

ORDINANCE NO. 29027

An ordinance changing the zoning classification on the following property:

BEING part of Lots 3 through 9 in City Block 3/1811; fronting approximately 207 feet on the northwest line of Carl Street; fronting approximately 270 feet on the southwest line of Lagow Street; fronting approximately 207 feet on the southeast line of Fitzhugh Avenue; and containing approximately 1.28 acres,

from an D(A) Duplex Subdistrict, an NC Neighborhood Commercial Subdistrict, and an R-5(A) Single Family Subdistrict within Planned Development District No. 595 (the South Dallas/Fair Park Special Purpose District) to a CC Community Commercial Subdistrict within Planned Development District No. 595; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from a D(A) Duplex Subdistrict, an NC Neighborhood Commercial Subdistrict, and an R-5(A) Single Family Subdistrict within Planned Development District No. 595 to a CC Community Commercial Subdistrict within Planned Development District No. 595 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 3. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That the zoning ordinances of the City of Dallas shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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.

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed JUN 12 2013

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EXHIBIT A

Property Description for Fire Station #44

Being a 1.283 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, Dallas County, Texas and being part of Lots 3, 4, 5, 6, 7, 8 and 9 in Block 3/1811, Official City of Dallas Block number of the M.L. Lagow Addition an unrecorded subdivision, which map or plat thereof is on file in the City of Dallas Survey Vault in the Fitzhugh folder, and being a part of the property conveyed to Jose de Jesus Esparza, by warranty deed dated May 18, 2007 and recorded in Instrument No. 20070188625, Official Public Records, Dallas County, Texas, which a Notice of Lis Pendens is pending in County Court at Law No. 2 in recorded in Instrument No. 201000156283, Official Public Records, Dallas County, Texas and being all of the property conveyed to Tom Jackson, by warranty deed recorded in Volume 97151, Page 1893, Deed Records Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "X" cut set in concrete in the northwesterly right of way line of Carl Street (40 foot right of way) and in the southwesterly right of way line of Lagow Street (60 foot right of way);

THENCE South 41 degrees 45 minutes 52 seconds West, along said northwesterly right of way line of Carl Street, a distance of 207.00 feet to an "X" cut found in concrete for corner and being the east corner of a tract of land described in a deed to James Steward and Janice Steward recorded in Instrument No. 201000257643, Official Property Records, Dallas County, Texas;

THENCE North 45 degrees 53 minutes 30 seconds West, along the northeasterly line of said Steward tract, a distance of 134.95 feet to a 5/8 inch iron rod found with cap stamped "City of Dallas" for corner, and being the east corner of a tract of land described in a deed to Batm Prop LP Ltd recorded in Volume 97151, Page 6329, Deed Records, Dallas County, Texas;

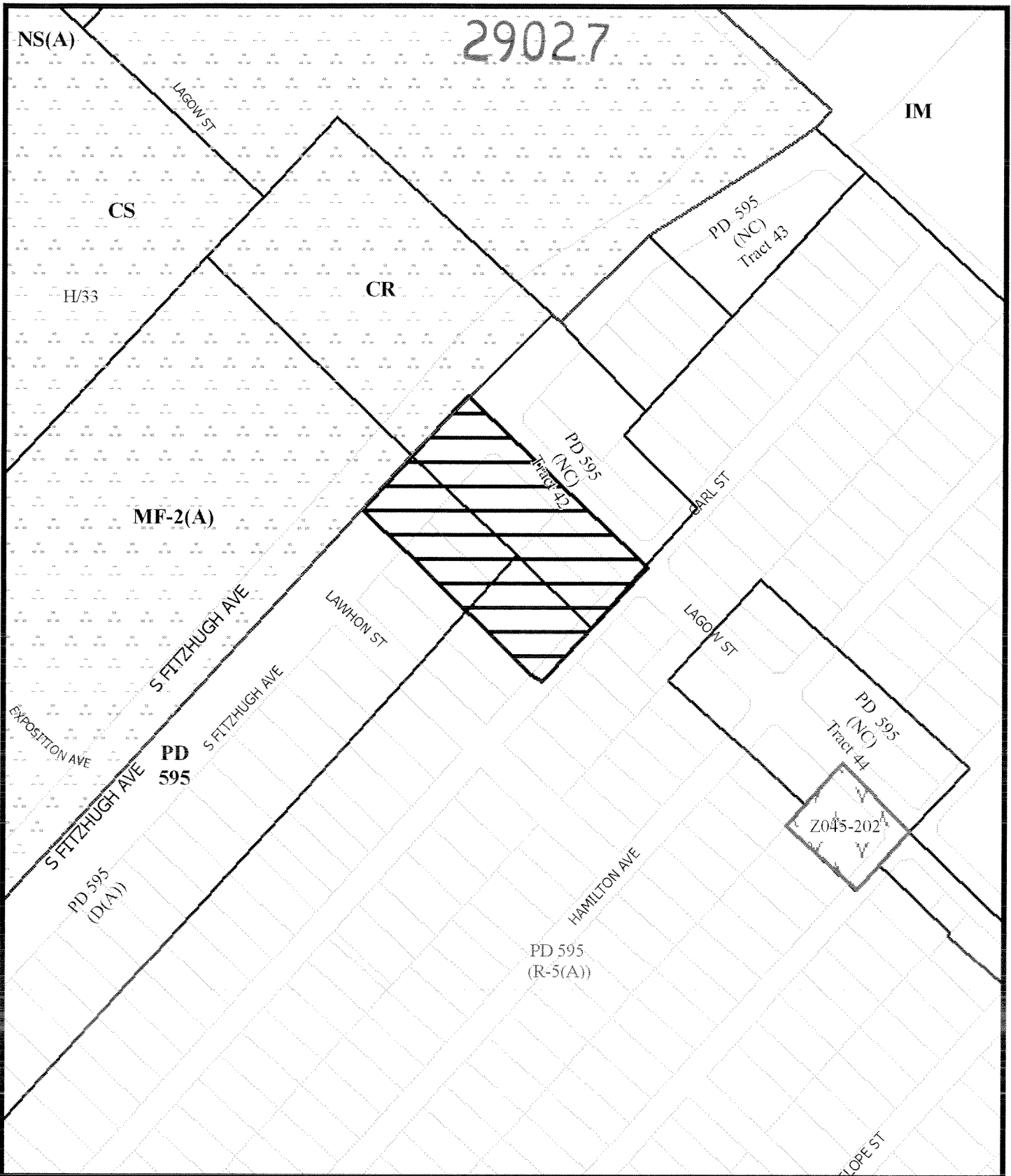
THENCE North 45 degrees 29 minutes 34 seconds West, along the northeasterly line of said Batm tract, a distance of 134.76 feet to a 3/8 inch iron rod found for corner, said iron being in the southeasterly right of way line of Fitzhugh Avenue (a variable width right of way) and being the north corner of said Batm tract;

THENCE North 41 degrees 18 minutes 53 seconds East, along said southeasterly line of Fitzhugh Avenue, a distance of 58.29 feet to a 3/4 inch iron rod found for corner;

THENCE North 41 degrees 49 minutes 42 seconds East, continuing along said southeasterly line of Fitzhugh Avenue, a distance of 148.66 feet to an "X" cut set in concrete for corner and being in the southwesterly line of Lagow Street (60 foot right of way);

THENCE South 45 degrees 42 minutes 21 seconds East, along said southwesterly line of Lagow Street, a distance of 270.00 feet to the POINT OF BEGINNING and containing a computed area of 55,899 square feet or 1.283 acres of land.

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1:2,400

ZONING AND LAND USE

Case no: **Z123-194**

Date: **3/7/2013**