

DEED RESTRICTIONS

993028

THE STATE OF TEXAS)
)
COUNTY OF COLLIN) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned Robert E. Wells and Betty Louise Wells ("the Owners"), are the owners of the following described property ("the Property"), being in particular a tract of land out of the Collin County School Land Survey, Abstract No. 169, City Block 8726, City of Dallas ("City"), Collin County, Texas, and being that same tract of land conveyed to the Owners by J. C. Wells, Sr., Annie Irene Wells and J. C. Wells, Jr. by deed dated January 8, 1948, and recorded in Volume 387, Page 170, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

PROPERTY DESCRIPTION

Being a tract of land situated in the Collin County School Land Survey, Abstract No. 169, City of Dallas, Collin County, Texas, and being a part of City Block No. 8726, Official City Numbers, and being a part of a 1 acre tract of land conveyed to Robert E. Wells by deed recorded in Volume 387, Page 170, Deed Records, Collin County, Texas, and being more particularly described as follows:

Beginning at a 1/2 inch iron rod found for the northwest corner of 40 foot wide street dedication conveyed to the City of Dallas by deed recorded in Volume 3010, Page 961 and the southeast corner of Chatham Court, an Addition to the City of Dallas, as described in the Plat thereof recorded in Cabinet F, Page 358, Map Records, Collin County, Texas, and being in the north right-of-way line of McCallum Boulevard (80' R.O.W.);

Thence, N 00° 19' 09" W (Basis of Bearings), along the east line of said Chatham Court, a distance of 168.50 feet to a 5/8 inch iron rod found for a re-entrant corner of said Chatham Court;

Thence, S 89° 47' 29" E, along the south line of said Chatham Court and the south line of a 7.125 acre tract of land conveyed to Blue Star Land, L.P. by deed recorded in County Clerks file No. 95-0017166, Collin County, Texas, a distance of 208.54 feet to a capped iron rod round for a re-entrant corner of said 7.0125 acre tract of land;

Thence, S 00° 26' 07" E, along the west line of said 7.125 acre tract of land, a distance of 169.47 feet to a capped iron rod found for the southwest corner of said 7.125 acre tract of land and the northeast corner of said 40 foot wide street dedication and being in aforesaid north right-of-way line;

Thence, N 89° 31' 39" W, along the north line of said 40 foot wide street dedication and said north right-or-way line, a distance of 208.90 feet to the Point of Beginning and containing 35,268 square feet or 0.81 acres of land.

Z 989-209/10616-NC (RB)

A. The Owners do hereby impress all of the Property with the following deed restrictions ("restrictions"). The following uses as defined in Chapter 51A, "Part II of the Dallas Development Code" of the Dallas City Code, as amended, are prohibited:

1. Agricultural uses
2. Building repair and maintenance shop
Tool or equipment rental
3. Temporary concrete or asphalt batching plant
4. Adult day care facility
Cemetery or mausoleum
College, university or seminary
Convent or monastery
Hospital
Library, art gallery, or museum
5. Hotel and motel
Lodging or boarding house
Overnight general purpose shelter
6. Carnival or circus
7. County club with private membership
Private recreation center, club, or area
Public park, playground, or golf course
8. College dormitory, fraternity, or sorority house
9. Alcoholic beverage establishments
Car wash
Commercial amusement (inside)
Commercial amusement (outside)
Commercial parking lot or garage
Home improvement center, lumber, brick, or building material sales yard
Liquor store
Mortuary, funeral home, or commercial wedding chapel
Motor vehicle fueling station
Pawn shop
Swap or buy shop
10. Transit passenger shelter
Transit passenger station or transfer station.
11. Commercial radio and television transmitting station
Electric substation
Local utilities
Police or fire station
Post office
Radio, television or microwave tower
Tower/antenna for cellular communication
Utility or government installation other than listed.
12. Mini-warehouse
Recycling buy-back center
Recycling collection center
Recycling drop-off container
Recycling drop-off for special occasion collection

B. The maximum number of stories above grade is one.

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 Owners must then file the amending or terminating instrument in 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 becomes 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 Owners agree that these restrictions inure to the benefit of the City. The Owners hereby grant 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 Owners agree that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owners agree 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 Owners agree to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

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

IX.

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

X.

The Owners understand and agree that this document shall be governed by the laws of the State of Texas.

XI.

The Owners certify and represent that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision of 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 this the 30th day of August, 1999.

Robert E. Wells

Owner
Robert E. Wells
Printed Name

Betty Louise Wells

Owner
Betty Louise Wells
Printed Name

APPROVED AS TO FORM:
MADELEINE B. JOHNSON, City Attorney

By: John Rogers
Assistant City Attorney

ACKNOWLEDGEMENT FORMS

993028

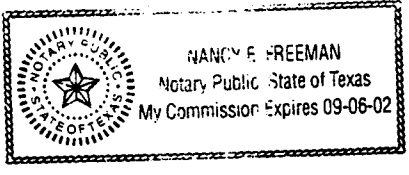
Natural person: For a natural person acting in his or her own capacity.

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on August 30, 1999 by
(date)

ROBERT E. WEUS
(name of person acknowledging)

Nancy Freeman
(Signature of notary and notary stamp)



STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on August 30, 1999 by

BETH LOUISE WEUS
(name of person acknowledging)

Nancy Freeman
(Signature of notary and notary stamp)

