

MEMORANDUM



CITY OF DALLAS

Date: November 4, 2014

To: Councilmember Scott Griggs

Subject: Kessler Park Addition -- Stairs

This memorandum is in response to your requested analysis of a unique situation existing in the Kessler Park Addition of the City of Dallas. More specifically, a strip of land exists, approximately 30' in width, running between Lot 12, Block 12/3799 of the Kessler Park Addition (commonly known as 1333 W. Canterbury Court, Dallas, Texas) and Lots A and C-1 of the Buford Subdivision of Lots 1, 4 & 5, Block 13/3800, Kessler Park Addition (commonly known as 2040 Kessler Parkway, Dallas, Texas, and 1169 N. Canterbury Court, Dallas, Texas, respectively). The strip of land runs from Canterbury Court, descending in a northerly direction to the meeting of Edgefield Blvd. and Kessler Parkway. The strip is overgrown with vegetation and has areas of erosion. Concrete stairs existed in and along the strip and what remains of same are in significant disrepair. The City has barricaded and posted the strip warning of hazardous conditions and temporarily closing same pending review of the situation. Abutting property owners have been notified of and/or cited for Code violations stemming from the condition of the strip. Further, disputes among neighbors have erupted regarding use of the strip, the vegetation, the barricading, etc.

QUESTIONS PRESENTED:

1. What is the legal status and ownership of this strip?
2. Who controls it?
3. What is the responsibility for improvement and/or maintenance of the strip?
4. What are possible alternatives for dealing with the current situation?
5. Does the Kessler Park Conservation District have any impact on this issue?

BRIEF ANSWERS:

1. The strip is a dedicated public right-of-way ("row") easement. As such it may be used for public street, alley, sidewalk, parkway, and utility uses. The abutting lot owners are presumed to own underlying fee title in the strip to the center line, subject to the paramount public easement rights. It is not dedicated park area.
2. The City controls the public row easement encumbering the strip. The City decides when it is opened, improved, altered, and/or closed. The owners of the abutting lots (who also own fee title to the land encumbered by the easement) may also use the strip as long as their use does not in any way conflict with the City's easement. Due to the paramount

- rights of the public row easement, the landowners' uses are extremely limited.
3. As long as the strip is dedicated public row, the City controls the opening, improvement, alteration, and closing of the strip as row. The City is responsible for addressing hazardous conditions of which it has notice by repairing, removing, or posting notice of said conditions. The Dallas City Code imposes a significant number of maintenance responsibilities and obligations on lot owners abutting the row. Under various circumstances, the City can require abutting owners to share in the cost of improving and maintaining the strip as row.
 4. Depending on what the City desires for this area, possible approaches to the current situation are (a) the City could unilaterally repair and restore the stairs as a public walkway; (b) the abutting owners could petition the City to repair and restore the stairs as a public walkway or contract to do it themselves; (c) the City could abandon the public right-of-way; (d) the City could leave the row in place but remove the dilapidated stairs; or (e) the City could leave the strip as is, barricade same, and post and warn of the hazard. The City may be able to require the abutting lot owners to share in some of the cost of these efforts.
 5. The strip is located within the area covered by the Kessler Park Conservation District; however, the district does not appear to impose any requirement that would be applicable to the row strip and the stairs (fragments of stairs) in question.

DISCUSSION:

Question 1: What is the legal status and ownership of this strip?

The strip in question is a dedicated public right-of-way ("row"). It was depicted and dedicated to the public in the plat of Kessler Park Addition recorded on or about April 22, 1924, at Volume 3, Page 147, of the Dallas County Plat Records. A copy of the subdivision plat (map and dedicatory certificate) is attached hereto as Attachment A. The strip and pertinent dedicatory language are highlighted for ease of reference. (Volume and page references in this memorandum are to the Dallas County Plat Records, unless otherwise noted.)

Streets, alleys, sidewalks, parkways, and public utilities are all permitted uses of dedicated public row. City of Dallas utility line records indicate that water and/or wastewater lines have been installed in the strip (see Attachment B). Additionally, the subsequent subdivisions of Lots 1, 4 & 5, Block 13/3800, Kessler Park Addition (known as the Buford Subdivision) in 1950 (Volume 15, Page 247) and 1952 (Volume 17, Page 393) identify and reference the strip as a "30' Alley." The Buford subdivisions created what are now Lots A and C-1, Block 13/3800, of the Buford Subdivision of Lots 1, 4 & 5 Block 13/3800 Kessler Park Addition. The two Buford plats are attached hereto as Attachment C. There do not appear to be any declarations of covenants, conditions and restrictions ("deed restrictions") or homeowners associations impacting ownership or responsibility for the strip.

The strip does not appear to have been dedicated as park area. The strip shown on the plat is consistent with alley configuration and depiction. Further, on the subsequent replat of Lots 1, 4 & 5, Block 12 (the 1950 and 1952 Buford subdivisions of those lots), the strip was identified and labeled as an "alley." There does not appear to be any "park" areas dedicated in the plat. The

parks (Stephens Park) on the north side of Kessler Parkway are not part of the land covered by the Kessler Park Addition plat (see the legal description of the area being platted contained in the dedicatory certificate).

The strip does not appear to have been dedicated “in fee” to the public. That is, the dedication is of a row easement and not fee simple ownership of the land. Dedications are presumed to be by way of an easement unless expressly stated to the contrary in the plat / dedicatory instrument. There is no indication in either the Kessler Park Addition plat or the Buford Subdivision plats that fee simple title dedication was intended. The strip is, therefore, a dedicated public row easement held by the City on behalf of the public.

In such cases ownership of the underlying fee title to the land is presumed to rest in the abutting lot owners. Said ownership is presumed to run to the center line of the dedicated row. There is no evidence in the plat that the dedicator intended to retain fee ownership of the row; therefore, the abutting lot owners are presumed to own the underlying fee title to the middle line of the strip, subject to the public row easement. The abutting lots are Lot 12, Block 12/3799 of the Kessler Park Addition (commonly known as 1333 W. Canterbury Court, Dallas, Texas) and Lots A and C-1 of the Buford Subdivision of Lots 1, 4 & 5, Block 13/3800, Kessler Park Addition (commonly known as 2040 Kessler Parkway, Dallas, Texas, and 1169 N. Canterbury Court, Dallas, Texas, respectively).

Question 2: Who controls it?

As dedicated public row, the City has paramount responsibility for and control over the row. This stems from state statutes, City Charter, and the basic police powers inherent in a municipality. The City of Dallas, as a home rule municipality, has exclusive dominion, control and jurisdiction as to the public street and alley right-of-ways within its municipal boundaries. This includes not only paving but also the sidewalks, parkways, medians, streetscape improvements, and utility uses. The City is free to expand, improve, realign, close, abandon, etc. the row, subject to applicable state law and local ordinances. Indeed, the City is free to improve public row and assess the abutting property the cost of such improvements (which can become a lien on the property) based on a statutory benefits assessment process. Such action may be initiated by citizen petition or on the City’s own initiative. But, the City controls if and when it opens, improves, alters, and/or closes its dedicated public row.

Technically, the owners of the underlying fee title to land encumbered by a public row easement are free to use the easement area in such manner as does not impact or interfere with the public row easement, which is in all respects paramount. However, in practical application the scope of the paramount row easement is so extensive that it does not leave much room for the underlying fee owner’s theoretical co-use. Indeed, under City Charter and City Code, private use may not be made of public row without a license from the City authorizing and controlling such use.

Question 3: What is the responsibility for improvement and/or maintenance of the strip?

As stated above, the City controls if and when it opens, improves, alters, and/or closes row under its jurisdiction. The City is free to improve and/or repair its public r-o-w and assess the abutting

properties the cost of such improvements, which can become a lien on said abutting property, based on a statutory benefits assessment process. Failure to install improvements does not constitute abandonment of the row or breach of any commitment regarding the dedication. Additionally, the abutting owners are free to request the City to improve the row through the petition process. In such circumstance an assessment may be levied against the abutting benefited properties to help defray the cost. Property owners may also seek to have improvements done themselves at their own cost. One can contact the City's Public Works Department regarding these processes.

To the extent there is an unsafe condition of which the City is aware, it has a duty to either remedy or provide notice of the hazard, failing which it may have liability exposure for personal injuries and property damage up to \$250,000 under the Tort Claims Act. Repair or removal of the hazardous condition is not required. Providing and maintaining (making reasonable efforts to maintain) notice of the hazard satisfies the City's duty in this regard.

This memorandum expresses no opinion as to the potential liability of the owners abutting the strip for injuries resulting from its condition. Abutting owners should consult their own legal advisors regarding same.

It should be noted, however, the Dallas City Code imposes various responsibilities and liability relating to public row on the abutting property owners. These include, but are not limited to, responsibility for removing vegetation blocking the row, maintaining and repairing walks, etc. Attachment D lists a number of Dallas City Code provisions that might be relevant to this situation. The City has construed these Code provisions and successfully asserted in Court that the abutting property owner is responsible for maintaining sidewalks on abutting row and is primarily liable for injuries caused by defective conditions, etc. in the sidewalk. The City often repairs such items on its own initiative, but it nevertheless has the right and authority in appropriate circumstances to require it of the abutting owners and/or charge them for same if performed by the City.

One particularly problematic aspect of this situation involves the question of who installed the stairs. If the stairs were installed by the subdivision developer, a homeowners association, or private owners without City approval or acceptance, they would constitute an unauthorized encroachment. The City could require the encroaching party to remove the improvements or remove them itself and charge the encroaching party for same. The effectiveness of such action would depend on whether the offending party still exists and is solvent. If the City installed the stairs or accepted the stairs after installation by a third party, they would be the City's responsibility subject to the City Code provisions and principles discussed above.

After extensive research City Staff could find no record of who installed the stairs or when they were installed. We have been provided with a copy of a purported City memo (see Attachment E) referencing a request to stake the strip, presumably in anticipation of improvements. The memo is dated in and around October, 1952, which coincides with the Buford subdivision of certain lots abutting the strip. Given the long standing existence of the stairs, the 1952 memo, and the installation of city utility lines in the strip, it is reasonable to assume that the City accepted the stairs.

Finally, a further complication exists by reason of the fact that the strip was dedicated by plat. State common law provides that lot owners who bought their property with reference to a plat (that is everyone who used the lot and block legal description) have a private easement right in the necessary easements / r-o-w's shown on the plat. This is typically limited to abutting row, but could include others easements if necessary to the use and enjoyment of the claiming owners. That does not mean that the City must let them use unsafe stairs. Nor is the City forced to repair versus securing the unsafe condition and/or remove it. It just means that there may be private property right issues between the owners of fee title to the strip and other owners in the neighborhood if the row is necessary to said other owners. It does not appear that the strip is necessary to the non-abutting owners. There are other ways to get from Canterbury Court to Kessler Parkway and/or access the park areas. Those alternative routes may not be the most direct or preferred routes, but they are available. The strip is not the only / necessary route. Private parties should consult their own legal advisors regarding this issue.

As long as the strip remains dedicated public row, the non-abutting neighboring owners enjoy the rights of the general traveling public to use the row, subject to the City's regulation and control. The City has, in the exercise of that control, closed the strip and warned of unsafe conditions. The City can close and permanently abandon the dedicated public row with the consent of the abutting owners.

Question 4: What are possible alternatives for dealing with the current situation?

Given the facts as currently understood and the legal principles discussed above, there are several possible approaches to this situation depending on the City's desires.

First, the City could elect, on its own initiative, to reestablish the walkway/stairs per its rights to the dedicated public row. The design requirements (ADA, lighting, railing, etc.) and cost of said improvements are beyond the scope of this opinion. The Public Works Department would need to be consulted on those issues. The City would bear the cost of this work, unless it elects to assess the abutting owners. This might cover some but certainly not all of the cost. Assessment is based on benefit received by the abutting owner. Once reestablished, the abutting owners could be charged with removing obstructing vegetation, etc. per applicable City Code provisions.

Second, the abutting owners could petition the City to repair and restore the walkway/stairs. The City does not have to agree to / approve the petition and undertake the restoration. However, if it does the abutters could be charged for the improvements up to the benefit received by their property. Assuming the benefits received by the abutting property were not enough to cover the cost of the improvements, the City could pay the difference or decline to do the project unless the abutting owner agree to cover the difference. Non-abutting owners in the subdivision cannot initiate such a petition nor would they be assessable for a part of the costs under a petition initiated by the abutters.

A third alternative is to abandon the public row dedication (i.e., the public easement). This process is spelled out in Dallas City Code Section 2-26.2 and requires City Council action. Abandonments usually are initiated by abutting landowners who want the row dedication

removed. There are processing fees, expenses, and abandonment fees based on the value of the land that can become significant. The Department of Sustainable Development & Construction – Real Estate administers this process and can advise and assist the owners. For information go to http://www.dallascityhall.com/development_services/real_estate_abandonments.html. While the City can be the applicant, it rarely takes on that burden and expense. All abutting owners would need to consent to and waive claims arising from the abandonment. After an abandonment the owners of the underlying fee title would then own said title free and clear of the public row encumbrance. The City, however, would typically retain easements for any utility lines in the strip or require said lines be relocated out of the strip into other easements at the applicant's expense. Also, the abandonment typically requires the applicant / abutting owners to barricade and close the former row and replat it into the abutting properties.

A fourth alternative is to leave the public row in place and under the City's paramount control, but to remove the dilapidated improvements, leaving the strip as a green space area (but with utility lines in place and still available for future row use). The City would bear the cost of this work but may be able to assess the abutting owners for part.

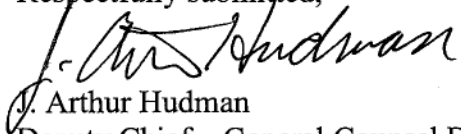
A final alternative is to leave the situation as is, posting the hazard, warning against use, and leaving vegetation removal (if any) to the abutters. Obviously, if the strip is not in use as a public row, vegetation removal and related Code citations are no longer necessary. This is not an attractive option since one might anticipate ongoing use of the stairs despite the warnings and it does not resolve any of the issues.

Question 5: Does the Kessler Park Conservation District have any impact on this issue?

The strip is located within the area covered by the Kessler Park Conservation District (Conservation District No. 13). The ordinance creating Conservation District No. 13 (Ordinance No. 25984) can be viewed by going to www.dallascityhall.com/pdf/planning/25984. Most if not all of the restrictions, criteria and requirements of the district deal with residential construction. The primary enforcement tool is a Work Review by the applicable City authority to confirm compliance with the district's requirements. This district does not appear to impose any requirements that would be applicable to the row strip and the stairs (fragments of stairs) here in question. Consequently, a Work Review would not be required for removal, renovation or restoration of the strip.

The City Attorney's Office does not represent and is not providing legal advice to any private parties. Said parties should consult their own legal counsel for advice regarding their rights, responsibilities, and liabilities regarding this matter.

Respectfully submitted,

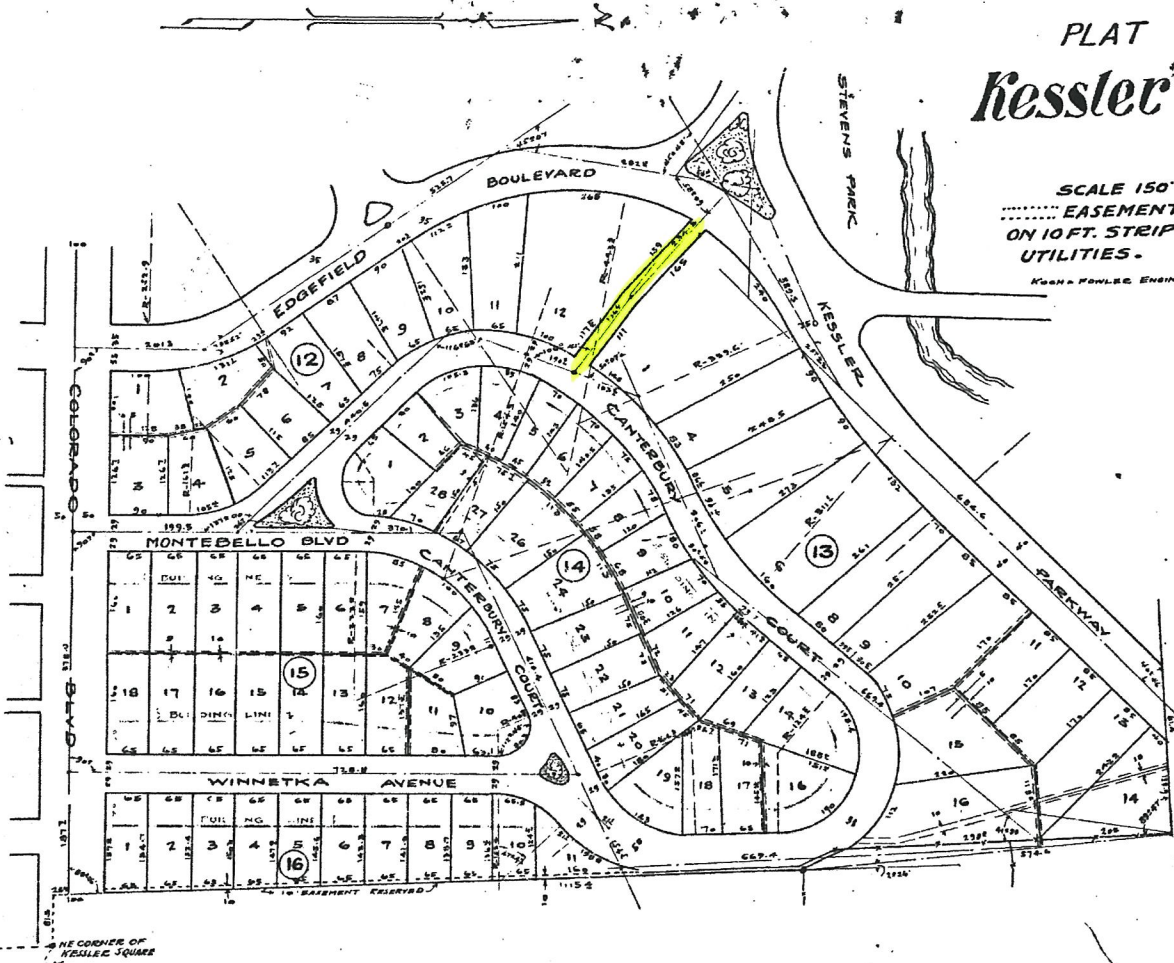


J. Arthur Hudman
Deputy Chief – General Counsel Division
Dallas City Attorney's Office
214-670-5940

PLAT OF Kessler Park

SCALE 150' = 1"
EASEMENT RESERVED
ON 10 FT. STRIP FOR PUBLIC
UTILITIES.

KEAN & POWERS ENGINEERS



39649

NORTH TEXAS TRUST COMPANY, INC.:

TO: DEDICATION.

THE STATE OF TEXAS. :

COUNTY OF DALLAS. : KNOW ALL MEN BY THESE PRESENTS: That the North Texas Trust Company, Inc acting by and through its duly authorized and empowered officers, does hereby file the attached plat as the first installment of "Kessler Park" as an addition to the City of Dallas, said land being a part of the Wm. Myers Survey Abstract No. 880 Dallas County Texas, and being a part of the same land conveyed by R. H. Stewart and wife to the North Texas Trust Company, Inc by deed of date of July 2nd 1923 the portion of said land covered by this plat being described as follows:

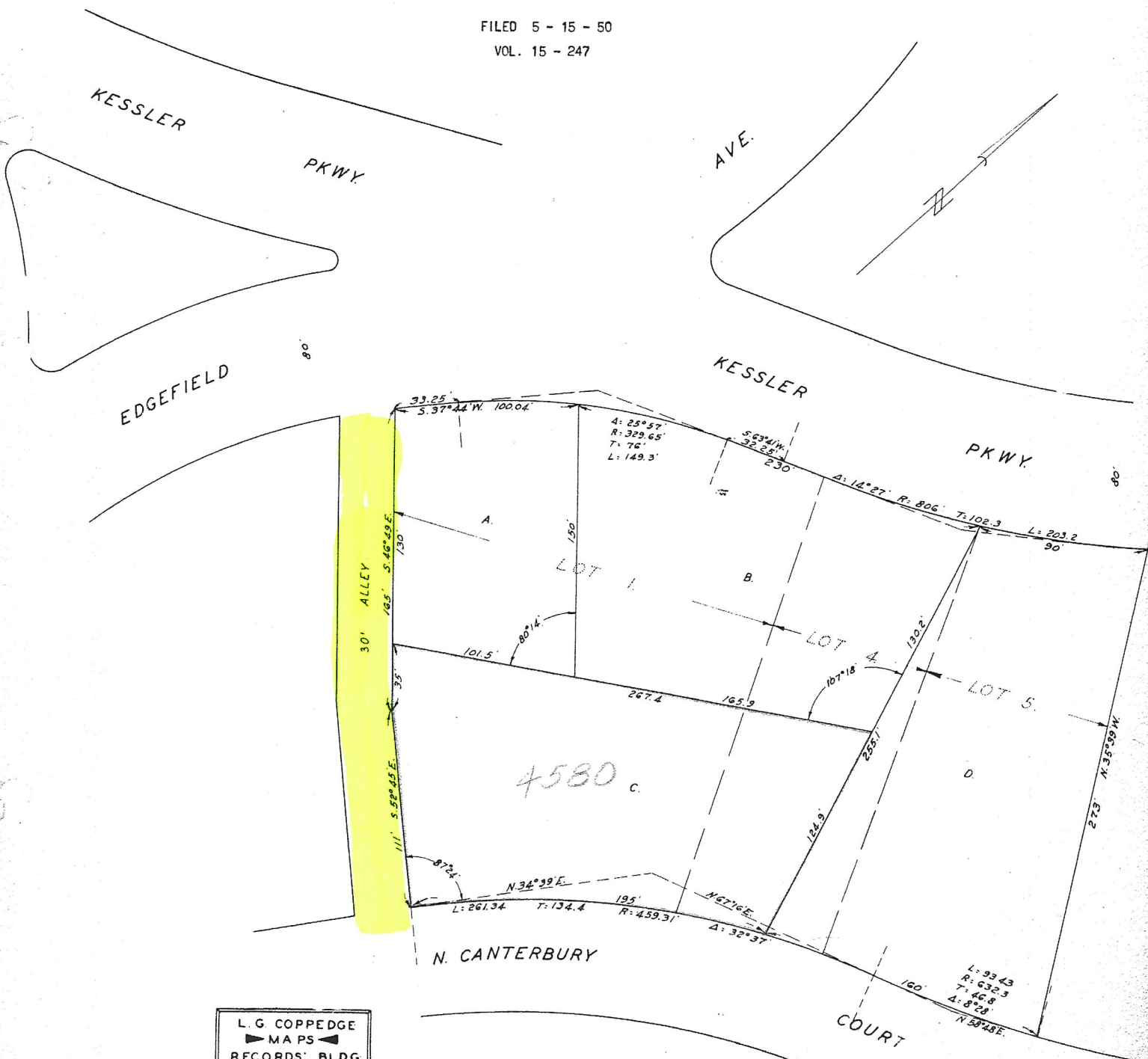
Beginning at a point on the North line of a tract of land heretofore sold by R. H. Stewart to S. A. Temple by deed dated March 19, 1923, 81.5 feet West of the Northeast corner of the said Temple tract;

ATTACHMENT C

4215

BUFORD'S SUB. PT. BLK. 13- 3800.

FILED 5 - 15 - 50
VOL. 15 - 247



L. G. COPPEDGE
MA PS
RECORDS' BLDG.

VOLUME 15, PAGES 247-248
76224..... \$7.50 Map
1.50 Fee

BUFORD'S SUBDIVISION, BLOCK 13/3800 : STATE OF TEXAS
TO: PLAT AND DEDICATION :
W. C. BUFORD, ET UX, ET AL :
DALLAS COUNTY, TEXAS. : COUNTY OF DALLAS:

Whereas, we, W. C. Buford and wife, Jewella B. Buford, F. G. Miles and wife Naomi Kay Miles, and H. L. Deford, are the owners of the following described tract of land being Lots 1, 4 & 5, Block 13/3800, Kessler Park Addn., 1st Installment, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the northeast line of Edgefield Ave., and the northeast line of a 30 ft alley at the most westerly corner of said Lot 1;

THENCE along the southwest line of said Lot 1, south 46° 49" east 165 ft;

THENCE south 52° 45" east 111 ft. to the intersection of the northeast line of said alley and the northwest curving line of N. Centerbury Court; said curve having a central angle of 32 deg. 37 Min and a radius of 459.31 ft;

THENCE along said curve to the right 261.34 ft. to a point of reverse curve having a central angle of 8 deg. 28 min and a radius of 632.3 feet;

THENCE along said curve to the left 93.43 ft to the most easterly corner of said Lot 5;

THENCE along the northeast line of said Lot 5, North 35 Deg. 39 Min. west 273 feet to a point in the southeast curving line of Kessler Parkway, said curve having a central angle of 14 deg. 27 min. and a radius of 806 feet;

THENCE along said curve to the right 203.2 feet;

THENCE south 63 deg. 41 min. west 32.25 feet to a point of curve, having a central angle of 25 deg. 57 min and a radius of 329.65 feet;

THENCE along said curve to the left 149.3 feet;

THENCE south 37° 44" West 33.25 feet to place of beginning.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we, W. C. Buford and wife, Jewella B. Buford, F. G. Miles and wife, Naomi Kay Miles, and H. L. Deford, do hereby adopt this plat designating the herein described property as Buford Subdivision of Lots 1, 4 and 5, Block 13/3800, Kessler Park Addn. 1st Installment, City of Dallas, Dallas County, Texas, and we do hereby dedicate to public use forever the streets and alleys shown thereon.

Witness our hands at Dallas, Texas, this 3 day of May 1950.

W. C. BUFORD
JEWELLA B. BUFORD
H. L. DEFORD
F. G. MILES
NAOMI KAY MILES

Acknowledgments taken for above named owners on the 3 day of May 1950, by Alice Lewis, NPDCT

LS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS : I, Joe N. Shields, Licensed State Land Surveyor, hereby certify that I prepared this plat from an actual and accurate survey of the land made on the ground and that iron pipes were set under my personal supervision in accordance with the platting rules and regulations of the City Plan Commission, City of Dallas, Dallas county, Texas.

JOE N. SHIELDS, Licensed State Land Surveyor.

Acknowledgment taken for Joe N. Shields, on the 2 day of May, 1950, by Alice Lewis, NPDCT

LS

TO THE COUNTY CLERK OF DALLAS COUNTY: Under Ordinance 3558 of the City of Dallas, the approval of this plat by the City Plan Commission is automatically terminated after the 13th day of June, 1950, and unless this plat is presented for filing on or before said date it should not be accepted for filing.

CITY PLAN COMMISSION
BY: Marvin R. Springer, City Plan Engr.,

CERTIFICATE OF APPROVAL: I, A. A. Adams, Chairman of the City Plan Commission of the City of Dallas, state of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas on the 22 day of April, 1950, and same was duly approved on the 27th day of the April, A. D. 1950, by said Commission.

A. A. ADAMS, Chairman
City Plan Commission, Dallas, Texas.

File # 2604-R
City of Dallas Filing fee paid 5-13-50
City of Dallas 1949, and prior taxes paid 3-23-50.

10-31-50
L. O. T.

VOLUME 17, PAGES 398-394
10566.....\$3.50 Map
2.00 Fee

W. C. Buford, et ux(Jewella B. Buford)

TO: PLAT & DEDICATION : STATE OF TEXAS
BUFORD SUBDIVISION :
KESSLER PARK ADDITION, :
CITY OF DALLAS, TEXAS :

COUNTY OF DALLAS: Whereas, we, W. C. Buford, and wife, Jewella B. Buford, are the owners of Lot c, Block 13/3800, of the Buford Subdivision of Lots 1,4 and 5, Blk. 13/3800, Kessler Park Addition to the City of Dallas, Dallas County, Texas, described as follows:

BEGINNING at the intersection of the northwest line of N. Canterbury Court and the northeast line of a 30__ alley, at the most southerly corner of said Lot C;

THENCE northeasterly along the northwest curving line of N. Canterbury Court, said curve having a central angle of 24 deg 19 min, and a radius of 459.31 feet; a distance of 195 feet;

THENCE north 20 deg 10 min west along the northeast line of said Lot C, 124.9 ft for corner;

THENCE south 53 deg 12 min West 264.6 feet to a point in the northeast line of said alley;

THENCE along the northeast line of said alley south 46 deg 49 min East 35 feet; South 52 deg 45 min. East 111 ft to place of beginning.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we, W. C. Buford, and wife, Jewella B. Buford, do hereby adopt this plat designating the hereinabove described property as a subdivision of Lot c, Block 13/3800, of the Buford Subdivision of Lots 1,4 and 5, Blk 13/3800, Kessler Park Addition to the City of Dallas, Dallas County, Texas, and we do hereby dedicate to the public use forever, the streets and alleys shown thereon.

Witness our hands at Dallas, Texas, this 7th day of January 1952.

W. C. BUFORD

JEWELLA B. BUFORD

Acknowledgments taken for above named owners on the 7th day of January, 1952, by Alice Lewis, NPDCT
LS

SURVEYOR'S CERTIFICATE

STATE OF TEXAS

COUNTY OF DALLAS: I, Joe N. Shields, a Licensed State Land Surveyor, hereby certify that I prepared this plat from an actual and accurate survey of the land made on the ground and that Iron Pipes were set on all lot corners in accordance with the platting rules and regulations of the City Plan Commission of the City of Dallas, Texas.

JOE N. SHIELDS, Licensed State Land Surveyor

Acknowledgment taken for Joe N. Shields, January 7, 1952, by Alice Lewis, NPDCT
LS

TO THE COUNTY CLERK OF DALLAS COUNTY: Under Ordinance 3558 of the City of Dallas, the approval of this plat by the City Plan Commission is automatically terminated after the 22nd day of Feb 1952, and unless this plat is presented for filing on or before said date, it should not be accepted for filing.

CITY PLAN COMMISSION, BY: RUSKIN CALLAN, ASST. CITY PLAN ENGR.,

CERTIFICATE OF APPROVAL: I, Marguerite Nabholtz, V. Chairman, of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas on the 9th day of November 1951, and same was duly approved on the 14th day of November 1951, by said Commission.

MARGUERITE NABHOLTZ(MRS LARRY) V. CHAIRMAN
CITY PLAN COMMISSION, DALLAS, TEXAS.

CITY OF DALLAS 1952 and prior taxes paid(Not Req'd)

City of Dallas filing fee paid 1-22-52

File # 2608-R-1

Filed for record: Jan 22, 1952

Recorded: June 5, 1952

7-7-52
LOT

ATTACHEMENT D

CITY CODE PROVISIONS

Pursuant to its authority over public street and alley row, the City has passed various Dallas City Code provisions dealing with maintenance of and responsibility for said row. Those most relevant to this discussion include, but are not necessarily limited to, the following:

Section 18-14.1. Vegetation in Alley, Street, or Sidewalk. “(a) An owner, occupant, or person in control of any private premises abutting an alley, Street or sidewalk within the city commits an offense if he allows any vegetation, including, but not limited to, trees, shrubbery, bushes, and vines, to grow on the premises so as to project across the property line over or into the right-of-way of the alley, street or sidewalk.”

Section 43-13. Trash, Etc., Not to Accumulate or Remain on Sidewalks. “No property owner, occupant, or agent of any property that abuts or adjoins any paved street in the city shall allow or permit any animal or vegetable substance whatever, any tin, glass or pieces of iron or any trash, mud, slop, refuse material or filth of any kind or description whatever to accumulate or remain on any part of the sidewalk abutting or adjacent to the premises owned or occupied by such person on such paved street in the city.”

Section 43-15. Allowing Weeds, Grass, Etc. to Obstruct Gutters and Sidewalks. “No owner, agent or occupant of any lot in the city shall allow weeds or grass to grow or remain upon the sidewalks so as to obstruct the sidewalks or gutters fronting or abutting on any lot or which they may be the owner, agent or occupant. A person who fails to remove or to have removed such weeds or grass on the sidewalk or gutters in front of, adjoining or abutting on his lot, after 10 days notice to remove them, is guilty of an offense. Each day after notification is a separate offense.”

Section 43-33. Liability of Abutting Property Owners for Injuries Caused by Defective Sidewalks. “The abutting property owner or persons enjoying the use of any property abutting on a sidewalk that has become defective and has resulted in causing damage or injury as a result of such defective condition shall be primarily liable in damages for any loss or damage sustained as a result of such defective condition. The city shall not be held as assuming any such liability by reason of inspection or reinspection authorized herein or by reason of the approval or disapproval of any access, facilities, surfacing or appurtenance not made in accordance with standards or specification of [Article III, of Chapter 43 of the Dallas City Code].”

Section 43-38. Effect of Article on Responsibility for Damages. “[Article III, of Chapter 43 of the Dallas City Code] shall not be construed to relieve from or to lessen the responsibility or liability for damages of any person owning, controlling or installing any surfaces to persons or property caused by any defect therein.”

Section 43-63. Repair of Defective Sidewalks or Driveways by Abutting Property Owners. “(a) When a sidewalk, driveway, or any appurtenance to a sidewalk or driveway becomes defective, unsafe, or hazardous, the abutting property owner shall reconstruct or repair the sidewalk,

driveway, or appurtenance, and the expense of such work must be borne by the abutting property owner. (b) When a sidewalk, driveway, or appurtenance to a sidewalk or driveway is found to be defective, unsafe or hazardous, the director of streets services or the director of code compliance shall notify the owner of the abutting property to reconstruct or repair the sidewalk, driveway, or appurtenance. (c) Any owner who fails to reconstruct or repair a defective, unsafe, or hazardous condition within 30 days after the date of the written notice from the director of streets services or the director of code compliance to do so, or any owner who fails to begin such reconstruction or repair within 15 days after the date of such notice is guilty of an offense.”

City of Dallas
OFFICE MEMORANDUM

To: Mr. [Name]

Subject: [Subject]

Mr. B. Williams, 1120 Cantelero Court, Y.A.-3900, has requested that Williams, as [Name], be placed for [Name] at the [Name]. Please, and [Name] [Name] [Name].

Frank Johnson who [Name] are in.

0503
9-52
10/10/10

Prison

Please set dates
with 1st [Name]
know so [Name]
inform [Name]
with [Name]

Mr. Williams
called [Name]
[Name]

Frank Johnson

