

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 2, 4, 5, 6, 7, 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 34L 43K 46U V X 49S 55B E F L R S 56B G S T W X 57R 58U
V Z 59N R 65A 69A-P 69B 76A

SUBJECT

Authorize the quitclaim of 43 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: \$494,505

BACKGROUND

This item authorizes the quitclaim of 43 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

All properties were reviewed by the Housing Department for infill housing and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$494,504.18

OWNERS

DHL&G Development Group, LLC

Chaowen Liu, Managing Member

Nextlots Now L.L.C.

Lee J. Schmitt, Managing Member

S & C Holdings, LLC

Stanley Smith, Managing Member

Clinton Garland, Managing Member

Aurelio Martinez

Benito Mojica

Ciel Elizalde

Gaspar Alvarez

Ismael Aguilar

James Carter

John D'Silva

Jesse Smith

Julius Johnson III

Kimiaki Itamura

Laura Aveton

Leo Watts

Lupe Valdez

Nereida Vasquez

Pedro Lara

Peter Tsai

OWNERS (continued)

Quentin McClellan

Saul Celis

Stephene Tolocko

Vibeke Gamber

Zachary Thompson

Zarina Persaud

MAP

Attached

November 9, 2016

WHEREAS, the City of Dallas (“City”), the State of Texas (“State”), the County of Dallas, (“County”), and/or Dallas Independent School District (“DISD”) acquired Sheriff Deeds to properties (“Properties”) at a sheriff tax sale (“the First Sale”) authorized by a Judicial Foreclosure (“Judgment”) in a District Court in Dallas County, Texas. The Sheriff’s Deeds were recorded in the real property records of Dallas County, Texas as described on “Exhibit A,” attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties (“the Second Sale”) subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties (“the Second Sale”); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner’s Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code; **Now, Therefore,**

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

November 9, 2016

SECTION 1. That upon receipt of the monetary consideration from the purchasers of the Properties listed on Exhibit A, and upon consent by the County and DISD, the City Manager upon approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release(s) of lien for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit "A"; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit "A".

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

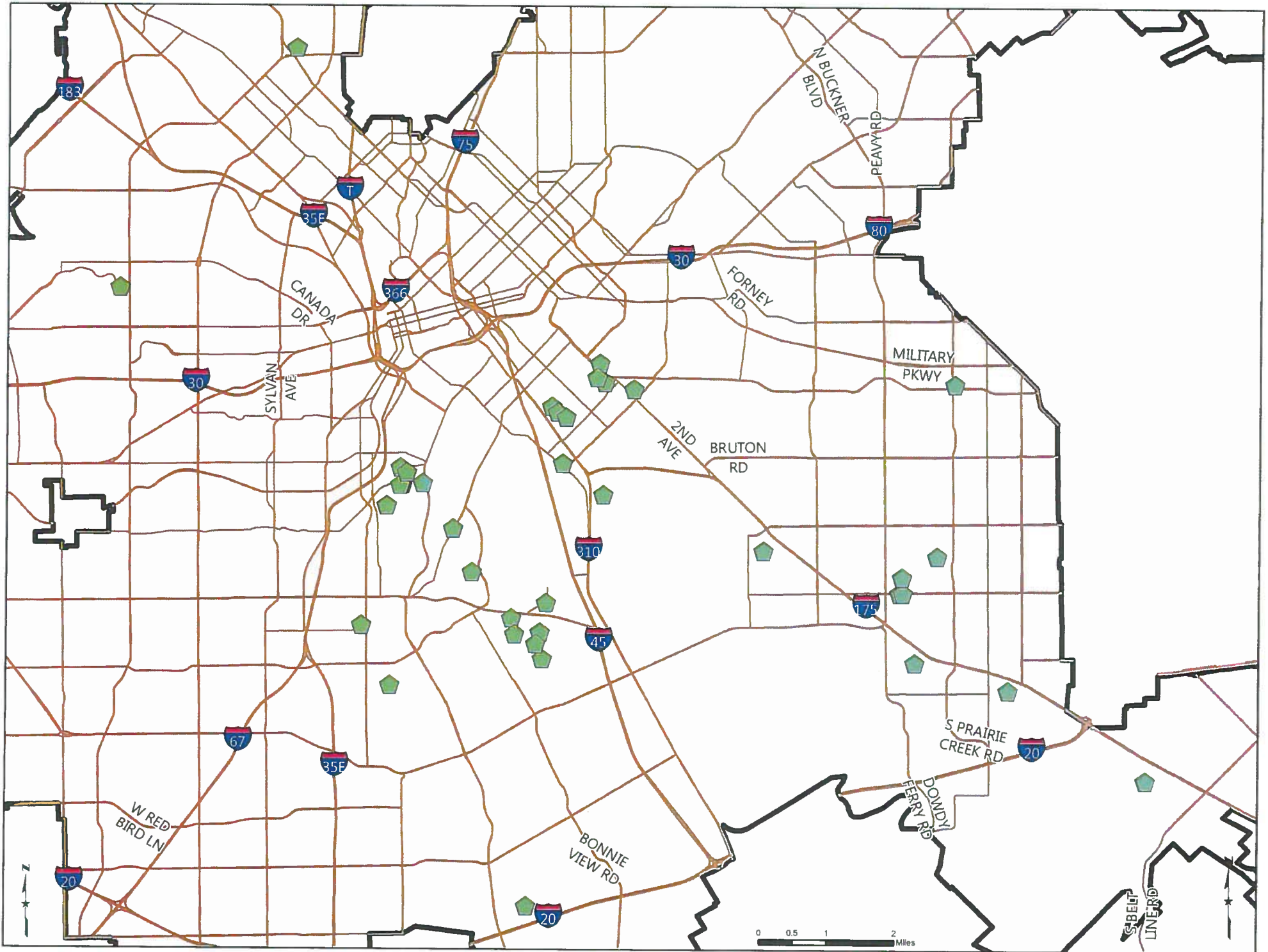
SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
1	2314 2ND	V	7	PD-595	.3226	\$14,050.00	11	\$1,000.00	\$11,223.00	\$14,050.00	Leo Watts
2	1312 E. 10TH	V	4	PD-388	.1137	\$7,430.00	6	\$1,000.00	\$7,000.00	\$7,430.00	Ciel Elizalde
3	2730 ALASKA	V	4	R-7.5(A)	.2602	\$18,855.00	13	\$1,000.00	\$18,091.40	\$17,500.00	Nereida Vasquez
4	409 AVENUE A	V	4	R-5(A)	.0832	\$5,000.00	9	\$1,000.00	\$12,600.00	\$5,000.00	Laura Aveton
5	1304 BADEN	V	4	LI	.0767	\$4,600.00	7	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
6	1308 BADEN	V	4	LI	.0808	\$4,600.00	7	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
7	1312 BADEN	V	4	LI	.0744	\$4,600.00	8	\$1,000.00	\$3,500.00	\$4,600.00	Aurelio Martinez
8	1314 BADEN	V	4	LI	.0792	\$4,600.00	7	\$1,000.00	\$3,500.00	\$4,600.00	Aurelio Martinez
9	1318 BADEN	V	4	LI	.0805	\$4,600.00	8	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
10	1300 BADEN	V	4	LI	.0775	\$4,600.00	6	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
11	1615 BANNOCK	V	7	PD-595	.1721	\$6,750.00	4	\$1,000.00	\$4,189.50	\$6,750.00	Kimiaki Itamura
12	1215 BLISS	V	4	LJ	.3235	\$10,475.00	3	\$1,000.00	\$2,000.00	\$13,800.00	Lupe Valdez
13	2204 BONNIE VIEW	V	4	R-7.5(A)	.1189	\$5,400.00	5	\$1,000.00	\$4,934.00	\$5,400.00	Leo Watts
14	2437 CEDAR CREST	V	4	CR	.7174	\$18,850.00	3	\$1,500.00	\$6,330.00	\$31,250.00	Benito Mojica
15	4413 CINDA REE	V	4	R-7.5(A)	.2114	\$18,443.00	1	\$1,000.00	\$4,375.00	\$12,000.00	Nextlots Now L.L.C.
16	1009 CLAUDE	V	4	R-5(A)	.1519	\$11,500.00	11	\$1,000.00	\$8,778.00	\$11,500.00	Leo Watts
17	1015 CLAUDE	V	4	R-5(A)	.3348	\$14,380.00	13	\$1,000.00	\$12,100.00	\$14,380.00	Saul Celis
18	2217 COLDBROOK	V	8	R-7.5(A)	.1663	\$8,000.00	4	\$1,000.00	\$5,175.00	\$8,000.00	Nextlots Now L.L.C.
19	2415 DATHE	I	7	PD-595	.1215	\$23,370.00	8	\$1,500.00	\$19,000.00	\$23,370.00	S & C Holdings, LLC
20	2961 EAGLE	V	4	R-7.5(A)	.3124	\$12,000.00	7	\$1,000.00	\$6,895.00	\$12,000.00	Nextlots Now L.L.C.
21	8300 ELAM	V	5	NS(A)	.4505	\$39,250.00	18	\$2,000.00	\$25,100.00	\$39,250.00	Zarina Persaud
22	8314 ELAM	V	5	NS(A)	.9305	\$22,750.00	19	\$2,000.00	\$20,895.99	\$22,750.00	Stephane Tolocko
23	6249 FENWAY	I	5	R-7.5(A)	.1761	\$29,260.00	15	\$4,000.00	\$32,000.00	\$24,710.00	Ismael Aguilar
24	3120 FORDHAM	I	4	R-7.5(A)	.3027	\$20,030.00	6	\$4,000.00	\$27,111.00	\$30,030.00	Vibeke Gamber
25	2422 JORDAN	I	7	PD-595	.1045	\$47,830.00	10	\$6,000.00	\$24,000.00	\$47,830.00	Quantin McClellan
26	8421 KINGSFIELD	V	8	R-7.5(A)	.4607	\$7,718.00	2	\$1,000.00	\$3,200.00	\$14,000.00	Benito Mojica

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
27	3107 KINGSFORD	I	7	R-7.5(A)	.3500	\$7,352.00	4	\$2,000.00	\$9,112.00	\$20,000.00	James Carter
28	858 W. LARAMIE	V	8	R-7.5(A)	.2371	\$10,000.00	4	\$1,000.00	\$6,895.00	\$10,000.00	Nextlots Now L.L.C.
29	3907 LATIMER	I	7	PD-595	.0765	\$25,419.00	9	\$4,500.00	\$26,600.00	\$50,320.00	Peter Tsai
30	214 S. MOORE	V	4	LI	.1033	\$12,635.00	7	\$1,000.00	\$2,567.29	\$7,200.00	Kimaki Itamura
31	2918 MORGAN	V	8	R-7.5(A)	.4598	\$9,000.00	6	\$1,000.00	\$9,285.00	\$9,000.00	Nextlots Now L.L.C.
32	3414 OVERTON	V	4	R-5(A)	.1877	\$8,887.00	3	\$1,000.00	\$2,375.00	\$11,500.00	Nextlots Now L.L.C.
33	655 PLEASANT MEADOWS	V	5	R-7.5(A)	.2063	\$12,000.00	2	\$1,000.00	\$6,895.00	\$12,000.00	Nextlots Now L.L.C.
34	1206 PRESIDIO	V	4	R-7.5(A)	.2011	\$5,077.00	4	\$1,000.00	\$4,295.00	\$10,000.00	Nextlots Now L.L.C.
35	2910 PROSPERITY	V	4	R-7.5(A)	.4066	\$10,000.00	2	\$500.00	\$1,121.00	\$10,000.00	Leo Watts
36	3332 RUTLEDGE	I	7	PD-595	.1065	\$27,422.00	1	\$6,000.00	\$7,777.00	\$39,490.00	John D'Silva
37	3715 SAVAGE	V	2	PD-67	.0657	\$24,380.00	14	\$1,000.00	\$50,001.00	\$28,280.00	Jesse Smith and Zachary Thompson
38	2517 ST. CLAIR	V	7	PD 595	.1162	\$12,788.00	1	\$1,000.00	\$1,803.00	\$4,000.00	Julius Johnson III
39	3226 TUSKEGEE	V	7	PD-595	.0585	\$5,000.00	1	\$1,000.00	\$1,799.00	\$5,000.00	Leo Watts
40	3732 VINEYARD	V	6	R-5(A)	.1636	\$12,000.00	7	\$1,000.00	\$10,000.00	\$12,000.00	Pedro Lara
41	8734 WADLINGTON	I	5	R-7.5(A)	.1584	\$31,570.00	19	\$4,000.00	\$31,900.00	\$31,770.00	S & C Holdings, LLC
42	2926 WILHURT	V	4	R-7.5(A)	2.3010	\$18,509.00	9	\$2,000.00	\$15,101.00	\$24,000.00	Gaspar Alvarez
43	3613 YORK	I	7	PD-595	.1492	\$38,190.00	13	\$5,000.00	\$31,780.00	\$38,190.00	DHL&G Development Group, LLC



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837

MAPSCO: 10B-T

SUBJECT

A resolution authorizing the conveyance of an aerial easement and right-of-way containing approximately 27 acres to the City of Garland for the construction and maintenance of electrical facilities across City-owned Lake Ray Hubbard - Revenue: \$87,059

BACKGROUND

This item authorizes the conveyance of an aerial easement and right-of-way containing approximately 27 acres to the City of Garland for the construction and maintenance of electrical facilities across City-owned Lake Ray Hubbard. This property will be used to replace existing electrical lines. The purchase price of \$87,059 is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$87,059

MAP

Attached

November 9, 2016

WHEREAS, the City of Dallas owns a tract of land which is used for Lake Ray Hubbard; and

WHEREAS, the City of Garland has requested an aerial easement and right-of-way over and across said land for the construction, maintenance and use of electrical facilities containing approximately 27 acres of land, located across Lake Ray Hubbard, Dallas County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

WHEREAS, the Interlocal Agreement and Lease between the City of Dallas and City of Garland dated July 20, 1999, contemplates the granting of easement rights.

NOW, THEREFORE,

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

SECTION 1. That upon receipt of **EIGHTY SEVEN THOUSAND AND FIFTY NINE DOLLARS AND NO/100 (\$87,059.00)** from the City of Garland, the City Manager or designee is authorized to execute an Aerial Easement and Right-Of-Way, to be attested by the City Secretary upon approval as to form by the City Attorney.

SECTION 2. That the sale proceeds shall be deposited into the General Fund 0001, Dept. DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for administrative costs incurred (Fund 0001, Dept. DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the Water and Sewer Revenue Fund 0100, Dept. DWU, Unit 7005, Revenue Source 8428.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

By: _____
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 45Q

SUBJECT

An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of a total of approximately 314 square feet of aerial space to install, occupy, use and maintain two canopies, one with lettering, one without lettering, over and above a portion of Ervay Street right-of-way, near its intersection with Young Street - Revenue: \$1,000 annually and \$100 one-time fee, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a private license to Butler Brothers Hospitality Group, LLC for the use of a total of approximately 314 square feet of aerial space to install, occupy, use and maintain two canopies, one with signage, one without signage, over and above a portion of Ervay Street right-of-way, near its intersection with Young Street. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$1,000 annually and \$100 one-time fee, plus the \$20 ordinance publication fee

OWNER

Butler Brothers Hospitality Group, LLC

Alterra 500 South Ervay, LLC

Mukemmel Sarimsakci, Manager

MAP

Attached

ORDINANCE NO. _____

An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, to occupy, maintain and utilize aerial space over and above a portion of Ervay Street right-of-way located near its intersection with Young Street adjacent to City Block F/100 within the limits hereinafter more fully described, for the purpose of installing two (2) canopies, one with lettering and one without lettering; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas for the canopy with lettering; providing for an additional one-time fee compensation to be paid to the City of Dallas for the canopy without lettering; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Butler Brothers Hospitality Group, LLC, a Texas limited liability corporation, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as “licensed areas” which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** annually for the license herein granted for the one canopy with lettering, following the effective date of ordinance, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2016.

In addition, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS** for the license herein granted for the one canopy without lettering, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the one canopy, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code for the license term. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed areas shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to occupy, maintain and utilize, one canopy with lettering and one canopy without lettering.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts.

GRANTEE shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** shall obtain a TDLR/American Disability Act review and inspection must be performed and results provided to the City.

- b) **GRANTEE** acknowledges per the City of Dallas Central Business District Streets and Vehicular Circulation Plan, Section 51-9.101, Young Street requires 120 feet of right-of-way, Ervay Street requires 70 feet of right-of-way, and Marilla Street requires 64 feet of right-of-way. **GRANTEE** shall maintain six feet of unobstructed sidewalk on Young Street and Marilla Street.

SECTION 8. That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2016, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

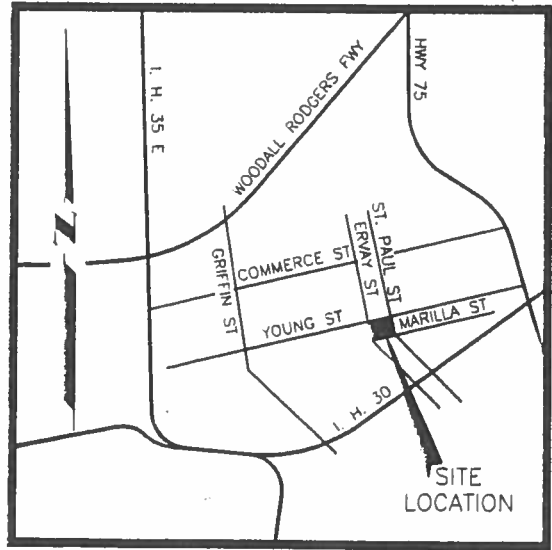
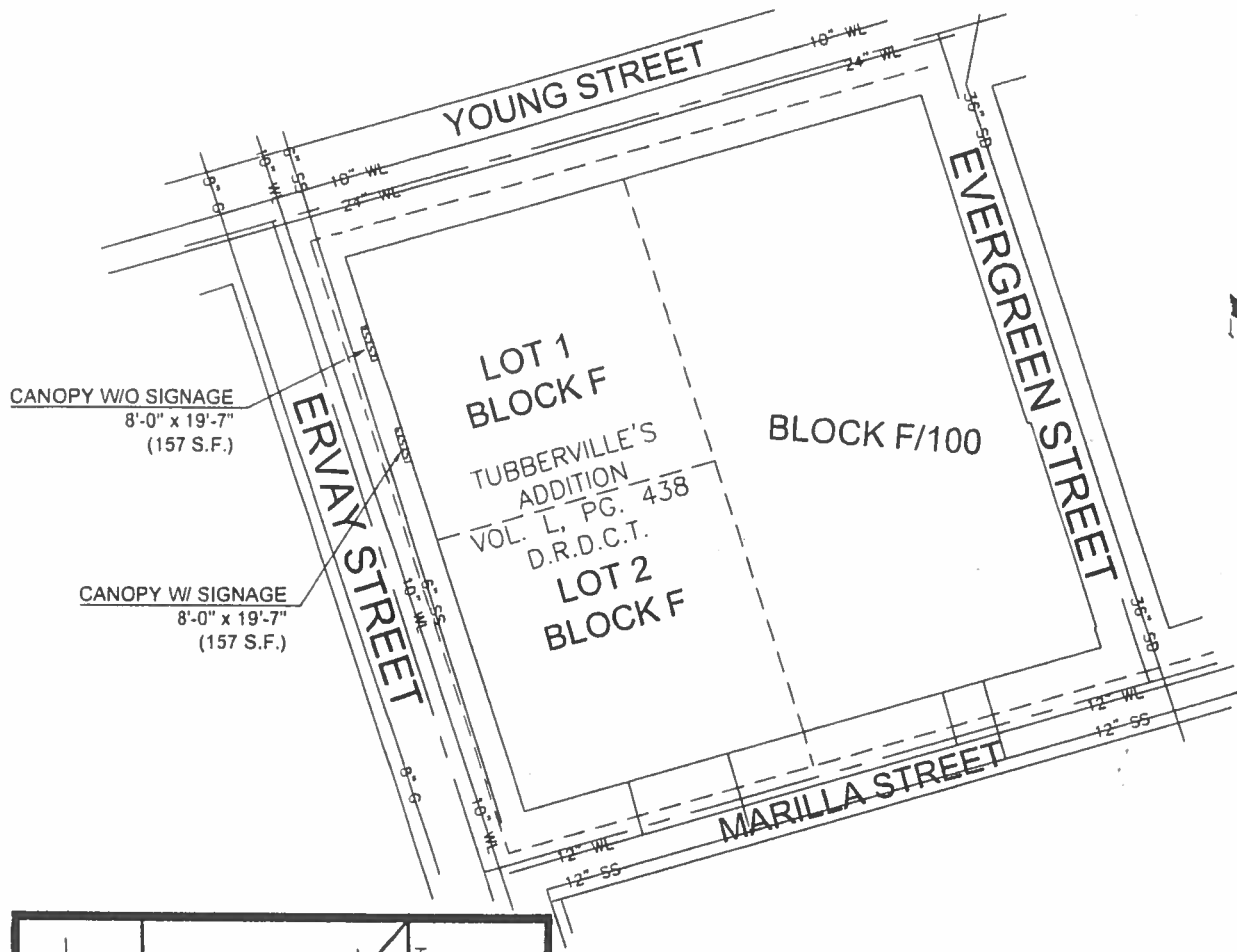
LICENSE AGREEMENT

PART OF ERVAY STREET



ADJACENT TO

CITY BLOCK F/100 AND LOT 1 & 2, BLOCK F

CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

CANOPY W/ SIGNAGE @ 157 S.F.	
CANOPY W/O SIGNAGE @ 157 S.F.	

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 59B

SUBJECT

An ordinance abandoning a storm water drainage easement to KIPP Dallas-Fort Worth, Inc., the abutting owner, containing approximately 3,812 square feet of land, located near the intersection of St. Augustine and Bruton Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a storm water drainage easement to KIPP Dallas-Fort Worth, Inc., the abutting owner. The area will be included with the property of the abutting owner for the new development of KIPP Pleasant Grove Primary, a charter school. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

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

OWNER

KIPP Dallas-Fort Worth, Inc.

Peter Brodsky, President

MAP

Attached

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a storm water drainage easement, located in City Block 6756 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to KIPP Dallas-Fort Worth, Inc.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of KIPP Dallas-Fort Worth, Inc., a Texas nonprofit corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

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

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

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

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

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

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

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

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

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.



Log: 43181

Applicant: KIPP Dallas-Fort Worth, Inc.

Mapsco: 59B

Abandonment: 

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 29-W

SUBJECT

An ordinance abandoning a water easement to Adler Property Companies, LLP, the abutting owner, containing approximately 1,463 square feet of land, located near the intersection of Perimeter Drive and Corporate Drive, providing for the dedication of approximately 1,386 square feet of land needed for a water easement - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement to Adler Property Companies, LLP, the abutting owner. The area will be included with the property of the abutting owner for the building expansion and redevelopment of Sports City Toyota. The owner will dedicate approximately 1,386 square feet of land for a water easement. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

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

OWNER

Adler Property Companies, LLP

JRE Aquila II, LLC

John R. Eagle, Managing Member

MAP

Attached

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement, located in City Block D/8048 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Adler Property Companies, LLP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Adler Property Companies, LLP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said water easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

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

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

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

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

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.26 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of water easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the abandonment, relinquishment and quitclaim made herein shall be subject to **GRANTEE** conveying property to the City of Dallas for a water easement within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block D/8048 as part of the consideration for the property herein abandoned by the City of Dallas and QUITCLAIMED to the **GRANTEE**. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and contain approximately 1,386 square feet of land, a description is attached hereto and made a part hereof as Exhibit B. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

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

SECTION 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.

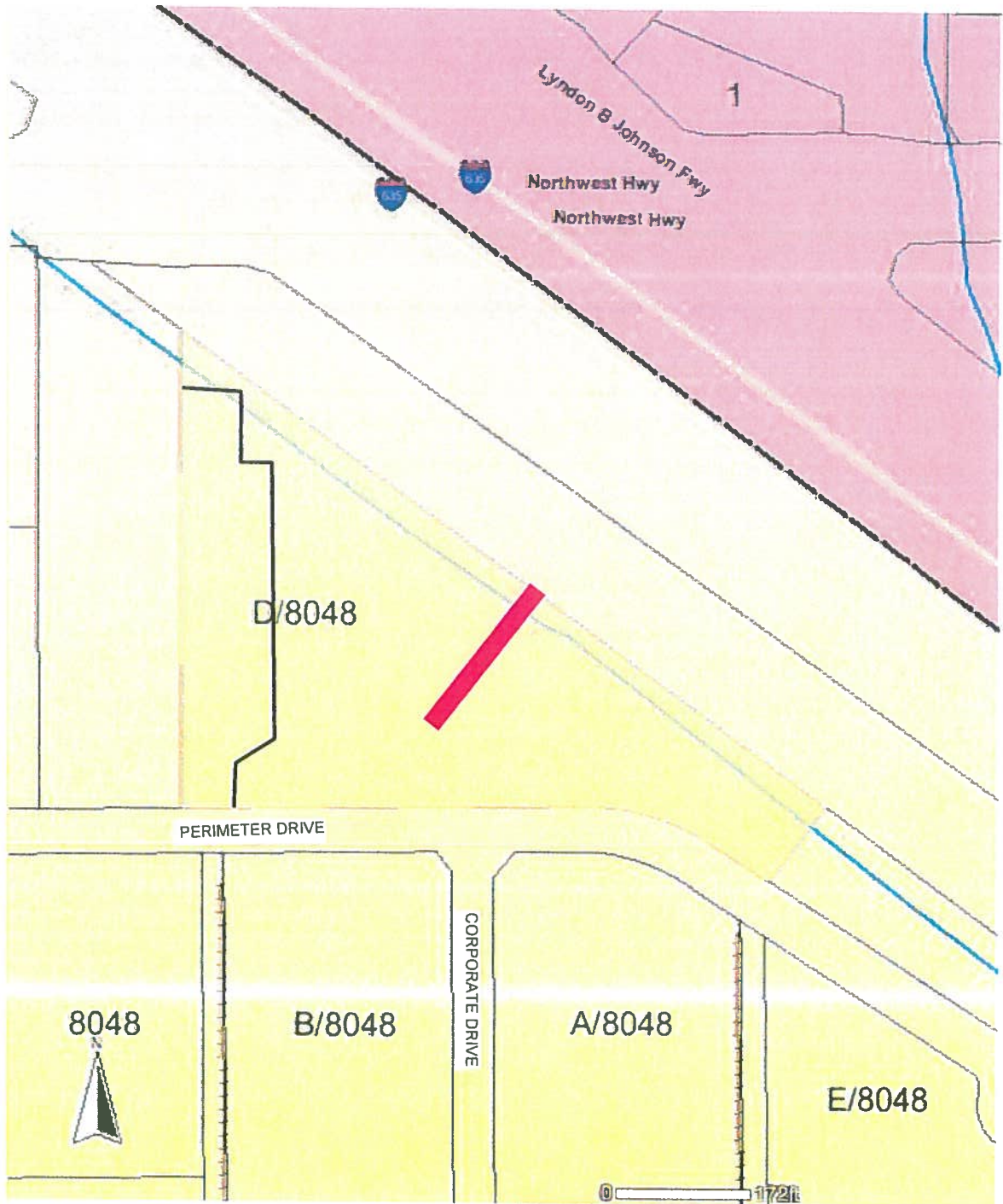
APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____



Abandonment area = 

Dedication area = 

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 54C, 54G

SUBJECT

An ordinance abandoning two alleys to Bishop Arts Village, LLC, the abutting owner, containing a total of approximately 20,000 square feet of land, located near the intersection of Bishop Avenue and 9th Street, and authorizing the quitclaim - Revenue: \$234,000, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of two alleys to Bishop Arts Village, LLC, the abutting owner. The area will be included with the property of the abutting owner for single family, multifamily, and medical office development. The abandonment fee is based on an independent appraisal.

Notices were sent to 51 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$234,000, plus the \$20 ordinance publication fee

OWNER

Bishop Arts Village, LLC

Exxir Capital Management

Exxir Capital Management LLC

Michael Nazerian, Managing Member

MAP

Attached

ORDINANCE NO. _____

An ordinance providing for the abandonment of two alleys located adjacent to City Blocks 32/3152 and 37/3157 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Bishop Arts Village, 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; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Bishop Arts Village, LLC, a Texas limited liability company, 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 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 the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED THIRTY-FOUR THOUSAND AND NO/100 DOLLARS (\$234,000.00)** 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 the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

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

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

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall 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 official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, contact the Texas Excavation Safety System (Texas 811) to have facilities marked and located within the abandonment areas prior to excavations.

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 Department of Sustainable Development and Construction. **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 Department of Sustainable Development and Construction.

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

(i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the 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 Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

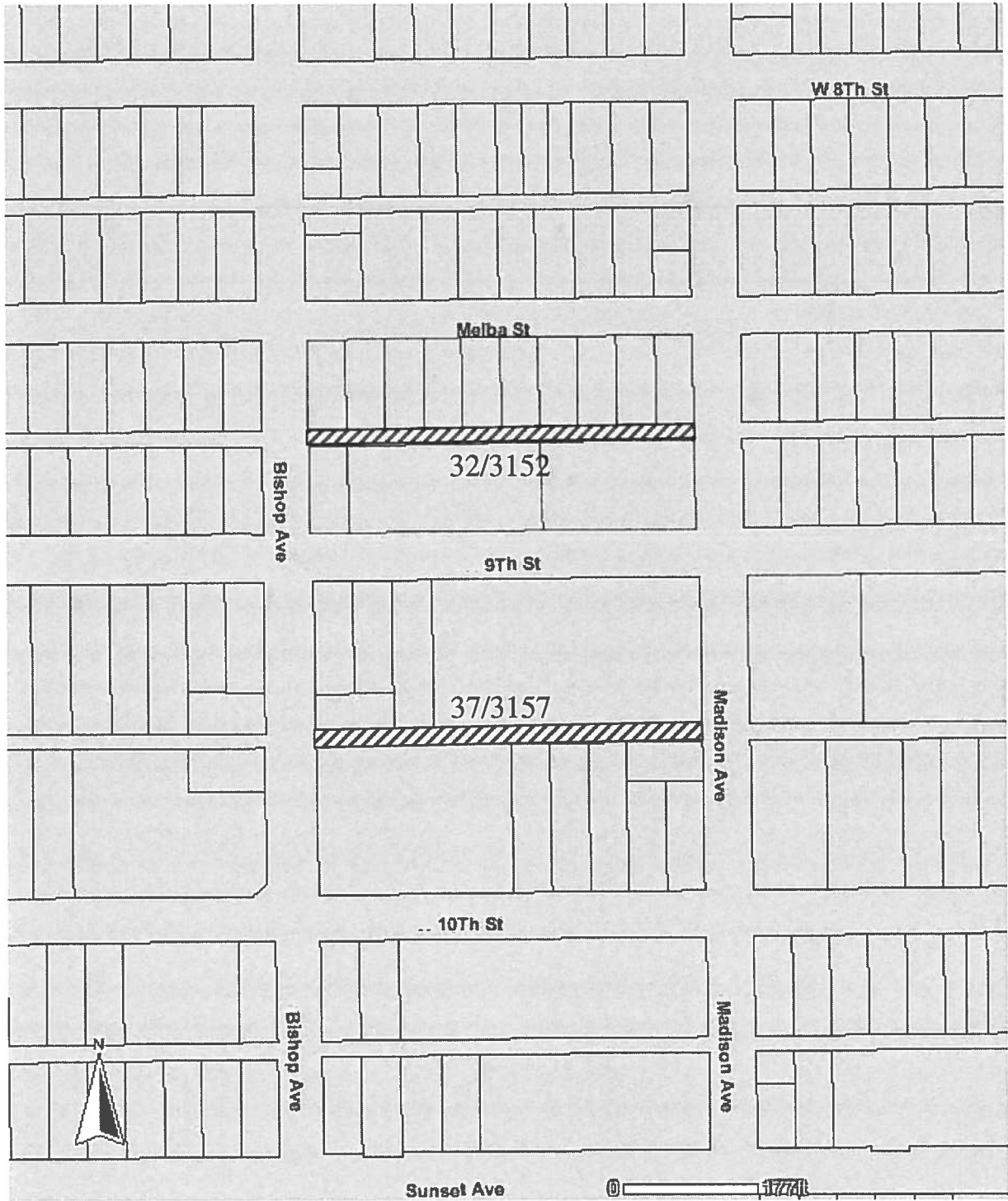
APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.



Abandonment areas = 

ADDENDUM ITEM # 9

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 54E

SUBJECT

An ordinance abandoning a portion of an alley to Dallas Independent School District, the abutting owner, containing approximately 1,702 square feet of land, located near the intersection of Brooklyn and Montclair Avenues; and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a portion of an alley to Dallas Independent School District, the abutting owner. The area will be included with the property of the abutting owner for the Greiner Elementary School campus. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

Notices were sent to 44 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

OWNER

Dallas Independent School District

Dan Micciche, President

MAP

Attached

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Block C/3536 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Dallas Independent School District; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Dallas Independent School District, a governmental entity, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and **WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That those certain provisions of Section 2-26.2 (f) of the Dallas City Code regarding abandonment fee to the extent, not required by state law or City Charter, are hereby waived with respect to this ordinance.

SECTION 2. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 3. That for and in monetary consideration of the sum of **FIVE THOUSAND AND FOUR HUNDRED AND NO/100 DOLLARS (\$5,400.00)** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 4. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 5. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 6. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

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

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

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.