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COUNCIL CHAMBER

August 25, 1993

933085

WHEREAS, the City Council on August 22, 1979, passed Resolution No. 79-2449 providing for the acceptance of a deed restriction instrument submitted in conjunction with an application for a change of zoning to an O-2 Office District on property at the southeast corner of Haverwood Lane and Dallas Parkway involving Zoning File No. ~~789-213/4842-N~~; and

WHEREAS, the City Council on July 30, 1986 passed Resolution No. 86-2403 providing for the acceptance of an amended deed restriction instrument on property at the southwest corner of Haverwood Lane and Pear Ridge Drive involving Zoning File No. Z789-213/4842-Nb; and

WHEREAS, application has been made to terminate the deed restrictions in conjunction with a request for a change of zoning to an MU-1 Mixed Use District on the subject property involving Zoning File No. Z923-148/9341-N; and

WHEREAS, new deed restrictions have been submitted in conjunction with the rezoning of the subject property; and

WHEREAS, the City Council at a public hearing on August 11, 1993 approved the termination of the existing deed restrictions and further approved the acceptance of the new deed restrictions in accordance with the recommendation of the City Plan Commission; and

WHEREAS, an instrument providing for the termination of the existing deed restrictions and an instrument containing the new 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 attached instrument providing for the termination of the existing deed restrictions be and is hereby accepted by the City Council of the City of Dallas, Texas,

Section 2. That the attached instrument providing for the new deed restrictions be and is hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned an MU-1 Mixed Use District as described in Ordinance No. 21781

Section 3. That said instrument shall be filed in the Deed Records of Collin County, Texas.

Section 4. 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.

SAM LINDSAY, City Attorney

By  Assistant City Attorney

AUG 23 1993

APPROVED

HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

City Secretary #UP-0055A

TERMINATION OF DEED RESTRICTIONS

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

I.

The undersigned, Peoples Southwest Real Estate Limited Partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the McGimp Bays Survey, Abstract No. 65, part of City Block 8763, City of Dallas ("City"), Collin County, Texas, and being that same tract of land conveyed to Peoples Southwest Real Estate Limited Partnership by Trustee's deed dated March 3, 1993, and recorded under Clerk's File No. 93-0016513 in the Land Records of Collin County, Texas, and being more particularly described as follows:

BEING a tract or parcel of land situated in the McGimp Bays Survey Abstract No. 65 and being in the City of Dallas, City Block No. 8763 and being more particularly described as follows:

Beginning at an iron pin set for corner at the northeast corner of the Circle "K" North Addition, an addition to the City of Dallas, as recorded in Volume B, Page 392, Deed Records of Collin County, Texas, said point also being in the south right-of-way line of Haverwood Lane (64' R.O.W.);

THENCE South 89°58'00" East, along said south right-of-way line of Haverwood Lane, a distance of 1055.12 feet to an iron pin set for corner in the West right-of-way line of Pear Ridge Drive (64' R.O.W.);

THENCE South 00°01'21" East, along west right-of-way line of Pear Ridge Drive, a distance of 430.38 feet to an iron pin found for corner;

THENCE, North 89°58'00" West, a distance of 1219.84 feet to an iron pin set for corner in the east right-of-way line of North Dallas Parkway (162.5 R.O.W. at this point);

THENCE North 00°00'19" East, along said east right-of-way line of North Dallas Parkway, a distance of 270.38 feet to an iron pin set for corner, said point also being at the southwest corner of said Circle "K" North Addition;

THENCE South 89°58'00" East, along the south line of said Circle "K" North Addition, a distance of 164.51 feet to an iron pin set for corner, said point being the southeast corner of Circle "K" North Addition;

2923-148/9341-N



THENCE North 00°00'19" East, along the east line of said Circle "K" North Addition, a distance of 160.00 feet to the Point of Beginning and containing 11.447 acres of land more or less.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument signed April 22, 1986, by Phil Glasgow, Development Partner of Watson Taylor Companies and recorded in Volume 2433, Page 751, of the Deed Records of Collin County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

- 1.) The floor area ratio, as defined in the Dallas Development Code, as amended (" the Code") shall not exceed three to one.
 - 2.) A landscape plan for the property must be approved by the City Plan Commission prior to the issuance of a building permit for any structure on the property.
 - 3.) No structure may exceed 175 feet in height, as measured in accordance with the provisions of the Code.
 - 4.) No above grade parking structure is allowed within the shaded area shown in Exhibit A. This area is defined as: beginning at the intersection of the south right-of-way (R.O.W.) line of Haverwood Lane with the west R.O.W. line of Pear Ridge Drive; thence in a westerly direction along the southern R.O.W. line of Haverwood lane, 473.5 feet; thence in a southerly direction along a line parallel to the west R.O.W. line of Pear Ridge Drive, 237.38 feet; thence in an easterly direction along a line parallel to the southern R.O.W. line of Haverwood Lane, 348.5 feet; thence in a southerly direction along a line parallel to the west R.O.W. line of Pear Ridge Drive, 193 feet; thence along the southern boundary line of the property 125 feet to its intersection with the west R.O.W. line of Pear Ridge Drive; thence in a northerly direction along the west R.O.W. line of Pear Ridge Drive to the place of beginning.
 - 5.) The front yard setback as defined in the Code, along Pear Ridge Drive shall comply with the Dallas Development Code as amended except that, for any building erected or altered to exceed 36 feet in height, as defined by the Code, an additional setback must be provided that equals three feet for every one foot in height for that portion of the building that
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exceeds 36 feet. The additional setback is only required for that portion of a building that exceeds 36 feet in height, (see Exhibit A).

IV.

The above termination was made following 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 was given as would have been required by law for a zoning change on the Property. The Owner must file this 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 termination becomes effective.

V.

The termination of these restrictions is 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.

VI.

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

VII.

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

VIII.

The invalidation of any provision in this instrument 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.

933085

EXECUTED at Dallas County, Texas, this the 4 day of August, 1993.

Peoples Southwest Real Estate
Limited Partnership, a Delaware limited
partnership

By: JER Peoples Southwest Services, Inc.,
its general partner

By: Wes Moffett
Name: Wes Moffett
Title: Vice President

APPROVED AS TO FORM:

BY: _____

THE STATE OF TEXAS }
COUNTY OF Dallas }

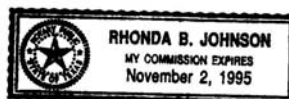
This instrument was acknowledged before me on August 4, 1993 by
Wes Moffett, Vice President of JER Peoples Southwest Services, Inc.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 4 day
of August, 1993.

Rhonda B. Johnson

Notary Public, State of Texas

My commission expires 11-2-95
Approved as to form:
SAM LINDSAY, City Attorney
By [Signature]
Assistant City Attorney



2433 751

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EXHIBIT B

49893

DEED RESTRICTIONS

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

AMENDMENT TO COVENANTS OF RESTRICTIONS

WHEREAS the undersigned, Watson & Taylor Companies, a corporation in the state of Texas, is the owner of the following described property situated in Collin County, Texas, being in particular a tract of land out of the McGimp Bays Survey, Abstract No. 65, City Block 8763, City of Dallas, Collin County, Texas, and being that same tract of land conveyed to John A. Jackson by Arnold Bruner by deed, and recorded in Volume 560, Page 204 in the Deed Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING, at an iron pin for corner at the intersection of the east line of Dallas Parkway (a 125 foot right-of-way) with the south line of Haverwood Lane (a 64 foot right-of-way);

THENCE S. 89° 58' 00" E., 589.61 feet along the said south line of Haverwood Lane to the PLACE OF BEGINNING;

THENCE S. 89° 58' 00" E., 673.64 feet along the said south line of Haverwood Lane to an iron pin for corner on the centerline of Pear Ridge Drive (a proposed 64 foot right-of-way);

THENCE S. 0° 01' 21" E., 430.38 feet along the said centerline of Pear Ridge Drive to an iron pin for corner;

THENCE N. 89° 58' 00" W., 677.08 feet to corner;

THENCE N. 00° 00' 19" E., 430.38 feet to the PLACE OF BEGINNING and containing 6.673 acres (290,676 square feet) of land.

WHEREAS the above described property was part of a 14.1737 acre tract which was impressed with the deed restrictions shown in the deed filed by John A. Jackson and recorded in Volume 1209, Page 823 of the Deed Records of Collin County, Texas, which restrictions currently read as follows:

Any building constructed on the above described property shall be a maximum of three stories as the term is defined in the Comprehensive Zoning Ordinance of the City of Dallas and shall be allowed an additional height on the roof for parapets, mechanical equipment, and/or mechanical penthouse not to exceed 12 feet as measured from the roof surface to the top of the tallest parapet, equipment, or penthouse.

WHEREAS, after all required notice and public hearings, the owner of the above described property hereby amends the above described deed restrictions and enlarges the property burdened by these requirements;

NOW THEREFORE, the undersigned, Watson & Taylor Companies, the owner of the following described property situated in Collin County, Texas, being in particular a tract of land out of the McGimp Bays Survey, Abstract No. 65, City Block 8763, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to Watson & Taylor Companies by Tony Oliver, Michael Bowen and Bowen Auburn Joint Venture, by deeds, and recorded in Volume 2022, Pages 683, 678 and 671 in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin for corner of the intersection of the east line of Dallas Parkway (a 125 foot right-of-way) with the south line of Haverwood Lane (a 64 foot right-of-way);

THENCE S. 89° 58' 00" E., 1263.25 feet along the said south line of Haverwood Lane to an iron pin for corner on the centerline of Pear Ridge Drive (a proposed 64 foot right-of-way);

THENCE S. 0° 01' 21" E., 430.38 feet along the said centerline of Pear Ridge Drive to an iron pin for corner;

THENCE N. 89° 58' 00" W., 1263.46 feet to an iron pin for corner on the said east line of Dallas Parkway;

THENCE N. 0° 00' 19" E., 430.38 feet along the said east line of Dallas Parkway to the Point of Beginning and containing 12.482 acres (543,723 square feet) of land.

Watson & Taylor Companies, does hereby impress all of the above described property with the following deed restrictions, to-wit:

- 1) The floor area ratio, as defined in the Dallas Development Code, as amended ("the Code") shall not exceed three to one.
- 2) A landscape plan for the property must be approved by the City Plan Commission prior to the issuance of a building permit for any structure on the property.
- 3) No structure may exceed 175 feet in height, as measured in accordance with the provisions of the Code.
- 4) No above grade parking structure is allowed within the shaded area shown in Exhibit A. This area is defined as: beginning at the intersection of the south right-of-way (R.O.W.) line of Haverwood Lane with the west R.O.W. line of Pear Ridge Drive; thence in a westerly direction along the southern R.O.W. line of Haverwood Lane, 473.5 feet; thence in a southerly direction along a line parallel to the west R.O.W. line of Pear Ridge Drive, 237.38 feet; thence in an easterly direction along a line parallel to the southern R.O.W. line of Haverwood Lane, 348.5 feet; thence in a southerly direction along a line parallel to the west R.O.W. line of Pear Ridge Drive, 193 feet; thence along the southern boundary line of the property 125 feet

to its intersection with the west R.O.W. line of Pear Ridge Drive; thence in a northerly direction along the west R.O.W. line of Pear Ridge Drive to the place of beginning.

5) The front yard setback as defined in the Code, along Pear Ridge Drive shall comply with the Dallas Development Code as amended except that, for any building erected or altered to exceed 36 feet in height, as defined by the Code, an additional setback must be provided that equals three feet for every one foot in height for that portion of the building that exceeds 36 feet. The additional setback is only required for that portion of a building that exceeds 36 feet in height, (see Exhibit A).

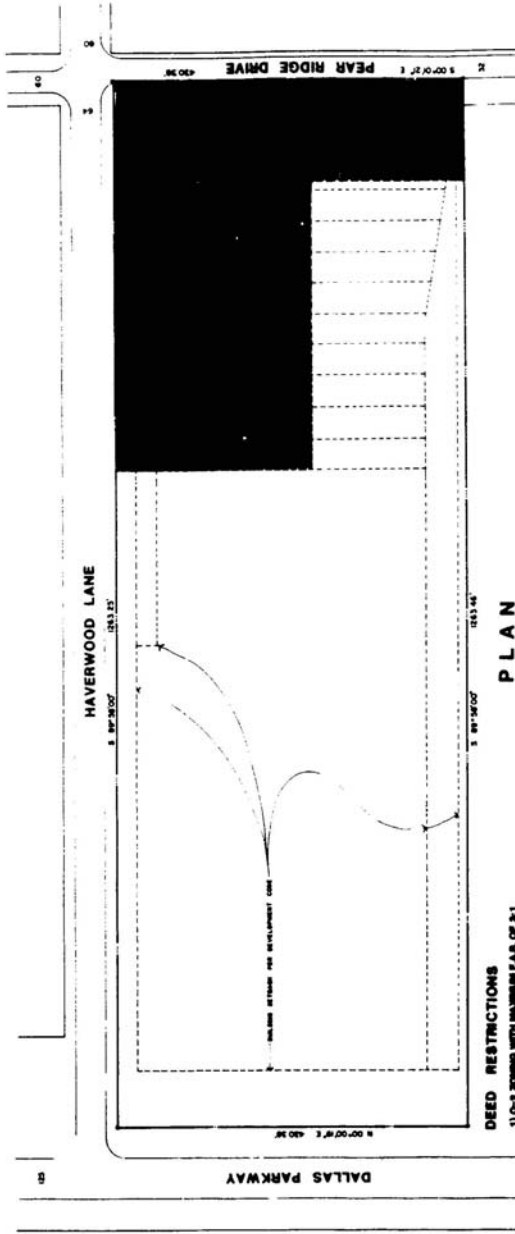
These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless terminated in the manner specified herein.

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 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 or 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.

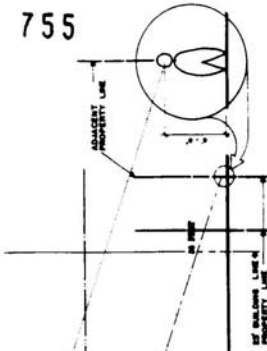
2433 755



DEED RESTRICTIONS

- 1) C-1 ZONING WITH MAXIMUM F.A.S. OF 3:1
- 2) SHARED AREA OF PLANT SHALL NOT PERMIT ANY OTHER TYPE OF DEVELOPMENT, BUT SHALL PERMIT SURFACE PAVEDS.
- 3) THE CITY PLANNING COMMISSION SHALL APPROVE A LANDSCAPE PLAN PRIOR TO GRANTING OF ANY BUILDING PERMITS.
- 4) MAXIMUM BUILDING HEIGHT: 17'

HEIGHT ENVELOPE



SECTION

DEED RESTRICTED PLAN

EXHIBIT A



AUBURN PARK
TEXAS
DALLAS



862403

33308

N.M. PLANNING ARCHITECTURE
REGISTERED ARCHITECTS AND ENGINEERS DALLAS, TEXAS