

11-20-17

ORDINANCE NO. 30721

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 8/7130; fronting approximately 113 feet along the south line of Calypso Street; fronting approximately 65 feet along the east line of Hampton Road; and containing approximately 0.154 acres,

from an R-5(A) Single Family District to an NO(A) Neighborhood Office District; 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 an R-5(A) Single Family District to an NO(A) Neighborhood Office District 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.

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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.

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:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

Passed 12-13-2017

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EXHIBIT A

BEGINNING at the intersection of the East line of N. Hampton Road, (a variable width R.O.W.), as widened by Condemnation Deed to Dallas County, recorded in Volume 2004224, Page 7582, Deed Records, Dallas County, Texas, with the South line of Calypso Street, (a 50' R.O.W.), said point being the Northeast corner of said tract of land conveyed to Dallas County by Condemnation Deed, a ½" capped iron rod set for corner;

THENCE: North 89 deg. 36 min. 52 sec. East, with the said South line of Calypso Street, a distance of 103.11 feet to the Northwest corner of Lot 3 of said Roosevelt Manor, same being the Northeast corner of said Lot 2, a 3/8" iron rod found for corner;

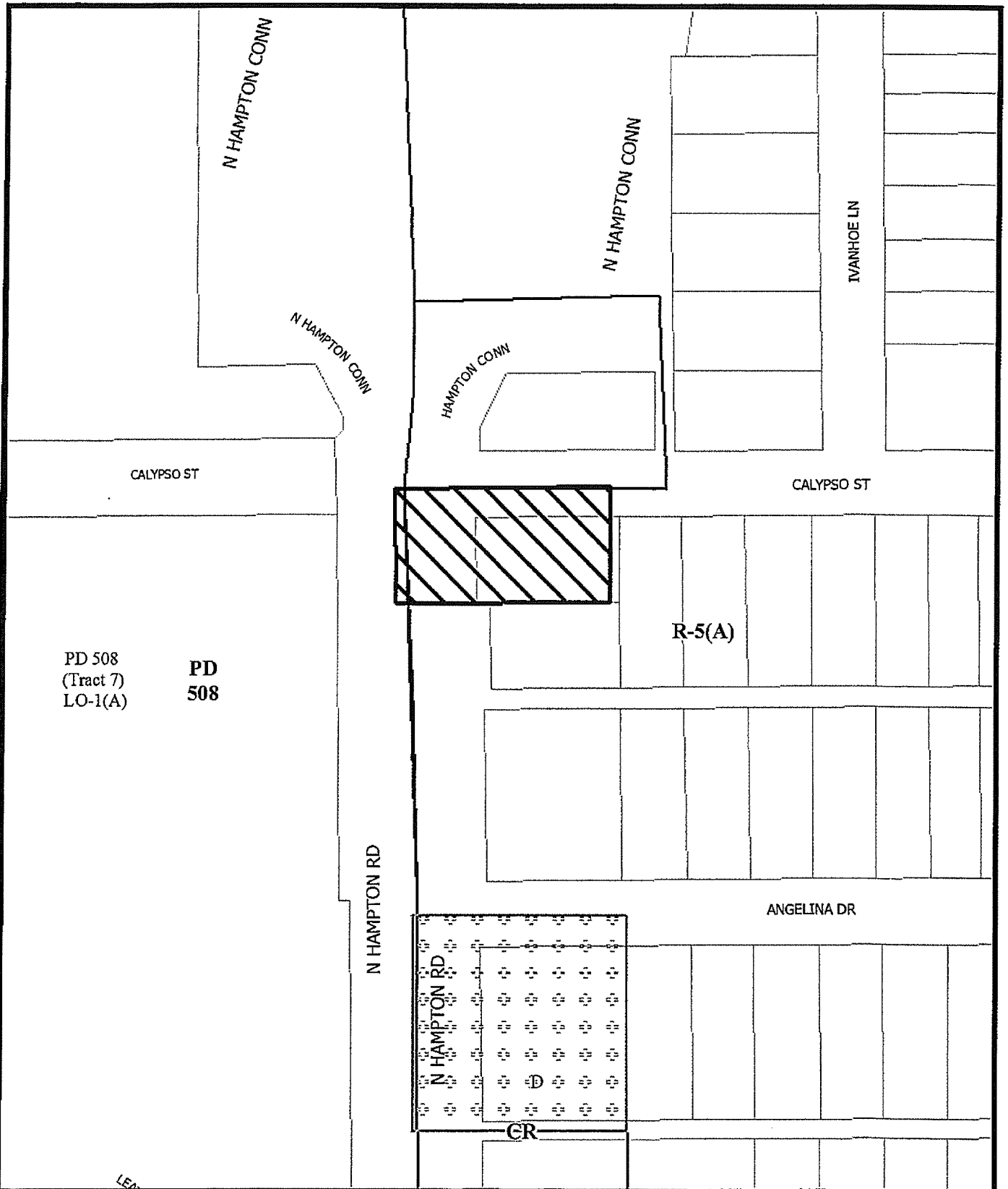
THENCE: South 00 deg. 23 min. 08 sec. East, with the common line of said Lots 2 and 3, a distance of 65.00 feet to the Northeast corner of a tract of land conveyed to Abundant Faith Church, by deed recorded in Volume 89043, Page 3454, Deed Records, Dallas County, Texas, a point for corner from which a fence post bears North 73 deg. 15 min. West, a distance of 1.2 feet;

THENCE: South 89 deg. 36 min. 52 sec. West, with the North line of said Abundant Faith Church tract, a distance of 102.84 feet to a point in the said East line of N. Hampton Road, as widened by said Condemnation Deed to Dallas County, said point being the Southeast corner of said tract of land conveyed to Dallas County by Condemnation Deed, a 3/4" iron rod found for corner;

THENCE: North 00 deg. 37 min. 21 sec. West, with the said East line of N. Hampton Road, as widened by said Condemnation Deed to Dallas County, a distance of 65.00 feet to the PLACE OF BEGINNING and CONTAINING 6,693 square feet or 0.154 acres of land.

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1:1,200

ZONING MAP

Case no: Z167-361

Date: 10/23/2017

COUNCIL CHAMBERDecember 13, 2017

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with property located at the corner of Calypso Street and Hampton Road, which is the subject of zoning case no. Z167-361 (JM); and

WHEREAS, the City Council desires to accept the deed restrictions in the attached instrument; Now, Therefore,

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

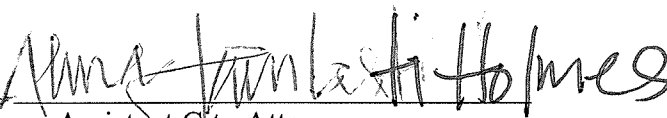
Section 1. That the deed restrictions in the attached instrument are accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of zoning case no. Z167-361(JM).

Section 2. That these deed restrictions must be filed in the Deed Records of Dallas County, Texas.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By 
Assistant City Attorney

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(1) The following use is prohibited on the Property:

-- Bail bonds office.

BAIL BONDS OFFICE means an office for the issuance, brokerage, or procurement of bail bonds.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 13 day of December, 2017.

D-Town Properties, Inc. _____

By: _____

Printed Name: Felipe Vela

Title: President

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Property Lienholder or Mortgagee

By: _____

Printed Name: _____

Title: _____

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

By: _____
Assistant City Attorney

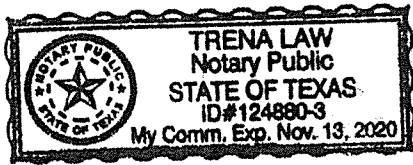
[Attach an acknowledgment for each signer]

Officer signing for a corporation

STATE OF TEXAS

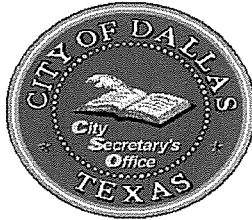
COUNTY OF Dallas

This instrument was acknowledged before me on Dec 13, 2017 by Felipe Vela, President of D-Town Properties, Inc corporation, on behalf of said corporation.



Trena Law
NOTARY PUBLIC

[NOTARY PUBLIC STAMP]



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 DEC 13 2017

ORDINANCE NUMBER 30721

DATE PUBLISHED DEC 16 2017

ATTESTED BY: