

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.

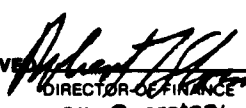
APPROVED BY

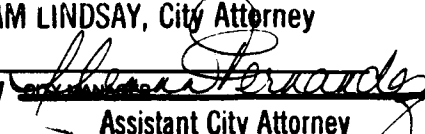
CITY COUNCIL

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 
HEAD OF DEPARTMENT

APPROVED 
DIRECTOR OF FINANCE
City Secretary

Approved as to form:
SAM LINDSAY, City Attorney
By 
Assistant City Attorney
SUP-00056A



9-3576



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

THE STATE OF TEXAS
COUNTY OF DALLAS

§ KNOW ALL PERSONS BY THESE PRESENTS:
§

2211024

I. 11/12/97 740763 \$21.00
Deed

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 March 16, 1994, and recorded in Volume 94051, Page 1530, in 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, being all of Lot 8, City Block 7760, of STONESTREET ADDITION, an Addition to the City of Dallas, Dallas County, Texas according to the Map recorded in Volume 94048, Page 2106, of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the northwest line of GOLDMARK DRIVE (a 60' right-of-way), being the southerly corner of Lot 1, City Block 7760, of KEYSTONE PARK NO. 6 ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the Map recorded in Volume 71130, Page 3513, Map Records of Dallas County, Texas;

THENCE South 45 degrees 39 minutes 09 seconds West, along said GOLDMARK DRIVE, a distance of 480.34 feet to a 1/2 inch iron rod set for corner;

THENCE South 67 degrees 12 minutes 39 seconds West, a distance of 18.60 feet to a 1/2 inch iron rod set for corner in the northerly line of MIDPARK ROAD (a variable width right-of-way);

THENCE south 88 degrees 46 minutes 09 seconds West, along the northerly line of said GOLDMARK ROAD, a distance of 46.46 feet to a 1/2 inch iron rod set for corner in the easterly line of a tract of land conveyed to American Federal Bank, F.S.B. as recorded in Volume 89227, Page 2753, Deed Records, Dallas County, Texas;

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7 834-288/1115-N
7 967-257/10136-NC (RB)

THENCE North 00 degrees 02 minutes 09 seconds West, a distance of 313.89 feet to 1/2 inch iron rod found for the northwesterly corner of said Lot 8, the same being the most southerly corner of Lot 5 of said STONESTREET ADDITION;

THENCE North 45 degrees 39 minutes 31 seconds East, along the common line of said Lots 8 and 5, a distance of 513.33 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 57 minutes 51 seconds East, a distance of 39.98 feet to a 1/2 inch iron rod found for corner in the westerly line of said Lot 1;

THENCE South 00 degrees 02 minutes 09 seconds West, along the common line of said Lots 8 and 1, a distance of 328.68 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds, 3.380 acres or 147,329 square feet of land, more or less.

II.

The Property was impressed with certain deed restrictions ("**Restrictions**") as shown in an instrument dated November 2, 1984, signed by Howard V. Matthews and recorded in Volume 84226, Page 2303, 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:

That the floor area ratio of all buildings to be constructed on the above described property shall be limited to a floor area ratio of point seven five to one (.75:1), as such floor area ratio is defined in the Development Code of the City of Dallas.

That the primary access to any parking structure (either below grade or above grade) shall be from Goldmark Drive and such parking structures shall be oriented toward Goldmark Drive.

The owners will not object to the City of Dallas closing the cut in the median strip on Spring Valley Road adjacent to the above described property.

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: *Deean MacFarlan*
Printed Name: DEEAN MACFARLAN
Title: GENERAL PARTNER

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By: *Heana Fernandez*
Heana 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

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

THIS IS TO CERTIFY that on this ___ day of _____, 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

EXHIBIT A

DEED RESTRICTIONS

STATE OF TEXAS
COUNTY OF DALLAS

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KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, Matco Investment Corporation, a corporation authorized to do business in the State of Texas, is the owner of the following described property situated in Dallas County, Texas, 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 that said tract of land conveyed to Matco Investment Corporation by K. T. Bailey by deed dated November 28, 1978, and recorded in Volume 78230, Page 2041, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

TRACT NO. 1-A:

BEING a tract of land in the Charles H. Durgin Survey, Abstract No. 416, City Block 7760, City of Dallas, Dallas County, Texas, and being out of a 90.415 acre tract of land conveyed to T. C. Stricklin by Paul Pewitt, as recorded in Volume 88154, Page 0083, Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at the Southwest corner of the intersection of Floyd Road (a 60' R/W) and Spring Valley Road (a 100' R/W);

THENCE South 88 degrees 39 minutes West, with the South line of said Spring Valley Road, 1445.91 feet to the Place of Beginning of the tract herein described; an iron stake set for corner;

THENCE South 504.86 feet to an iron stake set for corner, said point being on a curve to the left, having a radius of 286.27 feet, a central angle of 52 degrees 43 minutes and a tangent bearing of North 76 degrees 16 minutes West;

THENCE in a Northwesterly, Westerly and Southwesterly direction, and along said curve, 263.39 feet to the end of said curve; an iron stake set for corner;

THENCE South 51 degrees 01 minutes West, 204.12 feet to a point in a West line of the aforementioned T. C. Stricklin tract; an iron stake set for corner;

THENCE North, with said West line of said T. C. Stricklin tract, 879.25 feet to a point in the South line of the aforementioned Spring Valley Road; an iron stake set for corner;

THENCE North 88 degrees 39 minutes East, with the South line of said Spring Valley Road, 407.00 feet to a place of beginning and containing 224,153 square feet (5.15 acres) of land, more or less.

Volume Page
84226 - 2303

2834-288/1115-N

TRACT NO. 1-B:

BEING a tract of land situated in the Charles H. Durgin Survey, Abstract No. 416, City Block 7760, City of Dallas, Dallas County, Texas, and being out of a 90.415 acre tract of land conveyed to T. C. Stricklin by Paul Pewitt, as recorded in Volume 88154, Page 0083, Dallas County Deed Records, and being more particularly described as follows:

COMMENCING AT THE Southwest corner of the intersection of Floyd Road (a 60' R/W) and Spring Valley Road (a 100' R/W);

THENCE South 88 degrees 39 minutes West, with the South line of said Spring Valley Road, 1445.91 feet to a point;

THENCE South, 504.86 feet to the place of beginning of the tract herein described; iron stake set for corner;

THENCE South, 364.93 feet to an iron stake set for corner;

THENCE South 45 degrees 37 minutes West, 532.70 feet to an iron stake set for corner;

THENCE South 88 degrees 44 minutes West, 26.15 feet to a point in a West line of the aforementioned T. C. Stricklin property; an iron stake set for corner;

THENCE North, with said West line of said T. C. Stricklin property, 554.05 feet to an iron stake set for corner;

THENCE North 51 degrees 01 minutes East, 204.12 feet to the beginning of a curve to the right, having a radius of 286.27 feet and a central angle of 52 degrees 43 minutes; an iron stake set for corner;

THENCE in a Northeasterly, Easterly and Southeasterly direction and along said curve, 263.39 feet to the place of beginning and containing 208,351 square feet (4.78 acres) of land, more or less.

That the undersigned, Matco Investment Corporation, does hereby impress all of the above described property with the following deed restrictions, to-wit:

- (1) That the floor area ratio of all buildings to be constructed on the above described property shall be limited to a floor area ratio of point seven five to one (.75:1), as such floor area ratio is defined in the Development Code of the City of Dallas.
- (2) That the primary access to any parking structure (either below grade or above grade) shall be from Goldmark Drive and such parking structures shall be oriented toward Goldmark Drive.
- (3) The owners will not object to the City of Dallas closing the cut in the median strip on Spring Valley Road adjacent to the above described property.

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 an additional ten (10) years unless terminated in a 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.

These 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 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 tracts, and any person by acceptance of title to any of the above described property shall thereby agree and covenant to abide by and to observe the foregoing restrictions and covenants.

EXECUTED this the 2nd day of November, 1984.

By [Signature]
Assistant City Attorney

By [Signature]
Howard V. Matthews, President

STATE OF California
COUNTY OF Los Angeles

BEFORE ME, the undersigned a notary public, in and for Los Angeles County, California, on this day personally appeared HOWARD V. MATTHEWS, 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, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 2nd day of November, 1984.

[Signature]
Notary Public in and for
Los Angeles County, California

My commission expires:
May 7, 1988

