OCTOBER 10, 2007 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated October 10, 2007. 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

10-5-07
Date

10-5-07
Date
ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, OCTOBER 10, 2007
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 - 38

CONSENT ADDENDUM Items 1 - 12

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:30 a.m.    Item 39
Addendum Items 13 - 14

To be considered before 12:00 noon    Item 40

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.        Items 41 - 48
Addendum Item 15
ADDENDUM
CITY COUNCIL MEETING
OCTOBER 10, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

CONSENT ADDENDUM

Business Development & Procurement Services

1. A resolution confirming the sale at public auction on September 26, 2007, of one 2000 Freightliner sweeper, equipment number 099002 - Blas Hernandez, only bidder - Estimated Revenue: $25,000

2. A resolution confirming the sale of three helicopters by online auction (similar to eBay) on September 28, 2007, one 1978 Bell Jet Ranger helicopter, registration number N16979, to M. R. Copters, Inc. in the amount of $327,500, one 1984 Bell Jet Ranger helicopter, registration number N3211N, to Turbines LTD in the amount of $342,500, and one 1972 Bell Jet Ranger helicopter, registration number N1512L, to Mid America Turbine in the amount of $177,500 - Total Estimated Revenue: $847,500

Court & Detention Services

3. An ordinance amending Chapter 13 of the Dallas City Code to reestablish the municipal court technology fund and municipal court technology fee - Estimated Annual Revenue: $454,000

City Attorney's Office

4. Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Patton Boggs, L.L.P. for additional legal services necessary in the lawsuit styled City of Dallas, Texas v. H. Dale Hall, et al., Civil Action No. 3:07-CV-0060-P and related matters - Not to exceed $150,000, from $400,000 to $550,000 - Financing: Current Funds

Department of Development Services

5. An ordinance abandoning an alley and 3 sight easements to Redwood Cedar, LLC, the abutting owner, containing a total of approximately 6,781 square feet of land located near the intersection of Cedar Springs Road and Knight Street and authorizing the quitclaim and providing for the dedication of a total of approximately 87 square feet of needed land for street right-of-way - Revenue: $270,215 plus the $20 ordinance publication fee
ADDENDUM
CITY COUNCIL MEETING
OCTOBER 10, 2007

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Department of Development Services (Continued)

6. An ordinance abandoning portions of alleys to Cityville Oak Park Limited Partnership, the abutting owner, containing a total of approximately 7,765 square feet of land located near the intersection of Bowser and Mahanna Streets and authorizing the quitclaim - Revenue: $207,714 plus the $20 ordinance publication fee

7. An ordinance abandoning a portion of an alley to 1222 North Bishop Avenue LLC; Energy & Opportunities, LP; Michael L. Robinson, DDS d/b/a Axxis Enterprises; Oakcliff Land Development Company LP; Fountain Villa, Inc.; JC Leasing, L.L.P.; Maria Del Rosario Alaniz; Rene' Ochoa and Deborah Ochoa; Juan Manuel Romero and Ana Romero; Lazaro Rivera and Eloina R. Rivera; and Homar C. Lomas and Josephina Cruz, the abutting owners, containing a total of approximately 10,802 square feet of land located near the intersection of Ballard and Bishop Avenues, and authorizing the quitclaim - Revenue: $74,000 plus the $20 ordinance publication fee

8. An ordinance granting an MU-3 Mixed Use District subject to deed restrictions volunteered by the applicant on the north side of Wheatland Road, east of West Virginia Drive - Z067-214 - Financing: No cost consideration to the City

Housing

9. Authorize an amendment to Resolution Nos. 06-0963, previously approved on March 28, 2006 and 07-1595, previously approved on May 23, 2007, to (1) allow $750,000 in CDBG funds previously approved for principal reduction (acquisition) to also include expenditures for related soft costs; and (2) extend the time frame to June 30, 2008 to allow the Central Dallas Community Development Corporation and JPMorgan Chase to enter into a loan renewal agreement for reduction of the principal balance of the Chase acquisition loan - Financing: No cost consideration to the City

10. Authorize a third amendment to the Land Bank Interlocal Cooperation Contract between the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to (1) extend the term of the contract to September 30, 2008; and (2) provide that the City may refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 - Financing: No cost consideration to the City
ADDENDUM
CITY COUNCIL MEETING
OCTOBER 10, 2007

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Police

11. Authorize an increase in the contract with Dallas County through the Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic, drug, toxicological, environmental and physical evidence analysis and other similar medical/forensic analytical services - Not to exceed $620,000, from $2,442,918 to $3,062,918 - Financing: Current Funds

Water Utilities

12. Authorize Supplemental Agreement No. 1 to the engineering and professional services contract with the Upper Neches River Municipal Water Authority to address alternate wildlife refuge sites and bottomland hardwood preservation opportunities as part of the feasibility study for developing a proposed water reservoir in the Upper Neches River Basin - Not to exceed $372,222, from $228,000 to $600,222 - Financing: Water Utilities Current Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

Aviation

13. Authorize an application with the Federal Aviation Administration to impose a Passenger Facility Charge of $3.00 per enplaned passenger to provide funding for seven new capital projects and recover the local share for eleven completed capital projects at Dallas Love Field - Estimated Revenue: $39,176,805

ITEMS FOR FURTHER CONSIDERATION

Business Development & Procurement Services

14. Authorize a sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field - JCDecaux Airport, Inc., most advantageous proposer of two - Estimated Revenue: $6,500,000
ADDENDUM
CITY COUNCIL MEETING
OCTOBER 10, 2007

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

15. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school on property zoned an R-16(A) Single Family District, located on the northwest corner of Walnut Hill Lane and Hedgeway Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z067-236(WE)

CORRECTION:

Business Development & Procurement Services

4. Authorize the purchase of an emergency notification system including a thirty-six month maintenance agreement - Sigma Communications, LLC dba Reverse 911, most advantageous proposer of five - Not to exceed $396,624 $327,429 - Financing: U. S. Department of Homeland Security Grant Funds

DELETIONS:

Business Development & Procurement Services

5. Authorize a thirty-six-month master agreement for fasteners - D.F. Sales, lowest responsible bidder of five - Not to exceed $584,259 - Financing: Water Utilities Current Funds ($455,620), Current Funds ($128,639)

Human Resources

21. Authorize the purchase of 2,000 bus passes from the Dallas Area Rapid Transit on behalf of City employees in support of the City's 2008 clean air initiative - Not to exceed $50,000 - Financing: Current Funds
<table>
<thead>
<tr>
<th>ITEM</th>
<th>IND</th>
<th>DISTRICT</th>
<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>All</td>
<td>C</td>
<td>PBD, EBS</td>
<td>REV</td>
<td>$25,000</td>
<td>NA</td>
<td>NA</td>
<td>A resolution confirming the sale at public auction on September 26, 2007, of one 2000 Freightliner sweeper, equipment number 099002</td>
</tr>
<tr>
<td>2</td>
<td>All</td>
<td>C</td>
<td>PBD, POL</td>
<td>REV</td>
<td>$847,500</td>
<td>NA</td>
<td>NA</td>
<td>A resolution confirming the sale of three helicopters by online auction (similar to eBay) on September 28, 2007, one 1978 Bell Jet Ranger helicopter, registration number N16979, to M. R. Copters, Inc., one 1984 Bell Jet Ranger helicopter, registration number N3211N, to Turbines LTD, and one 1972 Bell Jet Ranger helicopter, registration number N1512L, to Mid America Turbine</td>
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<tr>
<td>3</td>
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<td>C</td>
<td>CDS</td>
<td>REV</td>
<td>$454,000</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance amending Chapter 13 of the Dallas City Code to reestablish the municipal court technology fund and municipal court technology fee</td>
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<tr>
<td>4</td>
<td>N/A</td>
<td>C</td>
<td>ATT</td>
<td>$150,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>An ordinance abandoning an alley and 3 sight easements to Redwood Cedar, LLC, the abutting owner, containing a total of approximately 6,781 square feet of land located near the intersection of Cedar Springs Road and Knight Street and authorizing the quitclaim and providing for the dedication of a total of approximately 87 square feet of needed land for street right-of-way</td>
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<td>2</td>
<td>C</td>
<td>DDS</td>
<td>REV</td>
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</tr>
<tr>
<td>6</td>
<td>2, 14</td>
<td>C</td>
<td>DDS</td>
<td>REV</td>
<td>$207,714</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning a portion of an alley to 1222 North Bishop Avenue LLC; Energy &amp; Opportunities, LP; Michael L. Robinson, DDS d/b/a Axxis Enterprises; Oakcliff Land Development Company LP; Fountain Villa, Inc.; JC Leasing, L.L.P.; Maria Del Rosario Alaniz; Rene’ Ochoa and Deborah Ochoa; Juan Manuel Romero and Ana Romero; Lazaro Rivera and Eloina R. Rivera; and Homar C. Lomas and Josephina Cruz, the abutting owners, containing a total of approximately 10,802 square feet of land located near the intersection of Ballard and Bishop Avenues, and authorizing the quitclaim</td>
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<td>7</td>
<td>1</td>
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<td>DDS</td>
<td>REV</td>
<td>$74,000</td>
<td>NA</td>
<td>NA</td>
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<tr>
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<td>8</td>
<td>C</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
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<td>9</td>
<td>14</td>
<td>C</td>
<td>HSG</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a third amendment to the Land Bank Interlocal Cooperation Contract between the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District &amp; Dallas County Community College District to extend the term of the contract to September 30, 2008 &amp; provide that the City may refer up to an addl 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008</td>
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<tr>
<td>10</td>
<td>All</td>
<td>C</td>
<td>HSG</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
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<td>#</td>
<td>OK</td>
<td>DEF</td>
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<tr>
<td>12</td>
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<td>C</td>
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<tr>
<td>13</td>
<td></td>
<td></td>
<td>All</td>
<td>I</td>
<td>AVI</td>
<td>REV $39,176,805</td>
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<tr>
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<td></td>
<td></td>
<td>All</td>
<td>I</td>
<td>PBD,</td>
<td>REV $6,500,000</td>
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<td>15</td>
<td></td>
<td></td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**GRAND TOTAL**  $1,142,222.00
A resolution confirming the sale at public auction on September 26, 2007, of one 2000 Freightliner sweeper, equipment number 099002 - Blas Hernandez, only bidder - Estimated Revenue: $25,000

BACKGROUND

The 2000 Freightliner sweeper, equipment number 099002 was purchased on August 23, 1999 for Equipment and Building Services at the price of $92,040.00. This item was sold at public auction on September 26, 2007 due to having met the replacement criteria in the areas of mileage, maintenance cost and life expectancy. In the past twelve months City staff has exhausted $16,675.00 in repairs. Average repair cost per year for the 2000 Freightliner sweeper is $16,000.00. Therefore City staff determined it to be advantageous to dispose of the 2000 Freightliner sweeper at public auction.

The City has a contract with Lone Star Auctioneers, Inc., agreeing to pay LSA commissions, in this case 4%, based upon gross sales per auction, less taxes.

Dallas City Code 2-37.4 requires that when the highest bid for property is more than $20,000.00, the sale to the highest bidder must be confirmed by the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$25,000.00 - Estimated Revenue
**BID INFORMATION**

The following bids were received at public auction on May 3, 2007.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blas Hernandez</td>
<td>2872 SW Lake Terrace</td>
<td>$ 25,000.00</td>
</tr>
<tr>
<td></td>
<td>Palm City, Florida</td>
<td></td>
</tr>
</tbody>
</table>

**OWNER**

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

Section 1. That the City Manager or designee be and is hereby authorized to confirm the sale at public auction on September 26, 2007, of one 2000 Freightliner sweeper, equipment number 099002, to Blas Hernandez in the amount of $25,000.00.

Section 2. That the City Controller be and is hereby authorized to deposit revenues received from the proceeds of the sale to:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>REVENUE SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0196</td>
<td>EBS</td>
<td>1701</td>
<td>8432</td>
</tr>
</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
Office of Financial Services, 4FN
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: October 10, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

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

MAPSCO: N/A

SUBJECT

A resolution confirming the sale of three helicopters by online auction (similar to eBay) on September 28, 2007, one 1978 Bell Jet Ranger helicopter, registration number N16979, to M. R. Copters, Inc. in the amount of $327,500, one 1984 Bell Jet Ranger helicopter, registration number N3211N, to Turbines LTD in the amount of $342,500, and one 1972 Bell Jet Ranger helicopter, registration number N1512L, to Mid America Turbine in the amount of $177,500 - Total Estimated Revenue: $847,500

BACKGROUND

The 1978 Bell Jet Ranger helicopter, registration number N16979 was purchased in May, 1978 for the Dallas Police Department for the price of $200,000.00. The 1984 Bell Jet Ranger helicopter, registration number N3211N was purchased in October of 1984 for the Dallas Police Department for the price of $492,487.00. The 1972 Bell Jet Ranger helicopter, registration number N1512L has no purchase information available.

The 1984 Bell Jet Ranger helicopter, registration number N3211N and the 1972 Bell Jet Ranger helicopter, registration number N1512L are currently not in use. The 1978 Bell Jet Ranger helicopter, registration number N16979 is currently in use, however, due to having purchased new helicopters, funding for the repairs of the existing helicopters has been exhausted. The 1984 Bell Jet Ranger helicopter, registration number N3211N and the 1972 Bell Jet Ranger helicopter, registration number N1512L are currently not in service. Both aircrafts are parked and are not accumulating flight time due to the Police equipment being removed and installed on the new aircraft. Also the main transmission and engine was approaching an overhaul which would have cost approximately $150,000.00.

Therefore City staff determined it to be advantageous to dispose of the three Bell Jet Ranger helicopters by online auction (similar to eBay).
BACKGROUND (Continued)

The City has a five year contract with Lone Star Auctioneers, Inc., agreeing to pay in this case 7.98% commission based upon gross sales per auction, less taxes.

Dallas City Code 2-37.4 requires that when the highest bid for property is more than $20,000.00, the sale to the highest bidder must be confirmed by the City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$847,500.00 - Estimated Revenue

BID INFORMATION

The following bids were received by online auction on September 28, 2007.

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbines LTD</td>
<td>140 19th Road, West Point, Nebraska 68788</td>
<td>$342,500.00</td>
</tr>
<tr>
<td>M. R. Copters, Inc.</td>
<td>1725 142nd Avenue, Dorr, Michigan 49323</td>
<td>$327,500.00</td>
</tr>
<tr>
<td>Mid America Turbine</td>
<td>1728 Deer Run Road, Neosho, Missouri 64850</td>
<td>$177,500.00</td>
</tr>
</tbody>
</table>

OWNERS

Turbines LTD
Marvin Kottman

M. R. Copters, Inc.
Roger Maruliah

Mid America Turbine
Rick L. Sweet
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager or designee be and is hereby authorized to confirm the sale of three helicopters by online auction on September 28, 2007, one 1978 Bell Jet Ranger helicopter, registration number N16979, to M. R. Copters, Inc. in the amount of $327,500.00, one 1984 Bell Jet Ranger helicopter, registration number N3211N, to Turbines LTD in the amount of $342,500.00, and one 1972 Bell Jet Ranger helicopter, registration number N1512L, to Mid America Turbine in the amount of $177,500.00, in a total estimated revenue of $847,500.00.

Section 2. That the City Controller be and is hereby authorized to deposit revenues received from the proceeds of the sale to:

<table>
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<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>REVENUE SOURCE</th>
<th>AMOUNT</th>
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<tr>
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<td>2152</td>
<td>8428</td>
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<tr>
<td>0199</td>
<td>POM</td>
<td>1232</td>
<td>8420</td>
<td>$127,125.00</td>
</tr>
</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
An ordinance amending Chapter 13 of the Dallas City Code to reestablish the municipal court technology fund and municipal court technology fee - Estimated Annual Revenue: $454,000

BACKGROUND

Article 102.017 of the Texas Code of Criminal Procedure authorizes the City to establish a municipal court technology fund and to charge a $4 municipal court technology fee to each defendant convicted of a misdemeanor offense in municipal court. The collected fees must be deposited in the municipal court technology fund, which may only be used to finance the purchase of or maintain technological enhancements for a municipal court, including: computer systems; computer networks; computer hardware; computer software; imaging systems; electronic kiosks; electronic ticket writers; and document management systems. The state originally authorized this fund and fee for a limited number of years, but has since amended Article 102.0172 of the Texas Code of Criminal Procedure to provide for a permanent municipal technology fund and municipal technology fee. The proposed ordinance would allow the city to continue the fund and the fee in a permanent manner in accordance with state law.

PRIOR ACTION

On August 25, 1999, Council passed Ordinance No. 23986, which initially established the municipal court technology fund and municipal court technology fee.

FISCAL INFORMATION

Estimated Annual Revenue - $454,000
An ordinance adding Section 13-28.2 to CHAPTER 13, “COURTS, FINES AND IMPRISONMENTS,” of the Dallas City Code, as amended; providing for the reestablishment, administration, funding, and use of the municipal court technology fund in accordance with state law; reestablishing the municipal court technology fee, to be assessed on all convictions of misdemeanor offenses in municipal court; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Article II, “Municipal Court of Record,” of CHAPTER 13, “COURTS, FINES AND IMPRISONMENTS,” of the Dallas City Code, as amended, is amended by adding Section 13-28.2, “Municipal Court Technology Fund,” to read as follows:

“SEC. 13-28.2. MUNICIPAL COURT TECHNOLOGY FUND.

(a) In this section:

(1) CONVICTED has the meaning given that term in Article 102.0172(b) of the Texas Code of Criminal Procedure, as amended.

(2) FEE means the municipal court technology fee established under this section.

(3) FUND means the municipal court technology fund established under this section.

(4) TECHNOLOGICAL ENHANCEMENTS means all devices and services described in Article 102.0172(d) of the Texas Code of Criminal Procedure, as amended.

(b) Pursuant to Article 102.0172 of the Texas Code of Criminal Procedure, as amended, there is hereby established the municipal court technology fund, which will be a separate fund in the city treasury to be administered by or under the direction of the city council.
(c) Each defendant convicted of a misdemeanor offense in the municipal court of record shall pay a municipal court technology fee of $4, in addition to any other fines, penalties, or court costs required by city ordinance or state or federal law. A separate fee must be paid for each separate conviction of a misdemeanor offense.

(d) The municipal clerk shall collect the fee and pay it to the city treasury for deposit in the fund. The fund may be used only to finance the purchase of or to maintain technological enhancements for any municipal court of record of the city.”

SECTION 2. That CHAPTER 13 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

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

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _______________________
Assistant City Attorney

Passed _______________________

LC/DCC/00420A
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: October 10, 2007

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 Patton Boggs, L.L.P. for additional legal services necessary in the lawsuit styled City of Dallas, Texas v. H. Dale Hall, et al., Civil Action No. 3:07-CV-0060-P and related matters - Not to exceed $150,000, from $400,000 to $550,000 - Financing: Current Funds

BACKGROUND

On January 4, 2007, pursuant to Administrative Action No. 07-0222, the City entered into a professional services contract with the law firm of Patton Boggs, L.L.P. in the amount of $25,000.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 14, 2007, the City Council authorized Supplemental Agreement No. 1 to the professional services contract in the amount of $375,000, by Resolution No. 07-0492.

City Council was briefed in closed session on October 17, 2007.

FISCAL INFORMATION

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

$150,000 - Current Funds

MWBE INFORMATION

See attached.
**ETHNIC COMPOSITION**

Patton Boggs, L.L.P.

<table>
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<th>Female</th>
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<td>22</td>
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<td>Other Female</td>
<td>34</td>
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**OWNER**

Patton Boggs, L.L.P.

S. Cass Weiland, Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Patton Boggs, L.L.P. for additional legal services necessary in the lawsuit styled City of Dallas, Texas v. H. Dale Hall, et al., Civil Action No. 3:07-CV-0060-P and related matters - Not to exceed $150,000, from $400,000 to $550,000 - Financing: Current Funds

Patton Boggs, L.L.P. 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 - THIS ACTION ONLY

<table>
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<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$150,000.00</strong></td>
<td><strong>100.00%</strong></td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
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<td><strong>Total</strong></td>
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<td><strong>0.00%</strong></td>
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WHEREAS, the City of Dallas is involved in a lawsuit styled City of Dallas, Texas v. H. Dale Hall, et al., Civil Action No. 3:07-CV-0060-P; and

WHEREAS, on January 4, 2007, pursuant to Administrative Action No. 07-0222, the City entered into a professional services contract with the law firm of Patton Boggs, L.L.P., in the amount of $25,000, for legal services necessary to represent the City in this lawsuit and related matters; and

WHEREAS, on February 14, 2007, pursuant to Resolution No. 07-0492, the City entered into Supplemental Agreement No. 1 to the professional services contract with the law firm of Patton Boggs, L.L.P., in an amount not to exceed $375,000, increasing the original contract amount from $25,000 to $400,000; and

WHEREAS, the services of the law firm of Patton Boggs, L.L.P., continue to be necessary for 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 Supplemental Agreement No. 2 to the professional services contract with the law firm of Patton Boggs, L.L.P., for additional legal services necessary in the lawsuit styled City of Dallas, Texas v. H. Dale Hall, et al., Civil Action No. 3:07-CV-0060-P, and any other matters related to this lawsuit, in an amount not to exceed $150,000, increasing the original contract amount, as supplemented, from $400,000 to $550,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Patton Boggs, L.L.P., an amount not to exceed $150,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT38907L0085, Vendor No. 520522.

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.
SUBJECT

An ordinance abandoning an alley and 3 sight easements to Redwood Cedar, LLC, the abutting owner, containing a total of approximately 6,781 square feet of land located near the intersection of Cedar Springs Road and Knight Street and authorizing the quitclaim and providing for the dedication of a total of approximately 87 square feet of needed land for street right-of-way - Revenue: $270,215 plus the $20 ordinance publication fee.

BACKGROUND

This item authorizes the abandonment of an alley and 3 sight easements to Redwood Cedar, LLC, the abutting owner. The proposed area to be abandoned will be included in the property of the abutting owner for the development of 230 condominiums, retail shopping and a restaurant. The abandonment fee is based on an independent appraisal.

Notices were sent to 28 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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: $270,215 plus the $20 ordinance publication fee
OWNER

Redwood Cedar, LLC

Lucien B. Crosland, Manager

MAPS

Attached
DOUGLAS AVENUE

CEDAR SPRINGS ROAD

DICKASON AVENUE

KNIGHT STREET

A/1502

F/1502

DEDICATION AREA

ABANDONMENT AREA
ORDINANCE NO. __________

An ordinance providing for the abandonment of a portion of an alley and three (3) 15'x15' alley sight easements in and adjacent to City Blocks A/1502 and F/1502 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Redwood Cedar, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; 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 Redwood Cedar, LLC, a Texas limited liability company, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim the City of Dallas right, title and interest in the tracts of land described in Exhibit A which is attached hereto and made a part hereof, to GRANTEE, and is of the opinion that said easements and right-of-way, upon satisfaction of the conditions herein provided, are no longer needed for municipal use, and same should be abandoned 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 public will be served by abandoning and quitclaiming the same to GRANTEE for the consideration and subject to the terms and conditions hereinafter more fully set forth; Now, Therefore,

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

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

SECTION 2. That for and in monetary consideration of the sum of TWO HUNDRED SEVENTY THOUSAND TWO HUNDRED FIFTEEN AND NO/100 ($270,215.00)
DOLLARS paid by GRANTEE, and the further consideration described in Sections 8, 9, 10, 12 and 13, 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 3. That upon payment of the monetary consideration set forth in Section 2, GRANTEE accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the 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 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 6. That the terms and conditions contained in this ordinance shall be binding upon GRANTEE, its successors and assigns.

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

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

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall file a final plat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. 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.

SECTION 10. That the abandonment and quitclaim provided for herein are made subject to and shall not be effective unless and until, GRANTEE shall convey by General Warranty Deed to the City of Dallas, within 60 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 A/1502 and F/1502 containing a total of approximately 87 square feet of land, descriptions of which are attached hereto and made a part hereof as Exhibit C, Tract I and Exhibit C, Tract II. Failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the Deed Records of Dallas County, Texas and thereafter returned to the City Secretary for permanent record.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 10 above.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall, immediately upon the effectiveness of the abandonment, 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.

**SECTION 14.** 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 and 12, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9, the Director of 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 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 15.** 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

THERESA O'DONNELL
Director of Development Services

BY [Signature]
Assistant Director

Passed_____________________.

AB/31426 5
Exhibit A – Tract I

15' ALLEY ABANDONMENT
CITY OF DALLAS BLOCK 1502
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 6,445 square foot tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, Dallas County Texas and the same being adjacent to Lot 1, Block A/1502 as depicted by plat recorded in Volume 88014, Page 391, Deed Records, Dallas County Texas (D.R.D.C.T.) and also adjacent to Lots 3A and Lots 6A, Block F/1502, Tom Thumb No. 510 Addition as recorded in Volume 2000187, Page 480, D.R.D.C.T. and adjacent to a tract described by deed to Catalina Townhomes Condominiums as recorded in Volume 79180, Page 900, D.R.D.C.T. and being more particularly described by metes and bounds as follows:

BEGINNING at a «-cut found in concrete for the intersection of the southwest right of way line of Cedar Springs Road (60 feet wide) and the northwest right of way line of the herein described 15 foot alley and said corner being the east corner of said Lot 1, Block A/1502 from which an «-cut found on a concrete wall bears North 47 degrees 49 minutes 00 seconds West, along the south right of way line of Cedar Springs Road 184.99 feet;

THENCE South 44 degrees 12 minutes 03 second East, with said southwest right of way line a distance of 15.15 feet to a pk-nail found in asphalt for the north corner of Lot A, Block F/1502, of said Tom Thumb No. 510 Addition;

THENCE South 45 degrees 39 minutes 30 second West, with the northwest line of said Lot 6A and the southwest line of herein described alley, passing at a distance of 318.95 feet an «-cut found for the west corner of Lot 3A, in said Block F/1502 and continuing a total distance 425.03 to a 5/8 inch iron rod found for corner being in the northeast right of way line of Dickason Avenue (50 feet wide);

THENCE North 47 degrees 49 minutes 00 second West, with said northeast line, a distance of 15.18 feet to a point for corner in the southwest line Lot 1, Block A/1502 extended;

THENCE North 45 degrees 39 minutes 30 second East, with said southwest line and the northwest line of herein described alley passing a PK-nail at 6.12 feet and continuing a total distance of 425.98 feet to the Point of Beginning and containing 6,445 square feet or 0.1480 acres of land.

To all parties interested in premises surveyed:
That I, Paul E. Mannel, do hereby certify that this survey was made on the ground by me or under my personal supervision and the plat hereon is a true, correct and accurate representation of the property as determined by survey, and conforms to the Minimum Standards of Practice adopted by the Texas Board of Professional Land Surveyors effective September 1, 1992. This property is subject to all easements of record.

Paul E. Mannel
Registered Professional Land Surveyor No. 5533

Reviewed by

VILBIG & ASSOCIATES, INC.
Consulting Engineers & Surveyors
10132 Monroe Drive Dallas, Texas 75229
214-352-7333

Page 1 of 3
To all parties interested in premises surveyed:
That, I, Paul E. Mannel, do hereby certify that this survey was made on the ground by me or under my personal supervision and the plat hereon is a true, correct and accurate representation of the property as determined by survey, and conforms to the Minimum Standards of Practice adopted by the Texas Board of Professional Land Surveyors effective September 1, 1992. This property is subject to all easements of record.

Paul E. Mannel
Registered Professional Land Surveyor No. 5533

REVIEWED BY

Job No. 757-19
Scale: 1" = 60'
Date: Oct. 05, 2006

VILBIG & ASSOCIATES, INC.
Consulting Engineers & Surveyors
10132 Monroe Drive Dallas, Texas 75229
214-352-7333

STATE OF TEXAS
REGISTERED PROFESSIONAL LAND SURVEYOR
P. E. MANNEL
PROFESSIONAL LAND SURVEYOR

Basis of Bearing:
The southwest right of way line of Cedar Springs Road as depicted by a Replat of Block A/1502 and Block F/1502 out of the G.A Knights Sub. as Recorded in Volume 88014, Page 391, D.R.D.C.T.

NOTE:
Surveyor has not abstracted subject property.
15' ALLEY ABANDONMENT
CITY OF DALLAS BLOCK 1502
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A - Tract I

DALLAS COUNTY
MAPSCO 35-W

VICINITY MAP
(NOT TO SCALE)

REVIEWED BY
11/15/86
SPRO 830

LEGEND

TO BE ABANDONED

TO REMAIN
LEGAL DESCRIPTION

BEING a 112 square foot tract of land situated in the James A. Sylvester Survey, Abstract Number 1383, Dallas County, Texas, same being a portion of Lot 1, Block A/1502 of REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE G.A. KNIGHTS SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK 1502, an addition to the City of Dallas according to the plat thereof recorded in Volume 88014, Page 391, Deed Records, Dallas County, Texas, same being all of that certain called 15 foot by 15 foot Alley Sight Easement, as shown on said REPLAT, and also being a portion of that certain tract of land described to Redwood Cedar, LLC according to Special Warranty Deed recorded in Instrument No. 200600225934, Deed Records, Dallas County, Texas, said 112 square foot tract of land being more particularly described in metes and bounds as follows:

BEGINNING at an “X” cut in concrete found (control monument) for the most easterly corner of said Lot 1, Block A/1502, and bearing S 47°49'00" E, a distance of 185.00 feet from an “X” cut in concrete found (control monument) for the most northerly corner of said Lot 1, Block A/1502, same being the most northerly corner of a 15 foot alley adjacent to said Lot 1, Block A/1502 as depicted in the aforementioned REPLAT, recorded in Volume 88014, Page 391, Deed Records, Dallas County, Texas and also adjacent to Lots 3A and 6A, Block F/1502, Tom Thumb No. 510 Addition as recorded in Volume 2000187, Page 480, Deed Records, Dallas County, Texas, same also being adjacent to said Catalina Townhomes Condominiums, said corner also being in the southwesterly line of Cedar Springs Road (60’ R.O.W.);

THENCE S 45°38'17" W, departing said Cedar Springs Road and along the northwesterly line of said 15 foot alley, for a distance of 15.00 feet;

THENCE N 01°04'45" W, for a distance of 20.56 feet to the southwesterly line of said Cedar Springs Road;

THENCE S 47°49'00" E, along said southwesterly line of said Cedar Springs Road, for a distance of 15.00 feet to the POINT OF BEGINNING, and containing 112 square feet or 0.003 acres of land.

BASIS OF BEARINGS: Southwest R.O.W. line of Cedar Springs Road as shown in the G.A. Knights Subdivision replat recorded in Volume 88014, Page 391, D.R.O.C.T.

Reviewed By: ____________________________
Date: ____________________________
SPRG NO.: ____________________________

DATE: 08/27/2007
Project No. 08203
Page 1 of 3
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT

CITY OF DALLAS BLOCK A/1502

LOT 1, REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE G.A. KNIGHTS SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK 1502

JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Lot 1A, Block 3/1501
Kroger Oak Lawn Addition
Vol. 96243, Pg. 1212

CEDAR SPRINGS ROAD
(50' R.O.W.)

DOUGLAS AVENUE
(40' R.O.W.)

REVIEWED BY

DATE: 08/27/2007
Project No. 06203
Page 2 of 3

LEGEND:
CM = controlling monument

Piburn & Partners, LLC
3445 Highland Rd. – Suite 205
Dallas, Texas 75228
ph: (214) 328-3500  fax: (214) 328-3512
pjrealestatesurvey.com
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT

CITY OF DALLAS BLOCK A/1502
LOT 1, REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE G.A. KNIGHTS
SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK 1502
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

VICINITY MAP
(not to scale)

SITE

MAPSCO 35-W

REVIEWED BY

Date: 08/31/2007
LEGAL DESCRIPTION

BEING a 112 square foot tract of land in the James A. Sylvester Survey, Abstract Number 1383, Dallas County, Texas, same being all of that certain 15 foot by 15 foot "Alley Site Easement", as depicted in TOM THUMB NO. 510 ADDITION, an addition to the City of Dallas, as recorded in Volume 2000187, Page 480, Deed Records, Dallas County, Texas, same also being a portion of Lot 6A, Block F/1502 of said Tom Thumb Addition, and further being a portion of that tract of land described to Redwood Cedar, LLC. by Special Warranty Deed recorded in Instrument No. 200600225934, Official Public Records, Dallas County, Texas, said 112 square foot tract being more particularly described in metes and bounds as follows:

BEGINNING at a "pk" nail found for the northeasterly corner of said Lot 6A, from which a capped iron rod marked "W.A.I." found for the most easterly northeast corner of said Lot 6A (controlling monument) bears S 47°49'00" E, a distance of 145.29 feet, said "pk" nail also being in the southwesterly line of Cedar Springs Road (60' R.O.W.) and the southeasterly line of a 15 foot alley;

THENCE S 47°49'00" E, along said southwesterly line of Cedar Springs Road, for a distance of 15.01 feet;

THENCE S 88°55'15" W, departing said southwesterly line, for a distance of 21.85 feet to the southeasterly line of said 15 foot alley;

THENCE N 45°38'17" E, along said southeasterly line, for a distance of 15.00 feet to the POINT OF BEGINNING, and containing 112 square feet or 0.003 acres of land.

BASIS OF BEARINGS: Southwest R.O.W. line of Cedar Springs Road as shown in the G.A. Knights Subdivision replat recorded in Volume 88014, Page 391, D.R.D.C.T.
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT

CITY OF DALLAS BLOCK F/1502
LOT 6A, BLOCK F/1502, TOM THUMB No. 510 ADDITION
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE: 1" = 40'

Lot 1A, Block 3/1501
Krueger Oak Lawn Addition
Vol. 96243, Pg. 1212

CEUDAR SPRINGS ROAD
(60' R.O.W.)

POINT OF
BEGINNING

PK RND

S 44'20'34" E
15.01'

S 47'49'00" E
15.01'

S 47'49'00" E
184.99'

S 47'49'00" E

N 45'38'17" E
15.00'

15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT
112 sq. ft., 0.003 ac.

Lot 6A
Block F/1502
Tom Thumb #510
Vol. 2000187, Pg. 480

REDWOOD CEDAR, LLC
SPECIAL WARRANTY DEED
INS. NO. 200600225934

REVIEWED BY

DATE: 08/31/2007

LEGEND:
CM = controlling monument

FOR SPRG USE ONLY

Reviewed By:
Date:
SPRG NO.
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT

CITY OF DALLAS BLOCK F/1502
LOT 6A, BLOCK F/1502, TOM THUMB No. 510 ADDITION
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

VICINITY MAP
(not to scale)

SITE

MAPSCO 35-W

REVIEWED BY

[Signature]
08.31.2007
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT
CITY OF DALLAS BLOCK A/1502
LOT 1, REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE G.A. KNIGHTS
SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK 1502
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING a 112 square foot tract of land situated in the James A. Sylvester Survey,
Abstract Number 1383, Dallas County, Texas, same being a portion of Lot 1, Block
A/1502 of REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE
G.A. KNIGHTS SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK
1502, an addition to the City of Dallas according to the plat thereof recorded in
Volume 88014, Page 391, Deed Records, Dallas County, Texas, same being all of
that certain called 15 foot by 15 foot Alley Sight Easement, as shown on said
REPLAT, and also being a portion of that certain tract of land described to
Redwood Cedar, LLC according to Special Warranty Deed recorded in Instrument No.
200600225934, Deed Records, Dallas County, Texas, said 112 square foot tract of
land being more particularly described in metes and bounds as follows:

BEGINNING at an "X" cut in concrete found for the most southerly corner of said
Lot 1, Block A/1502, and being N 46°00'56" W, a distance of 165.08 feet from an
"X" cut in concrete found for the east most southwest corner of Block F/1502
(controlling monument), same being in the northwesterly line of a 15 foot alley
adjacent to said Lot 1, Block A/1502 as depicted by plat recorded in Volume
88014, Page 391, Deed Records, Dallas County, Texas and also adjacent to Lots
3A and 6A, Block F/1502, Tom Thumb No. 510 Addition as recorded in Volume
2000187, Page 480, Deed Records, Dallas County, Texas, same also being adjacent
to said Catalina Townhomes Condominiums, said corner also being in the
northeasterly line of Dickason Avenue (Variable R.O.W.);

THENCE N 47°49'00" W, along the northeasterly line of said Dickason Avenue, for a
distance of 15.01 feet;

THENCE N 88°55'15" E, for a distance of 21.85 feet to the northwesterly line of
the aforementioned 15 foot alley;

THENCE S 45°38'17" W, along the northwesterly line of said 15 foot alley, for a
distance of 15.00 feet to the POINT OF BEGINNING, and containing 112 square feet
or 0.003 acres of land.

BASIS OF BEARINGS: Southwest R.O.W. line
of Cedar Springs Road as shown in the
G.A. Knights Subdivision replat recorded in
Volume 88014, Page 391, D.R.D.C.T.

Reviewed By: ____________________________
Date: ____________________________
SPRG NO.: ____________________________

DATE: 08/27/2007
Project No. 06203
Page 1 of 3

Piburn & Partners, LLC
3445 Highland Rd. – Suite 205
Dallas, Texas 75228
ph: (214) 328-3500  fax: (214) 328-3512
email: info@piburn.com
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT
CITY OF DALLAS BLOCK A/1502
LOT 1, REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE G.A. KNIGHTS
SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK 1502
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE: 1" = 40'

15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT
112 sq. ft., 0.003 ac.

15' BUILDING LINE
N 88°55'15" E 21.85'

"49'00" W - 340.30'

N 47°49'00" W 15.01'

POINT OF BEGINNING

DICKASON AVENUE
(VARIABLE R.O.W.)

REVIEWED BY

JH 08.31.2007

LEGEND:
CM = controlling monument

Piburn & Partners, LLC
3445 Highland Rd. – Suite 205
Dallas, Texas 75228
ph: (214) 328-3500 fed:(214) 328-3512
email@piburn.com

Reviewed By: ________________ Date: ________________
SPRG NO.: ________________
15' X 15' ALLEY SIGHT EASEMENT ABANDONMENT
CITY OF DALLAS BLOCK A/1502
LOT 1, REPLAT OF BLOCK A/1502 AND PART OF BLOCK F/1502 OUT OF THE G.A. KNIGHTS
SUBDIVISION (UNRECORDED) AND THE SUBDIVISION OF PART OF BLOCK 1502
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

VICINITY MAP
(not to scale)

[Site Map]

REVIEWS BY
J 08/31/2007

PI BURN & PARTNERS, LLC
3445 Highland Rd. – Suite 205
Dallas, Texas 75228
ph:(214) 328-3500 fax:(214) 328-3512
email@metrosurveyor.com
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.

ABAN.EXB (revised 11/9/00)
EXHIBIT C TRACT I
10' X 10' CORNER CLIP DEDICATION
CITY OF DALLAS BLOCK F/1502
CATALINA TOWNHOMES CONDOMINIUMS
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING a 50 square foot tract of land situated in the James A. Sylvester Survey, Abstract Number 1383, Dallas County, Texas, and being a portion of Block F/1502, CATALINA TOWNHOMES CONDOMINIUMS, a condominium regime recorded in Volume 79180, Page 0900, Deed Records, Dallas County, Texas, and further being a portion of that same tract of land described to Redwood Cedar, LLC. by General Warranty Deed with Vendor's Lien recorded in Instrument No. 20070287621, Deed Records, Dallas County, Texas; said 50 square foot tract being more particularly described in metes and bounds as follows:

BEGINNING at an "X" cut in concrete found for corner at the most southerly corner of said CATALINA TOWNHOMES CONDOMINIUMS, from which a 5/8" iron rod found (controlling monument) bears N 47°49'00" W, a distance of 150.28 feet, said "X" cut also being the intersection of the northwesterly line of Knight Street (50' R.O.W.) with the northeasterly line of Dickason Avenue (variable R.O.W.);

THENCE N 47°49'00" W, along the northeasterly line of said Dickason Avenue, for a distance of 10.00 feet;

THENCE N 88°55'15" E, for a distance of 14.56 feet to the northwesterly line of aforementioned Knight Street;

THENCE S 45°39'30" W, along the northwesterly line of said Knight Street, for a distance of 10.00 feet to the POINT OF BEGINNING, and containing 50 square feet or 0.001 acres of land.

BASIS OF BEARINGS: Southwest R.O.W. line of Cedar Springs Road as shown in the G.A. Knights Subdivision replat recorded in Volume 88014, Page 391, D.R.D.C.T.

(For SPRG use only)

Reviewed By: __________________________
Date: ________________________________
SPRG NO.: __________________________

DATE: 08/27/2007
Project No. 06203
Page 1 of 3

PIBURN & PARTNERS, LLC
3445 Highland Rd. – Suite 205
Dallas, Texas 75228
ph: (214) 328-3500 fax: (214) 328-3512
email@metrosurveyor.com
EXHIBIT C TRACT II
CORNER CLIP DEDICATION
CITY OF DALLAS BLOCK F/1502
LOT 6A, BLOCK F/1502, TOM THUMB No. 510 ADDITION
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING a 37 square foot tract of land situated in the James A. Sylvester Survey, Abstract Number 1383, Dallas County, Texas, same being a portion of Lot 6A, Block F/1502, Tom Thumb No. 510 Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 2000187, Page 480, Deed Records, Dallas County, Texas, and also being a portion of that certain tract of land described to Redwood Cedar, LLC according to Special Warranty Deed recorded in Instrument No. 200600225934, Deed Records, Dallas County, Texas, said 37 square foot tract being more particularly described in metes and bounds as follows:

BEGINNING at a 1/2" iron rod found (controlling monument) for the most easterly corner of said Lot 6A, same being in the northwesterly line of Knight Street (50' R.O.W.) at the southern most point of a 5 foot corner clip at the intersection of said northwesterly line with the southwesterly line of Cedar Springs Road (60' R.O.W.);

THENCE S 45°39'30" W, along the northwesterly line of said Knight Street and the southeasterly line of said Lot 6A, for a distance of 5.00 feet;

THENCE N 01°04'45" W, for a distance of 13.71 feet to the southwesterly line of aforementioned Cedar Springs Road;

THENCE S 47°49'00" E, along the southwesterly line of said Cedar Springs Road, for a distance of 5.00 feet to a capped iron rod found for corner at the most northerly point of the aforementioned 5 foot corner clip, from which a "PK" nail found (controlling monument), bears N 47°49'00" W, a distance of 145.29 feet;

THENCE S 01°04'45" E, along the westerly line of said corner clip, for a distance of 6.85 feet to the POINT OF BEGINNING, and containing 37 square feet or 0.0008 acres of land.

BASIS OF BEARINGS: Southwest R.O.W. line of Cedar Springs Road as shown in the C.A. Knights Subdivision replat recorded in Volume 88014, Page 391, D.R.D.C.T.
CORNER CLIP DEDICATION
CITY OF DALLAS BLOCK F/1502
LOT 6A, BLOCK F/1502, TOM THUMB No. 510 ADDITION
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

VICINITY MAP
(not to scale)

Reviewed By: _______________________
Date: _____________________________
SPRG NO.: ________________________

DATE: 08/27/2007
Project No. 06203
Page 3 of 3

PIBURN & PARTNERS, LLC
3445 Highland Rd. – Suite 205
Dallas, Texas 75228
ph: (214) 328-3311 fax: (214) 328-3512
srvyor.com
SUBJECT
An ordinance abandoning portions of alleys to Cityville Oak Park Limited Partnership, the abutting owner, containing a total of approximately 7,765 square feet of land located near the intersection of Bowser and Mahanna Streets and authorizing the quitclaim — Revenue: $207,714 plus the $20 ordinance publication fee

BACKGROUND
This item authorizes the abandonment of portions of alleys to Cityville Oak Park Limited Partnership, the abutting owner. The areas to be abandoned will be included with the property of the abutting owner to construct a 4-story development with 372 multifamily units and 18,500 square feet of ground floor retail space. The abandonment fee is based on an independent appraisal.

Notices were sent to 48 property owners located within 300 feet of the proposed abandonment areas. There were no responses received in opposition to this request.

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: $207,714 plus the $20 ordinance publication fee
OWNER

Cityville Oak Park Limited Partnership

Cityville Oak Park GP, L.L.C., General Partner
Cityville Partners, L.L.C., Sole Member
Inland American Communities Group, Inc., Sole Member
Steven R. Utley, President

MAPS

Attached
ORDINANCE NO. ____________

An ordinance providing for the abandonment of portions of alleys located in City Blocks 6/2460 and 7/2461 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Cityville Oak Park Limited Partnership; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of the Dallas Development Code; 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 Cityville Oak Park Limited Partnership, an Illinois 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 and conditions herein provided, said portions of 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 hereinafter more fully set out.
SECTION 3. That for and in monetary consideration of the sum of TWO HUNDRED SEVEN THOUSAND SEVEN HUNDRED FOURTEEN AND NO/100 ($207,714.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 9, 10 and 11, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to 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, 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 file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. 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.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall, immediately upon the passage 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 alley and/or street improvements and intersection returns are removed by GRANTEE, its successors and assigns, to the satisfaction of the Director of Development Services.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 3, plus the fee for the publishing of this ordinance, which GRANTEE shall likewise pay, 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 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY
Assistant City Attorney

THERESA O’DONNELL
Director of Development Services

BY
Assistant Director

Passed___________________.
LEGAL DESCRIPTION

ALLEY ABANDONMENT
CITY OF DALLAS BLOCK 6/2460
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 532
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 4,370 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 532, City of Dallas, Dallas County, Texas and said tract being a 15 foot Alley right of way in City Block 6/2460, as dedicated by map of Lemmon Avenue Heights Addison Plat No. 2 recorded in Volume 125, Page 159 Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner at the intersection of the northwest line of the said Alley right of way with the northwest line of Mahanna Street (a 50 foot right of way);

THENCE, S 52°47'11" W, crossing the said alley right of way, a distance of 15.00 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner at the intersection of the southwest line of the said Alley right of way and the northwest line of Mahanna Street;

THENCE, N 35°47'18" W, with the southwest line of the said Alley right of way, a distance of 291.51 feet to a found 5/8 inch iron rod for a corner at the end of said Alley right of way, said point being in the southeast line of Block 11/2472 of Elsmere Addition, as recorded in Volume 1, Page 42, Map Records of Dallas County, Texas;

THENCE, N 53°57'29" E, with the southeast line of said Block 11/2472, a distance of 15.00 feet to a found 5/8 inch iron rod for a corner in the northeast line of the said Alley right of way;

THENCE, S 35°47'18" E, with the northeast line of the said Alley right of way, a distance of 291.15 feet to the Point of Beginning and Containing 4,370 square feet of land.

(A plat of even survey date herewith accompanies this description.)

(The bearing basis is the northwest line of Lot 18A, Block 4/2465 of Easton Apartments recorded in Volume 86072, Page 2610, D.R.D.C.T.)

SURVEYOR’S CERTIFICATE

The undersigned hereby certifies the above legal description was prepared from an on the ground surveys performed between June 2005 and December 2005, under the supervision of the undersigned and that the legal description accurately sets out the metes and bounds of the alley right of way abandonment tract described.

Dated: February 6, 2006

[Signature]

Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

REVIEWED BY 04/25/06
Spa 639
The undersigned hereby certifies the above legal description was prepared from on the ground surveys performed between June 2005 and December 2005, under the supervision of the undersigned and that the legal description accurately sets out the metes and bounds of the alley right of way abandonment tract described.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above legal description was prepared from on the ground surveys performed between June 2005 and December 2005, under the supervision of the undersigned and that the legal description accurately sets out the metes and bounds of the alley right of way abandonment tract described.

OWNERSHIP:
Cityville At West HP, L.P.
Vol. 2004243, Pg. 9533
D.R.D.C.T.

BEARING BASIS: SS4°06'10"W for northwest line of Cedar Plaza Lane as shown on the map of Lot 18A, Block 4/2465 of Easton Apartments recorded in Volume 86072, Page 2610, D.R.D.C.T.

A legal description of even survey date herewith accompanies this plat of survey.

REVIEWED BY

Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

Page 2 of 2
LEGAL DESCRIPTION

ALLEY ABANDONMENT
CITY OF DALLAS BLOCK 7/2461
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 532
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 3,395 square feet tract of land situated in the Crawford Grigsby Survey, Abstract No. 532, City of Dallas, Dallas County, Texas and said tract being a 15 foot Alley right of way in City Block 7/2461, as dedicated by map of Lemmon Avenue Heights recorded in Volume 1247, Page 19, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner in the southwest line of the said Alley right of way, said point being N 35°47'18" W, a distance of 73.51 feet from the intersection of the southwest line of the said Alley right of way with the northwest line of Mahanna Street (a 50 foot right of way);

THENCE, N 35°47'18" W, with the southwest line of the said Alley right of way, a distance of 226.28 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner at the end of said Alley right of way, said point being in the southeast line of Block 12/2473 of Elsmere Addition, as recorded in Volume 1, Page 42, Map Records of Dallas County, Texas;

THENCE, N 53°57'29" E, with the southeast line of said Block 12/2473, a distance of 15.00 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner in the northeast line of the said Alley right of way;

THENCE, S 35°47'18" E, with the northeast line of the said Alley right of way, a distance of 226.34 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner;

THENCE, S 54°12'42" W, crossing the said Alley right of way, a distance of 15.00 feet to the Point of Beginning and Containing 3,395 square feet of land.

(A plat of even survey date herewith accompanies this description.)

(The bearing basis is the northwest line of Lot 18A, Block 4/2465 of Easton Apartments recorded in Volume 86072, Page 2610, D.R.D.C.T.)

SURVEYOR'S CERTIFICATE

The undersigned hereby certifies the above legal description was prepared from an on the ground surveys performed between June 2005 and December 2005, under the supervision of the undersigned and that the legal description accurately sets out the metes and bounds of the alley right of way abandonment tract described.

Dated: February 6, 2006

L. Lynn Kadlec
Registered Professional
Land Surveyor No. 3952

REVIEWED BY

Page 1 of 2
ALLEY ABANDONMENT
CITY OF DALLAS BLOCK 7/2461
CRAWFORD GRIGSBY SURVEY
ABSTRACT NO. 532
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGEND
FIR  Found Iron Rod
FIP  Found Iron Pipe
CM  Controlling Monument
□  Abandonment Area
()  Calls per Map Deed

NOTE: ALL CORNERS ARE 5/8 INCH IRON RODS WITH YELLOW PLASTIC CAP STAMPED "KADLECK 3952" UNLESS OTHERWISE NOTED.

<table>
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<th>BEARING</th>
<th>DISTANCE</th>
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<tr>
<td>L3</td>
<td>S53°57'29&quot;W</td>
<td>15.00&quot;</td>
</tr>
</tbody>
</table>

SURVEYOR'S CERTIFICATE
The undersigned hereby certifies the above legal description was prepared from an on the ground surveys performed between June 2005 and December 2005, under the supervision of the undersigned and that the legal description accurately sets out the metes and bounds of the alley right of way abandonment tract described.

CITY OF DALLAS, DALLAS COUNTY, TEXAS
ABANDONMENT AREA
3395 SF

Lot 1-4 & Lot 6, Block 7/2461
Port of
Lemmon Avenue Heights No. 2 Addition
Vol. 125, Pg. 159
D.R.D.C.T.

OWNERSHIP:
Cityville At West HP, L.P.
Vol. 2004243, Pg. 9533
D.R.D.C.T.

BEARING BASIS: S54°06'10"W for northwest line of Cedar Plaza Lane as shown on the map of Lot 18A, Block 4/2465 of Easton Apartments recorded in Volume 86072, Page 2610, D.R.D.C.T.

A legal description of even survey date hereafter accompanies this plat of survey.

REVIEWED BY
Lynn Kadieck
Registered Professional
Land Surveyor No. 3952

Page 2 of 2
EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

ABAN.EXB (revised 11/9/00)
ADDENDUM ITEM # 7

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 10, 2007

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 44Z

SUBJECT

An ordinance abandoning a portion of an alley to 1222 North Bishop Avenue LLC; Energy & Opportunities, LP; Michael L. Robinson, DDS d/b/a Axxis Enterprises; Oakcliff Land Development Company LP; Fountain Villa, Inc.; JC Leasing, L.L.P.; Maria Del Rosario Alaniz; Rene' Ochoa and Deborah Ochoa; Juan Manuel Romero and Ana Romero; Lazaro Rivera and Eloina R. Rivera; and Homar C. Lomas and Josephina Cruz, the abutting owners, containing a total of approximately 10,802 square feet of land located near the intersection of Ballard and Bishop Avenues, and authorizing the quitclaim - Revenue: $74,000 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to 1222 North Bishop Avenue LLC; Energy & Opportunities, LP; Michael L. Robinson, DDS d/b/a Axxis Enterprises; Oakcliff Land Development Company LP; Fountain Villa, Inc.; JC Leasing, L.L.P.; Maria Del Rosario Alaniz; Rene' Ochoa and Deborah Ochoa; Juan Manuel Romero and Ana Romero; Lazaro Rivera and Eloina R. Rivera; and Homar C. Lomas and Josephina Cruz, the abutting owners. The area will be included with the property of each abutting owner for the expansion of their property and for the purpose of including portions of this area in the development of high rise residential condominiums and retail uses. The abandonment fee is based on an independent appraisal.

Notices were sent to 30 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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: $74,000 plus the $20 ordinance publication fee

OWNERS

1222 North Bishop Avenue LLC
Thad F. Baker, Manager
Gary Corona, Manager

Energy & Opportunities, LP
E & O, Inc., General Partner
Fred Baker, President

Axxis Enterprises
Michael L. Robinson, DDS, Owner

Oakcliff Land Development Company LP
Renal Land Holdings, LLC, General Partner
Pedro Vergne-Marini, Managing Partner

Fountain Villa, Inc.
Felex Sandoval, President

J.C. Leasing, LLP
Juanita Couch, Partner

MAPS
Attached
ORDINANCE NO. _____________

An ordinance providing for the abandonment of portions of an alley located adjacent to City Block M/3363 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to 1222 North Bishop Avenue, LLC; Energy & Opportunities, L.P.; Michael L. Robinson, DDS d/b/a Axxis Enterprises; Oakcliff Land Development Company LP; Fountain Villa, Inc.; JC Leasing, L.L.P.; Maria Del Rosario Alaniz; Rene' Ochoa and Deborah Ochoa; Juan Manuel Romero and Ana Romero; Lazaro Rivera and Eloina R. Rivera; and Homar C. Lomas and Josephina Cruz; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of 1222 North Bishop Avenue, LLC, a Texas limited liability company; Energy & Opportunities, L.P., a Texas limited partnership; Michael L. Robinson, DDS d/b/a Axxis Enterprises; Oakcliff Land Development Company LP, a Texas limited partnership; Fountain Villa, Inc., a Texas Corporation; JC Leasing, L.L.P., a Texas limited liability partnership; Maria Del Rosario Alaniz, an individual; Rene' Ochoa and Deborah Ochoa, individuals; Juan Manuel Romero and Ana Romero, individuals; Lazaro Rivera and Eloina R. Rivera, individuals; and Homar C. Lomas and Josephina Cruz, individuals; hereinafter referred to collectively as GRANTEE, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said portions of alley 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 the tracts of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same are abandoned, insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of SEVENTY FOUR THOUSAND AND NO/100 ($74,000.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 8, 9 and 10 the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations 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 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 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 6. That the terms and conditions contained in this ordinance shall be binding upon GRANTEE, their successors, heirs and assigns.

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

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

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. 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.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the 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, their successors, heirs and assigns to the satisfaction of the Director of Development Services.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of 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: (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 12.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY  
Assistant City Attorney

**THERESA O’DONNELL**
Director of Development Services

BY  
Assistant Director

Passed__________________.
DESCRIPTION, of a 5,105 square foot (0.117 acre) tract of land situated in the G.S.C. Leonard Survey, Abstract No. 783, Dallas County, Texas; said tract being part of a 20-foot wide alley located in City Block M/3363, of the Miller & Stemmons Addition, an addition to the City of Dallas according to the Plat recorded in Volume 1, Page 25 of the Deed Records of Dallas County, Texas; and being part of a 20-foot wide alley, dedicated to the City of Dallas by those Deeds recorded in Volume 679, Page 418; Volume 680, Page 390 and Volume 682, Page 322 of said Deed Records; said 5,105 square foot tract being more particularly described as follows (Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way), as described in a Special Warranty Deed to 1222 North Bishop Avenue recorded in Instrument No. 20070025343 of said Deed Records):

BEGINNING, at a 60-D nail found in the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way) and the northwest line of said 20-foot wide alley; said point being South 29 degrees, 45 minutes, 50 seconds East, a distance of 85.08 feet from a 5/8-inch iron rod with yellow cap found at the intersection of the south line of Bishop Avenue (a variable width right-of-way line) with the said southwest right-of-way line of Ballard Avenue:

THENCE, South 29 degrees, 45 minutes, 50 seconds East, along the said southwest line of Ballard Avenue, a distance of 22.63 feet to a 1/2-inch iron rod found for corner; said point being in the southeast line of said 20-foot wide alley;

THENCE, South 32 degrees, 19 minutes, 32 seconds West, along the southeast line of said 20-foot wide alley and departing the said southwest line of Ballard Avenue, distance of 232.75 feet to a 5/8-inch iron rod with "RPLS 1598" cap found for corner along the said southeast line of the 20-foot wide alley;

THENCE, North 59 degrees, 11 minutes, 10 seconds West, departing the said southeast line of the 20-foot wide alley, a distance of 10.00 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner on the centerline of said 20-foot wide alley;

THENCE, South 32 degrees, 19 minutes, 32 seconds West, along the said centerline of the 20-foot wide alley, a distance of 34.19 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being in the northwest line of said 20-foot wide alley;

THENCE, North 55 degrees, 54 minutes, 10 seconds West, departing the said centerline of the variable width alley, a distance of 10.00 feet to a 3/8-inch iron rod with "west 682" cap found for corner;

THENCE, North 32 degrees, 19 minutes, 32 seconds East, along the said northwest line of the 20-foot wide alley, a distance of 277.50 feet to the POINT OF BEGINNING;

CONTAINING, 5,105 square feet or 0.117 acres of land, more or less.

(A survey plat of even date herewith accompanies this legal description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

Michael Larry Lewis, Jr.
Date
Registered Professional Land Surveyor No. 5773
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

EXHIBIT 1.doc
2620-07.017EX1.dwg
LOT 1
"+" CUT IN CONCRETE FOUND

LOT 22
60'-O' NAIL FOUND (C.M.)

POINT OF BEGINNING

LOT 21
BLOCK M/3363
MILLER & STEMMONS ADDITION
(VOL. 1, PG. 25)

1222 NORTH BISHOP AVENUE
(INST. NO. 20070025343)

LOT 20
20'-FOOT WIDE ALLEY ABANDONMENT
0.117 ACRES
(5,105 SF)

LOT 19

MATCH LINE (SEE SHEET 3)

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.

2. Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60'-foot wide right-of-way), as described in the Special Warranty Deed to 1222 North Bishop Avenue, recorded in instrument No. 20070025343, of the Deed Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.

Michael Larry Lewis, Jr.
Registered Professional Land Surveyor No. 5773

EXHIBIT A

GRAPHIC SCALE IN FEET

LEGEND
.. PROPERTY LINE
.. EASEMENT LINE
.. EASEMENT CORNER
.. 5/8-INCH IRON ROD W/"RPLS 1598" CAP
FOUND
.. 1/2-INCH IRON ROD W/"PACHECO KOCH"
CAP SET

Pacheco Koch Consulting Engineers

ALLEY ABANDONMENT
20-FOOT WIDE ALLEY
LOCATED IN THE CITY OF DALLAS, TEXAS
CITY BLOCK M/3363, MILLER & STEMMONS ADD.
BEING OUT OF THE
G.S.C. LEONARD SURVEY, ABSTRACT NO. 783
DALLAS COUNTY, TEXAS
SHEET 2 OF 3

DRAWN BY
AP

CHECKED BY
MILL

SCALE
1" = 30'

DATE
FEB. 2007

JOB NUMBER
2820-07.017

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

Michael Larry Lewis, Jr.
Registered Professional Land Surveyor No. 5773

DRAWN BY
AP

CHECKED BY
MILL

SCALE
1" = 30'

DATE
FEB. 2007

JOB NUMBER
2820-07.017

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031
ALLEY ABANDONMENT

20-FOOT WIDE ALLEY

LOCATED IN THE CITY OF DALLAS, TEXAS

CITY BLOCK M/3363, MILLER & STEMMONS ADD.

BEING OUT OF THE

G.S.C. LEONARD SURVEY, ABSTRACT NO. 783

DALLAS COUNTY, TEXAS

SHEET 3 OF 3

DWG FILE: 2820-07-07EX1.DWG

Pacheco Koch Consulting Engineers

8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY CHECKED BY SCALE DATE JOB NUMBER
AP MLL 1"=30' FEB. 2007 2820-07.071

Notes:

1. A legal description of even survey date herewith accompanies this plat of survey.

2. Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way), as described in the Special Warranty Deed to 1222 North Bishop Avenue, recorded in Instrument No. 20070025343, of the Deed Records of Dallas County, Texas.
ALLEY ABANDONMENT
20-FOOT WIDE ALLEY
LOCATED IN THE CITY OF DALLAS, TEXAS
CITY BLOCK M/3363, MILLER & STEMMONS ADD.
BEING OUT OF THE
G.S.C. LEONARD SURVEY, ABSTRACT NO. 783
DALLAS COUNTY, TEXAS
ALLEY ABANDONMENT
10-FOOT WIDE ALLEY
City Block M/3363
Miller & Stemmons Addition
G.S.C. Leonard Survey, Abstract No. 783
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 362 square foot (0.008 acre) tract of land situated in the G.S.C. Leonard Survey, Abstract No. 783, Dallas County, Texas; said tract being part of a 10-foot wide alley located in City Block M/3363, of the Miller & Stemmons Addition, an addition to the City of Dallas, according to the Plat recorded in Volume 1, Page 25 of the Deed Records of Dallas County, Texas; said 362 square foot tract being more particularly described as follows (Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way), as described in a Special Warranty Deed to 1222 North Bishop Avenue recorded in Instrument No. 20070025343 of the Deed Records of Dallas County, Texas):

BEGINNING, at a 5/8-inch iron rod with "RPLS 1588" cap found in the southeast line of said 20-foot wide alley; said point being South 32 degrees, 19 minutes, 32 seconds West, a distance of 232.76 feet from a 1/2-inch iron rod found at the intersection of said southwest right-of-way line of Ballard Avenue and the said southeast line of a the 20-foot wide alley;

THENCE, South 32 degrees, 19 minutes, 32 seconds West, along the said southeast line of the 20-foot wide alley, a distance of 36.95 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

THENCE, North 50 degrees, 53 minutes, 41 seconds West, departing the said southeast line of the 20-foot wide alley, a distance of 10.07 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner on the centerline of said 20-foot wide alley;

THENCE, North 32 degrees, 19 minutes, 32 seconds East, along the said centerline of the 20-foot wide alley, a distance of 35.49 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

THENCE, South 59 degrees, 11 minutes, 10 seconds East, departing the said centerline of the 20-foot wide alley, a distance of 10.00 feet to the POINT OF BEGINNING;

CONTAINING, 362 square feet or 0.008 acres of land, more or less.

(A survey plat of even date herewith accompanies this legal description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

Michael Larry Lewis, Jr. Date
Registered Professional Land Surveyor No. 5773
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

(For SPRG use only)
Reviewed By: 
Date: 9-19-07
SPRG NO: 1119

SHEET 1 OF 2
LOT 1
SI-B-INCH IRON ROD FOUND
SIB-INCH IRON ROD W/"OCA" CAP FOUND

LOT 2
SERGIO DELEON, ET UX
(VOL. 92222, PG. 2413)

LOT 3
ENERGY & OPPORTUNITIES, L.P.
(INST. NO. 20070115031)

LOT 4
FOUNTAIN VILLA, INC.
(INST. NO. 2000058, PG. 4157)

1222 NORTH BISHOP AVENUE
(INST. NO. 20070025343)

10' ALLEY ABANDONMENT
362 SF
(0.008 ACRES)

NOTES:
1. A legal description of even survey date herewith accompanies this plot of survey.
2. Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue, (a 60-foot wide right-of-way) as described in the Special Warranty Deed to 1222 North Bishop Avenue, recorded in Instrument No. 20070025343, of the Deed Records of Dallas County, Texas.

Michael Larry Lewis, Jr.
Registered Professional Land Surveyor No. 5773
ALLEY ABANDONMENT
10-FOOT WIDE ALLEY
CITY BLOCK M/3363 OF THE MILLER & STEMMONS ADD.
BEING OUT OF THE
G.S.C. LEONARD SURVEY, ABSTRACT NO. 783
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Reviewed By:  
Date:  9-19-07
SPRG NO:  1119
DESCRIPTION, of a 1,038 square foot (0.024 acre) tract of land situated in the G.S.C. Leonard Survey, Abstract No. 783, Dallas County, Texas; said tract being part of a 20-foot wide alley located in City Block M/3363, dedicated to the City of Dallas by those Deeds recorded in Volume 679, Page 418; Volume 680, Page 390 and Volume 682, Page 322 of the Deed Records of Dallas County, Texas; and being part of Block M/3363 of the Miller & Stemmons Addition, an addition to the City of Dallas according to the Plat recorded in Volume 1, Page 25 of the said Deed Records; said 1,038 square foot tract being more particularly described as follows (Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way), as described in a Special Warranty Deed to 1222 North Bishop Avenue recorded in Instrument No. 20070025343 of the Deed Records of Dallas County, Texas):

BEGINNING, at a 1/2-inch iron rod with "Pacheco Koch" cap set in the southeast line of said 20-foot wide alley; said point being South 32 degrees, 19 minutes, 32 seconds West, a distance of 269.70 feet from a 1/2-inch iron rod found at the intersection of said southwest line of Ballard Avenue and the said southeast line of the 20-foot wide alley;

THENCE, South 32 degrees, 19 minutes, 32 seconds West, along the said southeast line of the 20-foot wide alley, a distance of 50.59 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

THENCE, North 55 degrees, 54 minutes, 10 seconds West, departing the said southeast line of the 20-foot wide alley, a distance of 20.01 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner in the northwest line of said 20-foot wide alley;

THENCE, North 32 degrees, 19 minutes, 32 seconds East, along the said northwest line of the 20-foot wide alley, a distance of 52.77 feet to a 3/8-inch iron rod with "West 682" cap found for corner;

THENCE, South 55 degrees, 54 minutes, 10 seconds East, departing the said northwest line of the 20-foot wide alley, a distance of 10.00 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner in the centerline of said 20-foot wide alley;

THENCE, South 32 degrees, 19 minutes, 32 seconds West, along the said centerline of the 20-foot wide alley, a distance of 1.30 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

THENCE, South 50 degrees, 53 minutes, 41 seconds East, departing the said centerline of the 20-foot wide alley, a distance of 10.07 feet to the POINT OF BEGINNING;

CONTAINING, 1,038 square feet or 0.024 acres of land, more or less.

(A survey plat of even date herewith accompanies this legal description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

Michael Larry Lewis, Jr.
Date: 7/16/07
Registered Professional Land Surveyor No. 5773
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

Reviewed By: MICHAEL LARRY LEWIS, JR.
Date: 07.25.2007

(For SPRG use only)
Reviewed By: ________________
Date: ________________
SPRG NO: ________________
1222 NORTH BISHOP AVENUE
(INST. NO. 20070025343)

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way) as described in the Special Warranty Deed to 1222 North Bishop Avenue, recorded in Instrument No. 20070025343, of the Deed Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plot of survey accurately sets out the metes and bounds of the easement tract described.

Michael Larry Lewis, Jr.
Registered Professional Land Surveyor No. 5773

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY
CHECKED BY
SCALE
DATE
JOB NUMBER

1"=30'
FEB. 2007
2820-07.017

DWG FILE: 2820-07-017EX3.DWG
ALLEY ABANDONMENT
20-FOOT WIDE ALLEY

LOCATED IN THE CITY OF DALLAS
CITY BLOCK M/3363 OF THE MILLER & STEMMONS ADD.
BEING OUT OF THE
G.S.C. LEONARD SURVEY, ABSTRACT NO. 783
DALLAS COUNTY, TEXAS
ALLEY ABANDONMENT
VARIABLE WIDTH ALLEY
Lot 23A, City Block M/3363
Dallas Nephrology Addition
G.S.C. Leonard Survey, Abstract No. 783
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 4,387 square foot (0.101 acre) tract of land situated in the G.S.C. Leonard Survey, Abstract No. 783, Dallas County, Texas; said tract being part of a variable width alley located in City Block M/3363; and being all of those two "Alley R.O.W. Ded. to the City of Dallas" tracts, according to the Plat of the Dallas Nephrology Addition, an addition to the City of Dallas, recorded in Volume 89104, Page 2232, and to the Replat of the Dallas Nephrology Addition, an addition to the City of Dallas, recorded in Volume 89244, Page 2889 of the Deed Records of Dallas County, Texas; said 4,387 square foot tract being more particularly described as follows (Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue (a 60-foot wide right-of-way), as described in a Special Warranty Deed to 1222 North Bishop Avenue recorded in Instrument No. 20070025343 of the Deed Records of Dallas County, Texas):

BEGINNING, at a 1/2-inch iron rod with "Pacheco Koch" cap set in the southeast line of a variable width alley (20 feet wide at this point); said point being South 32 degrees, 19 minutes, 32 seconds West, a distance of 320.29 feet from a 1/2-inch iron rod found at the intersection of said southwest right-of-way line of Ballard Avenue and the southeast line of said variable width alley, said point being the west corner of Lot 4, Block M/3363 Miller & Stemmons Addition recorded in Volume 1, Page 25 and the north corner of Lot 5, Block M/3363 Miller & Stemmons Addition recorded in Volume 1, Page 25 of the Deed Records of Dallas County, Texas;

THENCE, South 32 degrees, 19 minutes, 32 seconds West, along the said southeast line of the variable width alley, a distance of 270.55 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner (15-foot wide alley at this point);

THENCE, North 56 degrees, 25 minutes, 41 seconds West, departing the said southeast line of the variable width alley, a distance of 15.00 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner along the northwest line of the said variable width alley;

THENCE, along the said northwest line of the variable width alley the following three (3) calls:

North 32 degrees, 19 minutes, 32 seconds East, a distance of 186.03 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

North 24 degrees, 52 minutes, 44 seconds East, a distance of 38.58 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

North 32 degrees, 19 minutes, 32 seconds East, a distance of 46.56 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner, said point being south corner of a tract of land described in the Warranty Deed to Axxis Enterprises recorded in Volume 2003149, Page 5186 of Deed Records of Dallas County, Texas;

THENCE, South 55 degrees, 54 minutes, 10 seconds East, departing the said northwest line of the variable width alley, a distance of 20.01 feet to the POINT OF BEGINNING;
ALLEY ABANDONMENT
(CONTINUED)

CONTAINING, 4,387 square feet or 0.101 acres of land, more or less.

(A survey plat of even date herewith accompanies this legal description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

Michael Larry Lewis, Jr.
Registered Professional Land Surveyor No. 5773
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

Reviewed By: _JL_
Date: 9-19-07
SPRG NO: 1118
The undersigned, Registered Professional Land Surveyor, hereby certifies that this plot of survey accurately sets out the metes and bounds of the easement tract described.

Michael Larry Lewis, Jr.
Registered Professional Land Surveyor No. 5773

9/1/07

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY AP CHECKED BY SCALE DATE JOB NUMBER

DWG FILE: 2820-07-017EX4.DWG
LOT 23A, BLOCK M/3363
DALLAS NEPHYROLOGY ADDITION II
(VOL. 89104, PG. 2232)
(VOL. 89244, PG. 2889)
LOT 24
LOT 25
BISHOP AVENUE TOWNHOMES, SECTION TWO
(INST. NO. 200503591167)
LOT 26
LOT 27
LOT 9
MARIA DEL ROSARIO
(VOL. 2002184, PG. 8241)
LOT 10
J C LEASING, L.L.P.
(VOL. 2002020, PG. 6376)
NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 29 degrees, 45 minutes, 50 seconds East, for the southwest right-of-way line of Ballard Avenue, as described in the Special Warranty Deed to 1222 North Bishop Avenue, recorded in Instrument No. 20070025343, of the Deed Records of Dallas County, Texas.

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

ALLEY ABANDONMENT VARIABLE WIDTH ALLEY
LOT 23 A, BLOCK M/3363, DALLAS NEPHYROLOGY ADD. BEING OUT OF THE
G.S.C. LEONARD SURVEY, ABSTRACT NO. 783
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

DWG FILE: 2820-07-017EX4.DWG
VICINITY MAP
(NOT TO SCALE)

ALLEY ABANDONMENT
VARIEABLE WIDTH ALLEY
LOT 23 A, BLOCK M/3363, DALLAS NEPHROLOGY ADD.
BEING OUT OF THE
G.S.C. LEONARD SURVEY, ABSTRACT NO. 783
CITY OF DALLAS, DALLAS COUNTY, TEXAS

 Reviewed By: [Signature]
 Date: 9-19-07
 SPRG NO: 1118
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.

ABAN.EXB (revised 11/9/00)
SUBJECT

An ordinance granting an MU-3 Mixed Use District subject to deed restrictions volunteered by the applicant on the north side of Wheatland Road, east of West Virginia Drive - Z067-214 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on September 26, 2007, approved an MU-3 Mixed Use District subject to deed restrictions volunteered by the applicant on the north side of Wheatland Road, east of West Virginia Drive and asked that the ordinance and volunteered deed restrictions be brought back on October 10, 2007. The applicant volunteered deed restrictions prohibiting multifamily uses on the request site.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 2, 2007, the City Plan Commission recommended approval of an MU-3 Mixed Use District on the north side of Wheatland Road, east of West Virginia Drive.

On September 26, 2007, the City Council approved an MU-3 Mixed Use District subject to deed restrictions volunteered by the applicant on the north side of Wheatland Road, east of West Virginia Drive and asked that the ordinance and volunteered deed restrictions be brought back on October 10, 2007.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
HONORABLE MAYOR & CITY COUNCIL

LOCATION: North side of Wheatland Road, east of West Virginia Drive
COUNCIL DISTRICT: 8 MAPSCO: 73-B
SIZE OF REQUEST: Approx. 9.47 acres CENSUS TRACT: 166.05

REPRESENTATIVE: Matthew Cragun
APPLICANT: John Odell
OWNER: See attached list
REQUEST: An application for an MU-3 Mixed Use District on property zoned an NO(A) Neighborhood Office District and a GO(A) General Office District.
SUMMARY: The applicant proposes to construct a mixed-use development of retail, office, and multifamily uses.

CPC RECOMMENDATION: Approval
STAFF RECOMMENDATION: Approval
June 4, 2007

Mr. Matt Cragun

c/o O'Donald Engineering

1601 E. Lamar Blvd.

Arlington, Texas 76011

Re: 15.288 acre parcel of real property located at Wheatland Road, Dallas County, Texas (the “Property”)

Dear Mr. Cragun:

In connection with our previous telephone conversations, my files would indicate that the above-referenced Property is owned in the following undivided interests:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary King Penny</td>
<td>39%</td>
</tr>
<tr>
<td>Kendall King Waggoner</td>
<td>39%</td>
</tr>
<tr>
<td>William M. Penny, Jr.</td>
<td>8%</td>
</tr>
<tr>
<td>Keith A. Waggoner</td>
<td>8%</td>
</tr>
<tr>
<td>William M. Penny, Jr., Trustee</td>
<td>3%</td>
</tr>
<tr>
<td>The Penny Childrens' Trust</td>
<td></td>
</tr>
<tr>
<td>Keith A. Waggoner, Trustee of</td>
<td>3%</td>
</tr>
<tr>
<td>The Waggoner Childrens' Trust</td>
<td></td>
</tr>
</tbody>
</table>

By Warranty Deed dated September 30, 1985, filed for record on October 7, 1985, and recorded in Volume 85196, Page 4038, Deed Records, Dallas County, Texas, Chestnut-McKenzie-Wheatland Road Joint Venture conveyed the Property to Julius W. King (undivided 50% interest), Mary K. Penny (undivided 25% interests) and Kendall K. Waggoner (undivided 25% interest).

During the years 1993 through 1998, Julius W. King conveyed his 50% undivided interest in the Property to Mary K. Penny (14%), Kendall King Waggoner (14%), William M. Penny, Jr. (8%), Keith A. Waggoner (8%), William M. Penny, Jr., Trustee, The Penny Childrens' Trust (3%), Keith A. Waggoner, Trustee, The Waggoner Childrens' Trust (3%). For each of the years 1993-1998, Julius King would convey an interest in the Property to his wife, Marion K. King, and then both Julius King and Marion King would convey to the current owners. Correction Deeds were filed for the
years 1993-1996 to correct an inadvertent error in the legal description of the Property, attached as an exhibit to the original deeds for said years.

Please contact me should you have any questions.

Sincerely,

William M. Penny, Jr.

WMP:mi
14 PROPERTY OWNERS NOTIFIED
0 REPLIES IN FAVOR
2 REPLIES IN OPPOSITION
400 AREA OF NOTIFICATION
8-2-07 CPC DATE

The number '0' indicates City of Dallas Ownership

NOTIFICATION

<table>
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<tr>
<th>AREA OF NOTIFICATION</th>
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<tbody>
<tr>
<td>NUMBER OF PROPERTY OWNERS NOTIFIED</td>
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</tr>
</tbody>
</table>

Map no: P-5
Case no: Z067-214 JH
Notification List of Property Owners

Z067-214(JH)(CS)

14 Property Owners Notified

<table>
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<tr>
<th>Label</th>
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<th>Owner</th>
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<tr>
<td>1</td>
<td>3400 WHEATLAND</td>
<td>KING MARION K ET AL</td>
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<tr>
<td>2</td>
<td>8027 WEST VIRGINIA</td>
<td>DALLAS COUNTY NURSING</td>
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<td>3</td>
<td>7992 WEST VIRGINIA</td>
<td>DESOTO SURGICARE PTRE LTD</td>
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<tr>
<td>4</td>
<td>3535 WHEATLAND</td>
<td>HEALTH IMAGES TEXAS INC</td>
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<tr>
<td>5</td>
<td>8017 WEST VIRGINIA</td>
<td>LLLD ASSOCIATES LP</td>
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<tr>
<td>6</td>
<td>2802 WHEATLAND</td>
<td>METHODIST HOSPITALS OF DA</td>
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<tr>
<td>X 7</td>
<td>7900 WEST VIRGINIA</td>
<td>MOLAVILLE MGT LTD</td>
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<td>8000 WEST VIRGINIA</td>
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<td>SOUTHWEST PHYSICIANS PA</td>
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<td>3155 WHEATLAND</td>
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<tr>
<td>X 14</td>
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<td>WRR PROPERTIES INC TR</td>
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Tuesday, May 15, 2007
Subject

Authorize an amendment to Resolution Nos. 06-0963, previously approved on March 28, 2006 and 07-1595, previously approved on May 23, 2007, to (1) allow $750,000 in CDBG funds previously approved for principal reduction (acquisition) to also include expenditures for related soft costs; and (2) extend the time frame to June 30, 2008 to allow the Central Dallas Community Development Corporation and JPMorgan Chase to enter into a loan renewal agreement for reduction of the principal balance of the Chase acquisition loan - Financing: No cost consideration to the City

Background

The approval of this request will authorize an extension of time from August 10, 2007 to no later than June 30, 2008 for $750,000 of Residential Development Acquisition Loan Program (RDALP) funds to be applied to the acquisition and related soft costs of the existing acquisition loan between Central Dallas Community Development Corporation’s (CDCDC) Akard Walk, L.P. and JPMorgan Chase. This extension request is necessary to allow for the completion of the Texas Historical Commission and U.S. National Park Service environmental reviews required under Section 106 of the National Historic Preservation Act of 1966 and for Historic Preservation Certification prior to funding of the federal RDALP funds. Background of previous actions taken by the City follow.

On March 28, 2006 the City Council approved Resolution No. 06-0963 which authorized a $750,000 RDALP loan for CDCDC or another entity created by CDCDC for the CityWalk @ Akard Apartment rehabilitation project located at 511 N. Akard, Dallas, Texas, subject to approval and award of 9% tax credits by the State by September 30, 2006, compliance with federal and RDALP requirements and execution of first lien lenders loan for construction. The RDALP loan was to be used to pay partial acquisition costs to be secured by a subordinate lien. This approval included the City’s intent, subject to subsequent Council authorization, to allocate up to $1 million in future 2005 Homeless Assistance Center General Obligation Bond proceeds in exchange for 50 units in the CityWalk @ Akard Project being set aside for tenants who are transitioning out of homelessness.
BACKGROUND (continued)

On July 28, 2006, the Texas Department of Housing and Community Affairs Board approved a forward commitment for 2007 for the CityWalk @ Akard Project, allowing the Project to receive the tax allocation and move forward.

On September 27, 2006 the City Council approved by Resolution No. 06-2651, which amended Resolution 06-0963 deadline for obtaining and closing the tax credit financing and the execution of the first lien lenders construction loan for the CityWalk @ Akard project until September 30, 2007. All other terms and obligations remained the same as approved in the March 28, 2006 City Council by Resolution No. 06-0963. The CityWalk @ Akard L.P., an entity created by the CDCDC acquired 511 N. Akard on November 10, 2006, with acquisition loans totaling $6.4 million, from JPMorgan Chase and Enterprise Community Partners.

On April 26, 2007, JPMorgan Chase, who provided financing in the amount of $4,575,000 for the acquisition of the 15 story building located at 511 N. Akard formally requested that the City modify the original Council approval by Resolution No. 06-0963, as amended by Resolution No. 06-2651 to change the terms of how the RDALP funding would be funded, as a condition for extension of JPMorgan Chase’s acquisition loan.

On May 23, 2007, the City Council approved by Resolution No. 07-1595, an amendment to Resolution No. 06-2651, approved on September 7, 2006, granting the request, including a requirement for Applicant to execute a loan renewal with JPMorgan Chase and applying the $750,000 CDBG funding to reduce the principal balance no later than August 10, 2007, and filing of a prior lien deed restrictions in compliance with applicable RDALP and federal regulations and a subordinate lien against the CityWalk @ Akard Project.

The JPMorgan Chase 511 N. Akard loan with CDCDC’s Akard Walk, L. P. matured on May 10, 2007 and is currently in underwriting for an extension of the acquisition loan with thresholds for leasing commitments that must be met by January 2008. The $750,000 RDALP funding would reduce the outstanding balance of the $4,575,000 acquisition funding by JPMorgan Chase.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On August 10, 2005, the City Council approved the FY 2005-06 Consolidated Plan Budget which included $1,000,000 of Community Development Block Grant funds for the Residential Development Acquisition Loan Program by Resolution No. 05-2233.

On March 6, 2006, the Economic Development and Housing Committee was briefed on the CityWalk @ Akard project for submission of the Texas Department of Housing and Community Affairs Project 9% tax credit application.
PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On March 8, 2006, the City Council approved the pre-application waiver of the City’s multifamily policy for the CDCDC’s CityWalk @ Akard project for submission of the Texas Department of Housing and Community Affairs Project 9% tax credit application by Resolution No. 06-0871.

On March 28, 2006, the City Council approved support of the CDCDC CityWalk @ Akard project for submission of the Texas Department of Housing and Community Affairs Project 9% tax credit application and authorized a $750,000 Residential Development Acquisition Loan Program by Resolution No. 06-0963.

On September 27, 2006, the City Council approved the extension of the previous termination date of September 30, 2006 commitment for CityWalk @ Akard Project to a new termination date of September 30, 2007 by Resolution No. 06-2651.

On May 23, 2007, the City Council approved the reduction of the number of units from 209 to 194 and to amend the terms of the City’s loan by Resolution No. 07-1595.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Akard Walk, L. P.

Central Dallas CDC, General Partner
John Greenan, Executive Director

DEVELOPERS

McCaslin Development Co.

Butch McCaslin, Co-President

Central Dallas CDC

John Greenan, Executive Director

MAP

Attached
WHEREAS, on January 6, 2006, the Texas Department of Housing and Community Affairs (TDHCA) received a 9% pre-application from Central Dallas Community Development Corporation (CDCDC), for 9% tax credits for the CityWalk @ Akard ("Project"), rehabilitation project composed of 209 units; and

WHEREAS, on March 6, 2006, the Economic Development and Housing Committee was briefed on the Project and voted to recommend that the City Council adopt a resolution supporting the pre-application waiver for tax credit and/or tax-exempt bond financing of the acquisition and tax credit financing of the CityWalk @ Akard multifamily development; and

WHEREAS, on March 8, 2006, the City Council approved the pre-application waiver for the Project by Resolution No. 06-0871; and

WHEREAS, on March 28, 2006, the City Council approved a $750,000 loan under the Residential Development Acquisition Loan Program (RDALP) to CDCDC subject to the approval and award of 9% tax credits by the State for this development and execution of first lien lender’s loan for construction by the termination date of September 30, 2006, and compliance with applicable RDALP and Federal requirements, and the intent to authorize pursuant to a subsequent Council resolution of up to $1,000,000 in 2006 Homeless Assistance Center General Obligation Bond funds to acquire a long-term leasehold interest in 50 subsidized units set aside for the homeless by Resolution No. 06-0963; and

WHEREAS, on July 28, 2006, the TDHCA Board approved a forward commitment for 2007 for the CityWalk @ Akard Project, allowing the Project to receive the tax allocation and move forward; and

WHEREAS, on September 27, 2006, the City approved the extension of the previous date of the September 30, 2006 commitment for the CityWalk @ Akard Project to a new termination date of September 30, 2007 by Resolution No. 06-2651; and

WHEREAS, on May 23, 2007, the City authorized an amendment to Resolution No. 06-0963, previously approved on March 28, 2006, as amended by Resolution No. 06-2651 approved on September 27, 2006 to (1) reduce the number of units for the CityWalk @ Akard project from 209 to 194; (2) amend the terms for the CityWalk @ Akard project to allow for $750,000 to be used toward a principal reduction at execution of a renewal and extension of the existing acquisition loan between JPMorgan Chase and Akard Walk, L.P.; (3) extend the loan term from 15 years to 20 years at 0% interest forgivable at a rate of 1/240 monthly for 20 years; and (4) permit funding of RDALP loan prior to the closing of the tax credit financing and the execution of the first lien lender's loan for construction by Resolution No. 07-1595; and
WHEREAS, the City desires to authorize an amendment to Resolution Nos. 06-0963 previously approved on March 28, 2006 and 07-1595, previously approved on May 23, 2007, to (1) to allow $750,000 in CDBG funds previously approved for principal reduction (acquisition) to also include expenditures for and related soft costs, and (2) to extend the term for execution of loan renewal between Central Dallas Community Development Corporation and JPMorgan Chase for reduction to the principal balance of the Chase acquisition loan to June 30, 2008 - Financing: No cost consideration to the City; NOW, THEREFORE,

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

SECTION 1. That the City desires to authorize an amendment to Resolution Nos. 06-0963 previously approved on March 28, 2006 and 07-1595, previously approved on May 23, 2007, to (1) to allow $750,000 in CDBG funds previously approved for principal reduction (acquisition) to also include expenditures for and related soft costs, and (2) to extend the term for execution of loan renewal between Central Dallas Community Development Corporation and JPMorgan Chase for reduction to the principal balance of the Chase acquisition loan to June 30, 2008.

SECTION 2. That Section 2 of Resolution No. 07-1595 is hereby amended to provide as follows: That following approval as to form by the City Attorney, the City Manager is authorized to execute loan documents with Central Dallas Community Development Corporation (CDCDC) or another entity created by CDCDC (“Applicant”), in an amount not to exceed $750,000, for the partial acquisition of the 511 North Akard (“Property”), consistent with the Program Statement for the RDALP. This approval is contingent upon the Applicant executing a loan renewal with JPMorgan Chase and applying the $750,000 CDBG funding to acquisition and related soft costs no later than June 30, 2008, and filing of a prior lien deed restrictions in compliance with applicable RDALP and federal regulations and a subordinate lien against the CityWalk @Akard Project. The outstanding principal balance of the loan shall bear an interest rate equal to 0% interest forgivable at a rate of 1/240 monthly for 20 years.

SECTION 3. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the RDALP loan funds for the CityWalk @ Akard Project, until such time as the loan documents are duly approved by all parties and executed.

SECTION 4. That, except as amended herein, Resolution No. 06-0963, as amended by Resolution No. 06-2651 and Resolution No. 07-1595, shall remain in full force and effect and 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, 4FS
SUBJECT

Authorize a third amendment to the Land Bank Interlocal Cooperation Contract between the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to (1) extend the term of the contract to September 30, 2008; and (2) provide that the City may refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008 - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the City Manager to execute the Third Amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District that allows the term of the contract to be extended to September 30, 2008 and the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008.

On January 28, 2004, the City Council approved the City of Dallas FY 2003-04 Urban Land Bank Demonstration Program Plan and authorized Dallas Housing Acquisition and Development Corporation (DHADC) to amend its Articles of Incorporation and Bylaws to expand its purposes and authority to carry out the Urban Land Bank Demonstration Program.

BACKGROUND (continued)

On October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC contract to provide additional operating and acquisition funds.

On August 10, 2005, the City Council authorized an amendment to the Land Bank Interlocal Contract to allow the City to refer an additional 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2006 and to extend the term to September 30, 2007.

On August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan.

On August 23, 2006, the City Council authorized a second amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007.

On October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan.

On October 10, 2007, the City Council approved the City of Dallas FY 2007-08 Urban Land Bank Demonstration Program Plan.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, the City Council authorized the establishment of the DHADC as its land bank, authorized amendments to the Articles of Incorporation and By-Laws of the DHADC, and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458.

On May 26, 2004, the City Council authorized a contract with DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program previously approved by City Council on January 28, 2004 by Resolution No. 04-1726.

On October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC Contract to provide additional operating and acquisition funds for FY 2004-05 by Resolution No. 04-2930.
PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On August 10, 2005, the City Council authorized an amendment to the Land Bank Interlocal Contract to allow the City to refer an additional 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2006 and to extend the term to September 30, 2007 by Resolution No. 05-2239.

On August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan by Resolution No. 05-2501.

On August 23, 2006, the City Council authorized a second amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-2257.

On October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan by Resolution No. 06-2785.

FISCAL INFORMATION

No cost consideration to the City
WHEREAS, the State Legislature enacted and the Governor signed the Urban Land Bank Demonstration Program Act to enable the foreclosure of unproductive properties and sale to a land bank for the development of affordable housing; and

WHEREAS, on January 28, 2004, the City Council authorized the establishment of the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458; and

WHEREAS, on May 26, 2004, the City Council authorized a contract with DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program previously approved by City Council on January 28, 2004 by Resolution No. 04-1726; and

WHEREAS, on October 13, 2004, the City Council approved the City of Dallas FY 2004-05 Urban Land Bank Demonstration Program Plan and authorized an amendment to the DHADC Contract to provide additional operating and acquisition funds for FY 2004-05 by Resolution No. 04-2930; and

WHEREAS, on August 10, 2005, the City Council authorized an amendment to the Land Bank Interlocal Contract to allow the City to refer an additional 625 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2006 and to extend the term to September 30, 2007 by Resolution No. 05-2239; and

WHEREAS, on August 24, 2005, the City Council approved the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan by Resolution No. 05-2501; and

WHEREAS, on August 23, 2006, the City Council authorized a second amendment to the Land Bank Interlocal Contract to allow the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2007 by Resolution No. 06-2257; and

WHEREAS, on October 11, 2006, the City Council approved the City of Dallas FY 2006-07 Urban Land Bank Demonstration Program Plan by Resolution No. 06-2785; and
WHEREAS, the City Council desires to authorize the City Manager to execute a third amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District (the "Parties") that allows the term of the contract to be extended to September 30, 2008 and the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008; 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 authorized to execute the third amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas and the Parties that allows the term of the contract to be extended to September 30, 2008 and the City to refer up to an additional 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2008.

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

DISTRIBUTION:
Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
SUBJECT

Authorize an increase in the contract with Dallas County through the Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic, drug, toxicological, environmental and physical evidence analysis and other similar medical/forensic analytical services - Not to exceed $620,000, from $2,442,918 to $3,062,918 - Financing: Current Funds

BACKGROUND

The City has utilized the services of the Southwestern Institute of Forensic Sciences at Dallas by mutual agreement since the inception of the Institute in 1969 and paid for the service by direct payment. Council authorized the first Interlocal agreement with Dallas County for provision of forensic services on January 26, 2000 by Resolution No. 00-0418. The agreement provides for annual renewal by the City.

Prior to 1969, the City and County jointly owned the Dallas City/County Criminal Investigations Laboratory. In 1969, the City withdrew from this entity and the laboratory became a County facility under the organizational structure of the Dallas County Medical Examiner's Office. The name was changed to the Southwestern Institute of Forensic Sciences at Dallas.

This interlocal agreement authorized a twelve (12) month contract between the City and County, acting through the Southwestern Institute of Forensic Sciences at Dallas to provide medical/forensic analytical services for the Dallas Police and Dallas Fire Departments, the fees for which are established by the Dallas County Commissioner's Court. Fees were last revised by Dallas County on January 1, 2006 by Court Order No. 2006-064.

The original total payment amount in the FY 06-07 resolution was not to exceed $2,442,918; however this limit does not relieve the City of its obligation to pay Dallas County for additional services rendered at the City's request which may exceed the $2,442,918 limit. This limit was exceeded and it is estimated that an additional $620,000 is needed to complete the FY 06-07 payments. The city is solely responsible for monitoring payments under this agreement.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized renewal of Interlocal Agreement with Southwestern Institute of Forensic Sciences at Dallas for medical/forensic analytical services on October 23, 2002 by Resolution No. 02-3056.

Authorized renewal of Interlocal Agreement with Southwestern Institute of Forensic Sciences at Dallas for medical/forensic analytical services on November 12, 2003 by Resolution No. 03-3075.

Authorized renewal of Interlocal Agreement with Southwestern Institute of Forensic Sciences at Dallas for medical/forensic analytical services on November 10, 2004 by Resolution No. 04-3245.

Authorized renewal of Interlocal Agreement with Southwestern Institute of Forensic Sciences at Dallas for medical/forensic analytical services on November 9, 2005 by Resolution No. 05-3255.

Authorized renewal of Interlocal Agreement with Southwestern Institute of Forensic Sciences at Dallas for medical/forensic analytical services on October 25, 2006 by Resolution No. 06-2977.

On September 18, 2007, the Public Safety Committee was briefed.

FISCAL INFORMATION

$620,000 - Current Funds
WHEREAS, on October 25, 2006, City Council authorized a renewal of the interlocal agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas for the provision of forensic, drug, toxicological, environmental and physical evidence analysis and other similar medical/forensic analytical services for a twelve-month contract for forensic services required by the Dallas Police and Fire Departments in the amount of $2,442,918 by Resolution No. 06-2977; and,

WHEREAS, it is now necessary to authorize an increase in the contract with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas to pay for additional forensic expenses incurred by the Police Department in the amount of $620,000, increasing the allocated amount from $2,442,918 to $3,062,918;

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 for the provision of forensic, drug, toxicological, environmental and physical evidence analysis and other similar medical/forensic analytical services with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas (014003) in an amount not to exceed $620,000.

Section 2. That the City Controller be authorized to pay Dallas County/Forensic Science total amounts not to exceed $620,000 from Fund 0001, Department DPD, Unit 2119, Object 3040, Vendor Number 014003, Encumbrance Number PX2119CR200701.

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, 4FS
Police
SUBJECT

Authorize Supplemental Agreement No. 1 to the engineering and professional services contract with the Upper Neches River Municipal Water Authority to address alternate wildlife refuge sites and bottomland hardwood preservation opportunities as part of the feasibility study for developing a proposed water reservoir in the Upper Neches River Basin - Not to exceed $372,222, from $228,000 to $600,222 - Financing: Water Utilities Current Funds

BACKGROUND

In April 2005, the City Council authorized the City Manager to enter into a contract with the Upper Neches River Municipal Water Authority to determine the feasibility of developing a new water reservoir in the Upper Neches River Basin to be known as Lake Fastrill.

Lake Fastrill has been identified as a potential water supply in the City’s Long-Range Water Supply Plan, and the State of Texas 2007 Water Plan to meet future water supply needs of Dallas. In 2005, the Water Utilities Department proposed to work with the Upper Neches River Municipal Water Authority to study the possibility of obtaining water from this basin, and at that time was directed by the City Council to also work with the U.S. Fish and Wildlife Service to determine if the Fastrill project can meet the multiple objectives of water supply and wildlife preservation. The Dallas City Council directed this action since the site for the proposed North Neches River National Wildlife Refuge and the proposed Fastrill reservoir overlapped at the same location on the Neches River.

Subsequently, the City met with the U.S. Fish and Wildlife Service, Texas Parks and Wildlife, and the Upper Neches River Municipal Water Authority to develop alternative wildlife refuge sites to eliminate any conflict between the proposed North Neches River National Wildlife Refuge site and the proposed Fastrill reservoir site. This additional engineering work was not included in the scope of work for the original feasibility study.
BACKGROUND (Continued)

The additional work includes the determination of the reservoir footprint, land ownership information, aerial photography mapping of bottomland hardwood sites, the identification of other potential refuge sites, and related services.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized the City Manager to identify and submit proposed water supply strategies for the City of Dallas to the Region C Planning Group in accordance with state law for the State’s 2007 Water Plan on March 9, 2005.

Council authorized the City Manager to enter into a Funding Agreement with the Upper Neches Municipal Water District for Fastrill feasibility study on April 13, 2005 and to also work with the U.S. Fish and Wildlife Service to determine if the Fastrill project can meet the multiple objectives of water supply and wildlife preservation.

ESTIMATED SCHEDULE OF PROJECT

Began Work April 2005
Complete Work December 2007

FISCAL INFORMATION

$372,222.00 - Water Utilities Current Funds
WHEREAS, the Dallas City Council passed Resolution No. 05-1223, approving Dallas’ participation in a feasibility study for a new reservoir in the Upper Neches River basin known as Lake Fastrill, which may be located in an area that the U.S. Fish and Wildlife Service has designated as a possible wildlife refuge; and,

WHEREAS, the Dallas City Council directed the City Manager to take the necessary steps with respect to initiating a feasibility study on Lake Fastrill while working with the Upper Neches River Municipal Water Authority and the U.S. Fish and Wildlife Service to determine if the Fastrill project can meet the multiple objectives of water supply and wildlife preservation; and,

WHEREAS, the City entered into a contract with the Upper Neches River Municipal Water Authority to conduct the feasibility study; and,

WHEREAS, additional professional services are needed by the City in order to identify alternate wildlife refuge sites for the proposed North Neches River National Wildlife Refuge; and,

WHEREAS, the Water Utilities Department recommends that Resolution No. 05-1223 be increased by $372,222, from $228,000 to $600,222; Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 1 be accepted and that Resolution No. 05-1223 with the Upper Neches Municipal Water District be revised accordingly.

Section 2. That the City Controller be authorized to pay the sum of $372,222.00 from the Water Utilities Current Fund as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
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</thead>
<tbody>
<tr>
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<td>DWU</td>
<td>7011</td>
<td>921H</td>
<td>3070</td>
<td>DWU7011A8011</td>
<td>126175</td>
</tr>
</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: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
SUBJECT

Authorize an application with the Federal Aviation Administration to impose a Passenger Facility Charge of $3.00 per enplaned passenger to provide funding for seven new capital projects and recover the local share for eleven completed capital projects at Dallas Love Field - Estimated Revenue: $39,176,805

BACKGROUND

The Passenger Facility Charge (PFC) is a federally authorized, local charge enacted by the Aviation Safety Capacity Expansion Act of 1990, to provide an additional source of capital funding for eligible projects (past and future), through pay-as-you-go financing. PFC regulations allow airports to use PFCs to recapture prior capital investments made since November 2, 1990. Eligible projects include those that preserve or enhance safety, security, or capacity; reduce noise or mitigate noise impacts per standards; or enhance competition. PFCs are not eligible for projects such as concession space, public parking facilities, rental car facilities, individual hangars or maintenance facilities. Airport Improvement Program (AIP) grants for large or medium hub airports will be reduced by 50% for a $3.00 PFC. The reduction in AIP grant funding for Dallas Love Field (DAL) is approximately $3,000,000 based on the $3.00 charge.

The PFC is levied on the carriers, passed on to the passengers through the ticket price and remitted to the airport. Current legislation allows a PFC ranging from $1.00 up to $4.50 per eligible enplaned passenger, with a maximum of two PFC charges per one-way itinerary.

As of September 30, 2007, 359 airports are approved for collection of PFCs, including 93 of the top 100 airports. Omaha, Houston Bush Intercontinental and Dallas Love Field (DAL) are the only remaining Large or Medium Hub airports who have not currently implemented a PFC charge.
BACKGROUND (continued)

Through this PFC application, the City intends to request that the FAA allow the airport to begin collecting PFCs at the $3.00 level, resulting in $39,176,805 in PFC revenues. PFC revenues have been projected based upon an estimate that PFC eligible passengers account for approximately 95% of total enplanements and the $3.00 collection rate, reduced by the 11 cents per enplaned passenger for airline processing fee for revenue passengers enplaned in the United States in scheduled or nonscheduled service on aircraft in intrastate, interstate, or foreign commerce. The proposed charge effective date for the application is February 1, 2008, and the estimated charge expiration date is September 1, 2011. Based on the proposed effective date for PFC collection, AIP funding would be reduced by 50% on October 1, 2008.

A public notice was advertised Monday, September 17, 2007 to receive public comments on the PFC application for seven new capital projects and to recover the local share of eleven completed capital projects at DAL. In accordance with Section 158 of the Code of Federal Regulations (14 CFR Part 158), an airline consultation meeting was held with all air carriers with a significant business interest at DAL on Thursday, September 20, 2007.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 8, 2007, the Finance Audit and Accountability Committee and Transportation and Environment Committee were briefed on the Passenger Facility Charge program at Dallas Love Field.

On June 13, 2007, Council approved Resolution No. 07-1722 which authorized a professional services contract with Unison-Maximus, Inc., to perform Rates and Charges Study for Dallas Love Field and Dallas Executive Airports, and the Dallas Heliport, which also included the preparation of an initial Passenger Facility Charge application to the FAA.

FISCAL INFORMATION

Estimated Revenue: $39,176,805
WHEREAS, 49 U.S.C. 40117 ("Federal Statute") authorizes an eligible agency to impose a passenger fee ("Passenger Facility Charge" or "PFC") at an airport the agency controls; and

WHEREAS, under the definition of "eligible agency" found in the Federal Statute, the City of Dallas ("City") is eligible to engage in a PFC program at Dallas Love Field Airport ("Airport"); and

WHEREAS, as a result of the authority granted in the Federal Statute, the Federal Aviation Administration ("FAA") has promulgated regulations found at 14 CFR 158 ("Regulations") which acts forth procedures and rules for the application, imposition, collection and expenditure of PFCs; and

WHEREAS, it is in the best interest of the City, and in the interest of air carrier passengers, that the City adopt a PFC program as authorized in the Federal Statute and the Regulations, in order to preserve and enhance the safety, capacity, and security, of the transportation facilities at the Airport, to furnish opportunities for enhancing competition between or among air carriers at the Airport, and to mitigate noise impacts at the Airport; and

WHEREAS, it is in the best interest of the City to allow the Director of Aviation to perform all acts necessary for the adoption, implementation, can continuation of the PFC program at the Airport, consistent with the City's Charter and Code of Ordinances and in accordance with the Federal Statute and Regulations;

Now, Therefore,

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

Section 1. The City Council hereby adopts the findings set out in the preamble hereof and approves the implementation of a PFC program at the Airport.

Section 2. The City Council hereby approves and authorizes the collection of PFCs in accordance with the Federal Statute and Regulations, as may be amended, at the Airport to be expanded for projects approved by the FAA. Each PFC that is collected at the Airport shall not exceed $3.00 unless authorized by appropriate action of City Council.
Section 3. The City Council hereby approves and authorizes the Director of Aviation as the official representative of the City for the PFC program at the Airport and authorizes the Director of the Dallas Love Field Airport System to file PFC project applications and amendments thereto with the FAA and to perform any other acts as are necessary for the adoption, implementation, and continuation of the PFC program at the Airport consistent with the City's Charter and Code of Ordinances and in accordance with the Federal Statute and Regulations, as may be amended.

Section 4. The City Council approves and authorizes the establishment of a special account known as the Dallas Love Field Passenger Facility Charge Fund Account ("the PFC Fund") for the deposit and expenditure of funds received from the Airport PFC program. All revenues received from the PFC program at the Airport and interest thereon shall be deposited in the PFC fund and shall only be expended for projects at the Airport determined to be eligible and approved by the FAA under the Federal Statute and Regulations, as may be amended.

Section 5. That if any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Resolution or their application to other persons or acts of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Resolution that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Resolution are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Resolution be passed finally on the date of its introduction as requested in writing by the Mayor, therefore, this Resolution shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor, however, in the event that the Mayor fails to sign this Resolution within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Dallas City Charter.
Section 7. That the City Manager is hereby authorized to establish an appropriation in an amount not to exceed $39,176,805 in Fund 0477, Department AVI, Unit 0781, Obj 3637.

Section 8: The City Controller is hereby authorized to transfer funds from Fund 0477, Department AVI, Unit 0781 to Fund 0131, Department AVI, Unit Q300, Obj 4599 on an as needed basis.

Section 9. That the City Controller be and is hereby authorized to deposit all revenue received in this category: Fund 0477; Department AVI; Unit 0781; Revenue Source 781H.

PASSED AND ADOPTED this 10th day of October, 2007
APPROVED this 10th day of October, 2007.

Mayor of the City of Dallas

Pursuant to Article VI, Section 6, Dallas City Charter, the effective date of the foregoing Resolution is ________________________.

City Secretary
SUBJECT

Authorize a sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field - JCDecaux Airport, Inc., most advantageous proposer of two - Estimated Revenue: $6,500,000

BACKGROUND

In September 2000, JCDecaux was awarded the advertising concession contract at Love Field through the competitive Request For Proposal (RFP) process, for a period of sixty-months. Following the events of September 11, 2001 JCDecaux requested a reduction in the year 2 Minimum Annual Guarantee ("MAG") with such reduction being recovered in years 3, 4, and 5. Council passed Resolution #02-1653 on May 22, 2002, approving this request which did not change the Total Minimum Guarantee of $7,500,000.00 over a five-year term. The amendment was not executed by JCDecaux.

A second request was made by JCDecaux to reduce the MAG in years 2 and 3. April 9, 2003, Council approved by Supplemental Agreement No. 1 to reduce the MAG for years 2 and 3 which in effect reduced the original five-year contract Total Minimum Annual Guarantee from $7,500,000.00 to $6,750,000.00. This agreement was executed by JCDecaux and did not provide for "catch up" payments.

The contract expired May 31, 2006 and was extended by Administrative Action under the existing terms and conditions, with the City receiving 67.6% of Gross Revenues. Staff initiated the extension, under an Interim Concession Agreement, to allow for an evaluation of alternative approaches to ensure that the department chose the most advantageous method to providing advertising services, maximizing revenues and examining operating costs. Staff was allowed time to review trends at other airports which included in-house operations, management contracts as well as concession agreements. This process led to the conclusion that a concession agreement was the best approach for the Dallas Love Field Advertising Program.
BACKGROUND (Continued)

The examination of these various methodologies as well as the development of the new specifications required the additional time provided by the extension.

Through the RFP process, competitive proposals were solicited from qualified firms to develop, construct, install, operate, maintain and sell advertising for dioramas, spectacles, illuminated floor-mounted and suspended showcases, wall wraps, exhibit displays and such other advertising media in the approved locations within the Airport Terminal Building and Exterior Advertising Locations at the Airport. A layout of the approved locations was included in the specifications and depicted the quantity, the current type of unit and description of the location.

The proposers were informed in the RFP specifications and during the pre-proposal conference that the Love Field Modernization Program (“LFMP”) will commence during the contract period and that all airport users, including concessionaires, are likely to be inconvenienced by changing passenger traffic flow, relocation of various functions, activities and tenants and otherwise disrupting the conditions under which we all operate. With the expected construction and renovations, Aviation intends to work with all concessionaires to minimize disruptions to operations. There are no provisions in the RFP or contract that provides reduction or revisions to any of the terms due to the LFMP.

The primary objective of this solicitation was to select an experienced and qualified firm to provide the specified advertising display services and to provide the City with maximum revenues. The proposal specified that submittals would be evaluated based on twenty percent for “Experience and Capability”; fifteen percent for “Financial Strength”; fifteen percent for “Quality of the Advertising Plan”; and ten percent for Airport Concession Disadvantaged Business Enterprise (ACDBE Plan). The Advertising Plan delineated the type and quantity of displays with the associated capital investment, projected revenue per display location for each contract year, design and quality of the improvements and advertising rate information. The Financial Projections, including the MAG and percentage rent proposal, accounted for forty percent of the total.

The primary term of the Agreement shall be for a sixty-month period from the effective date of the agreement. At the City’s sole discretion, the Agreement may be extended for three-twelve-month periods. The successful Proposer(s) shall pay the greater of the MAG or the percentage of the Gross Advertising Revenues arising from its operations in each year.

Two proposals were received May 18, 2007 from JCDecaux Airport, Inc., and Clear Channel Airports. Business Development and Procurement Services solicited Best and Final offers from both JCDecaux Airport, Inc. and Clear Channel Airports. Of these proposals, it is recommended that the proposal submitted by JCDecaux Airport, Inc. best meets the requirements and specifications of the City.
BACKGROUND (Continued)

The MAG will be adjusted annually to be 90% of the commissions paid to the City in the prior year, but in no event will the MAG be less than $1,300,000.

JCDecaux Airport Inc., is a wholly owned subsidiary of JCDecaux North America Inc.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 8, 2007, the Finance, Audit and Accountability Committee was briefed on the advertising display concession services.

On September 24, 2007, the Finance, Audit and Accountability Committee was briefed on the advertising display concession services.

On June 27, 2007, this item was deferred by the City Council and referred to the Finance, Audit and Accountability Committee.

FISCAL INFORMATION

Estimated Revenue: $6,500,000.00

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

JCDecaux Airport, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
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</thead>
<tbody>
<tr>
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<td>11</td>
</tr>
<tr>
<td>Hispanic</td>
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</tr>
<tr>
<td>White</td>
<td>48</td>
<td>77</td>
</tr>
</tbody>
</table>
PROPOSAL INFORMATION

Two proposals were received and opened on May 18, 2007. Best and Final offers were received on September 26, 2007. This concession contract is being awarded to the most advantageous proposer.

*Denotes successful proposer

<table>
<thead>
<tr>
<th>Proposers</th>
<th>Address</th>
<th>Points</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*JCDecaux Airport, Inc.</td>
<td>3 Park Avenue, 33rd Floor</td>
<td>90.28</td>
<td>$6,500,000.00</td>
</tr>
<tr>
<td></td>
<td>New York, New York 10016</td>
<td></td>
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</tr>
<tr>
<td>Clear Channel Airports</td>
<td>875 North Michigan Avenue</td>
<td>83.03</td>
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<tr>
<td></td>
<td>Suite #1450</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chicago, Illinois 60611</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OWNER

JCDecaux Airport, Inc.

Jean-Luc Decaux, President
Bernard Parisot, Co-Chief Financial Executive Officer
Gabrielle Brussel, Secretary
Laurence Raoult, Treasurer
WHEREAS, the advertising concession contract at the Dallas Love Field Airport Terminal Building expired on May 31, 2006 and has been extended on a month to month Interim Advertising Concession Agreement; and

WHEREAS, the Department of Business Development and Procurement Services sought proposals from interested advertising firms to effectively target promotional advertisements, displays, etc. to patrons within the Love Field Terminal Building for a term of sixty-months; and,

WHEREAS, Staff recommends that the proposal submitted by JCDecaux Airport, Inc. for providing advertising concession services at Dallas Love Field be accepted;

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 sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field with JCDecaux Airport, Inc., based on the proposal submitted and the recommendation of the Staff.

Section 2. That the revenue to be paid to the City for the sixty-month contract term, as outlined below, is hereby accepted and approved:

<table>
<thead>
<tr>
<th>Minimum Annual Guarantee</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td></td>
<td>$1,300,000.00</td>
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<tr>
<td>Year 2</td>
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<tr>
<td>Year 5</td>
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<td>$1,300,000.00</td>
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<tr>
<td>Total Minimum Guarantee</td>
<td></td>
<td>$6,500,000.00</td>
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</table>

Financial proposal is for the greater of a Minimum Annual Guarantee or a percentage of gross revenues. As such, the dollar amount of this contract may vary from year to year.

Section 3. That the City Controller is hereby authorized to deposit monthly revenue receipts to Fund 0130, Aviation Operating Fund, Dept AVI, Unit 7725, Revenue Source 7811.
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:

Aviation
Business Development and Procurement Services, 3FS
City Attorney’s Office, 7AN
City Auditor’s Office, 2FN
A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school on property zoned an R-16(A) Single Family District, located on the northwest corner of Walnut Hill Lane and Hedgeway Drive.

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z067-236(WE)
FILE NUMBER: Z067-236(WE)  DATE FILED: May 9, 2007
LOCATION: Walnut Hill Lane and Hedgeway Drive, northwest corner.
COUNCIL DISTRICT: 13  MAPSCO: 24-N
SIZE OF REQUEST: Approx. 5.495 acres  CENSUS TRACT: 95.00
APPLICANT: The Cambridge School of Dallas
OWNER: Northway Baptist Church
REPRESENTATIVE: Karl Crawley, MASTERPLAN
REQUEST: An application for a Specific Use Permit for a private school on property zoned an R-16(A) Single Family District.
SUMMARY: The purpose of the request is to allow for the operation of a private school within an existing church facility. The school will limit the maximum enrollment to 250 students between 5th and 12th grades.

CPC RECOMMENDATION: Approval for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

STAFF RECOMMENDATION: Approval for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
BACKGROUND INFORMATION:

- The applicant’s request for a Specific Use Permit for a private school will allow for the operation of the school within an exiting church facility. The school will enroll approximately 250 students and teach grades 5th through 12th. The applicant is proposing 22 classrooms, which consist of: 4 elementary classrooms; 9 middle school classrooms and 9 senior high classrooms.

- The land uses surrounding the request site are primarily single family. There are two Dallas Independent School District public schools to the east of the site.

- The school's administration has designated two separate ingress points that will be used by 1) the senior high school students and 2) the elementary and middle parents. The senior high school students will enter into the site from Hedgeway Drive and the parents for the lower classes will enter from Walnut Hill Lane.

Zoning History: There have been four zoning changes requested in the area.

1. Z034-294 On November 10, 2004, 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 an R-16(A) Single Family District.

2. Z045-180 On May 11, 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 an R-16(A) Single Family District.

3. Z067-172 On June 13, 2007, the City Council approved an amendment to Planned Development District No. 724 for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses.

4. Z067-149 On April 25, 2007, the City Council approved a Specific Use Permit for a Fire Station for a permanent time period, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District.
Thoroughfares/Streets:

<table>
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<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<tr>
<td>Walnut Hill Lane</td>
<td>Principal Arterial</td>
<td>80 ft.</td>
<td>100 ft.</td>
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<tr>
<td>Hedgeway Drive</td>
<td>Local</td>
<td>50 ft.</td>
<td>50 ft.</td>
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Land Use:

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<th>Land Use</th>
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<tr>
<td>Site</td>
<td>R-16(A)</td>
<td>Church</td>
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<tr>
<td>North</td>
<td>R-16(A)</td>
<td>Single Family</td>
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<td>Single Family</td>
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<td>East</td>
<td>PD No. 724</td>
<td>Public School</td>
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<tr>
<td>West</td>
<td>R-16(A)</td>
<td>Undeveloped, Single Family</td>
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Comprehensive Plan: The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies to support the applicant’s request for an open-enrollment charter school. The continuation of the zoning that permits institutional uses within the area is in compliance with the Land Use Element that is outlined in fowardDallas!

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.

STAFF ANALYSIS:

Land Use Compatibility: The 5.495 acre site is developed as a church and is contiguous to single family uses, two DISD public schools and undeveloped land. The applicant’s request for a Specific Use Permit for a private school will allow for the operation of the school within an exiting church facility. The school will enroll approximately 250 students and teach grades 5th through 12th. The church currently has gymnasium and outdoor play area, which the students will use for their recreational activities.

The school’s administration has designated two separate ingress points that will be used by the 1) senior high school students and 2) the elementary and middle parents. The senior high schools student will enter onto the site from Hedgeway Drive and the parents will enter from Walnut Hill Lane. All cars leaving the campus will exit onto Hedgeway Drive. The applicant is proposing 22 classrooms: 4 elementary classrooms;
9 middle school classrooms and 9 senior high classrooms. In addition, there are adequate stacking and queuing lengths on site to prevent any stacking on Walnut Hill Lane.

Staff has reviewed the applicant’s request and supports the Specific Use Permit for a private school for a five-year period with eligibility for additional five year periods, subject to a site plan and staff’s conditions.

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

**Development Standards:**

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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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<tr>
<td>R-16(A)</td>
<td>35'</td>
<td>10'</td>
<td>1 Dwelling Unit/ 16,000 sq. ft.</td>
<td>30' 40%</td>
<td>Single family</td>
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</table>

**Parking:** The requirement for off-street parking for the school is derived by two criterions: 1) the number of classrooms and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The total number of proposed classrooms determines the number of required parking spaces. The Dallas Development Code requirement for off-street parking for a school is as follows:

- one-and-one-half space for each kindergarten/elementary school classroom;
- three-and-one-half spaces for each junior high/middle school classroom; and
- nine-and one-half spaces for each senior high classroom.

The number of required off-street parking spaces for the private charter school is 123 spaces and the applicant is proposing to provide 170 off-street parking spaces and must be in the location shown on the site plan. There is a designated overflow area for off-street parking that is located on the northwest quadrant of a site.
The church, based on 1,092 linear inches of pew space, would need to provide 182 spaces. According to City Code, the proposed private school use may use the same lot as the church to share parking. The off-street parking requirement for a private school is 123 spaces. The applicant will provide 170 off-street parking spaces on site. The applicant has also provided an overflow parking area in the northwest portion of the site.

**Landscaping:** Landscaping of any development will be in accordance with Article X requirements, as amended.

**Traffic:** The Engineering Section of the Department of Development Services has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system. Staff has reviewed and supports the applicant's Traffic Management Plan for the school.

**Miscellaneous – Conditions:** Staff is recommending a five-year period with eligibility for automatic renewals for additional five-year periods to allow for the school to establish a track record as good neighbors to the adjacent property owners and middle school. Staff also wants to monitor the amount of traffic that will be generated by the school on Hedgeway Drive.

**CPC Action (September 20, 2007)**

**Motion:** It was moved to recommend approval of a Specific Use Permit for a private school for a five-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and staff’s revised conditions on property zoned an R-16(A) Single Family District, located on the northwest corner of Walnut Hill Lane and Hedgeway Drive.

| Maker:  | Ekblad                |
| Second: | Marshall              |
| Result: | Carried: 12 to 0      |
| For:    | 12 - Prothro, Gary, Marshall, Bagley, Hill, Buehler, Wolfish, Ekblad, Emmons, Weiss, Jones-Dodd, Strater |
| Against:| 0                     |
| Absent: | 2 - Cunningham, Woolen-Lipscomb |
| Vacancy:| 1 - District 6        |

**Notices:** Area: 400 Mailed: 56
**Replies:** For: 12 Against: 1
Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None
LIST OF OFFICERS
NORTHWAY BAPTIST CHURCH

- Noble E. Flenniken, Trustee, President
- Lisa Matheny, Minister to Children
- Brandon Fields, Youth Minister
- Howard Paige, Facilities
- Dolores Paige, Finance

BOARD OF TRUSTEES
THE CAMBRIDGE SCHOOL OF DALLAS

- Robbie Biggs, Chairman
- Doug Gunn
- Dr. Kaky Little
- Henry Morgan
- Nancy Mowery
- Nelson Somerville
- Robin Wantland
1. **USE**: The only use authorized by this specific use permit is a private school.

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

3. **TIME LIMIT**: This specific use permit expires on ________ (five years from the passage of this ordinance), and is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced).

4. **LANDSCAPING**: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

5. **CLASSROOMS**: The maximum number of classrooms is 22.

6. **ENROLLMENT**: The maximum number of students is 250.

7. **DROP-OFF/PICK-UP**: A pick-up and drop-off area for students must be provided in the location shown on the attached site plan.

8. **HOURS OF OPERATION**: The private school may only operate between 6:00 a.m. and 6:30 p.m., Monday through Friday.

9. **INGRESS/EGRESS**: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

10. **PARKING**: Off-street parking must be located as shown on the attached site plan.

11. **TRAFFIC MANAGEMENT PLAN**: The private school must comply with the attached traffic management plan.

   (a) **In general**: The operation of the uses must comply with the traffic management plan (Exhibit ____).
(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by March 1, 2008. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the Director by March 1st of each year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

   (A) ingress and egress points;

   (B) queue lengths;

   (C) number and location of personnel assisting with loading and unloading of students;

   (D) drop-off and pick-up locations;

   (E) drop-off and pick-up hours for each grade level;

   (F) hours for each grade level; and

   (G) circulation.

(3) Within 30 days after submission of a traffic study, the Director shall determine if the current traffic management plan is sufficient.

   (A) If the Director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

   (B) If the Director determines that the current traffic management plan results in traffic hazards or traffic congestion, the Director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the Director shall notify the city plan commission.
(d) Amendment process.

(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

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

13. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
The Cambridge School of Dallas, to be located at 3877 Walnut Hill Lane, provides classroom learning for elementary, middle and high school students. The maximum enrollment will be 250 students.

Elementary (Grades 5 & 6) Two classrooms per grade, 60 students (4 total classrooms)

Middle School (Grades 7, 8 & 9) Three classrooms per grade, 90 students (9 total classrooms)

High School (Grades 10, 11 & 12) Three classrooms per grade, 90 students (9 total classrooms)

The school will provide one drop off location and a separate entrance for student parking. The drop-off location and student parking is shown on the attached TMP Site Plan.

<table>
<thead>
<tr>
<th>Time</th>
<th>Location</th>
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<tbody>
<tr>
<td>7:30 – 8:00</td>
<td>60 Elementary</td>
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<tr>
<td>7:30 – 8:00</td>
<td>50 High School</td>
</tr>
<tr>
<td>90 Middle</td>
<td>40 High School</td>
</tr>
<tr>
<td>3:00 – 3:30</td>
<td>60 Elementary</td>
</tr>
<tr>
<td>3:00 – 3:30</td>
<td>50 High School</td>
</tr>
</tbody>
</table>

During the peak traffic period between 7:30 – 8:00 and 3:00 – 3:30, the school will utilize four (4) carpool administrators located in the drop-off area shown on the TMP Site Plan. These individuals assist children exiting the vehicles thereby decreasing the time a vehicle waits in the drop off location. The path for drop-off and pick-up will also be marked on the existing pavement to guide carpoolers. A carpool administrator will also be located at the exit to the drop-off/pick-up area and at the entrance to the student parking area in order to insure proper traffic flow and to verify student parking. One additional administrator is to be located at the end of the double stacking lane for carpool in order to insure both lines will properly flow.

Carpool drivers will enter the site from a driveway entrance at the southwest corner of the site at Walnut Hill. This location has a protected left turn pocket on Walnut Hill and
is located the furthest distance from Hedgeway Drive where carpoolers will exit the site. Student drivers will enter the site on Hedgeway at the northern most driveway entrance and will park in the lot adjacent to their entrance. As mentioned above approximately 50 students will drive their personal vehicle to the site and there are approximately 60 parking spaces located in this lot that will not interfere with the carpool traffic. If additional parking is required there is an additional 27 spaces with minimal interference with the carpool lane. Teacher parking will be in the front of the campus off of Walnut Hill. If parent parking is needed there is a designated area located at the rear of the site that will allow parking with no interruption to the carpool lane. The location for drop off and the path used to get to the drop off location allows for the queuing of approximately 80 vehicles based on a double line and 22 Linear Feet of vehicle length per car. Past experience at the existing school location (Royal Lane and Webb Chapel) shows that approximately 30% of the students carpool with at least two children per vehicle. Since the new location is in close proximity to the existing location this trend should continue.

New families are educated during orientation as to the traffic flow of the school. Also at the Open House at the beginning of the school year, carpool rules and regulations, as well as traffic patterns and flow are reviewed in a group setting.
CPC RESPONSES

56 PROPERTY OWNERS NOTIFIED
12 REPLIES IN FAVOR
1 REPLIES IN OPPOSITION
400 AREA OF NOTIFICATION
9-20-07 DATE

NOTIFICATION

The number '0' indicates City of Dallas Ownership

MAP NO: F-6
CASE NO: Z068-236 WE

1:3,406
**Notification List of Property Owners**

**Z067-236(WE)(CS)**


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Tuesday, August 28, 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

Bill Dahlstrom
901 Main St., Ste 6000
Dallas, TX 75202

Bridge Ballow 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
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Leanne Witek
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Dallas, TX 75248

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Pam Conley
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Dallas, TX 75208

Rob Baldwin
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Dallas, TX 75226

Robert P. Garza
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Dallas, TX 75203

Stephanie Pegues
1500 Marilla 5FS
Dallas, TX 75201

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

Arborilological Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Bluffview Homeowner
Pat White
4714 Wildwood
Dallas, TX 75209

Cedar Vista Conservation
Chris Lomax
6430 Dixie Garden Ln
Dallas, TX 75236

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

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202
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<td>Roger Albright</td>
<td>900 Jackson St, Dallas, TX 75202</td>
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<td>Ross Coulter</td>
<td>Roy Hudson</td>
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<tr>
<td>3143 Waldrop St</td>
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Memorandum

Date          October 3, 2007
To            Honorable Mayor and Members of the City Council
Subject       Council Item #4 – October 10th Agenda

Attached is a revised Agenda Information Sheet, Resolution and GFE Summary sheet for item #4 on the October 10th Agenda. There were revisions made in the Subject and Resolution - Section 1. Also, the purchase amount was corrected in the Subject, Fiscal Information, Proposers Information, Sections 1 and 3 of the Resolution and the GFE Summary Sheet.

Please contact me if you have any questions regarding this item.

/Signature/

David Cook
Chief Financial Officer

Attachment

c: Mary K. Suhm, City Manager
    Deborah Watkins, City Secretary
    Thomas Perkins, Jr., City Attorney
    Craig Kinton, City Auditor
    Judge Jay Robinson, Judiciary
    Ryan S. Evans, First Assistant City Manager
    Ramon F. Miguez, P.E., Assistant City Manager
    Charles W. Daniels, Assistant City Manager
    Jill A. Jordan, P.E., Assistant City Manager
    A.C. Gonzalez, Assistant City Manager
    Chandra Marshall-Henson, Assistant to the City Manager, Mayor and Council Office

"The Only Reason You And I Are Here Is To Serve The Citizens Of Dallas"
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: October 10, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Emergency Management
Fire
Police
Communication and Information Services

CMO: Dave Cook, 670-7804
Ryan S. Evans, 670-3314
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize the purchase of an emergency notification system including a thirty-six month maintenance agreement - Sigma Communications, LLC dba Reverse 911, most advantageous proposer of five - Not to exceed $396,624 $327,429 - Financing: U. S. Department of Homeland Security Grant Funds

BACKGROUND

The emergency notification system will allow the City to quickly mobilize emergency personnel and to notify citizens of an emergency situation through the City's phone system.

The primary departments to use this system are the Office of Emergency Management, Dallas Police Department and Dallas Fire Rescue.

The proposed system would be used for two purposes. The first would be mobilization to notify special teams that are instrumental in the City’s response to emergency situations. Currently, the City is in need of streamlining the process of activating both specialized teams (i.e. SWAT, USAR, Disaster Medical Strike Team, Hazmat, and emergency medical personnel) and off duty personnel. It could also be extended to notify key personnel in City departments of other emergencies such as flooding.
BACKGROUND (Continued)

The second purpose would be notification to the public of an emergency event. The notification system is a communications solution using a combination of database and GIS technologies to deliver outbound notifications in emergency situations. Public Safety organizations can quickly target a precise geographic area and saturate it with thousands of calls per hour; or a targeted group such as “all hospitals”, “all schools”, “all City Department heads”, etc. This system would allow the Dallas OEM, Fire, and Police Communications to broadcast emergency information via existing communications infrastructure (including, but not limited to, telephones, cell phones, pagers, email, TTY, etc.) to reach a geographical area and those citizens within that area. The system uses mapping and 9-1-1 data for outbound warnings/notices broadcasted in English and Spanish. The City may opt for additional languages in the future.

The emergency notification system implemented will be supported by two servers deployed in two locations; one at the City's Dallas Data Center and one at a secure remote location. These locations will be integrated to work together on mobilization or notification to maximize call throughput. The two servers will mirror each other to replicate data, to keep all call lists synchronized at all times, and provide full redundancy if one server fails. OEM and Fire & Police Communications will be authorized to activate the system. The system is capable of initiating notification sessions from remote locations via telephone, a remote desktop, or an intranet web client.

The evaluation criteria was:

- Elegance of solution - 35%
- Proposer's Capabilities, Resources, and Experience - 30%
- Total Cost of Ownership - 15%
- Compliance with published standards within the specifications - 10%
- Training - 10%

Proposals were presented to a five member selection committee. This committee was comprised of representatives from five departments from the City of Dallas organization with knowledge of the particular work areas.

- Dallas Police Department
- Office of Emergency Management
- Dallas Fire Department
- Communications and Information Services
- InterGovernmental Services

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.
FISCAL INFORMATION

$396,624.00 $327,429.00 - U. S. Department of Homeland Security Grant Funds

M/WBE INFORMATION

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

58 - 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

Sigma Communications, LLC dba Reverse 911

Hispanic Female   2 Hispanic Male     0
Black Female   0 Black Male     3
Other Female   2 Other Male     4
White Female    22 White Male   13

PROPOSAL INFORMATION

The following proposals were received on March 8, 2007. This contract is being awarded to the most advantageous proposer. Proposal review committee consisted of representatives from DPD, OEM, CIS and IGS.

*Denotes successful proposer

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<td>6720 Parkdale Place, Indianapolis, IN 46254</td>
<td>83.83</td>
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<tr>
<td>Avtex</td>
<td>9401 Jame Avenue South, Suite 180, Bloomington, MN 55431</td>
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### PROPOSAL INFORMATION (Continued)

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<td>5423 Galeria Dr., Baton Rouge, LA 70816</td>
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<td>Swiftreach</td>
<td>31 Industrial Ave., Mahwah, NJ 07430</td>
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**Vendors Firstcall and Swiftreach were deemed non-responsive due to not meeting basic specification requirements.**

### OWNER

**Sigma Communications, LLC dba Reverse 911**

Kevin P. McCarthy, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of an emergency notification system including a thirty-six month maintenance agreement - Sigma Communications, LLC dba Reverse 911, most advantageous proposer of five - Not to exceed $396,624 $327,429 - Financing: U. S. Department of Homeland Security Grant Funds

Sigma Communications, LLC dba Reverse 911 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

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<td>Total non-local contracts</td>
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LOCAL/NON-LOCAL MWBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL MWBE CONTRACT PARTICIPATION

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

Section 1. That the purchase of an emergency notification system including a thirty-six month maintenance agreement is authorized with Sigma Communications, LLC dba Reverse 911 (VS0000017332) in an amount not to exceed $396,624.00 $327,429.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for an emergency notification system. 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 $396,624.00 $327,429.00:

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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
Office of Emergency Management
Fire
Police
Communication and Information Services