

ORDINANCE NO. _____

An ordinance amending Ordinance No. 31400, by altering Section 10(a) to extend the one year deadline to record the final plat 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. 31400 adopted by the City Council of the City of Dallas on December 11, 2019, be and the same is hereby amended by altering Section 10(a) 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) record a final replat of the adjoining property adjacent to City Blocks D/5914 and E/5914 within ~~one year~~ three years after passage of this ordinance showing and providing for the conversion of the abandoned alleys and street rights-of-way to private drives and alleys described in Exhibit A containing not less than 84,362 square feet of land with alignments acceptable to the Director of Sustainable Development (“Director”). The private drives and alleys shall expressly provide for service easements including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and deliver access and utility meter reading access. The private drives shall be built to the same specifications as a street dedicated to public use, with a minimum width of 24 feet with no curb requirement, when adjacent to parking, and a minimum width of 20 feet with a curb requirement, when not adjacent to parking. The private drives and alleys shall be restricted to residential use only for 40 years from the date of passage of this ordinance, unless such use restriction is sooner removed by ordinance of the City Council and payment of a non-prorated abandonment fee calculated in accordance with the Dallas City Code

SECTION 1. (continued)

requirements on the date the abandonment ordinance was originally passed. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this paragraph shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Sustainable Development and Construction Department of the City of Dallas and recorded in the Deed Records of Dallas County, Texas before a certified copy of this ordinance shall be delivered to **GRANTEE**;

SECTION 2. That, as consideration for amending Ordinance No. 31400, Fiji Property Owners Association, Inc. agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) 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 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. 31400 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 ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 10, the Director of Department of Sustainable Development and

SECTION 5. (continued)

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-2019-00008960.

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 _____.