

June 3, 1974

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WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for Shopping Center and Flood Plain (Shopping Center) zoning which was approved by the City Council, May 1, 1974, on Zoning Case #Z73-288/196-A on property bounded by Arapaho Road on the north, Forest Bluff Drive on the east, Belt Line Road on the south and the Dallas/Addison City Limits line on the west; and

WHEREAS, said deed restrictions have been approved as to form and content; Now, Therefore,

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

- Section 1. That the deed restrictions as 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 Shopping Center and Flood Plain (Shopping Center), as described in Ordinance # 74569.
- Section 2. That said deed restrictions shall be filed with the County Clerk of Dallas County, Texas, to be recorded in the Deed Records of Dallas County, Texas, after approval thereof by the City Attorney.
- 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.

RESOLUTION UNANIMOUSLY ADOPTED

**APPROVED BY
CITY COUNCIL**

JUN 3 1974

Harold G. Shank
City Secretary

Approved as to form:

N. ALEX BICKLEY, City Attorney

BY *[Signature]*
Assistant City Attorney

APPROVED *[Signature]*
HEAD OF DEPARTMENT

APPROVED

CITY AUDITOR

APPROVED

CITY MANAGER

THE STATE OF TEXAS)
) COVENANTS OF RESTRICTION
COUNTY OF DALLAS)

WHEREAS, SIMONS LAND COMPANY, a Texas Corporation, is the owner of a certain tract of land lying and being situated in the City of Dallas, County of Dallas, State of Texas, which is described as follows:

Being a tract of land situated in the Robert Wilburn Survey, Abstract No. 1580, Dallas County, Texas and being part of City of Dallas Block Nos. B/8222 and 8222, and being more particularly described as follows:
BEGINNING at the intersection of the east line of Forest Bluff Drive and the north line of Belt Line Road;
THENCE S 89° 30' 00" W along said north line 1713.97 feet to a point in the west city limit line of Dallas, Texas;
THENCE N 3° 12' 30" W along said west line 1982.54 feet to a point in the centerline of Arapaho Road;
THENCE in a northeasterly direction along said centerline with a curve to the left, tangent bearing N 76° 57' 40" E, said curve having a central angle of 30° 40' 40" and a radius of 1152.50 feet, a distance of 617.08 feet;
THENCE N 46° 17' 00" E continuing along said centerline, 12.68 feet;
THENCE in a northeasterly direction continuing along said centerline, with a curve to the right, said curve having a central angle of 47° 58' 00" and a radius of 1152.50 feet, a distance of 964.90 feet;
THENCE S 85° 45' 00" E continuing along said centerline, 413.17 feet;
THENCE in an easterly direction continuing along said centerline, with a curve to the right, said curve having a central angle of 5° 45' 00" and a radius of 1200.00 feet, a distance of 120.43 feet;
THENCE S 80° 00' 00" E continuing along said centerline, 101.91 feet;
THENCE S 9° 14' 30" W, 324.48 feet;
THENCE S 33° 46' 45" W, 356.83 feet;
THENCE S 0° 30' 00" E, partly along the east line of Forest Bluff Drive, 1899.66 feet to the place of beginning and containing 99.585 acres of land.

WHEREAS, SIMONS LAND COMPANY has agreed with the City of Dallas to place certain restrictions upon the above land described tract in order to insure that the same will be developed in a manner consistent with the development in the adjacent area,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That SIMONS LAND COMPANY does covenant as follows:

A. Concurrent with approval of the zoning ordinance for this tract by the City of Dallas, all required streets right-of-way widening as shown on the preliminary plat approved by the City Plan Commission will be dedicated for public use by Simons Land Company.

B. Prior to the issuance of a certificate of occupancy, Simons Land Company will improve or cause to be improved, at no cost to the City of Dallas, in the manner as stated and within the rights-of-way as shown on the approved preliminary plat, the following streets;

- (1) Dallas Parkway will be improved from Belt Line Road to Keller Springs Road to provide a minimum of four lanes of moving traffic with proper intersections and turning lanes, according to city and/or county specifications.

(2) Arapaho Road will be improved from Preston Road to Dallas Parkway with six lanes of moving traffic and the proper turning and storage lanes, according to city and/or county specifications.

(3) Belt Line Road to be widened on the North side from Forest Bluff Drive to Dallas Parkway to provide a minimum of three moving traffic lanes with proper turning and storage lanes, according to city and/or county specifications.

(4) Forest Bluff Drive will be improved from Belt Line Road to Arapaho Road with four moving traffic lanes and the proper turning and storage lanes, according to city specifications.

C. All building structures will be one, two or three stories and no building will exceed 66 feet in height to the top of the mechanical penthouse.

D. All utilities, including storm drainage, will be provided to the site without any cost to the City of Dallas.

E. That uses permitted on the tract will be only those permitted under the City of Dallas Shopping Center Zoning Classification.

These covenants of restrictions are hereby declared to be covenants running with the land and shall be fully binding on all persons acquiring property within the above described area, whether by descent, devise, purchase or otherwise, and any person by the acceptance of title to any of the above described land shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants. The City of Dallas may specifically enforce restrictions, at its discretion, by judicial action by withholding permits necessary for the construction or occupancy of improvements constructed thereon, or in any other manner permitted by law. The right to enforce these restrictions is limited, however, to the City of Dallas, and no party hereafter obtaining an interest in any or all of the property hereby restricted or in any neighboring property, shall have the right to enforce such restrictions or recover damages occasioned by failure of any party to comply therewith. These restrictions shall exist for a period of twenty-five years after the date of execution thereof; however the City of Dallas may waive or terminate the restrictions herein imposed, or amend or modify them to permit additional uses of the land restricted after giving the same notice and rights to a hearing before the City Council that would be required for a change of zoning for the area encompassed by the changed restrictions under the Comprehensive Zoning Ordinance of the City of Dallas.

EXECUTED this the 24th day of May, 1974.

ATTEST:

SIMONS LAND COMPANY

Bernice P. Tate
Assistant Secretary

A. Pollard Simons
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 A. POLLARD SIMONS, President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said SIMONS LAND COMPANY, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 24th day of May, 1974.

Deta Poole
Notary Public in and for Dallas County, Texas.

Approved as to form:
N. ALEX BICKLEY, City Attorney

By [Signature]
Assistant City Attorney

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