

WHEREAS, deed restrictions were volunteered in conjunction with a request for an MF-1(SAH) Multifamily (Standard Affordable Housing) District which was approved by the City Council on September 8, 1993, involving Zoning Case Z923-254/9041-N on property on the north side of Frankford Road, west of Coit Road; and

WHEREAS, application has been made to amend said deed restrictions as part of Zoning File Z945-198/9041-N; and

WHEREAS, the City Council at a public hearing on June 28, 1995 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 amended 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 an MF-1(SAH) Multifamily (Standard Affordable Housing) District as described in Ordinance No. 21793.

Section 2. That said deed restrictions 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 28 1995

*Robert T. Horn*  
City Secretary

Approved as to form:  
SAM LINDSAY, City Attorney

By *[Signature]*  
Assistant City Attorney

APPROVED *[Signature]*  
HEAD OF DEPARTMENT

APPROVED \_\_\_\_\_  
DIRECTOR OF FINANCE

APPROVED \_\_\_\_\_  
CITY MANAGER

FIRST AMENDMENT TO  
DEED RESTRICTIONS DATED  
SEPTEMBER 2, 1993

THE STATE OF TEXAS )  
 )  
COUNTY OF COLLIN )

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Ewing Industries - Buena Vista Limited Partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Martha McBride Survey, Abstract No. 553, City Block A/8759, City of Dallas ("City"), Collin County, Texas, conveyed to Ewing Industries - Buena Vista Limited Partnership, by Deed dated September 20, 1994, and recorded under Clerk's file #94-0086522 in the Deed Records of Collin County, Texas, and being more particularly described as follows (hereinafter called the "Property"):

Being a 31.1859 acre tract of land located in the MARTHA MCBRIDE SURVEY, ABSTRACT NO. 553, COLLIN, County Texas, and being a portion of the tract of land conveyed to Sunbelt Savings, F.S.B., according to the Substitute Trustee's Deed recorded in Volume 3193, Page 524, Deed Records, COLLIN County, Texas, and all of that tract 2.983 acre tract conveyed to Amakasu Investment, America, Inc. by Coit/Frankford Partners by deed recorded in Volume 2470, Page 947, Deed Records, COLLIN County, Texas; and a portion of Monroe Court, a public right-of-way, as created by the plat recorded in Cabinet G, Slide 45, Map Records, COLLIN County, Texas; said 31.1859 acre tract of land being more particularly described as follows:

BEGINNING at a 1-inch iron rod found on the west line of said Sunbelt Savings tract at its intersection with the North right-of-way line of Frankford Road (100 feet wide); said point being also the current southeast corner of a tract of land conveyed to Trustees, E-Systems, Inc., Pool Trust by deed recorded in Volume 1303, Page 54, Deed Records, Collin County, Texas;

THENCE North 00 degrees 41 minutes 15 seconds East, with the west line of the said Sunbelt Savings Tract and the east line of said Trustee, E-Systems, Inc. Pool Trust tract, a distance of 1115.71 feet to a 1/2 inch iron rod with "A.S.&B." cap found for corner on the south right-of-way line of proposed State Highway No. 190 (variable width right-of-way);

THENCE with the south right-of-way line of said proposed State Highway No. 190 the following metes and bounds:

South 63 degrees 08 minutes 13 seconds East, a distance of 155.72 feet to a 1/2 inch iron rod with "A.S.&B." cap found for an angle point;

South 65 degrees 36 minutes 37 seconds East, a distance of 308.27 feet to a 1/2 inch iron rod with "A.S.&B." cap found for an angle with point;

South 67 degrees 03 minutes 53 seconds East, a distance of 192.48 feet to a 1/2 inch iron rod with "A.S.&B." cap found for an angle point;

South 69 degrees 59 minutes 56 seconds East, at a distance of 112.52 feet past a 1/2 inch iron rod with "Brittain & Crawford" cap found; continuing, in all a total distance of 115.29 feet to a 1/2 inch iron rod with "Brittain & Crawford" cap found for an angle point;

South 70 degrees 41 minutes 30 seconds East, a distance of 486.53 feet to a 5/8 inch iron rod with "Gonzalez & Schneeberg" cap set for an angle point;

South 73 degrees 00 minutes 42 seconds East, a distance of 387.18 feet to a 1/2 inch iron rod with "A.S.&B." cap found for the northwest corner of said 2.9832 acre tract;

South 74 degrees 38 minutes 46 seconds East, a distance of 272.13 feet to a 1/2 inch iron rod with "A.S.&B." cap found for the northeast corner of said 2.9832 acre tract; said point being also the northwest corner of Lot 1, Block A, of the COIT COMMONS, S.&S. ADDITION, an addition to the City of Plano;

THENCE South 00 degrees 20 minutes 45 seconds West, with the west line of said Coit Commons, a distance of 459.83 feet to a 1/2 inch iron rod with "Powell & Powell" cap found for corner on the north right-of-way line of said Frankford Road;

THENCE North 89 degrees 55 minutes 33 seconds West, with the north right-of-way line of said Frankford Road, at a distance of 263.64 feet past a 1/2 inch iron rod with "Brittain & Crawford" cap found on said north right-of-way line of Frankford Road, said point being the southwest corner of said 2.9832 acre tract; continuing with said north right-of-way line of Frankford Road, at an additional distance of 783.03 feet pass a 1/2 inch iron rod with "Brittain & Crawford" cap found for the most southeasterly corner of the eastern corner clip of said Monroe Court; continuing with said north right-of-way line of Frankford Road at an additional distance of 85.01 feet pass a 1/2 inch iron rod with "Brittain & Crawford" cap found for the most southwesterly corner of the western corner clip of said Monroe Court; continuing, with said north right-of-way line of Frankford Road, in all, a distance of 1807.75 feet to the PLACE OF BEGINNING;

CONTAINING 1,358,457 square feet or 31.1859 acres of land, more or less.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated September 2, 1993, signed by David L. Frankfurt, President of Frankfurt Properties, Inc. and recorded under Clerk's File No. 93-0077460 in the real property records of Collin County, Texas.

III.

The Owner of the Property does hereby amend restriction number 2 of the Original Restrictions to read as follows:

2. A six-foot high brick, stone, masonry, stucco or concrete screening/retaining wall will be constructed generally parallel to the southern boundary line of the Property, except where altered to connect with driveway openings. Additionally, a six-foot high wood screening fence will be constructed generally parallel to the east, west and north lines of the Property. Driveway openings shall be permitted in the six-foot high screening/retaining wall at such locations selected by Owner. Such wall and fence shall be constructed prior to the issuance of a certificate of occupancy by the City of Dallas, Texas for the Property. Landscaping and berm areas may be installed on the Property between the location of the six-foot high screening/retaining wall and the southern boundary of the Property.

The preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City of Dallas 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.

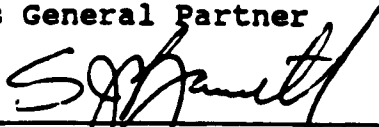
V.

That it is expressly stipulated and understood that the amendment of the screen wall restriction accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, except as amended hereby, and that all restrictions and provisions contained in the deed restriction instrument dated September 2, 1993 and recorded under clerk[s File No. 93-0077460 in the real property 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<sup>th</sup> day of June, 1995.

Ewing Industries - Buena Vista  
Limited Partnership

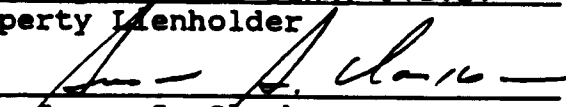
By: Ewing Industries II, L.C.,  
Its General Partner



By: S. Joseph Barrett  
Vice President

CONSENT AND CONCURRENCE OF  
LIENHOLDER

Guaranty Federal Bank, F.S.B.  
Property Lienholder

By:   
Susan S. Clarkson

Title: Vice President

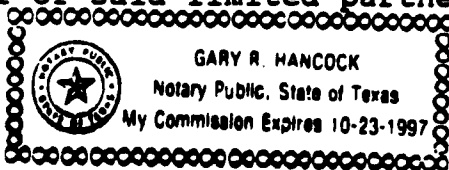
APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By:   
Susan Fernandez  
Assistant City Attorney

STATE OF TEXAS )  
 )  
COUNTY OF DALLAS )

The foregoing instrument was acknowledged before me on June 13<sup>th</sup>, 1995, by S. Joseph Barrett, Vice President of Ewing Industries II, L.C., a Texas Limited Liability Corporation, on behalf of said company as general partner of Ewing Industries - Buena Vista Limited Partnership, a Texas Limited Partnership, on behalf of said limited partnership.

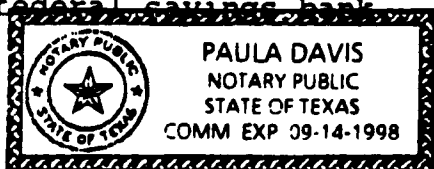


*[Signature]*  
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Notary Public, State of Texas  
*GARY R. HANCOCK*  
\_\_\_\_\_  
Printed Name of Notary Public

My commission expires  
10-23-97.

STATE OF TEXAS )  
 )  
COUNTY OF DALLAS )

The foregoing instrument was acknowledged before me on June 13<sup>th</sup>, 1995, by Susan S. Clarkson, Vice President of Guaranty Federal Bank, F.S.B., a federal savings bank, on behalf of said federal savings bank.



*Paula Davis*  
\_\_\_\_\_  
Notary Public, State of Texas  
\_\_\_\_\_  
Printed Name of Notary Public

My commission expires  
\_\_\_\_\_.