8-7-17

# ORDINANCE NO. 30583

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 5088 located approximately 95 feet south of Northwest Highway and 330 feet west of Cochran Heights Drive; and containing approximately .4046 acres of land,

from Subarea 3 within Planned Development District No. 787 to Subarea 2 within Planned Development District No. 787; amending Article 787, "PD 787," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code; amending the development plan and yard, lot, and space regulations in Sections 51P-787.107 and 51P-787.110 of Article 787; adding Section 51P-787.106.1, "Shared Access Development"; deleting Section 51P-787.119, "Zoning Map"; providing a new conceptual plan; amending Ordinance No. 27212, passed by the Dallas City Council on June 11, 2008, by providing a revised property description; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

WHEREAS, the city council finds that it is in the public interest to amend Article 787 as specified in this ordinance; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from Subarea 3 within Planned Development District No. 787 to Subarea 2 within Planned Development District No. 787 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Section 51P-787.107, "Development Plan," of Article 787, "PD 787," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

### "SEC. 51P-787.107. DEVELOPMENT PLAN.

- (a) Except as provided in this section, a[A] development plan for each subarea must be approved by the city plan commission before the issuance of any building permit to authorize work in that subarea. If there is a conflict between the conceptual plan and an approved development plan, the approved development plan controls. If there is a conflict between the text of this article and an approved development plan, the text of this article controls.
- (b) In Subareas 2 and 3, a final plat may serve as the development plan for a single family development."

SECTION 3. That Subsection (f), "Height," of Section 51P-787.110, "Yard, Lot, and Space Regulations," of Article 787, "PD 787," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

### "(f) Height.

### (1) Residential proximity slope.

- (A) <u>In general.</u> If any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. See Section 51A-4.412 for site of origination.
- (B) <u>Subareas 2 and 3.</u> <u>Subarea 2 and Subarea 3 do not apply when determining the site of origination for a residential proximately slope.</u>

- (2) <u>Single-story parking structures.</u> Single-story parking structures may not exceed 16 feet in height. See Section 51P-787.114(e) for facade requirements.
- (3) <u>Maximum structure height.</u> Unless further restricted in Paragraph (1), maximum structure height is:
- (A) Subarea 1: 36 feet in the area between 10 feet and 48 feet from the western property line; otherwise 60 feet.
  - (B) Subarea 2: 45 feet.
  - (C) Subarea 3: 35 feet.
  - (D) Subarea 4: 22 feet.
  - (E) Subarea 5: 70 feet.
- (F) Subarea 6: 36 feet in the area between 10 feet and 48 feet from the western property line; otherwise, 80 feet."

SECTION 4. That Article 787, "PD 787," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding Section 51P-787.116.1, "Shared Access Development," to read as follows:

### "SEC. 51P-787.116.1. SHARED ACCESS DEVELOPMENT

- (a) A shared access development in Subareas 2 or 3 may not exceed a maximum of 33 lots and must have a minimum of one access point.
- (b) An emergency-only access point connecting to a fire lane on an adjacent property within the district must be provided for a shared access development with one access point in Subareas 2 and 3."

SECTION 5. That Article 787, "PD 787," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by deleting Section 51P-787.119, "Zoning Map," to read as follows:

### "[SEC. 51P-787.119. ZONING MAP.

PD 787 is located on Zoning Map No. F-6.]"

SECTION 6. That the Exhibit A (property description) attached to Ordinance No. 27212 is replaced by the Exhibit B attached to this ordinance.

SECTION 7. That the conceptual plan, Exhibit 787A of Article 787, "PD 787," of Chapter 51P of the Dallas City Code, is replaced by the Exhibit 787A attached to this ordinance.

SECTION 8. That development of this district must comply with the full-scale version of Exhibit 787A (conceptual plan) attached to this ordinance. A reduced-sized version of this plan shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 9: That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Sections 1 and 2 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 10. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 11. That Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. 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 13. 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:

LARRY E. (AST), City Attorney

Assistant City Attorney

# 3 0 5 8 3 Exhibit A

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Being all that tract or parcel of land situated in the W. Baker Survey, Abstract No. 54, and being situated in City Block 5088, and being part of Sherwood East Addition, an addition to the City of Dallas, according to the plat recorded in Volume 512 at Page 2023 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at the Northeast corner of said Sherwood East Addition, said point also being the Northwest corner of a tract of land described in Correction Deed to Friends of the Military recorded in D.C.C.F.N. 201400267500 of the Deed Records of Dallas County, Texas, a 5/8 inch iron rod found for corner, said point being situated on the Southerly line of Northwest Highway (variable width right-of-way);

**THENCE** South 02 degrees 51 minutes 24 seconds East, departing said Southerly line of Northwest Highway, along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 92.19 feet to a the **POINT OF BEGINNING** for this description;

**THENCE** South 02 degrees 51 minutes 24 seconds East, continuing along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 17.77 feet to a mag nail found for corner;

**THENCE** South 70 minutes 48 minutes 24 seconds West, continuing along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 31.06 feet to a mag nail found for corner;

**THENCE** South 02 minutes 58 minutes 17 seconds East, continuing along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 43.90 feet to a point for corner;

**THENCE** South 71 degrees 30 minutes 00 seconds West, a distance of 277.54 feet to a point for corner;

**THENCE** North 18 degrees 30 minutes 00 seconds West, a distance of 59.78 feet to a point for corner;

**THENCE** North 71 degrees 30 minutes 00 seconds East, a distance of 325.14 feet to the **POINT OF BEGINNING** and containing 0.4046 acres of land, more or less.

### 30583 EXHIBIT B PD787

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#### Perimeter

Being a tract of land situated in the W.C, Trimble Survey, Abstract No. 1484 and the W. Baker Survey, Abstract No. 54, and being situated in City Block 5088, and being all of Sherwood Forest Addition, an addition to the City of Dallas, according to the plat recorded in Volume 341 at page 826 of the Map Records of Dallas County, Texas, and all of Sherwood East Addition, an addition to the City of Dallas, according to the plat recorded in Volume 512 at page 2023 of the Map Records of Dallas County, Texas, and being all that tract conveyed to IRP/CREST GATES ASSOCIATES, L.P., by deed recorded in Volume 2002010, Page 93, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of said Sherwood Forest Addition, said point also being the northeast corner of Plaza on Bachman Creek Addition, an addition to the City of Dallas, according to the plat recorded in Volume 85180 at page 4861 of the Map Records of Dallas County, Texas, said point being situated on the southerly line of Northwest Highway (100' RO.W.), a 112 inch iron rod found for corner;

THENCE North 71 degrees 30 minutes 00 seconds East with said southerly line of Northwest Highway, a distance of 681.22 feet (679.47 feet per plat) to a 5/8 iron rod set for corner;

THENCE South22 degrees 57 minutes 00 seconds East, a distance of 0.90 feet to a 5/8 inch iron rod set for corner at the northwest corner of said Sherwood East Addition;

THENCE North 71 degrees 30 minutes 00 seconds East with said southerly line of Northwest Highway, a distance of 449.20 feet to a 5/8 inch iron rod set for corner;

THENCE North 71 degrees 42 minutes 16seconds East continuing with said southerly line of Northwest Highway, a distance of 124.37 feet (126.05 feet per plat) to 5/8 inch iron rod set for corner at the northeast corner of the aforementioned Sherwood East Addition and the northwest corner of a tract conveyed to Friends of the Military recorded in Volume 2001171, Page 1942, Deed Records, Dallas County, Texas;

THENCE South 2 degrees 51 minutes 24 seconds East, departing said southerly line of Northwest Highway: and along the common line between said Addition and said Friends of the Military tract, a distance of 109.96 feet to a 5/8" iron rod set for corner;

THENCE South 70 degrees 48 minutes 24 seconds West, continuing along said common line, a distance of 31.06 feet to a pk nail found for corner;

THENCE South 02 degrees 58 minutes 18 seconds East, continuing along said common line, a distance of 421.30 feet (423.80 feet per plat) to a 5/8" iron rod found for corner at the southeast corner of aforementioned Sherwood East Addition and an ell corner of a tract

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conveyed to G.H. Kelsoe, Jr. by deed recorded in Volume 99139, Page 5015, Deed Records, Dallas County, Texas;

THENCE South 84 degrees 03 minutes 18 seconds West with a common line of said Sherwood East Addition and said Kelsoe tract, a distance of 44.23 feet (South 85 degrees 14 minutes 31 seconds West, 43.04 feet per plat) to a 5/8" iron rod set for corner;

THENCE South 85 degrees 02 minutes 16 seconds West (South 86 degrees 13 minutes 29 seconds West per plat), and continuing with said common line, a distance of 96.54 feet to a 5/8" iron rod set for corner;

THENCE North 39 degrees 01 minutes 03 seconds West, continuing along said common line between said Addition and said Kelsoe tract, a distance of 149.31 feet (North 37 degrees 52 minutes 24 seconds West, 149.27 feet per plat, to a 5/8" iron rod set for corner;

THENCE South 41 degrees 17 minutes 55 seconds West, continuing along said common line, a distance of 314.51 feet (South 41 degrees 36 minutes 00 seconds West, 314.80 feet per plat) to a 5/8" iron rod set for corner at the northwest corner of said Sherwood Forest East Addition, the west corner of said Kelsoe tract and the northeast corner of a tract conveyed to the City of Dallas, recorded in Volume 442, Page 210, Deed Records, Dallas County, Texas;

THENCE South 64 degrees 15 minutes 00 seconds West, along the common line of said Addition and said City of Dallas tract, a distance of 46.33 feet (51.00 feet per plat), to a 5/8" iron; rod set for corner;

THENCE North 17 degrees 52 minutes 00 seconds West, continuing along said common line, a distance of 5.19 feet (3.40 feet per plat), to a 5/8"iron rod set for corner at the southeast corner of the aforementioned Sherwood Forest Addition and an ell corner of said City of Dallas tract;

THENCE South 64 degrees 15 minutes 00 seconds West, continuing along the common line between said Sherwood Forest Addition and said City of Dallas tract, a distance of 577.50 feet (at the southwest corner of Sherwood Forest Addition, same point being the southeast corner of said Plaza on Bachman Creek Addition, a 5/8" iron rod set for corner;

THENCE North 18 degrees 57 minutes 00 seconds West along the common lines of Plaza on Bachman Creek Addition and Sherwood Forest Addition, a distance of 135.64 feet, a 5/8" iron rod set for corner;

THENCE North 18 degrees 32 minutes 35 seconds West continuing along said common line of Plaza on Bachman Creek Addition and Sherwood Forest Addition, a distance of 437.58 feet (North 18 degrees 20 minutes 00 seconds West, 437.63 feet per plat) to the PLACE OF BEGINNING and containing 574,675 square feet or 13.1927 acres of land, more or less.

### Subarea 1

Being a tract of land situated in the W.C, Trimble Survey, Abstract No. 1484and the W. Baker Survey, Abstract No. 54, and being situated in City Block 5088, and being a portion of Sherwood Forest Addition, an addition to the City of Danas, according to the plat recorded in Volume 341 at page 826 of the Map Records of Dallas County, Texas, and a portion of Sherwood East Addition, an addition to the City of Dallas, according to the plat recorded in Volume 512 at page 2023 of the Map Records of Dallas County, Texas, and being a portion of the same tract conveyed to IRP/CREST GATES ASSOCIATES, LP., by deed recorded in Volume 2002010, Page93, DeedRecords, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at 112 inch iron rod found for corner, same being the northwest corner of said Sherwood Forest Addition, said iron rod also being the northeast corner of Plaza on Bachman Creek Addition, an addition to the City of Dallas, according to the plat recorded in Volume 85180 at Page 4861 of the Map Records of Dallas County, Texas, and being situated on the southerly line of Northwest Highway (100' R.O.W.);

THENCE North 71 degrees 30 minutes 00 seconds East with said southerly line of Northwest Highway, a distance of 681.22 feet to a 5/8 iron rod found for corner;

THENCE South 22 degrees 57 minutes 00 seconds East, a distance of 0.90 feet to a 5/8 inch iron rod found for corner at the northwest corner of said Sherwood East Addition;

THENCE North 71 degrees 30 minutes 00 seconds East with said southerly line of Northwest Highway, a distance of 223.57 feet to a point for corner;

THENCE South 18 degrees 30 minutes 00 seconds East, departing said southerly line of Northwest Highway, a distance of 149.00 feet to a point for corner;

THENCE South 71 degrees 30 minutes 00 seconds West, a distance of 904.75 feet to a point for corner in the easterly line of aforementioned Plaza on Bachman Creek Addition and the westerly line of aforementioned Sherwood Forest Addition;

THENCE North 18 degrees 32 minutes 35 seconds West, along said common line, a distance of 149.90 feet to the POINT OF BEGINNING and containing 135,431 square feet or 3.109 acres of land, more or less.

### Subarea 2

Being all that tract or parcel of land situated in the W. Baker Survey, Abstract No. 54. and being situated in City Block 5088, and being part of Sherwood East Addition, an addition to the City of Dallas, according to the plat recorded in Volume 512 at Page 2023 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of said Sherwood East Addition, said point also being the Northwest corner of a tract of land described in Correction Deed to Friends of the Military recorded in D.C.C.F.N. 201400267500 of the Deed Records of Dallas County, Texas, a 5/8 inch

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iron rod found for corner, said point being situated on the Southerly line of Northwest Highway (variable width right-of-way);

THENCE South 02 degrees 51 minutes 24 seconds East, departing said Southerly line of Northwest Highway, along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 92.19 feet to a point for corner;

THENCE South 71 degrees 30 minutes 00 seconds West, departing said common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 325.14 feet to a point for corner;

THENCE North 18 degrees 30 minutes 00 seconds West, a distance of 89.22 feet to a 5/8 inch capped iron rod stamped "ADAMS SURVEYING COMPANY LLC" for corner, said point being in said Southerly line of Northwest Highway;

THENCE North 71 degrees 30 minutes 00 seconds East, along said Southerly line of Northwest Highway, a distance of 225.63 feet to a 5/8 inch iron rod found for corner;

THENCE North 71 degrees 42 minutes 16 seconds East, continuing along said Southerly line of Northwest Highway, a distance of 124.37 feet (126.05 feet per plat) to the POINT OF BEGINNING and containing 0.691 acres of land, more or less.

### Subarea 3

Being all that tract or parcel of land situated in the W. Baker Survey, Abstract No. 54, and being situated in City Block 5088, and being part of Sherwood East Addition, an addition to the City of Dallas. according to the plat recorded in Volume 512 at Page 2023 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the Northeast corner of said Sherwood East Addition, said point also being the Northwest corner of a tract of land described in Correction Deed to Friends of the Military recorded in D.C.C.F.N. 201400267500 of the Deed Records of Dallas County, Texas, a 5/8 inch iron rod found for corner, said point being situated on the Southerly line of Northwest Highway (variable width right-of-wav);

THENCE South 02 degrees 51 minutes 24 seconds East, departing said Southerly line of Northwest Highway, along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 92.19 feet to a the POINT OF BEGINNING for this description;

THENCE South 02 degrees 51 minutes 24 seconds East, continuing along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 17.77 feet to a mag nail found for corner;

THENCE South 70 minutes 48 minutes 24 seconds West, continuing along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 31.06

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feet to a mag nail found for corner;

THENCE South 02 minutes 58 minutes 17 seconds East, continuing along the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 321.90 feet to a point for corner;

THENCE South 85 degrees 02 minutes 16 seconds West, departing the common line between said Friends of the Military tract with the Sherwood East Addition, a distance of 211.87 feet to a point for corner. said point being situated on the West line of said Sherwood East Addition and the East line of a tract of land described in deed to AI Gonzalez with Cemetery Reservation recorded under Instrument Number 201300318568 of the Map Records of Dallas County, Texas;

THENCE North 39 degrees 01 minute 03 seconds West (North 37 degrees 52 minutes 24 seconds West per plat), along the common line between said AI Gonzalez tract with the Sherwood East Addition. a distance of 28.49 feet to a 5/8 inch iron rod found for corner;

THENCE North 18 degrees 32 minutes 35 seconds West, departing the common line between said AI Gonzalez tract with the Sherwood East Addition, a distance of 191.57 feet to a PK NAIL with shiner for corner;

THENCE North 71 degrees 30 minutes 00 seconds East, a distance of 13.00 feet to a point for corner;

THENCE North 18 degrees 30 minutes 00 seconds West, a distance of 59.78 feet to a point for corner;

THENCE North 71 degrees 30 minutes 00 seconds East, a distance of 325.14 feet to the POINT OF BEGINNING and containing 1.830 acres of land, more or less.

#### Subarea4

Being a tract of land situated in the W.Baker Survey, Abstract No. 54, and being situated in City Block 5088, and being a portion of Sherwood East Addition, an addition to the City of Dallas, according to the plat recorded in Volume 512 at page 2023 of the Map Records of Dallas County, Texas, and being a portion of the same tract conveyed to IRP/CREST GATES ASSOCIATES, L.P., by deed recorded in Volume 2002010, Page93, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner, said point being the southeast corner of said Sherwood East Addition;

THENCE South 84 degrees 03 minutes 18 seconds West, with the southerly line of said Sherwood East Addition, a distance of 44.23 feet to a point for corner;

THENCE South 85 degrees 02 minutes 16 seconds West, a distance of 96.54 feet to a point for corner;

THENCE North 39 degrees 01 minutes 03 seconds West with said southerly line, a distance of 120.82 feet to a point for corner;

THENCE North 85 degrees 02 minutes 16seconds East, leaving said southerly line, a distance of 211.87 feet to a point for corner in the easterly line of aforementioned Sherwood East Addition;

THENCE South 02 degrees 58 minutes 18 seconds East, along said easterly line, a distance of 99.40 to the POINT OF BEGINNING and containing 17,631 square feet or 0.405 acres of land, more or less.

### Subarea 5

Being a tract of land situated in the W.C, Trimble Survey, Abstract No. 1484 and the Baker Survey, Abstract No. 54, and being situated In City Block5088, and being a portion of Sherwood Forest Addition, an addition to the City of Dallas, according to the plat recorded in Volume 341 at page 826 of the Map Records of Dallas County, Texas, and a portion of Sherwood East Addition, an addition to the City of Dallas, according to the plat recorded in Volume 512 at page 2023 of the Map Records of Dallas County, Texas, and being a portion of the same tract conveyed to IRP/CREST GATES ASSOCIATES, LP., by deed recorded in Volume2002010, Page93, DeedRecords, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner, said point being an inner ell corner of said Sherwood East Addition;

THENCE along the southerly lines of said Sherwood Forest Addition and Sherwood East Addition, the following:

South 41 degrees 17 minutes 55 seconds West, a distance of 314.51 feet to a point for corner;

South 64 degrees 15 minutes 00 seconds West, a distance of 46.33 feet to a point for corner;

North 17 degrees 52 minutes 00 seconds West, a distance of 5.19 feet to a point for corner;

South 64 degrees 15 minutes 00 seconds West, a distance of 124.89 feet to a point for corner;

THENCE North 18 degrees 32 minutes 35 seconds West, leaving said southerly line, a distance of 366.20 feet to a point for corner;

THENCE North 71 degrees 30 minutes 00 seconds East, a distance of 441.74 feet to a point for corner;

THENCE South 18 degrees 32 minutes 35 seconds East, a distance of 191.57 feet to the POINT OF BEGINNING and containing 134,195 square feet or 3.081 acres of land, more or less.

### Subarea 6

Being a tract of land situated in the W.C, Trimble Survey, Abstract No. 1484 and the W. Baker Survey, Abstract No. 54, and being situated in City Block 5088, and being a portion of Sherwood Forest Addition, an addition to the City of Dallas, according to the plat recorded in Volume 341 at page 826 of the Map Records of Dallas County, Texas, and being a portion of that same tract conveyed to CREST GATES ASSOCIATES, LP, by deed recorded in Volume 2002010, Page 93, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner, said point being the southwest corner of said Sherwood Forest Addition;

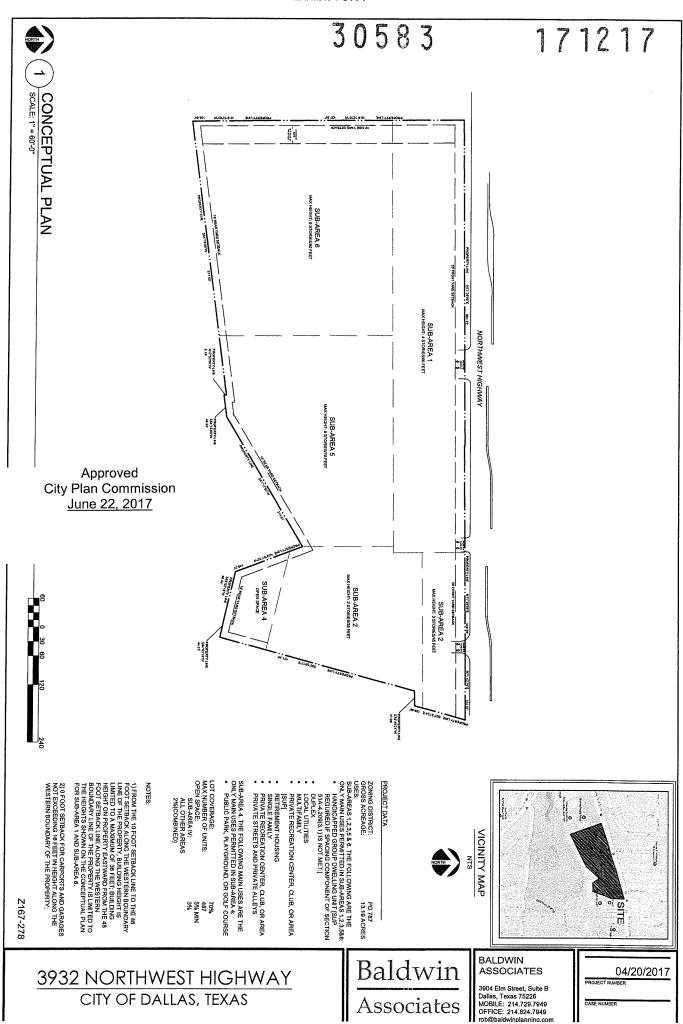
THENCE North 18degrees 57 minutes 00seconds West, along the westerly line of said Sherwood Forest Addition, a distance of 135.64 feet to a point for corner;

THENCE North 18 degrees 32 minutes 35 seconds West, continuing along said westerly line, a distance of 287.69 feet to a point for corner;

THENCE North 71 degrees, 30 minutes 00 seconds East, leaving said westerly line, a distance of 450.00 feet to a point for corner;

THENCE South 18 degrees 32 minutes 35 seconds East, a distance of 366.20 feet to a point for corner in the southerly line of aforementioned Sherwood Forest Addition;

THENCE South 64 degrees 15 minutes 00 seconds West, along said southerly line, a distance of 452.61 feet to the POINT OF BEGINNING and containing 177,604 square feet or 4.077 acres of land, more or less.





### PROOF OF PUBLICATION - LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY (	COUNCIL AUG ' 9 2017
ORDINANCE NUMBER	30583
	ALIA C & DAIS
DATE PUBLISHED	AUG 1 2 2017

ATTESTED BY:

Lasa G. Lias