

June 6, 1984

842161

WHEREAS, the City Council on January 14, 1981, passed Resolution 81-0188 accepting deed restrictions in conjunction with a request for MF-1 Multiple Family zoning on property on the south side of Rosemeade Parkway east of Marsh Lane involving Zoning File #Z790-195/4947-N; and,

WHEREAS, said deed restrictions were filed in the Deed Records of Denton County, Texas and recorded in Volume 1122, Page 230; and,

WHEREAS, application has been made to remove said deed restrictions on property involving Lot 1 in City Block A/8750 and substituting new restrictions; and,

WHEREAS, the required public hearings have been held by the City Plan Commission and the City Council to consider the removal of the existing deed restrictions and the acceptance of the new restrictions; and,

WHEREAS, the City Council at a public hearing on June 6, 1984 approved the application.

Now, Therefore,

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

Section 1. That the attached instrument be 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.

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

cc: Building Inspection - 2
Planning and Development - 2

Approved by
ANNELOUE MURPHY, City Attorney

By 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

JUN 27 1984



City Secretary

APPROVED 
HEAD OF DEPARTMENT

APPROVED _____
CITY CONTROLLER

APPROVED _____
CITY MANAGER

MODIFICATION OF
DEED RESTRICTIONS
REAL PROPERTY RECORDS

THE STATE OF TEXAS)
)
COUNTY OF DENTON)

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Block Shim Development Company ("Block Shim") a Texas General Partnership, is the owner of the following described property situated in Denton County, Texas, being in particular a tract of land out of the Rosemeade Addition, Lot 1, City Block A/8750, City of Dallas, Denton County, Texas, which property was conveyed by the Perot Family Trust U/A to Block Shim Development Company on January 7, 1983, and is recorded in the Deed Records of Denton County, Texas, in Volume 1186, Pages 904-907, and being more particularly described in field notes marked Exhibit "A" attached hereto and made a part hereof for all purposes.

The herein described Lot 1 is part of the property (the "restricted property") that is subject to deed restrictions (the "existing restrictions") dated January 20, 1982, recorded at Volume 1122, Page 230, Deed Records, Denton County, Texas; which existing restrictions inure to the benefit of the City of Dallas, and which state that:

"The density of development shall be limited to 25 dwelling units per net acre. Net acre means each acre of property less the right-of-way for Rosemeade Parkway, Midway Road and State Highway 190."

The existing restrictions require a public hearing before the City Plan Commission and City Council of the City of Dallas for modification.

Block Shim has submitted to the City of Dallas a request (the "amendment request") to amend the existing restrictions as they apply to the herein

2790-195/4947-Na

described Lot 1. After the required notice and public hearings, the City of Dallas has approved the amendment request.

Accordingly, Block Shim does hereby amend the existing restrictions as follows:

1. The provisions of the existing restrictions as they apply to the herein described Lot 1 are amended in their entirety and superceded by these amended restrictions, but this amendment shall not affect the application of the existing restrictions to the remainder of the restricted property.
2. There shall not be more than a total of 200 dwelling units constructed or occupied on the herein described Lot 1.
3. No deposit or storage of fill or placement of a structure shall be allowed on the property described in Exhibit "B", attached hereto.

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

EXECUTED this 22 day of May, 1984.

Block Shim Development Company,
a Texas General Partnership

By: Michael A. Block, Inc., Partner

By: Michael A. Bloch
Michael A. Bloch, President

Submitted by MB

Approved as to form:
ANAESLIE MUNCY, City Attorney

By: Mark L. [Signature]
Assistant City Attorney

STATE OF TEXAS)

COUNTY OF DALLAS)

This instrument was acknowledged before me on May 22, 1984, by MICHAEL A. BLOCH, president of Michael A. Block, Inc., a Texas corporation, on behalf of said corporation as a partner of and on behalf of Block Shim Development Company, a partnership.

Clara N. Holland

Notary Public in and for
the State of Texas



CLARA N. HOLLAND
Notary Public, State of Texas
My Commission Expires 11/01/86

Notary Public's Name Printed

My Commission Expires:

EXHIBIT A

Property Description

6.232 acres of land being all of Lot 1, Block A/8750, Rosemeade Addition, 2nd Corrected Plat, as recorded in Cabinet C, Slot 294 & 295 Denton County Plat Records, said 6.232 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod set at the northwest corner of said Lot 1;

THENCE South 89° 55' East, along the northerly line of said Lot 1, 850.00 feet to a 1/2" iron rod set at the beginning of a tangent curve to the right whose radius point bears South 86° 34' 35" West, 1085.27 feet;

THENCE along said curve and continuing along said northerly line through a central angle of 03° 25' 25" a distance of 64.85 feet to a 1/2" iron rod set at the northeasterly corner of said Lot 1;

THENCE South 45° 54' 56" West, along a southeasterly line of said Lot 1, 390.32 feet;

THENCE along the southerly line of said Lot 1 the following courses and distances;

North 77° 00' West, 65.77 feet;
 South 43° 55' West, 35.00 feet;
 South 05° 41' 43" West, 87.48 feet;
 South 87° 20' West, 61.00 feet;
 North 81° 00' West, 68.00 feet;
 North 62° 50' West, 50.00 feet;
 North 80° 00' West, 40.00 feet;
 South 56° 30' West, 112.00 feet;
 South 80° 00' West, 34.00 feet;
 North 63° 00' West, 36.00 feet;
 North 88° 20' West, 38.00 feet;
 South 41° 17' West, 36.00 feet;
 South 61° 20' West, 32.00 feet;
 South 80° 40' West, 35.00 feet;
 South 41° 36' 24" West, 33.00 feet;
 North 44° 10" West, 30.00 feet to a point;

THENCE North 00° 05' 00" East, along the westerly line of the aforementioned Lot 1, 436.22 feet to the POINT OF BEGINNING and containing 271,470 square feet or 6.232 acres of land.

Exhibit B

PROPERTY DESCRIPTION
 PROPOSED FLOODWAY &
 SANITARY SEWER MAIN EASEMENT

LOT 1

1.902 acres of land being a portion of Lot 1, Block A/8750, Rosemeade Addition, the Second Corrected Plat, as recorded in Cabinet C, Slots 294 & 295, Denton County Plat Records, and being a proposed floodway and sanitary sewer main easement, said 1.902 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the northwest corner of said Lot 1;

THENCE South 00° 05' 00" West, along the west line of said Lot 1, 399.60 feet to a 1/2 inch rod set being the POINT OF BEGINNING of the tract herein described;

THENCE along the north line of the tract herein described, being said easement, the following courses and distances:

North 61° 03' 19" East, 293.68 feet to a concrete monument with aluminum cap stamped " FLOODWAY MARKER" hereinafter described as "FM";
 North 88° 57' 26" East, 162.28 feet to an "FM";
 North 18° 45' 40" West, 80.85 feet to an "FM";
 South 39° 25' 38" East, 68.10 feet to an "FM";
 North 44° 45' 01" East, 104.60 feet to an "FM";
 South 84° 07' 11" East, 136.80 feet to an "FM";
 North 61° 27' 17" East, 176.71 feet to an "FM";
 North 45° 54' 56" East, 120.62 feet to a 1/2 inch iron rod set in the north line of the aforementioned Lot 1, said iron rod being the beginning of a non-tangent curve whose radius is 1085.27 feet and whose long chord bears South 87° 12' 58" East, 27.41 feet;

THENCE along said curve and said north line through a central angle of 01° 26' 49" a distance of 27.41 feet to a 1/2 inch rod found at the northeast corner of said Lot 1;

THENCE along the southerly line of said Lot 1 the following courses and distances:

South 45° 54' 56" West, 390.32 feet;
 North 77° 00' West, 65.77 feet;
 South 43° 55' West, 35.00 feet;
 South 05° 41' 43" West, 87.48 feet;

Exhibit B

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South 87° 20' West, 61.00 feet;
North 81° 00' West, 68.00 feet;
North 62° 50' West, 50.00 feet;
North 80° 00' West, 40.00 feet;
South 56° 30' West, 112.00 feet;
South 80° 00' West, 34.00 feet;
North 63° 00' West, 36.00 feet;
North 88° 20' West, 38.00 feet;
South 41° 17' West, 36.00 feet;
South 61° 20' West, 32.00 feet;
South 80° 40' West, 35.00 feet;
South 41° 36' 24" West, 33.00 feet;
North 44° 10' West, 30.00 feet to a point being the southwest
corner of the aforementioned Lot 1;

THENCE North 00° 05' 00" East, along the west line of said Lot 1,
36.62 feet to the POINT OF BEGINNING and containing 82,839 square
feet or 1.902 acres of land.