

Hand Delivered

December 10, 2019

Kris Sweckard, Director
Sustainable Development and Construction, City of Dallas
1500 Marilla Street, Rm 5DN
Dallas, TX 75201

Re: Notice of 2nd Appeal to CPC of Apportionment for 6022/6028 Lewis Street
Contract No. 19-473/474-P

Per Section 212.904(b) of the Texas Local Governments Code, a developer who disputes a municipality's apportionment determination may appeal to the governing body of the municipality.

For the above referenced properties, on November 13, 2019 Savannah appealed the City Plan Commission's ruling of October 17, 2019 to the City Council. Savannah expects this appeal to be heard in a timely manner.

However, the City of Dallas in conflicting opinions is repeatedly directing any future appeal to be of Mr. Denman's second apportionment determination of November 15th and made only to the City Plan Commission (CPC). This has created significant ambiguity in the state of the procedural rules for administrative apportionment appeals.

Because Savannah fears that the City will not honor state law and will not schedule a hearing for the City Council appeal, Savannah feels it has no choice but to submit an appeal to the CPC or be denied the right to an administrative appeal. Therefore, **Savannah, under protest, is hereby submitting an appeal of Mr. Denman's second apportionment determination to the CPC.**

For the purpose of scheduling the hearing date, the date of this letter will serve as the date of filing for the appeal.

We continue our objection to the need for any apportionment and the disproportionate nature of exactions being imposed on our building permit. Applicant is appealing under Sec. 51A-1.109 of the Dallas City Code, Section 212.904 of the Texas Local Government Code and the law as interpreted by the United States Supreme Court.

Please provide us with the date of the public hearing for the appeal.

Regards,



Steve King
Partner
CPG Savannah Development, LLC





CITY OF DALLAS

December 4, 2019

Steve King, Managing Partner
Savannah Developers
15660 North Dallas Parkway
Suite 110
Dallas, Texas 75248

Re: 6028 Lewis Street

Dear Mr. King,

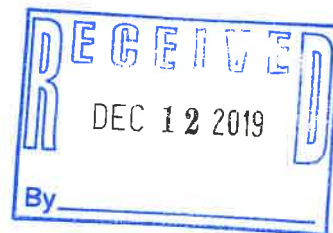
This is in response to your letter dated November 27, 2019. On October 17, 2019, the city plan commission ("CPC") heard the appeal of an apportionment determination for 6028 Lewis Street. At the conclusion of the hearing, the CPC remanded the matter back to the director for additional review with the finding of fact that the proposed water line is in part to serve future development. The director, after additional review and consideration, rendered a response to the appeal of the apportionment decision in a letter dated November 15, 2019.

You may appeal the director's November 15th apportionment determination to the city plan commission by filing written notice with the director with 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of filing.

If you have any additional questions, please feel free to contact me at (214) 670-3429 or kanesia.williams@dallascityhall.com.

Thank you,

Kanesia Williams
Assistant City Attorney





CITY OF DALLAS

November 20, 2019

Steve King, Managing Partner
Savannah Developers
15660 North Dallas Parkway
Suite 110
Dallas, Texas 75248

Dear Mr. King,

This letter is to acknowledge receipt of your letter to Kris Sweckard dated November 13, 2019, appealing the city plan commission's October 17, 2019 remand of the director's apportionment determination for the development at 6028 Lewis Street. Because the city plan commission remanded the apportionment issue back to the director for further consideration, it has not rendered a decision on the apportionment issue. The city council cannot hear an appeal of the apportionment determination until the city plan commission has rendered a decision. You may, however, appeal the director's apportionment of exactions determination following the remand to the city plan commission.

Please contact Lloyd Denman at 214-948-4354 if you have any questions concerning the director's decision on remand or Kanesia Williams at 214-670-3429 if you have any questions regarding the appeal process.

Respectfully,

Lloyd Denman, P.E.
Assistant Director of Engineering
Sustainable Development and Construction



November 15, 2019

Mr. Kevin Murphree
Savannah Developers
15660 N. Dallas Parkway, Suite 110
Dallas, TX 75248

RE: Remand Response of Appeal of Apportionment Determination
6028 Lewis Street

Dear Mr. Murphree:

The City Plan Commission heard your appeal regarding the subject site on Thursday, October 17, 2019. After hearing the appeal, the City Plan Commission remanded the matter back to the Director with the finding of fact that the proposed water line is in part to serve future development.

The following information is provided in response to the remand request:

The City of Dallas has determined that the existing water main that serves 6022 and 6028 Lewis Street is insufficient to serve the proposed development based on the City's engineering analysis and in accordance with Table 2.3 Water Main Replacement Criteria of the 2015 Dallas Water Utilities Water and Wastewater Procedures and Design Manual.

The water flow through the existing 6-inch main is not sufficient to provide fire protection through two fire hydrants as required by the Dallas Fire Department in the event of a fire at your site. The linear distance of existing 6-inch water main along Lewis Street to the next fire hydrant is approximately 690 linear feet. The City's estimated cost to replace 690 linear feet of water main to standard is \$284,000.00. The City is requiring the developer to replace only 92 linear feet of the 690 linear feet distance to the next fire hydrant, or 13% of the total length which is roughly proportionate to the developer's frontage length. The projected cost to the developer for their portion of the water main as proportioned above is \$36,538 (\$47,034 developer cost minus the \$10,496 City reimbursement) of the \$284,000 projected total cost, or 13% of the total cost. This is roughly proportionate to the developer's portion of the main which is necessary to serve the proposed development.

Please note that the City of Dallas already constructed 8 linear feet of a standard 8" diameter water main in front of the subject property so that only 92 linear feet of the 100 linear feet of frontage remain to be constructed by the developer to serve this development. Furthermore, as outlined in the City's letter of August 17, 2019 and in accordance with Texas Local Government Code 212.072(b)(1), the City of Dallas has agreed to participate financially in the amount of \$10,496.00 toward the developer's submitted cost of \$47,034.00, or 22.32% of the cost of the main replacement necessary for this development.

A developer may appeal the director's apportionment determination to the city plan commission by filing written notice with the director within 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing.

Please contact Lloyd Denman at 214 948-4354 if there are any questions regarding the deadline dates or the apportionment. You are encouraged to contact Assistant City Attorney Kanesia Williams at 214 670-3429 if you have any questions regarding the appeal processes or other related matters.

Respectfully,

A handwritten signature in blue ink that reads "Lloyd Denman". The signature is fluid and cursive, with the first name "Lloyd" and last name "Denman" clearly legible.

Lloyd Denman, P.E.
Assistant Director of Engineering
Sustainable Development and Construction



SAVANNAH

DESIGN | BUILD | DEVELOP

Hand Delivered

November 13, 2019

Kris Sweckard, Director
Sustainable Development and Construction, City of Dallas
1500 Marilla Street, Rm 5DN
Dallas, TX 75201

Per Section 51A-1.109(e)(3) of Dallas City Code, a developer may appeal the plan commission's decision of October 17, 2017 to the city council by filing written notice with the director within 30 days after the date of the city plan commission's decision.

This letter shall serve as the filing of a written notice of appeal of the apportionment determination provided to Savannah by Mr. Lloyd Denman, P.E. for exactions imposed during the issuance of building permit for the development at 6028 Lewis Street, Dallas, Texas. The letter from Mr. Denman's office is dated August 7, 2019 and references Contract No. 19-473/474-P.

Per City Code section 51A-1.109(e)(3), the city council shall hear the appeal within 60 days after the filing of the appeal. For the purpose of calculating the 60 days to hearing date, the date of this letter will serve as the date of filing for the appeal.

We continue our objection to the need for any apportionment and the disproportionate nature of exactions being imposed on our building permit. Applicant is appealing under Sec. 51A-1.109 of the Dallas City Code, Section 212.904 of the Texas Local Government Code and the law as interpreted by the United States Supreme Court.

Please provide us with the date of the public hearing for the appeal.

Regards,

Steve King
Managing Partner

SAVANNAHDEVELOPERS.com

15660 N. Dallas Parkway, Suite 110, Dallas, Texas 75248 | O: 972.248.2147 F: 214.276.1499



October 31, 2019

Mr. Kevin Murphree
Savannah Developers
15660 N. Dallas Parkway, Suite 110
Dallas, TX 75248

RE: Decision of Appeal of Apportionment Determination
6028 Lewis Street

Dear Mr. Murphree:

The City Plan Commission heard your appeal regarding the subject site on Thursday, October 17, 2019. After hearing the appeal, the City Plan Commission remanded the matter back to the Director with the finding of fact that the proposed water line is in part to serve future development.

The Director will respond to the remand decision within 30 days of the hearing. Once you receive the Director's response to the remand, you may appeal the Director's apportionment determination to the City Plan Commission by filing written notice with the Director within 30 days after the date of the determination. If an appeal is filed, the City Plan Commission shall hear the appeal within 60 days after the date of its filing.

You also may appeal the City Plan Commission's decision of October 17th to the City Council by filing a written notice with the director within 30 days after the date of the City Plan Commission's decision.

Included with this letter is a draft copy of the minutes from the October 17th hearing regarding this subject.

Please contact Lloyd Denman at 214 948-4354 if there are any questions regarding the deadline dates. You are encouraged to contact Assistant City Attorney Kanesia Williams at 214 670-3429 if you have any questions regarding the appeal processes or other related matters.

Respectfully,

A handwritten signature in blue ink that reads 'Lloyd Denman'.

Lloyd Denman, P.E.
Assistant Director of Engineering
Sustainable Development and Construction

LD/6028 Lewis

Attachment



City of Dallas

August 7, 2019

CPG Savannah Development LLC
Steve King
15660 Dallas N Tollway #110
Dallas, Texas 75248

Re: 6028 Lewis Street •

Contract No: 19-473/474-P

Gentlemen:

Below is an estimated breakdown of payments to the developer for mains to be constructed and fees due the City on the referenced contract.

PAYMENTS TO DEVELOPERS		FEES DUE TO CITY	
Payments at completion		Acreage Fees	
Water:	\$10,496.00	Water:	\$0.00
Sewer	\$0.00	Sewer:	\$0.00
		Misc. Charges:	\$0.00
Payments On Connection Basis 20 Year Limitation			
Water:	\$0.00		
Sewer:	\$0.00		
Total Pay:	\$10,496.00	Total Fees:	\$0.00
Net Pay to Dev:	\$10,496.00	Net Due to City:	\$0.00

Payments will be adjusted based on actual construction quantities upon acceptance of construction by the City. Payments on a connection basis must be requested by you in writing on a semi-annual basis. For each connection, you must provide the street address and lot and block number.

In order to receive the payments listed above, you must:
1) register as a vendor at <https://dallascityhall.bonfirehub.com/login> and then
2) look up your vendor ID at <https://vendors.dallascityhall.com>
For vendor support questions contact CODVendorRegistrations@dallascityhall.com

Please email the Vendor ID to michael.fay@dallascityhall.com. If you have any questions, please call Michael Fay, Contract Coordinator, at 214-948-4591.



Lloyd Denman, P.E.
Assistant Director

19219F

TAX CERTIFICATE



JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR
1201 Elm Street, Suite 2600
Dallas, Texas 75270

Issued To:

CPG SAVANAH DEVELOPEMENT OWNER
PO BOX 670452
DALLAS, TX 75367-0000

Legal Description

HUGHES H G
BLK A/1877 LOT 1
INT201800224606 DD08132018 CO-DC
1877 000 00100 1001877 000

Parcel Address: 6022 LEWIS ST, DA

Legal Acres: .0000

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Account Number: 000-001-825-90000000

Certificate No: 96355

Certificate Fee: \$10.00 CREDIT

Print Date: 12/12/2019 08:58:47 AM

Paid Date: 12/12/2019

Issue Date: 12/12/2019

Operator ID: SANDRA_LOPEZ

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2019. THE FOLLOWING YEARS ARE UNPAID: 2019

Exemptions:

Certified Owner:

CPG SAVANAH DEVELOPEMENT OWNER
PO BOX 670452
DALLAS, TX 75367-0000

Certified Tax Unit(s):

1002 DALLAS COUNTY
1021 PARKLAND HOSPITAL
1031 DALLAS COUNTY COMMUNITY COLI
1041 SCHOOL EQUALIZATION
1102 DALLAS ISD
1208 CITY OF DALLAS

Table with 2 columns: Description and Amount. Rows include 2019 Value (267,540), 2019 Levy (\$7,313.43), 2019 Levy Balance (\$7,313.43), Prior Year Levy Balance (\$0.00), Total Levy Due (\$7,313.43), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$7,313.43).

Reference (GF) No: N/A

Issued By: SANDRA LOPEZ

JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR



TAX CERTIFICATE



JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR
1201 Elm Street, Suite 2600
Dallas, Texas 75270

Issued To:

CPG SAVANAH DEVELOPEMENT OWNER
PO BOX 670452
DALLAS, TX 75367-0000

Legal Description

HUGHES H G
BLK A/1877 W 50 FT LT 2
LEWIS ST
INT201800224612 DD08132018 CO-DC
1877 000 00200 1001877 000

Parcel Address: 6028 LEWIS ST, DA

Legal Acres: .0000

Account Number: 000-001-825-93000000

Certificate No: 96354

Certificate Fee: \$10.00 CREDIT

Print Date: 12/12/2019 08:57:51 AM

Paid Date: 12/12/2019

Issue Date: 12/12/2019

Operator ID: SANDRA_LOPEZ

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2019. THE FOLLOWING YEARS ARE UNPAID: 2019

Exemptions:

Certified Owner:

CPG SAVANAH DEVELOPEMENT OWNER
PO BOX 670452
DALLAS, TX 75367-0000

Table with 2 columns: Description and Amount. Rows include 2019 Value (273,000), 2019 Levy (\$7,462.69), 2019 Levy Balance (\$7,462.69), Prior Year Levy Balance (\$0.00), Total Levy Due (\$7,462.69), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$7,462.69).

Certified Tax Unit(s):

- 1002 DALLAS COUNTY
1021 PARKLAND HOSPITAL
1031 DALLAS COUNTY COMMUNITY COLJ
1041 SCHOOL EQUALIZATION
1102 DALLAS ISD
1208 CITY OF DALLAS

Reference (GF) No: N/A

Issued By: SANDRA LOPEZ

JOHN R. AMES, CTA
DALLAS COUNTY TAX ASSESSOR/COLLECTOR





CITY OF DALLAS

December 12, 2019

ADDRESS: **6022 Lewis St.**

RE: **#00000182590000000**

DEAR SIR/MADAM

No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property: **6022 Lewis St.**

There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact DLDWULienInfo@DallasCityHall.com

Sincerely,

A handwritten signature in cursive script that reads "Sandra Luckey".

Special Collections Division
Dallas Water Utilities



CITY OF DALLAS

December 12, 2019

ADDRESS: **6028 Lewis St.**

RE: **#00000182593000000**

DEAR SIR/MADAM

No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property: **6028 Lewis St.**

There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact DLDWULienInfo@DallasCityHall.com

Sincerely,

A handwritten signature in cursive script that reads "Gausba Luckey".

Special Collections Division
Dallas Water Utilities