

**WHEREAS**, deed restrictions were volunteered in conjunction with a request for a CH Clustered Housing District which was approved by the City Council on October 26, 1994, on Zoning Case No. Z934-271/4970-N on property on the west side of the Dallas North Tollway, south of Haverwood Lane; and

**WHEREAS**, application has been made to amend the deed restrictions on the property referenced as Tract 3 in the deed restriction instrument as part of Zoning File No. Z967-207/4970-NC(CR);

**WHEREAS**, the City Council at a public hearing on June 11, 1997 approved the amendment to the deed restrictions in accordance with the recommendation of the City Plan Commission; and

**WHEREAS**, an instrument providing for the amendment to said deed restrictions has been approved as to form; Now, Therefore,

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

**Section 1.** That the deed restrictions 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 a CH Clustered Housing District as described in Ordinance No. 22233.

**Section 2.** That said instrument shall be filed in the Deed Records of Collin 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.

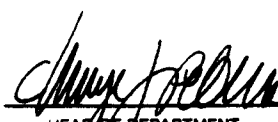
**APPROVED BY  
CITY COUNCIL**

**JUN 18 1997**

  
City Secretary

Approved as to form:  
**SAM LINDSAY, City Attorney**

By   
Assistant City Attorney

APPROVED   
HEAD OF DEPARTMENT

APPROVED   
DIRECTOR OF FINANCE

APPROVED   
CITY MANAGER



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- B. No certificate of occupancy or final inspection shall be applied for on Tract 3 until the section of buffer within Tract 3 is in place. No certificate of occupancy shall be applied for on Tract 4 until the section of buffer within Tract 4 is in place.
- C. The maintenance of the buffer landscaping, irrigation system and wall within Tract 3 shall be the responsibility of the owner of Tract 3. The maintenance of the buffer landscaping, irrigation system and wall within Tract 4 shall be the responsibility of the owner of Tract 4."

## IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions, and notice of such public hearings was given as would have been required by law for a zoning change on the Property.

## V.

That the Owner certifies and represents that there are no liens or mortgages, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

## VI.

The invalidation of any provision in 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.

## VII.

That it is expressly stipulated and understood that the amendment of the landscape buffer restriction accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated October 12, 1994, and recorded in Clerk's File No. 94-0098896 of the Deed Records of Collin County, Texas, shall remain in full force and effect except as amended by Paragraph III of this document. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED this the 13 day of June, 1997.

Buca LaSalle, L.P., Owner  
a Texas Limited Partnership

APPROVED AS TO FORM:

By: Buca LaSalle Genpar, Inc.  
a Texas Corp.,  
General Partner

SAM A. LINDSAY, City Attorney

By:

Robert H. Osimetha

By: [Signature]  
Taylor Stone

Title: Vice President

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

By: [Signature]

Title: Vice President  
First American Bank Texas

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on June 13, 1997 by Taylor Stone, Vice President of Buca LaSalle, GenPar, Inc., a Texas Corp., on behalf of said corporation as general partner of Buca LaSalle, L.P., a Texas Limited Partnership, on behalf of said limited partnership.



Cassandra Wilson  
Notary Public, State of Texas

1-27-01

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on June 13, 1997 by Timothy Young Vice President of First American Bank Texas, on behalf of said bank.



Cassandra Wilson  
Notary Public, State of Texas

1-27-01

CERTIFIED COPY OF RESOLUTIONS  
OF THE BOARD OF DIRECTORS  
BUCA LASALLE GENPAR, INC.  
A TEXAS CORPORATION

The undersigned, Taylor N. Stone, Secretary of Buca LaSalle GenPar, Inc. (the "Corporation"), a corporation organized and existing under the laws of the State of Texas, hereby certifies that the following is a true and correct copy of resolutions adopted at a meeting (duly convened where a quorum of directors was present) of, or by the unanimous written consent of, the members of the Board of Directors of the Corporation, that none of such resolutions has been amended, modified or repealed in any respect and that all of such resolutions are in full force and effect on the date hereof:

WHEREAS, Buca LaSalle, L.P., a Texas limited partnership (the "Partnership") is the owner of a tract of land out of the McGimp Bays Survey, Abstract No. 65, City Block 8739, City of Dallas, Collin County, Texas, and being that same tract of land conveyed to the Partnership by Sabu Villa Estates, Inc. by Special Warranty Deed dated August 22, 1996, recorded under Clerk's File No. 96-0073152, Deed Records, Collin County, Texas; and

WHEREAS, the Corporation is the general partner of the Partnership.

NOW THEREFORE, BE IT RESOLVED, that the President or any Vice President of the Corporation, acting together or any one acting alone, be, and they hereby are, authorized on behalf of and in the name of the Corporation to authorize the Corporation, as general partner of the Partnership to execute those certain Amended Deed Restrictions (the "Restrictions") attached hereto as Exhibit A and made a part hereof for all purposes, and such officers are authorized to execute and deliver other instruments or documents necessary or desirable in connection with such Restrictions; and further,



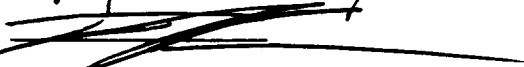
RESOLVED, that the Secretary or any Assistant Secretary of the Corporation be, and each is hereby, authorized, empowered and directed to certify and attest to any documents which he may deem necessary or appropriate to consummate the transactions contemplated hereby; provided that such attestation shall not be required for the validity of the particular documents; and further

RESOLVED, that the affixing of the corporate seal or the attestation of the Secretary or the Assistant Secretary of the Corporation shall not be required to make any instruments, documents or assurances utilized in consummating the transactions contemplated hereby valid, binding and enforceable upon the Corporation; and further

RESOLVED, that the Corporation ratifies the actions previously taken by the officers of the Corporation or anyone of them acting alone, in connection with the transactions contemplated hereby, and all actions taken incidental thereto; and further

RESOLVED, that the authority conferred upon the aforesaid officers by the above resolutions shall remain in full force and effect until written notice of revocation by further resolution of this Board of Directors.

The undersigned further certifies that the officers of the Corporation hereunder set forth shall have been duly elected and hold the office as specified with the Corporation, and that the signature set forth beside each person's name is the true signature of such person:

NAME	TITLE	SIGNATURE
R. Jerry Stone, Jr.	President	
R. Jerry Stone, III	Vice President	
Taylor N. Stone	Vice President, Secretary and Treasurer	

To certify which, witness my hand as of the 12th day of June 1997.

  
Taylor N. Stone, Secretary

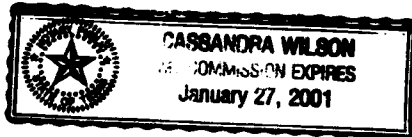
STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Taylor N. Stone, Secretary of Buca LaSalle GenPar, Inc., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13 day of June, 1997.

Cassandra Wilson  
Notary Public, State of Texas

My Commission Expires:  
1-27-01



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1 dwa 6/12/97

THE STATE OF TEXAS :

THE COUNTY OF DALLAS :

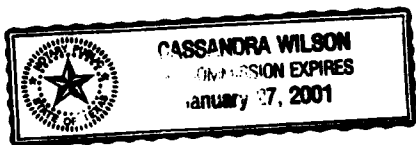
AFFIDAVIT OF STEVE CHAPMAN

BEFORE ME, the undersigned authority, on this date personally appeared Steve Chapman, known to me, and who, being by me duly sworn, on oath deposed and said:

1. My name is Steve Chapman. I am above the age of eighteen (18) years and competent to make this Affidavit. All of the matters stated and set forth in the Affidavit are true and correct and within my personal knowledge.
2. I am a Senior Vice President of FIRST AMERICAN BANK TEXAS, SSB, a Texas state savings bank ("First American").
3. I hereby certify that TIMOTHY C. YOUNG has been duly appointed and qualified as, and is, a Vice President of First American. As such officer of First American, he has and possesses the authority to enter into, execute, and deliver joinders, consents, approvals and authorizations on behalf of and in the name of First American in connection with or related in any manner to construction of improvements by borrowers pursuant to First American loans.
4. FURTHER, AFFIANT SAYETH NOT.

  
 STEVE CHAPMAN

SUBSCRIBED AND SWORN TO before me by the said STEVE CHAPMAN this 13  
 day of June, 1997.



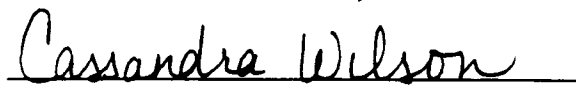
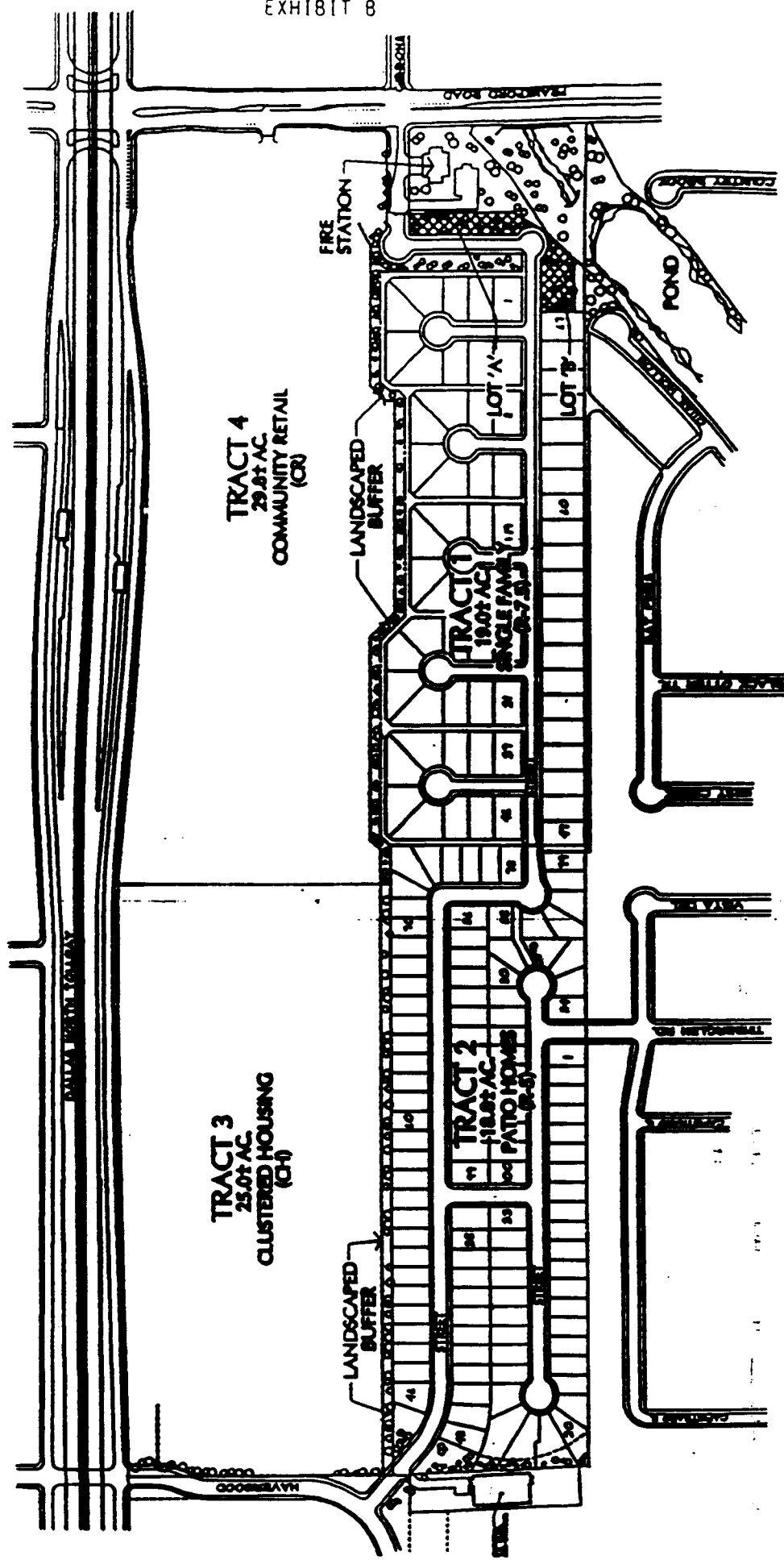
  
 Notary Public, State of Texas

EXHIBIT B



REVISED 10-06-94

TRACTMAP  
PACIFIC UNITED  
PLANNERS

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TRACTMAP



