

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Ordinance No. 32404, by altering Section 10(c) to extend the timeframe required from one and a half years to two years to design, construct and obtain approval of the dedication of alley thereof; providing for consideration to be paid to the City of Dallas; providing for payment of the 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. 32404 adopted by the City Council of the City of Dallas on March 8, 2023, be and the same is hereby amended by altering Section 10(c), to read as follows:

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- (a) ensure existing 8-inch wastewater main is removed from the portion of alley to be abandoned by Private Development Contract prior to the effectiveness of this abandonment.
- (b) acknowledge and ensure both Sylvan and Fort Worth Avenues maintain a minimum 100 feet of public right-of-way in accordance to City of Dallas Thoroughfare Plan, Section 51A-9.
- (c) design and build dedication of alley in accordance to City of Dallas Standards and to be accepted by the City within ~~1.5 years~~ 2 years of approved ordinance date.

Failure to comply to this condition shall render this ordinance null and void and of no future effect.

**SECTION 2.** That, as consideration for amending Ordinance No. 32404, 739 Fort Worth Avenue, LLC agrees to pay monetary consideration in the sum of **SEVEN THOUSAND EIGHT HUNDRED AND NO/100 (\$7,800.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

**SECTION 3.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department FRM, Balance Sheet 0519 and Department of Facilities and Real Estate Management shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department FRM, Unit 1181, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

**SECTION 4.** That the terms and conditions of Ordinance No. 32404 shall remain in full force and effect except as amended hereby.

**SECTION 5.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Facilities and Real Estate Management, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Facilities and Real Estate Management, or designee shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Facilities and Real Estate Management, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

**SECTION 6.** That this ordinance is designated for City purposes as Contract No. FRM-2020-00013752.

**SECTION 7.** 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:

TAMMY L. PALOMINO,  
City Attorney

BY



Matthew G.

Assistant City Attorney

Passed

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JOHN JOHNSON, Director  
Department of Facilities and Real Estate  
Management

BY



John Caraway

Assistant Director