

11-25-20

ORDINANCE NO. 31715

An ordinance changing the zoning classification on the following property:

BEING all of Lot 22 in City Block F/2002; beginning approximately 73.68 feet along the north line of Belmont Avenue and approximately 84.63 feet along the north line of Carroll Avenue; and containing approximately .161 acre,

from a CR Community Retail District to an MF-2(A) Multifamily 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 a CR Community Retail District to an MF-2(A) Multifamily District on the following property (“the Property”):

BEING all of Lot 22 in City Block F/2002; beginning approximately 73.68 feet along the north line of Belmont Avenue and approximately 84.63 feet along the north line of Carroll Avenue; and containing approximately .161 acre.

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.

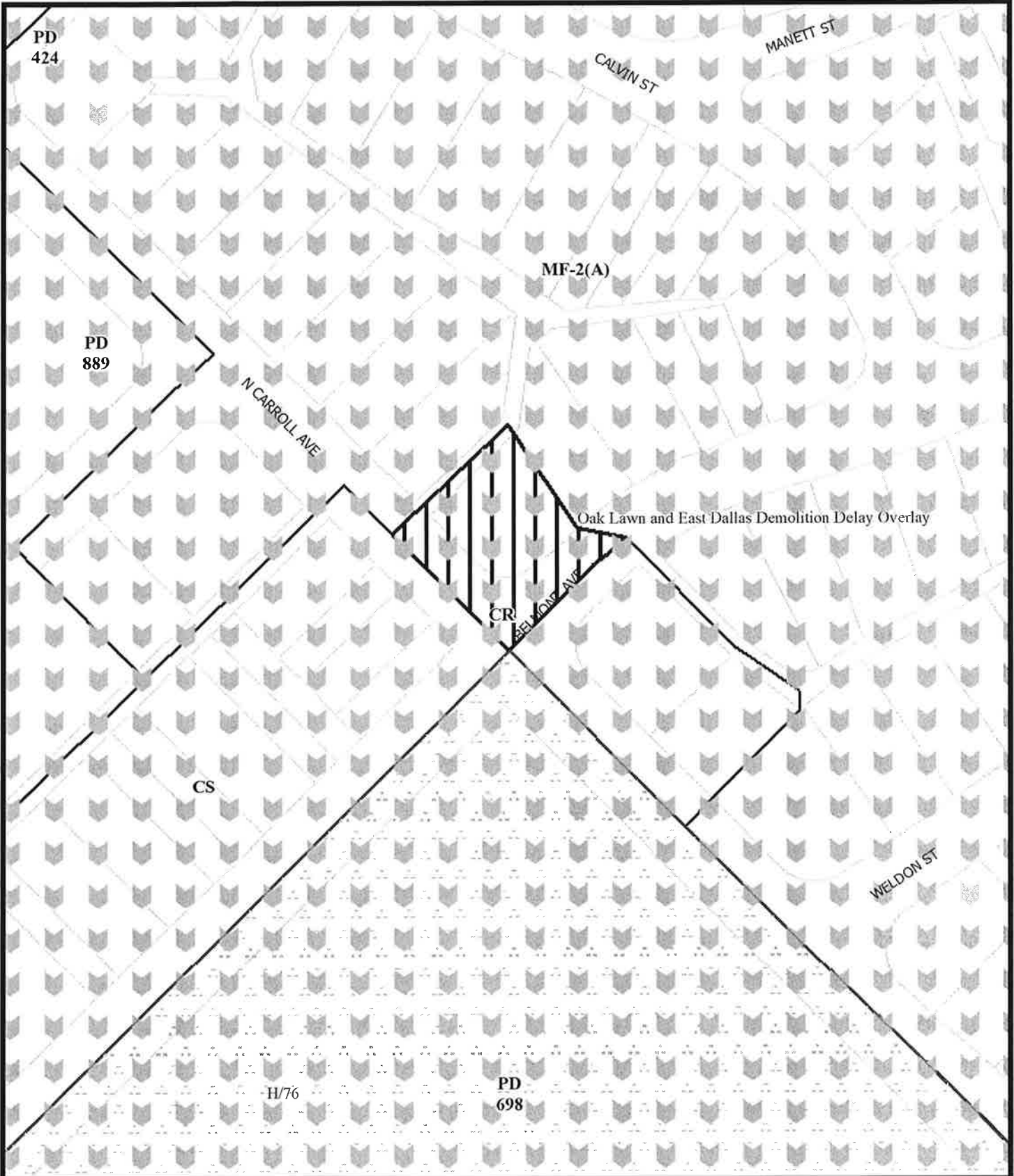
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Casidy Burgess
Assistant City Attorney

Passed DEC 09 2020



1:1,200

ZONING MAP

Case no: Z190-258

Date: 11/12/2020



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 09 2020

ORDINANCE NUMBER 31715

DATE PUBLISHED DEC 12 2020

ATTESTED BY:

201954

COUNCIL CHAMBER

December 9, 2020

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with property located at the north corner of the intersection of Belmont Avenue and Carroll Avenue, which is the subject of Zoning Case No. Z190-258(PD); 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. Z190-258(PD).

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:

CHRISTOPHER J. CASO, City Attorney

By Casey Buzard
Assistant City Attorney



APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
 COUNTY OF Dallas)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Coles Manor Development Company, LP, a Texas Limited Partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular Lot No. 22, City Block F/2002, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Refugio Alvarez and wife, Graciela Alvarez, by deed dated 9/11/19, and electronically recorded No. 201900242569, and recorded in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being Lot 22, Block F/2002, Belmont Park, an Addition to the City of Dallas, Dallas County, Texas according to the Revised Plat thereof recorded in Volume 8, Page 126, Map Records, Dallas County, Texas

II.

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

- 1) Dwelling units are limited to two;
- 2) Height is limited to 26 feet within 25 feet from Carroll Avenue and height is limited to 26 feet within 25 feet from Belmont Avenue;
- 3) A minimum of 15% of the lot must have a permeable surface; and
- 4) A minimum of three Live Oak trees with a minimum of six caliper inches must be provided within 25 feet of the curb line from Carroll Avenue and Belmont Avenue.

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 at Dallas, Dallas County, Texas, on this the 20th day of October, 2020.

By: [Signature]
Kevin Tyler Barrington, Managing Member

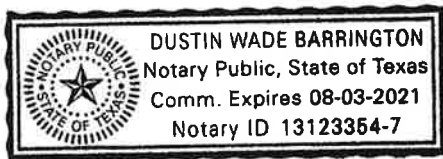
State of Texas

County of Dallas

This instrument was acknowledged before me on the 20 day of October 2020 (date of acknowledgement), by Kevin Tyler Barrington (name of person who signed the deed restrictions), Managing Member of Prestige Worldwide Management, LLC, a Texas limited liability company, its General Partner of Coles Manor Development Company, LP, a Texas limited partnership, on behalf of said limited partnership.

(Notary's stamp here)

[Signature]
(Notary's signature)



Notary Public in and for
the State of Texas

CONSENT AND CONCURRENCE
OF LIENHOLDER OR MORTGAGEE

N/A

Property Lienholder or Mortgagee

201954

By: _____
Printed Name: _____
Title: _____

Approved as to form:

CHRISTOPHER J. CASO, City Attorney

By: Casidy Buzen
Assistant City Attorney