

November 13, 2002

WHEREAS, the amended deed restrictions in the attached instrument have been volunteered in connection with property located at the east corner of Preston Road and the St. Louis & Southwestern Railroad, which is the subject of Zoning Case No. Z012-257; 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. Z012-257.

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, Fairhill School, 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 John Becknell Survey, Abstract No. 53, part of City Block 8193, City of Dallas ("City"), Dallas County, Texas, and being part of that same tract of land conveyed to the Owner by Prestonwood West Development Company No. 1, by deed dated October 22, 1990, and recorded in Volume 90207, Page 0090, 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 December 31, 1981, signed by Prestonwood Development Company No. 1 and recorded in Volume 82081, Page 1720, 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 the Original Restrictions to read as follows:

Section 1(f) is deleted in its entirety and replaced by the following:

- (f) "So much of the subject tract as is designated in the one hundred (100) year flood plain will be preserved and maintained in its natural state, allowing no improvements whatsoever to be constructed thereon, except as required by the City of Dallas for the purpose of flood protection or as shown on Exhibit "C" attached hereto and incorporated herein by reference."

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 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 December 31, 1981, and recorded in Volume 82081, Page 1720 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 7th day of Nov, 2002.

FAIRHILL SCHOOL

Owner

By: David L. Fields

Printed Name: David Fields

Title: Chairman Emeritus + Authorized Signatory

APPROVED AS TO FORM:

MADELEINE B JOHNSON, City Attorney

By: [Signature]
Assistant City Attorney

ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF DALLAS

§
§
§

This instrument was acknowledged before me on the 7th day of November, 2002
by David L. Fields Chairman of Fairhill School, a Texas non-profit corporation, on
behalf of said corporation. Emeritus

Donna L. Johnson
Notary Public in and for the State of Texas

My Commission Expires: 2-4-05



