

10-3-13

ORDINANCE NO. 2917 1

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as Tract 6b of Planned Development District No. 287:

BEING a tract of land in City Block 5284 located on Garland Road southwest of Tavaros Avenue; and containing approximately 0.569 acres of Garland Road right-of-way,

to be used under Specific Use Permit No. 2051 for an underground walkway; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

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

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”), which is presently zoned as Tract 6b of Planned Development District No. 287, to be used under Specific Use Permit No. 2051 for an underground walkway.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is an underground walkway.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit has no expiration date.
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

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SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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 8. 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:

WARREN M.S. ERNST, Interim City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed OCT - 8 2013

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## Exhibit A

## Legal Description

## 24,769 Square Foot Parcel

Situating in the

C.A. Lovejoy Survey, Abstract No. 829 and the  
Richard Scurry Survey, Abstract No. 1382*City of Dallas, Dallas County, Texas*

DESCRIPTION, of a 24,769 square foot (0.569 acre) tract of land situated in the C.A. Lovejoy Survey, Abstract No. 829 and the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Garland Road (State Highway No. 78, formerly known as Bankhead Highway, a variable width right-of-way, no record found) and adjoining Lot 1, Block A/4411, Dallas Arboretum and Botanical Garden Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 89020, Page 2034 of the Deed Records of Dallas County, Texas and the southeast right-of-way line of Gaston Parkway (a 50-foot wide right-of-way dedicated by plat recorded in Volume 20, Page 67 of the Map Records of Dallas County, Texas, on the northwest and Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas, on the southeast; said 24,769 square foot tract being more particularly described as follows (bearing system for this description based on the Texas State Plane Coordinate System, North Central Texas, Zone 4202, North American Datum of 1983 (CORS96), Epoch: 2002.00):

BEGINNING, at a point for corner in the northwest right-of-way line of said Garland Road; said point being the easternmost corner of said Lot 1, Block A/4411 and the southernmost corner of the southwest terminus of the said Gaston Parkway;

THENCE, North 44 degrees, 18 minutes, 37 seconds East, along the said northwest line of Garland Road and the southeast right-of-way line of said Gaston Parkway, a distance of 30.00 feet to a point for corner;

THENCE, South 45degrees,20minutes,30secondsEast, departing the said northwest line of Garland Road and the said southeast line of Gaston Parkway and into and across the said right-of-way of Garland Road, a distance of 101.08 feet to a point for corner in the southeast right-of-way line of said Garland Road; said point being in the northwest line of said Lot 1A, Block 6/5284;

THENCE, along the said southeast line of Garland Road and the said northwest line of Lot 1A Block 6/5284, the following two (2) calls:

South 44degrees,39minutes,30secondsWest, a distance of 94.55 feet to an angle point;

South 43degrees,50minutes,54secondsWest, a distance of 149.97 feet to a point for corner; said point being the westernmost corner of said Lot 1A, Block 6/5284 and the northernmost corner of that certain tract of land described in Special Warranty Deed to Tamale Partners, Ltd. recorded in Instrument No. 201100295906 of said Official Public Records;

THENCE, North 46degrees,09minutes,06secondsWest, departing the said southeast line of Garland Road and the said northwest line of Lot 1A, Block 6/5284 and into and across the said

right-of-way of Garland Road, a distance of 101.76 feet to a point for corner in the said northwest line of Garland Road and the southeast line of said Lot 1, Block A/4411;

THENCE, North 44degrees, 19minutes, 17seconds East, along the said northwest line of Garland Road and the said southeast line of Lot 1, Block A/4411 a distance of 215.94 feet to the POINT OF BEGINNING; and CONTAINING, 24,769 square feet or 0.569 acres of land, more or less.

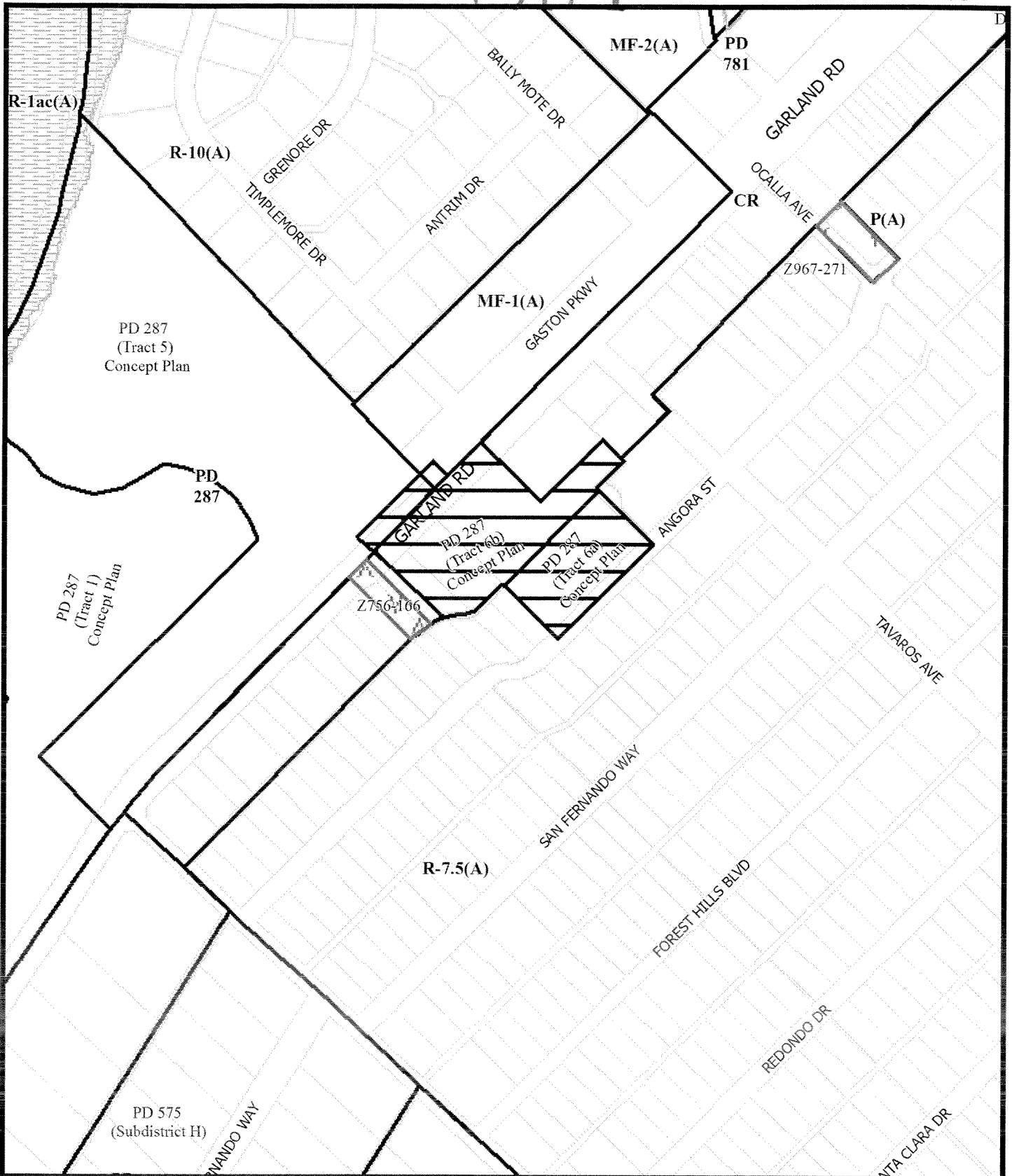
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1:3,600

## ZONING MAP

Case no: **Z123-319**

Date: **9/25/2013**