

BLK 8751
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WHEREAS, the deed restrictions in the attached instruments have been volunteered in conjunction with a request for a General Retail District on Tract I, a General Retail District on Tract IV, a Multiple Family-2 District on Tract V-b, and a Multiple Family-2 District on Tract VII, which was approved by the City Council on April 8, 1981 on Zoning Case #Z801-136/5425-N on property generally located at the northeast corner of Kelly Springfield Road and Old Mill Road; and,

WHEREAS, said deed restrictions have been approved as to form and content. Now, Therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section I. That the deed restrictions as set forth in the attached instrument be, and are hereby accepted by the City Council of the City of Dallas, Texas to be used in conjunction with the development of property zoned a General Retail District on Tract I, General Retail District on Tract IV, a Multiple Family-2 District on Tract V-b, and a Multiple Family-2 District on Tract VII, as described in Ordinance # 17001

Section II. That said deed restrictions shall be filed with the County Clerk to be recorded in the Deed Records of Denton County, Texas.

Section III. That this resolution shall take effect from the after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

Approved as to form:

LEE E. HOLT, City Attorney

By Barry R. Knight
Assistant City Attorney

cc: Urban Planning - 1
Building Inspection - 2
City Secretary - 1

APPROVED BY
CITY COUNCIL

JUN 17 1981

[Signature]
City Secretary

APPROVED

[Signature]
HEAD OF DEPARTMENT

APPROVED

CITY CONTROLLER

APPROVED

CITY MANAGER

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DEED RESTRICTION

VOL 1144 PAGE 638

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

DEED RECORDS

KNOW ALL MEN BY THESE PRESENTS:

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That the undersigned, Vernon and James Smith Company, is the owner of the real property situated in Dallas County, Texas which is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

That the undersigned does hereby impress all of the above-described property with the following deed restriction, to-wit:

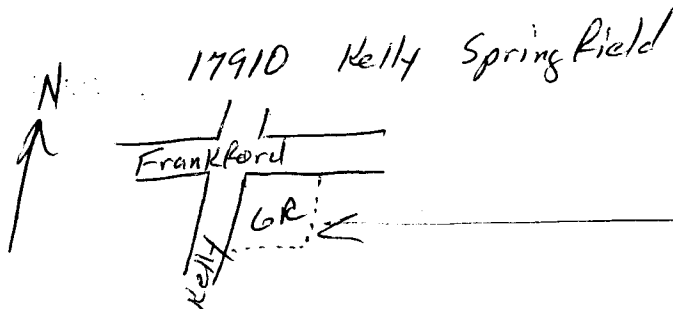
Any structure constructed on said property shall be limited to two floors and a maximum height of 30 feet.

This restriction shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in a manner specified herein.

This restriction shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas.

The restriction contained herein is not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned. This restriction shall inure to the benefit of the City of Dallas, and the undersigned owner hereof does hereby grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restriction, either to prevent him from so doing and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful use of the property until such restriction is fully complied with.

This restriction is hereby declared a covenant running with the land and shall be fully binding upon all persons acquiring within the above-described tract, and any person by acceptance of



TRACT IV

2801-136/5425-N

title to any of the above-described property shall thereby agree and covenant to abide and fully perform the foregoing restriction and covenant.

EXECUTED THIS 24th day of March, 1981.

VERNON AND JAMES SMITH COMPANY

BY: *Vernon S. Smith, Jr.*
Vernon S. Smith, Jr.
Its: Vice-President

STATE OF TEXAS }
COUNTY OF DALLAS }

BEFORE ME, the undersigned, a notary public in and for Dallas County, Texas, on this day personally appeared Vernon S. Smith, Jr., Vice-President of Vernon and James Smith Company, a Texas Corporation, whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of March, 1981



James G. [Signature]
Notary Public

My Commission Expires:
September 29, 1981

Approved as to form:
LEE E. HOLT, City Attorney
By: *Bruce R. Knight*
Assistant City Attorney

EXHIBIT "A"

FIELD NOTES
GR ZONING
TRACT 4

BEING a tract of land situated in the William Miller Survey, Abstract 883 and the J. McCants Survey, Abstract No. 885, Denton County, Texas, and being part of 280.36 acre tract of land as deeded to Charles C. McKamy and recorded in Volume 157, at Page 104, of the Deed Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a point on the North line of Old Mill Road (a 60' R.O.W.), said point being S 89° 44' E, a distance of 2244.29 feet from the point of intersection of said North line of Old Mill Road with the Southeast line of the St. Louis and San Francisco Railroad (a 100' R.O.W.), a point for corner;

THENCE N 6° 21' 26" E, leaving said North line of Old Mill Road, along the proposed centerline of Kelly Springfield Road, a distance of 1965.75 feet to the PLACE OF BEGINNING of the herein-described tract of land, a point for corner;

THENCE N 6° 21' 26" E, continuing along the proposed centerline of Kelly Springfield Road, a distance of 675.00 feet to a point for corner;

THENCE S 88° 19' 20" E, a distance of 121.20 feet to a point for corner;

THENCE N 89° 47' 01" E, a distance of 240.17 feet to a point for corner;

THENCE S 0° 12' 59" E, a distance of 666.57 feet to a point for corner;

THENCE S 89° 47' 01" W, a distance of 438.56 feet to the PLACE OF BEGINNING, containing 6.129 Acres of Land.