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WHEREAS, deed restrictions were volunteered in conjunction with a request for an MF-1 Multiple Family District zoning which was approved by the City Council on October 14, 1981, on Zoning Case #Z801-238/1928-N on property on the north side of Preston Oaks Road, east of Montfort Drive; and

WHEREAS, application was made to terminate said deed restrictions and apply new deed restrictions to the subject property; and

WHEREAS, the City Council at a public hearing on January 27, 1988, after a public hearing and recommendation by the City Plan Commission on August 20, 1987, approved the request in conjunction with Zoning File Z801-238/1928-Na; and

WHEREAS, application was made to amend the new deed restrictions accepted by the City Council on January 27, 1988; and

WHEREAS, the City Council at a public hearing on February 26, 1992 approved the amendment to the deed restriction instrument in accordance with the recommendation of the City Plan Commission involving Zoning File #Z912-131/1928-N; and,

WHEREAS, application has been made to amend the deed restriction instrument accepted by the City Council on February 26, 1992; and

WHEREAS, the City Council at a public hearing on December 9, 1992 approved the amendment to the deed restriction instrument in accordance with the recommendation of the City Plan Commission involving Zoning File #Z912-131/1928-Na; Now, Therefore,

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

Section 1. That the attached amended deed restriction instrument be and is hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned an MF-1(A) Multiple Family District as described in Ordinance #17161.

Section 2. That said instrument shall be filed 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.

APPROVED BY
CITY COUNCIL

Approved as to form:
SAM LINDSAY, City Attorney

DEC 9 1992

By John Rogers
Assistant City Attorney

[Signature]
City Secretary

APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

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ISE

DEED RESTRICTIONS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

I.

That the undersigned TEXANA-RAT II, LTD., (the "Owner") a Texas limited partnership by TEXANA-RAT II ASSOCIATES, INC., its general partner by Will Cureton, President, is the owner of the following described property (the "Property") situated in Dallas County, Texas, being in particular a tract of land out of the Thomas Garvin Survey, Abstract No. 524, City Block B/8166, City of Dallas, Dallas County, Texas and being that same tract of land conveyed to Owner by Realty Alliance of Texas recorded in Volume 88114, Page 0022 in the Deed Records of Dallas, Dallas County, Texas and being more particularly described as follows:

BEING a tract of land situated in the Thomas Garvin Survey, Abstract No. 524, City of Dallas, Dallas County, Texas and being part of Lot 1A, Block B/8166, Preston Oaks Addition, an addition to the City of Dallas, Texas, according to the final plat recorded in Volume 83151, Page 941, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod at the northeast corner of said Preston Oaks Addition; said point also being in the west line of Preston Oaks on the Creek Phase I, an addition to the City of Dallas, Texas, according to final plat recorded in Volume 82232, Page 3327, Deed Records, Dallas County, Texas; said point also being the centerline of Noel Branch, a tributary of White Rock Creek;

THENCE, Southwesterly along the common line of said additions and along the meanders of Noel Branch, the following bearings and distances:

S 24° 24' 14" W, a distance of 26.95 feet to an iron rod;

S 11° 07' 37" W, a distance of 86.27 feet to a railroad spike;

THENCE N 78° 22' 23" W, a distance of 255.96 feet to an "X" cut at the beginning of a non-tangent curve to the right having a central angle of 64° 34' 23", a radius of 20.00 feet, a tangent length of 12.64 feet, and a chord bearing and distance of N 61° 12' 04"E, 21.37 feet;

THENCE Northeasterly along said non-tangent curve to the right, an arc distance of 22.54 feet to an "X" cut at the beginning of a reverse curve to the left having a central angle of 296° 29' 04", and a radius of 43.00 feet;

THENCE in a counter-clockwise direction along said reverse curve to the left, an arc distance of 222.51 feet to an "X" cut at the beginning of a reverse curve to the right having a central angle of 53° 16' 18", a radius of 20.00 feet, and a tangent length of 10.03 feet;

THENCE Southwesterly along said reverse curve to the right, an arc distance of 18.60 feet to an "X" cut at the beginning of a reverse curve to the left having a central angle of 31° 26' 12", a radius of 288.00 feet, and a tangent length of 81.05 feet;

THENCE Southwesterly along said reverse curve to the left, an arc distance of 158.02 feet to an "X" cut at the end of said curve;

THENCE S 01° 09' 01" E, a distance of 75.20 feet to an "X" cut at the beginning of a curve to the right having a central angle of 34° 25' 46", a radius of 198.71 feet, and a tangent length of 61.57 feet;

THENCE Southwesterly along said curve to the right, an arc distance of 119.41 feet to an "X" cut at the end of said curve;

THENCE S 33° 16' 45" W, a distance of 99.69 feet to an "X" cut for corner;

THENCE S 77° 23' 36" W, a distance of 16.17 feet to an iron rod for an angle point;

THENCE N 70° 02' 06" W, a distance of 42.40 feet to an iron rod for an angle point;

THENCE S 88° 53' 07" W, a distance of 226.78 feet to an iron rod for corner;

THENCE N 62° 29' 11" W, a distance of 121.94 feet to an iron rod for corner in the west line of said Preston Oaks Addition;

THENCE along the west and north line of said Preston Oaks Addition, the following bearings and distances:

N 04° 54' 23" W, a distance of 181.16 feet to an iron rod;

N 15° 52' 33" W, a distance of 347.85 feet to an iron rod;

S 72° 55' 53" E, a distance of 68.09 feet to an iron rod;

N 52° 46' 07" E, a distance of 102.13 feet to an iron rod;

S 62° 25' 13" E, a distance of 57.64 feet to an iron rod;

N 78° 54' 47" E, a distance of 115.93 feet to a nail;

S 48° 18' 13" E, a distance of 61.13 feet to an iron rod;

S 78° 22' 23" E, a distance of 384.40 feet to an iron rod;

S 78° 36' 33" E, a distance of 192.76 feet to the POINT OF BEGINNING and CONTAINING 7.2668 acres of land.

II.

That the above described property was part of a 25.4846 acre tract which was impressed with the original deed restrictions shown in the instrument dated November 19, 1981, filed in Volume 81226, Page 606 of the Deed Records of Dallas County, Texas and as amended in the instrument dated January 5, 1988, filed in Volume 88020, Page 2596 of the Deed Records of Dallas County, Texas, which document also impressed the Property with the revised deed restrictions.

That the Owner of the Property hereby terminates both the original deed restrictions recorded in Volume 81226, Page 606, Deed Records, Dallas County, Texas, and the revised deed restrictions recorded in Volume 88020, Page 2596, Deed Records, Dallas County, Texas, and neither of said restrictions apply to the Property. This document also terminates the deed restrictions recorded in Volume 92051, Page 3608, Deed Records, Dallas County, Texas. These three deed restriction documents no longer apply to the Property.

That the amendments created herein and imposed hereby were made following notice and public hearing before the City Plan Commission and the

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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, Texana Rat II, Ltd. furthermore does hereby impress the Property with the following deed restrictions:

(1) Development on the Property, shown as Tract B on the map attached as Exhibit D and made a part of this instrument for all purposes, is limited to no more than 196 dwelling units.

(2) Before a building permit may be issued for any structure on Tract B, a 24 foot wide access drive must be constructed, according to City of Dallas Public Works standard construction details, across Tract A, also shown on Exhibit D, from the east property line of Tract A westward to Montfort Road; provided, however, that if a building permit is issued for the development of Tracts A and B as one platted lot by February 26, 1993, the restrictions contained in this subparagraph (2) shall not apply.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) 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.

IV.

These restrictions must not be altered, amended, or terminated without a public hearing before the City Plan Commission and the City Council. Notice of such public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating 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 or termination becomes effective.

V.

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.

VI.

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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 enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. 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. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. The right of the City to enforce these restrictions shall not be waived expressly or otherwise.

VII.

As long as Owner is the owner of the Property, the Owner agrees to defend and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of Chapter 51A, "Part II of the Dallas Development Code," as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The invalidation of any provision in this document 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.

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EXECUTED this the 1 day of Dec, 1992.

TEXANA-RAT II, LTD.

By: **TEXANA-RAT II ASSOCIATES, INC., General Partner**

By: Will Cureton
Will Cureton, President

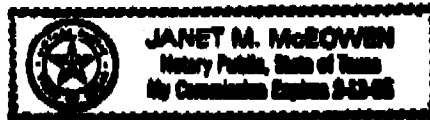
THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 1st day of Dec, 1992, by WILL CURETON, President of TEXANA-RAT II ASSOCIATES, INC., as general partner on behalf of TEXANA-RAT II, LTD., a Texas limited partnership.

Janet M. McEwen
Notary Public in and for
the State of Texas

Janet M. McEwen
Printed Name of Notary

My Commission Expires:
2-13-95



Approved as to form:
SAGG LINDSAY, City Attorney

By John Rogers
Assistant City Attorney