

January 25, 1984

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an MF-1 Multiple Family District on Tract I and an SC Shopping Center District on Tract II which was approved by the City Council on November 16, 1983, on Zoning Case #Z823-223/4518-N on property on the west side of Coit Road between McCallum Boulevard and the St. Louis and Southwestern Railroad; 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, TEXAS:

Section 1. 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 an MF-1 Multiple Family District on Tract I and an SC Shopping Center District on Tract II as described in Ordinance **18146**

Section 2. That said deed restrictions shall be filed with the County Clerk of Collin County, Texas, to be recorded in the Deed Records of Collin County, Texas.

Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

JAN 25 1984

[Signature]
City Secretary

cc: Building Inspection - 2
Department of Planning and Development - 2

Approved as to form:
ANALESIE MUNCY, City Attorney

By *[Signature]*
Assistant City Attorney

[Signature] APPROVED HEAD OF DEPARTMENT
APPROVED CITY CONTROLLER
APPROVED CITY MANAGER

6377

DEED RESTRICTIONS

THE STATE OF TEXAS |
 |
COUNTY OF COLLIN |

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, LINCOLN PROPERTY COMPANY NO. 1001, LTD., is the owner of the following described property situated in Collin County, Texas, being in particular a 42.562 acre tract of land out of the John Clay Survey, Abstract No. 223, and being more particularly described in Exhibit "A" (attached hereto and incorporated herein for all purposes) and hereinafter referred to as the "Subject Tract."

That the undersigned does hereby impress 11.000 acres of the Subject Tract being more particularly described in Exhibit "B" (attached hereto and incorporated herein for all purposes) with the following deed restriction, to-wit:

The undersigned, its successors and/or assigns, do hereby agree to limit development on the property to one hundred ninety-eight (198) dwelling units.

That the undersigned does hereby impress 32.562 acres of the Subject Tract, being more particularly described in Exhibit "C" (attached hereto and incorporated herein for all purposes) with the following deed restrictions, to-wit:

1. The undersigned, its successors and/or assigns, do hereby agree to limit development on the property to seven hundred seventy-five (775) dwelling units; and,

2. The undersigned, its successors and/or assigns, do hereby agree that no multiple family uses shall be conducted on the property (no multiple family dwelling units shall be occupied) prior to January, 1985.

That the undersigned does hereby impress 10.000 acres of the Subject Tract, being more particularly described in Exhibit "D" (attached hereto and incorporated herein for all purposes) with the following deed restrictions, to-wit:

1. The undersigned, its successors and/or assigns, do hereby agree to limit development on the property to a 1:1 Floor Area Ratio (FAR) with no more than one hundred twenty-five thousand (125,000) square feet of floor area to be used for retail uses, as defined by the Dallas Development Code, as amended.

2. The undersigned, its successors and/or assigns, do hereby agree to limit development on the property to a height of forty-eight (48) feet; and,

3. The undersigned, its successors and/or assigns, do hereby agree that there shall be no more than two (2) dwelling units on each building site or lot on the property.

These restrictions 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 the manner specified herein.

These restrictions 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. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

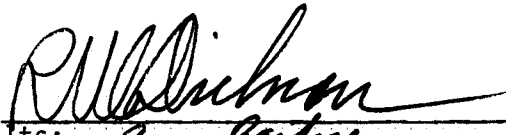
The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, 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 restrictions described herein are fully complied with.

These restrictions are hereby declared covenants running with the land and shall be fully binding upon the persons acquiring property within the described tract, and any person by acceptance of title to any of the described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

LINCOLN PROPERTY COMPANY NO. 1001, LTD.

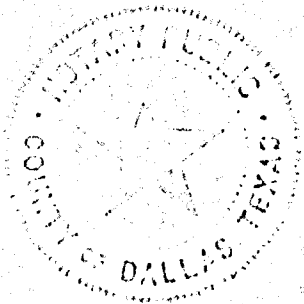
By:


Its: Gen. Partner

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared R.M. Dickson, General Partner of LINCOLN PROPERTY COMPANY NO. 1001, LTD., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said LINCOLN PROPERTY COMPANY NO. 1001, LTD., and that he executed the same as the act of such entity for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of January, 1984.



Anne M. Fox
Notary Public In and For
The State of Texas

ANNE M. FOX
(Print Name of Notary Public Here)

My Commission Expires:
4-18-87

Approved as to form:
ANNIEBLIE WUNCY, City Attorney

By [Signature]
Assistant City Attorney

EXHIBIT "A"

Being a tract or parcel of land situated in the City of Dallas, Collin County, Texas; and being part of the John Clay Survey, Abstract 223, and the Collin County School Land Survey, Abstract 169, and also being part of the following tracts of land conveyed to Texas Research Foundation; a 38.12 acre tract recorded in Volume 433, Page 436; a 313.78 acre tract recorded in Volume 464, Page 376; a 50.25 acre tract recorded August 20, 1949; all in the Deed Records of Collin County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the southeasterly line of the St. Louis and Southwestern Railroad right-of-way (100 feet wide) and the westerly line of FM 3193 (130 feet wide);

THENCE South $0^{\circ} 26' 55''$ West along the westerly line of FM 3193 a distance of 609.22 feet to the beginning of a curve to the right;

THENCE in a southerly direction continuing along the westerly line of FM 3193 and along said curve to the right having a radius of 2799.79 feet, a central angle of $7^{\circ} 28' 40''$ and an arc length of 365.41 feet to the end of said curve to the right;

THENCE South $7^{\circ} 55' 35''$ West continuing along the westerly line of FM 3193 a distance of 227.26 feet to the beginning of a curve to the left;

THENCE in a southerly direction continuing along the westerly line of FM 3193 and along said curve to the left having a radius of 2929.79 feet, a central angle of $7^{\circ} 09' 15''$ and an arc length of 365.83 feet to a point for corner in the northerly line of a public road;

THENCE North $89^{\circ} 39'$ West along the northerly line of said road a distance of 76.39 feet to a point for corner;

THENCE North $0^{\circ} 03'$ West along the easterly line of a tract of land conveyed to Robert E. Wells by deed recorded in the Deed Records of Collin County a distance of 179.90 feet to a point for corner;

THENCE North $89^{\circ} 59'$ West along the northerly line of said Wells tract a distance of 365.40 feet to a point for corner;

THENCE South $0^{\circ} 16'$ East along the westerly line of said Wells tract a distance of 177.80 feet to a point for corner in the northerly line of a public road;

THENCE North $89^{\circ} 39'$ West along the northerly line of said road a distance of 396.50 feet to a point for corner;

THENCE North $0^{\circ} 17'$ East a distance of 175.47 feet to a point for corner;

THENCE South $89^{\circ} 56'$ West along a southerly line of the tract of land recorded in Volume 433, Page 436 of the Deed Records of Collin County, a distance of 449.54 feet to a point for corner;

THENCE North $17^{\circ} 11'$ West along the westerly line of said tract a distance of 985.02 feet to a point for corner in the southeasterly line of St. Louis and Southwestern Railroad right-of-way;

THENCE North $75^{\circ} 09' 35''$ East along the southeasterly line of said railroad right-of-way a distance of 1725.33 feet to the PLACE OF BEGINNING and containing 42.5621 acres.

EXHIBIT "B"

BEGINNING at a point for corner in the Southwesterly line of the St. Louis and Southwestern Railroad right-of-way (100 feet wide), said point being S 75°09'35" W a distance of 1301.96 feet from the intersection of the Westerly line of Coit Road (130 feet wide) with the Southwesterly line of said railroad right-of-way;

THENCE S 19°58'18" E departing said railroad right-of-way a distance of 1116.35 feet to a point for corner;

THENCE S 00°17'00" W a distance of 175.53 feet to a point for corner, said point being in the North line of McCallum Road (60 feet wide);

THENCE N 89°39'00" W along the North line of McCallum Road a distance of 50.00 feet to a point for corner;

THENCE N 00°17'00" E departing said McCallum Road a distance of 175.47 feet to a point for corner;

THENCE S 89°56'00" W a distance of 449.54 feet to a point for corner;

THENCE N 17°11'00" W a distance of 985.02 feet to a point for corner, said point being in the Southwesterly line of said St. Louis and Southwestern Railroad right-of-way;

THENCE N 75°09'35" E along said Southwesterly right-of-way of the St. Louis and Southwestern Railroad a distance of 423.37 feet to the POINT OF BEGINNING and containing 11.000 acres of land, more or less.

EXHIBIT "C"

BEGINNING at a point for corner at the intersection of the Southeasterly line of the St. Louis and Southwestern Railroad right-of-way (100 feet wide) and the Westerly line of Coit Road (130 feet wide);

THENCE S 00°26'55" W along the Westerly line of Coit Road a distance of 428.89 feet to a point for corner;

THENCE S 75°09'35" W a distance of 524.73 feet to a point for corner;

THENCE S 00°16'00" E a distance of 819.27 feet to a point for corner;

THENCE N 89°59'00" W a distance of 25.67 feet to a point for corner;

THENCE S 00°16'00" E a distance of 177.80 feet to a point for corner, said point being in the North line of McCallum Road (60 feet wide);

THENCE N 89°39'00" W with the said North line of McCallum Road, a distance of 396.50 feet to a point for corner;

THENCE N 00°17'00" E a distance of 175.47 feet to a point for corner;

THENCE S 89°56'00" W a distance of 449.54 feet to a point for corner;

THENCE N 17°11'00" W a distance of 985.02 feet to a point for corner, said point being in the Southwesterly line of said St. Louis and Southwestern Railroad right-of-way;

THENCE N 75°09'35" E along said Southwesterly right-of-way of the St. Louis and Southwestern Railroad, a distance of 1725.33 feet to the POINT OF BEGINNING and containing 32.562 acres of land, more or less.

EXHIBIT "D"

BEGINNING at the intersection of the North line of McCallum Road (60 feet wide) and the West line of Coit Road (130 feet wide);

THENCE N 89°39'00" W, with the said North line of McCallum Road, a distance of 76.39 feet to a point for corner;

THENCE N 00°03'00" W, departing said line of McCallum Road, 179.90 feet to a point for corner;

THENCE N 89°59'00" W a distance of 339.73 feet to a point for corner;

THENCE N 00°16'00" W a distance of 819.27 feet to a point for corner;

THENCE N 75°09'35" E a distance of 524.73 feet to a point for corner, said point being in the West line of said Coit Road;

THENCE S 00°26'55" W, with the said line of Coit Road, 180.33 feet to the beginning of a curve to the right having a radius of 2799.79 feet;

THENCE with said curve, continuing with the said line of Coit Road, through a central angle of 07°28'40" and an arc length of 365.41 feet to the end of said curve;

THENCE S 07°55'35" W, continuing with said line of Coit Road, a distance of 227.26 feet to the beginning of a curve to the left having a radius of 2929.79 feet;

THENCE with said curve, continuing with said line of Coit Road, through a central angle of 07°09'15" and an arc length of 365.83 feet to the POINT OF BEGINNING and containing 0.000 acres of land, more or less.

RETURN TO
CITY SECRETARY
CITY HALL
DALLAS, TEXAS 75201



Stellen Spencer
COUNTY CLERK, Collin County, Texas

2-2-84

STATE OF TEXAS
I hereby certify that this instrument was filed on the date and
times stamped hereon by me and is duly recorded in the volume
and page of the named records of Collin County, Texas as
stamped hereon by me.

COUNTY OF COLLIN

BY *lwe* DEPUTY

CLERK OF COLLIN COUNTY COURT
COLLIN COUNTY, TEXAS

JAN FEB - 1 AM 9:57

FILED

Genry, State & Spencer
2300 ONE MAIN PLACE
DAL, TX 75250

RECEIVED
JAN 24 1984
ZONING OFFICE