

RECORDED

TERMINATION OF DEED RESTRICTIONS DATED JANUARY 8, 1987 AND APRIL 30, 1987 AND DECLARATION OF NEW DEED RESTRICTIONS

CITY SECRETARY
DALLAS TEXAS

THE STATE OF TEXAS
COUNTY OF DALLAS

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KNOW ALL MEN BY THESE PRESENTS:

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That the undersigned, DUNNING DEVELOPMENT CORPORATION, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the John Witt Survey, Abstract No. 1584, being part of Blocks A/7011 and 7012, City of Dallas, Dallas County, Texas and being part of the tract of land conveyed to Dunning Development Corporation by First Federal Savings and Loan of Malvern, Arkansas by deed dated May 15, 1987, and recorded in Volume 87099, Page 5739 in the Deed Records of Dallas County, Texas and also being part of the tract conveyed to Dunning Development Corporation by Interwest Savings Association by deed dated November 9, 1987 and recorded in Volume 87225, Page 2223 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

A tract of land situated in the JOHN WITT SURVEY, Abstract No. 1584, said tract being all of Lot 2B, of the Replat of Lot 2, Block A/7011, Montfort/Spring Valley Retail an addition to the City of Dallas as recorded in Volume 87164, Page 1984 of the Deed Records, Dallas County, Texas and part of a tract of land situated in the City Block 7012 and conveyed by Warranty Deed to Montfort Partnership by Shuler-Reese and Company as recorded in Volume 83157, Page 0911 of the Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the Intersection of the South R.O.W. line of Spring Valley Deed (a 100' R.O.W.) and the East R.O.W. line of Montfort Road (a variable width R.O.W.);

THENCE N 89 degrees 50' 11" E, with the South R.O.W. line of Spring Valley Road a distance of 242.27 feet to the POINT OF BEGINNING;

THENCE, N 89 degrees 50' 11" E, continuing with the said South R.O.W. line of Spring Valley Road a distance of 15.00 feet to a point for a corner;

THENCE S 00 degrees 21'30" W, a distance of 413.27 feet to a point for a corner, said point being on the North line of City Block 7012 as described in the Warranty Deed recorded in Volume 75127, Page 0424 of the Deed Records of Dallas County, Texas and said point being on the North line of said Montfort Partnership Tract;

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THENCE S 89 degrees 51'19" E, with said North line of City Block 7012 and said North line of said Montfort Partnership Tract a distance of 71.70 feet to a point for a corner, said point being the Northeast corner of said Montfort Partnership Tract;

THENCE S 04 degrees 59' 24" E, with the East line of the said Montfort Partnership Tract a distance of 26.07 feet to a point for a corner;

THENCE, N 89 degrees 51' 19 " W, a distance of 290.74 feet to a point for a corner, said point being in the East R.O.W. line of said Montfort Road;

THENCE N 04 degrees 55' 02" W, with the East line of Montfort Road a distance of 145.95 feet to a point for a corner;

THENCE N 89 degrees 50' 11" E, a distance of 215.04 feet to a point for a corner;

THENCE N 00 degrees 21' 30" E, a distance of 292.62 feet to the POINT OF BEGINNING and CONTAINING 38,891 square feet or 0.8928 Acres of Land, more or less.

That the above-described property, hereinafter referred to as THE PROPERTY, was impressed with certain deed restrictions as shown in an instrument dated January 8, 1987, signed by Donald A. Walsh and recorded in Volume 87019, Page 0968, Dallas County Deed Records and in an instrument dated April 30, 1987, signed by Cary Cox and recorded in Volume 87100, Page 0760, Dallas County Deed Records, true and correct copies of which are attached hereto as Exhibit "A" and made a part hereof.

That DUNNING DEVELOPMENT CORPORATION, the owner of THE PROPERTY, has cancelled and terminated, and hereby cancels and terminates, the Restrictions and removes said Restrictions from THE PROPERTY.

The above cancellation, termination and removal as embodied in this Termination was made following notice and public hearing before the City Plan Commission and the City Council of the City of Dallas, as required in the instrument of deed restrictions, and notice of such public hearing was given as would have been required by law for a zoning change on THE PROPERTY.

That the undersigned, DUNNING DEVELOPMENT CORPORATION, furthermore does hereby impress 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; (v) a private club use; (vi) an auto parts sales (inside) use; and (vii) an auto repair garage (inside) use excluding a facility for the disassembly, rebuilding, and replacement of motor vehicle engines, electrical motors, vehicle transmissions, or other major machinery components.
2. FLOOR AREA RATIO: The floor area ratio on THE PROPERTY must be no more than .25:1, and the floor area ratio on any lot platted within THE PROPERTY must be no more than .40:1.
3. HEIGHT: All buildings on THE PROPERTY must be one story and may not exceed 30 feet in height.
4. 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 between any structure on THE PROPERTY and any property zoned a residential district on the date of execution of this document, said fence to be parallel to any such boundary line which is adjacent to such property zoned a residential district. 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.

5. DEFINITIONS: All definitions of the Dallas Development Code, as amended, apply and are incorporated into this document as if recited herein.

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 10 day of March, 1987~~8~~

DUNNING DEVELOPMENT CORPORATION

By: [Signature]
DAVID DUNNING
Its: President

APPROVED AS TO FORM:

ANALES LIE MUNCY, City Attorney

By: [Signature]
Assistant City Attorney

THE STATE OF TEXAS §
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COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared David W Dunning, CEO of Dunning Development Corporation, 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 Dunning Development Corporation, for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 10th day of March, 1987~~8~~

[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

(Printed Name of Notary)



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