

Approved as to form:
SAM LINDSAY, City Attorney

COUNCIL CHAMBER
August 9, 1995

952728

By 
Assistant City Attorney

WHEREAS, the City Council on August 22, 1979 passed Resolution No. 792449 providing for the acceptance of two deed restriction instruments submitted in conjunction with an application for a change of zoning to an O-2 Office District on two tracts of land, one labeled as Tract 6b at the northwest corner of Timberglen Road and Pear Ridge Drive, and one labeled as Tract 7 at the northeast corner of the Dallas North Tollway and Timberglen Road involving Zoning File No. ~~Z789-213/4842-N~~; and

WHEREAS, the City Council on June 4, 1986 passed Resolution No. 861719 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 southwest corner of Timberglen Road and Pear Ridge Drive involving Zoning File No. Z834-415/4842-N; and

WHEREAS, application has been made to terminate the deed restrictions in conjunction with a request for a change of zoning to an MF-2(SAH) Multifamily (Standard Affordable Housing) District on property on the north side of Timberglen Road between the Dallas North Tollway and Pear Ridge Drive and on property at the southwest corner of Timberglen Road and Pear Ridge Drive involving Zoning File No. Z945-143/4842-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 9, 1995 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, instruments providing for the termination of the existing deed restrictions and instruments containing the new deed restrictions have been approved as to form; Now Therefore; and

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

Section 1. That the attached instruments providing for the termination of the existing deed restrictions be and are hereby accepted by the City Council of the City of Dallas, Texas.

Section 2. That the attached instruments providing for the new deed restrictions 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 an MF-2(SAH) Multifamily (Standard Affordable Housing) District as described in Ordinance No. _____

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

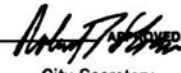
Section 3. That this resolution shall take effect after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

AUG 9 1995

APPROVED  APPROVED

HEAD OF DEPARTMENT

APPROVED  APPROVED

DIRECTOR OF FINANCE

City Secretary

APPROVED _____
CITY MANAGER

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TERMINATION OF DEED RESTRICTIONS

THE STATE OF TEXAS }
COUNTY OF COLLIN }

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Presbyterian Healthcare System, a Texas non-profit corporation, (the "OWNER"), is the owner of the following described property (the "PROPERTY"), being in particular a tract of land out of the M. Bayes Survey, Abstract No. 65, being in City Block 8763, City of Dallas ("City"), Collin County, Texas, and being the same tracts of land conveyed to Presbyterian Medical Center (predecessor in interest to Presbyterian Healthcare System) by John A. Jackson, by deed dated December 20, 1979, and recorded in Volume 1216, Page 374, in the Deed Records of Collin County, Texas, and to Presbyterian Medical Center (predecessor in interest to Presbyterian Healthcare System) by John A. Jackson, by deed dated September 24, 1980, and recorded in Volume 1307, Page 679, in the Deed Records of Collin County, Texas, and being more fully described on Exhibit "A" attached hereto and made a part hereof.

II.

The PROPERTY was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated August 9, 1979, signed by John A. Jackson and recorded in Volume 1209, Page 826, 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:

That the property shall only be used for a hospital and related medical facilities, including a medical office building and a nursing home.

2789 - 213/4842-N

2945 - 143/4842-N

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. 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 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 termination.

VII.

Unless stated otherwise in this instrument, 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 instrument as if recited in this instrument.

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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.

EXECUTED this the 7 day of Aug, 1995.

Presbyterian Healthcare System

By: Thomas S. Palmer
Name: THOMAS S. PALMER
Title: Vice Pres.

APPROVED AS TO FORM:
SAM A. LINDSAY, City Attorney

By: [Signature]
Assistant City Attorney


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VERIFICATION

STATE OF TEXAS }
COUNTY OF DALLAS }

This instrument was acknowledged before me on August
7th, 1995, by Thomas S. Palmer,
Vice President of Presbyterian Healthcare System, a
Texas non-profit corporation, on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th
day of August, 1995.


Notary Public

My commission expires _____



FIELD NOTES

BEING a tract of land situated in the M. Dayes Survey, Abstract No. 65, and being part of a 10.670 acre tract conveyed to John A. Jackson as recorded in Volume 1606, Page 700, Deed Records of Collin County, Texas and being part of a 10.004 acre tract conveyed to Presbyterian Medical Center as recorded in Volume 1216, Page 374 and part of a 10.009 acre tract conveyed to Presbyterian Medical Center as recorded in Volume 1307, Page 679 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the west line of Pear Ridge Road (64 feet wide) and the north line of Timberglen Road (64 feet wide);

THENCE North 89 degrees 58 minutes 00 seconds West, along said north line of Timberglen, a distance of 1176.37 feet to a point for corner;

THENCE North 33 degrees 24 minutes 40 seconds West, a distance of 21.57 feet to a point for corner;

THENCE North 00 degrees 00 minutes 19 seconds East, along the east line for the Dallas Parkway a distance of 847.65 feet to a point for corner;

THENCE South 89 degrees 58 minutes, 00 seconds East, a distance of 1187.83 feet to a point for corner;

THENCE South 00 degrees 01 minutes 21 seconds East, along the west line of Pear Ridge, a distance of 865.65 feet to the point of BEGINNING AND CONTAINING 23.6070 acres of land more or less.

HOSPITAL

Exhibit "B"

DEED RESTRICTIONS FOR TRACT 7

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THE STATE OF TEXAS)
COUNTY OF COLLIN)

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, JOHN A. JACKSON, is the owner of the following described property situated in Collin County, Texas, being in particular a 20.0132 acre tract of land out of a 326.67 acre tract as described in deed to John A. Jackson recorded in Volume 587, Page 530, Deed Records of Collin County, Texas, said 20.0132 acre tract of land being more particularly described as follows:

COMMENCING, at the intersection of the north right-of way line of Frankford Road, as established by existing fence line, with the east right-of way line of Addison Road, as established by existing fence line and prior to widening, said point being the most southwesterly corner of said Jackson tract;

THENCE, N 00°00'19" E, with said line of Addison Road and with the west line of said Jackson tract, a distance of 1,291.52 feet to the PLACE OF BEGINNING;

THENCE, N 00°00'19" E, with said line of Addison Road and with said west line of the Jackson tract, a distance of 897.65 feet to a point for corner;

THENCE, S 89°58'00" E, at 47.50 feet pass the east line of a strip of land conveyed by John A. Jackson, et ux., to Collin County for right-of-way purposes, in all, a distance of 970.95 feet to a point for corner;

THENCE, S 00°01'21" E, a distance of 897.65 feet to a point for corner;

THENCE, N 89°58'00" W, at 923.89 feet pass the east line of said right-of-way conveyance, in all, a distance of 971.39 feet to the PLACE OF BEGINNING;

CONTAINING, 871,779.02 square feet, of which 42,638.20 square feet lie within said right-of-way conveyance, leaving a net area of 829,140.82 square feet, or 19.0344 acres of land.

That the undersigned, JOHN A. JACKSON, does hereby impress all of the above described property with the following deed restrictions, to wit:

- o That the property shall only be used for a hospital and related medical facilities, including a medical office building and a nursing home. •

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.

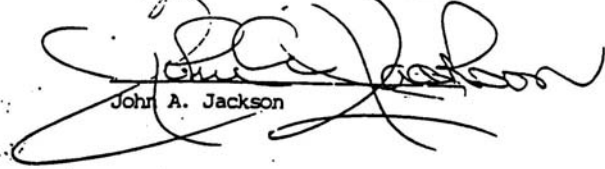
The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

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 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 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.

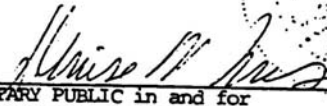
EXECUTED this the 9th day of August, 1975



John A. Jackson

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public in and for County, Texas, on this day personally appeared JOHN A. JACKSON 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 herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 4th day of August, 1974


NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS

Approved as to form:
LEE E. HOLT, City Attorney
By 
Assistant City Attorney