

ORDINANCE NO. _____

An ordinance amending Ordinance No. 30866, by altering Section 3, adding new subsections 7(d), 7(e), 7(f) and substituting a new Exhibit A-Tract 4; providing for consideration to be paid to the City of Dallas; providing for payment of publication fee; providing a savings clause; and providing an effective date.

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

SECTION 1. That Ordinance No. 30866 adopted by the City Council of the City of Dallas on May 23, 2018, be and the same is hereby altering Section 3, adding new subsections 7(d), 7(e), 7(f) and substituting a new Exhibit A-Tract 4, to read as follows:

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of ~~**SEVEN THOUSAND NINE HUNDRED SIXTY FOUR (\$7,964.00)**~~ **EIGHT THOUSAND TWO HUNDRED FIFTY NINE (\$8,259.00)** **DOLLARS**, annually for the license herein granted for wood stairs, wooden decking, electrical conduit for lighting, and canopy with premise sign, said sum become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum ~~**SEVEN THOUSAND NINE HUNDRED SIXTY FOUR (\$7,964.00)**~~ **EIGHT THOUSAND TWO HUNDRED FIFTY NINE (\$8,259.00)** **DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE THOUSAND SIX HUNDRED (\$1,600.00) DOLLARS**, for the licenses herein granted for two (2) benches, two (2) trash receptacles, ~~sixteen (16)~~ ten (10) light poles, six (6) light poles and corresponding subsurface electrical conduits to be relocated three (3) feet behind the curb of Turtle Creek Boulevard, landscaping and irrigation, eight (8) bollards, metal inlay, fifteen (15) trees, pavement markers, LED button lights and cross texturing, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the

SECTION 1. (continued)

license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fees within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** shall obtain the required building permits and a Right-of-Way Permit must be applied for and issued prior to any work within the right-of-way.
- (b) **GRANTEE** shall comply with PD No. 830 zoning regulations for the Bishop district and related public right-of-way improvements must meet the standards.
- (c) **GRANTEE** acknowledges Atmos has active facilities in the area and if conflicts exist, **GRANTEE** will be responsible for cost to relocate said facilities.
- (d) **GRANTEE** shall assure the installation and maintenance of the subsurface conduit may not restrict the required placement and proper maintenance of street trees and other landscaping per Planned Development (PD621) and Article X.

SECTION 1. (continued)

- (e) GRANTEE shall acknowledge any soil with the potential to be contaminated should be managed or disposed of appropriately according to local, state, and federal regulations. Based on a Municipal Setting Designation (MSD) that includes the Licensed Area, groundwater and soil both have the potential to be impacted.
- (f) GRANTEE shall acknowledge Oncor Electric Delivery has existing underground electric utilities in Turtle Creek Boulevard that would need to be located by calling 811.

SECTION 2. That as consideration for amending Ordinance No. 30866, DD Dunhill Land, LLC agrees to pay monetary consideration in the sum of **EIGHT THOUSAND TWO HUNDRED FIFTY-NINE DOLLARS (\$8,259.00)**, the annual license fee owed to cover the consideration for 2020.

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200.

SECTION 4. That Ordinance No. 30866 adopted by the City Council of the City of Dallas on May 23, 2018, be and the same is hereby amended by deleting Exhibit A-Tract 4 and substituting a new Exhibit A-Tract 4, attached hereto and made a part hereof.

SECTION 5. That the terms and conditions of Ordinance No. 30866 shall remain in full force and effect except as amended hereby.

SECTION 6. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 2 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 7. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00011339.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY: 
Assistant City Attorney

BY: 
Assistant Director

Passed _____.