

WHEREAS, the City Council on August 1, 1984 passed Resolution No. 84-2485 providing for the acceptance of a deed restriction instrument submitted in conjunction with an application for a change of zoning to an O-1 Office District on property on the north side of Midpark Road, west of Goldmark Drive involving Zoning File No. Z834-217/768-N; and

WHEREAS, the City Council on November 14, 1984 passed Resolution No. 84-3621 providing for the acceptance of a deed restriction instrument submitted in conjunction with an application for a change of zoning to an O-1 Office District on property on the south side of Spring Valley Road, west of Goldmark Drive involving Zoning File No. Z834-288/1115-N; and

WHEREAS, application has been made to terminate the deed restrictions in both instruments in conjunction with a request for a change of zoning to an MU-2 Mixed Use District on the subject property involving Zoning File No. Z967-257/10136-NC(RB); and

WHEREAS, new deed restrictions have been submitted in conjunction with the rezoning of the subject property; and

WHEREAS, the City Council at a public hearing on October 22, 1997 approved the termination of the existing deed restrictions and further approved the acceptance of the new deed restrictions in accordance with the recommendation of the City Plan commission; and

WHEREAS, instruments providing for the termination of the existing deed restrictions and an instrument containing the new 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 attached instruments providing for the termination of the existing deed restrictions be and are hereby accepted by the City Council of the City of Dallas, Texas.

Section 2. That the attached instrument providing for the new deed restrictions 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 MU-2 Mixed Use District as described in Ordinance No. 23326

Section 3. That said instruments shall be filed in the Deed Records of Dallas County, Texas.

APPROVED BY

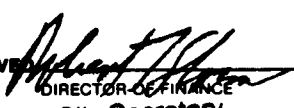
CITY COUNCIL

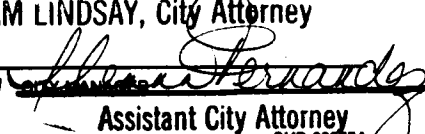
Section 4. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas and is accordingly so resolved.

NOV 12 1997

Approved as to form:
SAM LINDSAY, City Attorney

APPROVED 
HEAD OF DEPARTMENT

APPROVED 
DIRECTOR OF FINANCE
City Secretary

APPROVED By 
Assistant City Attorney
SUP-0005A



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THE STATE OF TEXAS

COUNTY OF DALLAS

§

KNOW ALL PERSONS BY THESE PRESENTS

I.



TRUE AND CORRECT COPY OF ORIGINAL FILED IN DALLAS COUNTY CLERK'S OFFICE

The undersigned, CALMAC ASSOCIATES I, LTD., a Texas limited partnership (the "Owner"), is the owner of the following described property (the "Property"), being in particular a tract of land out of the Charles H. Durgin Survey, Abstract No. 416, City Block 7760, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Special Warranty Deed dated January 23, 1995, and recorded in Volume 95017, Page 1600 the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEING a tract of land situated in the Charles H. Durgin Survey, Abstract No. 416, City of Dallas, Dallas County, Texas, and being a portion of a tract of land conveyed to the American Federal Bank, F.S.B., recorded in Volume 89227, Page 2753 of the Deed Records of Dallas County, Texas (DRDCT), and being more particularly described as follows:

COMMENCING at the projected intersection of the westerly Right-of-Way line of GOLDMARK DRIVE (a variable width right-of-way) and the northerly line of MIDPARK ROAD (30' Right-of-Way);

THENCE departing the westerly Right-of-Way line of said GOLDMARK DRIVE and along the northerly Right-of-Way line of said MIDPARK ROAD South 88 degrees 44 minutes 00 seconds West a distance of 25.11 feet to a 3/8 inch iron rod found for the POINT OF BEGINNING;

THENCE continuing along the northerly Right-of-Way line of said MIDPARK ROAD South 88 degrees 44 minutes 00 seconds West a distance of 465.00 feet to an "x" cut set in concrete for corner;

THENCE departing the northerly Right-of-Way line of said MIDPARK ROAD North 01 degrees 13 minutes 12 seconds West a distance of 247.53 feet to a 1/2 inch iron rod found for corner;

THENCE North 88 degrees 45 minutes 52 seconds East a distance of 470.42 feet to a 1/2 inch iron rod found for corner;

THENCE South 00 degrees 02 minutes 09 seconds West a distance of 247.33 feet to the POINT OF BEGINNING;

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7967-257/10136-NC(RB)

CONTAINING within these metes and bounds 2.656 acres or 115,713 square feet of land, more or less.

II.

The Property was impressed with certain deed restrictions ("Restrictions") as shown in an instrument dated June 8, 1984, signed by George F. Boehme and recorded in Volume 84153, Page 4069, of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit A and made a part of this instrument.

III.

The Owner does hereby terminate and release the following Restrictions as they apply to the Property, to wit:

(1) The combined floor area of all buildings on the property shall not exceed the total square footage of the area of the property. (1 to 1 FAR)

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 instrument.

VII.

Unless stated otherwise in this instrument, the definitions and provisions of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE", as amended, apply and are incorporated into this instrument as if recited in this instrument.

VIII.

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

EXECUTED at the City of Dallas, Dallas County, Texas this the 16 day of October, 1997.

CALMAC ASSOCIATES I, LTD.,
a Texas limited partnership, Owner

By: *D. Dean MacFarlan*
Printed Name: D. DEAN MACFARLAN
Title: General Partner

APPROVED AS TO FORM:

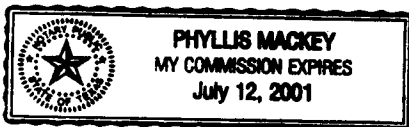
SAM A. LINSDAY, City Attorney

By: *Ileana Fernandez*
Ileana Fernandez,
Assistant City Attorney

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on October 16th, 1997, by D. Dean MacFarlan, General Partner of Calmac Associates, Ltd., a Texas limited partnership, on behalf of said limited partnership.



Phyllis Mackey
Notary Public, State of Texas

EXHIBIT A

842485
973876

DEED RESTRICTIONS

STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS: 7.00 DEED
COUNTY OF DALLAS) 4014 0 1 02/03/84

That the undersigned, George F. Bochme, Trustee, is the owner of the following described property situated in Dallas County, Texas, said property being the same tract as conveyed by Pacific Management Group, Inc. to Nahel, Inc. N.V. by deed filed July 21, 1981, and recorded in the Dallas County Deed Records at Volume 81142, Page 66, and being in particular a tract of land out of the Charles H. Durgin Survey, Abstract No. 416, City Block 7760, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEING A TRACT OF LAND SITUATED IN THE CHARLES H. DURGIN SURVEY, ABSTRACT NO. 416 in Dallas County, Texas and being part of Dallas City Block No. 7760, said tract also being part of 23.82 acre tract as described in deed to Robert F. Ritchie, Trustee, dated and filed October 5, 1970 in the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point of intersection of the North line of Midpark Road (a variable width right-of-way) with the Northwesterly line of Goldmark Drive (a 60 foot right-of-way), said point also being in a curve to the left running in a Northwesterly direction and having a central angle of 3° 25' 17" a radius of 380.00 feet and a tangent bearing of N. 66° 32' 22" W.; THENCE along said curve 22.69 feet to the end of said curve; THENCE South, 4.03 feet to the POINT OF BEGINNING;

THENCE S. 88° 44' 00" W., 465.00 feet along the said north line of Midpark Road to a point for corner;

THENCE N. 1° 16' 00" W., 247.53 feet to a point for corner;

THENCE N. 88° 44' 00" E., 470.47 feet to a point for corner;

THENCE SOUTH, 247.59 feet to the POINT OF BEGINNING AND CONTAINING 115,778 Square Feet or 2.658 acres of land.

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That the undersigned, George F. Boehme, Trustee, does hereby impress all of the following described property with the following deed restrictions, to-wit:

The combined floor area of all buildings on the property shall not exceed the total square footage of the area of the property. (1 to 1 FAR)

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 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 and to correct such violation and for further remedy, the City of Dallas may withhold the Certificate of Occupancy necessary for the lawful

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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 8th day of June, 1984.

Approved as to form:
ANALESIE MUNCY, City Attorney

By [Signature]
Assistant City Attorney

[Signature]
George F. Boehme, Trustee

STATE OF TEXAS)
COUNTY OF DALLAS)

Before me, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared George F. Boehme, Trustee, 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 8th day of June, 1984.



[Signature]
Notary Public
State of Texas

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FILED
COUNTY CLERK
DALLAS COUNTY

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

AUG 3 1984



Carl Ballinger
COUNTY CLERK, Dallas County, Texas

No. 84-2485
Return to City Secretary
City Hall
Dallas, Texas 75201

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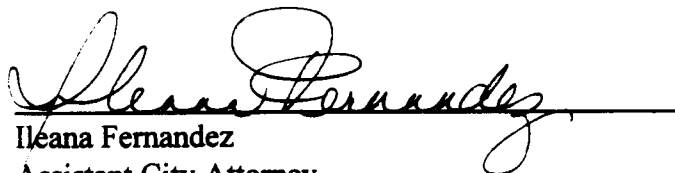
NOTICE REGARDING DEED RESTRICTIONS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

THAT, "**Deed Restrictions**" (herein so called) dated May 15, 1984, executed by George F. Boehme, Trustee, and recorded in Volume 84097, Page 3616 of the Real Property Records of Dallas County, Texas, imposed the restrictions described therein on the property more particularly described on **Exhibit A** hereto. The Deed Restrictions were filed without being heard or adopted by the Dallas City Council. The City of Dallas does not recognize the Deed Restrictions dated May 15, 1984, for purposes of imposing the Deed Restrictions on any owner of the Property.

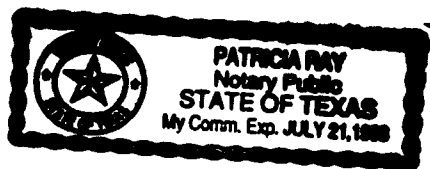
Executed as of October 30, 1997.

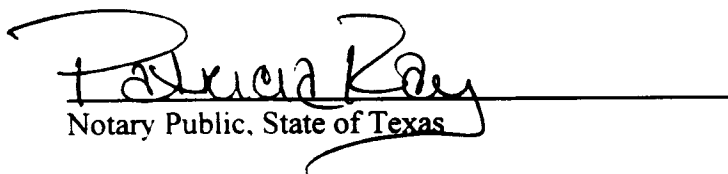

Ileana Fernandez
Assistant City Attorney
City of Dallas

STATE OF TEXAS §
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COUNTY OF DALLAS §

THIS IS TO CERTIFY that on this 30th day of October, 1997, before me, the undersigned, a notary public in and for the State of Texas, duly commissioned and sworn as such, personally appeared Ileana Fernandez, known to me to be an Assistant City Attorney of the City of Dallas, described in the foregoing instrument, and she acknowledged to me that she executed the foregoing instrument for the purposes therein expressed and in the capacity therein stated.

WITNESS my hand and official seal the day and year last hereinabove written.




Notary Public, State of Texas