

December 8, 1993

WHEREAS, the City Council on October 14, 1981 passed Resolution No. 81-3006 accepting a deed restriction instrument submitted in conjunction with an application for an MF-1 Multiple Family District on property located north of Preston Oaks Road and east of Montfort Drive involving Zoning File No. Z801-238/1928-N; and

WHEREAS, application has been made to terminate the deed restriction limiting the density to 15 dwelling units per acre on two portions of the subject property (a 2.78 acre parcel owned by JPI Montfort -Phase 2, L.P., and a 3.38 acre parcel owned by the the Resolution Trust Corporation) as part of Zoning File No. Z923-242/1062-N; and

WHEREAS, the City Council at a public hearing on October 27, 1993, approved the termination of said deed restriction; and

WHEREAS, in conjunction with the application to terminate the above referenced deed restriction, new deed restrictions were offered on said 2.78 acre and 3.38 acre parcels of land which were approved as part of the City Council's action at its hearing on October 27, 1993; and

WHEREAS, in addition to the deed restrictions placed on the above referenced parcels of land, new deed restrictions were also placed on a 0.6954 acre parcel of land and a 0.9180 parcel of land owned by the Resolution Trust Corporation and also approved as part of the City Council's action at its hearing on October 27, 1993; and

WHEREAS, the City Council on November 11, 1981, passed Resolution No. 81-3241 accepting deed restrictions on a 13.8 acre tract of land in conjunction with an application for an MF-1 Multiple Family District on property located north of Preston Oaks Road and east of Montfort Drive involving Zoning File No. Z801-220/1062-N; and

WHEREAS, application was made to terminate the restriction limiting the density to 18 dwelling units per acre, and further combining the 13.8 acre tract of land with a contiguous 16.96 acre tract of land and placing a new deed restriction on the combined properties limiting development to a maximum of 630 dwelling units as part of Zoning File Z801-220/1062-Na; and

WHEREAS, the City Council at a public hearing on September 21, 1983, approved the above referenced application; and

WHEREAS, the City Council on September 21, 1983 passed Resolution No. 83-2102 providing for the formal acceptance of the new restrictions, but not providing for the acceptance of an instrument terminating the density limitation since an instrument had not been submitted at that time; and

DEC 8 1993

APPROVED

[Signature]

HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

APPROVED BY
CITY COUNCIL

WHEREAS, in conjunction with the processing of the recent application involving Zoning File No. Z923-242/1062-N, an instrument providing for the termination of the deed restriction limiting the density to 18 dwelling units per acre as part of the City Council's action on September 21, 1983 was submitted for formal acceptance by the City Council; and

WHEREAS, application was also made as part of Zoning File No. Z923-242/1062-N to terminate the building height restriction placed on the 13.8 acre tract of land as part of Zoning File No. Z801-220/1062-N in the instrument adopted by Resolution No. 81-3241 passed by the City Council on November 11, 1981; and

WHEREAS, the City Council at a public hearing on October 27, 1993, approved the termination of said deed restriction; Now, Therefore,

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

Section 1. That the instrument providing for the termination of the existing deed restrictions on the 2.78 acre parcel of land and the instrument providing for the termination of the existing deed restrictions on the 3.38 acre parcel of land be and are hereby accepted by the City Council of the City of Dallas, Texas.

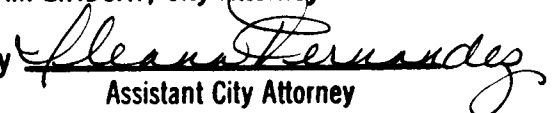
Section 2. That the instruments providing for new deed restrictions on the 2.78 acre parcel of land, the 3.38 acre parcel of land, the 0.6954 acre parcel of land, and the 0.9180 acre parcel of land be and are hereby accepted by the City Council of the City of Dallas, Texas.

Section 3. That the instrument providing for the termination of the deed restrictions on the 13.712 acre parcel of land (i.e., the combination of the 8.991 acres in Tract A and the 4.721 acres of land in Tract B as described in the instrument) be and is hereby accepted by the City Council of the City of Dallas, Texas.

Section 4. That said instruments shall be filed in the Deed Records of Dallas County, Texas.

Section 5. 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 as to form:
SAM LINDSAY, City Attorney

By 
Assistant City Attorney

as recorded in Volume 78105 at Page 1203, of the map Records of Dallas County, Texas, a point for corner;

THENCE, North 13 deg. 33 min. 37 sec. East leaving said North line of Preston Oaks Road and proceeding along the East line of Oak Run Addition, a distance of 750.43 feet to the Northeast corner of Oak Run Addition, an iron stake for corner;

THENCE, South 80 deg. 01 min. 55 sec. East a distance of 7.38 feet to the PLACE OF BEGINNING of the here-in described tract of land, an iron stake for corner;

THENCE, North 80 deg. 01 min. 55 sec. West passing at 7.38 feet the Northeast corner of Oak Run Addition and proceeding along the northerly line of said Oak Run Addition a total distance of 307.32 feet to an angle point, an iron stake for corner;

THENCE, North 64 deg. 59 min. 34 sec. West continuing along Oak Run Addition, a distance of 47.06 feet to an iron stake found for corner;

THENCE, South 4 deg. 41 min. 30 sec. West continuing along Oak Run Addition, a distance of 119.92 feet to an iron stake found for corner;

THENCE, North 82 deg. 11 min. 30 sec. West continuing along Oak Run Addition, a distance of 17.0 feet to a fence corner, at the Southeast corner of the White Rock Cemetery Garden of Memories, Inc., an iron stake for corner;

THENCE, North 5 deg. 10 min. 18 sec. East along cemetery fence line a distance of 418.36 feet to an iron stake for corner;

THENCE, South 85 deg. 26 min. 30 sec. East continuing along cemetery fence line a distance of 5.10 feet to an iron stake for corner;

THENCE, North 2 deg. 06 min. 06 sec. East continuing along cemetery fence line a distance of 196.30 feet to an iron stake for corner;

THENCE, North 82 deg. 25 min. 57 sec. West continuing along cemetery fence line a distance of 217.72 feet to a fence corner at the Northwest corner of said cemetery, said point also being in the East line of a tract of land conveyed to Pa-Key Development Corporation in Volume 79109, Page 0806, an iron stake for corner;

THENCE, North 6 deg. 34 min. 15 sec. East a distance of 62.75 feet to a point in the South line of a tract conveyed to Murray Properties Company in Volume 79208 at Page 3250, an iron stake found for corner;

THENCE, North 85 deg. 02 min. 45 sec. West along the said Murray Properties Company tract South line a distance of 64.43 feet to a point in the Westerly line of the said Murray Properties Company Tract, an iron stake found for corner;

THENCE, North 4 deg. 34 min. 15 sec. East part of the way being along the common line of the said Murray Properties Company Tract and the said Pa-Key Development Corporation Tract, a distance of 235.32 feet to a point in the centerline of Celestial Road, an iron pipe found for corner;

THENCE, South 82 deg. 16 min. 15 sec. East along the centerline of Celestial Road a total distance at 698.05 feet to an iron stake for corner;

THENCE, South 8 deg. 12 min. 15 sec. West along the center of a 15 foot easement to DP&L Co./Southwestern Bell Telephone Co. a distance of 813.83 feet to the PLACE OF BEGINNING and containing 395, 478 square feet of land of which 3,838 square feet is located within Celestial Road R.O.W., leaving a net of 391,640 square feet or 8.991 Acres of Land, more or less.

Tract B: Being in particular a tract of land out of the Allen Bledsoe Survey, Abstract No. 175 and the Thomas Garvin Survey, Abstract No. 524, City Block 8173, and being part of that property conveyed to Jack F. Hyman and Lewis M. Dabney by Joseph D. Rogers et ux by Deed dated October 20, 1934 and recorded in Volume 1868, Page 302 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being 4.721 acres of land situated in the Allen Bledsoe Survey, Abstract No. 175 and the Thomas Garvin Survey, Abstract No. 524, City Block 8173, City of Dallas, Dallas County, Texas, and being part of that certain property conveyed to Jack F. Hyman and Lewis M. Dabney by Joseph D. Rogers et ux by Deed dated October 20, 1934 and recorded in Volume 1868, Page 302 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe found for corner in the center of an approximately 23 foot wide Lane know as Celestial Road, said point being the Southeast corner of the above mentioned Jack F. Hyman and Lewis M. Dabney tract, said point also being the Southwest corner of a 58.71 acre tract conveyed to Albert Susman by Joe A. Humphrey by Deed dated March 17, 1961 and recorded in Volume 5517 at Page 245 of the Deed Records of Dallas County, Texas;

THENCE North with the West line of said Albert Susman 58.71 acre tract at 102 feet crossing North line of the Thomas Garvin Survey and the

South line of the Allen Bledsoe Survey, a total distance of 178 feet to the center of White Rock Creek;

THENCE up the center of White Rock Creek with its meanderings as follows: North 45 deg. 12 min. 00 sec. West 147.5 feet; North 80 deg. 55 min. 00 sec. West 335.2 feet; South 68 deg. 42 min. 30 sec. West 212 feet; North 46 deg. 30 min. 30 sec. W 149.72 feet to a point in the West line of said Jack F. Hyman and Lewis M. Dabney tract and the East line of a 3.66 acre tract conveyed to Joe M. Combs and wife Dorothy Combs by Ernest Allen, Jr. and wife Margaret McDowell Allen by Deed dated September 20, 1963 and recorded in volume 159 at page 0907 of the Deed Records of Dallas County, Texas;

THENCE South passing the Southwest bank of said Creek and along the East line of said 3.66 acre tract a distance of 179.04 feet to an iron rod found in the center of a branch for corner;

THENCE up said branch with its meanderings as follows: South 65 deg. 39 min. 00 sec. West 126 feet; South 7 deg. 32 min. 00 sec. East 113.3 feet to a spike for corner in the center of a bridge crossing said branch, said point being in the center of a Lane known as Celestial Road;

THENCE North 84 deg. 28 min. East with the center of said Celestial Road a distance of 448.7 feet to an iron rod for corner;

THENCE South 81 deg. 17 min. East with the center of said Celestial Road a distance of 400 feet to the place of BEGINNING and containing 4.721 acres of land more or less.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated July 8, 1981, signed by Roger C. Thornhill, Ex. Vice-President of Sullivan Development Co., Inc. on behalf of said corporation and recorded in Volume 81226, Page 0614, of the Deed Records of Dallas, Texas.

III.

The Owner does hereby terminate and release all of the restrictions, including without limitation, to wit:

The undersigned, its successors and/or assigns, does hereby agree that development on the herein-described property will be limited to a maximum of 18 dwelling units per acre.

The undersigned, its successors and/or assigns, does hereby agree that any buildings constructed on the property herein described that are within 100 feet to and facing the property presently zoned and used for single family detached residential uses and is in the City of Addison, Texas, shall be limited to a maximum height of 18 feet and may not have the dwelling units which are solely on the second floor.

IV.

The above termination was made following a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City of Dallas. Notice of the public hearings was given as would have been required by law for a zoning change on the Property. The Owner must file this 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 termination becomes effective.

V.

The termination of these restrictions is not 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.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with this termination.

VII.

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 severable.

EXECUTED at the City of Dallas, DALLAS County, this the 3 day of NOVEMBER, 1993.

OWNER:

RESOLUTION TRUST CORPORATION AS RECEIVER FOR
FIRST SAVINGS AND LOAN ASSOCIATION, F.A. (WACO) FAB

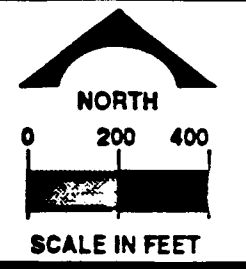
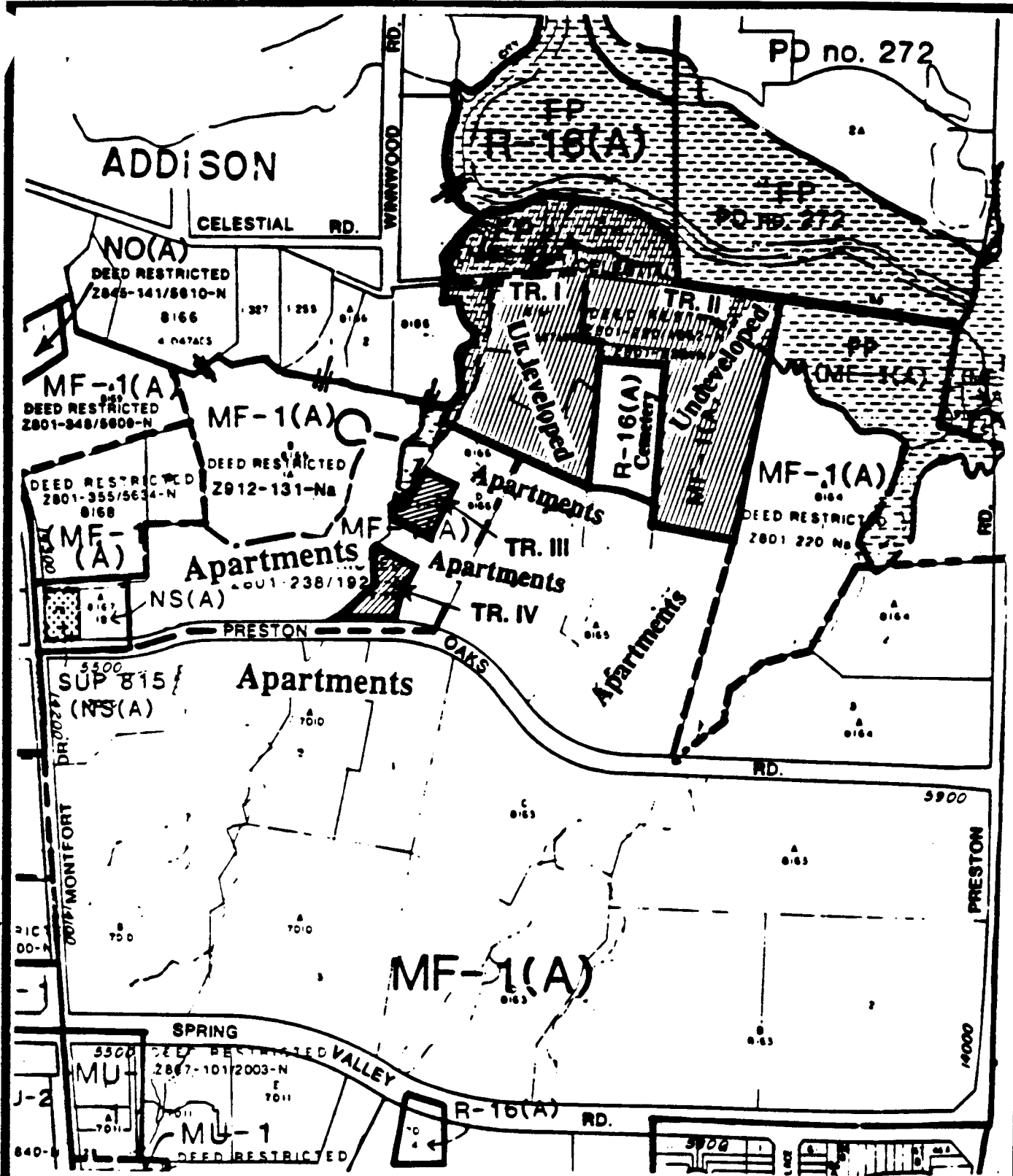
By: Robert N. Beutler

Title: Attorney-in-fact

APPROVED AS TO FORM:

SAM A. LINDSEY, City Attorney

By: Flora Perendez
Assistant City Attorney



ZONING AND LAND USE

Map No. C-7
Case No. Z923-242/1062-N