

June 24, 1992

922412

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a TH-2(A) Townhouse District which was approved by the City Council on May 27, 1992, on Zoning Case #Z912-169/9038-N on property at the northwest corner of McCallum Boulevard and Meandering Way; and

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

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

Section 1. That the deed restrictions 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 TH-2(A) Townhouse District as described in Ordinance 21335

Section 2. That said deed restrictions shall be filed 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 as to form:
SAM LINDSAY, City Attorney

By John Rogers
Assistant City Attorney

APPROVED [Signature]
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

92241

DEED RESTRICTIONS

THE STATE OF TEXAS)

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF COLLIN)

92-0047362

I.

That the undersigned, Franklin Properties, Inc., is the owner of the following described property situated in Collin County, Texas, being in City Block 8726, City of Dallas, Collin County, Texas, and being that same tract of land conveyed to Franklin Properties Inc. and recorded under Clerk's File Numbers 92-0038650 and 92-0038651 in the Deed Records of Collin County, Texas, and such portion of the tract being approximately 2.993 acres of land, said tract (hereinafter referred to as the "Property") is more fully described as;

II.

Being a tract of land situated in the Collin County School Land Survey, Abstract No. 169, Collin County, Texas, and being part of City of Dallas Block No. 8726, and being more particularly described as follows:

BEGINNING at the intersection of the west line of Meandering Way (60' R.O.W.) and the north line of McCallum Boulevard (80' R.O.W.);

THENCE N89 degrees 20'20"W along said north line, 718.14 feet to a point for corner in the southeast line of the St. Louis & Southwestern Railroad (100' R.O.W.);

THENCE N60 degrees 29'00"E along said southeast line, 707.80 feet to a point for corner in the west line of Meandering Way (60' R.O.W.);

THENCE S10 degrees 23'30"E along said west line, 332.04 feet to a point for corner;

THENCE S03 degrees 33'30"W continuing along said west line, 42.01 feet to a point for corner and the place of beginning and containing 2.993 acres of land.

2912-169/9038-N

III.

The OWNER does hereby impress all THE PROPERTY with the following deed restrictions, ("restrictions") to wit:

1. HEIGHT: The maximum height for all structures on the Property is 24 feet, as defined in Chapter 51(A) of the Dallas Development Code.
2. STORIES: The maximum number of stories permitted on the Property is two as defined in Chapter 51(A) of the Dallas Development Code.
3. SCREENING: A minimum six foot masonry screening wall will be provided along the site boundaries of the Property except for entrances to the Property and alleys.
4. LANDSCAPING: Irrigated landscaping along Meandering Way and McCallum Blvd. shall be installed and maintained in a healthy growing condition.
5. MAINTENANCE: A homeowners association, escrow account, or similar provision will be established in order to maintain all common areas which include landscaping and a masonry wall.

IV.

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.

V.

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 of Dallas. Notice of the public hearings must be given as would be required by law for a zoning change on THE PROPERTY. If the City Council approves an amendment or termination of these restrictions, the owner must file the terminating or amending instrument in the Deed Records of the county or counties where THE PROPERTY is located at his sole cost and expense before the amendment or termination becomes effective.

VI.

These restrictions are not 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.

VII.

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.

VIII.

The OWNER agrees to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with the provisions of this document.

IX.

These restrictions are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of 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 provisions of this document.

X.

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.

XI.

The OWNER understands and agrees that this document shall be governed by the laws of the State of Texas.

XII.

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 12th day of June, 1992.

By: David L. Frankfurt
Frankfurt Properties, Inc.
By David L. Frankfurt, President

THE STATE OF TEXAS }
COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared David L. Frankfurt, president of Frankfurt Properties, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

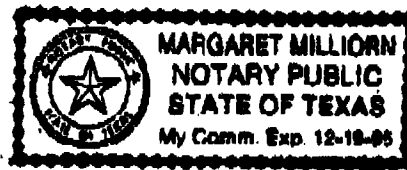
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of June, 1992.

Margaret Millorn
Notary Public, State of Texas

My commission expires 12-19-95

Approved as to form:
SAM LINDSAY, City Attorney

By John Roscoe
Assistant City Attorney



4

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY IN VIOLATION OF FEDERAL, STATE, AND LOCAL LAWS, OR WHICH INCREASES OR IMPOSES FEDERAL, STATE, OR LOCAL TAXES, IS HEREBY REJECTED AND IS VOID. THIS INSTRUMENT WAS FILED IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ON JULY 15, 1992, AT 2:18 PM. THE FILING FEE WAS \$14.00.

JUL 15 1992

Arlan Sterne
COUNTY CLERK
COLLIN COUNTY TEXAS



1992/07/15 2:18
92-0047362 RB 14.00

COLLIN COUNTY, TX

5

No. 92-2917
Return to City Secretary
City Hall
Dallas, Texas 75202