

October 13, 1993

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a CR Community Retail District which was approved by the City Council on May 26, 1993, on Zoning Case #Z923-198/9883-N on property at the southeast corner of Preston Road and Alexis Road; and

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

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

Section 1. That the deed restrictions 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 CR Community Retail District as described in Ordinance ~~21833~~

Section 2. That said deed restrictions 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

OCT 13 1993

Robert T. ...
City Secretary

Approved as to form:
SAM LINDSAY, City Attorney

By *pleasure ...*
Assistant City Attorney

APPROVED *Michael ...*
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

- A. STREET IMPROVEMENTS:** The following street improvements must be completed to the satisfaction of the Director of Public Works of the City of Dallas before the property owner may apply for a building permit to expand the floor area ratio (FAR) on the Property above 0.1:
1. Dedication of right-of-way to the City of Dallas and construction of a 420 foot long northbound right-turn lane with a 65 foot radius from Preston Road to eastbound Alexis Drive.
 2. Construction of a left-turn lane from southbound Preston Road through the existing median opening immediately south of Alexis Drive.
 3. Construction of a 35 foot radius entrance into the Property from Preston Road at the southern boundary of the Property or alternatively a 150-foot long northbound right-turn lane at the southern boundary of the Property if approved by the Texas Department of Transportation and the Department of Public Works of the City of Dallas.
- B. MAXIMUM FLOOR AREA:** Development of the property is restricted to a maximum floor area of 70,000 square feet.
- C. MAXIMUM HEIGHT:** The maximum structure height and the maximum number of stories is 42 feet and three stories.
- D. USES NOT PERMITTED:** The following uses are not permitted: a mortuary, funeral home or commercial wedding chapel.

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 amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the 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.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City 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. 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. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner (which for purposes of this sentence shall mean only the owner of the property at the time such right to indemnity is asserted) agrees to defend, indemnify, 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.

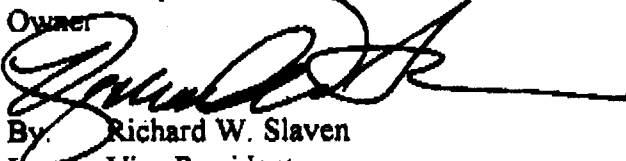
The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in fully force and effect, and to this end the provisions are declared to be severable.

EXECUTED at the City of Dallas, Dallas County, Texas, on this 17th day of Sept., 1993.

2M ENTERPRISES, INC.,
a Texas corporation
Owner


By: Richard W. Slaven
Its: Vice President

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on September 17, 1993, by Richard W. Slaven, Vice-President of 2M Enterprises, Inc., a Texas corporation, on behalf of said corporation.


Notary Public

My Commission Expires: 7-5-94

Approved as to form:
SAM LINDSAY, City Attorney

By 
Assistant City Attorney

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14800

CR
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SUP 1109
(CR)

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HARVEST DR 31
13 8189 10

A 8174

14700

6000
CR
DEED RESTRICTED
Z923-198/9383-N
3178

SUP 940
(R-16(A))

D no. 272

MF-2(A)
8178

5 11 8180 1

STONEHILL

P 272

CR 22 203

10 10 8180 6

CRESTMERE

FP
(MF-2(A))

18 9 8181 15

FP
(MF-1(A))

FP
(MF-2(A)) (R-16(A))

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(R-16(A))

-1(A)
A 8164

PD no. 230

RESTRICTED
220-Na

8178
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4 2 8175
HUGHES LN
34
31
4 8175

A 8164
2

12300
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33
R-16(A)
30
1 8175
WOODSDALE DR

A 8164
3

1 2 5 8175
6 8175 8
HIGHPLACE CIR
16
17
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17

BERT FIELDS PARK

5900

PD no. 1197
6 25 20A

RAINTREE