

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 May 13, 1987, on Zoning Case #Z867-155/5943-N on property on the east side of Montfort Drive, south of 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 19545.

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.

cc: Building Inspection - 2
Planning & Development - 2

Approved as to form:
ANALESIE MUNCY, City Attorney

By Carla S. Hatcher
Assistant City Attorney

87-21/tr

APPROVED BY
CITY COUNCIL

MAY 13 1987

Robert S. Lane
City Secretary

APPROVED James H. ...
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

RET 7012

TERMINATION OF DEED RESTRICTIONS DATED JANUARY 11, 1983
AND DECLARATION OF NEW DEED RESTRICTIONS

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

That the undersigned, Interwest Savings Association, is the owner of land situated in the John Witt Survey, Abstract No. 1584, being part of Block 7012, City of Dallas, and being more particularly described as follows:

BEING an 0.6589 acre tract of land in the John Witt Survey, Abstract No. 1384, Dallas County, Texas, and being on City Block 7012, City of Dallas, Dallas County, Texas, and more particularly described as follows:

COMMENCING at the center line intersection of Spring Valley Road with the centerline of Montfort Drive;

THENCE South 05 degrees 34 minutes 00 seconds East for a distance of 463.50 feet to a point;

THENCE North 89 degrees 46 minutes 15 seconds East for a distance of 313.88 feet to the POINT OF BEGINNING, a 3/4" iron pin found at a northwest corner of Valley View Trials Addition, an addition to the City of Dallas, recorded in Volume 78145, Page 1295 of the Deed Records, Dallas County, Texas;

THENCE South 05 degrees 34 minutes 00 seconds East for a distance of 100.08 feet to a 1/2" iron pin set this survey;

THENCE South 89 degrees 47 minutes 48 seconds West for a distance of 288.23 feet to an "X" cut this survey;

THENCE North 05 degrees 34 minutes 00 seconds West for a distance of 99.95 feet to an "X" cut this survey;

THENCE North 89 degrees 46 minutes 15 seconds East for a distance of 288.22 feet to the POINT OF BEGINNING containing 28,701 square feet, or .6589 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 11, 1983, signed by Louis G. Reese and recorded in Volume 83048, Page 3771, Dallas County Deed Records, a true and correct copy of which is attached hereto as Exhibit "A" and made a part hereof.

That Interwest Savings Association, 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.

TERMINATION OF DEED RESTRICTIONS DATED JANUARY 11, 1983
AND DECLARATION OF NEW DEED RESTRICTIONS - Page 1

2867-155/5943-N

That the undersigned, Interwest Savings Association, 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; 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. 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 any boundary line which is adjacent to any property zoned a residential district on the date of execution of this document. 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 30th day of April, 1987.

INTERWEST SAVINGS ASSOCIATION

By: [Signature]

Its: [Signature]

Approved as to form:
ANALESLIE MUNICH, City Attorney

By: [Signature]

Assistant City Attorney

THE STATE OF TEXAS §
COUNTY OF Tarrant §

BEFORE ME, the undersigned authority, on this day personally appeared Cary Coy, President of Interwest Savings Association, 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 Interwest Savings Association, for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 30th day of April, 1987.



My Commission Expires:
March 24 1991

Glenda Bryant
NOTARY PUBLIC IN AND FOR
THE STATE OF Texas
Glenda Bryant
(Printed Name of Notary)

871569830598

DEED RESTRICTIONS

DEED RECORD

THE STATE OF TEXAS I
COUNTY OF DALLAS I

KNOW ALL MEN BY THESE PRESENTS, 7.00 DEED
1983 0 1 03/09/83

That the undersigned, Louis G. Reese, III, Trustee is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of John Witt Survey, Abstract No. 1584, City Block 1/7012, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to Louis G. Reese, III, Trustee by Warranty Deed dated September 15, 1981 from George A. Keller, Jr., filed September 16, 1981 recorded in Volume 81181, page 1546 deed records Dallas County, Texas, and being more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BEING A PART OF THESE RESTRICTIONS.

That the undersigned, Its successors and/or assigns do hereby agree to impress all of the following described property with the following deed restrictions, to-wit:
limit the height of any structure to 38 feet and to limit the floor area ratio to 1:1.

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.

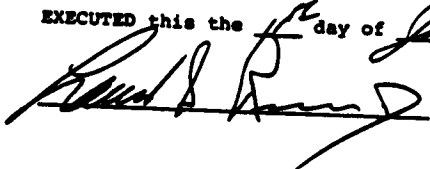
These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

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 insure 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 without the Certificate of Occupancy 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 1st day of January, 1983.



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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 LOUIS G. REESE, III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of January, 1982.



James L. Emery
NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS

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 CALLIE W. BRAGG known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of _____, 1982.

NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS

Approved as to form:
ANALESIE MUNCY, City Attorney

By *Mark J. [Signature]*
Assistant City Attorney

83048 3772

IN
871569

Return to:
City Secretary Office SFS
1500 Marilla
Dallas, Texas 75201

830-48 3773

871569

830598

ZONING FILE #Z823-107/5943-N

EXHIBIT "A"

LEGAL DESCRIPTION

BEING a tract of land situated in the JOHN WITT SURVEY, A-1584, Dallas County, Texas, and also being in City Block 7012, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the southwest corner of Lot 1, Block 7012 of the HERVEY SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 52, Page 23, of the Map Records of Dallas County, Texas; said point being at the present intersection of the north ROW line of Valley Haven Lane (a 50' ROW) with the east ROW line of Montfort Drive (30' from the centerline); thence N 05°34'00"W with the east ROW line of Montfort Drive, a distance of 124.36 feet to the northwest corner of said HERVEY SUBDIVISION; thence N 87°59'29"W, a distance of 5.02 feet to an iron rod found for corner in the east ROW line of Montfort Drive, a distance of 444.28 feet to the POINT OF BEGINNING (25' from the centerline of Montfort Drive);

THENCE N 05°34'00"W, Parallel to the east ROW line of Montfort Drive, a distance of 100.00 feet to a point for corner;

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BRAGG

THENCE N 89°46'15"E, a distance of 288.22 feet to the northwest corner of VALLEY VIEW TRAILS ADDITION, an addition to the City of Dallas County, Texas as recorded in Volume 78145, Page 1295 of the Deed Records of Dallas County, Texas;

THENCE S 05°34'00"E, with the west line of said addition, a distance of 100.13 feet to a point for corner;

THENCE S 89°47'48"W, a distance of 288.23 feet to the POINT OF BEGINNING and containing 28,715.39 square feet or 0.6592 acres of land.



I WILLIAM H. PERRY, JR., do hereby certify that the plat hereon was prepared from an actual and accurate survey of the land and that the corner monuments shown hereon were placed under my personal supervision.

Feb 15, 1983
Date

William H. Perry, Jr.
William H. Perry, Jr.
Registered Public
Surveyor No. 2182 PA

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GROSS SURVEY

871569

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

MAR 9 1983



Carl B. Bunch
COUNTY CLERK, Dallas County, Texas

VI. 1983
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FILED
Carl Bunch
COUNTY CLERK
DALLAS COUNTY

