

May 13, 1981

WHEREAS, the deed restrictions in the attached instruments have been volunteered in conjunction with a request for Multiple Family-1 zoning on Tract III and Townhouse-2 zoning on Tract IV which were approved by the City Council on March 13, 1981 on Zoning Case #Z801-123/5399-N on property generally located on Marsh Lane, north of Frankford Road; 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:

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 Multiple Family-1 on Tract III and Townhouse-2 on Tract IV, as described in Ordinance # **16976**

Section 2. That said deed restrictions shall be filed with the County Clerk 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.

Approved as to form:

LEE E. HOLT, City Attorney

By Baum R. Knight
Assistant City Attorney

cc: Urban Planning - 1
Building Inspection - 2
City Secretary - 1

APPROVED BY
CITY COUNCIL

MAY 13 1981

Robert E. Brown
City Secretary

APPROVED

HEAD OF DEPARTMENT

E. Jack Schopp

APPROVED

CITY AUDITOR

APPROVED

CITY MANAGER

DEED RESTRICTIONS

VOL 1122 PAGE 234

DEED RECORDS

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

KNOW ALL MEN BY THESE PRESENTS:

1375

That the undersigned, E-Systems Inc. Pool Trust, is the owner of the following described property situated in Denton County, Texas, being in particular a tract of land out of the William Miller Survey, Abstract No. 883, and the John Smith Survey, Abstract No. 1225, City of Dallas, Denton County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes.

That the undersigned, E-Systems Inc. Pool Trust, does hereby impress all of the following described property with the following deed restrictions, to-wit:

The undersigned, its agents and/or assigns do hereby agree to limit said tract to an overall density of no more than eighteen and six-tenths (18.6) dwelling units per acre.

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 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 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.

TRACT III
2801-123/5399-N

These 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 of 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 the 31st day of March, 1981.

E-SYSTEMS INC. POOL TRUST

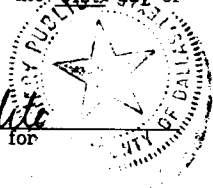
By: *Virgil B. Pettigrew*
~~James M. Crowley, Trustee~~
Virgil B. Pettigrew, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Virgil B. Pettigrew, Trustee, 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 31st day of March, 1981.

Clayton L. White
Notary Public in and for
The State of Texas



Approved as to form:
LEE E. HOLT, City Attorney
By: *Barry R. Knight*
Assistant City Attorney

VOL 1122 PAGE 235

EXHIBIT "A"

FIELD NOTES

Multi-Family Zoning Tract

BEING a tract of land situated in the William Miller Survey, Abstract No. 883, and the John Smith Survey, Abstract 1225, Denton County, Texas, and being part of Tract 11 as conveyed to McKamy Land, Inc. by deed recorded in Volume 607, Page 418, Deed Records, Denton County, Texas, and being part of a 5.471-acre tract of land as conveyed to Charles S. McKamy by deed of record in Volume 557, Page 646, Deed Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at the southwest corner of said Tract 11, and being in the west line of said William Miller Survey, and being in the centerline of an abandoned road, a steel post for corner;

THENCE S 88° 52' 05" E, a distance of 770.00 feet to the POINT OF BEGINNING of the herein-described tract;

THENCE N 01° 07' 55" E, a distance of 190.57 feet to an angle point;

THENCE N 21° 16' 38" E, a distance of 1,683.19 feet to a point for corner;

THENCE S 88° 50' 53" E, a distance of 960.00 feet to a point for corner;

THENCE S 00° 38' 30" E, a distance of 1,123.13 feet to a point for corner;

THENCE S 59° 52' 05" E, a distance of 685.85 feet to a point for corner;

THENCE S 30° 07' 55" W, a distance of 360.56 feet to a point for corner;

THENCE N 88° 52' 05" W, a distance of 1,999.51 feet to the POINT OF BEGINNING and CONTAINING 59.0371 acres of land.