

8-22-19

ORDINANCE NO. 31295

An ordinance changing the zoning classification on the following property:

BEING part of Lot 6 and all of Lots 7 and 8 in City Block C/3369; fronting approximately 250 feet along the west line of Beckley Avenue south of Canty Street; and containing approximately 33,150 square feet of land,

from Subdistrict E within Planned Development District No. 468 (Oak Cliff Gateway Special Purpose District) with an SH Shopfront Overlay to Subdistrict E within Planned Development District No. 468; reducing Shopfront Overlay No. 7; amending Ordinance No. 30190, passed by the Dallas City Council on September 14, 2016 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 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 Subdistrict E with an SH Shopfront Overlay within Planned Development District No. 468 to Subdistrict E within Planned Development District No. 468 with the SH Shopfront Overlay removed on the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”).

SECTION 2. That the property description of the Shopfront Overlay No. 7 contained in the Exhibit C attached to Ordinance No. 30190 is replaced by the property description of Shopfront Overlay No. 7 attached to this ordinance as Exhibit B.

SECTION 3. 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 4. 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 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. 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 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.


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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:

CHRISTOPHER J. CASO, Interim City Attorney

By  _____
Assistant City Attorney

Passed AUG 28 2019

EXHIBIT A

Shop Front 7 (SH-7) Removal Portion

COMMENCING at the intersection of the centerline of E. Neely Street and the centerline of Beckley Avenue;

THENCE North 00° 50' 24" West along the centerline of Beckley Avenue, a distance of 231.80 feet to a point in the centerline of Beckley Avenue for the projected north line of Lot 9, Block C/3369, Zang's Crystal Hill Addition, an addition to the City of Dallas, recorded in Volume 1, Page 75, Map Records of Dallas County, Texas (M.R.D.C.T.), and being the POINT OF BEGINNING;

THENCE South 88° 46' 08" West along the projected north line and the north line of said Lot 9, a distance of 160.00 feet to the northwest corner thereof;

THENCE North 00° 50' 24" West along the west line of Lots 6, 7 & 8, Block C/3369 of said Zang's Crystal Hill Addition, a distance of 250.00 feet to the southwest corner of a tract of land described in deed to Antonio Bustamante and Bibiana Bustamante in Special Warranty Deed recorded in Volume 2001226, Page 8012, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) same being the southwest corner of the north 1/2 of Lot 6, Block C/3369 of said Zang's Crystal Hill Addition;

THENCE North 88° 46' 08" East along the south line and the projected south line of said Bustamante tract, a distance of 160.00 feet to the centerline of Beckley Avenue;

THENCE South 00° 50' 24" East along the centerline of Beckley Avenue, a distance of 250.00 feet to the POINT OF BEGINNING.

DISCLAIMER

NOTE: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in the real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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EXHIBIT B
(to ORD 30190 as Amended)

Shop Front 7 (SH-7)-Area 1

COMMENCING at the intersection of the centerline of W. Neely Street and the centerline of Zang Boulevard;

THENCE North $00^{\circ} 57' 46''$ West along the centerline of Zang Boulevard, a distance of 429.68 feet to a point at the project south line of Lot 3A, Block F/3372, North Zang Office Park Lots 1B, 2A, 3A, 6A, 7A, 8A, Block F/3372, an addition the City of Dallas according to the plat thereof recorded in Volume 2005133, Page 34, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being the POINT OF BEGINNING;

THENCE North $00^{\circ} 57' 46''$ West along the centerline of Beckley Avenue, a distance of 835.03 feet;

THENCE North $01^{\circ} 06' 44''$ East, a distance of 103.02 feet to the beginning of a curve to the right, having a radius of 319.48, with a chord bearing and distance of North $16^{\circ} 00' 26''$ East, 113.89 feet;

THENCE in a northeasterly direction along the centerline of Zang Boulevard and said curve, an arc distance of 114.50 feet;

THENCE North $29^{\circ} 36' 01''$ East along the centerline of Zang Boulevard, a distance of 521.66 feet;

THENCE North $29^{\circ} 30' 12''$ East along the centerline of Zang Boulevard, a distance of 130.38 feet to the intersection of the centerline of Beckley Avenue;

THENCE South $01^{\circ} 08' 13''$ East along the centerline of Zang Boulevard, a distance of 552.45 feet;

THENCE South $00^{\circ} 50' 24''$ East along the centerline of Beckley Avenue, a distance of 1004.31 feet;

THENCE South $88^{\circ} 46' 08''$ West along the projected north line and the north line of a tract of land described to Texas Intown Homes LLC in General Warranty Deed recorded in Instrument Number 201700000804, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), a distance of 160.00 feet to the most northerly northwest corner thereof;

THENCE South $00^{\circ} 50' 24''$ East along the west line of said Texas Intown Homes LLC tract, a distance of 50.00 feet;

THENCE South $88^{\circ} 46' 08''$ West along the north line and the projected north line of said Texas Intown Homes LLC tract, a distance of 207.76 feet to the POINT OF BEGINNING;

Shop Front 7 (SH-7)-Area 2

COMMENCING at the intersection of the centerline of E. Neely Street and the centerline of Beckley Avenue;

THENCE North 00° 50' 24" West along the centerline of Beckley Avenue, a distance of 81.47 feet to a point at the projected south line of a tract of land described in a deed to Ray Gomez, recorded in volume 98028, Page 2837, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being the POINT OF BEGINNING;

THENCE South 88° 53' 14" West along the projected south line and the south line of said Gomez tract, a distance of 160.00 feet to the southwest corner thereof;

THENCE North 00° 50' 24" West along the west line of Lots 9 & 10, Block C/3369, Zang's Crystal Hill Addition, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 75, Map Records of Dallas County, Texas (M.R.D.C.T.), a distance of 150.00 feet to the northwest corner of said Lot 9;

THENCE North 88° 46' 08" East along the north line and the projected north line of said Lot 9, Block C/3369, a distance of 160.00 feet to the centerline of Beckley Avenue;

THENCE South 00° 50' 24" East along the centerline of Beckley Avenue, a distance of 150.33 feet to the POINT OF BEGINNING.

DISCLAIMER

NOTE: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in the real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



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 28 2019

ORDINANCE NUMBER 31295

DATE PUBLISHED AUG 31 2019

ATTESTED BY:

COUNCIL CHAMBER

August 28, 2019

WHEREAS, the termination of deed restrictions in the attached instrument has been volunteered in connection with property located along the west line of Zang Boulevard and along the east line of Beckley Avenue south of Canty Street, which is the subject of Zoning Case No. Z178-222(JM/AU); and

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

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

Section 1. That the termination of deed restrictions in the attached instrument is 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. Z178-222(JM/AU).

Section 2. That this termination of 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.

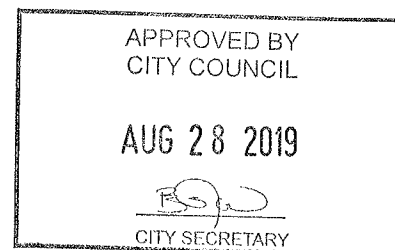
APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By



Assistant City Attorney



TERMINATION OF DEED RESTRICTIONS

THE STATE OF TEXAS)
)
 COUNTY OF DALLAS) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, TEXAS INTOWHOMES, LLC ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the GEORGE S.C. LEONARD Survey, Abstract No. 780, part of City Block C/3369, City of Dallas ("City"), DALLAS County, Texas, and being that same tract of land conveyed to the Owner by CRESCENT BISHOP ARTS MPC, LLC, by deed dated 01/03/2017, and recorded in Instrument Number 201700000804, in the Deed Records of DALLAS County, Texas, and being more particularly described as follows:

Being all of Lots 1A, 3, and 4 of Block C/3369, City of Dallas ("City"), Dallas County, Texas.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated September 14, 2016, signed by Dallas County Schools and recorded in Volume 1, Page 75, of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "A" and made a part of this instrument.

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

The following Development Type is not permitted:

- Apartment.

IV.

The above termination was made following 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 was given as would have been required by law for a zoning change on the Property. The Owner must file this 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 termination becomes effective.

V.

The termination of these restrictions is 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 TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL CLAIMS OR LIABILITIES ARISING OUT OF OR IN CONNECTION WITH THIS TERMINATION.

VII.

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

VIII.

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.

IX.

The invalidation of any provision in this instrument 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 at the City of Dallas, DALLAS County, this the 21ST day of AUGUST, 2019.

TEXAS INTOWHOMES, LLC

Owner

By: 

Printed Name: FRANK M.K. LIU

Title: PRESIDENT

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

By: 
Assistant City Attorney

[Attach an acknowledgment for each signer]

TEXAS INTOWNHOMES, LLC

By: [Signature]
FRANK M.K. LIU, President

State of Texas

County of Dallas

This instrument was acknowledged before me on August 21, 2019 (date of acknowledgment) by FRANK M.K. LIU, as PRESIDENT, of TEXAS INTOWNHOMES, LLC, a TEXAS corporation, on behalf of said corporation.

(Notary's stamp here)

[Signature] (Notary's signature)
Notary Public in and for
the State of Texas

