

November 13, 2002

WHEREAS, the amended deed restrictions in the attached instrument have been volunteered in connection with property located at the northwest corner of Preston Road and Keller Springs Road, which is the subject of Zoning Case No. Z012-229/11696(RB); and

WHEREAS, the City Council desires to accept the amended deed restrictions in the attached instrument; Now, Therefore,

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

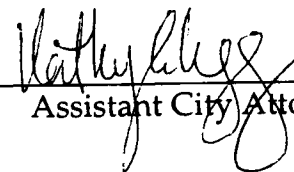
Section 1. That the amended deed restrictions in the attached instrument be and are hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property that is the subject of Zoning Case No. Z012-229/11696(RB).

Section 2. That these amended deed restrictions must be filed in the Deed Records of Dallas County, Texas.

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

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

NOV 13 2002


City Secretary

APPROVED 
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

AMENDMENT TO DEED RESTRICTIONS

THE STATE OF TEXAS)
)
 COUNTY OF Dallas)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, City of Dallas, a municipal corporation, and 5900 Keller Springs, L.P., a Texas Limited Partnership (collectively, the "Owner"), are the owners of the following described property ("the Property"), being in particular a tract of land out of the E. Cook Survey, Abstract No. 327, part of City Blocks 8214 and A/8214, City of Dallas ("City"), Dallas County, Texas, and being the following tracts of land:

1. Land conveyed to City of Dallas et al by Dallas County, Texas, by deed dated March 10, 1997, and recorded in Volume 97058, Page 1723, in the Deed Records of Dallas County, Texas;
2. Land conveyed to City of Dallas by Dallas County, Texas, by deed dated May 15, 1996, and recorded in Volume 96114, Page 937, in the Deed Records of Dallas County, Texas;
3. Land conveyed to 5900 Keller Springs, L.P. by J. Ringer Custom Homes, Inc., by deed dated April 30, 2002, and recorded in Volume 2002094, Page 1311, in the Deed Records of Dallas County, Texas;

and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated July 26, 1979, signed by Lewis Cook, President of Aurora Properties, Inc. and recorded in Volume 79167, Page 0391, of the Deed Records of Dallas 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.

That the Owner does hereby amend restriction number 1-4 of the Original Restrictions, and add restriction number 5 to read as follows:

(INSERT AMENDED RESTRICTIONS. UNDERSCORE NEW AND STRIKEOUT OLD)

1. The undersigned owner and its successors or assigns do hereby agree that no more than ~~six (6)~~ seven (7) dwelling units as defined in ~~the Comprehensive General Zoning Ordinance of the City of Dallas Chapter 51A of the Dallas Development Code~~ will be constructed on said tract.
2. The undersigned owner and its successors or assigns do hereby agree that a ~~wooden~~-fence with ~~brick columns set on thirty-foot centers~~ will be constructed along the north property line of said tract from the right-of-way line of Preston Road to the rear of the northwestern most lot as will be platted on said tract.
3. The undersigned owner and its successors or assigns do hereby agree that all buildings constructed on lots abutting the north property line of said tract will not exceed twenty-four (24) feet in height as defined in Chapter 51A of the Dallas Development Code and that all other buildings constructed on said tract will not exceed twenty-eight (28) feet in height, as defined in Chapter 51A of the Dallas Development Code. Further, the undersigned owner and its successors or assigns do hereby agree that the distance between the finished floor elevation and the top roof ridge on said buildings shall not exceed thirty-six (36) feet.
4. The undersigned owner and its successors or assigns do hereby agree that all buildings will be constructed on said tract without ~~common~~ party walls and in the design of free standing and detached single-family dwelling units as defined in ~~the Comprehensive General Ordinance of the City of Dallas Chapter 51A of the Dallas Development Code~~.
5. The undersigned owner and their successors or assigns do hereby agree that egress from the subject property to the Preston Road frontage road will be right-turn only.

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 hearing 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 amendment becomes effective.

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.

That 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.

VII.

That it is expressly stipulated and understood that the preceding amendment of restriction number(s) 1-4 and the addition of restriction number 5 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 ~~August~~^{July} 26, 1979, and recorded in Clerk's File No. 1670188 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this instrument. 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 at the City of Dallas, Dallas County, Texas, this the 26 day of Sept, 2002.

5900 Keller Springs, L.P.

Owner

By: J. Ringer Custom Homes, Inc., General Partner

By: 

Printed Name: Jurgen Ringer, President

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Inwood National Bank

Owner


By: Michael G. Hartley *SVP*

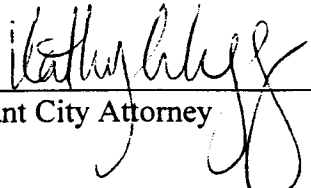
Printed Name: Michael G. Hartley

Title: Senior Vice President

CITY OF DALLAS
Teodoro J. Benavides, City Manager

APPROVED AS TO FORM:
MADELEINE B. JOHNSON, City Attorney

By: 
Assistant City Manager

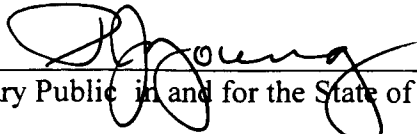
By: 
Assistant City Attorney

ATTEST:
Shirley Acy, City Secretary

By: _____

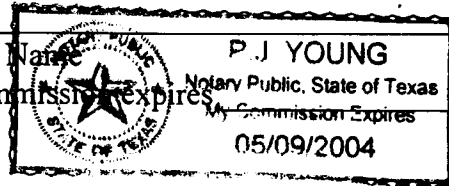
STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on 11-13-, 2002 by
Ryan Evans, Assistant City Manager of the City of Dallas, a Texas municipal corporation.



Notary Public in and for the State of Texas

Printed Name
My commission expires

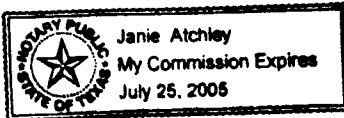


STATUTORY FORMS OF ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF DALLAS

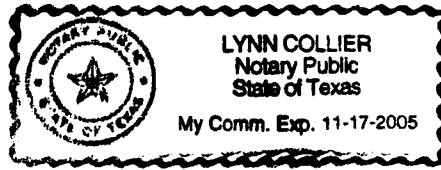
This instrument was acknowledged before me on Oct 31, 2002 by Jurgen Ringer, President of J. Ringer Custom Homes, Inc. on behalf of J. Ringer Custom Homes, Inc., and the corporation executed this instrument as partner on behalf of 5900 Keller Springs, L.P., a Texas limited partnership.



Janie Atchley
 Notary Public in and for the State of Texas

JANIE ATCHLEY
 Printed Name
 My commission expires July 25, 05

STATUTORY FORMS OF ACKNOWLEDGEMENT



STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on 10/17/02, 200 by
Michael G. Hartley, SR of Inwood National, on behalf of
Bank

Lynn Collier
 Notary Public in and for the State of Texas

Lynn Collier
 Printed Name
 My commission expires 11/17/05

EXHIBIT "A"

Being a tract of land consisting of the following:

1. All of Block A/8214 of the City of Dallas, all of a tract of land deeded to 5900 Keller Springs, L.P. from J. Ringer Custom Homes, Inc. as recorded in Volume 2002094, Page 1311, of the Deed Records, Dallas County, Texas;
2. Part of Block 8214 of the City of Dallas, commonly known as 5861 Keller Springs Road as deeded to the City of Dallas et al., as recorded in Volume 97058, Page 1723 of the Deed Records, Dallas County, Texas; and
3. Part of Block 8214 of the City of Dallas, commonly known as 5901 Keller Springs Road as deeded to the City of Dallas et al., as recorded in Volume 96114, Page 0937 of the Deed Records, Dallas County, Texas;

All above-referenced property is hereby collectively described as follows:

BEGINNING at an iron rod for corner in the present West line of Preston Road said point being the Northeast corner of said J. Ringer Custom Homes Inc. tract;

THENCE South 0 degrees 02 minutes East with the said present West line of Preston Road a distance of 135.5 feet to an iron rod for corner;

THENCE South 44 degrees 58 minutes West with a R.O.W. clip a distance of 90.77 feet to an iron rod for corner in the present North line of Keller Springs Road;

THENCE South 89 degrees 58 minutes West with the said present North line of Keller Springs Road a distance of 225.0 feet to an iron rod for corner;

THENCE South 64 degrees 58 minutes West with the said present North line of Keller Springs Road a distance of 322.0 feet to an iron rod for corner;

THENCE South 52 degrees 26 minutes 13 seconds West with the said present North line of Keller Springs Road a distance of 277.80 feet to an iron rod for corner in the West line of said City of Dallas et al Tract;

THENCE North 2 degrees 17 minutes 06 seconds West a distance of 505.95 feet to an iron rod for corner at the Northwest corner of said City of Dallas et al Tract;

THENCE North 90 Degrees 00 minutes 00 seconds East with the North lines of said City of Dallas et al Tracts and 5900 Keller Springs, L.P. Tract a distance of 821.2 feet to the Place of Beginning and containing 5.318 acres of land, more or less.

792464

EXHIBIT "B"

DEED RECORD

DEED RESTRICTIONS: A 0123 0 9.00 DEED
1 08/27/79

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the undersigned, AURORA PROPERTIES, INC. is the owner of the following-described properties situated in Dallas County, Texas, being a particular tract of land situated in the E. Cook Survey, Abstract No. 327 of Dallas County, Texas, and being in the City of Dallas, Block No. 8214, and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

That the undersigned, AURORA PROPERTIES, INC., does hereby impress all of the above-described property with the following deed restrictions, to-wit:

1. The undersigned owner and its successors or assigns do hereby agree that no more than six (6) dwelling units as defined in the Comprehensive General Zoning Ordinance of the City of Dallas will be constructed on said tract.
2. The undersigned owner and its successors or assigns do hereby agree that a wooden fence with brick columns set on thirty-foot centers will be constructed along the north property line of said tract from the right-of-way line of Preston Road to the rear of the northwestern most lot as will be platted on said tract.
3. The undersigned owner and its successors or assigns do hereby agree that all buildings constructed on lots abutting the north property line of said tract will not exceed twenty-four (24) feet in height.
4. The undersigned owner and its successors or assigns do hereby agree that all buildings will be constructed on said tract without common walls and in the design of free standing and detached dwelling units as defined in the Comprehensive General Zoning Ordinance of the City of Dallas.

It is hereby declared to be the intention of the undersigned that the paragraphs, sentences, clauses and phrases of these deed restrictions are severable, and if any phrase, clause, sentence or paragraph of these deed restrictions shall be declared unconstitutional, invalid or unenforceable by the

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DEED RESTRICTIONS - Page One of Three

Z789-192/2617-N

valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences or paragraphs of the deed restrictions.

These deed 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 hearing 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 the 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 within the above-described tract, and any person by acceptance of title to any of the above-described properties

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DEED RESTRICTIONS - Page Two of Three

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shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

Executed this the 26 day of July, 1979.

AURORA PROPERTIES, INC.

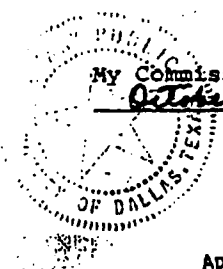
By: Lewis Cook
Lewis Cook, President

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared LEWIS COOK, whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the duly authorized act of said AURORA PROPERTIES, INC. and that he executed same as the act of such entity for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26th day of July, 1979.

Anthony A. Hayward
Notary Public in and for
Dallas County, Texas



My Commission Expires:
October 31, 1980

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

VE
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EXHIBIT "A"

PROPERTY DESCRIPTION

Being a tract of land in the E. Cook Survey Abstract No. 327 and in City Block 8214 of the City of Dallas and being part of a tract of land Deeded to Aurora Properties, Inc., from Lewis Cook & Buck Farish as recorded in Volume 75109 page 2249 Deed Records Dallas County Texas, and being described as follows;

BEGINNING at an iron rod for corner in the present West line of Preston Road said point being the Northeast corner of said Aurora Prop. Inc., tract;

THENCE South 0 degrees 02 minutes East with the said present West line of Preston Road a distance of 135.5 feet to an iron rod for corner;

THENCE South 44 degrees 38 minutes West with a R.O.W. clip a distance of 90.77 feet to an iron rod for corner in the present North line of Keller Springs Road;

THENCE South 59 degrees 58 minutes West with the said present North line of Keller Springs Road a distance of 225.0 feet to an iron rod for corner;

THENCE South 64 degrees 58 minutes West with the said present North line of Keller Springs Road a distance of 322.0 feet to iron rod for corner;

THENCE South 52 degrees 26 minutes 13 seconds West with the said present North line of Keller Springs Road a distance of 277.80 feet to and iron rod for corner in the West line of said Aurora Properties, Inc. Tract;

THENCE North 2 degrees 17 minutes 06 seconds West a distance of 505.95 feet to an iron rod for corner at the Northwest corner of said Aurora Properties, Inc. Tract;

THENCE East with the North Line of said Aurora Properties, Inc. Tract a distance of 821.2 feet to the Place of Beginning and containing 5.318 acres of land.

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L. E. Marshall

RETURN TO:
OFFICE OF THE CITY SECRETARY
ATTN: LESTER G. FORD
CITY HALL
DALLAS, TX 75201

179 AUG 24 AM 10 33

COUNTY CLERK, DALLAS COUNTY, TEXAS
L. E. Marshall



AUG 27 1979

STATE OF TEXAS
COUNTY OF DALLAS
I hereby certify that the foregoing was
properly recorded in the public
records of the County of Dallas
this 27th day of August 1979.