

November 11, 2020

WHEREAS, Dallas Development Code Section 51A-1.104.1 prohibits the processing of a zoning application for properties with delinquent taxes or other city fees, fines, or penalties; and

WHEREAS, an applicant for rezoning must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property; and

WHEREAS, a waiver of the requirement may be granted by a two-thirds vote of the City Council if: (1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective; (2) a pending sale of the property is contingent on the application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or (3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; and

WHEREAS, application has been made for a waiver for the property located at 4304, 4310, 4314, 4318, and 4324 South Marsalis Avenue, more particularly described as Lots 7-10A in City Block 3/6004 in deeds dated April 9, 2019 and recorded as Instrument Nos. 201900088083, 201900088084, 201900088085, and 201900088092 in the Deed Records of Dallas County, Texas and a deed dated May 5, 1999 and recorded at Volume 99093, Page 3726 in the Deed Records of Dallas County, Texas; and

WHEREAS, the applicant, Patricia Hawkins, has demonstrated financial hardship that makes payment of taxes impossible, and a waiver will improve her ability to pay the taxes and any city fees, fines, or penalties.

Now, Therefore,

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

SECTION 1. That, as the City Council finds that a waiver improves the applicant's ability to pay the taxes and any city fees, fines, or penalties, the requirement that delinquent taxes and any city fees, fines, or penalties on property located at 4304, 4310, 4314, 4318, and 4324 South Marsalis Avenue, more particularly described as Lots 7-10A in City Block 3/6004 in deeds dated April 9, 2019 and recorded as Instrument Nos. 201900088083, 201900088084, 201900088085, and 201900088092 in the Deed Records of Dallas County, Texas and a deed dated May 5, 1999 and recorded at Volume 99093, Page 3726 in the Deed Records of Dallas County, Texas, be paid prior to processing the zoning application is hereby waived and the zoning application shall be allowed to be processed.

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SECTION 2. That this resolution in no way relieves any party liable for payment of these taxes, fees, fines, or penalties from the obligation to pay.

SECTION 3. That the waiver granted by this resolution is not a consideration of the merits of the zoning application and does not imply that the application will be approved or disapproved when considered on its merits.

SECTION 4. That this resolution shall take effect from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By: _____
Assistant City Attorney

Passed _____