

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a GR General Retail District zoning which was approved by the City Council on January 14, 1987, on Zoning Case #Z867-101/2003-N on property at the southeast corner of Montfort Drive and Spring Valley Road;

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 a GR General Retail District as described in Ordinance 19441.

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.

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.

This ord. has been ammended

c: Building Inspection - 2
Planning & Development - 2

Approved as to form:
ANALESLIE MUNCY, City Attorney

M357ct

APPROVED BY
CITY COUNCIL By Cynthia Holder Steiner
Assistant City Attorney

2011

JAN 14 1987

Robert S. Brown
City Secretary

APPROVED James Dwyer
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS §
 COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

A

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9.00 DEED
 10/1/507

That the undersigned, First Federal Savings and Loan of Malvern, Arkansas, is the owner of land situated in the John Witt Survey, Abstract No. 1584, being part of Block 7011, City of Dallas, and also being all of that tract described in a Special Warranty Deed from George S. Watson and A. Starke Taylor III, Trustees to Spring Valley - Montfort Associates/West by deed executed on September 10, 1982 and filed in Volume 82180, Page 2819, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "x" cut for corner at the intersection of the South line of Spring Valley Road (a 100' R.O.W.) and the East line of Montfort Road (a 50' R.O.W.);

THENCE N89° 50' 11" E along the South line of Spring Valley Road a distance of 257.26 feet to an iron rod set for corner, said iron rod being the Northwest corner of Montfort Condominiums, an addition to the City of Dallas as filed in Volume 82130, Page 1794, Deed Records, Dallas County, Texas;

THENCE S00° 21' 30" W departing the South line of Spring Valley Road and along the West line of said Montfort Condominiums a distance of 412.29 feet to an iron rod set for corner in the North line of the North Dallas Bank and Trust tract;

THENCE S89° 58' 40"W along the North line of Block 7012 and said North line of said North Dallas Bank and Trust tract, a distance of 219.05 feet to an "x" set for corner in the East right-of-way line of Montfort road;

THENCE along the East line of Montfort Road the following:

N04° 55' 02" W, a distance of 238.28 feet to an "x" set for corner;

N89° 45' 00" E, a distance of 5.02 feet to an "x" set for corner;

N05° 00' 10" W, a distance of 99.90 feet to an "x" set for corner;

S89° 45' 00" W, a distance of 5.02 feet to an "x" set for corner;

N04° 58' 26" W, a distance of 74.99 feet to the POINT OF BEGINNING and containing 97,593 square feet or 2.2404 acres of land.

That the undersigned, First Federal Savings and Loan of Malvern, Arkansas, does hereby impress all of the above-described property, hereinafter referred to as THE PROPERTY, with the following deed restrictions:

1. USES: The only uses permitted on THE PROPERTY are:
 - (i) uses permitted in the Neighborhood Services District in accordance with the Dallas Development Code, as amended;

- (ii) a service station use; (iii) a car wash use associated with the service station; (iv) a restaurant use with alcoholic beverages and/or entertainment; and (v) a private club use.
2. FLOOR AREA RATIO: The floor area ratio on THE PROPERTY must be no more than .25:1.
 3. HEIGHT: All buildings on THE PROPERTY must be one story and may not exceed 30 feet in height.
 4. DEFINITIONS: All definitions of the Dallas Development Code, as amended, apply and are incorporated into this document as if recited herein.
 5. FENCE: Prior to the issuance of a Certificate of Occupancy for any building located on THE PROPERTY, a fence no less than six and one-half (6 1/2) feet in height must be erected, extending parallel to the east boundary line, between the east boundary line and any structures located on THE PROPERTY. The undersigned and its assigns, shall maintain the fence in good condition. Any repair or rebuilding of the fence must be on the same location as the original, of the same height and composition, of the same or similar material, and of the same quality as that used in the original fence. Notwithstanding the foregoing, said fence is subject to any and all regulations, laws and ordinances of the City of Dallas or its agencies regarding the location, construction and maintenance of fences.

These 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 hearings shall be given as would be required by the 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 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 or 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 property within the above-described tract, and any person by acceptance of title to any of the above-described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 8 day of JAN, 1987.

FIRST FEDERAL SAVINGS AND LOAN OF
MALVERN, ARKANSAS

By: Donald A. Walsh
DONALD A. WALSH
Chief Executive Officer, President

Approved as to form:
ANALESIE MUNCY, City Attorney
By Amelia Helen Steyer
Assistant City Attorney

THE STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Donald A. Walsh, President of First Federal Savings and Loan of Malvern, Arkansas, known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that he executed the same as the act of First Federal Savings and Loan of Malvern, Arkansas, for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 8th day of JANUARY, 1987.



My Commission Expires:

5-15-93

Sue Stinnett
NOTARY PUBLIC IN AND FOR
THE STATE OF Arkansas

Sue Stinnett
(Printed Name of Notary)

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

STATE OF TEXAS COUNTY OF DALLAS
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Dallas County, Texas as stamped hereon by me.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

JAN 30 1987



Earl Bullock
COUNTY CLERK, Dallas County, Texas

*FILED
City of Dallas
1987 JAN 30 AM 7:35*

1987 JAN 30 AM 7:35

No. 87-0246
Return to City Secretary
City Hall - 1500 MARILLA ST
Dallas, Texas 75201

Received

JAN 12 1987

ZONING ADMINISTRATION

*See amended
@rd.*