

ORDINANCE NO. _____

An ordinance amending Ordinance No. 25425, by altering Section 3, altering Section 4, adding new subsections 7(e), 7(f), 7(g) and 7(h), and adding a new Exhibit A Tract-2; 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. 25425 adopted by the City Council of the City of Dallas on May 14, 2003, be and the same is hereby amended by altering Section 3, altering Section 4, adding new subsections 7(e), 7(f), 7(g), and 7(h), and adding a new Exhibit A Tract-2, to read as follows:

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of ~~ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS~~ **FOUR THOUSAND TWO HUNDRED AND NO/100 (\$4,200.00) DOLLARS** annually for the license herein granted for the existing glass entry surround, sidewalk café with railing, blade sign with premise and two wall signs with premise, said sum to 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 of ~~ONE THOUSAND AND NO/100 (\$1,000.00)~~ **FOUR THOUSAND TWO HUNDRED AND NO/100 (\$4,200.00) DOLLARS** shall become due and payable upon the final passage of this ordinance and shall cover the consideration for ~~2003~~ 2020. Such consideration 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 fee within sixty (60) days of the due date, the Director of ~~Development Services~~ the Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the ~~City Controller~~ Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, ~~Agency~~ Department DEV, Unit 1181 ~~Org. 1180~~,

SECTION 1. (continued)

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 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Development Services of the City of Dallas: installation, use and maintenance of lighting, planters, raised stoop, canopies and a glass entry surround, a sidewalk café with railing, a blade sign with premise, and two wall signs with premise.

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

- (a) An unobstructed sidewalk width of 6-feet shall be maintained on Elm and North Harwood Streets.
- (b) **GRANTEE** shall comply with the Uniform Fire and Building Code. There will be no obstruction to Fire Department Access.
- (c) **GRANTEE** shall comply with the terms and conditions contained in the Certificate of Appropriateness issued by the Dallas Landmark Commission on August 5, 2002 for 1933 Elm Street.
- (d) Licensee shall contact the local One Call System at least 48 hours prior to the commencement of any construction.
- (e) **GRANTEE** shall adhere to the City of Dallas Complete Streets Manual preferred unobstructed sidewalk on mixed-use streets is 8 feet.
- (f) **GRANTEE** shall keep all Dallas Water Utilities Department appurtenances such as water valves, meters and wastewater cleanouts accessible at all times.
- (g) **GRANTEE** shall assure that the Americans with Disabilities Act (ADA) and Texas Department of Licensing and Regulation (TDLR) Compliance is achieved for the sidewalk area that remains unobstructed. Final

SECTION 1. (continued)

configuration of accessible path along this area must meet ADA/TDLR requirements.

- (h) **GRANTEE** shall obtain required Building Permits and a Right-of-Way Permit must be applied for and issued prior to any work within the right-of-way.

SECTION 2. That as consideration for amending Ordinance No. 25254, Kevin Kristian 2612, LLC agrees to pay monetary consideration in the sum of **FOUR THOUSAND TWO HUNDRED AND NO/100 (\$4,200.00)**, 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. 25254 adopted by the City Council of the City of Dallas May 14, 2003, be and the same is hereby amended by adding a new Exhibit A-Tract 2, attached hereto and made a part hereof.

SECTION 5. That the terms and conditions of Ordinance No. 25254 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 as Contract No. DEV-2020-00013699.

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 _____.