

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

An ordinance amending Ordinance No. 28771, adding a new paragraph for obligation of required conditions as a new Section 7 and renumbering; substituting a new Exhibit A; and adding a new Exhibit C; 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. 28771 adopted by the City Council of the City of Dallas on September 12, 2012, be and the same is hereby amended by adding a new paragraph for obligation of required conditions as a new Section 7 and renumbering; substituting a new Exhibit A; and adding a new Exhibit C; to read as follows:

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

- (a) **GRANTEE** shall adhere to the conditions and terms of a Specific Use Permit (SUP) number 2283, Ordinance No. 30834 (shown as Exhibit C) and provide a site plan. Licensee must comply with Ordinance No. 30834 in its entirety. The SUP expires September 12, 2052 and then **GRANTEE** must apply for renewal otherwise pedestrian skybridge shall be immediately removed.
- (b) **GRANTEE** shall adhere to and plans must comply with Dallas Code 51A-4.217(b)(12).
- (c) **GRANTEE** shall not place columns within the public right-of-way
- (d) **GRANTEE** establish a minimum 18 feet clearance above grade.
- (e) **GRANTEE** must obtain a Special Use Permit for the overhead corridor skybridge.

**SECTION 7 8.** That the license granted hereby shall not become effective until and unless **GRANTEE** files an acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said acceptance shall be forwarded to the City Secretary of the

**SECTION 1.** (continued)

City of Dallas. In the event said written acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 8 9.** That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file the same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9 10.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10 11.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within ten (10) days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 11 12.** 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

**SECTION 1.** (continued)

Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2012, 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 (1) year after its passage.

**SECTION 12 13.** 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.

**SECTION 2.** That, as consideration for amending Ordinance No. 28771, UG Melba LLC, agrees to pay monetary consideration in the sum of **TWO THOUSAND FOUR HUNDRED TWENTY-EIGHT AND NO/100 (\$2,428.00) DOLLARS** to the City of Dallas, the annual license fee owed to cover the consideration for 2021.

**SECTION 3.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction – Real Estate Division 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 DEV, Unit 1183, 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. 28771 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 Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this

**SECTION 5.** (continued)

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 (1) year after its passage.

**SECTION 6.** That this ordinance is designated for City purposes as Contract No. DEV-2018-00007760.

**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:  
CHRISTOPHER J. CASO,  
City Attorney

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

BY   
Assistant City Attorney

BY   
Assistant Director

Passed \_\_\_\_\_.