" W, along the north right of way line of said Elam Road a distance of 1,985.98 feet to a 5/8 inch iron rod with cap stamped "LCI" set for an interior corner of the herein described tract;

THENCE S 01°05'58" E, along the west line of said Elam Road, at a distance of 30.00 feet pass a found 5/8 inch iron rod and continuing along the west line of said Mario Lira and Mario A. Lira tract a total distance of 2,651.97 feet to the POINT OF BEGINNING and containing 527.27 acres or 22,968,075 square feet of land.

Metes and Bounds description contains a mathematical calculated closure of 1/3,054.931.

February 17, 2004
Landtech Consultants, Inc.

Paul P. Kwan
Reg. Prof. Land Surveyor No. 4313

42fn1431.03
Dwg. No. 1431-D-2085
Job No. 0220299.00
FIELD NOTES FOR 887.78 ACRES OR 38,671,805 SQUARE FEET OF LAND BEING OUT OF THAT CERTAIN TRACT OF LAND KNOWN AS TRACT NO. 4 AND DESCRIBED IN QUIT CLAIM DEEDS DATED DECEMBER 17, 1998 TO METROPOLITAN SAND AND GRAVEL CO., L.L.C., RECORDED IN VOLUME 98253, PAGE 01933 AND VOLUME 98253, PAGE 01948, DEED RECORDS DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEING IN CITY BLOCK NOS. 6258, 6259 AND 7972, CITY OF DALLAS, LOCATED IN THE ISAAC ELAM SURVEY, ABSTRACT NO. 443, ELIZABETH CROCKETT SURVEY, ABSTRACT NO. 231 AND GIDEON PEMBERTON SURVEY, ABSTRACT NO. 1155, DALLAS COUNTY, TEXAS. (Bearings are referenced to the Texas Coordinate System, North Central Zone, North American datum of 1983).

COMMENCING at a 5/8 inch iron rod with cap stamped “CTY” Dallas found in the common line of said Gideon Pemberton Survey and George Markham Survey, same being in the east line of a tract of land described in deed dated February 28, 1916 to Rudolph Vonasch recorded in Volume 671, Page 290, D.R.D.C.T., in City Block No. 6259; said point being the southwest corner of a tract of land described in warranty deed dated October 18, 1996 to Herman Nethery recorded in Volume 96211, Page 00765, D.R.D.C.T., in City Block No. 6263 and the northwest corner of a tract of land described in warranty deed dated October 15, 1914 to Rudolph Vonasch recorded in Volume 629, Page 687, D.R.D.C.T., in City Block No. 6263;

THENCE S 00°45’27” E, along the common line of said Gideon Pemberton and George Markham Surveys, the west line of said Rudolph Vonasch tract recorded in Volume 629, Page 687, D.R.D.C.T. and the east line of said Rudolph Vonasch tract recorded in Volume 671, Page 290, D.R.D.C.T., a distance of 9.87 feet to a 5/8 inch iron rod with aluminum cap stamped “LCT” set for the southeast corner of said Rudolph Vonasch tract recorded in Volume 671, Page 290, D.R.D.C.T. and the POINT OF BEGINNING of the herein described tract;

THENCE S 00°45’27” E, continuing along the common line of said Gideon Pemberton and George Markham surveys, the east line of said Elizabeth Crockett Survey, the west line of said Rudolph Vonasch tract recorded in Volume 629, Page 687, D.R.D.C.T., a distance of 2,959.43 feet to a point on the gradient boundary line of the Trinity River for the southeast corner of the herein described tract;

THENCE along the gradient boundary line of said Trinity River as surveyed by William C. Boden, Licensed State Land Surveyor during July, 2003 the following courses and distances:

S 71°46’02” W, a distance of 14.51 feet;
EXHIBIT A

TRACT 2
TRINITY RIVER FLOODWAY
887.78 ACRES
CITY BLOCK NOS. 6258, 6259 AND 7972

S 69°39'35" W, a distance of 174.08 feet;
S 57°38'58" W, a distance of 258.68 feet;
S 54°47'54" W, a distance of 243.94 feet;
S 56°34'54" W, a distance of 146.19 feet;
S 47°19'07" W, a distance of 290.19 feet;
S 52°35'22" W, a distance of 156.89 feet;
S 55°40'53" W, a distance of 169.41 feet;
S 69°58'08" W, a distance of 254.32 feet;
S 85°43'37" W, a distance of 185.24 feet;
N 86°23'29" W, a distance of 209.74 feet;
S 89°58'39" W, a distance of 255.04 feet;
N 85°10'30" W, a distance of 217.60 feet;
N 86°48'58" W, a distance of 228.68 feet;
S 82°31'49" W, a distance of 257.72 feet;
S 86°25'00" W, a distance of 251.23 feet;
S 89°08'26" W, a distance of 346.69 feet;
N 88°35'07" W, a distance of 279.52 feet;
N 72°32'42" W, a distance of 159.04 feet;
EXHIBIT A

TRACT 2
TRINITY RIVER FLOODWAY
887.78 ACRES
CITY BLOCK NOS. 6258, 6259 AND 7972

N 66°40'07" W, a distance of 187.12 feet;
N 81°56'28" W, a distance of 296.06 feet;
N 58°40'17" W, a distance of 175.04 feet;
N 52°51'48" W, a distance of 236.24 feet;
N 50°56'08" W, a distance of 254.40 feet;
N 46°12'42" W, a distance of 267.52 feet;
N 70°35'36" W, a distance of 315.15 feet;
S 85°19'21" W, a distance of 304.15 feet;
S 79°51'19" W, a distance of 291.29 feet;
S 79°33'51" W, a distance of 289.33 feet;
N 73°21'11" W, a distance of 283.83 feet;
N 70°55'12" W, a distance of 230.39 feet;
N 73°24'39" W, a distance of 273.94 feet;
N 72°47'32" W, a distance of 256.93 feet;
N 88°00'36" W, a distance of 299.52 feet;
S 88°57'41" W, a distance of 71.72 feet;
N 62°00'51" W, a distance of 50.51 feet;
N 49°10'33" W, a distance of 262.22 feet;
EXHIBIT A

TRACT 2
TRINITY RIVER FLOODWAY
887.78 ACRES
CITY BLOCK NOS. 6258, 6259 AND 7972

THENCE N 22°17'55" W, a distance of 286.78 feet;

THENCE N 10°55'15" E, a distance of 153.09 feet;

THENCE N 00°43'53" W, a distance of 368.28 feet;

THENCE N 04°23'50" E, a distance of 592.22 feet;

THENCE N 21°20'58" E, a distance of 120.05 feet;

THENCE N 34°39'07" W, a distance of 117.32 feet;

THENCE N 10°15'55" W, a distance of 233.47 feet;

THENCE N 28°27'52" W, a distance of 284.76 feet;

THENCE N 24°00'45" W, a distance of 442.88 feet;

THENCE N 22°17'21" W, along the gradient boundary line of said Trinity River, a distance of 166.44 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set in the southeast right of way line of State Highway Loop 12 and described in the following right of way deeds to the State of Texas: dated July 7, 1943 and recorded in Volume 2429, Page 538; dated July 1, 1943 and recorded in Volume 2429, Page 533; dated August 12, 1943 and recorded in Volume 2435, Page 217; dated July 7, 1943 and recorded in Volume 2435, Page 214; dated July 22, 1947 and recorded in Volume 2899, Page 368; dated October 15, 1947 and recorded in Volume 2916, Page 544; dated December 18, 1939 and recorded in Volume 2191, Page 380; dated January 14, 1947 and recorded in Volume 2849, Page 448; dated January 14, 1947 and recorded in Volume 2849, Page 453; dated July 3, 1943 and recorded in Volume 2435, Page 218, D.R.D.C.T. for the northwest corner of the herein described tract;

THENCE N 65°13'07" E, along the southeast right of way line of said State Highway Loop 12, a distance of 421.46 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for a corner of the herein described tract;

THENCE N 85°01'03" E, continuing along the southeast right of way line of said State Highway Loop 12, a distance of 132.85 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set for a corner of the herein described tract;
THENCE N 65°13'07" E, continuing along the southeast right of way line of said State Highway Loop 12, a distance of 1,675.00 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI" set for a corner of the herein described tract, from which a found Type I Concrete Monument bears, N 56°02' E, 2.5 feet;

THENCE N 24°46'53" W, continuing along the southeast right of way line of said State Highway Loop 12, a distance of 25.00 feet to a found Type I Concrete Monument for a corner of the herein described tract;

THENCE N 65°13'07" E, continuing along the southeast right of way line of said State Highway Loop 12, a distance of 1,860.95 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI" set for the point of curvature of a curve to the right, from which a found Type I Concrete Monument bears S 65°13" W, 1.0 feet;

THENCE in a northeasterly direction, continuing along the southeast right of way line of said State Highway Loop 12, with said curve to the right, having a radius of 2,744.79 feet, an arc length of 1,147.76 feet, a central angle of 23°57'52" and a chord which bears N 77°11'52" E, 1,139.42 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI" set for the point of tangency, from which a found Type I Concrete Monument bears, N 89°11' E, 0.7 feet;

THENCE N 89°10'38" E, along the south right of way line of State Highway Loop 12, a distance of 727.72 feet to a 5/8 inch iron rod with aluminum cap stamped "LCI" set in the common line of said Isaac Elam and Gideon Pemberton Surveys for a corner of the herein described tract;

THENCE N 00°28'06" W, along the common line of said Isaac Elam and Gideon Pemberton surveys, a distance of 34.00 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI" set in the south right of way line of said State Highway Loop 12 for a corner of the herein described tract;

THENCE N 89°10'38" E, continuing along the south right of way line of said State Highway Loop 12, at a distance of 1,809.38 feet pass a found Type I Concrete Monument marking TxDOT stationing 200+00 and continuing a total distance of 2,632.94 feet to a 5/8 inch iron rod with aluminum cap stamped “LCI" set for the northwest corner of said Rudolph Vonasch tract recorded in Volume 671, Page 290, D.R.D.C.T. and the northeast corner of the herein described tract;
EXHIBIT A

TRACT 2
TRINITY RIVER FLOODWAY
887.78 ACRES
CITY BLOCK NOS. 6258, 6259 AND 7972

THENCE S 00°45'27" E, along the west line of said Rudolph Vonasch tract recorded in Volume 671, Page 290, D.R.D.C.T. a distance of 2,007.73 feet to a 5/8 inch iron rod with aluminum cap stamped "LCL" set for the southwest corner of said Rudolph Vonasch tract and a corner of the herein described tract;

THENCE N 88°46'50" E, along the south line of said Rudolph Vonasch tract, a distance of 20.00 feet to the POINT OF BEGINNING and containing 887.78 acres or 38,671,805 square feet of land.

Metes and Bounds description contains a mathematical calculated closure of 1/551,626.

February 17, 2004
Landtech Consultants, Inc.

Paul P. Kwan
Reg. Prof. Land Surveyor No. 4313

42fn1431.04
Dwg. No. 1431-D-2085
Job No. 0220299.00
SUBJECT

Authorize the deposit of a Special Commissioners’ Award and settlement of the condemnation suit for the award in City of Dallas vs. Horace H. Elam, et al., Cause No. 05-06467-b, pending in the County Court at Law No. 2, for acquisition from Horace H. Elam and Ella Elam of approximately 83 acres of land located at the intersection of Dowdy Ferry and Rylie Roads for the Trinity River Corridor Project - $585,500 - Financing: Private Funds ($439,500) and 1998 Bond Funds ($146,000)

BACKGROUND

This item authorizes deposit of a Special Commissioners’ Award and settlement of the condemnation suit for the award of approximately 83 acres of land. The original offer of $206,200 was based on an independent appraisal. The offer was not accepted by the owners and an eminent domain case was filed to acquire the land. The Special Commissioners awarded $565,500.

The City has no control over Special Commissioners appointed by the county court at law judges or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession and proceed with its improvements, must deposit the Commissioners’ Award plus $20,000 interest in the Registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on January 26, 2005, by Resolution No. 05-0334.

FISCAL INFORMATION

Private Funds - $439,500
1998 Bond Funds - $146,000
MAPS

Attached
A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CONDEMNATION SUIT.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Case No. 05-06467-b, in County Court at Law No. 2, and styled City of Dallas vs. Horace H. Elam, et al., filed pursuant to City Council Resolution No. 05-0334.

PROPERTY: Approximately 82.8559 acres of land situated in City Blocks 8532, 8538 and 8539 in the City of Dallas, Dallas County, Texas, as described in said condemnation suit.

PROJECT: Trinity River Corridor Project

SETTLEMENT AMOUNT: $585,500

DESIGNATED FUNDS: $439,500 should be assigned to the Trinity River Corridor Project Cooperation, Fund No. TP14, Dept. PBW, Unit N962, Program No. PB98N962, Object 4210, Encumbrance No. DEVN962VL30; $146,000 should be assigned to the Great Trinity Forest Park, Fund No. 8P14, Dept. PBW, Unit N966, Program No. PB98N966, Object 4210, Encumbrance No. DEVN966VL31.

WHEREAS, an official offer having been made and refused, the City Attorney instituted a condemnation suit for the acquisition of the property for the project; and

WHEREAS, the Special Commissioners in Condemnation appointed by the Court in the condemnation suit made an award of $565,500; and

WHEREAS, the City Council desires to authorize the City Attorney to settle the condemnation suit for an amount not to exceed $585,500; Now, Therefore,

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

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the designated funds, in the amount of $585,500, encumbrance CT-DEVN962LJ16, payable jointly to Horace Elam, Ella Elam and Ken Wright.

SECTION 2. That the City Attorney is authorized to settle said condemnation suit for an amount not to exceed $585,500.
SECTION 3. That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM
Thomas P. Perkins, Jr.
City Attorney

By:  
Assistant City Attorney
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 742 K L M P Q R

SUBJECT

Authorize an amendment to Kaufman County Municipal Utility District No. 4, previously approved on October 8, 2003, by Resolution No. 03-2751 to amend district boundaries by the addition of approximately 114 acres in accordance with the amendment petition dated October 26, 2007 - Financing: No cost consideration to the City

BACKGROUND

On August 6, 2003, the City of Dallas was petitioned by Gordon T. West, Vice President of West Foundation, then the owner of approximately 920 acres of land on the east side of Lake Ray Hubbard, for the creation of three Municipal Utility Districts (MUDs) to be known as Kaufman County Municipal Utility Districts No. 2, No. 3 and No. 4. The property is within the City of Dallas' extraterritorial jurisdiction (ETJ). The City of Dallas was requested to consent to create the MUDs in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, because the land to be located within the proposed MUDs is within the City of Dallas' ETJ. The MUDs were organized, created and established pursuant to an Order of the Texas Commission on Environmental Quality dated April 12, 2005.

Subsequent to the original consent to the creation of the three MUDs, Kaufman County Municipal Utility District No. 4 and its Board of Directors, petitioned the City of Dallas for consent to the addition of approximately 114 acres of land to the District. The land sought to be added to the District lies wholly within the exclusive extraterritorial jurisdiction of the City of Dallas and pursuant to the Texas Water Code, Kaufman County MUD No. 4 must obtain the City's consent to append the 114 acres.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 8, 2003, the City Council consented to the creation of Kaufman County Municipal Utility Districts Nos. 2, 3, and 4, by Resolution No. 03-2751.

On January 7, 2008, the Economic Development Committee was briefed on this request to amend the district boundaries of Kaufman County Municipal Utility District No. 4, by the addition of approximately 114 acres.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

Kaufman County Municipal Utility District No. 4

Rowland K Robinson, President of the Board of Directors

MAP

Attached.
WHEREAS, on April 28, 1975, by Ordinance No. 14886, the City of Dallas (“Dallas”) annexed property for the development of Lake Ray Hubbard and expanded Dallas’ extraterritorial jurisdiction east and south of the lake property into Rockwall and Kaufman Counties; and

WHEREAS, Section 54.016 of the Texas Water Code allows a property owner to request municipal consent to create Municipal Utility Districts ("MUDs") within a city's extraterritorial jurisdiction; and

WHEREAS, Section 51A-8.105 of the Dallas City Code extends Dallas’ plat regulations to all applicable development activity within its extraterritorial jurisdiction;

WHEREAS, on August 6, 2003, West Foundation petitioned Dallas for consent to the creation of three MUDs on property in Dallas' extraterritorial jurisdiction in Kaufman County; and

WHEREAS, on October 8, 2003, by Resolution No. 03-2751, Dallas consented to the creation of three MUDs on property in Dallas' extraterritorial jurisdiction known as Kaufman County Municipal Utility Districts No. 2, 3 and 4; and

WHEREAS, on October 26, 2007, Kaufman County Municipal Utility District No. 4 petitioned the City of Dallas for consent to amend the boundaries of MUD No. 4 by the addition of approximately 114 acres; Now, Therefore,

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

SECTION 1. That Dallas hereby consents to and the City Manager is instructed to create such documents, if any, as required to evidence Dallas' consent to the addition of approximately 114 acres to Kaufman County Municipal Utility District No. 4, as depicted on the attached property description labeled Exhibit "A", which property lies within Dallas' extraterritorial jurisdiction east and south of Lake Ray Hubbard in Kaufman County.

SECTION 2. That consent to the amendment of the boundary of MUD No. 4 within Dallas' extraterritorial jurisdiction includes the requirement that all development within the amended Kaufman County Municipal Utility District No. 4 must comply with Article VIII, "Plat Regulations," of Chapter 51A of the Dallas City Code.
SECTION 3. That as a condition of the consent given by Dallas, pursuant to Section 54.016(e) and (g) of the Texas Water Code, the amended Kaufman County Municipal Utility District No. 4 shall be subject to the following terms and provisions:

(a) That the MUD must construct all facilities in accordance with plans and specifications which have been approved by Dallas.

(b) That Dallas shall have the right to inspect all facilities being constructed by the MUD.

(c) That the MUD may only issue bonds for the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(i) provide a water supply for municipal uses, domestic uses, and commercial purposes;

(ii) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

(iii) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the districts; and

(iv) provide payment of organization expenses, operation expenses during construction, and interest during construction.

(d) That Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the MUD and its officials to observe and comply with the terms and provisions prescribed by this resolution.

SECTION 4. That the City Council further hereby notifies the amended Kaufman County Municipal Utility Districts No. 4, its residents, and property owners that the Texas Local Government Code allows Dallas to annex any portion of the districts located within Dallas’ extraterritorial jurisdiction, and Dallas hereby requests that the MUD include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by Dallas.

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

LEGAL DESCRIPTION
114.446 ACRE

BEING A 114.446 ACRE TRACT OF LAND SITUATED IN THE JUAN LOPEZ SURVEY, ABSTRACT NO. 286, KAUFMAN COUNTY, TEXAS, AND BEING PART OF A 199.228 ACRE TRACT OF LAND, CONVEYED TO WILLIAM ROBERT EVANS III AND WIFE, FAYE LAVERNE EVANS BY DEED RECORDED IN VOLUME 677, PAGE 285, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS. SAID 114.446 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 134, 2004 AND JULIAN DAY 259, 2004, CALCULATED ARLINGTON RRP2 CORS ARP (PID-DF5387) AND COLLIN CORS ARP (PID-DF8982), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE EAST CORNER SAID 199.228 ACRE TRACT, SAID POINT BEING THE SOUTH CORNER OF A 116.996 ACRE TRACT OF LAND CONVEYED AS TRACT 1A TO FORNEY 921 LOT DEVELOPMENT PARTNERS I, L.P. BY DEED RECORDED IN VOLUME 2912, PAGE 500, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS AND SAID POINT BEING ON THE NORTHWEST LINE FARM TO MARKET ROAD NO. 548 (A 100' RIGHT-OF-WAY) AS RECORDED IN VOLUME 10, PAGE 176, COURT RECORDS, KAUFMAN COUNTY, TEXAS, FROM SAID CORNER A 5/8" IRON ROD FOUND BENT OVER BEARS NORTH 45 DEGREES 57 MINUTES 55 SECONDS WEST A DISTANCE OF 0.48 FEET;

THENCE, SOUTH 45 DEGREES 09 MINUTES 46 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID FARM TO MARKET ROAD NO. 548 AND THE COMMON SOUTHEAST LINE OF SAID 199.228 ACRE TRACT, PASSING A CONCRETE RIGHT OF WAY MONUMENT FOUND AT 3.30 FEET AND CONTINUING A TOTAL DISTANCE OF 1105.56 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND FOR CORNER;

THENCE, SOUTH 44 DEGREES 40 MINUTES 50 SECONDS WEST, CONTINUING ALONG THE SAID NORTHWEST LINE OF FARM TO MARKET ROAD NO. 548 AND THE SAID COMMON SOUTHEAST LINE OF 199.228 ACRE TRACT, A DISTANCE OF 890.07 FEET TO POINT FOR CORNER FROM WHICH A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PATE ENGRS" FOUND BEARS NORTH 45 DEGREES 03 MINUTES 49 SECONDS WEST, A DISTANCE OF 1.52 FEET, SAID POINT BEING THE EAST CORNER OF A CALLED 85.078 ACRE TRACT OF LAND CONVEYED BY DEED TO HARLAN PROPERTIES, INC, RECORDED IN VOLUME 2035, PAGE 129, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;
THENCE, NORTH 45 DEGREES 03 MINUTES 49 SECONDS WEST, OVER AND ACROSS SAID 199.228 ACRE TRACT AND ALONG THE MONUMENTED NORTHEAST LINE OF SAID 85.078 ACRE TRACT, PASSING AT A DISTANCE OF 1.52 FEET SAID 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PATE ENGRS" FOUND, PASSING AT A DISTANCE OF 2521.18 FEET A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PATE ENGRS" FOUND, AND CONTINUING A TOTAL DISTANCE OF 2521.42 FEET TO A POINT FOR CORNER, SAID POINT BEING ON THE NORTHWEST LINE OF SAID 199.228 ACRE TRACT AND THE COMMON SOUTHEAST LINE OF A 456.877 ACRE TRACT OF LAND CONVEYED TO FORNEY 921 INFRASTRUCTURE PARTNERS L.P., BY DEED RECORDED IN VOLUME 2912, PAGE 513, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;


THENCE, SOUTH 45 DEGREES 57 MINUTES 55 SECONDS EAST, ALONG THE COMMON NORTHEAST LINE OF SAID 199.228 ACRE TRACT AND THE SOUTHWEST LINE OF SAID 116.996 ACRE TRACT, PASSING AT A DISTANCE OF 2529.08 FEET AFORESAID 5/8" IRON ROD FOUND BENT OVER, AND CONTINUING A TOTAL DISTANCE OF 2529.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 114.446 ACRES LAND, MORE OR LESS.
AGENDA ITEMS # 19,20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 44K

SUBJECT

Tax Foreclosed Property at 3603 Borger Street

* Authorize the sale by quitclaim deed of a tax foreclosed property located at 3603 Borger Street acquired by the taxing authorities from a Sheriff’s Sale to the City of Dallas - Revenue: $8,500

* Authorize acquisition of a tax foreclosed property located at 3603 Borger Street near its intersection with Bickers Street for the expansion of Bickers Park - $8,500 - Financing: 2003-04 Community Development Grant Reprogramming Funds

BACKGROUND

This item authorizes the quitclaim of a tax foreclosed property located at 3603 Borger Street to the City of Dallas. This property was foreclosed by the Sheriff’s Department for unpaid taxes pursuant to a judgment from a District Court. The City adopted a policy in conjunction with Dallas County and Dallas Independent School District whereby tax foreclosed properties may be acquired by one of the taxing jurisdictions which is a party to the judgment when needed for a public purpose pursuant to Resolution No. 96-0394 approved by the City Council January 24, 1996.

The policy provides that the acquiring taxing jurisdiction would pay the lesser amount of the total taxes and code liens due up to the judgment amount; or current Dallas Central Appraisal District value; or an independent appraisal. The purchase price for the property is based on the least of these three values.
BACKGROUND (Continued)

The sale and acquisition of this property will allow the Park and Recreation Department to expand Bickers Park for a bike trail.

The current zoning for this property is R-5(A) and the tax value is $12,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $8,500

2003-04 Community Development Grant Reprogramming Funds - $8,500

MAP

Attached
WHEREAS, the City of Dallas, the State of Texas, ("State"), the County of Dallas, ("County"), the Dallas County Community College District, the Parkland Hospital District, the Dallas County School Equalization Fund, the Dallas County Education District, and/or the Dallas Independent School District, ("DISD"), acquired a Sheriff's Deed to the property, ("Property"), at a sheriff's tax sale, ("the First Sale"), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure ("the Judgment") in a tax foreclosure sale or a Seizure Warrant, ("Warrant") and the subsequent Sheriff's Deed was filed in the Real Property Records of Dallas County, Texas, and

WHEREAS, the City of Dallas acts for itself and as trustee for the County, DISD, the Dallas County Community College District, the Parkland Hospital District, the Dallas County School Equalization Fund, and the Dallas County Education District, regarding the sale of tax foreclosed properties to third party purchasers; and

WHEREAS, in accordance with Attorney General Opinion No. JM-1232, the City of Dallas, pursuant to the provisions of Section 34.05(a) of the Texas Property Tax Code, may sell the Property at any time, ("the Second Sale"), subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Property Tax Code, a taxing unit is authorized to resell the Property; and

WHEREAS, the City of Dallas adopted a policy in conjunction with the County and DISD whereby tax foreclosed properties may be acquired by one of the taxing jurisdictions which is a party to the judgment when needed for a public purpose pursuant to Resolution No. 96-0394 approved by the City Council January 24, 1996; and

WHEREAS, the City of Dallas has requested to purchase the property needed for a public purpose; and

WHEREAS, the purchase price for the Property to be paid by the City of Dallas is based on a determination made as to the lesser amount of: the total taxes and code liens due up to the judgment amount; the current Dallas Central Appraisal District (DCAD) value; or an independent appraisal by a state certified appraiser paid for by the acquiring taxing jurisdiction; and

WHEREAS, the City Manager, acting on behalf of the City has the authority to execute a quitclaim deed to the Property quitclaiming to the purchasers the right, title, and interest acquired or held by each taxing unit that was a party to the judgment foreclosing tax liens on the Property or the warrant authorizing Seizure of the Property; and

WHEREAS, the City Council has previously approved the resale of other properties where funds were not received and have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County, and
WHEREAS, the distribution of the proceeds of the resale will be in accordance with Chapter 34, Section 34.06 of the Property Tax Code; Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the City of Dallas for the Property, as specified in Exhibit A, and upon consent by the County and DISD, the City Manager is hereby authorized to execute Quitclaim Deeds, subject to the right of redemption, if any, and to the terms, conditions and release of the taxing entities therein, to be attested by the City Secretary upon approval as to form by the City Attorney.

SECTION 2. That in consideration, the amount received shall be applied to payment of the judgment, court costs, interest, and cost of sale owed to the taxing entities by the delinquent taxpayer or the amount of delinquent taxes, penalties, the amount secured by any municipal health or safety liens on the Property included in the Warrant application, court costs, interest and cost of seizure and sale owed to the taxing entities as set forth in the Warrant; any such amount(s) still owed by the delinquent taxpayer to any of the taxing entities shall remain the personal obligation of the delinquent taxpayer, and any excess amounts shall be distributed in the manner described in section 34.02 of the Texas Property Tax Code.

SECTION 3. That to the extent authorized by law the liens securing the taxes referenced in Section 2 above are hereby released.

SECTION 4. That any and all proceeds for the resale of the property and for the properties where funds were not received and have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 5. That upon receipt of the consideration, the City Controller is authorized to disburse proceeds of the resale of the properties listed on Exhibit A, in accordance with Chapter 34, Section 34.06 of the Property Tax Code, which calculations for disbursement shall be provided by the Director of Development Services, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 4 above.

SECTION 6. That upon receipt of the consideration, the City Controller is authorized to disburse proceeds pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, which calculations for disbursement shall be provided by the Director of Development Services, for properties previously approved for resale by the City Council where funds have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County from the account specified in Section 4 above.
SECTION 7. That if a title policy is desired, same shall be at the expense of City of Dallas Park Department.

SECTION 8. That any procedures required by Section 2-24 of the Dallas City Code that are not required by state law are hereby waived with respect to this conveyance.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and is accordingly so resolved.

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

BY [Signature]
Assistant City Attorney
<table>
<thead>
<tr>
<th>PARCEL NUMBER</th>
<th>STREET ADDRESS LEGAL DESCRIPTION</th>
<th>TF/SW</th>
<th>VACANT/IMPROVED</th>
<th>OWNED BY * TAXING ENTITIES</th>
<th>APPRAISED VALUE</th>
<th>JUDGMENT AMOUNT</th>
<th>DCAD VALUE</th>
<th>ZONING</th>
<th>OFFER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3603 Borger Lot 4G, L. H. Bomar's Subdivision, Block 4/7119</td>
<td>TF</td>
<td>V</td>
<td>1, 2 &amp; 3</td>
<td>$8,500</td>
<td>$9,862.05</td>
<td>$12,000</td>
<td>R-5(A)</td>
<td>$8,500**</td>
</tr>
</tbody>
</table>

* 1=CITY, 2=DISD, 3=COUNTY, 4=STATE  All properties are located in the City of Dallas, Dallas County, Texas
**Offer amount based on the lesser of the appraised value, judgment amount or DCAD value

**EXHIBIT A
TAX-FORECLOSED (TF) AND SEIZURE WARRANT (SW) PROPERTY RESALES**

February 13, 2008

TOTAL: $8,500
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRED REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

“CITY”: The City of Dallas

“PROJECT”: Bickers Park

“PROPERTY INTEREST”: Fee Simple

“OWNERS”: City of Dallas, Dallas County, Dallas Independent School District, Dallas County Community College District, Parkland Hospital District, Dallas County School Equalization Fund and Dallas County Education District

“PROPERTY” and “OFFER AMOUNT” as described below:

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>PROPERTY</th>
<th>OFFER AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3603 Borger</td>
<td>Lot 4G, Block 4/7119</td>
<td>$8,500.00</td>
</tr>
</tbody>
</table>

The above PROPERTY being located in the City of Dallas, Dallas County, Texas.

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

SECTION 1. That the PROJECT is a municipal and public purpose and a public use.

SECTION 2. That public necessity requires that the PARK acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the PROPERTY is hereby determined to be necessary for the PROJECT. That for the purpose of acquiring the PROPERTY INTEREST, the Director of the Development Services Department, or such employee as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY to be acquired and full damages allowable by law, which amount represents its fair cash market value.

SECTION 4. That the CITY determines to appropriate the PROPERTY INTEREST under, over and across the PROPERTY for the PROJECT under the provisions of the Charter of the City of Dallas.
SECTION 5. That in the event the OWNERS accept the OFFER AMOUNT, the City
Controller is authorized and directed to draw a warrant in favor of the OWNERS, or the
then current owner of record, in the OFFER AMOUNT payable out of the 2003-04
Community Development Grant Reprogramming Funds No. 03R3, Unit 2574, Object
Code 4210 and CT No. HOU2574C003.

SECTION 6. That the CITY is to have possession of the PROPERTY at closing; and
the CITY will pay any title expenses and closing costs.

SECTION 7. That the term OWNERS in this resolution means all persons having an
ownership interest in the PROPERTY regardless of whether those persons are actually
named in Definitions above. In the event of a conflict between this Section and
Definitions, this Section controls.

SECTION 8. That this resolution shall take effect immediately from and after its
passage in accordance with the provisions of the City of Dallas, and it is accordingly so
resolved.

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

BY    [Signature]
Assistant City Attorney
SUBJECT

An ordinance abandoning a portion of a drainage easement to MA Creekside, LP, the abutting owner, containing approximately 2,121 square feet of land located near the intersection of Audelia Road and Shadow Way – Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a drainage easement to MA Creekside, LP, the abutting owner. The area to be abandoned will be included with the property of the abutting owner for the construction of single-family homes. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore no appraisal is required.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

OWNER

MA Creekside, LP

MA Creekside Holdings, LLC, General Partner
John Marlin, Manager
MAPS

Attached
Area to be abandoned
ORDINANCE NO. __________

An ordinance providing for the abandonment and relinquishment of a portion of a drainage easement, located in City Block 8440 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to MA Creekside, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the 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.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of MA Creekside, LP, 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 tract of land to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to GRANTEE as hereinafter provided, for the consideration hereinafter stated; and

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

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.
SECTION 2. That for and in monetary consideration of the sum of FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS paid by GRANTEE, and the further consideration described in 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 that certain tract or parcel of land hereinabove described in Exhibit A. TO HAVE AND TO HOLD all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said GRANTEE forever.

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

SECTION 4. That the 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 Development Services - 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 area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which GRANTEE, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. GRANTEE, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.
SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of drainage easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at GRANTEE's expense, to the new easement to be provided by GRANTEE and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of GRANTEE and to the satisfaction of the Director of Development Services.

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 Development Services, 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 Development Services, or designee shall deliver to GRANTEE a certified copy of this ordinance. The Director of Development Services, 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 Development Services

BY
Assistant Director

Passed ______________________.
DRAINAGE EASEMENT ABANDONMENT
2,121 SQUARE FEET OR 0.049 ACRES
CITY OF DALLAS OFFICIAL BLOCK NO. 8440
McKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1001
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 2,121 square foot tract of land located in the McKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1001, City of Dallas Block No. 8440, City of Dallas, Dallas County, Texas and being part of a tract of land described in Deed to MA Creekside, recorded in Document Number 2006-344344, Deed Records, Dallas County, Texas and being all of a Drainage Easement described in Instrument, recorded in Volume 87124, Page 2669, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found at the Northwest corner of said MA Creekside tract and at the Southwest corner of a tract of land described in Deed to the City of Dallas, recorded in Volume 88202, Page 1486, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 26 minutes 30 seconds West, along the West line of said MA Creekside tract, a distance of 265.39 feet to the POINT OF BEGINNING of the tract herein described;

THENCE North 57 degrees 54 minutes 50 seconds East, leaving said West line, a distance of 206.81 feet to a point for corner;

THENCE South 32 degrees 05 minutes 10 seconds East, a distance of 10.10 feet to a point for corner;

THENCE South 57 degrees 54 minutes 50 seconds West, a distance of 213.25 feet to a point for corner in said West line;

THENCE North 00 degrees 26 minutes 30 seconds East, along said West line, a distance of 11.98 feet to the POINT OF BEGINNING and containing 2,121 square feet or 0.049 acres of land, more or less.

Basis of bearings are derived from the West line of a tract of land described in Deed to MA Creekside, recorded in Document No. 2006-344344, Deed Records, Dallas County, Texas, said line having a bearing of South 00 degrees 26 minutes 30 seconds West.

(For SPRG use only)
REVIEWED By: ____________
Date: ____________
SPRG NO: ____________

Sean Shropshire September 10, 2007
Texas Registration No. 5674
KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 13, 2008
COUNCIL DISTRICT(S): 13
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 26F K L

SUBJECT
An ordinance abandoning portions of various easements to Next Block-Dallas I, L.P., the abutting owner, containing a total of approximately 5 acres of land located near the intersection of Manderville Lane and Meadow Road - Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND
This item authorizes the abandonment of portions of various easements to Next Block-Dallas I, L.P., the abutting owner. The area will be included with the property of the abutting owner to construct a mixed use development of multi-family housing and retail. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)
This item has no prior action.

FISCAL INFORMATION
Revenue $5,400 plus the $20 ordinance publication fee
OWNER

Next Block-Dallas I, L.P.
Next Block-Dallas GP I, L.L.C., General Partner
Next Block Medical I, L.P., Sole Member
Next Block Medical I GP, L.P., General Partner
Valencia GP, LLC, General Partner
Valencia Capital Management, L.P., Sole Member
MJR Realty, LP, General Partner
MJR Realty Advisors, LLC, General Partner
Michael J. Romo, Sole Member

MAPS

Attached
AREAS TO BE ABANDONED
ORDINANCE NO. __________

An ordinance providing for the abandonment and relinquishment of portions of six water main easements, seven drainage easements, two sanitary sewer easements, four utility easements, a fire lane easement, a drainage and utility easement, a water and sanitary sewer easement and a fire and service lane easement located in City Blocks 5213½, A/6137, C/6138, D/6138, E/6138, 7291 and A/7518 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Next Block-Dallas I, L.P.; 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.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Next Block-Dallas I, L.P., a Delaware limited partnership, hereinafter referred to as GRANTEE, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described easements and/or portions of easements to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said easements and/or portions of 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, subject to the conditions, reservations, future effective date, and exceptions hereinafter more fully set out, hereby relinquishes all of its right, title and interest in and to the following:

   (a) the portion of a 10’ water easement dedicated in that one certain plat recorded at Vol. 71027, Page 1758 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), more particularly described in Exhibit A - Tract 1;

   (b) the portion of a 20’ fire lane easement dedicated in that one certain plat recorded at Vol. 70143, Page 1750 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 2;

   (c) the portion of a 10’ drainage easement dedicated in that one certain plat recorded at Vol. 70143, Page 1750 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 3;

   (d) the portion of a 30’ drainage easement dedicated in that one certain instrument recorded at Vol. 71092, Page 0039 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 4;

   (e) the portion of a 15’ drainage easement dedicated in that one certain instrument recorded at Vol. 69071, Page 1901 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 5;

   (f) the portion of a 15’ public utility easement dedicated in that one certain instrument recorded at Vol. 72195, Page 2662 of the D.R.D.C.T. more particularly described in Exhibit A - Tract 6;

   (g) the portion of a 10’ water line easement dedicated in that one certain instrument recorded at Vol. 78057, Page 2348 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 7;

   (h) the portion of a 10’ sanitary sewer easement dedicated in that one certain instrument recorded at Vol. 78057, Page 2348 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 8;
(i) the portion of a 10’ water easement dedicated in that one certain instrument recorded at Vol. 78141, Page 10 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 9;

(j) the portion of a 20’ water and sanitary sewer easement dedicated in that one certain instrument recorded at Vol. 78057, Page 2348 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 10;

(k) the portion of a 10’ water easement dedicated in that one certain instrument recorded at Vol. 78141, Page 10 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 11;

(l) the portion of a 10’ water main easement dedicated in that one certain plat recorded at Vol. 77211, Page 245 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 12;

(m) the portion of a 15’ drainage and utility easement dedicated in that one certain instrument recorded at Vol. 78057, Page 2348 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 13;

(n) the portion of a 10’ utility easement dedicated in that one certain instrument recorded at Vol. 74076, Page 2239 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 14;

(o) the portion of a 40’ utility easement dedicated in that one certain plat recorded at Vol. 76021, Page 0004 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 15;

(p) the portion of a 15’ drainage easement dedicated in that one certain plat recorded at Vol. 77044, Page 0671 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 16;

(q) the portion of a 15’ utility easement dedicated in that one certain plat recorded at Vol. 77044, Page 0671 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 17;

(r) the portion of a 15’ sanitary sewer easement dedicated in that one certain plat recorded at Vol. 77044, Page 0671 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 18;
(s) the portion of a variable width drainage easement dedicated in that one certain instrument recorded at Vol. 74160, Page 0018 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 19;

(t) the portion of a variable width drainage easement dedicated in that one certain instrument recorded at Vol. 74160, Page 0018 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 20;

(u) the portion of a 10’ water easement dedicated in that one certain instrument recorded at Vol. 76021, Page 0004 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 21;

(v) the portion of a 15’ drainage easement dedicated in that one certain instrument recorded at Vol. 67253, Page 403 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 22; and

(w) the portion of a 20’ fire and service lane easement dedicated in that one certain plat recorded at Vol. 74076, Page 2239 of the D.R.D.C.T., more particularly described in Exhibit A - Tract 23.

All said exhibits are attached hereto and made a part hereof for all purposes.

SECTION 2. That for and in monetary consideration of the sum of FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS paid by GRANTEE, and the further consideration described in Section 8, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations, 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 easements and/or portions of easements hereinabove described in Section 1 and Exhibit A. TO HAVE AND TO HOLD all of such right, title and interest in and to the easements and/or portions of easements described above, 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 Development Services - 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 areas described in Section 1 and 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 Section 1 and Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Section 1 and 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 easements and/or portions of easements set out in Section 1 and Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said easements and/or portions of said easements shall not become effective until and unless: (i) the existing municipal installations and facilities are relocated, at **GRANTEE's** expense, to the new easements to be provided by **GRANTEE** and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easements are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Development Services.
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 Development Services, 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 Development Services, or designee shall deliver to GRANTEE a certified copy of this ordinance. The Director of Development Services, 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 Development Services

BY ________________________________
Assistant Director
Abandoned 10 foot wide Water Easement
of Numero Uno Addition in City of Dallas Block 5213 1/2
Neal McCready Survey, Abstract No. 996
City of Dallas, Dallas County, Texas

Being a 0.100 acre (4,370 square foot) tract of land situated in the Neal McCready Survey, Abstract No. 996, City of Dallas, Dallas County, Texas, and being part of a called 4.9531 acre tract of land described in the Special Warranty Deed from Meadow Rambler Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220361 of the Official Public Records of Dallas County, Texas, and being all of a 10 foot wide water easement as shown on NUMERO UNO ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71027, Page 1758 of the Deed Records of Dallas County, Texas, and being a part of Lot 6-A, Block 5213 1/2 of said NUMERO UNO ADDITION, said 0.100 acre tract of land being more particularly described as follows:

COMMENCING at the southeast corner said Lot 6-A and the west line of Rambler Road, (variable width right-of-way);

THENCE North 00 degrees 13 minutes 00 seconds East, along the east line of said Lot 6-A and the west line of Rambler Road for a distance of 238.07 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 44 minutes 00 seconds West, leaving the west line of Rambler Road for a distance of 436.92 feet to a point for corner;

THENCE North 00 degrees 16 minutes 00 seconds West, for a distance of 10.00 feet to a point for corner;

THENCE North 89 degrees 44 minutes 00 seconds East, for a distance of 437.00 feet to a point in the west line of Rambler Road for corner;

THENCE South 00 degrees 13 minutes 00 seconds West, along Rambler Road for a distance of 10.00 feet to the POINT OF BEGINNING and Containing 0.100 acres (4,370 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 00°13'00" West, of Block 5213 1/2, Lot 6-A of NUMERO UNO ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71027 Page 1759 of the Map Records of Dallas County, Texas.
Abandoned 10 foot wide Water Easement
of Numero Uno Addition in City of Dallas Block 5213 1/2
Neal McCreary Survey, Abstract No. 996
City of Dallas, Dallas County, Texas

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 09°16'00"-West, of Block 5213 1/2, Lot 6-A of NUMERO UNO ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71027 Page 1759 of the Map Records of Dallas County, Texas.
Abandoned 10 foot wide Water Easement
of Numero Uno Addition in City of Dallas Block 5213 1/2
Neal McCreary Survey, Abstract No. 996
City of Dallas, Dallas County, Texas
Abandoned 20 foot Fire Lane Easement of Horizon East, City of Dallas Block 5213 1/2
David Barrow Survey, Abstract No. 177 and
Neal McCreary Survey, Abstract No. 996
City of Dallas, Dallas County, Texas

Being a 0.326 acre (14,200 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177
and the Neal McCreary Survey, Abstract No. 996, City of Dallas, Dallas County, Texas, being part of a called
5.9613 acre tract of land described in the Special Warranty Deed from Meadow Rambler Acquisition, L.P. to
Next Block-Dallas I, L.P., recorded as Instrument Number 200600220360 of the Official Public Records of
Dallas County, Texas, and being all of a 20 foot wide fire lane easement described in HORIZON EAST, an
addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 70143,
Page 1750 of the Deed Records of Dallas County, Texas, and a part of Lot 7-A, Block 5213 1/2 of said
HORIZON EAST, said 0.326 acre tract of land being more particularly described as follows:

COMMENCING an “X” found in concrete at a northeast corner said Lot 7-A and the intersection of the south
line of Meadow Road, (a variable width public right-of-way) and the west line of Rambler Road (a variable
width public right-of-way);

THENCE South 00 degrees 15 minutes 00 seconds East, along the west line of Rambler Road a distance of
146.43 feet to the POINT OF BEGINNING;

THENCE South 00 degrees 15 minutes 00 seconds East, along the west line of Rambler Road a distance of
20.00 feet to a point for corner;

THENCE departing the west line of Rambler Road, South 89 degrees 34 minutes 00 seconds West, for a
distance of 394.18 feet to a point for corner;

THENCE North 00 degrees 28 minutes 00 seconds West, for a distance of 312.34 feet to a point for corner;

THENCE North 18 degrees 15 minutes 00 seconds East, for a distance of 26.65 feet to a point for corner in
the south line of Meadow Road for the beginning of a non-tangent curve to the right;

THENCE southeasterly, along the south line of Meadow Road and a non-tangent curve to the right, through a
central angle of 02°23'15", having a radius of 480.00 feet, and a chord bearing and distance of South
71°45'10" East, 20.00 feet, an arc length of 20.00 feet to a point for the end of the curve;

THENCE departing the south line of Meadow Road, South 18 degrees 15 minutes 00 seconds West, departing
Meadow Road for a distance of 23.35 feet to a point for corner;

THENCE South 00 degrees 28 minutes 00 seconds East, for a distance of 289.06 feet to a point for corner;

THENCE North 89 degrees 34 minutes 00 seconds East, for a distance of 374.25 feet to the POINT OF
BEGINNING and Containing 0.326 acres (14,200 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of
South 00°15'00" East, being the east line of Lot 7-A, Block
5213 1/2 of HORIZON EAST, an addition to the City of Dallas,
Dallas County, Texas, according to the plat thereof recorded in
Volume 70143 Page 1750 of the Map Records of Dallas County,
Texas.

Reviewed By: __
Date: __
SPRG NO: __
Notes:
1. A legal description of the survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 00°15'00" East, being the east line of Lot 7-A, Block 5213 1/2 of HORIZON EAST, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 70143 Page 1750 of the Map Records of Dallas County, Texas.
ABANDONED 10 FOOT DRAINAGE EASEMENT
OF HORIZON EAST, CITY OF DALLAS BLOCK 5213 1/2
DAVID BARROW SURVEY, ABSTRACT NO. 177 AND
NEAL McCREARY SURVEY, ABSTRACT NO. 996
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 0.085 acre (3,717 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177 and the Neal McCreary Survey, Abstract No. 996, City of Dallas, Dallas County, Texas, being part of a called 5.9613 acre tract of land described in the Special Warranty Deed from Meadow Rambler Acquisition, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220360 of the Official Public Records of Dallas County, Texas, and being a part of Lot 7-A, Block 5213 1/2 of Horizon East, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 70143, Page 1750 of the Deed Records of Dallas County, Texas, and being all of the 10 foot wide drainage easement described in Volume 71043, Page 1750 of the Deed Records of Dallas County, Texas, said 0.085 acre tract of land being more particularly described as follows:

BEGINNING an "X" found in concrete at a northeast corner said Lot 7-A and the intersection of the south line of Meadow Road, (a variable width public right-of-way) and the west line of Rambler Road (a variable width public right-of-way);

THENCE South 00 degrees 15 minutes 00 seconds East, along the west line of Rambler Road, a distance of 186.43 feet to a point for corner in the south line of said Lot 7-A;

THENCE South 89 degrees 34 minutes 00 seconds West, departing the west line of Rambler Road, with the south line of lot 7-A for a distance of 10.00 feet to a point for corner;

THENCE North 00 degrees 15 minutes 00 seconds West, for a distance of 137.92 feet to a point for the beginning of a curve to the left for corner;

THENCE northwesterly, with a tangent curve to the left, through a central angle of 65°49'20", having a radius of 65.00 feet, and a chord bearing and distance of North 33°09'40" West, 70.63 feet, an arc length of 74.67 feet to a point for the end of the curve;

THENCE North 66 degrees 04 minutes 20 seconds East, for a distance of 82.46 feet to a point for corner;

THENCE South 23 degrees 55 minutes 40 seconds West, for a distance of 15.00 feet to a point in the south line of Meadow Road for corner;

THENCE South 66 degrees 04 minutes 20 seconds East, along the south line of Meadow Road for a distance of 151.00 feet to the POINT OF BEGINNING and Containing 0.085 acres (3,717 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 00°15'00" East, being the east line of Lot 7-A, Block 5213 1/2 of HORIZON EAST, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 70143 Page 1750 of the Map Records of Dallas County, Texas.

Reviewed By: ____________________________
Date: 7-18-67
SPRG NO: 938

(STATE OF TEXAS)
REGISTERED
LEWIS ORTIZ, M.P.S.
PROFESSIONAL LAND SURVEYOR
5249

FOR SPRG USE ONLY

PAGE 1 OF 3
ABANDONED 10 FOOT DRAINAGE EASEMENT
OF HORIZON EAST, CITY OF DALLAS BLOCK 5213 1/2
DAVID BARROW SURVEY, ABSTRACT NO. 177 AND
NEAL McCREEARY SURVEY, ABSTRACT NO. 996
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NEXT BLOCK—DALLAS I, L.P.
CALLED 5.9613 ACRES
INST NO. 200600220360
O.P.R.D.C.T.

ABANDONED DRAINAGE ESMT.
AREA 0.085 ACRES
(3,717 SQ. FT.)

SCALE: 1"=100'

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

NOTES:
1. A legal description of even survey date herewith accompanies
this plot of survey.
2. Bearing system for this survey is based upon a bearing of
South 10°15'00" East, being the east line of Lot 7-A, Block 5213
1/2 of HORIZON EAST, an addition to the City of Dallas,Dallas
County, Texas, according to the plat thereof recorded in
Volume 70143 Page 1750 of the Map Records of Dallas
County, Texas.
ABANDONED 10 FOOT DRAINAGE EASEMENT
OF HORIZON EAST, CITY OF DALLAS BLOCK 5213 1/2
DAVID BARROW SURVEY, ABSTRACT NO. 177 AND
NEAL McCREARY SURVEY, ABSTRACT NO. 996
CITY OF DALLAS, DALLAS COUNTY, TEXAS

 Reviewed By: 
Date: 7-18-67
SPRG NO: 937

PAGE 3 OF 3
Abandoned 30 foot Drainage Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 8,566 square foot (0.197 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a 30 foot drainage easement as described in Easement to the City of Dallas recorded in Volume 71092, Page 39 of the Deed Records of Dallas County, Texas, and being part of a called 4,280 acre tract of land described in the Special Warranty Deed from Meadow Manderville Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220367 of the Official Public Records of Dallas County, Texas, and being a part of Lot 2, Block A/6137 of Meadow Road Addition No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092, Page 0039 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.) said 0.197 acre tract of land being more particularly described as follows:

BEGINNING: at a 5/8 inch iron rod found being the northwest corner of Lot 2, Block A/6137 of Meadow Road Addition No. 3 the south line of Block B/7291, Northpark Ford Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78081, Page 1203 (D.R.D.C.T.) and the west line of a 20' alley;

THENCE: North 70 degrees 32 minutes 00 seconds East, along the north line of Lot 2 and the south line of Block B/7291 a distance of 280.00 feet to point for corner;

THENCE: South 19 degrees 28 minutes 00 seconds East, a distance of 30.00 feet to a point for corner;

THENCE: South 70 degrees 32 minutes 00 seconds West, a distance of 291.07 feet to a point for corner in the West line of Lot 2 and the east line of said alley;

THENCE: North 00 degrees 47 minutes 00 seconds East, along said alley a distance of 31.98 feet to the POINT OF BEGINNING and Containing 0.197 acres, (8,566 square foot) of land more or less.

Bearing system for this survey is based upon the north right-of-way of Meadow Road a bearing of North 89°51'00" West, of Block A/6136 and Block A/6137 of MEADOW ROAD ADDITION NO. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092 Page 0039 of the Map Records of Dallas County, Texas.
Abandoned 30 foot Drainage Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Remainder of the
called 8.4297 ACRES
BLOCK 6137 AND 7291
COMMODORE PARTNERS, LTD.

City of Dallas
TRIANGULAR SANITARY SEWER EASEMENT
VOL. 69071, PG. 1901
D.R.D.C.T.

CITY OF DALLAS
10' SANITARY SEWER EASEMENT
VOL. 69030, PG. 1365
D.R.D.C.T.

CITY OF DALLAS
15' PUBLIC UTILITY EASEMENT
VOL. 72185, PG. 2662
D.R.D.C.T.

CITY OF DALLAS
15' DRAINAGE EASEMENT
VOL. 69071, PG. 1901
D.R.D.C.T.

S 19'28'00" E
30.00'

ABANDONED DRAINAGE EASMT.
AREA 0.197 ACRES
(9,566 SQ. FT.)

NOTES:
1. A legal description of even survey date herewith accompanies
this plat of survey.
2. Bearing system for this survey is based upon the north
right-of-way of Meadow Road a bearing of North 89°51'00"
West, of Block A/6136 and Block A/6137 of MEADOW ROAD
ADDITION NO. 3, an addition to the City of Dallas, Dallas
County, Texas, according to the plat thereof recorded in
Volume 71092 Page 0039 of the Map Records of Dallas
County, Texas.

PAGE 2 OF 3
Abandoned 30 foot Drainage Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

FOR SPRG USE ONLY
Reviewed By: JL
Date: 11-7-07
SPRG NO: 942
Abandoned 15 foot Drainage Easement of Meadow Road Addition No. 3, City of Dallas A/6137
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.053 acre (2,304 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a 15 foot drainage easement as described in Easement to the City of Dallas recorded in Volume 69071, Page 1901 of the Deed Records of Dallas County, Texas, and being part of a called 4.280 acre tract of land described in the Special Warranty Deed from Meadow Manderville Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220367 of the Official Public Records of Dallas County, Texas, and being a part of Lot 2, Block A/6137 of Meadow Road Addition No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092, Page 0039 of the Deed Records of Dallas County, Texas, said 0.053 acre tract of land being more particularly described as follows:

BEGINNING: at a 5/8 inch iron rod found being the northwest corner of Lot 2, Block A/6137 of Meadow Road Addition No. 3 and southwest corner of Northpark Ford Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78081, Page 1203 of the Deed Records of Dallas County, Texas,

THENCE: North 70 degrees 32 minutes 00 seconds East, along the north line of Lot 2 and the south line of said Northpark Ford Addition a distance of 19.74 feet to point for corner;

THENCE: South 60 degrees 00 minutes 00 seconds East, a distance of 147.17 feet to a point for corner;

THENCE: South 30 degrees 00 minutes 00 seconds West, a distance of 15.00 feet to a point for corner in the West line of Lot 2;

THENCE: North 60 degrees 00 minutes 00 seconds West, a distance of 160.00 feet to the POINT OF BEGINNING and Containing 0.053 acres (2,304 square foot) of land more or less.

Bearing system for this survey is based upon the north line of Meadow Road a bearing of North 89°51'00" West, of Block A/6137 and Block A/6136 of MEADOW ROAD ADDITION NO. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092 Page 0039 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Drainage Easement of Meadow Road Addition No. 3, City of Dallas A/6137

David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Remainder of the called 8.429 ACRES BLOCK 6137 AND 7291
COMMODORE PARTNERS, LTD.
VOL. 2002185, PG. 1268
D.R.D.C.T.

A legal description of even survey date herewith accompanies this plat of survey.

1. Bearing system for this survey is based upon the north line of Meadow Road a bearing of North 89°51'00" West, of Block A/6137 and Block A/6136 of MEADOW ROAD ADDITION NO. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092 Page 0039 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Drainage Easement
of Meadow Road Addition No. 3, City of Dallas A/6137
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
Abandoned 15 foot Public Utility Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137

David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.236 acre (10,296 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being all of a 15 foot public utility easement described in Easement to the City of Dallas recorded in Volume 72195, Page 2662 of the Deed Records of Dallas County, Texas, and being part of a called 4.280 acre tract of land described in the Special Warranty Deed from Meadow Manderville Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220367 of the Official Public Records of Dallas County, Texas, and being a part of Lot 2, Block A/6137 of Meadow Road Addition No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092, Page 0039 of the Deed Records of Dallas County, Texas, said 0.236 acre tract of land being more particularly described as follows:

COMMENCING: at a 5/8 inch iron rod found in the north line of Meadow Road (variable width Right-of-Way) and being the southeast corner of Lot 2, Block A/6137 of Meadow Road Addition No. 3;

THENCE North 89 degrees 51 minutes 00 seconds West, along the north line of Meadow Road a distance of 22.50 feet to the POINT OF BEGINNING;

THENCE: North 89 degrees 51 minutes 00 seconds West, a distance of 15.00 feet to a point for corner;

THENCE: North 00 degrees 45 minutes 00 seconds East, a distance of 683.87 to a point for corner in the north line of Lot 2, said point being the south line of a remainder tract of a called 8.4297 acre tract as described in deed recorded in Volume 2002185, Page 1268 of the Deed Records of Dallas County, Texas;

THENCE: North 70 degrees 32 minutes 00 seconds East, along the south line of called 8.4297 acre tract a distance of 15.98 feet to a point for corner;

THENCE: South 00 degrees 45 minutes 00 seconds West, a distance of 689.23 feet to the POINT OF BEGINNING and Containing 0.236 acres (10,296 square foot) of land more or less.

Bearing system for this survey is based upon the north line of Meadow Road a bearing of North 89°51'00" West, of Block A/6137 and Block A/6136 of MEADOW ROAD ADDITION NO. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 71092 Page 0039 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Public Utility Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137

David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

3.3241 ACRES
THOMAS E. BLACK, JR.
132 WEST MAIN STREET
LEWISVILLE, TEXAS
VOL. 2001080, PG. 5003
D.R.D.C.T.

Abandoned 15 foot Public Utility Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137

Lot 1B, Block A/6137
THE GUARANTY ADDITION
VOL. 91145, PG. 3041
D.R.D.C.T.

Lot 2, Block A/6137
MEADOW ROAD ADDITION NO. 3
VOL. 71092, PG. 0039
D.R.D.C.T.

NEXT BLOCK—DALLAS I, L.P.
CALLED 4.280 ACRES
INST NO. 200600220367
O.P.R.D.C.T.

NOTES:
1. A legal description of this survey date herewith accompanies
this plat of survey.
2. Bearing system for this survey is based upon the north line of
Meadow Road a bearing of North 89°51'00" West, of Block
A/6137 and Block A/6136 of MEADOW ROAD ADDITION NO.
3, an addition to the City of Dallas, Dallas County, Texas,
according to the plat thereof recorded in Volume 71082 Page
0039 of the Map Records of Dallas County, Texas.

SCALE: 1"=100'

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL = VOLUME
PG = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

Reviewed By: IL
Date: 11-7-07
SPRG NO: 948
Abandoned 15 foot Public Utility Easement
of Meadow Road Addition No. 3, City of Dallas Block A/6137
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
Abandoned 10 foot Water Line Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 4,565 square foot (0.105 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being all of a 10 foot water line easement as described in Easement to the City of Dallas recorded in Volume 78057, Page 2348 of the Deed Records of Dallas County, Texas, and being a part of a called 10.0203 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220365 of the Official Public Records of Dallas County, Texas and being a part of Lot 3, Block 7291 of Highridge, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Deed Records of Dallas County, Texas, said 0.105 acre tract of land being more particularly described as follows:

COMMENCING: at a 3/8-inch iron rod found in the west right of way line of Manderville Lane and in the east line of Next Block-Dallas tract from which a 1/2-inch iron rod found bears South 03 degrees 22 minutes 20 seconds East, a distance 160.10 feet and being the southeast corner of Next Block-Dallas I, L.P.;

THENCE: North 00 degrees 11 minutes 20 seconds West, along the west line of Manderville Lane, a distance of 158.08 feet to the POINT OF BEGINNING;

THENCE: South 89 degrees 48 minutes 40 seconds West, departing Manderville Lane a distance of 5.94 feet to a point for corner;

THENCE: South 44 degrees 19 minutes 30 seconds West, a distance of 232.95 feet to a point for corner;

THENCE: South 66 degrees 00 minutes 00 seconds West, a distance of 33.73 feet to a point for corner;

THENCE: North 83 degrees 40 minutes 30 seconds West, a distance of 126.35 feet to a point for corner;

THENCE: North 06 degrees 19 minutes 30 seconds East, a distance of 68.00 feet to a point for corner;

THENCE: South 83 degrees 40 minutes 30 seconds East, a distance of 10.00 feet to a point for corner;

THENCE: South 06 degrees 19 minutes 30 seconds West, a distance of 58.00 feet to a point for corner;

THENCE: South 83 degrees 40 minutes 30 seconds East, a distance of 113.65 feet to a point for corner;

THENCE: North 66 degrees 00 minutes 00 seconds East, a distance of 29.11 feet to a point for corner;

THENCE: North 44 degrees 19 minutes 30 seconds East, a distance of 235.23 feet to a point for corner;

THENCE: North 89 degrees 48 minutes 40 seconds East, a distance of 10.13 feet to a point for corner in the west line of Manderville Lane;

THENCE: South 00 degrees 11 minutes 20 seconds East, along Manderville Lane a distance of 10.00 feet to the POINT OF BEGINNING and Containing 0.105 acres (4,565 sq. ft.), of land more or less.

Bearing system for this survey is based upon a bearing of South 89°48'40" West, being the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.

Reviewed By: ______________
Date: ______________
SPRG NO: ______________

Page 1 of 3
Abandoned 10 foot Water Line Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

DESCRIPTION:

- **Adjacent Blocks:**
  - Next Block—Dallas I, L.P.
    - Called 10.0203 Acres
    - Inst No. 200600220365
    - D.R.D.C.
  - Lot 3, Block 7291

- **Survey Boundary:**
  - Highridge
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
    - 15' Drainage & Utility Easement
      - Vol. 77159, PG 2158
      - D.R.D.C.
  - City of Dallas
    - 10' Sanitary Sewer Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Sanitary Sewer Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.
  - City of Dallas
    - 10' Water Line Easement
      - Vol. 78057, PG 2348
      - D.R.D.C.

- **Control Monuments:**
  - CM

- **Water Line Easements:**
  - 10' Water Line Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Water Line Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Water Line Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Water Line Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Water Line Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.

- **Sanitary Sewer Easements:**
  - 10' Sanitary Sewer Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Sanitary Sewer Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Sanitary Sewer Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Sanitary Sewer Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.
  - 10' Sanitary Sewer Easement
    - Vol. 78057, PG 2348
    - D.R.D.C.

- **LEGAL DESCRIPTION:**
  - A legal description of even survey date herewith accompanies this plat of survey.
  - Bearing system for this survey is based upon a bearing of South 89°48'40" West, being the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.

- **SCALE:**
  - 1"=100'

- **LEGEND:**
  - IRF = Iron Rod Found
  - IPF = Iron Pipe Found
  - VOL = Volume
  - PG = Page
  - D.R.D.C. = Deed Records of Dallas County, Texas
  - CM = Control Monument

- **STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR:**
  - 5249
  - Reviewed By: JL
  - Date: 7-6-07
  - SPRG No: 960
  - SPRG No: 25-07

- **NOTES:**
  1. A legal description of even survey date herewith accompanies this plat of survey.
  2. Bearing system for this survey is based upon a bearing of South 89°48'40" West, being the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Water Line Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: JL
Date: 7-6-07
SPRG NO: 960
Abandoned 10 foot Sanitary Sewer Easement of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 2,747 square foot (0.063 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being 10 foot sanitary sewer easement as described in Easement to the City of Dallas recorded in Volume 78057, Page 2348, of the Deed Records of Dallas County, Texas, and being a part of a called 10.0203 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220365 of the Official Public Records of Dallas County, Texas and being a part of Lot 3, Block 7291 of Highridge, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Deed Records of Dallas County, Texas, said 0.063 acre tract of land being more particularly described as follows:

COMMENCING: at a 3/8-inch iron rod found in the west right of way line of Manderville Lane and in the east line of Next Block-Dallas tract from which a 1/2-inch iron rod found bears South 03 degrees 22 minutes 20 seconds East, a distance 160.10 feet and being the southeast corner of Next Block-Dallas I, L.P;

THENCE: North 00 degrees 11 minutes 20 seconds West, along the west line of Manderville Lane, a distance of 52.50 feet to the POINT OF BEGINNING;

THENCE: South 89 degrees 48 minutes 40 seconds West, departing Manderville Lane a distance of 42.83 feet to a point for corner;

THENCE: South 44 degrees 19 minutes 30 seconds West, a distance of 56.46 feet to a point for corner, said point also being a curve to the right, through a central angle of 52°00'00", having a radius of 155.00 feet, and a chord bearing and distance of South 70°19'30" West, 135.90 feet;

THENCE: Along said curve, an arc length of 140.67 feet;

THENCE: North 83 degrees 40 minutes 30 seconds West, a distance of 35.00 feet to a point for corner;

THENCE: North 06 degrees 19 minutes 30 seconds East, a distance of 10.00 feet to a point for corner;

THENCE: South 83 degrees 40 minutes 30 seconds East, a distance of 35.00 feet to a point for corner; said point also being a curve to the left, through a central angle of 52°00'00", having a radius of 145.00 feet, and a chord bearing and distance of North 70°19'30" East, 127.13 feet;

THENCE: Along said curve, an arc length of 131.60 feet;

THENCE: North 44 degrees 19 minutes 30 seconds East, a distance of 60.66 feet to a point for corner;

THENCE: North 89 degrees 48 minutes 40 seconds East, a distance of 47.02 feet to a point in Manderville Lane for corner;

THENCE: South 00 degrees 11 minutes 20 seconds East, a distance of 10.00 feet to the POINT OF BEGINNING and Containing 0.063 acres (2,747 sq. ft.), of land more or less.

Bearing system for this survey is based upon a bearing of South 89°48'40" West, being the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.
ABANDONED 10 FOOT SANITARY SEWER EASEMENT
DAVID BARROW SURVEY, ABSTRACT NO. 177
BLOCK 7291
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 89°48'40" West, being the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Water Easement  EXHIBIT A
of Manderville II, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 5,640 square foot (0.129 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a 10 foot water easement as described in Easement to the City of Dallas recorded in Volume 78141, Page 10, of the Deed Records of Dallas County, Texas, and being part of a called 10.1221 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220364 of the Official Public Records of Dallas County, Texas, and being a part of Lot 4, Block 7291 of Manderville II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 10 of the Deed Records of Dallas County, Texas, said 0.129 acre tract of land being more particularly described as follows:

COMMENCING: at a "X" cut found in the west line of Manderville Lane right of way, being the northeast corner of said Lot 4 of Manderville II and the southeast corner of Lot 5, Block 7291 of Manderville I, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77211, Page 245 of the Deed Records of Dallas County, Texas;

THENCE: Along the west line of Manderville Lane, with a curve to the right, through a central angle of 03°06'52", having a radius of 1538.80 feet, and a chord bearing and distance of South 09°55'35" East, 83.63 feet;

THENCE: Continuing along said curve, an arc length of 83.64 feet to the POINT OF BEGINNING;

THENCE: Along a curve to the right and along Manderville Lane, through a central angle of 00°22'34", having a radius of 1538.80 feet, and a chord bearing and distance of South 08°10'52" East, 10.10 feet, an arc length of 10.10 feet to a point for corner and leaving the west line of Manderville Lane;

THENCE: South 89 degrees 48 minutes 40 seconds West, a distance of 288.43 feet to point for corner;

THENCE: South 00 degrees 11 minutes 20 seconds East, a distance of 151.25 feet to a point for corner;

THENCE: South 89 degrees 48 minutes 40 seconds West, a distance of 125.00 feet to a point for corner;

THENCE: North 00 degrees 11 minutes 20 seconds West, a distance of 10.00 feet to a point for corner;

THENCE: North 89 degrees 48 minutes 40 seconds East, a distance of 115.00 feet to a point for corner;

THENCE: North 00 degrees 11 minutes 20 seconds West, a distance of 151.25 feet to a point for corner;

THENCE: North 89 degrees 48 minutes 40 seconds East, a distance of 297.03 feet to the POINT OF BEGINNING and Containing 0.129 acres (5,640 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 89°48'40" West, for the south line of Block 7291 Lot 4 of MANDERVILLE II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 10 of the Map Records of Dallas County, Texas.

Reviewed By: __
Date: 7-6-67
SPRG NO: 95B
Abandoned 10 foot Water Easement
of Manderville II, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

LOT 5, BLOCK 7291
MANDERVILLE I
VOL. 77211, PG. 245
D.R.D.C.T.
N 89°48'40" E 597.68'

ABANDONED WATER EASMT.
AREA 0.129 ACRE
(5,640 SQ. FT.)

S 89°48'40" W 125.00'
N 89°48'40" W 115.00'
N 89°48'40" W 151.25'
S 89°48'40" W 10.00'

CITY OF DALLAS
25' DRAINAGE & UTILITY EASEMENT
VOL. 77152, PG. 2135
D.R.D.C.T.

POINT OF COMMENCING

CITY OF DALLAS
10' WATER EASEMENT
VOL. 78141, PG. 0010
D.R.D.C.T.

S 89°48'40" E 297.03'

N 00°11'20" W 151.25'
S 00°11'20" W 115.00'
S 00°11'20" W 10.00'

N 89°48'40" E 115.00'

CITY OF DALLAS
15' DRAINAGE EASEMENT
VOL. 78141, PG. 0010
D.R.D.C.T.

POINT OF BEGINNING

CITY OF DALLAS
10' WATER EASEMENT
VOL. 78141, PG. 0010
D.R.D.C.T.

S 89°48'40" E 288.43'

N 00°11'20" W

Lot 4, Block 7291
MANDERVILLE II
VOL. 78141, PG. 0010
D.R.D.C.T.

N 00°11'20" W

SCALE: 1"=100'

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 89°48'40" West, for the south line of Block 7291 Lot 4 of MANDERVILLE II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 10 of the Map Records of Dallas County, Texas.

Reviewed By: __________
Date: 7-4-07
SPRG NO: 958
Abandoned 10 foot Water Easement
of Manderville II, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: [Signature]
Date: 7/4/07
SPRG NO: 958
Abandoned 20 foot Water & Sanitary Sewer Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.177 acre (7,700 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a 20 foot water and sanitary sewer easement as described in Easement to the City of Dallas recorded in Volume 78057, Page 2348, of the Deed Records of Dallas County, Texas, and being a part of a called 10.0203 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220365 of the Official Public Records of Dallas County, Texas and being a part of Lot 3, Block 7291 of Highridge, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Deed Records of Dallas County, Texas, said 0.177 acre tract of land being more particularly described as follows:

COMMENCING: at a 1/2-inch iron rod found in the west line of Manderville Lane for the common northeast of Next Block-Dallas tract and southeast corner of Lot 4, Block 7291 of Manderville II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 0010 of the Deed Records of Dallas County, Texas;

THENCE: South 00 degrees 11 minutes 20 minutes East, along the west right of way line of Manderville Lane (a variable width right of way), a distance of 158.33 feet to the POINT OF BEGINNING;

THENCE: South 00 degrees 11 minutes 20 minutes East, continuing along Manderville Lane, a distance of 20.00 feet to a point for corner;

THENCE: South 89 degrees 48 minutes 40 minutes West, departing Manderville Lane a distance of 385.00 feet to a point for corner;

THENCE: North 00 degrees 11 minutes 20 minutes West, a distance of 20.00 feet to a point for corner;

THENCE: North 89 degrees 48 minutes 40 minutes East, a distance of 385.00 feet to the POINT OF BEGINNING and Containing 0.177 acres (7,700 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 89°48'40" West, for the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.

(For SPRG use only)
Reviewed By: JL
Date: 7-6-67
SPRG NO: 957

STATE OF TEXAS
CERTIFIED COPY
PROFESSIONAL LAND SURVEYOR
UD 5249

PAGE 1 OF 3
Abandoned 20 foot Water & Sanitary Sewer Easement of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

LOT 4, BLOCK 7291
MANDERVILLE II
VOL. 78141, PG. 0010
D.R.D.C.T.

POINT OF COMMENCING

1/2" IRF
C.M.

1/2" IRF
C.M.

POINT OF
BEGINNING

10' BLDG. LINE

ABANDONED WATER AND SANITARY SEWER EASEMENT
AREA 0.177 ACRE
(7,700 SQ. FT.)

N 89°48'40" E 385.00'

S 89°48'40" W 385.00'

CITY OF DALLAS
20' WATER & SANITARY
SEWER EASEMENT
VOL. 78057, PG. 2348
D.R.D.C.T.

N 00°11'20" W
20.00'

S 00°11'20" E
20.00'

15' D.P. & L. EASEMENT
VOL. 78057, PG. 2348
D.R.D.C.T.

N 89°48'40" W 20.00'

10" BLDG. LINE

NEXT BLOCK—DALLAS I, L.P.
CALLED 10.0203 ACRES
INST NO. 200600220365
D.R.D.C.T.

LOT 3, BLOCK 7291

HIGHRIDGE
VOL. 78057, PG 2348
D.R.D.C.T.

MANDERVILLE LANE
(VARIABLE WIDTH—RIGHT-OF-WAY)

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

STATE OF TEXAS
REGISTERED
PROFESSIONAL LAND SURVEYOR
5249
W. W. CALDWELL
L-25-07

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 89°48'40" West, for the north line of Block 7291 Lot 3 of HIGHRIDGE, an addition to the City of Dallas,Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.
Abandoned 20 foot Water & Sanitary Sewer Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
Abandoned 10 foot Water Easement
of Manderville II, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.102 acre (4,450 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being all of a 10 foot water easement as described in Easement to the City of Dallas recorded in Volume 78141, Page 10, of the Deed Records of Dallas County, Texas, and being part of a called 10.1221 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220364 of the Official Public Records of Dallas County, Texas, and being a part of Lot 4, Block 7291 of Manderville II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 10 of the Deed Records of Dallas County, Texas, said 0.102 acre tract of land being more particularly described as follows:

COMMENCING: at a 1/2-inch iron rod found in the west line of Manderville Lane, a called variable width right of way and being the northeast corner of Lot 3, Block 7291 of Highridge, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Deed Records of Dallas County, Texas;

THENCE: North 00 degrees 11 minutes 20 seconds West, along the west line of Manderville Lane, a distance of 25.50 feet to the POINT OF BEGINNING;

THENCE: South 89 degrees 48 minutes 40 seconds West, a distance of 445.00 feet to a point for corner;

THENCE: North 00 degrees 11 minutes 20 seconds West, a distance of 10.00 feet to a point for corner;

THENCE: North 89 degrees 48 minutes 40 seconds East, a distance of 445.00 feet to a point for corner in the west line of Manderville Lane;

THENCE: South 00 degrees 11 minutes 20 seconds East, along the west line of Manderville Lane a distance of 10.00 feet to the POINT OF BEGINNING and Containing 0.102 acres (4,450 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 89°48'40" West, for the south line of Block 7291 Lot 4 of MANDERVILLE II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 0010 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Water Easement
of Manderville II, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

LOT 4, BLOCK 7291
MANDERVILLE II
VOL. 78141, PG. 0010
D.R.D.C.T.

NEXT BLOCK—DALLAS I, L.P.
CALLED 10.1221 ACRES
INST NO. 200600220364
D.R.D.C.T.

LOT 3, BLOCK 7291
HIGHRIDGE
VOL. 78057, PG 2348
D.R.D.C.T.

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

NOTES:
1. A legal description of even survey date herewith accompanies
   this plat of survey.
2. Bearing system for this survey is based upon a bearing of
   South 89°48'40" West, for the south line of Block 7291 Lot 4 of
   MANDERVILLE II, an addition to the City of Dallas, Dallas
   County, Texas, according to the plat thereof recorded in
   Volume 78141, Page 0010 of the Map Records of Dallas
   County, Texas.
Abandoned 10 foot Water Easement
of Manderville II, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: [Signature]
Date: 7-6-07
SPRG NO: 94-5

PAGE 3 OF 3
Abandoned 10 foot Water Main Easement
of Manderville I, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.302 acre, (13,150 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being part of a called 9.9837 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220364 of the Official Public Records of Dallas County, Texas, and being a part of Lot 5, Block 7291 of Manderville I, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77211, Page 245 of the Deed Records of Dallas County, Texas, and being all of a 10 foot water main easement as described in said plat, said 0.302 acre tract of land being more particularly described as follows:

COMMENCING: at a "X" cut found in the west line of Manderville Lane (variable width Right-of-Way) and being the northeast corner of Lot 4, Block 7291 of Manderville II, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78141, Page 0010 of the Deed Records of Dallas County, Texas;

THENCE: Along the west line of Manderville Lane, with a curve to the left, through a central angle of 04°31'29", having a radius of 1538.80 feet, and a chord bearing and distance of North 13°44'45" West, 121.49 feet; an arc length of 121.52 feet to the POINT OF BEGINNING;

THENCE: South 71 degrees 24 minutes 00 seconds West, departing Manderville Lane a distance of 64.26 feet to point for corner;

THENCE: North 89 degrees 59 minutes 30 seconds West, a distance of 385.11 feet to a point for corner;

THENCE: North 02 degrees 59 minutes 07 seconds West, a distance of 330.83 feet to a point for corner;

THENCE: North 00 degrees 00 minutes 30 seconds East, a distance of 143.77 feet to a point for corner;

THENCE: North 14 degrees 39 minutes 18 seconds East, a distance of 231.83 feet to a point for corner;

THENCE: North 43 degrees 33 minutes 39 seconds East, a distance of 174.91 feet to a point for corner in the westerly R.O.W. line of Manderville Lane;

THENCE: Along a curve to the right, through a central angle of 02°51'46", having a radius of 202.00 feet, and a chord bearing and distance of South 38°42'21" East, 10.09 feet, an arc length of 10.09 feet to a point for corner and leaving the westerly line of Manderville Lane;

THENCE: South 43 degrees 33 minutes 39 seconds West, a distance of 170.97 feet to a point for corner;

THENCE: South 14 degrees 39 minutes 18 seconds West, a distance of 227.97 feet to a point for corner;

THENCE: South 00 degrees 00 minutes 30 seconds West, a distance of 142.23 feet to a point for corner;
Abandoned 10 foot Water Main Easement
of Manderville I, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

THENCE: South 02 degrees 59 minutes 07 seconds East, a distance of 321.07 feet to a point for corner;

THENCE: South 89 degrees 59 minutes 30 seconds East, a distance of 373.99 feet to a point for corner;

THENCE: North 71 degrees 24 minutes 00 seconds East, a distance of 63.04 feet to a point for corner in the westerly line of Manderville Lane;

THENCE: Along Manderville Lane and a curve to the right, through a central angle of 00°22'22", having a radius of 1538.80 feet, and a chord bearing and distance of South 16°11'40" East, 10.01 feet, an arc length of 10.01 feet to the POINT OF BEGINNING and Containing 0.302 acres (13,150 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of North 18°36'00" West, being the south line of Lot 5, Block 7291 of MANDERVILLE I, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77211, Page 245 of the Map Records of Dallas County, Texas.

 Reviewed By: __
 Date: 11-29-07
 SPRG NO: 944

PAGE 2 OF 5
Abandoned 10 foot Water Main Easement
of Manderville I, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

MATCHLINE SEE SHT. 4 OF 5

LOT 5, BLOCK 7291
MANDERVILLE I
VOL. 77211, PG. 245
D.R.D.C.T.
NEXT BLOCK—DALLAS I, L.E.
CALLED 9.9837 ACRES
INST NO. 200600220364
O.P.R.D.C.T.

LOT 4, BLOCK 7291
MANDERVILLE II
VOL. 78141, PG. 0010
D.R.D.C.T.

STATE OF TEXAS
REGISTERED SURVEYOR
MICHAEL R. MARX
5181

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 18°36'00" West, being the south line of Lot 5, Block 7291 of MANDERVILLE I, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77211, Page 245 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Water Main Easement
of Manderville I, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

SCALE: 1"=100'

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

MATCHLINE SEE SHT. 3 OF 5

NOTES:
1. A legal description of even survey date herewith accompanies
this plat of survey.
2. Bearing system for this survey is based upon a bearing of North
18°36'00" West, being the south line of Lot 5, Block 7291 of
MANDERVILLE I, an addition to the City of Dallas, Dallas
County, Texas, according to the plat thereof recorded in
Volume 77211, Page 245 of the Map Records of Dallas County,
Texas.
Abandoned 15 foot Drainage and Utility Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 9,205 square feet (0.211 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a 15 foot drainage and utility easement as described in Easement to the City of Dallas recorded Volume 78057, Page 2348 and Volume 77159, Page 2158 of the Deed Records of Dallas County, Texas, and being a part of a called 10.0203 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220365 of the Official Public Records of Dallas County, Texas and being a part of Lot 3, Block 7291 of Highridge, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.) said 0.211 acre tract of land being more particularly described as follows:

BEGINNING: at a 1/2-inch iron rod found in the west line of Manderville Lane (a variable width right of way) and being the southeast corner of Lot 3;

THENCE: North 83 degrees 40 minutes 30 seconds West, a distance of 614.94 feet along the south line of Lot 3, the north line of a remainder tract of land as conveyed to Commodore Partners, LTD. As recorded in Volume 2002185, Page 1268 (D.R.D.C.T.) and the north line of Block B/7291 of Northpark Ford Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 78081, Page 1203 (D.R.D.C.T.) to the southwest corner of Lot 3 for corner;

THENCE: North 06 degrees 19 minutes 10 seconds East, along the west line of Lot 3 and the east line of Lot 6, Block 7291 of North Meadow Addition an addition to the City of Dallas according to the plat thereof recorded in Volume 80128, Page 0825 (D.R.D.C.T.) a distance of 15.00 feet to a point for corner;

THENCE: South 83 degrees 40 minutes 30 seconds East, a distance of 612.37 feet to a point for corner in the said west line of Manderville Lane;

THENCE: South 03 degrees 22 minutes 20 seconds East, along Manderville Lane a distance of 15.22 feet to the POINT OF BEGINNING and Containing 0.211 acres (9,205 sq. ft.), of land more or less.

Bearing system for this survey is based upon a bearing of South 89°48'40" West, being the north line of Block 7291 Lot 3 of HIGHLRIDGE, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 78057, Page 2348 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Drainage and Utility Easement
of Highridge, City of Dallas Block 7291
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

NOTES:
1. A legal description of even survey date herewith accompanies
   this plat of survey.
2. Bearing system for this survey is based upon a bearing of
   South 89°48'40" West, being the north line of Block 7291 Lot 3
   of HIGHRIDGE, an addition to the City of Dallas, Dallas County,
   Texas, according to the plat thereof recorded in Volume 78057,
   Page 2348 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Utility Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.262 acre (11,408 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being a 10 foot utility easement as described in Easement to the City of Dallas recorded in Volume 74076, Page 2239 of the Deed Records of Dallas County, Texas, and being part of a called 9.6314 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 2006002220363 of the Official Public Records of Dallas County, Texas, and being a part of Block C/6138 of Meadow Road Apartments, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Deed Records of Dallas County, Texas, said 0.262 acre tract of land being more particularly described as follows:

COMMENCING: at a "X" in concrete found in the north line of Meadow Road (a variable width public right-of-way) and being the southwest corner of said Block C/6138 and the east line of the Dart Area Rapid Transit 100-foot wide right-of-way, recorded in Volume 88083, Page 4905, Deed Records of Dallas County, Texas;

THENCE along the north right-of-way line of Meadow Road and a curve to the right, through a central angle of 02°44'23", having a radius of 540.00 feet, and a chord bearing and distance of North 74 degrees 51 minutes 48 seconds East, 25.89 feet, an arc length of 25.89 feet to the POINT OF BEGINNING;

THENCE leaving the north right-of-way line of Meadow Road, North 00 degrees 05 minutes 40 seconds West, parallel to the west line of said Block C/6138 for a distance of 688.35 feet to a point for corner;

THENCE North 56 degrees 52 minutes 30 seconds East, for a distance of 137.97 feet to a point for corner;

THENCE along a curve to the right, through a central angle of 17°33'19", having a radius of 175.00 feet, and a chord bearing and distance of North 65 degrees 39 minutes 10 seconds East, 53.41 feet, an arc length of 53.62 feet to a point for corner;

THENCE North 74 degrees 25 minutes 50 seconds East, for a distance of 141.80 feet to a point for corner;

THENCE along a curve to the left, through a central angle of 31°41'30", having a radius of 225.00 feet, and a chord bearing and distance of North 58 degrees 35 minutes 05 seconds East, 122.87 feet, an arc length of 124.45 feet to a point for corner in the southwest right-of-way line of Treehouse Lane;

THENCE South 47 degrees 15 minutes 40 seconds East, with the southwest right-of-way line of Treehouse Lane, a distance of 10.00 feet to a point for corner;
Abandoned 10 foot Utility Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

THENCE departing Treehouse Lane along a curve to the right, through a central angle of 31°41'30", having a radius of 235.00 feet, and a chord bearing and distance of South 58 degrees 35 minutes 05 seconds West, 128.33 feet, an arc length of 129.98 feet to a point for corner;

THENCE South 74 degrees 25 minutes 50 seconds West, for a distance of 141.80 feet to a point for corner;

THENCE along a curve to the left, through a central angle of 17°33'19", having a radius of 165.00 feet, and a chord bearing and distance of South 65 degrees 39 minutes 10 seconds West, 50.36 feet, an arc length of 50.56 feet to a point for corner;

THENCE South 56 degrees 52 minutes 30 seconds West, for a distance of 132.55 feet to a point for corner;

THENCE South 00 degrees 05 minutes 40 seconds East, for a distance of 680.59 feet to a point for corner in the north right-of-way line of Meadow Road;

THENCE with the north right-of-way line of Meadow Road, westerly, along a curve to the left, through a central angle of 01°05'22", having a radius of 540.00 feet, and a chord bearing and distance of South 76 degrees 46 minutes 46 seconds West, 10.27 feet, an arc length of 10.27 feet to the POINT OF BEGINNING and Containing 0.262 acres (11,408 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of North 00°05'40" West, for the west line of Block C/6138 of, MEADOW ROAD APARTMENTS an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Utility Easement of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
MATCHLINE SEE SHT. 4 OF 5

Legends:
IRF = Iron Rod Found
IPF = Iron Pipe Found
VOL. = Volume
PG. = Page
D.R.D.C.T. = Deed Records of Dallas County, Texas
CM = Control Monument

Notes:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 00°05'40" West, for the west line of Block C/6138 of MEADOW ROAD APARTMENTS an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Utility Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

NOTE:
1. A legal description of every survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 00°05'40" West, for the west line of Block C/6138 of MEADOW ROAD APARTMENTS an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Utility Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
Abandoned 40 foot Utility Easement
of Meadow Road No. 2, City of Dallas Block D/6138

David Barrow Survey, Abstract No. 177 and
Neal McCreary Survey, Abstract No. 996
City of Dallas, Dallas County, Texas

Being a 1.452 acre (63,258 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177 and the Neal McCreary Survey, Abstract No. 996, City of Dallas, Dallas County, Texas, and being part of a called 11.6463 acre tract of land described in the Special Warranty Deed from Meadow Treehouse Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220362 of the Official Public Records of Dallas County, Texas, and being a 40 foot utility easement, part of Block D/6138 of MEADOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021, Page 0004 of the Deed Records of Dallas County, Texas, said 1.452 acre tract of land being more particularly described as follows:

BEGINNING: at in the north line of Meadow Road, (a called variable width public right-of-way) and the southeast corner of said MEADOW ROAD NO. 2 and the southwest corner of Lot 1, Block B/6138 of THE LODGES, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76158, Page 0327 of the Deed Records of Dallas County, Texas;

THENCE North 65 degrees 42 minutes 50 seconds West, along the south line of said MEADOW ROAD NO. 2 and the north line of Meadow Road for a distance of 154.50 feet to a point for corner;

THENCE North 24 degrees 17 minutes 10 seconds East, for a distance of 15.00 feet to a point for corner;

THENCE South 65 degrees 42 minutes 50 seconds East, for a distance of 70.06 feet to a point for corner and the beginning of a curve to the left;

THENCE easterly, with a tangent curve to the to the left, through a central angle of 48°41'47", having a radius of 58.89 feet, and a chord bearing and distance of North 89°56'42" East, 48.56 feet; and an arc length of 50.06 feet to a point for the end of the curve;

THENCE North 23 degrees 58 minutes 10 seconds East, for a distance of 725.87 feet to a point for corner;

THENCE North 57 degrees 31 minutes 10 seconds East, for a distance of 176.13 feet to a point for corner;

THENCE North 32 degrees 28 minutes 50 seconds West, for a distance of 454.76 feet to a point for corner and the beginning of a curve to the right;
Abandoned 40 foot Utility Easement
David Barrow Survey, Abstract No. 177 and
Neal McCreary Survey, Abstract No. 996
Block D/6138
City of Dallas, Dallas County, Texas

THENCE northerly, with a tangent curve to the to the right, through a central angle of 21°04’48”, having a radius of 399.00 feet, and a chord bearing and distance of North 21°56’36” West, 145.97 feet; and an arc length of 146.80 feet to a point in the south line of an existing Sanitary Sewer Easement as recorded in Volume 389, Page 490 of the Deed Records of Dallas County, Texas for the beginning of a non-tangent curve to the left,

THENCE northeasterly, with said Sanitary Sewer Easement and a non-tangent curve to the to the left, through a central angle of 03°43’32”, having a radius of 205.00 feet, and a chord bearing and distance of North 61°04’11” East, 13.33 feet; and an arc length of 13.33 feet to a point in the northeast line of said Block D/6138 and the southwest line of Dallas Area Rapid Transit (135 foot right-of-way) recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas, for the end of the curve;

THENCE South 32 degrees 28 minutes 50 seconds East, along said common line for a distance of 642.45 feet to 1/2 inch iron found at northeast corner of said Block D/6138 and the most northerly corner of said The Lodges for corner;

THENCE South 57 degrees 31 minutes 10 seconds West, departing Southern Pacific Railroad (135 foot right-of-way) and along said common line for a distance of 204.07 feet to 5/8 inch iron found for corner;

THENCE South 23 degrees 58 minutes 10 seconds West, along said common line for a distance of 749.05 feet to the POINT OF BEGINNING and Containing 1.452 acres (63,258 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 24°17’10” West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEADOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.
NOTES:
1. A legal description of each survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 24°17′10″ West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEADOW ROAD NO. 2, as an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.
ABANDONED 40 FOOT UTILITY EASEMENT
DAVID BARROW SURVEY, ABSTRACT NO. 177 and
NEAL McCREARY SURVEY, ABSTRACT NO. 996
BLOCK D/6138
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 24°17′10″ West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEDOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.

SCALE: 1″=100′

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

Reviewed By: ____________
Date: ____________
SPRG NO: ____________
Abandoned 15 foot Drainage Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 1,275 square foot (0.029 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, Dallas County, Texas, and being part of City Block A/7518, Official Numbers of the City of Dallas, Texas, and being a part of a tract of land described in the Special Warranty Deed from Meadow Treehouse Acquisition II, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220363 of the Official Public Records of Dallas County, Texas, and also being all of a 15 foot Drainage easement of the Meadow Road No. 3, an addition to the City of Dallas, as recorded in Volume 77044, Page 0671 of the Deed Records of Dallas County, Texas, said 0.029 acre tract of land being more particularly described as follows:

COMMENCING: at a 3/4-inch iron rod found in the southwest right of way line of Treehouse Lane, a called 60 foot wide right of way, and being a northerly corner of Meadow Road No. 3 and being a beginning a curve to the right, through a central angle of 42°44'21", having a radius of 296.11 feet, and a chord bearing and distance of South 68°37'50" East, 215.79 feet and being 4.79 feet, West from its intersection with a cul-de-sac;

THENCE: Along the southwest line of Treehouse Lane and with said curve to the right an arc length of 220.88 feet to a point for corner;

THENCE: South 47 degrees 15 minutes 40 seconds East, continuing along the southwest line of Treehouse Lane and the northeast line of Block E/6138 of Meadow Road No. 3 tract, a distance of 71.94 feet to point for corner;

THENCE: North 42 degrees 44 minutes 20 seconds East, crossing Treehouse Lane, a distance of 60.00 feet to a point in the northeast right of way line to the POINT OF BEGINNING;

THENCE crossing Block A/7518 the following courses and distances:

North 72 degrees 44 minutes 00 seconds East, a distance of 89.33 feet to a point for corner;

South 17 degrees 16 minutes 00 seconds East, a distance of 15.00 feet to a point for corner;

South 72 degrees 44 minutes 00 seconds West, a distance of 80.67 feet to a point for corner;

North 47 degrees 15 minutes 40 seconds West, a distance of 17.32 feet to the POINT OF BEGINNING and Containing 0.029 acres (1,275 sq. ft.), of land more or less.

Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Drainage Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

NEXT BLOCK—DALLAS I, L.P.
CALLED 7.2124 ACRES
INST NO. 200600220363
D.R.D.C.T.

ABANDONED DRAINAGE ESMT.
AREA 0.029 ACRES
(1,275 SQ. FT.)

TREEHOUSE LANE

N 72°44'00" E
89.33'

MEADOW ROAD NO. 3
VOL. 77044, PG. 0671
D.R.D.C.T.

POINT OF COMMENCING
51°56' N
15° BLOC. LINE

WEST 4.79'

MEADOW ROAD NO. 3
VOL. 77044, PG. 0671
D.R.D.C.T.

POINT OF BEGINNING
N 47°15'40" W
17.32'

MEADOW ROAD NO. 3
VOL. 77044, PG. 0671
D.R.D.C.T.

NOTE:
1. A legal description of even survey date herewith accompanies
this plat of survey.
2. Bearing system for this survey is based upon a bearing of North
89°55'20" East, being the north line of Block A/7518 of
Meadow Road No. 3, an addition to the City of Dallas,Dallas
County, Texas, according to the plat thereof recorded in
Volume 77044, Page 0671 of the Map Records of Dallas
County, Texas.
Abandoned 15 foot Drainage Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: JL
Date: 11-7-07
SPRG NO: 956
Abandoned 15 foot Utility Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.288 acre (12,550 square foot) tract of land in the David Barrow Survey, Abstract No. 177, Dallas County, Texas and part of City Block A/7518, and also being a part of a tract of land described in a Special Warranty Deed from Meadow Treehouse Acquisition II, L.P. to Next Block-Dallas I, L.P. recorded as Instrument Number 200600220363 of the Official Public Records of Dallas County, Texas, and also being a 15 foot utility easement, part of the Meadow Road No. 3, an addition to the City of Dallas, as recorded in Volume 77044, Page 0671 of the Deed Records of Dallas County, Texas, said 0.288 acre tract of land being more particularly described as follows:

Commencing at a found P.K. nail at the northeast corner of the Meadow Road No. 3 Addition, said point also being in the southern line of a tract of land conveyed to Dallas Power and Light Company, as recorded in Volume 4310, Page 44, of the Deed Records of Dallas County, Texas and the southwest line of the Southern Pacific Railroad;

THENCE: South 89 degrees 55 minutes 20 seconds West, along the southern line of said Dallas Power and Light Company tract, for a distance of 518.03 feet to the POINT OF BEGINNING;

THENCE: South 00 degrees 04 minutes 40 seconds East, for a distance of 23.00 feet to a point for corner;

THENCE: North 89 degrees 55 minutes 20 seconds East, for a distance of 494.37 feet to a point for corner;

THENCE: South 00 degrees 04 minutes 40 seconds East, for a distance of 15.00 feet to a point for corner;

THENCE: South 89 degrees 55 minutes 20 seconds West, for a distance of 494.37 feet to a point for corner;

THENCE: South 00 degrees 04 minutes 40 seconds East, for a distance of 304.66 feet to a point for corner in the northern right of way line of Treehouse Lane (a 60 foot right of way), said point also being in a curve to the right having a central angle of 02° 24' 57" and a radius of 356.11 feet, and a chord bearing and distance of N 87° 37' 30" W, 15.01 feet;

THENCE: Along the northern right of way line of Treehouse Lane for an arc distance of 15.01 feet:

THENCE: North 00 degrees 04 minutes 40 seconds West, for a distance of 342.00 feet the southern line of said Dallas Power and Light Company tract;

THENCE: North 89 degrees 55 minutes 20 seconds East, along the southern line of said Dallas Power and Light Company tract, for a distance of 15.00 feet to the POINT OF BEGINNING and Containing 0.288 acres (12,550 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.

Reviewed By: JL
Date: 7-6-07
SPRG NO: 955
Abandoned 15 foot Utility Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

DALLAS POWER AND LIGHT COMPANY
VOL. 4310, PG. 44
D.R.D.C.T.

POINT OF BEGINNING

ABANDONED UTILITY ESMRT.
AREA 0.288 ACRES
(12,550 SQ. FT.)

S 00°04'40" E 15.00'
S 89°55'20" W 518.03'
S 00°04'40" E 23.00'
S 89°55'20" W 494.37'
N 89°55'20" E 494.37'
N 89°55'20" W 494.37'

CITY OF DALLAS
15' UTILITY EASEMENT
VOL. 77044, PG. 0671
D.R.D.C.T.

BLOCK A/7518
MEADOW ROAD NO. 3
VOL. 77044, PG. 0671
D.R.D.C.T.

NEXT BLOCK--DALLAS I. L.P.
CALLED 7.2124 ACRES
INST NO. 200000220363
D.R.D.C.T.

15' BLDG. LINE
(60 FOOT WIDE RIGHT-OF-WAY)

TREEHOUSE LANE

CITY OF DALLAS
15' DRAINAGE EASEMENT
VOL. 77044, PG. 0671
D.R.D.C.T.

FLOODWAY EASEMENT LINE
VOL. 77044, PG. 490671
D.R.D.C.T.

CITY OF DALLAS
10' SANITARY SEWER EASEMENT
VOL. 389, PG. 490
D.R.D.C.T.

BLOCK D/6438
MEADOW ROAD NO. 2
VOL. 76021, PG. 0004
D.R.D.C.T.

NOTES:
1. A legal description of every survey date herewith accompanies
   this plat of survey.
2. Bearing system for this survey is based upon a bearing of North
   89°55'20" East, being the north line of Block A/7518 of
   Meadow Road No. 3, an addition to the City of Dallas, Dallas
   County, Texas, according to the plat thereof recorded in
   Volume 77044, Page 0671 of the Map Records of Dallas
   County, Texas.
Abandoned 15 foot Utility Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: __

Date: 7-6-67

SPRG NO: 955
Abandoned 15 foot Sanitary Sewer Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.145 acre (6,324 square foot) tract of land in the David Barrow Survey, Abstract No. 177, Dallas County, Texas and part of City Block A/7518, and also being a part of a tract of land described in a Special Warranty Deed from Meadow Treehouse Acquisition II, L.P. to Next Block-Dallas I, L.P. recorded as Instrument Number 200600220363 of the Official Public Records of Dallas County, Texas, and also being a 15 foot sanitary sewer easement, part of the Meadow Road No. 3, an addition to the City of Dallas, as recorded in Volume 77044, Page 0671 of the Deed Records of Dallas County, Texas, said 0.145 acre tract of land being more particularly described as follows:

BEGINNING at a found P.K. nail at the northeast corner of the Meadow Road No. 3 Addition, said point also being in the southern line of a tract of land conveyed to Dallas Power and Light Company, as recorded in Volume 4310, Page 44, of the Deed Records of Dallas County, Texas;

THENCE: South 32 degrees 28 minutes 00 seconds East, along the northeast line of Block A/7518 and the southwest line of Dallas Area Rapid Transit, a 100 foot wide right-of-way, recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas, for a distance of 417.23 feet to a point for corner at the southeast corner of Lot A/7518 said point also being the northerly corner of Block 0/6438 of Meadow Road No. 2, an addition to the City of Dallas, as recorded in Volume 76021, Page 0004 of the Deed Records of Dallas County, Texas;

THENCE along the north line of Block D/6438 with and a tangent curve to the right, through a central angle of 04°18'29" , having a radius of 200.00 feet, and a chord bearing and distance of South 61°24'12" West, 15.03 feet, an arc length of 15.04 feet to a point for corner;

THENCE: North 32 degrees 28 minutes 00 seconds West, for a distance of 425.73 feet to a point for corner in the north line of Block A/7518 and the south line of said Dallas Power and Light Company tract;

THENCE: North 89 degrees 55 minutes 20 seconds East, for a distance of 17.76 feet to the POINT OF BEGINNING and Containing 0.145 acres (6,324 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Sanitary Sewer Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.

CALENDAR: 1°=100'

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

(For SPRG use only)
Reviewed By: ____________________________
Date: 7-18-07
SPRG NO. 951

PAGE 2 OF 3
Abandoned 15 foot Sanitary Sewer Easement
of Meadow Road No. 3, City of Dallas Block A/7518
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: [Signature]
Date: 7-18-07
SPRG NO: 954

PAGE 3 OF 3
Abandoned Variable Width Drainage Easement
of Meadow Road No. 3, City of Dallas Block E/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

BEING a 557 square foot (0.013 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, Dallas County, Texas, and being part of City Block E/6138, Official Numbers of the City of Dallas, Texas, and also being a part of a tract of land described in a Special Warranty Deed from Meadow Treehouse Acquisition II, L.P. to Next Block-Dallas I, L.P. recorded as Instrument Number 200600220363 of the Official Public Records of Dallas County, Texas, and also being a part of the Meadow Road No. 3, an addition to the City of Dallas, as recorded in Volume 77044, Page 0671 of the Deed Records of Dallas County, Texas, and being all of Drainage Easement Tract No. 2, as described in Volume 74160, Page 0018 of the Deed Records of Dallas County, Texas, said 0.013 acre tract of land being more particularly described as follows:

COMMENCING: at a 3/4-inch iron rod found in the southwest right-of-way line of Treehouse Lane (a 60 foot wide public right-of-way), and being a northerly corner of Meadow Road No. 3 and being a beginning a curve to the right, through a central angle of 42°44'21", having a radius of 296.11 feet, and a chord bearing and distance of South 68°37'50" East, 215.79 feet;

THENCE: Along the southwest line of Treehouse Lane and with said curve to the right an arc length of 220.88 feet to a point for corner;

THENCE: South 47 degrees 15 minutes 40 seconds East, continuing along the southwest line of Treehouse Lane and the northeast line of Block E/6138 of Meadow Road No. 3 tract, a distance of 169.60 feet to a point for corner, said point also being a non-tangent curve to the right, through a central angle of 12°07'36", having a radius of 200.00 feet, and a chord bearing and distance of South 48°48'08" West, 42.25 feet;

THENCE: Along the southeast line of Block E/6138 of Meadow Road No. 3 tract for an arc length of 42.33 feet to the POINT OF BEGINNING, and said point also being a curve to the right, through a central angle of 08°39'27", having a radius of 200.00 feet, and a chord bearing and distance of South 59°11'39" West, 30.19 feet;

THENCE: Along the southeast line Meadow Road No.3 tract for an arc length of 30.22 feet to a point for corner;

THENCE: crossing Block E/6138 of Meadow Road No. 3 tract the following courses and distances:
- North 15 degrees 35 minutes 48 seconds West, a distance of 8.09 feet to a point for corner;
- North 29 degrees 24 minutes 12 seconds East, a distance of 42.07 feet to a point for corner;
- South 60 degrees 35 minutes 48 seconds East, a distance of 10.00 feet to a point for corner;
- South 29 degrees 24 minutes 12 seconds West, a distance of 21.59 feet to a point for corner;
- South 60 degrees 35 minutes 48 seconds East, a distance of 10.72 feet to the POINT OF BEGINNING and Containing 0.013 acres (557 sq. ft.), of land more or less.

Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas,Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.
Abandoned Variable Width Drainage Easement
of Meadow Road No. 3, City of Dallas Block E/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

CURVE TABLE

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NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.
Abandoned Variable Width Drainage Easement
of Meadow Road No. 3, City of Dallas Block E/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
Abandoned Variable Width Drainage Easement
of Meadow Road No. 3, City of Dallas Block E/6138

Tract 20

David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

BEING a 557 square foot (0.013 acre) tract of land situated in the David Barrow Survey, Abstract No. 177, Dallas County, Texas, and being part of City Block E/6138, Official Numbers of the City of Dallas, Texas, and also being all of Tract No. 1 variable width drainage easement as described in Easement to the City of Dallas recorded in Volume 74160, Page 18 of the Deed Records of Dallas County, Texas, and also being a part of a tract land described in a Special Warranty Deed from Meadow Treehouse Acquisition II, L.P. to Next Block-Dallas I, L.P. recorded as Instrument Number 200600220363 of the Official Public Records of Dallas County, Texas, and also being a part of the Meadow Road No. 3, an addition to the City of Dallas, as recorded in Volume 77044, Page 0671 of the Deed Records of Dallas County, Texas, said 0.013 acre tract of land being more particularly described as follows:

COMMENCING: at a 3/4-inch iron rod found in the southwest right of way line of Treehouse Lane, a called 60 foot wide right of way, and being a northerly corner of Meadow Road No. 3 and being a beginning a curve to the right, through a central angle of 42°44'21", having a radius of 286.11 feet, and a chord bearing and distance of South 68°37'50" East, 215.79 feet;

THENCE: Along the southwest line of Treehouse Lane and with said curve to the right an arc length of 220.88 feet to a point for corner;

THENCE: South 47 degrees 15 minutes 40 seconds East, continuing along the southwest line of Treehouse Lane and the northeast line of Block E/6138 of Meadow Road No. 3 tract, a distance of 169.60 feet to a point for corner, said point also being a non-tangent curve to the right, through a central angle of 31°41'30", having a radius of 200.00 feet, and a chord bearing and distance of South 58°35'05" West, 109.22 feet;

THENCE: Along the southeast line of Block E/6138 of Meadow Road No. 3 tract for an arc length of 110.62 feet to point for corner;

THENCE: South 74 degrees 25 minutes 50 seconds West, continuing along the southeast line of said Meadow Road No. 3, a distance of 90.80 feet to the POINT OF BEGINNING;

THENCE: South 15 degrees 34 minutes 19 seconds East, a distance of 7.07 feet to a point for corner;

South 29 degrees 25 minutes 41 seconds East, a distance of 46.07 feet to a point for corner;

South 60 degrees 34 minutes 19 seconds East, a distance of 10.00 feet to a point for corner;

South 29 degrees 25 minutes 41 seconds West, a distance of 29.20 feet to a point for corner;

South 15 degrees 34 minutes 19 seconds East, a distance of 11.93 feet to the POINT OF BEGINNING and Containing 0.013 acres (557 square foot), of land more or less.

Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.
Abandoned Variable Width Drainage Easement
of Meadow Road No. 3, City of Dallas Block E/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

MEADOW ROAD NO. 3
VOL. 77044, PG. 0671
D.R.D.C.T.

NEXT BLOCK—DALLAS I, L.P.
CALLED 2.2313 ACRES
INST NO. 200500220363
D.R.D.C.T.

MEADOW ROAD APARTMENTS
VOL. 74076, PG. 2239
D.R.D.C.T.

SCALE: 1"=100'

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

Reviewed By: ______________
Date: ______________
SPRG NO: ______________

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 89°55'20" East, being the north line of Block A/7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Map Records of Dallas County, Texas.
Abandoned Variable Width Drainage Easement
of Meadow Road No. 3, City of Dallas Block E/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
Abandoned 10 foot Water Easement
of Meadow Road No. 2, City of Dallas Block D/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.085 acre (3,711 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being all of a 10 foot wide Water Easement described in Easement to the City of Dallas recorded in Volume 76021, Page 4 of the Deed Records of Dallas County, Texas, and being part of a called 11.6463 acre tract of land described in the Special Warranty Deed from Meadow Treehouse Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220362 of the Official Public Records of Dallas County, Texas, and being a part of Block D/6138 of Meadow Road No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021, Page 0004 of the Deed Records of Dallas County, Texas, said 0.085 acre tract of land being more particularly described as follows:

COMMENCING: at the northwest corner of said Meadow Road No. 2 in the northeasterly line of Treehouse Lane, (60 foot right-of-way) and the southwest corner of Block N7518 of Meadow Road No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77044, Page 0671 of the Deed Records of Dallas County, Texas,

THENCE South 47 degrees 15 minutes 40 seconds East, along the northwesterly line of said Meadow Road No. 2 and the northeasterly line of Treehouse Lane for a distance of 145.96 to the beginning of a curve to the right;

THENCE: along Treehouse Lane and a curve to the right, through a central angle of 01°29'53", having a radius of .330.00 feet, and a chord bearing and distance of South 46°30'40" East, 8.63 feet, an arc length of 8.63 feet to the POINT OF BEGINNING;

THENCE North 42 degrees 44 minutes 20 seconds East, departing Treehouse Lane for a distance of 61.83 feet to a point for corner;

THENCE North 69 degrees 19 minutes 30 seconds East, for a distance of 310.39 feet to a point for corner in the southwest line of an existing 40 foot utility easement recorded in said Meadow Road No. 2;

THENCE South 32 degrees 28 minutes 50 seconds East, along said easement for a distance of 10.22 feet to a point for corner;

THENCE South 69 degrees 19 minutes 30 seconds West, for a distance of 310.12 feet to a point for corner;

THENCE South 42 degrees 44 minutes 20 seconds West, for a distance of 59.89 feet to a point for corner in the northeast line of Treehouse Lane;

THENCE along Treehouse Lane and a curve to the left, through a central angle of 01°44'16", having a radius of 330.00 feet, and a chord bearing and distance of North 44°53'36" West, 10.01 feet, an arc length of 10.01 feet to the POINT OF BEGINNING and Containing 0.085 acres (3,711 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 24°17'10" West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEADOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.
Abandoned 10 foot Water Easement of Meadow Road No. 2, City of Dallas Block D/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

CURVE TABLE

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NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 24°17'10" West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEADOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.

Reviewed By: ______________ Date: 7-6-07 SPRG NO: 938
Abandoned 15 foot Drainage Easement
of Meadow Road No. 2, City of Dallas Block D/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.007 acre (300 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being all of a Drainage Easement recorded in Volume 67253, Page 403, of the Deed records Dallas County, and being part of a called 11.6463 acre tract of land described in the Special Warranty Deed from Meadow Treehouse Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220362 of the Official Public Records of Dallas County, Texas, and being a part of Block D/6138 of Meadow Road No. 2, an addition to the City of Dallas. Dallas County, Texas, according to the plat thereof recorded in Volume 76021, Page 0004 of the Deed Records of Dallas County, Texas, said 0.007 acre tract of land being more particularly described as follows:

COMMENCING: at in the north line of Meadow Road, (a called variable width right-of-way) and the easterly line of Treehouse Lane, (60 foot right-of-way) and being the southwest corner of said Block D/6138;

THENCE South 65 degrees 42 minutes 50 seconds East, along the south line of said Block D/6138 and the north line of Meadow Road for a distance of 171.16 feet to the POINT OF BEGINNING;

THENCE North 24 degrees 17 minutes 10 seconds East, for a distance of 15.00 feet to a point for corner;

THENCE South 65 degrees 42 minutes 50 seconds East, for a distance of 20.00 feet to a point for corner;

THENCE South 24 degrees 17 minutes 10 seconds West, for a distance of 15.00 feet to a point for corner in the north line of Meadow Road;

THENCE North 65 degrees 42 minutes 50 seconds West, along the north line of Meadow Road for a distance of 20.00 feet to the POINT OF BEGINNING and Containing 0.007 acres (300 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of South 24°17'10" West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEADOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Drainage Easement
of Meadow Road No. 2, City of Dallas Block D/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

Reviewed By: __________ Date: __________
SPRG NO: __________

STATE OF TEXAS
STREET SURVEY
FEE REGISTRATION

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of South 24°17'10" West, being the southeasterly line of Treehouse Lane of Block D/6138 of MEADOW ROAD NO. 2, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 76021 Page 004 of the Map Records of Dallas County, Texas.
Abandoned 15 foot Drainage Easement
of Meadow Road No. 2, City of Dallas Block D/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Reviewed By: 
Date: 11-15-67
SPRG NO: 934
Abandoned 20 foot Fire & Service Lane Easement
of Meadow Road Apartments, City of Dallas Block C/6138
Tract 23
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Being a 0.524 acre (22,817 square foot) tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas, and being part of a called 9.6314 acre tract of land described in the Special Warranty Deed from Manderville-Meadow Royal Acquisition I, L.P. to Next Block-Dallas I, L.P., recorded as Instrument Number 200600220363 of the Official Public Records of Dallas County, Texas, and being a part of Block C/6138 of Meadow Road Apartments, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Deed Records of Dallas County, Texas, said 0.524 acre tract of land being more particularly described as follows:

COMMENCING: at a "X" in concrete found in the north line of Meadow Road (a variable width public right-of-way) and being the southwest corner of said Block C/6138, and being the southeast corner of a tract of land described in deed to Dallas Area Rapid Transit, recorded in Volume 88083, Page 4905, Deed Records of Dallas County, Texas,

THENCE easterly, along a curve to the right, through a central angle of 02°11'34", having a radius of 540.00 feet, and a chord bearing and distance of North 74 degrees 35 minutes 26 seconds East, 20.74 feet, an arc length of 20.74 feet to a point for the POINT OF BEGINNING;

THENCE North 00 degrees 05 minutes 40 seconds West, parallel to the west line of said Block C/6138 for a distance of 692.30 feet to a point for corner;

THENCE North 56 degrees 52 minutes 30 seconds East, for a distance of 140.69 feet to a point for the beginning of a curve to the right;

THENCE northeasterly, along a curve to the right, through a central angle of 17°33'19", having a radius of 180.00 feet, and a chord bearing and distance of North 65 degrees 39 minutes 10 seconds East, 54.94 feet, an arc length of 55.15 feet to a point for the end of the curve;

THENCE North 74 degrees 25 minutes 50 seconds East, for a distance of 141.80 feet to a point for the beginning of a curve to the left;

THENCE northeasterly, along a curve to the left, through a central angle of 31°41'30", having a radius of 220.00 feet, and a chord bearing and distance of North 58 degrees 35 minutes 05 seconds East, 120.14 feet, an arc length of 121.69 feet to a point in the southwest right-of-way line of Treehouse Lane (a 60 foot wide public right-of-way line) for the end of the curve;
THENCE South 47 degrees 15 minutes 40 seconds East, along the southwest right-of-way line of Treehouse Lane, a distance of 20.00 feet to a point for the beginning of a curve to the right;

THENCE leaving the southwest right-of-way line of Treehouse Lane, southwesterly, along a curve to the right, through a central angle of 31°41'30", having a radius of 240.00 feet, and a chord bearing and distance of South 58 degrees 35 minutes 05 seconds West, 131.06 feet, an arc length of 132.75 feet to a point for the end of the curve;

THENCE South 74 degrees 25 minutes 50 seconds West, for a distance of 141.80 feet to a point for the beginning of a curve to the left;

THENCE southwesterly, along a curve to the left, through a central angle of 17°33'19", having a radius of 160.00 feet, and a chord bearing and distance of South 65 degrees 39 minutes 10 seconds West, 48.83 feet, an arc length of 49.02 feet to a point for the end of the curve;

THENCE South 56 degrees 52 minutes 30 seconds West, for a distance of 129.84 feet to a point for corner;

THENCE South 00 degrees 05 minutes 40 seconds East, for a distance of 676.78 feet to a point in the north right-of-way line of Meadow Road for the beginning of a curve to the left;

THENCE with the north right-of-way line of Meadow Road, westerly, along a curve to the left, through a central angle of 02°10'45", having a radius of 540.00 feet, and a chord bearing and distance of South 76 degrees 46 minutes 40 seconds West, 20.54 feet, an arc length of 20.54 feet to the POINT OF BEGINNING and Containing 0.524 acres (22,817 square foot) of land more or less.

Bearing system for this survey is based upon a bearing of North 00°05'40" West, for the west line of Block C/6138 of MEADOW ROAD APARTMENTS an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Map Records of Dallas County, Texas.
Abandoned 20 foot Fire & Service Lane Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

Matchline See Sht. 4 of 5

Curved Table

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Legend:
IRF = Iron Rod Found
IPF = Iron Pipe Found
VOL. = Volume
PG. = Page
D.R.D.C.T. = Deed Records of Dallas County, Texas
CM = Control Monument

Notes:
1. A legal description of every survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 00°05'40" West, for the west line of Block C/6138 of
  Meadow Road Apartments an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof
  recorded in Volume 74076, Page 2239 of the Map Records of Dallas County, Texas.

Reviewed By: [Signature]
Date: 7-18-07
SPRG NO: 933
Abandoned 20 foot Fire & Service Lane Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas

LEGEND:
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
VOL. = VOLUME
PG. = PAGE
D.R.D.C.T. = DEED RECORDS
OF DALLAS COUNTY, TEXAS
CM = CONTROL MONUMENT

STATE OF TEXAS
PROFESSIONAL SURVEYOR
REGISTERED
5249
ABANDONED 20 foot FIRE & SERVICE LANE ESMT.
AREA 0.524 ACRES
(22,817 SQ. FT.)

10' SANITARY SEWER ESMT.
VOL. 335, PG. 490
D.R.D.C.T.

S 56°52'30" W 129.84'

N 56°52'30" W 140.69'

S 74°25'50" E 141.80'

10' UTILITY ESMT.
VOL. 74076, PG. 2239
D.R.D.C.T.

N 74°25'50" E 141.80'

15' DALLAS POWER & LIGHT COMPANY ESMT.
VOL. 75182, PG. 0065
O.P.R.D.C.T.

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based upon a bearing of North 00°05'40" West, for the west line of Block C/6138 of MEADOW ROAD APARTMENTS an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 74076, Page 2239 of the Map Records of Dallas County, Texas.
Abandoned 20 foot Fire & Service Lane Easement
of Meadow Road Apartments, City of Dallas Block C/6138
David Barrow Survey, Abstract No. 177
City of Dallas, Dallas County, Texas
SUBJECT

An ordinance authorizing a correction to Ordinance No. 27057, previously approved on January 9, 2008, for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm Street and Crowdus Street to correct the time limit and certificate of occupancy conditions Z067-336 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on January 9, 2008, closed the public hearing and approved Ordinance No. 27057 for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm Street and Crowdus Street.

Subsequent to the passage of the ordinance, it was determined that the expiration date and the date to obtain an amended certificate of occupancy were incorrect. The dates in the approved ordinance did not reflect the City Council's motion. The corrected ordinance changes the dates and is not a change in zoning district or boundary.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 9, 2008, the City Council approved Ordinance No. 27057 for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm Street and Crowdus Street.

On November 8, 2007, the City Plan Commission recommended approval of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm Street and Crowdus Street.

FISCAL INFORMATION

No cost consideration to the City.
MAP

Attached.
FILE NUMBER: Z067-336 (JH)

DATE FILED: September 19, 2007

LOCATION: Southwest corner of Elm Street and Crowdus Street

COUNCIL DISTRICT: 2

MAPSCO: 45-M

SIZE OF REQUEST: Approx. 5,000 sq. ft.

CENSUS TRACT: 33

REPRESENTATIVE: Steve Lindsey

APPLICANT: Festigiamo!!! Ltd

OWNER: Gilpin & Owen PS

REQUEST: An application for a Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The applicant proposes to continue the operation of a bar, lounge or tavern and a live music venue.

CPC RECOMMENDATION: Approval, for a bar, lounge or tavern for a three-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval, for a two-year period, subject to a site plan and conditions.
List of Partners/Principals/Officers

Owner:
Gilpin & Owen P.S.
Samuel Owen, Partner
Russell Gilpin, Partner

Applicant:
Festigiamo!!! Limited
Bone Entertainment, General Partner
Rhonda Michelle Beard, Manager
Joseph Aaron Beard, Limited Partner
20 PROPERTY OWNERS NOTIFIED
6 REPLIES IN FAVOR
1 REPLIES IN OPPOSITION
200 AREA OF NOTIFICATION
11-8-07 CPC DATE

The number '0' indicates City of Dallas Ownership

NOTIFICATION

AREA OF NOTIFICATION

1:1,000

NUMBER OF PROPERTY OWNERS NOTIFIED:

Map no.: J-8
Case no.: Z067-336 JH
## Notification List of Property Owners

**Z067-336(JH)(CS)**

20 Property Owners Notified

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Friday, October 12, 2007
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Niagara Bottling, LLC

* Authorize a new business personal property tax abatement agreement for 10 years with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway in the amount of 60 percent on new business personal property for years 1 through 5 and 45 percent for years 6 through 10 – Revenue: First year revenue estimated at $94,235; 10-year revenue estimated at $1,595,406; (Estimated revenue foregone for 10-year business personal property tax abatement estimated at $1,806,212)

* Authorize a Chapter 380 grant agreement with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to offset certain project costs including but not limited to site work, infrastructure improvements and development fees – Not to exceed $100,000 – Financing: Public/Private Partnership Program Funds

* Authorize an application to the Office of the Governor Economic Development and Tourism through the Economic Development Bank nominating Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) – Financing: No cost consideration to the City

BACKGROUND

City staff has been in negotiations with Niagara Bottling, LLC to locate a bottled water manufacturing facility in Dallas for the past several months. Niagara Bottling, LLC will purchase a newly constructed 441,000 square foot facility on 23 acres in the Mountain Creek Business Park contingent upon City Council approval of this incentive agreement. The company considered placing this manufacturing facility in either Dallas or Arizona.
BACKGROUND (continued)

By the end of 2008, Niagara Bottling, LLC will create 54 jobs at its Mountain Creek facility. Along with the purchase of an existing building and land for approximately $18,000,000, the company will spend a minimum of $2,000,000 on improvements to the property and will invest a minimum of $35,000,000 in business personal property. After the initial 2008 investment, Niagara Bottling, LLC will add an estimated $34,000,000 in business personal property and create a minimum of 203 jobs by January 1, 2013.

To support the location of this bottled water manufacturing facility in Dallas, the City Council is asked to consider authorizing a business personal property tax abatement for a period of 10 years granting Niagara Bottling, LLC a 60 percent abatement on new business personal property for years 1 through 5 and a 45 percent abatement for years 6 through 10 of the abatement period (total estimated forgone revenue of $1,806,212). City staff attempted to negotiate a specific dollar cap on the tax abatement agreement but was unsuccessful because it gave Arizona a competitive advantage during the negotiation of this project. In addition, the City Council is asked to consider authorizing a Chapter 380 economic development grant agreement for an amount not to exceed $100,000 to defray certain project costs including but not limited to site work, infrastructure improvements and development fees and to nominate Niagara Bottling, LLC as a State of Texas Enterprise Zone Project. The Enterprise Zone designation allows Niagara Bottling, LLC to receive state sales and use tax refunds (state only) on qualified expenditures for committing that at least 35 percent of its hired workforce will meet economically disadvantaged or enterprise zone residency requirements. Further, the company plans to apply for funding from the Texas Enterprise Fund, which is administered by the Office of the Governor.

In addition to the aforementioned Dallas incentives, Niagara Bottling, LLC will also benefit from an assignment of an existing real property tax abatement of 75 percent for 10 years on the property located at 4851 Mountain Creek Parkway (estimated revenue foregone for a 10-year real property tax abatement estimated at $1,121,850). The existing real property tax abatement was authorized on January 24, 2007 by City Council with Building No. 4, Mountain Creek LP and is assignable upon written approval by the Director of the Office of Economic Development Department. Niagara Bottling, LLC has approached Dallas County for a 10-year, 50 percent real property and business personal property tax abatement (estimated County revenue foregone for 10-year real property and business personal property tax abatement estimated at $762,259).

Niagara Bottling, LLC is the largest family-owned bottled water company in the United States. The company began purifying and bottling water in 1963 and its headquarters are located in Ontario, California. Since its inception, Niagara Bottling, LLC has been a California company. The company’s business has grown very quickly over the last few years requiring construction of other manufacturing facilities closer to its new markets.
BACKGROUND (continued)

In 2007, Niagara Bottling, LLC opened two new plants in the United States located in Pennsylvania and central Florida.

Niagara Bottling, LLC’s Dallas operation will involve vertically integrated bottled water manufacturing, including municipal water purification, plastic injection molding, bottling and packaging product for shipment to private label customers.

ESTIMATED SCHEDULE OF PROJECT

Begin Tenant Improvements February 2008
Complete Substantial Tenant Improvements December 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Public/Private Partnership Funds - $100,000

OWNER DEVELOPER

Niagara Bottling, LLC Niagara Bottling, LLC
Andrew Peykoff, II, Andrew Peykoff, II,
President/CEO President/CEO
Brian M. Hess, Brian M. Hess,
Director of Operations Director of Operations

MAP

Attached.
WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on April 12, 2006, the City Council authorized the continuation of its participation in tax abatements and established by Resolution No. 06-1105, as amended, appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, on January 24, 2007, the City Council authorized the creation of Reinvestment Zone No. 67 established by Ordinance No. 26565 for the property located at 4851 Mountain Creek Parkway, Dallas, Texas 75236, which designated the area as a reinvestment zone requiring no further hearing or other procedural requirement; and

WHEREAS, the City desires to enter into a new business personal property tax abatement with Niagara Bottling, LLC for job creation and business personal property improvements at the property located at 4851 Mountain Creek Parkway, Dallas, Texas 75236.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a new business personal property tax abatement agreement for 10 years with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway for new business personal property moved to the site in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 3. That the real property which will be described in the tax abatement agreement, attached hereto as Exhibit A (Metes and Bounds) and depicted on the attached site map as Exhibit B (Map - the "Property"), is located within the Dallas city limits.

Section 4. That the tax abatement agreement shall provide, among other provisions, the following:
Section 4 (continued)

A. The Property subject to tax abatement shall be located entirely within Reinvestment Zone No. 67.

B. None of the Property subject to tax abatement is owned or leased by a member of the City Council or by a member of the City Plan Commission.

C. That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the enterprise zone during the period the tax abatement is in effect.

D. The City will grant Niagara Bottling, LLC a tax abatement for a period of 10-years for the new business personal property moved to the Property as follows: 60 percent for years 1 through 5 of the agreement and 45 percent for years 6 through 10 of the abatement period.

E. That Niagara Bottling, LLC will create 203 jobs per the schedule indicated in the following table and maintain these jobs for the tax abatement period.

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<td>January 1, 2012</td>
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<td>203</td>
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F. That Niagara Bottling, LLC will invest a minimum of $2,000,000 in real property improvements and a minimum of $35,000,000 in business personal property improvements to the Property as described in Exhibit C (Estimated List of Improvements) with substantial completion by December 31, 2008.

G. That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.

H. That Property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if the owner of the property fails to make the improvements or repairs as provided by the tax abatement agreement.

I. A requirement that the owner of the Property certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement.
Section 4 (continued)

J. That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.

K. That the tax abatement agreement shall be personal to Niagara Bottling, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

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

Distribution: Office of Economic Development - Tenna Kirk, 5CS
Office of Economic Development - Kim L. Moore, 5CS
City Attorney's Office - Barbara Martinez
Metes and Bounds

Description of a 23.298 acre tract of land situated in the John J. Blair Survey, Abstract No. 211, Dallas County Texas, said tract being part of Dallas City Block No. 211/6113 and being part of a tract of land described in a Special Warranty Deed to Mountain Creek Business Park Land, LP recorded in volume 2001170, Page 5221 of the Deed Records of Dallas County, Texas; said 23.298 acre tract being more particularly described as follows:

Beginning at a "+" cut in concrete found in the West right of way line of Mountain Creek Parkway (a 100 foot wide right of way): said point being in the Southeast corner of Lot 1, Block 211/6113, Mountain Creek Business Park, Phase 2, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 2002111, Page 151 of said Deed records;

THENCE, South 20 degrees, 10 minutes, 10 seconds West, along the west right of way line of the Mountain Creek Parkway, a distance of 1252.89 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found for corner; said point being the Northeast corner of a tract of land described as Tract 1 in a deed to Mountain Creek Business Park Association, Inc. (hereinafter referred to as "Association") recorded in Volume 2003009, Page 7341 of the Deed Records of Dallas County, Texas;

THENCE, North 59 degrees, 49 minutes, 50 seconds West, departing said west right of way line of the Mountain Creek Parkway and along the north line of said Tract 1, a distance of 810.00 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found for corner on the east line of a tract of land described in a deed to T.P. & L Company recorded in Volume 1678, Page 256 of the Deed Records of Dallas County, Texas;

THENCE, North 20 degrees, 10 minutes, 10 seconds East, along the common line of said T.P.&L Company tract and said Mountain Creek Business Park, LP tract, a distance of 1252.89 feet to a 1/2 inch iron rod with "Pacheco Koch" cap found for corner; said point being the southwest corner of said Lot 1, Block 211/6113;

THENCE South 69 degrees, 49 minutes, 50 seconds East, departing said common line of said T.P. & L Company tract and said Mountain Creek Business Park LP, tract and along the south line of said Lot 1, Block 211/6113, a distance of 810.00 feet to the POINT OF BEGINNING.

Containing 1,014,844 square feet or 23.298 acres of land, more or less.
Estimated List of Improvements

Estimated On-site private construction costs-$2,666,000
Including but not limited to improvements to the foundation, trench drains, floor sealing, ramp and dock doors, painting, lighting and other items as necessary. Including but not limited to construction and installation of a guard shack, and injection molding, line, compressed air, chiller/tower, and IT equipment

Estimated Tangible personal property-$36,371,450
Including but not limited to injection, blow molding and support equipment, utility piping, electrical, IT equipment, furniture, appliances, cabinets QA lab, HVAC, lifts, water sewage discharge equipment, RO, filters, etc.

Estimated Public Improvement Costs (in ROW)
Unknown at this time. We will provide an update as this information becomes available.
WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on April 12, 2006, the City Council authorized the continuation of its participation in tax abatements and established by Resolution No. 06-1105, as amended, appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, on April 12, 2006, the City Council authorized the continuation of its participation in economic development grants per Chapter 380 of the Texas Local Government Code by Resolution No. 06-1105, as amended; and

WHEREAS, the City desires to enter into an economic development grant agreement with Niagara Bottling, LLC to offset certain project costs including but not limited to site work, infrastructure and development fees at located at 4851 Mountain Creek Parkway, Dallas, Texas 75236.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a Chapter 380 grant agreement with Niagara Bottling, LLC to offset certain project costs including but not limited to site work, infrastructure and development fees at 4851 Mountain Creek Parkway, Dallas, Texas - Not to exceed $100,000 payable upon substantial completion and creation of 54 jobs by January 1, 2008.

Section 2. That the City Controller is authorized to encumber and disburse funds from: Fund 0352, Department ECO, Unit 9992, Object 3562, Activity PPPF, Encumbrance No. ECO9992D075, Vendor No. VS0000028243, in an amount not to exceed $100,000.

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

Distribution: Office of Economic Development - Tenna Kirk, 5CS
Office of Economic Development - Kim L. Moore, 5CS
Office of Economic Development – Sajid Safdar, 2CN
City Attorney's Office - Barbara Martinez
WHEREAS, on May 26, 2004, the City Council elected to continue its participation in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are substantially the same on this date as were outlined in Ordinance No. 25614; and

WHEREAS, the Office of the Governor, Economic Development and Tourism through the Economic Development Bank will consider Niagara Bottling, LLC as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located within the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Enterprise Zone Act"), Niagara Bottling, LLC has applied to the City for designation as an Enterprise Zone Project; and

WHEREAS, the City finds that Niagara Bottling, LLC is "a qualified business" under Section 2303.402, Subchapter F of the Enterprise Zone Act on the following grounds:

1. Niagara Bottling, LLC is "a qualified business" under Section 2303.402 of the Enterprise Zone Act because it will be engaged in the active conduct of a trade or business at a qualified business site because at least thirty-five percent (35%) of the business' new employees will be economically disadvantaged or residents of an enterprise zone.

2. There has been, and will continue to be, a high level of cooperation among public, private, and neighborhood entities within the area.

3. The designation of Niagara Bottling, LLC as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Niagara Bottling, LLC meets the criteria for tax relief and other incentives adopted by the City and nominates Niagara Bottling, LLC for Enterprise Project status on the grounds that it will be located at the qualified business site and will create a higher level of employment, economic activity and stability within the qualified business site; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Niagara Bottling, LLC as an enterprise project pursuant to the Enterprise Zone Act.
NOW THEREFORE,

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

Section 1. That the recitals above are true and correct.

Section 2. That the City finds that Niagara Bottling, LLC is a qualified business and meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Enterprise Zone Act on the following grounds:

A. Niagara Bottling, LLC is a "qualified business" under Section 2303.402 of the Enterprise Zone Act because it will be engaged in the active conduct of a trade or business outside an Enterprise Zone and at least thirty-five (35%) of the business's new employees will be residents of an Enterprise Zone or economically disadvantaged individuals.

B. There has been, and will continue to be, a high level of cooperation among public, private and neighborhood entities within the Enterprise Zone.

C. The designation of Niagara Bottling, LLC as an Enterprise Project will contribute significantly to the achievement of the plans of the City for development and revitalization.

Section 3. That the City finds that Niagara Bottling, LLC meets the criteria for incentives adopted by the City and nominates Niagara Bottling, LLC for an Enterprise Zone project status on the grounds that it will create a higher level of employment, economic activity and stability.

Section 4. That the City finds that it is in the best interest of the City to nominate Niagara Bottling, LLC as an Enterprise Project pursuant to the Act, and hereby authorizes the City Manager to prepare and submit an application to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation of Niagara Bottling, LLC as an enterprise project.

Section 5. That the enterprise project shall take effect on the date of designation of the Enterprise Project by the Office of the Governor, Economic Development and Tourism through the Economic Development Bank and terminate 5 years after date of designation.
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 accordingly so resolved.

Distribution: Office of Economic Development - Tenna Kirk, 5CS
Office of Economic Development - Kim L. Moore, 5CS
City Attorney's Office - Barbara Martinez
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize (1) rescinding the acceptance of a grant with Texas Workforce Commission, previously approved on October 10, 2007 by Resolution No. 07-2967, (2) the acceptance of a grant for the Texas Workforce Commission to provide child care subsidies for low to moderate income parents for the period October 1, 2007 through September 30, 2008 in the amount of $547,703, (3) a local match in an amount not to exceed $250,000, and (4) execution of the grant agreement - Total not to exceed $797,703 - Financing: Texas Workforce Commission Grant Funds ($547,703) and 2007-08 Community Development Grant Funds ($250,000)

BACKGROUND

The Texas Workforce Commission (TWC) is the lead agency in Texas for the administration of federal child care funds available under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In order to maximize the available federal child care funds, TWC contracts with various local child care initiatives which then increases their access to federal funds for child care.

The original agreement was approved on October 10, 2007 by Resolution No. 07-2967. The agreement was not executed because TWC had additional funding available for award to the City. Therefore, authorization of the original agreement is being rescinded. The new grant agreement includes the original $150,000 plus an additional $397,703.

For the ninth year, TWC has requested that the City of Dallas enter into a contract that would provide for increased availability of child care services for low-income parents. The City's Child Care Services Program, which is funded with Community Development Grant Funds, has allocated $266,680 to pay for child care subsidies during fiscal year 2007-08 through price agreements with local day care providers. The $250,000 local match requirement will be met through the use of Community Development Block Grant funds expended for child care subsidies.
BACKGROUND (Continued)

The proposed agreement authorizes the City to receive these additional funds, based on the reimbursement rate, for child care subsidies for TWC eligible clients. It is anticipated that the additional funds will cover the cost for providing child care services to approximately 117 additional children.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Authorized acceptance of grant funds from the Texas Workforce Commission for child care subsidies on October 10, 2007, by Resolution No. 07-2967.

Authorized acceptance of grant funds from the Texas Workforce Commission for child care subsidies on October 11, 2006, by Resolution No. 06-2772.

Authorized acceptance of grant funds from the Texas Workforce Commission for child care subsidies on September 14, 2005, by Resolution No. 05-2639.

Authorized acceptance of grant funds from the Texas Workforce Commission for child care subsidies on September 22, 2004, by Resolution No. 04-2860.

Authorized acceptance of grant funds from the Texas Workforce Commission for child care subsidies on January 12, 2000, by Resolution No. 00-0263.

FISCAL INFORMATION

$547,703 - Texas Workforce Commission Grant Funds  
$250,000 - 2007-08 Community Development Grant Funds
WHEREAS, existing child care resources do not meet the needs of those who may be eligible to receive subsidies for child care services in Texas; and

WHEREAS, Child Care Management Services, a nonprofit subsidy program, has approximately 2,000 low income parents in Dallas who are currently on a one-year waiting list to receive child care subsidies; and

WHEREAS, the Texas Workforce Commission has requested that the City of Dallas enter into an agreement to support child care services to eligible clients and agreed to pay the City up to $547,703.00 to provide approximately 117 additional child care subsidies for eligible families;

NOW, THEREFORE;

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

Section 1. That following approvals as to form by the City Attorney, the City Manager is hereby authorized to (1) rescind the acceptance of a grant with Texas Workforce Commission, previously approved on October 10, 2007 by Resolution No. 07-2967, (2) accept a grant for the Texas Workforce Commission to provide child care subsidies for low to moderate income parents for the period October 1, 2007 through September 30, 2008 in the amount of $547,703.00, (3) provide a local match in an amount not to exceed $250,000.00, and (4) execute any and all documents required by the grant agreement in a total amount not to exceed $797,703.00.

Section 2. That the City Controller is hereby authorized to receive and deposit grant funds from the Texas Workforce Commission in Fund F173, Dept. EHS, Unit 0493, Revenue Source 6506 in an amount not to exceed $547,703.00.

Section 3. That the City Manager is hereby authorized to establish appropriations and disburse funds in an amount not to exceed $547,703.00.

Section 4. That the City of Dallas will provide matching funds in the amount of $250,000.00 from Community Development Grant Funds in Fund CD07, Dept. EHS, Unit 2863, Object Code 3099.

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

DISTRIBUTION: Environmental and Health Services
Office of Financial Services, 4FN/Community Development, 4FS
City Attorney's Office
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 3

DEPARTMENT: Equipment & Building Services

CMO: David O. Brown, 670-3390

MAPSCO: 43R

SUBJECT

Authorize (1) the rejection of the bid received for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center located at 2828 Fish Trap Road, and (2) the re-advertisement for new bids - Financing: No cost consideration for the City

BACKGROUND

A single bid was received on August 9, 2007 from Mart, Inc., in the amount of $168,000 for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center. The bid exceeded the amount of funds available for the project; therefore, it is necessary to reject the bid, re-evaluate the scope of work and re-bid the project.

The City's appropriation is $130,810 to address the scope of this project. The total bid was $168,000 from Mart, Inc.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

None

FISCAL INFORMATION

No cost consideration for the City.

MAP(S)

Attached.
West Dallas Multi-Purpose Center Exterior
2828 Fish Trap road
WHEREAS, the Purchasing Agent advertised and receive a single bid from Mart, Inc., for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center located at 2828 Fish Trap Road, in the amount of $168,000; and,

WHEREAS, the funds available for this scope of work is $130,810 and the bid exceeded the amount of funds available for this project; and,

WHEREAS, it has been determined that it is most advantageous to the City to reject the bid, revise the scope of the project and re-advertise for new bids in an effort to receive bids which are within the established budget.

Now, Therefore,

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

Section 1. That the rejection of the bid received for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center located at 2828 Fish Trap Road, and the re-advertisement for new bids be granted to the Purchasing Agent or designee.

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.

Distribution: Equipment and Building Services, (Sheila Singleton) 6BN
Office of Financial Services, 4FN
City Attorney
AGENDA ITEM # 29

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 13

DEPARTMENT: Equipment & Building Services

CMO: David O. Brown, 670-3390

MAPSCO: 23A

SUBJECT

Authorize a contract for construction of the heating, ventilation, and air conditioning system at Marcus Recreation Center located at 3003 Northaven Road - Mac Koshnoodi d.b.a. MK Construction Company, lowest responsible bidder of two - $159,142 - Financing: Capital Construction Funds ($68,560) and 2006 Bond Funds ($90,582)

BACKGROUND

On June 23, 2005, Administrative Action #05-2037 authorized a professional services contract with Floresca Associates, Inc. to design plans and write specifications for the HVAC replacement at the Marcus Recreation Center.

The current HVAC equipment is failing, requires costly and repeated repairs, and is at the end of its useful life. This action will provide replacement of the sixty ton air-cooled chillers, pump, chilled water lines, boiler and digital controls. The existing cooling coils will be replaced with chilled water coils and three-way valves. Automated controls will be installed and the system will be cleaned and balanced.

PRIOR ACTION/REVIEW COUNCIL, BOARDS, COMMISSIONS

Authorized a professional services contract on June 23, 2005, by Administrative Action #05-2037.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction March 2008
Complete Construction August 2008

FISCAL INFORMATION

Capital Construction Funds - $68,560
2006 Bond Funds - $90,582
**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Mac Koshnoodi d.b.a. MK Construction Company

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0</td>
<td>0</td>
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<tr>
<td>African American</td>
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<td>1</td>
</tr>
<tr>
<td>Other</td>
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<td>0</td>
</tr>
<tr>
<td>White</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

**BID INFORMATION**

Six vendors were contacted and the following two bids were received and opened on June 14, 2007:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Mac Koshnoodi d.b.a. MK Construction Company</td>
<td>$159,142</td>
</tr>
<tr>
<td>2816 Forest Point, #1017</td>
<td></td>
</tr>
<tr>
<td>Arlington, TX 76006</td>
<td></td>
</tr>
<tr>
<td>American Mechanical Services, Inc.</td>
<td>$272,098</td>
</tr>
</tbody>
</table>

**OWNER**

Mac Koshnoodi dba MK Construction Company

Carmen Koshnoodi, Owner

**MAP**

See attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for construction of the heating, ventilation, and air conditioning system at Marcus Recreation Center located at 3003 Northaven Road - Mac Koshnoodi d.b.a. MK Construction Company, lowest responsible bidder of two - $159,142 - Financing: Capital Construction Funds ($68,560) and 2006 Bond Funds ($90,582)

Mac Koshnoodi d.b.a. MK Construction Company, a local non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$159,142.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$159,142.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local Contractors / Sub-Contractors</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abacus Environmental</td>
<td>IMMB31664N0807</td>
<td>$47,321.00</td>
<td>29.74%</td>
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<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$47,321.00</td>
<td>29.74%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local &amp; Non-Local</th>
<th>Local</th>
<th>Percent</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$47,321.00</td>
<td>29.74%</td>
<td>29.74%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$47,321.00</td>
<td>29.74%</td>
<td>29.74%</td>
</tr>
</tbody>
</table>
WHEREAS, two bids were received and opened on June 14, 2007 for construction of the HVAC system at the Marcus Recreation Center located at 3003 Northaven Road as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mac Koshnoodi d.b.a MK Construction Company</td>
<td>$159,142</td>
</tr>
<tr>
<td>2816 Forest Point, #1017</td>
<td></td>
</tr>
<tr>
<td>Arlington, TX 76006</td>
<td></td>
</tr>
<tr>
<td>American Mechanical Services, Inc.</td>
<td>$272,098</td>
</tr>
</tbody>
</table>

WHEREAS, it has been determined that acceptance of the base bid for a total of $159,142 is most advantageous to the City of Dallas.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Mac Koshnoodi d.b.a. MK Construction Company for construction of the HVAC system at the Marcus Recreation Center located at 3003 Northaven Road.

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

Capital Construction
Fund: 0671, Department: BMS, Unit: P214, Activity: MMCF
Obj. 3210, Program #04DC016, CT#EBS08T771CT06
Vendor #VS0000021366 in the amount not to exceed $68,560

2006 Bond Funds
Fund: 7T00, Department PKR, Unit T221, Activity MMCF
Object 4599, Program #PK06T223, CT#EBS08T771CT06
Vendor #VS0000021366 in the amount not to exceed $90,582

Total amount not to exceed $159,142

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.

Distribution: Equipment and Building Services (Sheila Singleton) 6BN
Office of Financial Services, 4FN
City Attorney
AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Equipment & Building Services
Public Works & Transportation

CMO: David O. Brown, 670-3390
Ramon F. Miguez, P.E., 670-3308

MAPSCO: City wide

SUBJECT

Authorize a professional services contract with Clampett Industries d.b.a. EMG Consulting to provide facility condition assessment services for 690 City owned buildings located throughout the City of Dallas - $735,540 - Financing: 2006 Bond Funds

BACKGROUND

The 2006 bond program approved by the citizens of Dallas through an election held on November 7, 2006, includes funds for the completion of a facility condition assessment.

The facility condition assessment will identify and prioritize building repairs, maintenance and capital projects that are needed at 690 City owned facilities. In addition, this information will be used to establish current and future costs associated with these items as projected over a 20-year period. This project includes 690 buildings encompassing over 6 million square feet. Facilities such as branch libraries, recreation centers, fire stations, etc., will be included in the assessment. The assessment will include a visual inspection of facility components including exterior systems (roofs, walls, and doors); interior construction; interior finishes; health, fire, and life safety systems; accessibility issues; heating, ventilation and air conditioning (HVAC); plumbing; electrical; fire suppression; special electrical systems; vertical transporation; and infrastructure/site utilities.

This action will authorize a professional services contract with Clampett Industries d.b.a. EMG Consulting to conduct the facility condition assessment. The proposal submitted by EMG Consulting was determined to be most advantageous to the City. EMG Consulting was selected from 10 firms that responded to a Request for Qualifications and from 4 firms that subsequently responded to a Request for Proposals and who were interviewed by a selection committee.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on January 12, 2007, by Administrative Action #07-0376.

ESTIMATED SCHEDULE OF PROJECT

Award Consulting Contract: March 2008
Complete Assessments: June 2008

FISCAL INFORMATION

2006 Bond Funds - $735,540

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Clampett Industries d.b.a. EMG Consulting

Hispanic Female: 0
Hispanic Male: 7
African American Female: 10
African American Male: 15
Other Female: 1
Other Male: 5
White Female: 86
White Male: 154

OWNER

Clampett Industries d.b.a. EMG Consulting

Matt Munter, Senior Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Clampett Industries d.b.a. EMG Consulting to provide facility condition assessment services for 690 City owned buildings located throughout the City of Dallas - $735,540 - Financing: 2006 Bond Funds

Clampett Industries d.b.a. EMG Consulting is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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<tr>
<td>Total local contracts</td>
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<td>25.66%</td>
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<tr>
<td>Total non-local contracts</td>
<td>$546,800.44</td>
<td>74.34%</td>
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<tr>
<td>TOTAL CONTRACT</td>
<td>$735,540.00</td>
<td>100.00%</td>
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</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
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<th>Percent</th>
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<tbody>
<tr>
<td>David Mason &amp; Associates</td>
<td>BMMB33804N0308</td>
<td>$94,369.78</td>
<td>50.00%</td>
</tr>
<tr>
<td>Campos Engineering</td>
<td>HMDB35327Y1008</td>
<td>$94,369.78</td>
<td>50.00%</td>
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<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$188,739.56</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$94,369.78</td>
<td>50.00%</td>
<td>$94,369.78</td>
<td>12.83%</td>
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<tr>
<td>Hispanic American</td>
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<td>50.00%</td>
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<td>12.83%</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$188,739.56</td>
<td>100.00%</td>
<td>$188,739.56</td>
<td>25.66%</td>
</tr>
</tbody>
</table>
WHEREAS, on January 12, 2007, Administrative Action #07-0376 authorized a professional services contract with Clampett Industries, d.b.a. EMG Consulting to perform a pilot study related to property condition assessments for the City of Dallas, and;

WHEREAS, on March 30, 2007, the pilot study was successfully completed with such results that it was deemed advantageous to seek a qualified consultant for assessment of other City owned properties, and;

WHEREAS, on August 15, 2007, the City of Dallas issued a Request for Qualifications and Clampett Industries d.b.a. EMG Consulting was deemed qualified to meet or exceed all requested criteria, and;

WHEREAS, on September 12, 2007, the City of Dallas issued a Request for Proposals and Clampett Industries d.b.a. EMG Consulting proposal was deemed to meet or exceed all requested criteria, and;

WHEREAS, on October 3, 2007, the members of the Consultant Selection Committee deemed Clampett Industries d.b.a. EMG Consulting to be most advantageous to the City of Dallas to perform property condition assessment services, and;

WHEREAS, it is now desirable to authorize a contract with Clampett Industries d.b.a. EMG Consulting to provide property condition assessment services related to City of Dallas owned properties.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a professional services contract with Clampett Industries d.b.a. EMG Consulting to provide property condition assessment services for 690 City owned buildings in the amount of $735,540, after it has been approved as to form by the City Attorney.

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

City Hall, City Service and Maintenance Facilities
Fund: 6T60, Department: PBW, Unit: T771, Obj. 4599
Activity: STMP, Program # 07DC005, CT#EBS07T771CT06
Vendor # VS0000005786 in an amount not to exceed $735,540
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.

Distribution: Equipment and Building Services (Sheila Singleton) 6BN
Public Works and Transportation (Jean Mitchell) OCMC, Room 101
Office of Financial Services, 4FN
City Attorney
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 4

DEPARTMENT: Equipment & Building Services

CMO: David O. Brown, 670-3390

MAPSCO: 56H

SUBJECT

Ratify an emergency purchase for roof deck and shingle replacement at 2727 Municipal Street - Castro Roofing of Texas, Inc. - Not to exceed $59,875 - Financing: Current Funds

BACKGROUND

The shingle roof has exceeded its expected service life and is no longer maintainable. Long term repairs are no longer an option due to the severe deterioration and condition of the roof, roof deck and rafter members. This building is deemed unsafe to employees of Equipment and Building Services, Street Services, as well as the general public utilizing this facility.

PRIOR ACTION/REVIEW COUNCIL, BOARDS, COMMISSIONS

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction February 2008
Complete Construction March 2008

FISCAL INFORMATION

Current Funds - $59,875

M/WBE INFORMATION

See attached.
BID INFORMATION

Three vendors were contacted and the following three bids were received per emergency requisition on November 29, 2007:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Castro Roofing of Texas, Inc.</td>
<td>$59,875</td>
</tr>
<tr>
<td>4854 Olson Drive</td>
<td></td>
</tr>
<tr>
<td>Dallas, TX 75227</td>
<td></td>
</tr>
<tr>
<td>Benco Commercial Roofing</td>
<td>$62,700</td>
</tr>
<tr>
<td>CBS Roofing</td>
<td>$63,265</td>
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</table>

ETHNIC COMPOSITION

Castro Roofing of Texas, Inc.

<table>
<thead>
<tr>
<th></th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
<th>African American Female</th>
<th>African American Male</th>
<th>Other Female</th>
<th>Other Male</th>
<th>White Female</th>
<th>White Male</th>
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</thead>
<tbody>
<tr>
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<td>59</td>
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<td>0</td>
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<td>3</td>
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</tbody>
</table>

OWNER

Rodolfo Rodriquez, President

MAP

See attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Ratify an emergency purchase for roof deck and shingle replacement at 2727 Municipal Street - Castro Roofing of Texas, Inc., - Not to exceed $59,875 - Financing: Current Funds

Castro Roofing of Texas, Inc., is a local, minority firm, has signed the "Good Faith Effort" documentation and proposes to use their own workforce.

PROJECT CATEGORY: Construction

<table>
<thead>
<tr>
<th>LOCAL/NON-LOCAL CONTRACT SUMMARY</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$59,875.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$59,875.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castro Roofing of Texas, Inc.</td>
<td>$59,875.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td>$59,875.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$59,875.00</td>
<td>100.00%</td>
<td>$59,875.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$59,875.00</td>
<td>100.00%</td>
<td>$59,875.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
WHEREAS, three vendors were contacted and three bids received in response to an emergency requisition on November 29, 2007, for roof deck and shingle replacement at the Streets Services facility located at 2727 Municipal Street:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Castro Roofing of Texas, Inc.</td>
<td>$59,875</td>
</tr>
<tr>
<td>4854 Olson Drive</td>
<td></td>
</tr>
<tr>
<td>Dallas, TX 75227</td>
<td></td>
</tr>
<tr>
<td>Benco Commercial Roofing</td>
<td>$62,700</td>
</tr>
<tr>
<td>CBS Roofing</td>
<td>$63,265</td>
</tr>
</tbody>
</table>

WHEREAS, it has been determined that acceptance of the base bid for a total of $59,875 is most advantageous to the City of Dallas.

WHEREAS, the shingle roof has exceeded its expected service life and is no longer maintainable. Long term repairs are no longer an option due to the severe deterioration and condition of the roof, roof deck and rafter members. The building is deemed unsafe to employees of Equipment and Building Services, Street Services, as well as the general public utilizing this facility.

WHEREAS, to preserve the health of city employees and public safety this emergency requisition is required to prevent further disruption at the facility, and;

WHEREAS, the City now desires ratification by the City Council of this expenditure.

Now, Therefore,

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

Section 1. The City Manager is hereby authorized to enter into a contract with Castro Roofing of Texas, Inc. for an emergency purchase for roof deck and shingle replacement at 2727 Municipal Street in an amount not to exceed $59,875.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and provisions of the contract from:

Current Funds
Fund: 0001, Department EBS, Unit 3102, Activity EB04
Object 3210, Program #07DC047, CT#EBS083102CT08
Vendor #246249 in the amount not to exceed $59,875
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.

Distribution: Equipment and Building Services (Sheila Singleton) 6BN
Office of Financial Services, 4FN
City Attorney
AGENDA ITEM # 32

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Equipment & Building Services

CMO: David O. Brown, 670-3390

MAPSCO: 45K

SUBJECT

Authorize a contract for the installation of a new passenger elevator and the modernization of two existing elevators for the parking garage at the Dallas Museum of Art located at 1717 North Harwood Street - EMR Elevator, Inc., only bidder - $269,000 - Financing: 2003 Bond Funds ($200,000) and Capital Construction Funds - ($69,000)

BACKGROUND

The original construction of the Dallas Museum of Art Parking Garage provided three elevator hoist ways, of which only two were fitted with elevators. This action will provide for the installation of one new elevator in the existing unused garage elevator hoist way. The two existing elevators will be modernized to enable proper synchronization with the new elevator and ensure compliance with current elevator codes.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction March 2008
Complete Construction September 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - $200,000
Capital Construction Funds - $69,000

M/WBE INFORMATION

See Attached.
**BID INFORMATION**

Six vendors were contacted and the following bid was received and opened on January 17, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*EMR Elevator, Inc.</td>
<td>$269,000</td>
</tr>
<tr>
<td>2805 W. Arkansas, Suite 101</td>
<td></td>
</tr>
<tr>
<td>Arlington, Texas 76106</td>
<td></td>
</tr>
</tbody>
</table>

**ETHNIC COMPOSITION**

EMR Elevator, Inc.

Hispanic Female 2 Hispanic Male 4
African American Female 0 African American Male 1
Other Female 0 Other Male 1
White Female 5 White Male 29

**OWNER**

EMR, Elevator, Inc.

Hope Evans, President

**MAP**

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of a new passenger elevator and the modernization of two existing elevators for the parking garage at the Dallas Museum of Art located at 1717 North Harwood Street - EMR Elevator, Inc., only bidder - $269,000 - Financing: 2003 Bond Funds ($200,000) and Capital Construction Funds - ($69,000)

EMR Elevator, Inc., is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
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<th>Percent</th>
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<td>100.00%</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jet Electric</td>
<td>BFWB33327N0108</td>
<td>$9,500.00</td>
<td>3.53%</td>
</tr>
<tr>
<td>EMR Elevator, Inc.</td>
<td>WFDB35687Y1108</td>
<td>$259,500.00</td>
<td>96.47%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$269,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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<tr>
<th>Local</th>
<th>Percent</th>
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<tr>
<td>Total</td>
<td>100.00%</td>
<td>$269,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
Dallas Museum of Art
Elevator and Modernization
1717 North Harwood

Dallas Museum of Art - Elevator and Modernization
1717 North Harwood
WHEREAS, a single bid was received and opened on January 17, 2008 for the Dallas Museum of Art Parking Garage Elevator Addition and Modernization as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMR Elevator, Inc.</td>
<td>$269,000</td>
</tr>
</tbody>
</table>

WHEREAS, it has been determined that acceptance of the bid from EMR Elevator, Inc., in the amount of $269,000 is most advantageous to the City of Dallas.

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 contract with EMR Elevator, Inc., for the installation of a new passenger elevator and the modernization of two existing elevators for the parking garage at the Dallas Museum of Art in the amount of $269,000, after it has been approved as to form by the City Attorney.

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

2003 Bond Funds
Fund 3R49, Agency EBS, Org. P412, Activity MMCF
Obj. 4342, Job#07DC173, CT#EBS08P412CT11
Vendor #506814 in an amount not to exceed $200,000

Capital Construction Funds
Fund 0671, Agency EBS, Org. P429, Activity MMCF
Obj. 4342, Job#07DC173, CT #EBS08P412CT11
Vendor #506814 in an amount not to exceed $69,000

$269,000

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

Distribution: Equipment and Building Services (Sheila Singleton) 6BN
Office of Financial Services, 4FN
City Attorney
Subject

Authorize acquisition of a parcel improved with a vacant single-family residence at 2428 Hooper Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - $25,000 including estimated closing costs - Financing: 2006-07 Community Development Grant Reprogramming Funds

Background

This item authorizes the acquisition of a parcel improved with a vacant single-family residence at 2428 Hooper Street. This acquisition will be used for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program - Census Tract 39.02. The total consideration of $25,000 is based upon an independent appraisal.

Prior Action/Review (Council, Boards, Commissions)

This item has no prior action.

Fiscal Information

2006-07 Community Development Grant Reprogramming Funds - $25,000 including estimated closing costs

Map

Attached
<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Property Address</th>
<th>Offer Amount</th>
<th>Mapsco</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>W20</td>
<td>Alonzo McLeod &amp; Aleez McLeod Williams</td>
<td>2428 Hooper Street</td>
<td>$23,000</td>
<td>56C</td>
<td>7</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE DALLAS CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROJECT": Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Census Tract 39.02.

"PROPERTY": Described in Exhibit A, attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Fee Simple

"OWNER(S)" and "OFFER AMOUNT": Described in Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby determined that public necessity requires that the CITY should acquire the PROPERTY INTEREST under, over and across the PROPERTY necessary for the PROJECT.

SECTION 3. That the PROPERTY is hereby determined to be necessary for the PROJECT. That for the purpose of acquiring the PROPERTY INTEREST, the Director of Development Services, or such employee as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY to be acquired and full damages allowable by law, which amount represents its fair cash market value.

SECTION 4. That the CITY determines to appropriate the PROPERTY INTEREST under, over and across the PROPERTY for the PROJECT under the provisions of the Charter of the City of Dallas.

SECTION 5. That in the event the OWNER accepts the OFFER AMOUNT as authorized herein, the City Controller is authorized to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable from the funding as shown below, for the properties shown on Exhibit A.

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
<th>CT</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>06R1</td>
<td>HOU</td>
<td>4464</td>
<td>4210</td>
<td>HOU4464C006</td>
<td>$23,000</td>
</tr>
</tbody>
</table>
SECTION 6. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs in an estimated amount of $2,000 payable from the funding as shown below.

North American Title Company

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
<th>CT</th>
<th>AMOUNT</th>
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<td>06R1</td>
<td>HOU</td>
<td>4464</td>
<td>4210</td>
<td>HOU4464C006</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

SECTION 7. That the term OWNER in this resolution means all persons having an ownership interest in the PROPERTY regardless of whether those persons are actually named in Section 1. In the event of a conflict between this section and Section 1, this section controls.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Housing Department
City Attorney’s Office – Barbara Martinez
Office of Financial Services/Community Development, 4FS
**EXHIBIT A**

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Property Address</th>
<th>Legal Description</th>
<th>Offer Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>W20</td>
<td>Alonzo McLeod &amp; Aleez McLeod Williams</td>
<td>2428 Hooper Street</td>
<td>14 &amp; 15</td>
<td>$23,000</td>
</tr>
</tbody>
</table>
Authorize an amendment to the Architectural\Engineering contract with Good Fulton and Farrell Architects to extend the completion date from December 31, 2006 to December 31, 2009 and increase the contract by $20,000 thereby increasing the total from $20,000 to $40,000 for additional architectural/engineering services for the Bexar Street Redevelopment Project - Financing: 2006-07 Community Development Grant Reprogramming Funds - $20,000

BACKGROUND

The Bexar Street Redevelopment project is being implemented under the City’s Neighborhood Investment Program (NIP) and is located within NIP target area CT 39.02/115.00 pt.

The project is being undertaken in two phases. Phase I (Brigham to CF Hawn Freeway along Bexar Street) will be redeveloped to include a mix of residential, retail, office and neighborhood-serving uses. Master planning is underway for Phase II (CF Hawn Freeway to dead end/Trinity River Forest).

Under the original contract Good Fulton and Farrell Architects had provided architectural and engineering services to facilitate development of a master plan for the Bexar Street corridor. Specific services included: architectural renderings and drawings, building plans, and technical/engineering analyses.

An extension of the contract is required to provide additional architectural and engineering services for Bexar Street Corridor related to architectural and engineering designs for infill housing.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS COMMISSIONS)

On February 26, 2003, the City Council approved five target areas (delineated by census tracts) to receive focused housing & public improvements, and code enforcement under the Neighborhood Investment Program (NIP). The Bexar Street Redevelopment Project is located in target area CT 39.02/115.00 by Resolution No. 03-0830.

On January 26, 2004, the City of Dallas by Administrative Action No. 04-0262 entered into a contract with Good Fulton and Farrell Architects for master planning and related architectural/ engineering services for the Bexar Street Redevelopment.

On April 25, 2005, the City of Dallas by Administrative Action No. 05-1094 increased the contract amount by $5,000 to $20,000.

On September 28, 2005, the City Council re-designated and expanded three of the original five NIP target areas including C.T. 39.02 / 115.00 by Resolution No. 05-2795.

On April 5, 2006, the City of Dallas by Administrative Action No. 06-0904 extended the completion date of the contract to December 31, 2006.

On May 23, 2007, the City Council authorized adoption of the final 2006-07 Consolidated Plan Reprogramming Budget #2 to appropriate $3,343,732 of Section 108 Intown Housing Program income for downtown condominium purchase loan assistance to low- and moderate-income homebuyers, and for financing the acquisition, demolition, infrastructure, and construction of housing, economic development and mixed-use development.

FISCAL INFORMATION

2006-07 Community Development Grant Reprogramming Funds - $20,000

MAP(s)

Attached
WHEREAS, on February 26, 2003, the City Council approved by Resolution No. 03-0830 five target areas (delineated by census tracts) to receive focused housing & public improvements, and code enforcement under the Neighborhood Investment Program (NIP). The Bexar Street Redevelopment Project is located in target area CT 39.02/115.00; and

WHEREAS, on January 26, 2004, the City of Dallas by Administrative Action No. 04-0262 entered into a contract with Good Fulton and Farrell Architects for master planning and related architectural/engineering services for the Bexar Street Redevelopment; and

WHEREAS, on April 25, 2005, the City of Dallas by Administrative Action No. 05-1094 increased the contract amount by $5000 to $20,000; and

WHEREAS, on September 28, 2005, the City Council re-designated and expanded by Resolution No. 05-2795 three of the original five NIP target areas including C.T. 39.02 / 115.00; and

WHEREAS, on April 5, 2006, the City of Dallas by Administrative Action No. 06-0904 extended the completion date of the contract to December 31, 2006; and

WHEREAS, on May 23, 2007, the City Council authorized adoption of the final 2006-07 Consolidated Plan Reprogramming Budget #2 to appropriate $3,343,732 of Section 108 Intown Housing Program income for downtown condominium purchase loan assistance to low- and moderate-income homebuyers, and for financing the acquisition, demolition, infrastructure, and construction of housing, economic development and mixed-use development. NOW THEREFORE,

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

Section 1. That the City Manager is hereby authorized to amend the contract with Good Fulton and Farrell Architects for additional architectural services (see attached EXHIBIT A) for Bexar Street Redevelopment Phase I in an amount not to exceed $20,000.

Section 2. That the contract be extended from December 31, 2006 to December 31, 2009.
Section 3. That the City Controller is hereby authorized to disburse funds in accordance with this Resolution and the terms and conditions of the contract with Good Fulton and Farrell Architects as follows:

Good Fulton and Farrell Architects Vendor – 249502

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>06R2</td>
<td>HOU</td>
<td>4468</td>
<td>3070</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Housing Department
City Attorney’s Office – Barbara Martinez
Office of Financial Services/Community Development, 4FS
Office of Economic Development – Devika Prema
EXHIBIT A

SCOPE OF SERVICES
Bexar Street Phase I Improvements – Architectural Designs

- Develop a series of conceptual architectural elevation drawings illustrating conceptual development alternatives using a combination of site survey and aerial photography as a base.

- Prepare conceptual site plans for areas included in NIP C.T. 39.02 / 115.00 in hand drawn sketch format to both convey the initial site design and serve as a precursor for a more refined finished product.

- Conduct meetings with the Client to discuss various options.
Authorize execution of a Memorandum of Agreement with the Texas Commission on Environmental Quality to delegate authority to the City to enforce Ordinance No. 26766, previously approved on May 23, 2007, which restricts idling by motor vehicles with a gross weight rating of over 14,000 pounds - Financing: No cost consideration to the City

BACKGROUND

On May 23, 2007, the City Council approved Ordinance No. 26766 prohibiting the idling of certain motor vehicles. This ordinance is a component of the City's efforts to reduce air pollution in the Dallas area. Specifically, the ordinance amended Chapters 5A and 30 of the Dallas City Code to prohibit truck idling for periods longer than five minutes from April 1 through October 31 of each calendar year, and thus reduce pollution from engine emissions during the spring and summer "ozone season".

Before the City may enforce the no idling ordinance, the City must sign a Memorandum of Agreement with the Texas Commission on Environmental Quality (TCEQ), which officially delegates authority to the City to enforce idling restrictions. Under this agreement, the City will enforce the idling restrictions on large freight trucks and not on cars, light trucks, emergency vehicles, and buses. If approved, the Office of Environmental Quality will work with the City Marshal's Office to enforce the Memorandum of Agreement and Ordinance No. 26766.

The Office of Environmental Quality, in conjunction with the City Marshal's Office, will implement an education plan. This will include posting signs at Dallas truck stops, and creating a website on motor vehicle idling. The Office of Environmental Quality will also notify trucking associations, trucking schools and eighty Dallas trucking companies about the ordinance. In April, 2008 (first month of enforcement) the City Marshal's Office will issue warnings to truck drivers along with a brochure on the new ordinance. Residents will also be able to report idling vehicles to 311.
BACKGROUND (Continued)

The Memorandum of Agreement will become effective upon signature and shall expire on January 2, 2013, unless renewed in writing by mutual agreement between the City and the TCEQ. If the City adopts the Memorandum of Agreement it will be the first large city in North Texas to adopt the plan. The Memorandum of Agreement is just another step toward reducing air pollution within our community and helping us achieve attainment within the Federal Ozone Standard.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)


Briefed to the City Council Transportation and Environment Committee on January 28, 2008.

FISCAL INFORMATION

No cost consideration to the City.
A resolution authorizing the execution of a Memorandum of Agreement between the City of Dallas and the Texas Commission on Environmental Quality ("TCEQ") to promote enforcement of Ordinance No. 26766.

WHEREAS, the U.S. Environmental Protection Agency ("EPA") and the TCEQ jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act ("Act"), which addresses that purpose; and

WHEREAS, Section 382.113, of the Act provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, by means of regulations set forth in Sections 114.50 through 144.512 and Section 114.517 of Title 30 of the Texas Administration Code, the TCEQ has set forth regulations intended to assist in the prevention of air pollution caused by unnecessary idling of certain motor vehicles; and

WHEREAS, the City of Dallas has engaged in discussions with the TCEQ for the purpose of entering into this Memorandum of Agreement with the TCEQ to implement rules aimed at the control of air pollution from such motor vehicles and to promote enforcement of Ordinance No. 26766; and

WHEREAS, on May 23, 2007, the City of Dallas enacted Ordinance No. 26766, which restricts idling by motor vehicles with a gross weight rating of over 14,000 pounds; and

WHEREAS, the City Council of the City of Dallas finds that the execution of the Memorandum of Agreement serves a public purpose, and protects the health, safety, and welfare of the citizens of the City of Dallas, by helping to limit the pollution created by large motor vehicles unnecessarily idling within the City's corporate limits; and

WHEREAS, it is now necessary to execute a Memorandum of Agreement with the Texas Commission on Environmental Quality to delegate authority to the City of Dallas to enforce motor vehicle idling within the City's corporate limits, in order to reduce air pollution and promote enforcement of Ordinance No. 26766.

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to execute a Memorandum of Agreement with the Texas Commission on Environmental Quality to delegate authority to the City of Dallas to enforce motor vehicle idling, after approval as to form by the City Attorney.
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.

DISTRIBUTION:  City Controller
City Auditor
City Attorney
Office of Environmental Quality
MEMORANDUM OF AGREEMENT
VEHICLE IDLING LIMITATIONS IN THE NORTH CENTRAL TEXAS AREA

I. PARTIES

This Memorandum of Agreement ("Agreement") is entered into between the Texas Commission on Environmental Quality ("TCEQ") and the local governments signing this agreement (Local Governments), collectively, the "Parties".

1. The Parties represent that they have the authority to enter into this MOA, including the authority granted in the Texas Government Code Chapter 791 Interlocal Cooperation Contracts.

2. The TCEQ has authority under Section 5.229 of the Texas Water Code and Section 382.033 of the Texas Health and Safety Code to enter into this MOA.

3. The Performing Parties have authority under Section 382.115 of the Texas Health and Safety Code to enter into this MOA.

II. Intent and Purpose

The intent of this MOA is to memorialize the agreement between the Parties to implement the following rules aimed at the control of air pollution from motor vehicles: 30 Texas Administrative Code ("TAC") Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.

The parties enter into this MOA for the purpose of delegating rule enforcement from TCEQ to Local Governments and incorporating the emission reductions resulting from the implementation and enforcement of the above-referenced rules into the State Implementation Plan ("SIP").

III. Definitions

As used in this MOA the following terms have the meanings given below:

1. "EPA" shall mean the U.S. Environmental Protection Agency.

2. "TCEQ" shall mean the Texas Commission on Environmental Quality.

3. "Local Government" has the meaning assigned by 30 TAC Section 114.510.
4. “North Central Texas Area” shall refer to those Texas counties included in the Dallas-Fort Worth-Arlington TX, Metropolitan Statistical Area.

5. “SIP” shall refer to the State Implementation Plan.

IV. Background

1. Under Section 110 of the Federal Clean Air Act (“FCAA”), 42 U.S.C. § 7410, each state that has a non-attainment area must submit a SIP to the EPA demonstrating strategies to come into compliance with the National Ambient Air Quality Standards (“NAAQS”).

2. Section 110 of the FCAA, 42 U.S.C. § 7410 requires Texas to submit to the EPA for approval any SIP revisions and to demonstrate that such SIP revisions will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the FCAA, as required by § 110(1) of the FCAA.

3. On November 17, 2004, the TCEQ adopted rules concerning locally enforced motor vehicle idling limitations, which are applicable only within the jurisdiction of a Local Government that has signed a Memorandum of Agreement with TCEQ delegating enforcement of the rules. The TCEQ submitted the rules to EPA for approval on December 6, 2004. EPA approved the rules on June 10, 2005.

4. The Parties acknowledge that they have entered into this MOA voluntarily and it shall become binding upon the signature of the Executive Director of TCEQ or his designated representative. The Parties agree to comply with the terms of this MOA.

5. The Local Governments understand and agree that the commitments in this Agreement become federally enforceable by the EPA, and by persons using the citizen suits provision of the Federal Clean Air Act (42 U.S.C.A. § 7604), upon approval of this Agreement into the SIP.

V. Obligations of Parties

(A) Performing Parties agree as follows:

1. In accordance with the terms of this MOA, the Performing Parties agree to implement the following TCEQ Rules:

   a. 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.
2. The Performing Parties agree to submit the following information to the TCEQ for the rules listed above not later that forty-five (45) calendar days after the effective date of this MOA.
   a. Detailed description of the plan for implementation of these rules.
   b. Copies of local ordinances or resolutions adopted to implement these rules.
   c. Copies of agreements entered between Performing Parties and other units of Local Government for the purpose of the implementation of these rules.
   d. Submission of agreements entered between Performing Parties and other units of Local Government for the purpose of the implementation of these rules will be accepted after forty-five (45) calendar days after passage by the local governing body, which ever is later.

3. Copies of any requisite resolutions under Section 7.352 of the Texas Water Code shall be submitted to the TCEQ within fourteen (14) calendar days after passage by the local governing body, whichever is later.

(B) The TCEQ agrees to submit this agreement to the U.S. EPA as a technical support document to the Dallas-Fort Worth Area SIP.

VI. Term and Termination

This MOA will become effective upon signature by the Parties and shall expire on January 2, 2013, unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this Agreement at any time upon thirty days written notice to the other Parties of this agreement. Withdrawal by a Local Government does not constitute termination of the entire MOA. This Agreement may be terminated at any time by mutual written consent of the Parties.

VII. Miscellaneous

This MOA represents the entire agreement between the TCEQ and the Performing Parties and supersedes all other agreements, understandings or commitments, written or oral, relative to the intent of this MOA. This MOA may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This MOA shall be governed by and interpreted in accordance with the laws of the State of Texas.
In Witness Thereof, Texas Commission on Environmental Quality and the Local Governments, by their authorized officers, have made and executed this MOA in multiple copies, each of which is deemed an original.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By: ____________________________
                     ____________________________

Name: Glenn Shankle Date
Title: Executive Director

City of Dallas

By: ____________________________
                     ____________________________

Name:                       Date
Title:

By: ____________________________
                     ____________________________

Name:                       Date
Title:

By: ____________________________
                     ____________________________

Name:                       Date
Title:
AGENDA ITEM # 36

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

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Financial Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

Authorize an extension through September 30, 2008 for Community Development Block Grant projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City

BACKGROUND

On August 18, 1993, the City Council approved Resolution No. 93-3001 establishing specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) funds. Funds are to be obligated within 12 months and expended within 24 months of budget adoption. On March 28, 2007, the City Council approved Resolution No. 07-0992 enhancing the City’s existing expenditure policy with additional benchmarks. Additional time to obligate and expend funds may be granted by the City Council.

On January 3, 2008, the Community Development Commission recommended for extension the obligate/expend requirement for 34 CDBG projects in the amount of $6,352,738. Approval to extend the twelve-month obligation and twenty-four month expenditure requirement for these projects was requested through September 30, 2008. In addition, 70 CDBG projects, totaling $1,922,861 were identified for reprogramming to be budgeted in conjunction with the FY 2008-09 CDBG budget.

During the FY 2006-07 extension and reprogramming process, extensions were approved for 4 non-profit public improvement projects through February 28, 2008 to allow time to complete the improvements. To date, the projects have not been completed. The initial extension recommendation of the City Manager and the CDC did not include the non-profit public improvement projects. After consultation with the City Attorney’s Office, an extension for the 4 non-profit public improvement projects was requested to review the City’s legal options. The City Manager and CDC extension recommendations were updated to reflect the addition of these projects.
BACKGROUND (Continued)

The FY 2007-08 CDBG Extensions and Reprogramming recommendation was revised to extend unspent funds remaining in 39 projects in the amount of $7,474,148 and reprogram unspent funds remaining in 67 projects in the amount of $1,714,443.

On January 22, 2008, the City Council’s Housing Committee was briefed on the FY 2007-08 CDBG Extensions and Reprogramming recommendations. The Housing Committee amended Extensions recommendation to include 8 additional projects as follows:

- Community Prosecution Program – Oak Lawn $13,207
- Community Prosecution Program – Old East Dallas 8,813
- Community Prosecution Program – Pleasant Grove 88,602
- Neighborhood Investment Program – Community Prosecutor 107,662
- Neighborhood Investment Program – Community Prosecutor 1,496
- South Dallas/Fair Park Community Court 43,256
- South Dallas/Fair Park Community Court 16,363
- English Language Tutoring Program 3,445

**TOTAL** $280,844

The Housing Committee also recommended that $119,253 of unspent funds from the Neighborhood Street Improvement Petition Grants program be reprogrammed to the Sidewalk Improvement Program.

As recommended by the Housing Committee, the FY 2007-08 CDBG Extension and Reprogramming provides for the extension of unspent funds remaining in 47 projects in the amount of $7,754,992 and reprogramming of unspent funds remaining in 59 projects in the amount of $1,433,599, to be budgeted in conjunction with the FY 2008-09 CDBG budget.

Timely expenditure of CDBG funds by entitlement cities continues to be a primary concern of the U. S. Department of Housing and Urban Development (HUD). HUD requires that cities expend CDBG funds so that at least 60 days prior to the start of a new program year, the unexpended balance of CDBG funds should be less than 1.5 times the cities’ CDBG allocation amount for the year. The City of Dallas continues to comply with this HUD regulation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Community Development Commission was briefed on January 3, 2008 and recommended extending or reprogramming of the CDBG project funds.

The Housing Committee was briefed on January 22, 2008 and recommended extending or reprogramming of the CDBG project funds.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

The City Council's February 6, 2008 agenda included a briefing on the extension and reprogramming recommendations.

FISCAL INFORMATION

No cost consideration to the City
WHEREAS, on August 18, 1993, the City Council approved Resolution No. 93-3001 establishing specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) funds; and

WHEREAS, on March 28, 2007, the City Council approved Resolution No. 07-0992 enhancing the City’s existing expenditure policy with additional benchmarks; and

WHEREAS, at the discretion of the City Council, the timeframes may be extended for obligating and expending CDBG funded activities; and

WHEREAS, on January 3, 2008, the Community Development Commission was briefed on the extensions and reprogramming of the CDBG project funds and made recommendations. Unspent funds remaining in 39 CDBG projects, totaling $7,474,148, were recommended for extension. In addition, 67 CDBG projects, totaling $1,714,443 were identified for reprogramming in conjunction with the FY 2008-09 CDBG budget; and

WHEREAS, on January 22, 2008, the City Council’s Housing Committee was briefed on the FY 2007-08 CDBG Extension and Reprogramming recommendations and made amendments. Unspent funds remaining in 47 CDBG projects, totaling $7,754,992, were recommended for extension. Approval to extend the twelve-month obligation and twenty-four month expenditure requirement for these projects was requested through September 30, 2008. In addition, 59 CDBG projects, totaling $1,433,599 were identified for reprogramming in conjunction with the FY 2008-09 CDBG budget; and

WHEREAS, on February 6, 2008, the City Council was briefed on the Housing Committee’s recommendation of project extensions and reprogramming; Now, Therefore,

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

Section 1. That the City Council authorizes an extension to the timeframes for the obligation and expenditure of prior CDBG funds to September 30, 2008 per the attached Schedule A.

Section 2. That the City Council authorizes the release of funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2008-09 CDBG budget per the attached Schedule B.
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.

DISTRIBUTION:

Housing Department, 6CN
City Attorney’s Office, 7AN
Office of Economic Development, 5CS
Office of Financial Services/Administration, 4FN
Office of Financial Services/Community Development, 4FS
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<td>After-School/Summer Program - Community Centers</td>
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## ATTACHMENT B

**CDBG Funds Available for Reprogramming**

Recommended by Community Development Commission (CDC) on 01/03/08

Amended by Housing Committee (HC) on 01/22/08

<table>
<thead>
<tr>
<th>#</th>
<th>Fund</th>
<th>Unit</th>
<th>Year Funded</th>
<th>Project</th>
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<td>Neighborhood Street Improvement Petition Grants</td>
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**Total CDBG Reprogramming Recommendation**

$1,433,599
AGENDA ITEM # 37

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 12

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 5-D H &M; 6-J N S&W

SUBJECT

Authorize (1) a contract for construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike with Riverway Contractors and Management, Inc., lowest responsible bidder of three, in the amount of $1,051,047; (2) establishment of appropriations in Collin County Grant Fund in the amount of $480,750; and, (3) execution of a license agreement with ONCOR to allow the trail to be built and maintained in the ONCOR right-of-way for the Preston Ridge Trail - Total not to exceed $1,051,047 - Financing: 2003 Bond Funds ($615,270) and Collin County Grant Funds ($435,777)

BACKGROUND

On October 11, 2007, three bids were received for the construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike including trail mileage markers, trail nodes, trail heads and fencing at transmission towers along Preston Ridge Trail. This item authorizes award of the construction contract to Riverway Contractors and Management, Inc. for Base Bid and Alternate Nos. A3, A14, A16-2, A18, A19, A20, A21 and A23, with a bid of $1,051,047.

The following chart illustrates Riverway Contractors and Management, Inc.’s contractual activities with the City of Dallas for the past three years:

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<th>DWU</th>
<th>PKR</th>
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<td>Projects Completed by Bonding Company</td>
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ESTIMATED SCHEDULE OF PROJECT

Began Design December 2005
Completed Design March 2007
Begin Construction March 2008
Complete Construction July 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on April 5, 2007.

The Park and Recreation Board authorized award of the contract on January 10, 2008.

FISCAL INFORMATION

2003 Bond Funds - $615,269.51
Collin County Grant Funds - $435,777.49

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Riverway Contractors and Management, Inc.

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

BID INFORMATION

The following three bids with quotes were received and opened on October 11, 2007:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos. 3,14,16-2 18,19,20,21 and 23**</th>
<th>Total Amount</th>
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<td>*Riverway Contractors and Management, Inc.</td>
<td>$808,449</td>
<td>$242,598</td>
<td>$1,051,047</td>
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<td>(4237 Lively Lane, Dallas, TX)</td>
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<tr>
<td>Phoenix I Restoration and Construction, Inc.</td>
<td>$1,108,950</td>
<td>$252,370</td>
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<td>Gilbert May, Inc. dba Phillips/May Corporation</td>
<td>$1,163,333</td>
<td>$457,600</td>
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**BID INFORMATION** (Continued)

**Alternate No. 3** - provides for Brentfield trail head.

**Alternate No. 14** - provides for Debbie Drive trail node.

**Alternate No. 16-2** - provides fencing at transmission towers.

**Alternate No. 18** - provides for trail mileage markers.

**Alternate No. 19** - provides for Belt Line Road trail node.

**Alternate No. 20** - provides for Arapho Road trail node.

**Alternate No. 21** - provides for Campbell Green spur trail node.

**Alternate No. 23** - provides for Campbell Green trail head.

**OWNERS**

Riverway Contractors and Management, Inc.

Richard Hightower, President
Sherry Hightower, Secretary

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) a contract for construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike with Riverway Contractors and Management, Inc., lowest responsible bidder of three, in the amount of $1,051,047; (2) establishment of appropriations in Collin County Grant Fund in the amount of $480,750; and, (3) execution of a license agreement with ONCOR to allow the trail to be built and maintained in the ONCOR right-of-way for the Preston Ridge Trail - Total not to exceed $1,051,047 - Financing: 2003 Bond Funds ($615,270) and Collin County Grant Funds ($435,777)

Riverway Contractors and Management, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<td>Total non-local contracts</td>
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<td>TOTAL CONTRACT</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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Non-Local Contractors / Sub-Contractors

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<td>Brown's Construction Company</td>
<td>BMDB33017Y1208</td>
<td>$32,350.50</td>
<td>16.92%</td>
</tr>
<tr>
<td>Hydromulch Services</td>
<td>WFDB32270Y1008</td>
<td>$8,750.00</td>
<td>4.58%</td>
</tr>
<tr>
<td>Action Services, Ltd.</td>
<td>WFDB33214Y0108</td>
<td>$4,553.75</td>
<td>2.38%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td></td>
<td>$45,654.25</td>
<td>23.88%</td>
</tr>
</tbody>
</table>
## TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$6,000.00</td>
<td>0.70%</td>
<td>$38,350.50</td>
<td>3.65%</td>
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<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$36,503.00</td>
<td>4.25%</td>
<td>$49,806.75</td>
<td>4.74%</td>
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<tr>
<td><strong>Total</strong></td>
<td>$42,503.00</td>
<td>4.94%</td>
<td>$88,157.25</td>
<td>8.39%</td>
</tr>
</tbody>
</table>
WHEREAS, the City of Dallas accepted a grant from the Collin County Open Space Partnership on February 12, 2003 (Resolution No. 03-0598) and entered into an Interlocal Agreement with Collin County on April 28, 2003; and

WHEREAS, it is deemed feasible, and ONCOR is willing, to enter into a license agreement with the City for use of a ONCOR right-of-way for Preston Ridge Trail; and

WHEREAS, this license agreement with ONCOR will allow the trail to be built and maintained in the ONCOR right-of-way for Preston Ridge Trail; and

WHEREAS, on October 11, 2007, three bids were received for the construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike including trail mileage markers, trail nodes, trail heads, and fencing at transmission towers at Preston Ridge Trail.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos. 3,14,16-2, 18,19,20,21 and 23**</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverway Contractors and Management, Inc.</td>
<td>$808,449</td>
<td>$242,598</td>
<td>$1,051,047</td>
</tr>
<tr>
<td>Phoenix I Restoration and Construction, Inc.</td>
<td>$1,108,950</td>
<td>$252,370</td>
<td>$1,361,320</td>
</tr>
<tr>
<td>Gilbert May, Inc. dba Phillips/May Corporation</td>
<td>$1,163,333</td>
<td>$457,600</td>
<td>$1,620,933</td>
</tr>
</tbody>
</table>

**Alternate No. 3 - provides for Brentfield trail head.

**Alternate No. 14 - provides for Debbie Drive trail node.

**Alternate No. 16-2 - provides for fencing at transmission towers.

**Alternate No. 18 - provides for trail mileage markers.

**Alternate No. 19 - provides for Belt Line Road trail node.

**Alternate No. 20 - provides for Arapho Road trail node.

**Alternate No. 21 - provides for Campbell Green spur trail node.

**Alternate No. 23 - provides for Campbell Green trail head.
Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the execution of a license agreement with ONCOR be approved to allow the trail to be built in the ONCOR right-of-way for the Preston Ridge Trail.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute the license agreement with ONCOR, after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller be and is hereby authorized to receive and deposit the grant funds in an amount not to exceed $480,750, Collin County Grant Fund 0393, Department PKR, Unit 0183, Revenue Code 6512 for the Preston Ridge Trail.

SECTION 4. That the City Manager be and is hereby authorized to establish appropriations in an amount not to exceed $480,750 in Collin County Grant Fund 0393, Department PKR, Unit 0183, Object 4599 for the Preston Ridge Trail.

SECTION 5. That the City Manager is hereby authorized to enter into a contract with Riverway Contractors and Management, Inc. for the construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike including trail mileage markers, trail nodes, trail heads, and fencing at transmission towers at Preston Ridge Trail, in an amount not to exceed $1,051,047.

SECTION 6. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with Riverway Contractors and Management, Inc., after approval as to form by the City Attorney's Office.

SECTION 7. That the City Controller be and is hereby authorized to pay the amount of $1,051,047 to Riverway Contractors and Management, Inc., as follows:

Collin County Grant Fund 0393, Department PKR, Unit 0183, Object 4599, Activity LLIA, Program PK03K247, CT-PKR08018943, Commodity 91200, Vendor 213792 $435,777.49

(2003) Neighborhood Park and Recreation Facilities Fund 3R05, Department PKR, Unit K247, Object 4599, Activity LLIA, Program PK03K247, CT-PKR08018943, Commodity 91200, Vendor 213792 $615,269.51

Total amount not to exceed $1,051,047.00
SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
SUBJECT

Authorize a contract for the construction of the Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard - Jeske Construction Company, lowest responsible bidder of four - $4,327,182 - Financing: 2003 Bond Funds ($3,734,797) and Water Utilities Capital Construction Funds ($592,385)

BACKGROUND

Bonds were sold in November 2004, in the amount of $643,794 and in November 2007, in the amount of $4,308,468 for a total of $4,952,262.

This project, recommended by the Elam Creek Floodplain Management Study, is the first of two phases for the improvement of Elam Creek from Umphress Park to its confluence with White Rock Creek. This project will involve the replacement of an inadequate existing concrete channel with a larger drainage channel. With these improvements, about 37 homes will be removed from the 100-year floodplain. Replacement of a wastewater main is also included.

The following chart shows Jeske Construction Company's completed contractual activities for the past three years:

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
<th>WTR</th>
<th>PKR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Completed</td>
<td>5</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Change Orders</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Projects Requiring Liquidated Damages</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projects Completed By Bonding Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
ESTIMATED SCHEDULE OF PROJECT

Began Design May 2005
Completed Design July 2007
Begin Construction March 2008
Complete Construction January 2009

PRIOR ACTION/REVIEW(COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Alan Plummer Associates, Inc. on March 9, 2005, by Resolution No. 05-0907.

Authorized Supplemental Agreement No. 1 to the Phase I professional services contract on May 24, 2006, by Resolution No. 06-1462.

Authorized Supplemental Agreement No. 2 to the Phase I professional services contract on September 27, 2006, by Resolution 06-2579.

FISCAL INFORMATION

2003 Bond Funds - $3,734,797
Water Utilities Capital Construction Funds - $592,385

Design $ 203,659
Construction
  Paving & Drainage (PBW) $ 3,734,797
  Water & Wastewater (DWU) $ 592,385

Total Project Cost $ 4,327,182

Council District Amount

  4 $3,894,463.80
  5 $ 432,718.20

Total $4,327,182.00

MWBE INFORMATION

See attached.
ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female 0   Hispanic Male 20
African-American Female 0   African-American Male 7
White Female 1   White Male 5
Other Female 0   Other Male 0

BID INFORMATION

The following bids with quotes were received and opened on October 20, 2007:

* Denotes successful bidder(s)

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Jeske Construction Company</td>
<td>$4,327,182.00</td>
</tr>
<tr>
<td>2546 Merrell Rd., Suite 106</td>
<td></td>
</tr>
<tr>
<td>Dallas, Texas 75229</td>
<td></td>
</tr>
<tr>
<td>Rebcon, Inc.</td>
<td>$4,673,023.00</td>
</tr>
<tr>
<td>Ed Bell Construction Co.</td>
<td>$5,495,000.00</td>
</tr>
<tr>
<td>Serco Construction Group</td>
<td>$5,633,399.85</td>
</tr>
</tbody>
</table>

Engineer's estimate: PBW  $3,374,933
                       DWU  $ 552,909

Total estimate: $3,927,842

OWNER(S)

Jeske Construction Company

Steve Jeske, President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of the Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard - Jeske Construction Company, lowest responsible bidder of four - $4,327,182 - Financing: 2003 Bond Funds ($3,734,797) and Water Utilities Capital Construction Funds ($592,385)

Jeske Construction Company, is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$3,026,326.00</td>
<td>69.94%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$1,300,856.00</td>
<td>30.06%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$4,327,182.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>WM Bussey Trucking</td>
<td>BMMB32474Y1007</td>
<td>$25,000.00</td>
<td>0.83%</td>
</tr>
<tr>
<td>MMG dba Murillo Modular Group</td>
<td>HMDB29406N1207</td>
<td>$1,300.00</td>
<td>0.04%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$26,300.00</td>
<td>0.87%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dirl Trucking Co., Inc</td>
<td>HMDB32035Y0907</td>
<td>$200,000.00</td>
<td>15.37%</td>
</tr>
<tr>
<td>LKT &amp; Associates</td>
<td>WFDB31902Y0907</td>
<td>$56,433.00</td>
<td>4.34%</td>
</tr>
<tr>
<td>Cen-Tex Seeding</td>
<td>WFDB34499Y0708</td>
<td>$18,745.00</td>
<td>1.44%</td>
</tr>
<tr>
<td>Partnering For Success</td>
<td>WFWB31780Y0807</td>
<td>$5,000.00</td>
<td>0.38%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td></td>
<td>$280,178.00</td>
<td>21.54%</td>
</tr>
<tr>
<td>Category</td>
<td>Local</td>
<td>Percent</td>
<td>Local &amp; Non-Local</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------</td>
<td>----------</td>
<td>-------------------</td>
</tr>
<tr>
<td>African American</td>
<td>$25,000.00</td>
<td>0.83%</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$1,300.00</td>
<td>0.04%</td>
<td>$201,300.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$80,178.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$26,300.00</strong></td>
<td><strong>0.87%</strong></td>
<td><strong>$306,478.00</strong></td>
</tr>
</tbody>
</table>
ELAM CREEK–LAKE JUNE TO SECO
PHASE I

MAPSCO 58-K, 58-F
WHEREAS, on March 9, 2005, Resolution No. 05-0907 authorized a professional services contract with Alan Plummer & Associates, Inc. for the preparation of U.S. Army Corp of Engineers 404 Permit, Storm Water Pollution Prevention Plan (SWPPP), and letter of Map Revision (LOMR) for the Elam Creek Channel project, Phase I, Lake June Road to Seco Boulevard in the amount of $93,951; and,

WHEREAS, it is now desirable to authorize a contract for the construction of Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard in the amount of $4,327,182.00.

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeske Construction Company</td>
<td>$4,327,182.00</td>
</tr>
<tr>
<td>Rebcon, Inc.</td>
<td>$4,673,023.00</td>
</tr>
<tr>
<td>Ed Bell Construction Co.</td>
<td>$5,495,000.00</td>
</tr>
<tr>
<td>Serco Construction Group</td>
<td>$5,633,399.85</td>
</tr>
</tbody>
</table>

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Jeske Construction Company for the construction of the Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard in an amount not to exceed $4,327,182.00, this being the most responsive bid as indicated by the tabulation of bids.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. The City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Flood Protection and Storm Drainage Facilities Fund
Fund 4R23, Department PBW, Unit R696, Act. FLDM
Obj. 4540, Program # PB03R696, CT PBW03R696B1
Vendor #083791, in an amount not to exceed
$ 435,307.00

Flood Protection and Storm Drainage Facilities Fund
Fund 6R23, Department PBW, Unit R696, Act. FLDM
Obj. 4540, Program #PB03R696, CT PBW03R696B1
Vendor #083791, in an amount not to exceed
$ 3,299,490.00
Wastewater Construction
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 4560, Program #707016, Reporting TM49, CTPBW707016EN,
Vendor #083791, in an amount not to exceed $ 585,690.00

Water Construction
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 4550, Program #707015, Reporting WV05, CTPBW707015EN,
Vendor #083791, in an amount not to exceed $ 3,655.00

Wastewater Construction
Fund 0103, Department DWU, Unit CS42, Act. RELO
Obj. 3222, Program #707016X, Reporting TM49, CTPBW707016EN,
Vendor #083791, in an amount not to exceed $ 3,040.00

Total in an amount not to exceed $ 4,327,182.00

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Paulette Williams, OCMC, Room 307
Water Utilities, Esther Darden, 3AN
SUBJECT

Authorize a contract for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for Sidewalk Replacement Group 01-07 (list attached) - MACVAL Associates, L.L.C., lowest responsible bidder of seven - $459,471 - Financing: 2006 Bond Funds ($420,721) and Water Utilities Capital Construction Funds ($38,750)

BACKGROUND

In the 2006 Bond Program, the citizens of Dallas approved funding for the replacement of sidewalks for individual home owners under the cost sharing program. Bonds were sold in June 2007, in the amount of $640,262. The improvements will provide 4-foot and 5-foot wide reinforced concrete sidewalks and barrier free ramps in compliance with Americans with Disabilities Act (ADA).

On September 4, 1985, the City Council approved the Sidewalk Replacement Program by Resolution No. 85-2863. The program was originated to assist individual property owners with the cost of replacing sidewalks.

The Sidewalk Replacement Program is a cost share program and requires property owner cost participation to qualify for assistance. In this program, the City will pay 50 percent and the property owner will pay 50 percent for sidewalk replacement costs. The property owner pays 100 percent for replacement of drive approaches. The City pays 100 percent for curb and gutter replacement.

The City of Dallas, Texas Code of Ordinances, Section 43-33 through Section 43-67, places responsibility for repairs and maintenance of sidewalks abutting on a property line to the property owner or person enjoying the use of the abutting sidewalk.

This contract will provide for sidewalk replacement at 225 locations under Sidewalk Replacement Group 01-07.
BACKGROUND (Continued)

MACVAL Associates, L.L.C. has no completed contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction February 2008
Complete Construction September 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - $420,720.30
Water Utilities Capital Construction Funds - $38,750.00

Design (City Staff) $ 0.00
Construction
  Paving - (PBW) $420,720.30
  Water - (DWU) $38,750.00

Total Project Cost $459,470.30

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$ 2,069.69</td>
</tr>
<tr>
<td>2</td>
<td>$24,836.23</td>
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<tr>
<td>3</td>
<td>$18,627.17</td>
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<td>4</td>
<td>$16,557.49</td>
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<tr>
<td>5</td>
<td>$20,696.86</td>
</tr>
<tr>
<td>6</td>
<td>$ 6,209.06</td>
</tr>
<tr>
<td>7</td>
<td>$10,348.43</td>
</tr>
<tr>
<td>8</td>
<td>$ 2,069.69</td>
</tr>
<tr>
<td>9</td>
<td>$41,393.72</td>
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<tr>
<td>10</td>
<td>$109,693.36</td>
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<tr>
<td>11</td>
<td>$ 20,696.86</td>
</tr>
<tr>
<td>12</td>
<td>$124,181.16</td>
</tr>
<tr>
<td>13</td>
<td>$ 28,975.60</td>
</tr>
<tr>
<td>14</td>
<td>$ 33,114.98</td>
</tr>
</tbody>
</table>

Total $459,470.30
M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

MACVAL Associates, L.L.C.

Hispanic Female 0  Hispanic Male 7
African-American Female 2  African-American Male 2
Other Female 0  Other Male 0
White Female 0  White Male 0

BID INFORMATION

The following bids with quotes were received and opened on December 5, 2007:

*Denotes successful bidder(s)

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*MACVAL Associates, L.L.C.</td>
<td>$ 459,470.30</td>
</tr>
<tr>
<td>1412 Daywood Lane</td>
<td></td>
</tr>
<tr>
<td>Irving, TX 75061</td>
<td></td>
</tr>
<tr>
<td>Stark Built M.P., L.L.C.</td>
<td>$ 512,907.43</td>
</tr>
<tr>
<td>Advance Paving Company</td>
<td>$ 583,761.74</td>
</tr>
<tr>
<td>Prince &amp; Associates</td>
<td>$ 592,733.10</td>
</tr>
<tr>
<td>Allied Builders, Inc.</td>
<td>$ 637,960.00</td>
</tr>
<tr>
<td>Estrada Concrete</td>
<td>$ 658,403.50</td>
</tr>
<tr>
<td>Texas Standard Construction</td>
<td>$1,165,127.00</td>
</tr>
</tbody>
</table>

Engineer’s estimate: PBW $378,151.94  DWU $44,621.98

Total estimate: $422,773.92

OWNER(S)

MACVAL Associates, L.L.C.

Al Attah, P.E., President

MAP

Attached.
# Sidewalk Replacement Program Group 01-07

<table>
<thead>
<tr>
<th>Sidewalk Improvements</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>222 North Marlborough Avenue</td>
<td>1</td>
</tr>
<tr>
<td>230 Mount Ararat Avenue</td>
<td>1</td>
</tr>
<tr>
<td>2414 Roanoke Avenue</td>
<td>2</td>
</tr>
<tr>
<td>2803 Maple Springs Boulevard</td>
<td>2</td>
</tr>
<tr>
<td>4811 Live Oak Street</td>
<td>2</td>
</tr>
<tr>
<td>4820 Live Oak Street</td>
<td>2</td>
</tr>
<tr>
<td>1215 Fitzhugh Avenue</td>
<td>2</td>
</tr>
<tr>
<td>4405 Sycamore Street</td>
<td>2</td>
</tr>
<tr>
<td>4704 Sycamore Street</td>
<td>2</td>
</tr>
<tr>
<td>4707 Sycamore Street</td>
<td>2</td>
</tr>
<tr>
<td>4726 Sycamore Street</td>
<td>2</td>
</tr>
<tr>
<td>4810 Sycamore Street</td>
<td>2</td>
</tr>
<tr>
<td>1515 Holly Street</td>
<td>2</td>
</tr>
<tr>
<td>4811 Junius Street</td>
<td>2</td>
</tr>
<tr>
<td>3306 Kinmore Street</td>
<td>2</td>
</tr>
<tr>
<td>1855 Life Avenue</td>
<td>3</td>
</tr>
<tr>
<td>1553 West Colorado Boulevard</td>
<td>3</td>
</tr>
<tr>
<td>2759 Overcrest Street</td>
<td>3</td>
</tr>
<tr>
<td>305 South Montclair Avenue</td>
<td>3</td>
</tr>
<tr>
<td>503 North Windomere Street</td>
<td>3</td>
</tr>
<tr>
<td>931 Stewart Drive</td>
<td>3</td>
</tr>
<tr>
<td>3229 East Perryton Drive</td>
<td>3</td>
</tr>
<tr>
<td>7111 Hunnicut Road</td>
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GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for the Sidewalk Replacement Group 01-07 (list attached) - MACVAL Associates, L.L.C., lowest responsible bidder of seven - $459,471 - Financing: 2006 Bond Funds ($420,721) and Water Utilities Capital Construction Funds ($38,750)

MACVAL Associates, L.L.C. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

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LOCAL/NON-LOCAL M/WBE PARTICIPATION

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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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</tbody>
</table>
WHEREAS, on September 4, 1985, the City Council approved the Sidewalk Replacement Program by Resolution No. 85-2863 to assist property owners in the removal and replacement of sidewalks, curb and gutter, and drive approaches; and,

WHEREAS, the Sidewalk Replacement Program is a cost share program and requires cost participation to qualify for assistance; and,

WHEREAS, bids were received on December 5, 2007, for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for the Sidewalk Replacement Group 01-07, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>AMOUNT OF BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>MACVAL Associates, L.L.C.</td>
<td>$ 459,470.30</td>
</tr>
<tr>
<td>Stark Built M.P., L.L.C.</td>
<td>$ 512,907.43</td>
</tr>
<tr>
<td>Advance Paving Company</td>
<td>$ 583,761.74</td>
</tr>
<tr>
<td>Prince &amp; Associates</td>
<td>$ 592,733.10</td>
</tr>
<tr>
<td>Allied Builders, Inc.</td>
<td>$ 637,960.00</td>
</tr>
<tr>
<td>Estrada Concrete</td>
<td>$ 658,403.50</td>
</tr>
<tr>
<td>Texas Standard Construction</td>
<td>$1,165,127.00</td>
</tr>
</tbody>
</table>

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with MACVAL Associates, L.L.C. for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for the Sidewalk Replacement Group 01-07 in an amount not to exceed $459,470.30, this being the lowest responsive bid received as indicated by the tabulation of bids.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund
Fund 6T22, Department PBW, Unit U274, Act. SIDI
Obj. 4510, Program #PB06U274, CT PBW06U274D1
Vendor #VS0000025999, in an amount not to exceed $420,720.30
Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #708023X, Reporting WV64, CT PBW708023EN
Vendor #VS0000025999, in an amount not to exceed $ 36,800.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #708024X, Reporting TM94, CT PBW708024EN
Vendor #VS0000025999, in an amount not to exceed $1,950.00

Total in an amount not to exceed $459,470.30

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
Water Utilities, Esther Darden, 3AN
City Attorney
Authorize a professional services contract with Freese and Nichols, Inc. to update the City of Dallas Storm Water Design Criteria Manual to incorporate the criteria of the Integrated Storm Water Management (iSWM) Design Manual for Site Development - Not to exceed $153,200 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

BACKGROUND

The North Central Texas Council of Government (NCTCOG) has initiated a regional effort to develop a comprehensive drainage criteria and design manual for use in both municipal engineering and private development. The Integrated Storm Water Management (iSWM) process will incorporate revisions to be made to Dallas' current Drainage Design Manual.

The scope of this project is to update the City of Dallas' Storm Water Design Criteria Manual. This will include data collection, converting the existing City of Dallas Design Manual for Storm Drainage Facilities to an editable form in Microsoft Word, prepare a summary of the requested changes to incorporate recommended components of iSWM into the existing storm water design criteria manual, brief City committees and City Council, and implementation assistance with Development Services. It will also include public stakeholder meetings.

The regional effort should also pay dividends as adjacent municipalities adopt the more rigorous standards, by reducing flooding and erosion impacts and pollutants generated in watersheds that drain to Dallas as a result of further development or redevelopment.

ESTIMATED SCHEDULE OF PROJECT

- Begin Design: February 2008
- Complete Design: October 2008
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized first year funding on February 12, 2003, by Resolution No. 03-0636.


Authorized second year funding on May 12, 2004, by Resolution No. 04-1560.

Authorized third year funding on September 14, 2005, by Resolution No. 05-2654.

FISCAL INFORMATION

Current Funds - $153,200 (to be reimbursed by Storm Water Drainage Management Funds)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Freese and Nichols, Inc.

Hispanic Female 2 Hispanic Male 5
African-American Female 1 African-American Male 1
Other Female 1 Other Male 4
White Female 17 White Male 43

OWNER(S)

Freese and Nichols, Inc.

Tricia H. Hatley, P.E., Principal

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Freese and Nichols, Inc. to update the City of Dallas Storm Water Design Criteria Manual to incorporate the criteria of the Integrated Storm Water Management (iSWM) Design Manual for Site Development - Not to exceed $153,200 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

Freese and Nichols, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

<table>
<thead>
<tr>
<th>LOCAL/NON-LOCAL CONTRACT SUMMARY</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
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<tr>
<td>Total non-local contracts</td>
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</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$153,200.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
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<td>$37,000.00</td>
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<tr>
<td>Total Minority - Local</td>
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<td>$37,000.00</td>
<td>24.15%</td>
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</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>African American</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>24.15%</td>
<td>$37,000.00</td>
<td>24.15%</td>
</tr>
<tr>
<td>Asian American</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>24.15%</td>
<td>$37,000.00</td>
<td>24.15%</td>
</tr>
</tbody>
</table>
WHEREAS, on February 12, 2003, Resolution No. 03-0636 authorized an agreement with the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the first year of the Integrated Storm Water Management (iSWM) process for the development of a comprehensive drainage criteria and design manual for use in both municipal engineering and private development; and,

WHEREAS, on May 12, 2004, Resolution No. 04-1560 authorized an agreement with the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the second year of the Integrated Storm Water Management (iSWM) process; and,

WHEREAS, on September 14, 2005, Resolution No. 05-2654 authorized an agreement with the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the third year of the Integrated Storm Water Management (iSWM) process; and,

WHEREAS, it is now desirable to enter into a professional services contract with Freese and Nichols, Inc., to provide engineering services to update the City of Dallas Storm Water Design Criteria Manual to incorporate the criteria of the Integrated Storm Water Management (iSWM) Design Manual for Site Development.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with Freese and Nichols, Inc. to provide engineering services to update the City of Dallas Storm Water Design Criteria Manual, in an amount not to exceed $153,200 upon approval as to the form by the City Attorney.

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

Current Funds
Fund 0001, Dept. PBW, Unit 3016, Act. PB25
Object 3070, Program No. PBCUR005, CT PBW3016PB25C08001
Vendor 347200, in an amount not to exceed $153,200

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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Modesta Pena, OCMC, Room 307
SUBJECT

Authorize professional services contracts with 2 consulting firms for the engineering design of 7 erosion control projects and 2 street reconstruction projects (list attached) - $271,050 - Financing: 2006 Bond Funds ($263,030) and Water Utilities Capital Construction Funds ($8,020)

BACKGROUND

This action will provide for the engineering design of 7 erosion control projects and 2 street reconstruction projects. Alan Plummer Associates, Inc. and Jaster-Quintanilla Dallas, LLP will be utilized. The engineering design and construction of these projects is funded by the 2006 Bond Program.

Erosion control improvements will include creek bank stabilization, preventing further eroding of land. The street reconstruction projects will include replacing the existing deteriorating concrete streets with new reinforced concrete pavement, storm drainage, water, and wastewater improvements.

Following are the locations, design costs, and the selected consulting firm for each project. The consulting firms were selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines (Administrative Directive 4-5).
**BACKGROUND (Continued)**

<table>
<thead>
<tr>
<th>Project</th>
<th>Council District</th>
<th>Firm</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Erosion Control Improvements</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15012 Cypress Hills Drive</td>
<td>11</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 8,688.00</td>
</tr>
<tr>
<td>2804 Ripplewood Drive</td>
<td>7</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 48,274.00</td>
</tr>
<tr>
<td>2832 Ripplewood Drive</td>
<td>7</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 14,482.00</td>
</tr>
<tr>
<td>Rocky Branch Drive @ Middle Downs</td>
<td>10</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 33,792.00</td>
</tr>
<tr>
<td>9203 Springwater Drive</td>
<td>9</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 11,586.00</td>
</tr>
<tr>
<td>6129 Summer Creek Circle</td>
<td>9</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 13,903.00</td>
</tr>
<tr>
<td>1231 Tranquilla Drive</td>
<td>9</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$ 13,903.00</td>
</tr>
<tr>
<td><strong>Street Reconstruction</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lone Star Drive from Commerce Street to Dead End</td>
<td>3</td>
<td>Jaster-Quintanilla Dallas, LLP</td>
<td>$ 50,937.12</td>
</tr>
<tr>
<td>Terre Colony Court from Lone Star Drive north 1200 Feet</td>
<td>3</td>
<td>Jaster-Quintanilla Dallas, LLP</td>
<td>$ 75,484.36</td>
</tr>
</tbody>
</table>
### ESTIMATED SCHEDULE OF PROJECTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Begin Design</th>
<th>Complete Design</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Erosion Control Improvements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15012 Cypress Hills Drive</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td>2804 Ripplewood Drive</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td>2832 Ripplewood Drive</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td>Rocky Branch Drive @ Middle Downs</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td>9203 Springwater Drive</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td>6129 Summer Creek Circle</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td>1231 Tranquilla Drive</td>
<td>February 2008</td>
<td>August 2008</td>
</tr>
<tr>
<td><strong>Street Reconstruction</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lone Star Drive from Commerce Street to Dead End</td>
<td>March 2008</td>
<td>October 2008</td>
</tr>
<tr>
<td>Terre Colony Court from Lone Star Drive north 1200 Feet</td>
<td>March 2008</td>
<td>October 2008</td>
</tr>
</tbody>
</table>

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

This item has no prior action.
## FISCAL INFORMATION

2006 Bond Funds - $263,029.48  
Water Utilities Capital Construction Funds - $8,020.00

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
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<tr>
<td>7</td>
<td>$ 62,756.00</td>
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<td>$ 33,792.00</td>
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<tr>
<td>11</td>
<td>$ 8,688.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$271,049.48</strong></td>
</tr>
</tbody>
</table>

### Erosion Control Improvements

**15012 Cypress Hills Drive**
- Design (PBW) $8,688.00  
- Construction $54,960.00 (est.)  
- **Total** $63,648.00 (est.)

**2804 Ripplewood Drive**
- Design (PBW) $48,274.00  
- Construction $260,885.00 (est.)  
- **Total** $309,159.00 (est.)

**2832 Ripplewood Drive**
- Design (PBW) $14,482.00  
- Construction $85,500.00 (est.)  
- **Total** $99,982.00 (est.)

**Rocky Branch Drive @ Middle Downs**
- Design (PBW) $33,792.00  
- Construction $75,315.00 (est.)  
- **Total** $109,107.00 (est.)
**FISCAL INFORMATION** (Continued)

9203 Springwater Drive

Design (PBW) $ 11,586.00  
Construction $ 67,975.00 (est.)  
Total $ 79,561.00 (est.)

6129 Summer Creek Circle

Design (PBW) $ 13,903.00  
Construction $ 84,655.00 (est.)  
Total $ 98,558.00 (est.)

1231 Tranquilla Drive

Design (PBW) $ 13,903.00  
Construction $ 83,605.00 (est.)  
Total $ 97,508.00 (est.)

**Street Reconstruction**

Lone Star Drive from Commerce Street to Dead End

Design (PBW) $ 47,937.12  
Design (WTR) $ 3,000.00  
Construction $302,791.20 (est.)  
Total $353,728.32 (est.)

Terre Colony Court from Lone Star Drive North to 1200 Feet

Design (PBW) $ 70,464.36  
Design (WTR) $ 5,020.00  
Construction $714,191.05 (est.)  
Total $789,675.41 (est.)

**M/WBE INFORMATION**

See attached.
**ETHNIC COMPOSITION**

**Alan Plummer Associates, Inc.**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic Female</td>
<td>6</td>
</tr>
<tr>
<td>Hispanic Male</td>
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</tr>
<tr>
<td>African-American Female</td>
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<td>African-American Male</td>
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<tr>
<td>Other Female</td>
<td>3</td>
</tr>
<tr>
<td>Other Male</td>
<td>5</td>
</tr>
<tr>
<td>White Female</td>
<td>25</td>
</tr>
<tr>
<td>White Male</td>
<td>60</td>
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</table>

**Jaster-Quintanilla Dallas, LLP**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Hispanic Male</td>
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<tr>
<td>African-American Female</td>
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<td>African-American Male</td>
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<tr>
<td>Other Female</td>
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</tr>
<tr>
<td>Other Male</td>
<td>6</td>
</tr>
<tr>
<td>White Female</td>
<td>4</td>
</tr>
<tr>
<td>White Male</td>
<td>34</td>
</tr>
</tbody>
</table>

**OWNER(S)**

**Alan Plummer Associates, Inc.**

Cletus R. Martin, P.E., Associate

**Jaster-Quintanilla Dallas, LLP**

Richard Akin, P.E., Project Manager

**MAP(S)**

Attached.
## Professional Services Contract with 2 Consulting Firms

<table>
<thead>
<tr>
<th>Erosion Control Improvements</th>
<th>Council District</th>
<th>Firm</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>15012 Cypress Hills Drive</td>
<td>11</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$8,688.00</td>
</tr>
<tr>
<td>2804 Ripplewood Drive</td>
<td>7</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$48,274.00</td>
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<tr>
<td>2832 Ripplewood Drive</td>
<td>7</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$14,482.00</td>
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<tr>
<td>Rocky Branch Drive @ Middle Downs</td>
<td>10</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$33,792.00</td>
</tr>
<tr>
<td>9203 Springwater Drive</td>
<td>9</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$11,586.00</td>
</tr>
<tr>
<td>6129 Summer Creek Circle</td>
<td>9</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$13,903.00</td>
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<tr>
<td>1231 Tranquilla Drive</td>
<td>9</td>
<td>Alan Plummer Associates, Inc.</td>
<td>$13,903.00</td>
</tr>
</tbody>
</table>

## Street Reconstruction

<table>
<thead>
<tr>
<th>Street Reconstruction</th>
<th>Council District</th>
<th>Firm</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lone Star Drive from Commerce Street to Dead End</td>
<td>3</td>
<td>Jaster-Quintanilla Dallas, LLP</td>
<td>$50,937.12</td>
</tr>
<tr>
<td>Terre Colony Court from Lone Star Drive north 1200 Feet</td>
<td>3</td>
<td>Jaster-Quintanilla Dallas, LLP</td>
<td>$75,484.36</td>
</tr>
</tbody>
</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize professional services contracts with 2 consulting firms for the engineering design of 7 erosion control projects and 2 street reconstruction projects (list attached) - $271,050 - Financing: 2006 Bond Funds ($263,030) and Water Utilities Capital Construction Funds ($8,020)

Alan Plummer Associates, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<th>Local Contractors / Sub-Contractors</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
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<tr>
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Total Minority - Local: $6,395.00 4.93%

Non-Local Contractors / Sub-Contractors

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<th>Non-Local Contractors / Sub-Contractors</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</table>

Total Minority - Non-local: $15,000.00 100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
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<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$6,395.00</td>
<td>4.93%</td>
<td>$6,395.00</td>
</tr>
<tr>
<td>Asian American</td>
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<td>Native American</td>
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</tr>
<tr>
<td>WBE</td>
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<td>0.00%</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Total: $6,395.00 4.93% $21,395.00 14.79%
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize professional services contracts with 2 consulting firms for the engineering design of 7 erosion control projects and 2 street reconstruction projects (list attached) - $271,050 - Financing: 2006 Bond Funds ($263,030) and Water Utilities Capital Construction Funds ($8,020)

Jaster-Quintanilla Dallas, LLP is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
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<th>Percent</th>
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<tbody>
<tr>
<td>Total local contracts</td>
<td>$126,421.50</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$126,421.50</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local Contractors/ Sub-Contractors</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jaster-Quintanilla Dallas, LLP</td>
<td>HMMB35924N1208</td>
<td>$93,551.91</td>
<td>74.00%</td>
</tr>
<tr>
<td>Lina T. Ramey &amp; Associates</td>
<td>IFDB34002Y0508</td>
<td>$30,341.16</td>
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<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$123,893.07</td>
<td>98.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$93,551.91</td>
<td>74.00%</td>
<td>$93,551.91</td>
</tr>
<tr>
<td>Asian American</td>
<td>$30,341.16</td>
<td>24.00%</td>
<td>$30,341.16</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total</td>
<td>$123,893.07</td>
<td>98.00%</td>
<td>$123,893.07</td>
</tr>
</tbody>
</table>
EROSION CONTROL GROUP 06-805
9539, 9545 ROCKY BRANCH DRIVE

MAPSCO 27-E
WHEREAS, 2 engineering firms were selected to provide the engineering design of 7 erosion control projects and 2 street reconstruction projects.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with each engineering firm for engineering services for the indicated projects in an amount not to exceed $271,049.48.

Section 2. That the City Manager is hereby authorized to execute the contracts after they have been approved as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts:

a. Alan Plummer Associates, Inc. for the design of erosion control improvement projects for: 15012 Cypress Hills Drive, 2804 Ripplewood Drive, 2832 Ripplewood Drive, Rocky Branch Drive @ Middle Downs, 9203 Springwater Drive, 6129 Summer Creek Circle, and 1231 Tranquilla Drive:

Flood Protection and Storm Drainage Facilities Fund Fund 7T23, Dept. PBW, Unit T459, Act. ERCT Obj. 4111, Program #PB06T459, CT PBW06T459D1-01 Vendor #165323, in an amount not to exceed $ 8,688.00

Flood Protection and Storm Drainage Facilities Fund Fund 7T23, Dept. PBW, Unit T483, Act. ERCT Obj. 4111, Program #PB06T483, CT PBW06T459D1-02 Vendor #165323, in an amount not to exceed $ 48,274.00

Flood Protection and Storm Drainage Facilities Fund Fund 7T23, Dept. PBW, Unit T484, Act. ERCT Obj. 4111, Program #PB06T484, CT PBW06T459D1-03 Vendor #165323, in an amount not to exceed $ 14,482.00

Flood Protection and Storm Drainage Facilities Fund Fund 7T23, Dept. PBW, Unit T485, Act. ERCT Obj. 4111, Program #PB06T485, CT PBW06T459D1-04 Vendor #165323, in an amount not to exceed $ 33,792.00
COUNCIL CHAMBER

February 13, 2008

Flood Protection and Storm Drainage Facilities Fund
Fund 7T23, Dept. PBW, Unit T486, Act. ERCT
Obj. 4111, Program #PB06T486, CT PBW06T459D1-05
Vendor #165323, in an amount not to exceed $ 11,586.00

Flood Protection and Storm Drainage Facilities Fund
Fund 7T23, Dept. PBW, Unit T487, Act. ERCT
Obj. 4111, Program #PB06T487, CT PBW06T459D1-06
Vendor #165323, in an amount not to exceed $ 13,903.00

Flood Protection and Storm Drainage Facilities Fund
Fund 7T23, Dept. PBW, Unit T488, Act. ERCT
Obj. 4111, Program #PB06T488, CT PBW06T459D1-07
Vendor #165323, in an amount not to exceed $ 13,903.00

b. Jaster-Quintanilla Dallas, LLP for the design of street reconstruction projects on:
Lone Star Drive from Commerce Street to Dead End and Terre Colony Court from Lone Star Drive north 1200 Feet:

Street and Transportation Improvements Fund
Fund 7T22, Dept. PBW, Unit U336, Act. SREC
Obj. 4111, Program #PB06U336, CT PBW06U336E1-01
Vendor #500826, in an amount not to exceed $ 47,937.12

Street and Transportation Improvements Fund
Fund 7T22, Dept. PBW, Unit U347, Act. SREC
Obj. 4111, Program #PB06U347, CT PBW06U336E1-02
Vendor #500826, in an amount not to exceed $ 70,464.36

Water Construction Fund
Fund 0102, Dept. DWU, Unit CW42, Act. RELP
Obj. 4111, Program #708067, REP WV68, CT PBW708067EA
Vendor #500826, in an amount not to exceed $ 8,020.00

Total in an amount not to exceed $271,049.48
Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution:  
Public Works and Transportation, Jean Mitchell, OCMC, Room 101  
Public Works and Transportation, Dell Cole, OCMC, Room 307  
Public Works and Transportation, Modesta Pena, OCMC, Room 307  
Esther Darden, Water Utilities, 3AN  
City Attorney
Authorize (1) a contract for Union Station Vertical Transportation Upgrade - Escalators with KONE, Inc., the only responsible bidder, in an amount not to exceed $750,000; (2) assignment of the construction contract to Hunt - Woodbine Realty Corporation as the City's construction manager for all purposes, including contract administration, inspection, supervision and coordination of construction work; and (3) an amendment to the Development and Reimbursement Agreement between City of Dallas and Hunt - Woodbine Realty Corporation to provide for this assignment - Not to exceed $750,000 - Financing: 2006 Bond Funds

BACKGROUND

This action will authorize the contract for the Union Station Vertical Transportation Upgrade to modernize the two thirty-year-old escalators located in the main lobby of the terminal building. The contract is then assigned to Hunt – Woodbine Realty Corporation for construction management, which includes contract administration, inspection services, supervision and coordination of the construction work. Finally, amending the Development and Reimbursement Agreement between the City of Dallas and Hunt – Woodbine Realty Corporation will be amended to utilize proceeds from the November 28, 2007 bond sale to fund this contract award, in lieu of Hunt - Woodbine Realty Corporation advancing the award funding.

This action today is one contract award in a series for the $3.96 million Union Station Capital Improvements Program which Dallas voters approved in the 2006 Bond Program as included in Proposition No. 1. The bond sale was November 28, 2007. The City’s Union Station Master Plan Capital Improvements include roof replacement, wall restoration, escalator and freight elevator modernization, mechanical, electrical and plumbing system upgrades.
BACKGROUND (Continued)

This is the second time the Vertical Transportation Upgrade Escalators project has been bid. In the first bid proceedings for the replacement or reconstruction of the escalators, the City received zero bids for replacement and one non-responsive bid for reconstruction. The rebid specified escalator reconstruction, as the replacement was determined to not be economically feasible. Only one bid was received, which is the recommended awardee.

On April 11, 2007, Resolution No. 07-1190 authorized the City of Dallas to enter into a Development and Reimbursement Agreement with Hunt - Woodbine Realty Corporation ("Hunt - Woodbine"), a Delaware Corporation, to undertake at no cost to the City, the design responsibility and advance funding for construction of the Union Station Master Plan Capital Improvements. Hunt - Woodbine is providing the funding for the capital improvement construction contract awards and will be reimbursed, without interest, from the proceeds of the future sale of General Obligation Bonds.

On June 13, 2007, Resolution No. 07-1823 authorized the contract for Union Station Roof Replacement and assignment of the contract to Hunt - Woodbine for construction management. Additionally, this action established appropriations for this contract award and included contingencies for potential future change orders.

On November 12, 2007, Resolution No. 07-3320 authorized the contract for Union Station Wall Restoration and assignment of the contract to Hunt - Woodbine for construction management. Additionally, this action established appropriations for this contract award and included contingencies for potential future change orders. Standard contingency for change orders can range up to 10% with a maximum of 25% for Public Works and Transportation projects.

On November 12, 2007, Resolution No. 07-3365 authorized the contract for Union Station Vertical Transportation Upgrade - Elevator, and assigned the contract to Hunt - Woodbine for construction management. Additionally, this action established appropriations for this contract award and included contingencies for potential future change orders.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction February 2008
Complete Construction July 2008
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Economic Development & Housing Committee on February 20, 2007.

Briefed jointly to the Economic Development & Housing Committee and the Transportation & Environment Committee on March 19, 2007.


Authorized the first capital improvement project contract for Union Station Roof Replacement and assigned the contract to Hunt - Woodbine for construction management, established appropriations for the contract award and included contingencies for potential future change orders on June 13, 2007, by Resolution No. 07-1823.

Authorized the second capital improvement project contract for Union Station Wall Restoration and assigned the contract to Hunt - Woodbine for construction management, established appropriations for the contract award, and included contingencies for potential future change orders on November 12, 2007, by Resolution No. 07-3320.

Authorized the third capital improvement project contract for Vertical Transportation Upgrade - Elevator, and assigned the contract to Hunt - Woodbine for construction management, established appropriations for the contract award and included contingencies for potential future change orders on November 12, 2007, by Resolution No. 07-3365.

FISCAL INFORMATION

2006 Bond Funds - $750,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

KONE, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic Female</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>African-American Female</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>African-American Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other Male</td>
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<tr>
<td>White Female</td>
<td>8</td>
<td>66</td>
</tr>
<tr>
<td>White Male</td>
<td></td>
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</tr>
</tbody>
</table>
**BID INFORMATION**

The following bids with quotes were received and opened on January 10, 2008:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>KONE, Inc.</td>
<td>$750,000</td>
</tr>
<tr>
<td>801 Hammond St., Suite 400</td>
<td></td>
</tr>
<tr>
<td>Coppell, TX 75019</td>
<td></td>
</tr>
</tbody>
</table>

**OWNER(S)**

**KONE, Inc.**

Vance Tang, President
Alexander Vitt, General Manager

**MAP**

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) a contract for Union Station Vertical Transportation Upgrade - Escalators with KONE, Inc., the only responsible bidder, in an amount not to exceed $750,000; (2) assignment of the construction contract to Hunt - Woodbine Realty Corporation as the City's construction manager for all purposes, including contract administration, inspection, supervision and coordination of construction work; and (3) an amendment to the Development and Reimbursement Agreement between City of Dallas and Hunt - Woodbine Realty Corporation to to provide for this assignment - Not to exceed $750,000 - Financing: 2006 Bond Funds

KONE, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to perform the entire job using its own forces.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$750,000.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$750,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

Total

$0.00  0.00%  $0.00  0.00%
WHEREAS, the City's Bond Election was held on November 7, 2006, and the Dallas voters approved all 12 general obligation bond propositions, including Proposition No. 1, which included $3,960,000 for Union Station Master Plan Capital Improvements; and,

WHEREAS, on April 11, 2007, Resolution No. 07-1190 authorized the Development and Reimbursement Agreement with Hunt - Woodbine Realty Corporation ("Hunt - Woodbine"), a Delaware Corporation, for the design of, at no cost to the City, and advance of funds up to $3.96 million for the construction of, Union Station Master Plan Capital Improvements; and,

WHEREAS, on June 13, 2007, Resolution No. 07-1823 authorized the first capital improvement project contract, which was for Union Station Roof Replacement, and assigned the contract to Hunt - Woodbine for construction management, and established appropriations for this contract award, including an amount for potential change orders; and,

WHEREAS, on August 23, 2007, sealed competitive bids were publicly opened and read aloud for the Union Station Wall Restoration; and,

WHEREAS, on October 18, 2007, sealed competitive bids were publicly opened and read aloud for the Union Station Vertical Transportation Upgrade - Elevator; and,

WHEREAS, on November 12, 2007, Resolution No. 07-3320 authorized the second capital improvement project contract for Union Station Wall Restoration and assigned the contract to Hunt - Woodbine for construction management, established appropriations for the contract award, and included contingencies for potential future change orders; and,

WHEREAS, on November 12, 2007, Resolution No. 07-3365 authorized the third capital improvement project contract for Vertical Transportation Upgrade - Elevator, and assigned the contract to Hunt - Woodbine for construction management, established appropriations for the contract award and included contingencies for potential future change orders; and,

WHEREAS, on January 10, 2008, sealed competitive bids were publicly opened and read aloud for the Union Station Vertical Transportation Upgrade - Escalators as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>KONE, Inc.</td>
<td>$750,000</td>
</tr>
<tr>
<td>801 Hammond St., Suite 400 Coppell, TX 75019</td>
<td></td>
</tr>
</tbody>
</table>
WHEREAS, it is desirable to enter into a construction contract with KONE, Inc. for $750,000 for Union Station Vertical Transportation Upgrade - Escalators, and to assign the construction contract to Hunt - Woodbine as the City's Construction Manager for construction administration.

Now, Therefore,

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

Section 1. That KONE, Inc. is hereby awarded the contract for Union Station Vertical Transportation Upgrade - Escalators in an amount not to exceed $750,000, this being the only responsible bid received as indicated by the tabulation of bids.

Section 2. That in accordance with the Development and Reimbursement Agreement authorized on April 11, 2007, by Resolution No. 07-1190, the construction contract for this improvement is hereby assigned to Hunt - Woodbine Realty Corporation as the City's Construction Manager. For purposes of accomplishing this assignment, the City Manager is authorized to sign an amendment to the Development and Reimbursement Agreement, following approval as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the construction contract and the Development and Reimbursement Agreement, as amended, from:

Street and Transportation Improvements Fund
Fund 7T22, Department PBW, Unit U237, Act. USSR Obj. 4310, Program #PB06U237, CT PBW06U237E1 Vendor #017552, in an amount not to exceed $750,000

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Len Mills, OCMC, Room 321
City Attorney's Office
Office of Financial Services
Convention and Event Services
Subject

Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Walnut Hill Branch Library located at 9480 Webb Chapel Road - $64,987, from $4,104,100 to $4,169,087 - Financing: 2003 Bond Funds

Background

The Library Master Plan, as developed by the Hillier Group and approved by City Council, indicated a need for a replacement library for the existing Walnut Hill Branch facility. In the 2003 Bond Program, the citizens of Dallas approved funding for design and construction of a new library facility to serve the Northwest Dallas area. Bonds were sold in November 2003, in the amount of $1,800,000 and in November 2004, in the amount of $513,000. In November 2005, bonds were sold in the amount of $5,700,832, for a total of $8,013,832.

On May 25, 2005, Resolution No. 05-1554 authorized a professional services contract with the Leo A. Daly Company to provide architectural and engineering services for design of the new Walnut Hill Branch Library in the amount of $435,796.

The Walnut Hill Branch Library, located at the corner of Webb Chapel Road and El Centro Drive, is to be a new 19,700 square foot facility that will include a "black box" theater for use by community arts organizations. This facility will achieve LEED Silver certification under the LEED (Leadership in Energy & Environmental Design) program of the U.S. Green Building Council.
BACKGROUND (Continued)

This action will authorize Change Order No. 1 to the construction contract for unforeseen sub-surface conditions, replacement of paving removed by City demolition contractor and additional data line capacity requested by Library staff, in an amount not to exceed $64,987, increasing the contract from $4,104,100 to $4,169,087.

ESTIMATED SCHEDULE OF PROJECT

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
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<tr>
<td>Began Design</td>
<td>June 2005</td>
</tr>
<tr>
<td>Completed Design</td>
<td>April 2007</td>
</tr>
<tr>
<td>Began Construction</td>
<td>September 2007</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>August 2008</td>
</tr>
</tbody>
</table>

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acceptance of the Library Master Plan on April 11, 2001, by Resolution No. 01-1261.

Authorized a professional services contract on May 25, 2005, by Resolution No. 05-1554.

Authorized a construction contract on August 22, 2007, by Resolution No. 07-2396.

FISCAL INFORMATION

2003 Bond Funds - $64,987

<table>
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<tr>
<th>Category</th>
<th>Amount</th>
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<tr>
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<tr>
<td>Environmental Testing &amp; Remediation</td>
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<td>Demolition</td>
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<tr>
<td>Construction</td>
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<tr>
<td>Permit/Fees</td>
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<tr>
<td>Testing (est.)</td>
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</tr>
<tr>
<td>Furniture, Fixtures &amp; Equipment (est.)</td>
<td>450,000 (est.)</td>
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<tr>
<td>Public Art</td>
<td>55,000</td>
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<td>Contingency</td>
<td>1,315,437</td>
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<tr>
<td>Change Order No. 1 (this action)</td>
<td>64,987</td>
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</table>

Total Project Cost $8,013,832
M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

CORE Construction Services of Texas, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American</td>
<td>0</td>
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</tr>
<tr>
<td>Hispanic</td>
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<td>White</td>
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<td>Other</td>
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<td>2</td>
</tr>
</tbody>
</table>

OWNER(S)

CORE Construction Services of Texas, Inc.

Keith Roeschley, President
Marc Robertson, Executive Vice President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Walnut Hill Branch Library located at 9480 Webb Chapel Road - $64,987, from $4,104,100 to $4,169,087 - Financing: 2003 Bond Funds

CORE Construction Services of Texas, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
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<th>Percent</th>
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<tr>
<td>TOTAL THIS ACTION</td>
<td>$64,987.00</td>
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</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>KL Enterprises WFWB35921Y1208</td>
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<tr>
<td>Total Minority - Non-local</td>
<td>$7,542.00</td>
<td>13.82%</td>
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TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th>This Action</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
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<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$7,542.00</td>
<td>11.61%</td>
</tr>
<tr>
<td>Total</td>
<td>$7,542.00</td>
<td>11.61%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Participation to Date</th>
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<th>Percent</th>
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</thead>
<tbody>
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<tr>
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</tr>
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</table>
WHEREAS, the Library Master Plan as developed by the Hillier Group and approved by City Council indicates a need for a replacement library for the existing Walnut Hill facility; and,

WHEREAS, in the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of a replacement library facility to serve the Walnut Hill service area; and,

WHEREAS, the Walnut Hill Branch Library will be a new 19,500 square feet facility located at the corner of Webb Chapel Road and El Centro Drive; and,

WHEREAS, on May 25, 2005, Resolution No. 05-1554 authorized a professional services contract with Leo A. Daly Company to provide architectural and engineering services for the design of the Walnut Hill Branch Library in the amount of $435,796; and,

WHEREAS, on August 22, 2007, Resolution No. 07-2396 authorized a construction contract with CORE Construction Services of Texas, Inc. for the replacement facility for the Walnut Hill Branch Library in the amount of $4,104,100; and,

WHEREAS, it is now necessary to authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide modifications to the scope of work due to unforeseen sub-surface conditions, replacement of paving removed by City demolition contractor and additional data line capacity requested by Library staff, in the amount of $64,987, from $4,104,100 to $4,169,087.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with CORE Construction Services of Texas, Inc. to provide modifications to the scope of work due to unforeseen sub-surface conditions, replacement of paving removed by City demolition contractor and additional data line capacity requested by Library staff, in the amount of $64,987, from $4,104,100 to $4,169,087.

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

Library Facilities Fund  
Fund 5R42, Agency PBW, Unit R668, Act. LIBF  
Obj. 4310, Program #PB03R668, CT PBW03R668K1  
Vendor #VS0000010088, in an amount not to exceed $64,987
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.

Distribution:  
Public Works and Transportation, Jean Mitchell, OCMC, Room 101  
Public Works and Transportation, Robert Van Buren, OCMC, Room 321  
Library  
City Attorney  
Office of Financial Services
AGENDA ITEM # 44

KEY FOCUS AREA: Public Safety & Homeland Security
                  Public Safety Improvements and Crime Reduction

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 12

DEPARTMENT: Public Works & Transportation
             Fire

CMO: Ramon F. Miguez, P.E., 670-3308
     Ryan S. Evans, 670-3314

MAPSCO: 4G

SUBJECT

Authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for the expansion and renovation of Fire Station No. 10 located at 4451 Frankford Road - $360,800 - Financing: 2006 Bond Funds

BACKGROUND

Fire Station No. 10 was constructed in 1984 at the northwest corner of Frankford Road and Gibbons Drive in Collin County. Dallas citizens approved funding for expansion of this facility in the 2006 Bond Program. Bonds were sold in November 2007, in the amount of $435,346. The balance of $3,918,113 will be sold in November 2008, for a total of $4,353,459.

The design for this expansion will allow Fire Station No. 10 to remain in service during construction. When completed, the expanded facility will have two full bays and one half bay, nearly doubling the size of the existing station to approximately 11,000 square feet. The upgrade of the facility will be designed to achieve gold-level certification through Leadership in Energy and Environmental Design (LEED).

After a qualifications-based selection process, City staff determined that Brown Reynolds Watford Architects, Inc. was the most qualified firm for this project. Brown Reynolds Watford Architects, Inc. will be providing architectural services, civil engineering, structural engineering, MEP engineering, landscape architecture, cost estimating, building commissioning, a boundary and topographical survey, and re-platting as needed for permitting.
BACKGROUND (Continued)

This action will authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design and construction documents for the expansion and renovation of Fire Station No. 10 in the amount of $360,800.

ESTIMATED SCHEDULE OF PROJECT

Begin Design: February 2008
Complete Design: December 2008
Begin Construction: March 2009
Complete Construction: March 2010

PRIOR ACTION/REVIEW (COUNCIL, BOARDs, COMMISSIONs)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - $360,800

Design: $360,800
Construction: 2,860,000
Miscellaneous Expenses: 1,132,659

Total Project Cost: $4,353,459

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Brown Reynolds Watford Architects, Inc.

Hispanic Female: 3, Hispanic Male: 1
African-American Female: 0, African-American Male: 0
Other Female: 1, Other Male: 0
White Female: 27, White Male: 28
OWNER(S)

Brown Reynolds Watford Architects, Inc.

Craig Reynolds, President
Mark Watford, Vice President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for expansion and renovation of Fire Station No. 10 located at 4451 Frankford Road - $360,800 - Financing: 2006 Bond Funds

Brown Reynolds Watford Architects, Inc., a local non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<tr>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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<tr>
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<tr>
<td>Total</td>
<td>$116,920.00</td>
<td>32.41%</td>
<td>$116,920.00</td>
<td>32.41%</td>
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</tbody>
</table>
Fire Station No. 10
WHEREAS, Fire Station No. 10 was constructed in 1984 on a site located on Frankford Road in Collin County; and,

WHEREAS, the citizens of Dallas approved funding in the 2006 Bond Program for the expansion and renovation of Fire Station No. 10; and,

WHEREAS, it is desirable to authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for the expansion and renovation of Fire Station No. 10, located at 4451 Frankford Road.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for the expansion and renovation of Fire Station No. 10, located at 4451 Frankford Road in the amount of $360,800.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

- Public Safety Facilities Fund
  Fund 6T33, Dept. PBW, Unit T837, Act. FIRF
  Obj. 4310, Program #PB06T837, CT PBW06T837A1,
  Vendor #205173, in an amount not to exceed $360,800

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Robert Van Buren, OCMC, Room 321
City Attorney
Fire-Rescue
Office of Financial Services
Establish Rail Road Quiet Zone Along Cotton Belt Rail Line Corridor

* Authorize a professional services contract with LopezGarcia Group, Inc. for engineering services to prepare the schematic design for Quiet Zone improvements along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road - $157,527 - Financing: 2003 Bond Funds

* Authorize an Interlocal Agreement with the Texas Department of Transportation for Quiet Zone improvements along the Cotton Belt rail corridor from Dallas Parkway to Coit Road - $6,220 - Financing: 2003 Bond Funds

* Authorize the City Manager to provide Notice of Intent to create a new Quiet Zone along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No Cost Consideration to the City

BACKGROUND

The North Texas Council of Governments (NCTCOG) issued a call for projects for the Railroad Crossing Reliability Program on August 8, 2003, to improve selected at-grade crossings throughout the Dallas-Fort Worth Metropolitan Planning Area. Eligible project types include closures, improved gates, structural barriers, channelization, Intelligent Transportation Systems, improvements to roadway geometrics or sight lines, improved crossing surfaces, improved signs or warning devices and other capital expenses necessary to maintain the safety and/or reliability of at-grade railroad crossings. All projects required a minimum 20 percent match, and there were eight projects submitted by the City of Dallas. This project was selected for funding by NCTCOG, and in the 2003 Bond Program, the citizens of Dallas approved funding for the local match. Bonds were sold in November, 2003 for a total amount of $401,744.
BACKGROUND (Continued)

Routine sounding of locomotive train horns as they approach street grade crossings throughout the day and night negatively impacts the quality of life for those persons living near the rail line and also for those persons in the larger general area. The current typical horn sounding pattern of an approaching train, that was standardized in 1938, is two long, one short and one long blast regardless of the existing crossing protection at the intersection such as gates, flashing lights, stop signs or even if the crossing is totally unprotected.

The Federal Railroad Administration (FRA) has recently issued its Train Horn Rule that requires approaching trains to sound their horn within a quarter-mile of a crossing unless a Quiet Zone has been established by a public authority. Establishment of a Quiet Zone requires implementation of various supplemental and alternative safety measures at the crossing for vehicles and pedestrians as an effective substitution for the sounding of the train horn.

The FRA has provided various supplemental and alternative safety enhancement options for crossings as an effective substitute for the sounding of the locomotive horn. As an example, FRA Supplemental Safety Measures could include: Complete closure of the street crossing; Installation of four quadrant gates; Placement of medians in the street along with two-quadrant gates; Paired one-way streets with full closure gates, and; Automated wayside horns. While the routine use of train horns approaching grade crossings will be eliminated within a Quiet Zone, the train operator will continue to have utilization of the horn as a warning to track workers, trespassers and animals on the tracks or in other potential dangerous situations anywhere within the corridor.

This action will authorize the Interlocal agreement with TxDOT, award the schematic design contract to LopezGarcia, and authorize Notice of Intent to the FRA. Future council action will be required to award final design and construction contracts.

ESTIMATED SCHEDULE OF PROJECT

Begin Design April 2008
Complete Design November 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Council Transportation and Environment Committee on February 26, 2007.
FISCAL INFORMATION

2003 Bond Funds - $163,747

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<td>$163,747</td>
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

LopezGarcia Group, Inc.

Hispanic Female  14  Hispanic Male  17
African-American Female  3  African-American Male  9
Other Female  6  Other Male  13
White Female  62  White Male  89

OWNER(S)

LopezGarcia Group, Inc.

Wendy Lopez, Chief Executive Officer

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with LopezGarcia Group, Inc. for engineering services to prepare the schematic design for Quiet Zone improvements along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road - $157,527 - Financing: 2003 Bond Funds

LopezGarcia Group, Inc. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to perform all of the work related to this contract with their own workforce.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
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<td>Total local contracts</td>
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<tr>
<td>Total non-local contracts</td>
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</tr>
<tr>
<td>TOTAL CONTRACT</td>
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<td>100.00%</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<td>Total Minority - Local</td>
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<td>100.00%</td>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
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<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tr>
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<td>Total</td>
<td>100.00%</td>
<td>$157,527.00</td>
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</table>
WHEREAS, the North Central Texas Council of Governments (NCTCOG) issued a call for projects for the Railroad Crossing Reliability Program on August 8, 2003, to improve selected at-grade crossings throughout the Dallas-Fort Worth Metropolitan Planning Area; and,

WHEREAS, eligible project types included closures, improved gates, structural barriers, channelization, Intelligent Transportation Systems, improvements to roadway geometrics or sight lines, improved crossing surfaces, improved signs or warning devices and other capital expenses necessary to improve the safety and/or reliability of at-grade railroad crossings with all projects requiring a minimum 20 percent match; and,

WHEREAS, this project was selected for funding by NCTCOG, and in the 2003 Bond Program the citizens of Dallas approved funding for the local match with bonds sold in November, 2003 for a total amount of $401,744; and,

WHEREAS, the routine sounding of the locomotive train horn approaching street grade crossings has a negative effect on the quality of life for those persons living along the rail line and also for those persons in the larger general area; and,

WHEREAS, the Federal Railroad Administration (FRA) has recently issued its Train Horn Rule that requires trains to sound their horn within a quarter-mile of a crossing unless a Quiet Zone has been established by a public authority; and,

WHEREAS, the establishment of a Quiet Zone requires implementation of various supplemental and/or alternative safety measures at the crossing for vehicles and pedestrians as an effective substitution for the sounding of the train horn; and,

WHEREAS, the City of Dallas desires to enter into a professional service contract with LopezGarcia, Group, Inc. to provide schematic design for implementation of a Quiet Zone along the Cotton Belt rail corridor containing ten street grade crossings.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with LopezGarcia Group, Inc. to provide schematic design for the implementation of a Quiet Zone along the Cotton Belt rail corridor from Dallas Parkway to Coit Road.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.
Section 3. That the City Controller is authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund
Fund 3R22, Dept. PBW, Unit R561, Act. WTSF
Obj. 4111, Program #PB03R561, CT PBW03R561D1
Vendor #345913, in an amount not to exceed $157,527

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, L1BS
City Attorney
WHEREAS, the North Central Texas Council of Governments (NCTCOG) issued a call for projects for the Railroad Crossing Reliability Program on August 8, 2003, to improve selected at-grade crossings throughout the Dallas-Fort Worth Metropolitan Planning Area; and,

WHEREAS, eligible project types included closures, improved gates, structural barriers, channelization, Intelligent Transportation Systems, improvements to roadway geometrics or sight lines, improved crossing surfaces, improved signs or warning devices and other capital expenses necessary to improve the safety and/or reliability of at-grade railroad crossings with all projects requiring a minimum 20 percent match; and,

WHEREAS, this project was selected for funding by NCTCOG, and in the 2003 Bond Program the citizens of Dallas approved funding for the local match with bonds sold in November, 2003 for a total amount of $401,744; and,

WHEREAS, the routine sounding of the locomotive train horn approaching street grade crossings has a negative effect on the quality of life for those persons living along the rail line and also for those persons in the larger general area; and,

WHEREAS, the Federal Railroad Administration (FRA) has recently issued its Train Horn Rule that requires trains to sound their horn within a quarter-mile of a crossing unless a Quiet Zone has been established by a public authority; and,

WHEREAS, the establishment of a Quiet Zone requires implementation of various supplemental and alternative safety measures at the crossing for vehicles and pedestrians as an effective substitution for the sounding of the train horn; and,

WHEREAS, the City of Dallas desires to enter into an Interlocal agreement with the Texas Department of Transportation for implementation of a Quiet Zone along the Cotton Belt rail corridor containing ten street grade crossings.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into an Interlocal agreement with the Texas Department of Transportation for the for the implementation of a Quiet Zone along the Cotton Belt rail corridor from Dallas Parkway to Coit Road.

Section 2. That the City Manager is hereby authorized to execute the Interlocal agreement after it has been approved as to form by the City Attorney.
Section 3. That the City Controller is authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Street and Transportation Improvements Fund
Fund 3R22, Dept. PBW, Unit R561, Act. WTSF
Obj. 4111, Program #PB03R561, CT PBW03R561E1
Vendor #239588, in amount not to exceed $6,220

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, L1BS
City Attorney
WHEREAS, the North Central Texas Council of Governments (NCTCOG) issued a call for projects for the Railroad Crossing Reliability Program on August 8, 2003, to improve selected at-grade crossings throughout the Dallas-Fort Worth Metropolitan Planning Area; and,

WHEREAS, eligible project types included closures, improved gates, structural barriers, channelization, Intelligent Transportation Systems, improvements to roadway geometrics or sight lines, improved crossing surfaces, improved signs or warning devices and other capital expenses necessary to improve the safety and/or reliability of at-grade railroad crossings with all projects requiring a minimum 20 percent match; and,

WHEREAS, this project was selected for funding by NCTCOG, and in the 2003 Bond Program the citizens of Dallas approved funding for the local match with bonds sold in November, 2003 for a total amount of $401,744; and,

WHEREAS, the routine sounding of the locomotive train horn approaching street grade crossings has a negative effect on the quality of life for those persons living along the rail line and also for those persons in the larger general area; and,

WHEREAS, the Federal Railroad Administration (FRA) has recently issued its Train Horn Rule that requires trains to sound their horn within a quarter-mile of a crossing unless a Quiet Zone has been established by a public authority; and,

WHEREAS, the FRA’s Train Horn Rule requires written notification of the public authority’s Intention to create a Quiet Zone to all railroads operating over the public highway-rail grade crossings within the proposed Quiet Zone and the appropriate State agencies responsible for highway and grade crossing safety.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to provide the required Notice of Intention to establish a Quiet Zone as provided for in the FRA’s Final Train Horn Rule.

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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, L1BS
City Attorney
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Equipment & Building Services
Aviation
Convention and Event Services
Water Utilities

CMO: David O. Brown, 670-3390
Ramon F. Miguez, P.E., 670-3308

MAPSCO: ALL

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed $593,735, from $713,900 to $1,307,635 - Financing: Convention and Event Services Current Funds ($39,516), Aviation Current Funds ($56,452), Current Funds ($169,356), Water Utilities Current Funds ($328,411)

BACKGROUND

Since 2001, the City has procured electricity through the Public Power Pool (P3) Aggregation Group. P3 retained procurement consultants and charged the City $0.0048 per dollar spent for their services. On April 26, 2006, Council Resolution #06-1265 opted out of P3 and the City now procures independently. The City retains procurement experts to assist in negotiating the best deals in the market.

On September 27, 2006, Council Resolution #06-2633 authorized Parsons Brinckerhoff Americas, Inc. to procure the first independent electric procurement contract for the City. Parsons Brinckerhoff Americas, Inc. assisted in procuring a one year contract, at a market low point which ends on December 31, 2008. The contract term was only for one year to coincide with the opening of the Texas Nodal Market on January 1, 2009. The implementation of the Texas Nodal Market will change how electric transmission and distribution charges are contracted.
BACKGROUND  (Continued)

Parsons Brinckerhoff Americas, Inc. will develop a multi-year procurement strategy to respond to the new Texas Nodal Market. The contract will procure electricity starting in January 2009 for multiple years. In addition to the independent procurement services this contract will allow for automated billing and auditing of all electric invoices beginning in 2008, and provide energy management information to each Department. The information management services will result in improved FY 2008/2009 and FY 2009/2010 budget projections.

House Bill 3693 instructs the State Energy Conservation Office (SECO) to develop a program to provide regulatory flexibility for political subdivisions to achieve energy conservation of thirty percent or five percent (5%) for each year of six years. The management information system and other incorporated services will provide the City a means to improve monitoring of our energy reduction goal. These services will allow the City to better manage both our demand side (consumption) and supply side (procurement) of our energy program.

This action will authorize Parsons Brinckerhoff Americas, Inc. to implement a multi-year electric procurement effective on January 1, 2009; develop a bill auditing and automated electricity bill payments system; research other nodal markets and evaluate DWU's Time-of-Use accounts; conduct a feasibility study for future sustainable energy developments of both the transfer station waste to energy and wind power procurements; and prepare a preliminary design to evaluate accounts for ERCOT's Emergency Interruptible Loads Program.

ESTIMATED SCHEDULE OF PROJECT

Begin Consulting March 2008
Award Procurement June 2008
Complete Consulting May 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

Authorized withdrawal from P3 aggregation on April 26, 2006 by Resolution #06-1265.

Authorized a professional services contract on September 27, 2006 by Resolution #06-2633.

FISCAL INFORMATION

$169,356 - Current Funds
$328,411 - Water Utilities Current Funds
$56,452 - Aviation Current Funds
$39,516 - Convention and Event Services Current Funds
M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Parson Brinckerhoff Americas, Inc.

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<td>Other Male</td>
<td>5</td>
<td>8</td>
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<tr>
<td>White Male</td>
<td>43</td>
<td>12</td>
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</table>

OWNER

Parsons Brinckerhoff Americas, Inc.

Wayne McDaniel, Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed $593,735, from $713,900 to $1,307,635 - Financing: Convention and Event Services Current Funds ($39,516), Aviation Current Funds ($56,452), Current Funds ($169,356), Water Utilities Current Funds ($328,411)

Parsons Brinckerhoff Americas, Inc., is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th>Local contracts</th>
<th>$311,135.00</th>
<th>52.40%</th>
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</thead>
<tbody>
<tr>
<td>Non-local contracts</td>
<td>$282,600.00</td>
<td>47.60%</td>
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<td>TOTAL THIS ACTION</td>
<td>$593,735.00</td>
<td>100.00%</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>PWR Solutions, Inc.</td>
<td>IMDB35972Y1208</td>
<td>$64,500.00</td>
<td>20.73%</td>
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<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$64,500.00</td>
<td>20.73%</td>
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Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Van Brunt &amp; Associates</td>
<td>HFWB35928N1208</td>
<td>$102,000.00</td>
<td>36.09%</td>
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<tr>
<td>Total Minority - Non-local</td>
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<td>$102,000.00</td>
<td>36.09%</td>
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## TOTAL M/WBE PARTICIPATION

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<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
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<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
<td>$102,000.00</td>
<td>17.18%</td>
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<tr>
<td>Asian American</td>
<td>$64,500.00</td>
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<td>Native American</td>
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<td>0.00%</td>
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<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$166,500.00</strong></td>
<td><strong>28.04%</strong></td>
</tr>
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</table>
WHEREAS, in 1999 the State of Texas deregulated electricity and established the Texas Electric Choice Act; and,

WHEREAS, since 2001 the City procured electricity with Public Power Pool (P3) until April 26, 2006, Resolution #06-1265 when the City opted out of P3 to independently procure electricity, and,

WHEREAS, on September 27, 2006, by Resolution #06-2633 the City authorized Parsons Brinckerhoff Americas, Inc., to develop bid specifications for procuring electricity; and,

WHEREAS, Parsons Brinckerhoff Americas, Inc. has successfully negotiated two procurements and has proven they can provide qualified consulting services; and,

WHEREAS, the current City electricity contracts will end on December 31, 2008 and the City desires to have a multiple year electricity contact in place prior to December 31, 2008,

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to amend the contract with Parsons Brinckerhoff Americas, Inc. for procurement related services in accordance with the negotiated contract requirements, in a total amount not to exceed $593,735, from $713,900 to $1,307,635.

Section 2. That the City Manager is hereby authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Convention and Event Services Current Funds
Fund 0080, Department CCT, Unit 7840
Obj. 3070, Program #06DC020, CT#EBS3062CT36
Vendor #VS0000007370 in an amount not to exceed $39,516

Aviation Current Funds
Fund 0130, Department AVI, Unit 7725
Obj. 3070, Program #06DC020, CT#EBS3062CT36
Vendor #VS0000007370 in an amount not to exceed $56,452
Equipment and Building Services Current Funds  
Fund 0001, Department EBS, Unit 3062  
Obj. 3070, Program #06DC020, CT#EBS3062CT36  
Vendor #VS0000007370 in an amount not to exceed $169,356

Water Utilities Current Funds  
Fund 0100, Department DWU, Unit 7015  
Obj. 3070, Program #06SC020, CT#EBS3062CT36  
Vendor #VS0000007370 in an amount not to exceed $328,411

Total amount not to exceed $593,735

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

Distribution: Equipment and Building Services (Sheila Singleton), 6BN  
Office of Financial Services
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 53 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an NS(A) Neighborhood Service District and a resolution accepting deed restriction volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the east line of Westmoreland Road between Overcrest Street and Davis Street.

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant.

Z067-159(RB)
FILE NUMBER: Z067-159(RB)       DATE FILED: February 1, 2007

LOCATION: East Line of Westmoreland Road, between Overcrest Street and Davis Street

COUNCIL DISTRICT: 3       MAPSCO: 53 B

SIZE OF REQUEST: Approx. 26,250 Sq. Ft.       CENSUS TRACT: 68

APPLICANT: Samuel Quezada

REPRESENTATIVE: Eugenia Lemus

OWNER: SF Advance Drywall; Samuel Quezada-Sole Officer

REQUEST: An application for an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District. Additionally, deed restrictions have been volunteered to prohibit certain uses as well as address certain operational characteristics.

SUMMARY: The applicant is requesting zoning that permits development of a multi-tenant retail structure.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.
BACKGROUND INFORMATION:

• The request site consists of three platted lots, two of which are developed with residential structures.

• The applicant is proposing to develop the three lots with a multi-tenant retail structure. Replatting into one building site will be required via the platting process.

• The applicant has volunteered deed restrictions that will prohibit certain uses as well as address certain development standards to complement the adjacent single family residential uses.

Zoning History: There has been no recent zoning activity in the area relevant to this request.

PDD Summary

<table>
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<th>PDD No.</th>
<th>Permitted Uses</th>
<th>Floor Area/FAR</th>
<th>Structure Height</th>
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<td>631</td>
<td>Mixed nonres.</td>
<td>.75:1 FAR</td>
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<td>Office Subdistrict</td>
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Thoroughfare

Westmoreland Road

Existing & Proposed ROW

Principal Arterial; 100’ ROW

STAFF ANALYSIS

Comprehensive Plan

The applicant is proposing to utilize the site for a multi-tenant retail development. The two existing single family structures will be demolished to provide for this request. Additionally, the applicant has volunteered deed restrictions that will prohibit certain uses as well as provide for restricted hours of operation.

The impact of this nonresidential use on the adjacent residential area to the east is minimized by the volunteered deed restrictions. The site fronts on a thoroughfare (six lane divided) that is not conducive as a location for single family uses. For these reasons, the request is in compliance with the Urban Design Element outlined in forwardDallas!
GOAL 5.1 Promote a sense of place, safety, and walkability.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Land Use Compatibility: The request site consists of three platted lots, two of which are developed with single family structures. Both structures will be removed and all three lots will be replatted to provide for the proposed multi-tenant retail structure. In conjunction with the proposed use, the applicant has volunteered deed restrictions that restrict certain uses as well as provide for certain development standards that will ensure compatibility with the adjacent retail uses.

The immediate area surrounding the site to the north and east consists of low density residential uses developed at R-7.5(A) District standards. In addition to these residential uses, surface parking (abutting the northern property line) and an associated church use (across Overcrest Street) are developed on property abutting the northern property line.

The site fronts on a six lane divided thoroughfare. The applicant has worked with staff and community members to address certain prohibited uses and development standards that could negatively impact the adjacent residential uses. As a result, staff supports the request subject to the applicant's volunteered deed restrictions.

Traffic: The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system.

Landscaping: Minimal landscaping exists on the three lots. The request would require compliance with the nonresidential landscape requirements of Article X.

CPC ACTION

(May 17, 2007)

Motion: It was moved to recommend approval of an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District, subject to revised deed restrictions volunteered by the applicant on the east line of Westmoreland Road between Overcrest Street and Davis Street.

Maker: Emmons
Second: Ekblad
Result: Carried: 12 to 0
For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb, Miranda, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 1

Speakers: None

(December 20, 2007)

Motion: It was moved to approve an extension of the six month time period for scheduling a zoning request for City Council for an application for an NS(A) Neighborhood Service District on property zoned an R-7.5(A) single Family District on the east line of Westmoreland Road, between Overcrest Street and Davis Street.

Maker: Gary
Second: Jones-Dodd
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Against: 0
Absent: 0
Vacancy: 0

Speakers: None
Applicant’s volunteered deed restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS )
COUNTY OF DALLAS )

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, SF Advance Drywall, a Texas Corporation ("the Owner"), is the owner of the following described property ("the Property") being in particular a tract of land out of the Anson McCracken Survey, Abstract No. 868, City Block 6/4158, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the owner by Iglesia Del Cuerpo De Cristo, a California non-profit corporation, by deed dated November 3, 2005, and recorded in volume 1, Page 505, in the Deed Records of Dallas County, Texas and being more particularly described as follows:

Being all in City Block 6/4158 lots 3, 4, and 5 and containing approximately 26,250 square feet of land.

II.

The Owner does hereby impress all of the property with the following deed restrictions ("restrictions"), to wit:

a. Prohibited uses. The following uses are prohibited:

-- Commercial amusement ( inside), [Limited to billard hall].
-- Massage establishment [MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bath houses. This definition does not include licensed beauty parlors or barbershops or a place where registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician’s direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage
by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state].

Motor vehicle fueling station.

Piercing salon. [PIERCING SALON means a facility in which body piercing is performed. Body piercing means the creation of an opening in an individual body, other than in an individual's earlobe, to insert jewelry or another decoration.]

Recycling drop-off container.

Recycling drop-off container for special occasion collection.

Tattoo studio [TATTOO STUDIO means an establishment in which tattooing is performed. Tattooing means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.]

b. **Accessory uses.** Accessory uses are prohibited.

c. **Hours of operation.**

   1. Restaurant uses may only operate between 7:00 am and 10:00 pm, Monday through Thursday, and 7:00 am and 11:00 pm, Friday through Sunday.

   2. Other permitted uses may only operate between 9:00 am and 9:00 pm, Monday through Sunday.

III.

These restrictions shall continue in full force and effect for a period of (20) years from the date of execution, and shall automatically be extended for additional periods of (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.
# Notification List of Property Owners

## Z067-159(RB)(aa)

15 Property Owners Notified

<table>
<thead>
<tr>
<th>Label</th>
<th>Address</th>
<th>Owner</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>714</td>
<td>WESTMORELAND SF ADVANCE DRYWALL INC</td>
</tr>
<tr>
<td>2</td>
<td>627</td>
<td>WESTMORELAND PLAZA JV</td>
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<tr>
<td>3</td>
<td>802</td>
<td>WESTMORELAND IGLESIA DEL CUERPO</td>
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<tr>
<td>4</td>
<td>702</td>
<td>WESTMORELAND AKHTAR SYED M</td>
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<td>5</td>
<td>626</td>
<td>WESTMORELAND ASH LIZ PROPERTIES INC</td>
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<tr>
<td>6</td>
<td>614</td>
<td>WESTMORELAND JIMENEZ ANTONIA S</td>
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<tr>
<td>7</td>
<td>619</td>
<td>JESTER CAMACHO MIGUEL</td>
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<td>8</td>
<td>625</td>
<td>JESTER ALVAREZ MARY LOU &amp;</td>
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<td>9</td>
<td>703</td>
<td>JESTER WEBB LARRY M</td>
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<tr>
<td>10</td>
<td>707</td>
<td>JESTER YOUNG JUSTIN</td>
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<td>11</td>
<td>711</td>
<td>JESTER PEREZ JUANA C</td>
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<td>12</td>
<td>715</td>
<td>JESTER BONILLA CELFA ALICIA</td>
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<td>13</td>
<td>719</td>
<td>JESTER GARCIA JOSE G &amp;</td>
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<td>14</td>
<td>723</td>
<td>JESTER VALENZUELA MARYRUTH C</td>
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<td>15</td>
<td>623</td>
<td>JESTER VASQUEZ ALICIA</td>
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*Tuesday, February 27, 2007*
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
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<tbody>
<tr>
<td>Al Romero</td>
<td>PO Box 870875, Mesquite, TX 75150</td>
<td></td>
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<tr>
<td>Anthony Jones</td>
<td>PO Box 0711, Galveston, TX 77553</td>
<td></td>
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<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive, Dallas, TX 75227</td>
<td></td>
</tr>
<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospect Dr., Richardson, TX 75081</td>
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<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
<td></td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale, Dallas, TX 75238</td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton, Dallas, TX 75225</td>
<td></td>
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<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738, Dallas, TX 75208</td>
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<tr>
<td>Katie Pasucci</td>
<td>2720 N Stemmons Frwy Suite 900, Dallas, TX 75207</td>
<td></td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
<td></td>
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<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333, Dallas, TX 75206</td>
<td></td>
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<tr>
<td>Pam Conley</td>
<td>901 N Madison Avenue, Dallas, TX 75208</td>
<td></td>
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<tr>
<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
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<tr>
<td>Robert P. Garza</td>
<td>412 E. Sixth St., Dallas, TX 75203</td>
<td></td>
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<tr>
<td>Stephanie Pegues</td>
<td>1500 Marilla 5FS, Dallas, TX 75201</td>
<td></td>
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<tr>
<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
<td></td>
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<tr>
<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
<td></td>
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<tr>
<td>Virginia Brown</td>
<td>Alpha Testing, Inc, Virginia Brown</td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Arboriological Services, Inc., Dallas, TX 75240</td>
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<tr>
<td>Marque Nelson</td>
<td>Bill Seaman, 16 Steele Rd., Wylie, TX 75098</td>
<td></td>
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<tr>
<td>Axley &amp; Hargrove</td>
<td>James Schnurr, 3400 Carlisle St, #400, Dallas, TX 75204-1268</td>
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<tr>
<td>Dallas Planning Assoc</td>
<td>Cedar Vista Conservation, Chris Lomax, 6439 Dixie Garden Ln, Dallas, TX 75236</td>
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<tr>
<td>Stuart Pully</td>
<td>FW Dodge Reports, Donna McGuire, 9155 Sterling Dr, Ste 160, Dallas, TX 75063</td>
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<tr>
<td>Dallas ISD</td>
<td>Dallas ISD, Stan Armstrong, 3700 Ross Ave, Box 61, Dallas, TX 75204</td>
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<tr>
<td>Bluffview Homeowner</td>
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<tr>
<td>Pat White</td>
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<td>4714 Wildwood</td>
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<td>Jackson Walker</td>
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<td>Kiestwood Neighbors</td>
<td>Lake Highlands AIA, Terri Woods, 9603 Rocky Branch Drive, Dallas, TX 75243</td>
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<td>Neoma Shofar</td>
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<tr>
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</tbody>
</table>
MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Michaels R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefield Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkle
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tasha Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Beverly Hills NA
Barbara A Barbee
303 N Barnett Ave
Dallas, TX 75211

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Eighth Street Enterp
Ninette McDonald
521 W 8th Street
Dallas, TX 75208

Ft Worth Ave Devel Group
Joseph Hernandez
P O Box 225337
Dallas, TX 75222

Kimball United
Dwain T Haxel
P O Box 1404
Dcsoto, TX 75123

Kimball United
Dwain T Haxel
P O Box 1404
Dcsoto, TX 75123
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 74 G H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 689 on property zoned Planned Development District No. 689 and an LO-3 Limited Office District, in an area generally bounded by Willoughby Boulevard, Beckleymeade Avenue, and the I-20 Access Road

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions

Z067-326(OTH)
FILE NUMBER: Z067-326 (OTH)  DATE FILED: September 6, 2007

LOCATION: On area generally bounded by Willoughby Boulevard, Beckleymeade Avenue, the I-H20 access road.

COUNCIL DISTRICT: 8  MAPSCO: 74-G, H

SIZE OF REQUEST: Approx. 1.86 acres  CENSUS TRACT: 166.05

REPRESENTATIVE: Joe Bowers

APPLICANT: Assured Self Storage

OWNER: Don Valk

REQUEST: An application to amend and expand Planned Development District No. 689 on property zoned Planned Development District No. 689 and an LO-3 Limited Office District.

SUMMARY: The applicant is proposing to expand the existing storage facilities on property to the west.

CPC RECOMMENDATION: Approval subject to conditions, a development plan and a landscape plan.

STAFF RECOMMENDATION: Approval subject to conditions, a development plan, and a landscape plan.
BACKGROUND INFORMATION:

- The property is zoned Planned Development District No. 689 and an LO-3 Limited Office District. The property zoned LO-3 is currently undeveloped. The existing PD No. 689 is developed with a mini-warehouse.

- The applicant plans to expand his warehouse business to the west.

- The existing Planned Development District allows for mini-warehouse uses. Outside storage of rental trucks, trailers and associated equipment is explicitly prohibited. However, at the time of the site visit, the applicant had signs for truck rental and trucks parked on the parking lot. Staff contacted the applicant's representative, and was told the signs and trucks have been removed.

- **Zoning History:** There have been two recent zoning cases in the area.

1. **Z034-134** On March 24, 2004, the City Council approved a Planned Development District for a Public School use other than an open-enrollment charter school use on property zoned an R-7.5(A) Single Family District on property located on the northwest corner of the intersection of Willoughby Boulevard and IH-20

2. **Z023-265** June 23, 2004, City Council approved a Planned Development District on property zoned an LO-1 Limited Office District, LO-3 Limited Office District, a CR Community Retail District, and an RR Regional Retail District on property located on the north line of Beclleymeade Avenue, east of Willoughby Boulevard and south of the I-H20 access road.

**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willoughby Boulevard</td>
<td>Collector</td>
<td>60 ft. ROW</td>
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<tr>
<td>Beckleymeade Avenue</td>
<td>Local</td>
<td>50 ft. ROW</td>
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Land Use:

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<tr>
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<td>PD 689 &amp; LO-3</td>
<td>Mini-warehouse and undeveloped</td>
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<tr>
<td>East</td>
<td>RR</td>
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</tr>
<tr>
<td>South</td>
<td>R-7.5(A)</td>
<td>Single family, park &amp; undeveloped</td>
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<td>West</td>
<td>LO-3</td>
<td>Undeveloped</td>
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<tr>
<td>North</td>
<td>MF-2(A) &amp; CR</td>
<td>IH-20 Frontage Road</td>
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</table>

The Growth Policy Plan, updated and adopted by the City Council in November, 1990, states that medium-intensity commercial areas (0.7:1-2.0:1 FAR’s) should locate in areas that possess one of the following characteristics:

- the intersection of a freeway and major thoroughfare
- areas where intensive bus service is available
- within 600 to 2,400 feet of a DART station.

Furthermore, the site should be served by infrastructure that prohibits the need to pass through residential community areas to access the site.

The site is situated in the shadow of two interstate highways as well as fronting on a thoroughfare. Development of the site would use this infrastructure and would not necessitate disturbing the residential neighborhood to the south. As a result, the zoning request complies with the general principals required for new medium-intensity commercial areas.

Area Plan: Southwest Dallas Land Use Study, Phase 11:
The site lies within the boundary of the Southwest Dallas Land Use Study, Phase Two, adopted by the City Council in June, 1988. The study recommends retail/commercial uses for the site and adjacent areas on the north side of Beckleymeade Avenue.

Comprehensive Plan:
The vision illustration on the forwardDallas! comprehensive plan recommends that Residential Neighborhood type development be encouraged in the area south of IH-20. However, this is a bubble vision type, meaning the land uses shown on the vision
illustration are generally located and being that the property is close to two major freeways, staff believes the proposed use is appropriate.

The following goals and policies are related to the request:

**Land Use Element**

**Goal 1.1** Align land use and strategies with economic development priorities.
   - Policy 1.1.2 Focus on Southern Sector development opportunities.

**Economic Development Element:**

**Goal 2.4** Create and maintain an environment friendly to business and entrepreneurs.
   - Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**Urban Design Element:**

**Goal 5.1** Promote a sense of place, safety and walkability.
   - Policy 5.1.3 Encourage complementary building height, scale, design and character.

**Goal 5.2** Strengthen community and neighborhood identity.
   - Policy 5.2.4 Enhance retail, industrial and business operations.

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The applicant is proposing to amend and expand the existing Planned Development District No.689. The existing PD area is approximately 5.21 acres and is developed with a mini-warehouse. The applicant is adding 1.86 acres to add five storage buildings with a total of 29,900 square feet to be added.

The total area for the amended PD will be 7.02 acres. The existing mini-warehouse is 52,531 square feet of floor area of which 50,950 square feet are mini-warehouse and 1,581 square feet are for an office/caretaker's quarters. Approximately 22,850 square feet of land are utilized for RV Parking/Storage. The PD regulations allow for a maximum of 23,000 square feet maximum land area for outside storage if the main use of the property is a mini-warehouse. The outside storage area is shown in the approved site plan for the PD.
Outside storage of rental trucks, trailers and associated equipment is explicitly prohibited in conjunction with the Mini-warehouse use permitted in the PD. However, at the time of the site visit, the applicant had signs for truck rental and trucks parked on the parking lot. Staff contacted the applicant’s representative, and was told the signs and trucks have been removed.

The area south of the site is developed with single family residential separated by a city park. Beckleymeade Avenue serves as a separator for the residential development and the proposed development. Staff believes the site is more appropriate for non-residential development due to the proximity to the access road for IH-20 and IH-35.

Ideally, the most appropriate type of use for major thoroughfares is regional retail uses. However, given that the property is located in the shadows of two major interstate freeways, IH-20 and IH-35, and accessibility to the site is very limited, staff does not have objection to the requested use.

The applicant owns land on the northwest corner of Willoughby Boulevard and the IH-20 access road. He does not wish to include this property in the request for the PD.

**Development Standards:**

<table>
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<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<tr>
<td></td>
<td>DISTRICT</td>
<td>Front</td>
<td>Side/Rear</td>
<td>FAR</td>
<td></td>
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<tr>
<td>PD No. 689</td>
<td>For mini-warehouse as shown on Development Plan Other uses: 15 feet’</td>
<td>No maximum</td>
<td>For mini-warehouse as shown in Development Plan All other uses: 70 feet</td>
<td>For Mini-warehouse 20% All other uses: 80%</td>
<td>RPS</td>
<td>Mini-warehouse and RR</td>
</tr>
<tr>
<td>LO-3 Limited office – 3</td>
<td>15' 20’ adjacent to residential OTHER: No Min.</td>
<td>1.75 FAR</td>
<td>115’ 9 stories</td>
<td>80%</td>
<td>Proximity Slope U-form setback Tower spacing Visual Intrusion</td>
<td>Office, lodging – limited retail &amp; personal service uses</td>
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</tbody>
</table>

**Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested zoning change and determined the proposal will not have a significant impact on the street system.
Deed Restrictions:

The property has deed restrictions that regulate a detached non-premise sign and requirements for continued existence of such sign. A copy of the deed restrictions is included in this report. The deed restrictions will remain on the property and the applicant is aware of them.

Landscaping:

For a mini-warehouse, landscaping must be provided as shown on the landscape plan. For all other permitted uses, landscaping must be provided in accordance with Article X.

PD Conditions:

The existing PD conditions will not change, except for the property size, legal description, and new plans. A copy of the existing PD conditions is included in this report.
CPC ACTION:

December 20, 2007

Motion: It was moved to recommend approval of an amendment to and expansion of Planned Development District No. 689, subject a development plan, landscape plan and conditions on property zoned Planned Development District No. 689 and an LO-3 Limited Office District, in an area generally bounded by Willoughby Boulevard, Beckleymeade Avenue, the I-20 access road.

Maker: Jones-Dodd
Second: Weiss
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 35
Replies: For: 2 Against: 0

Speakers: For: Joe Bowers, 1420 Winding Brooks Cr., Dallas, TX, 75208 Against: None
Officers
Assured Self Storage

Don Valk    Sole Proprietor
ARTICLE 689.

PD 689.

SEC. 51P-689.101. LEGISLATIVE HISTORY.

PD 689 was established by Ordinance No. 25642, passed by the Dallas City Council on June 23, 2004. (Ord. 25642)

SEC. 51P-689.102. PROPERTY LOCATION AND SIZE.

PD 689 is established on property located on Beckleymeade Avenue, east of Willoughby Boulevard. The size of PD 689 is approximately 5.21 acres. (Ord. 25642)

SEC. 51P-689.103. DEFINITIONS AND INTERPRETATIONS.

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

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

(c) This district is considered to be a nonresidential zoning district. (Ord. 25642)

SEC. 51P-689.104. DEVELOPMENT PLAN.

(a) For a mini-warehouse, development and use of the Property must comply with the development plan (Exhibit 689A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control. (Ord. 25642)

(b) For all other permitted uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 25642)

SEC. 51P-689.105. MAIN USES PERMITTED.

(a) Mini-warehouse. (Outside storage of rental trucks, trailers, and associated equipment is prohibited in conjunction with this use.)

(b) The uses permitted in this district are the same as those uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in the Dallas Development Code. For example, a use permitted in the RR Regional Retail District only by specific use permit (SUP) is permitted in this PD only by SUP, a use subject to development impact review (DIR) in the RR Regional Retail District is subject to DIR in this PD, etc. (Ord. 25642)
(c) **Density.** No maximum dwelling unit density.

(d) **Floor area ratio.** Except for a mini-warehouse, maximum floor area ratio is as follows:

1. 0.5 for office uses; and
2. 1.5 for all uses combined.

(e) **Floor area.** For a mini-warehouse, maximum floor area is 50,950 square feet. For that portion of the mini-warehouse used as an office or caretaker’s quarters, maximum floor area is 1,581 square feet.

(f) **Height.**

1. **Maximum height.**

   (A) For a mini-warehouse, maximum structure height is as shown on the development plan.

   (B) Unless further restricted under Paragraph (2) of this subsection, maximum structure height for other permitted uses is 70 feet.

(2) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope. **Exception:** Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(g) **Lot coverage.**

1. For a mini-warehouse, maximum lot coverage is 22 percent.

2. For all other permitted uses, maximum lot coverage is 80 percent.

3. Surface parking lots and underground parking structures are not included in lot coverage calculations.

(h) **Lot size.** No minimum lot size.

(i) **Stories.**

1. For a mini-warehouse, maximum number of stories is one.

2. For all other permitted uses, maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations of this article. (Ord 25642)
SEC. 51P-689.108. OFF-STREET PARKING AND LOADING.

(a) For a mini-warehouse, a minimum of 28 spaces are required, and must be located as shown on the development plan.

(b) For all other permitted uses, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use. (Ord. 25642)

SEC. 51P-689.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25642)

SEC. 51P-689.110. LANDSCAPING.

(a) For a mini-warehouse, landscaping must be provided as shown on the landscape plan (Exhibit 689B).

(b) For all other permitted uses, landscaping must be provided in accordance with Article X.

(c) All plant materials must be maintained in a healthy, growing condition. (Ord. 25642)

SEC. 51P-689.111. OUTSIDE STORAGE AREA

(a) For a mini-warehouse use, maximum land area for outside storage is 23,000 square feet and located as shown on the development plan.

(b) Maximum height permitted for items stored in the outside storage area is eight feet. (Ord. 25642)

SEC. 51P-689.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 25642)

SEC. 51P-689.113. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 25642)

SEC. 51P-689.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
(b) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 25642)

SEC. 51P-689.115. ZONING MAP.

PD 689 is located on Zoning Map No. Q-6. (Ord. 25642)
EXISTING DEED RESTRICTIONS

STATE OF TEXAS  //  KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS  //

THAT, CENTEX INVESTMENTS, INC., TRUSTEE, being the owner of the
three tracts of land situated in the John E. Tucker Survey, Abstract
1469 of City Block 7373, City of Dallas, Dallas County, Texas, said
three tracts being all of a 13.036 acre tract of land conveyed to
Centex Investments, Inc., Trustee, from Lyons Realty Company, Inc.,
Trustee, as recorded on November 9, 1984 in Volume 84221, Page 1409 of
the Deed Records of Dallas County, said tract being more particularly
described as shown on Exhibit "A" attached hereto and made a part
hereof.

That Tract 3 as shown in Exhibit "A" consists of approximately
4.344 acres, and as of January 31, 1987, is zoned "Light Commercial.

That the undersigned does hereby impress the property described
as Tract 3 in Exhibit "A," hereinafter referred to as "THE PROPERTY,"
with the following deed restrictions. For the purposes of these
restrictions, all definitions of the Dallas Development Code, as
amended, apply and are incorporated into this document as if recited
verbatim herein.

1. No more than one non-premise sign is permitted on THE
PROPERTY.

2. Any non-premise sign erected on THE PROPERTY must be removed
prior to the issuance of any building permit for a development or
phase of development involving more than 200,000 total square feet
of floor area.

3. Until the non-premise sign is removed, the owner of
THE PROPERTY shall provide the building official with a computation
of the total square feet of floor area existing at the time
application is made for building permits on THE PROPERTY.

These restrictions shall not be altered, amended or terminated
without a public hearing before the City Plan Commission and the City
Council of the City of Dallas. Notice of such public hearings shall
be given as would be required by law for a zoning change on THE
PROPERTY described herein.

The restrictions contained herein are not in any manner intended
to restrict the right of the City Council of the City of Dallas to
exercise its legislative duties and powers insofar as zoning of THE
PROPERTY is concerned.

These restrictions inure to the benefit of the City of Dallas,
and the undersigned owner hereof does hereby grant to the City of
Dallas the right to prosecute, at law and in equity, against the
person violating or attempting to violate such restrictions, either
to prevent him from doing or to correct such violation and for
further remedy, the City of Dallas may withhold the certificate of
occupancy necessary for the lawful use of THE PROPERTY until such
restrictions described herein are fully complied with.
**Notification List of Property Owners**

**Z067-326(OTH)(CS)**

35 Property Owners Notified

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*Tuesday, November 06, 2007*
## Early Notification List

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<th>Address 2</th>
<th>City</th>
<th>Zip</th>
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<td>PO Box 870875</td>
<td>Mesquite, TX 75150</td>
<td></td>
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<tr>
<td>Anthony Jones</td>
<td>PO Box 0711</td>
<td>Galveston, TX 77553</td>
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<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive</td>
<td>Dallas, TX 75227</td>
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<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000</td>
<td>Dallas, TX 75202</td>
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<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr.</td>
<td>Richardson, TX 75081</td>
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<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8</td>
<td>Dallas, TX 75205</td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale</td>
<td>Dallas, TX 75238</td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton</td>
<td>Dallas, TX 75225</td>
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<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738</td>
<td>Dallas, TX 75208</td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200</td>
<td>Dallas, TX 75248</td>
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<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333</td>
<td>Dallas, TX 75206</td>
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<td>Pam Conley</td>
<td>901 N Madison Avenue</td>
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<td>Rob Baldwin</td>
<td>401 Exposition</td>
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<td>Robert P. Garza</td>
<td>412 E. Sixth St.</td>
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<td>Mindy Owen</td>
<td>1500 Marilla 5FS</td>
<td>Dallas, TX 75201</td>
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<tr>
<td>Steve Craft</td>
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<td>Dallas, TX 75354</td>
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<tr>
<td>Steve Kim</td>
<td>4318 Sexton Ln.</td>
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<tr>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown</td>
<td>2209 Wisconsin St, Ste 100</td>
<td>Dallas, TX 75229</td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson</td>
<td>14881 Quorum Dr #400</td>
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<tr>
<td>Arborological Services, Inc.</td>
<td>Bill Seaman</td>
<td>16 Steel Rd.</td>
<td>Wylie, TX 75098</td>
<td></td>
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<tr>
<td>Bluffview Homeowner</td>
<td>Pat White</td>
<td>4714 Wildwood</td>
<td>Dallas, TX 75209</td>
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<tr>
<td>Cedar Vista Conservation</td>
<td>Chris Lomax</td>
<td>6430 Dixie Garden Ln</td>
<td>Dallas, TX 75236</td>
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<td>Stan Armstrong</td>
<td>3700 Ross Ave, Box 61</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully</td>
<td>P O Box 781609</td>
<td>Dallas, TX 75378</td>
<td></td>
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</tbody>
</table>
SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1601 for commercial amusement (inside) limited to a Class A Dance Hall on property zoned a CS Commercial Service District, on the west corner of East Grand Avenue and St. Mary Avenue. Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions Z078-111(JH)
FILE NUMBER: Z078-111(JH)  DATE FILED: October 26, 2007

LOCATION: West corner of East Grand Avenue and St. Mary Avenue

COUNCIL DISTRICT: 2  MAPSCO: 46G & 46H

SIZE OF REQUEST: 21,000 square feet  CENSUS TRACT: 25

OWNER: Tamex Investments Inc.
(See attached list of directors)

APPLICANT/REPRESENTATIVE: Jaime Tamayo

REQUEST: An application to renew Specific Use Permit No. 1601 for a commercial amusement (inside) limited to a Class A Dance Hall on property zoned a CS Commercial Service District.

SUMMARY: The applicant is proposing to continue use of an existing structure on the property for a banquet hall and ballroom.

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 property is currently two platted lots that are developed with an existing structure.

- The applicant is proposing to continue to utilize a portion of the existing structure for a 17,200 square foot ballroom/banquet facility with two 400 square foot dance floors.

- The proposed use requires a total of 196 parking spaces. Although no parking spaces exist on site, the applicant has provided parking agreements with adjacent properties to provide 200 parking spaces for the proposed use.

Zoning History: There have been two zoning change requests in the area:

1. Z045-305 On Wednesday, January 11, 2006 the City Council approved an SUP for a Commercial Amusement (inside) use limited to a Class A Dance Hall for a two-year period, located at the west corner of East Grand Avenue and St. Mary Avenue (request site).

2. Z012-306 On November 1, 2002, Specific Use Permit No. 1397 was automatically renewed for a commercial bus station and terminal use for a five-year period with eligibility for automatic renewals of additional five year periods, at the north corner of East Grand Avenue and St. Mary Avenue.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<td>St. Mary Avenue</td>
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**Land Use:**

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<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tr>
<td>Northwest</td>
<td>CS</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Northeast</td>
<td>D(A)</td>
<td>Single family residential</td>
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<tr>
<td>Northeast</td>
<td>CS with SUP No. 1397*</td>
<td>Parking lot (SUP for commercial bus terminal)</td>
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<tr>
<td>Southeast</td>
<td>IM</td>
<td>Commercial and industrial</td>
</tr>
<tr>
<td>Southwest</td>
<td>CS</td>
<td>Restaurant and auto-related uses</td>
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</table>

*Expired on November 1, 2007

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the forwardDallas! Vision Illustration is comprised of a series of Building Blocks that shows general land use patterns. They are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The request site lies within a Residential Building Block; however, the request site is located on a thoroughfare that is developed with retail, service, and industrial uses. The commercial amusement use is in conjunction with a banquet and restaurant use and could be used by the local residents. The SUP conditions have a short time frame to ensure frequent checks that the use is compatible with the adjacent residential uses.

**Land Use Compatibility:**

The request site is located on the west corner of East Grand Avenue and St. Mary Avenue, and the property is zoned a CS Commercial Service District. The request site is immediately adjoined by CS Commercial Service District zoning along the northwestern side of East Grand Avenue and is developed with restaurant, parking and auto-related uses. Property across East Grand Avenue is zoned an IM Industrial Manufacturing District and is developed with commercial uses. Property adjoining the request site to the northwest is zoned a D(A) Duplex District and is developed with single family uses.

The applicant is proposing to continue to utilize the existing structure on the property as a ballroom facility for receptions, banquets and similar events. The proposed uses consist of 2 ballrooms, each with a 400 square foot dance floor, and a total floor area of 17,200 square feet.
Given the proximity of the commercial uses along the East Grand Avenue corridor and the proximity of RL Thornton Freeway, the proposed use is compatible with this corridor. However, property to the northwest of the site is developed with residential uses. Staff’s primary concern with the original SUP request was to ensure that the proposed use will not negatively impact these existing residences. The SUP conditions were approved by Council to allow for a Class A Dance Hall for this location, which could operate 3 or more days per week, and the hours of operation of 9:00 a.m. and 9:00 p.m. Monday through Thursday, 9:00 a.m. and 2:00 a.m. Friday and Saturday, and 12:00 p.m. and 2:00 a.m. on Sunday.

The general provisions for a Specific Use Permit in Section 51P-193.111 of the Dallas Development Code specifically state: (1) The SUP requirement for an SUP in a subdistrict does not constitute an authorization or an assurance that the use will be permitted. 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. (2) 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 the 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.

**Development Standards:**

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<th>DISTRICT</th>
<th>SETBACKS</th>
<th>FAR</th>
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<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<td>CS</td>
<td>15’ Front</td>
<td>0’ 0’</td>
<td>0.75 FAR overall</td>
<td>45’</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Commercial &amp; business service, supporting retail &amp; personal service &amp; office</td>
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<td></td>
<td>20’ Side/Rear</td>
<td>on minor</td>
<td>0.5 office/ lodging/ retail combined</td>
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<td>80%</td>
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**Landscaping:** The applicant is not proposing any increases to the existing building height, floor area ratio, or nonpermeable coverage on the lot as a part of this requested SUP. As a result, the landscaping requirements of Article X of the Dallas Development Code are not triggered.

**Parking:** The Dallas Development Code requires one space for each 100 square feet of floor area exclusive of dance floor area, and one space for each 25 square feet of dance floor. Given the proposed 800 square feet of floor area and an additional 16,400 square feet of floor area, 196 parking spaces are required. The applicant has provided parking agreements which indicate a total of 200 parking spaces for the proposed use.

**Police Report:**

The Dallas Police Department list of the open record report of offenses associated with the request site’s address is provided later in this report.
CPC Minutes:

January 10, 2008

Motion: It was moved to recommend approval to renew Specific Use Permit No. 1601 for a commercial amusement (inside) limited to a Class A Dance Hall for a two-year period, subject to a site plan and conditions on property zoned CS Commercial Service District, on the west corner of East Grand Avenue and St. Mary Avenue.

Maker: Strater
Second: Prothro
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons*, Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 13
Replies: For: 2 Against: 0

Speakers: None
Tamex Investments Inc

List of Directors

ARTICLE SIX

The street address of the Corporation's initial Registered Office and the name of the Corporation's Registered Agent at this address is as follows:

Jaime Tamayo
13010 Mitchwin
Dallas, Texas 75234

ARTICLE SEVEN

The number of initial Directors is one (1). The name and address of the initial Director is:

Jaime Tamayo
Dallas, Texas

ARTICLE EIGHT

The name of the incorporator is:

Mr. Jack Isaminger
6211 W. Northwest Hwy.
Dallas, Texas 75225

In witness whereof, I have hereunto set my hand this 22nd day of May, 1993.

[Signature]
Mr. Jack Isaminger, Incorporator

ARTICLES OF INCORPORATION
Tamex Investments, Inc.

Page Two
DPD Report for 5115 E. Grand Avenue

OPEN RECORDS REQUEST 2007 - 8275
5115 E GRAND AVENUE
PART I OFFENSES

YEAR 2004

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<th>OFFENSE</th>
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<td>8/31/2004</td>
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<td>UUMV</td>
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YEAR 2007

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<td>AGG ASSAULT</td>
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<td>AGG ASSAULT</td>
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<td>5115 EAST GRAND AVENUE</td>
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</table>
CPC Recommended
Specific Use Permit Conditions

1. **USE:** The only use authorized by this specific use permit is a Commercial Amusement (Inside) limited to a Class A Dance Hall.

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

3. **TIME LIMIT:** This specific use permit is approved for a two-year period.

4. **HOURS OF OPERATION:** The dance hall use may only operate between the hours of 9:00 a.m. and 9:00 p.m. Monday through Thursday, 9:00 a.m. and 2:00 a.m. Friday and Saturday, and 12:00 p.m. and 2:00 a.m. on Sunday. The dance hall use may not operate with a late hours permit.

5. **FLOOR AREA:** The maximum floor area of the dance floors combined is 800 square feet. The maximum square footage for the Commercial Amusement (Inside) Use including dance floors is 17,200 square feet.

6. **PARKING:** For a commercial amusement inside use limited to a dance hall with 800 square feet of dance floor and 16,400 of remaining floor area, a minimum of 196 parking spaces are required.

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

8. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
# Notification List of Property Owners

**Z078-111(JH)(CS)**

13 Property Owners Notified

<table>
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<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<td>O 1</td>
<td>5206 PHILIP</td>
<td>TAMEX INVESTMENTS INC</td>
</tr>
<tr>
<td>2</td>
<td>5019 EAST GRAND</td>
<td>VILLANUEVA ROBERTO &amp;</td>
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<tr>
<td>3</td>
<td>5106 PHILIP</td>
<td>WILSON LATINA D</td>
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<tr>
<td>4</td>
<td>5018 PHILIP</td>
<td>ANDRADE GERARDO &amp; MARIA G</td>
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<tr>
<td>5</td>
<td>5217 EAST GRAND</td>
<td>CASTELAN JOSE MANUEL &amp;</td>
</tr>
<tr>
<td>6</td>
<td>5002 EAST GRAND</td>
<td>CASTILLO GRAND PLAZA LLC</td>
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<td>7</td>
<td>5200 EAST GRAND</td>
<td>CITY WAREHOUSE LP</td>
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<td>5118 PHILIP</td>
<td>COBB GEORGE W JR</td>
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<tr>
<td>O 9</td>
<td>5107 EAST GRAND</td>
<td>EAST GRAND AVE BAZAAR</td>
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<tr>
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<td>5022 PHILIP</td>
<td>ESPARZA LORENZO &amp;</td>
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<tr>
<td>11</td>
<td>5114 PHILIP</td>
<td>ESTRELLA RAYMOND C</td>
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<td>12</td>
<td>5102 PHILIP</td>
<td>HOGG WILL</td>
</tr>
<tr>
<td>13</td>
<td>5110 PHILIP</td>
<td>OLIVA ANTONIO</td>
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Wednesday, December 05, 2007
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<th>Early Notification List</th>
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<tr>
<td><strong>Al Romero</strong></td>
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<tr>
<td>PO Box 870875</td>
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<tr>
<td>Mesquite, TX 75150</td>
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<tr>
<td></td>
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<tr>
<td><strong>Anthony Jones</strong></td>
</tr>
<tr>
<td>PO Box 0711</td>
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<tr>
<td>Galveston, TX 77553</td>
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<tr>
<td><strong>Betty Wadkins</strong></td>
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<tr>
<td>2843 Modesto Drive</td>
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<td><strong>Bill Dahlstrom</strong></td>
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<tr>
<td><strong>Cindy Harris</strong></td>
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<tr>
<td>4310 Buena Vista #8</td>
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<tr>
<td><strong>Clarence F Cope</strong></td>
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<td><strong>Jane Guerrini</strong></td>
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<tr>
<td><strong>Jeff Bosse</strong></td>
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<tr>
<td><strong>Leanne Witek</strong></td>
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<tr>
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<tr>
<td><strong>Marcus Wood</strong></td>
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<tr>
<td><strong>Pam Conley</strong></td>
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<tr>
<td><strong>Steve Craft</strong></td>
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<tr>
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<tr>
<td><strong>FW Dodge Reports</strong></td>
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<tr>
<td>Donna McGuire</td>
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<td><strong>INCAP Fund</strong></td>
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Master Plan
J Kimbrough
900 Jackson St
Dallas, TX 75202

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Jeri Arbuckle
4800 Victor St.
Dallas, TX 75246

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Buckner Terrace HOA
Frances James
4322 St. Francis Ave.
Dallas, TX 75227

Hollywood Santa Monica NA
Santos T. Martinez
1111 Cordova
Dallas, TX 75223

Mill Creek HOA
Jo Blount
4834 Worth Street
Dallas, TX 75246

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

N Pk Lovefield Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Karen Roberts
502 Cameron Ave
Dallas, TX 75223

Bryan Place NA
Sonali Patnaik
928 Pavilion St
Dallas, TX 75204

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

Munger Place Historic Dist Assoc
President
PO Box 140524
Dallas, TX 75214

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Oak Cliff Chamber
Joe Burklee
545 Lacewood Drive
Dallas, TX 75224

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

Gabriel Camacho
11002 Creekmere
Dallas, TX 75218

Leslie Brosi
3030 McKinney Ave. #205
Dallas, TX 75204

ENZ078-111

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Crime Watch VIP
Sandra Graham
4203 Junius St.
Dallas, TX 75246

Lower Greenville Assoc
Chuck Cole
5820 Penrose Ave
Dallas, TX 75206
<table>
<thead>
<tr>
<th>Old E Dallas Renaissance</th>
<th>OLPH Church</th>
<th>Orion Real Estate Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rick Leggio</td>
<td>Fe. Salvador Guzman</td>
<td>Bill Lamm</td>
</tr>
<tr>
<td>4503 Reiger Avenue</td>
<td>7617 Cortland Ave.</td>
<td>PO Box 540021</td>
</tr>
<tr>
<td>Dallas, TX 75246</td>
<td>Dallas, TX 75235</td>
<td>Dallas, TX 75354</td>
</tr>
<tr>
<td>Peak's Addition HA</td>
<td>Southern Hill Home Owner</td>
<td>Swiss Ave Hist Dist Assn</td>
</tr>
<tr>
<td>J.W. Brasher</td>
<td>Darcy Walker</td>
<td>V. McAlester/D. Savage</td>
</tr>
<tr>
<td>4811 Swiss Ave</td>
<td>630 Plank Wood Dr.</td>
<td>5703 Swiss Avenue</td>
</tr>
<tr>
<td>Dallas, TX 75204</td>
<td>Dallas, TX 75224</td>
<td>Dallas, TX 75214</td>
</tr>
<tr>
<td>Urban Pioneers</td>
<td>EDCS</td>
<td></td>
</tr>
<tr>
<td>Marian Gibson</td>
<td>Tony Egan</td>
<td></td>
</tr>
<tr>
<td>4940 Worth Street</td>
<td>924 Wayne</td>
<td></td>
</tr>
<tr>
<td>Dallas, TX 75214</td>
<td>Dallas, TX 75223</td>
<td></td>
</tr>
</tbody>
</table>

ENZ078-111
A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within Subdistrict E of Planned Development District No. 305 for mixed uses, on the northeast side of Haskell Avenue and the northwest side of Capitol Avenue. Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions.

Z078-112(WE)
HONORABLE MAYOR AND CITY COUNCIL  

WEDNESDAY, FEBRUARY 13, 2008

FILE NUMBER: Z078-112(WE)  
DATE FILED: October 30, 2007

LOCATION: Northeast side of Haskell Avenue and the northwest side of Capitol Avenue

COUNCIL DISTRICT: 2  
MAPSCO: 35 - Y & Z; 45 - C & D

SIZE OF REQUEST: Approx. 9.9313 acres  
CENSUS TRACT: 8.00

APPLICANT: Inland American Communities Acquisitions, LLC

OWNER: Knights on Stemmons Freeway, LLC

REPRESENTATIVE: Jackson Walker, LLP

REQUEST: An application to create a new subdistrict within Subdistrict E of Planned Development District No. 305 for mixed uses.

SUMMARY: The purpose of this request is to allow for the construction of a mixed use development that consists of commercial, office and multifamily uses. The proposed development will consist of approximately 700 dwelling units and have approximately 90,000 square feet of ground retail and commercial uses.

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

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions
BACKGROUND INFORMATION:

- The applicant’s request is to create a new subdistrict within Planned Development District No. 305, Subdistrict E to allow for the construction of a mixed use development. The redevelopment of the site will allow for the development of approximately 700 multifamily units and approximately 90,000 square feet of ground level commercial and retail uses.

- The applicant is also requesting to terminate the existing development plan (Lowe Theatre) that will allow for the construction of the proposed mixed use development. In addition, the proposed development is intended to meet the original vision of Planned Development District No. 305 to create a pedestrian and transit oriented development that has an urban ambience.

- The applicant will use the exiting ingress and egress points on Haskell Avenue, Capitol Avenue and Peak Street. There are a total of 4 access points to and from the request site.

Zoning History: There has been one recent zoning change request in the area.

1. Z034-254 On Wednesday, August 25, 2004, the City Council approved a Planned Development District for a public school other than an open-enrollment charter school and MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District with an H/76 Historic Overlay District No. 76 bounded by Belmont Avenue, Carroll Avenue, Capitol Avenue and Peak Street.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haskell Avenue</td>
<td>Principal Arterial</td>
<td>150 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Capitol Avenue</td>
<td>Local</td>
<td>55 ft.</td>
<td>55 ft.</td>
</tr>
<tr>
<td>Peak Street</td>
<td>Local</td>
<td>52.5 ft.</td>
<td>52.5 ft.</td>
</tr>
</tbody>
</table>
Land Use:

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDD No. 305, Subdistrict E</td>
<td>Theatre</td>
<td></td>
</tr>
<tr>
<td>PDD No. 305, Subdistrict E</td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>PDD No. 277, PDD No. 305, Subdistrict E, with SUP No. 1350 on portion</td>
<td>School for the Blind, Mini-warehouses, Restaurant, Bank</td>
<td></td>
</tr>
<tr>
<td>PDD No. 698, Subdistrict E</td>
<td>DISD School</td>
<td></td>
</tr>
<tr>
<td>PDD No. 183, City Place</td>
<td>Office</td>
<td></td>
</tr>
</tbody>
</table>

Comprehensive Plan: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies that support the applicant’s request for a mixed use development. The continuation of the zoning that permits a variety of commercial and multifamily uses within the area are in compliance with the Land Use, Economic, Housing and Urban Design Elements that are outlined in *fowardDallas!*

The following Elements support a mixed uses transit-oriented development that will permit a higher density near a DART station. In addition, the proposed development will create additional housing opportunities near the downtown area and will be developed closer to the streets edge to form a sense of a pedestrian ambiance.

Land Use

**Goal 1.1** Align land use strategies with economic development priorities

Policy 1.1.4 Capitalize on transit oriented development opportunities

**Goal 1.3** Provide equitable opportunities for Dallas residents

Policy 1.3.1 Create housing opportunities throughout Dallas

Economic

**Goal 2.2** Engage in strategic economic development

Policy 2.2.2 Maximize development opportunities around DART stations.

Housing

**Goal 3.2** Answer the need for Housing options

Policy 3.2.2 Encourage higher density housing within a quarter-mile of DART stations
Urban Design

Goal 5.1 Promote a sense of place, safety and workability

Policy 5.1.1 Promote pedestrian-friendly streetscapes

STAFF ANALYSIS:

Land Use Compatibility: The 9.9313 acre site fronts on several streets and is developed with an existing theatre. The request site is adjacent to several office, retail and institutional uses and is within 1/8 of a mile from an existing DART rail line. The applicant is requesting to create a new subdistrict within Planned Development District No. 305 that will permit the construction of a mixed use development. The proposed development will consist of approximately 700 multifamily units and approximately 90,000 square feet of ground level commercial and retail uses. In addition, the applicant is also requesting to terminate the existing development plan that shows the theatre development.

The applicant’s intention is to redevelop the site similar to the West Village development that is located on the west side of Central Expressway, on McKinney Avenue, between Lemmon Avenue and Blackburn Street. The proposed development will have an internal circulation to the various ground floor retail and commercial uses. In addition, the proposed retail and commercial uses will be oriented towards Haskell Avenue, with the multifamily component being oriented internally within the development. The multifamily uses will wrap around a parking structure that will be developed near Peak Street and Capitol Avenue.

The proposed mixed use development is anticipated to change the dynamics of the East Mixed Use Zone by meeting the original intent and vision of Planned Development District No. 305 in creating a pedestrian and transit-oriented development that has an urban ambience. The West Mixed Uses zone, by comparison, is achieving a mixed use development at transit appropriate densities while the East Mixed Use Zone has been developed with single uses, large surface parking areas and a few office and residential units.

The current development standards and regulations for the East Mixed Use Zone are the same as those uses permitted in Mixed Use District. The applicant’s representative and staff have agreed to the development standards proposed for the new subdistrict. These standards were agreed upon in order to promote a balance between the residential and commercial/retail uses. The minor modifications to the yard, lot and space regulations were made to allow for the proposed development to have an urban feel and are reflected in the following chart. A chart will compare the minor differences between the existing MU-3 Mixed Use yard, lot and space regulations and the proposed yard, lot and space regulations which are the basis for the current subdistrict.
Yard, Lot and Space Regulations

<table>
<thead>
<tr>
<th>Existing MU-3 development standards</th>
<th>Proposed development standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setbacks</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Urban Form setback</td>
<td>Add’l 20 ft. for portion of structure above 45 ft.</td>
</tr>
<tr>
<td>Side and rear yard setbacks</td>
<td>20 ft. where adjacent to or directly across an alley from residential districts</td>
</tr>
<tr>
<td></td>
<td>Other: no minimum</td>
</tr>
<tr>
<td>Residential FAR</td>
<td>1.5</td>
</tr>
<tr>
<td>Non-Residential FAR</td>
<td>2.5</td>
</tr>
<tr>
<td>Height</td>
<td>270 ft.</td>
</tr>
<tr>
<td>Lot coverage</td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>15 ft. on Haskell Avenue</td>
</tr>
<tr>
<td></td>
<td>10 ft. on Peak Street, Capitol Avenue</td>
</tr>
<tr>
<td></td>
<td>10 ft.</td>
</tr>
<tr>
<td></td>
<td>1.75</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>135 ft.</td>
</tr>
<tr>
<td></td>
<td>85%</td>
</tr>
</tbody>
</table>

The remaining development standards and regulations that are stipulated in the Planned Development conditions will not change. As the chart reveals, the changes reflect a minor increase in the following areas: residential floor area ratio and lot coverage. The setbacks along Peak Street and Capitol Avenue will be reduced from 15 feet to 10 feet. In addition, the residential proximately slope (RPS) will not become an issue along Peak Street because the underlying zoning district for Planned Development District No. 698 is a Multifamily District. The RPS terminates at a horizontal distance of 50 feet from the site of origination when the proposed development is adjacent to a Multifamily District.

The request to create a new subdistrict within Planned Development District No. 305 for mixed uses is consistent with the goals and policies in the forwardDallas! Plan and is compatible with the overall development in the area.

Development Standards:

<table>
<thead>
<tr>
<th>DISTRICT – PDD No. 305</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdistrict E - Existing Mixed Use</td>
<td>15'</td>
<td>20' adjacent to residential OTHER: No Min.</td>
<td>2.5 FAR Non-residential 1.5 FAR residential</td>
<td>270' 20 stories</td>
<td>80%</td>
<td>Proximity Slope  U-form setback Tower spacing Visual Intrusion</td>
</tr>
<tr>
<td>New Subdistrict Proposed Mixed Use</td>
<td>15'</td>
<td>10'</td>
<td>2.0 FAR Non-residential 1.75 FAR residential</td>
<td>135</td>
<td>85%</td>
<td>Proximity Slope  U-form setback Tower spacing Visual Intrusion</td>
</tr>
</tbody>
</table>

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.
CPC Action (December 20, 2007)

Motion: It was moved to recommended approval of the creation of a new subdistrict within Subdistrict E of Planned Development District No. 305 for mixed uses, subject to a revised conceptual plan and conditions on the northeast side of Haskell Avenue and the northwest side of Capitol Avenue.

Maker: Strater
Second: Wolfish
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0
Conflict: 1 - Lueder

Notices: Area: 500 Mailed: 32
Replies: For: 3 Against: 0

Speakers: For: Myron Dornic, 5026 Maple Ave., Dallas, TX, 75235
Against: Andrew Astmann, 4523 Belmont Ave., Dallas, TX, 75204
LIST OF OFFICERS
KNIGHTS ON STEMMONS FREEWAY, LLC

- Steven R. Utley  President and Chief Executive Officer
- Robert K. Utely, III  Chairman
- John R. Allums  Executive Vice President
- Travis Roberts  Executive Vice President
- Sherman Wyman  Executive Vice President

LIST OF OFFICERS
INLAND AMERICAN COMMUNITIES ACQUISITIONS, LLC

- Don Farris (Sole proprietor)  Managing Member
SEC. 51P-305.106. CREATION OF SEPARATE ZONES, SUBZONES, SUBDISTRICTS, AND SUBAREAS.

(a) In general. This district is divided into a series of separate zones, subzones, subdistricts, and subareas as described in this section. The boundaries of all zones, subzones, subdistricts, and subareas are shown on the map comprising Exhibit 305A.

(b) Zones. The largest subdivided areas in this district are the "zones." There are two zones: the West Zone and the East Zone (consisting of Tracts A and B, respectively, as described in Exhibit A of Ordinance Nos. 24896 and 24830, respectively).

(c) Subzones.

(1) The West Zone is divided into two "subzones": the West Residential Subzone and the West Mixed Use Subzone.

(2) The East Zone is divided into two "subzones": the East Residential Subzone and the East Mixed Use Subzone.

(d) Subdistricts.

(1) The West Residential Subzone is divided into three subdistricts: A, B, and B1.

(2) The West Mixed Use Subzone is divided into two subdistricts: C and D.

(3) The East Residential Subzone is divided into two subdistricts: I and J.


(e) Subareas.

(1) Subdistrict D is divided into five subareas: Subareas D-1, D-2, D-3, D-4, and D-5.

(2) Subdistrict J is divided into three subareas: Subareas J-1, J-2, and J-3.

(3) Subdistrict C contains one subarea: Subarea C-1. (Ord. Nos. 23905; 24826; 24830; 24896; 26078)
SEC. 51P-305.107. USE REGULATIONS.

(a) Residential subzones.

   (1) West Residential Subzone. Except as otherwise provided in Paragraph (3), the main uses allowed in the West Residential Subzone are the same as those allowed in the MF-2 Subdistrict of PD 193.

   (2) East Residential Subzone.

       (A) Except as otherwise provided in Subparagraph (B) and Paragraph (3), the main uses allowed in Subdistrict I of the East Residential Subzone are the same as those allowed in the MF-3(A) Multifamily District, and the main uses permitted in Subdistrict J of the East Residential Subzone are the same as those allowed in the MF-2(A) Multifamily District.

       (B) The following uses are prohibited in the East Residential Subzone:

           -- Accessory private stable.
           -- Cemetery or mausoleum.
           -- College dormitory, fraternity, or sorority house.
           -- Commercial parking lot or garage.
           -- Country club with private membership.
           -- Crop production.
           -- Foster home.
           -- Group residential facility.
           -- Hospital.

   (3) Uses permitted by right. Notwithstanding Paragraphs (1) and (2), the following main and accessory uses are permitted by right in the West and East Residential Subzones:

       -- Institution for special education (including the school for the visually impaired located on Office Parkway).
       -- Public or private school.
       -- Public park, playground, or golf course.
       -- Retirement housing.
       -- Private street or alley. [Must be shown on an approved development plan and comply with city design specifications.]
(b) Mixed use subzones.

(1) In general.

(A) Except as otherwise provided in this subsection, the main uses allowed in the West and East Mixed Use Subzones are the same as those allowed in the city's MU-3 Mixed Use District.

(B) Except as otherwise provided in this paragraph, the following main uses are prohibited in the West and East Mixed Use Subzones:

-- Cemetery or mausoleum.
-- Except in Subdistrict D, commercial parking lot or garage. [The commercial parking lot or garage use is permitted in Subdistrict D, subject to the same conditions applicable in the MU-3 Mixed Use District.]
-- Crop production.
-- Foster home.
-- Group residential facility.
-- Heliport.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Pawn shop.
-- Swap or buy shop.
-- Tool or equipment rental.

(C) Notwithstanding Subparagraphs (A) and (B), the following main uses are permitted by right in the West and East Mixed Use Subzones:

-- Institution for special education.
-- Job or lithographic printing.
-- Public park, playground, or golf course.
-- Required parking for PD 183.
-- In Subdistrict D, required parking for PD 375.
-- Outside commercial amusement.
-- Mechanical plant.

(2) Provisions of special applicability.

(A) In the West Mixed Use Subzone, the "financial institution with drive-in window" and "restaurant with drive-in or drive-through service" uses are permitted by specific use permit only.

(B) In the East Mixed Use Subzone, residential adjacency review ("RAR") is required before the issuance of a building permit for the "financial institution with drive-in window" and "restaurant with drive-in or drive-through service" uses.
(c) Nonconforming uses.

(1) Nonconforming uses in this district are not subject to amortization by the board of adjustment.

(2) The right to operate a nonconforming use terminates if the use is discontinued for six months or more. When the owner is actively attempting to lease the building, the use shall not be considered discontinued unless it remains vacant for two years or more.

(3) Except as otherwise provided in this subsection, Section 51A-4.704 applies to all nonconforming uses in this district. (Ord. Nos. 23905; 24826; 24830)

SEC. 51P-305.108. YARD, LOT, AND SPACE REGULATIONS.

(a) Minimum setbacks.

(1) West Mixed Use Subzone.

(A) Except as otherwise provided in this paragraph, the minimum front, side, and rear yard setbacks in the West Mixed Use Subzone are 10 feet.

(B) In Subdistrict D, the minimum setback from any portion of a corner clip is six feet. In no event may a structure be located in a visibility triangle. See Section 51A-4.602.

(C) Except as further restricted in Subparagraph (B) of this paragraph, the minimum setback along McKinney Avenue for Subarea D-4 is three feet.

(D) Except as provided in Subparagraph (E), if a building in the West Mixed Use Subzone fronts on McKinney Avenue south of Haskell Avenue, off-street parking is prohibited within 30 feet of the front lot line between grade and 12 feet above grade.

(E) In Subarea C-1, the minimum setbacks for a public school other than an open enrollment charter school are as shown on the development/landscape plan for Subarea C-1 (Exhibit 305H). Required off-street parking is allowed within 30 feet of McKinney Avenue for a public school other than an open enrollment charter school in Subarea C-1.

(2) West Residential Subzone.

(A) The minimum front, side, and rear yard setbacks in the West Residential Subzone are the same as those in the MF-2(A) Multifamily District, except as noted in Section 51P-305.108(a)(2)(A) and Section 51P-305.108(a)(2)(B).
A minimum side or rear yard setback for garages with automatic garage door opener(s) is permitted.

(B) In Subdistrict A of the West Residential Subzone, the minimum front yard setback is two feet from the street easement along Blackburn Street. There is no minimum front yard setback along the private access easement.

(C) In Subdistrict A of the West Residential Subzone, the minimum side and rear yard setback is five feet.

(3) East Mixed Use Subzone. Except as provided in this district, the minimum front, side, and rear yard setbacks in the East Mixed Use Subzone are the same as those in the MU-3 Mixed Use District. A minimum side or rear yard setback for garages with automatic garage door opener(s) is permitted.

(a) E-1 Subdistrict. The minimum front yard setback on Haskell Avenue is 15 feet. The minimum front yard setback is 10 feet on Peak Street and Capitol Avenue. The minimum side and rear yard setback is 10 feet. No setbacks are required between lots within Subdistrict E-1.

(4) East Residential Subzone. The front, side, and rear yard setbacks in Subdistrict I of the East Residential Subzone are the same as those in the MF-3(A) Multifamily District. The front, side, and rear yard setbacks in Subdistrict J of the East Residential Subzone are the same as those in the MF-2(A) Multifamily District. A minimum side or rear yard setback for garages with automatic garage door opener(s) is permitted.

(b) Non-residential density.

(1) The maximum FAR for each building site varies depending on which subdistrict the site is in. The column entitled “FAR” shows the maximum FAR for non-residential uses. The maximum FAR shown in the chart below may be further limited by the phasing requirements of Section 51P-305.113. The FAR’s for a Mixed Use Subdistrict, as shown on Exhibit 305A, are pursuant to Section 51A-4.125 of Chapter 51A.

<table>
<thead>
<tr>
<th>SUBDISTRICT/SUBAREA</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>1.5</td>
</tr>
<tr>
<td>D-1</td>
<td>2.83*</td>
</tr>
<tr>
<td>D-2</td>
<td>4.0</td>
</tr>
<tr>
<td>D-3</td>
<td>4.0</td>
</tr>
<tr>
<td>D-4</td>
<td>2.5</td>
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<tr>
<td>D-5</td>
<td>2.5</td>
</tr>
<tr>
<td>E</td>
<td>2.5</td>
</tr>
<tr>
<td>E-1</td>
<td>2.0</td>
</tr>
</tbody>
</table>
(2) The maximum allowable floor area for retail and personal service uses allowed on the Property is 640,000 square feet which is further limited to a maximum of 450,000 square feet of floor area for either side of North Central Expressway.

(3) The maximum allowable floor area for all nonresidential uses combined is 7,715,114 square feet.

(c) Residential density in mixed use subzones.

(1) West Mixed Use Subzone. Except as provided in Paragraph (3), the maximum residential density permitted in the West Mixed Use Subzones is:

(A) 1.5 FAR for Subdistrict C;
(B) 2.83* FAR for Subarea D-1;
(C) 4.0 FAR for Subareas D-2 and D-3; and
(D) 2.5 FAR for Subareas D-4 and D-5.

*Any area of Subarea D-1 dedicated for street purposes shall be included as lot area in order to calculate the maximum nonresidential FAR of Subarea D-1.

(2) East Mixed Use Subzone. Except as provided in Paragraph (3), the maximum residential density permitted in the Subdistricts is 1.5 FAR for Subdistrict E; 1.75 FAR for Subdistrict E-1, 1.5 FAR for Subdistricts F and G; and 1.5 FAR for Subdistricts H and H1.

(3) Phasing. The maximum residential density may be further limited by the phasing requirements of Section 51P-305.113.

(d) Amount and distribution of development in residential subzones/maximum residential densities in residential subzones. The maximum number of dwelling units permitted per acre in the West and East Residential Subzones is:

(1) 15 dwelling units per acre in Subdistrict A;
(2) 54 dwelling units per acres in Subdistricts B and B1; and
(3) 54 dwelling units per acre in Subdistricts I and J.

(e) Maximum structure height.

(1) If any portion of a structure in this district is over 36 feet in height, that portion may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. The maximum structure heights in Paragraph (2) are subject to the height restrictions in this paragraph. For more information regarding the residential proximity slope applicable to structures in this district, see Section 51P-305.109 of this article.

(2) The maximum structure heights in this district are as follows:

(A) In Subdistrict A, maximum height is 43 feet.

(B) In Subdistrict B, maximum height is 48 feet.

(C) In Subdistrict B1, maximum height is 60 feet.

(D) In Subdistrict C, maximum height is 90 feet.

(E) In Subdistrict D, maximum height is 240 feet.

(F) In Subdistricts E and G, maximum height is 270 feet.

(G) In Subdistrict E-1, maximum height is 135 feet.

(H) In Subdistrict F, maximum height is 180 feet.

(I) (H) In Subdistrict H, maximum height is 180 feet.

(J) In Subdistrict H1, maximum height is 60 feet.

(K) In Subdistrict I, maximum height is 60 feet.

(L) In Subdistrict J, maximum height is 36 feet.

(f) Maximum lot coverage.

(1) Except as provided in this paragraph, the maximum lot coverage for building sites in the West and East Mixed Use Subzones is 80 percent. In Subdistrict D, the maximum lot coverage for building sites is 90 percent. In Subdistrict E-1, the maximum lot coverage for building sites is 85 percent. In Subarea C-1, the maximum lot coverage is 84 percent.
(2) The maximum lot coverage for building sites in the West and East Residential Subzones is 75 percent, except that in Subdistrict A of the West Residential Subzone the maximum lot coverage is 50 percent.

(3) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Minimum lot size. The minimum lot size for single family residential lots in Subdistrict A of the West Residential Subzone is 1,650 square feet.

(h) Single family structure spacing. In Subdistrict A of the West Residential Subzone, a minimum of five feet between each group of five single family structures must be provided by plat. (Ord. Nos. 24102; 24826; 24830; 26078)

SEC. 51P-305.112. DETAILED DEVELOPMENT PLAN.

(a) When required under this subsection, an applicant for a permit or certificate of occupancy for work or a use on a building site in this district shall obtain approval of a new or amended detailed development plan as a prerequisite to issuance of the permit or certificate of occupancy. In the case of a building or structure already existing on the effective date of Ordinance No. 21508, a new or amended detailed development plan is required for any building site where the proposed work or use will increase the number of off-street parking spaces required to be located on that site.

(b) A detailed development plan that included the property in Subdistrict E1 was approved by the commission on January 12, 1995 for a theater use. If the theatre use is demolished, the commission is authorized to approve new detailed development plans for Subdistrict E1 that complies with the conceptual plan.

(c)[b] Detailed development plans must comply with the requirements for a development plan listed in Section 51A-4.702. The submittal of a detailed development plan must also include the following:

(1) A cumulative floor area and dwelling unit total by use category for: the building site;
   (a) the subdistrict, subzone, and zone in which the building site is located; and
   (b) this district as a whole.

(2) Sufficient information to verify compliance with the maximum floor area requirements of this article.
SEC. 51P-305.117. LANDSCAPING REQUIREMENTS.

(a) Plan approval required and applicability of section.

(1) A landscape plan for each building site must be submitted to and approved by the city plan commission. The landscape plan must be submitted to the commission with the detailed development plan for that building site. This section does not apply to single family and duplex uses in detached structures or single family attached structures in Subdistrict A of the West Residential Subzone except as noted in Section 51P-305.117(a)(6), or public schools other than open enrollment charter schools in Subarea C-1 except as noted in Section 51P-305.117(a)(7). This section shall become applicable to all other uses on an individual lot when work on the lot is performed that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

(2) Once this section becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.

(3) If a specific site plan containing landscaping requirements was approved by the city plan commission or city council prior to February 9, 1985, and if the site plan is made part of an ordinance or a deed restriction running with the land to which the city is a party, the landscaping requirements of this section do not apply to the property that is the subject of the approved site plan as long as the site plan remains in effect.

(4) The board may grant a special exception to the landscaping requirements of this section, if in the opinion of the board, the special exception will not compromise the spirit and intent of this section. When feasible, the board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting a special exception under this subsection.

(5) Except as otherwise provided in this article, the landscape regulations in Article X apply. The sole landscape regulations for Subdistrict D are the landscaping regulations contained in this section (the landscaping regulations contained in Article X do not apply to property in Subdistrict D).

(6) The following rules apply in Subdistrict A of the West Residential Subzone:

(A) Landscaping and fountains must be provided on the landscape plan.

(B) Landscaping and fountains may be placed within utility easements.
(1) **Landscape site area designation.**

   (A) Except as provided in this paragraph, at least 20 percent of a lot, including at least one-half of the required front yard, must be designated by the property owner as landscape site area.

   (B) For lots in Subdistrict H containing a nonresidential use, at least 10 percent of the lot, including at least 60 percent of the required front yard, must be designated by the property owner as landscape site area.

   (C) For Subdistrict D, at least 10 percent of a lot, including at least 60 percent of the required front yard, must be designated by the property owner as landscape site area.

   (D) For Subdistrict E1, at least 15 percent of a lot, including at least 50 percent of the required front yard, must be designated by the property owner as landscape site area.

(2) **General planting area designation.** Except as provided in this paragraph, at least one-half of the landscape site area, including at least 25 percent of the required front yard, must be designated by the property owner as general planting area. In Subdistrict D, at least 12 percent of the required front yard must be designated by the property owner as general planting area.

(3) **Special planting area designation.** Except as provided in this paragraph, at least 20 percent of the general planting area, including at least five percent of the required front yard, must be designated by the property owner as special planting area. In Subdistrict D, at least six percent of the required front yard must be designated by the property owner as special planting area.

(4) **Parkway planting area designation.** Except as provided in this paragraph, at least 20 percent of the parkway must be designated by the property owner as parkway planting area. In Subdistrict D, there is no parkway planting area requirement.

(5) **Front yard privacy fencing.** A fence or wall with an average height of seven feet and a maximum height of nine feet above the top of the nearest street curb may be located in the required front yard if:

   (A) the main building does not exceed 36 feet in height;

   (B) there are no front street curb cuts, front yard driveways, or front entryways to garages or parking;
(C) a minimum setback of 12 feet is provided between the fence and the projected street curb; and

(D) all portions of the fence exceeding four feet in height are set back at least two feet from the lot line.

(6) **Privacy fencing planting area designation.** If a front yard privacy fence or wall is constructed or maintained in accordance with Subsection (f)(5) of this section, at least 80 percent of the required two-foot setback area from the lot line must be designated by the property owner as privacy fencing planting area. This area may consist of one contiguous area or several smaller noncontiguous areas. No pavement of any kind is allowed in this area. The minimum soil depth requirement for this area is 24 inches. This area must contain living evergreen shrubs or vines that are recommended for local area use by the director of park and recreation. Initial plantings must be calculated to cover a minimum of 30 percent of the total fence or wall area facing the street within a three-year period. Shrubs or vines must be planted 24 inches on center over the entire length of this area unless a landscape architect recommends an alternative planting density as part of a landscape plan that the building official determines is capable of satisfying the minimum coverage requirement for the fence or wall. (See Exhibit D-13 attached to PD 193.)

(g) **Sidewalks required.**

(1) Sidewalk construction is required along all public and private streets. All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the construction requirements contained in the Paving Design Manual and the Standard Construction Details of the city.

(2) No certificate of occupancy may be issued for new construction until hard surface sidewalks are provided on that building site in accordance with the following standards:

(A) **Mixed Use Subzones C, E, E-1, F, G, H, and H1.** A minimum unobstructed width of eight feet must be provided.

(B) **Mixed Use Subzone D.**

   (i) Except as provided in this subparagraph, a minimum unobstructed width of eight feet must be provided.

   (ii) Along Noble Street and Oak Grove Avenue, as shown on Exhibit 305A, and all other future streets located within Subzone D, a minimum unobstructed width of seven feet must be provided.
(iii) Along Lemmon Avenue East, a minimum unobstructed width of five feet must be provided.

(C) Residential Subzones A, B, B1, and I. A minimum unobstructed width of six feet must be provided.

(3) Sidewalks provided to comply with this subsection may be located in the public right-of-way. An existing sidewalk may not be used to comply with this subsection unless it meets the construction standards and minimum unobstructed widths specified above. New sidewalks provided to comply with this subsection must meet the unobstructed width standards specified above.

(h) Landscape plan for Subdistrict A. A landscape plan for Subdistrict A was approved by the Dallas City Council on November 10, 1999 (Exhibit 305F).

(i) Additional landscaping provisions for Subareas J-1, J-2, and J-3.

(1) For landscaping requirements, Subareas J-1, J-2, and J-3 may each be considered as a single lot.

(2) One site tree must be provided for every 4,000 square feet in each of these subareas. At least 50 percent of the site trees in each subarea must be planted within the rear 50 percent of the subarea. Every site tree must have a planting area of at least 25 square feet. The trunk of each site tree must be located more than two and one-half feet from any pavement.

(3) One large canopy tree must be provided for every 25 feet of frontage, with a minimum of two trees per subarea. These trees must be located within the parkway.

(4) A minimum of 20 percent of each subarea must be designated as landscape site area. Permeable pavement for motor vehicles does not count as part of the landscape site area.

(5) Fences in front yards and corner side yards may not exceed four feet in height if the fence is solid. Fences in front yards and corner side yards may not exceed six feet in height if the fence is a minimum of 50 percent open. In all other cases, fences may not exceed nine feet in height. In this paragraph, the term corner side yard means the portion of the front yard on a corner lot governed by side yard regulations.

(j) Landscape plan for Subdistrict G. Landscaping in Subdistrict G must be provided as shown on Exhibit 305G.
PROPOSED CONCEPTUAL PLAN
CPC RESPONSES

PROPERTY OWNERS NOTIFIED: 32
REPLIES IN FAVOR: 3
REPLIES IN OPPOSITION: 0
AREA OF NOTIFICATION: 500
DATE: 12-20-07

The number '0' indicates City of Dallas Ownership.
# Notification List of Property Owners

**Z078-112(WE)(CS)**

32 Property Owners Notified

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<td>Oak Lawn Comm. Prosecutor</td>
<td>Tanya Oliveira</td>
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<td>OLPH Church</td>
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<td>Orion Real Estate Group</td>
<td>Bill Lamm</td>
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<td>Dallas, TX 75354</td>
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<tr>
<td>Pleasant Wood/Grove</td>
<td>J. Eugene Thomas</td>
<td>P O Box 50051</td>
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<td>Frank M Stick</td>
<td>4224 N Hall St</td>
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</table>
A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the conceptual plan and conditions for Planned Development District No. 711 for Multifamily Uses and Regional Retail District Uses on the southeast corner of Arapaho Road and Prestonwood Boulevard

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z078-118(RB)
FILE NUMBER: Z078-118(RB)  DATE FILED: November 11, 2007

LOCATION: Arapaho Road and Prestonwood Boulevard, Southeast Corner

COUNCIL DISTRICT: 11  MAPSCO: 5W

SIZE OF REQUEST: Approx. 5.6 Acres  CENSUS TRACT: 136.12

APPLICANT: JPEC Partners, Ltd.

REPRESENTATIVE: Kirk R. Williams

OWNER: Preston Equity Land, L. P.

REQUEST: An application for an amendment to the conceptual plan and conditions for Planned Development District No. 711 for RR Regional Retail District Uses and Multifamily Uses.

SUMMARY: The applicant is requesting the addition of the retirement housing use as well as providing for specific development standards for this use.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and staff’s recommended conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and staff’s recommended conditions.
BACKGROUND INFORMATION:

• The request site is currently developed with a retail use, remaining structural components of a previous financial institution use, and surface parking.

• PDD No. 711 was approved by the City Council on January 12, 2005. Additionally, a resolution accepting deed restrictions that limited structure height and number of stories within the Tract I portion of the site on this date.

• The applicant is requesting the addition of the retirement housing use, along with specific development standards for the use.

• The existing deed restrictions referenced above will remain.

Zoning History: There has been no recent zoning activity pertinent to this request.

PDD Summary

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<th>Structure Height</th>
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<td>Retail-41,800 sf; Theater-22,468 sf; MF; Phase II-250 du; Phase III-24 du/acre ≤ 392 dwelling units</td>
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Thoroughfare

Arapaho Road

Prestonwood Boulevard

Existing & Proposed ROW

Principal Arterial; 100’ & 100’ ROW

Collector; 80’ & 80’ ROW

STAFF ANALYSIS:

Area Plans. The request site lies within the boundary of the Greater Far North Dallas Area Land Use and Transportation Plan (1995 Update). This area is recommended for
medium density commercial/retail/office development with FAR’s not to exceed 2.0:1 and 24 dwelling units per acre.

The applicant is requesting to amend PDD No. 711 to permit the retirement housing use at a density of 42 units per acre. While this density exceeds that recommended by the study, it should be noted that retirement housing tends to be more ‘passive’ than typical multifamily developments which provide for tenants of all ages, increased trip generations, and a greater need for outside amenity areas that generate certain noise levels not normally present with retirement housing uses.

**Comprehensive Plan**

The applicant is requesting the addition of the retirement housing use along with specific development standards. The PDD will continue to permit RR District Uses as well as multifamily uses. The applicant’s request will provide for a compatible land use that addresses the residential requirements for the city’s older citizens. However, the proposed structure height for the northwestern portion of the site is not in character with the built environment in the immediate area.

As a result, the requested amendment does not comply with the Land Use and Urban Design Elements, respectively, outlined in forwardDallas!

**Land Use**

GOAL 1.3 Provide equitable opportunities for Dallas residents.

Policy 1.3.1 Create housing opportunities throughout Dallas.

**Urban Design**

GOAL 5.1 Promote a sense of place, safety, and walkability.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

**Land Use Compatibility:**

The request site is currently developed with a retail use, remaining structural components of a previous financial institution use, and surface parking. The applicant is requesting the addition of the retirement housing use as well as specific development standards for the use, those being a maximum density of 240 dwelling units or suites, maximum structure height of 70 feet and maximum number of stories of five.

Surrounding land use consists of the Phase II and III portions of PDD No. 114 to the south and north, respectively, Prestonwood Country Club to the east, and various retail and residential uses to the west across Prestonwood Boulevard. Additional office and
retail uses are developed to the northwest.

PDD No. 711 was approved with a conceptual plan that permits multifamily uses with the least amount of intensity (density and structure height) permitted in Tract III and transitioning to increased development rights moving southeast across Tracts II and I. The requested retirement housing use will increase structure height (70 feet) across Tracts II and III over that permitted in these tracts (48 feet). In addition to an increase in structure height, the applicant has requested an increase in density for the retirement housing use (from 134 multifamily dwelling units to 240 suites or beds).

Staff supports the addition of retirement housing, in that it mirrors certain development characteristics of multifamily uses, however, it tends to be more ‘passive’ in that it does not create as much outside activity nor demands for trip generations and parking as does the multifamily use. However, the increase in structure height for Tracts II and III is not supported (see Height, below), therefore, staff’s recommended conditions will reflect maintaining a maximum structure height of 48 feet for these two tracts.

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the submitted traffic impact analysis and determined that it will not significantly impact the surrounding street system.

**Height:** The issue of structure height was analyzed when the original request for a PDD was considered. The site slopes downward from the northwest to the southeast, approximately 15-20 feet. The land use in the area has not changed in the past few years, therefore it is staff’s position that the 45 percent increase in requested structure height for Tracts II and III (48 feet to 70 feet) is not consistent with the established development pattern in the area, while failing to respect the view corridor afforded adjacent property owners/tenants to the open space (Prestonwood Country Club) to the east/southeast.

CPC recommended to support the applicant’s requested increase in structure height.

For comparison purposes, the Phase II and III portions of PDD No. 114 (developed with multifamily uses) are permitted a maximum structure height of 45 feet.

**Off-Street Parking:** The applicant submitted a Parking Needs Analysis in conjunction with the requested amendment to PDD No. 711. As a result of the analysis, the applicant is proposing off-street parking for retirement housing be increased from 0.7 spaces to 1.1 spaces for each dwelling unit or suite. Due to the site fronting on two thoroughfares (with no on-street parking areas available), staff has determined a need to ensure all parking demands are accommodated on-site. As compared to existing parking requirements for this use, it should be noted the applicant’s proposed parking ratio (1.1 spaces per dwelling unit or suite) equates to approximately 28,800 square feet.
of floor area not associated with a dwelling unit or suite. The applicant has indicated approximately 40,000 square feet of floor area will be outside that associated with the dwelling units.

During consideration of the creation of PDD No. 711, the applicant had worked with the community to ensure the site was not visually overburdened by surface parking areas for the requested multifamily use. As a result, a minimum of one off-street parking space for each dwelling unit must be provided within an enclosed structure.

With respect to the applicant’s current request, staff has determined that both the multifamily and retirement housing uses have similar operational characteristics. Staff feels that limiting the number of surface parking areas is consistent with what is found on adjacent properties. Additionally, the increase in density, thereby increasing the on-site parking demand, merits consideration for how required parking will be provided. Therefore, staff is recommending that a minimum of one off-street parking space for each retirement housing bed or suite be located in an enclosed structure, similar to that currently required for the multifamily use.

**Landscaping:** The site is void of landscape materials except for its frontage along Prestonwood Boulevard and Arapaho Road. The applicant has worked with staff to maintain these landscape areas as delineated on the attached conceptual plan. Upon redevelopment of the site, these significant planting areas will serve to soften redevelopment from the curb inward across the property.

**CPC ACTION**

(December 20, 2007)

**Motion:** It was moved to recommend approval of an amendment to the conceptual plan and conditions for Planned Development District No. 711 for Multifamily Uses and RR Regional Retail District Uses on the southeast corner of Arapaho Road and Prestonwood Boulevard with the applicant’s height allowance of 70 feet on Tracts I, Track II and Track III for Retirement residential uses.

Maker: Buehler
Second: Wolfish
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Against: 0
Absent: 0
Vacancy: 0

**Notices:**
Area: 500  Mailed: 10

**Replies:**
For: 2  Against: 0

**Speakers:**
For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Donna Ridenhour, 5665 Arapaho Rd., Dallas, TX, 75248
Against: None
Prestonwood Equity Land, L.P.

General Partner: Prestonwood Capital Group, L.L.C.
Manager: Silver Tree Partners, Inc.
President: Paul A. Gardner

Limited Partners: (1) Prestonwood Capital, L.P.
Managers: Denny Holman
Todd Travers

(2) Prestonwood Venture, L.P.
Managers: Prestonwood Venture

(2) Prestonwood Venture, L.L.C.
Manager: Richard R. Lee, Jr.

JPEC Partners, Ltd.

General Partner: JPEC, LC
Manager: Jonathan Perlman

Limited Partner: Jonathan Perlman
CPC RECOMMENDED AMENDING CONDITIONS FOR PDD NO. 711

SEC.51P-711.107.   MAIN USES PERMITTED.

(a) The only main uses permitted in this district are:

(1) multifamily (and local utilities, subject to the regulations set forth in Chapter 51A for residential zoning districts);

(2) retirement housing; or

(3) those uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the RR Regional Retail District is subject to DIR in this district; etc.

(b) The entire Property must be developed with either multifamily, retirement housing, or RR Regional Retail District uses and not a combination of multifamily, retirement housing, and/or RR Regional Retail District uses.

SEC.51P-711.109.   MAIN USES PERMITTED.

(c) For retirement housing use.

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

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. Maximum density is 240 dwelling units or suites.

CPC recommended:

(4) Height. Maximum structure height is 70 feet.

Staff recommended

(4) Height.

(A) Unless further restricted in this section, maximum structure height is 70 feet on Tract I, and 48 feet on Tracts II and III.

(B) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a
residential proximity slope. Exception: Structure listed in Section 51A-4.408a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(5) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Stories. Maximum number of occupied stories is four. Maximum number of stories for all improvements is five.

SEC.51P-711.110. Off-Street Parking and Loading.

(c) For retirement housing, parking must be provided at a rate of 1.1 spaces for each dwelling unit or suite.

(d) For retirement housing, a minimum of one of the required off-street parking spaces for each dwelling unit or suite must be located within an enclosed structure.
DEED RESTRICTIONS

THE STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL PERSONS BY THESE PRESENTS:

I. The undersigned, Arapaho Ventures, Ltd., a Texas limited partnership, (the "Owner") is the owner of the following described 5.59 acres of property ("the Property"), being all of Lot 1, City Block C5823 of Prestonwood Place Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 79139, Page 6898, Map Records, Dallas County, Texas and being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if set out verbatim herein.

II. If the Property is developed and/or used for a residential use, the Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to wit:

A. The maximum height permitted within Tract 1 on the Property as shown on the attached Exhibit "B" is 200 feet.

B. The maximum number of stories permitted within Tract 1 on the Property as shown on the attached Exhibit "B" is 4.

III. These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV. These restrictions may be amended or terminated only after public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for acquiring change on the Property. The amending or terminating instrument must be approved as to form by the City attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the County or counties where the Property is located at his or their sole cost and expense, before the amendment or termination becomes effective.

V. These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.
The Owner agrees that these restrictions pertain to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a suit proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise. For violations of these restrictions that occur after the sale of the Property to a subsequent purchaser, the City shall not seek to enforce these restrictions against a prior owner of the Property.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

The Owner certifies and represents that there are no liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

The invalidation of any provision of this instrument by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.
EXECUTED this the 5th day of November, 2004.

OWNER:
ARAPAHO VENTURE, LTD.,
a Texas limited partnership
By: Marquis Acquisitions, Inc.
a Texas corporation, its General Partner

By: ____________
Doug M. Hickok, President

CONSENT AND CONCURRENCE OF
LENSHOLDER OR MORTGAGOR

North Texas Bank & Trust Co.
Property Lienholder or Mortgagor

By: __________

Printed Name: Larry M. Nobles
Title: Vice Chairman of the Board

APPROVED AS TO FORM:
Madeleine B. Johnson, City Attorney

By: __________
Assistant City Attorney

DEED RESTRICTIONS (Zoning Case No. 2004-354) – Page 3
ARTICLE 711.

PD 711.

SEC. 51P-711.101. LEGISLATIVE HISTORY.

PD 711 was established by Ordinance No. 25844, passed by the Dallas City Council on January 12, 2005. (Ord. 25844)

SEC. 51P-711.102. PROPERTY LOCATION AND SIZE.

PD 711 is established on property located on the southeast corner of Arapaho Road and Prestonwood Boulevard. The size of PD 711 is approximately 5.6 acres. (Ord. 25844)

SEC. 51P-711.103. DEFINITIONS AND INTERPRETATIONS.

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

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

(c) This district is considered to be a residential zoning district. (Ord. 25844)

SEC. 51P-711.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 711A). In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 25844)

SEC. 51P-711.105. DEVELOPMENT PLAN.

(a) A development plan that complies with the conceptual plan and this article must be submitted for each tract and must be approved by the city plan commission prior to the issuance of a building permit for that tract.

(b) For multifamily uses, the development plan for each tract must include a tabulation box, consisting of the proposed density, the existing density, and the proposed and existing lot coverage on the Property. (Ord. 25844)

SEC. 51P-711.106. SUBMISSION OF PLANS TO PRIVATE ENTITIES.

A copy of any application for a change in zoning, for approval of a development plan, site plan, or landscape plan, for any amendment, including a minor amendment, to an approved development plan, site plan, or landscape plan, or for a variance or special exception on the Property must be submitted by certified delivery to the designated representative of the North Dallas Neighborhood Alliance at the
address on the city’s early notification list simultaneously with the submission of the application to the city. (Ord. 25844)

SEC. 51P-711.107. MAIN USES PERMITTED.

(a) The only main uses permitted in this district are:

(1) multifamily (and local utilities, subject to the regulations set forth in Chapter 51A for residential zoning districts); or

(2) those uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the RR Regional Retail District is subject to DIR in this district, etc.

(b) The entire Property must be developed with either multifamily or RR Regional Retail District uses, and not a combination of multifamily and RR Regional Retail District uses. (Ord. 25844)

SEC. 51P-711.108. ACCESSORY USES.

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

(b) The following accessory uses are not permitted in this district:

-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.

(c) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop. (Ord. 25844)

SEC. 51P-711.109. 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. In the event of 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 RR Regional Retail District apply in this district.

(b) For a multifamily use.

(1) Front yard. Minimum front yard is 15 feet.
(2) **Side and rear yard.** Minimum side and rear yard is as shown on the conceptual plan.

(3) **Density.** Maximum dwelling unit density is 134 dwelling units, and is further limited to a maximum of: 130 dwelling units on Tract I, 50 dwelling units on Tract II; and 25 dwelling units on Tract III.

(4) **Height.**

(A) Unless further restricted in this section, maximum structure height is 230 feet on Tract I, and 48 feet on Tracts II and III.

(B) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope. **Exception:** Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(5) **Lot coverage.** Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) **Lot size.** No minimum lot size.

(7) **Stories.** Maximum number of stories above grade is 15 on Tract I, and three on Tracts II and III. (Ord. 25844)

SEC. 51P-711.110. **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/loading requirements for each use.

(b) For a multifamily use, a minimum of two of the required off-street parking spaces for each dwelling unit must be located within an enclosed structure. (Ord. 25844)

SEC. 51P-711.111. **ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 25844)

SEC. 51P-711.112. **LANDSCAPING.**

(a) A landscape plan that complies with Article X must be approved by the city plan commission for each tract prior to the issuance of a certificate of occupancy.

(b) The trees and the tree preservation setback area shown on the conceptual plan must be maintained and incorporated into the respective landscape plan for each tract.

(c) All plant materials must be maintained in a healthy, growing condition. (Ord. 25844)
SEC. 51P-711.113. SIGNS.

(a) Signs located within Tract III must comply with the provisions for business zoning districts in Article VII.

(b) Signs located within Tracts I and II must comply with the provisions for non-business zoning districts in Article VII. (Ord. 25844)

SEC. 51P-711.114. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 25844)

SEC. 51P-711.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 25844)

SEC. 51P-711.116. ZONING MAP.

PD 711 is located on Zoning Map No. B-7. (Ord. 25844)
**Notification List of Property Owners**

**Z078-118(RB)(CS)**

10 Property Owners Notified

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*Thursday, November 29, 2007*
Al Romero  
PO Box 870875  
Mesquite, TX 75150

Anthony Jones  
PO Box 0711  
Galveston, TX 77553

Betty Wadkins  
2843 Modesto Drive  
Dallas, TX 75227

ENZ078-118

Bill Dahlstrom  
901 Main St.,Ste 6000  
Dallas, TX 75202

Bridge Ballowe c/o Nextel  
1680 N. Prospert Dr.  
Ricardson, TX 75081

Cindy Harris  
4310 Buena Vista #8  
Dallas, TX 75205

Clarence F Cope  
10404 Ferndale  
Dallas, TX 75238

Jane Guerrini  
7032 Lupton  
Dallas, TX 75225

Jeff Bosse  
PO Box 4738  
Dallas, TX 75208

Leanne Witek  
16660 N Dallas Pkwy #1200  
Dallas, TX 75248

Marcus Wood  
6060 N Central Expy Ste 333  
Dallas, TX 75206

Pam Conley  
901 N Madison Avenue  
Dallas, TX 75208

Rob Baldwin  
401 Exposition  
Dallas, TX 75226

Robert P. Garza  
412 E. Sixth St.  
Dallas, TX 75203

Steve Craft  
P O Box 542225  
Dallas, TX 75354

Steve Kim  
4318 Sexton Ln.  
Dallas, TX 75229

Alpha Testing, Inc  
Virginia Brown  
2209 Wisconsin St, Ste 100  
Dallas, TX 75229

Am. Metro/Study Corp  
Marque Nelson  
14881 Quorum Dr #400  
Dallas, TX 75240

Arborilogical Services, Inc.  
Bill Seaman  
16 Steel Rd.  
Wylie, TX 75098

Bluffview Homeowner  
Pat White  
4714 Wildwood  
Dallas, TX 75209

Dallas ISD  
Stan Armstrong  
3700 Ross Ave, Box 61  
Dallas, TX 75204

Dallas Planning Asoc  
Stuart Pully  
P O Box 781609  
Dallas, TX 75378

FW Dodge Reports  
Donna McGuire  
9155 Sterling Dr. Ste 160  
Dallas, TX 75063

INCAP Fund  
Lauren Odell  
300 Crescent Court  
Dallas, TX 75208

23
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<td>Suzan Kedron</td>
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<td>Koons Real Estate Law</td>
<td>James Schnurr</td>
<td>3400 Carlisle St, #400</td>
<td>Dallas, TX 75204</td>
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<td>Master Plan</td>
<td>J Kimborough</td>
<td>900 Jackson St</td>
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<td>Minyards Properties Inc</td>
<td>Dennis O'Malley</td>
<td>777 Freeport Pkwy</td>
<td>Coppell, TX 75019</td>
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<tr>
<td>PARC DU LAC</td>
<td>Linda Sharp</td>
<td>12126 Vendome Place</td>
<td>Dallas, TX 75230</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves</td>
<td>900 Jackson St, Suite 160</td>
<td>Dallas, TX 75202</td>
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<td>United HOA</td>
<td>Thelma J. Norman</td>
<td>2628 Blackstone Dr.</td>
<td>Dallas, TX 75237</td>
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<td>Harwood International, Inc.</td>
<td>Jerry Jackson</td>
<td>2828 N Harwood, Suite 1600</td>
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<td>2538 W Kiest Blvd</td>
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<td>Roger Albright</td>
<td>3301 Elm St</td>
<td>Dallas, TX 75226</td>
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<td>MetroStudy Corp</td>
<td>Michele R Coker Co</td>
<td>2700 Swiss Ave. #100</td>
<td>Dallas, TX 75209</td>
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<tr>
<td>N Pk Lovefield Comm Civic League</td>
<td>Joe Burklooe</td>
<td>545 Lacewood Drive</td>
<td>Dallas, TX 75224</td>
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<tr>
<td>PWS Architects Inc.</td>
<td>Teri Woods</td>
<td>9603 Rocky Branch Drive</td>
<td>Dallas, TX 75243</td>
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<td>Signs Manufacturing</td>
<td>William Watson</td>
<td>4610 Mint Way</td>
<td>Dallas, TX 75236</td>
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<td>Ben G. King</td>
<td>7024 Judi Street</td>
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<tr>
<td>United HOA</td>
<td>Norma Parry</td>
<td>1515 Reynaldston Ln.</td>
<td>Dallas, TX 75232</td>
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<tr>
<td>United HOA</td>
<td>Thelma J. Norman</td>
<td>2628 Blackstone Dr.</td>
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<td>United HOA</td>
<td>W.A.R.N.</td>
<td>Tashia Moseley</td>
<td>Dallas, TX 75235</td>
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<td>Ben G. King</td>
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<td>N Dallas Neighb Alliance</td>
<td>Marla</td>
<td>Beikman</td>
<td>PO Box 793551, Dallas, TX 75379</td>
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<tr>
<td>Oakdale HOA</td>
<td>Blake</td>
<td>Cowden</td>
<td>5111 Oak Tree Circle, Dallas, TX 75287</td>
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<tr>
<td>Plano ISD</td>
<td>Jim</td>
<td>Damm</td>
<td>2700 W. 15th St, Plano, TX 75075</td>
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<tr>
<td>Preston Creek HOA</td>
<td>Bob</td>
<td>Franklin</td>
<td>17201 Hidden Glen Dr., Dallas, TX 75248</td>
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<td>Dr Stacy</td>
<td>Stephens</td>
<td>5936 Gladeside Court, Dallas, TX 75248</td>
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<tr>
<td>Richardon ISD</td>
<td>Michael</td>
<td>Longanecker</td>
<td>400 S Greenville Ave, Richardson, TX 75081</td>
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<tr>
<td>Roehampton HOA</td>
<td>Allen</td>
<td>Eubanks</td>
<td>6024 Thursby Avenue, Dallas, TX 75252</td>
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ENZ078-118
KEY FOCUS AREA:  Economic Vibrancy

AGENDA DATE:  February 13, 2008

COUNCIL DISTRICT(S):  7

DEPARTMENT:  Department of Development Services

CMO:  A. C. Gonzalez, 671-8925

MAPSCO:  46 K L P Q R

SUBJECT

A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an expansion of and amendment to Historic Overlay District No. 33 (Fair Park), on property zoned a CS Commercial Service District, an MF-2(A) Multifamily District, a CR Community Retail District, an NS(A) Neighborhood Service District, and Planned Development District No. 288 at 3809 Grand Avenue between Parry Avenue and Fitzhugh Avenue and an ordinance granting the expansion of and amendment to the Historic Overlay Recommendation of Staff and CPC: Approval, subject to staff’s recommended conditions

Z078-121(MD)
REQUEST: A Landmark Commission authorized hearing for expansion of and revision to preservation criteria for Historic Overlay No. 33, Fair Park on property zoned a CS Commercial Service District, an MF-2(A) Multifamily District, a CR Community Retail District, and NS(A) Neighborhood Service District, and Planned Development District No. 288.

SUMMARY: This expansion will include two transitional areas along Robert B. Cullum and Fitzhugh Avenue and revisions to the preservation criteria to allow for expansion, preservation and protection of the park.

CPC RECOMMENDATION: Approval subject to staff recommended conditions

STAFF RECOMMENDATION: Approval subject to staff recommended conditions

LANDMARK COMMISSION RECOMMENDATION: Approval
BACKGROUND INFORMATION:

- Fair Park, a National Historic Landmark District and National Register of Historic Places District, is a distinctive collection of 30 architecturally significant buildings, most notably of the Art Deco style, built for the express purpose of the Texas Centennial Exposition of 1936.
- Art moderne, classical modern and international styles are among the other styles of buildings located in Fair Park.
- Famous Dallas architects George Dahl and Mark Lemmon are just a few of the names that helped design and shape Fair Park.
- Murals, sculpture and park equipment complete the historic setting and significance of the site.
- The district fulfills nine of the ten criteria listed in the Development Code for City of Dallas Landmark designation.

STAFF ANALYSIS:

**Preservation Criteria:** The preservation criteria identify the merit(s) for the historic designation. Fair Park meets nine (9) of the ten (10) preservation criteria. Three criteria are required for designation.

- **History, heritage and culture:** Represents the historical development, ethnic heritage or cultural characteristics of the city, state or country.
- **Historic event:** Location of or association with the site of a significant historic event.
- **Significant persons:** Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.
- **Architecture:** Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details, which represent folk or ethnic art.
- **Architect or master builder:** Represents the work of an architect, designer or master builder whose work individual work has influenced the development of the city, state or country.
- **Historic context:** Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.
- **Unique visual feature:** Unique location of singular visual characteristics representing an established and familiar visual feature in a neighborhood that is a source of pride or cultural significance.

- **National and state recognition:** Eligible or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.

- **Historic education:** Represents an era of architectural, social or economic history that allows an understanding of how the place or area was used by past generations.

This new expansion and Ordinance revision will allow for the continued preservation of historic structures and environs of Fair Park as well as allow for new compatible construction in the historic core and in the new Transition Zones.

**LANDMARK COMMISSION ACTION:** (November 5, 2007)

3809 Grand Avenue
Fair Park
Authorization of a public hearing to approve revisions to Fair Park Ordinance and Preservation Criteria

Speakers: Craig Melde and Louise Elam

Motion: Approve the Authorization of public hearing to approve revisions to Fair Park Ordinance and Preservation Criteria.

Maker: A. Piper
Second: Miller
Results: 8/0

Ayes: 8 C. Gonzales, A. Gonzalez, Johnson, Keith, Miller, A. Piper, Silva and Small

Against: None
Absent: 3 Flabiano, Guerra and Solomon
Vacancies: 6 Districts 4, 6, 7, 8, 12 and 14
CITY PLAN COMMISSION ACTION:  (January 10, 2008)

1. Z078-121(MD)  Planner: Mark Doty

   Motion:  It was moved to recommend approval of an expansion of and
   revision to preservation Criteria for Historic Overlay No.33 (Fair Park),
   subject to staff’s recommended conditions on property zoned a CS
   Commercial Service District, an MF-2(A) Multifamily District, a CR
   Community Retail District, an NS(A) Neighborhood Service District, and
   Planned Development District No. 288 at 3809 Grand Avenue between
   Parry Avenue and Fitzhugh Avenue.

   For:   15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley,
          Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

   Against:  0
   Absent:  0
   Vacancy:  0

   Notices:  Area:  200   Mailed:  111
   Replies:  For:  4   Against:  0
   Speakers:  None
ORDINANCE NO. ______________

An ordinance expanding Historic Overlay District No. 33 (Fair Park) by changing the zoning classification on the following property:

Tract 1: BEING an area generally bounded by Pennsylvania Avenue, Gaisford Street, Fitzhugh Avenue, and Second Avenue, and containing approximately 60 acres, and

Tract 2: BEING an area generally bounded by Parry Avenue, Second Avenue, Lot 1A of City Block 1/1383, and Robert B. Cullum Boulevard, and containing approximately 19 acres;

amending Ordinance No. 19487 passed by Dallas City Council on March 4, 1987, as amended by Ordinance No. 20972 passed by the Dallas City Council on June 12, 1991, by providing new preservation criteria for Historic Overlay District No. 33; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the expansion of and amendment to Historic Overlay District No. 33;

WHEREAS, the city council finds that the Property, including the area of expansion, is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to expand and amend Historic Overlay District No. 33 as specified herein; Now, Therefore,
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed by expanding Historic Overlay District No. 33 to include the following property ("the Property"):

Tract 1: BEING an area generally bounded by Pennsylvania Avenue, Gaisford Street, Fitzhugh Avenue, and Second Avenue, and containing approximately 60 acres, and

Tract 2: BEING an area generally bounded by Parry Avenue, Second Avenue, Lot 1A of City Block 1/1383, and Robert B. Cullum Boulevard, and containing approximately 19 acres.

SECTION 2. That the Exhibit A attached to Ordinance No. 19487, as amended, is replaced by the Exhibit A attached to this ordinance.

SECTION 3. That the expansion of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 4. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 5. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.
SECTION 6. That the director of development services shall correct Zoning District Map Nos. J-8 and K-8 in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 8. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter I of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _________________________________
Assistant City Attorney

Passed_______________________________
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1. GENERAL INFORMATION.

1.1 This ordinance is guided by the Fair Park Comprehensive Development Plan, dated October 2003. The Comprehensive Development Plan envisions the future development of the district and is to be used as a reference document. The Comprehensive Development Plan is available at the offices of the Facility Development Division of the Park and Recreation Department and at the Office of Historic Preservation of the Department of Development Services.

1.2 Fair Park is designated as a City of Dallas Historic Overlay District, a State Archeological Landmark, a National Register Historic District, and a National Landmark District.

1.3 The district is divided into zones, each with different levels of protection and preservation treatments: the Preservation Zone, the Rehabilitation Zone, the Renovation Zone, and the Transition Zones. The Preservation Zone, Rehabilitation Zone, and Renovation Zone are illustrated on Exhibit B1. The Transition Zones are illustrated on Exhibit B2.

1.4 If there is a conflict, criteria for specific buildings override general criteria and criteria for subdistricts and zones. If there is a conflict, criteria for subdistricts and zones override the general criteria.

1.5 All demolition, maintenance, new construction, public works, renovations, repairs, and site work and all preservation and restoration materials and methods used, must comply with these preservation criteria and with:

   a. The Secretary of the Interior’s Standards for Rehabilitation, Preservation Briefs, and Preservation Tech Notes published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

   b. The Texas Historical Commission’s State Archeological Landmark program requirements.

1.6 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
1.7 Certificate of appropriateness.

a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

b. Except as modified in Sections 1.7(c) and 1.8, the certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.

c. An application for a certificate of appropriateness must contain the following before it is considered complete:

1. Documentation of the historic appearance of the building, site, or element during the period of significance and a description of any changes that have occurred since the period of significance.

2. A description of the existing condition of the building, site, or element.

3. Description of the proposed work including specific materials and methods to be used. The description should emphasize the impact of the proposed work on the character defining features of the building, site, or element.

4. A comprehensive paint analysis report if required by Section 3.5(b).

5. Art object analysis and proposed treatment. See Section 3.6(c).

6. A master plan or historic structure report if required by the Director under Section 3.15(b).

d. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
e. If the work authorized by the certificate of appropriateness requires a building permit, the applicant must file an application for a building permit within 180 days after the issuance of the certificate of appropriateness, unless the applicant files for and is granted an extended time period before the expiration of the 180 days. The filing of a request for an extended time period does not toll the 180-day period. If the applicant fails to file an application within the time period, the certificate of appropriateness will expire and be void \textit{ab initio} and the applicant must begin the process to have his request heard again.

f. If the work authorized by the certificate of appropriateness does not require a building permit, the certificate of appropriateness will expire and be void \textit{ab initio} if no progress has been made toward completion of the project before the second anniversary of its issuance unless the applicant files for and is granted an extended time period prior to the expiration of two years. The filing of a request for an extended time period does not toll the two-year period.

g. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

1.8 Routine maintenance.

a. Certificates of appropriateness for the following work may be approved by staff as routine maintenance:

1. Items listed as routine maintenance in Section 51A-4.501 of the Dallas Development Code, as amended.

2. Installation of banners for 90 days or less provided:
   
   A. the banners do not cover windows, doors, or significant architectural features, and
   
   B. the mounting is reversible and does not damage the structure.
3. Installation of banners for more than 90 days on structures with banner systems previously approved by a certificate of appropriateness on the following buildings:

A. Agriculture Building.

B. Transportation Building.

C. U.S. Government Building.

D. Museum of Natural History.

E. Open Air Amphitheatre.

F. Aquarium.

G. Administration Building.

H. New banner systems pursuant to Section 9.4.

4. Installation of temporary outdoor exhibits or artwork, including temporary signage related to those events for 90 days or less.

5. Installation of landscaping with a mature growth height of six feet or less.

b. A certificate of appropriateness is not required for the installation of temporary structures, temporary landscaping, and temporary signage for the State Fair of Texas, except a routine maintenance certificate of appropriateness is required for:

1. Installations intended to remain in place more than 90 days.

2. Installations that do not comply with the contract between the State Fair of Texas and the Park and Recreation Department.

3. Installations that could cause damage to any historic feature.

4. Installations that are not reversible.

5. Landscaping with a mature growth height of more than six feet.
1.9 Applicants for a certificate of appropriateness must also obtain an antiquities permit from the Texas Historical Commission. Documentation of the historic condition, existing condition, and proposed work must be submitted to the Texas Historical Commission prior to, or concurrent with, the submission of a certificate of appropriateness application.

1.10 Proposed work using federal funding must be reviewed by the Texas Historical Commission under Section 106 of the Historic Preservation Act of 1966, codified as 36 C.F.R. Part 800. Documentation of the historic condition, existing condition, and proposed work must be submitted to the Texas Historical Commission prior to, or concurrent with, the submission of a certificate of appropriateness application.

1.11 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

1.12 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.

1.13 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.

1.14 The following local sources contain historic documentation of the 1936 Exposition site (in some cases additional non-local research may also be advisable):

   a. Dallas Historical Society, Hall of State, Fair Park: the Centennial Archive contains papers, drawings, and photographs of the design and construction of the 1936 Exposition.

   b. Municipal Archive, City Secretary’s Office, City Hall, Dallas: contains memorabilia, papers, drawings, and some photographs of the 1936 Exposition and of the period before and after the 1936 Exposition. This is the most comprehensive collection of 1936 Exposition materials.

   c. Dallas Office of Cultural Affairs, Majestic Theatre, Dallas: maintains an inventory of public art and records associated with the maintenance of public art.
d. Dallas Public Library, Dallas: contains miscellaneous papers and photographs of the 1936 Exposition and the period before and after the 1936 Exposition.

e. State Fair of Texas offices, Fair Park, Dallas: contains memorabilia, papers, drawings, and photographs of the 1936 Exposition site before and after the 1936 Exposition. Records include capital improvements to buildings through 1986.

1.15 A list of historic and current building names is included as Exhibit E1. A master plot plan of the 1936 Exhibition is included as Exhibit E2.

1.16 The period of historic significance for this district is the period from June 6, 1936 to November 29, 1936, the dates of the 1936 Exposition.

2. DEFINITIONS.

2.1 Unless defined below, the definitions contained in Chapter 51A of the Dallas City Code, as amended, apply.

2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.

2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

2.4 CHARACTER DEFINING FEATURE means those important architectural materials or features that demonstrate the building’s historic significance as determined by the State Historic Preservation Officer or the landmark commission.

2.5 CHARACTER DEFINING SPACE means those important spaces or settings, such as the relationship of buildings to each other, that demonstrate the significance of the district’s spatial character as determined by the State Historic Preservation Officer or the landmark commission.

2.6 CORE HISTORIC DISTRICT means a defined boundary within the district where the majority of historic features and elements exist, as illustrated in Exhibit B2.

2.7 DIRECTOR means the Director of the Department of Development Services or the Director's representative.
2.8 DISTRICT means Historic Overlay District No. 33, the Fair Park Historic Overlay District. This district contains the property shown on Exhibit B2.

2.9 ELEMENT means any building, structural feature, detail, material, or physical site feature.

2.10 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.

2.11 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

2.12 HISTORIC means dating to the period of significance or earlier.

2.13 HISTORIC STRUCTURE REPORT means a report, as discussed in Preservation Brief No. 43, providing documentary, graphic, and physical information about a property’s history and existing condition.

2.14 MASONRY means durable exterior construction materials such as plaster and stucco, concrete block, brick, natural stone, synthetic stone, cast concrete, or concrete. Exterior Insulating Finish System (EIFS) is not masonry.

2.15 MASTER PLAN means a document that describes, in narrative and with maps and elevations, an overall development concept.

2.16 PRESERVATION means the retention and protection of the greatest amount of an element’s historic character, along with the element’s form, features, and detailing as they have evolved over time.

2.17 PRESERVATION ZONE means the most protected zone within the core historic district as shown on Exhibit B1.

2.18 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.19 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

2.20 RECONSTRUCTION means the re-creation of a vanished or non-surviving building or element with new materials, primarily for interpretive purposes.
2.21 REHABILITATION means the retention and protection of the historic fabric while altering a historic element while retaining the element’s historic character in order to allow continuing or new uses of the building.

2.22 REHABILITATION ZONE means a zone within the core historic district that is less protected than the Preservation Zone as shown on Exhibit B1.

2.23 RENOVATION ZONE means a zone within the core historic district that is the least protected zone because no character defining features remain as shown on Exhibit B1.

2.24 RESTORATION means the re-establishment of an element to its appearance at a particular time in its history by retaining and protecting historic fabric from the period of significance, by removing elements from other periods, and reconstructing missing features from the period of significance.

2.25 SPECIAL BUILDING FEATURE means features such as an elevator penthouse or bulkhead, mechanical equipment room, cooling tower, tank designed to hold liquids, ornamental cupola or dome, skylight, clerestory, visual screen that surrounds roof mounted equipment, chimney and vent stack, amateur communication tower, flag pole, and parapet wall.

2.26 SUBDISTRICT means an area within the core historic district as illustrated in Exhibit B2.

2.27 TRANSITION ZONE means zones within the district, but outside the core historic district, for which preservation criteria apply despite a lack of historic features and elements, as shown on Exhibit B2.

3. GENERAL PRESERVATION CRITERIA.

3.1 Character defining features are protected. Character defining features are depicted on Exhibits B4 through B15.

3.2 Before starting a project, historic materials must be identified, including the construction date of the element, its condition, and options for repair. Historic elements must first be stabilized. Except as provided in Sections 3.3 and 3.4, historic elements must then be preserved and repaired using the least intrusive method and as little new material as possible.

3.3 Historic elements must be fully documented in drawings and photographs if they must be destroyed or taken away from the building as part of a rehabilitation project. This documentation must be submitted with an application for a certificate of appropriateness.
3.4 Repair and replacement of historic elements.

a. Extremely deteriorated elements may be replaced in kind if the element is non-historic or if:

1. surveys and testing have been performed, when reasonable, to confirm the deteriorated condition of the historic element;

2. there is no reasonable alternative to replacement; and

3. the replacement is technically and aesthetically consistent with the original material.

b. The replacement of whole elements is discouraged in favor of replacement of only those components that are severely deteriorated. Except as provided in Sections 3.4(d)(3) and 3.4(d)(6), where the replacement of a whole element is necessary, the replacement may be a substitute material as long as the replacement has no detrimental effect on the historic element technically or aesthetically.

c. Building code, life safety, energy efficiency, and accessibility requirements must be considered when determining replacement materials.

d. The repair or replacement of historic elements must comply with the following:

1. New masonry materials must match the historic material in all respects, including appearance, size, profile, color, texture, finish, pointing mortar, and mortar profile. Compressive strength of new masonry must be lower than the compressive strength of the historic masonry where used to infill the load bearing capacity.

2. New plaster must match the historic plaster in all respects including appearance, color, and texture.

3. New wood must match the historic wood in all respects including appearance, species (where possible), cut, and finish.
4. Roofing materials, parapets, gutters, and downspouts that are exposed to public view must match the historic appearance.

5. Historic entrances must be retained and used as entrances to the maximum extent possible.

6. Fenestration repairs must be made with limited replacement materials. Repair or replacement of wood windows must match the historic in appearance, cut, profile, and finish. Repair or replacement of metal windows must match the historic in material, appearance, cut, profile, and finish. Glazing must match the historic glazing in appearance.

3.5 Paint.

a. Paint and color are important considerations in the design of the district. A comprehensive color design was developed for the district using a palette of earthy colors that could be described as southwestern. The most prominent color is Centennial Tan, also described as the color of the Texas sun. Other colors included browns, brown-reds, orange, blues, and blue-greens. Accent colors were also used. Decorative painting was incorporated into the exterior and interior of many of the plaster buildings in the Esplanade of State and Agrarian subdistricts. Colors were coordinated with the painted and unpainted artwork that also adorns the otherwise blank walls of the exhibition buildings. The city has commissioned historic paint analysis reports for many of the buildings in the district and this information should be consulted when new work is proposed and when new paint analyses are prepared. Refer to the Park and Recreation Department for reference documents concerning the historic colors and finish treatments documented within the district.

b. A comprehensive paint analysis report that can serve as the basis for the selection of colors, and as a record of what remains intact, is required prior to the start of construction work where paint stripping or repainting will occur. A written and illustrated paint investigation report must be submitted with the certificate of appropriateness application. The results of the comprehensive paint analysis report must be coordinated with previous findings. Previous findings can be obtained from the Park and Recreation Department. The report must include on-site testing and exposures, archival research, and laboratory testing and documentation to be considered comprehensive.
c. The following colors have been found repeatedly on historic surfaces:

1. Centennial Tan (Plochere 183) is the basic wall color found on most of the plaster walls in the Esplanade of State and Agrarian subdistricts.

2. Light Red-Brown (Special Standard 1195) is the basic color for tall planters found primarily in the Agrarian Subdistrict.

3. Red-Brown (Plochere 369) is the basic wall color for low planters and for accent strips at high planter walls primarily in the Esplanade of State and Agrarian subdistricts.

4. Dark Red-Brown (Plochere 370) is a common color for wood doors in the Esplanade of State and Agrarian subdistricts.

d. The Livestock #2 Building is the only structure with its original 1936 paint finishes intact on most of the interior of the building. These historic finishes must be preserved, protected, and left exposed to view as a representation of the historic appearance of other buildings in the Agrarian Subdistrict.

3.6 Art.

a. Art is an integrated part of the design of the district. The district’s art includes cast concrete sculpture, cast plaster sculpture, plaster bas-relief, carved stone bas-relief, monumental murals, lunettes, cameos, and plaques made of cast concrete and metal. Much of the art has been covered by later paint layers and is hidden from view. Some of the art is missing. A number of artists, many of whom worked World Fairs and Expositions around the United States, along with a number of local artists, performed work in the district. Refer to Exhibit B4, Historic Art.

b. The Park and Recreation Department must be notified immediately when art is uncovered or discovered.

c. No treatment may be performed on any art without the guidance of a qualified art conservator with expertise in the material and technique of the art object. A qualified art conservator must develop an analysis of the art object and a proposed treatment to be submitted with the certificate of appropriateness application. Art conservators must be qualified by working on similar objects, with a minimum of 10 years documented experience.
d. Art conservation must follow the standards and code of conduct defined by the American Institute of Conservation for the Treatment of Historic and Artistic Works.

e. Art conservation must include recommendations for maintenance and for the long-term protection of the art object.

f. In order to ensure a holistic and consistent interpretation and presentation, proposed art conservation must be coordinated with art conservation completed to the date of an application for a certificate of appropriateness.

g. The reconstruction of missing art is permitted in its previous location when there is sufficient evidence to permit an accurate reconstruction.

h. The Park and Recreation Department must coordinate and consult with the Office of Cultural Affairs on all projects involving art.

3.7 Lighting.

a. Lighting was an important and well-integrated element in the design of the district as part of buildings or as freestanding elements. Nearly all of the historic freestanding lighting elements are missing. Documentation indicates that there were many different lighting fixtures designed for the district, some of which incorporated planters or flagpole elements. Many of these fixtures were designed with hidden or indirect light sources. Some of the lighting incorporated colored lights and theatrical changing light features. Refer to Exhibit B5, Historic Site Elements – Lighting.

b. Historic lighting must be preserved and made operational where possible.

c. The reconstruction of lighting in its original location, including colored lights and theatrical changing light features, is encouraged.

d. Lighting in the Preservation Zone and Rehabilitation Zone must be restored, reconstructed, or designed to be compatible with the historic lighting design.

e. Lighting must be coordinated with signage systems; inter-park transportation systems; interpretive signage and programs; and historic flags, banners, signage, water features, and landscape features.
3.8 Landscaping.

a. Landscaping was designed to reflect Texas’s indigenous plant materials from the varied regions of the state. Nearly all of the historic landscape is missing and what remains has not been fully documented. Water features were an important component of the landscape design. Refer to Exhibit B6, Historic Water Features.

b. Historic landscape elements, including water features, must be preserved or restored. New landscape design must be compatible with the historic landscape.

c. Historic planting plans must be referred to for plant material specifications as a basis for restoration, or as a guide in the development of a new and compatible design. A listing of historic plant materials and approved alternate plant materials may be obtained from the Park and Recreation Department.

d. The appearance of landscaping may, where appropriate, be restored using substitute materials that are better suited to this planting zone or to maintenance limitations. An interpretation of the historic landscape design is permitted.

e. Landscape design, in its mature state, must not obstruct view corridors or buildings that were historically unobstructed.

3.9 Site furniture.

a. Site furniture included drinking fountains, benches, sound pylons, flag poles, banner poles, and hanging gardens. Site furniture gave the district the texture and level of detail that created the 1936 Exposition character. Most of these elements, and hence this character, are missing today. When new work is proposed, incorporating site furniture, lighting, and art is encouraged to re-establish the 1936 Exposition character of the district. Refer to Exhibit B7, Historic Site Elements – Drinking Fountains; Exhibit B8, Historic Site Elements – Pylons; and Exhibit B9, Historic Site Elements – Monuments.

b. Benches, flag poles, banner poles, trash receptacles, and drinking fountains are permitted.

c. Historic site furniture must be preserved.
d. Reconstruction of missing historic site furniture in its original location is encouraged.

e. Design for new site furniture must use an appropriate design motif.

3.10 Hardscape.

a. Hardscape generally consisted of exposed aggregate, asphalt, and concrete surfaces at pedestrian walkways, and concrete or asphalt at roads. Most, if not all, of these materials have been covered by later materials. Some areas, such as the Transportation Building porticos, still exhibit the historic colored concrete treatment that was used at entrances and special areas. Streets were defined with concrete curbs while pedestrian walkways were curbless. The circulation system is also a character defining feature. Refer to Exhibit B10, Historic Circulation.

b. Permitted hardscape materials include concrete, exposed aggregate concrete, and asphalt. Colored concrete and stone paving may be used in limited quantities as accent materials in the following locations: thresholds, transitions between paving, covered entrances, semi-enclosed patios and terraces, or where used as part of a restoration or reconstruction project.

c. Replacement hardscape must reflect the 1936 materials, texture, and scale.

d. New hardscape must be compatible with the 1936 design.

e. The removal of incompatible, non-historic hardscape materials, including brick paving, is encouraged.

3.11 Fencing.

a. Fencing consists primarily of simple chain link. Solid concrete walls approximately six feet high were constructed along Parry Avenue and along sections of Second Avenue. Smaller scale fencing to protect planted areas was also used. One type of planted area fencing seen in historic photographs is the half-round loop that is approximately one foot high.

b. Except as provided in Section 3.11(g), fences must be constructed of chain link, metal, or concrete.

c. Historic fencing is protected.
d. New fencing is only permitted for new service areas and loading docks and as provided in Sections 3.11(e), 3.11(f), and 3.11(g).

e. New perimeter fencing must be 50 percent open and must match the metal fencing installed along Robert B. Cullum Boulevard.

f. Fencing with a maximum height of one-foot that matches the historic half-round loop fence is permitted to protect plantings.

g. Fencing used to screen mechanical equipment or intended to enclose outdoor exhibit space may use solid concrete or stone walls or other materials appropriate to the adjacent building. Concrete walls may be composed of concrete masonry units with plaster finish.

h. Fencing must be as unobtrusive as possible and must not conceal entrances or special architectural features of buildings.

3.12 Mechanical equipment must be located out of view from primary pedestrian walkways. Where not feasible, mechanical equipment must be screened by a solid wall or a fence with planting. See Section 3.11(g).

3.13 Interiors.

a. Interiors in many of the buildings, including most of the Civic Center museum buildings and some of the exhibition buildings, particularly in the Agrarian Subdistrict, are historically significant. Some of these spaces were treated with murals and decorative painting designs.

b. Historic interiors listed in Exhibit B11, Historic Interiors, are protected.

c. If alterations or additions are necessary to meet energy efficiency, building code, life safety, or accessibility requirements, a comprehensive analysis must be undertaken to determine what fabric is historic and a character defining feature prior to designing the alterations or additions.

d. Alterations and additions should be designed to minimize the impact on historic character defining features.

e. Significant alterations and additions must be distinguished from the historic fabric and be secondary to the character of the historic space.
f. Minor alterations and additions must be designed to minimize the impact on the historic fabric and character of the historic space.

g. See Section 3.5(d) concerning interior paint at the Livestock #2 Building.

3.14 Monuments and plaques.

a. Historic monuments shown on Exhibit B9, Historic Site Elements—Monuments, are protected.

b. The addition of monuments, markers, sculptures, plaques, frescoes, reliefs, statuary, and structures that are not based on historic pieces is discouraged.

c. Reconstruction of missing monuments or plaques is encouraged as an alternative to a new monument or plaque.

d. Discreet markers and plaques related to the history and development of the district, that do not require special maintenance, and that avoid conflict with original Art Deco sculpture, architecture, and artwork are encouraged if appropriate.

e. Proposed work must be reviewed and formally approved by the Park and Recreation Department prior to an application for a certificate of appropriateness.

3.15 Master plans and historic structure reports.

a. A master plan and historic structure report has been commissioned by the Park and Recreation Department for several buildings. The master plans and historic structure reports are advisory, but must be consulted for background information. The master plans and historic structure reports are available at the offices of the Park and Recreation Department.

b. A master plan or historic structure report is required with an application for a certificate of appropriateness if the Director determines:

1. significant alterations or additions to character defining features are proposed,

2. significant restoration, preservation, or rehabilitation is proposed, or
3. the magnitude of the proposed work makes documentation and review of a master plan or historic structure report necessary.

3.16 Recognition of the historic boundary of the park, as shown on Exhibit B1, is encouraged.

4. PRESERVATION ZONE.

4.1 Introduction.

a. The Preservation Zone is comprised of the following subdistricts:

1. Esplanade of State Subdistrict.

2. Agrarian Subdistrict.

b. The treatment of choice in the Preservation Zone is preservation or restoration. Preservation and restoration may also include reconstruction of missing historic features. Alterations, additions, and new construction are discouraged except as described in Sections 8.3 and 8.4 and illustrated on Exhibit B3.

4.2 Esplanade of State Subdistrict.

a. Background information.

1. The Esplanade of State is the most formal and ceremonial subdistrict. This space, which encompasses the primary entrance to the district, consists of a procession of spaces that culminate in the centerpiece of the district, the State of Texas Building. A context plan, 1936 photo, and a plan for reconstruction of missing elements is provided in Exhibit C1.

2. The Court of Independence and the Esplanade of State are perceived as one space that connects the Parry Avenue gate to the Court of Honor and the State of Texas Building. This was the most important and formal space of the 1936 Exposition. A monumental fountain is centered in the space and serves as a reflecting basin for the architecture and, at night, for the lighting. The architecture that defines the Esplanade includes the Transportation Building and the Varied Industries/Electrical and Communications Building, which are composed of six projecting portico entrances in
front of which is a sculpture representing a nation that flew its flag over Texas: Spain, France, the Confederacy, Mexico, the Republic of Texas, and the United States, as well as murals and bas-relief depicting the purpose of each building. Flags for these nations once flew in front of each portico. The landscape reflected the four regions of Texas with native planting. A dramatic effect was designed for the whole at night with a show of lights, smoke, and sound effects.

3. The Court of Honor is one in a sequence of spaces that makes up the Esplanade of State and leads to the State of Texas Building. A cross-axis was terminated on the north of the Court of Honor by the former Petroleum Building and on the south by the former Ford Motor Company Building. The Court of Honor was further defined by hanging gardens decorated with images of various animals and plant life, light pylons, fountains, and special paving material in the form of a star where the two axes cross.

4. The Parry Avenue gate is the primary historic entrance to the district. The entrance is a train, bus, and pedestrian entrance, located on axis with the Esplanade and the State of Texas Building. The entry gate wall was rebuilt to a somewhat new design by George Dahl in 1937. Historic photographs of the Parry Avenue gate are provided in Exhibit C2.

5. Grand Plaza is the space immediately inside the district past the Parry Avenue gate. Grand Plaza includes an alley of live oak trees. Grand Plaza initiates the formal axial procession to the Hall of State.

6. The Federal Concourse is the space on the southern side of the Court of Honor where the transition is made to the Midway to the east and the Civic Center to the south. This circular space serves as a knuckle to transition from the cross axis of the Court of Honor to other areas of the district. A similar transition that re-orients the visitor toward the Agrarian Subdistrict is opposite the Federal Concourse to the north.
7. The former Second Avenue gate served as a secondary entrance on Parry Avenue.

8. The Washington Street gate served as a secondary entrance on Parry Avenue.

b. Preservation criteria.

1. This subdistrict is protected.

2. A 1997 restoration master plan for the Esplanade of State is available for reference from the Park and Recreation Department. This document is advisory in nature and should be consulted for background information on the subdistrict.

3. Alterations and additions are limited to rear or secondary facades of buildings where the alteration or addition is not visible from a character defining space.


   A. New construction is permitted as described in Section 8 and shown on Exhibit B3.

   B. Refer to Section 8 for specific guidelines for reconstruction of the Petroleum Building, Ford Motor Company Building, Varied Industries/Electrical and Communications Building, Gulf Refining Company Building, and Skillern’s Drug Store Building.

   C. If reconstructed, the primary volume of the Petroleum Building and Ford Motor Company Building must be built to define the Court of Honor and terminate its cross axis as described in Section 8.3(b) and (c).

5. The predominant facade material of additions must be plaster.

6. The exterior color of new additions must be Centennial Tan (Plochere 183) to blend with the color of existing buildings.

7. New construction, landscaping, and site elements must not interrupt the central or cross axis of the Court of Honor.
See Exhibit C3 for a conceptual guideline for termination of the cross axis.

8. The historic gates at Parry Avenue and Washington Street are protected.

4.3 Agrarian Subdistrict.

a. Background information.

1. The Agrarian Subdistrict was devoted to agriculture and livestock during the 1936 Exposition. The buildings are densely arranged along Admiral Nimitz Circle (Agrarian Parkway). The buildings in this subdistrict are designed for livestock or for agricultural exhibits. The promotional materials for the 1936 Exposition boast that the vast size of the Agrarian Subdistrict is due to the important role that agriculture played in Texas’s economy. The Agrarian Subdistrict is one of the most historically intact areas of the district. The area contains murals, bas-relief, and sculpture related to the agrarian theme. A context plan and historic photographs are provided in Exhibit C4.

2. The subdistrict’s primary street is Admiral Nimitz Circle (Agrarian Parkway). This street is well defined by building walls on each side. The relatively narrow width of the street provides a dense and more urban character than is found in other areas of the district.

3. The Chute is a short street perpendicular to Admiral Nimitz Circle (Agrarian Parkway). Like Admiral Nimitz Circle (Agrarian Parkway), this street has a dense and urban character that is defined by the close proximity and density of the buildings on it.

4. Cavalcade Drive is at the end of Admiral Nimitz Circle (Agrarian Parkway) where the Cavalcade of Texas exhibit once stood.

5. The Corral is an open space fronting on the Chute within the livestock complex.

b. Preservation criteria.

1. This subdistrict is protected.
2. Alterations and additions are limited to rear or secondary facades of buildings where the alteration or addition is not visible from a character defining space.

3. Appropriate stand-alone new construction is permitted.

4. The adaptive reuse of buildings must preserve the open-air livestock character of the building interiors.

5. Historic painted signage is protected.

6. The predominant facade material of new construction and additions must be plaster.

7. The exterior color of new construction and additions must be Centennial Tan (Plochere 183) to blend with the color of existing buildings.

8. Admiral Nimitz Circle (Agricultural Parkway) and adjoining landscaping is protected.

9. The Chute and Cavalcade Drive are protected.

10. The open-air corral space facing the Chute is protected.

5. REHABILITATION ZONE.

5.1 Introduction.

a. The Rehabilitation Zone is comprised of the following subdistricts:

1. Civic Center Subdistrict.

2. Cotton Bowl Subdistrict.

b. The treatment of choice in the Rehabilitation Zone is preservation or rehabilitation, but restoration and reconstruction are also permitted treatments. Rehabilitation is permitted if appropriate. Alterations, additions, and new construction should be guided by, but not limited to, the alterations, additions, and new construction described in Section 8 and illustrated on Exhibit B3.
5.2 Civic Center Subdistrict.

a. Background information.

1. The Civic Center Subdistrict is the cultural heart of the district and the location of the majority of museums. Within a pastoral setting, the buildings in this subdistrict are arranged as isolated objects around a focal point - the Lagoon. The naturalistic setting contrasts with the more formal Esplanade of State Subdistrict and with the urban street character of the Agrarian Subdistrict. Centennial Drive, north of the Lagoon, was a primary circulation route through the 1936 Exposition. Surrounding the Lagoon is a secondary path that was used by both pedestrians and by the Ford Motor Company as a place to test the latest car model. A fountain on axis with the Museum of Fine Arts in the center of the Lagoon represents a rare formal, axial relationship in the Civic Center Subdistrict. The Lagoon itself remains largely intact, but changes to its boundary, landscape, and the surrounding buildings have been extensive. More changes are inevitable as the museums struggle to provide the exhibit opportunities today’s museum visitor expects. A context plan and historic photographs are provided in Exhibit C5.

2. The Lagoon is the focal point of the subdistrict. All of the museum buildings arranged around the Lagoon have a primary entrance on this side. The Lagoon establishes the bucolic and English-style landscape character of the subdistrict.

3. The subdistrict’s primary street is Centennial Drive. This street runs along the side of the Lagoon connecting Parry Avenue and Pennsylvania Avenue. The street’s meandering character helps to define the bucolic setting of the subdistrict.

4. John Reagan Plaza is the space that fronts the Cotton Bowl where it opens into the Civic Center Subdistrict. This space is aligned on axis with the entrance to the Museum of Fine Arts on the opposite side of the Lagoon.

5. Constitution Place is the space between the U. S. Government Building and the former Ford Motor Company Building. This narrow street maintains the spatial character
of a narrow street found in the former Midway. Constitution Place serves as a transitional space between the Federal Concourse and the Midway. The transition is important to retain in order to preserve the more formal and ceremonial character of the Federal Concourse and Court of Honor beyond. The transition helps to contain the Midway atmosphere and keep it from leaking into adjacent areas of the district that have drastically different characters.

6. Grand Avenue is a significant street that becomes the Court of Honor in front of the State of Texas Building and is served by the Grand Avenue gate, one of two entrances on the south side of the district.

7. Martin Luther King, Jr. Boulevard (formerly Forest Avenue) is a significant street running north-south and is served by the Forest Avenue gate, one of two entrances on the south side of the district.

b. Preservation criteria.

1. This subdistrict is protected.

2. New construction and additions.

   A. New construction and additions are permitted as described in Section 8 and as shown on Exhibit B3. A conceptual guideline for new construction and additions is provided as Exhibit C5.

   B. Reconstruction of missing buildings and exhibits, or construction of compatible new buildings and exhibits in the location of missing buildings, is encouraged.

   C. Refer to Section 8 for specific guidelines for the reconstruction of, and additions to, the Hall of Religion, National Cash Register Building, Museum of Natural History, Museum of Fine Arts, Texas Company Building, and Aquarium.

   D. Reconstruction or compatible new construction of missing buildings and exhibits is encouraged.
3. The historic gates at Grand Avenue and Martin Luther King, Jr. Boulevard (formerly Forest Avenue) are protected.

4. Reconstruction of the gates at Second Avenue and Pennsylvania Avenue is encouraged to show the location of the 1936 boundary.

5. The Lagoon.
   A. The Lagoon is a character defining feature of the subdistrict.
   B. Pedestrian circulation surrounding the Lagoon must be maintained.
   C. Reconstruction of the historic path behind the Open Air Amphitheatre is encouraged to strengthen the connections between the Lagoon and the museums on the northwest side of Martin Luther King, Jr. Boulevard (formerly Forest Avenue).
   D. Amusements, temporary exhibits, and other activities around the Lagoon are encouraged, if compatible with the historic character of the subdistrict.
   E. The visual and physical connection between the Lagoon and Transition Zone 2 must be maintained.
   F. A minimum of 50 feet of open space must be maintained between buildings fronting the Lagoon.
   G. The open space between buildings and the Lagoon must not be encroached.
   H. Building entrances facing the Lagoon must be maintained as functioning entrances.
   I. Reconstruction of the Lagoon edge, circulation path, and bridge is encouraged.

6. Centennial Drive must be retained in its historic location.

7. John Reagan Plaza is protected and must be maintained as open space.
8. Constitution Place is protected and must be maintained as a transitional space to preserve the more formal and ceremonial character of the Federal Concourse and Court of Honor and to contain the Midway atmosphere and keep it from leaking into adjacent areas of the district.

9. The portions of Grand Avenue and Martin Luther King, Jr. Boulevard (formerly Forest Avenue) within the district must be retained in their historic locations.

10. Banner poles are encouraged. Banners are encouraged as a means for museums to announce new exhibits and special events.

5.3 Cotton Bowl Subdistrict.

a. Background information.

1. The Cotton Bowl Subdistrict is the oval shaped space in the center of the district that is occupied by Cotton Bowl stadium. A context plan and historic photographs are provided in Exhibit C6.

2. The Cotton Bowl stadium that exists today is in its historic location but has been altered significantly. The bowl was initially constructed in 1930 on the site of a racetrack by excavating and lowering the playing field and by forming a berm around the perimeter. The bowl seated 46,200. In 1936, the Cotton Bowl was altered to suit the design of the 1936 Exposition by adding plaster entrances on the north and south ends, along with pylons and spaces to emphasize those entrances. In 1948 and 1949, the north and south berms were lowered and an upper deck was added along the sidelines. The seating capacity was increased to 71,500. In 1968, benches were replaced with seats and the capacity of the stadium was reduced to 68,252. In 1993, the stadium underwent another renovation that included renovation of locker rooms. In 2002, the toilet facilities were renovated. In 2004, an additional 4,000 seats were added.

3. Stadium Plaza is the space at the south entrance to the Cotton Bowl. Stadium Plaza and John Reagan Plaza serve to connect the Civic Center with the Cotton Bowl, the Midway, and Constitution Place.
4. Bluebonnet Circle is the oval shaped space surrounding the Cotton Bowl that incorporates a narrow service road and the berm that formed the 1936 bowl. This space was planted with bluebonnet flowers during the 1936 Exposition.

5. Sam Houston Plaza is the open space at the north entrance to the Cotton Bowl.

b. Preservation criteria.

1. Cotton Bowl.

   A. Redevelopment and continued year-round use is encouraged.

   B. Preservation, restoration, or rehabilitation is encouraged.

   C. Reconstruction of the original Cotton Bowl based on historic documentation is encouraged.

   D. New construction, alterations, or additions are permitted in accordance with the following:

      i. No addition may be visible behind the State of Texas Building when viewed axially from the farthest edge of the Esplanade fountain. Additions must not disrupt the prominence of the State of Texas Building from any viewpoint within the Esplanade of State Subdistrict.

      ii. Entries on the north (Agrarian side) and south (Cotton Bowl Plaza facing the Lagoon) must be maintained.

      iii. The axial relationship to Stadium Plaza, John Reagan Plaza, and the Lagoon must be maintained.

      iv. The current footprint may not be enlarged by more than 20 percent.
v. No addition may connect to, or hover over, other historic buildings.

vi. Alterations are encouraged to be located on the rear (south end zone) side of the structure.

vii. Pylons, flag poles, and lighting similar to, or as an accurate reconstruction of, the historic elements are encouraged.

viii. Creation of lighting effects similar to the 1936 bank of lights is encouraged. The 1936 bank of lights is illustrated as Exhibit C6.

2. Stadium Plaza.

A. Stadium Plaza is protected.

B. The view toward the Lagoon must not be obstructed.

3. The general form of Bluebonnet Circle must be retained.

4. Sam Houston Plaza is protected. Refer to Section 8.3(h) for specific guidelines for reconstruction of the Sam Houston Plaza Restaurant Site.

6. RENOVATION ZONE.

6.1 Introduction.

a. The Renovation Zone is comprised of the following subdistricts:

1. Midway Subdistrict.

2. East Parking Subdistrict.

b. There are no character defining features remaining in the Renovation Zone. Alterations, additions, and new construction are permitted if appropriate.

6.2 Midway Subdistrict.
a. Background information. Little, if any, known historic features remain in the Midway Subdistrict, but the spirit of the original continues to entertain during the State Fair of Texas. The character and function of the space was historically a very dense linear shopping street for pedestrians only, full of exhibit buildings, activity, bright lights and sounds, with a carnival atmosphere. A context plan and historic photographs are provided in Exhibit C7.

b. Preservation criteria.

1. Recreating the character and function of the historic Midway is encouraged.

2. Year-round operation of the Midway is encouraged.

3. The pedestrian street form and location of the historic Midway must be retained in any design.

4. Connections between this subdistrict and the Civic Center Subdistrict and other areas of the district are encouraged.

5. Stand-alone new construction is permitted. New construction must be appropriate and differentiated from other areas of the district.

6.3 East Parking Subdistrict.

a. Background information.

1. The East Parking Subdistrict encompasses the space that was formerly occupied by a race track to the east of the Agrarian Subdistrict extending to Pennsylvania Avenue. A context plan and historic photographs are provided in Exhibit C8.

2. Washington Street (The Trail), historically served as a service road with access to the rear of the Agrarian buildings.

3. The former Pennsylvania Avenue gate was a small gate on Pennsylvania Avenue near Centennial Drive.

b. Preservation criteria.
1. The location and general volume of the former Cavalcade of Texas Building must be maintained in order to provide a closure of Cavalcade Drive and the Agrarian Subdistrict.

2. Except for the State Fair Observation Tower and amusement rides, new construction must not exceed the height of the former Cavalcade of Texas Building.

3. New construction must be compatible with, but differentiated from, historic buildings and elements.

4. Parking may be located in this subdistrict.

5. Structures may not cover more than 50 percent of the ground area in this subdistrict.

6. For new construction, a minimum of 50 percent of the exterior wall surfaces must consist of masonry. Plaster is encouraged as a primary exterior material.

7. **TRANSITION ZONES.**

   7.1 Transition Zone 1.

   a. This area of the district is adjacent to a residential neighborhood and development should respect the residential scale.

   b. Height.

      1. Except as provided in Section 7.1(b)(2) and (b)(3), maximum structure height is 60 feet.

      2. Special building features may not exceed 100 feet in height.

      3. Observation towers and amusement rides may be erected to any height consistent with the Federal Aviation Administration air space limitations, airport flight overlay district regulations, residential proximity slope height regulations, and the building code.

   c. Maximum lot coverage is 50 percent.

   d. Parking is permitted.

   e. Landscaping must be compatible with historic landscape design.
f. The street tree requirement in Section 51A-10.125 of the Dallas Development Code may be met by planting trees in a cluster.

g. Fences must be at least 50 percent open and may not exceed nine feet in height.

h. Each exterior wall of new construction must be at least 20 percent masonry.

i. Backlit plastic signs are not permitted.

j. High mast lighting is not permitted.

7.2 Transition Zone 2.

a. The intent of Transition Zone 2 is to create a museum green between Grand Avenue and Martin Luther King Jr. Boulevard (formerly Forest Avenue), that would provide for below-grade parking, a park-like setting along Robert B. Cullum Boulevard, and a place to expand the museums with new construction.

b. New construction may be contemporary. New construction need not be stylistically consistent with the remainder of the district.

c. Second Avenue may be improved to create a better pedestrian and vehicular connection between museums and on-street parking.

d. Two options for site coverage, including setbacks and potential buildable area for the museum green are illustrated on Exhibit C9.

e. Maximum lot coverage is 30 percent.

CPC Recommendation

| f. | Vistas along the Grand Avenue and Martin Luther King, Jr. Boulevard (formerly Forest Avenue) entrances are protected. |

g. Except for on-street parking along Second Avenue, parking is not allowed at grade or above grade; parking must be below-grade.

h. Access to below-grade parking must not be parallel to Second Avenue, thereby restricting pedestrian passage across Second Avenue.
h. Each exterior wall of new construction must be at least 20 percent masonry.

i. New development must include landscaping as a significant feature.

j. Building connections across Second Avenue must be pedestrian skybridges located at least 14 feet above grade. Connections across Second Avenue must not obscure historic facades and entrances.

k. Public art and temporary outdoor exhibits are encouraged. Appropriate permanent outdoor exhibits are permitted and encouraged.

l. Hardscape may not exceed 20 percent of any landscaped area.

m. Second Avenue must be retained in its historic location as a vehicular street and an indication of the 1936 boundary of the park.

n. Fencing must be at least 50 percent open and may not exceed nine feet in height.

o. Water features are encouraged.

p. Backlit plastic signs are not permitted.

q. High mast lighting is not permitted.

8. NEW CONSTRUCTION AND ADDITIONS—SPECIFIC BUILDINGS.

8.1 Background information.

a. Masonry materials, primarily exterior plaster and stone, are character-defining features of buildings and other elements in the district. Limestone is the most commonly used stone in the district. Other stone materials and wood can also be found but are not the dominant features.

b. Roofs are typically flat or are pitched but hidden by parapet walls that give the appearance of a flat roof. Exceptions are primarily in the pre-1936 structures such as the Music Hall or in the 1936 exhibit buildings such as the centennial model homes.
c. Buildings typically have multiple entrances that are prominent and wide to accommodate large crowds. In some areas, such as the Civic Center Subdistrict, entrances are located on both the Lagoon side and on the Second Avenue side. Porticos and other covered entrance treatments, such as an arcade, are often used at entrance locations. Wood doors are typically on plaster facades. Metal doors are typically on limestone facades. Screen doors were used in 1936 to maximize ventilation through the buildings.

d. The use of fenestration is minimal since most of the buildings were built for exhibit space. Expanses of solid wall were decorated instead with art in the form of bas-relief or stenciling, or in the case of the stone buildings, carved stone decorations. Wood windows were used on exhibit buildings along with steel windows. Metal windows were used in limestone buildings. Some of the larger special windows that can be seen at the Administration Building or the Transportation Building date to before 1936.

8.2 General.

a. Refer to Exhibit B3, Permitted New Construction and Additions.

b. These criteria are intended to recognize the need for change and redevelopment.

1. These criteria provide a guide to an appropriate design for new construction and additions. Alternative designs, however, could be appropriate. The design is not limited to those described in the following sections.

2. These criteria were developed with input from museum campus directors and Fair Park stakeholders in 2002 and prepared as part of the Fair Park Comprehensive Development Plan.

3. A component of the Fair Park Comprehensive Development Plan is the creation of a museum green outside the core historic district boundaries. This area of the district is referred to as Transition Zone 2. Transition Zone 2 is intended as a location for significant expansions.
of the museums and as a place to give the museums more visual presence from outside the district.

4. The first goal of all of the criteria is to preserve the historic fabric and character of the district.

5. Specific guidelines are not included for every building. Where specific guidelines are not included, the criteria for subdistricts and zones control. If there is a conflict, the criteria for specific buildings control over criteria for subdistricts or zones.

8.3 New construction.

a. Introduction.

CPC Recommendation
1. These criteria are intended to encourage the reconstruction of missing historic buildings, elements, and site features throughout the district. Any new building construction in designated protected areas, except where noted otherwise, must conform to existing building setbacks and heights.

Landmark Recommended
1. These criteria are intended to encourage the reconstruction of missing historic buildings, elements, and site features throughout the district.

2. Reconstruction is defined as Option 1 because the reconstruction of missing elements, when complete and accurate documentation is available, is the preferred option. Reconstruction will help unify and reconnect the remaining historic fabric, enabling a more complete understanding of the 1936 Centennial Exhibition.

b. Petroleum Building.

1. The former Petroleum Building, home of the Humble Hall of Texas History during the 1936 Exposition, was designed by George Dahl with 15,000 square feet of space for the Humble Oil Company. Humble exhibited relief maps of Texas, an exhibit mounted by the University of Texas, and the Pennzoil Company’s Little Theatre. The building is distinctive as the axial terminus for the north end of the Court of Honor and as a transitional building between the highly formal Esplanade of State and the Agrarian
Subdistrict. See Exhibit B3. The facade of the historic building incorporated a plaster bas-relief by Pierre Bourdelle, artist of the bas-relief of the Esplanade. A conceptual guideline, context plan, and historic photograph are provided in Exhibit C10.

2. **Option 1—Reconstruction.** Accurate reconstruction based on historic documentation is encouraged.

3. **Option 2—New Construction.** New construction must be compatible and comply with the following criteria:

   A. Entries must face the Court of Honor and Fair Park Boulevard.

   B. Maximum building footprint is 31,000 square feet.

   C. New construction must reflect the historic building’s massing, including entry podium, planter arrangement, and landscape features.

   D. Height of the primary volume must match the historic height, and the height of secondary volume must be a minimum of five feet lower than the primary volume.

   E. The primary facade material must be plaster.

   F. The primary exterior paint color must be Centennial Tan (Plochere 183).

   G. Fenestration on the facade facing the Court of Honor is limited to the size and locations documented for the historic structure. Fenestration on other facades may not exceed 50 percent of each facade’s wall surface.

   H. Lighting must be compatible with or based on historic building lighting.

   I. Signage must be compatible with or based on historic signage.

   J. Incorporating art in the location of the historic bas-relief is encouraged.

c. Ford Motor Company Building.
1. The former Ford Motor Company Building served as the south axial terminus for the Court of Honor. The Ford Motor Company Building and the U.S. Government Building created Constitution Place – a transitional space between the Court of Honor and the Midway. See Exhibit B3. The Ford Motor Company Building was designed by the office of Albert Kahn as an exhibition building with a courtyard. The Henry Ford Trade School displayed the automotive technology of the day and offered test drives of its Model T and Model A vehicles around the Lagoon at the 1936 Exposition. The building was distinctive for its two primary facades: one a solid and imposing mass facing the Court of Honor and the other lower in scale and featuring a large courtyard facing the Lagoon. The courtyard featured an exhibit of nine historic roads in the Southwest, including Dallas’s Main Street. A conceptual guideline, context plan, and historic photograph are provided in Exhibit C11.

2. Option 1—Reconstruction. Accurate reconstruction based on historic documentation is encouraged.

3. Option 2—New Construction. New construction must be compatible and comply with the following criteria:

A. Entries must face the Court of Honor and the Lagoon.

B. Maximum building footprint is 70,000 square feet.

C. New construction must reflect the historic building’s massing. The facade facing the Court of Honor must reflect the historic massing, form, orientation, materials, and entrance location.

D. The visual terminus of the Court of Honor must be maintained.

E. Maximum height may not exceed the historic height of the primary volume facing the Court of Honor. Secondary massing may be one or two stories. The facade facing Constitution Place must be 38 feet in height. The facade facing the Lagoon must not exceed 38 feet in height.

F. Glass infill is permitted at the historic building courtyard location. The height of glass infill must
be lower than the maximum height permitted for other facades. Glass infill enclosing the former courtyard may exceed 30 percent of the facade.

G. The primary facade material must be plaster.

H. The primary exterior paint color must be white.

I. No fenestration is permitted on the facade facing the Court of Honor. For all other facades, fenestration must not exceed 30 percent of the facade except as provided in Section 8.3(c)(3)(F).

J. Lighting must be compatible with or based on historic building lighting.

K. Signage must be compatible with or based on historic signage.

L. Public art is encouraged.

4. Demolition of the building existing on the site of the former Ford Motor Company Building is encouraged to enable reconstruction or new construction as a means of completing and restoring the Court of Honor.

d. Varied Industries/Electrical and Communications Building.

1. The former Varied Industries/Electrical and Communications Building was constructed circa 1910 by the State Fair of Texas. Additions were made in 1936 by George Dahl to create a larger exhibition hall and to define the Esplanade of State. The building burned to the ground in 1942. The light pylons and three sculptures are the only historic elements that remain today. During the 1936 Exposition, the building housed exhibits for the Coca Cola Company, the American Thread Company, the Grolier Society (Encyclopedia Brittanica), DuPont, General Electric, and Owens-Illinois Glass Company (Owens-Corning). The Esplanade facade included murals and bas-relief by Pierre Bourdelle. In 1948, the Automobile Building was built in the general location of the historic building and in 1986 three porticos were added to simulate the historic facade facing the Esplanade of State. See Exhibit B3. Conceptual guidelines, a context plan, and a historic photograph are provided in Exhibit C12.
2. **Option 1—Reconstruction.** Accurate reconstruction based on historic documentation is encouraged.

3. **Option 2—New Construction.** New construction must be compatible and comply with the following criteria:
   
   A. Primary entries must face the Esplanade of State. Secondary entries must face Centennial Drive.
   
   B. Maximum building footprint is 80,000 square feet.
   
   C. New construction must reflect the former Varied Industries/Electrical and Communications Building’s massing, including pylons and planters along Centennial Drive.
   
   D. Maximum height may not exceed the height of the former Varied Industries/Electrical and Communications Building.
   
   E. The primary facade material must be plaster.
   
   F. The primary exterior paint color must be Centennial Tan (Plochere 183).
   
   G. Fenestration on facades facing the Esplanade of State, Parry Avenue, and Court of Honor must duplicate the fenestration of the former Varied Industries/Electrical and Communications Building. Fenestration on the facade facing Centennial Drive may not exceed 50 percent.
   
   H. Lighting must be compatible with or based on historic building lighting.
   
   I. Signage must be compatible with or based on historic signage.
   
   J. Art must be incorporated in the location of historic art. Accurate reconstruction of historic art is encouraged where historic documentation is available.

4. **Option 3—New Construction.** New construction that combines the Varied Industries/Electrical and Communications Building site with the Gulf Refining
Company Building and Skillern’s Drug Store Building site must be compatible and comply with the requirements for Option 2 with the following exceptions:

A. Maximum building footprint is 92,500 square feet.

B. The Gulf Refining Company and Skillern’s Drug Store pavilion may not exceed one story and must match the height of the former Gulf Refining Company and Skillern’s Drug Store buildings.

C. Buildings must front upon the axis of the Midway.

e. Gulf Refining Company Building and Skillern’s Drug Store Building.

1. The former Gulf Refining Company Building and Skillern’s Drug Store Building each had important facades facing the Federal Concourse. The Gulf Refining Company Building terminated the axis of the Midway. See Exhibit B3. The Gulf Refining Company Building housed the 1936 Exposition’s radio and public address system that fed the 1936 Exposition’s 25 “Singing Towers” or sound pylons. Visitors were able to see the inner workings of a radio station and its studios. The Skillern’s Drug Store Building was an active drug store that filled prescriptions during the 1936 Exposition. A conceptual guideline, context plan, and historic photographs are provided in Exhibit C13.

2. **Option 1—Reconstruction.** Accurate reconstruction based on historic documentation is encouraged.

3. **Option 2—New Construction.** New construction must be compatible and comply with the following criteria:

A. Building entries must face the Federal Concourse.

B. Maximum combined footprint for both buildings is 12,500 square feet.

C. Massing must reflect the historic buildings’ massing.

D. Maximum height is 18 feet.
E. Glass infill may be used at the former Gulf Refining Company Building courtyard.

F. The primary facade material must be plaster.

G. The primary paint color of the Gulf Refining Company Building must be white. The primary paint color of the Skillern’s Drug Store Building must be Centennial Tan (Plochere 183).

H. Fenestration, as a percentage of facade surfaces, must be compatible with the former Gulf Refining Company Building and former Skillern’s Drug Store Building.

I. Lighting must be compatible or based on historic building lighting.

J. Signage must be compatible or based on historic signage.

4. See Section 8.3(d)(4) for new construction that combines the Varied Industries/Electrical and Communications Building site and the Gulf Refining Company Building and Skillern’s Drug Store Building site.

f. National Cash Register Company Building.

1. The former National Cash Register Company Building was located near the Lagoon and museums, but was designed to suit the character of the Midway. See Exhibit B3. Designed to look like an oversized cash register, the building served as a small exhibit hall of 2,500 square feet that was 65 feet high. The exhibit included the hourly attendance at the 1936 Exposition in the cash register amount visible at the top of the building. Exhibit windows lined the ground floor under an arcade. It is not known when the building was razed. A context plan and historic photograph are provided in Exhibit C14.

2. Option 1—Reconstruction. Accurate reconstruction based on historic documentation is encouraged.

3. Option 2—New Construction. New construction must be compatible and comply with the following criteria:

A. Maximum building footprint is 2,500 square feet.
B. Maximum height is 65 feet.

C. Lighting must be compatible with or based on historic building lighting.

D. Signage must be compatible with or based on historic signage.

g. The Texas Company Building.

1. The former Texas Company Building was located within the museum district and near the Lagoon, but its primary orientation was to the Midway. See Exhibit B3. The original building included a miniature refinery modeled after the company’s largest refinery in Port Arthur, Texas that was part of an exhibit illustrating the production of gasoline. A 75-foot-tall tower capped with the company’s logo gave the one-story building presence along the Midway. A courtyard with outdoor seating faced the Lagoon. It is not known when the building was razed. A context plan and historic photographs are provided in Exhibit C15.

2. Option 1—Reconstruction. Accurate reconstruction based on historic documentation is encouraged.

3. Option 2—New Construction. New construction must be compatible and comply with the following criteria:

   A. Maximum building footprint is 5,000 square feet.

   B. Except for an optional tower or special building feature on the Midway facade not to exceed 75 feet in height, maximum height may not exceed the historic height of the former Texas Company Building.

   C. The primary facade material must be plaster.

   D. The primary exterior paint color must be white.

   E. Lighting must be compatible with or based on historic building lighting.
F. Signage must be compatible with or based on historic signage.

h. Sam Houston Plaza Restaurant Site.

1. The Sam Houston Plaza Restaurant Site is the eastern edge of Sam Houston Plaza, a space that formed the entry space to the Cotton Bowl with views toward the Livestock Coliseum in the Agrarian Subdistrict. A structure at this location serves to enliven the Agrarian Subdistrict and to shield it from nearby parking areas. See Exhibit B3. It is not known who designed the 1936 structure, nor when it was razed. The new structure could hold a small exhibit or a restaurant with potential for outdoor dining nearby. A context plan and historic photograph are provided in Exhibit C16.

2. *Option 1—Reconstruction.* Accurate reconstruction based on historic documentation is encouraged.

3. *Option 2—New Construction.* New construction must be compatible and comply with the following criteria:

   A. Maximum height may not exceed the historic height of the former restaurant site.

   B. The Admiral Nimitz (Agrarian Parkway) facade must align with the Foods Building facade.

   C. The primary facade material must be plaster.

   D. The primary exterior paint color must be Centennial Tan (Polchere 183).

   E. Lighting must be compatible with or based on historic building lighting.

   F. Signage must be compatible with or based on historic signage.

8.4 Additions.

a. Hall of Religion.

1. The Hall of Religion was designed by George Dahl with 6,600 square feet. During the 1936 Exposition, the
building was sponsored by the Lone Star Gas Company and exhibited artwork representing various religions. The artwork on the interior and exterior was by Pierre Bourdelle; some of the art on the exterior may remain. The building was partially demolished in the 1980s. See Exhibit B3. A conceptual guideline, context plan, and historic photograph are provided in Exhibit C17.

2. **Option 1—Reconstruction.** Accurate reconstruction based on historic documentation is encouraged.

3. **Option 2—New Construction.** Additions to the building must be compatible and comply with the following criteria:

   A. The existing historic entrances and a courtyard entrance based on the historic plan must be used.

   B. The existing historic fabric must be preserved.

   C. Maximum building footprint is 14,500 square feet.

   D. An addition’s massing must be compatible with the historic structure.

   E. Maximum height may not exceed the historic height of the lowest facade of the Hall of Religion.

   F. The primary facade material must be plaster.

   G. The primary exterior paint color must be Centennial Tan (Plochere 183).

   H. Fenestration must not exceed 30 percent on any facade.

   I. Glass infill is permitted at the historic building courtyard, but must be at least two feet below the maximum permitted height.

   J. Lighting must be compatible with or based on historic building lighting.

   K. Signage must be compatible with or based on historic signage.

   L. Incorporating new art into the locations of missing historic art is encouraged.
M. Existing historic art, if found, must be preserved.

N. Reconstruction of historic planters and walls and historic sections of the building that no longer exist is encouraged.

O. The interior reception room is protected. See Exhibit B11.

b. Museum of Natural History.

1. The Museum of Natural History, designed by Mark Lemmon and a team of other architects, is rectangular in form with fully symmetrical facades. The primary facade and entrance faces the Lagoon. See Exhibit B3. The rear facade facing Second Avenue is more simply decorated. The Museum of Natural History was expanded in 1988 below grade and without substantial impact on the historic massing and facade of the historic building. A conceptual guideline, context plan, and historic photograph are provided in Exhibit C18.

2. Additions must comply with the following criteria:

A. The entry on the Lagoon facade must be retained, however, the main entry may be on the Second Avenue facade.

B. An addition on the rear facade is permitted, but the entire historic building must be preserved.

C. Minimal removal of windows or stone on the rear facade is allowed for physical connection of a new addition.

D. A hyphen must be incorporated into a new addition to visually separate it from the historic facade.

E. An addition’s massing must be compatible with the historic structure.

F. An addition’s materials must be either compatible with the historic structure or transparent.

G. Expansions may not exceed a footprint of 40,000 square feet.
H. Maximum height may not exceed a view angle established from a point 100 feet from the center of the Lagoon facade. See Exhibit D.

I. An addition must be set back at least 25 feet from Grand Avenue and Second Avenue.

J. An addition must be a neutral color compatible with the color of the stone on the historic building.

K. Lighting must be compatible with the historic building.

L. Signage and banners must be compatible with the historic building.

M. The incorporation of art is encouraged.

N. Fenced outdoor space for exhibits is permitted in the locations shown dashed on Exhibit C18.

O. Historic interior features such as the lobby, grand stair, diorama exhibits, and galleries must be preserved. See Exhibit B11.

c. Museum of Fine Arts.

1. The Museum of Fine Arts was designed by DeWitt & Washburn and a team of other architects as the primary home of the Dallas Museum of Fine Arts. The historic Museum of Fine Arts has been expanded three times: first in 1963 with a wing to the east, later in 1985 when it became the Science Place, and most recently in 1996 when the IMAX addition was constructed. The first addition was designed by DeWitt in a manner that makes the addition difficult to discern from the original building. The historic building’s primary facade faced the Lagoon, but the Second Avenue facade included a second entrance on axis with the Lagoon side entrance that was designed with the same quality materials and details. See Exhibit B3. Due to the constraints of the site toward the north and Lagoon side and toward the west and Open Air Amphitheatre side, the majority of expansion is recommended toward Second Avenue. A conceptual guideline, context plan, and historic photograph are provided in Exhibit C19.
2. Additions must comply with the following criteria:

A. The entire historic building must be preserved.

B. The entry on the Lagoon facade must be retained, however, the main entry may be on the Second Avenue facade.

C. A hyphen must be incorporated into a new addition to visually separate it from the historic facade.

D. An addition’s massing must be compatible with the historic structure.

E. An addition’s materials must be either compatible with the historic structure or transparent.

F. Maximum building footprint is 33,000 square feet.

G. An addition must be set back at least 50 feet from the open air amphitheatre.

H. An addition must be set back at least 25 feet from Second Avenue.

I. Maximum height may not exceed a view angle established from a point 100 feet from the center of the Lagoon facade. See Exhibit D.

J. An addition must be a neutral color compatible with the color of the stone on the historic building.

K. Lighting must be compatible with the historic building.

L. Signage and banners must be compatible with the historic building.

M. The incorporation of art is encouraged.

N. Fenced outdoor space for exhibits is permitted in the locations shown dashed on Exhibit C19.
O. Historic interior features such as the lobby, public halls, and other public spaces must be preserved. See Exhibit B11.

d. Aquarium.

1. The Aquarium building was designed by Fooshee and Cheek, Hal Thompson, and Flint & Broad. An axial relationship is formed with the entrance to the Open Air Amphitheatre across Centennial Drive. See Exhibit B3. The interior includes a rare example of pigmented structural glass used to create the primary exhibit walls and cases. A conceptual guideline, context plan, and historic photograph are provided in Exhibit C20.

2. Additions must be compatible and comply with the following criteria:

A. The entire historic building must be preserved.

B. The primary entry on the Lagoon facade must be retained.

C. Maximum height may not exceed a view angle established from a point 100 feet from the center of the Lagoon facade. See Exhibit D. Special building features may exceed the height of the historic building, but may not exceed 75 feet.

D. A hyphen must be incorporated into a new addition to visually separate it from the historic facade.

E. The primary facade material of the addition must be stone, cast stone, or a translucent material.

F. Lighting must be compatible with or based on historic building lighting.

G. Signage must be compatible with or based on historic signage.

H. Historic interior features such as the lobby, front desk, and main exhibit hall must be preserved. See Exhibit B11.
9. SIGNS.

9.1 Signage within the district historically served a different purpose than it does today. While some of the buildings have signage incorporated into their facades, many did not and nearly all of the historic site signage is missing.

9.2 All signs must be appropriate and comply with the provisions of the Dallas City Code, as amended. The Park and Recreation Department’s approved signage criteria, while advisory, should be consulted to help determine appropriateness.

9.3 Banners located in previously approved locations may be approved as routine maintenance in accordance with Section 1.8(a)(3).

9.4 New permanent banner systems are permitted if appropriate and:
   a. the banner system does not cause damage to historic materials or features;
   b. the banner system does not obscure historic elements such as entrances, art, or other special features; and
   c. the banner system is of appropriate design.

9.5 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

10. ENFORCEMENT.

10.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

10.2 A person is criminally responsible for a violation of these preservation criteria if:
   a. the person knowingly commits the violation or assists in the commission of the violation;
   b. the person owns part or all of the property and knowingly allows the violation to exist;
c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner’s name, street address, and telephone number to code enforcement officials; or

d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

10.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

10.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.
Exhibit B1. Historic Overlay District Zones

Legend:
- 1936 building
- 1936 park boundary
- non-historic building

01 Preservation Zone
02 Rehabilitation Zone
03 Renovation Zone
Exhibit B2. Historic Overlay District and Subdistricts

01 Esplanade of State Subdistrict
02 Agrarian Subdistrict
03 Civic Center Subdistrict
04 Cotton Bowl Subdistrict
05 East Parking Subdistrict
06 Midway Subdistrict
07 Transition Zone 1
08 Transition Zone 2
Exhibit B3. Permitted New Construction and Additions

01 Petroleum Building
02 Ford Motor Company Building
03 Varied Industries/Electrical and Communications Building
04 Gulf Refining Company Building and Skillern’s Drug Store Building
05 National Cash Register Company Building
06 The Texas Company Building
07 Sam Houston Plaza Restaurant Site
08 Hall of Religion
09 Museum of Natural History
10 Museum of Fine Arts
11 Aquarium
12 Observation Tower
13 African-American Museum
Exhibit B4. Historic Art

01 Spirit of the Centennial mural and sculpture
02 Tribute to State Fair of Texas c. 1936
03 Gulf Stream fountain (relocated)
04 Pegasus and Siren fountain bas-relief
05 Motion and Traction murals
06 Spain Medallion; Railroad Transportation and Navigation murals
07 Locomotive Power bas-relief
08 Confederacy Medallion; Future Transportation and Old Methods of Transportation murals
09 Speed bas-relief
10 Texas Medallion; Aeroplane Transportation and Automobile Transportation murals
11 Streamline bas-relief
12 Tenor and Soprano sculpture (reconstructed)
13 TBD; religious art
14 United States Medallion; Photographic Process and Lens Makers murals (murals reconstructed)
15 Mexico Medallion; Power Dam and X-rays murals (murals reconstructed)
16 France Medallion; Iron Workers and Miners murals (murals reconstructed)
17 Tejas Warrior sculpture
18 interior murals
19 murals
20 Fecundity and Wheat Harvester murals
21 Pollination of Nature and Wheat Sheath murals
22 Peacock mural
23 Mother Nature mural
24 Animal Head Medallions
25 Animal Head Murals
26 Texas Woofs (reconstructed)
27 United States Government Seal medallions
28 History of Texas bas-relief
29 Compass Points mural - interior
30 Eagle sculpture
31 Parry Avenue Gate bas-relief
32 Animal Murals
33 Diorama Exhibits
Exhibit B5. Historic Site Elements Lighting

- 1936 building
- 1936 park boundary
- non-historic building

(number indicates number of lighting elements at location)
Exhibit B6. Historic Water Features
Exhibit B7. Historic Site Elements
Drinking Fountains

- 1936 building
- 1936 park boundary
- non-historic building
- Historic Drinking Fountain
Exhibit B8. Historic Site Elements
Pylons

- 1936 building
- 1936 park boundary
- non-historic building
- Historic Pylon
Exhibit B9. Historic Site Elements
Monuments
Exhibit B10. Historic Circulation
Exhibit B12. Historic Buildings
01 State of Texas
02 Transportation/Chrysler Building
03 Texas and Pacific Rail Bridge
04 Continental Oil Company
05 Administration Building
06 Auditorium
07 Hall of Religion
08 Magnolia Petroleum Company
09 Morten Milling Company
10 U.S. Government
11 Cotton Bowl
12 Foods #1
13 Agriculture
14 Livestock Coliseum/Poultry
15 Livestock #2
16 Foods #2
17 Maintenance Shops
18 Fire, Police, Hospital and WRR
19 Christian Science Monitor
20 Aquarium
21 Museum of Domestic Arts
22 Portland Cement Assn. Model Home
23 Horticulture
24 Open Air Amphitheater
25 Museum of Fine Arts
26 Museum of Natural History
27 Parry Ave. Entrance Gates
28 Washington Ave. Service Gates
29 Grand Ave. Entrance Gates
30 Forest Ave. Entrance Gates
Exhibit B13. Historic Spaces
01 Court of Independence
02 Grand Plaza
03 Centennial Drive
04 Esplanade of State
05 Court of Honor
06 Federal Concourse
07 Bluebonnet Circle
08 Constitution Place
09 The Lagoon
10 John Reagen Plaza
11 Stadium Plaza
12 The Midway
13 Cavalcade Drive
14 Sam Houston Plaza
15 Agrarian Parkway
16 The Chute
17 The Corral

1936 building
1936 park boundary
non-historic building
historic spaces
Exhibit B14. Historic View Corridors
Exhibit B15. Historic Site Elements
Flagpoles

(number indicates number of flagpoles at location)
Exhibit C1

Context Plan, Historic Photograph, and Reconstruction of Missing Elements Plan

Esplanade of State Subdistrict

Context Plan

Esplanade of State, 1936

Reconstruction of Missing Elements Plan from 1997 Master Plan
Exhibit C2

Historic Photographs of Parry Avenue Gates

Parry Avenue, 1936

Parry Avenue Context, 1936
Exhibit C3

Conceptual Guideline for Termination of Cross Axis in the Court of Honor, Context Plan, and Historic Photograph
Exhibit C4

Context Plan and Historic Photographs

Agrarian Subdistrict

Context Plan

1936 Aerial View

Artist Rendering of Agrarian Subdistrict

Texas Woolfus Sculpture
Exhibit C5

Conceptual Guideline for New Construction and Additions, Context Plan, and Historic Photographs

Civic Center Subdistrict

Conceptual Guideline

Context Plan

Lagoon, 1936

Lagoon facing northeast, 1936
Exhibit C6

Context Plan and Historic Photographs

Cotton Bowl Subdistrict

Context Plan

Aerial View, 1936

Entrance to Cotton Bowl, 1936

Bank of Lights, 1936
Exhibit C7

Context Plan and Historic Photographs

Midway Subdistrict

Context Plan

1936 Aerial View

The Midway at Night, 1936

The Midway, 1936
Exhibit C8

Context Plan and Historic Photographs

East Parking Subdistrict

Context Plan

1936 Aerial View North Corner of East Parking Subdistrict

Fire, Police, Hospital, and WRR Building


Exhibit C9

Options for Site Coverage in Transition Zone 2

Option 1: One building site
Lagoon
Permitted buildable area; location can vary
Potential below-grade parking structure; location and size can vary within buildable area
Potential bridge connections across Second Avenue; locations and sizes can vary within buildable area
Second Avenue
Limit line for buildable area
Robert B. Cullum Boulevard

Option 2: Two building sites
Lagoon
Permitted buildable area; location can vary
Potential below-grade parking structure; location and size can vary within buildable area
Potential bridge connections across Second Avenue; locations and sizes can vary within buildable area
Second Avenue
Limit line for buildable area
Robert B. Cullum Boulevard
Exhibit C10

Conceptual Guideline, Context Plan and Historic Photograph

Petroleum Building
Exhibit C11

Conceptual Guideline, Context Plan, and Historic Photograph

Ford Motor Company Building
Exhibit C12

Conceptual Guidelines, Context Plan, and Historic Photograph

Varied Industries/Electrical and Communications Building

Conceptual Guideline Options 1 and 2

Conceptual Guideline Option 3

Context Plan

Varied Industries/Electrical and Communications, 1936
Exhibit C13

Conceptual Guideline, Context Plan, and Historic Photographs

Gulf Refining Company Building and Skillern’s Drug Store Building
Exhibit C14

Context Plan and Historic Photograph

National Cash Register Building

Context Plan

National Cash Register Building, 1936
Exhibit C15

Context Plan and Historic Photographs

Texas Company Building

Context Plan

Arial view of building, 1936

Texas Company Building, 1936
Exhibit C16

Context Plan and Historic Photograph

Sam Houston Plaza

Context Plan

Sam Houston Plaza, 1936
Exhibit C17

Conceptual Guideline, Context Plan, and Historic Photograph

Hall of Religion Addition
Exhibit C18

Conceptual Guideline, Context Plan, and Historic Photograph

Museum of Natural History Addition
Exhibit C19

Conceptual Guideline, Context Plan, and Historic Photograph

Museum of Fine Arts Addition
Exhibit C20

Conceptual Guideline, Context Plan, and Historic Photograph

Aquarium Addition
Exhibit D

View Angle

NOTE: NOT TO SCALE
## Exhibit E1

### Historic and Current Building Names

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Entrance Gates (Grand Ave)  Grand Avenue Gates
Entrance Gates (Forest Ave)  MLK Avenue Gates

Exhibit E2

Historic Master Plot Plan
### Notification List of Property Owners

**Z078-121(MD)(CS)**

111 Property Owners Notified

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<td>PO Box 870875, Mesquite, TX 75150</td>
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<td>Anthony Jones</td>
<td>PO Box 0711, Galveston, TX 77553</td>
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<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive, Dallas, TX 75227</td>
<td>ENZ078-121</td>
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<tr>
<td>Bill Dahstrom</td>
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<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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<td>901 N Madison Avenue, Dallas, TX 75208</td>
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<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
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<td>Robert P. Garza</td>
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<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
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<td>Steve Kim</td>
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<td>Alpha Testing, Inc</td>
<td>2209 Wisconsin St. Ste 100, Dallas, TX 75229</td>
<td>Am. Metro/Study Corp</td>
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<tr>
<td>Virginia Brown</td>
<td>14881 Quorum Dr. #400, Dallas, TX 75240</td>
<td>Marque Nelson</td>
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<td>Arborlogical Services, Inc.</td>
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<td>9155 Sterling Dr. Ste 160, Dallas, TX 75063</td>
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<td>Jackson Walker</td>
<td>Jonathan Vinson</td>
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<td>Suzan Kedron</td>
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<td>Koons Real Estate Law</td>
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<td>Terri Woods</td>
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<td>9603 Rocky Branch Drive, Dallas, TX 75243</td>
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<td>Contact Information</td>
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<td>Michele R Coker Co</td>
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<td>Rebecca Webb</td>
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<td>Joyce Lockley</td>
<td>Joe Burklo</td>
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<tr>
<td>777 Freeport Pkwy</td>
<td>4718 Wataka Dr.</td>
<td>545 Lacewood Drive</td>
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<td>PARC DU LAC</td>
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<td>Quick Trip Co.</td>
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<tr>
<td>Linda Sharp</td>
<td>Phillip Shepherd</td>
<td>Teri Dorazil</td>
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<td>12126 Vendome Place</td>
<td>4616 Abbott Ave</td>
<td>14450 Trinity Blvd. #300</td>
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<tr>
<td>Robert Reeves</td>
<td>William Watson</td>
<td>Norma Parry</td>
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<tr>
<td>900 Jackson St. Suite 160</td>
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<tr>
<td>Thelma J Norman</td>
<td>Tasha Moseley</td>
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<td>2628 Blackstone Dr.</td>
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<td>Jeri Arbuckle</td>
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<td>Margaret L Ray</td>
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<td>Senali Patmark</td>
<td>Allen McGill</td>
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<td>Hollywood Santa Monica NA</td>
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<td>Frances James</td>
<td>Eli Davis</td>
<td>Santos T. Martinez</td>
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<td>912 Timber Dell Ln</td>
<td>1111 Cordova</td>
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<td>Junius Heights HOA</td>
<td>Mr. Lakes NA</td>
<td>Mr. Lakes NA</td>
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<td>Kara Kunkel</td>
<td>Lloyd Powell</td>
<td>Vicki L Crow</td>
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<td>5527 Tremont Street</td>
<td>136 S Merryfield Rd.</td>
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<td>Southern Hill Home Owner</td>
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<tr>
<td>Bill Lamm</td>
<td>J. Eugene Thomas</td>
<td>Darcy Walker</td>
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<tr>
<td>PO Box 540021</td>
<td>P O Box 50051</td>
<td>630 Plank Wood Dr.</td>
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106
Sunny Acres
Calvin B. Carter
P O Box 150803
Dallas, TX 75210
A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an NS(A) Neighborhood Service District on the four corners of the intersection of South Beltline Road and Garden Grove Drive with consideration being given to a Planned Development District and an ordinance granting the Planned Development District on a portion of the request area

Recommendation of Staff and CPC: Approval of a Planned Development District for NS(A) Neighborhood Service District uses subject to a site plan and conditions on the southeast corner of South Belt Line Road and Garden Grove Drive with no change to the remainder of the request area Z078-143(MAW)
PROPOSAL: A City Plan Commission authorized hearing to determine proper zoning on property zoned an NS(A) Neighborhood Service District with consideration being given to a Planned Development District.

SUMMARY: The request will consider appropriate uses and development standards for the subject area. Specific consideration will be given to appropriate setbacks off of Garden Grove Drive.

CPC RECOMMENDATION: Approval of a Planned Development District for NS(A) Neighborhood Service District uses, subject to a development plan and conditions on the southeast corner of South Belt Line Road and Garden Grove Drive with no change to the remainder of the request area.

STAFF PROPOSAL: Approval of a Planned Development District for NS(A) Neighborhood Service District uses, subject to a development plan and conditions on the southeast corner of South Belt Line Road and Garden Grove Drive with no change to the remainder of the request area.
BACKGROUND INFORMATION:

- The southeast corner of South Belt Line Road and Garden Grove Drive is developed with a ±11,156-square foot commercial building which is currently unoccupied. The remaining corners are undeveloped.

- On April 26, 2006, a building permit was issued for the commercial building located on the southeast corner of South Belt Line Road and Garden Grove Drive. On October 26, 2007, Building Inspection identified a setback error when the applicant’s representative applied for a permit for a solid screening fence, which is required on the project site adjacent to the R-10(A) Single Family District.

- The commercial building was permitted to be constructed with a 15-foot setback from Garden Grove Drive. While the NS(A) District allows for a minimum 15-foot setback, a 30-foot setback was required at this location given the adjacency to an R-10(A) Single Family District within the same block.

- The request site is surrounded by single family development. A contractor’s office and a carwash are developed to the south of the request site.

- No new structures are being proposed at this time.

- A neighborhood meeting was held on Thursday, January 3, 2008 at 6:30 pm at the Kleberg/Rylie Recreation Center, located at 1515 Edd Road. A total of 11 participants attended the meeting.

- At the neighborhood meeting, there was a consensus to keep the development standards and permitted uses in the NS(A) Neighborhood Service District, but provide for a minimum 15-foot building setback on all street frontages.
Zoning History:

1. Z023-124: On February 12, 2003, the City Council approved an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District.

2. Z034-191: On May 26, 2004, the City Council approved an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District and an NS(A) D-1 Neighborhood Service District with a Dry-1 Liquor Control Overlay.

3. Z034-101: January 14, 2004, the City Council approved an R-7.5(A) Single Family District on property zoned an R-10(A) Single Family District.

4. B012-152: On March 18, 2002, the Board of Adjustment granted a special exception to the fence height regulations, subject to a site plan and elevation plan.

Thoroughfares/Streets:

<table>
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<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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<tr>
<td>South Belt Line Road</td>
<td>Principal Arterial</td>
<td>107 ft.</td>
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<tr>
<td>Garden Grove Drive</td>
<td>Minor Arterial</td>
<td>60 ft.</td>
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Land Use:

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<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tr>
<td>North</td>
<td>R-10(A)</td>
<td>Single family</td>
</tr>
<tr>
<td>East</td>
<td>D(A); R-10(A)</td>
<td>Single family</td>
</tr>
<tr>
<td>South</td>
<td>CR; R-10(A)</td>
<td>Office and carwash; single family</td>
</tr>
<tr>
<td>West</td>
<td>R-7.5(A)</td>
<td>Single family</td>
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</table>
STAFF ANALYSIS:

Comprehensive Plan:

The subject area is identified as a Commercial Center or Corridor on the forwardDallas! Vision Illustration, adopted June 2006. The NS(A) Neighborhood Service District, which allows development of convenience retail shopping, services and professional offices principally serving adjacent neighborhoods, is consistent with the forwardDallas! Vision and complies with the following goals and policies of the Comprehensive Plan. The creation of a Planned Development District will further ensure compatibility with the surrounding residential development.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

The proposed PD for NS(A) uses is consistent with the desired commercial development pattern identified on the forwardDallas! Vision Illustration.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

The proposed PD for NS(A) uses would promote the growth of retail opportunities to balance the existing residential development in this southern sector of the City.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The proposed PD for NS(A) District uses will allow development of convenience retail shopping, services and professional offices within walking distance of residential development.
NEIGHBORHOOD ELEMENT

GOAL 7.1  PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.2  Promote neighborhood-development compatibility.

The proposed PD for NS(A) District uses will allow convenience retail shopping, services and professional offices at a scale and intensity that is compatible with residential development.

Community Plan

The area of request is included within Sub-Area 1 of the West Kleberg Community Plan, approved by the City Council on April 25, 2007. The West Kleberg Community Plan Advisory Committee was appointed to work with City Staff to: 1) assess existing conditions, community assets and development and redevelopment opportunities; 2) identify issues relative to land use and zoning, infrastructure, code compliance, economic development, housing and public safety; 3) develop a plan and implementation strategy for achieving community goals and objectives.

Sub-Area 1, which includes the study area, is predominately residential with scattered undeveloped parcels throughout the area. Commercial service and retail uses are dominant along Highway 175, with concentration of these uses between Edd Road and Belt Line Road. Based on findings of the plan, economic development incentives are needed to stimulate new business activity and the retention of existing businesses with incentive programs within this area.

Land Use Compatibility:

The ±6.2-acre request area is zoned NS(A). The southeast corner of South Belt Line Road and Garden Grove Drive is developed with a ±11,156-square foot commercial building which is currently unoccupied. The remaining corners are undeveloped. The NS(A) Neighborhood Service District, as well as the proposed PD for NS(A) District uses appears to be compatible with the surrounding residential uses. The NS(A) Neighborhood Service District allows development of convenience retail shopping, services and professional offices principally serving adjacent neighborhoods. Examples of these uses include convenience stores, dry cleaners, drug stores, and hair salons.
Development Standards:

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<td>Side/Rear</td>
<td>Density</td>
<td>Height</td>
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<td>NS(A) Neighborhood service</td>
<td>15'</td>
<td>20' adjacent to residential Other: No Min.</td>
<td>0.5 FAR</td>
<td>30' 2 stories</td>
<td>40%</td>
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<td>Proposed:</td>
<td>15'</td>
<td>15'</td>
<td>0.5 FAR</td>
<td>30' 2 stories</td>
<td>40%</td>
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It is noted that in non-residential districts, all yards adjacent to a street are considered front yards. Therefore, the NS(A) district would generally require a 15-foot setback on all street frontages. However, Section 51A-4.401(a)(6) states that “If a street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greatest front yard requirement.” Consequently, a 30-foot setback was required at this location given the adjacency to an R-10(A) Single Family District within the same block. In order to bring the building into compliance with the required front yard setback, staff recommends the creation of a Planned Development District for the property on the southeast corner of South Belt Line Road and Garden Grove Drive with no change to the remainder of the area.

Neighborhood Meeting:

At the neighborhood meeting on January 3, 2008, there was a consensus to keep the development standards and permitted uses in the NS(A) Neighborhood Service District, but provide for a minimum 15-foot building setback on all street frontages.

Traffic:

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

Parking:

Based on the site plan for the existing commercial building, 61 parking spaces have been provided, consistent with the requirements of Division 51A-4.200 of the Dallas Development Code. Any new development will also be required to meet the provisions of Division 51A-4.200.

Landscaping:

Landscaping must be provided in accordance to Article X of the Dallas Development Code.
CPC Action: January 17, 2008

**Motion:** It was moved to recommend approval of a Planned Development District for NS(A) Neighborhood Service District uses, subject to a site plan and conditions with no change to the remainder of the request area on property zoned an NS(A) Neighborhood Service District on the southeast corner of South Belt Line Drive and Garden Grove Road.

Maker: Prothro  
Second: Weiss  
Result: Carried: 15 to 0

For: 15: Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:**  
Area: 500  
Mailed: 125

**Replies:**  
For: 4  
Against: 3

**Speakers:** None
CPC RECOMMENDED CONDITIONS

ARTICLE

PD

SEC. 51P-____.101. LEGISLATIVE HISTORY.
PD _____ was established by Ordinance No._______, passed by the Dallas City Council on ________________________________.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.
PD _____ is established on property located at the southeast corner of South Belt Line Road and Garden Grove Road. The size of PD __is approximately ±0.90 acres.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.
(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

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

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

SEC. 51P-____.104. EXHIBIT.
The following exhibit is incorporated into this article: Exhibit ___A: development plan.

SEC. 51P-____.105. DEVELOPMENT PLAN.
Development and use of the Property must comply with the development plan (Exhibit ___A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-____.106. MAIN USES PERMITTED.
Except as otherwise provided in this section, the only main uses permitted in this district are those main uses permitted in the NS(A) Neighborhood Service District, subject to the same conditions applicable in the NS(A) Neighborhood Service District, as set out in Chapter 51A. For example, a use permitted in the NS(A) Neighborhood Service District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject
to development impact review (DIR) in the NS(A) Neighborhood Service District is subject to DIR in this district; etc.

SEC. 51P-____.107. ACCESSORY USES.

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

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

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

Except as otherwise provided in this section, the yard, lot and space regulations for the NS(A) Neighborhood Service District apply. Section 51A-4.401(a)(6) does not apply.

SEC. 51P-____.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements.

(b) Existing use. A minimum of 56 off-street parking and loading spaces have been provided in the locations shown on the development plan.

SEC. 51P-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) All plant materials must be maintained in a healthy, growing condition.

SEC. 51P-____.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.
SEC. 51P-113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-113. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a certificate of occupancy to authorize the operation of a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.
Proposed Development Plan

For curb roll front drive entrance, refer to 1- A 1.1 (Fire lane requirement is eliminated.)

Storm sewer manhole

Accessible curb ramps

Curb lane cut for drainage

15' Front bldg setback line

Traffic is one way

8'-6" Wide parking spaces typical

9'-6" Wide parking spaces typical

0'-6" Long Bench

Accessible route to building

Landscape area within circles can be reached w/ 10' long hose attached to hose bibs

4'-6" Wide concrete walk per city specifications

18'-6" Visibility triangle @ street corner

FCLAIM TRIP

Existing P.R.

Note: Set building front parallel to property line at Beltline Rd. And set N.E. building corner on 10' side setback line.

One way do not enter signs on pole.

Stoop

Fire Spreader

50' Visibility triangle @ drive exit

Items 16-22

8'-6" Painted parking typical

6'-0" Painted parking typical

9'-0" DIA. concrete filled site bolts

Concrete striping

Painted striping

80' Visibility triangle

10' Compact car spaces

Double stripe per city requirements.

Property line 8'-6"x11'-0" W 220'-06"

Adjacent Property - Residential Zoning

SITE PLAN

Scale: 1/16" = 1"
ZONING AND LAND USE

DATE: 12/27/2007

GIS TECHNICIAN: KRua
125 PROPERTY OWNERS NOTIFIED
5 REPLIES IN FAVOR
4 REPLIES IN OPPOSITION
500' AREA OF NOTIFICATION
01-17-08 CPC DATE

The number '0' indicates City of Dallas Ownership

NOTIFICATION

AREA OF NOTIFICATION

1:3,600

500' AREA

125 NUMBER OF PROPERTY OWNERS NOTIFIED

DATE: 12/27/2007

Case no: Z078-143 MW

Map no: O-12

GIS TECHNICIAN: KRua
**Notification List of Property Owners**

**Z078-143 (DC)(KRua)**

125 Property Owners Notified

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<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

Minyards Properties Inc
Dennis O’Malley
777 Freeport Pkwy
Coppell, TX 75019

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Middlefield Valley NA
Jo M Autrey
3627 Middlefield St
Dallas, TX 75253

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

N Pk Lovefied Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

W.A.R.N.
Tasha Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

Coalition for Betterment FSD
Nancy Bingham
3450 Jordan Valley
Dallas, TX 75253

Rylie Crime Watch
Glen Elliott
9633 Jo Pierce
Dallas, TX 75217
A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District and an ordinance granting a Specific Use Permit for a commercial motor vehicle parking on property zoned an R-5(A) Single Family District, located on the north line of Toronto Street, east of Bataan Street

Recommendation of Staff: Denial
Recommendation of CPC: Approval of a CS Commercial Service District and approval of the Specific Use Permit for a five-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions Z056-290(WE)
REQUEST: An application for a CS Commercial Service District and a Specific Use Permit for a commercial motor vehicle parking on property zoned an R-5(A) Single Family District.

SUMMARY: The purpose of this request is to permit tractor trailers to park on the site.

CPC RECOMMENDATION: Approval of a Commercial Service District and approval of an Specific use permit for a commercial motor vehicle parking for a five year period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions

STAFF RECOMMENDATION: Denial
BACKGROUND INFORMATION:

- The request for a CS Commercial Service District and a Specific Use Permit for a commercial motor vehicle parking will permit the applicant to use the property as a staging area to park additional tractor trailers.

- The applicant owns a trucking business on the south side of Toronto Street, which is located in an IR Industrial Research District.

- The land uses surrounding the site consist of an undeveloped tract of land to the north and west, and single family uses to the east.

**Zoning History:** There has not been any zoning changes requested in the area.

**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toronto Street</td>
<td>Local</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

**Land Use:**

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>R-5(A)</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>North</td>
<td>R-5(A)</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>South</td>
<td>IR</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>R-5(A)</td>
<td>Single Family</td>
</tr>
<tr>
<td>West</td>
<td>R-5(A)</td>
<td>Undeveloped, Single</td>
</tr>
</tbody>
</table>

**COMPREHENSIVE PLAN:** The **forwardDallas! Comprehensive Plan** was adopted by the City Council in June 2006: The change in zoning is not supported by the Goals and Policies in the **forwardDallas! Comprehensive Plan**. The forwardDallas! Comprehensive Plan promotes the importance of stabilizing existing neighborhoods and the applicant's request provides for commercial encroachment.

**Land Use:**

**Goal 1.1** Align land use strategies with economic development priorities

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.
Housing:

**Goal 3.1** Ensure a sustainable and efficient long-range housing supply

**Policy 3.1.3** Encourage stabilization of existing neighborhoods

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 15,000 square foot site is rectangular in shape and is contiguous to single family uses to the east and west and two undeveloped tracts of land to the north and northwest of the site. The applicant’s request for a Commercial Service District and a Specific Use Permit for a commercial motor vehicle parking will permit any CS District uses on site as well as the any commercial uses. The applicant’s intent is to allow for several tractor trailers to park on site.

The concerns staff has regarding the applicant’s request are two fold: 1) Toronto Street, which is classified as a local street, is the dividing line between the residential and industrial zoning districts; and 2) any further encroachment of non-residential uses north of Toronto Street, could have a negative impact on the stability of the existing single family uses in the area. Even though the applicant owns and operates a truck company south of Toronto Street, the expansion of the facility to allow for an off-street parking for tractor trailers are inappropriate on this site.

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

**Development Standards:**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-5(A) - existing Single Family</td>
<td>20' Front</td>
<td>5' Side/Rear</td>
<td>1 Dwelling Unit/5,000 sq. ft.</td>
<td>30'</td>
<td>45%</td>
<td>Proximity, Slope, Visual Intrusion</td>
</tr>
<tr>
<td>CS - proposed Commercial Service</td>
<td>15' on minor</td>
<td>20' adjacent to residential EACH: No Min.</td>
<td>0.75 FAR overall 0.5 office/ lodging/ retail combined</td>
<td>45'</td>
<td>3 stories</td>
<td>80%</td>
</tr>
</tbody>
</table>
**Landscaping:** Landscaping of any development will be in accordance with Article X requirements, as amended.

**Traffic:** The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

**Trinity River:** The Trinity River staff has reviewed the applicant’s request and is recommending denial of the zoning change and specific use permit request. The proposed use does not comply with the overall Trinity River Master plan as it relates to the various uses envisioned for the area. The Trinity River Corridor District plan shows this area as having major street improvements along Singleton Boulevard, Herbert Street and other key local streets. In addition, the land use plan envisions a mix of uses for this area as well as recommends retaining and protecting the existing neighborhoods.

**CPC Action (September 14, 2006)**

**Motion:** It was moved to recommend **approval** of for a CS Commercial Service District and a Specific Use Permit for a commercial motor vehicle parking for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-5(A) Single Family District on the north line of Toronto Street, east of Bataan Street.

- **Maker:** Neumann
- **Second:** Weiss
- **Result:** Carried: 11 to 1
  - **For:** 11 - Neumann, Strater, Gary, Marshall, Wilson, Bagley, Weiss, Avery, Burnham, Ekblad, Culbreath
  - **Against:** 1 - Emmons
- **Absent:** 2 - Miranda, Buehler
- **Vacancy:** 1 - District 8

**Notices:** Area: 200 Mailed: 18  
**Replies:** For: 2 Against: 0

**Speakers:** For: Elias Rodriguez, Address not given  
Gilgert Zuniga, 4229 Toronto St., Dallas, TX, 75212  
Against: None

**CPC Action (December 20, 2007)**

**Motion:** It was moved to **approve** an extension of the six month time period for an additional three-month period for scheduling a zoning request for City
Council for an application for a CS Commercial Service District and a Specific Use Permit for a commercial motor vehicle parking for a five year period with eligibility for automatic renewals for additional five year periods, on property zoned an R-5(A) Single Family District on the north line of Toronto Street, east of Bataan Street.

Maker: Buehler  
Second: Jones-Dodd  
Result: Carried: 15 to 0  
For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons*, Alcantar  

Against: 0  
Absent: 0  
Vacancy: 0  

*out of the room when vote taken, shown in favor  

Speakers: None
CPC RECOMMENDED
Specific Use Permit Conditions

1) **Use:** The only use authorized by this specific use permit is commercial motor vehicle parking.

2) **Site Plan:** Use and development of the Property must comply with the attached site plan.

3) **Time Limit:** This specific use permit is approved for 5 years and is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. In order for automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4) **Landscaping:** Landscaping must be provided as shown on the attached site plan. All landscaping must be installed prior to the issuance of a certificate of occupancy. Plant materials must be maintained in a healthy, growing condition.

5) **Screening:** Screening must be provided per the Dallas Development Code.

6) **Ingress-egress:** Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

7) **Maintenance:** The Property must be properly maintained in a state of good repair and neat appearance.

8) **General Requirements:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
PROPERTY OWNERS NOTIFIED: 18
REPLIES IN FAVOR: 2
REPLIES IN OPPOSITION: 0
AREA OF NOTIFICATION: 200
DATE: 9-14-06
DATE: 12-20-07

The number '0' indicates City of Dallas Ownership.
**Notification List of Property Owners**

**Z056-290(WE)(aa)**

18 Property Owners Notified

<table>
<thead>
<tr>
<th>Label</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>417</td>
<td>TORONTO ZUNIGA GILBERT</td>
</tr>
<tr>
<td>2</td>
<td>424</td>
<td>TORONTO ZUNIGA GILBERT</td>
</tr>
<tr>
<td>3</td>
<td>423</td>
<td>SINGLETON TEXAS HYDRAULIC &amp; EQUIP</td>
</tr>
<tr>
<td>4</td>
<td>453</td>
<td>TORONTO WALKER MARY</td>
</tr>
<tr>
<td>5</td>
<td>407</td>
<td>TORONTO RAMIREZ JUSTO EST OF</td>
</tr>
<tr>
<td>6</td>
<td>413</td>
<td>TORONTO MONARCH DEV CORP</td>
</tr>
<tr>
<td>7</td>
<td>421</td>
<td>TORONTO GUZMAN CELESTINO</td>
</tr>
<tr>
<td>8</td>
<td>3201</td>
<td>HERBERT WEST DALLAS SOCIAL CENTER</td>
</tr>
<tr>
<td>9</td>
<td>3014</td>
<td>BATAAN RIVAS JUAN PABLO &amp;</td>
</tr>
<tr>
<td>10</td>
<td>3012</td>
<td>BATAAN CASTILLO NATIVIDAD M &amp;</td>
</tr>
<tr>
<td>11</td>
<td>3014</td>
<td>BATAAN GALVAN GUADALUPE &amp;</td>
</tr>
<tr>
<td>12</td>
<td>3106</td>
<td>BATAAN IGLESIA DE DIOS MANATIALE</td>
</tr>
<tr>
<td>13</td>
<td>7093</td>
<td>NO NAME WALKER CHARLIE</td>
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<td>14</td>
<td>3208</td>
<td>BATAAN SHERRARD L G ESTATE</td>
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<tr>
<td>15</td>
<td>3202</td>
<td>BATAAN MENDEZ JOE N</td>
</tr>
<tr>
<td>16</td>
<td>3210</td>
<td>BATAAN PEREZ MARY R</td>
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<tr>
<td>17</td>
<td>3216</td>
<td>BATAAN LARA CONSUELO</td>
</tr>
<tr>
<td>18</td>
<td>3222</td>
<td>BATAAN FLORES JOSE</td>
</tr>
</tbody>
</table>

*Wednesday, August 09, 2006*
Vecinos Unidos, Inc  
Rosa Lopez  
3603 N Winnetka Ave.  
Dallas, TX 75212

W Dal Chamber of Commerce  
John Ward  
P O Box 224301  
Dallas, TX 75222

EN Z056-290(WE)
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 66 M H; 67 E J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for retail uses, certain IM Industrial Manufacturing District uses and certain IR Industrial Research District Uses, on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart Road and Interstate 45

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z056-311(OTH)
FILE NUMBER: Z056-311 (OTH)  DATE FILED: August 23, 2006
LOCATION: Northeast corner of Simpson Stuart and Interstate 45
SIZE OF REQUEST: Approx. 101.23 acres  CENSUS TRACT: 114.02

REPRESENTATIVE: Masterplan
APPLICANT/OWNER: Jackson Hammond Inc.

REQUEST: An application for a Planned Development District for retail uses, certain IM Industrial Manufacturing uses and certain IR Industrial Research Uses, on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to utilize the property for, but not limited, to storage of construction materials, construction and work vehicles, outside storage, and a commercial nursery.

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

STAFF RECOMMENDATION: Approval subject to a conceptual plan and conditions.
BACKGROUND INFORMATION:

- The request site is undeveloped.
- The request site is adjacent to single family residential uses, undeveloped land, a stable, and commercial development.
- The applicant proposes to utilize the property for, but not limited, to storage of construction materials, construction and work vehicles, outside storage, and a commercial nursery.
- The property is located in the 100-year floodplain and at a major gateway to the City.
- The applicant originally made an application for an IM Industrial Manufacturing with a Specific Use Permit for Potentially Incompatible (Outside) use. On May 3, 2007, the City Plan Commission denied the request for a Specific Use Permit for Potentially Incompatible (Outside) use. The City Plan Commission held the case under advisement until May 17, 2007 for the applicant to pursue the application for an IM Industrial Manufacturing District, with deed restrictions volunteered by the applicant.
- On May 17, 2007 the City Planning Commission recommend approval of an IM Industrial Manufacturing with deed restrictions volunteered by the applicant for outside storage and to prohibit some uses.
- On August 22, 2007, the City Council remanded the case to the City Planning Commission for consideration of a Planned Development District for RR Regional Retail uses with certain IM Industrial Research uses and certain IR Industrial Research uses by Specific Use Permit only.

Zoning History:
There are no zoning changes requested in the surrounding area.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simpson Stuart</td>
<td>Principal Arterial</td>
<td>107 ft.</td>
</tr>
<tr>
<td>Julius Schepps Frwy</td>
<td>Freeway</td>
<td>Varies</td>
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**Land Use:**

<table>
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<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>IR</td>
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<tr>
<td>IR</td>
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<td></td>
</tr>
<tr>
<td>IR, A(A), CS</td>
<td>Single Family Residential and Undeveloped</td>
<td></td>
</tr>
<tr>
<td>IR &amp; CS</td>
<td>Undeveloped, Highway</td>
<td></td>
</tr>
</tbody>
</table>

**Comprehensive Plan:**

The requested zoning change and proposed uses are compatible with the intent of the Comprehensive Plan because they support the purpose of the plan. The following policies are related to the Land Use, Economic, Urban Design, and Environment elements.

**Land Use Element**

The proposed use for the property meets the intent of the Trinity River Corridor Plan. The desired development for the area is for regional retail uses.

**Goal 1.1** Align land use strategies with economic development priorities.

- Policy 1.1.1 Implement the Trinity River Corridor Plan.
- Policy 1.1.2 Focus on Southern Sector development opportunities.

**Economic Element**

The proposed zoning provides an opportunity to allow some of the desired uses in the area.

**Goal 2.1** Promote balanced growth

- Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

**Goal 2.2** Engage in strategic economic Development.

- Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.
Urban Design Element

The proposed planned development district will limit the storage in height. The conditions establish that outside storage do not exceed 26 feet in height and that no storage is allowed within the first 500 feet of the western side of the property.

Goal 5.2 Strengthen community and neighborhood identity.

Policy 5.2.3 Ensure attractive gateways into the city.

Trinity River Corridor Comprehensive Land Use Plan

The property is located in the I-45 Gateway District - Southern Gateway of the Trinity River Corridor Land Use Plan. The plan calls for Retail – Regional Development which serves a population radius of approximately 5 miles. The Regional Corridor Module calls for a primary land use to be Retail-Regional. The proposed PD encourages retail development in the area.

STAFF ANALYSIS:

Land Use Compatibility:

The property is surrounded by industrial development to the northeast; undeveloped to the northwest; single family, commercial and undeveloped to the southeast; and undeveloped and freeway to the southwest. The property adjacent to the north is utilized for storage. The west side of the property along I-45 has trees along the freeway. However, due to weather and the seasons, the trees have no leaves during the autumn/winter season.

The original request was an application for an IM Industrial Manufacturing with a Specific Use Permit for Potentially Incompatible (Outside) use. The City Plan Commission denied the request for the SUP for Potentially Incompatible (Outside) use, but held the case for the IM Industrial District under advisement for the applicant to come back to CPC with volunteered deed restrictions. The deed restrictions included limitation in the height and location of the storage to prevent an unattractive site along the freeway. The applicant proposed to utilize the property for outside storage for cargo containers without visual screening.

The present request, an application for a Planned Development District for retail uses, with certain IM Industrial Manufacturing uses and certain IR Industrial Research Uses, will provide opportunity for a much broader range of uses in the property. The proposed zoning would be flexible enough to support the intent of these plans. The proposed Plan Development District will allow for regional retail uses as well as industrial manufacturing and industrial research uses by SUP only.

Landscaping:
Landscaping requirements must be provided per Article X of the Dallas Development Code.

**Traffic:**

The conceptual plan shows access to the site from Bird Lane, a sub-standard street for heavy commercial vehicles. The traffic engineer recommends that access to the site be limited to Julius Schepps Freeway Service Road, or Simpson Stuart Road, if feasible.

If City Council is so inclined to include this item in the CPC recommended conditions, a motion will need to be made since the CPC did not include it in their recommended conditions.
Note: It was moved by Commissioner Weiss and seconded by Commissioner Buehler to suspend the CPC rules to allow the entire Commission present to participate in the discussion and vote on any potential motions regarding Z056-311(OTH). The Commission voted unanimously to approve the motion.

**Motion:** It was moved to recommended approval of a Planned Development District for retail uses, certain IM Industrial Manufacturing uses and certain IR Industrial Research Uses, subject to a conceptual plan and staff conditions on property zoned an IR Industrial Research District, on the northeast corner of Simpson Stuart and Interstate 45.

Maker: Rodgers
Second: Buehler
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

**Notices:** Area: 500 Mailed: 39
** Replies:** For: 4 Against: 1

**Speakers:** For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None
List of Owners

JACKSON HAMMOND INC.

Sue Hammond, Secretary
Bob Jackson, President
PROPOSED CONDITIONS

ARTICLE ___.

PD ___.

SEE DLC INSERTS UNDERLINED

Sec. 51P-___.101. LEGISLATIVE HISTORY.

PD ___ was established by Ordinance No. _____, passed by the Dallas City Council on __________ 2007.

SEC. 51P-___.102. PROPERTY LOCATION AND SIZE.

PD ___ is established on property generally located east of Interstate Highway 45 and north of Simpson Stuart Road. The size of PD ___ is approximately 101.23 acres.

SEC. 51P-___.103. CREATION OF AREAS.

This district is divided into two areas: Area A and Area B.

SEC. 51P-____.104. DEFINITIONS AND INTERPRETATIONS.

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

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

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

SEC. 51P-___.105. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ____A: conceptual plan.

SEC. 51P-___.106. CONCEPTUAL PLAN.
Development and use of the Property must comply with the conceptual plan, except that the access points shown on the conceptual plan are approximate locations only.

SEC. 51P-___. 106 DEVELOPMENT PLAN.

(a) A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district.

SEC. 51P-___.107. USES.

(a) Except as provided in Subsections (b), the only main uses permitted in the RR Regional Retail District, subject to the same conditions applicable to the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail District only by specific use permit (SUP) is permitted in this district only by SUP; and a use subject to development impact review (DIR) in the RR Regional Retail District is subject to DIR in this district; etc.

(b) The following additional main uses are permitted:

(1) Agricultural uses.
   -- Crop production.

(2) Commercial and business service uses.
   -- Building repair and maintenance shop. [RAR]
   -- Bus or rail transit vehicle maintenance or storage facility. [RAR]
   -- Catering service.
   -- Commercial cleaning or laundry plant. [RAR]
   -- Custom business services.
   -- Custom woodworking, furniture construction, or repair.
   -- Electronics service center.
   -- Job or lithographic printing. [RAR]
   -- Labor hall. [SUP]
   -- Machine or welding shop. [RAR]
   -- Machinery, heavy equipment, or truck sales and services. [RAR]
   -- Medical or scientific laboratory. [SUP]
   -- Technical school.
   -- Tool or equipment rental.
   -- Vehicle or engine repair or maintenance. [RAR]

(3) Industrial uses.
   -- Industrial (inside) for light manufacturing.
   -- Medical/infectious waste incinerator. [SUP]
   -- Metal salvage facility. [SUP. Limited to Area B only.]
   -- Mining. [SUP. Limited to Area B only.]
-- Municipal waste incinerator. [SUP]
-- Organic compost recycling facility. [SUP] [See Section SEC. 51P-____.118 for Additional Provisions]
-- Outside salvage or reclamation. [SUP. Limited to Area B only.] [See Section SEC. 51P-____.118 for Additional Provisions]
-- Pathological waste incinerator. [SUP]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(4) Institutional and community service uses.
-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Convent or monastery.
-- Halfway house. [SUP]
-- Hospital. [RAR]
-- Library, art gallery, or museum.
-- Open-enrollment charter school or private school. [SUP]
-- Public school other than an open-enrollment charter school. [RAR]

(5) Lodging uses.
-- Extended stay hotel or motel [SUP].
-- Hotel or motel. [RAR] or [SUP] [See Section 51A-4.205(1).]
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1).]

(6) Miscellaneous uses.
-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Hazardous waste management facility. [Except when operated as a hazardous waste incinerator.]
-- Temporary construction or sales office.

(7) Office uses.
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR] [RAR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.
-- Country club with private membership.
(9) **Residential uses.**

-- College dormitory, fraternity, or sorority house.

(10) **Retail and personal service uses.**

-- Alcoholic beverage establishments. [SUP]
-- Ambulance service. [RAR]
-- Animal shelter or clinic without outside runs. [RAR]
-- Animal shelter or clinic with outside runs. [SUP]
-- Auto service center. [RAR]
-- Business school.
-- Car wash. [RAR]
-- Commercial amusement (inside). [SUP may be required. See Section 51A-4.210 (b)(7)(B).]
-- Commercial amusement (outside). [SUP]
-- Commercial amusement (inside). [SUP]
-- Commercial motor vehicle parking. [By SUP only if within 500 feet of a residential district.]
-- Commercial parking lot or garage. [RAR]
-- Drive-in theater. [SUP. Limited to Area B only.]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Home improvement center, lumber, brick or building materials sales yard. [RAR]
-- Household equipment and appliance repair.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Outside sales. [SUP]
-- Personal service uses.
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.
-- Truck stop. [SUP]
-- Vehicle display, sales, and service. [RAR]

(11) **Transportation uses.**

-- Airport or landing field. [SUP].
-- Commercial bus station and terminal. [DIR]
-- Heliport. [SUP]
-- Helistop. [SUP]
-- Railroad passenger station. [SUP]
-- Railroad yard, roundhouse, or shops. [SUP. Limited to Area B only.]
-- STOL (short take off or landing) port. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211.]

(12) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
-- Utility or government installation other than listed. [SUP]
-- Water treatment plant. [SUP]

(13) Wholesale, distribution, and storage uses.

-- Building mover's temporary storage yard. [SUP. Limited to Area B only.]
-- Contractor's maintenance yard. [SUP. Limited to Area B only.]
-- Freight terminal. [SUP]
-- Livestock auction pens or sheds. [SUP. Limited to Area B only.]
-- Manufactured building sales lot. [SUP]
-- Mini-warehouse. [SUP]
-- Office showroom/warehouse. [SUP]
-- Outside storage (with visual screening). [RAR]
-- Outside storage (without visual screening). [SUP] [Area B only]
-- Recycling buy-back center. [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]
-- Sand, gravel, or earth sales and storage. [SUP. Limited to Area B only.]
-- Trade center.
-- Warehouse.
SEC. 51P--___.109. 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 contained 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 community center (private).
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(c) The following accessory use is permitted by SUP only:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1).]

SEC. 51P--___.110. 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 RR Regional Industrial Research District.

(b) Height.

(1) Maximum structure height is 70 feet. Outside storage may not exceed 26 feet in height or three containers, whichever is the greater.

(2) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(c) Lot coverage. Maximum lot coverage is 45 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground structures are not.

SEC. 51P--___.114 OFF-STREET PARKING.
(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) No off-street parking is required for electrical substation, outside storage, and contractor's maintenance yard uses.

SEC. 51P-__.115. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-__.116. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-__.117 SIGNS.

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

(b) Existing non-premise signs are permitted as shown on the conceptual plan.

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.

(c) Outside storage is prohibited within 500 feet of the west property line abutting Interstate Highway 45.

SEC. 51P-__.119. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has
been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-___.120. ZONING MAP.

PD ___ is located on Zoning Map No. ____.
Notification List of Property Owners

Z056-311(OTH)(CS)

39 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
<td>8800</td>
<td>JULIUS SCHEPPS JACKSON HAMMOND INC</td>
</tr>
<tr>
<td>2</td>
<td>8901</td>
<td>JULIUS SCHEPPS ACKELS HENRY J</td>
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<td>3</td>
<td>9035</td>
<td>CENTRAL ATOMIC AUTO CRUSHERS &amp;</td>
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Wednesday, November 28, 2007
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*Wednesday, November 28, 2007*
# EARLY/notification List

<table>
<thead>
<tr>
<th>Name</th>
<th>Address 1</th>
<th>Address 2</th>
<th>City, State</th>
</tr>
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<tbody>
<tr>
<td>Al Romero</td>
<td>PO Box 870875 Mesquite, TX 75150</td>
<td>EN Z056-311(OH)</td>
<td></td>
</tr>
<tr>
<td>Anthony Jones</td>
<td>PO Box 0711 Galveston, TX 77553</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive Dallas, TX 75227</td>
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<td></td>
</tr>
<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr. Ricardson, TX 75081</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8 Dallas, TX 75205</td>
<td></td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale Dallas, TX 75238</td>
<td></td>
<td></td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton Dallas, TX 75225</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738 Dallas, TX 75208</td>
<td></td>
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</tr>
<tr>
<td>Joe Martin</td>
<td>P O Box 4133 Dallas, TX 75208</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Katie Pascuzzi</td>
<td>2720 N Stemmons Frwy Suite 900 Dallas, TX 75207</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333 Dallas, TX 75206</td>
<td></td>
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</tr>
<tr>
<td>Mike Sultan</td>
<td>320 E Jefferson #105 Dallas, TX 75203</td>
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<tr>
<td>Pam Conley</td>
<td>901 N Madison Avenue Dallas, TX 75208</td>
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<tr>
<td>Rob Baldwin</td>
<td>401 Exposition Dallas, TX 75226</td>
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<td>Robert P. Garza</td>
<td>412 E. Sixth St. Dallas, TX 75203</td>
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<tr>
<td>Stephanie Pegues</td>
<td>1500 Marilla 5FS Dallas, TX 75201</td>
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<tr>
<td>Steve Craft</td>
<td>P O Box 542225 Dallas, TX 75354</td>
<td></td>
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<tr>
<td>Suzanne Steffens</td>
<td>5640 Ellsworth Ave. Dallas, TX 75206</td>
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<td>Steve Kim</td>
<td>4318 Sexton Ln. Dallas, TX 75229</td>
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<td>Alpha Testing, Inc</td>
<td>Virginia Brown 2209 Wisconsin St, Ste 100 Dallas, TX 75229</td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson 14881 Quorum Dr #400 Dallas, TX 75240</td>
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<td>Arborilogical Services, Inc.</td>
<td>Bill Seaman 16 Steel Rd. Wylie, TX 75098</td>
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<td>Axley &amp; Hargrove</td>
<td>James Schnurr 6439 Dixie Garden Ln Dallas, TX 75236</td>
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<td>Name</td>
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<tr>
<td>Dallas ISD</td>
<td>Stan Armstrong</td>
<td>3700 Ross Ave, Box 61</td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully</td>
<td>P O Box 781609</td>
<td>Dallas, TX 75378</td>
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<tr>
<td>FW Dodge Reports</td>
<td>Donna McGuire</td>
<td>9155 Sterling Dr. Ste 160</td>
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<td>Jackson Walker</td>
<td>Suzan Kedron</td>
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<tr>
<td>Kiestwood Neighbors</td>
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<td>Lake Highlands AIA</td>
<td>Terri Woods</td>
<td>9603 Rocky Branch Drive</td>
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<td>Master Plan</td>
<td>J Kimborough</td>
<td>900 Jackson St</td>
<td>Dallas, TX 75202</td>
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<td>MetroStudy Corp</td>
<td>Rebecca Webb</td>
<td>14881 Quorum Dr #400</td>
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<td>Micheal R Coker Co</td>
<td>Michael R Coker</td>
<td>2700 Swiss Ave. #100</td>
<td>Dallas, TX 75209</td>
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<tr>
<td>Minyards Properties Inc</td>
<td>Dennis O'Malley</td>
<td>777 Freeport Pkwy</td>
<td>Coppell, TX 75019</td>
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<tr>
<td>Oak Cliff Chamber</td>
<td>Joe Burkleo</td>
<td>545 Lacewood Drive</td>
<td>Dallas, TX 75224</td>
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<tr>
<td>PARC DU LAC</td>
<td>Linda Sharp</td>
<td>12126 Vendome Place</td>
<td>Dallas, TX 75230</td>
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<tr>
<td>Quick Trip Co.</td>
<td>Teri Dorazil</td>
<td>14450 Trinity Blvd. #300</td>
<td>Fort Worth, TX 76155</td>
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<td>Reed Construction Data</td>
<td>Renee Williams</td>
<td>11101 Stemmons Frwy Ste. 101</td>
<td>Dallas, TX 75229</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves</td>
<td>900 Jackson St, Suite 160</td>
<td>Dallas, TX 75202</td>
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<tr>
<td>Signs Manufacturing</td>
<td>William Watson</td>
<td>4610 Mint Way</td>
<td>Dallas, TX 75236</td>
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<tr>
<td>United HOA</td>
<td>Norma Parry</td>
<td>1515 Reynaldston Ln.</td>
<td>Dallas, TX 75232</td>
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<td>United HOA</td>
<td>Thelma J. Norman</td>
<td>2628 Blackstone Dr.</td>
<td>Dallas, TX 75237</td>
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<td>United Homeowner</td>
<td>Raymond Montgomery</td>
<td>6762 Keswick Dr</td>
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<tr>
<td>W.A.R.N.</td>
<td>Tashia Moseley</td>
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<td>BSEAT</td>
<td>Allen McGill</td>
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<td>Southern Hill Home Owner</td>
<td>Dercy Walker</td>
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<td>SE Dallas Civic Assoc</td>
<td>Lionel Churchill</td>
<td>P O Box 411265</td>
<td>Dallas, TX 75241</td>
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</table>
A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for multifamily, nursing/convalescent/retirement home, single family and office uses, on property zoned an MF-1(A) Multifamily District, on the north side of Harvest Hill, between Montfort Drive and Noel Road

**Recommendation of Staff:** Approval, subject to a conceptual plan and staff’s recommended conditions

**Recommendation of CPC:** Approval, subject to a conceptual plan and conditions

Z067-306(OTH)
FILE NUMBER: Z067-306 (OTH) DATE FILED: August 8, 2007
LOCATION: North side of Harvest Hill, between Montfort Drive and Noel Road.
COUNCIL DISTRICT: 13 MAPSCO: 15-S
SIZE OF REQUEST: Approx. 17.12 acres CENSUS TRACT: 96.04

REPRESENTATIVE: Masterplan
APPLICANT: Inland American Communities Acquisition, LLC
OWNER: Plaza on Harvest Hill, LP
REQUEST: An application for a Planned Development District for multifamily, nursing/convalescent/retirement home, single family, and office uses, on property zoned an MF-1(A) Multifamily District.

SUMMARY: The applicant is proposing to develop single family, multifamily, and a variety of residential development possibly including nursing/convalescent/retirement home and office uses in the property.

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

STAFF RECOMMENDATION: Approval subject to a conceptual plan and staff’s recommended conditions.
BACKGROUND INFORMATION:

- The request site is currently developed with an apartment complex. There are a total of 404 units, built in between 1968 and 1983.

- The request site is surrounded by office and retail to the north; retail and single family to the east; multifamily, retirement home and office to the south; and a parking garage and Lincoln Center to the west.

- The applicant is proposing to develop single family, multifamily, and a variety of residential development possibly including nursing/convalescent/retirement home and office uses in the property.

Zoning History: There have been one Board of Adjustment and one zoning case in the area:

1. B045-278  On August 15, 2005, the Board of Adjustment granted a special exception to the off-street parking regulations of 8 spaces (or 16 percent) in conjunction with the leasing of 1,533 square feet of an 8,600 square foot strip center with restaurant use

2. Z045-260  On October 26, 2005, the City Council approved a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property zoned and R-16(A) Single Family District on the southeast corner of Nuestra Drive and Wozencraft Drive.

Thoroughfares/Streets:

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<td>West</td>
<td>MU-3</td>
<td>Parking Garage/Lincoln Center</td>
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Comprehensive Plan:

The applicant is proposing to develop the site with residential, office and convalescent/nursing home. The forwardDallas! Vision Illustration indicates that the area should be developed as a residential neighborhood. The requested zoning change is compatible with the intent of the Comprehensive Plan because it complies with the below mentioned goals and policies for Land Use, Housing Element and Economic Elements.

Land Use Element

Goal 1.3 Provide Equitable opportunities for Dallas residents

Policy 1.3.1 Create housing opportunities throughout Dallas.

Housing Element

Goal 3.1 Ensure a sustainable and efficient long-range housing supply.

Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

Economic Element

Goal 2.1 Promote balanced growth.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.
STAFF ANALYSIS:

Land Use Compatibility:

The approximately 17.12-acre request site is zoned an MF-1(A) Multifamily District and is currently developed with 404 apartment units. The proposed zoning change will be consistent with the existing development of the area. The property across Harvest Hill is developed with a retirement home. The property is surrounded by office, retail and residential uses. The proposed request is for multifamily residential and some single family units, as well as office and possibly nursing/convalescent/retirement home.

The applicant is proposing to develop single family, multifamily, and a variety of residential development possibly including nursing/convalescent/retirement home and office uses in the property.

The applicant is proposing to develop a maximum 62,000 square feet for non-residential uses, which includes institutional uses.

The applicant is requesting a reduction in the parking requirements for residential development and submitted a parking analysis to support the parking conditions he is proposing. The applicant’s request is to provide one parking space per bedroom for all units under 950 square feet. For those bedroom units that are in excess of 950 square feet required the applicant is required to have one-and-half parking spaces for dwelling units 950 square feet or more in size. However, staff does not support the reduction since the proposed development is not a mixed use development and is served by DART bus service only with no proximity to a DART Rail station. Staff believes the applicant should comply with code requirements. The Dallas Development Code requires one space for each 500 square feet of dwelling unit floor area for multifamily uses.

The applicant is also requesting a maximum height for multifamily development in Tracts I and II of 58 feet, and 58 feet for residential development in Tract III. Staff believes that the applicant’s request does not merit the request for the parking reduction, since the proposed development is neither a mixed use nor a transit oriented type of development.

Development Standards:

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<td>15’</td>
<td>15’</td>
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<td>Multifamily</td>
<td>Min lot 3,000 sq. ft.</td>
<td>1,000 sq ft – E</td>
<td>1,400 sq ft – 1 BR</td>
<td>1,800 sq ft – 2 BR</td>
<td>+200 sq ft each add BR</td>
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Proposed
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<td>Residential, Office, Convalescent/Nursing/Retirement Home</td>
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**Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested zoning change and determined the proposal will not have a significant impact on the street system.

**Landscaping:**

Landscape must be provided accordance to Article X requirements.
CPC ACTION:

December 20, 2007

Motion: It was moved to recommend approval of a Planned Development District for multifamily, nursing/convalescent/retirement home, single family, and office uses, subject to a conceptual plan and staff’s recommended conditions on property zoned an MF-1(A) Multifamily District, on the north side of Harvest Hill, between Montfort Drive and Noel Road with the following applicant’s conditions: 1) Zero rear setback for Townhouses. 2) One parking space per bedroom for all units; except for one bedroom units that are in excess of 950 square feet required to have 1.5 parking spaces. 3) Trees located in the right-of-way that are large caliper could be counted as site trees.

Maker: Lueder
Second: Buehler
Result: Carried: 9 to 6

For: 9 Prothro, Davis*, Rodgers, Lozano, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish
Against: 6 Strater, Gary, Bagley, Ekblad, Emmons, Alcantar

Absent: 0
Vacancy: 0

*out of the room when vote taken, shown in favor

Notices: Area: 500 Mailed: 247
Replies: For: 3 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
David Blue, 12888 Montfort Dr., Dallas, TX, 75230
Matt Taussaint, 3890 W. Northwest Hwy., Dallas, TX, 75220

Against: None

6
Officers / Partners

List of Officers

Officers of Plaza on Harvest Hill, LP

General Partner, GLH Holdings Plaza, PP
General, Partner Gerald Horn Management, LLC
Sole Partner, Gerald Horn

Officers of Inland American Communities Acquisitions, L.L.C.

Robert Utley
Steve Utley
John Allums
Sherman Wyman
Travis Roberts
ORDINANCE NO. ______

“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 at _____. The size of PD ___ is approximately ______ acres.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.

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

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

(1) BLADE SIGNS means a sign projecting perpendicularly from a main building façade and is visible from both sides.

(2) STOOP means a small porch leading to the entrance of a residence.

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

SEC. 51P-____.104 CREATION OF TRACTS.

This district is divided into three tracts: Tract I, Tract II, and Tract III.

SEC. 51P-____.105. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit A: conceptual plan.

SEC. 51P-____.106. CONCEPTUAL PLAN.
Development and use of the Property must comply with the conceptual plan. If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-___.107. DEVELOPMENT PLAN.

(a) A development plan for each tract must be approved by the city plan commission before the issuance of any building permit to authorize work on the property.

(b) The tracts may develop in phases.

(c) If there is a conflict between the text of this article and the development plan, the text of this section controls.

SEC. 51P-___.108. USES PERMITTED.

(a) Tracts I and II. The following are the only main uses permitted:

-- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]
-- Multifamily.
-- Private recreation center, club, or area.
-- Private streets and private alleys.

(b) Tract III. The following are the only main uses permitted:

-- Convalescent and nursing home use
-- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]
-- Multifamily.
-- Office.
-- Private streets and private alleys.
-- Private recreation center, club, or area.
-- Retirement housing.
-- Single family.

SEC. 51P-___109. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any tract 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 in any tract:
-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory pathological waste incinerator.
-- Accessory outside display or sale of merchandise.
-- Amateur communication tower.
-- Day home.
-- General waste incinerator.
-- Private stable.
-- Pedestrian skybridges.

SEC. 51P-110. YARD, LOT, AND SPACE REGULATIONS.

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

(a) Front yard.

(1) Except as provided in this subsection, no front yard is required within this district or between tracts or lots.

(2) Minimum front yard along the perimeter of the Property is 15 feet as shown on the conceptual plan.

(3) Balconies, bay windows, stoops, signs, and entryways may project up to four feet into the required front yard and the areas of the projections may not exceed 10 percent of the required front yard.

(4) No urban form setback is required.

(b) Side and rear yard.

(1) Except as provided in this subsection, no side or rear yard is required within this district or between tracts or lots.

(2) Minimum side yard along the perimeter of the Property is 10 feet as shown on the conceptual plan.

(3) Minimum rear yard along the perimeter of the Property is 15 feet as shown in the conceptual plan.

(4) Balconies, bay windows, stoops, signs, or entryways may project up to four feet into the required side or rear yard and the areas of the projections may not exceed 10 percent of the side or rear yard.

(5) No urban form setback is required.
(c) **Density.** The maximum total number of dwelling units is 1,029. For purposes of this district, in a retirement, convalescent, or nursing home use, each bed counts as 0.75 dwelling units.

(d) **Floor area.** For non-residential uses, maximum total floor area is 62,000 square feet.

(e) **Height.**

1. **Tracts I and II.**
   - (A) Maximum height is 58 feet.

2. **Tract III.**
   - (A) The maximum height for any residential use is 58 feet.
   - (B) The maximum height for all other uses is 84 feet.

3. **Residential proximity slope.** The residential proximity slope applies to the perimeter of the Property only.

(f) **Lot coverage.** Maximum lot coverage is 70 percent. For purposes of calculating lot coverage, each tract is considered one lot. Above ground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) **Lot size.** No minimum lot size in this district.

(h) **Stories.** A maximum of four stories is permitted for residential uses.

**SEC. 51P- ___.111. OFF STREET PARKING AND LOADING**

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**CPC Recommendation:**

(b) For multi-family uses, one off-street parking space is required for dwelling unit less than 950. One and one half off-street parking spaces is required for each dwelling unit with 950 square feet or more.

**Staff’s recommendations:**
(b) For multifamily uses:

(i) Required off-street parking: One space for each 500 square feet of dwelling unit floor area within the building site.

(aa) Only the floor area within a dwelling unit (excluding balconies) is included in the calculation of required off-street parking.

(bb) Not less than one space nor more than two and one-half spaces are required for each dwelling unit in a multifamily structure 36 feet or less in height.

(cc) Not less than one space nor more than two spaces are required for each dwelling unit in a multifamily structure over 36 feet in height.

c) Exterior parking structure facades must be concealed with a facade that is similar in materials, architecture, and appearance to the facade of the main structure or the adjacent structure, except that breaks in the exterior parking structure facade not exceeding 40 feet in width are permitted at driveway and entryway locations. Openings in the exterior parking structure facade may not exceed 50 percent of the total parking structure facade area.

SEC. 51P--___ .112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-317.113. LANDSCAPING IN THE PARKWAY.

(a) Private license granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants (“property owner”) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit in accordance with the Dallas Building Code, or Subsection (b) of this section. This private license shall not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the City Council, any time such termination becomes necessary. The determination by the city of the necessity for such termination shall be final and binding and the city shall become entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the director, each property owner shall remove all improvements and
installations in the public rights-of-way in a manner satisfactory to the director of Public Works and Transportation.

(2) A property owner is not required to comply with any landscaping requirement if compliance is made impossible due to the director's revocation of a landscape permit or the revocation of the license granted herein affecting landscaping.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the property owner shall procure, pay for and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the City, covering, but not limited to, the liability assumed under the license granted herein, with combined single limits of liability for bodily injury and property damage of not less that $1,000,000 for each occurrence, $2,000,000 annual aggregate. Coverage under this liability policy shall be on an “occurrence” basis and the City shall be named as additional insured. Proof of such insurance shall be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1/C/North, Dallas, Texas 75201 and the policy shall provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal or material change in coverage. All subrogation rights for loss or damage against the City are hereby waived to the extent same are covered by this liability insurance policy.

(4) Each property owner shall be responsible for maintaining the landscaping and related amenities in good repair and condition and to keep the premises safe and from deteriorating in value or condition, at no expense to the City, and the City shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping and related amenities. The granting of a license for landscaping and related amenities under this section does not release the property owner from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(b) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction and planting or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.
(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees or other amenities in the public right-of-way.

SEC.51P-____.114. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Site trees. Existing street trees within the right-of-way with at least 12 caliper inches may count toward required site trees.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition.

SEC51P-____.115. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Multi-family uses, two additional premise signs are permitted as blade signs. The effective area for the two additional signs may not exceed 68 square feet for each side. Blade signs must be attached to the main structure.

SEC51P-____.116. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC51P-____.117. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and complete to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this Planned Development District until there has been full compliance for that use with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SEC51P-____.118. ZONING MAP.
PD __ is located on Zoning Map No.D-7."
### CPC RESPONSES

- **247** Property Owners Notified
- **3** Replies in Favor
- **0** Replies in Opposition
- **500'** Area of Notification
- **12-20-07** Date

### NOTIFICATION

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**Map No:** D-7

**GIS Technician:** KRua
8/31/2007

*Notification List of Property Owners*

**Z067-306 (OTH)(KRua)**

274 Property Owners Notified

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<td>6060 N Central Expy Ste 333</td>
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FW Dodge Reports  
Donna McGuire  
9155 Sterling Dr. Ste 160  
Dallas, TX 75063

INCAP Fund  
Lauren Odell  
300 Crescent Court  
Dallas, TX 75208

Jackson Walker  
Suzan Kedron  
901 Main St. #6000  
Dallas, TX 75202

Kiestwood Neighbors  
Neoma Shafer  
2538 W Kiest Blvd  
Dallas, TX 75233

Koons Real Estate Law  
James Schnurr  
3400 Carlisle St, #400  
Dallas, TX 75204

Lake Highlands AIA  
Terri Woods  
9603 Rocky Branch Drive  
Dallas, TX 75243

Law Office of R Albright  
Roger Albright  
3301 Elm St  
Dallas, TX 75226

Master Plan  
J Kimborough  
900 Jackson St  
Dallas, TX 75202

MetroStudy Corp  
Rebecca Webb  
14881 Quorum Dr #400  
Dallas, TX 75254

Micheal R Coker Co  
Michael R Coker  
2700 Swiss Ave. #100  
Dallas, TX 75209

Minyards Properties Inc  
Dennis O'Malley  
777 Freeport Pkwy  
Coppell, TX 75019

N Pk Lovefied Comm Civic League  
Joyce Lockley  
4718 Wateka Dr.  
Dallas, TX 75209

Oak Cliff Chamber  
Joe Burkleo  
545 Lacewood Drive  
Dallas, TX 75224

PARC DU LAC  
Linda Sharp  
12126 Vendome Place  
Dallas, TX 75230

PWS Architects Inc.  
Phillip Shepherd  
4616 Abbott Ave  
Dallas, TX 75205

Quick Trip Co.  
Teri Dorazil  
14450 Trinity Blvd. #300  
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.  
Robert Reeves  
900 Jackson St, Suite 160  
Dallas, TX 75202

Signs Manufacturing  
William Watson  
4610 Mint Way  
Dallas, TX 75236

United HOA  
Norma Parry  
1515 Reynaldston Ln.  
Dallas, TX 75232

United HOA  
Thelma J. Norman  
2628 Blackstone Dr.  
Dallas, TX 75237

W.A.R.N.  
Tashia Moseley  
5353 Maple Ave. Ste. 200  
Dallas, TX 75235

Bruce Wilke  
7227 N Janmar Dr  
Dallas, TX 75230

Dorothy & Gary Hind  
5956 Charlestown Dr  
Dallas, TX 75230

El Hara Forest Assoc  
Penina Weiner  
11711 El Hara Circle  
Dallas, TX 75230

Hillcrest Forest HOA  
Mark Tarletz  
11450 St Michaels Dr  
Dallas, TX 75230

Hillcrest-Forest NA  
Jane Pak  
7107 Churchill Way  
Dallas, TX 75230

McShann Estates NA  
Dr. Robert Prince, Jr.  
5708 McShann Rd.  
Dallas, TX 75230-1709
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A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of Oak Lawn Avenue and Rawlins Street with consideration for a Specific Use Permit for a bank or savings and loan with drive-through window service

Recommendation of Staff: Approval, of a Specific Use Permit for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to staff’s recommended site plan, staff’s recommended landscape plan, and conditions in lieu of a Planned Development Subdistrict for GR General Retail Subdistrict uses

Recommendation of CPC: Approval of a Planned Development Subdistrict, subject to a development plan and conditions

Z067-309(JH)
FILE NUMBER: Z067-309 (JH)  DATE FILED: August 16, 2007
LOCATION: Northwest corner of Oak Lawn Avenue and Rawlins Street
COUNCIL DISTRICT: 14  MAPSCO: 35-X
SIZE OF REQUEST: Approx. 0.44 acres  CENSUS TRACT: 06.04

APPLICANT: Century Bank
OWNER: Rawlins 3811 Joint Venture
Eleven Oaks Partners, LP

REQUEST: An application for a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with consideration for a Specific Use Permit for a bank or savings and loan with drive-through window service.

SUMMARY: The applicant is requesting a Planned Development Subdistrict for relief from the special retail street parking setback, visibility triangle obstruction regulations, and landscaping requirements. The applicant proposes to construct a bank or savings and loan with drive-through window service.

CPC RECOMMENDATION: Approval of a Planned Development Subdistrict, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval of a Specific Use Permit for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to staff’s recommended site plan, staff’s recommended landscape plan, and conditions in lieu of a Planned Development Subdistrict for GR General Retail Subdistrict uses.
BACKGROUND INFORMATION:

- The request site is currently developed with a gas station and office. The gas station is in the process of being demolished.

- The request site is adjacent to multifamily, retail, office, and personal service uses.

- The proposed use is a 2,405 square foot bank or savings and loan with three drive-through service lanes.

- The case was originally submitted as a Specific Use Permit for a bank or savings and loan with drive-through window service and was noticed for the October 11, 2007 City Plan Commission hearing. The applicant submitted a site plan after the November 15, 2007 CPC hearing prior to the December 20, 2007 CPC hearing that did not comply with the Dallas Development Code, which is a requirement of a Specific Use Permit. Since the applicant’s revised site plan did not meet code, this plan cannot be approved in a Specific Use Permit. The City Plan Commission instructed staff to re-advertise this case for a Planned Development Subdistrict.

- The applicant has revised his request from a Specific Use Permit to a Planned Development Subdistrict within PDD No. 193 in order to seek relief from (1) the special retail street parking setback; (2) visibility obstruction regulations; and (3) the landscaping provisions of PDD No. 193 related to the front yard planting area and sidewalk location.

Zoning History:

1. BDA 034-166 On June 21, 2004, the Board of Adjustment approved a special exception to the landscaping regulations related to alternate sidewalk size and locations at the southwest corner of Oak Lawn Avenue and Rawlins Street.

Thoroughfares/Streets:

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STAFF ANALYSIS:

**Comprehensive Plan:**

The request for a bank or savings and loan with drive-through window service complies with the following land use goal and policy of the Comprehensive Plan because the use and development of the property is consistent with the retail nature of the area:

**ECONOMIC DEVELOPMENT**

**GOAL 2.2 Engage in strategic economic development**

**Policy 2.2.6 Restore Dallas as the foremost retail location in the region.**

However, the applicant’s request for a Planned Development Subdistrict on 0.44 acres, overlooking the visibility obstruction regulations, and removing the special retail street requirements do not comply with the following land use goals and policies of the Comprehensive Plan.

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

**Policy 1.2.2 Establish clear and objective standards for land use planning.**

**TRANSPORTATION ELEMENT**

**GOAL 4.2 PROMOTE A VARIETY OF TRANSPORTATION OPTIONS**
Policy 4.2.2  Promote a network of on-street and off-street walking and biking paths.
Policy 4.2.4  Promote the safe and efficient movement of goods.

URBAN DESIGN

GOAL 5.1  PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1  Promote pedestrian-friendly streetscapes.

NEIGHBORHOOD ELEMENT

GOAL 7.1  PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.4  Promote clean and safe neighborhoods.
Policy 7.1.6  Follow a consistent neighborhood planning framework.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The building and use are consistent with the office and retail uses on Oak Lawn Avenue, but at a lesser intensity than some of the nearby uses. The property is currently zoned for retail and office uses. The applicant’s request complies with items 1, 2, and 4; does not comply with items 3, 6, or 7; and item 5 does not apply. The applicant’s request for a Planned Development Subdistrict is to allow a zoning change...
that fails to adhere to the standards for commercial areas, in addition to the landscape/streetscape requirements of PDD No. 193. The visibility triangle obstruction relief the applicant is requesting threatens the pedestrian environment and the safe movement of traffic on Oak Lawn Avenue and Rawlins Street.

The building location in the applicant’s request provides for a preferred urban form over the staff recommended site plan; however, the staff recommended site plan and landscape plan adhere to the sidewalk regulations and increases the amount of landscaping above the requirements of PDD No. 193, following items 2, 6, and 7. The increased landscape area that results from placing the parking 30 feet back is an improvement in the pedestrian environment compared with the gas station that previously occupied the corner of the request site. With either the applicant’s plan or staff recommended plan, the street wall is not contiguously continued due to the location of the drive-through lanes.

**Land Use Compatibility:**

The approximately 0.44-acre request site is zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and is currently developed with an office use and a gas station being demolished. The applicant is proposing to construct a bank with drive-through window service for customers in motor vehicles on the property, which requires a Specific Use Permit for the drive-through lanes in the GR General Retail Subdistrict. The proposed use is a 2,405 square foot bank with three drive-through lanes for teller service and one drive-through lane for ATM service. The site plan indicates the proposed building height is 1 story.

The surrounding land uses are office, multifamily, retail, and personal service.

The proposed use of the property, a bank with drive-through window service for customers in motor vehicles, is consistent with the retail and office nature of the area. The site plan indicates the drive-through lanes will provide five stacking spaces for teller service as required by Code; one lane has both teller service and ATM service. The drive-through lanes are accessed through the northernmost Rawlins Street driveway entrance.

The attached staff recommended site plan is referenced for compliance in the Specific Use Permit conditions; however, the applicant has revised his request for a Planned Development Subdistrict to seek relief from several provisions in PDD No. 193. The PD conditions are attached as well.

The applicant’s revised site plan shows the building closer to the street, approximately 18 feet from the Oak Lawn Avenue property line and 10 feet from Rawlins Street, with angled-head-in on-street parking on Oak Lawn Avenue. The placement of the building is closer to being in line with the adjacent street wall and meets the setbacks of the GR General Retail Subdistrict. The site will not be able to meet the landscaping provisions due to the location of the building and sidewalk. The issues regarding the proposed on-street parking are (1) new on-street parking is not permitted in PDD No. 193; (2) the
spaces violate the visibility triangle regulations; (3) causes non-compliance with the required location of the sidewalk; and (4) portions of the spaces are in the special retail street parking setback area.

The request site is located on a special retail street as defined in Planned Development District No. 193, the Oak Lawn Special Purpose District, which requires for a setback for parking and maneuvering. The special retail street provisions in PDD No. 193 apply to:

(A) Cedar Springs Road, between Oak Lawn Avenue and Douglas Avenue;
(B) Knox Street, between Central Expressway and the MK&T railroad right-of-way;
(C) Maple Avenue, between Oak Lawn Avenue and Cedar Springs Branch (Creek);
(D) McKinney Avenue, between Maple Avenue and Haskell Avenue; and
(E) Oak Lawn Avenue, between Maple Avenue and the city limits of the City of Highland Park.

The special retail street regulations have generally remained in tact in these five areas. Knox Street and Maple Avenue have no variation in this regulation; McKinney Avenue has one Planned Development District that does not follow the special retail street regulation, PDD No. 372; and Cedar Springs has two Subdistricts within PDD No. 193 that do not require the special retail street regulation. PDS No. 76 on Cedar Springs was approved in February 2007, but the location of PDS No. 76 and the other PDS, PDS No. 10, that remove the special retail street regulations are across the street from each other at Douglas Avenue. The basic effect of these PDSs is to change the boundary of the special retail street from Douglas Avenue to Knight Street.

Oak Lawn Avenue special retail street has four instances of Planned Development Districts or Subdistricts of PDD No. 193. PDD No. 8 was enacted in 1957, prior to PDD No. 193. Oak Lawn Avenue is also different from other special retail streets in that on-street head-in angled parking exists sporadically along this corridor, with a concentration in the area surrounding the request site. Despite the existence of on-street parking in the area and other existing developments that do not comply with the parking setback, staff does not support eliminating this provision in the applicant’s proposed Planned Development Subdistrict. Doing such devalues the planning effort of the special retail street provision and creates an area that is exempted from the planning effort.

Since the applicant’s revised site plan does not meet code, this plan cannot be approved in a Specific Use Permit. The applicant’s proposed site plan can only be approved in a PDD No. 193 Subdistrict. Staff does not support a Planned Development Subdistrict that allows such violations and is on such a small site. The Dallas Development Code defines the purpose of a PDD as one that provides flexibility in the planning/construction of a development consisting of a combination of land uses that are sensitive to contiguous land use and environmental features.

Staff recommends approval of the Specific Use Permit with the staff recommended site plan and landscape plan. Staff would also support the Specific Use Permit with a revised site plan and landscape plan that has no on-street head-in angled parking and meets the requirements of PDD No. 193 landscaping, sidewalk, and visibility obstruction regulations.
Development Standards:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density FAR</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<tr>
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<td>Front</td>
<td>Side/Rear</td>
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<tr>
<td>Existing</td>
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<td></td>
<td>An additional 0.5:1 FAR is allowed where there is a min. 1:1 component of residential use</td>
<td>120 ft. 80% Retail and professional and personal service uses</td>
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<tr>
<td>PDD 193 GR</td>
<td>10 ft.</td>
<td>0 ft.</td>
<td>2:1</td>
<td></td>
<td>An additional 0.5:1 FAR is allowed where there is a min. 1:1 component of residential use</td>
<td>120 ft. 80% Landscaping, visibility triangle, 0' parking setback Retail and professional and personal service uses Bank with drive-thru by right.</td>
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<tr>
<td>General Retail</td>
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<td>General Retail</td>
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<td>2:1</td>
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</table>

Landscaping:

The staff recommended landscaping plan meets the requirements of PDD No. 193. The attached staff recommended landscaping plan is also a condition of the Specific Use Permit.

The applicant’s proposed landscaping plan would replace the landscaping requirements of PDD No. 193. The following is the known deficiency of the landscaping plan from PDD No. 193 requirements:

- The sidewalk on the conceptual plan identifies the sidewalk along Oak Lawn to be moved in from the projected curb approximately 20’ and into private property where PDD No. 193 requires between 5 and 12 feet from the back of the projected curb.

Tabulations are required to determine the landscaping area differences from PDD No. 193. The PDD No. 193 requirements should identify 10% of the lot to have a landscape site area and 60% of the required front yard; at least 12% of the required front yard must be a general planting area; and at least 6% of the required front yard must be special planting area. The tabulations have not been provided, though it appears that the landscape plan is deficient in the 60% required front yard landscape site area. It is estimated that between 40 and 50% is provided in the landscape plan. The PD conditions require landscaping to be provided according to the landscape plan.

The attached landscape plan removed the parkway trees from being located in the visibility triangles from the previous plan. However, there is a parkway tree shown outside of the visibility triangle that is nearest the egress for the drive-through service lanes.
**Parking / Traffic:**

Parking required per Planned Development District No. 193 for a bank requires 1 off-street space per 366 square feet of floor area. The proposed bank will require 7 off-street parking spaces for 2,405 square feet. The SUP conditions state that at least 5 stacking spaces must be provided for each drive-through window lane.

The staff recommended site plan shows that 12 spaces will be provided. The applicant’s proposed site plan shows 16 off-street spaces and 4 on-street spaces; however, three of the four spaces are located within a visibility triangle.

Staff is recommending that directional signage be provided that clearly indicates ingress and egress to and from the drive-through window lane.

The expected number of trips generated by the proposed use is 638 trips per day according to the trip rate for a financial institution with drive-in for the proposed floor area. A Traffic Impact Study is only required for proposals that generate more than 1,000 trips per day unless a waiver is issued.

New on-street parking is not permitted in PDD No. 193, as it is currently prohibited in Chapter 28 of the Dallas Code. There is a pending effort to revise these provisions in Chapter 28 which would give the traffic engineer the ability to approve on-street angled parking in appropriate locations. The traffic engineer would follow the policies established in the parking handbook, as well as existing regulations.

The Engineering Section of the Department of Development Services has reviewed the request and determined that the on-street angled parking located in visibility triangles are also located too close to the intersection of Oak Lawn Avenue and Rawlins Street. Two on-street spaces were recommended instead of four and the spaces should be located at least 40 feet from the intersection. The closest space is approximately 34 feet from the intersection. The Engineering Section was also concerned with the location of landscaping in the visibility triangles, which would obstruct visibility and endanger the users of the on-street spaces of colliding with vehicles turning southbound onto Oak Lawn Avenue from Rawlins Street.

The PD conditions and development plan show a reduced visibility triangle for the corner of Oak Lawn Avenue and Rawlins Street from 45’ to 30’. PDD No. 193 does not permit 30’ visibility triangles for streets not designated as thoroughfares, which Oak Lawn is and therefore requires a 45’ visibility triangle. Staff does not object to the reduction of the visibility triangle due to the signalization of the intersection; however, the applicant’s site plan had shown one on-street parking space is still located in the 30’ visibility triangle, which staff objected. Staff encouraged the applicant to revise his plan to reduce the number of on-street spaces to 2 or 3 spaces and to remove all obstructions from the visibility triangles. The attached landscape plan removes the trees from the visibility triangles. The City Plan Commission recommended the number of on-street spaces be reduced to 3.
**CPC Minutes**

November 15, 2007

**Motion:** In considering an application for a Specific Use Permit for a bank or savings and loan with drive-through window service on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest corner of Oak Lawn Avenue and Rawlins Street, it was moved to **hold** this case under advisement until December 20, 2007.

  Maker: Emmons  
  Second: Weiss  
  Result: Carried: 11 to 0

  For: 11 - Prothro, Strater, Gary, Davis, Rodgers, Bagley, Weiss, Buehler, Wolfish, Ekblad, Emmons

  Against: 0

  Absent: 2 - Jones-Dodd, Hill

  Vacancy: 0

  Abstained: 2 - Lozano**, Alcantar**

  ** Commissioner abstained, due to bus tour requirements

**Notices:**  
Area: 200  
Mailed: 45

**Replies:**  
For: 30  
Against: 0

**Speakers:** None

December 20, 2007

**Motion:** In considering an application for a Specific Use Permit for a bank or savings and loan with drive-through window service on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest corner of Oak Lawn Avenue and Rawlins Street, it was moved to **hold** this case under advisement until January 10, 2008 and to be re-advertised.

  Maker: Emmons  
  Second: Davis  
  Result: Carried: 14 to 0

  For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
January 10, 2008

**Motion:** It was moved to recommend approval of Planned Development Subdistrict for GR General Retail Subdistrict uses, subject to a development plan and revised conditions on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest corner of Oak Lawn Avenue and Rawlins Street with 3 on-street parking spaces on Oak Lawn Avenue.

Maker: Emmons
Second: Weiss
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

**Amendment to Motion:** It was moved to approve an amendment to remove all head in parking spaces on Oak Lawn Avenue.

Maker: Ekblad
Second: Buehler
Result: Failed: 7 to 8

For: 7 - Gary, Davis, Bagley, Jones-Dodd, Buehler, Ekblad, Alcantar
Against:   8 - Prothro, Strater, Rodgers, Lozano, Weiss, 
          Lueder, Wolfish, Emmons
Absent:    0
Vacancy:   0

**Notices:**
Area:  500             Mailed:  150

**Replies:**
For:    31             Against:  0

**Speakers:**
For:  Joel Miller, 7205 Shilling Cir., Texarkana, TX, 75503
     Diana Naples, Address not given
     Cecil Unruh, 1722 Ridge Rd., Rockwall, TX, 75087
Against: Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
List of Partners/Principals/Officers

Owner:

Rawlins 3811 J.V.
3419 Westminster Ave. Suite 50
Dallas, Texas 75205

August 15, 2007

City of Dallas, Dallas County, Texas

To Whom It May Concern:

Rawlins 3811 J.V. is wholly owned by R.L. Ross and wife Edna Ross as the only venturers. R.L. Ross is the designated Managing Venturer to execute any and all documents relating to the operation of the business of the Joint Venture. The address of the Joint Venture is stated above.

R.L. Ross
Managing Venturer
214-522-1620

Ownership and Officers of Eleven Oaks Partners, LP is -

George Nabholtz 15.5%, President
Ceci Unruh 49.5%, Vice President
Bobbe Nabholtz 8%
Diane Nabholtz 5%, Secretary
Elizabeth Nabholtz 10.5%
Megan Nabholtz 10.5%
Eleven Oaks Corp. 1%
List of Partners/Principals/Officers

Applicant:

Century BANK, N.A.
Board of Directors

Truman Arnold
Anita Arnold
Cary Patterson
Dr. Frederick Joyce
Ronny Looney
Greg Arnold
Joe Nichols (Chairman)
Jim Day
Robert Fuller
Hiram Shute
Martha Wisdom (Secretary)
"Division S-_____. Subdistrict _____.

SEC. S-_____101. LEGISLATIVE HISTORY.

PD Subdistrict _____ was established by Ordinance No.______, passed by the Dallas City Council on _____.

SEC. S-_____102. PROPERTY LOCATION AND SIZE.

PD Subdistrict _____ is established on property located at the northwest corner of Oak Lawn Avenue and Rawlins Street. The size of PD Subdistrict _____ is _____ acres.

SEC. S-_____103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

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

SEC. S-_____104. EXHIBITS.

The following exhibits are incorporated in this article:

(1) Exhibit S-____A: development plan.

(2) Exhibit S-____B: landscape plan.

SEC. S-_____105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-______A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-_____106. MAIN USES PERMITTED.
(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following additional main use is permitted by right:

-- Bank or savings and loan office (with or without drive-in window service).

SEC. S-_____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-_____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

The yard, lot, and space regulations for the GR General Retail Subdistrict apply in this subdistrict.

SEC. S-_____.109. OFF-STREET PARKING AND LOADING.

(a) In general. Consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) For a bank or savings and loan office.

(1) On-street parking spaces are permitted in the location shown on the development plan.

(2) On-street parking spaces shown on the development plan are not subject to the regulations in Sec. 51P-193.113(c)(1).

(c) On-street parking. All on-street parking spaces are subject to the city’s authority to regulate public streets.
(d) **Visual obstructions.**

(1) Except as provided in this section, the visual obstruction regulations in Part I apply.

(2) The visibility triangle at the intersection of Oak Lawn Avenue and Rawlins Street is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection.

**SEC. S-_____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-_____.111. LANDSCAPING.**

(a) Except for a bank or savings and loan office, landscaping, screening, and sidewalks must be provided in accordance with Part I of this article.

(b) For a bank or savings and loan office, landscaping and screening must be provided as shown on the landscape plan (Exhibit S-____B).

(c) **Sidewalks.** For a bank or savings and loan office, sidewalk locations and widths must be provided as shown on the development plan.

(d) **Plant materials.** Plant materials must be maintained in a healthy, growing condition.

**SEC. S-_____.112. SIGNS.**

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

**SEC. S-_____.113. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Except as otherwise provided in this division or shown on the development plan, development and use of the Property must comply with Part I of this article.
SEC. S-_____.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. S-_____.115. ZONING MAP.

PD Subdistrict S-_____ is located on Zoning Map No. I-7."
APPLICANT PROPOSED LANDSCAPE PLAN
1. **USE:** The only use authorized by this specific use permit is a bank or savings and loan office with drive-through window service.

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

3. **TIME LIMIT:** This specific use permit is approved for a ten-year period, and is eligible for automatic renewal for additional ten-year periods, pursuant to Section 51A-4.219 of CHAPTER 51A of the Dallas City Code, as amended. In order for automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced).

4. **LANDSCAPING:** Landscaping must be provided as shown on the attached landscape plan. Plant materials must be maintained in a healthy, growing condition.

5. **INGRESS-EGRESS:** Ingress and egress must be provided in the locations shown on the attached site plan.

6. **DRIVE-THROUGH WINDOW:** A maximum of three drive-through window lanes is permitted only in the location shown on the attached site plan.

7. **STACKING:** A minimum of five stacking spaces must be provided for each teller window or station in the location shown on the attached site plan.

8. **DIRECTIONAL SIGNAGE:** Directional signage and/or pavement markings must be provided to clearly indicate ingress and egress from the drive-through window lane. Final design of the signage and pavement markings must be approved by the building official prior to the issuance of a certificate of occupancy for the use authorized by this specific use permit.

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

10. **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.
# Notification List of Property Owners

**Z067-309 (JH)(KRua)**

150 Property Owners Notified

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<td>RAWLINS 3811 JV</td>
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<td>Suzan Kedron</td>
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<td>Koons Real Estate Law</td>
<td>James Schnurr</td>
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<td><strong>Lake Highlands AIA</strong></td>
<td><strong>Terri Woods</strong></td>
<td>9603 Rocky Branch Drive</td>
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<tr>
<td><strong>MetroStudy Corp</strong></td>
<td><strong>Rebecca Webb</strong></td>
<td>14881 Quorum Dr #400</td>
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<tr>
<td><strong>Oak Cliff Chamber</strong></td>
<td><strong>Joe Burkle</strong></td>
<td>545 Lacewood Drive</td>
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<td><strong>Quick Trip Co.</strong></td>
<td><strong>Terri Dorazil</strong></td>
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<td><strong>Norma Parry</strong></td>
<td>1515 Reynaldston Ln.</td>
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<td><strong>Alan Pierce</strong></td>
<td><strong>Art Rogers</strong></td>
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<tr>
<td><strong>Laura French</strong></td>
<td>3856 W Beverly</td>
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<td><strong>Michael Northrup</strong></td>
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<td><strong>P D Sterling</strong></td>
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<td><strong>Rick Gonzales</strong></td>
<td>4283 S Cresthaven</td>
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<td><strong>Cedar Springs CC</strong></td>
<td><strong>Alice Dykeman</strong></td>
<td>4926 Cedar Springs Rd</td>
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<td><strong>Cochran Heights</strong></td>
<td><strong>Karen Anderson</strong></td>
<td>5122 Pershing St</td>
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<td><strong>Cochran Heights</strong></td>
<td><strong>Hector Garcia</strong></td>
<td>3601 Turtle Creek Blvd #901</td>
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<tr>
<td><strong>Mall of Texas</strong></td>
<td><strong>Karen Anderson</strong></td>
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<tr>
<td><strong>Minyards Properties Inc</strong></td>
<td><strong>Dennis O'Malley</strong></td>
<td>777 Freeport Pkwy</td>
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<tr>
<td><strong>PARC DU LAC</strong></td>
<td><strong>Linda Sharp</strong></td>
<td>12126 Vendome Place</td>
</tr>
<tr>
<td><strong>Robert Reeves &amp; Assoc. Inc</strong></td>
<td><strong>Robert Reeves</strong></td>
<td>900 Jackson St, Suite 160</td>
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<td><strong>Robert Reeves</strong></td>
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<tr>
<td><strong>United HOA</strong></td>
<td><strong>Thelma J. Norman</strong></td>
<td>2628 Blackstone Dr.</td>
</tr>
<tr>
<td><strong>W A R N</strong></td>
<td><strong>Tashia Moseley</strong></td>
<td>4523 Holland Ave</td>
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<tr>
<td><strong>W.A.N.</strong></td>
<td>4523 Holland Ave</td>
<td>Dallas, TX 75219</td>
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<tr>
<td><strong>Judith Hearst</strong></td>
<td>2512 Thomas Ave</td>
<td>Dallas, TX 75201</td>
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<tr>
<td><strong>Margaret L Ray</strong></td>
<td>3211 Cherrywood</td>
<td>Dallas, TX 75235</td>
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<tr>
<td><strong>Robert Dyer</strong></td>
<td>1601 Elm St, Ste 3000</td>
<td>Dallas, TX 75201</td>
</tr>
</tbody>
</table>
CS Stakeholders
Alise Barrentine
4114 Newton Ave #117
Dallas, TX 75219

Greenland Hills
William A Payne
5523 Monticello Ave
Dallas, TX 75206

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

Park Towers C Assoc
Estelle Carter
3310 Fairmount
Dallas, TX 75201

Uptown Public Improv. District
Tracy Curts
2808 McKinney Ave. Ste 100
Dallas, TX 75204

Friends of the Katy Trail
Eric VanSteengurg
3523 McKinney Ave, PMB 441
Dallas, TX 75204

Harwood International, Inc.
Julie Morris
2828 N Harwood, Suite 1600
Dallas, TX 75201

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

Raleighs-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Friends of State-Thomas
Judy Hearst
2512 Thomas Ave
Dallas, TX 75201

Harwood International, Inc.
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Dallas, TX 75201

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

The Criterion Group Inc
John Sivo
2517 Canyon Ridge Ct
Arlington, TX 76006

ENZ067-309(JH)
AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other nonresidential uses on property zoned an LC Light Commercial Subdistrict and an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and the termination of the Dry Liquor Control Overlay that encumbers portions of the site in an area generally bounded by McKinnon Street, Ivan Street, North Harwood Street, and Wolf Street

Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions and retention of the Dry Liquor Control Overlay

Recommendation of CPC: Approval, subject to a conceptual plan and conditions and removal of the Dry Liquor Control Overlay Z078-110(JH)
FILE NUMBER: Z078-110 (JH)  DATE FILED: October 24, 2007

LOCATION: Generally bounded by McKinnon Street, Ivan Street, North Harwood Street, and Wolf Street

COUNCIL DISTRICT: 2  MAPSCO: 45-E

SIZE OF REQUEST: Approx. 1.444 acres  CENSUS TRACT: 19

REPRESENTATIVE: Suzan Kedron, Jackson Walker

APPLICANT: Harwood International, Inc.

OWNER: One Harwood Boulevard, Ltd.

REQUEST: An application for a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other nonresidential uses on property zoned an LC Light Commercial Subdistrict and an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District. The applicant is also requesting termination of the Dry Liquor Control Overlay that encumbers portions of the site.

SUMMARY: The applicant is requesting a Planned Development Subdistrict in order to provide for special development considerations for a mixed use project.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions and removal of the Dry Liquor Control Overlay.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and staff’s recommended conditions and retention of the Dry Liquor Control Overlay.
BACKGROUND INFORMATION:

- The request site is currently undeveloped. Aerial photos indicate that the block was previously developed with single family structures what have since been removed from the request site, with the exception of three remainder lots that are still used as single family.

- The request site is adjacent to single family residential, multifamily, hotel, bank, commercial radio and TV transmitting station, and undeveloped land.

- The applicant is proposing a high density mixed use development, while maintaining certain nonresidential uses as currently permitted.

- A PDS is being requested for consideration of the following: 1) to permit LC Light Commercial uses on the entire property with the addition of temporary retail, gourmet marketplace, and outside sales; 2) reduce the setbacks; 3) increase floor area ratio; 4) simplify and increase density; 5) increase lot coverage; 6) increase height; 7) reduce parking requirements; 8) allow angled head-in on-street parking on Wolf Street; 9) require LEED worksheet compliance; 10) alternate landscaping provisions; 11) street sections for the adjacent halves of Wolf, Harwood and Ivan Streets; and 12) modify sign regulations.

- The applicant is also requesting termination of the Dry Liquor Control Overlay that encumbers a portion of the site.

PDS Summary

<table>
<thead>
<tr>
<th>PDD No.</th>
<th>Permitted Uses</th>
<th>Floor Area/Density</th>
<th>Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>O-2 Subdistrict Bank or savings and loan office w/drive-through service</td>
<td>4:1; 1,759 sf-bank</td>
<td>36’-all uses</td>
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<tr>
<td>52</td>
<td>O-2 Subdistrict</td>
<td>Nonres.-5.0:1; Res.-5.5:1</td>
<td>350’ (pkg. garage ≤36’)</td>
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<tr>
<td>77</td>
<td>LC Subdistrict</td>
<td>6.0 plus additional 0.5 if 1.1 res.</td>
<td>350’ plus 25’ for mechanicals</td>
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</table>
Zoning History:

1. Z067-110  On February 28, 2007, the City Council approved a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses, subject to a conceptual plan and conditions property generally bounded by Harwood Street, Jack Street, McKinnon Street and Ivan Street.

2. Z034-178  On May 12, 2004, the City Council approved a Planned Development Subdistrict for O-2 Subdistrict on property zoned an O-2 Subdistrict on property generally bounded by McKinnon Street, Wolf Street, Pearl Street, and Randall Street.

3. Z067-173  On June 13, 2007, the City Council approved a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other residential and nonresidential uses, subject to a conceptual plan, development plans and landscape plans for Subdistricts B, C, D, and G and conditions, approval of the termination of existing deed restrictions on a portion of the site, approval of the termination of Planned Development Subdistrict Nos. 18 and 25, and approval of the removal of the Dry Overlay on an area generally bounded by McKinnon Street, Moody Street, Akard Street, Ashland Street, Field Street, Payne Street, Harry Hines Boulevard, and Randall Street.

4. Z056-213  On August 9, 2006 the City Council approved Planned Development Subdistrict No. 74, within Planned Development District No. 193, for GR General Retail Subdistrict uses on property zoned an O-2 Office and HC Heavy Commercial Subdistricts on the northwest corner of McKinnon Street and Cedar Springs Road.

5. Z056-233  On February 15, 2007, the City Plan Commission recommended denial without prejudice of an application for an HC Heavy Commercial Subdistrict on property located at the south corner of Harwood Street and Hunt Street.

6. Z056-222  On April 26, 2006, the City Council approved an amendment to PDS No. 39 within Planned Development District No. 193 to increase the number of stories within the approved structure height envelope as well as further defining footprints for specific residential uses on property located at the northwest corner of Wolf Street and Maple Avenue.
**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Existing &amp; Proposed ROW</th>
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<tbody>
<tr>
<td>McKinnon Street</td>
<td>Principal Arterial; Existing Couplet</td>
</tr>
<tr>
<td>Harwood Street</td>
<td>Existing Couplet; 60’ ROW</td>
</tr>
<tr>
<td>Ivan Street</td>
<td>Local; 40’ ROW</td>
</tr>
<tr>
<td>Wolf Street</td>
<td>Local; 40’ ROW</td>
</tr>
</tbody>
</table>

**Land Use:**

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td></td>
<td>PD 193 LC &amp; MF-3</td>
<td>Undeveloped</td>
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<tr>
<td>North</td>
<td>PD 193 PDS 77, MF-3 &amp; O-2</td>
<td>Undeveloped, Single family residential, Multiple family</td>
</tr>
<tr>
<td>East</td>
<td>PD 193 PDS 52</td>
<td>Multiple family</td>
</tr>
<tr>
<td>South</td>
<td>PD 193 PDS 16 &amp; O-2</td>
<td>Bank with drive-through, Single family residential</td>
</tr>
<tr>
<td>West</td>
<td>PD 193 I-2</td>
<td>Commercial radio/TV transmitting station</td>
</tr>
</tbody>
</table>

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The applicant is proposing to develop the request area with a high density mixed use project. Emphasis will be given to encouraging a pedestrian friendly environment within the mixed use community. The applicant is proposing alternative streetscape (inclusive of sidewalk configurations) and pedestrian/tenant/resident amenities.

Inclusive of staff’s recommended conditions, the applicant’s request and general approach to the proposed development is in compliance with the Land Use, Housing, and Urban Design Elements outlined in forwardDallas!

**GOAL 1.** Align land use strategies with Economic Development priorities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics.
GOAL 3.1 Ensure a sustainable and efficient long-range housing supply.

Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

GOAL 5.1 Promote a sense of place, safety, and walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant’s request complies with Nos. 1 and 5. The proposed Pedestrian Zone (see below) will mirror the vision of Nos. 2 and 7; however, the applicant’s request for video board signs and angled head-in parking on Wolf Street may interfere with pedestrian safety. While the applicant is utilizing primarily structured parking, the objectives of No. 3 are not being entirely complied with due to the applicant’s request to utilize street frontages for required parking. While the majority of the regulations of the existing sub-districts do not require setbacks from adjacent properties, staff’s recommendation for setbacks from existing residential
uses (single family, duplex, and multiple family structures) will provide some relief for those parcels at a greater extent than the applicant’s request. The provisions that address sensitivity to residential uses are minimal (No. 4). The applicant’s request seeks to vary the placement of sidewalks and street trees, however aside from the placement of these amenity features, it does comply with the intent of PDD No. 193’s landscape and sidewalk requirements (No. 7).

**Land Use Compatibility:**

The approximately 1.44-acre request site is zoned an LC Light Commercial and MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and is currently undeveloped.

The site is surrounded by a mix of uses. Specifically, office and low and medium density residential uses are located to the east across McKinnon Street. The property to the north is undeveloped across Ivan Street. KERA utilizes the property to the west for office/production uses. A bank with drive-through service and a single family residence is located to the south. The block the request site is situation in has three remainder lots which are developed with single family residential use.

A PDS is being requested for consideration of the following: 1) to permit LC Light Commercial uses on the entire property with the addition of temporary retail, gourmet marketplace, and outside sales; 2) reduce the setbacks; 3) increase floor area ratio; 4) simplify and increase density; 5) increase lot coverage; 6) increase height; 7) reduce parking requirements; 8) allow angled head-in on-street parking on Wolf Street; 9) require LEED worksheet compliance; 10) alternate landscaping provisions; 11) street sections for the adjacent halves of Wolf, Harwood and Ivan Streets; and 12) modify sign regulations.

The applicant has agreed to meet certain LEED criteria for new construction, which will ensure an environmentally friendly development. Dallas remains as a non-attainment area per the EPA, therefore sensitivity in building design is critical. Staff has been in support of green building design and mirrors this requirement in its recommended conditions.

The applicant’s requested mix of permitted uses is supported by staff from a land use perspective. Proximity to the KATY Trail and other destination points in the immediate area lends itself to the proposed residentially influenced project. The intensity of the proposed development is not the prominent intensity of development rights in the area. PDS No. 77 and 52 which are in the immediate area of the request site allow for similar development rights; however the three remainder lots on this block, the multifamily across McKinnon Street, and the hotel use are of concern for the staff.

One of the highest of staff’s concern is for the three remainder single family lots on this block. Residential proximity slope does not apply in PDD No. 193, but if it did apply it would require a 50 foot setback for portions of a building higher than 45 feet as a point of reference. Staff is recommending a side and rear yard setback of 20 feet if those yards are adjacent to single family uses at the time the applicant submits the...
development plan. The applicant is proposing a minimum 10 foot side and rear yard in that situation. Additionally, the applicant has not proposed significant landscape areas or staggered height zones to somewhat soften the overall development. It should be noted that the site is not large enough to accommodate any significant building footprint movements, so the requested structure height is very limited in its location on the property.

As a result of staff's analysis of the request in consideration of existing development in the immediate area, staff supports the request subject to the attached recommended conditions.

Staff is recommending the retention of the Dry Liquor Control Overlay on a portion of the site. It has been the department's position to retain all liquor control overlays in the city, so as to serve as a historical marker for future zoning requests on these respective properties.
**Development Standards:**

<table>
<thead>
<tr>
<th>PROVISION</th>
<th>EXISTING LC</th>
<th>EXISTING MF-3</th>
<th>REQUESTED</th>
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</thead>
<tbody>
<tr>
<td><strong>SETBACKS</strong> (ALL FRONTAGES REGULATED AS FRONT YARD)</td>
<td>10'</td>
<td>10' for structures &lt;36' ht. and 25' &gt;36'</td>
<td>No front yard required; 10' side and rear yard for when adjacent to single family uses**</td>
</tr>
<tr>
<td>DENSITY</td>
<td>Based on lot area/unit configuration: 1 br-125 sf, 2 br-150 sf, addl. br+25 sf</td>
<td>Based on lot area/unit configuration: 1 br-125 sf, 2 br-150 sf, addl. br+25 sf</td>
<td>250 units per acre</td>
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<tr>
<td>FAR</td>
<td>4:1 plus addl. 0.5:1 if residential provided at 1:1</td>
<td>4:1</td>
<td>Residential uses 6.5 Nonresidential uses 6.0</td>
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<tr>
<td>LOT COVERAGE</td>
<td>80%</td>
<td>60%-res. structures 50%-nonres. structures</td>
<td>95%**</td>
</tr>
<tr>
<td>STRUCTURE HEIGHT</td>
<td>240'</td>
<td>Any legal height</td>
<td>350’ plus 25’ for mechanicals, screening walls, tenant amenity area</td>
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<td>LANDSCAPE</td>
<td>PDD 193</td>
<td>PDD 193</td>
<td>PDD 193; planting in ROW; reduced buffers</td>
</tr>
<tr>
<td>OFF-STREET PARKING</td>
<td>PDD No. 193, per use</td>
<td>PDD No. 193, per use</td>
<td>PDD No. 193, per use</td>
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</tbody>
</table>

**Staff recommendation differs from applicant proposed conditions. Staff recommends a 20’ side and rear yard setback for the residential adjacency; maximum 85% lot coverage**

**Parking/Traffic:**

The applicant has requested a reduction of required parking for multiple family uses as well as utilization and credit for on-street parking towards parking requirements for permitted uses. Mixed use development parking reduction provisions will be utilized in a modified version from the PDD No. 193 mixed use reduction. The applicant has requested, and staff supports, the provision that underground parking can extend to the property line. Staff also supports tandem parking for single family uses.
The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the Traffic Impact Analysis submitted in conjunction with the request and determined it will not significantly impact the surrounding street system; however, the Engineering Section and Public Works have recommended denial of the applicant’s request for angled on-street parking on Wolf Street.

The conceptual plan shows an area of the request site and a portion of the Wolf Street right-of-way as the area proposed for angled on-street parking. The applicant has agreed to limit the angled on-street spaces to be at least 60 feet from McKinnon Street or Harwood Street. Staff is recommending that this portion of the applicant’s request be rejected due to the narrow right-of-way of Wolf Street and the high traffic volume that travels McKinnon Street, which turns into the Dallas North Tollway nearby.

Additionally, the request to meet required off-street parking requirements by providing on-street parking is cautiously supported by staff due to the somewhat restricted pavement alignments and multiple drive approaches existing and anticipated for the ultimate build-out of the area. With the provision for 95 percent lot coverage and significant permitted structure heights along with the mixed use parking reduction provisions, the ability to provide off-street parking should not be a burden on the development and ultimate build-out within the request area. The existing on-street parking, without the development of this site and PDS No. 77, crowds Harwood Street and Ivan Street to only allow a single lane of traffic; development of these properties is unlikely to remedy this issue.

The applicant has requested alternative mixed-use parking reduction regulations for the proposed development as shown in Exhibit B of the PD conditions. Staff does not support the applicant’s provision that any use not listed in the table can be reduced by a traffic study. The parking reductions allowed in the applicant’s table, in addition the reduction for multifamily, allowance for automated parking, and other shared parking provisions that exist in the Dallas Development Code, should be sufficient reductions for the applicant to develop the property.

**Landscaping:**

Landscaping will be provided by a landscaping plan in accordance with PDD No. 193 with some modified provisions. The structured parking buffer strip has been reduced from 10’ to 3’ when facing a public right-of-way or residential district or use outside of this district, but planted with evergreen shrubs since 3’ is insufficient for trees to be planted. Parkway planting is not required, which is cited as Sec. 51P.193-126(b)(1)(D)(iv) in the PD conditions. Street trees will be required at one per 30 feet of frontage and located between 2.5’ and 10’ from the back of curb. Staff supports these modifications from PDD No. 193 requirements for the intended high-density development; however, as noted previously, the reduction in landscaping will not soften the impact of the development from adjacent low density residential uses.
Sidewalks will be a minimum width of 12’ along Harwood Street and McKinnon Street, a minimum of 10’ along Ivan Street and Wolf Street, and on all streets, a minimum of 8' unobstructed.

**Signs:**

The applicant's vision for the property as a mixed use area has led to a request for significant signage rights. While staff is supportive of changes to enhance pedestrian level signage on canopies, awnings, arcades, directional monument signage, and banners on light poles, staff is not comfortable with proposals for larger scale signage.

The applicant is requesting detached premise signage, such as monument signs, to be permitted. Monument signs and other typical detached signage are incompatible with a pedestrian-oriented environment that the applicant is trying to create. Staff supports A-frame signs and the district identification signs that the applicant has proposed.

The applicant has requested the ability to erect two video board signs each at a maximum effective area of 500 square feet within this district. Staff believes that video board signage is inappropriate in this district due to the proximity to residential uses and the high traffic volume on McKinnon Street, which turns into the Dallas North Tollway nearby. Video board signage will be a visual intrusion for the residential and hotel uses and cause a distraction for drivers on McKinnon Street. The CPC recommendation regarding video boards limit the video board signs to face Wolf Street, Ivan Street or Harwood Street, be located at street level, oriented away from residential uses, limits the movement, rotation, or change of message at a rate no more often than once each 60 seconds, and limiting the number of signs to two.

**Miscellaneous:**

The applicant received zoning changes on other property nearby in 2007. PDS No. 77, which is located to the north across Ivan Street, is approximately 1.8 acres. PDS No. 79 is about 25.2 acres and its northern boundary is one block to the south of the request site at Randall Street. PDS No. 79 is considered the master district for the Harwood International properties development and is named the Harwood Special Purpose District. Special Purpose Districts are generally reserved for city-initiated planned development districts resulting from land use studies. The differences in development rights between PDS No. 77 and PDS No. 79 are primarily based on the land area the subdistricts cover, though both have high intensity development rights.

Staff has focused on working with the applicant to draft the PD conditions for the request site to be more similar to PDS No. 77 since they are similar in size and are adjacent. The conditions that are most similar to PDS No. 79 are regarding signage, but staff believes these conditions are not appropriate for a less-than-one-block district. Staff recommended conditions regarding signage attempt to limit detached signage and prohibit video boards, which may be more appropriate in a larger district.
CPC Minutes

January 10, 2008

Motion: It was moved to recommend approval of a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other nonresidential uses, subject to a conceptual plan and staff’s conditions on property zoned an LC Light Commercial Subdistrict and an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District in an area generally bounded by McKinnon Street, Ivan Street, North Harwood Street, and Wolf Street with the following changes: 1) Remove the Dry Liquor Control Overlay. 2) Approve applicant’s maximum lot coverage of 95%. 3) Approve staff’s recommended alternative for angled parking option along Wolf Street. 4) Approve the video board sign definition and applicant’s modified video board sign regulations handed out, except that Section 114(c)(5) relating to messages prohibition is deleted from the conditions. 5) Approve applicant’s proposed detached premise sign conditions. 6) Approve applicant’s proposed movement control sign conditions. 7) Approve applicant’s Exhibit B, mixed use parking chart conditions. 8) Approve applicant’s proposed minimum 0’ side and 10’ rear yard for lots abutting single family, duplex or multiple family uses.

Maker: Strater
Second: Weiss
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Amendment to Motion: It was moved to approve an amendment to the motion to delete “McKinnon Street” from subparagraph 2 of subparagraph c on page 13A. Video boards not allowed on buildings facing McKinnon Street.

Maker: Wolfish
Second: Bagley
Result: Failed: 7 to 8

For: 7 - Gary, Davis, Bagley, Lueder, Buehler, Wolfish, Alcantar
Against: 8 - Prothro, Strater, Rodgers, Lozano, Jones-Dodd, Weiss, Ekblad, Emmons
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 84
Replies: For: 6 Against: 2

Speakers: For: Gabriel Barbier-Mueller, 2828 N. Harwood St., Dallas, TX, 75201
Suzan Kedron, 901 Main St., Dallas, TX, 75205
Jeffry Plowman, 2240 Gunnison Tr., Frisco, TX, 75034
Joe Hilliard, 2705 Elmwood Ct., McKinney, TX, 75071
For (did not speak): Betty Hersey, 2007 Randall, Dallas, TX, 75201
For (did not speak): Paul Williamson, 2100 Ross Ave., Dallas, TX, 75201
Against: Arthur Moreno, 3019 McKinnon St., Dallas, TX
Against (did not speak): Paul Santillan, 3525 Routh St., Dallas, TX, 75219
LIST OF PARTNERS/PRINCIPALS/OFFICERS

APPLICANT:

HARWOOD INTERNATIONAL INC.

PRESIDENT/CEO - J. GABRIEL BARBIER-MUELLER
VP/CFO - KENNETH R. BABB
SECRETARY - ROSA E. RIDDLE

OWNER:

ONE HARWOOD BOULEVARD, LTD.

general partner:

ONE HARWOOD BOULEVARD GP, LLC.

MANAGER - J. GABRIEL BARBIER-MUELLER
PD 193 SUBDISTRICT CONDITIONS

“Division S-__________. Subdistrict

SEC. S-____.101. LEGISLATIVE HISTORY.

PD Subdistrict __________ was established by Ordinance No. __________, passed by the Dallas City Council on ________________, 2008.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict __________ is established on property generally bound by Ivan Street, McKinnon Street, Wolf Street, and North Harwood Street. The size of PD Subdistrict __________ is approximately 1.444 acres.

SEC. S-____.103. PURPOSE.

The standards of this division complement the development pattern in the area and recognize the area’s unique identity as a gateway to downtown, a bridge between downtown and Oak Lawn. The objectives of these standards are as follows:

(1) To promote the health, safety, welfare, convenience, and enjoyment of the public.

(2) To achieve buildings more urban in form.

(3) To promote a pedestrian environment that links to public open space.

(4) To encourage development that complements nearby properties.

(5) To achieve buildings efficient in design and use of space while providing adequate view corridors, light, and air to nearby properties.

(6) To achieve buildings that reduce natural resource consumption, enhance occupant comfort and health, lower utility consumption, minimize strain on local infrastructures, and improve quality of life.

(7) To promote new sign construction and existing sign alterations that:

(A) enhance, preserve, and develop the unique character of the district;
(A) insure compatibility with the area’s architectural character;
(B) do not obstruct significant architectural features, and
(C) promote the safety of pedestrians and motorists.

SEC. S-______.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) S-______ A – Conceptual Plan
(2) S-______ B – Mixed Use Development (MUD) Parking Chart
(3) S-______ C – Street Sections

SEC. S-__________.105. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part 1 of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) A-FRAME SIGN means a portable detached premise sign that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

(2) ARCADE SIGN means any sign that is mounted under a canopy or awning and is perpendicular to the building to which the canopy or awning is attached. This sign is intended to be read from the pedestrian walkway that the canopy or awning covers.

(3) AUTOMATED PARKING means a parking space or facility that uses mechanical equipment to park vehicles in a specially-designed structure.

(4) AWNING means a fabric or vinyl surface supported by a metal structure, which is applied to the face of a building.

(5) AWNING SIGN means a sign attached to, painted on, or otherwise applied to an awning.
(6) BANNER means a sign applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Awning signs, canopy signs, and flags are not banners.

(7) CANOPY means a permanent, non-fabric architectural element projecting from the face of a building.

(8) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.

(9) DISTRICT IDENTIFICATION SIGN means a sign that is a marker for the subdistrict.

(10) EFFECTIVE AREA for a sign placed on a fence, non-enclosing wall, or similar non-habitable structure or object is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of effective area.

(11) GENERIC GRAPHICS means any pattern of shape, colors, or symbols that does not commercially advertise.

(12) GOURMET MARKETPLACE means a facility that offers prepared meals, catered meals, and retail grocery items that may include the sale of alcoholic beverages for consumption on-premise or off-premise and which may also allow customers in motor vehicles to pick-up food for off-premise consumption.

(13) LANDSCAPE SIGN means a sign that is integrated into a landscape feature, such as a planting bed or fountain that acts as a base for the sign.

(14) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this subdistrict.

(15) OPEN SPACE means publicly accessible plaza, terrace, balcony, or outdoor area, including the roof of a structure.

(16) OUTSIDE SALES means an area for the outside sale of general merchandise or food.

(17) SUBDISTRICT means a subdistrict of PD 193.

(18) TEMPORARY RETAIL means a temporary facility for the retail sale of seasonal products, such as food, Christmas trees, and live plants.

(19) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.
STAFF RECOMMENDED:

(20) VIDEO BOARD SIGN means a flat screen that is capable of displaying moving images similar to television images, by light-emitting diode or other similar technology, and that is mounted to the exterior of a building.

CPC RECOMMENDED/APPLICANT PROPOSED:

(20) VIDEO BOARD SIGN means a flat screen that is capable of displaying moving images similar to television images, by light-emitting diode or other similar technology, and that is mounted to the exterior of a building.

(a) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

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

SEC. S-__________.106. CONCEPTUAL PLAN

Development and use of the Property must comply with the conceptual plan (Exhibit S-____A). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls. If there is a conflict between the text of this division and the street section exhibits, the text of this division controls.

SEC. S-__________.107. DEVELOPMENT PLAN.

(a) A development plan that complies with the conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this subdistrict. Development and use of the Property must comply with the approved development plan.

(b) The portion of Section 51-4.702 requiring submission of a development plan within six months after city council’s approval of this subdistrict does not apply.

(c) Signs are not required to be shown on the development plan.

(d) The development plan may be submitted in phases.

SEC. S-__________.108. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the LC Light Commercial Subdistrict, subject to the same conditions applicable in the LC Light Commercial Subdistrict, as set out in Part 1 of this article. For example, a use permitted in the LC Light Commercial Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the Subdistrict is subject to DIR in this subdistrict; etc.
(a) The following additional main uses are permitted by right:

-- Gourmet marketplace. *[The display area for the sale of alcoholic beverages may not exceed 40 percent of the floor area for this use.]*

-- Temporary retail use.

-- Outside sales.

SEC. S-__________.109. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-__________.110. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) **Front yard.** No minimum front yard

(b) **Side and rear yard.**

CPC RECOMMENDED:

(1) Except as provided in this subsection, no minimum side or rear yard.

(2) For lots abutting single-family, duplex, or multiple-family uses with structures that are 36 feet in height or less, minimum side yard is 0 and rear yard is 10 feet.

STAFF RECOMMENDED:

(1) Except as provided in this subsection, no minimum side or rear yard.

(2) For lots abutting single-family, duplex, or multiple-family uses with structures that are 36 feet in height or less, minimum side and rear yard is 20 feet.

APPLICANT PROPOSED:

(1) Except as provided in this subsection, no minimum side or rear yard.

(2) For lots abutting single-family, duplex, or multiple-family uses with structures that are 36 feet in height or less, minimum side and rear yard is 10 feet.

(c) **Density.** Maximum dwelling unit density is 250 units per acre.
(d) Floor area ratio.

(1) For residential uses, maximum floor area ratio is 6.5.

(2) For all other uses, maximum floor area ratio is 6.0.

(e) Height.

(1) Except as provided in this subsection, maximum structure height is 100 feet.

(2) For not more than 50 percent of the subdistrict, maximum structure height is 350 feet.

(3) The following structures located on a roof may project up to 25 feet above the maximum structure height:

(A) chimneys;

(B) clerestories;

(C) communication towers;

(D) cooling towers;

(E) elevator penthouses or bulkheads;

(F) mechanical equipment rooms;

(G) plaza or terrace structures, including a food preparation/service or congregation area;

(H) pool structures, including a cabana;

(I) skylights;

(J) vent stacks; and

(K) visual screens that surround mechanical equipment.

STAFF RECOMMENDED:

(f) Lot coverage. Maximum lot coverage is 85 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
CPC RECOMMENDED/APPLICANT PROPOSED:

(f) **Lot coverage.** Maximum lot coverage is 95 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) **Lot size.** No minimum lot size.

SEC. S-111. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) **Multifamily.** A minimum of one and four-tenths (1.4) spaces is required for each dwelling unit with at least 0.25 spaces unassigned.

(c) **Gourmet marketplace.** A minimum of one space per 220 square feet of floor area must be provided.

(d) **Outside sales and temporary retail use.** A minimum of one space per 500 square feet of sales area

(e) **On-street parking**

(1) **On-street parking credit.** Required parking may be reduced by one space for every parking space located in the right-of-way abutting the use. To receive credit, parking spaces must be marked in accordance with city regulations and are subject to the following restrictions:

(A) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(B) 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 ÷ 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.

STAFF RECOMMENDED*

(2) **On-street back or front in angled parking is permitted on Wolf Street in the location shown on the conceptual plan.** If on-street angled parking is provided, signs must be posted in compliance with City regulations stating which type of angled parking is required.
CPC RECOMMENDED / APPLICANT PROPOSED /* STAFF RECOMMENDED ALTERNATIVE:

(2) On-street back or front-in angled parking is permitted on Wolf Street in the location shown on the conceptual plan. On-street angled parking signs must be posted in compliance with City regulations stating which type of angled parking is required.

(3) On-street angled parking is prohibited within 60 feet of McKinnon Street, Dallas North Tollway, or Harwood Street.

(4) On-street spaces must be marked in accordance with City regulations.

(f) Tandem parking. Tandem parking is permitted for single family uses. Guest parking may not be tandem.

(g) Mixed use development parking reduction.

(1) In general.

(A) The off-street parking requirement for a mixed use development may be reduced in accordance with the mixed use development (MUD) parking chart (Exhibit S-___B).

(B) For purposes of this section, mixed use development means all Property located in this Subdistrict.

(C) This reduction may be used in combination with other parking reductions, except that the requirement for a mixed use development may not be reduced by more than 30 percent.

(2) Calculation of adjusted off-street parking requirement. The adjusted off-street parking requirement for a mixed use development is calculated as follows:

(A) The parking requirements for each of the uses in the mixed use development must be ascertained.

(B) The parking demand for each use is determined for each of the six times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the MUD parking chart, the percentage assigned to that use is 100 percent for all six times of day unless other factors can be demonstrated by a parking study and approved by the building official.

(C) The "time of day" columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The
largest of these six sums is the adjusted off-street parking requirement for the development.

(3) Minimum parking requirement. If one or more of the main uses in a mixed use development is a retail or personal service use, the minimum parking requirement for the mixed use development may not be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the retail and personal service uses in the mixed use development.

(h) Parking structure setback.

(1) Below-grade parking structures may project to the lot line.

(2) Any vehicular control gate for a parking structure must provide adequate queuing to not create a traffic hazard

(i) Automated parking.

(1) A maximum of 35 percent of required parking in this subdistrict may be provided as automated parking.

(2) The parking space design in automated parking facilities is not required to comply with the dimensional standards as defined in Part I of this article.

(3) If the automated parking facility is not handicapped accessible, then handicapped parking must be provided in accordance with Part I of this article.

(4) The design of the automated parking facility must be approved by the building official.

(5) The number of required spaces approved for automated parking must be shown on a city plan commission-approved development plan.

SEC. S-_________.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) In general. Except as provided in this section, see Article VI.

(b) LEED certification.

(1) A United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development of a new structure within the subdistrict, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional. A building permit may not be issued unless the building official determines that the project is consistent with the standards and criteria for a LEED certified designation.
(1) If during development within the subdistrict, the developer is unable to achieve all of the green building rating system points identified on the checklist set forth in Paragraph (1), the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council’s LEED rating system.

(2) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified credit amount set forth in Paragraph (1).

(3) LEED certification is only required for new structures within the subdistrict. If an existing building is being repaired, renovated, or expanded, LEED certification is not required.

SEC. S-113. LANDSCAPING.

(a) Landscape plan.

(1) A landscape plan must be approved by the city plan commission before issuance of a building permit to authorize work in this subdistrict.

(2) Except as provided in this section, the landscape plan must comply with the landscape, streetscape, and fencing requirements of Part I of this article, and landscaping must be provided in accordance with the landscape plan. All landscaping, including roof-top landscaping, must be shown on the landscape plan.

(3) The landscape plan may be submitted in phases but must include the property subject to an application for a building permit and must be submitted with the development plan for that phase.

(4) Section 51P-193.126(b) (1) (D) (iv) requiring parkway planting does not apply.

(5) Aboveground parking structures must have a minimum 3-foot landscaping buffer on any side facing a public right-of-way, or residential district, residential subdistrict, or residential use outside of this Subdistrict. This landscape buffer must contain evergreen shrubs planted three feet on center. Initial plantings must be capable of obtaining a solid appearance within three years.

(6) For the purposes of determining landscaping requirements, the street curb for the angled on-street parking is measured as the constructed curb or the boundary of the angled on-street parking space.

(4) Plant materials must be maintained in a healthy, growing condition.
(b) **Street trees.**

(1) Street trees must be located between 2.5 feet and 10 feet from the back of the street curb.

(2) One street tree must be provided for each 30 linear feet of street frontage.

(3) Large trees must be spaced no closer than 10 feet from the face of a structure.

(4) Street trees may be located in custom designed tree grates flush with the sidewalk or in planters or pots.

(5) Tree grates must provide a minimum of 25 square feet of planting area.

(6) Street trees in planters or pots must meet the minimum planting area requirements.

(c) **Amenities.** Pedestrian amenities, including bollard and decorative lights, benches, planters, or pots may be located in the parkway.

(e) **Sidewalks.**

(1) Except as provided in this paragraph, a minimum sidewalk width of 10 feet measured from back-of-curb must be provided with at least eight feet of unobstructed sidewalk width.

(2) Along Harwood Street and McKinnon Avenue, a minimum sidewalk width of 12 feet measured from back-of-curb must be provided with at least eight feet of unobstructed sidewalk width.

(3) For purposes of calculating minimum required unobstructed sidewalk widths, landscaped areas, and pedestrian amenities are considered obstructions; ADA-compliant tree grates, public and private utility improvements including fire hydrants, power poles, street lights, signalization, regulatory signs and necessary appurtenances are not.

(4) Required sidewalks may be located in dedicated sidewalk easements on private property.

(f) **Street sections.** Except on Wolf Street if angled parking is provided, all streetscaping must be provided as shown on the street section exhibit (Exhibit S- C) including street trees, amenities, sidewalks, buffer zones, and street paving widths.

(g) **Private license granted.**
(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this subdistrict for the exclusive purpose of authorizing compliance with the landscaping requirements of this article. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific time period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of this license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public right-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, and $2,000,000 annual aggregate. Coverage under this liability policy shall be on an occurrence basis and the city shall be named as an additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas, 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent the same are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability in the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.
SEC. S-_________.114. SIGNS.

(a)  In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(1) Signs in this subdistrict may contain the logo of a company that owns or controls a business entity that owns a portion of the property. A company owns or controls the business entity that owns a property in this subdistrict if it has the legal authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee the activities of the business entity that owns the property.

(2) Signs that contain the logo of a company that owns or controls a business entity that owns a portion of the property may be internally illuminated and may be used without limit as to number if they do not exceed 25 square feet in effective area.

(3) Highway Beautification Act signs are not permitted.

(4) For purposes of complying with the sign regulations, the premise is the entire subdistrict.

(5) Signs may use light-emitting diode or other similar technology

(b)  Signs in the public right-of-way.

(1) Signs may be located within the public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 45 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations.

(2) The director of public works and transportation must review the location of any sign located in or overhanging the public right-of-way to insure that the sign will not pose a traffic hazard or visibility obstruction.

(3) No portion of a sign may be located less than two feet from the back of a street curb.

CPC RECOMMENDED/APPLICANT PROPOSED:

(c)  Video board signs.

(1) Only two video board signs are permitted in this subdistrict and are limited to street level.

(2) The video boards may only be attached to a façade facing Harwood Street, Ivan Street, or Wolf Street.

(3) A video board must be mounted parallel and flat to a façade.
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<td>(4)</td>
<td>The effective area of the video board may not exceed 500 square feet.</td>
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<td>(5)</td>
<td>The video board signs may display any message which relates to the premises.</td>
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<td>(6)</td>
<td>No part of the video board sign may move, rotate, or change at a rate more often than once each 60 seconds, or change its message at a rate more often than once each 60 seconds.</td>
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**STAFF RECOMMENDED***:  

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| (c) | Video board signs.  
| (1) | Only two video board signs are permitted in this subdistrict and are limited to street level.  
| (2) | The video boards may only be attached to a façade facing Harwood Street, Ivan Street, or Wolf Street.  
| (3) | A video board must be mounted parallel and flat to a façade.  
| (4) | The effective area of the video board may not exceed 500 square feet.  
| (5) | The video board signs may display any message which relates to the premises.  
| (6) | No part of the video board sign may move, rotate, or change at a rate more often than once each 60 seconds, or change its message at a rate more often than once each 60 seconds. |

* **STAFF RECOMMENDED ALTERNATIVE:**

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| (c) | Video board signs.  
| (1) | Only two video board signs are permitted in this subdistrict and are limited to street level.  
| (2) | The video boards may only be attached to a façade facing Harwood Street, or Ivan Street, or Wolf Street.  
| (3) | A video board must be mounted parallel and flat to a façade.  

(4) The effective area of the video board may not exceed 500 square feet.

(5) The video board signs may display any message which relates to the premises.

(6) No part of the video board sign may move, rotate, or change at a rate more often than once each 60 seconds, or change its message at a rate more often than once each 60 seconds.

(a) Attached premise signs.

(1) In general.

(A) An attached premise sign may only identify the building or the name of the building owner or occupants located within the subarea.

(B) Signs located on the first 200 feet of a facade, measured from grade, may not exceed 500 square feet in effective area. Signs located on a facade above the first 200 feet, measured from grade, may not exceed 1,000 square feet in effective area.

(C) Attached signs may not project more than four feet above the roof line.

(D) Attached canopy, arcade, and awning signs may not project more than five feet into the public right-of-way.

(2) Arcade signs.

(A) An arcade sign must be located at least 15 feet from another arcade sign.

(B) No arcade sign may exceed six square feet in effective area.

(C) No arcade sign may be lower than 10 feet above grade.

(3) Awning signs.

(A) No awning sign may:

(i) project more than two inches from the surface of the awning; or

(ii) be lower than 10 feet above grade.
(A) The total effective area for any one awning sign may not exceed eight square feet.

(2) Canopy signs.

(A) No canopy sign may:

(i) exceed 50 percent of the length of the facade to which it is attached;

(ii) project horizontally more than two inches from the surface of the canopy; or

(iii) be lower than 10 feet above grade.

(B) The total effective area for all canopy signs combined on each street frontage may not exceed 150 square feet.

(C) No canopy sign may project vertically above the surface of the canopy more than 15 percent of the overall length of the sign.

(D) A canopy sign may only be located over a pedestrian entrance to a building.

(E) No canopy sign may have a changeable message area.

CPC RECOMMENDED / APPLICANT PROPOSED:

(b) Detached premise signs.

(1) Except for A-frame signs and as provided in this section, all detached premise signs must be monument signs or landscape signs.

(2) Detached premise signs located within 15 feet of a public right-of-way may not exceed 30 square feet in effective area or eight feet in height.

(3) A detached premise sign with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area or 15 feet in height.

(4) A detached premise sign may contain only the name, logo, and address of the premise and its occupants and the logo of a company that owns or controls a business entity that owns a portion of the premise or other premise within the subdistrict.
(1) A detached premise sign may be externally or internally illuminated.

(2) Section 51-7.304(c) does not apply to monument signs or landscape signs in this subdistrict.

(3) Each lot may have one detached premise sign for each street frontage. A lot having more than 500 feet of street frontage may have one additional detached premise sign for each additional 250 feet of street frontage or fraction thereof. For purposes of this subsection, “street” means a right-of-way that provides primary access to adjacent property.

STAFF RECOMMENDED:

(b) Detached premise signs.

(1) Except for A-frame signs, all detached premise signs are prohibited.

(2) Detached premise signs located within 15 feet of a public right-of-way may not exceed 30 square feet in effective area or eight feet in height.

(3) A detached premise sign with a setback of 15 feet or greater from a public right-of-way may not exceed 50 square feet in effective area or 15 feet in height.

(4) A detached premise sign may contain only the name, logo, and address of the premise and its occupants and the logo of a company that owns or controls a business entity that owns a portion of the premise or other premise within the subdistrict.

(5) A detached premise sign may be externally or internally illuminated.

(6) Section 51-7.304(c) does not apply to monument signs or landscape signs in this subdistrict.

(7) Each lot may have one detached premise sign for each street frontage. A lot having more than 500 feet of street frontage may have one additional detached premise sign for each additional 250 feet of street frontage or fraction thereof. For purposes of this subsection, “street” means a right-of-way that provides primary access to adjacent property.

(8) A-frame signs.

(a) A-frame signs may identify a business;
(b) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall;

(c) The maximum effective area per side is 1,200 square inches;

(d) A-frame signs may only be displayed when the business it identifies is open;

(e) A-frame signs may be located on the sidewalk or in the front yard of the business that it is identifying, provided a minimum of four feet of unobstructed sidewalk area is provided, and all necessary licenses and permits have been obtained;

(f) Only one A-frame sign is permitted for each business;

(g) A-frame signs must be separated by a minimum of 50 feet;

(h) A-frame signs may not be located closer than 25 feet to an intersection and in no case may a sign be located in a visibility triangle.

(e) Signs on construction barricades.

(1) No sign may be affixed to a construction barricade until a building permit has been issued for the site.

(2) Signs affixed to a construction barricade must be removed within 30 months after the issuance of the initial building permit for the site or issuance of a certificate of occupancy, whichever occurs first.

(3) Signs on construction barricades are permitted without limit to number and size if they only convey information about:

(A) what is being built on the site; and

(B) who is involved in the building on the site, including the owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(4) Signs affixed to a construction barricade may be illuminated with back, up, down, or other similar lighting, except that no strobe lighting is permitted.

(5) Signs affixed to a construction barricade may not contain a changeable message.

(f) Banners on streetlight poles.
(1) A banner may only display a promotional message, a welcome message, generic graphics, or flags of countries, states, or other government entity.

(2) Up to 20 percent of the effective area of a banner may contain:
   (A) the words or logos that identify a sponsor of a cultural event or activity if the sponsor’s name is part of the name of the activity or event; or
   (B) the logo of a company that owns or controls a business entity that owns a portion of the property.

(3) The sign hardware for a banner may be left in place between displays of a banner.

(4) A banner and its sign hardware must:
   (A) be mounted on a streetlight pole;
   (B) meet the sign construction and design standards in the Dallas Building Code;
   (C) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;
   (D) be made out of weather-resistant and rust-proof material;
   (E) not project more than three feet from the pole onto which it is mounted; and
   (F) not exceed 20 square feet in effective area.

(5) No sign permit is required to erect or remove a banner.

(g) Movement control signs.

CPC RECOMMENDED / APPLICANT PROPOSED:

(1) Movement control signs must direct vehicular or pedestrian movement within this subdistrict or to adjacent districts and may include the name or logo of any destination located in this subdistrict or the name or logo of any adjacent district.
STAFF RECOMMENDED:

(1) Movement control signs must direct vehicular or pedestrian movement within this subdistrict or to adjacent districts and may include the name or logo of any destination located in this subdistrict or the name or logo of any adjacent district.

(2) Movement control signs may be externally or internally illuminated.

(3) Movement control signs may:

(A) be attached or detached signs;
(B) not exceed 40 square feet in effective area;
(C) not exceed 10 feet in height;
(D) be located in a public right-of-way; and
(E) be erected anywhere within the subdistrict without limit as to number.

(h) District identification signs.

(1) A district identification sign may:

(A) only be a detached sign;
(B) not exceed 600 square feet in effective area;
(C) not exceed 20 feet in height;
(D) be located in a public right-of-way;
(E) be erected anywhere within the subdistrict;
(F) be a letter of the alphabet with a logo or symbol; and
(G) contain up to 3 words.

(2) A maximum of 4 district identification signs are permitted within the subdistrict.

(i) Special purpose signs.

(2) Illumination. Special purpose signs may be externally or internally illuminated.

(3) Attached signs.
(A) Only one attached premise special purpose sign may be located on each facade per building up to four times within any 12-month period as long as:

(i) the sign is maintained for no more than 60 days each time during that 12-month period;

(ii) the sign conforms to all other regulations for attached signs; and

(iii) the effective area of the sign does not exceed 30 percent of the facade area to which it is located.

(B) There is no limit to the number of words permitted on an attached special purpose sign.

(2) Detached signs. Detached special purpose signs are prohibited in this subdistrict.

(b) Other temporary signs. In addition to the protective signs permitted under Section 51-7.921 temporary protective signs may be erected anywhere on a construction site at anytime during construction subject to the following provisions:

(1) There is no limit on the number of temporary protective signs on a construction site.

(2) No sign may exceed 200 square feet in effective area or twenty feet in height.

(3) Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface or six inches above the top of the sign.

(4) All temporary protective signs must be removed upon completion of the construction.

SEC. S-________.115. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Development and use of the Property must comply with Part I of this article.
SEC. S-________.116. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. S-________.117. ZONING MAP.

PD Subdistrict S-___________is located on Zoning Map No. J-7"
### Exhibit S-B

**Mixed Use Development Parking Chart**
(for calculating adjusted standard parking requirement)

<table>
<thead>
<tr>
<th>USE CATEGORIES</th>
<th>STANDARD PARKING REQUIREMENTS</th>
<th>PARKING ADJUSTMENT PERCENTAGES BY THE TIME OF DAY (weekday)</th>
<th>PARKING ADJUSTMENT PERCENTAGES S BY TIME OF DAY (weekend)</th>
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<tr>
<td>Any other use</td>
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**Staff Recommended**
(Unless other factors can be demonstrated by a parking study and approved by the Building Official.)

**CPC Recommended / Applicant Proposed**
(Unless other factors can be demonstrated by a parking study and approved by the Building Official.)

The adjusted standard off-street parking requirement for the development is the largest of the six “time of day” column sums.

Note: If the use does not fit into one of the first four categories listed above, 100 percent assignment must be used in each of the “time of day” columns. If one or more of the main uses in the development is a retail and personal service use, the minimum parking requirement for the development under this reduction option is the sum of the standard parking requirements for each of the retail and personal service uses in the development.
### Notification List of Property Owners

**Z078-110(JH)(CS)**

**84 Property Owners Notified**

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<td>16660 N Dallas Pkwy #1200</td>
<td>6060 N Central Expwy Ste 333</td>
</tr>
<tr>
<td>Marcus Wood</td>
<td></td>
<td></td>
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<tr>
<td>Pam Conley</td>
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</tr>
<tr>
<td>Rob Baldwin</td>
<td>401 Exposition</td>
<td>412 E. Sixth St.</td>
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<tr>
<td>Robert P. Garza</td>
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<tr>
<td>Mindy Owen</td>
<td>1500 Marilla 5FS</td>
<td></td>
</tr>
<tr>
<td>Steve Craft</td>
<td>P O Box 542225</td>
<td>4318 Sexton Ln.</td>
</tr>
<tr>
<td>Steve Kim</td>
<td></td>
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</tr>
<tr>
<td>Alpha Testing, Inc</td>
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<td>Virginia Brown</td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Arborlogical Services, Inc.</td>
<td>Bill Seaman</td>
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<tr>
<td>Marque Nelson</td>
<td>14881 Quorum Dr #400</td>
<td>18 Steel Rd.</td>
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<td>Wylie, TX 75098</td>
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<td>Bluffview Homeowner</td>
<td>Pat White</td>
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<tr>
<td>Cedar Vista Conservation</td>
<td>Dallas ISD</td>
<td>Stan Armstrong</td>
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<tr>
<td>Chris Lomax</td>
<td>6430 Dixie Garden Ln</td>
<td>3700 Ross Ave, Box 61</td>
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<tr>
<td>Dallas Planning Asoc</td>
<td>Jackson Walker</td>
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<td>INCAP Fund</td>
<td>Lauren Odell</td>
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<td>Donna McGuire</td>
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<tr>
<td>Koons Real Estate Law</td>
<td>Jackson Walker</td>
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<td>Jonathan Vinson</td>
<td>Neoma Shafer</td>
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<td>901 Main St. #6000</td>
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<td>James Schnurr</td>
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<tr>
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</tr>
</tbody>
</table>
Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefiel Comm Civic League
Joyce Lockley
4718 Wateka Dr

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
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Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
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Dallas, TX 75235

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Dallas, TX 75219

Art Rogers
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Dallas, TX 75219

Cullen Rogers
3030 McKinney Ave. #2001
Dallas, TX 75204

Jeannie Ball
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Dallas, TX 75204

Jeri Arbuckle
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Dallas, TX 75246

ENZ078-110

Judith Hearst
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Dallas, TX 75201

Laura French
3856 W Beverly
Dallas, TX 75209

Leslie Brosi
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Dallas, TX 75204

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Robert Dyer
1601 Elm St, Ste 3000
Dallas, TX 75201

Vicki Keene
738 Cedar Hill Dr
Dallas, TX 75208

1999 McKinney Ave HOA
Dick Brink
1999 McKinney Ave 1207
Dallas, TX 75201

Bryan Place NA
Sonali Patnaik
926 Pavillion St
Dallas, TX 75204

Caddo Street TH HOA
Julia Alderete
1429 Caddo St, Unit F
Dallas, TX 75204
Cedars NA
Eric Anderson
7329 Lakehurst Ave.
Dallas, TX 75230

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Friends of the Katy Trail
Eric VanSteengurp
3523 McKinney Ave, PMB 441
Dallas, TX 75204

Friends of State-Thomas
Judy Hearst
2512 Thomas Ave
Dallas, TX 75201

Harwood International, Inc.
Julie Morris
2828 N Harwood, Suite 1600
Dallas, TX 75201

Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

La Tour HA
Hanna Klein
3030 McKinney Ave. #502
Dallas, TX 75204

La Tour HA
Marla McDonald
3030 McKinney Ave #1003
Dallas, TX 75204

Lower Greenville Assoc
Chuck Cole
5820 Penrose Ave
Dallas, TX 75206

Meadows Foundation, Inc.
Robert Weiss, V.P Admin.
3003 Swiss Ave.
Dallas, TX 75209

Nolan Management Co
Patrick Nolan
P O Box 720517
Dallas, TX 75372

Oak Lawn Committee
P O Box 190912
Dallas, TX 75219

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

OLPH Church
Fv. Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Preston Hollow Asso
M Thomas Lardner
5811 Redwood Court
Dallas, TX 75209

Raleighs-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Trust For Public Land
Paul M. Lehner
1717 Main St. Ste 3060
Dallas, TX 75201

ENZ078-110
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 23 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an MU-3 Mixed Use District on property zoned an MU-3 Mixed Use District on the east corner of Northwest Highway and Willowbrook Road with consideration being given to an IR Industrial Research District

Recommendation of Staff: Approval of an IR Industrial Research District in lieu of a Planned Development District for an MU-3 Mixed Use District

Recommendation of CPC: Approval, subject to a development plan, landscape plan and conditions

Z078-116(WE)
HONORABLE MAYOR AND CITY COUNCIL  

WEDNESDAY, FEBRUARY 13, 2008

ACM: A. C. Gonzalez

FILE NUMBER: Z078-116(WE)  
DATE FILED: October 31, 2007

LOCATION: Northwest Highway and Willowbrook Road, east corner

COUNCIL DISTRICT: 6  
MAPSCO: 23-W

SIZE OF REQUEST: Approx. 1.8172 acres  
CENSUS TRACT: 99.00

APPLICANT/OWNER: 2331 W. Northwest Highway Holdings, L.P.

REPRESENTATIVE: Dallas Cothrum, MASTERPLAN

REQUEST: An application for a Planned Development District for an MU-3 Mixed Use District on property zoned an MU-3 Mixed Use District with consideration being given to an IR Industrial Research District.

SUMMARY: The purpose of this request is to allow for the display and sale of high end and collector automobiles. The applicant proposes to prohibit the outside sales and display of vehicles.

CPC RECOMMENDATION: Approval, subject to a development plan, landscape plan and conditions

STAFF RECOMMENDATION: Approval of an IR Industrial Research District in lieu of a Planned Development District for MU-3 Mixed Use District
BACKGROUND INFORMATION:

- The applicant’s request for a Planned Development District for MU-3 Mixed Use District will permit the sale and display of automobiles in an existing two-story building. The applicant’s intent is to lease approximately 11,000 square feet of floor area to an automobile dealer to sale and display high end vehicles. The applicant’s request will prohibit the display of any outside vehicles. The existing MU-3 Mixed Use District prohibits the vehicle, display, sales or services use.

- The zoning district that surrounds the request site is predominately an MU-3 Mixed Use District. However, Willowbrook Road is the dividing line between an MU-3 District and an IR Industrial Research District. The land uses that are contiguous to the site consist of a post office to the east, two hotels, a restaurant, and a service station on the south side of W. Northwest Highway and undeveloped land to the west. The land uses north of Willowbrook Road consist of several one-story warehouse uses.

- On April 17, 2007, the City Plan Commission approved a re-plat of the request site to subdivide the parcel into two separate lots. The applicant is proposing to develop the smaller lot with a 4,500 square foot building.

Zoning History: There has been one Board of Adjustment case in the area that was heard in two parts.

1. BDA067-049 On April 16, 2007, the Board of Adjustment granted a special exception to the off-street parking regulation of 6 spaces at 2331 W. Northwest Highway.

2. BDA067-049 On May 14, 2007, the Board of Adjustment granted a variance to the front yard setback regulations of 9 feet at 2331 W. Northwest Highway.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<tbody>
<tr>
<td>Willowbrook Road</td>
<td>Local</td>
<td>ft.</td>
<td>ft.</td>
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<tr>
<td>Northwest Highway</td>
<td>Principal Arterial</td>
<td>Variable widths</td>
<td>Variable widths</td>
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Land Use:

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<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tr>
<td>North</td>
<td>IR</td>
<td>Warehouses</td>
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<tr>
<td>South</td>
<td>MU-3</td>
<td>Hotel, Service Station,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurant</td>
</tr>
<tr>
<td>East</td>
<td>MU-3</td>
<td>Post Office</td>
</tr>
<tr>
<td>West</td>
<td>MU-3</td>
<td>Undeveloped</td>
</tr>
</tbody>
</table>

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The continuation of the zoning that permits a variety of retail uses within the area is in compliance with the Economic Element that is outlined in *forwardDallas!*

Economic

**Goal 2.1** Promote balanced growth

Policy 2.2.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**Goal 2.2** Engage in strategic economic development

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

STAFF ANALYSIS:

**Land Use Compatibility:** The 1.8172 acre site is triangular in shape and is developed with a two-story office building. A portion of the request site is within the floodplain and is contiguous to a post office to the east; two hotels, a restaurant, and a service station on the south side of W. Northwest Highway; and undeveloped land to the west. The land uses north of the site, across Willowbrook Road consist of several one-story warehouse and distribution uses.

The applicant’s request for a Planned Development District for an MU-3 Mixed Use District will permit the use of vehicle sales, display and services within an existing two-story building. The applicant intends to lease approximately 11,000 square feet of floor area to an automobile dealer to sale and display high end vehicles. The applicant also proposes to prohibit the outside sales and display of vehicles.

Staff cannot support the applicant’s request for a Planned Development District for MU-3 Mixed Use District uses that only permits one additional use to the main use. Staff is recommending an IR Industrial Research District in lieu of a PDD for Mixed Use District uses because the IR District permits vehicle sales, display and service uses. In addition, the IR District is a viable option to the MU-3 District because of the following:
1) site’s location; 2) its access to Northwest Highway; 3) the compatibility of land uses to the MU-3 District uses; and 4) the extension of the IR Industrial Research zoning boundary line to Northwest Highway. Staff believes that the IR District will meet the applicant’s objection in providing a building to sale and display high end vehicles.

**Development Standards:**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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<tr>
<td>PDD for MU-3 – CPC’s recommendation Mixed use-3</td>
<td>15’ 20’ adjacent to residential OTHER: No Min.</td>
<td>3.2 FAR base 4.0 FAR maximum + bonus for residential</td>
<td>270’ 20 stories</td>
<td>80%</td>
<td>Proximity Slope U-form setback Tower spacing Visual Intrusion</td>
<td>Office, retail &amp; personal service, lodging, residential, trade center, Vehicle sales, display and services</td>
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<tr>
<td>MU-3 - Existing Mixed use-3</td>
<td>15’ 20’ adjacent to residential OTHER: No Min.</td>
<td>3.2 FAR base 4.0 FAR maximum + bonus for residential</td>
<td>270’ 20 stories</td>
<td>80%</td>
<td>Proximity Slope U-form setback Tower spacing Visual Intrusion</td>
<td>Office, retail &amp; personal service, lodging, residential, trade center</td>
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<tr>
<td>IR – Staff’s recommendation Industrial research</td>
<td>15’ 30’ adjacent to residential OTHER: No Min.</td>
<td>2.0 FAR overall 0.75 office/ retail 0.5 retail</td>
<td>200’ 15 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Industrial, wholesale distribution &amp; storage, supporting office &amp; retail</td>
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**Landscaping:** Landscaping of any development will be in accordance with the attached landscape plan.

**Public Works and Transportation Department:** The Public Works and Transportation Department Engineering Section reviewed the applicant’s request and recommended no changes to the roadway connection between Willowbrook Road and Northwest Highway.

**Miscellaneous – Condition:** The City Plan Commission recommended a Planned Development District for MU-3 Mixed Use District uses that will permit a vehicle display, sales and service use within an existing structure. The City Plan Commission also recommended approval of the applicant’s conditions with minor changes to the off-street parking regulations.

**CPC Action (December 13, 2007)**

**Motion:** In considering an application for a Planned Development District for an MU-3 Mixed Use District on property zoned an MU-3 Mixed Use District, with consideration being given to an IR Industrial Research District on the east corner of Northwest Highway and Willowbrook Road, it was moved to **hold** this case under advisement until December 20, 2007.

Maker: Lozano  
Second: Rodgers  
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
Against:  0
Absent:  0
Vacancy:  0

Notices:   Area: 500     Mailed: 21
Replies:   For: 0       Against: 0

Speakers:  For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
           Against: None

CPC Action (December 20, 2007)

Motion: It was moved to recommend approval a Planned Development
        District for an MU-3 Mixed Use District, subject to a development plan, a
        revised landscape plan and the revised applicant conditions on property zoned
        an MU-3 Mixed Use District, on the east corner of Northwest Highway and
        Willowbrook Road.

        Maker: Lozano
        Second: Ekblad
        Result: Carried: 15 to 0

        For: 15 - Prothro, Strater, Gary, Davis, Rodgers,
             Lozano, Bagley, Jones-Dodd, Weiss, Lueder,
             Buehler, Wolfish, Ekblad, Emmons, Alcantar

        Against: 0
        Absent: 0
        Vacancy: 0

Notices:   Area: 500     Mailed: 21
Replies:   For: 0       Against: 0

Speakers:  For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
           Against: None
LIST OF OFFICER
2331 W. Northwest Highway Holdings L.P.

- Angel Reyes III, President – (Sole officer)
“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 [insert short description]. The size of PD ____ is approximately 1.817 of land.

SEC. 51P-_____.103. DEFINITIONS AND INTERPRETATIONS.

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

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

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

SEC. 51P-_____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ___A: development plan, Exhibit ___B: Landscape plan.

SEC. 51P-_____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with an approved development plan (Exhibit ___A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-_____.106. MAIN USES PERMITTED

The following listed uses are the only main uses permitted in this district.
(a) **Agricultural uses.**

-- Crop production.

(b) **Commercial and business service uses.**

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Labor hall. [SUP]
-- Medical or scientific laboratory.
-- Tool or equipment rental.

(c) **Industrial uses.**

-- Temporary concrete or asphalt batching plant. [*By special authorization of the building official.*]

(d) **Institutional and community service uses.**

-- Adult day care facility.
-- Cemetery or mausoleum [SUP].
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center [SUP]
-- Convalescent and nursing homes, hospice care, and related institutions [*RAR*]
-- Convent or monastery.
-- Foster home.
-- Halfway house [SUP].
-- Hospital [*RAR*].
-- Library, art gallery, or museum.
-- Open enrollment charter school or private school. [SUP]
-- Public or private school [*RAR*]

(e) **Lodging uses.**

-- Hotel or motel [*RAR*].
-- Extended stay hotel or motel [SUP]
-- Overnight general purpose shelter [*See Section 51A-4.205(2.1).*]

(f) **Miscellaneous uses.**

-- Attached non-premise sign [SUP].
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(g) **Office uses.**
-- Ambulatory surgical center
-- Financial institution without drive-in window.
-- Financial institution with drive-in window [DIR].
-- Medical clinic.
-- Office.

(h) **Recreation uses.**
-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(i) **Residential uses.**
-- College dormitory, fraternity, or sorority house.
-- Duplex.
-- Group residential facility. [See Section 51A-4.209(3)]
-- Multifamily.
-- Residential hotel.
-- Retirement housing.

(j) **Retail and personal service uses.**
-- Animal shelter or clinic without outside run [RAR]
-- Auto service center [RAR].
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4).]
-- Business school.
-- Car wash [RAR].
-- Commercial amusement (inside) [SUP may be required. See Section 51A-4.201 (b)(7)(B)].
-- Commercial amusement (outside) [SUP].
-- Commercial parking lot or garage [RAR].
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store greater than 100,000 square feet or more [SUP].
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service [RAR].
-- Restaurant with drive-in or drive-through service [DIR].
-- Swap or buy shop [SUP].
-- Temporary retail use.
-- Theater.
-- Vehicle display, sales, and service [Limited to inside use only.]

(k) Transportation uses.
-- Heliport [SUP].
-- Helistop [SUP].
-- Railroad passenger station [SUP].
-- Transit passenger shelter.
-- Transit passenger station or transfer center [By SUP or city council resolution See Section 51A-4.211].

(l) Utility and public service uses.
-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities [SUP or RAR may be required. [See Section 51A-4.212 (4)].
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower [SUP].
-- Tower/antenna for cellular communication [See Section 51A-4.212 (10.1)].
-- Utility or government installation other than listed [SUP].

(m) Wholesale, distribution, and storage uses.
-- Mini-warehouse [SUP].
-- Office showroom/warehouse.
-- Recycling buy-back center. [See Section 51A-4.213 (11).]
-- Recycling collection center. [See Section 51A-4.213 (11.1).]
-- Recycling drop-off container. [Section 51A-4.213 (11.2)]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3)]
-- Trade center.
SEC. 51P-____.105. 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 in this district:

-- Private stable.

(c) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217 (3.1)].

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 of an MU-3 Mixed Use District apply.

(b) Front yard. Minimum front yard is 6 feet for lots abutting Willowbrook Road and 15 feet for lots abutting W. Northwest Highway.

SEC. 51P-____.110. OFF-STREET PARKING AND LOADING.

Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking regulations for each use.

(a) For a vehicle, display, sales, and service use, one space per 1,000 square feet of floor area is required. Parking areas are not counted toward floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided in compliance with Section 51A-4.305.

(b) For an office uses, a minimum of 79 off-street parking spaces are required.

SEC. 51P-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.
SEC. 51P-111. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit __).

(b) All plant materials must be maintained in a healthy, growing condition.

SEC. 51P-112. SIGNS.

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

SEC. 51P-113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SEC. 51P-114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SEC. 51P-115. ZONING MAP.

PD _ is located on Zoning Map No.G-5."
PROPOSED LANDSCAPE PLAN
CPC RESPONSES

PROPERTY OWNERS NOTIFIED: 21
REPLIES IN FAVOR: 0
REPLIES IN OPPOSITION: 500
AREA OF NOTIFICATION: 12-20-07 DATE

The number '0' indicates City of Dallas Ownership

NOTIFICATION

500' AREA OF NOTIFICATION
21 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: G-5
Case no: Z078-116 WE
# Notification List of Property Owners

## Z078-116(WE)(CS)

### Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>2331 NORTWEST</td>
<td>2331 W NORTWEST HIGHWAY</td>
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<tr>
<td>2</td>
<td>2320 NORTWEST</td>
<td>5 STAR HOTEL MGMT LP</td>
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<tr>
<td>3</td>
<td>2287 NORTWEST</td>
<td>BIJAL HOSPITALITY</td>
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<td>10250 SHADY</td>
<td>BURCH DUNCAN</td>
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<td>CARLTON FIELD II LP</td>
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<td>6</td>
<td>2363 STEMMONS</td>
<td>DALLAS NORTWEST LTD</td>
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<td>7</td>
<td>2356 NORTWEST</td>
<td>FAIRDALE DEVELOPMENT CORP</td>
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<td>GANJI ALI S</td>
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<td>KARS INC</td>
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<td>MAHLER JOHN G &amp;</td>
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<td>14</td>
<td>2310 STEMMONS</td>
<td>NIelsen WILLIAM K &amp;</td>
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<td>15</td>
<td>2334 NORTWEST</td>
<td>SBS &amp; COMPANY</td>
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<td>SEALY SW PROPERTIES LP</td>
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<td>2277 NORTWEST</td>
<td>TEXAS UTILITIES ELEC CO</td>
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<td>2500 WILLOWBROOK</td>
<td>U S POSTAL SERVICE</td>
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<td>20</td>
<td>2291 NORTWEST</td>
<td>WAFFLE HOUSE INC</td>
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<td>21</td>
<td>2320 STEMMONS</td>
<td>WATTS INVESTMENTS LTD</td>
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__Tuesday, November 27, 2007__
<table>
<thead>
<tr>
<th>Company/Address</th>
<th>Contact Person</th>
<th>Phone/Address</th>
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<tbody>
<tr>
<td>Koons Real Estate Law</td>
<td>James Schnurr</td>
<td>3400 Carlisle St, #400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>Lake Highlands AIA</td>
<td>Terri Woods</td>
<td>9603 Rocky Branch Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75243</td>
</tr>
<tr>
<td>Law Office of R Albright</td>
<td>Roger Albright</td>
<td>3301 Elm St</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75226</td>
</tr>
<tr>
<td>Master Plan</td>
<td>J Kimborough</td>
<td>900 Jackson St</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>MetroStudy Corp</td>
<td>Rebecca Webb</td>
<td>14881 Quorum Dr #400</td>
</tr>
<tr>
<td></td>
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<tr>
<td>Micheal R Coker Co</td>
<td>Michael R Coker</td>
<td>2700 Swiss Ave. #100</td>
</tr>
<tr>
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<td>Dallas, TX 75209</td>
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<tr>
<td>Minyards Properties Inc</td>
<td>Dennis O'Malley</td>
<td>777 Freeport Pkwy</td>
</tr>
<tr>
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<td></td>
<td>Coppell, TX 75019</td>
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<tr>
<td>N Pk Lovefield Comm Civic League</td>
<td>Joyce Lockley</td>
<td>4718 Wateka Dr.</td>
</tr>
<tr>
<td></td>
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<td>Dallas, TX 75209</td>
</tr>
<tr>
<td>Oak Cliff Chamber</td>
<td>Joe Burkleo</td>
<td>545 Lacewood Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75224</td>
</tr>
<tr>
<td>PARC DU LAC</td>
<td>Linda Sharp</td>
<td>12126 Vendome Place</td>
</tr>
<tr>
<td></td>
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<tr>
<td>PWS Architects Inc.</td>
<td>Phillip Shepherd</td>
<td>4616 Abbott Ave</td>
</tr>
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<td></td>
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<tr>
<td>Quick Trip Co.</td>
<td>Teri Dorazil</td>
<td>14450 Trinity Blvd. #300</td>
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<tr>
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<td></td>
<td>Fort Worth, TX 76155</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves</td>
<td>900 Jackson St, Suite 160</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75202</td>
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<tr>
<td>Signs Manufacturing</td>
<td>William Watson</td>
<td>4610 Mint Way</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75236</td>
</tr>
<tr>
<td>United HOA</td>
<td>Norma Parry</td>
<td>1515 Reynaldston Ln.</td>
</tr>
<tr>
<td></td>
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<td>Dallas, TX 75232</td>
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<tr>
<td>United HOA</td>
<td>Tashia Moseley</td>
<td>5353 Maple Ave. Ste. 200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75235</td>
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<tr>
<td>Jesse Almaguek</td>
<td></td>
<td>7721 Mohawk Dr</td>
</tr>
<tr>
<td></td>
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<td>Dallas, TX 75235</td>
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<tr>
<td>Oak Lawn Comm. Prosecutor</td>
<td>Mary Lou Zijderveld</td>
<td>10140 Rockmoor Ct</td>
</tr>
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<td>Dallas, TX 75220</td>
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<tr>
<td>Neighbors Against SOB's</td>
<td>Mary Lou Zijderveld</td>
<td>10140 Rockmoor Ct</td>
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<tr>
<td>Northaven Park NA</td>
<td>Edwin B Bright</td>
<td>3969 Alta Vista Ln</td>
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<tr>
<td>Walnut Hill Business Owners</td>
<td>JimWiley/Glen Wiley</td>
<td>P O Box 541323</td>
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<tr>
<td>Walnut Hills NA</td>
<td>Mike Gomez</td>
<td>3143 Waldrop St</td>
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<tr>
<td></td>
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**ENZ078-116**
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement for a bar, lounge, or tavern and a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Main Street between Malcolm X Boulevard and Crowdsus Street

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

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

Z078-124(MAW)
FILE NUMBER: Z078-124 (MAW)  DATE FILED: November 21, 2007

LOCATION: South side of Main Street, between Malcolm X Boulevard and Crowdus Street

COUNCIL DISTRICT: 2  MAPSCO: 45 M

SIZE OF REQUEST: ±4,000 square feet  CENSUS TRACT: 33.00

APPLICANT/REPRESENTATIVE: Augustine Ekukpe

OWNER: Jernigan Realty Partners, LP

REQUEST: An application for a Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The applicant proposes to continue the operation of a restaurant which includes a bar and dance hall.

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

STAFF RECOMMENDATION: Approval, for a three-year period, subject to a site plan and conditions
BACKGROUND INFORMATION:

- The request site is currently developed with a one-story structure used as a restaurant, bar and dance hall.
- The request site is adjacent to vacant buildings, retail, office and warehouse uses.
- On June 14, 2006, the City Council approved an amendment to PDD No. 269 which requires an SUP for this use category.

Zoning History:

<table>
<thead>
<tr>
<th></th>
<th>Zoning Code</th>
<th>Zoning Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Z078-101:</td>
<td>Pending application for a Specific Use Permit for an inside commercial amusement for a Class A dance hall and a live music venue on property zoned Planned Development District No. 269 on the south side of Main Street, west of Crowdus Street.</td>
</tr>
<tr>
<td>2</td>
<td>Z067-331:</td>
<td>On November 1, 2007, the CPC recommended denial without prejudice of a Specific Use Permit for an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269 at the Southeast corner of Main Street and Crowdus Street. The applicant did not appeal to the City Council.</td>
</tr>
<tr>
<td>3</td>
<td>Z001-148:</td>
<td>On April 11, 2001, the City Council approved a landmark designation for the Palace Blacksmith Shop located on the south side of Main Street between Malcolm X Boulevard and Crowdus Street.</td>
</tr>
<tr>
<td>4</td>
<td>Z078-122:</td>
<td>Pending application for a tattoo studio on property zoned Planned Development District 269 on the north side of Main Street, east of Crowdus Street.</td>
</tr>
<tr>
<td>5</td>
<td>Z067-336:</td>
<td>On January 9, 2008, the City Council approved a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement limited to a live music on property zoned Planned Development District No. 269 at the southeast corner of Elm Street and Crowdus Street.</td>
</tr>
<tr>
<td>6</td>
<td>Z067-347:</td>
<td>On December 12, 2007, the City Council approved a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269 on the north side of Main Street, west of Crowdus Street.</td>
</tr>
<tr>
<td>7</td>
<td>Z067-343:</td>
<td>On December 12, 2007, the City Council approved a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269 on the south side of Elm Street, east of Crowdus Street.</td>
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</tbody>
</table>
8. Z067-344: On December 12, 2007, the City Council approved a Specific Use Permit for a bar, lounge, or tavern and live music venue on property zoned Planned Development District No. 269 on the south side of Elm Street, east of Crowdus Street.

9. Z067-233: On August 8, 2007, the City Council approved a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269 on the south side of Elm Street, west of Malcolm X Boulevard.

10. Z067-290: On October 24, 2007, the City Council approved an application for a Specific Use Permit for a tattoo and piercing studio on property zoned Planned Development District No. 269 on the north side of Elm Street between Malcolm X Boulevard and Crowdus Street.

11. Z067-289: On October 24, 2007, the City Council approved an application for a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269 on the southeast corner of Indiana Avenue and Crowdus Street.

12. Z067-339: On November 1, 2007, the City Plan Commission recommended denial of a Specific Use Permit for a bar, lounge, or tavern and live music venue on property zoned Planned Development District No. 269 on the south side of Commerce Street, east of Malcolm X Boulevard. The applicant did not appeal to the City Council.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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<tbody>
<tr>
<td>Main Street</td>
<td>Minor Arterial</td>
<td>80 ft.</td>
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<tr>
<td>Malcolm X Boulevard</td>
<td>Community Collector</td>
<td>60 ft.</td>
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Land Use:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>PD 269 Tract A Restaurant, bar and dance hall</td>
</tr>
<tr>
<td>North</td>
<td>PD 269 Tract A Bar; tattoo studio; vacant and retail</td>
</tr>
<tr>
<td>East</td>
<td>PD 269 Tract A Vacant; retail</td>
</tr>
<tr>
<td>South</td>
<td>PD 269 Tract A Vacant; parking; recording studio</td>
</tr>
<tr>
<td>West</td>
<td>PD 269 Tract A Office; warehouse; parking; bar</td>
</tr>
</tbody>
</table>
STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the forwardDallas! Vision Illustration is comprised of a series of Building Blocks that shows general land use patterns. They are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The request site lies within an Urban Mixed-Use Building Block. This Building Block provides for a healthy balance of housing, job, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

Land Use Compatibility:

The ±4,000-square foot request site is zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District and is currently developed with a one-story structure used as restaurant, bar and dance hall. The applicant is proposing to maintain this use on the property and needs a Specific Use Permit for the bar and dance hall.

The site is surrounded by vacant buildings and a mix of retail, bar, office and warehouse uses that are served by various surface parking lots.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

PDD No. 269 provided a compliance date of December 14, 2007 for bar, lounge or tavern and dance hall uses to receive a Specific Use Permit. This application was submitted on November 21, 2007.

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 site plan shows that the use is ±4,000 square foot restaurant and bar, which includes a ±180 dance floor.

The applicant's request, subject to staff's recommended conditions, complies with the general provisions for consideration of an SUP.

**Traffic:**

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

**Parking:**

PDD No. 269 gives a credit for the first 2,500 square feet floor area for a bar, lounge, or tavern when it is a ground level use located in an original building. Otherwise, one space for each 100 square feet of floor area is required. A dance hall use requires one space per 25 square feet of dance floor area. Therefore 20 spaces will be required for this use, as demonstrated in the following table:

<table>
<thead>
<tr>
<th></th>
<th>Area</th>
<th>Spaces</th>
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</thead>
<tbody>
<tr>
<td>Restaurant/bar</td>
<td>3,820 sf - 2,500 sf exemption = 1,320 sf x 1 space per 100 sf</td>
<td>13.2 spaces</td>
</tr>
<tr>
<td>Dance floor</td>
<td>180 sf x 1 space per 25 sf</td>
<td>7.2 spaces</td>
</tr>
<tr>
<td><strong>Total request area</strong></td>
<td><strong>4,000 sf</strong></td>
<td><strong>20 spaces</strong></td>
</tr>
</tbody>
</table>

Parking will be provided offsite; the applicant has indicated that he is in the process of obtaining a parking agreement.

**Landscaping:**

Landscaping required per Article X of the Dallas Development Code.

**Police Report:**

The Dallas Police Department has provided a memo with their comments for the request site.
CPC ACTION: January 10, 2008

Motion: It was moved to recommend approval of a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall for a 18-month period, subject to a site plan and conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Main Street between Malcolm X Boulevard and Crowdus Street.

Maker: Strater
Second: Emmons
Result: Carried: 15 to 0

For: 15: Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Amendment to Motion: It was moved to approve an amendment allowing for a two-year period, subject to a site plan and conditions.

Maker: Davis
Second: Jones-Dodd
Result: Carried: 9 to 6

For: 9: Strater, Davis, Rodgers, Lozano, Jones-Dodd, Lueder, Buehler, Wolfish, Alcantar

Against: 6: Prothro, Gary, Bagley, Weiss, Ekblad, Emmons
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 17
Replies: For: 1 Against: 5

Speakers: For: Augustine Ekukpe, Address not given
Arvel Jernigan, 3409B Main St., Dallas, TX, 75226
David Walkington, 5524 Richard Ave., Dallas, TX, 75206
Tunde Obazee, 5353 Maple Ave., Dallas, TX, 75235
Mark Underwood, 6017 Ross Ave., Dallas, TX, 75206

Against: John Hetzel, 1811 Greenville Ave., Dallas, TX, 75206
List of Partners/Principals/Officers

Jernigan Realty Partners, LP

Al Jernigan, sole owner
Memorandum

DATE: December 18, 2007

TO: Megan Alexandria Wimer, AICP
Senior Planner

SUBJECT: Palm Beach Club, 2816 Main and 2007 Main

I have reviewed the previous address, 2007 Main Street, for the Palm Beach Club, as well as the current address of 2816 Main Street. Since January 1, 2006, until December 17, 2007, there has been only one offense, a criminal mischief (damage to club window). The case number was 506217T.

If you have any questions please call me at 214-670-4413.

Barbara L. Hobbs
Lieutenant of Police
Central Patrol Division
Patrol East Bureau
PROPOSED SUP CONDITIONS
Z078-124

1. **USE:** The only uses authorized by this specific use permit is a bar, lounge or tavern and an inside commercial amusement limited to a Class A dance hall.

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

3. **TIME LIMIT:**
   
   **CPC Recommended:**
   
   This specific use permit automatically terminates on (two years from the passage of this ordinance).

   **Staff Recommended:**
   
   This specific use permit automatically terminates on (three years from the passage of this ordinance).

4. **FLOOR AREA:**
   
   (a) The maximum total floor area for an alcoholic beverage establishment limited to a bar, lounge or tavern is 3,820 square feet.

   (b) The maximum floor area for inside commercial amusement limited to a Class A dance hall is 180 square feet.

5. **PARKING:** A minimum of 20 parking spaces must be provided in accordance with the remote and special parking requirements of Planned Development District No. 269, the Deep Ellum Special Purpose District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.

6. **CERTIFICATE OF OCCUPANCY:** The alcohol beverage establishment limited to a bar, lounge or tavern and inside commercial amusement limited to a Class A dance hall must obtain an amended certificate of occupancy from the building official by 30 days after date the Specific Use Permit is granted. All requirements of this Specific Use Permit and Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District must be met before the building official may issue an amended certificate of occupancy.

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

8. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
17 PROPERTY OWNERS NOTIFIED
1 REPLY IN FAVOR
5 REPLIES IN OPPOSITION
200' AREA OF NOTIFICATION
01-10-08 CPC DATE

The number '0' indicates City of Dallas Ownership

NOTIFICATION

AREA OF NOTIFICATION

1:1,200

DATE: 12/10/2001

GIS TECHNICIAN: CS

Case no: Z078-124 MW

Map no: J-8
# Notification List of Property Owners

**Z078-124(MW)(CS)**

17 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
<td>2816 MAIN</td>
<td>JERNIGAN REALTY PTNR LP</td>
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<td>X 2</td>
<td>2823 MAIN</td>
<td>BANNISTER DONALD G</td>
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<td>X 3</td>
<td>2820 COMMERCE</td>
<td>BLANTON DON</td>
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<td>X 4</td>
<td>2818 ELM</td>
<td>BLANTON DONNY G</td>
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<td>BROWN JESSIE</td>
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<td>2800 MAIN</td>
<td>CONGRESS STREET NIGHTS</td>
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<td>2806 ELM</td>
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<td>2806 MAIN</td>
<td>GORDON NORMAN &amp; ANDREA</td>
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<td>2825 COMMERCE</td>
<td>INTERNATIONAL LIONS LAIR</td>
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<td>2814 MAIN</td>
<td>SOUND WAREHOUSE OF DALLAS</td>
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<td>16</td>
<td>2900 MAIN</td>
<td>SUNRISE FURNITURE COMPANY</td>
</tr>
<tr>
<td>17</td>
<td>2813 COMMERCE</td>
<td>WESTDALE PPTIES AMERICA</td>
</tr>
<tr>
<td>Name</td>
<td>Address 1</td>
<td>City, State, Zip</td>
</tr>
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<tr>
<td>Al Romero</td>
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<td>Betty Wadkins</td>
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<td>Pam Conley</td>
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<td>Steve Craft</td>
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<tr>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown, 2209 Wisconsin St, Ste 100, Dallas, TX 75229</td>
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<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson, 14881 Quorum Dr #400, Dallas, TX 75240</td>
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<td>Blufview Homeowner</td>
<td>Pat White, 4714 Wildwood, Dallas, TX 75209</td>
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<td>Cedar Vista Conservation</td>
<td>Chris Lomax, 6430 Dixie Garden Ln, Dallas, TX 75236</td>
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<td>Dallas Planning Asoc</td>
<td>Stuart Pully, P O Box 781609, Dallas, TX 75378</td>
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<td>FW Dodge Reports</td>
<td>Donna McGuire, 9155 Sterling Dr, Ste 160, Dallas, TX 75063</td>
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<td>Jackson Walker</td>
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<td>Jonathan Vinson</td>
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<td>Koons Real Estate Law</td>
<td>James Schnurr, 3400 Carlisle St, #400, Dallas, TX 75204</td>
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<td>Lake Highlands AIA</td>
<td>Terri Woods</td>
<td>9603 Rocky Branch Drive</td>
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<td>Rebecca Webb</td>
<td>14881 Quorum Dr #400</td>
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<td>N Pk Lovefied Comm Civic League</td>
<td>Joyce Lockley</td>
<td>4718 Wateka Dr</td>
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<td>FWS Architects Inc.</td>
<td>Phillip Shepherd</td>
<td>4616 Abbott Ave</td>
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<tr>
<td>Signs Manufacturing</td>
<td>William Watson</td>
<td>4610 Mint Way</td>
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<tr>
<td>W.A.R.N.</td>
<td>Tashia Moseley</td>
<td>5353 Maple Ave. Ste. 200</td>
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<tr>
<td>Jeri Arbuckle</td>
<td>4800 Victor St.</td>
<td>Dallas, TX 75246</td>
</tr>
<tr>
<td>Leslie Brosi</td>
<td>3030 McKinney Ave. #205</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>Vicki Keene</td>
<td>738 Cedar Hill Dr</td>
<td>Dallas, TX 75208</td>
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<tr>
<td>Bryan Place NA</td>
<td>Drake Frazier</td>
<td>3112 Trevool Place</td>
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<tr>
<td>Law Office of R Albright</td>
<td>Roger Albright</td>
<td>3301 Elm St</td>
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<tr>
<td>Micheal R Coker Co</td>
<td>Michael R Coker</td>
<td>2700 Swiss Ave. #100</td>
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<td>Oak Cliff Chamber</td>
<td>Joe Burklo</td>
<td>545 Lacewood Drive</td>
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<tr>
<td>Quick Trip Co.</td>
<td>Teri Dorazil</td>
<td>14450 Trinity Blvd. #300</td>
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<tr>
<td>United HOA</td>
<td>Norma Parry</td>
<td>1515 Reynaldston Ln.</td>
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<tr>
<td>Cullen Rogers</td>
<td>3030 McKinney Ave. #2001</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>John C Weger</td>
<td>1311 Birkenhead Ct</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>Margaret L Ray</td>
<td>3211 Cherrywood</td>
<td>Dallas, TX 75225</td>
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<tr>
<td>Bryan Place NA</td>
<td>Sonali Patnaik</td>
<td>928 Pavilion St</td>
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<tr>
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<td>Christopher R Craig</td>
<td>1540 McCoy Street</td>
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<td>Eric Anderson</td>
<td>7329 Lakelhurst Ave.</td>
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<tr>
<td>Minyards Properties Inc</td>
<td>Dennis O'Malley</td>
<td>777 Freeport Pkwy</td>
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<tr>
<td>PARC DU LAC</td>
<td>Linda Sharp</td>
<td>12126 Vendome Place</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves</td>
<td>900 Jackson St, Suite 160</td>
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<tr>
<td>United HOA</td>
<td>Thelma J. Norman</td>
<td>2628 Blackstone Dr.</td>
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<tr>
<td>Jeannie Ball</td>
<td>3030 McKinney Ave. #906</td>
<td>Dallas, TX 75204</td>
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<tr>
<td>Laura French</td>
<td>3856 W Beverly</td>
<td>Dallas, TX 75209</td>
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<tr>
<td>Megan P Bryant</td>
<td>1010 Allen St. #214</td>
<td>Dallas, TX 75204</td>
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</tbody>
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8-17
Crime Watch VIP
Sandra Graham
4203 Junius St.
Dallas, TX 75246

Friends of the Katy Trail
Eric VanSteengurk
3523 McKinney Ave, PMB 441
Dallas, TX 75204

Harwood International, Inc.
Julie Morris
2828 N Harwood, Suite 1600
Dallas, TX 75201

Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

La Tour HA
Hanne Klein
3030 McKinney Ave. #502
Dallas, TX 75204

Lower Greenville Assoc
Chuck Cole
5820 Penrose Ave
Dallas, TX 75206

Meadows Foundation, Inc.
Robert Weiss, V.P Admin.
3003 Swiss Ave.
Dallas, TX 75209

Mill Creek HOA
Jo Blount
4834 Worth Street
Dallas, TX 75246

Munger Place Historic Dist Assoc
President
Joanna L Hampton
4924 Tremont St
Dallas, TX 75214

Munger Place Historic Dist Assoc
Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

Old E Dallas Renaissance
Rick Leggio
4503 Reiger Avenue
Dallas, TX 75246

OLPH Church
Fv. Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Preston Hollow Asso
M Thomas Lardner
5811 Redwood Court
Dallas, TX 75209

Raleighs-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Swiss Ave Hist Dist Assn
V. McAlester/D. Savage
5703 Swiss Avenue
Dallas, TX 75214

Urban Pioneers
Marion Gibson
4940 Worth Street
Dallas, TX 75214

ENZ078-124
AGENDA ITEM # 64

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT
A public hearing to receive comments regarding consideration of amendments to Article VII, “Sign Regulations,” of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter

Recommendation to Staff: Approval
Recommendation of CPC: Denial

DCA067-008
FILE NUMBER: DCA 067-008 (DC)  DATE INITIATED: February 26, 2007
TOPIC: Animal Shelter Sign
COUNCIL DISTRICT: All  CENSUS TRACT: All

PROPOSAL: To amend Chapter 51A of the Dallas Development Code, Article VII, “Sign Regulations,” to provide for special signage for a city animal shelter.

SUMMARY: The purpose of this proposal is to amend Article VII, “Sign Regulations,” of the Development Code to allow for, and establish standards for, a changeable message sign at the city animal shelter to promote services offered by the animal shelter, such as pet adoptions, and also allow for other advertising on the sign.

STAFF RECOMMENDATION: Approval.

CPC RECOMMENDATION: Denial
BACKGROUND INFORMATION:

- The city’s new animal shelter is now open on the northeast corner of Westmoreland Road and Interstate 30 in Council District 3.

- On February 26, 2007 the City Council Quality of Life Committee was briefed on a proposed sign for the animal shelter to promote services offered at the animal shelter, such as pet adoptions, but which would also have additional non-premise advertising on the sign unrelated to the animal shelter. The committee instructed staff to prepare an amendment to the sign regulations to allow for the proposed sign.

- Current city sign regulations prohibit new non-premise signs except in Special Provision Sign Districts that are within one mile of the central business district and are a minimum of 50 acres in size. The new animal shelter site is located approximately 3.5 miles from the central business district and is approximately 6.4 acres in size.

- Generally the city’s policy has been to discourage additional non-premise signs since the sign regulations were amended in 2000 to prohibit additional billboards within the city. Exceptions to this policy include downtown supergraphics, downtown private kiosks, Deep Ellum parking lot signs and the city’s kiosk program.

- Cities that have utilized such signs promoting pet adoptions have seen an increase in adoptions thereby decreasing the number of pets which need to be euthanized.

PROPOSAL SUMMARY

- Amend Article VII, “Sign Regulations,” to allow for an Animal Shelter Sign
- Cannot be an HBA sign – must be a minimum of 660 ft from freeway
- Allow only at a city operated animal shelter
- Maximum 50 ft in height above grade
- Maximum 936 s/f in effective area
- Minimum 128 s/f devoted to static area identifying Animal Shelter
- Maximum 672 s/f LED changeable message area
- Located a minimum of 1500 ft from a residential district
- Minimum amount of time on changeable message area devoted to animal shelter functions

PROPOSAL ANALYSIS

Planning staff is concerned with further deviating from the general prohibition against new detached non-premise signs. However, as noted above, there have been exceptions to this general policy in the past. The proposed regulations would prohibit the sign from locating within 660 feet of Interstate 30 consistent with the Highway Beautification Act (HBA).
The Dallas Animal Shelter Commission developed a recommendation for the proposed sign based on the experiences of other shelters. A changeable message sign installed by the Humane Society of Utah in 2002 is credited with increasing pet adoptions by 12 percent, sterilizations by 19 percent and vaccinations by 90 percent. When investigating the possibility of erecting such a sign at the new animal shelter, it was determined that costs associated with buying, erecting and maintaining such a sign were cost prohibitive. It was at that time sponsors were sought for such a sign and the only viable option appeared to be a sign company which could then sell advertising to a variety of other entities.

Based on the directions given to staff by the City Council Quality of Life Committee, the proposed ordinance would allow for the sign at the City Animal Shelter but would not allow other similar signs for other institutions or other types of facilities.

A dimensioned sign elevation drawing is attached as an example of what the sign could look like.

**ZOAC ACTION**

On May 3, 2007 the Zoning Ordinance Advisory Committee voted 3 to 2 to recommend approval of the proposal.

In Favor
- Robert Ekblad
- Jim Rogers
- Ann Bagley

Opposed
- Chris Buehler
- Jack Craycroft

**CPC Action (June 7, 2007)**

**Motion I:** It was moved to recommend approval of amendments to Article VII, “Sign Regulations,” of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter.

Maker: Cunningham
Second: Marshall
Result: Failed: 5 to 7

For: 5 - Prothro, Marshall, Weiss, Ekblad, Cunningham
Against: 7 - Gary, Miranda, Bagley, Jones-Dodd, Hill, Buehler, Emmons
Absent: 3 - Strater, Woolen Lipscomb, Wolfish
Vacancy: 0
Motion II: It was moved to recommend denial of amendments to Article VII, “Sign Regulations,” of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter.

Maker: Miranda  
Second: Buehler  
Result: Carried: 7 to 5  

For: 7 - Gary, Miranda, Bagley, Jones-Dodd, Hill, Buehler, Emmons  
Against: 5 - Prothro, Marshall, Weiss, Ekblad, Cunningham  
Absent: 3 - Starter, Woolen Lipscomb, Wolfish  
Vacancy: 0  

Speakers: For: Skip Trimble, 5936 Woodland Dr., Dallas, TX, 75225  
Matt Ritter, 3808 Innisbrook Dr., Irving, TX, 75038  
Against: None
An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by adding a new Section 51A-7.215; allowing the animal shelter sign; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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


“SEC. 51A-7.215 ANIMAL SHELTER SIGN.

(a) In this section, ANIMAL SHELTER SIGN means a sign located on the same lot as a city-operated animal shelter and used for the display of premise and non-premise messages.

(b) The animal shelter sign:

(1) shall not be a Highway Beautification Act (HBA) sign;

(2) shall not exceed 50 feet in height measured from grade;

(3) shall be located at least 1,500 feet from a residential district.

(4) shall not have an effective area in excess of 936 square feet;

(5) shall have at least one static panel that identifies the animal shelter with a maximum effective area of 128 square feet; and
(6) shall have a changeable message portion of the sign that uses LED/LCD technology with a maximum effective area of 672 square feet. The message or picture on the changeable message portion of the sign may not change more than once every ten seconds. At least 15% of the advertising time during each advertising cycle on the changeable message portion of the sign shall display photos of animals available for adoption at the city-operated animal shelter or provide information about events being held or services being offered at the city-operated animal shelter.

(c) An animal shelter sign may not be relocated to another site.

(d) Except as provided in this section, an animal shelter sign shall comply with this article.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

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

SECTION 5. 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

Passed _________________________________
AGENDA ITEMS # 65,66,67

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 10

DEPARTMENT: Office of Economic Development

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 28 W

SUBJECT

Reinvestment Zone No. 69

* A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 69, incorporating property north of Northwest Highway and west of Lullwater Drive, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP - Financing: No cost consideration to the City

* An ordinance designating property north of Northwest Highway and west of Lullwater Drive, as City of Dallas Reinvestment Zone No. 69, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

* Authorize a 90 percent real property tax abatement agreement for 10 years with Chartwell at Lake Highlands, LP located north of Northwest Highway and west of Lullwater Drive – Revenue: First year revenue estimated at $13,836; ten-year revenue estimated at $219,135 (Estimated revenue foregone for ten-year real property tax abatement estimated at $2,000,000)

BACKGROUND

Chartwell at Lake Highlands, LP seeks City Council approval of incentives regarding a new development on a 13.46 acre site on property located north of Northwest Highway and west of Lullwater Drive. The incentives will support a new multi-phase senior independent living facility and assisted living or skilled nursing development. Phase I of the project is a 175-unit, four-story senior independent living facility. This facility is approximately 150,050 square feet, will have a stucco exterior with a brick accent facade, and will include common areas for senior residents to socialize, as well as a dining room, meal program, housekeeping and transportation services.
BACKGROUND (continued)

The private investment in Chartwell at Lake Highlands, LP will be approximately $18,500,000, excluding land, for the facility. Phase II of the project will be the development of a senior assisted-living center or skilled nursing facility with an estimated development budget of $12,000,000, excluding land acquisition costs.

The proposed development site is currently occupied by Northwest Terrace Apartments, a vacant, 472 unit multi-family complex. These units have been vacant over a year. In 2000 the Dallas Central Appraisal District appraised the improvement value at $2,406,370. The appraised improvement value has been decreasing since that time and in 2007 is only $359,580 in spite of raising values in the City over the past 6 years. Approximately $2,000,000 will be spent on demolishing these structures including removal of asbestos. This project will remove deteriorating structures, bring new life and activity to this part of Northwest Highway and Lake Highlands, and create a minimum of 50 permanent jobs.

To encourage redevelopment of this site, the City Council will be asked to authorize a 90 percent real property tax abatement for ten years for these new facilities. The real property tax abatement benefit during the term of the agreement will be capped at $2,000,000 and both facilities will be required to be constructed pursuant to the agreement. In addition, if Chartwell at Lake Highlands, LP sells the planned Phase II site to an assisted living center or skilled nursing facility developer for more than $18.00 per square foot, the $2,000,000 cap for the real property tax abatement shall be reduced. The reduction shall be the difference between a base of $18.00 a square foot, adjusted each January 1st by $.90 (5 percent) to cover interest carrying costs, and the actual sale price per square foot. For example, if the 3.68 acre (160,300 square feet) property sold for $21.50 on January 20, 2009, the $2,000,000 tax abatement would be reduced as follows:

<table>
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<th>Square feet</th>
<th>Sale Price Per Square Foot</th>
<th>Base Price Per Square Foot</th>
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<td>160,300</td>
<td>$21.50</td>
<td>$18.90 ($18.00+$0.90)</td>
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In order for this project to be financially feasible, the developer at a later date will also seek City Council authorization for tax exempt bonds to be issued for the development. Because the project is located within the City of Dallas, Section 147(f) of the Internal Revenue Code of 1986, and the Treasury regulations promulgated thereunder, require that in order for interest paid on the Bonds to be exempt from United States federal income taxation, an “applicable elected representative” of the City of Dallas must approve the issuance of the bonds after a public hearing following reasonable notice. The City of Dallas is not being asked to issue debt nor will the bonds be an obligation, debt, or a liability of the City. The approval requested will be only for the purposes of complying with federal tax regulations regarding tax-exempt debt.
ESTIMATED SCHEDULE OF THE PROJECT

Phase I: Begin Construction December 2008
   Complete Construction December 2010

Phase II: Begin Construction December 2011
   Complete Construction December 2013

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 12, 2006, the City Council elected to continue its participation in tax abatement and established appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 06-1105.

On January 23, 2008, the City Council authorized a public hearing concerning the creation of Reinvestment Zone No. 69.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Chartwell at Lake Highlands, LP
Brad Forslund
President of the General Partner

DEVELOPER

Chartwell at Lake Highlands, LP
Brad Forslund
President of the General Partner

MAP

Attached.
ORDINANCE NO:_________________

AN ORDINANCE DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT IN THE CITY OF DALLAS, TEXAS, TO BE KNOWN AS REINVESTMENT ZONE NO. 69, CITY OF DALLAS, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial tax abatement, as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Tax Code, Chapter 312); and

WHEREAS, on April 12, 2006, the City Council authorized the continuation of its participation in tax abatement and established the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 06-1105, as amended; and

WHEREAS, on February 13, 2008, the City Council held a public hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone; and

WHEREAS, the City, at such public hearing, invited any interested person to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and to raise any concerns regarding the offering of tax abatement incentives; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, to the reinvestment zone appeared to contest the creation of the reinvestment zone.

NOW, THEREFORE,

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

Section 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Section 2. That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:
Section 2. (continued)

(a) That the public hearing for adoption of Reinvestment Zone No. 69 has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone.

(b) That the boundaries of Reinvestment Zone No. 69 shall be the area as described in the property description attached hereto as Exhibit A (Metes and Bounds) and depicted in Exhibit B (Map).

(c) That creation of the proposed Reinvestment Zone No. 69 will result in benefits to the City and to the land included in the zone and that the improvements sought are feasible and practical.

(d) That Reinvestment Zone No. 69 meets the criteria for the creation of a reinvestment zone as set forth in the Act, as amended, in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.

(e) That Reinvestment Zone No. 69, as described in Exhibit A (Metes and Bounds) and depicted in Exhibit B (Map) attached, meets the City’s Public/Private Partnership Program Guidelines and Criteria for the creation of a reinvestment zone.

Section 3. That pursuant to the Act, as amended, the City hereby creates a reinvestment zone for commercial tax abatement encompassing only the property area described in Exhibit A (Metes and Bounds) and such reinvestment zone is hereby designated and shall hereafter be referred to as Reinvestment Zone No. 69.

Section 4. That Reinvestment Zone No. 69 shall take effect on February 13, 2008, and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of designation.

Section 5. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.
Section 6. That it is hereby found, determined and declared that a sufficient notice of the date, hour, place and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times as required by the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551, as amended, and that a public hearing was held prior to the designation of such reinvestment zone and that proper notice of the hearing was published in the official newspaper of the City seven days prior to the hearing, and furthermore, such notice was in fact delivered to the presiding officer of each affected taxing entity as prescribed by the Act.

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

APPROVED AS TO FORM

THOMAS P. PERKINS, JR.
City Attorney

By: [Signature]
Assistant City Attorney

Passed and correctly enrolled __________________________
Exhibit A

Metes & Bounds

BEING all that certain lot, tract or parcel of land situated in the W. C. Jackson Survey, Abstract No. 704, Dallas County, Dallas County, Texas, and being property shown on the plat of NORTHWEST TERRACE, an addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 745 at Page 296, of Map Records, Dallas County, Texas, and being described in deed to LSF5 US LOAN POOL II, LLC, by deed recorded in County Clerks File Number 200600216722 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a 1-1/2" iron pipe at the intersection of the West right of way line of Lullwater Drive (60 foot right of way) and the North right of way line of Northwest Highway (100 foot right of way) and also being the Southeast corner of said NORTHWEST TERRACE;

THENCE South 89° 46' 00" West with the North right of way line of Northwest Highway for a distance of 663.08 feet to an "x" found in concrete for corner, said point being in the East line of a 10 foot alley as shown on the plat of said NORTHWEST TERRACE;

THENCE North 0° 37' 00" West along the East line of said alley and departing the North line of said Northwest Highway for a distance of 469.02 feet to a 5/8" iron rod set for corner;

THENCE North 44° 23' 30" East and continuing along the East line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 48.08 feet to a 5/8" iron rod set for corner;

THENCE North 89° 23' 00" East and continuing along the East line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 33.50 feet to a 5/8" iron rod set for corner;

THENCE North 0° 37' 00" West and continuing along the East line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 270.00 feet to a 5/8" iron rod set for corner;

THENCE South 89° 31' 00" West and continuing along the East line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 31.00 feet to a 5/8" iron rod set for corner;
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THENCE North 0° 37' 00"  West and continuing along the East line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 85.70 feet to a 5/8" iron rod set for corner;

THENCE North 44° 27' 00"  East and continuing along the East line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 48.03 feet to a 5/8" iron rod set for corner in the South line of a 15 foot alley and as shown on the plat of said NORTHWEST TERRACE;

THENCE North 89° 31' 00"  East and continuing along the South line of said alley as shown on the record plat of said NORTHWEST TERRACE for a distance of 563.89 feet to a 1/2" iron rod found for the Northeast corner of said NORTHWEST TERRACE and being the intersection of the South line of said 15 foot alley and the West right of way line of the aforesaid Lullwater Drive;

THENCE South 0° 29' 00" East and following along the West right of way line of said Lullwater Drive for a distance of 5.00 feet to a 1/2" iron rod found for corner, said point being in the beginning of a curve to the left having a central angle of 23° 31' 00" with a radius of 314.74 feet an a chord bearing South 12° 14' 30" East at a distance of 128.28 feet;

THENCE Southeasterly along said curve to the left and following along the Westerly line of said Lullwater Drive for an arc distance of 129.18 feet to a 1/2" iron rod found for corner;

THENCE South 24° 00' 00" East and continuing along the West right of way line of said Lullwater Drive for a distance of 39.55 feet to a 1/2" iron rod for corner, said point being the beginning of a curve to the right having a central angle of 23° 24' 00" with a radius of 259.73 feet an a chord bearing South 12° 18' 00" East at a distance of 105.34 feet;

THENCE Southeasterly along said curve to the right and continuing along the Westerly line of said Lullwater Drive for an arc distance of 106.08 feet to a 1/2" iron rod found for corner;

THENCE South 0° 36' 00" East and continuing along the West line of said Lullwater Drive for a distance of 659.72 feet to the POINT OF BEGINNING AND CONTAINING 13.4599 ACRES OF LAND, more or less.
WHEREAS, the City recognizes the importance of its role in local economic
development; and

WHEREAS, on April 12, 2006, the City Council elected to continue its participation in
tax abatement and established appropriate Public/Private Partnership Program
Guidelines and Criteria governing tax abatement agreements to be entered into by the
City as required by the Property Redevelopment and Tax Abatement Act, as amended,
V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 06-1105; and

WHEREAS, on January 23, 2008, the City Council authorized a public hearing
concerning the creation of Reinvestment Zone No. 69; and

WHEREAS, on February 13, 2008, the City Council held a public hearing concerning
the creation of Reinvestment Zone No. 69; and

WHEREAS, on February 13, 2008, the City Council created Reinvestment Zone No. 69;
and

WHEREAS, the City desires to enter into a real property tax abatement agreement with
Chartwell at Lake Highlands, LP for real property improvements located within
Reinvestment Zone No. 69.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is
hereby authorized to execute a real property tax abatement agreement with Chartwell at
Lake Highlands, LP, for added value to the real property in accordance with the Act and
the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That at least seven (7) days prior to the execution of the tax abatement
agreement, notice of the City's intention to enter into the tax abatement agreement shall
be delivered to the governing bodies of each other taxing unit that includes in its
boundaries the real property that is the subject of this agreement.

Section 3. That the approval and execution of the tax abatement agreement by the City
is not conditional upon approval and execution of any other tax abatement agreement
by any other taxing entity.

Section 4. That the real property which will be described in the tax abatement
agreement, attached hereto as Exhibit A (Metes and Bounds) and depicted on the
attached site map as Exhibit B (Map - the "Property"), is located within Reinvestment
Zone No. 69.
Section 5. That the tax abatement agreement shall provide, among other provisions, the following:

(a) The Property subject to tax abatement shall be located entirely within Reinvestment Zone No. 69, City of Dallas, Texas.

(b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.

(c) That the development of the Property will conform to all requirements of the City’s zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.

(d) The City will provide Chartwell at Lake Highlands, LP a 90 percent abatement of the added value to the commercial real property for a period of 10 years for a total tax abatement in an amount not to exceed $2,000,000 for property located within Reinvestment Zone No. 69 as provided in Exhibit A (Metes and Bounds).

(e) That Chartwell at Lake Highlands, LP will create 20 jobs within 24 months of building completion for Phase I and the overall job requirement will be 50 jobs within 24 months of completion of Phase II.

(f) That the proposed real property improvements of Phase I and related project costs will be substantially completed by December 31, 2010 and substantial completion for Phase II is December 31, 2013. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.

(g) A description of the kind, number, location and costs of all proposed improvements to the Property.

(h) That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.

(i) That Property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property are not made as provided by the tax abatement agreement.
Section 5. (continued)

(j) That the owner will make a Good Faith Effort to hire local M/WBE contractors for real property construction in association with the Public/Private Partnership Program Guidelines and Criteria as described in the tax abatement agreement.

(k) A requirement that the owner of the Property certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement.

(l) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.

(m) That the tax abatement agreement shall be personal to Chartwell at Lake Highlands, LP and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

Section 6. That this resolution 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 - Sheri Price, 2CN
             City Attorney's Office - Barbara Martinez
Exhibit A

Metes & Bounds

BEING all that certain lot, tract or parcel of land situated in the W. C. Jackson Survey, Abstract No. 704, Dallas County, Dallas County, Texas, and being property shown on the plat of NORTHWEST TERRACE, an addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 745 at Page 296, of Map Records, Dallas County, Texas, and being described in deed to LSF5 US LOAN POOL II, LLC, by deed recorded in County Clerks File Number 200600216722 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

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THENCE South 0° 36' 00" East and continuing along the West line of said Lullwater Drive for a distance of 659.72 feet to the POINT OF BEGINNING AND CONTAINING 13.4599 ACRES OF LAND, more or less.
FEBRUARY 13, 2008 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated February 13, 2008. 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. Suhrn
City Manager

Edward Scott
City Controller

2 - 8 - 08
Date

218/08
Date
ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 13, 2008
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 - 47
CONSENT ADDENDUM  Items 1 - 9

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:30 a.m.  Items 48 - 49
Addendum Item 10

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.  Items 50 - 67
ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 13, 2008
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize a professional services contract to conduct a financial feasibility study for potential restructuring of Convention and Event Services' debt - HVS Convention, Sports & Entertainment Facilities Consulting, most advantageous proposer of five - Not to exceed $170,000 - Financing: Convention and Events Services Current Funds

Department of Development Services

2. An ordinance abandoning portions of Bennett Street and adjacent alleys to DCO Bennett Development LP, the abutting owner, containing a total of approximately 29,016 square feet of land located near the intersection of Bennett Street and Belmont Avenue, authorizing the quitclaim, and providing for the dedication of a total of approximately 9,589 square feet of land needed for street and alley rights-of-way - Revenue: $367,753 plus the $20 ordinance publication fee

Economic Development

3. Authorize amendments to Ordinance No. 26799, previously approved on June 13, 2007, to change the name of Reinvestment Zone Number Sixteen, City of Dallas, Texas from Reinvestment Zone Number Sixteen, City of Dallas, Texas (Twelve Hills TIF District) to Reinvestment Zone Number Sixteen, City of Dallas, Texas (Davis Garden TIF District) - Financing: No cost consideration to the City

Housing

4. A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs’s 9% low income housing tax credit financing for the new construction of the Carrington Place, a 105 unit apartment complex for families composed of 18 one-bedrooms, 45 two-bedrooms and 42 three-bedrooms located in the 200 block of North St. Augustine Road for Carrington Villas Apartments of Dallas, L.P. - Financing: No cost consideration to the City
ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 13, 2008

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Housing (Continued)

5. A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affair’s 9% low income housing tax credit financing for the new construction of 125 units composed of 121 Efficiency SRO units and 4 one bedroom units for families located at 2734 Clarence Street for Grand Avenue LifeNet Supportive Housing SRO Community, L.P. - Financing: No cost consideration to the City

6. A resolution authorizing support of the pre-application waiver for the Texas Department of Housing and Community Affair’s 9% low income housing tax credit financing for the acquisition and new construction of the proposed 130-unit SDC Fiji Senior Villas apartment project located at 201 Fran Way - Financing: No cost consideration to the City

7. A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affair’s 9% low income housing tax credit financing for the acquisition and new construction of the proposed 150-unit Frazier Berean residential development for seniors located at 3326 Mingo Street - Financing: No cost consideration to the City

Trinity River Corridor Project

8. Authorize an amendment to the professional services contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for the Trinity River Corridor Project - Not to exceed $8,450,112, from $9,617,930 to $18,068,042 - Financing: 1998 Bond Funds ($7,811,092) and Water Utilities Capital Construction Fund ($639,020)

9. Authorize Supplemental Agreement No. 3 to the Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation to increase the escrow of City funds for disbursement to NTTA to continue with the next phase of work associated with the Trinity Parkway Environmental Impact Statement - $1,500,000, from $8,500,000 to $10,000,000 - Financing: 1998 Bond Funds
ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 13, 2008

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

Department of Development Services

10. Authorize (1) funds from the Dallas Convention and Visitors Bureau in the amount of $500,000 to be delivered to the property owner and used as consideration for an option from CP - Dallas L & Y, L.P., formerly known as Chavez Properties - Dallas III Limited Partnership, on a tract of land containing approximately 8.4 acres improved with a 2-story parking structure and surface parking located at the intersection of Lamar and Young Streets; (2) a purchase contract for acquisition of the tract at a specific purchase price; and (3) City staff to perform due diligence for the purchase of the property and develop an interim financing plan for the purchase - Financing: No cost consideration to the City

CORRECTION:

Public Works & Transportation

43. Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Bachman Lake Branch Library that replaces the existing Walnut Hill Branch Library, and will be located at 9480 Webb Chapel Road - $64,987, from $4,104,100 to $4,169,087 - Financing: 2003 Bond Funds

DELETIONS:

Communication and Information Services

14. Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc. - Not to exceed $468,024, from $2,291,954 to $2,759,978 - Financing: Current Funds (subject to annual appropriations)
Department of Development Services

ZONING CASES - INDIVIDUAL

59. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for multifamily, nursing/convalescent/retirement home, single family and office uses, on property zoned an MF-1(A) Multifamily District, on the north side of Harvest Hill, between Montfort Drive and Noel Road

Recommendation of Staff: Approval, subject to a conceptual plan and staff’s recommended conditions

Recommendation of CPC: Approval, subject to a conceptual plan and conditions

Z067-306(OTH)
### ADDENDUM DATE  February 13, 2008

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<th>ITEM</th>
<th>IND</th>
<th>DISTRICT</th>
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<th>DEPT.</th>
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<td>$170,000.00</td>
<td>0.00%</td>
<td>22.52%</td>
<td>Authorize a professional services contract to conduct a financial feasibility study for potential restructuring of Convention and Event Services' debt</td>
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<td>DDS</td>
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<td>$367,753</td>
<td>NA</td>
<td>NA</td>
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<td>NA</td>
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<td>8</td>
<td>All</td>
<td>TRC, WTR</td>
<td>$8,450,112.00</td>
<td>79.32%</td>
<td>18.40%</td>
<td>Authorize an amendment to the professional services contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for the Trinity River Corridor Project</td>
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<tr>
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<td>All</td>
<td>TRC</td>
<td>$1,500,000.00</td>
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<td>DDS</td>
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<td>Authorize funds from the Dallas Convention and Visitors Bureau in the amount of $500,000 to be delivered to the property owner &amp; used as consideration for an option from CP - Dallas L &amp; Y, L.P., formerly known as Chavez Properties - Dallas III Limited Partnership, on a tract of land containing approximately 8.4 acres improved with a 2-story parking structure &amp; surface parking located at the intersection of Lamar &amp; Young Streets; a purchase contract for acquisition of the tract at a specific purchase price; and City staff to perform due diligence for the purchase of the property &amp; develop an interim financing plan for the purchase</td>
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**GRAND TOTAL**  $10,120,112.00
Subject: Authorize a professional services contract to conduct a financial feasibility study for potential restructuring of Convention and Event Services’ debt - HVS Convention, Sports & Entertainment Facilities Consulting, most advantageous proposer of five - Not to exceed $170,000 - Financing: Convention and Events Services Current Funds

Background

Authorization of a professional services contract will allow the City to engage HVS Convention, Sports & Entertainment Facilities Consulting to perform a Financial Feasibility Study (FFS) for the proposed $200 million restructuring of the Dallas Civic Center Convention Complex (DCC). The FFS is a required document that will be submitted to the bond rating agencies to demonstrate the ability of the DCC to meet its financial obligations to support the issuance of new bonds. In the absence of an updated feasibility study, it will be difficult if not impossible to access the municipal bond market for the DCC refunding.

The FFS will present a comprehensive analysis of the DCC performance, historical and future. There will be a financial forecast, which will cover September 30, 2008 through 2015, for the Dallas Convention Center, Reunion Arena, Union Station, and non-operating items. Reunion Arena will be included to the extent that it continues to operate beyond June 30, 2008. Included in the financial forecast will be an analysis and projection for all operating and non-operating revenues and expenses. In addition, future DCC market potential by market segment will be incorporated. The market segments include conventions, trade shows, consumer shows, corporate users, and public events. Also, presented will be data from current and prospective meeting planners.
BACKGROUND (Continued)

The City’s Co-Financial Advisors agree that in the absence of an updated feasibility study, it will be difficult if not impossible to access the municipal bond market for the Convention and Event Services bond refunding. Based on the analysis of the debt capacity, the City’s Financial Advisors may revise the proposed restructuring plan.

Restructuring of the DCC debt could address current debt service coverage ratio as stipulated in our bond covenants which require a 1.50 times coverage; current coverage ratios are less than 1 time. Further, a restructuring could provide for the opportunity to lessen general fund support to the department. Finally, funds derived from a restructuring could be used in support of operating and capital requirements of the department as well as financing support of the proposed Convention Center Hotel development. The City’s Financial Advisors believe the debt restructuring could provide between $20.0M-$30.0M. The proposed FFS is critical to making the determination of the amount of funds derived through a proposed debt restructuring plan.

The debt restructuring is not connected to expansion plans for the Convention Center. However previous briefings to City Council in August and October 2007 spoke to debt restructuring as a possible component for the Convention Center Hotel project. However, debt restructuring regardless of a proposed hotel project is important to address debt service coverage ratios as well as attempt to reduce the amount of general fund support to the department.

In 1998, Revenue Refunding and Improvements Bonds in the amount of $326,230,000 were issued for refunding all of the DCC outstanding debt in order to restructure debt service requirements, and to fund construction costs associated with renovations to the Convention Center.

The Revenue Refunding and Improvement Bonds are comprised of Serial Bonds for $180,450,000 with maturity dates beginning in 1999 through 2016, and Term Bonds for $145,780,000, with maturity dates in 2018, 2023, and 2028. Currently this is approximately $268,885,000 outstanding debt from the original 1998 issuance.

The security for the bonds constitutes a special obligation to the City payable from and secured by a first lien of the Pledged Revenues of the DCC. The Pledge Revenues consist of (1) all gross revenues and income received by the City as a result of renting, leasing or otherwise operating and conducting the business of the DCC, (2) gross revenues of the Hotel Occupancy Tax collected by the City, (3) all income from investment of the Bond Reserve Fund and the Bond Fund.
BACKGROUND (Continued)

In 1957, the Dallas Memorial Auditorium opened, which included 70,000 square feet of exhibit space, a 1,700-seat theater and a 9,000-seat arena. The Dallas Memorial Auditorium was re-named the Dallas Convention Center and has expanded three times, in 1973, 1984, and 1994. Currently, the Dallas Convention Center is one of nine major convention centers with over one million square feet of exhibition space and covers approximately two million square feet of total space.

Evaluation criteria:

- Experience - 45%
- Cost of Feasibility Study - 30%
- Ability to Complete Feasibility Study within 12 weeks - 25%

HVS Convention, Sports & Entertainment Facilities Consulting was selected as the most advantageous proposer by the committee due to experience and their work plan to complete the project in the specified time. Additionally, the following factors were also considered during the evaluation and selection process:

- HVS Convention, Sports & Entertainment Facilities Consulting is a division of HVS Hospitality Services
- HVS Hospitality Services is a leading global hospitality consulting organization and is respected worldwide by developers, underwriters, operators and investors
- HVS has a professional staff of more than 200 industry specialist, and 20 offices in 10 countries
- The specialized staff of HVS Convention, Sports, & Entertainment Facilities Consulting has completed over 300 assignments throughout the world, analyzing all types of public assembly facilities since 2001, including Austin, Santa Fe, Jacob Javits Center, Charlotte, Houston, Richmond Virginia and Washington, D.C.
- HVS will engage National Service Research, a DBE/MWOB Dallas firm with experience in market analysis, financial and economic analysis
- HVS studies appear in municipal bond offering statements
- HVS Convention, Sports & Entertainment Facilities Consulting staff has extensive experience presenting their studies to rating agencies and bond insurers

Proposals were presented to a six member selection committee. This committee was comprised of representatives from various departments and outside council with the knowledge of the particular work areas.

- Chief Financial Officer
- 3 Assistant Directors
- 2 Outside Financial Council
BACKGROUND (Continued)

As part of the proposal process, 332 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more proposals, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 4, 2008, the Economic Development Committee was briefed.

FISCAL INFORMATION

$170,000.00 - Convention and Events Services Current Funds

M/WBE INFORMATION

109 - Vendors Contacted
108 - No response
  1 - Response (bid)
  0 - Response (no bid)
  0 - Successful

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

HVS Convention, Sports & Entertainment Facilities Consulting

<table>
<thead>
<tr>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
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<table>
<thead>
<tr>
<th>Black Female</th>
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<tr>
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<table>
<thead>
<tr>
<th>Other Female</th>
<th>Other Male</th>
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</thead>
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<tr>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>White Female</th>
<th>White Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

PROPOSAL INFORMATION

The following proposals were received from solicitation number BTZ0801 on November 2, 2007. This contract is being awarded to the most advantageous proposer.
**PROPOSAL INFORMATION (Continued)**

*Denotes successful proposer

<table>
<thead>
<tr>
<th>Proposers</th>
<th>Address</th>
<th>Score</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*HVS Convention, Sports &amp; Entertainment Facilities Consulting</td>
<td>205 West Randolph, Suite 1650 Chicago, IL 60606</td>
<td>89.33</td>
<td>$170,000.00</td>
</tr>
<tr>
<td>C.H. Johnson Consulting, Inc.</td>
<td>6 East Monroe St. Suite 500 Chicago, IL 60603</td>
<td>81.00</td>
<td>$111,440.00</td>
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<tr>
<td>Economic Research Associates</td>
<td>20 East Jackson Suite 1200 Chicago, IL 60604</td>
<td>76.85</td>
<td>$112,000.00</td>
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<tr>
<td>Strategic Advisory Group, LLC</td>
<td>3848 Saint Annes Court Suite 300 Duluth, GA 30096</td>
<td>72.74</td>
<td>$180,000.00</td>
</tr>
<tr>
<td>Conventions, Sports &amp; Leisure International</td>
<td>1907 East Wayzata Blvd. Suite 250 Minneapolis, MN 57073</td>
<td>65.80</td>
<td>$394,875.00</td>
</tr>
</tbody>
</table>

**OWNER**

**HVS Convention, Sports & Entertainment Facilities Consulting**

Thomas Hazinski, President  
Steve Rushmore, Vice President  
W. Carter Wilson, Treasurer  
Greg Hartman, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract to conduct a financial feasibility study for potential restructuring of Convention and Event Services' debt - HVS Convention, Sports & Entertainment Facilities Consulting, most advantageous proposer of five - Not to exceed $170,000 - Financing: Convention and Events Services Current Funds

HVS Convention, Sports & Entertainment Facilities Consulting is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<th>Amount</th>
<th>Percent</th>
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<td>Total non-local contracts</td>
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<tr>
<td>TOTAL CONTRACT</td>
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</table>

LOCAL/NON-LOCAL DBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

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<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
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<tr>
<td>National Service Research</td>
<td>WFDB34814Y0908</td>
<td>$38,280.00</td>
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<tr>
<td>Total Minority - Non-local</td>
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<td>22.52%</td>
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TOTAL M/WBE CONTRACT PARTICIPATION

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<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tr>
<td>Hispanic American</td>
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<tr>
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<td>WBE</td>
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<td>22.52%</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$38,280.00</td>
<td>22.52%</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is authorized to execute a contract with HVS Convention, Sports & Entertainment Facilities Consulting (VC0000004447) to conduct a financial feasibility study for potential restructuring of Convention and Event Services' debt in an amount not to exceed $170,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to the contractor HVS Convention, Sports & Entertainment Facilities Consulting shall be based only on the amount of the services directed to be performed by the City and properly performed by the contractor HVS Convention, Sports & Entertainment Facilities Consulting under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $170,000.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE</th>
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</thead>
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<tr>
<td>0080</td>
<td>CCT</td>
<td>7840</td>
<td>3070</td>
<td>CCT7840E0001</td>
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</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Convention and Event Services, Frank Poe
Office of Economic Development
### ADDENDUM ITEM # 2

<table>
<thead>
<tr>
<th>KEY FOCUS AREA:</th>
<th>Economic Vibrancy</th>
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<tr>
<td>AGENDA DATE:</td>
<td>February 13, 2008</td>
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<tr>
<td>COUNCIL DISTRICT(S):</td>
<td>2</td>
</tr>
<tr>
<td>DEPARTMENT:</td>
<td>Department of Development Services</td>
</tr>
<tr>
<td>CMO:</td>
<td>A. C. Gonzalez, 671-8925</td>
</tr>
<tr>
<td>MAPSCO:</td>
<td>35Z</td>
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</table>

### SUBJECT

An ordinance abandoning portions of Bennett Street and adjacent alleys to DCO Bennett Development LP, the abutting owner, containing a total of approximately 29,016 square feet of land located near the intersection of Bennett Street and Belmont Avenue, authorizing the quitclaim, and providing for the dedication of a total of approximately 9,589 square feet of land needed for street and alley rights-of-way - Revenue: $367,753 plus the $20 ordinance publication fee

### BACKGROUND

This item authorizes the abandonment of portions of Bennett Street and adjacent alleys to DCO Bennett Development LP, the abutting owner. The areas to be abandoned will be included with the property of the abutting owner for the construction of a 469-unit multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 81 property owners located within 300 feet of the proposed abandonment areas. One objection was received.

This transaction is consistent with the recommendations of the Real Estate Task Force.

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

This item has no prior action.

### FISCAL INFORMATION

Revenue: $367,753 plus the $20 ordinance publication fee
OWNER

DCO Bennett Development LP

DCO Realty, Inc., General Partner
Warren L. Troupe, Director
W. Mark Wallis, Director

MAPS

Attached
ORDINANCE NO. ____________

An ordinance providing for the abandonment of portions of Bennett Street and adjacent alleys located adjacent to City Blocks D/1994 and E/1995 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to DCO Bennett Development LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the conveyance of needed land to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas Development Code; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of DCO Bennett Development LP, a Delaware limited partnership, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to GRANTEE, and is of the opinion that, subject to the terms, future effective date and conditions herein provided, said portions of Bennett Street and adjacent alleys are not needed for public use, and same should be abandoned and quitclaimed to GRANTEE, as hereinafter stated; and

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

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

SECTION 1. That those certain provisions of Section 51A-8.507(b) of the 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 2. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same are 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 3. That for and in monetary consideration of the sum of THREE HUNDRED SIXTY-SEVEN THOUSAND SEVEN HUNDRED FIFTY-THREE AND NO/100 ($367,753.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 9, 10, 11, 12, 14 and 15, 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 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 4. That upon payment of the monetary consideration set forth in Section 3, GRANTEE accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 5. That the City Controller is authorized to deposit the sum paid by GRANTEE pursuant to Section 3 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - 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 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 for all intents and purposes made a part hereof.

SECTION 7. That the terms and conditions contained in this ordinance shall be binding upon GRANTEE, its successors and assigns.

SECTION 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 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 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, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended;
(b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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

(a) immediately upon the effectiveness of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Development Services. GRANTEE’s responsibility for keeping the areas 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 Development Services; and

(b) coordinate with the Public Works and Transportation Department to ensure that the site is developed in compliance with the Mill Creek Interim Drainage Guidelines.

SECTION 11. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, GRANTEE shall file a final replat of the adjoining properties within one year after the passage of this ordinance which is to include the dedication of an alley sight easement of not less than 112 square feet of land located in City Block E/1995. This final replat shall be recorded by GRANTEE in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be
recorded in the Deed Records of Dallas County, Texas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

**SECTION 12.** That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, insured by an owner's policy of title insurance approved as to form by the City Attorney to certain properties located in City Blocks D/1994 and E/1995, containing a total of approximately 9,589 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. Failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

**SECTION 13.** That at such time as the instrument described in Section 12 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 Development Services is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas.

**SECTION 14.** That this ordinance and properly executed instruments referenced in Section 12 above, approved as to form by the City Attorney, be forwarded to a title insurance company for closing and issuance of an owner's policy of title insurance, approved as to form by the City Attorney. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the Real Property Records of Dallas County, Texas and thereafter returned to the City Secretary for permanent record.

**SECTION 15.** 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 12 above including, without limitation, the premium for an owner's policy of title insuring title unto the City.
SECTION 16. 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 Development Services, or designee. Upon receipt of the monetary consideration set forth in Sections 3 and 15, plus the fee for the publishing of this ordinance, which GRANTEE shall likewise pay, and the filing of the final replat set forth in Section 11, the Director of Development Services, 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 areas 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 Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 17. 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

[Signature]
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

[Signature]
Assistant Director

Passed _______________________.

DW/31991 6
ABANDONMENT -1
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF DALLAS BLOCK NO. E/1995 EXHIBIT A

BEING a 10,932.00 square foot, (0.2510 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being part of a tract of land conveyed to the City of Dallas by Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas and part of two tracts of land conveyed to the City of Dallas by deeds recorded in Volume 5858, Page 178 and Volume 63066, Page 1849, both of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the North corner of said City of Dallas tract recorded in Volume 5858, Page 178 and the intersection of the Southeast right-of-way line of Manett Street, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE South 45 degrees 18 minutes 42 seconds East, along said Northeast right-of-way line of Bennett Avenue, a distance of 3.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC and the POINT OF BEGINNING;

THENCE South 45 degrees 18 minutes 42 seconds East, continuing along said Northeast right-of-way line of Bennett Avenue, a distance of 196.91 feet to a 1/2 inch iron rod found at the East corner of said City of Dallas tract recorded in Volume 5858, Page 178 and the intersection of said Northeast right-of-way line of Bennett Avenue with the Northwest line of a called 20 foot alley;

THENCE North 38 degrees 31 minutes 42 seconds East, along said Northwest line of said 20 foot alley, a distance of 179.93 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE South 45 degrees 19 minutes 17 seconds East, a distance of 20.41 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southeast line of said 20 foot alley;

THENCE South 38 degrees 35 minutes 40 seconds West, a distance of 179.93 feet to a 1/2 inch iron rod found at the North corner of said City of Dallas tract recorded in Volume 63066, Page 1849 and the intersection of said Southeast line of a 20 foot alley with aforementioned Northeast right-of-way line of Bennett Avenue;

THENCE South 45 degrees 18 minutes 56 seconds East, along said Northeast right-of-way line of Bennett Avenue, a distance of 197.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE South 38 degrees 36 minutes 50 seconds West, a distance of 17.41 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE North 45 degrees 24 minutes 13 seconds West, a distance of 414.01 feet to an "X" set in concrete;

THENCE North 38 degrees 31 minutes 39 seconds East, a distance of 18.08 feet to the POINT OF BEGINNING and containing 10,932.00 square feet or 0.2510 acres of land.

REVIEWED BY

BRYAN C. NALLY
R.P.L.S. NO. 5513
MAY 9, 2007
REVISED: NOV. 7, 2007

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38'53'00" E)
ABANDONMENT -1
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF
DALLAS BLOCK NO. E/1995

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE
   OF LOTS 3 & 4, BLOCK E/1995 PER DEED
   RECORDED IN VOLUME 2005172, PAGE 00304, DEED
   RECORDS, DALLAS COUNTY, TEXAS. (N 38°33'00" E)
2) \( \Theta \) =1/2 INCH IRON ROD SET WITH YELLOW
   PLASTIC CAP STAMPED DCA INC

BRYAN CONNALLY
R.P.L.S. NO. 5513
MAY 9, 2007
REVISED: NOV. 7, 2007

DOUG CONNALLY & ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING
11545 Pagemill Road Suite 200 Dallas, Texas 75243
P 214.349.9485 F 214.349.2216
www.dcadfw.com

Sheet 2 of 2
Job No. 0702562-1
(ABANDONMENT-1)
Drawn By: Bob
ABANDONMENT — 2
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF
DALLAS BLOCK NO. E/1995

BEING a 3,560.45 square foot, (0.0817 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being part of a tract of land conveyed to the City of Dallas by deed recorded in Volume 63202, Page 1317 of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC at the West corner of said City of Dallas tract and the intersection of the Southeast line of a 20 foot alley with the Southwest right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 38 degrees 53 minutes 00 seconds East, along the Northwest line of said City of Dallas tract, a distance of 18.30 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE South 45 degrees 24 minutes 13 seconds East, a distance of 196.14 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE South 38 degrees 35 minutes 47 seconds West, a distance of 18.19 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southwest line of aforementioned City of Dallas tract;

THENCE North 45 degrees 26 minutes 23 seconds West, along said Southwest line of City of Dallas tract, a distance of 196.22 feet to the POINT OF BEGINNING and containing 3,560.45 square feet or 0.0817 acres of land.
ABANDONMENT -3
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF
DALLAS BLOCK NO. D/1994

BEING a 5,533.10 square foot, (0.1270 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being part of a tract of land conveyed to the City of Dallas by Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas and part of two tracts of land conveyed to the City of Dallas by deeds recorded in Volume 63166, Page 1929 and Volume 63174, Page 855, both of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the West corner of a tract of land conveyed to Segovia Apache, Ltd. as Tract 2 by deed recorded in Volume 98148, Page 07208, Deed Records, Dallas County, Texas and the intersection of the Southeast right-of-way line of Belmont Avenue, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE South 45 degrees 18 minutes 42 seconds East, along said Northeast right-of-way line of Bennett Avenue, a distance of 3.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC and the POINT OF BEGINNING;

THENCE South 45 degrees 24 minutes 13 seconds East, continuing along said Northeast right-of-way line of Bennett Avenue, a distance of 196.98 feet to an "X" set at the intersection of said Northeast right-of-way line of Bennett Avenue with the Northwest line of a called 20 foot alley;

THENCE North 38 degrees 35 minutes 47 seconds East, along said Northwest line of a called 20 foot alley, a distance of 214.54 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC at the East corner of said Tract 2;

THENCE South 45 degrees 24 minutes 13 seconds East, a distance of 20.11 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southeast line of called 20 foot alley;

THENCE South 38 degrees 35 minutes 47 seconds West, along said 20 foot alley Southeast line, a distance of 214.54 feet to an "X" set at the intersection of said 20 foot alley Southeast line with the aforementioned Northeast right-of-way line of Bennett Avenue;

THENCE South 45 degrees 24 minutes 13 seconds East, along said Northeast right-of-way line of Bennett Avenue, a distance of 196.98 feet to an "X" set;

THENCE South 38 degrees 35 minutes 47 seconds West, a distance of 3.02 feet to an "X" set;

THENCE North 45 degrees 24 minutes 13 seconds West, a distance of 414.08 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE North 38 degrees 35 minutes 47 seconds East, a distance of 3.02 feet to the POINT OF BEGINNING and containing 5,533.10 square feet or 0.1270 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38'53'00" E)

Reviewed by

BRYAN CONNALLY
R.P.L.S. NO. 5513
MAY 9, 2007

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www.dcaafw.com

SHEET 1 OF 2
JOB NO. 0702562-1
(ABANDONMENT-3)
DRAWN BY: BOB
ABANDONMENT - 3
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF DALLAS BLOCK NO. D/1994

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)
2) ☑ = 1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED DCA INC

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BRYAN CONNALLY
R.P.L.S. NO. 5513
DATE: MAY 9, 2007

REVIEWED BY

SHEET 2 OF 2
JOB NO. 0702562-1
(ABANDONMENT - 3)
DRAWN BY: BOB
ABANDONMENT -4
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF
DALLAS BLOCK NO. D/1994

BEING a 8,990.64 square foot, (0.2064 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being part of a tract of land conveyed to the City of Dallas by Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas and part of a tract of land conveyed to the City of Dallas by deed recorded in Volume 63177, Page 1473, of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC at the East corner of a tract of land conveyed to Segovia Apache, Ltd. as Tract 1 by deed recorded in Volume 98148, Page 07208, Deed Records, Dallas County, Texas and the intersection of the Northwest line of a called 20 foot alley with the Southwest right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 45 degrees 24 minutes 13 seconds West, along said Southwest right-of-way line of Bennett Avenue, a distance of 196.94 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE North 38 degrees 35 minutes 56 seconds East, a distance of 18.10 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE South 45 degrees 24 minutes 13 seconds East, a distance of 217.11 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southeast line of aforementioned called 20 foot alley;

THENCE South 38 degrees 35 minutes 47 seconds West, along said Southeast line of called 20 foot alley, a distance of 266.32 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE North 51 degrees 24 minutes 13 seconds West, a distance of 20.72 feet to a 1/2 inch iron rod found at the South corner of aforementioned Tract 1 on the aforementioned Northwest right-of-way line of called 20 foot alley;

THENCE North 38 degrees 44 minutes 49 seconds East, along said Northwest right-of-way line of called 20 foot alley, a distance of 250.33 feet to the POINT OF BEGINNING and containing 8,990.64 square feet or 0.2064 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)
ABANDONMENT -4
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF
DALLAS BLOCK NO. D/1994

LOT 11
LOT 2
LOT 3
LOT 10
LOT 4
LOT 5A
LOT 5B
LOT 14
LOT 13
LOT 12
LOT 11
LOT 10
LOT 9
LOT 8
LOT 7
LOT 6
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1

SCALE: 1" = 60'

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)
2) Θ = 1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED DCA INC

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR
BRYAN CONNALLY
R.P.L.S. NO. 5513
DATE: MAY 9, 2007

REVIEWED BY

BRYAN CONNALLY
R.P.L.S. NO. 5513
DATE: MAY 9, 2007

SHEET 2 OF 2
JOB NO. 0702562-1
(ABANDONMENT -4)
DRAWN BY: BOB
ABANDONMENT -4
ABANDONMENT OF RIGHT-OF-WAY
ADJACENT TO CITY OF
DALLAS BLOCK NO. D/1994

VICINITY MAP
NOT TO SCALE
MAPSCO PAGE 35-Z
EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit “A”, owned and/or operated by the City of Dallas or any utility or communications company, public or private, (“Utility”) and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE’S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE’S successors and assigns. Should GRANTEE’S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE’S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.
DEDICATION-1
DEDICATION FOR RIGHT-OF-WAY EXHIBIT C
PART OF CITY OF
DALLAS BLOCK NO. E/1995

BEING a 449.98 square foot, (0.0103 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being part of Lots 3 and 4, Block E/1995, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Random Investments, Ltd., a Texas limited partnership by deed recorded in Volume 2005172, Page 00304, of the Deed Records, Dallas County, Texas and being more particularly described by meres and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the West corner of said Random Investments, Ltd., tract and the North corner of a tract of land conveyed to Rosa Isabel Berumen by deed recorded in Volume 2005082, Page 5295, Deed Records, Dallas County, Texas, on the Southeast right-of-way line of Manett Street, (a 50 foot right-of-way);

THENCE North 38 degrees 53 minutes 00 seconds East, along said Southeast right-of-way line of Manett Street, a distance of 150.00 feet to a 5/8 inch iron rod found at the most Westerly Northeast corner of said Random Investments, Ltd., tract and the intersection of said Southeast right-of-way line of Manett Street with the Southwest right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE South 45 degrees 18 minutes 00 seconds East, along a Northeast line of said Random Investments, Ltd., tract and along said Southwest right-of-way line of Bennett Avenue, a distance of 3.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC at an interior corner of said Random Investments, Ltd., tract;

THENCE South 38 degrees 53 minutes 00 seconds West, 3 feet from and parallel to said Southeast right-of-way line of Manett Street, a distance of 149.99 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Northeast line of aforementioned Rosa Isabel Berumen tract;

THENCE North 45 degrees 34 minutes 17 seconds West, along said Northeast line of Rosa Isabel Berumen tract, a distance of 3.01 feet to the POINT OF BEGINNING and containing 449.98 square feet or 0.0103 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)

Reviewed by:

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

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www.dca dfw.com
DEDICATION — 1

DEDICATION FOR RIGHT-OF-WAY

PART OF CITY OF

DALLAS BLOCK NO. E/1995

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED
RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 35°33'00" E)

2) =1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED DCA INC

REVIEWED BY

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED SEPTEMBER 11, 2007

DOUG CONNALLY & ASSOCIATES, INC.

ENGINEERING - PLANNING - SURVEYING

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www.dcaofw.com
DEDICATION—2
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. E/1995

BEING a 150.08 square foot, (0.0034 acre), tract of land situated in the J. Grigsby Survey,
Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being
part of Lot 12, Block E/1995, Bon View Place, an addition to the City of Dallas, according
to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas,
same being part of a tract of land conveyed to Random Investments, Ltd., a Texas limited
partnership by deed recorded in Volume 2005172, Page 00304, of the Deed Records, Dallas
County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the West corner of Random Investments, Ltd.,
tract, and the intersection of the Northwest right-of-way line of Belmont Avenue, (a 50
foot right-of-way) and the Southwest right-of-way line of Bennett Avenue, (a variable
width right-of-way);

THENCE South 38 degrees 35 minutes 47 seconds West, along said Northwest right-of-way
line of Belmont Avenue, a distance of 50.03 feet to an "X" found at the East corner of a
tract of land conveyed to Michael D. Hibbert by deed recorded in County Clerk’s File No.
200503630425, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 26 minutes 23 seconds West, along the Northeast line of said
Michael D. Hibbert tract, a distance of 3.02 feet to an "X" set;

THENCE North 38 degrees 35 minutes 47 seconds East, 3 feet from and parallel to said
Northwest right-of-way line of Belmont Avenue, a distance of 50.03 feet to a 1/2 inch
iron rod set with yellow plastic cap stamped DCA INC on aforementioned Southwest
right-of-way line of Bennett Avenue;

THENCE South 45 degrees 26 minutes 23 seconds East, along said Southwest right-of-way
line of Bennett Avenue, a distance of 3.02 feet to the POINT OF BEGINNING and containing
150.08 square feet or 0.0034 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE
NORTHWEST LINE OF LOTS 3 & 4,
BLOCK E/1995 PER DEED RECORDED
IN VOLUME 2005172, PAGE 00304,
DEED RECORDS, DALLAS COUNTY,
TEXAS. (N 38°53'00" E)

REVIEWED BY
J 9.13.2007

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

SHEET 1 OF 2
JOB NO. 0702562-1
(DEDICATION-2)
DRAWN BY: BOB
DEDICATION -2
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. E/1995

LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15

BENNETT AVENUE

CITY OF DALLAS
VOLUME 63068
PAGE 1849

BELMONT AVENUE

CITY OF DALLAS
VOLUME 63202
PAGE 1317

CITY OF DALLAS
VOLUME 63177
PAGE 1473

REVISED: SEPTEMBER 24, 2007

REVISED: SEPTEMBER 11, 2007

AUGUST 24, 2007

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE
   OF LOTS 3 & 4, BLOCK E/1995 PER DEED
   RECORDED IN VOLUME 2005172, PAGE 00304, DEED
   RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)

2) =1/2 INCH IRON ROD SET WITH YELLOW
   PLASTIC CAP STAMPED DCA INC

REVIEWED BY
JL 09.12.2007

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

BOB

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P 214.349.8485 * F 214.349.2216
www.dcafdw.com
DEDICATION—3
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

BEING a 299.00 square foot, (0.0069 acre), tract of land situated in the J. Grigsby Survey,
Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being
part of Lots 3 and 4, Block D/1994, Bon View Place, an addition to the City of Dallas,
according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County,
Texas, same being part of a tract of land conveyed to Segovia Apache, Ltd., by deed
recorded in Volume 98148, Page 07208, of the Deed Records, Dallas County, Texas and
being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC at the North
corner of said Segovia Apache, Ltd., tract and the intersection of the Southeast
right-of-way line of Belmont Avenue, (a 50 foot right-of-way) with the Southwest
right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE South 45 degrees 24 minutes 13 seconds East, along said Southwest right-of-way
line of Bennett Avenue, a distance of 3.02 feet to a 1/2 inch iron rod set with yellow
plastic cap stamped DCA INC;

THENCE South 38 degrees 44 minutes 18 seconds West, 3 feet from and parallel to said
Southeast right-of-way line of Belmont Avenue, a distance of 99.67 feet to an "X" set on
the Northeast line of a tract of land conveyed to 151 Avon Limited, a Texas limited
partnership by deed recorded in Volume 2002187, Page 07496, of the Deed Records, Dallas
County, Texas;

THENCE North 45 degrees 09 minutes 50 seconds West, along said Northeast line of 151
Avon Limited, tract, a distance of 3.02 feet to an "X" found at the North corner of said
151 Avon Limited, tract on aforementioned Southeast right-of-way line of Belmont Avenue;

THENCE North 38 degrees 44 minutes 18 seconds East, along said Southeast right-of-way
line of Belmont Avenue, a distance of 99.66 feet to the POINT OF BEGINNING and containing
299.00 square feet or 0.0069 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE
NORTHWEST LINE OF LOTS 3 & 4,
BLOCK E/1995 PER DEED RECORDED
IN VOLUME 2005172, PAGE 00304,
DEED RECORDS, DALLAS COUNTY,
TEXAS. (N 38°53'00" E)

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REVISED: SEPTEMBER 11, 2007

REVIEWED BY

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

SHEET 1 OF 2
JOB NO. 0702562-1
(DEDICATION-3)
DRAWN BY: BOB
DEDICATION -3
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

SCALE: 1" = 60'

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE NORTHWEST LINE
   OF LOTS 3 & 4, BLOCK E/1995 PER DEED
   RECORDED IN VOLUME 2005172, PAGE 00304, DEED
   RECORDS, DALLAS COUNTY, TEXAS. (N 38'53'00" E)

2) Θ = 1/2 INCH IRON ROD SET WITH YELLOW
   PLASTIC CAP STAMPED DCA INC

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 www.dcadfw.com

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

REVIEWS BY
09.13.2007

DEADLINE - 3
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

DEDICATION - 3
299.00 sq. ft.
0.0069 acres

CITY OF DALLAS
VOLUME 63177
PAGE 1473

REMAINING OF DALLAS
VOLUME 53256
PAGE 1428

LOT 12
S 45°24'13" E

POINT OF BEGINNING

S 45°24'13" E

3.02'

LOT 11
LOT 10
LOT 9
LOT 8
LOT 7
LOT 6
LOT 5A
LOT 5B
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1

REMAINING OF DALLAS
VOLUME 63177
PAGE 1473

REMAINING OF DALLAS
VOLUME 63177
PAGE 1473

NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

REVIEWS BY
09.13.2007

DEADLINE - 3
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

DEDICATION - 3
299.00 sq. ft.
0.0069 acres

CITY OF DALLAS
VOLUME 63177
PAGE 1473

REMAINING OF DALLAS
VOLUME 53256
PAGE 1428

LOT 12
S 45°24'13" E

POINT OF BEGINNING

S 45°24'13" E

3.02'

LOT 11
LOT 10
LOT 9
LOT 8
LOT 7
LOT 6
LOT 5A
LOT 5B
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1

REMAINING OF DALLAS
VOLUME 63177
PAGE 1473

REMAINING OF DALLAS
VOLUME 63177
PAGE 1473

NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

REVIEWS BY
09.13.2007
DEDICATION-4
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

BEING a 449.99 square foot, (0.0103 acre), tract of land situated in the J. Grigsby Survey,
Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being
part of Lots 2 and 3, Block D/1994, Bon View Place, an addition to the City of Dallas,
according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County,
Texas, same being part of a tract of land conveyed to 151 Avon Limited, a Texas limited
partnership by deed recorded in Volume 2002187, Page 07496, of the Deed Records, Dallas
County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the North corner of Lot 1A, Block D/1994 of
Guemez Addition, an addition to the City of Dallas, according to the plat thereof recorded
in Volume 99106, Page 1, Map Records, Dallas County, Texas, on the Southeast
right-of-way line of Belmont Avenue, (a 50 foot right-of-way);

THENCE North 38 degrees 44 minutes 18 seconds East, along said Southeast right-of-way
line of Belmont Avenue, a distance of 150.00 feet to an "X" found at the West corner of a
tract of land conveyed to Segovia Apache, Ltd., by deed recorded in Volume 98148, Page
07208, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 09 minutes 50 seconds East, along the Southwest line of said
Segovia Apache, Ltd., tract, a distance of 3.02 feet to an "X" set;

THENCE South 38 degrees 44 minutes 18 seconds West, 3 feet from and parallel to said
Southeast right-of-way line of Belmont Avenue, a distance of 149.99 feet to a 1/2 inch
iron rod set with yellow plastic cap stamped DCA INC on the Northeast line of
aforementioned Guemez Addition;

THENCE North 45 degrees 15 minutes 42 seconds West, along said Northeast line of
Guemez Addition, a distance of 3.02 feet to the POINT OF BEGINNING and containing 449.99
square feet or 0.0103 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE
NORTHWEST LINE OF LOTS 3 & 4,
BLOCK E/1995 PER DEED RECORDED
IN VOLUME 2005172, PAGE 00304,
DEED RECORDS, DALLAS COUNTY,
TEXAS. (N 38°53'00" E)

REVISED: SEPTEMBER 11, 2007

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007
DEDICATION - 4
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE
   OF LOTS 3 & 4, BLOCK E/1995 PER DEED
   RECORDED IN VOLUME 2005172, PAGE 00304, DEED
   RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)
2) ⊙ = 1/2 INCH IRON ROD SET WITH YELLOW
   PLASTIC CAP STAMPED DCA INC

STATE OF TEXAS
REGISTERED
PROFESSIONAL
LAND SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

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DRAWN BY: BOB
EXHIBIT C

DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

BEING a 1,316.07 square foot, (0.0302 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being part of Lots 9, 10, 11 and 12, Block D/1994, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Sandstone, Ltd., a Texas limited partnership by deed recorded in Instrument No. 20060059058, Official Public Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found at the East corner of said Sandstone, Ltd., tract, same being the intersection of the Northwest right-of-way line of Capitol Avenue, (a 50 foot right-of-way), with the Southwest right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE South 38 degrees 35 minutes 47 seconds West, along said Northwest right-of-way line of Capitol Avenue, a distance of 319.89 feet to a 1/2 inch iron rod found at the East corner of a tract of land conveyed to Y & H Investment, Inc., a Texas corporation by deed recorded in Volume 2000233, Page 2093, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 24 minutes 13 seconds West, along the Northeast line of said Y & H Investment, Inc., tract, a distance of 3.02 feet to an "X" set;

THENCE North 38 degrees 35 minutes 47 seconds East, 3 feet from and parallel to said Northwest right-of-way line of Capitol Avenue, a distance of 318.07 feet to an "X" set;

THENCE North 45 degrees 24 minutes 13 seconds West, a distance of 196.98 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southeast line of a 20 foot alley and the Northwest line of said Sandstone, Ltd., tract;

THENCE North 38 degrees 35 minutes 47 seconds East, along said Southeast line of a 20 foot alley and the Northwest line of said Sandstone, Ltd., tract, a distance of 1.82 feet to a 1/2 inch iron rod found at the North corner of said Sandstone, Ltd., tract and the intersection of said Southeast line of a 20 foot alley with aforementioned Southwest right-of-way line of Bennett Avenue;

THENCE South 45 degrees 24 minutes 13 seconds East, along said Southwest right-of-way line of Bennett Avenue, a distance of 200.00 feet to the POINT OF BEGINNING and containing 1,316.07 square feet or 0.0302 acres of land.
DEDICATION - 5
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

1) BEARINGS ARE BASED ON THE NORTHWEST LINE
OF LOTS 3 & 4, BLOCK E/1995 PER DEED
RECORDED IN VOLUME 2005172, PAGE 00304, DEED
RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)

2) \( =1/2 \) INCH IRON ROD SET WITH YELLOW
PLASTIC CAP STAMPED DCA INC

GENERAL NOTES:

REVIEWED BY
BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

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SHEET 2 OF 2
JOB NO. 0702562-1
(DEDICATION-5)
DRAWN BY: BOB
DEDICATION-6
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

BEING a 692.68 square foot, (0.0159 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being part of Lots 13, 14 and 15, Block D/1994, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Segovia Apache, Ltd. by deed recorded in Volume 98148, Page 07208, of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found at the South corner of said Segovia Apache, Ltd., tract, same being the intersection of the Northwest right-of-way line of Capitol Avenue, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 45 degrees 24 minutes 13 seconds West, along said Northeast right-of-way line of Bennett Avenue, a distance of 3.02 feet to an "X" set;

THENCE North 38 degrees 35 minutes 47 seconds East, 3 feet from and parallel to said Northwest right-of-way line of Capitol Avenue, a distance of 230.89 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southwest line of a tract of land conveyed to Gary Holland by deed recorded in Volume 2003214, Page 7248, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 24 minutes 13 seconds East, along said Holland tract Southwest line, a distance of 3.02 feet to a 1/2 inch iron rod found at the South corner of said Holland tract on said Northwest right-of-way line of Capitol Avenue;

THENCE South 38 degrees 35 minutes 47 seconds West, along said Northwest right-of-way line of Capitol Avenue a distance of 230.89 feet to the POINT OF BEGINNING and containing 692.68 square feet or 0.0159 acres of land.

REVIEWED BY

Jr. 09.13.2007

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)
DEDICATION - 6
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE
OF LOTS 3 & 4, BLOCK E/1995 PER DEED
RECORDED IN VOLUME 2005172, PAGE 00304, DEED
RECORDS, DALLAS COUNTY, TEXAS. (N 38° 53' 00" E)

2) Ø = 1/2 INCH IRON ROD SET WITH YELLOW
PLASTIC CAP STAMPED DCA INC

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STATE OF TEXAS  ·  BRUNO CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

SHEET 2 OF 2
JOB NO. 0702562-1
(DEDICATION-6)
DRAWN BY: BOB
DEDICATION—7
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

BEING a 643.63 square foot, (0.0148 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block D/1994, Dallas County, Texas, same being part of Lots 5A and 5B, Block D/1994 of the Subdivision of Lot 5, Block D/1994, Bon View Place Addition, an addition to the City of Dallas, according to the plat thereof recorded in Volume 11, Page 98-B, Map Records, Dallas County, Texas, and part of Lots 6 and 7, Block D/1994, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Segovia Apache, Ltd. by deed recorded in Volume 98148, Page 07208, of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the West corner of said Segovia Apache tract, same being the intersection of the Southeast right-of-way line of Belmont Avenue, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 38 degrees 35 minutes 47 seconds East, along said Southeast right-of-way line of Belmont Avenue, a distance of 214.54 feet to a 1/2 inch iron rod found at the West corner of a tract of land conveyed to Marshall Summers by deed recorded in Volume 98215, Page 1635, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 24 minutes 13 seconds East, along the Southwest line of said Summers tract, a distance of 3.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE South 38 degrees 35 minutes 47 seconds West, 3 feet from and parallel to said Southeast right-of-way line of Belmont Avenue, a distance of 214.54 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on aforementioned Northeast right-of-way line of Bennett Avenue;

THENCE North 45 degrees 24 minutes 13 seconds West, along said Northeast right-of-way line of Bennett Avenue, a distance of 3.02 feet to the POINT OF BEGINNING and containing 643.63 square feet or 0.0148 acres of land.

REVIEWED BY

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2005172, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53’00” E)
DEDICATION - 7
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. D/1994

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE
OF LOTS 3 & 4, BLOCK E/1995 PER DEED
RECORDED IN VOLUME 2005172, PAGE 00304, DEED
RECORDS, DALLAS COUNTY, TEXAS. (N 38°53'00" E)
2) =1/2 INCH IRON ROD SET WITH YELLOW
PLASTIC CAP STAMPED DCA INC

REVIEWED BY

DRAWN BY: BOB

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

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SHEET 2 OF 2
JOB NO. 0702562-1
(DEDICATION-7)
DEDICATION—8
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. E/1995

BEING a 1,048.96 square foot, (0.0241 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being part of Lots 13, 14, 15 and 16, Block E/1995, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Belmont Associates, a Texas limited partnership by deed recorded in Volume 99131, Page 04525, of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the South corner of said Belmont Associates tract, same being the intersection of the Northwest right-of-way line of Belmont Avenue, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 45 degrees 18 minutes 56 seconds West, along said Northeast right-of-way line of Bennett Avenue, a distance of 3.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC;

THENCE North 38 degrees 36 minutes 50 seconds East, 3 feet from and parallel to said Northwest right-of-way line of Belmont Avenue, a distance of 349.65 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on the Southwest right-of-way line of Garrett Avenue, (a 50 foot right-of-way);

THENCE South 45 degrees 13 minutes 49 seconds East, along said Southwest right-of-way line of Garrett Avenue, a distance of 3.02 feet to a 5/8 inch iron rod found at the East corner of said Belmont Associates tract, same being the intersection of aforementioned Northwest right-of-way line of Belmont Avenue, with said Southwest right-of-way line of Garrett Avenue;

THENCE South 38 degrees 36 minutes 50 seconds West, along said Northwest right-of-way line of Belmont Avenue, a distance of 349.65 feet to the POINT OF BEGINNING and containing 1,048.96 square feet or 0.0241 acres of land.

REVIEWED BY

[Signature]

AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007
DEDICATION – 8
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. E/1995

LOT 16
DE DICATION – 8
1,048.88 sq. ft.
0.0241 acres

LOT 15
BELMONT ASSOCIATES
A TEXAS LIMITED PARTNERSHIP
VOLUME 89151, PAGE 0353

LOT 14
BON VOLUME 1, PAGE 43

LOT 13
BON VOLUME 2, PAGE 1317

LOT 12
BON VOLUME 1, PAGE 43

LOT 11
BENNETT AVENUE

POINT OF BEGINNING
1/2 INCH IRON ROD FOUND

SCALE: 1” = 60’

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE NORTHWEST LINE
OF LOTS 3 & 4, BLOCK E/1995 PER DEED
RECORDED IN VOLUME 2085172, PAGE 00304, DEED
RECORDS, DALLAS COUNTY, TEXAS. (N 3B’53”00” E)

2) = 1/2 INCH IRON ROD SET WITH YELLOW
PLASTIC CAP STAMPED DCA INC

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

REVIEWS

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SHEET 2 OF 2
JOB NO. 0702562-1
(DEDICATION–8)
DRAWN BY: BOB
DEDICATION FOR RIGHT-OF-WAY  
PART OF CITY OF  
DALLAS BLOCK NO. E/1995

BEING a 600.05 square foot, (0.0138 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being part of Lots 5, 6 and 7, Block E/1995, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Belmont Associates, a Texas limited partnership by deed recorded in Volume 99131, Page 04525, of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the West corner of said Belmont Associates tract, same being the intersection of the Southeast right-of-way line of Monett Street, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 38 degrees 31 minutes 39 seconds East, along said Southeast right-of-way line of Monett Street, a distance of 200.02 feet to an "X" found at the West corner of a tract of land conveyed to Peter M. Pendergast by deed recorded in Volume 2003141, Page 2478, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 19 minutes 17 seconds East, along the Southwest line of said Pendergast tract, a distance of 3.02 feet to an "X" set;

THENCE South 38 degrees 31 minutes 39 seconds West, 3 feet from and parallel to said Southeast right-of-way line of Manett Street, a distance of 200.02 feet to a 1/2 inch iron rod set with yellow plastic cap stamped DCA INC on aforementioned Northeast right-of-way line of Bennett Avenue;

THENCE North 45 degrees 18 minutes 42 seconds West, along said Northeast right-of-way line of Bennett Avenue, a distance of 3.02 feet to the POINT OF BEGINNING and containing 600.05 square feet or 0.0138 acres of land.

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE OF LOTS 3 & 4, BLOCK E/1995 PER DEED RECORDED IN VOLUME 2003142, PAGE 00304, DEED RECORDS, DALLAS COUNTY, TEXAS. (N 38°53’00” E)

REVIEWED BY

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

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SHEET 1 OF 2
JOB NO. 0702562-1
(DEDICATION-9)
DRAWN BY: BOB
DEDICATION—9
DEDICATION FOR RIGHT-OF-WAY
PART OF CITY OF
DALLAS BLOCK NO. E/1995

POINT OF
BEGINNING
1/2 INCH IRON
ROD FOUND

CONTROLLING
MONUMENT
5/8 INCH IRON
ROD FOUND

CONTROLLING
BON
VOLUME 1.
PLACE
PAGE 43
MONUMENT
3/4 INCH IRON
ROD FOUND

N 45°18′42″ W
3.02′

CITY OF DALLAS
PAGE 178

REMAINDER OF
BON VOLUME 1,
PLACE PAGE 43

BENNETT AVENUE
VOLUME 99131,
PAGE 00304

RONDAN INVESTMENTS LTD.;
A TEXAS LIMITED PARTNERSHIP
VOLUME 2005172,
PLACE PAGE 00304

A TEXAS LIMITED PARTNERSHIP
VOLUME 99131,
PAGE 00304

DEDICATION—9
600.05 Sq. Ft.
0.0138 acres

PETER M. PENDERGAST
VOLUME 2003141, PAGE 2478

LOT 5

LOT 7

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

LOT 0

SCALE: 1" = 60'

GENERAL NOTES:
1) BEARINGS ARE BASED ON THE NORTHWEST LINE
   OF LOTS 3 & 4, BLOCK E/1995 PER DEED
   RECORDED IN VOLUME 2005172, PAGE 00304, DEED
   RECORDS, DALLAS COUNTY, TEXAS. (N 38°53′00″ E)
2) ⊗ = 1/2 INCH IRON ROD SET WITH YELLOW
   PLASTIC CAP STAMPED DCA INC

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BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

REVIEWS BY

AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007

BRYAN CONNALLY
R.P.L.S. NO. 5513
AUGUST 24, 2007
REVISED: SEPTEMBER 11, 2007
BEING a 3,938.25 square foot, (0.0904 acre), tract of land situated in the J. Grigsby Survey, Abstract No. 495, in the City of Dallas Block E/1995, Dallas County, Texas, same being part of Lot 7, Block E/1995, Bon View Place, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 43, Map Records, Dallas County, Texas, same being part of a tract of land conveyed to Belmont Associates, a Texas limited partnership by deed recorded in Volume 99131, Page 04525, of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the West corner of said Belmont Associates tract, same being the intersection of the Southeast right-of-way line of Manett Street, (a 50 foot right-of-way), with the Northeast right-of-way line of Bennett Avenue, (a variable width right-of-way);

THENCE North 38 degrees 31 minutes 39 seconds East, along said Southeast right-of-way line of Manett Street, a distance of 200.02 feet to an "X" found at the West corner of a tract of land conveyed to Peter M. Pendergast by deed recorded in Volume 2003141, Page 2478, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 19 minutes 17 seconds East, along the Southwest line of said Pendergast tract, a distance of 3.02 feet to an "X" set and the POINT OF BEGINNING;

THENCE South 45 degrees 19 minutes 17 seconds East, continuing along the Southwest line of said Pendergast tract, a distance of 196.91 feet to a 5/8 inch iron rod found at the South corner of said Pendergast tract on the Northwest line of a 20 foot alley;

THENCE South 38 degrees 31 minutes 42 seconds West, along said Northwest line of a 20 foot alley, a distance of 20.12 feet to a point for corner;

THENCE North 45 degrees 19 minutes 17 seconds West, 20 feet from and parallel to the Southwest line of said Pendergast tract, a distance of 196.91 feet to a point for corner;

THENCE North 38 degrees 31 minutes 39 seconds East, a distance of 20.12 feet to the POINT OF BEGINNING and containing 3,938.25 square feet or 0.0904 acres of land.
20 FOOT ALLEY RIGHT-OF-WAY DEDICATION
PART OF CITY OF
DALLAS BLOCK NO. E/1995

POINT OF BEGINNING
"N" FOUND
N 38°31'39" E
20.12'

POINT OF COMPELLING
1/2 INCH IRON ROD FOUND
N 45°18'42" W
3.02'

CONTROLLING MONUMENT
5/8 INCH IRON ROD FOUND

N 38°55'00" E
55.00'

CONTROLLING MONUMENT
5/8 INCH IRON ROD FOUND

N 38°31'42" W
20.12'

20' ALLEY DEDICATION
3,938.25 Sq. Ft.
0.0904 acres

GENERAL NOTES:
1) Bearings are based on the northwest line
   of Lots 3 & 4, Block E/1995 per deed
   recorded in Volume 2005172, Page 00304, deed
   records, Dallas County, Texas. (N 38°53'00" E)

2) =1/2 inch iron rod set with yellow
   plastic cap stamped DCA INC

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REVIEWED BY

BRYAN CONNALLY
R.P.L.S. NO. 5513
OCTOBER 18, 2007

SHEET 2 OF 2
JOB NO. 0702562-1
(20' ALLEY DEDICATION)
DRAWN BY: BOB
SUBJECT

Authorize amendments to Ordinance No. 26799, previously approved on June 13, 2007, to change the name of Reinvestment Zone Number Sixteen, City of Dallas, Texas from Reinvestment Zone Number Sixteen, City of Dallas, Texas (Twelve Hills TIF District) to Reinvestment Zone Number Sixteen, City of Dallas, Texas (Davis Garden TIF District) - Financing: No cost consideration to the City

BACKGROUND

Reinvestment Zone Number Sixteen (Twelve Hills TIF District) was established to assist in the City’s efforts to provide a model for redeveloping urban corridors, and transitioning deteriorated multi-family properties into a more sustainable mix of ownership and rental housing. Anticipated projects within this District will connect to stable neighborhoods in North Oak Cliff, redevelop aging retail centers, and enhance connectivity to area trails and parks. Reinvestment Zone Number Sixteen was established by Ordinance No. 26799, approved by City Council on June 13, 2007.

On January 25, 2008, in response to community input, the Board of Directors of Reinvestment Zone Number Sixteen approved a change in the name of the District to the Davis Garden Tax Increment Financing District, and recommends approval of the name change by the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2007, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Sixteen, the Twelve Hills TIF District by Ordinance No. 26799.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On January 25, 2008, the Board of Directors of Reinvestment Zone Number Sixteen recommended a change in the name of Reinvestment Zone Number Sixteen, City of Dallas, from Reinvestment Zone Number Sixteen, City of Dallas (Twelve Hills TIF District) to Reinvestment Zone Number Sixteen, City of Dallas (Davis Garden TIF District) be accepted and approved.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached
ORDINANCE NO. ____________

AN ORDINANCE AMENDING ORDINANCE NUMBER 26799 TO CHANGE THE NAME OF REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF DALLAS, TEXAS, FROM REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF DALLAS, TEXAS (THE "TWELVE HILLS TIF DISTRICT") TO REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF DALLAS, TEXAS (THE "DAVIS GARDEN TIF DISTRICT").

WHEREAS, the City established Tax Increment Financing Reinvestment Zone Number Sixteen, City of Dallas, Texas (the "Twelve Hills TIF District") and established a Board of Directors for the District to promote development or redevelopment in the District pursuant to Ordinance No. 26799 approved by the Dallas City Council on June 13, 2007, in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, V.T.C.A. (the "Act"); and

WHEREAS, on January 25, 2008, the Board of Directors of Reinvestment Zone Number Sixteen (the "Board") considered and approved a change to the name of Reinvestment Zone Number Sixteen, City of Dallas, Texas (the Twelve Hills TIF District"), to Reinvestment Zone Number Sixteen, City of Dallas, Texas (the "Davis Garden TIF District").

WHEREAS, the Board has respectfully approved the change of the name of the Reinvestment Zone and recommended approval by the City Council.

NOW, THEREFORE,

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That wherever reference to the “Twelve Hills TIF District” appeared in Ordinance No. 26799 and any exhibits to Ordinance No. 26799, it shall be replaced with “Davis Garden TIF District” in this ordinance.

SECTION 3. That all other terms, provisions, and exhibits of Ordinance No. 26799 shall remain in full force and effect except as amended herein.

SECTION 4. That if any section, paragraph, clause or provision of this ordinance shall be for any reason held to be invalid and unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.
SECTION 5. 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:

[Signature]
Assistant City Attorney

Passed: __________________________
A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the new construction of the Carrington Place, a 105 unit apartment complex for families composed of 18 one-bedrooms, 45 two-bedrooms and 42 three-bedrooms located in the 200 block of North St. Augustine Road for Carrington Villas Apartments of Dallas, L.P. - Financing: No cost consideration to the City

BACKGROUND

On January 11, 2006, the City Council approved an item authorizing (1) amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval and for tax-exempt mortgage revenue bond and/or low income housing tax credit financing and (2) prohibiting submission to the City of applications for approval of tax exempt mortgage revenue bonds and for low income tax credits for a 12-month period beginning January 11, 2006, unless the City Council grants a pre-application waiver.

On January 23, 2008, the City Council approved amendments to the review criteria to add youth projects and to allow new construction of housing for low and moderate income households with priority given to Master Plan Developments, Mixed Income Developments and Transit Developments and authorized City staff to send a letter to the Texas Department of Housing and Community Affairs advising them of the changes and informing them that the City is willing to review applications on tax credit transactions individually, based on supply and demand needs in the project’s submarket.
BACKGROUND (Continued)

Under the 2008 Qualified Allocation Plan Rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. Texas Department of Housing and Community Affairs (TDHCA) funding for projects in the city of Dallas must be approved by the City Council. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of housing tax credits for the development. The pre-application waiver is required by the City before the City Council will consider a resolution to approve an allocation of low income housing tax credits for the development.

As a requirement for City approval of low income housing tax credits, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities.

This project is not within one mile of another Housing Tax Credit multifamily project that serves the same population and was funded within the last three years. State law prohibits approval of new tax credit projects that are located less than a mile from another tax credit project funded within the previous three years unless the projects are serving different clientele but in this case, this rule does not apply.

Approval of this pre-application waiver will enable the Applicant to apply for City approval of the allocation of low income housing tax credit financing by the State to construct 105 units of affordable housing. The Applicant has committed to renting 11 units or 10% of the units to tenants with household incomes capped at 30% or below the area median family income with rents affordable to tenants whose household incomes are 30% or below the area median family income and 94 units or 90% of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 4, 2008, the Housing Committee was briefed.
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached
WHEREAS, the Applicant, Carrington Villas Apartments of Dallas, L.P. (the "Applicant") submitted a pre-application waiver on November 19, 2007 seeking approval to apply for 9% tax credits with the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, under the TDHCA rules in the 2008 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, as a condition for being considered for the award of the 9% tax credits, the Applicant has committed to renting 11 units or 10% of the units to tenants with household incomes capped at 30% or below the area median family income with rents affordable to tenants whose household incomes are 30% or below the area median family income and 94 units or 90% of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income, with two units which may be occupied by management or maintenance personnel, in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

WHEREAS, pursuant to Resolution No. 06-0136, the Dallas City Council decided for the 12 month period beginning January 11, 2006 not to approve any new tax credit transactions or tax-exempt bond projects unless a pre-application waiver is granted by the City Council; and

WHEREAS, the City Council has continued to require a pre-application waiver before approving any new tax credit Transactions or tax-exempt bond projects; and

WHEREAS, the City Council, on January 23, 2008, amended the review criteria for multifamily project applications seeking City of Dallas approval for tax for tax-exempt mortgage revenue bond and/or low income housing tax credit; and

WHEREAS, as a condition of City approval of tax credit or tax exempt bond financing, the owner of the project must agree to expend a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after-school and summer break care for children, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, and other social services and recreational activities; and that up to 50% of the social service requirement can be in the form of in-kind contributions, however approval for these in-kind services must be approved by the Housing Department; and
WHEREAS, as a condition for being considered for the award of the 9% tax credits, the City of Dallas desires to consider approval of the development of this housing project and therefore approves a pre-application waiver in accordance with the policy adopted on January 11, 2006 and amended on January 23, 2008;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas approves and supports the pre-application waiver for 9% tax credits for the Carrington Place Apartment Project which is a proposed new construction of 105 units comprised of 18 one-bedroom units, 45 two-bedroom units and 42 three-bedroom units for the Carrington Villas Apartments of Dallas, L.P.

SECTION 2. That the City’s subsequent approval of the tax credits for this project will be contingent on, among other requirements, (1) the Project Owner expending a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services for and at no cost to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the Land Use Restriction Agreement (LURA) by the Texas Department of Housing and Community Affairs (TDHCA); and, (3) if the LURA does not require the social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City and/or deed restrictions ensuring that the social services expenditures will be made. Up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing Department gives prior approval of the social service plan.

SECTION 3. That the City’s subsequent approval of the tax credits for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of $500, beginning on the anniversary of the closing on the tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement.

SECTION 4. 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.

DISTRIBUTION:

Housing Department
City Attorney’s Office
Office of Financial Services/Community Development, 4FN
A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs’s 9% low income housing tax credit financing for the new construction of 125 units composed of 121 Efficiency SRO units and 4 one bedroom units for families located at 2734 Clarence Street for Grand Avenue LifeNet Supportive Housing SRO Community, L.P. - Financing: No cost consideration to the City

BACKGROUND

On January 11, 2006, the City Council approved an item authorizing (1) amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval and for tax-exempt mortgage revenue bond and/or low income housing tax credit financing and (2) prohibiting submission to the City of applications for approval of tax exempt mortgage revenue bonds and for low income tax credits for a 12-month period beginning January 11, 2006, unless the City Council grants a pre-application waiver.

On January 23, 2008, the City Council approved amendments to the review criteria to add youth projects and to allow new construction of housing for low and moderate income households with priority given to Master Plan Developments, Mixed Income Developments and Transit Developments and authorized City staff to send a letter to the Texas Department of Housing and Community Affairs advising them of the changes and informing them that the City is willing to review applications on tax credit transactions individually, based on supply and demand needs in the project’s submarket.
BACKGROUND (Continued)

Under the 2008 Qualified Allocation Plan Rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. Texas Department of Housing and Community Affairs (TDHCA) funding for projects in the city of Dallas must be approved by the City Council. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of housing tax credits for the development. The pre-application waiver is required by the City before the City Council will consider a resolution to approve an allocation of low income housing tax credits for the development.

As a requirement for City approval of low income housing tax credits, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities.

This project is not within one mile of another Housing Tax Credit multifamily project that serves the same population and was funded within the last three years. State law prohibits approval of new tax credit projects that are located less than a mile from another tax credit project funded within the previous three years unless the projects are serving different clientele but in this case, this rule does not apply.

Approval of this pre-application waiver will enable the Applicant to apply for City approval of the allocation of low income housing tax credit financing by the State to construct 125 units of affordable housing. The Applicant has committed to renting 76 units or 61% of the units to tenants with household incomes capped at 40% or below the area median family income with rents affordable to tenants whose household incomes are 40% or below the area median family income and 49 units or 39% of the units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 4, 2008, the Housing Committee was briefed.
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached
WHEREAS, the Applicant, LifeNet Supportive Housing SRO Community, L.P. (the "Applicant") submitted a pre-application waiver on November 19, 2007 seeking approval to apply for 9% tax credits with the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, under the TDHCA rules in the 2008 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, as a condition for being considered for the award of the 9% tax credits, the Applicant has committed to renting 76 units or 61% of the units to tenants with household incomes capped at 40% or below the area median family income with rents affordable to tenants whose household incomes are 40% or below the area median family income and 49 units or 39% of the units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income, with two units which may be occupied by management or maintenance personnel, in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

WHEREAS, pursuant to Resolution No. 06-0136, the Dallas City Council decided for the 12 month period beginning January 11, 2006 not to approve any new tax credit transactions or tax-exempt bond projects unless a pre-application waiver is granted by the City Council; and

WHEREAS, the City Council has continued to require a pre-application waiver before approving any new tax credit Transactions or tax-exempt bond projects; and

WHEREAS, as a condition of City approval of tax credit or tax exempt bond financing, the owner of the project must agree to expend a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after-school and summer break care for children, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, and other social services and recreational activities; and that up to 50% of the social service requirement can be in the form of in-kind contributions, however approval for these in-kind services must be approved by the Housing Department; and
WHEREAS, as a condition for being considered for the award of the 9% tax credits, the City of Dallas desires to consider approval of the development of this housing project and therefore approves a pre-application waiver in accordance with the policy adopted on January 11, 2006 and amended on January 23, 2008;

NOW, THEREFORE,

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

SECTION 1. That the City of Dallas approves and supports the pre-application waiver for 9% tax credits for the SRO Life Net project. The Life Net Project is a proposed new construction of 125 SRO units comprised of 121 Efficiency SRO Units and 4 one bedroom units for LifeNet-Supportive Housing SRO Community, L.P.

SECTION 2. That the City’s subsequent approval of the tax credits for this project will be contingent on, among other requirements, (1) the Project Owner expending a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services for and at no cost to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the Land Use Restriction Agreement (LURA) by the Texas Department of Housing and Community Affairs (TDHCA); and, (3) if the LURA does not require the social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City and/or deed restrictions ensuring that the social services expenditures will be made. Up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing Department gives prior approval of the social service plan.

SECTION 3. That the City’s subsequent approval of the tax credits for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of $500, beginning on the anniversary of the closing on the tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement.

SECTION 4. 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.

DISTRIBUTION:

Housing Department
City Attorney’s Office
Office of Financial Services/Community Development, 4FN
A resolution authorizing support of the pre-application waiver for the Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of the proposed 130-unit SDC Fiji Senior Villas apartment project located at 201 Fran Way - Financing: No cost consideration to the City.

BACKGROUND

On January 11, 2006, the City Council approved an item authorizing (1) amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval and for tax-exempt mortgage revenue bond and/or low income housing tax credit financing and (2) prohibiting submission to the City of applications for approval of tax exempt mortgage revenue bonds and for low income tax credits for a 12-month period beginning January 11, 2006, unless the City Council grants a pre-application waiver.

On January 23, 2008, the City Council approved amendments to the review criteria to add youth projects and to allow new construction of housing for low and moderate income households with priority given to Master Plan Developments, Mixed Income Developments and Transit Developments and authorized City staff to send a letter to the Texas Department of Housing and Community Affairs advising them of the changes and informing them that the City is willing to review applications on tax credit transactions individually, based on supply and demand needs in the project's submarket.
BACKGROUND (Continued)

Under the 2008 Qualified Allocation Plan Rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. TDHCA funding for projects in the city of Dallas must be approved by the City Council. The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of housing tax credits for the development.

As a requirement for City approval of low income housing tax credits, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities.

This project is not within one mile of another Housing Tax Credit multifamily project that serves the same population and was funded within the last three years. State law prohibits approval of new tax credit projects that are located less than a mile from another tax credit project funded within the previous three years unless the projects are serving different clientele but in this case, this rule does not apply.

On November 8, 2006, Sphinx Development Corporation, as developer, submitted an application for a pre-application waiver for 9% tax credits on behalf of SDC Fiji Senior, L.P., Applicant, an entity created by Jay Oji and Joseph Agumadu.

On February 28, 2007, the City Council approved support of the Texas Department of Housing and Community Affairs (TDHCA) 9% tax credits pursuant to Section 49.5 (a) (7) (A-C) of the Qualified Allocation Plan for TDHCA’s low income housing tax credit financing for the acquisition and new construction of the proposed 130-unit SDC Fiji Senior Villas apartment project located at 201 Fran Way by Resolution No. 07-0710.

The SDC Fiji Senior Villas did not receive the award. The project is now being resubmitted for consideration of the TDHCA 9% tax credits for funding year 2008.

Approval of this pre-application waiver will enable the Applicant to apply for City approval of the allocation of low income housing tax credit financing by the State to construct 130 units of affordable housing for seniors.
BACKGROUND (Continued)

The Applicant has committed to renting 100 of the units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income and 24 units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income and 6 market rate units.

The applicant was approved for a City loan in an amount not to exceed $1.2 million in CDBG loan funds for the acquisition and demolition of the project and to obtain 18 qualifying points for the final 9% tax credit application. The loan for demolition and acquisition was closed on November 30, 2007 and demolition is tentatively scheduled to begin February 2008. The project has already been approved for $702,997 in 2003 General Obligation Bonds from the City of Dallas to be used for infrastructure in the surrounding areas.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On December 13, 2006, the City Council authorized the pre-application waiver for the Project by Resolution No. 06-3464.

On February 5, 2007, the Economic Development and Housing Committee was briefed.

On February 28, 2007, the City Council approved support of the 9% tax credit financing for the construction of the 130 unit Fiji Senior Villas project by Resolution No 07-0710.

On June 27, 2007, the City Council approved a $1.2 Million CDBG loan to the Sphinx Development Corporation for eligible soft costs, acquisition and demolition of the improved properties at 201 Fran Way by Resolution No. 07-2029.

On February 4, 2008, the Housing Committee was briefed.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached
WHEREAS, the Applicant, SDC Fiji Senior, L.P. (the "Applicant") submitted a pre-application waiver on November 8, 2006 seeking approval to apply for 9% tax credit with the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, on December 13, 2006, the City Council approved the pre-application waiver for the Project by Resolution No. 06-3464; and

WHEREAS, under the TDHCA rules in the 2008 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, on January 31, 2007, the applicant submitted an application to the City of Dallas for the approval of the TDHCA 9% tax credit program; and

WHEREAS, on February 5, 2007, the Economic Development and Housing Committee was briefed on the project and voted to recommend that the City Council adopt a resolution supporting the 9% tax credit financing of the SDC Fiji Senior Villas apartment project; and

WHEREAS, on February 28, 2007, the Dallas City Council approved the support of the 9% tax credits for the Fiji Senior Villas apartments project; and

WHEREAS, the project did not receive a 2007 TDHCA 9% tax credit award and is now being resubmitted for consideration of the TDHCA 9% tax credits for funding year 2008; and

WHEREAS, the applicant submitted an application to the City of Dallas for CDBG funds in an amount not to exceed $1.2 Million; and

WHEREAS, on June 27, 2007, the City Council approved the $1.2 Million CDBG loan to the Sphinx Development Corporation for eligible soft costs, acquisition and demolition of the improved properties at 201 Fran Way, for the new construction of the 130-unit multifamily rental project for seniors by Resolution No. 07-2029; and
WHEREAS, as a condition for being considered for the award of the 9% tax credits, the Applicant has committed to renting 100 units to tenants with household incomes capped at 50% or below the area median family income with rents affordable to tenants whose household incomes are 50% or below the area median family income and 24 units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income and 6 market rate units, with two units which may be occupied by management or maintenance personnel, in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

WHEREAS, pursuant to Resolution No. 06-0136, the City Council decided for the 12 month period beginning January 11, 2006 not to approve any new tax credit transactions or tax-exempt bond projects unless a pre-application waiver is granted by the City Council; and

WHEREAS, the City Council has continued to require a pre-application waiver before approving any new tax credit transactions or tax-exempt bond projects; and

WHEREAS, the City Council on January 23, 2008, amended the review criteria for multifamily project applications seeking City of Dallas approval for tax or tax-exempt mortgage revenue bonds and/or low income housing tax credits by Resolution No. 08-0312: and

WHEREAS, as a condition of City approval of tax credit or tax exempt bond financing, the owner of the project must agree to expend a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after-school and summer break care for children, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, and other social services and recreational activities; and that up to 50% of the social service requirement can be in the form of in-kind contributions, however approval for these in-kind services must be approved by the Housing Department; and

WHEREAS, as a condition for being considered for the award of the 9% tax credits, the City of Dallas desires to consider approval of the development of this Fiji Senior project and therefore approves a pre-application waiver in accordance with the policy adopted on January 11, 2006 and amended on January 23, 2008; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That the City approves and supports the pre-application waiver for the 9% tax credits for the SDC Fiji Senior Villas apartment project which is the proposed construction of a 130 unit senior project comprised of 65 one bedroom units and 65 two bedroom units for the SDC Fiji Senior, L.P.

SECTION 2. That the City’s subsequent approval of the tax credits for this project will be contingent on, among other requirements, (1) the Project Owner expending a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services for and at no cost to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; and (2) inclusion of this requirement in the Land Use Restriction Agreement (LURA) by the Texas Department of Housing and Community Affairs (TDHCA); and 3) if the LURA does not require the social services expenditures to be made prior to debt service, a separate guarantee by an entity or individual acceptable to the City and/or deed restrictions ensuring that the social service expenditure will be made. Up to 50% of the social service requirement can be fulfilled with in-kind social services provided the Housing Department gives prior approval of the social service plan.

SECTION 3. That the City’s subsequent approval of the tax credits for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of $500, beginning on the anniversary of the closing of the tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement.

SECTION 4. 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.

DISTRIBUTION:

Housing Department
City Attorney’s Office
Office of Financial Services/Community Development, 4FN
SUBJECT

A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affair’s 9% low income housing tax credit financing for the acquisition and new construction of the proposed 150-unit Frazier Berean residential development for seniors located at 3326 Mingo Street - Financing: No cost consideration to the City

BACKGROUND

On January 11, 2006, the City Council approved an item authorizing (1) amendments to the City of Dallas review criteria for multifamily project applications seeking City of Dallas approval and for tax-exempt mortgage revenue bond and/or low income housing tax credit financing and (2) prohibiting submission to the City of applications for approval of tax exempt mortgage revenue bonds and for low income tax credits for a 12-month period beginning January 11, 2006, unless the City Council grants a pre-application waiver.

On January 23, 2008, the City Council approved amendments to the review criteria to add youth projects and to allow new construction of housing for low and moderate income households with priority given to Master Plan Developments, Mixed Income Developments and Transit Developments and authorized City staff to send a letter to the Texas Department of Housing and Community Affairs advising them of the changes and informing them that the City is willing to review applications on tax credit transactions individually, based on supply and demand needs in the project’s submarket.

Under the 2008 Qualified Allocation Plan Rules, if the development is located in a municipality that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality. Texas Department of Housing and Community Affairs (TDHCA) funding for projects in the city of Dallas must be approved by the City Council.
BACKGROUND (Continued)

The resolution must include a written statement of support from the governing body referencing the state rule and authorizing an allocation of housing tax credits for the development. The pre-application waiver is required by the City before the City Council will consider a resolution to approve an allocation of low income housing tax credits for the development.

On November 8, 2006, Carleton Development, Ltd., as developer, submitted an application for a pre-application waiver for 9% tax credit on behalf of Carpenter’s Point, L.P., Applicant.

On February 28, 2007, the City Council approved the TDHCA 9% tax credit for Frazier Berean senior project for the 2007 low income housing tax credit financing, however the project did not receive the award. The project is now being resubmitted for consideration of the TDHCA 9% tax credit for funding year 2008.

As a requirement for City approval of low income housing tax credits, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities.

This project is not within one mile of another Housing Tax Credit multifamily project that serves the same population and was funded within the last three years. State law prohibits approval of new tax credit projects that are located less than a mile from another tax credit project funded within the previous three years unless the projects are serving different clientele but in this case, this rule does not apply.

Approval of this pre-application waiver will enable the Applicant to re-apply for City approval for low income housing tax credit financing to construct 150 units of affordable housing. The Applicant has committed to renting 15 or 10% of the units to tenants with household incomes capped at 30% or below the area median family income with rents affordable to tenants whose household incomes are 30% or below the area median family income and 135 units or 90% of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On December 13, 2006 the City Council approved the pre-application waiver for the Project by Resolution No. 06-3464.
PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On February 4, 2008 the Housing Committee was briefed on the resubmission of the proposed Frazier Berean senior project.

On February 28, 2007, the City Council approved support of the Texas Department of Housing and Community Affairs (TDHCA) 9% tax credit pursuant to Section 49.5 (a) (7) (A-C) of the Qualified Allocation Plan for TDHCA’s low income housing tax credit financing for the acquisition and new construction of the proposed 150-unit by Resolution No. 07-0709.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached
WHEREAS, the Applicant, Carpenter's Point, L.P. (the "Applicant") submitted a pre-application waiver on November 8, 2006 seeking approval to apply for 9% tax credit with the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, on February 28, 2007, the City Council approved support of the Frazier Berean senior project for TDHCA 9% tax credit for the 2007 funding year; and

WHEREAS, the project did not receive a 2007 TDHCA 9% tax credit award and is now being resubmitted for consideration of the TDHCA 9% tax credits for funding year 2008; and

WHEREAS, under the TDHCA rules in the 2008 Qualified Allocation Plan and Rules (QAP), if the development is located in a municipality that has more than twice the State average of units per capita supported by Housing Tax Credits or private activity bonds, the applicant must obtain prior approval of the development from the governing body of the municipality; and

WHEREAS, as a condition for being considered for the award of the 9% tax credits, the Applicant has committed to renting 15 units or 10% of the units to tenants with household incomes capped at 30% or below the area median family income with rents affordable to tenants whose household incomes are 30% or below the area median family income and 135 units or 90% of the units to tenants with household incomes capped at 60% or below the area median family income with rents affordable to tenants whose household incomes are 60% or below the area median family income, with two units which may be occupied by management or maintenance personnel, in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

WHEREAS, the owner of the project will expend a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services at no cost to the tenants, based on the needs of the tenants, to include some or all of the following: after-school and summer break care for children, health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, and other social services and recreational activities; and that up to 50% of the social service requirement can be in the form of in-kind contributions, however approval for these in-kind services must be approved by the Housing Department; and
WHEREAS, pursuant to Resolution No. 06-0136, the Dallas City Council decided for the 12 month period beginning January 11, 2006 not to approve any new tax credit transactions or tax-exempt bond projects unless a pre-application waiver is granted by the City Council; and

WHEREAS, the City Council has continued to require a pre-application waiver before approving any new tax credit transactions or tax-exempt bond projects; and

WHEREAS, the City Council on January 23, 2008, amended the review criteria for multifamily project applications seeking City of Dallas approval for tax or tax-exempt mortgage revenue bonds and/or low income housing tax credits by Resolution No. 08-0312; and

WHEREAS, as a condition for being considered for the award of the 9% tax credits, the City of Dallas desires to consider approval of the development of this housing project and therefore approves a pre-application waiver in accordance with the policy adopted on January 11, 2006 and amended on January 23, 2008; provided, however, that the City’s approval of the tax credit financing for this project shall be contingent upon, among other requirements, the appropriate zoning change to allow for the development of 150 residential units for seniors; and

WHEREAS, on February 4, 2008, the Housing Committee was briefed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas grants the pre-application waiver for 9% tax credits for the Frazier Berean senior apartment project. The Frazier Berean senior apartment project is a proposed new construction development of 150 multifamily housing units, located at 3326 Mingo Street, comprised of 127 one-bedrooms units, and 23 two-bedroom units for the Carpenter’s Point Limited Partnership; provided, however, that the City’s approval of the tax credit financing for this project shall be contingent upon, among other things, future City Council approval to change the zoning to allow for the development of 150 residential units for seniors.

SECTION 2. That the City’s subsequent approval of the tax credits for this project will be contingent on, among other requirements: (1) the Project Owner expending a minimum of $40,000 (a minimum of $40,000 or $200 per unit per year, whichever is greater) for social services for and at no cost to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the Land Use Restriction Agreement (LURA) by the Texas Department of Housing and Community Affairs (TDHCA); and,
SECTION 2. (continued) (3) if the LURA does not require the social services expenditures to be made prior to debt service payment, a separate guarantee by an entity or individual acceptable to the City and/or deed restrictions ensuring that the social services expenditures will be made. Up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing Department gives prior approval of the social service plan.

SECTION 3. That the City's subsequent approval is contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of $500, beginning on the anniversary of the closing on the 9% tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement.

SECTION 4. 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.

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Trinity River Corridor Project
              Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: Various

SUBJECT

Authorize an amendment to the professional services contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for the Trinity River Corridor Project - Not to exceed $8,450,112 from $9,617,930 to $18,068,042 - Financing: 1998 Bond Funds ($7,811,092) and Water Utilities Capital Construction Fund ($639,020)

BACKGROUND

The City Council adopted the Balanced Vision Plan on December 8, 2003 and amended the plan on April 14, 2004. The existing Trinity Lakes Design contract was awarded to the CH2M Hill team by City Council on November 8, 2006. The current design contract includes design guidelines, branding, preparation of the Dallas Floodway, and final design for river relocation from Sylvan to the DART Bridge. In addition, the current design contract also includes design work for lake amenities that will be located near the downtown vicinity in the Dallas Floodway. Public access strategy for the Dallas Floodway will include a Reunion Overlook Plaza over the Trinity Parkway, public access points along the levees, and an observation deck for the public to witness the transformation of the Dallas Floodway. The Trinity Lakes Design contract is being fully coordinated with the Corps with respect to their ongoing development of the Dallas Floodway Environmental Impact Statement (EIS). The Corps is currently scheduled to produce a draft (EIS) by November 2009, a Final EIS by August 2010, and a Record of Decision by December 2010.

With this Supplemental Agreement No. 1 to the Trinity Lakes Design contract, and given the Water Resources Development Act (WRDA) 2007 authorization for the Dallas Floodway, the City will begin design of the Balanced Vision Plan from Sylvan to the confluence of the West and Elm Forks of the Trinity near Westmoreland. The work products from this supplemental agreement will be used by the Corps of Engineers to prepare the Environmental Impact Statement for the Dallas Floodway project.
BACKGROUND (Continued)

This Supplemental Agreement No. 1 will also include extending the full design for the river relocation, bridge pier modifications, and water utility relocations from Sylvan to the confluence of the Elm Fork / West Fork, providing 20% design for the West Dallas Lake, West Dallas playing fields, public access / circulation, and downtown lakes, extending 20% design of softscape and play areas to the Balanced Vision Plan upstream of Sylvan, and providing 5% design for Continental Bridge public use as a pedestrian bridge. The above services will also require additional hydraulic / sediment modeling, surveying, geotechnical / environmental investigations, website/domain, and project management.

The total fee amount for this Trinity Lakes Design contract amendment is $8,450,112.00. Future contract amendments with the CH2M Hill team are anticipated for completing the overall design of the Balanced Vision Plan for the Dallas Floodway.

ESTIMATED SCHEDULE OF PROJECTS

Construction for WRDA Project for Dallas Floodway begins May 2011

Anticipate construction for downtown lakes to be complete May 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized execution of interlocal agreement for local participation and cost sharing with the Corps on January 10, 1990, by Council Resolution No. 90-0225.

Authorized execution of Supplemental Agreement with the NCTCOG and City funds ($1,252,500) for Dallas Floodway and Elm Fork detailed study as part of the Upper Trinity River Feasibility Study on June 12, 1996, by Council Resolution 96-2007.


Authorized a professional services contract with Camp Dresser & McKee, Inc for lake water quality analysis and technical input towards the Balanced Vision Plan for $400,000 on November 13, 2002, by Council Resolution No. 02-3165.

City Council was briefed by Urban Design Team for Balanced Vision Plan on March 5, 2003.

City Council was briefed on overall Trinity Program including Balanced Vision Plan on June 23, 2003.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Trinity River Committee was briefed on Lake Concepts on September 16, 2003.

City Council was briefed on Trinity River Lake Concepts on September 17, 2003.

City Council was briefed on Trinity Parkway Environmental Impact Statement (EIS) status on October 1, 2003.

City Council was briefed on Balanced Vision Plan on November 5, 2003.

Authorized adoption of the Elm Fork Floodplain Management Study on November 12, 2003, by Council Resolution No. 03-3152.


Trinity River Committee was Briefed on Refinements to Balanced Vision Plan on March 1, 2004.

Trinity River Committee was briefed on Refinements to Balanced Vision Plan on March 22, 2004.


Trinity River Committee was briefed on funding considerations for the Upper Trinity River Feasibility Study on October 18, 2004.

Authorized additional study cost share funding to the Corps ($1,258,052) for the Upper Trinity River Feasibility Study and approved a modification to the CDM water quality study contract ($157,890) on November 10, 2004, by Resolution No. 04-3165.

Trinity River Committee was briefed on Trinity Parkway Environmental Impact Statement (EIS) and public hearing on April 4, 2005.

City Council was briefed on Trinity Parkway Environmental Impact Statement (EIS) and public hearing on April 6, 2005.

Authorized adoption of the Trinity Parkway Alternative Alignment 3B on April 13, 2005, by Council Resolution 05-1210.

Trinity River Committee was briefed for the Trinity Lakes Project Design: Request for Qualifications & Proposals on December 13, 2005.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Trinity River Branding Initiative was briefed to the Trinity River Committee on April 17, 2006.

Trinity River Committee was briefed for the Trinity Lakes design contract proposal on September 19, 2006.

Authorized Trinity Lakes design contract for $9,617,929 on November 8, 2006, by Council Resolution No. 06-3121.

Trinity River Corridor Project Committee was briefed for the Trinity Project Design Guidelines on January 8, 2008.

Trinity River Corridor Project Committee was briefed for the Trinity Project design status on branding on January 22, 2008.

Trinity River Corridor Project Committee was briefed for the Supplemental Agreement No. 1 on February 5, 2008.

FISCAL INFORMATION

1998 Trinity Bond Funds - $7,811,092.00  
Water Utilities Capital Construction Funds - $639,020.00

ETHNIC COMPOSITION

CH2M Hill

Hispanic Female   43    Hispanic Male   81
African-American Female   41    African-American Male   72
Other Female   47    Other Male   70
White Female   447    White Male   948

M/WBE INFORMATION

See Attached

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an amendment to the professional services contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for the Trinity River Corridor Project - Not to exceed $8,450,112 from $9,617,930 to $18,068,042 - Financing: 1998 Bond Funds ($7,811,092) and Water Utilities Capital Construction Fund ($639,020)

CH2M Hill is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

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TOTAL M/WBE PARTICIPATION

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Lakes Design Contract

Mapsco Various
WHEREAS, the 1998 Trinity Bond Program authorized funding to implement flood control, lake development, environmental, transportation, and recreation projects within the Dallas Floodway; and,

WHEREAS, City Council adopted Resolution No. 03-3391, the Balanced Vision Plan on December 8, 2003; and,

WHEREAS, City Council adopted Resolution No. 04-1252, refinements to the Balanced Vision Plan on April 14, 2004; and,

WHEREAS, City Council approved Resolution No. 06-3121, the Trinity Lakes design contract with CH2M Hill to initiate design for portions of the Balanced Vision Plan for the Dallas Floodway, Trinity River Corridor Project design guidelines, and Trinity Parkway design guidelines on November 8, 2006; and,

WHEREAS, it is now desirable to supplement the CH2M Hill design contract for the Balanced Vision Plan for the Dallas Floodway to extend additional design for portions of the Balanced Vision Plan for the Dallas Floodway and provide input for the EIS that is being prepared by the Corps for the Dallas Floodway project; and,

WHEREAS, the U.S. Army Corps of Engineers will recognize portions of this contract with CH2M Hill as in-kind credit for 50% cost sharing of the Upper Trinity River Feasibility Study for the Dallas Floodway that may also reduce future City expenses towards the Corps’ project design, or Corps’ project construction; and,

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for Trinity River Corridor Project in an amount not to exceed $8,450,112.00, after it has been approved as to form by the City Attorney.

Section 2. The City Controller is hereby authorized to disburse funds and release encumbrance in accordance with the terms and conditions of the contract from:

Trinity River Corridor Project Fund
Fund 4P14, Dept. PBW, Unit N965, Act. TRPP
Object 4111, Program #PB98N965, CTPBW98N965B3
Vendor #505225, In an amount not to exceed ($694,089.08)
Trinity River Corridor Project Fund
Fund 4P14, Dept. PBW, Unit N963, Act. TRPP
Object 4111, Program #PB98N963, CT PBW98N963B3
Vendor #505225, In an amount not to exceed $567,817.75

Trinity River Corridor Project Fund
Fund 6P14, Dept. PBW, Unit N963, Act. TRPP
Object 4111, Program #PB98N963, CT PBW98N963B3
Vendor #505225, in an amount not to exceed $7,937,363.33

Water Utilities Capital Construction Funds
Fund 0102, Agency DWU, Unit CW42, Act. MPSA
Object 3221, Job # 7WPAVING, CT PBW708135EN
Vendor #505225, in an amount not to exceed $639,020.00

Total in an amount not to exceed $8,450,112.00

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

Distribution: Trinity River Corridor Project, Rebecca Dugger, 6BS
City Attorney
Office of Financial Services
Public Works and Transportation, Rosemary Prichard, OCMC, Room 101
Dallas Water Utilities, Esther Darden, 5AN
SUBJECT

Authorize Supplemental Agreement No. 3 to the Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation to increase the escrow of City funds for disbursement to NTTA to continue with the next phase of work associated with the Trinity Parkway Environmental Impact Statement - $1,500,000, from $8,500,000 to $10,000,000 - Financing: 1998 Bond Funds

BACKGROUND

On November 18, 1998, Council authorized the City to enter into an agreement with the North Texas Tollway Authority (NTTA) permitting the escrow of City funds, in the amount of $5 million, for disbursement by the NTTA to undertake the development of an Environmental Impact Statement (EIS) for the Trinity Parkway. NTTA contracted with Halff Associates to perform this work. On April 13, 2005, Council recommended the Combined-Modified (3B) alignment as the locally preferred alignment for the Trinity Parkway. On April 20, 2005, the NTTA Board of Directors voted to move forward with this alignment in the remaining EIS document process. On April 27, 2005, Council approved Supplemental Agreement No. 1 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to continue with the second phase of work associated with the Trinity Parkway Environmental Impact Statement in the amount of $2,000,000, from $5,000,000 to $7,000,000.

On April 25, 2007, Resolution No. 07-1351 authorized Supplemental Agreement No. 2 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to address concerns expressed by the U.S. Army Corps of Engineers regarding the proximity of the planned Trinity Parkway to the Trinity River Levees, and to further refine the Trinity Parkway EIS to possibly include two additional alignments or to modify two existing alignments. This also permitted NTTA to make other necessary modifications to the EIS such as incorporation of 2030 demographic data set to provide additional federally required National Environmental Policy Act (NEPA) analysis, and additional geotechnical surveys and analysis.
BACKGROUND (Continued)

In order to complete the Final EIS, the NTTA will need additional funding for the following tasks: hold public hearings and complete the documentation for the Final EIS document, acquire the Record of Decision from the Federal Highway Administration, produce the schematic design for the Locally Preferred Alternative, incorporate the City's efforts on the Water Resources Development Act (WRDA) project and complete the 404 and 408 permitting process with the Corps.

This action would authorize Supplemental Agreement No. 3 to the Interlocal Agreement with the North Texas Tollway Authority and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to continue with the additional work associated with the Trinity Parkway Environmental Impact Statement in the amount of $1,500,000, increasing the escrow funding from $8,500,000 to $10,000,000. It is estimated that the additional funding will be sufficient to complete the process through the Record of Decision. However, it may be necessary for the City to provide supplemental funding to complete the process depending on the nature of any additional studies that may be mandated by the various resource agencies in order to secure their project approval.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction July 2010
Complete Construction January 2014

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized the Trinity Parkway Corridor Major Transportation Investment Study conducted by the Texas Department of Transportation as the locally preferred plan on September 10, 1997, by Resolution No. 97-2918.

Authorized an agreement with NTTA permitting the escrow of $5 million for disbursement by the NTTA, for the development of the Trinity Parkway Environmental Impact Statement on November 18, 1998, by Resolution No. 98-3382.

Authorized NTTA to include “Combined Parkway – Modified” alternative in the Trinity Parkway Environmental Impact Statement on October 8, 2003, by Resolution No. 03-2763.

Authorized “Alternative 3B”, also referred to as the “Combined Parkway – Modified” alternative in the Trinity Parkway Environmental Impact Statement as the locally preferred alignment for the Trinity Parkway on April 13, 2005, by Resolution No. 05-1210.
PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)  (Continued)

Authorized Supplemental Agreement No. 1 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to continue with the second phase of work associated with the Trinity Parkway Environmental Impact Statement on April 27, 2005, by Resolution No. 05-1377.

Authorized Supplemental Agreement No. 2 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA in order to continue with the next phase of work associated with the Trinity Parkway Environmental Impact Statement on April 25, 2007, by Resolution No. 07-1351.

FISCAL INFORMATION

1998 Bond Funds - $1,500,000

MAP

Attached.
WHEREAS, improved traffic mobility in this region may accelerate economic
development, improve air quality, advance traffic safety, and generally enhance the
quality of life for all residents; and,

WHEREAS, the North Texas Tollway Authority (NTTA), at the request of the City of
Dallas, has initiated studies to evaluate the feasibility of the Trinity Parkway as a toll
supported project and, as a component of those studies, has produced a Draft
Environmental Impact Statement to assess the social, economic and environmental
impacts associated with each alternative developed; and,

WHEREAS, as the City recognizes the value and necessity of the Trinity Parkway to
stimulate, facilitate and sustain the diversity and vitality of local and regional economic
development; and,

WHEREAS, the NTTA is in the process of seeking environmental approval for the
Trinity Parkway through a tiered decision making process; and,

WHEREAS, with the completion of the Texas Department of Transportation’s (TxDOT)
Trinity Parkway Corridor Major Transportation Investment Study the Dallas City Council
passed Resolution No. 97-2918 on September 10, 1997, which endorsed the
recommended Plan of Action; and,

WHEREAS, on April 13, 2005 the City Council approved its recommended locally
preferred alignment for the Trinity Parkway as “Alternative Alignment 3B”, also referred
to as the Combined Parkway – Modified in the Draft Environmental Impact Statement by
Resolution No. 05-1210; and,

WHEREAS, on April 20, 2005 the NTTA Board of Directors identified “Alternative
Alignment 3B” as its locally preferred alternative; and,

WHEREAS, on April 27, 2005 the City Council authorized Supplemental Agreement No.
1 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the
escrow of City funds for disbursement to NTTA to continue with the second phase of
work associated with the Trinity Parkway Environmental Impact Statement in the
amount of $2,000,000, from $5,000,000 to $7,000,000, by Resolution No. 05-1377; and,

WHEREAS, on April 25, 2007 the City Council authorized Supplemental Agreement No.
2 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the
escrow of City funds for disbursement to NTTA to continue with the next phase of work
associated with the Trinity Parkway Environmental Impact Statement in the amount of
$1,500,000, from $7,000,000 to $8,500,000, by Resolution No. 07-1351; and,
WHEREAS, In order to complete the Final EIS, the NTTA will need additional funding for the following tasks: hold public hearings and complete the documentation for the Final EIS document, acquire the Record of Decision from the Federal Highway Administration, produce the schematic design for the Locally Preferred Alternative, incorporate the City’s efforts on the Water Resources Development Act (WRDA) project and complete the 404 and 408 permitting process with the Corps; and,

WHEREAS, In order to continue the Supplemental DEIS and Final EIS preparation, it will be necessary for NTTA to expand their efforts, including expedited preparation of a Final EIS schematic; additional engineering for a more detailed schematic design to allow early construction plan; incorporation of revisions for the recent passage of the Water Resources Development Act; additional research and studies; as well as additional expedited Trinity Parkway project management and coordination by the Project Management Office recently instituted by NTTA.; and,

WHEREAS, it is now necessary and appropriate for the City to provide an increase in the escrow of City funds for disbursement to NTTA to continue with the additional work associated with the Trinity Parkway Environmental Impact Statement.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to continue with the additional work associated with the Trinity Parkway Environmental Impact Statement in the amount of $1,500,000, from $8,500,000 to $10,000,000.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 after it has been approved as to form by the City Attorney.

SECTION 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Trinity River Corridor Project Fund
Fund 5P14, Agency PBW, Unit N965, Activity TRPP
Object 4111, Program No. PB98N965,
Encumbrance No. CT-PBW98N965C5-01,
Vendor #237925, in an amount not to exceed $1,500,000
SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Trinity River Corridor Project, Rebecca Dugger, 6BS
City Attorney
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 13, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45P

SUBJECT

Authorize (1) funds from the Dallas Convention and Visitors Bureau in the amount of $500,000 to be delivered to the property owner and used as consideration for an option from CP - Dallas L & Y, L.P., formerly known as Chavez Properties - Dallas III Limited Partnership, on a tract of land containing approximately 8.4 acres improved with a 2-story parking structure and surface parking located at the intersection of Lamar and Young Streets; (2) a purchase contract for acquisition of the tract at a specific purchase price; and (3) City staff to perform due diligence for the purchase of the property and develop an interim financing plan for the purchase – Financing: No cost consideration to the City

BACKGROUND

This item authorizes delivery of funds to the property owner from the Dallas Convention and Visitors Bureau (DCVB) to be used as consideration for an option securing the purchase price for the potential acquisition of approximately 8.4 acres of land from CP - Dallas L & Y, L.P., formerly known as Chavez Properties - Dallas III Limited Partnership. The funds from the DCVB will be paid to the property owner as consideration for the option. This item also authorizes the City to enter into a purchase and sale contract giving the City the right, but not the obligation, to purchase the property for a set price. The option fee will be paid pursuant to the purchase and sale contract. The property is located at the intersection of Lamar and Young Streets and is currently developed with a surface parking lot and a 2-story parking structure. This property may be used for expansion of the Dallas Convention Center and possible future construction of a convention center hotel.

If closing on the property occurs by May 31, 2008, the $500,000 option fee will be applied to the purchase price. If the closing occurs after May 31, 2008, but on or before September 30, 2008, $250,000 of the option fee will be applied towards the purchase price and the remaining $250,000 will be forfeited to the seller and, in addition, the seller will retain possession of the property for six months post-closing.
BACKGROUND (Continued)

If the City closes on the property, the full purchase price will be the responsibility of the City to be funded pursuant to an interim financing plan to be considered and approved by the City Council, and the funds advanced by the DCVB for the option will be returned to the DCVB.

In the event the City does not close on the property by September 30, 2008, the City is under no obligation to reimburse the DCVB for the option price.

The purchase and sale contract will give the City the ability, but not the obligation, to purchase the property for a determined or specified amount and will require the closing on or before September 30, 2008, as the last possible date under the contract. During this option period, the City will perform its due diligence necessary for the purchase of the property and develop an interim financing plan that supports the purchase.

The Economic Development Committee accepted the staff recommendation of this property as the preferred site for a proposed convention center hotel as well as the schedule developed for the purchase of the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNER

CP - Dallas L & Y, L.P., formerly known as Chavez Properties - Dallas III Limited Partnership

Robert Chavez, General Partner
Manuel Chavez, General Partner

MAPS

Attached
WHEREAS, the City of Dallas desires to facilitate the expansion of the Dallas Convention Center and the development of a convention center hotel; and

WHEREAS, the Dallas Convention and Visitors Bureau (DCVB) desires to assist the City with this expansion and the development of a convention center hotel by contributing funds in connection with the acquisition process for the adjacent property; and

WHEREAS, the City desires to enter into a purchase and sale contract to secure the purchase price of a preferred site recommended by the Economic Development Committee; and

WHEREAS, the preferred site is located at Lamar and Young Streets and is owned by CP – Dallas L & Y, L.P., formerly known as Chavez Properties – Dallas III Limited Partnership; Now, Therefore,

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

SECTION 1: That for the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROPERTY": Approximately 8.4 acres of land in City Blocks 57/45, 56/52, 68/347, 69/346, 424 and 425; located at the intersection of Lamar and Young Streets

"PROJECT": Expansion of the Dallas Convention Center and possible development of the Convention Center Hotel

"OWNER": CP - Dallas L & Y, L.P., formerly known as Chavez Properties – Dallas III Limited Partnership, provided, however, that the term "Owner" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT NOT TO EXCEED": $109.32 psf.

All of the above PROPERTY being located in the City of Dallas, Dallas County, Texas.

SECTION 2. That the PROJECT is a municipal and public purpose and a public use.

SECTION 3. That public necessity requires that the City acquire the PROPERTY for the Project.
SECTION 4. That the City hereby approves the payment to the Owner of funds from the DCVB in the amount of $500,000 to be used as an option fee in connection with the purchase of the Property from the Owner; and the City Manager or her designee is authorized on behalf of the City to negotiate and execute a purchase and sale contract with the Owner for the purchase of the Property for a purchase price not to exceed $109.32 psf., following approval as to form by the City Attorney. The City Manager, or her designee, is also authorized to enter into an agreement with the DCVB regarding the option fee, if necessary, following approval as to form by the City Attorney.

SECTION 5. That the $500,000 from DCVB shall be paid to the Owner as an option fee to be applied to the purchase price at closing pursuant to the purchase and sale contract.

SECTION 6. That the general terms of the purchase and sale contract shall be as follows:


b. Option Fee: Upon execution of the formal contract, the $500,000 option fee shall be paid to the Owner and applied to the purchase price at closing as follows:

1. Closing on or before May 31, 2008 – all of the option fee will be applied to the purchase price;

2. Closing after May 31, 2008, but on or before September 30, 2008, ½ of the option fee will be applied to the purchase price with remaining ½ forfeited to Owner; and

c. Option Price: $109.32 per square foot.

d. The purchase and sale contract expires with no refund of the option fee if all closing conditions are met but the City does not acquire the property by September 30, 2008.

e. Feasibility Period. Both before execution of the purchase and sale contract and before closing of the acquisition, the City will conduct such due diligence and feasibility investigation of the Property as it deems necessary, and/or appropriate, which may include without limitation, obtaining and reviewing a title commitment, Uniform Commercial Code search, a survey, environmental investigations, soils and geotechnical testing and physical, structural, and equipment inspections and testing of the Property and other development feasibility inquiries.
In connection with execution of the purchase and sale contract, Owner shall represent that it has delivered to the City true and complete copies of any such matters it may have within its possession and control. Owner shall provide the City and its contractors with full and free access to the Property to conduct all such investigation, inspection, and testing. The purchase and sale contract shall provide for mutually acceptable review, objection, cure, and termination procedures.

f. In the event the City closes on the Property, pursuant to the purchase and sale contract, the City will be responsible for the full purchase price and reimbursement of the DCVB advance to the DCVB.

g. Upon closing, Owner will convey by special warranty deed good, indefeasible and insurable fee simple title to the Property subject to permitted exceptions reviewed and approved by the City Manager, or her designee, and the City Attorney.

h. Possession of the Property shall be delivered to the City upon closing; provided, however, if the closing occurs after May 31, 2008, Owner will retain possession post-closing for six months pursuant to a temporary lease for nominal rental and upon such other normal or customary terms as the City Manager, or her designee, shall determine, and as approved by the City Attorney.

SECTION 7. That the City Manager shall develop for Council consideration and approval an interim financing plan for funding the acquisition of the Property and all related costs that are the responsibility of the City in connection therewith.

SECTION 8. That the City Manager, or her designee, is authorized to enter into a lease for a six month period post-closing with respect to the Property, for a nominal rent and upon such other normal or customary terms as the City Manager, or her designee, shall determine, in the event the closing of the acquisition of the Property occurs after May 31, 2008, upon approval as to form by the City Attorney.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
SUBJECT

Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Bachman Lake Branch Library that replaces the existing Walnut Hill Branch Library, and will be located at 9480 Webb Chapel Road - $64,987, from $4,104,100 to $4,169,087 - Financing: 2003 Bond Funds

BACKGROUND

The Library Master Plan, as developed by the Hillier Group and approved by City Council, indicated a need for a replacement library for the existing Walnut Hill Branch facility. In the 2003 Bond Program, the citizens of Dallas approved funding for design and construction of a new library facility to serve the Northwest Dallas area. Bonds were sold in November 2003, in the amount of $1,800,000 and in November 2004, in the amount of $513,000. In November 2005, bonds were sold in the amount of $5,700,832, for a total of $8,013,832.

On May 25, 2005, Resolution No. 05-1554 authorized a professional services contract with the Leo A. Daly Company to provide architectural and engineering services for design of the new Bachman Lake Branch Library that replaces the existing Walnut Hill Branch Library, in the amount of $435,796.

The Walnut Hill Bachman Lake Branch Library, will be located at the corner of Webb Chapel Road and El Centro Drive and, is to be a new 19,700 square foot facility that will include a "black box" theater for use by community arts organizations. This facility will achieve LEED Silver certification under the LEED (Leadership in Energy & Environmental Design) program of the U.S. Green Building Council.
BACKGROUND (Continued)

This action will authorize Change Order No. 1 to the construction contract for unforeseen sub-surface conditions, replacement of paving removed by City demolition contractor and additional data line capacity requested by Library staff, in an amount not to exceed $64,987, increasing the contract from $4,104,100 to $4,169,087.

ESTIMATED SCHEDULE OF PROJECT

Began Design June 2005  
Completed Design April 2007  
Began Construction September 2007  
Complete Construction August 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acceptance of the Library Master Plan on April 11, 2001, by Resolution No. 01-1261.

Authorized a professional services contract on May 25, 2005, by Resolution No. 05-1554.

Authorized a construction contract on August 22, 2007, by Resolution No. 07-2396.

FISCAL INFORMATION

2003 Bond Funds - $64,987

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<th>Description</th>
<th>Amount</th>
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<td>Environmental Testing &amp; Remediation</td>
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<td>Construction</td>
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<td>Permit/Fees</td>
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<td>Testing (est.)</td>
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<td>Furniture, Fixtures &amp; Equipment (est.)</td>
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<td>Public Art</td>
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<td>Contingency</td>
<td>1,315,437</td>
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<td>Change Order No. 1 (this action)</td>
<td>64,987</td>
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Total Project Cost $8,013,832
**MWBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

CORE Construction Services of Texas, Inc.

<table>
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<th>Ethnicity</th>
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<th>Male</th>
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<td>Other</td>
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**OWNER(S)**

CORE Construction Services of Texas, Inc.

Keith Roeschley, President
Marc Robertson, Executive Vice President

**MAP**

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the replacement Bachman Lake Branch Library that replaces the existing Walnut Hill Branch Library, and will be located at 9480 Webb Chapel Road - $64,987, from $4,104,100 to $4,169,087 - Financing: 2003 Bond Funds

CORE Construction Services of Texas, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<td>Non-local contracts</td>
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<td><strong>TOTAL THIS ACTION</strong></td>
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<td><strong>100.00%</strong></td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

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<th></th>
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<td>KL Enterprises</td>
<td>WFWB35921Y1208</td>
<td>$7,542.00</td>
<td>13.82%</td>
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<td><strong>Total Minority - Non-local</strong></td>
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<td><strong>$7,542.00</strong></td>
<td><strong>13.82%</strong></td>
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TOTAL M/WBE PARTICIPATION

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<tr>
<td><strong>Total</strong></td>
<td><strong>$7,542.00</strong></td>
<td><strong>11.61%</strong></td>
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</table>
WHEREAS, the Library Master Plan as developed by the Hillier Group and approved by City Council indicates a need for a replacement library for the existing Walnut Hill facility; and,

WHEREAS, in the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of a replacement library facility to serve the Walnut Hill service area; and,

WHEREAS, the Bachman Lake Branch Library that replaces the existing Walnut Hill Branch Library will be a new 19,500 square feet facility located at the corner of Webb Chapel Road and El Centro Drive; and,

WHEREAS, on May 25, 2005, Resolution No. 05-1554 authorized a professional services contract with Leo A. Daly Company to provide architectural and engineering services for the design of the Walnut Hill Bachman Lake Branch Library in the amount of $435,796; and,

WHEREAS, on August 22, 2007, Resolution No. 07-2396 authorized a construction contract with CORE Construction Services of Texas, Inc. for the Bachman Lake Branch Library, replacement facility for the existing Walnut Hill Branch Library in the amount of $4,104,100; and,

WHEREAS, it is now necessary to authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide modifications to the scope of work due to unforeseen sub-surface conditions, replacement of paving removed by City demolition contractor and additional data line capacity requested by Library staff, in the amount of $64,987, from $4,104,100 to $4,169,087.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with CORE Construction Services of Texas, Inc. to provide modifications to the scope of work due to unforeseen sub-surface conditions, replacement of paving removed by City demolition contractor and additional data line capacity requested by Library staff, in the amount of $64,987, from $4,104,100 to $4,169,087.
Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Library Facilities Fund  
Fund 5R42, Agency PBW, Unit R668, Act. LIBF  
Obj. 4310, Program #PB03R668, CT PBW03R668K1  
Vendor #VS0000010088, in an amount not to exceed $64,987

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.

Distribution:  
Public Works and Transportation, Jean Mitchell, OCMC, Room 101  
Public Works and Transportation, Robert Van Buren, OCMC, Room 321  
Library  
City Attorney  
Office of Financial Services