

DEED RESTRICTIONS

STATE OF TEXAS §
COUNTY OF DALLAS §
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

I.

The undersigned, Ari Susman, ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the J. W. Overton Survey, Abstract Nos. 1108 and 1115, City Block 8200, City of Dallas ("City"), Dallas County and Collin County, Texas, and being more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- (1) That no more than 277 dwelling units shall be constructed or maintained on Parcel 1 of the Property; that no more than 84 dwelling units shall be constructed or maintained on Parcel 2 of the Property; and that no more than 361 dwelling units shall be constructed or maintained on the entire tract of land.
- (2) That no structure on said tract of land shall consist of more than three (3) stories.
- (3) That no structure on said tract of land shall be more than thirty-eight (38) feet in height.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in

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the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination become effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with these restrictions.

VIII.

These restrictions are hereby declared covenants running with the land and are fully binding on any successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the foregoing restrictions.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that these restrictions shall be governed by the laws of the State of Texas.

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XI.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED at the City of Dallas, Dallas County, Texas, on this the 27 day of February, 1991.

[Handwritten Signature]
Ari Susman

STATE OF TEXAS §
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COUNTY OF DALLAS §

This instrument was acknowledged before me on the 27 day of February, 1991 by Ari Susman.

My Commission Expires:
3-8-91

[Handwritten Signature]
Notary Public, State of Texas



APPROVED AS TO FORM:
Chris Bowers
ANALESLIE MUNCY, CITY ATTORNEY

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EXHIBIT "A"

BEING a tract of land in City Block 8200 in the J. W. Overton Survey, Abstract No. 1108 and Abstract No. 1115, Dallas and Collin Counties, Texas, and further described as follows:

BEGINNING at a point on the most northeasterly end of a corner clip at the southeast corner of Davenport Road and Duffield Drive;

THENCE in an easterly direction along the south line of Duffield Drive, a distanced of approximately 631.20 feet to a point, said point being the beginning of a curve to the right, said curve having a radius of 98.67 feet and a central angle of $55^{\circ}59'16''$;

THENCE around said curve to the right, an arc distance of 96.42 feet to the end of said curve and to a point for corner at the most northerly end of a corner clip at the west corner of Duffield Drive and McCallum Boulevard;

THENCE $S 14^{\circ}08'07'' W$ along said corner clip, a distance of 14.08 feet to a point for corner on the northwest line of McCallum Boulevard;

THENCE in a southwesterly direction along the northwesterly line of McCallum Boulevard and along a curve to the left whose tangent bears $S 59^{\circ}41'50'' W$, having a radius of 820.00 feet, and a central angle of $18^{\circ}05'31''$, a distance of 459.17 feet to the end of said curve and a point for corner;

THENCE $S 26^{\circ}54'55'' W$, continuing along the northwesterly line of McCallum Boulevard, a distance of 131.92 feet to the beginning of a curve to the right;

THENCE in a southwesterly direction along the northwesterly line of McCallum Boulevard and along said curve to the right, said curve having a radius of 740.00 feet and a central angle of $16^{\circ}27'11''$, a distance of 212.50 feet to a point for corner;

THENCE $N 46^{\circ}37'54'' W$, leaving said northwesterly line of McCallum Boulevard, a distance of 42.19 feet to a point for corner;

THENCE $S 89^{\circ}31'48'' W$, a distance of 200.73 feet to a point for corner on the east line of Davenport Road;

THENCE $N 00^{\circ}23'03'' E$ along the east line of Davenport Road, a distance of 642.30 feet to a point for corner on the most southwesterly end of a corner clip at the southeast corner of Davenport Road and Duffield Drive; and

THENCE $N 45^{\circ}11'32'' E$ along said corner clip, a distance of 14.19 feet to a point on the south line of Duffield Drive, the PLACE OF BEGINNING, and containing approximately 7.10 acres of land.

Said tract of land is further divided into two (2) parcels of land as described on the following page.

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EXHIBIT A

PARCEL 1

BEING all of LOT 1, BLOCK 8200, an addition in the City of Dallas, Collin County, Texas, according to the plat thereof recorded in Volume C, Page 395, Map Records of Collin County, Texas and containing approximately 5.3568 acres of land.

PARCEL 2

BEING a tract of land out of the John W. Overton Survey Abstract No. 1108 Dallas and Collin County, Texas, and being all of Lot 2 & Part of Lot 3 City of Dallas Block 8200 of a Replat, 7.8 Properties Addition, as recorded in Volume 82076 Page 2649 of the Deed Records Dallas County, Texas, and Cabinet C, Page 395 of the Map Records Collin County, Texas, said tract being more particularly described as follows:

BEGINNING at a point for corner in the east right-of-way line of Davenport (60 feet wide) said point being N 0° 28' 12" W, 176.98 feet from the intersection of the northwesterly cut-off line of McCallum Road (80 feet wide);

THENCE N 0° 28' 12" W, along the above said east line of Davenport Road, 140.50 feet to an angle point;

THENCE N 0° 23' 03" E, continuing along the above said east line of Davenport Road 88.00 feet to a point for corner, said point being the northwest corner of above referenced Lot 2;

THENCE East, along the north line of above said Lot 2, 335.00 feet to an angle point;

THENCE S 63° 05' 05" E, continuing along the above said north line of Lot 2, 54.22 feet to a point for corner in the northwesterly right-of-way line of above referenced McCallum Road;

THENCE S 26° 54' 55" W, along the above said northwesterly line of McCallum Road, 65.16 feet to the beginning of a circular curve of the right having a radius of 740.00 feet;

THENCE Southwesterly, continuing along the above said northwesterly line of McCallum and with above said circular curve to the right thru a central angle of 19° 42' 21" an arc distance of 212.50 feet to a point for corner;

THENCE N 46° 37' 54" W, 42.19 feet to an angle point;

THENCE S 89° 31' 48" W, 200.73 feet to the POINT OF BEGINNING and containing approximately 1.7435 acres of land.

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