

April 4, 1977

77089

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for General Retail zoning which was approved by the City Council on February 28, 1977, on Zoning Case #Z767-120/2954-N on property located at the southeast corner of the Lyndon B. Johnson Freeway and Montfort Drive; and,

WHEREAS, said deed restrictions have been approved as to form and content. Now, Therefore,

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

Section 1. That the deed restrictions as 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 General Retail, as described in Ordinance # **1.5457**

Section 2. That said deed restrictions shall be filed with the County Clerk to be recorded 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 AS TO FORM:
LEE E. HOLT, City Attorney

By: J. Stanley Knight
J. Stanley Knight
Assistant City Attorney

APPROVED BY
CITY COUNCIL

APR 4 1977

Robert B. Lowe
City Secretary

cc: Urban Planning
Building Inspection ✓
City Secretary

BK 6998

APPROVED [Signature] HEAD OF DEPARTMENT APPROVED _____ CITY AUDITOR APPROVED _____ CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS)

That the undersigned, Alden Wagner, Donald Houseman and Walter Spradley, are the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the Isaiah Park Survey, Abstract No. 1144, City Block 6998, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to Alden Wagner, Donald Houseman and Walter Spradley by John S. Latta by deed dated June 13, 1974, and recorded in Volume 74117, Page 1252 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

SEE EXHIBIT "A"

That the undersigned, Alden Wagner, et al, does hereby impress all of the above described property with the following deed restrictions, to-wit:

SEE EXHIBIT "B"

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.

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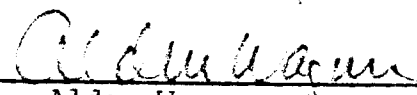
These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

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 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 persons 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 18th day of January, 1977


Alden Wagner

Don Houseman
Don Houseman

Walter Spradley
Walter Spradley

THE STATE OF TEXAS)

COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on thi day personally appeared Alden Wagner known to me to be the person whose name is sibscribed 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 18th day of January, 1977.

Christine C. Jones
NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS)

COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared Don Houseman known to me to be the person whose name is sibscribed 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 18 day of January, 1977

Evelyn Reese
NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS

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THE STATE OF TEXAS)

COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared Walter Spradley 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 18th day of January, 1977.

Christine C. Jones
NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS

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EXHIBIT A

FIELD NOTES

Being a tract or parcel of land situated in the Isaiah Park Survey, Abstract No. 1144 in the City and County of Dallas, Texas, and also being in the Dallas City Block 6998 and being more particularly described by metes and bounds as follows:

Beginning at the intersection of the easterly line of Montfort Drive (60' right-of-way) and the southerly right-of-way line of Lyndon B. Johnson Freeway (L.H. 635, variable width right-of-way);

THENCE N. 87° 36' E., 129.40 feet along the said southerly right-of-way line of Lyndon B. Johnson Freeway;

THENCE SOUTH, 195.00 feet;

THENCE S. 89° 34' W., 129.29 feet;

THENCE NORTH, 189.81 feet to the place of beginning and containing 24,875 square feet or 0.571 acres of land.

I, J. G. Threadgill, a Registered Public Surveyor, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made under my direct supervision on the 26th day of February, 1976. All corners located are as shown. There are no encroachments, conflicts or protrusions apparent on-the-ground, except as shown.

This survey was performed in connection with transaction between Walter M. Spradley, Don M. Houseman and Alen E. Wagner, as sellers and National Food Management, Inc. as purchaser. The use of this survey for any other purposes or other parties shall be at their risk and the undersigned is not responsible to others for losses therefrom.

Only those easements which have been furnished the surveyor by the Owner or Title Company are shown hereon.



J. G. Threadgill
J. G. THREADGILL
Registered Public Surveyor

EXHIBIT B

Grantor herein agrees to place the following restrictions upon the property simultaneously with the granting of General Retail District zoning by the City Council:

1. Limit signs as follows:
 - a. An attached lighted sign on facia on Montfort side not to exceed 60 square feet. An attached lighted sign on facia on LBJ Freeway Service Road side not to exceed 60 square feet.
 - b. A single pole sign, lighted, not to exceed 30 feet in height, set back 25 feet from front property line of a dimension not to exceed 10' x 20'.
2. Landscape in accordance with a plan to be approved by the Department of Urban Planning and/or the City Plan Commission.
3. The plans submitted for building permit shall substantially conform to the same facia as the rendering attached.
4. The use of the property shall be limited to a radio, television and/or stereo outlet and parking facilities incident thereto, and any other use permitted in a Neighborhood Service zoning district under the Comprehensive General Zoning Ordinance of the City of Dallas, as amended.

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